

**MONTEREY BAY NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL**

**FINAL
December 6, 2002
Half Moon Bay Lodge
Half Moon Bay, CA**

The Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council met on Friday, December 6, 2002, at the Half Moon Bay Lodge, California. Public categories and government agencies were present as indicated:

Agriculture: Richard Nutter	CA State Parks: Lynn Rhodes
AMBAG: Stephanie Harlan	Conservation: Vicki Nichols
At Large: Ron Massengill	Diving: Frank Degnan
At Large: VACANT	Education: Pat Clark-Gray
At Large: Deborah Streeter	Fishing: Thomas Canale
Business & Industry: Tony Warman	Ports & Harbors: Peter Grenell
CA Coastal Commission: Charles Lester	Recreation: Dan Haifley
CA Dept. of Fish and Game: Paul Reilly	Research: Chris Harrold
CA EPA: Craig J. Wilson	Tourism: Monty Criss
CA Resources Agency: Brian Baird	U.S. Coast Guard: LT Tom Stuhlfreyer

The following non-voting members were present as indicated:

Channel Islands NMS: Chris Mobley
Gulf of the Farallones NMS and Cordell Bank NMS: Maria Brown
Elkhorn Slough NERR: Becky Christensen - ABSENT
Monterey Bay NMS: William J. Douros

Alternates present in audience:

Kaitilin Gaffney, Conservation

LCDR Matt Pickett, former manager for the Channel Islands NMS, was also present for the meeting.

I. CALL TO ORDER, ROLL CALL.

MOTION: (Passed)

The SAC adopted the minutes from the October 4, 2002 Sanctuary Advisory Council meeting, with no changes.

Motion introduced by Dan Haifley, seconded by Chris Harrold

(Vote: 16 in favor, 0 opposed, with 2 abstentions -Stephanie Harlan and Brian Baird)

II. ANNOUNCEMENTS

Julie Barrow, West Coast Community Liaison for the National Marine Sanctuary Program welcomed the SAC to Half Moon Bay and introduced Mike Ferreira, Vice-Mayor of Half Moon Bay. Vice-Mayor Ferreira welcomed the SAC and expressed the City's appreciation for the work of the SAC and the Sanctuary.

Susan Danielson from Save Our Shores (SOS) field office in El Granada also welcomed the SAC. Ms. Danielson indicated that 3500 volunteer hours were given to SOS projects. She also thanked the Sanctuary for recognizing the efforts of SOS volunteers in September during the Sanctuary 10th Anniversary celebration in Half Moon Bay. Ms. Danielson also noted the work of SOS volunteers in cleaning up local streams and creeks, and announced the hiring of a new part-time bilingual educator and the addition of 9 new members to their local advisory council.

Paul Reilly, California Department of Fish and Game alternate representative on the SAC, was officially sworn in. SAC member Deborah Streeter reminded the Council of the value and seriousness of the oath that SAC members take.

Chris Mobley was introduced and welcomed as the new Manager of the Channel Islands National Marine Sanctuary (CINMS). Chris previously worked for the National Marine Fisheries Service.

LCDR Matt Pickett, former CINMS Manager, was presented with a plaque of appreciation for his service on the SAC.

SAC Chair Stephanie Harlan also announced that former SAC At-Large members Jenna Kinghorn and Pat Conroy will also receive plaques of appreciation for their service on the SAC.

Maria Brown, Assistant Manager for the Gulf of the Farallones NMS was also introduced.

III. PUBLIC COMMENTS ON ITEMS NOT ON AGENDA

Steve Scheiblaue, Monterey harbormaster, informed the SAC that Mercury Cruise Line, part of Celebrity, has scheduled 13 stops in Monterey in 2003. More information can be found on the harbor's web site.

Ray Newkirk and Brent Lauche from Biodiesel Industries explained the basic process for producing biodiesel and identified the locations using biodiesel. They indicated that biodiesel, while still oil, has extremely low toxicity and completely breaks down in 10-30 days. They stated that a plant to produce biodiesel is under construction in San Jose and they suggested that the Sanctuary would do well to have a plant locally near Monterey.

They reminded the SAC that Sanctuary Cruises, a whale watching business out of Moss Landing, has used biodiesel in its boats.

