



## **APPENDIX 2**

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Annotated Transcript of  
Hearing Held June 29, 2006

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## **COUNCIL ON ENVIRONMENTAL QUALITY**

### **MINUTES**

A Public Hearing of the Suffolk County Council on Environmental Quality was held in the Maxine S. Postal Legislative Auditorium of the Evans K. Griffing Building, 300 Center Drive, Riverhead, New York on June 29, 2006.

#### **MEMBERS PRESENT:**

Dr. Larry Swanson, Chairman  
Michael Kaufman, Vice-Chairman  
Dr. John Potente  
Lee Snead

#### **ALSO IN ATTENDANCE:**

Terrance Pearsall, Chief of Staff of the Suffolk County Legislature

#### **MINUTES TAKEN BY:**

Diana Kraus - Court Stenographer

#### **MINUTES TRANSCRIBED BY:**

Kim Castiglione, Legislative Secretary

**(The public hearing commenced at 6:10 PM)**

**CHAIRMAN SWANSON:**

Good evening, ladies and gentlemen. My name is Larry Swanson and I'm the Chair of the Suffolk County Council on Environmental Quality. I want to welcome everybody to this public hearing on the Suffolk County Vector Control and Wetlands Management Long-term Plan and Environmental Impact Statement. It almost took up the three hours that we have to do this hearing. This is the first of two public hearings. The second one will be in Hauppauge on July 6th and I believe it's from ten to 1:00, in the morning.

The CEQ is the lead agency for preparing and reviewing this document, at which point then we will make a recommendation concerning it to the Suffolk County Legislature.

I'd like to at this time let my colleagues on the CEQ introduce themselves. Lee, do you want to start?

**MR. SNEAD:**

My name is Lee Snead. I'm a recent member, a recent addition to the CEQ last year.

**MR. KAUFMAN:**

My name is Michael Kaufman. I'm Vice Chairman. And just a personal note. I have a very bad back and I get up and I pace around and I will lean against things. It doesn't mean that I'm bored or anything like that. I just can't sit for very long periods of time.

**DR. POTENTE:**

My name is John Potente. I was assigned last year to be on the subcommittee for this project.

**MR. PEARSALL:**

I'm Terrance Pearsall. I'm Chief of Staff to Presiding Officer Bill Lindsay and I do not -- I am not a member of CEQ, but I'm here representing his interest and the Legislature.

**CHAIRMAN SWANSON:**

Thank you. Let me give a couple of ground rules. If you want to speak, please sign up. The sign up sheet is right up here. We're here to listen to your concerns. We will not be answering questions that you may have about the documents. We'll not be interacting with you in any other way except to clear up some minor points that you may have.

Your comments will become part of the public record and will be addressed in the final environmental impact statement. There is a stenographer here to help us out recording what you have to say. However, if you have a hard copy we would appreciate having the hard copy of your statement as well.

There are number of people that want to speak, so we will be very judicious in watching the clock. I'm going to limit you to five minutes to begin with and if the crowd continues to grow, we might have to reduce it to three minutes eventually, but we will start with five.

When you come forward, please identify yourself. State your name and give your affiliation, if any. So with that, we will begin and the first person that signed in is Keith Romaine.

**MR. ROMAINE:**

Good evening, Mr. Chairman. My name is Keith Romaine and I'm the President of the Moriches Bay Civic Association, which is a community based organization representing residents who live in Moriches, Center Moriches, and East Moriches.

I'm also here tonight representing County Legislature Ed Romaine, who due to a scheduling conflict was unable to attend but has submitted comments on the record through the mail and has some comments tonight that I am going to read into the record.

"The use of chemical pesticides poses a negative health risk to humans as well as the ecology of Long Island. It has been established by the U.S. Environmental Protection Agency that pesticides are not to be considered safe, and the New York State Department of Health also reports that the use of chemical pesticides provides risk to human health. The plan should provide a distinction between nuisance control and disease control, and the spraying of chemical pesticides should only be implemented when there is evidence of disease.

The alteration and/or modification to our wetlands for mosquito control should only be exercised when fixing past wetland ditching projects and the restoration of marsh health. I cannot stress enough the importance of heightened public awareness of the adverse affects the use of chemical pesticides impose and the need for educating the public on ways in mosquito control and tolerance.

I have grave concerns that the Open Marsh Water Management, the OMWM, Plan may have a detrimental impact on the 17,000 acres of salt marsh. The plan will suddenly change the marsh's hydrology and with the digging of several ponds and the introduction of artificial creeks that could have a negative ecological impact while not substantially reducing the mosquito population.

As we know, marshes take centuries of depositions of sediment to form. Over time, the build-up of sand, sediment and dead plants form a unique composition whose nutrients, along with marsh grasses, effectively filter out pollutants. In fact, marshes act like natural sponges, absorbing water from heavy rains and road run off. Marshes also act as a natural protector if a major storm hits.

The marshes are like the kidneys of the bay. Since the 1930's, Suffolk County has lost hundreds of acre of wetlands in the South Shore Estuary. The Open Marsh Water Management Plan may reduce the wetlands ability to reduce pollutants. Using machines to carve these ponds from the marsh peat means that the marsh won't heal itself for quite some time.

Currently, there is no compelling body of evidence to suggest that the Open Marsh Water Management Plan technique will restore the marsh, better allow the marsh to absorb pollutants or waters from heavy rains and storms, or adequately control the mosquito population. In fact, the Open Marsh Water Management Plan may negatively affect many species currently dependant on that marsh.

Accordingly, I as Suffolk County Legislator for the First District", and that's who I'm reading for, "would urge you to postpone the acceptance of the draft environmental impact statement concerning the Open Marsh Water Management Plan. I thank you for the opportunity to provide testimony."

I would just conclude by saying the Moriches Bay Civic Association at its June meeting brought this topic up. We went to the website that Suffolk County has, I believe it's Suffolkmosquito.com. We've read the draft environmental impact statement and I would just have to say that we echo everything that was in this letter from Suffolk County Legislator Ed Romaine. So I thank you for your time. Good evening.

**CHAIRMAN SWANSON:**

Thank you for your time. Bob McAlevey.

