

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

**FINAL MEETING NOTES<sup>1</sup>**

**Friday, July 22, 2005**

**Visitors Auditorium, Channel Islands National Park Headquarters  
1901 Spinnaker Drive · Ventura Harbor, CA**

*Note: Audio tape recordings of this Sanctuary Advisory Council (SAC) meeting are available upon request; contact the SAC Coordinator at 805-884-1464.*

**Attending:**

GOVERNMENT REPRESENTATIVES:

**NATIONAL MARINE FISHERIES SERVICE**

Member Mark Helvey

**NATIONAL PARK SERVICE**

Member Russell Galipeau  
(Dan Richards)

**US COAST GUARD**

Alternate John Luzader

**MINERALS MANAGEMENT SERVICE**

Member Fred Piltz, Ph.D.

**US DEPARTMENT OF DEFENSE**

Member Alex Stone  
Alternate Walter Schobel

**CALIFORNIA DEPARTMENT OF FISH AND GAME**

Member Marija Vojkovich

**CALIFORNIA COASTAL COMMISSION**

Member Rebecca Roth

**COUNTY OF SANTA BARBARA**

Member Dianne Meester [SAC Chair]

COMMUNITY REPRESENTATIVES:

**TOURISM**

Alternate Monica Baker

**Non-CONSUMPTIVE RECREATION**

Member Warren Glaser

**BUSINESS**

Alternate Bill Agosta

**CONSERVATION**

Member Linda Krop [SAC Vice Chair]  
Alternate Greg Helms

**COMMERCIAL FISHING**

Member Chris Hoeflinger  
Alternate Jim Marshall

**RECREATIONAL FISHING**

Member Merit McCrea

**EDUCATION**

Member Craig Taylor  
Alternate Barbara LaCorte

**RESEARCH**

Member Robert Warner Ph.D.

**PUBLIC AT-LARGE-1**

Member Jim Knowlton  
Alternate Phyllis Grifman

**PUBLIC AT-LARGE-2**

Member Eric Kett [SAC Secretary]  
Alternate Matt Lum

**CHUMASH COMMUNITY**

Alternate Paulette Cabugos

NON-VOTING MEMBERS:

**Monterey Bay National Marine Sanctuary**

Alternate Sean Morton, Management Plan Coordinator

**Channel Islands National Marine Sanctuary**

Chris Mobley, Manager

<sup>1</sup> Adopted at the September 23, 2005 SAC Meeting.

## Absent:

### GOVERNMENT REPRESENTATIVES:

#### **NATIONAL MARINE FISHERIES SERVICE**

Alternate Lyle Enriquez

#### **NATIONAL PARK SERVICE**

Alternate Gary Davis

#### **U. S. COAST GUARD**

Member Lt. Ronald Fien

#### **MINERALS MANAGEMENT SERVICE**

Alternate Ann Bull, Ph. D.

#### **CALIFORNIA DEPARTMENT OF FISH AND GAME**

Alternate Kristine Barsky

#### **CALIFORNIA RESOURCES AGENCY**

Member Brian Baird

Alternate Leah Akins

#### **CALIFORNIA COASTAL COMMISSION**

Alternate Gary Timm

#### **COUNTY OF SANTA BARBARA**

Alternate <vacant>

#### **COUNTY OF VENTURA**

Member Lyn Krieger

Alternate Jack Peveler

### COMMUNITY REPRESENTATIVES:

#### **TOURISM**

Member Lauri Baker

#### **Non-CONSUMPTIVE RECREATION**

Alternate Scott Dunn

#### **BUSINESS**

Member Bill Spicer

#### **RECREATIONAL FISHING**

Alternate Steve Roberson

#### **RESEARCH**

Alternate Ph.D. Dan Brumbaugh

#### **CHUMASH COMMUNITY**

Member <vacant>

### NON-VOTING MEMBERS:

#### **Monterey Bay National Marine Sanctuary**

Member Bill Douros, Sanctuary Superintendent

#### **Gulf of the Farallones National Marine Sanctuary**

Maria Brown, Manager

## Attendance

SAC attendance was strong in the morning, with 16 of 21 voting seats represented at the call of roll, increasing to 17 voting seats at the close of business; during the peak attendance 19 seats were represented. Seats absent for the day were Ventura County and the California Resources Agency. Public attendance peaked at approximately 12 individuals with over twenty visiting throughout the day. For part of the day Dan Richards sat in place for Gary Davis as alternate for the National Park Service.

## Administrative Business and Announcements

The May 20th draft SAC meeting notes were unanimously approved and adopted as final, subject to the incorporation of some corrections noted by Jim Knowlton.

