MONTEREY BAY NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL

DRAFT
Meeting Minutes
The Big Sur Lodge - Conference Center
Pfeiffer Big Sur State Park
47225 Highway One
Big Sur, CA 93920

The Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council met on Friday, April 6, 2001, at the Big Sur Lodge in Big Sur, California. Public categories and government agencies were present as indicated:

Agriculture: Richard Nutter
AMBAG: Stephanie Harlan
At Large: Ron Massengill - ABSENT
At Large: Pat Conroy (Alternate)
At Large: Deborah Streeter
Business & Industry: Dave Ebert
CA Coastal Commission: Tami Grove
CA Dept. of Fish and Game: *awaiting appointment*
CA EPA: Craig J. Wilson
CA Resources Agency: Brian Baird
CA State Parks: Lynn Rhodes (Alternate)
Conservation: Vicki Nichols
Diving: David Clayton
Education: Pat Clark-Gray
Fishing: Thomas Canale
Ports & Harbors: James Stilwell
Recreation: Dan Haifley
Research: Chris Harrold
Tourism: Burke Pease
U.S. Coast Guard: LT Tom Stuhlreyer ABSENT

The following non-voting members were present as indicated:
Channel Islands NMS: LCDR Matt Pickett - ABSENT
Gulf of the Farallones NMS and Cordell Bank NMS: Ed Ueber - ABSENT
Elkhorn Slough NERR: Becky Christensen - ABSENT
Monterey Bay NMS: William J. Douros

Alternates present:
Ruth Vreeland, AMBAG
Heidi Tiura, Recreation

I. CALL TO ORDER, SWEAR IN NEW MEMBERS, ROLL CALL, APPROVAL OF THE DECEMBER 1, 2000 DRAFT MEETING MINUTES

A) Call to Order and Roll Call

The meeting was called to order by Chair, Stephanie Harlan, at 9.45 a.m. Dan Haifley conducted the roll call, a quorum was present.

B) Superintendent Bill Douros swore in the new primary and alternate SAC members who were in attendance, including:

Thomas Canale, Fishing (primary)
Dave Ebert, Business/Industry (primary)
Kaitilin Gaffney, Conservation (alternate)
Lynn Rhodes, CA State Parks (alternate)

C) Approval of Meeting Minutes

MOTION: (Passed)
The SAC unanimously adopted the minutes from the February 2, 2001 Sanctuary Advisory Council meeting, with the following changes.

- Meeting minutes from Dec. 1, in discussion on Pacific Grove's sewage need to reflect changes that Dave Clayton will submit to the Sanctuary.
- Attach Karin Strasser Kauffman's letter to the minutes from Feb. 2.
- Minutes should reflect that Richard Nutter, Vice-Chair, assumed leadership of SAC when Stephanie left the meeting early due to an illness.

Motion introduced by Dan Haifley, seconded by Dave Ebert
Vote: 17 in favor, 0 opposed (unanimous)

C) Approval of SAC Annual Report

- Dave Clayton suggested that the SAC has more input on drafting the report.
- Brian Baird approved the method of having the staff draft the report and take input from a sub committee.
- Chris Harrold questioned the need for a sub-committee. This is a draft document that the SAC has final approval on.
- Bill suggested giving comments in 2 weeks (20th) to Brady or Karen

Action (unanimous agreement):
The SAC agreed to review the SAC Annual Report, dated Oct. 1, 1999 to Sept. 31, 2000, and submit comments by April 20 to Karen Grimmer.

D) SELF-INTRODUCTION OF NEW SAC MEMBERS

New members introduced themselves, named the seat they represent, and provided some background information about themselves. The Sanctuary will consolidate short biographies in the upcoming months and post them on the SAC's website.

Thomas Canale, Fishing (primary)	Kaitlin Gaffney, Conservation (alternate)
Dave Ebert, Business/Industry (primary)	Lynn Rhodes, CA State Parks (alternate)

E) COUNCIL MEMBER & STAFF ANNOUNCEMENTS

Brian Baird - announced that a draft policy on coastal erosion is being released; it includes information on beach nourishment projects, and a May 31st workshop in Santa Cruz. Secondly, a research plan for west coast rockfish is being released. This evolved from a National Sea Grant mandate to engage coastal users. Brian serves on the review panel.

Deborah Streeter - expressed concern that faith issues are not being addressed, and also the spiritual aspects of watersheds. Next fall, a blessing will be offered at the mouth the Carmel River during the equinox.

Pat Clark-Gray - in regards to the MBNMS MERITO plan (Multicultural Education for Resource Issues Threatening Oceans), a letter of endorsement from the Sanctuary Education Panel has been obtained; the letter addresses a couple of specific comments from the SEP regarding bilingual curriculum. Secondly, Doug Gray (Pat's son) has recently updated the MBNMS website with an interactive activity using the MBNMS map.

David Clayton - announced that the February 10th Monterey clean-up dive was postponed due to the sewage spill; he commented that this is an on-going problem; the dive clean up is rescheduled for May 5th. Holly Price then offered a Wildcat Creek update – there is small treatment plant seeking to renew their permit; they are laying out steps to upgrade the facility; a 2-year permit was issued. Stephanie Harlan suggested writing letter to Monterey Health Department from the SAC

regarding the sewage spill and the impact to the clean up dive. Dave commented that a sign or divider on the ends of piers might deter people from pushing stuff over the side and into the Sanctuary.

Vicki Nichols - is chairing the Conservation Working Group meeting on April 17th, 2001. Vicki is a member of west coast traffic work group and on April 23 and 24th they host a meeting in Seattle; there is a SOS fundraiser on May 11th in Half Moon Bay highlighting a book signing by David Helgard; another SOS event on June 9th at 2:00 is scheduled on Heidi's new boat also.

