

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

# Sanctuary Advisory Council Meeting

## Meeting Minutes

### February 24, 2010

The regular meeting of the Flower Garden Banks National Marine Sanctuary (FGBNMS) Advisory Council was held on Wednesday, February 24, 2010, at 9:00 AM, at the FGBNMS Headquarters offices in Galveston, Texas. The council chair, Larry McKinney and council vice-chair, Frank Burek, were present.

G.P. Schmahl, sanctuary superintendent, welcomed the council and the public and gave a brief "safety moment." Will Heyman acknowledged his Texas A&M University students and their participation in the meeting. G.P. asked the sanctuary staff that were present to introduce themselves and welcomed Dr. Tom Bright who was present at the meeting.

Larry McKinney asked for a motion to adopt the agenda. Rebecca Nadel moved to adopt the agenda. The motion passed.

Larry McKinney asked for a motion to approve the minutes of the previous meeting. Clint Moore asked that an addition be made to the minutes of the November 2009 meeting, as he had requested prior to that meeting that the vote on the ocean acidification resolution be deferred. Since the council did vote on and pass the resolution at that meeting, Clint asked that it be entered into the record that the vote was 9 "for", 1 "opposed" showing that he was not in favor of the resolution. Clint Moore's Email of 16 November, 2009 will be added to the minutes of the November council meeting. That Email stated "that if 'threat' language was included in the ocean acidification resolution, he would vote against the resolution." Darrell Walker moved to adopt the minutes of the November 2009 meeting. The motion passed.

G.P. Schmahl reported on the state of the sanctuary in the 'Sanctuary Update' report. Topics covered included: recent additions to the FGBNMS web site including the voluntary trip reporting form and the violations reporting form; R/V *Manta* 2010 field season and associated budget; the baseline monitoring project in partnership with NCCOS; hydrographic surveys to be conducted within the area of the sanctuary by the NOAA ship Thomas Jefferson; the MMS contract with Paul Sammarco at LUMCON for ROV time on the *Manta*; ongoing relationships with TAMUG; The EPA's vessel OSV Bold and the region-wide assessment of coral reef health; ongoing FGBNMS research and research to be done on the Manta; the Federal Register Notice published as a response to the petition from the Center for Biological Diversity to list 83 species of coral as threatened or endangered; Galveston Art Walk; and NOAA Ocean Discovery Day, including Science on a Sphere. Many of the topics covered by G.P. generated discussion by the council.

G.P. reviewed the Draft Management Plan (DMP). He explained that the DMP will implement some minor regulations. G.P. stated that the DMP describes our intent to move forward with sanctuary expansion and to initiate a process to consider research control areas and impacts of fishing and diving.

Jen Morgan briefly reviewed the agenda items and topics for discussion at the SAC Summit to be held near Port Angeles, WA in May 2010.

G.P. introduced Juan Levesque of Geo-Marine Inc.. Juan had just completed a contract period with NOAA/FGBNMS during which he conducted an assessment of existing fisheries data from the sanctuary region. His presentation to the council reviewed the goals and objectives of the study, his methods and data analysis, and his results. He examined data sets for both recreational and commercial fishing. The analysis conducted by Juan and GeoMarine was specific to existing data sets and the scope of work for the contract. However, Juan's presentation was followed by much discussion and concern by the council members. Council members suggested that the following should have been taken into consideration: changing catch limits over time, the most recent snapper reports, regulations, stock assessments and other reports, and long-line sampling program information from NMFS.

Will Heyman introduced the students from his Geography 380 course at Texas A&M University. He noted that he set up this course to provide students with access to the real world and to give them an opportunity to participate and to contribute to sanctuary efforts. He added that the students are looking for feedback on the draft projects. The students presented their project ideas to the council. Draft projects were presented by four of the five groups, including the following: public awareness, science, GIS mapping, and oil rig research.

Irby Basco gave a brief Visitor Use Subcommittee report. He announced that Matt Bunn is sending out 51,000 Emails to CCA members and providing the stakeholder comment card. The subcommittee hopes to develop a good database of divers and fishermen at the completion of this effort.

