

**LONG ISLAND SOUND STUDY  
CITIZENS ADVISORY COMMITTEE MEETING  
THURSDAY, DECEMBER 8, 2005  
STAMFORD, CONNECTICUT**

**WELCOME, HOUSEKEEPING & LOGISTICS**

Connecticut co-chair John Atkin called the meeting to order at 10:12 a.m., asking for self-introductions of attendees and roll call of CAC members. CAC secretary Caroline DuBois called the roll and determined that 19 members were present, constituting a quorum. Atkin asked if there were any changes to the agenda; as none were proposed, Atkin noted that Peter Feroe of Congresswoman Nita Lowey's office was expected to arrive later, and that Paul Pimentel, District Director for Congressman Christopher Shays, was present. [NB: It was learned after the meeting that Mr. Feroe had a car accident on the way to the meeting, and while his car was totaled, he was not seriously hurt. Mr. Feroe offered to meet with the CAC at a future meeting.] Atkin asked if there were any changes to the September 8, 2005 meeting notes; as none were proposed, he called for a motion to accept the minutes as written; Caroline DuBois so motioned with Carl Harvey as second and the notes were accepted. Atkin asked the members if there were any objections to the proposed dates for the 2006 CAC meetings – March 16; June 16, the joint meeting with the STAC; September 14, and December 14; as there were no objections or potential conflicts noted, the CAC 2006 meeting calendar was accepted as proposed. Atkin proceeded with the agenda.

**ELECTION OF OFFICERS, 2006-2008**

John Atkin recognized Bill Evanzia, chair of the Nominating Committee, and turned the floor over to him. Evanzia called for nominations from the floor three times; as none were offered, David Miller made a motion to accept the nominations -- Nancy Seligson as New York co-chair, and John Atkin as Connecticut co-chair. Evanzia and the Nominating Committee retired briefly to count the ballots. Evanzia reported that the Nominating Committee received 23 ballots, and the count was 22 for Nancy Seligson and 23 for John Atkin. Evanzia reported that the Nominating Committee could not find a Secretary nominee, although several members had expressed an interest in the position. Evanzia indicated that the Committee was still very interested in finding a new Secretary, and that the duties of the position were changing somewhat to better support the co-chairs in developing the meeting agendas, organizing and participating on the conference call with the LISO on the agenda, contacting potential presenters, taking minutes of meetings and vetting and finalizing the meeting notes for distribution. Atkin and Seligson thanked Bill Evanzia and Nominating Committee members Jennifer Wilson-Pines and Ed Brennan for their help in facilitating the elections. Nancy Seligson also recognized and thanked Caroline DuBois for her many years of service as CAC Secretary. Seligson noted that in the future, CAC meeting minutes will be posted on the LISS website, and an email notification would be sent to members when the notes has been posted, generally approximately 30 days after the meeting.

**REPORTS**

Membership Subcommittee. Nancy Seligson, reporting for the Membership Subcommittee, noted that no new applications for membership had been received since the last meeting. The Subcommittee had contacted several members who had not attended the required number of meetings over the last year. The By Laws require members to attend at least two meetings per year, or be excused from attending with explanation. Ed Kilgus reported that he had been ill over the last year, and he would like to continue his membership; Don Frost also indicated that he wished to continue his membership; Alan MacIntyre advised that he could no longer represent the Village of Port Jefferson, and did not respond to a follow-up email requesting a letter from the Village. Milan Bull of the Connecticut Coastal Audubon Center also did not respond to enquiries from the co-chairs regarding his membership status. Therefore, the CAC membership stands at 36, with 19 from New York and 17 from Connecticut.

Seligson reminded the CAC members that, at the last meeting, there was a lengthy discussion of conflict of interest and financial disclosure, brought about by the application of Joel Rinebold LLC for CAC membership; Joel Rinebold, the principal, is employed by Broadwater as a consultant. The cochairs had agreed to draft a brief policy statement, which was circulated to the members with the meeting package.

