



U.S. DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
National Marine Sanctuary System  
Stellwagen Bank National Marine Sanctuary  
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**25<sup>th</sup> SANCTUARY ADVISORY COUNCIL**  
**22 October 2008 9:00 AM – 5:00 PM**  
**The Hull Room, Charlestown Naval Yard, Boston, MA**

**MINUTES of MEETING**

**Present:**

Regina Asmutis-Silvia	Alternate: Conservation
Peter Auster	Member: Research
Edward Barrett	Member: Mobile Gear Commercial Fishing
Dale Brown	Member: At Large
Bruce Carlisle	Ex Officio Member State: Coastal Zone Management
David Casoni	Alternate: Fixed Gear Commercial Fishing
Deborah Cramer	Member: At Large
Kathleen Dolan	Ex Officio Member: State-MA Environmental Police
Barry Gibson	Member: Recreational Fishing
Heather Knowles	Member: Diving
CDR Edward Marohn	Designee: First Coast Guard District
Steve Milliken	Member: Whale Watching
Rob Moir	Alternate: At Large
Timothy Moll	Member: Business and Industry
Frances Morton	Alternate: Marine Transportation
Brendon O'Brien	Alternate to Porter Hoagland - At Large
Heather Rockwell	Alternate: Education
Kathy Rodriguez	Federal – NMFS
Mason Weinrich	Member: Research
Richard Wheeler	Member: Education
Sally Yozell	Member: Conservation

**SBNMS staff:**

Craig MacDonald	Matthew Lawrence	Anne Smrcina
Ben Cowie-Haskell	Deborah Marx	David Waldrip
Nathalie Ward		

**Others Present:**

Jennifer Ferre

## **I. Welcome, Review and Agenda and Approval of 24<sup>th</sup> SAC Minutes**

Sally Yozell welcomed the SAC members/alternates. Yozell provided a short commentary on the Draft Management Plan (DMP) and stated that there were 25,000 public comments received but only half of the SAC members provided their comments. She noted: Now is the time to implement the plan and move forward. The financial crisis has hit the government hard and the sanctuary and SAC needs to evolve and seek partnerships to make things work. We need to be creative to figure out how to make the sanctuary better as we enter a new management regime in DC.

Mason Weinrich wanted to make sure that we have a discussion of the next steps after DMP's public comment period was over and what is the SAC's role for next steps. In response, Nathalie Ward noted that there is an agenda item that covers the DMP's next steps.

i. Review of Agenda: The agenda was reviewed.

ii. Approval of 24<sup>th</sup> SAC Minutes: The minutes of the 24<sup>th</sup> SAC meeting were reviewed.

**MOTION**: Sally Yozell motioned to approve the minutes. Motion seconded by Mason Weinrich.  
**Minutes approved.**

## **II. SAC Business**

### i. New Council Members (Craig MacDonald)

Sally Yozell introduced the new council members at the beginning of the meeting and recommend that all SAC members introduce themselves to better familiarize everyone with each other. All council members provided a brief summary of their background and position on the council.

Craig MacDonald introduced the two new SAC members, John Williamson (Member: Conservation) and Rob Moir (Alternative: At Large). There were a large number of applicants for the open seats and the quality of the applicants was outstanding.

### ii. Budget: Continuing Resolution 2009 (Craig MacDonald)

The sanctuary program is on a month-to-month spending plan for the next two quarters (or six months). Dan Basta must approve all expenditures. The budget during this continuing resolution is the same as last year but the Congress's budget for FY09 is less than FY08. The house/senate FY09 budget is higher than the NMSP requested but unlikely to stay with the higher numbers. There will be cuts across the NMSP but all labor contracts are secure at SBNMS. There has not been an increase in the base budget to cover the captain and mate for the *RV AUK* and there have been unforeseen building problems, which resulted in \$13-14,000 worth of expenses to fix the heating/cooling system. The federal government cannot have insurance to possible help with these expenses in the future.

### Discussion:

Sally Yozell asked about how the sanctuary operations will be affected by budget cuts.

