



**GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY (GFNMS)  
ADVISORY COUNCIL MEETING**

Coast Room, Headlands Institute  
Fort Cronkite, Marin Headlands, GGNRA  
Sausalito, CA  
9:00 a.m. – 4:15 p.m.  
Thursday, December 10, 2009

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

**CALL TO ORDER, ROLL CALL, REVIEW AGENDA**

Advisory Council Chair, Richard Charter, called the meeting to order at 9:13 a.m.

**Roll Call**

Bruce Bowser	Conservation Alternate
Bob Breen	Education
Richard Charter	Chair/Conservation
Pat Conroy	At-large/San Francisco and San Mateo Alternate
Brenda Donald	At-large/San Francisco and San Mateo
Barbara Emley	Maritime Activities/Commercial
Peter Grenell	Maritime Activities/Commercial Alternate
Dan Howard	Cordell Bank National Marine Sanctuary
Mick Menigoz	Maritime Activities/Recreational
Chris Powell	National Park Service Alternate
Dominique Richard	At-large/Sonoma and Marin
Pat Rutten	National Marine Fisheries Service (non-voting)
LT Brittany Steward	United States Coast Guard Alternate (non-voting)
Bob Wilson	Conservation

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

Maria Brown	Superintendent
Brian Johnson	Deputy Superintendent
Kelley Johnson	Advisory Council and Ocean Climate Initiative Coordinator
Angela Minnameyer	Administrative Assistant
Karen Reyna	Acting Resource Protection Coordinator
Carol Preston	Education Coordinator
Jan Roletto	Research Coordinator
Irina Kogan	Resource Protection Specialist

***Absent:***

Secretary Linda Adams	California Environmental Protection Agency
Brian Baird	California Resources Agency



- The technique used by Dr. Domeier with MCSI is used throughout the world. Prior to working at the Farallones, his group has tagged 15 white sharks, they have experience in this type of tagging. All of the sharks he tagged are alive and active. All of the necessary permitting agencies issued a permit, with Cal Fish and Game (CDFG) as the lead permitting agency. CDFG has sole authority for the capture of fish. Dr. Domeier's team requested to capture 10 sharks (approximately 4%) of the Farallon white shark population whose range is estimated as 195-306 adults visiting the Farallones region. We consulted with the Monterey Bay Aquarium, and they assured us the technique had been used and was appropriate. CDFG also confirmed the technique is used widely and is appropriate. We also consulted with Cal Fish and Game and NOAA shark experts. We did require special conditions to manage the impact to the sharks.
- TOPP (Tagging of Pacific Predators) also has a sanctuary permit for white shark research, and uses a harpoon in the back (dart method) to install tags. They have tagged approximately 200 sharks in the sanctuary using a variety of tags. They use decoys and marine mammal blubber as attractant. They have installed six receivers, when a shark with an acoustic tag passes by it pings. They are looking at movement within the sanctuary. There are other receivers around the world, so other researchers send them data. They must get the transmitter into deep tissue. TOPP has also used satellite pop off tags. They want to use internal tags in the future and have requested to do this, but have not done it yet. They would feed a shark bait with a hook and tag in it. The hook would embed in the stomach and eventually dissolve. This is to look at internal metabolics. If they don't use the hook the tag gets regurgitated. The longest data from a harpoon-installed acoustic tag is approximately two years. The satellite tag data is less than one year.
- Dr. Domeier's technique is to hook the shark with a slack line, get in a zodiac, and wait until the shark is tired out from swimming (between 40-50 minutes). Once tired, the shark is brought to a lowered platform with two sides and raised out of water. When Maria was observing, the shark was out of water for 12-15 minutes. They use a fire hose to aerate the gill slits, pour buckets of water over the shark, and put a wet towel over the eyes. The girth and length is recorded, blood samples are taken, and a dorsal tag is placed on the shark. Once complete they release the shark. Maria saw that when the shark was on side, it went into sleep like behavior. Two divers righted the shark and it became active and swam out. They tagged two sharks total.
- The permit for filming is to document the research.
- We can always revoke a permit for due cause.

### Discussion

- The following questions were asked: if this method was experimental and if this was the same group as the Mexico video; what is the funding source and is the Mexico project under IUCN?
- Maria Brown replied they have not done it in GFNMS before and yes it is the same group that tags in Mexico. National Geographic is the funding source and she does not know how IUCN would be involved.
- Irina Kogan stated it has been done in other areas before and was approved by Cal Fish and Game and their experts.

