

## MINUTES

### Gulf of the Farallones National Marine Sanctuary Advisory Council Meeting September 12, 2002 – Lighthouse Lodge, Pacifica CA

0940 MEETING CALLED TO ORDER

#### Roll Call

#### **Primaries Present:**

Bob Breen	Education
Richard Charter	Conservation
Barbara Emley	Maritime Activity
James Kelley	Research
Mick Menigoz	Maritime Activity
Brian O’Neill	Government
Bob Wilson	Conservation

#### **Alternates Present:**

Brenda Donald	Research
Mark Dowie	Community-at-Large
Peter Grenell	Maritime Activity
Gwen Heistand	Education
Karen Reyna	Conservation

#### **Absent:**

Harlan Henderson	Community-at-Large
Peter Grenell	Maritime Activity
Don Neubacher	Government

The Meeting Minutes of the last Council meeting were approved.

Council Chair Barbara Emley noted the request by Patric Douglas to address the Council concerning restrictions on his business in conducting white shark dives at Southeast Farallon Island. Discussion ensued regarding the circumstances which led to Mr. Douglas’s expectation of making his presentation, and it was noted that other constituents would not have had the opportunity of noting his presence on the Agenda, other than during public comment period, previously noticed for 10:00 a.m.

Several Council members wished to learn more concerning Mr. Douglas’ operation and concerns, but were also concerned that the primary task of issue prioritization was likely to take most of the day’s meeting time. Mr. Patric was advised that his concerns as well as the scientists’ working at SEFI, should be presented to the Working Group concerned with wildlife disturbance, who then could present the information to the council-at-large.

Mark Dowie moved to have Patric Douglas (shark dive operator) speak for 5 minutes for public comments, then additional time, if any remained. MOTION: The motion was seconded by Richard Charter. Mr. Douglas exchanged comments with Council members on the shark issue.

The Council agreed that policies and procedures be established for members of the public to be placed on the Council agenda should be through the Council, not through Headquarters. Motion was unanimously carried.

Sanctuary Manager Ed Ueber, who had been called out of the meeting, provided an update on the S/S Jacob Luckenbach lightering project, and that he'd just been notified of an oil leak from the wreck. Heaters designed to liquefy the oil have been turned off until problem is resolved. He also complimented the Council member on their commendable commitment to the Sanctuary.

ANNOUNCEMENTS:

Bob Breen commented that there were few marine science training opportunities in the Bay Area for high school teachers, and requested programs similar to Moss Landing Marine Labs be offered.

Maria Brown invited members to the Monterey Bay NMS Tenth Anniversary and Grand Opening for the MB/GF office in Half Moon Bay, and introduced Julie Barrow, the Sanctuary Education Specialist. She also gave an update on Ocean Fest 2002 celebration October 12<sup>th</sup> and announced the scheduled September 29<sup>th</sup> whale watch cruise.

Council Chair Barbara Emley noted that the 2002 salmon season was characterized by more abundant and larger salmon than recently, and that more whales were seen during fishing effort than in the past 20 years.

Richard Charter noted that scoping was underway for California Coastal National Monument and public comment period would expire October 25, 2002. The President is considering rolling back NEPA for certain defense activities within 200 nm."

Charter also mentioned litigation sponsored by National Resources Defense Council concerning active sonar which has resulted in whale deaths. Also, that President Bush is considering rolling back NEPA for certain defense activities within 200 nm. This would result in the largest area of water ever (Exclusive Economic Zone/EEZ) being exempted from environmental laws.

10:06 PUBLIC COMMENT

Patric Douglas/Absolute Adventures stated that Issue 30A (Wildlife Disturbance) as it relates to white sharks is mischaracterized. He continued that there is urgency that this issue be presented now. If Council moves ahead without the information he had, there is a "grave opportunity" to create something that will impact other user groups. He expressed willingness to debate other user groups, and does not want to exclude anyone or do an "end run" around Council, but attributed his lack of time on the agenda to a failure of communication in GFNMS office.

The issue involves cage diving with white sharks. The two island researchers' conflict with Patric Douglas's extends over their past 4 years of contact. Mr. Douglas stated he has

documentation that this is a user access issue. Issue 30A, Wildlife Disturbance, if it is to be considered by the Advisory Council, must be clarified.

Barbara Emley stated if the Council can resolve its prioritization issues, if time permits the Council would like to have Patric Douglas on an agenda, and they want to work with Anne Walton on this. Anne Walton recommended that the Wildlife Disturbance Working Group flesh out the issues, and not be limited to sharks. Working group meetings are open to the public.

