

**MONTEREY BAY NATIONAL MARINE SANCTUARY  
ADVISORY COUNCIL**

**Final Meeting Minutes**

**April 25, 2014**

**Santa Cruz Police Department Community Room  
Santa Cruz, CA**

The Monterey Bay National Marine Sanctuary (MBNMS) Advisory Council met on Friday, April 25, in Santa Cruz, California. Public categories and government agencies were present as indicated:

Agriculture: Kirk Schmidt	CA State Parks: Mat Fuzie
AMBAG: Lynn Robinson	Conservation: Geoff Shester
At Large: Margaret "PJ" Webb	Diving: Brian Nelson
At Large: Dan Haifley	Education: absent
At Large: James Panetta	Commercial Fishing: Jim Moser
Business & Industry: Krista Hammond	Harbors: absent
CA Coastal Commission: Tami Grove	Recreation: Gary Pezzi
CA Dept. of Fish & Wildlife: Paul Reilly	Recreational Fishing: Rich Hughett
CA EPA: Maria de la Paz Carpio-Obeso	Research: John Hunt
CA Resources Agency: absent	Tourism: Mike Bekker

The following non-voting members were present as indicated:

Monterey Bay NMS: Paul Michel  
Elkhorn Slough NERR: Dave Feliz  
US Coast Guard: LCDR Joe Giammanco

Alternates present in audience:

Kris Beal – Agriculture  
Barton Selby – Recreation  
Cynthia Mathews – At-large  
Bob Massaro – Tourism  
Lauren Dockendorf – Conservation  
Tucker Hirsch – At-large  
Deb Wilson-Vandenburg – CDFW  
Dawn Hayes – Monterey Bay NMS

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

Lynn Robinson, Mayor of Santa Cruz, welcomed the council to the City of Santa Cruz and the Police Department. She encouraged council members to visit the memorial to the fallen City of Santa Cruz Police officers that was recently installed. Lynn discussed many events and anniversaries coming up in the City of Santa Cruz, including the 50<sup>th</sup> anniversary of University of California, Santa Cruz, and the May 17<sup>th</sup> celebration of the 100<sup>th</sup> anniversary of the Santa Cruz Wharf. Lynn highlighted a guide to Santa Cruz events and opportunities that is developed every year by the tourism board.

**SWEAR-IN OF NEW SANCTUARY ADVISORY COUNCIL MEMBERS**

The following members were sworn in and provided a brief introduction to the council:

- LCDR Joe Giammanco (USCG): Joe is the living marine resource officer and oversees maritime protection for all of California. He sits on all California sanctuary advisory councils.

- Lauren Dockendorf (Conservation): Lauren previously served as a conservation alternate and represents Save Our Shores,
- Tucker Hirsch (At-large): Recently returned to Monterey, Tucker is a textbook science editor with National Geographic Learning (K-8 grade).
- Deb Wilson-Vandenburg (CDFW): Deb has served 25 years with CDFW, and is currently focused on many fisheries projects, including the integration of forage fish into the existing fisheries management plan.

#### **APPROVAL OF MEETING MINUTES**

Approval of February 21, 2014 DRAFT Meeting Minutes

The advisory council approved the February 21, 2014 DRAFT Meeting Minutes.

Gary Pezzi introduced a motion to approve the February meeting minutes.

Seconded by Jimmy Panetta.

**MOTION: Passed**

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

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

Paul brought the council's attention to the MBNMS Office Report and the 2013 Accomplishments Report. He also discussed recent and upcoming Sanctuary Events, including the Hearst Theater Event in San Simeon, the April 26 Sanctuary Currents Symposium, the May 14<sup>th</sup> and 15<sup>th</sup> Whale Trail events in Monterey and Santa Cruz, the May 17<sup>th</sup> 100<sup>th</sup> Santa Cruz Wharf Anniversary Celebration, and the June 7<sup>th</sup> Beneath the Waves Film Festival at the SEC and kick-off of the Sanctuary Classic (fishing photography tournament). Paul also announced that Sara Hutto, the council coordinator, will be leaving soon but will finish up her coffee talk project.

