

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

JOINT CORAL/HABITAT PROTECTION COMMITTEE

Hilton Clearwater Beach Resort Clearwater Beach, Florida

June 22, 2016

CORAL COMMITTEE VOTING MEMBERS

- Roy Williams.....Florida
- Leann Bosarge.....Mississippi
- Glenn Constant (designee for Cynthia Dohner).....USFWS
- Martha Guyas (designee for Nick Wiley).....Florida
- Kelly Lucas (designee for Jamie Miller).....Mississippi
- John Sanchez.....Florida

HABITAT PROTECTION COMMITTEE VOTING MEMBERS

- Dale Diaz.....Mississippi
- Glenn Constant (designee for Cynthia Dohner).....USFWS
- Pamela Dana.....Florida
- Myron Fischer (designee for Patrick Banks).....Louisiana
- John Greene.....Alabama
- John Sanchez.....Florida
- Roy Williams.....Florida

NON-VOTING MEMBERS

- Kevin Anson (designee for Chris Blankenship).....Alabama
- Doug Boyd.....Texas
- Roy Crabtree.....NMFS, SERO, St. Petersburg, Florida
- Dave Donaldson.....GSMFC
- Campo Matens.....Louisiana
- Robin Riechers.....Texas
- Greg Stunz.....Texas
- Ed Swindell.....Louisiana
- David Walker.....Alabama

STAFF

- Steven Atran.....Senior Fishery Biologist
- Assane Diagne.....Economist
- John Froeschke.....Fishery Biologist - Statistician
- Douglas Gregory.....Executive Director
- Beth Hager.....Administrative Officer
- Morgan Kilgour.....Fishery Biologist
- Ava Lasseter.....Anthropologist
- Mara Levy.....NOAA General Counsel
- Emily Muehlstein.....Fisheries Outreach Specialist
- Ryan Rindone.....Fishery Biologist/SEDAR Liaison
- Claire Roberts.....EFH Specialist

1 Bernadine Roy.....Office Manager
2 Charlotte Schiaffo.....Research and Human Resource Librarian
3 Bryan Schoonard.....GIS Analyst
4 Carrie Simmons.....Deputy Director
5

6 **OTHER PARTICIPANTS**

7 Anna Beckwith.....SAFMC
8 Randy Boggs.....Orange Beach, AL
9 Steve Branstetter.....NMFS
10 Eric Brazer.....Reef Fish Shareholders Alliance
11 Shane Cantrell.....Galveston, TX
12 David Dale.....NMFS
13 Brian Dinning.....Tampa, FL
14 Traci Floyd.....MS DMR
15 Bill Kelly.....FKCFA
16 Mike Larkin.....NMFS
17 Ed Lindelof..National Marine Sanctuary Program, Silver Spring, MD
18 Rich Malinowski.....NMFS
19 Gladys Miles.....NOAA GC
20 Dave Naumann.....Sarasota, FL
21 Bart Niquet.....Lynn Haven, FL
22 Dennis O'Hern.....FRA, FL
23 Bonnie Ponwith.....SEFSC
24 George Schmahl.....Flower Garden Banks National Marine Sanctuary
25 Steve Tomeny.....Port Fourchon, LA

26
27
28

- - -

TABLE OF CONTENTS

1
2
3 Table of Contents.....3
4
5 Adoption of Agenda.....4
6
7 Approval of Minutes.....4
8
9 Action Guide and Next Steps.....4
10
11 Update on Gulf Council Activities Supported by the NOAA Coral
12 Reef Conservation Program.....5
13
14 Deep-Sea Coral Workshop Report.....8
15
16 Five-Year EFH Review Status Update.....9
17
18 Recommended Coral HAPCs Update.....17
19
20 Flower Garden Banks National Marine Sanctuary Draft
21 Environmental Impact Statement Update.....22
22
23 Adjournment.....47
24
25 - - -
26

1 The Joint Coral/Habitat Protection Committee of the Gulf of
2 Mexico Fishery Management Council convened at the Hilton
3 Clearwater Beach Hotel, Clearwater Beach, Florida, Wednesday
4 morning, June 22, 2016, and was called to order at 8:30 a.m. by
5 Chairman Roy Williams.

6
7
8
9

**ADOPTION OF AGENDA
APPROVAL OF MINUTES**

10 **CHAIRMAN ROY WILLIAMS:** If I could get you all to turn to Tab N,
11 Number 1, we have a proposed agenda for a joint meeting between
12 the Coral and Habitat Protection Committees. I am the Chair of
13 the Coral Committee. Dale is Chair of the Habitat Committee,
14 and we talked earlier and thought it might be best if I just
15 went ahead and chaired the whole thing, and so that's the way
16 we're going to proceed, and will be voting jointly. We are not
17 voting separately, as separate committees.

18

19 The first item on the agenda is the Adoption of the Agenda,
20 which is at Tab N, Number 1. Does anyone have any changes to
21 it? Does anyone have any objection to adopting the agenda as
22 written? Hearing no objections, it's adopted.

23

24 The next thing are the minutes, at Tab N, Number 2. Are there
25 any changes to the minutes? We probably ought to have a formal
26 adoption of the minutes, I would think. Would somebody care to
27 make a motion?

28

29 **MR. DALE DIAZ:** So moved.

30

31 **CHAIRMAN WILLIAMS:** Motion by Dale, and it's seconded by Kelly.
32 Thank you. Any discussion? Hearing none, the minutes are
33 adopted. The next item, Tab Number 3, I will turn it over to
34 Morgan Kilgour to tell us what we're going to be doing, what we
35 need to do.

36

37

ACTION GUIDE AND NEXT STEPS

38

39 **DR. MORGAN KILGOUR:** Thank you, Mr. Chair. I can just keep us
40 on track. Most of the information for the agenda today is
41 information, and so I will just make sure that we stay on track,
42 if that's all right with you.

43

44 **CHAIRMAN WILLIAMS:** Our first item of business then is Update on
45 the Gulf Council Activities Supported by the NOAA Coral Reef
46 Conservation Program, and our staff member, Bryan Schoonard, is
47 going to be doing this. Bryan.

48

1 **UPDATE ON GULF COUNCIL ACTIVITIES SUPPORTED BY THE NOAA CORAL**
2 **REEF CONSERVATION PROGRAM**

3
4 **MR. BRYAN SCHOONARD:** Thank you. I want to thank everybody for
5 allowing me to present today. I will be presenting on spatial
6 decision support tools for coral ecosystems. My name is Bryan
7 Schoonard. I'm the GIS Analyst for the Gulf of Mexico Fishery
8 Management Council.

9
10 First things first, I want to talk about just some of the grant
11 milestones from the 2011 to 2013 grant. One of the milestones
12 was hosted a workshop and we gathered information on the
13 relationships between coral and fisheries. We brought together
14 experts from around the world. They gave presentations on a
15 variety of topics. We also held panel discussions. If you are
16 interested, the link to the final report is at the bottom of the
17 presentation.

18
19 We also published a book in interrelationships between coral and
20 fisheries. Experts from the workshop contributed chapters to
21 the books on topics they discussed at the workshop. The book
22 can also be found at the link below on the presentation for the
23 book.

24
25 A little bit about some of the other grant milestones from the
26 2011 to 2013 grant. We did two posters that inspired deep-sea
27 learning. The deep-sea ecosystems are biologically very
28 important and little is known about them, and so it's very
29 important to allow us to show people what these species look
30 like and some of the ecosystems look like.

31
32 We did print and visual poster highlighting of deep-sea species
33 and ecosystems, widespread distribution of outreach materials,
34 where we gave it out seafood festivals and some door prizes at
35 some of the NOAA centers.

36
37 We also enhanced the content on a digital version, which allows
38 people to go to the Gulf Council portal site, and these are more
39 interactive. You can click on anything that has a number in it,
40 and actually a pop-up will show up. There's an example of a
41 pop-up below. You can see we have a picture, a description, a
42 little bit about the geographic distribution, which is an
43 interactive map and then also a little bit about the depth range
44 that the species can be found in.

45
46 The 2014 to 2016 current grant, we have mainly focused on
47 enhancing the Gulf data portal, and this is just an example, on
48 this slide, of the data portal when you first go to it.

1
2 Kind of a where are we now, we're expanding digital content,
3 more data, more products, better decision support. That all
4 turns into better management. We have been identifying data
5 gaps with some of the coral areas. Some of the recommended
6 HAPCs have not a lot of research in them, and so we have noticed
7 some of those and passed it on to some of our NOAA colleagues.
8 We've also been developing species habitat models and decision
9 support tools and working with Gulf partners and stakeholders.

10
11 Now a little bit about the digital products. We did a data and
12 mapping application. We have a coral viewer, an essential fish
13 habitat viewer, predictive model deep-sea coral habitat viewer.
14 Some of the decision support tools we have, these are just two
15 that are highlighted here. We have the king mackerel migratory
16 zones and the spiny lobster mapper.

17
18 Some of the ones that we're working on now is mapping of other
19 important habitats to link corals with the fisheries. We are
20 also working on a goliath grouper learning module and a lionfish
21 learning module.

22
23 The graphic kind of shows how we've progressed. We build the
24 portal site, and now we're adding content to it. That allows it
25 to be more accessible and people to easily visualize data.

26
27 **CHAIRMAN WILLIAMS:** I have a quick question for you. What do
28 you mean by a leaning module, goliath and lionfish learning
29 module?

30
31 **MR. SCHOONARD:** It's more of like a web app. It allows people
32 to understand the species more. It's just not a map as
33 information. It's more about the life stages and the ecology of
34 them.

35
36 This is just a little bit about the Gulf of Mexico's coral and
37 coral viewer. It's an online mapping application that
38 facilitates review and discussion and also decision making
39 regarding coral management. It improved access to the data
40 supporting management decisions. It explores distribution and
41 diversity patterns of coral in the Gulf of Mexico, which it
42 allows people to see visually where these are and where they are
43 geographically in the Gulf of Mexico.

44
45 We also have a GIS data download section, which allows people to
46 download the data themselves and perform their own analysis on
47 their own time. We also have it to where you can view
48 individual coral records of name, species, depth, and source.

1
2 When you first come to the coral and coral reefs viewer, this is
3 what what you will see. We tried to make them very simple. We
4 tried to make it easy for people to get what they need and get
5 the information that they need. If anybody is interested, the
6 link is below. It can be loaded on iPhone, android, tablets or
7 PC. It's totally mobile, and so if anybody wants to try it, you
8 can either click on the link or type it into your browser.

9
10 We added just some simple pop-ups for people to get a little bit
11 of information. As of right now, the pop-up shows just a
12 generic -- This one shows generic black coral information and
13 then a generic black coral picture. You can actually click on
14 the picture and the picture will be large and high-detail, those
15 photos. If you were to scroll up in the pop-up, it shows the
16 species, and it also shows the depth. Those two change as you
17 click on different points.

18
19 We also added a couple of just tools for now. We have a
20 charting tool that allows people to make their own analysis of
21 the depth of the coral. For this example, I used black coral,
22 and I basically made a polygon that allowed me to see the ones
23 that are highlighted in red. You can see the chart popped out
24 and displayed those actual depths for that. You can actually
25 click on the little magnifying glass inside the chart and the
26 chart expands and allows you to be interactive with the chart.

27
28 We implemented coral and reefs near me. This is a simple tool
29 which allows you to slide between one and 100 miles. Say I want
30 to put a point on the map and say I want to know all the corals
31 within fifty miles of that point, and I did that for this
32 example. You can see the output put out. It's, I think, 579
33 black corals and 447 stony corals, and so that's just a simple
34 way of getting to know the corals around your area. You can
35 also click on the black coral or the stony coral in the dialogue
36 box, and it will tell you exactly how far each coral is from
37 that point.

38
39 What web application is not complete without just a simple
40 measurement tool? This is a simple measurement tool. This one,
41 I chose just an area. You can see, from the polygon I chose,
42 and it popped 3,324 square miles, which is a simple way for
43 people to get areas for polygons, for recommended HAPCs, or
44 share with colleagues the numbers. It also has a measuring and
45 it also has some other tools that go along with it.

