



**SUMMARY AND MEETING ACTIONS  
GULF OF THE FARALLONES AND  
MONTEREY BAY  
NATIONAL MARINE SANCTUARIES  
JOINT  
ADVISORY COUNCIL  
December 9, 2005  
Bell Building - Half Moon Bay, CA**

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The Advisory Councils for the Gulf of the Farallones (GFNMS) and Monterey Bay (MBNMS) National Marine Sanctuaries met jointly, on Friday, December 9, 2005, in Half Moon Bay, California.

**CALL TO ORDER, ROLL CALL**

By prior agreement, MBNMS Advisory Council Chair Deborah Streeter called the morning session of the meeting to order and welcomed members of both advisory councils to the second joint meeting to discuss the (Northern Management Area (MBNMS from Ano Nuevo to Marin County)) and other integration issues. All advisory council members and staff introduced themselves.

Mike Laffen (At Large / Primary) announced that the Half Moon Bay Chamber of Commerce was getting involved with ecotourism. Mike suggested this might be a topic of discussion for the Advisory Councils.

Bob Breen (Vice Chair / Education) welcomed those from Monterey to Half Moon Bay with hopes of improving cooperation between both Advisory Councils every year.

Maria Brown (Superintendent / GFNMS) expressed her hope that the Advisory Councils would look forward to attending these meetings in the future. Maria thanked the Farallones Marine Sanctuary Association for providing breakfast.

***Roll Call:***

MBNMS public categories and government agencies were present as indicated:

Agriculture: Tim Frahm, CA State Parks: ABSENT, AMBAG: Stephanie Harlan, Conservation: Kaitilin Gaffney, At Large: Margaret Webb, Diving: Randy Herz, At Large: Mike Laffen, Education: Tracey Weiss, At Large: Deborah Streeter, Commercial Fishing: Thomas Canale, Business & Industry: ABSENT, Ports & Harbors: Brian Foss, CA Coastal Commission: ABSENT, Recreation: Gary Pezzi, CA Dept. of Fish and Game: Paul Reilly, Recreational Fishing: ABSENT, CA EPA: ABSENT, Research: Chris Harrold, CA Resources Agency: Brian Baird, Tourism: Michael Bekker

The following non-voting members were present as indicated:

U.S. Coast Guard: ABSENT, Channel Islands NMS: ABSENT, Gulf of the Farallones NMS: Maria Brown, Cordell Bank NMS: Dan Howard, Elkhorn Slough NERR: ABSENT, Monterey Bay NMS: William Douros



Alternates present:

Robert Frischmuth-At Large, Libby Downey-AMBAG, Brian Johnson-Gulf of the Farallones NMS

GFNMS public categories and government agencies were present as indicated:

Conservation: Richard Charter, Conservation: Bob Wilson, Education: Bob Breen, National Park Service: Brian O’Niell, Maritime Activities: Peter Grenell, Maritime Activities: Mick Minigoz

Alternates present:

National Park Service: Chris Powell

## II. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Tim Frahm (San Mateo County Farm Bureau) would be traveling to Morgan Hill to participate in a nutrient and irrigation system management grant meeting. This was the first time to have the advantage of this kind of program. Tim was able to get San Mateo County to participate because their waters drain into the MBNMS. He thanked both sites and staff for participating in the process of recycled water in Half Moon Bay. Eighty-five percent of the public supported recycled water in Half Moon Bay. This is a good opportunity to move towards minimum discharge in the sanctuary system.

Bill Douros (Superintendent / MBNMS) flagged two important awards:

- On November 22, the MBNMS Water Quality Protection Program and Agriculture Water Quality Alliance received the 2005 Governor’s Environmental and Economic Award in the category of Ecosystem and Watershed Stewardship.
- Holly Price (Resource Protection Coordinator / MBNMS) won the Gold Award for Leadership from the Department of Commerce for her efforts in implementing the Water Quality Protection Program.

Bonnie Van Hise (District Scheduler for Congressman Farr’s Office) stated HR 2862 became Public Law 109-108 on Nov 22<sup>nd</sup>. It secured \$1.5 million for the Visitor’s Center in Santa Cruz, \$2 million to expand the B-WET program, and \$2 million for the CA Center for Integrated Marine Technology at UCSC. Unfortunately, the National Marine Sanctuary Program (NMSP) budget was cut by nearly 30%. However, Congressman Farr is fighting to reinstate the lost budget. Advisory Council members and the public can also help by petitioning their legislators.

