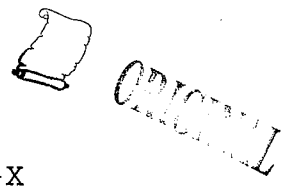


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Department of Planning
Council on Environmental Quality



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PUBLIC MEETING

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March 19, 2008
9:30 a.m.

William Rodgers Complex
Veterans Memorial Highway
Hauppauge, New York

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MARCH 19 2008
PORT JEFFERSON

ACCURATE COURT REPORTING SERVICES, INC.
6 FRANCES LANE
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2 A P P E A R A N C E S:

3

4 R. LAWRENCE SWANSON, Chairperson
5 MICHAEL KAUFMAN, Vice Chairperson
6 HON. JAY H. SCHNEIDERMAN, CEQ
7 EVA GROWNEY, CEQ
8 GLORIA G. RUSSO, CEQ.
9 JAMES BAGG, CEQ
10 ZEB YOUNGMAN, CAC
11 JOY SQUIRES, CAC
12 RICHARD MARTIN, Historic Society

9

10 A L S O P R E S E N T:

10

11 BOARD OF ELECTIONS WAREHOUSE ADDITION:
12 IVAN YOUNG
13 JAMES INGENITO
14 WAYNE ROGERS

13

14 SUFFOLK COUNTY STORMWATER MANAGEMENT PROGRAM:
15 EMERSON HASBROUCK
16 LORNE BROUSSER
17 ANGEL DYBAS
18 ERIK BERGEY
19 JEFF DAWSON
20 MATT SCLAFANI
21 MARK CAPPELLINO

22 DGEIS FOR SHELLFISH AQUACULTURE LEASE PROGRAM:
23 DeWITT S. DAVIES
24 GREGORY GREENE
25 MICHAEL MULE
26 KEITH BREWER

21

22 LAURETTA FISCHER

22

23

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2 CHAIRMAN SWANSON: Call the meeting
3 to order. Anybody check the Web site for
4 the minutes?

5 MS. GROWNEY: Yes, there are minutes.

6 CHAIRMAN SWANSON: No comments?

7 (No response.)

8 CHAIRMAN SWANSON: Okay. Please read
9 them for the next meeting so we can get them
10 off the agenda.

11 Correspondence. Jim, you want to
12 tell us about Earth Day?

13 MR. BAGG: In your folder there is a
14 letter from Commissioner Pavasac (phonetic)
15 inviting everybody at the Council to Earth
16 Day at the Suffolk County Department of
17 Parks. The event will be at Island County
18 Park in Riverhead on Sunday, April 20th,
19 2008 from 10:00 to 4:00 p.m.

20 CHAIRMAN SWANSON: Okay. Thank you.
21 And also in your packet, there's a letter
22 that was sent by CEQ, actually signed by me,
23 to Steve ^{Levy}~~Levey~~ and -- ^{Lindsay}~~Lindsey~~ in the
24 Legislature concerning the Historic Trust
25 and some of our concerns that have been

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2 expressed about renting property. We'll go
3 into that a little bit later. So we'll pass
4 that letter around.

5 Historic Trust Director's report.

6 MR. MARTIN: Morning. The housing
7 situation remains the same as reported at
8 the last meeting, that there were 13
9 vacancies. That remains the same. No one
10 else has moved out at this time and nobody
11 else has moved into the County housing.
12 Just to note, there is a meeting scheduled
13 at the Commissioner's office with the County
14 attorneys. Jim Bagg is attending that
15 meeting, and park staff, and there is
16 general recognition now that there is a
17 problem here with the housing program and
18 the rental structure that we have, and there
19 is going to be a serious look and a review
20 of this program at this time. So I'll
21 report back to you next month on the
22 development of that.

23 CHAIRMAN SWANSON: I hope our letter
24 is helpful in your pursuit.

25 MR. MARTIN: I think it definitely is

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2 helpful, especially since it's being widely
3 distributed so everybody is aware of the
4 concerns.

5 CHAIRMAN SWANSON: Okay. Anything
6 else, Rich?

7 MR. MARTIN: Also, just a report on
8 the contract with the Historical Society.
9 Again, we have a number of contracts in the
10 works to bring historic groups onto our
11 historic sites to open up to the public run
12 programs. The Farmingville Historic Society
13 contract for the Farmingville schoolhouse
14 was sent to the County attorney's office
15 January 30th of this year. The contract for
16 the Great South Bay Audubon Society to
17 manage Brookside County Park in Sayville was
18 sent to the County attorney's office
19 January 31st of this year. The contract
20 with the Babylon Town Historical Society to
21 manage the Van Bourgondien House at Van
22 Bourgondien County Park in Babylon was sent
23 to the County attorney's office
24 December 10th of '07. And the Scully
25 Estate, the contract with Seatuck

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2 Association, has gone out of the County
3 attorney's office, and that has gone to the
4 Babylon County Comptroller's office for
5 review of the special funding enterprise
6 fund that is to be established for that
7 contract, which is only being established
8 for that contract. So that has proceeded,
9 but it's still not completely signed yet.

10 We're now negotiating with Huntington
11 Town for a contract to supervise the Coindre
12 Hall House and also, as part of that, would
13 be giving the County \$600,000 towards the
14 restoration of that building. That is now
15 being negotiated.

16 And that's the only group that I have
17 to report on today.

18 CHAIRMAN SWANSON: Okay. Thank you.

19 MR. MARTIN: Just one more thing,
20 Larry. Sorry. I just want to say we had a
21 meeting that we discussed the Smith property
22 out at Hubbard County Park Historic Trust
23 Committee, and our next meeting is
24 scheduled, at this point, for May 6th, and
25 that will be at the headquarters of the

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2 Society for Preservation of Long Island
3 Antiquities in Cold Spring Harbor. And
4 that, again, will be at 9:30 at their
5 offices on Main Street.

6 CHAIRMAN SWANSON: So Mary Ann will
7 be representing us?

8 MR. MARTIN: Yes.

9 CHAIRMAN SWANSON: Very good. Thank
10 you.

11 Just a reminder that this is a public
12 meeting, and if anybody has comments they
13 would like to make on a particular topic,
14 please feel free to let us know, and we will
15 probably take them at the time a particular
16 issue is being discussed.

17 So, project reviews. The ^{DGEIS}~~EGIS~~ for
18 shellfish aquaculture lease program at
19 Peconic Bay is next on the agenda. If you
20 would like to, come up and make a
21 presentation.

22 And I'd like to just remind the CEQ
23 that our role here today is to determine
24 whether or not the ^{DGEIS}~~EGIS~~ is in suitable shape
25 and complete enough to be released to the

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2 public. Also, there is, I believe, on
3 April 17th -- is that correct, Jim?

4 MR. BAGG: Yes, I believe that there
5 is a public hearing tentatively scheduled
6 for April 17th.

7 CHAIRMAN SWANSON: The April 17th
8 public hearing will be in Riverhead, and I
9 believe it's at 7:00. I'll be chairing the
10 meeting and I encourage other members of CEQ
11 to come. It's always good if more than one
12 of us hears what the public has to say
13 concerning these particular large projects.
14 I think, Mike, you're planning on coming; is
15 that correct?

16 MR. KAUFMAN: Yes, Mr. Chairman.

17 CHAIRMAN SWANSON: If anybody else
18 has time, please come and join us.

19 MR. KAUFMAN: What time of day?

20 CHAIRMAN SWANSON: I think I just
21 said 7:00.

22 Okay. DeWitt, if you'd like to
23 introduce your panel.

24 MR. ^{DAVIES:} DAVIS: Yes. Thank you, Larry,
25 and I'd like to thank the members of the

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Council for the chance to come before you today so we can provide some input, with respect to the draft ~~American~~ ^{Generic} Environmental impact statement that you have before you on the Suffolk County shellfish Aquaculture lease program in Peconic Bay and Gardner's Bay.

By way of introduction, on my far right is Mike Mule', senior planner, who has worked on this project from the very beginning a few years ago. Keith Brewer is senior scientist at Cashin Associates. ~~Cashin~~ ^{Cashin} is the consultant that is working on the impact statement and program document. To my right is Greg Greene, who is the principal at ~~Cashin~~ ^{Cashin} and is in charge of their work for this project.

Larry has already mentioned some of the key dates with respect to the future of this particular project, and that is the scheduling tentatively, pending your deliberation today, of a public hearing on that draft document.

Let's go back a little way here so

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2 you can get some historical perspective with
3 respect to this particular program.

4 Chapter 425 of the laws of New York State
5 2004 ceded to Suffolk County approximately
6 110,000 acres of underwater land in Peconic
7 and Gardner's Bay to Suffolk County for the
8 purpose of establishing a shellfish
9 aquaculture lease program in this area.

10 This is an important piece of legislation
11 and has important ramifications for Suffolk
12 County.

13 The particular legislation that I
14 just referenced contains a sunset clause,
15 December 31st, 2010, which was imposed by
16 various interests in the State of New York
17 on the County, in that, if the County does
18 not implement -- first adopt and then
19 implement this program, it will lose the
20 authority to manage shellfish aquaculture in
21 this area and forfeit the title that it has
22 to the underwater land that I mentioned
23 before; 110,000 acres or so.

24 CHAIRMAN SWANSON: Can I interrupt
25 and ask a question?

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2 ~~MR. DAVIS:~~ ^{DAVIES:} Sure.

3 CHAIRMAN SWANSON: When you say
4 "ceded," the State is not actually giving
5 ownership, they're only giving the right to
6 conduct aquaculture in those acres; is that
7 correct?

8 ~~MR. DAVIS:~~ ^{DAVIES:} They've ceded the right
9 for shellfish cultivation purposes to
10 Suffolk County and they're giving the
11 County, given certain conditions, rights to
12 lease those lands for that activity. The
13 underlying title is retained by the State of
14 New York, but if you look at the bundle of
15 rights that are associated with ownership of
16 underwater land, the right to cultivate
17 shellfish on the bottom and in the water
18 column is probably the principal right
19 associated with that ownership.

20 So that's a little bit -- in terms of
21 the historical perspective, in terms of
22 where we provide this particular project.
23 The project was funded by the County.
24 Capital Project Planning Department. We've
25 been underway now for approximately 13 or

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2 14 months in an intensive way. We have an
3 aquaculture lease program advisory
4 committee, 17 members, of which Legislator
5 Schneiderman is a member. He's been
6 attending these meetings on a regular basis
7 and is familiar with the operation of that
8 particular committee.

9 Earlier in the year, we came before
10 the CEQ to ask their review of a draft
11 scoping document. The process of scoping
12 has been completed. We had a public hearing
13 on the draft scoping document, and on
14 August 23rd the Legislature approved the
15 final scoping document for this project and
16 essentially authorized us to proceed with
17 active preparation of the ~~DGIS~~^{DGEIS} report.

18 You might ask, why are we doing this?
19 What are the goals of this particular
20 program? And again, stepping back a little
21 bit here, but one of the initial concerns
22 people had was sustaining and maintaining
23 the marine environment in the area in which
24 we are dealing with. Again, this is
25 Gardner's and Peconic Bay in Suffolk County.

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2 Whatever we do, we want to maintain and
3 sustain that environment in whatever we do
4 with respect to the activities. We want to
5 provide the ability for people to get access
6 to underwater lands for raising shellfish in
7 a manner that is socially equitable with all
8 the other uses of this particular marine
9 space. We want to provide an opportunity
10 for controlled and predictable growth of
11 shellfish farming at acceptable levels, both
12 over the near-term and the long-term.

13 What are the outcomes that we expect
14 from this program? Should it be adopted by
15 Suffolk County from a policy perspective and
16 then implemented? Well, we believe that if
17 those two things occur, adoption and law and
18 implementation, that private investment in
19 the shellfish aquaculture business will be
20 encouraged. We will see shellfish farms
21 established at secure locations which don't
22 pose conflicts with other bay users. We
23 believe that the water-dependent economy of
24 the County will be expanded and
25 green-related job opportunities will be

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2 created, also, and these kinds of
3 opportunities are in tune with the quality
4 of life and the sense of place that is the
5 East End of Suffolk County.

6 We believe that these shellfish farms
7 will increase shellfish populations and
8 densities in various areas in the system,
9 and that alone will have very important
10 ramifications for the health of the Peconic
11 estuary. Because we all know shellfish are
12 filter feeders. They have a positive
13 influence on water quality by removing
14 nutrients, by removing humidity, by
15 improving light penetration and, also, they
16 have the ability to augment the spawning
17 potential of the natural populations of
18 shellfish that are out there.

19 If this program is adopted and
20 Suffolk County, again, assumes an active
21 role in management of the system --
22 something which it had historically, over a
23 hundred years ago, but that involvement has
24 waned over the years -- shellfish
25 cultivation leasing will become

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2 institutionalized as a government
3 responsibility and function. This program
4 will also be implemented in a way that
5 assures input from all of the East End
6 interests and local governments through the
7 application process that we envision for
8 obtaining a lease.

9 Where are we now in this particular
10 project? ~~Cashen~~ ^{Cashin} Associates has prepared
11 this draft impact statement. A preliminary
12 draft of the impact statement was circulated
13 to the Agriculture Lease Program Advisory
14 Committee for review and comment, and we've
15 incorporated those comments. This draft has
16 not been distributed to anyone except you
17 folks. In the letter from Director Tom
18 Isles to the chairman, who the Department
19 requests a review of the document and,
20 hopefully, you'll be able to concur with the
21 conclusion that this document is complete
22 with respect to the requirements of SEQRA
23 for distribution.

24 I'd like to make the comment that it
25 is a generic impact statement. The impact

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2 statement focuses on the issue of providing
3 access to underwater lands for private
4 commercial use, but it could also involve
5 municipality use with respect to obtaining
6 leases for habitat restoration purposes,
7 also. So it's not just a private lease
8 program. The leases, as we envision it,
9 could be issued to local government for
10 their purposes and also to private entities
11 that may want to conduct research, for
12 example.

