



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL OCEAN SERVICE**  
**Office of National Marine Sanctuaries**  
**Stellwagen Bank National Marine Sanctuary**  
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**40<sup>th</sup> SANCTUARY ADVISORY COUNCIL**  
**5 November 2013 9:30 am-2:30 pm**  
**Plymouth Yacht Club, 34 Union Street, Plymouth MA**  
**MINUTES of MEETING**

**Present:**

Bill Adler	Member:	Fixed Gear Commercial Fishing
Jennifer Anderson	Federal:	National Marine Fisheries Service
Michelle Bachman	Federal:	New England Fisheries Management Council
Priscilla Brooks	Member:	Conservation
Todd Callaghan	State:	MA Coastal Zone Management
Deborah Cramer	Member	At Large
CPT Peter DeCola	Federal:	First US Coast Guard District
Rich Delaney	Member:	Education (Chair)
Susan Farady	Member	Education
Heather Knowles	Member	Diving (Vice Chair)
John Galluzzo	Alternate:	Maritime Heritage
Vito Giacalone	Member:	Mobile Gear Commercial Fishing
Jonathan Grant	Alternate:	At Large
Judy Laster	Alternate:	At Large
Whit Manter	Member:	At-Large
Bob McCabe	Alternate:	Marine Transportation
Chris McGuire	Alternate:	Conservation
Steve Milliken	Member:	Whale Watching
Rob Moir	Member:	Conservation
Tim Moll	Member:	Business Industry
Rick Murray	Member:	Research
Tom Nies	Federal:	Executive Director, New England Fisheries Management Council
David Pierce	State:	MA Division of Marine Fisheries
Robert Rocha	Alternate:	Education
Chad Smith	Alternate:	Diving
Maj Len Roberts	Federal:	Mass Environmental Police
John Williamson	Member:	At Large (Secretary)
Brad White	Alternate:	Recreational Fishing

**SBNMS Staff:**

Craig MacDonald	Anne-Marie Runfola	Mike Thompson
Ben Cowie-Haskell	Anne Smrcina	Nathalie Ward
Matthew Lawrence	Elizabeth Stokes	

**I. Welcome, Review of Agenda and Approval of 39<sup>th</sup> SAC Minutes (Rich Delaney)**

The Agenda was reviewed and approved. The 39th SAC Minutes were reviewed and accepted (unanimous).

## II. Discussion Topics (Rich Delaney)

### i. Council Round Robin

SAC members and alternates introduced themselves and provided brief updates on issues within their respective organizations.

### ii. SBNMS Programmatic Updates (Craig MacDonald)

Craig MacDonald provided an overview of the programmatic updates compiled by SBNMS staff. This report is sent to SAC members before each meeting. It summarizes progress and future steps in the various programmatic areas and is sent by email rather than having staff provide oral briefings at each SAC meeting. (See Appendix for a summary of programmatic updates for this reporting period).

### iii. ONMS Memorial Garden (Craig MacDonald)

Craig paid tribute to Ruthetta Halbower, the first volunteer at SBNMS, at the Florida Keys Memorial Garden dedication that was held in Key West on September 11th. It was a beautiful ceremony that paid homage to Ruthetta, one of ten honorees at the ceremony. Ruthetta, who passed away several years ago, was the only sanctuary volunteer chosen for national recognition. In attendance were members of Ruthetta's family who have created a sanctuary support fund in their mother's name. The funds will be used for local schools to work on sanctuary projects.

### iv. Right Whale Rule Making Comment Letter (Rich Delaney)

Rich Delaney provided a follow-up to the August 5<sup>th</sup>, 2013 letter that the SAC provided in support of the sunset clause to speed limit rule turned out to be very successful. The SAC supported that the sunset clause be removed and a provision clause be added. The comment period closed on September 15th. NMFS is still 'crunching' the final rule. There likely will not be a resolution before July 2015. (Subject SAC letter of support is attached.)

### v. No Discharge Zone in Sanctuary

Rich Delaney summarized a letter that Alice Stratton, Marine Ecologist and staff member for SBNMS, prepared on the subject of designating SBNMS as a "no discharge zone". The letter was in response to a discussion SAC members had at the 39th SAC meeting in June 2013 as to whether or not the SAC should support a designation of a "no discharge zone" for SBNMS. Reference was made to such an action in the SBNMS Management Plan, and the SBNMS Water Quality Working Group also had discussed this. (Subject letter is attached.)

Discussion/Comments: Bill Adler, Priscilla Brooks, Todd Callaghan, Deborah Cramer, Peter DeCola, Rich Delaney, Susan Farady, Vito Giacalone, Heather Knowles, Craig MacDonald, Chris McGuire, Steve Milliken (*inaudible*), Rob Moir, Tim Moll, Rick Murray, Tom Nies, Chad Smith, John Williamson, Brad White:

Todd Callaghan: The State (MA) has no purview outside of 3 miles and neither does the Clean Water Act Section 312 — the section where CZM designates no discharge areas in the State. But, there are a few gaps in what legally are State waters, one of which is off of Boston. In effect, ships leaving Boston could presently discharge there, but that gap is about to close this summer (2014), making waters of the entire State a no discharge zone. If the SAC moves forward with a proposal, it would be prudent to protect the sanctuary because the boats steaming out of Boston would have to wait the number of miles it takes to reach the State/Federal boundary at the closure line and would then discharge. The State can help by providing grants

to communities that will design the pump-out collection facilities (e.g., Gloucester and Provincetown have used the coastal remediation grant program). The State discharge policy applies to all boats and boat sewage only. Some of the other types of discharge are oily bilge waste or gray water and those are currently covered at the Federal level.

Craig MacDonald clarified the definition of “discharge”. It does not include fishing gear or fish waste. Traditional fishing is allowed a lot of latitude. The intent of this discussion is primarily wastewater discharge from vessels which triggered this inquiry as the cruise ship activity was the largest to discharge at one time. There is a lot of work that needs to be done to narrow down the goal and then begin the discussion with the Coast Guard and cruise ship industry, EPA, and CZM, and other concerned agencies. A lot of work has been done by the SBNMS Water Quality Working Group, which just needs to be updated as to what size these vessels are that the other sanctuaries’ regulations pertain to and obtain copies of the regulations, and how transferrable these regulations are to adoption by SBNMS.

Rob Moir: Spoke with Congressman Keating on this issue. Congressman Keating would be prepared to go to Congress on no discharge areas because he is concerned about the Federal waters in the middle of Nantucket Sound. So it could be a package of Nantucket Sound Federal waters and SBNMS Federal waters. The bigger problem is Nantucket Sound with its shallow and warm water, so the implication is really bad there. Congressman Keating believes it would be easier to include support of SBNMS through Congress as a no discharge if Nantucket Sound is included. Be consistent with Nantucket Sound's needs as well.

Craig MacDonald: Don't think SAC should choose not to do anything in the hopes that Congress will act and pass a wide universal outcome. The sanctuary can do a lot of legwork and make information available to Congressman Keating's office. There is nothing wrong with having a sanctuary regulation, and Congress can certainly expand on that. We should not be reliant — maybe coordinate with Nantucket Sound's needs as well. Craig further described different types of discharge policies in other sanctuaries related to this discussion.

Heather Knowles: Need to be very careful to differentiate between small vessels (i.e., recreational and commercial fishing boats) and large cruise ships that are pumping out thousands of gallons of gray water. The challenge is that there are adequate pump-out facilities. Really need to see some data on this. Argue that there are not adequate pump-out facilities, not year round. No pump out facilities on the North Shore that she is aware of. Really want to see a data-driven recommendation — have a long way to go.

