

In the Matter Of:
LEWIS ROAD PLANNED RESIDENTIAL DEVELOPMENT
ASSERTION of JURISDICTION APPLICATION

TOWN OF RIVERHEAD PUBLIC HEARING
August 19th, 2020

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A P P E A R A N C E S:
CARRIE MEEK GALLAGHER, Chairwoman
EDWARD P. ROMAINE, Member, Supervisor
JAY H. SCHNEIDERMAN, Member, Supervisor
YVETTE AGUIOR, Member, Supervisor
JOHN PAVACIC, Executive Director
JOHN MILAZZO, ESQ., Legal Counsel
JOHN PAVACIC, Executive Director
A L S O P R E S E N T:
JULIE HARGRAVE, Principal Environmental
Planner
CHARLES VOORHIS, ESQ., Nelson, Pope and
Voorhis
WAYNE D. BRUYN, ESQ., O'Shea, Marcincuk &
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ASSEMBLYMAN STEVE C. ENGLEBRIGHT
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Riesel PC
JEFFREY SEEMAN, CGCS/CEP
MITCHELL H. POLLY
POLA RAPAPORT

CENIRAL PINE BARRENS
PLANNING & POLICY
COMMISSION
VIA ZOOM VIDEO CONFERENCE
August 19, 2020
3:00 p.m.

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BOB DELUCA
BILL KEARNS
SUSAN KEARNS
DICK AMPER
KATIE BROWN
ANDREA SPILKA
MICHAEL ALESTRA
ANDREW LYNCH
CAMDEN ACKERMAN
CHRISTOPHER GOBBLER, PHD.
ELIZABETH JACKSON
CLAUDIA BRAYMER
MICHAEL MIRINO
LAWRENCE OXMAN

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 2 (Whereupon, this portion of the
 3 proceedings began at 3:00 p.m., after
 4 which the following transpired.)
 5 CHAIRWOMAN GALLAGHER: It is
 6 3:00.
 7 We are going to get started with
 8 the continued public hearing.
 9 Folks here are still in the
 10 process of unmuting Commission
 11 members.
 12 So this afternoon, pursuant to
 13 New York State Environmental
 14 Conservation Law, notice is hereby
 15 given that the Central Pine Barrens
 16 Joint Planning and Policy and
 17 Commission will continue the public
 18 hearing on August 19th, 2020, on the
 19 following application:
 20 The Lewis Road Planned
 21 Residential Development Assertion of
 22 Jurisdiction Application.
 23 And we will be hearing from
 24 Julie Hargrave, first, the
 25 Staff Report followed by the

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 2 presentation by the applicants and
 3 then we will go into the public
 4 session.
 5 MR. MILAZZO: Carrie, can I ask
 6 for a role call in terms of
 7 commissioners.
 8 CHAIRWOMAN GALLAGHER: A role
 9 call?
 10 MR. MILAZZO: Who is present for
 11 the hearing, yes.
 12 CHAIRWOMAN GALLAGHER: We have
 13 Jay Schneiderman, for the Town of
 14 Southampton.
 15 MR. SCHNEIDERMAN: Here.
 16 CHAIRWOMAN GALLAGHER: We have
 17 Ed Romaine for the Town Of Brookhaven,
 18 we have Yvette Aguior for the Town of
 19 Riverhead, we have Dorian Dale for the
 20 County of Suffolk and myself, Carrie
 21 Meek Gallagher.
 22 Okay. Julie, do you want to
 23 start with the Staff Report?
 24 MS. HARGRAVE: Yes. Thank you.
 25 Good afternoon.

1
 2 MR. MILAZZO: (Interjecting)
 3 Julie, just so you know, this public
 4 hearing -- although it's handled via
 5 Zoom -- it's being transcribed by our
 6 stenographer, who is on the screen.
 7 So I encourage everyone to speak
 8 slowly. Stenographers usually read
 9 lips -- so that is not going to work
 10 well today because those of us who are
 11 wearing masks, it will be impossible
 12 -- and if you are giving comment and
 13 you are not a member of this staff or
 14 a member of this Commission, please
 15 announce who you are and spell your
 16 first and last name, your
 17 organization -- if you are
 18 representing one -- and your address,
 19 so that we can have an accurate record
 20 of today of the participants in this
 21 hearing.
 22 So, again, I stress to everyone
 23 to speak slowly. There is a time
 24 limit that will be enforced by the
 25 Chair, so balance your speed so that

1
 2 we can capture your comment for the
 3 record.
 4 Thank you, Julie.
 5 MR. SCHNEIDERMAN: Julie, before
 6 you start -- so as Commissioners, we
 7 are to entertain all comments and
 8 submissions pertaining to conformance
 9 with the Standards and Guidelines of
 10 the Comprehensive Land Use Plan.
 11 I suspect that there may be lots
 12 of comments on other issues -- but
 13 that is what we are here to determine,
 14 correct?
 15 CHAIRWOMAN GALLAGHER: Jay,
 16 John, Commission, everyone, I will go
 17 over it again because there's going to
 18 be a little bit of a time delay
 19 between the time we hear from the
 20 Staff Report and when we hear from the
 21 applicant and if we have any
 22 Commission questions. I will review
 23 once again with the public, all of
 24 those criteria prior to allowing them
 25 to speak. Just so it's fresh in their

9

1
2 minds. It's probably going to be 45
3 minutes or so before we get to them
4 speaking.
5 MR. SCHNEIDERMAN: Thank you so
6 much, Carrie.
7 MR. MILAZZO: And members of the
8 public, this is a public hearing.
9 This is your opportunity to be heard
10 on this project. This does not
11 necessarily mean that it is a dialogue
12 between any member of the Commission
13 or its staff and you. This is your
14 opportunity to provide your thoughts
15 on this project. They are encouraged,
16 they are welcomed. They can be
17 submitted via orally or you can
18 provide them in a written form. But
19 it does not necessarily entitle you to
20 start a dialogue with Commission
21 members or staff.
22 Thank you.
23 CHAIRWOMAN GALLAGHER: Thank
24 you, John.
25 MS. HARGRAVE: Thank you. Good

10

1
2 afternoon.
3 So you have the -- the
4 presentation is before you. I hope
5 you can all see it on the shared
6 screen. I'll just try to go through
7 it as quickly as possible and also
8 slowly so that it is understandable.
9 So since the hearing on
10 February 19th, the applicant has
11 revised the master plan layout of the
12 project. The applicant submitted
13 revised materials on June 3rd and
14 July 1st, showing changes to the
15 master plan layout, and provided
16 responses to the Staff Report and the
17 public comments from the February
18 hearing.
19 This morning, the applicant
20 responded to the latest Staff Report
21 summary released last Thursday.
22 The revised master plan
23 relocates the facilities including the
24 sewage treatment plant and the four
25 acres that are dedicated for public

11

1
2 water supply purposes.
3 It also shifted development
4 further southward to provide a larger
5 block of unfragmented open space and
6 the northerly section of the Hills
7 South property and to avoid steep
8 slope as much as possible in the
9 project.
10 As an insertion of
11 jurisdiction -- the application as
12 Supervisor Schneiderman pointed out --
13 it required to conform to the
14 Standards and Guidelines outlined in
15 the Comprehensive Land Use Plan.
16 In this presentation, I will
17 review the one Standard and 10
18 Guidelines that need your particular
19 attention, Commission, on the
20 Comprehensive Land Use plan.
21 And just as an overview again of
22 the revised plan that was submitted,
23 we will be reviewing Standards and
24 Guidelines. The applicant will make a
25 presentation, the Commission will hear

12

1
2 public comments and there is a
3 proposed five day written comment
4 period -- that's five working days --
5 until next Wednesday, August 26th.
6 And the decision and Findings
7 Statement are expected from the
8 Commission on September 16th, 2020.
9 The first Guideline, the nitrate
10 and nitrogen goal, 5.3.3.1.3, this
11 Guideline seeks to achieve the
12 nitrate/nitrogen concentration of
13 two and a half parts per million or
14 less over the whole 608 acre project
15 site.
16 The applicant modeled the
17 project in a simulation of nitrogen in
18 recharge analysis. And the result is,
19 the project did achieve less than .5
20 parts per million, which is less than
21 two and a half referenced in this
22 Guideline.
23 The staff comment thought
24 clarity on the input on the model that
25 would affect -- potentially affect the

13

1
2 outcome -- output. So in comparing
3 the analysis for this project to other
4 similar projects, questions arose on
5 the inputs and if they affected the
6 results for this project.
7 The applicants response have
8 been that the input in question do not
9 affect the result and the inputs were
10 accounted for in other aspects of the
11 model where we identified this issue.
12 So the question to the
13 Commission is, does the project
14 conforms to this Guideline?
15 I'll continue to the rest of
16 this -- the Guideline, 5.3.3.5.2,
17 Natural Recharge and Drainage.
18 This Guideline states the
19 natural recharge areas and drainage
20 systems designed to cause minimal
21 disturbance to native vegetation
22 should be employed.
23 The drainage plan shows
24 development of 63 drainage reserve
25 areas distributed throughout the site

14

1
2 that requires approximately 11 acres
3 of clearing. The drainage reserve
4 areas are proposed in lieu of large
5 recharge -- centralized recharge
6 basins.
7 Drainage areas must be included
8 in the clearing limit, and from my
9 understanding they are.
10 The Drainage System Design and
11 Storm Water Management Plan is still
12 pending at the Town level. It is not
13 approved yet. It is currently under
14 review by the Town engineer.
15 The applicant provided a copy of
16 the Town's checklist with some
17 comments from the Town's engineers
18 that the applicant and the Town are
19 presumably still working through.
20 So this needs to be determined
21 if the drainage design conforms to the
22 Guideline in the plan.
23 The Guideline 5.3.3.5.3: The
24 ponds should be created for storm
25 water runoff and not solely for

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1
2 aesthetic purposes, that is what the
3 Guideline says. There is 3.3 acres
4 that will be cleared to develop two
5 ponds that each are approximately 10
6 feet deep. The ponds will be used for
7 irrigation and aesthetic purposes. Is
8 this activity in conformance with the
9 Guidelines?
10 Unfragmented Open Space,
11 5.3.3.6.2:
12 The Standard states, subdivision
13 and site designs shall support
14 preservation of natural vegetation in
15 large unbroken blocks that allow
16 contiguous open spaces that establish
17 when adjacent parcels are developed.
18 Subdivision and site designs
19 should also be configured in such a
20 way so as to prioritize the
21 preservation of native pine barrens
22 vegetation to the maximum extent
23 practicable.
24 There are two main areas of open
25 space provided in this project. One

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1
2 area is approximately 233 acres of
3 private open space in the Hills South
4 and Kracke. Roughly a hundred acres
5 of this area is in an unfragmented
6 pattern in the northerly section of
7 the Hills South.
8 The remaining area in the
9 private open space consists of buffers
10 and corridors of vegetation between
11 the developed uses.
12 203 acres of separate dedicated
13 open space will remain in this project
14 to the Hills North and Parlato. And
15 the question is to the Commission is,
16 does this project match the
17 unfragmented open space to conform to
18 the standard?
19 5.3.3.8.1, Clearing Envelopes:
20 This Guideline states that the
21 project should maximize the placement
22 of clearing envelopes in areas with
23 less than 10 percent grade.
24 There are 144 acres of clearing
25 on slopes less than 10 percent grade.

17

1

2 There is 17.31 acres of clearing on

3 slopes greater than 10 percent grade.

4 Does this project conform to

5 this guideline?

6 Guideline 5.3.3.8.4 Erosions and

7 Sediment Control Plan:

8 Erosions and Sediment Control

9 Plans are required where the project

10 impacts slopes great than 15 percent

11 grade. The project developed 6.23

12 acres on slopes greater than 15

13 percent grade.

14 The applicant must submit

15 Erosion and Sediment Control Plans

16 where the project impacts slopes

17 greater than 15 percent in accordance

18 with this Guideline.

19 The Town is currently reviewing

20 the Storm Water Pollution Prevention

21 Plan and that will potentially satisfy

22 the requirement to submit these

23 Erosion Control Plan, but we don't

24 have one yet.

25 The question is, does the

18

1

2 project conform to this Guideline?

3 5.3.3.8.5 Placement of Roadways:

4 Again, there are 144 acres of

5 development on slopes less than 10

6 percent grade. 17.30 acres of

7 development occurs on slopes greater

8 than 10 percent grade.

9 Does the project conform to this

10 Guideline?

11 5.3.3.11.1 -- the next four

12 Guidelines have to do with cultural

13 resources protection and

14 consideration.

15 The Guideline states development

16 proposal should account for protection

17 measures for established recreational

18 trails and trail corridors.

19 The project is adjacent to

20 public land with recreational trails

21 and trail corridors. The narrowest

22 natural buffer is 32 feet wide to that

23 adjacent open space.

24 Does the project conform?

25 5.3.3.11.2:

19

1

2 The Guideline states development

3 proposal should note established

4 recreational trails and trail

5 corridors that the development

6 proposal may be approved, disapproved

7 or altered if the local municipality

8 determines that the development

9 proposal in its current form may have

10 a significant negative impact on the

11 resources identified in this

12 Guideline.

13 The Town's Findings Statement

14 determined the project would not

15 significantly impact the cultural

16 resources identified in this

17 Guideline.

18 Does the project conform?

19 11.3 Protection of Scenic and

20 Recreational Resources:

21 This Guideline states protection

22 measures for scenic and recreational

23 resources should include retention of

24 visually shielding natural buffers and

25 the use of pines, therein keeping with

20

1

2 the community character.

3 The project will reduce the

4 existing natural visual buffers onsite

5 from the current condition. And it is

6 likely to be visible from adjacent

7 public land with the buffer at a

8 minimum of 32 feet.

