

**CHANNEL ISLANDS NATIONAL MARINE SANCTUARY  
SANCTUARY ADVISORY COUNCIL**

**MEETING MINUTES**

**February 25, 1999**

**Chase Palm Park Center  
Santa Barbara, CA**

**Final minutes**

**I. CALL TO ORDER, ROLL CALL, ELECTION OF COUNCIL OFFICERS:  
CHAIR, VICE-CHAIR, SECRETARY, CORRECTION OF DECEMBER 11,  
1998 MEETING MINUTES**

**A) Call to Order, Roll Call**

The following Advisory Council members and alternates were present:

Sven Foughner - National Marine Fisheries Service (alternate)  
Tim Setnicka - Channel Islands National Park  
Mike Hamerski - US Coast Guard  
Drew Mayerson - Minerals Management Service  
Fred Piltz - Mineral Management Service (alternate)  
Ron Dow - US Navy  
Gail Pringle - US Navy (alternate)  
Patricia Wolf - Department of Fish and Game  
Jorge Gross - Department of Fish and Game  
Brian Baird - California Resources Agency  
Gary Timm - California Coastal Commission  
Dianne Meester - Santa Barbara County  
Lyn Krieger - Ventura County  
Holly Lohuis - Tourism  
Rudy Scott - Business  
Jim Brye - Recreation  
Tony Gibbs - Recreation (alternate)  
Bruce Steele - Fishing  
Chris Williams - Fishing (alternate)  
Dave Long - Education  
Matthew Cahn - Research (alternate)  
Linda Krop - Conservation  
Jean-Michel Cousteau - Public at-large  
Barry Schuyler - Public at-large  
Craig Fusaro - Public at-large  
Mick Kronman - Public at-large

Marla Daily - Public at-large  
Jeff Auerbach - Public at-large  
Bill Douros - Monterey Bay National Marine Sanctuary  
Ed Cassano - Channel Islands National Marine Sanctuary  
Jackie Campbell - Santa Barbara County (alternate)

**B) Election of Council Officers, Chair, Vice-Chair, Secretary**

Edward Cassano discussed the nomination and voting procedure.

- Marla Daily asked how a council member could decline the nomination if she/he wanted.
- Ed stated that this was the forum to do so, and asked council members to wait and see who was nominated.
- Brian Baird noted that the non-voting members had the ability to cast a ballot in this particular occasion.
- Craig Fusaro asked Ed for a clarification on the mechanism CINMS had in place to facilitate the secretarial work. He also clarified that if the Chair was not present that the Vice - Chair would assume the role of Chair. If the Vice-Chair were not present, then the alternate to the Vice Chair would assume the role of Vice-Chair.
- Ed confirmed this statement, and added that the secretary would review the minutes and correspondence created by the SAC. Ed then opened the election procedure for nominations from the Council

**1) Chair**

- Brian Baird nominated Craig Fusaro because he believes Mr. Fusaro can add a lot to the Council as the Chair. As a facilitator and one who has knowledge of the marine issues ranging from the Bay Area down into Southern California, Mr. Fusaro should be considered.
- Many council members seconded the nomination.
- Craig Fusaro said that he would accept the nomination. He had previously spoken to his governing board and they had no reservations about him serving as a SAC Officer. Mr. Fusaro also noted that he had a concern about balance in regards to the SAC Officers. He cited the balanced structure of the SAC (community and government seats) as a possible basis for filling the Chair / Vice-Chair positions (i.e. community and government representation).
- Ed stated that this partitioning of officers is not part of the formal structure, but that the Council could discuss it.

SAC discussion ensued:

- Marla Daily asked the Council what the benefit of having a government/community officer structure was?
- Craig Fusaro believed it would give the officer's role balance.

- Rudy Scott said that the influence of the officer is directly proportional to the position (Chair / Vice-Chair) of the Officer.
- Ed then proceeded to read out of the SAC Charter section “Members and Officers” 7a page 5
- Bill Douros asked the Council what would happen if the Chair was a government agent and she/he was to draft a letter to her/his own agency for the SAC?
- Tim Setnicka said that he was pleased that this issue had arisen. He stated that the Park and the Sanctuary have overlapping boundaries and that he was only on the SAC as an advisor. In this position he could not vote on any issue that fell in the Park’s jurisdiction regardless of whether it was in keeping or not with Park Policy. He cited zonal fishing as an example adding that his agency does not use an advisory council. In fact they are prohibited to use an advisory council and use scoping instead.
- Ed stated to the Council that they were all exempt from FACA (Federal Advisory Council Act). Therefore, federal and state representatives could be SAC Officers. He also said that other councils including some within the Park Service have federal /state representatives and that this issue had not been a problem.
- Lyn Krieger did not feel it was good to have a government member as the Chair of the SAC.
- Dianne Meester disagreed, adding that her board at the Santa Barbara County nominated her to participate on the SAC. She felt that her agency would know the difference of correspondence from the County and correspondence on behalf of the SAC.
- Ed notified all members that letters from the SAC would be channeled to him primarily.
- Drew Mayerson said that the SAC was a group effort.
- Brian Baird said that the Sanctuary Manager could give the SAC advice to other agencies.
- Ed added that this was also only if the Sanctuary Manager approved it.
- Dianne Meester asked if the Chair / Vice-Chair should be voted on together.
- Dave Long asked the Sanctuary Managers if they had had this problem in the past?
- Bill Douros answered by saying that the MBNMSAC ended up with a non-governmental chair/ vice-chair without any prompting.
- Ed informed the Council that they would vote on the Chair at this time, ending the discussion.
- Craig Fusaro nominated Brian Baird due to his skills and the perspective he could bring to the SAC.
- Brian Baird declined the nomination due to internal matters at the Resources Agency, however he appreciated the nomination.

