

**MONTEREY BAY NATIONAL MARINE SANCTUARY  
ADVISORY COUNCIL**

**DRAFT**

**Meeting Minutes**

**February 2, 2001**

**Best Western – The Beach Resort  
2600 Sand Dunes Drive  
Monterey, CA 93940**

The Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council met on Friday, February 2, 2001, at the Best Western Beach Resort in Monterey, California. Public categories and government agencies were present as indicated:

Agriculture: Richard Nutter	CA State Parks: Bill Berry
AMBAG: Stephanie Harlan	Conservation: Vicki Nichols
At Large: Ron Massengill	Diving: David Clayton
At Large: Jenna Kinghorn	Education: Pat Clark-Gray
At Large: Deborah Streeter	Fishing: Dave Danbom (alternate)
Business & Industry: Dave Ebert	Ports & Harbors: James Stilwell
CA Coastal Commission: Tami Grove	Recreation: Dan Haifley
CA Dept. of Fish and Game: <i>awaiting appointment</i>	Research: Chris Harrold
CA EPA: Craig J. Wilson	Tourism: Burke Pease
CA Resources Agency: Brian Baird	U.S. Coast Guard: LT Tom Stuhldreier

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  
Monterey Bay NMS: William J. Douros

Alternates present:

Ruth Vreeland, AMBAG  
Patrick Conroy, At-Large  
Jeff Kwasny, At-Large  
Harriet Mitteldorf, At-Large  
Tony Warman, Business/Industry  
Heidi Tiura, Recreation  
Jeff Paduan, Research

**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 9:05 a.m. Brady Phillips 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.

Members starting new terms include:

Richard Nutter, Agriculture (primary)  
Ron Massengill, At Large (primary)  
Jenna Kinghorn, At Large (primary)  
Deborah Streeter, At Large (primary)  
Dave Ebert, Business & Industry (primary)  
Dan Haifley, Recreation (primary)  
Chris Harrold, Research (primary)  
Burke Pease, Tourism (primary)  
Bill Berry, CA State Parks (primary)

Kirk Schmidt, Agriculture (alternate)  
Jeff Kwasny, At-Large (alternate)  
Patrick Conroy, At-Large (alternate)  
Harriet Mitteldorf, At-Large (alternate)  
Tony Warman, Business/Industry (alternate)  
Heidi Tiura, Recreation (alternate)  
Jeff Paduan, Research (alternate)  
Ted Balestreri, Business/Industry (alternate)

C) Approval of Meeting Minutes

**MOTION: (Passed)**

**The SAC unanimously adopted the minutes from the December 1, 2000 Sanctuary Advisory Council meeting, without changes.**

Motion introduced by Craig Wilson, seconded by Lt. Thomas Stuhlreyer  
Vote: 18 in favor, 0 opposed (unanimous)

## **II. SELF-INTRODUCTION OF NEW SAC MEMBERS**

New members stood up, 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.

## **III. ELECTION OF NEW VICE-CHAIR AND SECRETARY**

After serving consecutive terms on the SAC, both Steve Abbott (Vice-Chair) and Ed Brown (Secretary) decided not to seek reappointment. This opened up the Vice-Chair and Secretary positions on the SAC.

Dave Dambom nominated Richard Nutter for the Vice Chair seat. Brian Baird seconded the nomination. No other nominations were offered. Vote: 18 in favor, 0 opposed (unanimous)

Vicki Nichols nominated Dan Haifley for the Secretary seat. Deborah Streeter seconded the nomination. No other nominations were offered. Vote: 18 in favor, 0 opposed (unanimous)

### New SAC Officers:

Vice Chair Term Two-years: Richard Nutter  
Secretary Term: One-year: Dan Haifley

## **IV. INTRODUCTION OF VISITING SAC CHAIRS, SAC COORDINATORS AND HEADQUARTERS STAFF**

Bill Douros provided the SAC a brief summary of the SAC Chair – Coordinator Meeting held in Monterey on January 30 and February 1. This meeting provided an excellent opportunity to get SAC Chairs and Coordinators from around our program together to speak about issues and opportunities related to SACs.

Stephanie Harlan also provided a summary of the SAC Chair – Coordinator meeting. She thought it was a productive meeting and provided an excellent opportunity to meet other SAC Chairs, Coordinators, and NOAA staff. At the meeting, Stephanie was asked to provide a summary issues the SAC helped the Sanctuary work on. She used the vessel traffic issue as the primary example of how the SAC got involved in an issue and helped the Sanctuary move forward to a successful conclusion. Stephanie also expanded discussion of the SAC by mentioning the MBNMS' knowledgeable and committed SAC members, the productive and issue-driven working groups, the retreat with Brock Bernstein, the SAC's annual retreat, and new Sanctuary offices in Cambria and Santa Cruz and in forthcoming Half Moon Bay as other SAC issues and priorities.

Each SAC Chair attending the meeting introduced themselves and provided a brief description of their Sanctuary and SAC.

Lisa Randlette: Chair, Olympic Coast SAC. Lisa mentioned that the range of Sanctuary issues and their geographic representation varies from site to site. Despite the diversity, there is great commonality and many opportunities to learn from each other. One issue the OCNMS SAC is working on is to advise the staff on implementing an Area to be Avoided for vessel traffic. The Olympic Coast is a remote area along 60-70 miles of the outer Washington Coast, mostly adjacent to Olympic Natl. Park. There are no real urban communities adjacent to the coast, but there are four native American tribes with management jurisdiction in the Sanctuary. Range of issues from commercial fishing to other user group issues. Hope to learn about some of the MBNMS's urban projects. Focus on MPAs in intertidal areas.

