



**GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL MEETING**

Point Montara Lighthouse

Montara, CA

9:30 a.m. – 3:30 p.m.

Thursday, July 13, 2006

Note: The following meeting notes are an account of discussions at the Sanctuary Advisory Council meeting and do not necessarily reflect the opinion or position of the Gulf of the Farallones National Marine Sanctuary or the National Oceanic and Atmospheric Administration.

CALL TO ORDER, ROLL CALL, REVIEW AGENDA

Advisory Council Chair, Barbara Emley, called the meeting to order at 9:50 am.

Roll Call

Barbara Emley	Chair/Maritime Activities/Commercial
Bob Wilson	Conservation
Bob Breen	Education
Chris Powell	National Park Service- Alternate
Captain David Swatland	United States Coast Guard
Steve Schmick	Liaison from Monterey Bay NMS Advisory Council
Peter Grenell	Maritime Activities/Commercial- Alternate
Brenda Donald	Research- Alternate

Gulf of the Farallones National Marine Sanctuary Staff

Maria Brown	Sanctuary Superintendent
Brian Johnson	Deputy Superintendent
Kelley Higgason	MPR Assistant Coordinator/Program Specialist
Irina Kogan	Ecosystem Protection Specialist
Karen Reyna	Ecosystem Protection Specialist

Copies to/Absent

Brian Baird	California Resources Agency
Leah Akins	California Resources Agency- Alternate
Dan Howard	Cordell Bank National Marine Sanctuary
Holly Price	Monterey Bay National Marine Sanctuary
Brian O'Neill	National Park Service
Richard Charter	Conservation
Chris Coburn	Monterey Bay NMS- Alternate
Mark Dowie	Community-at-Large



Review Agenda:

Agenda approved.

Approval of Prior Minutes:

The Advisory Council approved the minutes of April 13, 2006.

Motion: Bob Wilson, Conservation

Second: Chris Powell, National Park Service

Reports

Member Reports

- Bob Breen, Education, reported that local high schools will be participating in the Limpets Program at Fitzgerald Marine Reserve
- Bob Wilson, Conservation, reported that the Fish and Game Commission is holding their hearings on August 2, 2006 for the Marine Life Protection Act and Marine Reserves
- Chris Powell, National Park Service, reported that all of the federal agencies are going through the appropriation process right now. Senator Boxer authored a letter to the Senate Appropriations Committee of Commerce, Justice, and Science asking them to fully fund a variety of programs that are administered by NOAA.
- Maria Brown, Sanctuary Superintendent, stated that the House mark was less than the President's request for NOAA, but the Senate mark was considerably more.
- Capt. David Swatland, United States Coast Guard, reported it has been a quite summer for search and rescue, fisheries, and security. Capt. Swatland had a great time at the Safe Seas, exercise and is looking forward to the August drill.
- Barbara Emley, Chair/Maritime Activities/Commercial asked if there will be a fishing closure around the drill area. She feels it's very important to not have any more restrictions to the fishing season. Capt. Swatland replied he was not sure, but he will check on it and let Barbara know.
- Barbara Emley, Chair/Maritime Activities/Commercial, reported that the salmon fishing season has not gone well. They were allowed to fish from Pigeon Point south for the month of May, but her boat caught 26 fish total. There has been a request for disaster relief, and small business loans have been authorized but fisherman don't want to take them because they don't know if they will be able to pay them back. There is no fishing allowed in June or July, season will start again July 26th. Also, last year, research buoys were placed in the middle of fishing grounds that she did not know about. She would like to see better protocols and would like to have given input on placement of the buoys. Some fishing gear was lost, and also the buoys were damaged. This could have been avoided. We need more communication on activities going on that will affect commercial fishing.

Discussion

- Maria Brown, Sanctuary Superintendent, requested Barbara to come up with a protocol on how to contact her/fishing community, and she can then give direction on how to proceed with the action, i.e. if we need to hold a public meeting, do a note to mariners, etc. The sanctuary has been contacting Zeke Grader, Executive Director of the Pacific Coast Federation of Fishermen's Associations.
- Barbara replied to contact her by cell phone, and that Zeke Grader is her Executive Director, but he is very busy and not aware of the details on where people are fishing at all times.