By acclamation Craig Fusaro assumed the role of SAC Chair.

## **2) VICE-CHAIR**

- Linda Krop nominated Dianne Meester, seeking to balance representation from government / community seats and gender.

- Holly Lohuis was nominated by Dave Long due to his desire to have tourism, a broad and highly impacted group, further represented and because he believed that the public would better understand her as an Officer for the SAC.
- Linda Krop added that the voting should be non-sequential just in case one of the nominees should be excluded from holding another officer position.

SAC voting followed:

Dianne Meester by a majority vote was elected to the position of SAC Vice- Chair.

### **3) SECRETARY**

- Jim Brye was nominated
- Holly Lohuis was nominated

SAC voting followed:

Holly was elected to the position of SAC Secretary.

### **C) Correction to December 11, 1998 Meeting Minutes**

- Brian Baird stated that the minutes should be revised by editing out the value laden verbs, such as “claims” and “condones”, replacing these with, for example, “stated” or “believes.”
- Ed Cassano added that the minutes are currently in draft form and that when the Council approves the minutes, they will be accessible to the public. He also stated that if there are substantive changes, the Council should bring them forward during the meeting, so as not to be misled by the draft minutes.
- Craig Fusaro asked the Council what motions or actions should be taken, prompting the SAC to bring forward any substantive revisions. He also set a March 15 deadline for the personal biography submittal, which would allow for it to be compiled and disseminated to the SAC by the next meeting.
- Brian Baird asked for the following corrections (corrections are underlined) to be made to his statements in these sections:

1. Section III, Public Comment (discussion)-

“Brian Baird did not necessarily believe that expansion of the Sanctuary Boundaries was required...”

2. Section IV, B (discussion)-

The last bullet will be changed to say:

“Mr. Baird stated that the SAC public comment period facilitates all discussion under the purview of the SAC Chair.”

3. An answer is given in Section IV, D to Bruce Steele’s comment

“Ed believes that the business seat captured the oil interests as well as industrial interests.”

- Fred Piltz pointed out that Drew Mayerson was not present at the December 11, 1998 SAC meeting.
- Gary Timm pointed out that the date for the Island Trip was incorrect.

“The date for the trip is July 22, 1999; please make note of this in your calendars.”

- Linda Krop posed a question to the Council on how to revise public comments.
- Craig Fusaro stated that the public will be informed that their statement will be incorporated into the minutes and that if they wish to make a correction, they could check the Sanctuary web site for accuracy.

## **II) ACTION ITEMS RAISED FROM THE DECEMBER 11, 1998 MEETING**

The Chair facilitated the following discussion

### **a) What is the scope of permissible public input?**

Is it relative to the issue, item by item, deemed individually, or does the SAC have the rule?

- Drew Mayerson believes that public input forms should be used to decide whether the input is applicable or not.
- Ed Cassano stated that if the issue raised by the member of the public was outside the scope of the SAC then the SAC would refer him/her to the correct agency or contact.
- Marla Daily suggested that speaker slips and a sign-up sheet be used.
- Ron Dow questioned how the slips would work, if there were a general question for instance, would the Council still hear it?
- Craig Fusaro stated that, hypothetically, if someone did come down to the SAC meeting, it would be a shame not to let him or her speak.
- Dave Long similarly stated that the Council should hear all public comment so as not to discourage public input, and that the SAC should act as a re-directing body. He added that if for instance the public participant was told to contact MERA, that MERA should be notified of the interested party.
- Tim Setnicka stated that Mr. Long had a good point and added that the Council should table issues in progress when the time slot for public comment is upon the Council.
- Ron Dow also agreed that a public sign-in and speaker card should be used.
- Brian Baird mentioned that the SAC in Monterey Bay has the following parameters in place for the SAC public comment period. First, the SAC assesses how many participants would like to speak during the allotted time. Second, they ask the speakers to condense their comments to a period of time that allows all public participants an equal amount of time. Third, the SAC allows the public to comment on anything. Mr. Baird also stated that the MBNMSAC does not truncate the response time to express opinions held by the SAC on the matter raised.

