



GREATER FARALLONES NATIONAL MARINE SANCTUARY
SANCTUARY ADVISORY COUNCIL MEETING

Wednesday, November 13, 2019

9:00AM – 4:00PM

San Francisco Zoo, Osher Great Hall
Sloat Blvd & Great Highway, San Francisco, CA 94132



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 (GFNMS) or the National Oceanic and Atmospheric Administration (NOAA).

Copies to: Bill Douros, Office of National Marine Sanctuaries, West Coast Regional Director

Call to Order: Roll call

Dominique Richard (Chair)

VOTING MEMBERS: 11 present (quorum met)

At-Large Marin: Dominique Richard	Education: Elizabeth Babcock
At-Large Mendocino/Sonoma: Cea Higgins	Maritime Commercial Activities: John Berge
At-Large SF/San Mateo: Joe Fitting	Maritime Recreation Activities: Abby Mohan
California Resources Agency: absent	National Parks Service: Ben Becker
Commercial Fishing: Barbara Emley	Research: Jaime Jahncke (for John Largier)
Conservation: Bruce Bowser	U.S. Coast Guard: absent
Conservation: Richard Charter	U.S. Fish & Wildlife Service: absent

NON-VOTING MEMBERS: 3 present

Channel Islands NMS: absent
Cordell Bank NMS: Carol Bernthal (for Dan Howard)
Greater Farallones NMS: Maria Brown
Monterey Bay NMS: Paul Michel
National Marine Fisheries Service: absent
Youth: vacant

ALTERNATES PRESENT: 2

At-Large SF/San Mateo: Kris Lannin Liang
Commercial Fishing: Sarah Bates
Education: Bibit Traut

GFNMS staff present: Maria Brown, Brian Johnson, Karen Reyna, Jan Roletto, Carol Preston, Max Delaney, Mary Jane Schramm, Olivia Johnson (Affiliate), Alayne Chappell (Affiliate), Sara Hutto (Affiliate), Wendy Kordesch (Affiliate), Kirsten Lindquist (Affiliate)

NOAA staff present: Martha McCoy, NOAA Office of General Counsel

Review Agenda

Dominique Richard (Chair)

- Late start but we will get back on track after superintendents' reports.
- Rad Dew, scheduled to give a NOAA Office of Law Enforcement (OLE) update in the afternoon, is unable to attend so the update will be postponed to an upcoming meeting.
- Member reports will be moved to the end of the day after SAC Business.

Greater Farallones National Marine Sanctuary Superintendent's Report

Maria Brown/GFNMS Superintendent

Permits

The permit matrix was distributed to SAC prior to the meeting. Are there any questions about the matrix?

None.

Vessel Groundings

Max Delaney (GFNMS Permit Coordinator) is working on two enforcement actions. A plane crashed at Half Moon Bay and he is working on that with the U.S. Coast Guard and the responsible party. He is also working with the U.S. Coast Guard on a fishing vessel that sank in the Expansion Area two days ago.

Budget

We are on a continuing resolution, which previously went to November 21 but has been extended to December 22. This means that the budget we had last year is the budget we have for the first few months of our fiscal year. There is a budget that is in conference between the House and Senate that looks favorable for national marine sanctuaries, with a slight increase to our budget.

Mallows Bay National Marine Sanctuary Designation

On September 3, NOAA formally designated an 18-square mile stretch of Maryland's Potomac River as the new Mallows Bay-Potomac River National Marine Sanctuary, making it the first national marine sanctuary designated since 2000. The State of Maryland nominated the area for sanctuary designation in 2014 to protect and conserve the shipwrecks and cultural heritage resources including 118 World War I-era wooden steamships and vessels, as well as to foster education and research partnerships, and to increase opportunities for public access, tourism and economic development. The nomination had broad community support and strong support from the Maryland congressional delegation. NOAA, the State of Maryland, and Charles County will manage the sanctuary jointly.

Sanctuaries complete third and final ecosystem studies cruise of 2019

We had a SAC member participate in the cruise. There was limited space available. George Clyde joined the cruise as a member of both Greater Farallones and Cordell Bank SACs. Please keep putting your name in for upcoming opportunities to join an ACCESS ride along.

Conservation science staff from GFNMS, Cordell Bank National Marine Sanctuary (CBNMS), Point Blue Conservation Science, and Greater Farallones Association (GFA) recently completed the 16th ACCESS season. The third and final ACCESS cruise for the year sampled across three national marine sanctuaries during the end of the upwelling season and beginning of transition season. We found

typical ocean productivity conditions for the transition season, with scattered bait balls of krill and fish. Humpback and blue whales were distributed mostly along the 200-meter isobaths, and some humpbacks were feeding on small schooling fish across the shelf. There were surprisingly high numbers of Arctic Terns, Sabine's Gulls, South Polar Skua and various jaegers. ACCESS will provide images and data to various researchers and management agencies.

At our GFNMS office right now, we have a very rare sighting: a juvenile Red-footed Booby from Hawaii has made its way to our pier. If you want to come take a look, please come by.

Richard Charter: Does climate warming have to do with why the booby would show up here?

Maria: Since I've been at the sanctuary, 20-some years, we now have Brown-footed Boobies that we didn't see before and that are now more regular visitors. We've had Blue-footed Boobies, and now we have a Red-footed Booby. We're seeing some interesting visitors.

Sanctuaries contribute data to Dungeness Crab Fishing Gear Working Group

Scientists from GFNMS, CBNMS, Point Blue Conservation Science, and collaborators, provided whale forage, abundance and distribution data to the federal and state Dungeness Crab Fishing Gear Working Group, and their Risk Assessment and Mitigation Program (RAMP). The working group is led by California Department of Fish & Wildlife (CDFW) and the National Marine Fisheries Service (NMFS), and includes federal and state scientists, regional conservation and science-driven nonprofits, and commercial and recreational Dungeness crab trappers. Preliminary results from the ACCESS July cruise were contributed to the RAMP to detect whale foraging patterns. When the risk of entanglement is high, the working group encourages commercial crab fishermen to use best practices including avoiding fishing in areas where there are groups of feeding or migrating whales, schools of anchovy, and/or swarms of krill.

Beach Watch adds another sampling component for statewide monitoring

We have a new cohort of 28 Beach Watch volunteers. Beach Watch staff have kicked off the training for the new volunteers and they will graduate this month at Muir Beach. Beach Watch began additional surveys to assess the health and biodiversity of sandy beach habitats along the sanctuary coastline, and within the State's Marine Protected Areas (MPAs). GFNMS and GFA staff now partner with University of California, Santa Barbara researchers, the Ocean Protection Council, and 22 other research institutions, to assess beach wrack and diversity of foraging shorebirds. Beach Watch data from Sonoma and Marin Counties will be combined with other surveys along the California coast, including human-use and regulatory compliance within the State's MPAs.

Pinnipeds

SAC member Kris Lannin Liang had requested information on pinniped mortality. There has not been any additional information since the last meeting. We will continue to inform you when we have new information.

Resource Protection

At the SAC retreat last month, you had asked for an update on the Essential Fish Habitat (EFH) and designating new areas. It is still in progress so we have nothing new to report today but we will share the rulemaking once it's available. You will learn more later today during Jan Roletto's presentation

about our deep-sea coral research to further our understanding of EFH and deep-sea coral areas, particularly in the Expansion Area.

We have nothing to report at this time for Tomales Bay resource protection. We were not able to get out to do our boating season surveys. We are looking into getting a vessel for Tomales Bay so we can do more regular surveys on the bay and for the mooring program in particular. Regarding the F/V *Marion*, the vessel that had anchored in the no-anchor zone, our NOAA Law Enforcement Officer has been coordinating with the county on that. The vessel has been boarded. It has all the required sewage discharge equipment onboard. They didn't find any evidence of anyone living onboard the vessel. However, we do have an enforcement action that we are moving forward on for anchoring in the no-anchoring zone.

