



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

Pedro Point Firehouse, Pacifica

9:30 a.m. – 4:15 p.m.

Thursday, August 11, 2011

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 9:34 a.m.

***Copies to:***

Bill Douros                      ONMS West Coast Regional Office

**Roll Call:** See roster at end of document

**Review Agenda:** Agenda available at:

[http://farallones.noaa.gov/manage/pdf/sac/11\\_08/GFNMSAC\\_Agenda\\_081111.pdf](http://farallones.noaa.gov/manage/pdf/sac/11_08/GFNMSAC_Agenda_081111.pdf)

**Swearing-In of New Council Member**

Superintendent Maria Brown swore in Mendel Stewart from U.S. Fish and Wildlife Service.

**Superintendent's Report**

Maria Brown clarified that there is nothing on the agenda to deal with Motorized Personal Watercraft (MPWC) regulations. There are no plans to alter regulations in GFNMS or MBNMS. The Sheriff of San Mateo County is coming to the meeting to discuss a public safety program for a volunteer MPWC rescue team.

Permits:

- On June 20, 2011, Dr. Lauri Green at UCLA was issued a research permit for development of a macroalgae assessment framework to diagnose eutrophication in Tomales Bay.
- On July 14, 2011 Martin Pozzi, a private citizen, was issued a salvage/recovery permit to remove unpermitted fencing in Tomales Bay. This project is related to a California Coastal Commission enforcement case.
- On July 3, 2011, Bob Resch was issued an authorization permit for Coastside's Annual Fourth of July fireworks in Half Moon Bay.
- On July 25, 2011 Carl Kammerer of NOAA was issued a research permit to install ADCP meters offshore of the Golden Gate Bridge. This is the first phase to identify benthic conditions where the buoys would be installed during the second phase.
- Three education permits are under review
  - James Moskito, Great White Adventures, requested use of scent to attract sharks and the use of a mobile cage for videotaping sharks



- John Dresser requested the use of a decoy
- Jane Reifert, of Incredible Adventures, requested use of scent to better ensure public viewing of white sharks and to conduct a survey to gauge the passenger's willingness to support conservation efforts.

Additionally, Dr. Domeier is not planning on doing any white shark tagging this fall, but has expressed interest in renewing his permit. Given the new information and timing, the Office of National Marine Sanctuaries staff has decided to develop a more comprehensive, programmatic Environmental Assessment (EA) that would analyze all shark permitting actions in the Gulf of the Farallones. This is a more efficient way for the sanctuary to comply with the National Environmental Policy Act (NEPA), which requires NOAA to consider both the direct and cumulative effects of activities affecting white sharks. The draft programmatic EA is anticipated to be available for public review in winter 2011.

**Petition to CA Sanctuaries:** CA sanctuaries received a petition from the Center for Biological Diversity, Pacific Environment, Friends of the Earth and Environmental Defense Center. The petition asked that a 10 knot speed limit be implemented for vessel in marine sanctuaries off the California coast. The sanctuaries are working on the response, which should go out in October.

**Bolinas Lagoon:** The sanctuary is in the process of developing the first issue of the *Bolinas Lagoon Bulletin* to update the public on the status of restoration projects for the Lagoon. The first issue recognizes Ralph Camiccia and SAC member Bruce Bowser for their continued support of GFNMS and involvement in restoration efforts. If anyone would like to receive the newsletter, please contact Kate Bimrose at [kbimrose@farallones.org](mailto:kbimrose@farallones.org).

Marin County and the Army Corps have developed a Cooperative Agreement outlining the Project Management Plan, schedule, and deliverables for the Kent Island Restoration Project. The agreement is awaiting final approval by Corps headquarters. Once the agreement is approved the County can begin the permitting process.

A ground breaking event is scheduled for the afternoon of September 21st to recognize the significance of the upcoming Caltrans roadwork project and its importance for restoration at the Lagoon. Finally, the sanctuary has received continued funding for the Bolinas Lagoon Restoration Project Coordinator position, and are looking forward to continuing restoration efforts in conjunction with the Locally Preferred Plan.

