



GREATER FARALLONES NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL MEETING
Wednesday February 1st, 2017
Dance Palace, Point Reyes Station
9:00AM – 4:00PM
DRAFT MEETING HIGHLIGHTS



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

Advisory Council Members Present: Dominique Richard, George Clyde, Cea Higgins, Richard Charter, Bruce Bowser, Francesca Koe, Elizabeth Babcock, Barbara Emley, John Berge, Joshua Russo, Abby Mohan, John Largier, Jaime Jahncke, Rose Olson, Oliver York, Jennifer Phillips, Sarah Allen, Jason Brand, Anne Morkill, Gerry McChesney, Paul Michel, Dan Howard

Copies to:

Bill Douros, ONMS West Coast Regional Office
Call to order at 9:08 AM

Review Agenda

Roll Call
Review Agenda

Greater Farallones National Marine Sanctuary Superintendent's Report

Maria Brown

Permits

A salvage and recovery permit was issued to Skip Vilicich to disturb the seabed to remove two boat moorings (tagged during the August 2015 Tomales Bay Vessel Mooring Program survey with Green Tags #G57, and G61).

A salvage and recovery permit was issued to Point Reyes Oyster Company to disturb the seabed to remove two boat moorings (tagged during the August 2015 Tomales Bay Vessel Mooring Program survey with Yellow Tags Y19 and Y20).

An authorization permit was issued to Titans of Mavericks, Inc. to use a maximum of 15 Motorized Personal Watercraft (MPWC) during the 2016-2017 Titans of Mavericks surf contest for the purpose of search and rescue, contestant transport, filming, and logistics.

An education permit was issued to William Shepherd of the California Academy of Sciences to amend an existing permit for three additional years to collect a total of 45 cubic meters (1,500 pounds) of substrate (sand and rock with encrusting organisms) from multiple intertidal sites. The collection of material from each site would to be used in educational displays at the

Steinhart Aquarium to inform the public about the California coast marine environment and national marine sanctuaries.

A research permit was issued to Alex Neu, a graduate student at UC San Diego to disturb the seabed in order to collect gastropods and bivalves from five (5) different sites within the sanctuary. Species collected will include gooseneck barnacle and various algal species. The project is designed to quantify responses of intertidal mollusks to ocean acidification by looking at shell calcification in multiple species of intertidal gastropods and bivalves along the CA coast.

A research permit is under review for Blue Ocean Gear LLC to test a new proprietary device called a "smart crab trap". An electronic sensor would be deployed with a crab trap to transmit real-time data on how much catch is in the trap and whether smaller by-catch species are escaping as designed. An additional buoy with a transmitter would be connected to the trap via electronic cables attached to the trap line. The goal of the device is to allow fishermen to know precisely when to retrieve the trap and provide an immediate location via GPS signal, so they can locate and pull traps more quickly, reduce soak times, and thus reduce entanglement risks for marine life. The project proponent is working with a licensed fisherman during crab season; a GFNMS permit would be issued for any test deployments they intend to do outside the crab season window.

A research permit is under review for Spoodrift Technologies, Inc. to deploy moorings to collect in situ measurements of wave energy and direction; each mooring would be attached to a surface buoy and solar-powered instrumentation. The deployment would last 6 months and the purpose is to test the on-board data collection and telemetry functions on the surface buoy.

A salvage and recovery permit is under review for Charles "Tod" Friend of the Tomales Bay Oyster Company (TBOC). A permit was issued in 2016 to allow temporary disturbance of the seabed to complete the cleanup of mesh bags, concrete footings, PVC pipe and other debris associated with fences and a berm that TBOC had installed without a permit. Mr. Tod has removed the majority of debris and is requesting a time extension to complete the cleanup.

A research permit is under review for Bodega Marine Reserve to disturb the seabed to continue to maintain an existing oceanographic buoy and mooring offshore of the Bodega Marine Reserve, in Sonoma County. This buoy was not certified during the expansion process and Bodega Marine Lab (BML) has thus applied for a permit. This buoy is part of a coastal ocean observing system focused on the coasts of northern California, called the Bodega Ocean Observing Node (BOON). It is a node in the larger regional ocean observing system, CeNCOOS, as well as other national and global systems. The mooring is located in approximately 100ft of water immediately offshore from the Lab and provides data on currents (including velocity and direction), seawater temperature, salinity, chlorophyll fluorescence, light transmissivity, dissolved oxygen, and other parameters."

An education permit is under review for James Moskito of Great White Adventures to attract white sharks using decoys for educational tours.

A research permit is under review for John Largier of Bodega Marine Lab to re-deploy a mooring and buoy off Rocky Point in Marin County to continue an ongoing study on upwelling. The goal of the project is to determine the frequency of deep-water intrusion events and the "reach of the ocean", specifically to better understand how upwelling forces the intrusion of dense, high-nutrient, low-oxygen, and/or low-pH waters into San Francisco Bay and other west-coast estuaries. Two other moorings ("San Pablo" and "South Bay" moorings) will be deployed within SF Bay to monitor if and when the intrusions make it past the turbulent mixing zone of the Central Bay. The mooring off Rocky Point will be deployed during upwelling season, between February and August, and removed in the late summer/early fall.

An education permit appeal is in process for Ms. Jane Reifert of Incredible Adventures Worldwide Inc. to appeal an amendment issued in October 2016 to allow IA Worldwide Inc. to attract white sharks using decoys only for educational tours. As in previous seasons, the permittee's request to use chum or scent attractants was denied and the permittee is appealing this decision. This is the 6th permit appeal by Incredible Adventures since GFNMS white shark regulations took effect in 2009.

Josh Russo asked for clarification on permit for out of season crab – does it require a permit from both Department of Fish & Wildlife & GFNMS? A clarification was made that a permit is required for anyone placing or retrieving crab pots when crab season is not open. Contact CDFW for their system.

U.S. Coast Guard Proposed Rule Update

As part of the final rule for the expansion of Greater Farallones National Marine Sanctuary and Cordell Bank National Marine Sanctuary, which took effect on June 9, 2015, NOAA postponed the effectiveness of the discharge requirements in both sanctuaries' regulations within the expansion areas for 6 months. The reason for the postponement was based on comments from the U.S. Coast Guard that Office of National Marine Sanctuaries' discharge regulations being implemented as result of the expansion had the potential to impair the operations of USCG vessels and aircraft conducting law enforcement, search and rescue training, and other statutorily mandated activities in the sanctuary. The intent of the postponement was to allow time for a separate regulatory process to be undertaken to consider allowing certain USCG discharge activities in GFNMS and CBNMS.

Since then, NOAA has published three notices to extend the postponement of the discharge requirements (for an additional 6 months each time) to provide adequate time for completion of an environmental assessment, and subsequent rulemaking, as appropriate. This current time extension would end on June 9, 2017 unless NOAA takes further action.

GFNMS and CBNMS staff have been working with the West Coast Regional Office, National Headquarters, and the USCG on a separate process to consider how to address Coast Guard's concerns. NOAA completed a public scoping process to receive comments in May 2016 and is tentatively planning to finalize a draft environmental assessment by fall 2017. We expect to have a draft by the May SAC meeting for the SAC to review.

Vessel Groundings

Boston Whaler

On Thanksgiving morning, November 24th, a 20-foot Boston whaler broke off its mooring inside Bolinas Lagoon channel, drifted out into Bolinas Bay, and grounded on the beach near the Seadrift Community, in Marin County. The owner of the vessel worked quickly to remove all fuel tanks and gear immediately. USCG also responded immediately and did not observe any sheen or pollution release. Because there was also no damage to the boat, the owner was able to float it during the evening high tide and return to his mooring.

Panga at Año Nuevo

On November 27th, a panga grounded at Año Nuevo State Beach, in San Mateo County. Homeland Security Investigations (HSI), which is one of the federal agencies tasked with responding to smuggling activities, apprehended 3 suspects on board the panga as well as additional suspects in a vehicle onshore waiting to receive the large shipment of marijuana found on the panga. The same day, USCG was able to remove approximately six 15-gallon fuel tanks with varying amounts of fuel in each, plus 2 outboard engines and several batteries from the vessel to eliminate any pollution threat. HSI then contracted Vessel Assist out of Santa Cruz to remove the vessel for evidence. The salvage was successfully completed on December 5th by using an excavator to toe the boat up the beach to an access pathway, load it on a flatbed trailer, and transport it to San Diego to an HSI impound for evidence.

Mavericks Update

The contest window is still open (from now through March 31st) for the Titans of Mavericks surf contest. Cartel Management has been issued their ONMS permit and is now just waiting for big waves and favorable weather conditions.

