



**GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY (GFNMS)  
ADVISORY COUNCIL MEETING**

Dance Palace, Church Space  
503 B St, Point Reyes, CA  
9:00 a.m. – 4:15 p.m.  
Thursday, August 13, 2009

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, Richard Charter called the meeting to order at 9:10 am.

**Roll Call**

Bruce Bowser	Conservation Alternate
Bob Breen	Education
Richard Charter	Chair/Conservation
Pat Conroy	At-large/San Francisco and San Mateo Alternate
Marc Gorelnik	Maritime Activities/Recreational Alternate
Barbara Emley	Maritime Activities/Commercial
Robert Frischmuth	Monterey Bay NMS Liaison
Mick Menigoz	Maritime Activities/Recreational
Chris Powell	National Park Service Alternate
Dominique Richard	At-large/Sonoma and Marin
Pat Rutten	National Marine Fisheries Service (non-voting)
Jonathan Stern	Research Alternate
LT Brittany Steward	United States Coast Guard Alternate (non-voting)
Bob Wilson	Conservation

**Gulf of the Farallones National Marine Sanctuary Staff**

Maria Brown	Superintendent
Brian Johnson	Deputy Superintendent
Kelley Higgason	Advisory Council and Ocean Climate Initiative Coordinator
Angela Minnameyer	Administrative Assistant
Karen Reyna	Acting Resource Protection Coordinator
Carol Preston	Education Coordinator
Jan Roletto	Research Coordinator
Irina Kogan	Resource Protection Specialist

***Copies to/Absent:***

Secretary Linda Adams	California Environmental Protection Agency
Brian Baird	California Resources Agency
Natalie Constantino-Manning	National Marine Fisheries Service Alternate (non-voting)



Capt. Thomas Cullen	United States Coast Guard (non-voting)
Brenda Donald	At-large/San Francisco and San Mateo
Bill Douros	ONMS West Coast Regional Office
Peter Grenell	Maritime Activities/Commercial Alternate
Dan Howard	Cordell Bank National Marine Sanctuary
John Largier	Research
Paul Michel	Monterey Bay National Marine Sanctuary
Undersecretary Cindy Tuck	California Environmental Protection Agency Alternate
Amy Vierra	California Resources Agency Alternate

### **Remembrance of Brian O'Neill**

Maria Brown stated great we have suffered a great loss. She would like to give council members a moment to go around the table to say something, and we will record the remarks for Brian's family.

- Maria Brown, Superintendent – Brian was my mentor, a great conservationist of our time, she still uses his ideas and approaches. He left a legacy; many people he mentored will carry on his vision of developing partnerships to further conservation. It's very sad, but she feels fortunate to have known him.
- Richard Charter, Conservation – offered a Jimmy Buffet quote: “enjoy every day because you don't know how much time you've got.” For people who serve the public, “trust” has new meaning, when you give you get back and you leave something. Another line is “a legend never dies.” We are surrounded by National treasures. Brian sat through contentious meetings and brought order to public debate. It took a lot of time and patience, but he kept a smile on his face, he is all around us.
- Barbara Emley, Maritime Activities/Commercial – Brian was so cheerful at our meetings, pleasant to be with. I will never forget his master of ceremonies at Ed's retirement party.
- Bruce Bowser, Conservation Alternate – we first met at a council meeting and he was in uniform, he was very dapper and cheerful in or out of uniform, with a warm caring personality.
- Chris Powell, National Park Service Alternate – Chris was lucky to have had an office next to Brian's. He became a close personal friend, everything said here is true. He had no division between public and private life, we will always remember his smile. The sanctuary and marine environment were top on his list. If he couldn't make it to a meeting and Chris did, he wanted to know everything that happened. In the new general park plan Brian made sure that the environment and marine ecosystem were included, no artificial boundary between land and sea. Brian had a desire to see the campus improvement at Crissy Field, he made it happen. If there is an obstacle you go around it, he knew this project was on its way before passing away.
- Bob Breen, Education – we first met at a supervisors meeting for San Mateo Parks, he was such a nice guy and spoke about the importance of partners and volunteers.
- Bob Wilson, Conservation – when GGNRA was first started, non-profits looked at the park as a land-lord relationship, Brian made it a partnership. You could go to him with any problem and he would give great advice to his partners to help them grow. For example: The Marine Mammal Center, there was a restriction to growth because it was a historic landmark, Brian got it de-listed. For any problem ask, “What would Brian do?”

