

MONTEREY BAY NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

Conservation Working Group
Meeting Minutes
March 17, 1998

Conservation Working Group (CWG) members in attendance were: Rachel Saunders, Chair (Center for Marine Conservation); Vicki Nichols (Save Our Shores); Steve Shimek (Friends of the Sea Otter); Sally Smith (Surfrider's Foundation); Ken Lundie (Coastside Preservation and Recreation); and Scott Kathey and Aaron King (Monterey Bay National Marine Sanctuary).

I. CWG Administration

Introductions were called for around the room by the Chair. The Chair also asked that Ken and Sally, as first time CWG attendees, describe their backgrounds and interests in greater detail.

Ken introduced himself as the new Diving SAC Representative; He is also a San Francisco Firefighter; He stated that he is involved with a land trust in Moss Beach (Coastside Recreation and Conservation) which is involved with further development of the coastal trail in that area; Ken stated that he has been a Diver for 35 years and use to be a commercial abalone diver; Ken said that he was born and raised in San Francisco, and has lived in Moss Beach for 12 years; Ken expressed a desire to continue coming to CWG meetings;

Sally Smith introduced herself as the new Recreational SAC Member; She has been involved with Surfrider's Foundation for some years and is a past President; Sally described herself as especially involved with the Water Quality testing program of Surfrider's; Sally said she is a past member of the Board of Directors (now advisor) for the Surfers Environmental Alliance; Finally, Sally described herself as a new business entrepreneur, having just opened a new business, a surf shop for women surfers.

The Chair stated that future CWG meetings for this year would be held on each 3rd Tuesday of every month; The Chair stated that she would like to have a meeting up in the northern part of the Sanctuary sometime, and asked Ken for help in setting that up with her.

II. MBNMS Office Report

The Chair then asked Aaron to give a Manager's Report - Aaron read highlights from the recent SAC Meeting Manager's report. See Attachment A.

Steve asked if the MBNMS was looking for help in consolidating data on water quality in the MBNMS. Rachel gave a short explanation of what the Sanctuary WQPP and the Regional Water Quality Control Board in San Luis Obispo is doing.

III. Sanctuary Enforcement Update and Discussion

The Chair then asked if Scott Kathey would make his requested presentation on MBNMS Enforcement Activities.

Scott gave a short history of the Cooperative Enforcement MOU, and who was the potential signatories on it, including the MBNMS, the California Department of Fish and Game, and the State Parks Department. Scott stated that the USCG initially planned to be a signatory on the MOU, but recently dropped out. The reasons for USCG non-participation stem from differing interpretations of MBNMS prohibitions as they relate to USCG training exercises. The USCG declined to sign the MOU due to provisions requiring USCG compliance with Sanctuary prohibitions that the USCG believes would compromise USCG training activities. The USCG also did not wish to delay implementation of important MOU provisions between the State and NOAA, and requested that discussions between NOAA and the USCG be continued to resolve outstanding issues and pursue a bilateral agreement between NOAA and the USCG. Scott stated that efforts to bring in County Sheriffs and Highway Patrol deputies is not out of the question, but that the MBNMS has received little interest from these departments to conduct Sanctuary enforcement; that no funding is available to expand the scope of the cooperative enforcement plan at the present time, and that the current plan should be tested with a limited number of participants in order to make adjustments more easily. Scott stated his desire to expand enforcement participation at a future date, once any bugs in the system have been worked out with the CDFG and CDPR deputation.

Scott also briefly described the two enforcement boats acquired by grant funds from Ethical Strategies; Scott briefly described why the MBNMS is not a direct recipient of these funds and that funds are going to CDFG and State Parks.

Scott then stated that while a training session was held about a week ago in Salinas, deputation under the Sanctuaries Act for these California Peace Officers will not occur until the Cooperative Enforcement MOU is signed by all parties. The MOU has been signed by NOAA officials and forwarded to the State for final signatures. Scott stated that he was extremely pleased with the turnout for the training session, and expressed his belief that the thirty State peace officers in attendance seemed very enthusiastic about becoming involved in MBNMS enforcement efforts. A decision was made to have one big enforcement meeting to take advantage of the synergy created by the larger group. A make-up session will be scheduled in the northern MBNMS for peace officers who could not attend the primary training session. Two recently scheduled training sessions for State Park interpreters in the southern Big Sur area were canceled due to road closures from winter storms.