Clint Moore, chair of the Charter Revision Subcommittee, asked for an update from Jen Morgan on the transparency amendment. Jen indicated that she sent an Email requesting disclosure statements from council members on January 29<sup>th</sup> and that she received statements following that from four individuals. After some discussion, the council agreed that the disclosure statements should be read aloud and recorded in the minutes of this February 24<sup>th</sup> council meeting. Jen Morgan read disclosure statements submitted by Jacqui Stanley, Darrell Walker, Frank Burek, and Frank Wasson. Will Heyman stated that he would also be submitting a statement. The council member disclosure statements are appended to these meeting minutes. Jen noted that the Charter Revision Subcommittee is a standing committee and that it may go inactive.

Page Williams gave the Green Communities/Blue Seas Subcommittee report. She announced that Bill Baker will be speaking at the March 23<sup>rd</sup> Galveston Bay Annual

Meeting. Page also announced several other upcoming meetings, including an Ike Dike meeting, March 19<sup>th</sup> at the Galveston Courthouse and a Coastal Resilience symposium at Rice University.

Frank Burek reminded the council of the need to establish a HI-A-389A Decommissioning Subcommittee. Rebecca Nadel, Darrell Walker, and Frank Burek volunteered to serve on the subcommittee. Frank added that he would like to see James Sinclair as a member of the committee. Larry McKinney said that he recently met with Billy Causey to discuss platform options. He asked Carmen DeGeorge to begin thinking about the U.S. Coast Guard's role in considering decommissioning options.

The following individuals provided public Comment: Brandt Mannchen, Josh Davis, Roury Starling, Randy Smith, Brian ??, Tim ??, Bob Palmer, and ??. Notes from the statements made by each of the members of the public are appended to these meeting minutes.

Constituent reports were given by Rebecca Nadel, Clint Moore, Jacqui Stanley, and Lori Traweek. Rebecca provided a slide presentation highlighting the collaborative efforts of Shell Oil. Clint, also representing oil and gas production, gave a presentation focusing on exploration and production in the Gulf of Mexico. Jacqui summarized the five constituencies with which she has contact and described her efforts with writing and illustrating, workshops, travel and presentations, and her current position with Young Audiences of Houston. Lori provided information on her educational and career background and described her current position with Gulf Coast Waste Disposal Authority. Lori also provided a slide presentation with recent dive trip photos.

The council engaged in a brief discussion regarding the need to conduct elections for a council vice-chair. Irby moved to re-elect Frank Burek by acclamation. Darrell Walker seconded the motion. The motion passed. The council also accepted the suggestion that the two-year term will end in November 2011, to facilitate the coordination of officer elections and the ending of council terms.

Page Williams inquired about the possible vacant conservation seat due to Rafael Calderon's absence. Jen Morgan addressed the questions and stated that an official resignation from the council was needed before the member recruitment could begin.

G.P. provided a summary of regional (Southeast Region) concerns and issues currently being examined. These included: Lionfish, new SE region sanctuaries under consideration, and plans for a climate change and ocean acidification workshop/debate.

Under the "new business" agenda topic, Clint Moore emphasized that he would not have supported the council's ocean acidification resolution. Joe Hendrix stated that he also would not have supported the resolution. Also under "new business" the council engaged in discussion of fish spawning aggregations and how the presence of such aggregations may relate to sanctuary expansion efforts.

Shelley DuPuy requested help with publicity of Ocean Discovery Day and staffing of the event. Kelly Drinnen requested help with writing council news. Suggestions for news articles included: platform decommissioning, TAMU course, stakeholder card, and Frank Wasson in Haiti. Rebecca Nadel was appointed chair of the decommissioning Subcommittee. Additional volunteers to serve on the committee stepped up at this time and included John Embesi and Clint Moore.

The meeting adjourned before 4:00 PM.

Notes from the Public Comment Period, February 24, 2010:

**Brandt Mannchen:**

Houston sierra club; Happy to hear that Manta will have 60-70 days; wish it could be more; sierra club would like to help if possible; odd that EPA is doing coral work and has funding for that. Potentially sens. features – happy to hear, other things features also important.