46
47 A little bit about how the data are being used. Management and
48 deep-sea coral workshops have used it. The decision support

1 tool is used to improve coral HAPC designations. Scientific
2 research, like academia. We've had students contact us and be
3 very interested in it. NGOs and the public, fishermen and
4 stakeholder. We've also had inquiries from Mexico, because they
5 go ahold of our site and saw some of the points off of their
6 coast, and they were very interested in using this site to
7 categorize their corals.

8
9 A little bit about the future steps. We're going to continue
10 enhancing the portal site to better inform the public and
11 stakeholders. We're going to continue expanding the GIS
12 database. This brings collaborating with more GIS data
13 providers, gathering GIS data during stakeholder workshops, and
14 I will talk a little bit about this in a second, and the habitat
15 mapper to link other important habitats with corals.

16
17 This is just an example of one of the methods we're thinking
18 about using to do one of our spatially-explicit habitat models.
19 It's an idea. It's a little more complicated, but it's just to
20 give you a visual representation of what we're thinking about
21 doing.

22
23 Also, like Roy had talked about doing learning modules, the Gulf
24 of Mexico has a coral reef management one. We're talking about
25 doing a lionfish one, a goliath grouper population ecology. We
26 actually have just obtained the data for lionfish and goliath
27 grouper, and so we'll start working on those soon.

28
29 Consequences of coral reef decline, fishery management efforts,
30 and we will also be working on outreach, public stakeholder
31 workshops, and that's where I talked about why we're doing these
32 public stakeholder workshops. It's a great opportunity to
33 gather data from some of the fishermen. Webinars, in-person
34 presentations, and we will be finishing off with a management
35 strategic evaluation, an MSE. That's all I have. Thank you.

36
37 **CHAIRMAN WILLIAMS:** Thank you, Bryan. Any questions for Bryan?
38 Hearing none, thank you very much.

39
40 **MR. SCHOONARD:** Thank you.

41
42 **CHAIRMAN WILLIAMS:** The next item on the agenda is Deep-Sea
43 Coral Workshop Report and John Froeschke.

44
45 **DEEP-SEA CORAL WORKSHOP REPORT**

46
47 **DR. JOHN FROESCHKE:** Good morning. I will pull up my notes
48 here. I just have a brief summary of a workshop. This was a

1 NOAA Fisheries priority-setting workshop that was held November
2 18 through 20 of last year, 2015, to discuss and refine
3 priorities for their science initiative. I will start by
4 skipping to the end and tell you that the workshop is still
5 pending, and so they haven't produced a workshop report yet.
6 Hopefully at some point they will have one, and so I'm just
7 going to go through and give you a few of the highlights.

8
9 The purpose was to glean information on the priority research
10 questions and the locations, and this was priority setting
11 within the Gulf and beyond, and so this is a U.S.-wide program.
12 They're trying to identify priorities for deep-sea coral and
13 deep-sea-related habitat research and figure out which ocean
14 basins and things to go to.

15
16 They have a three to four-year science initiative that will
17 extend into 2019. They tell us that the councils are their
18 primary client, and so the research that they do is intended to
19 inform management decisions, and so we attended and participated
20 in the workshop for that reason. The initiative, in this
21 upcoming or current period will include activities in the Gulf,
22 the South Atlantic, and the Caribbean.

23
24 There is focus on the science needed to conserve and manage
25 deep-sea coral and sponge communities in the Southeast Region,
26 and, in short, what they do is they do ROV deep-sea cruises. We
27 discussed areas that we would consider priorities in the Gulf
28 and more of a general framework of do you focus on areas that
29 you know support deep-sea coral habitats, so you can better
30 describe them, or do you focus on areas that you know nothing
31 about, in hopes of you learning something new?

32
33 The caveat is it's very expensive, and so they're resistant to
34 send submersibles down at \$100,000 a day to look at mud, and so
35 this was sort of the priority-setting workshop. Again, we hope
36 that a report will be available sometime this summer, and we can
37 provide you some information, but that's what happened.

38
39 **CHAIRMAN WILLIAMS:** Thank you, John. Are there questions of Dr.
40 Froeschke? All right. Hearing none, moving right along, our
41 next item of business is the Five-Year EFH Review Status Update.
42 Is Mr. Roberts going to do it?

43
44 **FIVE-YEAR EFH REVIEW STATUS UPDATE**

45
46 **MS. CLAIRE ROBERTS:** Thank you. Good morning, everybody. I
47 have met most of you before, but it's been a while, and so I
48 will reintroduce myself. My name is Claire Roberts. I am the

1 Essential Fish Habitat Specialist on council staff. I was hired
2 on last October to work on the five-year essential fish habitat
3 review, and so I will be giving you a status update on that
4 today, and I will be talking about a couple of other things as
5 well.

6
7 Just to orient you to how my presentation is structured, I'm
8 going to give you all a brief essential fish habitat history
9 overview. Given the infrequency with which this topic is
10 discussed, I thought a little bit of background information
11 would be helpful.

12
13 I will proceed with the five-year review update, and so I will
14 talk about sort of the objectives that we have with that and the
15 progress that I've made on those thus far, and will finish off
16 with an essential fish habitat summit highlight, and so that was
17 a meeting that was about a month ago, and I will talk about that
18 briefly.

19
20 Starting with the history, the Sustainable Fisheries Act was
21 added to the Magnuson-Stevens Act in 1996, and that is the first
22 official mandate for the identification and description of
23 essential fish habitat for all managed species. Essential fish
24 habitat is defined as those waters and substrates required for
25 breeding, feeding, and growth to maturity, and it's required
26 that we delineate those in FMPs or amendments to FMPs. Also,
27 this review process at least is periodic. It occurs
28 approximately every five years.

29
30 This timeline is Gulf Council specific. I have already
31 mentioned that in 1996 the Sustainable Fisheries Act. In 1998,
32 an EFH general amendment was created that defined essential fish
33 habitat for twenty-six representative species. In 1999, several
34 environmental groups brought a suit against NOAA. That was
35 essentially disagreeing with the approval of these amendments by
36 several of the councils, and they were successful in their suit.
37 The courts found that the council documents were in accordance
38 with MSA, but not NEPA, and so all of that led to, in 2004, an
39 Essential Fish Habitat Environmental Impact Statement.

40
41 This document is, I think, in the vicinity of 600 pages long.
42 It's like the bible of essential fish habitat, and it led to, in
43 2005, EFH General Amendment Number 3, which is our current
44 guiding action on how essential fish habitat is described for
45 each of the FMPs in the Gulf of Mexico. Then the first five-
46 year review was completed in 2010. No action stemmed from that
47 review. In 2015, we initiated the second five-year review.

48

1 The objectives of this five-year review are to update and
2 improve habitat association tables. Likely, most of you are not
3 familiar with what these are. I will be talking about them in
4 more detail, but they were developed in that 2004 environmental
5 impact statement. Sort of the goal with this is to make them a
6 little bit more user-friendly and to add new information to
7 them.

8
9 Additionally, I am reviewing and revising essential fish habitat
10 maps by FMP, and most of the work products that I will be
11 creating will also have a web platform, and so we're working on
12 a web-based application for those.

13
14 The legal requirements here are that this review must be
15 conducted approximately every five years, and the review of
16 information should include scientific literature, soliciting
17 information from interested parties, and searching for
18 previously unavailable or inaccessible data.

19
20 This is my workflow. I thought it was helpful to include a
21 diagram of how I'm going about this review. It starts out with
22 the literature review, and that information is incorporated into
23 the habitat association tables, and those habitat association
24 tables essentially inform species profiles and the access
25 database and the essential fish habitat maps.

26
27 As I have mentioned, these tables were developed in the 2004 EIS
28 document. They were not updated during the 2010 review, and so
29 my literature review is actually encompassing published
30 literature and unpublished scientific reports from 2004 to
31 current.

32
33 These tables include information on habitat utilization, and so
34 that's things like habitat type, and so submerged aquatic
35 vegetation or hard bottom or reefs, but it also includes
36 information like temperature and depth, dissolved oxygen and
37 salinity, predator and prey, and growth and mortality
38 information and production information, when it's available for
39 a particular species.

40
41 Again, this will be available both in text and also as a web
42 resource. On the previous slide, I had mentioned that access
43 database. That is essentially a copy of the habitat association
44 tables. Those habitat association tables are an Excel document,
45 and so that's going to be what's in the text, but the access
46 database will allow for querying of the data, so that you can
47 look at a particular life stage by FMP, if that's what you're
48 interested in, and so it allows a little bit more flexibility on

1 the web.

2
3 Now I'm going to talk about the map for a little bit. I wanted
4 to orient you to what reef fish EFH currently looks like. As
5 you can see, it encompasses a large portion of the Gulf of
6 Mexico. This is that same map you saw before, but it is clipped
7 to encompass Ecoregions 1 and 2. I am going to be giving you an
8 example of what our new maps are going to look like, using
9 yellowtail snapper, and their distribution is found in this
10 area.

11
12 Those ecoregions were created in the 2004 EIS document. They
13 are a compilation of shrimp statistical grids. Ecoregion 1,
14 just for reference, falls between the Gulf and South Atlantic
15 border, in the Keys, through Tarpon Springs. Then Ecoregion 2
16 is Tarpon Springs to Pensacola Bay. Ecoregion 3 is Pensacola
17 Bay to the Mississippi River delta. Ecoregion 4 is the
18 Mississippi River to Freeport, Texas, I believe, and Ecoregion 5
19 is Freeport, Texas to the Mexico border.

20
21 This green area here describes the early juvenile yellowtail
22 snapper habitat utilization. They are primarily found on
23 submerged aquatic vegetation and mangroves. This pink color is
24 the late juvenile and adult stages, which occupy reefs and hard-
25 bottom habitat. This is what a composite of that would look
26 like, and so you can see here that obviously this is just one
27 species.

28
29 The Reef Fish FMP is many more than just one species, but this
30 increased detail of information, I think it will be particularly
31 helpful to you all in making the most informed management
32 decisions you can with the best scientific data that we have
33 available.

34
35 I also wanted to give one example of an FMP that is just
36 comprised of one species. Here is our current spiny lobster
37 EFH. This is the distribution of post-larvae on a submerged
38 aquatic vegetation. This is juveniles and adults, and the
39 composite would look something like this, with submerged aquatic
40 vegetation hard bottom and reefs.

41
42 Again, the take-home really of the maps is, as we currently have
43 EFH designated, there is a very minimal level of detail
44 available, and so, if EFH is everywhere and you're not able to
45 access any more information than that, how do we know where to
46 prioritize protection of essential fish habitat? Sort of the
47 goal with the maps, on my end, is to add that level of
48 specificity that would allow us to say, oh, in estuaries in

1 Ecoregion 3, there are fifteen species that utilize it as
2 juveniles, just adding a little bit more information to what we
3 currently know about essential fish habitat.

4
5 Another one of the products that I'm working on are these
6 species profiles, and so this is going to encompass a large
7 portion of the textual document. There is an example of these
8 in the supplemental slides after the question slide.

9
10 It will include distributional information for each species and
11 a synopsis of the literature review that I have been conducting.
12 There will also be a textual description of essential fish
13 habitat by species and life stage, and those are the life stages
14 that we have defined right now. It will also include a brief
15 fishery history, and, again, this is being designed as a stand-
16 alone document, and so it will exist in the textual document,
17 but also on the web.

18
19 My project timeline right now is, in August, at the August
20 meeting, I will be bringing a draft of the five-year review to
21 the council, to solicit your feedback. In October, I will bring
22 a more finalized draft with your feedback incorporated, with the
23 goal, hopefully, of submitting it to NOAA for review and
24 approval in December.

25
26 Last up, I attended an essential fish habitat summit in May. It
27 is the twentieth anniversary of the EFH requirements in the MSA,
28 and the key participants were Science Center staff, NOAA and
29 NMFS Regional Offices and Headquarters, regional council staffs
30 and members, and the NGOs. There were also some members of the
31 public there and a couple other interest groups, but there was,
32 I think, about 120 people total that showed up.

