

**South Shore Estuary Reserve Council  
CITIZENS ADVISORY COMMITTEE**  
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**FINAL MEETING MINUTES**

September 9, 2008

Long Island Maritime Museum, West Sayville, New York

Chair: Maureen Dolan Murphy

Vice-Chair: Allan Aronoff

***CAC Members Present:*** Maureen Dolan Murphy (Citizens Campaign for the Environment); Allan Aronoff, (Brookhaven League of Women Voters); Phil Blindenhofer (Association of Marine Industries); Jim Brown (South Shore Audubon Society); Michael Cafaro (Alternate for Linda Freilich, Sierra Club); Ed Davis (Great South Bay Audubon Society); Bob DeBona (Mastic Beach Property Owners Association); Lesley Kane (Islip Town Leaseholders Association); Joe Kayal (Independent); Gil Kelley (Association of Marine Industries); Kevin McAllister (Peconic Baykeeper); Ben Sohm (South Shore Bayhouse Owners Association and South Shore Waterfowlers); Florence Sharkey (Brookhaven Bayman's Association); Rob Weltner (Operation SPLASH).

***CAC Members Absent:*** Bellport Students for Environmental Quality; Pam Burford (Fire Island Association); Hank Dam (Suffolk Alliance of Sportsmen); Curt Matzinger (South Shore Waterfowlers Association); David Schaper (NY Seafood Council); David Thompson (Trout Unlimited); Rich Troy (South Bay Cruising Club).

***South Shore Estuary Reserve Staff Present:*** Jeff Fullmer (Director); Lou Siegel (Science Coordinator); Patrice Benneward (Program Implementation Specialist); Sherry Forgash (Program Implementation Specialist).

***Guests Present:*** Don Harris (Operation SPLASH); Nancy Kearney (Town of Oyster Bay); Gerry Petrella (Regional Representative, Long Island Office of Senator Charles E. Schumer)

**1. Introductions**

M. Dolan Murphy, CAC Chair, called the meeting to order at 7:05 p.m. CAC members and guests introduced themselves.

**2. Approval of July 8, 2008 CAC Minutes**

**R. Weltner motioned to approve the July 8, 2008 CAC meeting minutes. L. Kane seconded the motion; the motion passed unanimously.**

**3. Reports** –presented after guest speaker, Gerry Petrella, Regional Representative, Long Island Office, Office of Senator Charles E Schumer.

**4. Guest Speaker** – Gerry Petrella reported that Senator Charles Schumer has requested that the U.S. Dept. of Commerce (DOC) characterize the long-term decline of the hard clam population in Great South Bay as a “fisheries failure,” which would lead to a “disaster declaration” and potentially open up federal funds to address the problem. Most disaster declarations are prompted by acute causes, and requests for fisheries disaster declarations are usually initiated at the state level. Senator Schumer is working on the matter with Governor David Paterson and believes that the long-term nature of the clam population decline is not disqualifying. A recent editorial in *Newsday* focused on the importance of a disaster declaration for the south shore economy and the environment.

M. Dolan Murphy said that the Citizens Campaign for the Environment has obtained more than 9,000 signatures supporting the request and that more than 1,800 letters of support have been sent to the Secretary of Commerce. She circulated information about how to contact the DOC.

CAC members and guests commented on the severity of this year’s brown tide in Great South Bay; a red tide that appeared in Peconic Bay; the fisheries failure declared for lobsters in 1999, which resulted in some \$13.6 million in federal funding; and the importance of taking immediate steps to address nutrient loading from both point and non-point sources. CAC members pointed out that the last two decades have produced many positive changes in behavior through public education and local laws regarding pesticides, dog waste, and recycling.

J. Fullmer inquired about the source of federal funding for fisheries disaster declarations and whether the availability of local dollars, such as state funding for the Ecosystem Based Management (EBM) demonstration project in Great South Bay, might increase the likelihood of a declaration.

G. Petrella responded that there is a separate pot of money for fisheries disaster declarations and that the Secretary of Commerce has a great deal of discretion in making such declarations

CAC members and guests inquired if scallops and oysters could be included in the disaster declaration; suggested that the argument for a disaster declaration might be strengthened by including information about health consequences; and commented that there was no money to be earned from clamming this year.