Chris Mobley highlighted various items in the Manager's Report (provided to all SAC members and the attending public):

- The Pflieger Institute of Environmental Research (PIER) fish acoustic monitoring project, including development of an educational curriculum and an Aquarium of the Pacific exhibit.
- Results of this year's Xantus's murrelet monitoring indicate that these seabirds have had 90% nesting success, more nests than ever previously recorded by this monitoring project, and a lower level of nest abandonment. The success is believed to be in part due to black rat eradication.
- The R/V *Shearwater* is being adapted so that it can support the Channel Islands National Park's kelp forest monitoring project.
- July's Shore to Sea Lecture Series speakers Milton Love and Mary Yoklavich gave an excellent talk

about rockfish that was well attended. October's lecture will feature Dan Basta and Chris Mobley who will talk about policy and the future of the National Marine Sanctuary Program and Channel Islands National Marine Sanctuary.

Also, during the Manager's Report, Mike Murray described the status of the management plan revision process, explaining that a recent briefing with high-level staff from NOAA's National Ocean Service (NOS) went well, that a second NOS briefing is scheduled for August 3<sup>rd</sup>, and that beyond that only a few additional approvals remain to be secured prior to agency clearance being granted for the public release of the Draft Management Plan and Draft Environmental Impact Statement. That public release, which is hoped (but not assured) to occur by the next SAC meeting, will be followed by a public comment period that Mike described.

Several Advisory Council members made a variety of announcements, the details of which will be provided in the forthcoming draft meeting notes.

### **Council Member Announcements**

Chris Hoeflinger asked why the Sanctuary had not included the sustainable fisheries goal (developed by the former Marine Reserves Working Group) as a stated objective within the purpose and need section of the CINMS marine reserves environmental documents. Chris Mobley responded that the National Marine Sanctuaries Act establishes that the primary purpose of sanctuaries is to protect resources while still allowing compatible use. Therefore, he said, anything the CINMS is trying to do must flow from the Sanctuaries Act, and that holds true for purpose and need statements in the Marine Reserves preliminary DEIS. Chris Mobley explained further that adjustments to the stated marine reserve goals and objectives were made during the process for two basic reasons: 1) a legal analysis of what the Sanctuary Program can do, and 2) considerable feedback from PFMC's Science and Statistical Committee (SSC). Chris Mobley explained that the SSC, who reviewed both the California Fish and Game's CEQA document and the CINMS preliminary planning documents, commented that although the research suggests that this kind of action could help ensure that fisheries are sustainable, there is not a guarantee of that, and as such an explicit sustainable fisheries goal is not supported by the science. Chris Mobley assured Chris Hoeflinger that his comments, which are valid, will be reflected in the draft EIS and that there will be an opportunity to comment further.

Chris Hoeflinger also announced that there is an interesting new paper out, "putting the cart before the horse" (Peter Sales 2005); please contact him for more information.

Sean Morton with the Monterey Bay National Marine Sanctuary (MBNMS) provided a quick update on the Joint Management Plan Review process, stating that it is falling on the heels of the CINMS process and about to start the agency clearance process sometime in August. Sean said that they hope to get a management plan on the streets in November or December. Also, the MBNMS Advisory Council is having a meeting in Cambria on August 5<sup>th</sup> and has invited CINMS Advisory Council members to attend for purposes of getting a dialogue going about your experiences. Sean also said that the MBNMS Advisory Council is interested in the CINMS Advisory Council's experience with the management plan process and would possibly like to work together on other issues.

Fred Piltz informed the Council that the Minerals Management Service (MMS) is hoping to soon publish a document that indicates what research planning will be expected for the next few years. He also reported that MMS has funded Chris Lowe at California State Long Beach for a rockfish tagging project. Fred also announced that on August 10<sup>th</sup> there will be a California Coastal Commission hearing on the offshore oil and gas suspension of leases.

Paulette Cabugos thanked the Advisory Council for the condolence card recently sent to her and said it was much appreciated. Paulette reported that last Sunday there was a successful trip to Santa Cruz Island with a group of 26 people from the Chumash community that helped to connect people, and youth, to the islands and the ocean and build interest for the Chumash community working group. She said that CINMS staff were very helpful in getting this together in a very quick way. She also reported that Chumash elders were very happy about the trip and news got back to different councils throughout Chumash country. Paulette said that a newsletter will be put together to facilitate communications. She also described that eleven of the twenty-six people on the trip were Chumash youth, that it was nice to reintroduce them to ocean animals, and that she and others hope to include youth in revitalizing their connection to the land, plant and animal life at the islands. Paulette concluded that she is looking forward to formalizing the Chumash Working Group.

Rebecca Roth with the California Coastal Commission (CCC) announced that a CCC staff report on suspension of oil and gas leases will be posted in two parts on the CCC web site. The public meeting on this issue meeting will be held the week of Aug. 8-12 at the Westin Hotel in Costa Mesa. Dianne Meester added that Santa Barbara County's Board of Supervisors will be considering a recommendation on this at their meeting on August 2.