#### **III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

Nicholas Naccari (CWG member): Evidence is clear that high frequency blasting causes behavior negatively and mortality of marine mammals.

#### **IV. ACTION ITEM: Officer Elections**

Kirk took nominations for council chair. PJ Webb was the sole nominee and was confirmed as council chair. Kirk took nominations for council vice-chair, and Gary Pezzi was the sole nominee and confirmed as council vice-chair. Kirk took nominations for council secretary, and Dan Haifley was the sole nominee and confirmed as council secretary.

#### **V. INFORMATION ITEM: Update on Revised Introduced Species Rule**

Karen Grimmer provided an update to the SAC on the revised introduced species rule. Her presentation is available here:

Members asked staff about the impact this rule will have on GFNMS and potential expansion (which has more to do with the new ability to use authorizations than the actual rule) and clarification of the governor's objections (which concerned jurisdictional issues and potential preclusion of future research projects in state waters). Geoff Shester asked for clarification regarding permitting and the difference now with this revised rule; staff responded that the main difference is there would now be an exception for non-invasive commercial shellfish facilities, but that all state permits will still be required and that MBNMS will now be able to address all introduced species operations. PJ referenced a report released by conservation organizations, and asked about the ability for agencies to know if an introduced species is or is not invasive (or one that may become invasive in the future, especially in light of climate change) and the

safeguards in place– staff responded that the CEQA and NEPA process would address these concerns. PJ also expressed concern regarding the rule going in before the MOA is developed; staff replied that the goal is to have them both occur together (MOA and rule), and that the MOA is under review and hopefully final very soon and will put in place a process by which expiring leases, expanding leases and new leases will be addressed. Paul clarified that this revised rule extends the prohibition of introduced species into state waters with the commercial shellfish exception and that there is no currently proposed project, but this ensures that state and federal agencies can work together in the future in order to manage for and respond to future projects and issues to resolve any differences in opinion.

Many members expressed thanks to Karen for bringing this to the council. Geoff asked that the sanctuary maintain a precautionary approach and requested that the SAC make a strong statement to reaffirm the 2013 resolution for full prohibition of these activities. Geoff acknowledged the existing operations in Tomales Bay, but expressed concern for permitting new projects - there is a fundamental messaging difference between a permitted activity and a prohibited activity. Bart encouraged the sanctuary to consider the regulation of any genetic modifications that may occur through selective breeding of these species. There were questions regarding the exception for pre-existing operators, and staff responded that they would have to go through the same process once lease renewal occurs for those operators. John Hunt asked if these negotiations are over or if NOAA can push for more exclusions (because we now have different state officials); staff responded that this is the best and final negotiation. PJ expressed support for the 2013 resolution from the SAC, and asked that the presentation be made available for further study. Dan Haifley expressed support for this new rule because it may ease the pathway for northern expansion.

The council discussed at length taking some sort of action on this issue and Paul added that the SAC could take action on this today if they desired, and that the comment period will close prior to the next meeting in August. Kirk suggested that the council write a comment letter regarding the difference between support of the previous rule and the content of the new rule. Mat Fuzie posed the question of how the state might react from the council advising that NOAA not negotiate on this; Brian Nelson made a motion to reaffirm the 2013 resolution for the SAC's stance on this issue. Paul Reilly seconded that motion.

**Motion: PASSED**

(Vote: 12 in favor, 0 opposed, 5 abstentions)

Geoff Shester made a motion to submit the 2013 resolution as an attachment to a statement of reaffirmation to the federal register.

Rich Hughett seconded the motion.

**Motion: NOT PASSED**

(Vote: 5 in favor, 8 opposed, 4 abstentions)

## **VI. STANDING ITEM: Advisory Council Member Announcements**

Dave Feliz (Elkhorn Slough NERR): Has recently spent time with the state water resources control board (SWRCB) staff to bring them up to speed on Elkhorn Slough NERR activities.