33
34 These were the overarching discussion topics at the summit. I
35 am not going to read them all off to you, but there were three
36 in particular that I took a lot away from, and I will be talking
37 about each one of those in a little bit more detail.

38
39 One of the key take-aways that I got from the EFH summit is that
40 essential fish habitat designation varies drastically by region,
41 which I thought was very interesting. I didn't know much about
42 what the other regions were doing, since I just started
43 recently, and so it was nice to meet the other people involved
44 in the process and also see what's working and what's not for
45 different regions.

46
47 Some regions use things like catch rate. The New England
48 Council has pretty good access to trawl data to designate their

1 essential fish habitat. Others use observed range or more
2 presence/absence, and that's sort of what we do here in the
3 Gulf. Some use fishery-independent surveys or modeling. The
4 Mid-Atlantic uses fishery-independent and fishery-dependent data
5 to do their EFH designation, and the access to different types
6 of data varies drastically by region. Some regions have a lot
7 of really good data about which kinds of habitats their fish are
8 occurring on, and some councils and some regions are less so.

9
10 In the essential fish habitat documents, you will see reference
11 to data and various levels of data, and so, the way that it's
12 designated, Level 1 data is considered presence/absence. Level
13 2 data is abundance. Level 3 is growth and reproduction by
14 habitat type, and Level 4 is production by habitat type, and so
15 the goal is to get to Level 4 data, but most councils are
16 working with Levels 1 or 2, and our data is actually fairly
17 similar to what Atlantic HMS is using, and so I thought that was
18 particularly interesting, and I talked to some of their people
19 about adding some more quantitative analysis to the way that we
20 are currently designating EFH.

21
22 Another thing that I thought was interesting -- Actually, David
23 Dale is in the room, but he gave the Southeast Regional Office
24 presentation on upcoming or evolving problems with various
25 things in the Gulf, and one of the things he mentioned was
26 invasives, and I thought that that was particularly interesting,
27 from the perspective of what do you do if you have invasive
28 seagrass? Is it better to remove that or to keep it, given the
29 number of species that depend on seagrass and the rate at which
30 we are losing the native seagrass? I thought that was pretty
31 interesting.

32
33 Another take-away I had is that the communication between NOAA
34 and the councils regarding consultations varies drastically by
35 region. We are not super involved with that process and neither
36 is the Western Pacific Council, I believe. The Mid-Atlantic has
37 a somewhat more formal process for highlighting the types of
38 information or the level of information that they are interested
39 in this consultation process, and so, understandably, they don't
40 really want to know about a pier going in, but perhaps the
41 council would be interested in offshore energy projects.

42
43 I am not suggesting one way or another, but mostly just
44 informing you that this process has many levels of involvement,
45 and so I thought that that was interesting, because I didn't
46 realize that so many places did it so differently.

47
48 Lastly, I enjoyed the portion of advances in habitat research.

1 I think, as greater levels of data become available to us, the
2 way that we use them and the way that we designate EFH is going
3 to change, which Howard Townsend talked about, regarding
4 ecosystem modeling and this idea that we need to make habitat
5 science and management more scalable and quantifiable, and he
6 talked specifically about the Atlantis model.

7
8 John Manderson discussed seascape ecology. This was kind of
9 straightforward, but obviously living in a liquid is different
10 than living in a gas. Metabolic and physiological demands vary
11 greatly between those two kinds of environments, and it's just
12 sort of recognizing the underlying motivators of habitat
13 selection by fish species.

14
15 Richard Appeldoorn talked about prioritizing habitat protection,
16 which I kind of alluded to earlier, but, if all habitats and
17 locations are critical, how do we know which are the most
18 important to be protecting, and so he kind of went into some
19 information about connectivity and the importance of ecological
20 function and described the process that they're using in the
21 Caribbean to work on prioritizing habitat.

22
23 Lastly, Mary Yoklavich talked about surveying untrawlable
24 habitats. As you can probably imagine, that involves visual
25 surveys, and they are using things like AUVs and ROVs and manned
26 and unmanned subs to quantify the fish on those habitats that
27 they can't trawl on. With that, if anyone has any questions,
28 please feel free.

29
30 **CHAIRMAN WILLIAMS:** Are there questions for Claire?

31
32 **MR. GLENN CONSTANT:** Claire, are these presentations available?

33
34 **MS. ROBERTS:** Sorry. I forgot to mention that, but that slide
35 has a link at the bottom. If you go there, actually all of the
36 presentations at that meeting were available, as long as the
37 people who presented said okay, and so there is the consultation
38 presentations. Each of the regions said a little blurb about
39 how their region is designating EFH, and so those are available,
40 too. That's all there.

41
42 **CHAIRMAN WILLIAMS:** Dale.

43
44 **MR. DALE DIAZ:** I would just like to make a few comments.
45 First, I want to recognize that the staff is working very hard
46 to make sure that we meet our mandate. We are mandated to do
47 this five-year EFH review, and Ms. Roberts, Dr. Froeschke, Dr.
48 Kilgour, and if I'm missing somebody, I apologize, but I know

1 they're all working very hard to make sure that we accomplish
2 what we're mandated to do, and we do appreciate you all's hard
3 work, and I think a lot of it is reflected in your presentation.
4 I am very impressed with what you all are doing and what you
5 have done.

6
7 I wanted to make a few comments. I did attend the EFH summit.
8 We were very well represented by Dr. Kilgour and Ms. Roberts
9 there. They did a good job representing the council. I learned
10 a lot at that summit also, and one of the things I learned is
11 all the councils are handling EFH differently.

12
13 Ms. Roberts mentioned some of that in her presentation. It
14 seems like all of them are handling how to do the five-year
15 review differently, and part of that is for some of the reasons
16 that she mentioned. They have different data and different
17 habitats, different needs.

18
19 Also, it seems like all of the council are engaged differently
20 on how to handle communications on habitat projects and
21 consultations on habitat projects, and so I just wanted to kind
22 of float that out there. At some point in the future, I would
23 like for the Habitat Committee to have a discussion on where we
24 are now and where do we want to be in the future and see if
25 there is any interest from the committee on being either more or
26 less engaged, just kind of evaluate where we're at.

27
28 Historically -- I look around the table now, and there's
29 probably only a handful of people around the table that has been
30 here a significant amount of time that knows how this council
31 has dealt with that in the past. I know at one time we had
32 contracted with Gulf States Marine Fisheries Commission, and one
33 of their staff members kind of pretty much handled habitat
34 issues for the council, and I believe the way it worked then is
35 there were certain level projects and standard things that he
36 would comment on, like best management practices.

37
38 If a project was coming in, we had basically a -- Correct me if
39 I'm wrong, the folks that are here, but we had basically given
40 that habitat person the authority to give standard responses for
41 best management practices that we would like to see on certain
42 types of projects.

43
44 Some councils are handling it that way. I believe that's how
45 the Mid-Atlantic is handling it. Their habitat person is
46 already authorized. Now, on bigger projects or projects that
47 just don't come through as often, I think they take them up with
48 their habitat committee and they discuss them more, but, on the

1 more routine things.

2
3 Anyway, in the future, I would like for us to have those
4 discussions. If anybody has any comments they would like to
5 make about what we've done historically or their thoughts now
6 about maybe what we should be doing, and, if not, I will bring
7 this back up at the August meeting or the October meeting, for
8 us to have some of those discussions when we meet. Thank you,
9 Mr. Chair.

10
11 **CHAIRMAN WILLIAMS:** Thank you, Dale. That was very informative.
12 Any other comments or questions around the table? Is there
13 anything we need to do for you today?

14
15 **MS. ROBERTS:** No.

16
17 **CHAIRMAN WILLIAMS:** Thank you very much for your presentation.
18 The next item, Number VII, is Recommended Coral HAPCs Update by
19 Morgan Kilgour.

20
21 **RECOMMENDED CORAL HAPCs UPDATE**

22
23 **DR. MORGAN KILGOUR:** Thank you, Mr. Chair. I have presented the
24 areas that were recommended by the working group and the Coral
25 SSC and AP from last year to the Reef Fish AP, the Spiny
26 Lobster, the Shrimp AP, and Steven presented the recommended
27 areas to the Law Enforcement Technical Committee, as requested
28 by the council.

29
30 I have attached all of those meeting summaries, and I will
31 briefly go through just that specific item for Reef Fish, and
32 that's Tab N-6(a). I presented those areas, and Pulley's Ridge,
33 of the recommended areas, was a concern, and it was recommended
34 the staff work with Flower Garden Banks National Marine
35 Sanctuary, since they are currently working on a -- They were
36 working on a draft environmental impact statement.

37
38 You will be getting a presentation from Mr. Schmahl right after
39 me, but their motion about the recommended HAPCs was that the
40 council form a working group of coral scientists, charter,
41 recreational, bottom, and vertical longline commercial fishers
42 to identify new and existing coral areas that need boundary
43 revisions.

44
45 A potential charge for that group was to minimize the
46 restriction of access to all appropriate fisheries by
47 identifying the exact location of the important coral structures
48 and limiting the boundaries to the bases of those structures

1 where critical habitat exists.

2
3 The Shrimp AP also -- This was the second time they had reviewed
4 these areas, and they made the motion that the Shrimp Advisory
5 Panel meet with the Coral Advisory Panel, including coral
6 scientists, royal red shrimpers, and other appropriate
7 participants to consider the proposed coral areas in the Gulf.

8
9 This meeting actually is already scheduled to take place on
10 August 3. We are convening the Coral AP, the Coral SSC, and the
11 Shrimp AP, and I'm working on inviting some royal red shrimpers.
12 I haven't gotten confirmation, and so I'm going to have to reach
13 out to some more, so that we can get good participation from the
14 one segment of the fishery that is probably going to be most
15 affected by some of these deeper areas.

16
17 The Law Enforcement Technical Committee just recommended that
18 the boundaries of these areas not be irregular in shape, for
19 enforcement purposes, but they had no comments on the number of
20 the proposed areas or the proposed regulations.

21
22 Then the Joint Spiny Lobster APs also reviewed the areas, and
23 the only one that seemed to have potential conflicts with
24 lobster gear could be Pulley's Ridge, but none of the AP members
25 were aware of fishermen that used the area currently.

26
27 That's about it for the APs, and so, again, for just trying to
28 address the council motion from last June, I have presented it
29 to all of the APs that have met, and we have one more meeting,
30 and that's where we are.

31
32 **CHAIRMAN WILLIAMS:** What was that motion last June, Morgan?

33
34 **DR. KILGOUR:** To inform the appropriate fishermen about the
35 recommended areas and to try and get input on these areas before
36 the council would proceed with any formal amendment.

37
38 **CHAIRMAN WILLIAMS:** Okay. Thank you. I guess the next step --
39 Leann.

40
41 **MS. LEANN BOSARGE:** Just to add some further clarification to
42 what Morgan was saying about the Shrimp AP, the Shrimp AP
43 actually had it scheduled on their agenda for their last meeting
44 to go through all of these -- I think there's forty-two or
45 forty-five sites. It changes here and there, but, anyway, to go
46 through those and look at all the boundaries and see where they
47 would have some shrimping activity that may overlap with the way
48 the boxes are drawn. Not the coral, but the drawn boxes, and

1 possibly tighten up some corners on this box or that box, so
2 that everybody could find a middle ground.

3
4 Now, unfortunately, they got to that agenda item at about 3:30
5 in the afternoon, and an hour-and-a-half is not enough to go
6 through those sites and get some real good feedback. There are
7 two shrimpers, one royal red shrimp and one penaeid shrimp,
8 soft-shrimp shrimp, that did attend a Coral SSC/AP meeting
9 prior to that Shrimp AP meeting, and those two shrimpers did sit
10 in on the meeting and try and give some feedback, but obviously
11 two shrimpers to cover the entire Gulf of Mexico does not a good
12 sample make.

13
14 That's why this meeting is scheduled, upcoming meeting is
15 scheduled, for August, to dedicate a full day to sit down and
16 try and go through these sites, with the coral scientists in the
17 room, so that we can have some good discussion and hopefully
18 make some progress.

