

**South Shore Estuary Reserve Council
CITIZENS ADVISORY COMMITTEE**

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MEETING MINUTES

September 11, 2007

Long Island Maritime Museum, West Sayville, New York

Chair: Maureen Dolan Murphy

Vice-Chair: Allan Aronoff

CAC Members Present: Allan Aronoff (Brookhaven League of Women Voters); Hank Dam (Suffolk Alliance of Sportsmen); Ed Davis (Great South Bay Audubon); Linda Freilich (Sierra Club); Joe Kayal; Kevin McAllister (Peconic Baykeeper); Wendy Murbach (South Shore Audubon Society); Dave Schaper (NY Seafood Council); Ben Sohm (South Shore Bayhouse Owners Association); Florence Sharkey (Brookhaven Baymen's Association); Dave Thompson (Trout Unlimited); and, Rich Troy (South Bay Cruising Club).

CAC Members Absent: Citizens Campaign for the Environment; Fire Island Association; Islip Town Leaseholders Association; Mastic Beach Property Owners Association; Operation SPLASH; Students for Environmental Quality; and South Shore Waterfowlers.

South Shore Estuary Reserve Staff Present: Jeff Fullmer (Director); Lou Siegel (Science Coordinator); and, Clare O'Reilly (Program Administrative Manager).

Guests Present: Phil Blindenhofer (Association of Marine Industries); Laura LaTorre (South Bay Cruising Club); Tony Leung (NYSDEC); Jean Ligeti; and Nancy Kearney (Town of Oyster Bay).

1. Introductions

A. Aronoff called the meeting to order at 7:05 p.m., and asked CAC members to keep the victims of September 11, 2001 in their thoughts. CAC members and guests introduced themselves.

2. Approval of CAC Meeting Minutes

F. Sharkey motioned to approve the July 10, 2007 meeting minutes. H. Dam seconded the motion and it passed unanimously.

3. Reports

SSER Office Report

J. Fullmer updated the CAC on Reserve office activities since the last meeting:

- The next Reserve Council meeting will be held on October 2, 2007 at Dowling College in Oakdale from 1pm to 4pm. This meeting and future Council meetings will be webcast per Governor Spitzer's Executive Order No. 3. The meeting will be recorded and uploaded to a state website to make it publicly available. Following the meeting, the SSER website will have a link to the state website where the meeting recording will be available.
- Following the Council meeting, there will be a public stakeholder engagement meeting from 5pm to 7pm related to the Great South Bay Ecosystem-based Management demonstration project. The New York State Legislature passed a law last year creating the Oceans and Great Lakes

Ecosystem Conservation Council, and charged the Council with overseeing two demonstration projects - one in Great South Bay, and one in the Sandys Creek watershed upstate. The legislation recognizes that ecosystem-based management is a place-based, stakeholder driven effort. The meeting will include a description of the plan which has been developed thus far, and will provide an opportunity for feedback on the plan. All CAC members were invited to attend.

