



# CORDELL BANK NATIONAL MARINE SANCTUARY SANCTUARY ADVISORY COUNCIL

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## MEETING MINUTES

April 23, 2015

9:30 AM

Point Blue Conservation Science, Palomarin Room, Petaluma, CA

Note: The following meeting notes are an account of discussions at the meeting of the Sanctuary Advisory Council for Cordell Bank National Marine Sanctuary (CBNMS). The council is an advisory body to the sanctuary superintendent. The opinions and findings of this publication do not necessarily reflect the position of CBNMS and the National Oceanic and Atmospheric Administration (NOAA).

### **Call to Order/Welcome/Roll Call** (George Clyde)

Advisory Council Chair George Clyde called the meeting to order at 9:31 AM and welcomed everyone. Advisory council coordinator Lilli Ferguson then called roll. Sanctuary Superintendent Dan Howard welcomed Tessa Hill and Kevin Painter to their first meeting as new alternates on the advisory council – Tessa for the Research seat, and Kevin for the NOAA Fisheries seat. Tessa has both research and education connections with the sanctuary. Kevin, prior to being in Santa Rosa, was in American Samoa with NOAA's Office of Law Enforcement. Dan reviewed the main roles of the advisory council and mentioned an operating principle was to have good discussions on various sides of issue, with any differences of opinion kept professional.

### Members and Alternates Present:

George Clyde (Chair; Community-at-Large – Marin County)  
Mike Cummings (Community-at-Large - Marin County Alt.)  
Bill Wolpert (Community-at-Large – Sonoma County)  
Sarah Hameed (Community-at-Large - Sonoma County Alt.)  
Leslie Adler-Ivanbrook (Education)  
Richard Ogg (Fishing)  
John Berge (Maritime Activities Alt.)  
Jaime Jahncke (Research)  
Tessa Hill (Research Alt.)

### Agency Alternates Present:

Kevin Painter, NOAA Fisheries (Alt.)  
LTJG Amanda Faulkner, U.S. Coast Guard (USCG) (Alt.)

Members of the CBNMS staff were also present:

Dan Howard (Sanctuary Superintendent)  
Lilli Ferguson (Resource Protection Specialist and advisory council coordinator)

### **Review and Approve Agenda** (George)

The agenda was reviewed and unanimously approved by the advisory council.

## **Review and Approve August Meeting Minutes (George)**

The February 25, 2015 meeting minutes were reviewed and unanimously approved by the advisory council.

## **Sanctuary Superintendent's Report (Dan)**

- Applied California Current Ecosystem Studies (ACCESS) cruise funding: since the last meeting, the Office of National Marine Sanctuaries (ONMS) provided funding for a third ACCESS cruise this fiscal year, allowing the same sampling as previous years. This proposal was submitted with the Gulf of the Farallones National Marine Sanctuary (GFNMS), and Dan Basta requested part of the funding allocation be used to establish transect lines in the northern part of the GFNMS expansion area. Last year, two lines were added west of Bodega Bay, and these will be sampled again. The cruise will occur in September. Dan would like to see this monitoring be for the long term, since CBNMS and GFNMS are expanding. Point Blue also contributes funds, and Jaime Jahncke fundraises to support the work.
- In answer to a question about if there was previous background data in the sanctuaries' expansion areas, there might be some old California Cooperative Oceanic Fisheries Investigations (CalCOFI) data. The National Marine Fisheries Service (NMFS) does coastwide surveys (in a coarse grid) from Washington to Mexico for marine mammals, and a couple of survey lines for the juvenile rockfish estimate are in the area. Also, nearshore data includes kelp monitoring and abalone surveys.
- There was an inquiry if CBNMS Advisory Council members could join for a day on the FULMAR this season; Dan noted the seas can be rough, the schedule fluid, and the scientists on board need to keep their focus on their tasks, but to let him know if there was interest.
- Hypoxia moorings: Dani Lipski has been working with folks from the Bodega Marine Laboratory (BML) to put out moorings to measure oxygen in the water at Cordell Bank in early May. It would have been ideal to have it deployed in April, and in future years we will try to get the moorings deployed earlier. This is the second year of this monitoring work. Last summer there were a couple of short periods of hypoxic water over the Bank. A monitoring point off Bodega Bay is also being sampled. The Cordell Marine Sanctuary Foundation (CMSF) is helping to fund this work.
- Pacific Fishery Management Council (PFMC) meeting: the PFMC met the week before the advisory council meeting; part of meeting was a review of Essential Fish Habitat (EFH). Cordell Bank has been designated as a Conservation Area under EFH and there is a NMFS regulation prohibiting the use of bottom contact gear, like long lines, on the Bank. The PFMC will not be modifying any of the existing EFH regulations prohibiting the use of bottom contact gear (other than bottom trawls).
- San Francisco International Ocean Film Festival: took place at the renovated Cowell Theater in Fort Mason the week after the February Advisory Council meeting, and was a huge success, though the location was hard to find the first time. At the student film competition on Sunday, the top ten high school films and the top three middle school films were shown, and students and their parents from the Bay Area and other states attended. The youth were bright, creative and hilarious. Middle school students from Point Reyes premiered their film, "Trashzilla."
- Oakland Museum of California Learning Initiatives team meeting: Jennifer Stock is attending this meeting the week of the Advisory Council meeting. The museum staff members, with Jenny as a partner, are strategically looking at how the museum can modernize its programs to address the revised common core and next generation science standards for grades K - 12, and are doing

