

# OLYMPIC COAST NATIONAL MARINE SANCTUARY

## Meeting Notes

OCNMS Advisory Council Meeting  
January 21, 2011  
Commissioners Meeting Room, Clallam County Courthouse  
Port Angeles, WA

Olympic Coast National Marine Sanctuary  
NOAA, Office of National Marine Sanctuaries  
115 E. Railroad Avenue, Suite 301  
Port Angeles, WA 98362-2925

Reviewed by OCNMS Superintendent



Approved by AC



**Advisory Council (AC) Members in Attendance:** Bob Boekelheide, Chip Boothe, Diane Butorac, Mike Doherty, Doug Fricke, Jennifer Hagen, Joel Kawahara, Fayette Krause, Ellen Matheny, Roy Morris, David Price, Jeff Ramos, Kevin Ryan, Dana Sarff, Brady Scott, John Veentjer, Lee Whitford

**OCNMS Staff in Attendance:** George Galasso, Liam Antrim, Jacqueline Laverdure, Heidi Pedersen, Bob Steelquist, Nancy Wright

**Office of National Marine Sanctuaries Staff in Attendance:** Helene Scalliet

**Members of the Public in Attendance:** Ed Bowen, Fred Felleman, Rich Osborne, Eric Wilkins

**ACTION ITEMS:**

- For their Feb 9 meeting, provide the IPC with the draft 2011 AC Work Plan and solicit input from the IPC.
- Solicit A subcommittee (Chip, Diane, and Roy) was formed to draft a comment letter from the AC on the proposed regulations and/or draft environmental assessment/draft management plan documents. This letter would be offered for AC approval at the March 2011 meeting.
- AC members are encouraged to contact constituents and solicit public comment on the draft management plan/draft environmental assessment during the comment period that ends March 25.
- OCNMS investigate appropriate actions of Advisory Council relative to working with legislators.
- Jacqueline will send the Facebook link to AC members.

**FUTURE AGENDA TOPICS:**

- Invite John Armor, Office of National Marine Sanctuaries (ONMS), to present on the existing National Marine Sanctuaries Act and possible changes through reauthorization.
- Presentation or clarification on the “sentinel site” concept being promoted by ONMS for sanctuaries.
- Implications of Olympic National Park being listed on national Marine Protected Areas Inventory.
- Advance planning for the 2011 IPC/AC annual meeting

**DISCUSSION SUMMARY:**

**Internal Affairs**

John Veentjer (Marine Exchange of Puget Sound; new Marine Business and Industry representative) introduced himself, his professional experience and the current work of MEPS. Bob Boekelheide and Roy are returning council members in the Citizen-at-Large seat, primary and alternate, respectively. George G. administered the AC oath of office.

AC Executive Committee: Chip noted nominations from the November 2010 meeting – Brady for vice chair and Ellen for secretary. A motion to accept nominations was offered by Joel, seconded by David; unanimous approval was provided.

November 2010 Meeting Notes: Chip provided editorial comments that will be incorporated. A motion to accept the meeting notes as corrected was offered by Brady, seconded by Jennifer; unanimous approval was provided. Joel abstained as he did not attend the meeting.

NOAA Response Letter on National Marine Sanctuaries Act Reauthorization: Chip reviewed the AC's September 22, 2010 letter to Undersecretary Lubchenco, and the Undersecretary's response letter dated November 22, 2010 (distributed in AC meeting packet). Although the Undersecretary did not provide a timeline or specific goals for NMSA reauthorization, she did emphasize the importance of the National Marine Sanctuary System and its role in furthering the mission of NOAA. Chip noted that the AC cannot lobby Congress about legislation and asked for suggestions for follow-up (Action Item). Individuals can submit comments to legislators, or contact legislators and ask that they contact the sanctuary to discuss priorities, or legislators could be invited to an AC meeting. Members stated it is important for the AC to develop clear priorities for desired changes to NMSA legislation through reauthorization. The draft management plan might provide guidance, but new NMSA legislation could introduce changes or regulations not considered during management plan review. Recommendations were that the AC first should be familiar with the existing NMSA and would benefit from a briefing on the reauthorization process from John Armor, ONMS lead for Conservation Policy and Planning Division (Action Item). Further, the AC working group that drafted the letter to the Undersecretary could reconvene to plan future AC actions related to review of NMSA reauthorization.

### **IPC/AC Meeting Discussion**

Chip encouraged discussion on next steps for IPC/AC collaboration and requested feedback on suggestions listed in the November 2010 AC Meeting Notes. Jennifer supported an annual joint IPC/AC meeting and having the AC Chair attend an IPC meeting. These recommendations could be considered in AC Charter revision. A joint meeting in conjunction with a regular AC meeting was not considered ideal by all, but dedicating one of six AC meetings to the IPC reduces time for AC to complete regular business. An additional AC meeting could be considered. The AC could solicit IPC input on the draft AC annual work plan (Action Item).