- Office staff attended the following education and outreach events with SSER exhibit: Long Island Maritime Museum Antique Boat Show (7/14), and Bradstock Arts and Music Festival (9/2).
- An educational brochure was developed by the Town of Islip with assistance from the Reserve office as part of the implementation of the Browns River/Greens Creek Watershed Management Plan. The brochure is nearing completion, and will be distributed to watershed residents by the Town of Islip. The town is also moving forward with implementation of capital stormwater projects in the watershed, which are partially funded through an appropriation from Congressman Israel. These projects are expected to be completed in 2008. As the first watershed management plan adopted in the Reserve, the Browns River/Greens Creek watershed management plan serves as a model for other towns. The Browns River/Greens Creek plan is of particular importance because it is within the Great South Bay watershed, and near the Nature Conservancy's bluepoints bottomlands hard clam restoration projects.
- The Bayway Advisory Committee met with project consultants on 9/6 to review the draft cultural resources survey prepared as part of the Bayway strategic implementation and marketing plan. The cultural resources survey will serve as the foundation for development of interpretive themes in additional project components. The advisory group also discussed a proposal for a water trail for non-motorized vessels utilizing Nassau County and local town parks as potential locations for vessel put-ins and take-outs. The proposal was presented to the Nassau County Bond Act committee for funding.
- An interpretive wayside exhibit on migratory fish for Oak Beach Park in Babylon is currently being finalized.
- The third annual Stewardship Award will be presented on the upcoming "Day on the Bay" Reserve Council partner boat tour on September 21 from 2pm to 5pm aboard the Lauren Kristy departing from the Bay Shore Marina. The boat tour is an opportunity for Reserve partners to discuss their work informally. Preserve the Reserve stewardship certificates will also be presented to volunteers who participated in a derelict vessel cleanup of "Wreck Cove." This volunteer partnership was the result of efforts by 2006 Stewardship Award winner Wilfred Kleisler to bring attention to this area.
- The Council Self Study Work Group will meet in the morning of September 21.
- There was a meeting of regional estuary programs on August 22 in Freeport to discuss the Oceans and Great Lakes Ecosystem Conservation Council, and ways that regional estuary programs can work together to advance ecosystem-based management initiatives. The CAC has previously discussed reaching out to regional estuary programs. It is anticipated this group will meet again to discuss their work.

C. O'Reilly reported on the following Reserve Office activities:

- Data collection for the barrier assessment project described at previous meetings has been completed by Nelson Pope & Voorhis. A draft report is forthcoming. Nelson Pope & Voorhis is

also preparing a watershed management plan for Beaver Dam Creek in Brookhaven, and the Carlls River in Babylon. The watershed advisory committee for Beaver Dam Creek will meet soon.

- A report on the results of the 2007 volunteer alewife monitoring survey is forthcoming shortly. Runs were documented in Carmans River and Swan River. The report will be available on the SSER website when it is completed.
- C. O'Reilly will report on both of these activities at the Long Island Freshwater Fisheries Advisory Council meeting on September 18.

L. Siegel reported on the following Reserve Office activities:

- L. Siegel participated in a water quality monitoring trip with Operation SPLASH members, CAC Chair Maureen Dolan Murphy, and representatives from Nassau County Soil and Water Conservation District to test out monitoring equipment for use in the South Shore Estuary Learning Facilitators (sSELF) program. The sSELF program also has a new page on the Reserve website. There are currently eight school groups and Operation SPLASH involved in the sSELF program. The groups will take different sets of measurements for various parameters based on the level of the group. Participants will have access to the Town of Hempstead labs to conduct analysis of samples.
- There is also a new page on the Reserve website describing the Preserve the Reserve certificate program, which includes a list of certificate recipients and pictures of recipients. L. Siegel asked CAC members to nominate individuals or groups they think deserve this recognition for their stewardship activities. An application is also available on the webpage.
- The next meeting of the Western Bays Water Quality Workgroup is scheduled for September 26.

4. Presentation on 303(d) List, TMDL, and the Western Bays

Tony Leung of the New York State Department of Environmental Conservation (NYSDEC) gave a presentation on the 303(d) list of impaired waters, total maximum daily load (TMDL) pollutant analysis, and the potential for a TMDL to be developed for pathogens and nitrogen in the Western Bays. Currently, the Western Bays (Hempstead Bay) is listed on the 303(d) list of impaired waters for pathogens and nitrogen, which respectively impair shellfishing and recreational uses. It is unclear if recreation uses are impaired, but there are concerns that the Western Bays are receiving an excess of nitrogen from groundwater and sewage treatment plant inputs. The connection between impaired uses and sewage treatment plants has not been determined. Discussion followed the presentation:

- Is the 303(d) list available online? T. Leung replied that it is available on the NYSDEC website.
- Are beach closures and the impaired water bodies list related? T. Leung replied that they are related. NYSDEC solicits information from other agencies to determine which water bodies should be listed, including county health departments which make determinations about beach closures.
- There is a relationship between pollution control, water quality, shellfish populations, salinity, and tidal flow into the bays. What is being done to look at these factors? T. Leung replied that depending on the water body, these factors are examined separately or together in the TMDL model.