**MR. McALEVEY:**

I agree with everything that was said by the previous speaker. I'm here to point out a potential

institutional problem in going forward with the plan as written that says it's okay to dig up the marshes and it's okay to spray pesticide. I disagree with it, but more importantly, a long-term, I think ten or 12 year study, 15 or 20 million dollar study by the EPA, the DEC, various universities and so, of the Peconic Estuary came to the same conclusion.

Specifically why I think this is an institutional problem, Robert Gaffney, then the County Executive, agreed and committed the County to enforce this comprehensive, I'm going to give you a copy, Comprehensive Conservation and Management Plan for the Peconic Estuary, but by extension for all the estuaries because the physics and the chemistry and so was exactly the same. And in particular he made a pledge and the County is committed by the pledge for the Peconic Estuary. For example, it ends by saying "protect the environmental quality of the Peconic Estuary through the preparation and implementation of the Comprehensive Conservation Management Plan." That is this document.

This document with outside experts is in conflict with this document which is prepared by Suffolk County Vector Control and it's prime contractor. So you have to decide, do you want the County controlled plan or the one that had the EPA, the DEC, various universities involved. I think -- and I think they're, I won't say legal, but there certain is a moral imperative on the part of the County to adhere to this document, which I'm going to leave for you.

I also will say that -- I have an editorial here from a local newspaper on the east end dealing with the issue of government entities hiring consultants. I won't read it all to you, I'm going to give you a copy, but it says in part, impartial consultants is an oxymoron. It says in most cases they were discussing town boards who use the same technique that the County uses. In most cases town boards decide what they want to do and pay someone to rubber-stamp it under the guise of some costly study. I think that describes this one. I'm going to leave you with this copy.

I also suspect that in the execution of the study there was some activities, and I hate to say this about Suffolk County, that might present an ethical problem, an ethical problem. And I'm going to give you a letter that I wrote to Mr. Sabatino on the issue. It contains a statement of policy by the Acting Director of the Health Department and it says in part that if you put someone on the Technical Advisory Committee or the Citizens Advisory Committee, that has a preconceived idea of what should be done, that would be in violation of the County's belief of what due process is.

And, in fact, there was a person who was on the Technical Advisory Committee, was on the CAC, had an idea. His idea was to dig duck ponds in the marsh. Even swan lakes in the marsh. And he was given -- he was signed on as a contractor. He was paid County money, County money, to supervise doing what he wanted to do when he first showed up at the scoping meeting. That man's name is Craig Kessler. The organization is Ducks Unlimited. I will give you a copy of this and you can do with it as you want. So I think there is a problem in the execution of the program.

Here we go. I'll also point out that for the first time you're getting public airing of a poll results. The Citizens Advisory Committee of the Vector Control Program was given money. We hired a big international polling firm. They polled the citizens of Suffolk County, and I have part of the poll to share with you and hopefully with the County Legislature. Since the Legislature paid for it, I think you should know what is in the poll. I don't think it was disclosed to you, but the citizens of Suffolk County believe that children are about equal risk from mosquitos and the West Nile Virus as they are from pesticide spraying. These are the constituents out here.

CHAIRMAN SWANSON:  
Could I ask you to summarize, please.

**MR. McALEVEY:**

Yes. There is more. By three to one they support wetland protection over short-term mosquito

control alterations. And by two to one they believe that the deer tick provide -- is a much greater health risk than mosquitos. And I'll give this to you.

You might know, and I'll just say it for the record, in Suffolk County there are about 600 cases of deer tick diseases reported every year, 550, 600, something like that. If you average out the West Nile Virus incidents, it averages out about two. So by a factor of 100 or 200 the threat to the residents of Suffolk County is a threat from the deer tick.

We have an organization here called Vector Control. The Citizens Advisory Committee suggested that the Vector Control get with it with the deer ticks. We have a response from Mr. Ninivaggi --

**CHAIRMAN SWANSON:**

I am going to have to ask you to conclude so that other people can speak.

**MR. McALEVEY:**

Okay. The conclusion is that in New Jersey there is a county that had about the same situation as Suffolk County, the same number of diseases. They went to a full bar public information program about the dangers of deer tick. They cut the incidents in half. I think the Suffolk County Legislature should put out money into a big public information -- information program about the threat of deer ticks and cut back on this cockamamie mosquito control destroying the wetland program. Thank you.

**CHAIRMAN SWANSON:**

Thank you. And can I get you to state for the record who you represent?

**MR. McALEVEY:**

I represent myself, but I am a member of the Citizens Advisory Committee to the Vector Control Program and I was and am a member of the Citizens Advisory Committee to the Peconic Estuary Study and my experiences from both inform my presentation tonight.

**CHAIRMAN SWANSON:**

Thank you.

**MR. McALEVEY:**

So I'll give you a copy of all these things I talked about.

**CHAIRMAN SWANSON:**

Thank you very much. Georgeanne Spates.

**MS. SPATES:**

Hello. My name is Georgeanne Spates and I'm here as a citizen of the County but also as a retired Director of the Quogue Wildlife Refuge.

I am communicating with you today on the issue of general mosquito control in Suffolk County salt marshes. And as Director of the Refuge for many years, I certainly had dealings with salt marshes right on the property of the refuge as well as needing the knowledge to do proper management there.

Tonight obviously I want to speak to you, the Council on Environment Quality, and I'm going to just basically name about five or six concerns of mine. It should be brief, but important.

I am concerned that the Suffolk County Vector Control is disregarding pesticide manufacturers warnings with -- about toxicity. I am concerned about the proposed dredging of openings in the upper marsh itself, destroying the multiple layers of ancient peat, salt marsh grasses and ribbed mussels that are the basis of the natural filtration system of the marsh. I am concerned about damage to the marsh and upland areas that must be crossed to gain access to the target area

of dredging.

I am concerned about the need for all of us to see and remember the great difference between nuisance control of mosquitos and control of mosquitos for health concerns. I am concerned that the linking of West Nile Virus to the opening of holes in the saltwater marsh ignores the fact that it is the freshwater mosquitos which are the known vector for West Nile.

I am concerned that Suffolk County may spend millions of taxpayer dollars for a mosquito control plan that is flawed from the start as is shown by the fact that some municipalities which have already tried open marsh water management have elected to discontinue it.

