

South Shore Estuary Reserve Council Meeting

October 20, 2016 10:00 a.m. – 3:00 p.m.

State Office Building, Hauppauge, NY

Final Minutes

Attending:

NYS DOS/Office of Planning and Development (* Council Members)

Sandra L. Allen *, Deputy Secretary of State
Gregory Capobianco *
Jeremy Campbell, South Shore Estuary Reserve Office
Carolyn LaBarbiera
Kaitlyn Smith
Lou Siegel, South Shore Estuary Reserve Office
Sherry Forgash, South Shore Estuary Reserve Office

Council Members:

Soren Dahl (NYS DEC, State Seagrass Coordinator), for Charles DeQuillfeldt
Michael Eagan (Captree Boatmen's Association)
Joseph Febrizio (City of Long Beach, Deputy Commissioner DPW)
Lauretta Fischer (Suffolk County Division of Planning and Environment, Chief Environmental Analyst)
Rich Groh (Town of Babylon, Dept. Coastal and Environmental Management, Chief Environmental Analyst)
Robert Grover (Great South Bay Audubon, Conservation Co-chair)
Carl LoBue (The Nature Conservancy, Marine Reserve Specialist)
Kevin Moran (L.I. Builders Institute), for Mitch Pally
Maureen Dolan Murphy (CAC Chair/Citizens Campaign for the Environment)
Marty Shea (Town of Southampton, Chief Environmental Analyst)
Lane Smith (NY Sea Grant, Research Coordinator), for William Wise
Rob Weltner (CAC Vice Chair, Operation SPLASH)
Gregg Williams (Department of Transportation)

Other:

Pat Aitken (Nelson, Pope & Voorhis)
David Berg (L.I. Regional Planning Council)
Jeanmarie Buffet (Governor's Office of Storm Recovery, Presenter)
Angus Eaton (NYS Department of Environmental Conservation, Presenter)
Adrienne Esposito (Citizens Campaign for the Environment)
Shawn Fisher (U.S. Geological Survey)
Dan Gulizio (Peconic Baykeeper)
Tony Leung (NYS Department of Environmental Conservation)
Enrico Nardone (Seatuck Environmental Association)
Chris Schubert (U.S. Geological Survey, Presenter)
Rob Welk (U.S. Geological Survey)

Welcome and Introductions:

Jeremy Campbell called the Council meeting to order at 10:17 a.m. He introduced himself to the Council and gave a brief background on his position with the NYS Department of State, Office of Planning and Development. He began his employment in April, to coordinate and guide project implementation within the South Shore Estuary Reserve (Reserve). A round of introductions was made by all attendees.

S. Allen, Deputy Secretary of State for the Office of Planning and Development (OPD) gave a more detailed explanation of OPD responsibilities and current projects. Several changes have been made at OPD and there are new requirements to which the DOS must adhere. Nancy Rucks and Myra Fedyniak have been moved to the Long Island Region and Local Waterfront Revitalization Program (LWRP) work; J. Campbell is now coordinating Reserve activities for DOS. She also explained the rollover of the old Reserve website into the new DOS OPD website. The address is: www.dos.ny.gov/opd/Reserve. OPD staff also works on LWRP associated grant programs. OPD is implementing the Downtown Revitalization Initiative where each area received \$10 million. Westbury is the town chosen on Long Island for this initiative.

S. Allen described how DOS would like to see a shift in the approach to Reserve Council meetings, with more suggestions and feedback from Council members; the meetings can be hosted at different locations.

B. Grover noted that meetings were held at various locations in the past.

Reserve Projects and Status:

