

**Meeting Summary  
Long Island Sound Study  
Citizens Advisory Committee  
Thursday, December 9, 2004  
New York City**

The meeting was called to order at 10:10 AM by New York co-chair Nancy Seligson. CAC Secretary Caroline DuBois called the roll, determining that 27 members were present, constituting a quorum (**see Attachment 1**). Seligson asked for self-introductions of attendees, and then proceeded to the following agenda items.

**Subcommittee Reports**

*Membership.* John Atkin reported that there were no new membership applications since the last meeting. Atkin reported several membership updates: Nancy Seligson changed representation from Save the Sound NY, to the Town of Mamaroneck; Robin Kriesberg changed representation from Save the Sound CT, to Connecticut Fund for the Environment (Charles Rothenberger becomes the alternate); Warren Ross replaces Jan Blaire, representing Federated Conservationists of Westchester County (Blaire becomes the alternate); Kyle Rabin is the new director of and represents Friends of Oyster Bay; Grant Westerson changes representation to CT Marine Trades Association from the Connecticut Boating Advisory Council. Atkin indicated that these changes did not require CAC approval, but were for information only and the records would be updated to reflect these changes. (**see Attachment 2**)

*STAC/CAC Meeting.* Nancy Seligson reported on the results of the first joint STAC/CAC meeting held on October 1, 2004 at UCONN's Stamford campus. The meeting was generally well-received, with positive comments from both STAC and CAC members about the purpose and conduct of the meeting. Seligson said that five subgroups were formed covering the following topics: living marine resources; land development and preservation; erosion, dredging and disposal; near-shore embayments and citizen monitoring; and the response of the Sound to nutrient reductions and other actions. Each group developed several recommendations, and Seligson pointed out that she had posted these recommendations on flip charts in the meeting room today. Seligson suggested to the CAC that the CAC subcommittees could be given the responsibility of following up on the recommendations. John Atkin recommended that the subcommittees review the charts during their meetings after the close of the regular business meeting today, and prioritize the actions and report back to the group in March. Mark Tedesco indicated that feedback from the joint STAC/CAC meeting indicated that it was a positive experience, but that it would be useful for planning purposes to understand from the CAC that if the meeting was productive, should such a meeting be planned again, and if so, to identify format or organizational changes. David Miller made a motion to propose a resolution of support for a future annual meeting; Joel Ziev seconded the motion, and Miller read the following resolution: *Be it resolved that, based on the previous success of the joint Long Island Sound Study Science and Technical Advisory Committee (STAC) and Citizens Advisory Committee (CAC) meeting held on October 1, 2004, the CAC urges that a joint meeting be held between the CAC and STAC on an annual basis.*

A quorum being present, the CAC approved the resolution by unanimous voice vote. The resolution will be transmitted to the STAC co-chairs and the Management Committee for consideration.

### 2005 CAC Meeting Calendar

Nancy Seligson called for a consensus vote on the 2005 proposed CAC meeting calendar; due to construction, the Pfizer conference rooms would not be available for the June 2005 CAC meeting, so that location was shifted to Connecticut, with March 24, 2005 being proposed as an alternate date due to the EPA/ANEP meeting in Washington, DC being held the week of March 7, 2005. Seligson asked if there were any conflicts with this change. Carol DiPaolo pointed out that March 24 is Holy Thursday; Bill Evanzia indicated that he would not be available on that date. Others asked if the Pfizer rooms were available on these and other alternate dates or weeks. Joe Salata pointed out that March 17 was not selected because it was St. Patrick's Day, and the public transportation into New York City on that day would be problematic. Seligson indicated that the Chairs would take these issues into consideration and advise the CAC of the final March meeting logistics. **[NB: After further consideration, the Chairs decided that since most CAC members were available on March 24, and the conference room had already been scheduled with Pfizer, the meeting would take place on the proposed date.]**

