

Monterey Bay National Marine Sanctuary

Summary of Scoping Comments

December 11, 2015

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Introduction

In August of 2015, Monterey Bay National Marine Sanctuary (MBNMS) initiated an update of its management plan, a collaborative document, broad in scope, providing important guidance for sanctuary programs and operations. It is time to refresh the 2008 document and update its contents to ensure the sanctuary's natural and cultural resources are better understood and continue to be protected through management informed by current knowledge of this special place and the threats and pressures placed upon it.

A sanctuary management plan is a site-specific planning and management document describing the objectives, policies and activities for a sanctuary, and guides management actions. Management plans summarize existing programs and regulations, articulate visions, goals, objectives, and priorities of the sanctuary, guide management decision-making, guide development of annual operating plans, guide future planning, ensure public involvement in management processes, and contribute to the attainment of national marine sanctuary goals and objectives.

Over time, all management plans should be reviewed and updated to account for changing conditions and needs. At MBNMS, we recognize since our 2008 management plan was implemented, new partners, new issues and new opportunities have emerged. Moreover, much has been implemented and accomplished and no longer needs to be in the plan. Revising the management plan allows the sanctuary superintendent and staff to reflect state-of-the-art marine management approaches and ensures limited resources are focused on priorities. The review examines and potentially changes sanctuary programs and operations, action plans, regulations and boundaries. Management Plan Review (MPR) is the process by which all national marine sanctuaries review and revise their sanctuary management plans and is required under the National Marine Sanctuaries Act. Monterey Bay National Marine Sanctuary's MPR will be conducted in phases over the next few years.

This process involves proactively reaching out to members of the community to gather input, weighing collected information against the best available science and the agency's management expertise, and developing a plan that drives the sanctuary to meet the goals and objectives of the review. The MPR process and Sanctuary Advisory Council will provide guidance and direction for this review. The council is a community-based advisory group established to provide advice and recommendations to the sanctuary superintendent. The council members serve as liaisons between their constituents in the community and the sanctuary and provide expertise on both the local community and sanctuary resources, strengthen connections with the community and help build increased stewardship for sanctuary resources. MBNMS Advisory Council members represent agriculture, business and industry, conservation, diving, education, fishing (commercial and recreational), recreation, research, tourism, local governments, state and federal agencies and the community at large.

This review formally began in August 2015, when a public notice of intent to review the management plan was issued requesting public comments during the scoping period. Scoping comments were received from September 10 through October 30th. Comments on the direction the sanctuary should take to best protect and conserve the living marine resources and submerged

cultural resources of MBNMS were accepted electronically at www.regulations.gov under docket number NOAA-NOS-2015-0099, letters to the Sanctuary Superintendent and at four public meetings held in communities adjacent to the sanctuary. 220 comments were submitted and encompassed a range of topics. Comments may be viewed in their entirety at www.regulations.gov under docket number NOAA-NOS-2015-0099. This document summarizes and groups the variety of comments submitted during the scoping period.

Next Steps

Monterey Bay National Marine Sanctuary and the Sanctuary Advisory Council will use the public comments for guidance to best determine the high priority resource management issues to address in this review and evaluate management alternatives. In the coming year, MBNMS staff and the Advisory Council will develop recommendations, using the input from the scoping meetings, for NOAA to consider, and staff will assess the environmental impacts of these recommendations, which may include modifications or additions to sanctuary regulations. A draft management plan, along with an environmental analysis and possible regulatory changes, will be presented to the public. NOAA will gather public comment on the proposal. Finally, a final management plan and associated documents will be adopted and implemented.

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Comment statistics

Scoping comments on the MBNMS management plan review and regulations were submitted at the public scoping meetings, either as facilitated verbal comments or via comment cards; as letters via the mail; or electronically on line via the e-Rulemaking Portal at www.regulations.gov/#!docketDetail:D=NOAA-NOS-2015-0099. Comments not received electronically were posted to the e-Rulemaking Portal, thereby assembling all the scoping comments into the electronic docket for public viewing.

