

**U.S. DEPARTMENT OF COMMERCE**  
National Oceanic and Atmospheric Administration  
Office of National Marine Sanctuaries  
Stellwagen Bank National Marine Sanctuary  
175 Edward Foster Road  
Scituate, Massachusetts 02066  
TEL: 781.545.8026 FAX: 781.545.8036

**27<sup>th</sup> SANCTUARY ADVISORY COUNCIL MEETING**  
**14 May 2009 9:00 am – 5:00 pm**  
**NOAA Fisheries Northeast Region Office, Gloucester, MA**

**MINUTES of MEETING**

**Present:**

Regina Asmutis-Silvia	Alternate: Conservation
Michelle Bachman	State: NEFMC
Priscilla Brooks	Alternate: Conservation
Dale Brown	Alternate: At Large
David Casoni	Alternate: Fixed Gear Commercial Fishing
Deborah Cramer	Member: At Large
LT Rula Deisher	Federal: USCG
Richard Delaney	Member: Education and Vice Chair
Jack Crowley	Alternate: Education
Robert Foster	Alternate: Diving
Vito Giacalone	Alternate: Mobile Gear Commercial Fishing
Heather Knowles	Member: Diving
Marty McCabe	Member: Marine Transportation
Margaret Merrill	Alternate: Business/Industry
Steve Milliken	Member: Whale Watching
Frances Morton	Alternate: Marine Transportation
David Pierce	State: MA Division of Marine Fisheries
Chip Reilly	Alternate: Whale Watching
Heather Rockwell	Alternate: Education
Kathy Rodrigues	Federal: NMFS
Michael Sosik, Jr.	Alternate: Recreational Fishing
John Williamson	Member: Conservation
Mason Weinrich	Member: Research
Dick Wheeler	Member: Education
Sally Yozell	Member: Conservation and Chair

**SBNMS Staff:**

Craig MacDonald	Danielle Cholewiak	Deborah Marx
Ben Cowie-Haskell	Matthew Lawrence	Elizabeth Stokes

**Others Present:**

Jen Anderson	David Gouveia	Allison Rosner	Rodney Rountree
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**I. Welcome, Review and Agenda and Approval of 25<sup>th</sup> SAC Minutes.** Sally Yozell opened the meeting by welcoming everyone. She introduced Maggie Merrill who is the new Business/Industry At Large Member.

i. Review of Agenda: The agenda was reviewed.

ii. Approval of 26<sup>th</sup> SAC Minutes: The minutes of the 26<sup>th</sup> SAC meeting were reviewed.

**MOTION:** Sally Yozell motioned to approve the minutes. Motion seconded by Mason Weinrich.  
**Minutes approved.**

## **II. SBNMS Business**

i. FY09 Budget (Craig MacDonald)

The FY09 budget was finalized in April, with the new FY beginning in October. There was an overall budget reduction for FY09. NOS placed additional assessments on NMSP that reduced actual funding available. Craig presented an unofficial breakdown of the budget over the past three fiscal years prepared by NMSP. Across the board, there is \$2.5 million less projected for NMSP in FY10. Planning and Acquisition funding (PAC) is projected at \$5.5 million -- less than half of what was enacted in FY09.

SBNMS is projected to take a cut in marine operations and likely will not get funding for the boat captain and mate for FY10. Being without a captain and mate would lead to severe constraints on the use of the *Auk*. The budget projected will make it difficult to accomplish work programmed for the sanctuary. All non essential expenditures will have to be zeroed out; i.e., including some of the extended research and education programs. There are grants in place with various academic institutions where work will continue such as whale tagging, haddock tagging, acoustics monitoring and internal wave programs. There are separate PAC funds set aside to purchase property for additional parking adjacent to boat house. Parking lot funds cannot be applied to captain and mate funding.

Comments and Discussion (Sally Yozell, Craig MacDonald, Mason Weinrich, Deborah Cramer, David Pierce, John Williamson, Richard Delaney):

Craig was asked to explain rationale for purchasing land for a parking lot, when funding is being cut.