Beach Watch Update

2016 was a quiet year for seabird mortality in central California, even though it was an El Niño year. Of note there was a small increase in dead Surf Scoters February-May 2016. This coincided with a much larger die-off of Surf Scoters in southern CA. Many birds were thought to have died, in part, from banjo worm infestations (*Ancanthocephan* parasites in the gut). This was the largest mortality event Beach Watch has documented in Surf Scoters since the 1997-1998 El Niño. In 2016, there were also higher numbers of dead Brown Pelicans, Heermann's Gulls and Elegant Terns. We are currently collaborating on four manuscripts characterizing the unusual mortality events during the anomalous warm water events in 2014-15. Also of highlight in 2016 we added 24 new volunteers, most of which were placed on established teams and replaced retiring volunteers. We will have a more in-depth review of the 2016 highlights on March 9th, from 6-9pm, at GFNMS offices on the 3rd floor. This is a potluck and all volunteers and staff are invited to join us. Please RSVP with Jan Roletto or Kirsten Lindquist.

Vessel Speed Reduction Update

Provided by Michael Carver, Cordell Bank National Marine Sanctuary

We continue to monitor compliance with the Vessel Speed Reduction (VSR). Letters are currently being created for over 100 companies on their fleet's commitment to comply with the 2016 request. We will have a summary of adherence results to share with the 2016 VSR for the

next SAC meeting. We met with 22 Bay Area Air Quality Management District (AQMD) staff to discuss sharing automatic identification system (AIS) data and collaborating on research to document the benefits of the VSR on air quality and human health. The AQMD is currently considering partnering with NMS to incentivize the 2017 VSR. The incentive program would be modeled after the award-winning program that CINMS started where vessels are incentivized to slow down.

We are collaborating with partners to quantify the risk reduction and conservation benefit of the VSR at varying levels of adherence. The funds to support the work were given to us by National Marine Fisheries Service as part of our collaboration with them. We continue to provide Angie Szesciorka (Nancy Foster Scholar) with AIS data to facilitate her understanding of ship encounter rates with tagged blue whales. We supported John Calambokidis September tag deployment efforts. The effort coincided with the fall ACCESS cruise, and complements the successful deployments they did in May 2016 providing a good sample of humpback and blue whale dive and movement data from the region right after ACCESS cruises. Cascadia is looking at the data to see how blue and humpback whale movement and behavior changes in response to ships with a specific emphasis on foraging behavior, and day/night behavioral differences. This information will inform the ongoing risk assessment work.

Research Symposium

Farallones science staff were joined by staff from Cordell Bank NMS, Point Reyes National Seashore, Bodega Marine Lab, San Francisco (SF) State University, NOAA Sentinel Site Collaborative, Greater Farallones Association, Point Blue, and SF Bay National Estuarine Research Reserve in hosting Beyond the Golden Gate Research Symposium. Over 160 researchers and resource managers attended this meeting. Forty oral presentations were given in rapid-fire style, giving attendees a quick synopsis of current and planned research and monitoring projects throughout the region. Twenty-two project posters were presented during an evening reception. A broad range of disciplines were represented at the symposium, including geography and mapping, ecology of habitats, oceanographic processes, influences on productivity, sediment and marine debris transport, coastal erosion, predator-prey relationships, planning for climate change impacts, and resource management issues, status and trends. GFNMS staff and partners were co-authored on eight abstracts. The Proceedings and PDFs of the presentations and posters can be found at <http://www.sfbaynerr.org/goldengate2016/>. For more information contact Jan.Roletto@noaa.gov.

Climate Change Update

The Climate Program Coordinator at Greater Farallones National Marine Sanctuary, in partnership with EcoAdapt and the Commission for Environmental Cooperation (CEC), created a Rapid Vulnerability Assessment (RVA) tool and piloted this tool at two climate vulnerability assessment workshops for marine protected area (MPA) managers in December 2016. In Victoria, British Columbia, 18 MPA managers, representing Parks Canada, Fisheries and Oceans Canada, and Olympic Coast National Marine Sanctuary and National Park in Washington convened December 1 and 2. In Ventura, California, 29 MPA managers, representing the Mexican government, El Vizcaino Biosphere Reserve and Isla Guadalupe in Mexico, and

Channel Islands National Marine Sanctuary and National Park in California convened December 7-8. The RVA tool will be refined from workshop participant input and results will be presented to CEC staff in February 2017, with application to other MPAs in North America soon to follow. The development of this tool will enable MPA managers across North America to better understand climate impacts to their resources and increase their capacity to respond.

The significant work of the Greater Farallones Sanctuary Climate Program, and the critical role played by the Sanctuary Advisory Council, was presented to attendees of the 8th National Summit on Coastal and Estuarine Restoration: “Our Coasts, Our Future, Our Choice” on December 15, 2016 in New Orleans, Louisiana. From the development of Climate Vulnerability Assessments to beginning implementation of adaptation responses, attendees learned from multiple agencies regarding successful examples of climate adaptation planning. The Sanctuary presented in a session with Point Blue Conservation Science, Stanford’s Center for Ocean Solutions, USC Sea Grant, and the NOAA Sentinel Site Program.

As a member of the Technical Advisory Committee for the “Identification of Natural Infrastructure Alternatives for Adapting to Sea Level Rise” project under California’s Fourth Climate Assessment, Greater Farallones National Marine Sanctuary Climate Program Coordinator participated in the first of two workshops on October 4 in San Francisco. The goal of the workshop was to provide expertise on an appropriate definition of coastal natural infrastructure and successful case studies that demonstrate the efficacy of these methods. Project deliverables include a case studies report detailing how and where natural infrastructures, such as salt marshes, and sandy beach-dune habitats, have been implemented. It also set technical standards for project design and implementation. Coastal Natural Infrastructure provides ecological, recreational, and economic benefits to local communities as an effective alternative to traditional coastal armoring. This project will give property owners, coastal managers and regulators the tools they need to understand and implement natural infrastructure.

On October 18 in Davis, California ocean climate change staff presented the significant work of the Greater Farallones Sanctuary Climate Program to attendees of the 2016 Natural Areas Conference, “Climate Change Adaptation and Natural Areas Management: Turning Words to Action.” From the development of Climate Vulnerability Assessments, to beginning implementation of adaptation responses, attendees learned from multiple agencies regarding successful examples of climate adaptation planning. The sanctuary presented in a session with EcoAdapt, the California Landscape Conservation Cooperative, the Washington Department of Fish and Wildlife, and the US Forest Service.

Tomales Bay Update

As reported at the last SAC meeting we have moved or removed 30 moorings to the extent we could, of which 13 were in eelgrass, in an effort to clean up Tomales Bay. We were not able to remove all mooring anchors since some were too sunken to salvage, but we were successful in removing all chain and other components that were above the seabed. Two derelict vessels have been removed as have three illegal docks. Since the last SAC meeting, we have been working with State Lands Commission on data management and data sharing to track all mooring leases in the bay. At this point in time, we can finally report that all moorings in the bay have active State leases, are in the State lease application process, or have a permit for removal from the

Sanctuary. Our next step this fall is to assess recovery of eelgrass beds in the areas where moorings were removed. We are also continuing to monitor all marine debris in the bay.

The Bolinas State of the Lagoon meeting will be held on Thursday February 9th, 2017 from 7:00pm-8:00pm.

Monterey Bay National Marine Sanctuary Superintendent's Report and Management Plan Review Update

Paul Michel

Desalination

There are a few projects proposed for the Monterey Peninsula Area. One proposal that is currently up for review is on the Cal AM project (slant wells). Other big projects include 'Deep Water Desal' and 'The People's Project'.

Deep Sea Coral

MBNMS is working with Monterey Bay Aquarium Research Institute to test the methodology for planting deep-sea corals. So far, they are seeing positive results.

25 Year Anniversary

MBNMS anniversary is February 10th. Join for a celebration and lecture that is part of a lecture series highlighting different habitat from the conditions report.

Management Plan Review Update

During the review process, MBNMS will try to create a more concise plan and focus on the actions that the Sanctuary is going to take.

- **Timeline:** Workshops, updates and recommendations to staff by April 2017. State recommendations on their working groups by June. The joint GFNMS/MBNMS meeting in August will focus on the Northern Management Area and beach nourishment issues. They aim to have an internal draft of the management plan by September 2017 and provide to headquarters for their review and be ready by end of December 2017. The goal is to have a draft plan to the public by March 2018, final plan and environmental document by end of 2018, clearance in headquarters January-March of 2019 and final management plan by 2019.
- **SAC Input Methods:** Methods include SAC Workshops (few hours long and provided at the meeting), outside workshops for other topics (half or multi-day workshops), and staff updates. The Motorized Personal Watercraft (MPWC) subcommittee will present recommendations at the next meeting. They also have two wildlife disturbance working groups that include SAC and staff participation, outside experts, and have specific questions to address. These working groups will report findings and recommendations to council at the next meeting on February 17th.
 - Workshop topics: Sediment management plan implementation, Beach Nourishment (happened in August 2016), Marine Debris (February 2017), Urban Runoff, Climate
 - Outside workshops: Outreach on Wildlife Disturbance, Harmful Algal Blooms (state), Whale Entanglement (state), Agriculture Water Quality Alliance

- MPWC Subcommittee: high surf warning to high surf advisory (give them more days to use watercrafts), volunteer safety groups
- Wildlife Disturbance Working Groups (approach issues with whales, acoustic issues)

Dominique Richard asked if the approach issue with whales includes drones. Paul Michel clarified that it does.