Clint Moore: Good job telling concerns of oil companies; sierra club may disagree but hope can meet in middle

**Josh Davis:**

Rec fisher; sabine pass; Fish and dive all banks in proposed mp; agree should be boundaries with limited use; take into consideration recreational use; all people should all get to use resource with responsibilities; lots of oil rigs around reefs, fish them, hope kids get to do the same thing; should have right to go catch a fish and take it home and eat it; have been fishing for 20 years; grandfather was a fisher; have not seen negative effects; see more fishing now than when I was a kid; record amberjack; take public use in mind; most of reefs in other areas are deep ; want to dive around platforms; artificial structures; agree with no anchoring.

Irby Basco: have info cards; would like for you to take some and get everyone you fish with to complete them; how do you feel about volunteer registration

Josh Davis: Agree 100% unless it's going to hurt me

Larry McKinney: This is the dilemma; what made you come today?

Josh Davis: Found on a forum; starting to get burdened with more and more regs; will end up breaking a law no matter what you do; haven't noticed sig change in fish pops; but less diversified; when dive on rig all I see know is snapper; don't see amberjack now unless in 200 ft water, use to see in 50 ft. maybe overregulate some sp. And not enough others.

Darrell Walker: You're not opposed to closing fishing; but opposed to closing rigs to diving and fishing

Josh Davis: Correct, proposed areas include some rigs; would like to be able to take from there; makes sense to regulate, but not preservations, within reason.

**Roury Starling:**

Rec fisher and diver; use fgb and other banks; don't have problem with regs on other banks for treasure hunting and anchoring; but want usage, hard to get to; 140 miles from my door; things great with fg as they are; would hate to see MPAs; ocean policy task force pushing for these areas to be closed; want my son to enjoy these; other banks hard to reach, some shallow enough; but number of people that use these is small; would hate to see...only gem in Texas to enjoy; this is our resource, don't want taken away. No problem letting you know when we go, 3-4 trips per year; would hate to see hi389 removed; referred students to study done recently; genetic studies on coral; referred them to gulf base; want to make sure that rec fishermen are heard; would hate to see this lost.

**Randy smith:**

Run easydiver out of Freeport; against expansion to other reefs; some do get dived; against any more fed regulations; don't see where it needs to happen; challenge to find constitutional rule to allow the restriction of recreational fishing

Clint Moore: Bright bank have seen what treasure hunters have done; issue we've examined, couldn't find another way to prevent other banks from being blasted other than to expand sanctuary regs; do you have other ideas of what we can do; as a geologist, I believe that it is basaltic rock that lead to the magnetometer readings that treasure hunters are following; how can we stop this if we don't extend protections

Randy Smith: Easier to regulate explosives themselves?

Clint Moore: Can us nonexplosive sources though, want to

Randy Smith: Can't legally carry a speargun across the sanctuary; if I want to dive another platform.

**Brian B.:**

Sportdiver and recreational fishermen. Ability to go dive and fish is God Given I want to be able to take daughter to see things and catch wahoo. The resources have been there for a millennia and they are not endangered; I took off today to come and talk to you; I want to use this asset; I don't touch it I don't disturb it; I am amazed at what I see; I don't need to study it, But I am not going to destroy it; I go out there to enjoy it It makes no sense to destroy it.

**Tim (?):**

Few trips a year to the Gardens; Extreme jewel for Texas. Unique world class diving. To close this to divers and fishermen is overarching; Fishers and divers treasure these assets. This is a national treasure not a scientific treasure. Don't mind it being closed to treasure salvage but not anyone that isn't destroying the reef.

Irby Basco: This is exactly why we need your input

Tim: There are more people that oppose the closing of the FGBNMS. You will hear from many more people if you close it. You need to look into the economy of the “whole deal.”

Mike Jennings: We are rep of a user group. The information card is being used to assess the fishing and diving effort. This info will help in the long run.

Tim: Hesitant to provide information. The mentality is that fishermen think that information will be used against you

Darrell Walker: Our goal is to get the word out.

Joe: Do you have a ballpark figure for how many folks go out of Matagorda? We really encourage you and your friends to use these forms.

Page Williams: Mild hysteria that every bank will be no take zone; the regulations are saving the resource for your children.

Tim: In fishermen’s defense – we have been overregulated in recent years.