Linda Krop announced that the Environmental Defense Center has been monitoring Liquid Natural Gas (LNG) proposed projects. Regarding the proposed Cabrillo Port project, Linda reported that the Environmental Protection Agency just changed the assigned Air District for the project from Ventura and LA districts, which would have required project mitigation, to the Channel Islands district, which is twice as far from the project and will not require mitigation. Linda also reported that the proposed aquaculture at Platform Grace is on hold because Venoco is considering resuming oil and gas development again.

Marija Vojkovich announced that the California Department of Fish and Game will be holding five town hall meetings about fish hatcheries. Marija explained that the meetings will be about where trout should be grown and released. Marija explained that the Department of Fish and Game is trying to maximize this effort to meet the public needs. Marija also announced that the Fish and Game Commission is in the process holding several hearings about two subjects: the Marine Life Process Act's (MLPA) draft Master Plan, and the draft Abalone Recovery and Management Plan. Abalone plan meetings were held July 19 and are also scheduled for Aug. 4, 9 and 16. MLPA master plan meetings are scheduled for the same dates. Locations and times will be posted on the Fish and Game Commission's web site.

Russell Galipeau, Superintendent of the Channel Islands National Park, thanked Chris Mobley and staff for continuing support of Xantus' murrelet studies, and for providing support to the Park's kelp forest monitoring program. Russell said that he would like to work with the SAC to help improve attendance of the "*From Shore to Sea*" Park/Sanctuary monthly lecture series

events held in Santa Barbara, since they've has as few as six people attend in Santa Barbara while the rooms are full when held in Ventura. Russell also reported that the Park expanded their underwater video dive program to include an additional day, and that they have been working with the Navy to improve the telepresence project, in which they have plans to make an internet2 link to Nebraska state schools and get them commented to the Park and Sanctuary. Russell also commented that apparently a sea turtle may have nested at Christi Beach on Santa Cruz Island. Russell also announced that the Park had an unfortunate law enforcement incident three weeks ago whereby three divers were busted for illegally taking over nine adult sheephead, four which were tagged, from the marine reserve at Anacapa Island, noting that the take occurred from within the part of the reserve that had been closed to fishing for over 30 years.

Jim Marshall announced that the Kelp Forest Monitoring Program will be expanded the by 100% this year, with new sites being set up to provide more information from both inside and outside marine reserves.

Chris Mobley announced that CINMS has received funding from the National Marine Sanctuary Program to put signs at all of the major launch ramps in the area that provide a summary of MPA regulations and where to go for more information.

Barbara LaCorte acknowledged and thanked SAC member Bob Warner for the very interesting and educational presentation that he recently provided to the Channel Islands Naturalist Corps about marine reserves and monitoring.

### **SAC Fishing Education Series: Abalone**

Jim Marshall provided an educational presentation on the history and possible future of abalone and the abalone fishery within the Channel Islands, sharing many informational facts on population and density trends, management actions taken, monitoring efforts, and commenting on future opportunities. This was part of a talk Jim gave recently at an abalone conference in Tasmania.

Jim passed around one of the top ten largest abalone shells known from our local area. The shell belonged to a red abalone and measured about 12 inches in diameter; he also shared several other abalone shells from the local area. Jim discussed the impacts of fishing, natural predation, and disease on populations of abalone at the Channel Islands, and how these combined impacts have contributed to acute population declines of the five local species of abalone.

Jim encouraged the efforts of a "barefoot ecologist program" (based on work by Jeremy Prince) to help increase Channel Islands populations and improve overall health of abalone so that one day the species can be "sustainable" and opened again as a fishery, an outcome that all could benefit from. Jim placed strong emphasis on the need for fishermen and scientists to work together to achieve this goal.

### **Presentations: Addressing Anthropogenic Noise Levels & Impacts at CINMS**

Dr. Hildebrand, a bioacoustics researcher from Scripps Institute of Oceanography, provided a PowerPoint presentation (available upon request) about the basics of marine acoustics and his own research on this subject. He noted that the sanctuary is located within the intersection of marine mammal populations and increasing shipping activity between the U.S. and Asia, the principle port for which is LA Long Beach, which is supported by the shipping lanes that traverse the northeastern corner of the sanctuary.

Dr. Hildebrand played recorded samples of and explained the differences between sounds from seismic events, a wide range of anthropogenic activities, and also from various marine mammals and fishes. He presented data indicating that ambient noise levels in the northeastern Pacific are doubling each decade and discussed the possible impacts this may have upon marine mammals, in part demonstrated by an increase in the pressure from whale calls as whales have to call louder to be heard amidst the louder ambient noise.

