

**Long Island Sound Study  
Citizens Advisory Committee Meeting  
Thursday, September 8, 2005  
New York City**

New York CAC co-chair Nancy Seligson called the meeting to order at 10:11 am. Seligson noted that Connecticut co-chair John Atkin was unable to attend the meeting, and recognized and thanked CAC member Ed Brennan of Pfizer for hosting the CAC meeting at Pfizer's New York offices once again. Seligson asked for self-introductions of attendees, after which Mark Tedesco asked the new Long Island Sound Fellows to introduce themselves and briefly describe their projects. Kari Heinonen, the Connecticut LIS Fellow from the University of Connecticut will be working on an assessment of non-native species in LIS; Christine O'Connell, the New York LIS Fellow from Stony Brook University will be reviewing marine zoning models for potential application to LIS. Tedesco then introduced Monique Lester, a summer intern from EPA Headquarters, who is working with NYSDEC to identify areas for no discharge zone designation in NY LIS waters. Tedesco thanked the Fellows and advised the CAC that they would return to brief the CAC at the conclusion of their projects.

CAC Secretary Caroline DuBois called the roll and determined that 19 members were present, constituting a quorum (several members arrived later, for a total attendance of 21 CAC members.) (attendance list on file). Seligson asked for any corrections to the notes from the June 9, 2005 meeting; as none were proposed, she called for a motion to approve the notes as written; it was so motioned and seconded; as there was no discussion, the notes were unanimously approved. Seligson asked if there were any proposed changes to the current agenda; as none were offered, she advised the membership that future CAC meeting notices would be posted on the LISS website, and that members would be receiving an email notification of meetings rather than a hard copy package. This will be a savings to the program in postage and handling and transaction costs. If a member has a particular concern over this process, please contact the LISO.

### **Reports**

*Membership Subcommittee.* Nancy Seligson reported that the membership subcommittee received one letter application for membership from Joel M. Rinebold, LLC, which was received past the deadline for consideration at the June 8 meeting, so the application was now up for consideration by the CAC at today's meeting. Seligson pointed out that the CAC By Laws currently do not address potential conflict of interest situations, and the Membership Subcommittee recommends that such a policy be developed for the CAC. Seligson handed out and reviewed the Membership Subcommittee's report, which recommended accepting the application with the condition that Mr. Rinebold recuse himself from discussions and votes related to the Broadwater project, for which he reported that his company is a paid consultant. Seligson called for a motion to accept the recommendation of the Membership Subcommittee and accept the application. It was so moved and seconded, and Seligson opened the floor for discussion. Several CAC members expressed concerns over: 1) the timing of the application, which appeared to coincide with the Broadwater project proposal; 2) the apparent lack of a

constituency to which Mr. Rinebold's organization would communicate LIS issues; 3) the Membership Subcommittee's recommendation concerning recusal and voting – CAC members voiced both support for and objections to this provision; and 4) lack of a current conflict of interest policy for the CAC and its implications for the current membership application. After further discussion of these issues, the CAC members agreed that the CAC should continue to remain an open forum for discussion of diverse ideas and opinions concerning matters affecting Long Island Sound. While members with a personal financial interest in issues before the CAC should disclose them, lack of a written policy should not affect the membership vote on this application. The CAC should develop a written conflict of interest policy, and Seligson called for volunteers to assist the co-chairs with this effort. A motion was made to amend the previous motion, and to accept the application without the conditions recommended by the Membership Subcommittee. Seligson called for a show of hands on the motion; a majority of the members present voted to accept the application for membership – there were 13 yeas; 6 nays, and one abstention; Nancy Seligson congratulated Mr. Rinebold and welcomed him as the newest CAC member.

