

**MONTEREY BAY NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL**

**FINAL
Meeting Minutes
April 7, 2000
Moss Landing Chamber of Commerce
Moss Landing**

The Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council met on Friday, April 7, 2000 at the Moss Landing Chamber of Commerce. Public categories and government agencies were present as indicated:

Agriculture: Kirk Schmidt	Diving: David Clayton
AMBAG: Stephanie Harlan	Education: Pat Clark-Gray
At Large: Steve Webster	Enforcement: Doug Huckins
At Large: Karin Strasser Kauffman	Fishing: Dave Danbom
At Large: Chet Forrest	Ports & Harbors: James Stilwell
Business & Industry: Steve Abbott	Recreation: Sally Smith
CA Coastal Commission: Tami Grove	Research: Gregor Cailliet
CA EPA: Craig J. Wilson	Tourism: Ed Brown
CA Resources Agency: Brian Baird - ABSENT	U.S. Coast Guard: LCDR Phyllis Blanton
Conservation: Vicki Nichols	

The following non-voting members were present as indicated:

Channel Islands NMS: Ed Cassano - ABSENT
Gulf of the Farallones NMS and Cordell Bank NMS: Ed Ueber - ABSENT
Elkhorn Slough NERR: Becky Christensen - ABSENT
Monterey Bay NMS: William Douros

**I. CALL TO ORDER, ROLL CALL, APPROVAL OF FEBRUARY 4 AND 23, 2000
DRAFT MEETING MINUTES**

A) Call to Order and Roll Call

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

B) Approval of Meeting Minutes

The minutes from the February 4 and February 23, 2000 Advisory Council meetings were approved as presented.

II. ANNOUNCEMENTS

William Douros, Sanctuary Superintendent, announced several upcoming Sanctuary-related events:

Sustainable Seas Expeditions Student Summit 2000 on Wednesday, April 12, 2000 at the Maritime Museum in Monterey

Robert Lyn Nelson Poster Signing to Benefit the Monterey Bay National Marine Sanctuary Foundation on Saturday, April 15, 2:00 - 4:30 PM, at the Robert Lyn Nelson Studio on Cannery Row in Monterey.

MBNMS will present its 1999 Environmental Hero award to Mark Silberstein, Director, Elkhorn Slough Foundation on Wednesday, April 19, 2000 at the Elkhorn Slough National Estuarine Research Reserve Visitor Center.

April 19 Earth Day activities including joint events between the Monterey Bay Sanctuary and the City of Watsonville - a river bank clean-up and the unveiling of a new partnership to reduce urban stormwater pollution; and Earth Day Snapshot of Water Quality around the Monterey Bay National Marine Sanctuary.

Sustainable Seas Expeditions return to Monterey Bay for the second consecutive year on June 27 - July 19, 2000.

The Sanctuary office will forward further details on these events next week.

III. ACTION: OFFICER ELECTIONS

Bill Douros announced that the officer terms for Chair and Secretary had expired and opened the floor to nominations for Chair. Discussion ensued regarding counting ballots.

Stephanie Harlan and Steve Webster were nominated by Council members.

The Advisory Council elected Stephanie Harlan as their new Chair by majority vote.

Steve Webster thanked the Advisory Council for their work and support during his 2-year term as Chair, that he will continue to support the Advisory Council, and expressed his hope that the Council will move forward on the many important issues and priorities the Sanctuary faces.

Stephanie Harlan thanked Steve Webster for his leadership.

The floor was opened for nominations for Secretary. **The Advisory Council nominated and re-elected Ed Brown by unanimous vote.**

IV. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Steve Scheiblauber, Monterey Harbor, announced that a dedication was held last week for the installation of an oily bilge water device at Monterey Harbor. The same equipment will be installed at Moss Landing Harbor.

Travis Evans, alternate Fishing Representative, expressed his and the fishing community's concern regarding the petroleum industry's request to the Mineral Management Service to abandon oil equipment on the Santa Barbara Channel sea floor.

Lisa Schicker, CalTrans, announced her availability during the meeting to answer questions regarding CalTrans activities on Highway 1 along the Big Sur coast.

Steve Shimek, The Otter Project, requested clarification regarding the announcement of a new NMSP Foundation.

Dave Danbom requested time on the agenda to discuss a recent article about gill netting. The Advisory Council suggested discussing the subject during Advisory Council announcements at the end of the day.

Several Council members requested further details from Bill Douros regarding the Sanctuary permit activity report.