Define size of vessel, tonnage requirements because of the high level of activity ( e.g.,large cruise ships dumping in the sanctuary).

Rich Delaney: Similar standards across all waters would be appropriate — coordinate with Nantucket Sound. Standards across all waters to avoid confusion.

Craig MacDonald: Encourages SAC to revisit the Management Plan Water Quality Monitoring section. A lot has been done and SBNMS has been a part of this. Rick Murray has been doing work on this. May want to include MWRA. They have a very high quality staff that is working this issue. Water quality is being regulated and monitored quite closely by them. Tremendous amount of work has been done to monitor water quality in general, but nothing on the cruise ship side.

Susan Farady: Working group looked at all of this information 10 years ago. Struggling with what is the problem and appropriate response because we're acting on dated information. Picking one piece of the Management Plan and focusing on it, but how is the context of the larger Management Plan being addressed by the sanctuary and what are plans for reviewing it again.

Rich Delaney: 2004 cruise ship numbers and passenger ships have increased by 50 percent and projected to

continue to grow.

Chad Smith: Point to make: delineate which vessels pump and not pump. Limit should be based on holding capacity of tanks and not tonnage.

Vito Giacalone: Any low hanging fruit to this — there are large vessels traversing the sanctuary unlike small vessels working in the area. Is there some voluntary education to get the larger vessels to dump farther out of the sanctuary?

Todd Callaghan: CZM does a lot public outreach events, local non-profit, local legislatures. Try to track press and hold a lot of meetings and work within State waters. Law only as good as it can be enforced. Need to spend more time looking at these vessels and what they're doing.

Tom Nies: Curious as to how these cruise ships operate. Seems that they wait until they are in the sanctuary and then dump all at once. Do you know whether this is reality?

Peter DeCola. Maybe cost free when discharge is done offshore — maybe have them dump farther off shore beyond the sanctuary.

Deborah Cramer: A lot of good points being raised that there are discharge facilities to make sure that vessels comply. There is a lot of pressure on SAC to actually address this now so that SBNMS does not become the favorite dumping ground. Pointed out that in the Management Plan (pg. 238), the SAC agreed that by 2012 the SBNMS would be designated a no discharge area. It is incumbent upon SAC to support what was already decided and to move forward and deal with this.

Rick Murray: For small boats, this would be unworkable. We need to absolutely keep separate the types of vessels we're looking at. Don't try to focus on small boats. Let's make some fast work with the transient large vessels and large tankers. We could do some very effective, fast work with the large transient vessels.

John Williamson: What are the patterns and volumes? Give SAC as much data as possible to work with during this research.

Brad White: The sanctuary's home port harbor of Scituate should be well-equipped to discharge year-round its own small vessels up to 65 feet because there is no year-round on demand pump-out facility. SAC should push Town of Scituate to install a self-serve pump-out station. Should not penalize small boats if there is no provision for them to pump-out their vessels. Is a huge advocate that the SAC, as a group, push the Town of Scituate (home port of SBNMS) to install a permanent on-demand pump-out station equipped to work.

Todd Callaghan: There was one designed for Scituate years ago but it was not funded by the town.

Tim Moll: Seems that whatever regulations are adopted for the sanctuary should mirror the State regulations. Almost every facility in the northeast is seasonal as well as 90% of the boat traffic. Pump-out in the area is seasonal. Two distinct populations: small boats — fishing and recreational — and large passenger vessels. Need to target the larger vessels; don't think it's practical to think there will be year-round pump out facilities at all of these locations on the south coast. They freeze [in winter] and you need to shut down the system.

Vito Giacalone: To help staff, important to know how much pumping is actually happening — get those records if possible. Go by holding capacity — such as large vessels; need to know if this is being done. Having a regulation makes sure it doesn't happen. Find out what the habits are and how many large passenger vessels are dumping.

Chris McGuire: As a former ship operator, most of these large vessels are not residents of this area and so outreach is impossible. Show this as a regulatory box on the nautical chart. Think about what is the big target and how to promulgate this information.

Peter DeCola: Look at Dave Wiley's project with ship strikes using AIS data for tracking boats through the sanctuary. We could track those boats and send letters; that would be a good start.

Rich Delaney: Summarizes discussion. Tie in all of these comments and practical experience around the SAC to be sure that the same standards are used as those by EPA and the State; must certify that there are adequate and reasonably available pump-out stations before the designation is made. Request that Sanctuary staff research some of these issues, develop some rationale for action -- should any be taken ultimately -- then come back with a draft regulation for SAC consideration.

***MOTION: THE SANCTUARY ADVISORY COUNCIL REQUESTS THAT THE SANCTUARY STAFF COME BACK TO THE COUNCIL AT THE NEXT MEETING WITH A DRAFT REGULATION THAT WOULD CREATE A NO DISCHARGE ZONE WITHIN THE SANCTUARY FOR THE COUNCIL'S REVIEW AND DISCUSSION. PASSED UNANIMOUSLY.***

### **III. ONMS Campaign of Engagement: Update (Craig MacDonald)**

Subcommittee: Business and Tourism Outreach and Partnerships (Rich Delaney)

Rich Delaney summarized background on Subcommittee for Business and Tourism that the SAC established. This is a result of one of Dan Basta's (Director, National Marine Sanctuary Program) "Campaign of Engagement" efforts to connect sanctuaries more closely with the business community but particularly tourism and recreational fishing communities. The subcommittee has held one meeting and several conference calls, and feels there's a lot of work to be done in this area. There have been a number of recommendations made. The immediate step would be to institutionalize this part of the sanctuary subcommittee and form a working group which would do two things — create a mandate to continue to keep this issue in the forefront of SAC actions over the next few years and recruit public members (other than SAC members) to be engaged on this issue. This effort would create a more robust set of discussions outside of the SAC membership.

Craig MacDonald: Chair of the working group has to be a SAC member —primary or alternate. A staff member would be assigned to be a co-lead with the Chair of the working group. Use the power of the working group to get corporate expertise. Need to decide how large the working group would be. If a need to be any larger, allow staff to work with the Executive Committee and the Chair of the Subcommittee to expedite the process to have this working group formed by the spring. Solicit today who would want to be part of the working group. Public recruitment needs to be done to recruit more working group members. Public recruitment through newspapers of working group member applicants will be conducted by sanctuary staff, then the Executive Committee and Chair of the working group take the responsibility. This is the same mechanism that is in place for SAC recruitment. Working group recruitment will need to be vetted by the SAC Executive Committee. Forming a Business and Tourism Working Group (BT-WG) would resonate very well with the National Sanctuary Program. The BT-WG needs to include at least a few SAC members and outside member from trades, maritime heritage, at large, whale watching; need someone from tourism, business and industry, and diving for example. Begin connecting the assets of the sanctuary with cross-branding through corporations having compatible interests.

General discussion amongst SAC members ensued on the membership criteria of the BT-WG and wording of the motion to be presented (Priscilla Brooks, Deborah Cramer, Rich Delaney, Susan Farady, John Galluzzo, Judy Laster, Craig MacDonald, Rob Moir, John Williamson). Rich Delaney asked John Galluzzo if he would serve as Chair of BT-WG, as Rich Delaney was interim Chair. John Galluzzo agreed.

SAC Chair suggests a motion be made to create a SAC Business and Tourism Working Group.

