



294 Washington Street  
Suite 500  
Boston MA, 02108

January 21, 2022

NOAA Stellwagen Bank National Marine Sanctuary  
Attn: Management Plan Revision  
175 Edward Foster Road  
Scituate, MA 02066

**Re: Comments on SBNMS Draft Management Plan and Draft Environmental Assessment-  
NOAA-NOS-2020-0003-0032**

Dear Director Armor and Captain DeCola:

Thank you for the opportunity to comment on the Stellwagen Bank National Marine Sanctuary (the Sanctuary) Draft Management Plan and Draft Environmental Assessment (Docket Number NOAA-NOS-2020-0003-0032).

Environment America Research & Policy Center and Environment Massachusetts Research & Policy Center work to protect the places that people love and promote core environmental values, such as clean air to breathe, clean water to drink, and clean energy to power our lives. As it relates to our oceans, we work to protect areas within our oceans for the sake of nature.

Our comments during the scoping period highlighted the national ecological significance of Stellwagen Bank National Marine Sanctuary. Its dynamic system of shallow banks, boulder reefs and sand plains, which interact with the wind, tides and currents, results in extraordinary productivity and biodiversity. The Sanctuary supports over 575 species of fish, seabirds, marine mammals and invertebrates.

We also highlighted the generational responsibility Americans, and New Englanders in particular, have to conserve our marine heritage. This generational responsibility was recognized in the 1992 designation which clearly laid out the goals of the Sanctuary: to "... conserve, protect, and enhance the biodiversity, ecological integrity, and cultural legacy of marine resources for current and future generations".<sup>1</sup>

Unfortunately, the draft management plan does too little to live up to this responsibility. In spite of clear, unambiguous findings of habitat degradation and threats to marine life in the 2020

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<sup>1</sup> Stellwagen Bank National Marine Sanctuary. "APPENDIX A: Designation Document and Regulations. DESIGNATION DOCUMENT FOR THE STELLWAGEN BANK NATIONAL MARINE SANCTUARY. Article IV, Section 1." Accessed April 9, 2020. <https://stellwagen.noaa.gov/management/1993plan/appenda.html>



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Condition Report, the draft management plan (DMP) proposes no regulatory changes of any kind, much less changes needed to better protect the biodiversity and ecological functions of this critical habitat. Science and monitoring efforts are important, but cannot replace real rules that preserve biodiversity and ecosystem functions.

This draft management plan is unresponsive to the needs of the Sanctuary's resources, and does not address many of the issues we highlighted in our 2020 scoping comment. In that comment, we urged you to develop a management plan to address habitat degradation, encourage a more sustainable fishery, better protect marine mammals and address climate change. We would like to reiterate and expand on those recommendations.

We urge the Sanctuary to:

- **Establish greater habitat protections:** As we wrote in 2020, we were alarmed to read about habitat conditions within the Sanctuary, especially the impact fishing gear is having on benthic habitats within the Sanctuary. The Condition Report found that Sanctuary habitat was in fair to poor condition, and that the resource was declining. This indicated a need for action. In particular, impacts on habitat from bottom-tending fishing gear is alarming:

“However, fishing affects nearly all areas of the sanctuary and makes all habitats vulnerable to direct and indirect impacts. Fishing effort persists within the sanctuary where bottom-tending mobile gear is allowed and exceeds habitat-specific recovery rates based on a gear-impact model, precluding full recovery (NEFMC 2014b). Some research suggests that even habitats that can rapidly recover from fishing impacts cannot sufficiently meet the ecological requirements needed by early demersal fish after they settle to the seafloor, which may suggest long-term impacts of fishing on sanctuary habitats (Auster and Langton 1999)” (Condition report, p. 103-104).

Current efforts to limit the impacts of fishing on Sanctuary habitat do not appear to be sufficient. While the Sanctuary does overlap with the Western Gulf of Maine Closure Area, the Condition report found that fishing impacts persist within this area, and that while there was some evidence of localized recovery, overall, “... in the twelve years following closure, communities inside the closed area had not reached a stable climax state, suggesting that these communities do not exhibit successional change (i.e., recovery without resilience)” (Condition report, p. 104).



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In spite of the clear need for action to reverse declining trends in the Sanctuary's habitats, particularly benthic habitat, the DMP puts forward no regulatory changes to address habitat degradation. We want to reiterate the need for action and urge the Sanctuary to revise the DMP to include regulatory actions directed at restoring and protecting habitats critical to ocean life. We were heartened to see that the Sanctuary is taking steps to monitor and study habitat impacts, in particular Strategy HB-1 (DMP p. 55). But we believe that the science in the Condition Report conclusively shows that concrete regulatory action needs to be taken in this round of management planning, before habitat decline progresses further.

