

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

MEETING MINUTES

Wednesday, April 19, 2000

2:00 p.m. – 5:00 p.m.

Four Points Sheraton • Ventura, CA

In Attendance:

GOVERNMENT REPRESENTATIVES:

NATIONAL MARINE FISHERIES SERVICE

Alternate Korie Johnson

MINERALS MANAGEMENT SERVICE

Member Drew Mayerson

US NAVY

Member Alex Stone

Alternate Ron Dow

US COAST GUARD

Alternate Mike Hamerski

CA DEPARTMENT OF FISH AND GAME

Alternate Lt. Jorge Gross

CALIFORNIA COASTAL COMMISSION

Member Gary Timm

COUNTY OF SANTA BARBARA

Member Dianne Meester

Alternate Jackie Campbell

COUNTY OF VENTURA

Alternate Jack Peveler

CALIFORNIA RESOURCES AGENCY

Alternate Melissa Miller-Henson

COMMUNITY REPRESENTATIVES:

BUSINESS

Member Rudy Scott

RECREATION

Member Jim Brye

FISHING

Member Bruce Steele

Alternate Chris Williams

CONSERVATION

Member Linda Krop

RESEARCH

Alternate Matthew Cahn

PUBLIC AT-LARGE

Member Craig Fusaro, Ph.D. (Chair)

Alternate Mick Kronman

NON-VOTING MEMBERS:

**CHANNEL ISLANDS NATIONAL MARINE
SANCTUARY**

Alternate Michael Murray

Not attending:

GOVERNMENT REPRESENTATIVES:

NATIONAL MARINE FISHERIES SERVICE

Member Mark Helvey

NATIONAL PARK SERVICE

Member James Shevock, Ph.D.

Alternate Gary Davis

US COAST GUARD

Member Lt. Yuri Graves

MINERALS MANAGEMENT SERVICE

Alternate Fred Piltz, Ph.D.

CA DEPARTMENT OF FISH AND GAME

Member Patricia Wolf

CALIFORNIA RESOURCES AGENCY

Member Brian Baird

CALIFORNIA COASTAL COMMISSION

Alternate Jack Ainsworth

COUNTY OF VENTURA

Member Lyn Krieger

NON-VOTING MEMBERS:

**MONTEREY BAY NATIONAL MARINE
SANCTUARY**

William Douros, Superintendent

**GULF OF THE FARALLONES/CORDELL BANK
NATIONAL MARINE SANCTUARY**

Ed Ueber, Manager

COMMUNITY REPRESENTATIVES:

TOURISM

Member Michael Finucan

Alternate Alex Brodie

BUSINESS

Alternate Dr. Dan Secord

RECREATION

Alternate Tony Gibbs

EDUCATION

Member Dave Long

Alternate Larry Manson

RESEARCH

Member Leal Mertes, Ph.D.

CONSERVATION

Alternate Greg Helms

PUBLIC AT-LARGE

Member Jean-Michel Cousteau

Alternate Barry Schuyler

PUBLIC AT-LARGE

Member Marla Daily

1. Administrative Items and Announcements

A. Call To Order and Roll Call

Chair Craig Fusaro opened the meeting with a brief summary of SAC meeting procedures. SAC Coordinator Mike Murray called the roll. A quorum of voting members was present (12 seats represented at roll call). An additional three seats were subsequently represented as additional members arrived later in the day.

B. Introductory Remarks

Greg Helms of the Center for Marine Conservation was announced as the SAC's new Conservation Alternate representative.

C. Meeting Minutes

Draft minutes for the March 15th SAC meeting were distributed. A due date of May 1st was set for receiving Council comments. After May 1, the minutes will be considered final, and will be posted on the Sanctuary's website.

D. SAC Vacant Seats

There is currently a Public At-Large Alternate open seat. Some discussion over the criteria for choosing a Public At-Large Alternate took place. The SAC agreed that the Public At-Large Alternate should participate and, in concept, serve as a representative to everyone he/she talks to about the Sanctuary. Volunteer members of the SAC review subcommittee to evaluate applications for this seat (and agree upon three top candidates) are: Drew Mayerson, Linda Krop, Bruce Steele, and Chris Williams.