9 Does the project conform?

10 The guideline 5.3.3.11.4

11 Roadside Design and Management:

12 Undisturbed portions of the

13 roadside should be maintained in the

14 manner that protects the scenic

15 features of these areas.

16 And the question is, does the

17 project conform?

18 The remaining questions that we

19 had in the Staff Report were again

20 clarified by the applicant in their

21 latest submission on the nitrogen and

22 recharge model input.

23 And they also confirmed that the

24 Timperman property 11 acres -- 12

25 acres was acquired by the applicant

1
 2 and they did clarify the development
 3 area that there is 171 acres
 4 approximately that will be cleared --
 5 meets the clearing limit standard in
 6 the plan. And there are other areas
 7 within and around that clearing that
 8 they have defined as a development
 9 area and there's no additional
 10 mitigation that has been identified
 11 other than the modifications that they
 12 have made to achieve conformance.

13 Again, the deadline is
 14 September 16th. The proposed written
 15 comment period to next Wednesday and
 16 the video -- some people have asked
 17 about the video being posted and
 18 obviously a transcript will be
 19 prepared. When it's received, it will
 20 be posted as well.

21 Does the Commission have any
 22 comments or questions?

23 CHAIRWOMAN GALLAGHER: We can go
 24 to hearing from the applicant and then
 25 open it up to comments and questions

1
 2 from the Commission members.

3 MR. VOORHIS: Sure. Wayne Bruyn
 4 is going to start. He's going to
 5 speak for a couple of minutes and I'll
 6 provide a more complete presentation.

7 Thank you. And good afternoon
 8 everyone.

9 MR. BRUYN: Good afternoon,
 10 Commission members.

11 For the record, my name is Wayne
 12 Bruyn, W-A-Y-N-E B-R-U-Y-N.

13 I am from the firm of O'Shea,
 14 Marcincuk and Bruyn. 250 North Sea
 15 Road, Southampton, New York.

16 I'm appearing today on behalf of
 17 DLV Quogue, LLC, in connection with
 18 the application entitled
 19 Lewis Road PRD.

20 First, I would like to thank the
 21 Commission for hosting the
 22 continuation of this public hearing
 23 via Zoom.

24 Everyone has been very patient
 25 and understanding as to the

1
 2 limitations COVID has placed on such
 3 hearings.

4 As the Commission is aware, the
 5 Lewis Road PRD application was
 6 formally submitted to the Commission
 7 on December 23rd, 2019. That
 8 submission followed extensive review
 9 under SEQRA, including the preparation
 10 of the Draft Environmental Impact
 11 Statement. The final Environmental
 12 Impact Statement and positive SEQRA
 13 Findings Statement by both the Town
 14 Board and the Town Planning Board.

15 The public hearing on this
 16 application was scheduled to commence
 17 on February 19th. It was adjourned on
 18 consent to allow written submissions
 19 by all parties, including a response
 20 by the applicant to comments raised at
 21 the hearing and to the Staff Report
 22 that was delivered on that date. Due
 23 to limitations imposed by COVID, the
 24 public hearing and the action deadline
 25 have been adjourned on consent until

1
 2 today.

3 Since that adjournment of the
 4 hearing in February, the applicant in
 5 consultation with the Town Environment
 6 Division and Commission staff studied
 7 and addressed the comments which
 8 resulted in a revision to the layout
 9 of the subdivision to provide greater
 10 conformance with the Compatible Growth
 11 Standards and Guidelines.

12 These revisions do not
 13 materially change the project and only
 14 further enhanced the mitigation in the
 15 Environmental Impact Statement -- the
 16 Environmental Impacts.

17 The revisions to the subdivision
 18 layout and the applicant's response to
 19 the comments were submitted in June
 20 and further response as to the
 21 questions and comments were submitted
 22 recently.

23 As noted, Chick Voorhis of
 24 Nelson, Pope and Voorhis, will present
 25 the revised layout and summarize the

1
2 applicant's response to comments and
3 the applicant's performance to the
4 Compatible Growth Standards and
5 Guidelines.

6 As a reminder, the Commission is
7 an involved agency under SEQRA, like
8 the Town Board and the Planning Board,
9 they must prepare a SEQRA Findings
10 Statement prior to taking action on
11 the application. The questions
12 previously raised concerning the
13 Commission's role in the SEQRA process
14 are addressed in the applicant's
15 written responses.

16 I would like to remind the
17 Commission that the Lewis Road PRD
18 Subdivision application is no longer a
19 Planned Development District or a PDD
20 application, where offsite public
21 benefits were allowed to be considered
22 by the Town Board. As you are aware,
23 the Town Board's chose not to exercise
24 the PDD option which would have
25 allowed the golf club to open its

1
2 membership to the general public. And
3 as a result, gave up the right to
4 exact commitment offsite public
5 benefits.

6 Nonetheless, as demonstrated in
7 the adopted SEQRA documents in the
8 applicant's submissions, the
9 Lewis Road PRD incorporates mitigation
10 measures that minimize potential
11 impacts to the environment to the
12 maximum extent practical and conforms
13 to the Compatible Growth Standards and
14 Guidelines.

15 I understand that the Commission
16 may have further questions, and we
17 have several members of our team
18 available to address them. We also
19 understand that all parties will be
20 afforded to provide further written
21 submissions.

22 Without further ado, I asked
23 Chick Voorhis now to address the
24 Commission and provide you with an
25 outline of the revisions.

1
2 Thank you.
3 MR. VOORHIS: Thank you, Wayne.
4 Good afternoon, everyone.
5 It's Chick Voorhis of Nelson,
6 Pope, Voorhis. Offices at 572 Walt
7 Whitman Road in Melville.

8 You all know me pretty well. I
9 am a certified planner and a certified
10 environmental professional with 42
11 years of experience.

12 I have been involved with this
13 particular site for about 15 years and
14 have processed many applications with
15 the Central Pine Barrens Commission,
16 including the DRS projects.

17 I did present the primary
18 application at the February 19th
19 hearing of the Pine Barrens
20 Commission.

21 Since that time, as Wayne
22 indicated, the project has only been
23 improved and only become more
24 consistent with the Comprehensive Land
25 Use Plan Guidelines and Standards.

1
2 You have received updated plans,
3 as Wayne indicated. All of these
4 plans were completed in coordination
5 with the Town of Southampton and
6 Environmental staff. And those
7 changes were described -- I'll just
8 say briefly -- that this included
9 shifting the residential units and
10 golf outside of steep sloped areas.
11 Located to the Suffolk County Water
12 Authority four acre dedication for
13 further well fields -- exactly where
14 the Water Authority asked it to be --
15 and they actually provided plans for
16 that.

17 The sewage treatment plant south
18 and downgrading it to the Spinney Road
19 well field and also having the farm
20 fields to the northwest upgrading it
21 to the sewage treatment plant.

22 We also consolidated development
23 to achieve unfragmented open space.
24 The changes were all environmentally
25 beneficial and were all consistent

1
 2 with the SEQRA review and findings
 3 adopted by the Town Planning Board
 4 when they approved the preliminary
 5 subdivision map.
 6 Beneficial changes that don't
 7 cause environmental impacts are
 8 encouraged through SEQRA. And as a
 9 result, this Commission's excellent
 10 position to adopt your own statement
 11 of findings in support of the
 12 application.
 13 I was very pleased when I saw
 14 the Staff Report that was prepared for
 15 this meeting. In my review of it, I
 16 believe that the report confirms that
 17 if the project is reviewed objectively
 18 and is based on facts, the record
 19 that's been presented conforms with
 20 the Standards and Guidelines and
 21 should be approved.
 22 The best way to demonstrate this
 23 is to review the Draft Staff Report,
 24 and specifically the sections dealing
 25 with the review of the Standards and

1
 2 Guidelines.
 3 As was indicated, I submitted a
 4 letter this morning that provides that
 5 very detailed analysis and it
 6 addresses all of the outstanding
 7 questions.
 8 Julie Hargrave identified the
 9 primary Standards and Guidelines for
 10 the Commission to focus on. And I'm
 11 really just going to go through those
 12 particular items because all of the
 13 Guidelines were found to either
 14 conform or to easily conform once
 15 certain approvals are obtained.
 16 Also, you have my full written
 17 statement that goes through all of the
 18 Standards and Guidelines.
 19 The first one had to do with the
 20 Sonir analysis and the
 21 nitrate/nitrogen goal and an
 22 explanation of one of the inputs.
 23 As Julie indicated, any -- first
 24 of all, it's accurate. Second, there
 25 is no effect on the inputs or outputs

1
 2 of the model.
 3 Basically, the Sonir model has
 4 the option to determine nitrogen load
 5 based on waste water flow and
 6 concentration to determine the load,
 7 or by population in number of units,
 8 depending on the type of project.
 9 Because the proposed project will
 10 process waste water through the STP,
 11 the appropriate input is based on
 12 waste water flow and concentration.
 13 That is exactly what was done. And
 14 that's why the population in number of
 15 units was correctly entered as zero.
 16 The second one that Julie
 17 mentioned was Guideline 5.3.3.5.2,
 18 having to do with natural recharge and
 19 drainage. Indicating that the
 20 Commission must determine if we
 21 conform. The Guideline indicates that
 22 minimum disturbance of native
 23 vegetation should be employed where
 24 practical -- or where practical in
 25 lieu of recharge basins or ponds that

1
 2 would require removal of significant
 3 native vegetation.
 4 Significant supporting
 5 information has been provided to
 6 demonstrate the project involves
 7 minimal disturbance of natural
 8 vegetation, and that it is not
 9 practical to provide storm water
 10 containment other than what is
 11 proposed.
 12 The project disburses storm
 13 water throughout the site in drainage
 14 reserve areas, and thus replicates
 15 natural conditions as much as we can
 16 in a development.
 17 No evidence of nonconformance is
 18 provided in the Draft Staff Report and
 19 the Commission may rely on our
 20 submission which finds that the
 21 project conforms.
 22 In terms of ponds, which 5.3,
 23 the Guideline indicates that ponds
 24 should only be created if they are to
 25 accommodate storm water runoff, not

1
2 solely for aesthetic purposes. That's
3 the exact language.

4 It is clear on drainage plans
5 that the ponds are not solely for
6 aesthetic purposes and are intended to
7 accommodate storm water runoff.

8 As a result, the project is
9 consistent. There is no other
10 conclusion that can be reached.

11 The next one that was identified
12 was unfragmented open space. That
13 Standard states that the project
14 should preserve natural vegetation in
15 large blocks or contiguous open space
16 with adjacent parcels and prioritize
17 native Pine Barrens preservation for
18 the maximum extent practical.

19 The applicant has taken
20 extraordinary measures to ensure that
21 the design conforms with this
22 Standard.

23 This includes the purchase of
24 the 120 acre Parlato property east of
25 the main development area, offering

1
2 that for dedication along with the 87
3 acres north of Sunrise Highway, as
4 well as the core preservation area
5 south of Sunrise Highway --
6 (inaudible)but we have extended our
7 development area such that 2500 feet
8 minimum exists in natural open space
9 between Sunrise Highway and the
10 development.

11 The Town of Southampton is
12 consistent in this design to ensure
13 that the property preserves open space
14 in large unbroken blocks that offer
15 offsite space to ensure conformance
16 with this Standard.

17 As noted in the Draft Staff
18 Report, the project has 436.52 acres
19 of naturally vegetated open space.

20 The record provides extensive
21 documentation to provide consistency
22 with the Standard, and no contrary
23 information is provided in the Draft
24 Staff Report.

25 As a result, no conclusion can

1
2 (inaudible)that the project conforms
3 with this standard.

4 Clearing envelopes were
5 identified -- that is 8.1. This
6 Guideline states that the project
7 should maximize placement of clearing
8 envelopes in areas with less than 10
9 percent slope. This application
10 record literally moves that the design
11 achieves this Guideline.

12 The Draft Staff Report confirms
13 this with a statement on page nine,
14 which indicates:

15 Therefore, as a percentage of
16 the overall development area, the
17 applicant has maximized the placement
18 of the clearing on slopes less than 10
19 percent grade in conformance with this
20 Guideline.

21 That's directly from the Staff
22 Report.

23 As a result, you have a basis on
24 consistency with the Standard.

25 The next one is Erosion and

1
2 Sediment Control. The comment in the
3 Staff Report is that the project does
4 not conform to the Guideline because
5 of an Erosion and Sediment Control
6 Plan has not be submitted to the
7 Commission.

8 That's not what the Guideline
9 says. The Guideline reads:

10 Erosion and Sediment Control
11 Plan should be required in areas of
12 15 percent slopes or greater.

13 The guideline does not indicate
14 when this should occur. It is that
15 (inaudible) that requires and reviews
16 erosion control. And has in fact
17 required this to the Commission, three
18 of the subdivision approval which
19 states that project will conform with
20 (inaudible) or general permit
21 requirements and the Erosion and
22 Sediment Control Plan as well as a
23 SWPPP consistent with the Town's
24 requirements.

