

PROPOSED HUDSON CANYON NATIONAL MARINE SANCTUARY

MEETING NOTES

Tuesday, October 10th, 2023

Second Meeting - Virtual

Attendees:

Agency Representatives (present)

LeAnn Hogan - Eastern Regional Operations
Coordinator
Ellen Brody - Eastern Regional Coordinator
Matt Brookhart - Eastern Regional Director
Pam Orlando - Sanctuary Advisory Council
Coordinator, Lake Ontario
Wilamena Harback - Environmental
Compliance Coordinator

Council Members (present)

Meghan Lapp - Commercial Fishing
Greg DiDomenico - Commercial Fishing
Allen Lee - Recreational Fishing
John Depersenaire - Recreational Fishing
Kiera Maloney - Tourism/ Recreation
Noah Chesnin - Conservation
Carl Lobue - Conservation
Mercer Brugler - Science/ Research
Stephen Lyman - Marine Industry
John Dempsey - Marine Industry
Lisa Breslof - Education/ Outreach
Paul Collier - Citizen at Large
Chrissy Word - Education/ Outreach

Council Members (absent)

Rob Nixon - Tourism/Recreation
Patrick Knapp - Commercial Fishing
Chris Lido - Education/Outreach
Jim Kent - Education/Outreach
Raymond Fusco - Citizen at Large
Courtney Worrall - Business/Economic Development

Council Alternates (present)

Andrew Minkiewicz - Commercial Fishing
Dean Lambros - Recreational Fishing
Will Poston - Recreational Fishing
Judith Weis - Conservation
Peter Chaibongsai - Conservation
Walter Golet - Science/ Research
Rick Weber -Business/Economic
Development
Rik Van Hemmen - Marine Industry
Ron Rapp - Marine Industry
Brynn Heller - Citizen at Large
Martin Scanlon - Citizen at Large

Government Non-voting (present)

Carly Bari - NMFS/ GARFO
Sarah McLaughlin - NMFS/Atlantic HMS
Michelle Bachman - NEFMC
Chris Moore - MAFMC
Chip Collier - SAFMC
Matthew Kahley - USCG
Wright Frank - BOEM
Matthew Senska - U.S. Navy
Kevin Hassell – NJ DEP

I. Welcome and Overview of agenda

Meeting officially began at 2:00pm ET on GoToWebinar.

LeAnn Hogan opened the meeting and welcomed the Sanctuary Advisory Council (SAC) members. LeAnn went through the agenda and then turned it over to Matt Brookhart for opening remarks and Office of National Marine Sanctuary (ONMS) updates.

Matt Brookhart: Thank you for being here, we can't say enough about how appreciative we are for you giving up your time to be here and to be part of this process. I want to acknowledge LeAnn, Ellen and Pam from the NOAA team and I would be remiss if I didn't mention that they are doing many jobs within the program and to manage the Hudson Canyon project and the SAC, we ask a lot of them. We have a lot going on in the program and I wanted to acknowledge their efforts. I wanted to acknowledge Todd Callaghan, the Chair of the Stellwagen Bank National Marine Sanctuary Advisory Council and thank him for being here. He's going to give you some words of wisdom and tell you what it's like to be Chair.

Two weeks ago we were in Oswego, New York for the SAC Chairs meeting. This is the first time in four years that we brought this group together in person which was the real benefit of the meeting. The consensus was that there is a very strong sense of opportunity among the SAC Chairs. The group discussed system needs and the role of the SACs.

Sanctuary designations are still taking high priority within our program. The sanctuary system is in a time of unprecedented growth, we have six designations going on right now. With these designations, management of the existing sanctuaries does not stop. The last thing I want to mention is the FY24 budget. We are currently in a continuing resolution and we just closed out the FY23 budget year. Looming in the background is the end of the 45-day continuing resolution and then we face the possibility of a government shutdown. If a shutdown does occur, LeAnn and Ellen would reach out to you to let you know what that might mean for any SAC business. As a reminder, FY23 enacted for the Sanctuary System was about 68 million dollars in applied ORF (operating) dollars and 5 million in construction funds so 73 million total. With those funds we manage about 620,000 square miles of ocean and Great Lakes. As a comparative, the National Park Service manages 130,000 square miles of park land with an operating budget in FY23 of about 3 billion dollars. So that is our greatest struggle, the reality of our resources to manage the sanctuary system. We hope that all SACs take up the issue of this budget reality and understand it and help us to change this dynamic. This is a reality as we add new sanctuaries and we hope that the growth of the system does ultimately lead to a budget number that is much more amenable to where many of us feel we need to be. The reason I mention all of that is because the resource struggles are real and despite that the ONMS teams are doing amazing work.

