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PUBLIC HEARING

IN RE: STELLWAGEN BANK)
)
NATIONAL MARINE SANCTUARY)

Sheraton Portsmouth Harborside Hotel
250 Market Street
Portsmouth, New Hampshire
June 16, 2008
7:14 P.M.

CRAIG MACDONALD, HEARING EXAMINER

Lisa S. Bishop, RPR
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1 MR. MACDONALD: I would like to now turn to the
2 more formal portion of the meeting where we hear the

3 comments that you have to provide, so as soon as I get the
4 list, we can begin. Ben, do you have the list of speakers?

5 MR. COWIE-HASKELL: Yep.

6 MR. MACDONALD: First speaker tonight is Kristine
7 Kraushaar.

8 MS. KRAUSHAAR: Hi. My name is Kristine
9 Kraushaar. I'm a staff attorney with the Conservation Law
10 Foundation, New Hampshire Advocacy Center, 27 North Main
11 Street, Concord, New Hampshire, 03301. The Stellwagen Bank
12 National Marine Sanctuary was designated in 1992 in
13 recognition of its nationally outstanding ecological value
14 and in recognition of the need to protect ocean treasures
15 of future generations, generations of sailors, recreational
16 boaters, divers, marine scientists, fishermen, citizens.

17 Congressman Studds (phonetic) could not have
18 conceived how badly degraded the sanctuary would become
19 over the next decade-and-a-half. The draft sanctuary
20 management plan paints a shockingly grim picture of
21 Stellwagen Bank and the destructive impacts of human
22 activities, including bottom trawling, commercial shipping,
23 and increasing industrialization of the ocean. It's a
24 travesty that Stellwagen right now is a sanctuary in name
25 only.

3

1 Unfortunately, the proposed management plan
2 provides no real and immediate protections for ocean
3 wildlife or habitat. This must change in order for
4 Stellwagen Bank National Marine Sanctuary to live up to its
5 name and to deliver on its ocean stewardship responsibility
6 to the American people. Stellwagen needs and deserves real
7 protection now. (Inaudible.) To that end, the sanctuary

8 plan must do these five things: Manage all commercial and
9 recreational activities within the sanctuary, that is all.
10 And immediately identify and protect the most vulnerable
11 habitats from harmful bottom trawling and other dangerous
12 human activity.

13 Prohibit commercial fishing for fish such as the
14 sand-lance mentioned and herring. Better manage shipping,
15 fishing and whale-watching boats to stop endangered whales
16 from being disturbed, entangled or killed when they try to
17 feed and raise their young. And develop an open and honest
18 dialogue with fishermen, whale-watch operators and others
19 about how we can all work together to manage the sanctuary
20 for future growth and economic abundance.

21 The Stellwagen management plan, as you mentioned
22 tonight, has been 10 years in the making and yet it seems
23 to propose little in the way of new and immediate
24 management that will protect and restore the ocean
25 treasure. This must change. I urge the sanctuary and NOAA

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1 to strengthen the plan significantly and ensure that
2 Stellwagen is no longer a sanctuary by name only.

3 Conservation Law Foundation will be submitting
4 formal comments by the August 6th, I believe it is,
5 deadline. And that's all for tonight. August 4th.
6 Thanks.

7 MR. MACDONALD: Thank you very much. The next
8 speaker, David Goethel.

9 MR. GOETHEL: Hi. Dave Goethel, commercial
10 fisherman and biologist, also a member of the New England
11 Fisheries Management Council, and I've been fishing in the

12 sanctuary for 35 years. My comments tonight are as an
13 individual, not on behalf of the council, I want to make
14 that perfectly clear.

15 First thing I would like to do is set the tone
16 here a little bit by what's already going on there. We
17 just heard from the previous speaker that there is no
18 management. I would tend to rather strongly disagree. On
19 the east, there is permanent year-round closure of 900
20 square miles, which includes 22 percent of the sanctuary,
21 most of the area of complex bottom.

22 On the west, there is an L&G mooring site that
23 takes up a good portion of the open bottom. To the south
24 of that is the dumping grounds, an area that is off limits
25 to fishing unless you really like your fish painted with

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1 nuclear waste and other things. To the west of that are
2 state waters which are off limits to mobile gear, so --
3 there is also a 12-inch rock hop limit which defacto keeps
4 people out of any of the complex bottom whatsoever, so I
5 would say there is quite a bit being done there right now.

6 I would also like to remind people that this
7 sanctuary was originally formed to prevent the wholesale
8 extraction of sand and gravel for the Big Dig. You can do
9 a lot of things to the middle bank, but you can't wholesale
10 remove it, and that was the original reason for the
11 formation of this. Secondary reason was because there was
12 going to be some exploration for natural gas and people
13 were afraid that the seismic activity they use would do far
14 more harm than all the fishing that's ever gone on there in
15 the last 400 years.

16 So, again, just to kind of set the history here,
Page 4

17 I do have specific comments on the document. First of all,
18 I would like to say overall, the document does provide a
19 valuable source. It is certainly all inclusive. I can't
20 think of anything you have left out or haven't covered. It
21 has a lot of information in it. That being said, I do have
22 a couple of points that I would like to see changed since
23 it is a draft.