***MOTION: That the sanctuary advisory council executive committee create a tentatively named Business and Tourism Working Group — the details of which will be fleshed out by the Executive Committee, wherein the Executive Committee will take and use documents that are about to come out of the two national subcommittees that will guide them in that decision. Passed unanimously.***

Working Group Members:

John Galluzzo (Chair)

Rich Delaney

Vito Giacalone

Jonathan Grant

Rob Moir

Chad Smith

John Williamson

#### **IV. Agency/Government Reports**

i. NEFMC Report and Stellwagen DHRA (formerly SERA II) Status and Discussion (Tom Nies)

Tom Nies, Executive Director of NEFMC as of March 2013, updated the group on its activities, particularly progress on the Omnibus EFH Amendment that is delayed until December. The Stellwagen Dedicated Habitat Research Area (DHRA) will be in the December document. It is anticipated that public hearings will be held in February-March 2014 time frame. More details to follow.

ii. NOAA Fisheries Regional Report (Jen Anderson)

#### **Harbor Porpoise Take Reduction Plan**

NMFS published a final rule on October 14, 2013 amending the Harbor Porpoise Take Reduction Plan. This rule removes the consequence closure strategy, including the Coastal Gulf of Maine, Eastern Cape Cod, and Cape Cod South Expansion Closure Areas. This action was necessary to prevent the improper triggering of consequence closure areas based on target harbor porpoise bycatch rates that no longer accurately reflect actual bycatch in New England sink gillnets due to fishery-wide changes in fishing practices. NMFS will continue to work with the TRT to update and revise the plan as necessary.

#### **Atlantic Large Whale Take Reduction Plan**

NMFS published a proposed rule on July 16, 2013 soliciting public comment on proposed measures to reduce the entanglement risk associated with vertical line. Proposed measures in the Northeast included increasing the number of traps per trawl and seasonal closures. The comment period closed on September 16th. NMFS is currently reviewing the comments and drafting the final rule and FEIS. NMFS expects to publish the final rule in July 2014.

#### **V. Sanctuary Volunteer of the Year Award to John Galluzzo** (Craig MacDonald and Anne-Marie Runfola)

This year, there was an outstanding pool of candidates, but John Galluzzo's name kept popping up. He is an author and educator. The breadth and depth of service John donated in the past year alone is amazing and inspirational. His contributions to the sanctuary have instilled a higher level of local stewardship and conservation to this special place. John is indispensable to sanctuary staff and to the entire National Marine Sanctuary system.

## **VI. Working Lunch: “A Day in the Life of a Sector Manager” (Vito Giacalone)**

The presentation described the many changes to the Northeast multi-species fishery that were implemented in 2010 through what is known as the Groundfish Sector System. Substantial improvements have been made in the following areas: the frequency and breath of reporting that now comes from fishermen and sector managers; full retention of legal-sized fish and the change from an effort-controlled management to direct output-control. The presenter described the governance features of sectors and the support networks that have been built around them to achieve economy of scale among other inter-cooperative functions. An extensive “Q and A” followed the presentation.

## **VII. New SAC Update (Nathalie Ward)**

### **i. SAC Recruitment**

Elections for the SAC Executive Committee (Chair, Vice Chair, and Secretary) will be held at the next SAC meeting (Feb-Mar 2014 timeframe). More information will be forthcoming.

There are four annual SAC recruitments sanctuary program-wide. The most recent recruitment closed 30 September 2013. It is hoped to have new members from this latest recruitment seated by the first advisory council meeting in 2014. The next SAC recruitment Federal Register Notice will be published on 15 November 2013. The Business and Industry Alternate, Recreational Fishing Alternate, Youth Member Primary and Youth Alternate seats will be recruited at that time.

Craig MacDonald – SAC Resignation Announcements:

Michael Sosik, of the Northeast Charter Boat Association, and the Recreational Fishing Member resigned from the SAC. Michael has been great counsel to Craig and very generous with his time, and served in many capacities on the advisory council. The SAC will miss his representation.

Brad White of the Stellwagen Bank Charter Boat Association, and the Recreational Fishing Alternate, chose not to reapply for his seat. Brad has brought to the SAC a very different perspective from the recreational fishing point of view as well as business acumen and marketing orientation. The SAC will miss Brad’s service.

### **ii. Future SAC Meetings**

There are only three SAC meetings per year. The winter/spring 2014 one is slated for third week in February or first week in March; the summer 2014 one will be held the first week in June. Nathalie will query SAC on prospective dates for both meetings.

### **iii. ONMS Standardized SAC Website**

All sanctuary advisory council websites are being revamped and standardized across the sanctuary program. The latest SAC group photo will be on the website.

### **iv. Subcommittee: Leadership Award Nominations (John Galluzzo).**

There have been no nominations for the Leadership Award this year. John Galluzzo recommended that the subcommittee be disbanded, since only one nomination was received since its inception. After some discussion, the SAC agreed to “shelve” the subcommittee until further notice.

**VIII. Constituent Reports** “*Lessons Learned in Marine Spatial Planning in the UK: Fisheries and Offshore Wind Power Development*” (John Williamson)

In March 2013, seven individuals from New England and Mid-Atlantic fisheries traveled to the UK to meet with ocean planners, visited an offshore wind farm, and spoke with British fishermen about how they are coping with offshore wind development. The trip organizer, SAC member John Williamson, presented a power point reporting on that experience, the scale of development, and take-away lessons for fishermen in marine planning.

**IX. New Business.** None.

**X. Public Comment.** None.

**XI. Adjourn:** 1:40 pm.

## **SBNMS PROGRAMMATIC UPDATES – SUMMER/FALL 2013**

### **EXTERNAL AFFAIRS (Nathalie Ward)**

#### **SISTER SANCTUARY PROGRAM (SSP)**

The sanctuary's mission is to protect humpback whales while feeding and nursing within sanctuary waters. To help protect them when they leave the sanctuary, Stellwagen Bank National Marine Sanctuary (SBNMS) has established a Sister Sanctuary Program (SSP) as part of an international global vision of Marine Mammal Protected Areas Networks worldwide.

For the first time, international marine sanctuaries are joining together to protect a migratory marine mammal species on both ends of its range — the endangered humpback whale. The goal of the sister sanctuary program is to build a model for international cooperation to protect the endangered humpback whale along its migratory pathway in the North Atlantic Ocean and Caribbean Sea.

SBNMS's Sister Sanctuary Program (SSP) has pioneered the establishment of the world's *first* Marine Mammal Protected Areas Network (MMPAN) in the Wider Caribbean Region (WCR) to protect the *shared* populations of endangered humpback whales (n= @1,000) in their feeding grounds, breeding areas and migratory corridors in the North Atlantic. To date, sister sanctuary partners include the Dominican Republic's Marine Mammal Sanctuary (2006), the French West Indies (Agoa Marine Mammal Sanctuary, 2011) and Bermuda MMS (2012). The Kingdom of the Netherlands/Dutch Antilles has announced SS MOU signing planned for 2014.

#### **Capacity Building Workshops to Address Lethal Human Impacts on Marine Mammals of the Wider Caribbean Region**

{FY 13 Funding awarded: These Workshops are jointly sponsored by the United Nations Environment Program (UNEP), the International Whaling Commission (IWC) and Stellwagen Bank National Marine Sanctuary.} As part of the priority actions of UNEP's Action Plan for the Conservation of Marine Mammals (MMA) for the Wider Caribbean Region (WCR), we assisted with organization of two Marine Mammal Entanglement Response Training Workshops held in La Paz, Mexico (Fall 2012, Spanish speaking countries) and St. Martin (Nov 2013, English and French speaking countries).