Craig explained that there is a clear distinction between PAC funds and operational funds (ORF). There would not be any support to reallocate the monies. The parking lot is part of a 10-year plan to convert the boat house into a fully functional marine operations center. It is essential to expand the parking lot for overflow from the main facility. Land has become available and its purchase was built into the long range plan; it has taken four years to get funds committed and is part of the long term plan for the boat house and for the site to mount more field operations. Acquiring the *Auk* was the beginning of pulling this platform together to start partnering and teaming up with other academic institutions. The sanctuary has a lot of world class research going on, and the *Auk* has served as the platform to attract partners and create demand. The conceptual design plan may be ready in September. It would be an opportune time to provide an update at the next meeting as to what is envisioned based on the architects' recommendations.

The marine operations center will become an essential part of marine research support throughout the sanctuary area. It can involve a whole network of academic and NGO research partners. It is all part of the infrastructure to help research needs for marine species and ecosystems in the northeast.

Some SAC members were unaware of a vision to establish a fully functional marine operations center. It was recommended that the superintendent give a programmatic update on the marine operations project at the next meeting to get a sense of what it is and to allow the SAC to provide some recommendations and advice before it is set in stone and to determine how to partner with various entities.

There is a lot of research that needs to be done with the Maritime Heritage Program and funding for that is needed. The 2008 accomplishment report highlights the importance of SBNMS maritime heritage resources.

The word needs to get out that sanctuary cannot be managed effectively without more funding. Discussion continued on how to raise these concerns about the budget to a higher level within NOAA.

**MOTION:** Sally Yozell with second by David Pierce that John Williamson, Deborah Cramer, David Pierce, and Heather Knowles, draft a letter regarding the FY10 budget. Sally Yozell will assist. Yes - 13, No - 0. **Motion passed.**

ii. Draft Management Plan Update (Craig MacDonald)

Progress had been made on the response to comments and meetings have been held with other federal agencies to discuss concerns they may have. Further revision still needs to be done and some internal meetings still need to be held. Staff is still on schedule to get this finalized by end of the year. However, funding was not allocated for the printing of the final plan. If funding support is not provided, the final plan will be put on the sanctuary Web site. Hard copies possibly could become available in the following fiscal year if funds were found.

Comment by Mason Weinrich: This issue should be included in the Draft budget letter. It is absurd not to have a final management plan available in hard copy.

iii. Council Ship Time Letter to Jack Dunnigan (Craig MacDonald)

The second letter sent by the SAC may have had an impact. The letter ended up with Bill Corso who works under Jack Dunnigan, NOS Administrator. An additional 32 days of ship time may be made available. Bill Corso is waiting to hear back from sanctuary staff on when ship time is needed for FY10. If made available, it is unknown when the 32 days would occur in the calendar year, or whether the days would be suitable for the whale tagging period. Action taken to-date has been encouraging, although nothing has been finalized. Dave Wiley is working on following up with the 32-day proposal to provide sanctuary requirements, but this may take a few weeks. Craig will keep SAC updated.

Pending outcome, Mason Weinrich and Peter Auster will draft a letter thanking the appropriate parties for their championing efforts and continued collaboration and dialogue.

iv. Volvo Ocean Race Consultation (Craig MacDonald)

The letter SAC prepared to ask organizers to avoid the sanctuary during the race was taken to heart. The race took place outside of the sanctuary without any problems. This was a very successful collaboration between the SAC, sanctuary staff, NMFS and USCG. Kristin Koyama and Regina Asmutis-Sylvia were recognized as being largely responsible for their important collaboration and contribution to making this happen.

v. SAC 2009/2010 Schedule (Craig MacDonald)

Tentative time frames for the next meeting are the last 2 weeks in September or first 2 weeks in October. It would be helpful to tentatively schedule the next 2-3 meetings. He suggested moving back to 3 meetings per year rather than 4, given the projected budget constraints.

Comments and Discussion (Sally Yozell, Mason Weinrich, Richard Delaney, John Williamson, Craig MacDonald):

The latest agenda seems to be more informational than advisory. Meetings should be cut back to 3 rather

4 per year now that Draft Management Plan is moving along. They are still good for information updates even if there are no action items and plenty of opportunities to advise. A full day SAC meeting is a big commitment. It may put some constraints on SAC members and alternates from the private sector. This should be taken into consideration. It was suggested to have more comprehensive meetings with a tighter agenda with briefing materials and briefing points available in advance that need to be addressed. This would make meetings more beneficial and operational. Meetings could be streamlined to make them more effective.

