

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY
Sanctuary Advisory Council
Draft Meeting Minutes
May 20, 2015

Meeting Attendance Roster:

Jimi Mack	Recreational Diving	
Jesse Cancelmo	Recreational Diving	Present
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
Keith Love	Fishing - Recreational	Absent
Shane Cantrell	Fishing - Commercial	Absent
Buddy Guindon	Fishing - Commercial	Present
Will Heyman	Research	Present
Larry McKinney	Research	Present
Karla Klay	Education	Present
Jacqui Stanley	Education	Absent
Ellis Pickett	Conservation	Present
Jorge Brenner	Conservation	Present
James Sinclair	BSEE (non-voting)	Present
Matt Johnson	BOEM (non-voting)	Present
Jason Brand	U.S. Coast Guard (non-voting)	Present
Rusty Swafford	NOAA Fisheries (non-voting)	Present
Charles Tyer	NOAA OLE (non-voting)	Absent
Ben Scaggs	EPA (non-voting)	Absent
G.P. Schmahl	Sanctuary Superintendent (non-voting)	Present

Total voting member attendance: 13 of 16

Others in Attendance:

Kelly Drinnen, Kris Benson, Marissa Nuttall, Bill Kiene, John Embesi, Emma Hickerson, Ryan Eckert, Michelle Johnston, Doug Peter (BSEE), Andrew Galvan (FESC), Bill Jones (diver), Sarah Tsoflias (Chevron), Cheryl Powell (Fieldwood), Pris Weeks, Leslie Whyhlen Clift

9:00 Welcome and Announcements – G.P. Schmahl

Meeting moved to Building 305 because of A/C problems in Building 216.

9:05 Administrative Business & Announcements – Jesse Cancelmo

Adoption of Agenda – motion from Randy Widaman, second from Larry McKinney, all in favor.

Approval of February Minutes – motion from Scott Hickman, second from James Wiseman, no discussion, approved by all.

Jesse Cancelmo's 2-year term as Chair is concluded. Accepted nominations for new chair: Jesse Cancelmo self-nominated; Larry McKinney nominated Clint Moore; Scott Hickman nominated James Wiseman.

GP Schmahl updated the council on status of March recruitment cycle. Five seats were open—recreational diving, recreational fishing, research, education, oil and gas production. Applications were received for all seats except for the recreational fishing position. The applications are being evaluated and selected members will be identified as soon as possible.

Sanctuary office maintains a spreadsheet to track SAC member terms. The SAC charter specifies that a person may only serve three consecutive terms.

ACTION – Send member term list to all SAC members for reference.

Blank ballots distributed to the 13 voting members present. Each nominee spoke to let people know about their backgrounds. Ballots collected and tallied by Jason Brand.

Clint Moore elected as Chair with 7 votes. Clint assumed duties as Chair immediately.

9:27 Council Updates – G.P. Schmahl

The National Marine Sanctuary Foundation (NMSF) supports all of the sanctuaries and sponsors an annual Capitol Hill Ocean Week (CHOW) in June each year.

- As part of CHOW, NMSF announces a volunteer of the year for each sanctuary. One of those is selected to be the National Volunteer of the year.
- Jesse Cancelmo is the 2015 Volunteer of the Year for FGBNMS. GP presented Jesse with a plaque recognizing this achievement.

Advisory Council recruitment - No applications were received for the recreational fishing seat posted in February 2015.

- The recreational fishing seat was reposted May 15, 2015. Applications are due by June 30, 2015.
- **ACTION:** Recruit actively, including contacts with former council members in that seat.

E/V *Nautilus* (Dr. Bob Ballard's ship) has been in the Gulf of Mexico and recently captured video footage of a Sperm Whale at over 1900' depth. *Nautilus* is currently in port in Galveston.

- Staff and council members were invited to tour the ship after the Council meeting. The port needs a list of people planning to visit. A sign-up sheet was passed around the room for this purpose.

