



**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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**62<sup>nd</sup> STELLWAGEN BANK NATIONAL MARINE SANCTUARY ADVISORY COUNCIL (SAC)  
MEETING  
Virtual GoToWebinar  
Wednesday, May 12<sup>th</sup>, 2021 8:30 am – 12:30 pm  
MINUTES of MEETING**

**SAC Members Present:**

Bill Adler	Primary:	Fixed Gear Commercial Fishing
Michelle Bachman	Federal:	New England Fishery Management Council
James Bailey	Alternate:	At Large
Terri Birkeland	Alternate:	At Large
Kevin Blinkoff	Primary:	Recreational Fishing
Andrea Bogomolni	Primary:	At Large
Tim Brady	Alternate:	Recreational Fishing
Jonathan Brink	Alternate:	Whale Watch
Shelley Brown	At Large:	Alternate
Todd Callaghan	State:	MA Coastal Zone Management (Chair)
Tracey Dalton	Primary:	Research
Rich Delaney	Primary:	Education
Tim Donovan	Federal:	NOAA Office of Law Enforcement
Susan Farady	Primary:	Education (Vice Chair)
John Galluzzo	Primary:	Maritime Heritage
Allen Hale	Primary:	Youth
Laura Howes	Primary:	Whale Watch (Secretary)
Moira Kelly	Federal:	NOAA GARFO
Martin Klein	Alternate:	Maritime Heritage
Heather Knowles	Primary:	Diving (Chair)
Laura Lilly	Alternate:	Education
Marissa Marcoux	Alternate:	Diving
Dan Martino	Primary:	At Large
Chris McGuire	Primary:	Conservation
Conor McManus	Alternate:	Research
Frank Mirarchi	Alternate:	Mobile Gear Commercial Fishing
Eric Meschino	Alternate:	Fixed Gear Commercial Fishing
Iben Munck	Primary:	Conservation
Kimberley Pearson	Alternate:	Conservation
Monica Pepe	Alternate:	Education
Wayne Petersen	Alternate:	Conservation
Kevin Powers	Primary:	At Large
Jeff Rosen	Primary:	Business Industry
Dawn Stancavish	Alternate:	Marine Transportation
Mason Weinrich	Primary:	Research
Kelly Whitmore	State:	MA Division of Marine Fisheries



**Stellwagen Bank National Marine Sanctuary (SBNMS) Staff:**

Pete DeCola	Anne-Marie Runfola	Elizabeth Stokes	Mike Thompson
Ben Haskell	Tammy Silva	Anne Smrcina	Alice Stratton
Hannah MacDonald (Intern)			

**Office of National Marine Sanctuaries (ONMS) Staff:**

Ed Lindelof, Policy and Planning Division  
Jonelle Dilley, NOAA Legal Counsel

**I. Welcome (T. Callaghan)**

**II. SAC Business (AM. Runfola)**

1. Review and Motion to approve Draft 61<sup>st</sup> SAC Minutes (T. Callaghan)

SAC approved the 61<sup>st</sup> SAC Minutes by consensus.

2. SAC Secretary Election

Laura Howes was nominated for a second 1-year term as SAC Secretary and elected by unanimous vote.

3. SAC Recruitment

Pete DeCola, Superintendent, sent a formal memo to John Armor, ONMS Director, requesting postponement of the SAC recruitment scheduled for this year until spring of 2022. This will ensure SAC continuity and consistency through the end of the Management Plan review process. SAC members whose terms are set to expire have agreed to continue serving in their seats during this time. It is hoped the memo will be approved. Update: The meeting is scheduled for October 13th. GARFO is reserving the room in case we are able to meet in person.

4. Reminders

SAC members should keep track of their hours.

The 63<sup>rd</sup> SAC meeting will be held in October, date to be determined. Update: The 63<sup>rd</sup> SAC meeting will be held on Wednesday, October 13<sup>th</sup> in Gloucester in person if we are able or virtually if necessary.