Decision reached that meetings will be held in fall, winter, and spring. A fourth meeting will be added if needed, and if it can be supported by the budget.

### **III. TNC Northwest Eco-regional Assessment (Sally Yozell)**

Sally Yozell provided an overview of the Northwest Eco-regional Assessment undertaken by The Nature Conservancy. The eco-regional assessment covers three sub-regions: Gulf of Maine, Southern New England and the mid-Atlantic Bight. There are health issues in our ecosystem that need to be addressed. Marine resources are managed on a sector by sector basis. She explained why it is important to maintain an ecological balance. There are 11 technical and scientific teams working on this project and they have collected over 120 data files. The goal is to integrate and standardize data and conflicting laws, to make it compatible with other agencies undertaking similar data collection and assessments, and to plan, manage, and understand what is going on with a mutual vision throughout the region. TNC seeks to prioritize areas that it believes will enable ecosystems to be more functional and try to look for the most important parts of the ecosystem that can be protected and preserved, then attempt to link them.

### **IV. Programmatic Updates**

#### **i. Sister Sanctuary/IMMPA Meeting (Hawaii) (Craig MacDonald)**

Craig attended the International Conference on the Marine Mammal Protected Areas in Hawaii where he presented ongoing sister sanctuary work between SBNMS and the Dominican Republic. Nathalie Ward was originally invited but unable to attend. Leila Hatch attended to talk about sanctuary research. SBNMS and the Dominican Republic have established the first such sister sanctuary relationship within the program and the world. As a result of the conference, there have been several meetings with the program directors for UNEF and SPAW. They are interested in working with SBNMS to further to expand the concept of sister sanctuaries to other sites in the Caribbean where the whales cohabit their sanctuaries. Guadeloupe and Martinique will establish a sister sanctuary and are interested in partnering with SBNMS. Sanctuary appropriated funds are not being used. Nathalie Ward was successful in getting funding and management support from UNEF and from other NGOs within the Dominican Republic. The quality of science generated from SBNMS was duly noted at the IMMPA meeting and was held up as to why there should be marine mammal protected areas.

#### **ii. Annual SAC Chair and Coordinator's Meeting (Deborah Cramer)**

Deborah Cramer attended the meeting on Sally Yozell's behalf. Deborah commented that it was a wonderful opportunity and experience to spend time with other SAC Chairs and to listen to their experiences. Also, some rather intense and sustained time was spent with Dan Basta that was very interesting in terms of his perspective on the sanctuaries. The theme from the various case studies that were generated from the various sanctuaries was discussed. Case studies are basically histories of major divisions within the councils on how to proceed on various issues. Legislation priorities this year are the reauthorization of the Sanctuaries Act and the expansion of Thunder Bay NMS. Big message is that there will not be a lot of new funding. Two areas where there may be funding: A \$20m project over the next 5 years to conduct acoustics research in the sanctuary; and second is some federal funding to do research on ocean acidification in sanctuary sites. The main message repeated over and over again was that, while there has been a change in the NOAA administration, basically beyond NOAA, no one was elected to be president on a platform for marine conservation. If sanctuaries want to continue to be players, they need

to jump on the global warming issue. Dan Basta would like the sanctuaries to participate and volunteer as sentinel sites for research on ocean acidification. The sites are special places and help increase visibility. There is NOAA funding available, but not limited to the sanctuaries, to pursue research in ocean acidification. Sanctuaries need to increase their visibility within their communities regarding their carbon footprint. Deborah Cramer had offered SBNMS to be a sentinel site to work on acidification research. Dan Basta would like a letter supporting the need to serve as a sentinel site. This is possibly a good way to connect to the global warming initiative. Deborah Cramer raised the issue of other SACs using the SAC Disclaimer. Some sanctuaries reported that they do not put this on their letters without repercussions, while others do. Karen Bruebeck, National SAC Coordinator for NMSPs had a follow-up discussion with Dan Basta regarding the Disclaimer issue raised at the SAC Chairs summit. Bottom line is that the Disclaimer is a requirement. It must remain in the Charter.

Sally Yozell thanked Deborah Cramer and remarked that she did a fantastic job representing the SBNMS SAC.

