

## **Central Pine Barrens Advisory Committee**

*Stephen M. Jones, Chair*  
*Richard L. Amper, Vice Chair*

### **Meeting of Wednesday January 13, 2010**

*(FINAL Minutes – Approved 3/16/10)*

Suffolk County Water Authority Coram Training Center  
2045 Route 112, Building 5, Coram, New York  
8:30 am

#### **Advisory Committee Member Representatives Present:**

- Brookhaven National Laboratory: Timothy Green, George Goode
- Group for the East End: Jenn Hartnagel
- Hamptons Visitors Council: Hank Beck
- Long Island Builders Institute: Robert Wieboldt
- Long Island Drinking Water Coalition: Matthew Meng
- Long Island Greenbelt Trail Conference: Tom Casey
- Long Island Pine Barrens Society: Richard Amper (Vice Chair), Beth Motschenbacher
- Long Island Regional Planning Council: Seth Forman
- North Fork Environmental Council: Michael Domino
- Peconic Land Trust: Dawn Liubenov
- Suffolk Alliance of Sportsmen: Robert Baumann
- Suffolk County Water Authority: Stephen Jones (Chair)
- The Nature Conservancy: Kevin McDonald

#### **Other Attendees:**

- Brookhaven National Laboratory: Mark Toscano
- Commission staff: Ray Corwin, Judy Jakobsen, John Milazzo, Julie Hargrave
- Environmental Defense Fund: Brian Kelder
- Long Island Pine Barrens Society: Victoria Fontana
- North Fork Environmental Council: Ken Rubino
- Suffolk County Water Authority: Jeffrey Szabo
- Regional Planning Association: Robert Freudenberg (via conference call)
- Long Island Power Authority: Mike Deering

## **Introduction and Quorum**

Mr. Jones called the Central Pine Barrens Advisory Committee (“AC”) meeting to order at 8:35 am with a quorum present.

## **Discussion on Proposed BP / Long Island Power Authority Solar Array at Brookhaven National Laboratory**

Materials relating to the project have previously been distributed to the AC members, including aerial photographs, an overview of the project and an environmental assessment. Mr. Jones stated that at the September Commission meeting, Dr. Green and Mr. Deering provided a presentation on the project.

Mr. Amper stated that today’s discussion should focus upon the proposal to clear 150 acres of pine barrens land for the BP Solar project. A hand out was provided which includes a letter from Congressman Bishop dated December 9, 2009. The letter describes proposed mitigation to be performed by the Department of Energy (DOE), Brookhaven National Laboratory (BNL), BP Solar and the Long Island Power Authority (LIPA). Historically, BNL has voluntarily adhered to the provisions of the Act. Additional topics for discussion should include requesting BP Solar to perform mitigation which would preserve 150 acres of land elsewhere and the feasibility of an alternative location that does not require the clearing of pine barrens land. Mr. Amper reiterated that the issue at hand is not the validity of the BP Solar project, but rather production of an improved mitigation plan.

A discussion occurred and the following points were made.

1. A suggestion was made that a smaller working subcommittee of AC members be formed to focus upon the mitigation issues that need to be addressed, and to make recommendations to the Commission within a limited time frame.
2. What are the costs associated with a mitigation plan and who will bear these costs?
3. Could requiring a mitigation plan for this project adversely affect incentives to continue future solar projects?

Mr. Goode stated that approximately 500 acres at BNL was designated by the U.S. Department of Energy as the Upton Ecological and Research Reserve for ecological research. There is no relationship between that Reserve and the possible preservation lands to which Congressman Bishop refers in the December 9<sup>th</sup> letter. A discussion ensued regarding the need to devise a mitigation plan that would not incur additional costs to the LIPA ratepayer. It was stated that it is of equal importance that Long Island residents are assured that Core property at BNL is subject to the provisions of the Plan as it is that solar energy be utilized.

Mr. Goode distributed a fact sheet on the LIPA/BP Solar Project (attached). Mr. Goode observed that BNL has preserved 2,943 acres of land which equals 56% of its current footprint; that it has developed 1,412 acres which equals 27% of its current footprint; and that the Solar Array uses approximately 200 acres which equals 4% of the current footprint at BNL. Mr. Goode stated that BNL has traditionally adhered to a policy that supports the Act even though it is federal property.