2. Management Plan Revision Process

A. Progress Report and Timeline

Anne Walton (CINMS) and Alice Green (Tetra Tech) provided a progress report on development of the draft management plan and draft EIS. Text from the overheads used for this presentation are presented below:

Public Process Overview:

- √ Public scoping meetings
- √ Synthesize scoping comments and present results to public
- Public Information Forums on select issues to be addressed by EIS – *April/May 2000*
- Proposed: SAC Meeting/workshop on boundaries and regulations – *May/June 2000*
- DEIS/DMP released for public comment – *Summer 2000*
- Final EIS/Management Plan – *Winter 2000*

Draft Management Plan (DMP)

Status of Program Area Sections:

- Research – drafted
- Education and Outreach – outlined
- Resource Protection – outlined
 - Policy
 - Enforcement
 - SAC
- Cultural & Historical Resources
- Administration

Format of Program Area Sections:

- Approximately 10 pages per program area
- Outline:
 - Introduction
 - Issue
 - Objectives
 - Action Plan/Program Description
 - Partners
 - Products
 - Timeline

- Performance Indicators

Issues to be addressed in Program Area Sections:

- Water Quality
- Military Activities
- Oil and gas Activities
- Vessel Traffic
- Emergency Response
- Visitor Use (recreational and commercial)
- Research Use
- Submerged Cultural Resources

Program Area Sections – Expected schedule for review drafts:

- Mid-April -> End of May

The Draft Environmental Impact Statement (Alice Green)

Section 5 – Affected Environment:

Purpose

- Fulfill NEPA requirements
 - Affected Environment
 - Status of Resources Report
 - Description of Proposed Action and Alternatives (DOPAA)
 - Environmental Consequences
- Describe environment potentially affected by federal action
- “Paint the Picture”

Organization and Status

5.1 Regional Setting

- Study Area
- Physical Environment
 - Geological Oceanography
 - Meteorology
 - Physical Oceanography

5.2 Bioregions

- Oregonian
- Californian
- Transition

5.3 Marine Ecosystems

- Habitats
- Biological Resources
- Biological Communities

5.4 Cultural Resources

5.5 Watersheds

- Freshwater Input
- Contaminant Sources

5.6 Human Community and Uses

- Fishing
- Oil and Gas
- Vessel Traffic and Harbors
- Military Activity
- Research and Education
- Recreation and Tourism

5.7 Natural Variations

5.8 Jurisdictional Setting

- Marine Reserves Working Group
- Federal Authorities
- State Authorities

Management Plan Meetings:

- Public Forum: Military & Coast Guard Activities in the Study Area
 - April 19, Ventura
- Public Forum: Status of the Resources Report
 - May 17, Santa Barbara
- Proposed: SAC Meeting/Workshop on Boundary Redefinition
 - May 30, Ventura
- Proposed: SAC Meeting/Workshop on Sanctuary Regulations
 - June 14, Santa Barbara

Discussion on Management Plan Update:

Linda wanted to know who they should contact if they had more information to contribute. Alice Green requested that anyone with additional information should e-mail it to her at alice.green@tetrattech.com. Anne suggested that anyone could provide information via CINMS' website at www.cinms.nos.noaa.gov. A member of the public asked if Mick Kronman's anecdotal data study was used in the Status of Resources Report. Anne replied that the anecdotal data will be used in the Status of Resources Report, as well as in the Management Plan GIS as a data layer. Jim Brye suggested that the recreational portion is incomplete because it does not address "cruising" by recreational boaters.

Chris Williams asked why the study area was so large. Anne stated that there has been some confusion between the study area and boundary expansion. The study area is larger than the Sanctuary's boundaries because you have to look at a larger area in a fluid environment. The Sanctuary commissioned a scientist to study the region and recommend a study area based on ecological linkages. Anne emphasized that the Sanctuary has not made any decision regarding boundary expansion.

Drew Mayerson asked if the SAC was going to get boundary alternatives before the May 30th meeting. Anne said yes.

