



**U.S. DEPARTMENT OF COMMERCE**  
National Oceanic and Atmospheric Administration  
National Marine Sanctuary System  
Stellwagen Bank National Marine Sanctuary  
175 Edward Foster Rd.  
Scituate, MA 02055  
(781) 545-8026 FAX: (781) 545-8036

12SAC MINUTES

**12<sup>th</sup> SANCTUARY ADVISORY COUNCIL MEETING**  
**National Academy of Sciences, Woods Hole, MA**  
**20 & 21, October 2004**

**MINUTES OF MEETING**

**PRESENT — 20, October 2004**

Bill Adler	Member: Fixed Gear Commercial Fishing	
Regina Asmutis-Silvia	(Alternate to Susan Farady)	
Peter Auster	Member: Research	
Edward Barrett	Member: Mobile Gear Commercial Fishing	
Peter Borrelli	Member: Education	
Pricilla Brooks	Member: Conservation	
Dale Brown	(Alternate to Sally Yozell)	
Deborah Cramer	Member: At-Large	
Susan Farady	Member: Conservation	
Barry Gibson	Member: Recreation	
Jerry Hill	Member: Whale Watching	
CDR Greg Hitchen		(Ex-Officio Member)
Porter Hoagland	(Alternate to Mason Weinrich)	
Donald Hourihan	(Alternate to John Williamson)	
Chris Kellogg	(Alternate to Paul Howard)	(Ex-Officio Member)
Martin McCabe	(Alternate to Bill Eldridge)	
Sharon Meeker	(Alternate to Dick Wheeler)	
Judith Pederson	(Alternate to Peter Auster)	
David Pierce		(Ex-Officio Member)
William Reilly	(Alternate to Jerry Hill)	
Kathi Rodrigues	(Designee for Patricia Kurkul)	(Ex-Officio Member)
Susan Snow-Cotter		(Ex-Officio Member)
Michael Sosik	(Alternate to Barry Gibson)	
Steven Tucker	(Alternate to Deborah Cramer)	
Mason Weinrich	Member: Research	
Dick Wheeler	Member: Education	(Ex-Officio Member)
John Williamson	Member: At-Large	



**SBNMS and NATIONAL PROGRAM STAFF**

Craig MacDonald, Superintendent	Ben Haskell	David Wiley
Anne Smrcina	Michael Weiss, ONMS	Matthew Lawrence
Dede Marx	Mary Elliot Rolle, NOAA Office of General Council, OS	
Nathalie Ward		

**OTHERS PRESENT**

Kent Thornton, FTN Associates	James Campbell, Perot Systems	Jennifer Ghiloni, Perot Systems
Timothy Feehan, Perot Systems	Michael Thompson, Perot Systems	
David Dow	Jud Crawford	David Bergeron
Olivia Free	Kate Smuckler	Sue Rocca
Lydia Bergen	David Meeker	Lorelei Stevens
Geoffrey Smith	Leslie-Ann McGee	

**PRESENT — 21, October 2004**

Bill Adler	Member: Fixed Gear Commercial Fishing
Regina Asmutis-Silvia	(Alternate to Susan Farady)
Peter Auster	Member: Research
Edward Barrett	Member: Mobile Gear Commercial Fishing
Peter Borrelli	Member: Education
Pricilla Brooks	Member: Conservation
Dale Brown	(Alternate to Sally Yozell)
Deborah Cramer	Member: At-Large
Susan Farady	Member: Conservation
Barry Gibson	Member: Recreation
Lt/ Michael Hennessy	(Alternate to CDR Greg Hitchen) (Ex-Officio Member)
Jerry Hill	Member: Whale Watching
Donald Hourihan	(Alternate to John Williamson)
Chris Kellogg	(Alternate to Paul Howard) (Ex-Officio Member)
Martin McCabe	(Alternate to Bill Eldridge)
Sharon Meeker	(Alternate to Dick Wheeler)
Judith Pederson	(Alternate to Peter Auster)
William Reilly	(Alternate to Jerry Hill)
Kathi Rodrigues	(Designee for Patricia Kurkul) (Ex-Officio Member)
Susan Snow-Cotter	(Ex-Officio Member)
Michael Sosik	(Alternate to Barry Gibson)
Steven Tucker	(Alternate to Deborah Cramer)
Mason Weinrich	Member: Research
Dick Wheeler	Member: Education
John Williamson	Member: At-Large

**SBNMS and NATIONAL PROGRAM STAFF**

Craig MacDonald, Superintendent	Ben Haskell	David Wiley
Anne Smrcina	Michael Weiss, ONMS	Matthew Lawrence
Dede Marx	Mary Elliot Rolle, NOAA Office of General Council, OS	
Nathalie Ward	Just Moller	

**OTHERS PRESENT**

Kent Thornton, FTN Associates	James Campbell, Perot Systems	Jennifer Ghiloni, Perot Systems
Timothy Feehan, Perot Systems	Michael Thompson, Perot Systems	
Shelly Dearhart	Leane Dearhart	Georgie Dearhart
David Dow	Kate Smuckler	Olivia Free

Joanne Jarzowski  
Max Taber  
Sue Rocca

Steven Milliken  
Andrew Morton  
David Bergeron

David Slocum  
James McCaffrey

## **WEDNESDAY, 20 OCTOBER 2004**

### **I. Welcome, Review of Agenda and Instructions (John Williamson)**

#### **Welcome and Recognition**

John Williamson opened the 12<sup>th</sup> Sanctuary Advisory Council (SAC) Meeting by welcoming all in attendance. Special thanks was given to all members for their service and dedication to the process, especially all those who served as Working Group (WG) Chairs or Members. All in attendance were advised that this meeting was being recorded.

#### **Review of Agenda**

Michael Weiss, National Marine Sanctuary Program, will provide information from the perspective and process of the National Marine Sanctuary Program. Meeting facilitation will be handled by Kent Thornton, FTN Associates. In a change of typical procedure, a review of the 11<sup>th</sup> SAC Meeting Minutes would be conducted at the end of the second day. John Williamson reminded SAC members that a reception and dinner, hosted by the National Marine Sanctuaries Foundation would be held at the conclusion the first day's meeting. The agenda was accepted by the SAC.

#### **Meeting Procedure**

Craig MacDonald, Stellwagen Bank National Marine Sanctuary (SBNMS) Superintendent, reviewed the procedure for the 12<sup>th</sup> SAC Meeting. This information was sent by MacDonald to all SAC members and alternates prior to the meeting:

- **Purpose of Meeting:** The task of the SAC is to provide advice to the sanctuary Superintendent on the Action Plans that have been developed by each WG. The job of the SAC is to review each Action Plan and decide whether to adopt, revise or reject part or all of the Action Plans. It is expected that each SAC Member will be familiar with each Action Plan prior to the 12<sup>th</sup> SAC Meeting and be prepared for discussion.
- **Format of Meeting:** The meeting would be held in a two day format as outlined by the Agenda. A professional facilitator, Mr. Kent Thornton, will run the meeting. Each Action Plan will be presented in an executive summary by Mr. Thornton. WG Chairs will be introduced and be available to answer questions and provide additional information as requested by the SAC. The WG Chair will speak only to specifics raised. The SAC Chair will move to "vote" forward an entire Action Plan as submitted to initiate discussion. SAC members may then raise issues with specific components of the Action Plan. The SAC discussion cannot repeat the in-depth work of the WG.
- **Role of SAC Members and Alternates:** SAC members who Chaired a WG (Member or Alternate) should be prepared to come before the SAC with the facilitator and be available to answer questions about the WG work. As per the usual operation of the SAC, only voting members will cast votes on the Action Plans to provide the sanctuary Superintendent with SAC advice. Voting members are encouraged to confer with Alternates in considering their constituent seat's position prior to the meeting. Alternates will not participate in meeting discussion unless that Alternate served as the WG Chair.

- **Public Participation:** As with all SAC meetings, this meeting is open to the public. The public can provide comments to the SAC only during the 45-minute period allotted at the end of each day, limited to 5-minutes each. Advanced sign-up is needed and public sign-up forms have been provided. Public comment is not designed to provide detailed information on Action Plans, only general comments. The public will have a greater role when the Draft Management Plan is released for public comment.

Members were advised to consider strategies and activities for all action plans without making decisions or prioritizing based on feasibility and budget. Prioritization issues will be addressed at the 13<sup>th</sup> SAC Meeting, 5 November.

## **II. Goals of 12<sup>th</sup> SAC Meeting (Craig MacDonald)**

### Meeting Goals

Craig MacDonald reminded SAC Members that a significant milestone had been reached in the completion of the Action Plan Compendium. The Compendium is comprised of the work from 11 WG, 10 of which have produced an Action Plan (the Site Characterization WG produced only a summary report). The 12<sup>th</sup> WG, Compatibility Determination (CD), has yet to meet, and therefore has no Action Plan. As indicated by the SAC Timeline (Action Plan Compendium), the following steps still remain:

- Draft Management Plan: Scheduled for Winter 2004-2005
- Draft Management Plan Published for Public Comment: Scheduled for Summer 2005
- Final Management Plan Preparation: Scheduled for Fall/Winter 2005

Craig MacDonald also noted that Stellwagen Bank is an important place for all in attendance. Each SAC Member has connections and special memories about Stellwagen Bank. It is important that each Member not lose that focus, and work together to complete the task at hand.