- Craig Fusaro then made a motion to table the discussion, which was then seconded by Lyn Krieger (note that the Public Comments are covered in section III of these Draft Minutes) The motion was approved by acclaim.

**b) How far afield are the working groups allowed to go?**

Ed Cassano asked all SAC participants to consult the Charter Section 5b page 9. He stated that the working groups were to expand upon topics that required more focused attention.

- Craig Fusaro asked that further input on this subject be given from Bill Douros and Debra Malek (NOAA Marine Sanctuaries Division).
- Bill Douros explained that the MBNMSAC has three official working groups, the RAP (research activity panel), an education group and a conservation group. There are also two unofficial working groups, a business/tourism activity panel and a Santa Cruz interagency task group. Their respective representatives from the SAC chair these working groups. The SAC picks the participants to the working groups as well. These working groups, which are ongoing, function autonomously, meeting eight to nine times a year in order to facilitate further discussion of Sanctuary issues.

The sub-committees fulfilled a different function according to Mr. Douros. They could be short-lived, dealing with particular issues as they arose. They could also be on-going such as the legislative sub-committee, which is a standing group.

- Ed Cassano noted that the RAP was a good example of a working group because it is focussed on a particular issue and was viable over the long-term.
- Debra Malek agreed with Mr. Douros on his assessment of the working group and sub-committee roles, adding that if the SAC did not represent certain interests that working groups could supply the additional input.
- Ed Cassano also mentioned that the Tortugas 2000 Group was another good example of a working group in that it gave the SAC a broader base of expertise. This expertise could also be funneled through a sub-committee and then to the SAC, if created in that fashion.
- Brian Baird noted that if there were an issue that the SAC was unfamiliar with, they would call upon the Chair of a working group to get a better idea of the issue.
- Jim Slawson questioned what direction the working groups will go, whether the SAC directed them or the working group acted spontaneously.
- Brian Baird suggested that the SAC discuss the need and time commitment of the working groups, but pointed out that the RAP had no stated mission. The RAP could also add or subtract members in accordance to need; thus the working groups are semi-autonomous.

**c) The distance for traveling expenses?**

The CINMS would refund travel costs for all public Council members whose distance to the meeting exceeded 75 miles one way.

**d) How are items placed on the agenda?**

- Ed Cassano stated that there were four ways for items to be put on the agenda:
  - 1- council member suggestion to chair/vice-chair with approval by the Sanctuary Manager
  - 2- Sanctuary Manager/ Chair conference
  - 3- From the public to the Council to the Officers to the Sanctuary Manager
  - 4- Directly from the Sanctuary Manager's need for advice
- Sean Hastings and Mr. Fusaro added that all items the SAC wishes to agendize should be submitted to Ed Cassano in writing.

**e) How will the SAC reach the public?**

- Sean Hastings explained to the Council that the CINMS had purchased advertisements in the Santa Barbara News Press, the Independent and the Ventura circulation of the Los Angeles Times. There were also public notices of the SAC meetings sent to all the libraries within the counties of Santa Barbara and Ventura. The meeting site, agenda and SAC background are online under the CINMS web page. Media advisories, press releases, and public notices were sent to all major local and state print circulations, TV stations, and radio stations. A meeting announcement was posted in the Public Square section of the SB News Press. Finally, all of those who applied to the Council were sent a public notice.
- Jim Brye recommended that the Council not forget about the southern portion of Ventura County, for example Simi Valley.
- Ron Dow sited that as commuters, the radio could play an important role.
- Craig Fusaro asked any participants with media experience or contacts to inform the SAC.
- Dave Long stated that he had some North County contacts.
- Tony Gibbs commented that he has had experience with press releases and noted that the media only picks up releases and advisories if they can profit from it.
- Linda Krop motioned that the SAC get a copy of the list of contacts that receive the advisories/releases/notifications.
- Ed Cassano noted that the media will be attracted to feature news and that periodically the SAC will have such an item on the agenda.
- Craig Fusaro added that the SAC members should work on establishing a relationship with reporters/writers to highlight SAC issues.
- The discussion was tabled by Gary Timm, seconded by Matthew Cahn and approved by acclaim.

**f) Letterhead**

Jim Brye has been working on the letterhead and presented what he had developed. The draft letterhead was developed with the help of a high school in Thousand Oaks. The

students took the MBNMSAC letterhead as a sample and used original wildlife photos to border the new CINMSAC letterhead. Another draft will be forthcoming at the March 26 meeting.

### III) PUBLIC COMMENT

Ed Cassano then recognized Debra Malek from the National Marine Sanctuary (NMS) Office Management Team, who was in the audience.

Debra stated that she had been with the NMS for 15 years, last year as the Pacific regional manager. Currently she is working on the revision of the Sanctuary's management plan and hopes to involve the SAC.

Ted Morton introduced himself as the new California Policy Director for the American Ocean Campaign (AOC) that has a headquarters in Washington D.C. and offices in Los Angeles. He is traveling throughout California scouting and learning about marine issues. AOC is interested in the Sanctuary's strategic plan development, any workshops and working groups. Water quality and education are priority issues for AOC.