24 Specifically, on page 55, on the effects of
25 trawling, there's a statement at the bottom of the page,

6

1 the disturbance of the seabed by mobile fishing gear (otter
2 trawls and dredges) is sometimes viewed as synonymous with
3 forest clearcutting. That's a patently inflammatory
4 statement. It was made by a pair of scientists who are
5 generally considered to be outside the mainstream of
6 scientific thought. One of them has subsequently -- I
7 won't say he has retracted, but he wished he never made it.
8 The other one is a wholesale advocate for no mobile gear
9 anywhere in the world and, you know, again, it's advocacy
10 masquerading as science.

11 On the section on wrecks -- it's kind of hard for
12 me to flip back and forth. I thought I was going to be
13 sitting down. On page 126, second bullet, it says the gear
14 rolls over the shipwreck damaging fragile structure. I
15 have sold mobile gear for 25 years. I guarantee it doesn't
16 go over any shipwreck. It comes to a screeching halt. You
17 are lucky if you get your gear back and you don't kill
18 yourself. Very dangerous situation.

19 We keep books of wrecks. I would suggest a
20 better solution to this would be to actually get together

21 and work cooperatively to identify every wreck in the zone
22 and make those what we call numbers or positions known.
23 There's no way I want to get in a wreck. I've been in two
24 of them in my life and I'm lucky -- feel I'm lucky to be
25 standing here tonight to be able to talk to you about it.

7

1 Very dangerous situation.

2 Third thing I would like to comment on is the
3 statements on -- it's on page 168, current challenges about
4 fishing impacts. Fishing has removed all of the big old
5 growth individuals among biologically important fish
6 populations. Again, I think that's a misstatement. I
7 don't believe they have been removed. Indeed, we have a
8 paper done by one of the people who is an advisor here, Les
9 Kaufman (phonetic), who went out and tested that hypothesis
10 and specifically rejected it.

11 He specifically found there were bigger fish
12 outside the sanctuary than inside. And that's not
13 unexpected to me because most of the area of the sanctuary
14 is what we call a grow-out area. It's an area that has a
15 lot of young fish and mature fish that are actively
16 feeding, as you mentioned, the sand eels.

17 Back to the effects of mobile gear, again,
18 there's a paper by Frank Moracci (phonetic) and there was a
19 study done of fish in unfished areas just to the west of
20 the closed area, and to sum up 400 pages, basically, they
21 went out and trawled in untrawled areas and monitored the
22 recovery of the flat bottom. However, their experiment was
23 prematurely ended by the first northeaster of the year
24 which totally erased everything they had on the bottom to
25 take any measurements with.

1 This is a highly dynamic area. One tide change
2 on middle bank erases -- erases every sign of human
3 activity. That's just a tide change. You throw a
4 northeaster in here and, you know, it totally rearranges
5 this place day after day. It's a very dynamic environment.
6 Those papers by the way are available through the New
7 England Fisheries Management Council. You can contact
8 Patricia Feorelli (phonetic). She can provide you with
9 copies of those. Those are peer reviewed papers.

10 I would like to see a little more information
11 provided -- it's mentioned on page 56 -- National Research
12 Council. I testified for that committee specifically on
13 the weight of a trawl door on the bottom. I actually had
14 my son who is an aerospace engineer calculate the true
15 weight of a trawl door. To save you the two-and-a-half
16 pages of calculus, some of which even I don't really
17 understand, the true weight of a trawl door, the average
18 door fish gear, number six bison door, in terms of pounds
19 and square inches is about 1/10th of a human footprint on
20 land. It's very light.

21 People think about this gear intuitively. We are
22 not trying to rip up the bottom, you know, you won't be
23 able to move. It just bounces along very benignly on the
24 bottom. I did have -- I think there is some pictures here
25 that are sensational. I don't know whether it was done on

1 purpose or it's just people were trying to give examples,
2 but, again, the figure -- figure 19 on the trawl doors

3 where they have enhanced the picture, like I said, the
4 average -- the average furrow on a trawl door is
5 approximately 2 centimeters deep. The tide erases them
6 every tide.

7 Also, the figure on page 61 with the whale with
8 the recreational fishing gear wrapped around its snout, I
9 have seen a lot of whales, I've been on the ocean for over
10 40 years, I have never seen a whale with a squid rig
11 wrapped around him. Obviously it happened once because
12 somebody has a picture of it, but I don't think it's
13 indicative of recreational fishing or interactions between
14 fish and -- fish and mammals and I just think it would be
15 better if it was gone.

16 The last thing I would like to say because I must
17 be getting close is I think it might be a good idea -- I
18 think the people who wrote the document have probably been
19 working on it for so long that they don't notice a lot of
20 subtlety in the document. I think it might be a good idea
21 to have people who are not familiar with the sanctuary
22 process, you know, edit the document to remove what I
23 consider to be a subtle bias against lots of user groups.
24 I don't think it was done intentionally.

25 I think in an attempt to describe what happens

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1 there, people have used terms that -- some I just
2 highlighted -- and tend to create a picture in people's
3 minds and some of the pictures definitely create a picture
4 in people's minds of atypical events, of extremes that may
5 be happening there, but, you know, I think it would be a
6 good idea to go through and try to find a way to remove
7 those so we have more of a balanced document. Thank you.

8 MR. MACDONALD: Thank you very much. And,
9 thanks, that was my fault, I lost all track of time, but
10 thank you very much. The next speaker is John Makowsky.