Dr. Hildebrand also indicated how noise data may be used to detect behavioral patterns and population dynamics of marine mammals. Dr. Hildebrand concluded with information about his current Navy-funded project to place acoustic recording packages at certain cardinal California Cooperative Oceanic Fisheries Investigations (CalCOFI) stations in the Santa Barbara Channel for year-round acoustic monitoring, and coordinate this acoustic data with visual marine mammal monitoring data from John Calambokidis. Dr. Hildebrand also explained how this project could be coordinated with the NOAA Fisheries Ocean Acoustics Program to deploy additional acoustic arrays where needed and coordinated with vessel tracking Automated Identification System (AIS) data and sanctuary aerial monitoring data for sanctuary and other purposes.

Helene Scalliet provided a PowerPoint presentation (available upon request) explaining the current status of marine acoustics work within the National Marine Sanctuary Program. Scalliet explained she has been researching this issue and tracking related developments at national marine sanctuary sites, within the Marine Mammal Commission, and with NOAA Fisheries' Ocean Acoustics Program.

Due to interest in the Channel Islands National Marine Sanctuary marine acoustics case study at last year's National Sanctuary Advisory Council Chairs and Coordinators meeting, the 2006 meeting will include a special marine acoustics panel session.

Scalliet summarized marine acoustics developments at Stellwagen Bank (AIS and radar data linked to monitor interactions between vessel traffic and marine mammals), Olympic Coast (Advisory Council commented on NOAA Fisheries EIS to revise sound threshold criteria for marine mammals harassment permits; Canadian authorities limit seismic activity on their side of the border based on sanctuary information on humpback whale sightings in the area), Grays Reef (Sounds of the Sanctuary outreach project), and Channel Islands (marine acoustics panel, anthropogenic noise report and recommendations, graduate student policy research, Sounds of the Sanctuary project coming in August) national marine sanctuaries.

Scalliet noted that the National Marine Sanctuary Program is very excited about the potential to partner with Dr. Hildebrand and with Dr. Brandon Southall from NOAA Fisheries' Ocean Acoustics Program to conduct marine acoustic monitoring within the Channel Islands.

## **Public Comments**

Josh Kwellner (Graduate student with the University of Michigan) announced that National Marine Sanctuary Program Director Dan Basta will soon send a letter to all Sanctuary Advisory Councils informing them that a team of graduate students will be sending out surveys regarding SAC member experiences with the Advisory Council. Josh indicated that surveys will be sent to this Advisory Council soon, and he hopes that at least half of the members will respond.

To a question from the public, Dr. Hildebrand responded that to determine what the whales are communicating is very difficult because the recordings made in the wild can be a mix of many individuals. He did note that there is evidence that marine mammal mothers teach their young signature whistles.

To a question about the availability of the information contained in his presentation Dr. Hildebrand explained that the Aquarium of the Pacific includes an exhibit developed in his lab called “Voices of the Sea” and that his presentation is available through the sanctuary staff (contact michael.murray@noaa.gov).

## **Draft Report on CINMS Water Quality Needs Assessment**

Linda Krop provided an introduction to this topic, describing how water quality was selected as a priority issue by the Conservation Working Group a few years ago after discussing with Sanctuary staff a list of items that were not being adequately investigated, and explaining that over the last year and a half work had focused on developing a needs assessment for CINMS. Linda introduced presenters Sara Polgar and Shiva Polefka.

Sara Polgar began by presenting the driving question around which the needs assessment was organized (What actions should CINMS take to protect and enhance its water quality?) and from that the series of sub-questions that need to be addressed (What is the current status of CINMS water quality, what anthropogenic sources of pollution potentially affect Sanctuary resources, what do we know about these sources, what is already being done to address these sources, what gaps could the Sanctuary could fill, are there opportunities for partnerships with other agencies and organizations).

Sara briefly described sources of pollution that were identified and researched in their report:

- Non-point source pollution from the Islands;
- Small vessel traffic;
- Large vessel traffic (>300 gross tons) [shipping, cruise ships];
- Ocean dumpsites;
- Ship and plane wrecks;
- Offshore oil and gas production;
- Point source pollution;
- Non-point source pollution from the Mainland;
- Harmful algal blooms;
- Future potential sources (LNG, aquaculture, desalination).

Sara then went on to characterize gaps found in research and monitoring (water quality conditions are largely unknown; lack of sufficient data to characterize these conditions and document water quality changes; regular monitoring within Sanctuary waters; no clearinghouse of data from existing and future water quality sampling), followed by gaps in jurisdictions and regulations (lack of coordination and action to address sewage discharge prevention from island shoreline users as well as legal and illegal small vessel discharges and cruise ship discharges; lack of strategic planning/coordination on cruise ship visits; no CINMS authority to address discharges outside CINMS boundaries; lack of attention to pollution prevention from large vessel traffic), and also gaps in public education and outreach programs (lack of sufficient messages to visitors about the importance of protecting water quality at the Channel Islands; lack of coordinated messages to Park/Sanctuary visitors about bathroom usage by shoreline and near shore users; insufficient peer-to-peer water quality education and outreach to boaters on-the-water and at harbors; need for greater coordination and multi-language signage to address/educate about mainland sources of pollution and the link to CINMS).

