

**Long Island Sound Study
Citizens Advisory Committee Meeting
Thursday, June 9, 2005
Stamford, Connecticut**

Connecticut CAC co-chair John Atkin called the meeting to order at 10:10 am. Atkin noted that New York co-chair Nancy Seligson had sent her regrets, advising him that she was ill and unable to attend the meeting. Atkin called the roll and determined that 19 members were present, constituting a quorum (**see Attachment 1**). Atkin asked for any corrections to minutes; as none were proposed, he called for a motion to approve the notes as written; David Miller so motioned; Carl Harvey seconded; Atkin called for discussion, and none being made, the notes were unanimously approved as written. Atkin asked if there were any proposed changes to the current agenda; as none were offered, he proceeded as follows.

Reports

Membership Subcommittee. John Atkin reported that the membership subcommittee did not meet, but that it had received one letter application for membership past the deadline for consideration at the current meeting; the application will be considered by the subcommittee and presented to the CAC at the September meeting. Joe Salata reported that CAC member Lars Cherichetti of Bartlett Arboretum and Gardens had resigned his post as education director, and that the Arboretum chose not to continue its membership in the CAC. Salata indicated that the CAC membership stands at 37, 20 New York members and 17 Connecticut members.

Management Committee. John Atkin reported that the April 13, 2005 Management Committee meeting dealt mostly with the 2005 budget, and asked Mark Tedesco to update the CAC on this aspect of the meeting. Tedesco handed out a summary of the 2005 budget decisions (**see Attachment 2**), and reviewed the process used to establish program and funding priorities for 2005, which began immediately following last year's April (2004) MC meeting. The MC, STAC and CAC had been solicited and briefed on priorities at many points in the process for 2005. In May-June 2004, LISS work groups and teams were asked to develop and submit priorities for 2005 by June 25. The June CAC and STAC meetings focused on those organization's priorities for 2005. The July 2004 MC meeting was used to vet draft priorities, and the MC made its decisions via email on July 30, 2004. The work groups were asked to submit their project descriptions for the CCMP Enhancements Request for Initial Proposals (RFIP) in August. The RFIP included five Outcome Areas based on the priorities identified: 1. Water Quality & Living Resources Data Analysis; 2. SWEM Additional Model Years and Parameters; 3. Mapping Existing Riparian Buffer Areas; 4. Riparian Buffers Toolbox; and 5. LIS Public Perception Survey. The RFIP was open from October 15-December 15, 2004, and fourteen proposals were received totaling ~\$1.4 million. The LISS base program budget call was released on October 29, 2004 and closed at the same time as the Enhancements RFIP. The process culminated with the MC decisions on the 2005 budget at its April 13, 2005 meeting. Tedesco reviewed the decisions on the handout charts and opened the floor to questions. Jennifer Herring asked when results of work would be available. Tedesco replied that research results are posted on the LISS website when reports are published; there is almost always a

significant lag time between the expiration of a grant for work – while the final grant report is generally available within 60 days of completion, the publication of technical findings is highly dependent on the nature of the research and the competitive process for publishing articles in scientific journals. Many LISS work groups, such as the Nonpoint Source/Watersheds work group, work directly with investigators and receive frequent project updates. Cesare Manfredi asked about the endpoint of the CT River study. Tedesco indicated that, as has been previously reported, NEIWPC and USGS have undertaken additional work to assess nitrogen attenuation in the river using other EPA funds; the three-year monitoring program will end in September 2005, but the attenuation work will continue under the LISS grant to NEIWPC. Adrienne Esposito asked if the new public survey will include residents of Long Island, Westchester County and Connecticut. Tedesco pointed out that Kimberly Zimmer Graff will be the LISS lead to the survey, and that it will be a Sound-wide survey of the public including residents of the areas in question. Tedesco reported that Dr. Charles Yarish, Connecticut STAC co-chair is on the agenda today to talk about the STAC's work to identify the technical and research needs of the LISS, which will inform the LISS priority-setting process for 2006. A summary of needs will be presented at the September CAC meeting for CAC input. The Management Committee will endorse a few priorities, as the LISS can not afford to support everything. The Management Committee is holding a special two-day meeting on July 20-21 to review progress and assess needs in the coming years, and the results of the meeting will be shared with the CAC. Maureen Dolan asked if CAC members could attend the meeting. Tedesco said that the doors are always open; those CAC members interested in attending should contact him directly.

