

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

Sanctuary Advisory Council Meeting Minutes September 14, 2016

Meeting Attendance Roster:

Jimi Mack	Recreational Diving	Absent
Jesse Cancelmo	Recreational Diving	Absent
Natalie Hall	Diving Operations	Present
Randy Widaman	Diving Operations	Present
James Wiseman	Oil and Gas Industry	Present
Clint Moore	Oil and Gas Industry	Present
Scott Hickman	Fishing - Recreational	Present
John Blaha	Fishing - Recreational	Present
Shane Cantrell	Fishing - Commercial	Present
Buddy Guindon	Fishing - Commercial	Present
Adrienne Simoes Correa	Research	Present
Larry McKinney	Research	Absent
Brian Shmaefsky	Education	Present
Jacqui Stanley	Education	Absent
Ellis Pickett	Conservation	Present
Jake Emmert	Conservation	Present
James Sinclair	BSEE (non-voting)	Present
Mark Belter	BOEM (non-voting)	Present
Leo Danaher	U.S. Coast Guard (non-voting)	Present
Rusty Swafford	NOAA Fisheries (non-voting)	Absent
Charles Tyer	NOAA OLE (non-voting)	Absent

Barbara Keeler	EPA (non-voting)	Present
G.P. Schmahl	Sanctuary Superintendent (non-voting)	Present

Total voting member attendance: 12 of 16

Others in Attendance:

Leslie Clift, Kelly Drinnen, John Embesi, Dustin Picard, Bill Kiene, Frank Burek, Sharon Cain, Frank Burek, Paul Sammarco, and Don (Dan?) Bush.

9:15 Meeting called to order by Clint Moore.

9:16 Welcome and Announcements – G.P. Schmahl

G.P. introduced new Council members Brian Shmaefsky (Education), Jake Emmert (Conservation), Barbara Keeler (Environmental Protection Agency/(EPA)), and Leo Danaher (US Coast Guard). Mark Belter (BOEM) is the replacement for Matt Johnson, who has left the agency. Scott Hickman (Recreational Fishing) and Larry McKinney (Research) were re-appointed.

Council members will be setting SAC meeting dates for 2017 at the November SAC meeting.

Leslie requested volunteer hours from Council members for the Sanctuary program.

9:41 Administrative Business – Clint Moore

Adoption of Agenda – motion from Randy Widaman, second from Buddy Guindon, no discussion, all in favor, motion approved.

Approval of April Minutes – motion from Randy Widaman, second from James Wiseman, no discussion, all in favor, motion approved.

9:43 Sanctuary Updates – G.P. Schmahl

On May 11, 2016, an estimated 2,100 bbl of oil was released from subsea infrastructure owned by Shell Oil in Green Canyon block 248 within the vicinity of FGBNMS and proposed expansion areas. No major impact was documented at FGBNMS. Following the oil spill event, a NOAA Regional Preparedness Training (NRPT) took place at the FGBNMS office on May 25, 2016 that included an oil spill scenario affecting the East Flower Garden Bank. Adrienne asked if there was a decision on whether or not oil dispersants would be recommended for an event similar to the May 11 oil spill. G.P. responded that during the NRPT, 3 of the 4 breakout groups recommended against using dispersants because of the proximity to FGBNMS and the group that did recommend dispersants said this method should be used only if rapidly deployed.

Capitol Hill Oceans Week (CHOW) was held in Washington DC June 7-9. Scott Hickman was awarded the 2016 Volunteer of the Year for the entire NMS program, and

spoke at CHOW's event.

CHOW coincided with the announcement of the DEIS release.

In August, Papahānaumokuākea Marine National Monument was expanded through a proclamation by President Obama and is now the largest marine protected area in the world.

In June, FGBNMS participated in "Get Into Your Sanctuary Day". The event was held at the Sea Center Texas in Lake Jackson, TX.