Liaison Reports

- Steve Shimek, Monterey Bay NMS Advisory Council Liaison, reported:
 - 1) The MLPA meetings will be held August 2nd in Sacramento and Aug 15th in Monterey. He feels it is important to be involved in these meetings. Written comments will also have an impact, but mass emails are being discounted, while written letters are being counted and tallied and are effective. The format for the meeting on August 2nd is that they are going through the seven sub regions that the Central Coast has been divided into and discussing each individually. He feels August 2nd is important for specific site concerns. July 26th is the cut off date for letters.
 - 2) The sea otter count was released and it is down by 1.7%, but there is some room for error though. This is the second year in a row that it has been down. Steve distributed the Otter Project Newsletter to the meeting attendees.
 - 3) Discussed at the June 2nd Monterey SAC meeting was Safe Seas, Joint Management Plan Review, and MLPA. Steve passed out an agenda to the council members. A letter was drafted to the GFNMS SAC members from the MBNMS SAC members as a note of encouragement and support, they understood their SAC coordinator was lost, and that they are hoping that Gulf of the Farallones will be able to get a new one soon. The letter has not yet been sent. There was some question as to whether one SAC could send a letter to another SAC or if they had to communicate through the sanctuary manager.

Ad Hoc Estero Working Group

- Richard Charter was not present

Ad Hoc Fishing Working Group

- Barbara Emley, Chair/Maritime Activities/Commercial, stated they have not done anything since the last meeting, and they have been waiting for some staff support.

Ad Hoc San Francisco Exemption Area

- Brenda Donald, Research, reported that in March she met with Alliance for a Clean Waterfront and gave them her Donut Hole Powerpoint presentation. She also spoke with a reporter from the San Francisco Bay Guardian, again to let people know that we do have a sanctuary adjacent and could have more of a sanctuary with a few small tweaks.

Emerging Issues

- Maria Brown, Sanctuary Superintendent, brought up the recent activities in Congress to open up the coastline for drilling.
- Bob Wilson, Conservation, stated that Richard Charter has prepared a briefing analysis of the House bill. Also, the Senate is looking at a compromise that would allow for drilling but 100 miles off shore. Richard has not seen battles like this for 35 years. The House bill will shift a lot of funding from the federal government to the state.
- Steve Shimek, Monterey Bay NMS Advisory Council Liaison, stated that in Monterey a group of divers is wanting to sink a ship as a dive site. The project is looking for a place to go, and this area could be their second choice. This is a very organized and aggressive group.



- Irina Kogan, Ecosystem Protection Specialist, stated there was an article in the Half Moon Bay Review, reporting on this and that ultimately they want to sink a few hundred vessels off the coast of California.

Superintendent's Report

Maria Brown, Sanctuary Superintendent, handed out the GFNMS Quarterly Superintendent's Report. She asked the members to please read through it and to see her with any questions.

- **25th Anniversary-** The May 31st Gala was very well attended. There were many dignitaries from Sanctuary Program Headquarters, as well as the NOS Administrator and the Assistant Administrator from NOAA. Congresswomen Lynn Wolsey and Nancy Polosi received awards, and Senators Boxer and Feinstein sent staff and produced videos for the awards. Also, the Volunteer Appreciation Event had almost 280 people in attendance, which was the largest ever. The next big event is Ocean Fest on October 7th.
- **Safe Seas-** Irina Kogan, Ecosystem Protection Specialist, reported that the first of two parts of Safe Seas has been completed. The training went very well. Staff is participating in the training, and we had the opportunity to practice working with many other oil spill response agencies. The next stage is instrument deployments during the field exercises on August 9th and the morning of August 10th. There may be a fishing closure involved with the field exercises.
- **Budget-** The Half Moon Bay office will remain open. Barbara Emley and Bill Douros spoke with Dan Basta about the closure, and Maria and Irina spoke with Michael Weiss. We have received notice that the program will find money to keep it open. Also, since Julie has retired the remainder of her salary is available for this year to hire a new SAC coordinator. We will be advertising for a part time position in the next couple of weeks, and will be able to keep a part time person on for one year with what is left of Julie's salary.