Jim Stillwell – visited DC for annual advocacy meetings, and policy statements are in packets. Focus was on enhancing Civil Corps of Engineers working conditions, etc. They met with Dan Basta, et al. and then port folks went out to dinner with Basta and they discussed the problems with CINMS's minutes, and Dan suggested that the minutes should be taken by a court reporter. Stephanie suggested that we record the minutes with a tape recorder. Tami suggested that we don't move forward with this, as the cost for a court reporter is about $3,000 per day.

MOTION (passed)
The Monterey Bay National Marine Sanctuary should not use its budget to hire a court reporter to record SAC minutes.

Motion introduced by Tami Grove, seconded by Chris Harrold

Vote made by role call: 17 in favor, 0 opposed (unanimous)

Bill Douros – he will talk to Dan Basta and pass on the comments from the SAC.

Burke Pease – he would like to better understand the voting process. Stephanie offered some guidance.

Chris Harrold – he called attention to a scientific consensus statement regarding scientific support for marine reserves; April 18th the second in a panel forum called Saving Our Seas will take place at the Monterey Bay Aquarium. The forum is sold out but should have room in back. David Dobbs presentation on April 4th was a forum called the Great Gulf and fisherman Joe Penisi and NMFS's scientist Churchhill Grimes were on hand for comments and questions. Lastly, the Regional Quality Control Board water quality control program has opportunities for water monitoring.

Kaitilin Gaffney – provided an update about a Santa Cruz sewer line at New Brighton State Beach that will be moved.

Heidi Tiura – encouraged people to send teachers and students aboard the new ship. Contact Heidi for more information.

Stephanie Harlan - attended and enjoyed the 2001 Currents Symposium that took place on March 16th and 17th.

Bill Douros – announced that Brady Phillips is ending his one year detail and returning to a new position in DC involved with management plan review; Karen Grimmer will assume the position of SAC Coordinator, while also retaining some outreach and development duties such as MERITO; Holly Price has been hired as the Resource Protection Coordinator; Kelly Newton as Research Assistant; and, Sean Morton, born and raised in the Monterey area, as Management Plan Coordinator.

MBNMS Budget was approved at $2.5 million. Two main program priorities for this fiscal year are SIMoN and Management Plan Review, were funded. The National Marine Sanctuary Foundation was launched in DC.

Bill addressed the issue of being overwhelmed by paper and that the level of SAC meeting materials has risen over time. This is a difficult to handle, so internal recognition must occur. Bill suggested he meet with the Executive Committee to develop a new process (likely a web-based system) that will allow the SAC (and the general public) the access materials through the Internet sorted by agenda topic.

Deborah Streeter - would like suggestions and guidance for how to organize her materials.

Brian Baird - supports web based alternative and less use of paper.

Tami Grove - suggests in conjunction with that idea, also returning to the use of correspondence binder for people that don't have access to the web.

Chris Harrold – expressed that he has problem with materials being included that are germane to today's meeting, as they are difficult to read during the meeting.

Dan Haifley and **Dave Clayton** concurred.

Lynn Rhodes - concurs with Tami Grove and use of binder.

Brian Baird - commented that some matters require the need to confer with other departments.

ACTION (unanimous agreement)
Bill Douros indicated that Sanctuary staff would meet with the SAC's Executive Committee to address the issue of distributing SAC meeting materials.

Brady Phillips – introduced the materials contained in the SAC packet.

Bill Douros - thanked SAC members for attending David Dobbs reception. He announced that the *Ecosystem Observation* (MBNMS 2000 Annual Report) is now available, and in the process of being mailed out. Also, the new Salmonid poster that was unveiled at the 2001 Currents Symposium will be mailed to all SAC members, and the MBNMS map to all new members.

II. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Clyde Warren - mentioned that he had talked recently with Ron Massengill (SAC member), and he proceeded to update the Council about a sand dam on San Simeon Creek that steelhead are returning to. His group is utilizing water from nearly treatment plant, and gravel from Pedrias Blancas Hotel, which is now restricted. He offered photos to the council. Stephanie thanked him.

Donna Blitzer - referred the Council to a national monument designation and is concerned about the designation being arrested. She asked for the SAC to issue a letter of support for the monument to Departments of Interior Secretary Norton.

Bill Douros - suggested that the SAC should see the original letter from Sec. Norton.

Brian Baird – offered the Council background on the project and suggested that we don't have enough information to make a motion.

Stephanie Harlan – requested that Donna develop a fact sheet to circulate and then staff will distribute, and then the SAC will be in a better position to decide what to do.

Pat Clark-Gray - said that State Parks are currently developing exhibit signs for the outcroppings.

Vicki Nichols - asked if there are opposed SAC members.

Jim Stillwell - suggested that the quantity of lands might be why it is under review and we need more investigation.

Kaitilin Gaffney - supported the Advisory Council weighing in and giving local support.

Jim Stillwell - suggested that a higher level of protection that might include uplands and areas that might have roads. What are the impacts to fishermen?

Brian Baird - clarified that no impacts should occur.

Dave Clayton – reminded the Council that the meeting schedule precludes the SAC from making decisions in regards to time sensitive issues. He would like to see the SAC meet once a month.

Ellen Faurot Daniels – updated the Council on a California regional oil spill response team plan that includes federal and state agencies. They are developing three different classes of pre-approval for dispersal use. Opportunities exist for the SAC to be involved. The group needs to acquire information on species of concern, a workshop will be offered, and as an OSPR spokesperson, she would like to pass on information.

Brian Baird - gave some background on his experience with marine zones and the contention that exists. Nine months of review time is left.

Bill Douros - the use of any dispersants would need approval from the Sanctuary Superintendent to occur. Nearshore policy will be the next part of the discussion, after state waters.

