

**MONTEREY BAY NATIONAL MARINE SANCTUARY  
ADVISORY COUNCIL**

**Final Meeting Minutes  
February 17, 2017  
Moss Landing Marine Laboratories  
Moss Landing, CA**

**VOTING MEMBERS**

Agriculture: Kirk Schmidt  
AMBAG: Ed Smith  
At Large: Carol Maehr  
At Large: Dan Haifley  
At Large: PJ Webb  
Business & Industry: Tom Rowley  
CA Coastal Commission: absent  
CA Dept. of Fish & Wildlife: Paul Reilly  
CA EPA: absent  
CA Resources Agency: absent

CA State Parks: Brent Marshall  
Conservation: Katherine O’Dea  
Diving: Brian Nelson  
Education: Tucker Hirsch  
Commercial Fishing: Kathy Fosmark  
Harbors: Steve Scheiblaue  
Recreation: Gary Pezzi  
Recreational Fishing: Rich Hughett  
Research: Dr. Steven Haddock  
Tourism: Michael Bekker

**NON-VOTING MEMBERS**

Channel Islands NMS: absent  
College: Clifton Herrmann  
Cordell Banks NMS: absent  
Elkhorn Slough NERR: absent  
Greater Farallones NMS: absent  
Monterey Bay NMS: Paul Michel  
National Marine Fisheries Service: Dr. Steven Lindley  
U.S. Coast Guard: absent

Alternates present in audience:

Cynthia Matthews – At-Large  
Christina McGinnis – At-Large  
Megan Rodenbeck – College  
Jim Moser – Commercial Fishing  
Dawn Hayes – Monterey Bay NMS  
Bart Selby – Recreation

**I. CALL TO ORDER, ROLL CALL, AND MEETING MINUTES**

Chair PJ Webb called the meeting to order and Secretary Brian Nelson attended to roll call.

Dr. Jim Harvey, Director of Moss Landing Marine Labs (MLML) welcomed the Advisory Council to Moss Landing Marine Laboratories. He reminded the Advisory Council (AC) MLML celebrated its 50<sup>th</sup> anniversary in 2016. Dr. Harvey updated the AC on the process of attaining a new research vessel and thanked MBNMS AC for their letter of support. He also mentioned MLML is starting to

focus on aquaculture, and creating a new, sustainable Center for Aquaculture representing all 23 CSU campuses.

### **APPROVAL OF MEETING MINUTES**

Approval of December, 2016 DRAFT Meeting Minutes

**MOTION: Dan Haifley, Katherine O'Dea seconded.**

(Vote: 11 in favor, 0 opposed, 2 abstentions)

## **II. STANDING ITEM: Superintendent Report**

The AC receives the bi-monthly Office Report and should read and share with constituents. Whalefest 2017 was very successful and had many booths set-up to educate and interact with the public. Paul was interviewed at AT&T Pro AM on the golf channel and brought recognition to MBNMS. MBNMS provides CBS and the golf channel with talking points for announcers to use during the broadcast. Desalination public hearings occurred earlier this week and the public comment period is now open.

### Advisory Council Member Discussion

Steve Haddock asked about the golf balls in the sanctuary near Pebble Beach. Paul did not get asked about this topic in his interview, but noted the two high school students who commented at the December MBNMS AC meeting were interviewed at the AT&T Pro AM.

GFNMS had nothing to report.

Kristen Hart reminded everyone of the recruitment for seven council seats. Open seats included: Citizen At-Large (primary and alternate), Diving (primary and alternate), Tourism (primary and alternate), and Education (alternate). Applications were available on the MBNMS website on the homepage or by contacting Kristen directly. Applications are due February 28<sup>th</sup>.

Kristen mentioned the AC needed to establish a subcommittee for council nominations. The subcommittee consists of 5-6 people who will get together, discuss applications, rank, and give recommendations to Paul. Subcommittee members cannot be an applicant. Members who volunteered for the subcommittee include: Tucker Hirsch, Steve Scheiblaue, Rich Hughett, P.J. Webb, Katherine O'Dea (Chair), and Gary Pezzi.

Kristen also took a count of who had not been to an AC member orientation or who had not been refreshed within the last year. The MBNMS charter requires all new or returning members to attend an orientation.

## **III. STANDING ITEM: MEMBER ANNOUNCEMENTS**

Paul Michel, MBNMS Superintendent: One of the first employees of the sanctuary, Liz Love, passed away earlier this week. Today's MBNMS AC meeting is dedicated to her.

Steven Haddock, Research alternate: James Lindholm at CSUMB announced the Rote Program Speaker, Dr. Peter Auster, who will be speaking at MLML on Tuesday, March 28th about the role of science in the designation of the Northeast Canyons and Seamounts Marine National Monument. Research note: The giant deep-sea octopus called *Haliphron*, which can be 4 meters (13 feet) long,

has only been seen in Monterey Bay twice in 25 years by MBARI ROVs. On the most recent observation, the octopus was seen carrying a jellyfish within its arms. Examination of five museum specimens confirmed all had jellies in their stomach. This discovery shows some of the largest residents of the sanctuary (Ocean Sunfish, leatherback turtles, and now the giant octopus) are able to reach great size by eating jellyfish. <http://j.mp/haliphron>

Carol Maehr, At-Large alternate: Carol requested if at all possible, MBNMS AC meeting minutes be made available sooner. Specifically, it would be very helpful if minutes were sent out for approval to all members within 2 weeks of the meeting, not 3 weeks before the next meeting. Getting the minutes for review in a timely manner would allow for more accurate recall of business at the meeting. It would also serve as a reminder for any new committees and what was expected from said committees. The minutes will serve as a catalyst for this work.

