



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

26th SANCTUARY ADVISORY COUNCIL
25 February 2009 9:00 am – 5:00 pm
Holiday Day Inn, Rockland, MA

MINUTES of MEETING

Present:

Bill Adler	Member: Fixed Gear Commercial Fishing
Regina Asmutis-Silvia	Alternate: Conservation
Peter Auster	Member: Research
Jack Crowley	Alternate: Education
Richard Delaney	Member: Education and Vice Chair
Vito Giacalone	Alternate: Mobile Gear Commercial Fishing
Kathryn Greene	Alternate: At Large
Heather Knowles	Member: Diving
Marty McCabe	Member: Marine Transportation
Timothy Moll	Member: Business and Industry
Frances Morton	Alternate: Marine Transportation
Brendon O'Brien	Alternate: At Large
Chip Reilly	Alternate: Whale Watching
David Robinson	Member: Maritime Heritage
Heather Rockwell	Alternate: Education
Kathy Rodrigues	Federal: NMFS
Gerald Santos	State: MEP
John Williamson	Member: Conservation
Mason Weinrich	Member: Research
Sally Yozell	Member: Conservation and Chair

SBNMS Staff:

Craig MacDonald	Matthew Lawrence	Elizabeth Stokes
Ben Cowie-Haskell	Deborah Marx	Mike Thompson
Leila Hatch	Danielle Cholewiak	Anne Smrcina

Others Present:

Jennifer Bender-Ferre
Susan Farady
Noah Chesnin

I. Welcome, Review and Agenda and Approval of 25th SAC Minutes

Sally Yozell welcomed everyone, including new SAC members John Williamson, Conservation, and Rob Moir, Alternate At Large.

i. Review of Agenda: The agenda was reviewed.

ii. Approval of 25th SAC Minutes: The minutes of the 25th SAC meeting were reviewed.

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

II. SBNMS Business

i. Budget: Continuing Resolution 2009 (Craig MacDonald)

Craig received word that the House Conference Committee has put forth their budget. It still needs to go before the full house for voting and the Senate still has to weigh in. 47M is programmed for the NMSP budget and 14M in PAC funds (i.e., capital side of budget facilities and boats). A fair amount is earmarked for other projects. There will likely be level funding for FY09. We should expect to be on a continuing resolution through April (i.e., month to month spending through April).

ii. Draft Management Plan Comments Update (Craig MacDonald)

Craig gave a slide presentation on the ongoing work being done with DMP comments.

The 25,400 plus comments received have been incorporated into a huge data base for analysis. All the comments have been identified and blatant redundancies eliminated. All 50 states, two US territories, and 48 countries submitted comments. The majority of the comments were from Massachusetts. General source distribution was broken into four general categories: environmental organizations, social networks, recreational fishing, and other. It is extensively clear by the comments that resources need to be restored and protected and that the DMP does not go far enough to meet this challenge. This also was the corps message received during the public comment period. Social network comments are coming from a very broad cross section of the public. Once all the information is finalized, it will be uploaded to the SBNMS Web site.

Discussion:

John Williamson: Which social networks?

Craig MacDonald: Care2 accounted for the lion's share of comments. Care2 is a social and environmental issues network. Ocean Rivers Institute worked with Care2 which generated broad input. Comments from environmental sources and social networks accounted for the vast majority of comments.

Sally Yozell: What is the timeline for the final Management Plan?

Craig MacDonald. Would like to have final plan out by midsummer and back to NOAA for internal review, but it is unknown how long the internal review may take. Hopefully, it will be finalized by the end of the year.

Mason Weinrich: How do you differentiate between detailed individual comments versus a form letter.

How is content being considered?

Craig MacDonald: Individual comments are analyzed and are extremely helpful, and in many cases more beneficial in revising the DMP than the petition or electronic messages. However, the totality of the sentiment expressed is defined and results will be included in the revision of the DMP.

John Williamson: According to graphs, there is a strong correlation between the volume of comments generated and the location of other sanctuaries. The network of the system shows value that the sanctuary exists within the system.

Dave Robinson: Gloucester/Rockport area has a main interest according to the graphs. How is the distribution of comments compared to other areas based on regional differences.

Craig MacDonald: Most commercial fishing comments came predominantly from Gloucester. This is the first time an empirical analysis has been done of where the comments come from. The revisions to the plan will come from the substantive comments received, such as Northeast Seafood Coalition, MA fishing partnership, and commercial fishermen who fish in the sanctuary. This analysis has demonstrated the importance of public recognition.

Mason Weinrich: The SAC's role in the development between the draft and final Management Plan is minimal. The SAC will not have a role or influence in the process.

Craig MacDonald: That's correct.

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

Jack Dunnigan, the head of NOS, provided a response regarding ship time letter from SAC. The response was conveyed to SAC members. Although Paul Ticco, Regional Coordinator, tracked the letter carefully through the entire process, there was a lengthy delay from the time letter was sent to the response received.

Discussion:

Sally Yozell: The letter wasn't positive or negative. The SAC has made NOS aware and they have acknowledged it. What is the sense as to when they actually do the planning for ship time? What would be the best time to send additional letters if the SAC felt it was important.

