



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
Office of National Marine Sanctuaries  
Stellwagen Bank National Marine Sanctuary  
175 Edward Foster Road  
Scituate, Massachusetts 02066  
Tel: 781.545.8026 Fax: 781.545.8036

**53<sup>rd</sup> SANCTUARY ADVISORY COUNCIL**  
**May 22, 2018 9:30 am-2:30 pm**  
**NOAA GARFO, Gloucester MA**  
**MINUTES of MEETING**

**Present:**

|                       |   |
|-----------------------|---|
| Bill Adler            | Primary: Fixed Gear Commercial Fishing    |
| Jennifer Anderson     | Federal: NOAA Fisheries GARFO             |
| Kevin Blinkoff        | Primary: Recreational Fishing             |
| Shelley Brown         | Alternate: At Large                       |
| Todd Callaghan        | State: Coastal Zone Management            |
| Christina Ciaramatero | Alternate: Education                      |
| Deborah Cramer        | Primary: Alternate                        |
| Tracey Dalton         | Primary: Research                         |
| Rich Delaney          | Primary: Education (Vice Chair)           |
| Tim Donovan           | Federal: NOAA Office of Law Enforcement   |
| Susan Farady          | Primary: Education                        |
| John Galluzzo         | Primary: Maritime Heritage                |
| Laura Howes           | Primary: Whale Watch                      |
| CPT Kevin King        | Federal: First US Coast Guard District    |
| Martin Klein          | Alternate: Maritime Heritage              |
| Heather Knowles       | Primary: Diving (Chair)                   |
| David Marrocco        | State: Massachusetts Environmental Police |
| Bob McCabe            | Primary: Marine Transportation            |
| Frank Mirarchi        | Alternate: Mobile Gear Commercial Fishing |
| Cate O'Keefe          | State: Mass Division of Marine Fisheries  |
| Monica Pepe           | Alternate: Education                      |
| Wayne Petersen        | Alternate: Research Primary               |
| Kevin Powers          | Primary: At Large                         |
| Carol Voigt           | Alternate: Marine Transportation          |
| Mason Weinrich        | Primary: Research                         |
| John Williamson       | Primary: At Large                         |

**SBNMS Staff:**

Ben Haskell                      Anne-Marie Runfola                      Alice Stratton

**I. Welcome New SAC Members and Approval of 53<sup>rd</sup> SAC Minutes and Review of 54<sup>th</sup> SAC Agenda (H. Knowles)**

The 52<sup>nd</sup> SAC Minutes were approved contingent upon the following clarification requested by Bill Adler:



Bill Adler comments:

i. *Section VI. Atlantic Link HVDC Cable (Emera Inc.), page 7:* Just to note that nowhere in the 52<sup>nd</sup> SAC Minutes were there comments added from the ensuing discussion that various people made regarding the Atlantic Link.

Heather Knowles: The SAC meeting Minutes are now a more streamlined version which do not contain as much detail but there is an audio transcript available to review if necessary. This is a new format and feedback is good.

Anne-Marie Runfola: Audio of verbatim transcript is always available upon request.

ii. *Section IV: SAC Updates, subparagraph vi., page 6: SAC Summit Update (Rich Delaney), item 3:* “A major focus of several panels and presentations was the relationship of recreational fishing with sanctuaries. This has been and continues to be a challenging relationship with top lobbying 6 ***officials in DC and commercial recreational entities being very negative.*** Yet everyday recreational fishers been more appreciative of the benefits of sanctuaries.”

Bill Adler asked for clarification regarding Rich’s statement (bolded) above.

Rich Delaney’s clarification of above statement: *“It was noted that despite significant support and appreciation of sanctuaries by recreational fishers who use them, the national recreational fishing industry leadership in DC often takes positions that are not supportive of sanctuaries.”*

***Motion: Minutes approved: 12 yay; 2 abstain; no nays.***

## **II. SAC Business (B. Haskell and A-M. Runfola)**

i. SAC Recruitment Update (AM. Runfola)

Recommendations from the February 28<sup>th</sup> recruitment deadline are ready to send to ONMS headquarters for final vetting and approval. Seats recruited:

At Large Alternate  
Conservation Alternate  
Maritime Heritage Primary  
Maritime Heritage Alternate  
Research Primary

An update on the results of the February 28<sup>th</sup> recruitment will be provided at the 54<sup>th</sup> SAC meeting in October.

ii. SAC Executive Committee Elections (A-M. Runfola)

The current SAC Executive Committee has agreed to remain in their respective seats for another 1-year term.

