THERE THEY GO AGAIN!

Suffolk Legislature Tries Raid on Open Space Funding

The Suffolk County Legislature has introduced a bill to divert millions of dollars approved by voters for open space and farmland funding to the county’s general fund.

The move produced a hail of protest from business, environmental and civic leaders, scores of elected officials and the public.

Despite having been approved by voters at five referenda and a poll showing that despite the recession, eight of ten Long Islanders want land preservation maintained or expanded, Suffolk legislators debated the measure in committee and before the entire legislature during June. Among the opponents are the Suffolk County Water Authority, Long Island Farm Bureau and Albany lawmakers who warned that state officials only authorized the Drinking Water Protection Program, as the fund is known, because of its environmental benefits. They said they might withdraw their approval of the 1/4 cent sales tax if the Suffolk County Legislature attempted to reduce or end the funding.

New York State Assemblyman Steven Englebright wrote to William Lindsay, Presiding Officer of the Suffolk Legislature saying, “Along with my colleagues and successors in the Suffolk County Legislature, I have worked hard to make drinking water protection and open space and farmland preservation a top priority in Suffolk.”

And Assemblyman Fred Thiele wrote, “It’s important that the tax money generated by this program continue to be dedicated to the original intent of ensuring the preservation of Long Island’s most precious natural resource.”

PBS Executive Director Richard Amper said he thought the Suffolk Legislature’s effort was part of a strategy by real estate development interests to halt open space protection so that as much land as possible would be available for construction once the recession ends. “The same people who helped cause the recession with over-development and unsound mortgage loans are now advocating for an end to open space preservation so their industry can do more of the same later,” Amper said, “What’s particularly galling is that they’re doing it under the guise of controlling the very high taxes their industry’s activities have helped to create.”

BORROWING TIME: Recession Offers Second Chance for Preservation

The recession has given Long Island more time to preserve 35,000 acres of open space and farmland. That’s the conclusion of the Pine Barrens Society’s 2009 update to its land preservation white paper, released in June.

The study shows land preservation lagged again in 2008 with government at all levels saving a total of 1,542 acres, compared with 2,000 in 2007 and 1,569 in 2006. The report concluded that the recession is “buying time” to complete land preservation on Long Island, and has made the next few years “buying time” for every level of government — all without increasing taxes at all.

With final build-out now forecast for 2020, planners including Lee Koppelman, head of the Center for Regional Policy Studies at Stony Brook University, project that final build-out cannot be expected until 2020, even if some real estate development resumes in the next 24 months. Koppelman warns, however, that land-use decision-making on what gets saved and what gets built can be expected even earlier than 2020. In any case, the recession represents a renewed opportunity to obtain the preservation goal before a delayed final build-out.

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According to a 2009 poll, voters remain highly supportive of continued or increased land preservation despite the economic downturn because they believe that protecting clean drinking water, open space and working farms is important to Long Island’s quality of life, and that we must protect Long (continued on page 3)
by Laura Bavaro
Laura Bavaro is the Director of Terrestrial Programs at The Nature Conservancy for Conservation.

As Long Island neighborhoods become increasingly suburban with hedges of privet and forsythia, sod lawns, dwarf trees, and cobblestone curbs, our wild parklands continue to increase in importance—to our souls and to the wildlife we cherish. Unfortunately, there is a silent pandemic going on throughout our parklands and natural lands held in private ownership. Unchecked, invasive non-native plants and animals destroy the food sources and habitat upon which our native wildlife depend by crowding out native species, and sometimes changing the ecosystems fundamentally. Processes including nutrient cycling, soil chemistry, frequency of wildfires, and habitat structure. Organisms are considered invasive and non-native if they display rapid growth and establish over large areas in locations beyond their historic natural ranges. Constant vigilance and swift action is needed to keep our natural lands healthy and vibrant.

