

**MONTEREY BAY NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL**

**FINAL
December 13, 2007
Hilton Garden Inn
Monterey, CA**

The Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council met on Thursday, December 13, 2007, in Monterey, California. Public categories and government agencies were present as indicated:

Agriculture: Kirk Schmidt	CA State Parks: Mat Fuzie
AMBAG: Libby Downey	Conservation: Kaitilin Gaffney
At Large: PJ Webb	Diving: Frank Degnan
At Large: Mike Laffen (Absent)	Education: Shauna Potocky
At Large: Deborah Streeter	Commercial Fishing: Kathy Fosmark
Business & Industry: Cynthia Walter	Ports & Harbors: Steve Scheiblaue
CA Coastal Commission: Tami Grove	Recreation: Gary Pezzi
CA Dept. of Fish & Game: Paul Reilly	Recreational Fishing: Howard Egan
CA EPA: Russ Jeffries	Research: Chris Harrold
CA Resources Agency: Brian Baird (Absent)	Tourism: Michael Bekker

Alternates present in audience:

Robert Frischmuth – At Large
Susan Ashcraft – CA Dept. of Fish & Game
Tom Canale – Commercial Fishing
Rexford Keyes – Recreation
Laurence Breaker – Research
Randy Herz – Diving
Steve Shimek – Conservation
Steve Clark - Education

I. CALL TO ORDER, ROLL CALL, WELCOME, APPROVAL OF MINUTES

WELCOME FROM MAYOR OF MONTEREY

Mayor Chuck Della Sala welcomed the Advisory Council to the City of Monterey.

APPROVAL OF 10/19/07 DRAFT MEETING NOTES

MOTION: (Passed)

The Advisory Council adopted the minutes from the October 19, 2007 Sanctuary Advisory Council meeting, accepting changes as submitted by Paul Reilly and Kaitilin Gaffney. Motion introduced by Chris Harrold, seconded by PJ Webb

(Vote: 13 in favor, 0 opposed, 3 abstentions)

II. COMMENTS FOR ITEMS NOT ON THE AGENDA

David Hayston commented on the current plan for aerial applications for the light brown apple moth. He provided the Sanctuary with documentation regarding the product used for these aerial applications.

Robert Scoles provided advisory council members with a copy of a proposal for providing land based protected areas for the southern sea otter. He stated a copy was dropped off at the CA State Parks office at their front desk.

III. MBNMS ADVISORY COUNCIL WORKPLAN

Karen Grimmer, Program Operations Coordinator, provided background on what the workplan would be used for and how the priorities were established for 2008. She informed the advisory council that those advisory council members who helped draft the workplan agreed that the presentations for each topic should be in a panel format.

There was concern expressed by some advisory council members regarding the ability to draft a workplan at a retreat, without the presence of the public. It was explained that the Channel Islands National Marine Sanctuary Advisory Council had already dealt with this issue and conferred with NOAA lawyers and found that it is possible to develop a workplan at a retreat as long as no policy decisions were being made.

IV. MARINE PROTECTED AREA WORKING GROUP MEMBER PRESENTATIONS AND QUESTIONS - RESEARCH

Deborah Streeter and Paul Michel, Sanctuary Superintendent, provided background on the marine protected area (MPA) issue and the working group for the Joint Management Plan Review. They also provided the timeline for a decision on the need for MPAs in federal waters. After hearing from the public and hearing from advisory council members on December 14th, and reviewing written comments from the advisory council due by January 14th, Paul will announce the decision of the sanctuary program at the February 15, 2008 meeting.

Chris Harrold, Research primary, provided a presentation on the research perspective on MPAs. Steve Ralston, NOAA Fisheries, was in the audience and was called upon to assist in answering questions.

Chris Harrold's powerpoint presentation on the research perspective may be viewed at <http://montereybay.noaa.gov/sac/2007/121307/agenda.html>

Advisory Council members had the following comments and questions regarding the research perspective:

- There are a lot of research papers that are not mentioned in this presentation; in preparing for the presentation were there any unintended consequences of MPAs?

- Could fishery management or MPAs both be used as complimentary measures?
- The presentation only referenced dead bycatch, was anything found on live bycatch?
- MPAs are different from marine reserves, the presentation used both.
- Are MPAs the only tool to achieve habitat protection, sustainable fisheries and biodiversity, or are they the best tool?
- One slide had a generic statement about increasing diversity, one paper showed that in an untrawled area that there were more species than in a trawled area. There seems to be contradictions in literature.
- The presentation didn't distinguish between different species and how they are affected by MPAs.
- A concern about this issue is that MPAs will be set up in an area where fishing is productive; what is going to happen to that effort if an MPA is established?
- What is the status of trawling within MBNMS boundaries?

V. LUNCH

VI. MARINE PROTECTED AREA WORKING GROUP MEMBER PRESENTATIONS AND QUESTIONS - FISHING

Steve Scheiblauber, Harbors primary, opened the presentation on the fishing perspective on MPAs.

Steve Scheiblauber's written presentation on the fishing perspective may be viewed at <http://montereybay.noaa.gov/sac/2007/121307/agenda.html>

Howard Egan, Recreational Fishing primary, also spoke regarding the fishing perspective on MPAs. He stated that the focus was on a narrow issue, no-take reserves versus MPAs. There is no justifiable need for no-take marine reserves outside of state waters. At those depths there are no species that would benefit. He does not think there is a need for additional MPAs. There is no bycatch for highly migratory species.

Kathy Fosmark, Commercial Fishing primary, concluded the fishing perspective by saying the discussion is being steered towards additional MPAs. How much protection is enough? On the MLPA no one asked that question. Any proposal fishermen put on the table, was put forth as not enough. There needs to be a legitimate science based discussion of the need for more protection. If more protection is needed, there needs to be a discussion of what tools are the best tools. MPAs may not be the right tool. Fosmark thinks the problem is that the public and advisory council members do not understand the ecosystem protection work of PFMC. This region is in risk of losing fishing infrastructure, that's not to say that fishing will cease entirely. Fosmark stated that it shouldn't be surprising that the fishing community does not feel MPAs are not needed. Fosmark commented that she had spoken with Dave Danbom, past Advisory Council member, regarding the promise that was made to the fishermen when the sanctuary was designated. He stated that this is the worst nightmare that fishermen could have imagined from MBNMS designation. Early on fishermen were promised the MBNMS would not regulate fishing and would work with fishermen for a solution. Fishermen would get benefits such as, a ban on oil drilling, water quality protection, and science on fish stocks. Fishermen believe the

MBNMS is working to break this promise. Fishermen were disappointed in the MBNMS saying they supported a state MPA process that was bigger than what was adopted. Fosmark stated that Danbom feels personally responsible if the promise is broken.

