

PROPOSED LAKE ONTARIO NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

Meeting #13 - VIRTUAL

Wednesday, October 20, 2021

MEETING SUMMARY - FINAL

Welcome – Bill Crist

Bill Crist called the meeting to order at 6 p.m. EST and welcomed everyone to meeting #13. Bill remarked how fantastic it has been to conduct the amount of business the SAC has accomplished virtually over the past year in moving the sanctuary forward. Bill eagerly looks forward to the day when the council can meet Ellen and Pam beyond a video screen. The agenda this evening will focus mostly on the summary of public comments, advisory council business and a report out on the Sanctuary Advisory Council Chairs meeting held on September 30.

Bill called for a motion to approve the September 2021 advisory council meeting minutes. Motion to approve by Katie Malinowski, seconded by Jeanie Gleisner. All in favor and approved.

Sanctuary Advisory Council Chairs Meeting – Bill Crist/Katie Malinowski

Bill Crist reported out on the September 30th Sanctuary Advisory Council Chairs meeting.

- Amazing opportunity to listen to the “whole fleet” of council chairs in the sanctuary program
- High level welcome from John Armor
- Taishya Adams, the Sanctuary Business Advisory Council Vice-Chair gave a brief overview of Outdoor Afro, a program that brings people together with a greater sense of community. Finally, Brady Phillips, national outreach coordinator for sanctuaries provided highlights on the 50th anniversary celebration of the national marine sanctuary program, “Save Spectacular”, and the celebrations that will occur across the sanctuary system in October 2021 – November 2022. Bill is hopeful the designation of Lake Ontario NMS will secure a place in history and have a commemorative poster to mark the occasion.
- The climate crisis at home and abroad was discussed
- Compatibility of renewable energy in national marine sanctuaries was discussed and how captured wind power and renewable energy source could impact sanctuaries around the system
 - Katie Malinowski remarked about the proposed wind projects in the lake on the eastern end of Lake Ontario and how it would interact. The sanctuary wouldn’t prevent the actual decision to put in wind farms; talks are underway at the federal level (clean energy goals). NYSERDA is conducting a wind survey. A lot of activity happening on the ocean end.
- Sentinel sights were discussed and how they can help national marine sanctuaries
- Q&A. Very helpful to see and hear what great things are happening in the sanctuary system and some of the pitfalls some sites are experiencing.

Bill’s last thoughts on the SAC Chair’s meeting:

- Third time coming together with the SAC Chairs.

- Great collaboration exists among all the sanctuaries.
- Interesting to hear what all the sanctuary advisory councils are doing, i.e., buoy placements at Thunder Bay and Florida Keys sanctuaries. They have done a great job with the buoy program and LO can learn from their experience.
- LO is the new kid on the block and can benefit greatly from the last 50-years and even improve from a new or different whether it be governmental or environmental.
 - Ellen Brody proposed LO SAC members tuning into other sanctuary SAC meetings at different sites. Great opportunity to learn more about what other advisory councils are facing whether it be coral reefs, humpback whales, fishing, shipwrecks, etc.

NOAA Updates – High Level Summary of Public Comments - Ellen Brody

- 74 written public comments and eight additional letters received at her office that were uploaded to regulations.gov
- 13 oral comments made during the four public meetings
- Opportunities for tourism and economic development and a nationally recognized destination.
- Interest in Visitor Centers. There were some specific examples of where a Visitor Center(s) could be located.
- Federal funding to implement the sanctuary for research, education, etc. Recognition and value of shipwrecks and interpretation of the wrecks.
- Boundary alternatives. General support from general public for Alternative I, which includes the Thousand Islands.
- Boundary alternatives from agencies who commented (high level perspective). Concerns included:
 - Federal protection was not necessary because they're already protected by New York state
 - Skepticism about the economic and tourism benefits from this proposal
 - Are federal funds a good use of this activity
 - Several concerns by the shipping industry

NOAA heard from the St. Lawrence Seaway Development Corporation, a part of DDOT, the Lake Carriers Association, Great Lakes Ports Association, American Pilots Association, and the Chamber of Marine Commerce which is from Ontario.

- All had very similar concerns, not about the sanctuary as a whole, but about the inclusion of the St. Lawrence River into the Thousand Islands region. Safety is the primary concern and whether the diving and commercial vessel activity is compatible.
- Concern about the promotion of the sanctuary and the number of users it would draw to the Thousand Islands, which increases their concerns about safety.
- Concern about how the sanctuary could impact shipping and vessel operation.

