



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
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

58th SANCTUARY ADVISORY COUNCIL (SAC)
February 12th, 2020 9:30 am – 4 pm
Boston Convention and Exhibition Center, Boston MA
MINUTES of MEETING

Present:

Bill Adler	Primary: Fixed Gear Commercial Fishing
Terri Birkeland	Alternate: At Large
Jeanine Boyle	Alternate: At Large
Todd Callaghan	State: MA Coastal Zone Management
Tracey Dalton	Primary: Research
CDR Kelly Denning	Federal: First US Coast Guard District
Tim Donovan	Federal: NOAA Office of Law Enforcement
Susan Farady	Primary: Education
John Galluzzo	Primary: Maritime Heritage (Secretary)
Allen Hale	Primary: Youth
Laura Howes	Primary: Whale Watch
Moira Kelly	Federal: NOAA GARFO
Martin Klein	Alternate: Maritime Heritage
Heather Knowles	Primary: Diving (Chair)
Randall Lyons	Alternate: Business Industry
John Mandelman	Alternate: Conservation
Bob McCabe	Primary: Marine Transportation
Christina McMahon	Alternate: Education
Conor McManus	Alternate: Research
Eric Meschino	Alternate: Fixed Gear Commercial Fishing
Frank Mirarchi	Alternate: Mobile Gear Commercial Fishing
Tom Nies	Federal: New England Fishery Management Council
Kate O'Keefe	State: MA Division of Marine Fisheries
Wayne Petersen	Alternate: Conservation
Kevin Powers	Primary: At Large
Jeff Rosen	Primary: Business Industry
Rory Simpson-Brown	Alternate: Youth
Carol Voigt	Alternate: Marine Transportation
Mason Weinrich	Primary: Research
John Williamson	Primary: At Large

SBNMS Staff:

Pete DeCola	Anne-Marie Runfola	Anne Smrcina	Alice Stratton
Ben Haskell	Tammy Silva	Elizabeth Stokes	Mike Thompson



Audio recording of SAC Minutes and Presentations are available on request.
Contact Anne-Marie.Runfola@noaa.gov or Elizabeth.Stokes@noaa.gov

Headquarters Staff - Office of National Marine Sanctuaries:

Ed Lindelhof, Senior Policy Analyst
Danielle Schwarzmann, Chief Economist
Ryan Shea, Economist Associate

I. Welcome, Review and Approval of 57th SAC Minutes and Review of 58th SAC Agenda (H. Knowles)

The 57th SAC Minutes were approved pending resolution of Bill Adler's comments regarding several sections of the Minutes. After a follow-up review of the 57th SAC Minutes with Elizabeth Stokes, Bill Adler stated he was satisfied and that all of his concerns were addressed. The Minutes are accurate as written.

II. SAC Business (A.M. Runfola)

SAC Recruitment and Succession Update

November 2019 Recruitment

- We completed recruitment on Nov 30, 2019.
- The staff and Executive Committee turned around our recommendations to HQ in December before the holidays.
- HQ started the review process in January 2020 then realized they needed to change the approval process nationwide.
- This has delayed the approval process temporarily.
- Announcements should be made well in advance of May 20th meeting in Rockland. Thank you to those who continue to serve even after their terms are officially up.

Next Recruitment

- See back page of agenda for list of seats up for recruitment.
- The 2020 Recruitment Timeline is June 1-30. We will be in touch with details.
- Let Anne-Marie Runfola and Bibi Stokes know your plans if your term is up.

Officer Terms and Nominations

- All Officers' terms are up this year. The Chair and Vice Chair are term-limited and cannot reapply for their same positions this year.
- All three officers have served multiple terms, and we thank them for their time and significant contributions.
- We need to consider building a strong future SAC so we need succession planning.
- We need new nominations for all positions. Any primary seat including government and non-voting (except the Superintendent and youth seat representatives) may be nominated and elected as a council officer.
- HQ understands our desire to stagger the Chair and Vice Chair terms. They are checking to ensure there is no issue with this change. They prefer we not keep a current officer on for an additional year; so one recommendation is to vote on one or two position(s) in May and the remainder in October 2020. More on this in the coming weeks.