Craig MacDonald; There will be no new programs in FY09. The Provincetown exhibit, whale tagging, live broadcasts, and water quality monitoring have all been stopped. The whale sightings database is in jeopardy of losing funding or the budget being cut in half. The *Auk* might only be able to operate if there are grants to cover the cost of the captain and mate's salary. The sanctuary needs to look for grant support.

Peter Auster: Does there need to be an outreach campaign to the public to let them know about the impact of the budget cuts on the sanctuary and provide pressure on Dan Basta to change the situation?

Craig MacDonald: Always helpful. Dan Basta said that he will put the sites first but not certain how it will all play out. The FY08 base budget was \$1.4 million for the sanctuary with an additional \$160,000 in PAC funds. The FY09 budget is not expected to be as much.

Sally Yozell: This is a good time to educate the public and have the SAC reach out to partner organizations to ride out the next year until things are better.

Regina Asmutis-Silvia: What part of the marine mammal program is in jeopardy of being cut?

Craig MacDonald: The whale tagging and the sightings database. The whale sightings database has been provided to the sanctuary through a contract with a third party who filters the data and provides quality control.

Mason Weinrich: Weinrich urges the sanctuary to continue the contract for the database because it is the best indicator of the health of the sanctuary. The database is essential in our understanding about what is going on with the ecosystem.

### iii. DMP Extension and Comments Update (Craig MacDonald)

DMP public comment period opened 6 May 2008 and closed 3 October 2008. All comments received will be posted on the web. There were 25,380 comments and so far all (except 2,500) are up on the SBNMS website. If a SAC member's comments are not there, please contact Ben Haskell.

Ben Cowie-Haskell: Presentation on the demographics of the DMP comments. All of the comments are in PDF form on the website categorized under individuals, email form letters, oral hearing, or mail/fax. They are large files so be aware of that when downloading. Most of the electronic comments (from Rob Moir's involvement with the Care2 website and Environment MA website) entered into database that allows the extraction of information such as location. Preliminary demographic analysis of 14,447 of the comments show all 50 states represented as well as 9 countries. Top states to submit comments were MA, CA, NY, FL, and TX. The MA counties of Amherst, Boston, Gloucester, and Plymouth submitted the most in MA. Breakdown of the number of comments may change as more entered.

#### Discussion:

Mason Weinrich: How do you count 185 comments from 185 petitions, which say the same thing? Ben Haskell answered that they are each counted as *one* comment, so 185.

Ed Barrett: He represents 2,000 commercial fishermen, so how is his letter counted? as 1 or as 2,000, to represent the supporters? Ben Haskell responded that it is counted as one comment.

Kathleen Dolan: How are the comments weighted? Ben Haskell answered they are not weighted. A letter from an organization is counted as one comment.

Mason Weinrich: How are the comments considered and what are the next steps? The statistics are misleading if there is not more importance given to comments that represent informed organizations.

Craig MacDonald: There is a difference between how comments for scoping and DMP are handled. Scoping comments were used to develop a list of 21 issues. The DMP comments relate to various parts of the plan within a single comment. Many comments express an overall national sentiment without being explicit. It is at the discretion of NOAA and the NMSP how to use the comments to revise the plan. A large part of the public think the sanctuary is a special place and that needs to be factored into the final plan.

Timothy Moll: The comments from the West Coast should not be given the same importance as comments from the sanctuary's own region.

Brendon O'Brien: Is there a standard policy used by the federal government on how to use the comments or is this an agency determination?

Craig MacDonald: The sanctuary is using the same process that all of the other sites are using. Headquarters provides guidance and is trying to standardize the process but there may be differences within NOAA.

Ed Barrett: There are a large number of general comments. How are you going to figure out how to interpret them and what they are asking for?

Craig MacDonald: The staff is reading all of the comments. The ones with substantial suggestions will be handled one at a time to try and find common themes. A large component of the comments deal with the intrinsic value of the sanctuary and the simplicity of that cannot be overlooked.

Ed Barrett: Is the sanctuary rating the economic impact of the comments?

Craig MacDonald: Any regulations, if they had been included in the plan, would have triggered an EIS to address the economic impact. We were advised that an EIS was not necessary for the DMP.

Peter Auster: Divisive terms are being used about where the comments came from. Environmental groups are users too and we are setting up more conflict than what really exists.