J. Campbell stated:

- Approximately \$4 million remains in the Reserve Open Space Account and is available for projects.
- The budget for the Reserve is \$900,000 per year from the Environmental Protection Fund.
- Currently the Reserve has approximately \$4 million available to assist with implementation of the Comprehensive Management Plan goals.
- The 2011-2015 Implementation Status Report draft was sent to all Council members for comments, which are due back to L. Siegel by October 27 via email (Lou.Siegel@dos.ny.gov).
- Two active projects within the Reserve are the DOS/USGS Coordinated Water Resources Monitoring Strategy Update (\$210,000), and the Innovative/Alternative On-site Wastewater Treatment Systems with Suffolk County (\$90,000) and a recently completed report by Chris Gobler of SoMAS, Reserve Eastern Bays Project: Nitrogen Loading, Sources, and Management Options.
- Other efforts include a DOS commitment to a \$3 million resiliency RFP to assist communities not included in the NYRCR CDBG-DR funding.
- \$500,000 for transfer of development rights (TDR) program to develop a draft Generic Environmental Impact Statement

- Aerial benthic eelgrass mapping for all of the Reserve to begin in spring of 2017 and funded by the Governor's Office of Storm Recovery and to be updated in 5-year intervals.
 - Volunteers with boats are needed for this project to help with groundtruthing.
 - C. LoBue noted there should be communication with FINS on this project as FIMP funds may be available for implementation;
 - S. Dahl noted there is a large variation of aerial SAV survey accuracy in this type of project and that groundtruthing is important in confirming these surveys.
- M. Dolan Murphy asked if there are plans for the \$4 million available for Reserve projects. J. Campbell responded that no decisions have been made but the Council will be involved in decision/s on the use of the available funding.

Coordinated Water Resources Monitoring Strategy (CWRMS): (See PowerPoint)

Chris Schubert, U.S. Geological Survey, gave a presentation on this DOS funded project. Its purpose is to update the CWRMS that was originally written in 2000. Much has changed since it was first written. The project began in October 2014 and will be completed by June 30, 2017. In addition to Chris Schubert, other staff on the project includes Shawn Fisher (USGS), Rob Welk (USGS), Jason Finkelstein (USGS), Lou Siegel (Reserve Office), Sherry Forgash (Reserve Office), Jeremy Campbell (DOS/OPD) and past staff included Nancy Rucks and Myra Fedyniak, both of DOS/OPD.

The six (6) tasks were explained in more detail. Task 1 was the selection of Project Advisory Committee (PAC); Task 2 – to develop a monitoring strategy; Task 3 – the water quality website (www.sserwaterquality.us); Task 4 – a water quality monitoring database; Task 5 – quality control protocols; Task 6 – generate the updated report.

To date, 3 PAC meetings and 1 workshop were held to guide the report and provide updates; staff met with various stakeholders individually, to gather input on monitoring program and data gaps; and staff participate in ongoing conference calls to move the project forward. A draft document is complete and will be discussed at the next PAC meeting to be held October 27 at Molloy College at the Suffolk Center.

The website depicts locations of monitoring station information, metadata, and data location presented online via a mapper; resources and relevant scientific papers are presented on the website; the website functions are easily expandable to the rest of Long Island.

USGS is in the process of expanding the filtering tools on the mapper; query functions by HUC or waterbody.

South Shore Estuary Reserve Comprehensive Management Plan (CMP):

Greg Capobianco explained that the update of the CMP is part of a Federal grant responsibility that DOS must meet by June 2017.

Kaitlyn Smith, who is part of the CMP update team, introduced herself; she graduated from SUNY SoMAS and performs consistency reviews and technical reviews for the LWRP at DOS/OPD. Many projects identified by Long Island communities during the NYRCR planning process were ineligible for GOSR funding. DOS has begun to identify key projects from the GOSR C-lists to feed into the revised sections of the CMP.

Some issues that will be included in the CMP update are sewage treatment plant upgrades; natural shoreline stabilization; marshland restoration; Blueway trails; shellfish breeding; and stormwater infrastructure upgrades

G. Capobianco said a series of council workgroups would be scheduled in the near future, to solicit input into the CMP update.

Carolyn LaBarbiera, also part of the CMP update team, introduced herself; she graduated from Duke University. She works with the climate change and resiliency unit at DOS, and deals with hazards, climate change and coastal processes. She is currently on a team involved with the Community Risk and Resiliency Act, dealing with sea level rise, storm surge and flooding and developing guidance on using natural measures to promote resiliency.