25 As a result, the project will

1
 2 clearly comply with this Guideline.
 3 Placement of roads. Guideline
 4 8.5, states that roads and driveways
 5 should be designed to minimize
 6 traversing of slopes 10 percent or
 7 greater to minimize cut and fills.
 8 Objective review of the plan can
 9 only lead to the conclusion that the
 10 project has been designed in
 11 conformance with this Guideline. The
 12 project plan clearly demonstrates that
 13 almost none of the roads or driveways
 14 will be in areas of 10 percent slopes
 15 given the relocation of the
 16 developments south of the steeper
 17 slope areas. Therefore, you have a
 18 sound basis to determine conformance.
 19 Cultural resources is 11.1.
 20 This Guideline refers to established
 21 recreational and educational trails
 22 and trail corridor.
 23 The Draft Staff Report makes
 24 note of existing hiking trails on the
 25 public land to the east. The context

1
 2 of the Town land should be understood.
 3 Based on review of historical
 4 aerial photographs, found that the
 5 area to the east identified as a town
 6 dumpsite was a leaf and debris
 7 clearing dumping area. This public
 8 area was active anywhere from before
 9 1962 to after 1984. The dump was
 10 accessed through Serenity Place which
 11 is an existing tap road that runs
 12 through the Louis Lewis Road property.
 13 Serenity Place has remained an active
 14 access for dirt bikes and ATVs until
 15 just a few months ago. I walked the
 16 site two days ago, and you would be
 17 amazed at the restoration effort that
 18 was successful now that the some of
 19 the illegal and unauthorized
 20 trespassing has stopped.
 21 What the applicant has done is
 22 basically fenced areas and placed
 23 natural (inaudible) along access roads
 24 that were previously used to access
 25 Lewis Road and the site to the east of

1
 2 the Lewis Road PRD, which is this town
 3 dumpsite. It has been able to regrow,
 4 but has been impacted by this access.
 5 Now, this Town land has the
 6 potential for future trail
 7 connections, but realistically the
 8 land is not easily accessed and does
 9 not appear to be used for hiking.
 10 With the understanding of the
 11 historic context of the dumpsite and
 12 recent impacts of the unauthorized
 13 use, this land cannot be considered an
 14 established recreational or
 15 educational trail, which is what the
 16 Standard says.
 17 As demonstrated in the EIS
 18 record and other submissions to the
 19 Commission, the development area of
 20 Lewis Road are set back from roads in
 21 public places and are not visually
 22 significant.
 23 We did note that in the Staff
 24 Report, the applicant does commit to
 25 staking of clearing and grading

1
 2 limits. Therefore, the project
 3 clearly complies.
 4 The 11.2, Cultural Resources:
 5 That indicates that there are no
 6 active recreational sites, historic
 7 sites or archeological sites on or
 8 near the project. And further finds
 9 that the project conforms with the
 10 Guideline in bullets one and two on
 11 page 13 of the Draft Staff Report.
 12 But what three indicates,
 13 Sunrise Highway is the only culturally
 14 significant road and there is no
 15 disturbance on the site within 2500
 16 feet of Sunrise Highway as per the
 17 prior plan, which I'll back up.
 18 So what that means is, does that
 19 project one, impact community
 20 character or visual character of
 21 East Quogue. As a result, the Staff
 22 Report itself provides information
 23 needed to determine consistency with
 24 this Guideline.
 25 11.3 is Protection of scenic and

1
 2 recreational resources. This
 3 Guideline also relates to 11.1, that
 4 was discussed before related to the
 5 Town dumpsite to the east. A walk on
 6 the Town property finds that a dirt
 7 bike trail remains on this land east
 8 of Lewis Road PRD. However, there is
 9 vegetated growth between the trail and
 10 the property line.

11 As I said, I walked this
 12 alignment on Monday. In addition --
 13 along the length of the trail -- you
 14 can see in the woods there was a three
 15 to four foot high berm and vegetation
 16 cover, including pitch pine, bayberry
 17 and oak species.

18 The proposed project plans
 19 provides additional buffers of 32 to
 20 197 feet, which is more than
 21 sufficient to provide visual screening
 22 between the PRD and the Town land.

23 Since the prior planning was
 24 presented in February, the separation
 25 between the Town property has

1
 2 increased as demonstrated by the
 3 overlay we provided to the Commission.

4 The last one is 11.4, Roadside
 5 Design and Management:

6 This Guideline refers to
 7 undisturbed parts of the roadside to
 8 protect scenic features.

9 The Staff Report indicates that
 10 the project may be visible from
 11 Lewis Road. However, Lewis Road is
 12 not an undisturbed roadside, which is
 13 specific language of the Guideline.
 14 The only undisturbed roadside is
 15 Sunrise Highway, and there is no
 16 disturbance within 2500 feet of that
 17 road. The Draft Staff Report does
 18 indicate that the applicant analyzed
 19 this Guideline and concluded that the
 20 project is within the character of the
 21 area even if it is visible as a result
 22 of this. The Commission clearly has
 23 sufficient information to determine
 24 that the project is consistent.

25 I have several closing bullets,

1
 2 very brief. I'm not going to go
 3 through the 13 items at the end of the
 4 Staff Report. I believe Julie covered
 5 those sufficiently and we have
 6 answered all of those questions.

7 In summary, the project will
 8 benefit the Pine Barrens through
 9 permanent preservation of 72 percent
 10 of the site and natural and the
 11 majority of the site is in large
 12 unbroken blocks of contiguous open
 13 space as required. As demonstrated
 14 through detailed review, the project
 15 will result in a net-negative nitrogen
 16 load and will benefit Shinnecock Bay.

17 The project represents
 18 significant and economic benefit to
 19 the Town of Southampton, Brookhaven,
 20 Riverhead as demonstrated in that
 21 record. And the tax revenue and jobs
 22 and beneficial ripple effect on the
 23 economy has all been quantified and is
 24 substantial.

25 Discovery Land is a great

1
 2 steward of the environment. They are
 3 already restoring the trails, the
 4 baron areas, the unauthorized access
 5 that has damaged the Town property to
 6 the east. They will continue to
 7 support environmental restoration and
 8 provide community for the Town of
 9 Southampton, as they have been shown
 10 to do already.

11 With your respective Article 57
 12 and the Comprehensive Land Use Plan of
 13 what they stand for, you should vote
 14 for this. If you believe that the
 15 project is in conformance with the
 16 Standards and Guidelines based on the
 17 Staff Report and our information, you
 18 should vote for this plan.

19 If you review the Staff Report
 20 and agree with the Findings thus
 21 eventually concluding conformance.

22 An informed decision is based on
 23 the record and an objective review of
 24 the facts. If you believe in these
 25 principles, vote for the plan.

1
2 Most importantly, we have
3 demonstrated that the proposed project
4 conforms to the Standards and
5 Guidelines of the Pine Barrens
6 planning.

7 As a result, the plan should be
8 approved.

9 Thank you for the opportunity to
10 provide these remarks, and I
11 appreciate your attention this
12 afternoon.

13 CHAIRWOMAN GALLAGHER: Thank
14 you, Chick.

15 At this time, I would like to
16 ask that if any of the Commission
17 members who have questions or comments
18 have an opportunity to speak, and
19 there are other members of the
20 Discovery Land team available to
21 answer questions.

22 So, Jay, as the project is in
23 your town, did you want to say
24 anything or have any questions or
25 comments for us?

1
2 MR. SCHNEIDERMAN: I'm pretty
3 familiar with this project, having
4 reviewed it quite a bit. I don't
5 think I have any questions at this
6 point. I think that any questions I
7 had were addressed so far.

8 I want to look carefully at the
9 Staff Report. In terms of the
10 nitrogen calculations, maybe a little
11 clarification there.

12 On the model that you referred
13 to -- so one aspect of the model had
14 to do with conventional sanitary
15 systems versus sewage treatment; is
16 that correct? So you used the model
17 that facts that sewage treatment.

18 MR. VOORHIS: Yes. That's
19 correct, Jay. Without getting to
20 technical, nitrogen load can be
21 determined by 10 pounds per person,
22 per day, which is mostly for
23 residential subdivision type projects;
24 or it can be determined by the waste
25 water flow times the concentration.

1
2 It also gives load. The objective is
3 to get pounds of nitrogen annually
4 because this waste water treated,
5 effluent, we used waste water flow
6 times the concentration to determine
7 the load. It's a very similar method,
8 but it's different between waste water
9 treated projects and projects that are
10 just based on density as a residential
11 development.

12 (WHEREUPON, there was inaudible,
13 indecipherable cross-talk among the
14 parties present.)

15 MR. DALE: Sorry to interrupt,
16 Jay.

17 I believe you may have misspoke,
18 when you said 10 pounds per day, I
19 think you meant 10 pounds per year.

20 MR. VOORHIS: Ten pounds per
21 person, per year.

22 Thank you, Dorian. If that
23 slipped out --

24 (WHEREUPON, there was inaudible,
25 indecipherable cross-talk among the

1
2 parties present.)

3 MR. SCHNEIDERMAN: Thank you for
4 that clarification.

5 So did the staff have any
6 questions about the assumptions you
7 made in your model because you had
8 calculated a lower flow -- a lower
9 nitrogen input total than they had; is
10 that correct?

11 MR. VOORHIS: Not to my
12 knowledge. I don't believe the
13 Pine Barrens staff had done their own
14 independent calculation. I can tell
15 you that the methods that were used
16 were the same as when we had the Town
17 Board review the PDD. And that was
18 checked extensively by
19 Dr. Marvin Covick(phonetic)as well as
20 the staff and other consultants from
21 the Town. It was further reviewed and
22 validated by the Planning Board. And
23 all we have done, is used that same
24 model to update it based on the
25 revisions to the plan. So it has been

1
 2 consistent throughout and has been
 3 validated.
 4 MR. SCHNEIDERMAN: So your
 5 numbers are significantly below the
 6 number in the required -- the
 7 requirement in the Standard?
 8 MR. VOORHIS: Yes, it's
 9 substantially less. It's actually in
 10 the range of .24 milligrams per liter
 11 when the Standard -- or the Guideline
 12 in this case -- is 2.5 milligrams per
 13 liter. I will point out, that it only
 14 pertains to projects in proximity to
 15 ponds and wetland, which is not the
 16 case. All of that is on our
 17 documentation and on all of the model
 18 assumptions. Inputs and outputs are
 19 also in the documentation that we
 20 presented to the Commission.
 21 MR. SCHNEIDERMAN: So, Chick,
 22 was the only -- the Staff Report was
 23 the only place that the question
 24 whether the Standards were met that
 25 pertained to the erosion control or

1
 2 the sediment control on the project
 3 which you say will be later addressed;
 4 is correct? Everywhere else, the
 5 Standards were met?
 6 MR. VOORHIS: The ones that
 7 Julie identified that I addressed in
 8 more detail are all ones that the
 9 staff said the Commission would need
 10 to determine if it is in conformance.
 11 Staff really has information that is
 12 useful. There were no contrary views
 13 or opinions to what we submitted. And
 14 my testimony today, as well as the
 15 document that we submitted this
 16 morning, goes through and clarifies
 17 each of those items that were
 18 identified for the Commission to
 19 determine conformance. So it's not
 20 just that one or two with sediment and
 21 erosion control, I believe my response
 22 is 14 pages. It's not overly
 23 burdensome to read. And it does
 24 provide all of the backgrounds and
 25 factors and facts to support

1
 2 concluding that we are consistent.
 3 MR. SCHNEIDERMAN: Thank you,
 4 Chick.
 5 CHAIRWOMAN GALLAGHER: I think
 6 Julie wanted to clarify your earlier
 7 question about staff. Did staff have
 8 a difference of opinion about the
 9 model --
 10 MR. SCHNEIDERMAN: (Interjecting)
 11 I think I misspoke meaning the
 12 Standard -- go ahead Julie.
 13 MS. HARGRAVE: I just wanted to
 14 clarify that we were reviewing and
 15 comparing this project, which has a
 16 sewage treatment plant, in comparison
 17 to another project that the same
 18 applicant, Mr. Voorhis was a
 19 consultant on another project with a
 20 sewage treatment plant, and that is
 21 where we saw some discrepancies or a
 22 different input in the model. But
 23 obviously, Mr. Voorhis has explained
 24 the differences, but they were two
 25 projects with sewage treatment plants

1
 2 -- actually there were three, I think.
 3 That's why it came up. We weren't
 4 comparing apples to oranges where
 5 there were septic -- onsite septic and
 6 sewage treatment. It was sewage
 7 treatment -- sewage treatment and the
 8 inputs were different. But the
 9 different projects in every project
 10 has it's own --
 11 MR. SCHNEIDERMAN: (Interjecting)
 12 is staff disputing the number or the
 13 determination that the applicant made
 14 regarding the nitrogen loading at this
 15 site?
 16 MS. HARGRAVE: No. We had
 17 questions on the inputs because as the
 18 applicant has supplied directions
 19 about the model and they clearly
 20 explained that when you change an
 21 input it can affect the results, and
 22 that's where our question came from.
 23 That the inputs were very different
 24 than the other projects. But this is
 25 a different type of project than the

1
 2 project we had compared it to.
 3 So we wanted clarification on
 4 the different inputs and how -- if
 5 they affected the results, and they
 6 explained that it does not and that's
 7 been accommodated in other parts of
 8 the model.

9 MR. SCHNEIDERMAN: So your
 10 satisfied with that explanation?

11 (WHEREUPON, there was inaudible,
 12 indecipherable cross-talk among the
 13 parties present.)

14 MR. VOORHIS: Just quickly add
 15 that the evolutionary -- and since
 16 some of the those projects that Julie
 17 referred to were reviewed by the
 18 Commission, the Long Island Action
 19 Nitrogen Plan has come out.
 20 Significant information is provided
 21 through the Town and their experts and
 22 consultants. And so the model is not
 23 completely static. It is updated to
 24 account for new information and there
 25 were a number of areas regarding the

1
 2 atmospheric deposition, pet waste that
 3 were updated through the (inaudible)
 4 the assumptions the model is fully up
 5 to date with that and was validated by
 6 numerous consultants by this process.

