

MONTEREY BAY NATIONAL MARINE SANCTUARY  
ADVISORY COUNCIL MEETING

Friday, October 25, 1996  
Chamber of Commerce Building  
8045 Moss Landing Road  
Moss Landing, CA

AGENDA

8:30 AM  
Coffee and Sign-in (Showing of Sanctuary video)

9:00 AM  
Call to Order, Roll Call, Approval of August and September Meeting Minutes, and Swearing-in of Tom Pedersen, new Enforcement Representative

9:30 AM  
Public Comments on Items not on the Agenda

9:45 AM  
Special Presentation of Award for Excellence in Service to the Monterey Bay National Marine Sanctuary to Les Strnad

10:15 AM  
Discussion: Schedule of Events and Issues for the October Visit of Stephanie Thornton, Chief, Sanctuaries and Reserves Division

11:00 AM  
Update: Sanctuary License Plate Sales and Marketing

11:15 AM  
Discussion: Collection of Jade in the MBNMS

12:15 PM  
Lunch (Announcements from Council Members)

1:15 PM  
Working Group Reports: Education  
Conservation  
Research  
Business & Tourism

1:45 PM  
Presentation: WQPP

2:00 PM  
Discussion: Proposed Edward F. Ricketts Underwater Park

2:30 PM

Sanctuary Managers<sup>1</sup> Report - Review Permit Reports (September and October)

3:00 PM

Presentation: Northern MBNMS Program

3:30 PM

Presentation: Santa Cruz Wharf Sanctuary Interpretive Center

4:00 PM

Adjourn

MONTEREY BAY NATIONAL MARINE SANCTUARY  
ADVISORY COUNCIL

Meeting Minutes

Friday, October 25, 1996

Moss Landing Chamber of Commerce Building

Moss Landing, California

The Monterey Bay National Marine Sanctuary Advisory Council met on Friday, October 25, 1996 in the Moss Landing Chamber of Commerce Building in Moss Landing, California. Public categories and government agencies present and representing a quorum were as indicated:

Agriculture: Richard Nutter	Diving: Ed Cooper
AMBAG: Not Represented	Education: Dorris Welch
At Large: Karin Strasser Kauffman, Chair	Enforcement: Tom Pedersen
At Large: Steve Webster, Vice Chair	Enforcement Alternate: Roy Torres
At Large: David Iverson, Secretary	Fishing: Dave Danbom
Business & Industry: Steve Abbott	Ports & Harbors: Joe Townsend
CA EPA: Not Represented	Recreation: Thomas La Hue
CA Coastal Commission: Les Strnad	Research: Gregor Cailliet
CA Resources Agency: Not Represented	Tourism: Ed Brown
Conservation: Rachel Saunders	U.S. Coast Guard: LCDR Dean Lee

The following non-voting members were present as indicated:

Monterey Bay NMS: Terry Jackson	GFNMS and CBNMS: Ed Ueber
Channel Islands NMS: Not Represented	ESNERR: Steve Kimple

I. CALL TO ORDER, ROLL CALL, APPROVAL OF AUGUST AND SEPTEMBER MEETING MINUTES

The Meeting was called to order by the Chair at 9:15 AM.

The Chair welcomed the Advisory Council and members of the public in attendance and commented that the Sanctuary Program was probably the most significant program of benefit to the Central Coast. The Chair also thanked the audience for attending and explained that the meeting's sudden relocation from Big Sur to Moss Landing was due to the fire. The Advisory Council will schedule the January 10, 1997 meeting in Big Sur.

The DRAFT minutes from the August 23, 1996 and the September 27, 1996 meetings were reviewed and

approved as presented.

## II. SWEARING-IN OF TOM PEDERSEN, NEW ENFORCEMENT REPRESENTATIVE

Capt. Tom Pedersen from the California Department of Fish and Game (CDFG), was sworn in as the new Enforcement Representative to the Advisory Council. Roy Torres will serve as the Enforcement Alternate.