### LIS Resolution

Nancy Seligson reviewed the draft proposed resolution that was sent in advance to the CAC for consideration and voting at this meeting. The resolution was emailed to the members on November 9, and was provided in hard copy in the meeting package. Seligson asked for a motion to consider the resolution from the floor; Bill Evanzia so motioned, and Seligson opened the floor for discussion of the resolution. Several wording changes were recommended: paragraph 3, insert "Study" between "Sound" and "Policy;" last paragraph: delete "both" and "fully" and insert "full" in place of "fully;" insert "of" after "funding" and insert "annually" after "authorized." Seligson asked for a motion to accept the resolution as amended; Evanzia so motioned, and Joel Ziev seconded the motion, which was passed by voice vote. The co-chairs will prepare a transmittal letter to the LIS Congressional Caucus, the Governors, and the Policy Committee. The LISO will copy and distribute the resolution for the CAC. **(see Attachment 3)**

### CAC July 30, 2004 Priority Letter

Nancy Seligson reported that EPA's Policy Committee members, New York Regional Administrator Jane Kenny and Boston EPA Regional Administrator Bob Varney had replied to the CAC's July 30 priority letter on October 12, 2004. The EPA response had been included in the meeting package. Seligson advised the group that Jane Kenny was no longer with EPA, but had taken a job in the private sector; Kathy Callahan is acting Regional Administrator. As no

state agency representatives were present, the CAC expressed its hopes that state environmental Commissioners would respond to the CAC's letter. Seligson noted that the new CTDEP Commissioner, Gina McCarthy, had served as Deputy Secretary for Operations at the Massachusetts Governor's Office for Commonwealth Development (OCD) since May 2003. In that position she directed policy and program coordination for the key state agencies responsible for the environment, transportation, housing and energy. Prior to that, she was Undersecretary of Policy at the Massachusetts Executive Office of Environmental Affairs (EOEA), the umbrella agency that includes the Departments of Environmental Protection, Agricultural Resources, Conservation and Recreation, and Fish and Game. Seligson proposed that the CAC invite Commissioner McCarthy to the June 2005 CAC meeting in Connecticut. There was general agreement to invite the Commissioner to this meeting.

### Broadwater Energy Proposal

Nancy Seligson recognized Susannah Pierce, external affairs officer and Sandra Barnett, environmental affairs officer of Trans Canada and Broadwater Energy, who presented a proposal by Broadwater Energy to construct and operate a liquid natural gas (LNG) facility in Long Island Sound. **(see Attachment 4)** The facility would be located approximately 11 miles from the Connecticut shore off of Branford, and approximately 9 miles from the New York coast of Long Island off of Wading River. The facility would consist of an seafloor mooring unit with a footprint approximately the size of a basketball court and a floating vessel to receive, store and convert approximately 1.0 billion gallons of LNG to a gaseous state. The LNG product would be imported and deposited in the 1000 foot storage vessel from incoming LNG tankers. A 25 mile undersea pipeline would be constructed from the facility to join with the existing Iroquois natural gas pipeline in New York waters of the Sound. After the audiovisual presentation, Nancy Seligson opened the floor to questions. CAC members asked a number of questions about the project, including its timing, location, impact on the environment, local communities, energy production and usage, public trust doctrine, safety and health, facility operation and maintenance, cost/benefit, funding, future public participation/comment processes, and the Federal Energy Regulatory Commission's role in approving the project. Ms. Barnett and Ms. Pierce were not able to address several technical questions outside of their area of expertise, and agreed to make Broadwater personnel available to the CAC at future meetings to answer technical questions. Don McKay reported an effort to introduce federal legislation that would affect the states' ability to regulate LNG projects. Language originally included in the failed National Energy Bill (H.R. 6) regarding federal authority over the siting of liquefied natural gas (LNG) facilities was added at the last minute to the report language accompanying the FY 2005 Omnibus Appropriations bill. At issue is whether or not the Natural Gas Act preempts states authority to approve and site LNG facilities. The provision, inserted by Sen. Pete Domenici (R-N.M.), attempts to clarify congressional intent by stating that "LNG terminals are engaged in foreign commerce and, as such, fall clearly within the authority granted to the FERC under ... the Natural Gas Act of 1938." This language affirms the position taken by FERC in March 2004 but is not the final word on the

issue. A case brought by California against FERC is still pending and while the report language may influence the outcome of the case it does not have the weight of law behind it. Appropriations report language is only in effect for one year and serves as an opinion or advice directed to wards federal agencies whom often ignore such directives. More information will be forthcoming as the issue continues to develop.