- Dominique Richard, At-large/Sonoma and Marin – did not know Brian well, but what impressed him was that he made you think outside the box.
- Brian Johnson, Deputy Superintendent – moved out here 5 years ago, Brian was one of first to welcome him to the Sanctuary program and the Advisory Council. He will miss him as a friend.
- Robert Frischmuth, Monterey Bay NMS Liaison – knew Brian from these meetings, he was not only cheerful but took the job of being on the council seriously. He gave well thought out advice, he was a wonderful advisor.
- Richard Charter – Let's dedicate today's meeting to Brian O'Neill.

### **Review Agenda:**

The agenda was approved with no changes.

### **Approval of Prior Notes:**

The April 16, 2009 meeting notes were approved with no changes, except a typo for Sausalito on Pg 12.

Motion: Barbara Emley, Maritime Activities/Commercial

Second: Chris Powell, National Park Service Alternate

Motion carried unanimously

### **Member Reports**

- Barbara Emley, Maritime Activities/Commercial, stated a biological opinion on the salmon situation was issued. Diversion of water from the delta is the main cause of the decline. Jane is under pressure to weaken this opinion, needed salmon industry to speak up and be as aggressive as agriculture. Barbara passed out bumper stickers, and is working on videos that will be on a website showing that the water crisis in San Joaquin valley is not true; some are going on a boat ride to Sacramento ending in a press conference on Monday morning. They are still looking for boats to do this. Organized Latino groups are really paid farm workers.

### **Discussion**

- Maria Brown stated that the Interagency Ocean Policy Task Force is coming to San Francisco on September 17<sup>th</sup>. They will host a listening session to hear concerns.
- Richard Charter stated that this panel may include Dr. Lubchenco.
- Chris Powell asked if the sanctuary is submitting formal comments to the task force or if they are involved in hosting the meeting? Please let us know when the meeting is solidified, and if you are commenting.
- Richard Charter stated there is supposed to be a framework by September.
- LT Brittany Steward stated September 17<sup>th</sup> is also a Pacific Fisheries Management Council meeting.

### **Member Reports cont.**

- Bob Wilson, Conservation, stated The Marine Mammal Center has never had as many strandings as they have now. We have exceeded 1997 El Niño numbers with 870

malnourished sea lions. There has never been such a high count on Channel Islands, there was over 6000 dead pups on San Miguel alone. Beach Watch has never recorded higher dead per kilometer. Malnourishment is a problem, food resources. Earlier we had a Brandt's Cormorant die off, Common Murres are trying to do a second hatching now. Also, the Marine Life Protection Act (MLPA) passed for the North Central Coast, and special closures made it through.

- Pat Rutten, National Marine Fisheries Service, stated he will be meeting with responsible parties from *Cosco Busan* next Wednesday to hear a counter offer, we gave them a significant request for full damages.
- Bob Breen, Education, stated the Request for Proposals is out for MLPA North Central Coast monitoring. Awards will be announced by December, and proposal are due in September. They are stressing partnerships. There are about 9 habitats they want to monitor.
- Mick Menigoz, Maritime Activities/Recreational, stated conditions are what we would expect in spring. Blue whales are thick within a quarter mile of the Farallones. Humpbacks and krill are also thick, but the timing is way off. There are some salmon out there. He did a trip for the Environmental Protection Agency (EPA). In the area gray whales are feeding off of in Pacifica, the bottom was what they expected. They then went out to the Farallones and sampled the bottom where 3 gray whales were feeding. They expected to see mud or sand, but the bottom was crushed shells around the islands. Perhaps the whales are finding pockets of more productive material.
- Robert Frischmuth, Monterey Bay NMS Liaison, stated MBNMS council voted to support the recommendations of the Channel Islands National Marine Sanctuary report on ocean acidification. Management plan staff is prioritizing actions with budget limitations. The council is discussing Marine Protected Areas in federal waters. They have established a subcommittee to work on this process. They have submitted a report, with recommendations on what representation should be on the working group, and what expertise should be on the science panel. These were approved by the council. Staffing of this group is delayed until interagency coordination has been established.
- Bruce Bowser, Conservation Alternate, stated there was a community meeting last month on Bolinas Lagoon that was well attended. There were representatives from Cal Trans and the county of Marin. One question that arose is where will funding come from for future steps? He helped Bodega Marine Lab capture European green crabs in Sea Drift Lagoon and they will be given to a local organic farmer to make into compost.
- Dominique Richard, At-large/Sonoma and Marin, reminded members about the debate around an oyster farm in wilderness. Members should make their thoughts known.
- LT Brittany Steward, United States Coast Guard Alternate (non-voting), stated Elisa will no longer be subbing, Brittany is back now.