11 MR. MAKOWSKY: My name is John Makowsky. I have
12 been a life-long commercial fisherman. I live on 18
13 Roberts Drive in Hampton, New Hampshire. I have a comment.
14 I think it's terrific, you know, the idea of the sanctuary,
15 and I love the zoo and I would love to have an aquatic one,
16 that's fine. I also though am concerned about the impact
17 on the commercial fishermen.

18 As usual, there seems to be a real stigma to be a
19 commercial fisherman to provide any seafood or lobster or
20 whatever to the plate, it's nice to have you around in the
21 harbor, but I think a lot of burden of the responsibility
22 of keeping the fish stocks high in these sanctuaries, once
23 again, is twisting the screws a little more down on highly
24 regulated practices of fishing now.

25 I'm more interested in seeing something done with

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1 some real teeth in it to try to improve the eco-cycles in
2 our oceans here. And growing up -- and if you speak to any
3 older fisherman who has grown up or any older person who
4 has been around for awhile, they can tell you the harbors
5 were always teaming with fish and -- along the shorelines,
6 the harbors, estuaries, we had lobsters, we had fish, you
7 could catch almost anything. And I also was under the
8 impression that this was a true nursery that was part of
9 the backbone of the ocean.

10 And there aren't any fish in these harbors
11 anymore and there are not any lobsters and the reason why

12 is there's -- and it seemed to be ignored and lost in all
13 the direction in trying to save the ocean's fisheries here
14 and it's because of the big gorilla in the room that nobody
15 wants to go after and that's the fact that we are pumping
16 toxins into the water that are designed to kill
17 invertebrates and to kill plankton and to kill things and
18 it happens to be chlorine and pesticides and fertilizers.

19 And I think if you want to save more of the
20 fisheries on those sanctuaries, you should do something to
21 save the juveniles and get off this idea of constantly
22 trying to save the adults. We are not going to go anywhere
23 and increase it enough that only the adult survival rate
24 increases, but the juveniles are being wiped out as soon as
25 they leave the room. You just have to have more. Those

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1 fish aren't going to stay there. They have to come from
2 somewhere and so does their food.

3 And it's much more important, I always thought,
4 that that coastline and our estuaries -- and not enough is
5 done. It's just ignored and I know why, but it's a big --
6 it's a big one that takes all our responsibilities. Thank
7 you.

8 MR. MACDONALD: Thank you very much. Next
9 speaker, Erik Anderson.

10 MR. ANDERSON: Thank you. My name is Erik
11 Anderson, resident of Portsmouth, 38 Georges Terrace. I'm
12 also president of the New Hampshire Commercial Fishermen's
13 Association. I would like to reiterate some of the
14 comments made by Mr. Goethel. I think if you go back to
15 the historical beginning of the sanctuary, there were
16 agreements that were -- that were originally established

17 and that was one that was not in your presentation.

18 Your presentation seemed to focus on the
19 activities that take place there now and a lot of the focus
20 was on the fishing activities. We originally agreed
21 that -- when the sanctuary was established that fishery
22 issues would not be a component of the sanctuary at some
23 particular time. This is transitioning and it concerns me
24 very greatly that the sanctuary is now going to become
25 fishery managers at some particular time. Granted, the

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1 plan is not developed yet, but the inference of your
2 presentation is that there should be some extreme controls
3 on the human activity that takes place there right now and
4 that, as you described, is commercial fishing.

5 There is management plans for that. There is a
6 management process for that. The current regulations that
7 exist in the fishery right now are probably some of the
8 most severe regulations the industry has ever seen. So
9 taking it to the next step of having another body come in
10 and designate the activity there -- the fishing activity
11 there that has taken place for hundreds of years is
12 something that concerns me. And it just equates to a
13 closed area.

14 And whatever side of the coin, there seems to be
15 some conceptual cause to close areas, just close them.
16 That is not -- I don't think it's been factually or
17 scientifically proved yet -- depends which side of the
18 plate you come from -- that closed areas are going to
19 produce what they're intended or thought to produce and
20 that's, you know, increased resources and so on and so

21 forth. There is an equal amount of studies that say that
22 this is -- you know, that this doesn't take place as much
23 as there are studies that say that closed areas are
24 production areas.

25 I wish somebody would -- I wish somebody would

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1 explain to the public what ecosystem management is because
2 I don't think that's been really well-defined at this
3 particular moment. It's a very popular -- it's a popular
4 saying, it's a popular term, but it has no -- it has no
5 meaning, it has no basis, and it still needs to be
6 quantified for the public to understand, the industry to
7 understand.

8 I will close here. My comments are very -- I'm
9 very concerned with the development of this plan in
10 relation to what it's going to do to the fishing activity
11 that is there right now. As president of the New Hampshire
12 Commercial Fishermen's Association and on behalf of the 80
13 plus members, we do not want to see any interruption or --
14 of fishing activity that is unwarranted and would want an
15 extreme public process for that. There is a management
16 system in place and I believe another management policy
17 system would be inappropriate from the sanctuary's, you
18 know, point of view.

19 MR. MACDONALD: Thank you very much. Next
20 speaker, Mason Weirich.

21 MR. WEINRICH: Thanks. Bear with me on the three
22 minutes, if you could, I have a lot to say and I will try
23 to hit just the high points, but my name is Mason Weirich.
24 I'm the executive director of the -- (inaudible) -- and a
25 long-term researcher and user of the Stellwagen sanctuary.

1 First, my compliments to the staff for putting out a
2 comprehensive document that is a great resource on the
3 biology and ecology and physical oceanography of the
4 sanctuary.