Karin Strasser Kaufman - announced the Friends of MLML May 5th Walk the Plank fund raising event. She compliments the SAC regarding streamlining paperwork, and comments that she would like to see public input on the SAC Annual Report She also expressed interest in getting information to the public for SAC meetings, such as the permit reports. Fireworks are an example, as she tried to get information from the web, and was not successful.

Dave Clayton - asked if the permit report was online.

Bill Douros - responded that the staff is not planning to do so at this point in time.

Karin Strasser Kaufman – responds that the County of Monterey has a good model to follow.

Bill Douros - responds that Sanctuary permits do not require public input and notice. Tracking those systems would not be effective for our purposes.

III. MBNMS CONCERNS WITH THE NAVY'S PROPOSED USE OF FT. HUNTER LIGGETT BOMBING RANGE

Deborah Streeter – many members of her constituency have expressed concerns about this topic. She wanted the Sanctuary to provide an update on the project to help address their concerns. Constituents of central area of this Sanctuary are concerned about possible effects of the expanded use of the bombing range on the area's resources.

Holly Price provided a summary for the Council:

Navy's proposal:
- Air-to-ground training target area
- Primarily land-launched flights from east (2,820/yr) at 22,000 feet AGL
- Some carrier-launched flights (135/yr) at above 15,000 feet AGL
- Lower altitude target approaches over Fort Hunter Liggett Range
- Northern portion of the circular flight pattern less than 8 miles from Sanctuary

Relevant Sanctuary regulations:
- Regs exempt some military activities, but only those <u>specifically</u> identified in the 1992 FEIS—exemptions not applicable
- Regs prohibit flying motorized aircraft at less than 1000 feet above designated overflight zone along Big Sur Coast
- Regs prohibit "taking" any marine mammal, sea turtle or seabird in or above the Sanctuary, except as permitted under MMPA, ESA, MBTA

Sanctuary Concerns/Conclusions:
- Navy proposal somewhat a moving target, missing details
- Sensitive seabird and marine mammal habitat areas—murres, cormorants, pelicans, sea otters, seals and sea lions
- Decibel levels, frequency ranges, sonic attenuation and impacts on key marine species at incremental ranges from restricted flight area, especially during breeding season
- History of military flights violating Sanctuary regs along coastline
- Probability of overshooting target, leading to low altitude flights within Sanctuary
- Reconsider need for aircraft carrier launches, and confirm routes and altitudes for carrier launches if pursued
- Thorough EIS required
- If EIS identifies potential risks to the Sanctuary resources or preferred alternative includes low-altitude routes within the Sanctuary, formal consultation with Navy required
- Any flights below 1000 feet within overflight zone require Sanctuary authorization
- Navy can likely conform to Sanctuary regulations by proper choices for routes and altitudes, and by firm compliance steps

Public comments - what kind of control would we really have? Noise will be excruitiating.

Bill Douros - gave update on an allowable training route and explained that is why we see plane activity. This is an exception to our regulation.

Donna Blitzer - the office received hundreds and hundreds of emails and has passed them on.

Jim Stillwell – EIS is appropriate way to go and we could work with FAA and military authorities.

Chris Harrold - referred to Sanctuary letters and agrees with the level of concern expressed.

Brady Phillips - the Navy declined our invitation to attend the SAC meeting. Responses are directed to their web site for questions.

Dan Haifley – asked if the Sanctuary has received any communications from the Navy? No.

Michele Roest – Cambria residents are significantly concerned.

Public Comment - regarding compliance of the 1000 ft fly zone. A citizen questions that this is being followed.

Jim Stillwell requested that Michele Finn, the Assistant Superintendent, give us more information.

Michele Finn - Helicopters are exempt; large military aircraft on training exercises are coming in close (a mile from Santa Cruz shoreline) along a 200-mile high traffic lane.

Many comments were made.

Tami Grove - reminded us that the CCC does have authority and passed out a letter to the SAC. CCC will be taking this into consideration.

Deborah Streeter thanks all for showing their concern and expressing their views. Several religious agencies are also concerned.

Holly Price - alerted the Council to SURTASS, the Navy's towed Low Frequency Array. See staff assessment as insert in SAC packet.

No Action taken by SAC

IV. UPDATE: CALTRANS HWY 1 ISSUES

Holly Price - updated the Advisory Council on CalTrans Highway 1 issues:

General issue:
- Adverse impacts to Sanctuary resources from landslide disposal and repair activities

Status:
- Past winter with no major slides!!
- CalTrans developing interagency, multi-stakeholder management plan for Highway
- Sanctuary on steering committee and several subcommittees

Plan will include detailed recommendations on:
- Improved storm damage response and repair
- Preventive measures, e.g. reduced disposal needs and visual impacts through "low-footprint" designs
- Improved maintenance procedures
- Site re-vegetation guidelines and follow-up reporting
- Establishment of Environmental Monitor position for storm damage projects
- Improved funding for "non-emergencies"
- Improved interagency notification of slides and regulatory coordination

Trial run completed using standardized form for rapid permitting for all regulatory agencies
Initial draft of management plan out Fall 2001

Scientific studies underway/planned on Sanctuary/Caltrans disposal issues:
USGS analysis of aerial photos underway—
- Historical (1942) versus recent photos used to assess volume changes
- Analyze using different timeframes and locations to estimate anthropogenic versus natural background inputs
- Pilot study, corridor-wide study, and follow-up analysis of select areas
-

Marine biological assessment proposed—Caltrans and Sanctuary—
- Intertidal and subtidal characterizations
- Seabird and marine mammal surveys

- Rank critical/sensitive habitats using indices such as location, size and quality, species and assemblages' tolerance to sediment disposal, and physical factors

Both studies will provide information for Sanctuary and others to better evaluate disposal issues and locations

Brian Baird - asked for clarification on funding strategy that would include Coastal Commission. Funding requires about $100,000. Caltrans is supportive of the effort.