The updated CMP will have a new chapter on Resiliency. The aftermath of Katrina and Sandy taught us that quality of life is at risk from extreme storms. C. LaBarbiera is gathering background information on these topics; for example, potential changes in water temperature can affect water quality; septic systems are at risk; there have been more rainfall events; all which can affect natural resources. Ecosystem services, a new concept, will also address the additional benefits that natural systems can provide, such as water filtration and risk reduction, which add value to these systems. She wants to emphasize the interconnectedness between the ecological, social, and economic systems (how the failure of one system can also affect others). She noted that there is no mention of climate change in the existing CMP, so she wants to include general projections. All this information will be included in the new Resiliency chapter. She also indicated that she is looking for input from the Council on these topics and other ideas on what a resilient Reserve looks like.

Bob Grover mentioned the past effort, when Fred Anders was at the DOS, of an SSE Amendment, that would address habitats, climate change and offshore energy issues (and water quality). G. Capobianco explained that DOS is no longer pursuing this approach of amending the Coastal Management Program. Rich Groh suggested referencing the NY Rising Community Reconstruction Plans and consider them when writing the new CMP Resiliency chapter. G. Capobianco agrees with this approach. Lane Smith questioned how long the new CMP could be considered an active

document. G. Capobianco said it would be completed by June 2017, and would be updated more regularly than every 15 years. Marty Shea mentioned bulkheads, and that we need to explore new model codes that will enhance shoreline restoration processes. Bulkheads were impacted by storm surge and sea level rise where natural shorelines bounced back; this reinforces the idea that natural resiliency measures are preferred over bulkheads. Bulkheads should be removed, however, many coastal contractors do not have experience in creating natural shorelines in coastal restoration and are resistant to change. There are also some permitting issues that make this more difficult. C. LaBarbiera mentioned that model local laws for shoreline restoration are being developed as part of CRRRA requirements. There are challenges with regard to State DEC regulations. M. Shea mentioned there is a need to revisit the State DEC tidal wetlands policies which currently allow for the maintenance of a 50 foot lawn in order to meet the 50-ft buffer requirement, which provides no benefit against coastal storms.

South Shore Estuary Reserve - Citizens Advisory Committee (CAC) Report:

Maureen Dolan Murphy thanked the Council for holding the meeting. Informed Council that the CAC met on September 13, 2016 at the Seatuck Environmental Center. J. Campbell had described the CMP update at that meeting. M. Murphy reviewed the priorities that the CAC would like to see addressed in the CMP update:

- The CAC still would like to see an Reserve Director hired, and that the Director's presence should be on Long Island in the South Shore Estuary Reserve;
- Issues at the Bay Park Sewage Treatment Plant still need to be addressed for improvement of the Western Bays;
- A comprehensive nitrogen reduction strategy should be included, and efforts should be coordinated with LINAP;
- Priority areas such as Oakdale, Forge River and Carlls River, should be sewerred;
- The Blueway Trail should be extended into Suffolk County;
- Fertilizer/pesticide use should be reduced;
- Study and reduction of microplastics in the Reserve;
- Ban release of balloons;
- Single use plastic bag ban or fee throughout Reserve, as in Suffolk County and City of Long Beach;
- Horseshoe crab protection policies;
- Support of oyster/shellfish farming in the Reserve.
- CAC was approached by Congressman Zeldin about Reserve being included in the National Estuaries Program.

Council Roundtable Discussion:

J. Campbell requested feedback from the Council.

Carl LoBue described the Oakdale New York Rising Community Reconstruction (NYRCR) plan in terms of resilience to the community. Waterfront homes are being raised; shorelines are being bulkheaded, which in turn is leading to diminished views, loss of natural shorelines and poor water quality. The citizens developed their NYRCR plans and agree that focusing on what historically made their community an attractive place to live or own a business was the river, the bay, canals, wetlands, and waterfront. But that over time they are no longer receiving the full potential value of these assets because of loss of public access to the waterfront, loss of natural shorelines that allow for getting feet in the water, deteriorating water quality, loss of fisheries, and declining wetland health. They have come to embrace that reviving the value of these natural assets would increase the desirability, viability, and thus long-term resiliency of their community. They have recommended that where houses were bought out after Sandy, the property should be utilized for passive-use parks, and they could also utilize some of this space for bioswales to help manage stormwater. They have proposed revitalizing the wetlands by modifying historically constructed yet completely unnecessary berms that are damaging the wetlands and direct flood waters into the community instead of the wetlands. And they want to connect the waterfront to the interior of the community through footpaths through the public wetlands. Oakdale 'embraced' their waterfront and is thinking broadly about how they define resilience. Unfortunately, none of these good ideas have yet been implemented and it now appears some of the open space that was created with buy-outs might get re-developed or privatized in ways that would restrict its ability to be re-purposed in ways that have value to the entire community.