- The Hempstead Bays are connected to other water bodies, including Great South Bay. Will there be a proposed TMDL for Great South Bay? T. Leung replied that it is possible that a TMDL for Great South Bay may be developed later on. The TMDL for Long Island Sound looked at all embayments in the model. TMDLs can get very complex, and are often done in segments with consideration for watersheds.
- Do SPDES (State Pollutant Discharge Elimination System) permits impose limits on the amount of pollution released? T. Leung replied that they do, and the idea is to balance the amount of pollution entering a water body by imposing limits. The TMDL model helps to determine how to allocate the amount of pollution a water body can handle.
- How long does the process take from start to when water quality is proper? T. Leung replied that it depends on the water body, what amount of pollutants needs to be removed, and what the pollutants are. Implementing pollution controls can be a few years to 15 years. The Long Island Sound has a 15 year implementation plan, with target limits set for every five years. Partners are currently about seven years into the Long Island Sound implementation process.
- How are pollutants coming from the Patchogue Sewage Treatment Plant managed? T. Leung replied that it depends on what type of collection system is in place. Older sewage treatment plants are not as good at containing pollutants as newer ones. The Patchogue plant is on schedule to retrofit their collection systems. When the retrofit is complete, the outflow of pollutants is expected to decrease.
- F. Sharkey commented that eels die in eel pots in the tidal portion of the Patchogue River following a rain storm. The length of time it takes to flush out the river is not discussed, although it is estimated to be 21 days. T. Leung reported that pollutants entering the river after a storm may be from stormwater runoff, which may lead to eel deaths. F. Sharkey said that the problem has been reported to Suffolk County, and T. Leung will also report F. Sharkey's comments to NYSDEC.
- NYSDEC can regulate point sources of pollution. It is harder to regulate non-point sources of pollution, such as onsite septic systems in the Forge River watershed. How can NYSDEC enforce TMDL limits, and when is it necessary for local governments to implement constraints on onsite septic systems? T. Leung replied that non-point source pollution is a problem that is hard to regulate. The EPA Phase II mandate requires municipalities to obtain a permit from NYSDEC to discharge stormwater into water bodies. Municipalities have a certain amount of time to reduce the amount of pollutants entering water bodies from stormwater. If a TMDL indicates that stormwater runoff is a source of pollution, limits can be put in place.
- If there is pollutant loading from groundwater sources, whose responsibility is it to address this issue? T. Leung replied that it is the local municipality's responsibility.
- Will there be a TMDL for the Western Bays? T. Leung replied that there will be, but it is unclear when it will be done. There are currently 900 water bodies on the state 303(d) list, including upstate water bodies impacted by acid rain.
- How is the decision to perform a TMDL reached after the water body is listed on the 303(d) list? Is it up to NYSDEC to determine when the TMDL process starts, or does there need to be consensus among a variety of partners to initiate the process? T. Leung replied that both options can initiate the TMDL process. There is an opportunity for public comment on what water bodies

should be given priority on the 303(d) list for TMDL. The list is then submitted to EPA, which also influences what is determined to be a priority.

