



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
Office of National Marine Sanctuaries  
Stellwagen Bank National Marine Sanctuary  
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**43rd SANCTUARY ADVISORY COUNCIL**  
**October 23, 2014 9:30 am-3:00 pm**  
**Plymouth Yacht Club MA**  
**MINUTES of MEETING**

**Present:**

Bill Adler	Primary:	Fixed Gear Commercial Fishing
Jennifer Anderson	Federal:	NOAA Fisheries GARFO
Jeanine Boyle	Alternate:	At Large
Priscilla Brooks	Primary:	Conservation
Alyssa Catalano	Alternate:	Education
Deborah Cramer	Primary:	At Large
Tracey Dalton	Primary:	Research
Rich Delaney	Primary:	Education (Chair)
CPT Brian Fiedler	Federal:	First US Coast Guard District
John Galluzzo	Alternate:	Maritime Heritage
Jonathan Grant	Alternate:	At Large
Christine Guinee	Primary:	Youth (Non-Voting)
Laura Howes	Alternate:	Whale Watching
Heather Knowles	Primary:	Diving (Vice Chair)
Chris McGuire	Alternate:	Conservation
Kevin Nicolai	Alternate:	Youth (Non-Voting)
Jonathan Nash	Alternate:	Recreational Fishing
Tom Nies	Federal:	New England Fisheries Management Council
Wayne Petersen	Alternate:	Conservation
David Pierce	State:	MA Division of Marine Fisheries
Michael Pierdinock	Primary:	Recreational Fishing
Kevin Powers	Alternate:	At Large
Charlie Rasak	Primary:	Business Industry
Maj Len Roberts	Federal:	Mass Environmental Police
Howard Rosenbaum	Primary:	Conservation

**SBNMS Staff:**

Craig MacDonald	Matthew Lawrence	Elizabeth Stokes
Ben Cowie-Haskell	Anne Smrcina	Nathalie Ward

**Other Staff Present:**

Molly Holt, NOAA General Counsel, Office of Oceans and Coasts  
Paul Ticco, Regional Coordinator for the Northeast and Great Lakes Region, ONMS

## **I. Welcome, Review of Agenda and Approval of 42nd SAC Minutes (Rich Delaney)**

The Agenda was reviewed and approved. The 42nd SAC Minutes were reviewed and accepted.

## **II. SAC Business**

### **i. Announcing New SAC Members - Rich Delaney introduced new SAC Members**

- Jeanine Boyle, At Large Alternate. Jeanine is the Program Manager for Battelle, Norwell MA.
- CPT Brian Fiedler, Ex-Officio. CPT Fiedler is Chief of Enforcement, First US Coast Guard District, Boston.
- Laura Howes, Whale Watching Alternate. Laura is the Director of Marine Education and Conservation, New England Aquarium Boston.
- Jonathan Nash, Recreational Fishing Alternate. Jonathan is the Director for Business Development, NewStreamH2O, Attleboro MA
- Howard Rosenbaum, Conservation Primary Member. Dr. Rosenbaum is the Director for Ocean Giants Program, Whale Conservation Society, Bronx, NY.

Sanctuary Advisory Council Orientation - Craig MacDonald asked new SAC members to become familiar with the Sanctuary's Management Plan and SAC Charter in preparation for SAC meetings. It is important to become familiar with and understand the SBNMS Charter including voting procedures, who your Primary or Alternate is, etc. If you need more details or a more in-depth orientation, please contact Craig. He stressed the importance of the Alternate's role, and to stay in step with the tempo of the SAC. Your voices are heard and SAC meetings are an opportunity to be recognized and offer comment during open discussion.

ONMS weblink to the SAC Handbook is: <http://sanctuaries.noaa.gov/management/ac/acref.html>.  
SBNMS weblink to SBNMS SAC Charter is:  
<http://stellwagen.noaa.gov/management/sac/documents.html>

### **ii. New Recruitment**

The next SAC recruitment will be for Research Primary and Mobile Gear Commercial Fishing Alternate seats. Deadline for applications is December 31st.

SAC members are asked to provide their bios for the SBNMS Advisory Council website by 20 November, if they haven't already done so. Visit the revamped SAC website at <http://stellwagen.noaa.gov/management/sac/sachome.html>.

### **iii. Programmatic Updates**

Nathalie provided general highlights from the 2014 programmatic updates that were sent to SAC members. These updates are published in hard copy and emailed to SAC members, rather than having sanctuary staff give a series of presentations at SAC meetings. If SAC members have any specific questions about any one of the programmatic areas, please consult with her or staff.

iv. Introduction of new NOAA/NOS General Counsel

Craig MacDonald introduced Molly Holt, NOAA's new General Counsel with the Office of Oceans and Coasts Section. Molly started with General Counsel in 1991 and over the years has worked in the Oceans and Coasts office, NMFS - Protected Resources, Natural Resource Damage Assessment and the Northwest Regional Office in Seattle Washington. She is still working with Olympic Coast NMS and helped them through the management planning process including the establishment of the Intergovernmental Policy Council comprised of four Treaty Tribes and the State of Washington to participate in planning in the Sanctuary. Indian law and the ESA are her areas of expertise, as well as offshore energy development. Molly has also worked in private practice in Oregon and California and for the California Attorney General's Office.