Marty Shea reported that the Town of Southampton has \$60 million in its Community Preservation Fund (CPF), which is supported by land transfer taxes. The Town's focus is on resiliency and storm damage reduction; buying houses and converting the land back to its natural state through the CPF. It has been difficult to achieve some goals. B. Grover mentioned that the Town of Southampton is the only one within the Reserve with a CPF. A. Esposito mentioned that on the Mastic peninsula, after the buyout of some homes post-Sandy, what remains are very small parcels of land; and there are concerns that buyouts may lead to a re-appropriation of property taxes and thus a tax increase to those homeowners who remain. Community members have also expressed concerns over how open space areas will be policed. M. Shea also described that CPFs are paid to the local school districts as part of the CPF program; these details were worked out between the local towns and the school districts; this may assist communities in getting support for land preservation.

S. Allen proposed to engage the public through informal community meetings to provide them with the tools to move forward.

Lauretta Fischer mentioned that the USDA Natural Resources Conservation Service (NRCS) will buy 60 parcels in the Mastic/Shirley wetlands area. Each parcel requires the submission of a separate application. Suffolk County is working with NRCS on this effort. She said that competing views exist – one side wants to preserve and restore; the other side wants to build. It is difficult to disseminate information to communities;

When buying wetlands, some of the parcels are small; variances are required; L. Fischer will be going before the Suffolk County legislature about this; building continues; “where do you draw the line?”; wetland allowable development exists; the State law needs to be revised because too many variances are allowed to build within wetlands; need to be able to illustrate wetland benefits to communities.

R. Groh said that structural upgrades to Sandy-damaged homes are important; many structures must be elevated; much hazardous waste was released during Sandy; oil tanks were anchored according to national code; need to uplift roads and upgrade stormwater systems.

Soren Dahl mentioned that from a habitat perspective, the Long Island Sound Comprehensive Conservation Management Plan (CCMP) and the Peconic Estuary Program Comprehensive Management Plan (CMP) could be referenced. We have a short timeframe to complete the SSER CMP update. Possibly we should narrow down the main focus. He asked that Submerged Aquatic Vegetation (SAV) and their benefits please be considered in the CMP update. SAVs are included in Tidal Wetland law.

Carl LoBue said the communities have questions on who owns the land after the damaged houses are removed; who will maintain the vacant land? Carl discussed property management – removal of dams beneficial to migrating fish and cheaper than constant removal of invasive plants and HAB's.

Rob Weltner described that in Freeport, there is no open shoreline space; it is all “hardened” with bulkheads. The houses with salt marsh property nearby were spared from Sandy wave damage. Operation SPLASH collected approximately 10,933 plastic bags and 1,576 balloons during 2015 boat clean up's. Rob also mentioned that they had a campaign to get large party boats to use more humane circle hooks and to go slower in waterway areas near salt marshes to prevent damage to the marshes from large boat wakes. There is potential for the Captree Boatman's association to use circle hooks as well.

S. Allen asked how Operation SPLASH approached the party boat captains. Rob said that they used economic incentive – savings on gas to go slower.

Lane Smith suggested public outreach be done, to inform homeowners and other specific audiences, such as boat owners about best practices regarding balloons, fertilizer, plastic bags; possibly have flyers available at bait shops

Lunch Break

PM Session resumes.