5 It's a very ambitious plan, it has 102 steps, and
6 one thing that I think would improve the plan is a little
7 bit more guide to what the priority in those outlines and
8 steps are. There's obviously limited funding, sanctuary
9 funding is decreased, and I think it's important that we
10 know and can comment on what those priorities in the plan
11 are. Given that, the closest thing we have is this diagram
12 right here, so I'm going to use those four things and one
13 other thing as the primary thing to comment on.

14 I should also say that I have to assume that
15 while this is ideally a five-year plan, since this plan
16 took 13 years to create, in all likelihood, it will go more
17 than five years until the next plan exists. Hopefully not,
18 but reality, it probably will. There are four areas
19 identified to work on. First off, whale-watch, maritime
20 heritage, forage base and habitat zoning.

21 Let me start by saying we are entirely supportive
22 of all your actions that support forage base management.
23 When you are dealing with ecosystem management, if you
24 can't manage your forage base for large predators, you
25 can't do anything. The idea of having a ban on sand-lance

1 fishing does not look to have any short-term realities, but
2 one never knows in the long term. It's a very important

3 precautionary measure. Similarly, we know that herring
4 fishing is a very large activity both inside and outside
5 the sanctuary. Even outside, it can affect the forage fish
6 that are herring inside the sanctuary. I think those are
7 very important as well.

8 Another forage species you might want to look at
9 are copepods which form the basis for many other species.
10 And climate change may have a lot to do with that. I'm not
11 sure you want to get into climate change, but there may be
12 things you can do to protect that forage base as well. I'm
13 not sure that's addressed in the plan.

14 Second, maritime heritage. Maritime heritage is
15 something we think is good, but with limited resources,
16 should get a lower priority. Whale-watch. Great to work
17 with the industry, but as I think you know, since the plan
18 was done, there have been now two major analyses which have
19 looked at the effects of whale-watching on the whales in
20 Stellwagen Bank. Probably the most sophisticated analyses
21 that have been done on any whale species in the world and
22 show no effect, so I think there's no reason to go ahead
23 and put in a series of onerous regulations in order to
24 protect something that is not as much of a problem. There
25 is a public perception of a problem, there is poor

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1 compliance with guidelines, but that does not show up in
2 any of the long-term effects on animals in terms of
3 survivorship, calf survivorship, calf production, et
4 cetera.

5 Finally, habitat zoning, habitability analysis.
6 Again, a very good goal. Needs to be done. Unfortunately,
7 in the plan, the only thing it says is within five years,

8 we will have the process in which to do that. We think
9 within five years, by the next management plan, that should
10 be fully completed with a list there.

11 Lastly, for a decade now, we have been strong
12 advocates of looking at expansion of the Stellwagen Bank to
13 include Jeffreys Ledge. That is in the plan, but it's not
14 given high priority. Jeffrey's Ledge is one of the most
15 important areas for herring spawning, it's a high area for
16 herring fishing, and possibly a critical habitat too for
17 North Atlantic white whales, an important habitat for a lot
18 of the species that are in the sanctuary. That should be
19 given high priority. We will be submitting detailed
20 comments. There is a lot more we have to say. Hopefully,
21 those are a few of the high points. Thank you.

22 MR. MACDONALD: Thank you very much. Next
23 speaker, Angela San Filippo.

24 MS. SAN FILLIPO: Good evening, everyone. Thank
25 you for allowing me to come in front of you. My name is

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1 Angela San Filippo. I've been the president of the
2 Gloucester Fishermen's Wife for 30 years. I'm the new
3 executive director of the Massachusetts Fishermen's
4 Partnershi p.

5 The Gloucester Fishermen's Wife was very much
6 involved in the designation of Stellwagen as a marine
7 sanctuary. We just had finished the battle with George's
8 Bank oil drilling and Stellwagen stood open for everything,
9 gravel mining, gas exploration, Goo Goo Island (phonetic),
10 Tire Reef (phonetic), you name it. You know, they are all
11 listed. These things were real because they are listed --

12 I have a copy of the Stellwagen Bank National Marine
13 Sanctuary draft environment impact statement management
14 plan that was issued in 1991.

15 Unfortunately, the final document burnt when my
16 house burned and I don't have it with me, but if you look
17 at this and you look at the preferred alternative, it tells
18 you in plain English why the sanctuary was designated and
19 also tells you that the sanctuary was not allowed to manage
20 fishery, that the management of the fishery rested with the
21 New England Fishery Management Council and has rested with
22 the New England Fishery Management Council. Because after
23 the designation of the Stellwagen Marine Sanctuary, there's
24 been so many regulations that it's affected the way we fish
25 in Stellwagen Bank for the good of the environment that

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1 probably cannot be counted as many as there have been.

2 At the same time, there were many, many more
3 boats in 1992 that fished Stellwagen than there are there
4 today. Even the study stops at 2005. After 2005,
5 Amendment 13 to the Northeast Ground Fish Plan was enacted
6 which cut the days by 50 percent with lower trip limits and
7 all kinds of additional regulations, so to say that
8 Stellwagen is suffering because of the use of the
9 commercial fishing industry today compared to 1992, it's
10 really not fair.

11 And I read as much as I could of the document we
12 are talking about here tonight. And this little one really
13 gives you a lot of information. And one thing that strikes
14 me as I was reading the key findings which starts with
15 commercial fishing says the modern appreciation of these
16 resources. You know, does this mean that those of us who

17 worked so hard back then didn't appreciate it, the
18 resources of Stellwagen, is that why we worked so hard?