Shiva Polefka then presented the report’s recommendations, which closely tracked the various gaps that had been identified. The recommendations began with suggested water quality planning approaches (plan to maintain and improve Sanctuary water quality in a manner that is Proactive, Channel-wide, based on a realistic threat assessment, and that leverages existing resources and partnership opportunities).

Shiva discussed a long list of CINMS water quality research and monitoring recommendations, including: determine the *issues* that drive Sanctuary water quality action planning; frame *questions* to guide research efforts, understand issues, and inform policy and management; compile and characterize available data; develop a CINMS monitoring plan; process existing samples; continue and adaptively improve the pilot water quality monitoring program at Island anchorages; formalize a data sharing partnership with the Channel Islands National Park; develop a marine debris research and monitoring program; coordinate with researchers on sampling of storm water plume composition for Santa Clara and Ventura Rivers; and continue to develop an interface to the Automated Identification System to monitor large vessel traffic in the Channel.

Regarding recommendations on jurisdictions, regulation and policy, Shiva described several suggestions: coordinate with the Channel Islands National Park to create a single policy to eliminate untreated human waste discharges from near-shore users (hikers, surfers, kayakers); consider policy options to minimize small vessel sewage discharges; explore regulatory options to prevent cruise ship discharges in and around CINMS; engage in strategic planning on cruise ship visitation; establish CINMS regulatory authority to protect against pollution that enters Sanctuary waters subsequent to discharge outside CINMS boundaries; enhance cooperative relations with State and County agencies; expand involvement in and support of existing multi-agency initiatives; establish a SAC Water Quality Working Group; and encourage federal decision makers to take advantage of existing policy opportunities to reduce pollution impacts from ships in Santa Barbara Channel waters.

The last portion of the recommendations involve public education and outreach, and were summarized as calling for CINMS and partners to: increase awareness of water's interconnections and the power of an individual's choices; help empower regional community members to protect and enhance ocean water quality; develop and disseminate a coordinated (CINMS/NPS) human waste discharge policy for the islands/near shore waters users; offer assistance to harbors in developing new and more effective signage to inform boaters about clean boating practices; coordinate an ongoing program for boater education and outreach involving on-the-water and harbor-based training; support initiatives to increase public awareness of mainland pollution impacts on Channel and Sanctuary waters; support and collaborate with organizations to develop public service announcements to encourage good trash management practices (particularly prior to storms).

For next steps, the Conservation Working Group is asking SAC members to please review part or all of the draft needs assessment report (available here: <http://www.channelislands.noaa.gov/sac/news.html>) and submit individual comments to Sara Polgar no later than **August 12** (email to [spolgar@bren.ucsb.edu](mailto:spolgar@bren.ucsb.edu)). The SAC will then receive the report again in September and consider taking action (endorse it, pass it through, etc.)

Questions and discussion by the Council raised issues such as the need to better understand and control unregulated discharges from large vessels; the long-term importance of addressing non-point source pollution; and consideration (the pros/cons) of entering into MOUs with multiple agencies, local government and tourism organizations in a way similar to the Monterey Bay National Marine Sanctuary's water quality protection plan.

## **SAC Letter to NOAA on Local Weather Buoys**

Sarah MacWilliams provided a brief status report on three local weather buoys that have been experiencing operational problems and are at risk of losing long-term financial support. Sarah noted that 1-2 years of funding had recently been provided by NOAA's National Ocean Service, that bad weather had prevented a recent attempt by the National Data Buoy Center to repair the buoys using the Sanctuary's R/V Shearwater as a platform, and that the U.S. Coast Guard is currently on call to provide

vessel assistance in the repair efforts as soon as the weather will allow.

In discussions about the draft SAC letter to NOAA written by Council members Bill Spicer and Eric Kett, the Advisory Council was generally very supportive of the letter and recommended only minor wording changes.

**A motion offered by Eric Kett recommended that the revised letter be adopted and sent by the Chair. The motion was seconded and passed unanimously. The letter will be emailed to all SAC members (just as a heads-up) prior to being sent to NOAA.**

## **Overview of California Department of Fish and Game Marine Region**

Marija Vojkovich, Offshore Ecosystems Coordinator for the California Department of Fish and Game's (the Department) Marine Region, provided an agency overview presentation (which will be printed and provided to absent SAC members). Marija explained that the Department was established in 1920 and that its marine region: spans the entire California coast; deals with the entire marine ecosystem; is overseen by a regional manager and four coordinators (offshore ecosystem coordinator, near shore ecosystem coordinator, bays and estuaries coordinator, research and monitoring coordinator); and has 120 full time permanent staff working in teams of 2 to 8 people focused on particular projects.

