INTERAGENCY COORDINATION (IC) WORKING GROUP (WG)
William's Coast Guard Building
Boston, MA
10:00am to 5:30pm
14 May 2004

MEETING SUMMARY

ACTION: **Upcoming meeting**
IC WG members have recommended that the next meeting be held during July. At this time the FAA will conduct a presentation and the group will have the opportunity to provide feedback on the Draft IC WG Action Plan.

ACTION: **Action Plan Development**
Ben Haskell will finalize the IC WG Draft Action Plan and provide it to WG members for review prior to the next meeting.

ACTION: **29 March Meeting Summary Revision**
WG members requested several changes to be made to the 29 March Meeting Summary:

- **p. 2, Working Group Attendees List:** Tom Fredette's last name was spelled incorrectly.
- **p. 5, Question 2: Change the question from** "*Has the dumping of disposal materials ever triggered the "may affect" standard for the Sanctuary?"* to read "*Has the dumping of disposal materials ever, in the eyes of the U.S. Army Corps of Engineers, triggered the "may affect" standard for the Sanctuary?"*
- **p. 3-5, Navy in the Northeast Presentation:** Comments provide by Tom Fetherson will be incorporated into this section of the meeting summary

Jennifer Ghiloni will make these changes and post the modified Summary on the SBNMS website.

Working Group Attendees (March 29, 2004):

Name	WG Seat / Affiliation	Attendance
Sally Yozell	Batelle Ocean Sciences, WG Chair	Not Present
Ben Cowie-Haskell	SBNMS, Ed WG Team Lead	Present
Kathi Rodrigues	NMFS/NER, Fishing Regs.	Not Present
Kevin Chu	NOAA, Fishing Regs. (Alt for Kathi Rodrigues)	Present
Paul Howard	FMC, Fishing Regs.	Not Present
Chris Kellogg	NMFMC (Alt. for Paul Howard)	Present
Gino Morro	NOAA Office of Law, Enforcement	Not Present
Joe Green	NOAA Office of Law (Alt. for Gino Morro)	Present
Greg Hitchen	USCG, Enforcement	Present
Mike Hennessy		
Kathleen Dolan	Env. Police, Enforcement	Present
Tom Fetherston	US Navy, Enforcement	Present
Tim Timmermann	USEPA, Other Agencies	Present
Andrew Raddant	DOI, Other Agencies	Present
Steve Tucker	Cape Cod Commission, Public Interest	Present
Stephanie Campbell	NOAA/NOSGC, Legal/Policy	Present
Susan Snow-Cotter	MA CZM, State	Present

Others Present		
Gail French	US ACOE	
Laura Miller	Observing with DOI rep Andrew Raddant	
Jennifer Ghiloni	PSGS	

WELCOME, INTRODUCTIONS AND ADOPTION OF AGENDA

Haskell welcomed WG members and provided a brief explanation of the goals for the day. Each member was then asked to introduce themselves. The meeting agenda and the summary from the 29 March Meeting was presented to the WG. The Meeting Summary and agenda were accepted with minor revisions.

OLD BUSINESS AND ACTION ITEMS
The following briefly describes the results of the Action Items identified during the 29 March Meeting.

Questions to the EPA
WG member Tim Timmermann contacted the EPA and presented them with a series of questions developed by the WG regarding EPA regulations, proposals, and guidelines that could have potential impact on SBNMS. Ann Rodney of the EPA responded to each of the question and the answers were presented to the WG. A copy of the questions and answers provided are attached as Appendix A: Questions for EPA. Haskell had developed a series of questions

PRESENTATIONS
Cape Cod Commission and the Mass Bays Program
Steven Tucker's presentation was made with the objective of providing the WG with information on the Cape Cod Commission and the Mass Bays Program to help members gain insight into the authorities, jurisdictions, and interests of these agencies and how they might relate to SBNMS.

Cape Cod Commission
Background
In January of 1990, in response to Cape-wide concerns over the rapid pace of new development and its potential impacts on Cape Cod resources, Massachusetts legislature was passed creating the Cape Cod Commission. The purpose and goal for this Commission was to help Cape Cod better manage, develop, and plan for the region's future through regional policy planning. Specifically, the Cape Cod Commission was given the authority "to prepare and oversee the implementation of a regional land-use policy plan for all of Cape Cod, to recommend for designation specific areas of Cape Cod as districts of critical planning concern, and to review and regulate developments of regional impact."

To further support the Commission and its objectives, a Cape Cod Regional Policy Plan was adopted in 1991. This Plan provides and overall growth policy for the region and serves as the "blueprint" for the planning work and regulatory review of developments under the Cape Cod Commission's jurisdiction. In addition to this Plan, the Commission also encourages individual communities to develop their own Comprehensive Plans for development and growth.