- SSER is not a National Estuary Program and therefore not regulated by EPA. How can EPA be brought into the process for prioritizing the Western Bays for a TMDL for shellfishing process? T. Leung replied that EPA becomes involved when the state 303(d) list is submitted to them. Once it is submitted, priority is given to water bodies that receive a significant amount of attention and public comment. K. McAllister expressed agreement with this comment, but that he was uncertain about how priority is given for implementation of TMDLs. T. Leung replied that several SSER water bodies are on the list. It is only possible for the state to perform two or three a year, and there are two NYSDEC staff members in Albany responsible for performing TMDLs. EPA or consultants hired by EPA can also perform TMDLs. Surface water data has been collected by the Town of Hempstead, and additional data from the water column is necessary to perform a TMDL. Hempstead has received funding from Department of State (DOS) to perform additional monitoring, and they have been encouraged to apply for additional funding to initiate the TMDL process when data becomes available.
- Concerns about Ulva and other macroalgae growth based on observations need to be scientifically documented. The Western Bays is not a hypoxic environment, but macroalgae growth maybe smothering benthic organisms including seagrass. How does this translate into an impaired use as defined by the 303(d) list? T. Leung replied that this can be documented as an aquatic life impairment, and it needs to be documented spatially and temporally.
- Phosphates in soap can cause problems in septic systems. They may breakdown surface tension of water molecules, and prevent the breakdown of solid matter in cesspools which can leach into groundwater, eventually ending up in water bodies. How is this being addressed? T. Leung replied that there is a ban on phosphates in detergents in Suffolk County. CAC members commented that this ban should be wider.
- The Town of Hempstead has done Coliform bacteria counts. Will these be included in the pathogen TMDL for the Western Bays? T. Leung replied that it is up to the Town of Hempstead.
- Shellfish larvae spend three to five days in the top of the water column, and can be impacted by hydrocarbons entering the water. Will these be tested for as part of the TMDL? T. Leung replied that it is yet to be determined. He encouraged CAC members to submit comments during the public comment period of the TMDL process.

5. New Business

There was no new business to report.

6. Public Portion/Announcements

L. Freilich announced that she wrote an article about the South Shore Bayway in the Sierra Club newsletter. She also reported that she developed a curriculum for Western Suffolk BOCES that includes information on SSER, and will be distributed to other environmental science facilitators.

L. Freilich announced that Sierra Club and Operation SPLASH will be having a beach cleanup on September 22 as part of International Beach Cleanup Day. L. Siegel added that there are many beach cleanups going on in September, including one organized by the Reserve Office at the Jones Beach Fishing Piers on September 29. September 29 is also National Estuaries Day, and an online program, Estuary Live, will be broadcast on the internet that day.

N. Kearney announced that the Town of Oyster Bay has partnered with the Jones Beach Power Squadron as part of the Town's Adopt a Waterway program to clean up marine debris. There is currently a dumpster at John Burns Park where garbage can be disposed of, and volunteers are provided with bags, gloves, and a T-shirt. Ducks Unlimited member will also be volunteering as part of the program.

H. Dam announced that the Suffolk Sportsmens Alliance (SASI) is sponsoring National Hunting and Fishing Day in Ridge on September 29, and handed out a flyer describing the event.

R. Troy reported that local pump out boats had another successful season in the Reserve. This was the second season for the Town of Islip pump out boat, and on average over 1,000 pounds of sewage was pumped each weekend. The boat will be extending its operation through the next few weeks with the operator doing so as a volunteer. The Town of Brookhaven has reported similar success. N. Kearney added that Oyster Bay is ordering flags for their pump out boat to distribute to boaters so they can signal with a flag if they would like the pump out boat to come to them. K. McAllister added that Peconic Baykeeper produced pump out guides for boaters with assistance from Boat US. The guides identify pump out locations between Robert Moses Causeway and Smith Point Bridge.

K. McAllister announced that the towns of Brookhaven, Islip, and Babylon are in support of nominating the Reserve as a no discharge zone. Peconic Baykeeper is currently negotiating with the towns of Hempstead and Oyster Bay for their support. In order to nominate the south shore bays as a no discharge zone, the application needs to demonstrate that there are enough pump out facilities for the boating populace.

K. McAllister also announced that Peconic Baykeeper is releasing their 2007 Baywatch report, focusing this year on stormwater runoff. The report will be included in several local newspapers as an insert on September 26. There will also be a press conference on September 20 about the report.

N. Kearney announced that the town will be collecting expired boat flares at the Tobay Boat Show on October 7.

8. Adjournment

The meeting was adjourned at 8:35 pm.