Paul Ticco: Decisions on allocation of ship time at NOAA are made throughout the year by cost of fuel, as to type of research to be done, where the ship has been, and where it should be going. National priorities are involved. Any way the SAC may want to push these ship time issues should be submitted immediately. There is no ship time decision yet for 2010. The good news for SBNMS is that everyone recognizes that the ship is used in a more efficient way than anywhere else.

Peter Auster: The current allocation was reduced from time requested in previous years. Resources were limited and backed out of closed area work because of limited number of days. There is no closed area work with the R/V Nancy Foster this year. There is not enough time for either group to have an adequate number of days at sea. So, Dave Wiley will get all the available ship time for whale tagging this year.

Sally Yozell: What will ship time be used for in 2010 if allocated?

Peter Auster: It will be used for a combination of work NURC is doing (habitat, time series performance

of the Western Gulf of Maine closure in the sanctuary, fiber optic cable and impacts on seafloor habitats).

Craig MacDonald: Multibeam mapping capability, marine spatial planning, and Dave Wiley's whale tagging. Day trips using only the R/V Auk creates too much downtime and integrated science cannot be done without the use of the R/V Nancy Foster which can operate 24 hours. It took over one year to get the ship time letter through the process.

Further discussion ensued about preparing a second letter to Jack Dunnigan and whether to provide copies to congressional delegation (Paul Ticco, David Robinson, Sally Yozell, Kathi Rodrigues, Peter Auster, Craig MacDonald, Richard Delaney, Mason Weinrich).

SAC Member Discussion: Letter should discuss the efficient use of ship time considering the major cost of fuel and how it will be used for 24 hours. Now is the time to push. Congressional support would help. If this does not succeed for FY10, it is still a very good effort showing a strong interest in the coming years. It was suggested that phone calls be made to expedite the letter. Partnership and support from the council showing joint research use of the ship across NOAA would be beneficial. Ship time is a regional need. Betsy Nichols will be contacted regarding regional ship time next year. How the letter is packaged is extremely important. Dan Basta is a strong proponent of the SAC and will not delay it.

MOTION: Richard Delaney with second by Mason Weinrich: That SAC advises sanctuary staff to prepare a letter on the topic of ship time use in Stellwagen and request a meeting with Jack Dunnigan and other appropriate staff as soon as possible in Washington DC, with copies to congressional delegates should they like to support both requests.

Craig MacDonald: The letter has to come from the SAC and not the sanctuary staff. He is happy to offer content that describes the research, but it must come from the SAC.

Additional discussion ensued regarding whether the letter should be sent to the congressional delegation. The letter can be sent individually by SAC members to congressional delegation if they so choose.

AMENDMENT TO MOTION: Mason Weinrich with second by Richard Delaney: Initial motion authorized that the SAC write the letter to Jack Dunnigan and send it. Yes – 15, No – 0, Abstain – 0.
Motion passed.

III. Programmatic Updates

i. Research in SBNMS (Leila Hatch)

Leila introduced Danielle Cholewiak, PhD, an acoustics specialist who is working with Mike Thompson (AIS/GIS specialist), Dave Wiley and herself as part of the sanctuary's research group. Updates were given on a selection of the group's projects and activities.

Leila and Dave continued to be engaged in consultation, permitting actions and commenting under the National Marine Sanctuaries Act, Endangered Species Act, Marine Mammal Protection Act and National Environmental Policy Act. Current foci range from the Navy's Atlantic Fleet Active Sonar Training EIS, implementation/continuing review of mitigation/monitoring associated with Liquefied Natural Gas port construction and operation and permitting the use of low impact active acoustic sources associated with oceanographic research in sanctuary waters.

Acoustic research funded by the National Oceanographic Partnership Program (NOPP): an analytical

project that is ongoing between FY 2007 winter and 2010 spring. This work is a continuation of acoustics mapping and research in the sanctuary waters and seasonal acoustics buoy deployments. Updates were given on new methodologies being developed to monitor the interaction between noise and whales in sanctuary waters.

A summation was provided of analysis of tagging efforts from 2008 showing analysis efforts focused on cooperative feeding and foraging decision making by humpback whales.

Briefed on a collaboration project between WHOI and SBNMS on the role of internal waves and how it can predict prey fish and cetacean population on the Bank.

Explained continuing efforts with AIS data collection in collaboration with the USCG to receive location, identity and speed information large commercial traffic in the sanctuary. Discussed collaborative work with NEFSC colleagues led by Mike Thompson and Dave Wiley from the SBNMS to assess compliance with the NMFS's new speed reduction measures in NE waters.

