

**FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY**

**Sanctuary Advisory Council  
Draft Meeting Minutes  
VIRTUAL MEETING  
September 10, 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
Dave Shively	TPWD (non-voting)	Present
G.P. Schmahl	Sanctuary Superintendent (non-voting)	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, Raven Blakeway, Irene Olivares-Arthur, Jimmy MacMillan, Kelly O’Connell, Edward Lindelof (ONMS HQ), Sarah Stein (ONMS HQ), Brooke Shipley (TPWD), Kris Benson (NRDA), Thomas Doolin, Matthew Roache (NOAA OLE), John O’Malley (NOAA NMFS), Ian Isaacs (NOAA OLE), Sharon McBreen (Pew), Michelle Nannen (BOEM), Lindsay Dubin (Defenders of Wildlife), Jarret Barker (TPWD), Keisha Bahr, Chandrasekaran Pillai, Matt Harlan (J Connor Consulting), Cynthia Palmer, Matt Douglas (J Connor Consulting), Paul Sanchez-Navarro (Defenders of Wildlife), Matthew Walia (NOAA Fisheries), Keisha Bahr, Alexandra Good

**9:00 Welcome and Announcements – Kelly Drinnen/G.P. Schmahl**

Today’s virtual meeting is being run through a webinar and is not being recorded.

Roll Call

**9:20 Administrative Business – Scott Hickman**

Adoption of Agenda – Motion from Joanie Steinhaus to change the agenda, switching the times for two agenda items. Second from Sharon Kamas. No objections on the revised agenda, motion approved.

Adoption of Minutes – Motion to approve minutes from May 12, 2020 meeting from Frank Burek, second from Jake Emmert. No objections, motion approved.

**9:30 NOAA’s Office of Law Enforcement (OLE) – Matthew Roache, John O’Malley**

Matthew Roache, OLE

US Coast Guard 87’ Cutter *Beluga* conducted a patrol out of Galveston, Texas at FGBNMS over February 7-8, 2020, targeting recreational, charter, and commercial fishing vessels. Three commercial shrimp fishing vessels boarded while en route to and from East Flower Garden Bank. A total of 19 violations were detected on the vessels regarding turtle exclusion devices (TED) and out-of-season red snapper. More multi-day FGBNMS patrols are planned with the USCG Fast Response Cutters (FRC) and 87’ patrol cutters. Discussion followed. Joanie asked about the TED violations. G.P. asked if USCG personnel could provide personnel to accompany the R/V *Manta* to FGBNMS. NOAA OLE’s Charles Tyer responded yes, though USCG personnel could not board another vessel for inspection purposes from the R/V *Manta*.

John O’Malley, Texas Parks and Wildlife Department (TPWD)

John is based in Corpus Christi, Texas and his presentation focused on a July 8-12 patrol, the first on TPWD’s new long range patrol vessel, *Captain Murchison*. The goals were to enforce sanctuary regulations and ensure compliance through presence. The vessel launched from Port O’Conner for the 160-mile transit to EFGB. TPWD spent one day each at each of the three sanctuary’s banks. No mooring buoys were observed at Stetson Bank. Only two vessels were observed, both at EFGB, one of which was the M/V *Fling*. Only two mooring buoys were observed at EFGB.

NOAA SE Region OLE has and is investigating sanctuary cases including: unlawful harvest and

sale of corals; unlawful take of protected resources (e.g., fish, lobster); and unlawful activities conducted within the sanctuaries (e.g., anchoring, dredging). Discussion followed. Jesse Cancelmo asked about the frequency of cruises to FGBNMS. John replied TPWD has conducted a second cruise since the July patrol, and will continue as their schedule and resources allow. Jarret Barker with TPWD introduced himself to the Advisory Council and shared information regarding the second patrol cruise in August before Hurricane Laura. Two vessels were observed that quickly moved off from FGBNMS. He asked for guidance from FGBNMS and FGBNMS Advisory Council on patrols such as requests for specific times of year. Four patrols are planned for 2021.

### **10:03 Sanctuary Update – G.P. Schmahl**

The recommendation for the Oil & Gas Industry seat on the FGBNMS Advisory Council was submitted to NOAA HQ for vetting and approval. Thank you to Review Panel members Michael Dance, Jesse Cancelmo, and Sharon Kamas.

Fernando Calderón Gutiérrez, a student at Texas A&M University Galveston, was selected as the FGBNMS 2020 Volunteer of the Year, and recognized for his volunteer service with the sanctuary, both below water and above.