3. Public Comment Period

Chris Williams asked if the SAC could write a letter to the Fish and Game Commission requesting a waiver that his boat can be operated with a crew when he can't be there due to his participation at SAC meetings. He would like to attend meetings during the day, but at the same time, he must sacrifice his income to do so. Craig suggested putting his request in writing, and Chris agreed to do so.

Eric Hooper asked about NOAA's 2020 plan. He has heard that NOAA has a plan to establish 20% of marine reserves by the year 2020. He also heard rumors that the Sanctuary or National Park Service would go beyond what the MRWG or SAC recommends. Mike Murray (CINMS), Sean Hastings (CINMS), and Korie Johnson (NMFS) had not heard of such a plan by NOAA. Mike Murray also stated that the Sanctuary would not alter a MRWG or SAC recommendation on marine reserves, and reminded the Council that the Sanctuary's commitment from the start has been to forward any such recommendation directly to the California Fish and Game Commission. Mick Kronman stated that "2020" is part of an environmental consortium. Craig Fusaro suggested that Eric Hooper provide a copy of the article he saw about "2020" to the Sanctuary, who will research it further.

John Johnson wanted to know why the SAC could not meet in the evening. Craig commented that there have been evening forums. Mike Murray stated that since the SAC was formed, we've held 7-8 evening meetings related to the SAC and/or the management plan revision process.

4. SAC Representation Revisited

A. Public At-Large Representation (Mick Kronman)

Mick Kronman (Public At-Large Alternate) reported that he has taken a job as the Santa Barbara Harbor Operations Manager. He was seeking a policy clarification regarding whether or not his representing the Santa Barbara Waterfront would encompass representing the Public At-Large.

Mike Murray asked Mick if he would be speaking on behalf of the Waterfront Department at SAC meetings and if he would be limited to only saying what the Waterfront Department would want him to say. Mick replied by stating that he would represent the interests of Santa Barbara City. He stated that the guiding policy document for the Waterfront Department is the Harbor Master Plan. He's comfortable in saying that he would represent the interests of the Waterfront Department.

Linda Krop expressed that she was not comfortable with the Public At-Large representative having a specific role rather than a broad one. She suggested that Mick would be able to join the SAC's Ports and Harbors Working Group. Mick stated that the Waterfront Department is interested in him participating on both the SAC and Ports and Harbors Working Group. Korie Johnson also commented that she is not comfortable with Mick representing just one city. She believes that there will be unfair representation at the city level. Mike Hamerski commented that to allow Mick to vote in this capacity would be to allow for creation of another government seat. Alex Stone stated that he agrees with Korie and Linda, but feels that every at-large seat representative represents their affiliated agency/organization.

Melissa Miller-Henson was concerned that Mick's employer has identified this as an issue. She believes that they might be thinking that he is being paid by the City of Santa Barbara, and therefore, is expected to represent their views. Melissa stated that she couldn't be at the SAC meetings representing her own views, because she is a representative of the California Resources Agency. Dianne Meester stated that other at-large members, while they have their affiliations, have not formally taken the position that they will only represent their affiliations' interests. Craig Fusaro stated that the Waterfront Department and Harbor consists of boaters, fishermen, tourists, etc. He believes that it's a broad constituency. He asked the SAC to consider what the Harbor represents.

Linda Krop reemphasized her belief that a Public At-Large seat that is limited in representation is a problem. She does not believe that Mick would represent the public. Dianne Meester stated that the interests that Mick would represent are broad, but the perspective isn't. She's interested in a non-governmental perspective. Mick stated that the City does represent the public. The Waterfront Department represents and deals with the interests of every different watercraft user and therefore, he would represent all kinds of different ocean users. Jack Peveler does not think that Mick's new job would change his representation.