Richard Charter apologized that Patric Douglas was the first case study in going to Headquarters to get on time on the agenda. If later the Council would be dealing with prioritization of issues – he advised that the Council address the “user access” issue raised by Patric Douglas, but address the impacts of humans on wildlife in many scenarios, not just the shark/researcher/dive operator issue - would Patric Douglas recommend a subcategory under Use Issues?

Patric Douglas reiterated his desire to address the main Council directly and charged that the issue is convoluted and contentious. He desires the other side to give their half hour of input and appreciates all the issues involved.

Bob Wilson indicated that Issue 30A is an appropriate category, and would be including the shark issue within the category of wildlife disturbance.

Barbara Emley quoted from the Wildlife disturbance issue description in MPR handbook and asked Douglas if he had concerns that his activity was considered a wildlife disturbance. Patric Douglas indicated yes – this is a concern of his.

Douglas gave his affiliation as “Absolute Adventures,” a partner with Golden Gate Expeditions and described it as a “Serengeti-type outfitter” – in which they motor up to a shark, observe their behaviors. Douglas stated they do it without chumming. Chumming is controversial; they will not ever do it in the Sanctuary.

Barbara Emley reiterated that it is appropriate that Patric Douglas go to the working group. Patric Douglas expressed his concern about who on the working group would be presenting the issues. Barbara “we’re not at the working group stage yet.” If Barbara is to hear the issues, she needs to know when agenda time permits. Richard Charter indicated that if the working group addresses this issue, he’d be interested in attending, wanting to hear both sides.

Patric Douglas indicated that three months earlier he had expected that Council members would be alerted that this issue was in the works and that he would speak with Barbara and Anne.

Anne Walton said that the Council and staff are still working on which issues are to be prioritized, to check back in about one month.

Patric Douglas stated that Ed Ueber's quote in an article that the new management plan would be due in 2003 forced the urgency of raising the issue at this time. Richard Charter requested copies of the Chronicle May 7<sup>th</sup> 2001 article. Patric Douglas will email this to Anne Walton.

#### JOINT MANAGEMENT PLAN REVIEW (JMPR)

Anne Walton provided a recap of JMPR actions to date, and referenced the package dated July 8<sup>th</sup> which was sent to the Council for prioritization of issue; she also requested recommendations for working group issues, both cross-cutting and site-specific. The next steps would be to finalize input from Council on major issues, draft a Work Plan to identify how action plans are to be developed, and present draft work plans to the Council in October.

Richard Charter expressed surprise at how many and the degree to which changes were made on the issues since this Council's last meeting. Anne Walton explained that staff input at the sites and at Headquarters has resulted in some of the changes incorporated in the current document.

#### COORDINATED MANAGEMENT:

Concern was expressed that Coordinated Management implied the administrative structure, blurring of the boundaries and creating a larger entity, not just sharing certain resources.

##### SAC recommends:

- Change name to "Coordination of Administrations"
- Ensure coordinated management activities will be linked with boundary modification activities.

#### INTERNAL WORKING GROUP:

To ensure that all parties' interests be served and that the element of "competition" be removed, Council advises including experts' whose skill and neutrality can be utilized along with internal teams; this includes the boundary issue. Richard Charter requested that after internal group reviewed issues, the Council be permitted to review the group's recommendations.

##### The Council recommends:

- That internal working group include outside/neutral consultant/expert.
- Change "small internal working group" to "appropriate working group"

#### FISHING ACTIVITIES:

Several fisheries topics, including krill harvesting, were added or their ranking changed since the July 8<sup>th</sup> review; Anne Walton reassured members that a more inclusive list is forthcoming. Also, there is no consistent policy on how Sanctuaries deal with the marine reserves issue; this is needed.

Several fisheries issues will fall under cross-cutting (marine reserves) and site-specific categories (trophic impacts, gear impacts). Ecosystem studies of food species are missing from fisheries' studies. The issue of biodiversity is so broad and large-scale that the three sanctuaries could have consistency in their monitoring methods. However, physical characteristics (offshore bank, submarine canyon, coastline or lack of it) will affect how these are categorized. Pelagic ecosystems don't require separate treatment, but benthic habitats do.

Barbara Emley commented the fishing interests would want to see the Marine Reserves issue kept under a fisheries category, vs. ecosystem category, but Richard Charter stated marine reserves issue could be both under fisheries and ecosystem protection.

The Council recommends:

- Add "evaluate role of marine reserves in Sanctuaries in coordination with site-specific groups"
- Add marine reserves to site-specific Ecosystem Protection (under GFNMS)

During the break, Susan Andres, the new Executive Director for the Farallones Marine Sanctuary Association was introduced. Don Eagleton, Executive Vice President of the Pacifica Chamber of Commerce invited additional cooperative projects among Pacifica, the Marine Sanctuaries and the National Park Service, including informational displays. Pacifica is anxious to promote open space and ocean awareness.

