



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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55th SANCTUARY ADVISORY COUNCIL (SAC)
February 13, 2019 9:30 am-3 pm
Boston Exhibition & Convention Center, Boston MA
MINUTES of MEETING

Present:

Bill Adler	Primary:	Fixed Gear Commercial Fishing
Jennifer Anderson	Federal:	NOAA Fisheries GARFO
Michelle Bachman	Federal:	New England Fishery Management Council
Terri Birkeland	Alternate:	At Large
Kevin Blinkoff	Primary:	Recreational Fishing
Shelley Brown	Alternate:	At Large
Todd Callaghan	State:	Coastal Zone Management
Christina Ciaramatero	Alternate:	Education
Rich Delaney	Primary:	Education (Vice Chair)
CDR Kelly Denning	Federal:	First US Coast Guard District
LT Phil Desroches	State:	MA Environmental Police
Tim Donovan	Federal:	NOAA Office of Law Enforcement
Laura Howes	Primary:	Whale Watch
Heather Knowles	Primary:	Diving (Chair)
Joe Levine	Alternate:	Research
Randall Lyons	Alternate:	Business Industry
John Mandelman	Alternate:	Conservation
Marissa Marcoux	Alternate:	Diving
Bob McCabe	Primary:	Marine Transportation
Vito Giacalone	Primary:	Mobile Gear Commercial Fishing
Frank Mirarchi	Alternate:	Mobile Gear Commercial Fishing
Chris McGuire	Primary:	Conservation
Cate O'Keefe	State:	Mass Division of Marine Fisheries
Monica Pepe	Alternate:	Education
Wayne Petersen	Alternate:	Research Primary
Kevin Powers	Primary:	At Large
Carol Voigt	Alternate:	Marine Transportation
Mason Weinrich	Primary:	Research
John Williamson	Primary:	At Large

SBNMS Staff:

Pete DeCola	Elizabeth Stokes	Alice Stratton
Ben Haskell	Anne Smrcina	



Audio recording of SAC Minutes is available on request (contact Elizabeth.Stokes@noaa.gov)

I. Welcome, Review and Approval of 54th SAC Minutes and Review of 55th SAC Agenda (H. Knowles)

The 54th SAC Minutes were approved with a minor punctuation revision in section, VI. SAC Updates, item iv. Business and Tourism Subcommittee section.

II. Sanctuary Updates (P. DeCola)

November 2018 SAC Recruitment. In early December, the SAC Executive Committee made their vacancy recruitment selections. There were 19 applications received to fill 9 primary and alternate seats. The final vetting process is now at the Office of National Marine Sanctuaries headquarters (the timing of which was affected by the government shutdown). A final update on the recruitment decision will be provided at the next SAC meeting.

III. Management Plan Review (MPR) – Overview of Process (B. Haskell)

Ben Haskell provided an overview of the MPR process. The management plan is a site-specific plan used to guide management of a sanctuary. It presents programs and projects, sets priorities, establishes regulations, and guides the development of future activities. The MPR examines and potentially changes the following: (1) Sanctuary programs and operations; (2) regulations, zones, and boundaries; (3) action plans and associated strategies. It is required by National Marine Sanctuaries Act every 5 years although it usually takes longer. The management plan should reflect the strategic direction of the ONMS (<https://sanctuaries.noaa.gov/about/five-year-strategy-2017-2022.html>) and identify criteria to evaluate management effectiveness.

The public scoping process is the first step in public review. It's an opportunity for public input on issues of concern. Several scoping meetings will be held throughout region. Comments can be submitted orally, in writing, or via the internet. According to the current schedule, the Condition Report should be published in August and at the same time the Notice of Intent to begin the MPR will be published with a schedule for the scoping meetings which should occur in the early fall of 2019.

The Maritime Heritage and Small Boat Interactions working groups and MPR subcommittee will give us an update on the strategies and topics that they have been discussing. Scoping topics will begin to emerge from these presentations. Staff will provide a draft list of topics to be finalized at the May meeting.¹

IV. Management Plan Review - Reports

i. Small Boats Interaction Working Group (SBI-WG) (L. Howes)

The working group met last on December 6, 2018. Agenda items included planning for the upcoming New England Boat Show, with in incorporation of a Whale and Safe Boating Seminar program, which could be used as a template for other similar venues and outreach events. Also, a second go-around of recommendations to the Stellwagen Bank National Marine Sanctuary (SBNMS) management plan were discussed and revised. Preliminary recommendations of the SBI-WG (these still need additional finalization from the SBI-WG):

¹ Previously scheduled meetings in April and June were combined to a single SAC meeting to be held on May 22.