Rich Hughett, Recreational Fishing primary: Attended the two day Recreational Fishing Summit in Florida where 10 sanctuaries were present. He hopes to share minutes with AC and will provide an update at the April AC meeting. One stand out topic included discussion around development of artificial reefs. Rich presented on the local golf ball situation and shared the video made by two high school students.

Steve Scheiblaue, Harbors primary: Retiring Tuesday 2/21 after a 42 year career as harbormaster.

Dan Haifley, At-Large primary: O'Neill Sea Odyssey's new online marine science common core NGSS curriculum distributed by the Pepper College Readiness Network. Distributed online nationally for schools.

Brian Nelson, Diving primary: Email list is growing. Diving survey is still open. Happy with amount of people participating. Highlights from Diver Survey: Diver eNewsletter published 2/15/2017, current active contacts 2634 with a 32.8% open rate and 10.5 click through rate in the first 24 hours. The survey is still open for more data coming in, ongoing results are attached for review.

<http://survey.constantcontact.com/survey/a07edjw855iw6oub9b/results> Divers are seeing a change in spiny urchin population similar to Southern California. This is a concerning trend and could represent significant changes to the kelp forest volume and health. The Diver Representatives will be presenting "Your Sanctuary" for divers at CSUMB on March 1<sup>st</sup> from 7-10 PM.

Michael Bekker, Tourism primary: Pebble Beach awards outstanding teachers a Golden Apple award. We need to promote teachers. Storm drain "cover up" by construction companies caused flooding damage downstream to one of his shopping malls. Need to work on poor stormwater management. Mentioned drones may be used to chase Western Gulls out of Pacific Grove.

PJ Webb, At-Large primary: The Coastal Discovery Center Fair will be held in San Simeon on August 26th. This is a well-attended favorite event with families planning their vacations around the fair. The community really shows up for this event and the theme will be MBNMS' 25th anniversary. Hwy 1 is closed from Ragged Point to just south of Palo Colorado and will be for a long time; might see an impact on visitors. Education news: 4th year partnering with BWET recipient One Cool Earth in Paso Robles learning about watersheds; growing partnerships with other camps such as Camp Keep, Camp Ocean Pines, Camp Natoma to increase ocean conservation awareness via hands

on programs for elementary age, mentoring programs for high school students and UC CA Naturalist Class/workshops for adults. Working with CA State Parks on their PORTS distance learning program – a park service online resource for teachers and students using interactive videoconferencing for K-12 schools to teach common core state standards. Coastal Discovery Center is highlighted in the updated California Coastal Commission's Coastal Access Guide. The Piedras Blancas area is now part of the California Coastal Monument.

Gary Pezzi, Recreation primary: Titans of Mavericks went bankrupt. Decent winter for surf, but water quality had a rough start.

Steve Lindley, NMFS primary: no new announcements

Katherine O'Dea, Conservation primary: Save Our Shores with Surfrider marched against CEMEX; carried purchased sand and put it back on the beach. CEMEX had an exchange with press. Save Our Shores continues to conduct mine monitoring and collects data every couple of days to see if the dredge pond breaches and see if CEMEX is operating below mean high tide. Save Our Shores did a short documentary on the sand mine and will be screened at the Patagonia outlet store in Santa Cruz, followed by a discussion.

Ed Smith, AMBAG primary: Staff presentations at city council meeting regarding CEMEX. Conference Center is scheduled to open in July 2017, not April 1<sup>st</sup> as previously reported. Encourages AC to look at AMBAG website for 5 additional new members.

Tucker Hirsch, Education primary: Fishermen in the Classroom received a Whale Tail grant of \$12,000. This will allow the education team in a partnership with Real Good Fish to re-launch Fishermen in the Classroom. It will be a bigger and better program with some virtual trips to allow students to see Fishermen's work from the safety of their classrooms, along with trips into the classroom.

Kathy Fosmark, Commercial Fishing primary: Regarding the Chumash Sanctuary: six weeks ago the Coalition, "Our Protected Coast Coalition from Farm to Harbor" sent a letter from growers, ranchers, fishermen and elected officials such as two board of supervisors who voted to oppose a Chumash Sanctuary and Assemblyman Jordan Cunningham to the Sanctuary AC. They don't want another Agency in Washington DC because fishermen do not trust the sanctuary (i.e. CINMS chose to regulate fish in the water column within their boundaries).

Clifton Herrmann, College primary: 1. Spatial assessment of research in the sanctuary in review, comments received, excited for publication. 2. College representatives have been reaching out to constituents via marine science club at CSUMB – have been in communication with Lisa Emanuelson about providing volunteer opportunities to students to enhance involvement and understanding.