Early detection and eradication is one of the most effective tools for mitigating invasive plants and animals. The Long Island Pine Barrens Commission inventoried, mapped, and prioritized invasive plant occurrences throughout more than 42,500 acres of the Pine Barrens Core Preservation Area in 2005/2007. Forty-six invasive plant species were mapped. Infestations were mostly in disturbed sites including abandoned fields, railroad tracks, ditches, areas damaged by ATV's, along roadways and hiking trails. Several of the widespread invasive plant infestations within the Core are escaped ornamental plants, including Japanese barberry (Berberis thunbergii), Oriental bittersweet (Celastrus orbiculatus), multiflora rose (Rosa multiflora), Japanese honeysuckle (Lonicera japonica), autumn olive (Elaeagnus umbellata), Norway maple (Acer platanoides) and Chinese lespedeza (Lespedeza cuneata). Efforts to manage and eradicate the documented infestations are ongoing.

Nassau and Suffolk Counties have legislated identical "do-not-re-sell" invasive plant lists to prevent the continued introduction of invasive plants through one of its major vectors — sales by nurseries, pet stores, pond builders, and landscapers. Escaped or released ornamentals are a significant source of infestation in conservation areas. Since January 2009, it has been illegal to "knowingly sell, transport, distribute, or propagate..." 56 plants found to be invasive (see www.liinvasives.org for the complete list). Eight of the 56 were commonly sold commercial plants before January 2009. Violations of the law are punishable by a fine of $1,000 for a first and second offense; third and subsequent offenses are punishable by a fine of $2,000 and/or no more than 30 days in jail, as well as guilty of an unclassified misdemeanor. Twenty of the 46 invasive species found in the Pine Barrens Core are on the current "do-not-re-sell" list, including purple loosestrife (Lythrum salicaria), autumn olive, Chinese lespedeza, and multiflora rose.

Both counties are considering amendments to their "do-not-re-sell" lists this year. The proposed changes and their associated phase-out periods have come about after meticulous review of scientific literature in conjunction with the expertise and experience of land managers, horticultural industry professionals, and botanists. Fifteen species are proposed to be removed from the "do-not-re-sell" list and 14 species that were found to be highly invasive are proposed to be added to the list. The proposed phase-out periods for these plants range from 11/2 to 6 1/2 years depending on the species to allow growers an easier transition. Language exempting plant cultivars that are effectively 100% male and female sterile is also proposed as this will allow the nursery industry a chance to research and develop cultivars for commercially-valuable species. With the passing of the amendment, five additional species found in the Pine Barrens Core will be on the "do-not-re-sell" list. These species are yam-leaf clematis (Clematis terniflora), winged eucnynum (Eucnynum alatum), Japanese barberry, Norway maple, and black locust.

Even if some highly invasive plants are widely naturalized, it still makes sense to add them to the "do-not-re-sell" list. Natural areas continue to be converted to residential areas, including in the Pine Barrens Compatible Growth Area. In addition, plants used in landscaping eventually die — if highly invasive plants that are widely naturalized are also on the "do-not-re-sell" list than the landowner will only be able to purchase more environmentally-friendly plants. With continued education about the "do-not-re-sell" list, landowners may even make the conscious decision to replace their highly invasive landscape plants altogether in an effort to alleviate stress on our natural areas. Finally, continuing to sell invasive plants adds to the probability of re-infesting natural areas where expensive eradication efforts have already been completed.

Suitable alternatives to the "do-not-re-sell" invasive plants exist. For example, instead of a Norway maple, a red maple (Acer rubrum) or sugar maple (Acer saccharum) can be planted. Bush cinquefoil (Potentilla fruticosa) or old fashioned weigela (Weigela florida) are suitable replacements for Japanese barberry.

Invasive plants and animals continue to threaten the biological diversity of our natural lands and to our way of life as a whole. In fact, the far-reaching deleterious effects of invasive species continue to be discovered. As evidenced by the mapping done in the Pine Barrens, invasive species are boldly attempting to grab hold of Long Island's natural areas. We need to meet the challenge that invasive plants and animals create — for the future of Long Island.
The Long Lost Truth About EPCAL

Riverhead Town’s assault on the environment at the former Navy/Grumman airfield in Calverton is rife with revisionist history. Environmentalists have always supported re-development at EPCAL consistent with state environmental law, and we do today. When the Pine Barrens Protection Act was adopted in 1993 we placed the airfield in the Compatible Growth Area under the law and not in the more restrictive Core Preservation Area. The operative term is “compatible.” Compatible means consistent with the goals of protecting drinking water and habitat.

