

To: Mayor and City Council

AGENDA ITEM: 1

From: Vice Mayor

Date: June 1, 2001

Subject: **Consideration of the Process Proposed by the National Marine Sanctuary Program for Review of their Management Plan and Recommended Actions**

### **RECOMMENDATION**

It is recommended that the City Council review the public hearing and decision-making process announced by the Sanctuary Program for its review of all Monterey Bay National Marine Sanctuary Program rules and goals. To further public confidence that the City's interests will be represented, it is recommended that the attached letter be sent to Congressman Sam Farr requesting a public hearing in Monterey by Congressman Farr and other interested members of Congress. It is further recommended that the City establish direct communication with the NOAA Administrator and the Director of the Office of National Marine Sanctuaries to facilitate positive discussion regarding the accomplishments, and areas of concern, regarding the Sanctuary Program, to be addressed in the Management Plan Review.

### **POLICY IMPLICATIONS**

The City Council supported the original goals of the Sanctuary Program, including that there be a strong local voice in partnership with this federal program.

### **FISCAL IMPLICATIONS**

None.

### **ALTERNATIVES CONSIDERED**

The City Council could choose not to adopt the recommendation.

### **DISCUSSION**

The Monterey Bay National Marine Sanctuary (MBNMS) was designated in September 1992, with its Management Plan being formally adopted in January 1993. The MBNMS is part of a nationwide, twelve-sanctuary system and, as such, also falls under the legal authority of the National Marine Sanctuaries Act. This Act stipulates that each Sanctuary shall review and update its Management Plan every five years.

The MBNMS Plan Review began last February, with our Plan Review being combined with the neighboring Gulf of the Farallones and Cordell Banks National Marine Sanctuaries. The original MBNMS Management Plan defined the boundaries of this Sanctuary, as well as a listing of the goals for the program and a set of ten rules (an 11<sup>th</sup>-prohibiting shark chumming – was added later).

The entire Plan was adopted by Congress. Then-Congressman Leon Panetta, was heavily involved in the boundary and rule-making issues.

Attached is a Sanctuary-produced flow chart of the Plan Review process, as well as a narrative description. I draw your attention to several key points in the process:

- 1) The process was announced by Sanctuary staff and there has been little public input into addressing the Plan Review process itself.
- 2) Sanctuary staff will prepare a self-assessment of the success of the program, which is to serve to orient the public as to the mission and accomplishments of the program.
- 3) A series of 10-20 public scoping meetings will be held, and no doubt a wide variety of public support, concerns, and calls for increased or decreased regulation will be heard by the Sanctuary staff.
- 4) The Sanctuary Advisory Council (SAC) will be consulted to prioritize these public comments.
- 5) The Sanctuary staff (the local Superintendent and the National Program Director, primarily) will review the SAC priorities and make final decisions as to what rules will be changed, new rules, etc. Congress is not involved, except by notification, unless there are boundary changes proposed, or unless a member(s) of Congress request hearings.

Bill Douros, Superintendent of the MBNMS, has been invited to make a brief presentation to the Council on the Plan Review and answer questions.

The plan review process creates an opportunity to herald the accomplishments of the Program, while offering recommendations to fine tune its regulatory functions, adjust boundaries and maintain widespread public support.

The Sanctuary staff (primarily the NBNMS Superintendent and the National Program Director) will have primary control over creating policies that may have tremendous impact on our Community. Congress plays only a minor role of being notified through the Federal Register of the final changes in the Plan. Congress holds no hearings and does not vote on the Plan, unless individual members of Congress ask for hearings.

Since future decisions that can change all of the original basis for Sanctuary support can now be made solely by staff administrators, the question for the City Council is whether or not they wish to request the involvement of Congressman Farr early and directly into this process by requesting that he hold a public hearing to hear directly from citizens as to their support and/or concerns about the Monterey Bay National Marine Sanctuary program. Congressman Farr could then offer his conclusions and guidance to the program as the Plan is rewritten, and even hold congressional hearings if he deems it necessary. If the City Council wishes to involve Congress in the Management Plan Review, a sample letter to Congressman Sam Farr is attached.

