

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

Sanctuary Advisory Council
Meeting Minutes

Thursday, December 6, 2007

9:00 AM – 4:00 PM

FGBNMS Headquarters

4700 Ave. U., Bldg. 216, Galveston, TX

Attendees:

SAC Members

Page Williams

Dick Zingula

Frank Burek

Mike Jennings

Joe Hendrix

Kris Benson (for Rusty Swafford)

Clint Moore

Tim Gibson

Art Melvin

Frank Wasson

Irby Basco

Kristina Hardwick

James Sinclair

John Embesi

Ian MacDonald

Dana Larson

FGBNMS Staff

Jen Morgan

Jenn DeBose

Emma Hickerson

Kelly Drinnen

Bill Kiene

Doug Weaver

GP Schmahl

Tracy Hamburger

NMSP Staff

Vicki Wedell

Members of the Public

Matt Bunn (CCA)

Charles Tyer (NOAA Law Enforcement)

Kevin Buch (TAMU)

Jim Morrison (Chairman of Artificial Reef Program of Texas)
Raphael Calderon (TNC)
John Bajorek (GREAT)
Terry Rooney (BP Environmental Advisor)
Sherry Douglas (BP Regulatory Advisor)

Meeting Notes:

Welcome and Announcements

G.P. Schmahl began with welcome and announcements and a safety moment. He introduced the newest council member, Capt. Mike Jennings, who spoke a few words about his background. He stated that his is originally from Brazoria county and resides in Angleton. He has worked the fishing community for many years and now operates two charter companies in Freeport, TX.

Adoption of Previous Meeting Minutes and Agenda

Clint Moore moved to adopt the minutes of the September 27, 2007 SAC meeting. Frank Burek seconded and the motion passed.

Frank Wasson, Council Chair, asked if any council members were concerned that the entire agenda might not be accomplished today. He provided some options and suggested that he keep pushing us through the agenda or that the council could come back for a second day tomorrow. Clint Moore moved to adopt the agenda. Joe Hendrix seconded and the motion passed.

Sanctuary Update

G.P. provided a sanctuary update (see Powerpoint presentation). He began by saying that October was a busy month for the Sanctuary. The JASON project cruise occurred, there were meetings of the Visitor Use subcommittee, Boundary Expansion working group, Enforcement subcommittee, and the Fishing Impacts subcommittee. Additionally, G.P. gave a presentation at the GMFMC meeting in Biloxi.

Bill Kiene and Jennifer Debose were introduced as the new sanctuary team members.

G.P. gave a briefing on the Rowan settlement. He explained that FGBNMS is the beneficiary of a community service payment of \$1 million to the NMSF to be used for preservation and protection projects. The Sanctuary can use this money through the foundation for projects, however, there are strings attached. A consent decree was written, so there needs to be a nexus between the violation and projects done with money. G.P listed the eight proposed projects. It is a great benefit to the sanctuary to be given these resources to work outside of current budget.

The JASON project was started by Bob Ballard a number of years ago and brings ocean science into classrooms by taking teen kids on expeditions. The curriculum has changed a bit and the projects are now not all live based but on video. The JASON crew came to the Flower Garden Banks along with three students. Bob Ballard and Tracy Krohn also

met. A film crew was also present. The TAMUG ROV was used. Also, the students snorkeled. A curriculum will be developed around this expedition.

The R/V Manta construction is progressing well. It is set to be on schedule to put in the water at the end of January. Sea trials will be in February with delivery in March or April.

The Gulf of Mexico initiative will be thoroughly briefed by Bill Kiene. A proposal is out there to look at Marine Protected Areas in the Gulf, creating a system linked internationally with Mexico. The initiative originated from the president's Administration.

G.P. explained that the FGBNMS boundary expansion proposal should not get confused with what is going on with the larger Gulf of Mexico initiative. Emphasizing this distinction is why G.P. presented at the GMFMC earlier in the fall.

G.P. turned the meeting over to Bill Kiene who gave "A Gulf of Mexico Marine Reserve Network" presentation (see PowerPoint slides).