### IV) CINMS PRESENTATION

Please refer to the attached slide presentation, which highlights the main points. Any additional information that was given is in this section and will be referenced to the corresponding slide page number.

#### a) **Ed Cassano - National Program Overview and Administration:**

Ed began by specifying the coverage of the Sanctuary, explaining that it incorporates a transition zone of warm and cool water systems. This transition creates a rich and diverse environment that is equally matched by its terrestrial counterpart -- the Islands. These oceanographic features are driving the system, and Point Conception creates an upwelling that provides nutrients for the primary producers. This leads to an abundance of aquatic life, which in turn supports much of the number one and number two fisheries in the state, sea urchin and squid.

- Page 2, Goals - point three  
Ed added that the CINMS strives towards public integration like that of the National Park system, explaining that the public is very familiar with the Park Service, and needs more awareness on the National Sanctuaries system.
- Annual Operating Plan – point one  
The Management Plan rewrite will begin scoping the last week in June of '99. Ed proposes that we discuss this at the March 26, 1999 meeting.
- CINMS Staff- Alolkoy  
The Channel Islands National Marine Sanctuary Foundation, a 501. C3 non-profit is managing the Alolkoy publication.
- Pg. 3, Military Activities,  
As examples, the Low Frequency Array (LFA) and the removal issue of undersea cables by the Navy.
- Pg. 4, Constituency Development, point four

The community-based process has been underway for one and a half years.

**b) Sarah Fangman - Research**

- Pg. 5, Research Activity Panel ( RAP )  
Sarah suggested using the RAP as a source of expertise.
- Pg. 6, *R/V Ballena*  
The vessel also serves as an education, command and control platform.

**c) Ben Waltenberger - GIS**

- Pg. 8, Geographic Information System  
Ben started out by saying that the CINMS GIS is a cross-sectional field that involves interdisciplinary input. This is due to the fact that phenomena are not restrained by boundaries, hence the CINMS must look outside the boundaries, including performing comparative studies.

**d) Matt Pickett - Aerial Program**

Matt started out by saying that the aerial program is a joint project with the MBNMS. It is also a highly effective way to tour the Sanctuary, conduct research and perform management tasks.

- Pg. 9, Aerial Program  
The Lake Seawolf, is flown once a week in order to chart marine mammals, plumes, vessel traffic and oil spills. This helps to keep the Sanctuary updated as to what is happening in the Sanctuary and supplies information for the long-term database.
- Pg. 11, Aerial Program  
The slides here depict two benefits of the program, which is spatial and temporal information. This is particularly useful in the case of an oil spill. The CINMS is able to map the event's coordinates and extrapolate possible effects using the GIS for support. In the future, Matt said that the incorporation of a mobile phone on the Sea Wolf would allow for real-time uplink from the field to the office, instead of having to physically return in order to download the information.

**e) Julie Goodson - Education**

**f) Shauna Bingham - Outreach / Volunteer Programs**

**g) Kathryn Hintergardt - WEB Page**

**h) Adam Petusky - Weather Kiosk**

**i) Robert Schwemmer – Cultural Resources**

**V) BRIEFING: SUSTAINABLE SEAS EXPEDITION (SSE)**

**a) Francesca Cava - Sustainable Seas Expeditions Project Manager**

Francesca Cava began by recognizing the driving force behind the SSE, Dr. Sylvia Earle, who is currently Explorer in Residence at the National Geographic Society (NGS). The project was launched by a generous \$5 million grant from the Goldman fund with additional money from NGS. The mission is to take the latest exploratory technology into the depths, beyond 150 ft, of the National Marine Sanctuaries over a five-year period. NOAA is therefore their primary partner in this Lewis and Clark-like expedition. Some other important partners that SSE has been working with are NASA, who has supplied SSE with remote sensing equipment, and Heal the Ocean, which will use sub time to study California outfalls and coastal plumes. The SSE will employ a variety of people, for example, researchers, teachers, politicians, and others, in order to glean their diverse responses to direct contact with the undersea environment. At this time, there has already been a two star Admiral from the Navy in the one-man sub, as well as numerous of trainees. This year has been the training year for the SSE while the Expedition itself will start in the MBNMS early this spring.

Ms. Cava then handed out diagrams of the research platforms that will release and capture the one-man subs, which weigh around 2000 lbs. During the first year, the expedition will show what can be done with the subs versus what the capabilities of divers and ROVs. Already many of the trainees have responded positively to their undersea experiences, proclaiming that the hard shell of the sub seemingly disappears, leaving one free to operate.

In conclusion, Ms. Cava stated that success of the SSE would bring better science to bear on the management of marine resources, creating a more realistic management strategy than that of the past.

