

Long Island Sound Study
Citizens Advisory Committee
Meeting Summary
Thursday, September 13, 2012
Morrison Foerster, Law Firm, New York, NY

Discussion: Summer on the Long Island Sound (LIS)

Nancy Seligson, Supervisor, Town of Mamaroneck, and NY CAC Co-chair, began the September meeting at 9:30 am starting with her own observations of abundant bunker, birdlife, and warm-water swimming.

Carole DiPaolo from Coalition to Save Hempstead Harbor reported the lack of jellyfish – specifically comb jellies (or sea walnuts) in Hempstead Harbor, NY. Water temperatures have been near 78 degrees near the bottom, which is exceptionally warm. The birdlife has been happy with the abundance of bunker, although there were few sightings of younger birds this summer. There was not a large bluefish strike this year, nor were there any reported fish kills (which surprised CAC members given the high water temperatures). The striped bass, many very large, were reported and dog fish (sand shark) catches at the beginning of the summer were also high. “Ribbon lice” or “anchor worm” has been observed on fish and CAC members speculated that this may be temperature or salinity related.

Pat Aitken from Friends of the Bay observed similarly lots of bunker and no jellies. Pat observed a lot of osprey young and a shortage of nests. Two bald eagle chicks with lice were brought to Raptor Trust in New Jersey for rehabilitation—one was released at Sagamore Hill, NY a couple of weeks ago. The water quality data that Friends of the Bay collected indicated that dissolved oxygen levels were higher this summer. However, this warm water brought the marine bacteria, vibrio, which shut down oystering in the harbor in July for the first time since 1991.

Sarah Deonarine from the New York State Department of Environmental Conservation (NYSDEC) gave a report about vibrio, toxins associated with naturally occurring marine bacteria whose population spikes when water temperatures go over 80 degrees. DEC knows about 40 cases of illness traced back to Oyster Bay this summer and estimates that for every reported case, there are 28 cases that are unreported. The illness lasts about a week with flu-like symptoms. Maine, Washington, and New Jersey also had to recall shellfish this summer due to vibrio. CT is now testing for vibrio. Paralytic Shellfish Poisoning (PSP) was also reported in Northport Harbor, NY. PSP cannot be cooked out of shellfish, unlike vibrio, which can. There have been shellfish bed closures due to PSP every year since 2007.

Mark Parker from Connecticut Department of Energy and Environmental Protection (CT DEEP) reported that the R/V *John Dempsey* vessel monitors water quality throughout the Sound. The Sound has been warmer this year and was warmer last winter as well. The hypoxic event has been longer this year because no strong wind events or hurricanes mixed up the water.

There were less lion’s mane jellies this year. Tim Visel, from the Sound School, reported that there were a lot of blue crabs in the central and eastern part of the Sound. Even a lot of older crabs have come back, suggesting evidence that they overwinter. In 1908 –1918 there was a

very warm period called the “great heat” in the Sound; there were a lot of blue crabs then. So far blue crab landings are about the same as last year. There were two fish kills (bunker) due to low dissolved oxygen in Norwalk Harbor, CT, but no reports of widespread fish kills. There have been a lot of small black sea bass this year; if they survive for the next two years, there will be good sea bass fishing in a couple years.

Marty Garrell from Adelphi University reported that warm water temperatures brought an invasion of southern species to the Sound including northern kingfish (whiting), puffers, southern puffers, and triggerfish.

Mickey Weiss from Project Oceanology also reported a high number of blue crabs in his sampling throughout three estuaries in the eastern end of the Sound. The Sound is a nursery for blue crabs, contrary to popular opinion. Mickey reported that they *were* getting comb jellies, which feed on blue crab larvae, in eastern LIS. Water temperatures have been very high this summer, which caused the Millstone nuclear power plant to close down because the intake water was too warm to be used for cooling.

Dianne Seldich from SoundWaters reported that they were able to extend their sail season for SoundWaters with funding from a LIS Futures Fund grant award. SoundWaters provided more than 30 educational sails to the general public around LIS.

Curt Johnson, from Save the Sound and the CT CAC Co-Chair, reported that Tom Andersen looked at dissolved oxygen levels in mid-August and compared hypoxic and anoxic events since 1991. This was the fourth worst acute event ever recorded in the Sound’s history.

Sandy Breslin from Audubon Connecticut reported about the Audubon Alliance initiative expanded bird surveys in CT coastal areas. At Sandy Point in East Haven, Least Tern numbers are way up.

Art Glowka reported that there were no jellyfish in the Sound this summer, and no bluefish for the bluefish tournament. Art also said that Dick Harris from Earth Place could not find any juvenile fish in his area.

