

MONTEREY BAY NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL

FINAL

Meeting Minutes

February 5, 1999

Moss Landing Chamber of Commerce

Moss Landing

The Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council met on Friday, February 5, 1999 at the Moss Landing Chamber of Commerce building. Public categories and government agencies were present as indicated:

Agriculture: Richard Nutter

Diving: Ed Cooper

AMBAG: Katherine Beiers

Education: Patricia Clark-Gray

At Large: Steve Webster, Chair

Enforcement: Doug Huckins

At Large: Karin Strasser Kauffman

Fishing: Dave Danbom

At Large: William Raver

Ports & Harbors: Steve Scheiblaue

Business & Industry: Steve Abbott

Recreation: Sally Smith

CA EPA: Marc Del Piero - ABSENT

Research: Rick Starr

CA Coastal Commission: Charles Lester

Tourism: Ed Brown

CA Resources Agency: Brian Baird

U.S. Coast Guard: LCDR Phyllis Blanton - ABSENT

Conservation: Rachel Saunders

The following non-voting members were present as indicated:

Monterey Bay NMS: William Douros

Gulf of the Farallones NMS and Cordell Bank NMS: Ed Ueber - ABSENT

Channel Islands NMS: Ed Cassano - ABSENT

Elkhorn Slough NERR: Becky Christensen

I. CALL TO ORDER, ROLL CALL, APPROVAL OF
DECEMBER 4, 1998 DRAFT MEETING MINUTES,
REVIEW OF CORRESPONDENCE

A) Call to Order and Roll Call

The meeting was called to order by the Chair at 9:00 a.m. Ed Brown conducted the roll call - a quorum was present.

B) Approval of Previous Meeting Minutes

The minutes from the December 4, 1998 Advisory Council meeting were approved as presented.

Karin Strasser Kauffman raised concerns about the agenda item on Sea Dragons in the December meeting minutes. Karin did not attend December's meeting and therefore wanted to know why the military exercise was being allowed within the Sanctuary's boundaries. William Douros gave a brief background on the exercise and the MBNMS permit process.

C) Review of Council Correspondence

The Chair forwarded the sign-up folder for Advisory Council correspondence written since the last Council meeting. Steve Scheiblauber requested that a letter sent to the Sanctuary office from the Pacific Coast Federation of Fishermen's Associations be provided to Advisory Council members.

II. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Jay Murray, PADI Divemaster, expressed concern that the planned military exercises scheduled for March 13 in Monterey threatened the safety of SCUBA divers. He also expressed concern about the use of City and Federal funds to assist the operation.

Angelo Shake, Fisherman's Wharf, expressed concern that the planned military exercise was scheduled on the opening day of the sport salmon fishing season. Mr. Shake is concerned that the harbor and/or Monterey Bay would be closed to commercial and recreational activities. Steve Scheiblauber stated that he had not been informed of any limitation of activities within the harbor or bay. Bill Douros stated that the Marine Corps had been notified that their exercise coincided with the salmon season's opening day and that he has requested a map of the proposed zones or routes the military will be using.

Discussion ensued among Council members regarding the planned military exercise.

Donna Ney, concerned citizen, also expressed concern about the planned military exercise in Monterey. She read excerpts from the Coastal Act of 1976 regarding the protection of environmental resources and the right of the public to participate in coastal planning. Ms. Ney included in her list of concerns: the lack of public notification and process, migrating whales, low overflights by helicopters, and public recreational activities such as whale watching and kayaking.

Peter Lumsdaine, concerned citizen, expressed his concern that the U.S. military is moving into domestic law enforcement by planning the exercises in Monterey on March 13.

Steve Campi, Cen Cal, expressed his concern about the diver disturbance study and the potential management of divers. He is concerned that the Sanctuary's proposed signage program will mis-inform the public that divers are creating problems in kelp forests. Mr. Campi expressed his desire to work together with the Sanctuary in promoting diver education, but he is concerned about a signage program. Mr. Campi stated that he has had positive feedback from Bill Douros regarding working together with the dive industry on an education program.

Ed Cooper stated that this study has damaged the dive industry and requested that the item be again placed on the Council's meeting agenda in April. Discussion ensued among Council members. Steve Webster announced that a fifteen minute report will be scheduled on the April meeting agenda. Discussion then ensued regarding

the protocol regarding Council member requests for putting topics on meeting agendas. Karin Strasser Kauffman requested that the issue of sustainable fisheries be placed on the next Advisory Council agenda. Bill Douros reviewed the protocol, and explained it had not changed. Council member requests will appear on meeting agendas, though due to time constraints, topics may not always be scheduled for an approaching meeting and may be delayed.