NOAA takes this very seriously and not incredibly surprised to get these comments. NOAA is in the process of meeting with these agencies and organizations to have a dialogue and better understand

their concerns. There's a lot happening in the St. Lawrence River now with regards to diving and NOAA needs to get a sense of how this is working now. This is very much how the public process would work out and the reason why NOAA has public review. NOAA is not in a position today or next week to say how this will be resolved but NOAA is taking the next steps and engaging with these organizations.

Where We Are and Next Steps: Ellen Brody

Now that the public comment period has closed we are:

- Working on the proposed rule now, which will include exact regulatory language. We had the draft rule and the draft environmental impact statement and now we'll include proposed boundaries.
- In drafting the proposed rule, NOAA will make a decision on the boundaries and then finalize the documents.
- We are hoping for designation in 2022 (50th anniversary of the sanctuary program). We can't promise but that's our goal.
- Ellen is hopeful everyone had a chance to look at the comments made either on regulations.gov or the spreadsheet. There was one correction to make on the spreadsheet. There was one comment (056) that was attributed to the Lake Carriers Association. The comment is actually from the Chamber of Marine Commerce. There was an earlier entry for Lake Carriers, but the second entry, which was much longer, is the Chamber of Marine Commerce.

Questions/Comments:

Jeanie Gleisner: Wanted to be sure her comment was uploaded

Ellen Brody: Yes. Julia is in the process of uploading your comment.

Phil Church: The five or six agencies that expressed concern over Alternative One, are those agencies (assuming you've had communications with them prior to this, not only in this sanctuary designation), in general, are they supportive of sanctuaries or do they resist? Is this a common theme in the designation process with these associations, or is this unique to us because of the uniqueness of the Seaway?

Ellen Brody: Not a surprise and the importance of engaging with them. NOAA has worked positively with the Lake Carriers Association in Thunder Bay and Wisconsin Coast. Worked with the Coast Guard on some regulations prohibiting ballast water exchange. Came to an agreement in an appropriations bill making it clear Great Lakes vessels could continue to go through the sanctuaries unimpeded. Recognizing it is a particular challenge in the St. Lawrence.

Phil Church: Surprised at the Great Lakes Ports Association especially since the Port of Oswego is very supportive of this.

Ellen Brody: Ellen feels positive about engaging with them and firmly believes NOAA will come to the table as problem solvers.

Steve Lynch: Procedurally, when you get to the final EIS, will there be a response to these questions, obviously informed by the conversations NOAA intends to have?

Katie Malinowski: It sounds like NOAA is doing due diligence and having conversations. Appears the process is meant to get both the positive and concerns on the table and the final crafting is better. Sounds like the process is working.

Ray Tucker: Do we have a chance to make some comments on the comments? Ray's response to the negative comments are (1) there's nothing there that we're not already doing; (2) we're already diving all the Seaway areas; (3) with the benefit of having NOAA there would be standardization of the mooring system so that we know where the stuff is because right now we have ad hoc moorings on the US side; (4) finally for 30-plus years, the Seaway has lived with the same Ontario shipwrecks mooring system on either side of the border. Ray is not aware of any ship running over a diver during any of this process. On the Canadian side there's no question. They have had orange and yellow and buoys out there for 30-plus years which we've been able to enjoy when the border was open. They've got their head in the ground and they're not paying attention to what's going on now and our standardization through our sanctuary only makes it better and safer.

Bill Crist: Agrees with Ray. There are other SAC members and people in the dive community who agree with that as well. People have been diving that area for decades. The current mooring system isn't a good system. Need to standardize and make it a better system. Coupled with the international border of Canada, looking to encourage Canadian divers to commit to that as well. Standardization will make it safer for the shipping industries as well.

Ed Mervine: Really glad that Ray Tucker offered his opinions and supports the boundary alternative. Was inclined based on the comments from the shipping industry to vote for the alternative that excludes the St. Lawrence Seaway. Feels the SAC should support the rest of the public who were overwhelmingly in support of the larger area.