Advisory Council members had the following comments and questions regarding the fishing perspective:

- What other local regulations have reduced fishing in your harbor other than the sanctuary?
- In the Port of Monterey, 90% of the fishing effort has disappeared in last years. If 90% of effort is gone, it seems you have elbow room. Why can't that effort spread out if 90% is gone?
- A downward spiral of salmon fishery and squid fishery has been observed and we are not seeing any study on those.
- The MBNMS is also supposed to protect marine mammals and we have leatherback turtles and wonder how creation of an MPA would effect turtle protection area?
- We can't spend eternity on science. We have to use the best available science. When do we have enough science?
- Can any publications be cited that demonstrate a negative socioeconomic impact to fishing communities that are directly attributable to impacts due to the establishment of MPAs?
- Balance is a key and we need to protect and monitor, and science is key to this.
- Have been hearing comments that MPAs are the tool, when there are all kinds that can be tailored in all sorts of ways.
- To say that MPAs as a tool shouldn't be considered is premature.
- We have heard that there hasn't been a study done on what that trickle down effect would be if MPAs are established.

VII. ALLIANCE OF COMMUNITIES FOR SUSTAINABLE FISHING – ALTERNATIVE ANALYSIS

Richard Parrish, hired by the Alliance of Communities for Sustainable Fishing, did an alternative analysis of MPAs.

VIII. MARINE PROTECTED AREA WORKING GROUP MEMBER PRESENTATIONS AND QUESTIONS - CONSERVATION

Kaitilin Gaffney, Conservation primary, provided a presentation on the conservation perspective of MPAs.

Kaitilin Gaffney's powerpoint presentation on the conservation perspective may be viewed at <http://montereybay.noaa.gov/sac/2007/121307/agenda.html>

Advisory Council members had the following comments and questions regarding the conservation perspective: There is a wide gap between no evidence of impact and evidence it is falling apart. We are in the middle of these two extremes and shouldn't wait until we have perfect information of proof of disaster to take action. How are MPAs or reserves going to help if

we are looking at regime shifts and not fishing effort as the cause of declines? For deeper off shore federal waters, does size of MPAs matter? If you overcome the threshold issues and determine that MPAs should be considered, how do you determine how they are established and what species are protected?

IX. DEPARTMENT OF FISH AND GAME PERSPECTIVE

Paul Reilly, CA Department of Fish and Game (CDFG) primary, provided the Department's perspective on whether or not there is additional need for MPAs in federal waters.

Paul Reilly did not provide a powerpoint presentation, but his verbal presentation may be viewed at <http://montereybay.noaa.gov/sac/2007/121307/agenda.html>

X. DINNER

XI. MARINE PROTECTED AREA PUBLIC COMMENT

Forty-four members of the public provided comment to the MBNMS Advisory Council. Public comment was recorded by a certified shorthand reporter.

XII. ADJOURN

**MONTEREY BAY NATIONAL MARINE SANCTUARY
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**FINAL
December 14, 2007
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The Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council met on Friday, December 14, 2007, in Monterey, California. Public categories and government agencies were present as indicated:

Agriculture: Kirk Schmidt	CA State Parks: Nick Franco
AMBAG: Libby Downey	Conservation: Kaitilin Gaffney
At Large: PJ Webb	Diving: Frank Degnan
At Large: Mike Laffen (Absent)	Education: Shauna Potocky
At Large: Deborah Streeter	Commercial Fishing: Kathy Fosmark
Business & Industry: Cynthia Walter	Ports & Harbors: Steve Scheiblaue
CA Coastal Commission: Tami Grove (Absent)	Recreation: Gary Pezzi
CA Dept. of Fish & Game: Paul Reilly	Recreational Fishing: Howard Egan
CA EPA: Russ Jeffries	Research: Chris Harrold
CA Resources Agency: Brian Baird (Absent)	Tourism: Michael Bekker

Alternates present in audience:

Robert Frischmuth – At Large
Rexford Keyes – Recreation
Laurence Breaker – Research
Randy Herz – Diving
Richard Hughett – Recreational Fishing
Steve Shimek – Conservation

I. CALL TO ORDER, ROLL CALL SWEAR IN

Nick Franco, CA State Parks alternate, and Rich Hughett, Recreational Fishing alternate, were sworn in and provided a background on what they do.

**II. ADVISORY COUNCIL MEMBER RECOMMENDATIONS ON NEED FOR
MPAS IN FEDERAL WATERS**

Deborah Streeter, Chair, spoke regarding the public comment the evening before and went over the process for the remainder of the day.

Paul Michel, MBNMS Superintendent, thanked the advisory council for their time commitment and attentiveness at the public comment. He reminded them that they are representing their constituency. He also commented that additional comment regarding this topic can be provided to the MBNMS through January 14, 2008.

Paul Reilly asked if everyone could get the written advisory council comments after January 14? Paul Michel responded that all advisory council member comments would be sent out to the Advisory Council to read.

Streeter went around the table providing each advisory council member with an opportunity to provide their advice to the MBNMS. Their comments are summarized as follows. This summary is provided for convenience. A tape of the advisory council discussion is available for review and should be considered the complete and official record of this meeting.

Frank Degnan, Diving primary – I believe that MPAs are an appropriate tool within a suite of tools that can be used by the MBNMS. I believe the MBNMS should look at MPAs. I also believe fishermen want to protect fish stocks. It is the duty of the MBNMS to act, not react. CDFG can support limited MPAs in an area where other protection is not afforded. It is good for the MBNMS to look at that and collaborate with other institutions to develop MPAs in those areas. At some point we need to get past the science. I can't define natural and if I could I would look at the MBNMS and it would be appropriate to set aside certain areas and say we aren't going to touch it. A financial nest egg is no different. In establishing MPAs, socioeconomic impacts need to be looked at and given weight. The MBNMS should engage in development of MPAs.