7 MR. DALE: Chick, just a couple
 8 of points of clarification. I noted
 9 that Sonir is a modeling that you --
 10 that's proprietary to your outfit, you
 11 devised it. And I wasn't able to
 12 discern in my asking about what
 13 modeling might be comparable to that
 14 is an accepted standard elsewhere.
 15 Perhaps you can share that.

16 But also -- just to go a little
 17 bit into the weeds -- I know you loath
 18 to do that because it gets over
 19 complicated.

20 I was just curious as to the
 21 given the occupancy of the respective
 22 units being limited to half a year,
 23 and typically expecting only a quarter
 24 of the year for those occupants to be
 25 actually residing there. Does that in

1
 2 turn mean that when you put
 3 assumptions in, you were not dealing
 4 with 10 pounds per year, per person,
 5 but either two and a half pounds per
 6 person or five and half pounds per
 7 person? So you can take it from
 8 there.

9 MR. VOORHIS: Sure. Thank you,
 10 Dorian.

11 First of all, the Sonir model is
 12 very similar to any mass done model.
 13 It is comparable to the
 14 Burbs(phonetic) model. I devised the
 15 projects specifically like this
 16 because Burbs(phonetic) is very
 17 difficult to customize for different
 18 application rates of fertilizer on
 19 golf courses and can double all of the
 20 various nitrogen inputs. But it is
 21 essentially similar to those types of
 22 analyses. It is consistent with the
 23 type of modeling the Pine Barrens
 24 Commission has looked for in the past
 25 and is dually indicated that similar

1
 2 modeling was used for other projects.

3 With respect to the seasonal
 4 occupancy, we didn't adjust the waste
 5 water flow based on seasonal
 6 occupancy. We have demographic
 7 studies in the DIS record that
 8 demonstrate that these particular
 9 recreational resort communities are
 10 not occupied year round. We have
 11 offered covenants and restrictions to
 12 the Town; no residents can reside
 13 onsite with children in the school
 14 district. These are a number of the
 15 things that were important and allowed
 16 us to conform with the East Quogue
 17 Land Use Plan and GEIS and why
 18 Discovery Land Company looked at this
 19 property and looked at these
 20 perimeters that were outlined in the
 21 Town study.

22 So the project comes with those
 23 benefits; not heavy utilization,
 24 seasonal occupancy. Discovery Land
 25 has a membership model where

1
2 individuals own multiple properties,
3 and they don't have any purpose or
4 need to be there on an extended basis.
5 It is part of their business model.

6 That is all explained in the
7 documentation that we provided and
8 those appropriated adjustments are in
9 there.

10 MR. ROMAINE: I want to make a
11 comment on that.

12 MR. DALE: Wait one second, Ed.
13 Chick, would the average
14 occupant be -- in estimating the
15 modeling -- would be a two and a half
16 pounds, five pounds or four pounds;
17 what is it?

18 MR. VOORHIS: It was based on a
19 percentage of the occupancy in terms
20 of the number of days per year over
21 365 days.

22 I can get you the exact -- it
23 will take me a second, but I can get
24 you the exact breakdown of that.

25 MR. DALE: Okay. I can wait.

1
2 And have Ed ask his question. Go
3 ahead Ed.

4 MR. ROMAINE: Not to be
5 argumentative, but just to make a
6 point. I'll leave it at that.

7 I understand that the model is
8 based on not full-time occupancy but
9 part-time occupancy? I'm sure we all
10 read the Newsday article. In 2017 and
11 2018 to 2019, in March of that year,
12 on average, 50 people moved from
13 New York City to Long Island. In
14 2020, in March of that year, 25,000
15 moved. And I know that Jay knows
16 this, what that has done to population
17 estimates. Particularly in
18 Southampton and East Hampton in terms
19 of people living -- not seasonally --
20 but full-time. And I'll just make
21 that comment because I think COVID has
22 some impact on whatever model people
23 design.

24 I'll just leave it at that.

25 Thank you.

1
2 MS. HARGRAVE: Chick, did you
3 find the numbers that you were looking
4 for?

5 MR. VOORHIS: I am just about
6 there.

7 CHAIRMAN GALLAGHER: Is there
8 any other members of the Commission
9 that want to comment at this time?

10 I just note that we do have 82
11 attendees, so obviously I want to let
12 the Commission members make their
13 comments and ask questions, but I
14 would also like to allow for plenty of
15 time for the public to make their
16 comments, since this is their last
17 opportunity to speak publically on
18 this matter.

19 MR. DALE: Thank you very much,
20 Carrie.

21 The final observation, you
22 received it offline. I'll check and
23 that has to do with our concern about
24 the proximity of the workforce housing
25 with the SEP. I just want to go on

1
2 record about that concern about staff
3 point from the County.

4 MR. VOORHIS: I can just make a
5 brief remark that we will be happy to
6 work with the Town during site plan
7 review to make sure the aesthetics and
8 the location is as beneficial as
9 possible. I did take a measurement,
10 and the workforce housing area is 450
11 feet north of the building of the
12 sewage treatment plant. As you know,
13 the setback to have all structures is
14 200 feet, but we are more than twice
15 the setback for habitable structures
16 to the sewage treatment plant.

17 We think there can be some
18 aesthetic improvements in terms of
19 landscaping, but the separation is
20 more than adequate and we believe that
21 the workforce housing is consistent
22 with what the Town is requested in
23 terms of what the type of housing and
24 where it's located generally.

25 But we would be happy to go

1
2 through that in more detail during the
3 site plan.

4 MR. DALE: I think, frankly, I
5 know the site plan things always look
6 closer and obviously the footage
7 siting seems to be more than adequate,
8 but there is, I think, the perception
9 from certainly an environmental
10 justice standpoint of how historically
11 middle and lower-middle and lower
12 income housing has been put into
13 proximity to sewage treatment plants
14 and power plants and so forth. So I
15 think that's part of the equation that
16 you probably have to factor in.

17 CHAIRWOMAN GALLAGHER: Any other
18 Commission members at this time who
19 would like to speak? If not, I'm
20 going to move us along to the public
21 comments.

22 MS. AGUIAR: Yvette Aguiar of
23 Riverhead.

24 Quick question. Who is the lead
25 agency in this project? I know at one

1
2 time I had read some documentation
3 that the Southampton Planning Board is
4 the lead agency. Does that still
5 hold?

6 MR. VOORHIS: That could be an
7 answer -- if you like Mr. Bruyn to
8 comment on that on behalf of the
9 applicant or if counsel to the
10 Commission -- whatever you prefer.

11 MS. AGUIAR: I think the counsel
12 would be more direct.

13 MR. BRUYN: So as the Commission
14 is aware, the Town Board coordinated
15 its review and the Commission allowed
16 the Town Board -- the Town of
17 Southampton be lead agency. And the
18 lead agency is responsible for the
19 preparation of the Environmental
20 Impact Statement, in which case it
21 occurred.

22 One of the elements of this
23 project has always been a subdivision.
24 The Town Board had no jurisdiction
25 over the subdivision. All they had

1
2 was jurisdiction over Plan Development
3 District, which was with respect to
4 golf club having a membership open to
5 the public versus the membership being
6 only available as an accessory to the
7 subdivision owners.

8 That being said, the lead agency
9 prepared an Environmental Impact
10 Statement and all other agencies are
11 involved agencies that must utilize
12 that final Environmental Impact
13 Statement as the basis of its
14 environmental review of the project.
15 Subsequent to the Town Board's action,
16 the Planning Board review recognized
17 that they were an involved agency.
18 They asked for information to address
19 the issue. They also determined that
20 no supplemental EIS was needed on part
21 of their review. And thus adopted a
22 Findings Statement.

23 Similarly here, this Commission
24 also has to review the Environmental
25 Impact Statement and all the

1
2 supplementary documents submitted
3 therewith and the application and
4 determine -- adopt its own Findings
5 Statement.

6 So the technical Town Board is
7 still the lead agency. They still
8 have jurisdiction over certain
9 matters. They don't have jurisdiction
10 over the PDD any further. There are
11 elements of the project that require
12 Town Board's acceptance such as
13 typical dedications of deeds,
14 easements and other improvements,
15 monitoring programs and the like.

16 So the Town Board is pretty much
17 still an active agency in this and
18 they remain the lead agency. So that
19 is all addressed in writing in the
20 response that the Commission was
21 provided in June.

22 MS. AGUIAR: I'm looking at a
23 document here dated
24 January 15th, 2020, and it's from the
25 Central Pine Barrens and it's

1
2 addressed to all the committee
3 members.
4 And it says here that the
5 Southampton Planning Board is the lead
6 agency.
7 MR. BRUYN: I can't speak for
8 the Staff Report. It's obviously not
9 accurate and I think that's been
10 changed since that time.
11 MS. AGUIAR: Okay.
12 MR. ROMAINE: Can I ask question
13 about that?
14 I'm a little rusty on SEQRA. I
15 understand you usually have a lead
16 agency. I don't believe the Town
17 Board could serve as a lead agent
18 since in the end they rejected the
19 zoning that was within their purview
20 for when this was originally
21 presented. I think that right now we
22 are lacking a lead agent -- an
23 official lead agent on the law of the
24 SEQRA that would serve as the lead
25 agency for this. They may have been

1
2 an involved agency, but they are
3 certainly not a lead agency.
4 And the question was, who was
5 the lead agency on this project? That
6 is the question.
7 MR. BRUYN: With all due
8 respect, Mr. Romaine, I would suggest
9 you look at our response that was
10 submitted in June. And the legal
11 status of that once SEQRA requires
12 that there only be one lead agency, so
13 that each agency is involved in trying
14 to make out their own determinations
15 as to whether an Environmental Impact
16 Statement is required.
17 Just because one agency takes
18 the action that they are required to
19 take does not eliminate the fact that
20 they were the lead agency.
21 MR. ROMAINE: So the lead agency
22 is the Town Board?
23 MR. BRUYN: The Town Board
24 remains the lead agency and all other
25 agencies are involved agencies.

1
2 MR. ROMAINE: Thank you.
3 MR. VOORHIS: Carrie, I do have
4 the answer to that one question that I
5 can wrap up quickly, if you would like
6 me to speak to that.
7 CHAIRWOMAN GALLAGHER: Sure.
8 MR. VOORHIS: So the question
9 was asked about the occupancy and how
10 that was determined in the sonir
11 model.
12 It was based on 60 days per year
13 of occupancy, and a ratio of that over
14 365 days. I did update the model as
15 though the project was occupied 365
16 days a year. That will not happen.
17 But I certainly want to fully
18 address Mr. Romaine's comment. If
19 that were the case, if that were to be
20 occupied full-time -- 365 days a year
21 -- a concentration of nitrogen and
22 recharge would be 0.48 milligrams per
23 liter.
24 Again, substantially less than
25 2.5 and we are not in proximity to

1
2 surface waters or wetland.
3 I just want to briefly explain
4 that that is very logical that we are
5 only at a density of one unit per five
6 acres and we have sewage treatment.
7 So there is complete consistency with
8 studies going back as far as
9 (inaudible) with the Pine Barrens of
10 Southampton report. It is a
11 (inaudible) project with very low
12 nitrogen and that has been
13 demonstrated extensively.
14 I would be happy to submit that
15 supplemental analysis showing full
16 occupancy that will never happen --
17 for the record -- within five days of
18 today hearing.
19 CHAIRWOMAN GALLAGHER: I would
20 appreciate that, Chick, that we have
21 that as part of the full written
22 record as well as your verbal comments
23 here today.
24 MR. VOORHIS: Certainly.
25 CHAIRWOMAN GALLAGHER: Okay.

1
2 Commission members, any last
3 questions, comments, thoughts before I
4 move into the public comment portion
5 of the public hearing?

6 All right. Hearing none, we
7 will move onto the live public
8 comments section.

9 At this time, we will review
10 public verbal comments. If you
11 submitted a request to speak, we have
12 done our best to put everyone in order
13 in which their request was received.
14 Once your microphone has been unmuted
15 and your video enabled, you will be
16 invited to provide comments to five
17 minutes. I know John earlier said
18 three, but given that this is the
19 public's last chance to provide verbal
20 input, I wanted to give everyone the
21 chance for five minutes. You do not
22 need to take the entire five minutes,
23 but certainly if you need to, you have
24 that opportunity as previously
25 mentioned. When you introduce

1
2 yourself, please make sure that you
3 clearly state your first name, your
4 last name, spell your last name for
5 the stenographer. And if appropriate,
6 provide your affiliation. And I did
7 just want to mention that we are
8 joined by two of our State Assemblyman
9 today. Assemblyman Fred Thiele whose
10 project is proposed as well
11 Assemblyman Steven Englebright who is
12 the chair of the Environmental
13 Assembly Committee.

14 So I did want to give them the
15 opportunity to speak first before we
16 jump to the rest of the public
17 speakers.

18 Fred jumped off? Oh, I guess
19 Fred couldn't stay.

20 All right. So Steve --
21 Assemblyman Englebright, would you
22 like to speak now?

23 ASSEMBLYMAN ENGLEBRIGHT: Can
24 you hear me?

25 CHAIRWOMAN GALLAGHER: Yes.

1
2 We no longer can see you.

3 ASSEMBLYMAN ENGLEBRIGHT: Count
4 that as an advantage.

5 CHAIRWOMAN GALLAGHER: Now we
6 can see you.

7 ASSEMBLYMAN ENGLEBRIGHT: Good
8 afternoon distinguished members of the
9 Pine Barrens Commission and other
10 distinguished participants.

11 My name is Steven Englebright
12 and I live in Setauket in Brookhaven
13 Town, which is part of Long Island,
14 where I have the privilege of
15 representing the people of the Fourth
16 Assembly District.

17 I am an original cosponsor of
18 the Pine Barrens Protection Act and I
19 am currently -- as you pointed out --
20 Chair of the Environmental
21 Conservation Committee of the New York
22 State Assembly.