Comments submitted during the scoping period can be characterized as follows:

- The four scoping meetings produced four scoping summary reports that are posted online.
- 220 comments were submitted. A comment or comment letter may raise several issues and provide more than one suggestion on how to revise the MBNMS management plan.
- Of the 220 comments submitted, 51 comments were either clear duplicates (100%) or near duplicates (80%), rendering the total amount of individual comments as 169 comments.
- The overwhelming majority of comments were submitted by public citizens.
- Government partners submitted six comment letters.
- Educational partners submitted three comment letters.
- User groups submitted seven comment letters.
- Conservation groups submitted six comment letters.

Comments categorized by topic

When summarizing the public comments, MBNMS staff started with no pre-conceived list of topics or categories. For each comment, staff assessed the issue being discussed and either created a topic heading to describe the issue or binned the comment under a topic heading that had already been created based on an earlier comment. Some comments belong under more than one topic, but not many. Eventually a list 26 topic categories was created, which can be divided into three overarching themes: Collaborative Research and Management; Education, Outreach and Citizen Science; and Regulatory Changes and Clarifications.

COLLABORATIVE RESEARCH AND MANAGEMENT

- Artificial reef
- Beach nourishment
- Birds
- Boundary changes
- Climate change
- Coastal armoring
- Desalination
- Fisheries:
 - anchovy fisheries
 - fishing
- Management plan update/action plans
- Marine debris
- Mooring buoys
- Motorized personal watercraft (MPWC)/jet-ski
- Sanctuary advisory council (AC)
- Science and monitoring
- Sanctuary Ecological Significant Areas (SESAs)
- Water quality protection:
 - miscellaneous
 - regional monitoring
 - run-off of contaminants
- Wildlife disturbance:
 - entanglement
 - harassment
 - soundscape
 - unmanned aircraft systems

EDUCATION, OUTREACH AND CITIZEN SCIENCE

- Citizen science
- Education

REGULATORY CHANGES AND CLARIFICATIONS

- Regulations

Categorized topics

Comments were divided into 26 topic categories (in bold). The topic categories are grouped according to three overarching themes: Collaborative Research and Management; Education, Outreach and Citizen Science; and Regulatory Changes and Clarifications. Under each topic category comments were paraphrased and entered as either “issue or concern”, or “suggested strategies and tools” (to address the issue or concern).

COLLABORATIVE RESEARCH AND MANAGEMENT

Artificial reef

Issue or concern

- Dive community requests an artificial reef (boat, plane, other)
- Artificial reef would contribute to local economy
- Wildlife would attach to and congregate at artificial structure
- Reefs would serve as seed (production) sites for surrounding area
- Divers would come from elsewhere to dive on a wreck
- Sanctuary is not pristine: artificial reefs reverse/restore damage done by human uses
- Less pressure on existing reefs/dive sites
- Artificial reefs are also a draw for recreational fishermen

Suggested strategies and tools

- Raise funds for establishing artificial reef through Kickstarter/Indiegogo campaign.
- Divers or dive boats would pay a fee to the county to fund establishment of artificial reef.
- Divers would be very willing to help with this endeavor, whether financially or by volunteering.
- MBNMS needs to do the necessary research (e.g. cost benefit analysis) and research possible beneficial locations for an artificial reef.
- Site an artificial reef that does not impact commercial fishing.
- Ensure hyperbaric chamber operations continue.
- Support the placement of artificial reefs within the MBNMS management framework.
- Permit an artificial reef to include enhanced multiple use opportunities.

Beach nourishment

Issue or concern

- Severe erosion at Surfer’s Beach (Half Moon Bay)

Suggested strategies and tools

- Continue to coordinate with local entities to find a solution.
- Restore sediment transport - need permanent location to place sand.
- Use other sources of clean sand if sand inside breakwater cannot be used.
- Conduct a pilot study on beach erosion - need enough sediment to have effect on curbing erosion.
- Review historic photos to understand severity of beach erosion.
- Consult the Regional Sediment Management Plan for the Santa Cruz Littoral Cell.

- Revise management plan to include beneficial reuse of clean dredged materials to mitigate coastal erosion.
- Amend sanctuary regulations/designation document to allow for the dredge and disposal of clean, compatible sediments from Pillar Point Harbor.