Howard Egan, Recreational Fishing primary - The extensive new MPA network adopted by the state had incidents where multiple species need protection. The problem that is irrelevant to the question at hand is whether or not federal MPAs are needed in addition to the state MPAs. None of the arguments made yesterday make a case that there is a need on top of the state MPAs. This is really the crux of the issue.

Dan Howard, Cordell Bank NMS Superintendent – I would like to thank everyone for their presentations yesterday. I thought it was unfair how Kaitilin Gaffney was singled out by individuals during public comment. I think it would be premature for the MBNMS to say no we would not proceed. We need to think of these as management areas and not fishing tools. Somehow, if we can separate those two in the mind set and call these conservation areas. The fishing community has to be engaged in moving forward. Howard commented that there has to be some areas out there that have to work for everybody, unfortunately those areas are productive areas. We have to have the fishing community on our side for enforcement. The fishing community are the eyes and ears. The first guy last night stated they are the ones out there everyday and are in the MBNMS more than we are. Somehow we need to diffuse this. How we get there, he doesn't know.

Steve Scheiblaue, Harbors primary – Yesterday I highlighted five roles. We are distracted by the MPA issue and it is keeping us from getting to other things. The questions asked of us should be rephrased and he reread his suggested questions. I have studied MPA science and this issue for 10 years and read well over 100 papers. Given the level of management now he does not see the need for more MPAs. Even if we ask the question of more tools, the MPA question is premature. It does not need to be swept off, but tabled. The notion that the relationship between the MBNMS and the fishing community needs to be healed; you can't get a constructive relationship where people have to give up something with this relationship. Again, expand the

questions and broaden the questions. The PFMC is establishing a management plan, the MBNMS needs to be in on that discussion. Another thing that would establish trust is to do a thorough socioeconomic study by someone who the fishing community trusts. You saw the evidence this industry is near collapse. The MBNMS needs to roll up their sleeves and get into the state process and play a role. Perhaps lastly there is no crisis unfolding. You didn't hear that out of Kaitilin. You have time and what needs to happen is a bit of patience with this issue. You don't have to do anything now. These state MPAs are in place and need to be monitored. You can wait and other things could be addressed. Be patient about this.

Russ Jeffries, CA EPA primary – I suggest a letter be written to the teacher of the students that were here last night. There is a trickle down effect of socioeconomics in Moss Landing. How far do we go and what does it mean for our livelihood? Agriculture is dealing with over regulation. It's not that they aren't already doing these things, but it is the cost, fees and paperwork. We are concerned about our fishing stocks. I remember when the sardines were gone and now they are back. We are seeing species in this region we never saw before and species that were here that are no longer here. Is it because of overfishing or other things? We need to study this and we need a full economic report and how is that going to effect us by implementing outside of the state MPAs. We are not just talking about fishermen; there are many other aspects we need to look at. There needs to be a socioeconomic study.

Shauna Potocky, Education primary – I would like to thank everyone for their diligence. I know it is a long tough process and many at the table have been working hard for a long time. I would also like to thank everyone who gave presentations. After having talked to various people, the Sanctuary Education Panel, and the public, I do support MBNMS moving forward with looking at establishing MPAs. MPAs can be used as a tool, maybe not only tool, to study the differences between places. I believe there could be long-term benefits in regards to socioeconomic factors because of MPAs. Maybe it is one thing we can agree on and it seems that we do need to do a socioeconomic study. I also believe we need to have everyone at the table. Historically there are always challenges, but it is worth everyone coming to the table in order to find the bigger picture benefit. Engaging everyone at the table and really working through these challenges there won't be consensus. Acknowledging that MPAs may be good in some areas, not all areas, but where MPAs can help MBNMS meet its mission, hopefully everyone can come to the table. There is an intrinsic value to the MBNMS. The MBNMS' goal is to be proactive, instead of reactive. Make decisions to protect.

PJ Webb, At-large primary – In listening to the oath, it pulled together our objective. It reminded me that our goals have to be pointed to a main objective, resource protection. I have been listening and learning and, to echo one of our speakers, it is clear and compelling that MPAs are a resourceful tool. There is a unique opportunity with nearshore MPAs that have been set up. We can use MPAs as a tool to enhance, where applicable, the effect on existing MPAs. It is premature to stop studying MPAs. We seem to be looking at fishing in this analysis, but the MBNMS is already dealing with a lot of other issues, such as invasive species, harmful algal blooms, and discharges. As someone said last night, "if not now when; if not here, where?" These are very special and we need to protect them. We have heard that MPAs are a tool that can be helpful. Webb stated that she would hate that we would not be doing our duty if we failed to look at MPAs to protect these special areas.

Kathy Fosmark, Commercial Fishing primary - I don't believe that pelagics will benefit from closures. Socioeconomics are important part of this. The fishing industry already has a huge cost of going around existing MPAs. Large boats burn more fuel and the farther they have to go to get fish is a huge burden. When essential fish habitat (EFH) areas were put in place by the PFMC, with the MBNMS, that gave us the specific closed area on the Davidson Seamount. The California Coastal Commission sent a letter in and wanted to remind everyone that the California Coastal Commission is supporting MPAs, but they must also consider Santa Cruz for harbors. Fosmark supports Scheiblauer and supports five, now six suggestions. MPAs are not needed at this time in regards to a crisis situation. There hasn't been anything that suggests there is overfishing taking place. The PFMC has addressed all overfishing in west coast fisheries. It appears to the fishing industry to establish MPAs, for whatever reasons, is a candy shop. People are looking at it as an opportunity to do it. There is a letter from Wayne Moody, Director of the Western Fish Boat Association, primarily fishing for large pelagics. The President of the Morro Bay Fishing Association wrote a letter that states the exact comments by Dave Danbom. Whatever is agreed on here needs to pass the test at PFMC. More direct input from fisherman would be good.

