

Minutes of the EMC General Meeting April 14, 2010

Voting Members Present (17): Sarah Adams, Eric Banford, Spring Buck, Clement Chow, Kenny Christianson, Martha Ferger, Anthony Guarneri, Katie Kelly, Dan Lamb, Stan Marcus, Jim McGarry, Steve Nicholson, Roger Segelken, Kristine Shaw, Helen Slottje, Gary Stewart, Lucia Tyler

Voting Members Excused (1): Roger Yonkin

Voting Members Absent (1): Eric VanEvery

Non-Voting Members Present (4): Cliff Babson, Karen Edelstein, Peter Harriott, Dooley Kiefer

Guests Present: Brian Eden, Debra Marcus, Lisa Nicholas

Staff Present: Kathy Wilsea

Call to Order – The meeting was called to order by Chair Roger Segelken at 7:06 p.m.

Privilege of the Floor – There were no visitors who wished to speak under Privilege of the Floor.

Changes to the Agenda and Approval of Minutes – There were no changes to the agenda. The draft minutes of March 10, 2010 were amended. Amended minutes were moved by Martha Ferger, seconded by Lucia Tyler and passed by show of hands. Final minutes are available on the EMC webpage: www.tompkins-co.org/emc.

Cayuga Inlet Dredging – Lisa Nicholas, Planner for the City of Ithaca, explained that the consultant study on the dredging project was funded by an Environmental Protection Fund grant. She recommended that members read the Executive Summary of the consultant report. The City pursued this project because no one else was looking for a dewatering site, and the dredging could not proceed without one. The amount of spoils expected from the project need 20 acres for dewatering, and the timeframe is four to five years. Following site selection, an Environmental Impact Statement will be issued. Land would be bermed up into a series of basins for dewatering of spoils in a cycle of fill, dewater, remove. Spoils consist of silt, sand, and rocks, and can be mixed with topsoil after dewatering. The consultant's samples were made at several different depths and underwent a variety of lab tests. All testing showed Class A spoils. The need for 20 acres is temporary; long term dredging cycles could be dewatered on five acres.

Steve Nicholson said he couldn't find that the issues raised by EMC in Lisa's last visit were addressed. Roger Yonkin has suggested pumping spoils into the lake. Lisa said that is not allowed by DEC. Regarding Roger's previous comments that dredging is not necessary to retain the usefulness of the flood control project, Lisa said the City is not in a position to redesign this project. The Army Corps of Engineers designed and certified the flood control channel, and ACOE has an obligation to provide emergency relief for flooding events. ACOE has provided relief twice under those terms. Steve pointed out that Roger also suggested rechanneling at Johnson Boatyard, which would be a City responsibility. Karen Edelstein said dredge spoils in Lansing became sites of invasive species plants. Lisa said that is an issue appropriate for the EIS. Lucia Tyler said Roger's opinion is that the spoils are sterile and couldn't grow anything. Lisa said, if they are sterile, there might be no odor.

Lisa reviewed the different responsibilities on a map. The City is responsible for Fall, Cascadilla and Sixmile creeks. There is some dispute about the connector between the east and west sides of Inlet Island. The Canal Corp. is responsible for keeping the east side of Inlet Island (north of Buffalo Street bridge) to the Lake navigable. DEC is responsible for the Flood Control Project on the west side of Inlet Island and their responsibility overlaps that of the Canal Corp from the point (Boatyard Grill) to the Lake. There is some negotiation between DEC and ACOE on what constitutes "navigable" and currently that is 300' wide and 14' deep, but it varies throughout the project. The Canal Corp. is responsible for Treman Marina, but not for the full width.

There was discussion on how this project and other updates could affect the FEMA flood plain maps. Lisa said ACOE has all information on old flood events. Dooley Kiefer asked about use of dewatered spoils, and Lisa said perhaps NYS would have to deal with them. Several members were of the opinion that the dewatered spoils would be considered an asset and could be used for solid fill and resculpting parks, the golf course, and the Southwest development project. In terms of pumping spoils into the Lake, DEC has made it clear there must be no other alternative. Cliff Babson said the turbidity would be massive, and DEC is dead set against it because of impacts on habitat. Lisa also suggested that members read the memo from the Department of State, found near the end of the consultant document.