#### EMERGENCY RESPONSE:

There is already a coordinated emergency response for the three sites, so this may not need further discussion. Richard Charter raised the issue of enhanced availability of equipment in Bodega Bay.

#### CULTURAL RESOURCES:

The Gulf of the Farallones should locate the sites of potentially polluting shipwrecks. Barbara Emley asked that fishing folk and native peoples be included as cultural resources.

The Council recommends:

- Include fishing communities as cultural resources.

#### ECOSYSTEM MONITORING:

The Council recommends:

- Change name to "Ecosystem Protection"

#### EXOTICS AND INVASIVE SPECIES:

Monterey didn't consider this a top ranking issue, although vessel port procedures apply to all three Sanctuaries.

The Council recommends:

- Farallones will deal with this in a site-specific working group.

#### BOUNDARY MODIFICATIONS:

A formal Congressional rule-making process would be required to change joint boundaries or remove the "doughnut hole" with input from SF Municipal Water District and San Mateo County Water District, as well as National Park Service, or it could be done with an Act of Congress.

#### The Council recommends:

- This will be dealt with in a separate Monterey/Farallones site working group.

#### EDUCATION:

The Cordell and Farallones will work to better coordinate resources.

#### COMMUNITY OUTREACH:

This is acknowledged as a tool to increase inter-site coordination. All sanctuaries should be treated as a bioregion and broad strategies should be considered to identify joint objectives. However, site-specific working groups may find the most appropriate partners.

- Improve partnerships and coordination with partners for public, and media outreach.
- Strategically evaluate and improve partnerships.

#### ECOSYSTEM "PROTECTION":

Regulations related to hydrocarbon and mineral exploration/development should be evaluated. Jim Kelley advised that human-relevance of a resource should not be used as the criteria for inclusion of resources under ecosystem protection.

Richard Charter warned that though petroleum development is not an issue at this time, the Sanctuary Boundaries follow "high interest" oil reserve areas and taking this off the cross-cutting list may inhibit the Sanctuaries' ability to address areas to the north and south of the Sanctuaries.

Also, mineral development activities now exist (e.g. anhydrous hydrocarbon harvest, methane crystal hydrates) that are not currently banned within Sanctuary boundaries.

#### The Council recommends:

- Change to Ecosystem PROTECTION:
- Add working group for entire issue.
- Retain fishing activities working group.

#### VESSEL TRAFFIC:

It was suggested that this not be made an internal group. Ed Ueber suggested that moving traffic lanes by 7 degrees would move traffic lanes farther from Farallon Islands. Increased vessel traffic separation schemes (involving help of US Coast Guard) should also be considered. Other relevant issues include ballast water, acoustic impacts of shipping.

- Remove "internal small working group"
- Initial exploratory group may grow to full working group.

#### WATER QUALITY:

Esteros and nearshore areas are the primary areas of concern but some offshore areas could also be concerned.

##### Council recommends:

This can be handled internally by staff (GFNMS and FMSA)

#### WILDLIFE DISTURBANCE:

Richard Charter advised that the Council address the "user access" issue raised by Patric Douglas, but address the impacts of humans on wildlife in many scenarios, not just the shark/researcher/dive operator issue.

##### Council recommends:

- Evaluate acoustic impacts on marine organisms.

#### RADIOACTIVE WASTE:

This may involve additional efforts, or perhaps only a literature review with reinterpretation of past survey and effort analysis.

##### The Council recommends:

- Retain existing group (GFNMS, NASA, USGS, EPA, Dept. of Transportation)

#### MARICULTURE:

The Sanctuary can work with existing groups in Tomales Bay and revisit existing regulations as concern disturbing the seabed floor. Mariculture is exempt from many Sanctuary regulations in Tomales Bay.

##### The Council Recommends:

- Use existing groups. (remove "Exotic Species Taskforce")

#### ADMINISTRATION:

The Sanctuaries need to build larger staff and resources. No working group is needed.

#### WORKING GROUPS – FORMATION

Ed Ueber is still working on which staff leads will be on working groups. Working groups will make relevant recommendations to the whole Council, which will pass them along to the Sanctuary Manager. Working Groups can be comprised of Council Members (primary or alternate), but outside experts are welcome. Issues are likely to be site-specific.

Richard Charter asked that meetings be rotated between northern and southern areas. Schedule: Only internal groups will start as early as October; others likely to start later (November 1 through the end of April).

Working groups will report to all three Councils at each meeting and present their recommendations.

MEETING CONCLUSION:

- Next Council meeting will be Thursday, December 5<sup>th</sup>. Place to be announced.
- Council members (primary and alternates) were invited to attend October 22<sup>th</sup> Gulf of the Farallones familiarization cruise.
- 1530 - MEETING ADJOURNED

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