Discussion followed:

- Dave Long pointed out that he Francesca Cava and RAIN had held a very successful on-line chat session. He added that this sort of interactive education would make productive headway into education.
- Ms. Cava then stated that interaction with the SSE would be facilitated much through the Internet. April 15, 1999 will be the starting date for the new webpage that will be open to the world, linking participants to the SSE. Additionally the public will be able to view and chat with the sub operators while they are submerged via uplinks. The spillover benefits to the SSE are vast and varied, for instance there has already been a “design your own sub” project carried out at the high school level.
- Brian Baird asked how much a day of diving cost for the SSE.
- Francesca Cava explained that it was \$4200 from the grant, \$3900 for the NOAA vessel, or about \$8000 per day for material costs. Furthermore, the SSE was not dependent on the subs strictly, there would be almost 24-hour research being done. Juxtaposed to NASA’s per space flight budget, Ms. Cava added, the costs of sub-time were negligible.

- In closing Ms. Cava stated that the project has been moving at an incredible speed, emerging from an idea that Dr. Earle had, to a proposal, then a grant, and now the training. The SSE will be a powerful tool that will hopefully energize NOAA now and in the future.
- Hillary Hauser, Heal the Ocean, was thankful to see minds coming together on this project. She was especially thankful to the fishermen, whose cooperation has been very helpful.

**b) Sarah Fangman – CINMS Research Program Specialist**

Pg. 18, Benthic Habitats of the CI

This study ties in with the fish egg and larvae study that is conducted in the Big Sycamore Reserve, Anacapa Island, San Miguel Island, Vandenberg Marine Reserve.

**c) Julie Goodson – CINMS Education Coordinator**

Julie started off by saying that the SSE and CINMS have created some concept ideas for community schools and constituent education.

- Pg. 18, Education and SSE, point one  
The Student Summit Team or SST is coordinated with the local high schools and encourages them to get involved with the role of researcher. Beginning some time in March the SST could culminate in the Team visiting the *USS McArthur*.
- Education and SSE, Point two  
There will be approximately 40 classrooms lined up, a possible live uplink and interviews with the researchers during the Camp Internet Expedition.
- Education and SSE, Point three  
During the GAFC, which is considered the Public relations media day for the CINMS, the SSE will participate by having Sylvia Earle Ph.D. pilot the one-person sub alongside the volunteers.
- Education and SSE, Point four  
The UCSB is developing a flora / fauna lists and will participate by compiling the data collected.
- Education and SSE, Point five  
There will be an open house June 5, 1999, which will use footage from the SSE
- Education and SSE, Point six  
Next year, teachers will be piloting the one-person sub, as a kind of liaison for the development of education programs.

**VI) BRIEFING: MARINE ZONING IN THE NMS, ED CASSANO**

Ed opened by stating that marine zoning is not a new issue for the region and that it is not new to the NMS Program. This is an opportunity to engage the public and brother / sister agencies, through the SAC, to deal with this emergent issue. The SAC is designed to give advice on just this type of issue, and to develop a process to consider the establishment of marine reserves that will engage all stakeholders. The CINMS has been working on this

issue for one and a half years. The CA Dept of Fish and Game is working in partnership with CINMS staff to address this issue in the CINMS.

Description of the Flow – Chart followed (see-attached diagram)

The proposed process emulates the Tortugas 2000 Project in the Florida Keys NMS in many ways, recognizing both federal and state jurisdictions. At the core of this process is the SAC, in addition a marine zoning working group, which will allow for a broad expanse of experts to participate in and develop this idea. The foundation of this process is based on strong science both biological and socio/economic data. The proposed process does not preclude other agencies desire to work on or become involved with the marine zoning issue. What the NMS Program seeks to do is establish a pathway, one that creates a comprehensive structure to address the establishment of marine zones. This follows from the NMS Charter Mission, to protect marine resources, to recognize users, and to allow for multiple – use.

SAC discussion followed:

Craig Fusaro opened, stating that the SAC could better understand this process if all participants speak their mind.

Dave Long said that he had heard about the rezoning / boundaries issue for quite some time in his community.

Ed added that there is a time frame to resolve the question, but there is no definite timeline. This process has grown from the community and it is in front of the community, represented by the SAC, for review. The CINMS knew that this question would come before us, it is in the scope of the CINMS purview, and part of the revision process of the Management Plan, that is why the Sanctuary Manager needs advice.

Mr. Fusaro noted that the Dept. Of Fish and Game and the Fish and Game Commission have their own timelines for this issue. This, he added, could be a discussion element for the next meeting.

Mr. Foughner added that we should all be interested in moving forward in an expeditious manner, since there is a F&G Commission sense of urgency.

Rob Collins- Central CA Coast Nearshore Manager, Dept. of F&G  
Introduced by Patricia Wolf, Mr. Collins notified the SAC that the F&G Commission wants to move forward on two fronts. Number one they want to move forward with a consistent policy. Number two: they want a community-based process to consider the question of marine reserves in the Channel Islands. Any decision as to the establishment of marine reserves is then subject to CEQA, which of course has a specific timeline, an assemblage of scientists, and is open to the public. The proposal that Ed is putting before us must be similar to the work being done by the F&G Commission and in the same timeframe.