#### **Interdisciplinary Ship Strike Workshop**

{FY 14 Funding awarded for co-sponsorship between UNEP, IWC and SBNMS}

The extent of vessel strike to marine mammals in the WCR is poorly understood. Currently, a UNEP-MM Experts Subcommittee (N. Ward et al.) are identifying and mapping high-risk areas of vessel activity and co-occurrence/distribution of marine mammals to mitigate potential impacts. Development of the Workshop in progress; to be held in Panama, April 2014.

#### **Strengthening Marine Spatial Planning for Marine Mammal Conservation**

{FY 13-14 Funding awarded UNEP-LifeWEB, Nairobi}

N. Ward nominated for MM Experts Subcommittee, wherein SBNMS is developing possible management schemes for transboundary marine mammal populations for UNEP-SPAW's MMA (i.e. endangered humpback whale).

#### **Jump with Whales Engagement Campaign for WCR**

{SBNMS initiated and proposal accepted by SPAW Parties for MMA Workplan}

A multi-national Sister Sanctuary education and awareness-raising initiative for the WCR. Conceived and initiated by SBNMS within the framework of the MMA-WCR, and endorsed by UNEP. The project

is collaboration between SBNMS, Sister Sanctuary partners and UNEP's Specially Protected Areas and Wildlife program (SPAW).

This outreach initiative will establish a regional marine mammal conservation education program for French-, English-, Dutch- and Spanish-speaking SPAW countries to increase awareness raising and capacity building in the WCR. There are five component programs that will be instituted over a 5-year period, beginning with CARIB Tails.

### **CARIB TAILS—An International Citizen Science for Yachters in the WCR**

(FY14 awarded to N. Ward from Cetacean Society International and Caribbean COMPASS)

“*CARIB Tails*” is an international humpback whale research and conservation education program that tracks the movements of endangered humpback whales between their North Atlantic feeding grounds (SBNMS) and their southern breeding grounds, with particular attention to the Eastern Caribbean. Fluke photographs (and accompanying information i.e., date and location) are a key tool for whale study, which can easily be collected by non-specialists (i.e. yachters). Data collected by members of the public represent a significant portion of the North Atlantic Catalog for Humpback Whales; some key information about whale movements is known only because of these contributions. This means that anyone on the water, armed only with a camera, can collect information that is useful in whale research and, though CARIB Tails, can make a contribution to our understanding of humpback whales. The goal of this cost-efficient program includes enlisting a new constituency of support to bring the sightings of humpback whales from within sister sanctuary marine mammal protected areas in the Caribbean up to date and conduct analysis of these records that will be of use for their management purposes. Website in development; launch of program in January 2014.

### **Publications**

*Our Humpback Whales: Protection Beyond Borders.* Ward, N. and E. Dominguez. Published by The Nature Conservancy, December 2013.

*A Stranding Guide to the Marine Mammals of the Wider Caribbean Region: An Introductory Field Guide for Stranding Responders.* Ward, N., A. Bogomolni and C. Potter. UNEP Published, 2013.

"Distribution, feeding habits and morphology of killer whales (*Orcinus orca*) in the Caribbean Sea". *Marine Mammal Review*. In review: 2013.

### **MARITIME HERITAGE (Deborah Marx and Matthew Lawrence)**

#### **RESEARCH**

Matthew Lawrence conducted fieldwork in support of two national level ONMS initiatives. In June, he undertook archaeological diving and remote sensing surveys off the coasts of New Jersey and New York. The New Jersey component of this project sought to conclusively identify the shipwreck thought to be the U. S. Coast Survey Steamer *Robert J. Walker* lost in 1860. The New York part of the project sought to locate Old Orchard Shoal Lighthouse, built in 1893, which was swept off its foundation by Hurricane Sandy. Matthew also traveled to the National Marine Sanctuary of American Samoa to conduct archaeological diving and remote sensing surveys at Swains Island in support of the first ever cultural heritage characterization of that place.

Due to SBNMS's highly restricted budget, maritime heritage fieldwork was limited. Archaeologists were able to continue the characterization of the *Helgoland* site on Jeffreys Ledge and conduct a monitoring dive on another shipwreck believed to be the eastern rig dragger *Heroic* on Stellwagen Bank. The previous

winter's strong storms had scoured a considerable quantity of sediment from around that shipwreck. Those same storms also moved the F/V *Patriot* shipwreck from its original location to a new one not yet known. Local dive charters have made several unsuccessful attempts to relocate the *Patriot* site.

## OUTREACH

Matthew Lawrence presented on the Steamship *Portland* and its African-American crew at the Scituate Historical Society's Irish Mossing and Maritime Museum. The presentation, repeated twice over an afternoon, continued the sanctuary's support of that museum. The museum is one of a very few places that have *Portland* artifacts on display.

Maritime heritage staff and sanctuary volunteers participated in the 6<sup>th</sup> Annual Archaeology Fair at Boston's Museum of Science in October 2013. The event was hosted in partnership with the Archaeological Institute of America and Massachusetts Foundation for the Humanities. It coincided with the annual Massachusetts Archaeology Month that highlights archaeology programs and events held around the state. The 2-day fair drew over four thousand school children and families. The event brought together archaeologists and historic preservation professionals from around New England to provide the public with opportunities to learn about archaeology through hands-on activities, live presentations, and special programs. The event allows sanctuary staff to reach out to a broader audience not previously familiar with the sanctuary, its maritime heritage resources, and ocean conservation issues. The partnership with the Museum of Science and Archaeological Institute of America Area facilitates sanctuary outreach and interpretation efforts through exhibits and special events.

Additional SBNMS activities in celebration of Massachusetts Archaeology Month included a presentation at the Marshfield Historical Society on SBNMS maritime heritage and archaeology, "A Child's Sanctuary: Discovering Our Maritime Heritage" event at the Scituate Town Library, and participation in Hull Lifesaving Museum's "Scientist Saturday" program where children and their families had the chance to meet professional in the marine sciences, learn about their work, and try hands-on learning opportunities.

On Saturday, 21 September, SBNMS's Scituate campus hosted a marine technology forum sponsored by the Marine and Oceanographic Technology Network (MOTN) and the New England chapter of the Marine Technology Society. Morning presentations on sanctuary research, ROVs, side scan sonar, and diving medicine were followed by a networking lunch, a tour of the R/V AUK, and a chance to drive a ROV in Scituate Harbor from the SBNMS pier. The forum was a follow-up to the marine technology event hosted by MOTN during the Stellwagen Bank sanctuary's 20th anniversary celebration last year in Fall River, Mass. This forum provided an opportunity to introduce the marine tech community to the sanctuary's facilities and highlight the possibilities that will arise with the renovation of the SBNMS boathouse into a marine operations center. Continued engagement with the region's highly diverse marine technology business and marine-focused universities creates leveraged opportunities to further the sanctuary's research efforts. Furthermore, SBNMS support of the marine technology business sector strengthens our coastal economies.

SBNMS archaeologists installed interactive touch screen kiosks focusing on the sanctuary's maritime heritage at two Maine museums. One kiosk was placed at the Maine Maritime Museum in Bath and another at the Penobscot Marine Museum in Searsport. SBNMS and Maine's coastal communities have a deep historic maritime connection. These communities built and manned many of the historic shipwrecks that now lie on the sanctuary's seafloor. Historical reports suggest that more than 60 Maine-built vessels sank in SBNMS. So far archaeologists have located five Maine-built vessels sunk in the sanctuary; all are now listed on the National Register of Historic Places. The kiosks contain vessel profiles, historic photos, archaeological information, and underwater imagery of the shipwrecks as well as general information

about SBNMS. The new kiosks connect Maine seacoast visitors and residents with information about their cultural heritage that is being preserved and protected by NOAA. Funding for the project was provided by NOAA's Preserve America Initiative.