Nancy Seligson announced that it has been three years since the last election of CAC Officers, and that a new election will be held at the December 8, 2005 meeting for the New York and Connecticut co-chair positions and CAC Secretary position. The new upcoming term of office is January 2006 - December 2008. Seligson called for volunteers to form a Nominating Committee. Bill Evanzia, Jennifer Wilson-Pines and Ed Brennan agreed to serve in this capacity. Seligson indicated that she was willing to run again as New York co-chair; CAC Secretary Caroline DuBois advised the members that she was not going to run for Secretary again. Joe Salata said that the LISO will assist the Nominating Committee in executing its duties under the CAC By Laws.

### **Subcommittee Reports.**

*Communications.* Chair Maureen Dolan reported that the communications subcommittee met via conference call on August 2, and the report was included in the meeting package (**see Attachment 1 for subcommittee reports**). Dolan reiterated the fact that the US Coast Guard and Federal Energy Regulatory Commission (FERC) are holding a joint series of meetings in September and October to obtain public comment on the Broadwater project. The subcommittee prepared an adjunct notice for distribution, and it was forwarded to the Long Island Sound Watershed Alliance list server. The LISS website has a link to the USCG/FERC meeting notice on [www.longislandsoundstudy.net](http://www.longislandsoundstudy.net).

*Ad Hoc Subcommittee.* Subcommittee chair Adrienne Esposito gave a brief overview of the subcommittee's work to date, including the upcoming USCG/FERC public meetings. Esposito asked the CAC members if they would like to have the subcommittee review the draft EIS for the CAC when it is issued, likely in March 2006. Margie Purnell reminded the members that traditionally the individual CAC member organizations retained their prerogative to review and comment on federal actions such as the dredging EIS, and that generally the CAC did not comment on these as a group. Nancy Seligson proposed that the members go back to their organizations to ascertain their views on this matter and each come to the December meeting

better prepared to provide a clearer sense of their organizational perspective on this issue to the CAC.

*Tracking and Monitoring Subcommittee.* Dr. Mickey Weiss reported for subcommittee chair David Miller, who was unable to attend the meeting. Weiss referred the members to the subcommittee report, which he distributed. The report provided the subcommittees priorities for 2006, which included ensuring continued emphasis on the hypoxia reduction effort in the Sound; supporting passage of the LIS Stewardship Act and reauthorization of the Long Island Sound Restoration Act; assessing the impact of global climate change on the Sound and regional environment; and continued emphasis and resources toward the understanding, assessment, management, and enhancement of living marine resources in the Sound. Caroline DuBois asked Dr. Weiss if there were any areas that the subcommittee reviewed which were not on target or behind schedule. Dr. Weiss reported that the subcommittee did not have the time nor resources to look at these areas in detail, and that the final 2004 CCMP Implementation Tracking Report was still under development.

*Management Committee.* Nancy Seligson introduced Mark Tedesco to report on the Management Committee meeting. Tedesco reported that the Committee held its first two-day meeting July 20-21, 2005 at Danfords Inn in Port Jefferson. The Committee reviewed progress in a number of program areas, and developed a list of priorities, which the CAC would be reviewing and providing their input to at today's meeting. The priority list was included in the CAC meeting package. Seligson and Tedesco then introduced the next section of the agenda, the discussion of the 2006 budget and funding priorities.

### **2006 Budget Priorities**

Nancy Seligson introduced Joe Salata who reviewed the 2006 EPA budget appropriations for the LISS. Approximately \$2,770,000 is available to the program from the President's Budget request for LIS and for the National Estuary Program, as well as from Congressional earmarks to both programs. Salata reported that there is no earmark for LIS funding under EPA's State and Tribal Assistance Grants program in the 2006 budget; in past years these Congressionally earmarked funds had been used by the LISS for direct grants to the states of New York and Connecticut for water quality infrastructure improvement projects. This discussion of the budget and funding priorities led to the suggestion that the LIS Congressional Caucus be invited to the next meeting to discuss the federal budget process and the Caucus priorities and perspectives on LIS. Nancy Seligson suggested that the LIS Caucus co-chairs, Reps. Rob Simmons and Steve Israel be invited to share their views rather than the entire Caucus, and the members agreed. The CAC co-chairs will invite the Caucus co-chairs to the December meeting.