The details of this process are not put together yet, but it might resemble the process for bringing species under the Endangered/ Threatened Species Act (ESA), in that the questions of why, when, where, and how will be the most crucial. Another direct correlation to the ESA is the up front process that takes place, followed by designation, and then the review to see if the policy worked. The Dept. of F&G wants to work with the Sanctuary to fine tune the process, which will in turn be submitted to the F&G Commission. The Commission then has the power to implement the marine reserves, especially when dealing with commercial fisheries management. Rob closed by saying that he hopes to move ahead on partnership with the CINMS due to their common interest and overlapping jurisdiction. At the next meeting of the Commission, Mr. Collins will try to bring an outlined process and recommendations on how the Dept. of F&G should proceed.

Sven Foughner, NMFS- Under the Magnusen Stevens Fisheries Act, fisheries management responsibilities are carried out on the regulatory side by NMFS, based on fishery management plans of the Pacific Fisheries Management Council (PFMC). In the absence of a plan NMFS promulgates regulations, if there is a compelling public interest. NMFS by-and-large relies on PFMC conclusions. PFMC is under pressure, as well, to consider marine reserves, and has named a marine reserve committee that will provide a mechanism for advice to the SAC. This advice will relate to marine reserves as a useful management tool, not so much looking at creating small reserves here and there but larger scale reserves as mechanisms for sustainable fisheries benefits. Reserves will be considered permanent, not rotated. However, this process has just begun; PFMC will meet on this for the first time this week. NMFS has scientists and managers on the committee. A report will be produced for NMFS on progress, but it will be some time until serious recommendations are put forth.

This suggested SAC process can contribute to the PFMC discussion, the type of information gathering and public input could be very useful, in looking broadly at marine reserves.

Cassano- When out beyond 3 miles the Sanctuary has a consultation requirement with NMFS and PFMC. CINMS is not a fishery management agency, but there is a strong linkage.

Fusaro- There are a number of initiatives that I'm aware of, like the Department of Commerce, the PFMC, NCEAS working group, Pacific Halibut Commission to name a few.

Rob Collins – The Pacific Halibut Commission is involved in an international treaty between NMFS and Canada.

Steele - There is also the Shelley legislation that was vetoed last year by the governor. The word is that the bill will be reintroduced. Thus there could be parallel legislation that will be moving but is not a bill yet.

Baird- The California Inter Agency Marine Managed Areas working group is chaired by the Resources Agency, it is a sort of parallel effort, when the Resources Agency prepared the ocean study, the Agenda for the Future, heard that the state effort was fragmented, confusing with many tiers of reserves. The study identified 16 different types of reserves in state waters.

The Marine Managed Areas working group is hoping to make a system more understandable and enforceable. They are looking toward a system where obvious no-take areas, an area of limited take, and other areas, in an effort to boil down the 16 different classifications.

The relation to the SAC process is simply that this is looking only at no-take designations so this process is top of the pyramid. The Resources Agency will continue to do the technical study, which will go to the Secretary of Resources, and if she concurs for pursuing, we will then go to the public for input. Therefore, legislation will not interfere or interrupt the no take zone process. We are ultimately looking at this process to designate reserves expeditiously.

Lyn Krieger – Are we approaching the Fish and Game Commission with boundaries types of restrictions – or is this still on the policy level?

Rob Collins – Policy is one side of it. If we begin the process of looking at specific reserves, then types of regulations, and the commission has a policy and must look at alternatives to satisfy CEQA, not necessarily a full blown CEQA

Lyn – What happens on the non-policy side? And does the definition of reserves exclude shipping transit?

Rob Collins – The Commission can only promulgate regulations on property that is controlled by the Fish and Game. The Fish and Game must lease from the state lands commission tidelands property that would underlie reserves, ship traffic is not within the Commission's authority, commission authority is over reserve basic regulations that prohibit just about every activity in that reserve. In existing reserve there are a block of regulations that make exceptions, the regulations are different for each reserve – Please see Title 14 of the CA Fish and Game Code, specifically section 630 where the specific regulations for each reserve are detailed. That is the end result of the decision process. The beginning is the development of options. CEQA requires the Commission to satisfy a CEQA-like process before moving to the regulation.

Although the Fish and Game Commission was designated by the legislature, the Commission is not subject to CEQA per se, the courts do require a CEQA like process, for example laying out options before decision making.

Steele – No-take zones and refugia are a no confidence vote in current management. Refugia imply that man is bad and what we do to the environment is bad, so preservation

is necessary, areas where man has no influences. I would like to test the null-hypothesis, where there are harvest areas that are just as big and try to enhance resources to demonstrate that we can manage properly, preserve as well as provide for consumptive uses.