## III. OIL AND GAS EXPLORATION

Richard Charter (Conservation / GFNMS) provided a presentation on the recent Omnibus Energy Act of 2005 and what it means to national marine sanctuaries. He noted the following passage: **“(5) Identify and explain how legislative, regulatory, and administrative programs or processes restrict or impede the development of identified resources and the extent that they affect domestic supply, such as moratoria, lease terms and conditions, operational stipulations and requirements, approval delays by the Federal government and coastal States, and local zoning restrictions for onshore processing facilities and pipeline landings...”** from the Omnibus Energy Act was of greatest importance or relevance in terms of how the National Marine Sanctuary Program would be affected.



He commented that this act “blew open the door on the sanctuaries” and most importantly, in his opinion, “Monterey is a sitting duck for LNG terminals.”

Richard stated that Hurricane Katrina provided a window to oil industries to come back to Congress in an attempt to lift previous offshore oil drilling bans and that Governor Schwarzenegger and others from coastal states stopped this bill.

Richard also discussed why the Advisory Councils should worry about seismic surveys which locate traps of oil and gas. He felt a joint resolution responding to this act was appropriate in order to restore the exemption for the waters of all National Marine Sanctuaries. The Olympic Coast and Channel Islands NMSs have each already passed similar resolutions. GFNMS already drafted a resolution, only it was specific to waters outside of the sanctuaries.

After much discussion on a draft resolution, it was decided that a subcommittee, consisting of Richard Charter, William Douros and Brian Baird (CA Resources Agency / MBNMS), would meet during lunch to refine the draft joint resolution to bring back to the Advisory Councils for their action after lunch.

Dan Howard (Superintendent / CBNMS) asked whether the resolution would be more effective coming from the three California Central Coast sanctuaries (CBNMS, GFNMS and MBNMS) or should CBNMS come forward with their own afterwards. After some discussion, it was determined that CBNMS would send their own resolution after their next meeting and the joint GFNMS/MBNMS resolution would go forward.

After lunch, Richard Charter presented the revised draft resolution and each Advisory Council passed a motion to adopt the resolution.

GFNMS Advisory Council motion introduced by Peter Grenell, seconded by Bob Wilson (Vote: 6 in favor, 0 opposed – unanimous).

MBNMS Advisory Council motion introduced by Deborah Streeter, seconded by Kaitilin Gaffney (Vote: 14 in favor, 0 opposed – unanimous).

Adopted joint resolution is attached to these minutes.

#### **IV. FISHERIES DECISION BY VICE ADMIRAL LAUTENBACHER**

Bill provided an update on the fisheries decision made by Vice Admiral Lautenbacher regarding proposed regulations to protect Cordell Bank from bottom contacting gear and the Davidson Seamount from fishing below 3,000 ft water depth. Two letters were handed out, one from Vice Admiral Lautenbacher to the Pacific Fisheries Management Council (PFMC) and the response from the PFMC to Vice Admiral Lautenbacher.

Bill went on to explain that the PFMC letter describes the action the council took regarding the closure of many groundfish Essential Fish Habitat areas in the Cordell Bank, Gulf of the Farallones and Monterey Bay National Marine Sanctuaries under the Magnuson-Stevens Act, including additional regulations to protect the Davidson Seamount.



He commented that this is consistent with the MBNMS designation document that the NMSP proposes potential fishing actions to the PFMC after consulting with the fishing industry, and that solutions are ideally found at the PFMC level. He hopes that this will get recognized at some point.

Deborah commented that the MBNMS Advisory Council may want to write a letter to Vice Admiral Lautenbacher at their February meeting since the MBNMS Advisory Council has worked hard within this process.

## **VI. NATIONAL ADVISORY COUNCIL CHAIRS/COORDINATORS MEETING**

Deborah explained she wanted this item on the agenda to determine if there was any interest from the Advisory Councils in adding items to the National Advisory Council Chairs meeting agenda. Particularly, she wondered if the NOAA Fisheries Decision and the time it takes to complete a Management Plan Review should be added to the agenda.

Discussion ensued, with the following ideas being put forth: an update on the two recent ocean policy reports; a presentation from the Joint Ocean Commission Chairs, Leon Panetta and Admiral Jim Watkins; an item regarding the recent budget cut; and, management plan reviews.

At this time, Deborah asked Bill to provide an update on the developments of the west coast regional office. He stated the fulltime equivalent (FTE) positions for the Regional Superintendents were available; a recruitment would be conducted in the coming year for the West Coast Regional Superintendent. He explained that if he applied and was hired as the West Coast Regional Superintendent his FTE at the MBNMS would become free for them to hire a Superintendent. In the meantime, Karen Grimmer (Program Operations Coordinator) would serve as the MBNMS Acting Superintendent from January to early July and Holly Price (Resource Protection Coordinator) would serve in that role for the remainder of 2006. The recruitment processes noted above could shorten these interim periods for Holly or Karen. He commented that an Advisory Council member would be invited to sit on the interview panel for the MBNMS Superintendent recruitment, should such a recruitment be necessary.