Advisory Council members raised the question of whether or not the National Oceanic and Atmospheric Administration (NOAA) should have a voting position on the Council. The discussion was instigated by the fact that the Enforcement Representative on the Council has historically been a NOAA employee, and that proposed revisions to the SAC Charter expand the enforcement position to include the CDFG. Because Roy Torres will serve in an alternate capacity, he will attend Council meetings only when Tom Pedersen cannot. This will give NOAA, as an agency, less of a participatory voice in addressing issues raised by the Advisory Council. The Chair considered the remarks and directed that a letter be sent to the Sanctuary Manager requesting that he contact the Federal Agency to learn their comments on this matter.

## III. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Dave Clayton raised two issues for consideration by the Council:

1. Concerns about the practice of <sup>3</sup>tree-fishing;<sup>2</sup> it's legality and the regulations governing it. The Advisory Council will include a full discussion of the fishing practice on the January 10, 1997 meeting agenda.
2. A letter on behalf of the Conference of California Councils regarding the perceived ineffectiveness of the Advisory Council in addressing several issues of importance to the diving community, and NOAA's apparent unresponsiveness to the desires and needs of the community was read aloud to the Council. A copy of the letter is attached. (See Attachment A).

## IV. PRESENTATION OF AWARD OF EXCELLENCE TO LES STRNAD

The Sanctuary Advisory Council honored Les Strnad for his 23 years of work for the California Coastal Commission and his many accomplishments in support of marine environmental protection. In presenting a Plaque of Appreciation from the Advisory Council, the Chair, Karin Strasser Kauffman, recognized Les as a stellar example of someone who works to meet the ideal of the Monterey Bay National Marine Sanctuary (MBNMS) Program. Les has not only designed coastal and intercoastal marine protection programs, but he has motivated others to make a real commitment to our natural resources.

Les graciously accepted the plaque and commented on how wonderful it was to receive the recognition of the Advisory Council. The MBNMS stands out as a highlight of his career. In his remarks Les mentioned that his involvement with the creation of the MBNMS has been both wonderful and frustrating, but he has always been impressed by the local community here. Les believes that the Sanctuary Advisory Council is setting an example for the rest of the country, and his statement, <sup>3</sup>We are developing the public trust, the marine resources belong to everyone and it is our responsibility to take care of them and to teach how to conserve them forever. Public trust is a privilege not a right,<sup>2</sup> embodied what he has been preaching and practicing throughout his career.

Les spoke about his medical leave and explained that he still plans to work on watershed management.

On behalf of the City of Monterey, Terry Jackson presented a Certificate of Appreciation from the Mayor, City Council, and the citizens of Monterey.

Comments from Advisory Council members are as follows:

... Ed Brown -- <sup>3</sup>Les always had a vision, an idea, a solution -- he brings forth ideas and he makes them happen. Thanks for all you brought to the program, to the area, and in particular to our friendship.<sup>2</sup>

... David Iverson -- remarked that he will remember fondly how much Les contributed to the efforts of the Half Moon Bay community in marine resource protection.

... Greg Cailliet -- <sup>3</sup>Les has worked to educate a citizenry that supports an Estuary, a Sanctuary, an Aquarium, a Marine Institution, and much more. (I) look forward to your continued work with the Research Activity Panel.<sup>2</sup>

... Les responded, <sup>3</sup>If we don't care about the future education of our children, we are lost.<sup>2</sup>

... Joe Townsend -- <sup>3</sup>Les has always been an active player -- always helped the Port Commission over hurdles.<sup>2</sup>

... Rachel Saunders -- Expressed the gratitude of the Conservation community. <sup>3</sup>Les optimizes the public servant who is so dedicated that the standard is set for us to follow.<sup>2</sup> Rachel also commented that she looked forward to working more with Les on resource protection.