Zeke Grader, Executive Director of the Pacific Coast Federation of Fishermens Associations (PCFFA), referred to the recent vessel-related oil spill in Spain and stated that sanctuary designation doesn't necessarily protect us from oil spills. He indicated that California does have the Office of Oil Spill Prevention and Response (OSPR) and that some oil companies have stockpiled equipment, but that generally we are seriously unprepared to deal with a serious spill. Zeke asked the Sanctuary and SAC to have a discussion on the status of current oil spill response plans, including information on who has what equipment, where and how the fishing community will be used as a front line defense, and what arrangements will be/have been made with the fishermen. Zeke stated that the coordinated effort necessary would be immense, requiring significant time and that his goal was to bring in people not involved with the government (fishermen, volunteers, etc). SAC Resources Agency rep Brian Baird agreed, but suggested that this might be better addressed on a statewide level, rather than just for the Sanctuary. Zeke felt that it was a logical first step. SAC Harbor rep Peter Grenell supported Zeke's suggestion to have a SAC discussion and stated that harbors will be essential partners should a spill occur. SAC Conservation rep Vicki Nichols indicated that there is an area committee structure, but that there hasn't been a strong link with the fishing community. Bill Douros, Sanctuary Superintendent, agreed that this was a very important issue and wanted to make sure when scheduling the discussion that we have all the right people present. SAC Recreation rep Dan Haifley suggested that a presentation be made at the February 2003 meeting if the right people could be assembled; SAC Research rep Chris Harrold suggested that it be on the agenda as soon as possible.

Mike Kimsey, past Chair of Surfrider San Mateo advocated a complete ban on motorized personal watercraft (MPWC), except for use as emergency vehicles. Mike shared his views on MPWC and made three main points: 1) there is a continued interest in expanded use of MPWC and thus greater potential for impacts; 2) the courts have upheld the ban on use in Marin County, citing the impacts to coastal and marine wildlife; and 3) exemptions/zones don't work as they are difficult to enforce.

IV. JOINT MANAGEMENT PLAN REVIEW (JMPR) -UPDATE

Sean Morton, MBNMS Management Plan Coordinator, gave a power point presentation on the working groups. He laid out the structure of each group, staff assignments related to each group and the participation of SAC members on each group. He cautioned that not all working group members had been contacted yet. He indicated that each work group/issue would have its own web page that will identify the staff contact, provide an overview of the issue, list work group members (SAC members will have their affiliations noted) and provide updates as work progresses. For more information see: <http://sanctuaries.nos.noaa.gov/jointplan/issue.html>

V. SAC QUESTIONS AND COMMENTS ON JMPR

Initial SAC comments and questions:

Dan Haifley, SAC Recreation rep, asked Sean to talk more about the selection process for members on the working groups. Sean reviewed the process--self-nominations by SAC members, and suggested participants by the SAC were reviewed by staff; working group members were chosen by MBNMS to ensure the Sanctuary had balanced representation and individuals who could work collaboratively towards consensus. Sean also indicated that most meetings will be at the MBNMS office, would occur at least monthly, would probably run 3-6 hours and, depending on the issue, include a lot of homework, time and effort.

Ron Massengill, SAC At-Large rep, asked if all members had been contacted. The answer was, "not yet". Sean indicated that the composition might change slightly after the Sanctuary has heard back from everyone. The final composition of the groups would be up on the web site.

Dick Nutter, SAC Agriculture rep asked about invasive species. See notes below regarding proposal of Conservation Working group.

Dan Haifley also expressed concern about the make-up of the Motorized Personal Watercraft work group.

Brain Baird, SAC State Resources Agency rep, expressed concern about the ability of state agency reps to participate given the severe state budget crisis. He expressed concern about the large number of work groups and the percentage of time MBNMS staff will be spending on plan production vs. their other work. Stephanie Harlan, SAC Chair, expressed the hope that there would be more money for staff to help out with the planning process.

Paul Reilly, SAC CDFG alternate rep, asked if the marine reserves work group duplicated the state's MLPA process. Bill Douros, Sanctuary Superintendent, explained that the marine reserves work group would focus predominately on issues surrounding federal waters and to help ensure cohesiveness between state and federal processes.

Public comments:

Steve Scheiblauber wanted to know what the purpose of the staff's involvement on the working group was and what their role would be. Bill Douros explained that staff would provide administrative support, help facilitate meetings, provide technical expertise and also represent the Sanctuary's views on the issue being discussed.

Roxanne Jordon suggested that commercial fishermen be members of the Wildlife Disturbance and Desal working groups. She also asked how the working groups would communicate with constituents. Sean Morton, MBNMS Management Plan Coordinator, stated that the web site would allow members of the public to stay informed on the progress of the working groups and that constituents can funnel their views and comments through their representatives on the working groups. They can also contact working group leaders (identified on the web site) and attend the meetings as observers.