Status of Platform HIA389A

- The platform will be cut off between 60 and 70 feet and incorporated into the Rigs to Reefs program managed by TPWD. At that point liability for the platform will transfer from W&T Offshore to TPWD.
- The top part of the structure will be removed from the sanctuary.
- The closest biological feature is 340 meters from the base of the platform and consists of a black coral community.
- Clint mentioned that the pipeline to the platform has not yet been disconnected and that is holding up the removal process.
 - ACOE Artificial Reef authorization was issued to TPWD under General Permit 3/26/2015.
 - FGBNMS and BSEE raised concern over issuance under the General Permit
 - TPWD requested reclassification as Individual Permit 4/30/2015. There should be a 30-day public comment period following.
 - W&T Offshore submitted removal permit application to BSEE 2/26/2015.
- A Memorandum of Agreement (MOA) is under development between NOAA and TPWD.
- Target removal date for the platform is July 2016.
- Several council members encouraged the sanctuary to actively communicate with all parties to keep the process from stalling.
- BSEE and FGBNMS stated that communications are happening at regular intervals, but that some issues still need to be addressed.
- Rusty Swafford commented that Galveston District permits are taking up to 18 months due to staffing limitations.
- It's important that we handle this removal/reefing as carefully as possible because it will set a precedent for what happens in the future if other structures become part of the sanctuary.
- There will be restrictions placed on the reefing site so that no other structures may be placed there.
- James Wiseman recommended that a policy for future removals be incorporated into expansion efforts.

10:10 Sanctuary Update – Kelly Drinnen

- Ocean Discovery Day
- MANTA yard time
- Quarterly Water Quality Cruise and scheduled summer cruises
- Recent outreach events and those scheduled for the coming months

- 2013 Long-Term Monitoring Report released (summary sheet distributed to SAC members)
- New species of squat lobster, *Uroptychus marissae*, was discovered on a FGBNMS ROV cruise, and named in honor of Marissa Nuttall of the FGBNMS staff.

10:25 Visitor Use Follow-up – G.P. Schmahl

Motion was made at last meeting to “request sanctuary management to develop and design a mandatory recreational vessel use permit program for SAC review by the May 2015 meeting.”

- This type of program is not widely used in sanctuaries. Only Papahānaumokuākea MNM and Florida Keys NMS require permits for general vessel use (detailed notes in minutes from February 20, 2015 meeting). The FKNMS only requires permits for one area in the Dry Tortugas.
- Proposed that this be a no-cost permit.
- The purpose of the permit is to obtain data on usage in order to manage effectively, not to restrict usage or activity. The process should be made as easy as possible.
- An automated online system to generate permits would be best so that we don’t overburden staff and data will automatically go to enforcement and FGBNMS.
- We need to look closely at how the Florida Keys NMS system functions and what it will cost to run a permitting system here.
- It might help to make it attractive for people to have a permit. Offer some kind of up-front incentive like a sticker.
- We need to consider permitting in terms of expansion, as well.
- GP mentioned that there have been enforcement issues raised by NOAA Office of Law Enforcement, so he expects some resistance to this effort. However, he is willing to pursue it because it is in our management plan.
- **MOTION: Request sanctuary management to develop and design a mandatory recreational vessel use permit program for SAC review by the September 2015 meeting. Motion by James Wiseman. Second by Scott Hickman. All in favor. Motion passed.**

10:57 Sanctuary Expansion Updates – G.P. Schmahl & Kris Benson

Kris Benson is on detail to FGBNMS from the NOAA Restoration Center to work on the Draft Environmental Impact Statement (DEIS) for expansion.

Outreach associated with the Notice of Intent on 2/3/15 was strong. Information was disseminated through presentations, lists, emails, press releases, and news articles.

Public comments were accepted 2/3-4/6/15 through the regulations.gov website, by mail, and in three public hearings. 194 submissions were received.

- A summary document of the public comments was distributed to SAC members, including specific analysis requests.
- 17 comments specifically supported the SAC recommendation. 26 recommended a larger expansion.

