

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY
Sanctuary Advisory Council Boundary Expansion Working Group
Meeting Minutes
May 2, 2018

Meeting Attendance Roster:

Clint Moore	Oil and Gas Industry	Present
Shane Cantrell	Fishing – Commercial	Present
Natalie [Hall] Davis	Diving Operations	Present (webinar)
Jesse Cancelmo	Recreational Diving	Present (webinar)
Scott Hickman	Fishing - Recreational	Present
Buddy Guindon	Fishing - Commercial	Present
Adrienne Correa	Research	Not Present
Charles Tyer	NOAA OLE	Present (webinar)
Randy Widaman	Diving Operations	Not Present
Jake Emmert	Conservation	Not Present

Total member attendance: 7 of 10 members

Others in attendance:

Leslie Clift (Flower Garden Banks National Marine Sanctuary (FGBNMS)), G.P. Schmahl (FGBNMS), Emma Hickerson (FGBNMS), Steve Gittings (NOAA; webinar), Joanie Steinhaus (Turtle Island Restoration Network, SAC member), Morgan Kilgour (Gulf of Mexico Fishery Management Council (GMFMC); webinar), Theresa Morris (TIRN; webinar), Tom Bright (webinar)

5:15 PM – Meeting called to order by Clint Moore

Adoption of Agenda – Buddy Guindon moved to adopt, Shane Cantrell seconded motion. No discussion, all in favor, motion approved.

Adoption of Minutes – Minutes from April 30 will be voted at the next BEWG meeting.

5:17 PM – Public comment

No public comment

5:18 PM BEWG (Boundary Expansion Working Group)

Buddy Guindon motioned to adopt the draft BEWG Regulatory Recommendations for Expansion Area (see attached), seconded by Scott Hickman. Discussion followed.

Fishing Regulations

Jesse Cancelmo asked about relaxing the regulation that prohibits spearguns on vessels in the existing FGBNMS, as long as the spearguns are under the sole control of the captain and below deck. **Jesse motioned to amend the motion to add this language (spearguns are allowed in the existing FGBNMS, as long as the spearguns are under the sole control of the captain and are located below deck).** Seconded by Shane Cantrell. Discussion ended and the BEWG voted 6:1 to amend the motion. **Motion carried.**

Shane motioned to add language for the SAC recommendations to be reviewed by the GMFMC prior to the release of the Final Environmental Impact Statement (FEIS). Seconded by Scott. Discussion ended and the BEWG voted 7:0 to amend the motion. **Motion carried.**

Discussion focused next on item #1 under Fishing. **Jesse motioned to add the date of GMFMC's letter (November 8, 2016),** seconded by Shane. Discussion ended and the BEWG voted 7:0 to amend the motion. **Motion carried.**

The group reviewed the summary of GMFMC recommendations. Discussion followed regarding Horseshoe, Bryant, Elvers, and Parker Banks, that do not have existing HAPCs (habitat areas of particular concern). McGrail Bank, Stetson Bank, East Flower Garden Bank (EFGB), and West Flower Garden Bank (WFGB) have existing HAPCs with regulations. All others in the BEWG's bank recommendations have HAPCs, but without fishing regulations.

Shane motioned to accept and support the rest of the GMFMC recommendations summary letter. Buddy seconded. Discussion followed regarding NAZ (no activity zones) and enforceability. Jesse asked G.P. if there are any areas FGBNMS has concerns about. G.P. responded about the difficulty of defining these areas in an enforceable way because the NAZ are defined by depth contours, represented by curvilinear lines. G.P. also added that a new terminology would have to be developed regarding "no bottom tending gear zones", because the term "NAZ" is specific to oil and gas activities. Jesse asked if the area needs to be defined by GIS (geographic information system). G.P. responded the only way an area can be enforceable is a polygon with latitude/longitude coordinates that can be put on a chart. Discussion ended and the BEWG voted 7:0. **Motion carried.**