FGBNMS conducted several cruises in summer 2016 including:

- Long-term monitoring to Stetson, East Flower Garden Bank (FGB) and West FGB;
- "Down Under Out Yonder" ((DUOY); teacher workshop
- Women Divers Hall of Fame which coincided with coral spawning (organized by FGBNMs staff Emma Hickerson who was inducted into Women Divers Hall of Fame in 2014);
- Lionfish Invitational (400 lionfish removed; FGBNMS staff Michelle Johnston will present at November SAC meeting);
- SAC dive trip (Jesse Cancelmo will present at November SAC meeting);
- ROV cruise to Northwest Gulf of Mexico (visited sites included in Alternative 3 such as Elvers Bank (undescribed species of black coral was documented), Bouma Bank, Bryant Bank, Rezak Bank, Sidner Bank, and Parker Bank. Depths of 60-200 meters.

Tubastraea coccinea (orange cup coral) is now being observed quite often at FGB. In 2016, this invasive species was documented in the long-term monitoring random transects at West FGB for the first time.

Mass mortality event – East Flower Garden Bank

Timeline:

On July 25, 2016, staff on the *M/V Fling* reported a hazy substance around the EFGB Buoy #4 mooring on the sand flat north of mooring, with several invertebrate mortalities and a cyanobacterial matrix covering corals and sponges. On July 27, FGBNMS staff, conducting long-term monitoring at East FGB Buoy #2, confirmed the mass mortality event and collected several biological samples, as well as conducted benthic and fish surveys at WFGB. In early August, National Marine Fisheries Service (NMFS) conducted CTD (Conductivity Temperature Depth) casts over both banks.

Dr. Frank Muller-Karger (University of South Florida) collated satellite imagery from June 2016 to August that documented a freshwater event using chlorophyll concentration images, which are good tracers of land discharge and coastal water, especially as the plume of the Mississippi River and coastal waters mix. Dr. Muller-Karger reported that from June 22 through August 1, the FGB sustained a high chlorophyll presence, and that the coastal plume particularly affected the East FGB,

and has been an ongoing issue. Heavy rains along the TX/LA/MS coasts have accentuated the high chlorophyll concentrations.

During August 6-9, Dr. Steve DiMarco (Texas A&M University (TAMU)) and FGBNMS conducted water sampling across the banks. They also deployed a glider that is still collecting data, and will be picked up next week. Initial reports from TAMU suggests that while freshwater did reach the East FGB, an upwelling event also was taking place, bringing oxygen poor waters up onto the banks.

During August 5-7, FGBNMS, Rice University, University of North Carolina-Chapel Hill and TAMU conducted a response cruise to collect biological samples and conduct benthic and fish surveys to delineate the affected area. Over 300 samples were collected and are being analyzed. Upon initial discovery in late July, the FGBNMS had recommended that the area be avoided by recreational divers. This recommendation was lifted at in the first week of August.

Bill Kiene asked about a correlation with a depth contour and the event. G.P. responded this was one of the things FGBNMS staff will be analyzing in detail.

G.P. added that during the SAC dive trip, the areas affected by the mass mortality event are now more difficult to distinguish, and that the initial stages of a coral bleaching event is now underway and appears to be more pronounced in the vicinity of the mortality event area. This may be because the corals in this area are already under increased stress. Concurrently, FGBNMS documented mortality in sponges in the upper layers on the HI389A platform, suggesting freshwater runoff impact.

During the coral spawning cruise (August 25-28), FGBNMS staff observed sponge mortality near East FGB Buoy #1, and also at HIA389A, and HI376A (5.62 miles away). This indicated that the die-off event(s) was much more widespread than just at the East FGB, and may point more to a freshwater influx.

The event garnered a significant amount of media interest.

Current thoughts: We still are unsure what exactly caused the mortality event. It could be a combination of things, including the freshwater runoff event, an anoxic upwelling, the increased water temperatures, or something we haven't seen or considered. It is not only a localized event at the East FGB as we originally suspected – it may be much more widespread. We continue to work with a wide range of partners to continue monitoring and investigating this mortality event.

Shane Cantrell reported driving through many miles of brown water to get to his fishing locations this summer. Scott Hickman reported seeing the same water mass (gray metallic tint) and was not able to chum fish up to the top 50 feet of water, and thinks it's more than just low salinity but is "a big stew of toxic mess".

