



GREATER FARALLONES and CORDELL BANK
NATIONAL MARINE SANCTUARIES
JOINT ADVISORY COUNCIL MEETING

Red Barn Classroom, 1 Bear Valley Road
Point Reyes Station, CA 94956
Thursday, August 25, 2016

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

SAC Members Present: Christy Walker, Dominique Richard, George Clyde, Richard Charter, Jackie Dragon, Bruce Bowser, Francesca Koe, Bibit Traut, Barbara Emley, John Berge, Joshua Russo, Abby Mohan, John Largier, Jaime Jahncke, Caleb Rosen, Oliver York, Cicely Muldoon, Jason Brand, Dan Howard

Copies to:

Bill Douros, ONMS West Coast Regional Office

Call to order 9:10AM

Review Agenda

Roll Call

Review Agenda

Swear-in new member (Oliver York: Youth Alternate)

GFNMS Superintendent's Report

Permits

A research permit was issued to John Largier to extend the expiration date for two years to continue to allow the servicing and cleaning of a mooring and buoy in Tomales Bay, which are used for the attachment of scientific equipment to collect meteorological and oceanographic data.

Dr. Bryant Hichwa with the Coastal Stewardship Task Force of the Sea Ranch Association applied for a permit to collect seabird data with a Phantom 3 unmanned aerial system (or drone) for the collection of photographs to continue long-term monitoring in this area and help determine nesting success at Black Point Islands and Galleons Islands. Applied, but no permit was required at this time.

A Superintendent's permit was issued to Drs. Nicole Raineault and Michael Brennan, Ocean Exploration Trust. A Letter of Authorization (LOA) was issued on June 20, 2016 to conduct deep-water habitat and shipwreck surveys in GFNMS, MBNMS, and CBNMS with the E/V Nautilus. Two amendments were subsequently issued (on July 13 and Aug 4), which modified

the anticipated dates of the surveys and what would be allowed under the collection activities.

A research permit was issued to Ms. Laura Elsberry, University of CA - Irvine for disturbances of the seabed during a research study entitled, "Abiotic and biotic factors influencing rockweed communities along the California rocky shore".

A research permit was issued to Dr. Bruce Mate, Oregon State University for discharges of up to two types of animal movement tags (non-retrievable) into the sanctuary from tagging and to conduct low overflights associated with the study entitled, "Blue and Fin Whale Tagging in Central and Northern California". A research permit in CINMS was issued March 2016 for work in Southern California (CINMS-2016-002). Due to changes in oceanographic conditions associated with El Niño and other anomalous warming events, the majority of blue whales in Southern California are emaciated and cannot be tagged. Additional tagging was then proposed off the coasts of GFNMS, MBNMS, and CBNMS during a six- to eight- week period in the summer/fall of 2016 and 2017.

A research permit was submitted by Ms. Debra Shearwater, Shearwater Journeys requesting to conduct a research project to attract seabirds to a vessel through the use of their natural prey items: fish, squid, krill, and menhaden oil, to gather data regarding the numbers and locations of species present that will be document in eBird and to also document any observations of new species not historically encountered to increase knowledge and understanding of the resources of the national marine sanctuaries. *We are elevating the discussion to ONMS to consider the implications of the project from a national perspective. Meeting with ONMS on Sept 15.*

Ms. Jane Reifert, Incredible Adventures, requested to 1) amend the title of the current two-year permit to "Adventures in White Shark Education: Dispelling the Myths" and to 2) use scent attractants. The applicant states she has only received 18 bookings for this season's white shark tours and is requesting the use of scent attractants. She proposes mitigation for the use of chum, including voluntarily capping the company's number of shark expeditions to 20 annually, (out of a potential 76 days currently allowed) and not use decoys on the days when scent attractant is used.

Dr. Barbara Block, Stanford University has requested to extend the expiration date of current white shark tagging permit, "Ecology and Population Dynamics of White Sharks in the Northeastern Pacific and Associated Filming of the Research Activities".

GFNMS held a successful white shark naturalist training class on Saturday, August 13 at the Sanctuary office.

Richard asked about the Shearwater permit and why it has been elevated to headquarters and questioned whether it is pure research or more tourism with a small component of research? Maria clarified we want to ensure we are being consistent across the system in regards to issuing research permits for attracting wildlife.