Seligson called for discussion of this policy, which would be implemented as an amendment to the CAC By Laws, Article VI, Section 1. Members discussed the differences between a conflict of interest policy and a financial disclosure policy; whether members should abstain or recuse oneself from voting; when and how disclosures should be reported; and the merits of open discussion at CAC meetings. Mark Tedesco clarified that CAC members state their interests in the Sound in their application letter for membership, and in most cases it is clear what interest a CAC member organization represents – therefore there is no inherent conflict of interest. In response to a question from the floor regarding how disclosures were to be reported, Nancy Seligson indicated that she had included the last sentence concerning reporting disclosures at meetings to simplify the process, and did not intend that members report disclosures at every meeting, but to use the open forum of the meeting as the means for reporting, and the meeting minutes as the methodology of recording any disclosures. The CAC agreed to the following change in the wording of the policy:

*It is CAC policy for its members to disclose, ~~as soon and as fully as possible~~, any significant personal or professional financial interest involving any matter under Section 1 of this Article. The CAC encourages expression of all views on issues affecting Long Island Sound and fully expects its members to faithfully and vigorously represent the interests of their organizations during its meetings. Disclosures will be reported **the time of discussion** at regularly scheduled meetings and recorded in meeting notes for the record. [Bold text added]*

Dianne Selditch made a motion to approve this change; the motion was seconded by Margie Purnell, and it passed by voice vote. The proposed change in the By Laws will be circulated to the CAC in advance of the March 16, 2006 meeting and will be voted on at that meeting. A two-thirds vote of the membership is required to adopt a change in the By Laws, provided a quorum is present at the meeting at which voting takes place.

Ad Hoc Subcommittee. Adrienne Esposito, chair of the Ad Hoc Subcommittee, reported that

Connecticut Governor Jodi Rell had requested the Federal Energy Regulatory Commission (FERC) to include Connecticut as an interested party in the Broadwater matter. At the last CAC meeting there was general discussion of the Subcommittee's potential for reviewing the draft Environmental Impact Statement (EIS) for the CAC, and members were asked to consult with their organizations about this process. Esposito opened the floor for discussion. CAC members raised a number of points on the issue, including whether the Subcommittee could be objective since many of its members had already taken a position against Broadwater; the purpose of the Subcommittee's review of the EIS and how the information would be presented and/or used; and whether the Subcommittee could collect CAC member's comments on the EIS and present those to the membership as a summary.

Dave Miller asked how the CAC's Sediment Focus Group (now the Sediments/Dredge Management Subcommittee) worked with the EPA and ACOE on the LIS dredged material EIS. Ann Rodney replied that ACOE/EPA had originally asked the CAC if the Sediment Focus Group could be used to comment on the EIS process, and the CAC declined; therefore, ACOE/EPA came up with its own review committee, many members of which were CAC Sediment Focus Group members at that time; however, the CAC did not approve use of the Focus Group because CAC opinion was so diverse on the issue; interested organizations reviewed the EIS on their own, formed their own positions, and submitted comments as appropriate to their standing in the matter.

Mark Tedesco advised the members that the CAC could view the EIS as an opportunity to make recommendations to the Management Committee, the state legislatures or regulatory agencies. For example, last year the LISS approved \$100,000 in the budget to support development of a Dredged Material Management Plan (DMMP) for Long Island Sound. This funding came out of the CAC's original work on the dredging EIS, with the CAC's stressing development of the DMMP as a priority for the LISS to the Management Committee. The Management Committee recognized this as a priority and recommended funding in 2005.

To conclude the discussion, John Atkin proposed that, since there still did not seem to be a clear consensus on the matter, the Subcommittee develop a time table of points of action on the EIS, so that the CAC would have a better idea of when critical decisions would need to be made by different parties to the EIS. The Subcommittee would present this at the March meeting, which would still allow time for discussion and action by the CAC. Nancy Seligson added that the CAC should consider inviting FERC and Coast Guard representatives to a future meeting to review the draft EIS.

Management Committee. The co-chairs referred the members to the written notes from the October 20, 2005 Management Committee meeting, which had been posted on the LISS website.

Science and Technical Advisory Committee. Nancy Seligson reported on the November 18, 2005 STAC meeting. The STAC re-elected its Connecticut co-chair, Dr. Charles Yarish. The STAC was briefed on the 2006 LISS budget process, including the available funding planning target, the base program, CCMP Enhancements request for proposal (RFP) topic areas, the Long Island Sound Futures Fund RFP topic areas, and scientific research support, including the 2005

LIS Research Grant Program. The STAC was also briefed on the LIS Fellows project assignments – marine zoning and invasive species in LIS. Dr. Milan Keser of Dominion Environmental Laboratory presented his work on monitoring the marine environment of Long Island Sound at the Millstone Power Station.