Heather Knowles, SAC Chair  
Rich Delaney, SAC Vice-Chair  
John Galluzzo, SAC Secretary

***Motion: To reelect the current SAC Executive Committee for a 1-year term. Passed unanimously.***

iii. SAC Individual Work Plans (A-M. Runfola)

SAC members are reminded to please submit their individual work plans. A shared Google Doc will eventually be available for SAC members review input.

### **III. Sanctuary Updates**

i. Budget (B. Haskell)

SBNMS finally has a budget in place. Funding has been allocated to fixing the boathouse floating dock that was damaged during the last Nor'easter and for *R/V Auk* maintenance. There was no extra funding made available for research or education outreach. Ben Haskell has put in a request to hire a resource protection specialist and a program specialist to backfill the two present vacancies – Maritime Heritage and External Affairs Coordinator. The priority now is to have a resource protection specialist to focus on fisheries issues and a program specialist to help with social media outreach, high quality video production, IT support, among other duties. At some point in FY19, the resource protection specialist may be approved. It is critical to have this position filled as soon as possible to streamline the SBNMS Management Plan process.

ii. Wildlife Photography (B. Haskell)

Keith Ellenbogen, an underwater photographer, is under a 3-year grant to image sanctuary wildlife, habitats and uses. He has 4 different types of vessels at his disposal including the *R/V Auk*. He will capture images from the minute to the megafauna in the sanctuary.

iii. Recreational Fishing Funding Opportunity (A-M Runfola and B. Haskell)

The call for proposals has closed for a \$3000 grant for small projects related to recreational fishing in the sanctuary. A list of the awardees will be sent out. This is the sanctuary's pilot year and grew out of the recreational fishing summit that was held in 2016. Recreational fishing is encouraged in the sanctuary and staff is working closely with SAC Recreational Fishing Chairs, GARFO and other partners. Next year, the grant will be increased to \$5000 with possible matching funds from applicants. The goal is to build a great partnership between SBNMS and the recreational fishing community.

### **IV. SAC Updates**

i. Maritime Heritage Working Group Update (H. Knowles)

The Maritime Heritage Working Group kickoff meeting was held in May and was a really good first meeting focused on getting everyone up to speed and on the same page. The time was spent on understanding the regulatory and legal framework particularly regarding the National Register and its implications. A NOAA attorney attended the meeting to explain the legal implications. It was fascinating input and set the baseline on managing maritime resources including not only shipwrecks, but other artifacts and other evidence of cultural resources and landscapes. The scope is pretty broad and there is a lot of opportunity to go beyond just shipwrecks. Management Plan Action Plans were discussed with the list of objectives and prioritizations to orient the group and to

use that as a framework for the next meeting. Ben Haskell gave a PowerPoint on the side scan survey of the area that was affected by scallop fishing in 2017. The working group plans to convene at least two more times in 2018. The group is moving quickly and hoping to accomplish a lot during the year.

ii. Business and Tourism Subcommittee (J. Galluzzo)

The business and tourism subcommittee met for the first time and discussed changes in perception of SBNMS over the past four years as discerned from two studies (2013 and 2017) of regional tourism bureau and chamber of commerce websites, one of which listed the sanctuary as "Stellwagen Bay." The subcommittee discussed overall goals and first steps, which included outreach to those regional tourism boards and chambers of commerce with standardized language about the sanctuary, etc. The state has also recently opened a "whale trail" without consulting sanctuary staff, despite outreach from the SAC. A meeting is being scheduled with the state tourism board. The subcommittee will tackle the "business" side of the committee's work after these initial steps are taken.

iii. Management Plan Subcommittee (J. Williamson)

John Williamson reported on the subcommittee's second meeting held in May. The subcommittee went through the remainder of the portions of the Management Plan that are not being covered by the Small Boats and Maritime Heritage working groups. The subcommittee went through a vigorous assessment of the Actions Plans in the Management Plan. It now is awaiting the release of the Condition Report so that at the next meeting, the report will be available and the subcommittee can begin to look for recommendations to be made in the Management Plan based on the new conditions in the sanctuary.

iv. Small Boats Working Group (L. Howes)

SBI-WG Membership

- Laura Howes, Chair of Working Group
- Dave Slocum, SBNMS Staff
- Constituent seats consist of SAC & outside members in Whale Watching, Recreational Fishing, Conservation, Research, Marine Transportation, Education, GARFO, Federal Enforcement, Coastguard, For-hire recreational boating, and tourism/business
- Technical advisors in research, MMPA, vessel-strike studies, and tuna permitting

Accomplishments so far

- 4 meetings since May 24th, 2017
- Many discussions resulting in classification of a small boat, and sharing the perspectives of different constituents
- Defined a "small boat" as a matrix of 4 categories, defined to be ≤65 feet:
  - Commercial Fishing
  - Charter
  - 6-Pack
  - Recreational non-licensed

