

SOUTH SHORE ESTUARY RESERVE COUNCIL (SSERC) MEETING
FINAL APPROVED MEETING MINUTES

September 28, 2010
10:30 a.m. to 2:00 p.m.
NYS Office Building, Room 2/3
Veterans Memorial Highway, Hauppauge, NY

Council Members Present: George Stafford (NYS DOS Deputy Secretary of State for Acting Secretary of State Ruth Noemí Colón); Fred Anders (NYS DOS, alternate for Acting Secretary of State Ruth Noemí Colón); Bob DeBona (Mastic Beach Property Owners Association); Charles deQuillfeldt (NYS DEC); Mike Eagan (Captree Boatman's Association); Gina Fanelli (NYS DEC); Joe Febrizio (City of Long Beach); Laretta Fischer (Suffolk County); Rich Groh (Town of Babylon); Bob Grover (Great South Bay Audubon); Jim Hutchinson (NY Sportfishing Federation); Nancy Kearney (Town of Oyster Bay); John Kowalchuk (NYS OPRHP); Carl LoBue (The Nature Conservancy); Tom Marquardt (Town of Islip); Maureen Dolan Murphy (Citizens Campaign for the Environment); Cornelia Schlenk (Technical Advisory Chair/NY Sea Grant); Chris Squeri (NY Marine Trades Association); Greg Williams (NYS DOT); Bill Wise (Stony Brook University, SoMAS).

Council Members Absent:

Long Island Association; Long Island Builders Institute; Nassau County; NY Conference of Mayors (Freeport); Town of Brookhaven; Town of Hempstead; Town of Southampton.

Guests Present:

Frank Castelli, (Suffolk County); Adrienne Esposito, (Citizens Campaign for the Environment); Karen Graulich, (NYS DEC); Dawn McReynolds, (NYS DEC); John Tanacredi, (Dowling College CEECOM/CAC); Nancy Solomon, (L.I. Traditions); George Tekula, (Bayman, Town of Brookhaven); Rob Weltner, (Operation SPLASH).

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

Patrice Benneward, (SSER Office); Greg Capobianco, (NYS DOS); Sherry Forgash, (SSER Office); Lou Siegel, (SSER Office). Participating by call-in from DOS in Albany: Nancy Kunz, Nancy Rucks, Dennis Mildner, Jeff Zappieri, Patricia Bowie, Peter Clouse, Barry Pendergrass.

I. Welcome and Introductions

F. Anders called the meeting to order at 10:45 a.m. Introductions were made.

II. Approval of the May 17, 2010 Meeting Minutes/Comment on DOS/SSER Office Report

F. Anders: Any comments on the draft May 17, 2010 SSER meeting minutes? There were none.

Motion by Ken Budny to approve the May 17, 2010 Council meeting minutes; seconded by Nancy Kearney, carried.

F. Anders reported that the DOS/SUNY SoMAS MOU was approved and noted in the DOS/SSER Office report e-mailed to the SSERC prior to the meeting. No questions regarding the MOU and/or the report were raised. SSERC members were invited to contact DOS or the SSER office if any questions arise after today's meeting.

F. Anders described the series of DOS presentations for today's meeting. He clarified the meaning of the acronym "CMP". While CMP is most often recognized as the SSER Comprehensive Management Plan (SSER CMP) by SSERC members, in the context of G. Stafford's presentation at the May 17th SSERC meeting, CMP was used to represent the NYS Coastal Management Program (NYS CMP). F. Anders introduced George Stafford who began with a presentation on the NYS Coastal Management Program.

III. Response to SSERC: Background Information Requests

All NYS DOS PowerPoint presentations with accompanying notes can be downloaded at www.estuary.cog.ny.us

A. NYS Coastal Management Program Primer – George Stafford, DOS

This presentation provided background information for amending the NYS Coastal Management Program (CMP) to improve SSE coastal resources management. Clarification was given regarding the State's existing ocean authority, which was questioned, at the May 17th 2010 SSERC meeting.

New York State's CMP fulfills its purpose through several components: Regulatory (Consistency), which aligns Federal, State and local governments to advance the same policies, and; other Enhancements, in which the CMP provides geographic specificity to government decision making. These include Local Waterfront Revitalization Plans (LWRP) and Harbor Management Plans, Coastal NPS Control Programs and Watershed Planning, Regional Coastal Management Programs, Community Training and Emerging Issues.