II. Stellwagen Bank National Marine Sanctuary Advisory Council Chair

Todd Callaghan: I'm a marine scientist for the State of Massachusetts, I work with the State's Office of Coastal Zone Management. I serve as the Chair of the Stellwagen Bank National Marine Sanctuary (SBNMS) Advisory Council.

LeAnn asked me to answer a couple of questions including the role of the SAC Chair and Vice Chair and the SAC itself. As I see it, our job as the SAC is to advise the sanctuary superintendent. We also help in the administration of the SAC itself. The executive committee of the SAC sits down with the sanctuary staff, and we brainstorm the meeting agendas. We have three meetings per year, and we have a pretty large SAC, I think it's like 40 or 50 people¹. We have many different interest groups in this area. Stellwagen bank is really important for fishing, archaeological assets, it's the entryway to Boston, whale watching. There are a lot of birds and whales, and fish that feed in the canyon area. We have all these different groups represented on our SAC and my job as the Chair is to try to corral them. As the Chair, we help the sanctuary staff run the meeting. I am the arbiter of all this information and these disparate ideas; sometimes it can get heated and I like to let that play out a little bit, but always encourage civility.

The Chair and Vice Chair are there to make sure that people feel like their time was well spent. What did I learn here today? Was it interesting and engaging? How did I contribute? Because we're all sort of reticent in a group, especially that large, especially being recorded. But, you know, you can pull people out of their shell and get some really vibrant discussion. After the meetings, the executive committee of the SAC gets together with staff to have a debrief and to work on follow up actions. We are taking notes during the meeting to help the superintendent and staff understand what just happened, so we can capture these points, and really make people feel like their time was well spent.

Ideally the SAC helps the sanctuary staff accomplish the actions in the management plan. We form groups around each action plan in the management plan and that's the SAC's action plan for the year. The job of the Chair and Vice Chair is to make sure that people who identified with tasks are doing those tasks, and they report back and help move the ball forward on a particular issue. We want to make them feel like their work is really useful and that their time is important.

The SAC's role in the community is to reach them through visitor centers, kiosks, maps and really colorful pictures of what's on the seafloor. But also many of us do research and report and publish that work. In my role at the Massachusetts Coastal Zone Management Program, a ton of what we're doing right now is mapping the seafloor and mapping where offshore wind is going

¹ NOAA established the SBNMS Advisory Council prior to the limitation of 15 members, pursuant to the National Marine Sanctuaries Act.

to go. And sometimes SBNMS is not on the map. So my job has been to make sure the sanctuary is on the map when we're talking with states and other federal agencies. Lastly we have a large SAC with very diverse backgrounds, just by that very nature, anything that we can discuss at the SAC folks can bring back to their organizations or constituents and spread the word about the sanctuary.

Finally, my advice to the SAC is try to keep it interesting because it's tough to keep people engaged. One of the ways that we keep it interesting is we have all day meetings, we have a nice lunches. During lunch we try to get specialists to discuss what's happening in the sanctuary, outreach programs, recent research, and really keep people engaged. Another thing is to make sure that all voices are heard, encourage people to speak their mind, but also keep it respectful. You have to figure out how to allow a certain amount of discourse and disagreement, and then nip it when it gets to a point where it's just running too far into the meeting. I'm at the point now where I feel like I've actually contributed something and so your job as a Council is to try to make sure that everyone feels that. Can I take any questions from the SAC members on the call?

Questions from the SAC Members:

Greg DiDomenico: Todd, you mentioned that the SBNMS SAC was pretty large with over 40 members, and I noticed during our first meeting one of the problems or difficulties going forward for us is that myself and Meghan happen to not be active fishermen, or active participants in commercial fisheries. I think we need current people from the gillnet community and from the dragger community to participate in these calls. If we have room, I would really respectfully request that we consider adding some folks to the SAC so that everybody's represented.

Todd Callaghan: I'll just comment from our experience. Whether they're active fishers or folks who've been fishing for 40 years and retired, we find their advice really, really helpful, especially the retired folks who continue to contribute. But on our SAC, we do have some seats where there's a seat one and seat two for that constituency, in addition to an alternate for each of those. We also have all of the various fishing management agencies. We also have recreational fishing and we have charter fishing. So we have all of these fishing groups on our SAC.

