

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

Theresa Elkowitz
CHAIRPERSON

James Bagg
CHIEF ENVIRONMENTAL ANALYST

SUFFOLK COUNTY COUNCIL ON ENVIRONMENTAL QUALITY
DEPARTMENT OF PLANNING CONFERENCE ROOM
MINUTES

DATE: Wednesday, December 14th, 2005

TIME: 9:30 a.m. – 11:45 a.m.

PRESENT: Voting Members - Larry Swanson, Vice Chairman; Tom Cramer, J. Lee
Snead, Lance Mallamo, Michael Kaufman and John E. Potente

ABSENT: Theresa Elkowitz, John Wagner and Jay Schneiderman

Staff:

James Bagg, Chief Environmental Analyst
Penny Kohler, Secretary

Departmental Staff:

Suffolk County Legislator's Office

Lisa Keys, Legislator Aide

Suffolk County Department of Planning

Lauretta Fischer, Principal Environmental Analyst

Suffolk County Department of Parks, Recreation and Conservation

Richard Martin, Director of Historic Services

Michelle Moravec, Environmental Analyst

Kelly Roper, Environmental Analyst

Suffolk County Department of Public Works

Ralph Borkowski, Landscape Architect

Leslie Mitchel, Deputy Commissioner

Richard LaValle, Chief Deputy Commissioner

Dominick Ninivaggi, Vector Superintendent

Suffolk County Department of Health

Kim Shaw, Princ. Environmental Analyst

Walt Dawydiak, Chief Engineer

Suffolk County Department of Law

Christopher Jeffreys, Assistant County Attorney

LOCATION

H. LEE DENNISON BLDG. - 4TH FLOOR
100 VETERANS MEMORIAL HIGHWAY

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Conservation Advisory Councils:

Steve Brown, Town of Brookhaven

Guests:

Matthew Atkinson, Peconic Baykeeper

Kevin McAllister, Peconic Baykeeper

Adrienne Esposito, Citizens Campaign for the Environment

Bob McAlevy, CAC Study

Lorraine Dittro, MEMCA

Sarah Newkirk, Nature Conservancy

Brendan Mahoney, CCE

Fernando Villalba, Fire Island NS

George Proios, SC Soil & Water

Michael J. Domino, North Fork Environment

Kitty Merrill, The Independent News

Vice Chair Swanson opened the meeting at approximately 9:30 a.m.

PROJECT REVIEW:

1. *Ratification of Staff Recommendations for Legislative Resolutions laid on the Table – November 22 and December 6, 2005.*

The members reviewed the recommendations of the CEQ staff regarding the November 22 and December 6, 2005 Legislative introductory resolutions.

A motion was made by Mr. Kaufman to accept staff recommendations, seconded by Mr. Cramer. The motion passed unanimously.

2. *Proposed Modifications to the Warehouse at Board of Election, CP #1461, Yaphank, Town of Brookhaven.*

An overview regarding this proposal was given at the meeting by Mr. Ralph Borkowski, RLA, Landscape Architect with the Suffolk County Department of Public Works. The project provides for the renovation of the existing warehouse space and constructing a 1,000 square foot computer room within the existing structure, install HVAC systems, insulate interior warehouse wall, and relocate existing fiber optic cables.

A motion was made by Mr. Cramer to recommend that the project is a Type II action, seconded by Mr. Kaufman. Unanimously approved including Mr. Steve Brown, CAC of Brookhaven.

3. *Proposed Renovations to the Old 6th Police Precinct, CP #3188, Coram, Town of Brookhaven.*

An overview regarding the proposal was given at the meeting by Mr. Ralph Borkowski, RLA, Landacape Architect with the Suffolk County Department of Public Works. The project provides for the planning and reconstruction of the old 6th Police precinct in Coram. This project provides for the renovations only to the interior of this building.

The project also includes but is not limited to the rearrangement of office space, upgrades to mechanical electrical and plumbing systems, new flooring and ceilings, etc.

A motion was made by Mr. Cramer to recommend that the project is a Type II action, seconded by Mr. Kaufman. Unanimously approved including Mr. Steve Brown, CAC of Brookhaven.

4. *Proposed Construction of a Fire Vehicle Storage and Pump Tester Facility, CP #3415, Yaphank, Town of Brookhaven*

An overview regarding the proposal was given at the meeting by Mr. Ralph Borkowski, RLA, Landscape Architect with the Suffolk County Department of Public Works. The project provides for the siting and construction of a 12,000 square foot (approximate) facility for the Department of Fire, Rescue and Emergency Services (FRES) and the Vocational Education & Extension Board of Suffolk County (Fire Academy). The facility would include office space, for the Fire Academy's field instructors including men's and women's locker spaces. Storage space for FRES's heavy rescue van, mobile command post, various vehicles and fire rescue's equipment will also be provided. The pump test facility would replace the old facility and would be capable of testing all the new fire pumpers on Long Island. The site is a previously cleared area adjacent to the firematics training facility.

A motion was made by Mr. Cramer that this project is an Unlisted action; Negative Declaration, seconded by Mr. Kaufman. Unanimously approved including Mr. Steve Brown, CAC of Brookhaven.

5. *Proposed Donation of Property, File #S05-04-0019, Miller Place, Town of Brookhaven.*

A presentation regarding the project was given at the meeting by Laretta R. Fischer, Principal Environmental Analyst, with the Suffolk County Department of Planning. The project involves the acquisition of land by Suffolk County through a donation of 0.2 acres for open space preservation purposes. The donation will add to other county park holdings in the area.

A motion was made by Mr. Kaufman that this project be an Unlisted action; Negative Declaration, seconded by Mr. Snead. Unanimously approved including Mr. Steve Brown, CAC of Brookhaven.