Vessel Groundings

Sailboat Grounding in Bodega Bay with Successful Outcome

A 26' sailing vessel ran aground on Doran Beach (Sonoma County) the evening of July 22 (Friday) after the anchor dragged in Bodega Bay. There was 15 gallons of spill potential. Its rudder was broken, but the boat was in good shape overall. On July 25, the vessel was successfully refloated by volunteers in the community and towed to a harbor.

Staff Transitions

Chris Kelley from GFA has moved on. Francesca Koe and Bob Wilson, Greater Farallones Association (GFA) board members, are co-directors at this time.

GFNMS had two summer interns from COAST working on a recreation and tourism and social media plan. The plan outlines efforts to reach out to recreation and tourism operators to give them the tools and resources to give to their clients and encourage ocean stewardship. GFNMS also had two summer interns working on the Golden Gate Biosphere Reserve application. We were designated over 20 years ago as A Man in a Biosphere Reserve, a UNESCO designation. We are now up for re-designation; our interns put together an 82-page report and presented it to the UNESCO team in Colorado last week.

ONMS Director position has been opened, they have selected a person that is currently in clearance (can take 2-3 months). We are expecting to hear who the new director is this fall.

Nautilus Cruise Update

Maria was out on the cruise this past weekend. Very exciting - ten new species for GFNMS were identified on the cruise! We are now exploring the USS Independence and will take samples to determine if the ship is still radioactive. UC Berkeley researchers are taking samples of the biota and will analyze. There was also an exploratory dive in Pioneer Canyon and will soon be heading to the Farallones Escarpment.

Research Symposium

The Beyond the Golden Gate Research Symposium will be held in December. It is a day of presentations by researchers studying the extraordinary marine life, oceanography and geology of the central San Francisco Bay, Gulf of the Farallones, Bodega Bay and Cordell Bank regions and adjacent waters between Point Arena and Point Año. The event will be December 1 from 9:00 AM to 6:00 PM and will include morning refreshments, lunch and an early evening reception and poster session. Presentations will focus on new, on-going and recently completed research, monitoring and habitat characterization projects. Presentations will be brief project summaries (8 minutes or less). We have scheduled long breaks so that participants have the opportunity to meet with presenters and to network with colleagues, resource managers, and decision makers.

Registration is open to everyone and costs \$25 (to cover lunch and refreshments). Space is limited so please register soon! There will not be hardcopy proceedings. Registrants should download a PDF copy of the proceedings prior to the Symposium, available online after 6:00 PM on November 21. Additional information can be found online at:

<http://www.sfbaynerr.org/goldengate2016>

Recently published in the Federal Register was a public notice of an unsolicited request for Outer Continental Shelf (OCS) wind lease – Trident Winds – wind energy development off the coast. Request for interest and request for public comment. Comment period is ending soon – September 19th.

Maritime Heritage Update

There was a successful expedition to the Dog Hole Ports at Fort Ross. MJ and Brian have more information.

CBNMS Superintendent's Report

There has been amazing work being done on the Nautilus and coral exploration.

ACCESS update: GFNMS and CBNMS have completed two cruises this year. On the spring cruise, more whales have been observed this year than any other year since we started the cruises in 2004. Conditions in SoCal seem to be not as productive, northern California productivity bringing more up here. We will be monitoring post-blob conditions. Our next cruise is coming up in September.

This will be the third year of the Hypoxia Studies. We have two moorings out on the Bay and along the mooring line (temperature sensors).

Ship Strike Update: CBNMS has AIS data – tracking the speeds of vessels coming and going from GFNMS and CBNMS. At the end of 2015, we collated all the data from the Coast Guard and sent out over 100 letters with a table for each company that outlined number of trips, speed in the traffic lanes, and reminded of speed reduction request. That was the first year of the speed reduction request and we are continuing to build relationships. We have received 5-6 responses from companies which is a good start, one of them saying they were not aware of the speed reduction.

John Berg added that the companies might not be aware since the advisories are going out to ships themselves and captains may not choose to listen unless they hear the mandate from higher-ups in the companies.

Through Dick's and other fishermen's efforts they removed 200 derelict crab pots from GFNMS and CBNMS last year, which are collected after the crabbing season is over. SeaDoc is setting up an exchange to sell these pots back to the fishermen.