- New information justifies expansion and aligns with restoration of the Gulf.
- Support for additional regulation/restrictions was offered in 73 comments.
- Some expressed a need for additional analysis.
- Some view current fishing and oil/gas regulation sufficient, but recognize that other uses may not be adequately regulated in these areas.
- Public comments from the designated comment period will be part of the DEIS. Comments received through other means and/or outside the official comment period are also considered as part of continuing analysis for management, but may not be specifically addressed in the DEIS.

11:21 Discussion of Sanctuary Expansion Issues – G.P. Schmahl

It is now up to sanctuary staff to develop a formal proposal with a variety of alternatives, including a preferred alternative based on comments, council recommendations, and agency consultations. This document will be the DEIS.

- We will consider feasibility, enforceability, administration requirements, costs, and coordination with relevant agencies.
- The original SAC recommendation will be incorporated as part of the alternatives. Some things have changed since the 2008 recommendation, and we are able to consider those changes in the DEIS.
- A huge amount of work was done originally so that doesn't have to be done now. It's a great starting point.
- Sanctuary staff will analyze environmental/economic benefits and impacts of each alternative provided in the DEIS.
- Language in the sanctuary Management Plan states that we will consider 9-12 new banks, and that site-specific regulations may need to be considered.

Discussion turned to specific issues raised during the public comment period for sanctuary expansion:

Oil & Gas Exploration

FGBNMS and BOEM are working cooperatively on the draft EIS. A Technical Working Group (TWG) is being considered to evaluate several issues associated with oil and gas exploration.

No Activity Zones (NAZ) are established under a Notice of Lessees procedure, and based on specific depth isobaths.

- Potentially Sensitive Biological Features (PSBF) outside the NAZ must also be avoided.
- NAZs are relatively small in some of the new expansion areas compared to the core biological features boundaries proposed in the SAC recommendation.
- PSBFs are not as clear and definable as the NAZs. BOEM establishes these areas.

NPDES states that the marine sanctuaries are areas of biological concern and are not subject to the general permit for discharge.

- Clint Moore clarified that produced waters that flow up with oil and gas are cleaned and treated before release. EPA regulates the quality of the water.
- FGBNMS is working with EPA to address these issues in the DEIS.

Directional drilling has occurred in the sanctuary and FGBNMS intent is that directional drilling would continue to be allowed in expansion areas.

- The sanctuary is considering specific guidelines to be developed regarding directional drilling beneath NAZs.
- BOEM is considering the creation of a bounding depth for NAZs, meaning that NAZs would extend below the seafloor. This would facilitate the development of guidelines.
- Karla Klay - There could still be accidents and the public is asking for the risk to be evaluated. The sanctuary implies a level of protection that is at a higher level than the average area. These are public resources.
- Clint Moore - Large areas of the U.S. EEZ are already off limits to oil and gas activity. The industry is concerned about losing more territory for oil gas activity.
- Finding the balance is what this process is about. It should be open, fair, and balanced.
- Companies affected by the expansion would be kept apprised of issues during the process.
- There is a 2008 Presidential Memorandum that prohibits future leasing within national marine sanctuaries, but this does not apply to areas designated after 2008.
- Under existing regulations, geological and geophysical exploration, including directional drilling, is allowed. If no action is taken, this will apply to expansion areas.
- Multiple alternatives will be documented in the DEIS process.

Submerged Cultural Resources (i.e. shipwrecks) were mentioned in several comments.

- Submerged cultural resources are identified as relevant in the National Marine Sanctuaries Act, but no shipwrecks are known within the FGBNMS.
- Submerged cultural resources are currently protected from oil & gas development under BOEM, but are not protected from other activities, such as artifact (treasure) hunting. The USS Hatteras, which is one of the shipwrecks that was specifically mentioned in the public comment, has a level of protection under the Navy under the "Sunken Military Craft Act".
- Jesse Cancelmo is in favor of incorporating wrecks into the sanctuary. They have compelling stories to tell and would get people looking at the rest of the sanctuary even more.
- Larry McKinney concurred as long as it provides protection that is not there, but if this will make the overall expansion process more difficult it may not be worth pursuing.
- Clint Moore pointed out that oil/gas will continue to find wrecks as they map deep areas and what FGBNMS does now could set a precedent for those new wrecks.
- Exact coordinates of historic wrecks are not publicly available. When wrecks are located, they are reported to the government but do not have to be released publicly.