- Encourage grassroots initiatives: more positive outreach activities (pursue and develop messages and relationships).
- Not recommending new regulations. No regulations can be considered without more enforcement.
- More of a presence of NOAA Office of Law Enforcement (OLE), SBNMS, US Coast Guard (USCG), and MA Environmental Police (MEP) on the water. Encourage compliance.
- More support for Boater Outreach for Whale Watching (BOWW) during peak small-boating summer days.
- Support NOAA Greater Atlantic Regional Fisheries Office (GARFO) efforts such as their collaboration with boater registration.
- Support “See-a-Spout” partnership with Coast Guard Auxiliary.
- Coordinating with state vessel registrations to reach out to boaters before they get on the water.
- Keep small boat interactions a high priority. Recognize the SBI-WG actions are important.
- Include easy-access information for recreational boaters on SBNMS website (targeted outreach).
- Find new methods to communicate with boaters before they get on the water and while on the water.
- Give SBNMS boat-time/projects to do outreach and incorporate small boat interactions into other SBNMS boat activities (when opportune). Find new approaches of what SBNMS can do for small boat interactions.
- A training be made available that would have a Certificate of Attendance/Participation acknowledgement for small boaters. Could be added to Safe boating programs, and/or connected with the Coast Guard auxiliary.
- Encourage reporting of vessel strikes (recognizing that accidents also happen).
- Connect to tuna permitting offices to include training about whale watching guidelines/other safe boating with whales materials.

In addition to discussion of preliminary recommendations to the SBNMS Management Plan, a draft of the “Whales & Safe Boating in the Stellwagen Bank National Marine Sanctuary” was shared with the SAC. Below is an outline of the presentation:

Whales & Safe Boating in the SBNMS:

- Species Identification overview: Humpback, Fin, Minke, and North Atlantic Right Whale.
- Procedures on how to report a North Atlantic Right Whale, and Right Whale Federal Regulations
- Helpful behavior identification: Blows, Visible Body Parts, Bubble Feeding, Kick Feeding, Breaching.
- Safe distances: Family safety, whale safety, boat safety
- Definition of Harassment
- Whale Watch Guidelines: Overview and additional tips
- Images of propeller scars of on large whales
- See a Spout...Watch Out! Tips for boaters
- How to report dead, injured, and entangled whales. How to report harassment to the NOAA Office of Law Enforcement.

ii. Maritime Heritage Working Group (MHWG) (H. Knowles)

Maritime Cultural Landscapes (MCL)

The MHWG spent some time learning about MCL, and considering the possibility that Stellwagen could be among the pilot sites selected to highlight MCL within the sanctuary system. MCL goes beyond shipwrecks and includes resources such as paleo, dredge channels etc., and other things humans have done to influence the landscape. MCL can be a management tool. Fundamentally, MCL explores the question, how do we change the environment and how does the environment change us? Examples of MCL include: thematic MCL (global whaling heritage) and how thematic MCL can highlight the ocean's role in our national economic development and an understanding how major national events, which have shaped our nation and the world.

Prioritization of Heritage in the Management Plan

Given the numerous types of potential heritage, the MHWG recommends greater priority and funding for this work, which should include inventory, characterization and active management of sanctuary shipwrecks.

Access to Information on Shipwreck Sites

The most complicated and perhaps contentious of issues surrounds the management of shipwrecks and access to location information. The current position of the sanctuary is that it does not disclose historic shipwreck locations to the public unless certain conditions have been met (e.g., permit issued, non-disclosure agreement, memorandum of agreement in place, etc.).

There are 47 historic shipwrecks in Stellwagen. There are 7 shipwrecks (6 sites) listed on the National Register of Historic Places (NRHP), and the remainder are considered potentially eligible for listing. Under the National Historic Preservation Act, the location of the resource is considered to be public information by default; however, information may be withheld if disclosure could cause harm (one of 3 reasons disclosure may have been withheld) after consultation with the Keeper of the National Register. In 1996, ONMS requested non-disclosure of its historic resources from the Keeper and received concurrence. SBNMS adopted the non-disclosure policy and sought out a nondisclosure status for the 7 shipwrecks (6 sites) currently on the NRHP. To reverse on nondisclosure and release information, the request must fall within one of the 3 pre-specified categories, but otherwise release is not permitted without consultation on a case-by-case basis with the Keeper if the resource is listed on the NRHP or if the Keeper has concurred with the resource being eligible for listing. This has been a complicating factor as the MHWG discussed the possibility of disclosure as a means of protecting the resources.