- Staff updates include Artificial Reefs, Citizen Science, Desalination Implementation (February), Outreach on marine occurrences (TBD), Regional WQ Monitoring coordination (TBD), urban runoff
- Topics that were raised during scoping, but are not under consideration include boundary changes (proposed Chumash Heritage National Marine Sanctuary area, San Francisco Exclusion Area), and expanded or added MPWC zones.
- Draft issues for consideration through regulatory changes include boundaries and definitions. Boundaries – clarification of shoreward boundary across seasonal streams and lagoons. Definition changes have been proposed for motorized aircraft to include model & unmanned; cruise ships to include condo ships (e.g. M/V WORLD).

John Largier asked for clarification on where the boundary of the lagoon is. Paul answered that it is currently at the mean high water line.

- Other proposed draft regulatory issues include reduce high surf warning to advisory, defining distance for whale approach, and protection of Common Murre colony at Devil's Slide.
- Response costs and damage allowing passing along costs to vessel owners for salvage in cases of non-action.

John Berge asked about how the recent changes in administration and other agencies is affecting NOAA and regulation changes. Paul answered that sanctuaries have not had any proposed regulation changes, so we have not crossed that bridge yet. Maria added that it is typical for there to be a hold on proposing regulations at the beginning of a new administration.

Josh Russo added in regards to boat owners insurance that it may help to put a clause in there that Sanctuary will not go after boat owners above what the insurance covers, and this would help incentivize boat owners to get insurance since it is not a requirement.

John Largier asked how often this review is done. Paul said it is supposed to be done every five years, but ends up closer to ten years.

Cordell Bank National Marine Sanctuary Superintendent's Report **Dan Howard**

Data Security

Cordell Bank Sanctuary Advisory Council was concerned about CBNMS data security in regards to science information and climate. We are confident that the data is secure. There has been nothing direct from the administration in regards to our climate work yet. ACCESS will be proceeding as usual.

Recreational Fishing Summit

Representatives from advisory councils and recreational fishermen attended the meeting that provided an opportunity to increase conversation between recreational fishing groups, sanctuaries and national marine fisheries. There will be a report coming out from the meeting.

Director of National Marine Sanctuary Foundation

There is a new director of the National Marine Sanctuary Foundation, Kris Sarri. They are planning to identify a liaison on the foundation board to interact with individual sanctuaries. This will help our relationship with the foundation – from Cordell Bank's perspective, we want to make sure there is good communication between the National Foundation and individual foundations. We do not want there to be confusion within our communities if the National Foundation wants to do a project specific at a site.

Elizabeth Babcock asked if there is a joint meeting between national and local foundations to establish development strategies. Dan Howard said there is a monthly phone call between national and local foundations, however they are not that coordinated. With the new Director of the National Marine Sanctuary Foundation, some of these questions will be addressed in the future. Elizabeth pointed out this may be an opportunity to make sure education and outreach are prioritized.

National Marine Sanctuary Site Proposals

Draft documents for Mallows Bay and Great Lakes are open for public comment until March 31st. A proposal from Southern California Offshore Banks is currently under review by the Sanctuary Program.

San Francisco International Ocean Film Festival

Jenny Stock, Cordell Bank Education Coordinator and Dan Howard, Superintendent, just finished ranking and scoring student films for International Ocean Film Festival that will be held March 9th-12th at the Cowell Theater at Fort Mason in San Francisco. There will be some awesome student films – come check it out!

Cordell Bank Sanctuary Advisory Council

The Advisory Council has laid out a series of recommendations on how to address ocean acidification and primary activities include ACCESS cruises.

Vessel Speed Reduction

Moving into the third year of working with industry and recommending vessel speed reduction from May through November. The VSR captures peak months of blue, fin, and humpback whales. We will send letters again to companies with a report card and ask them to slow down to 10 knots.

John Berge pointed out that the incentive program in Southern California lists 12 knots - has there been thought to try and harmonize on that? Dan clarified we went with recommendation based on an east coast program. They have been looking and considering coordinating with the 12-knot recommendation. An update will be provided at the May meeting.

Josh asked about fishing regulations in CBNMS – Dan clarified that they do not manage fisheries; it is a combination of NMFS and CA State Fish & Wildlife as the two regulating agencies. Dominique asked specifically where the ACCESS climate data is stored. Dan clarified that ACCESS data resides at Point Blue and ocean acidification data comes from UC Davis Bodega Marine Lab.

Swear-in new members: Sarah Allen, National Park Service Alternate and Rose Olson, Youth Primary

Office of Law Enforcement update

Dayna Matthews, NOAA Office of Law Enforcement

Department of Fish & Wildlife, Office of Law Enforcement, US Coast Guard

The following priorities are published within joint enforcement agreements with the State of CA Department of Fish & Wildlife. Priorities include:

Greater Farallones National Marine Sanctuary priorities include:

- Protection of Designated Sanctuary (High)
- Federal & State Designated Special Closures, Marine Reserves, Marine Conservation Areas, & Marine Restoration Areas (High)
- Marine Mammal & Seabird Take (Inclusive of The Luckenbach Restoration Project) (High)
- White Shark Approach & Attraction (High)
- Motorized Personal Watercraft Restrictions (High)
- Unlawful Discharge (Medium)
- Overflight Restrictions (Medium)
- Protection of Historic Resources (Medium)
- Vessel Groundings & Abandonment (Medium)
- Compliance with Cargo Vessel Restrictions (Wildlife Protection) Zones (Low)
 - High – Violation would have immediate impact or threaten
 - Medium – more long-term sustained threat that would require different response

Examples of high priorities are pinniped harassment and whale harassment (approach vs guidelines) in Southern California La Jolla Cove area.

George Clyde asked if in Washington the orca regulatory approach includes educational strategies. Dayna answered yes, we worked with whale watching industry, fishing and boating communities. Outreach and education was a very important part. Response was enhanced due to all our educational efforts. Elizabeth asked for clarification on outreach and education – what do these efforts include and who funds it? Dana clarified that we do not have a national outreach and education program; it is an on-going process for us that includes agents and officers attending organization activities and council meetings, boat shows, fishing community clubs, etc. Outreach also includes being out on the water and issuing warnings. Discussions with individuals are seen as an education and outreach component. This is a responsibility that all enforcement staff has and we rely on the Sanctuary to help.

Josh Russo asked what the La Jolla pinniped issue was. Dana clarified that people swim at Children's Pool during harbor seal pupping season, which disturbs the seal mothers and pups. Under the Marine Mammal Protection Act, it is considered harassment.

Paul Michel asked about implementation of the joint enforcement agreement (JAA) with California Fish and Wildlife and how the State responds to sanctuary priorities. Dana answered that with every contract (2 year cycles) of the JAA – it has become a tighter process that now includes tracking activities and setting specific objectives that are tied to the priorities that are established.

Staffing Update: Hiring freeze 8 years ago.

- 4 CA Special Agents in 2016
- Special agent hirings have not been cleared nationally
- Current CA agents: Special Agent in Charge (SAC) in Long Beach, Sacramento, San Diego
- Current CA Officers: Supervisory Enforcement Officer in Alameda, San Diego Officer on board and in training at Federal Law Enforcement Training Centers (FLETC)
- Monterey Bay, Long Beach, Santa Rosa and Alameda – positions were offered and accepted in December. The Administration hiring freeze has put these positions on hold. We were successful in getting three people in the Northwest before the hiring freeze took effect.

Along with the hiring freeze, there is a freeze on regulations (two for one). We will see how it is with the new administration. The new Secretary of Commerce still needs to be appointed.

Barbara Emley asked why the compliance with Cargo Vessel Restrictions was set as a low priority. Dayna answered that for cargo vessel restrictions we have other resources like the US Coast Guard that can help, so this is set as low priority for us since we have limited staff and resources.

National SAC Enforcement Working Group Update
John Largier, Richard Charter

The letter proposed to support the National Law Enforcement activities nationwide was revisited. This letter has already been signed by the SAC Chairs of Thunder Bay, Gray's Reef, Hawaiian Islands Humpback Whale, Channel Islands and Monterey Bay National Marine Sanctuaries. All Sanctuary Advisory Councils will review it by end of March. We are not going to submit it in an uncertain time like now.

John Largier asked the SAC if they were in support of him signing this now and holding it until the right time to move forward.

Richard added that three Advisory Council meetings between September-October 2016 were crosscutting across a few Sanctuaries. This is the first time the SAC's have come together to put something like this on the table.

