



GREATER FARALLONES NATIONAL MARINE SANCTUARY
ADVISORY COUNCIL MEETING

Monday, June 15, 2020

9:00AM – 1:00PM

Virtual via Google Meet



MEETING HIGHLIGHTS

Note: The following notes are an account of discussions at the Sanctuary Advisory Council meeting and do not necessarily reflect the opinion or position of the Greater Farallones National Marine Sanctuary (GFNMS) or the National Oceanic and Atmospheric Administration (NOAA).

Copies to: Bill Douros, Office of National Marine Sanctuaries, West Coast Regional Director

Call to Order: Roll call

VOTING MEMBERS: 10 present (quorum met)

At-Large Marin: Dominique Richard (Chair)	Education: Bibit Traut
At-Large Mendocino/Sonoma: Cea Higgins	Maritime Commercial Activities: John Berge
At-Large SF/San Mateo: Joe Fitting	Maritime Recreation Activities: Abby Mohan (Vice Chair)
California Resources Agency: absent	National Parks Service: absent
Commercial Fishing: Barbara Emley (Secretary)	Research: absent
Conservation: Bruce Bowser	U.S. Coast Guard: LT Jacob Joseph (for LCDR Lee Crusius)
Conservation: Richard Charter	U.S. Fish & Wildlife Service: absent

ALTERNATES PRESENT: 5 present

At-Large Mendocino/Sonoma: Nancy Trissel
Commercial Fishing: Sarah Bates
Conservation: Francesca Koe
Conservation: Kathi George
Maritime Commercial Activities: Julian Rose

NON-VOTING MEMBERS: 1 present

Channel Islands NMS: absent
Cordell Bank NMS: absent
Monterey Bay NMS: absent
National Marine Fisheries Service: absent
Youth Primary: absent
Youth Alternate: Owen Youngquist

GFNMS staff present: Maria Brown, Superintendent; Brian Johnson, Deputy Superintendent; Alayne Chappell (Affiliate), Advisory Council Coordinator; Olivia Johnson (Affiliate), Administrative Assistant

Other NOAA staff present: George (G.P.) Schmahl, Flower Garden Banks National Marine Sanctuary (FGBNMS) Superintendent; Lisa Wooninck, Office of National Marine Sanctuaries West Coast Region Policy Coordinator

Call to Order, Review Agenda, Swear in new member

Alayne Chappell, SAC Coordinator (SAC Coordinator facilitating in place of the chair due to technical limitations of the virtual platform).

Maria Brown: It is timely for us to be thinking more about diversity and inclusion for our SAC and sanctuary. We would like to suggest forming a SAC subcommittee on this topic. I'm very interested in looking at how we can increase diversity and inclusion around participation in SAC meetings and around membership on our SAC. Is there interest in serving on this subcommittee?

Members interested in joining: Abby Mohan, Bibit Traut, Francesca Koe, Kathi George, Owen Youngquist

Others can email Alayne or Dominique to join the subcommittee. Alayne will follow up with members.

PUBLIC COMMENT: No public comment.

Presentation: Flower Garden Banks National Marine Sanctuary (FGBNMS) Proposed Expansion

George (G.P.) Schmahl, FGBNMS Superintendent

[View Presentation](#)

Presentation Highlights:

- FGBNMS was designated in 1992 including east and west areas of Flower Garden Banks, 100 miles south of Texas Louisiana Bank. The entire sanctuary is fairly small at 56 square miles. It was designated because of coral reef resources.
- Primary proposal is to add banks to the east of the existing sanctuary. Along the edge of the continental shelf is a series of underwater features including underlying salt formations, all fairly deep. Most of the proposed banks are deeper than the flower garden banks. Studies show the corals are as dense as anywhere in the rest of the world.
- **Flower Garden Banks NMS Expansion Proposed Rule:**
 - Portions of 14 additional reefs and banks
 - 104 square mile increase
 - Apply existing regulations within the new areas
 - Soliciting public comment through July 3, 2020
 - 3 virtual public meetings:
 - June 8, 2020 - 1:00 – 3:00 pm CDT
 - June 8, 2020 - 6:00 – 8:00 pm CDT
 - June 11, 2020 - 6:00 – 8:00 pm CDT
 - Asking for specific input requested on 3 areas:
 - Boundary configurations
 - Pelagic longline gear exemption
 - Spearfishing gear exemption
- Preferred alternative:
 - 15 additional banks, 383 square miles.
 - Alternative 5: 54 additional banks, 935 square miles total.
- This is one of the most highly sought-after offshore oil and gas exploration areas. Lots of interest from the oil and gas companies.

