

South Shore Estuary Reserve Council (SSERC) Meeting

Final Approved Minutes

May 17, 2010 1:00 p.m. – 4:00 p.m.

H. Lee Dennison Building, Hauppauge N.Y.

Council Members Present: George R. Stafford (NYS DOS Deputy Secretary of State for Secretary of State Lorraine Cortés-Vázquez); Fred Anders (NYS DOS, alternate for Secretary of State for Secretary of State Lorraine Cortés-Vázquez); Carrie Meek Gallagher (Suffolk County Dept. Environment & Energy, for County Executive Steve Levy); Laretta Fischer (Suffolk County, for County Executive Steve Levy); Joseph Febrizio (City of Long Beach, for Charles Theofan); Nancy Kearney (Town of Oyster Bay, for Town Supervisor John Venditto); Richard Groh (Town of Babylon, for Town Supervisor Steven Bellone); Tom Marquardt (Town of Islip, for Town Supervisor Phil Nolan); Marty Shea (Town of Southampton, for Town Supervisor Anna Throne-Holst); Maureen Dolan Murphy (Citizens Advisory Committee Chair/Citizens Campaign for the Environment); Cornelia Schlenk (Technical Advisory Committee Chair/ NYS Sea Grant); Robert Grover (Great South Bay Audubon Society); Carl LoBue (The Nature Conservancy, Long Island Chapter); William Wise (SUNY School of Marine & Atmospheric Sciences, for Dean Dr. David Conover); Christopher Squeri (NY Marine Trades Association); Ken Budny (Brookhaven Baymen's Association); Robert DeBona (Mastic Beach Property Owners Association); Charles DeQuillfeldt (NYS Dept. Environmental Conservation, for Commissioner Pete Grannis); and, Gary Lawton (NYS Office Parks, Recreation & Historic Preservation for Commissioner Carol Ash).

Council Members Absent:

Edward P. Mangano, Nassau County Executive (Greg May); Kate Murray, Supervisor Town of Hempstead (Ron Masters); Mark Lesko, Supervisor Town of Brookhaven (John Turner/Jeff Kassner); Andrew Hardwick, Conference of Mayors - Village of Freeport Mayor; Jim Hutchinson, New York Sportfishing Federation; Daniel Perkins, Long Island Association (Claire Fratello); Michael Watt, LI Builders Institute; Michael Eagan, Captree Boatman's Association; and, Stanley Gee, Acting Commissioner NYS Department of Transportation.

Guests Present:

Frank Castelli (Suffolk County Dept. of Environment & Energy); Andrew Cohen (Idle Hour Civic Association); Cathline Cohen (Idle Hour Civic Association); Tom Doheny (Point Lookout Civic Association); Adrienne Esposito (Citizens Campaign for the Environment); Leslie Fields (Woods Hole Group/Dredged Materials Management Plan); Dan Ingstrum (for Nassau County Legislator Dave Denenberg); John Kowalchuk (NYS OPRHP); Annie McIntyre (NYS OPRHP); Gerald Ottavino (Point Lookout Civic Association); Rob Schurz (for NYS Senator Brian Foley); Lou Siegel; Nancy Solomon (Long Island Traditions); John Tanacredi (Dowling College); and, Rob Weltner (Operation SPLASH).

NYS Department of State (DOS)/SSER Office Staff Present:

Nancy Kunz (DOS); Nancy Rucks (DOS); Patrice Benneward (SSER); Sherry Forgash (SSER); and, Lou Siegel (SSER)

I. Welcome and Introductions – Fred Anders

The meeting was called to order at 1:10 p.m. F. Anders introduced C. Meek Gallagher who welcomed the SSERC and guests. There was a round of introductions and people were reminded to sign in before leaving.

G. Stafford recognized G. Lawton, who will be retiring shortly and presented him with a proclamation from the New York State (NYS) Secretary of State, to recognize his contribution to the Reserve and long-time membership on the SSERC.

II. Approval of the December 11, 2008 Council Meeting Minutes – Fred Anders

Draft meeting minutes were accepted with no comments or corrections.