A State agency's role in implementing the CMP is through regulations and management; fulfilling State consistency obligations; and, to partner to advance the CMP goals. Through the State consistency requirement, agencies must assure that the primary purpose of the law is achieved. Partners include Department of Environmental Conservation (DEC), Office of Parks, Recreation and Historic Preservation, Office of General Services, Public Service Commission, and the State Emergency Management Office. Some components of the CMP provide a unique role, such as the partnership with DEC to improve water quality through watershed planning and the coastal nonpoint program.

Local government's role in NYS CMP implementation is primarily through the development of LWRPs which provide geographic specificity to coastal policy (one LWRP has been completed in the SSER, others are under development). To strengthen protection of the SSER and address current and future threats, the DOS is moving forward, with the SSERC's assistance, in developing regional SSE amendment(s) to the CMP in the areas of water quality, habitats, and climate change adaptation.

B. Wise: Is the DOS involved in consistency decisions? **G. Stafford:** yes.

B. DeBona: What is the status of the Mastic Beach/Shirley LWRP. **Dennis Mildner** (DOS Albany): The Town of Brookhaven made the decision not to adopt the LWRP. **G. Stafford** added that a discussion with the Town of Brookhaven could be arranged.

R. Groh: Please clarify the bullets. (Correction made 3/23/2011)

G. Stafford: Replied that the SSE amendment would be both reactive and proactive in that it will lay out strategies as it relates to the issues of water quality, habitats and climate change adaptation which will serve as guidance for governments. In addition, where appropriate, the CMP would be revised in the three issues as they relate to the SSE that agencies can react appropriately to new threats and proposals.

C. Schlenk: What would decision-making criteria be based on?

G. Stafford: It would be based on the SSE issues.

C. Schlenk: What are the criteria for specificity that the decisions would be based on?

G. Stafford: Replied that the basis for specificity will become apparent through the planning process. The CMP was prepared in 1982 and the SSER CMP was approved in 2001. New information generated since that time will be factored into better decision-making.

F. Anders reminded members that **C. Schlenk** inquired about the status of the Great South Bay Ecosystem-Based Management (EBM) plan at the last SSER meeting.

G. Stafford confirmed it was still under development.

B. Ecosystem-Based Management/ Great South Bay Demonstration Area (The Nature Conservancy Study) – Greg Capobianco, DOS

G. Capobianco: Presented the Great South Bay EBM process and how it may help in creating the SSE amendment.

G. Capobianco reviewed the Great South Bay (GSB) EBM Demonstration Area work done to date. This included both the planning work and the implementation projects completed or underway. He answered questions raised at the May 17 SSERC meeting regarding the status of the Nature Conservancy's 2008 (GSB) draft EBM Plan and Technical Report and other GSB Demonstration Area products. The presentation highlighted how the GSB Demonstration Area work can inform, support and advance the development of the SSE Amendment.

The GSB EBM Plan progress to date includes:

- Draft EBM Technical Report submitted in 2008
- Draft EBM Plan with some chapters complete and others under review or being completed.
- GSB stakeholder outreach report completed in 2008; it is posted on the NY Ocean and Great Lakes Ecosystem Conservation Council's website at: <http://www.nyoglecc.org/reports.html>

Anticipated timeline to complete the EBM plan is:

- Draft EBM Technical Report – anticipated completion for a review draft 3/2011
- Draft EBM Plan – anticipated completion 6/2011

The GSB EBM Implementation progress to date includes:

- Nitrogen-loading to the GSB, Phase I was completed in 2008.
- Restoring Hard Clams in GSB was completed in 2010 and is available on The Nature Conservancy's (TNC) website and will be posted on the SSER and NY Ocean and Great Lakes Ecosystem Conservation Council websites.
- Nitrogen-loading Study Phase II – anticipated completion 2/2011
- GSB Ocean Observing instrumentation has been purchased and installation is planned for fall by SUNY SoMAS.
- GSB ecosystem model development has been initiated by SUNY SoMAS

The GSB EBM Implementation activities focus on undertaking restorative and corrective measures to attack known ecosystem problems. The objectives include: increasing the hard clam population; understanding and reducing nutrient loading, and improving monitoring capabilities. Additional activities underway by SSER partners that advance EBM include: hard clam restoration; establishing spawner sanctuaries, and restoring seagrass. The Towns of Brookhaven, Islip and Babylon all have hard clam spawner sanctuaries and monitoring programs. TNC also established spawner sanctuaries on their underwater lands and experimental work and monitoring is underway at select GSB locations.