Marine Debris Project

As mentioned at the SAC retreat, we have a new marine debris project working on shotgun wads, which were found through our 5-year marine debris survey to be one of the most common debris items found along our sanctuary shores. We are partnering with a firm Root Solutions on social marketing and behavior change on how to engage with the hunting community on changing practices and moving from the plastic shotgun wads to compostable ones. It's a new audience for us. We will report on the progress as we move forward.

Sanctuary Education

We recently had the Greater Farallones Ship-to-Shore public programs with the California Academy of Sciences and San Francisco Zoo. Research staff participated in four Ship-to-Shore programs broadcast from the *Nautilus* cruise where the public was able to login to see some of the great footage. If you didn't have a chance to tune in, you will be getting a highlight today during Jan Roletto's presentation. Two programs were held at the California Academy of Sciences and two with the San Francisco Zoo. The 133 participants received a shoreside program that included a presentation about the importance of deep-sea research and participated in several mock dives. Then the audience was connected to the ship where they were able to have a live conversation with the research coordinator.

Greater Farallones staff are currently planning the biennial Volunteer Appreciation Event for January 2020. Please keep a look out for the Save the Date, going out soon. We will be celebrating you and everything that you contribute to the sanctuary.

Greater Farallones Association New Executive Director

We were going to introduce Deb Self today, who is the new GFA Executive Director. However, she is attending the Ocean Protection Council meeting, along with SAC member Josh Russo, because they are discussing the kelp recovery work. The Greater Farallones Association is there to testify about the bull kelp recovery plan, which the SAC helped contribute to through their recommendations, and partnering with the State. She will be invited to introduce herself and provide the annual GFA update at the next SAC meeting.

Presentation on Sanctuary Advisory Council Roles, Process, and Communications

Martha (Marty) McCoy, NOAA Office of General Counsel

As part of the superintendent's report, Martha (Marty) McCoy, Attorney, NOAA Office of General Counsel is going to give a short presentation on SAC roles, process and communications. Marty provides legal advice and assistance to the sanctuary program on topics including regulations, management plan updates, general management, and advisory council processes and procedures.

This presentation will provide an overview of: 1) The role of the advisory council; 2) Advisory council communications, which includes advice the council provides as a body in an official capacity, and guidance for individual members when communicating sanctuary-related topics to the public or external parties; 3) An overview of the sanctuary and Office of National Marine Sanctuaries (ONMS)'s role in the advisory council process.

See the [Sanctuary Advisory Council Handbook](#) for references and additional information.

Role of the Advisory Council

- Under the National Marine Sanctuaries Act (NMSA) section 315, 16 U.S.C. 1445a, the advisory council as a body provides advice and recommendations to the sanctuary superintendent (as delegated) on issues pertaining to management (or designation) of the sanctuary.
- Advisory councils are a valuable and important way for stakeholders and constituent perspectives to inform and advise on sanctuary management.
- Service on an advisory council is considered service on behalf of the U.S. government (See Handbook Part II Section G.3).
- Because advisory councils derive their authority from NOAA, council members are subject to some of the same restrictions on conduct that bind federal employees. (See Handbook Part II Section G.3).

Council Communications: Guidance and Restrictions

There are process guidance and restrictions applicable to (1) communications from the advisory council as a body, and (2) communications of individual advisory council members outside of the council context on sanctuaries-related issues.

Communications of Advisory Council as a Body

- The role of the council is to advise the superintendent on issues relevant to sanctuary designation and management. (16 U.S.C. 1445A(a); Handbook at Part I.B; Handbook Appendix I (Model Charter) at Sec. 2. Procedures for Providing Advice).
- Any written or verbal advice, correspondence or information from the council as a body to the superintendent must be voted on and approved by both the council and the superintendent and must be on council letterhead with a disclaimer. (Handbook Part II Section G.1).
- The council does not have authority to speak on behalf of ONMS or NOAA. (Handbook Part II Section G.1).
- It is not within the scope of the council's charge as established in Section 315 of the NMSA to provide advice or recommendations directly to external parties or other entities. (16 U.S.C. 1445A(a); Handbook Part II Section G.1).
- If the council does wish to provide comments or information to external parties, including local and state agencies and other federal agencies, specific protocol applies. (Handbook Part II Section F.1).

- The topic of the comments should pertain to relevant sanctuary management issues. (16 U.S.C. 1445A(a)).
- Any advice, correspondence, or information the council wishes to offer or express beyond the sanctuary superintendent must be voted on and approved by **both** the council and the sanctuary superintendent prior to sending and must be sent on council letterhead. (Handbook Part II Section F.1). The council and superintendent may work together regarding the method of transmitting comments (e.g., orally, via a comment letter, or other method). The method of transmitting comments is subject to the superintendent's discretionary approval. (Handbook Part II Section F.1).
- Additional process restrictions apply to communications to Congress. Individual council members are not prohibited from contacting members of Congress as private citizens on their concerns as private citizens. However, NOAA may not request or authorize the council to engage in lobbying, and the council may not write directly, or send copies of correspondence, to Congress. But if a member of Congress makes an inquiry to the council, the council may respond after coordinating with the superintendent. A council may also make a recommendation to NOAA concerning NOAA legislation. (Handbook Part II Section F.1).
- Additional process restrictions apply to communications to the media. Before providing comments or information to the media, the advisory council should coordinate with the superintendent and provide talking points or a position paper to the superintendent and council coordinator ahead of time. Council members acting in their role as private individuals may speak to the media about any topic. (Handbook Part II Section F.1).

Individual Communications of Advisory Council Members on Sanctuary Issues

- It is important to clearly distinguish between positions adopted by the council as a body and the individual opinions of council members.
- No council member may speak for the council as a body unless the full council has approved that member doing so. (Handbook Part II Section G.2).
- No council member may use their affiliation with the council for personal profit, or to attempt to influence an issue by invoking his or her council affiliation outside the context of the council itself. (Handbook Part II Section G.2).
- If a council member wishes to express a personal opinion on a sanctuary issue, the member should not reference their advisory council title or affiliation with the federal government. Reference to a government title or position in connection with personal activities is permitted as part of biographical information, if other information is also included. (Handbook Part II Section G.3).

Role of the Sanctuary/ONMS and Communications to Advisory Council

- The advisory council is a public body (16 USC 1445A(e)). Meetings are open to the public, and information presented at a council meeting is public information.
- However, much of what NOAA, as a federal agency, works on are pending matters for which NOAA, ONMS, and the sanctuary are restricted on providing public information.
- In particular matters that are *pre-decisional* and pertaining to policy decisions, NOAA, ONMS, and the sanctuary are subject to restrictions on publicly conveying particulars of the policy considerations, including at SAC meetings, although in some situations general information and updates may be provided.

Conclusion

Advisory councils are valuable sources of stakeholder insight and input. Due to the special role and status of advisory councils, there are specific process guidance and restrictions on advisory council communications and the conduct of council members.

Cea Higgins: Thank you for this presentation. I do introduce myself as a council member when I speak publicly, so before I say anything, I say that I'm not speaking on behalf of the sanctuary. Is that ok?

Marty McCoy: Yes, it's okay to identify as a council member but you must be clear that these comments do not reflect the council as a body.

Maria Brown: If you have an opinion it is important to be clear that it is yours and not of the council. But if there is a council action (a vote that leads to a passed resolution), you are free to convey that information.

Marty: Federal agencies are prohibited from lobbying. As a council, you are not a federal agency but there are similar restrictions that apply. You are allowed to comment to Congress as an individual but not as a council body. There are various options. You may provide comments to the sanctuary superintendent on the impact of legislation or provide a comment letter to NOAA; but be careful if you wish to provide comments on pending legislation and be sure to coordinate your comment with the sanctuary superintendent.

John Berge: Do similar restrictions apply for the council communicating with state and local governments as with Congress?