23 I will try to not be overly
24 repetitive. This is the, I believe,
25 the fourth time that I communicated to

1
2 you regarding this project. And I
3 don't think it's necessary to review
4 all of my previous objections, but I
5 do object to this project on several
6 levels.

7 I would like today to speak
8 primarily to some of the
9 considerations regarding the land use
10 issues relating to ecology. I have
11 some thoughts in that regard.

12 Specifically, the Land Use Plan
13 both the previous and current revised
14 master plan is in considerable
15 variance with the expectations of the
16 Pine Barrens Protection Act of
17 New York State.

18 Specifically, the Pine Barrens
19 Protection Act requires protection for
20 all of the characteristics of the
21 Pine Barrens that define this as a
22 unique and special area that was
23 worthy of the specific action of the
24 legislature to protect it and to
25 identify it as being very special.

1
2 That character includes water,
3 air, land and, yes, ecology. The
4 absence of meaningful clustering in
5 this proposed plan is really a big
6 problem. In deed, what we have --
7 because of the golf course -- is a
8 rather extravagant fragmentation of
9 this large ownership in the
10 Pine Barrens, and the fragmentation
11 effect of spreading out the housing,
12 almost indifference to the presence of
13 the golf course, so that you have as
14 many units of housing near different
15 fairways as possible.

16 It becomes the tail that wags
17 the dog. The golf course becomes a
18 primary controller of the land use
19 that we see in the proposal.

20 I should point out, that golf
21 courses are very problematic in terms
22 of water chemistry and the
23 predictability of how chemicals are
24 used. It's very difficult to monitor,
25 very difficult to regulate the

1
2 application of chemicals to an 18 hole
3 golf course.

4 And so I would just indicate
5 that the very presence of a golf
6 course in the Pine Barrens is at
7 variance to the recommendations of
8 hydrogeological zone 3 and the 1978
9 plan from the original Planning Board.
10 And I just would point out again that
11 we have not approved since we past the
12 Pine Barrens Preservation Act any golf
13 courses in the core area or even areas
14 such as this one, which straddles the
15 core area.

16 So I am very concerned that the
17 fragmentation brought by the golf
18 course creates a basic unclustered
19 pattern, direct habitat destruction
20 and the loss of species carrying
21 capacity due to the creation of an
22 island effect from fragmenting the
23 forest into islands of trees and
24 islands of natural areas separated by
25 development, is very problematic.

1
2 Instead of contiguous and
3 connected open space, what we would
4 have instead is habitat fragmentation
5 and the result of the loss of species.
6 This is predicted by the Robert
7 McArthur and Edward O. Wilson model of
8 biodiversity, which is also sometimes
9 referred to as the McArthur/Wilson
10 principle of island biogeography
11 equilibrium.

12 This model, which is
13 demonstrated both in marine as well as
14 in terrestrial ecosystems situations
15 basically concludes that the number of
16 species that an island is able to
17 carry is based upon the size of the
18 island.

19 So by fragmenting this presently
20 pristine or largely vegetated -- not
21 entirely -- but largely vegetated area
22 into permanent separations of islands
23 of native vegetation, we will lose
24 species. And that is a variance and
25 in contradiction with the requirements

1
2 of the Pine Barrens Preservation Act
3 which requires that we try to preserve
4 the character, including the
5 ecological character of the
6 Pine Barrens.

7 So the nine clustered design of
8 the proposal that is before you will
9 predictably create local extinctions
10 of native species because the
11 fragmentation will create ecologic
12 disequilibrium that is avoidable as
13 your staff analysis points out. There
14 are other alternatives for the design
15 of this proposed development.

16 We should be trying to avoid and
17 minimize that kind of disequilibrium.
18 Specifically, the 18 hole golf course
19 which sprawls the development and
20 spreads out to proposed housing.

21 Because the Pine Barrens
22 Preservation Act intends to preserve
23 the natural ecology of the
24 Pine Barrens and because the proposal
25 is so poorly responsive to this

1
2 legislative imparity, I believe that
3 it should be rejected even only on
4 this point alone.

5 There are many other
6 shortcomings that are pointed out in
7 the analysis done by the staff of the
8 Commission. I think those are also
9 good points, but this is a nontrivial
10 matter. So I just want to point out
11 that the sprawling nonclustering is
12 problematic from another perspective
13 that also has a bearing on ecology.

14 And I am talking about fire
15 management. This is a fire climax
16 ecosystem. Meaning that the species
17 composition requires fire. Now I say
18 this at the time we have witnessed a
19 similar forest in California that is a
20 fire climax ecosystem, that
21 catastrophic fires that have resulted
22 from mismanagement of the fire climax
23 context. They have built in a
24 sprawling kind of way in those
25 forests. The result, the loss of

1
2 lives and the loss of property. It's
3 going on in today's news. Just tune
4 it in. It's in today's news as well,
5 that California is on fire. In its
6 fire climax forests.

7 So what we are looking at here?
8 A sprawl that is something that could
9 be avoided with the clustering. That
10 would reduce the likelihood of human
11 loss of life and property. And it
12 would also protect your first
13 responders in the community that would
14 have to respond to the inevitable
15 fires. That will happen here.

16 And I would point out that one
17 of the things that really caused me to
18 scratch my head as I read through this
19 again, was the proposed and placement
20 of a 1,000 gallon diesel storage tank
21 and a 500 gallon gasoline storage
22 tank. What a great idea. I say that
23 not meaning those words. Why should
24 we have storage of fuel in a fire
25 climax ecosystem setting that is

1
2 supposed to be residential? That is a
3 formula for severe catastrophic
4 results.

5 So putting these thoughts
6 together with those that I previously
7 submitted we my colleague Fred Theile,
8 I would ask that you return this
9 proposal to the developer and ask that
10 they do a couple of things.

11 Number one: Remove the golf
12 course.

13 Number two: Cluster.

14 And number three: Remove fire
15 prone fuel from being part of their
16 plan.

17 And I urge you to reject the
18 plan before you. It is ill conceived.
19 It is in variance and the requirements
20 and the expectations of the state law
21 that we passed now many years ago.

22 And I hope that the Commission
23 stays consistent with the precedence
24 that have been set in its earlier,
25 very thoughtful determinations and

1
2 protection of this important region of
3 New York.

4 Thank you for your consideration
5 at this time.

6 CHAIRWOMAN GALLAGHER: Thank
7 you, Assemblyman Englebright for your
8 thoughts.

9 Obviously, if you -- there will
10 be -- we will remind folks again --
11 five days of written comments will be
12 accepted, so if anyone needs to submit
13 additional written comments to part of
14 the record, you will have time to do
15 so.

16 Next up is Mitchell Pally. Who
17 will be followed by Dr. Chris Gobbler.

18 Do we have Mitch?

19 MR. PALLY: Thank you very much.
20 Thank you for giving me the
21 opportunity to testify again today on
22 this very important project. And
23 thank you to the Commission for the
24 extensive hearings on this project.

25 The project, as I indicated in

1
2 my February 19th testimony, which I am
3 going to add to.

4 My name is Mitchell Pally,
5 P-A-L-L-Y. Chief Executive Officer of
6 Long Island Builders Institute.
7 1757-8 Veterans Memorial
8 Highway, Islandia, New York.

9 We are the trade association for
10 residential development and developers
11 on Long Island.

12 As someone who was there when
13 the Pine Barrens Act was created by
14 the state legislature. The state
15 legislature at that moment drew a map.
16 It created a core preservation area in
17 which development was to be excluded
18 to the extent possible and a
19 compatible growth area in which
20 development was to be allowed
21 depending on the ability to meet
22 various standards.

23 Since 1993, the state
24 legislature has amended the
25 Pine Barrens map 14 times -- 13 times

1
2 originally, and then again on
3 April 17th, 2020, Governor Cuomo
4 signed Chapter 29 in the laws of 2020
5 which made further changes in the
6 designation of lands between the
7 compatible growth area and the core
8 preservation area.

9 Assemblyman Englebright and
10 other legislators, who may testify
11 today and others and the entire state
12 legislature could in that statute move
13 this entire property into the core
14 preservation area, just as they did
15 with the National Grid property three
16 years ago. But they did not do so.
17 Clearly making a decision again and
18 again and again that this property was
19 and is to be developed within the
20 zoning powers of the Town of
21 Southampton.

22 The land included with this
23 subdivision is solely within to be
24 developed the compatible growth area
25 in the Town of Southampton.

1
2 The Town of Southampton can
3 decide whether to build homes or to
4 build a golf course or to do both.

5 The solidaristic of the Central
6 Pine Barrens Commission in this
7 situation is to determine whether the
8 developed proposal meets the objective
9 standards of the Land Use Plan, and
10 not whether the property should be
11 developed or not. These are objective
12 standards, not subjective standards.

13 Under the authority granted to
14 you under Article 57 of the
15 Environmental Conservation Law
16 proposed, development in the
17 compatible growth area -- once they
18 meet these objective standards -- the
19 project must be allowed to move
20 forward under whatever zoning is in
21 place from the Town of Southampton.

22 What the staff analysis provided
23 by the Commission staff and the
24 answers and provided by the applicant,
25 clearly make clear that this

1
2 application in its current form, meets
3 all of the objective standards of the
4 Land Use Plan of the compatible growth
5 area of the Central Pine Barrens.

6 And as a result, this Commission
7 has only the opportunity to decide
8 that it does meet these standards and
9 it should be approved. If the land
10 had not wanted to be develop, the
11 state legislature could have
12 eliminated the designation of this
13 property into the compatible growth
14 area 14 different times, and it did
15 not do so.

16 The State of New York or the
17 County of Suffolk or the Town of
18 Southampton could have purchased this
19 property over the last 30 years, but
20 it did not do so.

21 Therefore, it is undisputed that
22 this property can be developed. It
23 can be developed in its current
24 application and we urge the Central
25 Pine Barrens Commission to follow the

1
2 laws of the State New York and approve
3 this application.

4 Thank you very much for giving
5 us this opportunity today.

6 CHAIRWOMAN GALLAGHER: Thank
7 you, Mitch.

8 And while we navigate to
9 unmuting Dr. Gobbler, I'll just
10 reiterate something that Mitch just
11 said is that the only job before the
12 Pine Barrens Commission is to
13 determine whether this project
14 conforms to the Standards and
15 Guidelines. That is the only basis
16 upon which we can make a decision
17 whether to approve or disapprove the
18 project, so it is very helpful to
19 provide comments, both verbal and
20 written, that support your position as
21 to whether it conforms or does not
22 conform in helping us render our
23 decision.

24 All right. Chris, your up.

25 DR. GOBBLER: Okay. Thank you

1
2 for the opportunity to speak.

3 I just have a few points to
4 make. I think we all know how
5 important the watershed of this region
6 is as well as the receiving waters in
7 Shinnecock Bay.

8 I think that both the Town of
9 Southampton and DEC is currently
10 involved in the project, trying to
11 consider ways to improve water quality
12 in Shinnecock Bay, and we know many of
13 the potential risks of excessive
14 nitrogen loading from the land to sea
15 --

16 CHAIRWOMAN GALLAGHER:
17 (Interjecting) Chris, can I just
18 interrupt you for a second?

19 DR. GOBBLER: Yep.

20 CHAIRWOMAN GALLAGHER: Just for
21 the purposes of the stenographer, if
22 you could formally introduce yourself;
23 first name, last name, affiliation?

24 DR. GOBBLER: Chris Gobbler.
25 Professor at Stony Brook University.

1
2 With regards to excessive
3 nitrogen loading and the effects of
4 both within the watershed and the
5 receiving water bodies -- I think we
6 are all aware of it -- I will just
7 give a quick review of the things at
8 stake; including potential loss of
9 wetlands and flooding from excessive
10 nitrogen loads, potential compromising
11 of drinking water supply.

12 We know that excessive nitrogen
13 can lead to the loss of seagrass and
14 promote harmful algal blooms. Our
15 greatest concern in this particular
16 region is that the receiving water
17 body from this region is
18 Weesuck Creek. This has really been
19 the epicenter of what is known as
20 paralytic shellfish poisoning events
21 during the past decade. There's been
22 about a half a dozen of them, and in
23 every case the most toxic shellfish
24 that come up in monitoring by the DEC
25 are found right there in

1
2 Weesuck Creek. And our current
3 monitoring shows that where the toxic
4 algae are. So this is an area where
5 we really want to do everything we can
6 to mitigate and reduce nitrogen load.

7 I will also mention that during
8 the past decade, Stony Brook
9 University has led the Shinnecock
10 duration program in specifically
11 focused in Shinnecock Bay. There's
12 been over \$10,000,000 investment --
13 mostly from independent support and
14 philanthropic support -- for the
15 restoration of clams, oysters and
16 eelgrass beds and to the great
17 positive estuaries. Since we begun,
18 there's been a 700 percent increase in
19 the landings of hard clams in
20 Shinnecock Bay.

21 And then the DEC and
22 Governor Cuomo has recently invested
23 in the \$10,000,000 Long Island
24 Shellfish Restoration Program with
25 Western Shinnecock Bay being

1
2 designated as being one of the five
3 restoration locations. So there's a
4 lot at stake here, obviously.

5 And I have monitored this
6 program and this development through
7 the years and have been in
8 communication with Chick and the
9 developers. And the through the years
10 there's been many changes made to the
11 plan to protect the environment and
12 reduce nitrogen loading. I took a
13 very careful look at the last
14 submission; the PDD, for example. In
15 which case -- and my independent
16 analysis of the original version of
17 the plan was significantly higher in
18 the nitrogen loading as of right
19 development. Where as with the
20 implementation of many different
21 mitigating approaches for reducing
22 nitrogen loads that actually became a
23 better project than as of right with
24 regards to nitrogen loading.