Presentation on the Gulf of Mexico Initiative

This initiative is just under consideration. The document that was distributed in the prior months was just a conceptual document and does not indicate that there is not an intent to have this be a full public process. The CEQ in the white house were the initiators of this and remain interested in how this might be developed. There have not been any decisions.

A suite of areas are being considered for one the most significant MPA networks in the world. The initial title was Islands in the Stream – the "stream" is the Gulf of Mexico Loop Current, which circulates in the gulf and connects all these places. Every part of this system is very connected. For example, Diadema in the gulf died off in the 80's. The disease originated in the Panama Canal but the outbreak killed all of those urchins in the gulf.

Areas to be considered include FGB and other banks in the NW gulf, Alabama Pinnacles, Steamboat lumps and Madison Swanson (already designated as an HAPC). This initiative includes deeper water areas having chemosynthetic communities. At the Florida Middle Grounds fishing impacts are significant and can disturb parts of the life cycles of important species. Pulley Ridge has deeper coral reefs and is a bit more protected.

Recent management tools slide – HAPC, gear restrictions, etc.—could all be brought together with this management initiative. The team is examining how all the individual components are connected and interact with one another. This management council is an example of how all stakeholders can be brought together and is a good model for how conservation and industry can be brought together. There must be a consideration of what kind of impacts from recreation and commercial activities affect these important places. We want to restore these ecosystems to their historic levels of health. Even deep areas are not beyond reach of impacts.

Bill also discussed the four Basic Principles of Marine Reserve Networks—size, larval disbursement, life history, and spawning sites. The important questions to ask when considering MPAs include: species, ecosystems, oceanographic conditions, sources and sinks, spawning and nursery sites, trophic relationships.

Bill explained the stakeholder process and stated that the SAC is a significant model. Stakeholders would help identify what an effective network would look like. What would a meaningful stakeholder process look like? Would all stakeholders benefit? What kinds of mechanisms would secure benefits? FGB is one of the crown jewels in the Gulf – this SAC has a very important role and significant contribution to this process to insure a high level of involvement from the public.

Questions:

Art Melvin: Who is sponsoring this? Who is pushing this?

Response: After the designation of the MNM, there was an interest by the administration to look at new things that the administration could do before it is gone, The CEQ was looking at this. A GOM network is not a new concept, but is one that the NMSP had been looking at. They are one of several agencies and organizations that are exploring it. Only since September has this been on the table.

Ian: I Noticed that all the areas that you mentioned are in the photic zone. Are there any sites in the deep water – chemosynthetic communities?

Bill: There is a great opportunity there, as we are in the very early part of this the obvious areas are noted first.

Joe Hendrix: How will the additional designation affect the management of the HAPC?

Bill: that will have to be determined through the process; may not change at all. We are really not at a stage to determine how. It would be put on the table as to how they would work together.

Joe Hendrix: The discreet areas separated by a great distance are not conducive for enforcement. You stated that fishing impacts are a great concern – this is unsure.

Bill: That is still a question that the science needs to address is--how are these areas being impacted. Did not want to make an impression that recreational fishing is making an impact – want to state how we maintain a sustainable level of recreational and commercial activities and protect these areas. However, science in other parts of the world show that areas like these are connected by currents and are good places for networks.

Joe Hendrix: The scale of these is small, and these areas can not be managed together.

Bill: The current may show that some of the areas can be very far apart, where in other places they could be grouped in a more local area.

Page Williams: Did this come from the white house? You said that they had not made any decisions?

Bill: This was a suggestion from the white house; they were interested in knowing if there are any areas of concern. If the sanctuary program is asked to consider this further, they would go into a very open and public process to determine.

Page Williams: Has any conversation been started with Mexico and Belize?
TAMU Corpus Christi has contacts and are aware of some international areas. It would be a very important opportunity to consider trans-boundary relationships.

Ian MacDonald clarified the Mexican collaborations, noting that a number are ongoing with TAMUCC. Wes Tunnell has been monitoring southern reefs in the GOM with them, and Ian himself has a longstanding research relationship.

Kris Benson suggested that these collaborations might be addressed through the GOM alliance which is already established. They address many environmental issues (habitat, water quality, education). Bill agreed that the agency and the alliance are very compatible. Kris also noted that offshore research is really missing from the alliance.