19
20 **CHAIRMAN WILLIAMS:** That should be a really good meeting,
21 because when you and your dad came to that Coral Advisory Panel
22 meeting, it really was a productive meeting. There was good
23 interchange back and forth, and you showed the areas where you
24 fished and they tried to modify the boundaries, and so getting
25 everybody in the same room I think will be really helpful on
26 that. Maybe everybody can leave happy on this. Kevin.

27
28 **MR. KEVIN ANSON:** Thank you. Dr. Kilgour, I don't know her
29 name, but one of the leading coral scientists was not available,
30 as I understand it, for this upcoming meeting. Do you have some
31 appropriate person that will be filling in for that person?

32
33 **DR. KILGOUR:** Yes, it was Dr. Sandra Brooke, and she is on our
34 Coral SSC and was not available, and so I reached out to Dr.
35 Erik Cordes. He's a professor at Temple University, and he has
36 worked with Dr. Brooke on a lot of these projects. He is very
37 knowledgeable. He helped with our coral working group when they
38 first identified these areas, and he is really well-spoken and
39 easy to work with, and so he's going to come and represent the
40 deep-sea coral scientists, because G.P. is also not available
41 for that August 3 meeting, and he's our other deep-sea coral
42 representative on the Coral SSC, and so I wanted to make sure
43 there was somebody there to answer questions.

44
45 **MR. ANSON:** Great. Thank you.

46
47 **CHAIRMAN WILLIAMS:** I have Dale and then Leann again.

48

1 **MR. DIAZ:** I think this question might be for Dr. Kilgour. What
2 is the standard buffer around these deep-sea coral reefs that
3 we're trying to keep, and I am specifically thinking of
4 shrimpers right now, but keep shrimpers out of?

5
6 **DR. KILGOUR:** We don't have a standard buffer in the Gulf of
7 Mexico. Generally, it's where these coral banks are. They're
8 on either some deep, large mounds, or some of these areas, off
9 of the South Texas Banks, are really small, discreet mounds.
10 It's been requested that I come prepared with buffers around
11 these areas, and so I will have that. I have also prepared
12 boundaries that have been shrunk to adjust for where shrimping
13 has occurred. I have the shrimp ELB data, and so I can plot
14 that on where the boundaries are, and I can adjust the corners
15 and the edges.

16
17 How the working group went about identifying these areas were
18 they have small points, discreet points, that they know there
19 are corals, extensive corals, in, but they applied it to a whole
20 lease block, and so the lease block couldn't be shrunk, based on
21 where -- Obviously shrimpers are not shrimping where there is
22 giant coral mounds, and so we can shrink those boundaries so
23 that it adjusts for where shrimping has historically occurred,
24 since the bathymetry is, in some places, very coarse, and so you
25 can't see the full extent of these bottom features.

26
27 **MR. DIAZ:** Just a follow-up to that. The Law Enforcement
28 Committee said to try to keep the boundaries from being
29 irregular. Do you see that as being an issue for you, for the
30 group to set up the boundaries? I just wanted to see what your
31 comments were.

32
33 **DR. KILGOUR:** Yes and no. Some of the areas, in particular the
34 South Texas Banks, that's where there is a lot of heavy
35 shrimping. These banks are very irregular. They are small. To
36 kind of accommodate to minimize the footprint of the area and
37 also accommodate for where shrimping has occurred, because, if
38 it's been occurring, then you know there isn't any coral there,
39 they are going to be not square boundaries.

40
41 They might be a diamond or a hexagon, but I've done a, I think -
42 - At the meeting, everybody will see these areas, so that they
43 can all recommend to proceed or not, but most of those areas,
44 while they might not be squares, they do have points.

45
46 They are not circles, but what's going to be interesting is the
47 Flower Gardens expansion that you're going to hear about next.
48 They have some very irregularly-shaped polygons, and so that's

1 not exactly what the Law Enforcement Technical Committee wanted,
2 but it would be difficult to have a sanctuary area different
3 than an HAPC area, as far as where the boundaries are, and so I
4 think the group will probably try and do its best as to make
5 those nice straight lines, but it might be difficult in some
6 areas.

7

8 **MR. DIAZ:** Thank you.

9

10 **CHAIRMAN WILLIAMS:** Leann.

11

12 **MS. BOSARGE:** I just wanted to say kudos, first to Morgan,
13 because I know you've done a lot of hard work on this, revising
14 some of these boxes and trying to collect all the data from
15 different groups and do the buffers and have those ready for us.
16 There's a lot of prep work that goes into this type of meeting,
17 and so I wanted to say thank you for that.

18

19 Dale, to your point, you know, yes, the square box may be a
20 little easier for law enforcement, as far as seeing who is in
21 the box or who is outside of the box, but the flip side of that
22 is, if you draw the box correctly, as far as the shrimp fleet is
23 concerned, and the box only takes in the coral, then the
24 shrimpers won't be in the box at all, and it will make law
25 enforcement's job a lot easier. Do you see what I'm saying?

26

27 We don't want to be in the box. We don't want to be around the
28 coral, and so if the box is drawn appropriately in the
29 beginning, then you don't have those interactions at all.

30

31 Anyway, I also wanted to throw out there that I've been -- We've
32 been working on this a lot as a council, and I think we're
33 getting close to the point of starting a document, and I want to
34 go ahead and see our next presentation, but I am thinking about
35 a motion, and, if I don't make it at this meeting, I will
36 definitely make it at the next one, but I think I will be ready,
37 maybe during this committee, if we can get everything crafted
38 just right.

39

40 **CHAIRMAN WILLIAMS:** All right. Keep writing over there, Leann.
41 Any further questions from Morgan before we move on to the Texas
42 Flower Gardens? Hearing none --

43

44 **MR. MYRON FISCHER:** It's the Louisiana Flower Gardens too.

45

46 **CHAIRMAN WILLIAMS:** I am sorry. The Texas and Louisiana Flower
47 Gardens. Item Number VIII is the Flower Garden Banks National
48 Marine Sanctuary Draft EIS Update by G.P. Schmahl. Welcome,

1 George.

2
3 **FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY DRAFT**
4 **ENVIRONMENTAL IMPACT STATEMENT UPDATE**
5

6 **MR. GEORGE SCHMAHL:** Thanks, Roy. Yes, my name is G.P. Schmahl.
7 I'm the Superintendent of the Flower Garden Banks National
8 Marine Sanctuary, and this is -- I will just tell you right
9 upfront, and I will get into more detail in a moment, but this
10 is going to be a little bit more than a briefing, because we
11 have a specific request of that council, and that will require a
12 council action at some time in the near future. That is as
13 prescribed in the National Marine Sanctuaries Act, in a section
14 that is known as 304(a)(5), and I will get into that detail in a
15 moment.

16
17 I did also want to recognize that I have a couple of folks here
18 to help me out, if needed, and I would just like to recognize
19 them. Ed Lindelof is here. He is with the Office of National
20 Marine Sanctuaries Policy and Planning Division in Silver
21 Spring. Gladys Miles is an attorney advisor in the Office of
22 General Counsel who works on ocean and coast issues. Because
23 there are some regulatory and legal issues related to what I'm
24 about to present, I need to make sure that I keep on track
25 there.

26
27 What this is about is that, after quite a bit of work and quite
28 a bit of time, NOAA has released a draft environmental impact
29 statement and a proposal, with a range of alternatives and
30 preferred alternatives, for the expansion of the Flower Garden
31 Banks National Marine Sanctuary in the northern Gulf of Mexico.

32
33 This was announced just the week before last by Christy
34 Goldfuss, who is the Managing Director of the White House
35 Council on Environmental Quality at Capital Hill Ocean Week in
36 Washington, D.C. The Draft EIS was released officially on June
37 10 and available for review by the public. We are requesting
38 public review and comment, and that public review period will
39 last through August 19.

40
41 I think this is also very important to be in this session today
42 about coral reefs and about mesophotic corals and deepwater
43 coral communities because this is what this action is all about.
44 The proposals that we have put forward, the primary objective is
45 to protect and conserve areas in the northern Gulf of Mexico
46 which contain these very important and significant biologically-
47 diverse habitats.

48

1 Coral reefs and coral communities, deepwater coral communities,
2 are one of the primary areas of biological diversity in the
3 world's oceans. You have probably heard these numbers, but
4 coral reefs only represent about less than 1 percent of the
5 seafloor of the world, and yet they're home to over 25 percent
6 of all known fish species. They provide critical habitat for
7 fisheries species of commercial and recreational importance,
8 which is obviously relevant to this body.

9
10 Coincidentally, this meeting is occurring at the same time as
11 the International Coral Reef Symposium. It's going on right
12 now. You may have heard that NOAA released a report just
13 yesterday predicting that the current conditions with the El
14 Nino event and the seawater surface temperature conditions that
15 have caused expanded and very significant coral bleaching around
16 the world will probably continue for another at least year or
17 more.

18
19 This coming year, the northern Gulf of Mexico is actually also
20 in the crosshairs, as they say, of areas that are predicted that
21 will have very high seawater temperatures. Potential coral
22 bleaching may occur at the Flower Garden Banks and other coral
23 reefs in the Gulf of Mexico.

24
25 These areas are critically important to protect. As you
26 probably have heard, the Great Barrier Reef right now is
27 undergoing -- Probably 90 percent of it is undergoing coral
28 bleaching. Up to 30 percent, or even more, may have died this
29 year. 30 percent of the Great Barrier Reef perhaps has died
30 from coral bleaching. It is critically important that we
31 protect these coral communities, and deeper water coral
32 communities as well.

33
34 Just as a reminder, we are part of a system, a National Marine
35 Sanctuary system. There are thirteen National Marine
36 Sanctuaries around in the waters of the United States and one
37 Marine National Monument. The Flower Garden Banks is the only
38 National Marine Sanctuary in the Gulf of Mexico.

39
40 The Flower Gardens, as it exists right now, is three separate
41 areas in the northwestern Gulf of Mexico. If you drew a line
42 straight down from the Texas/Louisiana border, and I'm glad you
43 added Louisiana to the description of the Flower Garden Banks,
44 but about a hundred miles offshore.

45
46 It consists of three separate components, the East Flower Garden
47 Bank, the West Flower Garden Bank, and Stetson Bank. On this
48 map, it would be on the left-hand, or the western side, of this

1 region, but these three banks are actually only three of dozens,
2 and perhaps more, of reefs and banks and other features in the
3 northwestern Gulf of Mexico.

4
5 This council is well aware of many of those areas, and there is
6 a lot of overlap with the work that's been going on in the past
7 to identify habitat areas of particular concern for some of the
8 shallow water, shallower water, reefs and banks and some
9 additional work that's going on right now that Morgan just
10 described about identifying some of those deeper water and coral
11 communities as well.

12
13 I think you are familiar with the term "mesophotic". That's a
14 term that has come to be in use quite regularly in recent years,
15 but it refers to those areas, and "mesophotic" just means meso
16 for mid and photic for light. It's those areas on the seafloor
17 that are in between the areas of high-light penetration and then
18 the very dark, deep ocean, where there is no light penetration.

19
20 It's been a relatively ignored area of the sea in the past, just
21 because of mainly operational considerations. It's easy to get
22 to shallow-water areas by scuba diving, and not so easy, but at
23 least typical, to get to some of the deeper waters with
24 submersibles, but that area in between was relatively less
25 known, because it wasn't -- They couldn't get to it by diving
26 and it wasn't considered worth the money and the investment to
27 put a submersible on it.

28
29 Those mid-water zones, or mesophotic zones, and sometimes it's
30 called the twilight zones, actually contain really significant
31 biological communities. They are coral communities, but they're
32 not the same corals as you see on shallow-water coral reefs or
33 at the Flower Garden Banks, but these are the types of corals
34 that don't require algae to be part of the tissues, and these
35 are black corals, gorgonians, and then associated species like
36 sponges, crinoids, and a variety of other invertebrates.

37
38 What we are proposing is to expand the sanctuary and apply the
39 existing regulations that exist in the present sanctuary, and,
40 just real briefly, most of the regulations in the sanctuary now
41 are designed to protect the seafloor features, the habitats that
42 are associated with these areas, and so anchoring, for example,
43 is prohibited, all types of anchoring.