M. Dolan Murphy: Where are the monitoring stations located?

G. Capobianco: Locations are depicted on the map, which will be shown later in the presentation. This monitoring program is more comprehensive than others in the area. It goes beyond the standard measuring parameters. The parameters to be measured include wind speed and direction, air pressure, air and water temperatures, salinity, chlorophyll, turbidity, and short and long wave radiation.

B. Wise: The large buoy will be the centerpiece of the entire system, however, buoy location is still being negotiated. The ferry route must be determined. SUNY SoMAS is working with C. Lobue of TNC on this issue.

B. Wise offered to give a presentation on the new buoy system at the next SSERC meeting. He described the buoy as approximately 6 feet in height with a base of approximately 3-4 feet wide. The buoy is equipped with lights.

G. Capobianco explained that NPS pollution is a primary concern in the GSB. DOS together with TNC are working on Phase 2 of GSB Nitrogen Study. Phase 1 was completed in 2008 by Dr. Ivan Valiela (The Ecosystem Center, Woods Hole, MA) and included a characterization of current nitrogen transport. The research work will contribute new knowledge that can be used in the development of the SSE amendment (nitrogen loading data could be used in the water quality component).

B. Grover: When will the report be available? **G. Capobianco:** Target dates: completion of the Phase 2 Nitrogen Loading Study is February 2011; anticipated completion date for the Draft EBM technical report is March 2011, and; anticipated completion date for the Draft EBM Plan is June 2011. More groundwork and negotiating remains before the Draft EBM Plan is complete.

C. DeQuillfeldt: What is happening with the Sea Level Rise Task Force? **G. Capobianco:** Some recommendations can be used to develop the SSE Amendment.

R. Groh: Requested additional information on the Phase 2 GSB nitrogen study. **C. LoBue** explained that the report divides the GSB watershed into sub-watersheds. Phase 2 will examine management options pros and cons. Dr. Valiela's team is working on a suite of options, with a workshop scheduled in for November 9 -10 (more than likely held at the Fire Island National Seashore (FINS) ferry terminal) open to all. Workshop sessions would present completed work and updates on the model results. The workshop will also seek input from attendees on locally desired options for implementation, for example, what would occur if a certain community were sewered? A second workshop would be planned to present/discuss the results of the models. Workshop invitations will be emailed.

R. Groh stated that the Phase 1 report was good and he has used it to obtain funding.

C. Schlenk: Requested an example of an EBM recommendation since that information will be included in the Draft EBM Report. She expressed that the EBM concept was difficult to understand. **G. Capobianco** explained that some examples will be logical actions taken based on available science. The difficult aspect is how to incorporate EBM into the day-to-day decision-making process as it pertains to the SSER. This is an experimental process. There are a number of EBM parameters that a community can formally incorporate into their day-to-day decision-making. The DOS plans on working with multiple entities to incorporate EBM principles into decision-making and operations.

C. Schlenk: Requested again a specific example of EBM, something that DOS would view as an EBM policy.

G. Capobianco: It could be anything from providing an improved mechanism for enhanced communication among state, federal and local governments when road work is planned that could benefit from a detailed look at water conveyance and fish passage in culverts to be redesigned and replaced. **C. Schlenk:** Explained that her reason for asking for a specific example was the interest of NOAA and Sea Grant in the EBM approach; how many communities in New York are implementing EBM? **G. Capobianco** felt that the question, at this point, was premature. The federal government is struggling with the issue of developing an approach for implementing EBM. NOAA and the federal government, who are responsible for oceans, are looking at ways to reorganize and incorporate EBM principles into their work – it is a challenge. **C. Schlenk** agreed.

B. Wise: Hopes the SSE amendment will make the connections between EBM concepts and the original SSER CMP.

G. Capobianco: There is a real opportunity to tie together EBM principles in EBM plans and in other plans; the SSER CMP has a tremendous amount of connection to EBM.

J. Hutchinson: Raised concern that on a national basis ocean policy circumvented the policy of the Magnuson-Stevens Fishery Conservation and Management Act. We have not always been happy with the decisions of the Mid- Atlantic Fisheries Management Council. Fishermen/women have been asking for the EBM approach for decades. He asked Bill Wise where an EBM approach would fit. We have limits on fisheries and regulations for the taking of fish. Would the SSERC look at ways to work in conjunction with the Magnuson-Stevens Fishery Conservation and Management Act?