Dan Haifley (At-large): thanked the council for support of AB1603 for environmental education funding.

Paul Reilly (CDFW): The salmon recreational fishing season had a successful opening weekend; Moss Landing saw 465 boats, 480 anglers, and 1.1 salmon/person and Monterey saw 30 boats, 83 anglers and 1.6 salmon/person. A few days later CDFW was involved in the transport and release of 100,000 Chinook smolts in SF Bay that were raised in hatcheries. This release

enhances the natural population with coded wire tagged fish – which can be extracted when caught. Commercial salmon season starts May 1<sup>st</sup>.

Mariela (CA EPA): The SWRCB ocean unit is continuing their statewide trash amendment, with an expected release the second week of May.

Rich (Recreational Fishing): Rich showed the council a marine mammal pamphlet that he brought copies of for members.

PJ Webb (At-large): PJ thanked Paul for the local sanctuary event in Cambria/San Simeon – it was great to bring together sanctuary supporters and was a great event! There were many competing events, so the 100 attendees was a great showing. Soon, the very popular lecture series by marine scientists will start, and snapshot day is Saturday May 3<sup>rd</sup>. Cambria is having a booming tourist season, which is great, but water shortages are a real problem. The marine mammal center has broken all records of strandings due to domoic acid and harmful algal blooms (HABs).

John Hunt (Research): NOAA climate science has indicated a kelvin wave of unusually warm water is moving across the Pacific, which signals an impending El Nino – John is thankful for this available data and the scientists that collect and make these data available, including Francisco Chavez who is keynote speaker at the Sanctuary Currents Symposium.

Deb Wilson-Vandenburg (CDFW): Recreational ground fishing opens May 1<sup>st</sup> and CDFW staff will go out to meet anglers as they are going out in the morning to distribute barotrauma flyers and Canary Rockfish ID flyers (including Morro Bay, Avila, Santa Cruz, Moss Landing, Monterey).

Krista Hammond (Business): Krista expressed that she was impressed with the great accomplishments by the sanctuary in 2013 and is looking forward to be a part of this success.

Lauren Dockendorf (Conservation): Save Our Shores hosted Earth Day clean-ups (5 events, 1500 lbs of trash) on April 21 and they are dealing with lots of illegal dumping at Elkhorn Slough, and trying to get information out to the public about this to prevent trash getting into the reserve. Upcoming clean-ups include five North County clean-ups on June 21, and eight clean-ups in Santa Cruz and Monterey on July 5<sup>th</sup>.

Bart Selby (Recreation): May is the informal start of the human-powered watercraft season, and June is the 200 year anniversary of the first reported small craft accident (kayak trying to sneak out with otter pellets in 1814).

Kris Beal (Agriculture): The impacts from the drought are very serious right now and causing unprecedented conflict.

Geoff Shester (Conservation): Mount Madonna's 5<sup>th</sup> grade class won the "class of the year" award for their work with Simona Bartl and leatherback turtle education. Oceana is currently involved in Senate bill 1138 (seafood labeling), and Assemblybill 2019 (drift gillnets) and recently released a report on the country's dirtiest fisheries. Geoff also mentioned the recently released stock assessment of Pacific Bluefin tuna – this stock is only at 4% of the historic level. The Conservation Working Group enjoyed a timely presentation on HABs just after the domoic acid notice came out. The City of Marina and County of Monterey are moving forward with a plastic bag ban, and Senate Bill 270 would implement a lower bar for bag bans across state.

Jim Moser (Commercial Fishing): The commercial salmon fishing season starts May 1<sup>st</sup>. Sport season has been really good and big in Monterey – not much landed in Half Moon Bay, maybe

because the water temperature is warmer which could mean the fish are deeper or more offshore. Crab season has been really good in Monterey Bay (especially Moss Landing and Avila) – though northern crabbers aren't getting much. There will likely be conflict between crabbers and trollers as far as gear tangling. An update on boatyards – Moss Landing is difficult to use but still able to haul out there, and Santa Cruz now has a new 50 ton lift under harbor management, so hopefully next year fishers will be able to haul out there.