Discussion

- Barbara Emley, Chair/Maritime Activities/Commercial, stated that seeing what other SAC's have in the way of coordinators, we are at a disadvantage. The SAC needs someone to be here long-term whom they can rely on as an anchor for the SAC. They need to express their unhappiness about not having a permanent coordinator with a letter to Dan Basta.
- Chris Powell, National Park Service, feels the Council could help out here as well. She is concerned that notice of meetings has not been getting out to the media, and if the SAC members can get an agenda three weeks to one month before the scheduled meeting then they could help with getting it out to the media.
- Bob Wilson, Conservation, feels the SAC coordinator should be budgeted through Headquarters for every sanctuary to have coordinator support. This should be a line item.

>>>Action Item:

The GFNMS Sanctuary Advisory Council will author a letter to be forwarded to Dan Basta seeking additional funds and a line item for a permanent SAC Coordinator as soon as possible. It was decided that Bob Wilson will write the letter.

Motion: Peter Grenell, Maritime Activities/Commercial-Alternate
Motion carried unanimously

- **Sustainable Fisheries Initiative-** The sanctuary has a funder who will provide \$20,000 if we can find matching funds. There is one potential source at this time and if we do get these funds we can run the program for at least five years.
- **Beach Watch-** FMSA has received a grant from the Resource Legacy Fund to fill the 30% budget cut. They are submitting for additional funds as well. We are moving forward to secure outside funding for our programs.
- **Northwestern Hawaiian Islands-** The President made a proclamation to create the largest marine protected area in the world by establishing it as a national monument. It becoming a monument was a huge surprise. No one knew, everyone thought it would be proclaimed a sanctuary. The sanctuary program and Jean-Michel Cousteau had a private showing of the Voyage to Kure in the White House with the President. It is thought to have been designated a monument instead, because it can then get immediate protection, with a sanctuary you can't. It does have weaker protection than a sanctuary, but it has immediate protection when designated a monument. It will go through the public process to become a sanctuary.
- **Devil's Slide-** Irina Kogan, Ecosystem Protection Specialist, reported that the road is still closed. Caltrans has consulted the sanctuary, because we were concerned with discharge and wildlife disturbance. There will be no discharge, and they will work to minimize disturbance. There is no permit needed from the sanctuary. The road should be open by the end of September. As for the tunnel project, the sanctuary was approached by the regional board and Caltrans to review a permit to discharge fluids into the sanctuary. There will be ground water entering the tunnel, and the issue is the water will mix with other things within the tunnel. There is a MOA between the sanctuary (MBNMS) and the regional board to review the permits jointly. CalTrans will treat the water, bring the ph down, treat for turbidity and oils, and will do pre discharge testing. A maximum of 1 million gallons per day (which could be much less) will be discharged. Up to 1.15 million gallons /day is permitted. The treatment facility will be just north of Gray Whale Cove, and the discharge will be in Gray Whale Cove. Once there is no need for the treatment facility, they will then go back to discharging from the south side of the tunnel. These locations already exist, 1 million gallons/day is 4% of the existing discharge. There is ongoing monitoring for water quality parameters, but not for the intertidal community.
- Irina passed out the letter the sanctuary sent to the California Regional Water Quality Control Board and their response.

Report: Maverick's Surf Contest

Irina Kogan, Ecosystem Protection Specialist, GFNMS

- The entire sanctuary staff was present at the event on February 7, 2006. The sanctuary had a booth as well.
- The organizers agreed to not let the public enter Fitzgerald Marine Reserve. There was a lot of media and aircraft, one helicopter did fly low and flush seabirds, and NOAA Office of Law Enforcement issued a warning, so their next offense will be a penalty. Overall aircraft did stay up high and did not disturb the wildlife.
- The announcers repeated over again that this was a sanctuary and the public needs to be aware this is a sensitive area.
- Maria Brown gave a 45 minute interview on the Maverick's webcast. To minimize crowding there was a giant TV screen, Maria's interview was on this as well.

- Overall people did stay out of marsh. One dog was spotted in Ross Cove Beach. There was a spring tide, so the tide dropped fast. Many people, bikes, and dogs were on the intertidal. At one point there was 400 people on the reef.
- One idea for next year is to rope off the intertidal. The sanctuary is also talking about setting up scopes and having docents in the intertidal.
- All local agencies and resource managers attended a round table discussion after event to debrief.
- Cliff Bar made a commitment to do some restoration. They will work with POST and do replanting.
- Another concern for the future is bluff erosion. One person did get injured from a falling boulder.
- All the jet skis that were present were three seaters.