The reality is that invertebrate fisheries, excluding squid, are going to be eliminated by the federal mandate that does not allow control of marine mammals. Sea otters are going to take over and under the current federal mandate we will not have any management on Channel Islands. Putting areas aside and not controlling sea otters will not protect invertebrate fisheries. The quandary I'm in is that society says that's what they would prefer, that wild animals take over the ocean. I'll sit here and say I can't stop the public at-large, so what they think is right, and I can't convince them otherwise. How can I preserve shellfish stocks, which is what I care about, in the face of what I'm telling you? At the very least, I think fishermen should be given a chance to do what we think is best.

Ed – Does the proposed process provide you that?

Steele – No, it doesn't offer mitigation and hope to the fishermen. It's not that it isn't possible, it just hasn't been offered.

Ed – The proposed process is a framework, it could certainly be part of it.

Steele - It is not specifically included as yet. This is not a “no confidence” vote in the process.

Fusaro - There will be a socio-economic working group. I presume where people that work on the ocean will be folded into the process.

Steele - It's not just about economics.

Fusaro - That's where the social aspects come into play. The value of livelihood and access to ocean resources.

Long – I have questions with timeline and policy. There is a national, international and state trend to accept responsibility for some type of management. Everything we've been informed of is that the seas are changing rather drastically. I believe if it goes to the public they should be told of the trend to save national, international, and local areas. This is the information that the Channel Islands council needs to get back to the communities –which the trend exists in the first place. There's this sense of urgency, but the public is not aware of it. The quicker we can get this information on time frames, the quicker we can get back to the public to step forward with their feelings. Because as big as the professional fishing industry is, recreational fishing is larger. One will affect the other. We need to get information on other policies.

Fusaro - We need advice on a draft proposal.

Ed - Bruce's comment would find a place in the process but this is when it's fleshed out. You see, the strength on this process is just for this type of opinion.

Foughner - I want to clarify that the PFMC is under pressure to act and they should act on the best information available. They will evaluate alternatives. PFMC process will be much like this proposed CINMS process, very deliberate. This proposed process is much the same –we haven't prejudged or made conclusions about what will come from the working group, which generate trust that the full complement of information will be evaluated.

Kronman - I emphasize that MPAs are moot unless we deal with the otter problem, and relocate them as per public law 99-625 passed in the mid 1980's. The federal government told the fishing communities that otters on San Nicolas Island would be removed along with any otters south of Point Conception. I feel we should have a pre-emptive discussion by the SAC regarding holding the Department of the Interior to this. Then we can deal properly with MPAs.

Ed – As a point of clarification, the SAC could vote on a letter, but the sanctuary manager would have to approve it.

Kronman - I amend my suggestion to consider a letter from the SAC.

Fusaro – These comments come from a point of view, an underlying assumption, that the best public use of resources in the Channel is relatively large and exploitable macro-benthic invertebrate communities. Maybe there are other perspectives as to what the public wants of an MPA.

Kronman – If the intent is to provide protection and rehabilitation of fishery stocks, if we don't address sea otters then we are not protecting them.

Fusaro – If only from invertebrate perspective ? Fishery management tools? What is it to Ed? If only one issue what is it?

Cassano – We have already talked about it in our discussion of zones. The marine reserve objectives for the CINMS were described. The term zoning is a broad concept on how to deal with marine issues. They will be defined.

Krop – There are a variety of agencies and groups looking at it from differing geographical and jurisdictional perspectives. It seems impossible to coordinate. We should have information showing us how to move through the working group process and in the management plan review process. And we need more interim fact-finding.

Cassano – The State is faced with the jurisdictional process and the action of the commission. They came to the National Marine Sanctuary for core elements; we're reacting to what they need. The Sanctuary Act says we don't regulate fisheries, we assist

in resource protection. We will segue into National Environmental Policy Act through the management plan review.

Lyn - This is not a new issue. When it first came up nearly 2-6 months ago, people were alarmed. There was pressure due to scientific numbers. We have many concerns, and shouldn't expect the resolution to come too quickly. Another concern is that there are so many places to speak and give opinions, it is difficult for these groups to track especially in such a short period of time.

Daily – Why am I uncomfortable that Bruce is the only representative of the fishing community here? There are so many different user groups—but he has only one seat, how do we mitigate this?

Cassano – The advisory council can create working groups. That's how to bring them in. The working groups empower stakeholders to also shoulder the burden. There should probably be a permanent working group on fishing for broad interests, which would flow through Bruce's seat. I am proposing that the Department of Fish and Game co-chair the working group on marine reserves.

Wolf – I can elaborate on that perspective. We think that the process has all the pieces. The Commission asked the Department if they could facilitate the consensus process. We thought the SAC could be that venue. One piece of the process that is very important is having all the stakeholders involved and the working group can be that venue.

Douros – Can this be done through the management plan review? It will be dealt with there along with other zones? Four to five months ago the Fish and Game Commission meeting had a lot of talk of marine zones already in effect, but it was not focused only on Sanctuaries. So they're doing something right now, but so should we. This is the right time to meld the processes. All of the issues can be dealt with in this context. Then take it to the Commission and see what they think. This is not about should we have marine reserves or not, but is this the right process. We can use the working groups when issues are too tough. The Sanctuary is doing this is an open way.