Kathy Rodriguez: Description of how NMFS handles public comment. All of the comments receive a response in the final plan. The number of comments should be used as a point of interest not for validation or for votes on issues.

Mason Weinrich: A number of advocacy groups' submitted letters on behalf of their constituents. The sanctuary must take into account that the letters were representing and the substance behind the comments. There were a lot of questions by the public about how the plan was structured and they also feel it should have had an EIS included in it.

Craig MacDonald: It was a decision by the national program not to include regulations in the draft management plan. Because there was not regulation, the lawyers advised the sanctuary that an EIS was not needed and an EA was sufficient.

Regina Asmutis-Silvia: The draft management plan does not meet NEPA requirements because the text heavily implies that there will be regulations. The plan does not reflect the working group's recommendations. Working group members were told that dissenting opinion would be included in the plan as alternatives; instead they were not included at all.

Sally Yozell: There is no formula to address the public's concerns or comments about the plan. The sanctuary needs to prioritize the comments and respond to the public on the outstanding issue and next steps.

Craig MacDonald: The meeting format for the public comments' hearing was difficult because it did not allow a response to be given. It is an inadequate process to communicate to the public. There is no reasonable timeline that can be given as to when the final plan will be out. The comments need to be sorted through and the plan needs to be edited. The final plan will then need to go through internal NOAA review before it is approved and available to the public. There is no role for the SAC at this point in the process. Hopefully, the final plan will be completed by summer 2009 but there is no firm deadline. All of the sanctuary's available resources are engaged toward getting the final plan out.

Ben Cowie-Haskell: The public will see two volumes to the final plan. The second volume will contain the public comments and NOAA's responses to them.

Timothy Moll: Will the public get another chance to respond to the plan?

Ben Cowie-Haskell: The final plan will reflect what NOAA feels the necessary changes should be.

Mason Weinrich: What is the response time of General Counsel to the outstanding NEPA questions? There is a public perception that the sanctuary is seeking to close fishermen out of the sanctuary.

Sally Yozell: We need a timeline for the SAC as to when the lawyers will decide about the NEPA concerns.

Ed Barrett: The draft management plan is hiding its true intentions. It is an advocacy document and this is troubling to the fishing community.

Sally Yozell: The public and the SAC had an opportunity to express concerns through the public comment period. By working through this together we can best protect the habitat and the people who rely on it.

#### iv. Council Ship Time Letter (to Jack Dunnigan) (Craig MacDonald)

The *Nancy Foster* ship time letter has left Dan Basta's office to Jack Dunnigan.

Sally Yozell: What is the deadline for when ship time is allocated for FY09?

Peter Auster: About a month ago, there was an email from NMAO that asked for text on the impact of cutting the sanctuary's *Nancy Foster* time. There is frustration with having to include a paragraph at the end of the SAC ship time letter that states that the SAC are only advisors, which implies that Jack Dunnigan really does not have to pay attention to the letter.

Craig MacDonald: The paragraph is required by a provision in the SBNMS/SAC charter/Handbook. The provision is included so the SAC is not perceived as lobbying for the sanctuary.

Sally Yozell: Since there will be a new administration, should we wait and resend the ship time letter again in the spring?

Peter Auster introduced a motion to amend the SAC charter so that the "advisory" paragraph is not used in future Council letters. There are questions about if the SAC has the power to remove items from the charter and handbook.

Craig MacDonald: Dan Basta approves what is in the charter and handbook. This is NMSP policy.

**MOTION:** Peter Auster with second by Mason Weinrich to "Remove the "advisory council" disclaimer text from the SBNMS SAC Charter. Yes – 12, No – 0, Abstain – 4. *Motion approved.*

Dale Brown: What affect will this have on letters sent by SAC?

Craig MacDonald: Text from SAC Charter states that all SAC letters must go through "superintendent" and the SAC chair before being sent on. The only way to see if it is possible to take out the advisory language is to go forward with the motion to get clarification.

**MOTION:** Peter Auster with second by Mason Weinrich. The SAC will ignore the guidance in the handbook, at the discretion of the SAC chair, regarding the disclaimer about the SAC being an advisory council. Yes – 10, No – 3, Abstain – 2. *Motion approved.*

Craig Macdonald: There will be a report back on headquarters response to the motions.