13 So we are at that juncture now. The
14 Department of Planning would like to proceed
15 with this project and be able to conduct a
16 full public review of the document. That's
17 why we have enclosed in the letter, that I
18 believe you have before you, our plan. The
19 plan is tentative at this point. We'd like
20 to schedule a public hearing on this
21 document, Riverhead Town Hall on April 17th.
22 Our ALPAC meetings will continue program
23 development as we go through the public
24 review process. We will then have the
25 opportunity to hear from people, in a very

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1
2 specific and defined way, what issues bother
3 them, what issues they support, what issues
4 they don't support, in terms of how they've
5 been resolved and discussed in the impact
6 statement. This is the way we can get that
7 input if we go out and start this formal
8 process. If we continue on schedule -- and
9 we are on schedule at the moment with
10 respect to this project -- the next major
11 milestone would be for preparation of the
12 administrative component document, which
13 will describe how leases would be issued in
14 terms of their format, what standards and
15 criteria would be used by the County in
16 reviewing and implementing programs in a
17 specific way. That document is under
18 preparation and a preliminary version of
19 some of that material will be given at the
20 next ALPAC meeting in April.

21 But assuming that we can, again,
22 proceed with going through the impact
23 statement, finalizing, etcetera, we hope to
24 have the whole program wrapped up in a final
25 form by the end of the summer, at which time

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2 it would then be submitted to the County
3 Executive, etcetera, for a policy review and
4 subsequent action. If it is adopted into
5 law, etcetera, we expect that the County
6 could begin this process of issuing leases
7 in 2009 and 2010. As I said before, we have
8 some significant ramifications if that
9 deadline of December 31st, 2010 is not met
10 by the County.

11 So, given that as an introduction as
12 to where we are at the present time, ^{Cashin}~~Cashin~~
13 Associates' Greg Greene and Keith Brewer are
14 here today to answer specific questions that
15 you might have on this document. We will
16 certainly take note of it to the best of our
17 ability today. And I'd also like to point
18 out again the fact that this is a generic
19 impact statement. It focuses on access
20 issues, a provision of access to underwater
21 lands and the conduct of this activity.
22 This is not a regulatory program with
23 respect to what Suffolk County's authorities
24 are under the State law. The New York State
25 DEC retains its regulatory function and

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2 authority under New York State Environmental
3 Conservation law, and they are, in a sense,
4 the regulatory arm with respect to which
5 these proposed activities on leases will be
6 judged, because the State of New York has to
7 issue permits for those activities and all
8 ramifications associated with those
9 operations.

10 The County is responsible, under the
11 program, for providing the mechanism to
12 obtain access. I think that's an important
13 distinction. All permits that the New York
14 State DEC would issue for a specific culture
15 operation would be subject to a public
16 review process that they conduct. So I just
17 wanted to make that point clear.

18 So I can turn it over to you, Greg.
19 You may want to say a few words about the
20 document itself.

21 Larry?

22 CHAIRMAN SWANSON: I'd like to ask
23 you a question just for clarification.
24 December 31st, 2010 some activity must be
25 taking place. What exactly is that

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2 activity, the completion of the EIS process
3 or actually the first leases? Just so that
4 we're clear as to what we're shooting for.

5 ~~MR. DAVIS:~~ ^{DAVIES:} The law is quite specific
6 with respect to what would have to happen.
7 The County would have to adopt, by local
8 law, a shellfish cultivations zone map and
9 the program itself with respect to how this
10 program would be implemented. So the
11 authority would have to be in place before
12 the County could actually lease. But
13 there's also the provision that if no leases
14 are executed by the County -- the operative
15 word there is "executed," meaning that we've
16 actually done it -- the County forfeits its
17 title to the underwater lands and loses its
18 authority to issue leases. It returns,
19 then, to the State of New York.

20 I point out that, historically,
21 Suffolk County has had an authority out in
22 Peconic and Gardner's Bay since 1884. First
23 to issue grants for oyster cultivation,
24 which the County was very active in at the
25 turn of the century, and in 1969 a new law

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2 gave the County the right to sell leases for
3 shellfish cultivation. However, the
4 complexities and problems associated with
5 that law led to over 30 years of no action
6 by Suffolk County. That's why the law was
7 changed in the year 2004.

8 So we do have a long history here,
9 and it's been sporadic with respect to the
10 level of involvement that the County has had
11 with this particular resource, but the
12 resurgence of culture technology out in
13 Peconic and Gardner's Bays changed in the
14 viewpoint of many of the constituencies out
15 there with respect to how they view
16 aquaculture and its promise, I think, with
17 respect to the future. I think all those
18 factors have come together here to present
19 an opportunity that the County should see.
20 There is no guarantee that the State of
21 New York will ever issue a lease anywhere in
22 the New York State marine district. It has
23 not done so. That is one of the concerns, I
24 think, that people express with respect to
25 the legislation when it was under discussion

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2 several years ago.

3 We never had a deadline in the
4 previous laws. A deadline -- you can
5 speculate as to why a deadline is in there.
6 They wanted to essentially encourage the
7 County to meet its responsibilities, but I
8 sometimes think that they're interested,
9 perhaps -- and this is a little bit of
10 editorializing -- they did not want to see
11 the County do this because of jurisdictional
12 authority with respect to the State of
13 New York.

14 CHAIRMAN SWANSON: Mr. Greene?

15 MS. RUSSO: May I, Mr. Chairman?

16 CHAIRMAN SWANSON: Yes.

17 MS. RUSSO: Good morning. I was a
18 little unclear -- ^{DBES}~~DCIS~~. I understand -- can
19 you give me background on why the State is
20 doing this? Wanting this law doing this?
21 Because when I read through it, it appears
22 to me that there already are some oyster
23 grants and other land grants. People are
24 using -- already doing some of this. So
25 what was the reasoning or the thought behind

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2 the State to grant this lease to the County,
3 and if there already is some aquaculture
4 activity going on, why do we need another
5 layer of government? Can you clarify that?
6 I don't understand the whole real purpose.

7 MR. GREENE: Under the previous
8 legislation, the County was given the
9 authority in 1969 to lease lands for
10 shellfish cultivation, a species other than
11 oysters. Historically, back at the turn of
12 the century, the County sold grants for
13 oyster cultivation purposes, oysters only.
14 There was grants, most of which have
15 returned to the County for nonpayment of
16 taxes with approximately 5800, 5900 acres of
17 oyster grants that are held out in the
18 Peconic/Gardner's Bay system today. In the
19 1980s, in an attempt to consider a leasing
20 program, the State of New York issued a
21 temporary marine area use assignment. The
22 word "temporary" is key here. Circular
23 five-acre plots on a yearly basis. Every
24 year you have to renew. They can be
25 terminated at any time, and approximately 30

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2 to 32 of these assignments have been issued
3 and are in effect today. Some come and some
4 don't. We have about 5600 acres of oyster
5 grants. These are private grants that have
6 survived over the years. We have about 1200
7 acres that are under culture permit from the
8 State of New York, and we have the rest,
9 4800, whatever it is, acres that have not
10 been used for decades, but the underlying
11 title is still there in private hands.

12 There is a need for the ability for
13 the cultures to obtain secure access. If
14 you're in business, it's difficult to sell
15 your plan and get financing if you don't
16 know you're going to be in the spot you are
17 today at the end of the year, okay? There
18 is some security with respect to having a
19 lease program where you have some defined
20 term of access. In this case, there's a
21 ten-year period given for leases, and
22 there's ability to maintain your activity.
23 Some certainty helps out with respect to
24 that.

25 We're looking here at the system as a

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1 whole. We're trying to locate areas in
2 addition to the assignments. We want to
3 grandfather those locations if they're not
4 within the boundary of the shoreline.
5

6 There's some issues with that that are
7 minor. But the ability to find new areas
8 where people could come in and obtain a
9 lease, we've done that. We have a shellfish
10 cultivation zone defined in the report that
11 consists of the assignment locations, the
12 private grants and other areas defined by
13 ~~Cashen~~ ^{Cashin} Associates after extensive input from
14 ALPAC Committee members and the public and
15 interviews with fishermen and interest
16 groups out on the East End this past year,
17 where we think that those areas will pose a
18 minimal conflict with natural resources and
19 other uses, so there's a place to go.

20 So, in essence, as far as the grant
21 owners are concerned, we wanted to clear up
22 this particular problem of their ability to
23 culture species other than oysters. They
24 can grow oysters now, but the 2004 law
25 changed the table -- the playing table a

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2 little bit here -- playing field, I should
3 say, because the State granted all right and
4 title to the County not previously issued
5 with respect to how these lands would be
6 used. So the State is interpreting it now
7 that if someone wants to raise clams,
8 scallops or some other shellfish other than
9 oysters, they have to get a lease from
10 Suffolk County to do so. So even though
11 there are private grants that could grow
12 oysters as we speak today, without anything
13 from Suffolk County, if they wanted to get
14 in the clam business or scallop business
15 they'd have to get a lease from the County
16 to do that. That's why when people say,
17 "Well, you have all this land out there
18 now." Yes, but you can't use it for things
19 that you may want to use it for, and you're
20 a public person -- not a public person, but
21 if you wanted to go out there and get a
22 lease from a grant owner, they don't have to
23 extend you anything. Those lands are
24 generally not available.

25 There is difficulty with respect to

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2 how the State of New York has issued these
3 assignments as difficult, perhaps, to find a
4 new location because they haven't gone
5 through an extensive inventory and analysis
6 that ~~Cashen~~^{Cashin} Associates have conducted for
7 us. So I think we're on a good footing to
8 proceed with that. So I think we're trying
9 to clear up in the program some of the
10 discrepancies that have arisen over the
11 years with respect to the old program and
12 how it was administered by the State and a
13 lack of oversight by the County, quite
14 frankly, and proceed into this new century.
15 What we're doing here today, and hopefully
16 in the future, will be to more or less start
17 a whole new era for this particular
18 activity.

19 We're dealing with a situation that
20 we've inherited since 1884, based upon
21 outdated technology, based on old practices
22 that ignored lots of things. We're trying
23 to bring it up to date and you're setting
24 the stage here for having a program that
25 will continue over the next hundred years,

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2 hopefully, where the ability to raise
3 shellfish in this environment will be
4 somewhat more secure and available as we
5 proceed.

6 I hope I've answered your question.

7 MS. RUSSO: Yes, you have.

8 CHAIRMAN SWANSON: Mr. Greene?

9 MR. GREENE: Thank you. I think I'd
10 just like to add and point out that ^{DGEIS} DEIS has
11 been the subject of a great deal of work
12 over the past 14 months. In addition to the
13 public scoping session, there were two
14 public information sessions held early in
15 the year, January and February of 2007.
16 There were almost monthly meetings of the
17 advisory committee, and as part of the
18 process we interviewed a large number of
19 individual stakeholders, including
20 fishermen, existing aquaculture operations,
21 environmental groups, and just about anyone
22 else who wanted to offer input into the
23 program. All that information was used to
24 develop ^{DGEIS} DEIS, but I think even more
25 importantly it helped us in developing a

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2 program that took account of all the diverse
3 opinions. We heard about some of it. It
4 helped us develop a program that we think
5 will provide for modest growth of
6 aquaculture but also protect the interests
7 of the existing uses of the estuary,
8 including the traditional fisheries and
9 boating interests, for instance.

10 So it was a unique program in that
11 sense, that we had a lot of information, not
12 only to do the ~~DEIS~~^{DGEIS}, to help develop a
13 program that we think fit with what we're
14 hearing from the public and concerned
15 interests on the East End.

16 CHAIRMAN SWANSON: Thank you.

17 I know you wanted to comment.

18 MR. KAUFMAN: DeWitt, you and I were
19 talking yesterday. I was also talking with
20 Jim. I was there at the start of this
21 procedure, I was there for the scoping,
22 etcetera, and yet even I got a little bit
23 confused about what we were dealing with, so
24 I wanted to try to get one central point
25 clear. And correct me if I'm wrong; this

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1
2 is, essentially, a leasing program in a
3 contractual sense. It focuses on access
4 issues, again, in a legal framework, and
5 almost setting up a contracting program by
6 Suffolk County. And again, I use those
7 words in the legal sense because that's what
8 I understand this program to be right now.
9 I also understand it to have an aspect to it
10 that DEC will be handling most, if not all,
11 of the primary environmental reviews,
12 regulatory aspects, etcetera, of generalized
13 permits. I also understand this to be,
14 essentially, a generic EIS, so when you put
15 those two issues together, the County's
16 role -- in this document, it's focused upon
17 the leasing aspects and looking at the
18 environmental impacts of leasing and of the
19 contractual aspects, which is, essentially,
20 a limited charge, hence the limited type of
21 review undertaken here, and, again, the
22 reliance upon DEC for the primary
23 environmental review.

24 That's the way I understand this
25 focus to be. I looked at the documents

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2 again yesterday and this morning, but I
3 basically asked this to make clear in my own
4 mind what we're reviewing and how we're
5 supposed to review it. Essentially because
6 environmental permitting and management and,
7 if you will, environmental mitigation is
8 primarily left to DEC, we're not doing, if
9 you will, a classic EIS of individual
10 conditions and individual issues. We're
11 doing it generically and its focus is upon,
12 if you will, not the precise environmental
13 impact, but how the County will regulate
14 access. Is that a fair statement to make?

15 MR. ~~DAVIS~~^{DAVIES}: Generally, yes. And I
16 think that the approach is that of a generic
17 approach, that's for sure. It is focused
18 on, again, this authority with respect to
19 leasing, but I would just point out that
20 those factors, some of those factors that
21 you mentioned, natural resources
22 considerations, for example, have been and
23 will continue to be a factor in anything
24 that the County does with respect to this
25 program. You see on page -- there's a

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2 foldout in the document after page 28, which
3 contains a pictorial showing various
4 environmental conditions that were
5 inventoried as a result of ~~Cashen's~~ ^{Cashin's}
6 interviews, etcetera, and these are areas
7 that are environmentally sensitive and/or
8 actively used and, so, we are avoiding
9 conflicts with users and natural resources
10 by looking at additional areas that don't
11 have those characteristics.

