

**MONTEREY BAY NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL**

FINAL

**February 7, 2003
Watsonville Elks Lodge
Watsonville, CA**

The Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council met on Friday, February 7, 2003, at the Watsonville Elks Lodge, California. Public categories and government agencies were present as indicated:

Agriculture: Richard Nutter	CA State Parks: George Cook-ABSENT
AMBAG: Stephanie Harlan	Conservation: Vicki Nichols
At Large: Ron Massengill	Diving: Frank Degnan
At Large: Mike Laffen	Education: Pat Clark-Gray
At Large: Deborah Streeter	Fishing: Thomas Canale
Business & Industry: Dave Ebert	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: Ted Balestreri-ABSENT
CA Resources Agency: Brian Baird-ABSENT	U.S. Coast Guard: LT Tom Stuhlreyer

The following non-voting members were present as indicated:

Channel Islands NMS: Chris Mobley-ABSENT
Gulf of the Farallones NMS and Cordell Bank NMS: Ed Ueber-ABSENT
Elkhorn Slough NERR: Becky Christensen
Monterey Bay NMS: William J. Douros-ABSENT
Holly Price, Acting Superintendent

Alternates present in audience:

Kaitilin Gaffney-Conservation
Ruth Vreeland-AMBAG
Kirk Schmidt-Agriculture
Harriet Mitteldorf-At-Large
Meg DeLano-At-Large

I. CALL TO ORDER, ROLL CALL, SWEAR-IN OF NEW MEMBERS

APPROVAL OF 12/6/02 DRAFT MEETING NOTES

MOTION: (Passed)

The SAC adopted the minutes from the December 6, 2002 Sanctuary Advisory Council meeting, with no changes.

Motion introduced by Deborah Streeter, seconded by Chris Harrold
(Vote: 15 in favor, 0 opposed (unanimous))

SWEARING-IN OF NEW SAC MEMBERS

The new Citizen At-Large SAC member (primary seat), Mike Laffen, was sworn in by Holly Price, MBNMS Resource Protection Coordinator (and acting MBNMS Superintendent filling in for Bill Douros at the SAC meeting).

NOMINATIONS AND SELECTION OF NEW SAC SECRETARY

Stephanie Harlan, SAC Chair, read the portion of the SAC Charter pertaining to the job of the SAC Secretary.

Chris Harrold, SAC Research rep, thanked Dan Haifley for the great job that he has done as the SAC Secretary.

MOTION: (Passed)

Dan Haifley was nominated for his [third](#) year as SAC Secretary.

Motion introduced by Frank Degnan, seconded by Dick Nutter
(Vote: 15 in favor, 0 opposed (unanimous))

SAC MEMBER COMMENTS

Dick Nutter, SAC Agriculture rep, introduced Edward Ortega, president of the Santa Cruz County Farm Bureau. Mike welcomed the SAC to Watsonville. He asked the SAC for their support and help in promoting the farming business and good stewardship of farms to protect water quality.

The Advisory Council remembered former SAC member, Ed Cooper, who passed away on January 29, 2003. Stephanie Harlan read an email from [Marc Shargel, Chair of the Coalition of Organizations for Ocean Life](#). Frank Degnan, SAC Diving rep, spoke a few words about Ed. It was announced that a memorial for Ed would be held on February 15, 2003.

II. PUBLIC COMMENTS

Michael Harris, [a resident](#) of Santa Cruz, presented pictures of the new exhibits on display at the wharf.

Kirk Schmidt, SAC Agriculture alternate, updated the SAC on the progress of the six County Farm Bureau Coalition in implementing the Sanctuary's Agriculture plan.

Lori Adragna, suggested the Sanctuary place the MBNMS visitor center at the Santa Cruz Beach Boardwalk instead of at Seacliff State Beach.