Comments and Discussion on using SBNMS as Ocean Acidification Sentinel Site (Sally Yozell, Deborah Cramer, Mason Weinrich, John Williamson, Priscilla Brooks, Kathi Rodrigues, Craig MacDonald):

This is a good way for the SAC to connect to communities on the global warming issue. It seems unclear what the effects are in the northeast. California sanctuaries have done a lot of research on this and will send their findings along. Firstly, environmental tolerance of species needs to be known and how it ties in to the global warming and ocean acidification. There needs to be some scientific discussion and collaboration. Ocean acidification initiative is ongoing within NMFS and meetings have begun between the region and sanctuary staff. It was decided to let SBNMS and NMFS staff determine whether the issue is worthy.

**MOTION:** Deborah Cramer motion with second by John Williamson. SAC requests that NMFS and SBNMS staff determine the need for ocean acidification research within the sanctuary boundaries; if that determination is yes that SBNMS should be used as a sentinel site, then prepare a letter to send to NMSP (Dan Basta) and present it to SAC Executive Committee and they will endorse it. Yes - 12, No - 0.

**Motion passed.**

### iii. Marine Operations Committee Meeting (Ben Cowie-Haskell)

Dave Waldrip, Facilities and Operations Coordinator, and Bob Wallace, Boat Captain, attended the first Marine Operations Committee Summit in Seattle sponsored by NMSP. The goal of the summit was to establish a program in marine operations that is consistent across the NMSP. One of the outcomes was the creation of a marine operations committee to expand the NSMP small boats program. There are new vessels within the program so a consistent approach is required as to how they should be operated and maintained. Bob Wallace was chosen as a member of the committee because of his high level of experience and knowledge in operating many types of vessels throughout the world. The objective of the committee is to recommend policies and procedures to implement boat management and operations, and foster opportunities across the program. A subcommittee has been formed to review a draft standing order that was created out of R/V *Auk* incident, and to review and apply it consistently throughout the sanctuaries. A safety week was conducted in May involving diving safety drills and vessel safety procedures.

### iv. Research Coordinators Meeting (Craig MacDonald)

Leila Hatch attended the Research Coordinator's Conference in Pajaro Dunes, CA, on Dave Wiley's behalf. Research Coordinators from all sanctuary sites attended the meeting. Lack of funding was the common theme across the sanctuaries. Dan Basta has been working with Leila Hatch and Dave Wiley on putting together an acoustics program within the sanctuary, that is being worked with other sites on "hear our ocean", which will demonstrate that sanctuaries are excellent sites for acoustics monitoring and very important to marine mammal behavior. SBNMS has been used as a prototype for this program.

v. Right Whale Tagging Update Danielle Cholewiak

During the month of April, the sanctuary participated in a collaborative project entitled “Fine- scale focal Dtag behavioral study of diel trends in activity budgets and sound production of endangered baleen whales in the Gulf of Maine.” This project was carried out in conjunction with scientists from Pennsylvania State University, as well as Woods Hole Oceanographic Institution, Stony Brook University, the Whale Center of New England, and Cornell University. The main goal of the project was to provide to assess visual and acoustic detectability of North Atlantic right whales and humpback whales, to determine whether diel changes in behavior increases the risk of vessel strikes or entanglements. Scientists worked off the R/V Auk and the R/V Stellwagen and completed approximately 120 hours of navigation time. Approximately 98 right whales were sighted over the course of the fieldwork. Eight tags were deployed (7 right whales, 1 humpback whale), providing 29.2 hours of data. Analyses are currently underway.

vi. Maritime Heritage (Matt Lawrence)

Matthew Lawrence attended the Maritime Heritage Program’s annual meeting in Alpena, MI, to discuss strategy across the sanctuaries. All of the regions were represented. Reed Bohne, Regional Director, also attended. The content of the meeting was 3 days of strategic planning and training on Section 106 of the National Historic Preservation Act. One of the goals of the meeting was to make a larger impact and find ways that Maritime Heritage can be more relevant to the present administration and tie it in to ocean acidification and global warming. As part of the strategic planning, some of the historical events that were cited as ways to raise more visibility for Maritime Heritage were Ocean Exploration; World War II; Voyage of Discovery Project; Maritime Heritage Year 2012, which will mark the 100th Anniversary of the sinking of the Titanic, and the 200th anniversary of the War of 1812, amongst other historical events. Maritime Heritage staff is creating a publication series and will further develop partnerships between sanctuaries and office of coast survey.