**OPERATIONS AND SPECIAL PROJECTS (Ben Cowie-Haskell, Alice Stratton, and Dave Slocum)**

**Vessel and Facility Operations**

- Due to sequester budget cuts the RV *Auk* conducted 37 days at sea in FY13 compared to 62 in FY12. The majority of these were externally-funded missions that are funded by partners, such as WHOI, through grants. Some of the projects and partners who used the *Auk* are:

<b>Project</b>	<b>Partner</b>
Seabird Surveys	MA Audubon
Boston Univ. Marine Program	Boston University
Internal wave study	WHOI
Soundscape study	Northeast Fisheries Science Center
Seabird tagging and blood sampling	US Fish and Wildlife, Boston University
Seafloor Habitat Recovery and Monitoring Study	University of Connecticut, California State University

**Enforcement**

Officer Tim Wilmarth of NOAA's Office of Law Enforcement is co-located in the sanctuary office and serves as our enforcement coordinator. He coordinates the assets of OLE, Massachusetts Environmental Police (also co-located in the sanctuary office) and US Coast Guard.

<b><u>At Sea Vessel Patrol</u></b>	<b><u>Total Hours</u></b>
MEP	83
Joint MEP/NOAA	21
USCG at Sea	N/A
Joint USCG/NOAA	22
<i>Total</i>	<i>126</i>
# of contacts by MEP	90
<b><u>Air Patrols</u></b>	<b><u># of Patrols</u></b>
Joint USCG/NOAA	2
USCG	N/A
USCG Aux	2

## Special Projects

**Ocean Acidification Pilot Study Update.** In late 2011, the collaborators (SBNMS, UNH, Univ. of Mass. at Dartmouth, WHOI) deployed a suite of sensors as a pilot project to study acid dynamics near the ocean floor, and to evaluate the feasibility of incorporating ocean acidification monitoring sensors on passive acoustic monitoring moorings already in place in SBNMS. To this end, we deployed calibrated instruments designed to measure CO<sub>2</sub>, pH, oxygen, temperature, salinity and beam attenuation on the Traffic Separation Scheme Test Auto Buoy (TSS Test AB) located in a depth of approximately 85m. The second deployment (March-Oct.) was retrieved on October 9, 2013. The instruments appear to have worked properly and the data is being worked up and analyzed by Dr. Joe Salisbury of UNH.

**Sustainable Tourism Training in Indonesia.** Ben Cowie-Haskell assisted two other ONMS colleagues with a 7-day training of Indonesian marine resources managers. The training was held at a fisheries training center in Bitung, a small industrial city in the northeastern corner of the island of Sulawesi. Thirty participants from all over East Indonesia participated in the training which covered topics such as limits of acceptable change, marketing, tourism impacts, and revenue generation. The training was a part of ONMS' international capacity building program and is funded by the US Agency for International Development. ONMS' Management Capacity Building Program in Indonesia was established to not only help meet the ONMS' mandate to "cooperate globally", but to help establish connections among protected area practitioners in order to share best practices, experiences, and expertise. This program builds off of a longer standing MPA capacity building program that NOAA/ONMS has in the Bird's Head Seascape in Papua, Indonesia.



Shipwreck Ecology. Staff continue the effort to document the fish and invertebrate communities on shipwrecks in SBNMS, in order to develop a baseline habitat characterization of the shipwreck communities and to enable long-term monitoring as recreational diving increases within SBNMS. Using photos and videos from previous surveys, staff are working with Peter Auster at University of Connecticut to identify and compare species that use each shipwreck. In addition to creating a baseline characterization, we hope the data will also reveal whether there are differences between types and locations of wrecks (wood v. iron, deep v. shallow, muddy bottom v. sandy bottom). Data has been collected for *Paul Palmer*, and species identification is nearly complete for the *Portland*.

Spill Preparedness. SBNMS hosted a Spill Response Workshop at the end of May. This workshop was planned in partnership with staff from NOAA's Office of Response and Restoration and with the ONMS Emergency Response Coordinator. Most SBNMS staff attended, along with partners from NMFS, USCG, and Mass DEP. The goal of the Workshop was to educate staff and partners about appropriate roles and responsibilities during a spill response; presentations included oil fate and behavior, case histories, an overview of the respective roles of Federal and State agencies and local responders, and several spill exercises to consider likely SBNMS scenarios.

### **RESEARCH (Dave Wiley, Michael Thompson, Brad Cabe and Leila Hatch)**

#### **WHALE ALERT**

(Partial funding by the International Fund for Animal Welfare)

Dr. Moira Brown of the New England Aquarium has joined the Whale Alert team. Moira Brown and D. Wiley received a \$20K grant from the Marine Mammal Commission to move Whale Alert to an android platform.

UNH has developed a website for Whale Alert that can be viewed from any platform with internet access <http://vislab-ccom.unh.edu/WhaleALERT/>. This site will be valuable to shipping companies, port agents and other land-based entities engaged in route planning.

#### **SkyMate Satellite Communication**

SkyMate (<http://www.skymate.com/>) has incorporated Whale Alert into its commercial application as a “no cost” value added component. This greatly increases Whale Alert’s access to portions of the maritime community, particularly larger yachts which have received little attention and information.

#### **Whale Alert Awards:**

Whale Alert received silver in the American Business/Stevie award’s competition in the Experimental and Innovation category [http://www.stevieawards.com/pubs/awards/403\\_2662\\_22380.cfm](http://www.stevieawards.com/pubs/awards/403_2662_22380.cfm). Our partner the International Fund for Animal Welfare (IFAW) entered Whale Alert in the competition.

Whale Alert is a finalist in the Nextgov Bold Awards competition. Nextgov's **Bold Awards** program recognizes feds using technology to make government work better.

Whale Alert received an oral presentation – speed category at the 20<sup>th</sup> Biennial Conference on Marine Mammalogy.

## **USCG:**

Information on Whale Alert is being distributed by the USCG when boarding vessels along the US eastern seaboard.

SBNMS is working with the USCG to increase access to AIS sites for transmission of Whale Alert and to gain permanent permission to transmit from the AIS platform at the Provincetown visitors' center.

## **SEABIRD TAGGING**

(Partially funded by the Volgenau Foundation)

10 great shearwaters were tagged with solar PTT tags on 12& 13 July. Tagging operation took place from the R/V Auk and occurred in the Great South Channel area east of Chatham, MA. Data can be viewed at <http://stellwagen.noaa.gov/seabirds.html>. No birds have made use of the SBNMS. Body weights and blood/feather samples were taken for stable isotope analysis of food habits (Boston University).

Body weight and blood/feather samples were taken from 2 birds on 15 September, in collaboration with the Boston University Marine Program. Tagging operation took place from the R/V Auk and occurred in the Great South Channel area east of Chatham, MA. Samples will be used for stable isotope analysis and contributed to the Ocean Genome Legacy project (<http://www.oglf.org/>). These are the first seabird samples archived for the project.

## **INTERNAL WAVES**

We have finished our sixth year of internal wave studies in collaboration with the Jesus Pineda, Victoria Starzak and Karl Helfrich (Woods Hole Oceanographic Institution) and Jose da Silva, University of Porto, Portugal

## **NANCY FOSTER FELLOWSHIP**

Tammy Silva will pursue a Ph.D. in Marine Science at the University of Massachusetts Dartmouth, with work focused on odontocetes in the SBNMS. Tammy received a M.S. in Marine Biology from the University of Massachusetts Dartmouth and a B.S. in Biology from Stonehill College. Her thesis research will involve using passive acoustics to examine the spatial and temporal distribution of odontocetes within the Stellwagen Bank National Marine Sanctuary (SBNMS).

