

**Long Island Sound Study
Management Committee Meeting
Thursday, October 19, 2006
Stamford, Connecticut**

Welcome/Introductions. Mark Tedesco convened the meeting at 10:14am, asking members and attendees to introduce themselves. Tedesco introduced Dr. Corey Garza, the new NOAA ecologist hired through an Interagency Agreement between EPA and NOAA/NMFS with LISS funding. Dr. Garza briefly described himself as a Ph.D. graduate from Cal State, having performed post doctoral work with EPA's EMAP program with the Western and Gulf Ecology Divisions. Tedesco welcomed Dr. Garza to the Long Island Sound Study, indicating that he will be splitting his time between the LIS Office in Stamford and the NOAA Milford Laboratory. Tedesco introduced Rhead Enion, the 2007 Connecticut Long Island Sound Fellow, who is in his second year with Yale's Masters in Environmental Management program. He is interested in management of coastal ecosystems and legal policy, and will be doing work related to remote sensing of chlorophyll in the Sound. Tedesco reported that Alexa Fournier is the 2007 New York Long Island Sound Fellow, who will be following up on Carrie Heinonen's 2006 Fellow's project on invasive species, working with the Connecticut Sea Grant College Program to develop a LIS invasives management plan. The Fellows' research topics will be presented at the November 17, 2006 STAC meeting in New York. Tedesco called for any agenda changes, and none were offered. Tedesco introduced the 2007 Management Committee meeting calendar, asking members if there were any known conflicts with the proposed 2007 meeting dates; as none were noted, the members voted to accept the 2007 calendar. The STAC and CAC will be confirming their 2007 meeting dates at their respective November and December meetings.

Reports.

CAC. John Atkin, Connecticut CAC Co-chair, reported that the CAC added two new members at the September 14, 2006 meeting – the Town of Oyster Bay and the Hempstead Harbor Protection Committee, represented by Aldona Lawson and Eric Swenson respectively; this brings the CAC membership total to 38, with 21 from New York and 17 from Connecticut. Atkin reported that CAC member Joel Ziev attended a conference sponsored by the National Dredging Team and the Subcommittee on Integrated Management of Ocean Resources (SIMOR) on *Managing Sediments in the Watershed: Bringing Dredged Material and Watershed Managers Together*, August 29-31, 2006 in Portland, Oregon. The conference was intended to identify steps needed to include dredged material management in watershed plans and to include a broader watershed perspective in dredged material management. Ziev will be reporting back to the full CAC at a future meeting. The LISS paid for CAC travel to this conference, which Atkin said was a good use of funds, to allow CAC members to participate in meetings of national scope. Atkin also reported that Dr. Richard Fairbanks of Columbia University presented his LISS-funded research on isotope tracers of nitrogen deposition to the western Sound. This was a very interesting topic and Dr. Fairbanks's presentation

was very clear and understandable to the general public. The CAC also heard a presentation from CTDEP and IEC on Summer 2006 water quality monitoring results. The area of maximum hypoxia was 200 square miles lasting for 53 days compared to the 20 year averages of 203 square miles and 57 days. Paul Stacey presented some new data on longer-term trends. IEC's data corroborated the findings of CTDEP. The CAC reviewed the Policy Committee meeting agenda, and the co-chairs made presentations to the Committee at its September 28 meeting at the Jay Heritage Center in Rye. Finally, the CAC had an update on the 2006 budget and actions on the 2007 budget and Stewardship Act; at the time of the meeting, it was not expected that the Stewardship Act would pass the House. **[NB: Subsequent to the meeting both Houses passed the bill, H.R. 5160, and the President signed it on October 16, 2006 as Public Law 109-359.]**

STAC. Mark Tedesco reported that both co-chairs were teaching classes and were unable to attend today's meeting. Tedesco gave quick update of work since the joint STAC/CAC meeting on June 16, 2006 hosted at the Bridgeport Regional Aquaculture School. The co-chairs, LIS Fellows, NOAA LIS liaison and Tedesco met on September 29, 2006 in Milford to discuss and develop a more detailed outline of the Long Island Sound environmental data synthesis report; the co-chairs will present the outline at the November STAC meeting; Corey Garza will work with the STAC and others in developing the data synthesis report.