The City of Monterey would be happy to host such a hearing and provide you staff assistance in its planning and execution.

Sincerely,

Dan Albert  
Mayor

c: City Council  
City Manager  
Public Facilities Director  
Stephanie Harlan, Chair, Sanctuary Advisory Council, MBNMS, 299 Foam St.  
Monterey  
Bill Douros, MBNMS Superintendent, 299 Foam St., Monterey  
Dan Basta, Director, NMS Program  
Margaret Davidson, Acting Administrator, National Ocean Service

NMSS; and (4) identifies criteria to evaluate the effectiveness of the sanctuary. Since the management plan will differ from sanctuary to sanctuary, and each will evolve as the NMSS moves through the revision process, it is hard to say now what changes, if any, will occur. Some revisions may be very obvious, such as crafting new regulations or making deletions to existing regulations. Some changes may not be visible to the public, such as ways we work within our own office or with other government agencies. Whatever the revision, there will be numerous opportunities for the public to let the NMSS know what they think before we proceed.

## How can I be involved?

As an informed member of your sanctuary's community, we encourage you to become involved in the management plan revision process.

You can assist us throughout the process by identifying issues and potential solutions and then reviewing the draft management plan and providing us with comments and recommendations for the final plan.

NOAA will provide ample notice of all public meetings through various media outlets, including notices in local papers and on web pages. The draft and final management plans and other related documents will also be accessible for review on the Internet.

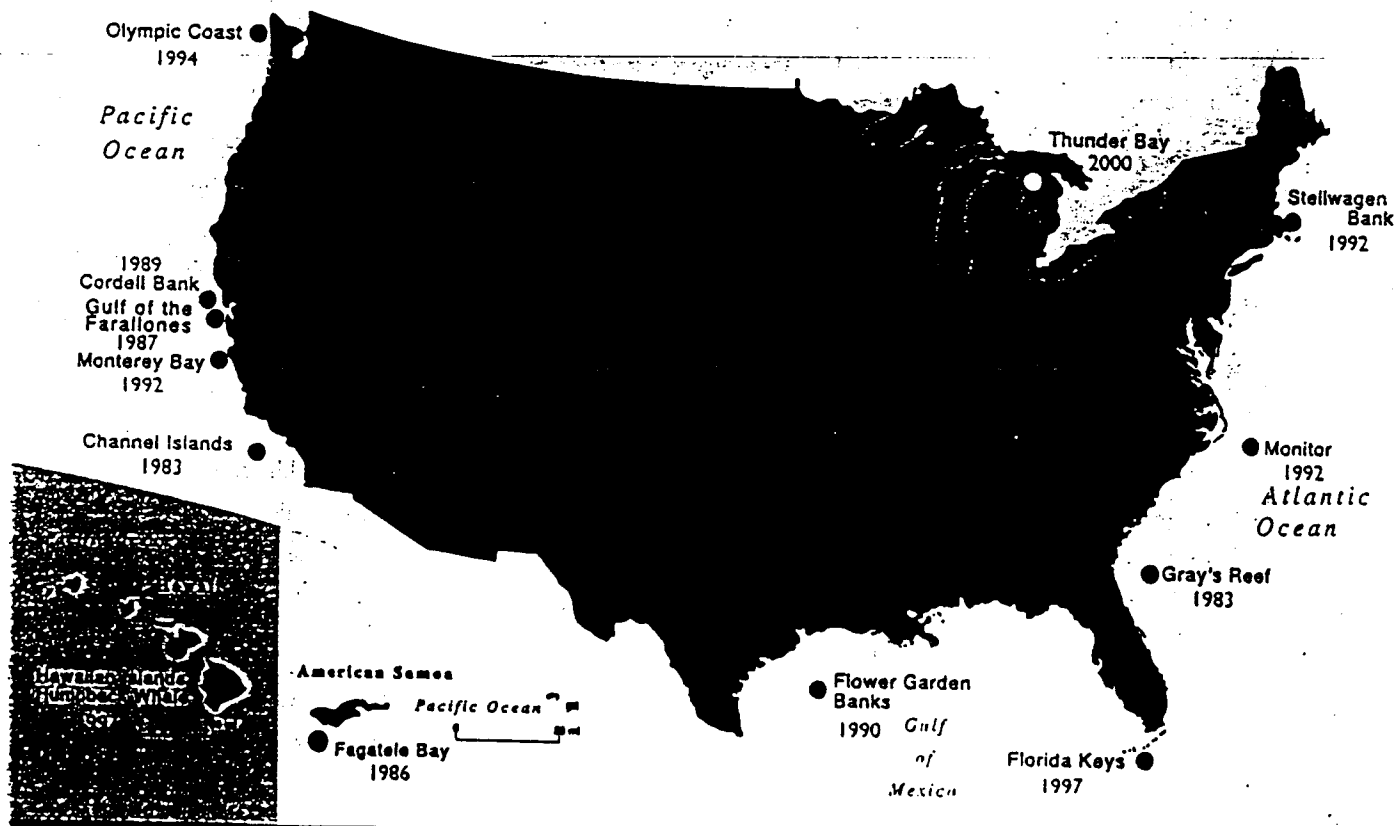
## Where can I get more information?