Marija then described: the mission and numerous specific responsibilities of the Department (including changes over time); the role of the Marine Life Management Act as a turning point for the Marine Region's management of resources; and the Marine Region's establishment of Work Teams, including tasks that are occurring either in partnership with CINMS or within/near Sanctuary waters (i.e., abalone recovery and management, implementation of the near shore fishery management plan, collection of fishery independent data, work on invertebrates, and marine protected area monitoring and enforcement).

Marija also explained the current membership and duties of the California Fish and Game Commission, as well as the roles and responsibilities of the Pacific Fishery Management Council (including the role of the Department as a member of the PFMC). Regarding the Fish and Game Commission, Marija explained that the Commission was established in 1870 as the first wildlife conservation entity in the U.S. and is made up of five governor-appointed commissioners who meet eleven times per year to establish policies and regulations for managing fishery resources. She also noted that because the Commission has no scientific staff they rely on the Department for biological information. Regarding the Pacific Fishery Management Council, Marija explained that it was established by legislation in 1974, has 14 voting members including citizens and representatives of resource management agencies from Washington, Oregon, Idaho and California, and that its purpose is to develop federal fishery management plans and recommend fishery management actions to NOAA Fisheries. Marija also explained that the PFMC does not have regulatory authority.

In response to questions, Marija described the effect of Department staffing cuts (up to 30%), the difficulty in replacing staff, the inability to contract for services, budget cuts called for by the Legislature, and the overall bleak outlook for improvement of the situation. Also in response to questions, Marija explained that the Department's primary source of funding is from hunting and fishing license fees, but further explained that these revenues now must be stretched to cover a broader range of duties and non-revenue generating programs that the Department is responsible for.

## **Marine Reserves Process Update and SAC Letter to NOAA**

Sean Hastings reminded the Advisory Council of the consultation CINMS entered into with the Pacific Fishery Management Council (PFMC), pursuant to the National Marine Sanctuaries Act [Section 304(a)

(5)] whereby PFMC recently received a package of information on the project goals, objectives, alternatives and impacts (to be placed on the CINMS web site) and was provided the opportunity to draft Sanctuary fishing regulations for the project. Sean also explained that the PFMC recently wrote back to the request, and that the letter had been provided to all Council members.

Sean also described that Vice Admiral Lautenbacher, the head of NOAA, had just written a letter to the PFMC's Executive Director explaining that in light of actions taken on June 15 by the PFMC recommending the establishment of Essential Fish Habitat within CINMS in a manner that would attempt to complete the marine reserves network, NOAA would need until "September or October" to complete a comparative analysis the National Marine Sanctuaries Act (NMSA) and the Magnusen Stevens Fishery Act and determine how to proceed. Sean explained that Lautenbacher's letter also said that in the meantime both the EFH process and the CINMS/NMSA process would continue forward on parallel courses.

Marija Vojkovich provided a brief history on the State's action to establish marine reserves within CINMS, the State's clear expectation that the marine reserves network be completed by federal agencies, and the State's growing impatience that the process to complete the network has still not been completed. Marija also described briefly how NOAA Fisheries' has been working for some time to establish Essential Fish Habitat and had recently released a Draft EIS document with a wide range of options and alternatives, from very restrictive to non-restrictive.

Marija went on to explain that in her role as the Department of Fish and Game representative on the PFMC, she saw an opportunity to utilize EFH as a mechanism to complete the Channel Islands MPA process, but because the idea to do this came up shortly before the June PFMC meeting there was no opportunity for a SAC meeting beforehand. Marija explained that in her PFMC motion recommending that EFH Habitat Areas of Particular Concern be designated in areas within CINMS (that would extend state marine reserves in a manner consistent with the State's original expectation), she spoke of the long-running public process behind the issue, emphasized that the ecosystem protection goals were foremost, and stated that a combination of agencies (NOAA Fisheries, California state landing laws, and National Marine Sanctuary Program) could provide the authority needed.

Linda Krop expressed that she was personally offended and deeply troubled by these events, explaining that she felt the SAC and CINMS had been blindsided by the sudden and unexpected PFMC action, that to be fair to the public process the EFH draft EIS should have identified the CINMS MPA option as a specific alternative, that it is wrong that there is now no ability for the public to comment on the PFMC's recommendation and Lautenbacher's pending decision before a final action will be rolled into a final EIS, and that the State should not have sent complaint letters to the National Marine Sanctuary Program regarding delays in the marine reserves process but rather should have directed those concerns to the PFMC.

Chris Mobley explained that for almost two years now NOAA and the PFMC has been hearing about and kicking around the question of which statute or combination of statutes is best suited for completion of an MPA network at CINMS, and that it has been difficult to do a comparative analysis of options. Now, Chris explained, NOAA has the benefit of being able to consider the PFMC's EFH recommendation as a specific point of analysis, which he said would be most helpful for NOAA's decision making.