12:30 Jason Brand – CG report

This was bumped up in the agenda because Jason had to leave the meeting.

- *Dauntless* was in FGBNMS for three days at the end of April.
- No contacts were encountered with surface and helicopter patrols.
- Away from the sanctuary, *Dauntless* did seize a Mexican vessel with a full load of snapper.
- A conservative estimate is that each year, there are 750,000 pounds of illegal snapper caught and an estimated 1,100 incursions into U.S. waters.

12:15 Lunch

1:00 Public Comment Period

No one signed up for public comments. Clint asked GP to report on a possible visitor center for FGBNMS.

Visitor Center

- Several other sanctuaries have visitor centers. FGBNMS has considered it over the years and discussed what would make sense for a location.
- A couple of months ago the 1861 U.S. Custom House property in Galveston came up for sale. It seemed like a possible opportunity for a visitor center. Dan Basta was supportive. However, an offer has now been made on the building by someone else.
- A visitor center would help the sanctuary integrate more into Galveston. Along with shipwrecks it would link into the history of Galveston.
- Karla Klay commented that a more natural building or being part of a natural area might be a better option to represent NOAA's efforts. She encouraged sanctuary staff to meet with the Park Board about East End Lagoon plans.
- NOAA Fisheries already owns the west end of East End Lagoon and has a history in that area.
- We might also consider doing something at Moody Gardens. Kelly Drinnen noted that we do have a traveling exhibit there already and FGBNMS will be part of major renovations happening in the next couple of years at the aquarium.
- ACTION: Put a Visitor Center discussion on the agenda for the September meeting.

Update on Sanctuary Leadership

- Dan Basta, Director of National Marine Sanctuaries, has been placed on administrative leave. Deputy Director John Armor is now Acting Director.
- No change in any efforts or activities like the FGBNMS expansion.

The Office of National Marine Sanctuaries Research Coordinators meeting will be held here in Galveston the first week of June.

1:22 Potentially Sensitive Biological Features (PSBF) Summary – Marissa Nuttall

Potentially Sensitive Biological Features (PSBF) are defined by BOEM as seafloor features with moderate to high relief (~8ft or higher). For this study, potential features with a relief of 3ft or greater that fall outside of No Activity Zones (NAZ) but within SAC recommended core biological zones were studied.

- This major study was funded by BOEM to characterize areas outside of NAZ's for potentially sensitive biological features. The study was headed up by Dr. Paul Sammarco (LUMCON) in collaboration with FGBNMS and UNCW-UVP. It included visits to 14 sites, including SAC recommended sites for expansion as well as some additional ones.
- ROV surveys were done on hard bottom habitat, 1-8m relief, taking downward facing still images, with laser sights for size reference.
- Each image was analyzed for percent cover and colony counts.
- Large coral colonies create habitat themselves, in addition to the hard bottom substrate.
- Sonnier, 29 Fathom, and Horseshoe have more than 50% soft bottom, indicating patchy habitat.
- Sonnier and 29 Fathom – lowest relief of all the sites; dominated by cnidarians, mostly black corals; water quite turbid; quite a bit of marine debris.
- Alderdice – less cnidarian cover, but still substantial; black corals and gorgonians have equal coverage.
- Bouma – substrate is dominated by cnidarians; lots of sponges; red and green algae more apparent; more gorgonians than black corals.
- Rezak – equal coverage of cnidarians, sponges, red and green algae; however more gorgonians than black corals; quite a few stony corals.
- McGrail – equal coverage of cnidarians, rhodophytes, and algae.
- Parker – not processed and analyzed because not part of funding; added to effort because of available time; lots of hard bottom habitat and biota. Initial look indicates this site also has high cnidarian cover and diversity.
- Sidner – more red algae than other sites; green algae still dominant; cnidarians a smaller component; black coral dominant with a lot of gorgonians; one of the highest relief sites studied.
- Rankin – dominated by sponges; cnidarians and algae still significant components; equal coverage between black corals and gorgonians.
- 28 Fathom – red algae dominant; not much green algae; high coverage of cnidarians; equal coverage between black corals and gorgonians.
- Bright – dominated by red algae; high coverage of cnidarians; fewer sponges; equal coverage between black corals and gorgonians.
- Horseshoe Bank – no existing No Activity Zone; cnidarians dominant, mostly black coral.
- Elvers – similar to other mid-shelf banks; red and green algae, sponges, cnidarians (equal coverage of black corals and gorgonians); few stony corals.
- Geyer – red algae dominant; high coverage of cnidarians, dominated by black corals.