III. PRESENTATION: SUSTAINABLE SEAS EXPEDITIONS

Bill Douros provided an overview of the Sustainable Seas Expeditions (SSE), a five-year project of deep-water exploration and public education in the National Marine Sanctuaries. SSE is a partnership between NOAA and National Geographic and was made possible by a \$5 million grant from the Richard & Rhoda Goldman Fund. Dr. Sylvia Earle, National Geographic Society Explorer-in-Residence, will lead the expeditions to the twelve marine sanctuaries using the DeepWorker, a one-person submersible capable of exploring to depths of 2,000 feet. The first year's expeditions will take place in Monterey from May 9 - 22. The MBNMS mission consists of five primary projects:

- ... Seasonal comparisons of deep-water habitats and fishes in Big Creek Ecological Reserve
- ... Teacher in the Sea
- ... Prickly shark ecology
- ... Day-Night patterns in activities of deep-water rockfishes in natural and designated harvest refugia
- ... Diurnal migrations of mesopelagic organisms associated with the edge of submarine canyons

Andrew DeVogelaere, MBNMS Research Coordinator provided an overview of the research projects planned for May's expeditions. Because the short time frame for the expeditions limits the amount of research that can be conducted, MBNMS has decided to partner with existing projects. The focus of the expeditions is to set up monitoring protocols, conduct exploration as a means to excite the public, and discover more information about cultural resources and marine protected areas.

After a call for collaborators and a review of the proposals, MBNMS selected four research projects (see above) which will provide important information for the MBNMS Research Program.

Liz Love, MBNMS Education Coordinator, provided an overview of the education activities scheduled for SSE in May. MBNMS has decided to train a high school teacher to pilot the submersibles. Mike Guardino was selected from a pool of applicants and he has proposed to use the DeepWorker and SCUBA to look at bottom topography and organisms in and out of a no-take zone, Pt. Lobos Reserve. Mike will lead a team of high school students to assist him with this study. Students from high schools throughout the Sanctuary will conduct projects on the subject of marine reserves. MBNMS is planning a student summit to discuss the student projects and conservation issues related to the health and protection of the oceans. The summit will include a panel with Dr. Sylvia Earle, Dr. Steve Webster, Mary Yoklavich, Mike Guardino and some of his students.

Aaron King, MBNMS Marine Scientist, announced a new SSE website as well as a new NMSP website. Mission logs of the expeditions will be provided on the SSE website. For those interested in viewing the SSE site, go the MBNMS web page to access it.

IV. PRESENTATION AND DISCUSSION: POTENTIAL SEA OTTER RELOCATIONS INTO MBNMS

Bill Douros reviewed the Council's decision at December's meeting to dedicate a portion of today's agenda to hearing presentations on the U.S. Fish and Wildlife Service (USFWS) southern sea otter translocation project. Council members felt these presentations would provide the necessary information to respond to the Conservation Working Group's letter requesting action by the Council or the Sanctuary office regarding potential translocation of otters into MBNMS waters. Bill requested that the presentations and discussions focus on the issue of sea otter relocation relates to the Sanctuary.

Carl Benz, USFWS, reviewed the history the southern sea otter translocation plan. In 1987, the USFWS attempted to establish a sea otter population on San Nicolas Island as a precautionary effort to prevent the decimation of California's southern sea otter in the event of a large oil spill or disaster. The USFWS transported 139 otters to San Nicholas Island, terminating their translocation efforts in 1990, at which time 15 otters were living off island. A few of the otters were identified as the original translocated otters, and the others were assumed to be offspring.

To avoid conflicts with the shellfish fishermen who were concerned about establishing an otter population off southern California, the USFWS entered into Memorandum of Understanding with the California Department of Fish and Game (CDFG) to establish a sea otter management zone. The zone extends from Pt. Conception to the Mexican border and was designated as a "no otter zone."

In March of 1998, 100 otters were discovered within the management zone. Simultaneously, the spring survey of sea otters indicated a decline in the population for the third consecutive year, along with high incidences of infectious diseases and mortality. According to Mr. Benz, public law 99265 requires removal of the sea otters from the zone, while the Federal Endangered Species Act and the Marine Mammal Protection Act listed the translocated population as endangered and therefore afforded special protection. In October 1998 the number of sea otters within the management zone dropped to 3, and increased to 152 in February 1999.

Currently, the USFWS is investigating the procedures for declaring the translocation project a failure. As a result of two public workshops, USFWS has identified the task of reinitiating Section 7 of the Endangered Species Act which states that Federal activities cannot jeopardize the existence of a threatened or endangered species. The impacts of relocating otters must be evaluated. At this time, a draft biological opinion is being circulated within the USFWS and will be an important document in determining whether the translocation project is a failure.