Marty: Good question. There are a couple of nuances there as well. For communicating with state legislative bodies, the same lobbying restrictions apply where, as a council, you do not provide general comments on legislation. Communications with a state or local agency that is not in a lobbying or in a legislative capacity is permitted but through the superintendent.

Kris Lannin Liang: So, as a body, we cannot provide support for a bill that is going through the state legislature? I ask because this is related to something I wanted to ask the council to discuss today.

Marty: That would be considered lobbying so you would not be able to provide comment directly on that legislation. But if there is interest in commenting on that, you could direct your comment to the sanctuary superintendent.

Jaime Jahncke: We are supposed to focus on issues that are pertinent to a sanctuary matter and we must bring it to the superintendent, correct?

Marty: Based on NOAA policy, there is some opportunity to bring comment to external parties, as long as they are pertaining to issues before the sanctuary. But again, that's all constrained by the policies and procedures NOAA has developed. So yes, that is the authority that the council has under the law. It all should be specific to issues pertaining to sanctuary management.

Cea: Where would we see the wording of these policies guiding our communications?

Marty: In the ONMS SAC Handbook. I recommend having a copy of that handbook on hand. The Sanctuaries Act section 315 and SAC Handbook section G are specific to conduct of council members.

Carol Bernthal: Working groups and steering committees are also under those same restrictions in terms of how they operate.

Marty: For the most part, yes. There are some working groups that are not open to the public, so that would be the main difference between those and public council meetings.

Maria: Thank you so much, Marty.

Monterey Bay National Marine Sanctuary Superintendent's Report

Paul Michel, MBNMS Superintendent

MBNMS Management Plan Review

The Management Plan documents and proposed rule are at ONMS headquarters for their review and clearance. We had hoped to have the public review period start by February and dedicate a whole SAC meeting to getting SAC input. But with the holidays, that was unable to happen, so it will probably be more like April 2020 for a dedicated SAC meeting. As soon as we get the clearance for those documents, we will plan public hearings. We may even plan a special SAC meeting to get public comment.

Callahan desalination project

Tomorrow, I'll be in Half Moon Bay for the California Coastal Commission (CCC) meeting regarding the proposed Callahan desalination project for Marina, CA. The CCC is postponing decision making so they can have a two-day public comment hearing. It is a very controversial, complicated proposed project, and we are right in the middle of it. We were the NEPA (National Environmental Policy Act) lead on desalination projects in the MBNMS and helped the Public Utilities Commission produce a California Environmental Quality Act (CEQA) document. So, I just want to remind the CCC of what the findings were. However, we won't be saying whether we are for or against the project and are trying to stay neutral. We fully anticipate lawsuits involving the State; hopefully we will not be a part of that. The City of Marina and Marina Coast Water District are very against having Callahan's projects in their city; Callahan is potentially interfering with water rights. There are issues with fishing and agriculture communities, and it's very complicated. At some point we will be considering seabed disturbances and discharge related to outfall for the brine in the sanctuary. But that's some time away.

Cruise ships

Another issue is cruise ships. They have become very popular and a lot of people have a lot of questions. We put on a public forum to try and dispel a lot of the myths about cruise ship regulations and to get the correct information out to the public. We had a panel with six federal agencies with jurisdiction over cruise ships. It was a really good public forum. But there is still a lot of controversy. A cruise ship yesterday was not able to anchor in the designated slot because there were protestors on standup paddle boards that stopped the ship from coming in. The issue is getting more and more controversial, keeping us on our toes. We are not the gatekeeper, it's the City of Monterey that lets the

cruise ships in. As a federal port, they cannot deny the ships. The ships have the right to disembark but it creates problems when they overwhelm communities.

Newly discovered octopus garden

The octopus garden found on Davidson Seamount received a lot of science and media attention. This amazing area was discovered with the help of *Nautilus*. We can see octopuses brooding eggs on thermal vents, what look like thousands of them. We also came across a whale fall that was very interesting.

National Marine Sanctuary Foundation

Our National Marine Sanctuary Foundation chapter has been doing a lot to raise money for programs, focusing on whale conservation.

Richard Charter: Without presupposing any outcomes from the Marina project, you mentioned an outfall for the brine and seabed disturbance. Will the wells, which are the source, create some alteration of sanctuary values, in terms of near shore saltwater intrusion?

Paul Michel: It's a complicated groundwater rights issue. They are only allowed to take seawater below a certain depth, otherwise they would be taking brackish water. There are different aquifers. They can only take seawater, so these wells will be 3-4 feet below the seabed in the sanctuary. If the wells did not cross the boundary of mean high water, they would not be an issue for us. There is dueling science on the matter.

Cea Higgins: How does the desalination project relate to your sediment management plan?

Paul: This is the last year that they're allowed to mine sand. It's one of the reasons the CCC is concerned about the desal project.

Cea: Will the sanctuary stay involved regarding sediment management?

Paul: Definitely.

Cordell Bank National Marine Sanctuary Superintendent's Report

Carol Bernthal, Olympic Coast National Marine Sanctuary Superintendent / CBNMS Acting Superintendent

Cordell Bank NMS had a great 30th anniversary celebration in September 2019.

Upcoming personnel changes at CBNMS: Carol will be acting as superintendent until January 4, 2020. Then Dani Lipski will take over until Dan Howard returns from medical leave.

CBNMS participated in a *Nautilus* cruise and hosted a Ship-to-Shore event at the Red Barn in Point Reyes. They wrapped up the 16th season of ACCESS. Staff are working on a summarization of what we've learned over the course of the 16 years. Working to characterize status and trends of sanctuary resources and are in a planning mode for the next year. The goal is to let the science inform what we know about the sanctuary and inform management. CBNMS recently had their SAC retreat and are

developing a SAC workplan for the next year, which they will present at the next meeting in two weeks.

Presentation: Pulling Together: Working with Washington State Coastal Treaty Tribes

Carol Bernthal, Olympic Coast National Marine Sanctuary Superintendent

[View presentation.](#)

- The legal underpinnings of our relationship with Native American tribes:
 - There are 576 federally recognized tribes across the country.
 - There are historic and evolving relationships between sovereign governments, based on politics not on the ethnicity of Native Americans.
 - Tribal sovereignty is something Indian tribes have retained, not something granted to them by the US federal government.
- Federal Trust Responsibility
 - Legal obligation under which the United States “has charged itself with moral obligations of the highest responsibility and trust” toward Indian tribes.
 - Center of numerous US Supreme Court cases, making it one of the most important principles in Federal Indian law.
- Treaties:
 - Cession of most of the lands of the United States by Indian tribes was codified in hundreds of treaties, basis for federal programs that provide services.
 - Tribes retained certain rights in exchange for ceding vast areas of their historic territories. Agreements articulated in treaties specific to tribal areas.
 - Treaties are not simply historical documents. Their age does not invalidate them anymore than age invalidates the Constitution.
 - Two treaties govern the Olympic Coast (every inch of the sanctuary is a part of four different tribes in the area): 1) The Treaty of Neah Bay signed 1855: contained provisions that allowed the Makah tribe to continue fishing, sealing, and whaling at usual and accustomed grounds; 2) The Treaty of Olympia: between the United States and the Quinault, Quileute and Hoh tribes, signed 1855-1856. The right of taking fish at all usual and accustomed grounds is secured, and of erecting temporary houses for the purpose of curing the same; together with the privilege of hunting, gathering roots and berries, and pasturing their horses on all open and unclaimed lands.
- Discussion of the Makah, Quileute, Chálá·at, and Quinault Nation tribes.
- Collaborative program with coastal treaty tribes:
 - Each tribe has a seat on the OCNMS Advisory Council; they nominate their member.
 - In 2007 when we were going to start our sanctuary management plan, they were concerned about our marine reserve process. We talked through the issues so that we are not surprised by anything that comes up.
 - They do not want to be put in a position of being a “stakeholder”; they are their own governance.
 - How can we help support their efforts to educate the next generation? They are interested in creating coastal intergenerational programs for youth focused on traditional gathering practices, their concepts of stewardship, and traditional languages. OCNMS works to support these efforts to engage tribal youth in marine science programs.

