

MONTEREY BAY NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL

FINAL

Meeting Minutes

October 1, 1999

Douglas Beach House

Half Moon Bay

The Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council met on Friday, October 1, 1999 at the Douglas Beach House in Half Moon Bay. Public categories and government agencies were present as indicated:

Agriculture: Richard Nutter - ABSENT

Diving: David Clayton

AMBAG: Ruth Vreeland

Education: Patricia Clark-Gray

At Large: Steve Webster

Enforcement: Doug Huckins

At Large: Erik Schmidt

Fishing: Dave Danbom

At Large: Chet Forrest

Ports & Harbors: Steve Scheiblaue

Business & Industry: Steve Abbott

Recreation: Sally Smith

CA Coastal Commission: Tami Grove - ABSENT

Research: Gregor Cailliet

CA EPA: EMPTY

Tourism: Matthew Twisselman

CA Resources Agency: Brian Baird

Conservation: Ron Massengill

U.S. Coast Guard: LCDR Phyllis Blanton - ABSENT

The following non-voting members were present as indicated:

Channel Islands NMS: Ed Cassano

Gulf of the Farallones NMS and Cordell Bank NMS: Ed Ueber

Elkhorn Slough NERR: Becky Christensen

Monterey Bay NMS: William Douros

I. CALL TO ORDER, ROLL CALL, APPROVAL OF AUGUST 6, 1999 DRAFT
MEETING MINUTES, REVIEW OF CORRESPONDENCE

A) Call to Order and Roll Call

The meeting was called to order by the Chair at 9:40 a.m. Lisa de Marignac conducted the roll call - a quorum was present.

B) Approval of Meeting Minutes

The minutes from the August 6, 1999 Advisory Council meeting were approved as amended.

C) Review of Correspondence

The Chair passed around the sign-up folder for Advisory Council correspondence written since the last Council meeting.

II. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Amy Zumwalt, Save Our Shores, provided an update on SOS activities at their satellite office at the northern end of the Sanctuary.

Allen Tom, Hawaiian Islands Humpback Whale National Marine Sanctuary, encouraged the MBNMS and HIHWNMS Advisory Councils to contact each other.

Sally Smith reported that Robert Dearing, recreational fisherman, is concerned about the large commercial vessels and spotter airplanes fishing for blue fin tuna in the Monterey Bay area.

III. WORKSHOP: INCREASING MBNMS FUNDING USING THE SANCTUARY FOUNDATION

Steve Webster, Chair, opened the workshop by reviewing the Advisory Council's roles beyond attending the regular Council meetings, the funding task force's first meeting, and the July 26, 1999 memo from Bill Douros regarding funding.

Bill Douros reviewed the Sanctuary office's fiscal year annual operating planning and budget process, explaining that the office has submitted two budgets for FY2000 - a base budget and a budget with new funding - to its headquarters. Because the federal budget has not yet been approved, the Sanctuary office is currently operating on a base budget with a continuing resolution for the entire federal government.

At the request of the funding task force, Bill provided a Sanctuary budget summary for FY2000 which included a list of office needs. Orally, Bill provided details on the following projects which need additional funding, even if the Sanctuary receives its larger budget request:

- ... Water quality monitoring
- ... Multicultural education
- ... Core operations
- ... Visitor centers
- ... Patrol and research vessel
- ... Urban runoff plan
- ... Agriculture plan
- ... Harbors/marinas plan
- ... Tidepool management
- ... Salmon habitat management
- ... Sustainable fisheries research
- ... Harmful algal blooms
- ... Land use planning
- ... Outreach materials
- ... Marine mammal habitat/sea otters
- ... Kelp forest monitoring
- ... Habitat monitoring programs
- ... Beach COMBERS

- ... Exotic species
- ... Partnerships in business

Bill introduced Dennis Long, Executive Director, Monterey Bay Sanctuary Foundation. Dennis gave a presentation on the Foundation's origins, the current scenario, a summary of activities, his two-year and five-year vision for the Foundation, and other nonprofit models.

The Monterey Bay Sanctuary Foundation was founded in 1995 as the California Marine Sanctuary Foundation (501(c)(3) Public Benefit Corporation) with the purpose of advancing the understanding and protection of the Monterey Bay Sanctuary and other California Sanctuaries. The Foundation focuses on conservation and education. Today, the Foundation has five Board of Directors, a part-time executive director, bookkeeper, and accountant. Funding is primarily restricted - designated for specific activities. The Foundation acts a fiscal sponsor for projects, develops and administers educational and outreach programs, and develops and distributes products. Dennis discussed current project supported in part or in whole by the Foundation, and Foundation products and special events.