Hannah Bernard: Chair, Hawaiian Islands Humpback Whale SAC. The HIHWNMS is the only single species Sanctuary in the system, but it also protects the whale's winter breeding habitat. The SAC has always been a proponent of the Sanctuary and its mission to bring stakeholders together to reach common ground. The national system provides an opportunity to work with and learn from each other. The SAC Chair meeting provided a feeling of unity and common ground. Those drawn to sanctuaries are done so out of passion, whether for the resources or the things they provide. The Sanctuary can serve as a role in bringing everyone together. There is a real sense of power in unity, even though there are differences. Similar to the Olympic Coast, the HIHWNMS also has sensitive Native Hawaiian issues.

Aulani Wilhelm: staff, Northwest Hawaiian Islands Coral Reef Reserve. The site is only two weeks old, and was created by Presidential Executive Order. At recent public meetings on the reserves, over 90 –95% of the testimony was in favor. Native Hawaiians are major proponents. The reserve is located about 700 miles NW of the major population centers of Hawaii, and is spread out over 1200 nautical miles. Eventually, the site will become a national marine sanctuary. There has been some concern raised by native Hawaiians about having federal government manage ceded lands.

Debbie Harrison, Vice Chair, Florida Keys NMS. The FKNMS is sort of a sister sanctuary to MBNMS. It was the only Sanctuary that had a water quality protection program, until Monterey came along. She hopes to share the process they used to create an ecological reserve in the Tortugas with California. The Florida Keys prides itself of being contentious. The Sanctuary agreed it would not deal with fisheries management issues and left management with the fishery management councils. However, they did address biodiversity and habitat protection issues in the Sanctuary. They successfully worked with fisheries management councils and fishermen to try and create more sustainable fisheries. The Water Quality Protection Program has been successful in helping pass the Florida Keys Water Quality Improvement Act, which authorizes \$100 Million in water quality improvement and infrastructure improvements. The FKNMS created a subcommittee to work on water quality issues and developed specific protocols in terms of actions (so they didn't lobby). Senator Boxer supported these initiatives in the FKNMS.

Mike Murray, staff Channel Islands NMS (speaking for Diane Meester, SAC Chair, who had to return to Santa Barbara): Mike extended an invitation to MBNMS SAC to attend a yet to be determined reception and meeting. The SAC Chair-Coordinator workshop proved to be very useful to learn that problems and issues experienced on their council are found at different sites. Mike summarized the Channel Islands Management Plan Review, stating that they are just about ready to release the DEIS/MP. They have worked closely with their SAC for over 2 years to make it happen. They have a lot of lessons to share with the rest of the program.

Becky Shortland, staff Gray's Reef NMS (speaking for Jim Henry, SAC Chair, who had to return to Savannah): Gray's Reef is located about 20 miles offshore Georgia, and is a 17 sq. mile sanctuary. They are also in the process of reviewing their management plan (written in 1983). Early in the process they heard from a number of user groups who were concerned about closing off the Sanctuary to use (fishing and diving). The management plan review process has helped to bring in vast levels of public input into the process. Outstanding opportunity to work with others and learn what others are doing. Both Becky and Jim are stunned at the levels of complexity that other sites experience.

Introduction of other staff members from the NMSS, including Liz Moore and Jennifer Lukens.

## **V. COMMENTS FROM OUTGOING SAC MEMBERS; COUNCIL MEMBER & STAFF ANNOUNCEMENTS**

Stephanie Harlan announced that this year's Sanctuary Currents will be held on March 16 & 17 at Monterey Hyatt Regency. The theme this year is on the protection of salmonids and their habitat. For more information, visit <http://www.mbnms.nos.noaa.gov/special/currents2001.html>.

Craig Wilson: Governor Davis included a new clean beach initiative in the State's new budget proposal. Up to 70% of the budget is for infrastructure and activities related to stormwater runoff. There is also money available toward wetland protection.

Brian Baird: The State recently commented on the Minerals Management Service's 5-year oil and gas leasing plan. In short, the State does not want to see future leases off the California coast. In Washington, D.C., the Commerce, State, and Justice bill contained some monies for the Conservation and Reinvestment Act (CARA) Fund (\$150 Million will go to 7 states with offshore oil and gas, with \$18 Million slated to go to California. Of this amount, 35% would go to local governments within California). They are currently developing a plan by July 1 as to how the remainder of money would be spent.

Tami Grove: There are several upcoming California Coastal Commission meetings, including:

San Luis Obispo, Feb. 13, Tues., at the Embassy Suites, 333 Madonna Road in San Luis Obispo. There will be another meeting on May 8-11, at the Cocoanut Grove Hotel in Santa Cruz. For more information visit <http://www.coastal.ca.gov/web/>

Dave Clayton : There will be an underwater Monterey Harbor and Sanctuary clean-up dive on Sat. Feb. 10<sup>th</sup>. Monterey Harbor will help dispose of trash and shuttle divers in boats. At the last underwater clean-up, over 120 divers participate, this winter he expects between 80-100. They are still in need of people to help out and support from the land-side.

Heidi Tiura: Mentioned that Sanctuary Cruises is interested in helping reward volunteers for the work they have done to protect the Sanctuary's resources.

Stephanie Harlan: Announced the “Bridging the Gulf Between Fishermen and Scientists” Seminar sponsored by the Sanctuary on April 4 at the Monterey Bay Aquarium. The author, David Dobbs, will talk about the book and answer questions about the gulf between knowledge of fisherman and fishery managers. For more information visit <http://www.mbnms.nos.noaa.gov/special/dobbs.html>

Chris Harrold: Public Seminar Series: Saving Our Seas: March 7 (Value of Ocean Wilderness), April 18 (True Tales of Past Abundance), May 2 (New Strategies to Reverse these Trends) Each evening panel of experts talk for hour, second hour open public forum. For more information visit: [http://www.mbayaq.org/vi/vi\\_exhibits/vi\\_ex\\_public\\_events.asp](http://www.mbayaq.org/vi/vi_exhibits/vi_ex_public_events.asp)

Pat Clark Gray: Pat distributed the Sanctuary Education Panel minutes for the last meeting and reminded everyone they are held on the 3<sup>rd</sup> Thursday of every month and are open to other SAC members and the public.