Bill Kiene assured the SAC that none of this is being done under the table; it was only brought up for discussion a few months ago; any process to go on will be a public process.

Page Williams: Were the basic principles of marine networks that you presented your ideas?

Bill Kiene: They came from research I have done.

Dana Larson: Your focus is on natural ecosystems. Are you considering artificial reefs?

Bill Kiene: With the existing infrastructure, artificial islands are probably important in the ecosystem. There is potential, but the main focus is the natural ecosystem and what are the benefits to other uses such as artificial reefs.

Ian: Macdonald: I motion that this council designate a representative and alternate to this process.

Kristina Hardwick seconded the motion.

Motion: Create a liaison and alternate to the Islands in the Stream process or deliberative body.

G.P.: It is critical to maintain the difference between what we're doing and the larger initiative. This discussion document got out prematurely, but was already following on the heels of the Marine National Monument. There was confusion that this area would be designated by proclamation. It has been made clear to the administration that a public process is necessary.

Page Williams asked for clarification on whether the liaison was meant to be a member of the council or the staff. Ian MacDonald stated that it should be a Council member. Frank Burek stated concern about portioning off of the council while in the middle of MPR. He also stated that he thinks that this is the place of the NMSP.

A vote was taken on the above motion. Those in favor: Clint Moore, Kristina Hardwick, Ian MacDonald. Those opposed: Page Williams, Frank Burek, Mike Jennings, Frank Wasson, Irby Basco. The motion did not pass. The SAC will not appoint a representative at this time.

Joe Hendrix asked if Bill will continue to be involved in the process. Bill replied yes, he will.

Frank Wasson suggested leaving it open for whenever there is a deliberative body formed. G.P. indicated that he would convey the strong interest of the council on this to NOAA and will keep the SAC apprised. He added that SACs have a history of being a forum for the process and as a sounding board.

James Sinclair: How does the timing of the process fit with the changing of the administration?

Bill Kiene: Yes, that is a tight timeframe—a year. But the process could extend beyond the end of the administration. It will depend on the mechanism.

Kristina Hardwick: Compared to the MNM, what was the timing of the proclamation to the designation?

Bill Kiene: a few hours? But built on the 5 years of the process of it becoming a NMS.

G.P.: There was a meeting at CEQ where other agencies were officially brought in.

Bill Kiene indicated that there is some fear associated with this; see spearboard.com to get an idea.

Education and Outreach Working Group Report

Frank Wasson clarified that much discussion still remains on the education topics and that a vote by full council will not happen on this issue action plan today.

Kristina Hardwick gave a presentation on the draft education plan. She explained that the working group mapped out a strategy as to who, what, and how. The idea is to frame strategies as broadly as possible and build in flexibility, but still give enough structure to effectively address topics. Strategy 1: Identify groups, maintain communication on priority topics; strategy 2: the “what”, assess priority of each topic, how much time and resources are needed, and what other education topics will need to be adjusted to accommodate this new topic; Strategy 3: following identification of stakeholders and resource allocation, identify ways in which to reach the—methodologies to be used.

A handout was distributed outlining criteria and action items. Kristina mentioned that the action areas are still fuzzy, the working group is still working on this. They are also developing a tool to prioritize topics. Following the summer workshop, the

subcommittee tasked the education staff with digesting and summarizing notes, resulting in this handout. The working group also came up with matrix diagrams for prioritizing topics, but now need to do the same with prioritizing stakeholder groups.

Emma Hickerson noted that the local community does not fit well into current stakeholder groups. Kristina stated that the local community was recognized as a lower priority than other user groups. Kelly Drinnen commented as well. The discussion continued regarding the importance of the local community and what they know or don't about the sanctuary.

Frank Wasson recognized the challenges in the education working group and thanked Kristina for stepping up to do the presentation. Education is the biggest challenge because it encompasses everything else. He asked that other SAC members, maybe even those involved in other working groups, become involved the education working group to help out. Frank Wasson mentioned that the education working group members have had difficulty working together. This process needs to move along and needs a chairman. The chairman needs to be a primary member. Kristina stated that they need to know who the new incoming council members will be. She also stated that the group needs to work on a rubric for targeting audiences.

