

**Gulf of the Farallones National Marine Sanctuary  
Advisory Council Meeting  
February 24, 2003, Elkus Ranch, Half Moon Bay, California**

Attending:

Advisory Council Members:

|                 |   |
|-----------------|---|
| Bob Breen       | Education Seat, Vice Chair              |
| Richard Charter | Conservation Seat                       |
| Brenda Donald   | Research Seat (alternate)               |
| Barbara Emley   | Maritime Activities Seat, Council Chair |
| Mick Menigoz    | Maritime Activities Seat                |

Special Guest:

Mike Ferreira, Vice-Mayor of Half Moon Bay

Gulf of the Farallones

National Marine Sanctuary Staff:

|                   |   |
|-------------------|---|
| Maria Brown       | Acting Sanctuary Manager                      |
| Mary Jane Schramm | Program Support Assistant/Council Coordinator |

Joint Management Plan Review Staff:

|             |                                    |
|-------------|------------------------------------|
| Ann Walton  | Management Plan Review Coordinator |
| Ruth Howell | Management Plan Review Assistant   |

Copies to:

|                  |                                      |
|------------------|--------------------------------------|
| All Attending    |                                      |
| Mark Dowie       | Public-at-Large (alternate)          |
| Peter Grenell    | Maritime Activities Seat (alternate) |
| Harlan Henderson | Public-at-Large                      |
| James Kelly      | Research Seat                        |
| Brian O'Neill    | National Park Service Seat           |
| Karen Reyna      | Conservation (alternate)             |
| Bob Wilson       | Conservation Seat                    |

Distribution of materials:

- Background memo on cruise ship issues
- Dan Basta's reply to December 13, 2002 Council letter
- NMSP Fishery policy statement "Regulatory Coordination"

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### AGENDA ITEM NUMBER

#### Item 1. CALL TO ORDER

Call to order by Barbara Emley, Council Chair, 9:20 a.m. Roll call was taken and the agenda reviewed. The agenda was approved; minutes were approved with amendments (motion by Richard Charter, seconded by Bob Breen, unanimously carried).

Half Moon Bay Vice-Mayor Mike Ferreira welcomed the Council on behalf of the City of Half Moon Bay and stated that the Half Moon Bay Mayor's Council unanimously supports the Sanctuary Advisory Council's work of quiet heroism, which will pay dividends to the citizens and their descendents. The Vice-Mayor commended the Council for all they have done and continue to do.

#### Item 2. PUBLIC COMMENT PERIOD:

No comments

#### Item 3. COUNCIL MEMBER REPORTS:

- Council discussed writing a letter requesting Ed Ueber's reinstatement as Sanctuary Manager directly to Vice Admiral Conrad Lautenbacher, with a cc: to Donald Evans, Commerce Secretary. Whether this may be done directly will be investigated.
- Council agreed that the letter have a single focus (reinstatement) and the issue of the Monterey Bay and Gulf of the Farallones Sanctuaries' joint boundary be dealt with in a separate letter. The matter was tabled until the afternoon session so that copies of the draft letter could be reviewed in detail.
- Dan Basta has responded to the Council's December 13 letter to him requesting reinstatement.
- Nancy Pelosi and other politicians have sent a solid stream of letters in support of Ed Ueber's reinstatement.

#### Bob Breen:

- The 6<sup>th</sup> Annual National Ocean Science Bowl was held this past weekend in Monterey, 16 high schools from California competed. The local high schools did well, Half Moon Bay High placed fifth.
- There is a college intern opportunity for the resources assessment project. Two interns are now working on habitat characterization.

#### Brenda Donald:

- Sewer Authority Mid-Coastside did a feasibility study for wastewater reclamation for irrigation of golf courses and it looks feasible. Authority staff will attend a water reuse convention later this week and will look for more possibilities. The actual application will be many years down the road, but it's a good idea and has been done before. Public education is a key issue.
- The Surfrider Foundation will lease a building from the Sewer Authority Mid-Coastside for the water task force to sample local beaches, working in partnership to assess nearshore water quality.