Bill Douros – Awarded a SAC appreciation certificate to outgoing SAC member Karin Strasser Kauffman and thanked her for her commitment and time spent as a founding member of the SAC.

Karin Strasser Kauffman – Provided outgoing comments and read a letter she wrote to the SAC. She believes that serving on the SAC, particularly as its founding Chair, has been very stimulating and she has learned a great deal from fellow Council Members. She has great respect for SAC members and staff. Karin described some of the turbulent times for the MBNMS SAC over the years. When the first SAC was sworn in there was no Sanctuary manager, and at another point in time there were three managers. But overall, the SAC created and put in place a strong structure and rule of communicating, which has helped the SAC survive these years. If you don’t have the structure and agreement on the protocols, it will be difficult to move forward. Overall, Karin believes that conflict and disagreement can be a good thing and help in discussing the issues. Interested persons should consult the letter Karin handed out to SAC members for a full description of the issues she raised.

## **VI. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Mike Ricketts: read a letter from the Alliance of Communities for Sustainable Fisheries. This is a alliance was recently formed to provide leadership in MBNMS’s management plan review process as it pertains to the effects on the fishing community.

The alliance is in the process of organizing and identifying study areas or issues that they hope will result in industry-supported recommendations that the SAC and Sanctuary management will advocate to the State and Federal fishery managers empowered to regulate fishing. They request the Dr. Holly Price be assigned to work with the group throughout this process.

The following organizations have signed on as supporters to the Alliance of Communities for Sustainable Fisheries:

- Pacific Coast Federation of Fishermen’s Associations
- Port San Luis Commercial Fishermen’s Association
- Morro Bay Commercial Fishermen’s Association
- Monterey Commercial Fishermen’s Association
- Fishermen’s Association of Moss Landing
- Santa Cruz Commercial Fishermen’s Association
- Pillar Point Commercial Fishermen’s Association
- Fishermen’s Alliance
- Institute for Fisheries Resources
- Western Fish Boat Owners Association
- Port San Luis

- Morro Harbor
- Monterey Harbor
- Moss Landing Harbor
- Santa Cruz Harbor
- Pillar Point Harbor
- Ventura County Commercial Fishermen's Association
- Federation of Independent Seafood Harvesters

At least 14 people rose in the audience to show their support for this alliance and the letter read by Mike Ricketts.

Vicki Nichols: Asked Mike if they are working with the State of California in their Marine Life Protection Act process. Mike said they are working or trying to work with all state and federal agencies but they are still in the organizing stage at this point.

Bill Douros indicated he will call Mike to set up a meeting with him, Dave Danbom and other interested members of the alliance.

Brian Baird: recommended that the alliance send a copy of this letter the Director of the Dept. of Fish and Game. It is a good letter and productive way to approach the issue.

Dick Nutter asked Bill if the MNBMS will impact the way fisherman can fish today. Bill responded that it is not the intention of the MBNMS. But the management plan review will be an open public process and such issues concerning fishing will likely be raised. The Sanctuary hopes to establish a process to involve all the stakeholders, such as that used for in developing the agriculture plan. Bill applauded Mike and his group for coming to the Sanctuary and getting involved in the process early on.

Dave Danbom: Dave provided a brief history of the establishment of the MBNMS. It was first proposed in the mid-1980s. Word got out that the Sanctuary would eliminate fishing. Dave handed then Congressman Panetta a stack of petitions that killed the first attempts to designate the Sanctuary. In the early 1990s, Panetta pursued the idea of establishing a Sanctuary to protect the area from oil drilling and maintain high water quality. He needed the support of the fishing community and assured the fishermen that the way fisheries were managed would not change and would remain under the same state and federal management regimes. After a lot of debate and discussion, the fishermen supported the creation of the Sanctuary.

Dave read a section of the final designation document (from the Federal Register) relating to fisheries management. He stated that it is a positive thing for the Sanctuary to work with the fishing community and recognize existing fishery management agencies. They don't want the Sanctuary program to betray the trust of the past. This would not be a Sanctuary without the support of fishermen.

The following people rose and spoke in front of the SAC in support of the Alliance of Communities for Sustainable Fisheries, and the letter written by the alliance:

Kathy Fosmark, Vice President of the Fishermen's Association of Moss Landing. She noted that the West Coast Fishermen's Processing Association signed on as a supporter of the letter last night.

Dennis Garmony – Moss Landing Commercial Fisherman

Kurt Soloman, Moss Landing Commercial Fisherman

Mike Stiller, Santa Cruz Commercial Fishermen's Association

Frank Emerson: Fishermen's Alliance of California. Expressed his concern that the Sanctuary will get involved into fishery management.

Clyde Saunders, Pacific Grove resident and member of the Carmel Steelhead Association. He added that the SAC is a representation of local interests but that not all truly represented with one seat for fishing.

Jack Thompson: elected official in Monterey County

Steve Fosmark: Commercial fisherman and with the Federation of Independent Sea Harvesters

Jim Stilwell: Ports and Harbors of the Sanctuary support this effort by the fisherman to assure the fishing industry is adequately considered and weighed in the management plan review process. The ports and harbors want to make sure there is significant outreach and public involvement in this process. The Sanctuary should make sure that fishermen from Mexico to Canada be involved since they fish these waters.