G. Stafford responded that state law and the NY Ocean and Great Lakes Ecosystem Conservation Council (NYOGLECC) provides some direction on the integration of EBM into the Magnuson-Stevens Fishery Conservation and Management Act. He mentioned that MARCO (Mid-Atlantic Regional Council on the Ocean) will integrate the new concepts into existing plans on a regional basis. Five mid-Atlantic states belong to MARCO (NY, NJ, DE, MD, VA).

J. Hutchinson requested that the Mid-Atlantic Fisheries Management Council be involved in MARCO deliberations. He would also like to see commercial and recreational fishers included in the decision-making process.

T. Marquardt: How can EBM be integrated into a watershed management plan under development and not cause the plan to be delayed from completion? He noted that the Town of Islip is in the process of developing a watershed management plan and specifically asked how the plan could integrate EBM in a timely manner. **G. Capobianco:** A traditional watershed management plan versus EBM: a traditional watershed management plan focuses on water quality. EBM includes all other parameters within the watershed such as land use, uplands, people, fisheries and open space, as examples. It 'widens' the lens on the watershed.

T. Marquardt: Will coordinate the EBM aspect with Dennis Mildner. **G. Capobianco:** Described the Black River Watershed as an example of integrating EBM. The approach was broad-based because it included agriculture, businesses and users of the watershed.

J. Hutchinson: Requested a copy of the EBM PowerPoint. **F. Anders:** Today's PowerPoint presentations will be posted on the SSER website.

F. Anders: There is a lack of completed Local Waterfront Revitalization Programs in the SSER. The preparation of an amendment to the NYS CMP will address the need to update what has been done, gaps in data and direction for the future pertaining to water quality, habitat restoration and climate change adaptation. He mentioned that water quality was added to the list because of input provided by the SSERC.

IV. Preparing the Long Island South Shore Estuary Amendment to the New York State Coastal Management Program for Water Quality Improvement, Habitat Restoration and Climate Change Adaptation

F Anders: The South Shore Estuary (SSE) Amendment is intended to improve reactive decision making by government and to better guide proactive measures to improve management. At the May 17, 2010 SSERC meeting's SSE Amendment presentation, it was noted that due to a lack of completed LWRPs, DOS and other state agencies are making resource decisions using 1982 statewide policies. Amending the NYS CMP will allow agencies to use up-to-date, geographically specific information for future decisions in the SSE

A. Water Quality – Fred Anders, DOS

F Anders: Presented the power point on Water Quality. At the request of the SSERC, water quality was added to the habitats and climate change as one of the three issue areas to be explored in the development of an SSE Amendment. The presentation focused on the actions/projects that have been accomplished/undertaken to implement SSER CMP recommendations to improve and protect water quality and identified existing gaps in water quality management along with a proposed direction on how to amend the NYS CMP.

SSER CMP recommended watershed management to protect and restore human health, bathing beaches, and hard clam populations. Watershed Management Plans are one of the most viable tools used to protect and restore SSER water quality. Watershed management plans typically follow a DOS/DEC framework which includes four components: a characterization of the watershed; a preventative component; a corrective component, and; an implementation component.

Proposed Steps in developing the SSE Amendment for Water Quality:

- The original NPS control assessments were completed between 1997-2000. An update could lead to new local laws and ordinances to protect water quality
- Undertake a thorough literature search and review
- Review the water quality resource related policies in the NYS CMP
- Update and implement the Coordinated Water Resources Monitoring Strategy for the SSER (2000)

The U.S. Geological Survey (USGS) has been involved in two studies/analyses: shallow groundwater flow at the Fire Island National Seashore and an examination of trends in nitrogen concentrations and loads entering the SSE from the Patchogue River. This comprehensive and coordinated work will establish baseline data in the SSE. As noted before, the SSER 2000 Coordinated Water Resources Monitoring Strategy has not been completely implemented.

C. Schlenk: Are any of the mentioned items being implemented? Why do we need an amendment? Is it that an amendment could mean more funding for the SSE? What is the main reason that an amendment is needed?

G. Stafford: Three of the four items can be done, therefore, the amendment is an update of the NYS CMP as it relates to those three issues. This will lead to better decision-making criteria and local government decisions. Both the amendment and the NYS CMP will include implementation strategies for proactive actions.

C. Schlenk: Expressed concern with the feasibility of accomplishing these goals with existing State staff. She inquired if the DOS has the resources to accomplish the goals outlined for water quality, habitats and climate change adaptation.

F. Anders: In the future, as the SSER CMP is updated, actions would be identified and implementation of water quality improvements would be undertaken.