12 So the document is based on a
13 consideration of those things that are more
14 environmental, of course. When you turn the
15 page you'll see the shellfish cultivation
16 zone that is established in draft. And
17 you'll see it's rather convoluted. There's
18 a few dots and a few irregular shapes here,
19 etcetera, but this area is the area within
20 which leasing could occur. We've taken
21 pains to include and grandfather the
22 industry that is there now. The goal of the
23 program is not to throw people out of
24 business who are legitimate. If we did
25 that, we'd be acting in a very adverse way

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2 to the very people that we think are going
3 to take advantage of this program. That
4 area, "Oh, that's a large area." How large
5 is it? I can approximately tell you how
6 large that is. It's about 33,000 acres. It
7 is about maybe 30 percent of the entire area
8 in the County shellfish planning area
9 domain, but that area is not all going to be
10 leased.

11 That's not what's going to happen
12 and, you know, we can envision over the
13 first couple years of the program there
14 being maybe 1 or 2,000 acres leased. One
15 percent of the entire system. But the key
16 here is to find adequate spots here within
17 that gray area in a controlled basis so the
18 system is not overwhelmed and that a
19 moderate growth can occur. And we built in
20 here -- ~~Cashen~~ ^{Cashin} has put in the proviso that
21 the program be reviewed after its first ten
22 years, and an environmental review would be
23 undertaken to make sure that what was done
24 in the previous timeframe is what you want
25 to do in the future, or you change it.

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2 So you're right, this is an access
3 program, but that's the first step. New
4 York State DEC often issues shellfish
5 culture permits to growers. One of the
6 conditions that they have is that the grower
7 must have secure access to the underwater
8 land. If they don't have access to the
9 land, they can't get a permit. So it goes
10 tandem there. This is the first step.

11 MR. KAUFMAN: The reason I brought
12 that particular issue up -- and I appreciate
13 the answer. The reason I brought it up was,
14 again, I was not necessarily very clear. In
15 reading this document and looking at it, I
16 did not see the interplay, if you will,
17 between the proper identification of this as
18 a legal framework combined with the generic
19 aspect of it. And that threw me on my first
20 reading, yet I was aware of that. It's
21 something I think should be clarified.

22 And look, for example, at page 25,
23 description of those actions, and yet it
24 does talk about -- it's properly titled as
25 an aquaculture lease program, etcetera. And

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2 it talks about the background of it,
3 etcetera. But again, for my purposes, and
4 for people reading this, perhaps a better
5 explanation or a more nuanced explanation of
6 how a generic is done and also saying
7 that -- very clearly saying that DEC is
8 going to be responsible for certain things
9 and the County is only going to be focusing
10 on certain things.

11 And again, if I could be, on my first
12 reading of this, not necessarily seeing it
13 -- and I know some of the other members have
14 the same problem -- it needs a little bit
15 better wordsmithing, if you will, to
16 understand that. That was my primary
17 comment.

18 MR. ^{DAVIES:} ~~DAVIS~~: Point well taken. I'm
19 sure if we go to the public hearing state,
20 there will be lots of other comments that
21 we'll have to address, and that will give us
22 the chance to answer those points
23 specifically, and that may require new
24 information. It might require extracting
25 information that is already in here. Right

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2 now, it's a 300-page document. It's tough
3 to go through it, but we'll be able to tease
4 those points out and hopefully augment and
5 provide a better answer to your particular
6 question.

7 CHAIRMAN SWANSON: Thank you.

8 Legislator Schneiderman, before you
9 start, I'd like to say welcome back to CEQ
10 after several years of absence. We're glad
11 to have you.

12 MR. SCHNEIDERMAN: It's nice to be
13 back. As you know, last time I was here I
14 was here in my capacity as chair of parks.
15 Chair of the environmental committee. So
16 I'm pleased to be back.

17 First, let me thank ^{Cashin}~~Cashin~~ as well as
18 Mr. ^{Davies}~~Davis~~ and all those involved in what I
19 think is a very thorough document. First, I
20 should say that of the hundred or so
21 thousand acres available in the Peconic
22 estuary systems, this lease program is
23 contemplating, over five years, using about
24 300 acres, probably in five-acre leases,
25 over a five-year period, so roughly 60 acres

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2 a year or 12 leases per year for the next
3 five years, and then possibly for the
4 following five years a similar 300 acres.
5 So we're talking about a very small portion
6 of increased aquaculture -- it already is
7 aquaculture going, so as we look at the
8 environmental impact, I think it's important
9 to understand that aquaculture is already
10 happening on a much larger scale than what
11 we're adding to it. And in trying to frame
12 what some of the possible impacts of
13 aquaculture could be -- and we typically
14 think of aquaculture as a good thing in
15 terms of we're adding more filtering
16 capacity into the harbors to help clarify
17 the water.

18 There are three things that jump out
19 in my mind, and one is the navigational
20 issue, which you covered here because you
21 are setting up buoys, you're setting up the
22 cages for off-bottom aquaculture that could
23 potentially interfere with the movement of
24 ships in a storm, could basically have
25 objects that might be moving about.

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2 The second issue would be issues of
3 carrying capacity. If you're doing this
4 industrial aquaculture and adding this
5 filtering capacity, you are using a food
6 supply because these bivalves are, I guess,
7 metabolizing or using algae as part of their
8 growth. So could you, at some point, be
9 depriving other species' food supplies? So
10 that would be one category to look at. I
11 know you've done some work on that.

12 And the third category that jumps to
13 mind, from an environmental standpoint, is
14 the possible introduction of contaminants or
15 species that might take off, so to speak,
16 indigenous species that would create
17 problems for the traditional marine life
18 through their introduction.

19 So other areas of environmental
20 concern, if you could point them out, but
21 maybe you could provide a general overview
22 for this body. It seems that aquaculture
23 would, on its face, have a positive
24 environmental impact, and we're looking at
25 an environmental statement and trying to

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2 make a judgment as to whether this program
3 is a good thing for the basis -- I think
4 it's important, at least, to kind of frame
5 the major issues and give us your take on
6 what they might be and, if they need to be
7 mitigated, how they would be mitigated.

8 MR. ^{Davies!} ~~DAVIS~~: Greg, maybe you can give
9 an overview of how the program is envisioned
10 at this point. Actually, it includes a lot
11 of the mitigation that we would approach
12 this particular issue with.

13 MR. GREENE: I think the one concern
14 that arose more than any other during the
15 course of putting together the EIS was the
16 issue about conflict with existing users of
17 the estuaries, existing users being
18 commercial fishing and shellfish industry
19 that already exists out there. That's the
20 issue that kept coming back more and more
21 frequently as we went through the process.
22 And what we did is speak to those interests
23 to the extent possible to identify which
24 areas they considered of primary importance
25 to their businesses.

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2 MR. SCHNEIDERMAN: When you're
3 talking about other users, you're not, per
4 se, talking about other leaseholders, you're
5 talking about fishermen and...

6 MR. GREENE: Working with wild
7 harvesters.

8 In developing the map indicating
9 where we felt these leases might be
10 appropriate, we excluded those areas that
11 were felt by those groups to be most
12 important to their business. And then a
13 good example is the eastern part of the
14 estuary. Town of Southampton, interests in
15 the town of Southampton expressed a concern
16 that a large part of that area was used for
17 their fishing industry and, therefore, we
18 have very limited areas available for
19 leasing in those waters. In particular, we
20 sat down with the town -- various people in
21 the town to identify where they think it
22 would be appropriate, and that's how the
23 areas were defined.

24 MR. SCHNEIDERMAN: No currently
25 productive areas would be considered for

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2 leaseholds; is that correct?

3 MR. GREENE: The basic premise is
4 that we were looking for areas with the
5 lowest productivity. And the project has a
6 built-in mechanism to check that if someone
7 actually does propose a lease in the area,
8 there is a public notification period in
9 which someone disagrees with that premise,
10 that they believe it is a productive area,
11 they will have the opportunity to say that
12 and provide documentation.

13 MR. SCHNEIDERMAN: I actually went
14 out to see how this kind of worked with
15 oysters. I spent the day with Mr. Pell and
16 I got to see his operation, but what I see
17 is -- they fill bags with the small oysters,
18 these kind of mesh bags, and they stack them
19 one on top of each other in these large
20 cages and, so, you basically have an
21 enormous concentration of oysters in a
22 particular spot. And I'm wondering -- I
23 know we're spending a lot of time cleaning
24 up duck farms now because we're finding them
25 to be tremendous sources of nitrogen

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2 contamination in bays and harbors.

3 Can there be a problem with
4 byproducts, so to speak -- I'm trying to
5 figure out the right word to use. When you
6 have that many oysters in one spot,
7 obviously there's a waste product that's
8 produced, and it's going into the system or
9 maybe it's falling to the sea bed in that
10 area. Could it render an area -- even
11 though it may not be productive currently,
12 could it make that habitat -- maybe in the
13 past, historically, maybe it wasn't
14 productive, but currently it is, couldn't it
15 potentially render that area completely
16 useless in the future?

17 MR. GREENE: Well, I guess brought to
18 a certain point, if you had such an extreme
19 quantity of aquaculture operations, you
20 could start to have negative impact. That's
21 not what's proposed here. We have a very
22 modest, I'll call small-scale type of zone
23 proposed. On the other hand, there's a lot
24 of scientific evidence that suggests that
25 aquaculture at this scale actually has

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2 positive impacts on the ecology. The
3 cultures themselves are used as habitat in
4 feeding areas for fish and other shellfish.
5 They serve as mini artificial reefs, in a
6 sense, to bring in life to an area. And
7 even in a natural environment, shellfish do
8 tend to live in dense populations, dense
9 muscle beds, dense clam beds. A lot of the
10 natural population has declined for various
11 reasons over the last few decades. But
12 generally it is believed that shellfish are
13 good for an estuary.

14 MR. SCHNEIDERMAN: Is there a point
15 where you've done too much, where you've
16 actually over-clarified and taken away the
17 food source that other organisms depend
18 upon?

19 MR. GREENE: Well, again, I think
20 that's theoretically possible, I mean, in an
21 extreme case, but what we're doing here is
22 having very limited scale buffers between
23 aquaculture areas, and in total a very small
24 percentage of the available land would be
25 devoted to aquaculture. So those type of

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2 impacts would be far --

3 MR. SCHNEIDERMAN: So you're saying
4 that the supply of algae far exceeds -- we
5 won't have any measurable impact on food
6 supply?

7 MR. GREENE: Not at this scale. This
8 is a very moderate program.

9 MR. SCHNEIDERMAN: But in terms of
10 clarifying water, or at least eliminating
11 pollutants from the water, this is something
12 that should have a positive effect?

13 MR. GREENE: It should start to have
14 a positive effect, yes. And it also will
15 provide sporting stock, hopefully, to help
16 bring back some of the wild stock that used
17 to exist in the bays.

18 And to answer one of your concerns
19 about the introduction of species that
20 shouldn't be there and toxic material, the
21 DEC has strict guidelines which seed stock
22 could be used for this program. There's a
23 lot of protective measures in place, and
24 those measures are even becoming more strict
25 to prevent issues like that happening.

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2 MR. SCHNEIDERMAN: Is it possible,
3 using the approved seed stock, that a
4 pathogen might be introduced, a fungus or
5 whatever it might be, in one of those clams
6 or oysters that now is being introduced into
7 the system that could potentially devastate
8 the productivity of the harbor?

9 MR. GREENE: Seed stocks need to be
10 deemed safe. They're tested to be
11 disease-free. It's probably more likely the
12 reverse would happen, that aquaculture stock
13 could be affected by disease agents already
14 in the estuary that were there all along.

15 MR. SCHNEIDERMAN: We're not doing
16 this in any channels, I know. In general,
17 these are deep water areas, correct? So the
18 cages would be below the depth of any of the
19 boats that are in the areas, right?

20 MR. GREENE: In developing the
21 shellfish cultivation, no. That was an
22 issue that had to be incorporated. We are
23 eliminating channels and buffering areas
24 around channels, and we're eliminating areas
25 that are important areas for both

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2 recreational and commercial boats. And,
3 plus, the structures, the cages, the buoys,
4 all have to meet requirements set up by the
5 Coast Guard and other regulatory agencies.

6 MR. SCHNEIDERMAN: The provision if
7 somebody stops cultivating oysters or
8 whatever they might be, to remove their
9 equipment from the sea ^{bed} ~~bay~~?

10 MR. GREENE: That was another issue
11 that came up and we do have provisions for
12 that as well.

13 CHAIRMAN SWANSON: I have a couple
14 follow-up questions. The aquaculture
15 business has been known to use antifouling
16 paints and so forth on some of their nets,
17 gear, equipment and so forth. Is that an
18 issue that you've looked into in this
19 situation?

20 MR. GREENE: We looked at the
21 existing operations and there's no
22 indication that that's a problem at this
23 point. I think in cases where it's done on
24 a larger scale, larger commercial scale,
25 that may be an issue. That's certainly

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2 something that could be built into the
3 program to ensure that they're doing what's
4 right for the environment.

5 CHAIRMAN SWANSON: I would encourage
6 you to try to do something with regard to
7 antifouling issues.

8 Then following up again on
9 navigation, I know that the areas are to be
10 blocked off with buoys and so forth, but in
11 this particular area there are going to be a
12 lot of small recreational boats that are
13 probably going to be out at night and not
14 going to be able to see these marker buoys
15 and so forth, and I'm sure you won't have
16 them lighted, so what is the likelihood that
17 that situation of people being out there on
18 a summer night are going to run into these
19 buoys and equipment that are in the areas
20 you're proposing to be used?