Riverhead officials are pretending that environmental constraints on development there have only recently popped up. In fact, even before the Pine Barrens Act, the Long Island Regional Planning Board’s Airport Re-Use Study warned 17 years ago of the challenges involved in building in the Peconic Estuary facility. They include the Peconic Estuary Program, Critical Environmental Areas designations that could have jurisdictional impact on the EPCAL site. They also warned of the sensitivity of the groundwater divide where the greatest quantity of the purest drinking water anywhere on Long Island is located. Water table elevations varied from 32-44 feet above average mean sea level.

Development would be expected to both contaminate the groundwater and draw down the water level, impacting drinking water and the size and quality of the Peconic River at the airport border. The report concluded, “Areas where there is a shallow depth to groundwater impose a severe constraint to development activity.” The Regional Planning Board Study enumerated the federal, state and county statutory programs that could have jurisdictional impact on the facility. They include the Peconic Estuary Program, Critical Environmental Areas designations, Wild, Scenic and Recreational Rivers Act, Special Groundwater Protection Area law, Coastal Area Boundaries Act, Significant Coastal Fish and Wildlife Habitats Act, Suffolk County Pine Barrens Plan (now the state Pine Barrens Protection Act) and Suffolk County Sanitary Codes 6 and 7.

Not mentioned were the federal Clear Water Act and the New York State Endangered Species Act.

The Report said, “It should be noted that many high-tech manufacturing and assembly operations require the storage and use of significant volumes of hazardous materials, and that such operations would be strictly limited under Article 7 of the Suffolk County Sanitary Code unless a sewage treatment plant with discharge outside Hydrogeologic Zone III is constructed.” All of the EPCAL site lies in Hydrogeologic Zone III. In addition, the report points out, “Article 12 of the Suffolk County Sanitary Code provides restrictions and construction standards for toxic and hazardous materials.”

It has never been our position that all of this precludes sensible development on hundreds of acres at EPCAL. Such development, however, must comply with federal, state and county environmental laws, most of which have been on the books for decades. Responsible real estate development can and should occur at the EPCAL site.

The Report said, “Considerable costs for site remediation and soil replacement are more numerous. Dedicated revenue streams will continue until 2025 and 2030 respectively for Suffolk County and the five East End towns. A Blue Ribbon panel has called for new funding for land purchases in Brookhaven Town and the White Paper Update seeks a new bond act for Nassau County as well.

Credit: Long Island Pine Barren Society

Recession Offers Second Chance for Preservation

Island’s environment for our children and grandchildren.

Even with the additional time, government will have to pick up the pace of preservation. To protect the remaining 29,889 acres by 2020, state, county and town governments will need to increase their annual preservation rate from 1,542 acres per year in 2008, to 2,718 acres per year for the next 11 years — a 76.3 percent increase. A challenge, yes, but absent the real estate collapse, a 4,982-acre per year rate would have been required to reach the preservation goal. That would have been virtually impossible, given the rate of land preservation over the past two years.

The report calls on state, county and town government to borrow at low interest rates to buy open space and farmland while prices are unusually low and sellers are more numerous. Dedicated revenue streams will continue until 2025 and 2030 respectively for Suffolk County and the five East End towns. A Blue Ribbon panel has called for new funding for land purchases in Brookhaven Town and the White Paper Update seeks a new bond act for Nassau County as well.

CONCERNED: Environmental and civic leaders join PBS Executive Director Richard Amper to call for accelerated land preservation. They are MaryAnn Johnston, President of Allied Brookhaven Civic Organizations, Marilyn England, President of the Open Space Council, Adrienne Espósito, Executive Director of Citizens Campaign for the Environment and Andrew Mastit, Research Coordinator for the Sustainability Institute at Molloy College.
ON DEMAND: If you can’t wait to see the award-winning Pine Barrens TV show on Cablevision, log onto www.pinebarrens.org anytime as Michelle Smith of Ronkonkoma does.

The Pine Barrens Society’s television program airs on Cablevision Channel 20 in the following areas. If your region is not listed here, please call our office at 631-369-3300 to find out how you can help us get it aired on your local Cablevision network. The program can also be viewed on the Society’s web site, www.pinebarrens.org by selecting TV Show on the home page.