On June 8, World Oceans Day, GFNMS, CBNMS, and PRNS had the grand opening of the Ocean Exploration Exhibit at Pt. Reyes National Seashore Lighthouse. They built an extension of the existing visitor center. This will be great as the center has 300-400,000 visitors and it will help engage conversation about ocean conservation.

The Park is celebrating their centennial today! As part of that there will be a potluck celebration right outside.

MBNMS Management Plan Review Update

Paul is out sick – Maria gave quick update:

At the last advisory council meeting, members volunteered for different working group subject areas. We have forwarded that along and you should be getting contacted. In terms of the Climate subject area, Sara Hutto was at their advisory council meetings last week and gave a climate change vulnerability assessment and adaptation training on Thursday for staff, and for the council on Friday. The other working groups have not gotten to subject areas in the Northern Management area so likely that is why you have not been contacted yet. Once you have, you are welcome to present to the council or bring back any information from the working group.

Richard Charter asked if there is any indication that they will be addressing the donut hole? Maria answered no.

Proposed United States Coast Guard Discharge Rule Update

We have a revised estimated timeline: We had moved forward with boundary expansion with understanding that we would revisit this request from the Coast Guard. We have provided the Coast Guard for an exemption while we work through this project.

Completed scoping in May on the North Coast, which included three public meetings.

We are now developing draft for the environmental assessment with an estimated completion date of Fall/Winter 2016.

The next step will be revision and public comment in Winter/Spring 2017, and may be revised after that and final decision in summer 2017.

Barbara Emley asked for clarification on the difference between Coast Guard requests to dump versus the cruise ships. Maria explained that the cruise ships now have the strictest discharge prohibition; since they are floating cities and the amount of waste surpass all other ships. The cruise ship industry has gone to tertiary treatment so the discharge is cleaner than water they take on the ship. Dan added that this issue with the Coast Guard came about with the expansion of the boundary; the Coast Guard is concerned because they cannot conduct normal operations. Prior to the expansion they were able to discharge in the Northern Area. The EA will analyze the discharges from training and ammunition, discharge of sewage, etc., and present different

alternatives such as no action (keeping regulation as is: no discharge allowed by the Coast Guard anywhere in the sanctuaries), and other alternatives.

Nomination of GFNMS, CBNMS, & MBNMS for United Nations Educational, Scientific, and Cultural Organization (UNESCO) World Heritage Status (POTENTIAL ACTION ITEM)

Francesca Koe asked for clarification on the previous designation and Man in the Biosphere versus World Heritage Status and whether this opens up new funding? Maria clarified that Man in the Biosphere Reserve is a UNESCO designation for sites that have significant ecological value. It looks at what countries are doing to protect that ecological value while allowing sustainable development (areas that have communities in and around and are involved in protecting). Our report says we have communities living adjacent to state parks, refuges, sanctuary – where people fish, boat, and hike –and those communities are involved in protection and stewardship. One requirement is that we have zones of protection; we have outlined that state has provided marine reserves and national park wilderness areas with buffers of protection. These are simply designations, so no additional funding comes with the designation, but it can provide a status and language to be used. These statuses are important on the international level so the State department is encouraging us to participate. Jackie adds she would love to get a copy of the application report once it's complete.

*Presentation:
Available online*

Questions on presentation:

Leslie from Cordell Bank asked about increased tourism and whether there has been any assessment of how much this would increase and how to manage the additional visitation? Dan and Maria said they are not sure exactly how much it would, it may draw international tourists; this may not jump off the radar that much. Maria added that outdoor tourism is increasing in general which is why it is important to develop a sustainable tourism plan.

Barbara asked if there are any downsides like additional paperwork and reports. Maria clarified that every 10 years there is additional paperwork, but otherwise not.

Richard Ogg asked if there would be any impact to the commercial fishing industry. It was clarified there are no additional regulations.

Richard Charter asserted this could be an extra layer of protection we may want going into the future (future threats might include ocean mining).

George drafted a letter of support of the nomination process. George noted that it is an important designation to have attached to our Sanctuaries since it brings a new kind of attention. One of the struggles of Cordell Bank is this question of what is this designation and why is it important? It would be very valuable for CBNMS to get a different kind of recognition.