19 And you know what's good about this whole draft
20 statement, the list of all those people who worked to make
21 Stellwagen sanctuary what it is. Some of those people
22 today are saying we need to do more because we haven't done
23 enough. They were part of the designation and they knew
24 exactly why we asked for that. That's why I went to
25 Congress because it was we the people who went to Congress

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1 and said we need to protect Stellwagen. Those coordinates
2 that you see at the sanctuary were drawn by a fisherman, a
3 fisherman who remained very anonymous for many, many years.
4 Today, I can tell you that was my husband, because no
5 other fishermen wanted to do it because they were afraid
6 that this would come to be.

7 Today, I received many phone calls saying, well,
8 you convinced us, now what are we going to do? What we are
9 going to do is to keep working on the real things that
10 matter to protect places like Stellwagen, not from fishing,
11 but from all the other activities such as pollution, as a
12 gentleman mentioned before, protect it from all the other
13 things. But, you know, the people that care so much, they
14 were able to stop L&G tankers -- (inaudible). These are
15 the things they need to protect Stellwagen from, not from
16 the everyday fishing, both recreational and commercial,
17 because after all, that's what it was designated for.

18 And we have plenty, plenty of regulations that
19 protects the sanctuary and this document is very scary and
20 very concerning. And the last thing I want to say is we

21 would really like to make an appeal from the Massachusetts
22 Fishermen Partnership to have an extension of the comment
23 period for two months. It took 10 years for you to write
24 this document. We cannot write our comments in such a
25 short period and in such a busy place where so many other

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1 issues are taking place, so if a verbal requirement is not
2 enough, please let us know if we need to do it in writing
3 because we desperately need that time. Thank you.

4 MR. MACDONALD: Thank you very much. And
5 actually, your comments tonight are on the record, so thank
6 you very much. Jackie Odell.

7 MS. ODELL: Hi, my name is Jackie Odell. I'm the
8 executive director of the Northeast Seafood Coalition. We
9 are a commercial fishing industry organization that
10 represents groundfish businesses from Maine down to Long
11 Island with the vast majority of our members fishing in the
12 Gulf of Maine. Quickly, I wanted to look at the mission
13 statement or note the mission statement of the Stellwagen
14 Bank Sanctuary and that is the aspect to cultural legacy.

15 It's been known and the history of Stellwagen is
16 known that it's directly linked to the cultural legacy of
17 the commercial fishery and as to the cultural fabric of New
18 England cities and towns situated along the Gulf of Maine.
19 The sanctuary was formed -- as Angela mentioned, was formed
20 in direct support and with assistance from the fishing
21 industry in regards to the designation of sanctuaries and
22 having it be designated, this specific sanctuary, as a
23 special national interest.

24 It was really the fishing industry that worked
25 closely with other stakeholder groups and conservation

1 groups to have Congress designate this area. And as Angela
2 noted, it was her husband and other fishermen that had
3 worked with them to create the boundaries of Stellwagen.
4 And in doing so, the commercial fishing industry was told
5 that -- and promised, many people feel, that the
6 sanctuary -- though it was not an opportunity for the
7 sanctuary in the future to be getting engaged in any sort
8 of regulating, you know, fishing activities or trying to
9 manage fishing activities.

10 Just -- you know, Stellwagen is part of a bigger
11 picture and that is the Gulf of Maine and the groundfish
12 fishery in general. For groundfish, the New England
13 Fishery Management Council is charged with the protection,
14 conservation and development of the management plans and
15 that -- those programs are overseen by the National Marine
16 Fishery Service, NOAA Fisheries.

17 The -- within Stellwagen, there is -- as David
18 mentioned, there are 20 -- David Goethel -- 22 percent of
19 the sanctuary which has been designated as a level three
20 habitat closure that does have complex habitat within it,
21 so Stellwagen does have an area within it right now that
22 is -- that is protected in that capacity.

23 Lastly, I will just end with saying two things.
24 One is that the sanctuary -- there have been -- there's
25 just been a tremendous amount of fishing regulations that

1 have gone on and there has been massive consolidation with
2 the fishing industry that's taken place specifically after

3 2004 and continues to take place. There is a rebuilding
4 program in place. We are actively looking at that
5 rebuilding program right now. Science is being modified.
6 And, you know, in light of all of this, Stellwagen
7 continues to be a very highly productive fishing area, so
8 if there is all these harmful destructive fishing
9 activities that are taking place that are negatively
10 altering the fishing bottom, then why does Stellwagen
11 continue to be a productive fishing area?

12 Thank you. And we will be providing more
13 comments. And just what Angela had mentioned, we would
14 like to also see there be an extension on the public
15 comment period. Thank you.

16 MR. MACDONALD: Thank you. Next speaker, Cinde
17 McInnis.

18 MS. MCINNIS: This is not going to be nearly as
19 eloquent as anybody else has been. I'm Cindy McInnis.
20 (Inaudible). I just have a couple comments. One, to agree
21 with what Mason said about making part of Jeffrey's --
22 including Jeffrey's Ledge in the sanctuary boundaries. We
23 see the same individual animals in one place and they go
24 20 miles away and, you know, they are not in sanctuary
25 boundaries, so if some of these action plans are put

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1 forward in the sanctuary to help protect these whales in
2 one place, if it actually happened, it would be great if
3 they could happen in a larger area. Does that make sense?