Will Heyman: We need to what is best for the best in the long term. We obviously all hold the reefs near and dear.

Larry McKinney: You need to be part of the process before decisions are made and not just complain afterwards.

**Bob Palmer:**

1972 certified to dive; Late 1970s started diving flower gardens. Diving was more popular back then now we have 1 or 2 operators. Dive out of Sargent, Don’t dive because of the economics. I don’t think that the fishing pressure or diving pressure is what it use to be. This summer will be no diff due to fuel prices. Don’t have a problem with adding additional banks if regulations are kept consistent with current regs at the FGBs – don’t want to see blasting

Rory Starling: How do you regulate? There are several salt domes, They are already no activity zones; They are already protected from blasting.

James Sinclair: Our regulations regulate the oil and gas industry only; The other concerns should be governed by others. You can’t just keep expanding banks just because there are magnet hits, The shelf banks are the most valuable and that is why they are being studied.

Frank Burek: Looked for areas that would be easily managed. Tried to minimize the impacts with suggested boundaries.

**Diver (?):**

Banks are very far out. Few people use the banks. You need to compare two sites in order to evaluate. Need to isolate one area, Set another area for access. New Zealand areas were overfished; Gov closed area for five years and then after few years allowed fishermen to fish along borders. Fish spilled over into those areas and then fishermen were united on protection. It is not reasonable to protect just because. Spear-fishing is the least destructive form of fishing. There is not waste. The bottom time is very limited and there is no time to destroy the environment. The amount of people, the amount of fish taken and the time spent out there makes it ridiculous to increase regulations. Compare apples to apples; Create two areas and you will not see a difference. I did 42 dives in the gulf last year – there are incredible amounts of red snapper that are eating themselves to death and destroying habitat.

Tom Bright: I wonder if there is a reason to permit spearfishermen to target certain species. One way to approach the issue is to permit certain fish to be taken.

Diver: You have limited time and it wouldn't work.

**The following public comment was submitted in writing. The original letter is on file in the FGBNMS offices:**

Good Day,

I am an active master diver, originally certified in 1972. I also am an active recreational offshore fisherman, as well as my family, for both diving and fishing. I hold a science and education degree from the TAMU univ. system and my son is currently completing coursework at TAMUG.

I wish to make the following points and observations.

The flower garden and Stetson banks by virtue of their distance from ports are already on a very limited use basis, both for recreational diving and fishing. I have no knowledge of ongoing commercial fishing use, but understand that only one commercial dive boat continues to provide recreational dive charters.

I agree to, and support the following guidelines:

1. use/maintain current mooring sites only as provided, no free anchoring.
2. No spearfishing in the current zones.
3. Allow all surface and ground fishing by the recreational sector.
4. Limit/restrict/remove all commercial surface and ground fishing.
5. No take of coral, also no take of "aquarium" fish by net or "slurp gun" by the rec. or commercial sector.

I will agree/support the following extension to Geyer, Bright, Sonnier and Rankin Banks, only if mooring is provided and maintained to the above guidelines.

I do not support any sort of MPA total closure of either the East or West Gardens or Stetson Bank, or other banks listed for the following reason:

They are too far from any current ports to be used heavily by small boaters and they are the only true reefs that my family can dive in the state of Texas. Enforcement is almost non-existent now, so how will that get better with current funding? Texas waters, by virtue of the seas and weather are very limited in the days that these areas can be accessed anyway. Why restrict an area that cannot be effectively monitored?

Thank You,  
Robert L. Palmer

**FGBNMS Advisory Council Member Disclosure Statements**  
**In response to the Council Charter Transparency Amendment**  
*Submitted for the February 24, 2010 SAC Meeting*

**Frank Wasson:**

So far I have 20 days contracted for NOAA-NMFS southeast region lab in Miami. I expect to have another 10 added to the contract. I have a verbal contract with NOAA-FGBNMS for 3 days of drilling in September. I expect to receive a contract for 9 days from NOAA NMFS Southeast Region-Beaufort NC lab. Various other council members have made inquiries about coming on the Spree as passengers, but none have committed yet.