Motion: Richard Charter
Second: Jackie Dragon

Verbal Vote Cordell: approved
Verbal Vote GFNMS: approved

BREAK

NOAA Office of Law Enforcement (OLE) Report

Dayna Matthews: Presentation available online

John asked how the money is being managed from violations. Dave clarified that it is dependent on the statute we are dealing with; it goes to the specific agreed sanctuary for where the violation occurred.

Paul Ortiz, Senior Enforcement Attorney of the NOAA Enforcement Office spoke about his role with NOAA. For 13 years, Paul worked off the waters of California and has lots of experience chasing down illegal foreign fishing boats. About 7-8 years ago NOAA hired someone in his position in Honolulu, so he is no longer the sole prosecutor for NOAA ONMS. The majority of his work is focused on fisheries and foreign fishing boats, Endangered Species Act (specifically salmon and steelhead issues), Marine Mammal Protection Act, Lacey Act (a key statute for prosecuting for trafficking of wildlife), and the National Marine Sanctuaries Act. In regards to the National Marine Sanctuaries Act; it is an effective statute with a maximum penalty of \$176,728. It is a strict liability statute; for the violations that do occur, they do not have to spend a lot of time looking at the mental state of the violator or why it occurred. The idea is there should be nationwide consistencies across the board.

Hypoxia in the North-central California National Marine Sanctuaries: Monitoring Oxygen Levels in a New Climate

Presentation available online

Josh Russo brought up the issue of responsible reporting and referenced an incident in 2014 when this project started - one of the scientists from Bodega Marine Lab was interviewed and featured on the front page of Press Democrat. It showed lots of dead crabs and said the huge dead zone along CA coast was a huge doom and gloom article. John Russo emphasized the importance of more objective journalism. John Largier agreed, and Tessa added, that you can be a conservative communicator, yet you cannot control what the media is going to write, and sometimes our feedback is not accepted especially with local news agencies going for the headline rather than the conservative community.

Dani Lipski added this has been a wonderful partnership with Cordell and she is excited to see some of the data written up. This is the exact kind of thing we want to monitor; we don't know if there is a problem or how big the problem would be, but this helps us figure it out and if there is anything we can do to contribute.

Francesca asked about the length of period with the lowest oxygen – what length of time is the of the most concern? John answered that it usually last for a few days or a week.

Leslie asked how much of the water gets transported into Tomales Bay. John explained warm-cold water intrusion happens a few times a year, acidic and hypoxic, and take a few days to work its way in and could stick around for a bit longer.

PUBLIC COMMENT

Jessie Monzel from the Center for Biological Diversity spoke on the entanglement of whales and sea turtles and the important role the sanctuaries can play in addressing this growing problem. There are a steadily increasing number of whale entanglements. There is a working group that includes state, federal, and crab fishermen, working to reduce the risk of entanglements in crab gear. Their work is limited though as they are only working on whales that are involved in crab fisheries and there are other limiting factors such as lack of real-time information. The latter point is where the Sanctuaries can play an important role by helping monitor turtles during spring and summer and helping to survey and monitor where the whales are to better define hotspots and better inform management issues.

JOINT MEETING ADJOURNS

LUNCH

GFNMS-Only Meeting

Call to Order/Roll Call/Approve May Meeting Notes

Drake's Estero Film: available online

Farewell to Caleb Rosen, Youth Primary seat. He is heading off to Carleton College and plans to study biology.

Advisory Council Business

- **Low Overflight Working Group Update/Discussion**

George – any aircraft that flies under 1000 ft. is presumed to have disturbed wildlife in the sanctuary low overflight prohibition zones. These zones are now notated on the aviation charts – see warning on the bottom of the chart.

This is the first time a working group has gotten significant input from pilots and the aviation community. The working group did not have a strict mandate of what to look at so they are looking at the whole process. When putting together the working group, George was hoping for four marine scientists and four members from the pilot community. The group involves 3 pilots, one American Airline pilot, one helicopter charter pilot, and one Coast Guard auxiliary pilot. The group also involves Cal Pilots; whose mission it is to preserve air space & airports for pilots. The

group has held five meetings since December 2015 and much of the time was spent addressing pilot concerns on why NOAA is dealing with airspace.