Duncan MacLean, president of the Half Moon Bay Fisherman's Association, stated that the Sanctuary has double standards regarding discharging into the sanctuary. He asked why people are not allowed to dispose of their loved ones ashes in the Sanctuary. Holly Price, Resource Protection Coordinator, MBNMS, clarified that there are differences between the Gulf of the Farallones NMS and the MBNMS regulations on this matter. The MBNMS does authorize disposal of ashes, and individuals wanting to conduct this activity should call the office and they will be issued a simple authorization. It was also suggested that a notice about this be sent to charter boat folks in the Half Moon Bay and S.F. Bay areas.

III. PROPOSED SAC RESOLUTION ON CRUISE SHIP DISCHARGES

The SAC discussed the written cruise ship resolution introduced by members of the Conservation Working Group. The resolution recommended adoption of a sanctuary regulation prohibiting cruise ship discharges as defined in the resolution. Dan Haifley, SAC Recreation rep, commented that cruise ship representatives were invited to the meeting, but none were in attendance. During

public comment, fourteen members of the public spoke in favor of the resolution and four spoke against it. Some of the main points made in support of the resolution included the inadequacy of treatment and large volume of discharges, the lack of effective regulations, the lack of adequate back-up systems in case treatment systems fail, and the poor track record of the industry in safety and environmental violations. Some of the main points made against the SAC adopting the resolution included suggestions that cruise ship discharges were relatively minor when compared to discharges from land and from the large number of other vessels (e.g., tank and cargo ships) that traverse the Sanctuary, that new technologies like the Rochem tertiary treatment system would provide a very high level of treatment (turning discharges into potable water) on some of the ships coming to the Sanctuary, and that the resolution was premature until there were answers to the questions raised regarding treatment options. Questions were raised by SAC members regarding whether EPA or NOAA had jurisdiction on this issue, and on various aspects of the resolution relating to the definition of cruise ships and discharges. Several SAC members wanted to ensure that the Sanctuary coordinated on this issue with other relevant agencies.

MOTION: (passed)

To accept the cruise ship resolution introduced by the Conservation Working Group with the following modifications:

- add to the fifth paragraph the language “such as” to the second line before the types of discharges.**
- add to the last paragraph the language “the development and” to the first line after “recommends.”**
- add to the last paragraph the language “regulation in the” to the second line before the “Monterey Bay National Marine Sanctuary.”**
- add to the last paragraph the language “including working with relevant agencies” to the second line after “Monterey Bay National Marine Sanctuary.”**
- in the last paragraph, change the language “such” on the second line to “harmful”.**
- remove the last sentence from the last paragraph.**

The new revised last paragraph reads:

“Be it hereby resolved that the Sanctuary Advisory Council recommends the development and adoption of a regulation in the Monterey Bay National Marine Sanctuary, including working with relevant agencies, to prohibit harmful discharges. The SAC further recommends that an education program be designed for the benefit of cruise line passengers and crew that would highlight the unique protected resources of the MBNMS.”

Motion introduced by Dan Haifley, seconded by Chris Harrold
(Vote: 11 in favor, 3 opposed, 2 abstentions)

IV. NOAA COORDINATION ON FISHING ISSUES-PUBLIC COMMENT

Holly Price, MBNMS Resource Coordinator, clarified that the “white paper” recently released from NOAA Headquarters on NOAA’s coordination on fishing issues doesn’t state anything new, but describes the general overall statutory authority of the Sanctuary program as outlined in the 1984 amendments to the National Marine Sanctuaries Act. Holly also noted the public process to revise its designation documents, which MBNMS would need to follow to draw on this National authority, is outlined in the 1992 MBNMS designation documents. She stated that the mandate of the Sanctuary was to protect the ecosystem and habitats and not the management of fish stocks. Holly reiterated that the approach the MBNMS has used and will continue to use is to work with the existing fishery management agencies and stakeholders to address fishing issues impacting the ecosystem. She indicated that the “white paper” did not contain any specific recommendations and

that specific recommendations would come through the work groups and stakeholder process now being conducted as part of the Joint Management Plan Review.