21 MR. GREENE: Well, the equipment used
22 will be marked by a rather small buoy, about
23 the size of a lobster buoy, and they'll even
24 use ropes that sink instead of floating
25 along the surface to minimize the

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2 possibility of entanglement in propellers.
3 You should also know that the bay now is
4 filled with markers used by the commercial
5 fishermen for the whelk industry and, to a
6 lesser extent, lobster fishermen. There's
7 already a lot of markers out there that
8 people need to avoid navigating at night,
9 but these markers will be done in a way that
10 will minimize interference with boat
11 traffic.

12 CHAIRMAN SWANSON: Again, the
13 concern of public access out in Washington
14 state, where they have leased shellfish
15 lands, they get very obnoxious about -- the
16 shellfishermen get very obnoxious about
17 anybody that goes into their area, to the
18 extent of being extremely violent in some
19 cases, and they don't even allow people to
20 walk along the beach. Is this a problem
21 that we could be confronted with here?

22 ~~DAVIES:~~
MR. DAVIS: I think, Larry, you're
23 mentioning a situation that's not quite
24 analogous to what we have here. Some of the
25 western states actually sold their tidelands

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2 to private parties. They own the property,
3 they own the upland. So it's a little bit
4 different situation.

5 CHAIRMAN SWANSON: There's not going
6 to be any uplands, beach space involved?

7 ~~DAVIES:~~
MR. DAVIS: No. In fact, if you look
8 at the cultivation zone, one of the things
9 that you had to do is to eliminate the
10 buffer zone 1,000 feet from approximately
11 high water. So right off the bat, before we
12 can begin all the other things that we've
13 done here, we eliminated 19,000 acres along
14 the shoreline from future consideration.
15 You can't lease there, can't -- we don't
16 have any authority over that.

17 CHAIRMAN SWANSON: Are these people
18 going to mobilize to go out and take care of
19 their leased land?

20 ~~DAVIES:~~
MR. DAVIS: They're doing it now from
21 various shoreline locations. They're doing
22 it essentially in a private way. There's
23 been some discussion that maybe there should
24 be some opportunities created for commercial
25 fishermen aquaculturists because of their --

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2 again, the difficulty of shoreside access
3 for boats and what have you, but this
4 program, in itself, does not address
5 specifically those shoreside issues. That
6 is a sidebar that could be considered in the
7 future, but people have brought that up.
8 They have brought up that question, and
9 maybe there are opportunities with respect
10 to the North and South Fork where an access
11 point or points could be provided in some
12 way.

13 MS. GROWNEY: My question has to do
14 with, might there be any kind of educational
15 program that would go along with this?

16 ~~MR. DAVIS:~~ ^{DAVIS!} The extension has a
17 program underway dealing with identification
18 of best management practices for shellfish
19 aquaculture. They're doing that as part of
20 the Broader Northeast Aquaculture Center
21 initiative and, so, that's part of the
22 education program that the shellfish farmers
23 can take advantage of. There may be simple
24 things that they can do to improve the
25 viability of their operation and the

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2 wholesomeness of their product, and it might
3 be a simple thing as to turn off your
4 outboard engine when you're tending your
5 gear. Because if there's any unburnt fuel
6 in the water, you could potentially, in some
7 way, compromise your product.

8 There are very simple things that can
9 be done and there are efforts outside of
10 this particular work here to accomplish
11 that, but one of the products that will come
12 out of this program is a summary document
13 which will describe for the public what they
14 need to know in terms of how to participate,
15 where to go, what forms to use, etcetera,
16 etcetera, etcetera, and we want to make this
17 user-friendly. So, in essence, the nuts and
18 bolts of the program will be contained in a
19 20 or 30-page document outlining all of
20 that. This is administrative guidance that
21 the County will be able to provide as part
22 of this project.

23 So we go out and talk to people with
24 respect to the policy review, and they'll be
25 able to see what will actually happen and

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2 how the public will interact with it in
3 terms of criteria, what are the forms, what
4 are the procedures, what are the timelines,
5 what is the public notice requirement.

6 Every application will have to go through a
7 public notice requirement. It's part of
8 State law. All the towns are going to be
9 notified about it, how the County would make
10 that administrative decision.

11 All those things are coming and will
12 be, not only in the program document, which
13 is people like us, but in a summary form for
14 the public.

15 MS. RUSSO: Mr. Greene, I think
16 you'll be able to answer this question I
17 have. On page 295 of the document, table 39
18 talks about potential to be adverse impacts
19 for the program. Basically, the mitigation
20 measures for each of these parameters limits
21 on numbers and placement. I realize
22 earlier, when I questioned DeWitt as far as
23 the purpose of the State doing this lease
24 with the County -- because when I first read
25 the document, I was expecting to see more

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2 scientific data, positive and negative, for
3 shellfish to aquaculture, and then reading
4 this on the chart, on page 295, basically,
5 -- placement, but I was hoping to see a
6 little more scientific data from other
7 counties in order to have information
8 showing positive and negative impact of
9 shellfish aquaculture. And I realized,
10 after DeWitt answered my question earlier,
11 that this really wasn't the document --
12 leasing program of this.

13 And you did mention somewhere earlier
14 in the document about Virginia and some
15 aquacultural programs there and another
16 municipality that was preparing some best
17 management practices for aquaculture. Could
18 you just go into a little more detail of
19 where you're getting these mathematical
20 processes involved and the Virginia study
21 and let's just have a little more
22 background?

23 MR. GREENE: Yes. And just with
24 regard to the table, the two primary
25 mitigating factors for the program are to

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1
2 limit the number and the amount of area
3 devoted to aquaculture. So that's why that
4 was kind of given a high priority in that
5 table, because that was the first step in
6 identifying the program that we wanted to
7 avoid conflict with existing users. As part
8 of the ~~DIS~~^{DEIS} and as part of another document
9 we're producing in the administrative
10 guidance documents, we have reviewed what's
11 being done in other states throughout the
12 East Coast. Most of the states are well
13 beyond what New York State is as far as
14 aquaculture. Most of them have much more
15 extensive aquaculture programs. In some
16 states it's a substantial maritime business.
17 So there is a lot of information on these
18 programs and that, to the extent possible,
19 we're reviewing for use here. We're picking
20 and choosing parts of those programs to make
21 applicable to this situation. So there is a
22 lot being done in different states, all the
23 way from Maine down to Florida.

24 MS. RUSSO: And I think you did touch
25 on it just a little bit, but I think for

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2 myself coming in cold reading the document,
3 and I'm thinking of the public hearing, that
4 maybe it would help a little to have a small
5 chapter on other states, municipalities that
6 have pursued more aggressive aquaculture
7 programs and show their results and studies
8 of these programs.

9 MR. GREENE: Yes, that can be done.
10 As I mentioned, there's another document
11 that will be prepared soon that will draw
12 upon the resources already available from
13 the other states' programs.

14 MR. KAUFMAN: Let me just interrupt
15 you for a second. Larry just left the room;
16 I'm acting chairman right now.

17 Gloria's point is well taken in terms
18 of looking at the environmental impacts that
19 those states have seen and how they have
20 tried to mitigate and, if you will, deal
21 with those particular issues. To the extent
22 that we're in a ^{DGEIS}~~GEIS~~ situation, not
23 everything has to be placed in a document,
24 but to the extent that we're trying to make
25 sure that this particular ^{DGEIS}~~GEIS~~ has that

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2 information in there, you might be well
3 advised to put this into this particular
4 document at, say, the FGEIS stage as opposed
5 ~~to having it in a separate document that you~~
6 might be developing in the future, unless
7 that second document is produced at a time
8 the FGEIS is developed and made a part of
9 this. In other words, you may have two
10 options: You can either stick that
11 information in this document now or else
12 make the second document that you're talking
13 about, make it a part of this document.

14 Given the fact that it's being raised
15 by Gloria -- frankly, it was going to be
16 raised by myself, also -- it may become an
17 issue that you need to look at. And again,
18 I take cognizance of the fact that this is a
19 generic, so you don't have to go into every
20 individual aspect of every little detail.

21 So I throw that out for your
22 consideration, if you will.

23 MR. GREENE: Yes. I think both can
24 happen. The other document will be done
25 within the ~~FGIS~~^{FGEIS} timeframe. And, also, a lot

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2 of this information can be addressed in the
3 FEIS as well. Working with us on this
4 project is a shellfish aquaculture expert
5 who's very familiar with the New Jersey
6 experience, and he is independent from this
7 project, also working with the shellfish
8 growers on the East End and developing best
9 management practices. So that's a resource
10 we have available to us. He's helped us
11 with this document, and he'll help us
12 include discussion of those type of issues
13 in the FEIS as well.

14 MR. KAUFMAN: Basically, my intent,
15 obviously, is to fireproof the document;
16 make sure that there's enough consideration
17 in there so that the issue is identified,
18 there is some general, if you will,
19 mitigation, general description of impact,
20 etcetera, in a sense that people can see
21 it's been considered, people can look at it,
22 know it's in there, rather than having a gap
23 in there. That's what concerns me.

24 CHAIRMAN SWANSON: Anybody else?

25 MR. KAUFMAN: First off, going back

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2 to a question that Eva had raised regarding
3 public education, in our legislative packet
4 number 1216 there's a local law that has
5 been proposed by Legislator Schneiderman,
6 who conveniently is here today to possibly
7 talk about it. It's a local law to reduce
8 the use of fertilizer near wetlands in
9 Suffolk County. To the extent that we know
10 that nitrogen is a problem and fertilizer
11 runoff is a problem in this county and has
12 affected the Peconic, this kind of bill, if
13 it passes with a -- I believe it's a
14 hundred-foot setback for the use of
15 fertilizer, that's the kind of thing that
16 could go into a public education component
17 of all of this, and, I think that's very,
18 very important. I don't know the percentage
19 of runoff of fertilizer as compared with the
20 groundwater component of fertilizer going
21 into a PEP, or the Peconic estuary area, but
22 this is the kind of exact thing that's
23 easily identifiable, easily made a part of
24 an education aspect, and, I think, very,
25 very important. I think it's a very good

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2 bill in that sense.

3 If I may, Mr. Chairman, I've got a
4 couple other questions. My concern is some
5 ~~of the harvesting methods that are~~
6 identified. Basically, if you will, they
7 come down to hammer and tongs versus
8 hydraulic methods of some sort, sleds,
9 suction pumps, whatever. And some of the
10 justifications in there are a little bit
11 worrisome to me. I point out page 209,
12 where, down at the bottom, it says: "As
13 noted previously, hydraulic pressure in
14 Oyster Bay Harbor by Frank M. Flowers
15 Company has not resulted in noticeable
16 system damage." And several times through
17 the document, it is referenced that these
18 conclusions are from personal communications
19 with the Flowers Company. Now, I know
20 Flowers has got a pretty big operation out
21 there, and it seems to be thriving, and
22 there don't seem to be many problems, but
23 what concerns me is that there's a lack of
24 studies of, for example, Oyster Bay Harbor
25 complex.

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2 As to whether this is a true
3 statement or not -- I don't know if there's
4 studies out there one way or another. I
5 don't know if anybody's looked at it. It
6 would be interesting to see if, again, the
7 statement by the Flowers Company is, indeed,
8 accurate in terms of impact upon the
9 ecosystem.

10 That's just a concern in a nearby
11 harbor.

12 CHAIRMAN SWANSON: I find the
13 hydraulic dredging an issue, in my personal
14 and quasi-professional opinion on fishing,
15 to be totally objectionable. You know,
16 people are making -- practically going to
17 war over any proposal to put a cable across
18 the Sound because of the one-time dredging
19 to put the cable in and that the bottom is
20 going to be forever torn apart, but, yet,
21 here we're talking about sort of casually
22 hydraulic dredging on a periodic basis is
23 just fine, and I think the fishing industry
24 using draggers and so forth, and torn up the
25 bottom of many of our coastal waters, and

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2 this process also tears it up, and there is
3 long-term damage at the bottom, so I would
4 encourage you to try to eliminate the use of
5 hydraulic dredging in these lease areas.

6 MR. KAUFMAN: I'm glad you brought
7 that up. I actually second what Larry is
8 saying. I'm glad that he brought it up. As
9 someone who deals in a professional capacity
10 with coastlines and the water more than I
11 do, I was hesitant about making a statement
12 like that. It is worrisome to me that some
13 of this mechanical hydraulic dredging can
14 have an impact such as he was describing.
15 I've seen reports about impacts on the
16 flounder industry, I've seen the draggers
17 offshore, and I've seen people following
18 front of -- etcetera. While I'm not
19 necessarily wholly against it, there was
20 information in here that some of these
21 methods were less than permanently damaging,
22 etcetera. In terms of SEQRA, it's good to
23 identify. In terms of SEQRA, it's something
24 that has to be thrown out there. In terms
25 of SEQRA, it's something that the County

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2 should have examined by the public so the
3 public can comment on it.

4 My personal predilection might be

5 ~~that mechanical dredging might not be~~

6 something that, at least in these areas, we
7 want to necessarily pursue. We're talking
8 about restoring an ecosystem, which is
9 actually one of the purposes of this
10 program. I'm not a hundred percent
11 convinced that we should allow, if you will,
12 techniques that can undermine one of the
13 intents, or the basic intents, of the
14 program. So that's worrisome to me. It's
15 something, probably, others will bring up,
16 and it's probably something that should be
17 looked at again in the FGEIS. The good
18 thing about this is, again, it's a generic,
19 so you are allowed to, in a SEQRA sense,
20 look at this and throw it out and say
21 "Sometimes some areas may be perfectly
22 appropriate for hydraulic dredging," as
23 opposed to a site specific, where you can
24 make that specific judgment.

25 So, again, I'm talking about this in

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2 a SEQRA sense, how we need to look at the
3 document. And then Larry, in a policy
4 sense, may be correct.