## **LUNCH**

## **V. MLPA/MARINE RESERVES**

Paul Reilly (CA Department of Fish & Game / MBNMS) provided an overview of the Marine Life Protection Act (MLPA) process. He stated that this is the MLPA Initiative, a phase of the Marine Life Protection Act, concentrating on the area between Point Conception to Pigeon Point. He quickly covered the members of the Blue Ribbon Task Force, the Regional Stakeholder Group, the Science Advisory Team, CA Department of Fish and Game staff and the Statewide Interest Group. He covered the many products that have come out of this process.

The Regional Stakeholder Group has met seven times over the last year. They have been asked to finalize their packages of marine protected areas (MPAs). The deadline for them to submit packages with revisions and objectives is December 15<sup>th</sup>, which will go to the Science Advisory Team for review. The Science Advisory Team will review the packages on January 20<sup>th</sup> and the staff will incorporate those evaluations into their analysis and post information on the website. On



January 31<sup>st</sup> the Blue Ribbon Task Force will consider the packages and provide staff with recommendations about the packages. At their March meeting, the Task Force will hopefully give staff a preferred package. Staff will consider the recommendation and make a decision on a preferred alternative and forward the recommendations on to the Fish and Game Commission. Public hearings will begin. There is a possible decision late in 2006.

Paul explained the three types of marine protected areas:

1. A state marine reserve means no take
2. A state marine park allows recreational fishing, but prohibits commercial fishing
3. A state marine conservation area has restrictions on commercial and/or recreational fishing

Paul showed portions of the maps of the three packages of MPAs. Package 1 is supported by the fishing interests, package 2 is supported by the non-consumptive interests and package 3 is a hybrid of the first two packages to try and reach some compromise of packages 1 and 2. These are three of 30-35 MPAs that are parts of these three packages in the whole study region. The group is trying to use the Science Advisory Team guidelines during this process. If anyone has comments they can provide them by emailing the CA Department of Fish and Game at [mlpaccomments@resources.ca.gov](mailto:mlpaccomments@resources.ca.gov).

Kaitilin Gaffney (Conservation / MBNMS), a member of the Regional Stakeholder Group, gave her impressions of the process. There is a long and detailed story in every idea in these packages. It allowed people to learn more about the area and about each other's interests in these areas. All ideas try to balance many concerns of different groups. None of these maps show what would be the conservation perspective. She has received some comments from conservationists about some of the compromises that have been made in package 2. She wished there had been more effort of negotiation between packages. There had been some effort to address others' concerns and she wishes there had been more of that to this point. Most of the overlap in the maps, occurred in areas that weren't very controversial. She also commented that the socioeconomic data has not been available to them in a way that was useful.

Holly Price (Resource Protection Coordinator / MBNMS) acknowledged the effort of the CA Department of Fish and Game staff. She also commented that there was a tremendous amount learned by bringing all of these people together. She mentioned the MBNMS had hoped that the group would come up with one package instead of three or reach agreement on at least half of the sites. Package 3 (the hybrid package) is what the MBNMS staff has been focusing on. The MBNMS has not formally taken a position on any of the packages, we are still soliciting information on them.

Richard Charter provided an update on the GFNMS Fishing Activities working group. The group decided to hold a meeting on December 16<sup>th</sup> in San Francisco to draft a letter specific to the state waters portion of the Northern Management Area (NMA). The letter will say what they think about the various packages to the degree that they affect the NMA. The draft letter will be provided to the GFNMS Advisory Council at their January 12<sup>th</sup> evening meeting. Whatever results from that Advisory Council meeting they will convey that to the CA Department of Fish & Game staff and MBNMS Advisory Council.



Deborah asked what is appropriate for the Advisory Councils or individual members to do in this process since it deals with state waters? Does the MBNMS Advisory Council want to do anything more on this issue? Bill commented that the Advisory Council does have a prominent role to play in state waters, almost as much as in the federal waters. The Advisory Council can have a comment role if they want to take one. Staff would like to see a consensus as a part of this and is asking for the Advisory Councils input, which could be provided at the February meeting. Paul commented that it would be counter productive to comment on these packages because they will be changing. The final packages may not be seen until May. He suggested people stay informed and provide comments as an individual.

A concern was expressed about MBNMS taking a position on things. The sanctuary's role should be to back up CDFG, but to provide a position is going too far for the sanctuary.