The Foundation's major constraint is solvency. As of October 1999, the Foundation has \$450,000 in total funds, \$425,000 which are restricted. Total expenses to run the Foundation for a year are \$23,000.

Dennis' two-year vision for the Foundation includes a clearly documented and communicated strategy; synergy with other Sanctuary related organizations; and expanded ongoing revenue source which include new products, increased fiscal sponsorships and interagency coordination, and new revenue vehicles in the form of individuals, businesses, and foundations and grants.

In five years, Dennis would like the Foundation to be a substantial financial resource that provides grant funding for other organizations and augments the annual NOAA budget; as well as a significant marketing and public relations presence to create funding opportunities and promote the Sanctuary and its supporters.

Dennis presented an overview of other foundation models, including the National Park Foundation, the Yosemite Association, the Yosemite Fund, the Grand Canyon Association, the Grand Canyon NP Foundation, California State Parks Foundation and Cooperating Associations, and other marine sanctuaries. Dennis believes the Monterey Bay Sanctuary Foundation has the opportunity to be a pioneer in establishing a successful national marine sanctuary foundation.

Discussion among Council members and presenters focused on:

- ... articulating why someone should donate money to the Sanctuary - what has the Sanctuary done for me?
- ... using the Sanctuary's needs list as a method to encourage financial support
- ... attending Sanctuary functions and talking with others about the Sanctuary meets the Advisory Council's fundraising role in direct and indirect ways
- ... recruiting a famous person to sit on the task force
- ... get full geographic representation on the task force
- ... many planning agencies will donate time to create a long-range marketing plan
- ... clarify misconceptions to the public
- ... need for increased federal funding for National Marine Sanctuary Program

IV. UPDATE: FY2000 BUDGET AND REAUTHORIZATION

Bill Douros gave an update on reauthorization of the NMSA. Regarding the current reauthorization bills, HR1243 (Saxton) has been approved on the floor and S1482 (Snowe) is the most likely Senate bill to move forward; S1420 (Kerry) does not seem to be going anywhere. Bill referred Council members to the latest comparison chart of the four bills, including the Administration's bill.

Council members discussed amendments to the reauthorization letter dated September 22, 1999.

David Clayton made a motion to re-send the reauthorization letter with edits to the section on multiple use and Steve Scheiblauber seconded the motion.

Discussion ensued re: multiple use.

Ruth Vreeland made a motion to focus discussion first on the wording of the section on multiple use, and to then deal with the letter as a whole as a separate motion. The motion was seconded and passed unanimously.

David Clayton's motion was clarified to make the following changes to the section on multiple use -
any deletion of the concept of "multiple use", or of the word "facilitate" when used in regard to "multiple use", from reauthorization language....
The motion was seconded and passed with eleven in favor and three opposed.

Discussion ensued on the section of the letter regarding enforcement.

Ruth Vreeland made a motion to strike the paragraph on enforcement. Greg Cailliet seconded and the motion passed unanimously by the Council, with agreement that the staff would follow-up with clarification regarding authorized enforcement officers in the current NMSA Act.

A motion was made to strike " will make such a bill unacceptable" in the section on multiple use, and replace it with "is of great concern." The motion was seconded by Greg Cailliet and passed with seven in favor, six opposed and one abstention.

Steve Scheiblauber made a motion to re-send the reauthorization as amended, and to further amend the letter by stating that it supersedes the previous letter dated September 22, 1999. Greg Cailliet seconded and the motion passed unanimously.

Chet Forrest made a motion to send the apology letter to the Chief of MSD as drafted by Steve Webster, to be signed by Steve Webster and Steve Abbott. Steve Scheiblauber seconded and the motion passed unanimously.

Bill gave an update on the FY2000 budget. The House Appropriations Committee has recommended a funding level of \$16.5 million for the Marine Sanctuary Program in FY2000, and the Senate Appropriations Committee has recommended a funding level of \$18.5 million.

Discussion ensued among Council members and the public regarding Secretary of Commerce William Daley's response to the letter sent by California congressionals in support of President Clinton's proposed budget for the NMSP.

V. PRESENTATION: CINMS MANAGEMENT PLAN REVIEW

Ed Cassano presented an overview of the CINMS Management Plan review process. The 1992 Reauthorization of the NMSA required that five years after the designation of any national marine sanctuary, and at subsequent five year intervals, "the Secretary shall evaluate the substantive progress toward implementing the management plan and goals for the sanctuary, especially the effectiveness of site-specific management and techniques, and shall revise the management plan and regulations as necessary to fulfill the purposes and policies of this title."