There is a diversity of opinion among SAC members regarding this issue. Some SAC members were of the view that if commercial fishermen know the precise location of the shipwrecks, they will be better equipped to avoid them when fishing, avoiding impact with gear. However, some of the pilot study data from the March 2018 scallop fleet notification suggested that disclosure did not have the desired effect (avoidance of the shipwreck and a buffer zone). Additionally, there remains a concern that diver access to shipwrecks has the potential to cause harm even though divers strongly disagree with this view. Therefore, wholesale release of information may not be in the best interest of protecting the resource, and regardless it does not appear to be possible without changes to legal and regulatory framework. It is on this point that the MHWG is still working through recommendations. There is a proposal that describes a process for members of the public to obtain access to information not in the public domain utilizing either non-disclosure agreements

or a Memorandum of Understanding/Agreement. This proposed process requires NOAA Legal review and is not ready for presentation to the SAC.

Action: Overall, there needs to be greater clarity on the regulatory and legal framework and what it would take to shift from a policy of non-disclosure to one of “appropriate” disclosure. The MHWG needs feedback on the proposal for access to information. Heather Knowles recommended the SAC be presented with the legal and regulatory framework around this issue at the next meeting to facilitate a continued discussion and potential options.

iii. Management Plan Review (MPR) Subcommittee (J. Williamson)

The MPR subcommittee met twice to review the current Management Plan (MP) and to acquaint themselves with the various action items in the plan and begin to formulate where to focus on once the Condition Report (CR) was in hand.

Strategic points which arose from MPR Subcommittee discussion:

- Over the long run, the sanctuary needs congressional budgetary support if we are to expect to achieve management goals; therefore we need a champion.
- To attract that Congressional support we need to;
 - Build public awareness
 - “Connect the dots” of what is relevant for Sanctuary management to those issues which the public finds relevant.
- Hot issues of which the public is aware:
 - Climate change
 - Water quality
 - Contaminants/pharmaceuticals
 - Pollution
 - Micro-plastics
 - Whales
 - Noise/acoustic pollution
 - Ecosystem structure
 - Marine heritage
- We need to frame management priorities in terms which the public can understand
- Think of the SBNMS as a Sentinel Site for:
 - Climate Change
 - Water Quality
 - Ecosystem integrity
- Within these terms of reference the committee suggests revisiting:
 - Sanctuary Vision
 - Sanctuary Mission Statement

V. SAC Update (H. Knowles)

i. SAC Workplan

The discussion on the work plan was abbreviated because there was not enough time prior to the SAC meeting to incorporate feedback on the 2019 SAC Work Plan into the document to support a robust discussion. Heather Knowles indicated that there would be a more in-depth discussion at the next SAC meeting.

Heather Knowles gave a summary of the performance against the 2018 SAC Work Plan. Overall, most of the high priority topics around Management Plan Review, Maritime Heritage, Small Boat Interactions with Whales had been progressed according to plan. The 2019 SAC Work Plan will build on this work, and ensure it is framed in the context of the Management Plan revision.

ii. Business and Tourism (BT) Subcommittee (J. Galluzzo)

John Galluzzo did not attend the SAC meeting, therefore no update was provided on the BT subcommittee.

VI. Agency/Governmental Reports

i. MA Coastal Zone Management (T. Callaghan)

No report to provide.

ii. MA Division of Marine Fisheries (DMF) (C. O'Keefe)

Scallop Northern Gulf of Maine Amendment:

The New England Fishery Management Council (NEFMC) has initiated Amendment 21 to the Scallop Fishery Management Plan to introduce measures in the Northern Gulf of Maine Management Area. MA DMF has representatives on the Scallop Plan Development Team and the Scallop Committee, and is interested in hearing input from the SAC as the management measures are developed over the next year.

Atlantic Herring Spawning Protections:

The Atlantic States Marine Fisheries Commission (ASMFC) has initiated Addendum II to Amendment 3 of the Herring Fishery Management Plan. The Addendum proposes management options to strengthen spawning protections in Area 1A, the inshore Gulf of Maine. Additionally, the NEFMC and ASMFC will be working in coordination to introduce herring spawning protections on Georges Bank. These management measures were initiated in response to the results of the 2018 stock assessment, which showed reduced levels of recruitment and spawning stock biomass over the past five years.