Jim Kennard: Thinks the point has been missed. The agency reports are concerned about divers in the channel (happening already) but maybe didn't know this about the Seaway. Whether the sanctuary or the Seaway becomes part of the sanctuary or not going forward, there's a big problem. Agencies are now aware that divers are diving in the channel, even though dive boats and charters are buoyed off the channel. Some lines go right across the channel to the boundary. Wouldn't be surprised if these particular agencies have now become aware of what's going on and most likely there will be some changes in the way diving happens in the St. Lawrence River. Concerned it could be an economic situation slowing down commerce.

Bill Crist: Respectfully disagreed. Dive charters have full knowledge of the commerce. There have been no fatalities, no diving accidents and no slow down of commerce. Better preservation of the wrecks will happen with NOAA and more of a reason to say this sanctuary should go forward, including the Thousand Islands region with the abundance of wrecks that exist there, knowing that some of them do rest in the shipping channels. There would be better accountability for both our diverse dive community, and even the international community by bringing them all to the table.

Jim Kennard: Currently there is no preservation of the wrecks, especially in the channel because of the current and number of divers going to the wrecks.

Inaudible: In my area there were a lot of concerned property owners with waterfront and infringement of their rights. I think people initially misunderstood the regulations. In speaking to people and some of the fishermen there haven't been any concerns.

Mercedes Niess (in chat log): Do the arguments make the case for Alternative Two?

Ellen Brody: Not at a point to make that decision, at least from the NOAA perspective. NOAA needs to have this dialogue and engagement with the agencies and organizations that voiced concern.

Bill Crist: Great point. We are here as a sanctuary advisory council discussing what we believe as local representatives to be the best or worst case scenario for a sanctuary designation. The council plays a part in this continued dialogue of the boundaries. NOAA will have the final decision.

Ed Mervine: We are here to make a selection for the SAC resolution tonight, correct?

Katie Malinowski: The working group spent a considerable amount of time drafting the resolution that everyone received in their email. Alternative One was discussed but with some caveats that will be done safely.

Ellen Brody: NOAA has a lot of experience in dealing with these difficult issues. We have sanctuaries that are in areas where there are a lot of intensive uses, whether it's commercial or recreational. Reminded the SAC that NOAA is part of the Department of Commerce, which absolutely has an impact on moving forward with these types of issues.

Bill Crist: Recognized Bob Morgan, Jeanie Gleisner, Katie Malinowski, Joe Zarzynski, Mercedes Niess, Ray Tucker, Ellen Brody, Pam Orlando and of course, himself to review all the public opinions and those of the council and meld the comments into a draft resolution that represents both the public and the council. Bill asked the advisory council to once again review the draft resolution before moving to Q&A and then a vote.

Questions/Comments:

Phil Church: Thank you for recognizing the work of the counties but the original nomination also came from the City of Oswego and should be included.

Bill Crist: Noted.

Steve Lynch: Noted the preface to the resolve section saying the council is making observations and comments, which certainly softens the whole resolution. Wondering about people's opinions on whether or not approving this resolution, which generally puts forth the expanded boundary, would anyway negatively impact the upcoming conversations that NOAA is going to have with the agencies involving commerce. If this resolution was not adopted by the sanctuary advisory council at this point, it

could it be a very similar resolution that was adopted when the final draft management plan and final EIS was being circulated for publication and comment.

Ellen Brody: Could go either way. The reason this language is in here is the recognition of comments and qualified support for alternative one. The SAC has to be comfortable with that decision. From a NOAA perspective, Ellen is not concerned this resolution would adversely impact engagement with the organizations and agencies.

Bob Morgan: Summary of where we are today and recognizing there are some issues. Leaving it the way it is the best way to go.

Ellen Brody: Ellen reminded everyone that when the proposed rule is published it will open up another opportunity for public comment, and it will be very specific with the preferred boundary defined. It will reflect the conversations NOAA has had with the agencies and then it will have the regulatory language just seen concept. In some ways the draft EIS is not complete in that it doesn't flesh out exactly how NOAA would manage certain aspects of this.

Phil Church: Have you heard recently from Ruth Doyle? My counterpart in St. Lawrence county?

Ellen Brody: No.

Phil Church: Ran into her at a conference very recently and mentioned her legislature was taking a position or maybe not a position, but was having discussions about wanting the sanctuary to stretch all the way up their boundary or not have a sanctuary at all. Phil was expecting to see some type of letter in the comments and apparently they never issued anything. Phil was unsure this was a result of an internal meeting or whether it was a public meeting. Phil thinks it would be worthwhile checking in with her.