Bill Douros - clarified that Caltrans is looking to put in about $75K and the Sanctuary about $75K.

Deborah Streeter - thanked Holly for the report and commented on the value of Highway 1 to the Big Sur community. She asked who would employ the environmental monitor. It was answered that this position would possibly be employed by State Parks.

Clyde Walker - has concerns about handling of slide disposal sites and the volume of soil to be placed. Storage is an option.

Tami Grove - study should include research on inventory sites, and look at long-term visual and tourism impacts.

No Action taken by SAC

12:40 – 1:45pm LUNCH BREAK

V. UPDATE: MANAGEMENT PLAN REVIEW

Bill Douros - introduced the shift in timeline linked to limitations on NOAA on travel.

Brady Phillips - covered the importance of the MPR. He introduced the State of the Sanctuary Report and how the SAC can be involved in that document. Input from SAC regarding the location of public scoping meetings. A power point presentation will be available for the SAC to use.

Brian Baird - questioned the timeline for a 400-word document to be produced, and get approval by the entire SAC.

Chris Harrold - commented that revisiting the SAC goals would allow us to refer to them and measure our success.

Bill Douros - clarified the goals of the State of the Sanctuary Report (SSR), and the need to include a SAC section.

Jim Stillwell - asked if this would be a simultaneous Management Plan Review (MPR) process with GFNMS and CBNMS. He also asked about use of a survey to the general public.

Stephanie Harlan - gave example of a Santa Cruz survey that was used to gain information from the public. This would ensure input from people who don't come to meetings or read documents. She believes that a good survey is a very valuable tool.

Bill Douros - The 400 words would explain how the SAC has worked relative to the management of the Sanctuary. Decide on the 3 options: Sanctuary writes it; SAC sub-committee writes it; Sanctuary and SAC work together to write it.

Jim Stillwell – suggested that we poll all the prior SAC members.

Jim Stillwell – Made a motion: Staff writes the SAC section, polls prior and present SAC members, and the draft is reviewed by all SAC

Brian Baird - is reluctant to take this course due to possible conflicting comments.

Tami Grove - commented about the priorities for the SAC being shaped around the MPR process.

Bill Douros - clarified that this is an internal review, and that in June we will look at the outreach tools and strategies that are planned. August we will walk the SAC through the issues that we have identified in the SSR. December meeting might focus on which management issues to get in-depth with. The SAC will shape how much time and energy is dedicated to the MPR.

Deborah Streeter -clarified that it could be a description of the SAC body in terms of how it was intended to work. It is not an evaluation. Include a description from the management plan, name seats, list number of meetings, say there are lively discussions, mention that they haven't always agreed on issues and say how people can participate.

Jim Stillwell - withdraws the prior motion

MOTION: (Passed)
Sanctuary staff develops the SAC portion of the State of the Sanctuary Report as a descriptive summary and not an evaluation. Include a description from the existing management plan, identify the seats, list the number of meetings, include some of the issues addressed by the SAC, and state that members do not always agree with each other on the issues.

Motion introduced by Vicki Nichols, seconded by Deborah Streeter.
Vote: (17 in favor, 0 opposed), unanimous

David Clayton - commented that the SAC needs to get enough lead-time to give comments on important documents.

Steve Scheiblauer - asked if the MPR process is on the table for discussion.

Bill Douros - responded that the process is malleable and flexible.

Steve Scheiblauer - would like some time set aside to look at the process. He gave some comments about the need for a questionnaire. How does the SAC's motions weigh in against numbers of public comments?

Bill Douros - responded that he, Dan and possibly other higher ups in NOAA make the decisions. Also it depends on the issues and the important of the issues.

David Clayton - we represent a large group and cannot put more value on a group vs. the SAC email and web responses - do they represent a community?

Ruth Vreeland – commented about the Cambria meeting and how good it was to hear the different perspectives. Approves of a survey approach.

Bill Douros - responded with SeaWeb survey results and how people in the whole country perceive sanctuaries. They could give us some insights based on those surveys. We will invite SeaWeb to the next SAC meeting.

Tami Grove – requested process clarification. By June or August, could we provide a skeleton of how the SAC can plan for the next year?

Bill Douros - was reticent to dictate all involvement, does not want the SAC to feel that they are being led; wants the SAC to not only be a part of the process, but also shape for itself

Public comment - surveys are not very effective tools that can be manipulated.

Stephanie Harlan - responded that a survey would primarily be for education.

Kate Wayne - NRDC has been involved in a number of MPR's for the NMSS. MLPA was mentioned as an existing resource to use, and outlined their public process. CINMS has been moving forward with this new information.

Meredith Lopoc – member of World Wildlife Fund. She read a letter, and offered it to the Council as testimony.

Bill Douros - The Sanctuary will provide the SAC an outline on the timeline and responsibilities for the SAC as it relates to the management plan review.

VI. UPDATE: ALLIANCE OF COMMUNITIES FOR SUSTAINABLE FISHING

Holly Price provided a brief update on activities with the Alliance. She has met with them on a few occasions and is encouraging members to take a broad look at problems and issues related to fishing and their industry. Holly explained that the Alliance is now discussing various options for structuring the group.

Kathy Fosmark, representing the Alliance of Communities for Sustainable Fisheries, read a letter to the SAC. The Alliance was formed in January to provide the fishing community with a voice in the upcoming management plan review process. The Alliance is composed of a broad range of people involved in fishing, from business people, to fishermen from different ports, to fishermen using various gear types. On February 2nd, the Alliance first presented their group to the SAC to underscore the importance of this issue to the fishing community. The Alliance believes that the existing state and federal fishery management agencies are sufficient and do not want the Sanctuary to get involved in commercial fishing issues.