John Atkin proposed the formation of an ‘ad hoc’ subcommittee to address the LNG facility issue in the long term. The CAC endorsed the idea, and Atkin asked for volunteers for the new subcommittee. CAC members Carol DiPaolo, Joel Ziev, Kyle Rabin, Fred Grimsey, Dan Natchez, Adrienne Esposito, Cesare Manfredi, and Don McKay agreed to participate; Joel Rinebold of Joel Rinebold LLC will also participate. Rick D’Amico will be the LISS staff contact for the subcommittee. [NB: The subcommittee subsequently held two conference calls and elected Adrienne Esposito as chair.]

### **Trans-LIS Energy Projects**

Leah Lopez Schmalz, staff attorney and director of legislative and legal affairs for Save the Sound, presented information on both the Broadwater proposal and other energy projects in the Sound. **(see Attachment 5)**

### **Updates**

**Management Committee Report.** John Atkin reviewed the October 19 Management Committee meeting. The Management Committee is considering a two-day meeting in July 2005 to review the various programs and projects funded by the LISS over the last two years, and to assess progress in key environmental areas. Atkin reported that CTDEP will take the lead in working up a charge to the Management Committee from the Policy Committee concerning use of the new LIS cable settlement fund under the Memorandum of Understanding (MOU) with EPA, NYSDEC and CTDEP. At the October 19 meeting, Betsey Wingfield had advised the Committee that based on the MOU, the Policy Committee is to develop goals and targets for use of the \$6.0 million under the LIS Settlement Fund Agreement. The Management Committee is to develop the process and recommendations for use of the funds to the Policy Committee, and the Connecticut and New York commissioners make the final decisions on funding. Atkin noted that a condition is the funds can’t be spent until the permits for the cable replacement are approved. The projected date for this action is Fall 2005.

**2005 Budget.** Joe Salata presented a series of overhead slides reporting the status of the 2005 budget request and review and approval process. **(see Attachment 6)** The President signed the Omnibus appropriations bill on December 8, 2004, which became law, P.L. 108-447. There is approximately \$2.3 million appropriated for the program from the President’s budget request and Congressional earmarks in the Environmental Programs and Management appropriation; there is

also approximately \$5 10,000 in the EPA National Estuary Program for LIS; and there is approximately \$4 million in the State and Tribal Assistance Grants appropriation for LIS. These numbers are preliminary, as EPA must assess the impact of a Congressional rescission of funds in each program account before issuing final 2005 funding guidance.

Stewardship Initiative. Robin Kriesberg reported that federal stewardship legislation, the Long Island Sound Stewardship Act of 2004 had passed the Senate in the 108<sup>th</sup> Congress, but was killed in a House subcommittee. The sponsors are planning to reintroduce the legislation in the new 109<sup>th</sup> Congress. David Miller reminded the CAC that the legislation was not expected to pass in the House, but it did garner an encouraging amount of preliminary support. Contact Robin Kriesberg for more information at 203 354-0036.

### **March 24 Agenda Topics**

Nancy Seligson noted the following possible agenda topics for the March meeting:

- 1) New Member Applications
- 2) Followup Q&A on the Broadwater proposal
- 3) Presentation of water quality results for Summer 2004
- 4) Report from Art Glowka
- 5) LIS research projects

There being no further business brought before the CAC, Nancy Seligson adjourned the meeting at 1:10 PM, advising the members to coordinate subcommittee meetings during the lunch break. The communications, sediment, land use/watersheds, living marine resources, and ad hoc subcommittees agreed to meet. [NB: Subcommittee meetings notes follow]

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### **List of Attachments**

1. CAC attendance sheet
2. Updated 2005 CAC member list
3. CAC Resolution
4. Broadwater presentation slides
5. Save the Sound presentation
6. 2005 Budget presentation slides