Birds

Issue or concern

- Miscellaneous
- Chumming to attract birds for offshore/pelagic bird observations
- Seabird protection from overflights

Suggested strategies and tools

- Use Sea Bird Company database for Ashy Storm Petrel - species of concern.
- Monitor persistence of dichlorodiphenyltrichloroethane (DDT) to study effects on California Condors.
- Create guidelines for chumming to attract birds.
- Permit chumming to attract birds for educational purposes.
- Change regulation to allow chumming to attract sea birds.

Boundary changes

Issue or concern

- San Francisco - Pacifica Exclusion area near San Mateo
- Chumash Heritage National Marine Sanctuary (CHNMS)

Suggested strategies and tools

- Consider impacts to partners/agencies if any boundaries are changed.
- Evaluate marine renewable energy potential and prepare a “Statement of Energy Effects” for any expanded areas.
- Include the San Francisco - Pacifica exclusion area to MBNMS or Greater Farallones National Marine Sanctuary (GFNMS).
- Expand MBNMS south if NOAA does not move forward with CHNMS designation.

Climate change

Issue or concern

- Climate change
- Ocean acidification
- Sea level rise

Suggested strategies and tools

- Increase coordination and cooperation among science and resource management agencies to improve planning, monitoring, and adaptive management.
- Adopt “Greening the Sanctuary” / reduce carbon footprint.
- Create a climate action plan in the MBNMS management plan with
 - measurable objectives
 - emphasis on outreach/education.

- Assess other action plans for MBNMS and include climate-related measures.
- Prepare better for climate-related coastal hazards (e.g. sea level rise, erosion, etc.).
- Build resilience into coastal communities.
- Expand monitoring of ocean acidification.

Coastal armoring

Issue or concern

- Climate-related sea level rise, increased erosion, shoreline loss
- Coastal erosion of hiking trails from increased tourism

Suggested strategies and tools

- Prioritize and use planned (or managed) retreat as a response measure to climate change.
- Develop an action plan with specific measures in support of the Coastal Regional Sediment Management Plan.
- Increase coordination with other local entities.
- Mitigate impacts from increased tourism through outreach/education and coordination with partners.

Desalination

Issue or concern

- Drought/water shortage
- Three desalination projects proposed within the sanctuary
- Brine discharge is toxic to marine life
- One or more regional desalination projects are of critical importance to our economy and the well-being of our citizens.

Suggested strategies and tools

- Update existing action plan
 - by improving desalination guidance
 - to reflect progress
 - by adding emphasis on monitoring and enforcement.
- Update desalination webpage.
- Educate public on environmental impacts to sanctuary.
- Do not permit brine discharge or allow a desalination plant within the sanctuary
- Permit desalination.
- Issue guidelines, regulations, or permit conditions that balance ocean environmental concerns with the needs of the humans.

Fisheries: anchovy fisheries

Issue or concern

- 99% collapse of anchovy population
- Overfishing of anchovy
- Anchovy filled with domoic acid – not fit for consumption
- Anchovy are the basis of food chain and needed for whales and other marine mammals
- Anchovy are important for the sanctuary ecosystem

- Anchovy are ground up for aquaculture
- Lax regulations
- Waste of dead anchovy found floating in the ocean waters
- Use of 'seal bombs' to scare sea lions away from the nets

Suggested strategies and tools

- Conduct a new stock assessment.
- Update catch limits.
- Encourage sustainable harvest.
- Enforce stricter limitations.
- Protect the ecosystem rather than commercial or sport fishing interests.
- Make Monterey Bay a true marine protected area.
- Monitor the harvest of anchovy.
- Consider how anchovy harvest is regulated within MBNMS.
- Establish a closer relationship with NMFS.
- Pursue the restriction of anchovy harvest by presenting an ecosystem-based perspective to fishery managers.
- Halt anchovy fishery.

Fisheries: fishing

Issue or concern

- Overfishing is a problem
- Reckless overfishing in Monterey Bay must be checked
- Fishermen view MBNMS in negative manner and feel alienated from process

Suggested strategies and tools

- Inform the public of the situation.
- Only create fishing regulations (or fishing zones) with support from recreational and commercial fishing leaders. If there is support, advise fishery managers.
- Oppose fishermen's request to have approval (veto power) of any fishing rules.
- Have Alliance for Communities of Sustainable Fisheries (ACSF) represent fishing interests to MBNMS.
- Halt fishing in the sanctuary.
- Renew Fishermen in the Classroom
- Update fishing practices in management plan.
- Update action plan on bottom trawling.