Schuyler – The only question here is do we have a commons in the fisheries? One solution we should think about is private ownership. As an example, the government exerts control over the land sold to oil companies in the Channel as a pattern of private ownership. Just think about it.

Meester - I have a question on today's expectations. Who are we going to pass this to? And what's in some of the boxes?

Cassano - Yes, we want a decision on the process, but not necessarily the details. This will get cumbersome.

Meester – My question is whether the council will establish working groups in phase 2?

Cassano – yes

Meester - How does phase one come about? Is it done by CINMS staff or by other groups?

Ed – If you look at the base of the diagram, you'll note the synthesis of data. The ability to do this exists in concept. A science-working group is needed. One is available locally and known as NCEAS. It is developing, in an academic sense, criteria for marine reserves. This is part of a two-year process, and they are already one year into it. The product will be criteria for managers to use in looking at the marine reserve issue. The NCEAS working group uses case studies. I thought the Channel Islands would be a great case study. NCEAS has agreed to take the data sets, synthesize them, use GIS, and generate a proposal. However we encourage the inclusion of other scientific groups.

Steele - NCEAS is pro-refugia. I think it is important that we use data from the Department of Fish and Game. This should be included as input into the science group.

Ed – We haven't assumed that you would accept NCEAS in the process right away. I would say that we have this group as an example. The Department of Fish and Game is working with us on this. And the process diagram still needs to be fleshed out.

Krop – So the science group is undefined right now?

Ed – Yes. But I am aware of this group. I would like to ask NCEAS to present themselves to the council for consideration.

Steele – This process includes more areas outside one mile than was put forth by the Fish and Game Commission. The Sanctuary's boundary is 6 n.m. verses the State's 3 n.m. It would be wise to expand the process.

Daily – As a policy question, is it possible to add seats to the council.

Ed – Well the council is chartered for three years. After that time it can be amended.

Daily - I would like more discussion on representation.

Krop – I think we should establish working groups before we expand the council.

**Public comment followed:**

Joel Quaid—The otters are going south. This should be a research issue. The fishermen and the public need to know this.

Harry Liquornik— I've seen a lot of processes over reserves, and I like the one that is being proposed.

Chris Williams- Fishing Alternate

Mr. Williams felt that the process was good, but he believed it could create a flood-tide in cities, municipalities, etc... for reserves. He also reminded the Council that this issue will effect the livelihood of fisherman and that in many instances the fisherman are not getting credit for the success they've had in marine fisheries management.

Mick Kronman- Public-at-large alternate

Mr. Kronman noted that the S.B. City Council was considering a resolution related to the marine reserve issue that was submitted by the Harbor Commission. If this resolution became city policy, it would be in front of the F&G Commission by Thursday March 4, 1999. The resolution urges the Commission to proceed with prudence, using scientific, conservation, and business elements in a balanced fashion.

Ed Cassano asked if that resolution was any different from the process that was before the Council?

Mick Kronman answered saying that they were on the same track.

AOC-

Stated that this was an issue that will likely effect the Sanctuary and that is wise of the Council to get ahead of the curve. This will in turn help to guide future work on the issue of marine reserves. From an environmental perspective, there is concern about the number of venues that the issue was being discussed at and the ability to participate in them all. He closed by saying that he supports the proposal put forth by the Sanctuary.

Bryce Simmons- NCEAS

Bryce said that he was not part of the marine reserves working group at NCEAS. He also stated in reply to Mr. Steele's previous inquiry as to NCEAS science, that they did not perform any kind of biased science. He used the findings NCEAS had disclosed for the Habitat Conservation Plans as evidence. NCEAS looks at all issues for models and uses not only scientific data, but also socio/economic data.

---BREAK---

## **VII) SETTING THE MARCH 26, 1999 AGENDA**

- Ed stated that he would like to have one hour for a discussion of the management plan review process. He would also recommend that the Council hear how the F&G Commission is handling the marine reserve issue.
- Dave Long and Bruce Steele suggested the Council have a briefing on the Southern Sea Otter issue, including the report from the Fish and Wildlife Service.
- Mick Kronman believed the Council should also be briefed on the transference of fishing permits.
- Ed Cassano felt that fishery management topics were more of an issue for the Dept. of F&G and NMFS. However, he would consider it for the next meeting.

- Brian Baird felt that the briefing on permits might be informative, but it was unwise to let the SAC get off track, pursuing issues not under the authority of the Sanctuary Manager.
- Linda Krop stated that she would like to see a briefing on water quality that would include a presentation by a representative of the MBNMS that would include answers as to how that sanctuary deals with water quality issues.
- Craig Fusaro stated that the agenda would need to incorporate issues that were not covered from today's meeting, namely the establishment of working groups and sub-committees.

The meeting concluded at 4:15 p.m.

Respectfully submitted,

Seth Race  
Advisory Council Administrator