Let me suggest that we all really, truly take a look at the hard facts about a salt marsh system that, yes, does include mosquitos, but is also a naturally proven system where effective control occurs without the intrusion of humankind. Please do not allow dredging of destructive holes in the upper marsh and please do not allow the continued use of pesticides. Thank you very much.

**CHAIRMAN SWANSON:**

Thank you. Eileen Schwinn.

**MS. SCHWINN:**

My name is Eileen Schwinn and I'm here as President of the Eastern Long Island Audubon Society. I would like to read a letter that we have submitted to various Legislators of the County of Suffolk.

"We're here to express our concerns and dismay about Suffolk County's Vector Control and Department of Health's long-term salt marsh management restoration plans. This project is also known as Open Marsh Water Management. This project is certainly not a restoration plan, but rather a total degradation marsh plan that will dramatically increase saltwater levels into the high marsh which will, in turn, destroy nesting populations of rare and declining species of salt marsh birds, destroy rare plants and their habitats, and increase water levels into adjoining forests and property owners lands.

Salt marshes are one of the first natural communities to hold back storm and tidal surges. With recently proven rapid rises in sea level, salt marshes are invaluable ecosystems to mitigate rising water levels. Any interference in these natural marsh communities will have a devastating impact on sea level rise into the landmass of Long Island, where people have property and homes.

Digging in the marshes, taking away preexisting high marshland mass, and creating new channels and artificial creeks does not increase bio-diversity. To the contrary, it destroys it by eliminating all the upper marsh plants and birds that nest and forage there.

Marshes also act as a filtering agent for pollutants that wash off the land. Less marsh, which is what is being proposed, means less filtering of pollutants and an immediate increase of pollution going into the bays will occur.

Eastern Long Island Audubon Society feels very strongly opposed to the project and sees it as a further reduction and degradation of a valuable and so important ecological community. Please do not endorse the devastating project." And it's signed by the 13 members and officers of the Board of Directors.

**CHAIRMAN SWANSON:**

Thank you very much. Mr. Atkinson.



**MR. ATKINSON:**

Hello. I'm Matthew Atkinson, General Counsel to Peconic Baykeeper. We're going to be submitting fairly detailed written comments on this plan to assist this board -- council, and I really want to take this opportunity to comment about really what's facing us, which is very difficult to get our arms around this long study. And I know that this Council has previously looked at it in terms of its completeness and now is going to look at it critically. This is a huge undertaking. I really applaud you for you undertaking it, and it's essential because without your input the Legislature simply is not going to get a balanced picture.

This is a large undertaking because it's really almost an advertisement for mosquito control practices, for integrated pest management. It's written with that in view, which is indeed its mission to some degree. However, that's very important that those entities that are responsible for the implementation of this program are the ones who essentially have crafted it. And the critical look is definitely necessary before we decide to spend these millions of dollars per year chasing around these bugs, which may or may not be as successful as we hope.

The representations here are really, as I say, an advertisement. We learned that pesticides do not cause any human or ecological harm as designed in this program. This despite the County seeking to phase out all pesticide use on County owned property, despite the PEP and the comprehensive conservation management plan seeking to get rid of pesticides in the Peconic Estuary. Nonetheless, we're informed that they're just fine, we don't need to worry about them.

We're also informed that open water marsh management is also a very good thing. In fact, it can improve the marsh. It's sort of we're improving the wetlands we can think about it in this sense. And we also learned that all these measures have dramatic success in affecting a good quality of life and in preventing disease.

This is a lot of good news to absorb. And the only real way to deal with this is to parse this document now and that means to go into its assumptions, go into its supporting papers and see what's actually supported here.

And I'm just going to give a brief example. Like would support an open marsh water management are a lot of papers written by mosquito control people and people who that's their job. The actual papers that are -- have any real peer review, scientific impartiality inherent in them, are very inclusive. You know, maybe it's a good idea, maybe it's not such a good idea. We don't really know what the impacts are. It's really hard to evaluate the impacts of this kind of conduct on marshland and it's almost impossible to predict what actually happens in terms of mosquito control.

So why are we going to spend millions of dollars chasing around? This is a bankrupt idea. If we don't know what we're doing, perhaps we should not be doing it. We dug up over 600 linear miles of ditches in Suffolk County with the idea of controlling mosquitos. It didn't work and we didn't know what we were doing, but we had a Jobs Program and that had some value and we thought that swampland was bad. Well, we don't anymore so perhaps we should be very cautious in terms of proceeding. Perhaps instead of talking about covering another 4,000 acres within the next ten years to various kinds of manipulations, we should be following some of the basic assumptions that go with wetlands management, which is a five year study beforehand, small project, five year study after the fact.

Now, this won't provide a lot of employment during the winter months, so I'm not exactly sure that this is going to be considered a good idea. However, we're looking at expanded budgets here, expanded personnel, expanded equipment, to do a large mosquito control program, which as I say, it's efficacy is clearly unknown and is based mainly like well, we got to do something about them.

And we're talking about disease control. We're talking about fear of trip E is highlighted

throughout this report. There has never been a human case of triple E in Suffolk County. We're told to be concerned about diseases that are hitherto not in Suffolk County, have never been here. And we're also told that West Nile Virus is this very, very serious disease, which when you are ill, is. However, this criteria of zero percent risk, which the report embraces, is something that the EPA doesn't embrace and we are using EPA criterias of one in 10,000 to one in a million to analyze the health impacts and ecological impacts associated.

But when it comes to controlling mosquitos, then it's zero percent risk, which means we can do whatever we want to control them. And indeed, one of the triggers for controlling adult mosquitos is a landing rate of one every five minutes, every minute -- one to five mosquitos every minute. That means if you go out and there are mosquitos there, you are going to identify they are there, and there is one of the big triggers for going and adulticiding.

Well, we're going to take the time to parse this. We're going to take the time to look at some of these reports. We're going to take the time and spend the money to get some outside input into this. But I certainly ask this Board to please, you know, do the homework, listen to the attacks, and do the best that we can in terms of tailoring a program that is responsible to social policy and saves some money in Suffolk County and is not like this relentless pursuit of the mosquito as a -- the driving force of all our activities. Thank you.

**CHAIRMAN SWANSON:**

Thank you. Kevin McAllister.