### Discussion

- Barbara Emley, Maritime Activities/Commercial, stated the albacore fleet is being boarded by a 500 foot vessel full of weapons for "safety purposes." They are being escorted back to port from 100 miles off shore.
- Brittany Steward stated that this is being handled to figure out what happened.

### **Member Reports cont.**

- Richard Charter, Chair/Conservation, has been in Washington D.C., got home recently and there have been humpbacks breaching right offshore, and at Stellwagen Bank he recently saw 50 whales. The U.S. Senate Commerce Committee has marked up the boundary expansion bill, Boxer's office is optimistic that it will happen this year. There may not be a climate bill out of the senate. There is a proposal near Vandenberg Air Force Base to allow the first new oil lease in state waters in exchange of early abandonment of platform Irene. This will come back to the State Assembly in August. The Governor has changed his tune and pushed a budget solution, this sends a devastating signal to Washington. He recommends watching *Draining the Oceans* on the Discovery Channel. There is a focus on Monterey Bay National Marine Sanctuary. They digitally drain several thousand feet to see the bottom. Sonoma County granted approval for 3 preliminary wave permits, and Defenders of Wildlife are interveners. He would like a guest speaker from NOAA at the retreat who can bring us up to speed on wave energy projects, and he will give the sanctuary a name.
- John Stern, Research Alternate, stated he has been doing fieldwork on minke whales and invites everyone on the council to come out when they would like.

### **Superintendent's Report**

Maria Brown, Sanctuary Superintendent, will distribute the 3<sup>rd</sup> Quarter Report and commented on the following:

#### **Health of the Sanctuary**

- Early strong winds moved food offshore, too much mixing
- There was a cormorant die-off, murren aren't breeding, California sea lion yearlings are starving, but krill is doing well. We had our first sighting of blue whales.

#### **FY09/10 Budget**

- President's request was \$43 million, House and Senate \$49 million
- Have not recovered to 2005 numbers (\$51 million), but costs have increased and there's inflation
- Only have 3% discretionary funds, if you want a program to go forward you need to voice this to Congress, Dr. Lubchencho, the Ocean Policy Task Force, etc., the east coast gets the greatest amount of funding/nautical mile

#### **Whale strikes**

- Received CINMS whale strike report and is reviewing actions
- GFNMS distributed a media release for boaters to be aware of whales
- Bill Hodge at UC Davis is testing new technology to detect marine mammals and potentially prevent ship strikes

#### **Bolinas Lagoon Restoration project Town Hall Meeting**

- Moving forward on restoration, working with CalTrans
- UC Davis and the Smithsonian are doing work to eradicate the invasive green crab
- There is a proposal submitted to restore Kent Island

### **North-central Coast MLPA**

- The Integrative Preferred Alternative (IPA) was adopted by the California Fish and Game Commission, this included the seven special closures proposed by GFNMS
- We will now work with the State to inform the public about the reserves and special closures through buoys, funds for enforcement, a boater's guide, and signage

### **Discussion**

- Barbara Emley stated the proposal the fishermen wanted also had special closures.
- Maria Brown stated the IPA had the ideal list.
- Bob Wilson stated the most differences in 2XA was north of Bodega Bay.
- Barbara Emley asked if 2XA would have included your list, what would the sanctuary have done?
- Maria Brown stated all along we urged them to pass special closures, because it's the greatest protection of sanctuary resources.
- Barbara Emley stated maybe it's best to include these in all proposals in the future.
- Maria Brown stated between the three proposals we said we wanted special closures, when the IPA was developed they put in all the closures we requested.