Mark Belter asked about a timeline on analyses of data. G.P. responded the glider is

still deployed, samples are being analyzed, and additional funds are needed. Adrienne estimated a preliminary analysis can be expected in a month or two. Shane asked if a similar event in the Florida panhandle off of Orange Beach occurred because of a similar water plume. G.P. responded that FGBNMS could confer with colleagues in Florida about this. Jake Emmert asked if salt domes could fracture and have a release. Clint responded that in addition to salt domes, limestone cap rock is also present, and as such, releases of sulphur, methane, and brine are possible.

11:15 Draft Environmental Impact Statement (DEIS) – G.P. Schmahl

G.P. summarized DEIS timeline and the next steps in the process. G.P. clarified that a Supplemental EIS (SEIS) is only required if new information or circumstances relevant to environmental concerns and bearing on the proposed action would result in significant environmental (including economic) impacts not evaluated in the DEIS. All areas within the DEIS alternatives are considered by NOAA to be areas that contain resources of national significance. Additional banks in the DEIS were included as a result of new data/information obtained since 2007, as well as concerns and interest arising from the 2010 Deepwater Horizon oil spill event. In 2007, the SAC recommended adding 9 banks to the sanctuary as part of the management plan review process. As a result of new information, the 2015 staff recommendation (Preferred Alternative) includes 15 banks. G.P. shared a slide of resource communities' categorization for all of the sites in the alternatives (i.e., Coral Reef, Coral Community, Mesophotic Coral Habitat, Deep Coral Ecosystem, and Cultural & Historic Resource). NOAA has determined that areas within the Preferred Alternative (Alternative 3) could be provided a minimum level of management and oversight within existing budgetary resources.

Investigations and activities since 2007 that shaped NOAA's preferred alternative include:

- Potentially Sensitive Biological Features (PSBF) Project - quantitative analysis from 12 banks (funded by BOEM)
- Multi beam mapping data collected at Coffee Lump, Parker, Elvers, and Ewing Banks
- Habitat suitability modeling - octocorals/black corals
- 17 ROV cruises
- 268 ROV transects/surveys
- 356 hours 11 mins of survey time
- 27,638 images collected
- 200 samples collected
- Additional banks surveyed: 29 Fathom, Rankin, Rezak, Bouma, Sidner, Elvers, Bryant, and Parker

Four species of black corals, new to science, have been collected on ROV surveys over the last 5-6 years. These areas are biologically diverse and research/surveys finding undescribed species are significant. A study on Potentially Sensitive Biological Features (PSBF) was conducted and categorized sites according to their biological

communities. Dr. Paul Sammarco recently published a paper in *Environmental GeoSciences* titled, "A statistical approach to assessing relief on mesophotic banks: Bank comparisons and geographic patterns". This is the first paper of several that will be published as a result of this study. Emma Hickerson is currently presenting deepwater coral data collected during the PSBF study in a FGBNMS poster at the Deep Sea Coral Symposium in Boston, MA.

Overall, the DEIS states that NOAA's preferred alternative will have long term beneficial impacts. In areas where adverse impacts do occur, NOAA asserts the impacts are minor and localized. FGBNMS and BOEM, as cooperating agencies, partnered to assess oil and gas resource potential (known reserves and contingent resource potential) within the boundaries of all sites in the alternatives. NOAA's 2015 staff recommendation (Alternative 3) intersects lease blocks associated with ~0.25% (13MMbbl) of the reserves in the Gulf of Mexico (see DEIS Section 5.3.2.8.4). It is less than significant under any of the alternatives due to its low level of intensity in the context of the extensive oil and gas industry activity in the north central Gulf of Mexico. BOEM will be providing additional analyses for the Final EIS (FEIS).

James Wiseman asked about the reserves within the banks' boundaries and if there are some reserves that have yet to be identified. G.P. responded that BOEM has said they will be providing additional analyses, including contingent and undiscovered resources. Adrienne asked if BOEM will be providing this data in the context of percentages or total barrels available for the entire Gulf of Mexico. G.P. responded that yes, NOAA has requested that the data be provided in this context. She also asked if orange cup coral has been recorded in any of these banks in the alternatives during the PSBF study. G.P. responded no, not to his knowledge, but it has been documented in the shallower areas on several of the banks. Clint remarked that his work over 35 years in offshore Gulf of Mexico oil & gas exploration and his industry's work has been successful at identifying resources that governmental agencies were not able to or have not identified. Clint urged the Sanctuary strive to balance resource protection and resource utilization.