5. Overview: Intersection of ONMS and SBNMS Plans

Anne-Marie Runfola gave a brief overview of how the SBNMS Management Plan, SAC Work Plan, SAC Individual Work Plans, and Staff Performance Plans tie together and connect to the Office of National Marine Sanctuaries Strategic Plan. The plans give SAC and staff direction and focus, and connecting all the plans ensures we prioritize our work to meet both Stellwagen and national goals.

### III. Sanctuary Business

#### 1. SBNMS Management Plan Review and Strategies (A. Stratton and P. DeCola)

Alice Stratton and Pete DeCola provided an update on the status of management plan review. Alice began with a brief explanation/reminder of how the management plan has been developed, and also described the components of the document (background, action plans, prioritization, and environmental assessment) and the overarching goals of the action plans. Alice then described each of 15 action plans and their associated strategies. Pete explained the prioritization process that staff used as well as the process used to develop an estimated annual budget that would be required to implement the entire draft management plan. Alice finished up with a description of the environmental assessment. Staff are seeking advice from Federal and state Tribes to determine the level of engagement they may be interested in providing towards management plan development.

#### 2. SAC Work Plan (T. Callaghan)

The SAC Chair described how the annual SAC work plan describes the various actions that SAC members have taken on from the SBNMS Management Plan. The Chair described how the annual SAC work plan will now be a living document--updated via Google Docs as progress is made and as new items of interest arise. The SAC work plan leads gave brief updates on the status of ongoing and completed actions.

#### 3. SBNMS Visitors Center Conceptual Design Update (AM. Runfola)

Anne-Marie Runfola gave a brief update on the status of the Visitor Center conceptual design phase. The project team, community steering committee, and the Town of Provincetown boards and commissions have narrowed the project to one site and two options for design. To complete this phase of the project, the team will finalize the design, cost estimates, booklet and presentation to use for outreach and fundraising, and the interpretive conceptual design. The team is also refining the draft Memorandum of Agreement for the three project partners to approve.

#### 4. National Academy of Public Administration (NAPA) Review (T. Callaghan)

Todd Callaghan, SAC Chair, discussed a recent (March 2021) National Academy of Public Administration (NAPA) "external review" of the National Marine Sanctuary System. The Chair shared five slides from the report that detailed: NOAA's financial commitment to the sanctuary program, some recommendations from NAPA on how to improve system administration including looking at novel funding mechanisms, and a list of "key future outlook areas" for the sanctuaries to note. Two of these focus areas are aquaculture and marine energy development. The Chair described how offshore aquaculture and wind activities are becoming more important in state agency environmental review and permitting and asked the SAC members and SBNMS staff to consider what sorts of use policies SBNMS should consider if and when the time comes to allow such uses in the sanctuary. The SAC agreed to review the NAPA report, send comments to the Executive Committee, and have the Executive Committee formulate a letter from the SAC to Superintendent DeCola to ultimately be sent to ONMS.

*Action: The Chair asked SAC members to please read the document and send comments to the SAC Executive Committee by June 12<sup>th</sup>. The Executive Committee will then compile comments and write a letter to Pete DeCola and vote on a letter at the October SAC meeting.*

***MOTION: That SAC establish a Subcommittee to take the comments solicited by SAC members and turn them into a letter from the SAC to respond to the NAPA document. Passed unanimously.***

#### **IV. Agency Reports**

##### **1. MA Coastal Zone Management (CZM) (T. Callaghan)**

- CZM continues to work with NOAA Office of Coastal Management and the state coastal programs from Maine and New Hampshire on a comprehensive seafloor topography map of the entire Gulf of Maine (including SBNMS). The team will use advanced GIS tools to map various features using the federally-approved naming scheme set out in the Coastal and Marine Ecological Classification Standard. The hope is that by mapping these geomorphological features (ridges, valleys, basins, flats, boulder fields, etc.), the coastal programs can more easily protect important habitats from emerging offshore development (cables, wind structures, aquaculture pens/lines, sand extraction).
- CZM continues to work on its 5-year update of the MA ocean plan [same as the 2/10/21 update]
  - Draft plan expected in June 2021 for internal review.
  - One management framework objective is to develop a matrix of compatible uses and vulnerabilities of various classes of benthic species to specific ocean construction techniques (cable laying, sand extraction, etc.).
  - Cable industry commented that it would like to see the development of “presumably permissible” pathways north and south of Stellwagen Bank NMS.
- CZM continues to work with offshore wind developers [same as the 2/10/21 update]
  - Ensure that routes and methods will have minimal impacts.
  - Research programs.
  - Financial mitigation packages.