**MR. McALLISTER:**

Good evening. My name is Kevin McAllister. I'm the Peconic Baykeeper. I've been before you since 2001. In the interest of consistency I will stay with my message. I want to respond to Legislator Romaine's comments or remarks on wetlands. Very well articulated and certainly I want to resonate those points.

Just some statistics for you. Since the 1930's we lost 38 percent of our tidal wetlands in the South Shore Estuary, and since the inception of the Wetlands Protection Act in 1974 we lost an additional seven percent. So obviously this is a high commodity and I should point out those losses were primarily due to dredging and filling activities.

I'm pleased to see in the last couple of years the County come -- come around to understanding the damage associated with grid ditching in our systems, both in the diminishment of biofiltration. Obviously it's very problematic alterations in hydrology, disturbance to habitat type, etcetera. But now we appear to be transforming into, you know, a similar mode under the guise of marsh restoration. It is not the answer, particularly at this day and age where we have to do everything we can to protect and retain the remaining wetland coverage to be going into those systems and removing thousand year old peat, loss of biomass, loss of -- diminishment of biofiltration, etcetera. So a cautionary note on this approach.

With respect to \\_methoprene\\_ , and this is the larvaecide that's sprayed directly over wetlands in the intent to knock back the larval stage of mosquitos. I have pointed out to you Dr. Michael Horst has done some research on \\_methoprene\\_ and the impacts of crustacea, as low as one part per billion. Based on the Kennedy Study looking at the Massachusetts Pesticide Bureau, it appears that the standard rate for application for mosquito control is from five to 10 parts per billion. And I know through the study they'll make the distinction that one is laboratory analysis versus the in-field study based on the caged fish study, and I'd argue that. That is a very limited analysis of pesticide applications and concentrations into the receiving waters.

And particularly with -- there's another alternative biological product, you know, I'm disappointed that we keep seeing \\_methoprene\\_ and holding hard and fast. Both the New York City as well as Westchester in their EIS process abandoned the use of \\_methoprene\\_ in estuarine waters. And I'll point out to you the material safety data sheet by the manufacture quotes may cause

long-term adverse impacts in the aquatic environment. |

The last item -- and this relates to the process. If you recall, approximately two years ago I implored the CEQ to ensure that this was a legitimate process and very objective process. And having sat on -- and sitting on the TAC, you know, I chaired the remarks or comments or concerns that this long-term plan was well out in front of the findings of the EIS. And I'd argue that, you know, certainly this plan was crafted in advance and what is happening here, in my opinion, EIS is just building a firewall around a flawed plan. And, you know, ultimately what we're going to have is a memorialization of really bad public policy. |

So I ask you to take close examination of this document, look at the hard facts, and I'm confident you'll come to the right conclusion. Thank you.

**CHAIRMAN SWANSON:**

Thank you. We have Kim Shaw on the list. You are not going to speak.

**MS. SHAW:**

No.

**CHAIRMAN SWANSON:**

Okay. Tom Stock.

**MR. STOCK:**

I'm a member of the Friends of the Wertheim National Wildlife Refuge. I'm a naturalist for Nassau BOCES outdoor and environment education, working on a boat in Freeport called The Dolphin. I'm the plankton man and I bring children on into my station and we look at plankton. We also look at pieces of salt marsh peat and the children are able to pick it apart and look at the sandworms and I explain to them the importance of peat.

I'm also a novice and member of the Long Island Beekeepers Club, and there has been a tremendous decline in honeybees on Long Island due to a mite, but also due to pesticides and herbicides. Now, I know that the spraying is done at night, but aerosols do land on flowering plants in the high marsh and along the edges of the tidal wetlands. And when bees come to pollinate during the daytime, they are impacted by pesticides and herbicides. Another indication is many farmers are hiring beekeepers to pollinate their crops. Why? Because bees are in a major decline and the Beekeepers Club is very concerned about honeybees. |

I'm also an educator. I'm a puppeteer and I do wetlands puppet shows. I'll be doing one at the Pine Barrens Trail Information Center in July to educate children and parents about wetlands, both salt and fresh. And I include the issues that are being -- are before us today.

Also, dredging large ponds, I reiterate what Gigi Spates said about the -- I'm the President of the Audubon Society -- that the marshes absorb a tremendous amount of wave energy during hurricane high storm surges, and taking away even one square inch of a marsh impacts people that live along the shoreline with high waters. So the peat -- the salt marsh peat absorbs tidal surges and breaks wave energy. |

So to sum up I would like to say that I oppose any ditching and spraying on our salt marshes. As an educator I want to show the children these marshes. I take them out into the salt marsh to show them the marsh snails and the birds and even the mosquitos. Thank you.

**CHAIRMAN SWANSON:**

Thank you very much. Heather Cusack.

**MS. CUSACK:**

Hi. I'm Heather Cusack. I'm the environmental technician for the Southold Trustee Office. And they -- I'm here to represent the Southold Trustees. Some of them did review the draft EIS. They asked me to come here tonight. They have a lot of concerns that they don't think the plan addresses and mainly they're concerned with this Open Marsh Management Plan, any impacts on the marshes.

There just is not enough evidence that this will decrease the mosquitos and also it's a lot of impact on the marshes. There is habitat there that would be destroyed and there is changes to the marshes. Breaking up the whole high marsh area with these ponds, that decreases habitat for marsh birds, and also like other things that have already been mentioned, taking out peat and taking away habitat there.

They're -- so that the Trustees were in agreement that they really are looking for restoration projects for the ditches that we have in Southold where some projects that have been done with ditch plugging and allowing for the retention water in those areas so they don't get dried out, and those have been done in some other towns with success and have removed the dredge spoil off of the marsh and allowed for reestablishment of *Spartina* in those areas. That as well as other plans that will restore those marsh areas, like enlarging the culverts and letting these ditches revert back to natural marsh areas are a better plan than creating these ponds throughout the marshes. And also plans that remove *fragmites* and restore the marshes there.

The -- a couple of other concerns are the draft EIS doesn't clarify the difference between the health and the nuisance problem and there is -- they're clearly not the same thing and it doesn't -- where the mosquitos are just a nuisance, that doesn't justify any harmful effects of any alternation to the marshes or use of pesticides.