44
45 Taking pretty much anything or disturbing the seafloor in
46 general is prohibited, with some very significant exceptions,
47 which I will talk about in a bit. Discharges, water quality is
48 also protected within National Marine Sanctuaries. As it

1 relates specifically to this presentation today, there are some
2 fishing regulations that are part of the regulatory package in
3 the existing sanctuary and that is being proposed to be applied
4 in the expanded area.

5
6 Now, this goes to -- Actually, fishing is allowed in the Flower
7 Garden Banks National Marine Sanctuary, but by hook and line
8 only, and so all other gear types are prohibited. Any kind of
9 bottom-contact gear, longlines, shrimping, trawling, trapping
10 are prohibited. Spearfishing is prohibited, but fishing by hook
11 and line is allowed, and this does not distinguish between
12 recreational or commercial.

13
14 The commercial hook and line fishery, known as bandit rigs or
15 bandit gear, is an allowable gear type within the Flower Garden
16 Banks National Marine Sanctuary. These are electric reels with
17 multiple hooks. Those are allowed in the sanctuary, but all
18 other fishing gear types are prohibited, and, in fact,
19 possession of prohibited gear is prohibited under existing
20 sanctuary regulations. Vessels that have prohibited gear can
21 pass through the sanctuary, but they have to pass through
22 uninterrupted. They cannot stop. They cannot moor within the
23 sanctuary boundaries.

24
25 What we are here to ask you today is related to a provision in
26 the National Marine Sanctuary Act, and it essentially requires
27 the Secretary, in this case the Secretary of Commerce shall
28 provide the appropriate Regional Fishery Management Council with
29 the opportunity to prepare draft regulations for fishing within
30 the Exclusive Economic Zone as the council may deem necessary to
31 implement the proposed designation.

32
33 Essentially, what this means is that we are requesting that you
34 consider this expansion and, looking at the goals and objectives
35 of the sanctuary designation, or, in this case, the sanctuary
36 expansion, to look at those regulations related to fishing and
37 to decide whether or not those fishing regulations are
38 appropriate, whether or not that you, as the Gulf Council, would
39 desire to promulgate those fishing regulations by the council.

40
41 You could also allow the National Marine Sanctuary Program to go
42 forward and promulgate the fishing regulations. The Office of
43 National Marine Sanctuaries does have the authority to
44 promulgate fishing regulations, but, because of this provision,
45 the 304(a)(5) section of the National Marine Sanctuary Act, we
46 are required to consult with the council and to offer the
47 opportunity for you to be directly involved in the promulgation
48 of fishing regulations for the expansion of the sanctuary.

1
2 **CHAIRMAN WILLIAMS:** G.P., just a second. We have one question
3 here from Leann Bosarge.

4
5 **MS. BOSARGE:** Can you back up one slide? I had a question on
6 the slide before that. I know you have some regulations
7 regarding fishing, but I was curious. You said you were going
8 to take the sanctuary regulations as they stand now and apply
9 them to any expansion. Are there regulations for oil and gas as
10 well, for the oil and gas industry? What will be applied to
11 them in this expansion, just out of curiosity, so I can kind of
12 compare them to the fishermen?

13
14 **MR. SCHMAHL:** Yes, and this is a very, very generalized
15 description of the regulations, but there is absolutely
16 regulations to apply to oil and gas activities. However, we do
17 allow for oil and gas activities to occur within the National
18 Marine Sanctuary as it exists right now, but it has to be
19 outside of what has been designated already by BOEM, the Bureau
20 of Ocean Energy Management, to outside of the areas that have
21 been designated as no-activity zones.

22
23 Then there are also some other stipulations that have been
24 forward by BOEM that relates to other types of sensitive
25 features. One is called potentially sensitive biological
26 features, PSBFs, and then low-relief hard-bottom areas as well.

27
28 Any oil and gas operations have to avoid all of those areas.
29 Any operations that -- Drilling can be allowed outside of those
30 areas, but if they do take place, they have to what they call
31 shunt all of their drill cuttings, lubricants, and other
32 materials down, via a pipe, down to within ten meters of the
33 seafloor.

34
35 That prevents the industry from just releasing, discharging, the
36 material out near the surface that could then drift over coral
37 areas, for example, and settle out on them, which could be very
38 detrimental to coral activities.

39
40 I do have some detailed maps, if we get that far and if you want
41 to get into that part, but the no-activity zones that have been
42 identified, all of these areas that we are proposing have no-
43 activity zones associated with them. In some cases, they are
44 quite large. In the case of the Flower Garden Banks, almost the
45 entire area within the sanctuary is a no-activity zone, and so
46 there is only very small areas outside of the no-activity zones
47 which could be allowed.

1 However, we also do allow, by regulations, what is known as
2 directional drilling, and so a company could establish a rig to
3 drill a well and then go in by slant drilling, or directional
4 drilling, underneath the no-activity zone, and typically this is
5 at quite deeper depths, 5,000 feet or below, to access oil
6 resources beneath those areas. It is quite restricted, but it
7 is technically feasible to do to carry out oil and gas
8 operations inside the National Marine Sanctuary.

9
10 I have just been advised by my attorney that -- I just want to
11 clarify that essentially we -- Did that answer that your
12 question about oil and gas regulations?

13
14 **MS. BOSARGE:** I have a little follow-up, but whatever you're
15 about to say may answer it.

16
17 **MR. SCHMAHL:** No, this goes back to the fishing regulations,
18 actually.

19
20 **MS. BOSARGE:** Believe it or not, I did print out like all 300
21 pages of the DEIS, and I have not made it through all 300, but I
22 have made it through several, and I just noticed that there's a
23 general exception for oil and gas, and I'm coming to a point
24 with this exception, because you and I -- You were at the AP
25 meeting where we had the royal red shrimpers.

26
27 There is a general exception for oil and gas exploration or
28 development that prohibitions on anchoring within the sanctuary,
29 drilling, or altering the seabed and using explosives do not
30 apply to necessary activities conducted in areas of the
31 sanctuary outside those no-activity zones, but still inside the
32 sanctuary and incidental to exploration for, development of, or
33 production of oil and gas.

34
35 That's a pretty hefty exclusion that they're granted, and I hope
36 that, moving forward with some of this, that we can look at
37 fishing in the same light and have some good conversations. If
38 we can show that we are good stewards of the environment and
39 we're not damaging that seafloor, that, in some areas where we
40 can't adapt the box to fit it, that maybe we can come up with
41 some exemptions that would help everybody still have a warm and
42 fuzzy feeling. That was all.

43
44 **MR. SCHMAHL:** I understand, and we are open to those kinds of
45 discussions, and we've had some of those discussions already,
46 and now is the time to start doing that. Before, it was a
47 little bit theoretical. Now we have a proposal out on the
48 table. We have some lines on the map, and we can start looking

1 at these areas in detail and seeing if we can -- The purpose of
2 this whole action is to protect those sensitive resources, but,
3 at the same time, to try to minimize the impact on what are also
4 very important economic activities that are occurring in the
5 Gulf of Mexico, both for oil and gas and for fishing.

6
7 I did want to clarify that essentially we are asking the fishery
8 management council if they wish to prepare draft fishing
9 regulations, and we will take it into consideration. We are not
10 asking the council to actually promulgate the regulations, and
11 we can clarify that in more detail as we got forward.

12
13 **CHAIRMAN WILLIAMS:** Okay. We have a couple other questions,
14 G.P., from David Walker and then Myron Fischer.

15
16 **MR. DAVID WALKER:** Thank you. Do you have charts that marks out
17 the areas that they're able to anchor on? I know there's areas
18 that can anchor and then let out enough scope to get into the
19 areas and fish still with hook and line for vermilion snapper in
20 that area.

21
22 **MR. SCHMAHL:** What we have now is we have very detailed charts
23 about where the proposed boundaries would be located, and this
24 can be overlain on the existing topography, so you can see very
25 clearly where the areas are that are likely to be areas that
26 people would target for various fisheries.

27
28 The way the regulations are written right now, it would prohibit
29 anchoring within those boundary lines. However, if you were to
30 place an anchor outside the boundary line and let out scope, in
31 order to drift back over the sanctuary, that, under the existing
32 regulations, would be allowed. I guess the key there is to try
33 to draw those boundary lines as close as possible to those
34 features of interest, to allow that type of fishing activity.

35
36 **MR. WALKER:** Are there charts available now that we can view?
37 Can we see the charts? Do you have anything drawn out now?

38
39 **MR. SCHMAHL:** Yes, they are, and the -- There are several
40 things, and Leann mentioned there are two volumes, and we did
41 try to keep it somewhat readable. The actual DEIS is about 150
42 pages. I think it is -- I would encourage everyone, and I know
43 you have so much to digest with everything that's going on, but
44 to read the document.

45
46 I believe we did a pretty good job in making it digestible, but
47 there is an appendix, of course, and that's where the bulk comes
48 in, and each of the units that we have identified has associated

1 maps with them that show both the topography, some of the oil
2 and gas infrastructure, where the lease blocks are, where the
3 HAPCs are, if already been established, other management zones,
4 where the shipping fairways are.

5
6 That's in here, and we also have other materials on our website
7 that show all of these areas, at least for the preferred
8 alternative, which I will get into in a second. We have those
9 maps available in very high-resolution detail as well, and we'll
10 be glad to provide whatever information we can. We have already
11 provided the GIS shape files to the council staff, and we can
12 provide shape files to anyone that is interested in playing
13 around with it themselves.

14

15 **MR. WALKER:** Thank you.

16

17 **CHAIRMAN WILLIAMS:** Myron.

18

19 **MR. MYRON FISCHER:** Thank you, Mr. Chairman. Thank you for the
20 presentation, even though I know we're catching you in the
21 middle of it.

22

23 **MR. SCHMAHL:** Yes, I haven't even started yet, actually.

24

25 **MR. FISCHER:** I just wanted to touch on one issue that was just
26 brought up lightly. The council has no control over the oil and
27 gas regulations, or the oil and gas industry, and I would like
28 to stress, at least as an individual sitting at the council
29 table to you, if there's any way you could -- You might not be
30 able to enforce, but stress the importance in the dismantling of
31 the oil and gas platforms to curtail the use of explosives and
32 try to go to a more friendly method of cutting, diamond cutting,
33 water-jet cutting, whatever to remove these platforms.

34

35 We struggle with the mortality in the fisheries we manage, and
36 I'm certain you don't want to see mortalities on the coral
37 areas, and I know there's not that much oil and gas activity
38 within the zone, but there is some.

39

40 **MR. SCHMAHL:** There is some, and I absolutely agree. Leann
41 mentioned the exemption for explosives for the oil and gas
42 industry in our existing regulations, but I wanted to really
43 highlight the words "for necessary activities", and there is
44 actually a platform that is inside the boundary of the East
45 Flower Garden Bank right now. It's called High Island 389. It
46 is undergoing a decommissioning process as we speak. Not the
47 physical process, but going through the permitting and
48 everything.

1
2 Even though technically explosives are exempted, we felt that
3 that was not necessary, because there are other options. In
4 fact, that company will be removing the top of that platform and
5 leaving the bottom of the platform as an artificial reef, but it
6 will be removed with mechanical cutting and not with explosives,
7 and I think that would be the standard for anything certainly
8 within, anything that would be inside the National Marine
9 Sanctuary in the future.

10
11 **MR. FISCHER:** Thank you very much for that stand.

12
13 **CHAIRMAN WILLIAMS:** David, go ahead.

14
15 **MR. WALKER:** Can you put those charts up now that I was asking
16 about? Do you have the capability to put those up now? I know
17 the fishermen would probably like to have those electronically
18 on a NOAA chart on their plotters and so forth. They could know
19 more approximately where these lines are that you're able to
20 anchor and then let out enough scope to fish.

21
22 **MR. SCHMAHL:** Can I have just ten minutes to get through a
23 little bit of background first, because I would have to flip
24 through about twenty slides to get there.