Update on data from an array of real-time detection buoys are in place in the shipping lanes that transit the sanctuary and which transmit information on acoustic detections of right whales, resulting in a phone call to LNG ships alerting them to slow down to 10 knots. Developing and implementing for LNG and other pilot vessels where they can receive on their AIS screens real-time detections rather than transmitting them electronically.

ii. Sea Debris Initiative (Ben Cowie-Haskell)

The SAC agreed to use this project as its Blue Seas Greening Project. This is an effort to identify derelict fishing gear in the sanctuary and to attempt to remove it. Help has been solicited from commercial fishermen. Dave Haley and Frank Mirarchi, both Scituate fishermen, are helping with this effort. There are implications on fishermen's gear as well as on sanctuary resources. This is an issue for efficiency and safety at sea. Ben outlined the effects of marine debris on resources and addressed legal impediments to remove this gear. Permission is required from Office of Law Enforcement to retrieve derelict fishing gear from the sanctuary. Sanctuary staff in collaboration with Woods Hole Oceanographic Institution will use a high tech habitat mapping camera "habcam" to locate gear and conduct the surveys in the sanctuary's high probability areas this coming May.

iii. Marine Debris Workshop: "Stellwagen Alive" – Seeking Solutions for SBNMS: (Jennifer Bender-Ferre and Dave Haley)

Jennifer Bender-Ferre, Executive Director of *Stellwagen Alive*, a friends group that was formally created in July of 2007 provided an overview of their ongoing work. She described some of the events that *Stellwagen Alive* sponsored to raise awareness of Stellwagen Bank. One of these events was the 3-day kayaking event "Aukathon" that Dick Wheeler and Ben Cowie-Haskell launched from Provincetown and ended in Gloucester summer of 2008.

"*Stellwagen Alive*" has most recently collaborated with the SBNMS on the Sea Debris Initiative to rid the sanctuary waters of derelict fishing gear. Jennifer teamed up with Dave Haley to report on the Sea Debris Initiative. Dave Haley is the coordinator for the SBNMS and *Stellwagen Alive* and all the other multiple parties involved in this project. *Stellwagen Alive* has received a couple of grants to help in this endeavor. Other avenues are being pursued to obtain additional funding as well. Several DFG initiatives called Stellwagen Sweep are currently underway around the state. These include the ports of Gloucester, Scituate, Sandwich and Provincetown. Each of the programs in the ports are facilitated by local fishing communities and in some instances local NGOs, such as the Provincetown Center for Coastal Studies led

by Rich Delaney.

The NOAA Marine debris program was reviewed. They support, facilitate and conduct research and assessment of marine debris. This program focuses on the prevention and reduces the occurrence and impacts of marine debris. They develop, use and disseminate tools and products to improve efforts to address marine debris. Here programs range from Alaska and Hawaii to Florida and the Chesapeake.

Derelict fishing gear (DFG) refers to nets, lines, lobster/crab/shrimp pots, buoys, and other recreational or commercial fishing equipment and associated debris that has been lost, abandoned, or discarded in the marine environment.

What do you do with DFG once it is out of the water? • Reuse if intact; •Landfill; •Recycling;
•Fishing for Energy Project (convert to energy); •Plastic to oil (new, requires steady stream to recoup);
•Monofilament recycling to other plastic products

Regulations and legal issues present some challenges regarding DFG:

From an International Perspective:

Marine Debris Laws, Regulations & Policy

These include the:

- International Convention for the Prevention of Pollution from Ships (MARPOL, 1978),
- Annex V
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention, 1972)

In the United States

- Act to Prevent Pollution from Ships (2000)
- Marine Debris Research, Prevention, and Reduction Act (2006)
- Marine Protection, Research, and Sanctuaries Act (1972)
- Clean Water Act (1977)
- Marine Plastic Pollution Research and Control Act (1987)
- Coral Reef Conservation Act of 2000
- U.S. Ocean Action Plan (2004)

State that has legal definition on the books:

•***State of Washington 57th Legislature 2002 Regular Session***

•*By Senate Committee on Natural Resources, Parks & Shorelines*

•*The purpose of this act is to develop safe, effective methods to remove derelict fishing gear, eliminate regulatory barriers to gear removal, and discourage future losses of fishing gear.*

•*As used in this section and section 3 of this act, "derelict fishing gear" includes lost or abandoned fishing nets, fishing lines, crab pots, shrimp pots, and other commercial and recreational fishing equipment. The term does not include lost or abandoned vessels.*

Dave Haley described the legal barriers that exist in retrieving and disposing derelict gear. We are currently addressing regulatory definitions to facilitate the collection of debris. There is funding available to retrieve gear but legally it cannot be done. There has been a lot of momentum in different communities to try and find solutions to the legal restrictions. These activities can be conducted as long as there is enforcement present in the waters. Most of the work has revolved around the sanctuary.

Jennifer explained the Northwest Straits program that is a good model to model a new marine debris program. The program includes: a Model Framework; Database; Reporting system; Protocols (safety,

priority, removal, disposal); “No-Fault” approach; State law eliminating regulatory barriers; Education and media exposure; Prevention; Funding.

A workshop was held at the New England Aquarium in November with 50 participants from different organizations all coming together to work on issues concerning derelict fishing gear. Jennifer gave an overview of the workshop. The workshop was instrumental in moving issues relating forward in the NE region. Dave Haley briefly described “Fishing for Energy” project that is supported Covanta Energy Company located in Connecticut. He took a tour of the Covanta plant where the marine debris is sent. The plant operates in a very environmental friendly manner. He described how the marine debris is disposed of by burning, which in turn produces electricity; anything left is recycled. There is also a similar waste management initiative in Maine.

Question by John Williamson: The Northwest Straits initiative actually estimated where the gear was and how to remove it. Have there been any attempts to estimate how much fishing gear has been lost in the sanctuary.

