



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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49th SANCTUARY ADVISORY COUNCIL
March 8th, 2017 9:30 am-3:00 pm
Double Tree Hilton, Rockland MA
MINUTES of MEETING

Present:

Bill Adler	Primary: Fixed Gear Commercial Fishing
Jennifer Anderson	Federal: NOAA Fisheries GARFO
Michelle Bachman	Federal: New England Fishery Management Council
LT Dean Belanger	State: Mass Environmental Police
Kevin Blinkhoff	Primary: Recreational Fishing
Jeanine Boyle	Alternate: At Large
Tim Brady	Alternate: Recreational Fishing
Shelley Brown	Alternate: At Large
Todd Callaghan	State: Coastal Zone Management
Deborah Cramer	Primary: At Large
Rich Delaney	Primary: Education (Vice Chair)
CPT Brian Fiedler	Federal: First US Coast Guard District
John Galluzzo	Alternate: Maritime Heritage (Secretary)
Heather Gaughan	Primary: Youth
Vito Giacalone	Primary: Mobile Gear Commercial Fishing
Jon Grant	Alternate: At Large
Kirstyn Haley	Alternate: Youth
Laura Howes	Primary: Whale Watching
Martin Klein	Alternate: Maritime Heritage
Heather Knowles	Primary: Diving (Chair)
Joseph Levine	Research: Alternate
Randall Lyons	Alternate: Business Industry
Marissa Marcoux	Alternate: Diving
Bob McCabe	Primary: Marine Transportation
Chris McGuire	Primary: Conservation
Steve Milliken	Alternate: Whale Watch
Frank Mirarchi	Alternate: Mobile Gear Commercial Fishing
Monica Pepe	Alternate: Education
Wayne Petersen	Alternate: Research Primary
David Pierce	State: Mass Division of Marine Fisheries
Kevin Powers	Primary: At Large
LT Eric Provencher	Federal: NOAA Office of Law Enforcement
Bob Rocha	Alternate: Education
Carol Voigt	Alternate: Marine Transportation
Mason Weinrich	Primary: Research
John Williamson	Primary: At Large



SBNMS Staff:

Ben Haskell
Matthew Lawrence

Anne Smrcina
Elizabeth Stokes

Mike Thompson
Nathalie Ward

I. Welcome and Seating of New SAC Members, Approval of 48th SAC Minutes and Review of 49th SAC Agenda (H. Knowles)

The 48th SAC Minutes were approved with two revisions:

- i. Bill Adler: Reference page 6, second paragraph, after sentence *“Northern shrimp are gone, some species moving north into Gulf of Maine”*, add the sentence, *“Climate Change causes the copepods and species to migrate somewhere else. The whales that frequent the sanctuary may go somewhere else.”*
- ii. Ben Haskell: Reference page 3, “III. Management Plan Update”, Discussions/Comments/Suggestions section: Priscilla Brooks asked Craig McDonald to list the top 5 major accomplishments generated from the Management Plan. The top 5 lists will be included in the final 48th SAC Minutes.

Heather Knowles welcomed Ben Haskell as the new Acting Superintendent of the sanctuary and for attending his first SAC meeting in this capacity.

II. SAC Business (N. Ward)

i. Welcome New Members and SAC Recruitment (1 February 2017)

Recruitment deadline was February 28. Advertised for At Large (Primary), Conservation (Alternate), and Research (Primary) seats. Incumbents presently fill the At Large (Primary) and Research (Primary). These are three 3-year terms and incumbents can apply for three 3-year terms. Incumbents are encouraged to reapply but the seats are open to any interested applicant. The February vacancies will be filled and seated by the next meeting.

Another recruitment will be announced on May 1st with a May 31st deadline that will also be recruiting some incumbent seats: At Large Primary (John Williamson); At Large Alternate (Jeanine Boyle), Education Alternate (Bob Rocha); and Research Primary (Howard Rosenbaum). Additional vacant seats being recruited in May are the Business Industry Primary (formerly Charlie Rasak) and Youth Primary and Alternate (formerly Heather Gaughan and Kristy Haley, respectively).

SAC members are asked to spread the word to their constituents about these recruitment vacancies.

ii. 2017 SAC Meetings

The 50th SAC Meeting will be held on Wednesday, 31 May at NOAA GARFO in Gloucester.

The 51st SAC Meeting will be held in Plymouth in October 2017. Date is to be determined.

iii. SAC Annual Work Plan

The SAC Charter (Council Roles p.6, # 3) states: “the council shall develop an annual work plan, in consultation with and approved by the sanctuary superintendent, to establish an agenda for specific issues and projects the council intends to address.” In order to set annual goals and objectives as well as document our achievements and evaluate our efficacy, we will develop a draft 2017-2018 Workplan for the SAC’s review and approval.

Heather Knowles: The Annual Work Plan is really of value and complementary to focusing SAC meetings and lining up with the priorities the sanctuary has and how the SAC can best advise and participate with the sanctuary. The SAC Executive Committee will take the lead working with the sanctuary. It recognizes that it doesn’t want to create something that takes a year to implement. Heather asked Nathalie Ward and Ben Haskell to provide the Executive Committee with some examples and templates from other sanctuaries for ideas on how the SAC can do something efficient, focused, and brief. The Executive Committee hopes to report back at the May meeting. Once the SAC Annual Work Plan is established, it will be easy to update.

III. Discussion Topics (H. Knowles)

i. Council Round Robin

Heather Knowles: This forum is an opportunity for SAC members to give brief updates from their constituencies or if there is particularly newsworthy or important information that someone needs to pass along. The “round-robin” is intended to be brief, approximately 2 minutes. (Note: If a SAC member wants their Round Robin address to be included in the SAC Minutes, please email a write-up to Nathalie.Ward@noaa.gov and Elizabeth.Stokes@noaa.gov.)

Verbatim Comment from Tim Brady, SAC Recreational Fishing Alternate:

“Mike Pierdinock [former Recreational Fishing Primary member] approached me in 2015. He has been part of this advisory council I think for the maximum amount of time that he could be. Stellwagen Bank Charter Boat Association has had a vote on this advisory council since the inception of the council and we are pretty upset that we no longer have a vote on the council. So I’ll be here, I’m the Alternate now, but it’s a constituency that probably puts more recreational fishing on Stellwagen Bank than any other probably it does. You go out there on a Saturday or Sunday from April to November. You see all the charter boats — six pack charters boats, I have a small head boat and so it may come up again here and certainly no offense to the person who got the regular seat is well qualified to do it but taking this seat out of Stellwagen Bank Charter Boat Association -- I don’t see how that broadens the constituency here of the Stellwagen Bank Advisory Council. So that’s my fun anecdote for today, that we no longer have a vote a the table.”

Heather Knowles thanked Tim for his comments. She provided context that many SAC members aren’t aware of. First and foremost, she appreciates Tim’s perspective and comments, and as Chair of the SAC, she can only reiterate to Tim and to everyone, whether you have a vote or not, your voice is important and will be considered. She wants everyone to participate whether Primary or Alternate member. She wants everyone to have a voice and will do her best for the time that she is in her role to make sure that everyone’s interests are represented and that every constituency feels like they have an opportunity to provide input and no one is minimized. She cannot do anything about the decisions that have been made. She has told Ben Haskell and Nathalie Ward that she would be happy to participate in any discussions and

anything she can do to help to find a way forward. In a general sense, whether you have a vote or not makes little difference as to the value of Tim's contributions and the importance of his participation.

Tim Brady: "Appreciate that. But to my constituents that operate small charter boat businesses -- a voice is not a vote. We absolutely depend upon this for our livelihoods. To have that seat taken away is a big deal to us. I appreciate the opportunity to speak, but the reality? When issues like this, herring pair trawling come up. I don't have a vote. And not just that I don't have a vote, but Stellwagen Bank Charter Boat Association doesn't have a vote and that is what is important to me. But thank you, I appreciate it."

Heather Knowles: Thanked Tim for his comments. She will personally work with Tim Brady and Kevin Blinkhoff [newly appointed Recreational Fishing Primary member] to make sure that the SAC does its best with current constraints. She appreciates Tim's perspective. She operates a dive charter boat with a small constituency and understands where he is coming from, and the SAC Executive Committee will do its best to work with the Stellwagen Bank Charter Boat Association.

ii. Endorsement of the Council Enforcement Letter for Vote (H. Knowles and R. Delaney)

Rich Delaney: This letter is put forward to each sanctuary advisory council at the time of their next scheduled meeting so the process has been ongoing over a several month period. Thus far nine SACs have adopted and signed the letter. The letter was circulated to SAC members by email. It is basically an attempt by the 14 SAC Chairs to call to the attention of the NOAA leadership -- both the existing or now acting leadership -- as well as the incoming leadership -- that enforcement of all the existing laws including the National Marine Sanctuaries Act within the sanctuaries should be of equal importance to the various law enforcement agencies, particularly the NOAA Office of Law Enforcement. Secondly the letter commits SAC Chairs to do what they can to assist in that process. It is a call for attention to enforcement. It is an issue that has been of concern to the SACs for a long time. Enforcement came up as a major concern shared by all the sanctuaries at an earlier SAC Chair Summit that Rich attended. The head of NOAA Law Enforcement, Jim Landon, is very well informed and committed to helping the sanctuaries provide sufficient enforcement within their sanctuary boundaries. He acknowledged that sometimes the five federal laws that NOAA OLE is responsible for enforcing, that the Sanctuaries Act sometimes gets shortchanged and that it could benefit from more enforcement capacity to really extend the enforcement authorities more broadly to include all the sanctuaries. He further announced that NOAA OLE was authorized to fill 40 plus new positions. It is planned to have some of these new officers assigned to the sanctuaries. This was very encouraging. He and his officers rely on the joint enforcement agreement with each of the States' enforcement agencies; in SBNMS's case, it is the Massachusetts Environmental Police. Jim Landon also encouraged the SACs to get involved in helping the annual work plan and 5-year plan that joint enforcement agreements have to bring sanctuaries issues introduced into those plans. This is very exciting. The proposed letter tries to bring to the leadership one letter versus 14 different letters to get it moved along quickly. It is hoped that all SAC Chairs will have signed it by the end of the month. (Appendix 1: The proposed Council Enforcement letter is attached.)

Heather Knowles brings a motion forward:

Motion: SAC authorizes the Chair to sign the Council Enforcement Letter on its behalf. Passed unanimously.

Comments:

Chris McGuire: No description in the letter of a problem to address, mostly a description of a solution rather than listing violations. Just talks about increasing enforcement but not addressing why that's needed. Just sharing his perspective. Not very compelling because it doesn't really say why this is something that needs to be addressed.

Rich Delaney. Good observation. As previously mentioned, rather than write 14 individual letters with specific examples of different kinds of issues at the different sanctuaries, the letter was brought forward collectively by all SAC Chairs rather than each sanctuary providing separate commentary with specific issues. But as Jim Landon, Director of OLE recommended, individual sanctuaries should work directly with their respective JEAs (joint enforcement agreements) with their specific issues. Another interesting and encouraging announcement from Jim Landon was that he is hoping to use some of the newly emerging technologies (surveillance, satellite) as a way to augment what is done on the water. So that was encouraged along with other divisions within NOAA as well. This again is very encouraging. This also would encourage NOAA to collaborate more internally. That would be another boon for the effort.

David Pierce: Regarding the JEAs with the States and notably with our law enforcement agency in MA. Be considerate of the fact that even though there are great needs for enforcement for rules and regulations that pertain to the sanctuary, there are many rules and regulations in Massachusetts state waters that require the resources of our enforcement officers in the agency itself i.e. State waters. So it's a give and take between best use of enforcement resources and respective State and Federal rules and regulations. He'll be engaging with his law enforcement officers as well as the sanctuary to see what is being proposed as part of that enforcement agreement and what the possible consequences might be for enforcement of rules and regulations outside the sanctuary.

Heather Knowles: Great point and underscores the importance of working together to prioritize the use of resources that are shared.

Lt Provancher, NOAA OLE: Is the JEA manager for the northeast division and oversees the contracts and the priorities, and priority executions for all 10 states within the northeast. So he has a conduit to expedite these priorities. NOAA OLE would never be looking to detract from state officers and their priorities within their own state waters. OLE is looking to augment the agreements to assist what they deem to be priorities within the federal fisheries where they don't have the staff to focus on. Work with the states and the sanctuary on priorities. One of the steps Director Landon has taken is a restructuring within the program where OLE is narrowing down the number of priorities within the agreements and going into priority execution models to narrow in on exactly what OLE wants in these priorities to assist the states in clarifying what OLE is looking for.

LT Belanger, MA MEP: Added that many of the rules and regulations overlap within the state and the federal jurisdictions so getting "some bang for our buck" per se.

Heather Knowles will work with sanctuary staff to get the letter signed and passed along.

iii. Sanctuary Advisory Council Chairs Webinar (R. Delaney)

Rich Delaney: The SAC Chairs all concurred that these webinars are a very successful exercise in learning what other SACs do and consequently, they determined it beneficial to have at least a

second webinar meeting every year. So this cross-pollination among SAC Chairs will continue. This is also a great opportunity for SAC members to feed through Heather Knowles, as SAC Chair, issues that the SAC wants to have raised on their behalf that can be shared nationwide across the sanctuary program.

iv. Shipwreck Dive Site Notification (M. Lawrence)

SBNMS has 5 shipwrecks on Stellwagen Bank that are promoted for recreational scuba diving visitation. The dive community is aware of these opportunities to explore the sanctuary's maritime heritage, but commercial fishermen may not be aware of these shipwreck's locations and they risk hanging their equipment on them causing costly damage or loss. Recently, the shipwreck's locations were added to NOAA nautical chart 13267, but sanctuary users may not update their charts and therefore miss this new information. Sanctuary staff archaeologist Matthew Lawrence sought advice from the SAC on ways to communicate the shipwreck's locations to fishermen so that they can avoid them. Advisory council members Jennifer Anderson, Vito Giacalone, and Randall Lyons offered to convey the information to the groups that they represent.

Comments:

Vito Giacalone: Always found it ironic trying to protect these sites with the caveat that NOAA can't tell anyone where they are located. It's mutually beneficial to mobile gear fishermen to know their location. Knowing the coordinates, latitude, longitude etc. It would be disseminated very quickly to everyone and plugged in their plotters to update the information throughout the fleet to avoid this problem. It's an easy solution but the policy has always been to keep it secret, with the hope that no one would run into them. But there could be a better policy.

Matt Lawrence: Very happy to work with Vito and get him the recreational shipwreck dive site information.

Bill Adler: Agrees. Fishermen don't want to get involved with any wrecks. He remembers when the sanctuary wouldn't let anyone know where they were because people maybe going down and stealing things. Questioned whether the *Portland* was one of the five locations.

Heather Knowles and Matthew Lawrence clarified that the *Portland* was not included in this effort. Aside from one shipwreck, historical shipwreck positions are not part of the 5 diving locations that are public.

Bill Adler: Fishermen can slam into the *Portland*. Sees dilemma of letting people know where they are, but on the other hand, people out there do not want to get involved with any of those wrecks, even the fixed gear fishermen don't. They may not destroy anything but gear is lost. It would be helpful to get as many of the wreck locations out there to the fishermen. Word would spread. Try to figure out what to do with the *Portland*.

Matthew Lawrence: At this point in time, trying to work on the particular aspect of the 5 locations and make it better for everyone.

Heather Knowles: First step is to start with the ones that are already in the public domain and where there is less concern and sensitivity. See what impact that has, and then a larger plan can be worked on for all of the sanctuary shipwrecks.

Jen Anderson: Can certainly find ways to get the information out through GARFO's extensive email lists of commercial and recreational fishing folks and other outreach ways to help push out the information as well.