Mike Bekker (Tourism): Tourism is great in Monterey with a big Easter this year and the visitor bureau is still advertising heavily. One big issue for Monterey is the cease and desist order coming up in December 2016 for pumping on the Carmel River which would greatly impact water allocation for commercial activities. Ballot measure O is coming up to address this but is a misleading distraction.

Brian Nelson (Diving): Results from the recent diver survey issued by Brian and Phil: 76.7% of respondents said communication is much better between sanctuary and constituents – much higher than the previous survey; 88.8% felt the presence of the sanctuary is a positive thing; 79.7% support expansion of sanctuaries as a whole; 78.7% would like to see buoys at common dive sites as used elsewhere to prevent anchoring by boats. The newsletter is getting great readership, diver clean-ups are on-going and working with waste management to remove larger items, like couches and fridges that are dumped. He has been working on a newsletter template for recreational fishing. Brian announced that Steve Scheiblauber was not able to make the meeting, so he announced for Steve that there have been 9 cruise ship visitations this year and USCG and Sanctuaries inspect the ships to ensure that the water discharge is clean. Brian also notified the group of Kathy Fosmark's surgery.

Gary Pezzi (Recreation): The big stick log jam (long board surfing event) is on the eastside of Santa Cruz this weekend and Memorial Day weekend the long board invitational event is at Steamer's Lane. Santa Cruz Surfrider has monthly meetings – next one is May 20<sup>th</sup> – and they measure *E. Coli* bacteria in local waters and work with Save the Waves to reclaim surfing reserves and get Cowell's Beach cleaner.

Lynn Robinson (AMBAG): Through AMBAG, Lynn has been involved in the collaborative Sustainable Communities Initiative with Santa Cruz, San Benito and Monterey counties which has been successful and interesting to see how hurdles are handled, and as mayor, Lynn is working on a lot of water issues in Santa Cruz (with a stage 3 emergency drought).

Matt Fuzie (State Parks): Fort Ord Dunes Campground has been planned for 5 years and is now funded, with construction starting in 2015. Parks Forward Commission released their draft report with recommendations on the future of California State Parks (available here: [http://parksforward.com//site/uploads/Parks%20Forward%20Commission%20Staff%20Working%20Draft%20\(4-23-14\).pdf](http://parksforward.com//site/uploads/Parks%20Forward%20Commission%20Staff%20Working%20Draft%20(4-23-14).pdf)). State Parks is working on expanding the Monterey Peninsula lifeguard program with funding by fire departments as there have been drownings recently at dangerous beaches (e.g. Monastery). Desalination, panga boats, and the Carmel River environmental protection barrier are big, contentious issues right now for State Parks. Lobos Corona Parklands project is a collaborative effort to seamlessly join all of the public park lands in the Carmel area – will probably ask the sanctuary to join in the partnership. Elkhorn Slough Foundation and Save Our Shores helped with a dune vegetation project at Moss Landing that was accomplished in one short day with 90 volunteers!

Paul Michel (MBNMS): Drought and desalination are big right now, and it's probably time to get an update at the next council meeting. May 3<sup>rd</sup> is snapshot day, see Karen to get involved, with water quality sampling in as many creeks as possible.

Kirk Schmidt (Agriculture): The agriculture community is very concerned about water, with supply varying locally. San Benito relies on delivered water; Pajaro Valley has spent a lot of money recharging aquifers which aren't in bad shape; wine countries have issues with water and some are relying on bad or contentious aquifers. Water quality in the Salinas river is pretty good, and the water quality control board has formed an expert panel to meet throughout the region to come up with a report on how to improve ground water quality. Their next meeting is May 5<sup>th</sup> at California Polytechnic Institute.

Cynthia Mathews (At-large): The San Lorenzo River Alliance is looking into the potential of the San Lorenzo River and cleaning up along the levee. The City of Santa Cruz has focused on research and infrastructure investments for water quality issues, and now have permits to do some projects in Neary Lagoon. The city is also working on the master plan for the Santa Cruz Wharf – including stability, tenant mix, walkways, and access. The City recently approved rail trail funding, and the Arana Gulch multi-use trail is under construction.