V. REPORT: CALTRANS/HIGHWAY 1 REPAIRS ALONG THE BIG SUR COAST

Bill Douros provided a report on the issue of landslide activity and Highway 1 road repair along the Big Sur coast. CalTrans activities along this stretch of Highway 1 are relevant to the Sanctuary because Sanctuary regulations prohibit the discharge of material directly into the Sanctuary, as well as indirect discharges which subsequently harm Sanctuary resources. Prior to the Sanctuary's designation in 1992, CalTrans routinely disposed of excess sediment generated by landslide and road repair into the adjacent marine waters. Maintenance and road repair activities often deviated considerably from the natural patterns of slide movement and sediment dispersion in marine systems. The disposal of landslide debris can effect marine habitats and biological communities by direct burial, sand scour and by plumes of fine suspended sediment. Along Big Sur, some past Caltrans activity has buried intertidal and subtidal habitats, reportedly causing significant biological damage and concern in the community.

The issue of disposal became extremely problematic during the winter storms of 1998. The severity of these storms closed Highway 1 along the Big Sur coast for several months and subsequent landslide and road repairs resulted in approximately 1 million cubic yards of excess material. As a result, a great deal of pressure was placed on the Sanctuary by community members and some congressional members to issue an emergency permit to allow the disposal of the excess material to expedite the re-opening of the road. However, the Sanctuary remained firm in prohibiting direct disposal of material into the Sanctuary,

while allowing the disposal of some material between the highway and mean high tide line at specific sites, with specific criteria.

As a result, CalTrans decided to move forward on the development of a management plan for Highway 1 along the Big Sur coastline, from the Carmel River in the north to the San Luis Obispo County line in the south. This entire area is adjacent to Sanctuary waters. The development of the management plan is led by Caltrans, in conjunction with other regulatory agencies including the Sanctuary, and congressional and community representatives. As a result, Caltrans has made a significant effort to identify land disposal sites as a proactive approach to deal with future landslides. However, the amount of cubic yards that these sites can accommodate is limited, and therefore Caltrans has asked the Sanctuary to consider ocean disposal in the future. While the Sanctuary has emphasized that Caltrans must consider ocean disposal as a last resort, the Sanctuary has remained open to the idea that a regulatory change may aid this problem while still protecting natural resources from adverse human activities. However, the Sanctuary must be able to demonstrate the need to change its regulations. To accomplish this, the Sanctuary needs data on the natural input and output rates of sediment along the Big Sur coast in order to understand natural processes that could be replicated by human efforts.

Progress on the management plan has been delayed for the past year, with no firm agreement between CalTrans and the Sanctuary on the details of a sediment budget study. However, because of this winter's storms, work on the management plan has been revived.

Bill provided an overview of current landslide sites where Highway 1 has been closed. CalTrans recently requested Sanctuary approval of ocean disposal at two landslide sites - 5,500 cubic yards of sediment from the Big Creek landslide (Post Mile 27.7 in Monterey County) and 40,000 cubic yards of sediment from the Pitkins Curve area landslide (PM 21.3). The Sanctuary denied approval at the Pitkins Curve site, because the excess sediment was a by-product of excavation and blasting operations to shift the roadbed inland and was not considered the direct result of natural landslide or erosion activity. Most importantly, the Sanctuary was concerned that the proposed volume of discharge would cause harm to important intertidal and subtidal resources. However, the Sanctuary was prepared to issue an authorization to CalTrans to discharge up to 5,500 cubic yards of sediment from the Big Creek site because the Sanctuary determined that the excess sediment was a direct result of the natural landslide that occurred at the site. CalTrans elected to forego ocean disposal at Big Creek.

Sanctuary staff have been attending weekly Big Sur community meetings led by CalTrans. Dave Danbom, Fishing Representative, attended the most recent meeting, and was complimentary and supportive of Bill and the Sanctuary's decision regarding the two landslides. Other members of the conservation community made similar remarks.

Discussion ensued among Council members regarding the issue of determining natural versus human-induced activities. Lisa Schicker, CalTrans, discussed CalTrans's improved techniques for road maintenance and repair as well as the agency's interest in moving forward on the Coast Highway Management Plan and the sediment study.

Greg Cailliet made a motion that the Advisory Council go on record in support of the Sanctuary's efforts to balance environmental concerns and business interests, and to further research. Jim Stilwell seconded and the motion passed unanimously.

Karin Strasser Kauffman made a motion that the Advisory Council Chair and Sanctuary Superintendent explore the opportunity of sending an opinion editorial regarding the above motion. Chet Forrest seconded and the motion passed unanimously.

VI. UPDATE: FIBEROPTIC CABLES

Bill Douros provided an update on three aspects of the submarine fiberoptic issue. Regarding the MCI project, MCI has proposed to change its landing within the Sanctuary to a landing in Oregon, and has requested a 90-day suspension of the application review process. The Sanctuary granted the suspension until May 23, 2000 and requested that MCI notify the Sanctuary prior to May 23 of its decision to either reactivate or withdraw the application. Regarding the Global Photon project, the Sanctuary office sent a letter commenting on the DEIR and supporting our request that Global Photon conduct an EIS and biological assessment. Bill reviewed the Sanctuary's concerns with the project, which were detailed in the letter. The Sanctuary has not yet had an opportunity to review the recently released FEIR. The Army Corps of Engineers (ACOE) is reviewing the project in two phases. Bill is not sure how Coastal Commission and State Lands Commission are going to treat the "phasing" of the project.