State Water Groundfish Measures:

Due to the federal shutdown, it is anticipated that federal rulemaking for 2019 recreational groundfish measures will be delayed; this will impact the state's rulemaking process as well. MA will be evaluating last year's measures, which prohibited the long-standing one cod allowance for private anglers.

In response to a request from the NEFMC to reduce state waters commercial groundfish catch, MA DMF and the MA Marine Fisheries Commission have recommended an April commercial groundfish closure within state waters between Plymouth and Marblehead. This recommendation comes with a regulatory provision granting the Director authority to rescind the closure in response to updated data related to the state waters catch of groundfish species.

Offshore Wind Energy:

MA DMF submitted comments to BOEM on the Draft Environmental Impact Statement (DEIS) and to MA Executive Office of Energy and Environmental Affairs (EEA) on the Final Environmental Impact Report (FEIR) for the Vineyard Wind project. The comment letters highlighted questions

about impacts associated with construction and operations of the wind farm. The Division is currently in discussions with Vineyard Wind about developing a mitigation program to address impacts to fisheries. Although offshore wind energy development has been focused south of Cape Cod to date, New Hampshire may soon join in the pursuit of offshore wind.

Right Whale Protections:

MA DMF is proposing regulations that establish a seasonal small vessel speed limit that will restrict the speed of vessels 65' and smaller to 10 knots or less from March 1 through April 30 within all waters of Cape Cod Bay. The proposed regulation would allow the Director to adjust or extend the closure period as necessary to prevent entanglements of right whales. The MA Marine Fisheries Commission will receive the Director's recommendation on this regulation at their meeting on February 14.

The ASMFC initiated Addendum XXVIII to Amendment 3 of the Interstate Fishery Management Plan for American Lobster. The action considers reducing the number of vertical lines in the water in response to concerns about the right whale population and the potential impacts of conservation measures on the lobster fishery. The proposed measures include reducing vertical lines up to 40% through trap limits, gear configuration changes, seasonal closures, and the acceleration of currently planned trap reductions.

iii. Enforcement Reports

a. US Coast Guard (USCG) (CDR K. Denning)

USCG is still patrolling with their aircraft a couple times a week and also regularly have patrol boats transiting through the area. They responded to one request late last year to broadcast a whale sighting. Otherwise, they will be happy to work with the SAC Small Boats Working Group to push information to the CG Auxiliary for their safe boating program this spring once the presentation is complete.

b. NOAA Office of Law Enforcement (OLE) (T. Donovan)

Joint Enforcement Agreement referral: A recreational fisherman was issued a \$2600 Notice of Violation and Assessment in October for several violations in the sanctuary back in 2016. Violations included possession of cod fish in a closure, undersized fish and discarding fish upon approach by Mass Environmental Police officers.

NOAA Enforcement Officer Tim Wilmarth assigned to the SAC Maritime Heritage Working Group has reached out to the OLE investigative support team to help examine potential impact to wrecks in the Northern Gulf of Maine by fishing vessels.

The OLE patrol vessel should be back in the water early spring and expect vessel to be active this summer in the sanctuary with a focus on Marine Mammal Protected Area enforcement and education.

c. MA Environmental Police (MEP) (LT P. Desroches)

From Captain Belanger, MEP, regarding statewide enforcement efforts: This past fall we got tasked with conducting background investigations on potential new hires. This occurred during the month of November and removed any discretionary time we had. Most of us had to drop prior commitments to accomplish the investigations. With the beginning of December, shotgun and muzzle-loading deer hunting seasons started and we tend to commit fully to those efforts. With the start of January, our on-the-water efforts shift to the lobster gear restrictions and right whale efforts. Although there is overlap with the Sanctuary, these efforts focus more heavily on the activity (gear and whale) within Cape Cod bay and off the South Shore (Duxbury to Plymouth).

On the positive side, we have 10-12 new officers beginning the police academy in March. We also hired an assistant for our boat mechanic to improve our maintenance program for our boat fleet.

iv. New England Fishery Management Council (NEFMC) (M. Bachman)

The NEFMC met in early December and late January. Materials for both meetings are on the Council's webpage: <https://www.nefmc.org/council-meetings>.

The Council took final action on large-mesh multispecies groundfish specifications in December for stocks that required updates. The regulations for Framework 58 will be published later this spring (the fishing year begins May 1). In January, the Council discussed recreational groundfish measures. Typically in January the Council recommended measures to NOAA Fisheries for the upcoming fishing year, but due to the federal government shutdown meetings were delayed. This discussion will occur in February via a Recreational Advisory Panel meeting on the 22nd, and a Committee meeting on the 26th. Recommendations from the Committee will be forwarded to the agency for consideration. The Council is also working on a groundfish monitoring amendment (Amendment 23).