4 And then I also just want to comment about the
5 education and outreach for the sanctuary. I think that
6 really needs to have a high priority because I think it's
7 not very visible in terms of -- I know a national

8 certification has been talked about for a really long time
9 and there was a shot at it this year, which was great, but
10 I think it can certainly be improved a lot. I think you
11 have a lot of people that can be stewards for the sanctuary
12 that certainly are not utilized as well as they could be
13 and I think that is an important resource that's not taken
14 advantage of.

15 And then also, just looking at -- there are so
16 many things that go on in -- within the sanctuary, and when
17 people talk about education in schools, connecting students
18 with scientists or researchers or fishermen or the actual
19 stuff that's going on out there is what makes learning
20 authentic for people or for students.

21 And I think there are so many resources in the
22 sanctuary that that can be -- that those partnerships with
23 schools can be formed or with educators to create whether
24 it's curriculums or lessons -- I didn't see anything about
25 curriculums necessarily in the plan, but that link-up, you

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1 know, and use actual data that's collected in the sanctuary
2 that students then can analyze, you know, or that data can
3 be made available to students so that they can analyze data
4 and really kind of engage in real science. And I think
5 because it's such a close resource to so many people around
6 the coastline of Massachusetts, that it's a great resource
7 that we should take advantage of. Thanks.

8 MR. MACDONALD: Thank you very much. The next
9 speaker is Meredith Tanguay.

10 MS. TANGUAY: Thank you for the opportunity to
11 comment on the draft. Meredith Tanguay, 68 Fairways,

12 Ipswich, Massachusetts. I'm a technical scuba driver and a
13 member of Global Underwater Explorers. And I would like to
14 comment -- I have two specific points regarding scuba
15 diving in the Stellwagen Bank. The draft mentions concern
16 about diver impact and removal of artifacts and potential
17 for damage to wrecks and anchor drags or grapple. And I
18 would also like to comment on how scuba divers could aid in
19 the mission and growth of the sanctuary and our
20 understanding of the area.

21 I have had significant experience up in Ontario,
22 Canada, where they have a large number of wrecks protected
23 by the Ontario Heritage Act. And there is unrestricted
24 access to those wrecks up there and that has created a
25 culture among scuba divers of self-protecting these wrecks.

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1 They exist very happily in a no takes method. Nobody is
2 taking artifacts from those wrecks. And the community has
3 educated itself on how important that is to preserving that
4 resource for the environment of scuba divers and scientists
5 for years to come.

6 In light of that, they have also created a very
7 successful mooring program that is funded almost entirely
8 by divers, maintained by divers, and these moorings are
9 installed so that they are not tied into the wrecks, they
10 are offset moorings, so they preserve the site for both
11 recreational and scientific access. It's really only with
12 a kind of open access where there isn't complicated
13 permitting that creates that community involvement that
14 helps the sanctuary achieve its mission without having to
15 put a ton of money into that particular area of management.

16 A complicated process of permitting would only

17 alienate the diving industry from helping to work together
18 on this mission. In fact, just about 10 days ago, outside
19 of Kingston, Ontario, they discovered a new wreck, a bunch
20 of recreational divers, and within three days, they had a
21 mooring on it, they had begun a survey, and had published
22 the coordinates of that wreck to the general public and
23 scientists to start their own enjoyment or study thereof.

24 Also, in Ontario, there's been proven history of
25 divers being able to conduct and aid scientific study of

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1 these wrecks. Many have backgrounds, formal education, in
2 sciences, as well as training in -- (inaudible) -- or
3 nondisturbance survey of these wrecks. One organization
4 that helps recreational divers get this kind of training is
5 the nautical archeological society based in the UK and has
6 specific programs to train recreational divers on how to
7 conduct an archeological nondisturbing survey.

8 So divers here are very enthusiastic about being
9 able to contribute to this and often have the personnel,
10 the funding, the expertise, and often aren't constrained by
11 the same insurance regulations that a government or
12 commercial group may have in conducting these types of
13 surveys.

14 So I'm here to speak our plight to make these
15 wrecks accessible, to share as much knowledge as we have
16 about the position of wrecks that we already know about, so
17 we all can work together towards the mission of the
18 sanctuary which is to really learn about these cultural
19 resources before the marine harsh salt environment
20 deteriorates them anymore. Thank you.

21 MR. MACDONALD: Thank you very much. Next
22 speaker, Steve Wosci cki .

23 MR. WOSCICKI: I was at the meeting at Gordon
24 College last week. I have to tell you I was never so
25 disgusted or never felt so disrespected because everybody

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1 came to the meeting, but nobody was talking about the
2 management's issues that the fishermen is already dealing
3 with. This girl just spoke, she's talking about diving on
4 wrecks, she's talking about preserving the wrecks and the
5 history of the wrecks, but nobody here is talking about
6 preserving the history of the fishermen, the person that's
7 bringing the food to the shore for all these communities to
8 benefit from and the food ending up on people's plates.

9 The restrictions that are already in place in the
10 upper left-hand corner, you can see rolling closure, area
11 one, two -- two and three. That area is closed from
12 April 1st through June 30, three months out of the year.
13 The area that is just below Cape Ann and all the way down
14 to the tip of Provincetown, that's a rolling closed area as
15 well. That's closed four months out of the year from
16 April 1st through May 31st and from October 1st to
17 November 30th. If you add those two closures together
18 themselves, there is seven months of rolling closures that
19 we deal with every year.