Council members discussed the issue of cumulative impacts of the submarine fiber optic cable industry, as well as concerns with the Global Photon project in particular.

Karin Strasser Kauffman made a motion that the Advisory Council send a letter to the State Lands Commission, urging that the agency ensure that the Sanctuary and Advisory Council's concerns are addressed in the FEIR for the Global Photon project. Vicki Nichols seconded and the motion passed unanimously.

Karin Strasser Kauffman made a motion that the Advisory Council send a letter to the California Coastal Commission expressing concerns regarding the environmental impacts of submarine fiberoptic cable projects in general, including cumulative impacts, and urging the Commission to address concerns regarding potential environmental impacts. Attach the Department draft policy paper on fiber optic cables. Chet Forrest seconded and the motion passed with sixteen in favor and two opposed.

Bill announced that he will forward the final draft of the policy paper to Advisory Council members as soon as he receives it, and that the Council will have the opportunity to comment.

VII. DISCUSSION: SPRING RETREAT

Lisa de Marignac proposed that the Advisory Council hold a retreat in early May to resolve internal issues. Lisa requested that the Council select a date and provide input on retreat goals, retreat planning, and the hiring of a facilitator. Council members supported the idea of a retreat, selected May 1 or 10, as their preferred dates, with May 8 as a back-up date. The executive committee, along with Steve Webster and Chet Forrest, agreed to help plan the retreat. The Council had a long discussion regarding attendance by alternates as well as primary members, and whether or not to provide public notice. The Council decided to extend to the alternate members the invitation to participate in the retreat, and to treat this retreat as others in the past by not providing public notification of the work session.

VIII. CWG REQUEST RE: SEA OTTER RECOVERY

Vicki Nichols, Conservation representative and the CWG Chair, reported that the CWG has asked the Advisory Council to send a letter to the US Fish and Wildlife Service urging the agency to complete and implement its Southern Sea Otter Recovery Plan. The CWG provided the Advisory Council with a draft letter to consider.

Greg Cailliet made a motion that the Advisory Council send the draft letter, as amended, to the US Fish and Wildlife Service. Jim Stilwell seconded and the motion passed unanimously.

IX. UPDATE: MBNMS KELP PLAN

Aaron King, MBNMS, provided an update on the Sanctuary Kelp Management Plan process. The release of the second draft has been delayed from March 11, 2000 to late April, 2000 for several reasons:

1. Comments -- Numerous comments received, orally and in writing, on the Background and Environmental Settings portion of the Kelp Plan.
2. DFG legal review -- New interpretation of the laws restricting release of certain information about state kelp harvests; DFG reworking data tables.
3. Aerial overflights -- MBNMS sponsored kelp canopy overflights last fall; delay in receiving report which should be analyzed prior to issuing recommendations.
4. DFG Time frame Re-schedule -- Previously, DFG was to release their draft CEQA document this spring; The draft CEQA document will not be completed now until this Fall.

The new timeline for the completion of the Sanctuary Kelp Management Plan is as follows:

Late April, 2000: Release of draft MBNMS Kelp Management Plan: Background and Environmental Settings with Draft Recommendations, which contains Draft Management Recommendations.

Late April - June 9, 2000: Solicitation of comments on draft MBNMS Kelp Management Plan: Background and Environmental Settings with Draft Recommendations.

BTAP	April 26, 2000, (time and place TBA)
CWG	May 16, 2000, 9 AM to Noon (place TBA)
SAC	June 2, 2000 - Time and Place TBA

The Sanctuary will hold public workshops on the Kelp Plan in Cambria, Half Moon Bay, the Santa Cruz area, and the Monterey Area.

June 9, 2000: Close comment period on draft MBNMS Kelp Management Plan: Background and Environmental Settings with Draft Recommendations.

June 9, 2000 - Late July, 2000: Writing Final MBNMS Kelp Management Plan, including Final Management Recommendations for the MBNMS.

Late July, 2000: Release of Final MBNMS Kelp Management Plan, and delivery to the DFG.

Late July - Late August, 2000: Staff discussions with DFG on issues of concern raised in the MBNMS Kelp Management Plan (DFG finishes drafting California Kelp Management Plan for 2001-2005).

Late August, 2000: DFG publicly releases draft California Kelp Management Plan which contains solutions to issues of concern to the MBNMS.

December, 2000: DFG submits final California Kelp Management Plan to FGC for review and approval.