### **THE FEDERAL BUDGET PROCESS AND THE LISS**

John Atkin introduced Paul Pimentel, District Director of Congressman Christopher Shay's office, who discussed the federal budget process and the new alignment of Congressional committees and subcommittee jurisdictions affecting the LISS. Responding to questions, Pimentel indicated that emailing Congressional representatives is an effective way to communicate, provided that the email contains a local street address in order for the Congressional office to ensure that the sender is a constituent. Mail can also be sent through a district office or transmitted via fax to either the district or Washington office. Nancy Seligson stressed the need for a critical 'to do' project list describing the needs from CT and NY. Seligson asked who the CAC should pursue this with, suggesting the state environmental Commissioners, NYC Mayor, NYCDEP Commissioner, the Long Island Assembly, and Westchester County Executive. John Atkin thanked Mr. Pimentel for his presentation and invited him to any future CAC meeting at his availability.

### **LIS RESEARCH PROJECT PRESENTATION**

John Atkin introduced Dr. Gary Wikfors, Research Microbiologist with the National Oceanic and Atmospheric Administration, National Marine Fisheries Service's Northeast Fisheries Laboratory in Milford, Connecticut. Dr. Wikfors, a co-investigator, presented the results of the LISS-funded research project: *Phytoplankton Dynamics in Long Island Sound: Influence of Environmental Factors on Naturally-occurring Assemblages*. The objective of this project was to determine how phytoplankton dynamics differ in Long Island Sound along an eutrophication gradient (from east to west) and with the seasons. The research also examined which environmental factors (i.e., nutrients, hypoxia or temperature) are the best predictors of phytoplankton assemblages. Phytoplankton are important primary producers that fuel coastal marine food webs. Nutrient over-loading, eutrophication and pollution can alter phytoplankton abundance and community structure. Such changes can lead to the degradation of food webs that support commercially valuable finfish species. This work will help advance the understanding of linkages among nutrients, phytoplankton and hypoxia, and will have important implications for the long-term management of Long Island Sound and for the development of strategies to protect and restore the Sound's living marine resources. To request a copy of Dr. Wikfors presentation, contact the Long Island Sound Office.

### **UPDATES/ANNOUNCEMENTS**

LISS NEP Implementation Review. Mark Tedesco handed out copies of EPA Headquarters' implementation review of the LISS. Tedesco reminded the members that a team of EPA HQ and

Regional personnel came to LIS to conduct a triennial review of implementation of the CCMP actions. Each NEP is reviewed every three years; the outcome of the review is to determine if sufficient progress has been made over the last three years to warrant continued Section 320 funding. Tedesco noted that the LISS passed its 2005 review; the letter was very positive in highlighting progress, and made several recommendations for improvement. John Atkin recognized Art Glowka, who reported that he and a small group of stakeholders got involved in the implementation review process, met with the review team, and had input into the process; he is still following up on the report. The LISS has got to concentrate on the biology of LIS; the report is a whitewash, when you read it you can see that it says everything is 'hunky-dory.' Glowka does not have any indicator species that are getting better.

LIS NDA Designations/Dredging. Ann Rodney reported that the LIS Congressional Caucus was not successful in obtaining appropriations for ACOE for 2006, so the eastern site designation process is on hold. EPA and the ACOE got together on how to deal with developing a DMMP, and, as Mark Tedesco had mentioned earlier, the LISO has provided \$100,000 in 2005 funding for public involvement for the development of a DMMP. Rodney is working with the State of Connecticut on sites for No Discharge Area (NDA) designations.

2005/2006 LIS Citizens Summit. Robin Kriesberg reported that the 2005 Citizens Summit was held in Westchester County, which, beside late notifications, may have affected attendance. The featured speaker was Jim Motavalli, editor of *E, The Environmental Magazine*. Planning for the 2006 Summit is already underway, and it is scheduled for Saturday, April 4, 2006.

NY Oceans Conference. Nancy Seligson reported that she attended the Oceans Conference on October 24 in New York City. The conference was very well attended and covered a number of relevant topics on ocean policy.

### **MARCH AGENDA TOPICS**

John Atkin recognized the following areas for the March 2006 meeting agenda, and asked members to identify other topics directly to the co-chairs or the Long Island Sound Office:

- Vote on draft CAC Disclosure Policy
- Follow-up on Broadwater draft EIS review (Ad Hoc Subcommittee)
- LIS Research Presentation, Dr. Richard Fairbanks (Invited)
- Status of NDA designations in CT and NY (Rodney)

There being no further business identified, John Atkin called for subcommittee meetings, noting that the Sediment/Dredge Management subcommittee would meet in classroom 106. Atkin adjourned the meeting at 2:40 p.m.