

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY
Sanctuary Advisory Council Boundary Expansion Working Group
Meeting Minutes
April 12, 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
Scott Hickman	Fishing - Recreational	Present (webinar)
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), Bill Kiene (FGBNMS), Marissa Nuttall (FGBNMS), Dan Dorfman (National Centers for Coastal Ocean Science (NCCOS)), Steve Gittings (NOAA; webinar), Joanie Steinhaus (Turtle Island Restoration Network, SAC member), Matthew Roache (NOAA OLE), Theresa Morris (TIRN; webinar), Morgan Kilgour (Gulf of Mexico Fishery Management Council (GMFMC)), Tom Bright (webinar)

5:08 PM – Meeting called to order by Clint Moore

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

Adoption of Minutes – Minutes from April 4 will be voted at the next BEWG meeting on April 30.

5:11 PM – Public comment

Joanie Steinhaus – See attached comment letter.

Discussion followed regarding comments from Council members not on the working group. G.P. explained Council members and members of the general public are welcome to engage and ask questions during the meeting at the discretion of the Chair(s), with the proviso that the BEWG (Boundary Expansion Working Group) wants to keep the process moving. Also, after a motion is made, persons not on the BEWG are asked to respectfully allow the discussion between the members of the working group.

5:19 PM BEWG (Boundary Expansion Working Group)

During this meeting, Marissa Nuttall assisted with GIS (geographic information systems) maps.

West Flower Garden Bank

Buddy Guindon motioned, Scott seconded to use Clint's NPP map for Horseshoe Bank, but not change existing boundaries for East and West FGB (Flower Garden Bank). Discussion followed.

G.P. recommended that if the BEWG was going to recommend different regulations for Horseshoe Bank than what currently exists at the East & West FGB, then the areas should be considered separately.

Jesse Cancelmo asked about the eastern edge of West FGB and if any sensitive biology exists that would be excluded from Clint's NAZ Plus Plan (NPP) map. Emma Hickerson responded ROV (remotely operated vehicle) transects have not yet been conducted in this area. However, PSBF (potentially sensitive biological feature), low relief, and high probability of black coral exists in these areas.

Jesse amended Buddy's motion to modify the existing West FGB to include 3 additional areas off the existing boundary. This motion did not receive a second. Motion failed.

Buddy amended his (Buddy's) original motion to keep the existing boundary of West FGB, and consider the 3 additional areas off of West FGB as separate areas, which would render them eligible to be considered differently for regulations, similar to Horseshoe Bank. Shane seconded this motion.

Charles Tyer motioned to substitute Buddy's second motion to accept the boundary as outlined in Alternative 2. Jesse seconded Charles' motion.

Discussion followed. Charles noted the 3 areas would be included in the Alternative 2 boundary. Buddy commented this area is one of the last places where shallow water groupers are caught around the FGB, and as such, he is in favor of Charles' motion so that the fish can be protected.

Clint motioned to amend Charles' motion to bring in the north boundary to exclude the oil and gas platform. This platform is owned by W&T Offshore, who has submitted a new plan for permitting. **Clint's motion was seconded by Buddy.** Buddy noted this area near the platforms on the north side of West FGB is also a good place for grouper fishing, including Warsaw Grouper. Shane questioned if the boundaries included this platform, would drilling be allowed for this platform. G.P. responded yes, the platform would be "grandfathered" and new wells could be drilled from the existing footprint. Discussion ended and the **BEWG voted: None opposed. Motion carried to bring in the north boundary of West FGB to exclude the existing oil and gas platform.**

Clint motioned for a second amendment to Charles' motion to exclude the mud flats from the boundary on the east side of WFGB as two separate areas. Buddy seconded Clint's motion. Clint said the exclusion of mud flat areas is very significant to the oil and gas industry. Charles said from an enforcement standpoint, the purpose for a sanctuary boundary is to protect and conserve the resource within the boundary. He continued, if boundaries are too narrow, then it cannot be enforced and the protection of the resource is lost. He added that it also gets extremely complicated for any user. Charles understands the oil and gas reasoning for wanting them as separate areas, and asked Clint to understand Charles' reasoning for opposing it. Clint said the data (PSBF, low relief, and high probability of black coral) does not rise to the level of national significance for sanctuary designation. Discussion ended and the **BEWG voted 2:5. Motion failed.**

Shane motioned to amend the main motion (i.e., accept Alternative 2) and instead, accept Clint's NPP map boundaries. Shane's motion was seconded by Buddy. Discussion followed. Joanie said she is concerned the Research and Conservation seats are not present to represent their stakeholders. She added NOAA's preferred alternative includes the areas on the eastern side. Discussion ended and the **BEWG voted 5:2. Motion carried to accept Clint's NPP map boundaries for West FGB.**

VOTE: Motion for West FGB to accept Clint's NPP map boundaries for West FGB was carried 5:2.

