

	U.S. DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration Office of National Marine Sanctuaries Stellwagen Bank National Marine Sanctuary 175 Edward Foster Road Scituate, Massachusetts 02066 TEL: 781.545.8026 FAX: 781.545.8036
29th SANCTUARY ADVISORY COUNCIL 27 January 2010 9:00 am – 3:00 pm NOAA National Marine Fisheries Service, Gloucester, MA	

MINUTES of MEETING

Present:

Jennifer Anderson	Federal: National Marine Fisheries Service
Priscilla Brooks	Alternate: Conservation
Dale Brown	At-Large: Member
David Casoni	Alternate: Fixed Gear Commercial Fishing
Deborah Cramer	Member: At Large
Robert Foster	Alternate: Diving
Barry Gibson	Member: Recreational Fishing
LT Ryan Hamel	Federal: USCG
Heather Knowles	Member: Diving
Marty McCabe	Member: Marine Transportation
Tim Moll	Alternate: Business/Industry
Frank Morton	Alternate: Marine Transportation
David Robinson	Member: Maritime Heritage
Heather Rockwell	Alternate: Education
Michael Sosik	Alternate: Recreational Fishing
CPT John Tulik	State: Massachusetts Environmental Police
John Williamson	Member: Conservation
Mason Weinrich	Member: Research
Sally Yozell	Member: Conservation

SBNMS Staff:

Craig MacDonald	Matthew Lawrence	Michael Thompson
Ben Cowie-Haskell	Deborah Marx	Nathalie Ward
Brad Cabe	Anne Smrcina	Dave Wiley
Leila Hatch	Elizabeth Stokes	

Others Present:

Michael Cohen	Allison Rosner
Betsy Nicholson	Lori Steele

I. Welcome, Review and Agenda and Approval of 28th SAC Minutes (Sally Yozell)

The agenda was reviewed and approved. The Minutes of the 28th SAC meeting were reviewed.

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

Sally Yozell announced that she will be leaving The Nature Conservancy to become NOAA's Director of Policy and Senior Advisor to the Administrator for Special Projects as of 23 February 2010. Sally will be working closely with National Ocean Service (NOS) on issues that she is knowledgeable in. She will remain engaged with everyone in her new capacity and will share interest in SBNMS to stakeholders inside the "beltway". She will be a leader on the front of marine spatial planning. She looks forward to the opportunity to remain engaged with NMFS and SBNMS. And thanked SAC members for their support. Rich Delaney will be Acting Chair until further notice.

Jack Dunnigan, Director of NOS, retired. Dave Kennedy is presently Acting Director. A new director will be appointed in the summer.

II. SBNMS Business (Craig MacDonald)

i. Budget/Continuing Resolution 2009-2010

Budget will be level funding. There will be less spending than in the past but budget looks better than previously reported. Some of the sanctuary sites may be supplemented as the ONMS Director deems necessary. No guidance on President Obama's announcement to institute a three-year spending freeze. Some site budgets may be supplemented depending on needs but this will be relatively minor.

ii. Draft Management Plan (DMP) - Update

Craig is pleased to report that the revised text for the DMP has been sent to Reed Bohne, Director, North East Great Lakes Regional office for his review. After the review and any required revisions are made, it will be sent back in early March to NOAA headquarters for internal review. Once NOAA has completed its internal review, the plan will be sent to the printer's. Projected time line for publication of final plan is 2-3 months. A long delay is not anticipated inter-agency wise as was the case with the DMP. Great strides have been made within NOAA relative to the plan. No firm deadline yet on its final release.

Comments:

Sally Yozell: In her new position, offered to push the Plan along any way she can.

Mason Weinrich: Is another long delay anticipated (i.e. between NMFS and SBNMS)?

Craig MacDonald: Believes NMFS and SBNMS have been able to resolve most of the conflict.

John Williamson: Everyone is aware that staff time has been really consumed with DMP. Will this free up a lot of staff time?