Zeke Grader (PCFFA) agreed with Roxanne's suggestion to have fishermen on the Desal group. He also suggested that someone from Marin County and the Gulf of the Farallones NMS be on the Motorized Personal Watercraft working group. Zeke objected to a sanctuary krill working group, saying that "they" would take care of that issue by getting the state ban on krill harvesting extended for state waters and would work with federal legislators to get the ban extended in federal waters through national legislation. He supported a sanctuary working group on invasive species. Peter Grenell, SAC Harbor rep, stated that he agreed with Zeke.

Mike Ricketts presented a statement from the Alliance of Communities for Sustainable Fisheries. Mike questioned why there had to be a Marine Reserve working group when the state was already looking at this and the Alliance existed; he reiterated the "promise" recalled by fishermen that the Sanctuary would not regulate fishing or do things that would put fishermen out of business and stated that implementation of marine zoning would be a breach of that promise. Mike also suggested a fairer balance on the Sanctuary Marine Reserves working group. He specifically recommended that a commercial trawler and seafood consuming/fishing related business rep be added to the make up of the Marine Reserves working group and that several conservation seats be dropped.

There was a discussion among SAC members about whether there should be additional fishing representation on the Marine Reserves working group. Bill Douros, Sanctuary Superintendent, asked if adding a trawler to the work group would satisfy the fishing concerns. Tom Canale, SAC Fishing rep said yes. Tom asked Bill if the Sanctuary was agreeing to add a trawler and Bill said yes. Stephanie Harlan, SAC Chair, suggested that Tom consult with the Alliance and recommend a trawler to MBNMS staff for inclusion on the group.

Conservation Working Group presentation:

Vicki Nichols, SAC Conservation rep reviewed a letter from the Conservation Working Group (CWG) addressing three issues: commercial krill harvesting, cruise ships discharges and invasive species.

Krill Harvesting: Vicki indicated that the CWG supported a total ban on krill harvesting within the Sanctuary.

Cruise Ship Discharges: Vicki stated that the CWG is recommending a new Sanctuary regulation that would prohibit discharges from cruise ships. She cited a 4-fold increase in ship visits already planned for 2003, the long history of illegal discharges by cruise ships, the inability of enforcing the voluntary agreements currently agreed to, and the inability of some discharges to meet Clean Water Act standards for coliform. Peter Grenell, SAC Harbor rep made supportive comments about the proposed discharge regulation. Dan Haifley, SAC Recreation rep wanted to know what the pathway for development of this regulation would be. Vicki went through the steps. Peter asked who the legal advisors were for the Sanctuary. Bill Douros, Sanctuary Superintendent, responded that the program has legal advisors back east. Steve Scheiblaue, Monterey harbormaster, stated that the City of Monterey is on record as not being available for passenger off-loading if cruise lines violate the voluntary agreements they have made; he also suggested that

maybe the Research Activity Panel (RAP) investigate; and he raised the issue that no one from the cruise line industry had been contacted about a discussion about a possible regulation. Chris Harrold, SAC Research rep stated that there needed to be a scoping of what other discharges were problems before the RAP would be comfortable making any recommendations. Kaitilin Gaffney SAC Conservation alternate rep discussed the regulations imposed by Alaska. Zeke Grader, PCFFA, stressed the need for education of the cruise industry and passengers. Frank Degnan, SAC Diving rep expressed concern as to whether or not a new regulation would really help or create an adversarial relationship with the industry. Maria Brown, Assistant Manager, Gulf of the Farallones recommended that the sanctuaries work together on on-board education.

Peter Grenell, SAC Harbor Rep introduced a motion that the Sanctuary adopt a resolution calling for a cruise ship dumping ban in the MBNMS and that the management plan review process achieve that goal, and that further an education program be developed on a priority basis. There was continued discussion about whether or not the SAC should take action on this item at this meeting or bring it back for action at the February meeting. Craig Wilson, CAL-EPA rep and Brian Baird, Resources Agency rep both indicated that they would abstain if action were taken on a ban today. Dan Haifley, SAC Recreation rep felt that the SAC had to have a written formal resolution to vote on. Finally, the SAC voted as follows:

MOTION: (passed)

The SAC asks that a resolution prohibiting cruise ship discharges be brought before the SAC at its next meeting. It was further agreed that the draft resolution would be distributed to the SAC prior to the next meeting, and that Sanctuary would notify cruise ship industry representatives.

Motion introduced by Peter Grenell, seconded by Vicki Nichols (Vote: 19 in favor, 0 opposed).

Invasive Species: The CWG volunteered to develop a framework on invasive species for the joint management plan review. Peter Grenell, SAC Harbor rep moved to accept the CWG's offer. Steve Scheiblaue, Monterey harbormaster made a comment that the harbors should be consulted; Craig Wilson requested that the work group coordinate with the State Lands Commission.