**III. Discussion Topics**

i. Council "Round Robin"

SAC members and alternates introduced themselves and provided brief updates on issues within their respective organizations.

ii. Summary of Sanctuary Expansions and the New Sanctuary Nomination Process

Paul Ticco, Regional Coordinator for the Northeast and Great Lakes Region of NOAA's Office of National Marine Sanctuaries (ONMS), presented a summary of both current national marine sanctuary (NMS) expansion efforts and the new Sanctuary Nomination Process (SNP). A number of existing national marine sanctuaries have completed or are presently undergoing expansion efforts to better protect and manage nationally significant marine and Great Lakes living and maritime heritage resources. These include: Thunder Bay NMS which increased in size from 448 square miles to 4,300 square miles as a means to protect a greater number of shipwrecks; Fagatele Bay (renamed the National Marine Sanctuary of American Samoa) which added five new areas; and the adjacent Cordell Bank and Gulf of the Farallones sanctuaries with a proposed 2,700 square mile increase to include the biologically significant Point Arena Upwelling Area.

Dr. Ticco then described in some detail the recently re-established and ongoing process for accepting nominations from the public for new national marine sanctuaries. The SNP, the first opportunity for new sanctuary site nomination since 1995 when the Sanctuary Site Evaluation List (SEL) was deactivated, focuses on accepting criteria-driven proposals from local communities and other interested parties. A "community" is defined as a collection of interested individuals or groups, e.g., a chamber of commerce, stakeholders, regionally-based fishing organizations, industry associations, academia or science-based groups, etc., that have a vested interest in creating and realizing the benefits of a sanctuary site in their area. The SNP involves a series of steps including the development of a nomination package based on specific criteria and considerations (including the importance of local support), and NOAA reviews. A nomination that successfully meets these evaluations is placed on an inventory of possible sites (inclusion on the inventory does not necessarily ensure the future designation of a new sanctuary site) to then be chosen by NOAA to move into the full sanctuary designation and management review process – a separate course of action that includes legal and regulatory requirements, a full public scoping and hearing process, and the development and review of draft and final environmental impact statements and management plans.

For further information on the SNP please contact Paul Ticco at [paul.ticco@noaa.gov](mailto:paul.ticco@noaa.gov); or see [www.sanctuaries.noaa.gov](http://www.sanctuaries.noaa.gov) and [www.nominate.noaa.gov](http://www.nominate.noaa.gov).

#### **IV. ONMS Campaign of Engagement.**

##### **i. National Marine Sanctuary (NMS) Business Advisory Council**

Rich Delaney summarized the day-long meeting he attended of the NMS Business Advisory Council that met in September. The purpose of the meeting tied into President Obama issuing an executive order instructing federal agencies that have federal property (national parks, sanctuaries, etc.) to explore the possibility for shared recreational opportunities and how to promote them in a sustainable way and as well as what the potential may be. The National Park Service is running a long process similar to what is happening on the ONMS side with the sanctuaries. This is to invite business representatives of other sanctuaries and other national parks, and open dialogue to discuss how to promote sanctuaries in a way that still preserves ecological functions, but yet enhances opportunities for economic and business developments of these sites. It was a very interesting set of discussions. The NMS Business Advisory Council involved representatives from places like Jet Blue, Coca Cola, Travelocity, Mobile Recreational Sports Gear Association, among others. So there are some very large corporations that have taken some interest and have agreed to have representatives work with the Office of National Marine Sanctuaries (ONMS) to explore this possibility. It is still a work in progress and the full Council has not yet been developed. Ultimately there may be products that come out of this with more recreational opportunities, focus on sanctuaries themselves so more people know about them, with financial sponsorship, and businesses supporting the sanctuaries and becoming stewards.

Prior to this meeting, there are other two organizations that have explored this same topic and which tie into the next item on the Agenda below.

##### **ii. "Call to Action" Marine Protected Areas (MPA) Federal Advisory Committee (FAC) (Rich Delaney and Priscilla Brooks)**

A "Call to Action" generated from the Marine Protected Areas Federal Advisory Committee (MPA FAC). Priscilla Brooks is a member of that organization; there is also the Sanctuary Advisory Council Chairs, which Rich Delaney, as Chair, SBNMS, serves as a representative. So there have been discussions and meetings among colleagues from other organizations prior to the NMS Business Advisory Council meeting who are responding to President Obama's Executive Order and also Dan Basta, Director ONMS, to explore the same issue, of how we can work more closely with our fellow colleagues in the business community and see where mutual benefits can be derived. This has resulted in a "Call for Action". Other sanctuary advisory councils have discussed this and felt it beneficial to vote their support.