We'd also like to see more studies on the impacts of these pesticides. I know that -- about the caged fished study, but these hormone inhibitors that impact other species besides the mosquitos, the other insects and crustaceans. And there wasn't enough information on that.

So we will -- the Trustees do have something they want to send in to you in writing but they just asked me to come tonight, see what other information was out here. Thank you very much.

**CHAIRMAN SWANSON:**

Thank you. Nicole Maher.

**MS. MAHER:**

Hello. My name is Nicole Maher. I am the Wetlands Specialist for the Long Island Chapter of The Nature Conservancy. The Nature Conservancy applauds the County on the development of a long-term plan that embraces the progressive notion that vector control should be consistent with ecological values. The plan's objectives are good to reduce the use of chemicals for controlling mosquitos and to restore marsh health. However, the plan still requires some revision.

First, the plan should clarify the applicability of thresholds and criteria used to initiate the spraying of adulticide. The plan should state explicitly that mosquito trap criteria will be used whenever possible and that Suffolk County Vector Control will make an effort to collect quantitative data at all likely locations before spraying.

Second, the composition of the Wetlands Screening Committee, which is proposed by the plan should be expanded to include four representatives of environmental nonprofit organizations and representatives from all three estuary programs sitting at all times. In addition, we recommend that the committee be given written notice of all projects, regardless of size, and the discretion to concentrate on the projects that are of real concern.

In order to promote a science-based conservation program, the committee should be charged with evaluating past and ongoing studies as well as the study design and monitoring protocols of proposed projects in order to determine their effectiveness in terms of both ecological restoration and mosquito control. It is critical that we learn from our successes and failures in order to guide the development of new projects because failure to do so will perpetuate past mistakes.

And third, the County's education and outreach program is a good start, but we believe that it could be more proactive. Public awareness and behavior modification are important elements of both general mosquito management and mosquito-borne disease control. The plan acknowledges that people who are informed about mosquito biology and control measures are more likely to mosquito-proof their homes. Standing water in people's yards is a breeding ground for freshwater mosquitos, which are, in fact, much more potent vectors for disease than our salt marsh mosquitos.

In addition to these revisions, we urge the County to adopt a more holistic approach overall. The County rightly envisions a regional, comprehensive marsh recovery approach when it states, and I quote, "It is anticipated that the Wetlands Screening Committee will develop a County-wide, comprehensive marsh management plan."

We applaud the County on this vision, but believe that it should go even further and create a wetlands recovery project. The project would set objectives for acquisition, restoration and enhancement of coastal wetlands -- and enhancement of coastal wetlands and secure funding from the state, federal and local or private sectors in order to implement the objectives.

We envision a science-based, collaborative effort involving multiple stakeholders, which is guided by established scientific principles setting a high bar for wetlands health. The County should evaluate and implement this option immediately and this enterprise would be an ideal flagship project for the new Department of Energy and Environment.

Finally, we look forward to working with the County to implement a comprehensive regional wetlands management plan. Thank you for the opportunity to speak.

**CHAIRMAN SWANSON:**

Thank you. It is always nice to see an MSRC graduate. Dominick Licata.

**MR. LICATA:**

Hi. How are you? My name is Dominick Licata. I'm the Chairman of the Board for the Smith Point Beach Property Owners Association. I'm not prepared for this, I have never done this before, so I'm going to wing it.

Let's start off with -- the Smith Point Beach Property Owners Association have a mission statement that we wrote several years ago that reads such as this. As the gateway to the Fire Island Natural Seashore, we will strive to preserve and protect the aesthetic, environmental and the environment of its inhabitants by participating in coastal planning and being a watchdog for the community. We will embrace quality recreational programs without compromising quality of life and public safety.

Apparently we're in a paradox here. We make wider highways, yet we have narrow minds. We have taller buildings, shorter tempers. We have faster computers, but we have less time. We work longer hours, and we have less money.

This Smith Point property owners suffer every year from an invasion called the mosquito. We sit, we stand, we watch them come over the bridge. They pack their bags with their children and they invade us. The quality of life and the public safety of 50,000 and more visitors to the Fire Island National Seashore is challenged on a daily basis.

Revenues have to be given back to some of the campers that ask for their money back and I think that is ludicrous, an embarrassment.

When the visitors for Flight 800 come, most of the complaints have to do with the mosquito. We had a youth program over at the Suffolk County park, one in which I didn't support for other issues and other reasons, but had Fred \\_Brewington\\_ known about it, and I think we all know who Fred \\_Brewington\\_ is, it was a program that brought children in from the community. It targeted a certain population and had this population, had Fred \\_Brewington\\_ found out that they put this particular youth program in an area that was mosquito infested, we may have been liable for a big lawsuit. Thank God we brought that to the attention of the County and the County shut down that program.

Other issues are parents that are walking their children on the sidewalks, roller skaters, bicyclists. I myself when I go to the local store to buy the chemicals that I shouldn't be using on my body, because I'm not the doctor, I'm not the scientist, there are so many chemicals that are out there to help the individual homeowner fight their mosquito, but it makes me concerned and I'm considered whether or not Vector Control really has the handle on this. I personally think they do. And I when I say that life is a paradox, I wonder whether or not the mosquito is more important than the quality of life and the public safety of 50,000 and more visitors that come to the Fire Island National Seashore.

Smith Point is a peninsula that is wrapped around by the Carmens River on the west side and now the -- newly recognized by the New York State Estuaries Committee. Three weeks ago we found out that the \\_Uncachunk\\_ Creek, which we have been fighting with the County to get dredged because of the mosquito issue, was not on the New York State estuaries map. It really left the mystery of why we don't receive the services at Smith Point that we should be entitled to.

When the County gets -- and they spray the County park or they spray the marina, it seems to me that it generates this anger in the mosquito and all of a sudden our children can't go to the beach at South Shirley Beach. We can't play in the backyard. Many of the boaters at Smith Point, and by the way, only recently they're passing a resolution in the Brookhaven Town recognizing Smith Point as a waterfront boating community. Can you imagine that? It's the only waterfront boating community in the State of New York that has never been recognized.

The property owners at Smith Point, its quality of life and public safety is challenged. From about the month of June all the way to September, it is a horrible place to be. We are held hostage in our own homes. Just to see people walking down the street and slapping bugs off their children and the mosquitos off their children, their babies, carrying their babies on their back. I bring extra bottles of spray to give them. And boy, do they thank me for it.