## **III. National Perspective and Process (Michael Weiss)**

The National Marine Sanctuary Program (NMSP) was organized by Congress in 1972. Since then, only 13 sanctuaries have been created. In terms of square area, these sanctuaries represent a small part of the entire marine environment, but the public recognizes their importance. Changes within these sanctuaries is constant, which is the basis of 5 year review process. Other sanctuaries are currently involved in the same process as the SBNMS. The public process is critical and key to management plan success. SAC Members and members of each WG have put in a tremendous effort. This effort and all the hard work has been recognized by the NMSP and by the National Oceanic and Atmospheric Administration (NOAA).

## **IV. Ground Rules and Charge for the Day (Kent Thornton)**

- Kent Thornton expressed that the SAC faced an aggressive, yet achievable agenda. To assist this review process, the following ground rules were proposed to guide the discussions.

### Assumption

- All SAC members have read all Action Plans and are prepared to discuss the Action Plan Strategies and Activities.

### Participation

- The Facilitator, Kent Thornton, will present each Action Plan executive summary. Working Group Chairs can contribute additional salient points or clarify SAC queries.
- Only SAC Members are eligible to vote on accepting any activities, strategies, or Action Plans. Votes are summarized in Appendix A.
- The public cannot participate in the discussion during the business meeting until the 45-minute public comment period — 5:15 to 6:00 pm.

#### Communication

- Only one person speaks at a time and no one interrupts when another person is speaking.
- When one individual is speaking, everyone else listens to understand the point.
- Everyone's opinion is valuable and will be respected, even if there is disagreement with the statement(s).
- Personal attacks or accusatory statements are inappropriate.
- Only the facilitator can acknowledge individuals for discussion.

#### Decision-making

- Decisions will be made by voting. Robert's Rules will be followed.

### **V. Action Plan Summary Table Review (Kent Thornton)**

#### Agreement on Consensus and Non-Consensus Strategies and Activities

Kent Thornton advised the SAC that time has been invested by each WG. The goal is to move and decide upon each Action Plan and not word-smith each plan or second guess the WGs. The charge for Day 1 is to work through seven Action Plans and the Site Characterization Summary Report. The focus will be on these Action Plans as they have the consensus of their respective WGs. For day 2, the SAC will be charged with working through the remaining three Action Plans that have both consensus and non-consensus items.

The SAC Chair will motion to accept each Action Plan as it is presented, at which time the floor will be open to discussion and amendment of each Action Plan. Votes will be taken to accept proposed amendments, then a final vote will be taken to accept the Action Plan. Consensus is not the priority of the SAC, as majority vote will pass each motion. John Williamson noted that Geographic Information Systems (GIS) products were available to help with the decision making process if needed.

*Discussion:* Concerns were raised that each Action Plan was not a "plan" but a list of recommendations. Discussion determined that each Action Plan was to be viewed as a recommendation to the sanctuary Superintendent. Based on these recommendations, it would be the responsibility of SBNMS Staff to draft a Management Plan. Each Action Plan should be accepted as a recommendation to the sanctuary for this purpose. Clarification on the intent of Strategies and Activities within each Action Plan would be developed through discussion by the SAC and recorded throughout the meeting. Motions would be made to accept the list of recommendations from each WG, then vote on these recommendations as amended by the SAC.

#### Identification of Non-Consensus Strategies and Activities

The following is a list of non-consensus Strategies, Activities and Actions as presented in the Executive Summary Table for each Action Plan (Action Plan Compendium and handout to the SAC):

- Ecosystem Alteration
  - Action 2.1.1
  - Action 2.4.8
  - Action 3.1.1
- Marine Mammal Entanglement
  - Action 3.1.1
- Marine Mammal Behavioral Disturbance
  - Action 1.1.1
  - Action 1.1.4
  - Action 1.4.4
  - Action 2.2.1
- Marine Mammal Vessel Strike
  - Activity 1.1
  - Strategy MMVS.C.1

## **VI. AP Summary Presentation — Discussion and Resolution of Consensus Activities**

### Site Characterization (SC)

Chair: Porter Hoagland (absent) Team Lead: Dave Wiley

The Summary Report for the SC WG was reviewed by Kent Thornton as presented in the Executive Summary of the Action Plan (Action Plan Compendium and handout to SAC). This report had no non-consensus items.

John Williamson moved to accept the report and recommendations of the SC WG for further and enhanced development of site characterization datasets to support management. The SAC strongly recommends that site characterization be an ongoing activity to support data collection and integration synthesis and application. Data collection should include historic and current data. (**MOTION**) Motion seconded by Peter Auster.

*Discussion:* The SC Summary Report was discussed by SAC Members, Peter Auster, John Williamson, Mason Weinrich, David Pierce, Susan Farady, Peter Borrelli, Priscilla Brooks, Barry Gibson, Susan Snow-Cotter, and Superintendent, Craig MacDonald. At issue, was the feeling by some SAC Members that the SC process should be ongoing. In terms of characterizing the SBNMS, the sanctuary staff should be the foremost authority. Work should be done to further the knowledge of the sanctuary itself, as well as collect and integrate known sources of data, which has already been collected. Such data should also include historical information. It was also apparent to some SAC members that additional sanctuary staffing was needed to handle the collection, digitations, and integration of datasets, especially where only paper copies of geo-referenced data is concerned.

The SC Summary Report was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 14
- Nay: 0
- Abstain: 0

### Administrative Capacity, Infrastructure Development and Maintenance (ADMIN)

Chair: Dick Wheeler    Team Lead: Nathalie Ward

The Action Plan for the ADMIN WG was reviewed by Kent Thornton as presented in the Executive Summary of the Action Plan (Action Plan Compendium and handout to SAC). This Action Plan had no non-consensus items.

John Williamson moved to accept the recommendations of the ADMIN WG as amended by the SAC. (**MOTION**) Motion seconded by Susan Farady.

*Discussion:* A discussion of the ADMIN Action Plan was opened between SAC Members Peter Auster, William Adler, Richard Wheeler, Mason Weinrich, Peter Borrelli, John Williamson, Susan Farady, Priscilla Brooks, Barry Gibson, and National Marine Sanctuary Program staff, Michael Weiss and SBNMS Superintendent, Craig MacDonald. Of concern to some SAC Members was the idea that the sanctuary should be a leader in the Northeast on emerging topics such as those associated with the Pew Ocean Report and the Draft Report of the U.S. Commission on Ocean Policy. The sanctuary itself should be directly involved in such issues, not just attend meetings. To address these issues, Susan Farady moved to change wording in Activity 5.3: strike from the word "draft" to "conjunction" and replace with "seek involvement." (**MOTION**) Motion seconded by Peter Auster. This amendment is labeled Amendment ADMIN.1 (see Appendix B).

Members also discussed what role a Friends Group should have. There was concern that the creation of a Friends Group could create conflict with the mandates of the sanctuary itself, and introduce a competing interest. It was determined that the sanctuary itself had no authority to create or license a Friends Group, but could work with such a group through a Memorandum of Agreement (MOA). Through an MOA, the sanctuary could define parameters for a Friends Group. SAC members also recognized that a Friends Group should be involved in public education and outreach. With a Friends Group involved, the sanctuary's goal for public education and outreach could be enhanced. Priscilla Brooks moved to change wording, in STRATEGY ADMIN.3; Objective: change to read "...SBNMS Friends Group to *enhance education and outreach and* to supplement financial resources..." (**MOTION**) Motion seconded by Peter Auster. This amendment is labeled Amendment ADMIN.2 (see Appendix B).

Amendment ADMIN.2 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 14
- Nay: 0
- Abstain: 0

Amendment ADMIN.1 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 14
- Nay: 0
- Abstain: 0

The ADMIN Action Plan was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 14
- Nay: 0
- Abstain: 0

### Public Outreach and Education (POE)

Chair: Dick Wheeler                      Team Lead: Anne Smrcina

The Action Plan for the POE WG was reviewed by Kent Thornton as presented in the Executive Summary of the Action Plan (Action Plan Compendium and handout to SAC). This Action Plan had no non-consensus items.

John Williamson moved to accept the recommendations of the POE WG as amended by the SAC.  
**(MOTION)** Motion seconded by Barry Gibson.

*Discussion:* The POE Action Plan was discussed by SAC Members William Adler and Peter Auster. With any public outreach and education, mention should be made concerning the 400 year history of the fishing industry and its use of Stellwagen Bank. Fishermen's associations and groups should have their logos included in education and outreach publications. Also, it is important for commercial fishing representatives to be included in any committees that may be formed. National interests should also be addressed with public outreach and education, since the sanctuary is a national entity; therefore, Strategy POE.1 should have the intent to increase public outreach and education to the entire nation.

The POE Action Plan was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 14
- Nay: 0
- Abstain: 0

### Water Quality (WQ)

Chair: Judy Pederson                      Team Lead: Anne Smrcina

The Action Plan for the WQ WG was reviewed by Kent Thornton as it is presented in the Executive Summary of the Action Plan (Action Plan Compendium and handout to SAC). This Action Plan had no non-consensus items.

John Williamson moved to accept the recommendations of the POE WG as amended by the SAC.  
**(MOTION)** Motion seconded by Mason Weinrich.

*Discussion:* The WQ Action Plan was discussed by SAC Members Ed Barrett, Judy Peterson, Pricilla Brooks, Peter Auster, William Adler, John Williamson, Susan Farady, Peter Borrelli, Susan Snow-Cotter, Greg Hitchen, Kathi Rodrigues, Mason Weinrich, Deborah Cramer, Jerry Hill and sanctuary staff Michael Weiss and Anne Smrcina. Topics of discussion included the intent of including "fish waste", ballast water discharge, introduction of chlorine and other sources of pollution, and the creation of an Automatic Information System (AIS) for vessels.