Paul Reilly, CA Dept. of Fish & Wildlife primary: no new announcements

Jim Moser, Commercial Fishing alternate: Multi-million dollar new dredge does not seem to be able to keep the Santa Cruz Harbor open this winter. There are multiple issues to blame including the engine cooling system clogging up with debris from the storms and forgetting to include seawater

strainers. The harbor seems to have difficulty keeping experienced crew and the majority of people involved blame management. One engine in the work boat that positions buoys so the dredge can be repositioned has failed after supposedly being rebuilt and properly maintained last year. The dredge will be out of commission until they get new engines or hire another work boat with a crane to move the buoys. The harbor is not officially closed but too shallow and unsafe for most boats to use. The crab season has been slow since the beginning of the season (November 15<sup>th</sup>) and especially below Half Moon Bay. Crabs have moved north this year, which is not surprising as they have traditionally been more plentiful to the north of Santa Cruz. Santa Cruz crabbers have been mostly stuck in the harbor for the last month and it looks like that will continue. Further north the crabbing has been decent for mostly larger boats willing to fish rougher weather. Some larger boats have benefited from the multiple openings caused by area closures due to domoic acid. There was also a price drop and tie-up that hurt a lot of boats. Overall the season was frustrating for most boats.

Bart Selby, Recreation alternate: no new announcements

Cynthia Matthews: City of Santa Cruz received a prestigious award from the Silicon Valley Leadership Group's Turning Red Tape Into Red Carpet. The award recognizes outstanding work in the region promoting local economic competitiveness and business development. Santa Cruz's GreenWharf Initiative was awarded the Sustainable Green Development award for the Small City category, recognizing GreenWharf's positive relationship between economic development and environmental sustainability. The City of Santa Cruz was also awarded a \$700,000 grant to control the river mouth and keep the river below flood levels. There will now be an easier, more streamlined process where special permission is not required. Looking to invest in an environmentally sound longer term solution.

Tom Rowley, Business alternate: Record crowds at AT&T PRO AM despite poor weather. The projections on tourism and visitors are supposed to be similar to the previous year, which is great news after a harsh winter destroyed parts of Highway 1 and closed the road from Ragged Point to south of Palo Colorado. Monterey County Association of Realtors has been approached regarding CEMEX effects on houses on Del Monte beach.

Kirk Schmidt, Agriculture primary: Kirk has been working on Tailwater systems, a high performance, compact, denitrifying bioreactor for removing nitrates from agricultural well and waste water. Key points of the bioreactor include: NO<sub>3</sub> converted into N<sub>2</sub> by bacteria, high water recovery, very low power consumption, low sludge production, no exotic or expensive chemicals, and no waste streams or brine disposal.

#### Advisory Council Member Discussion

Carol Maehr asked if CEMEX is using a new dredge and Katherine O'Dea confirmed, but said it is not in operation at the moment. There was also a question if the AC received response to the letter regarding the CEMEX sand mine. Paul assured the response is imminent and it has been almost a year since the letter was approved and sent.

#### **IV: PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

1. Margaret-Anne Coppernoll, Marina resident. CPUC DEIR. See Appendix A.
2. Harvey Biala, Citizen of Marina. Support denial of DEIR. See Appendix A.

3. Kathy Biala, Resident of Marina, support denial of DEIR. See Appendix A.
4. David W. Brown, Marina, spoke regarding desal/water supply project. Science involved in groundwater modeling/environmental justice.
5. Brent Allen, Save Our Shores/Surfrider, commented on plastics in sanctuary. Stand-up paddle in kelp beds clean ups, media, pebble beach, Carmel, Point Lobos.
6. Michael Baer, Monterey Resident, Desal. Groundwater impacts are significant, causes harm to legal water rights holders, revisit screened ocean intake. CEMEX maybe infeasible site.

#### **V: INFORMATION ITEM: Desalination update**

Karen Grimmer, MBNMS Resource Protection Coordinator, provided an update on the status of various desalination projects within MBNMS and proposed special use permit categories on desalination. The California American Water Company (CalAm) proposed the Monterey Peninsula Water Supply Project (MPWSP) to develop water supplies for the Monterey Peninsula. The purpose of the project is to replace existing water supplies constrained by legal decisions affecting the Carmel River and Seaside Groundwater Basin. Four MBNMS approvals are required for CalAm's project, along with multiple other agency approvals. The new draft EIR/EIS is a combined document with State and Federal aspects. There are two lead agencies, California Public Utilities Commission (CPUC) for the State California Environmental Quality Act (CEQA) and MBNMS for the Federal National Environmental Policy Act (NEPA). One less than significant impact of the MPWSP includes groundwater impacts on nearby production wells. Impacts designated less than significant with mitigation include: soil erosion, coastal erosion, water quality/brine discharge, terrestrial biological resources, hazardous materials, traffic and transportation, noise and vibration, public services utilities, light and glare, cultural resources, energy, and socioeconomics/ environmental justice. Significant and unavoidable impacts from the MPWSP include: project-specific and cumulative nighttime noise impacts, contribution to significant cumulative impacts on traffic and transportation, disturbance to vegetation communities designated as primary or secondary habitat, short-term construction emissions, greenhouse gas emissions in excess of the 2,000 metric tons/year threshold, and indirect growth inducement by removing water supply limitations. Six alternatives to MPWSP include: 1. Subsurface slant wells at Potrero Road, 2. Open-water intake at Moss Landing, 3. DeepWater Desal which is proposed by the Monterey Bay Regional Water Project (MBRWP), 4. People's Project at Moss Landing, 5a. Reduced-Size project at CEMEX paired with the Pure Water Monterey Groundwater Replenishment Project (GWR), 5b. Reduced-Size project at Potrero Road. NOAA's preferred alternative is 5a because it is environmentally superior. However, Alternative 5a would be implemented in conjunction with the GWR, which would offer the same amount of freshwater as the proposed project, but result in a larger overall footprint than the proposed project alone. The pairing of Alternative 5a and the GWR project would result in: reduced number of slant wells and thereby smaller footprint in the sanctuary, reduced operational energy use, reduced greenhouse gas emissions, and reduced Less than Significant effects on groundwater levels influenced by fewer slant wells and less volume of pumping. Additionally, ONMS proposed two new categories of Special Use Permit for desalination projects. Two open houses to discuss the Draft EIR/EIS and one public comment hearing occurred in February. Karen highly encouraged all to submit comments on the Draft EIR/EIS either electronically online, through email or mail by the deadline of March 29th.