#### v. SAC Leadership Award Subcommittee Report (Craig MacDonald)

Peter Auster (on behalf of Porter Hoagland): Encourage the SAC to nominate people for the awards. It is proposed that the nominations be in soon to have an award in 2008. There needs to be additional input by SAC on how to get the award nomination process up and going.

Nathalie Ward: The three categories for the award are: staff, general public, and youth.

#### Discussion:

Steve Miliken stated that having an award in 2008 will make it rushed. Let's look to 2009 so we have time to get the word out. The nomination criteria were gone through and there was question about who can be nominated.

Sally Yozell: There is a lack of awareness about the award. SAC needs to send the announcement out to their constituents. We need to start now to make the 2009 award more prestigious and we must to commit to this and take it seriously.

Peter Auster: There needs clarification about if there is a staff award because the nomination criteria states that staff cannot be nominated.

Mason Weinrich: There is not enough time to get the word out for an award in 2008. We should focus on publicity for the 2009 award.

**MOTION:** Sally Yozell with second by Regina Asmutis-Silvia: The Council will wait and give a 2009 “SAC Leadership Award”. Yes – 15, No – 0, Abstain – 0. **Motion passed.**

vi. Blue Seas Greening Subcommittee Report (Craig MacDonald)

Regina Asmutis-Silvia: The sea debris project should be considered at the first blue seas greening project.

Heather Rockwell: The other potential projects could be “Fishing for Energy,” surface debris monitoring, or the beach/coastal cleanup (Coastsweep)

v. MPA FAC nominations (Craig MacDonald)

There is a call for nominations to be part of the MPA center’s advisory council. This is a way for the SAC to be involved in advising a national council associated with the Department of Commerce and Department of Interior. The deadline for the nominations is 30 November 2008.

Discussion:

Ed Barrett: If a SAC member is on the council he/she should not speak on behalf of the SAC unless there is an opportunity to develop a consensus recommendation within the SAC on a particular issue.

Peter Auster: The SAC member would be not representing the SAC on the FAC.

**III. Election of Officer(s) for Executive Committee**

Nathalie Ward: The chair seat is for two years, the vice chair is for two years, and the secretary is for 1 year. Nominations are as follows: *Chair:* John Williamson, Sally Yozell; *Vice Chair:* Rich Delany, John Williamson; *Secretary:* Rich Delany, Heather Knowles, Mason Weinrich.

Discussion:

Regina Asmutis-Silvia: The Executive Committee could possibly be made up of all NGOs and effort needs to insure that it represents all SAC membership. There needs to be a more rounded view on the committee.

Mason Weinrich, Heather Knowles, Sally Yozell, John Williamson (read by Nathalie Ward), and Rich Delany (presented by Craig MacDonald) provided background on their qualifications and why they should be elected to the Executive Committee.

Elections:       Chair: Sally Yozell  
                      Vice Chair: Rich Delany  
                      Secretary: Heather Knowles

**IV. Lunch Presentation:** Deerin Babb-Brott: MA Assistant Secretary for Oceans and Coastal Zone Management, CZM

Massachusetts Ocean Plan: The Oceans Act requires the Secretary of Energy and Environmental Affairs to develop a comprehensive ocean management plan, following a scientific and stakeholder process that leads to a draft plan by summer of 2009, and the final promulgation of the plan by December 31, 2009.

The presentation detailed what are the ocean plan and the planning process for the development of an ocean management plan. The rationale behind the plan will be to balance use with development and recognize that there are special places and habitats that are unique. The plan is being written with consultation of the 17-member ocean advisory commission and the 9-member science advisory council. The goal is to have proper stewardship and to identify areas for sustainable use. There are three steps to the process. First, information gathering is done through public meetings, internal state working groups, and stakeholder groups. Second, Assemble the data into layers to see where there is conflict of use and draft the plan. Third, public comment period and legislative review.

#### **V. Zoning Working Group Update (Craig MacDonald)**

The SAC needs to resolve if you want to reconstitute the zoning working group. Do you want to change the structure/representation or stay with the same members? There are 18 members with John Williamson the Chair and Ben Cowie-Haskell the Team Lead. The best thing would be to keep the membership intact unless there are vacancies. You will need 30 days to fill the vacancies.