For "fish waste", clarification was needed concerning what the intent of including it was for this Action Plan. It was important to understand the intent of including "fish waste", and SAC members were concerned that this could cause discard issues for the commercial fishing industry. The intent of the WQ WG was to include fish waste with the understanding that it only included wastes in quantities above the amount caused from normal commercial fishing. It was the intent of the WG to discourage factory ships and processing plants from discharging large quantities of fish waste, but not impact normal commercial fishing.

Ballast water and its discharge was also a point of concern to the SAC. Members were unsure if voluntary guidelines for ballast water discharge would be sufficient to be effective. It was made clear that the International Maritime Organization (IMO) has taken 12 years to develop guidelines, and currently no



discharge of ballast water is voluntary within the SBNMS. More information is needed on the cumulative impacts of all vessels discharging ballast water. Effects from cruise ships would also need study, as no national policy on cruise ship discharge has been developed. It is also important that some reference points and standards be established to determine if guidelines work; however, existing water quality standards are currently difficult to violate. Additional information to protect water quality can also be referenced in the Magnuson Act.

Some SAC Members raised concerns for water quality to possibly become "too clean" with the increased introduction of chlorine into the ecosystem. Other factors like a Liquefied Natural Gas (LNG) facility could potentially affect water quality and temperature. Such a facility, or other natural hazards, could have the potential for a catastrophic event that could affect water quality. It was clear that even though other agencies may have contingency plans for such catastrophic events, the sanctuary should develop contingency plans with its Management Plan.

Other sources of pollution such as atmospheric deposition, plastics and floatables were of concern to some SAC members. Some pollution issues could be approached through the promotion of stewardship for the sanctuary. There are obvious appropriate and in-appropriate behaviors, and through education and outreach, a sense of stewardship could be promoted. Deborah Cramer moved to include under Activity A.1.4:

"waste plastics and floatables as well as atmospheric deposition should be considered as a component of water quality and be investigated." (*MOTION*)

Motion seconded by Priscilla Brooks. This amendment is labeled Amendment WQ.1 (see Appendix B).

SAC members were concerned that the creation of an Automate Information System (AIS), that would incorporate as many vessels as possible, as stated in Activity B.4.4, would be too expensive for vessel owners and operators. Currently, vessels greater than 300 tons should already be equipped with AIS. Activity B.4.4 of the WQ Action Plan, as written, could potentially lead to resistance of the Action Plan as a whole. William Adler moved to strike Activity B.4.4 from the WQ Action Plan. (*MOTION*) Motion seconded by Edward Barrett. This amendment is labeled Amendment WQ.2 (see Appendix B).

Amendment WQ.1 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 12
- Nay: 2
- Abstain: 0

Amendment WQ.2 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 9
- Nay: 1
- Abstain: 4

The WQ Action Plan was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 14
- Nay: 0
- Abstain: 0

### Interagency Cooperation (IC)

Chair: Sally Yozell (absent)

Team Lead: Ben Cowie-Haskell

The Action Plan for the IC WG was reviewed by Kent Thornton as presented in the Executive Summary of the Action Plan (Action Plan Compendium and handout to SAC). This Action Plan had no non-consensus items.

John Williamson moved to accept the recommendations of the IC WG as amended by the SAC.  
(**MOTION**) Motion seconded by Pricilla Brooks.

*Discussion:* The IC Action Plan was discussed by SAC Members John Williamson, Craig MacDonald, David Pierce, Michael Weiss, Dale Brown, Peter Auster, Susan Farady, Edward Barrett, William Adler, Barry Gibson and sanctuary staff Ben Cowie-Haskell. Issues of discussion included Memoranda of Agreement and establishing a Marine Protected Areas (MPA) network.

Issues were raised concerning the re-consideration of an MOU between the SBNMS and NMFS and the New England Fisheries Management Council (NEFMC). Members were unsure if such a statement was needed. Clarification was given to the effect that a precedent has been set by the Grays Reef Sanctuary, where an MOU was established to define roles, jurisdictional overlap, and the sharing of resources. MOU's help define relationships that are potentially long-term. For the SBNMS, preliminary discussions on an MOU have already taken place, but have not been finalized. It was decided that although other agencies such as the National Parks Service and the U.S. Fish and Wildlife Service are not mentioned with this MOU, these agencies would be included in the Compatibility Determination WG which is forthcoming. Strategy IC.14 also encourages other agencies to serve on panels created by the sanctuary. Some SAC Members stated that the intent of any MOU should not result in changes to the sanctuary designation document.

With the establishment of MPA networks, some SAC Members were uncomfortable with the wording of Action 12.3 in the IC Action Plan. Some members stated that the establishment of Working Groups to discuss MPAs was one thing, but making MPAs restrictive could result in changes to the designation document and would not be supported. However, taking part in discussions dealing with MPA and other outside issues would not change the policy of the sanctuary and would not result in designation change. Some members were opposed to the sanctuary coordinating such discussions, but participation would be supported. Edward Barrett moved to strike Action 12.3 from the IC Action Plan. (**MOTION**) Motion seconded by William Adler. This amendment is labeled Amendment IC.1 (see Appendix B). For clarification, it was stated that participation in discussions was how the sanctuary normally operates and that the sanctuary would not be taking the lead on coordinating such discussions. Susan Farady moved to reword Action 12.3 to read:

"Participate in the GOM Council and other regional initiatives regarding coordination of the establishment..." (**MOTION**)

Motion seconded by Edward Barrett. This amendment is labeled Amendment IC.2 (see Appendix B). Amendment IC.1 was withdrawn based on the introduction of Amendment IC.2. SAC Members stated that the wording for the establishment of an MPA network could be contentious and should be taken into consideration when preparing the DRAFT Management Plan; however, a vigorous debate on the issue could be useful.

Amendment IC.2 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 14

- Nay: 0
- Abstain: 0

The IC Action Plan was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 14
- Nay: 0
- Abstain: 0

#### Maritime Heritage Resources (MHR)

Chair: Jerry Hill                      Team Lead: Ben Cowie-Haskell

The Action Plan for the MHR WG was reviewed by Kent Thornton as presented in the Executive Summary of the Action Plan (Action Plan Compendium and handout to SAC). This Action Plan had no non-consensus items.

John Williamson moved to accept the recommendations of the MHR WG as amended by the SAC. **(MOTION)** Motion seconded by Susan Farady.

*Discussion:* The MHR Action Plan was discussed by SAC Members John Williamson, Jerry Hill, Peter Auster, William Adler, David Pierce, Mason Weinrich, Susan Farady, Edward Barrett, Dale Brown, Deborah Cramer and sanctuary staff Michael Weiss and Ben Cowie-Haskell. Discussion included topics such as potentially hazardous wrecks, wreck and artifact classification, restricted access designation and access to special access areas.

Concern was raised that no action existed to mitigate threats from potentially hazardous wrecks. It was unclear if such mitigation would need regulatory or non-regulatory action since responsibility may not be determined. On known wrecks, if a threat was identified, the sanctuary would be notified but no contingency plan has been prepared.

Clarification was also needed on how wrecks would be classified. Some SAC Members cautioned that the establishment of zones around wrecks could cause a designation document change. A group should be established to classify wrecks on a case-by-case basis. A wreck or artifact of National Register of Historic Sites stature should be considered to have a set-aside area and should be dealt with on a case-by-case basis by a group established for this purpose. The MHR WG viewed the sanctuary as a unique area due to its long history of maritime use, and artifacts associated with that history should be deemed a sanctuary MHR. Some SAC members also indicated that the biological assemblages associated with wreck sites has become important and should be viewed as a biodiversity resource. It was agreed by the SAC that the sanctuary would continue to work to identify and research wreck sites, then have a working group assembled to determine the status of the site. Some SAC Members stated that wording should be improved to indicate that the matrix depicted in the MHR Action Plan Appendix was constructed by the MHR WG based on input from outside sources.

Some SAC Members needed clarification on why a one- square-mile area would be needed around a restricted access site like the Portland instead of marking the site with buoys. It was stated that the use and maintenance of buoys in deep water would be a huge operation that could prove too costly. A one square-mile area would be needed for surveillance and enforcement by the U.S. Coast Guard.

Special access sites, determined by a working group based on national historic significance, would also limit dive operations. The intent of the MHR WG was to limit access to special access sites to prevent damage and pilfering of the ship wrecks. A permitting or certification program would be established for

restricted access sites that would address the need for appropriate kinds of access. Permitting should be considered for appropriate technical divers as well as charter vessels and archeologists.

The MHR Action Plan was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 12
- Nay: 0
- Abstain: 2

#### Ecosystem Based Management (EBM)

Chair: John Williamson Team Lead: Ben Cowie-Haskell

The Action Plan for the EBM WG was reviewed by Kent Thornton as presented in the Executive Summary of the Action Plan (Action Plan Compendium and handout to SAC). This Action Plan had no non-consensus items.

John Williamson moved to accept the recommendations of the EBM WG as amended by the SAC. (**MOTION**) Motion seconded by Mason Weinrich.