### **Management Plan Review**

Helene Scalliet, ONMS, provided an update on management plan review focused on the January 14 Federal Register notice of document availability for public comment, the proposed rule (which identifies proposed changes to OCNMS regulations) and the draft environmental assessment (which includes the draft management plan). Public comment periods for these two documents extend through March 25, 2011 (Helene's presentation is available at [http://olympiccoast.noaa.gov/AboutUs/sac/sac\\_meetschedule.html](http://olympiccoast.noaa.gov/AboutUs/sac/sac_meetschedule.html)). Helene explained that the draft management plan (DMP) has only minor changes from the AC working group and workshop recommendations; the draft environmental assessment (DEA) analyzes the consequences to the natural and socioeconomic environment of the federal actions (i.e., the draft management plan and proposed regulations).

The proposed regulatory changes include technical and administrative corrections (e.g., recalculated size of sanctuary area; use of "submerged lands" rather than "seabed"; use of "lawful fishing" rather than "traditional fishing"). More substantive regulatory changes include prohibition of cruise ship discharges and revised language for the tribal welfare permitting category.

One comment from the audience was that Navy activities are not well addressed in the DEA/DMP, although extensive review of these activities was just completed by the Navy. Jennifer asked about thresholds used to evaluate significance of impacts (which are identified in the beginning of section 8 of the DEA). In addition, Helene noted that treaty trust responsibility and tribal consultation procedures are explained in section 2 and are incorporated throughout the DMP in collaboration, coordination, and

consultation strategies. It is assumed this organization will be retained in the final environmental assessment and management plan document.

Helene explained the 3 alternatives in the DEA: alternative A - no action (status quo, no new management plan); alternative B – preferred action (DMP); alternative C – additional regulatory changes analyzed but not adopted as preferred (i.e., prohibit discharges from all large ships; prohibit discharge of invasive species; lowering overflight floor to 1000'; mandatory compliance with the Area-to-be-Avoided).

Options for public comment were outlined, including public hearings (listening sessions) in Port Angeles and Forks, February 23 and 24. George Galasso explained that these meetings are not required but are a priority for OCNMS; however, limited staff and financial resources prevent a broader set of public hearings. Additional opportunities/locations and effective advance outreach were recommended for public hearings. The Habitat Committee for the Pacific Fisheries Management Council is preparing comments on the DMP/DEA, expected in March. All public comments will be viewable via the web ([www.regulations.gov](http://www.regulations.gov); search for RIN 0648-BA20). With all comments in hand, OCNMS will compile comments, with similar comments combined into a common statement, and prepare formal responses. There will be no weighing of comments based on the number of comments received on a given topic.

Discussion covered the following points. It would be possible to include an Alternative C option in the final management plan/environmental assessment and final regulations without an additional Federal Register announcement and comment period. A prohibition on invasive species release was not preferred because Washington state regulations already prohibit this in state waters (within 3 miles of shore).

AC discussion on a comment letter for these documents covered the following points. Consensus on a suite of comments might be difficult to achieve. The timeline is tight – it would be difficult to generate and approve a comment/letter by the March AC meeting. Given the AC's involvement in developing the DMP, the DEA is where comments might be most appropriate or needed. A statement that the AC supports the DMP (or the DMP is consistent with AC recommendations) could be valuable support. An unofficial "thank you" to ONMS for expedient work would be a nice gesture. An AC comment could be limited to issues for which there is agreement, avoid comment where opinions differ, or focus on support of proposed regulatory changes and Alternative B (not Alternative C). Individual members could abstain or not agree with an AC statement, if consensus is not possible or support from their constituency is uncertain. Brady motioned: create a subcommittee to draft a comment letter for consideration at the March meeting. Joel seconded; support was unanimous. Subcommittee volunteers were Chip, Diane, and Roy. Chip encouraged AC members to conduct outreach to constituents. Individual comments from AC members would be welcomed by ONMS.

## **Lunch Break**

### **Public Comment**

Ed Bowen, private citizen, provided comments on the DMP: 1) he is focused on improving public access and use of resources; 2) to support Ozette sockeye recovery planning, nearshore assessment of juvenile salmon use is needed (expect further comments from Pat Crain, ONP); 3) geographic response plans for oil spills need strengthening, and wilderness areas need to be opened up to access for response; 4) public outreach about the scope of regulatory changes has not been adequate; 5) he is concerned about lack of transparency with the IPC.

Doug Fricke, AC commercial fishing seat alternate asked for an update on the National Marine Sanctuaries Act reauthorization but was told recent activity on this in Washington, D.C. has been minimal.

Mike Doherty, Clallam County Commissioner, welcomed the AC; encouraged collaborations with marine resources committees; and mentioned current state legislation to improve spill response capabilities.