Response Jen and Dave: Side scan sonar was used; these were not estimates. Wide scan survey was done and Dave Haley responded that actual pieces of debris were identified out west. A real comprehensive survey is needed. Funding has concentrated on retrieval not scoping and assessment. We currently have a joint proposal with the Nature Conservancy that focuses on scoping and assessment in Stellwagen and the Gulf of Maine.

The most effective elements to arise from the workshop was the building of a regional network that intends to work together to address the challenges we face collectively regarding marine debris and more specifically- derelict fishing gear. SA has begun to serve as a clearinghouse for colleagues and interested parties from across the region (as well as with the national ongoing efforts at NOAA) to disseminate information and work together to solve these local challenges.

Discussion: (Marty McCabe, Dave Robinson, John Williamson, Jennifer Bender-Ferre, Dave Haley, Ben Cowie-Haskell).

How many examples of gear have been found to be removed. Does grappling damage the seafloor?

Ben Cowie-Haskell: Marine debris has been removed using two methods: routine trawling for fish where debris is a bycatch, so-to-speak and by using a grappling hook. Over 5000 pounds of marine debris, not just derelict fishing gear, but other junk as well has been removed from the sanctuary from these two methods. But right now the effort has been limited to one fisherman, Frank Mirarchi. The program needs to be broadened to get more fishermen involved. Grappling does impact the seafloor habitat but the impact area is very small and we feel that the benefits of removing derelict fishing gear outweigh the negative impacts.

Dave Robinson: Focus on effects to maritime heritage resources as well as wildlife? How did you select the targets? Were shipwrecks targeted in the habcam surveys? Shipwrecks have been identified and reflected in DMP. Explore possible ways of removing debris from wrecks without damaging them. The debris is a risk to divers. Want to keep habcam away from shipwrecks. Chose sights based on gillnetters and fishermen information on likelihood of locations.

Ben Cowie-Haskell: This is a concern about derelict gear entangled on shipwrecks and there is plenty of it documented in Draft Management Plan, which is already being addressed. Possible ways are being explored on how to remove debris from historic wrecks. But it is documented that it has damaged historic resources in the past. Every attempt is made to keep the habitat mapping camera away from

shipwrecks, because it does not respond quickly to directions from the surface. Derelict fishing gear locations were chosen with guidance from fishermen.

John Williamson: Informal prioritization of removal by type of marine debris? Is entanglement top priority and then removal of plastic?

Ben Cowie-Haskell: That's correct.

Craig MacDonald: The important component is to reduce the fishermen's quandary of having to throw it back because there is nowhere to take it. This is a project that should address protection of resources and reduce a lot of the impediment that fishermen deal with, as well as eliminate the redundancy of having to throw it back because there is no place to take it.

Bill Adler: Thinks this is a good program. Lobstermen don't want to lose gear that can kill or waste resources that would be otherwise available to catch. They don't want to abandon gear; they want it back. Fishermen are willing to support this program if they can get their gear back.

Vito Giacolone: This is a great and active project. Fishermen are passively picking up debris and dumpsters are being used at major fishing ports.

iv. Maritime Heritage (Matt Lawrence)

Staff is working on the initiative started by sanctuary headquarters folks entitled "Ripples of Disaster: Genealogical research on the *Portland's* passengers and crew." This is part of a broader initiative led by Dan Basta called the "Voyages of Discovery." The idea is to engage the African-American community in ocean awareness. Dan has asked all of the sanctuaries to provide local stories relating to African-Americans and how their culture ties in to maritime history. SBNMS has a fantastic viewpoint into that with the Steamship *Portland*. It sank in 1898 with 193 persons on board, of which 22 were African-American crewmembers. Most were members of the Abyssinian Meeting House in Portland, Maine -- the third oldest African-American meeting house in the US. The loss of so many members resulted in the closing of the meeting house. Using this historical information, efforts are now underway to engage the African-American community in the restoration of the meeting house.

Maritime Heritage staff has identified the F/V *Acme II* with the help of NURC ROV. This achievement was greatly assisted by Philip Cusumano whose family owned the fishing vessel, which sank off Gloucester in 1988.

The Eastern Rig Dragger *Joffre* is now listed on the National Register of Historic Places. It was an auxiliary fishing schooner from Cape Ann that caught fire and sank off of Gloucester in 1947.

Outreach Activity: Staff held an annual archeology month event in partnership with the Cape Cod Maritime Museum, supported by Dave Robinson who gave a presentation. This was a two-day event. In November, the sinking of the *Portland* was commemorated at the Cape Cod national seashore, with several events taking place as well as a wreath laying memorial service at the Highland Light. The most exciting highlight was all of the media attention generated as a result of Bob Foster's dives to the *Portland*. Two really good media stories were reported by WBZ News and *Chronicle* folks who cover dives extensively.

Shipwreck updates have been done on the sanctuary Web site. Staff is hoping to make connections with people whose family members were on these shipwrecks and are willing to share their stories. A grant was submitted to work with NURC on ROV examinations of shipwrecks. Without NURC's knowledge

and support, this type of project would not be possible. NOAA needs to continue its support of NURC. The Center is very important to maritime heritage and to sanctuary research in general. Matthew Lawrence praised the collaboration between NURC and SBNMS on maritime heritage work. The staff is very appreciative and thanked NURC for their help.