Management plan update/action plans

Issue or concern

- Revisions are needed
- Limited funding

Suggested strategies and tools

- Update fishing practices in management plan.

- Update action plan on bottom trawling.
- Prioritize number of action plans
 - consider key ecosystem components and key stressors.
 - create a category of action plans that are addressed only when funding is available.
- Collaborate with partners to implement action plans.
- Use best available science when developing action plans.
- Use peer review or consensus process if conflicts arise about science.
- Use community needs to guide revisions of management plan
- Leverage funding and resources with like-minded groups/agencies.

Marine debris

Issue or concern

- Lost fishing gear (fishing line, lead weights, traps, nets)
- Plastics

Suggested strategies and tools

- Support and expand existing discarded or lost fishing gear retrieval programs.
- Reduce sources of plastics entering the sanctuary.
- Expand beach clean-up efforts.
- Maintain and increase education.
- Develop a sign for restaurants “straws upon request.”

Mooring buoys

Issue or concern

- Dive community requests placement of moorings at popular dive sites
- Preserves benthic habitat/no hook-ups on kelp or other living organisms
- Less disturbance to wildlife
- Better dive safety (no slipped anchors)

Suggested strategies and tools

- Add a "mooring due" to all boat charters to pay for installation/maintenance of moorings.
- Allow dive community (e.g., dive clubs, diver charter boats) to fund, set and maintain moorings.
- Permit the placement of mooring buoys in the sanctuary.

Motorized Personal Watercraft (MPWC)/jet-ski

Issue or concern

- Modern MPWC are largely used as personal lifeguards for big wave surfers
- Legal use of MPWCs at Mavericks is unrealistic (27 conditions): mostly a two buddy system
- MPWC use at other high surf locations
- Need areas and opportunity to practice surfer rescue
- MPWC's are a multiple-use (National Marine Sanctuaries Act mandates ONMS to facilitate multiple use) and should therefore be allowed

Suggested strategies and tools

- Conduct an independent peer-review of science justification to ban all vessels (instead of go-slow areas).
- Prioritize training of public safety personnel using MPWC.
- Have official on site to monitor activity during all conditions.
- Study current MPWC use and the wave conditions in which they are used.
- Increase utility and effectiveness of the existing MPWC use zones
- Expand recreational opportunities of MPWC to other locations to allow for practice of rescue methods.
- Allow MPWC use at other selected big wave areas under “large surf warning” conditions.
- Allow for MPWC use as a safety tool, and for increased recreational opportunity.
- Amend the MBNMS rule on MPWC use to allow their use at Maverick’s in “high surf advisory” condition.
- Review and amend the existing sanctuary rule which prohibits the use of MPWC in most of the sanctuary.
- Prohibit MPWC use in the sanctuary, except under special circumstances.

Sanctuary advisory council (AC)

Issue or concern

- Sanctuary AC operations
- Business has little representation on Sanctuary AC

Suggested strategies and tools

- Explore establishing the Sanctuary AC under a local joint-powers authority.
- Add a renewable energy industry representative to Sanctuary AC
- Add a tribal representative to Sanctuary AC

Science and monitoring

Issue or concern

- Miscellaneous

Suggested strategies and tools

- Study contribution of Marine Life Protection Act sites to ecosystem health.
- Conduct more research to inform policy.
- Conduct more characterization, research and monitoring to understand sanctuary ecosystem.
- Provide to science collaborators funding, ship time, dive services, etc.
- Distribute and stress research on the natural cycles of MBNMS ecosystem.
- Study effects of sea lion population on ecosystem.

Sanctuary ecological significant areas (SESAs)

Issue or concern

- Need more information

Suggested strategies and tools

- Conduct more research in SESAs.
- Continue following the EFH review process.
- Continue collaborative research and pilot management activities with fishermen in SESAs.