FGBNMS remains under a mandatory telework order for all staff. Public access to the facility is closed until further notice. FGBNMS remains in Phase 0 in the NOAA Phased Return to Onsite Work plan. Vessel operations and NOAA Diving is suspended until further notice. Fourteen research cruises have been canceled/postponed so far, including three separate weeks dedicated to mooring buoy repair and installation. However, FGBNMS submitted a request to NOAA HQ to conduct a trip to assess damage from Hurricane Laura and inspect the mooring buoy system. The M/V *Fling* volunteered to replace some of the missing mooring buoys, and FGBNMS has provided some buoys to them, and can also provide buoys to other organizations/agencies. Coral spawning was confirmed in both August and September by divers on the M/V *Fling*.

In August for NOAA's "Get Into Your Sanctuary" event, FGBNMS partnered with Alicia Cahill and her store, Kitchen Chick, for a successful Facebook Live program titled, "Lionfish: Reef Raiders to Tasty Treats".

FGBNMS supported four local schools last year for NOAA's Ocean Guardian School program: Oppe Elementary, Austin Middle School, Dickinson High School, and Yorkshire Academy. For the current 2020/2021 school year, Ball High School was added. On Galveston island, the Ocean Guardian School will now reach elementary through middle school to high school students.

In May, FGBNMS released its Status Report on its coral reef condition through the National Coral Reef Conservation Program.

The 2018 annual report on the long-term monitoring at East and West Flower Garden Banks was published. The 2019 Research and Monitoring Report was also published. Both can be found on the FGBNMS website. Additionally, new additions to the *Mobula* catalog were processed including species confirmation on *Mobula* (versus *Manta*) *birostris*, code of conduct for Mobulid interactions, global threats, sanctuary as nursery habitat, and *Mobula* tagging. A total of 101

individual Mobulid rays have been identified at FGBNMS, with 25 re-sightings.

FGBNMS is conducting an inventory of Farley Sonnier and Ned Weeks' photographic trips from the time period of the late 1960's through the mid-1980's.

Hurricane Laura on August 26, 2020, missed Houston/Galveston region but did pass over FGBNMS.

G.P. reviewed the public comments (36,111 total) received during the public comment period for the Notice of Proposed Rulemaking (NPRM). Zero comments were received that totally opposed expansion as a concept. Very little support for either exemption (spearfishing or longlining) were received.

#### **10:42 FGBNMS Fishing Regulations – Buddy Guindon**

Buddy Guindon (FGBNMS Advisory Council - commercial fishing seat) voiced his concern and opposition against future sanctuary expansion because no access has been given in NOAA's expansion alternatives for fishers who have historically used and accessed fishing grounds in the proposed sanctuary expansion. He said he has seen little evidence of marine debris from fishing vessels, and requested everyone to share images. **Buddy motioned to form a FGBNMS Advisory Council working group to collect and examine evidence of damage from fishing vessels in the Gulf of Mexico, and develop ways to mitigate impacts to the fishing industry with continued expansion efforts.** Brian Shmaefsky seconded his motion. Discussion followed. Joanie asked about why this group would form now, instead of bringing their input during the Boundary Expansion Working Group meetings. Buddy responded it was not clear to fishers the working group was managing the expansion, but once they realized they are going to lose access to traditional fishing grounds, they wanted to get involved. Sepp asked if forming the group now would be effective or not for the current expansion proposal. G.P. said FGBNMS has conducted many ROV cruises on offshore banks, with lots of fishing gear debris documented including locations and photographs. He reminded the Advisory Council that the Gulf of Mexico Fishery Management Council (GMFMC) determined a tiered approach regarding fishing access was not needed after they reviewed the boundaries of the Revised Preferred Alternative, and if the group formed, it would be best served to meet before the next full Advisory Council meeting in November. Frank stated his opinion that the boundaries should move forward as proposed, but with the formation of this working group, the rules applied to those boundaries could change. Further discussion was tabled until after the next presentation.

#### **11:15 Deepwater Horizon NRDA: Mesophotic and Deep Benthic Communities (MDBC) Restoration – Kris Benson**

Kris' presentation focused on the following 3 components:

- Overview of Deepwater Horizon (DWH) oil spill and Natural Resource Damage Assessment (NRDA)
  - NRDA settlement in 2016 provided \$8.8 billion over 15 years.
- Overview of Mesophotic and Deep Benthic Communities (MDBC) Restoration Settlement Allocation & Goals
  - Total MDBC Settlement: \$273.3M
  - First restoration plan: \$126M to four projects over 7-8 years (mapping, ground-

truthing, and predictive habitat modeling \$35.9M; habitat assessment & evaluation (\$52.6M); active protection & management (\$20.7M); and coral propagation technique development (\$17.0M)

- Activities under active management and protection include the extension of education and outreach related to MDBC by engaging agencies, stakeholders, and advisory groups with MDBC science and restoration.

Discussion followed. Sepp Haukebo requested GP's sanctuary updates also include upcoming Requests for Proposals.

