

## PROPOSED LAKE ONTARIO NATIONAL MARINE SANCTUARY ADVISORY COUNCIL

*Meeting #18 - VIRTUAL*

Thursday, February 2, 2023

### MEETING SUMMARY - FINAL

#### **Welcome – Bill Crist**

Bill Crist called the meeting to order at 6 p.m. EST and welcomed everyone to meeting #18.

#### **Old Business – Bill Crist**

A motion was put forward to approve the December 2022 advisory council meeting minutes. Motion to approve by Bob Morgan and seconded by Dale Currier. The motion passed.

#### **Updates from NOAA (Ellen Brody)**

Ellen provided another refresher on the road to designation. It is important to know where we came from and where we are going, and what stage of the designation process we are in. A public comment meeting will be held in-person and virtually in late February/early March. This will be the last chance for the public to weigh in on the sanctuary designation. After the public meetings, NOAA will prepare the final documents and begin the interagency federal review process. A new fact sheet has been released with the meeting dates and boundary alternative. Please download and distribute widely.

Ellen described the content of the proposed Final Rule as follows:

- Proposed rule contains the story, background, summary, dates of meeting, and how the last public review session on the DEIS influenced the decision for the proposed rule and boundary.
- There are two appendices. One gives a detailed legal description of the boundary including coordinates. The second appendices are the terms of designation.
- NOAA did not select the proposed boundary alternative for the Thousand Islands. In large part this is due to concerns from the shipping industry and safety. Concern that the sanctuary would bring in more divers in an already busy usage area. Therefore, NOAA selected the area in the original nomination.
- Regulations included co-management with the state of New York. The MOA has been drafted.

Ellen also reviewed the Environmental Impact Statement (EIS):

- The draft EIS contained the regulatory concept. No changes were made and still include you can't damage or alter sanctuary resources.
- All activities including fishing, diving and education are allowed.
- For ROV and underwater towing systems it is the intent to work with operators and issue permits through the sanctuary program called a "special use permit". Proposing to create a permit for this particular operation.
- One of the appendices reviews the terms of designation. It describes the area, special characteristics, defines scope of regulations and activities with regulations. Important to note: If an activity is **not** listed, NOAA cannot regulate it. For example, if the proposed sanctuary wanted to regulate water quality, this could not be done because it is not listed in terms of designation.

- Terms of designation are often thought of as a contract/safety net. If the terms of agreement were to change, this would have to be re-proposed and go through an entire clearance process.

**Q&A:**

Q: Regarding anchoring and grappling. Does this pre-suppose NOAA will be placing buoys?

A: It is the intent to install buoys for access. Top priority once designated.

Q: How soon will buoys be placed after designation?

A: There is a list of current shipwreck sites including debris fields. There are other ways to protect shipwrecks without dropping anchors. NOAA/State is aware of the impacts and will provide best practices.

Q: Is there a way to start the buoy process prior to designation to avoid a moratorium on diving?

A: NOAA and the State will be addressing this in the short-term. NOTE: One of the first priorities in Wisconsin was acquiring buoys prior to designation. DOS is acting as a liaison. Buoys are a high priority.

Q: Will wreck buoys be specified as technical or recreational?

A: The Coast Guard has been working with Thunder Bay for years on the design and installation. Wisconsin Shipwreck Coast just received money to install buoys on deeper wrecks. For LO, the priority would be for recreational diving.

Q: Are there instances where a wreck has deteriorated so badly it is not worth spending the resources? Is it worth putting on a map and not placing a buoy in 4 ft of water?

A: This would be a great way to introduce shipwrecks to the public that can't get out and dive. NOAA has worked with the National Archaeological Society on mapping shipwrecks on the beach. Very beneficial. These are the type of comments NOAA looks for in the public meeting process.

Q: Recommend putting this in bullet format saying "no more anchoring and that mooring will be provided."

A: The Final Rule articulates this better. Anchoring in the sanctuary is not prohibited but anchoring over shipwrecks is prohibited. There are no restrictions on fishing.

Q: Determination of the boundary regarding St. Lawrence Seaway. Disappointing to hear this is a safety concern. The entire sanctuary region relies on people recreating and to know that this portion has been taken out due to some other interests is disappointing. Does create concern for the future of this region and where the interest could run against each other.

A: Agreed. It does not mean that interpretation of the entire area would not happen and there is benefit to the area from a sanctuary.

**Other comments:**

- SAC did vote on the extended boundary to include the safety. Very disappointing. There needs to be an improvement in the mooring to address safety issues.
- Historically there are a few on the advisory council that go back 30-years to the *Mills* project. For awareness, in 2000 the *Mills* site and two others were designated as submerged cultural

resources until the permit ran out and was *not* renewed. Point: From the State perspective we have been down this road already and am hopeful the work done between 1990 and 2000, and is not a brand-new initiative. We showed proof of concept for 10-years and **did** have permits.

- Looking forward to expansion in the future. Designation of the sanctuary is important.
- Back in 2015 when writing the nomination, boundaries were discussed and the St. Lawrence was discussed. Let's provide proof of concept first and then, perhaps, communities up there might deaden the voices that are concerned about safety. Originally, we were looking at expansion into the St. Lawrence at a later date. Very aware of how people feel about this.