CINMS was designated in 1980 and its management plan and regulations went into effect 1982. Management Plans are site-specific documents used to manage individual sanctuaries. These plans set priorities, contain regulations, present existing programs and projects, and guide the development of future regulations. Management plans are being revised at different sanctuaries because of statutory requirements; most sanctuary management plans are between 7 and 15 years old and may not address current resource protection issues; they may not incorporate current marine resource management concepts and practices; and they do not contain performance indicators to evaluate the effectiveness of the sanctuary

In reviewing its management plan, CINMS is using a community-based public process organized by CINMS, and coordinated by the national office. The process is driven by site-specific issues, but may also address issues of national concern. A small team of local and national staff have been assigned to the task and the CINMS Sanctuary Advisory Council is participating in all phases. CINMS is also using local contractors/consultants to assist. The process will include all of the following components:

- ... Public scoping meetings
- ... Synthesize scoping comments and present results to public
- ... Workshops on most relevant issues to be addressed by EIS
- ... DEIS/draft management plan released for public comment
- ... Final EIS/management plan

Currently, CINMS has held seven scoping meetings from Long Beach to San Luis Obispo at which 150 participants commented. CINMS has received and additional 150-175 letters, faxes and emails. Regarding boundary expansion, CINMS received 750 signatures for boundary expansion, 150 against boundary expansion.

Major issues raised as a result of the scoping process include:

- ... Water Quality
- ... Education and Outreach
- ... Research, Monitoring and Enforcement
- ... Boundary Redefinition
- ... Military Activity
- ... Oil and Gas
- ... Marine Reserves
- ... Sea Otters
- ... Other Management Issues

Next, CINMS will contract an independent researcher to describe a geographic range for assessing ecological linkages. The report will undergo an internal review and the finding will be presented to the CINMS Advisory Council prior to finalizing the study area. CINMS will also begin focusing on defining the issues raised during the scoping meetings by synthesizing and prioritizing the issues, determining feasibility, and drafting a DEIS.

Workshops will begin in January 2000; the DEIS is scheduled for release in June 2000, and the Final EIS is scheduled for December 2000.

VI. DISCUSSION: TIDEPOL MANAGEMENT

Steve Webster presented the draft recommendations of the tidepool working group subcommittee. Advisory Council and working group members who attended the September 21 meeting regarding tidepool management were: Steve Webster (SAC), Ron Massengill (CWG), Milos Radakovich, (CWG), Chris Harrold (RAP), Andrew DeVogelaere (RAP & MBNMS) and Liz Love (SEP & MBNMS).

The group decided to make general recommendations to the Advisory Council on tide pool issues and to initiate a list of resource management questions related to the Sanctuary rocky shore habitat.

Recommendations from the subcommittee regarding tide pool management are:

1. As coastal human populations and ecotourism increase over the next 20 years, rocky shores are a habitat that will potentially feel the brunt of this growth. Rocky shores should be considered a high priority habitat for resource management, and efforts should be made to attract state and federal funding to address the questions below.
2. The Advisory Council and Sanctuary staff should play a major role in the state process of reviewing marine protected areas. An example of how this could be done is by obtaining seats on related review/advisory committees and demonstrating strong influence at public proceedings. This effort would match well with the Sanctuary priority to study zonal management.
3. There was concern about piecemeal regulations for small segments of coastline. The Sanctuary should be viewed as the agency to address concerns, and then it should facilitate a process with citizens and management agencies to come up with regional solutions. The Advisory Council may want to consider the best ways to inform the public of this opportunity.
4. Related to the above recommendation, tide pool management issues should be viewed in regional and Sanctuary wide perspectives, not site by site. For example, we may be interested in increasing access at some sites for education while discouraging access at sites with sensitive species. The committee does recognize, however, that there is so much variability between rocky shore sites that each merits individual assessments.
5. Sanctuary staff should be present at every Pacific Grove City meeting where the Pt. Pinos tide pool issue is on the agenda, clearly stating the Sanctuary's interest and role in this process. It was felt that Sanctuary is not viewed as an important management agency related to this issue.
6. Management decisions should be based on objective information, not unsubstantiated perceptions. Monitoring information with studies to address specific questions, see below, are needed for effective long-term conservation. Public perceptions, accurate or not, must be addressed as part of management and regulatory solutions.
7. The CDFG publishes a pamphlet for the public "1999 Sport Fishing Regulation" which talks about all the different regulatory agencies involved in resource management. The Sanctuary should be mentioned in this publication.
8. The Sanctuary should play a lead role in coordinating and working with regional partners/communities to conduct education programs aimed at the importance of tide pool habitat etiquette (especially including reduction of human impacts substantiated by research and monitoring).