The Alliance proposed to lead a study group on the issue of marine reserves. The proposed study group would consist of 5 commercial fishermen (one form each harbor), 1 recreational fisherman, 1 fish processor, 4 members of SAC (fishing, harbor, conservation, research), and 2 non-voting members (representatives of the Institute of Fisheries Resources and the Monterey Bay National Marine Sanctuary). They envision this study group working with the SAC's Research Activity Panel (RAP) and the Conservation Working Group (CWG) to have meaningful input on issues related to marine zones.

The Alliance feels this is a good start to address this issue in this Sanctuary. They feel the establishing a new "marine reserves" group would be a breech of the promise to work with this group said by the Sanctuary at the February 2nd SAC meeting.

Jim Stilwell raised the issue of a letter sent to Dan Basta, summarizing what the group talked about in meetings back in Washington, D.C. a couple of weeks ago. The harbormasters feel that Mr. Basta's response does not put them at ease, but raises concern since it indicates that the sanctuary program is prepared to break the promise and consider marine zoning during the review process. If this occurs, the SAC should be fully aware that the Sanctuary would embitter fishermen

and loose their trust. There was on ray of hope in the letter. Mr. Basta did embrace the idea of the Alliance members conducting their study of the marine reserves issues with the concurrence of Bill Douros and the SAC. They strongly recommend that the Sanctuary do not get involved in fishery management.

Burke Pease: As a new member he has heard of the "promise that the Sanctuary wouldn't get involved in fisheries management". Where is promise from? Stephanie Harlan gave a brief history of former Congressman Leon Panetta's word to the fishing community and that it was stated in the Sanctuary's Designation Document.

Chris Harrold: The Sanctuary agreed it would not promulgate new fishing regulations. However, the Sanctuary has the obligation to share their views and opinions on fishing as it relates to the Sanctuary. They should have this ability to have a view and comment.

Bill Douros: confirmed this is an accurate description of "the promise".

Dick Nutter: During the Sanctuary's designation there were no new regulations that impact fishermen. This was similar to what was promised in the agriculture industry. We have been able to create a process to successfully work out issues of concern without causing new regulations.

Bill Douros: At the time, the promise was that the Sanctuary program would not separately promulgate regulations on commercial fishing.

Richard Charter: Provided a historical overview on the designation of Monterey Bay National Marine Sanctuary. It all started in the 1970s as an attempt to protect the central California Coast from oil and gas development. In 1980, he and other environmental organizations tried to designate 3 sanctuaries in California (Channel Islands, Gulf of the Farallones, Monterey Bay – as a small slice of Monterey canyon). The Monterey Bay proposal died, and they went forth with the other 2 sanctuary proposals. In the early 1980s, Secretary of Interior James Watt (under President Reagan) reversed the oil drilling ban on CINMS and GFNMS. By the late 1980s, then Secretary of Interior Donald Odell wanted to make a deal with California congressional members in regards to offshore drilling in terms of protecting some areas and allowing drilling in others. He reneged on the deal, which created a backlash from the public. A window was opened up to gain support for designating the Monterey Bay Sanctuary. Back in congressional offices, new boundaries were redrawn to encompass larger boundary. The included all the oil and gas deposits, and the key habitats (largest kelp forests in US waters) in central California. It took until 1992 to get Monterey Bay designated as a Sanctuary.

The Alaska oil spill (Exxon Valdez) created new focus of the magnitude and scale of potential oil spill impacts. The lines were drawn to protect living systems. The upcoming management plan review is an opportunity to make sure we are doing to good job managing the resources on behalf of the American public. Things change. That is why we review management plans. This large boundary was designed to protect the area from large impacts – from oil and gas and other big issues – not for the entire area to be set-aside as a no-take area.

The management plan review provides everyone with the opportunity to look at State of the Sanctuary and determine which habitats are critical for sustaining the health of the ecosystem. We need to develop a balanced process to include all of the stakeholders. Richard invited the SAC to sit down and work to develop a solution to the issue of declining fisheries. We can either ignore the facts and address it later, perhaps after it is too late, or start to come up with workable solutions now. Richard submitted a new management plan for the Fitzgerald Marine Reserve in San Mateo County. He closed by stating that these problems won't go away by ignoring them.

Thomas Canale: If NMFS is supposed to be managing the fisheries along with CDFG, what makes you sure the Sanctuary could manage the resources better on a fraction of the budget they have?

Richard Charter responded that he is not suggesting that the Sanctuary take over fisheries management from the Pacific Fisheries Management Council or California Dept. of Fish and Game, but it be a player, have a place at the table, and be part of the process.

Phil Monroe, Vice President, Fishermen's Alliance of California: Fishermen oppose any attempt by the Sanctuary to expand its powers. This will only confuse the process and have a situation of overlapping federal and state agencies. NMFS is involved. CDFG is involved. Phil believes that NMFS and CDFG have the ability, facilities, and wisdom to address these fishery problems. The Fishermen's Alliance is composed of recreation and commercial fishermen. This group clearly remembers when Panetta helped form the Sanctuary and remembers there were to be no changes with regards to fisheries management.

Tom McCray – Fishermen's Association of Moss Landing. Marine reserves are a fisheries management tool. This is why they are concerned about the promise of not getting involved in fisheries management. It is the most draconian of fishery management measures – to close off all areas. In the Channel Islands Natl. Marine Sanctuary, they are proposing to close off 30-50% of the area. This is simply a scheme to eliminate fishing in central California. The Sanctuary does not want to go here and does not have the resources to even monitor the fish, much less manage. The commercial fleet is down to about 20% of what it was 20 years ago. It will take 5-10 years to recover fish populations with proper management.

There is no substitute for intelligent fisheries management. Marine reserves only end up closing off an entire area or the entire coast. The Sanctuary should help push for adequate funding for NMFS and CDFG to conduct proper fish assessments. Groundfish can be brought back, but it will take 20-30 years. By installing marine reserves you will eliminate hard-working fishermen.