Mark Tedesco explained the process for the CAC to provide its input into the 2006 priorities; the priority areas were posted around the room, and each CAC member was given 10 color dot markers to perform multi-voting for the highest priority areas. Members were given time to review the charts and to place their vote markers next to their preferred priority areas. Tedesco indicated that these would be tabulated and provided to the Management Committee for its consideration at the October 20, 2005 meeting. The Committee will use its best professional

judgment in recommending priority areas for funding for the 2006 budget cycle covering the period October 1, 2006-September 30, 2007.

### Updates

*Connecticut No Discharge Area Designations.* Ann Rodney of EPA New England reported that the State of Connecticut has submitted an application to EPA for a No Discharge Area (NDA) designation from the Thames River to Guilford, CT. The state intends to request designation for the final segment of CT shoreline, from Guilford, CT to the New York border in early 2006. The NDA designation would prohibit discharges from MS-II or III type of treatment on board recreational or commercial vessels of certain size. Currently untreated waste is prohibited from discharge anywhere in CT marine waters. The NDA designation would apply to all CT waters up to the mid-Sound state boundary line, which are considered state waters. Nancy Seligson asked about NDA designations in New York waters. Rodney replied that New York handles NDA designations on an embayment-by-embayment basis. Rodney is working with NYSDEC on its NDA process, and will report back on progress at the December 8 CAC meeting. While NYSDEC is responsible for submitting NDA applications to EPA, the New York Environmental Facilities Corporation is responsible for managing the pumpout facilities that are an essential part of the NDA approval criteria. Enough pumpout stations must be available to handle the anticipated number of boaters in the NDA area for the designation to be approved.

*LIS Stewardship Initiative.* Robin Kriesberg reported that on Monday, June 27, the House Subcommittee on Fisheries and Oceans – chaired by Rep. Wayne Gilchrest (R-MD) – held a hearing on H.R. 307, the “Long Island Sound Stewardship Act (LISSA).” Introduced by Reps. Rob Simmons (R-CT), Steve Israel (D-NY) and U.S. Sen. Joe Lieberman (D-CT), this legislation encourages protection of the Sound by providing financial incentives for owners of land parcels within the LIS area to preserve the environmental quality of and public access to this endangered habitat. The Congressional hearing was held in the Marine Sciences Building at UConn’s Avery Point campus. Chairman Gilchrest and members of the subcommittee heard testimony from federal and state agencies from Connecticut and New York, as well as interest groups and local citizens concerned about the health and safety of the Long Island Sound. Kriesberg also announced that the Stewardship work group added four new members, Richard Weisberg of the Recreational Fishing Alliance; and Lisette Henrey, Donald Landers and John Ludtke of the LIS Councils.

*EPA CCMP Implementation Review.* Mark Tedesco reported that a team of EPA Headquarters and Regional staff conducted the triennial review of the LISS’s implementation of the CCMP on July 28-29, 2005. The team will prepare a draft findings report, which will recommend whether enough progress has been achieved for the LISS to continue to receive NEP funding, currently approximately \$500,000 annually. Upon a question from the floor, Tedesco indicated that to his knowledge only one NEP had ever had its funding held up for lack of progress – Albemarle-Pamlico in North Carolina -- and this did not seem likely for the LISS, as we have made very good progress in implementing the CCMP over the past three years.

**Presentations**

*20-Year LISS Retrospective.* Kimberly Zimmer Graff showed a PowerPoint® presentation of a 20 year retrospective of the LISS, which was first shown at the July Management Committee meeting. CAC members thanked Kimberly for the presentation and asked if it could be made available on CD, and she indicated that it would be put on CD for interested CAC members. Please contact her at 631 632-9216 for a copy.