Wayne Moody: Morro Bay Commercial Fisherman member of the Western Fishboat Owners Association. Wayne expressed concerned to hear first hand that the council is experiencing difficulty in terms of not being heard and not getting their points across. He encouraged the SAC and MBNMS to uphold pledge not to regulate fishing and to leave management to the Calif. Department of Fish and Game, and the Pacific Fishery Management Council. Fishing Communities can and must be an integral part of fisheries management. The WFOA encourages the Sanctuary to include local fishing communities in the process and perhaps form a new fishing working group to get more representation. For more information visit: <http://www.afrf.org>

Francesca Crow: Moss Landing Fishermen's Association

Leroy Ludahl, Moss Landing Commercial Fisherman

Duncan MacClean: President, Half Moon Bay Fishermen's Association. Duncan provided written testimony and expressed concern that the Sanctuary appears to be getting involved in fisheries which would violate the trust and promises of past, and be duplicative of existing management efforts. He is also concerned about marine reserves and claimed it would be a challenge to show how overpopulating one species can yield benefits to future populations and ecosystems. There are still many activities that are allowed that damage juvenile fish. Be careful to judge marine reserves by the facts.

Chris Harrold: Stated that one of the key questions that most people are concerned about is not only the impact of fishing on the fisheries, but on the habitat and ecosystem. We must first find out if there is a problem, and then determine possible solutions to the problem. Kathy Fosmark noted that one of the problems of data is getting the money to get the hard data. Chris Harrold also mentioned that on Feb. 17, the AAAS will hold a session in San Francisco devoted to the science and policy of marine reserves. He encouraged fishermen to attend.

Peter McIssac: San Francisco Bar Pilot Association. In 1996, the San Francisco Bar Pilots Assn. were approached by members of the shipping industry and the U.S. Coast Guard to provide pilotage service for Monterey Bay. As a result of that request, the SF Bar Pilots Assn. sponsored Senator McPherson's proposed bill, SB 2177 in 2000. SB 2177 would have expanded the jurisdiction of the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and

Suisun to include Monterey Bay. SB 2177 was stalled in the Assembly in 2000. The SF Bar Pilots Assn. are considering a similar bill for 2001. The pilots feel it is important to seek feedback to those who live and work on and near Monterey Bay before proceeding further.

Vicki Nichols: Thanks for the SF Bar Pilots Assn. in cooperating with the MBNMS in addressing the vessel traffic issues. Vicki asked the SF Bar Pilots a clarifying question in terms of their intent in Monterey. Peter indicated that if there are cruise or other commercial ships to come into Monterey Bay, they would like the pilots to go through the SF Bar Pilots Association for extra safety and assurance in getting ships in and out of the bay.

SB 2177 is stalled due to a concern over the monitoring of gray (bilge) water. The SF Bar Pilots Assn. does not support this portion of the bill since they are pilots and are not trained in water quality monitoring.

Jim Stilwell: Most of the waters of Monterey Bay are state waters and are subject to statutory requirements of the state. The U.S. Coast Guard was the entity who requested that the SF Bar Pilots Assn. provide the pilotage service for the Seaborn Cruise Ship. Jim raised concerns about impacts of the cruise ships to the environment in terms of trash, sewage, introduced species. The ports and harbors expressed an interest in not only have pilotage, but also to ensure the protection of the Sanctuary's waters.

Santa Cruz, Moss Landing, and San Mateo Harbor Districts each give to local legislative bodies the authority to control local pilots. These harbors wanted an arrangement similar to Stockton, where the local port districts would have some say in terms of who would be selected as the pilot. They wanted to ensure that the local sanctuary resources were adequately protected.

Bill Douros also indicated the Sanctuary met with the SF Bar Pilots Assn. and expressed similar concerns about resource protection.

Tami Grove: Can the current harbors accommodate this, or would there be a need to build adjacent coastal infrastructure. Jim responded that the vessels currently anchor off Monterey and do not dock. In their future they expect more boutique cruises that carry about 80 passengers.

Stephanie Harlan asked for volunteers among SAC members to form a subcommittee to review applications for the vacant primary Fishing and alternate Conservation Seats. The following people responded:

Stephanie Harlan  
Jenna Kinghorn  
Heidi Tiura  
Dan Haifley  
Vicki Nichols

## **VII. UPDATE: OFFICE OF NATIONAL MARINE SANCTUARIES**

Dan Basta, Director, Office of National Marine Sanctuaries distributed a summary of his vision for the Sanctuary program.

The Sanctuary Program brought together SAC Chairs and Coordinators for the first time this week in Monterey. It is the policy of this program that all sanctuaries will have SACs. The National Program will continue to support SACs and organize an annual SAC Chair-Coordinator meeting. Dan feels strongly that SACs help encourage local dialogue.



With respect to fishing Dan indicated that fishing communities around the country have raised similar concerns as we designate new sites or revise management plans. The Sanctuary program is proposing to bring other fishing colleagues from around the country to Monterey to help discuss the issues relevant to fishing communities and how we can work together. This first meeting will occur in April. In addition, the Sanctuary program can help assist local fishing communities with the logistics of organizing and meeting internally. The program stands ready to provide funding to organize meetings, prepare materials, or bring in necessary speaker or facilitators to help their process. The letter from the Alliance of Communities for Sustainable Fisheries is a great first step to get them engaged in the process.

Overall, Dan conveyed that this is a time of great opportunity and growth with the National Marine Sanctuary System. It is a program of effective community interaction and one that is experiencing growing pains. The management plan review process is the vehicle to make change in individual sanctuaries. Dan mentioned that if members are having problems with the SAC or feeling disenfranchised, the management plan review will be a community-based process in which all issues are fair game. It will be an opportunity to determine to say if we like the way sanctuaries are being managed or if there needs to be changes.

In California, the Sanctuary program is looking at reviewing the management plans for Monterey Bay, Gulf of the Farallones, and Cordell Bank. Dan said this is a scary concept and Marine Protected Areas (MPAs) frighten people, but assured the SAC that the Sanctuary's management plan review process in central California will set the tone for how MPAs and coastal communities look at the coast throughout the entire West Coast.