20 The upper right-hand corner, the line coming down
21 is the Jeffrey's Ledge permanently closed area. We haven't
22 been able to fish there for 10 years. These people are
23 talking about Jeffrey's being part of the sanctuary. It
24 already is a sanctuary. There's your sanctuary right
25 there. There is really no need to add another one. And I

1 have got something else written down there. Days at sea,
2 we have 48 days at sea. My days at sea clock runs at a
3 pace of two to one. From the time I leave the harbor,
4 that's not from the time I put my net in the water, as soon
5 as I leave the harbor, if I have two hours to go, that's
6 four hours off my days at sea clock before I even start
7 fishing. If I make a two-hour tow, that's another four
8 hours. Two-hour ride home, that's another four hours. So
9 eight hours is 16, 16 is 32.

10 I mean these people do not know the restrictions
11 that are already in place and the regulations that we are
12 all bound by and have been bound by for 10 years. And it's
13 not fair to sit in a room with all these people throwing
14 daggers at us and they are all talking about the sanctuary,
15 save the sanctuary, save the whales, but nobody is talking
16 about saving the fishermen. The real endangered species
17 here is me, Erik, David. We have been at this all our
18 lives and we are being pushed out of business for no
19 reason.

20 And the restrictions that are in place right now
21 are more than adequate and the fishery is being sustained.
22 The fish -- we can't keep what we catch. We are forced to
23 throw back more than what we can keep and that's with much
24 larger mesh sizes than were ever used in years past.
25 Nobody is talking about this.

1 You are holding eight meetings throughout this
2 month and all you are doing is bashing the fishermen and

3 you're just bringing up negative aspects of what he's doing
4 to these areas and it's wrong that you are not telling the
5 full story. You are giving one side and it's your side and
6 you are not letting the people know what they need to know.
7 And that's why I brought that with me. I have some more
8 stuff right here.

9 Just so you know, I wish I had a bigger printer,
10 but all of these -- the orange areas are permanently closed
11 areas. The areas shaded in the grid are rolling closures
12 passed year after year. We can't go to any of these areas.
13 So for people to think that the fisherman is not being
14 managed and he is out there seven days a week, 24 hours a
15 day, 365 days a year is wrong, because that's not the case.

16 I'm tired of being thought of as a guy that's out
17 there just with reckless abandonment raping the sea. I
18 told you this the other night at the Gordon College meeting
19 and I'm telling you right now. And if I felt like driving
20 to Mystic, Connecticut, I would drive down there and tell
21 everybody down there because I'm sick of it. I can't take
22 it.

23 It's just like everybody says, there is plenty of
24 regulations in place right now. That sanctuary you are
25 talking about, I'm totally against. I'm totally against

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1 the wrecks -- the scuba divers being able to dive on the
2 wrecks. I don't believe what this girl says. She says
3 there is divers that don't take artifacts. They are not
4 taking, you know, seafood, lobsters, scallops. They are
5 down there with a sack filling up sacks with fish and stuff
6 and they bring them to the surface and then they go back
7 down with a hammer and chisel looking for a bronze cleid

8 (phonetic) or maybe they're trying to get into a safe or
9 something they think they might have found. It's really
10 crazy that people talk about driving me out of business so
11 they can have their own little playground and it just
12 doesn't make sense.

13 And like I said, you may see me at another
14 meeting because I really can't take it. It's crazy. It
15 doesn't need to be like this. And this right here, I'm
16 sure a lot of you know, this is the web site for National
17 Marine Fishery, so if you wanted to go look at all these
18 closed areas, this is where you would go and this is where
19 you can get all of your information. I think you all need
20 to know. And I know you all have a computer. You should
21 really take the time to look and do your homework before
22 you jump on this guy's bandwagon. That's all I'm going to
23 say.

24 MR. MACDONALD: Sir, do you want to leave these
25 as part of the record? Steve?

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1 MR. WOSCICKI: I will leave them, yep. Like I
2 said, if I had a big printer and a copier, I would have had
3 enough for everybody. This will be your personal copy.
4 You can take that one home.

5 MR. MACDONALD: Thank you very much. Thank you.
6 Next speaker, David Faye.

7 MR. FAYE: Hello. My name is David Faye. I'm a
8 local diver. I've been diving in Massachusetts and New
9 Hampshire for the last 10 years. At this time, I have
10 conducted hundreds of dives in the waters off New England,
11 mostly around shipwrecks, and many of the dives I've been

12 on are inside Stellwagen National Bank Sanctuary. I look a
13 little disheveled today because I just came out of the
14 sanctuary, spent all day diving there, and rushed down here
15 for the meeting. I apologize for my appearance.

16 I support the creation of a maritime heritage
17 program action plan. I think it's important to protect and
18 manage the historical archeological resources located
19 within the sanctuary. However, the draft version of the
20 management plan is unclear about diver access to shipwrecks
21 within the sanctuary. There has been discussion of a
22 permitting plan, but there are a lot of questions I have
23 about the plan, how would the plan be implemented, what
24 terms and conditions -- what terms and conditions do divers
25 have to meet in order to obtain a permit, and how long

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1 would it take to acquire a permit.