#### Discussion:

Peter Auster: What do you mean by zoning?

Craig MacDonald: Reference the DMP's Ecosystem-based Management Action Plan, Strategy 4. The working group was tasked with releasing a report no more than 2 years *after* the release of the Final Management Plan (FMP).

Ed Barrett: Where do we restart the process? We only met three times. Let's go back to the start since it has been a long time since the last meeting.

Craig MacDonald: The charge for the working group is laid out in the draft management plan. There is no cause for the redoing of the objectives and purpose of the working group. The working groups recommendations will be used in the next management plan process, if not sooner.

Ed Barrett: There is a discussion that is needed about the definition but it is OK to keep the goals and objectives.

Benjamin Cowie-Haskell: The science subcommittee defined ecological integrity and what metrics could be used to measure the status of the ecosystem.

Deborah Cramer: We need to start where we left off and go forward.

Peter Auster: There needs to be representation for whale watching and commercial shipping on the working group since there are LNG ports just outside the boundary. You need to look at the potential impacts from these new ports.

Craig MacDonald: The working group has a narrow purpose that does not deal with all zoning. If needed, additional working groups could be developed to meet other types of zoning in the future.

Peter Auster: If you exclude certain sources from the goals then what are you zoning?

Craig MacDonald: The different goals are being dealt with on other action plans (such as water quality which deals with discharge).

Ed Barrett: There was no consensus on the definition of "ecological integrity", so you need you start from the beginning if you have new members. If you just go forward without inclusion of new members, then there would be confusion on what has already been done.

Sally Yozell: You need to build off of the previous work that has already been done even if there are new members.

Ben Cowie-Haskell: There was a working definition of ecological integrity and not a consensus.

Priscilla Brooks: The SAC voted to get started again with the working group. This is not reflected in the Hyannis meeting minutes. It is OK to take a few steps back to review what has been done but then move forward. The definition of ecological integrity has not changed. I support the addition of new seats for whale watching and shipping.

*Note—Response: Minutes of 12 June Meeting (pp. 9-10) in reference to above comment: Specifically,*

- *DMP could be delayed due to the new administration, so SAC should move forward with ZWG. SAC felt that it was important to keep up the momentum while the final DMP plan was under way with respect to a zoning plan.*
- *SAC and sanctuary staff need to do its best to keep the ZWG in motion.*

Sally Yozell: Add two new members and set up the time for the next meeting.

Craig MacDonald: If there is going to be two new “user” members, there needs to be two new “conservation/education” members to provide balance. You can use technical advisors to fill the gaps not represented by the member representation.

Timothy Moll: Motion to add two members to the zoning working group, one industry and one conservation/at large. Regina Asmutis-Silvia seconded the motion but it was withdrawn.

Sally Yozell: All current members of the working group will continue to serve. Set a date in January to meet and fill the gaps of members if needed. Discussion will be continued at January SAC meeting.

## **VI. SAC Updates (Nathalie Ward)**

### i. Annual SAC Chair and Coordinators Meeting

The annual coordinators meeting will be at Thunder Bay (2009). All sanctuaries will present a case study so think about what you would like as a case study and what type of topics you would like to see discussed.

### ii. SAC Performance Measures

The SAC coordinator will come up with the annual performance measures and types of input on sanctuary issues that SAC were involved in over the year.

### iii. 2009 SAC Meeting Dates

Possible dates; January 27, 28, or 29 and April 28, 29, or 30

Ed Barrett: If possible earlier than 23 April due to fishing season.

iv. Quarterly report: (Previously Requested by Executive Committee, See Below (sent out to Council before meeting and reported on here with exception of Research).