Vito Giacalone: Any feedback from the dive community would be helpful, i.e., photographs or updates that could be shared to let the fishing community know what type of gear they're finding – if it's new or old hang gear, just in case they're missing the numbers. If someone has the numbers and they're in their plotter, they are not going to hit it. He estimates very few hangs happen anymore, but it would be good to get feedback from the dive community.

Heather Knowles: She and Marissa Marcoux [SAC Diving Alternate] will help with this. They are very active down there. This has been a great dialogue. Will follow up off-line to share more information and exchange ideas.

IV. Launching of the Condition Report Process Including Report on Conceptual Model Workshop (B. Haskell)

Ben Haskell stated that a lot has changed since the last report. The Condition Report is a report card of the state of the sanctuary's natural and cultural resources and the pressures on those resources from human or natural causes. It sets the stage for Management Plan revision. Sanctuary staff is jumping into this full speed ahead and Dr. Brad Barr will run this process for the sanctuary. Brad is a senior advisor to John Armor, Director ONMS, and former manager of SBNMS from its designation until 1998. He is now working for ONMS HQ on maritime heritage issues but will assist sanctuary staff with the Condition Report process. This process will involve interested SAC members participating in a 1-day modeling workshop to better understand the state of the resources. The workshop is scheduled for 20 March in Scituate. Several SAC members will participate as will staff from the NOAA Northeast Fisheries Science Center. The workshop will identify all of the major components of the ecosystem as well as the connections between them. The strength of those connections will be recorded and validated to the extent possible. This will be a great way to start off the Condition Report process, which will take about 1 year. The new Management Plan will be 'lean and mean', and less comprehensive than the 2010 version and will address some or all of the issues identified in the Condition Report.

V. Sanctuary Management Plan Assessment Subcommittee Update (J. Williamson) Proposed Whale Watch Working Group (J. Williamson/B. Haskell)

John Williamson: The Management Plan Assessment Subcommittee was a topic discussed at a previous SAC meeting back in June 2016 and has been on the back burner ever since. The subcommittee has not yet met due to the transition within sanctuary leadership, but is planning a meeting in the near future. An agenda is being set to work through the subcommittee well into the next 12 months, with the hope of having 3-4 meetings during that period. The subcommittee will work with elements of developing the draft Condition Report and looking at the existing Management Plan. In 12 months, the subcommittee hopes to come back to the SAC with some recommendations of topics/priorities that need to be addressed in the future Management Plan review. Sanctuary staff feels that one area that could be addressed in future management planning would be the interaction between recreational boaters and the whales in the sanctuary. There has been an increase in interactions between small boats and large whales, and this topic needs immediate attention. It was suggested that a working group be created that would examine this particular issue, in parallel to the work of the Management Plan subcommittee. This would influence the makeup of the subcommittee as well, so folks need to be identified to work on either one or both groups.

Ben Haskell: The Management Plan review is usually done after the Condition Report is completed, and the Condition Report is about a year-long process. The Management Plan review process length is undetermined. However, it will not be as in-depth as the first Management Plan, but rather will be “lean and mean” with a focus on high priority issues. The Management Plan subcommittee will begin laying the groundwork for this and will have input from the Condition Report process along the way. It’s important to get this subcommittee working and in parallel with the small boats working group, if agreed upon by the SAC.

Management Plan Subcommittee members who volunteered (June 2016):

John Williamson, Chair
Priscilla Brooks (no longer on SAC)
Shelley Brown
Rich Delaney
Vito Giacalone
Laura Howes
Les Kaufman
Joe Levine
Steve Milliken
Mason Weinrich

John Williamson proposes a motion:

Motion: Form a working group to examine the issue of small boat interactions with whales in Stellwagen Bank.

(For audio transcript of comments and discussion, please contact Elizabeth.stokes@noaa.gov)

Nathalie Ward described the difference between subcommittees and working groups as outlined in the SBNMS Advisory Council Charter. Working groups provide advice and recommendations to the SAC. Nothing can move forward until this step happens. Once a final recommendation is made, the Working Group will be disbanded.

Laura Howes, who originally suggested the formation of the Small Boat Interactions Working Group (SBI-WG) gave an overview of Boston Harbor Cruises (BHC) programs.

Current Status of BHC:

Annual whale watch ridership 140,000, 780+ whale watches scheduled a season. New England Aquarium partnership for whale watch began in 2013. Our program includes college interns collecting data and on-board education. Education program incorporates positive outlooks, encouraging actions, ecology, and conservational messaging

Research Programs at BHC:

We have 700 trips yearly for data collection, with an average of 5,000 marine sightings per year. We use Center for Coastal Studies protocols. SBNMS S4 observers are also onboard weekly collecting seabird data. We have had poster presentations at the Society of Marine Mammalogy and Ecological Society of America conferences.

We also have an extensive Marine Debris program. Massachusetts Bay is an urban ocean area with 4.4 million people living near to its shores. Unknown risk yet of marine debris and wildlife. Since 2014 we have been recording marine debris observed in the SBNMS:

- Avg. 400 observations of trash per year (23 different categories) sighted
- 200 balloons per year included in those sightings
- Spatial modeling: we estimated an abundance of 31,500 pieces of marine debris in the region with a density of 5.7 objects per km²
- Debris was widespread throughout the region including in areas of high humpback whale feeding density.

In summer of 2016, we launched a pilot study on recreational boating. Recreational boats whale watching and fishing around whales has become an increasing problem in the SBNMS. An estimated 13% of whales bear scars consistent with vessel strike in the southern Gulf of Maine (WDC 2013), and vessel strikes are highly unreported. Using laser range finders, we calculated approximate recreational boat distance to whales, aligning distances with Close Approach, Standby Zone, and ½ mile radius of the Northeast Regional Whale Watching Guidelines.

Results:

- 38 observations total from mid-July to mid-Sept
- Weekends and nice weather days had the most boat activity
- After 30 minutes, we reached as high as 6 vessels in Standby Zone, and 1 event with 3 boats in Close approach zone. After 30 minutes, 50% of the time, the numbers of vessels in the Standby zone were above the guideline limit. This demonstrates that large commercial whale watch vessels act as a magnet for small recreational boats.

Other Observations During Study:

- Head-on approach towards whales by recreational boats
- Recreational boats cutting off whales' path
- Speeding towards whales (above guideline limit)
- Drone use
- Attempts of our boat to stay away from high rec-boat activity
- Monofilament harassment on Stellwagen and the Great South Channel (GSC) – which leads to a discussion: How can we account for the high spatial exchange between SBNMS and GSC of large whales?

Our hope for the future of this study – Is it helpful to the SBNMS, and should it be continued? We would also strongly like to advise outreach and education to recreational boaters – targeting specific areas with Sea-a-Spout and whale watch guideline brochures, and utilizing SBNMS volunteers for in-person education at marinas. This study also encourages incidents to be reported by boaters and the whale watch community.

Nathalie Ward will send an email to gauge if anyone else wants to participate.

Heather Knowles: This is a great topic and an important working group to form. There is strong support for this, as long as the SAC is aligned. A vote is needed for the working group.

Responding to current issues is time-sensitive and important that we act without taking too long to do it. Heather suggests that a vote be taken and solicit members:

***VOTE: To create a Working Group of Small Boat Interactions with Whales.
Passed unanimously.***

Nathalie described the WG scope and purpose. Laura Howes will be Chair of Small Boat Interactions Working Group in partnership with Steve Milliken. Nathalie will be sanctuary staff member. Nathalie Ward will send out an email to solicit nominations for the Small Boat Interactions working group.

Working Group: Small Boat Interactions with Whales (Nathalie Ward)

Problem Statement: The SAC is concerned about small boat interactions with whales.

In order to minimize the risk of collision and disturbance to whales, it is important that the sanctuary gets a greater understanding of the nature of the risk to both whales and vessels, and determines the optimal safety and outreach program(s) to address the issue. The Management Plan's four Action Plans (MMBD, MMVS, MME and POE) define the goals, objectives and strategies to inform, assess and potentially minimize marine mammal disturbance induced by human activities.

Potential Issues To Address in Working Group (WG):

- Small boat strikes on whales
- Tuna gear hooking whales
- Vessels transiting bubble nets and/or clouds
- Increasing small boat safety at sea
- Increasing small boat awareness of whale protection
- Conducting outreach to small boaters

Potential Working Group Representation (12):

Chair: Laura Howes
SBNMS Staff Lead: Nathalie Ward

- Whale Watching
- Coast Guard
- Commercial Tuna
- Recreational Fishing
- Marine Transportation
- Enforcement (State and Federal)
- Conservation
- Research
- Education and Outreach
- Business and Industry

Proposed Timeline:

- WG Nominations Due (3/24)
- Nominations Approved by Superintendent and Executive Committee (3/31)

- WG seated (4/7)
- First WG Meeting (before 31 May, 2017)

VI. Recreational Fishing Summit Update (Ben Haskell and Tim Brady)

Ben Haskell attended the Recreational Fishing Summit in Florida with Michael Pierdinock, the former SAC Recreational Fishing Primary member (2013-2016). This is the first time that the sanctuary program has ever convened a Recreation Fishing Summit. Appendix II: Recreational Fishing Summit Summary is attached.

Ben Haskell announced that he designated Anne-Marie Runfola, the Volunteer Program Coordinator for SBNMS, as the new contact person between the sanctuary and the recreational fishing community. Anne-Marie has already begun to reach out to colleagues at the NOAA Fisheries, especially the Port agents, to find out how sanctuary staff can plug into their already-scheduled recreational fishing shows around New England. The Port agents regularly attend these recreational fishing shows and they currently invited sanctuary staff to tend a table with them and speak to constituents. Ben shared that he sent an email in response to a letter he received from Capt Dave Waldrip, President of the Stellwagen Bank Charter Boat Association. In sum, Ben stated that the sanctuary welcomes recreational fishing in SBNMS. He doesn't think sanctuary leadership ever said that before publicly. He wanted to clearly state this to Capt Waldrip and other recreational fishing leaders in New England. Ben also expressed a real interest in building a better relationship with the recreational fishing community, which hit a low point after the Dedicated Habitat Research Area process. Trust needs to be built up again, and Ben, working with Anne-Marie Runfola, is committed to doing that. Appendix III: Capt Dave Waldrip's letter is attached.

Tim Brady on behalf of Michael Pierdinock:

"I'm in a bit of a spot because I was not at the recreational fishing summit. Mike Pierdinock attended the summit." He proceeded to read an email that Mike Pierdinock provided as a response:

Michael Pierdinock's email addressed to Ben Haskell:

"I thought the recent National Sanctuary Recreational Summit that I attended was a step in the right direction going down the right road to work together with recreational and charter boat stakeholders. This does not appear to be the case and does not sit well with me or the Stellwagen Bank Charter Boat Association reassurances that you made to me personally at the summit concerning working together in the future. Needless to say I'm disappointed in the recent turn of the events and it's apparent that the sanctuary does not care to have our representative of the Stellwagen Bank Charter Boat Association as a voting SAC member representing the primary stakeholders of the sanctuary that rely on such to make a living. This is inconsistent with the mission of the Stellwagen Advisory Council."

Tim Brady closing remarks:

"I'm not going to try to put any more words in his [Mike Pierdinock] mouth. He was on the Council at the time. He walked away from the meeting thinking this is about inclusion. This is about increasing stakeholder participation. I don't think it's any accident or surprise that the only vote that wasn't a "yeah" for the DHRA was the representative of the Stellwagen Bank Charter Boat Association that no longer has a vote on the Council. So while I do appreciate the ability to

speaking. I certainly appreciate the ability to come up here and talk, I think there is some kind of disconnect if the management of this Council doesn't understand how important a stakeholder this group of charter boat captains are. We have roughly 30 charter boats in the Stellwagen Bank Charter Boat Association and we probably bring, I don't know, 5,000 to 8,000 people out to Stellwagen Bank to fish. We were doing this before the Stellwagen Bank National Marine Sanctuary was created. We were part of creating the sanctuary and we seem to be constantly fighting a battle to be able to fish, which we were told in the creation of the sanctuary we would never have to fight. So thank you for allowing me to talk."

Ben Haskell: Wishes Mike Pierdinock had been present to share observations and specific thoughts from the Summit. Ben addressed why the Stellwagen Bank Charter Boat Association was not chosen to fill the Primary Recreational Fishing seat and why Kevin Blinkhoff was chosen. The simple reason is that the Recreational Fishing seat is not a "for hire" charter boat seat. The seat was created to represent the recreational fishing community in its entirety and that goes far beyond members of the Stellwagen Bank Charter Boat Association. The SAC wants to be as inclusive as possible in that representation. Kevin Blinkhoff with his access to "On The Water" magazine/media has that critical reach that the sanctuary needs to get the message out to the public. Specifically, that recreational fishing is welcome and encouraged in the national marine sanctuary. Ben is sorry that the Stellwagen Bank Charter Boat Association is disappointed not to have a vote. It had nothing to do with its DHRA vote at all. It has to do with outreach and getting to the maximum audience possible. Ben asked for cooperation in a more productive way going into the future.

Kevin Blinkhoff: Talked to Tim Brady and has been in touch with Mike Pierdinock several times. Obviously the 'for hire' fleet on Stellwagen is important and a big part of the constituency. Hopes to represent Stellwagen Bank Charter Boat Association and the thousands of independent anglers as well who use Stellwagen and the rest of the recreational fishing industry — tackle shops, manufacturers — all of that. He appreciates the open conversations so far and really wants them to continue. Ben and he have had some good conversations about how he can help by using his resources to make communication a two-way street. To hear Ben say that recreational fishing is not just tolerated in the sanctuary but that it is actually welcomed and encouraged, is an important message to disseminate. Recreational fishermen want to hear Ben say that. Kevin spoke a bit about using *On the Water* TV and video resources to do a program on fishing in Stellwagen Bank where the sanctuary gets involved and have Ben on video making that statement. That is important.

Heather Knowles: On behalf of the SAC Executive Committee (EC). We have to be totally transparent and it is important to have this discussion. This was absolutely a dilemma for her in the evaluation of applicants and ultimately the selection that was made. She agrees with everything that Ben said, and also feels very strongly that the SAC needs to be made of the community that are the stake holders and the constituency of those who live here and rely on the sanctuary. Striking the balance between selecting individuals that bring a lot to the table with their skill sets or their background or networks, that adds a certain amount of value and at the same time, it is really important that our local community and those of us who are most personally vested in the sanctuary have a voice and prioritize access for those people. She can speak to this personally because diving was not always represented on the SAC, and divers had to fight to get a seat on the SAC. Point is that the EC were unanimous on the choice for Recreational Boating seat. We are not ignoring concerns; and the EC will do its best to strike that balance. It may not always be perfect and may be a decision others disagree with. But what is important is that we hear one another, and there is no reason to only interact at these meetings. When there are recruitments coming up and there is a strong need, please send

Heather an email and she will advocate on behalf of the SAC membership to make sure that the EC is doing our job to represent the community.

John Williamson: Another aspect that tends to get lost is that the process counts. The one factor that can repair that imperfect process and make it work is the understanding that we all have a fiduciary responsibility primarily to the resource that brings us all here; secondarily to the communities that are dependent on this resource for their livelihood and recreation for whom it's important; it's a fiduciary responsibility and that transcends voting. That has more to do with what to invest in the management of the sanctuary and how to interact with imperfect people whose job it is to run the sanctuary program. As having chaired the SAC before, he has always urged that alternate and primary members interact on a regular basis, that there is no differentiation between who is more important — one or the other. They both have a role to play and should be talking to each other. There is a vote to manage between them. But in the end, what everyone is concerned with: Are we using the piece of the ocean right and are we doing what is right for it?