- Geological observations – basalt blocks at Alderdice; Geyer bank seep.
- Lionfish observations – abundance peaked 70-90 meters down; none observed below 120 meters (maximum depth of surveys was 180 meters).
- Conducted shelf location community comparisons and identified north to south trends in species compositions – likely attributed to depth - with the exception of Horseshoe Bank
- No specific observations were made regarding endangered or rare species in these areas. Several banks had unique fish of value in the aquarium industry, in addition to some 'rare' species, such as marbled grouper. All black corals are considered endangered species by CITES.
- Between Sonnier and 29 Fathom, and the ring at Stetson, there were many shrimp nets and longlines, but this data has not yet been quantified.
- Larry McKinney commented that a series of surveys on South Texas Banks found lots of abandoned longlines at about 300 feet. Buddy Guindon believes these would be from the early 1980s.

1:54 Discussion of Sanctuary Expansion Issues (continued) – G.P. Schmahl

Geographic Scope of the expansion

- GP reviewed the original research done for the SAC recommendation and the criteria used to evaluate each bank considered.
- Other northwestern Gulf banks have been visited and other events (i.e. Deepwater Horizon spill [DWH]) have occurred since the original SAC recommendation.
- A number of projects have been recommended as part of the Gulf restoration strategy following DWH. This brings some interest to looking at more than the original recommendation area.
- Council members should not be surprised if the Draft Environmental Impact Statement (DEIS) evaluates areas outside the footprint of the original SAC recommendation. Much of this is driven by heightened interest in the northern Gulf of Mexico from the DWH incident.
- As a restoration project the FGBNMS could be a good steward for funds generated from the DWH settlement (i.e. the RESTORE Act). Since restoration in deep water is difficult, protection could be used to prevent future injury.
- The FGBNMS Management Plan's sanctuary expansion action plan states that the expansion should be limited to the northwestern Gulf of Mexico, and thus excludes Alabama Pinnacles, Madison/Swanson, Florida Middle Grounds, and South Texas Banks. This is for operational reasons such as staffing and the range of R/V MANTA.
- When the DEIS draft is released, all of the alternatives will be noted along with a preferred alternative. The council will see the draft DEIS at the same time as the general public.
- We are targeting a September/October time frame for the completion of the DEIS at our end, but then it will have to go through NOAA clearance before it is published.

Fishing Issues

Conventional hook and line fishing is allowed in FGBNMS (single line, terminated by a combination of sinkers and hooks or lures, and spooled on a reel that is hand tended or electrically operated). We do not intend to change gear restrictions.

- We would like to get additional information on specific banks and areas used by fisherman in the northwestern Gulf of Mexico.
- Buddy Guindon – Some of the guys who spoke at the February SAC meeting would be willing to release their data.
- Reef fish boats are required to have vessel monitoring system (VMS) devices onboard. However, this information is proprietary and we have limited access to this information.
- Scott Hickman – The fishing boats are pinged every hour, every day, all day.
- In the data that we have, we cannot distinguish the gear type. Bottom long lines have a lot more potential for coral injury.
- Buddy Guindon - When the data dots are close together, in over 50 fathoms, the boats are working longlines and that some beeliner boats will stay in the same spot four or five days.
- Buddy Guindon – Scamp fishing is more likely to be affected by sanctuary expansion.
- Clint Moore – Fisherman are congregating around the banks more now than in the past.
- Scott Hickman – Now more people have access to the technology, fast boats, less platforms, better gear, all of which means more pressure on FGBNMS. It is easier today to fish than it was in the past.
- Scott Hickman – The iSnapper app might also be able to provide us with information.