#### Advisory Council Member Discussion

There were multiple questions about specific layout measurements and placements regarding the slant wells and brine discharge pipes. As far as impact designations, the document was required to point out all impacts and label them. In public comments people are welcome to comment on any certain alternative and/or provide feedback on the document and ways in which it might be improved. There is no determination whether there will be a specific desalination plant selected or none at all.

## **VI. INFORMATION & ACTION ITEM: Management Plan Review Council Workshop**

Katherine O’Dea, Conservation Primary and Conservation Working Group (CWG) Chair and Kevin Miller, CWG Member, gave an overview of marine debris in MBNMS, current management and draft recommendations. Marine debris is any persistent, manufactured or processed solid material directly or indirectly, intentionally or unintentionally, disposed of or abandoned in the marine environment. Examples include derelict fishing gear, sunken/grounded vessels, lost shipping containers, consumer debris and commercial debris. Impacts of marine debris include ingestion by wildlife, entanglement, hazardous navigation, littered habitats and coastlines, possible human health impacts and introduced species. Sources of marine debris are mostly land-based, but include some ocean-based sources. Sources include stormwater runoff, landfills, streams, rivers and other waterways, recreational and commercial activities, storm debris and beach and street litter. Current MBNMS marine debris management includes education and outreach, citizen science, removal and clean-ups, local policies and project funding. Gaps in management occur in non-point source pollution generally and primarily with plastic pollution. The recommendations are focused towards non-point source plastic pollution. Plastic pollution is a unique category of marine debris due to its persistence and impact on the marine environment. The primary goal of the CWG’s recommendations is to reduce the amount of plastic pollution entering MBNMS. The CWG recommends four proposed strategies including policy, data aggregation, education and outreach, and research and monitoring. The CWG suggests clearly differentiating plastic pollution from other marine debris, source reduction is the goal, heavy on policy, data creates a solid foundation for policy and education and outreach builds community.

1. Policy Strategies:
  - Work in tandem with communities’ efforts to comply with storm drain runoff regulations
  - Collaborate with water quality efforts
  - Work with various discharge permit holders
  - Lead by example, creating and sharing MBNMS best practices
  - Write letters of support for local advocacy efforts, e.g., bag ban letter
  - Meet and discuss the issue with community/government leaders
2. Data Aggregation Strategies:
  - Facilitate data aggregation via a 3 to 5 year pilot program
  - Standardize type of data collected
  - Standardize reporting protocols
  - Decide how data will be used
3. Education and Outreach Strategies
  - Incorporate plastic pollution info into existing education programs
  - Work with business and tourism
  - Include education and outreach criteria in requirements for business certification
  - Create a best practices guide
4. Research and Monitoring Strategies:

- Suggest research topics to RAP and/or other research entities

#### Advisory Council Member Discussion

There was discussion about the trash amendment. Gary Pezzi discussed not all sanctuaries are addressing these issues, we should try to spread awareness, especially national awareness before making too much policy. AC discussed plastic straw ban, the difference between plastic and paper straws, adding this topic to the outreach and education, and “ask for straw” campaigns. Issues and confusion surrounding recycling were discussed; need to educate about what is recyclable. AC suggested adding to the list of entities to collaborate with to include local governments, elected officials, CSUMB sustainability program and to all sanctuaries. AC discussed direct outreach to sources of plastic pollution may be better assistance than the overextended research. AC discussed educating businesses, political pressure to provide services for composting and recycling and importance of state services such as recycling. AC discussed plastics that sink to the bottom of the ocean, encouraging businesses to provide discounts to people who bring their own cups, etc., and new products to replace plastic. AC discussed marine debris in the marina and all of sanctuary and grants that may fund diver clean-ups. AC discussed garbage patches in the gyres and their relationship to microplastics. AC discussed incentivizing proper disposal of plastics. The AC discussed banning plastic bottles from AC meetings.