III. Preparing for the 10-Year Anniversary of the SSER Comprehensive Management Plan: Past, Present and Future – Fred Anders and George Stafford

F. Anders began the presentation, *Preparing for the 10-Year Anniversary of the SSER Comprehensive Management Plan: Past, Present and Future*, by describing the direction the DOS envisions for the South Shore Estuary (SSE) and how the DOS proposes involving the SSERC in that vision. After a brief history of the SSERC and the adoption of the Comprehensive Management Plan (SSER CMP) in 2001, he applauded the SSERC and its partners for the progress made in implementing the SSER CMP, especially in the priority areas of reducing nonpoint source pollution, coastal habitat restoration and enjoying the coast.

Since the SSER CMP's adoption, \$22.5 million has been funded by NYS to implement 47 water quality improvement projects, 25 habitat restoration projects and 17 projects to improve public enjoyment of the estuary. Developing watershed management plans, identifying gaps in local laws and stormwater abatement projects are some of the areas of accomplishment. Habitat improvement projects include wetland restoration, clam seeding, establishing spawner sanctuaries and installing fish passages on several tributaries. The SSER office, operating since 2002, has facilitated the SSER CMP's implementation by providing technical assistance for habitat restoration, the Bayway and Strategic Implementation Marketing Plan (SIMP) and website development, and education and outreach efforts. In addition, SSERC workgroups have provided technical assistance to local governments.

A map displayed a GIS based Watershed Planning Model, a tool under development to aid in watershed planning, developed by the SUNY School of Environmental Science and Forestry. The model used the Carmens River as a pilot for the state and will be available for use by SSER partners in the future.

G. Stafford began the presentation, *Present and Future of the Estuary*, by explaining that the DOS is the lead agency in NYS for the Federal Coastal Zone Management Act, manages NYS's federally approved Coastal Management Program (NYS CMP) and oversees federal consistency decisions within the state's coastal area. Within the SSE, the DOS acts on up to 400 consistency decisions per year. Those decisions are based on state coastal policies adopted almost 30 years ago and are applied throughout NYS's vast federally approved coastal area. Tailoring state policies to local circumstances is achieved when a Local Waterfront Revitalization Program (LWRP) is added to the NYS CMP through a Program Amendment. LWRPs guide state and federal government decision-making in protecting local ecosystems. Despite years of effort by the DOS to advance LWRPs in the SSE, only the Village of Ocean Beach has recently received state and federal approval for their LWRP.

G. Stafford recognized the SSERC for their accomplishments over the past 10 years. He explained that the dire fiscal situation facing NYS is currently more restrictive than any time in the history of the SSERC. The next NYS administration will scrutinize state programs to ensure funding maximizes the greatest benefit from limited resources.

G. Stafford explained the DOS efforts to prepare an Atlantic Ocean amendment (Ocean Amendment) to the NYS CMP to better guide its federal consistency decisions affecting critical ocean habitats and wind energy. The Ocean Amendment work elements were outlined: identify jurisdictions and authorities within NYS and federal waters; coordinate Mid-Atlantic states' issues and ocean spatial planning efforts; meld NYS's ocean spatial planning with existing guidance, such as the President's Interagency Ocean Policy Task Force; obtain potential federal funds to assist with ocean spatial planning (approximately \$26.9 million available nationally); and, coordinate efforts with the proposed NY Offshore Wind collaborative (NYPA, LIPA, Con Ed) project in the Atlantic Ocean. Steps in the Ocean Amendment planning process include holding stakeholder briefings; collecting data; identifying management areas and developing management criteria, drafting policies, and submitting the Ocean Amendment to the Office of Ocean and Coastal Resource Management (OCRM) for concurrence. Once approved, the state can review federal actions for consistency with the Oceans Amendment's policies. Data col-

lection includes bio-geophysical information as well as infrastructure and renewable energy requirements. A Minerals Management NYS Task Force may be created to coordinate information flow among governments. Products of the Ocean Amendment include management criteria, new policies and mapped ocean areas appropriate for wind development and resource conservation.