6. *Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Mud Creek Locastro Property in the Town of Brookhaven.*

A presentation regarding the project was given at the meeting by Laretta R. Fischer, Principal Environmental Analyst, with the Suffolk County Department of Planning. The project involves the acquisition of 0.38 acres of land by Suffolk County under the Multifaceted Land Preservation Program - Open Space. The acquisition will add to other park holdings in the area.

A motion was made by Mr. Cramer that this project be an Unlisted action; Negative Declaration, seconded by Mr. Kaufman. Unanimously approved including Mr. Steve Brown, CAC of Brookhaven.

7. *Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Mastic/Shirley Conservation Area - McIlwaine Property in the Town of Brookhaven.*
A presentation regarding the project was given at the meeting by Ms. Lauretta Fischer, Principal Environmental Analyst with the Suffolk County Department of Planning. The project involves the acquisition of 0.90 acres of land by Suffolk County under the SOS - Save Open Space Program. The acquisition will add to other park holdings in the area.

A motion was made by Mr. Cramer that this project be an Unlisted action; Negative Declaration, seconded by Mr. Kaufman. Unanimously approved including Mr. Steve Brown, CAC of Brookhaven.

8. *Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Cold Spring Harbor Watershed - Engel Burman Property in the Town of Huntington.*
Overview of this project was given by Ms. Lauretta Fischer, Principal Environmental Analyst. Project involves acquisition of 5.21 acres of land by Suffolk County under the Multifaceted Land Preservation Program - Open Space. The Town of Huntington is also acquiring an equal portion of this property for a total of 10.42 acres. The acquisition will add to other park holdings in the area.

A motion was made by Mr. Cramer, seconded by Mr. Kaufman to recommend that the project is an Unlisted action with a Negative Declaration. Unanimously approved .

9. *Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Saw Mill Creek - Elton Street Property in the Town of Riverhead.*
An overview of this project was given by Ms. Lauretta Fischer, Principal Environmental Analyst with the Suffolk County Planning Department. The project involves the acquisition of 5.6 acres of land by Suffolk County under the Multifaceted Land Preservation Program - Open Space Preservation and will be used for passive park purposes. The site contains wetlands within the Saw Mill Creek watershed corridor.

A motion was made by Mr. Cramer, seconded by Mr. Kaufman to recommend that the project is an Unlisted action with a Negative Declaration. Unanimously approved .

10. *Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Hallock Acres Wetlands - Caroline Etc. Property in the Town of Smithtown.*
Ms. Lauretta Fischer gave an overview of this project. The project involves the acquisition of 0.643 acres of land by Suffolk County under the Multifaceted Land Preservation Program - Open Space Preservation and will be used for passive park purposes. The site contains wetlands within the Nissequogue River watershed corridor.

A motion was made by Mr. Kaufman, seconded by Mr. Snead to recommend that the project is an Unlisted action with a Negative Declaration. Unanimously approved.

Approximately 9:55 a.m. Vice-Chairperson announced there will be a break. The meeting was reconvened at 10:07 a.m. with minutes taken by a court stenographer, Lucia Braaten.

COUNCIL ON ENVIRONMENTAL QUALITY

MINUTES

A regular meeting of the Suffolk County Council on Environmental Quality was held in the Planning Department, Fourth Floor of the H. Lee Dennison Building, 100 Veterans Memorial Highway, Hauppauge, New York, 11788.

MEMBERS PRESENT:

Larry Swanson, Vice-Chairperson
Thomas Cramer
Michael Kaufman
Lance Mallamo
John E. Potente
Lee Snead

ALSO IN ATTENDANCE:

Steven Brown, CAC of Brookhaven
Penny Kohler, Department of Planning
Lauretta Fischer, Principal Environmental Analyst, SC Planning Dept Christopher Jeffreys, Suffolk County Law Department
Richard LaValle, Chief Deputy Commissioner, Department of Public Works
Leslie Mitchel, Deputy Commissioner, Department of Public Works
Dominick Ninivaggi, Vector Control Superintendent, SCDPW
Ralph Borkowski, Landscape Architect, Suffolk County DPW
Michelle Moravec, Environmental Analyst, Suffolk County Parks
Kelly Roper, Environmental Analyst, Suffolk County Parks
Lisa Keys, Aide to Presiding Officer Caracappa, SC Legislature
Brendan Mahoney, Program Coordinator, CCE
Walter Dawydiak, Chief Engineer, Suffolk County Health Department
Kim Shaw, Principal Environmental Analyst, SC Health Department
George Proios, Chairman, SC Soil and Water Conservation Department
Kevin McAllister, President, Baykeeper, Peconic Baykeeper
Matthew Atkinson, General Counsel, Peconic Baykeeper
Michael J. Domino, President, NFEC Alliance/Baykeeper
Adrienne Esposito, Citizens Campaign for the Environment
Lorraine Dittko, MEMCA Board Member
Bob McAlevy, Member, CAC Study
Sarah Newkirk, Coastal Project Director, The Nature Conservancy
Fernando Villalba, Park Biologist, Fire Island National Seashore
Kitty Merrill, News Editor, The Independent

MINUTES TAKEN AND TRANSCRIBED BY:

Lucia Braaten - Court Stenographer

[THE MEETING RECONVENED AT 10:07 A.M.]

VICE-CHAIRPERSON SWANSON:

All right. We can reconvene. We're now moving on to the Suffolk County Vector Control and Wetlands Management Long-Term Plan. I'd like to read a letter from the Town of Brookhaven Conservation Advisory Council into the record. This is to James Bagg, Liaison to the Council on Environmental Quality, from the Town of Brookhaven Conservation Advisory Council, and it reads:

"Dear Mr. Bagg: The Town of Brookhaven Conservation Advisory Council has met and discussed the EIS for the Vector Control plan. It is the CAC's opinion that the EIS is incomplete. Specifically, the following areas should be addressed in the EIS.