... Dorris Welch -- Commented that she was at first overwhelmed by the vast knowledge, breadth of experience, and length of exposure that Les possesses. She has been inspired by him and looks to him as a model for we can do individually with our lives and professions to protect our marine resources. <sup>3</sup>Les lives and breathes the ethics of dedication to conservation and to his family.<sup>2</sup>

... Ed Cooper -- Observed that Les has done much for divers and protecting their access to the dive sites in and around the Sanctuary. Ed continued, <sup>3</sup>(Les) is an incredible idea man. He has new visions and solutions for this environment.<sup>2</sup>

... In response, Les commented, <sup>3</sup>...get rid of two words in your vocabulary -- <sup>3</sup>I<sup>2</sup> and <sup>3</sup>NO<sup>2</sup> -- and replace them with <sup>3</sup>WE<sup>2</sup>. We need to keep moving forward. It's always harder to say <sup>3</sup>How can we make it work?<sup>2</sup> We can, with value, stewardship, and ethic.<sup>2</sup>

... Steve Webster -- Contributed his accolades and suggested that <sup>3</sup>Les brings one of the greatest strengths to the table -- the ability to foster productive partnerships and an obvious commitment to making it work for all the right reasons -- it goes right to the core.<sup>2</sup>

... Thomas La Hue -- <sup>3</sup>Thank you for your role as an inspiration to my life to educate and protect.<sup>2</sup>

... Dick Nutter -- <sup>3</sup>Sometimes there exists a conflict between those who steward the sea and those who steward the land. Les has brought a realistic approach to bringing the two sides together. Les has brought common sense. I salute you!<sup>2</sup>

... Terry Jackson -- Thanked Les for all that he did to shape the MBNMS and for his role as a counselor about Sanctuary resources and issues, and as a friend for the last four years. Terry commended Les on his ability to solve problems and break down barriers to the benefit of the Program.

... Daphne White -- seconded Terry's comment and thanked Les for his generosity of spirit.

Les concluded the remarks by commenting that, just as a child learns how to walk, the Sanctuary must also pass through the often difficult stages of development. The work of the Advisory Council is helping the

program make a difference in the development of national marine policy.

## V. DISCUSSION: SCHEDULE OF EVENTS AND ISSUES FOR THE OCTOBER VISIT OF STEPHANIE THORNTON, CHIEF, SANCTUARIES AND RESERVES DIVISION

Stephanie Thornton, Chief of the Sanctuaries and Reserves Division (SRD) of NOAA, will be visiting Monterey the week of October 28, 1996. She has agreed to meet with the Advisory Council to resolve questions surrounding the legitimate authority of the group. The meeting is scheduled from 1:30 PM - 6:00 PM in the Ocean View Conference Room at the Monterey Bay Aquarium. Karin encouraged Advisory Council members to attend as much or all of the special meeting. She observed that the Council has done a superb job of defining a structure, protocols, and procedures for the MBNMS and others. Karin plans to follow up the meeting with a written summary of the proceedings and a request for a written response to the issues raised.

Suggested issues to address at the October 28, 1996 meeting include:

- ... Finalize Advisory Council relationship with NOAA;
- ... Address the perceived "us" versus "them" attitude;
- ... Reduce the lag time for decisions from SRD;
- ... Specific issues need to be resolved now, notably Jade Cove;
- ... Consider staff trades -- encourage Sanctuary staff and headquarters personnel to visit each others work places more often and become more involved;
- ... Address the Vessel Traffic Study;
- ... Find out the Status of the Enforcement MOU; and,
- ... Contracted employees in the MBNMS.

Advisory Council members were reminded that the primary purpose of the meeting will be to address issues of communication and authority. Once those questions are finalized, other matters, such as those listed above, will be addressed.

The Chair informed the Council that the delegation from SRD is also visiting to interview the finalists for the MBNMS Manager's position. The interviews are scheduled for Tuesday and Wednesday, October 29 and 30, 1996. Finalists have been asked to present their Vision about the Program to the MBNMS. Sanctuary Advisory Council members are invited to attend the presentations.

## VI. UPDATE: SANCTUARY LICENSE PLATES AND MARKETING

Carla Martin from Armanasco Marketing provided an update on the status of the license plate program.

Highlights of the report include the following:

- ... 2,440 plates have been sold;
- ... There are banners advertising the plates hanging over a main street in four cities. The banners were sponsored by the Pebble Beach Company, the Bank of Salinas, and Monterey County Travel. The Advisory Council directed that a letter of appreciation be sent to the sponsors;
- ... Public Service Announcements (PSAs) -- Advisory Council members reviewed the language for the PSAs and asked that it be changed to emphasize the Sanctuary education efforts;
- ... Armanasco is working with the auto dealers asking them to sell the plates as part of the final sale of an automobile;
- ... The BAYOTR internet has put the plates on-line free of charge; and,
- ... Friends of Long Marine Lab have shown an interest in selling the plates.