*Discussion:* The EBM Action Plan was discussed by SAC Members John Williamson, Kathi Rodrigues, Ed Barrett, David Pierce, Mason Weinrich, Susan Farady, Peter Auster, Craig MacDonald, Pricilla Brooks, and sanctuary staff Ben Cowie-Haskell. Discussion topics included forage species, and the inclusion of the appendices in the EBM Action Plan. It was noted that although the EBM WG had a consensus Action Plan, consensus was given on the grounds that no recommendation would have the intent to trigger a change in the sanctuary designation document. In addition, regulations on fishing activities should be handled by NOAA Fisheries and NEFMC.

Fishing industry representatives noted that this Action Plan was designation neutral, and noted that fishing industry consensus hinged on this issue. It was recognized that a WG formed from the recommendations of this Action Plan may in fact trigger re-designation; however, re-designation would not be triggered by the EBM Action Plan itself.

Clarification was needed on why forage species such as mackerel and herring were not included along with the recommended ban on sand lance fishing. It was determined that this was specifically discussed by the EBM WG and that herring fishing was well managed and not conducted at times when whales were present. For mackerel, there is no large fishery in the SBNMS. It was stressed that there is a need to understand the dynamics of all prey taxa as they effect distribution and abundance of predators. This understanding will assist management within Sanctuary boundaries as well as outside of SBNMS boundaries. It was highlighted for the SAC that the need for information on forage species was covered by Activity 5.4. It was also indicated that marine mammals should have inclusion in recommendations when the Management Plan is drafted.

Some SAC Members stated that even though the EBM Action Plan Appendices appear in WG meeting summaries, the EBM Action Plan Appendices represented non-consensus items that should be removed. Edward Barrett moved to strike the Appendices from the EBM Action Plan. (**MOTION**) Motion seconded by William Adler. This amendment is labeled Amendment EBM.1 (see Appendix B).

Amendment EBM.1 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 8
- Nay: 6

- Abstain: 0

The EBM Action Plan was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 13
- Nay: 0
- Abstain: 0

## VII. AP Summary Presentation — Discussion and Resolution of Non-Consensus Activities

### Ecosystem Alteration (EA)

Chair: Porter Hoagland Team Lead: Dave Wiley

The Action Plan for the EA WG was reviewed by Kent Thornton as presented in the Executive Summary of the Action Plan (Action Plan Compendium and handout to SAC). This Action Plan had 3 areas of non-consensus.

John Williamson moved to accept the recommendations of the EA WG as amended by the SAC.  
(**MOTION**) Motion seconded by Pricilla Brooks.

*Discussion:* The EA Action Plan was discussed by SAC Members Mason Weinrich, John Williamson, Porter Hoagland, William Adler, Peter Auster, Barry Gibson, Susan Farady, Pricilla Brooks, David Pierce, Peter Borrelli, Kathi Rodrigues, Edward Barrett, Chris Kellogg, Dale Brown, Sharon Meeker Deborah Cramer, and sanctuary staff Craig MacDonald, Michael Weiss and David Wiley. Discussions concerned the intent of including bycatch in the EA Action Plan, time and area restrictions, area zoning, commercial fishing restrictions and cables and pipelines.

Clarification was needed to ascertain the intent of including bycatch issues with the EA Action Plan. Some members stated that the sanctuary should be more concerned with species diversity than with biomass removal, while others stated that issues such as this were covered originally by the NEFMC with Amendment 13. These and other fishing-related issues addressed by the EA Action Plan were developed through public scoping and had to be addressed.

For clarification, it was explained that the options in the non-consensus Action 3.1.1 in the EA Action Plan were provided as examples and were not necessarily non-consensus. However, some SAC members were concerned that such Actions would be regulations on fishing which could cause a designation document change. It was cautioned that time and area restrictions done improperly could cause more problems with bycatch and discards. It was suggested that the intent of the EA WG was not to create fisheries restrictions, but to indicate that the sanctuary should seek to reduce bycatch and discard. The sanctuary should address environmentally sustainable fishing rather than maximum sustainable fishing. David Pierce moved to strike from Action 3.1.1.b. the statement:

*"This separation could be through:*

*Option A: Voluntary time/area restrictions*

*Option B: Mandated time/area restrictions" (MOTION)*

Motion seconded by Peter Auster. This amendment is labeled Amendment EA.1 (see Appendix B). SAC members were reluctant to remove Action 3.1.1.b in its entirety and wished to keep intact the intent to reduce bycatch.

Amendment EA.1 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 13
- Nay: 0
- Abstain: 1

With potential zoning for set-aside areas, the EA Action Plan recommended trade-offs for areas presently closed, to ensure that the total area for closure within the sanctuary would not increase above present levels. Some SAC members were not clear if the sanctuary had the authority to offer trade-offs on set-aside areas. It was suggested that such decisions could be addressed by the Zoning WG recommended under the EBM Action Plan. A robust research program would also be supported, but some Members were uncertain if such research needed to take place within the sanctuary. Suitable research areas could be found outside the sanctuary. Some members also cautioned that areas should not be closed specifically for research. There are plenty of reasons for area closures, and research could be done in areas after being closed for those reasons. However, other members emphasized that the need for the sanctuary to be able to understand the mechanisms (the how and why) for maintenance and enhancement of biological diversity, biological community succession and ecological function, is best done by conducting research directly in the sanctuary. Control areas are needed to make these determinations for clarification, it was explained that the idea for trade-offs suggested in Activity 2.1 was worded to be sensitive to commercial fishing interests and reduce conflicts. Susan Farady moved to change wording in Activity 2.1 to be consistent with the process discussed in the EBM Action Plan. The following language should be removed under this Activity:

*"The area should be located to the greatest extent ... elsewhere in the WGOMHCA or other compatible area and/or measure."*

The following language should be added after the first sentence in the second paragraph under Activity 2.1:

*"Consideration of this area should be part of the EBM Zoning WG and should include, as options, the two recommendations for fishing restrictions put forth by the EA WG (2.1.1.a and 2.1.1.b)." (MOTION)*

Motion seconded by Mason Weinrich. This amendment is labeled Amendment EA.2 (see Appendix B). Some SAC Members expressed concern that area closures should be considered a fisheries management decision. If the NEFMC decided closures were needed then no designation change was required for the sanctuary.

Amendment EA.2 was rejected by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 5
- Nay: 5
- Abstain: 3

Due to the absence of Richard Wheeler in the previous vote, Sharon Meeker was asked to join the table as his alternate. John Williamson moved to revisit and revote on Amendment EA.2. (**MOTION**) Motion seconded by Peter Auster.

The motion to revisit Amendment EA.2 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 12
- Nay: 0
- Abstain: 1

Amendment EA.2 was rejected by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 6
- Nay: 6
- Abstain: 2

Some SAC Members expressed concern that Actions mentioned in Activity 2.4 were fishery management issues that may be beyond the purview of the SAC. Some members agreed with the intent that research should be conducted. It was expressed that much research has been done around the world and that the sanctuary is not the only place where such research could be done; however, the sanctuary could serve as a place to test gear that minimizes habitat impacts and bycatch. John Williamson moved to add the following language as the introductory statement to Activity 2.4:

*"The Research WG recommended in Activity 2.3 should be charged with developing a Research Plan that focuses on the effects of varying levels of human use on the sanctuary. The Actions recommended in Activity 2.4 should be evaluated in light of the NMSA." (MOTION)*

Motion seconded by William Adler. This amendment is labeled Amendment EA.3 (see Appendix B).

Amendment EA.3 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 12
- Nay: 0
- Abstain: 2

Clarification was needed by SAC Members to determine if pollution issues were adequately addressed by the EA Action Plan. Members of the SAC agreed that pollution issues were covered by both the EBM and WQ Action Plans. There was also concern that only fisheries issues were addressed with the EA Action Plan. It was expressed that fishing should be included with Activities, but not addressed directly. Pricilla Brooks moved to modify the 3<sup>rd</sup> paragraph under Activity 2.1 to read:

*"Restrictions on human activities will depend upon the desired research planned for particular area(s). Area(s) could be closed to: ..."*

An Action 2.1.1.c should be added to the Activity stating:

*"Any other activity impacting the resources to be studied." (MOTION)*

Motion seconded by Susan Farady. This amendment is labeled Amendment EA.4 (see Appendix B).

Amendment EA.4 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 10

- Nay: 3
- Abstain: 1

For prohibitions on cables and pipelines in the sanctuary, clarification was needed as to how, if prohibited, a cable was laid within the sanctuary. It was determined that such an activity was prohibited by regulation but not by statute; approval could be given in special cases. The intent of the EA Action Plan was to discourage the installment of cables and pipelines within the sanctuary. There was concern, however, that if a zoned area for cables and pipelines was identified within the sanctuary more would be installed, therefore a process for dealing with cable and pipeline issues would need to be developed.

The EA Action Plan was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 10
- Nay: 3
- Abstain: 1

General discussion on the main motion included the request that if the sanctuary takes actions that could affect fishing interests, it should be done in consultation with stakeholders.

#### **VIII. Day Two Agenda: Projection**

Kent Thornton commented that as the meeting is on track and the SAC has followed the agenda, the agenda for Day two would remain as written. Kent Thornton noted that the MMVS Action Plan would be addressed on day two. This Action Plan is complex with a large number of options included. Mr. Thornton also noted that comments on the final draft AP were delivered from the MMVS WG by email, but the final version of the MMVS Action Plan was not reviewed by the WG due to time constraints.

#### **IX. Public Comment**

Don Hourihan addressed the SAC concerning issues contained in the EA Action Plan. Mr. Hourihan stated that dredge spoils from harbor channel dredging are clean and that dredge spoils contain sand, silt and cobble that are not contaminated. It was stressed that dump sites for clean dredge spoils should not be closed. Harbors need to remain open and dredging always needs to continue.