some creative thinking. They are looking into how to effectively support student-driven learning vs. the more traditional, docent-led museum standard for learning. Likely the docent program will be kept, Dan felt, with engagement occurring in a different way.

- Other CBNMS Education Program items:

- A Teacher at Sea, Michael Wing of Drake High School, was selected for the July ACCESS cruise.
- The CBNMS photo exhibit is in Sebastapol, and will move to the Marin Civic Center in June.
- On Friday, Jenny will travel to the Gualala Point Regional Park; she is working with them and GFNMS on a short term exhibit on ocean conservation to be based there. They will also discuss planning longer term for exhibits.
- Jenny is planning an Oceans Day with a Point Arena school, with programs and hands-on activities for three different grades.
- The June teacher workshop, being planned in conjunction with NatureBridge and the San Francisco National Estuarine Research Reserve, is full.
- The field seminar will be August 7.
- The lighthouse interpretive center is coming along; the foundation is poured and a seawall built. Leslie Stone is the program manager, and contracts are in for some of the exhibit elements. They are shooting for the end of the fiscal year to have the money spent.

### **CBNMS and GFNMS Expansion Update and Expansion Community Event Plans (Dan)**

- Dan reported that the final rule is moving steadily forward toward the end of the 45 days of continuous session of Congress; after this waiting period, the boundary expansion goes into effect. NOAA estimates this will be in early June, but Congress' in-session days can change. The U.S. Coast Guard (USCG) will be exempt from the discharge regulations in the CBNMS and GFNMS expansion areas for six months after the effective date of the regulations.

- When the final rule is in effect, NOAA will hold a community sanctuaries celebration event. It will be on June 28 in Gualala, from 11 AM – 3 PM, at the Gualala Arts Center. County supervisors and state and national leaders will make short presentations. Former U.S. Representative Lynn Woolsey will be recognized for all her hard work on getting the sanctuary expansion process started. There will also be activity tables, music, and some food vendors. Prior to the main program, there will be a bird walk and geology tour at Gualala Point Regional Park. Originally, the event was to be held at the park, but there were capacity and parking issues for a large group.

- Regarding the process behind the delay in effective date for the discharge regulation to apply to the USCG in the expansion area, Dan said conversations went on with other federal agencies as part of the rulemaking. NOAA decided to move forward with publication of the final rule, but include the language about the six months delay while sanctuary staff consult with USCG staff and try to come up with something satisfactory for both agencies. The USCG stated concerns about possible impacts to their operations, and hopes for a more permanent solution. It may come down to another final rule, which would involve another public process, though likely not on the scale of the process for boundary expansion. The steps have not been determined, and conversations between the agencies are ongoing.

- LTJG Faulkner said the USCG does not currently have the funding to replace its 12-berth ships. The "87s" do not discharge at sea; they return home and pump out to a shore side facility. The

bigger ships that transit south from Alaska could be affected more. One of the main USCG issues is environmental stewardship. In answer to a question about the type of marine sanitation device onboard, she said there was a sewage [holding] tank, but no treatment prior to discharge.