Tim Brady: Certainly appreciates that and that he has a voice.. Formally asks the management of the SAC to provide the [charter boat association] with a charter boat seat. Maybe this is a way the [SAC] can see how important this is. This is not about him. He is here representing fishing families that provide access to SBNMS and have forever. He looks around and sees stakeholders but doesn't see bigger stakeholders. He has to go back to the Stellwagen Bank Charter Boat Association meeting and say that something was voted on. That he was able to speak about it, but in the end couldn't vote. Again, this is about stakeholders, not him. Doesn't know how the process works to have a seat added.

Heather Knowles: The Diving Seat and the Maritime Heritage seat were added as a pair. Knows there are some constraints now around the size of SACs and doesn't know whether this SAC is grandfathered or subject to the new regulations. But this conversation can be had. This is exactly the point – to talk and come up with solutions. The diving seat addition required a fairly lengthy procedural process but it happened. Should continue the conversation and find a solution. Hopefully, Tim and Kevin can work together and that the vote represents recreational fishing's best interests and not an individual or a charter boat association.

Randall Lyons: Representing the Mass Marine Trades Associations and certainly acknowledging the importance of recreational and commercial fishing, a recent study just came out from the American Sport Fishing Association regarding the economics of fishing in Massachusetts. Requests that the study gets added to the Minutes because it talks about the economic impact the recreational fishing association has on the industry and thinks that it's an important document to be presented. (Randall Lyons provided the links to the study below).

http://asafishing.org/wp-content/uploads/Economics_of_fishing_in_Massachusetts.pdf

There is also an option to review the information in more detail by district:

<http://www.nmma.org/press/article/21154>

David Pierce: Glad to see there will be some additional discussion with the Executive Committee about adding another seat specific to this issue of the charter boat association of Stellwagen Bank. When his agency, the Atlantic States Marine Fisheries Commission, the NE Fishery Management Council has to manage and continues to manage recreational fishery, they are constantly faced with the question of should there be separate categories and separate rules for

private recreational versus charter or for hire vessels. With the Atlantic States Marine Fisheries Commission there is a strong push to treat them separately because they are different. Doesn't believe there has been any resolution to this discussion yet as how to treat them as individual groups or as one collective. So, glad to see this discussion is going to occur. Appreciates the fact that Kevin will do a great job representing the interests of all recreational fishermen. But again, wanted to highlight that they are two different creatures. And with Stellwagen Bank having this very specific charter boat association, it begs the question, can another seat be added to further the contribution of the for hire vessels that are part of the recreational fishing community to the Stellwagen Bank management discussions?

Chris McGuire: Interesting idea. If there is an interest in adding another non-use seat in light of the discussion earlier about the impact of recreational boaters on the sanctuary — doesn't feel like this is an interest that we're making a subcommittee about them and not with them. Maybe who would fill that seat, but there are certainly a lot of recreational boaters who are fishing but lots who are not. If the SAC is now building a subcommittee around their use, they should deserve a seat at this table as well.

Heather Knowles: Great idea. Absolutely willing to take on the conversation with the Executive Committee and sanctuary staff. Doesn't know all the rules but will have that conversation. Hopes to have conveyed that everyone's views are important and recognizes their needs as a stakeholder, and sanctuary management is critical.

Tim Brady: This is very important to his constituency. Thanks the SAC.

VII. Working Luncheon: Midwater/Pair Trawling on Stellwagen Bank under the Herring Research Set Aside Program

i. Why is this an issue? (B.Haskell)

Ben Haskell: This issue has a long history. Wants this discussion to stay focused on the herring Research Set Aside (RSA) program and whether the SAC wants to get involved in influencing how that program is executed. Two things going on: Herring research set aside program and Amendment 8 is the broader overarching process for managing herring. But current discussion will stay focused on RSA program. A lot of people working on this for many years. The SAC is just being introduced to this issue. This is a beginning of a conversation and a process of becoming aware of this important activity that affects a very fundamental aspect of the Stellwagen Bank sanctuary. Ben sent a letter to the SAC regarding discussions about how to address this issue, specifically that a) outlines the sanctuary staff's concerns about the herring RSA program; b) gives the SAC a summary of a meeting that Ben had with the industry representatives and researchers; and, c) offers some things for the SAC to consider. Referring to slides — described mid-water pair trawl fishing vessels and their fishing techniques and the impacts they have on the resilience of Stellwagen Bank. This is affecting the fundamental basis of the ecosystem, which is forage fish. Another reason this is being addressed is that it is a strategy (EA 3.3) in the Management Plan for sanctuary staff to work with NOAA GARFO and NEFMC to evaluate and protect an optimal forage base to protect the ecological integrity of the sanctuary. Speaking from sanctuary's management perspective and not SAC members — who may not agree — but needs to let the SAC know where the sanctuary stands. Appendix IV: Ben Haskell's March 19 letter to the SAC and public comment dated 7 February 2017 to the NEFMC Herring Subcommittee is attached.

ii. What is the Herring RSA? (Peter Christopher, NOAA GARFO)

Herring Research Set Aside Program Summary

- Established in 2007 under Amendment 1 to the Herring FMP, authorizing the Council, in consultation with the ASMFC, to allocate 0-3 percent of the Herring ACL to pay for research.
- First RSA program and active research projects in 2008
- Active every year since being established, except 2010-2012 when no RSA was allocated, and 2013, which was a transition year to the 2013-2015 specifications.
- Recipients have varied. SMAST has received funding for several years to work on river herring and shad catch avoidance program and portside monitoring (working with MADMF).
- GARFO issues an EFP to participants that provide 2 exemptions from herring regulations (see back): Participating vessels are exempt from the Area 1A seasonal closure that extends from Jan 1 through May 31; participating vessels are exempt from the 2,000 lb possession limit that takes effect when/if Area 1A closes due to harvest of the sub-ACL.
- Participating vessels are subject to all other herring fishery regulations.
- Observed midwater trawl trips on Stellwagen Bank and incidental takes (fishery-wide, not RSA-specific)

2008-2011: No info

2012: zero

2013: 6 with one incidental take (gray seal)

2014: 20 with zero incidental takes

2015: 3 with zero incidental takes

2016: Not available

- Based on available information, there have been no observed takes of humpback or other large whales by the herring midwater trawl fishery on Stellwagen Bank.

Table: Area 1A Herring Research Set Aside Amounts and Activity (Preliminary)

Year	RSA Set Aside	RSA Amount Awarded	Active Vessels	Active Period	Amount of Herring Landed	Total Fish Landed
2007-2009	3 Percent	'08: 1,500 mt (allocated)	2008: 3 vessels	No info *	1,315 mt	No Info
		'09: 1,350 mt (allocated)	2009: 3 vessels		953 mt	
2010-2012	0 Percent	0	NA	NA	NA	NA
2013-2015	3 Percent (none in 2013)	'13: None	NA	NA	NA	NA
		'14: 936 mt	'14: 8 Vessels	Oct 27 – Dec 6	726 mt	No Info
		'15: 936 mt	'15: 8 Vessels	Nov 3 – Dec 14	680 mt	2,267 mt (no sp id)
2016-2017	3 Percent	'16: 909 mt	'16: 11 Vessels	Nov 3 – Dec 19	680 mt	3,629 mt (no sp id)

* "No Info" = insufficient time to get the information to complete these cells.

EXEMPTED FISHING PERMIT (EFP)

Principal Investigator:

Permit Issued Date:

Permit Effective Date:

Permit Expiration Date:

Vessel Owner or Operator	Vessel Name	Hull Number	Federal Permit Number
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In accordance with Magnuson-Stevens Fishery Conservation and Management Act provisions (16 U.S.C. 1801 et seq.), 50 CFR 600.745, and 50 CFR 648.12, the above-named vessels are exempt from the following regulations while conducting 2017 compensation fishing activities in accordance with the specified conditions and requirements. The participating vessels are exempt from these regulations while harvesting Atlantic herring research set-aside (RSA) quota in support of [Researcher’s] Herring RSA project, “[Project Title]”

Participating vessels are authorized to harvest up to [XXX mt] of herring from Area 1A, [XXX mt] from Area 1B, [XXX mt] from Area 2, and [XXX mt] from Area 3 during the specified effective dates. There is no limit on the amount of herring per trip. Vessels may not harvest 2017 RSA quota after December 31, 2017.

EXEMPTIONS

The EFP would exempt the vessels from the following regulations of the Atlantic Herring Fishery Management Plan:

- 50 CFR 648.201(a)(1)(i) and (ii), which would allow vessels to harvest herring RSA quota without the 2,000 lb trip limit that applies to herring vessels after a management area quota is harvested; and
- 50 CFR 648.201(d), which would allow vessels to harvest herring RSA quota during the Area 1A ACL seasonal closure.

CONDITIONS AND REQUIREMENTS

Exemptions are valid provided the above listed vessels comply with the following conditions and requirements:

This EFP must be carried aboard the vessel and accompany valid Federal fishery permits for any species which is landed;
The Principal Investigators and participating vessels must ensure that the 2017 Area 1A and Area 3 quotas of 909 mt and 1,227 mt, respectively, are not exceeded;
The vessels must comply with all other applicable requirements and restrictions specified at 50 CFR part 648, unless specifically exempted in this EFP or a separate permit. The vessels fishing under this EFP remains subject to permit conditions at § 648.4(b);
This EFP does not exempt the vessel from any requirements imposed by any state, the Endangered Species Act, the Marine Mammal Protection Act, or any other applicable laws;
In accordance with the vessel monitoring system reporting instructions (Attachment 1) issued for this project, NOAA’s National Marine Fisheries Service must be notified prior to the start and at the end of each designated EFP trip Project code 17004 must be used for compensation fishing trips under this EFP; and
A copy of the final report must be provided to NMFS within 6 months of the expiration of the EFP.

Activities that do not comply with these provisions automatically render this EFP null and void as of the date of the violation and may subject the violator to fines and/or permit sanctions.

Authorized by:

John K. Bullard

Regional Administrator

I agree to comply with the conditions of this permit.

Signature of Principal Investigator Date
(permit not valid until signed)

Signature of vessel owner or operator Date
(permit not valid until signed)

iii. What are we learning from the Herring RSA research on river herring bycatch? (Brad Shondelmeier and Dave Bethoney, MA Division of Marine Fisheries)

Portside Sampling, River Herring Bycatch Avoidance and the Atlantic Herring Research Set-Aside

Brad Schondelmeier, Massachusetts Division of Marine Fisheries (MADMF)

Dave Bethoney, PhD, UMass-Dartmouth School for Marine Science and Technology (SMAST)

Since 2014 SMAST and MADMF have applied for, and been awarded, portions of the Atlantic herring Research Set-Aside (RSA). This is a NOAA and NEFMC funding mechanism which allocates 3% of commercial herring quotas to fund selected research. SMAST and MADMF contracted with participating and eligible mid-water trawl (MWT) Atlantic herring and mackerel vessels to harvest RSA quota and compensate SMAST to fund ongoing research and monitoring. Specifically, the 2016-2018 RSA program objectives are: Portside sample 50% of mid-water trawl trips landed in MA ports; continue the River Herring Bycatch Avoidance Program with the Atlantic herring MWT fleet; Attempt to advance the bycatch avoidance program through utilization of river herring and Atlantic herring habitat forecasts; and complete an evaluation of the river herring bycatch avoidance program.

Portside Sampling - Since 2008 MADMF has been working with MWT herring fishermen to create safe access to unsorted offload sites. During offloads, subsamples of unsorted landings are collected (from start to finish) in order to characterize species composition. Important auxiliary data is also collected to further management, stock assessment and research initiatives. In a given year, RSA-funded portside sampling in MA ports adds an additional 20-30% sampling coverage in this fishery. The primary use of this increased data collection is to inform the River Herring Bycatch Avoidance program. To date, over 200 MWT trips and over 40,000 metric tons of landings have been sampled with industry-generated RSA funds.

River Herring Bycatch Avoidance - In 2010 SMAST, MADMF and herring industry members designed a collaborative bycatch avoidance program aimed at reducing river herring and shad bycatch by 50%. Vessels were outfitted with satellite-connected laptops in order to send tow-level data and receive bycatch avoidance information. MADMF and NEFSC Fisheries Observer Program (NEFOP) sampling data are aggregated at regular intervals, classified as having low, moderate or high bycatch, and communicated to the fleet via immediate bycatch alerts or weekly bycatch summaries. This program, which has been funded by the RSA since 2014, has greatly increased the amount of data available to fishermen for decision making related to where, when and how to pursue Atlantic herring and mackerel. Preliminary analysis comparing the first four years of bycatch avoidance (2011-2014) with the prior four years (2007-2010) show a 77% reduction in river herring and shad (RH/S) bycatch, with reductions seen in all areas. Reduced re-entries into “high” bycatch areas were confirmed. Area river herring catch caps for both the Atlantic herring and mackerel fisheries, established in late 2014 based on a median of past catches, have only once exceeded 50%.

Atlantic Herring Research Set-Aside – In each of the last 3 years (2014-2016) between 76-96% of the Area1A Herring RSA has been harvested, generating over \$190,000 for portside sampling and bycatch avoidance. RSA harvest usually follows the Area1A quota closure in late fall, and harvest has occurred off of Portland, ME, on Jeffreys Ledge and on Stellwagen Bank. Fifty-five of 64 RSA trips (86%) in Area1A have been sampled portside by MADMF, or at-sea by NEFOP. Bycatch from RSA trips remains very low. Extensive outreach has been conducted, and a program Responsible Fishing Agreement was created to outline vessel oversight and accountability measures. It is hopeful that RSA quota from additional areas can be accessed and full funding can be achieved in upcoming years.

For more information on these programs, visit:

MADMF Portside Sampling, Bycatch Avoidance and RSA Webpages - www.mass.gov/eea/agencies/dfg/dmf/programs-and-projects/herring-portside-sampling.html

SMAST Bycatch Avoidance Webpage - www.umassd.edu/smast/bycatch/

Fixed-gear fishermen can sign up for RSA Activity Text Notifications: <https://goo.gl/forms/olXioKviXk7xtFVF2>

iv. Localized depletion and user conflicts: Status of Amendment 8 of the Herring Fishery (M. Bachman)

As requested by the Sanctuary superintendent, Council staff provided an update on Atlantic Herring Amendment 8. This update included background on the herring fishery management plan in general, some of which was covered by previous speakers. Ms. Bachman's presentation focused on the seasonal prohibition on the use of mid-water trawls in Area 1A from May through the end of September. The annual catch limit (ACL) for Area 1A (currently 30.3 metric tons) is allocated seasonally, with none of the Area 1A ACL allocated from January through May, a 72.8% sub-ACL June through September, and another 27.2% sub-ACL October through December. The area closes if the sub-ACLs are harvested. In combination, this means that mid-water trawls can catch at most 27.2% of the Area 1A allocation, and must fish in the fall. In addition, 3% of the Area 1A ACL is set aside for research, and the seasonal trawl gear restriction constrains when mid-water trawl vessels can be used to harvest this research quota. In practice, trips relying on the set aside are taken only after the 27.2% sub-ACL has been harvested.

With that as background, she explained that there are two main goals for Amendment 8: develop an Acceptable Biological Catch Control Rule, and develop measures to address potential localized depletion and user conflicts. During 2017, the Council plans to approve a range of alternatives for analysis, assess their impacts, and solicit public comments on the amendment.

A control rule is a formula used to set annual catch limits based on the best available science. The Council is using Management Strategy Evaluation (MSE) to develop the control rule. MSE is a collaborative decision-making process with more upfront public input and technical analysis. The Council recognizes that herring are an important prey item for many species, and the control rule may serve to formalize how the Council allocates herring to the fishery while considering its ecosystem role.

