

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY
Sanctuary Advisory Council Boundary Expansion Working Group
Meeting Minutes
April 13, 2017

Meeting Attendance Roster:

Clint Moore	Oil and Gas Industry	Present
Shane Cantrell	Fishing – Commercial	Present
Natalie Hall	Diving Operations	Present – conference call
Jesse Cancelmo	Recreational Diving	Present – conference call
Scott Hickman	Fishing - Recreational	Not Present
Buddy Guindon	Fishing - Commercial	Not Present
Adrienne Simoes-Correa	Research	Not Present
Jacqui Stanley	Education	Present – conference call
Charles Tyer	NOAA OLE	Present
Randy Widaman	Diving Operations	Present
Jake Emmert	Conservation	Present

Total member attendance: 8 of 11 members (7 of 10 voting members)

Others in attendance:

G.P. Schmahl, Leslie Clift, Bill Kiene (conference call), Emma Hickerson, Randy Clark (NCCOS), Dan Dorfman (NCCOS; conference call), Chris Jeffries (NCCOS; conference call)

5:05 PM – Meeting called to order by Clint Moore.

Adoption of Agenda – motion from Shane Cantrell, second from Charles Tyer, no discussion, all in favor, motion approved.

Adoption of Agenda – Shane Cantrell moved to adopt minutes pending minor corrections discussed briefly, second from Jake Emmert, no discussion, all in favor, motion approved.

5:19 PM – Regulatory Framework

G.P. reviewed the proposed plan to apply existing regulations to any new expansion areas and existing prohibitions.

FGBNMS Regulation Summary – Prohibitions:

- Oil and gas exploration within “no activity zones” (NAZ)
- Vessel anchoring
- Discharge of any material, except:
 - Bait and fish parts used for chumming in association with hook and line fishing
 - Effluents from approved marine sanitation devices
 - Routine vessel operations (engine exhaust, cooling water, graywater)
 - O&G drilling cuttings and fluids shunted to within 10 meters of the seafloor
- Drilling, dredging or altering (including placement of an object on) the seabed
- Injuring or removing coral, bottom formations, plants or invertebrates
- Taking any marine mammal or sea turtle
- Fishing with any type of gear other than conventional hook and line
- Possession of fish, invertebrates (except fish caught by hook and line)
- Possession of fishing gear other than conventional hook and line (except while passing through without interruption)
- Possession or use of explosives

Exceptions exist for anchoring, alteration of the seabed, and explosives for oil and gas development activities. Anchoring was allowed prior to 2001 for vessels under 100 feet. Bandit gear fishing is allowed. The question was asked if the use of dispersants is considered a discharge. G.P. responded that, in general, dispersants would not be allowed unless in an emergency, such as an oil spill. In between the Draft Environmental Impact Statement and Final Environmental Impact Statement (FEIS), FGBNMS is analyzing public comments, consultations with other agencies/organizations, and working with the BEWG. G.P. will send the Gulf of Mexico Fishery Management Council’s (GMFMC) white paper titled, “Evaluation of Regulations for the Expansion for the FGBNMS (November 2016)”. G.P. reviewed the request from GMFMC to alter the boundaries slightly for Bouma, Sonnier, and MacNeil Banks due to historical shrimping activity. Clint and Shane reviewed the summary from the GMFMC white paper, including the “3-tiered approach”. The group discussed Coral Amendments 7 and 8 being considered by the GMFMC. Shane reviewed the request for the exemption of freediving spearfishing. G.P. said NOAA is open to the recommendation by the GMFMC relating to the application of fishing restrictions within the BOEM designated NAZ. However, NOAA would need to draw enforceable boundaries around these areas and not define them by depth contours, which is how NAZs are created. The concept could be, “Boundary within a boundary.” G.P. said NOAA is hesitant to allow anchoring and bottom-tending gear outside the NAZ but within Sanctuary boundaries due to the presence of sensitive biological communities in these areas, but is open for consideration of this concept. Clint asked about NOAA’s reception of an endorsement program. G.P. responded he would like NOAA to have more discussions with GMFMC regarding what the endorsement program would entail. Clint asked Charles about his thoughts on where the endorsement program should be

housed, and reviewed the different endorsement programs for commercial fishers and recreational fishers suggested by GMFMC. Charles responded he thought the regulations on the endorsement program would need to come from the Sanctuary, not GMFMC. Clint reviewed GMFMC's suggestion to install at least one mooring buoy on each bank to allow fishers to access the fishery without anchoring. G.P. noted the funding limitations and difficulties on the deeper banks for installing mooring buoys, but the shallower banks could be an easier and more feasible process.