### **THURSDAY, 21 OCTOBER 2004**

#### **I. Welcome (John Williamson)**

John Williamson opened the meeting at 8:40 am. Announcements were made concerning travel vouchers for each SAC Member. A Payment Profile form was distributed to each SAC Member with the request that it be filled out and returned to SBNMS Staff. Also, an announcement was made to inform the SAC that a group photo would be taken during lunch.

#### **II. Critical Captures / Things that Went Bump in the Night (Kent Thornton)**

With no comments from SAC Members, Kent Thornton asked that in order to improve the efficiency of the process, Members should write down amendments they wish to add. In addition, comment periods needed to be maintained to one hour. Discussions lasting more than the allotted time tend to have repeating issues that make the process less efficient.



### III. Charge for the Day (Kent Thornton)

The SAC was charged with approving the last 3 Action Plans. In addition, the minutes from the 11<sup>th</sup> SAC meeting would be amended and approved.

### IV. AP Summary Presentation — Discussion and Resolution of Non-Consensus Activities

#### Marine Mammal Entanglement (MME)

Chair: Regina Asmutis-Silvia      Team Lead: Dave Wiley

The Action Plan for the MME WG was reviewed by Kent Thornton as presented in the Executive Summary of the Action Plan (Action Plan Compendium and handout to SAC). This Action Plan had 1 area of non-consensus.

John Williamson moved to accept the recommendations of the MME WG as amended by the SAC. (**MOTION**) Motion seconded by Mason Weinrich.

*Discussion:* The MME Action Plan was discussed by SAC Members John Williamson, Regina Asmutis-Silvia, Mason Weinrich, Bill Adler, Kathi Rodriguez, Chris Kellogg, Craig MacDonald, Edward Barrett, Peter Borrelli, Peter Auster, Susan Farady, Dale Brown, Deborah Cramer, and Pricilla Brooks.

Discussions concerned using SAMs or DAMs, and the NMFS take reduction team. It was explained to the SAC that some MME Members recently raised objection to consensus items contained in the MME Action Plan; however, these individuals had agreed to consensus during the WG process. Ample opportunity was given to raise objection during the WG process, and therefore, the consensus status of the MME Action Plan will remain unchanged. It was agreed by the SAC that since the consensus status was unchanged, it would be inappropriate to review the specific Activities in question.

The non-consensus issue of the MME Action Plan was whether to use SAMs or DAMs for reducing marine mammal entanglements. It was suggested that the use of DAMs be the preferred Action since DAMs are safer and reduces lost gear. If SAMs were considered, compliance could affectively increase the number of vertical lines in the water column by having fewer nets associated with them. However, other members believed that the use of SAMs could reduce entanglement.

It was noted that the intent of the MME WG was to provide uniform protection from entanglement for all whales, since the current NMFS take reduction team would be focusing on right whales. Protection in the sanctuary should be uniform and year-round, using 1 type of gillnet gear. Wording in the MME Action Plan was developed to indicate that a plan from the take reduction team had not been released and that action needed to be taken. However, caution was expressed that a take reduction team plan would focus on reducing entanglement to zero while the mandate of the sanctuary was to protect resources while allowing multiple uses. For clarification, it was explained that any plan would be developed in conjunction with NMFS. NMFS was represented at the MME WG and supportive of the MME Action Plan. It was the intent of the MMVS AP that marine mammals in the sanctuary needed to be given a higher standard than the Gulf of Maine as a whole, given the concentration of marine mammals within the sanctuary. It would be critical for the sanctuary to coordinate with NMFS and NEFMC. It was recommended that wording to this effect be included in the Management Plan. It was also suggested that the options provided by Actions 3.1.1.a and 3.1.1.b could be used as examples instead of explicit options.

Dale Brown moved to replace the language of Actions 3.1.1.a and 3.1.1.b of the EBM Action Plan with the following language:

*"The SBNMS should review the adequacy of risk reduction measures contained in the ALWTRP for North Atlantic large whales and the HPTRP for harbor porpoises. If the review indicates*

*that the plans are inadequate to reduce risk to marine mammals in the SBNMS, then SBNMS staff should make recommendations to strengthen risk reductions methods." (MOTION)*

Motion seconded by John Williamson. This amendment is labeled Amendment MME.1 (see Appendix B).

Concern was raised over Amendment MME.1. Although the sentiment of the above Amendment MME.1 was appropriate, Members felt that replacing the specific wording within the Action Plan would be too general. Amendment MME.1 was rejected by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 3
- Nay: 11
- Abstain: 0

General discussion by the SAC Members offered guidance to the Sanctuary on what should be considered inadequate risk reduction. Whereas the ALWTRP and HPTRP seek to reduce marine mammal mortalities to a biological standard called PBR (potential biological removal), the goal of SBNMS should be to reduce the incidence of marine mammal entanglements in the Sanctuary to as minimal a level as is achievable without creating unreasonable burdens on user groups. The "tools" for the Sanctuary to consider when doing this should be found within the range of fishing gear modification and other management mechanisms available, as well as through outreach, education and behavioral incentives.

Mason Weinrich moved to include the following language in the introduction of both the Trap Pot and Gillnet Fisheries sections of the MME Action Plan (pp MME-15; MME-39):

*"The SBNMS should review the adequacy of risk reduction measures contained in the ALWTRP for North Atlantic large whales and the HPTRP for harbor porpoises. If the review indicates that the plans are inadequate to reduce risk to marine mammals in the SBNMS, then SBNMS staff should make recommendations to strengthen risk reductions methods." (MOTION)*

Motion seconded by Deborah Cramer. This amendment is labeled Amendment MME.2 (see Appendix B).

Amendment MME.2 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 11
- Nay: 3
- Abstain: 0

The MME Action Plan was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 9
- Nay: 5
- Abstain: 0

General discussion on the main motion included the request that if the sanctuary takes actions that could affect fishing interests, it should be done in consultation with stakeholders.

#### Marine Mammal Behavioral Disturbance (MMBD)

Chair: Regina Asmutis-Silvia      Team Lead: Nathalie Ward

The Action Plan for the MMBD WG was reviewed by Kent Thornton as presented in the Executive Summary of the Action Plan (Action Plan Compendium and handout to SAC). This Action Plan had 4 areas of non-consensus.

John Williamson moved to accept the recommendations of the MMBD WG as amended by the SAC.

**(MOTION)** Motion seconded by Susan Farady.

*Discussion:* The MMBD Action Plan was discussed by SAC Members Mason Weinrich, Regina Asmutis-Silvia, Priscilla Brooks, Peter Auster, John Williamson, Peter Borrelli, William Adler, Jerry Hill, Deborah Cramer, Susan Farady, Ed Barrett, Kathi Rodriguez and national marine sanctuary staff Michael Weiss and Craig MacDonald,. The discussion included using existing whale watch guidelines or codifying them as regulations, feasibility studies two-tiered regulatory programs and regulations on aircraft over flights.

Concern was raised over using existing whale watch guidelines or codifying these guidelines as regulations. For clarification, data was presented on compliance of the whale watch speed restriction guideline within the whale watch fleet during 2003 and 2004. Non-compliance of speed restrictions was shown to be alarmingly high; however, the guidelines as written may not be currently appropriate due to changes in whale distribution and species that are present in the sanctuary. Any proposed guidelines or regulations must be made to work within today's circumstances, and applied appropriately since small, recreational boats will be hard to enforce. Guidelines are currently not enforceable. Some SAC Members agreed regulations on the whale watch fleet could be made, as long as stakeholders are consulted in the process. Some members recognized the higher standards that the sanctuary should set and that a priority needs to be made for addressing regulations. Peter Borrelli moved to replace Actions 1.1.1.a and 1.1.1.b in the MMBD Action Plan with the following language:

*"The SBNMS should develop regulations, in consultation with stakeholders, governing operations of vessels within the vicinity of whales, dolphins and porpoises within 1 year of adopting the SBNMS Management Plan."* **(MOTION)**

Motion seconded by Priscilla Brooks. This amendment is labeled Amendment MMBD.1 (see Appendix B). SAC Members raised the concern that, like many other sanctuaries, only minimum approach distances would be made into regulations. Mason Weinrich moved to add the following language to Amendment MMBD.1:

*"The regulations should not solely be a minimum approach distance."* **(MOTION)**

Motion seconded by Peter Auster. However, it was highlighted for the SAC that the sanctuary should have all options at its disposal. The motion was withdrawn (see Appendix B).

Amendment MMBD.1 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 9
- Nay: 5
- Abstain: 0

Clarification was given on the non-consensus items in Action 1.1.4 of the MMBD Action Plan dealing with two-tiered regulatory programs. The Action was written to stress the importance of investigating a two-tiered regulatory program, not implement it. Non-consensus discussion in the MMBD WG was over the costs involved in implementing a feasibility study and whether public outreach and education programs would be more cost effective. It was determined that issues concerning cost are not for the SAC

to decide. As written, these options will be presented to the sanctuary for a decision to be made. Non-consensus options in Action 1.4.4 were intended as research options, and therefore are considered as having full consensus.

For overflights of tuna spotter planes, research indicates that there is potential disturbance of individual marine mammals but no population-level effects have been shown. Flights other than for tuna spotting that direct attention specifically to whales may have longer-term population-level effects. The intent of the MMBD WG was to discourage directed whale watching by aircraft. It was cautioned that any attempt to regulate tuna spotter planes must be accompanied by vigorous research and data.