In terms of localized depletion, the concern brought to the Council is that herring fishing inshore (primarily with midwater pair trawl) reduces the availability of herring, negatively impacting groundfish, tuna, whale watching and other industries. The Council has defined localized depletion as "a reduction of population size, independent of the overall status of the stock, over a relatively small spatial area as a result of intensive fishing." Currently, the Herring Committee is developing a range of area management approaches to limit fishing, mostly mid-water trawling, primarily based on input from the scoping period. These management areas are off Cape Cod and in Areas 1B and 3, and do not overlap the Sanctuary. In addition, there is one alternative that is considering prohibiting mid-water trawling in Area 1A year round. Ms. Bachman emphasized that these approaches are still under development.

Following discussion and comments from SAC members, Ben Haskell asked that the SAC to support sanctuary staff efforts to work with the researchers and the industry representatives to begin addressing the RSA fishery on top of the bank with the sanctuary's proposal of no trawling in 120 feet or less. This is something the industry is now discussing amongst themselves. If the SAC thinks this is a good idea and wants to support it, it would help the industry to realize there are other people that care. *(For audio transcript of comments and discussion, please contact Elizabeth.stokes@noaa.gov)*

Rich Delaney brings motion forward:

Motion: The SAC recommends or advises the sanctuary Superintendent to pursue one or both of the following potential remedies:

- a. *Continue to work with the RSA researchers and industry representatives to revise the Responsible Fishing Agreement such that no RSA fishing would occur in less than 120 feet or 20 fathoms (but allow it elsewhere in the sanctuary).*
- b. *Continue to engage in the Fishery Council process to protect all or a portion of SBNMS from commercial fishing for forage fish.*

Passed. Bill Adler and Vito Giacalone abstained.

VIII. Public Comment: Midwater/Pair Trawling Issue

Refer to Appendix V for transcripts of public comments.

IX. SBNMS 25th Anniversary Announcement (B. Haskell)

Ben announced that the Stellwagen Bank National Marine Sanctuary was designated in November 1992 and that November 2017 will mark the sanctuary's 25th anniversary. The sanctuary is not planning a large celebration similar to that of its 20th anniversary. But it will be recognized/celebrated in some manner. For example, the principals of Boston Harbor Cruises have offered their large whale watch vessel *Salacia*, which will be docked in Boston for sanctuary use on Nov. 4 (Saturday), and staff is determining how to take advantage of that. Ben encourages the SAC to provide Nathalie Ward with other creative ideas on how to elevate the profile of the sanctuary and have some fun recognizing it on its special day.

X. Agency/Governmental Reports

i. NOAA Office of Law Enforcement (T. Donovan)

- #1602180 - Boat operating too close to whales in Sanctuary. Closed via Compliance Assistance
- #1503255 - FV struck a humpback whale in Sanctuary: In November 2016, a \$14,000 NOVA was issued to the recreational fishing vessel Knot Right. The vessel was observed operating at a high rate of speed around surfaced, feeding whales inside Stellwagen Bank National Marine Sanctuary. The vessel subsequently struck a humpback hard enough to cause one of the outboard engines to come up off the stern and begin smoking. As witnesses began taking pictures, a crewmember of the recreational vessel tried to cover up their identification markings. Witnesses provided pictures and statements to SA Nickerson who interviewed the operator and owner, who provided a statement consistent with the witness statements.
- EO Wilmarth and MEP incidents: Pending summary settlements for JEA referrals received from MEP that occurred over the summer and fall. They range from recreational Cod size and possession limit violations, HMS and a scallop violation (no permit)."

ii. New England Fishery Management Council (M. Bachman)

The Council and NMFS are still working on final review and rulemaking for the Omnibus Essential Fish Habitat Amendment, the action that includes the Stellwagen dedicated habitat research area. Earlier in the year, the Council recommended recreational management measures to NMFS. Final measures will be announced before the start of the fishing year on May 1. In addition to the Atlantic herring amendment discussed earlier in the day, other actions currently under development include limited access amendments to the whiting and skate fishery management plans. Groundfish and scallop specifications for the 2018-2019 fishing year will be developed later in 2017.

iii. NOAA Greater Atlantic Regional Fisheries Office (J. Anderson)

Right whale workshop

A Right Whale Workshop will be held March 14th and 15th at the Greater Atlantic Regional Office in Gloucester. The workshop will look at the North Atlantic right whale population abundance, trends and threats.

Background: After a nearly 20-year period of relatively steady population growth averaging over 2.5% annually, the number of sighted right whales declined sharply after 2010 and recent unpublished analyses that take into account sighting probabilities suggest a decrease in the number of right whales since 2009. There also is evidence for a shift in population distribution and a decline in individual animal health. The reasons for these changes are not clear. The purpose of this workshop is to identify and evaluate the factors affecting abundance of north Atlantic right whales and recommend research strategies for improved population monitoring and reduction in threats. The workshop is open to the public and Leila Hatch for the Sanctuary will be presenting on noise impacts to right whales.

Atlantic Large Whale Take Reduction Team Meeting

Next meeting will be held at the Providence Biltmore on April 25-27th.

Marine Mammal Commission

Marine Mammal Commission Annual Meeting - April 5-7, 2017, Woods Hole, MA.

XI. New Business: None.

XII. Public Comments:

Capt Pete Murphy:

“Relative to the 120 feet, my familiarity with the Bank is that as a fisherman since the 80s, is that you can set your watch by the time of day, and the tide and the currents that circle in the upwellings of the Bank. You can see huge masses and bait balls that come through the ground, the bottom of the ocean up until the top and then you can count 30 seconds and 2 or 3 fishing rods are going to go off. If I can do that, I’m sure the mechanized system on the pair trawlers are going to do it. So what’s going to happen in my opinion, is that the bait, and the forage that everybody is concerned about -- the whale watch boats, everybody it’s basically and I’m going to use an analogy and I hope that it’s not too insensitive but it’s basically like circling the wagons instead of cutting through the wagons and that forage is still going to disappear and it’s not going to make it to the top of the Bank and you’re still going to have the same net effect. Thank you.”

“Patrick Paquette - Recreational Fishing Advocate from Massachusetts. I want to address and make a short statement about the conversation earlier in the agenda regarding the relationship between the recreational community and the sanctuary. If you were to use an analogy and, being a blue collar guy from Boston, that’s the way that I speak to explain things. It also helps me not to curse when I’m at a microphone. If I were to describe the sanctuary’s approach toward its relationship with the recreational community, I would at last in 15 years, the sanctuary continues to try to heal a small wound and avoid the fact that it has a spinal injury. It’s not damaged, it is a broken reputation. And I’m one of the more lefty conservation minded, should be liking most of the sanctuary’s programs and I have a negative opinion going all the way to some other people in the community that have an absolute hatred for the sanctuary in the way that it’s been run for a long time. Some of that is misconception but I believe just like any really broken relationship, that we all own a piece a side of the street. But this more of the same in inviting a couple of leaders into the room to tell them how you they should view what you are bout to say again, is not going to do yous any good. What this sanctuary needs is to do a real outreach and put a wide range of community leaders from across the region in a room and have a good detailed discussion to do some work, put a couple of local leaders, ask for some help, come up with a good agenda. I’d even, if the world was according to me and I had the kind of budget that I think is needed to do something like this, I would hire an independent facilitator. And really have a real meaningful conversation and delve into it. You want to repair it? You want the results and the partnership with the recreational community that is found in other parts of the country? We are an old and stubborn sanctuary; we are an old and stubborn recreational community. The reason things in the northeast happen slow and painful -- those kinds of modern changes and approaches to things -- is because we have long held traditions and opinions here. And to get by some of that you need real dialogue, not pretend dialogue, and there hasn’t been real dialogue. And I have had a dozen conversations trying to set up or have a conversation with your prior superintendent and every single one of them, I left being told, I’m not going to go sit in a meeting and have a guy tell me what I should think. Like an open, there are, we are fortunate that this sanctuary sits in front of the sixth largest populated coastal community in the United States. The Mass marine trades are going to tell you that there are over 50,000 privately registered vessels that identify themselves as primarily recreational fishing vessels. We have a robust charter boat community that doesn’t have one organization, that there are three organizations. They should all be brought in for a good conversation. You want to improve that relationship; it’s about real work. It’s not about same old same old. It’s just a suggestion from a guy who gets paid a lot of money to organize my community and I consult for everybody from the left to the right wing organizations. Tackle companies hire me; NGOs hire me, to help organize messaging that my community does. And I happen to care about this relationship because I think I’ve seen in other areas where the recreational communities feel that there are partners with the sanctuary. We have a broken relationship here that needs real deal work. And I just suggest that you go down that road. If not, it’s going to be the same. So I don’t want to see you spin your wheels either, because I value my time so I value yours.”

Ben Haskell: Thinks that's a really good idea. He will talk to Kevin Blinkhoff and Tim Brady [SAC recreational fishing members] about this idea.

XIII. Adjourn: 3 pm.

**49th SAC - Appendix 1
Council Enforcement Letter**

LETTER PROPOSED FOR ADVISORY COUNCIL CHAIRS SIGN-ON

[NEXT NOAA ADMINISTRATOR]

Under Secretary of Commerce for Oceans & Atmosphere
National Oceanic & Atmospheric Administration
14th & Constitution Avenue NW, Bldg. HCHB
Washington, DC 20230-0001

Dear _____:

As you start your first year leading NOAA, we would like to bring to your attention an important need and opportunity to enhance the protection of NOAA's National Marine Sanctuary System. We, the undersigned Chairpersons of the Office of National Marine Sanctuary's fourteen advisory councils, write to encourage NOAA to enhance enforcement services provided to the nation's treasured places in the ocean and Great Lakes—our national marine sanctuaries and marine national monuments. We believe that recently appointed leaders at NOAA's Office of Law Enforcement (OLE), Office of General Counsel, Enforcement Section (GCES), and Office of National Marine Sanctuaries (ONMS), backed by support from us, stand ready to work together to improve the effectiveness of enforcement services provided across our system. In order for that to happen, your leadership is needed to give this important issue the priority attention we believe it deserves.

We recognize that NOAA has statutory enforcement responsibilities for several environmental laws, including the Magnuson-Stevens Fishery Conservation and Management Act, Endangered Species Act, Marine Mammal Protection Act, Lacey Act, and National Marine Sanctuaries Act (NMSA). Although traditionally not the case, we feel strongly that the NMSA deserves and needs to receive a level of attention paid to its effective enforcement, including adequate human and financial resources, on par with the standing shown to other statutes that NOAA enforces.

In January 2016, we were encouraged when the new Director of NOAA's Office of Law Enforcement, Jim Landon, spent time talking to us and ONMS leadership at our annual summit regarding his vision for enforcement in the National Marine Sanctuary System. More recently, Mr. Landon spent an hour talking with an enforcement panel of council members from each of our four regions.¹ From these discussions, we have learned that admirable efforts have been

¹ In 2016, at the request of ONMS advisory council chairs, an enforcement discussion panel was assembled to evaluate the questions examined in this letter. The panel was composed of five council members with one representative from each of the National Marine Sanctuary System's four regions. Between September and October 2016, the panel convened on three separate occasions.

The members of the enforcement discussion panel are as follows: Dianne Black (Chair, Enforcement Discussion Panel and Chair, Channel Islands National Marine Sanctuary Advisory Council; West Coast Region); Richard Charter (Greater Farallones National Marine Sanctuary Advisory Council; West Coast Region); Rich Delaney (Vice Chair, Stellwagen Bank National Marine Sanctuary Advisory Council; Northeast and Great Lakes Region); Rick Gaffney (Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council and Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council; Pacific Islands Region); and Bruce Popham

made to restructure the staffing of that office to enhance the effectiveness of its enforcement efforts, and we are glad to know that the hiring of new enforcement officers is underway. We commend Mr. Landon for his leadership and the steps he is taking to build up OLE with available resources, though it is clear OLE's full needs cannot be met unless more hiring can occur. We also appreciate that he understands why, for many years, our communities have been dissatisfied with the level of enforcement resources provided by NOAA.

Mr. Landon also helped our enforcement panel appreciate that the staffing analyses OLE has used to form a new hiring plan is resulting in the dedicated assignment of enforcement officers at two sites: Florida Keys and Monterey Bay national marine sanctuaries. We support this approach and expect that the good results to follow will justify more site-specific enforcement officer assignments.

In addition to staffing within OLE, Joint Enforcement Agreements (JEAs) provide funding to coastal states and are a critical means by which NOAA's enforcement priorities can be addressed in the field by our state partners. However, in the past, these agreements have either excluded or minimized the specific enforcement needs of our national marine sanctuaries and marine national monuments. Although our enforcement panel has learned that some steps have already been taken to include site-specific priorities, as identified through the priority execution model, there is still a long way to go to assure that adequate representation and funding of system priorities is regularly supported through NOAA's JEAs. As annual JEAs are prepared, our advisory councils, sites, and regional offices are important sources of information of the priority enforcement needs at each site.

As future-year budgets are developed, we support the continued cross-collaboration between OLE, GCES, and ONMS to leverage available resources and bring much needed attention to the task of improving enforcement services across the system. We respectfully ask that the guiding expectations, themes, and processes for considering such proposals be oriented so that the system's enforcement needs are included within broader agency priorities. If NOAA can help to fairly and effectively protect our very publicly visible national marine sanctuaries and marine national monuments, the results will be tangible, measurable, significant, and positive for all of NOAA and its mission.

Recognizing the inherent challenges to patrolling and surveilling the vast and remote ocean areas found at many of our sites, we urge NOAA to pursue new technologies that can enhance the collection of data needed to support effective enforcement. As our enforcement panel has learned, organizations like SkyTruth are pioneering new ways to use satellite imagery and remote sensing data to identify, map, and monitor environmental threats. We ask NOAA to prioritize the assessment, testing, and deployment of emerging technologies to boost enforcement efficiencies, lower costs, and increase the safety of enforcement officials.

As you consider our ideas and concerns, and as NOAA contemplates what can be done to continue improving enforcement capacities and effectiveness, please know that we want to be

(Florida Keys National Marine Sanctuary Advisory Council; Southeast Atlantic, Gulf of Mexico, and Caribbean Region).

part of the solution. Across our system, there are more than 400 individuals participating as members on our advisory councils, all with connections to others in the community who care about their sites. We have an informed and influential voice, we know and love our underwater treasures, and we are here to help NOAA succeed. We specifically suggest and offer that advisory councils can help by:

- Making recommendations to site superintendents on enforcement priorities;
- Providing comments to the Office of Law Enforcement on system priorities in the next five-year national and regional plan;
- Providing input on proposed, annual JEAs, ensuring that regional and local site enforcement priorities are incorporated into the agreements and that accountability for performance is included in the agreements from the outset;
- Talking directly, and regularly, with representatives from OLE and GCES at our advisory council meetings;
- Continuing to help raise public awareness about the importance of voluntary compliance with site regulations, knowing that an educational approach is critical to our success; and
- Standing ready to do more if NOAA has specific requests.

In summary, we request that NOAA act to improve enforcement across the National Marine Sanctuary System by:

- Giving this important issue greater priority through your leadership of NOAA, including supporting your Directors of the OLE, GCES, and ONMS;
- Raising the standing of the NMSA so that enforcement resources allocated are on par with the attention NOAA gives to other statutes;
- Evaluating OLE's current staffing plan, including the assignment of site-specific enforcement officers to national marine sanctuaries and marine national monuments;
- Promoting cross-collaboration across OLE, GCES, and ONMS to leverage finite human and financial resources to improve enforcement services throughout the system;
- Prioritizing the assessment, testing, and deployment of emerging technologies to enhance enforcement capabilities;
- Calling on your advisory councils to provide timely input on priority enforcement needs at our sites to help with OLE planning and annual JEA development, and to do more with education and outreach that promotes voluntary compliance; and
- Where it is not already taking place, assigning representatives from OLE and GCES to regularly talk with advisory councils within their region and attend council meetings.