### **Permits Issued**

- National Marine Fisheries Service (NMFS) – annual bottom trawl series
- Bodega Marine Lab – larval dispersal for an invasive tunicate
- Oregon State University – isopod infecting ghost shrimp, they can't reproduce
- Portland State – green crab control methods
- GFNMS – installations and pull test of anchors in Tomales Bay
- San Francisco State University – mercury Total Daily Maximum Loads (TMDL) in Tomales Bay watershed
- Tenera Environmental – working for us and Fitzgerald, assessment of rocky intertidal
- Pillar Point Harbor – fireworks display
- Environmental Protection Agency (EPA) –gray whales feeding study

### **Discussion**

- Barbara Emley asked if the 15 buoys are still in place?
- Maria Brown stated we will be talking with NMFS to take an ROV out to see what is there next fall.
- Barbara Emley stated there could be a problem with crab fishing next year and salmon
- Pat Conroy stated San Geronimo golf course is up for sale, if we could find a buyer we would restore it back to it's natural conditions, it's about \$5 million.

### **Enforcement Technical Advisory Committee Update**

Dayna Matthews, Enforcement Coordinator, NOAA Office of Law Enforcement, passed out a handout on the 2009 Enforcement and Compliance Plan and stated the following:

- We will implement the plan with Cal Fish and Game, we have a joint enforcement agreement.
- We want sanctuary enforcement to be part of that proposal.

### **Discussion**

- Barbara Emley stated they should start with the education side for enforcement. Will there still be education and not just writing tickets; do you have vessels?
- Dayna Matthews stated we started out by educating ourselves and it is fair to educate the public as well. For example, Mavericks is heavy on education. The sanctuary doesn't have enforcement vessels, research only, but Cal Fish and Game and US Coast Guard have them.
- Chris Powell stated none pertain to low flying aircraft, are you looking at this as well?
- Dayna Matthews replied yes, through air assets and boat patrols. Mavericks piece of the plan address helicopters.
- Maria Brown stated this fits under seabird and wildlife disturbance.
- Dayna Matthews stated there was significant contributions of all partner agencies and working groups, and he wants to acknowledge Maria's staff.

### **Half Moon Bay Visitor Center Update**

Bob Breen, working group chair, reported on the following:

- There have been 3 meetings to date.
- He thanked Brenda Donald, Peter Grenell, and Pat Conroy for participating, there are 14 members total on the working group.
- Half Moon Bay was identified in the management plan as an essential and strategic location for a visitor center.
- They are proposing 5 themes (see presentation)

### **Discussion**

- Bob Wilson asked have you identified the site?
- Bob Breen replied a possible site has been identified, it is 1400 sq ft and may or may not include office space. There is no budget yet.

Carol Preston, GFNMS Education Coordinator, gave a presentation that is available at:  
<http://farallones.noaa.gov/manage/sac.html>

### **Informational Briefing: Longline Exempted Fishing Permit and Sea Turtles**

Mark Helvey, National Marine Fisheries Service gave a presentation that is available at:  
<http://farallones.noaa.gov/manage/sac.html>

Teri Shore, Turtle Island Restoration Network gave a presentation that is available at:  
<http://farallones.noaa.gov/manage/sac.html>

### **Discussion**

- Chris Powell asked does the proposed fishing area overlap the sea turtle conservation area?
- Teri Shore replied yes.
- Barbara Emley stated the reason for that area was a different type of fishing.
- Chris Powell asked if Maria could talk about how the management plan addresses this issue?

- Maria Brown stated this is not in the plan. Our west coast regional office submitted a letter to NMFS, concerned with sea turtle loss, but also supports investigating alternative fishing techniques. As a response NMFS said if one turtle is caught the permit will be revoked.