M. Dolan Murphy: Is federal funding available if we undertake the SSE amendment?

G. Stafford: No, the primary funding for the work would be through the Coastal Zone Management Act.

M. Dolan Murphy: Presently, EPF monies are used for water quality implementation.

G. Stafford: DOS staff would be more involved in the design of the SSE amendment, but EPF funds would still be used for implementation actions.

B. Wise: What is being amended?

G. Stafford: State law will not be amended, but decision-making criteria would be made.

B. Grover: Expressed that he was under the impression that laws would be amended.

G. Stafford: Stressed that no laws would be changed. The amendment would provide geographic specificity.

B. Grover: Stated again that regulations criteria are specific in the legislation.

G. Stafford: Responded, no.

B. Grover: Again asked if the regulations were to be amended.

T. Marquardt: Stated as an example that the SEQRA process will be amended in making decisions.

G. Stafford: Yes, that is correct.

M. Dolan Murphy: Requested a specific example within the SSE where criteria could change.

G. Stafford: Replied using the example of bulkheads installation - the decision of where to install a bulkhead may involve decisions regarding what wetland areas require protection. Presently, the decision is made on what is best for New York generally. The SSE Amendment will provide for local criteria.

F. Anders: Reinforced G. Stafford's statement, stating that this approach is not unique to the ocean or Great South Bay and that it provides for local specificity.

G. Stafford: Explained that the goal is to do what is best for the specific location versus what is best for NYS; the goal is to address the problems of a specific location with specific solutions rather than general solutions.

F. Anders: Stated that DOS has made 3,400 decisions based upon the general criteria. After the SSE Amendment is adopted, those decisions will take into account local needs and concerns.

M. Dolan Murphy: As an example, what would be the impact on a decision to build a bulkhead that is presently approved for construction, but that would now not be consistent with the new policies. Would the bulkhead be approved under the new policy?

B. Grover: Commented that when DOS makes its coastal decisions, it has the ability to bring the best science to each situation.

G. Stafford: Explained that the State can arrive at its decision based on State policies, and local governments can make their decisions; the policies are very general; the decisions may be very different; by basing decisions on specificity, those decisions are based on the problem/scenario of that specific location, not general decision-making.

T. Marquardt: The Town of Islip has been reviewing impacts to the Town's hard clam population. One issue is predation; some regulations are contrary to the principles of EBM; for a balance of predator/prey ratio; or the issuing of licenses.

C. Schlenk: Commented that geographic specificity is based on politics and not science; she referred to the example of bulkhead construction in this statement. Where would the specificity be cited?

G. Stafford: At the State level.

C. Schlenk: Does this mean that communities would lose their ability to modify state policies?

G. Stafford: Communities would still have that ability.

C. LoBue: There are few completed LWRPs and asked if the amendment initiatives are a mechanism to gain local input in the absence of LWRPs.

G. Stafford: Explained how the 1982 NYS CMP addressed LWRPs and gave an example of LWRPs and local specificity. He explained that it is the specificity aspect that is missing in the SSE.

F. Anders: If a community has an LWRP, DOS will review the policies in that community and how they direct decision-making. In the absence of an LWRP, decisions are then made on a more regional basis.

C. LoBue: There is no reason to believe that people will enter into decisions under the existing system. Is the State developing criteria on its own, or are the DOS and other agencies going to work with the SSERC?

G. Stafford: The DOS is proposing to work with the SSERC and others, and hopefully they will agree to work together.

B. Grover: This would be a more appropriate discussion in the Next Steps section of the agenda.

K. Graulich: Referred to DEC tidal wetlands regulations as an appropriate area to help guide the new criteria.

B. South Shore Estuary Habitats – Greg Capobianco, DOS

G. Capobianco presented a description of the NYS Significant Coastal Fish and Wildlife Habitat Program (SCFWHs). The program's purpose is to identify, evaluate and protect coastal habitats of statewide significance through our local planning work and federal consistency. NYS CMP policy that guides planning and decision-making for SCFWHs states "Significant Coastal Fish and Wildlife Habitats shall be protected, preserved, and where practical, restored so as to maintain their viability as habitats".

C. DeQuillfeldt: How can local governments address habitat protection?

Capobianco: An LWRP provides the community with the opportunity to expand habitat protection within its boundaries. Habitat protection is achieved through federal, state, and local consistency. The SCFWH program serves as an important tool for consistency review. The next steps for developing the SSE Amendment for habitat issues include, establishing a habitat work group which will examine geographic areas to protect, explore existing/emerging issues, and develop policy refinements/guidance over the next 18-24 months.