- What is being proposed now is the recommendation that we received from our SAC through the boundary expansion working group.
- At this point there have been about 150 comments online at regulations.gov.

Discussion:

Dominique Richard: I'd like to look at the preferred option. That is something we need to look at carefully and comment on because it has the highest chance of going through.

Richard Charter: I think we should support what the FGBNMS Advisory Council is recommending. I think the Advisory Councils should stick together. My suggestion would be to comment using the pre-written comments that I submitted on this topic, which I sent around to the SAC. If our SAC agrees, that is available as something already written up to use.

Barbara Emley: I'm curious if the expanded areas includes restrictions on certain kinds of fishing gear; is that gear currently in use in those proposed expansion areas, and are there fisheries that are currently there?

G.P.: Yes, there is a longline fishery in the Gulf of Mexico, but it's further out than the proposed area. The number of vessels with permits for long line fishing is very low. So while there is an active longline fishery, these areas in particular are not being targeted. The fisheries concern is that their boats or gear could end up in the sanctuary boundaries. Controlling where the gear ends up can be difficult. We don't want to penalize the fishery because of this action.

Barbara: Will the sanctuary program exclude certain kinds of fishing?

G.P.: Yes, it would prohibit the use of longline fishing gear.

Bruce Bowser: What is the distance between the geologic formations in the banks?

G.P.: The distance between East and West Flower Garden Banks is about 12 miles. The whole area spans the range of about 100 miles.

Bibit Traut: Is there a reason for not including certain areas between the boundaries? Looking at the boundaries, it seems like the reason the area the area you're not including some of the space between features. Is there a reason for not including those areas?

G.P.: There is a lot of the emphasis on the revision of the boundaries from the oil and gas companies, because these areas are highly utilized by them. There are a lot of reef communities between those features that are highly important and susceptible to disturbance. From the oil and gas industry's perspective, the Bureau of Ocean Energy Management (BOEM) already protects them and they would not be able to operate in a way that would directly impact those features. It was an attempt to get a consensus around the table and get oil and gas on board but still offer protection to the banks.

Richard Charter: You talked about the original proposal versus the revised proposal. The original proposal did include areas further to the east, a whole other constellation of banks. Were those states objecting or was it primarily objection from the oil and gas industry?

G.P.: When we put forward our preferred alternative at that time, we felt we had the ability, infrastructure and resources to provide efficient management of that area. When we selected this area as the preferred alternative, it was not purely based on biological criteria, but it would be the amount of area we felt under the existing and anticipated resources that we could maintain and manage.

John Berge: What is the significant difference between pelagic long line fishing and hook-and-line fishing?

G.P.: Hook-and-line is the type of fishing that is common to most people. It can be hand or mechanically wound. Longline is a horizontal fishing line that is in the water column and suspended with a float. Deployment and retrieval can cause a significant amount of damage.

John Berge: Is the difference the amount of harvest that occurs?

G.P.: It's also impact on the seafloor. The concern expressed about pelagic long lines is the amount of bycatch of turtles and sharks. That bycatch is extremely rare on traditional hook and line.

Richard: I suggest respectfully that we not overthink this but simply state that we support the revised preferred option as supported by the FGBNMS SAC.

MOTION: Submit a letter of support for the revised preferred option for the Flower Garden Banks National Marine Sanctuary (FGBNMS) expansion

First: Richard Charter

Second: Bibit Traut

Vote: 10 yes, 0 no, 0 abstain

Motion passed.