#### Richard Charter:

- On Christmas Eve the vessel Sea River, while offloading in Long Beach, "holed" itself with its anchor. With a USCG approved patch and half laden with Alaska crude, it sailed through three marine sanctuaries into San Francisco Bay. It unloaded its cargo at Chevron/Valero and empty, sailed up to Port Angeles

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though Olympic Coast NMS (OCNMS). OCNMS has a Memorandum of Understanding (MOU) with the Coast Guard that should have triggered notice of the transit of a ship in distress. The OC Advisory Council is preparing a letter that would request that all sanctuaries have a clear Memorandum of Understanding with the Coast Guard that would alert Sanctuary managers to damaged vessel transits. They will provide a letter to be signed by all West Coast Councils with consistent language.

- Partly as a result of the “Prestige” oil spill off Spain, today Congresswoman Capps will announce the “Stop Oil Spills Act” to speed up the phase out of single hulled vessel earlier than 2015 mandated by the Oil Pollution Act. The Act will accelerate single hull demobilization to 2007. Also it contains language that single hull vessels anchor 100 miles offshore except when entering or leaving a major port. We should discuss this at a joint meeting with other sanctuaries.
- The volume of oil spilled in the Exxon Valdez would cover approximately two thirds of the California coast.

Mick Menigoz:

- Has observed that conditions seem favorable to the sea lion population. Jerry Nussbaum reported a huge increase in sea lions on S.E. Farallon Island to 4,000-5,000 in a recent count. Mick reported large numbers at Point Reyes competing with elephant seals for space.

Barbara Emley:

- The fishing white paper “Regulatory Coordination Between National Marine Sanctuaries Program and Fishery Management Agencies” distributed at the Fishery Working Group meeting, was discussed.
- It was recommended that such position papers be released to the full Council, not just to Working Groups.
- Anne Walton explained that it was the clarification requested by the Working Group, and is not a new policy. It outlines how the statutes relate to the Sanctuaries’ policy on fisheries management. If agencies with ultimate responsibility over fishery management fail to carry out their mandate, then this policy letter clarifies what NMSP can do.
- Anne mentioned zonal management is a major issue in the Joint Management Plan Review process. Sanctuaries already do zonal management, e.g., regulate vessel traffic, Areas of Special Biological Significance (ASBS) overflight restrictions, and Cordell’s fathom-based restriction on fishing. Designation of zones must be science-based.

Concerns about the white paper:

- Golden Gate Fishermen’s Association and other groups didn’t just allow sanctuaries to be designated, but promoted them based on assurances that fishing management would not be in the purview of the sanctuary. The white paper seems to diminish the Sanctuary’s credibility.
- The white paper could have a chilling effect on designating new sanctuaries, which could protect against proposed new oil drilling sites if construed as intent to manage fisheries.
- Fishery policy should best be decided by individual sanctuaries, and headquarters should wait until they’ve asked the Sanctuaries before formulating national policy.
- Councils should advise from bottom up, not respond to edicts from above.
- Each site must discuss fishing issues separately; most sites around the nation don’t want to deal with fishing, as it’s already being dealt with. Allowance should be made for sites’ differences.
- The fishing community is the only sanctuary- dependent group.
- The Council swore allegiance to the principals outlined in the National Marine Sanctuary Act. Ecosystem integrity must be maintained. The Councils must support the Act, but different councils may have different opinions on how to do this.

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- Council members stated that the sanctuary has an obligation to work with community groups and partnerships.
- Maria Brown assured the Council that the individual Sanctuaries will decide what is most appropriate, through input from its Fishing Working Group.