25
26 **CHAIRMAN WILLIAMS:** Let's let him go ahead and finish his
27 presentation and then we can do all of that, David.

28
29 **EXECUTIVE DIRECTOR DOUG GREGORY:** I also wanted to point out
30 that these documents are on our website and our briefing
31 materials for you to go through at your leisure, the appendices
32 and all of that, and I'm sure he's going to include this in the
33 rest of his presentation.

34
35 **MR. SCHMAHL:** Just to back up just a little bit, this expansion
36 started officially back in 2007, when we revised -- We did a
37 process to revise our management plan. All sanctuaries are
38 required to have a management plan and required to review and
39 revise them periodically.

40
41 In 2007, we conducted that process. The draft was released in
42 2010 and finalized in 2012, and the sanctuary expansion was
43 identified during that process by the public, by a number of
44 scientists, as a priority issue for the Flower Garden Banks
45 National Marine Sanctuary. They felt that, because of these
46 other sensitive areas in the northern Gulf of Mexico, that
47 additional protection is needed and that the sanctuary would be
48 one way to provide that protection.

1
2 In fact, one of the specific action plans in our management plan
3 had to do with sanctuary expansion. Basically, what it said was
4 that we would evaluate and expand, as appropriate, a network of
5 protected areas, to include five to twelve additional reefs and
6 banks in the region, to prepare a draft environmental impact
7 statement and evaluate various alternatives and come up with a
8 preferred alternative.

9
10 Essentially, the action that we are taking now, that we released
11 a week or so ago, it arises directly from the strategy that we
12 identified in our management plan that was published in 2012.

13
14 I want to highlight a little bit about that five to twelve
15 additional reefs and banks, because, in the management plan as
16 well, we also included a recommendation from our advisory
17 council. We have an advisory council that consists of sixteen
18 members representing eight constituent groups, including both
19 commercial fishing and recreational fishing, oil and gas,
20 recreational diving, education and research, conservation, and
21 diving operations.

22
23 At the time, and this was in 2007, is when the recommendation
24 was made, they did recommend specific areas that they had
25 identified, and we included that map in the revised management
26 plan. I will identify though that this recommendation included
27 nine additional banks, but, as you saw from the language in the
28 management plan, we never committed that that advisory council
29 recommendation would be the recommendation that would go
30 forward. In fact, it said, clearly, five to twelve, and there
31 is only nine on here, and so, automatically, there was a range
32 of areas that could be considered as we move forward.

33
34 We issued a notice of intent to prepare this DEIS in February of
35 2015. We had a public scoping comment that went through April
36 of 2015, and, in fact, I did attend the Gulf Council meeting in
37 April of 2015, and it was in Biloxi, and provided a presentation
38 about the expansion process. We are at the point now that we've
39 released a draft EIS. It's open for public comment and review.

40
41 I will just go over this real briefly, but we had quite strong
42 public comment during the notice of intent period. Almost all
43 of it was generally positive. In fact, we only had one comment
44 that was absolutely opposed. We did have quite a few comments
45 that were generally supportive, but brought up a number of
46 issues, and those had to do with oil and gas issues and they had
47 to do with fishing issues and other things, and those are in the
48 category of use-specific support or resource-specific support.

1
2 We stepped back and we looked at the area of interest when we
3 started looking at the area that should be considered for
4 expansion, and we did look at the northern Gulf of Mexico in
5 general. It was not just in the immediate vicinity of the
6 Flower Garden Banks National Marine Sanctuary. This was for a
7 couple of reasons. One was because of the ecological nature of
8 this area.

9
10 The presentation that you had on the essential fish habitat
11 mentioned these ecoregions, for example, and the ecoregions that
12 we looked at were primarily the ones that she identified as
13 Regions 3 and 4, and because we felt that these areas were very
14 similar. If you get off to the West Florida Shelf, for example,
15 and that's a different kind of community. You have the South
16 Texas Banks, and that's a different kind of community, but we
17 looked at the region that's shown on this map here, all the way
18 from off of Mississippi/Alabama over to the existing sanctuary
19 at Stetson Bank.

20
21 Specifically, the area off of Mississippi and Alabama known as
22 the Pinnacles, the Pinnacle Trend, with specific reefs that are
23 known as the Alabama Alps, Rough-Tongue Reef, Yellowtail Reef,
24 is part of the same type of ecological communities that exist in
25 the northwestern Gulf of Mexico.

26
27 We came up with a range of five alternatives, and they ranged,
28 as typical in these types of documents, from a no action
29 alternative, which would be to maintain the existing sanctuary
30 with the three banks in the Flower Garden Banks. The second
31 alternative was essentially the Sanctuary Advisory Council
32 recommendation that was made in 2007, which included nine
33 additional banks, and it would include about 281 nautical miles.
34 The existing sanctuary is about fifty-six square miles.

35
36 The third alternative, which is the preferred alternative, as
37 identified in this document, is what I consider very similar to
38 the advisory council recommendation, but it adds about five
39 additional bank features, and it encompasses about 383 square
40 miles.

41
42 Alternatives 4 and 5 actually do step back and look at a larger
43 area. They include the mesophotic community reefs off of the
44 Pinnacles and the Pinnacle Trends, as well as some deepwater
45 coral communities off the continental shelf and the continental
46 slope of the Gulf of Mexico.

47
48 You will see that some of these areas are very similar to, and

1 sometimes exactly similar to, the areas that are being
2 considered for mesophotic and deepwater coral habitat areas of
3 particular concern.

4
5 This is a little bit hard to see, because we used, in this
6 particular one, a blue boundary line for the existing sanctuary,
7 but this is the no action alternative. The East and West Flower
8 Garden Bank and Stetson Bank is on the left-hand side.
9 Alternative 2, the original Sanctuary Advisory Council
10 recommendation, is seen here. Alternative 3, which is the
11 preferred alternative, is designated here. Again, it's about
12 383 square nautical miles.

13
14 For Alternatives 4 and 5, we back up and look at a much larger
15 area. It's forty additional banks incorporated into twenty-six
16 additional polygons, encompassing about 633 square miles.
17 Alternative 5 is the same general vicinity, but adding another
18 number of banks, fifty-four additional banks, and it includes
19 some shipwreck sites.

20
21 We had some comments that we should also include submerged
22 cultural resources in addition to natural resources. There
23 are some very historically-significant shipwrecks in the Gulf of
24 Mexico, and this Alternative 5 includes nine historic
25 shipwrecks, including the USS Hatteras, the Civil War shipwreck,
26 off of Galveston, the Monterrey shipwrecks that were just
27 recently discovered off the continental slope, and an additional
28 ship, including a German U-boat that was sunk during World War
29 II and some of the ships that that particular U-boat had sunk.

30
31 Focusing in on the Alternative 3, this is our preferred
32 alternative. We also wrestled, as Morgan mentioned, wrestled
33 with the issue about boxes versus polygons. If you look at the
34 original advisory council recommendation, those polygons that
35 were drawn were very intricate and followed the line of the
36 topographic feature very precisely, ending up in a very
37 complicated boundary situation.

38
39 In our preferred alternative, we tried to square those off, when
40 possible, and so this is actually a hybrid. When there was an
41 existing management zone already in place, like a habitat area
42 of particular concern, we tried to follow that box where we
43 could, where it made sense, but, in some cases, we felt that we
44 would have to draw it such that it would not -- It could not be
45 exactly like the box that was presented for the HAPC, and I will
46 show that you in a little bit more detail in one second.

47
48 This is actually overlaying the Alternative 2, which is the

1 advisory council recommendation, versus Alternative 3. You can
2 see the differences in the colors, again, doesn't show up really
3 well, but that's Alternative 3 in red. The advisory council
4 recommendation is in purple. They are different. In my
5 opinion, they are not significantly different.

6
7 Why did we do that? Why did we go beyond the Sanctuary Advisory
8 Council recommendation? Again, this was made in 2007. The main
9 reason is because we know a lot more than we did in 2007. We
10 have done some extensive research and characterization surveys
11 in this vicinity since 2007. We have carried out seventeen
12 specific ROV, remotely-operated vehicle, cruises in this
13 vicinity, which included 268 different ROV surveys, 356 hours on
14 the bottom in these areas, over 27,000 images of the seafloor.
15 We know a lot about these areas, much more than we did in 2007.

16
17 A lot of this was funded by BOEM when they were looking at what
18 they call their potentially sensitive biological features
19 stipulation and they needed to know what the biological
20 communities were for these low-relief features that were
21 surrounding the no-activity zones, and that was led by Dr. Paul
22 Sammarco. He was the PI on that project, and we contributed
23 significantly to it, utilizing our vessel and our ROV.

24
25 I also wanted to point out that many of these areas are already
26 identified as habitat areas of particular concern. I think they
27 were designated back in 2006. This map shows -- The yellow
28 areas that are cross-hatched are existing HAPCs, and the areas
29 in purple are the preferred alternative for the proposed
30 sanctuary expansion. You can see a lot of overlap there, with a
31 few exceptions.

32
33 I am not going to go into this in much detail, but we wanted to
34 put together a process, an objective process, to identify which
35 areas should be included in the sanctuary. We came up with
36 various criteria. Resource significance was the primary one,
37 what was on the bottom, the density of the coral communities
38 there, the type of fish communities associated with them. There
39 is also criteria associated with connectivity, both structural
40 connectivity from the physical/geological standpoint and from
41 biological connectivity. Then potential threats and then just a
42 general evaluation of the importance of these areas or
43 uniqueness of these areas.

44
45 We put them all into a matrix, and the ones that came out on top
46 are the ones that we identified for the sanctuary expansion.
47 This was all based on -- Then we say, well, how do we draw those
48 boundaries? We start with the topography. We have high-

1 resolution, multibeam bathymetry of many of these areas. We
2 took that topography and we aggregated the areas that were above
3 a certain amount of relief.

4
5 We added a 500-meter buffer zone to that. If you kind of look
6 on the left-hand side of this slide, because the right-hand side
7 were the deep coral communities, which is a little bit different
8 process that we used.

9
10 We also verified that using what's known as backscatter from the
11 multibeam data. Backscatter shows you the reflection of the
12 multibeam. It shows which is hard bottom and which is soft
13 bottom, and that's the key. Where there is hard bottom, there
14 will be attached organisms. Where there is attached organisms,
15 there will be fish, and that's essentially what we are looking
16 at, and we tried to verify using the backscatter data from the
17 multibeam.

18
19 Then we drew boundaries based on, again, existing lease blocks,
20 whether there were infrastructure in the area. We tried, as
21 much as possible, to avoid oil and gas infrastructure, when
22 possible. Sometimes we couldn't. Then we tried to square off
23 those boundaries, to make it as easy as possible for law
24 enforcement, because we also got the same input from our law
25 enforcement consultations, that we needed to make these as
26 simple as possible, for people to know where they are and to be
27 able to enforce them more easily.

28
29 We're holding a series of public meetings the week of July 12 in
30 Houston and Galveston and the week of July 19 in New Orleans,
31 Mobile, Alabama and Lafayette, Louisiana.

32
33 This is where it gets to the individual maps. This is Stetson
34 Bank. We have a handout that goes through each, and this is for
35 the preferred alternative. I am going to skip to this one.
36 This is Bright Bank. This is a complex, which Bright Bank is
37 the bank to the right in this feature.

38
39 You will notice the blue box that kind of surrounds it. That is
40 an existing HAPC boundary. The purple line is the line that we
41 have proposed to be the boundary for this complex, and, as you
42 can see, it tries to follow the topographic feature as much as
43 possible, with still drawing it in a way that has the least
44 number of vertex in the polygon.

45
46 That is the same approach that we took for all of the features.
47 This particular feature was an interesting one, and I think I
48 might have mentioned before that Bright Bank was the subject of

1 a -- Someone thought there was a Spanish galleon that had sunk
2 here and it had been overgrown by coral. Back in the 1980s,
3 they essentially blew it up with dynamite to get to the
4 treasure. At that time, essentially they couldn't be prosecuted
5 for that, even though it was protected from oil and gas
6 development. They couldn't go in there and put an oil rig on
7 top of Bright Bank.