Mason Weinrich moved to accept the wording of Action 2.2.1.a of the MMBD Action Plan as the preferred recommendation to SBNMS. (**MOTION**) Motion seconded by Peter Auster. This amendment is labeled Amendment MMBD.2 (see Appendix B).

Amendment MMBD.2 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 12
- Nay: 1
- Abstain: 1

The MMBD Action Plan was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 13
- Nay: 1
- Abstain: 0

#### Marine Mammal Vessel Strikes (MMVS)

Chair: Mason Weinrich Team Lead: Dave Wiley

The Action Plan for the MMVS WG was reviewed by Kent Thornton as presented in the Executive Summary of the Action Plan (Action Plan Compendium and handout to SAC). This Action Plan had 2 areas of non-consensus.

John Williamson moved to accept the recommendations of the MMVS WG as amended by the SAC. (**MOTION**) Motion seconded by Martin McCabe.

*Discussion:* The MMVS Action Plan was discussed by SAC Members Mason Weinrich, Martin McCabe, Susan Farady, John Williamson, Pricilla Brooks, Peter Auster, Peter Borrelli, Jerry Hill, Ed Barrett, Deborah Cramer, William Adler and MMBD Chair, Regina Asmutis-Silvia. Discussions covered codifying existing whale watch guidelines, voluntary speed restriction issues and changes to the shipping lane. It was noted that some Strategies, Activities and Actions had overlap with the MMBD Action Plan. Non-consensus in the MMVS WG resulted from recommendations for regulations and re-routing shipping lanes, as well as classifying types of vessels based on whale watching and transiting the sanctuary. Some question was raised as to whether Activity A.3.2 in the MMVS Action Plan achieved consensus from the MMVS WG. Based on the meeting summary, consensus was agreed to.

For the continued use of whale watch guidelines or codifying them to regulations, recommendations have already been accepted through the MMBD Action Plan. Whale watch guidelines, as written, were good

for reducing vessel strikes on marine mammals, but compliance was not good. Based on recommendations made in the MMBD Action Plan, it was clear that the intent should be to work with NMFS to develop regulations and review the adequacy of regulations to reduce ship strikes in the sanctuary. Doing nothing would be contrary to meeting the goals of the sanctuary itself. Peter Auster moved to strike Actions A.1.1.1.a and A.1.1.1.c from the MMVS Action Plan. Action A.1.1.1.b should remain as the recommendation to SBNMS. (**MOTION**) Motion seconded by Susan Farady. This amendment is labeled Amendment MMVS.1 (see Appendix B).

Amendment MMVS.1 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 13
- Nay: 1
- Abstain: 0

Actions C.1.1 through C.1.6 also contained non-consensus attributable to the question of whale watch guidelines versus regulations. Members stated that The MMBD Action Plan already recommended regulation, and that whale watch guidelines could be revised before new regulations are implemented. These non-consensus actions could be presented as available options to reduce ship strike. Wording should be crafted to ensure this in the Management Plan. Some SAC Members also agreed that some wording should be added preceding Actions C.1.1 through C.1.6 that reflected the language used in the MMBD Action Plan. Jerry Hill moved to add the following language preceding Actions C.1.1 through C.1.6 in the MMVS Action Plan:

*"The SBNMS should develop regulations, in consultation with stakeholders, governing operations of whale watching vessels in the vicinity of whales, dolphins, and porpoises within 1 year of adopting the SBNMS Management Plan taking into consideration C.1.1 through C.1.6. In the meantime, the sanctuary should implement methods to enforce current guidelines."*

The language in this section should be made consistent with the direction of the SAC to develop regulations rather than relying upon guidelines. (**MOTION**) Motion seconded by Peter Auster. This amendment is labeled Amendment MMVS.2 (see Appendix B).

Amendment MMVS.2 was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 13
- Nay: 0
- Abstain: 1

For speed restrictions, some SAC members stated that restrictions should not be voluntary. However, other SAC Members cautioned that speed restrictions in the vicinity of whales could have dangerous, unintended consequences stemming from the fact that vessels like tug and barge and large shipping vessels could not react in time. Voluntary speed restrictions would work very well if used in conjunction with a whale monitoring system that could alert vessel operators of whale locations and aggregations.

The SAC also considered potential changes to the shipping lane. It was agreed, however, that shipping lane changes would be problematic due to the involvement of the U.S. Government, U.S. Coast Guard and the International Maritime Organization.

The MMVS Action Plan was accepted by the SAC with the following voting results (see Appendix B for voting record):

- Yea: 13
- Nay: 1
- Abstain: 0

#### **V. Workshop Summary (Kent Thornton)**

All Action Plans and Summary Reports that were to be considered by the SAC have been approved. Kent Thornton thanked all members of the SAC for their hard work and ability to work through the agenda.

#### **VI. SAC Old and New Business**

##### Old SAC Business — Approval of 11<sup>th</sup> SAC Minutes

Revisions to the 11<sup>th</sup> SAC Minutes were requested by SAC members:

- Mason Weinrich requested that wording in **Section III. SAC Business**, last sentence of the Specifics paragraph should read:

"...with a 2-3 mile exclusion zone, which would reach into the sanctuary boundary at 3 miles, (requiring further clarification)..."

- Martin McCabe requested that the following language be added as the last sentence **Section III. SAC Business**, Specifics paragraph:

"An LNG offshore facility would not decrease vessel traffic into Boston Harbor."

- Peter Borrelli requested to change the name mentioned in the Motion for **Section VIII. ACTION PLAN and Working Group Reports** to Dr. Dennis Nixon, and that this Motion be removed. This statement was intended as a point of discussion and not as a Motion. Dr. Nixon discussed that the whale watch industry targets endangered species, noting that the industry is currently not regulated.

##### New SAC Business — 13<sup>th</sup> SAC Meeting, 5 November 2004

The 13<sup>th</sup> SAC Meeting will be held on 5 November 2004 in Boston, MA at the State Room located at 60 State St., 33<sup>rd</sup> floor. The meeting will be from 9am to 6pm. The focus of this meeting is to show revisions of each Action Plan to make sure the revisions were interpreted correctly, and to assign priorities for Activities recommended in each Action Plan, as well as among Action Plans. The prioritization will be conducted through a voting exercise to identify the most important Activities

The draft Management Plan will not be provided to SAC Members if the draft is not considered in the public realm. If comments could not be made on the draft Management Plan, SAC Members would prefer to see the draft when it is out for public comment.

#### **VII. Public Comment**

James McCaffrey, MA Chapter of the Sierra Club, addressed the SAC. Mr. McCaffrey asked that the SAC encourage the MMBD WG and MMVS WG suggestions to move on regulatory actions instead of using voluntary guidelines.

David Dow, NOAA, NMFS, NEFSC, addressed the SAC concerning the sanctuary's goals for sustainable fisheries and maintaining ecosystem integrity. Mr. Dow stressed that performance measures and

indicators are important for assessment. He also stated that working definitions for sustainable fishing and ecosystem integrity would be important and useful when drafting the Management Plan. Mr. Dow also stated that when developing an ecosystem measure, one has to look beyond the borders of the SBNMS and look at the entire GOM region.

Steven Milliken, Dolphin Fleet Whale Watch, addressed the SAC concerning whale watch guidelines. Mr. Milliken suggested that current whale watch guidelines, like 5 years ago, are in need of revision. Distance and speed should vary by situation, especially since present guidelines were developed in times of high whale abundance on Stellwagen Bank. Different species like finback whales move faster than the guidelines allow just to keep up with them. Precautions defined by guidelines concerning actions to groups of whales should not be accepted. Mr. Milliken also disapproved of the 2 boat rule for each whale. He was uncertain how a high-speed vessel would keep track of whales and maintain a 2 mile buffer. A 20 knot speed limit would be acceptable to dealing with problems associated with the 2 mile buffer. Captains should have some sort of certification. More research on whale behavior is needed and the guidelines have to be revised.

David Slocum, Capt. John's Boats, addressed the SAC concerning whale watch guidelines. Mr. Slocum suggested that with non-compliance issues, there may have been occasional operational decisions to not comply, but that there is no conscious effort to not comply with current guidelines. Non-compliance on a small part of all the current guidelines is not an appropriate way of determining if guidelines are working. The whale watching industry has been regulated by the U.S. Coast Guard since the boats are considered small passenger commercial vessels. Regulations have been through licensing of captains, safety equipment, and manning of vessels and equipment. The commercial whale watch industry is very different than the commercial fishing industry. Whale watching is constrained by the Marine Mammal Protection Act whenever issues have come up.