**Action** >> Maria will provide a copy of the letter from the west coast region.

- Mark Helvey stated the California Coastal Commission (CCC) also addressed this, but they were denied review of the permit, because it was found it would not have an impact on California resources.
- Teri Shore stated CCC objects that they could not review the permit and are appealing.
- Barbara Emley asked if Mark could talk about Teri's presentation?
- Mark Helvey stated there is a lot of politics and the science is being pushed aside. We are science based, and the new administrator is a good thing. She came from a science background. The statements made on the TV clip are assumptions.
- Teri Shore stated you can spin the science either way. There is no argument that leatherbacks are declining.
- Bob Wilson stated anywhere long lines are used there are problem. According to Seafood Watch hand caught is best. There is a lot of money with each one, are there any efforts to experiment with a hand caught fishery (hand line)?
- Mark Helvey replied there are some in Hawaii and it works for local economy, but not for the metric tons that are consumed in the U.S. Harpoons would be the only alternative there. They are looking at a buoy fishery in the Gulf of Mexico also.
- Barbara Emley asked are we importing fish caught unsustainably?
- Mark Helvey replied the U.S. has high standards, most other countries don't. Imports come from countries that are economically, not environmentally driven.
- Teri Shore stated U.S. fishermen are held to higher standards. They are petitioning the U.S. government to look at standards of other fisheries. Under the Marine Mammal Act it is illegal to import some of these fish. We should ban any swordfish fishery that doesn't meet the standard.
- Marc Gorelnik asked would this experimental fishery displace part of the harmful fishery, resulting in net benefit?
- Mark Helvey replied that is the intent.
- Teri Shore stated there is no fishery here now so you would not be closing something down. We should maintain protection levels. They are so endangered, we can't increase bycatch. There is a model fishery in Hawaii, no need to add to this. There is no clear science at this point that if we increase the U.S. catch, there will not be as much imported.
- Richard Charter stated there are three issues: long lines; too much incidental take; and eating the swordfish before they can reproduce. He is interested in experimental gear types also to reduce some of these problems. His mind is not made up yet though, one more turtle dying is too many. Do you grant the incidental take permit yourself?
- Mark Helvey replied it is authorized to the fishermen, and we are the administrator. We are extrapolating what can occur here. Every ecosystem has different interactions, we can't use one system to make assumptions.

### **White Shark Stewardship Project**

Irina Kogan, Resource Protection Specialist, gave a presentation that is available at:  
<http://farallones.noaa.gov/manage/sac.html>

### **Discussion**

- Richard Charter stated he is impressed with what sanctuary is doing by providing models. If this works, other parts of the world will look at it.
- Barbara Emley asked do you want people to not use attractants limit things that aren't in their natural environment?
- Irina Kogan replied researchers have learned sharks respond to different cues. Sharks are at the islands to feed, The sanctuary doesn't want anything to interfere with their feeding. Yes, we want it to be consistent with the natural environment. You must use soft material vs. hard material.
- Bob Wilson stated scientists said they were going to stop using attractants because of the energy involved, do they not feel like this now?
- Mick Menigoz stated you can't move your boat if a decoy is out and the boat is stationary. Sharks don't hit them, they fly by.

### **Public Comment**

George Clyde provided the following comments:

- Welcome to KWMR, Community Radio Station. It is almost all volunteer-run and provides a local news program. Since June, they have run 23 stories on the sanctuary. Thank you for being here.

Jackie Dragon, Pacific Environment, provided the following comments:

- They are working on a marine sanctuaries campaign to achieve more protection for sanctuaries, in particular ocean noise pollution. They are taking the public out in the sanctuary to listen with a hydrophone, sample for whales in shipping lanes, see what ships are present, tracking speeds, etc. She was at the harbor safety meeting yesterday. According to the Clean Fuel Act, as of July 1, ships must change over to lower distillate fuel 24 nautical miles before coming into our ports. There is an increased amount of incidences of ships losing power, because their ships are used to burning heavy oil fuel. Shipping companies are avoiding having to change fuels. Instead they are staying outside until right before they get here, and there is a convergence of ships and tugs in the western shipping lane in the sanctuary.

Fred Smith, Environmental Action Committee, West Marin, provided the following comments:

- He is on the Tomales Bay working group. They met a couple weeks ago and agreed that even though the sanctuary doesn't have the money to work on some of the projects, they would like to continue to work on these, with Dominique as the liaison. They want to finish some things up. Also for the Turtle Island Restoration Network, we know that with current fishing practices alone the survival rate of leatherbacks is minimal. It's not a good idea to add a new fishery. Many opposed this including Cal Fish and Game, the state legislature, the Ocean Protection Council, recreational fishing groups, scientists, etc. They have all submitted letters in opposition and he encourages everyone here to do so.

Gordon Bennet, Sierra Club, provided the following comments:

- He echoes what Fred said. He is also on the Tomales Bay working group. They are only half way through and need to work on how the process will be implemented. He knows staff doesn't have time, but Dominique does. We represent a wide variety of opinions, and doesn't always agree with the sanctuary, but feels this group does good work. The sanctuary will benefit from the group continuing.