### 4. MANAGER'S REPORT:

- Ed Ueber is on special detail to Dan Basta. Based on a 120 day detail, Ed's projected detail would end around May 21<sup>st</sup>. Ed is working in Half Moon Bay on three issues: regionalization of sanctuaries nationally; 2) fisheries issues, including their history in NMSP; 3) The NMSP International Program. Maria Brown is Acting Manager for GFNMS, Dan Howard for Cordell Bank.
- Regionalization: Per the Leadership Team (LT) meeting in Hawaii, regionalization is a draft plan to have five informal regions established: Pacific Islands (Hawaii Islands Humpback Whale, NW Hawaiian Islands, and Fagatele Bay); West Coast region (Olympic Coast, Cordell Bank, Gulf of the Farallones, Monterey Bay and Channel Island); Northeast (Thunder Bay, Stellwagen Bank); Mid-Atlantic (Monitor, Gray's Reef); and Gulf Region (Florida Keys, Flower Garden Bank). Each region would have a superintendent, coordinator and support staff. The timeline is still in discussion stage. Congress has already passed the concept of having regions. Maria will provide that language to the Council. The objective is to work on regional strategies, if sites share issues, they can share expertise. Ed will issue a report on regionalization based on case studies of other agencies that have regionalized. Sites don't have their own general counsel, but may have a regional general council. Another example would be a procurement officer to share among sites. Individual sites would continue to manage themselves. The Program has had regions before, managed through headquarters. Headquarters wants to hear comments and concerns from the Council.
- At the LT meeting, it was proposed that regulations be made more consistent across the sites. The managers concluded that this would not necessarily be a good idea. Regulations are developed for specific areas, and some are stronger than others. We should always move toward greater resource protection. Definitions must be more specific and consistent. For example, defense activities are defined differently between sites.
- Council noted that Sanctuaries must continue to cultivate their relationships with congressional representatives who assisted in designation. Representatives can be of assistance with funding in difficult budget times. Congressional advocates are essential.
- Maria announced that a Zonal Management paper is forthcoming. The Council asked that it review it first, then send it to the Working Groups, and the public. Public concerns must be taken into account.
- Budget and staffing for NMSP: It is not obvious how funds and staff are allocated. Working Groups met and re-evaluated the sites, by size and by issue complexity. Previously regarded as a small site, the Gulf of the Farallones NMS came out ranking third among the sites, with its large size, situation in a highly developed urban area with very complex issues. This calls for increased funds and staff to adequately address issues.
- Boundary issue: Dan Basta said the GF/MB boundary issue will be made a Working Group issue again. Another suggestion is for Dan to come out and talk to SAC about the process. The current boundary Internal Team (IT) members are Dan Basta, Bill Douros, Sean Morton, Brady Phillips, Maria Brown, Anne Walton, Mitchell Tartt, Dave Lott and Julia Barrow.

When the process was changed from Working Group to Internal Team, it caused concern. Dan is trying to clarify that he wants to collect the necessary data before making decisions. NCCOS is still working on the biogeographic and socioeconomic analyses to complement it. The Internal Team has not yet met on this

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issue. Dan had told Barbara Emley personally that Working Group members could still attend IT boundary meetings.

MOTION: "In response to Dan Basta's letter of February 13, 2003 and his promise to work with individual Advisory Councils on the boundary issues, we hereby adopt a resolution restating our interest as Sanctuary Advisory Council in creating a full scale Working Group on boundary options as previously stated at the December 2002 meeting, forwarded to Sanctuary headquarters."

MOTION: Richard Charter, Bob Breen seconded. All votes were in favor. MJ will refer to the manual for resolution forwarding protocols and send courtesy copies to each Council member.

### Item 5. COUNCIL CHAIRS & COORDINATORS' MEETING:

- Barbara Emley and Mary Jane Schramm attended.
- Barbara reported that each Council presented a case study from the past year to share experiences with other sites. Lacking a specific issue due to the Council's heavy involvement in Management Plan Review, MJ gave a slide presentation on the Sanctuary and its natural and political history.
- Barbara used the slide of the contiguous sanctuary boundaries to illustrate to Dan Basta and others present the odd boundary configuration. She cited as her case study the letter which the Council had sent to Dan Basta asking that the Working Group be reinstated for examining the boundary issue. She also expressed frustration that Council wishes are being changed by the national office. Stellwagen Bank asked if this was an issue all around, and indicated other sites felt the same about HQ changing their positions.
- The Council Chairs at the public meeting were asked to prioritize issues into national policy issues recommendations. All chairs resisted this and decided to discuss site problems, not nationalization of issues. Sanctuaries may share issues, but how each site solves problems may depend on the politics of the area and constituent base.
- The National Marine Sanctuary Act is set for reauthorization by July 2005; the Council should form a subcommittee to review this and what changes are being proposed. The Council recommended involving Bob Wilson on this issue. The Council Handbook is also undergoing revision.
- One Council presentation that was outstanding was Olympic Coast, which worked for a year to reroute shipping lanes away from sensitive areas, resulting in 41 minutes additional transit time. Florida Keys dealt with a "blackwater" event/harmful algal bloom flowing out of the Everglades, creating a huge dead zone; they used community monitoring to see the effects on corals.

Richard Charter cited the 1998 Executive Action by Clinton that permanently banned offshore oil drilling in all sanctuaries on the west coast and now at Thunder Bay. All sanctuaries are now protected against new oil leases.