Priscilla Brooks summarized the purpose of the MPA FAC. She was a member of the MPA FAC for 6 years up until June of 2014, not as a representative of the SAC but as an independent stakeholder. The MPA FAC is a body of approximately 20 people representing stakeholders from across different sectors and across the nation. The Chair is George Geiger, the former Chair of the South Atlantic Fishery Management Council. Every 2 years the MPA FAC will get a charge from NOAA and the Department of the Interior to work on a topic. These past 2 years the charge was to consider the role of marine protected areas in recreation and tourism which sprung from President Obama's Executive Order calling for significant expansion in travel and tourism in the US particularly among federal lands and waters. The MPA FAC supports NOAA and the Office of Marine Protected Areas; and in the US there is a national system of MPAs that include about 1,600 across the nation. So this 'charge' was married into President Obama's Executive Order. To that end, the MPA FAC developed a set of recommendations for promoting recreational use in the national system of MPAs and also for managing recreational use to sustain the natural and cultural

assets of the MPAs. These sets of recommendations were presented in the form of a letter to the Department of Interior and NOAA. (The letter is available on the MPA FAC website <http://marineprotectedareas.noaa.gov/fac/products/>.) Simultaneously, at the last Sanctuary Advisory Council Chairs' meeting in Galveston, all of the SAC Chairs, working with the MPA FAC members, crafted a similar document. The goal of the document was again to underscore the SAC Chairs' collective support of recreational use of the nation's MPAs. (SAC Chairs "Call to Action" document is attached.)

Comments:

Michael Pierdinock: Is this a guidance document? Asked for clarification. Concerned about Items 3 and 4. Understanding the way things work that if the sanctuary has a proposal such as the DHRA as you all know we are adamantly against it. That the sanctuary presents that proposal to NEFMC, that goes through all the evaluation of public comment period and it ultimately gets approved at that level. When reading this, I'm concerned that the statements in here give the sanctuary the ability to make management decisions that could shut us down from fishing certain areas in Stellwagen. Want to make sure that is or is not the case. The way it's written now concerns me -- that it gives that ability to do that, and I need to make sure that is not the case or I can't support this if that's ultimately the way it's written.

Priscilla Brooks: Strictly guidance, strictly advisory. A set of recommendations. It is not binding. This is not a legal document or a regulatory document. These are groups that are put together to provide guidance and give advice, that's it. Doesn't give any authority to any MPA to do anything.

Michael Pierdinock: Just for the record, the sanctuary could not take this and say, "I am going to prohibit recreational fishing southeast of Stellwagen and make it happen." That kind of process still has to go through the NEFMC for approval. Is that correct?

Craig MacDonald: This doesn't change the processes of either how the sanctuary performs or its relationship with either NEFMC or the State in terms of any rule-making process. This doesn't change that at all. What this does do and I'm kind of surprised at [Michael Pierdinock's] concern, because the way that I view this is that this is something that, as a charter boat operator, this is to raise the visibility of the sanctuary as the destination for recreation, which would include recreational fishing. So I see this as something to possibly get some additional funding down the road to actually work with your community to do things to inform the public to work with you folks as stewards of the sanctuary. I see this as something that's endorsing your activity. The only thing that it is saying that there are some cautionary statements that you don't want to over promote or over utilize, these are things that we all recognize whether it's commercially under the Fishery Conservation Management Act or under the Sanctuary Act. This is not legally binding, it's advisory. This is a response. The MPA FAC also falls under the authority of the National Marine Sanctuary Program. The MPA Center was transferred to the Office of National Marine Sanctuaries (ONMS). So it's all now one body. This is a way for a broader constituency to have a document to respond to the President's executive initiative on recreation and tourism within national parks and sanctuaries. So I would think that this is something that [Michael Pierdinock] would want to take back to the group — the sanctuary program is acknowledging that recreational fishing, as a recreational activity is a valid use in the sanctuary. What's raising questions is the notion where it talks about capacities and compatibilities but that's already in the Management Plan and the Act. There's nothing new.

Michael Pierdinock: Commend what the intent is and agree that would benefit charter boats and others. But specifically quoting #3(iii)...."adjusting existing management authorities to meet anticipated needs...". When I read that, that could give the sanctuary the authority to do it independent of the NEFMC process that is already set. If that will not be the case and it will continue to follow the process that is in place that I'm comfortable with that.

Craig MacDonald: The sanctuary will follow the processes that are in place, but under the Sanctuary Act, the sanctuary can initiate fishing regulations already but it chooses to work through the regional NEFMC in all instances. Doesn't want to complicate things.