Long Island Nitrogen Action Plan (LINAP) and the South Shore Estuary Reserve:

Angus Eaton, NYS DEC Division of Water, gave a presentation on LINAP; it is a broad plan to reduce the levels of nitrogen in surface and groundwater and improve water quality on Long Island (pop. 2.8M). The LINAP scope was completed in 2016. He

reviewed the importance of Long Island's water resources; mentioned how the Suffolk County Comprehensive Water Resources Management Plan led the way to LINAP.

Governor Andrew M. Cuomo's series of meetings in 2014, *Coastal Resiliency and Clean Water Infrastructure Needs on L.I.*, was critical to the development of LINAP.

The presentation reviewed how nitrogen affects water quality: loss of critical habitats; low-oxygen zones; toxic algal blooms (has health implications); wetland degradation; reduced natural storm buffering capacity/reducing storm resiliency; loss of salt marshes; loss of eelgrass beds; decline in shellfish numbers (economic effect).

In 2015, \$5 million was allotted for locally driven nitrogen mitigation efforts. The DEC and the L.I. Regional Planning Council are LINAP partners, together with Nassau and Suffolk counties; workgroups will be established.

Some key people involved in the development of LINAP are Dr. Chris Gobler (SoMAS), Walt Dawydiak (Suffolk County), the DEC. The DEC is also coordinating with Reserve Office and C. Gobler's lab. Some priority areas discussed in LINAP are the Forge, Patchogue, Connetquot and Carll's river watersheds.

The goals of LINAP are to identify the sources of nitrogen; establish reduction endpoints; identify ecological endpoints; establish N-loading targets; and, to define and take action to decrease nitrogen to protect ground and surface waters.

The early-action LINAP, expected to be completed in 12-18 months, will delineate sub-watersheds. The full-term LINAP, expected to be completed in 36-48 months, will target wastewater, decentralized wastewater systems, sewer-dense areas, advanced onsite wastewater treatment systems, fertilizers, wastewater re-use, agricultural BMP study, FIMP and permeable reactive barriers. There is a need for a county-wide wastewater management district analysis. It may be beneficial to address wastewater at the same time as house raisings associated with FIMP.

State-funded LINAP related ongoing work lists the projects:

- sub-watershed planning;
- USGS sub-watershed delineation;
- USGS Island-wide study.
- DOS-funded projects:
 - 1- *L.I. SSER Eastern Bays Project. Nitrogen Loading, Sources, and Management Options*, SUNY Stony Brook SoMAS; and
 - 2- SSER Coordinated Water Resources Monitoring Strategy, USGS; 3- Suffolk County Innovative/Alternative Onsite Wastewater Treatment Systems.

Nassau County LINAP-related activities include :

- Bay Park Sewage Treatment Plant;
- Bay Park Ocean Outfall;
- Sea Cliff sewerage feasibility study (not in Reserve);

- Innovative/Alternative Onsite Wastewater Treatment Systems (current project with DOS and Suffolk County).

Some suggestions were to harmonize LINAP with the EPA Long Island Sound Nitrogen Strategy and to join the LINAP ListServe.

Some comments made: Lou Siegel questioned why more composting toilet projects were not implemented; A. Eaton explained that the most nitrogen was derived from urine, not solid waste. B. Grover noted that nitrogen is not noted in the FIMP report. S. Dahl noted that SAVs are being impacted by nitrogen, and nitrogen drives HABS and harms the rootmass of marsh islands; leads to eutrophication and a shifting ecosystem. A. Esposito noted that 80-85% of the nitrogen in the Western Bays is from the Bay Park STP. R. Groh has seen many failing, old OWTS; they are actually collapsing, especially during the 13"+ rainfall event in August 2014; failing septic systems are flowing raw sewage into storm drains and rivers (there is a nexus between stormwater and wastewater that needs to be considered). R. Groh will send the number of failing/collapsing septic systems to A. Eaton. C. LoBue commented that even though many residents were connected to public water supplies over the years, they still have outdated septic systems/cesspools; more water is being added to the system, raising the water table, flooding septic systems, and exacerbating the issue. Many cesspools exist within the water tables. Most nitrogen is derived from road runoff.