The pursuit of marine reserves will be an all out declaration of war on the fishermen – and that is how they will take it!

Christina Avildsen – Environmental Defense. Christina read a letter on behalf of Environmental Defense to the SAC. She stated that the Marine Life Protection Act (MLPA) implementation team is currently working to develop a proposal for new marine reserves in California State waters. Their draft proposal is expected in July, 2001. She encouraged the SAC to prepare itself for the State's MLPA process and other efforts such as with the Pacific Fishery Management Council to address marine reserves. The Sanctuary and SAC should develop a way to thoroughly consider the value of costs and benefits of marine reserves as part of the Sanctuary Management Plan review process.

Mike Ricketts: Alliance of Communities for Sustainable Fishing. Mike supports the letter and statement that Kathy Fosmark read. He also stated that fishermen still feel the same about the promise during designation that the Sanctuary would not manage fisheries. Fishermen should have their own group, or at least be the lead, to deal with the issue of marine reserves. This group should be independent of the SAC so they can maintain their ability to lobby. The real culprit affecting fisheries management has not been data, but politics and that is the danger of the Sanctuary – not only adding another layer of bureaucracy but politics.

Dan Haifley asked Mike who the Alliance study group wanted to reach. Mike answered that NMFS and CDFG are the primary fishery management agencies. They would like to ensure they have sufficient resources to proactively manage the fisheries.

Steve Scheiblauer: Noted the he hopes the SAC will embrace and support this effort.

Bill Douros: Asked Mike if there was flexibility in the make-up in the group to be more balanced. Mike responded that he feels that this group should be in the lead on this issue. There is some room to address the composition but this is the Alliance's group. He doesn't want it to be part of the SAC because of lobbying restrictions.

Jim Stilwell: Jim had the opportunity to talk with Leon Panetta about the promise that the Sanctuary would not regulate fishing. He passed along Mr. Panetta's view that the promise does not preclude the sanctuary program from the ability to offer advice to these fishery management agencies and urge change in fishing regulations. Jim does not think the fishermen are opposed to the process, as long as the end work product has clear input from this process.

Congressman Farr is looking to see if the fisherman can be employed in this monitoring process for stock assessment. Jim does not want to see the SAC or the Sanctuary politicize the process and endorse the Alliance study group. The SAC should not establish a marine reserve process of its own but the work within the process established by the fishermen. They feel in charge of their destiny with this process.

Kaitilin Gaffney: Noted letters end by the Center for Marine Conservation and Save Our Shores. There is an immediate CDFG process on marine reserves in state waters that the Sanctuary will have to respond very soon. The Sanctuary and SAC should help facilitate local stakeholder input to bear on this state-driven process that will happen within sanctuary boundaries, with or without the Sanctuary or SAC input. Kaitilin feels it is great that fishermen are coming together to have a voice. However, it is not appropriate for SAC or the Sanctuary to give official sanction or abdicate its responsibility for this important issue to any one group, particularly since it is not reflect a fair balance (10 seats for fishing interests, 1 science, 1 conservation seat, and 1 Sanctuary). Science should have a big active role, conservation should have a big role and the public should have a big role.

This issue is a real and about protecting sanctuary resources. It doesn't mean you pass it off, it means you get broad-based input and address the issues in an equitable manner.

Francesca Crow: Long liner from Moss Landing (hook and line). The species they target are plentiful. Fishermen are already so over-regulated with quotas and closures can't catch nearly as much fish that are out there. The Pacific Fisheries Management Council and the CDFG already restrict fishermen. Fishermen earn all their income from fishing and should have a major say in the process -- more so than others who are not as dependent on the resources.

Mike Ricketts: Mike reaffirmed that the Alliance wants to create and manage their own study group and are not trying to lead the entire Sanctuary on this issue. They need their own group to address the issue of concern to them.

Ron Hertzall – Moss Landing Commercial Fisherman: The commercial fishing fleet has already been cut down by 20%. Nobody is giving them a chance to see if that will work – it takes time to see results. How can fishermen trust another agency trying to establish their own method of restricted use.

Steve Scheiblauer: Passed out a resolution form the Monterey City Council in support of the Alliance of Communities for Sustainable Fisheries. Steve indicated they spent 4-5 hours with Dan Basta and Margaret Davidson. In Dan's letter back to him, he expressed the opinion that the Sanctuary will explore marine reserves. But the Sanctuary has no legal requirement to address it.

The Alliance reads this letter as an indication that the Sanctuary program will be involved in marine reserves and violate the promise that the Sanctuary will not be involved in fisheries management.

However, the letter did leave an open door in terms of working a process through the Alliance study group as long as it is done so in concurrence with the SAC and Bill Douros. Mr. Basta did not answer a critical question "Why can't public concerns regarding marine reserves be forwarded to other state and federal agencies who have jurisdiction?"

At the Feb. 2nd SAC meeting, Dan promised that fishermen would be fully involved in the process. It is critical that fishermen need to be included in more than an advisory role. This sentiment was reaffirmed in a letter from Representatives Eschoo and Farr.

The problem the fishing community has with Basta's letter is that it sets the Sanctuary up to break another promise. Steve is worried that if the promise if broken, it will create ill feeling for generations to come. Fishermen are committed to giving the issues of marine reserves a fair look.

Roxanne Jordon: Institute of Fisheries Resources and the Alliance: This group is trying to take a proactive stance on dealing with fisheries problems. She expressed confidence that the Alliance study group members will be able to educate themselves as to the issues. To achieve resolution, all participants need to respect each other. Fishermen and their activities are integral part of this Sanctuary and process.