Following detailed discussion, the Advisory Council requested that Armanasco investigate the possibility of purchasing the remaining plates in order to give them to Sanctuary supporters and educators, such as

teachers. The funds to purchase the plates would have to come from contributions, therefore, the advertising focus would have to be re-directed. Advisory Council members commented that it would probably be easier to raise the money through individual solicitations rather than through the PSAs.

The Advisory Council recommended that Aramansco consider using the Sanctuary Foundation as a method for purchasing the plates to assure a tax-deduction to the donor.

Ms. Martin stated that she will investigate the legalities of the purchase and will inform Jane DeLay at the MBNMS of the options by Monday, October 28, 1996.

## VII. JADE COLLECTION IN THE MBNMS

Advisory Council members heard testimony from members of the audience on the long and often frustrating experience surrounding the National Oceanic and Atmospheric Administration's (NOAA's) proposed rule making process especially concerning the collection of jade in the MBNMS. In essence, jade collectors presented three major concerns: 1) that NOAA does not appear to take comments from the public seriously in its decision making process; 2) that the use of lift bags and small hand tools, such as a pry bar, are crucial to the safety of the collector in removing jade from the surf zones; and 3) that the rule-making process in this situation has taken an inordinate amount of time, and communication about the process has not been sufficient.

Elizabeth Moore, a Program Specialist for the Sanctuaries and Reserves Division, was present at the meeting to help answer questions about the issue. Ms. Moore, along with Scott Kathey, a Program Specialist for the MBNMS, have co-authored the Environmental Impact Statement (EIS) on jade collection in the MBNMS. According to Elizabeth Moore, the proposed rule states that loose jade can be taken; tools cannot be used; liftbags will be permitted; and, jade can be taken from the historical collection area.

At the time of the meeting, the above comments were submitted as recommendations only and still need to be approved by NOAA attorneys and by the Director of the Ocean Coastal Resources Management (OCRM) division of NOAA, and the National Ocean Service (NOS). Because of the approvals still required before the proposed rule can be opened for a 90-day comment period, Ms. Moore was unable to confirm a timeline for closure on the topic.

Advisory Council members tried to address the concerns of the public in a lengthy discussion. With respect to the jade collecting communities' perception that NOAA fails to consider public input, Council members questioned Ms. Moore if the comments were considered in NOAA's decision making process. Ms. Moore confirmed that public input is always considered and presented a list of percentages describing the content of letters in support of various aspects of the issue. Moreover, Rachel Saunders commented that many recommendations provided by the public in this matter had been incorporated into the language of the proposed rule; for instance the allowance of the use of lift bags was in direct response to comments that the jade collection community submitted.

The audience was reminded that there will still be a 90-day comment period on the proposed rule and that written communications from the public should be objective, factual, and scientifically based. The jade collecting community should provide technical information supporting the use of specific tools necessary in the removal of jade.

Council members also requested that the following action be taken by SRD to improve communications and understanding of the issue:

1. that SRD provide the public with a timeline for when the proposed rule is expected to be finished;
2. that the MBNMS consider holding the public hearing on the issue in the Big Sur area -- Terry Jackson informed the group that the Sanctuary has already been approached by the Pacific Valley School as a

venue for the hearing;

3. that SRD complete the EIS and that it include a bibliography.

Members of the public read written statements about jade collecting and its importance to them. The letters are attached. (Please see Attachments B and C)

The Advisory Council reiterated that the main issue now was not about jade collection, but centered around the entire rule-making process. Council members will bring up questions and frustrations surrounding the process when they meet with the SRD delegation on Monday, October 28.

Finally, the Jade Cove community emphasized that it was not trying to take unrestricted amounts of jade, or that it advocates collection without regulations. Rather, they would like to see realistic regulations governing the use of some tools and that stones over 100 pounds only be collected with permits.

Council members thanked the jade collection community for attending the meeting and complimented them for their patience and decorum in handling the issue and cooperating with the Sanctuary Program.