[View the Resolution](#)

Presentation: Chumash Heritage National Marine Sanctuary (CHNMS) Nomination Five-Year Review

Lisa Wooninck, Office of National Marine Sanctuaries West Coast Region Policy Coordinator

[View Presentation](#)

Presentation Highlights:

- Sanctuary Nomination Process (SNP):
 - Community develops a sanctuary nomination, submits to NOAA
 - Within NOAA, ONMS reviews to determine if nomination materials are complete and responsive to the 11 SNP criteria
 - If so, the nomination is added to the inventory of sites that could potentially be considered for designation
 - If NOAA has not initiated a designation process within five years, then ONMS reviews that nomination (where we are now)
 - If NOAA were to initiate a designation process, it is a totally separate public process involving extensive consultations across 2-3 years
- When nomination materials are complete and responsive to the 11 SNP criteria, then it can be nominated to potentially be designated one day.

- This is not a designation; it's determining if we want to keep the nomination on the inventory for another 5 years.
- CHNMS was nominated by the Northern Chumash Tribal Council (NCTC) on July 17, 2015. Boundaries were chosen by the nominators. It was added to the inventory October 5, 2015.
- NCTC identified 9 goals for the sanctuary all oriented around the broader purpose of creating and conserving a thriving ecosystem, which in turn can: safeguard the area's coastal and marine resources; open new opportunities for research; enhance economic growth including fishing and recreational activities. Achieving these goals relies on managing through input from a local sanctuary advisory council and through NOAA's comprehensive ecosystem-based management philosophy for sanctuaries
- The purpose of the 5-year review is to:
 - Ensure NOAA has a full awareness of the issues and opportunities facing any nominated area within the inventory
 - Ensure that nominations in the inventory continue to be relevant and responsive to the four national significance criteria and seven management considerations: i.e., 11 SNP criteria
 - Provides an opportunity to the nominators, public, stakeholders and partners to submit relevant and responsive information from 2015 until now to update a nomination
- The Criteria is based on National Marine Sanctuaries Act, natural resource and ecological significance, maritime heritage, economic uses, public benefits.
- The public can submit comments to www.regulations.gov. The public comment period is to determine if the nomination is still accurate and relevant according to 11 criteria.
- Input not responsive to the 11 SNP criteria will not aid that review
- Next steps will be:
 - Review the information received through written and spoken comments
 - Independently, gather information relevant and responsive to the criteria
 - Compile, synthesize and assess the information to determine if the nomination is still accurate and relevant
 - Produce a synopsis report with analysis and recommendation for maintaining or removing the nomination in the inventory
 - Anticipate decision by end of September or early October 2020
- ONMS Director John Armor will make the final decision to maintain or remove the nomination from the inventory.

Discussion:

Richard Charter: Regarding management criteria #3, I learned last week that the oil and gas leasing program is likely to be greenlighted as far as December 2020 this year, which includes two offshore lease sales in this area. Would the offshore drilling qualify under item #3 as a new potential impact?

Lisa: Yes, it would, and that's one of the reasons that the nominators would like to have a national marine sanctuary in the area.

Sarah Bates: This has been in the inventory for 5 years. Is that standard practice to get a sanctuary declared?

Lisa: There are a number of nominations in the inventory. Of the nominations currently on the list,

Chumash was the first to be nominated. There are six others that have not moved forward either. Whether to move a nomination forward is decided at a high level in NOAA. Some nominations have moved forward such as Mallows Bay, which was the first one in 20 years.

Sarah: Why is this one not moving forward? Is there interest from oil and gas or is there not much support for it?

Lisa: The nomination has a lot of support from the local community. It was previously on the site evaluation list and an area of interest since the early 1980s. There is a sizeable community off Morro Bay that would like to see this designated, and there is support from local governments. There has also been opposition from fishing community and the City Board of Operators. I can't speak to the decisions made at a higher level within NOAA for designating a site.

Richard: During the CHNMS webinar this week, it was indicated that the Pacific Coast Federation of Fishermen's Associations (PCFFA) may not be as strongly opposed to this as it previously was. Has the spoken comment from that meeting been transcribed? It is important that we have the current position and not the 2016 statement.

