



# Gulf of Mexico Fishery Management Council

*Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico*

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George Schmahl, Superintendent  
Flower Garden Banks National Marine Sanctuary  
4700 Ave. U, Bldg 216  
Galveston, Texas 77551

Re: Comments on the Draft Environmental Impact Statement: Sanctuary Expansion

Dear Mr. Schmahl:

Thank you for your presentation on the expansion of the Flower Garden Banks National Marine Sanctuary (FGBNMS) at the June 2016 Gulf of Mexico Fishery Management Council (Council) meeting. This letter strictly focuses on the content and analyses contained in the Draft Environmental Impact Statement (DEIS) of the proposed expansion since the Council has until December 2016 to comment on the proposed regulations in the sanctuary; those will be submitted in a separate document. Additionally, the comments in this letter strictly pertain to the FGBNMS's Preferred Alternative 3. The Council does not support the expansion proposed in Alternative 4 nor Alternative 5 as the Council agrees with the FGBNMS assertion that Alternative 4 and Alternative 5 are outside the current operational capacity of the FGBNMS.

The Council appreciates that there has been new information and emerging technology that have allowed for better identification of deep-water corals and deep-water features (anything greater than 100 m). The biological analyses contained in the document are thorough, and the Council recognizes that this was a tremendous effort from the sanctuary staff. Additionally, the methodological approach that the FGBNMS took when reviewing and determining the areas that were biologically significant is transparent and easily understandable.

The Council has some concerns over the extent of the proposed expansion. The FGBNMS is proposing to expand the sanctuary footprint over six times its current size. The proposed boundaries represent a preference towards straight lines which are outside of the recommendations of the FGBNMS Advisory Council. The Council has also received feedback from law enforcement preferring discrete straight-lined boundaries when potential boundaries for habitat areas of particular concern were discussed. However, in speaking with fishermen, it seems that irregular polygons are no longer the obstacles that they once were, and that an irregular shape that minimizes impact to fishing while maximizing protection for sensitive areas would be feasible and ideal. In an effort for complete transparency, the Council recommends that the FGBNMS DEIS include the coordinates for all proposed alternatives. Without location coordinates, fishermen and other stakeholders will not be able to evaluate whether the borders of the proposed expansion affect them.

In the DEIS, it is presented that staff have documented fishing gear on several of the outlined banks in terms of debris or anchor scars. The Council would like to remind the FGBNMS that not all anchor scars are caused by fishing vessels and not all debris is deposited from fishing vessels. For example, on McGrail Bank, it was noted that there was fishing debris and damage (lost anchors and mechanically overturned coral heads, and a trawl scar) as well as marine debris that could very well be attributed to oil and gas exploration. From the information provided in the appendix, Alderdice, Geyer, and Bright Banks were the only banks to not have a platform or pipeline running through the proposed boundaries. The Council feels that oil and gas exploration with the longevity of continuous extraction, large infrastructure placed on the seafloor, and constant to and fro of vessel traffic should not be disregarded though many of the regulations and analyses minimize these long-term effects in the DEIS. The Council is concerned that though this was mentioned, it could be interpreted that fishing is considered as the major threat to many of these areas. It seems that if these areas are sensitive, all potentially damaging extractive uses should be prevented, not just fishing.

The Council appreciates that the FGBNMS is trying to mitigate effects on fishing vessels by providing mooring buoys for boats. Unfortunately, anchoring mooring buoys may cause a hardship for many of the fisherman that currently use these areas. A mooring buoy restricts the access to the whole areas and instead concentrates all effort within a radius around the buoy which may not be in the ideal area for fishing. The Council urges the FGBNMS to use multiple buoys over large areas and to make the buoy installation a priority to help alleviate any hardship on stakeholders that may be displaced.

The Council recommends the FGBNMS convene the FGBNMS Advisory Council as soon as possible to comment on the DEIS as the FGBNMS Advisory Council had last provided input on the proposed expansion in 2007. While the Council acknowledges that the Preferred Alternative 3 takes the Advisory Council's recommended criteria and applies those criteria to a significantly larger body of scientific work, the Council has some hesitation about the fact that the FGBNMS Advisory Council was not convened to comment on the new information and the new proposed boundaries.

The Council acknowledges that many of these areas identified in the document are already considered HAPCs (though many without regulations). The Council also encourages the staff of the FGBNMS to share with Council staff any new information including coral information that the FGBNMS has compiled so that it may be included to the Council's coral portal. The Council is currently conducting its 5 year EFH review, and new information is helpful to make the most informed management decisions. It seems that the FGBNMS has much data that could be useful in aiding the Council in this endeavor.

The Council recognizes the value of the economic and social use studies of the areas in proposed Alternative 3. However, the Council is concerned that while over 500 vessels were identified as being active in the proposed expansion during the 2003-2007 period, only 76 were surveyed post 2010. Additionally, the document is ambiguous regarding survey results. The Council is also concerned with the lack of analysis regarding recreational fishing activities within the FGBNMS expansion areas and requests that the sanctuary conduct this analysis. The Council appreciates the use of the "willingness to pay" survey, but also cautions that the closure of these areas may have several unforeseen consequences to the fishing industry that would outcompete a hypothetical willingness to pay.

The Council also has concerns on the summary of the anticipated impacts. It is not clear from the discussion how the expansion of the sanctuary will be economically and socially beneficial. It is unclear to the Council why the shrimp electronic logbook data were not considered in the expansion analyses beyond mere mention. The Council is also concerned that the FGBNMS determined that there would be less than significant adverse impacts on fisherman because of the determination there would be only a spatial substitution of fishers (i.e. they would just fish elsewhere). The Council cautions that this is only true if similarly biological areas with similar fish densities and ease of access are relatively near and that the displacement of said fishers doesn't create unnecessary hardship for access. Additionally, the DEIS states that the effects for commercial fishers would be beneficial, but the Council does not necessarily agree that this statement is substantiated by the information presented in the DEIS. The Council is very concerned that the displacement of commercial fishers in these areas was discounted and has concerns that the socioeconomic analyses were too limited in scope and conclusions.

The Council also feels that while there was sufficient rationale for excluding particular areas for consideration (distinct differences in threats and biology), there was a failure to consider alternate regulatory regimes for the proposed expanded areas.

Thank you for the opportunity to comment on the DEIS. The Council understands that this has been a tremendous effort and recognizes that the FGBNMS has significantly increased our understanding of the biological communities of the northwestern Gulf of Mexico.

Sincerely,

Kevin Anson  
Council Chairman

cc: Gulf Council  
Billy Causey  
Cindy Meyer  
Council staff