

*Protection Plan hailed as the most significant environmental achievement since the Pine Barrens Act of 1993*



*Supervisor Mark Lesko receives Carmans River Protection Plan from Chairman, Dr. Lee Koppelman*

*Supervisor Lesko and Council Members Tim Mazzei, Steve Fiore-Rosenfeld, Dan Panico, Jane Bonner, Connie Kepert, Kathleen Walsh, and Town Clerk Patricia Eddington stand with the Carmans River Study Group*

**Farmingville, NY** - On February 10, 2011 Supervisor Mark Lesko received the Carmans River Watershed Protection and Management Plan, the culmination of over three months of work by the Carmans River Study Group. The Carmans River Study Group was established by Supervisor Lesko in October 2010 so the Town would have a clear plan of action to protect the Carmans River that was agreed-upon by government, non-government organizations and environmentalists, and builders. The Protection Plan is arguably the most significant and productive partnership between government, environmentalists, and builders since the Pine Barrens Act of 1993. The Protection Plan includes sweeping recommendations to protect the river and preserve land and introduces a new model of land preservation and management by redirecting development away from virgin land. The report was unanimously approved by the Study Group at their last meeting on February 9.

Supervisor Mark Lesko said, "I commend the members of the Study Group for their tireless efforts to deliver a plan of action that will protect the Carmans River forever. I asked the Study Group in October to complete a Protection Plan in just three months, and they literally worked day and night to deliver a comprehensive document. If this plan is implemented it will change the course of Brookhaven's history. This is remarkable when you consider the usual pace of government and especially when you look at the diverse backgrounds of the people who volunteered their time to serve on this committee. This plan gives us clear direction on what we as a Town must do to protect the jewel of a natural resource that is the Carmans River."

Dr. Lee Koppelman, Chair of the Carmans River Study Group, said, "I am proud of the work that the Carmans River Study Group accomplished in such a short time period and I commend Supervisor Lesko's vision and leadership for convening this group. I especially would like to thank the members of the Study Group, the Technical Committee, and various participants in the process including members of the public who devoted a great deal of time and effort to deliver a plan to the Town Board that will guarantee protection of the Carmans River."

Dick Amper, Executive Director of the Long Island Pine Barrens Society, said, "This plan is terrific: It protects 9,100 acres of the Carmans River Watershed, while directing development away from the river and residential communities. Everybody wins if the plan is implemented."

Mitchell H. Pally, Chief Executive Officer of the Long Island Builders Institute said, "It is the hope of the Long Island Builders Institute that this plan will lead to both the protection of certain areas of the Town of Brookhaven around the river and the development of the much needed multi-family units in other areas of the Town along certain highways and communities. LIBI looks forward to working with the elected officials to make sure that both goals of the Carmans River plan are implemented for the benefit of the entire town."

Councilwoman Constance Kepert said, "The Carmans River Study group represents all that can be good in Government. This group of individuals comprised of environmentalists, builders, scientists, and government officials worked through many hard fought meetings. And in the end they all came together with a plan which I hope will be beneficial to the residents of the Town of Brookhaven and to the environmental health of the Carmans River for many years to come."

Peter A. Scully, Regional Director of New York State Department of Environmental Conservation, and Chairman of the Central Pine Barrens Commission said, "Much credit must go to Supervisor Lesko for creating the process that resulted in this historic plan, but the hardest work is still ahead of us. Making sure that the Plan is implemented will require strong leadership and constant attention, or it could become just one more study collecting dust on a shelf. There is no time to waste. That's why the Study Group has urged that an implementation schedule be developed on a priority basis."

The Study Group held weekly meetings open to the public starting in October 2010 and drew upon the scientific expertise of the Technical Advisory Committee, comprised of representatives from the Suffolk County Department of Health, the New York State Departments of Health and Environmental Conservation, the engineering group CDM, the Suffolk County Water Authority, and other scientific and groundwater experts.

After spending hundreds of hours reviewing scientific data and determining the best strategy to protect the river, the Study Group unanimously voted on several major recommendations, listed below. In total, the Carmans River Study Group recommends 25 measures to protect the Carmans River in perpetuity.



