

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

**Sanctuary Advisory Council
Meeting Minutes
VIRTUAL MEETING VIA WEBINAR
May 12, 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
Vacant	Oil and Gas Industry	
Scott Hickman	Fishing - Recreational	Present
Robert Kirschner	Fishing - Recreational	Present
Shane Cantrell	Fishing - Commercial	Absent
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)	Present
Charles Tyer	NOAA OLE (non-voting)	Present
Dale Shively	TPWD	Present
G.P. Schmahl	Sanctuary Superintendent (non-voting)	Present

Total voting member attendance: 13 of 15 (1 vacancy) of voting members; 8 votes needed

Others in Attendance:

Leslie Clift, Emma Hickerson, Kelly Drinnen, Irene Olivares-Arthur, Marissa Nuttall, Michelle Johnston, Kelly O'Connell, Erin Dunaway, George Cummings, James Wiseman, Janavi Mahimtura Folmsbee, Kait Brogan, Kelly Martin, Laura Picariello, Lauren Reed, Mary Hintikka, Matt Harlan, Maya Clausen, Michelle Nannen, Natasha Mendez, Pamela Plotkin, Raleigh Hoke, Santiago Herrera, Skip Schexnayder, Theresa Morris, Thomas Doolin, Tristan Baurick, Brooke

9:01 Meeting called to order by Advisory Council Chair Scott Hickman.

9:01 Welcome and Announcements – G.P. Schmahl

Today's meeting is being run through a webinar.

Roll Call

9:25 Administrative Business – Scott Hickman

Adoption of Agenda – Motion to approve from Jake Emmert, second from Sepp Haukebo. No objections, motion approved.

Adoption of Minutes – Motion to approve from Jake Emmert, second from Sepp Haukebo. No objections, motion approved.

9:30 Sanctuary Update – G.P. Schmahl

The deadline for applications for the open seat (oil & gas industry) on the FGBNMS Advisory Council was extended to May 15, 2020 due to the coronavirus pandemic.

Due to the coronavirus pandemic, FGBNMS staff have been under a mandatory telework order since the week of March 16. Public access to the facility is closed until further notice. Vessel operations and NOAA diving are suspended until further notice. The R/V *Manta* entered the shipyard for maintenance in April 2020. Note: mooring buoys are not currently being maintained and the sanctuary assumes no liability for use of the buoys. A notice of this has been posted on our website.

FGBNMS conducted a water quality cruise on March 12, 2020. Coral recruitment was observed at the 2016 mortality site on East Flower Garden Bank.

In February 2020, the Seaside Chats' "ROVing the Gulf" evening events were successfully completed with four separate presentations.

9:42 Sanctuary Expansion – G.P. Schmahl

The Notice of Proposed Rulemaking (NPR) for the proposed sanctuary expansion was published in the Federal Register on May 1, 2020.

The Proposed Rule for the FGBNMS Revised Expansion Proposal includes:

- Portions of 14 additional reefs and banks
- 104 square mile increase for a total of 160 square miles

- Apply existing regulations within the new areas

Public comment are solicited through July 3, 2020, including through regulations.gov, public comment meetings, and by mailing letters to the sanctuary's office.

Three virtual public meetings will be conducted to accept public comment:

1. June 8, 2020: 1:00pm-3:00pm CDT
2. June 8, 2020: 6:00pm-8:00pm CDT
3. June 11, 2020: 6:00pm-8:00pm CST

Specific input is being requested on three areas:

1. boundary configurations
2. pelagic longline gear exemption
3. spearfishing gear exemption

GP walked through the FGBNMS website and the webpages related to sanctuary expansion, including the new interactive map feature and how to submit comments through regulations.gov.