MOTION: (passed)

The SAC agrees to establish the CWG as the working group to produce a framework on invasive species for the joint management plan review.

Motion introduced by Peter Grenell, seconded by Vicki Nichols (Vote: 19 in favor, 0 opposed).

12:30-1:30 LUNCH

After the SAC reconvened, Dan Haifley, SAC Recreation rep suggested that the SAC needed to have a written protocol on resolutions and offered to draft one. Also, Bill Douros, Sanctuary Superintendent introduced Irina Kogan, a Research Fellow working on the question of the impacts from cables on the seafloor.

VI. SAC DECISION-MAKING RELATED TO JMPR

Bill Douros, Sanctuary Superintendent and SAC Chair Stephanie Harlan explained what the SAC subcommittee appointed to look into this issue developed in terms of a protocol for the decision making process for the SAC to use in its deliberations on the joint management plan review (JMPR). A handout proposing a decision making protocol was distributed to SAC members. Another handout describing consensus was also passed out. Discussion focused on the steps to consensus and the schedule and length of the SAC meetings that will focus on making recommendations on the JMPR. The handout and process agreed to was (changes to the original text of the handout on decision making protocol are highlighted by underline below):

SAC Decision Making Protocol for JMPR

Step 1: Two weeks prior to the SAC meeting, MBNMS staff provides SAC with a written package that includes brief reports from each of the working groups. The reports consist of problems, strategies and actions summarizing the recommendations of the working groups. These will be the substantive essence of the action plans in the revised management plan.

Step 2: Each working group report will be considered one at a time. SAC members will be asked to identify the specific problems, strategies and/or actions they are concerned about and those will be pulled out for discussion. All other problems, strategies and actions will be presumed to be satisfactory to the SAC.

Step 3: The SAC focuses on the problems, strategies and/or actions that have been pulled out. The SAC will try and resolve differences through consensus. SAC members will be responsible for identifying the concern they have, as well as identifying an alternative proposal that meets the interests of all other members of the SAC. If the SAC cannot reach consensus, the SAC may refer the item back to the working group and ask that it make a recommendation to the SAC for resolution of the issue. The SAC agrees to only do this once per issue.

Step 4: As a last resort, if consensus cannot be reached on a discussion item (i.e., problem, strategy and/or action) the SAC will take action (vote) on that item (majority rules).

(The SAC choose to drop a, b, c, and d of Step 4 which laid out some specific decision options: a) accept the original language from the working group, or b) accept a proposed alternative or c) take no position and ask NOAA/MBNMS to decide, or d) refer back to the working group to make final recommendation to NOAA/MBNMS.)

Step 5: - The SAC chose to also delete step 5, which read, “The SAC can then vote to support all the problems, strategies and actions that are deemed satisfactory (i.e., those identified in Step 2, as well as those agreed to through the consensus process in Step 3).

The SAC also considered a proposed schedule for SAC review of working group reports, as follows:

- Early June 2003 MBNMS staff sends a written package of working group products with problems, strategies and actions to SAC members.
- June 2003 SAC meeting is scheduled for either Friday, June 20, 2003 or June 27, 2003 (to be determined) to allow time for the SAC to review the information provided. The meeting will be held in the Monterey/Santa Cruz area.
- At the June 20th or 27th meeting, the SAC is given a briefing on each of the working group reports and is provided the opportunity to ask questions and get more information. This may take more than one day, so a full or half day meeting may be scheduled for the preceding day, either Thursday June 19th or Thursday June 26th.
- The regularly scheduled August 1, 2003 is the “decision making” (“advice giving”) meeting where the SAC considers the working group reports and follows the protocol outlined above. A special public meeting may be held the night before to take public comments. These meetings may require two full days for the SAC to deliberate, thus beginning on Thursday July 31st or possibly the evening before that, on July 30th. Both meetings are held in the Monterey/Santa Cruz area.

There was general agreement with this approach.

VII. REPORT ON SOUTHERN BOUNDARY WORK GROUP

Ron Massengill, SAC At-Large member reported that San Luis Obispo County Supervisor Shirley Bianchi called a meeting of interested parties to discuss the development of a community based advisory committee to discuss options related to the creation of a marine sanctuary off San Luis Obispo county. Over 50 candidate sheets have come in with suggestions for participants. Ron anticipates that another meeting will be held in early January. The World Wildlife Fund (WWF) has offered to pay for a facilitator for the subsequent meetings.