*LIS Summer Water Quality.* Peter Sattler and Mark Parker presented preliminary results of the summer 2005 water quality surveys conducted by the Interstate Environmental Commission (IEC) and the Connecticut Department of Environmental Protection (CTDEP). The 2005 summer water quality information is posted on the CTDEP website at: <http://dep.state.ct.us/wtr/lis/monitoring/summer2005.htm>. Contact Mark Parker at 860 424-3276 for a copy of his presentation slides or further information; contact Pete Sattler at 212 582-0380 for further information on IEC's water quality monitoring program.

**December Agenda Topics**

The following topics were identified for the December 8 meeting agenda:

- Subcommittee Reports
  - Election of Officers, 2006-2008/Nominating Committee
  - Conflict of Interest policy/Membership Subcommittee
  - Broadwater DEIS/Ad Hoc Subcommittee review vs. CAC member organization review
- Management Committee Meeting (Oct. 20)
- STAC Meeting (Nov. 18)
- Presentations
  - Federal Budget Process/LIS Caucus co-chairs, Reps. Israel/Simmons (to be invited)
  - 2001 LIS Research Fund Project, *Isotope Tracers of the East River Nitrate Pump* (P.I., Dr. Richard Fairbanks, Columbia University)
- Updates
  - EPA Implementation Review (Tedesco)
  - LIS NDA designations (Rodney)

There being no further business before the CAC, Seligson adjourned the meeting at 2:35 pm.

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**ATTACHMENT 1**

**Long Island Sound Study  
Citizens Advisory Committee  
Membership Subcommittee  
Report to the Citizens Advisory Committee  
September 8, 2005**

The CAC Membership Subcommittee met via conference call on Wednesday, August 31, 2005 from 2:00-3:00pm. Participating on the call were CAC co-chairs John Atkin and Nancy Seligson, David Miller and Dr. Mickey Weiss. Mark Tedesco and Joe Salata also participated on the call.

The subcommittee met to consider action on the application for CAC membership submitted by Joel Rinebold, LLC via letter dated May 10, 2005. Joel Rinebold is the company principal and would represent his private consulting firm on the CAC. The subcommittee expressed several concerns regarding this application, including the fact that Mr. Rinebold indicates that he is a paid consultant for the Broadwater project, a matter currently under regulatory review by the federal and state governments; and, the focus of his company, according to his application letter, has been on energy-related matters that the subcommittee felt are only indirectly related to Long Island Sound and implementation of the CCMP. The subcommittee also was concerned that Mr. Rinebold's company lacked a Long Island Sound constituency to communicate Sound matters and CAC issues as described in the By Laws. The subcommittee agreed that, because of his status as a paid consultant for Broadwater, Mr. Rinebold, if accepted as a CAC member, recuse himself from future CAC discussions and votes on Broadwater-related matters. If the CAC wished to obtain information on Broadwater matters, it would do so by contacting Broadwater company representatives directly.

The subcommittee also discussed development of a CAC policy on conflict-of-interest disclosure for possible inclusion in the CAC By Laws. While the subcommittee agreed that the CAC should remain an open forum for discussion of diverse issues related to the Sound, in order to maintain the credibility of the organization, CAC members should be under obligation to reveal potential conflicts of interest for matters in which the organization they represent may have a direct financial interest. The subcommittee agreed that this principle should generally apply to CAC member organizations, including those that may act in a paid consulting capacity to a third party with a financial interest affecting Long Island Sound.

With the above considerations in mind, the subcommittee unanimously recommended that Mr. Rinebold's application for CAC membership be presented to and approved by the members at the September 8 meeting.

## ATTACHMENT 1

**CAC Tracking and Monitoring Subcommittee  
Report to the Citizens Advisory Committee  
September 8, 2005**

The CAC Tracking and Monitoring Subcommittee met via conference call on Thursday, August 18, 2005 from 2:00-3:00PM. Participants included: Chair David Miller; Dr. Mickey Weiss, and Kimberly Zimmer; Mark Tedesco and Joe Salata also participated.