Ellen Brody: Good idea. Understood that St. Lawrence County wanted to defer their position on this. They wanted to see what the public comments were similar to ours.

Jeanie Gleisner: To Steve's comment about timing. Jeanie thinks the resolution captures the contingency upon assurances statement. Jeanie feels this is one step forward for the SAC. There will be opportunities to figure out the details. Feels it's good timing to move one step ahead with the contingencies of assurances in there.

Phil Church: If the agencies are concerned over channel diving and liability should their (inaudible) unimpeded by sanctuary regulations and activities?

Bill Crist: This enters into boating, fishing and diving. Bill asked SAC members if there were any other thoughts about the inclusion of the phrase "activities".

Bob Morgan: Feels it strengthens our position. So that's fine.

Bill Crist: Hearing no other comments Bill asked Pam Orlando to proceed with voting on the resolution.

Pam Orlando: We have quorum to proceed with the vote.

Bill Crist: We will proceed with a roll call for the vote to delineate yes and no. If a microphone is not working or unavailable then you can vote through either a thumbs up or even typing a vote in the chat box.

Bob Morgan made a motion to vote on the Resolution and Alternative One, seconded by Jim Wieser.

Roll Call Vote for Alternative One – Pam Orlando

Bob Morgan – Yes

Katie Malinowski: Yes

Jim Kennard: Yes

Jim Wieser: Yes

Jeanie Gleisner: Yes

Rob Humphrey (alternate for Ben Heckethorn): Yes

Bill Crist: Yes

Mercedes Niess: Yes (via chat box)

Joe Zarzynski (alternate for vacant member seat): Yes

Mark Slosek (alternate for Dale Currier): Yes

Ed Mervine: Yes. For alternative one.

Voting Results: Yes – 11 votes. No - 0 votes

Bill Crist: Congratulations to all of our SAC members. A great step forward and to all of the government leaders and others who were on this call to recognize that of the members present, we unanimously are moving forward this resolution and it speaks to as it's been listed. So again, thank you. Bill wanted to thank the members of the working group that delved into this and stripped it away to a point where it could be presented tonight to the council.

Bill thanked everybody for this monumental step and for what he hopes to be the designation of the Lake Ontario National Marine Sanctuary, or other name as it will be designated.

Ellen Brody: Congratulations everyone. Would like to have names for the sanctuary put forward.

NOAA Updates; Ellen Brody

- A sanctuary designation ceremony was held a week and a half ago for the new sanctuary in Wisconsin. The event was very small and a COVID informed event. NOAA Administrator, Rick Spinrad, Governor Eavers, Senator Baldwin including the mayors from all of the communities who have been involved from Day One.
- The sanctuary program unveiled a new logo to celebrate the 50th anniversary of the program and launched a 50th anniversary campaign “Save Spectacular”. Bill mentioned this earlier in the meeting. **Link:**
- The sanctuary program unveiled a new recruitment video for advisory councils. **Link:**
- Grant opportunities: Ellen recently saw a grant opportunity from Grace Bottitta-Williams (spoke at one of our advisory council meetings) on outdoor recreation for rural economies. The map identifies Vermont and New York and your area is, is targeted for this. If anybody is interested here is the **LINK:**
- Update on NOAA budget. For FY 22 (currently in) NOAA is operating under a continuing resolution. Sanctuaries current budget is \$56 million for entire program, which has been pretty steady over the years. The President’s budget was \$84.5, which was just a remarkable number to get. The House of Representatives marked it up at \$61 million which would be a \$5 million increase over last year. Just received the Senate mark today, which was \$66 million, a \$10 million increase over last year. Oftentimes the number ends up between the House and the Senate mark. Ellen will keep everyone updated.

Local Government Updates:

Steve Lynch: No updates. The county is certainly on the radar for the legislature and they're being made aware of the progress and still remain supportive of the proposed sanctuary.

Phil Church: Same in Oswego. Largely focused on creating a budget for next year. Occasional updates are given in committee meetings.

Bill Crist: The SAC will not meet again until after the new year, January 2022. Work will continue to take place including filling SAC vacancies. Announcements will be made before our next meeting in January. Looking for opportunities to keep the winter active with regards to the sanctuary largely born from the work that Bob and Katie did on the “campaign” trail.