### **Carmans River Watershed Boundary**

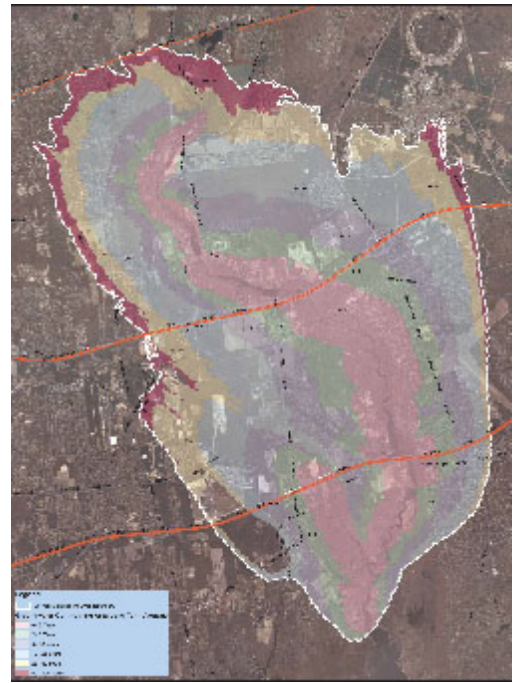
After working with hydrogeologists to analyze groundwater models, the Study Group concluded that the boundary of the Carmans River is the 100-year precipitation groundwater contributing area. This means it takes up to 100 years for groundwater (and anything that seeps into groundwater, such as nitrogen) to reach the river. The map to the left illustrates this boundary, which is represented by the white line. The 100 year boundary encompasses over 22,000 acres of land. The Study Group concluded that the northern boundary extends past the precipitation groundwater contributing area, which lies south of Middle Country Road, and includes the surface water contributing area, which lies north of Middle Country Road (the surface water flows into the river due to topography).

The Study Group also determined that the 0-2 year and 2-5 year contributing areas need more stringent protection. The Study Group proposes to expand the Pine Barrens Core to include all properties within the 0-2 year groundwater contributing area as well as identified residential properties within the 2-5 year groundwater contributing area (except for the developed areas in the hamlet of Yaphank and east of River Road in Shirley). On the map to the right, the green section represents the 2-5 year contributing area and the red section encompasses the 0-2 year contributing area. This totals almost 4,000 acres of land. State Legislation is needed for these properties to become part of the Pine Barrens Core. Development of property within the Pine Barrens Core is prohibited without a hardship permit from the Pine Barrens Commission.

### **Land Preservation**

If several land preservation strategies are implemented, over 9,100 acres of land will be forever protected. These strategies include the acquisition through the Town's open space program, rezoning all vacant residentially zoned

privately owned lands to 5 acres per each residential unit (A-5) in the 0-5 groundwater contributing area, and an expansion of the Transfer of Development Rights Program in the Pine Barrens Core Area administered by the Pine Barrens Clearinghouse. Under the Pine Barrens Act, Core property is eligible for "Pine Barrens Credits" - transferable development rights - in exchange for a permanent conservation easement. These development rights are sold on the private market and utilized for additional development on designated receiving sites. State legislation is also needed to implement the Transfer of Development Rights program in the new Core area.



### **Nitrate Levels**

Nitrates are harmful chemicals, and many times are the by-product of the breakdown of waste in septic systems or come from fertilizer use. High levels of nitrates would jeopardize the health of the Carmans River. The Study Group concluded that the water quality goal in the river should be no further degradation and the interim water quality goal is 0.7 milligrams per liter (mg/l) of nitrates. This goal will remain in effect until the New York State Department of Environmental Conservation adopts a water quality standard. Large proposed projects (many of which will have sewage plants) within the Carmans River Watershed must meet a standard of 2.5 mg/l of nitrates. Smaller projects that require sewage treatment plants must meet a standard of 4.5 mg/l of nitrates. By way of comparison, the New York State standard for drinking water is 10 mg/l of nitrates.

### **Redirecting Development**

The Study Group concluded that for a Transfer of Development Rights Program to work there needs to be a receiving area for Pine Barrens credits that does not promote suburban sprawl. Therefore, the Study Group recommends revamping the Town's Multi-Family (MF) Code that will result in redirecting multi-family residential projects to non-residential areas, in Town commercial corridors and in Brookhaven's downtowns. The Study Group recommends a scoring system similar to the Town of Brookhaven's previously adopted "Blight to Light" program. Any proposed project would have to be in proximity to a number of services, such as restaurants and shopping.

