

**Meeting Minutes of the  
SOUTH SHORE ESTUARY RESERVE COUNCIL  
December 5, 2006  
Long Beach Public Library  
Long Beach, New York**

**Members/Designees Present:** Fred Anders (for George R. Stafford); Dan Fucci (for Thomas Suozzi); Joseph Febrizio (for Charles Theofan); Michael Foley (for Kate Murray/Ron Masters); Nancy Kearney (for John Venditto/ James Byrne, P.E.); Richard Groh (for Steven Bellone); Sean Colgan (for Eric M. Hofmeister/Eugene Murphy); Alan Svoboda (for John Jay LaValle/John Turner); Cornelia Schlenk; Robert Grover; Maureen Dolan Murphy; Carl LoBue; William Wise (for David O. Conover); Christopher Squeri; Ken Budny (for Gregory LoVece/Bill Hamilton); Michael Eagan; Charles DeQuillfeldt (for Denise M. Sheehan/Gordon Colvin); Gary Lawton (for Bernadette Castro); and Darrell Kost (for Thomas J. Madison).

**Staff Present:** South Shore Estuary Reserve (Reserve) Office: Jeff Fullmer; Kimberly Rancourt; Michelle Pluzynski; and, Lou Siegel. NYS Department of State Division of Coastal Resources: Barry Pendergrass.

**Guests Present:** Allan Aronoff (Brookhaven League of Women Voters/SSER CAC Vice Chair); Tom Marquardt; Jay Tanski; Kevin McAllister; Marci Bontman; Frank Genco; Sarah Nicholas; Joseph Kayal; Bea Doof; M. Gregor; Bill Taylor; Rameshwar Das; Robert McDonough; Eric Star; Dolores Alpert; and, Silvia Klein.

**Members Absent:** Lauretta Fischer (for Steve Levy); Marty Shea (for Patrick Heaney); Ellen Kelly (for William Glacken); Lauren Hill (for Michael Deering); Dennis Cataldo; and, Robert Wieboldt.

**WELCOME, OPENING REMARKS, INTRODUCTION**

F. Anders welcomed South Shore Estuary Reserve (Reserve) Council members, designees and guests. He conveyed the Council's appreciation to the City of Long Beach and the Long Beach Public Library for hosting the meeting.

**MINUTES OF THE AUGUST 9, 2006 MEETING**

F. Anders stated that the draft August 9, 2006 meeting minutes were mailed to Council members. K. Budny made a motion to accept the minutes as written. C. Lobue seconded the motion. There was no discussion, and the minutes were accepted unanimously.

**SOUTH SHORE ESTUARY RESERVE OFFICE REPORT**

A written Reserve Office report was included in the meeting folders. J. Fullmer highlighted Reserve Office activities since the August 9<sup>th</sup> meeting:

- The Office completed the 2003-2005 Comprehensive Management Plan Implementation Status Report. The report was submitted to the Governor and legislative leadership in September, consistent with the requirements of the South Shore Estuary Reserve Act. The report is currently available electronically on the Reserve website and printed copies have been distributed to Reserve state and local elected representatives. The final report clearly documents the great deal of effort by Reserve partners to

advance the goals of the Council, and provides an important framework for establishing and advancing future partnerships. Reserve Office staff extends appreciation to implementation partners for providing the thorough documentation of the good work and partnerships that are going on all across the estuary to advance the Council's priorities.

- On September 20<sup>th</sup>, the annual *Day on the Bay* Reserve Council implementation partner boat tour was held aboard the Nautical Princess. Over 100 Reserve partners attended the tour of the estuary's western bays and tidal marshes, and participated in the presentation of the Council's annual stewardship awards. The tour provided an excellent opportunity for our partners to meet one another, share information, and collaborate on efforts to preserve the reserve. J. Fullmer expressed gratitude to Captain Mike Danon and Nautical Cruise Lines in Freeport for providing a great tour of the western bays.