We appreciate your attention to our suggestions, and look forward to hearing from you on how NOAA plans to address the improvement of enforcement services in the National Marine Sanctuary System. The effective protection of our fourteen sites affects the lives and livelihoods of Americans and the health of our marine environment, and is where NOAA's best work should come together. Additionally, as you travel the country on NOAA business, please know that we

would welcome the chance to greet you at each and every one of NOAA's beautiful national marine sanctuaries and marine national monuments.

Sincerely,

National Marine Sanctuary System Advisory Council Chairpersons

Dianne Black
Advisory Council Chair,
Channel Islands National Marine Sanctuary

George Clyde
Advisory Council Chair,
Cordell Bank National Marine Sanctuary

Ken Nedimyer
Advisory Council Chair,
Florida Keys National Marine Sanctuary

Clint Moore
Advisory Council Chair,
Flower Garden Banks National Marine Sanctuary

Rick DeVictor
Advisory Council Chair,
Gray's Reef National Marine Sanctuary

John Largier
Advisory Council Chair,
Greater Farallones National Marine Sanctuary

Solomon Pili Kaho'ohalahala
Advisory Council Chair,
Hawaiian Islands Humpback National Marine
Sanctuary

(To Be Determined)
Advisory Council Chair,
Monitor National Marine Sanctuary

Margaret "P.J." Webb
Advisory Council Chair,
Monterey Bay National Marine Sanctuary

Kelley Tagarino
Advisory Council Chair,
National Marine Sanctuary of American Samoa

Timothy E. Johns
Advisory Council Chair,
Northwestern Hawaiian Islands Coral Reef
Ecosystem Reserve

Lee Whitford
Advisory Council Chair,
Olympic Coast National Marine Sanctuary

Heather Knowles
Advisory Council Chair,
Stellwagen Bank National Marine Sanctuary

Carol Shafto
Advisory Council Chair,
Thunder Bay National Marine Sanctuary

**2016 NATIONAL MARINE SANCTUARY ADVISORY COUNCIL
RECREATIONAL FISHING SUMMIT:**

PREFACE

From December 14-15, 2016, the 2016 National Marine Sanctuary Advisory Council Recreational Fishing Summit convened in Hollywood, Florida. The purpose of this summit was to engage with the nation's recreational fishing constituency – as represented by their respective national marine sanctuary advisory councils. Hosted by the National Marine Sanctuary Foundation, in partnership with the Office of National Marine Sanctuaries and the National Marine Fisheries Service, approximately 30 attendees, including 11 advisory council representatives, convened to discuss recreational fishing in sanctuaries and steps forward to improve the relationship between recreational fishermen and the National Oceanic and Atmospheric Administration (NOAA).

Throughout the summit, NOAA assembled and facilitated small, breakout groups to maximize everyone's ability to hear from one another. Breakout sessions were organized around discrete topics, such as common perceptions about and ideal fishing experiences in sanctuaries, that underscored and informed the summit's objectives. At the end of the summit, NOAA and advisory council representatives agreed to a set of common statements or perceptions related to recreational fishing in sanctuaries and steps for working together. It was intended that this statement, and the summit, identify pervasive concerns and potential solutions, and memorialize the beginning, and not the end, of a long-term dialogue and engagement.

Below are the breakout session notes, summary statements of common beliefs, and first steps recorded during the summit. Attendees were provided an opportunity to review and approve the content as an accurate reflection of individual statements and the summit's outcomes.

**2016 NATIONAL MARINE SANCTUARY ADVISORY COUNCIL
RECREATIONAL FISHING SUMMIT:
GROUP PHOTO**



Top (left to right): S. Morton, J. Curlett, W. Benson, D. Bacon, G. Bottitta-Williamson, K. Sarri, R. Holyoke, B. Williams, E. Foster; **Middle (left to right):** R. Hughett, A. Moe, T. Tarver, M. Pierdinock, G. Geiger, B. Haskell, D. Hudson, S. Meehan, M. Kelly, A. Torres, R. Dunn, K. Spidalieri, J. Paulin; **Front (left to right):** S. Yee, T. Losoff, J. Armor, S. Hickman

2016 NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

RECREATIONAL FISHING SUMMIT:

BREAKOUT GROUP NOTES

Wednesday, December 14, and Thursday, December 15, 2016

This document contains the notes from each breakout session and group, respectively, during the 2016 National Marine Sanctuaries Recreational Fishing Summit in Hollywood, Florida. As of December 15, 2016, the content herein has not been edited by the Department of Commerce or the National Oceanic and Atmospheric Administration, and should only be used for general, informational purposes in accordance with the call and objectives of the summit. One revision has been made per the written request of an advisory council representative in attendance.

WEDNESDAY, DECEMBER 14, 2016

BREAKOUT ONE: IDENTIFYING COMMON PERCEPTIONS

GROUP ONE:

Perception of Sanctuaries and/or Fishing in Sanctuaries

- Misunderstanding of types and needs for MPAs, sanctuaries and regulations (generally little in the way of regs)
 - o Cannot fish in sanctuaries – don't want to go
 - o Confusion of state and federal/sanctuary-specific MPAs
 - o Need for communications, public engagement, outreach
- Tricky to navigate ambiguous laws or situations on the water (can troll but no bottom fishing) – individuality with the sanctuaries, tried to meet the needs of the community, failure of communications
- Frustration in being involved w/ sanctuaries when there isn't authority over fisheries – capability of comprehensive management
- Preserve and maintain when balancing indigenous activities
- Sanctuaries do not have support/staff for fisheries management – want to shut down stuff
- Confusion for differentiation of types of MPAs
- Not always adequate science, outreach or clearly defined origins/need of establishing and justifying each (political science takes over)
 - o Cataloging the history, science, and public need – survey of public understanding, need clear message and information to convince and justify
 - o No use of sunset deadlines and reporting (accountability) with good science, adaptive management, transparency – getting something back for setting aside certain areas
 - o Need to get information out before plans get proposed
 - ¼ think no fishing, ½ will research and go fishing,
 - o Sanctuary economics – recreational fishing is huge users/stakeholder/constituency
 - o No signage or comms to know boundaries, regs, access

- DC/Washington is building its own federal government vs what will happen in the community, death of a thousand cuts for watermen
- Sanctuaries across different parts of the community (commercial, recreation, divers, spear fishers, bird watchers, etc)
- Fishers have more mistrust of MPAs than divers, birdwatchers, non-consumptive users
- Difference between commercial and rec fishers and medium/large (foreign) vessel access alongside smaller locals and subsistence – impacts to habitat
- Perception of ulterior motives to protect shipwrecks for historical value in order to create authority to close off fishing areas, due away with working waterman
- Stakeholder process can be un-level with non-governmental organizations (paid to be there) versus fishers needing to take time off/forgo business to be involved
- Looking at other uses that are emerging (wind, tidal) and conserve
- Diving and other non-consumptive users can have an impact
- Sanctuaries support all closures (not always clear rationale or analysis)

Role and Responsibility of SAC to Community Rep

- Need face-to-face interactions and involvement with community – need reps that have trust of community and not just certain sections
- o Do representative seats actually represent actual people versus interests
- o Does the composition of the SAC reflect community
- Ensure community feels like voices are heard and conveyed by SAC
- Process has been politicized – community and customers don't agree with process
- o Constituents feel they don't have a voice in fisheries management
- o Want more local control over fisheries management
- COMMUNICATION AND OUTREACH - Subsistence fishers largely unheard from - need to reach through tackle shops (bottle neck to community versus the docks), feel they don't have political clout
- o Taking away more than they are giving back (not welcoming)
- o Role of getting users more aware, communications (not social media)
- o Who is a trusted messenger? Trusted member of community, culture and language barriers
- o Reach the next generation and other target groups in fishing contests and engagement to encourage fishing in sanctuaries (allowable and prohibited activities)
- o NOAA/sanctuary also needs to advertise and develop programs, SAC and other meetings – SAC members do not have staff and need help
- o “Sport fishing capital of the world...in a sanctuary” message does not get out there (tourism development council – hotels and other ways to reach visitors and tourists)
- o Need signage at key areas (highway signs, sanctuary offices, boat ramps, welcome and opportunities to recreational fishers)
- NOAA sanctuaries does not see themselves as antagonistic with fishing community (but rec community do have mistrust based on history)

Additional Notes

- MPAs can be beneficial, but in some cases were done badly (science, engagement, process, transparency)
- Relationships might have been good but changed with closures without science and engagement (not politics)
- Disconnect between NOAA's perception of mission and how it is seen by recreational anglers

GROUP TWO:

- Better communication between SAC and Superintendent on any plan concerning recreational fish before goes to SAC/NEFMC
- Need trust and communication
- Feel advisory council don't have full "say so" with vote ('neutered')
- Want to know where vote can be equal to superintendent
- Don't feel SAC vote counts – want to be binding
- Frustration/concern on changes in fishing with changes in forage fish/introduced species
- Suggest superintendent has annual meeting with recreational fishermen and agencies
- Superintendent and other managers reach out to guides/groups/associations
- Sanctuary should strive to inform the public and be proactive in reaching out
- Hard to get public involved early
- Perception that superintendent will do what they want *regardless of SAC vote*
- Inclusion—more weight to community knowledge and input
- "First draft vs Final draft"
- Need communication
- Encourage more of positive outreach like catch and release workshop/barotrauma workshops
- More trainings and workshops
- Incentivize recreational fishery community—what can ONMS do (e.g. blue angler program)?
- Fostering stakeholder participation

BREAKOUT TWO: IMPROVING COMMUNICATION AND ENGAGEMENT

GROUP ONE:

- How NOAA can better facilitate discussions among constituency and advisory council representatives; need to encourage reciprocal delivery of information from site to member, member to constituency, and constituency back to the site
- Look for ways to "incentivize" compliance with federal actions
- Clearly communicate stage of a federal action and opportunities for public comment
- Evaluate new avenues for communicating with recreational fishermen, looking at both different means to deliver that information and different types of media
- Use partners like friends' groups, NMFS port agents, etc.

Day 1 – Breakout 2 – Group 1

- Need to do a better job identifying Advisory Council representatives - and advertising how to get in contact with the constituent representatives
- Develop better ways to get in touch with the members

- Come back to fisherman with some way to relax regulations or incentive / some way to have a discussion where it doesn't feel like it is negative / find something positive to bring to rec fisherman
- Find a way to identify common ground and avoid the divide and conquer activity. Come together in one voice.
- Topics bring people to meetings –
- People should know they have a representative and should work to get information out and address misperception
- Need to get recreational people to show up to meetings – charter and commercial are engaged because it is their business and their financial interest
- Have a formal process for engagement with Superintendent (set meetings for outreach to fisherman)
- More use of media (social, print, radio)
- Be clear about expectations and make clear that just because someone provided input it may not necessarily be accepted (or legal).
- More communication between management / staff with fisherman before it gets discussed in front of councils. Outreach from superintendent to rep and outreach from the council rep to superintendent.
- Methods of communication: radio, magazines, VHF, social media, volunteers, get out to speak to groups
- How to set an agenda without it appearing like decision has already been made.
- Better communicate what stage a decision may be in process
- More upfront participation and communication in the process
- More outreach through “friends” group and volunteers..
- Send out flyers, posters / cards to fuel docks, boat ramps marinas with meeting events, websites,
- Use NMFS port agents for outreach

GROUP TWO:

- Need to develop a clear message, created with accurate information, and expand on ways to deliver it
- How can messages be crafted, particularly regarding the distinction between sanctuaries and other types of marine protected areas?
- Need to find means to communicate good/successful news and examples too, and not just new prohibitions and restrictions
- Recognize that advisory council members can only do so much, and should build on other partners, especially at the grassroots level, to develop and then maintain “buy in” (e.g., hire a marketing agency, look at successful examples from other agencies)
- Think about “why people should care about sanctuaries” and how to communicate that to different audiences

Improving Communication and Engagement

- Clear message; accurate information
- E-Newsletters
- Social media
- Flyers on cars in marinas

- Video that promotes/welcomes RecFishing (doesn't exist)
- Need to craft “the message” – not enough just to say “...fishing is okay”
- Messaging
- Produce message pamphlet for tackle shop customers
- Engage professional marketing services to craft the message
- Communication of message is a steep climb; why?
- Culture of mistrust toward govt
- Fear of regulation (sanctuary creep/expansion)
- Understanding reasons for mistrust
- Positive stories that build trust (Key West dredging example)
- Message: distinguish between NMFS/ONMS/FMC
- Bad news travels fast; how best to advance good news/successes
- K-12 education
- Use innovative sources of funding, e.g., fish & game
- SAC as volunteers can only do so much
- Are there lessons learned from other agencies or campaigns that can be used
- How do we engage citizens who use/appreciate their sanctuary. Can they help get the message out?
- Snapshot videos of fishermen giving testimonials
- Listen to people's answer to the question: What does your sanctuary mean to you?
- Need “trusted sources” to get the message out

Parking Lot:

Clarify process for implementing fishing regs in NMS

BREAKOUT THREE: LEARNING FROM YOUR EXPERIENCE WITH NATIONAL MARINE SANCTUARIES

GROUP ONE:

-Above all, experiences should be once in a lifetime, memory creating moments that people cannot forget

Day 1 – B3 – Group 1

Objective: Identify things ONMS, and broader NOAA, can do to improve the experience of recreational anglers in national marine sanctuaries

- Describe a high quality fishing experience
 - o Good weather
 - o Good mix of fish
 - o Knowledge of where to go during the right time of year
 - o Relaxing day on the water
 - o Sunrise, whales, i.e., more than just fishing
 - o Bluefin, groundfish, shark fishing for “meat” customers

- o Safe trip
- o Getting other people out there to fish
- o Fun
- o Clean water
- o Opportunity to fish when you want
- o Opportunity to put something on the boat to bring home
- Do these experiences exist in Sanctuaries?
- o Yes and no—depends on where within the sanctuary
- o There's access to the sanctuary, but with stock/climate changes, the fishery isn't always available
- o Facilitating the opportunity for customers/tourists to have a once-in-a-lifetime experience is what sanctuaries are about (seeing turtles, manta rays, whale sharks, whales, etc., along with fishing)
 - What can NOAA do to improve those experiences or opportunities?
- o Get information out to the general public about what opportunities exist in the Sanctuaries
 - o Promoting the whole package experience
 - o Radio information channel advertised on sanctuary signs
 - o Ensuring that Sanctuary staff are focusing on environmental issues (i.e., protecting the water/habitat/etc) and planning for the future, including planning for the increased usage of sanctuaries
 - o Understanding the impacts of increased visitation; balancing the quality and the quantity of experiences
 - o Collaborate with tourism development councils and tourism dependent businesses to highlight the sanctuary as the primary tourism draw
 - o Incentivize catch and release/environmental stewardship
 - How we do build on what's working well?
 - o Expand information being captured and shared from weather/marker buoys
 - o Promote education on resource identification
 - o Promoting apps like FishRules App and other regulatory informational apps
 - o Inclusion of Great Lakes in Sanctuary/NOAA lexicon/documents and promotions
 - o RUSS! National Saltwater Recreational Fisheries Policy does not include Great Lakes
- Lakes
 - o Enhance/promote mooring buoys for fishing/diving
 - How do we better communicate about access, regulations, etc?
 - o Consider mandatory visitor permits/reporting to understand number of visitors and impacts

GROUP TWO:

Breakout 3 – Group 2

Identify things ONMS and the broader NOAA can do to improve the experience of recreational anglers in national marine sanctuaries

- **What is your ideal of a recreational fishing experience in a sanctuary?**
 - o Catching a limit of a target species.
 - o Get rid of MPA's

- Clear regulations and clear demarcation of sanctuary and zones within sanctuary. Electronic and non-electronic means
- Diversity of types of fish plus observing rare wildlife
- Ability to experience rare and unique habitats within sanctuaries
- Increasing the amount of people who are aware of the special features in sanctuaries and educated about how to conserve and appreciate
- Feeling of an “escape” – possible to attract too many people to sanctuary?
- Would limited use of certified guides help preserve the “wild experience” in certain applications?
- Knowing that people had an enjoyable time doing what they intended to do – catch fish, enjoy the resource, come home happy.
- **Ways to improve experience in sanctuaries?**
 - Increase services and/or benefits for recreational anglers to make a difference and feel there is an impact i.e. more accurate weather buoys.
 - Prediction of “uncomfortable sea conditions” to help people find areas to recreate despite weather impacts
 - Increase habitat through private public partnerships to increase fishing opportunities
 - Visitor Centers
- **Collaborative possibilities**
 - Sanctuary Classic (youth photo fishing tournaments) to get people fishing in the sanctuaries
 - Share successful events with other sanctuaries – build off of the positive
 - Sanctuary sponsored fishing tournaments
 - Habitat Enhancement or Habitat Creation equal to or greater than closed areas as an offset
 - Increase and encourage cultural value of fishing and fishing guides. Sanctuary role to promote and support learning responsible fishing practices
 - Citizen Science programs more formal or more developed and increase in number
- **Youth specific efforts or programs**
 - Recreational Boating and Fishing Foundation
 - Beau Turner organization – focuses on the demographic of kids not exposed to the outdoors in urban communities and expose them to outdoor recreational opportunities
 - Fishing Future
 - Fishermen in Classrooms program – lost funding
- Do SAC members visit the Sanctuary offices?
 - Yes – 3 (but one location is hard to find)
 - No – 1 (location hard to access)
- Dedicated Mooring Buoys – Thoughts
 - Mixed opinions – fishing techniques, current conditions and bottom habitat varies that would not be applicable in all sanctuaries.
 - rec anglers

THURSDAY, DECEMBER 15, 2016

BREAKOUT FOUR: FOCUSING ON MANAGEMENT APPROACHES

GROUP ONE:

Objective: Identify ways to improve the recreational fishing experience in national marine sanctuaries through additional engagement in or the development of appropriate management approaches

What is meant by management? Broader than just regulations; it includes education, outreach, enforcement, research, etc.