2 I also question why would divers even need to go
3 through a permitting process when recreational and
4 commercial fishermen don't need a permit to fish on the
5 wrecks. A permitting plan also diverts funds from the
6 sanctuary's budget, funds that can be put to better use. I
7 know a permitting plan was implemented on the USS Monitor
8 site. I think this is generally considered a failure and
9 it's used to deny access to divers on the site.

10 And relatively speaking, there's a fairly limited
11 number of divers who access the shipwrecks within the
12 sanctuary. Our impact on the wrecks is little to none. I
13 suspect the drafters of the plan proposed restrictions over
14 concerns over divers dropping anchors on wrecks and
15 removing artifacts, I can understand that concern, but I
16 think it's unfounded.

17 Most of the divers who venture into these waters
18 are experience divers, divers who are genuinely interested
19 in shipwreck exploration. They understand the need to
20 preserve and protect local wrecks. Divers respect the
21 sanctuary rules. (Inaudible.)

22 Every diver I know is just happy to visit a
23 wreck, photograph it, video it, return home safely to tell
24 what they saw. Divers love to talk about what they
25 witnessed on the wrecks. And I believe most would be happy

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1 to cooperate and share what they learn with sanctuary
2 archeologists and staff members. I know I shared my
3 local -- my findings with local archeologists and I hope to
4 continue to do so in the future.

5 Another concern I have is the way the sanctuary
6 is proposing to classify shipwrecks. Any type of shipwreck
7 that's at least 50 years old would be considered a
8 historical site. Anything at all, that's 50. The
9 sanctuary would further classify the wrecks as heritage
10 preserved based on fragility and listing on a national
11 registry of historic places. Heritage preserved might be
12 restricted or prohibited -- (inaudible). I think it's
13 broad and vague criteria and based on a rigorous site
14 assessment protocol -- that's a quote -- from the proposed
15 findings, proposed legislation.

16 This proposed rigorous site assessment protocol
17 is not included in the draft plan, it's not even available
18 at this time, so I'm concerned this vague classification
19 system may be used as a subjective way to continue to --
20 subjective way to keep divers off wrecks, keep diver access

21 limited. I would like to say thank you and I will submit
22 more written plans, proposals. Thank you very much.

23 MR. MACDONALD: Thank you, sir. That's the last
24 name we have registered this evening. Is there anybody
25 else who would like to offer comment? If not, this

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1 concludes the meeting this evening. As I indicated
2 previously, if anyone would like to talk with any of the
3 staff here, we would be happy to talk with you as we are
4 breaking things down. Thank you very much for coming out
5 this evening.

6 (Discussion Off The Record.)

7 MR. MACDONALD: I have to reconvene for a moment.
8 We have one more speaker signed up, so if we could just
9 have some time for him to offer his comments. This is Fran
10 Marcoux.

11 MR. MARCOUX: Hi. I just want to give my
12 comments and my two cents for whatever it is worth. I'm
13 Fran Marcoux. I run Cape Ann Charters down in Gloucester,
14 Massachusetts. We run a dive charter boat. We dive the
15 bank. We dive on wrecks particularly on the bank. And we
16 do some marine life diving there. And it's my personal
17 opinion that the heritage program is of no value to us,
18 especially as divers, never mind the public.

19 Most of the wrecks have been found by divers.
20 The divers that give the numbers out and share them with
21 everybody, I know the majority -- I've been doing this for
22 over 30 years down there. Most of the divers that dive the
23 wrecks, very few take anything off of them, never mind
24 disturb them, and many of them help a lot of times by
25 bringing up -- if they bring up something, they show it to

1 other people, they take pictures, they give visual and oral
2 statements about the wrecks.

3 I don't think the public has the wherewithal that
4 these things exist and I don't think we have the money as a
5 state or a government to bring them up to show the public,
6 so I think the heritage program is something that I don't
7 think we can afford, first off. And I don't think that
8 limiting divers in either a permit process or any kind of
9 restriction is a valuable thing for us. I think it's a
10 waste of our resource. I certainly don't think permits
11 should be allowed, should be required to have that -- to go
12 after these wrecks and look at them. That's my personal
13 opinion.

14 As far as the fisheries, I'm all for, you know,
15 taking care of the marine life that is down there and
16 anything you need to do to make the marine life better,
17 that's great, I'm all for that, but as far as the heritage
18 program, I'm not a supporter of it. As a diver, I think we
19 should have unlimited access to it. I think that there
20 should be no permit process.

21 If anybody can convince me otherwise, I will
22 listen to your comments or your points on it, but I think
23 you would have a hard time doing that.

24 MR. MACDONALD: Thank you very much.

25 MR. MARCOUX: You are welcome.

1 MR. MACDONALD: Is there anyone else who would
2 like to talk?

3 Seeing none, second time, we will close the
4 meeting. Thank you.

5 (Time Noted: 8:18 P.M.)

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1 C E R T I F I C A T E

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I, Lisa S. Bishop, a Notary Public in and for the
State of Maine, hereby certify that the proceedings were
had in the cause styled in the caption hereto; that I was
authorized to and did attend said hearing and report the
proceedings had therein fully and accurately, and that the

8 foregoi ng typewri tten pages consti tute a transcript of my
9 shorthand report of the proceedings taken at said time.

10 I N WITNESS WHEREOF, I have hereunto set my hand
11 thi s ____ day of _____, 2008.

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Li sa S. Bi shop, RPR

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19 My Commi ssi on Expi res:

20 January 27, 2009

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