A motion was made by Brian Nelson to approve the recommendations as they were submitted. Gary Pezzi seconded.

#### **Motion: PASSED**

(Vote: 16 in favor, 1 opposed, 0 abstentions)

#### **VIII: INFORMATION & ACTION ITEM: Management Plan Review Working Group Recommendations**

Subcommittee and working groups presented recommendations to advisory council for deliberation and to superintendent for suggestion.

#### **MPWC Subcommittee**

1. The subcommittee recommends that the Management Plan and regulations be changed to allow MPWC use at Mavericks during High Surf Advisory conditions (replacing High Surf Warning conditions).

#### Advisory Council Member Discussion

Brent Marshall asked if the MPWC use is for public safety and rescues or for photographers to be able to go out in advisory conditions. The intended use would be for rescue of big wave surfers. The subcommittee strongly suggested studying the possibilities of adding three additional sites (Ghost Trees, Salinas River Mouth and Moss Landing) as safety training zones within MBNMS. Paul Michel made a point that MBNMS is not interested in adding addition MPWC use sites.

A motion was made by Brian Nelson to approve the recommendations as they were submitted. Seconded by Kathy Fosmark.

#### **Motion: PASSED**

(Vote: 17 in favor, 0 opposed, 0 abstentions)



Public Comment

1. Kevin Miller, Surfrider Monterey Chapter: Concern regarding possible impacts if Salinas River Mouth becomes a training area, especially given its remoteness and sensitive habitat between the closest harbor (Moss Landing) and the river mouth.

**Overflight Working Group (GFNMS)**

1. Request the FAA to change chart markings to make pilots aware of Devil's Slide Rock and risks to resources.
2. Immediately engage with FAA's current process to re-consider Class B Airspace to better support this need. i.e., ask FAA to move the current Class B airspace away from Devil's Slide to provide more room to allow pilots more easily to maneuver around Devil's Slide Rock to better protect birds
3. Gather Data on whether this approach worked. Commit to a time to revisit this.

Advisory Council Member Discussion

FAA would not be collecting the data.

A motion was made by Dan Haifly to approve the recommendations as they were submitted.

Seconded by Gary Pezzi.

**Motion: PASSED**

(Vote: 16 in favor, 0 opposed, 0 abstentions)

**Wildlife Disturbance – Ocean Noise Working Group**

1. Because the sonic environment is of critical importance to the survival of marine mammals in our sanctuary we recommend increasing research efforts, including CeNCOOS (Central and Northern California Ocean Observing System) begin to **monitor sound as a core variable** tracked over time. To this end we support encouraging the **acquisition of equipment** required to better quantify our acoustic landscape and **utilizing experts** who can precisely locate, measure and analyze sonic activity.
2. Soundscapes are a critical part of the sanctuary environment, we recommend this be featured in the **Discovery Center-** utilizing **exhibits, events and outreach** detailing acoustic research efforts that reveal how animals use acoustics.
3. We recommend that the Sanctuary legal, enforcement and science staff work with appropriate agencies to **review literature and existing data** regarding the use of **seal bombs**, as well as the applicability of MMPA and ESA mandated action due to their **impact on marine mammals**. Information from CDFW suggests existing regulations mandate action given the level of disruption the data, presence of species and sensitivity of the species indicate. Scientists explained seal bombs deliver low frequency acoustic impacts of at least 210 decibels- high enough to damage tissue- and can impact animals miles from the explosion. The single hydrophone now in Monterey Bay recorded 2,308 seal bomb detonations from August 2015 to January 2016.
4. We recommend the Sanctuary request scheduled **annual reviews** from fisheries management on current and past usage and strategies to minimize future **seal bomb use** in the Sanctuary. Seal bombs are not currently used on the East Coast or in the Gulf of Mexico.

5. We recommend staff maintain an awareness that ship or boat produced **sound can be reduced** as **new vessels** and equipment (all vessels operating in the Sanctuary) are designed and **brought into service** and take steps to encourage this happens as vessels and equipment are replaced.
6. We recommend the Sanctuary **encourage tour providers to work with experts** to understand how to interact with whales using techniques to **minimize acoustic interference**, and to educate and inform visitors of these issues. Monterey Bay is home to the world's best whale watching. We should encourage tour providers and our hospitality industry to promote and grow businesses with practices that lead the world in safeguarding our star attractions.  
The advice offered by scientists includes dampening acoustic impacts by not stopping using engines, accelerating and de-accelerating slowly, not flooding areas with sound, and if they are near whales, placing transmissions in neutral when possible.

#### Advisory Council Member Discussion

People had problems with recommendation 4. Paul Reilly stated he could not support the recommendations as written due to recommendation 4 which required a report from fisheries management on seal bomb use, since the Department does not have the resources to do this work. Kirk Schmidt does not support recommendation 5. A few people agree that the set of recommendations needs more vetting. Some people wanted more outreach, but Clifton pointed out that outreach was not part of the task assigned to the working group. Steve Scheiblauer commented that it is established science that in considering natural resource issues, affected stakeholders need to be involved throughout the process; therefore, he recommends the subcommittee conduct outreach. P.J. suggested the working group send updated recommendations for the AC to review. The AC did not make a motion to approve the recommendations. The working group will continue to meet and work to improve recommendations.

