

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY
Sanctuary Advisory Council
Meeting Minutes
May 1, 2013

Meeting Attendance Roster:

Jimmie Mack	Recreational Diving	Present
Jesse Cancelmo	Recreational Diving	Present
Cher Walker	Diving Operators	Absent
Vacant	Diving Operators	-----
James Wiseman	Oil and Gas Industry	Present
John Hoffman	Oil and Gas Industry	Absent
Scott Hickman	Fishing - Recreational	Present
Keith Love	Fishing - Recreational	Present
Patrick Riley	Fishing - Commercial	Absent
Mike Jennings	Fishing - Commercial	Present
Will Heyman	Research	Present
Larry McKinney	Research	Present
Karla Klay	Education	Present
Jacqui Stanley	Education	Present
Ellis Pickett	Conservation	Present
Jorge Brenner	Conservation	Present
James Sinclair	BSEE (non-voting)	Present
Michelle Nannen	BOEMRE (non-voting)	Absent
Jason Brand	U.S. Coast Guard (non-voting)	Absent
Rusty Swafford	NOAA Fisheries (non-voting)	Absent
Charles Tyer	NOAA OLE (non-voting)	Present
Ben Scaggs	EPA (non-voting)	Absent
G.P. Schmahl	Sanctuary Superintendent (non-voting)	Present

Others in attendance:

Tom McCain
Cheryl Powell, Apache Corp.
Frank Burek, former SAC member
Clint Moore, former SAC member
Sherrie Krause, Ball High School
Juan Torres, Ball High School
Kathleen Willson, Ball High School
Christina Napoli, Ball High School
Perla Oseguera, Ball High School
Ryan Zuniga, Ball High School

Amanda Collins, Ball High School
John Williams, Williams Party Boats Inc.
John Walker, Walker Sportfishing

Administrative Business

A regular meeting of the Flower Garden Banks National Marine Sanctuary (FGBNMS) Advisory Council was held on Wednesday, May 1, 2013 at 9:00 AM, at the NOAA Galveston Lab. Council Chair, Larry McKinney, as well as Council Vice-Chair, Jesse Cancelmo, were present. Larry called the meeting to order at 9:05 AM. G.P. welcomed the council and the public, gave a brief “safety moment”, and noted that the meetings will again be held in building 216 now that the roof work and floor refinishing is complete. Larry announced the call for papers for the 66th meeting of the Gulf and Caribbean Fisheries Institute to be held at Harte from November 4th to 8th. Larry and Will Heyman will both present at the meeting. Jacqui Stanley announced that she will travel to Belize on May 21st to work with Rachel Graham on a mural project. She shared that she’s excited to see something that we’ve done here at the sanctuary translated to another country.

Larry called for a motion to adopt the agenda. Jacqui Stanley moved to adopt the agenda; Mike Jennings seconded the motion. The motion passed. Jacqui also moved to adopt the minutes of the two previous meetings. Mike Jennings seconded the motion and the motion passed.

Following approval of the meeting agenda, G.P. reviewed the outcome of the recent council recruitment period. He explained that four seats were up for consideration: education, conservation, research and recreational fishing. The diving operations seat was left vacant until the charter subcommittee has an opportunity to review council membership. Introductions of staff and council members were made for the benefit of the new members in attendance. Scott Hickman and Karla Klay provided background information. James Sinclair explained his new position with BSEE. G.P. also introduced the public in attendance.

Larry addressed the need for electing a new council chair. Larry has served two terms as chair and has therefore “termed-out”. Larry opened the floor to nominations. Jacqui nominated James Wiseman. Jesse Cancelmo self-nominated. Jesse Cancelmo was elected as the new council chair. Upon request by Jesse, James agreed to serve as the new vice-chair (which could no longer be filled by Jesse).

Sanctuary Update

G.P. Schmahl, Sanctuary Superintendent, presented an update on sanctuary activities since May 2013. G.P. described the turnover in NOAA administration. Jane Lubchenco stepped down. The acting administrator is Kathryn Sullivan, an astronaut that came into NOAA on the satellite side of the program. Holly Bamford is the new head of NOS and Dr. Russell Callender is the acting deputy assistant administrator.

G.P. addressed the current budget issues, explaining the across the board spending cuts from

sequestration—5% cuts, hiring freeze, and mandatory furloughs. Allocations for this year's operations have still not been made. G.P. also examined the budget trends for NOAA over the past few years. Further, six programs have been terminated from NOAA as part of the STEM education reorganization. The programs will be transferred to the department of education, NSF, and the Smithsonian. Karla Klay and others expressed concern that this reorganization will lessen the worth of the programs. Sanctuaries did take advantage of some of these programs, like B-WET. G.P. explained that Jason Patlis, NMSF president, testified on Capitol Hill for increased sanctuary funding. Larry McKinney was also invited by Dan Basta to speak at CHOW. G.P. reminded the council that the SAC may not lobby members of congress, but individuals may do so. Finally, G.P. stated that the ONMS recently combined with the MPA Center and funds are now shared between the two entities.