Craig MacDonald: Yes.

iii. Ship Time: R/V Nancy Foster FY 2011

There is no ship time scheduled for FY2010. However, there is ship time for FY2011. A research vessel has been brought for SBNMS use from the west coast in the hope of helping out in the sanctuary. However, it is not fully equipped to accommodate sanctuary needs. Therefore, missions will likely go forward using the *R/V Auk* and *R/V Connecticut* to accomplish research needs in the sanctuary. Maritime Heritage work will also suffer since the multibeam cannot be used without the *R/V Nancy Foster*. SBNMS staff will continue to push to get the *R/V Nancy Foster* back. Craig asked Sally Yozell if she could help in this endeavor once she has moved on to her new position. Ship time is definitely needed in FY2011 and so staff is hopeful that it remains on the schedule.

iv. David Wiley Department of Commerce Award

Craig reported that Dave Wiley was in Washington DC to receive the prestigious Department of Commerce (DOC) Gold Medal Award for Leadership. This is the highest form of honorary recognition that DOC bestows. Dave Wiley was recognized for his work in a leadership role on marine mammal research in the sanctuary.

Dr. Susan Parks, Penn State University, who is working on sanctuary related research, was one of 50 scientists from across the country who received the Presidential Young Scientists Award.

III. SAC Business (Nathalie Ward)

i. SAC New Members

Recruitment is ongoing for 16 SAC members. The internal selection process has been done and nominations have been sent to headquarters. We should hear of new selectees soon. There will be a new recruitment for SAC members whose terms are up in June 2010; recruitment will start in April and an announcement of new members and alternates will be made once selection process is complete.

Craig acknowledged and honored incumbents who will be moving on after long tenures on the SAC: Barry Gibson, Dick Wheeler, Brendan O'Brien, and Jack Crowley. We are indebted to these members who have been very valuable, have made significant contributions and have been a great source of guidance.

ii. SAC Case Study for Sanctuary Advisory Coordinators Summit (May 2010)

The SAC Summit is an annual meeting where all SAC Chairs and Coordinators meet. Every year a regional case study is presented. SBNMS presented a case study on "Marine Mammal Protection" in 2008. This year there is an opportunity to present a case study and suggestions were solicited. We submitted an overview of the "Stellwagen SAC Dive" as a prospective case study for consideration for the May SAC Summit (developed by Heather Knowles and Matt Lawrence). The case study engages a number of different aspects such as marine spatial planning, cultural and local economic sustainability, and development. Heather Knowles reported that the Stellwagen SAC Dive case study is a straight forward abstract and tried to place it in the context of marine spatial planning as well as other aspects, such as highlighting maritime heritage and the good collaboration between SBNMS and the diving community at large in a climate with budget constraints. Nathalie will keep SAC informed on whether the case study is chosen. Other topics were solicited to present at the May summit meeting.

Deborah Cramer gave an overview of what the SAC Summit meeting entails since she attended last year's meeting on behalf of Sally Yozell. The meetings offer the different sanctuaries the opportunity to talk about their council issues. ONMS presents priorities for the coming year and how the SAC fits into these priorities are discussed. The main topic of concern last year was the

budget across the sanctuary program. It would be helpful to see a report on how the priorities at headquarters have come back to help fit into the global warming priority, and how ONMS plans to proceed.

Other comments on topics for the SAC Summit:

John Williamson: One topic is the importance of the Friends Group (*Stellwagen Alive!*) and similar relationships at other sanctuaries. It's difficult to get money to get this friends groups off the ground.

Mason Weinrich: Marine spatial planning and the Management Plan. He testified at the RI meeting and noted that the sanctuary should be the case study. This should be a central task to remain relevant in what is being done. There should be a 'lessons learned' to review time line for the drafting and finalizing of the management plan and allow for a more streamlined fashion to meet the 5-year limitation.

Sally Yozell: What is the status of the Sanctuary Act Reauthorization?