To prepare the SSE for the next decade, the DOS envisions a similar effort to the Ocean Amendment by preparing a SSE Coastal Management Program (SSE CMP) for habitat restoration and climate change adaptation, and submitting it to OCRM as a NYS Coastal Management Program Amendment (SSE Amendment) for their concurrence. This would afford federal, state and local decision-makers with specific guidance on these critical areas of concern within the SSE.

G. Stafford asked the SSERC to review the handout, *Long Island South Shore Estuary NYS Coastal Management Program Amendment for Climate Change Adaptation and Habitat Restoration* and to provide comments to the DOS. To facilitate preparation of the SSE Amendment, the DOS will provide assistance through Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) grants. Questions from SSERC members were solicited.

M. Dolan Murphy questioned where the Total Maximum Daily Loads (TMDL) project in the Western Bays fits into the SSE Amendment. She stated that in 2005, a TMDL workgroup was formed and the SSERC drafted a letter to the EPA supporting development of a TMDL. In 2008, the workgroup was promised that SUNY Stony Brook University School of Marine and Atmospheric Sciences (SoMAS) would partner with the DOS to conduct TMDL research. G. Stafford responded that a Memorandum of Understanding (MOU) with SUNY SoMAS is pending approval from the Division of the Budget. M. Dolan Murphy asked if it will take another year, or could it move forward this summer? W. Wise stated that the intention is to move forward; the timeframe is unknown. F. Anders reported that the US Geological Survey (USGS) expects to install water quality gauges in the Western Bays next month. M. Dolan Murphy requested the workgroup to reconvene, as Nassau County will be upgrading its sewage treatment facilities, and asked when that could happen. F. Anders replied that no meeting is planned, but one could be arranged. M. Dolan Murphy stated that the Western Bays have always been a priority of the SSERC.

G. Stafford estimated that once work begins on the SSE Amendment it could be submitted to OCRM in approximately 18-24 months, and the DOS welcomes the SSERC's support. He asked that the SSERC think about their role in facilitating the initiative. C. LoBue asked if the SSE Amendment would lead to legislation. He suggested the new Federal Strategy released last week in response to the President's Executive Order #13508 (Addressing Key Challenges to Chesapeake Bay Protection and Restoration) might be reviewed as an example to follow.

C. Schlenk stated the SSERC may want to take this opportunity to update the SSER CMP, as it is almost 10 years old, and some workgroups discussed revising the SSER CMP to reflect accomplishments and emerging issues. She questioned if the SSER Act would need revision if changes to the SSER CMP are significant or if the Ocean's initiative would trigger the need for a change.

G. Stafford stated the DOS would provide staff support for the SSE Amendment and the strategy to guide habitat restoration and climate change adaptation implementation actions for the next decade. The DOS would look at changes to the SSER Act and SSER CMP if needed to implement the SSE Amendment.

G. Stafford stated the DOS would consider, based on advice from the SSERC, to extend the geographic area of the SSE from the ocean high tide mark on the barrier islands seaward 1,500 feet to protect near shore and off-shore habitats and prepare for the potential consequences of climate change. The extended area would end where the Ocean Amendment's northern boundary starts. Combined, these two areas will achieve continuous habitat protection to the Continental Shelf.

L. Fischer asked how the SSERC's previous work would facilitate the SSE Amendment. R. Groh indicated his concern that if the boundaries of the SSER were extended into the ocean, the Council may inadvertently be pulled into barrier beach erosion issues and also fishery management issues which may deflect the Council's

focus on protection and improvement of the water quality and natural resources of the estuary. G. Stafford explained the proposed SSE extended area would facilitate the SSE municipalities' abilities to address habitat protection and other relevant issues through preparation and adoption of Harbor Management Plans, a component of an LWRP. C. Schlenk asked why only one LWRP in the SSER is complete. G. Stafford explained that south shore LWRPs can be complicated as there are many competing issues, and towns have focused on preparing watershed management plans - a high SSER CMP priority. LWRPs provide local and regional detail on protecting the ecosystem. In the absence of LWRPs, broad statewide policies guide federal, state and local decision-making. Policies dating to the early 1980s do not necessarily reflect current scientific thinking. With an absence of approved SSE LWRPs, the SSE Amendment will provide needed increased protection for habitats and identify potential effects of climate change on the human and natural environment.