I'm not the scientist. I'm not the baykeeper. But I appeal to you to recognize the quality of life and public safety and I think the human being is a little more important for that short period of time, that little window of opportunity to fight back against this invader.

Thank you. I'll see you Thursday. I'll have something written to hand in. You can applaud, go ahead. Thank you very much. Yeah, I know, boo, I hear you. Like I said, I'm not the scientist, just a little common sense.

**CHAIRMAN SWANSON:**

Mr. McKenna.

**MR. McKENNA:**

Good evening, Mr. Chairman. My name is Ron McKenna. I'm Vice President of the Community of Fire Island Pines. I'm in charge of the entire operation of the community of Fire Island Pines. In a survey two years ago with the property -- entire property owners, 95% of the property owners agreed with us that the Vector Control is doing a fine job in the community. We do not

have a problem with mosquitos at the present time.

We do have a problem with the ditches. Some 35 years ago the County came into the community and we wanted three ditches in the community to clean. They started the ditches first and then they wanted to clean them. They cleaned them out every year except for this year. The ditches were cleaned out every two years which -- at our request. The County came in, Vector Control came in.

This year there has been a change in management. There has to be a survey first submitted to the Vector Control people as well the National Seashore. The National Seashore has not done anything about agreeing with this cleaning out the ditches as of this date.

I spoke to the National Seashore representative, Mike \\_Reynolds\\_ last week at our meeting and I thought he was going to be here. He said he was going to be here to speak on your proposals. But there must be something done with that resolution, that the survey has to go to the National Seashore, which the workers came out last March and they have not agreed on that survey as yet. That's all I have to say. Thank you.

**CHAIRMAN SWANSON:**

Thank you. Bob DeLuca.

**MR. DeLUCA:**

Good evening, Chairman Swanson and members of the CEQ. My name is Bob DeLuca and I serve as President of Group for the South Fork. For folks from the west, the group is a nonprofit conservation organization based in Bridgehampton representing the conservation and planning interests of about 2,500 member households ranging primarily from Eastport to Montauk and across Shelter Island. I have written comments that will probably be submitted a little bit later, but I am going to make just a few brief statements.

Obviously it won't surprise you to know that I share a lot of the concerns that you've heard about, many of the topics regarding the marsh management nuisance versus health risks and so forth. And I don't think that the document is yet complete, but I want to stay on one very specific thing that I don't think anybody has mentioned yet, and I want to ask you to think about this very carefully.

One of the issues about this process, whatever side of the aisle you end up on, is that there's got to be some way to make this operational. And if you take a look at the documents there is a discussion in there about a \\_triennial\\_ plan update. And I want to support the idea of a plan update, but I'd also like you to think about the necessity to clarify what that update looks like.

And I tell you that for this reason. I used to work for the County and I have a sense that it's very easy to throw that in and to not keep up with it. If you don't ask the right questions at the outset, if you don't define how this plan is going to be evaluated, how you are going to get feedback and how you are going to assess that feedback, all the work that gets done, whichever, you know, wherever we end up with this, I have great concern that we're not going to go -- we're not going to know going forward exactly how this is working, what should be changed, and how it should be changed.

So as you take a look at this document, I hope that you'll pay careful attention to the details of how we're going to go forward and evaluate this, and I think part of it is because you can find a lot in this document because of it's size and complexity that gives a little bit to everybody. And I'd just like to say that there are some positives in here. I think there are some things with respect to, you know, the maintain ban on certain ditching, additional education and outreach. The fact that we actually have, although we're not exactly sure how they are going to fit in in the long run, a CAC, a Wetlands Steering Committee.

I definitely worked for the County at a time when I'm not sure that anybody knew exactly how Vector Control worked and they started out when I was there in the Health Department and then they got sort of sent over to Public Work and, you know. So there are some improvements, I hope, on the way. But none of that's really going to matter unless we are able to come back to people, from the folks who want to know why their place is not being sprayed or why it is being sprayed and we're not keeping up on that.

So I think one of the most important things that CEQ can do is to provide all of us who are concerned about this going forward with a good opportunity and a methodology for assessment long-term. If we don't have that, it's whatever ends up getting adopted by the Legislature will be interpreted by the discretion of Vector Control and subject to everybody's criticism or support, but there won't be any kind of a tool to put it all together.

So, anyway, that is my primary concern that I hope you'll think about. I will confine the rest of my comments to writing. And I want to thank you for the difficult job that you have before you to try and work this out because ultimately we're talking about a paradigm shift here and it is very difficult to do that with a single document. It's going to take a lot of time and a lot of work, so good luck. Thanks.

**CHAIRMAN SWANSON:**

Thank you. Lawrence Merryman.

**MR. MERRYMAN:**

Good evening. Thank you for allowing me to present my comments to this Council. My name is Larry Merryman and I am the Conservation Chair and the past president of the Great South Bay Audubon Society. In this matter I also represent the Long Island Council consisting of all seven Long Island Audubon Chapters, comprising approximately 7,000 members. These Chapters are South Shore, Four Harbors, North Shore, Huntington, Eastern Long Island, North Fork and Great South Bay Audubon Societies. These Chapters have unanimously approved their opposition to Suffolk County's mosquito control and wetlands management long-term plan for the following reasons.

Concerning that part of the plan that includes open marsh water management or OMWM, those aspects of digging ponds and creeks in the high marsh areas of our saltwater wetlands, we cannot accept this OMWM ponding procedure as there exists no scientific evidence or support that it restores wetlands and controls salt marsh mosquito populations.

On June 22nd I was given a tour of two areas of the Wertheim National Wildlife Refuge that have been the subject of experimental OMWM ponding. There were no significant mosquitos present in the salt marsh that day. However, that may have been because it was a windy day. In addition, it was pointed out to me that some areas that we traversed were not subject to OMWM techniques, but were normal, non-treated high marsh areas, and there was also no significant mosquitos present in these non-OMWM treated areas. All of the evidence of mosquito reduction presented appeared it be anecdotal, not scientific.