Kimberly Rancourt updated the Council on Reserve water quality improvement and tributary habitat restoration initiatives:

- Significant progress has been made in the development of watershed management plans for Reserve tributaries. The Town of Islip completed a final draft plan for the Browns River /Greens Creek over the summer. A public meeting was held on September 24<sup>th</sup>, at which the draft plan was presented and public comments were received. The Town is currently incorporating comments from the Reserve Office, advisory committee, and public. We look forward to the completion and implementation of the final plan.
- A draft watershed management plan for the Swan River in the Town of Brookhaven has been developed and made available to the advisory committee for review.
- There are on-going watershed planning efforts on Massapequa Creek in the Town of Oyster Bay and Carlls River in the Town of Babylon.
- The Forge River Protection Task Force continues to meet on a monthly basis. The Reserve Office participates in these meetings and assists the Task Force by preparing meeting summaries. Through the partnerships established by the Task Force, several exciting steps have been taken to advance watershed planning for the Forge River. At last month's meeting, researchers from the Marine Science Research Center gave a presentation on their work thus far to characterize sediments and sediment flux in the river. The study was initiated as a result of the cooperative efforts of the Task Force and is being supported by funds secured by New York Senator Ken LaValle and Suffolk County. It will help further understanding of the complex water quality and ecological issues in the river.
- In addition, the Town of Brookhaven was recently awarded state funding for the preparation of a Forge River watershed management plan, and to initiate the process of developing a TMDL (total maximum daily load) for the river. The Environmental Protection Fund (EPF) Local Waterfront Revitalization Program award will be matched by local funds.
- The Reserve Office organized a stormwater treatment technology workshop that was held on October 25<sup>th</sup> at Bethpage State Park. The workshop included presentations about watershed planning and Phase II as a context for implementation of structural stormwater treatment practices, as well as three panel sessions. The panel sessions focused on conventional, manufactured, and alternative stormwater treatment practices. Peter Scully, Regional Director of the DEC served as the panel session moderator and his assistance and skill in this role were greatly appreciated.

- Dr. Tom Ballestero, of the University of New Hampshire Stormwater Center, participated in all three panel sessions. The UNH Stormwater Center is funded through CICEET, (Cooperative Institute for Coastal and Estuarine Environmental Technology) a partnership of NOAA and UNH and operates a field test site where a number of stormwater treatment technologies are tested in a side by side, controlled setting. Dr. Ballestero’s knowledge of various stormwater treatment technologies combined with his “on the ground experience” provided an excellent context for the panel discussions.
- The workshop was attended by approximately 60 stormwater managers, including representatives of state, county, town, and village governments, as well as other interested stakeholders. Positive feedback was received from many attendees.
- A detailed stormwater treatment technology workshop summary will be prepared and provided to the Council.

C. Lobue asked which contaminant will be addressed by the Forge River TMDL. A. Svoboda replied that it would address nutrients.

Lou Siegel reported on the work of the Council’s Western Bays Water Quality Workgroup and other initiatives:

- On November 15th, the Office facilitated a meeting of the Council’s Western Bays Water Quality Workgroup. The meeting was attended by diverse group of stakeholders including the NYS DEC, Town of Hempstead, non-profit environmental and community groups. The workgroup discussed research needs for assessing water quality in the western bays and potential development of a TMDL (Total Maximum Daily Load). The Town of Hempstead was recently awarded state assistance through the NYS EPF to analyze existing water quality data that it has been collecting, and for new data collection projects to enhance monitoring efforts and targeted watershed planning. The workgroup also discussed operation and discharge permit parameters of major wastewater treatment plants discharging effluent into the western bays and upcoming discharge permit modifications to reduce discharge of certain contaminants. Based on past discussions, there appears to be a consensus by the workgroup that the development of a TMDL for the western bays is an important objective and should be pursued by Reserve stakeholders and the Council, as is consistent with the water quality improvement recommendations in the Reserve CMP.
- On November 8th the Office facilitated the first meeting of the Formal Education Workgroup as per the recommendation of the Council and CAC. The meeting was attended by a range of professional educators, non-profit educational groups and members of the CAC. After a review of recently adopted NYS Education Department regulations for curricula and past SSER projects relating to formal education, a list of priority strategies and projects to improve Reserve related formal education opportunities was developed. These suggested strategies included development of: a DVD/video production; a traveling display and program to be used in classrooms and educational clubs; a South Shore Estuary specific curriculum; a survey of teachers and administrators to assess the present state of marine and estuarine education; and, a resource center for SSER related formal education information. The group agreed to continue to discuss these potential projects and expand participation by formal education stakeholders.
- The Council Diadromous Fish Workgroup met on November 2nd at Connetquot River State Park. At the meeting, the progress of several SSER projects was discussed including the status of watershed management plans for various SSER tributaries, the fish passage project at Hard’s Lake on Carmans River, the results of the SSER alewife survey, and preparations for the 2007 survey. A meeting summary was distributed to Council members with the meeting notice.