Shane motioned to add that a weak link environmental safe guard be mandatory for anchors within the boundaries of FGBNMS or coral HAPC. Seconded by Buddy. Discussion ended and the BEWG voted 7:0. **Motion carried.**

Buddy motioned to fully allow free-diving spearfishing at all new banks, but not the 3 current and expanded bank areas of the present FGBNMS. Seconded by Shane. Discussion followed. Scott mentioned the public comments received from free-diving spearfishers, and spoke in favor of the motion. Charles issued a word of caution regarding not allowing spearguns in the sanctuary, yet allowing free-diving spearfishing and enforcement issues. Scott mentioned a regulation in American Samoa that allows free-diving spearfishing. Shane suggested allowing free-diving spearfishing if only pelagic fish are harvested, and not reef fish. He recommends prohibiting the possession of reef fish (as defined by NOAA Fisheries) onboard the vessel when a speargun is on the vessel. Recommendation that there shall be no take of reef fish by spearfishing equipment and there shall be no possession of any reef fish onboard the vessel when in possession of a speargun in the FGBNMS. Discussion ended and the BEWG vote 7:0. **Motion carried.**

The BEWG combined this recommendation to read: **Include regulations that allow free-diving spearfishing at all new banks, but not the three current and expanded bank areas of the present FGBNMS. There shall be no take of reef fish by spearfish equipment and there shall be no possession of any reef fish on board the vessel, when in possession of a speargun in the new areas of the FGBNMS. Scuba tanks are prohibited on board a free-dive spearfishing vessel.** Discussion ended and the BEWG vote 7:0. **Motion carried.**

Jesse motioned to adopt language to allow boats to enter the existing sanctuary with spearguns: Exemption to current regulations: possession of speargun (stowed and not available for immediate use) on board a vessel while within the boundaries of the current existing FGBNMS is allowed, but the vessel may not be in possession of any fish species (with the exception of bait fish). (Prohibit possession of any fish species if in possession of a speargun within the existing FGBNMS.). Seconded by Shane. Discussion followed. Jesse suggested relaxing regulations to allow private vessels to enter the sanctuary with spearguns, locked up, and below deck or under cover and under the sole control of the captain. Scott and Charles discussed the language and suggested using the word "stowed" instead. Scott said the temptation is too great, and would not support this motion. Shane asked for G.P.'s input. G.P. responded he is not in favor of relaxing any regulations for the existing sanctuary. Gray's Reef has language that says "stowed and not for immediate use." Shane recommended spearguns could be allowed within current sanctuary but prohibit all fish on board. Discussion ended and the BEWG voted 7:0. **Motion carried.**

Shane motioned to recommend that, prior to the development of a FEIS (Final Environmental Impact Statement) of the FGBNMS expansion, the FGBNMS present the modified boundaries under consideration to the GMFMC and the GMFMC is given the opportunity to provide recommendations of fishing regulations in the modified boundaries. Buddy seconded. G.P noted that under the consultation requirements of the National Marine Sanctuary Act, GMFMC specifically commented on Alternative 3. If NOAA decides to change the boundaries, then

FGBNMS will go back to GMFMC and advise them that the boundaries have been modified. Discussion ended and the BEWG voted 7:0. **Motion carried.**

Oil & Gas Regulations

The BEWG discussed the three proposed items for oil and gas regulations.

- 1) Continue to allow seismic surveying acquisition inside the boundaries of the new bank expansion areas, adopting the BOEM & BSEE regulations for these activities.

Clint asked G.P. to characterize the current regulations regarding seismic surveying acquisition. G.P. responded this activity is currently allowed, but an issue may arise with nodal exploration when equipment is placed on the seafloor. Other prohibitions (such as injury to coral) in the FGBNMS regulations still apply. Clint said nodal discs could be placed in mud flats and not carbonate areas. Clint stated technology has advanced so that placement of nodal discs does no damage. G.P. commented that the regulation under discussion is no different than the existing regulation described in the DEIS (Draft Environmental Impact Statement). Clint said he wanted to be sure this is in the recommendations because of the API letter. Regarding the adoption of BOEM regulations, G.P. said NOAA will likely not defer to another government agency's regulations. Clint motioned, seconded by Buddy. Discussion ended and the BEWG voted 7:0. **Motion carried.**