Meeting Themes

- In order to focus discussion from the broad term "recreation boat", each meeting has focused on a particular matrix and/or constituent

- See-A-Spout overview presentation (Monica Pepe)
  - Lots of great effort, and a great resource to utilize
- Vessel-strike scar study presentation (Alex Hill)
  - At least 14.7% humpbacks hit by vessels, highly unreported
- Background and history of the Marine Mammal Protection Act (Regina Asmutis-Silvia)
- Overview of national Whale Watching guidelines and regulations (Demian Schane), followed by a discussion about guidelines and regulations
  - Education and outreach appears to be our best plan of action

#### Meeting Themes

- Recreational Boat count study presentation (Laura Howes)
  - Over 50% of the time, recreational boats break the stand-by zone
  - Whale watch boats = a magnet
- SBNMS BOWW Program presentation (Dave Slocum)
  - Positive outreach, increased number of trips
- Overview of Freedom Boat Club (Matt O'Connor)
  - Member training program, growing membership (41% from 2016-2017)
  - Boaters want to be educated politely
- Report of NOAA Enforcement (Tim Wilmarth)
  - Challenges of Enforcement: Guidelines vs. Regulations
  - Enough time on the water a challenge, but a new patrol vessel coming

#### Accomplishments

- See-A-Spout redesigned poster and brochure shared with group for feedback
- Coordination with GARFO to combine efforts for outreach and awareness
- Survey put together by Sailors for the Sea for their supporters, used Sea-A-Spout quiz for a reference
  - 36 responses
  - Most didn't know to avoid head-on approach, or to drop sails and turn on auxiliary motor when near whales
  - Boaters look to the SBNMS website for information about safe boating around whales
  - Most do not use VHF radio for information

#### Accomplishments

- SALT at the New England Boat Show
- Over 4,000 visitors in four weekend days, info table staffed off and on during the week by SBNMS, NOAA OLE, NOAA Fisheries Port Agents, Boston Harbor Cruises Whale Watch Naturalists. 50,000 total attendees at show
- Safe boating habits around whales & SBNMS awareness

#### Recommendations to the SAC so far

- Encourage grassroots initiatives: more positive outreach activities
- Leaning away from new regulations (not much reality to it)
- Call for more enforcement
- More support for BOWW for busy summer days
- Support GARFO's efforts
  - Sea-A-Spout partnership with Coast Guard Auxiliary
  - Coordinating with state vessel registrations to reach out to boaters before they get on the water
- Encourage boater outreach during other SBNMS cruises (when possible)

- Keep small boat interactions a high priority
- Include easy-access information for rec boaters on SBNMS website (targeted outreach)

#### Still to do

- Looking for more input from harbor masters, tuna fishery, 6-pack charter constituents
- Looking for other events to partner with and other outlets for positive outreach
- The SBI-WG would like one more year!

Laura Howes requested that the Small Boats working group be extended one more year.

***Motion: To extend the duration of the Small Boats Working Group in order to align and support the Management Plan Review. Passed unanimously.***

## VII. Agency/Government Reports

### i. MA Coastal Zone Management (T. Callaghan)

CZM participated in the recent MIT Seagrant grant reviews. The focus of the grants in this round is on aquaculture and ocean/coastal acidification. CZM advocated for the ocean pH modeling work to cover Stellwagen Bank National Marine Sanctuary and to model pH at the seafloor, where there are more sensitive receptors such as lobsters and sea scallops (among others).

CZM has been working with the Division of Marine Fisheries on a Special Review Procedure for offshore aquaculture activities within State waters. The Special Review Procedure is a process allowed for under the Massachusetts Environmental Policy Act that is in this case would be used to facilitate the Massachusetts Aquaculture Permitting Plan. Two key review criteria are that applicants must minimize entanglement hazards and minimize user conflicts with existing areas of recreational and commercial fishing. Given the national focus on expanding ocean aquaculture, CZM encourages the Sanctuary to revisit its aquaculture guidance in its Management Plan, as the lines that support mussel and kelp operations may conflict with existing management activities and resources.

CZM will be participating in a two day Offshore Wind Marine Mammal Science Framework Workshop at UMass Dartmouth. The Massachusetts Clean Energy Center (MassCEC), The Massachusetts Executive Office of Energy and Environmental Affairs, the Bureau of Ocean Energy Management (BOEM) and the New England Aquarium (NEAq), are convening the two day working meeting that includes marine scientists, environmental NGOs, regulators, public stakeholders and offshore wind leaseholders in order to develop a scientific research framework (the "Framework") that will guide the long term study of potential impacts to endangered whales and sea turtles associated with offshore wind facility construction and operation in the northeast.