Dan mentioned that the program will build upon the successes in the Florida Keys, where we found common interests and ground, and discovered that marine reserves could actually work. While the program does not have all the answers right now, it must create a blueprint for how we will answer the questions. The Sanctuary program will also rely upon the assets of NOAA to help in the process, including using the best science available.

The National Marine Sanctuary System's budget for 2001 is \$32 million. However, of this amount, \$12 M is one-year money from CARA and Heritage Funds. The program will have to fight next year to get these funds. As such, the program is not in a position to bring on new civil servants, but must rely upon contracts and contractors. The program also has \$3 M for construction, but it's hard to do any substantial infrastructure with that amount of money.

Dan also provided a brief update on the new National Marine Sanctuary Foundation that will be announced on March 27 at the Smithsonian Institution in Washington, DC. One of the purposes of this foundation will be to help the program raise private-sector funds for visitor centers.

Dan took questions from the SAC and public.

Dave Danbom: Indicated he has served on the SAC for over 8 years. This is the most significant meeting Dave has attended. The fishing industry organized themselves and is showing a real desire to work with the Sanctuary in their management plan review process. He is pleased that Dan came to Monterey and is extending a hand of cooperation and friendship with the fishing community.

Deborah Streeter: Asked about the origin of the name NOAA, which ultimately stands for preserving all of creation and not just humans. Deborah mentioned the worldwide movement integrating faith communities and environmental stewardship, of which she is part. She also asked about the new Administration in terms of how this program will fare. Dan Basta mentioned that the new Secretary of Commerce, Don Evans, was George W. Bush's campaign manager, and good friend. He was involved in oil and gas operations in Texas. His style to date has been to delegate authority. Nobody has yet been appointed to the leadership positions within NOAA. Dan

mentioned that this program must be proactive and convince this Administration that this program is the best way to deal with these types of issues and will work on ways to get the Secretary involved and aware of this program. SACs can help us raise awareness of the program and local communities.

Brian Baird: Asked if both the Cordell Bank and Gulf of the Farallones NMS would have SACs. Dan answered that eventually they would have two SACs.

Steve Shimek: Monterey and Santa Barbara galvanized on the oil issue in designating the sanctuaries. Steve wanted to know how the Sanctuary system could work together with the local communities so that we don't give ground to the offshore oil industry.

Vicki Nichols: Asked for Dan to consider providing opportunities for the conservation working group chairs or education working group chairs to get together on a national level.

### **VIII. UPDATE: SAC CHAIR-COORDINATOR MEETING**

Liz Moore gave a very brief update on the SAC Chair-Coordinator meeting since it had already been discussed in earlier agenda topics. Overall there were representatives from 10 of 14 sites. There were excellent discussions about the accomplishments and challenges at each site. Some of the topics covered included communication between councils, communications between councils and staff, and communication between councils and external constituents. There was also a training session on running and planning effective meetings. The Chairs agreed to come up with new protocols for communications. A subcommittee of SAC Chairs will take the lead in drafting these protocols. Final comments on the Draft SAC Handbook are due by February 28. A final report of the SAC Chairs – Coordinators meeting will be distributed to SAC members later this spring.

*Note: Stephanie Harland has to leave the meeting due to an illness. Richard Nutter, acting as the newly appointed Vice-Chair, chaired the meeting until the end of the day.*

### **IX. UPDATE AND ACTION: SANCTUARY INTEGRATED MONITORING NETWORK (SIMON)**

Mario Tamburri, MBARI Research Fellow working for the Sanctuary, gave an overview of the Sanctuary Integrated Monitoring Network (SIMoN). He can be reached at [Mario.tamburri@noaa.gov](mailto:Mario.tamburri@noaa.gov).

Objectives: To Develop and implement an ecosystem monitoring network to detect natural and human induced changes to Sanctuary resources.

Rationale:

- Mandated to implement a monitoring program
- A leader in marine science >30 research institutions
- meaningful data shared between researchers, managers, educators, and the public

Approach for Developing SIMoN

- Summarized and integrated information from existing monitoring efforts (done)
- Identified and prioritized key questions and basic monitoring approaches in a workshop (done)
- Identified the critical knowledge gaps and developed a monitoring network strategy (done)
- Drafted a comprehensive ecosystem monitoring plan (done)
- Secure funding (needed!)

### Foundation for SIMoN

- Comprehensive, long-term monitoring is a fundamental element of resource management and conservation.
- Coordinated, standardized approaches to monitoring are essential to effectively determine temporal and spatial trends
- To assure the effective and continuous evaluation of MBNMS and its resources, a commitment towards a stable network of flexible ecosystem and issue based monitoring programs is needed.

### Principle Goals of SIMoN

- Integrate existing monitoring efforts
- Initiate basic surveys or characterizations of all habitats or regions
- Establish a series of essential long-term monitoring efforts
- Initiate specific, question driven monitoring efforts with fixed duration
- Provide timely and pertinent information

### MBNMS Monitoring Areas of Need

- Overarching programs
  - Basic surveys and long-term monitoring
  - Historic data
- Specific focus programs
  - Anthropogenic inputs
  - Fishing and other consumptive activities
  - Effectiveness of protected areas
  - Coastal erosion
  - Estuary and wetland modification
  - Non-consumptive, physical human disturbances
- Rapid response programs (unforeseen extraordinary changes)

### Information Dissemination

- Map based web page
- Annual “State of the Sanctuary” reports
- Annual monitoring symposia
- Electronic list server bulletins
- Periodic technical reports
- Monitoring and resource management course

### SIMoN Administration

- Oversight board
- Sanctuary staff, 4 new positions (manager, coord., info. Specialist, GIS specialist)
- Science committee (prioritize new initiatives, draft RFPs)
- Monterey Bay Sanctuary Foundation (finances and accounting)