Katie Malinowski: Had fun getting to all the counties and meeting people in person. Katie would like to have a winter activity, maybe a lecture series. Katie would like to be part of that, but would like some folks to help if they're interested or at least give ideas of potential lecture topics. Having a lecture in all four counties would be beneficial. It gets us out there and in touch with people. Katie would be happy to arrange those to be in person again. No preconceived ideas of what those topics could be, but would be really open to some ideas and some help

Bob Morgan: Willing to do it again too. The four sites/venues were perfect.

Bill Crist: Would like to see interest from the seat the SAC members represent; i.e., tourism, economic development, or diving. Mini sessions allow the opportunity to bring together members of your/our respective communities focused on those areas of interest. Brings additional awareness.

Jeanie Gleisner: Happy to help.

Katie Malinowski: Please send an email with interest and thoughts on topics.

Bill Crist: Two points have born from this. One, the film festival concept that took place with Thunder Bay NMS and the Snowtown FF. Talking with Thunder Bay about a student film production or video by students focusing around the Great Lakes, the environment, sanctuary designation, shipwrecks, etc. Topics are endless quite honestly. Working with Ben Heckethorn (not on the call) to flush out opportunities at Oswego High School, who has a television and video station.

Ellen Brody: Posted a link to the competition and its winners from previous years. **LINK:**

Open SAC Discussion

Ray Tucker: Spectrum News picked up on the Wisconsin Shipwreck Coast NMS designation event and featured Wisconsin underwater footage. Five-minute piece.

Ellen Brody: Received great coverage on both the designation of the sanctuary and the designation event. Ellen was not able to attend but has been working with the communities in Wisconsin since 2008. Hopefully there will be a larger celebration in the spring of 2022.

Public Comments: Pam Orlando

Pam Orlando opened up public comment. Comment in chat box from Diana Hoke regarding indigenous involvement.

Diana Hoke: In the public documents there wasn't a lot of addressing the indigenous populations and issues. Hoping it will not come back to bite the proposed sanctuary.

Ellen Brody: Diane. Thank you. Thank you very much for that comment. NOAA is passionate about this. Phil Church can probably speak to the Onondaga Nation being involved from the very beginning of the sanctuary nomination. Working most closely with Onondaga Nation and Seneca Nation. Ellen has reached out to the St Regis and Mohawk.

Bob Morgan: Diane this is on page one of the sanctuary proposal and demonstrates a commitment to honor the indigenous nations who are the original stewards of the Great Lake Ontario. This is in the forefront and is talked about constantly.

Ellen Brody: Would love to hear ideas or inroads on what to consider.

Diana Hoke: Comment is derived from the events mentioned above and the great idea about student filmmaking. There's a huge population of young student filmmakers in the indigenous communities all over the United States and upstate New York could be a great place to start.

Pam Orlando: Opened the floor again for any other public comments. None noted.

Closing: Bill Crist: Thanked everyone for being on the meeting and appreciates everyone who has been engaged and involved. More to come on everything discussed in this evening's meeting. Please feel free and highly encourage folks to speak with myself, Katie, Ellen and Pam privately.

Bill took the opportunity to wish everyone a happy Thanksgiving, Merry Christmas, Happy Holiday and New Year. Bill called the meeting to a conclusion and asked for an adjourn. Bob Morgan made a motion to adjourn and Katie Malinowski seconded the motion.

Meeting adjourned at 8 pm.

Attendees:

NOAA/ONMS:

Ellen Brody, Great Lakes Regional Coordinator
Edward Lindelof, Senior Policy Analyst
Pam Orlando, LONMS Advisory Council Coordinator
Julia Snouck-Hurgronje, Senior Policy Analyst

Advisory Council:

Phil Church, Member, City of Oswego
Bill Crist, Member, Education (Chair)
Dale Currier, Member, Recreational Boating (partial attendance)
Jeanie Gleisner, Member, Economic Development
Robert Humphrey, Alternate, Education
Jim Kennard, Member, Divers, Dive Clubs & Shipwreck Exploration
Steve Lynch, Member, AICP, Director (Cayuga)
Katie Malinowski, Member, Citizen-at-Large (Vice-Chair)
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
Jim Wieser, Divers, Dive Clubs & Shipwreck Exploration
Christine Worth, Alternate (Wayne)
Joseph Zarzynski, Alternate, Maritime History & Interpretation

Public:

Diana Hoke

Tyler (could not see last name)

Robert Sullivan