5 I have a couple comments on the
6 organization. I'm just sort of jumping
7 around a little bit. The index, and also
8 the way the document is laid out in section
9 4, is very, very not well laid out for me.
10 In looking at page 2 of the document, where
11 the index has a black face Section 4,
12 "Environmental Studies, Impacts and
13 Mitigation." Okay, I understand that, but
14 then there's no, if you will, boldface for
15 section 4.12 "Impacts" than Section 4.13.
16 And then you start getting into 4.13 --
17 4.1.3.14. You need to break that up a
18 little bit in the indexing so you can see
19 what's going on and boldface "Impacts" and
20 boldface "Mitigation." And also set that up
21 in the document itself, where you start
22 talking about actual impacts and then actual
23 mitigation. For example, page 228, it just
24 jumps right in, and I started reading this
25 and I went right past it. I mean, I read

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2 it, but I didn't realize it, really, that I
3 was in the mitigation section. It might be
4 worth it to have a paragraph in there saying
5 what you've done, saying SEQRA requires that
6 mitigation be undertaken. Just sort of a
7 stylistic, if you will, set-off so that it
8 just doesn't run on from one section to
9 another. And, again, I'm looking at 228,
10 for example, and some of the other sections
11 beyond that.

12 Legal point for a moment. This is
13 something that, DeWitt, you and I had
14 discussed yesterday. There's no provision
15 in here that if Suffolk County gives a lease
16 and DEC gives a permit and operations begin,
17 let's say two years out, something like
18 that, somebody finds out that realistically
19 the lease should not have been executed;
20 that there's some sort of an ecological
21 problem down there that nobody spotted. DEC
22 can cancel its permits, but there's no
23 provision in here for Suffolk County to
24 cancel the lease. And, in other words,
25 there's no real provision for cancellation

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2 of bad environmental leases. I think it's
3 on page 51, for example, number 16,
4 "Termination of the Lease." You're looking
5 at language saying, "the County may
6 terminate the lease if certain conditions of
7 the lease are not met."

8 Again, that's the contractual aspect.
9 And it talks about nonpayment of the lease
10 fees, violation, etcetera, but it doesn't --
11 and it does say "significant adverse impacts
12 on resources," but it may need to phrase
13 just a little bit more in terms of the
14 legalities of it; that if there is a problem
15 seen, the County can unilaterally cancel --
16 or maybe not unilaterally, but it can cancel
17 if there are problems. Obviously, you don't
18 want to get into a taking situation or
19 anything.

20 ~~MR. DAVIS:~~ ^{DAVIES:} Right. And I think we've
21 had a lot of discussion about how the
22 administration of the lease program, how it
23 would occur, and there definitely will be a
24 section in here described in the
25 administrative proponent document about

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2 lease termination, the transfer, etcetera,
3 what would be allowed and not be allowed,
4 and the timeframes involved with respect to
5 terminating the lease. In essence, if
6 someone is doing an activity and you had to
7 phase him out, either because there's a
8 change in the cultivation zone because of an
9 environmental question -- and that's
10 required under the law. Every five years
11 the County has to look at this zone to
12 determine whether it should be changed. If
13 somebody's in the zone today and the zone is
14 changed in the future because of these
15 unforeseen things, there has to be a
16 phase-out of that operation, and we have
17 that considered. He may have shellfish
18 stock on the bottom, for example, or in
19 cages, for example. He has to have a period
20 of time to finish growth of that crop before
21 he's kicked out.

22 MR. KAUFMAN: That's the 5th
23 Amendment aspects of it.

24 ~~DAVIES:~~
25 MR. DAVIS: I don't know what that
means, but --

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2 MR. KAUFMAN: If you kick the person
3 out after he expended resources, in a
4 capital sense, it would almost be a taking
5 if he was removed from the property without
6 being able to remove those capital
7 resources.

8 MR. ^{DAVIES:} ~~DAVIS~~: But I think that --

9 MR. KAUFMAN: That can go in the
10 administrative section.

11 MR. ^{DAVIES:} ~~DAVIS~~: I think we're well aware
12 of that, because of the required reviews
13 that have to happen under the State law and
14 under the program here. The question about
15 terminating people because they're not
16 living up to their end of the bargain or
17 because environmental conditions have
18 changed in some way that you haven't
19 predicted, there is the ability to cancel
20 them out. See, right now, this is making it
21 certain that, in that sense, provides some
22 perspective for people coming into the
23 program. They know what will happen, they
24 know -- they could be given the opportunity
25 to move to another location where those

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2 conflicts aren't apparent. See, that's
3 what's important about this particular
4 approach, and I think that's the way we set
5 it up. I think you have more details on
6 that in the program document.

7 MR. GREENE: It was the intent of
8 both Component 7, "Relocation of Leases,"
9 and 16, "Termination of a Lease," to give
10 the County the right to relocate a lease or
11 terminate a lease if, for environmental
12 reasons, that location is no longer
13 acceptable or suitable. And that could be
14 brought out in more detail, in the FEIS as
15 well as the administrative document. On
16 page 50, item 7.

17 MR. KAUFMAN: Yeah, I did see that.

18 MR. GREENE: Item 7 is if, for
19 whatever reason, the area changes or becomes
20 more productive for natural shellfish stock
21 or some other change, the County will have a
22 right to relocate that lease. And in
23 item 16 on page 51, it will give the County
24 the right to terminate a lease if someone is
25 operating in a way that's deemed

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2 the program to have some flexibility so that
3 if someone has an idea that one area is
4 better for growing oysters than another,
5 they can hopefully pick an area where they
6 feel it might be a good area. A lot of this
7 work we think will be done by baymen who
8 want to diversify, and a lot of them have an
9 idea as to where the water circulation would
10 be best for growing oysters or other
11 shellfish. So we think even if all the
12 scientific data isn't there, there will be a
13 lot of common knowledge as to where water
14 circulation might be best for certain
15 operations.

16 MR. KAUFMAN: In a SEQRA sense, will
17 this information be available or could it be
18 made part of the document? Or is there
19 something you might want to put in the
20 administrative section?

21 MR. GREENE: Well, there are certain
22 references that refer to studies done of
23 water circulation. If they're not in this
24 document, it can be brought out in the FEIS
25 as well.

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2 MR. KAUFMAN: Again, I'm not asking
3 you to do a, if you will, classic EIS, where
4 each individual parcel is assessed and each
5 individual piece of information is needed
6 before you can realistically make a
7 judgment. Obviously, this is a generic. My
8 focus in terms of asking these SEQRA
9 questions is to -- well, these are things
10 that I saw that might be helpful in a large,
11 if you will, generic sense. If you've got a
12 map out there and this kind of information
13 is out there, I don't think it's going to
14 alter the document. It might be helpful to
15 make it a part or make it available to
16 people. That's all.

17 MR. GREENE: Yes.

18 CHAIRMAN SWANSON: Mr. Greene or
19 DeWitt, can you explain a little bit about
20 your expectations about monitoring?

21 MR. ~~DAVIS~~^{DAVIES}: The program, as
22 discussed, there's a need for this, and I
23 know that ~~Cashin~~^{Cashin} has examined this
24 particular question, and it is interesting
25 to note, I think, that we may be able to

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1
2 capitalize on programs that are underway in
3 large, especially those that are underway
4 now. The Department of Health, with respect
5 to the Peconic estuary program, they have
6 -- extensive water quality monitoring set-up
7 out there, and we were talking about -- it
8 might be very useful to look at specific
9 culture situations that are typical of the
10 kinds of operations that may be anticipated
11 to occur out there, and devise a specific
12 program to look at and try to determine if,
13 in fact, any conditions will change to a
14 significant degree or not. I'll ask ^{Cashin}~~Cashin~~
15 to address that later today, but I think in
16 looking at -- there may be several things
17 that have to be done during the course of
18 implementation. That is certainly one of
19 them. And the program review in five years
20 to determine whether or not the cultivation
21 zone should be changed.

22 So, yes, the first ten years of this
23 program, if set up properly, will provide
24 information that will be useful in terms of
25 modifying how it will be implemented during

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2 the second ten-year period. Certainly there
3 might be new answers there. There is
4 monitoring and investigations underway that
5 aren't complete today. Whatever mapping
6 program that's underway for several years
7 now. This information, when it is available
8 for the entire system, will be useful in its
9 own right in determining, perhaps,
10 additional input to the process here where,
11 based on the condition, etcetera, pose the
12 least environmental threat in terms of
13 activity on those resources. So we have
14 more input coming. They're not available to
15 us today and, hopefully, we'll be able to
16 take advantage of that.

17 MR. GREENE: Well, in our review of
18 the scientific literature, I found a good
19 article to what would be the ideal
20 monitoring to implement in conjunction with
21 aquacultures. Some of them are ideal in the
22 sense that they're very detailed, very
23 extreme. Others are a little more moderate,
24 so there are some good examples on what
25 should be done. I'd also like to point out

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2 that the program that's currently envisioned
3 has a provision for experimental and
4 educational leases. Certain groups have
5 ~~expressed interest in perhaps getting a~~
6 lease where they could actually conduct
7 experiments with aquaculture, experiments
8 and tests of what some of the impacts might
9 be of different types of aquaculture
10 systems. So that's another provision that's
11 built into the program that would help
12 develop monitoring needs.

13 CHAIRMAN SWANSON: Just a comment on
14 monitoring. In my opinion, Suffolk County
15 moves forward with this, that Suffolk County
16 ought to also be willing to invest in a
17 monitoring program that is going to assure
18 the long-term success of the endeavor and
19 not just rely on self-monitoring by the
20 lessees. Quite frankly, I think
21 self-monitoring is self-serving, and so I
22 would like to see that the County has the
23 ability to get access to the individual
24 leases to see how the activity is being
25 carried out; whether, in fact, it is

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2 productive and beneficial. And, also, from
3 the more holistic point of view, it seems to
4 me that Legislator Schneiderman has raised
5 important issues that the County also needs
6 to cope with, and that is the long-term
7 productivity of the bay, given that you're
8 imposing this hopefully beneficial activity
9 in the area, and that we ought to be looking
10 five years, ten years down the road to see
11 whether, in fact, there is sufficient food
12 to sustain a program that you're proposing.

13 So those are some things that I would
14 like to see put into the document as a
15 commitment to the overall success of the
16 program.

17 ~~DAVIS:~~
MR. DAVIS: A good case in point
18 there, and there may be many things that we
19 should do with respect to how the program is
20 implemented. I think we are developing
21 those, and certainly the comments today --
22 and we hope to get in the near-term here,
23 and it definitely appears to be good.

24 CHAIRMAN SWANSON: As you know,
25 Suffolk County has an outstanding water

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2 quality monitoring program already in place
3 for many things, and I don't think it would
4 be extensive commitment of additional
5 resources to modify the objectives to
6 address specifically the issues that we're
7 dealing with here with the aquaculture
8 program.

9 ~~MR. DAVIS:~~ ^{DAVIS:} I think that there's a
10 lot of technical questions embedded in that
11 suggestion, and I think you suggested or
12 hinted that that program will not be
13 sufficient to do what you think it should be
14 doing, but I think we can talk about that.
15 And again, it might be stationed right near
16 where we would like to see this activity
17 occur, and we might be able to encourage
18 them to add a few stations, perhaps, and add
19 different kinds of parameters that might
20 have to be assessed over time, and I think
21 we would be able to address exactly what
22 you're saying now. I think we can make that
23 as part of the administrative arrangement,
24 and I think it's a good idea.

25 MR. KAUFMAN: One last question on my

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2 part, and this follows up with the first
3 question, where I was looking at how the
4 program was structured. Mitigation is my
5 other concern. As I read this document
6 right now, it states that primary mitigation
7 here will be done in essentially two areas:
8 DEC will be controlling all permits and will
9 be doing the primary environmental analysis,
10 and the County will basically be doing
11 mitigation by basic avoidance of identified
12 sensitive areas. That's the thrust, if you
13 will, of what I see over here. Is that an
14 accurate statement?

15 MR. ~~DAVIS~~^{DAVIES}: The law requires the
16 County to do what we propose to do. There
17 are certain stipulations in the State law
18 that point out areas that should not be
19 leased, and we've tried to follow those
20 stipulations in coming up with the approach
21 that is before you. But it is true that,
22 again, the County is not going to be in the
23 business of regulating aquaculture because
24 it doesn't have the authority to do that.
25 This law that the County is operating under

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2 is in the conservation law, Section 13302, I
3 believe. Other sections of the
4 environmental conservation law relate
5 specifically to the conduct of shellfish
6 cultivation and the permits that are
7 required to be issued in order to let people
8 do that kind of thing. The State of
9 New York is the regulatory agent here, and
10 those decisions are made by the State.

11 Again, as we tried to point out
12 before, access is one issue, regulation is
13 another. And the ultimate decision, with
14 respect to those permits, are New York State
15 DEC's to make. In addition to this lease
16 process, which we envision public notice and
17 a review and a certain period of time,
18 etcetera, an individual would have to get
19 these permits from the State of New York,
20 which are also subject to those kind of
21 processes. The State DEC. I'm not sure if
22 that answered your question.

23 MR. KAUFMAN: That fully answers the
24 question.

25 CHAIRMAN SWANSON: Legislator

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2 Schneiderman.

3 MR. SCHNEIDERMAN: Again, I think
4 this is an excellent program. This body is
5 being asked to review a generic
6 environmental impact statement, not just the
7 program itself, and I think it's a policy
8 question. I think, in general, we have been
9 promoting aquaculture in all sorts of ways,
10 including seeding of ^{Great}~~Gray~~ South Bay and
11 Northwest Harbor and many areas. It's hard
12 to imagine anything but positives coming out
13 of a program like this. I think that's my
14 main point and I'd like to see it move
15 forward. Again, in the beginning, we're
16 talking about 12 individuals getting
17 five-acre leases. It's a very small amount
18 of increase to aquaculture and it's hard to
19 imagine how that could possibly do anything
20 wrong, but I think the document looks at
21 everything that could possibly go wrong and
22 does mitigate it, so I think you've done an
23 excellent job there. We, as a body, are
24 asking to be revised or are we going to be
25 asked to vote it in, I leave that up to the

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2 Chair, but I'm satisfied in general that
3 you've covered the primary bases and that we
4 can move forward here.