### New SIMoN Programs

- Prioritize new initiatives
- Generate request for proposals
- Pre-proposals
- External peer-review of full proposals
- Final internal SIMoN review

### Funding Concept for SIMoN

- State support, Existing programs, Private foundation support, NOAA funding, new project specific funding

### SIMoN Products

- Integrate and synthesize existing and newly initiated monitoring efforts
- Provide financial support for local research and monitoring efforts
- Provide an unparalleled basic understanding of this complex and important marine environment
- Provide managers with the information needed for decision-making
- Facilitate communication between researchers, managers, educators, and the public
- Serve as a model for National Marine Sanctuaries

Tony Warman: What is ecosystem monitoring? Mario: in terms of SIMoN, an ecosystem is the most basic way to describe how the different habitats interact with each other. Tony wanted to know if it would also include data from non-traditional research, such as whale watch or tour boats. Mario stated that there are provisions for this to happen.

Brian Baird: Wanted to know if there is a process to engage the State. Mario responded that various state agencies were involved in the initial symposia to tell the managers what their needs are.

Mario described the timetable for SIMoN. It exists, and they are deriving the first level RFPs for Elkhorn Slough projects. Ultimately, the entire project is dependent upon funding. Hopefully, much of it will be started to be implemented this year. We have commitments to hire 4 people under SIMoN. No State of the Sanctuary report will be produced until August 2002.

Bill Berry: Wants PDF File of SIMoN to send to his regional managers.

Bill Douros: SIMoN is a great example of where one of the SACs working groups (RAP) helped develop this program. The Sanctuary is looking for any advice as to how to improve upon this monitoring effort. Letter from the Council that can give us some feedback from the SAC on this report.

Dan Haifley asked about the overall budget. Mario stated it would cost about \$4.0 million per year for the first year, then about \$2.0 per year. Ultimately, it will be about \$450 K annually to administer the project. Currently there is about \$9.0 M spent by adjacent agencies and institutions in the Sanctuary on monitoring the sanctuary's resources.

Andrew DeVogelaere: just came back from the programs HQ and are looking for them to take a more involved financial role.

Deborah Streeter: How much of the material produced under SIMoN will be involved in laymen's terms. Mario indicated that one of SIMoN's purposes is to target some of the results to the general public. The website will have layers, where you can dig deeper if you want more specific information.

Craig Wilson: Complemented Mario and other scientists for completing this comprehensive plan. This is an excellent process to round up all the monitoring efforts in these waters. He sees SIMoN as a real opportunity to work with the State and it fits very well with the States monitoring efforts. He encourages the Sanctuary to work with the State and help with collaboration inside and outside of boundaries.

Bill Douros indicated that SIMoN would also used:

- 1) as a NOAA initiative to get long term effort to fund monitoring in sanctuaries and reserves
- 2) develop monitoring networks for all sanctuaries around the country, focusing on regions first.

Chris Harrold drafted a letter of support for SIMoN.

**MOTION (Passed):**

**To approve the letter from Stephanie Harlan to Bill Douros drafted by the RAP in support of SIMoN with two minor revisions that Chris Harrold will make.**

Motion introduced by Tami Grove; seconded by Dan Haifley

Vote: 17 in favor, 0 opposed (unanimous)

Encourage engaging in all other monitoring efforts at State and Federal levels. Make sure this is integrated with State efforts

**X. FAIR MARKET VALUE STUDY RE: FIBER OPTIC CABLES**

Bill Douros gave a brief description of NOAA's Fair Market Value Study pertaining to fiber optic cables. In general, NOAA has the ability to charge fees for special uses permits, when this activity will have no affect on Sanctuary resources. The purpose of the Fair Market Value Study is to provide NOAA with an informed and reasonable assessment of the fair market value for such activities. Bill asked the SAC if they wanted to provide comments to NOAA regarding the proposed assessment of the fair market value of cables in the MBNMS. Once published in the Federal Register, the public will have 30-days to comment. The study has not yet been published.

Vicki Nichols: The Conservation Working Group (CWG) has reviewed the Fair Market Value Study and has some specific comments. The CWG doesn't feel that the \$125K per mile is sufficient and doesn't take into account these are submerged cables and not on land. The California Dept. of State Lands has charged at least \$280K per mile in at least one case. In addition, the Fair Market Value Study assumes there will be no adverse harm to the Sanctuary resources and this may not be the case. It also doesn't take into consideration those cases where the permit conditions may not be met, such as in the Olympic Coast where the cables, in certain places, were not properly buried. In addition, the study does not take into account that fact that sanctuaries are species places, even more so than other ocean areas. The fee structure should be set in place that actually discourages placing these cables in Sanctuaries. Vicki also raised that point that the fees should be of a shorter duration, over a couple of years instead of a one-time fee, and that any collected fees should go to the Sanctuary affected by the project and not the general fund.

Jim Stillwell: Asked if the fees are for one-time assessment only. Bill responded yes that is how it is being proposed in the study.

Dave Clayton: Wanted to know if there was any provision to post a bond for the purposes of retaining funds to remove the cables when their useful life is over. Bill stated that this was one of the issues from NOAA fiber optic cable policy; this study was different, and was focused on developing a dollar amount to assess for "use" of Sanctuary resources.

Various SAC members discussed various concerns with fiber optic cables and the technology of laying cables. Some of the issues brought up included:

Tony Warman: Is there any relationship between the charge per mile and style of technology used in laying cable (i.e., excavating a 6" wide cut versus a 6' cut). The fee doesn't provide any inducement to minimize the impact. Bill Douros mentioned that this would be address early in the process as part of the EIS/EIR process and imposing conditions on the permit, and placing requirements to monitor and mitigate impacts.