- Each tribe has a different view on tourism, some encourage visitors to their reservations, others do not.
- We've partnered on archaeological work with some of the tribes, conducting joint excavations to look at shellfish and sea level rise trajectories, as well as marine debris removal projects.
- Climate change is a big issue for tribal communities because they are geographical bound to culturally important locations (reservations). Many tribes are working to plan for climate impacts. We have joint projects with tribes and the University of Washington to study ocean acidification with real-time mooring projects.
- Fawn Sharp (President of the Quinault Indian Nation in Taholah, Washington; and President of the National Congress of American Indians) works with tribes across the US, focused on climate change advocacy.
- Carol notes that sanctuary-tribal relationships are different for GFNMS and OCNMS.

Alayne Chappell: Can you speak a little bit about logistical challenges you've come across in your engagement and how you've addressed them?

Carol: One of the biggest challenges is that tribes tend to be involved in so many forums and their staff are stretched thin. Time seems to be the biggest challenge. We're often up against federal deadlines. For example, we work with each of the coastal tribes on permits. They have the ability to comment on and authorize them. Those take time. Sometimes the capacity to fully engage as much as we would like is limited. We need additional capacity from NOAA to engage fully; we need some additional funds and staff, but the resources aren't quite there for a full staff person.

John Berge: Do they have penal authority? Are there issues of authority?

Carol: For example, if there is a project on a reservation, they would have authority. But if it's a project in an "usual and accustomed" area in the ocean where they don't necessarily have jurisdiction, they would be co-managers but not in legal standing. We consult with them but as a sanctuary, we retain decision making authority. However, in some areas, tribes are co-managers with legal decision-making authority. The power curve is articulated by different case law.

Sarah Bates: What about decisions that impact their cultural resources, for example decisions about whaling or seal meat?

Carol: Whaling is complicated. They did not believe that they had to get authorization under the Marine Mammal Protection Act (MMPA) in order to whale in what's considered traditional use. But after a lot of back and forth, they are going through the process of getting the MMPA exemption. They are working with the National Marine Fisheries Service and the International Whaling Commission on that and requesting authorization to take up to five grey whales per year. That decision is still pending. But for a fishery executed by them, they issue their regulations and have their own tribal court and governance system to handle violations.

We consult them on non-tribal matters, and we take it very seriously. We have incorporated, I would say, 99% of their recommendations and input.

Richard Charter: Thank you for this. It's a unique opportunity for our SAC to hear about cultural exchange. It's unique the way you work with your community.

Carol: Without the support of coastal tribes, OCNMS would not have happened; without their approval, the governor would not have designated the sanctuary.

BREAK

Presentation: San Francisco Zoo Strategic Plan Coastal Connection: C4 Vision Plan

Joe Fitting, SF Zoo Deputy Director / GFNMS AC

Mark R. Miller, FAIA, SF Zoo Campus Architect

[View presentation.](#)

- The California Coastal Commission (CCC) mandated California cities have a plan to mitigate sea level rise impacts and the City of San Francisco has been actively working on their plan. The coastline adjacent to the San Francisco Zoo (Zoo) is one of the most impacted areas in the city, and there are many stakeholders involved in this location: Golden Gate National Recreation Area (GGNRA), the City of San Francisco Department of Public Works, Department of Land and Parks, the SF Zoological Society, State of California, San Francisco Public Utilities Commission (SFPUC), etc.; all involved in the Ocean Beach Master Plan established to respond to the CCC requirement for mitigation action.
- Mark Miller is helping to create a strategic vision plan for the Zoo. With sea level rise, the Zoo property (100-acre park) is going to once again connect with the coast. The Zoo is thinking about its vision for the future and role for the coast, climate change impacts, and stewardship for wildlife in this area.
- The Zoo's strategic mission is organized around the four c's (C⁴): Connect, Care, Conserve, Coastal; including aspects of management, education, and coastal access.
- Part of the vision is to commit 40+ acres to create an unprecedented conservation hub right at the coastline in the western-most part of the Zoo property.
- The proposed Coastal Campus Plan is to transform these 40 acres of Zoo property on the coast into a globally relevant Pacific Ocean and Coast Center for education and experience with this natural dynamic coastal habitat (ocean, dunes, etc.) We envision land and animal conservation with deep, enriched, and active programs; education; and a sustainable model.
- **Request for the GFNMS SAC to recommend that the sanctuary:**
 1. Partner with the newly formed advisory non-profit board, whose mission aligns with the Zoo's, to develop programs for the Zoo's planned Ocean and Coastal Conservation and Education Zone.
 2. Support the dedication of the land on the west side of the park, adjacent to the coastline to this purpose;
 3. Support the arrangement between the City and County of San Francisco and the San Francisco Zoological Society to accept/access the approximately 15 acres adjoining lot known as "the Fleishhacker Pool site" as part of the "Leased Premises" to the Zoological Society.
- The mission of the Zoo is to connect people with wildlife, inspire caring for nature and advance conservation actions to the million visitors to the park and the Bay Area. We are uniquely

posed to partner with NOAA and connect all in a profound way to the three national marine sanctuaries located in close proximity to Zoo (GFNMS, MBNMS, and CBNMS).

- Support from the sanctuary will reinforce the Zoo's commitment to promote biodiversity hotspots by developing the education infrastructure necessary to connect the community and visitors who come to the park.

Richard Charter: That ocean area adjacent to the Zoo that's not protected, we call that area the "Donut Hole" (aka, the "Exclusion Zone"). We were previously on the edge of getting the MBNMS sanctuary designated for that area. But the City of San Francisco had a combined sewage/stormwater overflow and outflow issue, and they said you can't fill in that spot. ... We should stop calling it the "Donut Hole" and start calling it the "San Francisco Zoo National Marine Sanctuary"

You mentioned parking. Have you thought about a shuttle or subway to get from the Judah Streetcar to here so this can be included in the downtown San Francisco tourism route?

Mark Miller: Parking access is a big issue with the collapse of the coast and various jurisdictional issues. There are about 1,250 parking spaces that will be lost. It's now becoming an issue that people want to talk about. We want to relocate our parking. There is a train line that comes in and drops off a block away. Bus lines are not great. The immediate concern is navigating the parking retreat that we are working to negotiate. We are trying to retreat into a parking structure that considers dune habitat and animals, and vehicular beach access (school buses, etc.).

John Berge: Will this be separate from the Zoo as far as purchasing tickets?

Mark: It will have a lot to do with funding, there may be a different gate fee. There are a lot of ways to do this. We see this being a much more interactive and dynamic gate. Some of the gating has to do with animal safety, but we want to establish connections and go beyond our boundaries.

Joe Fitting: Every San Francisco Unified School District class gets in free to the Zoo and this would apply to whatever evolves here. There are also 12 free days provided San Francisco residents. We offer many free opportunities for people here.

The bottom line is that we want to become your portal into the three national marine sanctuaries where people can come and learn about our ocean biodiversity. The SAC could recommend that the Office of National Marine Sanctuaries partner with the Zoo to interpret the Greater Farallones, Monterey Bay, and Cordell Bank National Marine Sanctuaries.

Mark: We have a meeting on December 9 with the City of San Francisco's executive team to move this forward. They are a key partner for us. Support from the SAC/sanctuary would be very helpful.

MOTION: The SAC recommends the Office of National Marine Sanctuaries partner with the SF Zoo to interpret the Greater Farallones, Monterey Bay, and Cordell Bank National Marine Sanctuaries.

First: Richard Charter

Second: Bruce Bowser

Mark: Could a clause be added to support modification of the site that supports the interpretation?

Cea Higgins: I'm uncomfortable with a blanket support of all of the activities discussed without knowing the project details. I am comfortable with the motion presented.

