

NYS Ocean Acidification Task Force Meeting Minutes for December 17, 2021 Public Meeting

Location: Virtually via Webex

Task Force Member Attendance

Present:

- James Tierney (chair)
- John McLaughlin
- Carl Safina
- Jeff Herter
- Steve Malinowski
- Jason Masters
- Joyce Novak
- Chris Pickerell
- Malcolm Bowman

Absent:

- Marci Bortman
- Ian MacCallum
- Jeremy Thornton

Summary of Chairman Tierney's Opening Remarks

Chairman Tierney called the meeting to order, welcomed attendees, and announced that the meeting was being recorded and meeting minutes were being taken as well (both will be available along with previous meeting's minutes on the NYS OATF website). He also acknowledged that this was a public meeting and there would be an opportunity for public comment. Attendance was then taken verbally and task force member Carl Safina gave Kaitlin Giglio his proxy for the anticipated vote on the interim draft report in the event that he had to leave before votes were cast. The Chairman noted that a lot of time had passed since the last public meeting and that one of the task force members, Larry Swanson, had regretfully passed away in that time. He shared that he was replacing Jim Gennaro as chair of the task force. Councilman Gennaro had resigned to successfully run for New York City council and Chairman Tierney thanked Councilman Gennaro for the work he had done on this task force. The Chairman acknowledged the role that COVID played in delaying the proceedings of this task force and stated that we would now be picking up speed and actively working to complete the goals of this task force. The task force members each spoke for a few minutes introducing themselves and Chairman Tierney introduced Dr. Henry Bokuniewicz as our new lead investigator (replacing Dr. Larry Swanson), Kaitlin Giglio, a research oceanographer and the assistant director for the Marine Conservation and Policy Program at Stony Brook University who is working with Dr. Bokuniewicz on the report for this task force, and a number of DEC employees also attending the meeting: Dawn McReynolds, Sue Van Patten, Casey Personius, Sarah Solarz, and Michelle Golden. He then introduced Emma Antolos who acted as moderator for the meeting and served as a technical Master of Ceremonies.

Technological Remarks and Housekeeping

Emma Antolos described the website platform that the task force used to host the meeting and went over how to get into the audio. She noted that all attendees are muted on entry and they are not required to share their video to attend. Public comments could be typed into the chat box (addressed to all panelists) or given orally using the “raise hand” feature when the meeting progressed to that agenda item. Public commenters would have 3 minutes on a timer, which would be displayed for them to see, in order to keep things timely.

Approval of Agenda

At this time, Chairman Tierney thanked Antolos and asked for a motion to approve the previously disseminated agenda.

Jason Masters made a motion to approved, seconded by John McLaughlin. With no objections, the agenda was approved and Chairman Tierney turned it over to Dr. Bokuniewicz and Ms. Giglio to go over the status of the report as it stands as well as to describe the upcoming steps, including the peer review and public comment processes.

Status of the Report

Dr. Bokuniewicz provided the task force with an update on the status of the report and the current plan for moving forward. The OATF has gone through 8 revisions of the report so far and are currently on version 9. Bokuniewicz explained that he started working on this after Dr. Larry Swanson had passed away and was not involved in earlier iterations. He emphasized that version 9 (the Interim Report) should be considered a draft and there are still going to be multiple opportunities for additional revisions. He identified the next step as the soliciting peer reviews from ocean acidification experts within and outside of New York State. The next version of the report will be finalized once their comments have been received and revisions have been made accordingly, hopefully by spring 2022. That will be followed by a public hearing in September and a public comment period that will extend into the fall of 2022. Comments that come in during the public comment period will be addressed before a final public meeting, likely in April 2023, where the final report will be voted on and subsequently published, once approved.

Kaitlin Giglio then went on to describe the contents of the report as it is currently written. The report is organized into 5 pillars that each contain a set of recommendations. Overall, the recommendations within this report focus on counteracting coastal ocean acidification, which is driven by local factors that are relatively manageable within New York State borders, namely local discharges of acidic waters and excessive nutrient discharges. The task force strongly recommends that NYS also participate in the broad global and national goals of reducing factors contributing to global carbon emissions and ocean acidification. New York State clearly contributes to global carbon emissions and, it is already acting aggressively to address them, evidenced by its establishment of The Climate Leadership and Community Protection Act. The efforts in this report are centered on identifying mitigation measures suitable to New York, the region and, where appropriate, to specific water bodies. The task force aims to reduce the impact of ocean acidification on our coastal waters and resources.