Mr. Goode described how BNL has accommodated the Solar Array requirements without utilizing Core land, and with a focus upon habitat preservation. He explained that the Laboratory has a 10 Year Master Plan that includes preservation of the Core, that the Solar Array project supports that preservation effort, and that the environmental impact of this project is benign compared with other development projects.

Mr. Goode made the statement that BNL planning strategies support the concept of smart growth and that BNL has redeveloped on disturbed land in lieu of building new structures on undisturbed land. Examples of such projects include a research support building and the National Synchrotron Light Source II. All Master Plan elements focus upon redevelopment at BNL, however the Laboratory reserves the right to utilize the site as it deems necessary for future federal projects.

The DOE is permitting BP Solar to build the array, and BP Solar has a contract to sell the power to LIPA. The land for the project will have a 20 year use easement placed upon it, and the area will not exceed 150 acres. A discussion ensued regarding the proposed mitigation, the assumption that BNL will never use Core property for future projects, and whether the project would meet the pine barrens clearing standard.

Mr. Deering spoke about the development of a natural resources benefits package in conjunction with the Solar Array Project. He added that LIPA and BNL would be agreeable to continue the dialogue with the members of the AC. He also noted that the Solar Array is an important public project, not a commercial project; and although BP Solar is a private business that will provide the power, the project will not only benefit the public, but also provide BNL with a vehicle to move forward into a new technological field of research.

Mr. Jones referred to the December 17, 2009 State Environmental Quality Review Act Negative Declaration and Notice of Determination of Non-Significance regarding the project. A discussion ensued regarding the proposed mitigation.

Mr. Jones made the point that the BP Solar project is imminent and that the AC's discussion should focus upon environmental impacts such as nitrate saturation from precipitation. Additional points for continued discussion included whether the Commission should assert jurisdiction over the BP Solar Project; what mitigation would be appropriate for this project; and what mitigation would be appropriate for future projects at BNL that might affect Core property.

Mr. Forman reported that the Long Island Regional Planning Council supports the alliance between LIPA, BNL and BP Solar because alternative sources of energy are beneficial to Long Island residents. He urged the AC to limit the time spent upon details of the project, and provide its recommendations for mitigation in a timely manner. It was decided that several AC members including Mr. McDonald, Mr. Amper and others will form a small working subcommittee for the purpose of advising the Pine Barrens Commission on an enhanced mitigation plan for the BP Solar project.

***A motion was made by Mr. Amper and seconded by Mr. Domino to adopt the attached resolution to (1) support the Solar Array Project but urge the Commission to express its concerns regarding the proposed clearing of approximately 150 acres of pine barrens at Brookhaven National Laboratory associated with it, and (2) recommend to the Commission within the next thirty days enhancements to the current mitigation plan for the Solar Array Project. The motion was approved by a 10-1-2 vote, with the dissenting vote cast by Mr. Wieboldt and the abstaining votes cast by Mr. Goode and Mr. Forman.***

#### **Approval of Prior Meeting Minutes**

***A motion was made by Mr. Wieboldt and seconded by Mr. Casey to approve the minutes from the 7/29/09, 9/9/09 and 10/14/09 AC meetings as final without any changes. The motion was approved by a 13-0 vote.***

The meeting was then adjourned.

#### **Attachments:**

1. Long Island Solar Farm Environmental Review Record from LIPA (undated; 4 pages)
2. "Clear-Cutting at Brookhaven National Lab: What it means for Suffolk County" from the Long Island Pine Society (undated; 1 page)
3. State Environmental Quality Review Negative Declaration Notice of Determination of Non-Significance from LIPA (12/17/09; 1 page)
4. Congressman Bishop letter to Mr. Amper concerning mitigation (12/9/09; 2 pages)
5. LIPA/ BP Solar Project Fact Sheet from BNL (undated; 2 pages)
6. Resolution Providing Recommendation to the Central Pine Barrens Commission for the BP Solar Array Project (1/13/10; 1 page)