### **Public Comment**

There was no public comment at this time.

### **Superintendent's Report cont.**

- Maria stated that during the first tagging event, she received a call from Dr. Domeier that they had ceased activities because it didn't go well. During the tagging they hooked a male shark and the hook was lodged in the esophagus. They ceased activity. Maria consulted NOAA officials and experts. The hook was of a material that would corrode. This went to the top NOAA science advisor. Maria was directed to meet with the research group and go over what happened. We had some other concerns as well, such as any blood in the posterior or gills. On November 1<sup>st</sup> the GFNMS research team, Maria, and Dr. Domeier's team met and determined there was only a small amount of blood from a surface wound (not from the gills). The researchers hadn't realized it would be so different here compared to Guadalupe. The way that they put out bait needed to be modified, it was too far from the boat, so they couldn't see it. Now the bait would be closer and shallower in the water, so the sharks wouldn't be able to swallow it. Now the researchers could pull back on the line and hook the corner of the sharks' mouth. They also filed the barb completely off so it was easier to slip out, but it is more difficult to secure the bait and hook shark.
- The first shark did have a ping from the tag, therefore it was alive. These tags must come to the surface to transmit a signal. When the dorsal fin is exposed to air, it activates them and then sends the information to a satellite. The tag is small.

### **Discussion**

- Questions were asked regarding how long would it take a hook to dissolve in a shark.
- Maria replied they are not sure how long it takes to dissolve.
- Irina Kogan stated, during the permit review, we asked Dr. Domeier if they had ever left a hook in a shark, and they said no. This was the first time a hook had been left in a shark by the Domeier team. They modified their techniques, so it wouldn't happen again.
- It was stated that since they modified the methodology that would almost be experimental, because they hadn't done this before.
- Maria replied we did release the suspension on the permit. She went on the boat as an observer, and the researchers implemented everything. They hooked a male shark and it was on the line for 50 minutes, with 12 minutes to install tag. Then they released the shark live and it swam away. They also received another ping from the first shark the next day in Drakes Bay. Based on the shark swimming from the Farallones to Drakes Bay, Maria received comments that the first shark must be doing well having gone that distance.
- It was stated that Ken Goldman is working on a way to attach spot tags without landing the animal.
- When asked if the chief NOAA scientist was consulted prior to issuing the permit, Maria replied no, permits are usually handled locally. She stated she takes the concerns she has heard seriously, and the sanctuary put out press release to contact us with concerns. One

concern was shark behavior, but both sharks were moving, the second shark was migrating to the Pacific.

- When asked if vet consultations were done, Maria replied yes, we consulted the Monterey Bay Aquarium white shark husbandry department. We consulted them on the effects of sharks out of water. They stated the approach is actively used elsewhere.
- Maria stated to address the concern of pregnant sharks, to the best of our knowledge, sharks pup May through August, so females at Farallones would have already given birth or were recently impregnated. The scientists most vocal use the same techniques on endangered hammerheads. The filming was done to document the research.
- When asked if there is a paper trail of your conversation, Maria replied yes.
- The following concerns were also stated: since the funding is from National Geographic, there is clearly an interest in entertainment; the footage from National Geographic showed a lack of respect and science, the hope is the team would be more respectful this time; does the shark really get anything out of this; once the sanctuary has this data, what will you do with it, what are the policy and protection actions the sanctuary will take?
- Maria replied a paper was released yesterday and there will be more data in a paper in February. It will be a couple years so this is all speculation, but for example, we may find we need to be more active in what happens in Guadalupe if we are managing the same shark population. We may want to consult with Mexico on research and see how the sharks are protected there. If there is an area they use in the Pacific with a longline fishery we can engage the NOAA shark team for a resolution and collaborate with other nations. GFNMS is a member of the NOAA shark team that participates in the IUCN. We are not sure if MCSI will apply for a permit again next year? GFNMS will attend an international white shark symposium in Hawaii February 7-10, 2010 (<http://www.whitesharkscience.com/>) and there will be a panel on ethics.