In the opinion of the Long Island Audubon Council, the OMWM ponding procedures do not promote restoration, but further disturbance to the marsh. One of the points made by the proponents of OMWM is that the ponds encourage avian species diversity. However, in to prevent waiting birds from feeding on the ponds killifish fish, these ponds are dug deeply enough to discourage use by waiting birds.

The advocates of OMWM ponding also indicate that the spoil from the ponds that were recently dug has been used to fill the existing grid ditches that were created many years ago in a futile attempt to drain the marshes and reduce mosquito populations. It was further indicated by filling these old grid ditches the total amount of high marsh taken by digging the ponds and creeks has been replaced. I doubt if it can be substantiated. At the new ponds the enlarged creeks and



connector channels through the ponds appeared to be a substantial area.

We have been assured that before any OMWM work will be done in Suffolk County wetlands a screening committee will undertake a review of the project and vote on its feasibility. However, the content of the screening committee appears to be heavily weighted towards governmental rather than conservationist participation. In addition, the screening committee will only have to pass on OMWM designs over 15 acres. This loophole can allow for many abuses.

I would also like to point out to the Council that Audubon New York, representing approximately 50,000 members, has passed the following resolution. "Whereas, controversial alternative methods of vector control that are under consideration in Suffolk County Vector Control Plan, such as Open Marsh Water Management, which advocates the digging of ponds in salt marshes, have not been proven effective. Resolved, that Audubon New York supports the exploration of alternative means of establishing disease vector control and response practices that are proven effective based on the best available science, and that will not negatively affect habitat or vulnerable bird populations."

At a time of our heightened concern about the possibility of rising sea levels, high tides and storm surges that could occur from anticipated hurricane activity, it seems foolhardy to be experimenting with and reducing our saltwater wetlands. The collective Audubon Societies of Long Island believe that the OMWM techniques proposed in the long-term plan are unproven at best and damaging at worst. Thank you for your time and patience.

**CHAIRMAN SWANSON:**

Thank you. Frank Lombardo.

**MR. LOMBARDO:**

How are you doing? Good evening. I come here tonight -- well, first off, my name is Frank Lombardo. I am a member of the Smiths Point Beach Property Owners Association and I also come tonight as a parent. I have three kids home that I cannot let them outside of my house after four o'clock in the afternoon. It's so bad in our neighborhood that my son who got -- who was outside last night got three mosquitos bites on his face.

A lot of people here tonight are talking about what to do, what not to do. I know from personal -- I can walk into Home Depot and I can buy any pesticide off the shelf and spray it in my own yard. At least Vector Control kind of has somewhat of a handle of what is going on there. And I think something needs to be done for the quality of life in and around my neighborhood. It's just the mosquito population is out of control and I believe something needs to be done, whether it's marshlands or spraying, but it's totally and completely out of control.

And if anyone doesn't believe that there is a mosquito problem on Long Island, I invite them to come over my house for a barbecue and I can be more than happy to show you that there is a big problem and something needs to be done. Thank you for your time and have a good night.

**CHAIRMAN SWANSON:**

Thank you. Robert Dean.

**MR. DEAN:**

Good evening. Robert Dean, Smith Point Beach Property Owners Association. Basically, Frank and Dominick Licata summed it up, but the mosquito problem is a problem. I can't be held prisoner in my own home again this year with three kids for the summer. It can't happen. Something has to be done. To sit back and do nothing would be wrong. Even if it is the wrong thing, to try and do something is a right thing. I'm -- that's about it. Thank you.

**CHAIRMAN SWANSON:**

Thank you for coming. I know there are some other people that didn't have an opportunity to

sign up, so what we're going to do is put the list back out so that the next group of people can speak and give the stenographer a few minutes break. And we will reconvene and I hope you all stay. Thank you.

**(The Public Hearing was recessed at 6:16 PM and reconvened at 6:22 PM)**

**CHAIRMAN SWANSON:**

All right. We're going to resume. Before everybody rushes out of here, I would just like to make another comment. I view your participation in this evening's discussions as extremely appropriate. One of my concerns were the number of environmental impact statement processes is that the public comment is very quickly dismissed. And I can assure you that our Board will consider all your comments and try to assure that they are answered appropriately and considered in the final result. So your participation is key to this overall process and I thank you for coming.

**MR. PEARSALL:**

Larry, if I could just add that the transcript of this hearing will be made available to all 18 County Legislators so they'll have the opportunity to read what you have said and talked about.

**CHAIRMAN SWANSON:**

Thank you.

**WOMAN IN AUDIENCE:**

What about written comments?

**CHAIRMAN SWANSON:**

We want written comments.

**WOMAN IN AUDIENCE:**

I mean, will that be made available to the Legislators as well?

**CHAIRMAN SWANSON:**

I would -- they'll be part of the public record, so yes. Allen Hawkrige.

**MR. HAWKRIDGE:**

My name is Allen Hawkrige. I am a member of -- what is it, Bob? Whatever we call ourselves. Smith Point Beach Property Association. We live on -- my wife is over there. We live on Bayfair Drive. Bayfair Drive is like being in the frontline of the trenches in World War I and when it was worse in World War II. And I have to stumble around because I'm not prepared.

First of all, I would like to make a point that is very important. I have total sympathy with the speakers who have spoken before, the experts who are testifying against the plan, and I'm in a peculiar position because I am a property owner. I'm for some kind of plan to come up with the ferocious, incredible attacks in mosquitos. I have never -- I am 83 years old. I've never seen anything like this in my whole life and I spent summers at the seashore, Cape Cod and the mountains. All kinds of things were attacking us, but I've never seen the kind of attacks that we're getting from these mosquitos. I have never seen anything like that. It's because of the volume, the sheer volume of these mosquitos.

And I saw this first about eight years ago when I walked from the roundabout in the park itself on the other side of Smith Point Bridge and innocently walked into the salt marsh without any protection on our bodies except our scanty clothes. We thought we were going to die. They found us in about two minutes flat. And until you experience the kind of attack that I'm talking about, it becomes very abstract. I noticed during this talk this afternoon the emphasis drifted

away from mosquitos, qua mosquitos, and they become -- our objections become because we want a better quality of life, inch up a little bit, two more mosquitos per hundred, and go toward the terrible conditions that would happen if this plan was adopted and everything good about the east end would fall by the wayside.