Welcome, Housekeeping & Logistics

Nancy Seligson welcomed the group to NYC and called the meeting to order at 10AM. Twenty-three CAC members were present, comprising a quorum.

CAC Budget Priorities Letter

The first item of business was to discuss the CAC Budget Priorities letter, which was based on the CAC Action Agenda. This letter will be presented to the LISS Management Committee and, in the past, has given the CAC a significant voice in the process of allocating funding in these areas. Sandy Breslin reported that last year’s funding was just below 4 million dollars. Right now the President’s budget request is 2.69 million dollars. The LISS Policy, Legislative and Advocacy Subcommittee is working to raise that number. The continuing resolution for 2013 goes through March 2013. The LISS CAC was at the forefront of working to increase the budget.

Comments/Edits for the Budget Priorities Letter include the following:

Overall comments-

- Disclaimer paragraph for sewage treatment as that takes up enormous amounts of money and would wipe out the budget.
- Add – remains a top priority and add support for TMDL.
- Add – if at authorized levels would make recommendations to fund sewage treatment projects.

Water and Watersheds-

- Green Infrastructure, as relates to controlling storm water. Change “Especially in” to “Including”.
- Stewardship, move to Public Education
- Citizen monitoring, remove all after “water quality conditions”

The agreed-upon letter suggests 35% for Waters and Watersheds; 31 % for Habitats and Wildlife; 5% for Sound Communities; 12% for Science and Research; 12% for Public Education, Outreach and Public Engagement (up from 8%); 5% for Enhanced Tracking and Evaluation of Program Outcomes (new this year).

A revised letter will be circulated for final review based on CAC comments; it will be completed before next week’s Implementation team meeting.

Total Maximum Daily Load (TMDL) and Nitrogen Trends

A presentation was provided by Lindsay Walaski from the NYSDEC. Lindsey reported that by August 2014 the states have a goal of reducing nitrogen by 58.5%. As of 2011, CT had achieved a 58% reduction in nitrogen and NY had achieved a 31% reduction of nitrogen. The current TMDL was approved in April 2001. In NYC, six plants treat 1 billion gallons of wastewater per day in dry weather. During wet weather flow, twice as much wastewater has to be treated. NYSDEC entered into a consent judgment with NYC in 2006 and modified it in 2011. The judgment provided interim step down limits with compliance by 2017. To date, \$70 million has been invested in biological nutrients reduction (BNR) research, including conducting pilot and full-scale demonstration BNR programs. Due to past efforts, nitrogen discharge from the six plants to LIS went from 94,075 lbs/day in June of 2009 to 60,600 lbs/day in June 2012. The goal is 41,850 lbs/day in June 2017. NY & CT combined achieved a 44% reduction, on line for hitting target goals. Compliance with permit limits is based on trading ratios, with the four upper East River facilities having four times the impact as the facilities located on the lower East River.

Lindsay Walaski can be contacted at (518) 408-5955 or lawalask@gw.dec.state.ny.us for additional information.

Habitat & Stewardship Initiative Progress

Georgia Basso, the USFWS Liaison to the Long Island Sound Study presented about the Stewardship Workgroup. There are 33 inaugural stewardship sites, including Great Gull Island, which is the largest nesting site for roseate terns in the western hemisphere and provides critical habitat. Georgia also mentioned that people need to feel connected to the environment, and Stewardship Areas can provide that connection.

The main focus for the Work Group this past year has been to apply the Stewardship Initiative

Geographical site selection tool. This GIS-based tool allows users to input priorities and identify the sites that meet those criteria. The Work Group is also focused on outreach and engagement through website work.

A number of Subcommittee meetings and focus has been placed on documenting the ecological and recreational value of stewardship areas as a practical guide for members of the public interested in visiting. A separate Web Page will be developed for each Stewardship Area, which will include information such as a site overview, ecological importance, recreational opportunities, dive deeper links, field notes, and photo gallery. These Web pages will be available to the public at the end of October. Larissa Graham from NY Sea Grant is coordinating the NY portion and Robert Burg from NEIWPC is coordinating the CT portion. Larissa and Robert used funds from their organizations to hire interns to complete this project. Georgia also mentioned that the Stewardship Areas are “the jewels of the necklace” around Long Island Sound.

Georgia also provided an update about the Habitat Restoration Workgroup. There are 12 priority habitat types within the Habitat Restoration Initiative. The Work Group has begun revisioning and will take 2 paths forward. Using a model that the Tampa Bay National Estuary Program created, the Work Group will focus on one or two habitat types at a time and look at the present extent and health of habitats compared to historical conditions. The Sound habitat types are now: 81% forest, 9% tidal wetlands, 7% freshwater wetlands, 2% grasslands and 1% submerged aquatic vegetation. The Work Group proposes to use Miradi software with a facilitator leading meetings to establish priority habitats on which to focus their efforts. This process will describe the condition of each habitat type and highest quality area (best example or one of the best examples) and is a qualitative, not a quantitative, exercise.