Water quality protection: miscellaneous

Issue or concern

- Beach Closure and Contamination Action Plan
- Water quality concerns at San Simeon creek
- Habitat degradation due to pumping (e.g., steelhead)
- Drought
- Fukushima radiation
- USS Independence radiation
- Nuclear dump site by Farallon Islands
- Chemical use to eradicate non-natives
- Industrial ags use of GMOs and toxins

Suggested strategies and tools

- Identify focus areas toward which to direct more sanctuary resources.
- Include Surfrider's volunteer Blue Water Task Force labs into the on-line portal.
- Collaborate with local municipalities and focus on identifying and fixing the sources of pollution at beaches.
- Collaborate with other agencies to maintain water quality in local watersheds.
- Maintain whole lifecycle of fish.
- Balance and control amount of tourism.
- Monitor radiation impacts from 2011 Fukushima accident in Japan and educate public of findings.
- Monitor radioactive impacts from USS Independence and nuclear dump site off of Farallons and educate public of findings.
- Support multi-benefit water supply and conservation projects in local communities, such as "Ocean Friendly" gardens.
- Increase public education and outreach with like-minded organizations.
- Limit impairment to watersheds from collection of watershed waters.

Water quality protection: regional monitoring

Issue or concern

- Coordinated regional monitoring program
- Marine species as sentinels for water quality

Suggested strategies and tools

- Establish a coordinated regional monitoring network, building on successful models.
- Participate in the Central Coast Regional Water Quality Control Board's efforts to list and remedy Clean Water Act Section 303(d) water bodies.
- Incorporate marine species mortalities into regional monitoring reports.

Water quality protection: run-off of contaminants

Issue or concern

- Reduce non-point sources of pollution from landscapes
- Harmful algal blooms (HABs) in the ocean
- HABs that occur within watersheds that feed into the sanctuary

Suggested strategies and tools

- Include training and outreach to the professional and amateur landscaping/gardening communities.
- Conduct trainings around retrofitting public landscapes that could be used as demonstration projects for implementation of best management practices.
- Eliminate fires on beaches.
- Encourage beach clean ups after holidays.
- Conduct more monitoring of HABs.
- Develop better regulations on "Roundup" discharge.

Wildlife disturbance: entanglement

Issue or concern

- Whale and turtle entanglement

Suggested strategies and tools

- Focus on prevention, response, data collection, and collaborative working group.
- Increase effectiveness of entanglement response.
- Develop best fishing practices to reduce entanglements – ACSF will participate.
- Oppose Navy's plan for increasing sonar buoys, which are an entanglement risk.
- Continue with Pacific leatherback sea turtle as a focal species.
- Explore a sister sanctuary program with Indonesia (for leatherbacks).

Wildlife disturbance: harassment

Issue or concern

- Harassment of sea otters, whales, seals, and marine birds by
 - kayakers
 - paddle boarders
 - drones (see Wildlife disturbance: unmanned aircraft system)
 - increased tourism
 - fishermen using bombs and other noise making devices
 - MPWC
 - low overflights
 - Radio-frequency radiation (RF)

Suggested strategies and tools

- Add more enforcement.
- Support funding for enforcement.
- Cross deputize enforcement officers.
- Initiate a wide-spread public education program, using the public media.
- Support more on-site trained Bay Net and Team OCEAN docents/volunteers.
- Support funding for Bay Net and Team OCEAN.
- Adopt a kayak company by Bay Net/Team OCEAN volunteers.
- Install effective signage.
- Develop training videos for kayak/paddle board rental shops
- Identify key areas for nesting, hauling out, mating, and feeding for key species and outline methods for reducing disturbance.
- Consider alternative and/or additional measures to reduce disturbances while seeking to continue to allow responsible recreational access.
- Study impacts from RF on wildlife, including RF tagging, webcams, cell towers, and Wi-Fi.
- Add Devil's Slide rock to overflight restricted zones.
- Add Ano Nuevo Island to overflight zones or enforce existing 1000' overflight restriction.
- Explore setting a spectator or approach distance from marine mammals.
- Raise the approach distance to at least 100 feet (10 kayak lengths).
- Regulate, not just recommend, the distance for approaching marine mammals.
- Ban the use of seal bombs by fishermen.
- Regulate kayak companies to display their name and identifying number on each kayak.

Wildlife disturbance: soundscape

Issue or concern

- Acoustic impacts to wildlife
- Sonar and electromagnetic field (EMF) testing by Navy and research institutions

Suggested strategies and tools

- Coordinate research to better understand the sanctuary soundscape.
- Define dangerous levels of high-energy seismic testing.
- Participate in the NOAA-level effort to understand soundscapes.
- Study the range of acoustic impacts on MBNMS resources.
- Ban all sonar and EMF testing in sanctuary.