Discussion

- Bob Breen, Education, stated the event had a major impact on the Cabrillo Unified School District. 370 students were absent from the high school. The schools get state aid for every student in school, so the district lost about \$8000.
- Maria Brown, Sanctuary Superintendent, replied we are working to have a curriculum built into the event. Bob replied that he is concerned many teachers will not want to participate in the curriculum/field trip.
- Steve Shimek, Monterey Bay NMS Advisory Council Liaison, stated that the Monterey Bay SAC is dissatisfied with the contest. They feel misled and he is concerned this is now getting into rocky territory, because GFNMS will be managing the northern area of MBNMS. They are concerned with enforcement of the jet ski regulations.
- Peter Grenell, Maritime Activities/Commercial, feels there has been misinformation or not enough. He would like to send a letter to the Monterey SAC about what actually happened.
- Irina Kogan, Ecosystem Protection Specialist, explained that a “tow in” is when a jet ski assists a surfer to catch a wave, and the surfer doesn’t paddle into the wave. This does not mean that a jet ski doesn’t take them out there.
- Bob Wilson, Conservation, feels they were not told that, the SAC was told there would be three or four for rescue only.
- Maria Brown, Sanctuary Superintendent, stated that the day before the event the scheduled zodiacs pulled out, so organizers had to use the jet skis. This was legal under MBNMS regulations. There is no permit involved.
- Irina Kogan, Ecosystem Protection Specialist, explained the MOA is in draft form, and not approved at this time. It will be 6 months to 1 year before approval. The language reads that Maverick’s Surf Ventures commits to keeping this a paddle-in event. They will use the event to educate the public about the ocean, make space for the sanctuary to have a presence at the event, and will consult with the sanctuary on reducing environmental impacts (this will address use of jet skis).
- Chris Powell, National Park Service, asked why there was not a request for rescue only jet skis.
- Maria Brown, Sanctuary Superintendent, answered that this was our learning curve as well. We had mis-defined paddle-in also, we assumed it meant no jet skis used.

>>Action

- Bob Wilson, Conservation, will give a report on Mavericks at the next Monterey SAC meeting.
- Maria Brown, Sanctuary Superintendent, will propose that the Maverick's Surf Contest be on the December joint SAC meeting agenda.

Presentation: Farallon Islands Mouse Eradication

Joelle Buffa, Farallon Islands Refuge Manager, U.S. Fish and Wildlife Service

Discussion

- Bob Wilson, Conservation, stated he is concerned with the timing, because it is during the peak elephant seal season. He feels that helicopters will disturb them. He is also concerned with gulls picking up dead mice.
- Bob Breen, Education, mentioned there was a paper that came out on an eradication project in New Zealand, and it took a very long time to get the last rat.
- Joelle stated that bait stations take a longer time than aerial spraying. Aerial spraying would take one season with 2-3 drops of bait. Most mice die underground so there isn't as big of a concern with gulls then picking them up, but they will be addressing this in the Environmental Assessment. November is also the one month when there are hardly any gulls.

Public Comment

- Ed Loranus, Chair of San Mateo County Chapter of the Surfrider Foundation, commented on the Mavericks Surf Contest, stating that the Chapter had supported it at first when it was a grass roots event, but they do not support it in current state. They had a presence at the event in the past, but they have stopped that now. They left because they feel it is now about money. The event shouldn't be about mitigation; it should be about no impact at all. He is also concerned with the jet skis. He feels it is now a private enterprise about cash, and the event has a huge environmental impact. He is encouraging the sanctuary to get on paper (the MOU) that this event will be done in an environmentally sensitive way. Personal watercraft should be used only for rescue, and he would like to talk further with the sanctuary about this. When the contest started contestants paddled out. Organizers use jet skis now to get them back to the media booth quickly. He feels there is no need for any type of watercraft in that lagoon and would like the sanctuary to make a statement against watercraft being used for anything besides rescue. He also feels a portion of the money from the contest should go to ensuring it has no impact.
- Susan Danielson, previous member of the personal water craft working group, recalled that at that time the surfing community commented that jet skis needed to be used, because this event takes place during bad weather. Susan does not feel this is the case now. Organizers now will call the event primarily during sunny weather. Also, the harbor seal population has moved from the center of the reserve to the south, the contest is during pupping and breeding season, and Susan feels this population must be considered. She feels the contest now has a huge community impact as well and is concerned with replanting every year and the cumulative impact year after year.