Craig MacDonald: ONMS is being pushed through NOS. He will provide an update at the next SAC meeting. There is an internal draft that has not been publicly released.

John Williamson: There is a lot of frustration with the National Marine Sanctuaries Act. He suspects when it comes up for renewal, there will be a lot of concern and resistance. There will be issues with the reauthorization.

Sally Yozell: Suggested an update be given at the next SAC meeting.

iii. 2010 SAC Meeting Dates: June 8/9 and October 2010

SAC meeting dates: Tentative date for the next meeting is June 8. Nathalie will confirm this through email. Please inform Nathalie if there are any conflicts. *Update: The next SAC meeting is scheduled for Wednesday, 16 June at the Holiday Inn in Rockland.*

IV. SBNMS Programmatic Update

R/V Auk Operational Procedures: Dave Wiley made a presentation on Auk operations and provided the following summary for the SAC Minutes:

The SAC requested the sanctuary provide an analysis of the *R/V Auk*'s speed on a day selected by the SAC using methodology described in Wiley et al. (2008). Since the *R/V Auk*'s research activities do not involve close approach to whales, a direct application of those methods was not possible. Dr. Wiley presented a Geographic Information System (GIS) analysis of the *R/V Auk*'s travel speed relative to the sanctuary's policy of not exceeding a 16 knot speed based on data collected using the US Coast Guard's Automatic Identification System (AIS). The 16 knot speed threshold represents a 40% decrease in operating speed relative to the *R/V Auk*'s designed upper threshold of 27 knots. The 16 knot threshold was established in response to the *R/V Auk*'s strike of a whale in 2009. At the time of the strike, the *R/V Auk* was operating under a policy with a speed threshold of 20 knots, a 25% reduction relative to the design speed of 27 knots.

Discussion/Comments (Dave Casoni, Tim Moll, Craig MacDonald, Mason Weinrich, Dave Wiley, Sally Yozell):

Need to abide by 10 knot rule in SMA. Do everything prudent to avoid a whale strike. It was an accident, steps have been taken and you have responsible operators. There is no need to study further unless there is another incident. Defining a near miss is an issue—distance is hard to quantify. Question is not what the vessel has done in the past but what it continues to do. There needs to be some incentive to remain within the procedures.

The analysis provided was a worthwhile exercise. A decision was reached to periodically give a random track presentation to SAC to monitor vessel operations and reinforce that procedures are in compliance. Dave Wiley and Mason Weinrich will work together to select track days.

Craig MacDonald sent SAC members photos and an update on the condition of the right whale that was struck by the *R/V Auk* in April 2009. This information was provided by the New England Aquarium. There have been three sightings of the animal and photos were presented. Once the Mass Environmental Police report is finalized, staff will be able to release photos of the day of the strike. There is concern over the health of the animal. A health assessment has not yet been completed. If anyone has information concerning the health of the animal, please contact Craig MacDonald.

Mason Weinrich provided more detailed information and a health assessment of the animal. He was relatively encouraged on the health of the animal after seeing the photographs.

V. Future SAC Issues

i. Marine Spatial Planning (Betsy Nicholson)

Betsy Nicholson, NOAA Coastal Services Center, provided an update on Coastal and Marine Spatial Planning and the potential role for SBNMS. She provided an outline of the Ocean Policy Task Force Interim Coastal and Marine Spatial Planning (CMSP) Framework Overview; NOAA capabilities and next steps to support CMSP; CMSP in New England waters; and opportunities for SBNMS to engage and lead in this effort. It is in draft form now and open for comment until 12 February, so it could change. NOAA is one of 18 agencies that have some core capabilities to MSP. The opportunities CMSP offers SBNMS are: to serve as focus area within NE waters; contribute existing ecological characterization, human use patterns, use conflict resolution (TSS); support MOP ecosystem services modeling effort; serve as leader and convener re: biovaluation modeling; and apply zoning work group lessons learned to region. Sally Yozell suggested that Betsy Nicholson send out the slide presentation to the SAC.

ii. Zoning Working Group—ZWG (John Williamson)

John Williamson presented the ZWG update and provided the following summary for the 29th SAC Minutes:

At its September meeting the ZWG made a systematic analysis of nine zones, existing in regulation, which manage various aspects of fisheries in the SBNMS. At its January 13th meeting the ZWG then attempted to apply those analyses to determine whether the combination of measures is adequate protection for ecological integrity of the Sanctuary, and if not where are the shortcomings.