### ii. MA Division of Marine Fisheries (C. O'Keefe)

Vessel Speed Limit and Trap Gear Closure in Cape Cod Bay to Protect Right Whales:  
The Division of Marine Fisheries has lifted the emergency regulatory closure on the setting of lobster traps and speed limit of 10 knots or less on small vessels (smaller than 65') in Cape Cod Bay effective May 15, 2018. The Division enacted the emergency regulations to protect vulnerable aggregations of endangered northern right whales in Cape Cod Bay in April. The regulations were designed to reduce the risk of collisions with vessels and entanglements.

Based on results from an aerial survey of Cape Cod Bay conducted by the Provincetown Center for Coastal Studies, which did not observe any right whales remaining in the region, the Division lifted both regulations.

Comments Submitted to BOEM on Vineyard Wind Construction and Operation Plan: The Division of Marine Fisheries submitted comments to the Bureau of Ocean Energy Management's Notice of Intent to Prepare an Environmental Impact Statement for the Vineyard Wind Energy Project. The comments focused on potential impacts to ecological and socioeconomic impacts associated with Vineyard Wind's proposal to develop an offshore wind energy facility in the Massachusetts Wind Energy Area.

iii. NOAA Office of Law Enforcement (OLE) and MA Environmental Police (MEP)  
(T. Donovan and D. Morocco)

OLE conducted a saturation patrol focused on enforcing the Northern Gulf of Maine scallop fishery (primarily within the sanctuary). 124 patrol hours were dedicated. 34 of the 37 vessels participating in the fishery were boarded. 18 violations were documented and investigations ongoing.

OLE collaborated with USCG to confirm all fixed gear was removed from the Massachusetts Restricted Area (which includes the sanctuary) during the closure. Only 1 buoy was spotted via air patrols (advised MEP). OLE and USCG continue to collaborate on enforcing gear closures in other areas to prevent whale entanglements

OLE received reports of legal size cod discards by trawlers in the sanctuary and have opened an investigation.

OLE hopes to begin conducting sea trials of the 2 new patrol boats at the Metal Shark facility in Louisiana this July.

MEP referred 3 violations that occurred in the Sanctuary recently.

- a. A gillnetter not using pingers when required,
- b. a charter/head boat fishing for/retaining cod and
- c. a scallop overage out of Provincetown.

There have been a total of 43.5 vessel hours and 84 personnel hours recorded specifically in SBNMS since October 2017 from the Joint Enforcement Agreement (JEA) standpoint. 23 commercial fishing vessel contacts.

Again, as always, it is stressed that numerous hours patrolled within SBNMS are categorized as something different than SBNMS when it comes to JEA specifically (for instance Northeast Multiple Species, Highly Migratory Species, or Atlantic Sea Scallop patrols). Despite having a section in the officer notes to record these hours in SBNMS, most officers are not using it. I also do not record the hours that go into IMC (automated dispatch system database) for patrols like boating safety patrol etc. in the sanctuary.

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

Preserve America Grant:

We received a Preserve America grant to record oral histories of the whale watching industry for inclusion in NOAA's Voices of the Fisheries initiative. We will focus on how the industry has changed and hope to tell unique stories of individual experiences with particular whales (Salt, Nile, etc.). We are hoping to put together a traveling photographic display. We will also be developing a safe boating public service announcement with funds from the grant.

**Atlantic Large Whale Take Reduction Team Update:**

GARFO held two teleconferences and two in-person meetings with subgroups of the Atlantic Large Whale Take Reduction Team to investigate the feasibility of gear modifications that may help reduce entanglement risks in the future. One group discussed the feasibility of ropeless fixed gear, and one discussed whale release rope and gear marking feasibility. A feasibility report identifying the findings of these subgroups is being drafted for review by the subgroups. Submission to the Team is anticipated in the Fall 2018 and will inform discussions on modifications to the Take Reduction Plan.

**Atlantic Herring Update:**

A benchmark herring stock assessment is undergoing an independent peer review process. It will be completed in the summer of 2018, as early as July. Preliminary indications are that the fishery may need a drastic quota cut in 2019 through 2021. The assessment is showing that the resource has been diminished and that there is very poor recent recruitment. NMFS and the New England Fishery Management Council are developing plans on how to react to the assessment.

**VIII. New Business:** None.

**IX. Public Comment:** None.

**X. Adjourn:** 1:45 pm.

SAC invited to celebrate the new sanctuary exhibit at Maritime Gloucester after the meeting.