The subcommittee briefly discussed the CCMP Implementation Review report that was the subject of the 2005 Implementation Review conducted by EPA HQ in July. The subcommittee agreed on the following priorities:

1. The reduction of hypoxia and nutrient loadings in LIS has been and should continue to be the primary focus of the LISS. Toward this end, the LISS should:
  - Ensure that Connecticut, New York, and New York City implement the nitrogen reduction targets in the LISS CCMP.
  - Use computer model to assess the effects of nitrogen reduction program on hypoxia in the Sound. (Compare computer calculated DO with measured DO for the extremes of conditions (temp, salinity, nitrogen, etc.) occurring in the Sound.)
  - Maintain and strengthen interagency cooperation.
  - Continue and intensify monitoring.
  
2. The Stewardship Program has achieved significant public and political support over the past year. LISS should urge for the passage of the federal legislation, the Long Island Sound Stewardship Act for the Stewardship Program in this coming year.
  
3. LISS should consider the long-term management and ecological implications of global and regional environmental changes impinging on the Sound. (Global warming, sea-level rise, diseases, invasive species, etc.)
  
4. LISS should devote more attention and resources toward the understanding, assessment, management, and enhancement of living marine resources (LMR) in the Sound.
  - Establish a research agenda that includes baseline data collection and investigations of LMR at all trophic levels..
  - Identify key indicator species and communities and establish monitoring programs for these species/communities. Use the results of this monitoring to assess and report on the state of the health of the Sound.
  - Increase the level of effort and resources devoted to LIS by federal agencies with expertise in LMR, such as NOAA-Fisheries.

ATTACHMENT 1

Communications Subcommittee

August 2, 2005

**In attendance:** Robert Burg, Kimberly Zimmer, Maureen Dolan, Warren Ross, Caroline DuBois, Carol DiPaolo, Kay Eisenman

I. Coast Guard Meetings

The coast guard is planning on holding public hearings on the Broadwater proposal in conjunction with the FERC.

Everyone agreed that the communications subcommittee should “get the word out” about the meetings. Some ideas included:

- Email to LISWA’s listserve
- Creating an email that groups could forward to their lists
- Posting a message on the LISS website
- Have the LISS office put out a news release
- Have LISS send out email to the members

Maureen will create a draft email and circulate it around for comment, so once the dates, time, and locations are determined the subcommittee will have something ready.

It was suggested that the email contain weblinks to recent articles and Broadwater’s site. This will allow people to access more information on the proposal.

Robert will check to see if the LISS office will post the information on the web and put out a news release.

II. Non-Point Source Run-off Brochure

Robert reported that there have been 50 requests from different municipalities for the brochure. Of the 50 requests, there have been 30 requests from municipalities to re-print the brochure. Reprinting the brochure with groups logo’s is encouraged by the LISS, which is why they developed discs. Caroline stated she would talk to Friends of the bay and Carol would do the same for Coalition to Save Hempstead Harbor.

III. LISS Brochure

Robert is drafting a new LISS brochure. He will possibly email the draft around to the subcommittee for review.

IV. Stencils for Storm Drains

Kay inquired about getting more stencils for storm drain markings. Kimberly said that municipalities are moving away from this method because the paint does not last that long. CT has a program that is funded through their LIS License Plate Program that marks drains with a more permanent “marker”. Through the LISS small grants program there has been funding for other municipalities to use more permanent markers.

V. Sound Health Brochure

This is expected to come out in the spring of 2006. It was suggested that in the Sound Health 2006 there should be section listing items (like storm drain markers) that are available for groups and municipalities to purchase through the LISS office. The problem is that it is not the policy of the LISS to promote for-profit entities. It was then suggested that the publication list the website for the NEMO program, which is designed to help municipalities meet the phase II requirements.