D. McReynolds: Defining areas of migratory corridors for waterfowl, wetlands laws and deciding how best to integrate that information into a management plan are needed; how do we make this 'seamless'?

G. Capobianco: If we are successful in refining the key issues, that will translate well into a template that can serve as a guide for future decisions.

D. McReynolds: If the template includes estuaries and the ocean, it will have a seamless approach. How do you develop significant ocean habitats when we don't know about them yet?

G. Capobianco: There is great interest in the habitats within the three mile NYS territorial waters where we do not have habitats designated yet, but where there are resources to protect. This aspect does tie in with the connection between the Ocean amendment and the SSE Amendment. DOS is looking at the existing technical memorandum used for SCFWHs and considering how it might be changed to address offshore habitats.

C. Tekula: If the SSERC had identified problems of nitrogen in the water. Has anyone looked at the possibility of harvesting algae for biofuel which could eliminate the problem of too much algae in our waters?

D. McReynolds: The DEC has looked at efforts presently being conducted for bio-extraction.

C. DeQuillfeldt: GSB waters are now on the State's 303(d) list of impaired waterbodies. What management methods should be taken to reduce nitrogen in Great South Bay?

C. Schlenk: Twenty five years ago Sea Grant was involved in the Long Island Sound Study to develop biomass by harvesting seagrass and converting it to methane. It was determined that the seagrass could be converted to biomass but that it does not convert very well. Other species were identified as more efficient for conversion to methane, however *Ulva spp.* did not work well.

G. Stafford: Laura MacKay was involved in that effort.

C. LoBue: How would SCFWH revisions affect the day-to-day decisions at DOS?

G. Capobianco: Coastal policies are law; there will be 'disconnects' on how the policies are used beyond DOS. DOS has had discussions with DEC about how significant habitats and the narratives can be used in issuing DEC permits. We need to get better at using this documentation to inform decision-making at all levels.

C. LoBue: It was mandated to have nine agencies in NYOGLECC and if DOS is communicating with these agencies, will we see the same type of revisions?

C. DeQuillfeldt: DEC reviewers do look at Coastal policies. Changing policies would change the way DEC reviews projects.

F. Anders: Certain Federal actions, such as issuing an Army Corps permit, automatically triggers a consistency review.

G. Stafford: Adapting to new information and research will be one of the components addressed in the SSE amendment. It will take years to adapt and would be an overall regional gain. For example, while the DEC may consider their regulations to deny a permit, DOS would be able to deny a specific action faster based on the new or refined policies that address the specific proposed action in a SSE location.

M. Dolan Murphy: We are reviewing the EBM study of Great South Bay one embayment at a time. We are identifying important areas. This will be a spatial planning exercise.

G. Stafford: Agreed that it may be a spatial planning exercise.

C. DeQuillfeldt: A change in the recommendations (adaptive management) is based on the information we have and new information as it becomes available.

C. Schlenk: Another aspect of EBM would be consideration of human use and economic factors. Where are these factors addressed? If the SSERC wants to implement EBM, these factors need to be addressed.

G. Capobianco: The NYS CMP habitat policy does consider human use of a habitat, both for recreational and commercial uses. The protection of habitats associated with public land also provides an economic benefit to the community.

C. Schlenk: Connections need to be explicit.

G. Capobianco: Many connections to habitat do exist, and the SCFWH designations recognize human use.

T. Marquardt: DEC and DOS do a good job with the SCFWH program. He believes that one aspect missing is the habitats for surrogates and what should occur for their survival. We need to better define these resources and habitats. He said that he has not received an answer regarding any of Islip's projects related to bulkheads.

C. Climate Change Adaptation – Fred Anders, DOS

F. Anders provided an overview of climate change adaptation work at the DOS and outlined proposed work to support the SSE amendment which will include aspects of policy and adaptation planning. Expected outcomes on Climate Change Adaptation include: new and/or modified coastal policies on climate change, inventory/mapping products, risk analysis, and a regional climate change adaptation strategy.

C. Schlenk: This will be a challenge deciding what level of sea level rise to include in the new policies.

F. Anders: DOS will use recommendations from the Sea Level Rise Task Force. The task force used figures derived from the Intergovernmental Panel on Climate Change (IPCC) and adapted those figures for local conditions. Those numbers must represent a conservative estimate of sea level rise and what is appropriate for planning needs.