Comments by Sally Yozell: Remarked on collaborative efforts ongoing across NOAA. There is a new administration and we haven't really started to feel much of the "changing of the guard". There is a very big push for transparency, openness and change. Sally was part of the NOAA transition team and this is really what this new administration is all about. There is a very big push for working together. It may not be seen yet, but likely will be by the next SAC meeting in May.

IV. Luncheon Presentation: Portland Dive (Bob Foster)

Robert Foster talked about the Steamship *Portland* and gave a video tour of the wreck from a diver's perspective. The Steamship *Portland* is the most famous wreck in Stellwagen.

V. Other Business

i. NOAA Fisheries Regional Report (Kathi Rodrigues)

Provided an update on what is going on at NMFS that may affect sanctuary resources and deliberations of the SAC with regard to planning and working groups that everyone is involved in, and to give a better understanding of issues when recommendations are made. Topics covered were the fishery management planning under the Magnuson Stevens Act; Amendment 16 to the multi-species groundfish management plan being developed by the Fisheries Management Council; Amendment to the herring fishing management plan under development; new rule and actions underway in lobster fisheries; national right whale ship strike rule that was published and went into effect on 9 December; analysis on wolffish population; Bay Watershed Education and Training Program (BWET) that NERO was selected to host. NMFS has plenty of information that can be obtained from their Web site.

Discussion (John Williamson, Kathi Rodrigues, Craig MacDonald, Vito Giacalone, Sally Yozell):

A timely relationship is needed with the Fishing Management Councils and regulations developed in the future should be developed through the Council. NMFS and NMSP are trying to work out agreements and different ways to interact. There already is excellent cooperation and interaction with NMFS on the protective resources side. The sanctuary has been collaborating with NMFS but is short on staff which limits the potential for greater interaction. The council is the appropriate platform to discuss fishery issues because it's a very complicated management regime. More collaboration with the fishing industry in those areas could assist the sanctuary with preparation of comments on these issues. More frequent dialogue should be established. Amendment is in place and specific for 2009 and can be replaced in 2010 and could take a very different form. Analysis has been done and SAC should have access to the data. It is reasonable for the sanctuary to be one of the criteria for metrics to be developed in that biannual review to monitor any changes that might be occurring.

Kathi Rodrigues, Craig MacDonald, John Williamson, and Vito Giacalone will get together on a conference call to engage sanctuary and fisheries council in giving the sanctuary some presence in the NMSF groundfish management process and to discuss ways to use data. Craig MacDonald will follow up with everyone to set up a date.

1. Right Whale Penalty Schedule (Todd Nickerson)

Todd Nickerson, Special Agent NOAA Fisheries Office. He works closely on issues concerning protective resources. The final rule for the right whale speed restrictions went into effect on 9 December 2008. His office is in charge of enforcing that rule and partners with the Coast Guard and State. As of 31 March, his office will be dealing with a lot of issues since this affects the sanctuary and shipping lane. He talked about the different areas that are effected (Cape Cod Bay 1 Jan – 15 May; off Race Point 1 Mar – 30 Apr; Great South Channel, 1 Apr – 31 Jul). All vessels 65 feet and over are required to travel 10 knots or less during that time period when they are transiting inside of the seasonal management areas. The rules follow east coast and biological behavior of the right whales. There are thousands of vessels to monitor. He is responsible for monitoring the entire Northeast area. His office does its best, but there are thousands of vessels he is charged with monitoring. It is a very difficult task in the sanctuary alone. NMFS encourages vessels to follow the rule for dynamic management areas (DMAs) when there are three or more whale aggregate sightings and an attempt is made to get the word out to the mariners. NOAA Fisheries Office does not have the resources to monitor voluntary dynamics management areas. AIS is one of the enforcement tools that is being used.

Discussion: (Sally Yozell, Mason Weinrich, Kathi Rodrigues, Marty McCabe, Richard Delaney)

Mason Weinrich: One of the provisions under this new law is compliance. Who is responsible for this?

Todd Nickerson: This does not fall under the Law Enforcement. NOAA Fisheries protective resources office partners in this. From a law enforcement perspective, compliance isn't really what we are concerned with, it is non compliance, what with the limited resources on hand. This is an issue and we do not have the ability to do it.

Kathi Rodrigues: Law Enforcement is separate. She believes the Office of Protected Resources is probably involved in complaints monitoring. But she does not have any information on this.

Mason Weinrich: Asked if Kathi Rodrigues would please report back to SAC at the next meeting because this is very important to know who is monitoring voluntary dynamic areas compliance. Is compliance monitoring being done through AIS.

Todd Nickerson: Enforcement can be done through AIS. However, there is no existing avenue for compliance monitoring from a law enforcement perspective. Compliance is a great thing to protect the animals, but from a law enforcement perspective, our job is to hold those accountable who are not compliant, not to deal with those who are. AIS is used right now remotely. Headquarters and the Coast Guard worked together on this by sharing and filtering data feed through AIS and it has to be certified.

Mason Weinrich: What criteria are being used to suggest an infraction?

Todd Nickerson: It has yet to be determined and is a challenge that needs to be dealt with. This issue is still being discussed and many other political issues as well. Benefit of the doubt will be given to the mariner. There are many levels of data being used.

Todd Nickerson passed around a laminated speed reduction rule for the seasonal management areas and penalty schedule handout.