1. The EIS does not appear to have addressed all issues identified in the scoping process. Various storm water management efforts in Brookhaven and beyond have not been addressed. These actions have the potential to affect the Vector Management Plan and should be reviewed, and a discussion of coordinated approach to storm water and vector control should be detailed and should include an evaluation of mosquito breeding in existing storm water structures.
2. Details of Public Outreach are not sufficient. Public Outreach has the potential to greatly reduce the nuisance, social and disease impacts by mosquitoes without any environmental impacts. Public Outreach should be discussed in much greater depth and details on budgets, number of phone, mail and other contacts, and radio and television announcements should be included.
3. Analyses of programs used in neighboring jurisdictions have not been done.
4. The use of Methoprene: Methoprene has been found to have impacts to marine invertebrates in a number of studies. For this reason it is banned from use in New York City. These studies and NYC's decision not to use Methoprene are not discussed in the EIS. In view of the fact that Vector Control intends to use Methoprene on marshes in Suffolk County, it is requested that the articles which indicate Methoprene has an impact on aquatic invertebrates be reviewed. It is also requested that NYC's decision to ban the use of Methoprene be reviewed.
5. The Conservation Advisory Council also requests an adequate time frame for the public comment period of the DEIS when it is deemed complete. The DEIS is a large complex document and an extended public comment period of 120 days is requested." I will give this to you for your use, if it would be helpful.

All right. How many people here are desiring to speak concerning the Vector Control Plan? One, two, three, four, five, six. All right. We're going to set some ground rules. I'm going to keep time. Nobody can have more than five minutes. And I would also request that you provide us with written comments.

Also, I would like to emphasize that what we are doing here today is examining the document for completeness, and whether or not it has followed the scope. This is not the point in this overall process to discuss whether the science is good, bad or indifferent. We want to stick to the issues, so that we can move forward with the process. So, again, it has to deal with the scope of the document and the document's completeness or lack thereof. All right. Who would like to go first?

MS. ESPOSITO:

I just want to mention to you, when you were out of the room, we passed around a document summarizing many of the group's comments, along with a one-page summary sheet comparing the scope to the final document. So that will service, I think, a number of our handouts for today, too, to make it easier.

VICE CHAIRPERSON SWANSON:

Okay. This is the Coalition for the Protection of People and Wetlands, is that what you're talking about?

MS. ESPOSITO:

Is that our name?

MS. NEWKIRK:

That is our name, yes.

VICE-CHAIRPERSON SWANSON:

Okay. And so you want this entered into the record?

MS. ESPOSITO:

Please.

VICE-CHAIRPERSON SWANSON:

Would you like it read into the record?

MS. ESPOSITO:

No. We're going to testify.

VICE-CHAIRPERSON SWANSON:

Okay.

MS. ESPOSITO:

And so that would be redundant and the stenographer will kill us.

VICE-CHAIRPERSON SWANSON:

All right. Adrienne, since you have the floor, would you like to begin?

MS. ESPOSITO:

Sure.

VICE-CHAIRPERSON SWANSON:

It's nice to have you back.

MS. ESPOSITO:

It's wonderful to be back, as temporary as this is. All right. I'm going to limit my comments to just three, and then following other speakers, we'll make some other points.

But, good morning. My name is Adrienne Esposito. I'm with Citizens Campaign for the Environment, and we have been involved in and following the mosquito control and long-term plan for the past six years now. And we offer the following comments for your consideration:

We have reviewed the scoping, the final scoping document and compared it to the long-term plan, and I want to say just four things about it. One is that we're going to ask you to deem this as -- the long-term plan as incomplete. While it has most of the scoping document requests, it doesn't have all of the scoping document requests.

One thing I wanted to say also is I have found over the last couple of weeks that many of the CEQ members have not had access to the final scoping document. And I would like to know how it is you're going to vote on doing that comparison when not all the CEQ members have had the ability to do that? I don't think that that would be appropriate.

But a couple of things that we would like to stress that are missing from the draft plan. First, in the final scope, it clearly states that the plan should include thresholds and criterias that determine when adulticides are used. The long-term plan, final draft that I have seen does not include this criteria. Many of you have been around long enough to know that was one of the key and essential issues that got us into this long-term plan development in the first place. It was one of the driving forces,

that thresholds would be created that would act as trigger mechanisms for adulticiding situations. That has been left out of the long-term plan. I did hear at the Steering Control meeting or the Steering meeting -- Steering Control meeting that we were at last week that that would be added, but, to my knowledge, as of today, it has not yet been added.

Number two is that the final scope clearly calls for making a distinction between nuisance control and disease control, and the plan that you have before you says they cannot make that distinction. But it does not offer any kind of rationale or knew data to really substantiate that claim. We find this claim to be somewhat unbelievable, frankly, since the County in the past decade has always distinguished between nuisance control and disease control. And, in fact, the plans before the CEQ, the yearly work plans, including 2001, 2002, 2003, 2004, have all distinguished between nuisance control and disease control. They said, and I'm quoting now from the plans, that "The goals are two-pronged. One, protect the public from mosquito borne diseases, and two, reduce mosquito infestations to alleviate social or economic impact to the public." They've always distinguished between the two. They have also said the Division's responsibility is to control mosquito infestations that significantly threaten public health or create social or economic problems to communities in which they occur. Again, the distinction is clear.

In addition, New York State Department of Health has always distinguished between nuisance control and disease control. When you read the New York State West Nile Virus Response Plan, it clearly makes that distinction. It provides thresholds of when to apply adulticides, and it clearly states that you use them when disease are present and multiple indicators of disease are present. So, what we're asking is for the County's long-term plan to make that distinction, because it would better serve public policy, and better serve us identifying when to use these toxic adulticides, and it is in the original scope.

In addition, we're asking for the longest public comment period. It did take us two years and 4 million dollars to develop this plan. We'd like to have a thoughtful, inclusive, open public comment period, and I believe the CEQ will want that as well, so that the public can provide extensive comment.