## **PUBLICATIONS**

Wiley, D., L. Hatch, K. Schwehr, M. Thompson, & C. MacDonald. (2013) Marine Sanctuaries and Marine Planning: Protecting endangered marine life. United States Coast Guard *Proceedings*. Fall 2013: 15 – 20.

Ware, C., D. Wiley, A. Friedlaender, M. Weinrich, E. Hazen, A. Bocconcelli, S. Parks, A. Stimpert, M. Thompson and K. Abernathy. (2013) Bottom Side-Roll Feeding by Humpback Whales (*Megaptera Novaeangliae*) in the Southern Gulf of Maine, USA. *Marine Mammal Science*: DOI: 10.1111/mms.12053

## **Quantifying the Influence of Speed on the Large Commercial Vessels' Source Levels**

(FY 13 Funding awarded to L Hatch & S Van Parijs from NMFS Ocean Acoustics Program)

Particular interest in the influence of speed on vessel source levels is driven by increasing implementation of speed reduction measures for large commercial vessels in areas and during time periods when the risk of collision with large whale species is high. Such measures have been in place in Northeast US waters since June 2009 to reduce vessel strikes with North Atlantic right whales, and questions have arisen regarding whether the mandated speed reductions have resulted in lower ensonification levels. The GIS

databases that have been built for the IFAW-SBNMS speed compliance study are being used to identify vessels with multiple close approaches to acoustic recording units deployed in and around the SBNMS. Speed at each closest point of approach is identified. Additional information from AIS is being used to further determine operational variance for these multi-speed approaches, including differences in draught. These analyses will be followed by source level quantification for identified approaches and used to assess influence of speed on variance.

### **Development of Metrics to Characterize Marine Soundscapes: Comparing Acoustic Signatures from Two Long Term Monitoring Sites in the SBNMS**

(FY14 funding proposed by L Hatch and S Van Parijs-NEFSC to NMFS Ocean Acoustics Program, and collaboration with P Auster-UConn/Mystic Aquarium)

Two marine acoustic recording units (MARUs) were deployed in July 2013 to continuously record the low frequency acoustic signatures of two different benthic habitats in the SBNMS. These two sites are well characterized by numerous additional research efforts, linked to the “boulder-in” site within the “sliver” or WGOMCA and a “sand-in” site within the WGOMCA. These substrate types are known to support different resident communities within the sanctuary, and the goal of establishing long term acoustic monitoring at these locations is to assess whether autonomously-collected measurements used to describe their soundscapes can be linked to other measures of species composition, human activity influence and other traits of interest.

### **Identification and Characterization of Atlantic Cod Spawning Activity**

(FY13 funding to L Hatch and S Van Parijs from NOAA Ocean Acoustics Program and to C McGuire-The Nature Conservancy; FY14 funding proposed to Saltonstall-Kennedy Grant Program by C McGuire-The Nature Conservancy, Micah Dean, Bill Hoffman & D Zemeckis-Massachusetts Division of Marine Fisheries in collaboration with L Hatch-SBNMS, S Van Parijs-NEFSC and Sector X fishermen)

Collaborative efforts between SBNMS, Northeast Fisheries Science Center, U Mass Dartmouth, Cornell University and Massachusetts Division of Marine Fisheries to incorporate autonomous recording units that listen for cod spawning sounds into long-term research using acoustic tags and other methods to locate cod spawning areas was expanded this year to include partnership with The Nature Conservancy and fishermen from Sector X. Meetings to discuss 2013-4 winter spawning season design were held at SBNMS offices over the summer, with deployment of a 5 unit passive acoustic array planned in October 2013, followed by deployment of a receiving grid to detect acoustically-tagged fish. A proposal to continue this work was submitted to the Saltonstall-Kennedy Grant Program. A poster detailing the work was presented at a meeting of the Northeast Fishery Management Council in September 2013.

### **NOAA Ocean Noise Strategy**

(Co-chaired by L. Hatch, SBNMS, J. Harrison, NOAA Fisheries Office of Protected Resources & J. Gedamke, NOAA Fisheries Office of Science and Technology)

In a January 19, 2010 letter to the Council on Environmental Quality, NOAA Administrator Dr. Jane Lubchenco committed to convening two workshops to develop a comprehensive noise budget for the oceans and model marine mammal distributions and densities. This effort subsequently led to the development a new cross line office strategy to promote more comprehensive management of underwater noise in US waters, and to continue to direct science tool development to support NOAA’s noise management objectives. An internal NOAA meeting to develop a management framework was held in February 2013 in Silver Spring. See <http://noaa.cetsound.gov> for more information and access to the mapping tools developed through this initiative. Data from SBNMS are playing important ground-truthing roles in the sound-field modeling effort as well as providing a high-resolution case study for the Underwater Sound Field Mapping Group.

## VOLUNTEER PROGRAM (Anne-Marie Runfola)

### NUMBERS AT A GLANCE

**6,325:** Number of hours donated by volunteers in FY 2013.

**13,835:** Total number of volunteer hours logged since the inception of the program in Spring 2011.

**1,254:** SAC member time and talent measured in hours in FY13.

**33:** Percentage of volunteer program hours devoted to citizen science in FY13.

**\$456,113.93:** Estimated economic value of volunteer services from 2011-2013.

**89,524:** Number of people reached directly through volunteer program events. Adding outreach through the media and publications, the volunteer program has reached more than **125,000** constituents.

### STELLWAGEN SANCTUARY SEABIRD STEWARDS

Overall: This season, S4 expanded its business partners to include six whale watch companies in five ports from Gloucester to Provincetown. Seabird Stewards have collected data almost every week on whale watch vessels from June through October, and on five standardized cruises on the *R/V Auk*. With a few more whale watch trips to go and another *Auk* cruise planned in conjunction with the National Audubon Christmas Bird Count for December, S4 will complete close to 45 trips in 2013. A summary report and data analysis will be prepared for Spring 2014 and shared with NOAA Fisheries, US Fish and Wildlife Service and other members of the East Coast Marine Bird Cooperative.

Funding: The S4 Program received \$3,000 grant from US Fish and Wildlife Service to help support the *Auk* cruises. Another S4 proposal is pending.

Outreach: Anne-Marie Runfola educated the public and recruited new volunteers through a number of programs this summer and fall, including

- Kicked off the first annual Cape Cod Bird Festival on September 13<sup>th</sup> as one of three *Natural History* panelists at opening night event for 120 birders.  
<http://www.capecodbirdclub.org/events/cape-cod-bird-festival/friday-night-event/>
- Participated in the semi-annual New England Coastal Wildlife Alliance's (NECWA) Seabirds and Whale Tale Excursion on Capt. John Boats on Sept. 8th. Gave short presentation to the 100 guests about the Stellwagen Sanctuary Seabird Stewards program (S4), resulting in several new recruits and a new partnership with NECWA. Four S4 volunteers were the lead naturalists on the NECWA cruise, and they proudly sported their S4 caps to promote the program.
- Presented to 65 members of the Cape Cod Bird Club on Sept. 8th. Met Kevin Powers, who created a seabird atlas for NOAA when he worked at Manomet Bird Observatory. As a result, Kevin has offered to act as a technical consultant for the S4 program. The Club event also resulted in several new Steward recruits and an article in the Orleans, MA-based *Cape Codder* newspaper.
- The *Cape Codder* article resulted in a request for an interview Cape Cod Broadcast Center's Sunday Journal. Two S4 Stewards, including Wayne Petersen, Director of Important Bird Areas

for MA Audubon, gave a terrific interview: <http://capecodbroadcasting.com/sunday-journal-podcasts/>

**BUMP Partnership:** On September 20<sup>th</sup>, Anne-Marie Runfola and three seabird observers collaborated with Boston University to run a BU Marine Program – S4 research cruise. The S4 team worked with Dr. Les Kaufman and six students to collect seabird data in the sanctuary. One of the students will use this data as part of his research project for the course. Other benefits of this partnership have included S4 internships for BUMP students and funding for an additional standardized cruise each year.