VIII. SAC ADMINISTRATIVE ISSUES

The SAC approved by consensus an Annual Report prepared by SAC Chair Stephanie Harlan for the period of October 1, 2000 – September 30, 2001. Chris Harrold, SAC Research rep suggested that for future reports the SAC focus on SAC key accomplishments. The SAC also approved by consensus a brief report by Stephanie on the SAC’s work for January 2002-December 2002, which will be included in a National Marine Sanctuary SAC Annual Report.

The SAC also established a nominating committee to review applications for the currently vacant Citizen At-Large Seat. The committee is composed of Deborah Streeter, Peter Grenell, Dan Haifley, Tom Stuhldreier, Stephanie Harlan and Kaitilin Gaffney. They agreed to review the applications and submit their recommendations to the Sanctuary office before Christmas.

The SAC also approved a SAC meeting schedule for 2003 as follows:

February 7 in Watsonville/Pajaro Valley

April 4 in Big Sur

June 20 or 27 in Monterey County or Santa Cruz County

August 1 in Monterey County or Santa Cruz County

October 3 in Cambria

December 5 in Half Moon Bay

VIII. REPORT ON CA & THE WORLD OCEANS CONFERENCE 2002

Brian Baird, CA Resources Agency rep gave a brief overview of this very successful conference held in October 2002. Over 950 people attended; there were over 50 concurrent sessions; and over 250 papers were presented. National, state and local leaders participated and it is expected that the products from the conference will drive public policy. Brian also showed a short introductory video that was shown at the conference. For conference proceedings contact the CA Resources Agency.

X. SANCTUARY ISSUE UPDATE

Chris Mobley, Channel Islands NMS (CINMS) Manager gave the SAC a brief overview of the marine reserve issue in the Channel Islands where the CA State Fish and Game Commission recently approved the establishment of a marine reserve in state waters around the Channel Islands. Chris reported that the reserve is supposed to go into effect in January and he stressed the importance of developing good research, monitoring, enforcement and education programs related to the reserve. On the federal side, Chris indicated that there would be close coordination with the Pacific Fishery Management Council and the National Marine Fisheries Service on the process of developing reserves in the federal waters of the Sanctuary. Chris reported that more information on the state reserves can be found on the California Department Fish and Game (CDFG) web site and indicated that the CINMS web site is also in the process of including information on the reserves and linking to the CDFG site.

Bill Douros, MBNMS Superintendent, gave an update on the Monterey Bay Aquarium Research Institute's (MBARI) "Monterey Accelerated Research System" (also known as MARS), an undersea data network for oceanographic research in Monterey Bay. MARS consists of undersea cables and docking stations providing power and high-speed data links for a variety of oceanographic devices that will allow real time and long term monitoring of conditions in the Bay. More information on the project can be found on MBARI's web site at http://www.mbari.org/news/news_releases/2002/sep23_mars.html While supportive of the research goals of the program (which are in keeping with the Sanctuary's mandate to promote research), the Sanctuary has been working with MBARI to address potential impacts of the project to the seabed (altering the seabed is prohibited

without a permit), such as impacts to benthic habitats, effects of burying the cables (as well as the issue of whether the cables will stay buried), removal of equipment, impacts to fishing (interference with fishing gear, anchoring) and impacts from repair and maintenance. Bill reported that MBARI is concerned about these issues and is working to be a good neighbor. No determination has been made yet concerning whether an environmental assessment or an environmental impact statement will be required. MBARI will also need to obtain permits from the State Lands Commission and the Coastal Commission. During the update concerns were expressed by the fishing community about interference with fishing activities and it was suggested that before any formal review process gets underway that the Sanctuary and MBARI get together with concerned parties and try and work things out before hand.

XI. SAC MEMBER ANNOUNCEMENTS

Vicki Nichols announced that on Tuesday, January 14, 2003 Save Our Shores, Friends of the Sea Otter, MIIS and the Ocean Conservancy were sponsoring a free lecture by Ross Klein on his recent book called "Cruise Ship Blues." Vicki encouraged SAC members to attend.

Bill Douros announced the release of a new report reviewing the ecological effectiveness of subtidal marine reserves in central California. The report is composed of two parts, Part 1:Synopsis of Scientific Investigations" and "Part II: Summary of Existing Marine Reserves in Central California and their Potential Benefits." Bill indicated that the report was available for all SAC members.

Brian Baird, California Resources Agency rep mentioned the recent 9th Circuit Court decision supporting the State of California's position that it have consistency review authority over OCS development.

Frank Degnan, SAC Diving rep offered to provide diver trainer or refreshers to all MBNMS staff and SAC members who are interested.

XII. ACTION: Next SAC meeting is February 7, 2003

The meeting adjourned at around 5:00 p.m.

Submitted by Rachel Saunders