5 CHAIRMAN SWANSON: DeWitt, I have
6 another question, and that -- well, maybe I
7 seem like I will be skeptical of some
8 aspects of the program, but I do have a
9 question of: How did you decide on how you
10 were going to expand it and, in fact, is 600
11 acres too little, and should we be looking
12 at why isn't it 1200 acres? Why isn't it
13 2400 acres? And why are you expanding only
14 ten percent per year?

15 ~~DAVIES!~~
16 MR. DAVIS: That specific figure,
17 this 60 acres per year, first five years is
18 300, second five years is 300. That is
19 referring to areas that are not currently
20 used for aquaculture. There's new activity,
21 in other words. I mentioned before there
22 were 32 assignments that are five acres
23 each, so we can multiply and it comes to
24 about 150 acres. That's part of the program
25 that's out there now. And obviously those
people would like to continue their

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2 operations. Under the program as it stands,
3 those individuals would have an opportunity
4 to stay at five acres. Now, if they are in
5 an area that is not a problem with respect
6 to resources and socio-economic, etcetera,
7 etcetera, they might have the ability to
8 expand to ten acres at that location. See,
9 this is an ability for them to expand their
10 operation if, in fact, they would like to do
11 that. So there's some flexibility there.

12 There are some opportunities on the
13 private grants that are already under
14 permit. About 12, 1300 acres have permits
15 already for various things, but there's a
16 lot of extra ground out there that will be
17 protected. There might be an opportunity
18 for some of the FALO grants to be used, but
19 we're looking at that at a very limited
20 basis. Maybe a ten-acre lease, or
21 something, on a FALO grant.

22 Is there any scientific way that
23 we've come up with some of these numbers?
24 The answer is no. I think we've come up
25 with the numbers strictly by asking the

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2 public and the people who have attended our
3 meetings that last two to three hours a pop
4 and we have 40 or 50 people. We've done
5 this 13 times. We've responded to them in
6 trying to come up with a structure that
7 relates to what they've said, and some
8 people, frankly, have said, you know, this
9 bulk of property, if you look at the private
10 ownership and the assignments, it might be,
11 like, 6,000 acres, right? So we say, "Well,
12 that could be used at some point." There
13 are certain rights that people have if it's
14 a grant, for example, but there's an
15 opportunity to expand on some of these
16 grounds, and that's true. And we thought,
17 well, maybe take a percentage of that 6,000
18 acres, and that's what it is. Take, what is
19 it, 1 percent, Greg?

20 MR. GREENE: Yes.

21 MR. ~~DAVIS~~^{DAVIES}: One percent of 6,000
22 is... Well, I can't... But that's what it
23 is per year. So that's how we derived that
24 figure. And some people say, "Well, maybe
25 it's too little." Some people say, "Well,

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2 it's too much." It's an approximation.

3 It's an accommodation, if you will, based on
4 the comments that we've received, and we're
5 trying to keep it, as Greg mentioned

6 earlier, moderate growth in an activity that
7 is underway now, out there, but giving those
8 people an opportunity to perhaps have the
9 ability to expand, which they don't have
10 now.

11 Legislator Schneiderman mentioned one
12 of the companies that he visited -- and it
13 might be approximate -- he may have
14 2 million oysters in cages on the bottom.
15 Now, if you have 2 million oysters, and
16 maybe they pump 30 gallons per day for
17 oysters, so that's 2 million times 30.
18 That's 60 million gallons per day that they
19 can filter into Riverhead. The Riverhead
20 sewage treatment flows one million gallons
21 per day.

22 So shellfish can, and do have, from
23 what we can understand here, an environment
24 that's tidally well-flushed out there. It's
25 not a fjord. It's not where the circulation

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2 is dramatic from top to bottom. This thing
3 is pretty well flushed. As we all know,
4 these shellfish can have -- again, a gut
5 feeling we have, I think, is a very positive
6 influence on water quality, and that is the
7 benefit to the public aside from some people
8 getting marine-oriented jobs, but there is a
9 public benefit from this activity that will
10 accrue based on this leasing program. And I
11 think we're pretty strong on that point.
12 We're not putting in a fuel -- these are
13 shellfish, and if done correctly, with all
14 the safeguards that we can bring here, and
15 in a moderate pace, moderate pace that you
16 can continually look at to see: Is it too
17 little? Maybe we can afford a few more. If
18 it's too much, we don't have to issue any
19 more leases; we're done.

20 And I think that that approach is the
21 best way to proceed because there are some
22 uncertainties there, too. But, again, with
23 the information that we've come across here,
24 waste is on the bottom, clams in the bottom,
25 etcetera, if done properly, we'll have a

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2 real positive benefit to the public at large
3 to water quality, etcetera, etcetera.

4 CHAIRMAN SWANSON: Thank you.

5 Any other questions?

6 (No response.)

7 CHAIRMAN SWANSON: All right. Is
8 there anybody from the public that is going
9 to want to speak on this matter?

10 (No response.)

11 CHAIRMAN SWANSON: Okay. So our job
12 here today is to ascertain whether or not we
13 believe that the scoping process and the
14 information that is provided in the ~~DEIS~~^{DGEIS} is
15 sufficient to move forward with the public
16 hearing and the process in general. So I
17 would like to entertain discussion for that
18 to see if we can't get the ball rolling.

19 MR. KAUFMAN: My personal opinion
20 right now is probably this is good enough to
21 go. Obviously, in the process, we have a
22 draft, and then we have a final on all of
23 this. I've picked out a few issues, Gloria
24 has picked out a few issues which we think
25 should probably be addressed on the final.

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2 I don't think those issues right now are
3 significant enough to prevent this from
4 going out to public comment and letting the
5 public start talking about all of this.

6 Maybe they'll raise some of the same issues,
7 maybe they won't. Maybe we're going to have
8 other issues, but I think it's identified
9 enough what is out there to probably give a
10 pretty good framework for discussion by the
11 public, if they read all the documents. And
12 again, I come back to the fact that it's a
13 generic. It doesn't have to go into as much
14 detail as an individual EIS. So that's my
15 opinion, and I'm sticking with it for the
16 next ten seconds.

17 CHAIRMAN SWANSON: Anyone like to
18 make a motion?

19 MR. SCHNEIDERMAN: I would like to
20 make that motion.

21 CHAIRMAN SWANSON: Your motion is
22 that the document is sufficient --

23 MR. SCHNEIDERMAN: To move forward to
24 public hearing.

25 CHAIRMAN SWANSON: To move forward to

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2 public hearing. Good enough.

3 Okay, we have a motion and we have a
4 second.

5 Do we have any comments on that
6 motion?

7 (No response.)

8 CHAIRMAN SWANSON: All those in
9 favor?

10 (No verbal response.)

11 CHAIRMAN SWANSON: Opposed?

12 (No verbal response.)

13 CHAIRMAN SWANSON: Motion carries.

14 I'd like to thank you all for your
15 patience in dealing with our questions
16 today, and we look forward to working with
17 you as the process moves forward.

18 MR. ~~DAVIS~~^{DAVIES}: I'd like to thank the
19 Council and we will proceed with the public
20 hearing on the 17th, and we look forward to
21 your participation and address all your
22 concerns. Thank you.

23 MS. RUSSO: Mr. Chairman, I just want
24 to ensure that we also have the people in
25 front of us understanding that ~~FOIES~~^{FGIS} is an

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2 issue addressed that we brought up. I don't
3 know if that was clear, what we just voted
4 on. And I wanted to ensure that.

5 CHAIRMAN SWANSON: That's your
6 understanding?

7 ~~MR. DAVIS:~~ ^{DAVIES:} We've taken notes on
8 those issues, and we will address them.

9 CHAIRMAN SWANSON: Okay. We'll give
10 our stenographer a five-minute break. Her
11 fingers are tired.

12 THE REPORTER: Thank you.

13 (Whereupon, a short recess was
14 taken.)

15 CHAIRMAN SWANSON: One item here that
16 is informational as opposed to something
17 that we need to take a vote on and need a
18 quorum, and that is the update on the
19 Cornell report on stormwater management. So
20 you want to come to the table and start that
21 presentation, if you could?

22 Emerson, it's good to see you again.

23 MR. HASBROUCK: Thank you. Good to
24 see you again as well.

25 MR. KAUFMAN: Just do us a favor and

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2 don't talk about aquaculture.

3 (Laughter.)

4 MR. HASBROUCK: On a rainy day we're
5 going to be talking about stormwater runoff
6 instead of aquaculture.

7 Thank you for adjusting the agenda
8 and allowing us to start our presentation.
9 As part of the permit requirements for
10 Suffolk County Phase II stormwater program,
11 the County has to hold a public hearing on
12 its stormwater management program annual
13 report in order to receive public comment.
14 I want to thank the CEQ and Chairman Swanson
15 for allowing us to, again this year, use the
16 CEQ meeting as a forum for a public hearing
17 on the County's annual stormwater report. I
18 believe all of you have been provided with
19 copies of the report. I have extra copies
20 of the report today if anybody needs one or
21 if there is anybody in the public who needs
22 a copy of the report.

23 For now, Cooperative Extension is
24 under contract with Suffolk County DPW and
25 DEE to implement the stormwater management

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2 program for Suffolk County under its DEC
3 requirements. I have some of my stormwater
4 staff with me today. Dr. Matt Sclafani has
5 been working on the project for a while with
6 us; Mark Cappellino was our stormwater
7 educator; Lorne Brousser helped coordinate
8 different components of the project; and
9 Angel Dybas is our stormwater specialist.
10 Also, Jeff Dawson from DPW is in the
11 audience today and worked with this program;
12 and Erik Bergey with DPW likewise worked
13 with us on the stormwater program. Again,
14 thank you for giving us our opportunity, and
15 I'd also like to thank Gloria Russo as a
16 member of our CAC as part of the stormwater
17 effort.

18 And what I'd like to do is just run
19 through some highlights of what we've
20 accomplished with the program during the
21 past year, and then take questions and
22 comments from the Council and any members of
23 the public, if that's okay with the
24 Chairman.

25 CHAIRMAN SWANSON: Yes.

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2 MR. HASBROUCK: Thank you.

3 This program is required by EPA and
4 New York DEC, and the County, in fact, has a
5 speedy permit with permit conditions to
6 implement this program. The program has six
7 major program elements, so I'm just going to
8 go through these and highlight what we've
9 done during the past year.

10 Public education and outreach, we've
11 had 138 youth classes where we've reached
12 over 4500 children from Suffolk County. And
13 we also gave presentations at nine civic
14 associations where we reached over 200
15 adults. And 60 percent of the youth classes
16 and 65 percent of the civic group
17 presentations were in TMDL watersheds.
18 These are watersheds where there's been
19 approved TMDL specifications.

20 A couple years ago we developed a
21 brochure, "Where does the rain go?" We've
22 got some of those with us today. This past
23 year, 5,000 copies of "Where does the rain
24 go?" brochures were printed in Spanish and
25 distributed through public libraries,

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2 legislative offices and public events. And
3 we also continue to distribute our English
4 versions as well.

5 The stormwater Web site was
6 significantly revised this year and
7 information was updated, new pages were
8 added, new graphics and photos were added.
9 If you haven't visited our Web site, it's
10 Suffolkstormwater.com. We've also had some
11 articles written in the local press, as well
12 as an edition of "Boating World" in the
13 Sound edition.

14 We also finalized our stormwater
15 demonstration at the Suffolk County farm.
16 That's for homeowner BMPs for homeowners to
17 see what they can do around their house
18 relative to storm waters, rain gardens, rain
19 barrels, rain roof, paving and so forth.

20 The next major element is public
21 participation involvement. Relative to
22 that, a one-minute television stormwater PSA
23 was developed and distributed to Cablevision
24 Channel 22 and played on local cable
25 channels. Efforts are underway to have it

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2 played in other towns throughout Suffolk
3 County in the coming year. We also
4 developed a radio PSA and sent it out to
5 radio stations throughout the County, and
6 that PSA was on pet waste cleanup. And we
7 got a total 90 radio spots this past year
8 that aired that PSA.

9 Under illicit discharge and detection
10 and elimination, the third major program
11 element -- surveying above falls and County
12 maintained their own County-owned roads and
13 County-owned parcels have been completed.
14 That component is finished. All those have
15 been integrated into a GIS database that's
16 acceptable to the County. All flows that
17 discharge into a 303 D or a TMDL water body
18 are monitored for dry weather flow. Dry
19 weather flow was presented and discharge --
20 determined if an illicit connection exists
21 or an illicit discharge has occurred. And
22 CTE staff have provided DPW managers with
23 training on how to help prevent stormwater
24 pollution for a municipal operation. The
25 training addresses how to prevent illicit

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2 discharges from County facilities. And we
3 had about 20 managers attend this training.
4 Relative to the two components of
5 construction and post-construction runoff,
6 control template and sample stormwater
7 pollution plans have been developed so that
8 they're available for projects conducted
9 directly by Suffolk County DPW staff, as
10 well as projects contracted out to
11 consultants.

12 Along with these documents,
13 applicable staff have been provided with a
14 list of State-approved BMP's. Also, DPW
15 engineers and other staff are referred to
16 BMP's outlying New York contractors, and
17 erosion and control field notebook and
18 Suffolk County construction projects were
19 applicable. DSCFM has also made available
20 for all construction inspection staff DPW's
21 fair use.

22 And then finally, under pollution
23 prevention and good housekeeping, in order
24 to help reduce -- inputs into Suffolk County
25 water bodies from Suffolk County parks, 22

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2 parks that border 303 D water bodies were
3 surveyed to identify areas where wildlife
4 and water fowl aggregate and -- from that,
5 ~~six locations were identified through this~~
6 process and were targeted for additional
7 signs postings. County parks -- 16 new
8 signs at these critical areas to discourage
9 people from feeding wildlife and water fowl.