*For more information call your local sanctuary office or contact:*

Management Plan Team  
 Office of National Marine Sanctuaries  
 1305 East-West Highway, N/ORM2  
 Silver Spring, Maryland 20910  
 (301) 713-3125  
[www.sanctuaries.nos.noaa.gov](http://www.sanctuaries.nos.noaa.gov)

# NOAA's National Marine Sanctuaries

(date indicated next to sanctuary is the date of the last management plan)



**ATTACHMENT 1  
DRAFT**

June 1, 2001

The Honorable Sam Farr  
California 17<sup>th</sup> District  
1221 Longworth Building  
Washington, D.C. 20515-0517

Subject: Sanctuary

Dear Congressman Farr:

This letter is a follow-up to the conversation you had with Councilmembers Vreeland and Edgren during their visit to Washington, D.C.

With the Management Plan Review having begun for the MBNMS, it is time to acknowledge and celebrate the accomplishments of the program, and address any concerns that citizens have.

The Monterey City Council is very concerned that the updated Management Plan for the Monterey Bay National Marine Sanctuary honors the commitments that were made to various parts of our community during the original Sanctuary authorization process. Those commitments and core values created the foundation of public support that was necessary for the Sanctuary to come into existence. If the early commitments were to be abandoned, it would likely dramatically erode public support and confidence in the Sanctuary and could lead to outright opposition. This, in my opinion, must be well articulated to the Program during the Plan Review.

The Monterey City Council specifically requests that you, in your role as Co-Chair of the California Caucus, call together a hearing in Monterey. The subject of this hearing would be to provide you and other Members of Congress from California who have a stake in the Sanctuary Management Plan, the opportunity to hear directly from the public their concerns, expectations and hopes for the new Sanctuary Management Plan. Such a hearing is also needed because the revised Management Plan will not be subject to Congressional approval – yet many in the community are concerned about non-elected Sanctuary Program Administrators having complete control over the outcome of the Plan Review. This hearing should be held early enough during the Plan Review Process so that the Sanctuary Program Administrators can benefit from your guidance. Without such a hearing the Congress might not be aware of information that could be necessary to offer quality guidance and appropriate funding on the management of this Sanctuary Program.

It is further recommended that the City Council establish dialogue with the NOAA Administrator (as soon as he or she is appointed by President Bush) and with the Director of the National Marine Sanctuary Program, to be sure that the City's views are well represented.