### Item 6. COUNCIL LETTER TO DAN BASTA:

- Barbara, per her conversation with Dan Basta, said Dan indicated the boundary issue was being dealt with in two phases, the first to be data collection, the second for review. Dan Basta recently responded to the Council's letter, indicating the Internal Team is a "first step", helping to coordinate with other NOAA offices helping to characterize biogeographic and socio-economic information, analyze public scoping comments, review program policies and regulations, develop administrative alternatives. The Council then will be asked to "help evaluate and modify various administrative and management alternatives before final decisions are made regarding the boundary." (letter attached)

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### Item 7. WORKING GROUPS, MANAGEMENT PLAN REVIEW UPDATES:

- Please visit the JMPR website for a complete list of past and future agendas and invited technical advisors for the various Working Groups:

[WWW.SANCTUARIES.NOS.NOAA.GOV/JOINTPLAN](http://WWW.SANCTUARIES.NOS.NOAA.GOV/JOINTPLAN)

- The first two meetings are standardized, dealing with structure and context. Meeting three generally has speakers, and technical advisors are invited. Anyone can attend Working Group meetings as an observer.
- Working Group recommendations are due in June, and the Council will be apprised of sub-issues and direction. These are completely up for discussion, but are driven by Working Groups.
- To date, all GFNMS Working Groups except the Wildlife Disturbance Group have begun their series of meetings. Wildlife Disturbance will hold its first meeting February 26<sup>th</sup>.

### JMPR Highlights and Notes:

- Ecosystem Protection: The Working Group discussed changing the title, Ecosystem Monitoring to Ecosystem Protection, as a broader term for this crosscutting issue.
- Council determined that acoustic impacts/ocean noise, proposed as part of Vessel Traffic, is more appropriately dealt with under Wildlife Disturbance.
- Fishery Working Group: The Zonal Management letter will go to all fishing groups, and at the March 25 fishing meeting there will be a panel to discuss this Zonal Management issue. Anyone can attend the meeting as observer.
- The Council expressed the desire to have Ed Ueber involved in the Fishery Working Group, and the Fishery Working Group sent a separate letter to Dan Basta with this request. Dan Basta had advised Barbara that there may be a possibility for Ed to be involved again in the Group; he will look into that. They suggested asking for a five-day response time.
- The Education Working Groups for Farallones and Cordell Bank have been meeting together, but will separate as the options for Action Plans are developed, then meet again to discuss further coordination.
- Introduced Species Working Group: This is the new name for Exotic and Invasive Species. An emergency response plan for invasive species (analogous to the caulerpa algae invasion in San Diego) has been proposed under our Resource Protection area, how do we allow for response if it would be in violation of our regulations or permitting capabilities. We need guidelines so an emergency can be responded to immediately. This has been flagged. Groups should be careful not to duplicate efforts already in development. Prevention measures will be cheaper than eradication solutions.
- The Water Quality Working Group heard an outstanding presentation on ocean plastics pollution by Charles Moore of the Long Beach-based Algalita Marine Research Foundation. An excellent videotape is available from the Foundation.
- Sanctuary water quality was determined to be generally good except near urban centers. Estuaries and lagoons are especially vulnerable. Proactive attitude and a watershed approach are needed, to address corrective and preventive measures for both chronic and catastrophic threats.

### Internal Teams met for Administration and Boundary discussions.

- The Administration group will look at partnerships, physical office space, Visitor Centers and vessels, regulations and permits, staff, budget, Advisory Councils, and enforcement.
- The Boundary Internal Team is reviewing site-specific issues, e.g. Farallones and Cordell boundaries, Pt. Reyes National Seashore, including the changes resulting from the Giacomini Ranch restoration project. Generally, the areas to the north and southwest of current Sanctuary boundaries will be considered. There is discussion on designating Pioneer Seamount as an ASBS, or including it in the Farallones Sanctuary.

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Because of Pioneer Seamount and Bodega Canyon's importance to albacore and salmon fishermen, there may be controversy.

- The Cordell Boundary Internal Team will examine including Bodega Canyon and will meet with General Counsel in Silver Spring, Dave Lott and Mitchell Tartt. Cordell will also look at the areas to the west of current boundary. Offshore oil tracts have been included in preliminary discussion. The maps included in the biogeographic assessment will make these areas very apparent. Boundary issues may be examined by a long term Working Group.

Cross Cutting Working Groups met for Ecosystem Monitoring/Protection, Cultural Resources and Community Outreach.