Since May 2018 and the SAC's recommendation on expansion:

- FGBNMS conducted a consultation with BOEM, requesting an analysis required by Executive Order 13795 (American First Offshore Energy Strategy). FGBNMS received BOEM's analysis in February 2019. BOEM analysis indicates that the Revised Proposed Alternative (RPA) may impact 0.002% of known oil and gas reserves, 0.07% of contingent resources, and 0.008% of undiscovered resources in the Gulf of Mexico. However, BOEM noted that the action may affect the interest of companies to lease affected blocks and could raise potential "breach of contract" issues in existing leased blocks.
- FGBNMS consulted with the Gulf of Mexico Fishery Management Council (GMFMC) which submitted a response in November 2018 on the revised proposal. The GMFMC response indicated that their previous recommendation for establishment of a "tiered" approach for fishing activities was no longer needed, and expressed general support. However, GMFMC recommended the consideration of an exemption for the possession and use of spearfishing gear, and for FGBNMS to investigate the impact of fishing weights associated with bandit gear fishing.
- The Office of Management and Budget (OMB) conducted an interagency review process. FGBNMS received comments and concerns from DOI/BOEM, US Navy, Small Business Administration, and U.S. Department of State.

Discussion followed. Joanie Steinhaus asked for feedback from NOAA's Office of Law Enforcement regarding some of the small "donut" areas that seem impossible to enforce (e.g., Elvers, McGrail, and Parker), and requested the Advisory Council be briefed on the recent public comment period. Jesse asked about the pelagic longline exemption and talked about his firsthand experience seeing lost gear on coral reefs at FGBNMS and elsewhere, and is supportive of restricting longline fishing in the proposed sanctuary expansion areas. Frank Burek discouraged changing the proposal to change boundaries or grant exemptions. Jake Emmert spoke about seeing longline gear underwater recently, and wants to have enforceable boundaries. Charles

Tyler confirmed very narrow and small areas are difficult to enforce, depending on the regulations. He added NOAA's OLE will continue being involved in the expansion process to enforce whatever is best for FGBNMS. Scott Hickman offered technology (e.g., vessel monitoring) is aiding enforcement. Adrienne Correa is not in favor of granting the longline fishing exemption. She added there were accessibility issues for some during the Boundary Expansion Working Group meetings and although she doesn't want to drag the expansion process out, the time for comments is now and the interactive mapping tool on the FGBNMS website is a good resource. Jesse asked if an impact analysis was conducted on NOAA's Preferred Alternative 3. G.P. responded the 2016 DEIS addressed some, BOEM provided a more full analysis in 2017, and the Final Environmental Impact Statement will contain both analyses. Robert Kirschner asked about the large amount of high coral density areas outside the boundaries of the SAC recommendation, and asked if these areas could somehow be indicated on charts. G.P. responded the Boundary Expansion Working Group process was driven primarily by the potential impact to offshore oil & gas interests. He added he too is concerned about those high coral density areas, but they are protected through the permitting process via BOEM. The Boundary Expansion Working Group process provides protection while still allowing economic activity to occur. Natalie Davis voiced her concern regarding changing the sanctuary expansion proposal and does not want the process delayed. Joanie said some very sensitive, biological features won't be protected since they're not included in the Revised Preferred Alternative, and urged the Advisory Council to review the public's input.

Motion from Joanie: Hold a brief summer meeting after the public comment period has ended and FGBNMS staff have processed the comments. Second from Brian Shmaefsky. Discussion followed. Scott requested a late afternoon/early evening meeting to accommodate fishers, and in-person, if possible. Scott motioned to amend the motion to reflect this, seconded by Ruth. Discussion followed. Several members recommended this meeting be "informational only" and that no official actions be taken. Scott said the summer is the busy season for fishing. **Ruth Perry proposed a friendly amendment, seconded by Scott, to hold an Information SAC meeting in the month of July, after the end of the public comment period, for FGB staff to present status updates on public hearings and summary of comments received to date. A roll call vote was taken, and all approved except Frank Burek and Scott Hickman. Motion passed (11 to 2).**

12:02 Constituent Updates

Adrienne Correa, Research – most activities at/through Rice University shut down during the pandemic; finished analyses of sponge microbial community response to 2016 bleaching and Hurricane Harvey events and submitted to journal for review.