Bibit Traut: The opportunity for connecting terrestrial and marine habitats, and connecting education to the sanctuary, is good. I would recommend supporting that opportunity for education for a new audience. This is an opportunity to connect with the sanctuary and support more educational opportunities. It's a unique opportunity for us. I support that language, but not beyond that.

10 yes, 0 no, 0 abstain

Motion passed as originally written.

San Francisco Bay-Sanctuary Connections: Presentation from SF State intern on symposium outcomes (Discussion and Potential Action)

Alyssa Ells, Graduate Student, San Francisco State University (SF State) RIPTIDES Program
[View presentation.](#)

- Alyssa assisted with coordinating the San Francisco Bay-Greater Farallones National Marine Sanctuary Connections Symposium held on October 16, 2019, co-hosted by the Greater Farallones National Marine Sanctuary, SF State's Estuary and Ocean Science Center, and NOAA's San Francisco Bay and Outer Coast Sentinel Site Cooperative.
 - The symposium consisted of three sessions, each containing 3-4 presentations from experts in the field, followed by Q&A with the audience.
 - Session topics: Wildlife traveling between the outer coast and bay; Oceanographic connections and influences between the bay and sanctuary with topics including ocean acidification, hypoxia, nutrients, and water movements; and some of the commercial and recreational activities taking place at the intersection of the bay & sanctuary including industries, impacts, and communities.
- Recap of information presented at the symposium during presentations and discussions. The SAC attended the symposium as a part of their annual retreat, so this is a refresher, or review of information for any members not able to attend the symposium.
 - Threats to marine life traveling between the sanctuary and bay: Pollution, domoic acid, sea level rise, marine heat waves, ship strikes, vessel noise, habitat alteration, shifting prey populations.
 - Changing oceanographic conditions relevant to the intersection of the sanctuary and bay: Harmful algal blooms, stratification, climate change.
 - Climate change impacts were a thread throughout the symposium presentations.
- Alyssa is preparing a white paper to capture any research, management, or other recommendations presented at the symposium, and any discussion today.
- Recommendations identified in Alyssa's presentation:
 - Sanctuary to Bay voluntary vessel speed reduction to eliminate ship strikes
 - Need for additional research on connections between the bay and GFNMS
 - Coating Strategies for ships to reduce fouling
 - Sanctuary Expansion to close the Exclusion Zone (aka, "Donut Hole") and into the San Francisco Bay (Important habitat for humpback whales)

Jaime Jahncke: Should we revisit a motion or working group to discuss closing the Donut Hole? Is it ready to be closed within the sanctuary?

Richard Charter: When MBNMS was in the process of being designated, we were given the choice: Do you want the MBNMS with the Donut Hole or do you not want the sanctuary at all. We said, 'ok, leave the Donut Hole out.' The circumstances of San Francisco's treatment of their wastewater have since resolved the combined sewage overflow into the outfall. From what I understand, San Francisco has not only removed their objection to protection of the Donut Hole, but now supports a sanctuary there (there is a letter to this effect).

Jaime: So, is this something that we can do?

Richard: Yes, why not. The reason that the Mallows Bay NMS was designated recently was that it's the Washington, DC national capital marine sanctuary. It has historic importance but now Congress has their own national marine sanctuary right up the river. It didn't have any oil under it, no hard minerals, nothing to mine or drill. I don't believe the Donut Hole is threatened by oil drilling that close to shore. You can certainly try to bring a pipeline ashore there if you needed to get oil from what we call the "armpit" between the Farallones and the Monterey Sanctuary seaward. I'd say nail it down while you can.

Creating a new national marine sanctuary can take anywhere from 3-25 years. There needs to be a nomination, which I don't believe there is. My understanding is that MBNMS has not entertained the idea of including it in its management plan. What you would need is advocacy for a new marine sanctuary, science to support it, an institutional supporter with a basis in science to nominate it (for example, hypothetically, the SF Zoo), and stakeholders to support it. It could take a while.

Cea Higgins: To clarify, the path forward wouldn't be an expansion of the MBNMS boundary, but would be to actually nominate a new sanctuary?

Richard: I don't want to speak for the MBNMS, but we tried to get it into the management plan review, and we were told it wouldn't fit. MBNMS has a lot on its plate. So, I think it should be a new sanctuary. I think the evidence points to that.

Alayne Chappell: Is this something that the council wants to hear more about in order to make any potential recommendation?

Richard: It's a new concept to a lot of people here. There is information we can circulate. I don't think there has ever been a nomination written. We can look at the Chumash working group, who's done a beautiful job of configuring a new site on the California coast. They ran into a few political obstacles. But it's not rocket science to nominate a new site. Particularly one surrounded by three existing national marine sanctuaries. The presentation we saw today on the symposium is a case builder already.

Dominique Richard: Some years ago, we had a number of presentations on the Donut Hole, so can we start with whatever documents were created at that time?

Ben Becker: Does a national marine sanctuary have to be contiguous? Could it be part of GFNMS?

Maria Brown: They do not need to be contiguous. Hypothetically, yes it could be a part of GFNMS.

Jaime: There was a report put together by the Bren School of Environmental Science & Management. There could be something there.

Alayne: At this time, do you just want more information distributed, or is there interest in forming a working group?

Dominique: More information for now and then go from there.

Cea: Would it be more appropriate to form a working group to present on all past findings?

Dominique: What is the best method to understand this issue?

Maria: That depends on how much the SAC wants to delve into this issue. If you want to be more involved and look at the pros and cons, then maybe a working group.

Dominique: An intermediate possibility would be to set up subcommittee do preliminary research and bring something to a following meeting. I propose a motion to form a subcommittee.

Cea: Would there be staff support for that subcommittee?

Alayne: Yes, I would be staff support for that and can facilitate the process. There would be more capacity for a subcommittee than working group at this time.

MOTION: To form a subcommittee to gather information on the San Francisco-Pacific Exclusion Zone in the Northern Management Area (aka “Exclusion Zone”, aka “Donut Hole”) and present findings to the council at an upcoming meeting for further discussion.

First: Dominique Richard

Second: Joe Fitting

Final vote: 8 yes, 0 no, 1 abstain

Five members volunteered to join the subcommittee: Dominique, Bruce, Jaime, Joe, Bibit

LUNCH

PUBLIC COMMENT: No public comment.

Presentation: GFNMS Climate Adaptation Plan Update

Sara Hutto, GFNMS/GFA Climate Program Coordinator (NOAA Affiliate)

[View presentation.](#)

- In March 2016, the SAC reviewed, discussed, and voted to approve 76 of the 84 strategies developed by the SAC’s Climate Smart Adaptation Working Group.