C. Lobue inquired about what actions the Western Bays Water Quality Workgroup had taken to date. L. Siegel replied that the main actions are being addressed by the seven EPF grant awards that were awarded to the Town of Hempstead. J. Fullmer clarified that the workgroup recognized the need to analyze long-term data that has been collected by the Town and that this will be done using grant funds; and that the workgroup has explored the feasibility of developing as TMDL, as recommended by the CMP.

Michelle Pluzynski updated the Council on Bayway development highlights:

- The completed Bay Shore Marina Bayway interpretive kiosk was installed in late summer and an unveiling ceremony organized by Town of Islip officials took place on September 28<sup>th</sup>. The Town plans to develop additional interpretive signage at eight Council recognized Bayway destinations located in the Town.
- A Bayway interpretive kiosk for the Patchogue River Maritime Center is now complete and ready for installation. Development of this project was a unique partnership between the New York State Department of State, The Village of Patchogue and the National Park Service Fire Island National Seashore. The kiosk will be installed in the spring at the riverside park area which is on the grounds of the Fire Island National Seashore Watch Hill Ferry Terminal.
- The Office continues to assist Bayway partners in the development of interpretive signage for a number of additional recognized Bayway Destinations including Oak Beach Park in Babylon, Lido Beach Passive Nature Area in Hempstead, Talfor Boat Basin/White Cannon Park in East Rockaway, the Shinnecock Canal Maritime Center in Southampton, and Bayard Cutting Arboretum, Heckscher, and Connetquot State Parks.
- It is anticipated that a Bayway Strategic Implementation and Marketing plan will be under development in 2007 that will include a number of components that have been identified by the Bayway Workgroup and Reserve Council. These will include five year implementation strategy, development of a Bayway website, Bayway outreach and promotional materials and a Reserve-wide cultural resources survey.

## **DEPARTMENT OF STATE REPORT**

Fred Anders presented the Department of State (DOS) report:

- The 2006 NYS EPF LWRP grant cycle has been completed. A total of over \$7 million was requested for diverse projects to address water quality, living resources, estuarine-related economy, and waterfront revitalization. Secretary Jacobs announced the grant awards to Long Island communities at events in Hempstead and Port Jefferson on November 30<sup>th</sup>. In the Reserve, the Town of Hempstead received awards totaling approximately \$690,000 for multiple projects; the Town of Brookhaven received \$238,000 toward development of a comprehensive watershed management plan for the Forge River; and the Town of Oyster Bay received \$50,000 toward installation of storm drain infiltration systems.
- SSER communities submitted nine applications for Round 9 of NYS DEC's Water Quality Improvement Projects grant program. Evaluations of the applications were recently completed and it is anticipated that the awards will be announced before the end of the year. Related questions may be directed to Tony Leung at NYSDEC Region 1 or Ken Smith at the Division of Coastal Resources.
- Earlier this year, DOS issued two RFPs for SSER-based projects: (1) to develop and conduct a cultural and maritime resources survey for the Reserve; prepare a five-year strategic implementation plan for

the Bayway; design a Bayway logo and promotional brochure; and create and test a Bayway website; and (2) to conduct an inventory and analysis of barriers to fish passage in six tributaries in the Reserve [Carlls River (Town of Babylon); Browns River (Town of Islip); Swan River, Mud Creek, Carmans River, and Beaver Dam Creek (Town of Brookhaven)], prepare a report characterizing the structures, and identify options and priorities for mitigating identified impediments; and to prepare watershed action plans for the Carlls River and Beaver Dam Creek.

Evaluation of the technical and cost proposals for each have been completed and contract packages are being prepared for submission to the State Comptroller's office.