So, how are we going to interpret this. We're not smart enough to do that. We have just spent quite a lot of money, too much probably, fixing up an old house to make our street, Bayfair Drive, more beautiful and ourselves in a better position to enjoy it. And then last summer when our work was finished we opened the gates and set up the barbecue, did all the good things one does in summer, and then it was just like attack of the \\_liefwaffer\\_ coming in. I have no way to describe how you feel when you have been bitten on all parts of your body simultaneously. You can't swat them because you haven't got enough hands. And then your scalp, and then they are biting you on the butt and they are going through your stockings. All you can do is run around hoping you can outrun the mosquitos. Well, you can't outrun a mosquito.

I'll make it short. I don't know how much value there is to a testimony of a homeowner and if you are old, we pay money, we're rich, right, and then we pay these terrible taxes without flinching, in public at least. And so, you know, our testimony isn't really very strong. Look at -- these people have degrees from universities and years of experience testifying against the sort of thing that you people are trying do. So I don't know what I've done that's of any help to you at all except to say help. Help. Help us all, please.

**(Applause)**

**CHAIRMAN SWANSON:**

Your testimony has as much weight as anybody else's testimony and I hope when I'm 83 years old I'm actively participating in public forums like this just as you are, so. Adrienne Esposito.

**MS. ESPOSITO:**

Good evening. My name is Adrienne Esposito. I am the Executive Director of Citizens Campaign for the Environment. CCE is a statewide environmental organization that has 80,000 members throughout New York and Connecticut. We work widely on protecting the public's health and on natural resources. As some of you know, we have been working for the last seven years giving input on the vector control plan. Am I the last one to go? Not that I am going to take extra long. I just want to know if I get the last word.

**CHAIRMAN SWANSON:**

You're the last one I have recorded.

**MS. ESPOSITO:**

I planned it that way.

**CHAIRMAN SWANSON:**

Use your time wisely.

**MS. ESPOSITO:**

What kind of warm welcome is that? Okay.

**CHAIRMAN SWANSON:**

You are always welcome.

**MS. ESPOSITO:**

That's better. We have just a couple of comments for this evening and then we'll be submitting more detailed, written analysis before the public comment period ends.

To start with, once again, I have said it before and I am going to keep saying it, the plan needs to distinguish between nuisance control for mosquitos and disease control. Calm down there, Mike. In general, the plan says that a true distinction between nuisance control and disease control cannot be made. We believe that this is false. We also believe that this is dangerous. We also believe this is misleading to the public. We believe that a blurred definition between disease control and nuisance control will cause more spraying to be needed and more spraying to occur.

Suffolk County in the past has made such a distinction repeatedly. We have no place else to look other than the vector control plans themselves for the year 2000, 2001, 2002, 2003, 2004. Nuisance control for mosquitos has been done in Suffolk County since the 1930's and has been called so. We're simply asking that that distinction, because it is an honest distinction and we need to be honest with the public, continue to be made.

The past plans have always said there are two reasons for mosquito control. And I'm quoting. "One, the protection -- to protect the public from mosquito borne diseases, and two, reduce mosquito infestations to alleviate social and economic impacts to the public." We agree that the need for disease control -- that there is a need for disease control in Suffolk County. We are not in agreement with the County's inability to make a distinction between the presence of disease and nuisance infestations.

We want you to know why we feel this way and why we feel so strongly about it. We're concerned that the current language in the plan linking all mosquito control with disease control is not a reflection of disease control. It will create a false perception with the public that all mosquitos are harmful or possibly deadly. This false perception can and will result in an increased demand from the public to have adulticides being sprayed, which is in direct contradiction with the goal of the plan which is calling for 75 percent reduction of adulticides. And we also believe that this type of verbiage will cause the public to use more self-applied chemicals, including deet and other chemicals, particularly to children.

This kind of language also implies that reducing saltwater mosquito populations will reduce the incidents of West Nile Virus. The science simply does not bear this out. Science has not said that saltwater mosquitos are good vectors of West Nile Virus nor competent vectors of the disease.

Also, it's our expectation or it was our understanding that the plan would contain an educational component designed to at least increase the public's understanding of mosquitos and tolerance. But yet, if we're telling them all mosquitos can kill you or cause disease, the public will not increase their tolerance for mosquitos and this will obviously not work.

The plan needs to establish a clear distinction between disease control and nuisance control. Suffolk County Vector Control Department is an excellent surveillance program. When disease is detected, this should be the trigger for defining disease control.

Also, we agree with some of the other comments that the plan should be modified to include specific criteria and thresholds for the application of adulticides. We believe that there is a vagueness intended in the plan for adulticide application because the County still wants to allow for some management decisions. However, that's what a plan is about, putting those guidelines in place and leaving more of scientific criteria to make the decision and less of the political science to make the decisions. So a greater threshold and criteria should be explored and developed in that plan.

The third is that we agree with also the Nature Conservancy and also Audubon who called for expanding the role and the compilation of the steering committee. We're asking for four environmental, non-governmental organizations to be a part of that steering committee and also for a clarification that each of the estuary programs have a representative on the steering

committee.

In addition, that committee's role should be expanded to include not only projects over 15 acres of wetlands because the number of 15 acres seems to be somewhat arbitrarily arrived at.

**CHAIRMAN SWANSON:**

Can you summarize, please?

**MS. ESPOSITO:**

Yes. In addition to expanding the role of the screening committee, which we're thankful that it is there, it's a good move and it's a positive addition to this plan, we also lastly want to call for a site specific EIS for each of the additional wetlands projects that would be considered under this generic plan.

What I mean by that is that the -- each wetland's ecosystems could be different. Long Island Sound, Peconic Estuary, South Shore Estuary. We cannot always look towards a generic EIS for a site instead of a site specific EIS. So the screening committee needs to evaluate wetlands proposals whether it's open marsh water management, restoration, whatever it is going to be termed, and look at them on a case by case individual basis. And it is really this committee's, this Council's obligation to fulfill the EIS obligation. And I said, we'll submit a more detailed analysis. Thank you.

**CHAIRMAN SWANSON:**

Thank you, Adrienne. Is there anybody that would like to speak that hasn't already done so? Okay. If that's the case, then we will consider this meeting adjourned. Thank you very much for coming.

**(THE MEETING WAS ADJOURNED AT 7:30 PM)**

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