This was a difficult meeting. By the middle of the afternoon it appeared there would be no consensus on adequacy of current measures and there was great resistance to moving forward with a cumulative analysis. The determination of adequacy rests with the question “In comparison to what?” However, in an impressive display of group dynamic, the ZWG rallied to produce a tentative consensus recommendation for this SAC, to the effect:

“Existing zones and regulations were designed to address specific issues and to the extent that they are successful they contribute to the protection of ecological integrity; however, no single existing zone or regulation currently protects the ecological integrity (as defined below) of the SBNMS. Neither does the cumulative effect of these zones and regulations ensure the protection of ecological integrity. We recognize that ecological integrity is compromised by multiple stressors, and the protection of EI depends on factors inside and outside the SBNMS.”

This is a working draft statement that may change somewhat as we move forward (indeed there has been some continued refinement by email since the meeting). As the next step, we anticipate a more robust discussion of cumulative effects to identify gaps and to make recommendations on how to address the gaps.

One sub-group of the ZWG will do a more thorough compilation of existing statutes that apply to the SBNMS identifying both regulatory purposes and the predicted direct and indirect effects from the associated EIS on different aspects of the physical and biological environment.

A second sub-group, the scientific expertise on the ZWG, will do:

- an analysis of the likely benefits of these direct and indirect effects;
- identify, as a strawman, what protections are needed to fully protect environmental integrity (what would EI look like for SBNMS); and,
- then, after comparison, the gaps with the existing set of statutes.

This is a very challenging exercise, but it is also clear that there is no room for short cuts if we are going to bring the SAC a consensus recommendation. I think we can do it, and we will have that substantially completed for the June SAC meeting.

iii. SAC Leadership Awards Subcommittee (Mason Weinrich)

The subcommittee received and reviewed nominations, then passed them along to the Executive Committee. The nominee will likely be announced at the June SAC meeting with *nominees* for the next award also announced at the June meeting. As the leadership awards program goes into its second year, SAC members need to keep in mind folks who would be good to nominate for this award. The *subcommittee will need to be reconstituted* because a couple of members will not be running for re-election.

iv. Marine Debris Update (Ben Cowie-Haskell)

Ben Cowie-Haskell provided the following summary for the 29th SAC Minutes:

Ben Cowie-Haskell and Michael Cohen, co-chair of *Stellwagen Alive!*, gave a presentation on marine debris and derelict fishing gear (DFG) in the SBNMS. Ben updated members on the ongoing identification and retrieval of derelict fishing gear working with draggerman Frank Mirarchi out of Scituate Harbor. Ben described how DFG is not only a problem to sanctuary resources in terms of entanglement of marine life but it's also a problem to fishermen who encounter the gear in their fishing nets and to divers who might get entangled in the DFG. Over a 24 month period Frank Mirarchi lost 21 hours to handling DFG in his fishing nets. DFG is located and identified in the SBNMS through both side scan sonar and the Habitat Mapping Camera (HabCam) operated by Woods Hole Oceanographic Institution. HabCam data provide geo-referenced, high resolution photos of the seafloor that reveal DFG and marine debris that can be readily identified and potentially relocated for later retrieval. Ben described the Fishing for Energy partnership with