Mark Bartolinni, Tomales Bay Boating Association, provided the following comments:

- He is also on the working group, and boating is essential to the life of this community. He sailed half way around the world at 21 and is very involved with boating in this community. They are an environmentally sensitive group of boaters, but there have been problems on the bay and he welcomes this process. One main concern is they are a low level of boaters in terms of finances, so helical moorings will be too expensive. They would exclude 60-70 % of the current moorings. The Lake Tahoe model is a disaster in terms of cost. There are other problems with helical moorings. There is 20-30 ft of silt in the bay, so it would require a very long shank. There are stainless steel components. How would these moorings hold up over time? It could do well in the pull test, but don't know if they will withstand the test of time. Our dead weight, concrete moorings have stood the test of time as long as they are sized and maintained properly. Concerned on imposing a limit on the number of boats. We won't be polluting. In terms of safety we have performed many rescues. In terms of density, there are 4 public areas that are historically used. Helicals would increase the density of mooring fields. 300 moorings would be the carrying capacity. Also, the sanctuary did a good job of demonstrating why there are issues with seagrass, but we weren't given that in regard to the benthic environment and dead weight moorings.

Matt Tyler, Tomales Bay Boaters Association, provided the following comments:

- He agrees with Gordon and Fred, and lives here and uses the bay and wants to offer his help. There is a lot to work on still. There are many people here from the local community, we are very dedicated. He is concerned about the way science has been approached in some recent events. We need careful science when proposing regulations to make informed decisions, and avoid fracturing the community.

### **Tomales Bay Vessel Management Plan (TBVMP)**

Dominique Richard, Working Group Chair, stated:

- He suggests, for the planning process, that sanctuary staff is allowed to use the notes from the working group meetings. Legally he must ask the Advisory Council to recommend this. We will have a motion at end for this.

Karen Reyna, Acting GFNMS Resource Protection Coordinator and Brad Damitz, Tomales Bay Vessel Management Plan Coordinator, GFNMS gave a presentation that is available at: <http://farallones.noaa.gov/manage/sac.html>

- Karen Reyna stated the impetus for this plan began in 2004 when Tomales Bay was 303d listed for being an impaired body of water. 11 agencies have been working on this. Vessels are not the only issue, but it is one that the sanctuary can work on.

- Maria Brown stated the State Lands Commission is the appropriate lead on issuing the permits. GFNMS's is how best to communicate the process to the community and to help facilitate the process to make as easy and straightforward as possible.

Brad Damitz, presented an interactive map that was used to determine potential mooring zones.

Dominique Richard presented the following working group recommendations:

**From 2/03/09 Working Group Meeting:**

Recommended language regarding Historical Mooring Areas:

1) *Historical Mooring areas are "Areas that have historically had moorings based on a composite of the best available aerial photos and agency boat-based surveys as referenced in Tomales Bay Vessel Management Plan."*

In addition to the historical mooring area language, the working group also drafted the following recommended language regarding littoral properties on Tomales Bay:

2) *"Up to two moorings are allowed offshore of developed littoral properties for the use of the owner or the lessee of the property, unless existing commercial operations justify a greater number, and subject to maximum distance from shore and subject to other mooring criteria as established in the Tomales Bay Vessel Management Plan."*

**From 4/29/09 Working Group Meeting:**

3) Tomales Bay Mooring Zones:

- a) For all existing moorings on the bay there should be a process to permit them in one group.
- b) Public mooring zones be large enough to accommodate the existing moorings in the historical mooring areas, and that those existing moorings that fall outside the zones or those that do not meet mooring criteria should be relocated within these zones on a priority basis as a part of an initial batch application.
- c) The boundaries for mooring zones should be lines extending approximately perpendicular from the shoreline.
- d) Mooring zones 3, 4, 5, 8, 12 and 13 as depicted in the PDF Map from the 4/29/09 Working Group meeting be recognized as historically used private mooring areas, and should not be recognized as public mooring zones.
- e) At mooring zone #6 the public mooring zone should end at the northern boundary of the Vilicich family property and the area northwest of that is recognized as a historically used private mooring zone.
- f) The rights of littoral property owners should be considered in establishing public mooring zones.
- g) The southern boundary for mooring zone #8 as depicted in the PDF map (a private mooring area) should be adjusted further east to accommodate existing commercial fishing boat moorings.
- h) Mooring zone #9 should be expanded since it is a potentially valuable public mooring area. The northern boundary should be the new line between zones #8 and #9 located to the south

of Fisherman's Town. The southern boundary should be extended to the mariculture lease area.

- i) Merge mooring zones #10 and #11. The southern boundary should be at the yacht club, northern boundary at Teacher's Beach. Investigate whether or not the cable area shown on the PDF Map should be an excluded area.

