

**ZONING WORKING GROUP (ZWG)**  
**Stellwagen Bank National Marine Sanctuary (SBNMS)**  
**Scituate, MA**  
**9:30 am to 5:00 pm**  
**11 May 2009**  
**MEETING SUMMARY**

***Action:*** Ben will line up Mike Thompson, SBNMS GIS analyst, to display maps of existing zones.

***Action:*** Ben will send out last meeting summary from Aug. 2006 which will be reviewed at next meeting.

***Action:*** Ben will request that MA CZM appoint a representative to fill vacant seat.

***Action:*** Ben will request that NE Fishery Management Council appoint a technical advisor.

***Action:*** Ben will request Vessel Monitoring System data from NOAA Office of Law Enforcement.

***Action:*** Ben will assemble reference documents and send out to WG before next meeting.

***Agreement:*** Delete sentence on pg. 8 of groundrules about NOAA's role.

***Agreement:*** At next meeting the ZWG will evaluate conservation benefit of existing zones.

## Working Group Attendees:

Members	
1.	John Williamson Chair, The Ocean Conservancy
2.	Ben Cowie-Haskell Staff Lead, SBNMS
3.	Peter Auster Academic, University of Connecticut (replaced Larry Madin)
4.	Ed Barrett Mobile Gear, MA Fishermen's Partnership
5.	Gib Brogan Conservation, Oceana.
6.	Priscilla Brooks Conservation, Conservation Law Foundation
7.	John Carver Fixed Gear - Mass Lobstermen's Association (Alternate to David Casoni)
8.	Deborah Cramer At Large - Science Writer
9.	Tom DePersia Recreational Fishing-Charter, Stellwagen Bank Charterboat Association
10.	Les Kaufman Academic – Boston University
11.	Dave Pierce Government, MA Division of Marine Fisheries
12.	Allison Rosner Government – NOAA Fisheries
13.	Mason Weinrich Conservation, Whale Center of New England
Absent	
1.	Jennifer Anderson Government- NOAA Fisheries
2.	Chuck Casella- Private recreational fishing
3.	Mary Beth Tooley- Pelagic commercial fishing
4.	Lew Incze- Academic, Univ of Southern Maine
5.	Mass. Coastal Zone Management
Others Present:	
Susan Farady	Technical Advisor, Roger Williams University School of Law
Ben Carr	Boston University Marine Program
Ian Cundall	SBNMS Summer Intern

## Welcome and Review of Agenda

John Williamson, ZWG Chair opened the meeting and welcomed everyone. The meeting agenda was reviewed and accepted. ZWG members introduced themselves.

## Ground Rules and Charge of the Day

Ground rules and the purpose of ZWG were explained.

Purpose of ZWG: Final product will be a full report with recommendations on zoning in the sanctuary.

If a member cannot meet the schedule, an alternate needs to be appointed to have complete representation. It is the member's choice who their alternate can be. Alternates names should be passed along to Ben.

After some discussion, WG agreed to delete the last sentence under “NOAA’s Role” on page 8 of the Options for Moving Forward: “As a stakeholder, the Sanctuary Staff Lead Staff will forward NOAA’s point of view, provide advice on NOAA’s authority and define the range of acceptable outcomes for NOAA.”

The chair explained consensus procedures. Will not vote unless the group decides it wants to vote. As a group a consensus statement will be agreed upon. If no consensus then a majority statement and a minority statement will be reached and recorded. Important that everyone understands why the minority cannot sign on to a consensus statement.

Absence by a member or alternate is considered a ‘null’ participation. Either the member or alternate should be present. If a member and alternate are not present then consensus statement moves forward. However, any discussion or decision that occurs during a meeting when a member is absent may or may not be revisited at the next meeting based on the agreement of the members participating in the original discussion.

### **Technical Advisors**

Technical advisor is presently Michael Fogarty, NOAA Fisheries. The New England Fishery Management Council previously provided a technical advisor but the slot is now vacant. Ben will attempt to get a replacement.

### **Meeting Summaries**

Discussion about the meeting summary from the last meeting in August 2006 that were not reviewed and approved. WG agreed that the last meeting summary should be reviewed and approved at next meeting by those who were present at the Aug. 2006 meeting. However, new members should not be part of the approval since they were not involved in the meeting discussion and agreements.

### **Mass CZM**

The SAC specified CZM representation on the ZWG. WG agrees that it is very important to have a CZM representative fill the seat.

### **Review of ZWG History and Progress (John Williamson).**

Described recommendations that were reached in previous ZWG meetings. Goal is to strive toward ecosystem-based management of the sanctuary which is consistent with the recommendations of the Ecosystem-based Management Working Group and the Ecosystem Alteration WG. ZWG had met three times between 2005-06. Last meeting was held in August 2006. Then staff got diverted to release of DMP. The charge for the ZWG has not changed significantly from before- it is still to consider zoning as a tool to protect ecological integrity.