Islands Update & CAC involvement

Leah Schmalz, Save the Sound, presented information on the islands of the Sound and CAC involvement. Great Gull Island, a 1.74-acre island in the eastern part of the Sound is owned by the American Museum of Natural History (AMNH). Helen Hayes of the American Museum of Natural History has been working for over 50 years at Great Gull Island. Staff and partners of LISS took a tour of the island this summer, led by Helen Hays. Citizen’s Campaign for the Environment (CCE) did a video blog of the trip, interviewing Helen Hayes, Larissa Graham, and others (available at <http://www.youtube.com/watch?v=jpl6K1pzNi0>).

Little Gull and Plum are in danger of being sold. Little Gull, an island that is currently owned by the federal government, is up for auction with the current bid at \$60,000. It is basically a lighthouse with a little beach around it and the new owner would have to maintain the lighthouse. US Fish and Wildlife Service (USFWS) has been pulled into the conversation, but they are not allowed to own the island. The New London Maritime Association (NLMA) is interested in the lighthouse, but not owning it. One idea is to have the AMNH own the island, USFWS maintain the habitat, and the NLMA manage lighthouse. The Coast Guard will still be using the foghorn, so that makes it undesirable for other development. General Services Administration (GSA) didn’t contact other agencies and interested parties about the sale. Leah said this process should be more proactive, perhaps by creating a federal law that identified that LISS Stewardship Areas can’t be sold without notice. Adopting Stewardship Areas was a voluntary program, built through consensus, but is not regulated.

Plum Island, a 750-acre island also in the eastern part of the Sound has one of the largest populations of rare orchids in NY and is home to 187 different species, including 57 NY state Species of Greatest Conservation Need. This island is also up for auction but the legislation requires that it be sold “subject to such terms and conditions as necessary to protect government interests and meet program requirements”. A draft environmental impact statement (DEIS) has been prepared and released on July 13, 2012. NYSDEC and NY Department of State have some say over whether the sale is consistent with coastal management policies. [<http://www.plumislandny.com/EIS/DraftEIS.pdf>]. Once the sale is final, local zoning by the Town of Southold would apply. GSA will have hearings on the DEIS in CT and NY: Wed. Oct. 17, Saybrook Point Inn (CT), October 18th at 6:00 pm (doors open at 5:00 pm) at Greenport High School Auditorium (NY). Comments on the DEIS are due by October 26th. A draft comment letter was distributed to the CAC and the group decided to send it.

CAC members are encouraged to join the coalition, submit comments, go to the hearings, and help spread information. Curt Johnson reviewed the points that were made in the initial letter from the CAC. Grant Westerson from the CT Marine Trades Association, commented that the federal government is responsible for cleaning up sites, which will be an issue on Plum Island, and that fact has largely been glossed over. Nancy Seligson asked CAC for consensus about moving forward with letter and all voted in favor. Letter will be circulated electronically for comments.

CAC Committee Reports/Updates

Membership Subcommittee: MWH America, Boyd MacDonald (consultant from Suffolk County) has requested to be a CAC member. MWH America has expressed that they share CAC’s interest in energy generation, which needs clarification. Someone will speak to them before the next meeting and review the bylaws. Grant Westerson cautioned the CAC not to be exclusionary.

Policy, Legislative and Advocacy Subcommittee: Sandy Breslin reported a successful day in Washington DC advocating for FY 2013 budget. The group had three main objectives: support reauthorization of the restoration and stewardship act; discuss the FY13 budget; and provide a FY14 budget request for the Sound. Senator Gillibrand tried to move the reauthorization bill before Congress adjourned but was not successful. The 2014 budget cycle is just beginning and EPA has submitted its 2013 budget request. A rough draft of a letter to EPA Regional Administrators from Regions I and II was circulated to CAC members. The group was asked to review the letter and provide comments to Nancy and Curt. The Subcommittee will also be working to arrange for Lisa Jackson from EPA to LIS as part of the celebration of the 40th anniversary of the Clean Water Act. As always, thanks were given to Sandy Breslin, Adrienne Esposito from Citizens Campaign for the Environment, and Sean Maher from Audubon New York for pushing all to the next level. For additional information or to join these efforts, contact Nancy at nancy18B@aol.com or Curt at cjohnson@cfenv.org.

The meeting was adjourned at 2:35pm.