C. Schlenk: Does this mean assessing different risks given a particular scenario?

F. Anders: Yes

B. Wise: Climate change is more than sea level rise. It is also species composition change, the consequences of which are clear. Some projections make planning efforts difficult.

T. Marquardt: How will sea level rise be integrated with the FEMA mapping?

F. Anders: FEMA floodplain maps do not consider sea level rise. The maps will clearly provide a starting point.

C. LoBue: In addition to the connection between sea level rise and habitats, there is also a connection between water quality and sea level rise. How effective are onsite wastewater treatment systems during sea level rise?

N. Solomon: Will the effects of water temperature on fish populations be addressed?

F. Anders: There would clearly be ecosystem changes due to water temperature changes such as a decrease in lobster and an increase in blue claw crab populations.

N. Solomon: There were issues with the current regulations.

Council meeting broke for lunch at 1:10 p.m.

Council meeting reconvened at 1:45 p.m.

V. SSE Amendment Next Steps – George Stafford. DOS

G. Stafford provided an explanation of what local governments should do after moving forward with their LWRPs. He explained the role of partners, SSE Amendment components, the planning process and the timeframe. Partners include DOS, SSER Office, three topic-based work groups, SSERC members, and stakeholders/public. The SSER CMP, an implementation strategy, will be updated to address the three main issues. The State CMP will have tighter regulations and decision-making criteria than are available at present.

SSERC members will be asked to serve on one or more work groups (water quality, habitats and climate change) to review the SSE Amendment. G. Stafford would like to reactivate the Technical Advisory Committee but as a "Science to Management Committee" which would assist the DOS in relaying scientific information/data to the SSERC and others regarding the SSE amendment. In addition, this new Committee would have a significant permanent role in assisting the SSERC and DOS in evaluating progress, measuring success and assessing future needs of the SSER. CAC members will be asked to update their constituencies about the SSE amendment.

The SSE Amendment will be both proactive and reactive, as is the NYS CMP. SSE Amendment development steps include an inventory and analysis of the issues/opportunities which will result in a refinement of NYS CMP policies and an implementation strategy. Initial next steps in the amendment process include: establishing the work groups and refining the planning process; developing work plans for water quality, habitats and climate change; defining tasks for the DOS/SSER Office; defining tasks for consultants; determining costs; and issuing RFPs and starting the inventory.

DOS will contact Council members regarding their preference/choice of a work group and how they would like to participate in the process. The Division of Budget (DOB) will be engaged to ensure that funds are available for the work. RFPs will then be issued, and work can begin several months after that action.

C. DeQuillfeldt: Will a new SSER Office director be hired? Will the Technical Advisory Committee reconvene?

G. Stafford: A director is needed for the SSER Office. The SSER Office is administered through the Natural Heritage Trust (NHT). NHT has several board members that serve at the discretion of the Governor. The decision to hire a new director has to wait until the new administration takes office and the future of NHT is determined.

G. Stafford: The TAC will take on a different role as the Science to Management Committee. Their role would involve an ongoing process tracking science/research developments for SSERC to use. It would be a step toward EBM.

F. Anders: TAC's new role might include determining what new research is needed.

C. Schlenk: Three new working groups sounds like a 'decentralized' TAC.

G. Stafford: Stressed that DOS is interested in encouraging undertaking more science management.

C. Schlenk: Due to position changes and retirement, some members of the original TAC are no longer available. She offered to make calls to find out who is available. Then the group can meet to consider and suggest what its role might be. The role of the TAC should be revisited and this should be done before the end of the year.

M. Dolan Murphy: Appreciates that the CAC was identified as having a role in this process. She said that N. Kunz from DOS had explained the new SSE Amendment process at the last CAC meeting.

T. Marquardt: The Final Dredged Materials Management Plan (DMMP) report was due from the consultant, Wood Hole Group, soon.

F. Anders: Comments on the DMMP were submitted to the contractor, and the revised report should be back by September 30. When changes are made, the final plan will be posted on the SSER website.

T. Marquardt: Are other steps needed in the DMMP?

F. Anders: This is a report on the initial steps required to prepare a final plan for dredging in the estuary.

T. Marquardt: Does the final report need to be adopted by the SSERC?

F. Anders: Will obtain an answer to T. Marquardt's question. The DMMP was presented at the May 17th meeting to solicit comments from the SSERC. Any comments were incorporated into this DMMP.

