

PROPOSED LAKE ONTARIO NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

Meeting #11 - VIRTUAL

Thursday, July 8, 2021

MEETING SUMMARY (FINAL)

Welcome – Bill Crist

Bill Crist called the meeting to order at 6 p.m. EST. Bill welcomed everyone to meeting #11 and commended the SAC for their continued efforts and NOAA for their hard work and guidance in publishing the DEIS and DMP.

Bill invited the State and municipalities to comment on the release of the DEIS/DMP.

- Steve Lynch (Cayuga County). There was a local news article published. Article provided good information and directed people to the public comment period. Also shared with mayors and legislators. Congratulations to Ellen, Pam and the team.
- Phil Church (City of Oswego). Good quotes from around the region to encourage folks to participate in public meetings. Copies of DEIS sent to legislators. Will get a letter of support (resolution) from legislators. Thanks to all involved.
- Bob Hagemann (Jefferson County). Exciting times. Shared DEIS with county leadership.
- Rick House (Wayne County). Phone issues and could not make a comment.
- Dan Mackay (State). A lot of work and coordination at state level in support of designation. Credits SAC for success to-date.
- Dave White (SUNY Oswego). New York Secretary of State released a statement of support.

Updates and Draft Management Plan/DEIS - Ellen Brody

Ellen introduced Sophie Godfrey-McKee who works with the HQ Policy Team. Sophie was instrumental in developing a new template for the DEIS and contributed significantly to the content.

Great news! Ellen shared that Wisconsin Shipwreck Coast National Marine Sanctuary is now designated!

Ellen highlighted information in the draft designation documents not previously available. Very proud of the draft EIS. Ellen reminded everyone the document is a draft and is excited to give the public a chance to comment. Ellen went on to describe the boundary alternatives and showed the two maps. Alternative 1 resembles the original proposal to NOAA. Reviewed numbers of known shipwrecks in each alternative (reminder the number of sites is in flux depending on definition).

Ellen introduced Maddie Roth who did a fantastic job in creating a story map now up on the Lake Ontario website. This story map has the same information as the DEIS, but in digital format. Maddie walked through the story map and highlighted the features including shipwreck information in each alternative along with historic photos. <https://storymaps.arcgis.com/stories/9ab4046b9bc94ccaa895a481b8ce4c4b>.

Ellen reviewed the draft regulatory concepts that address threats to the sanctuary resources.

- Regulatory concept 1 - Don't damage sanctuary resources (defined as underwater cultural resources). This is consistent with New York state authorities.
- Regulatory concept 2 - Don't use grappling hooks or anchors at shipwreck sites. Similar to regulations in Wisconsin. In Wisconsin this provision is delayed for two years while mooring buoys get installed. Thus, there won't be a need for boats to anchor to wrecks and cause potential damage.
- Regulatory concept 3 - Implement permit system for underwater vehicles at shipwreck sites, such as remotely operated vehicles. Trying to get operators to implement best practices to mitigate tether impacts.
- Regulatory concept 4 - Cannot possess artifact or sanctuary resource
- Regulatory concept 5 - Ability to promulgate emergency regulation. This would be done in coordination with the State.

What's Next - Ellen Brody

- Public comments will be accepted through September 10
- After September 10, NOAA will consider all the comments and develop a proposed rule with proposed boundaries and regulations.
- Then, there will be another round of a public comment period. Thus, two opportunities for the public to comment on the regulatory component of designation (proposed rule).
- Following the comment period, NOAA will publish the final EIS, final management plan, and final rule.
- Targeting Spring 2022 for publishing the rule with late-2022 designation date.

Q&A:

Q: Joe Zarzynski What is the definition of a shipwreck? It is suggested in the document there are more shipwrecks than listed. Important to clarify in the document what is considered a shipwreck for boaters who are unfamiliar with shipwreck protection. Could present potential for vandalism. If you're not a diver or have a maritime background they might not be aware.

A: Ellen – we don't define shipwrecks, instead we define the sanctuary resource which is much broader than shipwrecks. It is also a debris field. We also address the issue of cargo. Interpretation goes beyond shipwrecks to include the maritime cultural landscape. We do not want this known as the shipwreck sanctuary.

Q: Phil Church - Question about regulation. Some of the shipwreck areas are popular fishing spots for generations. They may or may not be anchoring. How is that handled?

A: Ellen – Are they anchoring? This is a perfect example of input we are seeking in public comment.

Bill Crist - Just to weigh in, this is typically more of a drift fish rather than anchoring at that site – thus, may not be an issue, but need to educate and communicate what the regulation would and would not do.

Q: Dave White - Has Congresswoman Stefanik been briefed? She is number three in the house and is very responsive to the St. Lawrence River community.

A: Ellen - Not yet but we are hoping to set up a meeting.

Rollout of DEIS/DMP - Ellen Brody

- On Tuesday, July 6, NOAA had a briefing with Senator Schumer's office, Representative Katko's office, and Representative Morelle's office. Next week there will be a briefing with Senator Gillibrand's office.
- Notified all SAC and local governments
- News and press releases are occurring
 - Mike Snyder has received supportive quotes from the Secretary of State and other State leaders. Can expect more support during public comment
- Sanctuary website has been updated with all relative documents and information on how to provide a public comment.
 - Federal Register will have a link where the public can comment. Go to www.regulations.gov and search for "NOAA-NOS-2021-0050",
 - The DEIS, Executive summary of DEIS, draft management plan, fact sheet about public meetings and relevant facts about boundary alternatives, poster with information on public meetings, FAQs on proposal (including a FAQ on wind energy) and potential issues

Public Meetings - Ellen Brody

Still planning two in-person meetings on August 18 and 19. Not sure if that can happen based on agency COVID policy.