- Regarding work after CBNMS expansion, Dan said the strategy this year is to get to know the players in the expansion area on education, research, monitoring, and resource protection. The idea is to determine what will help our partners and us, and possibly have new programs where it makes sense. Jenny is the lead on investigating some of the education matters, while Dani and Jan Roletto are looking at having a research symposium, possibly in Bodega Bay in 2016. For oil spill prevention and response for CBNMS, the staff will continue to work with the same Area Committee players; the expanded CBNMS falls within the San Francisco Bay and Delta portion of the Area Contingency Plan. Likely for other resource protection issues, the CBNMS staff will continue to work with the same people and agencies.

### **Cordell Marine Sanctuary Foundation (CMSF) Update** (Tom Lambert)

- The CMSF has a mission to increase awareness of CBNMS, which its volunteers accomplish with videos, public lectures, tabling at events, etc. Members of CMSF and the CBNMS Advisory Council and CBNMS staff all worked an information table at the recent Bodega Bay Fisherman's Festival.

- CMSF also does fundraising, to help with gaps in the CBNMS budget. Dan presents proposals to the board for projects that need funding, and the board votes on the proposals.

- Joe Smith was a founding father of the CMSF; he came up with the idea and pushed it. He has since passed away. Doreen Gurrola was a founder; she stayed involved until she had twins. Tom was also a founder and was the CMSF Treasurer in its early days, and has been President for about six years. He, Joe and Doreen were also CBNMS Advisory Council members. Tom mentioned the names and backgrounds of the current board members, and described the work they do for the CMSF.

- Prior to the organization being founded, they had help from an attorney, pro bono, to prepare the legal documents necessary for formation. CMSF incorporated in 2008 and was granted 501 (c)(3) [nonprofit organization] status on April 30, 2009.

- A few years ago, CMSF and ONMS signed a Memorandum of Agreement for the purpose of CMSF support, and it spelled out how they will work together.

- He gave an overview of the other sanctuary sites with friends group; two of the groups have disbanded (those that had supported Olympic Coast and Stellwagen Bank national marine sanctuaries). It is important to maintain a productive relationship between the sanctuary and the friends group.

- The National Marine Sanctuary Foundation is in Silver Spring, Maryland, and has created chapters to support some of the sanctuaries.

- CMSF supports education programs, such as Winged Ambassadors. Other things it has supported: the student film competition at the San Francisco International Ocean Film Festival, and the Whale Spotter app.

- CMSF does some lobbying; CMSF has sent letters supporting funding for the whole National Marine Sanctuary System and supporting the expansion of CBNMS.

- Dan will soon be requesting \$4,000 for this year's hypoxia study.

- People were encouraged to look at the CMSF website. Donations may be made there. CMSF receives donations and grants and takes 10 percent for overhead.

- Mike Cummings said he helped at the Fisherman's Festival booth, and enjoyed meeting the board and interacting with the public, including people who had connections with CBNMS. He recommended CMSF participate in more tabling at events when possible.

### **Advisory Council Business (Lilli)**

- Officer Elections: Lilli reviewed that there was one nominee for Chair, George, and one nominee for Vice-Chair, Kevin Krick. The terms for advisory council officers are two years. There was no public comment or advisory council discussion of the candidates. The election was held by written ballot. George and Kevin were re-elected by unanimous vote.
- Next round of CBNMS Advisory Council applications: Lilli gave an early heads up that, for the round of advisory council seat recruitment to run from mid-August to the end of September, applicants would be sought for the member and alternate for the Community-at-Large – Sonoma County seat, the Conservation seat, and the Maritime Activities seat. The incumbents may reapply for new terms.