### **Permitting Discussion**

The Advisory Council engaged in a conversation on the issues surrounding the tagging methodology used by Dr. Domeier's team and the sanctuary issuing a permit for this activity with the following summary points:

#### **Key Concerns**

- Communication
- Methodology
- Media

#### **Communication Request from SAC**

- Notification of permit applications
- Notify if potential conflict of interest
- If available, schedule briefing at SAC meeting of potential activity or permitted activity
- If SAC meeting is not available due to factors such as time constraints, send an email briefing to SAC
- If potential conflict arises during permitted activity, send briefing email to SAC
- Schedule briefing at next available SAC meeting
- Present role GFNMS plays in international process

### **Action >>**

Send link to Domeier's paper and symposium (*emailed 12/14/09*)

Keep SAC informed on latest research findings with Domeier's work (*scheduled to speak at 4/8/10 SAC meeting*)

### **Methodology**

- Physiologist evaluate stress to animal
- Investigate alternative techniques to install these types of tags
- Review the Marine Mammal Protection Act recommendations for best research practices
- Investigate alternative technology available
- Investigate long-term effects on sharks
- Investigate corrosion factor of hook
- Assess necessary number of data points needed to determine safety of methodology
- Investigate collaborative nature of research

### **Media**

- National Geographic
  - Filming should reflect research and data
  - Anticipate potential media firestorm
  - If uncertain, go slowly
  - Learn from other agencies on how they handle firestorms

### **Enforcement Technical Advisory Committee (TAC) Update**

- Dayna Matthews, Enforcement Coordinator, NOAA Office of Law Enforcement, first recognized the work of Irina Kogan and Karen Reyna and thanked them for their efforts.
- He stated the TAC meets twice a year as a joint committee for GFNMS and CBNMS.
- They are working on a summary settlement schedule, which is like a bail schedule for lesser offenses (like getting a ticket). This will be extended to US Coast Guard (USCG) and Cal Fish and Game (CDFG). It is no small task to train people though. We will have 500-600 news eyes looking at sanctuary issues.
- The October 8<sup>th</sup> meeting was attended by CDFG, National Park Service, NOAA Law Enforcement, USCG, US Fish and Wildlife Service, Fitzgerald Marine Reserve, State Parks, Marin County, and Mavericks Surf Ventures. There was a briefing on sanctuary white shark regulations and the permitting program, MLPA enforcement, and the development of a vessel patrol guide.
- Michael Carver and two enforcement agents from Santa Rosa provided a 2 ½ hour presentation for the Patrol Boat crew on Coast Guard Island that included information on the vessel patrol guide. This was the first time doing the training and at least 13 more dates have been identified. Local sanctuary staff will be helping to provide trainings and Brittany Steward is a large part of this effort.
- Until last year all sanctuary aircraft were in Florida. Matt Picket is now working on a NOS contract, which is largely responsible for getting the Twin Otter on the West Coast. The plane does have to go to Alaska June through October. They have budgeted enforcement time for the aircraft and rigged it for surveillance, observation, and research.

## **Discussion**

- Maria Brown stated a large reason we have the Twin Otter available is the letter from the Council.
- Mick Menigoz stated he could draft another letter addressing the need to have the Twin Otter more often and/or for different times.
- Barbara Emley stated she hasn't seen any communication alerting people there are reserves.
- Dayna replied this is incumbent on the state to take the lead. We will support their efforts. We could suggest to Maria to send out info in renewals.
- Richard Charter asked if MLPA implementation occur in January and will there be a grace period?
- Dayna replied yes they will go into effect in January. The special closure areas will be marked with buoys that the sanctuary is funding. Also, funds were made available from the sanctuary to CDFG for enforcement work.
- Bob Wilson stated the Farallones Marine Sanctuary Association is applying for private funding for education also.
- Dayna stated time on the Twin Otter is about a day a week, split four ways. We have eight hours of aerial time a month which is actually a good amount. They have done some patrols in Monterey Bay and found we are getting pretty good compliance.

## **Public Comment**

Jackie Dragon, Pacific Environment, provided the following comments:

- She commended the council for rigorous and professional review of the shark research situation. The sharks have an amazing group of advocates. My work primarily involves shipping. We are currently advocating pre-booming of refueling vessels, learning from the lessons of Washington state where they have stricter regulations than here. Post two blue whale deaths on our north coast, we issued a notice to the National Marine Fisheries Service for failure to implement the blue whale recovery plan from 1998. For over a decade they have failed to implement this mandated plan, which would include designating a Blue Whale Recovery Plan implementation coordinator, establish criteria for eventually downlisting blue whales, identifying critical habitat, methods to reduce ship collisions, and conducting studies on environmental pollutants affecting blue whale populations. We are excited to see that there may be momentum growing with sanctuaries around shipping noise.