Fred Felleman, private citizen, supports the cruise ship discharge regulation change; the sanctuary needs to strengthen the public engagement and support for the sanctuary, and compelling images do this; area to be avoided non-compliance needs to be carefully evaluated for risk; Department of Defense activities are not well covered in DEA/DMP; and acoustic impacts to marine mammals are not provided special consideration in OCNMS.

### **OCNMS Education and Outreach Updates**

Jacqueline Laverdure, OCNMS Education Specialist, reviewed the OCNMS Facebook page (which is named NOAA Olympic Coast National Marine Sanctuary) where the public can engage through images and videos, ocean facts, events announcements. Google Earth/Ocean has entries on OCNMS features and links to some partners.

Bob Steelquist, Education/Outreach Coordinator, mentioned the OCNMS web site update with anticipated new format live in Fall 2011. Bob described his work since 2008 and successes as program manager for the Pacific Northwest B-WET grants program that provides watershed educational and ocean literacy funding in Washington and Oregon, particularly targeted to rural communities.

### **AC Charter Review Subcommittee**

Brady, subcommittee chair, noted a new charter will not be developed before the current one expires and made a motion for the Superintendent to request a 1-year extension; motion seconded by Joel; unanimous approval was provided, no abstentions. The subcommittee developed a list of potential changes gleaned from previous AC discussions and a document that compared existing charter language with model language in the AC Handbook. Brady reviewed a handout (provided at the meeting; available at [http://olympiccoast.noaa.gov/AboutUs/sac/sac\\_meetschedule.html](http://olympiccoast.noaa.gov/AboutUs/sac/sac_meetschedule.html)) developed from the first subcommittee call. Discussion covered that 1) an annual work plan is required by the current Charter; 2) subcommittee work will likely extend past the March 2011 AC meeting; 3) a document where original and new language can clearly be tracked is needed; 4) Ellen offered to join the subcommittee; 5) a member of the public requested that actions and letters from the AC should be readily available to the public (as they currently are on both the OCNMS and ONMS web sites).

### **Superintendent's Report**

George G. reported on the Federal Register notice of public comment period (through February 7) for the West Coast sanctuaries overflight regulations. The Federal Aviation Administration will now print sanctuary regulations on FAA aeronautical charts. Sanctuary overflight zone definitions remain unchanged (i.e., 2000' flight floor within one mile of shore or refuge islands in OCNMS) except that a violation is presumed to disturb wildlife.

Additional topics covered: 1) West Coast Region Ocean Action Plan is not completed and will be considered by the AC in the future; 2) budget - still operating under continuing resolution at 5% reduction from 2010; 3) 5 NOAA vessels are laid up due to lack of budget, including 2 vessels commonly used by OCNMS; some coral work will occur but with a contracted vessel; 4) OCNMS has obtained a sidescan sonar unit it hopes to use in 2011; 5) Oceans Week in D.C. will have regional sanctuary directors attending, not all sanctuary superintendents.

### **Data Management at OCNMS**

As a follow up to an AC letter to ONMS Director, Dan Basta, and his response to the AC, Nancy Wright lead the discussion and described the data management action plan in the DMP, that includes strategies DAT1-DAT4. She described ongoing efforts to organize data held at OCNMS, make these data available, and link with other data portals via the web. Nancy solicited interest in an AC working group to assist with optimizing OCNMS data access through the web. The scope is limited to data collected by OCNMS, formats and routes for distribution. Nancy is currently developing a catalog of these data. George G. cautioned that there was much work necessary on some types of OCNMS-held data before it can be made available. Data workshops conceptualized by ONMS and mentioned in the Director's letter to the AC are not currently funded, and there is not certainty about if they will or will not occur. Brady moved to form a working group to address data distribution; Jennifer seconded; support was unanimous, no abstentions. Jennifer and Bob B. volunteered for a working group; Nancy will provide staff support. Joe Schumacker will be contacted to solicit his participation.

The council discussed the "sentinel site" concept being considered by ONMS, but it is unclear what ONMS anticipates from this designation, how this integrates with other NOAA efforts and offices. George will investigate and report back.

### **2011 AC Annual Work Plan**

A draft annual work plan was compiled by OCNMS and distributed for AC review and development. Liam reviewed the structure of the draft work plan, which has a spreadsheet format. Initial entries were identified under Action Plan header rows (from the draft management plan), and additional suggested topics were listed at the bottom. Columns identify future meetings when a topic would be addressed. This presumably would be a "living" document subject to updating but primarily used for long term planning for major discussion topics. AC discussion noted that specific actions from the management plan should be included even while the management plan is draft; inclusion of all 20 Action Plans is too complicated and could focus on fewer management priorities. Chip suggested that the AC Executive Committee could review and revise the plan and present to the AC in March. Future plans could be developed before end of calendar year; some items should happen every year (e.g., updates on sanctuary program accomplishments). Bob Boekelheide asked that each AC meeting include some presentation/discussion on events and conditions in the sanctuary.

Future agenda topics were identified and are listed at the beginnings of these notes.