- What can be done to achieve a high quality fishing experience?
- o TB- education programs involving kids (shipwreck alley), Every Kid in the Park (glass bottom boat tours of shipwrecks)
- o CI- NMS should not manage fish. Adversarial situation between rec fishermen and sanctuary scientists. Need more science focused on rec fishing issues. Some top down direction could be helpful to foster more collaborative interaction between sanctuary science staff and rec fishermen.
- § Academic research occurs in sanctuary with little or no knowledge of rec fishermen. They have not utilized the knowledge of rec fishermen in fine-tuning and implementing the research. If it's funded by NMSF than the SAC should know about it early on in the process.
- § Need better communication on what research is being done in sanctuary.
- § Need notification on use of research drones.
- o FGB- rec fishermen must have a say on how fisheries are managed. Rec fishermen should have a role in explaining ecosystem changes.
- o FK- more focused on habitat protection. Shouldn't support fishing tournaments. Other organizations can sponsor fishing events such as Guy Harvey Foundation
- o SB- lack good research on catch and release methods (hook types, minimize trauma). Could be some benefits from tournaments (science information, outreach). Need to engage the next generation in fishing. Too many species impacting forage fish- need research on forage fish and how they are impacted. Boston outfall discharge impacts on water quality needs to be investigated especially pharmaceuticals.
- o In TB there is an allowable cull of cormorants because of their impact on perch.
- o Seal populations are exploding and are having an impact on other populations (forage, etc.). Ecosystem based management is taking this into account.
- o Sanctuary should promote more research that benefits rec fishing and is used by appropriate fishery management agencies.
- Outreach
- o Outreach on catch and release methods (Plymouth forum was useful)
- Gulf Coast and Stellwagen Bank charter boat assoc. should expand and continue working with scientists to implement research projects. Sanctuary needs to proactively draw on the knowledge of rec fishermen.
- Need to engage private rec fishermen and boaters in implementing research projects.
- On the water observations: marine debris, how are they reported? Charter guys know who to call but what about private boaters? Fish Alert app is a potential solution but needs consistent funding. FK has Marine Ecosystem Response Assoc. (MERA).

GROUP TWO:

-Discussed how to not only perform management actions for recreational fishermen, but how to involve recreational fishermen in management actions

Breakout Session 4

Focusing on Management Approaches

Objective: Identify ways to improve the RecFish experience in NMS through additional engagement in or the development of appropriate management approaches.

- People were fishing in areas before they became sanctuaries
- Consider relaxing some rules as an outreach tool
- Give fishers an opportunity to speak and describe benefits
- Collaborate with NOAA Fisheries and use their “boots on the ground”
- Engage in blogs and other social media to relay recommendations and stories
- Senior leadership fishes too! (Sean fishes in tournaments)
- Combat negative public perception and informal engagement
- Distribute handout at docks
 - people in marina
 - signs w/
 - apps
- Show willingness to do something for fishers (not to us)
- Informal town halls
 - Prepare them for discussion
- MBNMS concern
 - loss of steelhead and salmon
 - is there a way sanctuary can become the “hero”
 - get involved in discussions with other stakeholder groups and offer solutions
- GRNMS
 - allow fishermen to create and manage habitat so it is managed well
 - remove invasive species
- Set up distinct rec/comm'l/no-take zones
 - will need to be artificial
- Help produce more seafood
- Set up boater’s license in FKNMS (voluntary/mandatory?)
 - boater education
- License w/stamps for parks
 - partner w/State
- Give out sanctuary information w/ fish and game measurements
- Increase the number and type of connections
- Have to find ways to benefit fishers and improve their livelihood
 - Important to relay the positive accomplishments
- Help them become organized to ensure productive dialogue
 - work with senior guides for examples of how to set up
- Available funding can be important

- Actively seek out co-sponsorships to encourage participation
- Don't be shy about asking sponsors to get products
- BayNet-like organization of rec anglers
 - utilize naturalists and anglers
- NMSF to host an event before a fishing tournament
 - include sanctuary leadership
- Include rec anglers in cooperative research (NOAA Fisheries has a program)
- Habitat collaboration
- Look for windows of opportunity (Gulf)
- Sanctuaries to be engaged in matters outside that are impacting resources and rec anglers
 - Sanctuary stand up and go to bat for rec anglers

BREAKOUT FIVE: FOCUSING ON TOOLS FOR RECREATIONAL ANGLERS

GROUP ONE:

BREAKOUT 5 Group 1

Objective – Identify and prioritize the tools or resources that could be provided to support recreational fishing and protect sanctuary resources

- How to be effective given limited resources?
- Word out – Fishing shows and seminars – bigger NOAA presence
- Videos – various topics like fishing techniques and methods
- Better coordination with ONMS and each site social media coordinator. Expand opportunities.
- Limited sharing of public videos
- Ex – Blue star operator video, SAC member video, etc (create an authorized list)
 - Must be directly related to Sanctuaries – esp. as pertains to #'s
 - Leverage social media members/followers for outreach (Gray's Reef Loggerhead project)
 - Positive public relations effort with industry partners, to address misconceptions
 - Online photo contest (one of many types of social media campaigns)
 - Traditional media (TV, Print Media, Radio)
 - Artist in Residency program – can that be expanded and crafted for each sanctuary? Ex. Hermitage Artist Retreat program
- Regulatory apps for mobile devices (ex. Fish Rules)
- Work with GOOGLE to update mapping for Sanctuaries (KMZ files) include special use areas to inform user of special regulations in special areas.
 - App - Whale Alert – report live or dead whale sightings, for example
 - Non electronic means of informing recreational anglers?
 - Is there a “best way” to communicate to anglers?
- Anglers are too diverse to limit to one method or media type. No one “silver bullet”
- Charts are a common denominator for fishermen.
 - Provide a better visual process of regulations in development and crucial timing event in the process for angler involvement.

GROUP TWO:

Objective: Identify and prioritize the tools or resources (e.g. mooring buoys, signs, apps) should be providing to support recreational anglers and protect sanctuary resources.

Tools that are currently in our tool box (or do we need):

(1) People are the most important tools to reach the breadth – **must be people recreational anglers trust**

- **Fish Alerts mobile app** (have and works) – **but needs to be a consistently funded** tool
- Positive **stories**
- **Brochures**/handouts
- **Rack cards**
- **Fishing publications**
- **Mooring buoys**
- **Signs**
- **Connect** rec fishers **with ONMS website** and associated communication groups
- Consider **using FishRules** to **collect data** or connect apps with **Fisheries Management Councils** (check to make sure fishermen do/will use them)
- Produce **materials** to take to **tackle shops and tradeshow**
- Produce **materials specific to recreational anglers** (lamine and UV protection) also distribute at shops and lodges
- **Newsletter** for recreational anglers – types of fish, areas, fish boards (weights for on-going competitions), **calendar of events, SAC meeting schedule, science on types of fish**, current situation, general information about sanctuaries – **HQ to develop template** for all councils/sites (similar to **Monterey Dive Newsletter**) – **be mindful** of who will develop, time commitment and costs
- Include **logo on marina signs** and have **presence at marina or weigh stations**
- Include signage with **sanctuary boundaries** (delineates area)
- Get materials to **NOAA Fisheries to print**
- Look further into **placement of signs**
- **Promotional materials** for **hotels and tourist attractions** that connects sanctuary information and recreational fishing.

What is the message? Question that has to be answered before you can determine the proper tool to use.

BREAKOUT SIX: IDENTIFYING SCIENCE COLLABORATIONS

GROUP ONE:

IDENTIFYING POTENTIAL SCIENCE COLLABORATIONS

Citizen Science, research and technology with national marine sanctuaries

- CITIZEN SCIENCE
- (PL - Ciguatera Research)
- Website is available for more information
- Training anglers to be certified
- Subsistence anglers (youth) to be included for any component that would encourage future participation.
- Engagement opportunity
- Use fishermen's information to help frame studies and sampling design
- Angler participation carries heavy weight in grant review process
- Lionfish removal could be an area of increased collaboration
- ECONOMIC ANGLER IMPACTS and RESEARCH
- Some studies have been conducted in Am. Samoa., RSMAS and BTT did a bonefish valuation study in FKNMS.
- Citizen science fish counts
- MARFIN projects – high quality presentations and information – SATL. and GOM.
- Spawning aggregations – known or unknown? Need more science or no? Am. Samoa has some data but need to identify sources (NPS and NMFS).
- Science conducted in sanctuaries can help inform proper fisheries management.
- Shipwrecks or cultural resources as fish habitat?
- Increased research on variety of artificial materials as beneficial fish habitat. Test new methods
- Seasonal population dynamics on various habitat (natural and artificial)
- Some constituencies would like to start dialogue on responsible artificial habitat creation focused on recreational fishing opportunities in sanctuaries
- Analysis or proper handling and release methods and outreach
- Angler participation in tagging studies
- Barotrauma and recompression methodologies and survival rates
- Increase opportunities for recreational anglers to observe on ride along day trips on research vessels
- RFWG – Newly created Gray's Reef Recreational Fishing Working Group- interesting in improving relations with recreational anglers
- Funding data and opportunities due out soon from MPA FAC
- New advancements in technology that can benefit recreational anglers?
- Can research be specifically directed towards the recreational angling community?
- NFWF as a funding opportunity

GROUP TWO:

Objective

Identify and discuss potential science collaborations, including citizen science, research and technology within national marine sanctuaries.

Questions

Are recreational anglers interested in collaborating on science initiatives in national marine sanctuaries?

If so, are they most interested in citizen science, research or technology?

What is it about citizen science [for example] that makes them want to be involved?

How should we go about establishing these programs?

How do we engage more recreational anglers in existing or new programs?

Will these programs help build trust? Or are there other steps (like those we've talked about previously) we need to take first?

Discussion

- Consider using a research advisory panel or similar issue-based working groups to engage in and determine appropriate collaborations or address issues.
 - o How many advisory councils (sites) have a research advisory panel (e.g., MBNMS RAP)?
 - o *Response:* There are a limited number of these types of panels or working groups, but a number of advisory councils establish working groups that are issue based to address research/science related questions.
 - o Composed of advisory council members and subject matter experts (e.g., academics)
- Encourage national marine sanctuaries to work with recreational anglers to understand their interests and knowledgebase in addressing specific issues, such as discard, mortality and reduction data and decisions.
- ONMS should help promote discussions to understand recreational fishing-related science needs.
- Incentivize collaborative research (e.g., lake trout tagging = \$10/fish tagged and release, limestone reefs).
- Consider integrating national marine sanctuaries and advisory council members in MREP.
 - o M. Kelly has spoken with G. Bottitta-Williams about this.
 - o NMSF and NOAA Fisheries partner to host through the Gulf of Maine research; and it's recently been expanded to the west coast.
 - o It's meant to be by fishermen for fishermen.
 - o Identify funds so can continue to develop this program, including on the west coast and possibly a comparable program in the Great Lakes.
- Encourage more research on non-traditional, off-water predators (e.g., cormorants).
 - o Consider developing bite-size proposals for MSA funding for \$50-100k.
- There is resistance to cooperating with NOAA Fisheries and ONMS since fearful of how data will be used against (rather than in support of) them.
 - o Address concerns about industry-data being used against them.
 - o Offer assurance that data will not come back to negatively impact them.
 - o Consider using a third party to collect or compile this type of information.
 - o Don't want to talk about where fish go, what catch, etc.
- Only want to provide the minimal data, like that which is requested on Vessel Trip Report (VTR). Provide statistical area and representative area as requested, but don't want to provide other private//proprietary data.

- o There are tradeoffs here because it is difficult to assess where actually fishing and, therefore, where should or shouldn't be closed (because we can think it's appropriate for you but you say that's where we fish).
- o Larger issue when don't provide accurate information.
- o Transitioning into electronic log books.
- o Electronic VTRs will be great because they don't have to report to multiple offices; it will do it for them.
- o Commercial fishermen can be required to report additional information depending on the fishery (VTR and VMS).
- Ensure there is mutual benefit from data collections. Development of technology, such as apps, where the data collected is beneficial to the fisherman (e.g., log of what caught where and additional information, like water temperature, etc. that manually input) and shared or kept private as they so choose.
 - o e.g., iSnapper and iAngler
 - o Have used spatial data in some of these to modify stock assessments.
 - o Need to evaluate these success stories to use elsewhere or learn from (e.g., State not reporting the same catch/landing as that found on iSnapper).
 - o Smithsonian has developed apps for underdeveloped countries, but recreational anglers have been requesting this for some time.
- Incorporate appropriate data into management/science as quickly as possible (complimentary data)
 - o Funding – How do we incorporate data from new sources? e.g., no more excuses on multiple studied projects.
- Cross-agency collaboration and validation of science (e.g., Smithsonian landings app in developing countries)
- What percentage of population are recreational anglers? And what percentage of those are “regular” anglers that would use these apps?
- Need to be careful not to inundate the apps; don't be redundant.
- Stop piloting these initiatives/actions; start using this data!
- Electronic monitoring; facial recognition software for identifying fish (e.g., using video instead of a human observer)
- Better socioeconomic research (\$ impacts in sanctuaries)
 - o What data are you collecting on visitors and uses?
 - o There is an interest in collecting data relative to visitors, where they are coming from, where money is being spent, how long staying, etc.
 - o Who is fishing? Where are they fishing? What is being fished?
- National marine sanctuaries should consider doing a better job assessing the stocks/fish within their waters. They should expand their efforts beyond coral, etc. to include these types of assessments.
- Consider refining fishing and socioeconomic data so it's specific to national marine sanctuaries (e.g., like from regional to HMS and then down to sanctuary).
 - o Need to collect data down to the appropriate scale; current collections aren't at the right scale for national marine sanctuaries.
 - o They do have multipliers for broader impact when include hotels, airlines, gas, etc.
- Dockside interviews (Captain fills out VTR) – Family interviewed doesn't appropriately report what they threw back; may over or underestimate.