George Clyde, member Tomales Bay Vessel Management Plan working group, provided the following comments:

- Two years ago he expressed concern about the Tomales Bay Vessel Management Plan. Now he's happy to say that what he thought was a bad start will have a good ending. During the last two years, with the help of Dominique, sanctuary staff, and an active working group, we have had a lot of input, thought, and considerations. The working group recommendations will be presented today, and we should all congratulate ourselves. There were many learned lessons and he hopes sanctuary staff will continue to consult with the Advisory Council and the Council will continue to be involved as the process moves forward.

### **Permitting Discussion cont.**

Richard Charter presented a draft resolution titled, “Resolution Supporting Prompt Notification of Gulf of the Farallones National Marine Sanctuary Advisory Council of Pending Permit Applications in Sanctuary Waters”

### **Discussion**

- Maria Brown stated before a permit is issued, she is limited in the amount of dialogue she can have depending on the permit. She is open to doing as much as she legally can.
- Dan Howard asked what would you like this resolution to accomplish?
- Richard Charter stated we don’t want to repeat this experience. We want to make sure we are not “blindsided” again. We can better advocate for sanctuary values if we are informed.
- Dan asked would this be for every permit application?
- Bob Wilson stated for those that felt controversial.
- Maria stated she reads this as all permits.
- Irina Kogan replied we often get incomplete applications and we have a strict timeline. We have interaction with applicants, consultation, and information coming in until the very end. Once we have all the information needed, the permit is issued in a day or two. As we get a project name we can send it on, but if you want to know more, the reality is you meet every few months and permits have to be reviewed every 30 days. Supplying the applicant and project names are not hard, but additional information is.

A motion was made to approve the resolutions with edits provided by the Council. The final resolution is available at: [http://farallones.noaa.gov/manage/sac\\_meetings.html](http://farallones.noaa.gov/manage/sac_meetings.html).

Motion: Richard Charter, Conservation

Second: Bob Wilson, Conservation

Motion carried unanimously

Richard Charter presented a second draft resolution titled, “Resolution Relating to Methodologies for Capture and Tagging of White Sharks and Other Potential Permits within the Gulf of the Farallones National Marine Sanctuary for Research Purposes.”

### **Discussion**

- Mick Menigoz asked what is this resolution trying to achieve?
- Richard Charter replied balancing the knowledge to be gained and benefit to the species, against the treatment of sharks. The burden of proof is on the applicant. They shouldn’t automatically get a permit. The sanctuary regulations should dominate. We don’t want to rewrite our regulations, we are restating them. It shouldn’t be easy to modify our regulations
- Maria Brown stated that is how it is now.
- Chris Powell stated this gives backup to Maria. The burden is on her when media comes. The council recommends the burden of proof on the applicant.



- Bob Wilson stated public hearing should read public meetings so we could hold them ourselves. The sanctuary doesn't want to have meetings every time they get a permit application, but the Advisory Council can hold fact-finding meetings.
- Maria stated what is written here doesn't seem much different than how we operate now. If you say the Council wants to be engaged in permits, we will need to consult with the national office, because what we do sets a precedence for the nation.
- When asked how many permit applications the sanctuary gets per year, Irina Kogan replied about 30-50. This year we issued about 25 (not everything ends up needing a permit).
- Dan Howard stated the only reason an applicant must ask for a permit is to "compromise regulatory measures."

A motion was made to approve the resolutions with edits provided by the Council. The final resolution is available at: [http://farallones.noaa.gov/manage/sac\\_meetings.html](http://farallones.noaa.gov/manage/sac_meetings.html).

Motion: Richard Charter

Second: Chris Powell

Motion carried unanimously

### **San Mateo Coastside Visitor Center Update**

Bob Breen, Working Group Chair, and Carol Preston, Education Coordinator, GFNMS presented the working group recommendations. A copy of this presentation and the draft recommendations are available at: <http://farallones.noaa.gov/manage/sac.html>.

- Carol thanked Bob Breen, Chris Powell, Pat Conroy, Brenda Donald, and Peter Grenell for their involvement.
- Bob thanked Carol for her outstanding efforts in putting this together, and the other SAC members involved. Jeff Northam put our ideas together and brought it to life.