East Flower Garden Bank

Shane offered a motion for East FGB to maintain current sanctuary boundaries, which was seconded by Buddy. Shane asked to see PSBF and Low Relief layers. Jesse motioned to amend the northern boundary to be Alternative 3 boundary which coincides with the HAPC (habitat area of particular concern). Shane seconded. Clint commented on the existing oil and gas platform which would be included in this scenario, as well as areas of mud flats. Jesse noted the mud flat area is not a huge amount, and his preference of rectangular areas. Additionally, the boundary could be shifted slightly to exclude the platform. Clint stated it would exclude the "donut" of oil and gas resources, and would be a nonstarter for his industry. Charles said he is in favor of Jesse's amendment and would be okay with shifting the boundary slightly to exclude the platform.

Clint motioned for a second amendment to accept Clint's NPP boundary for East FGB. Seconded by Buddy. Discussion ensued regarding the eastern side of this bank. Jesse said he prefers slightly larger, rectangular boundaries. Discussion ended and the **BEWG voted 5:2. Motion carried to accept Clint's NPP boundary for East FGB.**

Motion to accept amendment to accept Clint's NPP map boundaries for East FGB was carried 4:2:1 (aye:nay:abstain).

Motion to accept Clint's NPP map boundaries for East FGB was carried 4:2:1.

Joanie commented again on the importance of having all of the stakeholders at the BEWG table, and questioned its fast pace. Shane responded he has extended himself through 19 meetings and wants to finish the process and deliver a recommendation to the full Council.

G.P. said FGBNMS will provide the BEWG attendance records to the full SAC.

G.P. asked about abstentions and asked for Clint's interpretation. Clint replied, as per Robert's Rules, when someone abstains from voting, then they are not part of the total vote.

Horseshoe Bank

Shane motioned to accept Clint's NPP map boundaries for Horseshoe Bank. Seconded by Buddy. Discussion followed. Charles asked about the width of the lower arm for Horseshoe Bank, and received the answer of approximately 1,000 meters. Scott said Horseshoe Bank is a vitally important area to the fishery, and the industry would never support Horseshoe Bank without the adoption of the GMFMC (Gulf of Mexico Fishery Management Council) recommendations. Discussion ended and the **BEWG voted. None opposed. Motion carried to accept Clint's NPP map boundaries for Horseshoe Bank.**

Bright Bank

Clint motioned to accept Clint's NPP map boundaries for Bright Bank. Seconded by Buddy. Discussion followed. Clint stated the complex has 18 oil and gas lease blocks, with an existing oil and gas platform. He noted he added to his NPP maps the additional areas above 85 m from the modern multibeam bathymetry not included in the BOEM NAZ stipulation map shapefiles. Instead of a bank complex (as seen in Alternative 3), Clint's NPP maps separate the 5 NAZ areas. Jesse stated Alternative 3 makes the most sense for protection for and enforcement of this complex bank. Charles restated there is no regulation against drilling inside the sanctuary boundary. Clint referred to the three Executive Orders, and said NOAA's selection of Alternatives 2 or 3 will bring out major opposition to expansion from his industry. Clint added he has struggled to bring his industry from opposing all expansion (Alternative 1) to an expansion using maps Clint developed. Jesse said Clint's industry supported Alternative 2 ten years ago, and yet now Clint's NPP map boundaries would only protect less than

25%. Jesse said the sanctuary's expansion would only impact a fraction of the total energy available. Jesse suggests this area should be protected and the economic impact to the oil and gas industry would not be significant. Clint said PSBFs are not reasons to draw sanctuary boundaries. Buddy cautioned against ignoring oil and gas concerns, and to listen to what Clint and his industry can accept so that an expansion can occur. Discussion ended and the **BEWG voted 5:2. Motion carried to accept Clint's NPP map boundaries for Bright Bank.**

Shane motioned to amend Clint's NPP map boundaries for Rankin Bank and 28 Fathom Bank to be a squared-off polygon. Scott seconded. Discussion followed. Shane said this would make it a more enforceable boundary. Scott said he is in favor of Shane's motion. Clint said his industry will oppose squares and rectangles because it renders the salt dome not drillable.

Clint motioned, seconded by Buddy, to amend Shane's motion to modify Shane's squared-off polygon to have the multi-vertices of the NPP map boundaries. Shane said he urges Clint to consider fewer vertices. Clint said no one in his industry cares more than he about protecting these banks. Jesse said he is in favor of Alternative 3. Charles said there are too many vertices for enforcement purposes. Discussion ended and the **BEWG voted 4:2:1. Motion carried to amend Shane's motion for Clint's modification of the squared-off polygon to have the multi-vertices of the NPP map boundaries for Bright Bank.**

Motion to accept Clint's NPP map boundaries for Rankin Bank and 28 Fathom Bank was carried 4:2:1.