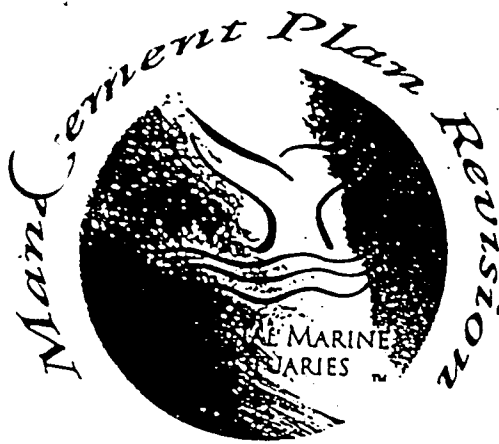
Whichever direction the City Council chooses, it is vitally important that the MBNMS succeed in realizing the founding principles and core values of the program, and that the program be held in high regard by the communities to which it neighbors.



Ruth Vreeland  
Vice Mayor

Attachments:           1.     Draft Letter to the Honorable Sam Farr  
                              2.     Sanctuary Management Plan Review Process Description

c:     City Manager  
       Public Facilities Director  
       Bill Douros, Superintendent, MBNMS, 299 Foam St., Ste D., Monterey, CA 93940  
       Stephanie Harlan, SAC Chair, MBNMS, 299 Foam St., Ste.D, Monterey, CA  
           93940  
       Nicolas Papadakis, Executive Director, AMBAG, P. O. Box 809, Marina, CA  
           93933



## What is the National Marine Sanctuary System?

*In 1972 Congress established the National Marine Sanctuary System (NMSS) to protect special natural and cultural areas of the marine environment.*

*There are now 13 sanctuaries ranging from the one-square mile sanctuary protecting the historic wreck of the USS Monitor to the 5,000-square miles sanctuary encompassing the splendor of the Monterey Canyon.*

## What are management plans and why are they being revised?

Management plans are the site-specific documents that the NMSS uses to manage individual sanctuaries. These plans set priorities, contain regulations, present existing programs and projects, and guide the development of future activities. In 1999, the NMSS started to systematically review and revise all sanctuary management plans.

Most of these sanctuary management plans were developed either when the sanctuary was designated or shortly thereafter and are between 8 to 17 years old.

Consequently, as sanctuaries mature the management plans either may not address current resource protection issues or incorporate state-of-the-art concepts and practices associated with management of marine protected areas. Also, existing plans do not contain performance indicators to evaluate the effectiveness of the sanctuary. Finally, Congress has recognized the need for these revisions and directed NOAA to review and revise the management plans every five years.

## What approach will you take to management plan revisions?

The NMSS will adapt the management plan revision process to the needs and resources of each sanctuary. The approach will be a community-based public process organized by the individual sanctuary and coordinated through the national office. Though driven by site-specific issues, the reviews may also need to address issues of national concern. National program and field staff will work closely together and with the public throughout the process. The

NMSS will do most of the work in the field, including using local technical resources. It also will work to keep both the revision process and the resulting management plan as simple, straightforward, and open as possible.

## How will you revise management plans?

The NMSS will conduct the management plan revision through an interactive, public process that will take about 24 months. It will begin the public process by reviewing the existing management plan and other documents. We will hold formal public scoping meetings and seek input from user groups—such as fishers, researchers, educators, conservation groups, and other government agencies. We may also utilize less formal public meetings and workshops. Sanctuary advisory councils, where they exist, will be assisting the Sanctuary Manager in the revision process.