Art Melvin stated that first we should get the strategies firmly in place, and then rubrics become more operational. Kristina noted that the rubric is written broadly—it doesn't identify specific topics, but helps to identify them. Frank Wasson stated that he thought the rubric should be detailed. Kelly Drinnen said that a rubric is needed for prioritization, but when we have final decisions from priority issue groups, then we can also write actions to address issues. Frank Wasson stated that a plan or strategy is needed, but that topics and stakeholders will change constantly, and new education tools will change as well. The education working group should develop a process rather than define the process. Kristina explained the rubric proposed by the working group, but stated that there was not consensus on it and therefore it could not be presented today.

The Council discussed how a new chair of the education working group could be selected. Kristina stated that Haidee Williams did provide good leadership and good progress was made. The Council reviewed the work remaining for the working group. Frank Wasson agreed that he would take over as temporary chair of the working group to push this action plan proposal forward.

Joe Hendrix stated that there has not been enough work done on getting the violation reporting form on the website. Kelly responded. Joe noted that enforcement is the strongest tool the sanctuary has.

Frank Wasson suggested that the rubric be brought back to the council to allow the SAC and staff to contribute. G.P. tasked the education working group with finalizing the scoring tool to share with the SAC. He liked Art Melvin's suggestion and chart showing strategies. Frank Wasson would like the rubric to be issue and funding driven. Dana Larson provided additional comments.

Enforcement Subcommittee Report

Frank Burek presented the ten proposed enforcement action plans (see presentation slides).

- 1) Research and enforcement – Complete the construction and incorporation of the NOAA R/V Manta into FGBNMS management.
- 2) Complete the FGBNMS Sub Area Contingency Plan – ACPs are part of the Oil Pollution Act. Work to identify a sub-area of the ACP that would be the FGBNMS and be incorporated into the management plan. Tracy Hamburger is working with the USCG.
- 3) Identify those regulations that need to be changed or modified based on the other working groups.
- 4) Identify those penalties for violations (summary settlement schedule) at the FGBNMS that could be included in a Joint Enforcement Agreement.

Charles Tyer noted that currently every violation has to go through a lengthy court process. This schedule identifies a fixed fine for a violation. The person could not pay the fine and still go through the court process. Irby Basco suggested written warnings. G.P. stated that the NOAA attorneys will be the ones that would write the summary settlement schedule and that they may or may not take the recommendations from the SAC. Frank Burek said that he is tasking the staff with this. He suggested that the SAC provide their revisions to Jen Morgan and then the FGB staff will make decisions and turn over the set of recommendations to the NOAA enforcement team.

Frank Burek explained the Summary Settlement Schedule spreadsheet, including the NOTES for severity and intention of offence.

Frank Wasson stated that the website does not reflect the revised complete no anchoring provision that was established in 2000. G.P. stated that he thinks that it is provided as a supplement.

Frank Burek reviewed each of the violations listed in the summary settlement schedule and noted whether or not a regulation change is required (see proposed summary settlement schedule):

2. taking of marine life does require a change to include sharks and rays as being prohibited take.

3. Vessel operations as related to protection of sharks and rays – change required

4. Alteration of seabed

Dana Larson expressed concern for repair to buoys. Frank Wasson noted that repair to buoys and anchoring are associated activities.

5. no changes required.

6. No diving without mooring to buoy or a platform – change required

Clint Moore commented that there are a lot of written warnings and he suggests having less sympathy for the 1st offence and making more fines for those initial offences. Page Williams stated that she agrees in principle, but has concern about people just not

knowing the violations. Frank Wasson indicated that the issue is being considered in another group. Charles Tyer said that it takes the same amount of time to write a warning or issue a fin. He indicated that there is an appropriate place for that depending on the intent. Page asked whether or not there a place to have the law enforcement officer have the discretion to decide what the penalty should be for 1st offence? Frank Burek noted that the group did consider that. Joe Hendrix said that it has to do with the severity of the offence. Irby Basco told the SAC that the GMFMC had a discussion about just going for the larger offences.