- Secretary – The Office of National Marine Sanctuaries (ONMS) SAC Handbook term limits the Secretary to two terms. Our Charter does not. We need to discuss this for future, related to succession planning, pros and cons of term limits.
- See our Charter pp 8-9 for officer roles, terms:
(<https://nmsstellwagen.blob.core.windows.net/stellwagen-prod/media/docs/20180716-advisory-council-charter.pdf>).

Succession Planning

SAC members advise the Sanctuary Superintendent. Successful members are active in meetings, working groups, subcommittees, and activities throughout the year related to forwarding the SAC work plan and the mission of the sanctuary. They keep in touch with staff, their fellow seat representatives and other SAC members and connect their constituents to the sanctuary.

Action Item: With the expectation for an active, engaged, and effective SAC in mind, before the May 20th SAC meeting, SAC members are asked to send Anne-Marie Runfola (cc: Elizabeth Stokes@noaa.gov) two names of a person who could best:

- 1. Replace your seat on the SAC someday.***
- 2. Serve in another position on the SAC.***

III. Sanctuary Updates

i. Future SBNMS Visitor Center (A.M. Runfola)

- Two years ago, we worked with the Town of Provincetown, the Center for Coastal Studies (CCS), a local advisory committee, and the ONMS to complete a feasibility study for a future sanctuary visitors interpretive center in Provincetown. This resulted in a report and several feasible building sites identified in town.
- Since then we invited Requests for Qualifications and Requests for Proposals for the Conceptual Design Phase. We narrowed down the candidates, interviewed three firms, and chose Oudens Ello Architecture (OE) as our top choice for the next phase of the project (<https://www.oudens-ello.com/>). We will be able to use the final Conceptual Design(s) to present to potential funders to identify resources for construction and operations.
- Before we can engage the contractor, we need to:
 - Receive approval from the ONMS to enter into a Memorandum of Agreement (MOA) with the Town and CCS.
 - Complete the MOA to define our roles on the project. We expect that the Town will own the building and perform routine maintenance. CCS will continue to manage an advisory committee and will provide staff time at the Center to offer activities and programs related to CCS and the sanctuary. NOAA will fund and will manage the Center, provide some programming and volunteer support.
 - NOAA will provide the final \$15,000 for the conceptual design phase. The Town split the cost of the feasibility study with NOAA and the split will be the same for the conceptual design fee.

ii. Condition Report Status and Roll-Out (P. DeCola, B. Haskell, A. Stratton, D. Schwarzmann)

The presentation began with a review of the Condition Report process. Pete provided an overview of the changes in the document design (new questions and Drivers-Pressures-States-Ecosystem Services-Responses framework), the ratings system, involvement of the expert panel, and the multiple steps of revision and layers of review (expert panel, invited review, peer review). He also summarized the drivers and pressures, as well as the overall findings.

Ben then reviewed the ratings by state: water quality, habitat, living resources, maritime heritage and human activities. Ben also provided a comparison between the 2007 and the 2020 report. Some of the ratings are not directly comparable given that some questions have changed, but an overall comparison indicates that only a few ratings have declined, while most have stayed steady or improved.

Danielle Schwarzmann, Chief Economist for ONMS, provided a summary of the ecosystem service findings (status and trends) from the SBNMS Condition Report as well as findings from the supporting analysis of commercial and for-hire fishing effort and contributions in the sanctuary. Ecosystem services are the benefits that people derive from the environment. The results show that fishing activity supported by the sanctuary contributes to the local sanctuary communities through jobs, income and output. Over the ten-year study period (2007-2016), the average number of jobs supported was roughly 800, with \$30.1 million in income and \$91.2 million in output annually.