Several SAC members engaged in a discussion about the impacts of unburied cables on marine mammals and whether there was a clear relationship. Vicki Nichols added that there was evidence of entanglement with a sperm whales and elephant seals. Brian Baird noted that there is an issue in

being able to adequately bury cables and even then they can still become unburied. Tony Warman said this all goes back to providing incentives for companies to use better and safer technology.

Jim Stilwell: Asked if the value of potential damage to resources was included in the valuation. Chris Harrold added that if there was an environmental impact, then the Sanctuary should not issue a permit for the cable. Thus, the fair market value should not reflect an environmental risk; instead it should be valued at the amount the market would bear.

The SAC turned the discussion to the amount charged per mile. Vicki Nichols thought the \$125K per mile is inadequate, and noted that State lands charge of \$280 K per mile. Dan Haifley added that the \$280K was not even through a marine protected area. Jim Stilwell said that if there is a significant risk to the resources then the project shouldn't go through. If there is no significant impact then allow the market forces dictate the price.

Bill Berry: NOAA's Fair Market Value analysis has not gone far enough. There are cases where companies have been charged \$3 million per mile by the State. The Sanctuary needs to know what the risks are to not only living resources but to cultural and archeological sites. The Fair Market Value does not include all the data in terms of what has been charged. You also should ask about the profit margin of a cable throughout its life.

Jim Stilwell: Duke Energy signed an MOU with City of Morro Bay to place an outfall into Morro Bay. They paid an annual fee of \$250K. Why limit yourself to a one-time fee.

A fisherman wanted to know if the cable would be over some of their fishing grounds. Cables can only be buried in sand not rock. They mainly fish over rock. What do they plan on doing for the fisherman? Steve Scheiblauber added that the Morro Bay cables are addressing some of the issues in terms of release of liability, compensation to gear, establishing a fund to enhance fishing grounds.

Brian Baird: According to the figure in the study, a cable going through 200+ miles of ocean would cost \$30 million. If it is a higher fee, it could go up to \$60 million. Many will view this as a very steep cost. Brian cannot support using \$280K as a baseline. The state is investigating these types of costs right now.

Vicki Nichols suggested that the SAC form a subcommittee to write a letter to NOAA elaborating on concerns of the CWG. The letter from S. Harlan to the Sanctuary Program.

Subcommittee volunteers included:

Jenna Kinghorn  
Vicki Nichols  
Dave Clayton  
Dan Haifley

Jim Stilwell expressed concerns about putting a specific number per mile in the letter without having a chance to review documents and discussing it in more detail. Bill suggested that the group agree on the principles, and then the subcommittee write the letter.

Kaitilin Gaffney: If SAC wants to stay away from a specific number, then the letter could suggest that NOAA consider the State Lands Commission number and other figures when coming up with an appropriate fair market value number per mile. Whatever number comes is finally determined should take into account the special status of the Sanctuary and its resources.

Vicki Nichols added that the letter could recognize importance of sanctuary and its resources, and tell NOAA to include other data points, such as those by the state lands commission figure in their analysis.

Tami Grove added further clarification to the letter: additional information has come to light, by peer reviewing, as to the fair market value that has been charged by other agencies. Look at amount of fee and various methods for assessing the fee. There is other information that may be available that should be considered in evaluating the amount of this fee. Include statement on special significance of resource.

#### **MOTION (Passed)**

**The SAC write a comment letter to the Office of National Marine Sanctuaries stating that there are other fair market fee structures charged by other agencies that should be considered in their analysis before finalizing their fair market value report. The letter should include a statement on the special significance of the sanctuary's resources in determining the amount that is charged. A letter drafting committee will be Jenna Kinghorn (lead), Vicki Nichols, Dave Clayton, Dan Haifley; Stephanie and Bill will review a draft letter. The final letter, once signed, will be sent to the SAC.**

Motion introduced by Jim Stilwell; seconded by ??  
Vote: 17 in favor, 0 opposed (unanimous)

Dan Basta noted that the cable companies are challenging us right now over the fee structure. We need to argue that such a charge is a legitimate charge, that sanctuaries are special, and if possible say something about other fair market right of way fee structures and some analysis if it is reasonable. Dan gave a brief synthesis of how the fair market number was derived. Important for SACs to support a fair market value assessment for right of ways for fiber optic cables. Not expecting the SAC to say exactly how much, but to let NOAA know if we missed specific data points in our analysis.

#### **XI. PRESENTATION: MANAGEMENT PLAN REVIEW**

Bill Douros provided an outline of the basic aspects of the management plan review process. Congress requires NOAA to review management plans. We will begin to review the management plans for all 3 north-central California (Monterey Bay, Gulf of the Farallones, Cordell Bank) sanctuaries this spring. For planning purposes, we have outlined a 2-year process that has been handed out to SAC members. NOAA hopes to hold the scoping meetings later in July or early August.

SACs will be a partner in recrafting the management plan review for the MBNMS. As we further go into the process, the role of the SAC and the public will increase.

##### Step 1: Initiation

Bill indicated the MBNMS would start the initiation process in late February. This will include an internal assessment that reviews the goals and objectives for each sanctuary and an assessment of how we've done at implementing the existing management plan. The MBNMS will also produce a State of the Sanctuary Report – which is a summary of what is known about the Sanctuary and its resources and issues. The Sanctuary program will also develop a constituent and media plan to help us organize our outreach to the public.

##### Step 2: Pre-Scoping

This step includes planning the logistics for the scoping meetings designed to get input from the public in terms of issues of concern and their feedback on the management plan. The Sanctuary program will issue a Federal Register Notice of Intent and release the State of Sanctuary Report to the public.

### Step 3: Scoping

Scoping is the period when the Sanctuary will solicit input from the public through meetings in local communities. There is general a period of 30-60 days to received comment, within which there will be an intense 2-3 week period of meetings with the public to tell the sanctuary as to what is working, what issues does the sanctuary need to address, etc. During this period the public could also submit written comments or send them via the website. Toward the end of this process, the Sanctuary will compile meeting comments and develop an internal working report.

