

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

Working Group Attendees:

Members Present:

John Williamson	Chair - The Ocean Conservancy
Ben Cowie-Haskell	Staff Lead - SBNMS
Jennifer Anderson	Government- NOAA Fisheries
Peter Auster	Academic - University of Connecticut
Priscilla Brooks	Conservation - Conservation Law Foundation
David Casoni	Fixed Gear - Mass Lobstermen's Association
Deborah Cramer	At Large - Science Writer
Tom DePersia	Recreational Fishing-Charter - Stellwagen Bank Charterboat Association
Lew Incze	Academic - University of Southern Maine
Patrick Paquette	Recreational Fishing
Dave Pierce	Government - MA Division of Marine Fisheries
Allison Rosner	Government - NOAA Fisheries
Mary Beth Tooley	Pelagic Commercial Fishing
Mason Weinrich	Conservation - Whale Center of New England

Members Absent:

Ed Barrett	Mobile Gear - MA Fishermen's Partnership
Gib Brogan	Conservation - Oceana
Les Kaufman	Academic - Boston University
Member	Massachusetts Coastal Zone Management

Others Present: Noah Chesnin, Conservation Law Foundation

Welcome and Review of Agenda

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

Introductions by members of the Zoning Working Group.

David Pierce stated for the record that a technical advisor from the New England Fishery Management Council should be present at the ZWG meetings. Furthermore, he acknowledged that a NEPA person was critical and Jen Anderson is a good representative. No one available from CZM to attend though Ben had invited them. No technical advisor from New England

Fisheries Management Council could attend because of scheduling conflicts.

Ground Rules and Charge of the Day. Ground Rules were covered at the May meeting. Reminder that the working group is a consensus based process. Members need to make sure that views are put forth and recognized. A consensus recommendation should be made at the next meeting. The summaries from August 2006 and May 2009 meetings will be reviewed at the next meeting. The charge of the day is to review and evaluate existing zones using GIS data; other zones may be identified that the group is unaware of as the evaluation process moves forward. The group needs to keep in mind the Terms of Reference for evaluating the zones, and think about how to apply criteria to the various zones in the sanctuary. Each criterion needs to be interpreted as it applies to the zones.

John solicited discussion on the Terms of Reference and criteria for evaluation that were developed and identified in the staff Options Paper presented at the May meeting. Ben explained that the Terms of Reference and evaluation criteria were generated by him based on past discussions of the zoning and ecosystem-based management working groups and the purposes of the National Marine Sanctuaries Act. All existing zones were put in GIS format.

Discussion of Terms of Reference

Some members asked whether we were focusing on protection of benthic habitats or, more generally, biological communities from the benthos into the water column. Discussion ensued on the wording of criteria for conservation benefits. Benthic communities is used as a proxy to refer to marine communities including those in the water column. General agreement that we are evaluating the zones for their protection of marine biological communities.

Massachusetts Ocean Plan

There was some discussion on how the Mass Oceans Act Plan related to our discussion of zoning in the SBNMS? There is a wealth of information generated from the Plan. The data that the Mass Oceans Plan gathered and presented goes well beyond the boundaries of area management. There may be some relevance there as to what the ZWG is doing. There are a lot of maps available that go way out past federal waters. Data part of plan may have relevance to zoning. Sanctuary staff should take a look at it and determine whether it could apply to the sanctuary. There was general agreement that the ZWG should be aware of the recommendations of the Ocean Plan, that a CZM representative should be present at all future meetings, and that there should be integration, to the extent possible, of the Ocean Plan and the Sanctuary plan.

Discussion of Evaluation Process

Agreement was reached to move through the questions using the GIS data. We proceeded by going down the list of zones and filtered the zones through the 5 criteria in a step wise fashion. All existing zones are being evaluated within the boundaries of the sanctuary. For example, does the zone have enough of each benthic community? Some have nothing to do with protecting habitat so not a lot of time was spent evaluating them; however, some deserved more discussion. These zones were evaluated for their benefits to habitats in general and biological diversity and ecological integrity. The water column habitats were included because of the forage communities and prey base located there. The group started with the right whale critical habitat area.