You know there's been extensive public interest and commitment to this particular document and plan, as there should be, and I think we all welcome that, but the way to really welcome that and value that and use that to have the best plan is by having a long public comment period, so that doesn't get rushed through, especially during this -- the holiday winter, in the dead of winter. It would be better to have a more extensive one.

And the last thing I just want to say about the final scope and in compliance with the long-term plan is -- okay. That the plan also -- you want to make sure that this plan complies with State and Federal law. And we're not sure that the -- that since it does contradict the State's position on disease control versus nuisance control, it may actually be in conflict with New York State DOH, which hasn't really been part of this process. Although other State agencies have, DEC and DOS, I don't think the DOH has really been as included as perhaps they should be at this juncture, so it would probably be another good thing to do.

But thank you. We're happy to see, you know, progress being made. We look forward to having the best plan for the public and to have an inclusive process. And, overall, we are very happy to see progress made with this plan, and we look forward to seeing it continue. Thank you very much.

VICE-CHAIRPERSON SWANSON:

Thank you. Adrienne, before you go, I'm not sure whether you stated who you represent for the record.

MS. ESPOSITO:

I did.

VICE-CHAIRPERSON SWANSON:

Oh, you did?

MS. ESPOSITO:

Yes.

VICE-CHAIRPERSON SWANSON:

Okay. Thank you. Let's just go around the room counter-clockwise. Who's next?

MR. ATKINSON:

I guess that would be me.

VICE-CHAIRPERSON SWANSON:

Please state your name and organization for the record.

MR. ATKINSON:

My name is Matthew Atkinson and I'm with Peconic Baykeeper. I attended the work session last week of the CEQ and I was impressed at the attention that this body paid to this draft EIS long-term plan. And other than one or two points, I really want to echo and amplify some of the comments made by members of CEQ.

One thing I want to add to what was handed out as comments from a number of organizations that we share is something that I was working on yesterday, didn't get in, and it may or may not be adopted jointly. But one of the things in the scope is to look at the efficacy of all of the mosquito control measures, and very little attention in this plan to the efficacy of adulticides in actually controlling mosquito populations.

There are numerous articles out there that show that adulticiding actually is contraindicated, that it can cause additional blooms of mosquitoes, it can actually cause a concentration of disease in those remaining mosquitoes. There is a study done, for example, on control of mosquitoes for carrying Triple E, Equine Encephalitis, Eastern Equine Encephalitis, and have found that, actually, after ten years of applications of adulticides, it enhanced the amount of disease that is out there, as well as actually resulted in increased numbers of mosquitoes. So, while adulticiding may have a short-term positive impact in reducing mosquito populations, its long-term effects are far less clear. The EIS needs to discuss these papers and it needs to like seriously consider the effects of adulticiding.

Now, I really want to echo something, is numerous aspects of this plan are controversial. We've talked about the papers on Methoprene that haven't been addressed, we've talked about -- will talk about aspects of Open Marsh Water Management, it's very controversial, have not been addressed, adulticiding issues that have not been addressed. There are numerous issues that are controversial. And the problem with this EIS is that it's been drafted in conjunction with the long-term plan. And, in fact, since it's going to go back to some degree for redrafting, I think it's important that the EIS fairly present the controversies that exist in regards to various aspects of the plan, the weight of evidence for and against certain kinds of activities, so that it does, in fact, perform its intended function, which is a basis for decision-makers to develop policy.

Here we have policy enfolded into the plan -- into the EIS itself and it skews it, and it takes potshots at people like Fire Island National Seashore, the National Park Service, they're like sort of crackpots. In fact, the Park Service is not accepting this process entirely. You know, it wants -- it says it doesn't conform to NEPA. Well, one of the first things you learn in law school about NEPA and SEQRA is that SEQRA was modeled by NEPA, but made to be stronger. So why is this not adequate for the National Seashore. This needs to be explored, it needs to be addressed, instead of just being -- you know, being told that they're slightly crackpotted.

In addition to this consistency with State and Federal law, we also need to look at local laws. The

EIS is deficient in this legal framework. This was brought up by Jim Bagg at the last meeting and was a very correct statement, that there are all kinds of municipalities that have their own wetlands law, and they should be seeing how these proposed actions might fit or not fit into an existing legislative system. Even the West Nile Virus Response Plan acknowledges that law may not permit certain wetlands manipulations. And this is a program drafted by health departments. You know, they're not concerned about the impact upon the environment, and even they acknowledge that you can't do everything that you might want to do to exclude all mosquitoes from existence, because it's inconsistent with other kinds of values that are enshrined in other kinds of laws. Thank you.

VICE-CHAIRPERSON SWANSON:

Thank you very much. Next, would you please state your name and your organization?

MS. NEWKIRK:

I will. Good morning, Vice-Chair Swanson and members of the Council. My name is Sarah Newkirk, and I represent The Nature Conservancy. As you know, The Conservancy has been an active participant in the County's development of the plan, serving on the Technical Advisory Committee and the Wetlands Subcommittee.

We fully support the County's efforts to develop a framework within which the decision to spray for mosquitoes and general mosquito control techniques can be made, and we hope to continue to be an active partner in that effort. However, the effort as embodied in the DGEIS before you is not complete. We've reviewed the DGEIS and observed numerous inconsistencies between the document and the task set forth by the County in the final scope.

TNC, together with the Citizens Campaign for the Environment, Environmental Defense, Open Space Council and the Peconic Baykeeper, has submitted a letter, a detailed comment letter outlining those inconsistencies, as well as a cover page suggesting improvements that can be made to the DGEIS in the plan in order to complete it. Given the amount of time, effort and resources that have already been expended in this effort, we think it would be a shame to accept anything short of fully meeting the County's commitment in undertaking this effort.

Merriam-Webster defines "plan" as "a detailed formulation of a program of action." One of the primary purposes of a plan is to set forth -- is to set forth an orderly procedure for achieving an end. And one of the main ways in which the plan is inconsistent with the scope is that, in fact, inconsistent with the very definition of a plan, is that it doesn't adequately do this.