Mike Bekker, Tourism primary - This is a very delicate and hard topic. There has been a lot of discussion. Personally I have learned a lot. Personally I don't feel we have all the facts on the table. MPAs are a tool in the toolbox. My favorite place is Point Lobos, a protected place, but we do use it. Tourism is hard because we have a lot of tourists, and a lot of tourism based groups. I will report back to the superintendent in written form. The question is are new MPAs needed to better meet MBNMS goals? I am not sure if we have answered that. I agree that we need an environmental impact report, a full one. It will answer a lot of questions. One item I need answered is what about the legalities? Where is the hard science? We need to demonstrate the need. I think we have failed in the partnership. In my letter for this seat, partnerships are very important. I don't think we have done that. Do your homework farther back and bring more people to the table in smaller groups. I think we still have a disconnect and we need to reach out and get everybody here and answer some questions. We need a balance in our decision-making and we need to be fair.

Tami Grove, CA Coastal Commission - Most people have had the opportunity to read the letter from the CCC. In summary, it states some of the coastal act policies in the region and how there is parallels with MBNMS mandates and it recognizes the important role MPAs might play. The CCC supports fishing in this area and maintaining the industry. I would like to go back to the goal statement of the MPA action plan. In reviewing it, the plan cross cuts a lot of commonalities we have been talking about. Because of protection measures in the sanctuary act, the need cannot be established when we are in a crisis situation. This is not a reactive measure. It clearly states, if MPAs are established they will be designed to sustain cultural and economic resources. They should be designed with the fishing community as stated in the action plan. These need to be made on the best available science and coordination with the PFMC and state. I think somehow we may be at a juncture where we need to rethink. There is certainly an element of trust and understanding that we need to break. We may need to go back and revisit the process, but to say that we should stop and not further move along with these opportunities, the CCC thinks that this will be a mistake. Take into account socioeconomics. We all have a

concern for the commercial fishing fleet and have suffered several outside things that have affected it. There may be opportunities for an additional action plan that could address these socioeconomic issues. To simply shelf MPAs will not make those go away and we need to have more of a coordinated effort to look at those different dynamics. To no longer consider MPAs a management tool would be a mistake.

Chris Harrold, Research primary - I woke up this morning with a head full of thoughts that arose from yesterday's discussion. There is a huge need for a better understanding of socioeconomic impacts and predictive models. I have yet to see a credible presentation of case histories. This is not new. We aren't the first to deal with this issue. I was moved by Kaitilin Gaffney's presentation. The aspect of protecting what we don't know we have. Every year there are new discoveries in the MBNMS. Let's not lose those before we know we have them. I was also moved by Steve Scheiblaue. The fishing industry is near collapse. We are at the tail end. It reflects the global pattern. Yet to see any indication that establishing MPAs will push that industry over the edge, I don't buy that it will be the nail in the coffin. I was also moved by public comment last night. There was a comment by a fisherman that, "these are not your fish, they are mine." That's horse manure. They belong to everybody. It is a national resource. I was moved by Parrish's presentation, but there is conflicting information. There is a peer reviewed scientific journal, "10 Commandments" by Steve Ralston, NOAA Fisheries, which describes ecosystem-based practices. If ecosystem based management were in place as it describes, we would not be here. It describes the right approach. My final thought, is moving forward is not the same as putting MPAs in place regardless of the outcome. Moving forward is being thoughtful. I agree that we are not in emergency situation. We have time to think it through. We need socioeconomic experts and sources that are credible and supported. We also need facilitated help. I favor moving forward to investigate the utility of MPAs in Federal waters.

Deborah Streeter, At-large primary - As an At-large representative, you deal with a variety of people. I try to represent citizens of the south coast. I relate to other volunteers and visitors by volunteering. I'm in favor of proceeding with a plan to engage with MPAs in the MBNMS, based on my conversations with all those different constituents. I read the studies that Kaitilin Gaffney cited about public polls. I hear visitors to our area are surprised at how little is protected and want a great deal more. We owe it to the public. It is important to protect those habitats. I love that my friend cited the 10 commandments. The fourth commandment is to keep holy the Sabbath. It is a concept in many religions to set aside special places and time. It applies to animal as well. It's presented in scripture as a question of justice, for us to act as stewards on behalf of animals. I rallied the religious community on the state MPAs. We talked about a Sabbath for the seas. MPAs offer some Sabbath space. It's a tool, but not the only tool. I remember when I applied for my seat on the advisory council, I wasn't going to say I was a minister because some people act weird. I thought about it and wrote as a minister I am familiar with the word sanctuary. Nixon used that term instead of marine parks. They were active places and the MBNMS needs to be an active place. Even in those areas there were special places set aside. I think there is room for MPAs in the MBNMS as well.

Paul Michel, MBNMS Superintendent - I am really impressed with the presentations yesterday and how everyone is expressing their opinion. I am formulating follow-up questions

after everyone has a chance to provide their advice. I would like to respond to Mike's question of what is next. In February, I will respond to all the input and I don't know what that will look like yet.

Kaitilin Gaffney, Conservation primary – I feel privileged to be sitting here with all of you. We heard a lot of different and conflicting views and statements yesterday. We heard fishing is near collapse, that fishing has never been better, that it's not like it used to be. We heard that fisheries management is a mess, and that fishing is being controlled already. Some of that conflicting information is inherent. This is a complicated issue. Our task is not to get caught up in the weeds and confusion. The task is to consider the potential conservation value of MPAs. Our task is not to take on solutions to problems of over fishing. It is not our expertise and we should never consider it. Unfortunately this issue has developed into a broader fear and concern, and setting some parameters on our task may help. To establish a discreet number of MPAs we can leverage some of the state areas where that would make sense. There may be an overlap with existing fishing closures. We don't know that until we look at specifics. The sentiment or attitude that we should wait for a crisis before taking action has gotten us where we are now. Our behavior tends to be to wait for irrefutable proof we are in trouble before taking corrective action. MPAs are essentially a management tool of humility where we recognize there isn't a lot we know. It is important to set aside special areas. I believe everyone needs to be at table. We have heard what is the rush, lets wait? But we have talked about this issue for six years. We are not rushing forward. This is an emotional issue and we need to figure out how to get through that for constructive engagement. I don't see how waiting will help that happen. The MPA working group started out more constructive than it ended. If we reengage, we may find common ground. If we are moving forward we need facilitation and resources. A lot more effort needs to go into moving away from the controversy and trying to work together.