Discussion ensued among Council members and Mr. Benz regarding disease transmission, sea otter expansion habits, historic ranges of the southern sea otter, and tracking of relocated otters.

David Jessup, CDFG Senior Wildlife Veterinarian, addressed concerns regarding infectious disease threats to sea otter and the potential threats to the Sanctuary's resources. Mr. Jessup provided an overview of three particularly problematic infectious diseases in the sea otter population. The first, a relatively common and historical disease found in sea otters, is a parasitic worm found in otter intestinal tracts. The worm passes through an intermediate host, i.e. sand crab, before infecting a sea otter.

It cannot pass from otter to otter. The second disease, commonly referred to as San Joaquin Valley Fever, is an infectious fungus that is found throughout the California sea otter population, though is prevalent around San Luis Obispo. The third disease, a protozoal parasite, is relatively new and occurs in the brains of sea otters, resulting in death. Researchers believe this disease may be related to non-point source pollution, but there is no evidence to prove that at this time. Mr. Jessup summarized by stating that none of the diseases are wildly exotic, that relocation of otters would not spread the diseases, and therefore the issue of disease transmission should not be used to stop the relocation of otters.

Mr. Jessup then discussed the effects of the transport of otters, explaining that effective measures for catch and release of otters have not been developed. Because sea otters are aggressive and territorial animals, Mr. Jessup explained that it is likely some sea otter mortalities will result due to relocation.

Discussion ensued among Council members, Mr. Benz, Mr. Jessup and members of the public regarding:

- ... domestic cats as potential carriers of the protozoal parasite
- ... relationship of sea lion population increases and sea otter population decreases
- ... relationship of sea otter mortalities and carry capacity issues
- ... genetic strength of the California southern sea otter population
- ... effects of stress as a result of relocation on otters ability to fight off diseases
- ... indications that boat strikes to sea otters may be attributed to the protozoal parasite
- ... sea otter mortality as a result of the gill net fishery

Bill Douros confirmed with Mr. Jessup that there do not appear to be any diseases exclusively from southern California that relocated otters could bring to the Sanctuary. Bill then explained that because of this information, current Sanctuary regulations could not prohibit the relocation of otters into Sanctuary boundaries.

V. ACTION ITEM: FY98 SAC ANNUAL REPORT

Steve Webster requested revisions or additions to the draft FY98 Advisory Council Annual Report.

Karin Strasser Kauffman made a motion to pass the FY98 Advisory Council Annual Report as presented. The motion was seconded by Richard Nutter and passed unanimously.

Karin pointed to the issue of invasive species addressed in the report, encouraging the Council to continue to work on the issue.

VI. UPDATE: WINDSOR MINING

Scott Kathey, MBNMS staff, reviewed the sand mining operation located south of Piedras Blancas (see October 2, 1998 meeting minutes). Reports from members of the public indicate Windsor mining may be operating below the Mean High Water Line (MHWL), which is prohibited by Sanctuary regulations. National Marine Fisheries Service (NMFS) Enforcement Agent Roy Torres has not witnessed any mining activity, though he has only investigated once. However, the new State Parks ranger located at Limekiln will be watching the mining activities.

William Raver provided Scott with photographs of the mining operation, supplied by an anonymous member of the public. He also reported that a tourist claimed Windsor mining employees were chasing northern elephant seals out of the mining area.

Charles Lester announced that the Coastal Commission staff is reviewing the waiver they gave to Windsor Mining.

VII. UPDATE: MBNMS BUDGET

Bill Douros provided an overview of the FY99 budget. The National Marine Sanctuaries (NMS) budget is \$14.35 million (FY98 budget was \$14 million), however \$350,000 is earmarked for the Northwest Straits. The MBNMS budget for FY99 is \$980,000, while the FY98 budget was \$970,000. However, because of new operating costs (Public Affairs position and new T1 connection) the Sanctuary's base budget for FY99 is \$1.1 million, and therefore the approved budget of \$980,000 is an 11% cut. Bill now is determining where the \$120,000 budget cuts will be made. Bill explained that all the NMS sites are dealing with similar situations.

Bill is hopeful that the FY2000 budget will result in a significant budget increase. President Clinton's Lands Legacy Initiative proposes \$29 million to the NMSP (See February's Office Report), and now is the time to go out and advocate the President's proposal.

Discussion ensued among Council members regarding the current and future budgets for the NMSP and the MBNMS.