Noah Chesnin: First of all, thank you, Todd, for joining us today. It's helpful to hear both in practical terms, but also in terms of the overarching structure and role of the SAC and how things have been progressing. I had a couple questions. One was, what are you doing in between meetings and what role do you see the chair playing, helping to facilitate conflicts, facilitate conversation and build consensus between meetings. And then the latter point was given that you're a representative of the State of Massachusetts, how do you create space for where other stakeholders are providing input that may not align with the state's position?

Todd Callaghan: The first thing that you asked is exactly something that our superintendent just challenged us with, because we haven't done a whole lot in between these three times a year of meetings. The only thing I'll say is that the items that I'm interested in, whether it's contaminants of emerging concern, or mapping the seafloor, or offshore wind, luckily, those are part of my job anyway. But I'm not necessarily reaching out to the full SAC saying, you know, what do you guys think about this, I might be working with one or two people. And often, I'm bringing information to this SAC from my State job saying this is something you should be paying attention to, because it's going to affect both the ecosystem of the bank, but also the sanctuary and how it manages its business.

On the other issue, it's a really good question. I don't think I've ever had any sort of issue where the State has had a different position than the SAC, that put me in a weird place. So I've been fortunate in that way, you know, we don't regulate at the Office of Coastal Zone Management. So it'd be a little trickier if I were a fisheries person who is involved in fisheries management schemes in SBNMS. There have been a couple of times where my position, as a private citizen, was very different from other people in the group and that was kind of tough to swallow. But, you know, that's what a group meeting is all about.

Carl LoBue: This is really in response to Greg's question and I wonder if you could talk about whether you bring in experts on a topic to speak to the SAC, whether that's someone who drives a submersible or a lobster fisherman?

Todd Callaghan: We do reserve an hour time slot during each of our meetings for that type of presentation. We also have SAC working groups which include people from outside the SAC with different expertise.

III. Presentations

Ellen Brody gave a brief presentation outlining the Advisory Council elections and nominations process.

LeAnn Hogan gave a presentation on the development of the sanctuary proposal including the Draft Environmental Impact Statement, Draft Proposed Rule and Draft Management Plan.

Questions from the SAC Members:

Andrew Minkiewicz: When are the regional fishery Council regional fishery councils consulted on the fishery management in this process? **Response:** Section 304(a)(5) of the National Marine Sanctuaries Act requires NOAA to consult with fishery management councils and NOAA Fisheries to seek their input on whether or not they feel that new regulations are warranted under the sanctuaries act in the proposed sanctuary. NOAA has already concluded that consultation

process. Drew asked about the ONMS policy document from 2000 that lists eight steps and that drafting the DEIS should occur before the consultation. ONMS staff will follow up on this.

Greg DiDomenico: Regarding Stellwagen Bank NMS, are there additional reporting requirements for recreational and commercial fishing that takes place within the boundaries? Is anchoring allowed in the sanctuary? **Response:** Alice Stratton is not on the line, so we will have to get back to you with the answers. However, fishing is not regulated under the National Marine Sanctuaries Act. Michelle Bachman responded that she believes anchoring is allowed.

Ron Rapp: Does the Environmental Impact Statement also consider economic impacts of the sanctuary designation to the region? For example, does it consider renewable power cables or telecom cables? I think there are some existing telecom cables, either side of Hudson Canyon that may be inside the boundary, or maybe not depending on where it is. If, through this process, there's a determination that cables are regulated and or may not be allowed, would this be considered as an economic impact to the region and addressed in the EIS? **Response:** Yes, NOAA considers economic impacts. Our obligation in the affected environment section of the EIS to look at what parts of the environment, not just the natural environment, are affected by our action (marine uses, biological resources, socio-economic impacts, maritime and cultural resources).

Ron Rapp: What is the role of the SAC in providing advice to NOAA on boundaries and final plans? **Response:** The SAC will be most heavily involved in providing advice on the Draft Management Plan (which contains non-regulatory activities). The SAC will not be reviewing boundary alternatives before the Draft EIS is published. NOAA staff discussed the process to get input on the Draft Management Plan.

John Depersenaire: What role does the SAC play in developing the preferred alternatives in the DEIS? **Response:** The EIS is developed internally by the ONMS Hudson Canyon team including the draft boundaries and preferred alternatives. The information in the DEIS is considered pre-decisional and part of the agency's deliberative process. Therefore, the SAC will not be reviewing the DEIS before it is released to the public. The SAC meetings are public and sharing the DEIS with the SAC prior to release would waive our deliberative process privilege and render the information public. The SAC will have an opportunity to comment on the substance of the DEIS including preferred alternatives when it is released to the public.