7. No fishing zone

Irby Basco didn't think a written warning would be in order. Is there a schedule set for this offense? Charles Tyer gave the example of the Texas shrimp closure; he thinks that the summary settlement is \$2500 for a first offense fine under the MSA. Charles continued saying that a summary settlement schedule provides options for fines, but he has discretion on whether or not to write the violation – to consider other circumstances. Ian MacDonald stated that \$100 is minor compared to the potential for impact. Consider a larger amount - \$250, etc

8. Failure to register with the Self Registration System

9. Regs on board

10. Illegal mooring

11. Injuring (see note 2)

12. Spearfishing

13. Releasing or introducing non-natives

14. Spearfishing equipment improperly stowed – changes to regulation to let you have a speargun but would require proper stowing

Frank Wasson stated that he thinks that this is a dangerous precedent to set – should have to be required to not stop; he is not sure if trolling for wahoo qualifies.

15.

16. Discharge

17. Defacing, damaging

18. Violate sanctuary permit condition

19. VHF channel 16

20. Motoring a vessel within 100ft of a vessel with dive flag.

This is under consideration by another working group. Dick Zingula asked if this includes small boats like a dinghy? Frank Wasson said yes it does.

21. Improper use of a dive flag.

Art Melvin asked if it defines what a dive flag is?

22. Illegal discharge of fish parts

23. Failure to obey a lawful command by Law Enforcement

Frank Wasson wanted to know who gets the fine with regard to dive operators...the diver in violation or the operator? Charles Tyer stated that, per the MSA, both parties are guilty.

Action Plan 5

Identify the need or requirement for the FGB to join with other law enforcement agencies,

GP – There is a general agreement between NOAA and the state, but there could be an agreement specific to sanctuaries.

Action Plan 6

Investigate remote monitoring of the FGBNMS

Action Plan 7

Update marine charts updated listing the no anchor zones

Action Plan 8

Develop a proposal for the minimum distances from dive vessels

Art Melvin asked why the regulation should be limited to dive vessels. Frank Burek said the purpose of the regulation is geared toward concern for diver safety. Frank Wasson added also concern for speed of vessel transiting.

Action Plan 9

Maximum vessel weights

Action Plan 10

Online registration system (transferred to visitor use group)

Frank Burek reminded the SAC that their comments were due to Jen Morgan by Dec 14. Jen would compile the comments.

Motion: Art Melvin moved that the SAC direct the working group to bring the revised document, the Summary Settlement Schedule, to the full SAC before moving it forward for discussion at the next SAC meeting. The motion was seconded by Page Williams.

Discussion of the motion.

Frank Wasson stated again that comments were due to Jen by Dec 14th, they will be compiled and brought to the full SAC for a vote. Frank Burek feels that the Enforcement group has completed its work. Art Melvin stated that it should come back to the SAC before moving forward.

Vote: Those in favor: Page Williams, Frank Burek, Mike Jennings, Clint Moore, Frank Wasson, Ian MacDonald. None opposed.

Following a lunch break, public comment was taken. G.P. announced that Charles Tyer is here and also recognized the other members of the public in attendance, allowing for brief introductions. Those present included: Jim Morris, Kevin Buch, Matt Bunn, Rafael Calderon, John Bajorek, Sherry Douglas, and Terry Rooney.

Rafael Calderon expressed his interest in the islands in the stream initiative and stated that he has been involved and is trying to promote that effort and get Wes Tunnell involved.

Terry Rooney gave a brief presentation. She thanked FGB for time to present. She explained that her slides presentation was put together internally to present to managers about what's going on regarding possible boundary expansion, as they were having difficulty understanding the impact to BP. She added that many of the slides are FGBs.

Presentation Notes:

Their perspective:

- Current mp under public review
- Advisory board has recommended areas
- DEIS due out summer 2008

Showed slide of current E&P management zones: HAPC, MMS, EPA (NPDES discharge permit coverage) MMS lease stipulations: NAZ, no bottom disturbing,

Advisory board recommendations: with sanctuary in place then any discharges from oil and gas facilities will be prohibited by EPA

MMS Biological Stipulations were summarized

List of NMS requirements

List of NPDES Discharge Restrictions

Wording in existing permit; FGB specifically addressed; there are exceptions to discharge fall of exceptions are met.