G.P. reviewed BOEM's existing management zones and showed the Bright Bank Complex as an example of the no-activity zones (NAZ), PSBF zones, Live Bottom areas, and buffers at these banks. An additional slide was shown of an example of the distance from aggregate protected features to the Alternative 3 boundary at the Bright Bank Complex (e.g., distance required for oil & gas to access a resource through directional drilling). Clint added that if you brought in sanctuary regulations, then some people think that the industry will not be able to access the reserves. Adrienne stressed that all stakeholders have a voice in this process.

Agenda item tabled for later discussion after lunch and Paul's presentation.

12:30 Lunch – An Overview of Coral Community Development on Offshore Platforms in the Gulf of Mexico – Dr. Paul Sammarco (Louisiana Universities Marine Consortium (LUMCON))

Offshore platforms act as true islands, particularly in shallow water in the euphotic zone. Platform count in the Gulf of Mexico is now ~2,200.

Questions:

- Is there coral colonization on the platforms and to what degree?
- What is the relationship between population and community characteristics and distance from FGB?
- Are there genetic affinities between adult corals at these sites?
- What are the recruitment patterns?
- Get additional ?s from Paul's PPT

Madracis decactis was most common native coral on the platforms. Second was *Diploria strigosa* (common Brain Coral). In total, eleven species of corals were documented. For all coral species, no significant relationship was found between abundance and distance from the FGB. He did find a relationship between hermatypic corals and the age of platform. Platforms also host ahermatypic (non-reef building corals) including some invasive species, one of which has been a resident in the western Atlantic for ~65 years (*Tubastraea coccinea*). He found a significant inverse relationship between *T. coccinea* and platform age (e.g., more *T. coccinea* on newer platforms). Did not find the spatial effects that were expected, so the study area was expanded from Matagorda, TX to Mobile, AL, and cross-shelf transects were conducted and then analyzed. His study found reef-building coral diversity and coral abundance are centered around the FGB, indicating that the FGB are the source of many hermatypic corals. Mississippi River and Mobile, AL also distributed areas where corals emanate from.

Break for public comment period.

1:00 Public Comment Period

Paul Sammarco

Regarding the recent mass mortality event: Paul has seen this sort of event before. He said that in his research in Jamaica, he saw nutrient enrichment after heavy rainfalls affect the coral reefs. He observed white cyanobacterial growth on the coral reefs there. Regarding the AAUS: the organization has become constrictive for those it includes for diving under its umbrella.

Captain Jason McRae

Charter captain out of Galveston, TX. He suggests a permit, applied for beforehand, in order to access the areas proposed in the DEIS. The permit would give the sanctuary information. Scott Hickman added that pelagic spearfishermen (breath-holding, not scuba divers with tanks), such as former SAC member Keith Love, and Jason McRae are stakeholders that could be affected. Scott suggested inviting Jason, Keith Love, and interested others to the Boundary Expansion Working Group (BEWG) and the

Visitation Permit Program Working Group. Scott asked if Jason could suggest one bank in the DEIS to have exclusions for pelagic spearfishing, Jason responded Geyer Bank. Jason asked the sanctuary to not lock him out, but rather, work with them so that they can help the sanctuary. Scott reminded the SAC that charter boats will soon have tracking devices installed as a mandatory requirement. Scott suggested having one of the banks to be excluded from sanctuary regulations to allow breath-holding spearfishing, so long as the vessel does not hold scuba diving equipment.