Alice completed the review of the Condition Report with a summary of the responses or management actions that SBNMS has taken since the 2007 report.

iii. Management Plan Status and Next Steps (P. DeCola, B. Haskell, A. Stratton)

Alice Stratton provided a look-ahead at the upcoming management plan review (MPR) process, including an overview of the steps in the process and a general timeline. The Notice of Intent for scoping was finalized on February 12th and officially began the MPR process by seeking public input on SBNMS management and specifically requesting input on the following topics: climate change, water quality monitoring, education, outreach and citizen science, sanctuary soundscapes, and maritime heritage management. SBNMS will host three scoping meetings (March 11, 12, 18) to receive public input, and will use input from the scoping process to develop management priorities. [Update after the SAC meeting: Due to precautions surrounding the COVID-19 outbreak, the in-person scoping sessions were changed to a virtual scoping session held on 31 Mar.] Participation by SAC members will be vital through this process, both through outreach and participation in scoping meetings, to assistance with analyzing public input and providing advice on management priorities and development/structure of the revised management plan.

IV. SAC Updates

i. SAC Work Plan 2020 Overall Review and Report on Individual Work Plans (H. Knowles)

Heather Knowles reviewed the proposed SAC Work Plan for 2020. The plan is largely an update and refinement of the previous year's plan which focuses on the Management Plan update. Each activity and associated goals were reviewed and discussion among the SAC occurred. There was general agreement among the SAC that the Work Plan was on point and agreeable with two major pieces of feedback:

The SAC felt water quality is an important issue and proposed elevating it in the Work Plan. Heather Knowles will follow-up with Todd Callaghan and Jeff Rosen to craft language. Strong objections were

raised by Fixed Gear representatives William Adler and Eric Meschino concerning the proposed goal to explore performing a pilot study of ropeless gear. There was extensive discussion in which all points of view were considered. Several SAC members voiced support for the pilot study and cited other examples where this technology is being developed and/or tested. The SAC did not agree to remove this activity/goal. The Executive Committee will consider the issues and determine whether or not to move forward.

Action Items:

The SAC felt water quality is an important issue and proposed elevating it in the Work Plan. Heather Knowles will follow-up with Todd Callaghan and Jeff Rosen to craft language.

The Executive Committee will consider the recommendations regarding a ropeless gear pilot project and determine how to move forward.

ii. Maritime Heritage – Disclosing Shipwreck Location (H. Knowles and B. Haskell)

Heather Knowles and Ben Haskell reported on the recent Maritime Heritage Working Group (MHWG) meeting where the group discussed in depth the potential public disclosure of the *Portland* and *Palmer/Crary* wreck locations in an effort to better protect them under the premise that disclosure will help fishermen avoid contact with the wrecks.

There was some discussion on enforcement and what possibilities exist. The SAC provided feedback on the possibility of using VMS geofencing and monitoring as an enforcement tool. We subsequently learned that NOAA Office of General Counsel has indicated that VMS cannot be used in this way because it is not authorized in the Magnuson-Stevens Fishery Conservation and Management Act.

In addition, Ben Haskell reported that the ONMS policy on disclosure is still in draft and will have some bearing on the approach taken. Consultation with the Keeper of the National Register was planned. The MHWG plans to continue this work following feedback from the Keeper and any updates related to the implementation of the policy.

A comment was made by Tom Nies, Director of the New England Fishery Management Council, to investigate how artificial reefs are managed in the South Atlantic as a possible mechanism for using VMS for monitoring fishing activity around historic shipwrecks.

V. Agency/Governmental Reports

i. MA Coastal Zone Management (CZM) (T. Callaghan)

The Office of Coastal Zone Management (CZM) is in the process of updating the Massachusetts ocean management plan, including the maps of existing resources and uses. CZM is updating maps of seabird and turtle habitat and is working with Bob Kenney and the North Atlantic Right Whale Consortium to update core habitat maps for right, humpback, and fin whales. Maps of recreational uses, including fishing and diving, and commercial uses, such as fishing, navigation, and whale watching are being updated as well. Many of these resources and uses overlap with the SBNMS and will be made available to the Sanctuary.