The plan outlines what parameters may be considered in making decisions to spray adulticide, but it doesn't adequately describe how those parameters interact to yield the decision to spray or not to spray.

We certainly acknowledge the experience of Dominick Ninivaggi and others, but we would like to assert that the very decision to develop a plan suggests that the best professional judgment standard is maybe not one that the County and the public is entirely comfortable with. We encourage the CEQ to ask the County to take the plan back, add more transparency, including, as specifically called for in the final scope, specific criteria and thresholds for action -- I'm sorry. Thresholds for the application of adulticide.

Furthermore, we ask the CEQ to consider the wisdom of making wetland decisions within the framework of a mosquito control plan. We think that wetlands management in Suffolk County is too important of an issue to be -- too important of an objective to be driven primarily by the need to control mosquitoes. If anything, the reverse should be true. Mosquito control decision-making should occur in part within -- pursuant to standards established to protect and restore our precious wetlands. We ask that the CEQ encourage the County to take a step back and think about how wetlands management -- the wetlands management component of this plan might better serve the wetlands and the people of Suffolk County if it were a stand-alone plan that could serve to guide decision-making about mosquito control, rather than the other way around.

In closing, I'd like to thank the County, particularly Walter Dawydiak and Dominick Ninivaggi, for their good work with this plan so far. It's a good start, but it's not yet complete, and we owe it to ourselves to continue these discussions until we have a more effective -- until we have the most effective and responsible plan possible. We also ask that when you do deem the plan to be complete, we request a public comment period of at least 120 days, given the complexity of the plan and the importance of the decision to be made. Thank you for hearing my remarks.

VICE-CHAIRPERSON SWANSON:

Thank you, Miss Newkirk. Who would like to go next? Would you please state your name and your organization?

MR. MC ALEVY:

My name is Bob McAlevy, and I'm here because I've been a citizen observer on this whole process. I've been on the Citizens Advisory Committee. I prepared some commentary, but I didn't know that the environmental experts were going to make their's.

So, by way of background, I'm a retired engineer. And something was brought up about the effectiveness of mosquito spraying. As I understand it, when spray -- mosquitoes are sprayed outdoors, nobody walks around with tweezers and a looking glass to pick them up and count the numbers that have been killed. That's done by implied. The results are implied by how many mosquitoes were there before, how many mosquitoes after, they have to be trapped. There's a large uncertainty there. So we don't know the effectiveness of the spraying event on killing mosquitoes.

Mr. Ninivaggi has published a paper in '89 where it said that constant spraying can result in pesticide resistance mosquitoes being evolved. If you can use the word "evolution" anymore, I don't know, but if you can, being evolved.

Also, I'm saying that the spraying kills off the mosquito eaters, the enemies of the mosquitoes, the dragonflies, the bats, the birds, and so forth. So when a region, say, in Southwest Suffolk has been sprayed many times over, there you find the very degraded ecology, an increase in resistance of the mosquitoes to the spraying and a decrease of their enemy, so you're completely out of balance.

I thought the study was going to look at the possibility of biological control. You'd have to have data to do biological control. You'd have to be able to go to -- you should have gone to areas where there was a lot of spraying, a little bit of spraying, and hardly any spraying at all and see the concentration or the numbers of the enemies of the mosquitoes in these different environments. This was not dealt with. And then, if you've had a plan to reduce the mosquitoes using biological control, you would know which ones -- which one of the enemies were deficient in number of these different -- and you'd know the ones to put in there. This aspect of biological control was not dealt with.

I quote Mr. Ninivaggi in his paper that pesticide spraying and ditching of salt marshes for mosquito control was not very effective, and does serious environmental damage. And I say, nevertheless, these practices have been continued since the publication of that paper and go on today. Apparently, the County is saying health concerns and specifically West Nile Virus. To the best of my knowledge, no marsh breeding mosquito has ever been shown to contain the West Nile Virus. So I think the County should be restrained from making that claim for -- that they're protecting us from the West Nile Virus when they're doing whatever they're doing to the wetlands. I don't think that's justified, and I think the study is incomplete in this matter.

I mentioned the natural control. I have a letter, which I think the program has, from another member of the Citizens Advisory Committee, who's a resident of Lake _Pomomok_. I think I have it correctly.

MS. ESPOSITO:

Panamoka --

MR. MC ALEVY:

Panamoka.

MS. ESPOSITO:

-- it's pronounced.

MR. MC ALEVY:

That's the one. I should have read it. Thank you. And _Rita Bliss_ points out that at that lake, where there has been no mosquito spraying, there are no mosquitoes. It's interesting. Why not? Because, in her observation, those of her neighbors, there are lots of bats, lots of Purple Martins. This was reported to the program as an example of what an end point might be in such a study. And, to the best of my knowledge, nobody went there to verify the citizens' observations. I don't know why that's not. I don't think we've made enough field observations of what's actually going on in order to do a rational control process, if you're going to use natural control.

I also point out I'm also a member of the Citizens Advisory Committee of the Peconic Estuary Program, and you might know that the Peconic Estuary has been in trouble for a little while, productivity is going down. One reason that the productivity is going down is possibly due to mosquito spraying in and around the marsh area. The wind can bring that pesticide, that spray to the surface water and kill off the finfish and shellfish eggs and larvae. And if you kill off the next generation, then they -- you have a cascading effect and the productivity goes down.

In your scoping document, which I guess I didn't bring with me here, the original commentary, there's data put in there that mosquitoes -- I'm sorry. That pesticides at concentrations in the water of one part per billion, think of one chinese fellow in China, is sufficiently lethal to kill off finfish and egg -- finfish and shellfish eggs and larvae.

VICE-CHAIRPERSON SWANSON:

Mr. McAlevy, can I ask you to summarize and tell us quickly where you think the scope is insufficient?