**V. Working Luncheon - Wolf fish Biology (Rodney Rountree, Ph.D.)**

Dr. Rountree of the META Inc. [www.fishecology](http://www.fishecology). Dr. Rountree has worked for NMSF for many years. He has been working independently on the wolffish and understanding its biology. He presented a slide show and gave a life history of the wolffish. Dr. Rountree has researched the aspects and similarities of the biology of wolffish and cusk, and the implications of these species within the sanctuary. Both species have special concerns and have been in huge declines in the last decade. Dr. Rountree described the biological differences between the two fish and provided data showing the decline over the past few decades. Boulder habitat may be a critical refuge for both species in the SBNMS. More information concerning Dr. Rountree’s research activities can be found at <http://www.fishecology.org>.

**VI. Other Business**

i. Wolffish Endangered Species Act Petition (Priscilla Brooks)

Priscilla Brooks talked about how the Conservation Law Foundation is seeking several conservation measures to protect the wolffish. CLF filed a petition with NMFS to have the wolffish listed under the Endangered Species Act to save it from extinction. She provided background on its unusual life history. She listed the ESA listing evaluation criteria, and provided a chronology of actions that led to the petition. The wolffish meets 3 out of 4 of the criteria. It is overexploited and overfished and in a severely depleted state. It is a prized fish in the recreational fishing industry. She described its past and current distribution in US waters and Gulf of Maine. Their abundance has declined dramatically and the range has contracted in the GofM. Stellwagen and Jeffries Ledge seem to be the last holdout. Priscilla also talked about the threatened destruction or modification of wolffish habitat caused by dragger gear and trawling that can crush nests in addition to over exploitation and late maturity. Another criteria is the inadequacy of existing regulatory measures. There is no stock assessment model. A regulatory status timeline was provided that began in 2004 to be completed by 1 Oct 09 when a final decision is expected. Petition is

posted to the CLF Web site [www.clf.org](http://www.clf.org).

ii. Auk Incident (Craig MacDonald)

Craig has had discussion with Todd Nickerson, NOAA Law Enforcement and attorneys concerning the R/V *Auk* incident, and a law enforcement investigation ongoing. Craig was limited by the ongoing investigation but was able to provide the following details regarding the incident: The *Auk* was working within the sanctuary on April 19 in collaboration with another research vessel. They were engaged in prey field mapping. On its return back to Scituate, the *Auk* struck an adult female right whale. The whale suffered lacerations to its left fluke, but the injuries did not appear to be extensive nor was it considered to be a fatal strike. The vessel was traveling at 19.7 knots, was not in violation of any laws, and was not operating at maximum speed. There were three dedicated observers on the upper deck in addition to the captain and mate. The whale was not seen until the last moment. The crew monitored the whale for approximately an hour. An incident report was filed, and NOAA Law Enforcement was immediately notified. The whale was later identified from file photos. The sanctuary staff is very upset about this incident. It is the sanctuary's responsibility to protect the whales, so this has been a very difficult time for the staff and NOAA. The *Auk* was operating in the seasonal management area and was in compliance with all regulations that apply to it. The OLE investigation will be ongoing through at least July. There also will need to be an internal NOAA review. Vessel standing orders are being revised and the *Auk* is now at a "stand down". A review of vessel operations is underway by the NMSP marine operations committee regarding the lessons learned and how they can be applied across sanctuaries with high marine mammal densities.

SBNMS may convene a panel comprised of internal and external participants to review this incident and determine lessons learned. Craig MacDonald will be going to DC for a meeting to further discuss this incident. So there are two lines of review -- one legal side and a very rigorous evaluation and a review by the NMSP that is working its way across from sanctuaries to NOAA Fisheries.

Comments and Discussion:

Sally Yozell: Conveyed an equal amount of serious concern across the SAC about the whole incident. Everyone is very upset.

David Pierce: Feels badly for the crew and sanctuary staff over this incident. There is an abundance of right whales this year. It is a very unfortunate occurrence. He suggested more investigation is needed about the distances reported from the time the whale was spotted to when it was struck.