## **VII. INFORMATION ITEM: Progress Report from Charter Revision Subcommittee**

Kirk Schmidt, Charter Revision Subcommittee Chair, provided an update to the Council on the first two meetings of this subcommittee. Specifically, he discussed the subcommittee's "punch list" of big-ticket issues that they hope to resolve within the charter. His presentation is available here:

Many members expressed great desire for clarity in the council's protocols, and if Robert's Rules are used, to make those available and accessible to council members. Everyone needs to have the same understanding of the process. Cynthia mentioned the City Council protocols that are simple and easy to follow and can share those with the council. She also suggested that we consider a college student for the youth seat, not necessarily a grade school student, which Gary Pezzi agreed with. John Hunt has served on boards that use Rosenberg's rules that are shorter and simpler and suggested the subcommittee look at these. Paul added that the subcommittee expects council members to provide input throughout the process and encouraged everyone to familiarize themselves with the charter/protocols while they are able to provide feedback. PJ voiced her desire as a subcommittee member to create something short and user-friendly.

## **LUNCH**

## **VIII. INFORMATION ITEM: Assessing and mitigating impacts of anthropogenic sound on marine mammals**

Karin Forney provided a presentation on the impacts of sound on marine mammals. Her presentation is available here:

Karen Grimmer brought a few documents to the council's attention that are relevant to this discussion, including the NOAA Ocean Noise Strategy (will be available in the next 6 months, and includes MBNMS as a case study), the NOAA Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammals, the Sanctuary Soundscape Project underway through MBARI, MLML, Naval Postgraduate School and Hopkins using wave-powered gliders, AUVs, and monitoring over the next year, and the International Maritime Organization guidelines to reduce underwater noise from commercial ships. Karen also reminded the council of their history in learning about this issue over the past few meetings.

Council members had questions for Karin regarding the state of the knowledge of sound thresholds, including decibels and distance from the sound source, current sonar activity, data analysis from acoustic sensors, sound habituation, PG&E's future efforts in the area, and the

potential role for the council's research activity panel. Karin Forney addressed these questions by describing that it is hard to form confident linkages between sonar activity and impacts. We can say that they respond to sound, but we can't nail down their thresholds, and it differs between species, and habituation may impact animals' sensitivity. The threshold from NOAA is 160 db that was derived from models and needs to be ground-truthed – this is intended to represent what the animal perceives, so would need to be altered depending on the location of the source. Science work done in Diablo Canyon was funded by PG&E, and there are no known plans from that organization to apply for permits in the future. Karin pointed out that NOAA is always interested in what their diverse advisory groups are concerned about or want to have more focus on, she also emphasized that the underlying science is very important especially as projects come along and the RAP could possibly play a role in that way. Paul added to this that the sanctuary's reaction to Diablo Canyon was very effective and so the main consideration is what proactive action the sanctuary and council can take. Karen Grimmer added that a management plan update is coming up and the council can raise certain issues as high priority for sanctuary management to consider.

#### **X. ACTION ITEM: Motion to commend the Sanctuary for its work on Leatherback Sea Turtles and to recommend further action**

Geoff re-introduced this motion and the background of the efforts around education and outreach for leatherback sea turtles.

A motion was made by PJ Webb to commend the Sanctuary for its work on leatherback sea turtles and to recommend further action.

Seconded by James Panetta.

#### **Motion: PASSED**

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

Jim Moser expressed his concern (shared with Kathy Fosmark and Steve Scheiblaue) regarding the efforts ongoing by Oceana to end gillnet fishing in California through AB 2019 getting entangled with these education efforts. The council discussed and acknowledged this concern but concluded that the motion language did not directly involve anything related to fishing. Geoff confirmed that Oceana and the educators involved in this outreach/education effort have no intention to involve US fishing concerns (any mention of fishing in the MOA refers to international fishing issues), and expressed his sentiment that the council should not construe support of this motion as support of the gillnet legislation. John asked where and when the MOA may be available and Karen provided more information regarding the content, but that the MOA is not yet finished.