**Tomales Bay Update:** Office of National Marine Sanctuaries completed their review of the draft Tomales Bay Vessel Management Plan and forwarded it to State Lands Commission for their final internal review. State Lands Commission has since determined that additional administrative steps are necessary on their end to ensure that the final result is a streamlined lease process. State Lands Commission is currently going through these administrative steps and is scheduled to be complete in the fall. Sanctuary staff believe this additional step is making the plan even stronger, and do not expect this to change the plan concepts or details, but rather will provide the public with more information about how the leasing process may work.



**Aerial Monitoring and Enforcement Partnerships:** In 2009, the advisory council wrote a letter urging that adequate time be given to GFNMS and other west coast sites for use of the West Coast Twin Otter. At that time, the council stated that this craft affords an effective way to track and survey living marine resources and visitor and vessel use. This information is critical for adequate management of sanctuary resources, and can provide much-needed data on the effectiveness of zonal management, such as shark management zones, no-anchor zones, and Special Closures (also known as vessel no-access zones). The SAC's support of this program was helpful to the sanctuary. The Sanctuaries Aviation Coordinator has worked hard to get and keep the Twin Otter in this region, and in 2011 was successful in getting the craft to stay here through part of the summer for the first time ever. GFNMS was able to conduct three vessel use surveys in 2011.

**Acoustic Thermometry of Ocean Climate (ATOC) Cable:** The ATOC cable has been removed from inshore to offshore. The Navy came in and did the final removal in June. The sanctuary should receive a final report of the removal process.

**Communication with Media:** Members will be receiving an email containing protocol and guidelines from NOAA Headquarters about communicating with the media. If it is not an advisory council approved statement, it needs to be a personal statement.

### **Member Reports (Richard Charter)**

**Tim Duff:** The city of Pacifica is organizing state wide coastal clean-up day. State Coastal Conservancy also opened up three miles of trail along Ritz Carlton. It is a mile off the Highway 1 corridor.

**Dan Howard:** Autonomous Underwater Vehicle (AUV) work will begin in CBNMS at the end of August. It will contribute to deep coral research and will be the first effort to characterize benthic habitats and biological communities in Bodega Canyon.

**George Clyde:** George submitted an editorial in favor of sanctuary expansion. George also announced that he has begun hosting a radio show, three episodes of which have been sanctuary-related. In the interest of full-disclosure, he assured the council that he will be sensitive to all potential conflicts-of-interest.

**Jaime Jahncke:** Jaime gave an update on the birds and mammals out at the Farallones. There were at least 120 humpback whales, 20 blue whales observed during the ACCESS cruise. He discussed a PRBO tool that is being developed for the web to visualize observation data.

**Jackie Dragon:** John Calambokidis will be giving a talk at the Marine Mammal Center on August 26. Second, she gave an update on AB 1112: the bill would include a 1 and ¾ cent increase in the per barrel tax on oil. It would also require a risk assessment for bunkering, lightering and unloading of cargo for commercial vessels, including monitoring and inspection. This bill has gone through committees and assembly, and hopefully will be on the senate floor for a full vote.



**Mendel Stewart:** Mendel discussed the Bay Area Ecosystems Climate Change Consortium (BAECCC), of which the sanctuary and US Fish and Wildlife Service are members. Mendel also suggested that he could address the council at a future date regarding non-native mice on Southeast Farallon. US Fish and Wildlife is working on an Environmental Impact Statement (EIS) related to that.

**Patt Rutten:** Pat gave an update on the Cosco Busan oil spill restoration plan. He also discussed a new non-regulatory initiative for NMFS, but pointed out that the initiative is not well-funded.

**Richard Charter:** Richard discussed Federal Energy Regulatory Commission (FERC) permitting in Sonoma County for alternative and renewable energies, specifically wave energy. Since there is reduced funding for big alternative projects, Richard suggested that large traditional power companies and techniques may move-in to acquire permits from the FERC. He also warned against the possibility of BOEMRE making preliminary motions towards possible offshore drilling on the Humboldt, Mendocino and Sonoma coasts. Richard also discussed the potential for getting the sanctuary expansion bill passed in Congress.

**Bob Wilson:** Bob announced the Marine Mammals Center exhibit of sculptures fabricated from marine debris. It is called 'Washed Ashore'. He also noted that the Farallones Marine Sanctuary Association (FMSA) is having great difficulties fund raising right now.

