

**Meeting Minutes of the
SOUTH SHORE ESTUARY RESERVE COUNCIL
March 22, 2006
Suffolk County Department of Health Services
Office of Ecology Auditorium
Yaphank, NY**

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); John Turner (for John Jay LaValle); Marty Shea (for Patrick Heaney); William Glacken; Maureen Dolan Murphy; Cornelia Schlenk; Robert Grover; Carl LoBue; William Wise (for David O. Conover); Dennis Cataldo; Lauren Hill (for Mitch Pally); Ken Budny (for Gregory LoVece/Bill Hamilton); Michael Eagan; Charles DeQuillfeldt (for Denise M. Sheehan/Gordon Colvin); Gary Lawton (for Bernadette Castro); and, Darrel Kost (for Thomas Madison).

Staff Present: South Shore Estuary Reserve (Reserve) Office: Jeff Fullmer; Kimberly Rancourt; Michelle Pluzynski; Lou Siegel; and, Clare O'Reilly.

Guests Present: Joseph Kayal (Reserve CAC); Allan Aronoff (Brookhaven League of Women Voters/SSER CAC Vice Chair); Rob Weltner (Operation SPLASH); Michael Ortiz (Senator Trunzo's Office); and, Bob Nuzzi and Martin Trent (Suffolk County Department of Health Services, Office of Ecology).

Members Absent: Laretta Fischer (for Steven Levy/Mike Deering); Eugene Murphy (for Jeanette Messina); Robert Wieboldt; and, Christopher Squeri.

WELCOME, OPENING REMARKS, INTRODUCTION

F. Anders welcomed South Shore Estuary Reserve (Reserve) Council members, designees and guests. He recognized the following new Council members and designees: Maureen Dolan Murphy; Dennis Cataldo; John Turner; Richard Lenz; and, Lauren Hill. He thanked Bob Nuzzi and Martin Trent of Suffolk County Department of Health, for hosting the meeting.

MINUTES OF THE NOVEMBER 16, 2005 MEETING

F. Anders stated that the draft November 16, 2005 meeting minutes were mailed to Council members. W. Wise 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 updated the Council on Reserve Office activities since the November 16th meeting:

- At the November 16, 2005 Council meeting, there was discussion regarding the fate of derelict vessels and equipment that have been abandoned in the estuary. A motion was approved to investigate what entities have jurisdiction, and to send correspondence urging rectification of

the problem. Reserve Office staff have been researching this issue and have contacted or received correspondence from a number of stakeholders, including:

- ▶ The Town of Babylon prepared correspondence indicating that the area described as “wreck cove” is under state jurisdiction and control, and that the Town Harbor Master is completing a study to determine the extent of abandoned boats within the Town’s jurisdiction.
 - ▶ The Suffolk County Department of Public Works (DPW) and the United States Army Corps of Engineers reported that equipment that is used as part of a construction project (e.g. dredging) is subject to contractual requirements for project mobilization and demobilization, and must be removed subject to the contracts and inspection for final payment. Suffolk DPW reported that in one case, some equipment was permitted to remain onsite for future use.
 - ▶ The Regional Office of NYS Parks, Recreation and Historic Preservation reported that they were investigating jurisdictional issues relating to Gilgo State Park and provided information on New York State Navigation Law relating to general jurisdiction and powers of the state and counties with regard to abandoned vessels or shipwrecks.
 - ▶ Fire Island National Seashore reported that they have jurisdiction over lands within the boundaries of the National Seashore and are empowered to remove or cause removal of any derelict vessels/equipment that are not determined to be cultural or historic resources.
- Reserve Office staff is researching programs and funding sources that may be used to assist the state and local governments in the clean up or removal of abandoned vessels and equipment.
 - W. Wise asked if the issue was raised as an aesthetic concern or a navigational concern, because if it is a navigational hazard then it would be under US Coast Guard jurisdiction. J. Fullmer responded it was both an aesthetic and navigational concern. Abandoned recreational vessels may contain pollutants. He stated that the issue is jurisdictionally complex.
 - C. LoBue asked who owns the bottom land. The Nature Conservancy had a situation where there was a derelict boat on their property that became their responsibility.
 - R. Groh commented that if the boat is a navigational problem it will be addressed by Babylon, and if it is an oil spill the Town will contact the State. J. Fullmer circulated an aerial image of the site, and stated that it doesn’t look like this particular case is a navigational issue, noting its resemblance to a construction storage area. R. Groh stated it was once used as a dredging storing area, and maybe the State can prohibit others from using this as a storage area in the future. C. DeQuillfeldt suggested that State navigational laws and local laws pertaining to mooring in certain areas should be explored.
 - J. Fullmer suggested that next step could be to compile this information, in the form of an informal report for the Council decide on the appropriate action. Correspondence from the Council should not be directed at any one entity, but on an estuary wide basis.