Capt Frank Wasson  
M/V Spree

**Frank Burek:**

Per your request for relationships subject to the SAC "Transparency" amendment the following is submitted.

Annually, Azure Computer and Photographic Services Inc. (owned by Joyce & Frank Burek), provides support for the Teacher's classes by providing copies of our "Marine Life of the Flower Garden Banks NMS" CD. This lets all the participants take home a little of the FGBNMS. This is a financial arrangement.

For 17 years Joyce and I also have provide photographic support for FGBNMS activities whenever requested by the Sanctuary. This is a volunteer relationship.

Joyce and I also allow free use of over 7,000 photographic images provided previously to the FGBNMS as well as those from our "Marine Life of the Flower Garden Banks

NMS" CD. These are for the direct support of FGBNMS and NMS activities (website, pamphlets, brochures, posters, charts, reports, etc.). This is a charitable relationship.

The above are the only professional relationships, in effect at this time that I am aware of.

Frank Burek  
Recreational Diving  
FGBNMS SAC  
[jfburek@consolidated.net](mailto:jfburek@consolidated.net)

**Darrell Walker:**

[The following is] a brief explanation of my business relationship with NOAA and the Sanctuary Foundation.

Darrell and Cher Walker are the owners of Blue Star Marine. We are based in both Texas and Louisiana. As a general overview, we provide marine services to private companies and public entities. Services include staffing, marine transportation, diving, instrument maintenance (water quality and metering), buoy construction, repair and maintenance.

Presently Blue Star Marine is working under a verbal agreement to provide installation and maintenance to the mooring buoys located at the East and West Flower Garden Banks as well as Stetson Bank. This service is provided on a monthly basis. Our primary contact with NOAA for this work is GP Schmahl

Blue Star Marine is also providing services to maintenance the R/V Manta. The majority of this service is to provide routine upkeep to the vessel while it is at dock. This maintenance is performed on a weekly basis. We also provide two Captains and two crew members to man the vessel for monthly shake down runs to assure all systems are in proper working order. This service is performed once per month. The maintenance and running of the Manta is being performed under a verbal agreement at this time. There are discussions regarding a future written contract for crewing services and maintenance for missions scheduled in 2010 as the NOAA budget constraints allow. Our primary contact for this work is Tracy Hamburger.

I can be reached at (337) 802-8529 for additional details.

Darrell Walker  
Blue Star Marine

**Will Heyman:**

I have applied for a grant from the Hackerman Advanced Research Program via the Texas Higher Education Coordinating Board. Since I have not been awarded the grant, it is not yet necessarily reportable but if it comes through, it might be. I am also doing the class and working with Rod Ehler and Bob Leeworthy but neither provides me with direct financial benefit. Perhaps the class could be considered financial benefit as part of my salary comes from teaching it. UP to you if we think it should be reported.

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**Jacqui Stanley:**  
Jacqui Stanley  
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Texas 77043

February 16, 2010

G.P. Schmahl  
Sanctuary Superintendent  
Flower Garden Banks National Marine Sanctuary  
4700 Ave. U, Bldg. 216  
Galveston, TX 77551

Dear G.P.,

In keeping with the transparency requirement for SAC members to report any professional relationship with the sanctuary or NOAA, I wish to advise you of a forthcoming collaboration between the FGBNMS, and myself, and Island Divers scheduled to take place in Galveston, March 6<sup>th</sup>, 2010.

Galveston Art Walk is a local event that takes place every 6 weeks in downtown Galveston. The event partners local business with featured local artists. This will be an Artwalk event debut for the Sanctuary. FGBNMS and Island Divers have invited me to participate as the featured artist, and to promote the FGBNMS through my art. The goal of the collaboration is to acquaint the public with Island Divers (a new business in the Galveston community), increase awareness and understanding of the FGBNMS, and to show off the beauty of the FGBNMS and other marine life through my artwork. I will be on hand to sign posters featuring the deepwater habitats of the sanctuary, and assist

FGBNMS staff to talk to the public about the FGBNMS.

Plans for future FGBNMS Artwalk participation have not fully been discussed, however, I hope to be able to be involved in this event periodically, as schedules and opportunity allow.

Sincerely,  
Jacqui Stanley