## **VII. SEABIRD COLONY PROTECTION PROGRAM**

Karen Reyna (Resource Protection Specialist / GFNMS) provided an update on the Seabird Colony Protection Program. This program is an item under the GFNMS Wildlife Disturbance action plan in their management plan. The goal of the program is to improve the survival of California's seabird species by reducing human disturbances at their breeding and roosting colony sites from Point Sur to Point Reyes, working in collaboration with State and Federal agencies and non-governmental organizations. The program is being funded by monies acquired in the prosecution of the owners and operators of the *T/V Command* that was found illegally discharging oil into the GFNMS and MBNMS. There are plans to develop a website and fact sheet.

Mr. Tsuneyoshi (California Boating and Waterways) commented that he would be happy to add to publications where boaters should stay away from.

## **VIII. ANNOUNCEMENTS**

Chris Harrold (Research / MBNMS) mentioned a research initiative by the Monterey Bay Aquarium in collaboration with Stanford University on white shark distribution and patterns. Twenty-three adult white sharks have been tagged off the Farallon Islands, Ano Nuevo and Point Reyes with archival satellite tags that are programmed to release days, weeks or months after tagged. In the next year or two these tags will be coming back with information used to determine where the sharks have been, water temperature, etc. The Monterey Bay Aquarium will report back when they start to receive data.

PJ Webb (Citizen At-Large / MBNMS) announced there has been another municipal waste sewage spill in the southern end of the Monterey Bay National Marine Sanctuary. This is violation fifty-three for San Simeon. A lot of these spills were south of the Piedras Blancas elephant seal rookery.

Stephanie Harlan (Association of Monterey Bay Area Governments / MBNMS) as Chair of the Santa Cruz County Sanitation District announced that they have declared a moratorium on new hook ups for four or greater homes or businesses into three gulch lines. These lines are at max capacity and have potential for overflowing. They received some complaints from developers. They are trying to avoid spills.



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National Marine Sanctuaries Advisory Councils  
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Brian Baird (CA Resources Agency) announced that January 13<sup>th</sup> is the next meeting of the Ocean Protection Council in Santa Barbara. The 4<sup>th</sup> Annual California and the World Oceans Conference in Long Beach on September 17-20, 2006. He hopes that the National Marine Sanctuary Program and will help sponsor this conference.

Tracey Weiss (Education / MBNMS) announced the Sanctuary Education Panel (SEP) has changed the date of the next meeting. It was set for January 16<sup>th</sup>, but has been moved to January 30<sup>th</sup> from 3:30 to 5:30 in the MBNMS conference room.

Maria Brown (Superintendent / GFNMS) announced that Brenda Donald, Research alternate for GFNMS, was heading up an ad hoc San Francisco exclusionary zone working group and has provided an update on what they will be focusing on. They will be reporting at the January 12<sup>th</sup> meeting on what are the issues that are outstanding in the exemption zone. Steve Shimek has been invited to be a member of the working group and anyone else from the MBNMS Advisory Council can be on the working group as well. Also, the GFNMS is currently going through their Advisory Council recruitment. She encouraged current members to reapply and anyone else from the public to apply.

The meeting adjourned at 3:19 p.m.  
Submitted by Nicole Capps



**Resolution on Seismic Airgun OCS Inventory Activities**

*Whereas*, the Omnibus Energy Act of 2005 was adopted by the U.S. Congress and signed into law during July of 2005; and

*Whereas*, this Omnibus Energy Act calls for an Outer Continental Shelf (OCS) “Inventory” to explore for potential oil and gas resources in all federal waters, including within sensitive areas heretofore protected by the 24-year bipartisan congressional moratorium and within the waters of all U.S. National Marine Sanctuaries; and

*Whereas*, the “OCS Inventory” provision of the Omnibus Energy Act of 2005 threatens the fragile biological resources of the U.S. National Marine Sanctuaries and undermines longstanding precedents for ecosystem protection embodied in the National Marine Sanctuaries Act and in the Designation Documents and Regulations of each National Marine Sanctuary site; and

*Whereas*, seismic airgun surveys for oil and gas purposes have been implicated by peer-reviewed scientific studies in causing damage to fisheries and marine mammals; and

*Therefore*, be it jointly resolved by the Monterey Bay and Gulf of the Farallones National Marine Sanctuary Advisory Councils strongly encourage a legislative amendment exempting the waters of all sites within the National Marine Sanctuary System from the “OCS Inventory” contained in the Omnibus Energy Act of 2005; and

*Further*, be it jointly resolved that any seismic airgun surveys for oil and gas proposed outside of the boundaries of any U.S. National Marine Sanctuary potentially affected by such surveys should be subject to the ecosystem protection objectives and consultation requirements of the National Marine Sanctuaries Act, and the affected sanctuary’s Designation Document and Regulations.

**Passed and approved on December 9, 2005, in Half Moon Bay, by separate motions by the Gulf of the Farallones National Marine Sanctuary Advisory Council (5-0) and the Monterey Bay National Marine Sanctuary Advisory Council (15-0)**