- F. Anders raised the issue of cost. R. Groh said it can be expensive to remove boats and the removal process can potentially harm the marsh. F. Anders stated that the EPF could be used to plan the clean up, but not for actual vessel removal.

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

- A draft watershed action plan for Massapequa Creek (in the Town of Oyster Bay) was distributed to the advisory committee for comments. The Reserve Office participated in an advisory committee meeting on December 12th and facilitated 3 subcommittee meetings in January and March to discuss priority stormwater, education and outreach, and habitat recommendations.
- A draft watershed action plan for the Brown's River and Green Creek watersheds (in the Town of Islip) was distributed to watershed advisory committee members for comment. Reserve Office staff attended an advisory committee meeting on December 7th and provided comments. The Town, consultant, and advisory committee are finalizing the plan and will schedule a public meeting to present the plan.
- Office staff attended a meeting of the Swan River Watershed Advisory Committee on November 18th to discuss progress in the characterization of the watershed, goals and objectives, and the potential role of local schools in watershed planning. Since the meeting, the committee has continued discussion through an internet "group" and is assisting the Town with development of recommendations for the watershed action plan.
- The Reserve Office is included as a member of the Forge River Protection Task Force, which was created by a Brookhaven Town Council resolution last November. Office staff has participated in monthly meetings of the Task Force. The Task Force is focused on collecting baseline data to characterize the watershed and identifying potential sources of funding for the creation of a watershed management plan.
- The Reserve Office prepared a letter (February 3rd) to Reserve Towns and key villages informing them of the NYS DEC's EPF funding opportunity for Water Quality Improvement Projects (Round 8) and highlighting the importance of this opportunity in relation to both CMP implementation and Phase II compliance.

Lou Siegel reported on the work of the Council's Western Bays Water Quality Workgroup and other initiatives he is working on:

- The Western Bays Water Quality Workgroup has had two meetings since the November 16, 2005 Council meeting. There is consensus among workgroup members that a systematic study is needed to assess the present conditions and the levels of contribution and interaction between the various sources of pollution inputs. Reserve Office staff has been looking for historic data and research on the bays and the specific problem of overgrowth of algae sea lettuce or *Ulva*, and are actively seeking researchers from the academic community who would be interested in assessing and interpreting this historic data. The workgroup is exploring available local, state and federal funding sources for this type of research. A next step is to develop a consensus

based water quality monitoring plan for the western bays that would best help answer the research questions which have been identified to date by the workgroup.

- Under a grant from the Environmental Protection Agency and in cooperation with The New York State Marine Education Association and Dowling College, L. Siegel is teaching a course called Shipboard Marine Science for teachers and other educators. The goal of the course is to provide teachers with the information and confidence to take students out on a shipboard or shoreline experience. In addition to providing excellent opportunities for learning, these experiences may help fishing boat captains with business during off-season months.
- Reserve Office staff continue to collect updated information from the various SSER education resources. This web based directory has been expanded to include a section for speakers on topics related to the estuary.

Clare O'Reilly updated the Council on diadromous fish restoration activities in the Reserve:

- At its December 15th meeting, the Diadromous Fish Workgroup agreed that Dr. Jake Kritzer of Environmental Defense would submit a proposal for the NOAA Open Rivers Initiative grant cycle to examine dam removal and fish passage feasibility options in the Carmans River watershed.
- Dr. Kritzer submitted the proposal in early January with letters of support from Suffolk County, NYS Department of Environmental Conservation, US Fish and Wildlife Service (Rhode Island Regional Office and Long Island Wildlife Refuge Complex), Trout Unlimited, The Nature Conservancy, and American Rivers as well as a Reserve CMP consistency letter from the Reserve Office.
- The workgroup met again on January 18th, to share updates on diadromous fish projects in the region, including the Carmans River fish ladder and fish passage projects on the North Shore. The group also discussed final preparations for the Spring 2006 alewife monitoring survey.
- Volunteer recruitment has continued since the last Council meeting. Two public training sessions for the alewife survey were held in early March. Preparation for the training sessions included preparation of training materials, and site visits to the observation locations. The training sessions were well attended, and there are approximately 100 volunteers involved in the survey. In addition to public training sessions, students from local schools were trained. Monitoring has already begun, and will continue through mid-May. Results from the survey will be used to develop a comprehensive diadromous fish restoration strategy.