25 So I think on that front, I will

1
2 just mention that within the PDD there
3 were a series of really excellent
4 approaches to mitigate nitrogen
5 loading that are not currently in the
6 current plan. I know the current plan
7 has other things that are being
8 considered, but I will just point out
9 that for the PDD there were things
10 like preserving 33 acres of land near
11 Weesuck Creek, the purchase of 30
12 Pine Barren credits, building a sewage
13 treatment plant for a local school and
14 then also an investment of a million
15 dollars in upgrading septic systems in
16 the community. These all lead,
17 collectively, to a reduction in
18 nitrogen loading of over 1,600 pounds
19 of nitrogen per year. And those
20 should be obviously a great benefit
21 going forward for the project.

22 And then I will just mention
23 also -- just with regards to the
24 groundwater nitrogen modeling -- I
25 know that -- I think we are all aware,

1
2 that Suffolk County recently completed
3 its sub watershed plan, with that plan
4 being led by the modeling efforts of
5 CDM Smith. And my estimation -- and I
6 think probably many people or most
7 people would agree -- this is probably
8 one of the greatest -- or if not --
9 the greatest ever project for modeling
10 groundwater and nitrogen flow and
11 nitrogen in groundwater ever executed
12 within Suffolk County. And this is a
13 more than a five year effort and it
14 went through constant revision.

15 And so I do just -- I do think
16 there might be value in looking at the
17 outcomes of that model for this
18 particular area and with particular
19 different scenarios with regards on
20 how this would proceed and see how
21 that model responds. Now it's
22 probably of a different scale than
23 something like the Sonir model, but I
24 think there's no -- I don't think
25 anybody would disagree with the fact

1
2 that it is the state of the art when
3 it comes to modeling groundwater
4 within Suffolk County. And when I
5 want to have a project go forward that
6 looks at groundwater flow, I think
7 bring in that model that CDM Smith
8 gives you is the Cadillac version and
9 then give the exact information that
10 you would want to know.

11 And the last thing just on that
12 front, I do know that in some earlier
13 modeling of groundwater on the
14 property, there was great variability
15 in the levels of the nitrogen in the
16 groundwater. There were some wells
17 that came back with literally zero
18 nitrogen. There was another well that
19 came back with more than 25 milligrams
20 per liter and some -- several at two,
21 five -- a lot of variability. So I
22 just -- with regards to attaining the
23 2.5 on average and with regards to --
24 as what the goal is -- and with
25 regards to the actual level being -- I

1
 2 think either .25 or .5. Again, I
 3 think having a look with the CDM Smith
 4 model would be of interest. It's not
 5 clear to me if those numbers -- the .5
 6 and the point .25 -- is the net
 7 increase or the actual concentration.

8 But I just will say, there
 9 already is a great amount of
 10 variability in the amount of nitrogen
 11 that has been measured on the
 12 property. So I think getting at the
 13 actual mean level is a little tricky.

14 So those are the main points I
 15 just wanted to make.

16 CHAIRWOMAN GALLAGHER: Thank
 17 you, Chris for making those comments.

18 I forgot to let people know who
 19 is up next, so let me give you the
 20 next three speakers in order so you
 21 can get yourselves prepped.

22 Pola Rapaport will be next,
 23 followed by Bob DeLuca and then
 24 Bill Kearns.

25 Oh, Pola is not here. Okay. So

1
 2 Bob you are up, we'll just get you
 3 unmuted.

4 MR. DELUCA: Good afternoon,
 5 members of the Commission.

6 My name is Bob DeLuca.

7 I am the President of the Group
 8 for the East End.

9 In addition to holding graduate
 10 degrees -- hold a graduate degree in
 11 environmental science and 34 years of
 12 the land use professional -- I am also
 13 a member of the Pine Barrens Advisory
 14 Committee and part of administrative
 15 law in environmental policy at Long
 16 Island University for more than 15
 17 years.

18 Today I want to focus your
 19 attention on a critical aspect of this
 20 proposal, which has come up, and
 21 that's the environmental review
 22 process. A process that has direct
 23 bearing on your assessment of
 24 compliance with the Standards and
 25 Guidelines of the Comprehensive Land

1
 2 Use Plan and your legal responsibility
 3 over the review of this action.

4 The heart of the problem lies in
 5 the implementation of the State
 6 Environmental Quality Review Act,
 7 SEQRA. Which has resulted in open
 8 ended review process that is now
 9 essentially produced to distinct and
 10 competing development applications for
 11 the same 600 acres of property.

12 Here's what went wrong:

13 On January 15th, of 2020, the
 14 Commission approved a resolution to
 15 proceed with the review of the
 16 Lewis Road PRD. The resolution
 17 identified that the Southampton Town
 18 Planning Board as the lead agency
 19 under SEQRA for the Lewis Road
 20 proposal and essentially cleared the
 21 way for the Commission to proceed with
 22 the limited further coordination or
 23 obligations under SEQRA.

24 In fact, the Southampton Town
 25 Planning Board was never the lead

1
 2 agency for the Lewis Road PRD, and its
 3 own Findings Statement of
 4 October 24th, 2019, clearly stated
 5 that it acted only as an involved
 6 agency pursuant to SEQRA.

7 I had previously brought this
 8 issue to the Commission's attention.
 9 This matters because -- because SEQRA
 10 requires the dedication of a lead
 11 agency. So every major application
 12 has a review, which allows approving
 13 agencies to provide and track their
 14 own concerns under the management of a
 15 single agency with the greatest
 16 jurisdictional authority over the
 17 project. This should have been done
 18 by the Southampton Town Planning Board
 19 and its initial filing of the
 20 Lewis Road application, but it didn't
 21 happen.

22 The goal of the process is to
 23 assure that the lead agency can
 24 address concerns and choose an
 25 alternative that best reflects

1
2 attention to the interests to all the
3 permitting agencies.

4 Instead the Southampton Planning
5 Board chose the Southampton Town Board
6 as lead agency, even though the Town
7 Board has absolutely no jurisdictional
8 authority over the Lewis Road PRD.
9 And five years from now, if they
10 accept an easement for a road or an
11 open space dedication that is not an
12 approval authority over the PRD rules.

13 Simply put, under the law the
14 Town Board cannot be the lead
15 agency -- you can look it up -- or
16 even an involved agency for a proposal
17 over which it has no authority. As a
18 result of this decision, the
19 Southampton Planning Board never
20 coordinated review, never made a lead
21 agency determination or ever issued a
22 determination of significance, which
23 would determine the level of
24 environmental review applied to the
25 project and assure coordinated input

1
2 from all of the other agencies. The
3 Southampton Town Board had reviewed
4 prior to density incentive of change
5 of zone on this property, which was
6 defeated by resolution number 11-23 of
7 2017 by the Southampton Town Board.

8 That formally ended the review
9 and required the applicant to submit a
10 completely new residential subdivision
11 application to the Southampton
12 Planning Board, which it did. And if
13 there's any concern of whether this
14 decision was final, the applicant
15 subsequently filed a hundred million
16 dollar lawsuit against the Town, which
17 I doubt they would have done if the
18 determination by the Town Board was
19 not a final determination.

20 Because Southampton Planning
21 Board never conducted or coordinated a
22 review -- subsequently a lead agency
23 determinations -- those
24 responsibilities now fall on the
25 Commission. SEQRA is clear that any

1
2 type of action, which this project is,
3 must be subject to a coordinated
4 review, a lead agency determination
5 and a determination of significance.
6 The law is also clear that the
7 responsibility falls independently
8 upon each agency responsible for
9 issuing a permit approval under
10 review.

11 In this absence of appropriate
12 SEQRA review initiated at the local
13 level, the Commission must now decide
14 how it's going to resolve this matter.
15 Should the Commission simply proceed
16 to prepare a SEQRA Findings Statement
17 for the most substantial Pine Barrens
18 development project in two decades,
19 where there's no coordinated review,
20 no viable lead agency and no
21 determination of significance? It
22 would be a reckless and arbitrary way
23 to proceed. SEQRA requires strict
24 procedural compliance and the case law
25 is in support of this requirement is

1
2 overwhelming.

3 But even as a purely practical
4 matter, the lack of an integrated
5 review has created an application that
6 is now a moving target between the
7 interest of all of the agencies
8 involved in the approval. We have a
9 sewage treatment plant that has a
10 maintenance building shoved up against
11 an affordable housing component,
12 closer to local residences near the
13 impaired waters of Weesuck Creek, the
14 elimination of roadways, all the
15 people on Spinney Road thought they
16 were getting open space and now
17 they're basically getting a golf
18 course and more residences. All of
19 these changes needed to be subject to
20 some kind of integrated and
21 transparent review.

22 So, basically, at the end of the
23 day, I think you only got two ways to
24 go. Either you deny this project
25 based on its inability over several

1
2 months to demonstrate and to meet the
3 Commissions Guidelines and Standards,
4 or the Commission must demonstrate a
5 coordinated review pursuant to SEQRA
6 and meet the strict Standards of the
7 state law.

8 Sometimes you just can't fit
9 everything you want in a sensitive
10 piece of property. The Commission was
11 formed and obligated to make these
12 kinds of important determinations in
13 the regional context of the
14 Pine Barrens Protection.

15 I thank you very much for your
16 time and consideration of my comments.

17 CHAIRWOMAN GALLAGHER: Thank you
18 Bob.

19 So next, we will move to on
20 Bill Kearns -- if you are still with
21 us -- and to be followed by
22 Susan Kearns.

23 MR. KEARNS: Good afternoon,
24 Madam Chair, Commissioners and staff.

25 My name is William Kearns,

1
2 Pine Barrens. If you look over my
3 shoulder, you might be able to see the
4 trees in my yard. They are there.

5 When I first heard the term
6 super (inaudible) site, I thought Long
7 Island would be immune to such a
8 nightmare. One would be disastrous.
9 Yet this project is surrounded by them
10 in the Pine Barrens adding to the
11 environmental devastation.

12 But enough with the obvious.
13 The project has always been in a state
14 of flux. It is difficult to pin down
15 what is being proposed from week to
16 week.

17 A few concerns I have:

18 An 87 acre golf course,
19 ridiculously small when most golf
20 courses of this caliber are 40 percent
21 larger; displacement of three to
22 400,000 cubic yards of soil -- no
23 longer necessary.

24 A large part of this plan is
25 just simply gone. It went away.

1
2 K-E-A-R-N-S.

3 For the past 27 years I have
4 lived on Spinney Road, adjacent to
5 this proposed project.

6 I have been against it since day
7 one, and I find myself even more so.

8 We have before us a series of
9 environmental nightmares that I have
10 brought to your attention at past
11 meetings. Carcinogens, toxins, excess
12 nitrogen in the water beneath my
13 street -- beneath my home -- now
14 worse, by the fact by Dr. Chris
15 Gobbler has found another toxic tide
16 in Shinnecock and Tiana Bay bringing
17 the total number to 12 or 13.

18 Presently the bays are coffee
19 brown, limiting recreational use and
20 impacting human and wildlife health.
21 The Peconic Bay scallop faces another
22 year of decimation due to the further
23 decline of the healthy bays.

24 Southern pine beetles are now
25 making their way into the East Quogue

1
2 Dune Deck residents will not be
3 allowed to play the course as they are
4 not part of this homeowner's
5 association. I think that needs to be
6 verified.

7 The seasonal occupancy has
8 changed allowing owners and tenants to
9 stay longer, despite the fact they
10 have sold this project as seasonal.
11 It no longer is.

12 Keeping kids out of the school
13 is the talk of a coward. Our kids are
14 allowed to come to school based on the
15 law of New York State. Not anything
16 that Discovery Land, not anything that
17 any homeowner's association can say.

18 The fact that Dr. Chris Gobbler
19 at Suffolk County Planning Commission
20 and Chief Planner, Andrew Freleng,
21 called their fertigation process
22 untested and its value inconclusive
23 needs to finally be put to rest.

24 The Southampton Town Planning
25 Board mandated that this project was

105

1
2 not to be visible from Lewis Road or
3 the visible -- the visual character of
4 East Quogue be compromised and that
5 the housing development will not
6 result in any adverse impacts on
7 community character. That was from
8 the Southampton Town Planning Board.

9 I ask you, would a sewage
10 treatment plant at the undisclosed
11 size with 10 leaching pools and the
12 ability to double in size without any
13 need of approval and 9,000 square foot
14 storage facility with diesel and
15 gasoline fueling capabilities in front
16 of your home adversely impact your
17 community character?

18 Does a golf course moved to
19 within 70 feet of your backyard yard
20 impact local views and disturb
21 community character?

22 Daily lawn mowing for six months
23 within 70 feet behind your house.

24 That's -- that is what is now
25 proposed.

106

1
2 For 28 years I have watched the
3 sunrise over the Pine Barrens and the
4 pine trees in the east and
5 magnificently set in the west, and now
6 these people are taking this away from
7 us.

8 Fifty homes along Spinney Road
9 will be impacted. This is a disgrace.
10 I would bet you never thought as
11 Commissioners you would be looking at
12 a project in a virgin pine forest over
13 our imperiled and increasingly scarce
14 drinking water that would have the
15 capacity to park 416 vehicles with
16 27,000 square feet of underground
17 parking. I bet you never thought you
18 would be looking at a project
19 foolishly and illegally deemed a
20 recreational amenity despite its
21 restaurant and liquor license. It's a
22 commercial operation. I would bet
23 that you never thought you would be
24 looking at a project with a 100,000
25 square feet of outbuildings. Some

107

1
2 larger than the largest buildings in
3 the East Quogue, which you are. The
4 reason we are in such environmental
5 turmoil regionally is because we have
6 failed to pay attention, and now we
7 are forced to react and repair.