SAC Business - Pam Orlando

- Reviewed the SAC engagement guidance during public comment. Pam reminded the advisory council of the dos and don'ts while in an official capacity as a SAC member.
- Shared a picture of an informal gathering of SAC members in June. Thank you to Dave White and Mercedes Niess for organizing the opportunity.
- June notes are complete and will be sent out with the July notes for review.
- The next advisory council meeting is TBD. Looking towards the end of August before the public comment period ends.
- SAC Vacancies. Dennis and Kathi McCarthy submitted their letters of resignation effective immediately. Pam Cariccioli will be departing the advisory council September/October. We have advertised on our website three seat vacancies which include Citizen-At-Large (alternate), Maritime History & Interpretation (member) and Education (alternate). SAC was encouraged to reach out to folks in their communities to help spread the word.

Comments and Q&A:

Bill Crist thanked Maddie for the story map. Bill also thanked Dave for setting up an informal gathering of the SAC. Bill also noted that the LO designation is atop the NOAA.gov website. Great to see!

Q: Phil Church -If NOAA cannot travel, can SAC still have public meetings with NOAA virtual?

A: Ellen – Unfortunately, NOAA has to be present since it is a NOAA sponsored event. We are hoping for updated guidance by then.

Phil – why can't other agencies host a meeting for input?

Ellen – let's talk later about creative options.

Q: Dave White – Are there rules that spell out responsibilities of SAC members when commenting in public?

A: Ed Lindelof – SAC members are free to say what they want as a private citizen, but cannot represent a position of the SAC without a resolution put forward by SAC.

Q: Can a forum be provided for the public to gather virtually to review the alternatives?

A: Bill – Need for SAC to gather in smaller groups to ensure consistency in process and responsibilities for public meetings. Expect virtual work sessions.

Ellen – We will pull together examples of how other SACs have approached public comment.

Bill – Agree, let's take advantage of what has worked.

Steve Lynch – noted that SAC members are affiliated with organizations who may be better suited for comment on DEIS versus management plan – do resolutions help?

Ellen – YES they do!

Ellen – Suggest a couple of informal SAC chats to answer questions about SAC role during public comment with no obligation to attend.

Bill – SAC chats have been quite good, but they take on added purpose now – helps to expose talents of all members and prepare ourselves for public meetings. (ACTION)

Katie - With three departing members, can we get a letter to them thanking them for their contribution? (ACTION)

Pam Caraccioli – clarified that she is stepping away from education, thus wants to step down from that role on SAC. But she is grateful for the opportunity and will continue to support the designation.

Bill – thanked her for contribution. Also, thanked Dennis and Kathy McCarthy and hopes they stay connected.

Q: Phil Church – Is there an alternate who can fill the member seat opening?

A: Pam – We still need to open the application process. An alternate can petition to move to a member seat but have to go through the application process.

Ellen – Mentioned the Sanctuary 360 degree video on *St Peter* is on the Lake Ontario website. Please take a look.

Public Comment - Bill Crist

No comments. Bill thanked the audience for their participation.

Final Comment - Ellen Brody

Couldn't imagine going through this designation process without all of you. Truly enjoyed getting to know and work with all of you. We are very grateful.

Meeting adjourned at 7:28pm

Attendees:

NOAA/ONMS:

Ellen Brody, Great Lakes Regional Coordinator
Sophie Godfrey-McKee, Senior Policy Analyst
Edward Lindelof, Senior Policy Analyst
Pam Orlando, LONMS Advisory Council Coordinator
Jean Prevo, MB-PR NMS Advisory Council Coordinator
Julia Snouck-Hurgronje, Senior Policy Analyst

Advisory Council:

Shane Broadwell, Member, Tourism
Bill Crist, Member, Education (Chair)
Dale Currier, Member, Recreational Boating
Peter Evans, Alternate, Tourism
Corey Fram, Tourism
Jeanie Gleisner, Member, Economic Development
Dave Granoff, Alternate, Economic Development
Robert Humphrey, Member, Education
Ken Kozin, Alternate, Divers/Dive Clubs, Shipwreck Exploration
Steve Lynch, Member, AICP, Director (Cayuga)
Laura McLean, State of New York, Alternate
Katie Malinowski, Member, Citizen-at-Large (Vice-Chair)
Jay Matteson, Member, Economic Development
Ed Mervine, Member, Shoreline Property Owner
Robert Morgan, Member, Citizen-at-Large
Duane Morton, Alternate, Shoreline Property Owner
Mercedes Niess, Member, Maritime History & Interpretation
Mark Slosek, Alternate, Recreational Boating

Ray Tucker, Alternate, Divers, Dive Clubs & Shipwreck Exploration
Dave Turner, Alternate, Oswego County
David White, Member, New York Sea Grant
Jim Wieser, Member, Divers/Dive Clubs, Shipwreck Exploration
Christine Worth, Alternate (Wayne)
Joseph Zarzynski, Alternate, Maritime History & Interpretation

Public:

Jason Pfothauer
Matthew Reitz, Palladium Times
William Schickling