8
9 You could not take coral, by fishery regulations, but, because
10 they were not engaged in fishing activities, the activities that
11 they were conducting for salvage operations essentially could
12 not be stopped. They were totally outside of state waters and
13 that kind of thing, and so I think it's an example of how a
14 comprehensive management approach is necessary, in some ways, to
15 protect these features.

16
17 This information is available, both in this presentation and in
18 a separate handout that I believe was added to your background
19 materials, but it goes through each of the bank features. This
20 is Geyer Bank, for example. This is Elvers Bank and McGrail
21 Bank. McGrail Bank is one of the banks that actually does
22 include a true coral reef community.

23
24 It's one of the only ones, besides the Flower Garden Banks, to
25 have the shallow-water, hermatypic corals associated with it,
26 and it has a white box around it because it is a coral HAPC, and
27 it does have existing regulations that the council promulgated
28 to restrict anchoring and bottom-tending gear related to fishing
29 activities.

30
31 I think that's really I have, without going through each
32 specific bank, but I think I probably should leave it there for
33 now and take additional questions and discussion.

34
35 **CHAIRMAN WILLIAMS:** Dr. Stunz.

36
37 **DR. GREG STUNZ:** Thanks, G.P. That was a very informative
38 presentation. I just had a clarification question for you
39 concerning you all's alternatives. At first, when I read those,
40 that Alternative 2, with our advisory council, I was wondering
41 why that differed from NOAA's recommendation, but you're just
42 saying now that that's simply because new scientific discoveries
43 and things.

44
45 **MR. SCHMAHL:** That's right.

46
47 **DR. STUNZ:** What my question is, it's does your advisory council
48 does support Alternative 3 at this point?

1
2 **MR. SCHMAHL:** Well, not yet. I am hoping -- It's my job to
3 convince them that it is the right approach. The way this
4 worked out is that they did make their recommendation. We took
5 public comment, and then, the way the process worked, we went
6 and formulated this alternative, and so our advisory council
7 actually saw this for the first time when the rest of the public
8 saw it, on June 10.

9
10 Some of them were a bit surprised by it, that we had not gone
11 with the original advisory council recommendation, but the
12 intent is, of course, to take it to the advisory council. They
13 will have an opportunity to review it. They will have an
14 opportunity to make additional recommendations and additional
15 suggestions on it.

16
17 Like I said, I hope to try to show the logic behind expanding on
18 their recommendation, but it is up to them, of course, to
19 provide their feedback and recommendations to us.

20
21 **DR. STUNZ:** To follow up to that, I would be interested in
22 hearing what the advisory council has to say, since it's made up
23 in a similar process to what we have here of users and people
24 interested in that kind of thing, but my other general question
25 is it's obvious why we don't have anchoring in these areas, but
26 you have buoyed the other areas for people to use and not have
27 to do that. Is that the plan for these other areas, to buoy
28 these, or how will that work?

29
30 **MR. SCHMAHL:** Yes, when possible. Basically, we would apply the
31 same -- Not only just the same regulations, but the same
32 management approaches to the new areas, and mooring buoys has
33 been a very important part of the existing sanctuary, to prevent
34 anchoring, the need for anchoring, in those shallow-water coral
35 communities.

36
37 Certainly in the shallow-water areas that are being proposed in
38 the expansion, that would absolutely be the intent as well, and
39 so Geyer Bank, Bright Bank, Sonnier Bank, those areas,
40 especially the ones that are visited highly by divers.

41
42 When you get into the deeper areas, it's much more difficult to
43 provide those buoys, and, for fishing activities, at least from
44 our initial conversations, it's not as -- When people are
45 fishing, they don't necessarily want to go exactly where the
46 mooring buoy is, essentially, and so it's difficult to provide
47 either enough mooring buoys or putting them in the exact right
48 places, and so we're actually struggling with that a little bit,

1 how we approach that, but it absolutely is on the table, and it
2 absolutely is something that we would want to do if we could do
3 it, both from an operational and financial ability to do it.

4
5 **CHAIRMAN WILLIAMS:** Are there further questions? Doug Gregory
6 and then Leann.

7
8 **EXECUTIVE DIRECTOR GREGORY:** Thank you. That was a great
9 presentation. In the documents and the analyses, is there
10 documentation as to what fishing threats there are on each of
11 these banks and if any damages have been observed that need
12 further protection than what we are already providing as an
13 HAPC?

14
15 **MR. SCHMAHL:** We do provide some of that. We provided an
16 analysis of the intensity of the fishing activity that we know.
17 We have also documented, in our surveys, in our ROV surveys,
18 abandoned gear of various types, longline gear, shrimp nets,
19 things of that sort, and so we do have a database on those
20 observations, and so we know that that activity is occurring,
21 that there has been some derelict gear that is associated with
22 these areas, and, in some cases, that gear is causing injury. I
23 guess, to that extent, yes.

24
25 **CHAIRMAN WILLIAMS:** Leann.

26
27 **MS. BOSARGE:** G.P., thanks for the presentation. It was very
28 informative. You know I brought up the exemption earlier, and I
29 know you are in the public comment phase of this right now, and
30 so, if the Chairman will indulge me, I have a couple of
31 suggestions and then just a couple of comments, if you will
32 indulge me.

33
34 The first suggestion, since you are going to take this out to
35 the public again, and hopefully you will get some feedback from
36 some fishermen. On the maps for each of those alternatives, can
37 you put some contour lines, some fathom lines, and I know
38 scientists typically work in meters, but fishermen work in
39 fathoms, across the board. I would say most fishermen would
40 recognize the fathom lines, and so if you could get -- If
41 nothing else, maybe a thirty-fathom curve and then maybe a fifty
42 or sixty-fathom curve, and then on out from there, maybe a
43 hundred-fathom curve and on.

44
45 That would be helpful, since we do shrimp the entire Gulf of
46 Mexico. If we don't have any fathom curves, we have kind of no
47 road map to see where these boxes are on that map, and so that
48 would help, if you could do that.

1
2 I am going to go back to your AP meeting, and you all passed a
3 motion in your AP meeting that says the Coral SSC and AP
4 recommends that the royal red shrimp fishery be exempt from the
5 boundaries proposed for Viosca Knoll 862/906. That was just one
6 of the royal red shrimp grounds that you all discussed and
7 talked about proposing an exemption for.

8
9 The exemption for the oil and gas industry to use explosives in
10 a sanctuary is written into this document, but there is no
11 mention of any exemption for the royal red shrimpers, for that
12 motion that you all made, and I don't think that that will bode
13 well for negotiations in the future between those two groups if
14 they were told one thing and then, when the document comes out,
15 it's not written into the document, and it may have been
16 unintended.

17
18 I mean it's a huge document, and I can see how you could
19 overlook that, but if we could maybe address that in the
20 document, we would really appreciate it, especially since there
21 is a specific endorsement for that type of fishery, and so it's
22 very easy for law enforcement to tell at a glance, a piece of
23 paper, whether these guys are permitted to royal red shrimp or
24 not. That would be very helpful.

25
26 I wanted to read you something off of your website, just to give
27 a little history of why sometimes fishermen push back on some of
28 this. If these boxes are drawn right, as far as the shrimp
29 industry, we shouldn't have a problem with it at all, because we
30 don't want to be anywhere near that coral. That is not our
31 goal. We are not efficient with a big hole ripped in the net.
32 We don't catch much that way, and so we don't want to do that.
33 We don't want to be in it.

34
35 The discovery of the banks, on your website, it says the Flower
36 Garden Banks have a rich, but comparatively short, history of
37 exploration and discovery. Although snapper fishermen in the
38 early 1900s nicknamed the area the Texas Flower Gardens because
39 of the brightly-colored rocks, aka corals, that were visible
40 through the clear water, the first official documentation of the
41 banks did not occur until the 1930s.

42
43 For the next thirty years, the banks were occasionally included
44 as part of investigations in larger portions of the Gulf.
45 Despite these investigations and rumors of coral reefs from the
46 fishing community, many scientists believed that any coral reef
47 located here must be dead, primarily because of the depth and
48 water temperatures.

1
2 Then, in the 1960s, in expeditions led by the Museum of Natural
3 History and the Navy, divers visited the reef and brought back
4 specimens and, low and behold, the fishermen were right.

5
6 I guess the point I'm making here is these banks were closed to
7 a good portion of commercial fishing gear types in the 1990s, in
8 the mid-1990s, 1992 and then expanded a little bit in 1996, and
9 so it's documented that, for about a hundred years, about a
10 century, we were fishing there.

11
12 When the documentation finally came around, about a hundred
13 years later, and showed that they were still thriving, healthy
14 coral communities, even though we were having interactions and
15 uses in those areas of fish species, they were still healthy,
16 and, yet, they were closed off to us. We don't want you in
17 there. You are too high of a risk. You're too big of a threat,
18 and so that's a tough pill to swallow sometimes for the fishing
19 industry.

20
21 We feel like we try to be good stewards to the environment. If
22 we screw it up, that's not in our best interests, and so I just
23 want you to take that into account, and you know. You've seen
24 the shrimp tracks. We know exactly where the coral is, because
25 you will see our tracks and then there will be a white hole
26 where we're not trawling, because that's where the coral is. It
27 makes it real easy for somebody to go find, as a scientist, and
28 so keep that in mind for me in the discussions that we have
29 coming up in the future.

30
31 Yes, we're not PhDs, but we do have a lot of experience and
32 knowledge of what's down there on that bottom. That's how we've
33 made our livelihood for decades and decades, and so keep that in
34 mind.

35
36 I think it's a pretty big expansion, to go from fifty-six square
37 miles to 381 square miles. That's pretty big. That's a big
38 jump real fast. That gives me a little bit of hesitation, but,
39 having said that, if it's done right, it will be okay. You are
40 being passed more notes. Do you want to read it or do you want
41 me to stop? Feel free to jump in. You can combat me. It is
42 okay. Are you good?

43
44 **MR. SCHMAHL:** I will go ahead and read it, yes. I do want to
45 point out, like I mentioned though, that the Flower Garden Banks
46 has always allowed for hook and line fishing, and most of that
47 early fishing, when the Flower Garden Banks was discovered, was
48 a hook and line fishery, and so we didn't prohibit fishing

1 altogether, and so I just wanted to clarify that.

2
3 **MS. BOSARGE:** Yes, but there are some major fishing gears that
4 are prohibited, and I guess if our boundaries were the same as
5 the oil and gas no-activity zones, it might not be a problem,
6 because they have some pretty tight parameters, if you zoom in
7 on some of those boxes.

8
9 **MR. SCHMAHL:** That's right.

10
11 **MS. BOSARGE:** You don't even have their parameters drawn around
12 what I can see, as a layperson, just on the topography of that
13 map, as probably having coral there, and it sometimes doesn't
14 even enclose all of that, and so it's six-to-one-and-half-dozen
15 to the other, but just fair is fair. We want to be treated the
16 same.

17
18 Your need statement, your purpose and need statement, I went
19 through it, and your documents are a little different than ours,
20 but the purpose and need statement in most of our documents --
21 If we had the same document that we were evaluating, the purpose
22 and need statement would say something about evaluating possible
23 expansion alternatives or scenarios for the Flower Garden Banks
24 Sanctuary, and yours says we are going to expand, and then it
25 gives four paragraphs that essentially gives supporting
26 rationale and argues the point for expansion, where typically
27 those facts and discussion would come later in the document on
28 ours.

29
30 It almost seems like, when you read it, that the decision is
31 already made. Maybe if we could back that off and just be a
32 little more general and broad in saying we're evaluating this,
33 because there is a no action alternative that wouldn't expand
34 it, right?

35
36 **MR. SCHMAHL:** Yes, that's correct.

37
38 **MS. BOSARGE:** Okay. All right. In the executive summary, you
39 state that, on page ES-4, Chapter 5, analysis of environmental
40 consequences, and it says no significant adverse impacts to
41 resources and the human environment are expected under any
42 alternative.