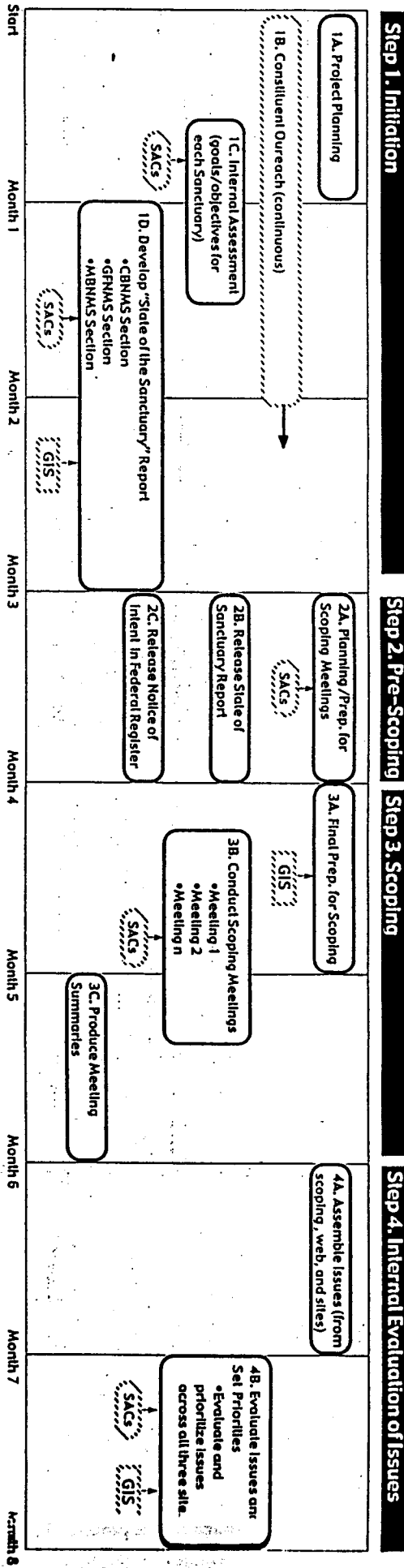
The revised draft management plan is likely to contain a series of action plans to address both specific issues and general management needs. The NMSS will make the draft management plan available for public review, take written comments, and host a public hearing for people to provide oral comments. After the close of the public comment period, the NMSS will consider the comments and make necessary changes before issuing the final management plan.

## What kind of changes should I expect?

The fundamental change will be an updated plan that: (1) addresses current issues; (2) reflects state-of-the-art approaches to marine management; (3) reflects the strategic direction of the

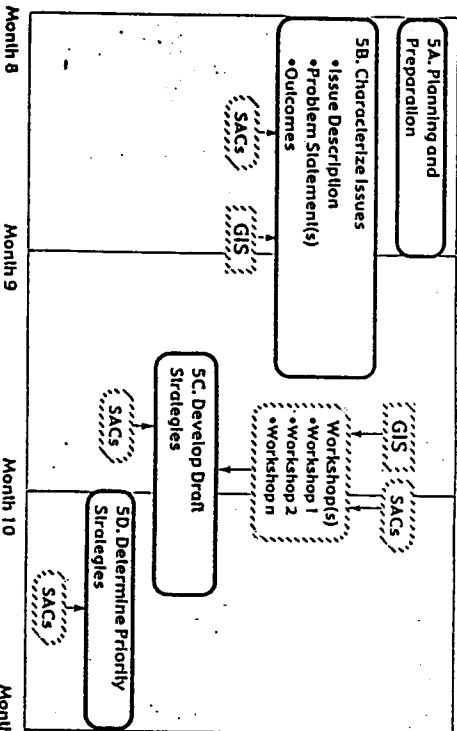
# Proposed Central California Management Plan Review Process