There would be a number of different regulations that would affect them if sanctuary is expanded.

G.P. mentioned that cooperating agency letters will be going out soon.

Kevin Buch, of TAMU Galveston, announced anew class in marine biology to be taught: natural history of the GOM NW reefs and banks. The class will have a lead instructor with guest lecturers.

Comments from Ryan Ono of Environmental Defense were read aloud for the record.

Visitor Use Subcommittee Report

Frank Wasson gave a presentation summarizing the five visitor use strategies (see slide presentation).

Strategy 1 exists to reduce impacts by seismic activity. Frank Wasson explained an incident of a seismic vessel dragging cable and cutting off mooring buoys. Currently, G.P. does not necessarily receive notification of seismic activity.

Strategy 2 requests designation as an area to be avoided. This is important since the sanctuary is close to fareways. This would limit the size of vessel traffic.

Strategy 3 involves vessel registration in order to gain information on visitor use. It also suggests using AIS data and exploring the idea of user fees.

Strategy 4 involves changing regulatory language for fishing. Frank Wasson added that the fishing rights alliance is looking hard at such regulations in California and that they are very aware of our ongoing process and management plan review. He stated concern over enforcing no take with sharks and rays.

Strategy 5 addresses regulations regarding dive flags.

Frank Wasson said that we need G.P. to contact FKNMS buoy person to establish what the moorings can actually hold. Frank showed a mooring that was ripped out by a work boat over 100 ft.

Frank presented a summary of regulatory changes proposed by enforcement and visitor use. He drew attention to 3 pages of vessel registration forms. Irby Basco asked if there would be buoy appointments or if it would be “First come, first served”? Frank Wasson suggested that someone at sanctuary needs to track the number of vessels and number of vessels planning to be out on a given day. As an operator, he does not see need for a pecking order—plenty of moorings for everyone. Irby suggested that appointments may work with user fees

The SAC discussed further each of the visitor use strategies.

Comments on Strategy #1:

Art Melvin: need to be more specific when saying seismic; is concern over seismic activities affecting wildlife or from damaging mooring system and bottom cable damage

Frank Wasson: The latter/

Art: Then prohibit that specific activity (damage to bottom and moorings); not seismic vessels; Don't limit only to seismic activity.

G.P.: That regulation already exists, damage to coral, bottom

FrankWasson: We are being specific to seismic vessel activity

Kevin Buch: Could add the word survey

Clint Moore: Nobody in industry would want to damage buoys; language needs to be very specific; not enough scientific evidence of seismic activity having damage to resources; but want to keep activity away from the sanctuary. These regulations will be around for a long time and will likely apply to new sanctuary areas too; need to be very specific in language. Don't want to single out seismic activity; focus on damage being done, not just seismic vessels; real concerns about this language; Clint volunteers to help draft new language.

Page Williams: Wants assurance that noise does not affect wildlife.

Ian MacDonald: MMS did much research on rockfish fisheries in CA; couldn't detect affect on catchability.; research is limited.

Vicki Wedell: NOAA acoustics program...noise in the marine environment; sanctuary program has been studying this.

Frank Wasson: Suggests changing language from seismic activity to towed arrays or towed cables.

Joe Hendrix: Suggests just prohibiting damage or removal of buoys.

Ian MacDonald: Have a regulation for removing mooring buoys.

Clint Moore: Does not want to move forward with this language.

Frank Wasson asked for a simple show of hands on the following options:

Prohibit towed cable:

Allow towed cable with restrictions: preferred by SAC; the

Prefer to allow with restrictions: change from seismic activity to towed cable.

New language:

Allow towing activities within the sanctuary with restrictions.

Make vessel operators responsible...

Add "Towing" to activities on vessel registration forms.

Dick Zingula: If mooring buoys removed by seismic company with permission, will they notify recreational divers that buoys are temporarily gone?; concern over having enough buoys?

Kris Benson: Thinks we need to change the language in the strategy; since activities do not really address seismic activity.