- The Climate Adaptation Plan was completed in November 2016 including 24 of those recommended strategies and presented to the SAC along with next steps for implementation.
- There are three topics areas in the Plan:
 - Coastal Resilience: One-third of the recommendations in our Climate Adaptation Plan had something to do with sediment. Max and Wendy will talk more about the Sonoma-Marín Coastal Regional Sediment Management Report created in 2018 in their presentation next.
 - Living Shorelines (overlaps with coastal resilience): The plan includes a focus on living shorelines (aka, green infrastructure), which support natural ecological communities, promote resilience (address erosion and habitat loss), and are an alternative approach to coastal armory.
 - We held a Living Shorelines Workshop in April 2018 with the Coastal Conservancy and San Francisco Bay National Estuarine Research Reserve (NERR). This was an invite-only workshop for people working on living shorelines (engineers, managers, resource protection specialists, scientists, etc.) to share and learn about how living shorelines are being implemented in different areas.
 - We had a pre-feasibility study done for the South End Living Shorelines Project in Bolinas Lagoon, and are working to raise funds for a full feasibility study. The goal is to restore natural wetland to ease climate impacts.
 - Native Oyster Resilience in Tomales Bay related to living shorelines: Looking at potential use of native oyster reefs in Tomales Bay to enhance resilience of the bay. The SAC's working group provided recommendations that the SAC passed on to the sanctuary in August, to ensure the native oyster population is sustained in the bay and to look into the feasibility of native oysters as a living shoreline tool. We are working with Marin County to look at the feasibility. We should have more information in February 2020.
 - Kelp Recovery Plan
 - A lot of progress since the SAC made its recommendations in 2018 thanks largely to Rietta Hohman's work on the plan and spearheading the new project. GFNMS and the Greater Farallones Association are really advancing the work on this in the region.
 - We've had multiple joint NOAA-California Department of Fish & Wildlife (CDFW) ecosystem survey cruises. Rietta is coordinating the kelp recovery network (KELPRR), which is a huge consortium of stakeholders. Along with The Nature Conservancy, we've conducted drone surveys of all of the potential recovery sites identified in the recovery plan. We're using the drone imagery data along with satellite data to determine the most efficient method of monitoring for kelp biomass. It's a huge step forward for research and monitoring.
 - We are incorporating kelp loss messaging into our Greater Farallones education programs including Fishermen in the Classroom, after school programming, family workshops, etc.
- Broadly working to incorporate climate messaging into all youth and public education programs including LiMPETS, the Ocean Climate Summit, our climate adaptation toolkit for MPA managers, ONMS-wide training, courses for federal managers, etc.

- Demonstration of the online Climate Program Story Map, an educational outreach tool for partners, public, funders, etc. to learn about Greater Farallones ocean climate adaptation. View the Story Map: <https://farallones.noaa.gov/manage/climate/storymap.html>

John Berge: Recently learned about a project in San Diego where they are constructing hard armoring, but it's set up to be an environment that organisms can grow on. It's essentially an artificial tidepool. I'm curious if you know more about these.

Sara Hutto: Yes, there are examples of these (e.g., Seattle's living sea wall). During the SAC's 2016 Climate Adaptation Working Group, we had some recommendations around that. If you have to reinforce the shoreline, use materials that are amenable to the natural environment and to organisms. We refer to the "green-to-grey scale", where you can mix natural elements with more hardened protective elements. There is a lot of innovation and development happening in that area. So those are definitely viable options.

Paul Michel: Who are the primary users for the Climate Adaptation Story Map?

Sara: I would like it to be a tool for sanctuary managers and staff across the system to get a better idea of what they can do. I also anticipate it being used by some of our partners to better understand our work, as well as the general public and any potential funders.

Paul: Could it be useful for coastal planning?

Sara: Yes. This is going to be a living tool that we update regularly and its publicly available. It's an amalgamation of different layers of work and data, and different sites where we're focused (kelp, living shorelines, sediment). It's representative data.

Carol: Great way to visualize planning. It could drive people to figure out where to do something with high potential for success.

Presentation: GFNMS Coastal Resilience Sediment Plan

Max Delaney, GFNMS Permit Coordinator; Wendy Kordesch, PhD, Geological Oceanographer (GFNMS Affiliate)

[View presentation.](#)

- The Coastal Resilience Sediment Plan will be used to identify and guide sanctuary-focused approaches to coastal resilience from a sediment management perspective, building upon the GFNMS Climate Adaptation Plan and the State-led effort to create four Coastal Regional Sediment Management Plans: Sonoma/Marin (our plan), San Francisco Central Bay, San Francisco Littoral Cell, and Santa Cruz Littoral Cell.
- It's important to think about sediment management on a broad scale. It's often considered on local scales, but we need to incorporate information from all of these plans.
- Plan objectives:
 1. Identify sediment imbalances in the sanctuary's boundaries;
 2. Coordinate collaborative sediment management actions within the sanctuary;

3. Restore natural sediment transport and ecological functions of the North-central California coastline;
 4. Increase public understanding of, and support for, regional sediment management.
- Outcomes:
 - 29 site-specific strategies at 15 locations in the Sanctuary
 - 73 site-specific strategies at 37 site locations forwarded to partner agencies
 - 11 site-specific strategies not consistent with policies and regulations
 - 3 case studies
 - 6 regional themes for sediment management in the North-central Coast
 - A new multi-agency Sediment Coordination Committee
 - We compiled and assessed 115 strategies at 41 site locations included in the plan.
 - Narrowed down to 29 sanctuary focused strategies at 15 site locations
 - 6 strategy categories: restoration of dune/upland/marsh, beach nourishment and restoration, living shorelines, research, education, dredging
 - Assessing which sites to focus on by assessing benefit, resources, support, and urgency
 - We have three case studies informing our work: Bodega Harbor Dredged Material Reuse Project, Bolinas Lagoon South End Living Shoreline Project, Surfer's Beach Pilot Beach Restoration Project.
 - For each of these sites, there has already been active discussion and projects started. We think we can achieve effective adaptation work.
 - 6 regional themes for North-central Coast: the four CRMSP/Rs list 39 recommendations. GFNMS condensed these into 6 overarching themes:
 - Leverage Partnerships and Agency Coordination and Information Sharing
 - Engage Communities and Stakeholders through Education and Outreach
 - Maintain and Expand Sediment Research and Monitoring Activities
 - Restore Natural Habitats and/or Sediment Dynamics and Pursue Nature Based Solutions to Avoid Hardening the Shoreline
 - Encourage and Increase the Beneficial Reuse of Sediment
 - Utilize a Holistic, Watershed Approach to Sediment Management
 - Since the August 2019 SAC meeting presentation, we have:
 - Presented the draft plan to Coastal Sediment Management Workgroup (CSMW);
 - Presented to the North-central California Coast Sediment Coordination Committee (NCCSCC);
 - Finalized the headquarters review;
 - Began development on a web story for the ONMS website;
 - Finalized the Plan, which will be out this week;
 - Working on developing guiding documents for NCCSCC.

Discussion:

Cea Higgins: Sonoma County is in the midst of releasing a revised coastal resilience plan. In this new draft, there is no coordination for any of these strategies for Bodega Harbor. They almost eliminated all existing policies. I hope as a part of this steering committee, you could offer insight from some of these well-vetted recommendations.

Presentation: Discovering the Greater Farallones and Cordell Bank Sanctuaries Deep Seafloor, E/V Nautilus

Jan Roletto, GFNMS Research Coordinator

[View presentation.](#)

- Highlights from the *Nautilus* cruise in early October 2019, which included seven days at sea.
- The target area was Point Arena South and adjacent areas. The entire area is about 96 square miles, so quite large. It was designated as an essential fish habitat (EFH) in 2006. There was not a lot of data at the time on the substrate or biomass. Since then, we've conducted numerous survey cruises to map the substrate.
- This cruise was to collect quantifiable data to contribute to the National Marine Fisheries Service (NMFS) substrate models and to help verify those models.
- We completed four remotely operated vehicle (ROV) dives and collected 16 samples in Greater Farallones and 22 in Cordell Bank NMS (38 in total), including biota; sediment; and water samples that will be used for environmental DNA (eDNA), climatology, and taxonomy research.
- The Ocean Exploration Trust, the nonprofit group that ONMS has been working with, partnered on the cruise. NOAA funds go into these cruises to help promote telepresence within the sanctuaries for research, education, and outreach.
- We found about 2-3 new species and collected 27 quantifiable transects. Had 63,000 live views while on the cruise through the Ship-to-Shore program, including people engaged from 80 different countries. Surveys ranged from 1800m to 60m.
- Data collected can be used for years to come.
- Highlights: We saw large schools of krill, lots of cow cod (which was previously considered "overfished"), aggregations of herring, various rockfish, a variety of invertebrates (numerous octopuses) and sponges. Also found red coral in areas proposed to be closed to bottom trawling, and found a new species of predatory sponge.
- Samples are at the Bodega Marine Lab, Smithsonian, Harvard, and California Academy of Sciences for further research.
- This area is proposed to be closed to bottom trawling within the sanctuary. More information will be shared when we hear more from the NMFS.