The pillars of this report work together to form a cohesive and comprehensive response to ocean acidification. They are: Mitigate, Educate, Investigate, Engage, and Legislate.

The Mitigation pillar recommends measures to mitigate the extent, magnitude, and impact of ocean acidification. The recommendations generally fall into three categories, where ocean acidification is mitigated via reduction of point sources of eutrophic or acidic waters, introduction of materials to buffer acidified waters or alterations to the local ecosystem, such as restoring shellfish or cultivating seaweed to reduce acidification. These recommendations are categorized as substantiated or conceptual based on prior studies or pilot programs that have been conducted previously.

The educate pillar includes recommendations for promoting public awareness regarding the general concept of ocean acidification as well as its impacts and potential opportunities for mitigation. Here the Task Force recommends increasing public awareness via formal education at the elementary, undergraduate, and graduate level, as well as educating the wider public through marketing and communications campaigns on radio, TV, and online.

The investigate pillar includes suggestions for

- removing or neutralizing low pH sources,
- ameliorating sources of nutrients or carbon dioxide, which are causing coastal acidification ,
- considering ecological use, recycling, or storage of nitrogen and carbon, and
- focusing on monitoring efforts throughout NYS waters

Monitoring aragonite saturation for New York's various marine water bodies is the important end point for setting environmental standards. Aragonite saturation which is found by concurrently monitoring $p\text{CO}_2$ and pH for the various monitoring programs operating in the New York Marine and Coastal District. The recommendations within this pillar are prioritized as high, medium, or low priority. The task force felt that even those recommendations that have been labelled as low priority were worthy of investigation and should be included in the report.

The engage pillar includes recommendations for engaging business and industry to collaboratively address the issue of ocean acidification, encouraging businesses to adopt best management practices for mitigation and developing new strategies for Ocean acidification reduction or mitigation. These suggestions include requiring new development to be carbon neutral and working with industries to foster carbon sequestration or reduce carbon emissions.

The final pillar looks to develop a legislative and regulatory action plan for addressing ocean acidification. The suggestions here aim to provide legislative support for actions related to ocean acidification mitigation. They include recommendations to participate in larger, regional, national, or global ocean acidification efforts as well as looking inward to review NYS legislation to include consideration of ocean acidification and coordinate ongoing efforts within the state. The task force recommends the creation of an Ocean Acidification advisory committee out of the governor's office to help implement the ocean acidification plan.

In addition to the recommendations already contained within the report, the task force will be considering including a recommendation for the establishment of marine protected areas to address ocean acidification in our local waterbodies.

OATF recently convened working group sessions where they commented on version 5 of the report. Version 6 will incorporate those comments as well as the public comments from this public meeting. Once Version 6 is complete, it will be given to the task force for the next iteration of working group sessions and an interim draft report will hopefully be the end product of those sessions.

Chairman Tierney thanked Dr. Bokuniewicz and Ms. Giglio for their presentations and requested that Ms. Giglio share a written copy of her remarks for inclusion on the NYS OATF website, if possible, as a comprehensive overview of the current report for the public.

Discussion of the Report within the Task Force

Chairman Tierney kicked off the discussion portion, noting that there is a robust effort ongoing under the Climate Protection and Leadership Act within New York to get a handle and drive down greenhouse gas emissions. These efforts are not just to be contained within New York, and NY is currently collaborating with other entities around the world to see how far and how fast we can go with this effort. There is a collective understanding that we need to control greenhouse gas emissions in order to adequately address ocean acidification. There are also a number of large-scale programs within New York that target nitrogen pollution, which sets off a chain reaction that leads to acidified waters.

Chairman Tierney went on to identify that a significant aspect of this report is its ability to influence policy and the report should be owned by this Task Force, not by the DEC. This is the reason that experts from Stony Brook University are marshalling the report, rather than NYS DEC staff. The expectation is that the report should be influential in budget and program discussions. There are a number of local waterbody programs, which all have budgets and action plans, and the hope is that some of the recommendations within this report can be incorporated into their action plans to give them more power. Tierney then opened the floor up to comments and discussion from the task force members.

Jason Masters stated that he had nothing to add to the current draft as it stands. Chris Pickerell noted that he had missed the last working group sessions but noticed that in the current draft he thought the breakout section on seagrasses may have moved into the wrong location (it is currently on page 20 under 1.7, but he thought it should be on page 17 under 1.5). Otherwise, he had no other comments and was happy with the current draft. John McLaughlin added that the task force has had a lot of discussion going through the previous 8 versions of the report so there has been a general consensus on what is included, at this point. Jeff Herter had no additional comments, adding that this version is definitely something like a consensus document at this point.