G. Petrella reiterated that disaster declarations are designed to address one species only.

**3. Reports** –Reserve office Activities Update (out of agenda order)

J. Fullmer introduced Sherry Forgash, new Reserve Program Implementation Specialist. She was previously the district manager for the Nassau County Soil and Water Conservation District.

J. Fullmer reported on the following Reserve office activities:

- The tentative dates for the Stewardship Award presentation aboard the *Lauren Kristy* on a tour of Great South Bay are October 15<sup>th</sup> or October 16<sup>th</sup> from 1 p.m. to 4 p.m. A meeting to update the Reserve Council and partners about the Bayway *Strategic Implementation and Marketing Plan* (SIMP) will be held in the morning.
- A scoping meeting for the *Dredged Materials Management Plan* was held at the Reserve office on August 19. Management issues, contaminated sediments, and recommendations on how to compile a dredging plan for the reserve were discussed
- Great South Bay is one of two state demonstration sites chosen to implement EBM. The NYS Dept. of State is preparing a report for the Governor and Legislature that will contain information from the Great South Bay focus groups that met last winter. A statewide review of the draft is planned for October, and the report is due to the Governor's office in November.
- Joan Clay, a masters degree candidate at CW Post College who interned at the Reserve office this summer, has developed a Geographic Information System (GIS) database of as many water quality monitoring sites in the Reserve and parameters as she could document. This database will help with coordination of monitoring efforts within the Reserve, as recommended in the *Comprehensive Monitoring Plan* (CMP).

J. Fullmer called attention to several newspaper articles in the handouts and requested that CAC members send pertinent articles they see to the Reserve office.

The Reserve office notes a gap in data analysis regarding Total Maximum Daily Loads (TMDLs). Monitoring should begin in spring 2009. There will be an agreement between US Geological Survey (USGS) and NYS Dept. of Environmental Conservation (NYSDEC) to include nitrogen. New data, along with the existing historical data, will be critical for developing TMDLs to determine the source and quantity of pollution and methods to reduce it. A model for nonpoint source and point source pollution will be developed as part of this data analysis.

J. Fullmer described the status of two reports:

- The “*Monitoring Alewife runs in the South Shore Estuary Reserve, Report on the 2008 Volunteer Survey*”, is finished and was included in the handouts. This is the third year that alewife monitoring has been performed. A fish ladder was installed at Hards Lake Dam on the Carmans River this spring. Thanks to Jake Kritzer of Environmental Defense for his work on the project. Environmental Defense and Seatuck will coordinate the program from now on and will be hiring staff and recruiting volunteers to work on diadromous fish surveys. This year’s report noted a decrease in the number of volunteers. CAC members are requested to do whatever they can to help recruit volunteers for next spring

- The *Final Report, Inventory and Analysis of Barriers to Fish Passage for Six Long Island South Shore Estuary Reserve Tributaries* is near completion. The revised copy from the consultant, Nelson, Pope and Voorhis, including revisions by the Reserve office, has been submitted. The final report will be shared with the Diadromous Fish Workgroup. The consultant is also working on the development of a watershed management plan for the Beaver Dam Creek and Carlls River watersheds. There is a watershed advisory committee for Beaver Dam Creek. A draft watershed management plan may be available by the next CAC meeting.

L. Siegel reported that J. Clay went beyond the required work for the GIS water testing site mapping project by including many monitoring parameters within the database she created based on information provided by partners. J. Clay is the most recent recipient of a Stewardship Certificate for this work. L. Siegel asked CAC members to notify him of students who may be interested in interning in the Reserve office

L. Siegel reported on the following Reserve office activities:

- The National Estuary Day Beach Cleanup supervised by the Reserve office will be held at Jones Beach on September 27. The flyer was included in the handout packet. Volunteers will log the amount and types of litter they collect. The data will be entered into both national and international databases. There are 20 cleanup sites within the Reserve, all of which are listed on the website. The area’s National Estuary Day Cleanups are sponsored by the Northeast Chapter of the American Littoral Society.