Michael Pierdinock: Not my understanding. The fisheries are managed through the NEFMC.

Craig MacDonald: Here and most other sites around the country work through their regional fisheries councils. But there are instances where the Council has said to the Sanctuary that they can establish their own regulations to manage fishing -- that's happened in Florida and California. Under the Act itself, there are provisions for sanctuaries to regulate fishing but are rarely used because the preferred model is to go through the regional fisheries management authorities. For the record, want to make this clarification. But this changes nothing as to how the sanctuary program here works with NEFMC or State Fisheries Management partners; it does not change that at all. If there were any additional modifications to management authority, it would only be through the existing processes. This doesn't change any process.

Priscilla Brooks: This is not focused necessarily at the national marine sanctuary system. This is much broader and focuses at the 1,600 MPAs across the nation. It is strictly recommendations to the Secretary of the Interior and the Administrator of NOAA to promote and support recreational use in the MPAs.

Rich Delaney: The origin of this was the President's Executive Order. There are 1,600 areas that present tremendous recreational and tourism opportunities that are being under-utilized. This is what is driving everything. This would be a great tourism boost for our country. This is an economic development initiative that is reasonable and sustainable. The document even states to identify more areas that hopefully get more people to become stewards, users and support the MPAs, and appreciate these areas. This is the main thrust to put the framework in place.

Tom Nies: It is not clear to whom this is addressed.

Priscilla Brooks: To the Secretary of the Interior and to the Secretary of Commerce, and the head of NOAA, I believe.

Tom Nies: Any recreational activity within the sanctuary he has contact with is the recreational fishing industry, and there is a real impression in this region that the sanctuary rightly or wrongly is trying to restrict the amount of recreational fishing in the sanctuary through proposals such as the DHRA, the reference areas and other proposals like this. NEFMC is often criticized for doing the Sanctuary's dirty business when it comes to recreational fishing activities. Question is that when the SAC signs a document like this that talks about inviting people to play responsibly and increase recreational activity -- one of the key recreational activities in the sanctuary is recreational fishing. Does the SAC anticipate if they sign this, there is going to be a shift in the stance taken on issues like the DHRA and attempt to work more closely with the recreational fishing activities to encourage their participation and use of the sanctuary?

Craig MacDonald: DHRA is one of the best ways to get the information to restore recreational fishing within the sanctuary. To get the knowledge to know how NEFMC can do things differently to help restore fishing for recreational charter party fishing. We're all for that. Our goal is multiple, compatible use. But we think that the understanding of what is compatible and how to make things compatible links to a knowledge base. Gain information on how things work out there. Once you know how they work, then you can make the decisions that I think would favor recreational charter fishing. Need more information as a community on how to improve recreational fishing in the sanctuary and we think this DHRA proposal before the Council is the only way to gather the kinds of information to do things differently. Because you'll have new information and new options. This ties in nicely with the marketing framework -- a branding image - that the Business and Tourism Subcommittee put together. Recreational fishing was identified as one of the key activities that could benefit from the branding of the sanctuary to improve recreational fishing. This is as much our responsibility as sanctuary managers to help restore recreational fishing, because we view recreational fishing as getting more stewards on the water to help us have a better understanding of what the activities are. I don't believe we've had the opportunity to do this. I've tried over a year to make direct contact with recreational fishing organizations in the context of the DHRA, and they would not meet with me. I sought permission to be on the agenda for the NEFMC Recreational Advisory Panel and I was denied by the Chair of the Panel and the Chair of the Groundfish Committee. So, there is no lack of my trying. We want to see recreational fishing and charter fishing in the sanctuary restored and fully operational.

Bill Adler: Okay with working to improve recreational fishing in Stellwagen. However I get worried that since it went to the Secretary of Commerce and Secretary of Department of Interior, can they turn around and use it to change something? And say maybe they are trying to change their designation so they can manage fishing without going to the NEFMC and that worries me on the commercial side of things. They would use this to say, look we signed this to make recreational fishing better out there but we are also going to try something to restrict other commercial operations. Another thing is I don't remember the sanctuary act saying that they could govern fishing. I did hear over and over again that they can't control fishing. What they can do if they have to go before the Federal council if they decided to do something like that, I don't remember that they do have the authority to govern fishing. I don't remember that being said. I just get concerned that somebody would take this very good idea and use it to change something that right now is the current situation, but can they use it to change the designation. Could someone like the Secretary of Commerce or someone else use it to change it? Want to be sure that this didn't come up in any of the discussions that Priscilla Brooks and the [MPA FAC] Committee had with the other sanctuaries. Realize this isn't the intent of the group, but could they use it?