Clint Moore: Wants to set up mechanism to protect buoys; even though language is awkward

Comments on Strategy #2:

Pass determine vessel size limits off to staff

No discussion

Comments on Strategy #3:

Vessel registration forms are living documents; examples have been passed on to staff

Dana Larson: Can we work with somebody with satellites

Frank Wasson: Don't know that we can do this

Emma: Yes, we are asking this question....use of satellite

Ian MacDonald: Technology available; put on HI389; picture over web would give info and serve other purposes; not particularly expensive; Emma and Ian working on a proposal.

Emma: Could be an automated system to track vessel traffic

The working group suggests AIS, but the sanctuary may have other options

Clint Moore: Do strategies 2 and 3 exclude seismic vessels?

Frank Wasson: Seismic vessels were meant to be included though

The SAC discussed how strategies 1-3 overlap. Clint Moore wants seismic vessels to be allowed to transit the sanctuary. Frank Wasson suggested applying these regulations only to East Bank, West Bank, and Stetson.

Boundary Expansion update

Emma Hickerson provided a brief update on the activities of the boundary expansion working group. She stated that at last SAC meeting, we accepted the SHZ 5a, but not the exact boundary. Staff were asked to work on it to reduce the angularity of the polygons, and to exclude pipelines and platforms. The group met on October 26 to go over the polygons and they came to a reasonable set of boundaries based on the science and protection of the resources and the two conditions above.

Emma presented the Boundary Subcommittee recommendation. Of most significance is the increase of the buffer from 250 m to 500m. The recommendation of the subcommittee was unanimous. Boundaries were redrawn by Doug Weaver based on the bathymetry, topography, and the core biological zone (prominent features defined in handout).

The graphic of areas displays the core biological zone and the buffer zone. The subcommittee assessed 250m, 500m, 1000m. It came down to a study (GoMex Study) on the discharges of drilling muds from the operation. The paper showed that within 500m, most of the toxicity of the drilling muds was within 500m. The study looked at biological indicators, etc. The take home message is that the effects are greatly reduced beyond 500m.

Dick Zingula commented that if you are shunting, Barium will not go up onto the corals. James Sinclair added that all drilling within the 4 mile zone is shunted

Emma continued, explaining the centerpoint and radiating lines to the buffer zone. Working group is going forward with the 500m buffer for SAC consideration. This was done according to the recommendation of the SAC to reduce the number of the corner boundary and to assess the impact on oil and gas.

Dana Larson asked if pipeline beyond sanctuary boundaries are buried? James Sinclair stated that pipelines shallower than 200ft depth are buried, deeper than that they are required to be buried.

Emma reviewed each of the proposed banks, their boundaries, and the oil and gas infrastructure that may be involved. (see PowerPoint slide presentation). Potentially, four platforms would be included within sanctuary boundaries.

Comments and questions on the boundary expansion recommendation:

Frank Burek: Proposed MP, areas presented are for proposed areas; wants to see this level of detail provided for whole range of alternatives (even non-preferred alternative).

Joe Hendrix: HAPCs, wants to know what additional restrictions will apply that aren't covered in HAPC.

G.P.: For example, current regulations: taking, floor disturbance, spearfishing. Will work on this assumption, but some restrictions won't be appropriate....will determine during alternatives analyses. We will work through GMFMC on any fishing regulations.

Emma: Reminder, 2 kinds of HAPC area, those with coral and those without. Coral HAPCs have no anchoring, no trap fishing, Other HAPCs with no regulations regarding such protection.

Joe Hendrix: Don't they have soft corals?

Emma/G.P.: Yes; HAPC regulations only on East and West FGB, Stetson, and McGrail.

Clint Moore: has gone to companies that have the leases that Emma has outlined; will be a deep shelf play; will be technology to do very deep drilling (to 30,000 ft.); but for now these new boundaries will have a large impact on the industry; directional drilling will not be able to access all of the resources. No future activity may be possible in the boundaries that we're establishing; asks sanctuary manager to consider a stronger relationship with EPA, even appoint a SAC observer to EPA group; Directional drilling not a reasonable alternative for wildcat drillers; EPA discharge permit is a large issue.