MR. MC ALEVY:

Well, I don't think that environmental -- we requested that the County make experiments with our local finfish and shellfish eggs and larvae to see how many parts per billion are required to kill it off, kill them off. I think it's deficient in this regard. We don't know the environmental impact on the next generation. And, instead, the County, I must say in league with the DEC, exposed grown fish. Now, it's known that the grown fish are lethal. A million times, a million times the concentration that kills little fish affects grown fish, and I think that's very important if you're going to worry about the environmental thing.

I'll just finish up in one other matter. I'm familiar a little bit about the ditching experiment that's been going on in the Wertheim facility. I will say that there is no science and engineering _unbelying_ this activity. For example, there's no way to optimize the knowledge basis in there to do an optimization of design, so you maximize the effect on the killing off the mosquitoes and minimize the effect on the environment.

It's also deficient, because, if you're going to do an experiment in nature, and we all know that the fauna and flora in nature is very much controlled by variations in weather, you're going to have to monitor the area for several years, find out, for example, what the average mosquito concentrations are, then you perform your experiment, and you have to model -- you have to do the measurements again for another several years. Then you could see if there's a mean effect.

VICE-CHAIRPERSON SWANSON:

We have to move on. So your point is that --

MR. MC ALEVY:

My point is, is there's no science there, there's no engineering in this thing. It has to be -- I think it has to be started, and you have to bring in people who understand the details of what goes on in nature in order to do an optimization there, and you have to monitor before and after. And this experiment of the Wertheim should not be allowed to be tried in some other place, unless that long-term monitoring before, do the experiment, and after is done, or the results won't mean anything.

VICE-CHAIRPERSON SWANSON:

Thank you very much, Mr. McAlevy.

MR. MC ALEVY:

Thank you.

VICE-CHAIRPERSON SWANSON:

Moving around the room, who would like to speak next?

MR. MC ALLISTER:

I guess I'm up.

VICE-CHAIRPERSON SWANSON:

Yeah. Would you please introduce yourself and your organization?

MR. MC ALLISTER:

My name is Kevin McAllister. I am President and Baykeeper for Peconic Baykeeper. And for your consideration, I'm a credentialed biologist. I want to speak to Methoprene first.

I know this body has heard me speak to Methoprene the last several years, at least two years. Going back in the spring, when the books were being or the various chapters were being released, I believe it's Book 7, on ecotoxicity, looking at the -- again, the environmental impacts of some of the pesticides, we performed a close examination of Methoprene, in essence, a literature review, and there were 16 -- 16 scientific papers that were not identified. And I'm not speaking of cited, but, rather, just not identified in the body of literature that was looked at by Cashin. This was communicated to the Chair of the TAC, Jack _Mattice_, as well as Cashin, and widely distributed, and perhaps some of you folks received that communication.

Of significant note, there was one principal investigator, Dr. Michael Horst, that was a principal investigator on Long Island Sound Study that was identifying significant impacts, morbidity, mortality, bioaccumulation in crustacea. That particular paper, I was quite surprised that, again, with local knowledge, local participation in the Long Island Sound Study, was not included in the body of literature.

The cage fish experiment really looks at the impacts from spray events, perhaps on the Methoprene, on adult stages. And, again, Dr. Horst's work was looking again at larval stages. So I submit that, certainly, there needs to be a reexamination of that literature, and be inclusive of literature that perhaps is not as favorable. And I will be candid. I think it is my impression that there's been some selective identification, a more appropriate term would be cherry-picking the literature relative to impacts of pesticides on aquatic organisms.

The next items are relative to water management activities. And within, again, the body of the study, they use that term synonymous with restoration, and I want to clear this up. Open water marsh management, although there are some techniques that do enhance and improve values and functions of marsh, of marshlands, it is not restoration in its entirety.

Now, tying this into the scoping document, and, you know, very briefly, when you look at marsh systems, obviously, there's habitat value, there is _exported dicriatal_ material, energy source coming off these marshes, flood attenuation, as well as, certainly, the point I've been resonating home for many years now is biofiltration. And, again, tying directly into the scoping to look at the impacts potentially from some of these manipulations on storm water impacts and water quality degradation. There's absolutely been no reference to that whatsoever.

And I submit to you, again, on a large scale or on scales of OMWM, looking at plugging a ditch or perhaps backfilling to creating a large pond, as well as feeder ditches. Again, you know, the scales can be quite variable. That's a legitimate concern. Are we losing biomass that perhaps impacts primary productivity out in that system? Are we affecting the ability to absorb floodwaters? And are we negating biofiltration relative to these wetlands in impacting water quality?

So, again, these are two key points. I think there are -- certainly, as this is being vetted with the open comment period, there'll be more substantive comments coming. And I would just like to say that, you know, I'd ask CEQ, while they're deliberating on whether or not this is a complete document or not, to keep this comment period open. And so you are aware, Mr. Swanson, my -- generally, what I've been speaking to today have been enveloped in the joint comments within the documents that have been submitted. Thank you.

VICE-CHAIRPERSON SWANSON:

Thank you very much, Mr. McAllister. Next? Again, if you would identify yourself and who you are representing, I would appreciate it.

MR. DOMINO:

Thank you very much. My name is Michael Domino. I'm president of the North Fork Environmental Council. And I'm here in support of the comments made by Kevin McAllister, the Baykeeper. We've read the -- his critique, and we understand and -- the science behind his observations, and we support his position fully. That's the extent of my comment.

VICE-CHAIRPERSON SWANSON:

Thank you, Mr. Domino, for coming and making your thoughts known. Do we have anybody else that wants to make a comment? Yes.

MR. DAWYDIAK:

Is it time for the County?

VICE-CHAIRPERSON:

Mr. Dawydiak.

MR. KAUFMAN:

This is called rebuttal.

MR. DAWYDIAK:

I don't want to cut anybody off, if you had anybody else.

VICE-CHAIRPERSON SWANSON:

Nobody else has raised their hand.