Ellen noted the SAC's role in the review process:

- Hopeful the SAC members will participate in this process and participate in the public meetings either in-person or virtually.
- Write a public comment (as a SAC entity). The SAC speaks as one body.
- If you make a public comment or written comment as an individual – you cannot mention your advisory council title or NOAA.
- Make opportunities to connect with people on this or connect them to NOAA.
- If the SAC is interested in passing a resolution on the proposed rule, you can do that. The SAC provided a resolution on the last proposed rule.

#### **Updates from New York State (Laura McLean - Department of State)**

On behalf of the State, Laura is very excited for the public meetings and draft rule. This is a major milestone and we will be amplifying this during the public comment period on social media. In addition, Laura noted:

- Moving the designation forward is the highest priority. We want this designation to be successful, establish co-management with NOAA and NYS and start looking to the future. The comments on the Thousand Islands region, the mooring buoy program and other comments are noted.
- At the last SAC meeting it was mentioned that DOS was administering the NYS Coastal Management Program. With this publication of the draft rule, it kicked up the federal consistency review of NOAA's rule making. With the coastal consistency review it looks at the State's coastal policy and verifies that the federal action is consistent in the coastal zone. We have two months to complete our review and get this out on the Federal register. Laura can pass this along to Ellen and also feel free to reach out to Laura directly.
- Laura also noted the state's coastal management program has refined a number of coastal policies that are state and federally approved for local waterfront revitalization programs. This helps guide what happens along the coastline at the state and federal level. These were analyzed for the sanctuary designation and include The Village of Sodus Point, Town of Huron, Village of Sackets Harbor, and a few others. Public meetings are being scheduled.
- Folks are excited about the Hudson Canyon Designation. The state will be accepting the role as a partner on the HC Sanctuary Advisory Council. We have learned much from the Lake Ontario process and this will be a useful model for HC and we are excited to move the nomination forward.

## **Local Updates/County Administrators:**

**Phil Church** – The county is in the process of drafting a resolution to the legislature. Will share with SAC and other counties. Phil is also thinking about the 200 letters of support the County received with regards to the proposed sanctuary. Will have his staff go through the letters and update the contacts thanking them for their support and ask for their support again by hard copy.

## **Bill Crist – Wrap Up**

Bill thanked Ellen for the comprehensive presentation to date. The opinions expressed tonight have merit and hopes as this process continues there is a greater interest in all four counties and the greater region for all. There are great opinions and positions. SAC members have the ability to personally weigh in and make a public comment. This has been a long journey dating back to 2015. Let's get a foot in the door, open it and see where it goes. This was Thunder Bay's strategy and look where they are today.

We want to move this sanctuary process forward and move it forward in a positive way aligning the State and the Federal government and the indigenous population that exists. We want to be partnering to move this designation forward. Bill is hopeful the SAC can come to consensus as a group and perhaps put forward a unanimous resolution supporting the passing of the proposed rule. We have come a long way. It may not be everything to everyone here but you represent a great sense of progress that Katie and I, and others on the SAC are committed to working with NOAA to make this come through in the way it comes through. The comments offered tonight are fantastic.

### **Comments:**

- Katie believes there is a great opportunity to draft and put forward a resolution about the moorings, choosing the language carefully and making points and set the stage for the next way forward.
- Bill and Katie continue to meet w/Ellen and Pam weekly. We have a great rapport with Laura McLean and Daniel Mackay from State as well as the Native American population.
- It would be great to get letters of support out. There are existing lists. This designation has been a three-decade process.
- National Marine Sanctuary Foundation is also doing a letter writing campaign.
- Third and last opportunity to make a public comment.

## **Working Groups - Pam Orlando**

- Pam reminded everyone of working groups. Priorities and Communications groups are a priority for now. The priorities working group will focus on what happens leading up to and through the first year as a newly designated sanctuary. Group will primarily focus on DMP. Looking to hear other great ideas too.
- The Communications working group is very important. We want to be sure that SAC has all the right information, talking about the sanctuary program and the proposed sanctuary. Looking to fine tune talking points and bring in folks from HQ office (comms and outreach) so you have all the right buzz words, maybe a 3x5 card handy. Looking for more participants. If you are

interested in joining, please email Pam if you are interested in participating. Dates and times of meetings will be forthcoming.

**Next SAC Meeting:** To be determined

**Public Comment:**

None noted.

**Meeting adjourned at 8:05 pm by Bill Crist**

FINAL

Attendees:

Ellen Brody  
Pam Orlando  
Julia Snouck-Hurgronje

Shane Broadwell  
Katherine Bunting-Howarth  
Phil Church  
Bill Crist  
Dale Currier  
Kristen Eichhorn  
Corey Fram  
Jeanie Gleisner  
Dave Granoff  
Bob Hagemann  
Ben Heckethorn  
Rob Humphrey  
Jim Kennard  
Steve Lynch  
Katie Malinowski  
Bob Morgan  
Mercedes Niess  
Katie Piazza?  
Becky Shuford  
Mark Slosek  
Gail Smith?  
Ray Tucker  
Dave White  
Jim Wieser  
Christine Worth  
Brad Wilcox - CG