### Step 4: Internal Evaluation of Issues

This is where the Sanctuary consolidates take all that we've learned and heard through all the public process, as well as our own internal issues, and evaluate the comments.

### Step 5: Characterize Priority Issues and Develop Recommendations

Once the issues have been grouped, the Sanctuary will work with the SAC to help prioritize the major issues to work on. The Sanctuary will then work with the SAC and the public to develop strategies on how to address these priority issues.

### Steps 6-8: Develop DEIS/MP, public input, FEIS/MP

Once the issues and strategies that are developed, the Sanctuary will work with the SAC to start developing a set of action plans (issue or function based) to build management plan. The formal environmental assessment or environmental impact statement will also be developed. This will include a description of resources, Socio-economic issues, and potential changes to the management plan. There will be public comment period after the DEIS/MP is released. Comments will be evaluated and another version will be released to the public.

### Where is the SAC involved?

The MBNMS will begin an internal assessment of how the existing management plan is going and will produce the State of the Sanctuary report. In April, the MBNMS will bring the internal assessment to the SAC for input and to raise awareness as to whether we are accurately characterizing how we are implementing the management plan. We will also ask the SAC to form a subcommittee to help staff write a section on the SAC, which will become part of the State of the Sanctuary Report. This will help us set the stage in terms of where we are in terms of what are where are, and where we should go in the future.

Jim Stillwell wanted to know if the SAC will write about itself then when should they begin to survey their constituents. Bill indicated that the purpose of the State of the Sanctuary report is our assessment of how things are going and to inform people as to who we are and what we've been doing so the public can go into the scoping meetings informed. The scoping meetings are the venue to get feedback from the general public, not before we write the State of the Sanctuary report. Bill stated that we need this section on the SAC written by early May.

Jim Stillwell would like to survey some of his constituents as to how the Sanctuary is doing. Steve Scheiblaue also asked about distributing an even broader questionnaire.

Dan Basta noted that there is no set approach, questionnaires can be great if needed, but they take a lot of time to prepare and manage. It will be a real challenge for the SAC is to organize itself as to how to address this issue. SAC members need to adopt this process to ensure we get the most public input. Dan stated that step one of the public process would be the scoping meetings. Once



the fundamental issues are determined, the Sanctuary can have more focused meetings on specific issues. At the June SAC meeting, we can share with SAC members where the meetings will be held. By the end of July or early August we will hold the Scoping meetings.

Brian Baird asked about the SAC for Cordell and Gulf of the Farallones. Dan reponded that they do not need to be constituted to get started but it would be ideal. It takes about 4 months to get a SAC on board.

Tami Grove asked about evaluating the three sites at once. Is this SAC evaluating all three or just the MBNMS?

A member of the public also asked if we could trust the people who are being evaluated to do a fair evaluation. Afraid the workshops are used against the fishermen. Want to be heard and listened to.

Dave Clayton stated that the Kelp management report was a good model to use, as it brought in a lot of different users and viewpoints in an open and fair process.

Steve Scheiblauer had concerns about the fishing alliance coming together in terms of their input into the process. Bill intends on weaving this into the Sanctuary management plan review process.

Dan Basta assured the SAC this process has to be done right. We will change the process as required or needed.

At the August SAC meeting, the Sanctuary will set up a schedule with the Council for what the next 6-8 months would look like.

Jim Stilwell asked about the congressional 5-year review requirement. Dan Basta responded that the 5-year review is somewhat of a relic concept. Management is a continuous process and we need to develop a plan and planning process to revise these plans with a small investment of time and effort. Once we have this in place, the plan should be in place because you are continually planning in time.

## **XII. DISCUSSION: NAPA REPORT RECOMMENDATIONS**

This topic was held over until the April 6 SAC meeting.

## **XIII. UPDATE: KELP MANAGEMENT REPORT RECOMMENDATIONS**

Aaron King and Dave Ebert returned from a California Dept. of Fish and Game Commission meeting on the 5-year management plan for kelp. This was the first of 2 meetings with the CA Fish and Game Commission on kelp management. The Sanctuary wrote a letter to the Commission based upon their final recommendations and the draft CFG Management plan. The next meeting will be held in Monterey on April 5 and 6.

Vicki Nichols discussed a letter that the Conservation Working Group (CWG) drafted for the SAC to consider sending the Fish and Game Commission regarding kelp management in the MBNMS. This letter was distributed to the SAC in the previous week.

Jim Stilwell wanted to know how this letter corresponds to the action of the original SAC 's recommendation? There was much discussion about the wording and intent of this letter versus the recommendations that the SAC adopted at the August meeting. Dave Ebert stated that the CWG letter does not fully represent the intent of the SAC from previously actions. Dave went through the

letter and indicated that areas of concerns he had and stated that the SAC should be consistent with the process adopted at the Cambria meeting.

Jim Stillwell noted that the Sanctuary's position regarding kelp management is on record in terms of the letter they gave to CDFG today. In addition, the SAC's previous recommendation to the Sanctuary was already copied to CFG and thus it is not appropriate for the SAC to take a new position. Other SAC members agreed that the letter from the Sanctuary program is strong than the position of the SAC so why have the SAC send another letter.

After more discussion, Vicki Nichols withdrew the letter for consideration.

**XIV. ACTION: SET APRIL 6 SAC MEETING AGENDA**

- Alliance of Communities for Sustainable Fishing
- NAPA Report Recommendations
- Management Plan Update
- MERITO Multi-Cultural Education Plan
- Navy Bombing Issues at Fort Hunter Liggett

The meeting adjourned at 4:45 p.m.

Submitted by  
Brady Phillips  
Monterey Bay Sanctuary Advisory Council Coordinator