C. Schlenk asked why the SSER CMP could not be used as a guidance document, and G. Stafford responded that the SSER Act lacked legislative authority to bind agencies' actions to the plan. F. Anders added that all NYS CMP policies must be enforceable through state laws and regulations. C. Schlenk asked if the SSE Amendment would be specific to the SSE. G. Stafford explained that just as there would be an Ocean Amendment, an SSE Amendment would address estuary habitat restoration and climate change adaptation.

R. DeBona asked why the DOS never advanced the Mastic Beach/Shirley Draft LWRP. G. Stafford responded that staff would check on its status. T. Marquardt commented that towns perceive LWRPs as being inflexible, which could be a reason why there is a reluctance to prepare them. N. Kearney stated that some reports may be completed or underway that may be included as components of an LWRP. The Town of Oyster Bay is using this strategy.

C. Squeri asked where the SSERC might fit in the scope of preparing the SSE Amendment. G. Stafford responded that the SSERC could play a significant role in its preparation. The DOS will solicit comments from the SSERC regarding the discussion draft, *Long Island South Shore Estuary New York State Coastal Management Program Amendment for Climate Change Adaptation and Habitat Restoration*, and hold a conference call to discuss the SSE Amendment in more detail.

C. Squeri asked, in light of the SSER director's resignation, what the DOS envisions for the future of the office. G. Stafford stated that the DOS and SSERC must evaluate the future of the office before hiring a director. C. Squeri asked that the SSERC be informed about LWRP development.

M. Dolan Murphy asked if the DOS wants the SSERC involved in the SSE Amendment planning process. She stated the CAC was created by legislation and it is comprised of a cross section of citizen groups. She expressed her displeasure with the recent lack of administrative support for the CAC. She requested the CAC be called upon for assistance with outreach. G. Stafford reinforced the impact of the current NYS budget situation on all state agency programs. M. Dolan Murphy stated how she feels the DOS ignores the CAC. G. Stafford assured her that the DOS looks forward to working with the CAC. M. Dolan Murphy would like greater dialogue between the CAC and DOS if the mission of the CAC were to be changed. G. Stafford explained that the DOS is looking to make every function of the SSERC effective and this may cause changes that are not necessarily negative. The DOS is looking to expand all available resources. M. Dolan Murphy invited the DOS to attend the July 13th CAC meeting, and G. Stafford responded that staff would by conference call.

R. Groh described water quality issues, such as wastewater, waterfowl excrement and sewage treatment plants, facing the estuary since the SSER CMP's adoption, and asked if the SSERC will update the plan with these new issues? G. Stafford responded that issues affecting habitats, such as water quality impacts, would be addressed in the SSE Amendment.

W. Wise asked how the 1,500 feet extension was determined and if the SSERC would be involved in ocean issues - they may not wish to. F. Anders provided a status of the Fire Island Inlet to Montauk Point (FIMP) project and believes that plan would be available for public comments shortly.

L. Fischer asked if the DOS was trying to incorporate more area into the SSER. G. Stafford responded that discussions would occur with the SSERC on the geographic area relating to habitat restoration and climate change adaptation. M. Shea suggested focusing on habitat restoration, protection and wildlife management issues that are not being addressed by Fire Island National Seashore.

B. Grover agreed that sea level rise needs to be addressed.

C. Schlenk does not view renewable energy issues as relevant to the SSER except through the impact of delivery networks such as pipelines. She stated that water quality should be the third area addressed in the SSE Amendment. G. Stafford agreed as a major emphasis of the SSER CMP was on water quality.

C. Schlenk asked if The Nature Conservancy's (TNC) Ecosystem Based Management Report for the Great South Bay (GSB) was completed and when the SSERC would see it. G. Stafford said the report was being edited; he would check on its availability. C. LoBue stated that the Significant Coastal Fish and Wildlife Habitats (SCFWH) were important. However, virtually all of the SSE was recently designated as SCFWH with many of the impact assessments the same. This could diminish values of an individual habitat.