## VIII. 12<sup>th</sup> SAC Meeting Adjourned

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## *SUMMARY of MOTIONS*

### 20 OCTOBER 2004

- ***MOTION made to accept the report and recommendations of the SC WG for further and enhanced development of site characterization data sets to support management. The SAC strongly recommends that site characterization be an ongoing activity to support data collection and integration synthesis and application. Data collection should include historic and current data.***
- ***MOTION to accept the recommendations of the ADMIN WG as amended by the SAC.***
- ***MOTION to change wording in ADMIN Activity 5.3: strike from "draft" to "conjunction" and replace with "seek involvement."***
- ***MOTION to change wording in STRATEGY ADMIN.3; Objective: change to read "...SBNMS Friends Group to enhance education and outreach and to supplement financial resources..."***
- ***MOTION to accept the recommendations of the POE WG as amended by the SAC.***
- ***MOTION to accept the recommendations of the POE WG as amended by the SAC.***

- *MOTION to include under Activity A.1.4: waste plastics and floatables as well as atmospheric deposition should be considered as a component of water quality and be investigated.*
  - *MOTION to strike Activity B.4.4 from the WQ Action Plan.*
  - *MOTION to accept the recommendations of the IC WG as amended by the SAC.*
  - *MOTION to strike Action 12.3 from the IC Action Plan. (WITHDRAWN)*
  - *MOTION to reword Action 12.3 to read: "Participate in the GOM Council and other regional initiatives regarding coordination of the establishment..."*
  - *MOTION to accept the recommendations of the MHR WG as amended by the SAC.*
  - *MOTION to accept the recommendations of the EBM WG as amended by the SAC.*
  - *MOTION to strike the Appendices from the EBM IC Action Plan.*
  - *MOTION to accept the recommendations of the EA WG as amended by the SAC.*
  - *MOTION to strike from Action 3.1.1.b. the statement:*  
*"This separation could be through:*  
*Option A: Voluntary time/area restrictions*  
*Option B: Mandated time/area restrictions"*
  - *MOTION to change wording in Activity 2.1 to be consistent with the process discussed in the EBM Action Plan. The following language should be removed under this Activity:*  
*"The area should be located to the greatest extent ... elsewhere in the WGOMHCA or other compatible area and/or measure."*  
*The following language should be added after the first sentence in the second paragraph under Activity 2.1:*  
*"Consideration of this area should be part of the EBM Zoning WG and should include, as options, the 2 recommendations for fishing restrictions put forth by the EA WG (2.1.1.a and 2.1.1.b)."*
- (MOTION FAILED)*
- *MOTION to revisit and revote on Amendment EA.2.*
  - *MOTION to add the following language as the introductory statement to Activity 2.4:*  
*"The Research WG recommended in Activity 2.3 should be charged with developing a Research Plan that focuses on the effects of varying levels of human use on the sanctuary. The Actions recommended in Activity 2.4 should be evaluated in light of the NMSA."*
  - *MOTION to modify the 3rd paragraph under Activity 2.1 to read:*  
*"Restrictions on human activities will depend upon the desired research planned for particular area(s). Area(s) could be closed to: ..."*  
*An Action 2.1.1.c should be added to the Activity stating:*  
*"Any other activity impacting the resources to be studied."*



**21 OCTOBER 2004**

- **MOTION to accept the recommendations of the MME WG as amended by the SAC.**
- **MOTION to replace the language of Actions 3.1.1.a and 3.1.1.b of the EBM Action Plan with the following language:**  
*"The SBNMS should review the adequacy of risk reduction measures contained in the ALWTRP for North Atlantic large whales and the HPTRP for harbor porpoises. If the review indicates that the plans are inadequate to reduce risk to marine mammals in the SBNMS, then SBNMS staff should make recommendations to strengthen risk reductions methods."*  
**(MOTION FAILED)**
- **MOTION to include the following language in the introduction of both the Trap Pot and Gillnet Fisheries sections of the MME Action Plan (pp MME-15; MME-39):**  
*"The SBNMS should review the adequacy of risk reduction measures contained in the ALWTRP for North Atlantic large whales and the HPTRP for harbor porpoises. If the review indicates that the plans are inadequate to reduce risk to marine mammals in the SBNMS, then SBNMS staff should make recommendations to strengthen risk reductions methods."*
- **MOTION to accept the recommendations of the MMBD WG as amended by the SAC.**
- **MOTION to replace Actions 1.1.1.a and 1.1.1.b in the MMBD Action Plan with the following language:**  
*"The SBNMS should develop regulations, in consultation with stakeholders, governing operations of vessels within the vicinity of whales, dolphins and porpoises within 1 year of adopting the SBNMS Management Plan."*
- **MOTION to add the following language to Amendment MMBD.1:**  
*"The regulations should not solely be a minimum approach distance."*  
**(WITHDRAWN)**
- **MOTION to accept the wording of Action 2.2.1.a of the MMBD Action Plan as the preferred recommendation to SBNMS.**
- **MOTION to accept the recommendations of the MMVS WG as amended by the SAC.**
- **MOTION to strike Actions A.1.1.1.a and A.1.1.1.c from the MMVS Action Plan. Action A.1.1.1.b should remain as the recommendation to SBNMS.**
- **MOTION to add the following language preceding Actions C.1.1 through C.1.6 in the MMVS Action Plan:**  
*"The SBNMS should develop regulations, in consultation with stakeholders, governing operations of whale watching vessels in the vicinity of whales, dolphins, and porpoises within 1 year of adopting the SBNMS Management Plan taking into consideration C.1.1 through C.1.6. In the meantime, the sanctuary should implement methods to enforce current guidelines."*  
*The language in this section should be made consistent with the direction of the SAC to develop regulations rather than relying upon guidelines.*



## APPENDIX A: Executive Voting Summary

### 12th SAC Voting Record

Working Group	Motion*	Ammendments
SC	14/0/0	
ADMIN	14/0/0	ADMIN.1: 14/0/0
		ADMIN.2: 14/0/0
POE	14/0/0	
WQ	14/0/0	WQ.1: 12/2/0
		WQ.2: 9/1/4
IC	14/0/0	<i>IC.1: Withdrawn</i>
		IC.2: 14/0/0
MHR	12/0/2	
EBM	13/0/0	EBM.1: 8/6/0
EA	10/3/1	EA.1: 13/0/1
		<i>EA.2: 5/5/3</i>
		EA.3: 12/0/1
		<i>EA.2 (Revote): 6/6/2</i>
		EA.4: 12/0/2
		EA.5: 10/3/1
MME	9/5/0	<i>MME.1: 3/11/0</i>
		MME.2: 11/3/0
MMBD	13/0/1	MMBD.1: 9/5/0
		<i>MMBD.2: Withdrawn</i>
		MMBD.3: 12/1/1
MMVS	13/0/1	MMVS.1: 13/1/0
		MMVS.2: 13/0/1

\* **Motion:** yea/nay/abstain

**APPENDIX B:**  
**12<sup>TH</sup> SAC VOTING RECORD**

## SC Action Plan Review Voting Sheet

**Motion SC.1:** To accept the report and recommendations of the SC WG for further and enhanced development of site characterization data sets to support management. The SAC strongly recommends that site characterization be an ongoing activity to support data collection and integration synthesis and application. Data collection should include historic and current data.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	14	0	0

## ADMIN Action Plan Review Voting Sheet

**Motion ADMIN.1:** To accept the recommendations of the ADMIN WG.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	14	0	0

## ADMIN Action Plan Review Voting Sheet

**Amendment ADMIN.1:** In Activity 5.3 strike from "draft" to "conjunction" and replace with "seek involvement." (*Accepted as a friendly amendment*)

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	14	0	0

## ADMIN Action Plan Review Voting Sheet

**Amendment ADMIN.2: STRATEGY ADMIN. 3; Objective:** change to read: "...SBNMS Friends Group to *enhance education and outreach and* to supplement financial resources..."

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	14	0	0



## POE Action Plan Review Voting Sheet

**Motion POE.1:** To accept the recommendations of the POE WG.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	14	0	0

## WQ Action Plan Review Voting Sheet

**Motion WQ.1:** To accept the recommendations of the WQ WG.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	14	0	0

## WQ Action Plan Review Voting Sheet

**Amendment WQ.1:** Under A.1.4, waste plastics and floatables as well as atmospheric deposition should be considered as a component of water quality and be investigated.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member		1	
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member		1	
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	12	2	0

## WQ Action Plan Review Voting Sheet

**Amendment WQ.2:** Strike Activity B.4.4 from the WQ Action Plan.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member			1
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member			1
Brown	Dale	SAC Alternate		1	
Cramer	Deborah	SAC Member			1
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member			1
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	9	1	4

## IC Action Plan Review Voting Sheet

**Motion IC.1:** To accept the recommendations of the IC WG.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	14	0	0

## IC Action Plan Review Voting Sheet

**Amendment IC.1:** Strike Action 12.3 from the IC Action Plan.  
*(withdrawn based on Amendment IC.2)*

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member			
Auster	Peter	SAC Member			
Barrett	Edward	SAC Member			
Borrelli	Peter	SAC Member			
Brooks	Priscilla	SAC Member			
Brown	Dale	SAC Alternate			
Cramer	Deborah	SAC Member			
McCabe	Martin	SAC Alternate			
Farady	Susan	SAC Member			
Gibson	Barry	SAC Member			
Hill	Allen (Jerry)	SAC Member			
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member			
Wheeler	Richard	SAC Member			
Williamson	John	SAC Member			

	YEA	NAY	ABSTAIN
Voting Tally:	0	0	0

## IC Action Plan Review Voting Sheet

**Amendment IC.2:** Reword Action 12.3 to read: "Participate in the GOM Council and other regional initiatives regarding coordination of the establishment..."