We would like to see a revised DMP address habitat degradation in more depth, and address alternatives that include regulatory changes. We also want to reiterate the recommendation that the Sanctuary work with New England Fisheries Management Council to implement a fully protected research reserve within the Sanctuary that would be entirely closed to commercial fishing. This would allow us to better understand fishing gear impacts, habitat recovery, natural disturbance, and loss of productivity and biodiversity related to fishing pressure.

- **Encourage a more sustainable fishery:** Following the Condition Report's finding that fishing remains one of the most widespread forms of human disturbance in the Sanctuary (Condition report, p. 76), we urged the Sanctuary to work with NOAA Fisheries to minimize effects of fishing, including both direct effects of gear and indirect effects of removing predators on seafloor species, in order to meet the overall goals of the Sanctuary Program. We urge the Sanctuary to revise the DMP to provide alternatives that assess fisheries' impacts on the direct and indirect effects on trophic interactions within the Sanctuary (local depletion of forage fish, indirect impacts to forage fish populations) with an eye towards an updated draft management plan that contains regulatory measures that will conserve ecological interactions and ecosystem health within the Sanctuary.

In addition to the concerns we raised in 2020, we would like to call attention to the need for an update to management of Atlantic cod within the Sanctuary's boundaries. As you know, Atlantic cod, once the mainstay of the New England groundfish fishery, has been overfished and subject to overfishing for at least three decades. Gulf of Maine cod is severely depleted and estimated at only 5% of what scientists consider a healthy population. The Condition Report details the decline of cod in the Sanctuary and the decline in its status since the last condition report in 2007. The Condition report finds that the remaining population of Gulf of Maine cod in New England is "centered on, or contracted into" the Sanctuary, where cod feed on sand lance and Atlantic herring. In



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fact, according to the Condition Report, the Western Gulf of Maine, including the Sanctuary, is “possibly the last area with consistent aggregations of cod in the Gulf of Maine stock.” (p. 14) Furthermore, the Report finds that these “hyper-aggregations” of cod make the species “vulnerable to overexploitation.” (p.14) Despite being rated in poor and worsening condition, under current fishing regulations, Atlantic cod remains the most sought-after fish inside the Sanctuary. Given the dire status of Atlantic cod and the importance of the Sanctuary to Gulf of Maine cod, it is imperative that the Sanctuary work with the New England Fishery Management Council and NOAA Fisheries to strengthen conservation and management of this species.

- **Prioritize marine mammal conservation:** Given the endangered status of the North Atlantic Right Whale population, and the ongoing unusual mortality events of the right, humpback and minke whales in the northeast region (Condition report, p. 134), and given the findings of the Condition report that the Sanctuary is a hotspot for humpback whale and other whale entanglements (Condition report, p. 119-120), we urge the Sanctuary to update the DMP to provide alternatives that would reduce stress on large whale populations. This should include alternatives that mitigate the impacts of fishing gear entanglements, noise and ecosystem degradation on these marine mammals. We furthermore urge the Sanctuary to update vessel speed restrictions within Sanctuary boundaries and make voluntary recommendations mandatory, to reduce the risk of ship strikes for right whales and other marine mammals.
- **Address climate change:** As the Sanctuary acknowledges throughout the DMP and Condition Report, the Gulf of Maine and the Sanctuary itself are facing changes and challenges that are a result of warming waters caused by anthropogenic climate change. “Climate change is also likely affecting primary production within SBNMS and the surrounding offshore environment, with uncertain cascading effects within the regional food web” (Condition report, p. 98). While we welcome the increased science and monitoring already contained within the DMP, we want to reiterate our recommendation that the Sanctuary use the available science to inform regulatory efforts to mitigate the impacts of climate change on ecosystems and wildlife. Conservation of ecosystems today will set up Sanctuary resources to better weather the effects of warming oceans. Any updated management plan should not just study global warming’s impacts, but seek to avoid its worst harms through effective management of compatible uses that prioritizes the health of marine life and habitat.

Stellwagen Bank is a truly incredible part of America’s ocean heritage and deserves strong, concrete regulatory protections that will ensure that it remains so well into the future. It is our hope that these recommendations will help chart a path to health for the Sanctuary.



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Thank you, in advance, for considering our views in this matter. We look forward to continuing to participate in the management plan review process. If you have any questions, please feel free to contact Protect our Oceans Campaign Director Kelsey Lamp at [klamp@environmentamerica.org](mailto:klamp@environmentamerica.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Hellerstein".

Ben Hellerstein  
*State Director*  
**Environment Massachusetts Research &  
Policy Center**

A handwritten signature in black ink, appearing to read "Kelsey Lamp".

Kelsey Lamp  
*Protect our Oceans Campaign Director*  
**Environment America Research &  
Policy Center**