##### **2. MA Division of Marine Fisheries (DMF) (K. Whitmore)**

#### **North Atlantic Right Whale Conservation**

DMF’s ongoing efforts to protect the North Atlantic right whale include new regulations enacted for fixed gear fisheries, industry outreach on required gear modifications and clarification of buoy line marking rules, an extension of small vessel speed restrictions, and advisories to mariners on whale presence.

- A new commercial trap gear closure went into effect on March 5, 2021 which extends the prior seasonal state waters commercial trap gear closure in both space and time. The prior closure occurred from Feb 1-Apr 30 within Cape Cod Bay, Stellwagen Bank, and the Outer Cape Cod Lobster Management Area. The new closure area extends north from Scituate Harbor to the New Hampshire border and the duration is extended through May 15. During May 1-May 15, the closure will occur on a dynamic basis allowing DMF to lift the closure if whales no longer remain in state waters.
- A new commercial gillnet closure went into effect on March 5, 2021 which spatially extends the Jan 15-May 15 commercial gillnet closure in Cape Cod Bay to include a discrete area along the South Shore between Plymouth and Scituate; the northern boundary is now 42°12’N.
- Effective May 1, 2021, a new regulation requires all commercial trap fishermen to fish buoy lines that break when exposed to 1,700 pounds of tension. This new weak rope rule applies to any buoyed commercial trap gear and may be achieved by fishing specially manufactured buoy lines

or by inserting approved contrivances into the top 75% of the buoy line every 60'. DMF continues to develop the list of approved ropes or contrivances; visit DMF's Trap Gear Modification webpage or email us at [conservationsolutions@mass.gov](mailto:conservationsolutions@mass.gov) for updates. Throughout March, DMF held gear distribution events for samples of weak rope and Novabraid sleeves at no cost to industry and held demonstrations and Q&A sessions on their installation.

- Effective May 1, 2021, all commercial trap fishermen are to fish buoy lines with a maximum diameter of 3/8".
- An annual Nov 1-May 15 recreational lobster and crab trap gear closure went into effect March 5, 2021. All recreational trap fishermen are to fish buoy lines with a maximum diameter of 5/16".
- DMF held a public hearing to clarify how existing buoy line marking rules apply this season. DMF has proposed changes to buoy line marking rules for Feb 2022; public comment accepted through May 20, 2021.
- DMF extended the seasonal small vessel speed restriction in Cape Cod Bay through May 15, 2021 due to the presence of at least 160 right whales in the Bay and along the South shore sighted on Apr 27 and 28. Small vessels (less than 65') are required to travel at speeds no greater than 10 knots in this area from Mar 1 to Apr 30. A complementary federal speed restriction in the same area applies to vessels 65' and greater until May 15. This rule is designed to prevent small vessel ship strikes involving these endangered whales.
- This spring, DMF issued several advisories/alerts to mariners of right whales in MA waters detected through aerial and acoustic surveillance.

### **Massachusetts (MA) Port Profiles Report**

DMF, the Urban Harbors Institute at UMASS Boston, and the Cape Cod Commercial Fishermen's Alliance released a new report [Port by Port: Profiles and Analysis of the Massachusetts Commercial Fishery](#) which provides an overview of commercial fishing in MA and, for the first time, describes conditions in each municipality with a commercial homeport. The report highlights the important role that commercial fishing plays in the state's economy, as well as access and infrastructure challenges that limit the industry's current operations and growth.

### **Shellfish Initiative**

DMF Director McKiernan chairs the Massachusetts Shellfish Initiative (MSI) task force. The MSI recently released a [strategic plan](#) to maximize economic, environmental, and social benefits of Massachusetts' extensive shellfish resources. The plan provides recommendations on how to balance competing demands for shellfish resources and create a stronger shellfish industry.