Meghan Lapp: When you develop the DEIS do the Fishery Management Council recommendations from their scoping comments translate into alternatives in the DEIS? **Response:** During the public scoping process, we specifically asked the public and Fishery Management Councils to weigh in on the boundaries. We received really great input from the Fishery Management Councils, the recreational fishing community, scientists, and others on the

boundaries and we take all of that into consideration when we are developing our alternatives and boundary options.

John Depersenaire: You mentioned the words non-regulatory management plan several times and I would like to understand exactly what that means. Is sanctuary management driven by some other document if the management plan is non-regulatory? **Response:** The sanctuary management plan guides the implementation of the actions to manage the sanctuary and it does not include the regulations for the sanctuary. The regulations will be in the proposed and final rulemakings and then posted on the sanctuary website once the sanctuary is designated. The management plan is where we establish programs for research and monitoring, outreach and education, and partnership development. I encourage the SAC members to look across the sanctuary system at management plan examples.

Carl LoBue: With regard to a sanctuary management plan, is there a one-to-one comparison with an estuary management plan? I'm not sure if they're the same. **Response:** The estuary management plans are also non-regulatory in nature so the two would be similar but in total, they are different.

Rick Weber: What I noticed from my days of working in fisheries management is that when there is uncertainty there is fear and when there is change, everything gets a little tense and you are potentially proposing changes to our worlds. In terms of how this body can engage and get involved, are we just an advisory body and when we form subcommittees are we just giving advice? **Response:** With a pre-designation Advisory Council like the one for the proposed Hudson Canyon national marine sanctuary, the main objective of the Council is to give input and recommendations to NOAA during the designation of the sanctuary. Also, in general, Sanctuary Advisory Councils are so important to what we do at the Office of National Marine Sanctuaries. These Councils are a long-standing priority of our program. Per our legislative statute, the Councils are advisory but we have a very good track record of considering advice and recommendations from the Advisory Councils.

Carl LoBue: Given all the activities in the Hudson Canyon area, is there a point in this process where we acknowledge all of these activities without passing judgment on them? Then that could provide an opportunity for folks to weigh in if we are missing anything. **Response:** There will be a section in the Draft Environmental Impact Statement that will list all of the human uses and activities in the Hudson Canyon area. The chapter is called the affected environment and it also includes a list of the biological resources, socioeconomic data, and maritime heritage and cultural resources. We then look at the beneficial and adverse impacts of what we are proposing on the affected environment.

Ron Rapp: I'm wondering who is involved in preparing all of these designation documents, is it just NOAA staff? Are the states involved? Who reviews the documents and makes decisions?

Response: We have a core team in our program that is dedicated to the Hudson Canyon designation and we have economists, scientists and subject matter experts on that team. For Lake Ontario, we got input from around our program on the draft management plan that the Advisory Council helped develop. Ultimately there is broad review within our program to ensure we are addressing program priorities. The documents then go to NOAA General Counsel for review and the Office of Management and Budget for interagency review before they are released to the public.

Rick Weber: Can you give us a timeframe for when you will release the designation documents. I'm not sure I understood the sequence of things. **Response:** We are currently working on the Draft Environmental Impact Statement (DEIS) which will include our boundary alternatives. The Advisory Council will begin working on the draft management plan and then we usually start the drafting of the proposed rule when we're pretty close to completing the DEIS. The timeframe we discussed earlier was to complete drafting by spring 2024 and publish the draft designation documents by summer 2024.

Rick Weber: As a follow-up, just so I'm clear, you can't give the Advisory Council the alternatives before it's released to the public but you are taking input from us? Or was that largely covered in the public scoping process? **Response:** That is correct, the Advisory Council will not see the alternatives, including the boundaries in the DEIS before it is released to the public.

IV. Approval of the July 2023 meeting minutes

The meeting minutes from the July 2023 meeting of the Sanctuary Advisory Council were sent to the Council members prior to this meeting for review. LeAnn asked the Council members if there were any comments or edits to the minutes. No edits or comments were made.

Carl LoBue provided a motion to approve, and the motion was seconded by Mercer Brugler. The July meeting minutes were approved and finalized and they have been posted to the Hudson Canyon website.

V. Public Comments

There were no members of the public that gave comments during the open public comment period of the meeting.

Meeting adjourned at 4:10 pm ET