Wildlife disturbance: unmanned aircraft systems

Issue or concern

- Drones used in Elkhorn Slough
- Disturbances of seabird colony and marine mammal haul out areas
- Drones are useful for some research projects

Suggested strategies and tools

- Educate user group of regulations and impacts to wildlife.

- Implement geo-fencing
- Continue use of drones for some research programs.
- Ban drones from the sanctuary.

EDUCATION, OUTREACH AND CITIZEN SCIENCE

Citizen science

Issue or concern

- Citizen science needs to be a priority
- Creating more ocean stewardship needs to be a priority
- Invest in future generations of ocean stewards
- Missed opportunities for additional public outreach, involvement, and education in the most direct and relevant manner by not having sufficient Bay Net and Team OCEAN volunteers.

Suggested strategies and tools

- Expand partnerships and other external support to help ensure continuation of the Bay Net, Team OCEAN, and BeachCOMBER programs.
- Standardize and merge programs with GFNMS, e.g., Beach COMBERS and Beach Watch.
- Expand Bay Net, Team OCEAN with more funding.
- Hire a full-time volunteer coordinator.
- Develop citizen science programs.
- Support LiMPETS in the Cambria area of MBNMS.
- Expand NOAA Ocean Guardian School.

Education

Issue or concern

- Need improvements to education and outreach

Suggested strategies and tools

- Develop NOAA branding for Coastal Discovery Center, San Simeon Cove Beach and throughout Cambria and San Simeon.
- Implement live webcams at San Simeon Cove and audio on Friends of the Elephant Seal webcam.
- Improve readability of SIMon website.
- Purchase Sanctuary Exploration Center (SEC) as access for divers.
- Provide more support for SEC.
- Collaborate with schools to create learning opportunities for elementary thru high school.
- Communicate cause and effect of sea star wasting disease.

REGULATORY CHANGES AND CLARIFICATIONS

Regulations

Issue or concern

- Miscellaneous
- Beach nourishment
- Birds
- Boundary change
- Desalination
- Fisheries: anchovy fisheries
- Fisheries: fishing
- Motorized Personal Watercraft (MPWC)/jet-ski
- Water quality protection: run-off of contaminant
- Wildlife disturbance: harassment
- Wildlife disturbance: soundscape

Suggested strategies and tools

- Clarify the application of MBNMS' regulations on "abandoned" vessels.
- Enforcement officers shouldn't be allowed to speed through kelp.
- Require boats are cleaned before they are moved to prevent spread of invasive species.
- Amend sanctuary regulations/designation document to allow for the dredge and disposal of clean, compatible sediments from Pillar Point Harbor.
- Change regulation to allow chumming to attract sea birds.
- Include the San Francisco - Pacifica exclusion area to MBNMS or Greater Farallones National Marine Sanctuary (GFNMS).
- Expand MBNMS south if NOAA does not move forward with CHNMS designation.
- Issue desalination guidelines, regulations, or permit conditions that balance ocean environmental concerns with the needs of the humans.
- Halt anchovy fishery.
- Halt fishing in the sanctuary.
- Expand recreational opportunities of MPWC to other locations to allow for practice of rescue methods.
- Allow MPWC use at other selected big wave areas under "large surf warning" conditions.
- Allow for MPWC use as a safety tool, and for increased recreational opportunity.
- Amend the MBNMS rule on MPWC use to allow their use at Maverick's in "high surf advisory" condition.
- Review and amend the existing sanctuary rule which prohibits the use of MPWC in most of the sanctuary.
- Develop better regulations on "Roundup" discharge.
- Add Devil's Slide rock to overflight restricted zone.
- Add Ano Nuevo Island to overflight zone or enforce existing 1000' overflight restriction.
- Explore setting a spectator or approach distance from marine mammals.
- Raise the approach distance to at least 100 feet (10 kayak lengths).

- Require, not just recommend, the distance for approaching marine mammals with regulations.
- Ban the use of seal bombs by fishermen.
- Regulate kayak companies to display their name and identifying number on each kayak.
- Ban all sonar and EMF testing in sanctuary.
- Ban drones from the sanctuary.

Federal Register Notice