### **Seminar Series**

DMF staff continues its live virtual seminar series. Archived seminars are available on [MA Marine Fisheries YouTube Channel](#).

### **Recreational Fishing Rules & Striped Bass Conservation**

- Beginning this 2021 season, recreational anglers fishing for striped bass with bait are required to use inline (non-offset) circle hooks, coast wide. Inline circle hooks reduce the likelihood of "deep hooking" a fish which in turn increases catch/release survival; refer to DMF's Circle Hook Brochure and Responsible Angling Techniques for additional guidance.
- Recreational Gulf of Maine (GOM) cod and haddock seasons opened on Apr 1st under rules established by DMF consistent with federal regulations. GOM cod: Apr 1-Apr 14 and Sep 15-Sep 30, 1 fish, 21" min. GOM haddock: Apr 1-Feb 29, 15 fish, 17" min. Recreational anglers are reminded that groundfish fishing within the Spring Cod Conservation Zone (SCCZ) is prohibited; the SCCZ protects a discrete inshore springtime cod spawning aggregation in Mass Bay.

Anglers are encouraged to consult DMF's Haddock Fishing Guide for areas where they may seasonally target haddock with a reduced likelihood of incidental cod catch.

### **Atlantic Herring Commercial Fishery**

DMF staff participate in regional Atlantic herring management through the New England Fishery Management Council (NEFMC) and Atlantic State Marine Fisheries Commission (ASMFC). The NEFMC continues to work on rebuilding and development of herring spawning protections on Georges Bank. The ASMFC set initial effort control measures for the 2021 Area 1A (GOM) Season 1 directed fishery (1,058 mt quota) starting June 13 with five landing days per week.

### **Offshore Wind Development**

DMF submitted comments on Deepwater Wind South Fork's Draft Environmental Impact Statement to the Bureau of Ocean Energy Management. Comments focused on potential ecological and fishery impacts associated with South Fork's proposed alternatives for offshore wind development in and around Cox Ledge (within the Rhode Island/MA Wind Energy Area), an area important for cod and other fishery resources.

### 3. NOAA Office of Law Enforcement (OLE) (T. Donovan)

#### Staffing

- Tim Donovan is retiring June 25, 2021 and has accepted a position in Ireland with the Sea-Fisheries Protection Authority.
- Tim Wilmarth has accepted a Special Agent position but will continue support to SBNMS as he trains a new Enforcement Officer.

#### Operations/Investigations

- OLE received reports of unmarked gear in the sanctuary.
- OLE conducted a joint operation to enforce the Mass Restricted Area for lobster gear and Atlantic Large Whale Take Reduction Plan measures.
- Investigated a report of a pilot violating the 1500-foot approach regulation for right whales and provided compliance assistance. The pilot was subsequently dropped from sightseeing flights by the business owner.

#### Activities

- A voluntary shipwreck avoidance area has been established via vessel monitoring system (VMS) for 4 wrecks in the southern part of the sanctuary.
- Vessels that enter this geofenced area at fishing speeds are receiving automated messages sent by our vTrack monitoring system.
- OLE's Investigative Analyst Dow continues to provide monthly analysis.
- OLE's patrol boat returns with several upgrades later this month and will continue to conduct patrols in the sanctuary and throughout D1.
- OLE's sanctuary liaison held an annual sanctuary enforcement meeting to collaborate with enforcement partners, sanctuary management and NOAA Fisheries Protected Resources Division.
- The acoustics project is funded and the project is ongoing with planning underway. The group is currently working to secure a dragger to make tows near the device this summer, Jul/Aug as a projected timeframe. The acoustic devices have been procured. To date, we are on target to meet the project's objectives outlined in the proposal. We are holding monthly status meetings at this point but may increase those closer to summer and when deployment of equipment gets closer.