- The sSelf program continued water quality monitoring during the summer. The groups involved were Operation SPLASH, Nassau County Soil and Water Conservation District, Bellport High School, Blue Point High School, and Great South Bay Buddies. L. Siegel asked CAC members to notify him of any groups that may be interested in participating as the office would like to expand the program.

J. Fullmer noted a need for a data repository for all the data collected within the Reserve, a development that would facilitate sharing and a goal stated in the CMP.

P. Benneward reported on the following Reserve office activities:

- Work on the *Partners for Progress Implementation Status Report, 2006 through June 2008*, is in progress. More than 200 calls and emails have been made or sent to contact these partners for information regarding work they conducted during the report period. To date, the Reserve office has received about 40 responses.
- Based upon comments from the Advisory Committee, a critical evaluation of the draft and all of its components by the office staff, and in-depth conversation with consultants, we have reworked the Bayway SIMP. The revisions have been fairly extensive, and, while they haven't changed the substance of the plan, the hope is that they improve the focus, both generally and section by section.

The revisions were aimed at making the document, itself, more user-friendly so that readers can find their way around it. This has involved some changes as simple as creating a more detailed table of contents and making sure that the table of contents, headings, and subheadings are consistent throughout the text. Another goal was to reduce jargon. We also worked hard to maintain and improve accuracy

This has been a major cooperative effort, as the plan contains many elements: a cultural resources survey; list of capital improvements with suggested sources for funding; visual identity (including a logo) and themes for signage; brochure and website; description of the Maritime Centers, destinations, and connectors already recognized by the Reserve Council; suggestions for new Maritime Centers, destinations, and connectors; process for keeping the Bayway a living, breathing, vital, flexible, and useful program going forward.

The plan required the expertise and collaboration of four consultant firms and has been a team effort. The plan we have come up with together will be a great help in creating awareness of the south shore estuary for a long time to come.

J. Kayal asked if the advisory committee would see the plan once again before the boat tour and was informed that a PDF would be emailed to committee members.

### **5. Presentation: Bottom Boat Paint, Rob Weltner, Operation SPLASH**

R. Weltner distributed a report entitled, *Bottom Paint with Cuprous Oxide* by Jaime L. Buzzeo and an EPA fact sheet on copper and screened a video entitled, *Time for a Change: Alternatives to Copper-Based Boat Bottom Paint* by University of California, Agriculture and Natural Resources Communication Services, Sea Grant of California, depicting alternatives to copper-based bottom boat paint and anti-fouling paints.

R. Weltner reported that Long Island boaters commonly use ablative bottom paint, which contains cuprous oxide. Potentially harmful deposits of cuprous oxide may be deposited in waterways as the paint slowly leeches off the hull or washes into the water when boats are hauled for cleaning. Samples from south shore waterways obtained by Operation SPLASH confirm that such build up occurs in Reserve waters. This toxicity may be directly responsible for the absence of many desirable species, including blue-claw crab and flounder, in south shore canals.

NYSDEC regulations require that marina operators obtain a pesticide applicator license to apply bottom paint. Allowing polluted runoff to reach waterways violates stormwater permit requirements. The fine for violating stormwater permit requirement is \$37,500. Noncompliance can be documented in a photo and sent to Operation SPLASH, which will pass along the information to the NYSDEC.

Connecticut marinas typically use about 1 gallon of bottom paint per foot of boat, compared to Long Island marinas, which typically use 2-3 gallons per foot. Connecticut regulations require that marina owners clean water that may be tainted with ablative bottom paint before discharge or that they truck it off site.

Many people are unaware of the damage that can be caused by ablative paints. Operation SPLASH is working to educate marina owners through the NYS Clean Marina Program and recommends using a product called ePaint®. Developed by the military, ePaint® contains TBT (tributyltin). Boat bottoms treated with the product have a smooth surface that keeps organisms from attaching. ePaint® costs about \$245/gallon. R. Weltner has used ePaint® on his own boat and did not notice any growth for 2 years during which the boat wintered in the water.

N. Kearney commented that a workshop held on Shelter Island not long ago focused on antifouling paints and many boatyard owners attended.