Drew Mayerson wanted to know if the problem is that if you're a government employee, the SAC doesn't want him to represent the public? Or is it that Mick's employer wants him to solely represent the Harbor department? Dianne Meester said that it's the latter issue that makes her concerned. Melissa Miller-Henson asked if Mick is free to vote on something as he sees fit, even if it opposes the views of his employer? Mick's sense is that he'll get direction from the Waterfront Department, but as issues arise, he believes that they'll grant him leeway. Jackie Campbell asked if the Waterfront Department is governed by the City Council. If so, Mick will have to vote as the City Council would want him to. Mick replied by stating that if the City Council had an adopted policy on something, then that is true. But if the City Council had adopted a document like the Harbor Master Plan, it would be Mick's job to weigh the measures and issues that were before us on the SAC relative to the directors of the Harbor Master Plan and make discretionary decisions based on that relationship.

Melissa Miller-Henson stated that she's often been given clear direction by her agency on how to vote on issues. Eric Hooper asked if other Public At-Large representatives have the leeway to vote according to their own interests. He believes that the Waterfront Department affiliation will give Mick plenty of leeway. He's seen Mick represent a broad group well. Chris Williams stated that he wants Mick to keep his seat.

Dianne Meester read from the charter, "the three at-large members will be selected based on geographic diversity, breadth of experience and knowledge regarding marine issues, policies and practices." Craig Fusaro also read from the charter, in "Members and Officers" Category B, Part II: "The Sanctuary Manager may recommend to the Director removal of a non-governmental member of the Council if it is found that the member has violated one or more terms of this Charter or has failed to attend three consecutive meetings without prior arrangements. The Sanctuary manager may consult with the council prior to taking such an action." Craig noted that we don't have a clear direction in the Charter to remove anyone.

Gary Timm suggested that the Sanctuary staff and manager research it further. He doesn't want to rush into a hasty decision. Mike Murray stated that the SAC's advice is valuable to CINMS, but that ultimately it is a Sanctuary decision to be made. Mike also read from the Charter,

Section II, Part C – “Any Council member that has an interest (financial, personal or business interest) in any matter before the Council or a subcommittee or working group shall recuse himself or herself from any action on that matter including discussions and voting actions..”

Craig Fusaro asked if there are there any motions by the Council. Melissa Miller-Henson offered a motion “to recommend to the Sanctuary Manager that discussions be held with Mick and his future employer in regard to the relationship that Mick will now have in his new position with the Sanctuary, whether or not there are restrictions on his decision-making ability, etc. as a participant on this Council as a result of his employment with the City.” The motion was seconded by Jorge Gross.

Vote: Yes = 7, No = 8

The motion did not pass.

Mike Murray thanked the Council for their input, and noted that the Sanctuary would follow up on this issue and report back to the SAC.

B. Council discussion of SAC size and seat representation

Mike Murray opened the discussion on a procedural note by stating that any change to the Council’s configuration will require a modification to the SAC charter. Mike went on to state that the Sanctuary feels that the SAC is working fine and that we are satisfied with the current representation. Mike also stated that the Sanctuary would have concerns about the SAC becoming too large. Mike suggested that better utilization of Working Groups might enhance and broaden participation on the SAC. Mike commented that there might be a more appropriate time in the future at which SAC representation should be reconsidered: 1) if and when the Sanctuary’s boundaries are enlarged; and/or 2) at the point when the original SAC appointee seats expire (December 2001). Mike said that the Sanctuary is interested in hearing input and advice from the SAC on this matter.

Bruce Steele stated that although he doesn’t know everything about all commercial fishing activities, he nevertheless believes that the SAC is currently well balanced. He also believes that if a fishing seat is added, a conservation seat should be added. If the CINMS boundary expands, Bruce believes that perhaps an oil seat should be added. Chris Williams stated that he and his constituents disagree with Bruce on this issue.

Korie Johnson stated that if the Sanctuary staff thinks that everything is fine, then the SAC shouldn’t suggest a change. Linda Krop believes that we haven’t given the Working Groups enough of a chance yet.

Drew Mayerson stated that the Management Plan has identified that two of the three leading issues are water quality and oil and gas. He believes that neither is represented sufficiently on the SAC.