James asked where Jason would take the spearfishermen if the banks in the DEIS have regulations against spearfishing. Jason responded that they would not have any area left. Natalie asked about visiting platforms. Jason said platforms are removing them and there are not many left near the FGB. Natalie asked about adding someone from outside the SAC to a working group. G.P. responded the working group needs to decide who they want to invite and then bring their recommendation to the SAC for the full Council's approval. The public at large can be invited to speak at a meeting, but would not be part of the working group until approved at a SAC meeting. Scott asked if pelagic spearfishermen come into contact with the reef or harvest reef species. Jason responded only pelagic species are targeted and harvested. Charles asked if Jason anchors. Jason answered no. Charles asked if Jason would be willing to apply for a visitation permit and supply information such as fish species caught and numbers. Jason answered yes. James Sinclair added that he saw no reason why pelagic spearfishing would not be allowed everywhere except the FGB, and hopes FGBNMS could work on a compromise. Clint asked if Jason had other banks he would suggest, and Jason answered yes and suggested Bright as an example.

1:25 An Overview of Coral Community Development on Offshore Platforms in the Gulf of Mexico – continued

Madracis decactis is a hermatypic coral and is confined to shallow depths because of its dependence upon light for survival and growth. Ahermatypic corals do not depend on light and occur to much deeper depths on platforms.

Genetic affinities of coral on platforms and the FGB

Genetic affinity of corals with those on the FGB is strongest near the FGB and declines with distance from there, strongly indicating that the FGB is the source. *Tubastraea* is not coming from the FGB and instead, perhaps Mexico or off of the Caribbean current. Coral populations on the east vs west sides of the Mississippi Rivers are completely genetically different. The Mississippi River appears to be a geographic barrier for larval dispersal. BSEE and BOEM regulate that once a platform is finished producing oil & gas then the platform must be removed. CITES, which regulates cnidarians among other things, and the Magnuson Stevens Act mandate that these species must be protected. What is the solution between these divergent mandates? Paul suggests: 1) each platform should be assessed before they are removed; and 2) develop a program with criteria.

Invasive species

Paul gave the example of Lionfish that were released and now are distributed throughout the Atlantic, Caribbean, and Gulf of Mexico. Other examples are nutria and fire ant. *Tubastraea* was introduced in the Caribbean in the 1940s, most likely on a ship's hull. It was documented in the FGB in 1999, and is now distributed throughout the Caribbean and Gulf of Mexico. Paul surmises the spread of *Tubastraea* was not due to platforms (because they were not deployed in those early time periods), but rather via currents. Other mechanisms of invasion in marine waters include ballast water, hitchhiking on ship hulls, towing of oil and gas platforms to new sites, and accidental releases. A new species, *Tubastraea micranthus*, was discovered on a platform in the northern Gulf of Mexico (off of New Orleans, LA). The platform MC-311-A is mostly likely the source of this species because the largest colonies were documented at this location. *Tubastraea coccinea* prefers shallow water (<78M), but *T. micranthus* was documented down to 138m (bottom depth was limited to the bottom of the platform). *T. coccinea* has been documented to compete for space with cnidarians/corals through aggression and extracoelenteric digestion. Percent of a win by platform of *T. coccinea* is 55%. *T. micranthus* also competes for space through aggression and extracoelenteric digestion and its percent win by platform averages 60% (more aggressive but so far, also more erratic). The data suggests multiple invasions and must be treated at the source (ship hulls, for example). Eradication is possible in certain cases. For example, *Terebrasabella heterouncinata* (an annelid) was successfully eradicated in Florida. Paul thinks eradication or management of invasive species can be successful locally.

Adrienne points out that it is important and helpful to be clear when talking/presenting/discussing/analyzing data on native stony corals to note whether or not *Tubastraea* is included in this category. She added that percent abundance coupled WITH the log abundance would be very helpful in making comparisons between natural substrates and platforms. Adrienne said raw data would be helpful, and asked Paul to share that information. Adrienne agrees that looking at each platform as it is being decommissioned, specifically at the distance from FGBNMS and looking at its community composition before deciding what should happen with the platform. Jake asked about Paul's recommendation on how platform removal/reefing can be brought into alignment. Paul suggested legislation that speaks specifically about this issue. Scott said he's a proponent of artificial reefs as long as they don't negatively affect the bottom communities, and asked about invasive species related to depth. He asked if platforms were reefed at depths greater than 150 feet, would this deter the colonization of *T. coccinea*? Paul answered yes. Adrienne suggested introducing language to distinguish native cnidarian community vs invasive cnidarian community. Clint asked about the productivity of platforms with regards to sponges and pelagic species. Paul responded with information on species including sponges, sharks, and red snapper.