John Berge asked if this has been vetted at the mid-level. John Largier said that this was discussed at the leadership meeting. Richard added it did have mid and high level staff on the phone calls when this was developed. No one was left out of the process.

Dominique asked for clarification on what "we" submit and when "we decide" actually means. John L. answered it is unclear – perhaps the chair of that working group will make the final call or she (Dianne Black, Channel Islands National Marine Sanctuary Chair) can call on all chairs. Dominique added he strongly supported signing it, as it is a strong voice to have all the SACs united.

Discussion followed about whether there are other issues we would want to write as a joint SAC voice.

Dan recommends that regardless, the SAC consult with superintendents since they are no longer present at these chair meetings. Dan wants to ensure that those conversations with site chairs and headquarters do not leave the sites out of the conversation.

Barbara wanted to caution that in terms of a National SAC Chair Advisory Council being formed, chairs are not representative of constituents. John clarified that chair calls are not trying to form a National Sanctuary Advisory Council, they are more of a platform to share stories.

ACTION ITEM: Authorize SAC Chair to sign the letter of support for National SAC Enforcement Working Group

Motion: Francesca

Second: Dominique

Ayes: 12

Nays: 0

Abstention: 1

Motion passes

BREAK

PUBLIC COMMENT (Topics other than low overflights): No comments

Sanctuary Advisory Council Business

Corrections to November meeting minutes

Cea Higgins – comments on community response to Verna A, Dominique Richard – did not send out information on Christmas bird count

Approve Minutes

Ayes: 5

Nays: 0

Abstain: 3

Term and Seat Expirations

The SAC charter allows for two 3-year terms in one seat. The Education Primary (Elizabeth Babcock) and Education Alternate (Bibit Traut) seats have expired for their first term. They are welcome to re-apply for a second 3-year term. There are five SAC members whose second 3-year term is expiring in October 2017. They can re-apply to the SAC, but it must be for a different seat.

Officer Elections

The current SAC officer nomination list is:

Chair: John Largier

Vice-Chair: Dominique Richard, Barbara Emley

Secretary: Dominique Richard, Barbara Emley

Note: Kellyx Nelson and Elizabeth Babcock were nominated for vice-chair prior to the meeting; both declined the nomination.

Joshua Russo put his name in for the Vice-Chair position. Dominique declined the Secretary nomination and Barbara declined the Vice-Chair nomination.

Josh's name was added to the ballot for the Vice-Chair position. The ballots were distributed and members casted their votes. The votes will be tallied up during lunch and presented after lunch.

Elevating Alternate Seats

The item of elevating alternate (non-voting) seats was addressed. George Clyde, an alternate on the GFNMS Advisory Council and a primary member of Cordell Bank National Marine Sanctuary Advisory Council, suggested this item at the November 2016 SAC meeting. The proposal was that alternate seats would be elevated to primary seats, and each seat would become a voting seat.

Current SAC structure (Primary and alternate):

- Primary can vote, alternate cannot vote
- 3-year term limit per member per seat; can reapply for a different seat; can serve a total of nine years
- Primary members can hold an officer position; alternates cannot hold an officer position

Proposal for changes in SAC structure (All members become primary):

- Each member can vote
- Term limits would be fixed; once a member serves their three 3-year terms in that seat they would reach their term limit
- Any member can hold an officer position

This would be a big change, as it would give alternate seats the power to vote. The structure of the SAC and the charter is set up through our national headquarters. This would involve contacting them to revise the charter. Each Advisory Council operates slightly differently, so we will need to contact sanctuary headquarters to clarify why there is a limit on the number of voting seats for some sanctuaries.

George said the Cordell Bank Advisory Council thought the alternates would be good candidates for officers at CBNMS. They had not discussed term limits for Cordell Bank SAC.

Maria clarified what is stated in the GFNMS Advisory Council charter.

“Non-governmental members and alternates are appointed for a term of three years, and may compete for re-appointment (subject to the non-governmental term limits policy described below)”.

*“Non-governmental members and alternates will not be selected to serve more than three consecutive terms on a sanctuary advisory council subject to the following provisions:
- The policy applies to the seat (e.g., conservation seat or research seat) and not the position (i.e., primary or alternate). Example: An individual can serve one term as the conservation alternate and two terms as the conservation primary member, for a total of three terms. If qualified, the same individual may also apply for another seat on the council (e.g., community-at-large) once he/she is term-capped on the conservation seat.” (GFNMS Advisory Council Charter, 2016).*

The term limits were placed to allow new people and new ideas onto the Advisory Council and to maintain institutional knowledge.

Barbara (Maritime Activities/Commercial, Primary) said that she and John Berge (Maritime Activities/Commercial, Alternate) can have different opinions, since they represent different constituencies, and that they could find their opinions in conflict with each other.

George said that the Cordell Bank found that it was more difficult to recruit SAC members when listing the seats as primary vs. alternate.

Jaime Jahncke asked Dan Howard how Cordell Bank has seen the change. Dan talked with Flower Garden Banks National Marine Sanctuary who has adopted a similar structure. Their superintendent said there were no negative consequences of action, and that more than the votes, it had to do with expanding the number of members available to be officers.

Elizabeth Babcock suggested compiling a list of questions for headquarters. One of the questions she had was whether or not youth could vote. ONMS Headquarters established the policy on youth voting. Maria clarified that changes to the SAC Charter will need to be cleared with ONMS Headquarters. GFNMS staff will inquire why ONMS policy does not allow the youth seat to vote.

Abby Mohan noted that within the maritime activities industry, there are a lot of constituencies being represented.

Richard Charter asked if this would be adding nine voting seats. Maria clarified that it would. Richard said that would change the ratio of public voting seats to government voting seats, as there would be 18 non-government voting seats and eight government voting seats, and it would seem the public gets more clout.

Bruce Bowser brought up the situation of two conservation primary seats. Since he is an alternate to a dual representative seat, would he be able to move up to primary? He is still interested in continuing to serve on the council with interest. Maria said that yes, he would be able to apply for the conservation primary seat.

George suggested to create a subcommittee to read through the charter and compile the list of questions to ask headquarters. John Largier suggested that the conversation happens offline. Jaime (Research Alternate) added that he felt it was important to be able to participate in the conversation and contribute (as an alternate).

Richard Charter proposed a motion to table the item for the following meeting once questions had been formed.

ACTION ITEM: Table “elevate alternate seats” discussion to May meeting

Motion: Richard

Second: Barbara

Aye: 10

Nay: 0

Abstain: 2

Motion passes: Item to be revisited at May SAC meeting.

John Largier proposed a motion to create a subcommittee for reading through the charter creating the list of clarifying questions for headquarters regarding primary, alternate, voting, and non-voting members.

ACTION ITEM: Subcommittee to read charter and compile questions for headquarters

Motion: John L.

Aye: 10

Nay: 0

Abstain: 2

Motion passes: Subcommittee to be developed

Paul Michel noted that sometimes on the Monterey Bay SAC it is difficult to get quorum, and also sometimes primary and alternate do not agree on the vote.

Elizabeth Babcock and Josh Russo volunteered to be on the subcommittee. Meetings will be held via phone conference calls. Maria and GFNMS Staff will be involved (Jenn).

Josh Russo added to Jaime's point that as an alternate, he believes it is important for alternates to be part of the conversation and participate in meetings.

Barbara asked if a fishing specific seat could be added, as she would like to see fishing interests represented. Abby Mohan noted that fishing interests are represented by the maritime activities/recreation seats.

Oliver York brought up that there is no limit on the number of seats for the council for sanctuaries designated prior to 1992, as per page 16 of the 2010 Advisory Council Implementation Handbook. GFNMS staff will clarify with ONMS Headquarters.

Seat Application Review Subcommittee

There will be a seat application review subcommittee formed to review the four vacant seats on the SAC (Conservation Primary, Education Primary, Education Alternate, Sonoma/Mendocino Alternate).

Francesca Koe, Cea Higgins, Richard Charter, Barbara Emley, and Dominique Richard volunteered to be on the subcommittee. Jenn will send out a poll to schedule a conference call at the close of the recruitment period on February 28th.

Coastal Sediment Transport Working Group Update

Cea Higgins is the chair of the Coastal Sediment Transport Working Group. The working group is in the planning phases. The group was formed in response to the GFNMS Climate Change Adaptation Plan and Strategies, and will help to enhance public safety, access to the beaches and coast, and sustain recreation and tourism. The California Natural Resources Agency is the co-chair and funding the project. This is a regional approach to sediment management, based on specific portions of the north coast using littoral cells. There was a presentation on this topic given by Dr. Doug George at the November 2016 SAC meeting, and he will be involved in this project. The regional strategies that are developed will contribute to a statewide approach to sediment management. The working group will be looking at sediment oversaturation and

erosion on the coastline. The sanctuary will coordinate with federal, state, and local groups, and conduct outreach to ensure public consensus.