### **11:42 FGBNMS Fishing Regulations – Buddy Guindon – continued discussion**

Discussion continued. Joanie cautioned against forming the suggested working group now, during the final stages of the current expansion proposal, and that GMFMC could conduct this work. **Discussion ended and hearing no objection, the motion was approved.** Volunteers for Fishing Gear Working Group: Ruth Perry, Charles Tyer, Scott Hickman, Joanie Steinhaus, Buddy Guindon, Brian Shmaefsky, Natalie Davis, Robert Kirschner, and Jake Emmert, with Buddy as Chair. Motion to approve volunteers from Buddy Guindon, seconded by Charles Tyer. No objections, motion approved. First scheduled meeting will be planned for later in September, with location to be determined, pending NOAA requirements for staff on in-person meetings.

### **12:07 Sanctuary Expansion: Public Comments – G.P. Schmahl**

G.P. explained the remaining process for the proposed sanctuary expansion, and also gave details on longlining in the Gulf of Mexico, as well as the Small Business Administration's concerns of expansion on the fishing industry and leasing blocks in proposed expansion banks.

### **12:30 Constituent Updates**

Alicia Caporaso (BOEM) – BOEM in New Orleans remains under mandatory telework order. She has been working on benthic resource documents with groups who conduct benthic monitoring.

Brian Shmaefsky (Education) – has been working with environmental groups and schools to develop virtual outreach tools.

Dale Shively (TPWD) – Rigs to Reefs program will receive decommissioned platform donations in the coming spring and summer. One nearshore reef project will occur soon, deploying 1,500 concrete pyramids near Kate's Reef (near Galveston), Big Man's Reef (near Galveston), and Sabine Reef as well as 250 low-relief structures at Kate's Reef. The underwater webcam and buoy project at HIA389A with Ocean Power Technologies was canceled for the foreseeable future.

Frank Burek (Diving Operations) – Houston Underwater Film Festival is now scheduled for April 17-18, 2021. The Artificial Reef Working Group is planning a presentation for the next FGBNMS Advisory Council meeting in November.

Jake Emmert (Conservation) – Moody Gardens was selected for the next host for the American Academy of Underwater Sciences' symposium, but now is postponed until 2022 due to covid-19.

James Sinclair (BSEE) – BSEE has requested 2 new years of funding for Interagency Agreement with FGBNMS for continued monitoring at Stetson Bank.

Joanie Steinhaus (Conservation) – Turtle Island Restoration Network (TIRN) has been working with Galveston Bay Estuary Program and Dr. Guillen to collect samples to monitor for microplastics. With new funding, TIRN will add new sites in Galveston Bay and will be working with students in local schools.

Keith Edwards (USCG) – all four USCG fast cutters are now commissioned, with two located in Galveston, allowing longer and more frequent patrols.

Michael Dance (Research) – Louisiana State University students and faculty are back on campus. He has been working on a manuscript on banks included in the sanctuary expansion proposal.

Natalie Davis (Dive Operations) – has changed groups at work to Data Repository at Harte Research Institute.

Robert Kirschner (Recreational Fishing) – made several, deepwater recreational fishing trips including to Stetson Bank. He did not observe other boats.

Ruth Perry (Oil & Gas Industry) – has been managing work conditions offshore with covid-19 and Hurricane Laura damage assessments; biological opinion for 50 years issued in March 2020 regarding mitigations and observations for endangered species; continued work with ocean acidification buoys; deployed underwater gliders during Hurricane Laura.

Sepp Haukebo (Recreational Diving) – Environmental Defense Fund (EDF) has been working on the next Gulf and Caribbean Fisheries Institute meeting with a special session on recreational and for-hire fishing.

Scott Hickman (Recreational Fishing) – The Gulf charter fleet experienced a record breaking summer, as more and more people are taking part in outdoor activities during covid-19. Galveston has 40 permitted charter fishers. No captain or deckhand had the coronavirus (except Scott).

### **1:00 Public Comment Period**

My name is Captain Sergio Trejo. I own and operate my own charter company Tre Charters, LLC. I am a combat wounded veteran of the Iraq war. I've been blown up due to IED's three different times. I've been shot at several times, and have engaged in hand-to-hand combat with terrorists while deployed. I was medically retired due to combat-related injuries in 2010. I was lost and felt hopeless for a season. But then I discovered the therapeutic process the waters the Gulf of Mexico has to offer. We specifically take out combat wounded veterans. We take combat wounded veterans scuba diving to the Flower Garden Banks Marine Sanctuary (FGBNMS). I have seen firsthand how the waters offers a healing process for our nation's heroes. I would like to see more programs offered to help our veterans during their transitions in life post-military. I

would also like to recommend the Gulf Program be expanded to help get more of our veterans to FGBNMS. Thank you for your time.

**1:14 Meeting Adjourned** – Scott motioned to adjourn, seconded by Frank. All in favor.  
Approved.

Next SAC Meeting scheduled for Wednesday, November 18, 2020.