### **Carmans River Overlay Protection District**

The Study Group recommends that all properties within the boundary of the Carmans River Watershed (the 100-year contributing area) should adhere to standards, under a Town "Carmans River Overlay Protection District", that are as restrictive as those required in the compatible growth areas of the Pine Barrens region. Some of the components of this Overlay Protection District are that fertilizer dependent vegetation should not exceed 10%, storm water best management practices should be applied to all properties, any project applicant would have to develop a conservation development theme that protects natural resources, and lots and buildings should be sited to minimize disruption to existing ecosystems. In addition, no site disturbances should occur within 40 feet beyond the building perimeter, the use of invasive species is prohibited, the use of irrigation should be minimized, and fertilizer dependent irrigation should not exceed 10%.

### **Additional Environmental Components**

The Study Group's comprehensive set of recommendations also encompass innovative alternative septic systems, invasive species control strategies, restoration of degraded properties, surface and groundwater remediation, expanding protections under the New York State Wild, Scenic, and Recreational Rivers Act, addressing fish migration barriers in the River, the ban of pesticide use on Town properties within the Watershed, and cooperating with farmers to reduce the application of fertilizer and pesticides.

### **Next Steps and Implementation**

The Town Board will consider a resolution to accept the draft Protection Plan at its next meeting on February 15, 2011. Some of the recommendations require State Legislation to implement.

The Study Group suggested that a biannual report be issued to the Town Board to assess progress of the goals of the Protection Plan and all government agencies and non-governmental organizations should continue to work to achieve the goals of the plan. A monitoring program will need to be implemented to determine if protective measures are effective.

The members of the Carmans River Study Group included:

**Chair**

Dr. Lee Koppelman, Center for Regional Policy Studies, Stony Brook University

**Town members**

- Tullio Bertoli, Planning Commissioner
- Matt Miner, Chief of Operations and Commissioner of Waste Management
- Eva Greguski, Executive Assistant to the Planning Commissioner
- Jeffrey Kassner, Director of Environmental Protection
- John Turner, Open Space Program Coordinator
- Liz Krolik-Alexander, Legislative Secretary to Councilwoman Kepert

**Pine Barrens Commission Members**

- John Pavacic
- Julie Hargrave

**New York State Department of Environmental Conservation**

- Peter A. Scully, Regional Director
- William Spitz, Regional Water Manager

**Non-Governmental Organization Members**

- Dick Amper, Long Island Pine Barrens Society
- Jim Tripp, Carmans River Partnership
- Tom Williams, Carmans River Partnership
- Kevin McDonald, Nature Conservancy
- Kevin McAllister, Peconic Baykeeper
- Bob Wieboldt, Long Island Builders Institute
- Mike Kelly, Long Island Builders Institute
- Charles Mancini, Long Island Builders Institute
- Pelly Damianos, Association for a Better Long Island

The Carmans River is ten miles long and is located in the Central Long Island Pine Barrens Region, which is publicly protected and managed land. Sections of the Carmans River are designated by New York State as a Wild, Scenic, and Recreational river and a New York State Significant Coastal Fish and Wildlife Habitat. The Carmans River and the Peconic River are Long Island's only rivers in the Pine Barrens Region and two of Long Island's four major Rivers. The other two are the Nissequoque and the Connetquot Rivers. The headwaters of the Carmans River are in Middle Island and it descends to Shirley.

The Pine Barrens Commission was created in 1993 by the New York State Legislature through the Long Island Pine Barrens Protection Act. The Act defined the Pine Barrens Region, which overlies a portion of Long Island's federally designated sole source drinking water aquifer, and created a five member Central Pine Barrens Joint Planning and Policy Commission, an Advisory Committee, and mandated the production and implementation of the Central Pine Barrens Comprehensive Land Use Plan, adopted in June 1995. The Commission Chair is Peter A. Scully and the Suffolk County Executive and the Supervisors of the Towns of Brookhaven, Southampton, and Riverhead serve as Commission members. The Pine Barrens Commission meets on a monthly basis at venues which include Brookhaven Town Hall.

**Division of Public Information \* Office of the Supervisor**

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