Lisa: Yes, it has been transcribed but not posted online yet. The PCFFA comment was responsive to the 11 criteria. The PCFFA Executive Director mentioned that oceanic conditions have changed and because of that, the fishing off Morro Bay has changed and now there is more concentration on the squid fishery.

Barbara Emley: I passed around the older 2016 PCFFA letter this morning. The PCFFA has not had a board meeting where we've had a change in opinion. I heard from the Morro Bay Fishermen's Association who sent me a letter of opposition from the Morro Bay City Council.

Richard: The question before us is: do we discard Chumash altogether or extend the nomination period?

Cea Higgins: I agree. We're only requesting an extension of the nomination and all of these issues could be discussed at a later date.

Francesca: I support extending the period to review the nomination and keeping the nomination in the queue. As a board member of Greater Farallones Association, we as a board and organization have submitted a supportive letter to continue the nomination process.

John Berge: You mentioned that San Luis Obispo (SLO) supervisors and Morro Bay City Council are not in support. I also recall that the Chumash tribe was not in support from 2017. Can you elaborate if that has changed and why in particular the tribes have not been in support of this designation?

Lisa: We have reached out to the one federally-recognized band to see if they had anything they'd like to share with us and we have not heard back from them. I'm not an expert on the Chumash bands and the relationships they have. The coastal band, Santa Ynez, the Northern Chumash tribal council, and a number of others, are supportive of the nomination. I'm not sure why other bands would be in opposition. Sometimes these positions are fluid. This is a nomination, and there would be an opportunity for all the stakeholders to voice their opinion. We work to incorporate their concerns and address any issues.

Richard: Didn't the original nomination originate from the Chumash?

Lisa: Yes.

Richard: I followed that board meeting very closely. If I recall, three out of five SLO board members felt that the preexisting offshore oil and gas ordinances from the 1980s was sufficient protection from offshore oil. They felt since you can't build an offshore facility, you don't need an offshore sanctuary to protect against that. There could change with elections or leasing programs.

Maria Brown: To clarify, a member of the public must nominate a new sanctuary. This one originated from one of the Chumash tribes. It's the public coming to the federal government and asking for consideration of the area.

Lisa: Yes, that's correct. That effort was led by the Northern Chumash Tribal Council and the Sierra Club. Now it belongs to the government, but the original nomination was from the community.

Barbara: The letter that PCFFA sent in 2016 suggested that one of the reasons they had an issue with adding another sanctuary to the coast of California is related to problems fisheries have with other sanctuaries in the area. We have a very good relationship with GFNMS and CBNMS, and the reason is that there are certain ways to get things done that isn't taking place in the other sanctuaries. That way of doing things should be codified and put into a designation document for other sanctuaries down the road. It would be difficult to support any sanctuary unless it designated some of the ways other sanctuaries deal with fisheries.

Bibit Traut: The purpose says to enhance economic growth including fishing and recreational activities. Doesn't that address the issues?

Sarah Bates: Yes and no, With GFNMS, we address this well. But in other sanctuaries, there is a lot of contention. The process must involve fishermen and we want to make sure that there is space for us on councils, that we're heard, and that they do not impose more fishing regulations.

Lisa: The nomination in 2015 included no future regulations on commercial and recreational fishing.

Maria: The deadline is today to submit a comment on supporting the continuation of the nomination.

Abby: If it's allowed to lapse because of the changing conditions, is it possible for it to be re-nominated in the future?

Maria: Yes.

Richard: I move that we accept the edited version of this supported comment letter for the CHNMS nomination to be extended.

MOTION: Submit a letter of support for extending the Chumash Heritage National Marine Sanctuary (CHNMS) nomination

First: Richard Charter

Second: Cea Higgins

Vote: 9 yes, 0 no, 1 abstain

Motion passed.

[View the Resolution](#)

Adjourn.

Meeting highlights prepared by Alayne Chappell, Advisory Council Coordinator.