Covanta Energy Corp., National Fish and Wildlife Foundation, NOAA Marine Debris Program, and Schnitzer Steel Corp. whereby Covanta places large recycle bins at various ports such as Scituate Harbor for the disposal of DFG. The DFG is first taken to Schnitzer Steel where the metal is removed and then it's taken to the Covanta waste-to-energy facility where the remaining refuse is converted to energy. Michael Cohen described how *Stellwagen Alive!* is partnering with the sanctuary to seek grants for identification and retrieval of DFG and to organize Stellwagen Sweeps that allow fishermen to dispose of their obsolete gear and derelict gear and debris retrieved during fishing operations.

v. *Stellwagen Alive!* (Michael Cohen)

Michael Cohen is Co-chair of *Stellwagen Alive!—Friends of Stellwagen Bank National Marine Sanctuary*. He provided an update on the *first* national Friends Group summit that was held in Monterey, CA. The Friends Groups go largely undetected by the public. These groups are very engaged and now hold monthly meetings. The *Stellwagen Alive!* mission is: “To positively impact the Sanctuary resources and management issues through programs of public awareness, scientific research, monitoring, education, and advocacy. For the next two years, the Group will specifically concentrate on: 1) Stellwagen Sweep; 2) Creating public understanding, 3) Fundraising. For more information, visit their web site at *StellwagenAlive.org*.

VI. Working Luncheon - “History and Update of Herring Fishery in Gulf of Maine (Lori Steele)

Lori Steele, New England Fishery Management Council Staff, presented an overview and history of the Atlantic herring management in the Gulf of Maine. She talked about the Atlantic Herring Fishery Management Plan which took effect in January 2001, the framework and amendments that apply to it. She described the major elements of Amendment 1 to the FMP and related management areas, and the importance of herring as a forage species. A timeline was provided of steps NEFMC is taking to address protection and monitoring of the herring species.

VII. Partner and Constituent Reports

i. NOAA Fisheries Regional Report/Ocean Acidification Update/Atlantic Wolffish Listing (Jennifer Anderson)

Jennifer Anderson presented the NOAA Fisheries Regional Report and provided the following summary for the 29th SAC Minutes:

Amendment 16 to the Northeast Multispecies FMP

Amendment 16 remains on schedule for a May 1, 2010 implementation. The action would establish annual catch limits for groundfish stocks and expand the use of sectors.

The comment period on the proposed rule for the amendment closed on January 20th.

The record of decision for the action which documents and explains NMFS’ rationale for approval of the FEIS is available upon request and a final rule to implement the new regulations will be published prior to the start of the new fishing year (May 1st).

Multispecies Sectors

Seventeen sectors are on schedule to become effective on May 1, 2010.

The proposed rule comment period for sectors closed on January 21st.

NMFS will publish final regulations for sectors prior to the start of the new fishing year (May 1st).

Framework 44 to the Northeast Multispecies FMP

Framework 44, which would implement allowable catch limits (ACL) for most of the groundfish stocks, is on schedule to be implemented by May 1, 2010.

Atlantic Wolffish

NMFS was petitioned to list Atlantic wolffish as threatened or endangered in October 2008. In response to that petition, on November 6, 2009, the agency released a finding in the *Federal Register* that a listing was not warranted at this time. However, wolffish remains listed on the species of concern list.

Atlantic Sturgeon

NMFS was petitioned to list Atlantic sturgeon as endangered on October 6, 2009. On January 6, 2010, NMFS published a finding in the *Federal Register* which concludes that a listing may be warranted. NMFS will be accepting information and comments on the petition finding through February 5, 2010, and has until October 6, 2010, to make a determination on whether Atlantic sturgeon should be listed as endangered.

National Saltwater Angler Registry

As of January 1, 2010, NMFS implemented a requirement for recreational anglers to register with NMFS if they are fishing in Federal waters or in state tidal or marine waters where there are anadromous fish. Registration is free and can be done online (<http://www.countmyfish.noaa.gov/>) or by calling (888) MRIP-411.