Communications. Robert Burg reported that the LISS received good press coverage over the last few weeks on the Policy Committee meeting, the Long Island Sound 2006 Futures Fund project announcements and the Long Island Sound Stewardship initiative. The Communications Team will be rolling out a new electronic newsletter entitled *Soundbytes*, during the first week of December; the team conducted a trial run of the newsletter this summer, which was well-received. The team is working with Stony Brook University's Center for Research Survey, which is completing work on a LISS-funded grant for the conduct of a public perception survey of the Sound. The EPA LISO will work with the grantee to have a briefing for the Management Committee once EPA has approved the final project report.

CT River Work Group. Becky Weidman reported that the work group had just concluded individual meetings with the upland states of New Hampshire, Vermont and Massachusetts on Connecticut River nitrogen load work just prior to the July 19-20, 2006 Management Committee meeting. Subsequently NEIWPCC organized an all-states meeting on September 20, 2006 to discuss next steps in the process. Weidman reported that there was positive discussion at the meeting as well as informative presentations by CTDEP and NYSDEC. One of the next steps is how to approach the state environmental commissioners on the implications of this work to their states. After discussion, it was agreed that while NEIWPCC did a commendable job in vetting the issues, it is not their responsibility to tell the states what must be done. Weidman indicated that NEIWPCC had obtained supplemental CWA Section 106 funds for an additional year of monitoring at five stations in the CT River basin.

Nutrients Work Group. Mark Tedesco reported that the work group met on October 11, 2006 at the Hydroqual, Inc. offices in Mahwah, New Jersey to review the results of the SWEM model runs. The model runs were carried out consistent with the strategy agreed to by the work group. A great deal of information was presented and the work group is planning another meeting in November 2006. **[NB: The meeting was subsequently held on November 20, 2006 in NYC.]** The SWEM projections corroborated results from the LIS3 Model, projecting that neither the TMDL nor limit of technology treatment scenarios will meet water quality standards at all times and in all places. However, the TMDL scenario would result in a significant reduction to impact indices compared to the base case. Further management under a limit of technology approach would produce small incremental improvements at much higher unit costs. This supports the approach taken in the 2000 TMDL. Revision of the TMDL will need to address the issue of water quality standards attainment.

Stewardship Initiative Work Group. John Atkin reported that the Stewardship Bill, H.R.5160, passed both Houses of Congress, and that the President signed it as P.L. 109-359 on October 16, 2006. Atkin had reported at the last CAC meeting that passage was not promising, but election year dynamics changed suddenly and the bill became law. The *Long Island Sound Stewardship Act of 2006* is authorized at \$25 million annually through 2011. As an authorization act, no direct funding is attached to it; more time and effort is needed to obtain appropriations. Atkin recognized the contributions of Audubon New York and Connecticut Audubon, as well as the support from the Management Committee to make the Stewardship Initiative a reality for Long Island Sound.

Habitat Restoration Team. Karen Chytalo reported that the Policy Committee signed a new habitat Memorandum of Understanding (MOU) at their September 28 meeting; some signatory agencies had signed the MOU prior to the meeting, several had attended the meeting to sign in person, while others will sign afterward. The CT and NY habitat restoration coordinators are circulating original copies to agencies that have not yet signed the MOU. General restoration guidelines have been agreed to and posted on the LISS website – this was done to coincide with the LIS Futures Fund RFP release. The team is working on detailed guidance, which will be posted at a future date as the team agrees to the final product. Chytalo reported that New York state legislation established a seagrass research, monitoring and restoration task force. The task force is to develop a seagrass conservation, protection and restoration plan. The task force will develop recommendations that could ultimately affect laws, research priorities and restoration of seagrass. The task force consists of nine members with representation from: recreational fishermen; town marine law enforcement; local estuary programs; commercial fishermen; recreational boaters; New York Sea Grant; local government officials; the Marine Resources Advisory Council; businesses and environmental groups. It was noted that this effort should be coordinated with the LISS efforts through CTDEP and UConn to establish seagrass water quality criteria. Chytalo also reported that NYSDEC has hired a contractor, PSG, to develop a strategy on how to integrate Ecosystem Based Management (EBM) among state agencies and programs. A first meeting was conducted at the Commissioner level. Recommendations are due in December to the incoming administration.