- 2) **Continue to allow BOEM oil & gas leasing of the areas inside the boundaries of the new bank expansion areas.** Clint motioned, seconded by Buddy. Discussion ended and the BEWG voted 7:0. **Motion carried.**
- 3) **Continue with existing regulations regarding pipelines inside the boundaries of the new bank expansion areas.** Clint motioned, Shane seconded. With maybe the exception of Horseshoe, G.P said this point may never come up because the BEWG has decreased the boundaries to just the NAZ. Discussion ended and the BEWG voted 7:0. **Motion carried.**

Clint removed the #4 recommendation for oil and gas.

Charles said the proposed fishing regulations are defined by the water depth contour (i.e. NAZ). Perhaps the GMFMC should reconsider the boundary to be a more notable boundary line rather than the NAZ.

The next BEWG meeting will be scheduled at a later date to adopt the minutes from the last two BEWG meetings. .

7:38 PM Buddy motioned to adjourn, Shane seconded. Meeting adjourned.

Boundary Expansion Working Group - DRAFT
Regulatory Recommendations for Expansion Areas

Fishing

- 1) Include all fishing regulatory recommendations of the Gulf Coast Fisheries Management Council (GCFMC) for all expansion areas, as contained in any and all of their letters received since June 2016.
- 2) Include regulations that fully allow free-diving spearfishing at all new banks, but not the three current and expanded bank areas of the present FGBNMS.

Oil & Gas

- 1) Continue to allow seismic surveying acquisition inside the boundaries of the new bank expansion areas, adopting/deferring to just the BOEM & BSEE regulations for these activities.
- 2) Continue to allow BOEM oil & gas leasing of the areas inside the boundaries of the new bank expansion areas.
- 3) Continue to allow pipelines inside the boundaries of the new bank expansion areas, adopting/deferring to just the BOEM & BSEE regulations for these activities.
- 4) Continue to allow produced formation salt water mixing with seawater from any oil & gas platform in the new bank expansion areas, adopting/deferring to just the BOEM & BSEE regulations for these activities.

Boundary Expansion Working Group - FINAL
Regulatory Recommendations for Expansion Areas

Fishing

- 1) Include all fishing regulatory recommendations of the Gulf of Mexico Fishery Management Council (GMFMC) for all expansion areas, as contained in the letter dated November 8, 2016. (Attachment of document).
- 2) Recommendation that the weak link environmental safeguard be mandatory for anchors within the boundaries of any Coral HAPC or FGBNMS.
- 3) Include regulations that allow free-diving spearfishing at all new banks, but not the three current and expanded bank areas of the present FGBNMS. There shall also be no take of reef fish by spearfish equipment and there shall be no possession of any reef fish on board the vessel, when in possession of a speargun in the new areas of the FGBNMS. SCUBA tanks are prohibited on board a freedive spearfishing vessel.
- 4) Exemption to current regulations: possession of speargun (stowed and not available for immediate use) on board a vessel while within the boundaries of the existing FGBNMS is allowed, but the vessel may not be in possession of any fish species (with the exception of bait fish).
i.e. (Prohibit possession of any fish species if in possession of a speargun within the existing FGBNMS.)
- 5) To recommend that, prior to the development of a final EIS of the FGBNMS Expansion, the FGBNMS present the modified boundaries under consideration to the Gulf Council and the Gulf Council be given the opportunity to provide recommendations of fishing regulations in these modified boundaries.

Oil & Gas

- 1) Continue to allow seismic surveying acquisition inside the boundaries of the new bank expansion areas, adopting the BOEM & BSEE regulations for these activities.
- 2) Continue to allow BOEM oil & gas leasing of the areas inside the boundaries of the new bank expansion areas.
- 3) Continue with the existing regulations regarding pipelines inside the boundaries of the new bank expansion areas.