**Bob Breen:** Bob announced a September 10 Marine Protected Areas training.

**Bruce Bowser:** Bruce announced that the contractor for CalTrans is at work on Bolinas Lagoon, and it is looking good. Green crab trapping has resumed in the Sea Drift lagoon- catching and releasing to understand their movements and behaviors.

**John Largier:** John announced the Research Symposium planned for Nov 1.  
For more information, go to: <http://www.sfbaynerr.org/ctp/beyondthegoldengate/>

**Peter Grenell:** Peter thanked the sanctuary for their involvement in the completed fisheries and marine sanctuary interpretive panels at Pillar Point Harbor. Second, the development project on Perch Beach is continuing nicely. They are building a bulkhead that will protect this area and will have an extension of the coastal trail access promenade with more signage and perhaps exhibits. The design will take sea-level rise predictions into account. Thirdly, the 2012 Maverick's surf event: two permit applications have been received, however, the two parties seem to be discussing a coalition to submit one application.

**Kellyx Nelson:** Kellyx announced that the San Mateo County Resource Conservation District has secured \$300,000 to take a watershed approach to restore habitat for coho and steelhead in the San Gregorio watershed. The goal is to balance competing water uses and restore instream flow. The Resource Conservation District is also looking at Fitzgerald Marine Reserve and Año Nuevo for ways to implement best management practices to reduce non-point sources of pollution.

**Mick Menigoz:** Mick stated that the fishing has been quite good. He also reported sighting



several humpbacks and two blue whales.

Richard Keuhn: Richard stated that the Executive Director of the CA Coastal Commission announced his resignation. It will be important for the council to be involved in the selection of the new Executive Director.

**Advisory Council Business (Possible Council Action)**

**Approval of May Meeting Notes**

**Motion to approve the May 2011 Key Meeting Outcomes with the corrections identified by members:**

Motion: John Largier

Second: Richard Kuehn

Vote: Unanimous

- Subcommittee for education alternate seat update: (Bob Breen)

Bob Breen announced that the subcommittee had recommended the new Education Alternate member, Chris Andrews PhD, Director of Steinhardt Aquarium at the California Academy of Sciences. He said that the council was very excited to work with Chris.

- SAC West Coast Regional Quarterly Report: Available at

[http://sanctuaries.noaa.gov/about/sac\\_report.html](http://sanctuaries.noaa.gov/about/sac_report.html)

- Discussion of National Advisory Council: Leslie Abramson explained that ONMS will be soliciting feedback from all the site councils shortly, on the concept of a National Advisory Council. It was agreed that GFNMS AC would wait until such a request was made before fully discussing the issue.

- Discussion of Youth Seat- Leslie Abramson presented the results of her research on the involvement of youth in Sanctuary Advisory Councils. For more information see:

[http://farallones.noaa.gov/manage/pdf/sac/11\\_08/youth\\_seat.pdf](http://farallones.noaa.gov/manage/pdf/sac/11_08/youth_seat.pdf)

The Advisory Council reacted positively to the idea and formed a subcommittee to examine the issue in greater detail. Kellyx Nelson volunteered to chair the subcommittee. Other members are John Largier, Bob Breen, Richard Keuhn and Richard Charter.

**San Mateo County Motorized Personal Watercraft Volunteer Marine Rescue Program**

Lt Ed Barberini came to address the SAC. The Sheriff is interested in working with public safety partners to create a MPWC Volunteer Marine Rescue Program. This program would be for entire coastline of San Mateo County. The Sheriff's department is in the beginning phases of this process and is working to identify issues, procedures and policies as well as funding sources and training.

Discussion:

SAC member concerns were about

- The partner relationship between a surfer and their MPWC operator



- Involving the surf community in the design of a rescue program
- How quickly the Sheriff's department can move ahead on this program
- The extent of involvement of sanctuary staff and the advisory council in the new program
- Whether a trained and certified member of a Volunteer Rescue Program would have the ability to be out in any surf conditions on "stand-by". Maria Brown clarified that rescue personnel can be out on the water at any time, and do not need permits.

Maria Brown expressed her and the staff's appreciation to the Sheriff. The office has been great to work with and have been very responsive on all issues.