On a related issue, Kimberly Graff reported that New York Sea Grant is planning a seagrass restoration conference in February 2007. This will be an invitational scientific conference on identifying best restoration practices.

Action: Eelgrass planning efforts will need to be coordinated with LISS efforts through CTDEP and UConn to establish seagrass water quality criteria.

Policy Committee Meeting. Mark Tedesco reported that the four agreements signed by the Policy Committee on September 28, 2006 are posted on the LISS website. There was a good press response to the meeting. All the presenters did a great job, especially Nancy Seligson and John Atkin, who spoke for the CAC. The facility at the Jay Heritage Center was an excellent venue and very good support was provided by executive director Anne Stillman. Tedesco also gave thanks also to Jeff Main, who conducted the tour of the Marshlands Conservancy after the meeting. Commissioner Sheehan took the tour. NYSDEC provided the refreshments, which were very good and much appreciated by the attendees.

2007 Budget Process. Mark Tedesco summarized the 2007 budget development process. Starting in late spring 2006, the work groups were asked for their 2006 work plans and priorities for the coming year. The CAC and STAC, through discussions and their joint meeting in June, summarized their priorities, which were then presented at the July two-day Management Committee meeting. The Committee had more detailed discussions on hypoxia and EBM. The Implementation Team met in September and developed the final list of recommendations. Tedesco indicated that the next steps are to reach consensus on base program activities, ask all agencies that conduct base activities to develop detailed work plans, develop the CCMP Enhancements RFP, work to identify LIS research topics (the next research RFP would be issued in spring 2007). Tedesco reviewed the recommended priority areas that were provided in the meeting package and solicited any final priorities from the Management Committee.

Don Henne advised the group that there may be a 17-22 percent funding shortfall in the USFWS LIS liaison position due to overhead cost increases. An additional \$30-40 thousand may be needed to make up the funding shortfall from that provided in 2005. Dr. Gary Wikfors suggested including funds for a public information document to highlight and explain the technical details of the proposed synthesis document. Lynne Hamjian noted that there was nothing identified for the Connecticut River initiative, and asked NEIWPC to consider needs or cost-benefit analyses.

Karen Chytalo expressed concern with 'orphan' action items in the LIS 2003 Agreement, such as LMR issues, watershed agreements, toxics and certain education goals. Chytalo indicated a need for a mechanism to follow through on these items. For example, the NPS workgroup should discuss watershed indicators, and have them work through them. With the LMR work group no longer active, there is no entity to task LMR issues. The habitat restoration work group gets tasked with some of these items but is not the appropriate entity to take others.

Tedesco indicated that the next steps in the budget process are to request funding for 2007 for base program line items, including the CCMP Enhancements projects and LIS Futures Fund projects. The final topic areas for Enhancements funding will need to be developed for inclusion in the Enhancement RFP, scheduled to be released around December 1, 2006. Tedesco referred to the budget schedule that was provided in the meeting package. The schedule calls for final budget decisions in April 2007; however, if EPA's budget is finalized in time, it may be possible to make decisions at the January 2007 meeting.

Cable Fund MOU. Betsey Wingfield summarized the history of the origination of the 'cable fund.' The Consent Order requires Northeast Utilities and LIPA to replace existing cables with new technology. The permits are pending before CTDEP, and it is expected that they may be issued by next (2007) summer. A \$6.0 million fund was established to be used for research and restoration of Long Island Sound. The Policy Committee signed a MOU outlining how money would be expended. CTDEP has financial responsibility for the fund. The Policy Committee charged the Management Committee to establish a cable fund steering committee composed of the NY/CT Sea Grant programs, EPA regions, and the states to develop a process and criteria for developing a list of projects, building off of Executive Order 26 and the Bottomlands Symposium. The Steering Committee work will likely have a 6-9 month planning period. That work can proceed while waiting for the settlement funding to be freed up following the 1385 cable permit issuance.

LISFF Presentation. Lynn Dwyer made a PowerPoint® presentation on the status of the Long Island Sound Futures Fund projects. The first round of projects was in 2005; the second round in 2006, and the 2007 process is underway. (Contact Dwyer for a copy of her presentation.) Dwyer indicated that she would be conducting three grant workshops to assist potential applicants with information on the program. Dwyer asked the members to get the word out on the workshops, which are scheduled for November 1, 2006 in Stamford, November 2 in Old Saybrook and Pelham Bay, and November 3 in Nassau County. The application deadline is December 15, 2006. The RFP and information are posted on www.nfwf.org.