### **Comments/Discussion about definition of ecological integrity:**

Questions were raised about what was agreed to at previous meeting. Point was made that WG is not beholden to what’s stated in the DMP. Some members not in agreement with the three options presented in the Options Paper provided by Ben and the premise that integrity has been compromised by decades of fishing.

WG agreed that the definition of ecological integrity in the DMP on page 209 is a working definition.

A question was raised about whether the public comments helped clarify the definition of ecological integrity. Ben responded that there were few if any public comments that addressed integrity so they were not helpful.

A question was raised about when the final plan will be completed as it would be helpful to have a final definition of EI. Ben indicated that NOAA hopes to have it finalized by November/December but that the WG should not wait for the plan to be finalized. The working definition of EI that the ZWG formulated in 2006 can be found on page 209 of DMP and this is sufficient to move forward.

### **Present Condition of SBNMS and Public Comment Summary (Ben Cowie-Haskell).**

Ben summarized the present condition of the sanctuary as presented in the Options Paper and summarized the public comments received. He concluded that the DMP is an assessment of ecological integrity and that assessment indicates that the ecological integrity has been diminished and is in need of restoration. Therefore the ZWG should proceed with evaluating the efficacy of existing zones for restoring and protecting ecological integrity. The SBNMS recommends that the following criteria be used to evaluate existing zones for restoring and protecting ecological integrity:

1. Does it contain a sufficient area of each of the four main habitat types such that each can support a viable benthic community and be monitored adequately?
2. Is it sufficiently protected from human disturbance for the intact biological communities to be considered to be representative of a natural or unperturbed state?
3. Is it of sufficient size to adequately restore and protect benthic and fish communities within it such that it could provide functional resilience for the rest of the sanctuary?
4. Is it of sufficient size to provide spillover of fish and invertebrate biomass to surrounding fished areas?
5. Is it of sufficient size to provide a buffer for biological communities inside the Sliver from surrounding fishing activities?

### **Discussion about Options Paper**

- Six steps originally defined for this WG process are still the charge. The question is do we accelerate the process and move on to step 3 which is to evaluate the adequacy of existing zones?
- Need to move forward with issues and deal with the issue of fish biomass removal. The only mechanism available right now for doing this is zoning. We have to solve this problem as a group. We need to answer the question whether the Sliver can be adequate to offset the removal of fish from the sanctuary? What do we have to do to change it and achieve that balance? Once we solve the problem of harmonizing fishing with wildlife protection in the sanctuary, then we address the problem of watershed degradation and anadromous species.

- There was disagreement with the three options presented in the Options Paper. A lot of stakeholders that Mobile Gear represents would wholly disagree with the premise that integrity has already been compromised by fishing and that the public comments suggest that more should be done to protect the sanctuary. This may be true for people who don't know or use the sanctuary but for those who do know it and use it this is not the case.
- Clarification was made that the WG needs to start by focusing on evaluating the Sliver. Suggest we pursue an important element of the plan. Strategy 2.1, develop a process related directly to the Sliver.
- Another concern is that there is no funding to implement action plans, but ZWG can key in on the Sliver and reference areas to focus on. Bigger issue is critical part of management plan was compatibility determination. Good strategy but nothing related to mobile gear fishing. Need to address compatibility of fishing either now or going forward.
- Are any further restrictions in the Sliver being suggested? Ben pointed out that at this point we are just evaluating it.
- We already have some analyses from the Sliver on seafloor habitat. So we have a point of discussion and have a number of products that already exist that can fuel the discussion.
- Current zoning scheme needs to be more 'holistic' and encompass more issues. Ben clarified that our charge is to address habitat protection through zoning but that it doesn't really encompass marine mammals.
- Some disagreement here. There is a lot of area open to fishing that does not get fished because of fisheries management. This is a very large omission from the DMP. Datasets were analyzed but are inadequate. For example, the DMP does not present VMS data. West of the bank is barely being touched by . If we discuss zoning, we need good science. We must take into account fisheries management as we go forward with considering zoning. Defacto zoning due to fisheries management negates the need for zoning.
- Fisheries management is dynamic and changes from year to year. Recent fisheries management changes could result in more fishing effort in the sanctuary which may alter habitats.
- We need to look holistically at how Amendment 16 will affect fisheries, specifically sector management? The sanctuary should use the information on fishing activity from fisheries management. Need to have good interactions between the sanctuary and sectors. Could lead to a partnership of sorts with the fishing industry that the sector works with the sanctuary to reduce mobile gear fishing. When sectors are implemented they will have to be monitored closely. Fishermen themselves could show good stewardship through sectors. Sectors open up a new cooperation between fishing community and opportunities with the sanctuary and to protect it.

- Amendment 16 may help tremendously. However, an ideal fish community under good fishery management is not the same as a undisturbed wildlife community.