### **Public Comment**

Jeff Clark- Director of Mavericks Surf Contest- Stated that big wave surfing is dangerous and supports people who have been trained and certified on jetski rescue to be allowed out at Mavericks. He said that surfers are not the ones hurting the environment. He stated that jetskis need to be at Mavericks during all conditions, not just a High Surf Warning.

Scott Jarrett stated that Jacob Trette was in the water on a day when there was no warning or advisory. The laws are reckless and don't allow any time to practice or hone your skills. He urged the council to form a working group. He stressed that surfers love and watch-out for marine animals. He claimed that no reports exist of people harming an animal on a MPWC, yet kayakers injure wildlife. He distributed a letter addressed to Paul Michel, Superintendent of MBNMS regarding the MPWC issue.

### **LUNCH**

After lunch, Maria Brown asked that she be given an opportunity to clarify some of the claims made during public comment. She expressed concern about the structure of public comment, because in the current format, if a member of the public makes a statement that is inaccurate, there is no opportunity to correct that inaccuracy. As a result, both the press and the council receive incorrect information. The council discussed putting a 10 minute period in the agenda following public comment, for the Superintendent to address the issues brought forth in public comment.

Maria Brown clarified several points that were inaccurate or unclear during public comment in regards to use of MPWCs in GFNMS and the Northern Management Area of MBNMS:

- Trette did not die; thankfully, the episode was a near-drowning.
- MPWCs were out in the water at Mavericks when Milosky drowned.
- There are documented cases of damage to wildlife from MPWCs.
- In regards to kayakers, a claim was made that kayaks are unregulated in the sanctuary. That is incorrect. There are regulations for kayakers and their interactions with wildlife.
- There has never been a ban on law enforcement agencies and permitted entities being out on the water. There has always been an opportunity for surfers to work with public safety agencies to form a rescue squad.



Discussion: The council discussed the need for a Facts/Myth one pager to distribute to the public. They also discussed the need to be very proactive in educating the community on these topics. The question of forming a working group to engage the interested community members was raised, but it was determined that the council would wait to see what the Sherriff's office does as they move to form the volunteer rescue program. The council expressed a desire to be involved in the process with the Sherriff's office.

### **Our Coast-Our Future (Kelley Higgason)**

Presentation available at:

[http://farallones.noaa.gov/manage/pdf/sac/11\\_08/OCOF\\_SAC\\_aug11.pdf](http://farallones.noaa.gov/manage/pdf/sac/11_08/OCOF_SAC_aug11.pdf)

Discussion: The council members asked questions regarding how the climate change action plan would fit into the existing sanctuary management plan. Kelley clarified that this action plan would be incorporated into the management plan. Other questions touched upon the Marine Life Protection Act (MLPA) process and if San Francisco Bay will be addressed in the MLPA.

### **Exempted Fishing Permit in GFNMS (Possible Council Action)**

Dan Howard, Superintendent of CBNMS, discussed the formation of a San Francisco community fishing association and a request for an exempted fishing permit for that association. The issuance of the permit is in NMFS/Pacific Fisheries Management Council (PFMC) jurisdiction, but since the activity is in the sanctuary, the council may choose to offer an opinion on the permit.

The fisherman's coop will be going to the PFMC to request an exempted fishing permit. They are hoping to add another species group to their portfolio – they currently have crab, salmon, black cod, and sand dabs. The co-op would like the opportunity to fish in the sanctuary for mid-water schooling fish targeting yellowtail rockfish. The fisherman would like to demonstrate that they can harvest these mid-water schooling fishes in the sanctuaries without significant by-catch of any species of concern (cow cod, yelloweye or canary rockfish). There would be 100% observer coverage on vessels in the fishery.

Council members had several questions about the permit and the fishing techniques. Maria Brown asked that the council develop a consistent policy on how to address fishery issues. She suggested the formation of a subcommittee, but it was decided that the formation of such a body was premature. Maria Brown asked that the council decide whether they will or will not weigh-in on fisheries issues in the future. Members expressed varied opinions and ultimately decided not to act on this issue today. Some further conversation ensued about historic instances of council involvement in fishing issues.

### **PUBLIC COMMENT**

No requests for public comment.