MR. DAWYDIAK:

Great, thanks. If I could just have a couple of moments for housekeeping issues, mainly. I'm here with a bunch of folks from DPW and Health mainly to answer questions.

VICE-CHAIRPERSON SWANSON:

Would you also identify yourself?

MR. DAWYDIAK:

Yes. Walter Dawydiak. I thought you did that for me, but thank you. Walter Dawydiak, Chief Engineer for the Suffolk County Health Department, and Project Manager for the long-term plan. I'm here with DPW, who is serving for the lead agency, the Suffolk County Legislature.

On December 8th, there was a work session of CEQ where the CEQ members expressed an interest in all of the appendices. You wore out our photocopier. It just broke, so we have to have DPW photocopy the rest of them using quick copy.

What we did, to refresh everybody's memory, is post these to the web and indicate that we'd be happy to give hard copies to anybody who wants them. Mr. Potente has been kind enough to take one set off my hands already. I hope somebody else takes these, because I don't want to carry them back with me. The next set will be bound more neatly and be sent to everybody.

MR. KAUFMAN:

Walter, I'll take them.

VICE-CHAIRPERSON SWANSON:

Walter, while you're talking, would you -- for the audience, would you tell us the availability of all the documents on the web, so people will know how to get to them?

MR. DAWYDIAK:

Yes. The long-term plan itself, which is the underlying action, or the basis for the Draft Generic Environmental Impact Statement, can be found on the web page, which is suffolkcountymosquitocontrolplan.org. You can give us a phone call in the program office, 852-5800 if you need instructions or any additional information. But the long-term plan was posted, I believe, late September. The EIS followed late October, early November. And by now, virtually all of the plan document should be available on the web. If there's any problem downloading, we'd be happy to give hard copies to everyone.

VICE-CHAIRPERSON SWANSON:

And the scoping document is also on the web?

MR. DAWYDIAK:

Scoping document is one of the appendices which is on the web as well.

VICE-CHAIRPERSON SWANSON:

Thank you.

MR. DAWYDIAK:

This is preliminary County response to comments that were made at the December 8th CEQ work session. I won't go through all of these in detail. Again, if there's any questions, I'd be happy to address them.

The one section that we immediately acknowledge was not parceled out properly in the EIS. It's a specific identification of threshold and triggers for future SEQRA review for subsequent actions related to the plan. There is language at various sections related to that. We will gather that together and include that in the plan.

Most of what we've heard has been very helpful to us. We've been having this tension and walking this tightrope between what to pull into the EIS and what not to and how to do this. We're all pretty internal to this, and we acknowledge we can always do a better job. A lot of the stuff in the underlying long-term plan was either summarized or brought in in summary fashion, or just referred to, and it's helpful to us to figure out how people perceive this and what needs to be strengthened.

What we propose to do is continue to synthesize all the comments that we receive, and, hopefully, a

couple of weeks prior to the January CEQ meeting we're going to give a little road map of each comment, where and how it's addressed in the EIS, and where and how it's addressed in the plan. And to the extent that we think we need to beef up the EIS, even without CEQ review, we'll let you know what our take on that is.

You heard about thresholds and criteria. The reaction has been that our flowchart is way too complicated. Now, all the information is in the underlying document, but Vector Control and Health have come up with a simplified way of number of mosquitoes that are human biters, near people, with verification, that's being one quantitative acid test or threshold or trigger with other criteria to rule out the need for an adulticide. So, that's one example of how we're going to simplify the presentation and make it more accessible to people who are fortunate enough not to be as close as we are to this.

There have been a lot of comments made today. I can't possibly begin take everybody's time to address all of them. I want to hit quickly on Methoprene and marsh management, because those are two issues that are substantive, central to the plan, and that really require clarification.

We have spent most of the time and money in this two-plus year program getting the best science available, and we, frankly, take exception to any implication that we in any way covered anything up or cherry-picked information. We have a very open and transparent process. We have a Technical Advisory Committee. We have some of the finest national experts subcontracted to us, and we have independent peer reviewers, all of whom continue to provide input to us in this process.

On the Methoprene issue specifically, we exhausted the national literature, we conducted field studies, we applied new models, and conducted a state-of-the-art risk assessment. We measured as low or lower than anybody out there has ever measured in water and sediments.

The conclusion on all fronts is that when these chemicals are used in this Vector Control Program, there are no aquatic impacts. We have yet to find a credible scientist on our Technical Advisory Committee or out there anywhere else who has refuted any of these findings. We stand behind them.

All the papers cited by the Peconic Baykeeper have been provided to the Technical Advisory Committee, as well as to everybody involved in the program. The one paper that was cited, the Horst work is, I believe, as yet unpublished. That paper shows that Methoprene can have impacts when orders or magnitude above that present in the environment in vector control usage. We have no issue at all with those findings. They are absolutely irrelevant to what's out there in the environment as a result of our Vector Control Program. So, again, it's been an open and transparent process. It will continue to be open and transparent.

On the marsh management front, I just want to clarify that, from the beginning, the scope of this project was to deal holistically with wetlands management issues to the extent that those wetlands are significantly affected by vector control. We feel that we've admirably accomplished that mission; seventy-five percent pesticide reduction, based on source control for larviciding, as well as restoration of at least 4,000 acres of wetlands. This plan is admittedly 70 years too late in the grid ditching spectrum and continuum. We do not represent it to be a panacea for all wetlands and all issues, but we believe it could be an important first step. We look forward to working with stakeholders to build on it.

That's all I have by way of comment. If anybody has questions, I'd be happy to answer them.

VICE-CHAIRPERSON SWANSON:

Thank you very much for your comments. And we have a question back here.

MR. MC ALEVY:

Has a -- a salt marsh breeding mosquito, has there ever been one captured in Suffolk County?

MR. DAWYDIAK:

Yes.

MR. MC ALEVY:

When was that done?

MR. DAWYDIAK:

Scott Campbell can provide you with some information on it, maybe --

MR. NINIVAGGI:

It was found this summer in Commack.