## **STELLWAGEN SANCTUARY AMBASSADORS**

### **Teen Receives 4-H Environmental Stewardship Award for Sanctuary Work**

Teen Ambassador, Heather Gaughan, received a 4-H Environmental Stewardship Project Medal for her work with Stellwagen Bank Sanctuary and the Gates Intermediate School Environmental Club in Scituate, MA. Heather was recognized for her participation and leadership in a number of activities that introduced and promoted the sanctuary to thousands of community members. She helped deploy a NOAA drifting buoy in the sanctuary with SBNMS staff and Dr. Kathryn Sullivan and Dr. Diane Stanitski as part of the Adopt-a-Drifter Program. She created and ran activities such as Sanctuary Jeopardy and a Right Whale Anatomy Tour for 500 schoolmates during the annual Stellwagen: Stream-to-Sanctuary Day. She also helped create hats using sustainable materials for Sanctuary staff and volunteers to wear on their Scituate St. Patrick's Day Parade float, which boasts 25,000 viewers a year. Heather plans to continue volunteering with the sanctuary as she enters high school this fall, where she will help the junior and senior high Environmental Clubs collaborate on sanctuary-related projects.

### **In Memorium**

Long-time volunteer, Ruthetta Halbower, was chosen as an honoree at the new Florida Keys Sanctuary Memorial Garden in Key West. Ruthetta, who passed away several years ago, was the only sanctuary volunteer chosen for national recognition. Craig McDonald paid tribute to Ruthetta at the Sept. 11<sup>th</sup> dedication ceremony. **Funding:** In attendance were several members of her family who have created a sanctuary support fund in their mother's name. The family is thrilled with the volunteer program's contributions to the local community and has designated the Ruthetta Halbower Fund to be used for local schools to work on sanctuary projects with Anne-Marie.

## **A CHILD'S SANCTUARY**

**Funding:** The Volunteer Program received a \$12,000 grant to interpret the sanctuary's maritime heritage at an expanded number of communities across New England. Working together with our Maritime Heritage Team, we are creating kits, training and educational events for the sanctuary and four partner organizations—Seacoast Science Center, Maritime Gloucester, South Shore Natural Science Center and Cape Cod Museum of Natural History. Trained sanctuary Ambassadors and/or cross-trained venue docents will help run events throughout the year at these locations, greatly broadening our reach and offering engaging activities such as mock shipwreck mapping, "diving for facts," sonar image matching, and sailor's valentines to help families learn about the maritime heritage of Stellwagen Bank and the other National Marine Sanctuaries.

## **EDUCATION AND OUTREACH (Anne Smrcina):**

### **OUTREACH AND MEDIA**

**Press Releases/Media Advisories/Feature Stories** – A press release on a new scientific paper (Dave Wiley, co-author) on humpback whale bottom feeding was released in September. The release was a featured story in the news section of the NOAA home page.

**Fathom That! Audio Cell Phone Tour** – The sanctuary and Stellwagen Alive continue to expand the program, with a large new sign and multiple recordings and mobile website pages for a site in Harvard Square (with Ocean River Alliance). Additional messages and mobile websites are in development. Signs were placed on all whale watch vessels from Cape Ann to Cape Cod this summer and at most ticket offices/buildings. The South Shore Natural Science Center and South Shore YMCA have also joined the program.

## **EDUCATION**

**2013 Student Marine Art Exhibit** – The collected winning artwork from the 2013 Marine Art Contest has replaced last year’s art in the traveling exhibit and is now on display in the JFK Federal Building in Government Center, Boston. The 2013-2014 schedule will have the show moving to the New Bedford Ocean Explorium, South Shore Natural Science Center, Rhode Island Audubon Society, Salem National Historic Site, Cape Cod National Seashore and NOAA Fisheries/NE Regional Office.

**2014 Student Marine Art Contest** – The 2014 contest has been announced, with a deadline of May 2, 2014. Students from grades K-12 are invited to submit artwork illustrating “Amazing Ocean Creatures of Stellwagen Bank National Marine Sanctuary. The contest is sponsored by Massachusetts Marine Educators and co-sponsored by the sanctuary, New England Aquarium, Provincetown Center for Coastal Studies and Whale and Dolphin Conservation.

**2013-2014 Marine Art Calendar** – Winning art from the 2013 Marine Art Contest has been used to create a Sep. 2013-Dec. 2014 calendar. The web-published calendar can be downloaded from the SBNMS or MA Marine Educators websites.

**Boston Harbor Educators Conference** – The sanctuary was a co-sponsor of this annual conference and hosted an exhibit table at the Sept. 28 event.

## **PUBLICATIONS**

**Stellwagen Bank E-Notes/Constant Contact Notices** – An October-November issue of E-Notes was in development at the time of the writing of this notice and should be publicly available by the SAC meeting. A December issue will be produced in late November-early December. If there are any items you would like to see included in that issue, please contact [anne.smrcina@noaa.gov](mailto:anne.smrcina@noaa.gov) . A Constant Contact release provided information about the Marine Technology Forum.

**Fact Sheets** – The sanctuary will continue to produce fact sheets on an as-needed basis.

## **EXHIBITS (Deborah Marx and Anne Smrcina)**

**New England Aquarium Signage** – The sanctuary continues to work with the New England Aquarium on the rewrite/redesign of the backlit panels near the sanctuary tanks on the upper Cold Water Gallery level. This project was made possible by funding from the National Marine Sanctuary Foundation. Final reviews have been made and production of the panels is imminent.

**Jenkinson's Aquarium** – The sanctuary has received inquiries from the Jenkinson's Aquarium in New Jersey about a need for information and images. Sanctuary staff will work with this aquarium to develop new content for this site.

**Animals without Passports Traveling Exhibit Continues Tour**

The “Animals without Passports” traveling exhibit will travel to the Boston Museum of Science early next year after its initial run at the Mystic Aquarium.

**SANCTUARY ADVISORY COUNCIL**  
Stellwagen Bank National Marine Sanctuary

**Chair: Richard Delaney**  
**Vice Chair: Heather Knowles**  
**Secretary: John Williamson**

Member / Alternate

**Research**

<vacant> / Irit Altman, Ph.D.  
Rick Murray, Ph.D. / Michael Moore, Ph.D.

**Conservation**

Rob Moir, Ph.D. / Wayne Petersen  
Priscilla Brooks, Ph.D. / Christopher McGuire

**Education**

Susan Farady / Robert Rocha  
Richard Delaney / <vacant>

**Marine Transportation**

Francis Morton / Bob McCabe

**Recreational Fishing**

Michael Sosik, Jr. / Brad White

**Whale Watching**

Steve Milliken / Bob Avila

**Fixed Gear Commercial Fishing**

William Adler / David Casoni

**Mobile Gear Commercial Fishing**

Vito Giacalone / Al Cottone

**Business/Industry**

Tim Moll / <vacant>

**Maritime Heritage**

David Robinson / John Galluzzo

**Diving**

Heather Knowles / Chad Smith

**At-Large**

Deborah Cramer / Jonathan Grant  
John Williamson / Daniel Pingaro  
George Manter / Judy Laster

**Youth**

Jessica Freedman / <vacant>

Ex-Officio / Designee

**State**

Colonel Aaron Gross / Captain John Tulik  
Bruce Carlisle / Todd Callaghan, Ph.D.  
Paul Diodati / David Pierce, Ph.D.