Cindy Walter, Business and Industry primary - A lot has been said I already that agree with. It's important for the business and industry seat. I feel I need to represent the fishing community too. I was the first of four generations that chose not to fish. Fishermen felt that most people were only here for two weeks. My childhood was much like the Panninis. As a child I would see Mola mola and wolf eels of the side of the wharf. Its about protecting the things we don't know we have. I know what I lost. Those are things I can't share with my children. In the late 60's, I could float around in inner tubes and float up to basking sharks. Off Monastery beach, where I learned to scuba dive, I saw a basking shark feed. My brother told her that was the last time he had seen a basking shark back in 1976. Those were common and aren't anymore. It tells me marine biodiversity is being lost in our day. When that happens I worry about the collapse of our fisheries. It is all tied hand in hand. The fishing industry is important to me. We need to talk about MPAs and we have to have the fishing community in our discussion. When I tried to do research in MPAs, the Florida Keys kept coming up. After establishing MPAs in the sanctuary, the South Atlantic fishing management council created eight more deep water MPAs. This tells me that they think MPAs are working for fisheries and the industry. The sanctuary should look towards other MPAs that have been created worldwide. They should also look for professional help and guidance. A socioeconomic impact study will be good for all industries.

Becky Christensen, Elkhorn Slough NERR - Our reserve is a state and federal partnership. We do have a similar approach to the National Marine Sanctuary Program. The mission of

reserves is to take science and bring it to management for the purpose of resource protection. You use all the tools in the toolbox. It is unwise to remove a tool from your toolbox. Keep the tool as a tool. Add education. I felt like the presentations were just the tip of what we need to know. It is cutting edge and difficult and complicated and we are trying to have our views and our constituencies. We are asking to hold the larger needs of the group and society. We need more of this education. We can't oversimplify. New decision makers are entering into the mix and however the outcome moves through the process it is important that we get more rigorous and increase the energy of ourselves and other decision makers.

Libby Downey, Association of Monterey Bay Area Governments (AMBAG) primary - AMBAG has voted twice on this issue, to look at CDFG and PFMC to make the decisions for the fishermen. We have heard it time and again here. This is something we need to work on so that we don't change the designation documents to regulate fishing. I have heard that we need to work with the fishermen and I can't agree with that more. It's like a mother protecting a child, we have to realize they are fighting for their livelihood. I don't think we can separate fishing from conservation. When MPAs are in high fishing areas, we can't separate that. AMBAG will be very interested of how much the MBNMS is already involved in MPAs. It seems we are doing a whole lot of MPAs now. I think we need more education and need to work with the fishermen more. This is a complicated matter. We are all here because we are conservation minded. Parrish made me feel that there is no proof that MPAs have improved. I would like to ask that the presentation go to AMBAG. The City of Monterey has adopted a vision statement and fishing is a valuable part of that. AMBAG does not have an adopted position on whether we need more MPAs, but that is something I am going to ask for. There is no evidence that MPAs add an improvement. Lets find out more about that. I don't think we should be talking about Federal until we get some of these questions answered. We need to be more cognizant of what is going on. For Paul Michel, why hasn't the sanctuary contracted for a scientific team on this issue? I think it would be helpful. It would behoove us to do more of that.

Paul Reilly, CDFG primary – The Sanctuary should actively seek and seriously consider, in a public forum, the advice of the National Marine Fisheries Service and Pacific Fishery Management Council before making a decision. An open discussion is needed as to whether or not existing fisheries management already provides adequate protection to the species or habitats in question. If the Sanctuary decides to continue with this process, we ask that the following be considered:

The Department could support a limited number of marine protected areas strategically chosen to encompass a cross-section of deeper habitats in federal waters to help protect areas not otherwise afforded protection, primarily to provide reference areas with which to evaluate how fisheries are managed in adjacent and more distant fished areas. We would not support any additional MPAs in state waters within the sanctuary. Please consider the use of the equivalent of the State Marine Conservation Area classification, which would allow pelagic fisheries to continue. Please consider the increased difficulty of monitoring and conducting research in deeper water MPAs. Do not create paper MPAs which cannot be evaluated. There need to be clear goals and objectives established for any proposed federal MPAs. A thorough analysis of potential socio-economic impacts to recreational and commercial fisheries, and the communities that depend upon them, should be conducted. For potential site selection and design criteria,

consider the presence of the Rockfish Conservation Areas, Essential Fish Habitat trawl-exclusion zones, and existing state MPAs. While results from monitoring the new state MPAs will be useful in the evaluation of their success, it is not necessary to wait for those data before a decision is made on whether or not to proceed with a federal MPA process. While many of the habitats found within state MPAs also occur in the federal waters of the sanctuary, some deeper habitats and ecological communities are not represented. It would be useful for the SAC to be made aware of the extensive data layers on habitats and communities which were provided to the MPA working group by sanctuary staff, to determine which habitats are not encompassed by state MPAs.

Most benthic fisheries that operate in federal sanctuary waters have some areas of operation that extent into state waters. The SAC needs to receive information about the geographical extent of these fisheries. If there are benthic fisheries that operate only in federal waters that were not impacted by the state MPA process, the SAC needs to know which fisheries. Conversely, the SAC needs to know in which areas of the federal waters portion of the sanctuary there are no benthic fisheries. The question then becomes, what is the need for additional protection in these areas that would be served by the creation of federal benthic MPAs?

Why did it take 5 years for the Sanctuary MPA Working Group to reach an impasse and get to the point we are today?

Kirk Schmidt, Agriculture primary – I deal with a lot of farmers and they are passionate about their job. One of the problems about being a businessperson who obtains a livelihood from natural resources is you need predictability. What is happening presently makes it difficult for fishermen to adapt to change in a way that will ensure their livelihood to buy new equipment to obtain livelihood. I don't know if MPAs should be used in the MBNMS. I haven't seen a compelling case. The promise that was made to fishermen was more aligned to Teddy Roosevelt's approach. You manage land to have many uses and fishing is one of the uses that is presently allowed. When fishermen were concerned about the MBNMS, they were assured. Farmers were promised it wouldn't affect them upstream. This is a big step for both of these industries. The change itself is going to cause greater uncertainty. While state MPAs have been considered and the MPA working group has been going on, the fishermen haven't been involved because they are working. It is difficult to absorb this kind of change. Parrish pointed out there are many restrictions on fishing in the sanctuary. Kaitilin Gaffney showed us that there were changes in various areas that varied like the seasons and there is no predictability. She was frustrated by the six years the working group has been going. It seems the pattern here is no predictability. An additional regulation is a cost to the people in the industry. To make this more predictable, if the MBNMS elects to proceed, a broad schedule should be adopted to give predictability for MPAs in the future.