#### **IX. STANDING ITEM: Working Group/Subcommittee Updates**

Conservation Working Group (CWG): The CWG is still working on the issue of acoustic noise and seismic surveys, and is constantly refining its goal and ideal outcome. They would like to present a resolution at the August meeting to support the prioritization of this issue in the next management plan update with a list of things they would like to see addressed. Geoff acknowledged that patience and a more deliberate approach is key and they are on board for this. The CWG also learned about domoic acid, HABS, paralytic shellfish poisoning and the impact that people have on the frequency of these events. The CWG expressed continued support for the expansion of the GF and CB sanctuaries.

Research Activities Panel (RAP): The RAP met on March 14<sup>th</sup>, and heard presentations from Steve Haddock (MBARI) regarding deep sea organisms with phenomenal photos, Steve Lonhart on the sea star wasting syndrome, and an update from sanctuary staff on the integrated ecosystem

assessment and the condition report (staff asked the RAP for help on areas of new information that could be used to update the condition report and ways to improve the assessment). John reminded everyone that Sanctuary Currents is tomorrow, and he recommended that everyone attend. The RAP is considering adding a new seat for an acoustics expert, which indicates that the RAP does not have the expertise in that area, and that this area is identified as a priority. Monterey Institute of International Studies is a social scientist on the RAP – he and Mike McGinnis are holding a course on marine vessel whale strikes and acoustics, so the RAP will likely be hearing from them on this issue. The blue economy program has put out a national ocean economics report and the RAP will receive an update on this at their May 9<sup>th</sup> meeting. Geoff expressed strong support for the new acoustics seat on the RAP. Paul added that today is the Branding Monterey Bay conference to discuss “blue” economies and the role that the research community plays in that.

Sanctuary Education Panel (SEP): The SEP met directly after the MBEE (Monterey Bay Environmental Educators) meeting on Wed March 26<sup>th</sup> and had a discussion on the role of the SEP now that there is MBEE and now that the Sanctuary has only one part-time education staffer, and concluded the following:

1. We will have an annual meeting in September when Paul Michel will present the current MBNMS priority areas in education, research and resource protection. There is an interest in hearing about all three areas. The education community in the Monterey Bay region will be invited. (We did this for our last meeting and it was a big hit).
2. We will have two additional meetings during the year (always after an MBEE meeting) when we will explore additional topics of interest based on what we heard at the Sept meeting. These meetings will also make time for information sharing between the SEP members, the SAC Education seat and Sanctuary staff (Liz Love).
3. Direct two-way communication between the SAC education seat and the larger education constituency will be handled through the MBEE network.

Recreation and Tourism Working Group: Brian presented a draft version of the newsletter developed by this working group to send out to business and tourism partners and is always looking for content from other council members. He’ll be sending out a solicitation to the council with pointers and ideas. PJ congratulated this effort and discussed how useful and important this service will be, especially for her region. Kirk asked if these newsletters could be made available on the website, and Paul confirmed yes. Brian is also working with Rich Hughtt to create a Recreational Fishing Newsletter.

## **XI. INFORMATION ITEM: Sea Star Wasting Syndrome**

Laura Anderson, a researcher at UCSC, provided a presentation to the council on the sea star wasting syndrome, potential causes, trends and research efforts. Her presentation is available here:

SAC discussion:

Council members discussed with Laura methods used to limit disease transmission through monitoring efforts, the unknown potential for resistance by the next generation of stars, regional variation in the syndrome, the long recovery time from previous wasting events, the importance of volunteer organizations in the collection of wasting data, and the unconfirmed, potential impacts this syndrome may have on the larger ecological food web in the region.

Submitted by Sara Hutto, Sanctuary Advisory Council Coordinator  
Meeting adjourned at 3:50 pm.