Todd Nickerson: Enforcement of the rule is happening. This is a very substantial law that is in place.

Marty McCabe. Any outreach to the yacht business? There is a substantial number of vessels over 65

feet entering the sanctuary after May.

Todd Nickerson: No - he personally has not, but his office is open to suggestions.

Richard Delaney: The handout is a nice product; if it is reprinted, consider adding the disentanglement hotline number.

Todd Nickerson: Good idea and he will share this with his Outreach staff.

ii. SAC Updates (Craig MacDonald)

1. Recruitment

Deadline was 23 February to fill Business and Industry Alternate seat. Two applications received and both are very qualified. The selection process is ongoing.

2. 2009 SAC Meeting Dates

Date chosen for next SAC meeting is Thursday, 14 May. There is meeting space available at NOAA Fisheries in Gloucester; there are no funds for another venue.

3. Northeast Regional Minutes Sign-up.

Paul Ticco announced that a sign-up sheet is available for anyone interested in receiving SAC Minutes from other sanctuaries in the Northeast Region. This is a means of keeping SAC members informed on issues going on at the other two sanctuaries.

4. Annual SAC Chair and Coordinators Meeting

Craig MacDonald talked about the “black holes” fact paper that Nathalie Ward prepared to present at the upcoming annual SAC Chair and Coordinators meeting to be held in Alpena, MI, in May. SBNMS was not selected as one of the sites to present at the meeting; however, the fact paper is available for review.

Sally Yozell added that SAC members will be queried to see if there are any issues in particular that need to be raised while she is at the meeting.

5. SAC Disclaimer/Communications: SBNMS Council Charter

Nathalie Ward has been in contact with the National Sanctuary Advisor to inquire what the policy is regarding the Council Charter and how to go about changing it. Bottom line is that the SAC needs to abide by what is written in the Charter.

Craig MacDonald quoted the Charter and explained the three options for SAC consideration. The purpose of the disclaimer is intended to be very clear that the content is coming from the SAC body and not from NOAA. It is a formality.

Disclaimer reads:

“The council is solely an advisory body to the sanctuary superintendent. The opinions and findings of this letter/publication do not necessarily reflect the position of the sanctuary and the National Oceanic and Atmospheric Administration.”

In accordance with Headquarters SAC Coordinator, the second sentence must remain as part of the disclaimer.

Option 1: Take out the first sentence altogether: “The council is solely an advisory body.”

Option 2: Take out the word “solely” in the first sentence.

Option 3: Use the verbiage that is in the model Charter: “The council is an advisory body to the sanctuary superintendent.”

Discussion ensued regarding the three options (Craig MacDonald, Sally Yozell, Peter Auster, Mason Weinrich, John Williamson, Brendan O’Brien, Vito Giacolone, David Robinson).

MOTION: John Williamson with second by David Robinson to go with 2nd Option of the 3 options that Craig outlined which would be in the first sentence. “The council is an advisory body. Remove the word “solely”, and adopt the rest of the language as used in the Charter.”

Yes – 5; No – 7; 1 – Abstain. **Motion failed.**

Further discussion, followed by new motion.

MOTION: Mason Weinrich with second by Bill Adler to strike the *first* of the two sentences. Yes – 13; No – 0; Abstain – 0. **Motion passed.**

6. Quarterly Report: No report available.

iii. Zoning Working Group Update (Ben Cowie-Haskell)

Sally introduced and summarized the ZWG pulled together to help with the Draft Management Plan. The ZWG has met three times. A list of members of the ZWG was shown on screen. It needs to be determined who of the existing group still wants to be on it and when to meet. Some original members have moved into new positions or are no longer SAC members. Bottom line is to get the ZWG back on track and to meet as soon as possible. Identify who wants to be on it, those who do should meet; those who want to be on it, seats could be added but a balance needs to be maintained. There can be alternates and technical advisors.

John Williamson: Specific structure is needed in group dynamics to maintain a balance. This may need to be reexamined.

Mason Weinrich: Happy with list as is; the body is still there. Mass CZM is significant and needs to be filled; it's presently vacant.

Vito Giacolone: Asked about the definition and objective of the ZWG.

Craig MacDonald summarized what the working groups were comprised of as provided in the handbook, which outlines procedures and processes of the ZWG. SAC members and alternates can nominate themselves. The process of recruiting anyone who is not a SAC member must be publicized and the Executive Committee to makes selections. Once the panel is formed and populated, members can choose an alternate to represent them if they cannot attend. Technical advisors can be appointed or invited (academics, technical staff from various agencies -- not members per se but who provide representation and input as requested).

Ben Cowie-Haskell summarized the charge of the ZWG process. The ZWG was established by the Sanctuary Advisory Council (SAC) in November 2004. The SAC specified that the membership seats be similar to that of the EBSM working group consequently, the seats for the ZWG are:

Sanctuary Advisory Council Member Chair	(1)
SBNMS Staff Lead	(1)
Academics	(3)
Fishing Industry (fixed, mobile, mid-water)	(3)
Recreational Fishing (charter and private)	(2)
Conservation	(3)
At-large	(1)
National Marine Fisheries Service	(2)
Mass. Division of Marine Fisheries	(1)
Mass. Coastal Zone Management	(1)
Total membership	(18)

Its purpose is to evaluate the adequacy of existing zoning schemes for protecting ecological integrity and benthic habitat and make a recommendation to the SAC on the need for zones in the SBNMS within two years of publication of the Final Management Plan. A process was specified by the SAC that the ZWG was to follow to make its recommendation.