- A two-day monitoring workshop is planned for mid to late March. The group will have an early April SiMON annual review (one day) and meet in early May for strategies.
- Cultural Resources Working Groups will meet to develop recommendations with Bob Schwemmer around March 18-19.
- The Outreach Working Group is just moving into its third meeting phase.
- Education is defined as creating a broader general awareness of the Sanctuaries. Outreach implies more individual action. They're identifying a cycle of environmental literacy, stewardship in the community, cycling back to education and outreach.

Cross Cutting Internal Teams:

- Gulf of the Farallones/Monterey Bay Boundary: Headquarters' input will be needed to resolve issues and obtain more information from studies underway. Timeline: All Site-specific Internal Team and Working Groups should complete their recommendations by June 1<sup>st</sup>.

Advisory Council Retreat: This will be a two-day retreat, scheduled for late July (July 21-22).

Proposed letters from the Council:

1. Council discussed sending a letter to Dan Basta confirming the change from a cross cutting boundary Internal Team to Working Group.
  2. Council also discussed sending a letter regarding Ed Ueber's reinstatement in the Boundary Cross-cutting Working Group.
- Public comment on the Draft Management Plan will be accompanied by a National Environmental Policy Act (NEPA) document in the Draft Environmental Impact Statement (DEIS). Hearings will be held in fall and winter of 2003, and no Federal Register notice is needed before then.
  - Working Group recommendations are requested by late June or early July; however, Monterey Bay's recommendations are not due until July late or August 1<sup>st</sup>.
  - Dave Lott will be posting items on the website (such as schedules, agendas, to use as reference points).
  - The issue of providing financial assistance to Working Group members who are not being compensated or are losing income while at meetings was discussed, but the government cannot easily do this. Possibly industry associations can assist.
  - Some Working Groups have still not been finalized. Those interested should refer to the website for specifics.

Item 6 (Continued discussion continued on Council letter to Dan Basta regarding Ed's reinstatement).

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- The Council voted to send the letter to Dan Basta, with a courtesy copy to Vice Admiral Lautenbacher and Secretary of Commerce Donald Evans. Passed unanimously.
- The letter regarding Fishing Activities has already been sent. Council Chair Barbara Emley cannot write another letter as Council head, but can do so as a fishing Working Group individual member. Richard will sign, too.

### Item 8. EMERGING ISSUES:

- The City of Santa Rosa is considering disposal of secondary treated sewage off the Sonoma coast. The pipeline would issue at Salmon Beach State Park just north of the boundary and introduce 6.4 billion gallons of fresh water annually into waters just north of the Sanctuary boundary. Key concerns include freshwater effluent effects on surface waters, effects on the Bodega Marine Lab intakes and monitoring efforts (this is an Area of Special Biological Significance), metals and nutrient loading, pesticides and pharmaceuticals not removed in the secondary treatment; and public perception of contamination of fish which would be bad for the fisheries (primarily crab and salmon). Other implications include impacts on Sonoma Coast State parklands, Snowy plover habitat, on Native American sites, construction impacts at outfall site, road disruption, and the issue's relationship to urban growth. Urgent action is needed to prevent a renewal of the battle in 1986 when a similar proposal was made.
- Key decision dates are in March. Council discussed whether it could write the City of Santa Rosa to advise them of the previous, defeated attempt and encourage better alternatives such as re-use be explored. However, without a quorum present the Council could not vote to do so. It was suggested that a letter be drafted, and the Council members be emailed regarding modifications.
- Reauthorization of the Marine Sanctuary Act: The Council discussed forming a subcommittee for this. Richard Charter will formulate materials that Headquarters is sending into readable language, then Bob Wilson may look at it from a legal viewpoint.

NEXT COUNCIL MEETING: April 22<sup>nd</sup>

VENUE: Institute for Deep Ecology, Building 1062, Marin Headlands, GGNRA Sausalito CA  
See April 22 agenda for directions.

The meeting was adjourned at 2:15 p.m.

JOINT SANCTUARY ADVISORY COUNCIL WORKSHOP DATE:

Date: July 21-22<sup>nd</sup>

Location: To be announced

All: After reviewing these minutes, if you have any comments or corrections, please notify Mary Jane Schramm at 415/ 561-6622 or [maryjane.schramm@noaa.gov](mailto:maryjane.schramm@noaa.gov)