N. Kearney said the SSE Amendment would prepare the SSERC to respond to potential offshore oil drilling.

G. Stafford continued that the DOS will work with the CAC and other groups to hold briefings on the SSE Amendment's preparation. For the Ocean Amendment, two workgroups - one for habitats and one for offshore wind energy development were created. A third workgroup may focus on data collection and vetting.

G. Stafford suggested the SSERC hold a meeting in September to discuss a structure for advancing the SSE Amendment. A draft planning process will be developed for climate change adaptation. For the September meeting, M. Dolan Murphy requested an update on the Western Bays TMDLs and R. DeBona requested an update on the Sea Level Rise Task Force (SLRTF).

IV. Long Island South Shore Estuary Reserve Dredge Materials Management Plan Report - Leslie Fields

L. Fields, Woods Hole Group Coastal Geologist, presented the SSER Dredged Materials Management Plan (DMMP). The DMMP is a starting point to address the SSER CMP recommendation to develop a DMMP as listed in Outcome #8 – To Sustain Water-dependent Businesses in the SSER. The planning process identified current estuary dredging needs, sediment chemistry, future needs, ways to improve sediment management, transport of dredged sediment, and beneficial reuse of dredged materials. Referring to G. Stafford's presentation, she stated that there is a direct correlation between habitat protection and dredged material management.

The full report is online at www.sser-dmmp.net. The SSERC was asked to review the draft DMMP and submit comments to L. Fields through the website by the end of May. Six project advisory committee meetings and three public meetings resulted in a significant amount of review and input on the draft DMMP.

One product is an extensive GIS database documenting 10 years of US Army Corps of Engineers (USACE) permit records, DEC records and Suffolk County data. It includes the types of sediments dredged, dredging methodology, permits and applications for 319 dredging projects and 314 dredged material placement sites. An audience member asked if more projects are waiting to be done, but are on hold. L. Fields hoped that DMMP information in the database would facilitate project permitting. The dredged materials placement techniques used by the towns were described. For example, Oyster Bay is making use of upland spoil locations more than other towns. L. Fields posted dredging sites to Google Earth and explained that the SSERC should visit the website and download the data. Based on the information reviewed, sediment contamination has not been an issue in the estuary. However, more sampling could rule out the existence of contaminants.

M. Dolan Murphy reminded the SSERC that there was a lack of data for the Western Bays.

L. Fields stated that sites for beneficial use of dredged materials were identified. She pointed out that remediation sites, Brownfield sites, marsh restoration sites and habitat restoration sites all dovetail with the Ocean initiative. The USACE-identified upland sites are mapped. In Suffolk County, there are potentially 318 publicly owned parcels greater than 5 acres that may be suitable for dewatering. There is no data for Nassau County. R. Grover asked if the DMMP discussed the use of selectively placed dredged materials on tidal wetlands to mitigate sea level rise. L. Fields responded that it did not. Data on eroding wetlands is needed to conduct that analysis.

L. Fischer asked if any use evaluations were done for the sites identified and explained that many of Suffolk County-owned properties are protected for public use, a potential conflict for dredge material placement. L. Fields explained that another level of screening would be needed to identify which sites are viable for placement. She described potential next steps for DMMP development: maintain the GIS database; develop and maintain a sediment chemistry database; quantify placement capacity of existing sites; consider permitting multiple project alternatives (coverage) to provide maximum flexibility; explore the possibility of sharing dredging equipment; hold quarterly meetings to update stakeholders; conduct a parcel level screening; undertake field investigations of beneficial use sites; evaluate the feasibility of reserve-wide enhancement sites; and, investigate feasibility of dewatering facilities and enhancement sites. T. Marquardt asked how much more work is needed to develop a full DMMP. L. Fields answered that a considerable amount and would require at least 50% engineering design level work and an arrangement for site management.

V. The Nature Conservancy Report on Five Year Efforts to Restore Hard Clams in Great South Bay – Carl LoBue

Carl LoBue informed the SSERC that TNC, along with other groups, will be hosting a workshop on coastal resilience at the Wang Center at SUNY Stony Brook. The goal of the workshop is to provide better sea level rise data to communities, and a workshop handout was distributed.