Charles motioned to reconsider Bright Bank to square off the boundaries. Discussion ended and the **BEWG voted 3:3:1. Motion failed.**

Bouma Bank

Clint motioned to accept Clint's NPP map boundaries for Bouma Bank. Seconded by Shane. Discussion followed. Clint said areas were included in his maps above 85 m from the modern multibeam bathymetry that are not included in BOEM's NAZ stipulation map shapefiles. Clint mentioned lease block VR393 that his company GulfSlope Energy relinquished after and due to the release of the DEIS. This lease block is of great concern to him. Shane said this bank was not in Alternative 2, yet the oil and gas industry is now willing to consider it. Shane asked about the distance of the embayment on the northwest side of Bouma Bank, and was answered 0.5 mile (~800 m). **Jesse motioned, seconded by Charles, to amend Clint's motion to modify the boundary to have a modified Alternative 3 boundary around Bouma Bank.** Clint said his conservative estimate for oil and gas resources is well over a "giant field" (100 million barrels) for one depth level on just the south side of Bouma, and he does not support this amended boundary. **Charles seconded.** Discussion ended and the **BEWG voted 2:5. Motion failed.**

Emma noted the BEWG has not made any motions that include buffers, and that the last BEWG's meeting included additional buffers for each of the banks. Clint commented that the NAZ PLUS Plan already has a 100-200m buffer included.

Discussion ended and the BEWG voted 5:1:1. Motion carried to accept Clint's NPP map boundaries for Bouma Bank.

Rezak, Sidner, Parker, and Elvers Banks remain and will be discussed at the next BEWG scheduled meeting on Monday, April 30.

7:57 PM Shane motioned to adjourn, Buddy seconded. Meeting adjourned.

Public comment

April 12, 2018 – Joanie Steinhaus

Public comments expansion subcommittee meeting

Concerns; criteria for evaluation on inclusion in a sanctuary.

I recently served on a subcommittee to read and evaluate applications for new members to the SAC. For this process we were given a rubric and clear instructions on how to assess each candidate. This ensured all members of the SAC working on this subcommittee followed the same procedures.

It was apparent during the last expansion subcommittee meeting on April 4th, the group had not established clear guidelines for evaluating proposed sanctuary boundaries. One committee member even stated; let's move along and something may develop. This is in clear contrast to the process that was followed to recommend Alternative 2.

With no disrespect to the committee, you are well aware you are working on suggesting an area that may become part of a national sanctuary- a unique place requiring special protection. The sanctuary research team has conducted over 200 surveys using Remotely Operated Vehicles (ROVs) and manned submersibles, which accounted for over 250 hours of bottom time. Over 255 marine organisms were found during these surveys and this information was sent to experts for identification. Data collected during this exploration and mapping activity was used by NCCOS to identify the core sensitivity zones.

Based on the working groups maps the current process appears to be driven by representation of one stakeholder and their interest and desire for access to the banks. Dozens of other banks are scattered along the continental shelf in this region and even with designation of a national marine sanctuary, this does not eliminate the access to these areas for exploration and other activities.

Although it has been stated that the oil and gas industry does not support any expansion, during the public comment period in 2016, Joe Leimkuhler, Vice President of LLOG Exploration based in LA, supported Alternatives 2 or 3.

I need to restate my hope the committee will consider and allow for "ecological connectivity" among the communities of biota occupying the various reefs and banks in the northwestern Gulf of Mexico, and base their recommendation for expansion on the scientific data presented by the FG staff.

Below is the transcript from a public comment received from Joe Leimkuhler, Vice President of LLOG Exploration, in support of Alternatives 2 or 3, given at the public meeting held in New Orleans on July 19, 2016. This public comment is also accessible through [regulations.gov](https://www.regulations.gov).

My name is Joe Leimkuhler. I'm the VP of LLOG out of Covington, LA. I'm thinking personally here this evening I personally am in favor of expansion (Alternative) 2 or 3 would be fine. I do feel that the shipwreck sites mentioned earlier should be very well defined so that the sanctuary for historical and cultural purposes of shipwrecks do not allocate additional area that is not needed. I feel that existing oil and gas leases should be grandfathered in for their full current

term which would involve current operations as well as operations captured in their development plans as well as any subsequent development plans that are filed within the current term of lease. For the DWH site, which is not included in Alternative 3, that should be added. That is an area that should remain. It should never be touched again, however the actual area that should be comprised should be the area that is still currently held by BP. And those aliquots should be formed as the foundation of the boundaries for that particular site. I think that the overall proposal itself is not really called a so called expansion which I view as expansion existing boundary of a continuous area but is really an addition of new discrete sites.....It should be used for that addition of those areas into the sanctuary should follow the protocol that is actually established in the Marine Sanctuaries Act and that Act is very specific on how you designate discrete areas which is what these 43 areas are. That protocol is a protocol that should be followed.