

**FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY**  
**Sanctuary Advisory Council**  
**Meeting Minutes**  
**April 23, 2014**

**Meeting Attendance Roster:**

Jimmie Mack	Recreational Diving	Present (remote)
Jesse Cancelmo	Recreational Diving	Present
Vacant	Diving Operations	-----
Vacant	Diving Operations	-----
James Wiseman	Oil and Gas Industry	Present
Clint Moore	Oil and Gas Industry	Present
Scott Hickman	Fishing - Recreational	Present
Keith Love	Fishing - Recreational	Absent
Shane Cantrell	Fishing - Commercial	Present
Mike Jennings	Fishing - Commercial	Absent
Will Heyman	Research	Absent
Larry McKinney	Research	Present
Karla Klay	Education	Present
Jacqui Stanley	Education	Absent
Ellis Pickett	Conservation	Present
Jorge Brenner	Conservation	Present
James Sinclair	BSEE (non-voting)	Present
Matt Johnson	BOEMRE (non-voting)	Present
Brendan Dunn	U.S. Coast Guard (non-voting)	Present
Rusty Swafford	NOAA Fisheries (non-voting)	Present
Charles Tyer	NOAA OLE (non-voting)	Present
Ben Scaggs	EPA (non-voting)	Absent
G.P. Schmahl	Sanctuary Superintendent (non-voting)	Present

**Others in Attendance**

Karen Raine (remote), Patsy Kott, Frank Burek, Eric Hoffmayer, Bill Jones, Johnny Walker, Chris, sanctuary staff

**Administrative Business & Announcements**

Meeting called to order at 9:07 AM by Council Chair, Jesse Cancelmo. Meeting shared remotely via GoToMeeting.

G.P. Schmahl welcomed new members to council: Ellis Pickett (reappointment), Clint Moore, Shane Cantrell. Only one application was received for dive operations seat, but did not fit requirements so that seat is still vacant. Matt Johnson is taking Michelle Nannen's place as the BOEM representative.

Staff and council member introductions.

Meeting Agenda: motion to adopt, Clint Moore; second, James Wiseman; adopted.

September 18 Meeting Minutes: motion to adopt, Karla Klay; second, Larry McKinney; discussion; all in favor; approved.

November 13 Meeting Minutes: motion to adopt Larry McKinney; second Karla Klay; no discussion; all in favor; approved

### **Sanctuary Update – G.P. Schmahl**

- January 2014 meeting cancelled due to a weather and ice event.
- NOAA ship *Okeanos Explorer* set to explore area just south of the sanctuary.
- *Window in the Waves*, premiered in March 2014 on Louisiana Public Broadcasting. Advisory Council members each received a DVD of the documentary.
- Ocean Discovery Day held March 2014.
- Seaside Chats held at Moody Gardens February 2014.
- R/V *Manta* in dry dock for annual cleaning and maintenance
- Multibeam mapping cruise in January 2014 used new system purchased by TAMU.
- Water Quality/Research cruise February 2014.
- Emma Hickerson inducted into Women Divers Hall of Fame.
- Capt. Mike Shetler named ONMS 2013 employee of the year in operations category.
- TAMUG student Matt Stout selected FGBNMS volunteer of the year.
- GP to attend Gulf of Mexico Fisheries Management Council “Scientific and Statistical Committee” (SSC) meeting to discuss coral as it pertains to EFHs and HAPCs.
- Joint MPA FAC and SAC Chairs/Coordinators meeting to be held in Galveston in June. Jesse Cancelmo to represent FGBNMS SAC.
- Gulf of the Farallones and Cordell Bank are moving ahead with expansion process.
- Proposed rule re-establishing sanctuary nomination process will be published soon.
- 2015 budget proposal from NOAA came out.

### **Presentation: Whale Sharks in the northern Gulf of Mexico: What We’ve Learned So Far – Eric Hoffmayer, NOAA, Pascagoula Lab**

- Background information on Whale Sharks and Whale Shark distribution
- First documented in Gulf of Mexico in 1930s
- Summary of reports from 2005-2012
- Initiated a sightings survey for public to report encounters in 2003 - use this data to determine potential patterns in occurrence.
- Of 600 sightings From 2003-present, most from summer to fall
- 176 accounts of aggregations, 2-150 sharks
- Significant shark aggregations have been documented in the area around mouth of Mississippi and in the vicinity of Ewing Bank.