Existing Zone #1 - Right whale critical habitat. Critical habitat only in the southwest corner of the sanctuary. Allison summarized right whale critical habitat in general and why it was designated, and talked about protection (i.e., activities that jeopardize it). 10 percent of sanctuary is right whale critical habitat for 5 1/2 months of the year. This area is also referenced as the Cape Cod Bay Restricted Area in the Atlantic Large Whale Take Reduction Plan regarding gear types. It is in effect about 5 months of the year. Looking at this first zone, the group launched into a long discussion about how to apply each criteria to this particular zone.

- A matrix was created and projected to keep track of group's decisions on how criteria applied to each zone (see appendix).
- There was some discussion and confusion about how to proceed.
- David Pierce suggested using Peter Auster's 2001 paper as guidance.
- What is the biological community that is being affected by this zone?
- Clarification that we were not evaluating the zone for its intended purpose, but for its contribution to conserving biological diversity within the sanctuary.
- Clarification that we were evaluating only the part of the zone within the SBNMS.
- The ultimate question the ZWG needs to address: Is the current zoning now adequate for comprehensive protection of biodiversity or do modifications need to be made or new zones developed?
- A lot of discussion and disagreement about how the criteria (questions) were worded as they apply to each existing zone.
- Discussion was refocused on matrix and completing it.

ZWG agreed to change wording of following evaluation criteria:

Criterion #1: Change "benthic" to "ecological"?

Criterion #2: No Change?

Criterion #3: Split into two questions -- "Does the zone adequately restore and protect biological communities *within it*?"

New Criterion #4: Change to "Does the zone, and the restrictions that accompany it, provide functional resilience for the rest of the sanctuary? (Functional resilience is the system's ability to resist changes caused by human or environmental perturbations to recover over time.)

Old Criterion #4 becomes #5: Delete the word "fished".... areas.

Old Criterion #5 becomes Criterion #6: Change "fishing" activities to "human" activities.

WG agreed to add Criterion 7: "For its designated purpose, is it adequate?"

ZWG agreed to add two additional zones that are very similar in their restrictions: "SBNMS/Jeffreys Ledge Restricted Area" and the "Cape Cod Bay Restricted Area."

New Existing Zone 3 - Herring Area 1A. ZWG agreed to add "Herring Spawning Closure" as a sub-zone.

ZWG continued working through existing zones and filling in matrix. Each zone was discussed at length and decisions reached and recorded in the matrix.

Existing Zone 5 - Inshore Restricted Roller Gear Area. There was some reservation expressed at

discussing this zone without Ed Barrett present.

Existing Zone 6 Rolling Closure Areas 2-5. Uncertainty expressed about evaluating this zone due to the adjustments that will be made when sectors go into effect in May 2010. Mary Beth Tooley described the ongoing and potential changes to the rolling closure areas.

Existing Zone 7 - Scallop Rotational Area. We could not evaluate effectiveness because the zone has not been implemented yet so it was removed from the list.

Next Steps

At the next meeting, the group needs to look at the cumulative benefits of all the zones together and assess the following:

1. Do they collectively or in some combination provide for comprehensive protection of some portion of the SBNMS?
2. If not, what elements of biodiversity and system function are missing or inadequate?
3. How could we achieve the missing elements identified in #2 and facilitate multiple uses? In other words, what zoning configuration and restrictions would achieve comprehensive protection of some portion of the SBNMS while allowing traditional uses?

The ZWG needs to consider what form its recommendation to the SAC will take. Should it be a synthesis that summarizes the pros and cons of each existing zone and what the specific and cumulative gaps are in protection?

Action items for Ben:

- Capture in meeting summary the nuances of the questions and reflect what they mean; the summary should reflect how interpretation of these criteria was reached.
- Consider creating a Bulletin Board for group discussion prior to the next meeting so that everyone can post and share comments on refining the criteria.
- The next meeting should review the lessons learned from creating the criteria matrix.
- A zoning map with each of these zones all layered upon each other would be helpful.
- Mike Thompson will need to attend the next meeting to provide GIS analyses.

Adjourned at 3:30 pm.