Resource management questions related to the Sanctuary's rocky shores:

1. Are there harvested (legally and illegally) species that are heavily depleted?
2. What species are susceptible to local and regional extinction?
3. How do different human uses and varying intensities of these uses impact rocky shore communities? Trampling, harvesting, water quality and ship groundings are example human impacts.
4. What is the natural variability in time and space for the distribution and abundance of rocky shore species (this includes biodiversity)?
5. What is the potential for oil spills, and what are the optimum cleaning schemes to maximize recovery rates? A response plan for an oil spill on Sanctuary rocky shores should be outlined and understood by potential responders.
6. What are the impacts of road maintenance on the Big Sur coast to rocky shore systems?
7. What is the potential for restoring rocky shores that have been damaged by human impacts (trampling, collecting, oil spill, grounds)?
8. What is the best method to assign monetary value to rocky shore resources? This is critical information for mitigation after human impacts, and to know the value of maintaining a health ecosystem (for tourism, etc.).
9. What trends could be detected from CDFG collecting permits, and should the permit process be modified?
10. Are there potential management schemes, such as a rotating human access in time, to maintain healthy species assemblages while allowing compatible multiple use?
11. This list should be viewed as preliminary, not as comprehensive.

Discussion ensued regarding the issue of tide pool management, the confusing jurisdictional and regulatory system, the need for education and outreach.

Brian Baird stated that the CA Resources Agency would be interested in receiving the final recommendations.

VII. REPORT: CA RESOURCES AGENCY REPORT ON MARINE MANAGED AREAS

Brian Baird announced that the CA Resources Agency released its draft report on marine managed areas. The Resources Agency is holding public workshops along the California coast to gather comments and suggestions regarding the report.

The development of the report was a result of the "Ocean Agenda" and an analysis by the state which found that California's current array of marine managed areas was confusing and in need of revision. The current marine managed areas were created over the past fifty years by an uncoordinated and complex mix of legislation, regulations, and voter initiatives.

To address the issue, the Resources Agency convened the State Interagency Marine Managed Areas Workgroup to better define and evaluate state marine managed area classifications, and to develop a coordinated strategy for improvement. The workgroup found that there are 18 different classifications of marine managed areas, many with similar names and very different purposes. The limited number of management objectives, in addition to the large number of classifications, resulted in an overlap in the intent of certain classifications. The draft report recommends four different classifications with distinct objectives.

Brian encouraged Advisory Council member attendance at the upcoming public workshops.

The report is scheduled to be finalized in January or February 2000.

VIII. UPDATE: FIBEROPTIC CABLE PROJECTS

Bill Douros provided an update the proposed fiberoptic cable projects. The Sanctuary is still working with Santa Cruz County to preparing a DEIS for the MFS Globenet project. The Notice of Intent closed and the Sanctuary held a public scoping meeting in Moss Landing. The Sanctuary received nine comments on the proposed project.

The Global Photon project is continuing to work with the State Lands Commission to release an EIR. The Sanctuary office has requested that Global Photon release an EIS.

Council members discussed potential impacts to Sanctuary resources as a result of these projects.

XI. DISCUSSION: CWG REQUEST RE: FORT ORD STORMWATER PIPES

Ron Massengill, acting CWG chair, presented the group's request that the Advisory Council consider the issue of the removal of the Fort Ord dune stormwater drains at its December meeting.

Steve Webster reminded the Advisory Council of its selected priorities and criteria for placing agenda items. Discussion ensued regarding the staff letter sent on this issue. The Advisory Council agreed to put the topic on the December agenda should time permit, and suggested that the Council participate in a site visit to the Fort Ord dunes prior to discussing the issue.

X. COUNCIL MEMBER ANNOUNCEMENTS

Pat Clark-Gray announced that the Boy Scouts participated in Coastal Cleanup. She presented a patch to Steve Abbott in thanks for Duke Energy's funding.

Greg Cailliet presented verbal and written update on the RAP's activities.

Becky Christensen announced that the annual Monterey Bay Birding Festival is being held at Elkhorn Slough this upcoming weekend.

Ruth Vreeland announced that the City of Monterey is re-enacting the constitutional signing this weekend.

Chet Forrest announced that ecotourism is booming in the southern end of the Sanctuary, and that Highway 1's Scenic Byway designation has been extended further south.

David Clayton reported on the Coastal Cleanup activities at Monterey Harbor. Divers recovered 2,000 lbs of trash, while a crane pulled another 2,000 lbs of debris from the water (Updated information - a total of 5,880 lbs of trash and recyclables was removed from Monterey Harbor).

Doug Huckins reported on an abalone bust in the San Francisco Bay area.

The meeting adjourned at 4:00 p.m.

Respectfully submitted,
Lisa de Marignac
Advisory Council Coordinator