Gary Pezzi, Recreation primary – There needs to be real consideration that MPA's if implemented, will affect many of the constituents our seats' represent. The idea of proactive efforts from everyone involved though, is a priority for me. It makes sense to actively address MPA's, as we have seen a lot of data on fish stock depletions and that we are now seeing a rebound in some species. If true, wouldn't select MPA's be better for the fishing community over time? There is a lot of support from people that I speak to as Recreation Seat supporting

MPA's. I was also surprised that the public opinion last night showed as much support for MPA's as it did. Given all of this, I feel that in trying to meet MBNMS goals, I support the use of MPAs as a way to increase fish populations. But, it is important that the people that make this decision, on how large or where MPA's are to be defined, include fishery agencies, the State, and the fishermen that will be most affected by the MPA's. I agree with Steve's (Scheiblaue) opinion on the need for the healing of fishermen and their feelings that MBNMS has broken 'the promise'.

Nick Franco, CA State Parks alternate – This is similar to what we deal with in State Parks and that is what I see through all of this. There is a base consensus that we need to protect this. The difficulty is what level of protection. The trust issue is a big issue and needs to be taken into consideration. MPAs are a tool and how well are you trusted to use those tools. The decision is not where it should be, but should it be considered as a tool for use. State Parks feels it should be considered as a tool for protection. How do you balance all of these questions of multiple uses? How do you preserve for future generations and still have it for the current generation? Protecting areas is a good thing to do and considering ways to do that is a good thing to do. The idea of moving forward for MPAs in Federal waters as a tool to preserve is a good thing.

Captain David Swatland, US Coast Guard – With pending legislation, it would not be appropriate for us to comment.

Paul Michel - Many people mentioned working with NOAA Fisheries and I wrote a letter to them and told them about this process. I just received a letter from the PFMC to continue to work with them on this issue. A lot of input speaks to a balanced approach. I have several questions for all of you.

1. What is at risk by moving forward with a more robust and socioeconomic study?
2. Many argued to see how the state network plays out and how impacts play out, etc. How important is that to determining the Federal process?
3. Crisis management. How do you define crisis? Any socioeconomic study will show an impact to fishing. What is the threshold?

Howard Egan – To answer question two, it is critically important to see how that plays out. There is no hurry, but that doesn't preclude us from talking about this. There are positive and negative effects in MPAs and it will play into whether or not more MPAs are needed. We are constantly driven away from the question of why we are here. What is the need, not what is the benefit. Is there a need for MPAs at this point? I don't think we have any current information that says there is a need. There has been a very consistent misconception that state MPAs are protecting nearshore reefs. The MPAs along Big Sur protect very deep MPAs, not only nearshore habitats in state.

Dan Howard – There has been a lot of talk about state MPAs. The biological communities are going to be very different on offshore reefs from nearshore reefs. There is going to be an

adjustment period for fishermen if MPAs are placed. How long are Rockfish Conservation Areas (RCA) going to be removed once PFMC determines stocks have been rebuilt? I'm glad to hear it will be a two-year process. It makes sense that in addition to state MPAs there be a link to the RCAs.

Steve Scheiblauber - 64% of the sanctuary is already an MPA. How much more MPAs do you want? I need to clarify that I never said we should wait for a crisis. I did say there is no crisis and what is a crisis that is unfolding. In regards to Paul's question about crisis, the answer is research. The benefits that the fishing community could get with established MPAs is collaborative research. They want to know sooner than later what is going on. There is no negative to research. I did not say we should never talk about MPAs, but it should be in the PFMC. It bridges the healing process with the fishing community and helps the sanctuary with the political process. A recent public opinion poll shows that Californians prefer a reduction in quotas over MPAs. I have a copy of it. Fishermen can't lose anymore fishing opportunity. The question for me is a legal question. Is there a science-based argument that they can't be used sustainably? There can be a dialogue, but if they can be sustainable, than you need to have a valid argument.

Russ Jeffries - The regional water quality control board setting up prices for Ag waivers is similar. One of the things that we did is invited the Ag group in to the mix. We didn't exclude them. We saw economics as an important thing. The regional board looked at economics. I have seen a lot of changes in this area and it has to be for the good. I have supported some of the MPAs for water quality. Instead of plowing new ground, look at the information that that state MPAs can give us. We don't have to go through all that work. There is information that has already been proven that we can look at. Look at more of these aspects.

Shauna Potocky – To answer question one, there is nothing at risk. The answer to number two is that I think that point is well taken. The state MPAs will still reveal levels of effective impact that can be used in our process. We don't need to wait in parallel. To answer question three, I am going to defer the crisis definition to looking at the uncertainty of what we don't know. We don't need any type of crisis to implement Federal MPAs as baseline study areas. It's clear that we need baseline areas. We need to realize there is still compelling research going on that can help us realize this. There are important areas for us to consider when we move that way.

PJ Webb – In waiting to see how the state plays out, I think we may be hurt by not implementing MPAs in conjunction with state. Our standard is to restore and enhance our environment.

Randy Herz, Diving alternate – I am overwhelmed by everything I have learned and heard these past few days, and sometimes don't feel up to the task. I have had personal experience with MPAs around the world and have seen the benefits. I believe in MPAs. As we have heard, there is suffering in the fishing industry because of fishing regulations and quotas. But, this is because of over fishing. Most fish stocks are over fished, some are just coming back. While this is a good thing, An MPA is a place where you won't have to wait once it is established. In CINMS there were urchin barrens. For many years people argued that the cause was pollution, El Nino, loss of sea otters, etc. Finally, come to find out, the food chain had been broken. Over

fishing of certain species was the cause all the time. Having MPAs will alleviate those kinds of problems.

Tami Grove – This will be a long, hard, robust process. MPAs come in many different flavors. Relevant to the MLPA process, there are a number of sites where they had to stop at the state line. We knew that the complimentary Federal water MPAs would be important to put in place. Some sites may not be able to function as well without the Federal MPAs. There is going to be give and take, not winners and losers.