- More rapid responses to potential lost fishing opportunities.
- Better understanding of community impacts from collective “government” actions (finer scale data)
- Inventory of recreational angler infrastructure/apps/signal strength (don’t turn off location services; native to phone and then uploads once back on WiFi or cellular service)
- Do not attempt to solve the whole problem; work on smaller bite-size programs.

**2016 NATIONAL MARINE SANCTUARY ADVISORY COUNCIL
RECREATIONAL FISHING SUMMIT:**

SUMMARY STATEMENT AND COMMITMENTS

Wednesday, December 14, and Thursday, December 15, 2016

This document contains the common beliefs and first steps developed and agreed to by participants at the conclusion of the 2016 National Marine Sanctuaries Recreational Fishing Summit in Hollywood, Florida. As of December 15, 2016, the content herein has not been edited by the Department of Commerce or the National Oceanic and Atmospheric Administration, and should only be used for general, informational purposes in accordance with the call and objectives of the summit.

SUMMARY STATEMENTS (*From Discussion*)

1. Some of the priorities of recreational fishermen and Sanctuary management needs can be specific to each region and national marine sanctuary.
2. Fishing access and opportunity are priorities for recreational fishermen whether in a national marine sanctuary or elsewhere in the U.S. EEZ.
3. A common, but not universal, perception among recreational fishermen is that marine protected areas, including national marine sanctuaries, take away more (i.e., have more restrictions) than they actually give back (i.e., than benefits).
4. NOAA needs to improve the dissemination of information, communication, and receipt of input from recreational fishermen throughout specific processes including management plans, research, and regulatory activities, etc.
5. NOAA and recreational fishermen should explore opportunities to collaborate on science and education projects throughout the national marine sanctuary system.
6. There is broad interest in working together to enhance the recreational fishing experience in national marine sanctuaries.

COMMITMENTS

NOAA and recreational fishermen are committed to improve recreational fishing. Our first steps:

1. ONMS will develop and distribute a draft “action plan” based on input from this meeting and continue this discussion with recreational fishing representatives.
2. ONMS and NMFS will coordinate on Cooperative Research Program activities in national marine sanctuaries.
3. Director will contact each site superintendent to ensure there is an ongoing dialogue between recreational fishing representative (s) on all management issues or areas of concern.
4. ONMS Director will identify a Point of Contact at each site for recreational fishing concerns and the POC will establish contact with NMFS regional recreational fishing coordinators.
5. ONMS and NMFS Recreational Fisheries Initiative will seek additional regional and national level opportunities for intra-agency collaboration and with recreational fishermen based on the outputs from this meeting.

2016 NATIONAL MARINE SANCTUARY ADVISORY COUNCIL RECREATIONAL FISHING SUMMITHosted by National Marine Sanctuary Foundation in Partnership with
NOAA's Office of National Marine Sanctuaries and National Marine Fisheries Service**Hollywood, Florida***December 14-15, 2016*

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2016 NATIONAL MARINE SANCTUARY ADVISORY COUNCIL RECREATIONAL FISHING SUMMIT

Hosted by National Marine Sanctuary Foundation in Partnership with
NOAA's Office of National Marine Sanctuaries and National Marine Fisheries Service

Hollywood, Florida

December 14-15, 2016

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**49th SAC - Appendix 3
Capt. Dave Waldrip Letter**



**Stellwagen Bank Charter Boat Association
P.O.BOX 1230
Marshfield, MA 02050**

Mr. Ben Haskell
2017
Stellwagen Bank National Marine Sanctuary
175 Edward Foster Road
Scituate, MA 02066

February 7,

Appointment of SBNMS Advisory Council Recreational Seat

Dear Ben,

I am writing to you n behalf of the members of the Stellwagen Bank Charter Boat Association with members consisting of charter boat captains, recreational anglers and commercial tuna fisherman. We are very concerned one of our members Mr. Timothy Brady was not selected as the Primary member of the Recreational Seat. Mr. Brady has had a charter fishing business for decades which is second generation running an inspected vessel allowing him to carry more than six on a fishing trip. He also is a Master Mariner licensed for any tonnage and has been master on ships sailing around the world. He is also an instructor at Massachusetts Maritime Academy where he interacts daily with young men and woman who want to make their living on the oceans around the world.

I am sure this seat has been filled with a representative from the charter fishing industry since origination or at least for the past decade. This serves two purposes by having someone who is actively involved in recreational fishing taking anglers to Stellwagen Bank and also someone who is a charter boat operator. By being a charter boat operator, they have not only an interest in catching fish but also representing the hundreds of federally permitted vessels which fish on Stellwagen for haddock, cod, tuna and other species.

This charter boat operator also has a financial investment which I feel is critical when you compare it to the other positions. By not having a charter boat operator as the representative would be like having someone who goes whale watching or sells fishing gear filling the Whale Watching or Mobile Fishing Gear seats.

We tend to believe; not selecting Mr. Brady is direct retribution when SBNMS attempted to create the DHRA closing 55 SQ NM to recreational bottom fishing on traditional fishing grounds. The Stellwagen Bank Charter Boat Association fought against this closure which was not approved by the NEFMC.

You know the Charter Boat operators like Captain Barry Gibson and Captain Mike Pierdinock in the past were not afraid to speak up against proposals which would hurt their industry and I do not feel a recreational angler who goes fishing represents the local charter boats, tuna fisherman and others who fish the bank daily or weekly attempting to make a living as small businesses.

I am requesting you reconsider your decision to appoint Mr. Tim Brady to the Primary Seat on the Stellwagen Bank Recreational seat. If you have any questions, please contact me anytime.

Respectfully,

David Waldrip
Stellwagen Bank Charter Boat Association (President)

49th SAC - Appendix 4

Public comment provided by Ben Haskell, Acting Superintendent for Stellwagen Bank National Marine Sanctuary to the Herring Committee of the New England Fishery Management Council on 2/7/2017

Thank you for considering these general comments. I will follow up with much more specific comments in writing. I want to address the issue of localized depletion as it pertains to Stellwagen Bank National Marine Sanctuary.

SBNMS is one of the most heavily used places in the Gulf of Maine. If you want to find user conflicts you don't have to go any farther than the sanctuary. The top of Stellwagen Bank is where these conflicts are most pronounced, especially from May to December. The reason why there are so many users is because the top of the Bank is a hotspot for prey abundance. Many users and many animals are competing for those prey whether they are herring, mackerel, or sand lance, which thankfully, are not commercially exploited. My comments today relate to the Herring RSA fishing that has been occurring on top of the Bank for at least the last 3 years and the timing of it is incompatible with the relatively small area of Stellwagen Bank which is a shallow, vulnerable habitat. I have personally been sent photos taken from a whale watch boat showing pair trawlers actively fishing in the same areas where whale watchers were viewing feeding humpback whales. I have documentation that shows that these midwater trawlers are fishing in less than 90 feet of water with nets that are 60 feet high. The exact time that these midwater and pair trawlers are focusing their efforts on top of the Bank is when endangered and protected whales are fattening up for their long journey south. Local depletion of prey species has important implications for whales that are preparing for migration for breeding. Of consequence, is that baleen whales (humpback, fin, minke) require a minimum threshold level of prey density to successfully forage and that humpbacks depend on the spatial characteristics and density of prey schools to maximize their efficiency when surface feeding. With respect to humpback whale calves, research by Dr. Jooke Robbins of the Center for Coastal Studies indicates that sand lance and mackerel abundance were the model factors that best explained first year survival of humpback calves. The midwater trawlers that are fishing the Bank tend to target mackerel because they get a higher price.

In summary then to answer the specific questions the Committee has posed:

Where is the top of Stellwagen Bank.

When is primarily October-December at least concerning the RSA fishery.

Which user groups – our concern is the conflict between midwater trawlers and foraging baleen whales at a critical time in their life cycle.

Thank you.

Appendix 5

49th SAC MEETING PUBLIC COMMENTS: MIDWATER/PAIR TRAWLING

Capt. Peter Murphy – Charter Boat Captain (showed photos)

“Good after everybody. I’d like to thank everybody here joined at this meeting for the opportunity to speak at a public comment venue like this. I will try to be under the 2-minute requirement. I have sent out emails and I have some information here if it’s okay with the committee and council to forward this with some documentation pictures. I have a picture which I think it was on the viewer earlier of two midwater trawlers in the immediate forefront of the stem of the observer boat and pictures showing 82.4 feet of water. That obviously is up on top of the Stellwagen Bank. I also have another picture here as an observer myself where these boats were in very close proximity but it was rough so I apologize for the blurriness for that picture that is up in the middle of the bank. And I also have a picture here that was taken on the marine traffic screen -- I’m trying to show everybody the best I can -- and it shows that the trawlers were very close to the beach in Chatham. With that said, I’m going to run through my dissertation: I am writing to you and NOAA on behalf of both the recreation and commercial stakeholders that fish the Stellwagen Bank sanctuary as well as fishing the adjacent waters. However, let me clear that the localized depletion of forage threat that these ships pose, extends well beyond the sanctuary as referenced in Amendment 8 and numerous council meetings I have attended in the past. I myself have a recreational commercial fishing history on the Bank dating back to the early 80s. I have been a charter boat captain since 2008 and logged hundreds of trips culminating in thousands of hours of artisanal fishing and whale watching in these waters. So next a little background on me, I submit I am retired police officer after a 30-year career, plus 30 years. I believe that my training and experience in that field provided me with a skill set that affords me the ability to ask the basic boiler point questions of who, what, where, when and why, how finally and who did what about it. So that the case can be made when you test it against science, facts and ultimately leading to a rational reasonable finding outcome and remedy. The key there is remedy. With that said I would submit to you that the facts are glaringly obvious regarding mid-water trawlers and so is the remedy. The fact is that NOAA is entrusted to protect the sanctuary. The fact is the brutally unforgiving high efficiency and totally mechanized dirty fishery conducted by midwater trawlers upon bank and in adjacent waters needs to be ceased immediately. Fact I have a photograph of the depth sounder of which I have shown to you in 82.4 feet of water with the trawlers. Fact the BE buoy was recently relocated some years back to reduce the ship traffic on the bank. 160-foot boats are ships, 12 of them is a lot of them doing 24/7 grid patterns for months upon that bank to me is ship traffic. And I didn’t get the number from Peter, and I’m sorry, and I guess Brad is going to speak to what the percentage is and how many observers are on these boats and I guess there is a discrepancy between the actual RSA fleet and also on the herring itself fleet. But hopefully those numbers will become apparent. There is also I believe an immediate threat to dolphins, whales, turtles having been on that bank and seen the proximity of the boats coming to the mammals that I’m also observing at the time I’m out there. Also a fact these ships incidentally deplete striped, cod, haddock, other groundfish. The pulse commercial fishing pressure by this fleet of the midwater ships upon the bank and in adjacent waters will have a negative impact on all the forage in the entire ecosystem. Furthermore any non-regulatory handshake agreement is not worth the paper that the pending indictments are already written on in federal court. These ships should not be allowed to fish within 50 miles of any shore, sectors or catch shares allowed for big commercial draggers that fish inshore and have depleted that groundfish. Last sentence, we cannot allow these midwater boats to devastate the bank or adjacent waters and the entire ecosystem being threatened. Thank you.”

Ralph Pratt

“Ralph Pratt, fisherman from Marshfield MA, also an aerial fish spotter for over 25 years, 8000 flight hours, quite a bit of it over Stellwagen Bank. I am responding to Ben Haskell’s letter to the SAC that talks about 120-foot limitation and none of that has been talked about yet today. But doubt that it’s new to you if you read his letter.

Ben,

The 120 foot limitation explored in your letter [Ben Haskell] to the SAC will not serve to correct the issues that you have mentioned.

From my 25 years of Aerial spotting in the Stellwagen bank area I have watched the upwelling’s get driven east and west of the bank by tidal movements.

As you know fish and mammals feed in these upwelling’s which travel much further than the 120 foot perimeter that you are exploring.

Because of this I feel localized resource depletion; entanglements and forage necessary for a healthy environment for all animals in the sanctuary will still be jeopardized.

I support the buffer zone initiatives like those already assembled by the herring PDT that would move these large scale industrial fishers at least 30 miles off shore.

In the meantime I think that these boats should be mandated to carry observers 100 percent of the time while operating within the sanctuary boundaries for both herring and mackerel fisheries.

Any rule imposed should be done so through the full regulatory process, non regulatory rules will be broken before the ink is dry.

Thank you.”

Tim Brady

“You’ve heard too much from me already today but here I go again.

By the way I’m the third in line of the Stellwagen Bank Charter Boat Association members. All three of us, the last two speakers and myself are members of the Stellwagen Bank Charter Boat Association and active in these fisheries issues and Stellwagen Bank issues. The Stellwagen Bank Charter Boat Association is adamantly opposed to any midwater trawling in Stellwagen Bank National Marine Sanctuary as well as anywhere within 50 miles of shore. We have a small boat fleet. I believe I have the largest boat in the fleet, it’s 45 feet long. Okay, these are 150, 160-foot ships that are perfectly capable of fishing offshore and what they do is deplete the resources that we depend on for a living. Thank you.”

March 8, 2017

Re: Statement for Stellwagen Bank National Marine Sanctuary's Advisory Council Meeting regarding pair-trawl herring fisheries in coastal waters of the Gulf of Maine

To Mr. B. Haskell,

My name is Regina Asmutis-Silvia and I am the executive director of Whale and Dolphin Conservation's North American Office. WDC is a leading global charity dedicated to the conservation and protection of whales, dolphins, and their habitats worldwide and believes that an ecosystem approach to conservation is essential. As such, WDC supports the development of a year-round no-midwater trawling zone extending 50 miles from the coast which would include herring management areas 1B, 2 and 3 (Figure One). Herring play a significant role in the ecosystem as a forage fish for large whales¹. Emerging research demonstrates that whales act as ecosystem engineers both through transferring nutrients within the water column and across latitudes supporting plankton blooms on which nearly the entire marine food web, including herring, rely². Whales also play a significant role in the economy with whale watching in New England bringing in a total expenditure estimated at \$126 million dollars annually³. Whale watch vessels are typically limited by schedules as well as by certificates of inspection which often restrict their ability to operate within 20 miles of a harbor or safe refuge⁴. As a result, the localized depletion of a forage species could result in whales moving to offshore areas where whale watch boats cannot operate. Any management actions that reduce localized herring abundance availability as a key forage species will undoubtedly impact whale distribution and, as a result: the ecology of the area as nutrient availability to phytoplankton contributed by whales will be impacted, and the local economy as whale watching vessels are restricted to a coastal route.

Thank you for considering,

Regina A. Asmutis-Silvia
Executive Director, Whale and Dolphin Conservation, North America

¹ Wang, D.; Garcia, H.; Huang, W.; Tran, D.D.; Jain, A.D.; Yi, D.H.; Gong, Z.; Jech, J.M.; Godø, O.R.; Makris, N.C.; et al. Vast assembly of vocal marine mammals from diverse species on fish spawning ground. *Nature* 2016, *531*, 366–370.