Discussion:

Abby Mohan: There are areas in the sanctuary where bottom trawling is allowed?

Jan: Some areas are currently open to bottom trawling but proposed to be closed. The goal of these cruises is to see how many fish are using these areas. We work with NMFS to identify the sensitive areas. We look at what is there before the trawling activities, what happens after. There are sedimentation issues in some areas, but when you get 200m and deeper, you're not going to see the sedimentation as much.

Paul Michel: Is there any interest or desire to go to areas that do have bottom trawling to see what it looks like and compare?

Jan: Yes, but I wouldn't use this ship for that because those areas are shallow so we wouldn't be able to use this equipment.

BREAK

Member Reports

Bibit Traut, Education, Alternate: Bibit would like to highlight the *Wild SF* program, which is a naturalist course and certification through City College. They partnered with the sanctuary's LiMPETS program and it was very successful. For many of the students, their favorite experience was spending time in the sanctuary. Many of them living in San Francisco didn't even know it was there and it was an amazing way to highlight the sanctuary. Both Elizabeth and I worked on this. It was highlighted in the Greater Farallones Association newsletter recently.

Kris Lannin Liang, CAL San Francisco/San Mateo, Alternate: Mavericks was canceled and replaced by a Strike Missions competition where people take pictures or videos and a panel decides the winner. Sea Hugger was out at Pillar Point looking for funding for their sea bin project that collects marine debris. San Mateo county worked with Harbor Mission to conduct safety training and emergency response at Pillar Point with discounts to low income surf programs. There is new leadership on the San Mateo Harbor Board of Commissions and a new San Mateo County Park director. I'm in contact with people who do seal sitting, which is different from Beach Watch's work to survey pinnipeds because they're spending a bit more time with the colonies. This year, they reported a greater than normal mortality rate of harbor seal pups and rookery numbers are low. Sean Johnson at The Marine Mammal Center says they saw a spike in subadults and adult numbers in July. There is a cultured bacterium that could be a contributing factor. They have yet to identify specifics but thought that coyotes may be predated on harbor seal pups. But these are just anecdotal observations. Sean also said that Northern fur seal stranding had a huge spike this year.

Bruce Bowser, Conservation:

The Bolinas Lagoon Advisory Council met on October 18. All agencies were present.

- Wave action on Bolinas Lagoon is affecting shoreline property and potentially infrastructure.
- Methods to mitigate wave action are being examined. Marin County has installed new speed restriction signs for transiting boats.
- There was discussion of GFNMS involvement to assist residents along the Seadrift side of Bolinas Lagoon utilizing living shoreline principles and practices.
- There was a discussion of moorings in Bolinas Lagoon. There are numerous moorings in and along the main channels of the estuary, many of these are decades old. At low tide, some have no water to motor out. GFNMS will maintain contact with the Bolinas Rod and Boat Club and residents of Stinson Beach as planning evolves.
- Constituents are generally pleased with the plans to rebuild and totally revitalize the Bolinas Marine Lab, owned by the College of Marin: Nearly all welcome the revitalization of the marine labs. Issues of parking (public or private) in front of the lab are still a matter of contention.

Local News and Views

- The buzz at the docks is that it has been a great year for Chinook salmon. Bolinas Bay has proved to be very productive from July into September, with catch way above recent seasons and abundant supply of anchovies and sardine due to increased rains in the two most recent years and lack of *El Nino* conditions.

- Olema Creek that flows to Tomales Bay has seen a 95% decrease in fecal coliform over the last two decades thanks to PRNS and rancher efforts to fence livestock from the immediate creek watershed.
- A *Pt. Reyes Light* article from October, “Mr. Lunny Goes to Washington” discussed oyster grower Kevin Lunny’s trip to the White House to meet with the President and other business owners who have faced federal oversight in recent years. The President consoled Mr. Lunny by saying that “Do not feel bad Kevin, they treated you better than they treat me”.

Dominique Richard, CAL Marin: Tomales Bay Watershed Council is reorganizing. There is tension between the Tomales Bay Watershed Council Foundation and the Executive Committee. We are happy there is more representation, and the sanctuary is back in there. I participated in the Environmental Action Committee of West Marin (EAC) “Litter Bugs Me” cleanup program. It was mostly cleaning on roads. I find these to be an interesting exercise in anthropology and to look at what you find kind of trash on the road. I will participate in a training on water bird recognition from Audubon Canyon in the next few weeks.

Regarding the proposed SAC resolution on the USFWS proposed South Farallon Island mouse eradication project that was distributed to the council, my email: the SAC passed a resolution in 2013 to say that we need more information. USFWS has published their final Environmental Impact Statement report, and the next step is to go in front of the CCC. Unfortunately, it was not good timing for the SAC to take any action this past summer when the CCC was considering the proposed project. We tried to have a webinar and have a virtual discussion to pass a resolution or flesh it out, but it logistically was not possible. USFWS pulled their CCC proposal. With the proposed resolution that I wrote, there is no direct commitment. I suggest we: A) Do nothing at this time and when it comes back before the CCC, we can bounce back the same resolution we passed five years ago (I don’t think this is reasonable); or B) It would be helpful if everyone present here can provide their initial reaction or gut feeling on the proposed resolution I provided, so that I can modify or change the resolution if needed. I’d like to have that and if necessary, if the CCC brings it up before our next SAC meeting, then we can go back to the webinar idea so that we can get a resolution.

Maria Brown: Would you like to have a discussion about this now during Member Reports or during SAC Business?

Cea Higgins: Would we be discussing the process or Dominique’s proposed resolution?

Maria: Process.

Abby Mohan: But is it still going to stand that we’ll have a presentation and discussion in February?

Dominique: That will be moot if the CCC meets and makes a decision before then.

Abby: The CCC doesn’t anticipate that being the case, so there’s no call for urgency unless things change.

Maria: The March date is not on their website yet.

Cea Higgins: Can we get confirmation that it would not be in from on the CCC in December, January, or February, before our February meeting?

Maria: USFWS says it will not be brought to the CCC before our February meeting.

Sarah Bates: Does the CCC have authority to approve or deny that action?

Maria: It's a federal consistency. Marty, can you provide more information about what a federal consistency is?

Marty McCoy: For any proposed federal agency action that impacts coastal resources of a state that has a coastal plan, that action is subject to federal consistency review, meaning that federal proposed action must be consistent with the State's coastal policies. It's not really an approval or disapproval process for the CCC, it's a "consistency review."

Sarah: Is that consistency ruling binding? Or can USFWS move forward with the project either way?

Marty: It depends on the outcome. The State would either submit a consistency determination or negative determination depending on what they consider to be the potential impact on state coastal resources. But because it is a proposed federal agency action, theoretically USFWS could continue with the action if the federal agency finds that it's consistent to the maximum extent practicable. But that's just a very general overview. There are a lot of ways it could play out in practice. There is also an agency-to-agency communications process that's looped into the consistency review.

Maria: In terms of the SAC process, to revisit what happened today regarding Dominique's proposed resolution. In July, Cea and Richard came to me to request an emergency meeting to discuss the UFSWS proposed project. I forwarded the request to staff but because I was leaving for annual leave and staff time was tied to other existing work at the time, we did not have the resources/capacity to hold an emergency meeting. We need a physical space for meetings if the SAC is going to take an action on a resolution. In order to have a meeting, we need to have a free space where the public can come to comment, and that's not always easy to find on short notice. We can hold educational webinars but not ones where there is going to be a SAC action.

In terms of what the SAC is interested in providing to the sanctuary in regard to the USFWS' proposed project: the USFWS' final Environmental Impact Statement says they will not be depositing anything into the sanctuary. In order for the sanctuary to have an action, USFWS would need to indicate they anticipate discharging into sanctuary waters and apply for a permit. Depending on the Record of Decision we may need to have a consultation with USFWS where we discuss mitigation for the potential action.