C. O'Reilly is also working on the Partners for Progress Comprehensive Management Plan Implementation Status Report, a project Maude Baldwin began. She reported on recent progress:

- Using information collected from partners and the Comprehensive Management Plan, Maude developed proposed report components. The list of these components was included in the Council meeting mailing.
- The final report will be an effective outreach tool to educate groups and individuals that are less familiar with the Reserve and inspire them to become more active partners in the future.

- As the Office staff prepares draft chapters of the report, they will contact stakeholders to collect additional information. Partners who have not submitted information are encouraged to do so.

DEPARTMENT OF STATE REPORT

Fred Anders presented the DOS report:

- The 2006 grant round of the State's Environmental Protection Fund (EPF) and Brownfield Opportunity program (BOA) was announced. The EPF is a permanent fund dedicated to addressing a broad range of environmental and community development needs. The BOA program provides municipalities and community-based organizations with assistance to complete area-wide approaches to brownfields redevelopment planning. Applications are available on the DOS website. The deadline for submission of applications is May 26, 2006. A schedule of public information meetings regarding the application process is also posted on the DOS website. The Long Island-based meeting is scheduled for April 3, 2006 from 1 to 3 p.m. at the Horticultural Center Building at the Planting Fields Arboretum in Oyster Bay.
- DOS has begun a series of community seminars as part of its EPF Local Waterfront Revitalization Plan program. The first of these seminars - on contract administration - will be held on Long Island sometime in late May or early June. Contact Nancy Rucks at DOS for additional information.
- DOS staff have been working on updates of narratives for South Shore Significant Coastal Fish and Wildlife Habitats. The South Shore habitat narratives were first written in 1987. In the 2006 updates there are 21 habitat areas with no boundary changes, 6 habitat areas with boundary extensions, 2 habitat areas which are combined habitats, and 2 new habitats. Public information meetings will be held May 2nd from 2 - 4 p.m. and 7 - 9 p.m. at Patchogue Village Hall, and May 3rd from 2 - 4 p.m. and 7 - 9 p.m. at the Freeport Recreation Center. A public hearing will be held May 15th from 7 - 9 p.m. at Babylon Town Hall. Final drafts of the narrative updates will be submitted to NOAA by June 30th, 2006.
- In October 2005, Governor Pataki convened a group of experts for a one-day workshop in New York City to discuss ways in which the State could protect, restore, and improve its management of ocean and Great Lakes resources. The workshop used issues identified in the Pew Oceans Commission Report and the U.S. Commission on Ocean Policy Report to identify policy options that could be implemented here in New York. Participants agreed that an ecosystem approach would broaden the State's capabilities and provide opportunities for aligning government activities and programs and using the best available science to inform adaptive management. With the premise that humans are integral to ecosystems and ecosystem health, balancing sustainable economies with the protection and improvement of resources will be part of the ecosystem-based approach to resource management.
- Consistent with recommendations in the Reserve CMP, DOS has begun to investigate a project with The Nature Conservancy (TNC), NYS DEC, and the Reserve Office to develop an ecosystem-based management plan for Great South Bay (GSB). GSB was selected as a possible site for a pilot EBM project because of baseline data available from Reserve and Blue Point Bottomlands Council efforts, and because of the experience and good work already underway

by TNC and others. To date, DOS has been collaborating with TNC, DEC and the Reserve Office to identify appropriate elements of an EBM plan with the intent to prepare a first draft of an EBM plan by this summer. It is anticipated that some implementation activities to improve the Reserve ecosystem will also take place this summer and fall, including accelerated hard clam restoration efforts.