Jason Masters asked if the executive summary would be separated from this document, noting that Dr. Bokuniewicz had mentioned crafting a shorter more public-facing executive summary in the near future.

Chairman Tierney shared that the public-facing executive summary will likely be crafted after the peer review process but affirmed that the task force members all seemed to be supportive of the idea and it is definitely something that will be done in the future. Dr. Bokuniewicz added that he and Kaitlin Giglio were currently working on an executive summary that would fit within the report (as opposed to the more public-facing document) but would be more concise than previous versions contained.

Malcolm Bowman stated that Kaitlin had done an excellent job of summarizing the report and added that, despite OA being a global problem, New York's economy is very large (would be the 10th largest economy in the world if NY were a country), and we shouldn't be too discouraged by the scope of the

problem. He argued that New York could set an example to the world on how to invest in these types of problems.

John McLaughlin asked about the remaining steps, milestones, and timeframes for completing the objectives of the task force.

Charmain Tierney explained that Henry Bokuniewicz is actively putting together a list of proposed peer reviewers and that the peer review process will be managed by Kaitlin and Henry. The goal is to get 5-7 reviewers over the next couple months and have a peer reviewed version of the report completed by late May or June. The public-facing executive summary would be created based on that peer-reviewed version of the report and everything would be put out for public comment in late summer or early fall 2022. Following the public comment process, the task force would get together and finalize the document, addressing all public comments. This process could end up going into 2023 but if it can be done sooner, that is the goal. Henry Bokuniewicz added that there will be a public meeting following the peer review process (likely in May) and the public comment process will likely begin in September.

Malcolm Bowman asked if we have an idea of which other coastal states are engaged in similar processes and how we compare. Henry Bokuniewicz confirmed that we are aware of other states' plans and are looking at what other's have done on both coasts while also trying to coordinate with neighboring states on the east coast (especially when it comes to monitoring efforts). Chairman Tierney added that NOAA is very interested in the OA issue and is trying to foster regional efforts, which New York is participating in. Bowman noted that the east and west coasts are very different and there could be regional differences around the country as well. Bokuniewicz agreed but highlighted that there are still areas of overlap where we can learn from their efforts.

There was some discussion about the mechanism that causes sewage discharge to be acidic. Sewage discharge is fresh drinking water, which has a pH of approximately 7, so it is more acidic than our coastal waters. This means that while this water is not acidic, it is acidifying (reducing the pH) our coastal waters. In Suffolk County the wastewater largely goes into cesspools, rather than directly into our coastal waters and there was a question of whether or not the cesspools also act as sources of acidifying waters. The cesspools do not remove nitrogen well, so even if the pH of the water is buffered by filtration through the ground, it is still acting as a eutrophying agent, meaning that it is still also likely an OA problem.

Vote on the Interim Draft Report

Chairman Tierney entertained a motion of the OATF to adopt and approve the interim draft report, realizing that it is an interim report and that it will continue to be revised. He added that under the statute, the task force is obligated to have an approved interim report before January 1, 2022.

Chris Pickerell moved to approve the draft as written. The motion was seconded by Jason Masters and approved unanimously by voice vote on December 17, 2021 at 1:46pm ET.

Public Comments

Maureen Dunn – Seatuck Environmental Association

Dunn asked if there would be any advanced release of the draft to very interested parties or stakeholders prior to the public comment period. Regarding legislation, she added that in the last 3

years, legislation to recover waste shell material has been being deliberated in NYS and will likely be decided before the report is published. She asked if there anything that can be done to include efforts like this in the report when it does come out.

Chairman Tierney thanked Maureen Dunn for her comments and her efforts with regard to shellfish recycling programs. Once peer reviewer comments are incorporated, the document will be published in draft form this summer. During that process you will have the report and make comments regarding ongoing activities that you are involved in or know of and state why you think some of those initiatives should be acknowledged or included in this report. regarding ongoing legislation, the report really can't speak to anything at this time because a body such as the OATF can only speak as a body and in a formal way. While that process can take a long time, it garners a lot more power once the report is released.

Meeting Conclusion

Chairman Tierney opened the floor up to any other task force comments/concerns before entertaining a motion to adjourn.

John Mclaughlin made a motion to adjourn, seconded by Jason Masters. No one opposed.

Chairman Tierney thanked everyone for their time, attention, and efforts to date and the meeting was adjourned.