2:19 Draft Environmental Impact Statement (DEIS) – continued

G.P. showed a slide with shrimping tracks overlaid on Sonnier Bank, MacNeil Bank, Bouma/Rezak, and Sidner complex banks. Some boundary modifications were recommended by GMFC regarding these banks.

Buddy asked if G.P. has the VMS data for reef fisheries. G.P. responded NOAA had indirect access to the VMS data, and it was used in the DEIS analysis, but these data cannot be shared to the general public due to its proprietary nature. G.P. recommended the BEWG draft specific questions and perhaps this data can be accessed to help answer their questions. Mark Belter said in his work that he has had VMS data shared with him and his agency that had been “scrubbed clean” but had enough information that he could perform his analysis. Clint and Natalie asked if “potential areas” or an interpretation could be shown of areas coupled with VMS data. G.P. responded that this would have to be cleared by NOAA Office of Law Enforcement (OLE) first. Scott mentioned seeing a map of the Gulf of Mexico with dots on the various banks of different fishing vessels (e.g., showed the different concentrations of fishing efforts). Scott wants the SAC to see that map again. G.P. responded that any further sharing/showing of VMS data would first need to be cleared by NOAA OLE. Shane asked for G.P.’s specific recommendation for commercial fishing data-related requests. G.P. responded that questions tailored to anchoring, such as occurrence of vessels anchored within NAZs may be appropriate, and that it should start with the BEWG. Buddy asked if there is a way the BEWG could be provided with a list of people/permits/vessels who have visited the banks in the DEIS. G.P. responded that FGBNMS does not have access to that data, but Bob Leeworthy (ONMS) has that data because he conducted a survey. We have the survey results, but not the raw data. Scott added that commercial fishers could ask for the release of their own personal data and that if the BEWG could get the other fishers to request the same, then the BEWG could get the data they need/want.

Scott asked about the timeline for the DEIS. G.P. responded FGBNMS is expecting a recommendation from the SAC in Spring 2017. After their recommendation, FGBNMS would move forward with drafting a Proposed Rule. Also during this time period, modifications could be made as a result of SAC recommendations, public comment, internal NOAA consultations, consultations with cooperating agencies such as BOEM, and consultations with other entities such as the Gulf of Mexico Fisheries Management Council (GMFMC). The Proposed Rule will be drafted in Spring through the Summer of 2017, and will hopefully be out in Fall 2017. The Proposed Rule and FEIS will hopefully be released concurrently in Spring 2018.

2:45 DEIS Public Comments – Leslie Clift/G.P. Schmahl

This presentation represents the beginning and NOAA will continue to synthesize the public comments received. Sharing with you today what data we do have. Public comments could be submitted online or via snail mail. Website for FGB had link that directed individuals to submit comments. FGBNMS held a series of five public meetings, starting in Galveston (62 attendees), Houston (20), New Orleans (36), Mobile (14), Lafayette (34). For those attendees who gave public comment, Leslie detailed how each were categorized (Alternatives 1-5, conditional support, general support, or unclear/unspecified). A variety of stakeholders gave public comments at the public meetings including former and current SAC members, fishers, Sierra Club, oil & gas industry, and residents. Transcripts from public meetings were uploaded to the

“regulations.gov” website and are publicly accessible. The public can go to the FGBNMS website and link to regulations.gov and review the public comments. FGBNMS received campaign letters: Gulf Restoration Network (1500 similar letters-3 submission online), Lone Star Chapter of Sierra Club (excel sheet attached, 3,451 signers), American Petroleum Institute (2,023 similar letters), and Consumer Energy Alliance (83 similar letters). In addition, ~700 people individually submitted online identical or very similar wording urging for the adoption of Alternative 5. Public comment letters were also received from a variety of industry, government agencies, and non-government organizations. These letters are separate from the campaign letters. In total, there were 1,012 individual online submissions, although some of these submissions included multiple letters.

Clint asked about 100+ letters that talked about sea turtles issues and if any affiliation was determined. Leslie responded that NOAA will be looking at those comments, and following NOAA protocols to see how those will be categorized. No affiliation was stated, but language in most of these letters was fairly similar, so an organized campaign to generate them by a so-far unidentified group was likely.