The working group has four meetings scheduled with the goal of presenting recommendations to the SAC at the November SAC meeting. It is a challenging and ambitious timeline but possible. There have been several internal planning meetings and invitations have been sent to potential working group members. There will be two committees: Working Group (WG) and Technical Advisory Committee (TAC) and there will be a large representation from the public, non-governmental organizations, and governmental members.

This is an opportunity to create a forward thinking document to restore and protect the shoreline. Abby Mohan and John Largier are members of the Working Group, and Sanctuary staff are involved as well. For questions, contact Cea Higgins.

Jaime asked if there was Our Coast Our Future (OCOF) representation. Currently not. Maria suggested that Point Blue Conservation Science could also be invited to the Working Group.

Member Reports – Did not occur; will be compiled and distributed in minutes

LUNCH

Low Overflights Background for Working Group Presentation

George Clyde, Low Overflights Working Group Chair, introduced members of the working group that were present: Andy Wilson, pilot and representative of California Pilots Association, Brian Branscomb, private and commercial pilot, John duGan, commercial helicopter pilot, Bay Aerial Helicopter Tours (not here today), and Bart Selby, Monterey Bay National Marine Sanctuary Advisory Council Liaison. SAC members included Jaime Jahncke, Gerry McChesney, and Sarah Allen. GFNMS staff included Sage Tezak and Karen Reyna. Matt Pickett, a pilot and former superintendent of Channel Islands National Marine Sanctuary was a consultant for NOAA.

The group believed that pilot education and outreach was the key to protecting wildlife. Pilots in this group were as committed to protecting wildlife as anyone. Pilot education was added to the original mandate. Unmanned aircraft systems (drones) came up a lot as a concern and it was decided that recommendations were needed on that issue as well.

Presentation of Background: Karen Reyna

Presentation available here: [LINK](#)

History of regulations that could apply to overflight zones: Why are aircraft regulated by NOAA?

What is the difference between the zones and “take”?: Zones are established where birds and marine mammals are in high concentrations – the places that are the most likely place to have a

take. A “take” includes “harassment, or to attempt to engage in any such conduct”... “This includes, but is not limited to, operating a vessel or aircraft” (15 CFR § 922.3) There are breeding and roosting colonies that are currently outside of the zones.

Requests for Action: Since 2001, adding new NOAA regulated overflight zones were suggested through public comment. Public comments were received during Joint Management Plan Review with Monterey Bay National Marine Sanctuary, technical changes to West Coast low overflight regulations, and the expansion of Greater Farallones National Marine Sanctuary. It was brought to our attention that some key seabird and marine mammal breeding sites are not included within the current zones throughout the Monterey Bay and Greater Farallones National Marine Sanctuary. The technical changes prompted people to ask for protection at several locations in the Farallones Sanctuary. There were over 170 comments. Overflights were a topic of discussion during the GFNMS expansion process. Same areas were suggested, as well as new ones.

Working with Federal Aviation Administration (FAA): Over a 20-year period, the goal was to display NOAA regulated zones on aeronautical charts. NOAA/FAA worked to address enforceability and pilot compliance with NOAA overflight regulations. In February 2012, a Final Rule standardized the application of existing regulations, allowing publication on the aeronautical charts.

Scope of Public Comments: Comments related to the shape, size and location of NOAA regulated overflight zones (summarized from 2012 and 2015 Final Rules)

Areas pointed out to NOAA for consideration for low overflight regulations included:

Tomales Bay

Pt. Resistance

Miller Point Rocks

Bodega Rock/Head

Devil’s Slide Rock and Mainland

Del Mar Landing State Marine Reserve area, and southward about four miles to include Tidepool Beach, Shell Beach and Green Cove at The Sea Ranch.

Post-Sanctuary Expansion & Preparing for Monterey Bay Review: To address comment from various overflight processes, Sanctuary staff requested a SAC working group to re-evaluate the locations and dimensions of NOAA regulated overflight zones within GFNMS, including the GFNMS expansion area and northern Monterey Bay.

The goal of the Working Group was to provide consensus recommendations where feasible that address first and foremost, the almost two decades of public requests to review the location and dimensions (shape and size) of overflight zones within Greater Farallones National Marine Sanctuary and the Devil’s Slide area of the Northern Monterey Bay National Marine Sanctuary; and secondarily identify outreach, education, resource protection and research/monitoring needs of Greater Farallones National Marine Sanctuary to address low-flying aircraft.

The objectives included:

Identify areas in the Sanctuary and in the vicinity of Devil’s Slide Rock...

Determine if it is desirable to protect those birds and marine mammals in areas by including them in new or expanded zones.

Determine the locations and dimensions to protect wildlife, while considering aviation safety.

Make recommendations to the SAC regarding changes to locations and dimensions of low overflight prohibition zones.

Provide additional recommendations that the Working Group deems important on this subject regarding outreach, education, resource protection, research and monitoring.

Identify emerging aviation technologies and uses and Sanctuary resources that may be at risk from these technologies.

Environmental Review Process (big picture): We are at the beginning of a process. See Slide 15 on Presentation for details.

PUBLIC COMMENT (Low Overflights Specific)

Ashley Eagle Gibbs – Conservation Director, Environmental Action Committee of West Marin. Submitted a written comment letter supporting expanding low overflight zones to full Tomales Bay area for the following reasons: Tomales Bay is a special resource area, local birds and marine mammals are exposed to human disturbance from low flying planes, small boats. The expansion of the Sanctuary warrants the continuation of 1,000 ft minimum for new and existing NOAA Regulated Overflight Zones.

Andy Wilson – Director at large from CA Pilots Association. CA Pilots is unique in that it was started in 1949 – works closely with CA State and FAA. Our regional managers talk directly with their regional managers. Primarily it was a great working group. As for Karen, Jenn, Sage and Matt, the way the committee was set up they were consultants. They did not contribute to the meeting unless they were asked a question. Special thanks for George for all the time put into it. Pilots have two conclusions – comments within the document and an addendum – we would prefer no overflight designations and more on education. The documents that are posted – the aviation committee has just began to post those and Andy is getting comments already – contributes to outreach. In conclusion – the pilots asked in our addendum that we prefer not to expand these zones, but expand more in the area of outreach. Oregon Pilot Association –about to reach out to have them to post the documents. Jenn and George word of caution – you could seek comments.

Jim Weigand – Ecologist with Bureau of Land Management (BLM) – BLM includes 20,000 rocks, islands, and mainland coast terrain amounting to 9,000 acres. We work closely with GFNMS. Want to give say thank you council members, scientists and pilots for sharing their knowledge in this process. National Monument recommends minimum flight elevation at 2,000 ft. above sea level and horizontal distance of 0.5 miles from these important seabird and marine

mammal locations. We appreciate the recognition of the important wildlife areas coastally in Sonoma County. We welcome the opportunity to meet with pilots, council members and public to discuss particular environmental concerns. We ask the council to also make a proposal for any education and media flights that wish to fly at lower levels within vicinity with CA Coastal Monument – to consult with the manager of the CA Coastal Monument. Also, ask to consider in this effort to expand the area of coverage to include portions of Mendocino County that are part of the expanded area. Finally, express for BLM the appreciation of unified support for the Devil’s Slide Area and its seabird population.

Bob Johnston – lives in Inverness and on the Inverness Association Board. The Association Board submitted a letter that is on record. Bob is a retired professor from UC Davis and taught public policy analysis methods and related classes. Multi-objective decision-makings that applied to various federal agencies at the time. High-level decision rule that is commonly used by federal agencies, in general when you have competing activities in a physical location you favor that activity that cannot occur elsewhere. Most flights in Tomales Bay are discretionary, however the bay is not discretionary for many species of birds and marine mammals. The most important aspect of the pilots’ comments were the issues around safety – those issues seems to have been taken care of by the exemption for bad weather and emergencies. According to these conclusions, I support the working group recommendations including extending the zone over all of Tomales Bay. It seems better for birds and will be safer for pilots.

Richard James: Lives in Inverness and spend a great deal of time on and around Tomales Bay to observe bird and sea life. Congratulations George & Working Group. Initially support recommendation, like to see the overflight extended with caveat. Monitoring marine debris in and around the bay – biggest source is aquaculture. He is aware of the use of flying cameras being used to document where the debris shows up. Richard suggests that we allow for the framework for a permit such that in the hands of a skilled and conscious person they can use it to monitor the marine debris. Richard is aware of one oyster growing company that is interested in using one of these.

Low Overflights Working Group Recommendations and Discussion

Having reviewed the working group and associated public comments, SAC endorses this report and forwards it and all the recommendations to GFNMS while noting vote tallies and public comments received, orally and written, specifically the comments from the pilots,. Consistent with any enhancements our SAC may define as we go forward today. We can add some notes and suggested items after each item.

Motion: John L.