G.P. continued the sanctuary update with a review of the following topics: Michelle Johnston's activities in American Samoa; the wrap-up of the seaside chat series with a talk on maritime heritage and culture; Ocean Discovery Day 2013 highlights (including Amy Borgen's shipwreck artifacts display and Jacquie's mural event showing California sanctuaries); the TAMUG Scientific Diver specialty course at FGBNMS which trains AAUS Scientific Divers (taking this course further will allow AAUS divers to participate in sanctuary monitoring); the recent PSBF ROV expedition with the Phantom S2 from UNCW to examine biological communities at Bright, Rankin, and 28 Fathom Banks (Paul Sammarco and BOEM are leading these efforts); the FGBNMS documentary, Window in the Waves, by Todd Richard of synergy Productions to premier on Louisiana public broadcasting in March 2014; the National Ocean Policy Implementation Plan released in April that supports reactivation of the SEL and discusses sentinel sites; and the FGBNMS boundary expansion delay due to the current political environment and expansions happening elsewhere in the sanctuary system.

Following the sanctuary update, Jorge Brenner was introduced as a new member and Jesse took over the meeting as the new council chair.

Artificial Reef Working Group Report

Jesse Cancelmo presented a PowerPoint of the artificial reef study report. He noted that the end result will be a request for a vote from the full advisory council. The council received the full report on March 1st. Jesse reviewed the study options and the five options presented in the report. Jesse summarized the report findings and made the following statements:

- artificial reefs exist in 3 other sanctuaries,
- the state takes the lead and assumes liabilities,
- the federal government is not willing to take on liability,
- 92% of respondents supported keeping the structure in place,
- the most popular option is to leave the deck above the water,
- platforms provide the only solid habitat in the GOM near the surface,

- benthic and demersal marine life is greatest at shallow depth,
- corals and fish share connectivity with nearby reefs (possible refuge for reseeded),
- platforms close to natural reefs have the greatest amount of corals,
- each platform set for decommissioning needs to be assessed individually,
- costs to maintain an out-of-water option is significant,
- the liability for an out-of-water solution is prohibitive,
- for partial removals the USACOE dictates vertical clearance requirements, it is possible for partial removals to be less than 85ft.,
- permit cycle time for a partial removal artificial reef is about 6 months,
- it is possible to have an out-of-water artificial reef structure if the state of Texas would assume liability, and the sanctuary would be willing to host the structure,
- the minimum expected life of an offshore structure without anode protection could be several hundred years,
- the so-called boomerang liability clause makes the “Alternate Use” provision for decommissioned platforms unattractive to the oil and gas industry and currently no owners have used this option,
- limitations exist in the current language of the CFR to allow an offshore platform to be transferred to the federal government.

The council members engaged in extensive discussion and explored the various options, opinions, limitations and liabilities. James Wiseman asked for a vote of the SAC to determine the level of support for the working group’s recommendation. Upon further consideration, James moved to defer the vote until the next meeting because new SAC members have not seen the report or had the opportunity to hear G.P.’s presentation at the February SAC meeting. Keith Love seconded the motion. During further discussion of this motion, James Wiseman moved to strike from the recommendation any language about leaving any of the platform out of the water. Scott Hickman seconded the motion. Following even further discussion, the council voted on the second motion to strike language associated with leaving a portion of the platform out of the water. With four members in favor of the motion, and eight members against the motion, the motion did not pass. Further action on this topic was deferred until later in the agenda to hear the student presentation.

Following the public comment period, the council returned to the artificial reef working group report. Will Heyman moved to accept the report as written and to accept the recommendation as written to staff. Larry McKinney seconded the motion. The council members engaged in discussion. James Wiseman asked why the recommendation for future sanctuary platforms is

different than that for HIA389A. Jesse explained that it was due to the concern that W&T would have to act soon. The out of water option was not seen as feasible with the short timeline, but the working group realized that the optimum outcome for the future would be an out of water option. The council further discussed the working group recommendation. G.P. stated that, from the sanctuary's perspective, we would not take liability for a structure above the water line. We are fine with an artificial reef in place cut at an appropriate depth, not necessarily 60 feet. Sanctuary management would not close the door completely on above water option, but the conditions under which this could happen would be so rare; somebody with an incredible amount of money would need to step in. We would love to have a research station out there, but that has not been a feasible option in the past. Larry stated that he reads the recommendation as something ideal but with a way to leave options open. Jesse agreed that keeping options open is the key. Mike Jennings reminded the SAC that this is simply a recommendation, not a regulatory framework change. The risks are not heightened by the recommendation. Mike Jennings asked for a vote.

The council voted on the final artificial reef working group report. Nine SAC members voted in favor of the motion to accept the report and recommendation as written. Three opposed the motion. The motion passed.