- Cornell University filled a NY Sea Grant educator position for its Long Island-based NEMO (Nonpoint Education for Municipal Officials) program by hiring Jeanne Brown. Ms. Brown has graduate degrees from the University of Maine and has worked with the Peace Corps'. She will work with Long Island communities - focusing on Reserve communities - to build understanding of municipal Phase II requirements and to increase implementation of effective water quality improvement policies and practices. DOS contributed \$75K to this effort with funds received from Congressman Israel through the US Environmental Protection Agency.

#### Ecosystem-based Management (EBM) and the NY Ocean and Great Lakes Conservation Act

- On August 9<sup>th</sup> the Governor signed into law the New York Ocean and Great Lakes Ecosystem Conservation Act (Article 14 of the NYS ECL).
- DOS has been coordinating with DEC to support activities of the NY Ocean and Great Lakes Ecosystem Conservation Council. There has been one Council meeting (October 3rd) and two Council designee meetings.
- DOS has engaged the Public Strategies Group (PSG) to develop a strategic framework for rolling out EBM statewide.
- Demonstration projects for Great South Bay and Eastern Lake Ontario are progressing including completion of initial implementation projects.
- Five public dialogues were held in cooperation with SUNY Marine Sciences Research Center and SUNY Environmental Science and Forestry to introduce the public to ecosystem-based management concepts and application and get feedback on how to move forward with the initiative. A summary report will be distributed by the year's end.
- DOS is also working with PSG to inventory and deliver a catalogue of existing data sets; identify data gaps necessary to accomplish ecosystem-based management; and recommend how to best generate a web-based interactive mapping tool and data portal for use by state and local government, additional partners, and the public.
- DOS is partnering with the Office of Cyber Security and Critical Infrastructure Coordination, to create a NYS ocean and coastal resources atlas; and integrate relevant data from the Great Lakes Mid-Atlantic Ocean observing systems.
- DOS has partnered with NY Sea Grant to review existing management plans and meet with resource managers and researchers to develop and refine information needs; and to develop a process to establish and implement a New York State EBM research agenda that identifies priority issues in need of further

research. Meetings were conducted last week in Syracuse and on Long Island with researchers to get their input on needs previously identified by resource managers.

## **CITIZENS ADVISORY COMMITTEE REPORT**

CAC Chair M. Dolan Murphy presented the report to the Council (see attached).

At the November 2005 Reserve Council meeting a motion was raised regarding the role of the Council with regard to taking advocacy positions and was not passed. At this the September 2006 CAC meeting, the topic of the Council's role was discussed again, and the CAC recommended that the Council to consider a new motion.

M. Dolan Murphy made the following motion, which was seconded by W. Wise.

*That the Council create a sub-committee to evaluate the feasibility of the Council monitoring social, economic, legislative, environmental and other events, projects, proposals and developments that could effect the estuary within the parameters of the Comprehensive Management Plan and that the Council take advocacy positions, as an entity, regarding these on a case by case basis.*

Discussion ensued.

W. Wise said that the Council is being asked to create a subcommittee to look at the feasibility of such a role, but not necessarily take action with regard to advocacy positions.

J. Fullmer clarified that when requests for Council positions on actions or projects have come up in the past, the Reserve Office - on behalf of the Council - reviews the action for consistency with the CMP but does not endorse or recommend the action.

C. DeQuillfeldt noted that there were two separate concepts for consideration: (1) monitoring and tracking various proposals and actions, which the Reserve Office already does; and (2) taking advocacy positions on proposals and actions.

M. Foley asked how the legislation creating the Council (the South Shore Estuary Reserve Act) addresses its role and powers.

J. Fullmer replied that the Council was created by statute for the express purpose of developing a CMP for the SSER. Post adoption of the plan, the Council's role is to monitor and advance implementation the CMP. The legislation does not direct or empower the Council to take advocacy positions outside of encouraging implementation of the CMP's recommendations where feasible. He noted that Council has successfully operated on a consensus basis since its creation, and that seems to be effective.

With that being said, the Council could, now that it is an established entity, have some additional effectiveness in regard to actions or proposals. J. Fullmer said, it is a natural thing for policy makers and stakeholders to look to the Council for leadership and ask what their position might be on a certain topic related to the estuary and its management. Issues will probably be raised in front of the Council more frequently.