A question was asked if trainings are open to the public. Scott stated that it was the desire of the MBNMS to keep these sessions closed to the public so the enforcement officials present will interact freely and to safeguard confidential information discussed during the course of training.

Scott then described the status and function of the two enforcement patrol boats purchased for CDFG under the enforcement grant from Ethical Strategies. One of the boats is to be based in Santa Cruz and the other in Monterey, but both are able to be trailered and can be relocated quickly to other areas.

The conversation that followed first focused on what the general public was going to do in the event of witnessing a violation of the MBNMS Regs, such as Jet Ski violations. Scott stated that he was working with the 911 dispatch offices in each County to allow MBNMS violations to be sent into them.

Scott stated that one of his top priorities at present is to complete a "Penalty Schedule" (schedule of fines) so that tickets can be issued in the field. He is working with NOAA General Counsel to do this.

Scott then described what happens to any fines that are collected under this system. Fines will be deposited into a special SRD account which can be used for certain functions by the MBNMS Superintendent.

The Chair asked if the CWG could get a list of MBNMS Deputized folks and a finished copy of the MOU and a hierarchy chart for new CDFG Marine Resources region. Scott explained that while many of these requests could easily and legally be filed, that committee members respect the sensitivity of enforcement related information (including non-confidential information) and only request information on a need-to-know basis. The MBNMS office does not want to compromise its positive relationship with the enforcement community by appearing as a sieve for release of enforcement related information.

Hot issues that Scott expects a fully functioning MBNMS enforcement effort to be dealing with include Elephant seal harassment; Unlawful MPWC operation; Unlawful overflights (finalized agreement with FAA - We're changing our regs to reflect the fact that flying below 1000 feet constitutes harassment. Should be discussed at next SAC meeting); Coastal disposal of debris; Unauthorized construction (e.g. sea walls); Disturbance of historical artifacts; Abandonment of ships; Orphan Spills; and Collection of substrate for aquaria (large and small).

The Chair suggested that the CWG should have someone from CDFG Marine Region come to a future CWG meeting to give a presentation on the new CDFG Marine Region to be located at Fort Ord.

IV. Sea Otter Recovery Team Meetings

Steve Shimek reported on developments at the Southern sea otter recovery team (SSORT) meeting, March 19-21. The SSORT was convened by the USFWS to revise the Southern sea otter recovery plan (SSORP) as dictated by the ESA. The SSORT meeting was preceded by an ad hoc meeting of 'technical advisors'.

The technical advisors essentially churned over criteria for delisting the otter -- no consensus was reached. The SSORT meeting began with presentations of the latest census data, followed by reports on disease and incidental entrapment. SSORT consensus was that otter numbers are stable or possibly declining, a high incidence of disease is contributing to mortality (but there is no baseline data on incidence of disease), and entrapment in fish traps may be a very serious problem. A 'white paper', by FSO, outlining needed sea otter research was presented to the Team with the recommendation that the white paper be incorporated into the plan.

The final Southern Sea Otter Recovery Plan will be issued sometime this summer.

Steve handed out a number of charts and graphs. See Attachment B.

Suggestion that MBNMS fund heavy metal/TBT analysis in Sea Otters as part of its WQ program.

The Chair asked for a copy of the FSO White Paper. Steve said he would get her one.

Because of possible interactions between the Sea Otter and the live fish trap fishery, discussion ensued as to the need for regulation on the growing live fish fishery. Lundie expressed his interest and concern for his position as the Diving Rep on the SAC.

V. Issue/Program Updates

Sea Lion/Salmon Update by Aaron - Aaron briefly informed the group of the activities of the Pinniped/Salmon Interaction Steering Committee. Plans are to have an "Invitational Workshop of Stake Holders" on April 4 at the MBA. About 20 people have been invited, including about 8 environmental organizations, 7 fishery organizations and 5 agency/academic entities.

The meeting adjourned at 12:15 p.m.

Respectfully submitted,

Aaron King