CZM's director is participating with the States of New Hampshire and Maine and the Bureau of Ocean Energy Management (BOEM) in the Gulf of Maine (GOM) Task Force for siting offshore wind. Similar

to the MA ocean plan process, CZM is taking the lead on providing data and maps related to resources and uses in the GOM to the Task Force (first meeting Wednesday Feb 26).

CZM will be meeting with Anbaric, a sea floor cable developer, on its unsolicited proposal for offshore lease blocks stretching from south of Martha's Vineyard to the tip of Provincetown, close to SBNMS.

The CZM Director has been participating on the Massachusetts Ocean Acidification (OA) Commission where there have been presentations from researchers and economists on how OA may affect the coastal ecosystem and important economic resources such as sea scallops.

CZM continues to work with National Oceanic and Atmospheric Administration (NOAA) Ocean of Coast Survey and Office of Coastal Management staff on a GOM bathymetry project which will collate all of the existing bathymetry from Nantucket Shoals to Canada out to 24 miles (including SBNMS). The dataset will be used at an 8-meter resolution to mathematically identify sea floor features—geoforms—including valleys, ridges, basins, banks, etc. At the conclusion of this project, in roughly two years, these data products can be made available to SBNMS.

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

DMF Email Subscription Service

Starting on February 1, all DMF advisories are now posted through our new email subscription service. With this new service you can customize emails based on your personal interest such as newsletters, commercial and/or recreational fishing advisories, event updates, and more. To subscribe for the service, please visit the DMF website at:

<https://www.mass.gov/orgs/division-of-marine-fisheries>

<https://public.govdelivery.com/accounts/MADMF/subscriber/new>

Right Whale Protections

DMF posted an advisory to remind recreational and commercial trap fishermen that the Large Whale Seasonal Trap Gear Closure is in effect from February 1 to April 30. The closure may be extended into May if right whales remain aggregated in the area. The closure encompasses the waters of Cape Cod Bay, Stellwagen Bank and Eastern Cape Cod. State officials will be patrolling this area during the closure to identify gear and notify owners. During the restricted period all trap gear must be removed from the area.

DMF has scheduled two scoping meetings to discuss the state's response to anticipated changes to the federal Atlantic Large Whale Take Reduction Plan (ALWTRP). In response to recent population trends, NOAA Fisheries' Atlantic Large Whale Take Reduction Team (TRT) has been working to consider adjustments to reduce the risk of serious injury and mortality posed by trap fishing gear, specifically vertical buoy lines, to endangered right whales that may become entangled. The TRT endorsed a preliminary framework that established a 60% risk reduction target. Over the course of the last year, DMF staff has been working with NOAA Fisheries to provide updated data analyses and regulatory advice. The purpose of these meetings will be to review NOAA Fisheries' analyses regarding how the state can achieve this federally imposed risk reduction target. Comments received will help DMF engage on federal rule making moving forward.

Meetings are scheduled for February 18th at MA Maritime Academy and February 19th at DMF's Gloucester Field Station, both meetings start at 6:00pm.

Atlantic Herring – Gulf of Maine

The Atlantic States Marine Fisheries Commission's (ASMFC) Atlantic Herring Management Board is seeking public comment on Addendum III to Amendment 3 of the Herring Fishery Management Plan. The objective of the Addendum is to provide additional management tools to more effectively manage the Area 1A (GoM) fishery and prevent frequent starts and stops to fishing activity, while maintaining quota allocation throughout the fishing year. DMF will host a public comment meeting at the Gloucester Field Station on March 2nd starting at 6:00 pm; details will be announced on the DMF website and through the new email subscription service.

Offshore Wind Energy

MA DMF participated in BOEM's Gulf of Maine Task Force meeting in Portsmouth, NH in December. DMF will continue to coordinate with MA CZM, Clean Energy Center (CEC), Department of Energy Resources (DER), and Energy and Environmental Affairs (EEA) as they start the early planning for floating platform turbines.