1. ZWG convenes and assigns a subgroup to come up with 2-3 operational definitions of ecological integrity with measurable parameters.
2. Subgroup makes recommendation on definition of ecological integrity appropriate for the SBNMS.
3. ZWG evaluates existing zoning scheme based on agreed upon criteria associated with the scientific requirements and goals of EBSM.
4. ZWG makes recommendation to SAC on adequacy of existing zoning scheme.
5. SAC makes recommendation to superintendent on adequacy of existing zoning scheme and future of the ZWG.
6. If necessary, the ZWG continues deliberations to develop a modified zoning scheme (including a consideration of fully protected reserves) for the purpose of meeting the scientific requirements and goals of EBSM within 2 years of final management plan implementation.

Appendix Q of the Draft Management Plan describes the context. Given context of this activity in the Ecosystem-Based Management Action Plan, intent of this working group is to focus on habitat zoning and ecological function. Bounds are relatively narrow and do not extend to all aspects of potential sanctuary zoning.

Ben Cowie-Haskell: Will check with existing members and determine if any vacancies. He does not want to move forward with discussions if there are too many vacant seats.

John Williamson: The three academic slots are very important to the ZWG. They should be replaced with scientists if there are vacancies.

Craig MacDonald. By the next SAC meeting in May everyone should have been contacted and an update will be given at that time.

John Williamson: Go with set of individuals and go with slots that are vacant, assuming there will not be more than 2-3 vacancies, then report back at next SAC meeting. Then changes can be made at that time.

Sally Yozell: Firstly, identify who is still interested. Secondly, assuming that there are not too many vacancies, if not more than a couple of vacancies, have the ZWG meet as soon as possible. Assuming everyone wants to remain, we would retain Susan Farady as an academic alternate and move Kate Killerlain to conservation, and still go to the State to fill the Mass CZM position. A balance in representation needs to be maintained.

Ben Cowie-Haskell: The next group will try to meet in the second or third week in April.

Craig MacDonald. Ben Cowie-Haskell will continue as team lead on the ZWG. Due to staff limitations, Reed Bohne has made Paul Ticco available to fill in on Draft Management Plan review process to free up Ben for the ZWG. Craig is very appreciative to Reed and Paul for the help they have offered.

iv. SAC Leadership Awards Subcommittee (Peter Auster)

Peter reported that several items were identified that needed clarification. Everyone was provided with a draft with highlighted items that need to be changed. This is a volunteer for SBNMS that is independent of a nomination for NMSF.

Issues to resolve:

1. How would the award be advertised?
2. Should SAC leadership serve as review committee?
3. Should awards committee make a recommendation to the SAC and the SAC vote on it?
4. Define what the award will be?

After some discussion amongst SAC members, a resolution was reached provided to the SAC by the Leadership Awards Committee as follows:

The deadline for nominations will be 30 September 2009. Notices will be posted in Soundings (the summer newspaper of the Sanctuary), on the Sanctuary's web site (where the nomination form will be posted), and by SAC members to their various constituencies. After the deadline the current Leadership Awards Committee (LAC) will review the applications received, to take out those we think are clearly not up to par, and forward the remainder to the Executive Committee by the end of October. The SAC Executive Committee will decide on the winner by the end of November. The prize will be some sort of plaque, which will be presented at a forum which best honors the winner - a SAC event, if a teacher perhaps with SAC representatives traveling to his/her school, etc. The winner will also be offered the opportunity to join Sanctuary researchers at sea for a day on the Auk as a volunteer researcher.

John Williamson added that this would be a good opportunity to recognize *Stellwagen Alive* as well as SBNMS.

v. Blue Seas Greening Subcommittee. Regina has nothing to report since the last SAC meeting.

VI. Constituents Reports

i. Volvo Ocean Race (Regina Asmutis-Sylvia)

The Volvo Ocean race takes place every two years. This is the first year that Regina is aware of the race coming in to Boston. The sailboats will be arriving in Boston beginning 28 April through early May. There are currently 7 boats (originally 8), approximately 65 feet in length with an average sailing speed

of 25 knots. The boats sail all over the world and have had numerous collisions with whales. Most of these have not been reported in the whaling commission database. WDCS partnered with one of the boats, Team Russia, to raise awareness of possible whale strikes. Team Russia has since dropped out of the race. WDCS no longer has access to the team coordinators since Team Russia left. A collision form for the racers was developed so that strikes could be reported and information was provided on precautionary measures to take to avoid whale strikes. A meeting was held back in November with SBNMS and NMFS to discuss concerns about the race coming through the sanctuary and GofM while the whales are migrating north. WDCS tries to continue advising the Volvo ocean race committee by providing legal background information on MMPA and individual state requirements coming in to Boston, in case of strikes. Mitigation recommendations and best strategies have been provided as well as information generated from discussions with SBNMS and NMFS. The racers have been asked by WDCS to keep their AIS active the entire time and to report any strikes immediately. WDCS has asked for the finish line to happen before the restricted area and for boats to sail at 10 knots to avoid any known areas of whale aggregations. The Volvo Ocean Race committee said that as of now they will try to avoid the sanctuary. They were denied an exemption to the seasonal management area restriction from NMFS to the 10 knot rule. Requirement that they must reduce to 10 knots is a mandate. The plan is to go around the restricted area and try to avoid the sanctuary but there is no plan to slow down. WDCS is not trying to squash the race; it is just trying to make it safer.