Discussion

- Peter Grenell, Maritime Activities/Commercial, will discuss all these concerns with Doug Epstein when they meet to go over the details for the permit for the event.

- Bob Breen, Education, stated that most of the pupping occurs on the south end of the reserve, with the peak season in March. He would like to see the entire area of the reserve closed off.
- Bob Wilson, Conservation, feels that monitoring should be done before and after the event and this needs to be included in the MOA. He also asked if the harbor seal population was part of the MOA.
- Chris Powell, National Park Service, asked what the timeframe was for the MOA and also stated that the SAC should ask Doug for PWC's or watercraft not to be used except for rescue.
- Maria Brown, Sanctuary Superintendent, answered that an MOA is generally for five years and will automatically renew if we don't revoke it. She also answered that the harbor seal population was not included in the MOA because Fitzgerald Marine Reserve and GFNMS's Conservation Science coordinator were consulted and did not feel there would be a problem.

>>Action

- Put a discussion of the Maverick's Surf Contest on the joint SAC agenda and draft a letter to the event organizers stating the concerns of the SAC.
- Maria and Irina to report back to the SAC on progress on the MOA.

Presentation: Farallon Islands Ham Operators

Joelle Buffa, Farrallon Islands Refuge Manager, U.S. Fish and Wildlife Service

Discussion

- Bob Wilson, Conservation, asked if it was correct that Joelle had approached the Ham Operators and if she had discussions with her Washington D.C. office? He stated that Joelle heard opposition at the public meeting, but there was no public notice given before they were allowed out there. The public found out after it happened. Supervisor Yee and Congressman Lantos didn't even know. Bob feels this got turned into a pay-to-play situation, and this is what the public was against. He felt Joelle picked the one group that the public was against, and that they had no real benefit to the refuge. He felt the organization was very insensitive to the community.
- Joelle stated that ham radio operators contact her frequently. She met with representatives to find out how ham radios operate. She was trying to accomplish something for the refuge, and feels they need to get refuge materials out to the islands. She also stated that she did let the public officials know about it.
- Maria Brown, Sanctuary Superintendent, asked if the SAC could offer USFWS a recommendation on how this could be handled in the future?
- Joelle stated that they are in the CCP (Comprehensive Conservation Plan) process now, and the SAC could send this recommendation in writing, including the criteria they would like to see.
- Chris Powell, National Park Service, feels the SAC should suggest guidelines for groups that go out and a limit on the numbers of groups.
- Brenda Donald, Research, feels this is the first time she has heard of their CCP process and wants to work on more communication and more integration among our agencies.
- Steve Shimek, Monterey Bay NMS Advisory Council Liaison, stated that the Channel Islands National Park is on the Channel Islands SAC and it seems appropriate that the Farallon Island Refuge would be on the Gulf of the Farallones SAC.
- Bob Breen, Education, feels there should be more stakeholder involvement.

Seabird Colony Protection Program Update

Karen Reyna, Ecosystem Protection Specialist, GFNMS

- Follow up presentation given
- The Technical Advisory Committee has recommended two working groups to Maria Brown, one for Education and Outreach and one for Enforcement and Management.
- Maria Brown, Sanctuary Superintendent, asked the SAC if these two working groups could be established. They would report to the SAC, the SAC would then forward their recommendations to Maria, and she would then bring those recommendations to the Technical Advisory Committee. There would be one advisory council member on each group.
- The sanctuary advisory council supports the establishment of these groups.