In another effort in the Reserve, the U.S. Navy proposed a plume remediation at the old Grumman site, in which 20 million gallons of water per day would be removed and discharged into Massapequa Creek. Some of the water needs to get put back into the aquifer system; there is a need for assessment of what effects this might have on the creek.

Update on Superstorm Sandy-related Projects: (www.stormrecovery.ny.gov) (See PowerPoint)

Jeanmarie Buffet, Governor's Office of Storm Recovery (GOSR) New York Rising Community Reconstruction (NYRCR) Program, Director, L.I. Region, gave a presentation on the history/status of the NYRCR program. Superstorm Sandy struck on October 29, 2012; Congress passed a Disaster Relief Act in January 2013. The disaster funding comes through HUD Community Development Block Grant-Disaster Relief (CDBG-DR). GOSR manages a total of \$4.4 billion in CDBG-DR funds. NYRCR is now in the implementation stage. There are 254 projects in development totaling \$466,159,017 throughout New York State. Money allotment was based on damage assessment studies by FEMA. On Long Island, there are 62 active projects totaling \$211,000,000, most of which are implementing drainage studies and green infrastructure projects. There are also a number of critical facility hardening projects. There have been 24 construction/notice to proceed starts to date. There is a drainage/mapping studies being done, that in total cover more than 100 square miles.

Nassau County was allotted \$197.6 million, and Suffolk County was allotted \$51.5 million through the NYRCR program.

GOSR partners with NOAA, DOS, and DEC for a Benthic Habitat Survey of the Reserve. The last one was done in 2002. “Living with the Bay”, a NYRCR project will be implemented in Nassau County for \$125 million. J. Buffet explained that the community projects were selected from the NYRCR plans that each community was required to complete; projects were chosen taking into account risk assessment. Most of the projects are located in Nassau County, which sustained the most damage on the south shore. Many projects are also being implemented in Suffolk County. To see where the projects are located and download the NYRCR plans, visit the Storm Recovery website at: www.stormrecovery.ny.gov. One major project is located in Copiague totaling \$8.9 million to reconstruct a bridge.

J. Buffet explained that the first mover projects will likely take up the allotment of the CDBG-DR funds, and there will be no more CDBG-DR funding secured for Sandy-related damage.

Reserve Council Roundtable Discussion:

G. Capobianco explained the CDBG-DR funding eligibility criteria.

M. Shea – how will we now move forward?

G. Capobianco – What are the Council’s thoughts on meeting through work sessions, to solicit information to use for the CMP update? Projects/work that remain to be done, must be included in the update.

C. LoBue asked if a regional analysis was done for the NYRCR program; GOSR combined some projects into community programs. GOSR does not have a public list of all projects. A governor press release indicates the 1st round projects for Long Island. Work is currently being done on 2nd round projects now; GOSR is hoping to get community’s updates by next week. Communities (such as the City of Long Beach) should have a list of money designated to project types for Community Reconstruction Plan (CRP) community meetings. The Town of Babylon is the lead for projects being developed in the villages. Procurement and reporting are time intensive.

All the NYRCR projects can be found online at: www.stormrecovery.ny.gov

R. Groh mentioned the new requirements for the MS4 program. MS4s are not really captured in the current CMP, so this would be something to consider when doing the update. New monitoring requirements are burdensome for towns; TMDLs established for watersheds; nitrogen and toxic algae; mentioned C. Goble’s work; potential effects of acidification on shellfish; Sea Grant is working with Suffolk County on an algae plan. Southampton College hosts a lecture every Friday night.

C. Schubert noted that the NYS Senate/Assembly has created a task force on ocean acidity. M. Dolan Murphy notes it has not been signed by the Governor as yet.

C. Schubert also noted that some hatchery operations have failed, potentially because of increased acidification. M. Dolan Murphy – when the task force is formed, critical areas will be identified and mapped.

C. LoBue noted there is a direct connection between input of nitrogen and phosphorous, increase in respiration, increase in carbon dioxide and increase in acidity.

Wrap-up:

J. Campbell will contact the Council to set up the CMP brainstorming meetings. The Council will receive minutes from this meeting.

C. LoBue suggested the Council can also meet in other locations.

Meeting adjourned at 2:40 p.m.