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	14	0	0

## MHR Action Plan Review Voting Sheet

**Motion MHR.1:** To accept the recommendations of the MHR WG.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member			1
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member			1
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	12	0	2



## EBM Action Plan Review Voting Sheet

**Motion EBM.1:** To accept the recommendations of the EBM WG.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	0		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	13	0	0

## EBM Action Plan Review Voting Sheet

**Amendment EBM.1:** Remove the Appendices from the EBM Action Plan.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member		1	
Brooks	Priscilla	SAC Member		1	
Brown	Dale	SAC Alternate		1	
Cramer	Deborah	SAC Member		1	
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member		1	
Wheeler	Richard	SAC Member		1	
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	8	6	0

## EA Action Plan Review Voting Sheet

**Motion EA.1:** To accept the recommendations of the EA WG.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member		1	
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member		1	
Borrelli	Peter	SAC Member		1	
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member			1
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	10	3	1

## EA Action Plan Review Voting Sheet

**Amendment EA.1:** Remove from 3.1.1.b the statement:

*"This separation could be through:*

*Option A: Voluntary time/area restrictions*

*Option B: Mandated time/area restrictions ."*

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member			1
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	13	0	1

## EA Action Plan Review Voting Sheet

**Amendment EA.2:** Activity 2.1 should be made consistent with the process discussed in the EBM Action Plan. The following language should be removed under this Activity: *"The area should be located to the greatest extent...elsewhere in the WGOMHCA or other comparable area and/or measure."*

The following language should be added after the first sentence in the second paragraph under Activity 2.1:

*"Consideration of this area should be part of the EBM Zoning WG and should include, as options, the 2 recommendations for fishing restrictions put forth by the EA WG (2.1.1.a and 2.1.1.b)."*

**(Amendment fails due to a 5/5/3 vote)**

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member		1	
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member			1
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate		1	
Cramer	Deborah	SAC Member			1
McCabe	Martin	SAC Alternate		1	
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member		1	
Hill	Allen (Jerry)	SAC Member			1
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member		1	
Wheeler	Richard	SAC Member	0		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	5	5	3

## EA Action Plan Review Voting Sheet

**Amendment EA.3:** To revisit and revote on Amendment EA.2.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member			1
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	0		
Meeker	Sharon	SAC Alternate	1		
Williamson	John	SAC Member	1		

	<b>YEA</b>	<b>NAY</b>	<b>ABSTAIN</b>
<b>Voting Tally:</b>	12	0	1

## EA Action Plan Review Voting Sheet

**Amendment EA.2 (Revote):** Activity 2.1 should be made consistent with the process discussed in the EBM Action Plan. The following language should be removed under this Activity:

*"The area should be located to the greatest extent...elsewhere in the WGOMHCA or other comparable area and/or measure."*

The following language should be added after the first sentence in the second paragraph under Activity 2.1:

*"Consideration of this area should be part of the EBM Zoning WG and should include, as options, the 2 recommendations for fishing restrictions put forth by the EA WG (2.1.1.a and 2.1.1.b)."*

***(Amendment fails due to a 6/6/2 vote made after Motion EA.2 allowed the SAC to revisit and revote on the Amendment)***

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member		1	
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member			1
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate		1	
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate		1	
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member		1	
Hill	Allen (Jerry)	SAC Member			1
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member		1	
Meeker	Sharon	SAC Alternate	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	6	6	2

## EA Action Plan Review Voting Sheet

**Amendment EA.4:** The following language should be added as the introductory statement to Activity 2.4:

*"The Research WG recommended in Activity 2.3 should be charged with developing a Research Plan that focuses on the effects of varying levels of human use on the sanctuary. The Actions recommended in Activity 2.4 should be evaluated in light of the NMSA."*

Action 2.4.8.a and 2.4.8.b should be struck from the EA Action Plan.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member			1
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member			1
Meeker	Sharon	SAC Alternate	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	12	0	2



## EA Action Plan Review Voting Sheet

**Amendment EA.5:** The 3rd paragraph under Activity 2.1 should be modified to read:  
*"Restrictions on human activities will depend upon the desired research planned for particular area(s). Area(s) could be closed to:..."*

An Action 2.1.1.c should be added to the Activity stating:  
*"Any other activity impacting the resources to be studied."*

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member		1	
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member		1	
Borrelli	Peter	SAC Member			1
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member		1	
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Meeker	Sharon	SAC Alternate	1		
Williamson	John	SAC Member	1		

	<b>YEA</b>	<b>NAY</b>	<b>ABSTAIN</b>
<b>Voting Tally:</b>	10	3	1

## MME Action Plan Review Voting Sheet

**Motion MME.1:** To accept the recommendations of the MME WG.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member		1	
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member		1	
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate		1	
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member		1	
Hill	Allen (Jerry)	SAC Member		1	
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	9	5	0

## MME Action Plan Review Voting Sheet

**Amendment MME.1:** The following language should replace the language presented in 3.1.1.a and 3.1.1.b of the MME Action Plan:

*"The SBNMS should review the adequacy of risk reduction measures contained in ALWTRP for North Atlantic large whales and the HPTRP for harbor porpoises. If the review indicates that the plans are inadequate to reduce risk to marine mammals in the SBNMS, then SBNMS staff should make recommendations to strengthen risk reduction measures."*

**(Amendment fails)**

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member		1	
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member		1	
Borrelli	Peter	SAC Member		1	
Brooks	Priscilla	SAC Member		1	
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member		1	
McCabe	Martin	SAC Alternate		1	
Farady	Susan	SAC Member		1	
Gibson	Barry	SAC Member		1	
Hill	Allen (Jerry)	SAC Member		1	
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member		1	
Wheeler	Richard	SAC Member		1	
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	3	11	0

## MME Action Plan Review Voting Sheet

**Amendment MME.2:** The following language should be included as language in the introduction of both the Trap Pot and Gillnet Fisheries sections of the MME Action Plan (pg MME-15; MME-39):

*"The SBNMS should review the adequacy of risk reduction measures contained in ALWTRP for North Atlantic large whales and the HPTRP for harbor porpoises. If the review indicates that the plans are inadequate to reduce risk to marine mammals in the SBNMS, then SBNMS staff should make recommendations to strengthen risk reduction measures."*

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member		1	
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member		1	
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member		1	
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	11	3	0

## MMBD Action Plan Review Voting Sheet

**Motion MMBD.1:** To accept the recommendations of the MMBD WG.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member			1
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	13	0	1

## MMBD Action Plan Review Voting Sheet

**Amendment MMBD.1:** Amendment MMBD.1: The following language should replace Actions 1.1.1.a and 1.1.1.b in the MMBD Action Plan:

*"The SBNMS should develop regulations, in consultation with stakeholders, governing operations of vessels within the vicinity of whales, dolphins and porpoises within 1 year of adopting the SBNMS Management Plan."*

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member		1	
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member		1	
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate		1	
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member		1	
Hill	Allen (Jerry)	SAC Member		1	
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	9	5	0

## MMBD Action Plan Review Voting Sheet

**Amendment MMBD.2:** Amendment to MMBD.1: The following language should be added as the last sentence to Amendment MMBD.1:

*"The regulations should not solely be a minimum approach distance."*

**(Amendment Withdrawn)**

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member			
Auster	Peter	SAC Member			
Barrett	Edward	SAC Member			
Borrelli	Peter	SAC Member			
Brooks	Priscilla	SAC Member			
Brown	Dale	SAC Alternate			
Cramer	Deborah	SAC Member			
McCabe	Martin	SAC Alternate			
Farady	Susan	SAC Member			
Gibson	Barry	SAC Member			
Hill	Allen (Jerry)	SAC Member			
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member			
Wheeler	Richard	SAC Member			
Williamson	John	SAC Member			

	YEA	NAY	ABSTAIN
Voting Tally:	0	0	0

## MMBD Action Plan Review Voting Sheet

**Amendment MMBD.3:** Accept the wording in 2.2.1.a of the MMBD Action Plan as the preferred recommendation to SBNMS.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member			1
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate		1	
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	12	1	1



## MMVS Action Plan Review Voting Sheet

**Motion MMVS.1:** To accept the recommendations of the MMVS WG.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member			1
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	13	0	1

## MMVS Action Plan Review Voting Sheet

**Amendment MMVS.1:** Action A.1.1.1.c and A.1.1.1.a should be eliminated from the MMVS Action Plan. Action A.1.1.1.b should remain as the recommendation to SBNMS.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate		1	
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member	1		
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	YEA	NAY	ABSTAIN
Voting Tally:	13	1	0

## MMVS Action Plan Review Voting Sheet

**Amendment MMVS.2:** The following language should precede Actions C.1.1 through C.1.6 in the MMVS Action Plan:

*"The SBNMS should develop regulations, in consultation with stakeholders, governing operations of whale watching vessels in the vicinity of whales, dolphins and porpoises within 1 year of adopting the SBNMS Management Plan taking into consideration C.1.1 through C.1.6. In the meantime, the sanctuary should implement methods to enforce current guidelines."*

The language in this section should be made consistent with the direction of the SAC to develop regulations rather than relying upon guidelines.

Last	First	SAC Designation	Yea	Nay	Abstain
Adler	William	SAC Member	1		
Auster	Peter	SAC Member	1		
Barrett	Edward	SAC Member	1		
Borrelli	Peter	SAC Member	1		
Brooks	Priscilla	SAC Member	1		
Brown	Dale	SAC Alternate	1		
Cramer	Deborah	SAC Member	1		
McCabe	Martin	SAC Alternate	1		
Farady	Susan	SAC Member	1		
Gibson	Barry	SAC Member	1		
Hill	Allen (Jerry)	SAC Member	1		
Kent, III	Jackson	SAC Member			
Weinrich	Mason	SAC Member			1
Wheeler	Richard	SAC Member	1		
Williamson	John	SAC Member	1		

	<b>YEA</b>	<b>NAY</b>	<b>ABSTAIN</b>
<b>Voting Tally:</b>	13	0	1