The working group was also trying to get stakeholder input to inform the committee. It was originally discussed to have workshops in the various areas, but instead it was decided to have written comments by designated parties such as the AOPA, Federal Aviation Administration, Environmental Scientists in Sonoma, pilots from Half Moon Bay, and the Half Moon Bay airport manager. Since then, we have drafted zones and took a vote. During the most recent meeting (meeting five) we made significant strides in recommending zones. We still have to take a look at off-shore areas where overflight protection of wildlife concentrations may be warranted (including drones) as well as how pilot outreach and education can be improved. George asks if the advisory council is okay with adjusting the timeline of the working group to allow for discussion of some of these additional topics.

Francesca – with respect to the overflight zones at Devils Slide (not considering drones) understanding pilots association don't want NOAA involved in the air space – do pilots actually need to do something in that area? It seems like it wouldn't even be an issue.

George explained that the existing zones in GFNMS are a mile and a half wide; in Monterey they are three miles wide. The concern from the pilots is that the further out you are from land – the less safe you are. There can be conditions that require you to be at lower altitude than 1000 ft. (such as weather) so they were asking marine scientists how far one must be from wildlife – which would be a mile from the wildlife colony. There was a virtually anonymous agreement that the working group would recommend 1000 ft. high and wide for this zone and that the number could be a precedent for other zones.

Francesca asked what information determined the mile and a half – George clarified it came from the existing zones. The notations of 1000 ft. minimum elevation warning on the aviation charts are what is important and will be taught in flight school.

John added in regards to adjusting the working group timeline that talking about them seems fine, but the tradeoff is between schedules.

Dayna adds that drones are a national issue and there is currently discussion going on at headquarters – would these working group discussions be informed by national discussion or the discussions will be used to inform the national discussions. George said that Matt Pickett is involved so he may have his ear to the ground on that, but we are not trying to act on a national level.

Richard asks about ultra-lights and wildlife disturbance. George says they are not addressing anything besides motorized aircraft which includes ultra-lights.

Maria highlights that if the working group can finalize zones by February we can get it to MBNMS in time for their management review. We may want to coordinate with them on the drone issue as well so there is consistency. We have to have good education as well. Josh asks if

there are any incidents of drones affecting the wildlife. George said yes and has pictures. Josh also asked if there would there be some way to provide exclusion for non-disturbing uses. One of the farmers was mentioning these low fly zones would affect how he surveys his farm. George said that if the Sanctuary does create these low-flight zones, it would go through the full regulatory process so there would be the opportunity for these issues to be brought up, however it does not make sense to do it yet.

Christy asked if we have any data that shows that 1000 ft. would be sufficient in case there is pushback to try to move existing boundaries? Jaime answers that data from Gerry at Devil's Slide Rock makes a point that flights above 1000 ft. have no disturbance, flights from 500ft-1,000ft have some disturbance, below 500 ft. was a lot of disturbance. Sage added that Gerry has started collecting horizontal data in the last three years.

Maria would like to make a request to the working group to look at ½ mile from shore to ensure offshore rocks are included in the zone.

Bruce expressed concerns of how this would be enforced. George answered the person would get a letter and there is a fine that varies from \$100 to several thousands of dollars. Richard Charter asked if all emergency response is exempt and it was clarified that it was. Barbara added that we should make sure that we are not over reaching, as the pilots' responses sounded more like they did not want anyone getting in their face.

- **Subcommittee For Recruitment**

- There is one application for the Mendocino/Sonoma Community-At-Large seat and a recruitment sub-committee was formed with Francesca Koe and Richard Charter.

- **Sanctuary Advisory Council Summit Update:** In January, John Largier attended the Sanctuary Advisory Council Summit in Annapolis. The summit gave him a sense of common purpose. There was discussion as to why we are important; the Sanctuary has a decentralized structure and how to elevate Sanctuaries from “nice to have” to “got to have”. Also discussed was the importance of local funding and the foundation. There is a new strategic plan being developed and will be out at November meeting. John had an informal conversation with John and Matt from NOAA and it reinforced the importance of writing letters and putting things in front of them.

- **2016 Retreat**

It was noted that the retreat should be a community driven bottom-up process, and we should think about what is important, most of the time we talk about managing the sanctuary, and we could be more creative with what we discuss.