Donna Solomon: Moss Landing Live-Fish buyer: Participates on the states nearshore fishery advisory panel, which is built upon a diverse membership. They have been holding meetings, and workshops for years. The Sanctuary' sudden desire to get involved in fishery management is a variable that has not been factored into the development of the plan. There are processes that are already established and are working to successfully resolve fishery management issues. Marine reserves are being address in various places as an accessory.

Steve Fosmark – Moss Landing Commercial Fishermen: There are a lot of fishing activities that a marine reserve would not address. Most fish move around off the coast in response to nutrients. It's more about these nutrients than fishing effort. Steve does not think that closed or restricted areas will serve any useful purpose, as they don't take into factor the real natural variables that influence fishery stocks. The Groundfish management effort needs money for stock assessment. It would be great if the Sanctuary can help NMFS find the resources to monitor the stocks. However, if NMFS can't effectively monitor fisheries how can the Sanctuaries program?

Nathan Mint - Commercial Fishermen: Wanted to know what sort of economic impact marine reserves would have on the area. The SAC should be concerned about cascading impacts in local communities with shutting down fisheries. Marine reserves are seen as a silver bullet, but it is not.

Kaitilin Gaffney: In talking with Mike Ricketts, she misunderstood what the purpose of the Alliance's study group. Kaitilin claimed she is more comfortable with this group as long as the SAC and its working groups can provided additional input to the Sanctuary on this subject.

Kathy Fosmark: Commercial fishermen were proactive in getting the Sanctuary designated. They also opposed oil drilling. Fishermen do not want to fish out or destroy what allows them to make a living. Fishermen back then were the conservationists leading the ban to protect the resources. So many people and organizations are now are working to try and put current commercial fishermen out of business. It is the science that make the regulations works. We need to put more into science to find out what is working, what is not working, and what stock we have now. What fishermen see in terms of the resources and what the public is hearing from others is very different. The fishermen are concerned, but just don't believe they should have an axe dropped down on them to take away the rich culture of commercial fishing.

Kate Wing: The Sanctuary itself cannot make fishing regulations, but the Secretary of Commerce can make fishing regulations (also oversees NMFS). However, the Sanctuary does have a mandate and can make recommendations to protect the resources of the Sanctuary. From the NGO perspective, the SAC is a forum to address the issue of resource protection, including marine reserves, which is a tool to protect and conserve resources. The Sanctuary management needs a forum to address this issue of marine reserves. It should involve those around this area who have knowledge of the resources.

Steve Fosmark: How will Kate and others know what know what resources are here if you don't spend any time on the ocean.

Vicki Nichols: Expressed that this discussion on marine reserves was very interesting and useful. She thinks the letter from the Alliance is great but wants to clarify one thing. The conservation community wants the Sanctuary and SAC to provide input on the State's marine reserve process, not a new sanctuary process. The Marine Life Protection Act working group will establish zones in Sanctuary waters later this summer. There needs to be feedback from the Sanctuary on this important management process. Vicki asked if the Sanctuary is mandated to respond to this process.

Bill Douros: This is an interesting legal question. He is not sure if we are mandated to respond, but Sanctuary staff will likely provide comments, as we do with other agencies that conduct management activities affecting the Sanctuary's resources.

Mike Ricketts: The MLPA process is still in the initial study process. There will be time later to provide comments. They may still be in the formative process until 2002.

Brian Baird: The MLPA process is driven by state law. The State will hold two sets of 10 workshops along the coast to get public input in July. These are draft proposals. The SAC could help provide public input into this state process.

Dave Clayton: read language from the Federal Register (designation document). Consultation is clearly part of the Sanctuary's mandate. He agreed that fishermen are in a difficult position given that their livelihood is tied to these resources. But, he is also concerned about the health of resources that other users use and depend on as well.

Chris Harrold: Ideally it would start from clean slate. We need to first ask what the problems are first and then identify solutions. After you identify solutions, you set milestones to see if solutions are working. He noted he was uncomfortable about starting with the issue of marine reserves because we haven't determined what the problems are. Marine reserves may or may not be the solution.

The fishing proposal is great, but may be a hard sell by other groups. It will be good for the SAC's working groups to focus on the CDFG marine reserves proposals when they are released to the public. Each group will likely have different opinions and look at thing from different perspectives. This type of review wouldn't break any promises made in the past and would be useful to the State.

Vicki Nichols: how do we get all the groups integrated to look at the marine reserves issue?

Brian Baird: There needs to be a great deal of background material as to why the Sanctuary is looking as this as an additional management tool. Working groups can be a place to get the background information and then report to the SAC.

Dan Haifley: Can the SAC support the efforts of the Alliance of Communities for Sustainable Fisheries group?

Bill Douros: A SAC motion to adopt this Alliance group as a SAC marine reserves group may hinder this group by being a formal working group of the SAC

Mike Ricketts: Part of the reason for forming this group was to get involved in the process, so the fishermen formed their own group. Fishermen feel they were rubbed out of the MLPA process.

Bill Douros: It would be more powerful in the long run to influence DFG by the Alliance, the SAC, and other working groups all coming together and reaching a common vision. The ideal situation would be to form a group with the fishermen and those who are interested.

Burke Pease: Stated that he is not necessarily qualified to look at all the technical materials that will be produced as part of this process. The SAC should not take an immediate action. If the Sanctuary is legally mandated to respond to CDFG or if they Sanctuary feels compelled to response to the State, they should start preparing. A draft response could be sent to the SAC before it gets finalized. The SAC should be integrated into the process at a point where it is manageable.

Chris Harrold: Working groups can feed into the Sanctuary process to develop comments. The Fishing group is welcome to come to the RAP.

Jim Stilwell: Burke's answer is a good response. However, we are also looking at a proactive response. He would like to see the SAC endorse and support the efforts of the Alliance.

Dave Clayton: Endorses the fishing group. Also, Holly Price will be involved with this group.