Second: Francesca

Aye: 7

Nay: 0

Abstention: 2

Richard read all pilots comments and report in great detail; this will be a good model for issues going forward. George and working group have done a wonderful job digging into special

concerns. Richard suggests that as we go through it one by one. We could suggest a few enhancements for staff, but as a whole, this is a great job.

Elizabeth asked for clarification on the current relationship with NOAA and FAA. Matt Pickett clarified that since 2012 NOAA has given the FAA updates and they have amended their charts. To date it has been a hand in hand relationship – we supply them with information and they update. Elizabeth further asked if there are any legal requirements between the two agencies. Andy Wilson clarified that whatever is published in the federal register goes right to the charts without question.

Karen Reyna added there is no indication that if NOAA takes an action – that they would do something different than they would in the past. Our zones are on the chart currently, so the assumption is this will continue in the future.

Francesca Koe added that the SAC should continue to move it forward as a great collaborative effort.

Low Overflight Working Group Discussion:

Recommendation 1: Single Purpose for NOAA Regulated Overflight Zones

Gerry McChesney commented that the current overflight regulation areas were considered separately prior to the expansion, and with the expansion plan, they were lumped together. George Clyde said they used a different category entirely, based on a state type of zone; this has morphed to something else. Anne Morkill said that there would be both designations. Cea Higgins asked if you would see on the map that these are two types. George answered that one is for aircraft on the charts; the other is for approaching sharks and cargo vessels. Barbara Emley asked if the group talked about separating the two categories (sharks and cargo vessels)? George answered it was not a concern of the working group.

Recommendation 2: Minimum Altitude

Chose 1,000 ft. level with a few exceptions. To continue at 1,000 feet for new and existing overflight zones.

Richard Charter asked about the California Coastal Rocks National Monument and noted that a 2,000 ft. zone exists in Olympic Coast Sanctuary. Noting that the pilots suggested 500 ft. vertical and working group 1,000 ft., he can live with 1,000 ft.

John Berge asked what the definition of congested versus non-congested is. In the public comments, there is a comment from an FAA safety officer saying that a bunch of birds could create a congested area. The terms congested and uncongested are undefined on the charts.

Francesca Koe asked why the Olympic Region chose 2,000 ft. recommended and asked if there is there data that compares the disturbances or lack of disturbance between 2,000 ft. and 1,000 ft. The precautionary principle and best available science were considered and the 2,000 ft. recommendation comes from Point Blue Conservation Science. Gerry also added there is a long standing MOU between FAA and other federal agencies to have 2,000 ft. recommended over all national parks, national wildlife refuges, wilderness, BLM land, etc. Where the 2,000 ft. recommendation came from is not clear, but it is a long-standing number. The data in our area

related to the Common Murre project has a detection zone – any aircraft that is 1000 ft. or less over our nesting colony is recorded to determine whether there is a disturbance or not. Most of the disturbance happens in the 0-1,000 ft. range.

Matt Pickett added that his understanding of the history is since the Olympic Coast Marine Sanctuary is next to Olympic National Park they chose to match up the national's parks request of 2,000 ft. This is for visitor experience reasons as well as wildlife disturbance.

Karen Reyna added that there is a paper available on resource protection and also available on the Seabird Protection Network website about distances of overflight – a lot of it is driven by species and locations. In certain areas, disturbance can happen at 4,000 ft. and others at 300 ft. We have to rely on what information we have locally – we are a different place than Olympic Coast.

Jaime Jahncke noted that just because there is no flushing event, does not necessarily mean there was not a disturbance; it could be a release of stress hormones or things that are less evident.

Richard notes that the interagency agreement between FAA, USFWS, expired in 1999. This was the last agreement. This is why it is “requested” to be above 2000 ft in those areas.

Elizabeth Babcock asked how many overflight violations per year were identified and what, if any, tickets were issued or enforcement actions have been taken? Karen clarified that monitoring is seasonal and sporadic and is done by US Fish & Wildlife Service. We do not know the exact number of violations; however, NOAA enforcement has followed up when we do report violations. Generally, there is a penalty schedule – ranging from verbal warning to fine. Elizabeth asked what the scale of violations is. The reported number for the sanctuary are in double digits. Josh Russo asked if there is fraudulent reporting or exaggerated claims. Karen says we get the reports from people trained to identify incidents and you have to get the plane number. Gerry added that a good number of the violations that go to the Sanctuary comes from his program that monitors seabirds on coastal rocks (USFWS). If they forward anything to the Sanctuary – for example, at Devil's Slide – it will not be forwarded to them unless they get a plane's tail number; this is probably 12-15 of those a year and then maybe a couple dozen more that they see every year that they can't identify. Most disturbances are at Devils Slide where there is not an overflight regulation area.

Sarah Allen wanted to ensure that our notes capture that the 2,000 ft. recommendation captures other values such as wilderness values and includes multiple issues aside from wildlife disturbance.

Richard noted that it is important to consider this issue in case we wind up with an air tour industry here. Sarah addressed this and said National Parks Service (Golden Gate National Recreation Area) have air tour management plans with the FAA.

Recommendation 2A: It is recommended that the NROZ regulations be revised to exempt flights below 1,000 feet in the NROZs that are necessary for pilot safety that result from unanticipated weather.

Worthwhile to recognize the pilots' concern. That is why we recommended this one.

John Berge asked if in FAQ document, in terms of rebuttable presumption, if a pilot was to take emergency action would fines or penalties be issued under presumption, or would pilot or NOAA have to prove whether or not they were in an emergency. Rebuttable presumption is to prove whether you were below the regulation zone. If it is an emergency, it is an exemption. It would be useful to include in the regulations. Unanticipated weather provides an exemption or defense against any citations.

Anne had an editorial comment regarding that one perspective of the pilots is presented in the body of the report and the marine scientists perspective is written as a footnote. She asked if this could be corrected. George said we were acknowledging the pilots request that their views be expressed. There is a lot in here that reflects the pilots perspective, that aren't necessarily recommendations.

Richard noted that NOAA has the existing exemption for activities affecting life and property, and that includes unanticipated weather. Does that include other emergencies? We rely on Sea Ranch, Gualala as two air ambulances. Maria clarified that yes, helicopters come in and do rescues. Law enforcement is included as well.

Josh pointed out 2C on the 91.3 document; is there any talk of adding that language to ours? If a pilot does deviate, would they send a report? There was no talk of that. Josh suggested that it could be useful in the future for regulations. That would tell us how often it was deviated, e.g. negligence, or self-reporting.

Recommendation 2B: Long term permits for commercial pilots and operators

Examples came up with pilots that have regular particular assignments and particular seasons. Decisions can be made that it would be safe for the wildlife and beneficial for the sanctuary in accordance with their needs. Ranchers possibly using drones to monitor their ranch, someone that is particularly trained, etc. Not an automatic thing, but something that should be considered. Long-term permits (as opposed to one-off permits) – notion of concessionaire permits could be considered as well.

Elizabeth Babcock asked how many permits are issued per year that tell people they can fly below the current limit. Max clarified that most permits are multi-year permits for research projects or monitoring effort with a range of 4-8 permits per year. Is “multi-year” the same as “long term”? Didn't discuss permit time or length.

John Berge asked if an oil spill happens, would sending out aircrafts be considered an emergency? Maria clarified yes. She also added that permits including for flying drones as well as special use permits for activities that are not research or education are typically processed within 30 days at GFNMS.

Recommendation 3: Horizontal Dimensions of Coastal NROZs

Existing low overflights zone is one mile out to sea, in MBNMS is 3 miles. The working group recognized that it is not necessary to have overflight zones so wide, and it may be excessive. It was agreed that 1,000 ft. horizontally would be ok. The other alternative they were considering was a half mile from the coast which would include all the rocks within that area (the yellow line shown) – argument for that is it is easier to describe and follow. Olympic Coast zones follow a

mile off the coast. The recommendation here is literally following 1,000 ft. (the purple shown) – on the aeronautical charts, it is shown as a line.

John Largier asked if the opposition is that people would rather have a one and half mile. In the working group, there was no case being made to continue one and a half mile. The consensus was that 1,000 feet off the most outlying rock or coast was satisfactory. John Largier asked about the negative votes. George clarified that the negative votes reflected a negative view to having any regulations in these areas.

Andy Wilson added to address Olympic Coast's recommendations of 2,000 ft.; you should also note that there is a special military operations area, combined with Sanctuary protection and heavier aircrafts, which is why it has the recommendation of 2,000 feet.

Richard added that we did have a military operation zone along Sonoma coast during World War II and there was the issue with the landing strip south of Goat Rock. They had an emergency landing strip. How did we get from a mile and half to 1,000 ft.? Is the issue a glide path to land on shore? Gerry added that it was not clear to us where the mile and half came from. The real goal of this was to protect seabird nesting colonies and pinnipeds along the coast. The pilots' concerns were safety issues with that being so far offshore. We looked at information we have and the data from Gerry's project, which showed that most disturbances were right offshore. They did not talk about whales, pinnipeds, foraging, etc. Sarah Allen noted that this was solely discussing birds offshore and did not take into account other values. Richard believes that the purple line is hard to enforce, and proposes that a half mile still be considered and not taken off the table, especially since you have the emergency extension if you need to land.