- DOS and the SSER Office have completed two draft Request for Proposals (RFPs) for SSER projects. The first is to hire a consultant 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 a Bayway website. The second RFP is to hire a consultant to conduct an inventory and analysis of barriers to fish passage in six tributaries in the South Shore Estuary Reserve, 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.
- The Department will be hiring Bowne AE&T Group to conduct an inventory and assessment of stormwater drainage infrastructure mapping within the Reserve. DOS and Reserve Office staff look forward to beginning work on this exciting project that will assess the status of mapping projects throughout the Reserve, highlight successful methodologies, and identify municipalities that require assistance to complete mapping.
- The final report on Bay Flooding and Erosion in the Long Island South Shore Estuary Reserve has been printed and copies are being distributed by mail to Council members, municipalities, state federal and local agencies which participated in the report surveys, and SSER state legislative representatives. The report will help local governments and emergency response interests advance hazard mitigation planning for coastal communities in the Reserve, and provides a foundation for improved cooperation and communication among Reserve partners. DOS extends its appreciation to the Student Conservation Association members and the Reserve office staff for their assistance in preparing this report. A summary of the report's findings and recommendations will be posted on the Reserve's website.
- Cornell University has initiated the recruitment process to backfill one of NYS Sea Grant's two educator positions for its Long Island-based NEMO (Nonpoint Education for Municipal Officials) program. The overall focus of the position is to work with Long Island communities - particularly Reserve communities - to build a better understanding of municipal Phase II requirements and to increase implementation of effective water quality improvement policies and practices. DOS has contributed \$75K to this effort with funds received from Congressman Israel through the USEPA.

Discussion about the DOS Report included the following:

- In response to questions from Reserve Council members, J. Fullmer stated that those who are interested in the Council's role in EBM plan process contact the Reserve Office.
- Questions about dissemination of grant announcements and funding opportunities were also raised. DOS has a list of past grant recipients, and the Reserve Office works with DOS to supplement this list. Information is communicated in letters, and on the DOS website and Reserve Council website.

- C. Schlenk asked how the Council affects decisions regarding items in the budget for Reserve projects and activities. J. Fullmer explained that the Council identified priorities, and utilizes workgroups to continue more detailed discussions.
- C. LoBue asked how the mapping report will help municipalities meet their 2008 Phase II implementation requirements, and if information will be accessible within 6 months. J. Fullmer replied that the project will help with regard to identifying illicit discharges. More information will be available after the first scoping meeting.

DYNAMIC NONPOINT MODEL: A LOCAL GOVERNMENT DECISION SUPPORT TOOL - CARMANS RIVER PILOT PROJECT STATUS UPDATE

Dr. Lee Herrington and Horace Shaw from SUNY Environmental Science and Forestry (ESF) and Jeff Herter from DOS gave a presentation about the dynamic nonpoint model pilot project on Carmans River.

Questions were raised about the model's focus on surface water, given significant groundwater contributions to the river. In response, H. Shaw stated that this model focuses on the impacts of certain activities in the watershed, such as predevelopment and buildout, which are closely associated with surface water quality.

CITIZENS ADVISORY COMMITTEE REPORT

CAC Chair M. Dolan Murphy presented the report to the Council (see attached). M. Dolan welcomed Council suggestions for expanding the stewardship award, and informed the Council that award nomination forms can be found on the SSER website.

IMPLEMENTATION PARTNER REPORTS

C. Schlenk provided an update on Sea Grant research relative to the Reserve:

- Brown Tide (BT) Research Initiative had a wrap-up meeting on March 20, where scientists summarized research results from over the last 10 years. The results are in an October 2005 peer reviewed publication, and a less technical version is being printed.
- BT research supports the following conclusions:
 - ▶ A combination of many particular environmental conditions created the opportunity for BT to bloom; nitrogen and grazers were among the primary factors.
 - ▶ At low BT concentrations, hard clams can control BT growth.
 - ▶ The decrease in BT blooms in the Reserve and end of blooms in the Peconics may be due to decreased inorganic nitrogen and dissolved organic nitrogen, increased diversity in zooplankton communities, and/or increased ability for viruses to infect BT.
- The Hard Clam Research Initiative is still underway, and is examining factors that limit hard clam production in the South Shore bays. One project involves creation of a model to simulate hard clam growth and development under various conditions.