C. LoBue outlined the history of the 2003 acquisition of the Bluepoints Bottomlands property in the GSB. He explained TNC's planning, seeding and monitoring efforts to establish a hard clam spawner sanctuary. The GSB clam population has been plagued with brown tide and algal blooms. In 2007, 2.7 million seed clams were released in the GSB. Unfortunately in 2008, the reoccurrence of brown tide prevented optimum clam spawning. TNC's planning also addressed water quality. Pathogens caused shellfish bed and bathing beach closures. In addition low dissolved oxygen was detected. Sources of nutrient loading have been identified in 33 GSB sub-watersheds. DEC is researching a cost-effective way to reduce nitrogen loading. Islip and Babylon have plans for hard clam restoration, and Brookhaven's plan is pending Town Board approval. TNC's GSB work continues.

C. LoBue asked the SSERC to consider a TMDL workgroup to address GSB impairments and put forth a motion to establish a GSB TMDL workgroup as the bay's waters are on DEC's 303 (d) list. M. Dolan Murphy proceeded to second the motion. After a lengthy discussion, the SSERC agreed to table the motion until the next meeting.

VI. SSER Citizens Advisory Committee Report – Maureen Dolan Murphy

M. Dolan Murphy described cutbacks of SSER office administrative assistance for the past six months to the CAC as alarming. She requested that SSER office support continue. She distributed a CAC letter dated January 25, 2010, that was sent to the Secretary of State describing the situation. There had been no response. She also distributed a letter dated May 17, 2010, to Secretary of State Cortés-Vázquez from the Citizens Campaign for the Environment regarding TMDL assessments in the Western Bays, a sub-region of the SSER.

W. Wise questioned why CAC support was curtailed. F. Anders explained the budget situation was the primary reason for the cutback, which includes restricted travel. The SSER office is short staffed. The SSER office Administration Manager that previously assisted the CAC is no longer employed and the DOS is unable to get Division of Budget approval for any new staff hires. The DOS is researching hiring an outside temporary service to perform CAC administrative duties, but due to the budget situation, F. Anders does not believe it will be possible for at least 6 months. M. Dolan Murphy asked if there is anything the CAC can do to expedite the situation.

F. Anders explained the State's request for proposals process and the length of time involved. C. Schlenk asked if the SSER staff is within the Natural Heritage Trust (NHT). F. Anders responded that they are, but funding for those positions is from the same source that is affected by the budget.

Adrienne Esposito, asked to be recognized from the audience. She commented that the CAC had asked the SSER office to send past CAC minutes to M. Dolan Murphy and they were told the SSER office could not perform that task for the CAC.

L. Fischer stated she understood staffing situations at the SSER office and commented that many agencies are forced to work with limited staff resources. F. Anders pointed out that the DOS only asked for assistance from the CAC members to perform some of the meeting duties until the budget crisis is resolved. M. Dolan Murphy said they are willing to help, but did not anticipate that all SSER office support would be eliminated. W. Wise said he would lead a group to help resolve the issue. He felt an estrangement between the CAC and DOS is not good.

Next, M. Dolan Murphy explained the SSERC's stewardship award and asked the SSERC to support its continuation. R. DeBona and others agreed it should continue. A. Esposito asked if DOS can pay for the steward awards because not having them would be an issue. K. Budny volunteered to create bird carvings as an award. C. LoBue offered to donate \$50 to the award. A. Esposito offered to buy the award plaques.

VII. New Business – Fred Anders

There was no new business raised.

VIII. Public Comment – Fred Anders

N. Solomon stated that she was an original member of the SSER before there was a CAC. She asked why the new DOS direction for the SSER abandons the directions set in the SSER CMP. There are still situations that need to be addressed in the SSER CMP and the new Oceans initiative is not related to the SSER. W. Wise stated that he did not hear anything in the DOS presentation abandoning other issues.

G. Ottavino, Point Lookout Civic Association, asked about the Western Bays TMDL assessments and how can the SSERC move forward with the problems residents are currently experiencing. He asked if the DOS and SUNY are currently working on this project. It was reiterated that the DOS and SUNY SoMAS are moving forward.