#### **Wildlife Disturbance – Approach Issues Working Group**

1. MBNMS should work collaboratively with whale watch operators, marine mammal experts and other parties to develop comprehensive guidelines for approaching and viewing whales in Monterey Bay National Marine Sanctuary that would prevent whale disturbances. The guidelines should be applicable to all motorized and non-motorized vessels operating in the Sanctuary.
2. Upon implementation of the guidelines, a science-based compliance assessment shall be conducted for at least one year. The actual duration of the assessment will be determined by the scientific team assembled to develop the assessment protocol.
3. If this assessment shows significant non-compliance with the whale approach and viewing guidelines, the reasons for non-compliance will be assessed. Then, if non-compliance appears to be willful based on the preponderance of evidence, the process for adopting a minimum approach and viewing regulation for vessels operating in the Sanctuary should be implemented.
4. MBNMS should develop a sanctuary-wide outreach program on whale approach and viewing guidelines that includes recreational boaters and other users that may not have access to the traditional methods for disseminating information regarding marine mammal approach and viewing etiquette. Below are some example ideas:
  - Ensure purchasers of kayaks at retail outlets receive information on marine wildlife approach and viewing etiquette.
  - Solicit and encourage kayak rental shops to assist with outreach efforts.

- MBNMS could work with the Department of Boating and Waterways through their Boating Under the Influence (BUI) prevention program, to provide marine mammal approach and viewing etiquette information.
- MBNMS could work with the Department of Motor Vehicles to include whale approach and viewing guidelines in their boater registration packages sent out every 2 years.
- MBNMS could work with CDFW to provide their recreational fishery samplers with marine mammal and viewing etiquette information at the four launch ramps within Monterey Bay.
- Harbor staffs, perhaps supported by volunteers from Save Our Shores or other groups, could distribute whale approach and viewing flyers to the vessel owners and operators including kayak launchers.
- The Harbors within the Sanctuary could use their gate notice boxes and electronic newsletters to distribute the whale approach and viewing guidelines to resident boaters.
- A laminated poster could be developed describing the guidelines and placed on all whale watch operator vessels as well as in public areas for all boaters as appropriate.

#### Advisory Council Member Discussion

Science based compliance means that monitoring is scientifically sound, effective and meaningful conclusion. Carol Maehr requests the guidelines before assessing the recommendations. Karen Grimmer clarified that recommendation 1 applies to all motorized and non-motorized vessels. Tucker appreciated the WG creative ideas as far as education and outreach. She suggested commercial fisherman could be another outlet. Katherine O’Dea asked what the recourse is for not following the guidelines.

#### Public Comment

1. Kate Spencer, Fast Raft Ocean Safaris: Whale watching operators perspective
2. Doris Welch, Sanctuary Cruises: Need for public and user education efforts – how whale watch and kayak businesses can work with sanctuary to create and implement guidelines and education efforts.
3. Giancarlo Thomae, Sanctuary Cruises: Education – “Whale Wise signs” at launch ramps. Have kayak whale watch businesses work with sanctuary to establish whale etiquette.

A motion was made by Brian Nelson to approve the recommendations as they were submitted. Seconded by Dan Haifley.

#### **Motion: PASSED**

(Vote: 16 in favor, 0 opposed, 0 abstentions)

### **IX: STANDING ITEM: Working Group Updates**

#### **Conservation Working Group (CWG):**

The Conservation Working Group has been meeting monthly since August 2016. The CWG focused discussions primarily on recommendations regarding marine debris for the sanctuary management plan review. Depending on what follow-through may be required post presentation of our recommendations, we will then determine if we need a continued primary focus on marine debris issues or look at a much broader set of topics. We will mostly likely wait to get too far into that discussion until we have a new co-Chair, since Letise LeFeir had to resign her position due to her move to Los Angeles and the Resource Legacy Fund. The Conservation Alternate seat on the AC will be included in the Spring 2017 recruitment.

The CWG is also very interested in the World Heritage Site designation and Katherine O’Dea, Chair, is committed to ensuring the CWG is regularly updated on this topic. Katherine will present to and discuss with the CWG the findings of the World Heritage Site Subcommittee that was formed, but has not yet completed its work.

### **Research Activity Panel (RAP):**

RAP Meeting from January 13th.

Three recently appointed members of the RAP were present:

- Kerry Nickols: Nearshore Environment, primary (CSU Monterey Bay)
- Brian Owens: Fisheries, alternate (California Department of Fish and Wildlife)
- Ross Clark: Estuarine Environment, primary (Central Coast Wetlands Group)

The Ed Ricketts Award Winner for 2017 was announced as Fiorenza Micheli from Hopkins Marine Station and Stanford. She gave a talk at Sanctuary Exploration Center, Santa Cruz on February 10<sup>th</sup> entitled, “Under pressure: vulnerability and resilience of coastal systems of the California Current”

Fiorenza Micheli and Jeremy Goldbogen gave the host overview for Hopkins, encouraging members to look at their new web site, with improved information and outreach data:

<https://hopkinsmarinestation.stanford.edu/>

### **Management Plan**

The RAP continues to provide input on the Research Program Action Plan of the Management Plan. We read through the outline and provided some feedback, with solicitations for continued feedback by e-mail.