Someone from the public stated that there are other important factions (i.e. tourism, fish-buying distribution, etc.) that don’t have the input they should. Craig Fusaro stated that there are twenty alternates and twenty members, and that he recalls former manager Ed Cassano requesting that alternates try to show up at every meeting. Dianne Meester believes that the SAC is large

enough now, and if a change is to be made it should be an adjustment to the existing representation. Alex Stone stated that he's not sure if the Charter reflects what the SAC wants the at-large position to be. Melissa Miller-Henson reported that her agency doesn't intend both the member and alternate to attend all of the meetings. Melissa believes that if alternates are expected to vote, they should be considered members. Mike Murray commented that the spirit of the role of alternates is to encourage them to participate as much as possible, and to stay engaged in the SAC's deliberations. He acknowledged that, with good communication between member and alternate, this could be done without an alternate being present at all the meetings. Linda Krop stated that there is a difference between government and non-government seats and that those members and alternates might have different perspectives on this.

Dianne Meester offered a motion to recommend to the Sanctuary that the SAC representation be left as it is for now, to encourage people to come to the meetings and use Working Groups, and that the SAC could take this up again if and when Sanctuary boundaries are changed. Mike Hamerski seconded the motion.

A vote (14 Yes, 1 Abstention) carried the motion.

5. Update: Marine Reserves Process

A. Marine Reserves Working Group (MRWG) activities

Sean Hastings reported that the MRWG met on April 13th where they developed a working draft of goals and objectives (handout provided). The MRWG is now applying these goals and objectives. They will meet twice in June to focus on data coming in from the Status of Resources Report and the Socio-Economic Study. In July, the MRWG will have a joint meeting with the Science Panel. In August, they will apply that data and craft options. In September, the plan calls for the MRWG to draft a recommendation, and in October or November, they will finalize the recommendation to the SAC.

B. Marine Reserves Science Panel

Satie Airame reported that she is currently drafting a Species of Interest list for the region based on a set of criteria that was agreed upon by the MRWG. The Science Panel is currently reviewing this list. The MRWG requested a spatially explicit recommendation from the Science Panel.

C. Socio-Economic Study

Sean Hastings reported that the Socio-Economic Panel is working with various contractors and is currently in a data-collection phase. The MRWG will hear a status report by the Socio-Economic Panel on June 22. After June, the MRWG will meet in August to discuss options, which will then be given to the Socio-Economic Panel who will assess the impact of reserve scenarios.

Jesse Swanhuysen asked if the Socio-Economic Panel is working/speaking together. Sean stated that all of the socio-economic data, as being gathered by a team of local contractors, will be submitted to and synthesized by Bob Leeworthy, NOAA Economist. A member from the public asked about the scope of the Socio-Economic Panel. Sean described the panel, and stated that their involvement in data collection and analysis for the management plan revision necessitates that the Panel's focus is broader than just the marine reserve issue.

6. Future meeting dates, locations and agenda topics

A. Revised Meeting Dates/Locations

The SAC reviewed and accepted (by general acclaim) the following meeting schedule:

- May 17** (day) - SAC Meeting (Santa Barbara)
(evening) - Public Information Forum on Status of the Resources (Santa Barbara)
- May 30** SAC Meeting/workshop on Sanctuary boundary redefinition (Ventura)
- June 8** MRWG Meeting (Santa Barbara)
- June 14** SAC Meeting/workshop on Sanctuary regulations for DEIS alternatives (Santa Barbara)
- June 22** MRWG Meeting (Santa Barbara)
- July 19** SAC Meeting (Ventura)
- Sept. 20** SAC Meeting (Lompoc)
- Nov. 15** Tentative: MRWG Meeting
- Nov. 16** SAC Meeting (Santa Barbara)

B. Future Agenda Topics

The Council agreed that the following topics will be covered at the May 17th SAC meeting:

- ⇒ A presentation on existing fishing regulations, by Chris Williams and Eric Hooper
- ⇒ Update on the Management Plan revision process.
- ⇒ Update on the marine reserves process.

Meeting adjourned at 5:05 p.m.

Minutes respectfully submitted by,

Mettja Hong and Mike Murray
Channel Islands National Marine Sanctuary