

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

**Sanctuary Advisory Council
Meeting Minutes
VIRTUAL MEETING
July 30, 2020**

Meeting Attendance Roster:

Sepp Haukebo	Recreational Diving	Present
Jesse Cancelmo	Recreational Diving	Present
Natalie Davis	Diving Operations	Present
Frank Burek	Diving Operations	Present
Ruth Perry	Oil and Gas Industry	Present
Scott Hickman	Fishing - Recreational	Present
Robert Kirschner	Fishing - Recreational	Present
Shane Cantrell	Fishing - Commercial	Present
Buddy Guindon	Fishing - Commercial	Absent
Adrienne Simoes Correa	Research	Present
Michael Dance	Research	Present
Brian Shmaefsky	Education	Present
Sharon Kamas	Education	Present
Joanie Steinhaus	Conservation	Present
Jake Emmert	Conservation	Present
James Sinclair	BSEE (non-voting)	Present
Alicia Caporaso	BOEM (non-voting)	Present
Keith Edwards	U.S. Coast Guard (non-voting)	Present
Rusty Swafford	NOAA Fisheries (non-voting)	Absent
Charles Tyer	NOAA OLE (non-voting)	Absent
Vacant	EPA (non-voting)	
Dave Shively	TPWD	Present
G.P. Schmahl	Sanctuary Superintendent (non-	Present

Total voting member attendance: 14 of 15 of voting members (1 vacancy); 8 votes needed

Others in Attendance:

Leslie Clift, Emma Hickerson, Kelly Drinnen, James MacMillan, Edward Lindelof, Brooke Shipley, Kris Benson, Theresa Morris, and Phillip Sanchez

5:30 Welcome and Announcements – Kelly Drinnen/G.P. Schmahl

Today's virtual meeting is being run through a webinar and is not being recorded. Additionally, today's meeting is "informational only" and no formal actions will be considered.

Roll Call

5:40 Administrative Business – Scott Hickman

Adoption of Agenda – Motion to approve from Jake Emmert, second from Frank Burek. All in favor, motion approved.

Scott shared some of his experiences from this summer when visiting some of the proposed expansion banks (e.g., Sonnier, Bright, Alderdice) and other areas in the northern Gulf (Ewing) during an offshore biomass survey of Red Snapper in the EEZ he participated in.

6:00 Public Comment Period

No public comment.

6:02 Sanctuary Update – G.P. Schmahl

Sanctuary updates:

- FGBNMS staff are still under a mandatory telework order and the FGBNMS office remains closed due to COVID-19. G.P. explained the Phased Order Return to Work scheme which relies on local information that feeds into management decisions. In order to move into another phase, 14 days of declining rates of hospitalizations and infection are needed.
- FGBNMS staff are processing archived historical underwater images by Farley Sonnier taken in the 1970s and 1980s.
- R/V *Manta* completed shipyard maintenance in June 2020. FGBNMS has not been able to maintain the mooring buoys, but has provided buoy materials to the M/V *Fling* who is willing to replace the buoys, as they can, starting with the more popular mooring buoys for the liveaboard. As a result, each of the three banks have a minimum of two mooring buoys at this time.
- "Get Into Your Sanctuary" event is scheduled tomorrow, Friday, July 31, 2020 as a Facebook Live event at 3pm CST. This event will be an interactive cooking lesson using lionfish with Alicia Cahill from Kitchen Chick in Galveston.
- An article was recently published with lead author Dr. Mercer Brugler in the *Journal of the Marine Biological Association of the United Kingdom* regarding a new species of black coral, *Distichopathes hickersonae*, named in honor of FGBNMS research coordinator Emma Hickerson. This specimen was collected at Elvers Bank, outside the boundaries of the Revised Preferred Alternative but within NOAA's Preferred Alternative (Alternative 3) from the 2016 Draft Environmental Impact Statement (DEIS).

6:20 Sanctuary Expansion: Public Comments – G.P. Schmahl

FGBNMS' Notice of Proposed Rulemaking (NPR) published May 1, 2020 and public comment was solicited through July 3, 2020, including through 3 virtual public meetings in early June. Specific input was requested on three areas: boundary configurations, pelagic longline gear exemption, and spearfishing gear exemption.

Total comments – all categories: 36,111

- Petitions: 30,578
- Campaigns: 5,048
- Individuals: 463
- Organizations: 22

No comments were received in total opposition of expansion. Very few comments were received supporting the fishing gear exemptions.

Other comment types: management issues (e.g., research, education, mooring buoys, climate change, enforcement, buffer areas), socioeconomic issues (e.g., fishing, tourism, recreation), environmental issues (e.g., biodiversity, new species, sea turtles, manta rays, coral, prevent injury), diving, fishing and oil & gas (e.g., prevent associated resource injury), and technical issues (e.g., NEPA process).