Natalie mentioned that someone could read a public comment submitted online, copy and paste it, and submit, but it also could be an organization. Leslie answered these were individuals who submitted online and that an organization could not submit multiple submissions through a single email. Could have copied but one organization did not submit that. Shane commented that it was possible to go through and make a portal to submit directly to regulations.gov to generate posts from an organization. Leslie said some people may have copied and pasted; however, several added their own language or the text of the general comment was changed. Clint said he views this as an opportunity to provide comments on the DEIS in terms of content, rather than a vote so to speak. He asked if this is how NOAA looks at it. G.P. responded that it is not simply a numbers game, and public comments are not viewed as votes. What is important is the content and relevance of the comments. Clint inquired on the action plan to synthesize the public comments and present NOAA’s findings to the SAC and public. G.P. answered that NOAA has initiated the review of individual comments and has started the process of categorizing similar comments for response. NOAA will respond to comments in the FEIS, and investigate any comments needing additional evaluation.

Ellis Pickett said he needed to leave the meeting for another appointment, but gave the following comments:

He support Alternative 3, realizes decisions have to be made by staff, and that NOAA has probably been cautious and did not overreach. He thinks G.P. explained budget and resources well to support Alternative 3. If needed, the boundaries can be tweaked with current technology. Oil and gas companies go out to do multi-beam surveys because government requires them to look for things that would be safety hazard to drilling well or rig. He added that the oil & gas industry may be finding wrecks but that’s not the point of them being out there. Ellis added that he often hears the reoccurring theme of “balance,” but he’s seen a pattern that the group that is holding on the hardest,

doesn't truly want balance. Ellis said he doesn't think Alternative 3 will negatively impact the oil & gas industry or the economy or the ability to defend ourselves in the future. Ellis recommended that Alternative 3 is the way to go, and we now need to take the steps to find money available to expand. Ellis ended by saying boundaries could be tweaked, but thinks we should move forward to Alternative 3.

G.P. will send a proposed Expansion Process Timeline document to SAC members. He expects BEWG will continue to meet between now and Spring 2017, and anticipates a recommendation from the full Council at the April/May 2017 meeting. In brief, the timelines is:

- Now – November 2016 – FGBNMS review and prioritize public comment
- November 2016 – SAC meeting – public comment review / priority issues
- November 2016 – BOEM to provide additional analysis
- December 2016 – GMFMC to provide fishery regulation recommendations
- Jan/Feb 2017 – SAC meeting – initial review of BEWG recommendations
- April/May 2017 – SAC meeting – SAC recommendation to NOAA
- Now – April 2017 – NOAA consults with agencies (EPA, NMFS, USCG, etc.)
- Now – September 2017 – NOAA works with cooperating agencies (BOEM / BSEE)
- May – Sept 2017 – NOAA development of proposed rule and FEIS
- September 2017 – Publication of proposed rule and FEIS
- Spring 2018 – Publication of final rule

Clint asked at what point the public would know the final decision. G.P. responded the proposed rule and Final EIS will be the decision and is estimated to be released in approximately Fall 2017. G.P. added that the Proposed Rule will be associated with a public review and comment period. Some changes could occur between the Proposed Rule and the Final Rule. The final rule is estimated to be published in Spring 2018.

James Wiseman asked what would cause the sanctuary to change their preferred alternative. G.P. responded that Alternatives 4 and 5 are budget resource limited, and would not be selected unless an identification of an increased budget occurred. A hybrid of alternatives could also occur. G.P. emphasized that the ultimate SAC recommendation is extremely important to NOAA's external and internal deliberations.

Clint asked about the budgets for each of the alternatives. G.P. said the FEIS will include budget estimates for the selected alternative. Budgets for each alternative will not be provided at this stage. A basic level of management and oversight is currently possible for the preferred alternative under current or anticipated budget scenarios.