## VIII. ANNOUNCEMENTS

... Thomas La Hue -- Workshop on December 5, 1996 in Salinas to address watersheds. It will be an opportunity for the public to become involved. Tom will give a report on the workshop at the January meeting.

... Steve Kimple -- 1) finishing the 75-100 seat amphitheater at the Elkhorn Slough National Research Reserve; it will be available for organizations to use; and, 2) on recent tour of Scotland, Steve met people from England who told him that a visit to the ESNERR was the highlight of their entire trip to the U.S.

## IX. WORKING GROUP REPORTS

Sanctuary Education Panel (SEP) -- Dorris Welch, Chair of the SEP provided an update of activities. Highlights of the report included:

... The SEP didn't meet in October due to significant scheduling conflicts with the implementation of existing education programs;

... The group is working to complete the book titled Sanctuary Explorations -- it should go to print in early spring;

... Dorris met with educators and experts to look at potential sites for internet technology. The goal is to get Sanctuary information into the classrooms;

The SEP is involved in developing new types of educational materials; i.e., video images and internet capabilities;

... The Sanctuary interpretive program for State Parks<sup>1</sup> Rangers was well received and an effective use of time. Dorris was happy to learn that staff rangers are working on K-12 programs;

SEP member Wendy Ward is working on the Sanctuary Symposium and a teacher training workshop for the week prior to the Symposium;

... Dorris Welch attended the Southwest educators meeting in Santa Barbara: she met the teaching staff at the Sea Center and met with the Channel Islands National Marine Sanctuary staff;

... The next SEP meeting is November 14, 1996 from 2:30 PM - 5:30 PM at the Santa Cruz Port District Office. Agenda items will include: potential internet project; Gulf of the Farallones NMS programs; and revisiting the MBNMS education priorities.

Conservation Working Group (CWG) -- Rachel Saunders, Chair of the CWG, provided an update of the group's activities. Highlights of the report included:

... CWG members are working on the development of a volunteer monitoring workshop;  
... The CWG reviewed potential candidates for the conservation award for the Sanctuary Symposium;  
... Reviewed the CWG meeting schedule and locations for 1997;  
... Concentrated on recommendations for the proposed Edward F. Ricketts Underwater Park;  
... CWG members expressed an interest in having Andrew DeVogelaere, the Research Coordinator for the MBNMS, to come to a meeting to give an update on the Sanctuary research plan;  
... BAY NET will be starting a new class on Wednesday, October 30, 1996;  
... The CWG will be revisiting the man-made underwater noise issue at the November 19, 1996 meeting. Working Group members were concerned that no action has been taken since the issue was raised last year;  
... CWG members reviewed and commented on the Sea Otter Recovery Plan;  
... The next meeting of the CWG will be on Tuesday, November 19, 1996 at the Moss Landing Harbor District office.

Research Activity Panel (RAP) -- Greg Cailliet, Chair of the RAP, provided a written report of the group's activities. (Please see Attachment D).

Business & Tourism Activity Panel (BTAP) -- Steve Abbott, Co-Chair of the BTAP provided a report of the group's activities. Highlights of the report included:

... Steve Abbott, Ed Brown, Karin Strasser Kauffman, and Jane DeLay met on Wednesday, October 23, 1996 to discuss the objectives of the effort and to draft an agenda for the Monterey Regional Business & Tourism Activity Panel meeting scheduled for Monday, November 18, 1996.

## X. WATER QUALITY PROTECTION PROGRAM (WQPP)

Les Strnad reported on events related to WQPP. Highlights of the report included:

... There was a program development team meeting last month. The team will be dealing with agriculture and issues associated with non-point source run-off. With respect to agriculture, the consensus of the group was to postpone formal workshops with the agriculture community in Monterey until constituencies in the northern and southern regions of the Sanctuary could be reached. The WQPP will be focusing additional attention on Santa Cruz and San Mateo Counties: staff will be visiting all of the sites. The coordinated workshop will be next year;

... The WQPP is looking to secure long-term funding and support from SRD and the new Director in particular;