Rich Delaney: Not in a legal fashion. In discussions with the 13 other SACs, that intent was never mentioned. It was all about promoting tourism in a sustainable way. It's not going to happen. It would be counterproductive to the rest of the language and the intent of the full document. Don't forget this is to promote economic development for whale watching, diving, hotels, bird watching, this is a big umbrella. The recreational fishing part is very key, but SBNMS also has maybe the biggest activity, which is whale watching. So let's promote it, but in a sustainable way. This question or intent never arose during the discussions with the other sanctuaries. There is no conspiracy or other agenda here in these discussions. DHRA is somewhat of a separate discussion than the "Call to Action". This should be addressed in another forum.

Priscilla Brooks: The intent is to promote recreational activities but responsibly. Get good info out there and build stewardship and fund it. Take advantage of the MPAs as important destinations for recreation but to do it responsibly. Recreation activities are increasing. The biggest message was promote it, but promote it responsibly. Get a good information base with which to do it, build

stewardship among the users, but most importantly fund it. Get some money to these managers to be able to do this.

Michael Pierdinock: For the record, understand that there have been issues in the past with [Craig] being able to meet with recreational fishing organizations, but don't believe that to be the case since I was appointed [to the SAC]. Basically we described to [Craig] why we weren't for the DHRA and we did that professionally; understand that professional relationship we have now is that [Craig] knows his door is open and can call him at any time and vice versa. So I don't think that still exists with the recreational group. But the mistrust is out there and I constantly have to fight with that, but if you need to get to these organizations, which I represent, call me and I'll make it happen. Don't think there is any issue. We have a professional relationship and work together. The mistrust — that is history, want to work with all the groups now and in the future, but need to battle with certain people in some organizations internally. Still hope for professional discussion.

Craig MacDonald: Agreed. Since Michael Pierdinock assumed his position within the Stellwagen Bank Charter Fishermen's Association, he has always been available to discuss matters. But Michael wasn't in that position when I was denied the opportunity to be on the agenda for the NEFMC Recreational Advisory Panel Meeting to introduce comment on the discussions relative to DHRA.

Rich Delaney: DHRA is a separate discussion and is a topic for later on the agenda. But dialogue is good.

Tracy Dalton: Good language in document such as funding, resources into understanding people and what they're doing. Maybe SBNMS can build it up a little. Think about ways to encourage better understanding of some of these groups that are being discussed and the different uses that are out there. Sometimes assumptions are made about conflicts just because there are uses happening in the same space. But that's not always the case. It's useful to look into these issues in a little more detail. Liked this part of the "Call for Action."

David Pierce: Very useful document. Understands concerns expressed by some of the SAC members with regard to Item 3 (quotes from document). Language is suggestive that down the road there may be an attempt to change authority (*inaudible*). The designation document would have to be changed to provide that authority. The process could be changed. But that could be done now, if the Sanctuary wanted to do that now, it could make an attempt to do that, but to Craig's credit has consistently worked with NEFMC to propose things that would be a benefit to the Sanctuary and the mission, goals and objectives of the Sanctuary. It's a question of trust. Trusts Craig and staff to continue to work with NEFMC and not do anything crazy to cause conflict after positive steps have been made. Certainly respects what was said about problems Craig had with the Recreational Advisory Panel on DHRA issue in the past. But that's in the past and now moving forward. If I could vote, I would vote to pass the document. Other sanctuaries have recognized that and certainly SBNMS will do the same.

Rich Delaney entertains motion:

***MOTION: To endorse and authorize SAC Chair to sign the "Call to Action" letter on behalf of the SAC. 11 yea; 1 nay; 1 abstain. Motion passed.***

iii. Subcommittee on Business and Tourism (John Galluzzo and Charlie Rasak)

John Galluzzo, chair of the business and tourism subcommittee, introduced Charlie Rasak, subcommittee member. Charlie described a potential partnership with the Massachusetts Association of Insurance Agents (MAIA). Charlie showed a short video he had created that spelled out the rationale for the partnership, targeted to the audience of independent insurance agents who would buy into the ad campaign. The proposal links the insurance industry, which protects belongings, to the sanctuary, which protects habitats and the many organisms that inhabit them. (Video was shown by CRG partnership between SBNMS and MAIA.)

Rich Delaney concluded that this is a tremendous opportunity. Great work was done on the part of the Subcommittee. The SAC should give any feedback to John Galuzzo and Charlie Rasak.

iv. Earth Is Blue Campaign Launches on ONMS 42nd Anniversary

This month NOAA's Office of National Marine Sanctuaries launched the "Earth Is Blue" social media campaign, kicking off a new effort to share the beauty and wonder of the sanctuaries with the world through powerful photos and video imagery. The start of the campaign included the debut of the ONMS Instagram account, which will be sharing a new photo every day from across the National Marine Sanctuary System. Sanctuary outreach staff will also be producing a video a week highlighting the resources, places and people that make sanctuaries worth protecting. For more information, contact [Matt.Dozier@noaa.gov](mailto:Matt.Dozier@noaa.gov).