Special Studies
The Cape Cod Commission has staff that consists of both natural resource and water resource specialists. Natural resource staff provide assistances to local Land Bank Committees and help towns acquire additional state funding for open-space protection. Water resource staff assist in the monitoring and assessment of water resources in Cape towns and conduct research studies that include nitrogen loading in

watersheds, tidal flushing in coastal embayments, and water quality at local ponds and streams. In addition, water resource staff also assist in the development of wastewater and nutrient management plans and help implement measures to halt degradation or restore the quality of important water resources.

Cape Cod Commission and SBNMS
There are a number of SBMNS interests that are closely tied with Cape Cod including:

- Tourism
- Travel
- Fishing (commercial and recreational)
- Habitat Protection
- Public Access
- Recreation

Mass Bays Program
The Mass Bays Program is an EPA driven program that focuses on the land-sea interface. It is a fundamentally grass-roots program that focuses on a regional approach to issues of concern. The overall mission of the Program is to foster a partnership of citizens, communities, and government that strives to protect and enhance the coastal health and heritage of Massachusetts and Cape Cod Bays.

Questions and Answers:

Question 1: Are there any other regions in Massachusetts that have developed Commissions through a legislative action?
Answer 1: Yes, Martha's Vineyard and Nantucket.

Question2: Is the Commission currently successful in achieving its goals?
Answer 2: Unfortunately no. The goal is to save half of what is left as protected areas, and despite the Commission's efforts we are not really succeeding.

Question 3: Do you feel the local towns and counties on the Cape are taking advantage of what the Commission has to offer?
Answer 3: This depends. There are plenty of staff willing to support projects and planning strategies, but many are reluctant to take on the risk of pushing forward and support potential controversial plan.

New England Marine Fisheries Council
Chris Kellogg's presentation was made with the objective of providing the WG with information on the New England Marine Fisheries Council (NEMFC) and provide members with a better understanding of the authorities, jurisdictions, and interests of the NEMFC and how they might relate to SBNMS.

Overview
The NEMFC was mandated in 1976 under the Magnuson-Stevens Fisheries Conservation and Management Act. The primary focus of NEMFC is the management of fishing activities including the act of fishing, selling, and processing of fish. The Council has regulatory authority over these activities across all state waters, but can only regulate activities associated with fisheries that are currently part of a fisheries management plan (to date this includes 25 species and 35 stocks of fish), and people holding federal fishing permits. In addition, while the Council has no authority to regulate non-fishing activities, it

does have the ability to consult with other agencies on issues that have the potential to impact essential fish habitats.

Goals
The overall goals of the NEFMC have been well established under the Magnuson-Stevens Fisheries Conservation and Management Act and include the following:

- Prevent over fishing
- Maintain population levels to produce maximum sustainable yield
- If reasonable, rebuild overfished stocks over a 10 year period
- Provide the best scientific information available with equal access to all
- Minimize bycatch to the extent practicable
- Maintain economic standards within the fishing community

Questions and Answers:

Question 1: Will the NEMFC become involved in ecosystem based management?
Answer 1: The U.S. Ocean Commission, in their report, recommends the development of a broad based group to deal with this issue. The Council will be part of this group.

Question2: Does the Council regulate the shrimp fishery?
Answer 2: Not at this time, but this may change in the near future.

Question 3: Please describe what is happening with implementation of Amendment 13 in the Gulf of Maine?
Answer 3: The purpose of Amendment 13 is to rebuild fish stocks that are out of compliance with the Magnuson-Stevens Fisheries Conservation and Management Act. These stocks currently include white hake, yellow tail, and cod. The goal it to bring the industry fishing these species into compliance and to bring the mortality of these species to target rates.

Question 4: If fisheries began to target sandlance, would the Council be able to step in and regulate it?
Answer 4: The Council could not step in unless the fishery directly impacted other protected habitats and fisheries currently under management.

Question 5: Does the Council have a technical group that controls and assesses essential fish habitat (EFH) designations?
Answer 5: Designations are currently based largely on available survey data as well as species presence and absence. Therefore EFHs are currently very broadly defined. We are in the process of trying to re-evaluate the information used to designate these areas. The question remains, however, whether the definition of EFHs should be more narrowly defined or remain broad in scope to allow flexibility in the measures needed to regulate and protect unique areas.

Question 6: How do you evaluate habitat impact?
Answer 6: Evaluation of habitat impact is based largely on benthic studies focused on habitats that are essential to fish species. The primary focus is to protect spawning habitats or reduce the mortality of target species.

Question 7: Does the Magnuson-Stevens Fisheries Conservation and Management Act require the Council to take a look at all fishing in the EEZ and develop a management plan to protect them?
Answer 7: Ideally yes, however, there is no prescriptive requirement to do this.