Mason Weinrich: It is very easy to underestimate distance from the boat; so one must be careful with numbers. He agrees that it is unfortunate; the whales are extremely hard to detect at times when they are surface feeding. There are two reasons why the 10-knot rule was passed. Firstly, to allow the animal time to avoid the collision and secondly, research shows that the risk of fatality in strikes is a function of speed and size of the vessel. Fortunately, the good news is that the animal did survive and hopefully it will not be a delayed fatality, and Mason looks forward to seeing what happens as the whale continues to be monitored. The bad news is that several of Mason's staff members reported to have repeatedly seen the *Auk* come close to striking whales in the past and consistently operating much too quickly in areas of whale aggregations. Although it may have been policy for the *Auk* to be following whale watch guidelines, there were times his staff reported being concerned of the speed of the vessel in whale aggregations.

Richard Delaney: It is a really an unfortunate episode which he has discussed with his staff at PCCS. First thing his staff mentioned was that accidents do happen, but happen less frequently if precautions are taken. He hopes that lessons have been learned after the fact. The embarrassing part of this episode, joint entities in leadership positions should be taking precautions well in advance. This needs to be really emphasized. In the future, even if the vessel is legally within the guidelines, there is another obligation to make sure there are seasoned marine biologists on board. Understanding the behavior the animals is

critical. Observers need to be experienced. He would be happy to help develop new guidelines for sanctuary boats. There are many right whales surface feeding in Cape Cod Bay. He hopes the sanctuary staff will come back with a very strong statement that justifies its position. He is pleased that this incident is being taken seriously.

Priscilla Brooks. Do we have confidence that the crew was qualified to assess the health of the whale that has been struck? The superintendent reported that the crew was highly experienced and competent.

Steve Milliken: When the whale watch industry struck a whale, the guidelines were reviewed and reworked. Speed limit is very important. Any government vessel should be going slowly to avoid this. He believes this could have been avoided but these things do happen. His company has never struck a whale but others in the industry have. He has a whale program to educate pilots. This training program should apply to everyone. It's an annual review of the guidelines on how whale behavior has changed. The speed of the boat and damage done to the vessel clearly speaks for itself. The whale watch industry knows it is in the public light and is trying to promote safe whale watching. Whale watch companies and all government agencies need to be role models. An annual review in whale training is extremely worthwhile.

Deborah Cramer: Did the sanctuary budget affect who was on the boat with regard to experience of the observers? She added that she appreciates information Craig provided regarding the incident.

Craig MacDonald: No, the budget was not a factor. He added that the boat captain has over 20 years experience -- a lot of it operating research vessels. He is highly regarded in the industry. He is knowledgeable of whale behavior and has operated the boat during all of the tagging cruises. One observer in particular was very experienced. The animal was struck in transit on the way back well away from any previously seen aggregations of right whales. This incident did not happen right in the midst of an aggregation of right whales.

David Casoni added to the discussion by pointing out the risk of potential law suits.

Richard Delaney: PCCS's right whale aerial survey team has been looking for the right whale since the day of the accident and hoping it survives.

Mason Weinrich: There are very rare sightings of the right whale. It is not a resident of the sanctuary.

Sally Yozell: It is important that we address issues surrounding incidents across the board and consistent with restrictions at an equitable level. She cannot emphasize enough that everyone should be treated on an equitable basis.

Ben Cowie-Haskell. A subcommittee has been formed to review the whole incident.

### iii. NOAA Fisheries Regional Report (Kathi Rodrigues)

Kathi Rodrigues reported on ongoing activities with NMSF that may affect the sanctuary: Framework 42 for the northeast multi-species fishery management plan and the dynamics of ongoing litigation to its implementation. NMFS is now operating under an interim rule to reduce fishing mortality and allowable fishing days. A group of NJ and NY fishermen have now sued on the interim rule, so NMFS is now working on that. NMFS is also working on Amendment 16, which will have a lot of visibility, and on the wolffish petition from CLF. Kathi further reported on protected species; right whale ship strike reduction rule that expires in 5 years, evaluating the program for its effectiveness and whether to extend the period for that rule beyond 2013. NMFS is also collaborating with Canada on monitoring vessels as soon as they leave Canadian waters; and continue work on Atlantic large whale take reduction plan that went into effect in 2008. This rule implemented regulations to change floating ground lines to sinking ground lines to reduce risks of entanglements. Prohibitions are in place for all gears all across the area, including trap/pot fishing, with no delay in implementation. Atlantic large whale take reduction team met recently.