Over the coming months, MA will convene an interagency group to continue discussing how to move forward in the GoM. DMF will continue to assist CZM with the MA Fisheries Working Group on Offshore Wind and identify ways to address issues that will emerge for wind energy development in the GoM.

iii. Enforcement Reports

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

We are still patrolling a couple times a week with our aircraft and also regularly having patrol boats transiting through Stellwagen Sanctuary. We had one request late last year to broadcast a whale sighting, which we did. We 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.

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

Payment received for \$1,000 Summary Settlement issued to a charter boat operator possessing striped bass in the Sanctuary.

Compliance assistance provided to vessel with no Highly Migratory Species (HMS) permit onboard, but valid during joint patrol with USCG.

Officer Tim Wilmarth continuing to work on the SAC Maritime Heritage Working Group to mitigate damage to historic shipwrecks and discuss disclosure of shipwrecks.

As part of our Emerging Technology initiatives, we may be testing some acoustic devices in/near the GoM Closed Area. The exact location in the closed area may overlap a bit with the northern end of the Sanctuary.

iv. New England Fishery Management Council (NEFMC) (T. Nies)

The New England Fishery Management Council last met January 28-30 in Portsmouth, NH, and prior to that met on December 3-5 in Newport, RI. Our next meeting is April 14-16 in Mystic, CT.

In December, the Council approved specifications for the next scallop fishing year which begins on April 1. This action includes a new closure on Stellwagen Bank to protect small scallops. This closure lies between 42 20° – 42 26° N and directly to the west of the Western GoM closure. With this closure in place, directed scallop fishing could be expected north and west of the closure boundaries as well as on southern Jeffreys Ledge and in Ipswich Bay. Otherwise the Northern GoM fishery will be similar to recent years with a 350,000 lb. quota split between the limited access and limited access general category fisheries, with limited access (large boat) access only permitted during Research Set Aside program fishing. The southern part of SBNMS is located outside the Northern GoM management area. See press release for a map and more information: [Scallop Framework 32](#). We are currently in the process of finalizing the framework document with GARFO and proposed and final rules will be published in the coming months.

The Council approved 2020 groundfish fishery specifications in December, which go into effect on May 1st. They recommended recreational management measures to GARFO in January. For the GoM, these included:

- GoM Cod: Open Season: September 15-30, 2020 and April 1-14, 2021; Bag Limit: one fish per day; Minimum Size: 21 inches
- GoM Haddock: Open Season: May 1, 2020 through February 28, 2021 and April 1-30, 2021 (two weeks longer in April than the current fishing year), leaving only March 2021 closed to recreational fishing for this stock, assuming the seasons are approved; Bag Limit: 15 fish per day; Minimum Size 17 inches.

The Council will be conducting public hearings on the groundfish monitoring amendment (Amendment 23) this spring. See recent press releases for more information: [Groundfish Framework 59](#); [Recommended Rec Measures](#); [Amendment 23](#).

The Council is working on a southern red hake rebuilding action, with anticipated final action in June 2020. The Council discussed the range of management alternatives under consideration at its January meeting and recommended the following:

- A rebuilding control rule with a timeline consistent with red hake biological characteristics.
- An adaptive approach that identifies when the Council may trigger actions that are necessary to achieve its rebuilding objectives.
- A range of Southern red hake year-round possession limits for all gears and fisheries as a potential rebuilding option.
- An evaluation of gears or other methods that may be effective at reducing catch of red hake for inclusion in other actions.

NOAA is taking comments on the 2019-2021 Atlantic Herring specifications through today ([Proposed Rule](#)). In January the Council initiated an action to develop 2021-2013 specifications. There will be a management track assessment for herring this spring. The Industry Funded Monitoring (IFM) amendment should go into effect in April. GARFO has told the Council they are approving Amendment 8, which includes a localized depletion closure, but rulemaking is not yet completed.