Tom Canale, SAC Fishing rep, handed out a written motion suggesting that the SAC send a letter to the Secretary of Commerce and others stating that the “white paper” would make it more difficult for the Sanctuary to work successfully with the fishing community, that the SAC did not want the white paper to replace or supersede the language found in the MBNMS designation documents, and that the SAC wanted to be involved in reviewing and clarifying the fishing language in the management plan through a public process involving stakeholders.

During public comment, six members of the public expressed anger and displeasure over the “white paper” and supported sending the letter. Six other members of the public agreed that the paper stated existing policy, urged the SAC not to send the letter, and supported the continuation of the stakeholder process underway through the JMPR.

SAC members had a lengthy discussion, with some members strongly supporting the letter. Others expressed displeasure with how the document was delivered and written, but stated their belief that the policy laid out in the document was not anything new.

MOTION: (passed)

To send a letter to the Secretary of Commerce Don Evans, NOAA Undersecretary Vice Admiral Conrad Lautenbacher and National Marine Sanctuary Director Dan Basta stating the three opinions given by Tom Canale.

Motion introduced by Tom Canale, seconded by Peter Grenell
(Vote: 8 in favor, 6 opposed, 2 abstentions)

V. OIL SPILL PREVENTION AND RESPONSE ISSUES

Heather Parker, NOAA Scientific Support Coordinator, gave a presentation on the NOAA Oil Spill Contingency plan, the Area Committee process, and her trip to Spain to help with the *T/V Prestige* oil spill.

NOTIFICATION POLICY FOR TRANSIT OF HULL DAMAGED LARGE VESSELS IN THE SANCTUARY

Vicki Nichols, SAC Conservation rep, explained the reasoning for the Conservation Working Group’s request for a notification protocol for the Sanctuary for the transit of hull damaged large vessels through sanctuary waters. She asked Holly if the Sanctuary would like to be notified of any damaged vessel traveling through the Sanctuary. Holly replied that the MBNMS ideally would like to be notified by the Coast Guard, but that the Sanctuary does not feel that it is necessarily something that the SAC needs to send a letter on. After some discussion, the SAC agreed to have staff take the initiative to make a request to the Coast Guard to notify the Sanctuary in the case of any damaged vessels traveling through Sanctuary waters that might pose a threat.

12:50-1:00 LUNCH

VI. MONTEREY BAY SANCTUARY SCENIC TRAIL UPDATE

Nick Papadakis, Executive Director of the Association of Monterey Bay Area Governments (AMBAG), gave an update on the Sanctuary Scenic Trail and asked the SAC to adopt a written resolution supporting the trail. Jen Jolly, MBNMS Education Specialist, passed out the new brochure for the trail, gave a history of the planning process conducted thus far and identified

future steps for completion of the trail. Kyyrha Sevco, also from AMBAG, spoke about the Sanctuary Scenic Trail working group meetings.

Deborah Streeter, SAC Citizen At-Large rep expressed support for the trail but pointed out that name of the trail was misleading since it only covered Monterey Bay and not the entire Sanctuary. Deborah was concerned that the rest of the Sanctuary not be left out. Nick Papadakis agreed that this should be viewed as the Monterey Bay segment of the Sanctuary Scenic Trail.

Peter Grenell, SAC Harbor rep asked that another “whereas” be added to the resolution indicating that the trail will provide a critical link to the California Coastal trail.

MOTION (passed):

To accept the Sanctuary Scenic Trail resolution presented by AMBAG with the following modification:

-add another paragraph, “Whereas, the Sanctuary Scenic Trail will provide a critical link to the California Coastal Trail.”

Motion introduced by Dan Haifley seconded by Peter Grenell
(Vote: 16 in favor, 0 opposed (unanimous))

VII. SWEARING IN OF NEW SAC MEMBERS

The new alternate Citizen At-Large SAC member, Meg Delano, was sworn in by Holly Price, MBNMS Resource Protection Coordinator (and acting MBNMS Superintendent filling in for Bill Douros at the SAC meeting).