Gerry clarified that the 1000 ft. recommendation included offshore rocks.

Karen added that the current standards of doing government regulations is to make straight lines and the Olympic Coast regulation was enacted years ago. From an enforcement standpoint and crafting regulations to get through NOAA attorneys, the purple line is probably not something that would be approved and we would need straighter lines. If this were to move forward, the lines would be smoothed and straightened.

Richard requests to ask the agency to continue to explore the half mile off the coast, as it is easier to see and enforce. Elizabeth said that half a mile seems just as arbitrary as one and a half mile. Elizabeth points out that the overflights can be an impact to other types of animals besides birds, which may have been a reason for the mile and a half, to encompass other types of animals or living systems. Does this not merit some additional scientific research and collection of more data since we may be missing some data? Elizabeth recommends doing more digging to think about the appropriate distance should be, but we are open to reducing it.

Gerry clarified that the working group did not look into it deeply; our guidelines were to look at things directly on the coast. Sarah Allen noted that they did not look at data on the effects over water. If you do a scholarly search, you will not find much information on disturbance.

John Largier asked what the ceiling off shore is – how low can you fly? Matt clarified that you can fly as low as the water. There is a recommendation that you fly 1,000 ft. over marine mammals wherever you are.

Cea Higgins asked how the NOAA attorneys would draw the recommendation of 1,000 feet from the most seaward point and offshore rocks, and if it would be point to point. George clarified they do not necessarily draw it from point to point; it would be up to the artist to make smooth, sensible lines, which could be a series of straight lines. Cea asked if this would reconcile with the flight patterns along the coast, or would a straight line be more beneficial for them? John duGan answered that pilots prefer a series of lines for gliding distance; it is best to keep it legal to be as close to the shore as possible for a bad weather day.

Recommendation 4: Suggested Improvements to FAA Aeronautical Charts Recommendation 4a: Blue Dots around Sanctuary Boundaries

With input from the pilots, there are better ways this information could be presented on the FAA charts (NOAA does not have control of what is on the FAA charts). 1- Too many dots and areas, reduce it down, do not need dots around the magenta areas. Each one of those dots represents 1,000 ft. 2 -You will see blue dots along the coast – FAA has decided to put dots all along the Sanctuary, the consensus is that this is confusing and counterproductive. The recommendation is to get rid of those dots. National Park Service has its own set of dots; recommended to get more dots for that.

Recommendation 4B: Improved Marking of NROZs Improving the areas where there is overflight zones there is just a solid line.

Elizabeth Babcock noted that the FAA maintains a minimum of 2,000 ft. above ground level (AGL). Why would you take that away on the charts? She feels that the dot represents the intention. George clarified that having so many different types of dots reduces the impact of the particular low overflight zones (magenta). Andy clarified that blue dots and lines are used for parks and NOAA sanctuaries, which is currently recommends the 2,000 ft. NOAA has a 20-year program that says we do not want you flying lower than 1,000 ft. which is enforceable. Cea Higgins noted that if the blue dots are removed, that means the only recommendation is along the coast, showing there is no limitation offshore and planes could fly low in the Sanctuary. Sarah thought this was the intent – retaining the blue dot, except for these zones that were 1,000 ft. and we do not want to lose the intent of those blue dots. George – did not get this fine distinction, but it is a good point. Retain the blue dots in areas, except for areas where the proposed overflight zones are. That would designate the sanctuary or other federal lands.

Elizabeth proposed a motion to strike this section. She would not like to suggest that NOAA gets in the business of usability testing and aeronautical charts; might be over where our expertise should be, and we should be pleased that this is already on the charts. She feels that it is counter-intuitive.

Francesca Koe has a different point of view. She thinks that the work group comprised of pilots who are experts in this arena and understand how they use these tools to benefit them in an

activity that most of us are unfamiliar with, doesn't benefit from us thinking it's going to be used a certain way, when in fact that it would not be used that way. We should be mindful that the working group has been very thoughtful, and the fact that the pilots and other point of view agree on this speaks volumes and she wouldn't want us overreaching with good intentions that would then make the people who put this together unempowered moving forward. John Largier adds he is in favor of putting something in addition rather than remove [dots] for a motion. George said this proposal would be to remove them entirely. Elizabeth would be open to modifying the motion. There is potential for confusion over whether we are losing this 2,000 ft. recommendation or losing all the dots.

Gerry said that if you want the 2,000 ft. recommendation to stay, you would have to show the boundaries on the chart. Is there some way to show the boundary without the blue dots? George said this is a decision of the FAA; the bottom line is that these blue dots are confusing and they dilute the impact of the low overflight zones. Richard asks if we can show the zones differently, and asked if the group explored anything other than dots. Sage clarified that this would be recommending changing the FAA charts entirely. John Largier suggested that the SAC would like the 2000 ft. recommendation to remain and be visible on the charts.

Recommendation 4B: One dot is equal to 1,000 ft., confusing in particular, when you try to interlace with blue dots, the recommendation to the FAA is that they reduce these areas, they eliminate the magenta dots.

Recommendation 4C: Improved Legend Explaining NROZs

The legend – send pilots to a website to learn about overflight zones; a second recommendation is to explain the point of these designations in the text box on the chart. Lastly, these are NOAA regulations, not FAA flight rules. This dilutes the impacts of it, but clarifies it from the point of view from pilots.

Jaime Jahncke recommends that the word “may” to be taken out. The existing language is very clear that if you go below the 1000 ft. you are violating regulations.

Recommendation 5: Implications for Other Sanctuary NROZs

Preferable that these designations up and down the coast be more or less the same and standard for establishing them be more or less the same. The Working Group recommended that same principles be applied in nearby sanctuaries. If GFNMS adopts some of these changes, they recommend to other sanctuaries that have similar regulations that they should consider similar changes.

Richard asked if GFNMS were to adopt the 1,000 ft., would we that ask that MBNMS, which currently has 3 miles off the coast, be changed to 1,000 ft. George clarified no, it would say GFNMS would recommend this to other sanctuaries, but that it would of course depend on the area and other reasons.

Dayna Matthews noted, in response to Jaime's comment, that regarding notifications on chart, fishing guidelines, letters from Office of Law Enforcement, they use the word "may" because the violation has not been proven.

Oliver York asked for insight as to why majority of marine scientists were firmly against Recommendation 5. Gerry clarified that the group was looking at GFNMS and other sanctuaries may have other resources that they are taking into account. He is sure they will be aware of the process here, but he did not feel like it was our job to go and tell them they should follow the same. John Largier added that it would not be the Advisory Councils' job to go and tell other Advisory Councils and sanctuaries what they should do.

John Berge added that from a compliance perspective it is beneficial to harmonize regulations to the extent possible. Harmonization is beneficial in terms of compliance from the pilots' perspective.

Recommendation 6: NROZs Next to Point Reyes National Seashore
Complicated, but not too controversial. The Sanctuary boundaries only go to boundary of Point Reyes National Seashore – Seashore boundary extends ¼ mile from the coast. The area right along the coast is the park – so there are plenty of restrictions on disturbing wildlife in that area including disturbance by aircraft. The park prohibits landing and taking off from that area and that includes zones. The desirability of low overflight zones is not available in the Point Reyes National Seashore quarter-mile area. The federal laws are available, but this is not available and technically the charting does not show anything other than the blue dots in Point Reyes National Seashore. The working group thought it would be beneficial if the same type of charting in that quarter mile as within the sanctuary itself.

- a. One a half miles can be shrunk to a narrower area – shrunk to same thousand foot level, but bordering the quarter-mile boundary. Take your existing zone and shrink it down right along the park boundary to a narrower band. What do you do about it? Extend sanctuary boundaries to include that quarter mile. Another way to do it is get National Parks Service to do it and consult with the FAA. The Park Service has been working with FAA for years and years – causes a lot more concern with FAA and pilot community when you have a lot of raw land covered by this. Other way is to throw the ball to Maria, NPS, and NOAA to work it out with FAA.

Sarah Allen noted that she has tremendous respect for NOAA and their relationship with FAA. National Parks Service has been trying for a long time. The overlap between the two boundaries is not possible because of the wilderness values associated with that quarter-mile boundary. There are other issues besides wildlife protection.

Barbara asked if there is an area of biological significance as well. Maria clarified we changed the names to "special wildlife zones". The state Areas of Biological Significance (ASBS) are a water quality inspection zones.

Richard asked if it will be ok to involve our members of congress or senators? Maria clarified no, that is not allowed. There are strict rules on federal employees talking to congressional representatives.