Question 8: What are the species SBNMS not currently regulated by the Council?
Answer 8: These species include northern shrimp, lobster, ocean quahogs, surfclams, fluke, tuna, swordfish, bluefish, and stripers.

ACTION PLAN DEVELOPMENT

The WG was presented with a "straw-man" version of the Interagency Cooperation Action Plan. The group was asked to review the document and provide comments and edits as necessary. A revised version of the Action Plan as edited by the WG has been included as Appendix B.

FINAL COMMENTS

Meeting adjourned at 2:45pm.

***Gerry E. Studds* Stellwagen Bank National Marine Sanctuary**
Management Plan Review

Interagency Coordination Working Group – Draft Agenda

Date: 14 May 2004, 10:00-3:00
Location: Williams Coast Guard Building
2nd Floor conference room
408 Atlantic Ave.
Boston, MA
781-424-0699

TIME	TOPICS AND OBJECTIVES
10:00-10:15	•**Welcome** •**Introductions** • Approval of meeting summary **Discussion Leader**: Ben
10:15-12:00	• **Agency presentations (20 min. each)** • Cape Cod Commission- Steve Tucker • U.S. EPA- Tim Timmermann • New England Fishery Management Council- Paul Howard **Objective**: Understand agency authorities, jurisdiction, and interests
12:00-12:30	• **Lunch- Provided**
12:30-2:30	• **Review of strawman Action Plan** **Objective**: Agree on a draft Action Plan **Discussion Leader:** Ben
2:30-3:00	•**Next Steps** - Future meetings **Discussion Leader**: Ben

APPENDIX A: Questions to the EPA

1. What is involved in designating the sanctuary as a no-discharge zone?

The Stellwagen Bank National Marine Sanctuary would need to change their regulations or law. The sanctuary is in federal waters, 312 of the Clean Waters Act, 40 CFR
Section 140 is only for state waters.

2. Is EPA dealing with cruise ship discharges in Mass Bay and the SBNMS? If so, what is being done to address the issue? Do cruise ships have a way to pump out while in Boston? The Water Quality working group has the lead on this issue but the Interagency Cooperation WG should be aware of the issue as well.

The questions is - Do cruise ships have an impact on the Sanctuary? - -
All waste streams such as Black water (sewage), grey water (showers, dishwashing, laundry, galley), Bilge water, Ballast water, Hazardous Chemicals, and Solid waste, may have an impact on the Sanctuary. There is a great deal of background information on a National level in regard to cruise ships - starting in the mid 90's. The states Alaska. Florida, California, are Very involved with "regulating" the industry.

In regard to sewage - The regulations dealing with discharge from vessels is regulated under the Clean Water Act (CWA) 312, specifically 40 CFR Section 140.

A bit of background on sewage - there are three type of Marine Sanitation Devices (MSDs) (mechanism to deal with sewage)

Type I MSD - discharge treated effluent having a fecal coliform bacterial count not greater the 1000 per 100 milliliters of water and no visible floating solids.

Type II MSD - discharge treated effluent having a fecal coliform bacterial count of less than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter

Type III MSD - devices designed to store sewage (usually with disinfectants and deodorants added) until it can be pumped out at a shore-based facility or discharged outside the territorial sea boundary or three miles from shore.

Vessels larger than 65 feet in length MUST use a Type II or Type III MSD- - cruise ships.

Federal laws prohibits the discharge of UNTREATED sewage in navigable waters of the US - which include the territorial seas within three miles of shore. It is legal to discharge within three miles ONLY if a Type I & Type II MSD is used. However in a No Discharge Area/Zone (NDA or NDZ - a designated body of water in which the discharge of Treated & untreated boat sewage is prohibited), NO discharge may occur - treated or untreated.

Cruise ships MUST use a Type II or Type III MSD - - Most cruise ships use a Type II - their systems are Very large and usually have an effluent discharge that comes within the standards. The MSD's are small "treatment" plants, of which there are different types of technology. Cruise ships normally would not pumpout on shore, but this depends on the MSD.

The practices of cruise ships in Mass water and New England waters is being "researched" - Information on vessel type, size, Port-Of-Call, destinations, which companies use New England waters - what type of treatment technology is being used, - - these are just some of the questions that need to be answered before one can answer the questions - - Do cruise ships have an impact on New England waters - the Sanctuary? And if so What is the impact?

3. **What is the status of the Gloucester fish waste disposal proposal by American Standard? Eric Nelson will know the answer to this. Are there any other proposals on the horizon?**

To my knowledge, there are no authorized discharges of fish waste (i.e. gurry) from vessels in Massachusetts or New Hampshire waters. There was interest expressed by a herring processor, Trans Pacific International, Inc., to open a facility in Gloucester to dispose of fish waste offshore, but that idea seems to have been abandoned since we have heard nothing from them for over a year. EPA sent a letter to Trans Pacific International, Inc. on November 13, 2002 which identified a variety of sampling and modeling requirements that needed to be conducted before we made a determination as to whether they needed an individual permit. Since we have not heard from them, I consider the proposal dead.