Tedesco opened the floor for discussion of the LISFF. Issues included the amount of technical oversight required for the projects, and private corporation support for the LISFF. Lynn Dwyer referred the members to the briefing book she had prepared for details on projects; several copies were available for review. Tedesco pointed out that the LISS is not getting this level of documentation from other EPA grantees, and that it is not expected that a grantor can or should visit all sites; where feasible some sites can and should be visited. Robert Burg suggested providing a larger pool of funds for larger habitat restoration grants, thus having fewer grants to manage. Tedesco also pointed out that the program does not have to recommend using all available funds to support projects. Only highly ranked projects with mechanisms in place to ensure quality outcomes should be funded. This approach will minimize the need for overly burdensome additional oversight.

Tedesco raised the issue of NFWF's use of the Shell Foundation's Marine Habitat program funds as part of the LISFF in 2006. There is a concern expressed by some over the appearance of a conflict of interest due to Shell Oil's corporate interest in the Broadwater energy project proposal for Long Island Sound. Citizens Campaign for the Environment issued a press release denouncing the contribution from the Shell Foundation to the Futures Fund.

Tedesco reminded the members that when the LISFF was initiated, it was viewed as an opportunity to grow funding for conservation projects and apply federal funds not otherwise targeted to LIS, as well as other private foundation and corporate funds. The LISS did not develop criteria for distinguishing acceptable sources of funding for the Futures Fund. Tedesco cautioned against distinguishing among potential sources without any guidelines or criteria. He emphasized that EPA grant policy was followed and that EPA, as the grantor agency, is ultimately responsible for managing the NFWF assistance agreement consistent with national regulations and policy. NFWF has had a longstanding national relationship with the Shell Foundation Marine Habitat Program that precedes the Futures Fund. This is the first year that the Shell Foundation has agreed to provide funds for the LISFF. Potential NFWF grantees were advised of the funding source, and all agreed to accept the funds for their projects. Further, there is sufficient separation among the agencies involved in the Broadwater project review that there is no influence on the types of projects or the reviews themselves. The Broadwater project proposal final decision is made by the Federal Energy Regulatory Commission, not EPA, NOAA, USFWS, or the states. Even within EPA, a separate organization is responsible for National Environmental Policy Act compliance reviews and Environmental Impact Statements. Betsey Wingfield indicated that after some initial concerns, CTDEP is satisfied that EPA is the primary responsible agency as the fund grantor to NFWF. At the LISS staff level it had been agreed that CTDEP would develop draft criteria for potential contributors to the LISS, using the Corporate Wetlands Partnership as a model. The decision to proceed with this staff work would be up to CTDEP as an internal matter; however, NFWF would move forward with 2007 LISFF RFP.

UPDATES. John Atkin reported that he had attended the EPA/ANEP national meeting in San Francisco, September 19-22, 2006. There were three main themes to the meeting: 1) NEP federal/local funding; 2) EBM; several of the West coast NEPs presented case studies of examples of ongoing or completed ecosystem work; and 3) emerging contaminants and impacts on estuaries and living resources.

Don Henne reported that the USFWS finished up ground-truthing the eelgrass data collected in the Spring 2006 aerial photo sessions, and that the information is being reviewed by the USFWS national wetlands inventory staff in Hadley, Massachusetts.

John Atkin reported that the Restore American's Estuaries annual conference is in New Orleans, December 9-13, 2006 at the Hilton Riverside Hotel – *Forging the National Imperative for Restoration*. Atkin will chair a section on Case Studies in Fish Habitat Restoration and Robin Kriesberg will present case studies on LIS fishway projects. Lynn

Dwyer will also make a presentation for NFWF on the value of partnerships in restoration. Consult www.estuaries.org for additional information and registration details.

Public Comments. Mark Tedesco recognized Art Glowka. Glowka said that he only had one thing to say, that there is no public input, no public comment, and no open debate in the program. Mark Tedesco thanked Glowka for his perspective and referred him to the Long Island Sound Study Citizens Advisory Committee to provide additional opportunity for public participation.