- 2009 was a significant year, 2010 was oil spill. Sightings have decreased since 2009. Not sure if this is response to spill or response to human effort in reporting sightings.
- Most aggregations due to feeding.
- Most aggregations are immature males, typical globally. Larger animals are more solitary.
- Feeding on little tunny eggs (most common tuna in Atlantic), batch spawn every 3-5 days.
- Two different feeding behaviors – horizontal and vertical.
- Satellite tagging in 2013 around Ewing Bank. Questions: Resident or migratory? Where do they overwinter? Connectivity between northern Gulf, southern Gulf, Caribbean?
- Working to develop tags that will provide 1-5 years of data.
- Photo-ID project ongoing, some with site fidelity to Ewing Bank; others to Yucatan.

### **Report: State of the Gulf of Mexico Summit – Larry McKinney**

- Over 400 attendees, by invitation only; mix of industry, agency, research.
- Goal to build networks, engage stakeholders to work towards common goals
- Focusing on Restore Act this year.
- Bring attention to GOM as a whole, bigger picture restoration work. Every state has own objectives.
- About 40 Mexican marine institutions involved.

### **Subcommittee and Working Group Reports: Council Charter Subcommittee – Larry McKinney**

- Reviewed proposed revisions to combine seats for diving and fishing (3 each) and have 2 at-large seats. Hope to redefine categories to increase participation and improve recruitment.
- Did not get HQ support for changing fishing representation.
- Perception that we were reducing recreational fishing seats would affect perception of entire NOAA program.
- At this point can revisit whole thing.

### **Agency Reports:**

**Charles Tyer** (NOAA OLE): No new investigations or violations. Report violations to hotline (1-800-853-1964) or email complaints to [ole.complainthotline@noaa.gov](mailto:ole.complainthotline@noaa.gov)

**Brendan Dunn** (CG): Work hand in hand with OLE. Texas City Y oil spill incident clean up is complete and back to normal operations.

**Matt Johnson** (BOEM): Working to continue funding for sanctuary Long-Term Monitoring (LTM) program. Several oil & gas permits in various stages looking at exploratory activities.

**James Sinclair** (BSEE): Nothing new to report on decommissioning of HIA389A. Working to develop Interagency Agreements with FGBNMS to support HIA389A monitoring, before and after decommissioning and support Stetson Bank LTM.

**Karen Raine** (NOAA Office of General Counsel): Draft of updated penalty schedule released – public comment ends April 28.

### **ONMS Regional and International Activities Update – Bill Kiene**

- Live feed from *Okeanos Explorer* out on Sigsby Escarpment; verifying coral habitat prediction models.
- Overview of Monterrey Shipwrecks expedition. 400,000 people watched Monterrey B exploration earlier in week. TAMUG Command Center. 100 online scientists interacting with cruise.
- Relationship to work on Monterrey ships may help establish sites as places we should be protecting, preserving, studying, and understanding relationships to neighbors.
- Proposed Gulf of Mexico Sister Sanctuary Network. CONAMP agreement between FGBNMS and FKNMS poised to move forward: Veracruz, Yum-Balum, Isla Contoy – FKNMS; Tuxpan, Alacranes, Whale Shark Biosphere – FGBNMS.

### **Constituent Report – James Wiseman, Deepwater Project Manager, Noble Energy**

- Described phases of a deepwater project, from exploration drilling and discovery, to investment, to development, construction, commissioning to decommissioning.
- As technology gets better, there will be fewer platforms offshore and all equipment will be underwater. Showed view of subsea layout for his project, and pipeline connections, deepwater construction equipment, and platform installation.
- Use AUV data to examine area to drill then mapping of pipeline routes; look for anomalies at each stop; process takes a few years.
- After decommissioning pipelines are usually required to be removed, but usually get waiver to cut and bury pipeline.
- Can avoid habitat damage by using floating platforms that can be re-used.

### **Public Comment – Johnny Walker**

- Charter fishing boat captain for about 20 years.
- Snapper season is dwindling. Fishers tend to go further and deeper. Out of 60 offshore trips last year, 30 were to FGBNMS.
- Regarding possible research closure - would pick East Flower Garden Bank (EFGB) to retain for fishing for grouper and exotics. EFGB is better for snapper and wahoo. From economic standpoint, would hurt more if closed EFGB. From fishing standpoint, we'd like to retain EFGB and would like to leave up any structures that might be there.
- Typically 3 hour trip to reach FGBNMS; most don't do it in a day; wait till July, August for good weather

- EFGB more fishable bottom, more spread out
- Research impacts on fish, corals can be done at WFGB.
- Never let guys drop lead on the Gardens, and tend to fish edges not coral cap
- Would support partial removal of oil & gas structure. Big detriment if chopped down.