**Federal**

Thomas Nies / Michelle Bachman  
John Bullard / Jennifer Anderson  
Rear Admiral Daniel Neptun /  
Captain Peter DeCola

August 5, 2013

Nicole R. LeBoeuf  
Chief, Marine Mammal and Sea Turtle  
Conservation Division  
Office of Protected Resources, NMFS  
1315 East-West Highway  
Silver Spring, MD 20910

RE: Proposed Rule to Eliminate the Expiration Date Contained in the Final Rule to Reduce the Threat of Ship Collisions with North Atlantic Right Whales.

Dear Ms. LeBoeuf,

The Stellwagen Bank National Marine Sanctuary Advisory Council strongly supports the above referenced proposed rule. Stellwagen Bank National Marine Sanctuary (SBNMS) and the proximate Right Whale Critical Habitat of Cape Cod Bay provide important feeding grounds for the North Atlantic Right Whale; survey data show that at certain times in the year, more than half of the known population of the North Atlantic feed and socialize in the area.

The SBNMS and adjacent areas experience significant amounts of vessel traffic including major shipping lanes, subjecting the right whale, an endangered species believed close to extinction, to great risk. Fortunately, the current speed restrictions have helped reduce the occurrence and severity of vessel strikes as demonstrated by recent studies conducted by NOAA and independent research organizations.

SBNMS Sanctuary Advisory Council, therefore, requests that the "sunset clause" be removed from the regulation as proposed to ensure that this critically endangered population recovers.

The SAC also requests that a provision be added to the regulations to require periodic assessments of the effectiveness of the regulation in order to evaluate potential improvements including alteration of seasonal restrictions and management areas. The goal of any changes would be to retain or increase protection to the North Atlantic right whale.

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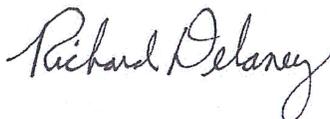
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**Federal**

Thomas Nies / Michelle Bachman  
John Bullard / Jennifer Anderson  
Rear Admiral Daniel Neptun /  
Captain Peter DeCola

Thank you for this opportunity to comment on a matter that is a top management priority for the Stellwagen Bank National Marine Sanctuary.

Sincerely,



Chair, SBNMS Sanctuary Advisory Council

*"The opinions and findings of this letter do not necessarily reflect the position of the Sanctuary and the National Oceanic and Administrative Administration."*

October 29, 2013

**MEMORANDUM**

**TO:** Craig MacDonald  
SBNMS Superintendent

**FROM:** Alice Stratton  
Ecologist

**SUBJECT:** Considerations for Designation of a No Discharge Area in Stellwagen Bank National Marine Sanctuary (SBNMS)

At the SBNMS Sanctuary Advisory Council (SAC) Meeting on June 12, 2013, the SAC requested that the SBNMS Superintendent prepare a background paper to consider the possibility of creating a No Discharge Area within SBNMS. The purpose of this memorandum is to provide that background by evaluating information gained during the early working group processes (2004) leading to development of the Final SBNMS Management Plan and Environmental Assessment (June 2010) and relevant regulatory and policy changes since then (i.e., 2004).

SBNMS Management Plan:

During development of the SBNMS Management Plan, the SBNMS Water Quality Working Group (Action Plan Part B, September 2004) looked at the appropriateness of vessel waste water discharge inside the Sanctuary. Questions included whether increasing numbers of whalewatch and cruise ships might lead to increased threats to water quality, and whether it might be possible to prevent additional types of discharges within sanctuary waters.

\* The SBNMS Water Quality Working Group Action Plan stated that in 2004, the Port of Boston reported over 208,000 cruise ship passengers and 94 ship calls.

-- Over the past decade, there has been a steady increase in these numbers: in 2012 there were 117 cruise ship calls in Boston, with an estimated 374,304 passengers.<sup>1</sup> This represents a significant increase in the potential risk of pollution and increased load of treated wastewater being discharged into or near sanctuary waters.

\* The SBNMS Water Quality Working Group considered possibility of developing regulations related to discharges from cruise ships, but deferred any action in anticipation of recommendations from a then newly developed National Marine Sanctuary Program (NMSP) Work Group looking at the same issues system-wide.

-- After considering several options for regulating discharges from cruise ships in sanctuary waters system-wide, ONMS determined that it would be best to pursue regulations on a site-by-site basis. The resources at risk, the visitation rates and need for conservation measures vary widely among sanctuaries, and ONMS decided that individual site needs could best be met through local regulations.

-- In March 2009, new prohibitions on discharges from cruise ships were finalized for Monterey Bay, Cordell Bank and Gulf of the Farallones National Marine Sanctuaries; these regulations

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<sup>1</sup> <http://www.massport.com/port-of-boston/about-port-of-boston/port-statistics/>

prohibit the discharge of anything other than clean engine or generator cooling water, clean bilge water and anchor wash.

-- In December 2010, the Florida Keys National Marine Sanctuary (FKNMS) prohibited discharge of any treated or untreated sewage from any type of vessel throughout the entire Sanctuary. In addition, FKNMS regulations prohibit the discharge of any matter except cooling water and engine exhaust in their Ecological Reserves and Sanctuary Preservation Areas.

-- In November 2011, Olympic Coast National Marine Sanctuary published cruise ship discharge regulations with similar prohibitions, with the addition of no engine exhaust.

### No Discharge Zones

The majority of Massachusetts coastal waters have been designated as No Discharge Zones (NDZ). NDZ's are designated upon request from a state and concurrence by EPA that the identified state waters require additional protections and that is ecologically and recreationally important enough to merit protection above and beyond that provided by existing laws. Designation of NDZs requires that adequate pump-out facilities are locally available.

\* Are adequate local pump-out facilities available in ports nearby SBNMS?

-- Due to the state NDZs, there are adequate pump-out facilities available for smaller recreational and commercial vessels in the communities surrounding SBNMS.

-- The MassPort Black Falcon Terminal has suitable pump-out capabilities for cruise ships. This pump-out is used regularly by a small number of cruise ships; it is tied into the municipal sewer system and the dock is large enough to be able to accommodate more than one vessel at a time.

\* Could SBNMS be designated as an NDZ?

-- NDZs are designated either by a state coastal zone management program or by the EPA under the Clean Water Act Section 312. However, Section 312 does not apply outside the three-mile limit of US territorial waters, and therefore, an NDZ for SBNMS cannot be designated under CWA.

-- Under the National Marine Sanctuaries Act, Sanctuaries may prohibit certain types of discharges within their boundaries. Specifically, the first activities subject to regulation under the SBNMS Designation Document are:

a. Discharging or depositing, from within the boundary of the Sanctuary, any material or other matter.

b. Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter.

And further,

h. Operation of a vessel [sic] in the Sanctuary

Any of these provisions within the sanctuary designation document or a combination thereof, could be the basis for creation of regulations to establish a NDZ within SBNMS. This is the course of action that was taken by FKNMS and the West Coast sanctuaries in development of their no discharge prohibitions.