Chris Hoeflinger stated that he was not sure the PFMC's EFH recommendation for CINMS was actually a departure from the ongoing process, as he noted the PFMC was always shown on process flow charts as a body that the project would go to. He suggested that perhaps the real departure from the process was the surprise need for the CINMS to have to change its designation document in order to complete the MPA network. Sean Hastings explained that the NOAA letter provided to the State of California prior to their

2001 adoption of MPAs within CINMS indicated that the federal phase of the project would go forward under the National Marine Sanctuaries Act.

Bob Warner raised concerns and questions about the permanence of CINMS marine reserves established by NOAA Fisheries under EFH/MSA, especially with regard to the uncertainty of how over time the PFMC will handle adaptive management decisions about the closed areas. Bob also posed questions about the Channel Islands reserves process as the SAC has known it, wondering if it might now be ending and further asking about what role, if any, the SAC would play should the EFH designations within CINMS be designated.

Mark Helvey explained that the PFMC recommendation was only meant to address fishing gear impacts, and as such there could be a need for Sanctuary or other authority to address other types of impacts. Marija Vojkovich (later) added to this point, stating that it was never the PFMC's intent to propose an action that would mean the PFMC would be taking over the management of the Channel Islands MPAs (e.g., monitoring, evaluation, education, etc.) but rather the idea is limited to just providing the legal fishing closure.

In response to questions from Rebecca Roth about how the PFMC-recommended Essential Fish Habitat action could address the long-standing community interest in having CINMS marine reserves provide biodiversity protection, Mark Helvey explained that while the Magnusen Stevens Act (MSA) does not directly address biodiversity protection, the protection of habitat from fishing gear provided under EFH/Habitat Areas of Particular Concern (specifically as proposed at the Channel Islands) is consistent with biodiversity protection, while other impacts/threats may not be addressed.

Phyllis Grifman, in response to Linda Krop's remarks, commented that what happened with the PFMC action did seem to circumvent the expected public process for considering Channel Islands MPAs. She also commented on the precedent-setting nature of what ultimately happens, noting that it could end up increasing the possibility elsewhere that Sanctuary Advisory Councils that work long and hard on a Sanctuary resource protection issue may be expected to turn over decision making not to the NMSP but instead to Fishery Management Councils who could simply deny whatever the project or proposal is.

Mark Helvey reminded Council members that NOAA is always sympathetic to public processes, but that nonetheless as a steward of natural resources NOAA will need to make a sound decision on the best action to take.

Jim Marshall noted that the California Fish and Game Commission also has to wrestle with similar issues (e.g., adaptive management decisions), and it is possible that at some point in the future they might decide to rescind the state MPAs within CINMS.

At the direction of the Chair, discussion then turned to the draft SAC letter to NOAA that had been written by Greg Helms and emailed to SAC members about a week before the meeting, with some feedback and input provided before the meeting from other Council members. In response to a non-binding poll of how many people felt ready to pursue sending some kind of letter to NOAA at this time, there were about 13 hands in favor and 5 hands opposed. Extended discussions from this point forward focused largely on understanding the reservations of members that were particularly uncomfortable with the proposed letter and reaching agreement on a series of edits to the letter aimed at reaching a point of consensus that would allow everyone to approve.

As objections to many parts of the letter were raised, and clarifying questions were asked, answers were provided by a number of Council members and various suggested edits were suggested. Seven members that were raising specific requests for edits that they felt were important or would help bring about more

agreement handed their written comments to staff, who were requested by the Chair to compile the edits into a single letter. The resulting revised letter was displayed for all, and subsequently edited further by the Council. The direction of edits was moving the letter from its starting point of offering two sections for differing opinions on the matter of which statute(s) NOAA should use for completion of the CINMS MPA process, toward a single collection of factual statements and questions that all Council members might be able to support.

As the meeting ran late and some members had to leave, there were no more specific edits suggested but a final observation that the tone of the letter, specifically the questions it posed, needed to be changed so that a bias could not be read into it. Chair Dianne Meester agreed that this could be done and that if the Council were to approve the revised letter, she would refine it accordingly.

In response to a motion that the letter be revised in a manner consistent with several edits that had been documented and some that had been expressed (see point above), then refined by the Chair before being sent to NOAA, a roll-call vote (which was interrupted for additional discussion but subsequently completed at the end of the meeting) produced the following results:

- **9 yes** (W. Glaser/Non-consumptive Recreation, L. Krop/Conservation, B. LaCorte/Education, J. Knowlton/Public At-Large, P. Cabugos/Chumash Community, R. Galipeau/Channel Islands National Park, A. Stone/Department of Defense, R. Roth/California Coastal Commission, D. Meester/Santa Barbara County)
- **4 no** (C. Hoeflinger/Commercial Fishing, M. McCrea/Recreational Fishing, E. Kett/Public At-Large, M. Vojkovich/California Department of Fish and Game)
- **3 abstain** (B. Agosta/Business, J. Luzader/U.S. Coast Guard, F. Piltz/Minerals Management Service)
- **5 absent** seats during the vote (Tourism, Research, NOAA Fisheries, California Resources Agency, Ventura County)

**Thus, the motion passed with a one vote majority (9 out of the 16 votes cast). Dianne Meester will complete the letter and it will be emailed to SAC members prior to signature and mailing.**

## Public Comment

Josh Kwellner will be sending out a survey to all the SAC members and hoping that at least half of the CINMS SAC members will answer it. Dan Basta will send out a letter to let you know it is coming.