## **6. Nominations for CAC Chair/Vice-Chair for 2009-2011 Term**

M. Dolan Murphy opened nominations for CAC chair and vice-chair. She thanked the members of the CAC and would be honored to continue serving as chair if the committee so desired. She thanked Allan Aronoff, CAC vice-chair, for serving this past term.

M. Dolan Murphy requested nominations from the CAC.

L. Kane nominated Maureen Dolan Murphy to serve as chair of the Citizens Advisory Committee during the 2009-2011 term. B. DeBona seconded the nomination; the nomination passed unanimously.

M. Dolan Murphy nominated Allan Aronoff to serve as vice-chair of the Citizens Advisory Committee during the 2009-2011 term. R. Weltner seconded the nomination; the nomination passed unanimously.

M. Dolan Murphy closed the nominations. Voting will take place at the next CAC meeting in November.

## **7. Public Portion/Announcements**

### **Discussion: Total Maximum Daily Loads (TMDLs)**

R. Weltner reported that the deadline for development of TMDLs for the Western Bays is 2013. He requested the CAC send a letter to the NYSDEC asking for a TMDL timeline.

J. Fullmer said the NYSDEC develops a schedule for TMDLs. Listing on the Priority Water Bodies List is an indication that the NYSDEC intent to prepare a TMDL. DEC publishes a proposed schedule for TMDL development every couple of years but TMDL development relies on the availability of resources and accurate data. Getting on the schedule as a priority would be positive

M. Dolan Murphy said that in the past the CAC has had success by mailing a letter to NYSDEC requesting information and by inviting a speaker.

R. Weltner made a motion that the CAC write a letter requesting a timeline for the development of TMDLs for the Western Bays. J. Kayal seconded the motion; the motion passed unanimously.

M. Dolan Murphy will draft the letter and invite someone from NYSDEC to attend a CAC meeting to provide an update on and explanation of the TMDL process.

J. Fullmer said that other agreements in process will be relevant to TMDLs. The Reserve office's intention is to reconvene the Western Bays workgroup for a presentation once the USGS-DEC agreement is finalized. Data should include nitrogen monitoring, mapping the bathymetry of the bay bottom, and more. Accurate data is key in the development of TMDLs.

### **Other discussion/announcements**

B. Sohm stated that clam reproduction process starts in the top 2 inches of water column and that he was not aware of testing for hydrocarbons in bay waters, particularly in the top 2 inches of the water column. He described how stormwater runoff can affect clam reproduction and reiterated the need for monitoring hydrocarbons in bays waters in addition to other potential contaminants when preparing for development of a TMDL.

L. Siegel said that, as this topic had come up at a previous meeting, he looked into the matter and found that in some areas of the bays hydrocarbons are monitored. He said that the areas where testing is being conducted and the parameters being testing can be researched using a GIS map completed for the Reserve office this summer by J. Clay.

N. Kearney said that Sea Grant recently held a conference of the Hard Clam Advisory Committee at which researchers reported on findings regarding hard clam populations in the Reserve. A summary of the conference and findings will be published.

J. Fullmer said that the NYS Assembly Environmental Conservation Committee held a hearing about stormwater issues last spring. The Reserve office was invited by the committee to submit testimony regarding priorities for stormwater management. Copies of the submitted testimony are available from the Reserve office.

M. Dolan Murphy read a response from the Town of Babylon regarding CAC members questions and concerns regarding stormwater drainage issues on town roads and drainage systems that were under construction.

K. McAllister reported on the following:

- Five towns within the Reserve have applied for a no-discharge zone designation for the south shore bays. The application must be reviewed by NYSDEC. He requested that the CAC support the application.
- In excess of 500 feet of certain Forge River wetlands located within Poosepatuck tribal lands have been filled with debris; no NYSDEC enforcement activity has been noted.
- A pamphlet about sustainable landscaping (bayscaping) will be delivered to 3,000 households beginning in October in connection with the Forge River Management Plan; he distributed samples.

L. Kane reported that the Islip Town Board enacted an ordinance banning jet skis in Great South Bay wetlands. She is available to assist others who wish to enact a similar law in other municipalities. Also, storm drain medallions are being installed in some neighborhoods within the town.

The meeting adjourned at 9:10 p.m.