... The WQPP will be working to better coordinate existing regulations before speaking with constituents throughout the Sanctuary. Regulatory agencies have formed a subcommittee to initiate a process of gathering case histories that may be slowing the regulatory process. Cases would be analyzed from the regulatory standpoint for how to develop WQPP for agriculture. The WQPP would like to streamline the entire regulatory process;

... The WQPP will be constructing a series of small workshops with the various regulatory agencies to pilot a framework of tests with land owners;

... Implementation of strategies continues regarding the urban runoff program. The WQPP is developing a statewide program;

... Save Our Shores, with assistance from the WQPP, received a grant for 87k to help clean up the harbors in the Sanctuary;

... Advisory Council members were encouraged to help promote the WQPP; and

... The State of California has adopted the WQPP as the model for statewide water quality programs.

## XI. DISCUSSION: PROPOSED EDWARD F. RICKETTS UNDERWATER PARK



Advisory Council members discussed possible actions concerning the proposed underwater park. After reviewing the RAP recommendations concerning the park and the recommendations of the Center for Marine Conservation, the Advisory Council decided to write a letter to the cities of Monterey and Pacific Grove asking for them to describe the City Council's hearing process and to notify the Advisory Council of when the hearings about the underwater park are going to be scheduled.

In general, the Council felt that it needed more information from the California Department of Fish and Game about the current status of fish populations in the proposed park area. Although the Advisory Council is on record for having stated its support, in concept, of the underwater park, Council members expressed a need to resolve some of the issues about research and educational take, as well as kelp harvesting before they could go forward with a unified voice in support of the proposal.

## XII. SANCTUARY MANAGER'S REPORT

Terry Jackson, Manager of the MBNMS provided a written report. (Please see Attachment E). In addition to the written report, Terry announced that Joanne Flanders has taken Mark Pickett's place as the MBNMS Assistant Manager. The Advisory Council directed that a letter of appreciation be sent to Mark for his work on behalf of the Sanctuary.

Ed Ueber provided a report of activities in the northern region of the MBNMS. Highlights included:

- ... The Office has investigated the possibilities of an interpretive center in Pacifica;
- ... The Gulf of the Farallones National Marine Sanctuary has finished training its Beachwatch volunteers for this year. Beachwatch has over 100 volunteers in the northern MBNMS;
- ... One day of the Tiburon conference was dedicated to the MBNMS; the conference featured field trips, one of which covered the northern MBNMS;
- ... There is a list of NOAA buoys due for removal by NOAA's weather service. The Advisory Council requested that the subject be placed on the November meeting agenda for a more in-depth discussion. Dave Danbom, Fishing Representative to the Advisory Council remarked that the weather buoys are very important to the fishing industry, and that anything the Council can do to help keep them would be appreciated. Terry stated that he would check on the matter and, if necessary, would write a letter recommending action.

## XIII. SANTA CRUZ WHARF INTERPRETIVE CENTER

Marty Akerman, from the City of Santa Cruz, and the Curator of the Santa Cruz Museum, presented a model of the Interpretive Center's building and potential exhibits. Project organizers are hoping to open the Center by Memorial Day 1997.

## XIV. ADDITIONAL BUSINESS

Rachel Saunders presented a draft letter addressed to the Secretary of Transportation regarding the Vessel Traffic Study (VTS) and requesting closure on the report. Council members reviewed the letter and made suggested edits before approving it. Terry Jackson suggests that the letter not be sent pending results from the meeting with SRD concerning the Advisory Council's authority to send written correspondence to entities outside the Department of Commerce. The Advisory Council over-ruled the recommendation and voted to send the letter as soon as possible. The MBNMS Manager, Stephanie Thornton, and congressional representatives will be copied.

Advisory Council members decided to address the DRAFT Protocols with Stephanie Thornton during the meeting on Monday, October 28. The Protocols serve as an important companion to the revised Advisory Council Charter. Advisory Council members requested that a preamble be added to the Protocols that will

clarify the goals of the Council.

The Chair conveyed the Advisory Council's appreciation to Tami Grove, Rachel Saunders, Terry Jackson, and Jane DeLay for their work on the document.

The meeting adjourned at 3:45 PM.

Respectfully Submitted,

Jane M. DeLay  
MBNMS Advisory Council Coordinator