Kathy Fosmark – Of areas being considered are albacore tuna and large pelagics. Sardines are in bloom and they may go down. This doesn't mean we have problems, but regime shifts. Research does have an impact on the habitat. Lawsuits have caused closures to go through. Fishermen are not like land based businesses, we don't own the area we harvest on. Depleted stocks are not always based on overfishing. A RCA is a swath of closed area and there is a minimum time in rebuilding it. In the designation documents, if problems arise, NOAA will consult with the PFMC and NOAA Fisheries.

Mike Bekker – In 1998 I saw three basking sharks in Stillwater Cove. I tend to equate this to building a hotel. Are fish going to check in? Are fish just going to pass through? You still need to do an environmental impact report. There are still some questions.

Chris Harrold – There is a risk of moving forward. Its going to cost money, it will take time and there is a risk of failure, meaning we can't make a decision. It's my opinion that benefits outweigh the risks. State MPAs are useful and important, but not critical to move forward. The response time in MPAs could be decades and waiting would be unreasonable. MPAs have been put in all over the world and we could look to those. How do you define winners and losers? There should be win/win. Seek a win/win and from what I see that is happening. The outcomes are happy scenarios for the fishing community. We've been dealing with MPAs for six years and for the first time I feel we are having an honest discussion.

Deborah Streeter – I'm still concerned about the shortage of funds the sanctuary gets. We sent a letter to Dan Basta and have received no response as of yet. Its also frustrating that there is a shortage in the resource protection department.

Kaitilin Gaffney - Russ raised the example of the Ag waiver program. I had the privilege of participating in that process. Everyone got together and worked it out. There was compromise and we did not spend all our time arguing. We were able to work together and come up with something that is not perfect. It requires willingness to compromise. Everyone needs to step up to the plate and participate actively. There has to be give and take.

Cindy Walter – I agree with everything that has been said. Looking at the Soquel Canyon pictures from Kaitilin's presentation, if we had Federal MPAs that canyon would be fully protected. It made sense for me with Federal and state to look at state MPAs and extending them. When working with fishermen in the spot prawn fishery there is a difference between figures in trawling and no trawling. There are four in this area that are active. This tells me those fishermen are harvesting sustainably. They are doing a good job of protecting that fishery.

If we were to all write down the definition of sustainable it will be different for all of us. If common sense were common, we would all have it.

Becky Christensen - Moving forward is time and money, but a risk is disillusionment. There needs to be outside sophisticated help to be a steward for a collaborative process and maybe uping the sophistication of how that is crafted. Look at the process with a new eye.

Libby Downey – I don't think we aren't moving forward if we aren't establishing Federal MPAs with the state. I have a doctor analogy. If you are sick, he won't give you the strongest medication. He will give you a small one and see if you need a stronger one. Don't forget the fishermen supported the MBNMS designation. Don't forget to support them with collaboration. I'm sorry we didn't get to ask questions of Parrish.

Paul Reilly – Do we wait on MLPA monitoring? Communities are different from near and off shore areas. Many long hours were put in on data layers showing us that some habitats are the same, some are different. There are also opportunities for monitoring without using MPAs. Essential Fish Habitats and RCAs could be studied. Does the MBNMS have the ability to do monitoring in new MPAs?

Kirk Schmidt – I think the lesson of the Ag waiver will be reviewed in 2009. It created a predictable set of regulations. One unique aspect of the process was there was an equal number of conservation and farmers with staff. The group that was participating was the same people. We got to a result that will stay in place for five years and will stay for five more years. The fishing community doesn't have that predictability. I don't see how the fishing community can participate in this process without a victory of predictability. Give them that opportunity to say this is what we are talking about today over this period of time. Otherwise there is no incentive for them to show up to a meeting.

Gary Pezzi – Alienating the fishing community is the biggest risk out there in establishing MPA's. This process might be more at risk if there is no socioeconomic impact study on the effect of MPA's to the commercial industry that depends on fishing for their lively hood. Crushing fishing as an industry is a horrible thought. We should protect that industry along with the area that supports it. I am not sure but we may need to wait on the State MLPA process to see if those zones are producing the end result(s) expected. I suggest that we develop a timeline, so that we can implement a plan after digesting all of the information and opinions gathered, should the MPA expansion be approved.

Nick Franco - The concept of trust is your risk and also your benefit. Are you going to take away more? If so, what are you giving? What is the ultimate benefit to the fishing community? Where can you assure fisherman that we will keep areas for them to fish? You should talk about areas you can continue having fishing as well as areas to protect.

Robert Frischmuth, At-large alternate – We need to address the issue of how we move forward. We risk a lot if we don't have the right process. New MPAs are needed as part of an integrated system of management tools. We need to spearhead a new coordinated management

approach. We should protect both benthic resources and pelagic fish. The only way to do that is to use a coordinated management approach.

Rex Keyes, Recreation alternate – Monitoring should be a marriage between state and Federal waters. As long as we have submersibles, it wouldn't take much more to go into Federal waters and monitor. This might be a solution to the funding problem.

Laurence Breaker, Research alternate – I took to heart what we learned in Parrish's presentation. It isn't clear to me that it is really necessary that there is more protection that is needed. The need may not be well established. I concur with Russ Jeffries and Libby Downey that we should see what the state MPAs do before establishing ours. I work at Moss Landing Marine Laboratories and one of the things I am studying is effect of global warming. The waters have warmed by two degrees Fahrenheit. This relates to environmental impact to reduction to fish stocks. Environmental conditions may have changed, so much, in that the fisheries may be moving elsewhere.

Steve Shimek, Conservation alternate - We waited for five years on the Joint Management Plan Review (JMPR). On the MPA working group, which I am a member, we have been working for five years. At the beginning of the JMPR process and we heard from hundreds of people who asked us to provide the best protection. We are the stewards and creation of MPAs were their number one wish. We have lost energy and we need to get it back. I believe that we slowed partially to lack of leadership and direction. In Montana two guys are heroes. These two guys conceived the national park, Yellowstone. There were no developments encroaching on the park. They had amazing vision and clarity of thought. They had no way of knowing about cars, pollution, etc., but yet they put this amazing protection in place. We are now the benefactors. We are the stewards of places like Yellowstone. We can't imagine what will happen tomorrow. Today is the day. We heard about multiple use areas. I don't believe every spot has to have every use. Sanctuary management needs to have courage.