Fishing Impacts Working Group Update

G.P. stated that the FGB will establish an expert panel to propose a research closure experimental design and a workshop will be held to accomplish this. He asked that today the SAC look at the range of alternatives; but not vote on formal recommendations.

Jenn DeBose gave a presentation on the research area alternatives (See presentation slides). Jenn explained that they separated diving impacts from fishing impacts, since these activities occur at different scales.

Comments and questions on the research area presentation:

Irby Basco: suggests closing one bank in entirety to diving and one bank to fishing; leave buoys in place for use by fishermen

Dick Zingula: alternative 4, establish new diving sites; also establish new buoy on Stetson and monitor that.

G.P.: Correct, didn't consider Stetson in diving impacts study

Page Williams: Can we afford two new buoys on each bank; use Rowen funds; really likes alternative that gives 4 combinations (see slide)

Ian MacDonald: Have tried to determine amount of assessment necessary to determine impact vs. no impacts; critical; leave self open to a false positive if caution not taken in design of monitoring; a challenging study to do well, but needs to be done; suggests not bank wide closures but focus on smaller areas on reef.

Jenn DeBose: Research working group will address this

Art Melvin: Need a good experimental model before we move on.

Clint Moore: Number of years needed to see impact?

Emma Hickerson: SAC recommended 8 years

Joe Hendrix: Stetson is quite different than other two banks, don't see a reason for including this. Should reconsider including Stetson

G.P.: Stetson does see fishing impacts; but can only compare it to itself

Kris Benson: Communication and enforcement will be very important to success of the closure.

Dana Larson: Any previous studies on diving impacts?

Jenn DeBose: A handful of studies

James Sinclair: Reinforced Dick's statement; alternative 4 is a good approach; downsize scale to look at new buoys only.

Frank Wasson closed the discussion.

Motion: Irby Basco moved to take Stetson Bank out consideration for fishing impact closure. The motion was seconded by Frank Burek.

Discussion:

Art asked for clarification.

Clint asked the reason for desiring to remove Stetson.

Irby Basco explained that it is accessible by smaller boats, more boats there, may have an enforcement problem;

Page Williams: Other side...Stetson has highest fishing pressure, therefore most reason to keep it in the study

Joe Hendrix: Stetson is too different and far away from other banks.

Ian MacDonald: Maybe keep Stetson in for consideration, could be different levels of closure (seasonal, etc.), don't want to foreclose those options, maybe SAC caution against including Stetson as a comparison to East and West Banks.

Joe Hendrix: Importance of longterm closures though.

Vote: Those in favor of the above motion: Irby Basco, Joe Hendrix. Those opposed: Page Williams, Clint Moore, Ian MacDonald, Frank Wasson and Frank Burek.

Motion: Clint Moore moved to accept the Boundary Expansion Working Group plan as proposed, which included the 500m boundary and the oil and gas platforms. Frank Burek seconded the motion. Those in Favor: Page Williams, Frank Burek, Clint Moore, Frank Wasson, Irby Basco, and Ian MacDonald. None opposed. No abstentions. The motion passed.

New business:

Blue Seas/Green Communities:

The letter from Dan Basta regarding this new initiative was distributed to the Council. It involves three steps: all SAC s will form a greening working group; establish a project idea; and report on the project. G.P. explained the program /agency philosophy to walk the walk regarding greening. The program will use SACs to extend effort to local communities. Frank Wasson suggested that the SAC build upon Emma's recyclable bag project. Emma Hickerson volunteered to be the staff liaison. Page Williams, Ian MacDonald, and Dana Larson will form the subcommittee on greening.

The SAC discussed possible meeting dates so that next year's SAC schedule could be adopted. February 6th, 2008 was established as the next meeting date. The second meeting of 2008 was set for April 16th, allowing that date to be revisited at the February meeting to accommodate new members.

Frank Wasson stated that he would like a discussion of prohibited fishing gear at the next SAC meeting. Emma Hickerson also expressed concern over number of fishers on a single vessel; this increases number of hooks in the water. Irby Basco suggested that the fishing impacts subcommittee revisit issues other than research closure.

Adjourned at 4:08 pm.