The group convenes regularly to discuss potential regulations for reducing risks to large whales. They are now working on vertical lines in the water. There is a possibility that there may be a rule-making in the next few years to try to address that issue. Kathi also wanted to make the SAC aware that all NMFS and NMSP sites will hold a summit at the end of May in Monterey, CA, to talk about how to foster better cooperation and collaboration between the two divisions. A report will be provided at the next SAC meeting.

#### Comments and Discussion:

John Williamson suggested that a report be given on the habitat fishing management amendment at the next SAC meeting. It is not clear which measures will affect the sanctuary.

Michelle Bachman commented on where NEFMC is with this effort. The bulk of the analyses will be done, but it is uncertain as to whether any management measures will be in place. These issues will be discussed by the Council in the future.

Kathi Rodrigues will get an update from NEFMC on habitat fishing report and its progress at the next SAC meeting.

#### iv. Zoning Working Group Update (John Williamson and Ben Cowie-Haskell)

John Williamson provided an update. The ZWG was on a 3-year hiatus. The ZWG has been reconstituted basically with the same seats, with a CZM member missing but the group proceeded nevertheless. John went over all the members who are seated. The first meeting was held on Monday, 11 May. Ben Cowie-Haskell is working to fill the technical advisors slots. The group is looking at where it had left off and at decision making that had been reached, and whether to continue with these assumptions. It will continue with the goal of protecting and restoring ecological integrity within the sanctuary as defined in the DMP. The group discussed new information presented in the DMP since the group last met. The group reached consensus that the Sliver will be an important part of the ZWG discussions but other factors and areas will also be taken into account. Next time the group meets (Sept. 30), there will be assembled GIS data of the identified existing zones in the sanctuary so that these zones can be evaluated for their conservation benefits to marine communities and biodiversity. This meeting established a stepping stone to map out a work plan for the next 3-4 additional meetings.

#### Comments and Discussion (David Pierce, Richard Delaney, John Williamson, Ben Cowie-Haskell, Craig MacDonald):

The ZWG is moving forward and in the right direction consistent with the desire of the SAC. The group is at a disadvantage without a final MP in hand. It needs to work off of a final document for definitions and to make recommendations. The final MP may be available by the end of the year. The ZWG should continue to move forward with a working definition of ecological integrity work but funding is an issue as was mentioned in the ZWG meeting. The group will do what it can and understands the problems related to funding, and will try to work with that handicap.

Reminder that the Mass Ocean Planning process is also ongoing with parallel data. The Draft Plan is due at the end of this year. Some of their data may overlap with the SBNMS final MP. Maybe the ZWG should be wise to have a liaison as a conduit for mutual efforts. The group is pleased to have Priscilla Brooks who is very actively involved in the Mass Ocean Planning process as 'eyes and ears', as well as Susan Farady who is acting as technical advisor and is somewhat involved.

David Pierce is working closely with CZM on the foundation for use of State waters and other concerns in the development of the Ocean Management Plan. It is a good working relationship and great progress is being made; there are a lot of techniques being used. What happens in State waters could affect or overlap between areas. Plans may have a little overlap. He will keep SAC informed; there will be a lot to learn mutually as the process moves forward.

Ben Cowie-Haskell and John Williamson will provide SAC members with the discussion paper that was prepared in advance of the first ZWG meeting as well as ZWG Minutes that were generated.

v. SAC Leadership Awards Subcommittee (Mason Weinrich)

Announcement for the award will be in Stellwagen Soundings publication this summer. There has not been any huge progress. The notice is out to the correct audience and it will be posted on the Sanctuary Web site so it coincides with the release of summer edition of Stellwagen Soundings.

vi. Blue Seas Awards Subcommittee Update (Regina Asmutis-Sylvia)

There are programs underway with a couple of whale watch boats to pick up sea surface debris and a recycling program has begun to recycle material off the boats. Regina provided statistics on the total amount of materials that are recycled off the boats (plastic, aluminum and glass retrieved), and the benefit conversion that can save a significant amount of energy. There is an ongoing effort to increase this program by reaching out to other whale watch companies on the South Shore. The recycling program is time consuming and resource heavy personnel wise, but it is another way to help in the sanctuary. Regina wants to make sure whale watch boats get credited for participating in the program. There are a variety of biodegradable compostable place settings that the sanctuary may want to look into. Regina recommends that the sanctuary purchase some of these materials to meet its green requirement rather than using plastics at its SAC meetings.