MR. MC ALEVY:

And how many total mosquitoes have been tested, salt marsh mosquitoes?

MR. NINIVAGGI:

I don't have that number in front of me.

MR. MC ALEVY:

Thousands or hundreds?

MR. NINIVAGGI:

Infection rates of salt marsh mosquitoes -- I'm sorry. Dominick Ninivaggi, Superintendent of Vector Control. Infection rates for salt marsh mosquitoes are low. However, disease transmission can occur with low infection rates for salt marsh mosquitoes because they're aggressive biters of human beings.

VICE-CHAIRPERSON SWANSON:

All right. I want to remind everybody, we're talking about only the scope and completeness of the document, not about the science.

MR. CRAMER:

No, I don't think we should get into a back and forth debate here. Walter, I have one question for you. Since we're going -- CEQ is going to have to put together all these comments in writing back to you, and since there's a lot of information in the document itself, it's extremely large, we have to go through it, I assume you don't have any problem giving us a little time to complete this task.

MR. DAWYDIAK:

Absolutely. We want to help in any way we can. As I mentioned, for your January meeting, we hope to give you a little road map, a synthesis. We're happy for any expansion or guidance that you give us, but we're here to help.

MR. KAUFMAN:

I think it might be helpful if the comments that are made here today are basically typed up, given over to DPW and DOH and to respond --

MR. CRAMER:

Well, I don't think that's necessarily appropriate right -- I mean, what they should be dealing with is one complete document from us, rather than getting piecemeal and back and forth. It's our job to review the scope and adequacy of it. And, you know, there may be -- there may be issues that may not be relevant where they may be just spinning their wheels, getting -- doing work that may not be necessary, or we can combine it to one, rather than just -- I don't -- I don't think it's at all appropriate giving them it piecemeal. I mean, they're here to -- they're here to understand and to hear everything that's being said, so they can start thinking of it. But, certainly, the CEQ should have one

document to present to them.

MR. KAUFMAN:

I was going to say I didn't want to see it in terms of substantive comments, whether they think OMWM is good or bad, but in terms of the completeness, because there are some issues in here that people have been referring to in terms of completeness that I know I've read in the document. And, for example, they may be disproved or something. Maybe -- yeah, it's twelve hundred pages, you have to remember.

MR. CRAMER:

They are here to hear what's going on, to understand it. But I think, you know, any transmittal of information should be put together in one package by the CEQ, rather than just giving it to them piecemeal.

The other thing that -- a couple of comments that came up, if I may, there was some reference to some publications that should have been reviewed, if that list can be provided to the CEQ.

As far as written comments, I don't know how the rest of the committee feels, but I would like to extend a period, a short period of time, to receive additional written comments, if there are anybody from the general public. It would aid us in our -- in our determination as far as scope and adequacy.

Also, it should be helpful, and I believe the scoping document is on the website in Word format?

MR. DAWYDIAK:

It should -- it may be PDF on the web, but we have it in Word. We E-mailed it to Jim Bagg on the Word -- in Word.

MR. CRAMER:

Because that might be helpful to the general public, also. I know I've taken advantage of it in Word, the Word document that you forwarded to me, and essentially using that as a framework to prepare comments in. And then it may be easier for you, also, to take it and work with it. It's just a suggestion, if you could post that on a website, Word document on the site, where they can download it and use that as a format. It would aid us, also, in at least giving an outline and a framework, and they can put their specific comments in the specific categories with the Word document.

MR. DAWYDIAK:

Good, we'll do it.

VICE-CHAIRPERSON SWANSON:

Steve, you had a comment.

MR. BROWN:

The young man right over there.

MR. VILLALBA:

I had a question for clarification. Fernando Villalba, Fire Island National Seashore. And I just want to ask a question for clarification by Mr. Dawydiak. It's been going back and forth as to whether or not you want to reduce larvicides by 75% or pesticides in general by 75%. It's been going back and forth in the executive summary. I think it says larvicide, in the conference it said larvicide, and you said pesticides today.

MR. DAWYDIAK:

Yeah. I think I qualified it afterwards by saying larvicide usage. If I didn't, I apologize. It's 75% reduction in larvicides and net reduction in adulticiding.

MR. VILLALBA:

Thank you.

VICE-CHAIRPERSON SWANSON:

Okay. Any other comments? All right. We have to make a decision on whether -- what we're going to do today. I recommend we table it until the January meeting. We have a motion?

MR. MALLAMO:

Motion to table.

VICE-CHAIRPERSON SWANSON:

Okay. And do we have a second?

MR. CRAMER:

Some discussion?

VICE-CHAIRPERSON SWANSON:

Yes.

MR. CRAMER:

I'd also like to extend the written comment period for, say, two weeks, so that we can at least, if there is any additional written comments that somebody would like to provide, as far as just addressing the scope and adequacy of the document, that we could have that then, and it could be forwarded to us before the next meeting.

VICE-CHAIRPERSON SWANSON:

Okay. So, by, say -- I think the next meeting is around the 18th of January.

MR. MALLAMO:

Yes.

VICE-CHAIRPERSON SWANSON:

So, if we could get it around the 5th of January, that would be --

MR. CRAMER:

Fine.

VICE-CHAIRPERSON SWANSON:

-- okay?

MR. MALLAMO:

I'll amend my motion to accommodate that date.

MR. KAUFMAN:

Fine.

VICE-CHAIRPERSON SWANSON:

Okay. All in favor? Opposed? Abstentions? Motion carries. I want to thank everybody for participating in this process. It's extremely important. I want to thank the County for all the work they've put into the efforts so far. And the dialogue that we heard today I think is extremely important in making this as good a document as we possibly can. Thank you.

MR. CRAMER:

Motion to adjourn.

MR. BROWN:
Second.

[THE MEETING WAS ADJOURNED AT 10:56 A.M.]

⓪ ⓪ Indicates Spelled Phonetically