8 The reason we are now globally
9 impacted by a plaque is because we
10 have failed to pay attention. The
11 future of the Pine Barrens and the
12 regional and environmental threat and
13 the regional and environmental rests
14 is your hands.

15 I respectfully ask that you pay
16 attention and vote this thing down.

17 Thank you.

18 CHAIRWOMAN GALLAGHER: Thank
19 you, William.

20 Next up is Susan Kearns and to
21 be followed by a complete stranger to
22 these proceedings is Mr. Richard
23 Amper.

24 MS. KEARNS: Good afternoon,
25 Commission members.

108

1
2 My name is Susan Kearns,
3 K-E-A-R-N-S.

4 And no surprise, I too live on
5 Spinney Road with Bill.

6 After listening today, I have a
7 much better understanding of your role
8 as a Commission, which seems to be to
9 protect the unique and rare
10 Pine Barrens, which happen to
11 safeguard our aquifer and provide a
12 haven for local wildlife, as
13 Assemblyman Englebright pointed out
14 much better than I.

15 Therefore, I am perplexed as to
16 why this environmentally decimating
17 project has even made it to this
18 point.

19 The approval of this project
20 will change the climate and the
21 community character of Eastern Long
22 Island for eternity.

23 The destruction of the natural
24 foliage sustains our wildlife and will
25 be ongoing for years as this project

1
2 lingers on and grows and changes as we
3 have already seen far too many times.

4 Despite unfounded claims by the
5 developer, our already overcrowded
6 schools will see an influx of children
7 as homeowners decide that they now
8 have a purpose and a need to stay in
9 their homes year round as we have
10 already seen. East Quogue already has
11 24 new students due to COVID. The
12 inclusion of an 18 hole golf course
13 over the precious and endangered
14 aquifer should be enough of a red flag
15 for those whose responsibility it is
16 to protect the environment.

17 Finally -- and by no means
18 lastly -- the inclusion of this sewage
19 treatment plant and a 9,000 square
20 foot storage facility for fuel leave
21 me wondering how these are not
22 detrimental to our drinking water, our
23 bays and our community character?

24 It's seem to me that based on
25 the current and ever declining state

1
2 of the local drinking water and our
3 bays are the very reason for the
4 existence of this Commission. It is
5 not only your responsibility, but it
6 is your moral imperative to put an end
7 to this development. Thereby ensuring
8 that future developers will get the
9 clear message that the Pine Barrens
10 are off limits to development.

11 Thank you.

12 CHAIRWOMAN GALLAGHER: Thank
13 you, Susan.

14 Dick and to be followed by
15 Katie Brown.

16 MR. AMPER: Madam Chairwoman and
17 members of the Central Pine Barrens
18 Joint Planning and Policy Commission,
19 my name is Richard Amper.

20 I am executive director of the
21 Long Island Pine Barrens Society.

22 And I have a little bit of a
23 hand in the creation of the
24 Pine Barrens Act. And I know what it
25 was intended to do.

1
2 I have had enough of the Hills
3 and the Lewis Road project or whatever
4 you're calling it this week.

5 The proposed project is the
6 biggest and the baddest proposed on
7 Long Island's premier ecosystem.

8 Pine Barrens most greatest
9 quantity of the purest drinking water
10 left on Long Island and the greatest
11 diversity of plants and animals
12 species anywhere in the state of New
13 York.

14 Long Islanders have put up some
15 two billion dollars to purchase and
16 preserve the Pine Barrens by endorsing
17 reparanda reaching as high as
18 84 percent. Then along comes
19 Discovery Land and we're facing the
20 development of a last great treasure
21 in the Central Pine Barrens.

22 First the Discovery Land project
23 is defeated in the Town Board with the
24 Town of Southampton. The applicant
25 claims that the Hills was not denied

1
2 even as the applicant sued the Town
3 for a hundred million dollars for
4 disapproving it. "No problem" the
5 Hills say.

6 The applicant takes the project
7 and renames it Lewis Road and sells it
8 to the Town of Southampton Planning
9 Board and Zoning Board of Appeals.
10 Utterly ignoring the Hills State and
11 Environmental Quality Review Act. And
12 the -- well the commencements that we
13 have made to the Pine Barrens Society
14 and the current litigation, it
15 involves us and the group for the east
16 end.

17 What they are doing is not just
18 a bad idea, it's against the law. The
19 law prohibits this. But no matter to
20 Discovery Land. The claim is for the
21 project in development details
22 similarly change again and again.
23 Hundreds of east enders come out to
24 oppose the project. But on and on it
25 goes.

1
2 It's this big or that. Conforms
3 to environmental law, maybe not. A
4 sewage treatment plant here or maybe
5 there.

6 The Pine Barrens Act was
7 approved unanimously by the New York
8 State Legislature in 1993. And in
9 1995, we saw creation of a Land Use
10 Plan for one of Long Island's
11 most important treasures.

12 Finally, whatever you call it,
13 the project goes to the Pine Barrens
14 Commission as required by the law and
15 the plan. Latest form is changed
16 again and again. Commission asked
17 questions about this latest assault on
18 the Pine Barrens, it gets fuzzy
19 answers or not at all. Still the
20 application moves ahead.

21 Well stop. Enough is enough.
22 Discovery Land project clearly fails
23 to meet the requirements of the
24 Pine Barrens Act in this associated
25 land use plan.

1
2 And where is SEQRA? Still the
3 project moves ahead. Enough is
4 enough. Southampton Town has no
5 authority to advance Supervisor
6 Schneiderman's campaign with
7 developers with big bucks.

8 Sorry, Jay, it just that it's
9 against the law.

10 Environmental Civic leaders are
11 here again today, suppling this
12 Commission with more than 44 serious
13 concerns about the environmental
14 impacts of this. The latest iteration
15 of whatever Discovery Land claims.

16 It is time for the New York
17 State Pine Barrens Commission to
18 finish its job to determine that the
19 East Quogue proposed project does not
20 conform to state and local law. It
21 must be denied.

22 We all read about the
23 shortcomings of the Discovery Land
24 application and we have enumerated it.
25 The provisions of the Pine Barrens law

1
2 that have been completely ignored or
3 misstated.

4 Discovery Land project does not
5 meet requirements of the law, the
6 environment or the protection of the
7 Pine Barrens. Let's stop pretending
8 that the applicant conforms to the
9 Pine Barrens and disapprove whatever
10 they are calling their project today.
11 This is not about the bona fide
12 project that won't harm the
13 environment, it is about a
14 multibillion dollar development in
15 Long Island's premier ecosystem that's
16 prohibited by law.

17 It's time for this project
18 finally to be dealt with by this
19 Commission. It's gone before the Town
20 Board, the Town Planning Board, the
21 Zoning Boards been impacted. But,
22 ultimately, the decision maker here
23 are you. They are the people, the
24 members of this particular body of
25 law.

1
2 Pine Barrens Act was intended to
3 protect water, take care of our people
4 and Long Island's premier ecosystem.

5 Please stand up and do what is
6 called for now.

7 CHAIRWOMAN GALLAGHER: All
8 right. Thank you, Dick.

9 We are going to move on to
10 Katie Brown to be followed by
11 Andrea Spilka.

12 MS. BROWN: Good afternoon,
13 Commissioners.

14 Thank you for this virtual
15 opportunity to speak today.

16 My name is Katie Brown.

17 I serve as Deputy Director of
18 Long Island Pine Barrens Society.

19 I graduated college in 2013 and
20 was hired be this society directly
21 after that. And at about that time
22 the Hills PDD application had just
23 come out and it was before the
24 Southampton Town Board. And here we
25 are, seven years plus later still

1
 2 talking about this same project.
 3 The Hills and the Lewis Road PRD
 4 have been such a big part of my career
 5 from the beginning, and I have learned
 6 so much from it. I have learned about
 7 the effort that goes into protecting
 8 the environment. Environmental
 9 advocacy is a tough job when you are
 10 facing business interests with deep
 11 pockets. To be frank, this whole
 12 process has been extremely
 13 discouraging to someone who graduated
 14 college somewhat optimistic.
 15 What surprised me the most is
 16 how much this project has changed in
 17 shape, size and scope over the years.
 18 Over the course of what was supposed
 19 to be a comprehensive review, the map
 20 and plan that are before the
 21 Commission today is not what was
 22 before you at the last hearing. The
 23 map and plan that was before the
 24 Commission in the February 2020
 25 hearing was not what was supplied in

1
 2 the application in December of 2019.
 3 In fact, the developer submitted
 4 major changes to their plan the very
 5 same day of the February hearing. The
 6 map and plan before the Commission
 7 today, is not what was reviewed and
 8 preliminarily approved by the
 9 Southampton Town Planning Board in
 10 October of last year.
 11 Most importantly, the project
 12 before you today is not the same
 13 project the Town Board conducted SEQRA
 14 for and denied in 2016. The
 15 applicant's answer to the many serious
 16 questions that have been raised by
 17 environmental advocates and the
 18 Commission have been met with secret
 19 determine that this was appropriate.
 20 The applicant is answering serious
 21 questions with quotes from the
 22 Environmental Impact Statement for a
 23 project that was denied and was no
 24 longer applicable.
 25 For example, when we asked at

1
 2 the last hearing what happened to all
 3 of the nitrogen mitigation measures
 4 that were included in the Hills PDD
 5 and deemed necessary; have they been
 6 removed from the Lewis Road PRD? If
 7 so, what would be the impact on the
 8 nitrogen loading calculations? We
 9 were met with analysis conducted by
 10 SEQRA established that the project
 11 complies with the nitrogen guideline
 12 of the Comprehensive Land Use Plan.
 13 That is not an answer. That's a
 14 perfect way of dodging tough
 15 questions, and responses like that are
 16 littered throughout their papers.
 17 The Lewis Road PRD is not the
 18 Hills PDD. The project has changed
 19 with each Board that they present to
 20 you and this entire review process
 21 from the beginning has been more of
 22 let's make a deal rather than a review
 23 based on sound environmental planning.
 24 The applicant's goal is to tell
 25 us what they think we want to hear.

1
 2 Every time serious environmental
 3 concerns are raised, they come back
 4 with a new iteration of, "Well, what
 5 about this". But the entire impact of
 6 these changes put together have never
 7 been looked at. There is no final
 8 overarching review of this project.
 9 The applicant is making it up as they
 10 go for each Board that they come
 11 before.
 12 The developer is still pointing
 13 to environmental studies from as early
 14 as 2009. This project has grown in
 15 size and shape countless times since
 16 2009. Our landscape and our
 17 environment has changed just as much
 18 since 2009. This development has been
 19 shifted south, much closer to nearby
 20 homes and nearby water bodies and
 21 extensive well field development is
 22 now placed within the critical
 23 resource area, a sewage treatment
 24 plant is now placed behind nearby
 25 homes. New wetlands studies must be

121

1
2 done, new nitrogen modeling and
3 dispersion analysis must be completed,
4 new traffic studies must be completed.
5 Long-term effects, especially with
6 regards to climate change, must be
7 studied. The impacts of development
8 in the critical resource area and the
9 habitat of the threatened coastal buck
10 moth must be reevaluated. A revised
11 excavation plan must be submitted.
12 And the impacts on nearby neighbors
13 and the impacts on the community
14 character must be reevaluated.
15 Each time this project
16 changes -- and we are talking about
17 big changes -- the overall
18 environmental review of the project
19 becomes mute. The project has not
20 stayed the same long enough for any
21 kind of serious environmental review
22 to be completed.
23 As Commissioners, you have a
24 much bigger and more important role
25 than the Town. You are looking at

122

1
2 this project from a regional
3 prospective. You are looking at the
4 impact this development, the largest
5 ever before the Commission will have
6 on the entire Pine Barrens ecosystem.
7 You have to think about what the
8 precedent that this review process
9 will set for any other development
10 project that comes before this
11 commission in the future.
12 Please do the right thing.
13 Please be the voice of reason for this
14 entire seven year process and vote
15 down this project once and for all.
16 Thank you for your time today.
17 And I ask that you please see our
18 written comments for more detail.
19 They were submitted through e-mail
20 earlier today.
21 Thank you.
22 CHAIRWOMAN GALLAGHER: Yes,
23 Katie. We did receive those.
24 Thank you very much.
25 Okay. Onto Andrea and then we

123

1
2 will be followed by Michael Alestra if
3 you are still with us.
4 MS. SPILKA: Good afternoon,
5 everyone.
6 My name is Andrea Spilka.
7 I am the president of the
8 Southampton Town Civic Coalition. I
9 am speaking on their behalf and I
10 thank you for the opportunity to
11 speak.
12 Times have changed. And once
13 again, so has the project layout. In
14 attempting to meet the minimum
15 standards established in the club, the
16 applicant had significantly changed
17 the impact on the environment, the
18 community and in some ways, the
19 viability of the development. The
20 current plan is substantially
21 different than what the Planning Board
22 granted in October. Went along with
23 the PDD that served as the basis for
24 the SVIS. How are you going to
25 reconcile these differences?

124

1
2 And here are just a few:
3 If there are concerns that the
4 fertilizer and the pesticides used on
5 the golf course will impact the STP
6 and any private wells on Spinney Road,
7 the nitrogen calculations were already
8 a concern for Town consultants. And
9 they pressed the need for dispersion
10 analysis.
11 However, the applicant's
12 response circled back to the final EIS
13 done as part of the PDD in denying
14 that request. It doesn't make sense
15 that an environmental done for a
16 denied project that looks nothing like
17 what is being proposed now, can be
18 considered sufficient.
19 What about the change in
20 occupancy rate to 60 days to 183 days?
21 Which will have a substantial impact
22 on nitrogen and traffic and very
23 possibly children in the East Quogue
24 schools.
25 How will we evaluate the impact

1
2 of these changes? How does the golf
3 course relocation impact the Spinney
4 Road community?