NMFS Ocean Acidification Plan

The Northeast Fisheries Science Center released a draft Ocean Acidification plan last fall. Staff from NMFS (Science Center and Regional Office) and the Sanctuary met in September to discuss the draft plan. Sanctuary staff offered several suggestions for ways to incorporate the Sanctuary into the plan, particularly through research efforts. Plan development is ongoing with input from Sanctuary staff.

ii. “Do Humpback Whales Feed Cooperatively in the Sanctuary?” (Mason Weinrich)

Mason Weinrich provided the following summary of his presentation for the SAC Minutes:

"Underwater Behavior of Associated Humpback Whales in the Southern Gulf of Maine". The behaviors of associated humpback whales on their feeding grounds have been well described from surface observations, but inferences regarding underwater components of behavior have been limited. From 2006-2008, we tagged in tandem and recorded the behavior of paired humpback whales on four different occasions in the Stellwagen Bank National Marine Sanctuary off the New England coast using digital tags ("dtags"), which record animal depth, pitch, roll, heading, acceleration, and sound (including bubble emission). Feeding dives within pairs were stereotyped. In two groups (Group 1, n=31 associated min, 11 feeding events; Group 2, n= 22 associated min, 9 feeding events) surface feeding using bubbles and a lobtail prior to the feeding lunge was observed. In both groups only one individual lobtailed and blew feeding bubbles while the other remained at depth. In a pair using bubble nets to feed (n=327 min, 2 feeding bouts), one whale blew bubbles and swam in an upward spiral, while the second animal remained at depth until 43 seconds before surfacing, when it swam rapidly to pass the bubble-blowing animal before surfacing first. During non-feeding traveling activity the same pairs were significantly closer to each other in depth than when feeding (T-test, P<0.001). An additional pair were engaged in highly synchronized presumed bottom-roll feeding (n=281 min, 4 bottom feeding dives, each with multiple roll events), but always

rolled 90° to opposite sides; in each case the animal's orientation was similar to its behavior when they were alone. This pair separated when surface feeding, but re-joined 182 min later, after the feeding bout ended. Results will be presented and contrasted in both the durations of association and age/sex classes of the tagged whales. However, our results question whether feeding in pairs is a cooperative, commensalistic, or parasitic relationship between individual humpback whales.

VIII. New Business

Prioritize topics to be put forward for the SAC Summit in June, and add marine debris as one of the topics.

Sally Yozell: President Obama's budget is due out the first week in February 2010. NOAA will have constituent briefings. Appropriation season kicks off at that time. Ocean policy task force comments due in February.

Priscilla Brooks: Provided an update on the Wolffish Petition. The Conservation Law Foundation is revisiting NOAA Fisheries decision not to list the wolffish as an endangered species at this time. SBNMS is one of the few places where wolffish can be found. She underscored that wolffish habitat needs to be protected. She will keep the SAC updated on this issue.

John Williamson: Reminded everyone of the ongoing process at NEFMC with habitat amendment due for submission in November. One aspect it is soliciting research and information on what should be analyzed. The sanctuary program should pay attention to that. What type of research may be needed if these areas existed especially what the Sliver might offer.

Sally Yozell: Update on The Nature Conservancy ecological assessment being conducted. It is almost complete and will be up and running by mid-February. The weblink will be sent to SAC members. Sally also thanked Barry Gibson for his time spent on the SAC over the past 6-7 years. She added that she enjoyed working with SAC members. She has learned a lot and is very grateful for that. Also thanked Craig MacDonald and his staff for their hard work.

Craig MacDonald: Election for new SAC leadership will occur at the June SAC meeting when new members are in place. Next recruitment is in April 2010.

John Tulik: Massachusetts Environmental Police (MEP) went from 130 officers to 76 State wide. MEP still wants to offer any assistance needed to SBNMS (i.e., help with marine mammal disentanglements). MEP is out monitoring in the Sanctuary more than anyone may be aware.

Anne Smrcina. SBNMS poster has been reprinted and is available for distribution.

IX. Public Comment. No public comment.

X. Meeting Adjourned at 3:10 pm.