### **Assessing and Mitigating Impacts of Anthropogenic Sound on Marine Mammals (Karin Forney, NOAA, NMFS)**

- Karin Forney is with the Southwest Fisheries Science Center, and has studied marine mammals for the last 20 years, as well as conducting research on leatherback turtles.
- Accidental bycatch has been the traditional, largest source of marine mammal mortality, but there are other causes, such as ship strikes.
- Sound can reduce marine mammals' ability to communicate, cause temporary hearing loss or permanent hearing damage, and can result in stress, injury, or death. It can also impact prey.
- Beaked whales, harbor porpoises and melon-headed whales are particularly sensitive to anthropogenic sound; great impacts have resulted from mid-frequency navy sonar, fish-finding sonar, seismic surveys, pile driving and vessel traffic. Some species are affected more.
- Common strategies to mitigate impacts on marine mammals: adjusting the season of a project to reduce overlap with migrating species, avoiding breeding and feeding periods, keeping noise duration short, minimizing exposure of most sensitive species, ramping up sound gradually, having real-time monitoring, and suspending activities until the animals move away.
- Some animals are in small, localized populations and may not have suitable habitat outside the impact zone, or they may experience reduced foraging success, bycatch in fisheries, increased stress, mass strandings, inter species aggression, or increased predation.
- There is little data to estimate effects of sound on marine mammals.
- Karen provided a review of a monitoring plan she designed for Pacific Gas & Electric Company was planning 3-D high energy seismic surveys in fall 2012 to assess fault zones right off Diablo Canyon Nuclear Power Plant. The company had to apply to state and federal agencies for permits, including a NMFS incidental take permit. There were concerns over impacts to large whales and harbor porpoises, including a discrete "Morro Bay" population of harbor porpoises, which could have potentially been affected in its entire range. The objective of the monitoring project was to assess the potential impact of the seismic surveys, in three phases, via aerial surveys, passive acoustics, and active beach surveillance and stranding response. They were able to do three inshore area aerial replicates and two offshore, along with data from five passive acoustic stations, and a pre-project beach survey, before the PG&E project was cancelled.

- It was feasible, but a more effective monitoring program would have required more advance planning and coordination, on the scale of years, working with the applicant on studies. There are a lot of data gaps and unanswered questions when it comes to designing this type of monitoring.
- Anthropogenic sound is increasing in the marine environment; globally, there is limited understanding of how sound affects individuals, populations, and ecosystem health. There is a great need to assess the effects of this sound on marine mammals, to guide mitigation actions.
- There are some studies that have been conducted or are ongoing on anthropogenic noise in the ocean. There are also new NOAA initiatives, such as the Ocean Noise Strategy, which are working to address the need to assess impacts.
- If she were given a big grant to study the amount of vessel traffic noise and impacts in CBNMS, she would need a few years. Whales' locations are dynamic from year to year. There was one study on the East Coast of hormones in right whales in high vessel traffic areas that showed higher stress in areas of traffic and a decrease in stress when the traffic went away. She would want to measure vessel traffic in CBNMS and what the whales do; such a study would have to be tailored to the specific circumstances of the species and the area.
- A noisemaker on ships might work to move some species, but it would have to be species specific and not harm the animals. Beaked whales dive very deep, and if they hear noises at depth, they can startle and come to the surface too quickly. Some pingers on fishing nets have been effective in protecting harbor porpoises.

#### **USCG Sanctuary Support and Enforcement Update (LTJG Amanda Faulkner, USCG)**

- LTJG Amanda Faulkner reviewed the USCG missions and some of the laws they enforce. The strategy of the USCG is to provide effective and professional at-sea enforcement to advance national goals for fisheries management and conservation and management of living marine resources and their environments.
- The USCG's fisheries enforcement and living marine resources protection mission is guided by the Commandant's Ocean Guardian strategic plan. Its objectives are to: prevent encroachment of the U.S. Exclusive Economic Zone, ensure compliance with domestic fisheries regulations; and ensure compliance with international agreements.
- The USCG ocean stewardship objective is: protect and recover healthy populations of marine protected species and support sustainable management of Federal marine protected species.
- In 2014, joint enforcement has involved operational planning meetings, co-location at USCG units, industry partnerships, and operations: Operation Salmon Sentinel, Operation Tropic Tuna, Operation Nearshore, and Operation Salmon Run. Operation Salmon Run took place from May 28 – June 1, 2014 between Eureka and Monterey; they were looking at compliance with administrative, catch and gear factors; primarily for salmon, and secondarily for groundfish.
- In response to a NOAA request for assistance, the USCG transported an abandoned, malnourished Stellar Sea Lion pup from Seattle to Sacramento. The pup was then transported to the Marine Mammal Center in Sausalito.
- LTJG Faulkner showed the location of District 11's assets, and noted all the California national marine sanctuaries except Channel Islands are in their Area of Operation.
- District 11 has thirteen 87-foot cutters (Coastal Patrol Boats) and one 110-foot cutter. Due to sea keeping/endurance limitations, patrol boats typically patrol within 50 nautical miles of shore.
- The enforcement priorities in national marine sanctuaries are: white shark attraction, discharge, motorized personal water craft, deserting a vessel, and leaving harmful matter.