G.P. reviewed the regulatory recommendations from the public comment period for the DEIS:

Fishing

- Prohibit commercial fishing
- Allow spearfishing
- Allow spearfishing for lionfish
- Establish no-fishing zones (marine reserves)
- Fishing endorsement & certification
- Pelagic longline exemption
- Royal red shrimper exemption (Alternative 5)

Oil and Gas

- Prohibit new oil and gas development
- Prohibit directional drilling
- Stricter shunting regulations
- Prohibit fracking
- Grandfather oil and gas leases

Other

- Prohibit large ship traffic

Clint asked what other information NOAA needs to make decisions for the FEIS. G.P. responded VMS (vessel monitoring system) data would be helpful, and NCCOS collaboration will help with that. The group discussed the past and present inability of FGBNMS to gauge recreational fisher/diver/sightseer use.

6:30PM – Public Comment

No public comments.

6:41PM – NCCOS (National Centers for Coastal Ocean Science) potential assistance with boundary map process – Randy Clark

NCCOS is another office within NOAA, and provides science support. NCCOS was granted funding to help, and the topic of drawing lines with different users is something NCCOS has experience with. NCCOS' strengths are robust spatial analysis and integrated assessments. Their biogeographic assessment approach uses a systematic approach for developing decision support tools. They produce products to aid management. NCCOS worked with Channel Islands National Marine Sanctuary (CINMS) with their boundary expansion. In that example, NCCOS identified a total of

47 spatially comprehensive datasets. CINMS did not expand, but they have used NCCOS' products. Clint asked why the sanctuary expansions that have occurred in the last 5 years did not use NCCOS, as well as how long a synthesis would take. Randy mentioned The Ocean Conservancy recently released a monitoring inventory with approximately 700 datasets. Clint asked if economic data could be integrated into the NCCOS data synthesis, because the oil and gas industry is concerned about the impact that would occur with sanctuary expansion. Randy replied that economic data, as well as many other types of geographically mappable data, could be included.

Randy reviewed NCCOS involvement in developing Gray's Reef Research Area using a decision support tool. Dan Dorfman reviewed NCCOS' decision support for Florida Keys National Marine Sanctuary. "Marxan" is a geographic based computer program designed to find efficient solutions to complex problems and can incorporate spatial considerations. It is generally used to solve a minimum set problem, where one set of representation goals are achieved while minimizing "cost", with "cost" generally defined as area. Randy said NCCOS has datasets of VMS bottom longline permits and shrimp electronic logbooks. Charles mentioned the IFQ (individual fishing quotient) dataset that could be added as a layer too.

Clint asked about funding availability to move forward with this process. Randy said \$100,000 was requested, and it has a high probability of being received. Clint said NCCOS involvement would delay the BEWG (Boundary Expansion Working Group) for taking a recommendation before the full SAC (Sanctuary Advisory Council), and asked G.P. his thoughts on the delay. G.P. responded FGBNMS has some time to work with now, given NOAA does not currently have an Administrator. Without objection, the BEWG will move forward in the process with NCCOS.

G.P. noted additional people, such as staff from GMFMC, can be added to the BEWG. Shane requested a summary of NCCOS' involvement be presented to the full SAC at the next Council meeting.

7:30PM – Oil and Gas Regulatory Framework – Clint Moore

The oil and gas industry is concerned about the impacts to use of exploration rigs in any new sanctuary areas, the oil & gas leasing of all new sanctuary areas due to past presidential executive orders prohibiting it, geophysical activity/surveying (e.g., streamer data and/or small nodes temporarily placed on the seafloor), and saltwater disposal (saltwater discharge increases with age of platform). Due to the exploration process, Clint relayed the suggestion from his industry that the existing language on altering the seabed may need to be refined for any new sanctuary areas. G.P. reviewed the existing BOEM guidelines, and showed maps of the Bright Bank Complex as an example of the NAZ, PSBF (potentially sensitive biological features), and low relief live bottom areas (i.e., Live Bottom) that is part of the BOEM review to protect biological communities on the seafloor. Even without the sanctuary regulation, there is a level of protection that already exists, including shunting zone circles around the NAZs. The group reviewed a series of maps of the proposed banks within NOAA's preferred alternative, showing sensitive biological areas including a 500 meter buffer, as well as

no buffer. The group discussed why the first BEWG chose to include 500m buffers. Emma Hickerson stated that this was based on the impact of shunted drilling muds on the biological communities on the seafloor (based on BOEM's GOOMEX (Gulf of Mexico Offshore Operations Monitoring Experiment study). She stated the study showed impacts out to 1000m and beyond, but concentrated within 100m to 500m from the platforms.

Next dates for BEWG are April 27 and May 11th.

8:11 Charles motioned to adjourn, Randy seconded. Meeting adjourned.