VIII. PRESENTATION: AB1241

Rob Collins, CDFG provided an overview of fisheries management prior to the passage of the Marine Life Management Act (enacted by AB1241), and an overview of how fisheries management will change under the Act. Prior to AB1241, the CDFG managed the Pacific mackerel and sardine fisheries using quotas, and the Fish and Game Commission set herring regulations. CDFG partially regulated other fisheries including spiny lobsters, pismo clams, giant seabass, sturgeon, steelhead, trout, salmon, anchovies, lobster, crab, abalone, sea cucumbers, halibut, sharks, swordfish, prawns and shrimp. Most of the fisheries regulations were enacted in the form of size restrictions, seasons, area closures, and log book requirements. Most of the regulations were enacted by state legislature.

The passage of AB1241 enacted the Marine Life Management Act of 1998 which delegates fisheries management authority to CDFG and the Fish and Game Commission. The Act incorporates sustainability into the management of California's marine fisheries, using science-based management plans and a formal planning process that encourages stakeholder participation. The Department and Commission's new authority is limited to the nearshore fishery, the white seabass fishery, emerging fisheries, and fisheries already regulated by the Commission or Department (see above).

Under the new law, CDFG is required to submit a master plan for fishery management plans to the Commission by September 1, 2001. The fishery management plans must utilize the best scientific information available and include the advice and assistance from participants, marine scientists and must be submitted for peer review. When signing the act, the governor required that the success of the act must be evaluated by a committee of concerned citizens. Currently, the committee is scheduled to meet on July

1, 1999 and July 1, 2000.

According to Mr. Collins, CDFG staff are 100% behind the Marine Life Management Act and will be re-directing significant resources to work on the Act. The Act provides \$2.2 million in new funds, however the funding source is in trouble and CDFG is looking elsewhere for alternative funding sources. Mr. Collins estimates that full implementation of the Act will cost \$4.7 million per year, for three years.

Mr. Collins provided a brief overview of CDFG Marine activities. In August 1998, the Director re-organized and established a new marine region with headquarters in Monterey, with dedicated enforcement. CDFG activities are being re-structured around ecosystem management approaches. The live fish fishery is a top priority for CDFG. Director Jacqueline Schaffer resigned effective February 28 (The new CDFG Director is Robert Hight).

IX. PRESENTATION: MOSS LANDING POWER PLANT MODERNIZATION

Steve Abbott introduced Wayne Hoffman, Environmental Manager for Duke Energy. Duke Energy purchased the PG&E power plant after the 1996 de-regulation laws required PG&E to sell 50% of its fossil fuel plants. In November 1997, Duke Energy won the bid for three PG&E plants in California - Moss Landing, Morro Bay, and Oakland. Duke Energy is planning modernizations of the Moss Landing power plant which will result in the more efficient use of water and the production of less emissions. Duke Energy has committed to ceasing thermal discharges into the Elkhorn Slough Estuarine Research Reserve (ESNERR). According to Mr. Hoffman, Duke will be removing some tanks in 1999, is planning the development of new facilities for the fall of 2000, and plans to remove the stacks in 2003.

Discussion ensued among Council members and Wayne Hoffman regarding potential collaborative projects with Duke Energy.

X. ANNOUNCEMENTS FROM COUNCIL MEMBERS

Rachel Saunders announced that she is resigning from her position at CMC effective March 1, 1999 and will be working for SEA Camp Monterey Bay full-time. She is also resigning from the Advisory Council effective the swearing-in of her replacement.

Steve Webster responded to Rachel's resignation from the Council, stating that she will be missed greatly.

Bill Douros announced that the three Advisory Council vacancies - Conservation, Diving, Education - will be publicized on February 8. He reviewed the process for filling the vacancies as stated in his memo to the Council.

Sally Smith announced a slide show at Patagonia in Santa Cruz on coastal erosion, scheduled for February 9.

Charles Lester announced the California Coastal Commission meeting scheduled for March 9 - 12 in Carmel.

Brian Baird announced Governor Gray Davis named Mary D. Nichols California's eighth Secretary for Resources on December 16, 1998. According to Brian, Ms. Nichols is extremely interested in ocean and coastal issues.

Dave Danbom announced that local fishermen and harbormasters met with Bill Douros, Steve Webster, and Aaron King to discuss fisheries issues, the Sanctuary, and reauthorization. Dave commented that it was a beneficial meeting.

Ed Brown announced that the BTAP plans to conduct outreach to the Cambria area. He also requested direction from Bill on how that Advisory Council can work to promote the President's Land Legacy Initiative.

Ed Cooper supported the selection of Mike Guardino as the SSE Teacher in the Sea.

Steve Webster announced that he has received numerous requests for Sanctuary presentations and asked interested Council members to contact him if they are willing to make presentations.

The meeting adjourned at 3:15 p.m.

Respectfully submitted,

Lisa de Marignac
Advisory Council Coordinator