Recommendation 7: Class E Airspace Issues

Recommendation 8: Class B Airspace

Airspace is under control of a tower. Implications for pilots, how much clearance they have to give from a ceiling above. This is an issue in Tomales Bay and Bolinas Lagoon. As part of all this, NOAA consults with FAA, are there any specific recommendations because of this type of airspace?

Recommendation 9: Disturbance of Wildlife by Unmanned Aerial Vehicles (UAVs or Drones) Outside of the NROZs

Informs discussion of actual zones. Existing zones reduced to 1,000 ft. qualified by all the discussions we had.

Revisit Recommendation 2: Area-specific zones

Recommendation 2B: Fill in the gap between the two existing zones along the Sonoma coast covering 20 miles of coastline. Was not originally included because concentration and breeding activities was not as intense. Working Group thought this was worth protecting, pilots also thought it would be better to have consistent zones the whole way instead of piece meal. It would include Sea Ranch – which has its own airport. NOAA would need to consult with FAA to see how that would work with the airport.

Recommendation 2C: Bodega Head and Bodega Rock – close proximity to US Coast Guard station. Recognized we would not influence the Coast Guard' normal operation. NOAA should consult with the Coast Guard for any implications.

Recommendation 2D: Existing zone at mouth of Point Reyes – Tomales Point – Recommended that it be narrowed to the 1,000 ft. currently ends above Elephant Rock and McClure's Beach. Consensus to extend that area to cover these two areas.

Drakes Bay – Area noted by a number of commenters. Existing zone covers Double Point (sensitive area for harbor seals), but stops there. Along the coast, there is wildlife that are at risk of low overflights. There was some talk of covering the body of Drake's Bay because of the wintering seabirds. Having this boundary consistent with the boundaries up and down the Marin coast would be sufficient to reducing disturbance in the bay.

Devil's Slide Rock – subgroup set up to figure out what to do. Terribly sensitive area and it is close to the Class B airspace and close to Half Moon Bay Airport. Geography is difficult and this is not an enforceable regulation, but recommended to avoid flight of 1,000 ft. in that area. A lot of effort from Seabird Protection Network in that area and it has improved. Recommended to not establish overflight zone but have a warning on the charts (would have to convince the FAA to do it in that particular zone – the big question mark). Last part of this recommendation – gather data on to whether this approach worked and revisit this.

Devil's Slide Rock: Gerry added we could use the bird symbol instead of the big magenta dot for Devil's Slide Rock. It is incorporated in our recommendations, but when it comes to symbols like that, we are asking FAA to change the whole graphics of the maps. Does resonate as a good symbol. Francesca thinks the bird symbol would re-inforce the "stay away" message for pilots (not getting birds in their engine).

Sea Ranch and Jenner: Josh asked about the area between Sea Ranch and Jenner – were there nesting colonies there? George clarified there is a whole section within this document that talks about what wildlife is there. It is a remote area so there is not as much information as to what is there.

Drake's Bay: Elizabeth Babcock noted that there is some scientific data that indicates it would be nice to extend the zone out more than 1,000 ft. Gerry confirmed it is more anecdotal; there are more wintering birds there, but we have not seen much data. When Gerry introduced it, it was at the very beginning of the process. Elizabeth suggested to dig in a little deeper here for additional scientific data to see if this area could be a slightly bigger zone.

Tomales Bay: George clarified that the working group did not come to a consensus; pilots and marine scientist split. There was a lot of public comment on this as well. John Largier noted the strong community support for both sides.

Gerry added we could use the bird symbol instead of the big magenta dot for Devil's Slide Rock. It is incorporated in our recommendations, but when it comes to symbols like that, we are asking FAA to change the whole graphics of the maps. Does resonate as a good symbol.

Josh asked about the area between Sea Ranch and Jenner – were there nesting colonies there? George clarified there is a whole section within this document that talks about what wildlife is there. It is a remote area so there is not as much information as to what is there.

Elizabeth – regarding the section on Drake's Bay – there is some scientific data that indicates it would be nice to extend the zone out more than 1,000 ft. Gerry confirmed it is more anecdotal; there are more wintering birds there, but we have not seen much data. When Gerry introduced it, it was at the very beginning of the process. Add a comment to dig in a little deeper here, see if this area could be a slightly bigger zone.

Tomales Bay: different from pilots view – it is a coastal canyon surrounded by high hills. Existing zone at the mouth of the bay that goes down to Tom's Point (north of Hog Island). Wetlands are bringing back all sorts of shorebirds. Consensus was two options: 1) Leave it the way it is – don't put a restriction there and simply put a similar advisory as the one at Devil's Slide; 2) Extend the zone to cover the rest of Tomales Bay to high water line.

John D. clarified that the working group did not come to a consensus – pilots and marine scientist split. There was a lot of public comment on this as well. Does the SAC have any additional comment on this?

Francesca requested that the public comments be associated with the document (cross-referenced) with specific areas or recommendations.

Recommendation 10: Pilot Outreach and Education Recommendations

Recommendation that got some controversy was that NOAA dedicate an employee to work with pilots, pilot groups, airports – up and down the coast for all sanctuaries. Bart Selby expressed reservations about the Sanctuary's limited resources and how this should be prioritized over other things.

Richard – We owe a debt of gratitude to everybody that worked on it.

Drones – drones are launched from vessels for tourism and fishing (people search for likely fish areas with drones), this is an issue that comes up in other coastal areas for the marine sanctuaries. It is a big outreach, education and enforcement issue. Our recommendation is that Sanctuaries take a good look at this – it is an emerging problem. It has the possibility of giving people the experience of the sanctuary and also the possibility of wildlife disturbance. Worthy of the Sanctuary taking a good look at this issue, and it was beyond the scope of our assignment.

Josh Russo suggested looking at opportunities for areas of permitted use for drones. A part of our charter is to allow the public use and public enjoyment of our sanctuaries.

Elizabeth Babcock added as a suggestion for fundraising for the [Greater Farallones] Association to collaborate with the tech sector with manufacturers of drones – it is the beginning point of the consumption and they are already using environmental issues in their sales and marketing.

John Largier - A big thank you to all of you. We are working through so many different aspects and laying it down clearly. Thank you SAC for reading and digesting it. Maria reiterated what John said and thanked George for chairing this working group. We will bring back to you what we can and cannot do. The sanctuary will review the recommendations from the Advisory Council and report back to the Council on what actions will be implemented.



Member Reports (anything that is time sensitive)

Josh Russo: CA Fish and Game regulations for abalone species – one of the problems we are having is with enforcement. Other organizations are trying to find ways to hire special prosecutors to handle fish and wildlife violations. If you know of any groups who could support that, please let Josh know. Even with violations that go to court, they are fined, but there is no one to follow up and make sure they pay the fine.

Bruce Bowser: Thursday February 9th is the State of the Bolinas Lagoon Meeting at Stinson Beach Community Center.

Cea Higgins: Update on VERNA A2 Vessel grounding – Surf rider removed a ton of debris that had broken off the boat. Subsequent to that with the large swell, the mass has broken and sharp metal is poking out. It is a public safety issue, especially since I see people climbing all over the boat, it is still there and it does need attention.

[Member reports received via email]:

Jennifer Phillips: Ocean Protection Council hired a Deputy Director, Jenn Eckerle, in mid-December and a Program Manager for fisheries, Paige Berube, in mid-January.

Dominique Richard: I received some comments about the implementation of the mooring program more specifically referring to an event where an unmarked boat crew member boarded a local boater's vessel without previous notification and proceeded to alter the existing mooring by inappropriately installing a second buoy with substandard equipment. This raises concern about the procedures used to manage the mooring permits and/or the communication channels that boaters can use to file grievances. Update on this issue would be appreciated.

Following a comment made earlier about the kayak/camping site overcrowding in Tomales Bay which greatly alarms the local tour operators on the ground of safety and pollution, I should report that this situation has not improved despite the closure of Blue Water Kayaking, indicating that private use of kayaks on the bay seems to create more threat to water quality. This is an aspect of vessel management that was not addressed in the Tomales Bay Vessel Management Plan and probably should be revisited.

On a more positive note, the elephant seals are abundant this year, many expanding their territories to Drakes Beach, near the visitor center and horseshoe pond beach. What is new however is the presence of pregnant females who give birth in these areas (at least 5 pups so far). It is an indicator that this beach may be colonized in the future: good news for the seals, bad news for the tourists and headache for the National Park.

Just learned that USGS and ESRI have released the “first truly 3D map of world’s oceans” (Arc News Vol. 39, No.1). Looking forward to cool 3-dimensional mapping underwater!



Greater Farallones National Marine Sanctuary
Draft Meeting Highlights

Election Results:

SAC Chair: John Largier

Vice-Chair: Dominique Richard

Secretary: Barbara Emley

MEETING ADJOURNED: 4:30PM