### **BREAK**



**2010 Emissions Inventory (Brian Johnson)**

Presentation available at:

[http://farallones.noaa.gov/manage/pdf/sac/11\\_08/10\\_inventory\\_SAC.pdf](http://farallones.noaa.gov/manage/pdf/sac/11_08/10_inventory_SAC.pdf)

Discussion: The council discussed the difficulties inherent in making green alterations to historic buildings.

**Seabird Protection Network (Sage Tezak)**

Presentation available at:

[http://farallones.noaa.gov/manage/pdf/sac/11\\_08/Buoys\\_SAC\\_Mtg\\_Aug2011\\_final.pdf](http://farallones.noaa.gov/manage/pdf/sac/11_08/Buoys_SAC_Mtg_Aug2011_final.pdf)

Discussion: Council members discussed the use of the twin otter for aerial surveys. A letter of support was mentioned but not voted upon. Questions also dealt with next steps for buoy installation, recovery and monitoring.

**Vessel Spills Joint Working Group (Jackie Dragon, Leslie Abramson)**

Pat Rutten gave an update on the June 20<sup>th</sup> meeting. He explained that oil spill prevention and response is an extremely complicated topic and that the working group has decided to focus on one or two scenarios. Each scenario would be run through a Net Environmental Benefits Analysis (NEBA) to see how the response would vary by season, species, etc given the scenario. The working group is hoping to get recommendations in April of 2012.

**Joint Working Group on Vessel Strikes and Acoustic Impacts Update**

Presentation available at:

[http://farallones.noaa.gov/manage/pdf/sac/11\\_08/JWGVesselStrikesAcoustic.pdf](http://farallones.noaa.gov/manage/pdf/sac/11_08/JWGVesselStrikesAcoustic.pdf)

Discussion: The council discussed the research involving ship speed and the mortality risk to whales. Leslie clarified that the research done on the east coast showed that the probability of mortality decreased 50% when vessel speeds reduced to 11.8 knots.

The council also discussed the results of the PARS study. Leslie stated that the sanctuary relationship with the USCG has been excellent and they have been very receptive to sanctuary concerns.

Closing Remarks: Maria Brown thanked the council for their time and support.

Adjourn. 4:18 pm

Attendance Roster

<b>NAME</b>	<b>SEAT</b>	<b>P/A</b>
Dominique Richard	Public-At-Large Marin/Sonoma	A
Richard Kuehn	Public-At-Large Marin/Sonoma-Alt	P
Kellyx Nelson	Public At-Large SF/San Mateo	P



Gulf of the Farallones  
National Marine Sanctuary  
**Advisory Council Key Meeting Outcomes**

Tim Duff	Public At-Large SF/San Mateo Alternate	P
Brian Baird	CA Resources Agency	A
Amy Vierra	CA Resources Agency Alternate	A
Sec. Linda Adams	CA EPA	A
Cindy Tuck	CA EPA Alternate	A
Richard Charter [Council Chair]	Conservation	P
Bruce Bowser	Conservation Alternate	P
Bob Wilson [Council Secretary]	Conservation	P
Jackie Dragon	Conservation Alternate	P
Bob Breen	Education	P
Chris Andrews	Education Alternate	A
Barbara Emley [Council Vice-Chair]	Maritime Activities/ Commercial	A
Peter Grenell	Maritime Activities/Commercial Alternate	P
Mick Menigoz	Maritime Activities/Recreational	P
George Clyde	Maritime Activities/Recreational Alternate	P
John Largier	Research	P
Jaime Jahncke	Research Alternate	P
Cicely Muldoon	National Park Service	A
Frank Dean	National Park Service Alternate	A
Mendel Stewart	USFWS	P
Gerry McChesney	USFWS Alternate	A
LT Elisa Garrity	USCG	A
LT Steve Arnwine	USCG Alternate	A
Pat Rutten	NMFS [non-voting]	P
Natalie-Constantino Manning	NMFS Alternate [non-voting]	A
Maria Brown	GFNMS [non-voting]	P
Chris Mobley	CINMS [non-voting]	A
Mike Murray	CINMS Alternate [non-voting]	A
Dan Howard	CBNMS [non-voting]	P
Kaitlin Graiff	CBNMS Alternate [non-voting]	A
Paul Michel	MBNMS [non-voting]	A
John Hunt	MBNMS Alternate [non-voting]	A