B. Grover said that he did not think the motion was consistent with the Reserve legislation and the Council's existing role.

C. LoBue suggested that it would be a good idea to examine the Council's current role, and if this motion opens up a dialogue as to the Council's future role and making the Council more effective, he would be supportive of that.

F. Anders replied that this idea would require a separate motion, and there may also be a need for bylaws to be developed.

Council members asked for clarification as to what the motion would really be asking of the Council.

M. Dolan Murphy responded that it would be up to the subcommittee to make recommendations to the Council.

J. Fullmer reiterated that the Council operates with a consensus in order to advance the CMP. He asked whether the enabling legislation that created the Council should be revised and suggested that this could be addressed by a subcommittee if one is established.

A vote was called on the motion. It failed (9 opposed, 5 in favor, 1 abstention). W. Wise suggested that the topic of the future role of the Council be addressed later in the agenda under new business. The Council agreed.

## **PRESENTATION**

Dr. Evamaria Koch from the University of Maryland, Center for Environmental Science, gave a slide presentation: National Research Council Report: Mitigating Shore Erosion on Sheltered Coasts. Reserve Council members discussed hardening of shorelines, cumulative impacts, regional approaches, additional education for the homeowners, and what can be done in this area.

Dr. Koch continued with her presentation to focus on the impacts and interactions of eroding shorelines and seagrasses.

## **IMPLEMENTATION PARTNER REPORTS**

Marci Bortman, of the The Nature Conservancy, gave a brief slide presentation on the Conservancy's efforts to advance development of an ecosystem-based management plan demonstration project for the Great South Bay. Consistent with the provisions of the recently enacted NY Oceans and Great Lakes Ecosystem Conservation Act. Discussion ensued after the presentation.

## **NEW BUSINESS**

C. Squeri raised with Council members that the CMP includes recommendations related to dredging and dredged material management. He suggested that a Council workgroup be established to address implementation of these recommendations and offered to help facilitate such a workgroup. J. Fullmer stated that this topic has been raised in the past and that this is an appropriate time to address these issues. He offered the Reserve Office's assistance in organizing a meeting.

C. Squeri made a motion to establish a Council workgroup to advance the dredging recommendations identified in the CMP. M. Foley seconded the motion. The motion passed unanimously.

W. Wise readdressed the issue of the future role of the Council and proposed a new motion:

*That the Council establish a self-study group to evaluate the current role of the Council in overseeing the implementation of the SSER Comprehensive Management Plan and to make recommendations on specific activities the Council should undertake that, consistent with the Council's enabling*

*legislation, will promote that implementation to the maximum extent practicable. The study group will present its findings and recommendations to the Council at the latter's second meeting in 2007.*

C. Lobue seconded the motion. Discussion ensued. The motion passed unanimously.

J. Fullmer offered the assistance of the SSER Office to initiate this process by contacting the Council to see who would like to participate on this workgroup.

W. Wise also said that he is writing a paper on menhaden in New York for the Long Island Historical Society. He requested that Council members with information about the menhaden fishery past and present or the demise of the fishery please contact him.

A. Svoboda stated that the CMP is a static document and issues - and understanding of these issues -change over time. For example while the CMP recommends development of watershed action plans to address stormwater, research is showing that contaminated groundwater may be significantly impacting surface water in areas such as the Forge River.

#### **PUBLIC COMMENT**

A local resident inquired about birds and wildlife in the Reserve. F. Anders replied that a goal of the Council is to look at the living resources in the Reserve, and referred to the 2003 - 2005 Implementation Status Report for more information on implementation activities.

K. McAllister commented on the role of advocacy in advancing good policy. He said there should be a bridge between advocacy and policy, citing the need to implement the best technologies in wastewater treatment in the Forge River watershed as an example.

J. Kayal commended the Council on adopting the motion to form a study group to evaluate the future role of the Council.

A. Aronoff shared that he attended a press event in the Town of Brookhaven about pumpout boats. He said that the audience at the press event was very interested in the whole environmental process, and he feels the Council has an opportunity to educate the public about what the partners are doing with pumpout boats.

#### **ADJOURNMENT**

M. Foley motioned to adjourn the meeting, J. Febrizio seconded. The meeting was adjourned at 4:19 p.m.