#### 4) Maximum Number of Moorings for Tomales Bay:

Historically it has been established that the average number of moorings on the bay has been between 130 and 150. The Working Group recommends to the SAC that the maximum number not exceed the historic number by more than 100 percent, appropriately balanced between public moorings and littoral property moorings.

#### 5) Recommended language regarding Littoral Properties:

*"A mooring is allowed offshore of developed littoral properties for the use of the owner or the lessee of the property, unless commercial needs or legitimate private needs justify a greater number."*

### **Discussion**

- Richard Charter stated there are 2 moorings allowed per house. How does that reconcile with these areas?
- Brad Damitz stated there are exceptions for aquaculture and private offshore property.
- Dominique Richard stated #5 is a modification of #2, therefore #5 supersedes #2.
- Bob Wilson stated #1 seems like a statement of fact.
- Brad Damitz stated this is proposed by the working group as a criteria.
- Richard Charter asked how many private properties are in these zones?
- Dominique Richard replied about 50-60 private properties.
- Richard Charter stated the public has been very involved, if the property owners were surveyed what percent of buy in is there? Are they opposed or for this?
- Dominique Richard replied we haven't had a lot of public attendance. What we have heard is that private owners will be welcoming this because if their right of mooring is recognized they don't need to have a marker just in case.
- Richard Charter stated established moorings seem like they would have a value that travels with the deed of the property.
- Dominique Richard replied the understanding is they will go together.
- Brad Damitz stated the details of the permitting program have yet to be established. For any littoral property, the State Lands Commission needs permission from that owner to put a mooring in front if it is not the property owners.
- Maria Brown stated we have no authority to do anything on littoral property. We can bring the recommendations to the Technical Advisory Committee (TAC), but we don't have the authority to give rights.
- Barbara Emley asked if there is an interest in time to reduce the number of moorings? Would they go away if no longer in use?
- Maria Brown stated it depends on what recommendations come to us. If the recommendation is to double them, none would be going away. We would consider the recommendations and do the appropriate environmental analysis.

- Richard Charter asked is there a decommissioning scenario?
- Dominique Richard replied there is no recommendation to that effect.
- Maria Brown stated the council can ask the working group to make all the recommendations or the council could make a recommendation on their own.
- Richard Charter stated it sounds like we need: 1) a motion to recognize that the sanctuary can utilize the working group meeting notes, 2) to adopt the recommendations, and 3) a motion to continue the working group.
- Barbara Emley asked is there consensus?
- Dominique Richard stated there is not 100% agreement in the working group. One example is the statement that we need more science.

Karen Reyna provided a handout on the 6 month staffing plan and review for future implementation of the TBVMP

- We added the April meeting, and at this point do not have the resources to continue meeting. You heard the working group members want to continue without us. We need you to tell us how long the working group should continue and what issues they should work on. For the items we can have closure on, we can start working on the plan. When something is still in scoping we can't write the plan. Need to know duration and items we will still take comment on to help us see what we can do now versus later. We are currently behind on planning.

### **Discussion**

- Richard Charter asked how volunteer-driven is this working group, can it continue without staff?
- Maria Brown stated the working group has given advice on 7.5 of the 9 issues, outstanding is what type of tackle and permitting. There is limited information we can take on permitting, because we aren't the permitting agency. We are recommending the council extend the working group until the next council meeting in December. During that time Dominique would have to coordinate the group, we can provide a one-day staff person to attend the meeting and provide technical information, and then have all the final recommendations presented to council at the December meeting to take action on.
- Karen Reyna stated we can start writing the sections we have closure on.
- Maria Brown stated we need to provide information on the type of input we can accept on a permitting program. The public can't develop the permitting conditions, but we want feedback on how we communicate and facilitate the permitting program.
- Richard Charter asked is there no cost for the use of the Bodega Marine Lab vessel?
- Maria Brown stated no, we are paying for it.
- Richard Charter stated it seems like the type of tackle should be subject to public participation. Can it be presented as range of alternatives? If the council recommends the continuation of the working group, could we expect there will be a tackle type recommendation by December?
- Dominique Richard stated yes.

Motion for GFNMS to utilize the official TBVMP Working Group meeting notes as input to the sanctuary:



Motion – Richard Charter, Conservation

Second – Bob Wilson, Conservation

Motion carried unanimously

Motion that the TBVMP Working Group continue to meet and work to provide recommendations on mooring tackle and communicating and facilitating the permitting program until at least the December 2009 Advisory Council meeting for presentation at that meeting.