3:45 Visitation Permit Program – Natalie Hall for SAC working group

Natalie gave a brief history on the Visitation Permit Program and its SAC working group. A valid, free permit would be required prior to visiting FGBNMS. Permits could be obtained over the phone or visiting the FGBNMS website. Two types of permits: 1) temporary (expires two weeks); and 2) annual (expires one year). A mandatory reporting form must be submitted within 14 days from the last date of the Temporary

Permit 2-week term. For annual permit holders, the reporting form must be completed with all visitation data and submitted prior to obtaining another permit. Natalie added that NOAA's Law Enforcement contact information will be added to the permit application. Charles suggested that permits be issued to vessels, not the operator or owner. Karen Raine suggested the working group consider the following issues in the visitation permit program: 1) permit effective date; 2) the timeframe in which to request a permit before visiting FGBNMS; and 3) collaborate with Grays Reef NMS as they are also going through this process. A website with a current penalties schedule is available through NOAA's Office of General Counsel. Natalie shared that the working group had tabled public participation and education/outreach until the permit application and its process progressed, but that the working group had discussions about timeframes for obtaining a permit before visiting FGBNMS and outreach on the permit program (i.e., language on the mooring buoys). Clint asked if a vote would occur at the November SAC meeting about this agenda item. G.P. said a formal action by the SAC would be good to get the Visitation Permit Program in NOAA's official review process. G.P. concurred that conferring with someone from Grays Reef NMS would be good. Clint asked if any other sanctuary is going through this process and will ask about this during the next SAC Chairs meeting on September 26. Scott mentioned that a lot of last-minute trips to Stetson occur. Charles mentioned that enforcement actions (penalties) cannot be included in the permit program without going through NOAA's Office of General Counsel.

4:08 Boundary Expansion Working Group – Clint Moore/Shane Cantrell for SAC working group

The approved July minutes and the draft August minutes will be sent to the SAC.

4:10 Agency Reports

Leo Danaher (USCG) – District 8 will soon have control over a larger cutter than usual that will be in the area in November and December 2016, including enforcement activity in FGBNMS for approximately 48-96 hours.

Rusty Swafford (NMFS) – absent

Mark Belter (BOEM) – no report

James Sinclair (BSEE) – no report

Charles Tyer (OLE) – no large enforcement cases, but OLE is present and available for any action that may arise from the recent mass mortality event at FGBNMS.

4:15 Draft Environmental Impact Statement (DEIS) – cont'd

Clint asked about how oil and gas restrictions would be treated in sites within Alternative 5 that do not have a NAZ. G.P. said that under sanctuary regulations, oil and gas activities outside NAZs are not prohibited, and restrictions would not change with sanctuary designation. Existing structures, permits, and leases can be "grandfathered" through a certification process as provided under sanctuary regulations. Clint asked

about future/planned leasing and building of infrastructure. G.P. responded with information on the history of FGBNMS with regards to the HI389A platform and its location within sanctuary boundaries. G.P. pointed out that since the FGBNMS was designated, news wells had been drilled from HIA389A and that a new pipeline had been installed within the sanctuary. James Wiseman said his industry and stakeholders (oil and gas) are concerned regarding shunting regulations in deep water. James Wiseman mentioned that oil and gas industry want more information and are not necessarily staying with Alternative 1 as we move forward in this process. James Wiseman asked if Alternatives 4 and 5 are realistic options or are they part of a NEPA process. G.P. responded that the DEIS states that Alternative 5 is the environmentally preferred alternative, but it is not NOAA's preferred alternative, primarily because of budgetary issues. G.P. also added that NOAA did not fully consider additional shunting requirements for the oil and gas industry with regards to Alternatives 4 and 5 (with areas that are not currently under BOEM/BSEE management), and that NOAA will be looking at this issue.

LCDR Leo Danaher asked about deputizing officers across the state borders. Charles responded that NOAA's OLE has a joint enforcement agreement with LA and TX, but their vessel capabilities and budgets do not allow much involvement. Leo added that Alternative 3 can be handled by the US Coast Guard district, but Alternatives 4 and 5 would necessitate more resource support.

4:39 New Business – no new business

4:40 Meeting Adjourned - Motion by Buddy Guindon, second by Shane Cantrell. All in favor. Approved.

Next SAC Meeting scheduled for November 16, 2016.