Steve Scheiblauer: As one member of the Alliance, he likes the idea of establishing a cooperative group that is able to speak with more power. What if the Alliance study group added two more members that are not fishermen – would it be more acceptable?

Kaitilin Gaffney: Wanted some clarification on the purpose of the Alliance study group. Are we talking about having an Alliance study group who reviews the topic of marine reserves, and provides recommendations to the SAC and Sanctuary? Kaitilin expressed concerns about this group as being the only body addressing the issue of marine reserves. Would the RAP and CWG also be addressing this the issue?

Bill Douros: A successful model is the vessel traffic group.

Dan Haifley: This is an effort by fishing community to look at their own industry. They are looking for support.

Heidi Tiura: All this talk of fishermen – there are women fishers? You have to decide what information you trust. We shouldn't worry too much about how many people are on this group, it will have diverse personalities but all need to work together.

Chris Harold: There are essentially two processes. The MLPA process and draft marine reserves can be analyzed and thoughtful input can be provided to the state. We also have a group of commercial fishermen who are coming to us for help. They have a group that they organized and want to keep intact. The SAC and its working groups can help them.

Bill Douros: Focus should be a consensus-based process. Threshold: Does the SAC want to set up a separate group on marine reserves (from the Alliance study group) with an independent facilitator?

Motion:
Dave Clayton introduced a motion for the SAC to support the creation of the Alliance study group, and it not dictate how the group is created or who should sit on it.

MOTION (passed):
SAC endorses regional collaboration with the Alliance of Communities for Sustainable Fishing on the issue of ecological reserves in the Monterey Bay National Marine Sanctuary.

Motion introduced by Dave Clayton, seconded by Dan Haifley.

Vote made by roll call: 16 in favor, 0 opposed (unanimous)

VII. PRESENTATION: MERITO MULTICULTURAL EDUCATION PLAN

Postponed until June meeting. Karen requested the SAC review the MERITO document and provide comments to her via e-mail and the phone ASAP.

VIII. DISCUSSION: FIREWORKS PERMITS

Burke Pease: introduced the topic of the Sanctuary's review of a specific permit related to firework displays. Burke indicated that what appears to be happening is a defacto denial of the permit since the Sanctuary indicated it couldn't issue the permit until after the event has occurred. This places the applicant in a very awkward position not knowing if it can plan the event or not.

Burke suggests that the Sanctuary should go ahead and act on the permit and to continue efforts to consult with the other agencies the Sanctuary needs to consult with. Once the answers are given, we can deal with the result. Why should the applicant be denied while the Sanctuary waits for an answer?

Michele Knight: gave an update on the proposed fireworks display. She received a request from a private company to have fireworks be part of on event they would like to have at Adventures-by-the-Sea. They have had one other event approved by the Sanctuary in the past. After learning about the possible delay with this permit review, she approached Burke to help get resolution. She was curious as to what process was followed.

Burke Pease: stated that our process of reviewing fireworks needs review.

Bill Douros: The Sanctuary has two regulations relating to firework displays (discharge of paper and plastics and harassment of marine mammals and migratory birds). Based upon monitoring as past firework displays the Sanctuary determined it needed to consult with other agencies (NMFS and USFWS) as to the possible impacts.

Fireworks come in 2 flavors – community events and private requests (corporate requests, weddings, etc.). There are about 6 community events held in the MBNMS over the year, each required that we consult with federal agencies on impacts to marine mammals, seabirds and (primarily marine mammals that haul-out on breakwater and beach, sea otters and brown pelicans).

The Sanctuary has been getting more requests to approve private firework displays, and decided we needed to conduct a program consultation with NMFS and the USFWS. We have placed a moratorium on approving any new displays until the consultation takes places. We are not only concerned about the impacts of individual displays, but the cumulative impacts of these fireworks.

Burke: wanted to know how many requests we have had as well as how many we could anticipate on having in the near future

Deirdre Hall: answered that we issued 7 firework permits issued last year (5 are 4th of July requests). This last year we have had a 4-fold increase in the number of private requests. (One request to four requests this year.) The increase in the number of proposed firework displays is what we are concerned about. We requested input from NMFS and USFWS as to what is allowable or how much could be done without causing undue harassment to marine mammals and other wildlife.

Bill Douros: noted that we are grappling with how to handle the cumulative impact problem? We also look to see if there is some community benefit to the displays.

Burke Pease: noted that private firework shows are a community issue. The economic benefit of these private corporate events is greater than the community events. The corporate visitors stay in hotels, eat at restaurants, rent meeting room, plan events, and buy souvenirs.

Bill Douros: noted that the moratorium on fireworks is for private displays only. Not sure when the expect comments from NMFS and USFWS. It could be 3-6 months.

Deborah Streeter: We should be concerned about the possible impacts from noise that are part of firework displays. We talked for over an hour about noise in relation to jets in Big Sur earlier. We should continue to allow the firework displays that have been allowed up to this point, but put a halt on new ones until we get a response from NMFS and USFWS. That sounds like a sensible response.

Steve Scheiblauer: indicated that he appreciates the problem of increasing numbers of fireworks and their cumulative impacts. What about a solution that allows public displays and sets a cap on the number of private displays.

Bill Douros: indicated this is something will are hoping to discuss with NMFS and USFWS.

Burke Pease: noted that statement "a four-fold increase in the number of permit requests" is misleading since there was only one in the previous year. It is mischaracterizing the situation.

No action taken by SAC

IX. DISCUSSION: NAPA REPORT RECOMMENDATIONS

Postponed until next meeting

X. ACTION: SET JUNE 1SAC MEETING AGENDA

Stephanie Harlan requested SAC members to send potential agenda topics to her.

The meeting adjourned at 5:30 p.m.

Submitted by
Karen Grimmer and Brady Phillips
Monterey Bay National Marine Sanctuary Advisory Council Coordinators