Motion – Barbara Emley, Maritime Activities/Commercial

Second – Mick Menigoz, Maritime Activities/Recreational

Motion carried unanimously

### **Discussion**

- Richard Charter stated one of these recommendations may result in tripling the number of moorings in the bay and we as a SAC may not want to endorse this, particularly when there are outstanding working group meetings and we may not have enough information to make this decision.
- Maria Brown stated we have no authority over private properties (concerning recommendations #4 and #5), but other agencies on the TAC do.

Motion that GFNMS include in an environmental document the TBVMP Working Group recommendations #1 and #3a-c and e-i and that the sanctuary forwards #3d, #4 and #5 to the Tomales Bay Technical Advisory Committee for further consideration.

Motion – Richard Charter, Conservation

Second – Bob Breen, Education

Motion carried unanimously

### **Ocean Climate Initiative**

#### **Climate Change Site Scenario Document Update**

Kelley Higgason, Ocean Climate Initiative Coordinator, provided the following update:

- We have received comments on the draft document from the working group and are incorporating those. We plan to send the revised draft back out to the working group in early September. We have confirmed the peer reviewers and hopefully the document will go to them in late September, with a final document ready in late October.

### **Discussion**

- Richard Charter stated Bill Douos had a call with the west coast Advisory Council chairs and one topic was climate. There will now be quarterly calls like this. There is a gap in the NOAA infrastructure in terms of a focal point for climate. This sanctuary seems to be the lead currently. The state of California climate change report is out for comment. There will be hearings and you can look at the Resources Agency website for details.

### **Draft Green Operations Chapter of Initiative Action Plan**

Chris Powell, Working Group Chair and Brian Johnson, GFNMS Deputy Superintendent, GFNMS presented the draft Green Operations Chapter. A copy of the presentation is available at: <http://farallones.noaa.gov/manage/sac.html>.

Motion to approve the Green Operations Chapter of the Ocean Climate Initiative Action Plan to: 1) forward the chapter to the sanctuary superintendent for adoption by the sanctuary; 2) request GFNMS send the chapter to all sanctuary sites; and 3) request GFNMS provide an annual emissions inventory to the council.

Motion – Bob Wilson, Conservation

Second – Barbara Emley, Maritime Activities/Commercial

Motion carried unanimously

### **Advisory Council Business**

#### **Council Recruitment**

Kelley Higgason, GFNMS Advisory Council Coordinator, provided the following update:

- We forwarded two applications to the Executive Committee, the Public at Large Marin/Sonoma Alternate (representative from Sonoma County sought) and the Conservation Alternate seats.
- There are many seats up by the end of this year. We will begin recruitment in the fall/winter 2009.

#### **Discussion**

- Bob Wilson stated the conservation person should be actively involved in the Bay Area conservation community. We should consider readvertising for this.
- Richard Charter stated he spoke with Richard Kuehn and he thinks he would be a good candidate.
- Barbara Emley stated the seat should just have a conservation ethic and not tied to a particular non-profit organization.

**Action**>> The Executive Committee will have a call to finalize their decision.

#### **Council Retreat Update**

- The council decided to hold the retreat at The Marine Mammal Center, and they would like a presentation from Frances Gulland on marine mammals as indicators of ecosystem health, and one on wave energy (Richard will send contact information). They would also like to have a discussion on whether or not to take up the longline fishing exemption issue. We will organize a tour of the facilities, and the recommendation is to eat dinner at Fish.

#### **2009 Sanctuary Advisory Council Summit Debrief**

Richard Charter, Advisory Council Chair, provided the following update:

- We met in Alpena, MI and many councils are facing the same types of issues. He enjoyed seeing the sanctuary, their boundary expansion is gigantic. Originally the community had buttons that said “No to NOAA,” now a banner in the airport says “Welcome to Thunder



Bay National Marine Sanctuary.” The mayor spoke with the group and was very hospitable. The highlight was a bus tour to lighthouses. We had an evening visioning session with Dan Basta that lasted over 4 hours. It was very productive. We talked about common issues and how protected places are becoming more and more important. The sanctuaries are becoming important laboratories.

### **2010 Meeting Dates**

- Table until retreat

### **2009 Upcoming Meetings**

- October 29, 2009- Council Retreat, The Marine Mammal Center, Sausalito
- December 10, 2009, San Francisco