## SBNMS QUARTERLY PROGRAMMATIC REVIEW Spring/Summer 2008

### EDUCATION AND OUTREACH—Anne Smrcina

#### **\* PUBLICATIONS**

In the spring, the sanctuary produced the Draft Management Plan book and CD, which were distributed widely to libraries, academic and research institutions, government agencies/officials and user groups. The “Cliff Notes” version of the plan – a 32 page 4 color magazine special edition of *Stellwagen Banknotes*—was also prepared, copies of which were distributed via the sanctuary’s mailing list and delivered to various venues, including staff lectures, events, meetings. The annual *Stellwagen Soundings* had a print run of 35,000, with 4,000 mailed and 30,000 delivered to whale watch companies, tourism offices and centers, museums and aquariums, and other centers for mass distribution to the general public. A poster (map of sanctuary and adjacent coastal zone) was printed (3,000 copies), with bulk delivery to

distribution centers around the region (PCCS, Cape Cod Museum of Natural History, National Marine Life Center, Gloucester Maritime Heritage Center, Halibut Point State Park, New England Aquarium).

#### \* EXHIBITS

The sanctuary's exhibit at the Gloucester Maritime Heritage Center was modified and extended into the main hallway – with major new panels examining mapping and ocean productivity. Renovations were completed in late July. The expansion and exhibit redesign provides for a more coordinated look in the museum and a more compelling entryway into the sanctuary exhibit. The sanctuary's old Provincetown exhibit has been loaned to the Provincetown Center for Coastal Studies, as funding for dedicated sanctuary exhibit space and staffing is not available at this time. A new exhibit on the Automatic Identification System is in development for both the Provincelands Visitor Center at the Cape Cod National Seashore and the Halibut Point State Park Visitor Center in Rockport. Both facilities are providing the sanctuary with prime locations for the unit, which incorporates a video loop on a large screen and a map with inset monitor to view AIS data/ship traffic.

#### \* VIDEO

A five minute video focusing on sanctuary issues was produced and posted to the sanctuary's web site. The video introduces the public to the sanctuary, its uses, and its resource protection threats, along with a call to action for the public. A list of "10 Things You Can Do to Help Protect the Sanctuary" (referenced in the video) is available on our web site.

#### \* MEDIA RELATIONS

Media contacts have been made through the distribution of several sanctuary issued press releases (DMP release, extension of comment period, SAC recruitment, SAC appointments), responses to releases by partner organizations (acoustic program, marine debris program, Massasoit course); follow up on earlier sanctuary stories (TSS shift, whale tagging, acoustic buoys), etc. Video footage was provided to WBZTV, WCVB TV, Comcast cable, and local public access cable. Sanctuary related stories have run in numerous publications, wire services and web sites, including: Boston Globe, Cape Cod Times, Gloucester Daily Times, Scituate Mariner, Christian Science Monitor, Portland Press Herald, AP, CNN, Scuba Diving magazine, Cape Cod Life, etc. A master file of clips is located in Anne's office.

#### \* EDUCATION

The sanctuary organized and is hosting a six week mini course on marine technology and careers with Massasoit Community College (Division of Workforce Development and Community Education) during September and October. During the annual National Science Teachers Association annual meeting in the spring, the sanctuary hosted an one day oceanography workshop and an exhibit at the informal educator's open house. The sanctuary offered programs/exhibits at the MA High School Science Symposium, the Mass Maritime HS Marine Science Symposium, and the MA Marine Educators annual meeting. The sanctuary was a co sponsor and provided a judge for the annual NE ROV building competition. The sanctuary has joined the NE Ocean Literacy Consortium and will exhibit at the November conference. The sanctuary was co sponsor of the annual Boston Harbor Educators Conference in October.

#### MARITIME HERITAGE PROGRAM—Deborah Marx and Mathew Lawrence

##### \* EDUCATION AND OUTREACH

- Mock shipwreck mapping and information about the sanctuary's shipwrecks at the Gloucester Maritime Heritage Center as part of the Essex National Heritage Commission's Trails and Sails event.
- Presentation to students of the Massasoit Community College on maritime archaeology and the sanctuary's maritime heritage during the second installment of the sanctuary focused class entitled "Marine Technology at Work in a National Marine Sanctuary."
- Presentation on the draft management plan to the Cape Cod Maritime Museum, North Shore Frogmen Dive Club, and South Shore Neptune's Dive Club.
- Participation in the AUV (autonomous underwater vehicle) Fest 2008 at the Naval Undersea Warfare Center's Narragansett Bay Test Range off Newport, RI. The project's goal was to allow archaeologists to experience the application of AUV technologies for archaeological research.
- Participation in the Whaling Heritage Symposium sponsored by NOAA/ONMS, NOAA/NMFS, Mystic Seaport, the New Bedford Whaling Museum, and the New Bedford Whaling National Historical Park.