Alicia Caporaso, BOEM – benthic ecology lead in GOM, replaced Mark Belter as BOEM representative on SAC. Conducting work remotely except field work.

Brian Shmaefsky, Education – working with Children's Environmental Literacy Foundation – had to cancel two teacher workshops due to the coronavirus pandemic. Received grant for phytobioremediation project.

Ruth Perry, Oil & Gas Industry – oil and gas industry will provide comments for NOPR; soliciting applications in industry for SAC seat; providing counsel to groups interested in decommissioning of platforms; looking at TABS buoy and other instruments able to collect observations

Charles Tyer, NOAA Office of Law Enforcement – still conducting enforcement operations; one OLE officer was promoted and left (Matthew Roache)

Dale Shively, Texas Parks & Wildlife Department – finished nearshore artificial reef project: “Big Man’s and Kate’s”. The underwater webcam project at FGBNMS now has a signed Memorandum of Understanding between Ocean Power Technologies and TPWD.

Frank Burek, Dive Operations – Worked on dive community support work for sanctuary expansion via meetings, discussions, newsletter releases, website updates, and position statements; worked on coordination of Charter and Artificial Reef teams. Houston Underwater Film Festival has been rescheduled to mid-September 2020.

Jake Emmert, Conservation – lots of adjustments at Moody Gardens during the coronavirus pandemic; zoos and aquariums are the only places where divers are able to dive professionally at this time. Moody Gardens divers supported ten expeditions during the last year, eight of which with FGBNMS.

Jesse Cancelmo, Recreational Diving – conducted outreach to dive communities regarding sanctuary expansion; wants to move the sanctuary process forward, but also supports facts, data, and the fullest understanding to where we are now and how we got there; wants to understand and digest public comments; if there’s a possibility to tweak what we have without jeopardizing the process, he supports it

Sharon Kamas, Education – 80,000 students in her school district were moved to online learning during the coronavirus pandemic; did professional development with STEM educators and will now be including FGBNMS; looking into funding possibilities regarding underwater webcam project.

James Sinclair, BSEE – inspectors still going offshore to conduct inspections while working within restrictions of pandemic; Stetson Long-term monitoring Interagency Agreement is languishing during the pandemic and he is not sure if it will be approved.

Joanie Steinhaus, Conservation – 125 turtle nests reported on the Texas coast so far. Volunteers are not able to patrol for turtle nests due to coronavirus pandemic; TPWD conducting nest patrols currently until May 18. Theresa has been processing water samples from FGBNMS for microplastics. Turtle Island Restoration Network was doing lots of outreach with schools, including Jacqui Stanley’s classroom at Yorkshire Academy, one of NOAA’s Ocean Guardian Schools.

Keith Edwards, USCG – USCG continues to operate and patrol FGBNMS with cutters and aircraft. Second cutter arrived in Galveston yesterday and will be commissioned soon. A third cutter will arrive within the next 2 months.

Michael Dance, Research - Hoping to get lab access in the next month and back in the field soon; finishing a research manuscript on fish communities at Sonnier and McGrail Banks.

Natalie Davis, Dive Operations – working on messages for sanctuary expansion with dive shops but most are closed down due to the coronavirus pandemic; oyster mariculture project in Texas has begun.

Scott Hickman, Recreational Fishing – charter boat fishing was closed in Galveston because of the coronavirus pandemic, but it was recently reopened after one month.

12:27 Meeting Adjourned – Frank motioned to adjourn, seconded by Brian. All in favor. Approved.

Subsequent to this meeting, an “Informational” SAC Meeting was scheduled for Thursday, July 30, 2020 to receive a summary on public comments received in response to the notice of proposed rulemaking.