Petitions: 30,578

- Support
 - Ocean Conservancy – 9,951*
 - National Wildlife Federation – 9,587
- Support, but prefer larger boundary alternative
 - Environment Texas – 240*
- Oppose, but support Revised Preferred Alternative with larger boundary alternative
 - Defenders of Wildlife – 10,800*

Campaigns: 5,048

- Support
 - National Audubon Society – 1,628*
 - National Wildlife Federation - 444
- Oppose, but support larger boundary alternative
 - Center for Biological Diversity – 2,283*
 - Turtle Island Restoration Network – 694*

* Oppose all gear exemptions

Petitions + Campaigns

- Support 21,610
- Support, but prefer larger boundary alternative – 240
- Oppose, but support larger boundary alternative – 13,776

Reasons for opposition

- Revised Preferred Alternative (RPA) is too small
- RPA is not supported by science
- Too much emphasis placed on Oil & Gas interests
- Prefer 2016 DEIS Alternative 3 or 5

Individual Comments: 463

- Support RPA – 43
- Oppose RPA, request DEIS Alt 3 or Alt 5 – 62
- Should not break up bank complexes – 8
- New alternative needs Supplemental DEIS – 8
- Consider additional banks (Bryant, Ewing) – 5
- Enforcement – 5
- Add buffer zones – 5
- Fishing gear exemptions (spearfishing, pelagic longline) – 97
 - PLL: Allow – 1, Prohibit – 46
 - Spearfishing: Allow – 9, Prohibit – 40
 - Spearfishing by breath-hold only (no SCUBA) – 6
 - Spearfishing for Lionfish only – 3
- Fishing – 54
 - Protect against fishing damage – 35
 - Additional restrictions – 19
 - Establish no-take areas – 8
- Oil & Gas (O&G) – 50
 - Protect from O&G impacts – 24
 - Undue influence of O&G in decision process – 18
- Non-regulatory management – 41
 - Research, mooring buoys, climate change
 - Socioeconomic

Letters Received

Industry:

- Blue Water Fishermen's Association
- American Sportfish Association
- Shell Oil
- National Ocean Policy Coalition
- Joint Industry – American Petroleum Institute (API), National Ocean Industries Association (NOIA), International Association of Geophysical Contractors (IAGC), Offshore Operators Committee (OOC)

Government agencies:

- U.S. Navy
- Texas Sea Grant

National Marine Sanctuary Advisory Councils:

- Greater Farallones NMS Advisory Council
- Papahānaumokuākea MNM Advisory Council
- Hawaiian Islands Humpback Whale NMS Advisory Council

Organizations:

- Inland Ocean Coalition
- National Marine Sanctuary Foundation (NMSF)
- NMSF with 22 other organizations
- Sierra Club
- Audubon Society
- Ocean Conservancy
- National Wildlife Federation (NWF)
- Defenders of Wildlife
- Healthy Gulf
- Turtle Island Restoration Network (TIRN)/Center for Biological Diversity (CBD)/Oceana/The Sea Change Agency
- Environment America/Environment Texas
- Defenders of Wildlife Southwest Region
- National Parks Conservation Association (NPCA)
- National Resources Defense Council (NRDC)

Support:

- NMSF
- NMSF + 22 organizations
- Audubon Society
- Ocean Conservancy
- Inland Island Coalition
- NPCA

Support, but prefer DEIS Alt 3 or larger:

- NWF
- Environment America / Environment Texas
- Healthy Gulf
- NRDC

Oppose RPA, request larger alternative:

- Sierra Club
- Defenders of Wildlife
- TIRN/CBD/Oceana/The Sea Change Agency

General concerns for opposition:

- Flawed process – no scientific justification for reduction in size and configuration, undue influence by specific use groups (O&G industry, fishing)
- Significant change from DEIS alternative – requires a Supplemental Environmental Impact Statement (SEIS)

- RPA eliminates significant habitat, connectivity, and buffer areas

Defenders of Wildlife's letter was thorough in that all minutes from FGBNMS Advisory Council and the Council's Boundary Expansion Working Group meetings were reviewed. Defenders of Wildlife's letter included a section (II. C) titled, "The Revised Preferred Alternative is the Product of a Rushed Process Catering to Special Interests".

The next steps after consideration and analysis of public comments are the preparation of the Final Environmental Impact Statement (FEIS) and Final Proposed Rule.

Discussion followed. Joanie Steinhaus said she wished the FGBNMS Advisory Council could have had time to discuss the recommendation as proposed by the BEWG at the Advisory Council meeting in May 2018. Jesse Cancelmo remarked on how strong of a response was received regarding wanting a larger alternative. Joanie said she was interested in the percentage of people who are opposed to the current RPA and instead want Alternative 3 or Alternative 5, when the next opportunity might be for future expansion, and if NOAA would consider other comments such as loss of buffer zones, connectivity, and other issues. She requested to place an agenda item for the next SAC meeting in September regarding the public comments. Ruth Perry said she thinks a SEIS would create more confusion, and that it's a critical time to get through this expansion through and has the full support of the O&G industry. Shane Cantrell encouraged the process to move forward.

7:35 Meeting Adjourned – Frank Burek motioned to adjourn, seconded by Ruth Perry. With no objections, the motion was approved and the meeting adjourned.

Next SAC Meeting scheduled for Thursday, September 10, 2020.