R. Weltner asked when a new SSER director would be hired. He felt the focus of the SSER office has been lost.

A. Esposito encouraged the new Ocean spatial planning initiative and emphasized the importance of water quality improvements in the SSE.

J. Tanacredi explained how the Technical Advisory Committee (TAC) met in the past. He said that the CAC is doing a good job and suggested that the TAC become active again. He mentioned the Long Island Marine Science Consortium as a valuable resource. A conference is scheduled in October at Dowling on ecosystem-based management in the SSE.

C. Schlenk stated that the TAC has not been active since the SSER CMP was adopted. If necessary, the committee could reactivate.

J. Tanacredi stated that CAC minutes are a valuable ongoing record of the estuary, as the SSERC has not met that often. He suggested the TAC should meet for scientific topics only.

The meeting adjourned at 4:25 p.m.

Supplemental Information:

During the meeting a request was made by the SSERC to be updated on the status of Local Waterfront Revitalization Programs (LWRP). The following provides a brief status. If interested in additional details contact Dennis Mildner in the DOS: dennis.mildner@dos.state.ny.us.

Nine south shore municipalities are at various stages of LWRP development. The efforts are being funded through grants from the DOS's Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) and local match.

- The Village of Ocean Beach LWRP, which also addresses harbor management issues, was adopted by the Village April 2010, a first for a municipality within the SSER. The LWRP is undergoing a final legal review by DOS counsel prior to its approval by the Secretary of State. After State approval, it will be sent NOAA's Office of Ocean and Coastal Resources Management (OCRM) for federal concurrence.
- The Villages of Lindenhurst and Patchogue are finalizing draft local programs in preparation for formal 60-day review by potentially affected state and federal agencies (Fall 2010). Both programs address harbor management issues.
- The City of Long Beach is making some changes to waterfront ordinances in preparation for 60-day review (Summer 2010.)
- The Town of Oyster Bay is in the process of preparing an LWRP for all unincorporated lands on both its north and south shores. The Town is currently working on the inventory and analysis, policy, and proposed uses and projects sections.
- In January 2010 the Village of Amityville began development of their LWRP with a focus on Great South Bay. The Village has selected a consultant, but the lack of local match has stalled forward progress at this time.
- The Town of Islip received a 2009 EPF LWRP grant to develop an LWRP for the hamlets of Sayville and West Sayville on Great South Bay.
- The Town of Southampton received a 2008 EPF LWRP grant to develop an LWRP and is currently developing an RFP for consultant services for the local program completion.
- The Town of Brookhaven developed a preliminary draft LWRP for the Mastic-Shirley peninsula in completion of a 1998 EPF LWRP contract but prior to the State's authority to approve a local program for a geographically discrete portion of a municipality's waterfront revitalization area. At the time the State gained the authority for such approval, a lack of resources prevented the Town from moving the local program forward. The opportunity exists for the Town to apply for an EPF LWRP grant to update and complete the LWRP. This grant opportunity would allow the Town to align the local program with the principles of ecosystem based management and include adaptation planning relative to sea level rise.

For other areas of Brookhaven, the Town has decided to develop comprehensive watershed management plans as components of an LWRP. To date, such plans have been completed using EPF LWRP funds for Swan River, and are under development for Tuthills Creek and the Forge River. A watershed plan was completed for Beaver Dam Creek using EPF Open Space funds.

Minutes Supplement

New York State Department of State

Office of Coastal, Local Government and Community Sustainability

MEMORANDUM

To: The South Shore Estuary Reserve Council

From: Fred Anders, NYS Dept. of State

Subject: Response to questions and comments made at the May 17, 2010 South Shore Estuary Reserve Council (SSERC) meeting.