The symposium sought to enhance the public's appreciation for marine mammals and whaling heritage, and to expand America's understanding of its past and present relationship to the sea.

\* FIELDWORK AND RESEARCH

- Remote-sensing surveys carried out from the NOAA ship Nancy Foster as well as ROV (remotely operated vehicle), side scan sonar, and SCUBA diving operations off the R/V Auk. These surveys located potential maritime heritage resources and continued ongoing archaeological site investigation and site monitoring.
- Archival research focused on the sanctuary's historic fishing vessels at the Boston Public Library, Maine Maritime Museum, Gloucester Maritime Heritage Center, and Cape Ann Historical Museum.

RESEARCH ACTIVITIES—David Wiley, Leila Hatch, Michael Thompson and Danielle

\* CHARACTERIZATION OF UNDERWATER NOISE IN THE SBNMS

(Funded by National Oceanographic Partnership Program 2007-2010): As part of this three year project, low frequency acoustic data were collected and analyzed by researchers from SBNMS, NOAA's Northeast Fisheries Science Center and Cornell University's Bioacoustics Research Program during the summer of 2008. These data are being used to address multiple questions regarding the locations, behaviors, and potentials for hearing loss and masking among vocally active species in the sanctuary. Ship tracking data, were also collected and analyzed by the SBNMS, the US Coast Guard's Research and Development Center and the University of New Hampshire's Center for Coastal and Ocean Mapping, and were used to characterize patterns of large commercial traffic in the sanctuary. These data were further integrated with acoustic data, to assess shipping noise contributions to sanctuary waters. Further collaboration with Marine Acoustics, Inc. (a private company based in Rhode Island integrated empirical noise data and ship tracking information with data from acoustic propagation models to examine whale behaviors in their acoustic context.

\* DIGITAL TAGGING OF HUMPBACK WHALES

From June 28th to July 16th, the sanctuary led a multi-organizational project to investigate the underwater behavior of baleen whales. A total of 22 scientists (from Duke University, University of New Hampshire, Woods Hole Oceanographic Institute; Bioengineering Laboratory, Whale Center of New England (WCNE), Penn State, University, Harvard University, Boston University, National Marine Fisheries Service, and the Stellwagen Bank National Marine Sanctuary) worked off NOAA's R/V Nancy Foster and R/V Auk to tag whales with synchronous motion, acoustic recording tags, while simultaneously mapping prey density and medium and large-scale (tens of meters—kms). Seventeen animals were tagged providing 93 hours of data. New accomplishments included tagging multiple animals in the same feeding group and the tagging of a fin whale.

\* MITIGATION AND MONITORING ASSOCIATED WITH CONSTRUCTION AND OPERATION OF LIQUIFIED NATURAL GAS IMPORT TERMINALS

Construction of the second LNG terminal to be installed in waters adjacent to the SBNMS, run by Neptune LLC, began in mid July 2008. Six real time automatic detection buoys were deployed to operate throughout this year's construction window (through mid October) and next year's window (May to late August/early September 2009). These buoys are detecting right whales in the construction area triggered mandated responses to reduce rates of whale collision and excessive ensonification by construction noise. The SBNMS staff reviewed weekly reports throughout this period, and meetings were held with the company's environmental compliance team to ensure mitigation criteria were implemented. The operational port, run by Northeast Gateway LLC, did not receive any shipments during this period. However, the real time detection buoys installed in the Boston shipping lanes to mitigate impacts due to transiting LNG vessels continue to provide information that is broadcast via the NEFSC's Sighting Advisory System.

\* INTERNAL WAVE PROJECT

The sanctuary and Woods Hole Oceanographic Institution completed the first year of a two year project to investigate the effect of internal waves on the distribution and behavior of baleen whales in the sanctuary. The project consisted of eight days of fieldwork, monitoring the distribution and behavior of whales in areas suspected of being influenced by internal waves. Three in situ buoys were deployed for

three months to monitor for the presence and absence of internal waves and the structure of internal waves. Only one unit was recovered. An in situ acoustic profiler (Penn State University) was used to continuously monitor the location of prey in the water column for a two-week period.