>>Action

- Bob Breen, Education, and Brenda Donald, Research, volunteered for the Education and Outreach Working Group
- Bob Wilson, Conservation, volunteered for the Enforcement and Coordinated Management Working Group

Sanctuary Dispersant Policy

Irina Kogan, Ecosystem Protection Specialist, GFNMS

- Dispersants are a type of oil spill response technology. They break oil on the water into small droplets, which then spread through the water column approximately 10-20 meters in depth. This method breaks down the oil much faster, but it also spreads oil into the water column. The old dispersants used were surfactants; the new are not.
- Gulf of the Farallones is in the process of figuring out when dispersants are appropriate to use, and if they are appropriate at all. The sanctuary does not have a dispersants policy at this point but is working to develop it.
- The sanctuary has outlined the biological hotspots and species of particular concern, and has identified the need to find people who can tell us where these species are.

Discussion

- Barbara Emley, Chair/Maritime Activities/Commercial, expressed her concern about the effect of dispersants on fish larvae.
- Captain David Swatland, United States Coast Guard, stated that one primary goal of yesterday's drill was to minimize environmental and economic damages.
- Bob Breen, Education, stated that dispersants are high in nitrates and phosphates, and would have an effect on phytoplankton. He believes experts on phytoplankton should be consulted.
- Irina Kogan, Ecosystem Protection Specialist, replied that was the case with surfactants. The dispersants the sanctuary will be evaluating are not surfactants.
- Maria Brown, Sanctuary Superintendent, stated that the state of California (Office of Spill Prevention and Response) is looking at the effect of dispersants on different species.

Advisory Council Business

National Chairs Meeting- Barbara Emley, Chair/Maritime Activities/Commercial, reported:

- Senator Feinstein's office did not appear to be interested in sanctuaries particularly, let alone fishing issues.



- Barbara talked with Dan Basta about the sanctuary budget.
- Alternative energy policies like wave energy in sanctuaries were discussed.
- No consensus was met on whether seismic testing was harmful.
- Discussion was had on the Pacific Fisheries Management Council (PFMC) and their relationship with the sanctuaries. The Channel Islands Chair was upset with the Management Council for being unresponsive. Barbara feels they do have a different set of rules than the sanctuaries, and they don't necessarily take sanctuary requests.

Discussion

- Maria Brown, Sanctuary Superintendent, stated there is a different perspective from Channel Islands because they have been developing marine reserves and understood that they had the buy-in of PFMC. The SAC thought they had developed the marine reserve plan with the National Marine Fisheries Service.
- Barbara believes it is important for sanctuaries to have a seat on the PFMC habitat committee.
- Steve Shimek, Monterey Bay NMS Advisory Council Liaison, stated he would hate to see just a focus on habitat, we should be focused on living resources as well.

>>Action

Maria Brown, Sanctuary Superintendent, will distribute a packet of information on acoustics that she brought back from the National Chairs meeting to the SAC members.

Management Plan Review Update

Kelley Higgason, Assistant Management Plan Review Coordinator

- Updated dates for the public workshops and hearings were given. Please note that those dates changed as of August 4th. The public hearings will be held as follows: November 1st, Bodega Bay, November 2nd, Point Reyes, November 8th, San Francisco, and November 9th, Half Moon Bay. The public workshop dates are to be determined.

Wrap-up and Adjourn

- Lisa Symons, NOAA/NOS, stated there will be a temporary safety closure of one nautical mile around the Safe Seas drill area, but organizers can be flexible for the salmon fishermen. The closure can be shifted to some extent if they are told in advance. The organizers will also need to consult with the aircraft, because they may have restrictions. Lisa also invited the SAC members to the Safe Seas reception on Wednesday, August 9th from 6:30- 8:00pm.
- Brian Johnson, Deputy Superintendent, reported that the *Fulmar* is due to be on site in Monterey in August. There will be a dedication on August 29th, and VIP events for the SAC and stakeholders in December.

Upcoming Meetings- GFNMS

- October 19-20, 2006 Fall Retreat- will cover the budget and priority issues for next year's meetings
- December 15, 2006 Half Moon Bay
- February 15, 2007 Joint with MBNMS, Half Moon Bay
- April 19, 2007 San Francisco
- July 12, 2007 Point Reyes
- October 11, 2007 Fall Retreat



- December 14, 2007 San Francisco

Upcoming Meetings- MBNMS

- December 15, 2006
- February 15, 2007 Joint with GFNMS, Half Moon Bay
- April 20, 2007
- June 15, 2007
- August 17, 2007