**V. Recognition of Sarah Guitart as SBNMS Volunteer of the Year (Anne-Marie Runfola)**

As an introduction to the Volunteer of the Year Award, Anne-Marie Runfola gave a brief overview of the Volunteer Program statistics for FY14 (also found in the SAC Programmatic Update provided to SAC members) and current programs. She then gave a brief introduction to Sarah Guitart, the 2014 SBNMS Volunteer of the Year. Anne-Marie summarized Sarah's work with the sanctuary over the past 16 months, focused on the Stellwagen Sanctuary Seabird Stewards program (S4), and presented her with the award plaque, provided by the National Marine Sanctuary Foundation. Craig MacDonald and Rich Delaney congratulated Sarah and then she gave brief remarks.

**VI. Working Luncheon - *Charles W. Morgan's 38<sup>th</sup> Voyage* (Ben Haskell)**

i. Ben Haskell presented on *Charles W. Morgan's* upcoming 38<sup>th</sup> Voyage and related events that will take place during early Summer 2014. Contact [Ben.Haskell@noaa.gov](mailto:Ben.Haskell@noaa.gov) for more information regarding the *Charles W. Morgan's* upcoming events or for a copy of his presentation.

ii. "Happy Time" Challenge (YouTube Video) (C. MacDonald)

All ONMS sanctuaries have been challenged to produce a video that rivals the one that was produced by the American Samoa NMS. This video was shown to the SAC. The SAC is invited to participate in a production of the SBNMS "Challenge" idea. Ideas for the video are solicited as well as participation by SAC members.

## VII. Agency/Governmental Reports

### i. NEFMC OMNIBUS Amendment 2: Stellwagen Designated Habitat Research Area (DHRA) and Reference Area (T. Nies)

The Council approved the draft Omnibus Habitat Amendment 2 (OHA2) at a special meeting in February 2014. The public comment period opened on October 10 and will run until January 9, 2015. The public hearing schedule includes eleven hearings and an online webinar (see below). The draft amendment and directions for submitting written comments are at <http://www.greateratlantic.fisheries.noaa.gov/regs/2014/October/14habo2anoa.html>. The public hearing schedule is available at: <http://www.nefmc.org/calendar/nov.-24-2014-public-hearing-draft-omnibus-habitat-amendment-2>

In addition to updating the areas identified as essential fish habitat, OHA2 includes area management alternatives that could dramatically change the area closures off New England. The spatial management measures in OHA2 are designed to accomplish three objectives:

- to minimize the adverse effects of fishing on EFH and improve protection of juvenile groundfish habitats
- to improve groundfish spawning protection
- to designate Dedicated Habitat Research Areas

One of the proposals in the amendment of keen interest to the SBNMS Advisory Committee is the Stellwagen Dedicated Habitat Research Area (see figure below). There is a critical need to improve the information used to identify essential fish habitat and to quantify the linkages between habitat and fishery production. Dedicated Habitat Research Areas (DHRAs) would provide areas to conduct the research necessary to fill these needs. The amendment proposes several. The Stellwagen DHRA overlaps part of the SBNMS and has been supported by the SAC. This alternative includes a possible "reference area" of about 55 square nautical miles that would prohibit recreational groundfish fishing. The document shows two possible reference areas; the Council selected the northern area (reference area 2) as part of its Preferred Alternative. A final decision on OHA2 is planned for April 2014. Direct questions to Council staff member Dr. Fiona Hogan, [fhogan@nefmc.org](mailto:fhogan@nefmc.org), 9787-465-0492 ext. 121.

Comments:

Priscilla Brooks: Is the DHRA completely within the SBNMS boundaries.

Tom Nies: No.

Rich Delaney: The concept of the goal of having a DHRA is in the original Management Plan and the SAC discussed and supported a concept, voted on this, and worked with the fishing industry through SAC fishing representative, Vito Giacalone, to help shape an option. All these discussions and recommendations were conducted with a clear understanding that whatever this body discussed or shaped would be funneled through the NEFMC. This is a good example of how we worked together.

Tom Nies. This final version is not actually identical to what the sanctuary originally brought forward. It was modified.

Rich Delaney. It was modified in discussions with our commercial fishing representatives. Want to make sure there was some consensus among the SAC.

Michael Pierdinock: My constituents haven't been for the DHRA, SERA or whatever version it was from the beginning. Question is: with the emergency actions that are going to take place, what is on the table right now is a decision to be made for a complete closure of the Western Gulf of Maine to all ground fishing. This would prohibit ground fishing within that area. If the Western Gulf of Maine closure occurs prohibiting all ground fishing, that is going to encompass that entire area and beyond. What is the timing of that potential decision and would that occur before this is implemented? With that, how long would that closure be? I believe is it 3 years if no research is done before it's overturned. But there have been so many iterations of this, going back to SERA I, SERA II, that maybe it's 5 but I think it's 3. That's the first I've heard of a 5-10 year closure. Would it be one or the other?