Youth Working Group Report

Jacqui Stanley introduced the youth working group. Each student is now headed for graduation. She explained that the group has had 5 meetings since September and have had wide exposure to things going on at the sanctuary. Jacqui thanked Sherrie Krause for her willingness to work with the sanctuary and support the students in their involvement. In turn, Sherrie thanked Jacqui for supporting this effort. Each student had the opportunity to present their reflections on the experiences with the youth working group. They explained that their group is working on a video to show to students at Ball high later this month. They expressed appreciation for everything they experienced and the school has an excited group of students ready to take on the youth working group next year. Each student was presented with a letter of acknowledgement from the sanctuary superintendent. Jacqui read the letter aloud to the group and the council.

Public Comment Period

The following comments were recorded:

Johnnie Walker: He has been a charter captain for 25 years in the commercial snapper fishery. He fishes HIA389A more than any other rig. It would be a travesty if it was completely removed. The bottom around FGBNMS is very productive; as much as the reef cap area.

Bill Platte: He would like HIA389A and all rigs around there to stay above the water. It would be devastating to take it down; and possibly to the FGB life as well. As a charter boat captain, he would like to see it left above the water.

Both guests asked about the typical cut off depth and the method of cutting. G.P. stated that explosives will not be allowed in the sanctuary and that the top portion of the platform will most likely go to a reefing area about 10 miles away. Charles Tyler asked of the guests that if there was a higher risk of a vessel strike or hurricane damage from leaving the platform above the

water, then would they still be in favor of leaving the platform out of the water. Johnnie Walker stated that he would then prefer to cut it below the water if the risk was too great.

During discussion of the artificial reef working group recommendation, Bill Platte asked why it is legal to drop a 2 pound weight and commercial gear on coral. G.P. agreed that this is something that the sanctuary needs to consider. Current regulations allow for conventional hook and line fishing; weights are a part of bottom fishing. At the time of sanctuary designation it was thought that those types of activities did not have a major impact. Bill Platte stated that he is totally against using weights for bottom fishing on the coral cap. He sees commercial and recreational boats regularly dropping weights.

Johnnie Williams spoke briefly following the vote on the Artificial Reef Report. He wants to preserve as many platforms as possible. He is in favor of protecting them as essential fish habitat. He is against expansion, but would be in favor of closing one area of the banks for research. He does not fish out there due to the FDA ciguatera warning, which he understands to be a short term event. He would not be opposed to closing one bank to diving and fishing. He does not endorse boundary expansion. He wants to see one bank in pristine condition and closed to everything for valuable research without outside interference.

Charter Subcommittee Report

Larry McKinney explained the need for the charter subcommittee to meet. The Charter will expire in the near future. A review is required to draft an updated Charter. Additionally, the subcommittee will examine the make-up of council representation to determine if changes are needed. Jimmie Mack and James Sinclair volunteered to serve on the subcommittee.

Presentation: What's in a Name?

Kelly Drinnen began her presentation by pointing out the similarly titled exhibit in the ballroom that was created for Ocean Discovery Day this year. Kelly provided interesting historical context for the naming of the significant reefs and banks in the northwestern Gulf of Mexico. The following individuals were highlighted: Henry C. Stetson, Bruce S. Applebaum, F. Stearns MacNeil, John L. Rankin, Thomas J. Bright, Richard A. Geyer, Douglas J. Elvers, David w. McGrail, V. Farley Sonnier, Arnold H. Bouma, Richard Rezak, Bruce R. Sidner, Frances L. Parker, Robert Alderdice, R/V A.A. Jakkula (bank named after the boat, not the person), William Maurice "Doc" Ewing. Clint Moore commented that "Applebaum" should really be spelled as Appelbaum, but that the mistake "stuck" once the name was in place. G.P. explained that the U.S. Hydrographic office has an official process for naming. Troy Holcomb at TAMU is working on getting additional official names in place. Much of the naming occurred in the 1970s.

Presentation: Report on the FGBNMS Socio-Economic Study

Will Heyman provided an update on the current study of the potential socio-economic impacts of boundary expansion and possible research only areas. He explained that this is required as part of the NEPA process—Bob Leeworthy is primarily responsible for the project. The project was started in 2010 when they applied for OMB approval and funding. Will's students did the initial assessments which lead to creation of the current database. Will put in place a high level of confidentiality and separation of data from individuals. VMS data was used to identify

vessels that have been in the study area. The study is currently in hiatus. Recent funding has come from NMSF and LGL. Will hopes to finish collecting data by the end of June 2013. Bob Leeworthy will analyze the data with possible results by the end of the year.

New Business

Ellis Pickett promoted the Texas Beverage Container bill. He explained that it is delayed with the senate finance committee. He encouraged individuals to call and write to Senator Hager to get this moved beyond the committee level.

Jorge Brenner shared information about his lionfish poster with the council. Jorge will share the final product, which will be printed in large format, with Kelly.

Jesse Cancelmo commented on the status of HIA389A. Larry, Clint and Jesse met yesterday with W&T. No decisions have yet been made. Timing is still in question and they are experiencing two pipeline problems. Jesse shared with W&T the findings of the artificial reef working group report and reinforced that the platform is a popular dive location