#### 4. New England Fishery Management Council (NEFMC) (M. Bachman)

The New England Fishery Management Council last met April 13-15, and among other issues discussed Atlantic herring rebuilding and party charter groundfish limited entry. The Council is working on a herring rebuilding plan through Framework 9 to the Fishery Management Plan (FMP). The Herring Plan Development Team is analyzing a range of rebuilding scenarios, and the Advisory Panel and Committee will discuss management alternatives on June 2 and 4, respectively. Final action on the framework is planned for September. The Council invested substantial effort in considering whether limited entry for the groundfish party/charter fleet should be considered through an amendment to the Northeast Multispecies Fisheries Management Plan (FMP). After a lengthy discussion in April, the Council decided not to initiate such an action. The Council continues to be engaged in offshore development issues, including offshore wind and aquaculture, which are of interest to SBNMS. This work is discussed via the Council's Habitat Committee. For more information see our news page: <https://www.nefmc.org/news>. Plans for actions and updates at future meetings are shared via the Three Meeting Outlook, which can be found here: <https://www.nefmc.org/council-meetings>.

#### 5. NOAA Greater Atlantic Regional Fisheries Office (GARFO) (M. Kelly)

##### **Scallop Fishery Northern Gulf of Maine Scallop Closure - May 6**

NOAA Fisheries closed the Northern Gulf of Maine scallop fishery for the remainder of the 2021 fishing year for Limited Access General Category vessels. Regulations require this action once we project that 100 percent of the Limited Access General Category total allowable catch for the Northern Gulf of Maine Scallop Management Area will be harvested. This action is intended to prevent the overharvest of the 2021 total allowable catch allocated to the Limited Access General Category Fishery.

##### **Scallop Framework Adjustment 33**

Scallop Framework 33 is pending clearance and is expected to be in place in the next several weeks. This action would, among other things, keep the Stellwagen Bank Scallop Closed Area in place indefinitely (unless/until opened through a further Council action).

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

We are finalizing an Environmental Impact Statement (EIS) and rule to modify the Atlantic Large Whale Take Reduction Plan to reduce risk of right whale mortality and serious injury in northeast lobster and Jonah crab fisheries by at least 60 percent. Our goal is the release of the EIS and final rule this summer. The Team has also begun meeting to inform expansion of the Decision Support Tool coastwide and across fixed gear fisheries. The Tool will inform the Team's recommendations to reduce the impacts of fixed gear fisheries not in the current action, including Mid-Atlantic lobster, and gillnet as well as other trap/pot fisheries coast wide. Scoping on future rulemaking is anticipated this summer and the Team will meet to develop recommendations for modifications to the Rule in the late fall and early 2022. For more information: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/atlantic-large-whale-take-reduction-plan>.

##### **Endangered Species Act Biological Opinion (BiOp) for Northeast Fisheries**

The Draft Biological Opinion on 10 Fishery Management Plans was released on January 15, 2021. This action will assess the impacts that these fisheries have on North Atlantic right whales and other Endangered Species Act (ESA) listed species. On the same date, National Marine Fisheries Service (NMFS) also solicited feedback on the draft North Atlantic Right Whale Conservation

Framework for Federal Fisheries in the Greater Atlantic to assess a plan. The Agency plans on completing the publication of these final documents by May 31.

**See a Spout, Watch Out Safe Boater Education for the US Coast Guard (USCG) Auxiliary**

We recently produced a 12-minute training video for recreational boaters on the safe operation of vessels around marine mammals. The training includes information on safe boating guidelines, reporting, and right whale regulations. The video was provided to the USCG Auxiliary Boater Safety Program and will be shared during boater safety classes from Maine through Virginia. The See a Spout, Watch Out Program is a partnership between NMFS, Whale and Dolphin Conservation (WDC), and SBNMS. More information: [www.seeaspout.org](http://www.seeaspout.org).

**Whale SENSE**

The commercial whale watching education and recognition program, Whale SENSE, will be adding three new companies this year-- from NJ, DE, and NY. Whale SENSE is a partnership program between NMFS, WDC, and SBNMS. More information: [www.whalesense.org](http://www.whalesense.org).

**V. Old and New Business:** None to report.

**VI. Public Comment:** None to report.

**VII. Adjourned:** 12:30 pm