Paul Michel – There has been a lot said. I encourage you to try to put down on paper what you have said today, to not rely on our notes. My goal is to try to digest all of this and come back in February with a well thought out response to your input.

III. *M/V COSCO BUSAN OIL SPILL UPDATE*

Captain David Swatland, US Coast Guard, provided an update on the *M/V Cosco Busan* oil spill in San Francisco. He thanked the MBNMS staff that helped with the unified command. There were folks from Cordell Bank NMS and Gulf of the Farallones NMS assisting with the spill. The Safe Seas 2005 drill helped this effort. That effort will show that the clean up efforts have gone really well. The response to this spill has not been handled very well. This has been the first large-scale oil spill on a Federal and coast guard level since Hurricane Katrina. Some information that has gone out isn't correct. There is a whole slew of investigations going on right now. For that reason I can't tell you everything.

The basic facts are that the vessel was traveling 11 knots when it turned to the bridge. There is some confusion as to which set of pylons they were going through. The incident is considered an

allision, not a collision, because it brushed against the pylon instead of hitting it directly. There were no mechanical functions on the ship. They did have a lookout, but he couldn't see the bow of the vessel. There were language issues between the pilot and crew. There were procedural issues by both vessel captain and pilot. Some of the tools weren't working. If you don't use those tools, sometimes you have accidents. It was estimated that 95% of the oil was ejected when it first hit the pylon. It wasn't boomed because it wasn't leaking anymore. The oil was sticky and goopy and slug disappeared into the fog for a while. Visibility kept us from doing aerial or surface surveys until later in the day. The oil was dispersed pretty well later in the day.

The amount of spill response equipment is determined by the type of ship. That required amount of oil spill response was on standby and did meet time response required by size of ship. There was a greater response than required. Per the Area Contingency Plan, we are the coordinators. NSC and MSRC were employed to clean up. There were several challenges: visibility, tide, and we had a hard time figuring out how much oil was in the tank and dispersed. The vessel was listing five degrees to the right. Crunching numbers took a good part of the day. Some of the bigger mistakes made was letting out the amount that was spilled. The Coast Guard is responsible for notifying people and there was failures at all levels of the phone tree. There have been good lessons learned here. There should have been a timely transmission of updated amounts spilled. We aren't sure why that didn't happen. Another mishandling was the volunteer issue. As soon as it happened, everyone wanted to come out and clean it up. That type of oil is a hazard. We were under the impression that you had to do Hazwopper training. The only people that could participate in clean up were BeachWatch volunteers. We finally got the training squared away and got people out there. There were fishing vessel volunteers as well. By day three of the spill we had 12 boats out there, and then had 20+ after that. Many fishing vessels had the training even though it might have been lapsed. We went out five days later with media and there was very little oil out on the water.

There were several things that went right. When the numbers are tallied, the percentage of product recovered is going to be in the teens, if not higher. This means we did a good job. This was not a major spill, in the big scheme of things. We will be looking at our Area Contingency Plan. We have to get more local participation and setup in advance. There is a list of sensitive areas that get addressed first. Sometimes the locals will have to be responsible for gathering their own resources. We are not trying to discourage community service, but we need to be able to do it safely.

Updates as of this morning: the vessel is scheduled to leave sometime today. A certain number of crew are remaining in San Francisco because of investigations. The pilot has been asked to voluntarily surrender his license. Medical conditions due to license. Given a week if he didn't operate. Angel Island opens again tomorrow morning. The Unified Command has reached agreement on how clean is clean. It is a hugely contentious issue to get everyone to agree on the definition of clean for their beaches.

I know that there has been a lot of information put out and people with strong feelings about this. The Coast Guard has damage control to do. I am more than happy to come out to talk to any group to give them the straight scoop on what happened. We learned a lot from this and when the investigations are done, they will show that this was handled pretty well.

Advisory Council members had the following comments and questions regarding the *M/V Cosco Busan* oil spill: The advisory council should come back to this issue in the future, At the base of the bridge is there sensors if a vessel gets to close? How long from impact until the Coast Guard heard about it? What was in the containers? Was there anything from the Safe Seas drill that could have been better? Are there any ongoing cleanups still underway? Could we be retrained to have the Hazwopper training? Keep the momentum and try to get training for volunteers and designated team leaders in our communities. Was there any other toxic chemicals aboard that ship?

IV. MEMBER ANNOUNCEMENTS

Steve Scheiblauber announced that Karin Strasser Kauffman's husband passed away a couple weeks ago.

P J Webb suggested that maybe the sanctuary would want to put out a press release on volunteers assisting with the oil spill.

Randy Herz announced that the Northern California Ocean Foundation would like to establish an artificial reef in Monterey. There will be a fundraiser at the USS Hornet Museum. If anyone is interested in learning more about it, contact him.

Shauna Potocky announced that the SEP meeting for November focused on resources for educators and communicating those resources to the MBNMS website.

Kathy Fosmark announced that the PFMC will be having two meetings in March and April.

Mike Bekker announced that the Monterey Bay Aquarium, the Cannery Row Company, the City of Monterey and the MBNMS held a sustainable tourism symposium in November. Also, the new hotel on Cannery Row is on budget.

Kaitilin Gaffney announced that the Conservation Working Group is covering whale entanglement.

Cindy Walter announced that the Board of Supervisors recognized the MBNMS and Passionfish as part of the green business program. There were a lot of figures for water saved and stuff from our landfills. I would like to get those statistics from the Monterey County Health Department. The Marine Stewardship Council (MSC) was recently in Monterey County. Passionfish is attempting to be the first MSC restaurant in Monterey and second in the world.

Becky Christensen announced that the ongoing tidal restoration project is going on. They do have periodic public updates that they have an email for and they can add the advisory council to those updates or people can give me their names if they want to know what is going on. It is technical stuff for the most part, but there are public forums.

Libby Downey announced that Trader Joes was constructed as a green building and one of the first commercial green buildings in California.

NEXT MEETING: February 15, 2008, in Half Moon Bay

Submitted by Nicole Capps