² Joe Roman, James A Estes, Lyne Morissette, Craig Smith, Daniel Costa, James McCarthy, JB Nation, Stephen Nicol, Andrew Pershing, Victor Smetacek. Whales as marine ecosystem engineers. *Frontiers in Ecology and the Environment*. 2014; 140703070154008 DOI: 10.1890/130220

³ O'Connor, S., Campbell, R., Cortez, H., & Knowles, T., 2009, Whale Watching Worldwide: tourism numbers, expenditures and expanding economic benefits, a special report from the International Fund for Animal Welfare, Yarmouth MA, USA, prepared by Economists at Large

⁴ <https://www.uscg.mil/hq/cg5/cg5212/loadlines.asp>



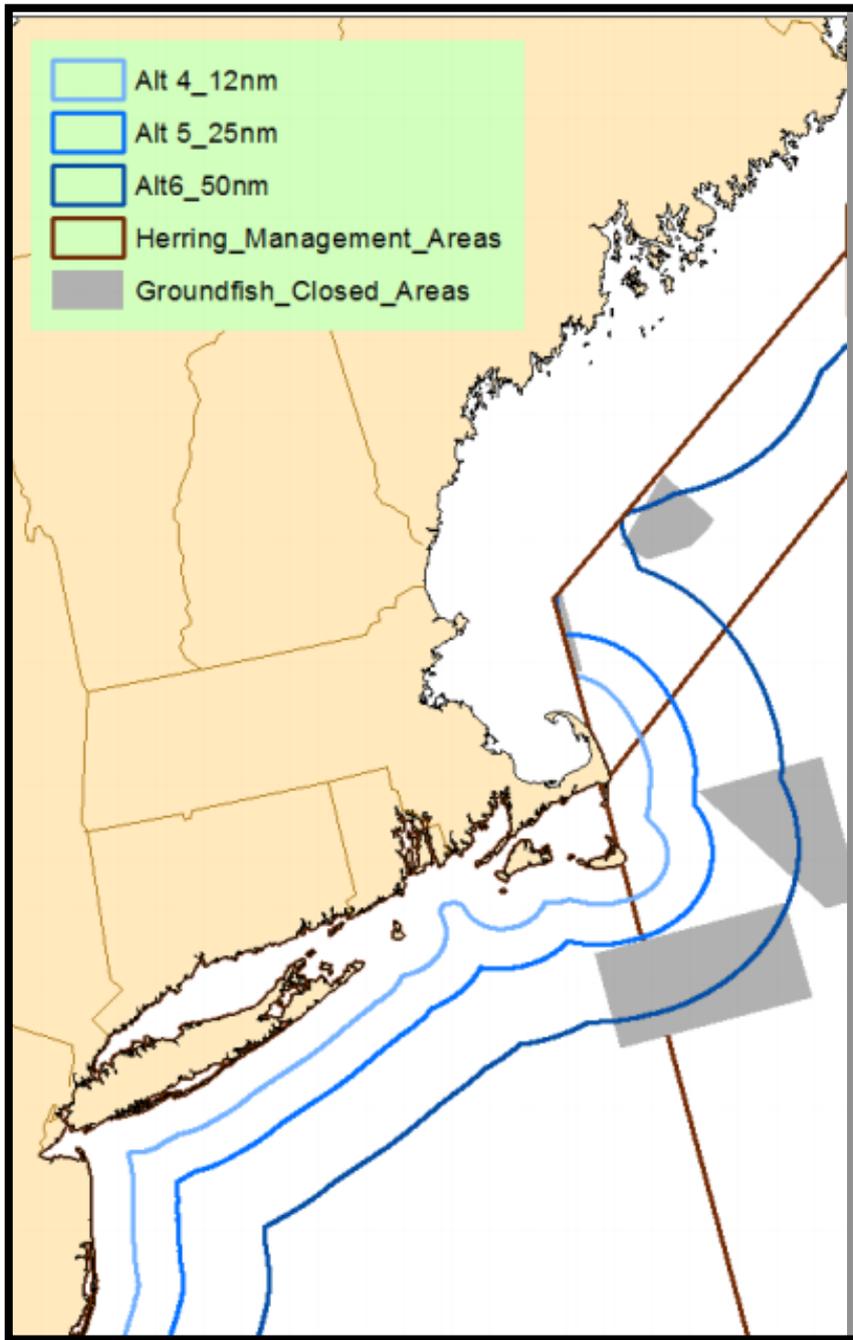
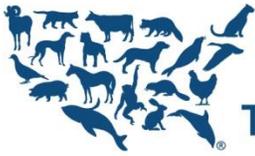


Figure One. Map showing 12, 25, and 50 nautical mile “closure buffers” that could be imposed to control localized depletion of Atlantic herring by the midwater trawl fleet.

WHALE AND
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Ben Haskell, Acting Superintendent
Gerry E. Studds Stellwagen Bank National Marine Sanctuary
175 Edward Foster Rd
Scituate, MA 02066

March 8, 2017

Dear Mr. Haskell,

On behalf of the members and constituents of The Humane Society of the United States, I would like to offer brief comments and concerns regarding midwater/pair trawling on Stellwagen Bank under the herring research set aside program. We understand the desire to exploit additional fish stocks at a time when effort is heavily restricted for so many fisheries and gear types. We are, however, concerned that allowing this fishing within the Sanctuary threatens its marine mammal residents by both removing large quantities of key forage species that attract large cetaceans to the Bank but also by increasing risk of mortality for small cetaceans. A serious question is one of compatible uses, given that the fish it targets are the same species relied upon by countless marine mammals. We urge the Sanctuary to take a strong stance within NOAA to exclude this potentially damaging method of fishing from within the boundaries of Stellwagen Sanctuary.

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Pair trawling has long been implicated in elevated levels of mortality for small cetaceans. Small cetacean bycatch—largely of dolphins—has been documented in pair trawl fisheries both in the US and in other nations. Bycaught animals are generally caught in the “bag” of the net and drowned. The assumption made in most studies is that they had entered the net to forage on the species being targeted as they are drawn into the net and the dolphins were themselves accidentally trapped as the net was pulled forward with the schools of fishing pressing in behind them, cutting off a route of escape.¹ A review of bycatch in pair trawls found varying entrapment rates depending on a number of factors including target and bycatch species in the net, gear configuration, and fishing areas.² An Irish

¹ See discussions in: Northridge, S. (2003). Reduction of cetacean bycatch in pelagic trawls. Final Report to DEFRA & JNCC, Project MF0733; and Northridge, S., A. Mackay, D. Sanderson, R. Woodcock, and A. Kingston (2004). A review of dolphin and porpoise bycatch issues in the Southwest of England. An occasional report to the Department for Environment Food and Rural Affairs. And Northridge S, Mackay A, Cross T (2005) Dolphin bycatch: observations and mitigation work in the UK bass pair trawl fishery 2004–2005 season. Occasional Report to DEFRA. St. Andrews: University of St. Andrews, U.K

² A Review of Cetacean Bycatch in Trawl Fisheries: Literature Review. September 2005. Prepared for the Northeast Fisheries Science Center by Erika A. Zollett and Andrew A. Rosenberg, University of New Hampshire Durham, New Hampshire. At: <http://www.nefsc.noaa.gov/nefsc/publications/reports/EN133F04SE1048.pdf>

study of pair trawls for tuna monitored 313 hauls over 160 days and recorded 145 cetaceans caught by just four pairs of trawlers. These included 127 common dolphins, with other species including striped dolphins, pilot whales and Atlantic white-sided dolphins.³ A fishery in the UK for winter sea bass caught 53 common dolphins in 12 tows; however, no bycatch was observed in the pair trawl fishery for mackerel, sardines, blue whiting and anchovy.⁴ The seasonality of the fishery appeared to affect bycatch.

It is likely that a fishery targeting the same small forage fish sought by small cetaceans will pose a higher risk. In the case of the herring pair trawl in Stellwagen Bank, it may be worth noting that both small cetaceans and large whales target herring and mackerel as a preferred fatty prey⁵ and thus may be at some risk from a mid-water trawl occurring at their swimming depths.

An experimental pair trawl for tuna that operated in the Atlantic in the 1990's had a bycatch of bottlenose, common and Risso's dolphins as well as pilot whales.⁶ In 1996, NMFS convened a Take Reduction Team (TRT) for fisheries including the Atlantic pelagic longline, the Atlantic Swordfish and Tuna drift net fishery and the Atlantic experimental pair trawl fishery—all of which had elevated levels of marine mammal bycatch. I served on that TRT as an NMFS-appointed member of the conservation community. The summary report from those meetings is provided as an appendix to these brief comments. Table 1 shows that between 1991-1995, the pair trawl fishery killed bottlenose, common and Risso's dolphins as well as pilot whales. On average they killed 45 offshore bottlenose dolphins each year—this single fishery, with only a handful of vessels operating, was responsible for killing *half* of the Potential Biological Removal⁷ level (PBR) for that species.

In the Pacific northwest, where pair trawling has been used by the NMFS Northwest Fisheries Science Center in targeting and capturing juvenile salmon and eulachon, mitigation measures to deter bycatch included a mandate for marine mammal watches to be conducted by trained observers for at least ten minutes prior to the beginning of the planned set and throughout the tow and net retrieval to assure no sightings of marine mammals within 500 meters or as far as can be reasonably observed.⁸ One study, requiring installation of exclusion grids and top-opening escape hatches near the cod end appeared to reduce small cetacean bycatch whereas the use of acoustic pingers had no effect.⁹ These authors stated

³ Ross, A and S. Isaac. 2004. The Net Effect? A review of cetacean bycatch in pelagic trawls and other fisheries in the north-east Atlantic. A report for Whale and Dolphin Conservation and Greenpeace. At <http://uk.whales.org/sites/default/files/net-effect.pdf>

⁴ Id.

⁵ See: McMillan CJ. How important are herring to humpback whales? The role of herring in meeting the energetic requirements of humpback whales in a British Columbian feeding ground. 2005. Simon Fraser University/UBC School of Resource and Environmental Management. This study found that herring were preferred by pregnant and lactating females whose diet was often 50% herring when sufficient quantities were available.

⁶ Table 1. Marine mammals incidentally taken by commercial fishery, years total take estimates. In Atlantic Marine Mammal Stock Assessments At:

<http://www.nefsc.noaa.gov/publications/tm/tm114/pdfs/244.pdf>

⁷ The PBR is defined in the Marine Mammal Protection Act (MMPA) as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population.

⁸ 81 FR 38515, 06/13/2016

⁹ Simon J. Allen, S. J. Tyne, H. Kobryn, L. Bejder, K. Pollock, N. Loneragan. (2014) Patterns of Dolphin Bycatch in a North-Western Australian Trawl Fishery. PLOS. April 2, 2014. At:

<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0093178>

that “trawling-related mortality cannot be assessed in the absence of an ongoing and robust observer program and without information on trawler-associated dolphin community size, broader dolphin population size and connectivity with adjacent populations.”¹⁰ The problem with pair-trawl fishing is that, to be effective, independent observers must be on the boat that is hauling the net in order to verify bycatch. Observers can be thwarted if the net is hauled by a different vessel.

In the most recent final NMFS Marine Mammal Stock Assessment Reports (SAR),¹¹ Appendix 1, lists species bycaught in trawl fisheries including pair trawls in the Mid-Atlantic mid-water trawl fishery and the Northeast mid-water trawl fishery. During the most recent 5 year period in the SAR, long-finned pilot whales, short-beaked common dolphins and both harbor and gray seals were captured, though none of these species was captured in significant numbers. It is not unreasonable to assume that some of the reduction in marine mammal bycatch in trawl fisheries has been due to highly restricted fishing effort. For example, NMFS reports the number of trips in the NE trawl fishery declined from 2,000 trips in 2004 to only 291 in 2014 and bycatch similarly declined.¹² For marine mammals, increased fishing effort results in increased exposure to risk.

In a memo to the SAC outlining the focus and importance of this pair trawl discussion, you cited the very real concerns with localized depletion of forage fish that are critical to birds, larger fish and the charismatic whales using the Stellwagen Bank environs the presence of which supports a vital tourist economy. You also highlighted the entanglement risk to small cetaceans in the Sanctuary. We agree with these concerns. In the past we have been supportive of efforts by Pew Trust and Conservation Law Foundation as they have sought to enact change the seasonal closure of Area 1A—waters that would include Stellwagen Bank Sanctuary—into a year round closure to mid-water trawl gear.

We support a recommendation that the Sanctuary continue to work to protect the waters and vital forage fish within its boundaries by excluding pair trawling from its waters year round.

Sincerely,



Sharon B. Young
Marine Issues Field Director
The Humane Society of the U.S.
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¹⁰ Id.

¹¹ Waring et al. 2016. US Atlantic and Gulf of Mexico Marine Mammal Stock Assessments – 2015. US Department of Commerce NOAA/NMFS-NEFSC. NOAA Technical Memorandum NMFS-NE-238. At: http://www.nmfs.noaa.gov/pr/sars/pdf/atlantic2015_final.pdf

¹² Id.

Patrick Paquette

“My name is Patrick Paquette, I am a recreational fisheries advocate for Massachusetts. I work in the advocacy field full time. Many people identify me as the government affairs officer of the Massachusetts Striped Bass Association. I also come before you as a founding member of the CHOIR coalition which is the coalition for herring’s orderly informed and responsible management. I always get hesitant about coming before the SAC. I’ve done it a couple of times over my 20 years of being involved in advocacy and that’s because it’s not really a fisheries management body. But I do acknowledge your charge in the program and I very much want to applaud your interest in this what I feel is a very serious subject. So the behavior of this particular gear and not necessarily just these companies, but the behavior of the midwater trawl fleet worldwide is to find an area, to identify it, to begin to find a way in to begin fishing this industrial gear and then to expand the fishery in that area until the public runs them out. That’s the behavior of this fishery worldwide. As you go down your investigation of what’s going on on the Bank, I would like to encourage to become very active in how the NEFMC is managing the herring fishery. As somebody who grew up around the banks of this Bank, growing up in Boston, living on the south shore of MA and now living on Cape Cod, I am very aware and have fished most of my life out here. This gear was permitted into New England waters for one reason that is because it promised, it guaranteed it did not catch ground fish. This gear now has a haddock catch cap in places because millions of pounds of juvenile haddock are caught in this gear. This gear catches river herring as a bycatch. It has to have river herring caps in certain places because of it. These kind of things catch caps for haddock, catch caps for river herring will need to be implemented in Stellwagen Bank if this gear is allowed to continue. In every place that this gear is known to have operated, where it is still allowed to operate, the whale watch community goes absolutely nuts trying to drive them out. Why? Because the whales leave when the forage is depleted. That’s why. This gear is in my opinion, this gear is incompatible with the ecosystem and the special place that is Stellwagen Bank National Marine Sanctuary. Small boat commercial fisheries absolutely attack it when these industrial gears come through. You can look at what happens on Cape Cod, as part of our organization CHOIR, was formed by small boat commercial for hire recreational and private recreational fisheries who did not like seeing what is happening to their ecosystem. I very much want to encourage to support the proposed buffer zone. There is a place for this gear and it’s way off shore. Because we see it on Cape Cod very heavily where the fishery has increased. You were shown today a graph. I would tell you that that graph shows very clearly that the catch on Stellwagen Bank of this gear is increasing. This is exactly the way the behavior of this fishery is. You should be concerned. You should be afraid for what’s getting ready to happen on Stellwagen Bank. And I just encourage to get active to with the herring fishery and oppose this fishery from growing here.”

Rob Moir

"I am Rob Moir from the Ocean River Institute. With Mike Flaherty, we are one of the plaintiffs in the case that is calling for ecosystem-based management of herring. I am only going to speak to you today about our concern about the river herring. As you know since 1976, much has been spent on improving conditions for river herring. \$8 billion of government money and more than that matched by private interests, anglers and recreaters have gone into restoring conditions for river herring. Now these midwater trawlers, you've heard how big the boats are, well the nets can be 6 stories high and one trawl can catch 800,000 pounds of fish. And we know that much of the life of river herring is out swimming in the ocean often if not always schooling with the sea herring. And so there has been much research on identifying hot spots, but there are all within 50 miles of the shore. So we are strongly urging the fisheries council to respect the 50-mile limit and have these big boats work off shore. By weight, sea herring is the fourth largest fishery in the world. So there is a lot of sea herring out there. But we've got to keep them away from our sensitive ecosystems like Stellwagen. Thank you."