### **Discussion**

- When asked if the Pillar Point Harbor site is available Peter Grenell answered, in the interest of transparency and public disclosure, he will discuss what he can without violating provisions of the Brown Act. The vacant spot is the minimum threshold size a Visitor Center could be. The optimum would be a larger space. The thought is, let's get started at least. The sanctuary office could also be a part of this. We have received four serious inquiries: the sanctuary, Mavericks Surf Shop, an antique shop, and an internationally themed fish market (they may be dropping out). The Harbor Commission is favorably inclined to the sanctuary and the surf shop. He has been given the go ahead to start lease negotiations. There is only one space for two parties. The harbor district would like to see both as they each bring unique, new, advantages and activities to the harbor. The sanctuary has the connection with NOAA that would represent a piece of our long-term strategy for Pillar Point Harbor as a location for Federal and State Agencies that respond to and are mandated to ocean resources. He will talk with each party about lease terms and conditions and will be doing his best to find a way to have both in harbor. They need to fill the space, because it has been vacant for over two years.

- Chris Powell stated this area is in need of a visitor center like this. Brian O'Neill first brought this up. There are other agencies in the area that want to come together on a visitor center here. In the very least could you entertain having materials from other agencies, and maybe some day we could have a larger visitor center with other agencies.
- Maria Brown stated she followed up with Richard Gordon and we were declined to be a part of that group. She asked but did not receive a response. They were interested in land not oceans.
- Barbara Emley stated the sanctuary and fishermen need to be better connected, this would be a good opportunity if it was located in the harbor.

A motion was made to approve the working group recommendations as presented. The recommendations are available at <http://farallones.noaa.gov/manage/sac.html>.

Motion: Brenda Donald

Second: Barbara Emley

Motion carried unanimously

### **Tomales Bay Vessel Management Plan (TBVMP)**

Karen Reyna, Acting GFNMS Resource Protection Coordinator gave a presentation that is available at: <http://farallones.noaa.gov/manage/sac.html>. Pull test results are also available at <http://farallones.noaa.gov/manage/sac.html>

- The working group held two additional meetings, for a total of nine. Dominique coordinated last two and we owe a lot of gratitude to him. We would like to acknowledge his efforts and thank him.

Dominique Richard, Working Group Chair, presented the working group feedback on the pull test performed that is available at <http://farallones.noaa.gov/manage/sac.html>.

Dominique Richard, Working Group Chair, presented the working group recommendations regarding the mooring tackle pilot test that are available at <http://farallones.noaa.gov/manage/sac.html>.

A motion was made to approve the working group recommendations regarding the mooring tackle pilot test with edits provided by the Council. The revised recommendations are available at <http://farallones.noaa.gov/manage/sac.html>.

Motion: Peter Grenell

Second: Bob Wilson

Motion carried unanimously with one abstention

Barbara abstained

Dominique Richard, Working Group Chair, presented the working group recommendations regarding acceptance of the permitting process that are available at <http://farallones.noaa.gov/manage/sac.html>.

A motion was made to approve the working group recommendations regarding the mooring tackle pilot test with edits provided by the Council. The revised recommendations are available at <http://farallones.noaa.gov/manage/sac.html>.

Motion: Chris Powell

Second: Bob Wilson

Motion carried unanimously

### **Member Reports**

Members were asked to only make brief announcements due to time constraints.

- Bruce Bowser stated the beach camping ban in Bolinas was skirted over by the Bolinas Lagoon Technical Advisory Committee. They felt they couldn't comment on it. He has a letter he drafted for the council's consideration at the February or April meeting, depending on scheduling of the county supervisors.
- Dominique Richard stated Brad and him will be presenting the results of the Tomales Bay Vessel Management Working Group to the Tomales Bay Watershed Council next Tuesday.
- Dan Howard stated he was asked by the Cordell Bank Council to approach this Council to have a joint meeting in April. They would like to meet separately in the morning and together in the afternoon to discuss the site scenario document and other overlapping topics.
- Bob Wilson stated we should consider having a liaison to the Cordell Bank Council.

### **Advisory Council Business**

Kelley Higgason, GFNMS Advisory Council Coordinator, asked if the Council had recommendations for a case study to present at the 2010 Advisory Council Summit. The following were provided: Climate Change Site Scenario; Tomales Bay Vessel Management Plan; and Bolinas Lagoon Restoration Project.

A vote was taken with 2 for Tomales and 8 for Bolinas. Kelley and Richard will work together to draft an abstract for submission.

The February 2010 meeting will be held February 18<sup>th</sup>. The Council asked to hold the meeting at Elkus Ranch and Kelley will contact Nicole Capps to see if the Monterey Bay Council agrees.

### **2010 Upcoming Meetings**

- February 18, 2010 – Half Moon Bay
- April 8, 2010 – Point Reyes
- August 12, 2010 – Bodega Bay
- October 14, 2010 – Council Retreat, location TBD
- December 9, 2010 – San Francisco