10 A stormwater drain presentation has
11 been developed based on the DEC municipal
12 pollution prevention and good housekeeping
13 assistance document for guidelines for DPW
14 highway -- maintenance supervisors who put
15 that training on this year. The County has
16 upgraded its salt storage facility at the
17 Commack yard. Approximately 3000 cubic
18 yards of debris were removed from
19 County-maintained roads and bridges over the
20 past year. Three new street sweepers were
21 purchase in '07 by the County to help with
22 this effort. The County also purchased two
23 new vacuum trucks to clean storm drains on
24 County roads, and 400 cubic yards of
25 sediment and debris were removed from

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2 stormwater structures in 2007 throughout the
3 County on County-owned roads.

4 These are just some of the
5 highlights. Many other items were done as
6 well, and detailed in the report. I will
7 take any questions and comments.

8 CHAIRMAN SWANSON: I had a comment.
9 As I recall, 2008 is the year that the
10 program is supposed to be fully implemented.
11 I think we had five years, or something, to
12 start it and get it fully implemented. Is
13 it fully implemented?

14 MR. HASBROUCK: Qualified yes. Yes,
15 it's fully implemented. The only item that
16 we're still waiting for is final passage of
17 the IDDE legislation by the County
18 Legislature. That's illicit discharge
19 protection and elimination that the County
20 has to adopt a local law that gives the
21 County the authority to regulate the
22 discharges through its stormwater system.
23 That's in the process. That local law has
24 been developed and laid on the table. It
25 came to CEQ for review and it's, I think,

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2 just waiting for a public hearing on that
3 through the County process. So it's likely
4 that that law will be in effect when the
5 current permit extension expires.

6 Yes, you're right that this was the
7 final year. The County's permit would have
8 expired January 8th. The DEC is in the
9 process of putting together requirements for
10 an additional permit term. Another
11 five-year term, is it?

12 CHAIRMAN SWANSON: Three years.

13 MR. HASBROUCK: Three years. So
14 another three-year permit term. While
15 they're finalizing that, they've extended
16 the current permits and permit conditions,
17 so we still have, probably, until April or
18 May to finalize that. So that's the only
19 item that is somewhat outstanding, but
20 that's in the process of being finalized.
21 And then the County is likely to have
22 another permit term with additional
23 conditions or additional things to be heard.

24 CHAIRMAN SWANSON: This is more out
25 of curiosity than anything else. You just

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showed fliers that you published in both Spanish and English. Do you have any measure of how effective things like fliers are?

MR. HASBROUCK: We don't directly, no. The EPA put together some information on that, and one of the things that they stress and encourage is public education campaigns.

CHAIRMAN SWANSON: It's still considered an effective tool?

MR. HASBROUCK: Yes.

CHAIRMAN SWANSON: Thank you.

Any other questions?

Yes, Gloria.

MS. RUSSO: Morning, Emerson.

MR. HASBROUCK: Morning.

MS. RUSSO: It's wonderful to see all of you up here. I actually read through the whole document --

MR. HASBROUCK: Great.

MS. RUSSO: -- and I just want to congratulate you for the last five years of what you have accomplished so far. I

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2 remember in the beginning, CAC meeting
3 becomes monumental with what we had to
4 accomplish and all the -- that had to be
5 complied with for the NS 4 requirements, and
6 reading through this I'm seeing each one in
7 the year five progress report, and what has
8 been accomplished really is quite an
9 achievement and I'm very glad to see that it
10 all came together so beautifully.

11 MR. HASBROUCK: Thank you very much.

12 MR. KAUFMAN: A technical question.

13 One of our members recently raised an issue
14 regarding vortex collectors; that they might
15 not be as effective as people were thinking.
16 I don't know whether he was talking about in
17 terms of decreased efficiency because of
18 lack of maintenance or possibly something
19 else, and I was wondering if you guys had
20 heard anything about that or knew anything
21 about that.

22 MR. HASBROUCK: They're fairly
23 effective at removing floatables, trash and
24 so forth, as well as sediment. I think some
25 of the information is that they are not as

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2 effective at removing bacteria as originally
3 thought. Some of the stuff that I've seen,
4 and some of the work that we've done as well
5 in our marine center, previously a lot of
6 the thought was that if you removed the
7 particulate material you're going to remove
8 the bacteria because they're usually adhered
9 onto that particular material, sand and dirt
10 and so forth. What we've found, and what
11 other people have found, is, yes, that's
12 true, but you also have a lot of bacteria
13 that tend to break away from that
14 particulate material, the heavier
15 particulate material, that some of these
16 devices won't remove and they'll stay
17 adhered to some of the lighter particulate
18 material or just become disassociated from
19 the particulate material. You still will
20 get some discharge of -- bacteria.

21 MR. KAUFMAN: Is there any kind of a
22 recommended fix out there, or is a fix
23 possible? Maybe another structure nearby or
24 something? I mean, that defeats the purpose
25 of the vortex, but is there anything that

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could be done to deal with that problem?

MR. HASBROUCK: Well, some of it, yes, in a way, and it's what the overall EPA stormwater program gets at, is trying to reduce the amount of material that gets into stormwater in the first place, in terms of picking up pet waste, trying to infiltrate stormwater and running it through a structure at the end of the road and then discharging it. I'm not aware if there's some sort of a mechanical fix that you can put on it. I'm not saying that there is any, and I don't want to disparage any particular brand or technologies here, but just trying to answer your question, there are some issues with coliforms.

Lorne or Angel, do you know of any?

MR. BROUSSER: There are some products which they claim can take care of bacteria. From what I understand -- flow-through system works better if the water can be contained and deposited in the water that the material which -- damage bacteria. So I know there is a manufacturer

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2 that produced that which claimed it actually
3 can take bacteria out of stormwater. I just
4 don't know myself just exactly how effective
5 it is. I've heard really it doesn't work.

6 MR. KAUFMAN: The reason I'm asking
7 that, one is, obviously, what one of our
8 members said, but, two, if you have vortex
9 and you coupled it, maybe, with a standard
10 set of rings or something like that, say
11 50 feet away or something like that, do you
12 think that would have a chance to eliminate
13 that bacterial problem? Based on ground
14 infiltration?

15 MR. HASBROUCK: Yes. Giving the
16 bacteria residence time and some sort of a
17 structure, you'll have die-off occur, so
18 that certainly will help, yes.

19 MR. KAUFMAN: I was going to be
20 involved in designing some systems;
21 basically, a staggered approach going down a
22 hillside, for example, and the vortex at the
23 end was going to be literally the end
24 structure, and from what I'm hearing, it may
25 not necessarily be the best place. I'm just

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2 trying to throw that out to you.

3 MR. HASBROUCK: Yes. Without knowing
4 the particulars, right, it may not be the
5 best thing at the end. You may want to put
6 it further up. I'm sure you already realize
7 you want to start at the top and work your
8 way down rather than the other way.

9 CHAIRMAN SWANSON: Joy.

10 MS. SQUIRES: I just want to
11 congratulate you on completing this, and I
12 know sometimes you wonder how is a document
13 like this used, and I just wanted to tell
14 you one way. In terms of conservation --
15 Huntington we take elements, talk about it,
16 put it in the minutes. The minutes are
17 widely distributed through Town Hall and
18 read by Town Hall members. We hope. We
19 know some of them read it. And so it's a
20 way of then taking the educational process
21 and moving it out there. To be sure a
22 limited area but still a town-wide area.

23 And this is just kind of a funny
24 aside. A Conservation Board should have
25 nine members according -- and the day this

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2 came -- and I've forgotten this duck's name.
3 What's the duck's name?

4 MR. HASBROUCK: Stormy.

5 MS. SQUIRES: Stormy. One of our
6 Conservation Board members had a baby, and
7 so we enlarged Stormy and we said,
8 "Congratulations. This is for you." So we
9 made a big deal out of your duck.

10 MR. HASBROUCK: Well, that's great.
11 That's great, because that just helps -- we
12 appreciate that very much, and thank you for
13 the comment.

14 CHAIRMAN SWANSON: Anything else?

15 Yes.

16 MS. GROWNEY: I have a question about
17 education. I am relatively new to the
18 Board. I would like to get a copy of your
19 brochure both in Spanish and English, but I
20 also want to know if you did any outreach to
21 nonprofit organizations that are having to
22 do with professional, like, the architects
23 and landscaping design professionals and
24 engineering professionals? Has there been
25 any outreach done on them?

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2 I also applaud you on doing the
3 public access television. I think it's
4 extremely important. I would encourage you
5 to keep that rolling -- are very concerned
6 about the stormwater issue, but the public
7 -- the approach to architects and landscape
8 designers, have you done any kind of
9 educational outreach to them?

10 MR. HASBROUCK: Thank you. Yes, we
11 have. We've given presentations to -- Mark,
12 you want to handle that?

13 MR. CAPPELLINO: Mark Cappellino, --
14 Extension. The past three years we've
15 attended the Nassau/Suffolk County landscape
16 convention -- used to be held in Huntington
17 until this year; it was actually Nassau
18 Coliseum -- where landscapers from both
19 counties attend. Three years ago we had a
20 display table with stormwater literature on
21 it, information and staff at the table for
22 people to stop by. Last year, actually,
23 Lorne did a presentation for about 120 or so
24 landscapers that attended his presentation
25 about issues of stormwater and how it

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2 relates to landscaping and the MPs that they
3 could do. And then this past year at the
4 Coliseum we did that display. It's a very
5 popular event and a lot of landscapers do
6 attend this event for a trade show and
7 education as well.

8 MS. GROWNEY: I would also like to
9 recommend that you do talk to the
10 architects, because architects get involved
11 in construction on so many different levels
12 and that would be, I think, a very important
13 presentation that you could make to the AIA
14 Peconic chapter, as well as the AIA
15 Long Island chapter. There are two chapters
16 on Long Island. There are two separate
17 chapters. Peconic is from Riverhead on out
18 and Long Island is everything west of that,
19 so I think that would be a really important
20 course for professionals to know about.

21 MR. HASBROUCK: Thank you. We
22 appreciate that suggestion. We'll follow up
23 on it.

24 MS. GROWNEY: Okay.

25 CHAIRMAN SWANSON: Emerson, I have

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2 one more sticky wicket dealing with the
3 stormwater issue.

4 As you know, last year during the
5 summer we didn't have an awful lot of rain,
6 and on a lot of properties, including my
7 own, trying to meet the requirements of
8 this, we were pumping runoff from roofs, and
9 so forth, into underground containers where
10 it would eventually leech out. All that
11 water was wasted when it could have gone to
12 the beneficial use of plants instead of
13 drawing down the Suffolk County water
14 supply.

15 How do you deal with that?

16 MR. HASBROUCK: In terms of
17 infiltrating our stormwater?

18 CHAIRMAN SWANSON: Actually, when you
19 design a building, such as the architect
20 thing that came up, now we're supposed to be
21 taking our downspouts and so forth and
22 running them into tanks around the house,
23 and when we have a dry summer that's wasted
24 water, and instead of going to watering
25 plants that are around the property and so

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2 forth, it's just going into deep,
3 underground pools where, gradually, it will
4 leech out and not necessarily have any
5 ~~positive impact on the plants that we have~~
6 around, and I'm just wondering if -- this
7 program, I think, overall is beneficial.
8 There may be some things you want to go back
9 and revisit with regard to proper use of
10 water. While that rainwater was being
11 wasted, people were having to use Suffolk
12 County water supply to water their lawns or
13 their plants.

14 So if you're continuing to do studies
15 on these issues, I think it would be
16 interesting to try to work out some of the
17 potential bugs in the program.

18 MR. HASBROUCK: Thank you. That's a
19 good comment. And we have addressed it, a
20 little bit anyhow, in terms of some things
21 that homeowners and businesses can do. At
22 our demonstration at the Suffolk County
23 farm, we talked about and showed the use of
24 rain barrels where you can collect water off
25 of your roof, essentially, and hold it and

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2 use it to water plants and so forth. A rain
3 barrel isn't going to be sufficient, really,
4 to water your lawn in the summer through a
5 dry spell.

6 CHAIRMAN SWANSON: Right.

7 MR. HASBROUCK: But there are some
8 things that people can do. You can put in a
9 cistern to hold water. And these are things
10 that we include in our educational programs
11 and at the demonstration at the farm. The
12 other thing is rain gardens, where you can
13 develop a garden that gets watered when it
14 rains and that's the only time that it's
15 watered, and if it's developed and
16 implemented properly, with the proper plants
17 and so forth, that's all you need in that
18 type of a garden.

19 CHAIRMAN SWANSON: Thank you.

20 Joy.

21 MS. SQUIRES: I just want to follow
22 through on the rain gardens. NYSACC, the
23 New York State Association of Conservation
24 Commission, at our annual conference, we
25 have had a demonstration of rain gardens,

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2 and in Bedford they have a very successful
3 rain garden associated with their town hall,
4 and we do have the directions for that on
5 our Web site, which is ~~nysaccny.org~~.

6 MR. HASBROUCK: Nysaccny.org?

7 MS. SQUIRES: Dot org. That's for
8 rain gardens.

9 MR. HASBROUCK: Right. Thank you.
10 We'll provide a link off of our Web site to
11 that Web site.

12 CHAIRMAN SWANSON: Eva.

13 MS. GROWNEY: The conversation that
14 you started, Chairman, about dealing with
15 the runoff creating some sort of rainwater
16 system, filtered or otherwise, I'm not sure.
17 Those are some of the things that I think
18 that architects would be interested in
19 hearing about because -- throughout the
20 country, and I think it's about time that we
21 start doing it here on Long Island because
22 we have only a sole source -- portion of the
23 island.

24 MR. HASBROUCK: Yes, you're right,
25 other parts of the country are utilizing

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2 that. In some places it's a requirement.

3 MS. GROWNEY: I'd like to see more
4 development on that. That would be great.

5 CHAIRMAN SWANSON: Gloria.

6 MS. RUSSO: Emerson, are you aware if
7 the New York State stormwater manual has
8 updated their best management practices to
9 include any commercial proprietary
10 aftermarket? They said they were going to
11 review it and they hadn't in a number of
12 years yet, and they wanted to have a study.
13 Did they ever put anything on there that
14 they do --

15 MR. CAPPELLINO: Last year they added
16 a chapter to the manual, which does list a
17 number of the commercial chapter. So they
18 added a number of those in a separate
19 chapter and attached it to the manual.