Tom Nies: Believes it's 5 years, but will double check. One of the issues with dedicated habitat research areas is that there is some guidance from the agency that we should be looking at these things every 5 years and there is some feeling amongst the scientists that 5 years isn't really long enough to evaluate the effectiveness of a habitat area – not just a habitat research areas, but all habitat areas – because some areas take a long time to recover that 5 years isn't really enough time to evaluate whether a habitat area is effective or not. Initially we were talking about a 5-year review which is what the agency was suggesting for habitat areas but through the process we decided that it was more appropriate to have a 10-year review so that we would review these habitat areas every 10 years. This is another thing that I need to double-check in the document and get back to you.

Chris McGuire: Are comments through the GARFO website submitted between now and the end of comment period visible on a public website? Will the public have access to other people's comments?

Tom Nies: Understanding, but may be wrong, that comments that come in will be posted on a *regulations.gov* website because they are comments on a fisheries management action as they're received. Once that's done, they are transferred to NEFMC to compile them and work out responses. Should be posted relatively quickly – either automatically or within a week.

Priscilla Brooks: What are the restrictions within the proposed DHRA.

*(At this point, Tom Nies refers to the DHRA document and lists various restrictions that are proposed. Back and forth commentary continues between Bill Adler, Jen Anderson, Priscilla Brooks, Rich Delaney, Tom Nies, Michael Pierdinock, Craig MacDonald, on type of restrictions and other DHRA related issues.) (Audio available upon request.)*

Tom Nies: Confirms that review of the habitat areas is every 10 years. Review of dedicated habitat research areas is every 3 years.

ii. Update: Status of GoM Cod Stocks and Management (Tom Nies)

In July 2014, an assessment of Gulf of Maine cod determined that the stock was at a very low biomass. Fishing mortality was also much too high. As a result, the Council is considering new measures to rebuild this stock. Since Council measures would not be implemented until May 1, 2015, the Council asked the National Marine Fisheries Service to take emergency action. A decision by NMFS is expected in mid-November. The Council will determine its measures for 2015 at its meeting in November. The Council will likely reduce the quota to a value below 400 metric tons (mt.), compared to the 2014 quota of 1,470 mt. In addition, there may be additional closures to protect spawning fish.

Comment:

Michael Pierdinock: We recognize there is an issue with the cod. Have pointed out more than once that before the catch share system had us go from sustainable levels of bottom fishing in 2010 to where we are today. The meetings we had more than once as well as other organizations have proposed that as you indicated the quota 386 mt for commercial as well as recreational (only get about 64 mt) that's so low, that we agree next year let's make the quota for cod zero with the hope that we can continue to fish in the Western Gulf of Maine for haddock, pollock, and other species that are at good levels so we would stay in business. To close it out completely -- we've talked about the problem with just closing out the DHRA area and the impact to us -- but to close it out completely will be the end of the charter boat fleet because of the fact that we depend so heavily on the groundfish. It's not like we're in Buzzard's Bay and other areas where we can rely on fluke, flounder, tautog and other species to land. Our main stay is bottom fish. We could go after stripers -- they're not around, they're way off shore and you can't land them, you got to release them, and tuna haven't showed up until recently. This has been going on pretty much the past few years. That's the proposal we've come up with and we hope it gets implemented and as Tom said it's up in the air whether it's going to be a complete closure or partial closure.

iii. NMFS: Regional Report (Jen Anderson)

**Atlantic Large Whale Take Reduction Team**

- NOAA's National Marine Fisheries Service (NMFS) convened a meeting of the Atlantic Large Whale Take Reduction Team (Team) via teleconference on Wednesday, October 1, 2014.
- The purpose of this meeting was to review a proposal submitted to NMFS by the Massachusetts Division of Marine Fisheries (DMF) to modify the Massachusetts Restricted Area trap/pot closure of the Atlantic Large Whale Take Reduction Plan (Plan).
- NMFS sought input from the Team regarding potential spatial and temporal modifications to the closure given the upcoming January 1, 2015, implementation date for the Massachusetts Restricted Area.
- The Team agreed to move forward with the spatial and temporal changes to the closure and to continue the discussion on other aspects of DMF's proposal at a future in-person Team meeting in January 2015.

**Federal Funds to Support River Herring Research and Conservation**

- NOAA Fisheries through the ASMFC just made ~\$260,000 available to support studies to further river herring conservation.
- Priority areas for funding include fish passage, habitat restoration, impacts of fisheries on river herring and ways to reduce those impacts.
- Proposals are due November 13, 2014.