DRAFT

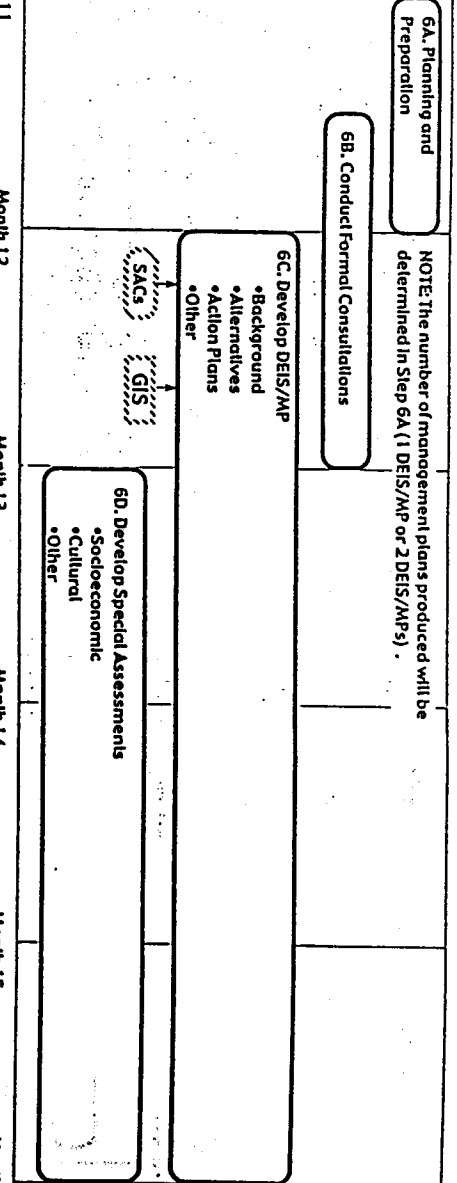




### Step 5. Characterize Priority Issues and Develop Recommendations



### Step 6. Develop Draft Environmental Impact Statement (DEIS)/Management Plan (MP)

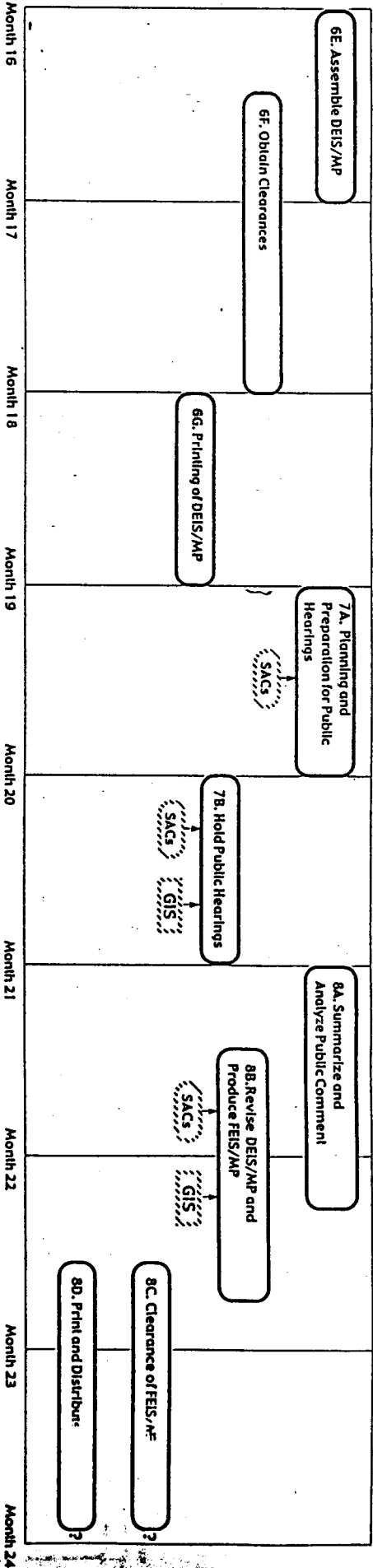


Month 8      Month 9      Month 10      Month 11      Month 12      Month 13      Month 14      Month 15      Month 16

Step 6. Continued

Step 7. Public Comment on DEIS/MP

Step 8. Produce FEIS/MP



**Joint Management Plan Review for the Cordell Bank,  
Gulf of the Farallones and Monterey Bay National Marine Sanctuaries**



NATIONAL MARINE  
SANCTUARIES™

**Working Calendar of Major Milestones<sup>1</sup>**

April 2001	Internal Site Assessment of Management Plans
May 2001	Assemble Key Personnel for Management Plan Review
September 2001	Release State of the Sanctuary Reports to the Public (one report for each sanctuary)
October 2001	Public Scoping Meetings (Bodega Bay to San Luis Obispo)
December 2002	Release Draft Management Plan (tentative, subject to change)
August 2003	Release Final Management Plan (tentative, subject to change)

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<sup>1</sup> Please note that these project milestones and dates are for planning purposes only and may be modified.