### **Action on Desalination Activities**

Bridget Hoover (MBNMS Water Quality Protection Program Director; RAP member): noted two federal activities regarding desalination projects. One was a request for comment on two new Special Use Permit Categories related to operation of desalination facilities. (Public comment period closed on Feb 13th). These permits pertain to the continued presence of a pipeline transporting seawater to or from a desalination facility; and the use of sediment to filter seawater for desalination.

The second action was a notice that the Draft Environmental Impact Report/Environmental Impact Statement for the CalAm desal project was posted. Public comment period ends on Feb 27. For more information, go to <http://www.regulations.gov> and search on Docket #NOAA-NOS-2016-0156. The RAP will discuss the EIR as a group at their March meeting.

### **Activities for Sanctuary’s 25<sup>th</sup> Anniversary**

Amity Wood (MBNMS Education Coordinator) announced an education/science speaker series (a panel discussion) for 25<sup>th</sup> MBNMS Anniversary; both in north (Sanctuary Exploration Center) and south bay (tbd) locations

### **RAP Research Priorities**

John Hunt (RAP chair) discussed an Action Plan for encouraging and prioritizing long-term monitoring by the Research group, and the group will continue to refine communication options regarding this matter.

**Member Updates on New Hires**

Recruitment for CeNCOOS Director will begin soon. Two new hires (Ben Martin; Andrew Hine) at NOAA Fisheries. Two Researcher hires (Andrea Fassbender; Yui Takeshita) at MBARI. New tech-savvy librarian at Hopkins (Amanda Whitmire) and Moss Landing Marine Labs (Katie Lage).

**Recreation and Tourism Subcommittee (RATS):**

Scheduled meeting

E newsletter went out

Change to geographical areas, embedded video

Enjoying high click rate, almost 40% opened

Number one click through is still wildlife calendar

Hoping to have a meeting coming up. Email Brian to be added to the e-newsletter or with suggested emails to add.

Completed R.A.T.S. eNewsletter and published February 6, 2017 added entire Monterey Wharf 1 association to email list to data base. Change to eNewsletter where as each geographical area has a video embedded in header. Lisa Utall and subcommittee will begin a regular 2017 meetings series. Will review and review “Friends of the Sanctuary” draft project for possible agenda item for SAC members: Email list 588 Open rate 37.4% Click Through 8.1%

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<a href="http://www.seasonsintthesea.com/">http://www.seasonsintthesea.com/</a>	62%

**World Heritage Site Subcommittee:**

Did not meet yet.

Meeting adjourned at 4:32 PM

**Appendix A**

**Good Afternoon. My name is MA Coppernoll, Marina resident.**

**While I admire and respect your tremendous effort and display of good will, I must plead with you today to deny the Certification of the MPWSP and approval of this Draft EIR. The reason is that this desal project is infeasible, and irreparable harm is being done, and will be done. Sadly, this report is biased in favor of CalAm. It neglects to assess the water needs of Marina. & *Old Communities***

**CalAm has no groundwater rights, making its project from the start infeasible. None of the arguments presented qualify CalAm with groundwater rights. The argument that the project will provide return water is specious because the project has no right to any water it is extracting from the Dune Sand Aquifer. Those water rights belong to the jurisdiction that has lead responsibility. That jurisdiction is Marina Coast Water District, a publicly owned water purveyor that has a decades long golden track record of providing fresh potable water to its customers at affordable prices, and rewards them with incentives for their water conservation efforts.**

**CalAm has inserted its test slant well, (an unproven and untested technology), into Marina Coast Water District's fresh water aquifer, the Perched Dune Sand Aquifer; this aquifer provides a natural barrier against seawater intrusion. As science shows, over pumping causes seawater intrusion (as the groundwater levels decrease with over pumping.) The DEIR states that CalAm is currently drawing from this aquifer, not the subsurface out in the ocean as its project design depicted.**

**The DEIR tells us that the desal project intends to continue drawing from the Dune Sand Aquifer once its other nine slant wells are constructed, (again not in sync with the stated design).**

**This project is in violation of the City of Marina's coastal land use plan, as the DEIR points out. The project is in violation of the CEQA Chapter 9.2 requirement to prove it will do no irreparable harm. It is already doing irreparable harm by taking water that it has no right to take and diminishing Marina's water supply.**

**(The Dune Sand Aquifer is a Perched fresh water aquifer that naturally prevents salt water intrusion.) Field research studies have scientifically demonstrated through Electrical Resistivity Tomography or ERT that freshwater exists along with saltwater intruded water in the various geologic stratigraphic layers in the subsurface areas of the Salinas Valley Groundwater Basin aquifers.**

**Marina Coast Water has done a first-class job in restoring fresh water through its sustainable groundwater management plans and programs. Per the DEIR, The desal project is undermining those efforts by pumping 2100 gallons of water per minute out of the Dune Sand Aquifer, water that ends up back in the Bay. This squandering action is unlawful. The project's goal to construct pipelines that will extract Salinas Valley Groundwater Basin water out of its jurisdiction and transport it to another area is also unlawful. Providing another water source to the Peninsula is an honorable objective, but it is not honorable to usurp another jurisdiction's water rights in the process.**