Ad Hoc Subcommittee. Adrienne Esposito, subcommittee chair, gave a brief overview of the subcommittee's work to date, which included preparation of the interim report on the Broadwater LNG proposal. **[NB: Broadwater has since prepared a response to the interim report, which it will distribute to the CAC under separate cover.]** Esposito reported that the US Coast Guard (USCG) is holding hearings on the Broadwater project, and that the Federal Energy Regulatory Commission (FERC) wants to coordinate its hearings with the USCG to hear public concerns. Esposito presented three proposals from the subcommittee for the CAC's consideration: 1) issuance of a CAC letter to the Attorneys General of NY and CT requesting their opinions of whether federal law can preempt state law, including but not limited to the Coastal Zone Management Act (CZMA); 2) issuance of a letter to the USCG concerning its ability to provide safety to the proposed facility; and to clarify resources needed, available, or necessary for reallocation for the facility; and 3) the CAC's consideration of taking the position that the Broadwater project constitutes an industrialization of LIS. The CAC discussed the three proposals, agreeing that Adrienne Esposito would act as temporary chair of a 'letter writing' group for the letters to the Attorneys General and the USCG; interested members should contact Adrienne Esposito to contribute to the drafting of the letter. Esposito will provide a draft letter to the CAC co-chairs for distribution to the full CAC prior to being sent to the addressees. John Atkin indicated that members would have one week to provide comments. The CAC felt that the third proposal deserved a fuller discussion, including a further definition of the term 'industrialization,' and any examples of such industrialization in an estuary. Esposito agreed to provide a definition and additional information for discussion at the next CAC meeting in September.

John Atkin reported that the CAC issued a press release on the CAC's resolution concerning federal attempts to preempt state and local control over energy-related projects. Atkin handed out a copy of the press release to the membership, and reiterated that it should be clear from the release that the CAC has not taken a position on Broadwater. Atkin stressed that while the CAC has not taken a position, individual organizations that happen to be CAC members can take independent positions, but those positions are not the CAC's. Atkin advised the membership that any letters or public statements member organizations may make on Broadwater should not state or imply that the organization's position reflects that of the CAC or LISS; the fact that the organization may be a LISS CAC member has no bearing on that organization's individual position. The CAC By Laws are specific about members' responsibilities regarding CAC positions on issues, and members must abide by the By Laws to remain in good standing. (see **CAC By Laws Appendix A, attached**) Official CAC communications on letterhead is limited to the cochairs, and official CAC positions are developed through the resolution process.

Subcommittee reports. As no other CAC subcommittees gave reports, John Atkin advised the members that the CAC had agreed in 2003 to set aside the afternoons of quarterly CAC meetings for subcommittees to meet in person. This was done at the behest of the subcommittee chairs, who felt that face-to-face meetings were an important to the deliberative process. Atkin urged the subcommittees to take advantage of the opportunity to meet during and after the lunch break, and that the meeting room was available until 3:00pm. Atkin stated that subcommittee chairs should contact the LISO if they would like to schedule conference calls any time from 45-60 days prior to the September 9, 2005 CAC meeting. Any notes from subcommittee meetings at today's meeting should be provided to the LISO for inclusion in the meeting summary package for distribution subsequent to the meeting. Any subsequent conference call meeting notes would be provided in the September 9 meeting agenda package.

LIS Presentation

John Atkin introduced City of Stamford Shellfish Commissioner Arthur Glowka, who presented his personal perspectives and observations on a number of LIS issues, including impact of an invasive species such as the Asian shore crab, *Hemigrapsus sanguineus*, on native species, as well as the impact of the common Atlantic slippersnail, *Crepidula fornicata* in the food chain; the effects of the East River on Western LIS hypoxia; the LIS nitrogen reduction program; ambient conditions suitable for LIS shellfish; and the utility of ecological report/score cards in reporting environmental results, status, and trends. Glowka passed out samples of the Asian shore crab encased in Lucite[®]; and live specimens of the slippersnail. Atkin thanked Glowka for his presentation.

STAC Report

Connecticut Science and Technical Advisory Committee cochair Dr. Charles Yarish reported that the STAC met on June 3 in Stony Brook to discuss 2006 research and program priorities and that the STAC had agreed on a mission statement and by laws. Dr. Yarish reported that the STAC had agreed by resolution to meet with the CAC on an annual basis to promote closer ties and working opportunities. Dr. Yarish reviewed the process the STAC used to set 2005 priorities, and introduce Connecticut Long Island Sound Fellow Azalea Mitch, an M.S. candidate

at Yale University. Mitch presented her LISS project, updating the Long Island Sound Contaminants of Concern list. Mitch is collecting data from existing sources, and is conducting an extensive literature search on the topic. Dr. Yarish handed out an abstract of the New York LIS Fellow, Yan Hao's project, to investigate residence time of LIS waters. Residence time may be thought of as the average time that water remains inside an estuary before exiting. Hao had presented her project at the April 8, 2005 STAC meeting, but was unable to attend today's CAC meeting due to her class schedule. If you have data sources or literature citations, or for further information on the LIS Fellows' projects, contact Azalea Mitch at azalea.mitch@yale.edu and Yan Hao at yhao@ic.sunysb.edu.

Announcements/Updates

David Miller reported for Nancy Seligson, who was unable to attend the meeting. Miller reported that Westchester County continues to move forward on Davids Island. The Westchester County Board of Legislators approved a resolution authorizing the county to serve as co-applicants with the City of New Rochelle to the New York State Environmental Restoration Program (ERP); an appropriation of \$60,000 to cover the local match for the preliminary investigation as required by the ERP program; and authorization for the County Executive to sign the Army Corps of Engineers' Memorandum of Agreement on which Davids Island properties will be remediated first. The ERP grant program, originally made available through the 1996 NYS Clean Water Clean Air Bond Act, was designed to assist municipalities in cleaning up sites where the municipal-owner is not the proximate cause of the contamination. Rules were recently modified to make it easier to apply for a grant for the Davids Island cleanup.