VI. SSER Citizens Advisory Committee (CAC) Report

M. Dolan Murphy presented the Citizens Advisory Committee report to the SSERC. The CAC was pleased to learn of the "victory for Total Maximum Daily Loads (TMDLs) in the Western Bays", which included funding to the SUNY SoMAS to gather data necessary for preparing the TMDLs. M. Dolan Murphy thanked all who were involved in this effort.

F. Anders: The DOS is developing an oversight committee for this project.

M. Dolan Murphy: Will the committee consist of science community members?

F. Anders: The Committee would be small group consisting of the DOS, DEC and experts in the area of TMDLs.

M. Dolan Murphy: The CAC would appreciate being informed of progress on the project.

F. Anders asked if anyone had questions for **M. Dolan Murphy**.

K. Budny: When will the Stewardship Award ceremony be held?

M. Dolan Murphy: The award is still under discussion. The CAC clarified the CAC/SSERC members' eligibility to receive the Stewardship Award to N. Kunz. Although an individual CAC/SSERC member is not eligible, his or her organization can be nominated to receive the award. The CAC remains committed to the Stewardship Award and would like to be involved moving forward, including involvement in additional changes, the review process, and implementation.

F. Anders: The award nomination form is being revised and stated the next step would be to send the revised criteria to CAC members for input.

F. Anders: Congratulated Ken Budny on his original bird carvings (on display at the meeting) as his donation for the Stewardship Award. Since there will not be a 2010 Stewardship Award, K. Bundy will hold on to the awards until further notice.

J. Hutchinson: Has there been a response from NOAA Administrator Lubchenco on the disaster declaration for Great South Bay?

M. Dolan Murphy: No response has been received as of today. The best option for federal funding is if a Commercial Fisheries Failure for Hard Clams in the Great South Bay is declared.

C. Schlenk: The difficulty with regard to the disaster declaration lies in the time over which the decline has occurred. Environmental conditions played a role in the decline. Can the decline be related to the brown tide? There might be more of an opportunity to receive the disaster declaration if the population decline can be tied to brown tide. She suggested sending a follow-up letter to Administrator Lubchenco and the US Department of Commerce (DOC).

J. Hutchinson: Agreed.

M. Dolan Murphy: A follow-up letter has not been sent to DOC.

N. Solomon: Based on a working waterfront meeting in Massachusetts, that she attended, there may be leadership conflicts within DOC. Perhaps this may have an impact on the disaster declaration.

C. Tekula: There is a 1981 NY Times article describing the effect of sewage treatment plant discharge, ground water level, and clam populations, particularly in the shallow waters of GSB.

M. Eagan: Requested a reevaluation of the annual boat tour.

F. Anders: The boat trip will not take place this year. The original plan was to rotate the tour around the SSER. In the past, M. Eagan usually donated his vessel, so the location was usually Bay Shore and Great South Bay. No decision regarding the boat tour has been made at this time.

VII. New Business/Public Comment

F. Anders: The DOS is in the process of completing the Implementation Status Report. SSER staff has contacted partners and received responses from them. DOS will send the draft report to SSERC members for review and comment.

B. DeBona: **M. Dolan Murphy** has done an excellent job.

R. Weltner: Thanked **G. Stafford and DOS** for the Western Bays TMDL project funding. He also recommended that the SSER pursue the estuary of national significance designation. He advises recommendations about the use of bottom boat paint included in any revisions to the SSER CMP.

Other comments:

N. Solomon: The SSERC should not become another environmental council, as this was not the intent. She is discouraged that promotion of partnerships has not been discussed in the context of the new SSE Amendment and that a mechanism for incorporating local knowledge into the Amendment has not been considered. She hopes that when DOS moves forward, the 'local voice' is considered. Regulations already exist through DEC. She is troubled by a lack of transparency and how contracts are awarded.

J. Hutchinson: This is his first SSERC meeting as the representative for NY Sportfishing Federation. He expressed a desire to continue a conversation with N. Solomon and asked for her contact information.

B. Tekula: Is there funding for the clamming industry? Many clambers were affected economically by the hard clam population collapse. Funding should be used to assist them. He described how the cow-nosed rays eat clams and affect clam populations in the estuary.

M. Dolan Murphy: Is the next Council meeting scheduled?

F. Anders: Not at this time, possibly in early 2011. Once decided, the date of next SSERC meeting will be sent to members.

N. Solomon: Is there a ListServe available for notifications of SSEC meetings and other SSER-related events.

F. Anders: Will find out (there is not, check the SSERC web site for information.)

Motion to adjourn the meeting at 2:40 p.m. made by Joe Febrizio, seconded by Nancy Kearney, carried.