- Fishing was not listed as a sanctuary enforcement priority; the USCG can issue citations for violations under both the Magnuson Stevens and the National Marine Sanctuaries acts.
- Several recent examples of enforcement cases in GFNMS were reviewed, involving sewage discharge, operating a motorized personal watercraft, and a missing discharge valve on a marine sanitation device. The USCG goes into CBNMS, but CBNMS does not have as much traffic or people doing the wrong things.
- District 11's primary mission is counter drug, while Sector San Francisco's primary mission is living marine resources.
- The issue of small boats, or pangas, moving marijuana from Mexico to the California coast for transportation via highways to the Midwest or Canada was reviewed. While pangas do not go into Monterey Bay, they land on remote shorelines north of Santa Cruz. They are difficult to catch due to their fast rate of speed and the low number of USCG assets available to look for them.
- When responding to a grounded vessel call, the USCG's first priority is saving life, then property. They look at ten risk factors. When they get a call, if the vessel is not in distress, the USCG has to give commercial salvage companies an opportunity to respond. They still monitor the situation, and may respond later as things change, even if they decline to respond initially.

### **Public Comment**

There was none.

The advisory council briefly discussed the issue of an ONMS policy on commercial research. In National Parks, researchers are required to share benefits of their research with the National Park Service before commercializing their results. ONMS does not have a similar policy. One company had called in the past wanting to get a CBNMS permit to collect sponges, but after the initial call, did not submit an application. A permit may be issued if the work benefits CBNMS research, education or management. Some researchers may have concerns about implications for a patent, if they were required to share advance information from their research with ONMS.

### **Members' and Alternates' Reports** (advisory council)

Bill Wolpert said he also helped at the CMSF booth, and enjoyed hearing the comments. A lot of people felt CBNMS had more to do with the fishing regulations than it does, and some recreational fishermen noted they used to fish out there and now they can't. Dick Ogg added the mid water Exempted Fishing permit to harvest yellowtail rockfish generates concern among the recreational fishermen, who are wondering why they can't fish those species.

John Berge reported that while it took a few weeks to resolve the backlog associated with the dockworker strike in the Bay Area, there was now no more waiting for ships to berth; at one point there was a two week wait. Los Angeles and Long Beach are still working through a backlog. There was a question about if ships need to slow down in particular places, and LTJG Faulkner said they have to slow down to pick up a pilot in a precautionary area, and also have to follow Rule 6 (safe speed). Dick says he fishes in the area a lot, and has observed vessels slow down a lot, especially tugs and tows. John said to pick up a pilot they have to slow to about 10 knots, and that there is a speed limit in San Francisco Bay.

Jaime said a server had been down at Point Blue which affected their mapping tools and alerts. No data was lost and they now have an additional unit. The first cassins auklet egg was laid the Monday before the advisory council meeting; this may be as bad a season as 2005. Whale season has been predicted to occur from the first week of April - last week of August. A couple of papers that rely on ACCESS data have been submitted. One of the Point Blue staff members, who has been helping the whale disentangle team for about two years, was recently requested to fill in for the head of that team when he is on vacation. Point Blue will become the lead for the Sonoma-Mendocino area, and has been in discussions with California Academy of Sciences (CAS) for about a year about being the lead for stranding response. At CAS, kids and adults have been learning about whales. The weekend following the advisory council meeting, Jaime would be there talking about whale prey hot spots. He and Michael Carver also will be giving presentations on this to the American Cetacean Society and The Marine Mammal Center.

Dick said it had been a relatively slow, poor crab season. It started off well, but the majority of the crab was caught quickly. Most of the Bodega Bay fishermen were transitioning to gearing up for salmon. There has been a real northern push for salmon. Last year, they never saw a large salmon return, yet there was a big salmon return in Sacramento; he was not sure what path the salmon took. Dick pulled up his crab gear about a month ago at Point Reyes; there were not quite as many sea lion pups as before, but there were still some.

Sarah Hameed said the issue of “iron rangers” (unmanned parking pay stations) along the Sonoma Coast had been going to be addressed at the most recent California Coastal Commission meeting, but she was not sure what the outcome was. So far the parking has been free. George added the Commission would be spending more time on it in the coming months; the Commission is charged with ensuring access, and the county has to pay for it. Sarah reminded people of the free BML seminar series and of the informal science talks at a local wine bar.

George adjourned the meeting at 1:40 PM.