**First Federally Permitted Offshore Mussel Aquaculture Project**

- The first offshore shellfish aquaculture project in New England was recently permitted by the Army Corps of Engineers to grow blue mussels in a 30-acre area of Nantucket Sound.
- User conflicts and limited space have reduced inshore production of mussel farms; the move to an offshore site is expected to increase production.

Comment:

Bill Adler: For the record [re: proposal submitted to NMFS by the Massachusetts Division of Marine Fisheries (DMF) to modify the Massachusetts Restricted Area trap/pot closure of the Atlantic Large Whale Take Reduction Plan (Plan)]. This is a travesty. You don't ban cars from the expressway because there might be an accident. There is no proof that where they're closing is where the whales might be. Let's pick something and just close it. It's a travesty because you are putting some of these fishermen in a tight bind who fish all year and now won't be able to. It's not a lot but for them it's their income and you're closing it off. The other part is reducing the risk where they've put the square and increasing the risk around it and no one has told the whales they have to stay in the corral. Because the gear will be moved that is anywhere near close by the line, making a wall. We tried to explain this but they didn't listen. Another thing – the infrastructure -- apparently there was an agreement to move the January closing to February -- somewhere in NMFS whale room being done. But the division's proposal to allow prior to the April 30<sup>th</sup> end of the closure a couple of areas where gear could be set since the ones that do end fishing for the winter usually in December and they bring the traps in, do want to get going in March and April and now they can't. So there was a proposal which apparently was not approved which would be a place where they could temporarily set their gear until May 1st when they could then go back out; this was turned down. What this also causes as infrastructure problem, because it's dangerous in rough seas in winter and they have to try to bring their gear in, they overload their boats, and in the spring we end up with "trap day" which is another nightmare trying to get everything out May 1st. What is going to happen is the harbors can't adjust. They are not going to have the infrastructure to allow all the traps to have to be stacked and loaded as the boats fight for a position to load their boats rather than gradually putting them out. So there is going to be an infrastructure problem adjacent to the closed areas. So all these things make this a tragedy for the lobster fishing community over a "maybe" – no guarantee, it's just maybe there might be an interaction. So when there's an interaction outside this area, we're going to go back to the table again, it went fine in the closed area, but now we have a problem up here or down there – let's do something there. The industry is very upset, and now there will probably be more attempts at attacking the marine mammal protection act and the endangered species act because it's unreasonable and NMSF had said, "it's not our fault, we have to go by the law. So we'll change the law." Just wanted this on the record.

iv. Whale SENSE Update (Allison Rosner and Regina Asmutis-Sylvia)

Incorporate Whale SENSE training with SBNMS Challenge Video and staff. For more information regarding the Whale SENSE Program, contact Allison.Rosner@noaa.gov.

## VIII. Constituent Reports

i. Diving Highlights and Collaborative Research Project with SBNMS (Heather Knowles)

Heather shared photographs with the SAC of the dives on Sanctuary shipwrecks she has conducted. She reported that it was a truly amazing and exciting diving season in the Sanctuary; some of the best she has ever seen. She has been diving in the Sanctuary for about 10 years and the combination of marine life, water clarity, and conditions was truly exceptional. Dive charters made about 20 trips into the Sanctuary, which is the most ever done. There have been collaborative partnering research projects that are fulfilling and translating the Management Plan into action, and diving collaborations with the Sanctuary staff has been excellent. The diving community is realizing the benefits of the outreach efforts generated through the Sanctuary's "campaign of engagement."

ii. Update: Cod Spawning in Collaboration with SBNMS, MA DMF, SMAST, and Sector X Fishermen (Chris McGuire)

Cod Research: Chris McGuire of The Nature Conservancy presented an update on a collaborative research project investigating the spatial and temporal extents of winter cod spawning inside and West of the Sanctuary. The research partners include fishermen from Sector X and scientists from MA DMF, SBNMS, U. Mass. Dartmouth-SMAST, NOAA Northeast Fisheries Science Center and TNC. Chris presented an overview of the passive and active acoustic research methods, shared some year one data, and described the research plan for this winter. Due to the severely depleted status of Gulf of Maine cod there is considerable regional interest in protecting spawning aggregations. This research is funded thru spring 2016 and updates will be shared at future SAC meetings.

**IX. New Business.**

Rich Delaney states that MA Coastal Zone Management is conducting comment and public hearings on the update of the Ocean Plan. Comment period closes November 30th. Chris McGuire added that a lot of great work has gone into the update of the Ocean Plan. Tune into sand mining in particular and its baseline analysis with new figures on sand mining. Furthermore, Priscilla Brooks stated that work is also being done to identify any electricity transition corridors but not through the Sanctuary. For more information, visit their website:

<http://www.mass.gov/eea/waste-mgmt-recycling/coasts-and-oceans/mass-ocean-plan/2014-draft-ocean-plan.html>.

**X. Public Comment.** None.

**XI. Adjourn:** 3:00 pm.