**I plead with you to be FAIR, TO do the morally right thing. Protect Marina's lawful groundwater jurisdiction from this invasion into its water supply system. The argument that there is only brackish water**

**in the aquifer is a falsehood, but any existing brackish water is still groundwater and belongs to Marina. (CalAm could have benefited from this ERT field research study, but Dr. Knight's team was denied access when it wanted to include the CEMEX property in its most recent study.)**

**Please, please deny certification and approval until solid, authentic scientific data can be obtained, and any irreparable harm to Marina's water supply system can be averted. The United Nations declared water to be a basic human right. California supports this policy that every human being has a basic right to affordable and accessible water for drinking, sanitary and cooking needs. Water is God's gift to mankind. It should not be viewed as a for profit commodity for investors. Thank you (and God bless you, and all our communities.)**



Public Comment to Monterey Bay National Marine Sanctuary  
by Harvey Biala, resident of Marina, CA 2/17/17  
Topic: Cal-Am Slant Well Project (MPWSP)

Cal-Am describes the proposed Project as a “ocean intake system” with quote “subsurface slant wells extending offshore” leading us to believe Cal-Am will be taking ocean water for this desalination project and a diagram displayed at public meetings seems to depict and imply that the slant wells will be pumping water **safely** out from under the ocean floor. This is completely misleading and we are outraged that this is put before the public, in this deceptive manner. In the DEIR, there is a diagram that clearly shows the slant well is in the 180 foot aquifer! How dare Cal-Am suggest otherwise! Our aquifers are connected to the ocean across the entire region... Cal-Am cannot **illegally** take 27,000 acf per year from our water sources and claim “no harm” will be done to an already over-drafted and fragile groundwater system! By the way, Marina Coast Water District is currently pumping 4,000 acre feet per year which is one seventh of what the Cal-Am project proposes to pump!

Cal-Am has not bothered to understand Marina and Ord communities' future needs for our water. The DEIR lists pages of the Peninsula's needs for single family, affordable housing, and commercial needs but there is absolutely no mention of what we are struggling with to accommodate our future growth and water needs! We have a university expecting to grow to 12,000 students, we have as yet an unopened flagship medical Veterans facility, we have commitments to build in excess of 2,000 more homes and so much more. And we are wondering how to provide water for of all this development without the water grab from Cal-Am! Where is this considered in the DEIR? Why does Cal-AM's Peninsula needs take precedence over ours when we have water rights and they do not! This is truly an example of “environmental injustice” in which a powerful and predatory mega-corporation is allowed to dominate a small, economically challenged and diverse community to meet the needs of a wealthier, more politically influential population.

Public Comment at Monterey Bay National Marine Sanctuary Public Hearing  
 Re: Cal-Am MPWSP project  
 Kathy Biala, resident of Marina, 02.16.17

First, I want to stress that Cal-Am has NO legal water rights in the Salinas Valley Groundwater Basin; the issue of groundwater rights must be determined BEFORE any further project approvals!

Secondly, because this specific type of slant well technology is experimental, a high level of scientific scrutiny is required. But basic scientific methodology has been breeched in the Cal-Am project! Among these are:

- Cal-Am's assumption that the 180' aquifer contains only "un-useable" brackish water is a falsehood on two counts. Brackish water IS valuable in a desalination process because it contains a portion of fresh water by definition, and hence has great value to the local water purveyor, Marina Coast Water District. Further, the MCWD hydro-geologist has discovered a perched fresh water aquifer on the Armstrong property NOT addressed in Cal-Am's assertion of "no harm". How can Cal-Am's model predict "no harm" to our Basin without an accurate **baseline** of where fresh water IS? Cal-Am has shown a complete disregard for the Electrical Resistivity Tomography (the ERT for shorthand), that can image very large portions of the groundwater Basin up to depths below the 900' aquifer in a 3D mapping. By contrast, Cal-Am who knew about the ERT at least 2 years ago, is obtaining data from **only** 9 vertical monitoring wells, builds a model from this limited data and then claims "no harm" to the Basin!
- The test slant well study has NOT been completed, and yet this DEIR is to be approved?! Any Cal-Am claims of "no harm" are mere conjecture at this point until the test is completed, period!
- Large numbers of pumping stoppages have occurred with significant lapses in data collection and yet no questions have been raised as to whether this is a valid study under such conditions.
- Two major data variances in the test slant well have already occurred:

- 1) exceeding the acceptable water drawdown level of more than one foot that was later "explained away" by the impact of agricultural pumping and
- 2) not reaching a projected salinity level of 96% in the threshold well, meaning that the current 93% salinity is **7% aquifer water being pumped**.

This model is highly faulty as it did not factor in, before the testing began, the impacts of the agricultural pumping nor identifying levels of uncertainty for unexpected results. This is shoddy science.

MCWD will initiate the ERT in May. If you approve this project without the benefits of an ERT study, you will likely face compelling legal challenges **based on facts** revealed by the ERT. Do not approve this project until an ERT is completed and the data applied to the existing model. What is at stake is an entire regional water supply.

Thank you.