Discussion ensued (Regina Asmutis-Syliva, Tim Moll, Sally Yozell, Peter Auster, Mason Weinrich, Kathi Rodrigues, Vito Giacalone, Craig MacDonald)

It is expected that the VOR boats will respect restrictions. They use very sophisticated routing systems and do not want to sustain a lot of damage to their boats. Most attrition is from running into things. This is a good opportunity for ocean awareness. The publicity is good for the economy but rules need to be followed. AIS information needs to be shared. The boats should be kept outside of sanctuary waters. Speed restrictions will not yet be in effect when the race leaves Boston. This is a tremendous opportunity for ocean and education awareness in conjunction with the race. This also raises concern about an increase in boat traffic in July during the Tall Ship Event in Boston Harbor. Public awareness needs to be raised.

Question: Did NMFS develop formal recommendations to the race organizers?

Kathi Rodrigues: We asked the race participants to voluntarily comply to avoid the area.

Regina Asmutis-Sylvia: Proposes a letter to the VOR Race Committee to raise awareness and emphasize whale avoidance areas.

Recommendation: Regina drafts a letter on behalf of SAC that reiterates specific rules and recommendations giving suggestions on how to avoid whale strikes.

Motion: John Williamson with second by Mason Weinrich for Regina to draft a letter on behalf of the SAC urging the Volvo Ocean Race Committee, to abide by the restrictions to exit outside of the sanctuary and to offer an educational promotion as to how great they are. Once the letter is drafted it will be shared with other SAC members. Yes – 13, No – 0, Abstain – 0. **Motion passed.**

ii. TNC Northwest Ecoregional Assessment (Sally Yozell)

Sally talked about an eco-regional assessment TNC has undertaken that involves gathering and integrating biological, sediment, and benthic data. As much data as possible is being pulled together, integrated, and maps being developed. Historically this has been an internal exercise to identify areas to

develop strategies. There is currently an assessment being done for over a year from Maine to Virginia from the coast to the shelf slope break. The project consists of 11 technical and scientific teams. Workshops are being set up to bring it into a more public realm, so that folks can see what is being done. The long term goal is to make more information for marine spatial planning activities particularly on the east coast to be made available to folks as well as to various government agencies. A value neutral database and the Web map server will be available to people in 2 years. Internally, strategies and policies are being developed for this and it is hoped to have it done by July. It is a mammoth project with a lot of involvement. Sally has a 2-page fact sheet available for anyone who may be interested in the data collecting effort.

VII. New Business

i. Tall Ships (Anne Smrcina)

Tall Ships Event will be in Boston 8-13 July. They will be sailing up from South Carolina to Boston. There will be a sanctuary exhibitor's tent set up during the event. This is a good opportunity in terms of outreach to educate recreational boaters about safe boating around whales. There has been some discussion as to whether the R/V *Auk* could be used for media during the parade and sail. Research cruises are also scheduled for that week, so attempts are made to work it in with ongoing projects planned in the sanctuary.

Bank Notes was just published. Development of the Summer Soundings newsletter is in progress. Anne hopes it will be out in early May. Another *Bank Notes* issue will probably follow in the fall.

Final remarks by Sally Yozell:

Coastal Zone Management Conference is also in Boston on 18 July. Be aware of another big event, and this is a great opportunity to do some outreach. Craig MacDonald added that the sanctuary staff will have a presentation poster there, but there is no other involvement at this time.

Next SAC meeting in May.

VIII. Public Comment. No public comment.

IX. Meeting Adjourned. 4:05 pm.

26th SANCTUARY ADVISORY COUNCIL MOTIONS

25 February 2009

MOTION: Sally Yozell with second by Bill Adler to approve the 25th SAC Minutes. *Minutes approved.*

MOTION: Richard Delaney with second by Mason Weinrich that SAC authorize sanctuary staff to prepare a letter on the topic of ship time use in Stellwagen and request a meeting with Jack Dunnigan and other appropriate people as soon as possible in Washington, DC, with copies to the congressional delegation should they like to support both requests. Motion seconded by Mason Weinrich.

AMENDMENT TO MOTION: Mason Weinrich with second by Richard Delaney to authorize that the SAC write the letter and send it. Yes – 15, No – 0, Abstain – 0. *Amendment to Motion approved.*

MOTION: John Williamson with second by David Robinson to go with 2nd Option of the 3 options that Craig outlined which would be in the first sentence. “The council is an advisory body. Remove the word “solely”, and adopt the rest of the language as used in the Charter.”
Yes – 5; No – 7; 1 – Abstain. *Motion failed.*

MOTION: Mason Weinrich with second by Bill Adler to strike the *first* of the two sentences. Yes – 13; No – 0; Abstain – 0. *Motion passed.*

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.*