VIII. CHAIR’S REPORT-SANCTUARY STAFFING ISSUES

Deborah Streeter, SAC Citizen At-Large rep, introduced and explained her proposal that the SAC send a letter to Dan Basta, Director of the National Marine Sanctuary Program, requesting the allocation of more GS (general schedule) government positions to the MBNMS and/or increased funding so that contractors at the MBNMS can be provided benefits. Deborah stated that this was important if the program was to meet its responsibilities, retain quality staff, and provide a supportive working environment. She indicated that the SAC has weighed in on the issue in the past and that these efforts did result in the allocation of additional GS positions for the office.

Holly and Dawn Hayes, MBNMS Education and Outreach Coordinator, answered questions regarding the staffing situation for the Advisory Council. There was a brief discussion by SAC members.

MOTION (passed):

To send letter to Dan Basta with the following modification:

- remove the words “you need” from the fourth paragraph, sixth line and add “we urge you”.

Motion introduced by Dan Haifley seconded by Stephanie Harlan
(Vote: 6 in favor, 5 opposed, 4 abstentions)

VIII. JOINT MANAGEMENT PLAN REVIEW: UPDATE & SAC MEETINGS

Sean Morton, Management Plan Coordinator, provided an update on the working groups that had met so far. He discussed the upcoming SAC meetings and the time expected of the SAC members.

SAC members agreed to hear reports from the JMPR work groups during a 2-day meeting in June (June 26-27) and to discuss and vote on the work group recommendations at a 2 and 1/2 day on July 30-August 1.

Kathy Fosmark spoke about the Davidson Seamount working group. She hand delivered a letter from the Western Fishboat Owners Association opposing the extension of the MBNMS boundaries to include the Davidson Seamount.

VIII. SAC MEMBER ANNOUNCEMENTS

Kaitilin Gaffney, SAC Conservation alternate, announced that the CWG will be hosting the Invasive Species working group from 11 am –1 pm on February 18th at the Harbor meeting room. If anyone is interested in giving recommendations to members of the working group they should contact Sean Morton or Kaitilin Gaffney.

Stephanie Harlan, SAC Chair, announced the Frans Lanting, “New Zealand, Islands of Innocence”, benefit event for the Monterey Bay Sanctuary Foundation. The event will take place on March 2nd with a reception at 6 pm and presentation at 7 pm. It will be held at the Steinbeck Forum in the Monterey Conference Center. For more information, contact Becky Ohsiek at (831) 647-4209. Stephanie also announced the upcoming Sanctuary Currents Symposium on March 15th, 8:45 am-4:30 pm, at the University Center on Sixth Street, California State University, Monterey Bay.

Charles Lester, California Coastal Commission rep, assured the SAC that the Commission is still functioning at 100%. They are waiting for the resolution of the court decision regarding how the commissioners are appointed to the Commission.

Ron Massengill, SAC Citizen At-Large rep, announced that a Marine Issues Group has been convened to look at options for establishing a sanctuary off of San Luis Obispo County (either by extending the MBNMS boundary south or creating a whole new sanctuary). Nineteen people out of 100 candidates were chosen to sit on the group, including Ron. The World Wildlife Fund is providing funds to support a facilitator for the meetings.

Craig Wilson, CAL-EPA rep, announced an update to Section 303D listing of water bodies in California where there are water quality problems. There are 680 water bodies identified.

Stephanie Harlan, SAC Chair, stated the deadline for small cities to turn in their Urban Runoff Plan was coming up.

Dave Ebert, SAC Business rep, announced that his book “Sharks, Rays, and Chimaeras of California,” will be available in stores March 1, 2003.

VIII. ACTION: SET APRIL 4, 2003 AGENDA

Big Sur Lodge, Big Sur

The meeting adjourned at 3:30

Submitted by Nicole Capps
Sanctuary Advisory Council Coordinator