## Working Group Reports

**Conservation Working Group.** Linda Krop reported the group had a meeting on June 22 to discuss their draft Water Quality Needs Assessment report, the status of the federal marine reserves and management plan revision processes, LNG issues, and offshore aquaculture.

**Commercial Fishing Working Group.** Chris Hoeflinger indicated that the group hadn't met but he is interested in trying to get more people involved and he asked whether communicating with constituents toward this end via email or teleconference rather than meeting in person is allowable under SAC rules. Chris Mobley confirmed that this method of communication is allowed. Hoeflinger noted that the next project he wants to address is working with the new SeaGrant staffer Carry Culver to determine what monitoring methods should be used at the Channel Islands.

**Recreational Fishing Working Group.** No report at this time.

**Chumash Community Working Group.** Paulette Cabugos acknowledged that Ricardo Melendez had to step away from his participation on the Advisory Council so there is now an open Chumash seat. Paulette reiterated the success of the recent Chumash community trip to Santa Cruz Island, stating that there are many Chumash people who don't spend a lot of time at the islands so it's a beautiful thing to see their first organic reaction to the ocean and island creatures. She also noted that she is planning to establish the first working group meeting in next month.

**Research Activities Panel (RAP).** Bob Warner stated that the RAP did not meet, but will meet before the next Sanctuary Advisory Council meeting. The RAP is still looking for meeting topics if anyone has suggestions. Dr. Warner indicated that the group will continue to discuss the deepwater monitoring plans for CINMS, and Collaborative Marine Research Program, and possibly other issues such as acoustics and water quality.

**Sanctuary Education Team (SET).** Jonna Engel, Sanctuary Outreach Specialist and Sanctuary Education Team (SET) liaison, provided a PowerPoint presentation about the outreach presentations she has been helping the SET develop.

- Jonna explained that the SET wants to make a contribution to sanctuary outreach and to be responsive to topical issues of interest to the Advisory Council by developing three presentations, along with scripts and photo libraries, for use by Advisory Council members, sanctuary staff and Channel Islands Naturalist Corps volunteers, when reaching out to the public
- SET will provide drafts of the presentations and scripts to sanctuary staff and Advisory Council members this week, and will also hold presentation workshops this fall to gather additional feedback on the draft presentations
- The SET's presentations (Discover CINMS, CINMS from A to Z, and Marine Reserve Network within CINMS) are designed primarily to convey the ideas that: the sanctuary is a very unique and special place, the sanctuary is worth conserving and protecting, and the sanctuary is yours so use and enjoy it.
- The SET plans to develop future presentations to address research, and habitats within the CINMS.
- Jonna explained that the next SET meeting will be held August 10, with an agenda including: review of the Conservation Working Group's draft Water Quality Needs Assessment, and a preview of the SET presentations and gathering comments on the associated scripts.

## **Future SAC Meetings, Events and Agenda Topics**

### **August 5th Monterey Bay National Marine Sanctuary Advisory Council meeting:**

- Sean Morton explained that the Monterey Bay National Marine Sanctuary Advisory Council has invited the Channel Islands National Marine Sanctuary Advisory Council to discuss topics of mutual interest, including how best to exchange information with sanctuary staff and constituents, at their August 5th meeting in Cambria.
- Members interested in attending should RSVP to michael.murray@noaa.gov. Four SAC members expressed interest.

### **Future Meetings:**

- Dianne Meester indicated that the next Advisory Council meetings are scheduled for September 23 in Santa Barbara followed by November 18 in Ventura.
- Advisory Council members discussed having a special session for the draft management plan release. Chris Mobley indicated that the Advisory Council would have two options for such a session: 1) hold an afternoon/evening Advisory Council meeting devoted primarily to the management plan, or 2) hold a regular Advisory Council meeting plus a second public meeting devoted to the management plan release. The majority of Advisory Council members present

indicated by a show of hands that they would be interested in having a special Thursday afternoon/evening meeting, with a dinner break instead of a lunch break, rather than having both a standard Friday meeting and a special additional session devoted to the management plan release.

*Meeting notes respectfully submitted by Channel Islands National Marine Sanctuary staff:*

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