Significant differences between the first and second draft of the Sanctuary Kelp Management Plan will include: addition of an Executive Summary, Environmental Settings section will contain a section on "Water Column Characteristics and Processes: Nutrients", addition of Response to Comments on First Release, including research and science comments, multiple use comments, process comments, management recommendations, draft recommendations to the State of California, and draft recommended research and education agendas.

X. UPDATE: FUNDING TASK FORCE PILOT PROJECT

Steve Webster reviewed the funding package recently provided to the pilot project team leaders by the Sanctuary office and the Foundation. Steve reminded Council members that these projects give Advisory Council members the opportunity to develop relationships within their local communities. He highlighted the tips in the funding package on how to use a positive approach when requesting a meeting with a potential sponsor. Lastly, Steve urged Council members to join a "team" if they hadn't already done so. The Sanctuary office will get color copies of the proposed signage locations to the team leaders.

XI. DISCUSSION: NAPA REPORT

Bill Douros provided a background on the assessment of the NMSP conducted by the National Academy of Public Administration (NAPA). Many Advisory Council members were interviewed by DeWitt John, who authored the report. DeWitt made several recommendations regarding NMSP Advisory Councils, which included:

- create a formal council of leading citizens at each site that provides advice and shares responsibility for protecting the sanctuary;

- embrace the councils as partners rather than holding them at a distance as unneeded and uncontrollable meddlers;
- ensure that the members of the councils represent the full array of user groups but do not set aside seats for each group;
- charge council members with the responsibility to consider the full array of sanctuary resources and to help with balancing interests and building communications among different user groups, rather than asking them only to represent one user group;
- take steps at the national level to improve relationships between sanctuaries and their councils by: preparing a policy statement, affirming how councils can help achieve the goals of the program; participating periodically in council meetings where specific strategies and priorities are set for the sanctuary; training sanctuary managers how to work with strong-minded council members; revise the current charters for sanctuary advisory councils to reduce the long lists of actions that councils cannot take and emphasize their positive role;
- allow each sanctuary to design its own institutional mechanism for a council;
- encourage communication the sanctuary councils.

Bill welcomed input from the Advisory Council regarding these recommendations. Discussion ensued regarding the NAPA report among Council members, and ways that the role of the Advisory Councils could be improved. In particular Council members focused discussion on fully utilized and active Advisory Council, improving the "big" NOAA and Council relationship, and DeWitt's recommendation to make all non-government seats "at-large" seats.

XII. PROGRESS REPORT: LEGISLATIVE WORKING GROUP

Jim Stilwell reported that the Legislative Working Group held a couple meetings to discuss the Advisory Council's charter and protocols and the NAPA report. The group is working on ways to provide a mechanism for the Advisory Council to set agendas based on constituency requests, ways to make the Advisory Council a more equal partner to the Sanctuary office, addressing the issue of concurrence by the Sanctuary Superintendent/Manager, and defining the term lobbying and the legal relationship between the Advisory Council and U.S. legislators. The group has spoken to Congressman Farr's office regarding the work they are undertaking. Jim passed out draft revisions to the charter and protocols and requested input from Council members.

XIII. ACTION: SAC REPRESENTATION ON MBOC (MONTEREY BAY OCEAN CONSORTIUM)

Donna Blitzer, Congressman Farr's office, provided the Advisory Council with an overview of MBOC, and distinguished it from the Monterey Bay Crescent Ocean Research Consortium (MBCORC). MBOC is a general network of ocean related fields, while MBCORC is a subset of the general group and focuses on research. Congressman Farr extended an invitation to the Advisory Council to elect a member to serve on MBOC. Discussion ensued among Council members and the Council, without a motion, decided that because several members already serve on MBOC, it would rather not elect an Advisory Council representative to

MBOC. The Council requested that those participating on the group report back to the Council on future meetings of MBOC.

XIV. COUNCIL MEMBER ANNOUNCEMENTS

Dave Danbom expressed concern about the recent news article on the gillnet and passed the topic to Travis Evans. Travis explained that the fishing community feels that media coverage such as this article is inflammatory and gives the general public the wrong message about the fishing community, which survives by taking care of the resources it depends upon. Travis acknowledge that while he might agree with the need for changes in how a fishery is regulated, he does not support hype. The Advisory Council discussed the role of the Sanctuary and the Advisory Council in ensuring the media publicizes correct information.

Chet Forrest announced that there was an MTBE spill in Cambria recently, and that there may be future impacts to the Sanctuary.

Pat Clark-Gray announced that May is State Parks Month.

Greg Cailliet directed the Advisory Council to his written RAP report.

Karin Strasser Kauffman invited Council members to the Moss Landing Marine Laboratories Open House this weekend.

The meeting adjourned at 4:45 p.m.

Submitted by
Lisa de Marniac
Advisory Council Coordinator