Marty: We would engage in consultation after a final alternative has been selected, but USFWS has not selected an alternative at this point.

Maria: There is not an action in front of the sanctuary at this time. In terms of providing comments and advice for us, what are you advising us as a council?

Abby: There are a lot of bureaucratic and agency specifics. From my perspective, being on the council as a representative of a community and being someone who people talk to about the sanctuary, I would like to be more informed on the issue so that I can speak more knowledgeably. It doesn't sound like there is necessarily an action, but there seems to be a lot of misinformation out there. It would be helpful to be able to convey that the sanctuary doesn't actually have any action related to this project.

Maria: So, the SAC wants to be engaged on this topic in terms of receiving more information?

Cea: To clarify the intent of Richard and I in asking for the emergency meeting in July: we were responding to a letter that had been written from the sanctuary to USFWS in February 2019 in which the sanctuary asked for further discussion of substantial issues. Our intent was to support that inquiry so there could be a determination of whether or not the sanctuary would be impacted. I have not appreciated certain members sending out one-off videos in emails. We should be open and be able to discuss and be a fair-minded body and not influence outside of this arena. Our intent was to support your letter.

Maria: Thank you.

Sarah: In terms of details of this proposed project, unless you suspend all rainfall and gravity, how can you expect the poisoned pellets not to go into sanctuary waters?

Maria: I cannot force USFWS to apply for a permit if they don't explicitly say that they're going to dump anything into the sanctuary. They have to come to me to request a permit. If they harm something in the sanctuary, then I can take enforcement action. I can go to them with what's called a 304(d) Consultation of the National Marine Sanctuaries Act, which means if they are going to do a federal action that will affect a federal resource of the sanctuary, I can then go to them to talk about their plan and how they plan to mitigate for their actions.

We will invite USFWS to present at the February SAC meeting to talk about their proposed project and address the letter we sent them in February. You will have an opportunity to ask questions directly to USFWS. They were unable to attend today's meeting due to scheduling conflicts and had RSVP's early on before this topic was considered for the agenda.

Dominique: The draft resolution I submitted was a working document that can be changed and modified. Ideally, we can have more discussion in February.

Alayne: We can distribute more information by email prior to the February meeting, and ask that members do not email the entire council with one-off emails regarding this topic. Members can send me information they would like disseminated to the SAC (published papers, articles, etc), I will compile everything into one packet and re-distribute prior to the meeting. Members will have a chance to comment during the February meeting so these should not be personal comments. The Executive Committee will review before it's sent out.

Maria: We will not censor the information provided. We will merely gather information you give us and compile it into a packet to redistribute.

Abby: Member comments should be given during the discussion at the meeting in February. We are trying to not have individual conversations happening by email. We want one discussion to happen so everyone has the same information.

Abby Mohan, Maritime Recreational Activities: Sailing season is coming to a close. We have one more eco-sail in the year. The ocean conditions have been good.

Sarah Bates, Commercial Fishing, Alternate: The salmon fishery was good this year. We saw lots of small fish throughout the season. Preliminary numbers on hatchery showing good returns into the Sacramento River. There is evidence that the Sacramento fall run is shifting its run timing to later in the season. The best explanation is that there's not as much cold, clean water in the river during the last summer months so they're coming later. The commercial Dungeness Crab season is opening on November 23, but that's up in the air. The domoic acid results showed two clean tests in a row, but it was a small sample size and only one of the samples was high. It's unclear what is going to happen.

Cea Higgins, CAL Mendocino/Sonoma: I'm confused about the difference between the written member reports and verbal reports. When someone submits a written report, is that in lieu of an oral report, and if someone is absent, can someone else report it?

Maria: We want your report to be captured exactly how you want it to be portrayed, so the written reports are helpful when preparing our meeting highlights.

Alayne: Written member reports are not necessarily in lieu of verbal ones provided during the meetings, nor are they required. But they are helpful for us when preparing highlights and potentially helpful for members when preparing their verbal reports. They are highly encouraged.

Nancy Trissel, CAL Mendocino/Sonoma, Alternate: Not present. Written report:

Dogwood Update from [FoGR \(http://gualalariver.org/\)](http://gualalariver.org/)

"Judge Chouteau retired, a new Superior Court judge has been assigned this case, Judge Arthur A. Wick. On August 13, 2019, GRT filed a motion to discharge the injunction. Judge Wick *denied* the motion.

Judge Wick ordered the following schedule:

1. FoGR is to file an opening brief by Nov. 22, 2019.
2. GRT and Cal Fire are to file opposition by Dec. 20, 2019.
3. FoGR is to file a response by Jan. 3, 2020.
4. A court date has been set for Jan. 24, 2020, 2:30 pm in Department 17, Sonoma County Superior Court."

Mill Bend is in Conservation Hands!

Trails for hiking and fishing, a picnic area and responsible public access that protects habitat are being planned and a Mill Bend Technical Advisory Committee is being formed.

Currently, the Mill Bend properties are owned by a conservation buyer, The Allemall Foundation. Redwood Coast Land Conservancy (RCLC) has a two-year window to raise the funds to purchase it. Grants are being applied for and there will be additional community fundraising to protect and maintain the property.

There is an overview article in the Press Democrat
<http://santarosapressdemocrat.ca.newsmemory.com/?publink=4326ea3ce>

And one in the Independent Coast Observer
<http://www.rclc.org/Mill-Bend.html#news>

From the Gualala River Park website (<http://gualalariverpark.org/mill-bend/>):
"The interim purchase of the Mill Bend property will enable the community to protect and restore the estuary and wetlands, which are critical habitat for many species of fish and wildlife, and at the same time will provide opportunities for riverfront trails and better river access for fishermen and paddlers while protecting the river from off-road vehicles and other damage."

John Berge, Maritime/Commercial Activities: I attended the National Marine Fisheries Service public hearing last week. They were discussing their proposed critical habitat for the endangered distinct population of Southern resident killer whales from Point Reyes to Big Sur, and expansion of their critical habitat for humpback whales. They have a public comment period until December 18th for the killer whales and December 19th for humpback whales.

Maria: The humpback whale critical habitat is within the sanctuary. We're submitting comments through the region.

Josh Russo, Maritime Recreational Activities, Alternate: *Not present. Maria read a written member report provided by Josh:* A lot going on with kelp restoration and urchin removal. I'm at the Ocean Protection Council (OPC) meeting today trying to get the State to commit to funding the large scale commercial efforts to rescue the kelp forest. At the Marine Resources Committee last week, the USFWS committed to having a compartmentalized list of tasks and goals ready by February based on the recommendations from the SAC working group. This will prioritize any future work so that as funds become available, we can put them to use immediately. I expect the OPC will ensure that they are going to approve funding by March for work to begin in April. Recreational and Commercial divers are working together with the CDFW and OPC to save our kelp forest.

SAC Business

MOTION: Approve August meeting draft minutes

First: Abby Mohan
Second: John Berge
Vote: unanimous
Motion passed.

Retreat follow-up: Annual workplan

Comments from SAC members during the retreat were incorporated and the 2020 SAC workplan document was redistributed. This does not have to be final and can be considered a "working document" that guides meeting topics and actions throughout the year.

Member recruitment update

Currently recruiting for the Conservation alternate seat and Youth alternate and primary seats.

SAC meeting dates: Some members asked to consider dates outside of Wednesday. Alayne will send a Doodle Poll for possible 2020 dates.

Cea Higgins: It would be beneficial to have a meeting in our Northern Expansion Area, north of Bodega Bay. Maybe something in Gualala. It's a beautiful place and it would be good for sanctuary relations in that area.

Maria Brown: If you know of free meeting spaces, please let us know. It's one of our limiting factors. We've used Fort Ross in the past for retreat space, so that may be an option.

Adjourn.

Meeting highlights prepared by Alayne Chappell, Advisory Council Coordinator