Organizing EMC Concerns re Dredging – Cliff Babson said he was hopeful for creation of wetlands from the spoils when he became involved with this project, but it has become clear that is not possible. He considers the dewatered spoils a resource. Katie Kelly asked who actually owns the dewatered spoils, and no one was sure. Cliff said the primary hurdle in this project is finding a dewatering site. Parkland cannot be used, as the involved process called alienation could take decades, even for temporary use of a section of a park. The need for 20 acres eliminates most of the sites under consideration, and leaves the Southwest area, which is owned by the City and totals 65 acres, but is planned for development. At the last meeting of the project committee, consensus statements were sought from members. Cliff has drafted an EMC resolution supporting Southwest. If the project stops dead, it affects the flood control project and may affect ACOE certification. Cliff pointed out that all data goes to a central depository and is accessible to ACOE. ACOE has federal authority second to almost none. He sees Southwest as the best option. It would have the least impact, and the site is undeveloped at this time. It will need some infrastructure. The dredging project could help pay for new roads, and perhaps improve topography. Using two small sites might double the cost of the project. Cliff felt this is the appropriate time for EMC to weigh in, rather than waiting for the EIS stage. If there is no dewatering site, there is no project. There are no appropriate rescue operations for boaters operating under the risk associated with the currently impaired waterways. There is genuine concern among boaters. Cliff said whether or not flood control is a real need is not his expertise, and he basically trusts ACOE on that. His draft resolution endorses the Southwest site and the process, and will be distributed to members by email. The City seeks consensus of the Dredging Project Advisory Committee by the beginning of July, so it can go to the Board of Public Works. It was decided the Environmental Review Committee will work with Cliff on the resolution and bring it back to the full council. Issue under consideration is: does EMC endorse the study going forward if the Southwest site is selected. Copies of a 4/10/2010 letter to the Ithaca Journal from Roger Yonkin were distributed, which Roger had provided to Kathy Wilsea by email.

Council Authorization for Publication of Letter – The draft letter on Public Library solar panels, for publication in the Ithaca Journal, went out with the agenda. Suggestions were accepted from members for changes to the letter. It was also suggested that other publications, especially Ithaca Times, might give more coverage to the information.

Committee Reports – Energy: Steve Nicholson reported they toured the solar panels at the Library. There is some shading from plants and adjacent buildings. Weeds grow in the moisture below the supporting bricks, so will need to be pulled more often. Steve wondered if this should be another EMC volunteer workday effort, like Adopt-A-Highway. Some degradation of the substrate is visible, but it is unknown how this affects efficiency. The installers have some data, but do not provide it to the County. Environmental Review: Jim McGarry said they have two development projects to review, plus the dredging to work on. Unique Natural Areas: Stan Marcus said, as the only voting member on the committee, he has become chair. He attended a meeting on Monday for PRISM, but no one else showed up. Karen Edelstein said the UNA committee continues to need communication, leadership, and funding. Peter Stein was willing to pursue inquiries about the funding. Communication: Spring Buck reported they are planning to participate in the Ithaca Festival.

Municipal Reports – Town of Dryden: Stan Marcus reported the Conservation Board is developing an open space plan and the Town is updating its zoning ordinance. They are examining CEAs as a tool in dealing with gas drilling. They continue to look at other issues on hydrofracturing, too, and had Walter Hang as a guest visitor. The CEAs will not be a direct conversion of the UNA sites in the Town. There will probably be more CEAs. Town of Ithaca: Kristine Shaw said their Conservation Board also continues to examine gas drilling issues. They are learning about invasive species, including swallowwort and the Emerald Ash Borer. Village of Dryden: Martha Ferger said the Village recently received the final report from the consultant study of their public water system for supply, storage and distribution. Since the supply is inadequate, a new well is being considered. The location outside the Village necessitates negotiations with the Town, but geologists expect the capacity will be in excess of requirements. A contractor has been chosen for the new waste water treatment plant on Virgil Creek, and work will begin as soon as USDA funds begin arriving. The Tompkins County Council of Governments released their infrastructure study, which shows support for housing development outside the City of Ithaca in areas with favorable transportation and other factors. The Village of Dryden was among those noted for immediate

development, although the authors of this study seem not to be aware of how long it is likely to be until the proposed new well for the Village can begin to function.

Chair's Report – Roger Segelken reminded members that a highway cleanup will take place on May 15th.

Member Items – Dooley Kiefer announced the ReUse center is opening a division for computers tomorrow. Dooley also announced that Assemblywoman Barbara Lifton has proposed state legislation aimed at helping local governments control gas drilling in their municipalities.

Adjournment – The meeting was adjourned at 9:18 p.m.

Respectfully submitted,
Kathy Wilsea, Secretary, Tompkins County Planning Department

Approved by Council on May 12, 2010