The Council took final action on 2019-2020 scallop specifications in December as well. The regulations for Framework 30 will be published later this spring (the fishing year begins April 1). Fishing regulations for the Northern Gulf of Maine Management Area which overlaps much of SBNMS will be similar to those in place for fishing year 2018-2019. The Council is currently scoping for Amendment 22, which will consider revisions to the Northern Gulf of Maine Management Program, among other issues. Scoping hearings will occur throughout New England between February 28 and April 3. A webinar hearing will be held March 22. See <http://www.nefmc.org/news/scallops-council-to-hold-10-scoping-meetings-on-northern-gulf-of-maine-lagc-amendment> for details.

Final action on Atlantic Herring Amendment 8 occurred in September. Staff submitted the amendment to NOAA Fisheries for review on January 28. Some delays in review process are expected from shutdown, but NOAA is still targeting implementation for August 2019. If approved, the fishery management plan will include a new annual biological catch control rule as well as an inshore localized depletion closure (essentially a 12-mile area from ME to CT that extends to almost 20 miles east of Cape Cod and Nantucket).

The 2018 herring assessment reported very low recruitment for the last few years, so while the stock is not currently overfished, there are concerns moving ahead if catches are not reduced. So, NOAA Fisheries reduced catch limits for 2018 in-season by about 50%, down to under 50,000 metric tons (MT). For 2019 (fishing year beginning January 1), NOAA Fisheries implemented a similar in-season adjustment to reduce catches (ABC of 21,000 MT and ACL of 15,000 MT). Both

actions were requested by the Council to prevent overfishing. NMFS initially proposed higher limits (ABC=30,000 MT and ACL of 24,000 MT), but after hearing comments, reverted to Council recommendations.

In 2019 the Council will work on specifications for 2020 and 2021. Catches are expected to be even lower in 2020 and 2021. An update assessment is planned for Spring 2020 to check on the stock (adding data from 2018 and 2019 to the update assessment). The Northeast Fisheries Science Center has committed to review the herring assessment every 2 years instead of every 3 years due to the current state of herring. The Council is essentially setting annual catch limits (2018, 2019, 2020, 2021) during this difficult time to prevent overfishing and have management be as responsive as possible. This is quite different than the previous schedule of every 3 years.

The Council also agreed to review data on herring spawning on Georges Bank during 2019. A technical document will be prepared first in collaboration with the Atlantic States Marine Fisheries Commission, and an action may follow based on the report. Potential management measures would not be in place before Fall 2020 at the earliest if adopted through a Council action. The Council also agreed to complete a lessons-learned exercise for the management strategy evaluation process used to support Amendment 8. The first herring meetings of the year will be on March 27 (Advisory Panel) and March 28 (Committee).

v. NOAA Greater Atlantic Regional Fisheries Office (GARFO) (J. Anderson)

Right Whales:

- Atlantic Large Whale Take Reduction Team meeting is being rescheduled for late spring due to the recent government shutdown.
- Five calves have been sighted in the southeast.

Seals:

- It is currently gray seal pupping season and juvenile harp season. There have been several instances of human interactions with seals on the beaches including feeding, people letting pets get too close, and taking selfies. We are working with stranding network partners and NOAA's Office of Law Enforcement to get the word out to people to stay back and give the animals space.
- Asking that partners help share our social media posts and hotline number to inform beach goers of responsible viewing behaviors.

Salmon:

- 2019 is International Year of the Salmon. NOAA will be joining our global partners in salmon research and conservation in widespread efforts to raise awareness about salmon research and conservation needs. Check out <https://yearofthesalmon.org/> for more information and stay tuned for upcoming events in our area.

Whale SENSE:

- 2019 is also the 10th year anniversary of Whale SENSE.
- Partners - NOAA Fisheries, Whale and Dolphin Conservation, and the Sanctuary will be working to develop a promotional plan to help expand our message to new audiences. We will also be launching a Proud Supporters program for additional organizations to help with this project. If your organization might be interested in learning more, please contact Allison Rosner.

Wind Energy:

- NOAA Fisheries is working closely with Bureau of Ocean and Energy Management and other Federal and state agencies on permitting and authorizations for wind energy projects including Vineyard Wind and South Fork Wind Farm.

VII. New Business: None

VIII. Public Comment: None

IX. Adjourn: 2:15 pm.

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