20 MS. RUSSO: Do any of them look
21 feasible for our situation here in Suffolk
22 County?

23 MR. CAPPELLINO: Yeah, I think all of
24 them would be. Really, every situation is
25 specific -- particular applications, but I

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2 think the County has used some of those
3 products in the past, and they probably will
4 in the future, so, yes, some of them are
5 definitely applicable to Suffolk County.

6 CHAIRMAN SWANSON: All right. Thank
7 you very much for a very informative report.
8 Good work over these years.

9 MR. HASBROUCK: Thank you, and thank
10 you very much for the opportunity and for
11 your kind words.

12 CHAIRMAN SWANSON: All right.
13 Recommended Type II actions. Application
14 and recommendations.

15 Jim, do you have any comments?

16 MR. BAGG: Basically, it's pretty
17 straightforward. Most of the actions are
18 Type II actions. As Mike noted, there is
19 IR 1216, which wants to prevent
20 fertilization within a hundred feet of
21 wetlands. I think it's a good policy. The
22 Planning Commission has a similar policy.
23 Other than that, it's straightforward. The
24 project -- SEQRA completed.

25 CHAIRMAN SWANSON: Any questions?

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2 (No response.)

3 MR. KAUFMAN: Motion to accept.

4 CHAIRMAN SWANSON: Do I have a

5 second?

6 MS. RUSSO: Second.

7 CHAIRMAN SWANSON: Okay, we have a
8 second.

9 I would just call your attention to
10 one other piece of environmental
11 legislation, and that's 1148, the first one
12 in which Legislator Schneiderman informed me
13 that passed the Legislature last night and
14 will go on to the County Exec, and that's a
15 ban on purchase of bottled water by the
16 County.

17 All in favor?

18 ALL: Aye.

19 CHAIRMAN SWANSON: Opposed?

20 (No response.)

21 CHAIRMAN SWANSON: Motion carries.

22 Proposed acquisition of open space
23 preservation purposes known as Crab Creek.

24 MS. FISCHER: Good afternoon. I have
25 one proposed acquisition for open space

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2 before you today. This is a property,
3 brand-new property in the town of Shelter
4 Island. It is an acquisition of 12.667
5 acres of a 17.5-acre lot on the western
6 shores of Shelter Island. This is going to
7 be acquired under the multi-faceted land
8 preservation program open space preservation
9 program for passive recreation. It is going
10 to be a 50/50 partnership with the Town as
11 well.

12 CHAIRMAN SWANSON: Any questions?

13 (No response.)

14 CHAIRMAN SWANSON: Do we have a
15 motion?

16 MR. KAUFMAN: Motion to un-list it.

17 CHAIRMAN SWANSON: Do we have a
18 second?

19 MS. RUSSO: Second.

20 CHAIRMAN SWANSON: All in favor?

21 (No verbal response.)

22 CHAIRMAN SWANSON: Opposed?

23 (No verbal response.)

24 CHAIRMAN SWANSON: Motion carries.

25 MS. FISCHER: Thank you very much.

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2 CHAIRMAN SWANSON: Next one is Board
3 of Elections warehouse addition.

4 Will you please identify yourselves
5 for the stenographer?

6 MR. YOUNG: My name is Ivan Young.
7 I'm the assistant to the Commissioner Katz
8 at the Suffolk County Board of Elections.

9 MR. INGENITO: Hello. I'm James
10 Ingenito, Suffolk County architect.

11 MR. ROGERS: Hi. My name's Wayne
12 Rogers. I'm the Deputy Commissioner of the
13 ~~BOE.~~
~~DOE.~~

14 CHAIRMAN SWANSON: Go ahead.

15 MR. INGENITO: I'm here to present
16 this very basic project of a 6,500-square
17 foot, one-story addition to the Board of
18 Elections building in Yaphank. It's to the
19 south side of Yaphank Avenue, and it's
20 basically for the storage of new voter
21 machines that are required by this year.
22 There are about 400 machines we're going to
23 be purchasing this year.

24 It's a one-story building, like I
25 said. There's no minimal clearing involved.

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2 It will be, most likely, a prefabricated
3 metal building on a slab or on a concrete
4 foundation with no basement. There may be
5 one loading dock area or two, maximum, to
6 offload and take these machines for
7 servicing and for voting.

8 CHAIRMAN SWANSON: Does this building
9 meet the requirements of green building
10 technology passed by Suffolk County?

11 MR. INGENITO: We didn't get that
12 far, but, of course, we always try to meet
13 the green requirements as part of the design
14 process.

15 CHAIRMAN SWANSON: Even if it
16 doesn't, we would encourage you to try to do
17 as much as you can, within the budget that
18 you have, to make it environmentally
19 acceptable.

20 MR. INGENITO: Of course. We always
21 try.

22 CHAIRMAN SWANSON: Eva.

23 MS. GROWNEY: I'd like to know what
24 you will do to meet the type of
25 requirements -- what kind of green

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2 requirements you might be doing to it.

3 MR. INGENITO: Typically, on a
4 warehouse building like this, we can do a
5 lot with insulation. We, most likely, would
6 have an insulated metal wall panel system.
7 Certainly more than usual insulation to the
8 ceiling area and the roof. That's mainly
9 what we can do, other than the HVAC system,
10 of course, would always be designed to meet
11 or exceed Energy Star ratings. We have
12 in-house an environmental engineer who
13 specifically is -- save energy; that's his
14 job title. He always will review our
15 systems before they go out for bid, even in
16 the beginning of the design.

17 So, really, energy saving and
18 insulation is the most we would probably do
19 with this building, because it's really an
20 open space.

21 MS. GROWNEY: But it is going to be
22 air-conditioned and heated, so it's going to
23 be a treated space. One of the things I'm
24 looking at, it's on grade, so I assume
25 there's no basement in this. I just want to

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2 know what the detail's going to be like
3 where the building transitions from a slab
4 to the graded to see where there's any kind
5 of barrier for temperature differential and
6 -- filtration.

7 MR. INGENITO: Yes. We didn't get
8 that far with design, but I probably will be
9 doing the design myself where we would have
10 a foundation wall system, possibly with a
11 slab, where there would be a thermal break
12 between the foundation wall and the slab.
13 Definitely not a basement.

14 MS. GROWNEY: But where is the break
15 coming? Because if you're outside -- if
16 there's still a transference that can go
17 through the concrete, so I'd just like to
18 see what kind of detail you have to do so
19 that there's a true thermal break so there
20 isn't still an emittance through the
21 concrete interior wide.

22 MR. INGENITO: Yes. Most likely we
23 would have rigid insulation for the outside,
24 weathered side of the wall, and most likely
25 at the juncture of the slab and the wall.

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2 Probably both.

3 MS. GROWNEY: All right. Thank you.

4 CHAIRMAN SWANSON: Legislator

5 Schneiderman.

6 MR. SCHNEIDERMAN: In the area of
7 proposed construction, I see there's an
8 existing shed. I don't know what's
9 contained in that shed. Also, the area that
10 you're covering, are there any underground
11 structures in that area?

12 MR. ROGERS: The shed was originally
13 used to do some painting. They're just
14 going to knock it down. It's a small
15 structure.

16 MR. SCHNEIDERMAN: Right, but in
17 terms of environmental concerns, might there
18 be contaminated -- fuel tanks or septic
19 system?

20 MR. ROGERS: I don't think there's
21 anything there.

22 MR. SCHNEIDERMAN: Anything there?

23 MR. ROGERS: Not a thing. And that
24 shed is on a small concrete slab. It's a
25 wooden structure, so we could take that

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2 down.

3 MR. SCHNEIDERMAN: I notice it's got
4 a very basic design and building, but in the
5 interior, from an energy efficiency
6 standpoint, you have, basically, three areas
7 besides the office-type space; warehouse
8 one, warehouse two, warehouse three, all of
9 which are heated, but two are
10 air-conditioned. I'm noticing that the two
11 air-conditioned sections are not next to
12 each other. They're divided by the other
13 sections. From an energy efficiency
14 standpoint, that doesn't make a lot of
15 sense.

16 MR. ROGERS: Not to interrupt you,
17 but within the scope of this project, that
18 air-conditioning is going to be done as
19 well.

20 MR. SCHNEIDERMAN: All three sections
21 will be air-conditioned?

22 MR. ROGERS: Everything will be
23 completely air-conditioned.

24 MR. SCHNEIDERMAN: Then it makes
25 sense.

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2 In terms of a sloping roof, you
3 talked about runoff before, and water. In
4 terms of drainage on this property, is it
5 just like a leader with a gutter into a dry
6 well? Is that the plan?

7 MR. INGENITO: There's quite a bit of
8 space that we're not too concerned about the
9 runoff.

10 MR. KAUFMAN: Jay, they'll be right
11 next to the DPW building. They'll have to
12 watch out. DPW will see them.

13 CHAIRMAN SWANSON: If this is just a
14 warehouse, why do we need heating and
15 air-conditioning?

16 MR. YOUNG: Because of the voting
17 machines that the Suffolk County Board of
18 Elections has just selected.

19 MR. SCHNEIDERMAN: If they're
20 electronic, they need climate control,
21 right?

22 MR. YOUNG: Correct.

23 MR. SCHNEIDERMAN: Are these the
24 optical scanning machines that they
25 anticipated?

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2 MR. YOUNG: Correct.

3 MR. SCHNEIDERMAN: This is not really
4 a CEQ-related question, but knowing that
5 those machines are significantly smaller
6 than our other machines --

7 MR. YOUNG: To the contrary, the
8 opposite is true. These optical scanning
9 machines are actually slightly larger than
10 the lever machines, which is why we need the
11 space.

12 MR. SCHNEIDERMAN: That's why I was
13 going to ask, because I've seen some of
14 these. The ones that were demonstrated here
15 were significantly smaller, and now I'm
16 thinking if we're going to get rid of lever
17 machines we don't need any extra space,
18 we'll have extra space, but you're saying
19 that even after we get rid of the lever
20 machines, we'll -- extra space?

21 MR. YOUNG: Yes. Correct.

22 I have the dimensions for the storage
23 of these machine, which the length, our
24 lever machines are currently 33 inches and
25 30 inches in width, whereas the new machines

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2 that we are purchasing are 36 inches in
3 length and 32 in width. So they're longer
4 and wider than the lever machines.

5 MR. SCHNEIDERMAN: But they're not
6 tall, they're short.

7 MR. YOUNG: Right. Stored, they're
8 at 48 inches, and operating mode they are
9 60 inches.

10 MR. SCHNEIDERMAN: Right. So, the 48
11 for the lever machines is storage mode. Do
12 they collapse?

13 MR. YOUNG: Yes, they do.

14 MR. SCHNEIDERMAN: They do. Okay.

15 MR. YOUNG: Yes, they do.

16 CHAIRMAN SCHNEIDERMAN: Eva.

17 MS. GROWNEY: I want to also note
18 that you're talking about the conditioning
19 of those other spaces. Those all have some
20 sort of insulation in their roof, at least?

21 MR. INGENITO: Yes.

22 MS. GROWNEY: They do.

23 MR. INGENITO: They're insulated.

24 MS. GROWNEY: Do you know what the R
25 is on those?

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2 MR. INGENITO: I do not. We would
3 find out for you, though.

4 MS. GROWNEY: What would be your
5 optimum that you're trying to accomplish in
6 this proposal as well as the system?

7 MR. INGENITO: We didn't get that
8 far, but at least R19. Probably more.

9 MS. GROWNEY: R19 is not enough. R19
10 is okay for the walls, but that's not enough
11 for the ceiling.

12 MR. INGENITO: We really honestly
13 didn't get that far, but we would definitely
14 try to exceed current requirements.

15 MS. GROWNEY: I would say something
16 like 30 would be good, because those are
17 energy ducts.

18 MR. INGENITO: Yes. We do have a
19 large enough space. We could do that. We
20 could easily achieve 30.

21 MS. GROWNEY: That would be great.
22 Okay.

23 CHAIRMAN SWANSON: Any other
24 questions?

25 (No response.)

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2 CHAIRMAN SWANSON: Make a motion?

3 MR. KAUFMAN: Yes, I'll make a
4 motion. This is an unlisted -- near as I
5 can tell because it's over 4,000 square
6 feet. I would put in one recommendation,
7 that the insulation, per Eva's suggestion,
8 be at a minimum, say R30, for the ceiling.
9 For the ceiling.

10 CHAIRMAN SWANSON: A second for that
11 motion?

12 MS. GROWNEY: I'll second.

13 CHAIRMAN SWANSON: We have a second.
14 Any further discussion?

15 (No response.)

16 CHAIRMAN SWANSON: All in favor?

17 (No verbal response.)

18 CHAIRMAN SWANSON: Opposed?

19 (No verbal response.)

20 CHAIRMAN SWANSON: Motion carries.

21 Thank you for your patience,
22 gentlemen.

23 MR. INGENITO: Thank you for your
24 time.

25 CHAIRMAN SWANSON: CAC concerns?

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(No response.)

CHAIRMAN SWANSON: Do we have a motion to adjourn?

MR. KAUFMAN: I'd like to stay here for two more hours.

CHAIRMAN SWANSON: Motion to adjourn.
(Whereupon, the proceeding concluded at 12:18 p.m.)

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C E R T I F I C A T E

I, MICHELLE SCOTTI, a Notary Public in
and for the State of New York, do hereby certify:

THAT the witness whose testimony is
hereinbefore set forth, was duly sworn by me; and

THAT the within transcript is a true
record of the testimony given by said witness.

I further certify that I am not
related, either by blood or marriage, to any of
the parties in this action; and

THAT I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 19th day of March, 2008.



MICHELLE SCOTTI