Date: July 22, 2010

In response to questions and comments made during the May 17, 2010 SSERC meeting the following is provided:

1. At the SSERC meeting M. Dolan Murphy, chair of the South Shore Estuary Reserve Council (SSERC) Citizens Advisory Committee (CAC), stated that the DOS had not responded to a CAC letter dated January 25, 2010 to the Secretary of State re: lack of SSER Office services provided to the CAC. After a careful check of e-mail and surface mail, there is no record of this letter having been received by the Secretary's office, in the SSER Council Office, or in the Office of Coastal, Local Government, and Community Sustainability.

On Jan. 25, 2010 the SSER Office forwarded an e-mail from M. Dolan Murphy that contained a draft of the letter to the Office of Coastal, Local Government, and Community Sustainability.

The attached letter was clearly stamped draft and did not have a signature. F. Anders sent an e-mail to the proposed signer (M. Dolan Murphy), suggesting that they discuss the draft letter's concerns and attempt to reach a solution before the final letter was sent. A January 27, 2010 e-mail response from M. Dolan Murphy to F. Anders stated: "...it is the will and sense of the CAC to send the letter to the chair of Council." The Office of Local Government, Coastal, and Community Sustainability understanding was that a final letter would be forthcoming. As stated above there is no record of receiving a signed final letter.

2. At the SSERC meeting A. Esposito, Executive Director of the Citizens Campaign for the Environment (CCE) stated that the DOS lack of support for the SSERC CAC included not answering an e-mail request for information. Taking that allegation seriously, the following was determined. E-mail records show that on May 11, 2010 a request was made by M. Dolan Murphy to the SSER Office to provide all of the CAC meeting minutes for 2009 and 2010. Although, all the minutes are posted on the SSER website, on that same day, the SSER Office responded by sending the minutes as PDF files. The office was then asked if they were available as WORD files: "If yes, please send over, if no that's ok." The Office responded that finding the WORD files that exactly matched the PDFs would take time, that they were busy preparing for the SSERC meeting, and asked if the files were needed right away. The response was they were needed for the SSERC meeting. The Office knew the PDFs, which contained the same information as the WORD files, had been sent and assumed those were adequate to address the need until preparation for the SSERC meeting was completed. The SSER Office ran out of time before being able to search for the correct Word files.

On the morning of May 17, 2010 (the day of the SSERC meeting) the SSER Office received a call from M. Dolan Murphy requesting that copies of all of the 2009 and 2010 CAC minutes be included in SSERC meeting folders. The SSER Office explained that no SSERC meeting folders were being distributed as a paper/cost saving measure. Prior to this, several e-mails from F. Anders had been sent to M. Dolan Murphy encouraging electronic transfer of the SSERC update report to the SSER Office or DOS for distribution to SSERC members by e-mail. Both the DOS and SSER Office report were distributed electronically. As a reminder, the SSER website provides access to all SSERC and CAC meeting minutes.

In addition, it was stated at the SSERC meeting that the DOS had "abandoned the CAC for the last six months." This statement is inaccurate. SSER Office staff attended the January 2010 CAC meeting and took notes, sent out the meeting announcement e-mails and assisted with meeting preparations. DOS Albany staff attended the March 2010 meeting, took notes and forwarded the notes to the SSERC CAC chair. The SSER Office and DOS were unable to attend the May 2010 CAC meeting. The DOS participated by conference call in the July 2010 CAC meeting and afterwards provided the SSER Office report to the CAC chair in both WORD and PDF formats.

As a result of W. Wise's offer to convene a SSERC group to examine the issue of unavailable secretarial support for the CAC, a conference call was held on June 11, 2010. W. Wise (host), C. Schlenk, M. Dolan Murphy, C. Squeri, F. Anders, and N. Kunz participated. The call resulted in this agreement:

- As chair of the CAC, M. Dolan Murphy, will undertake all tasks associated with CAC meetings.
- The DOS, by conference call, will provide the SSER Office report to CAC members at the CAC meetings.
- The DOS, as chair of the SSERC, will assume responsibility for the SSERC Stewardship Award.

3. A letter regarding TMDL development in the western bays, addressed to the Secretary of State, was distributed at the Council meeting. A response to the May 17, 2010 letter has been sent to all the signers and SSERC members. DOS is committed to advancing that work just as soon the State Division of the Budget approves the pending MOU with SUNY SoMAS.