## **VII. New Business**

i. SAC Terms

Craig MacDonald: SAC terms for a number of seats expire in June of 2009. Recruiting for new terms will be deferred until after the September/October SAC meeting; present terms will be extended until that time. Research Alternate, Kate Natrass, resigned so recruitment will also be done for that seat. Recruitment issue will be revisited once Nathalie Ward returns.

ii. Tuna Fishing - Whale Interactions

Ben Cowie-Haskell in collaboration with NOAA Office of Law Enforcement, Highly Migratory Species, and Protected Resources developed an outreach campaign to alert fishermen about tuna fishing and interaction with whales. Whales are being hooked by various types of fishing gear. Because this is a real problem and considered harassment, a campaign was mounted to raise awareness that fishermen need to be very cautious when fishing around whales. The campaign culminated in the production of a full page advertisement published in *On the Water* Magazine. The ad will run in the June, July, and September issues of the magazine.

iii. Telly Award

Stellwagen Bank sanctuary's informational video entitled "Stellwagen Bank: A Sanctuary Worth Protecting" was the winner of three Telly Awards for 2008. Our five-minute video introducing the sanctuary, its resources and resource protection issues won bronze awards in the "education (for academic use)," "nature/wildlife" and "social issues" categories. The Telly Awards was founded in 1978 to honor excellence in local, regional and cable TV commercials, with non-broadcast video and TV program categories added soon after that. The Telly is a prestigious award that is sought by international firms, local production companies and ad agencies. The Telly is the largest and most prestigious award of its kind, receiving entries from all 50 states and 30 countries around the world. The video is posted on the sanctuary's Web site ([stellwagen.noaa.gov](http://stellwagen.noaa.gov)). Anne Smrcina was the producer/writer for the production.

## **VIII. Public Comment.** No public comment.

**IX. Meeting Adjourned at 3:30 pm.**

27<sup>TH</sup> SANCTUARY ADVISORY COUNCIL MOTIONS

14 May 2009

**MOTION:** Sally Yozell with second by Mason Weinrich to approve 26<sup>th</sup> SAC Minutes. *Minutes approved.*

**MOTION:** Sally Yozell with second by David Pierce that John Williamson, Deborah Cramer, David Pierce, and Heather Knowles, draft a letter regarding the FY10 budget. Sally Yozell will assist. Yes - 13, No - 0. *Motion passed.*

**MOTION:** Deborah Cramer motion with second by John Williamson. SAC requests that NMFS and SBNMS staff determine the need for ocean acidification research within the sanctuary boundaries; if that determination yes that SBNMS should be used as a sentinel site, then prepare a letter to send to NMSP (Dan Basta) and present it to SAC Executive Committee and they will endorse it. Yes - 12, No - 0. *Motion passed.*

# It Could Happen...

## Maintain Safe Trolling Distances From Whales

Whether it is accidental or not, Hooking and/or Harassing whales are  
Violations of the Marine Mammal Protection Act  
Maximum Penalty \$20,000 and 1 year in jail

Play it Safe and Keep Your Distance.

To report suspected marine law violations call

**1-800-853-1964**

7 days a week, 24 hours a day

For more information on marine mammal protection laws and  
guidelines visit [www.nero.noaa.gov/prot\\_res/mmv/](http://www.nero.noaa.gov/prot_res/mmv/)

To report an entangled animal call  
**1-800-900-3622** or US Coast Guard on VHF 16

Sponsored By:



Stellwagen Bank National Marine Sanctuary - [www.stellwagen.noaa.gov](http://www.stellwagen.noaa.gov)  
Office of Law Enforcement - [www.nmfs.noaa.gov/ole](http://www.nmfs.noaa.gov/ole)  
Fisheries - Protected Resources Division - [www.nero.noaa.gov/prot\\_res/](http://www.nero.noaa.gov/prot_res/)  
Fisheries - Highly Migratory Species Division - [www.hmspermits.gov](http://www.hmspermits.gov)

Provincetown Center for Coastal Studies - Permit #932-1489