**WG agreed that a discussion of the Sliver is important but that other zones and factors should be evaluated as well.**

For example one concern is that historic shipwrecks sites may eventually have specific zones. Where is the list and locations of the 18 sites that are discussed in Options Paper. Where are they? This relates to more zoning in the sanctuary. Ben indicated that they are not disclosed yet, because the SBNMS is still evaluating and investigating the sites. They will remain undisclosed until a specific management plan is developed for them. Zones may be one way to protect some of these sites but shipwreck protection is not the purview of this WG.

*Lunch break; reconvened at 1 pm.*

The chair reiterated that the charge for the group is to evaluate existing zoning that happens in the sanctuary and its present structure. How does the WG want to proceed?

**The WG agreed to move forward with evaluating existing zones but did not agree on the reasons presented in the Options Paper for doing so.**

A question was posed whether there is any guidance in the action plans for evaluating the zones? Ben explained that there is no existing methodology in the plans to evaluate the existing zones.

There was some discussion around what baseline would be used for determining degradation of the SBNMS. Some members noted that the condition of fisheries is much better than it was a few years ago. In fact, cod fishing is great.

The WG discussed what information is needed to evaluate the existing zones. A preliminary list of references and data layers was developed.

#### GIS Data Layers

- Habitats (from multibeam data)
- Sediments (boulder reefs, etc.)
- Wolffish distribution
- Commerical fishing vessel distribution (Vessel Trip Report data)
- Commerical fishing vessel distribution (Vessel Monitoring System data)
- Fish distribution
- Forage distribution (herring, sand eels)
- Whale distribution
- Existing zones
  - Right whale critical habitat
  - Herring Area 1A
  - Whiting Raised Footrope Area
  - Inshore Restricted Roller Gear Area

- Rolling Closures
- Scallop Rotational Area
- W. GoM Habitat Closed Area

#### References

- Fish species and community distributions as proxies for seafloor habitat distributions: the Stellwagen Bank National Marine Sanctuary example (Northwest Atlantic, Gulf of Maine). P. Auster, K. Joy, and P. Valentine, *Environmental Biology of Fishes*, 60:331-346, 2001.
- Site fidelity and movement of adult Atlantic cod *Gadus morhua* at deep boulder reefs in the western Gulf of Maine, USA. J. Lindholm, P. Auster, and A. Knight, *Marine Ecology Progress Series*, 342:239-247, 2007.
- Residency of adult Atlantic cod (*Gadus morhua*) in the western Gulf of Maine. W.H. Howell, M. Morin, N. Rennels, and D. Goethel, *Fisheries Research*, 91:123-132, 2008.
- Estimating the importance of maternal age, size, and spawning experience to recruitment of Atlantic cod (*Gadus morhua*). J. Carr and L. Kaufman, *Biological Conservation*, 142:477-487, 2009.
- Effort distribution and catch patterns adjacent to temperate MPAs. S. Murawski et al., *ICES Journal of Marine Science*, 62:1150-1167, 2005.
- Charting Anecdotal Information and Oral Histories on Stellwagen Bank from Local Commercial Fishermen. M. Hall-Arber and R. Ryznar, Final Report, June 2007.
- Charting Fishing Communities at Sea: Revealing New Potentials for Participation in fisheries Science and Management. K. Martin and M. Hall-Arber; submitted to *ICES Journal of Marine Science*.
- Developing Alternatives for Optimal Representation of Seafloor Habitats and Associated Communities in Stellwagen Bank National Marine Sanctuary. *Marine Sanctuaries Conservation Series*, ONMS-06-02, February 2006.
- Marine Ecosystem Conservation for New England and Maritime Canada: a Science-Based Approach to Identifying Priority Areas for Conservation. 2006. CLF-USA and WWF-Canada.
- Stellwagen Bank Marine Historical Ecology. S. Claesson and A. Rosenberg, Final Report, 2009.

**WG agreed that Mike Thompson, SBNMS AIS/GIS Specialist, attend zoning working group meeting to provide AIS/GIS mapping of sanctuary.**

Marine mammals missing from questions. This is a major omission because they are an indication of ecological community and offer unique insight into processes going on. Marine mammals should be included in considerations of the ZWG as indicators of the ecological processes of the different areas of the sanctuary.

**WG agreed that as a starting point the following criteria should be used to evaluate the conservation benefits of existing zones:**

- 1) Does it contain a sufficient area of each of the four main habitat types such that each can support a viable benthic community and be monitored adequately?

- 2) Is it sufficiently protected from human disturbance for the intact biological communities to be considered to be representative of a natural or unperturbed state?
- 3) Is it of sufficient size to adequately restore and protect benthic and fish communities within it such that it could provide functional resilience for the rest of the sanctuary?
- 4) Is it of sufficient size to provide spillover of fish and invertebrate biomass to surrounding fished areas?
- 5) Is it of sufficient size to provide a buffer for biological communities inside the Sliver from surrounding fishing activities?

**Wrap up and Next Steps (John Williamson).**

7 July [postponed to Sept. 30] is the tentative date for next ZWG meeting.

**Adjourned at 2:30 pm.**