4. **What is the best mechanism for the SBNMS to be made aware of EPA actions that may impact the sanctuary? For example, if municipalities are considering ocean discharge for sewage into Mass Bay can the SBNMS be made aware of these proposals?**

As far as I know, if there is a Federal activity taking place in or around the Sanctuary we need to make the Sanctuary staff aware (cc on letters, e-mails) and if it is in the Sanctuary we would have them involved.

I believe the MWRA and the Sanctuary are aware of each other monitoring, and there may be a question of more coordination? As to other municipalities - I do not know how it is being handled.

The WQ committee is writing up a "background" paper on the subject of cruise ships, in addition to the possible impacts and management actions to be take for the Sanctuary.

There are a couple of good websites on cruise ships, background and activities occurring around the country.

Maine DEP - - http://www.maine.gov/dep/blwq/topic/vessels/reference.htm
EPA Headquarters - - http://www.epa.gov/owow/oceans/cruise_ships/

I'd be glad to talk with Ben, should he like more information on cruise ships - please have him call me at (617) 918-1538.

Thank you, Ann

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APPENDIX B: Interagency Cooperation Action Plan

INTERAGENCY COOPERATION ACTION PLAN

Overview

The National Marine Sanctuaries Act "provide[s] authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;…" and includes among its purposes and policies to "develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas."

The purpose of this action plan is to help clarify the roles, responsibilities and relationships between associated agencies in order to strengthen resource management within the Sanctuary as well as improve interagency communication.

Description of the Issues

Issues Addressed

8.A Clarification of Overlapping Agency Responsibilities
8.B Interagency Coordination and Effectiveness

Goal

The Stellwagen Bank National Marine Sanctuary is the Gulf of Maine's only national marine sanctuary. Its geologic and oceanographic underpinnings give rise to a wealth of marine life from minute, single-celled plankton to the great whales. The 842 square mile sanctuary area is permanently protected through specific legislation whose primary purpose is to conserve its natural and cultural resources. The Sanctuary provides adults and children throughout New England and beyond a window into the oceanic world.

Given the Sanctuary's unique status and its interconnectedness with the Gulf of Maine, state and federal agencies will actively support the Sanctuary's mission through their planning and management actions. Similarly, the SBNMS should proactively communicate its purpose and findings to other agencies and seek opportunities to share information, resources, and expertise among agencies.

Strategies to Address Issues

Identifies the strategies that will be included in this action plan; may also describe how these strategies were developed.

Strategy IC.1 – Re-establish discussions regarding a possible memorandum of understanding between NOAA/SBNMS and the NOAA Fisheries, Northeast Regional Office and the New England Fishery Management Council to facilitate cooperation and coordination.

Activities:

1.1 Meet with NERO and Council staff to scope the details of a possible MOU.
1.2 Present draft MOU to the Council.
1.3 Execute MOU.

Strategy IC.2 – Establish a protocol for coordination on proposed activities with the NOAA Fisheries/Northeast Regional Office.

Strategy IC.3 – Establish a protocol between NOAA/SBNMS and the NOAA Fisheries, Northeast Fisheries Science Center to facilitate, as appropriate, permitting and cooperative research.

Strategy IC.4 – Establish a protocol with the U.S. Army Corps of Engineers for consultation on proposed activities occurring at the Massachusetts Bay disposal site.

Strategy IC.5 – Establish a SBNMS web page that serves as a clearinghouse for fisheries regulations by providing the web links to appropriate regulatory agency.

Strategy IC.6 – Establish a SBNMS web page that depicts agency jurisdictions in the SBNMS and serves as a clearinghouse for agency contact information.

Strategy IC.7 – Provide updates to the U.S. Coast Guard area contingency plan on a regularly scheduled basis.

Strategy IC.8 – Establish a protocol for informal consultation with the U.S. EPA, Department of Environmental Protection (DEP) and the MA Coastal Zone Management office on water quality issues.

Strategy IC.9 – Continue cooperative enforcement program by maintaining and updating memoranda of understanding with NOAA Office of Law Enforcement, Massachusetts Environmental Police, and U.S. Coast Guard.

Strategy IC.10 – Convene an annual meeting for the purpose of sharing among agencies research results pertaining to the management of sanctuary resources.

Strategy IC.11 – Convene annual or biannual meetings of the Interagency Working Group or as needed.

Strategy IC.12 – Participate in the GOM Council and other regional initiatives.

Strategy IC.13 – Coordinate regionally in the establishment of an MPA network within the GOM.

Strategy IC.14 – Share results of cooperative research within Sanctuary boundaries with the public and other interested parties via the web.

Activity

1.