Maureen Dolan reported that, on behalf of the CAC cochairs, she attended the USCG meeting on Sound-wide safety and security on May 3-4, 2005 in Port Jefferson. The cochairs had received a letter from the USCG inviting them to send an observer to the meeting. Dolan reported that the public meeting was focused on safety; there was a closed door meeting on security. Commercial traffic on the Sound was discussed and concerns were expressed on the size of the potential safety zone around the Broadwater regassification facility. The issue of representation of recreational boaters at the meeting was raised. Joel Ziev, who had also attended the meeting, indicated that the USCG had invited recreational boating groups, but they did not attend. Grant Westerson stated that he did attend the meeting, but was precluded from participating in the discussions, and therefore left the meeting. Westerson proposed that the CAC send a letter to the USCG concerning appropriate representation at future meetings. David Miller seconded the motion, which passed without further discussion. Westerson will draft a letter to the USCG on recreational boater participation in USCG meetings for review and signature of the cochairs.

Robin Kriesberg reported that LIS Stewardship Initiative public meetings are scheduled over the next two weeks, starting in Norwalk on June 13, New Haven on June 14, East Lyme on June 15; New Rochelle on June 20; North Hempstead on June 21; and Stony Brook on June 22. Kriesberg said that the meetings would announce the list of inaugural priority areas in NY and CT. The House Subcommittee on Fisheries Conservation, Wildlife and Oceans will be holding a hearing on Monday June 27 at Avery Point on the LIS Stewardship Act. David Miller advised the membership that the LIS Stewardship Initiative is one of most important things happening concerning LIS over the last 5 years; this issue will determine what LIS will look like 50-100

years from now, it will affect boaters, habitat, beaches, public access, and Miller indicated that CAC members should attend at least one of these public meetings. It is very important to let public officials know about concerns, and Miller urged members to go to the Congressional hearing and help define how the proposed system can be improved. Miller said that 27 or 28 of New York's, and all of Connecticut's Congressional delegation are cosponsors of the LIS Stewardship Act. Representative Richard W. Pombo (R-11CA), and Ex Officio member of the Subcommittee, will be attending the hearing, which is a positive aspect, since the House Committee on Resources, which he chairs, has oversight jurisdiction over the legislation. (see <http://resourcescommittee.house.gov>)

Fred Grimsey reported that CTDEP is developing a Niantic River Watershed protection plan. For further information contact Eric Thomas, 860 424-3548, of CTDEP's Bureau of Water, Planning and Standards Division.

Mark Parker reported that the CTDEP newsletter, *Sound Outlook*, supported by LISS and NOAA funding, contains two articles about the CAC and partnerships under the CZMA. This, and other issues of *Sound Outlook* are available on the CTDEP website: <http://dep.state.ct.us/olis/soundout/soundout.htm>.

David Miller reported that Audubon New York has updated its 1998 publication, Important Bird Areas (IBA) of New York. The book is a compilation of sites that provide critical habitat for birds in the state. The IBA book provides scientific information based on consistent criteria for local planning and environmental advocacy, and it identifies priority sites for preservation as natural areas. The book may be ordered for \$19.99 from the Audubon New York website at: http://ny.audubon.org/IBA_preorder.htm.

John Atkin asked subcommittee chairs if they would be meeting in the afternoon. David Miller indicated that the Tracking and Monitoring subcommittee would meet to discuss next steps; Maureen Dolan indicated that the Communications subcommittee would meet briefly. Joel Ziev indicated that the Sediments and Dredge Management subcommittee would not meet. The Living Marine Resources and Land Use/Watersheds subcommittees will not meet.

There being no further business before the CAC, Atkin adjourned the meeting at 12:35 pm.



APPENDIX A

LONG ISLAND SOUND CITIZEN'S ADVISORY COMMITTEE

CODE OF CONDUCT

The members of the Citizen Advisory Committee are encouraged to provide information to the public and seek public input on the activities of the Citizen Advisory Committee and the implementation of the Long Island Sound CCMP. In doing so, the following code of conduct will be followed by members of the CAC:

- Each member will utilize CAC and Long Island Sound Management Conference material in their communications with the public;
- Each member will only state adopted positions of the CAC (adopted positions are made by resolution);
- Each member will promote implementation of the CCMP;
- Each member will seek support and suggestions from the public and report them back to the CAC;
- Each member will clearly state that they are representing themselves when an issue not addressed in an official position of the CAC or clearly addressed in the CCMP is raised, or where individual opinion may differ from adopted positions of the CAC;
- All CAC members are expected to utilize common sense and courtesy when following these guidelines.

Revision Date: July 19, 1995