## VII. Constituents Reports

### i. Todd Nickerson: NMFS Special Agent

There have been 12 reports of tuna fishermen targeting whales while surface fishing, which is a violation of the Marine Mammal Protection Act. All of the cases are legitimate and egregious. We only follow up if there really is wrongdoing. There are three ways to remedy this; first, criminally, second, civil action, and third, education campaign. Level harassment: behavior of offender can potentially harm or injure the animal. Level B harassment: the offender had the potential to alter the natural behavior of the animal. Sanctuary sent a letter and poster to educate tackle shops and organizations about issue.

#### Discussion:

Barry Gibson: Need explicit information on how to avoid the whales and know what not to do.

Craig MacDonald: The poster and letter was a rapid response to a problem. We are discussing how to clarify this issue less harshly, and how best to educate and disseminate the information in the future with NMFS and Law enforcement. With the availability of new gear and increasing number of fisherman, we need to address the problem and it is with tuna fisherman not recreational fisherman.

Brendon O'Brien: Trolling is not the problem; it is the casting and recreational fisherman.

### ii. Deborah Cramer: Presentation on her new book, Smithsonian Ocean: *Our Water, Our World*, which is the companion to the Smithsonian's Ocean Hall Exhibit.

The book pulls together the themes of the exhibit into a coherent narrative on why the sea matters. The themes are to come up and look at the ocean up close and recognize our understanding of the ocean. The steamship *Portland* is mentioned in the "Currents" section but there is no real tie between the book and the sanctuary program.

### iii. Heather Rockwell: Nantucket Soundkeeper

Presentation of the process develop Cape Cod Bay as a no- discharge zone. There was summary of the nomination process and the criteria used by the EPA when reviewing the applications. The challenges/obstacles for making the sanctuary a no-discharge zone are that there is a question about if the clean waters act applies to federal waters, adequate pump-out facilities, enforcement, and education.

### iv. Kathy Rodriguez: NMFS

Update on new regulations and amendments. In the future, Rodriguez would like to continue to have a NMFS update at each scheduled SAC meeting. Council agreed.

## VIII. Programmatic Updates

### i. Benjamin Cowie-Haskell: Sea Debris Project:

Cowie-Hasell gave a synopsis on the project's accomplishments, including an upcoming Sea Debris Workshop in November at the New England Aquarium and noted *Stellwagen Alive's* ongoing part in the project. SAC decided that this will be signature project of Blue Seas Greening committee and that Frank Mirachi might be an excellent nomination for the SAC leadership/volunteer award.

### ii. David Waldrip: Marine Operations.

In FY08 85 trips with the Auk, which equals 5500 nautical miles traveled, and 595 hours underway. No major mechanical issues and all mission completed successfully.

### iii. Anne Smrcina: Education (see update pg. 8-9)

### iv. Matthew Lawrence: Maritime Heritage (see update on pg. 9)

**IX. Other Business**

None

**X. Public Comment**

Rob Moir, Ocean and River Institute, offered discussion on the public comments that his organization helped collect for the DMP.

**XI. Meeting Adjourned 4:45pm (Sally Yozell).**

COUNCIL MOTIONS: 22 October 2008

**MOTION:** Sally Yozell motioned to approve the minutes. Motion seconded by Mason Weinrich. *Minutes approved.*

**MOTION:** Peter Auster with second by Mason Weinrich to “Remove the “advisory council” disclaimer text from the SBNMS SAC Charter. Yes – 12, No – 0, Abstain – 4. *Motion approved.*

**MOTION:** Peter Auster with second by Mason Weinrich. The SAC will ignore the guidance in the handbook, at the discretion of the SAC chair, regarding the disclaimer about the SAC being an advisory council. Yes – 10, No – 3, Abstain – 2. *Motion approved.*

**MOTION:** Sally Yozell with second by **Regina** Asmutis-Silvia: The Council will wait and give a 2009 “SAC Leadership Award”. Yes – 15, No – 0, Abstain – 0. *Motion passed.*