#### **Update: Research Area Proposal and Sanctuary Expansion – G.P. Schmahl**

- Actual processes to establish research area or pursue sanctuary expansion will involve SAC and public.
- Everything is still on table. All needs to be addressed and worked out.
- 3 year project through NCCOS to collect baseline data for research area. Report in works now.
- Research area process will require consultation and action by Gulf Council.
- Not pushing strongly on research area right now; partly a budget issue. Need funds for enforcement to keep area closed and all in compliance.
- Pushing on sanctuary expansion, although also has budget issues.
- Designation of new areas will have benefit even with current enforcement capabilities.

#### **Discussion: Sanctuary Expansion and Oil & Gas Regulations – G.P. Schmahl**

- HQ looking for expansions with strong congressional and constituent support. Directed to resolve issues with the support that we need. One of those issues is directional drilling. Want to review oil and gas regulations within sanctuary.
- It is lawful to explore and drill in sanctuary if it is outside the No Activity Zone (NAZ). With development in HAPC, then consultation has to happen. Most EFGB and WFGB areas within NAZ. Not much area exists outside of NAZ.
- Around 1973, NAZs were delineated; 4 mile zone also established, where cuttings and muds must to be shunted to sea floor.
- 4 mile zone only applies to FGBNMS. Typically 1 mile and 3 miles zones. Within 3 mile zone other requirements are present.
- NAZs designed to protect potentially sensitive biological features, based on depth contour. Not all features are hardbottom. Core Biological Zone + 500m buffer zone.
- NPDES (Discharge) General Permit Section 5. Areas of Biological Concern and Marine Sanctuaries. “There shall be no discharge in Areas of Biological Concern and National Marine Sanctuaries.” Updated in 2012. Language worked out with EPA for exception – Grandfather provision.
- Presidential Memorandum on Modification of Withdrawal of Areas of the United States Outer Continental Shelf From Leasing Disposition July 18, 2008 – Bill Clinton, upheld by G.W. Bush. “those areas of the Outer Continental Shelf designated as of July 14, 2008”.
- NOAA Attorney – unclear whether or not this would be placed onto areas within boundary expansion. Question put to BOEM lawyers.
- Assumption for new boundary areas – current regulations apply to new areas, however, individual sites can be reviewed during expansion process.

- Will be meeting with BOEM and Industry to discuss considerations and potential impacts.
- Meeting with EPA to discuss NPDES general permit also planned.
- Lease may include other minerals such as sulfur, sand.
- Matt Johnson - Methane hydrates could potentially be mined, but general consensus – development is way down the road.
- NAZs being looked at again for updating.
- Charles Tyer - From Law Enforcement perspective – a square or a rectangle boundary is much more enforceable. Yes, could cause more issues with O&G.
- During the boundary expansion working group process, we were aware of the leasing withdrawal memorandum, and it was our understanding that it wouldn't apply. NOAA Attorney later suggested it might apply.
- NAZ is a surface feature – doesn't go down below the sea floor, allowing for directional expansion. How far down does sanctuary boundary go? FGBNMS regulations say it includes submerged lands, but how far down not clarified. At time of designation, geologists said directional drilling would not affect FGBNMS.
- Emma Hickerson - Vertical extraction of deep resources discussed during Management Plan review. Placement of oil platforms drove 500m buffer.
- Subsidence is a possible concern.

#### **Update on Council Working Session: FGBNMS Public Relations – Kelly Drinnen**

- Several new media contacts have been made and articles published.
- Unable to participate in large fishing and boating shows due to time and staffing commitment.
- Offshore Technology Conference – not allowed to have a booth if you aren't O&G
- Billboards and Sky Ads are very cost prohibitive.
- Visitor Center funding not available to construct or operate a facility at this time.
- Traveling Exhibit in development and should be available later this year.
- Please submit any suggestions regarding public outreach.

#### **New Business**

Jesse Cancelmo – Asked if there was interest in a SAC trip to FGBNMS on the *Fling* in 2015. Took head count and suggestions.

Motion to adjourn, James Wiseman; second, Clint Moore; all in favor.

#### **3:14 PM Meeting Adjourned**

Next SAC Meeting scheduled for Sept 10, 2014.