The Council continues to track offshore wind development, including the potential for floating offshore wind in the GoM. Staff and some members attended the first GoM regional task force meeting on December 12 in Durham. Information from the meeting is available online: <https://www.boem.gov/Gulf-of-Maine>. Development will almost certainly use floating technology, versus the fixed turbines planned for Southern New England and the Mid-Atlantic. The exact path forward for the task force is not certain yet but will involve a planning process to identify potential

lease areas. The Council sent a letter to the Bureau of Ocean Energy Management last month recommending that the planning process for wind energy areas in the GoM should be transparent (including no unsolicited bids) and involve the fishing community. Unsolicited bids are where a developer requests that BOEM consider leasing a particular location for offshore wind development. Depending on BOEM's response, an unsolicited bid can lead to publication of a "request for competitive interest", or BOEM might opt to fold the request into a broader planning process.

SAC members may want to take note of proposed changes to the regulations that govern NEPA. If adopted, these regulations will make major changes to the form and content of NEPA documents. For example, there will not be any requirement to consider cumulative impacts. The comment period on the proposed changes ends in early March.

v. NOAA Greater Atlantic Regional Fisheries Office (GARFO) (M. Kelly)

Herring Amendment 8

In November 2019, NOAA Fisheries approved Amendment 8, which was designed to 1) Establish a long-term ABC control rule to address the biological and ecological requirements of the herring resource that may explicitly account for herring's role in the ecosystem; and 2) address potential localized depletion of herring to minimize possible detrimental biological impacts on predators of herring and associated socioeconomic impacts on other user groups. Amendment 8 prohibits the use of midwater trawl gear inshore of the 12-nautical mile territorial sea boundary from Canada to Connecticut and inshore of 20 nautical miles off the east coast of Cape Cod. However, compensation fishing with midwater trawl gear to harvest the herring research set-aside would be permitted within the inshore midwater trawl restricted area. A final rule is expected by April.

Industry Funded Monitoring (IFM)

The final rule to the IFM Amendment published on February 7, 2020 (NMFS approved the amendment in December 2018). This amendment standardizes the process to develop and administer future industry-funded monitoring programs. This action also implements a 50-percent industry-funded at-sea monitoring coverage target in the Atlantic herring fishery for Category A and B vessels and allows herring midwater trawl vessels to purchase observer coverage to access Northeast Multispecies Closed Areas. Mid-water trawl vessels will also have the option of using electronic monitoring and portside sampling, administered via an exempted fishing permit, instead of at-sea monitoring to meet the 50-percent coverage target. The IFM program will begin in April 2020 and we are currently in the process of preparing for implementation of both the at-sea monitoring program and the exempted fishing permit allowing for electronic monitoring as a substitution.

Scallop Amendment 21

The NEFMC is developing a final set of alternatives to address scallop fishing in the Northern GoM management area. A scallop committee and advisory panel meeting in March 2020 will finalize the list of alternatives for Council consideration.

Right Whale Calving

Nine (9) mother/calf pairs have been observed in the Southeast calving grounds as of February 4, 2020. One calf sighted off Georgia was critically injured by a suspected vessel strike. Antibiotics were remotely administered to the calf mid-January but the calf and mother have not been sighted since.

Atlantic Large Whale Take Reduction Plan

NOAA Fisheries intends to target a 60% risk reduction in Northeast trap/pot gear to reduce serious injury and mortality to less than one per year. Per a Take Reduction Team agreement, we are

currently analyzing alternatives that reduce the number of vertical lines associated with trap/pots, strength of the line, and potential seasonal closure areas.

A proposed rule and draft environmental impact statement are expected to be released for public comment (including public hearings) mid-2020.

Aquaculture

The Army Corps is proposing to permit an expansion to an existing mussel aquaculture site just outside of the Sanctuary off of Rockport, MA. Our Endangered Species Section 7 consultation team has provided comments on the application to the Army Corps, and has coordinated with Sanctuary staff.

VI. New Business:

Please provide Anne-Marie Runfola with future SAC meeting agenda items.

VII. Adjourn: 3:45 pm.

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Contact Anne-Marie.Runfola@noaa.gov or Elizabeth.Stokes@noaa.gov*