43
44 I guess we can debate the meaning of the word "significant", but
45 you gave a presentation at the Coral SSC meeting, and, in that
46 presentation was this slide. Essentially what this is are the
47 pings from the commercial fishing VMS data. It shows where
48 they're commercial fishing, and the boxes for a lot of these

1 sites, not all of them, but a lot of them, are on this page, and
2 some of them you can't even see most of the box because there
3 are so many pings, there is so much commercial fishing going on
4 in those boxes. That commercial fishing is not all happening
5 with traditional hook and line gear.

6
7 I think maybe we need to reevaluate that there are no
8 significant human impacts, because I think there may be. Maybe
9 they can be alleviated with some exemptions and mitigated
10 somehow, but we probably need to take a look at that.

11
12 The Gulf of Mexico seems like a huge place. It's about 615,000
13 square miles, but most of the people around this table will
14 know, number one, we don't fish in international waters, and
15 we're a federal body. When you back that out to just federal
16 waters of the Gulf of Mexico, it's about 244,000 square miles.

17
18 Now, when you back that down to Gulf of Mexico federal waters
19 with hard-bottom substrate, you get down to about 12,000 square
20 miles, and so you are having some impact on fishing when you
21 have alternatives in here that, although not the preferred
22 alternative, it is an alternative, and so we have to address it
23 in our comments as a fear that you have an alternative that
24 could get up to almost a thousand square miles of bottom that's
25 prohibited for many type of commercial fishing gear.

26
27 That's almost 10 percent of the hard bottom in the federal waters
28 of the Gulf of Mexico, and so that starts having an impact, when
29 you start closing that much of primetime fishing grounds. I
30 could go on. I was up most of the night making my notes, and I
31 hope I don't come across as being a turd, but I feel like --

32
33 **MR. SCHMAHL:** No, you're not.

34
35 **MS. BOSARGE:** You said that most of the comments that you got
36 were positive, and I just want to let you know that we have some
37 concerns. We want to work with you. I am not going to take up
38 all of your time right here, but I have mentioned a couple of
39 them. I do have some qualms and would like to see some more
40 information on how we went from that nine sites in Alternative 2
41 to the eighteen, I think it is, in Alternative 3.

42
43 I read the document, and it says a lot of it has to do with your
44 criteria ranking, which you showed in here, in your
45 presentation, the slide with the spreadsheet on it, essentially,
46 with the yellow boxes, and it seems like the thing that changed
47 between May of 2015 and June of 2016, and so in the past year,
48 is that column that talks about public and sanctuary priority.

1 Those are the rankings that jumped up and caused these -- I
2 shouldn't say caused. That's a negative word, but brought about
3 these new sites entering and the preferred alternative being 3,
4 with the broader spectrum of sites.

5
6 My qualm with that is that the public comment period had already
7 closed when that ranking was done the first time, and a lot of
8 those sites were given a ranking of one. Then, somehow or
9 another, and I guess it's the sanctuary priority part of it,
10 jumped those rankings up to threes, which pushed those overall
11 rankings up high enough to have them considered in the expansion
12 and the preferred alternative be 3.

13
14 From an outsider, not having all the details, it looks
15 arbitrary, and I'm sure that there is a very valid explanation
16 for it and plenty of documentation for it, but we may want to
17 put some more in the DEIS for the shrimpers and the other
18 fishermen to see of, okay, this is why it's important. Maybe
19 address that some more in your public comments. That's it. I
20 look forward to working with you in August. I hope you're still
21 talking to me at that point.

22
23 **CHAIRMAN WILLIAMS:** Thank you, Leann. G.P., did you want to say
24 something?

25
26 **MR. SCHMAHL:** I just want to reiterate the reason those criteria
27 numbers did jump up was because of the additional information
28 that had been collected, not just in the time since 2015, but
29 from the time of 2007, when that original advisory council
30 recommendation had been made.

31
32 When we were looking at these banks in 2007, some of them only
33 had very general descriptions for the biological communities
34 there, but, when we did that project, especially the one that I
35 mentioned that was funded by BOEM, where we have specific
36 information, on a square-meter basis and a number of corals per
37 square meter, for example, for all of these banks, and those
38 were the kinds of criteria that we used.

39
40 There was a general category of sort of the general interest by
41 both the scientific community and the public, for example, that
42 was a little bit harder to quantify. For example, Sonnier Bank,
43 actually, from the biological side of things, it's pretty --
44 It's been hit pretty bad. It's not looking too good on the
45 biological side, but there's a high interest there from divers
46 and from people that go there and utilize it a lot, and so that
47 one actually had a high score because of public interest, even
48 though it had a pretty low score in terms of biological

1 community, and so there was a combination of factors that went
2 into that consideration.

3

4 **CHAIRMAN WILLIAMS:** David, if it's very quick.

5

6 **MR. WALKER:** I just know that we have some members here from the
7 Flower Garden Banks advisory panel, and I didn't know, if we
8 just had maybe a minute, that Buddy Guindon could get up and
9 speak about what they had discussed.

10

11 **CHAIRMAN WILLIAMS:** No, we don't have the time. We've got two
12 minutes left in our allotted time for this. He can speak to it
13 in public comment this afternoon, but, G.P., what do you need
14 from us at this meeting? You said that we could write fishing
15 regulations if we want, but the public comment period doesn't
16 end until August. Do we have to make a commitment on that now
17 or do we have time to --

18

19 **MR. SCHMAHL:** I might want some backup on this. I forgot to
20 mention that -- You probably didn't get it until today, but I
21 did send a letter to Mr. Anson, as the Chair of the council,
22 requesting what we call a 304(a)(5) consultation, and it
23 provides -- Typically, the language in the Act itself does not
24 prescribe a time period, but what we've done in other
25 sanctuaries is to provide a period of 180 days to the regional
26 fishery management council to give us essentially a decision on
27 whether or not either the fishing regulations that are proposed
28 in our proposal are sufficient, serve the purpose of the
29 designation of the sanctuary, or whether fishing regulations are
30 not necessary, or you may choose not to act at all directly and
31 let the sanctuary program go forward with regulations on our
32 own.

33

34 **CHAIRMAN WILLIAMS:** When do you need a decision by? Doug,
35 you're aware of all this, I presume, and we can -- What do we
36 need to do today, Doug? Anything or should we --

37

38 **EXECUTIVE DIRECTOR GREGORY:** I am winging it right now, but you
39 just said we have 180 days, and so we're not held to the public
40 comment period? Is that true? Before you answer that, the
41 public comment period ends on August 19. That's the day after
42 our next council meeting, and so we could bring a draft letter
43 back in August and give the council members time to digest some
44 of this, because we just got the draft announcement on Friday
45 night at 5:15 from the sanctuary people, and so we don't have a
46 draft letter for you to review now.

47

48 If we have 180 days, we can probably do it probably more

1 thoroughly or better in October. I certainly wouldn't want us
2 to wait that long to provide comment, but, if we have some
3 leeway other than August 19, it would be nice that we can
4 discuss this more in August and then draft a letter and have a
5 letter go out in October, if we have that timeframe.

6
7 **MR. ED LINDELOF:** Could I just offer that the council has
8 potentially two actions they can take. One is to comment on the
9 EIS in general, and a number of your comments, Leann, were
10 really directed at decisions about boundaries and activities, et
11 cetera. Those comments have to be given to us within the public
12 comment period. Those kinds of comments, if the council chooses
13 to comment on the EIS in general, need to be to us by August 19,
14 when the public comment period closes.

15
16 The second action, which is really one of the things we're
17 presenting for today, is the tasks the council can take under
18 that Section 304(a)(5) of the National Marine Sanctuaries Act,
19 and that is specifically focused on assisting us in drafting
20 regulations relating to fishing.

21
22 For that task, you actually have 180 days, and I know that
23 sounds like, well, why do we have August 19 on one and 180,
24 which is December 7 or so, on another, and that's just the way
25 the law gets constructed. I just wanted to make sure you
26 understood that there are a couple of dates there.

27
28 Obviously, to the extent to which you can wrap this stuff up
29 quickly and at the same time, it probably makes a lot of sense.
30 It would certainly be useful to us, but, again, that's really
31 your decision on how you want to handle that.

32
33 **CHAIRMAN WILLIAMS:** Okay. Kelly.

34
35 **DR. KELLY LUCAS:** I have a question. When you say help us draft
36 fishing regulations, what is the context of that? In terms of
37 whatever regulations we draft, you all will abide by or do you
38 all have you all's regulations and we can be stricter than you
39 all, but we can't be less strict than you all? What do you mean
40 by you all, as to what he just said?

41
42 **MR. LINDELOF:** That's a good question, and it has been handled
43 by the various councils in different ways for other sanctuaries.
44 The most straightforward one is to advise us as to whether or
45 not what we are proposing, which is the existing regulations
46 applying in these new areas, whether they are appropriate for
47 the new areas. If not, why not?

48

1 I believe that the recommendations from the council, while very
2 important, are not -- We don't have to implement those.
3 Finally, it is the decision of the sanctuary program to what
4 goes forward. Now, if there's a conflict, of course, we're both
5 sort of in the same agency, and so, ultimately, the head of NOAA
6 or the Secretary of Commerce will make that call, if there is a
7 disagreement.

8
9 **CHAIRMAN WILLIAMS:** Okay. Doug or Kevin, we are into the next
10 committee's time, or at least into the break time. I'm not sure
11 what to do here. It seems to me like maybe we could talk about
12 this and have something prepared by the -- Figure out what to do
13 by the time the council meetings. Is that acceptable to you?

14
15 **EXECUTIVE DIRECTOR GREGORY:** We can certainly decide on a path
16 forward.

17
18 **CHAIRMAN WILLIAMS:** Okay. Dr. Crabtree.

19
20 **DR. ROY CRABTREE:** Just one quick question. G.P., I am told
21 there was an analysis done by a Bob Leeworthy that looked at the
22 economic impacts of the preferred alternative.

23
24 **MR. SCHMAHL:** Yes, it was.

25
26 **DR. CRABTREE:** Has that been provided to the council?

27
28 **MR. SCHMAHL:** I don't think that was in the package, but it
29 certainly can be, yes.

30
31 **DR. CRABTREE:** I think maybe providing that to the council,
32 because I think it gets directly at some of the issues that
33 Leann raised, and maybe it might be worth considering including
34 that in the appendix to the DEIS, but I think certainly that
35 would be of interest to the council.

36
37 **CHAIRMAN WILLIAMS:** Anything else, G.P.? We're going to have to
38 recess this committee.

39
40 **MS. GLADYS MILES:** I just wanted to address her concern
41 regarding about what do you mean by assist us in drafting
42 regulations. The Sanctuary Act, in 304(a)(5), provides that the
43 fishery management council has an opportunity to draft
44 regulations. Then what happens is the Secretary of Commerce
45 takes those draft regulations and determines whether or not they
46 are consistent with the policies.

47
48 If they are consistent with the policies in going -- Let's say

1 if we do decide to go forward with the expansion, then he can
2 accept those draft regulations. By the same token, the
3 Secretary of Commerce can choose to modify the regulations, but
4 we would be consulting with you all in moving forward. Does
5 that help you, ma'am?

6
7 **MS. BOSARGE:** It was actually Dr. Lucas who asked that, but that
8 was okay.

9
10 **MS. MILES:** I am sorry. I thought it was you.

11
12 **CHAIRMAN WILLIAMS:** Thank you very much, ma'am.

13
14 **MS. MILES:** You're welcome.

15
16 **CHAIRMAN WILLIAMS:** G.P., we're really out of time here for this
17 committee. We're already into the next committee's time slot.
18 We will get with Kevin and Doug and you maybe and talk about,
19 before the full council meets, about what our course of action
20 should be, at least to the present to the council.

21
22 **MR. SCHMAHL:** Okay. I will be around and available to discuss
23 that.

24
25 **CHAIRMAN WILLIAMS:** You will be here the rest of the day?

26
27 **MR. SCHMAHL:** Yes.

28
29 **CHAIRMAN WILLIAMS:** Okay. Anything else to come before this
30 committee? If not, I am going to adjourn the committee.

31
32 (Whereupon, the meeting adjourned on June 22, 2016.)

33
34 - - -