- Hard clam and BT research efforts have also overlapped in several ways. Research on larval stages of clams indicates that BT has no apparent effect on survivorship, but does appear to affect their nutritional status and time to development.
- Several research projects are looking at the potential effects of barrier island breach, including hydrodynamics, affect on eelgrass and phytoplankton, salinity, temperature, etc.
- A number of new one-year projects are just being initiated, as highlighted in the most recent issues of Sea Grant's newsletter, *Coastlines*.
- F. Anders reported that NOAA has been evaluating the State Sea Grant programs and the NYS program scored the highest marks possible in 13 of 14 categories, and second highest in the other one.

R. Weltner provided an update on some of Operation SPLASH's cooperative efforts to advance testing and implementation of stormwater treatment technology in the Reserve:

- SPLASH worked with the Freeport Department of Public Works and the Town of Hempstead to design and install a special trap to catch floatables. It is a floating dock with a special modification to the bulkhead that traps everything from cigarette butts to tires.
- The Village of Freeport, the Freeport Chamber of Commerce and SPLASH installed 22 stormwater filters in and around Freeport about one year ago. These filters address hydrocarbons, floatables, pathogens, and pesticides. SPLASH also installed a special catch basin in a marina to catch large bottom paint chips, and petroleum products.
- R. Weltner said each situation may be specific, but he would share the schematics of the debris and oil traps, and work with other groups and communities to help them get started and share information about their experience in Freeport.

BAYWAY UPDATE AND NOMINATIONS

M. Pluzynski updated the Council on Bayway development progress:

- Working in partnership with the Village of Patchogue and Fire Island National Seashore, the Reserve Office is developing an interpretive kiosk for the Watch Hill Ferry terminal and adjacent park. The kiosk will be the first in a series of interpretive panels for this site, which includes a boardwalk and planned river walk along the Patchogue River.
- The Reserve Office is working with the Town of Southampton and the Shinnecock Canal Maritime Center to design an interpretive plan for the future site of the Shinnecock Canal Maritime Center. This plan will consist of a kiosk and additional low profile panels that will interpret the canal, natural features, and maritime heritage of this area.
- Additional interpretive projects are focused around partnerships between New York State Office of Parks, Recreation and Historic Preservation, the Fire Island National Seashore, the Fire Island Lighthouse Preservation Society. Partners have started developing low profile panels for Bayard Cutting Arboretum, Hecksher, Connetquot, Captree and Robert Moses State Parks.

- The Reserve Office is working with the Town of Babylon on developing interpretive signage at Oak Beach Park, and the Town of Hempstead for signage located at Lido Beach Passive Nature Preserve, and the Village of East Rockaway for signage at Talfor Boat Basin.
- Through an EPF grant awarded to the Village of Freeport, a visitor center is being designed for the Nautical Mile that will include interpretive signage at the site.
- 38 Bayway *Destinations* and 2 Bayway *Connectors* have been recognized by the Council at previous meetings. Since the last Council meeting, the Reserve Office has reviewed 2 new Bayway *Destination* nominations. Finding statements for the nominations were distributed to Council members prior to the meeting.
- The Office of Parks, Recreation and Historical Preservation nominated Zach's Bay at Jones Beach State Park and Hempstead Lake State Park as Bayway Destinations. K. Budny motioned to recognize these nominations as *Destinations* in the Bayway. R. Grover seconded the motion. The nominations were unanimously recognized by the Council.

NEW BUSINESS

TNC is interested in securing federal funds for an eel grass initiative, including a study to understand population status and plan future steps and a small conference. F. Anders suggested the possibility of all the estuary programs on Long Island to collaborate on this effort, including Cornell Cooperative Extension, which is researching sea grass and developing outreach materials.

PUBLIC COMMENT

A. Aronoff raised a question about the Brownfield Opportunities Area program and asked if there were any brownfield along the estuary, specifically downtown waterfront projects. F. Anders stated that DEC is the primary agency responsible for the brownfields program, and DOS assists with planning. DEC works on the actual remediation of brownfields. A. Aronoff asked if the focus was on the western part of the estuary, and F. Anders replied that there is no real focus, and grant opportunities are announced state wide.

R. Weltner expressed his thanks to the Reserve Office staff for their help in facilitating meetings of the Western Bays work group.

ADJOURNMENT

M. Foley motioned to adjourn the meeting. W. Glacken seconded the motion. The meeting was adjourned at 4:01 p.m.