The retreat will be held at Bolinas Lagoon and Audubon Canyon Ranch. A Doodle poll will be sent out to confirm a date in October.

MEMBER REPORTS

Abby: A large amount of whales has brought a lot of attention to the Sanctuary and is getting people engaged and excited.

Francesca: There is currently an effort in the ocean conservation community running parallel – coalition of conservation non-profits advocating for saving seamounts. More information at <http://www.californiaseamounts.org/>.

Jaime: There is currently a National Monument proposal to protect Seamounts. Completed work with two students, one used data collected from ACCESS – measure rockfish in a way that is similar to the product that is produced by National Marine Fisheries Service. We have more miles covered in the ACCESS area and we can put together maps of the rockfish are. We are using GLS tags to see where auklet seabirds go during the winter.

Dominique: State of Tomales Bay Conference will be held on September 23, information available here: <http://www.tomalesbaywatershed.org/state-of-tomales-bay-2016.html>. At the last one Dominique made a presentation about the moorings project, do we want to present again? Will we have a poster yet, does GFNMS want to send a staff member?

Bibit: Highlights LiMPETS – Bibit met with Abby and Monika from GFA to talk about quality assurance. The SAC should think more about citizen science within Sanctuary. Funding is always going to be an issue, what are our priorities for the Sanctuary? Do we want to formalize something about rocky beach or intertidal? Would we want Abby from LiMPETS to come talk at the next meeting?

Cicely: NPS is busy with Drake Bay restoration.

John: Beyond the Golden Gate Research Symposium is happening on December 1, 2016. It is an overview of what people are doing in monitoring and research, if you are interested or know people that are let them know. ACCESS is ongoing, hypoxia; Kate Davis is also working with ACCESS and ocean acidification data. Two big proposals were submitted to the National Science Foundation for Long Term Ecosystem Research- a six-year long project. Also, there is a MPA conference in Chile next year.

Chris: Thanked for sitting in on meeting, it helps to give a greater understanding of the US Fish and Wildlife's role on the advisory council. US Fish and Wildlife has a new director: Paul Souza, who started this week and does a lot of collaboration and large park collaborations. Chris hopes to highlight our relationship with the advisory council.

Christy: A few weeks ago was in Half Moon Bay and saw a few whales right of Surfer's Beach and prompted lots of discussion of whales and the ocean, such as what is an appropriate approach distance. MJ provided some information and will be ready to post the fliers sooner next time.

Josh Russo: Several months ago nominated to CA Fish and Wildlife's recreational abalone advisory committee. Currently in the process of rewriting all the abalone management. Also working with Nature Conservancy and pushing to include citizen science into the new MFMP – pushing to get REEF check included. In June, Josh took editors of several magazines out abalone

diving. Last Sunday's Chronicle featured the article, also article from a month ago in Press Democrat.

Caleb: Thank you so much, had a fun time!

Bruce: Kent Island has changed a lot, paid contractors made large headway, and unveiled additional large debris. Kate Bimrose is looking for large funding to remove debris, hopefully working with Army Corps to use a large boat to help retrieve this. Also, it was noted that twice this year people have had to be airlifted off the beach and we have to learn how to work with this especially if we are expecting increased visitation.

Barbara Emley: In regards to the seamounts: Fishery management council has protected all the spots as far as trawling is concerned. The only fishing that takes place is on the surface. The fishing community is going to fight this, unless they want to take fishing out of the discussion. Crab season started April 1, and the boat only was half as productive as normal. The fishing association was down a million dollars from the year before. It might be time, with climate change and demoic acid, that we want to look at a different way to take care of our fishing problems like crop insurance. There was little opportunity for salmon this year as the Klamath River was down for the first time in a long time. However, the salmon caught so far have been beautiful fish.

Oliver: Great day, thanks everyone.

Notes from May meeting: John needs to write letter to Jane Reefer, MBNMS – people connect with different topics and was going to follow up on that.

Bottom of page 12- John would like to only write one letter.

Motion to adjourn: Dominique Richard
Second: Bruce Bowser

Ayes: Verbal yes

PUBLIC COMMENT

2015 GFNMS Emissions Inventory

The presentation from Brian Johnson will be deferred to the November Advisory Council Meeting.

ADJOURN