Karla asked if there would be any consideration for Sanctuary Preservation Areas (SPAs). The SPAs are “no-take” areas and are effective in the Florida Keys NMS.

- Buddy Guindon – SPAs aren’t necessary. Our fish stocks are coming back through science based management and it is currently working. We are doing what we need to do to save our fish stocks.
- Clint Moore – Throwing in SPAs might derail the expansion process.

Buddy Guindon stated that East and West Flower Garden Banks would be great models for a research project (closure) since they are so close together and so similar.

- Concerns were raised about how including a research closure might delay or sidetrack the expansion process.
- GP – It would certainly complicate issues if we pursue a research closure as part of expansion and we are not planning to do that.

3:00 Draft Environmental Impact Statement (DEIS) Process – Kris Benson

The estimated timeframe for the development of the DEIS is as follows:

1. Scoping – 3-4 months
2. Develop DEIS/Regulations – 5-6 months
3. Public Review – 2-3 months
4. FEIS/Regulations – 6-9 months (Secretary of Commerce is final signatory)
5. Congressional Review – 45 days to 3 months

3:30 Agency Reports

Rusty Swafford (NMFS) – Quarterly ‘no surprises’ call with sanctuaries. Florida Keys NMS is working on designation of critical habitat for newly listed corals. Recovery plans must be developed for all endangered/threatened species.

Matthew Johnson (BOEM) – 2011-2012 final Long-Term Monitoring (LTM) report is in final stages for signatures and will soon be published on their website. Started work on EIS for programmatic planning for 2017. No Activity Zone conversations have slowed to see what comes out of the sanctuary expansion process. There are still a handful of banks that don’t have high-resolution bathymetry, so they are hoping to get funds to resolve that.

James Sinclair (BSEE) – Project to support Stetson LTM has been signed and is in place. Moving forward with field season next month (June). Marissa Nuttall has been designated as lead on that project. Looking at other possible ways to support studies in the sanctuary. BSEE also supporting LTM studies on HIA389A. John Embesi has been designated as lead on that project.

Doug Peter (BSEE) – Involved with HIA389A project and will continue to monitor. About 50 Rigs to Reefs proposals approved through their office and awaiting further action.

3:43 New Business

September 12-13, 2015 Dive Trip – Jesse Cancelmo

- First time council divers are doing a trip like this.
- Trip will include discussions about FGBNMS between dives.
- 28 of 30 spaces reserved.
- 9 council members going, representing 6 of 8 constituent groups
- George Clyde, SAC Chair of Cordell Bank, participating
- 2 divers from Kodiak, AK, one of which is an MPA advisory council person
- 3 divers from Veracruz, MX

WebCam Project – GP Schmahl/Jesse Cancelmo

- “View Into the Blue” webcam would be mounted to a buoy on the reef at East Flower Garden Bank. Cabling would take signal to platform. Platform would transmit signal to internet.

- Fieldwood owns the nearby platform and has agreed to house internet connection equipment.
- Next step is the funding that would be required to pay for the buoy and the equipment.
- Plan is for a camera on the reef and one at surface, transmitting 24/7 to internet (no lighting). Viewers will be able to tilt and rotate camera.
- “Windshield wiper” can be remotely operated to clean lens.

4:00 Meeting Adjourned - Motion by James Wiseman, second by Buddy Guindon. All in favor. Approved.

Next SAC Meeting scheduled for September 23, 2015.

After the meeting, a number of the Advisory Council members visited the R/V NAUTILUS at the Port of Galveston.