5 Earlier reviews of the project
6 concluded no adverse impact. However,
7 in moving the golf course to the
8 south, the developers have subsumed
9 the Spinney Road homes. It's inside
10 the resort. They reduced the promise
11 of 200 foot buffers to just 70 feet
12 and they placed the STP 300 yards from
13 their homes. The roads are now 40
14 feet instead of a standard 50. And
15 the circulation analysis shows that
16 Spur Road is gone. How will the new
17 configuration impact traffic flow?
18 And perhaps more importantly,
19 emergency vehicle access?

20 The last iteration of the golf
21 course didn't seem playable. This
22 latest version is even smaller with
23 only 78 acres instead of the usual 110
24 to 150. Will a golf course of this
25 size make the resort less viable?

1
2 How can open space compliance be
3 monitored if the development is
4 approved? The configuration of many
5 of the home parcels and golf holes are
6 identified partially as open space.
7 How do you prevent encroachment?

8 The homeowner's association is
9 in control of 233 acres of open space.
10 Can it be repurposed or sold? With
11 all of the underground parking, will
12 there be a need for dewatering? And
13 how will that be implemented?

14 What's the impact of the
15 proposed world class golf course on
16 water usage? Something that's already
17 becoming an issue.

18 The owners of the neighboring
19 east coast mine have recently asked
20 for an expansion to excavate the mine
21 40 feet deeper to just 10 feet above
22 the groundwater table. What is the
23 impact of this expansion of the
24 project? Especially when you consider
25 Suffolk County Health Department is

1
2 very concerned about groundwater
3 contamination beneath mining and
4 vegetative waste processing
5 facilities. Not to mention the fact
6 that the Damascus Road contamination
7 is just west of the project site.
8 It's seems as if the project is
9 surrounded by contaminated sites.

10 Lastly, ask yourselves, can the
11 Commission taking charge a regional
12 Pine Barrens protective view of the
13 projects ever approve a water
14 intensive, dual use golf resort in an
15 already compromised watershed and at
16 the same time fulfill its statutory
17 mission?

18 I don't think so and I hope you
19 don't either.

20 Thank you so much.

21 CHAIRWOMAN GALLAGHER: Thank
22 you, Andrea.

23 Okay. Michael Alestra followed
24 by Andrew Lynch.

25 MR. ALESTRA: Good afternoon.

1
2 I would like to thank the
3 Pine Barrens Commission for this
4 opportunity to speak.

5 My name is Michael Alestra,
6 A-L-E-S-T-R-A.

7 And I live in East Quogue.

8 I have been a resident of
9 East Quogue for 23 years. There's
10 been a battle raged by Discovery Land
11 to build a golf course and luxury
12 housing -- The Hills -- in the
13 Pine Barrens of East Quogue, which
14 brings us here today.

15 I have personally attended
16 almost every public hearing that has
17 been held to discuss the project. Now
18 it was due to the vision of some smart
19 people that realize that water is our
20 most precious resource that we need
21 today.

22 I have personally -- I'm sorry
23 -- they set out to protect the water
24 by passing legislation that was meant
25 for this moment. The water we drink

129

1
2 is compromised. One only needs to
3 read the newspaper and learn that
4 every day there is some new threat to
5 our water supply. Whether it.
6 Is the fire fighting foam of
7 Gabreski airport or other toxins
8 infiltrating the water supply. We are
9 being told that it can cost millions
10 to filter out. Some of these problems
11 have hit home. The well water in
12 portions of East Quogue have been
13 deemed to dangerous to drink. Just
14 this year a major project was launched
15 to connect these homes to Town water.
16 Those are the facts.
17 Further more, we know it takes
18 tons of chemicals to support a healthy
19 golf course. We are being going told
20 by the paid professionals of Discovery
21 Land's contra of employees that we
22 should not worry. Some unproven
23 scientific methods will keep the water
24 clean. Really?
25 The real likelihood of these

130

1
2 pesticides, fungicides, fertilizers
3 and the like leaching into our grounds
4 and ultimately into our drinking
5 waters is a given.
6 In addition to our drinking
7 water, Shinnecock Bay has experienced
8 the earliest algae bloom ever. That
9 is what independent scientists found.
10 Fertilizers, a major component for a
11 healthy golf course releases huge
12 amounts of nitrogen. Nitrogen along
13 with the summer heat is the major
14 contributor to algae blooms. Things
15 continue to get worse, and there
16 hasn't been any golf course built.
17 As far as Discovery Land claims
18 that they are stewards of the
19 environment, which I am sure you are
20 going to hear. Just look at their
21 track record. A golf course in the
22 community built over in the Bahamas
23 promised to protect the coral reef and
24 the marine life. They did none of it.
25 That golf course and community no

131

1
2 longer exists as Mother Nature claimed
3 its superiority, a hurricane destroyed
4 it two or three years ago; I can go on
5 and on.
6 But I once again remind everyone
7 why we are here. The Pine Barrens
8 Commission and its subsequent laws
9 were meant for this very moment. To
10 protect our precious water. For
11 without it, we have nothing.
12 Please vote no on the Hills
13 project.
14 Thank you for your time.
15 CHAIRWOMAN GALLAGHER: Thank
16 you, Michael.
17 Onto Andrew Lynch, to be
18 followed by Camden Ackeman.
19 MR. LYNCH: Thank you, members
20 of the Commission for the opportunity
21 to speak.
22 My name is Andrew Lynch,
23 L-Y-N-C-H.
24 I have no affiliation with
25 Discovery Land. I'm not an employee

132

1
2 or a consultant. Sadly, I am not a
3 golfer, so there's not much interest
4 in the final product that they are
5 looking to create here.
6 My interest in this project is
7 that of a resident and a community
8 member. I drive by this property at
9 least twice a day. I heard previous
10 speakers describe it as pristine.
11 When my father first took me to this
12 property 40 years ago, a good portion
13 of it was a wasteland and a junkyard
14 and it has remained that way up until
15 recently.
16 As a local here, I have an
17 active interest in the environment and
18 particularly the health of our bays.
19 I have grown up on the water here
20 kayaking, fishing, sailing. As a
21 resident of Quogue I have seen first
22 hand the water impairment that has
23 occurred in Western Shinnecock Bay. I
24 have taken action, I joined the
25 Cornell SPAT program. I've gotten

1
2 involved in aquaculture, I've worked
3 with Stony Brook Southampton and water
4 quality monitoring projects. I am an
5 advocate for the Moriches Bay project
6 and really in any effort to help
7 shellfish to improve our water
8 quality.

9 So I am very familiar with how
10 nitrogen has played a huge role in the
11 diminishment in our water quality and
12 that is something that many speakers
13 on both sides of this argument agree.
14 The water quality is very bad in
15 Western Shinnecock and nitrogen is a
16 huge culprit.

17 The fertigation process that the
18 Discovery has proposed here is not
19 new, it's not untested. It's actually
20 quite simple. You're taking nitrogen
21 laden water from deep underground,
22 you're pumping it up and you're using
23 nitrogen to grow grass. The
24 agricultural uses adjacent to this
25 project have been a big contributor of

1
2 the nitrogen in this watershed. You
3 don't need to be a rocket scientist to
4 see that.

5 It's interesting that some of
6 the only criticism I have seen against
7 the fertigation process is that they
8 may have actually run out of nitrogen.
9 That the nitrogen levels may become
10 lower than what the demands are for
11 irrigation.

12 Can you imagine 30 years from
13 now if we achieve that? If Discovery
14 reports that the nitrogen they are
15 pumping out of the ground -- the
16 nitrogen laden water -- is now less
17 than the nitrogen water is all used
18 up? What an epic achievement that
19 would be.

20 I know there are issues of
21 conformity that the Commission has to
22 evaluate here, but I would ask that
23 you look at the bigger picture. Your
24 mission statement -- to paraphrase --
25 is to manage land use to protect vital

1
2 groundwater.

3 We are facing a crisis here with
4 nitrogen flowing into our watershed.
5 And this is one of the only projects
6 that I can see that has the ability to
7 actively intercept nitrogen polluted
8 water that's flowing into our bays.

9 It's so bad in our bays that a
10 recent study that came out by
11 Douberry(phonetic) advocates for the
12 creation of new inlets on Dune Road.
13 That's where we are at. That's how
14 bad the water is. And this is a
15 project that can help reverse that
16 trend. By actively taking nitrogen
17 out of the ground and using it to grow
18 grass.

19 I challenge you to think of
20 another opportunity that you have that
21 can so actively help to mitigate the
22 nitrogen problem that we are facing.
23 And I can't imagine a project that is
24 more fitting for you to approve and to
25 move forward.

1
2 Thank you.

3 CHAIRWOMAN GALLAGHER: Thank
4 you, Andrew.

5 Onto Camden Ackerman, to be
6 followed Elizabeth Jackson.

7 MR. ACKERMAN: Good afternoon.

8 I want to just start off by
9 saying I am here representing the East
10 End Disability Associates.

11 We have met with our counsel and
12 we and they believe that this project
13 meets all of the Standards of the Pine
14 Barrens Commission --

15 CHAIRWOMAN GALLAGHER:
16 (Interjecting) -- just a reminder,
17 your full name and spell it. I know
18 you said you are with the East End
19 Disabilities. Just for the benefit of
20 the court reporter.

21 MR. ACKERMAN: Camden Ackerman,
22 C-A-M-D-E-N, Ackerman,
23 A-C-K-E-R-M-A-N.

24 And I am with East End
25 Disability Associates.

1
2 We have met with our counsel and
3 we believe that this project, one,
4 meets all of the Standards of the Pine
5 Barrens Commission. That being said,
6 we are in the land use organization,
7 but our CEO wanted to share this
8 statement:

9 East End Disability Associates
10 is a 501C3 certified not for profit
11 organization dedicated to creating
12 practical solutions and providing
13 innovative support to people with
14 intellectual and developmental
15 disabilities on the east end of Long
16 Island.

17 On behalf of East End Disability
18 Associates, I would like to express my
19 support to Discovery Land Company.
20 They have been an incredible community
21 partner and have been an empathetic
22 advocate for the needs of people with
23 intellectual disabilities on Long
24 Island.

25 Among other things, either is

1
2 received from Discovery Land, they
3 were one of the first organizations to
4 provide assistance to us when the
5 COVID-19 outbreak began. And we
6 needed help the most. During the
7 COVID-19 pandemic, Discovery Land
8 helped us obtain personal protective
9 equipment and enabled us to continue
10 providing care and kept our staff and
11 people that we support at the height
12 of the pandemic safe.

13 EEDA supports Discovery Land's
14 goal in developing a luxury golf
15 course in East Quogue. Their past
16 community support indicates they will
17 continue to be an excellent community
18 partner not only to EEDA but to the
19 entire east end.

20 We look forward to experiencing
21 the benefits from the value that they
22 bring to this region.

23 Signed, Lisa Meyer Fertal, CEO
24 of East End Disability Associates.

25 On a side note -- just while I

1
2 have a couple seconds left -- as a
3 local resident, I would like to
4 welcome Steve Englebright to come golf
5 with me at Hampton Hills at any point,
6 which is located in the core of
7 Pine Barrens region.

8 Thank you.

9 CHAIRWOMAN GALLAGHER: Thank
10 you, Camden.

11 Onto Elizabeth Jackson, to be
12 followed by Claudia Braymer.

13 MS. JACKSON: My name is
14 Elizabeth Jackson, J-A-C-K-S-O-N.

15 And I live in East Quogue. I
16 was born in East Quogue and can trace
17 my family lineage back 11 generations
18 to the greater East Quogue Region.

19 I have a bachelors degree in
20 environmental studies, and have been
21 following this project for many years.

22 Over these years, I have spoken
23 and worked along side many people from
24 different backgrounds, having
25 experienced life in this hamlet at

1
2 very different periods of time. I
3 have heard their stories about the
4 Hills, listened to their warnings and
5 respected their input over the many
6 years this project has been under
7 review.

8 I come today exhausted, and
9 reflecting on how many of those great
10 neighbors now lay at rest in Oakwood
11 Cemetery, quiet, but soon to be
12 surrounded by this massive commercial
13 resort development.

14 I have about four different
15 points to comment on quick so that we
16 can get back to everything else. Just
17 things that I have found in recent --
18 just looking at the new latest plans.

19 One, would be, we know that the
20 fluctuations are great. The water
21 table fluctuations are great in this
22 area. That's part of why --
23 historically -- why no one built
24 there. That's why we knew not to
25 touch it for generations because that

141

1
2 is where all the water was getting
3 reprocessed into our aquifer. So even
4 though it seems like an easy enough
5 way to calculate numbers, these soils
6 are laid by the glaciers, they are
7 doing their job for us now. And as
8 soon as we start to disrupt them, we
9 really don't know a hundred percent
10 what will happen because of it.
11 Likewise, we don't know where
12 all the pockets of water are, we don't
13 know what happens when all of a sudden
14 you go digging for a underground
15 parking garage during the dry season,
16 and then the wet season comes and all
17 of a sudden you have compromised
18 construction.
19 The shifting soils, changing
20 elevations, introduction of under
21 water utilities, rerouting water
22 runoff, et cetera. What happens to
23 the post treatment water exiting the
24 sewage treatment plant? That's the
25 part of what I am confused about; is

142

1
2 when the water gets processed and is
3 cleaned or whatnot, is it then sent
4 back out into the soil right at that
5 location? Because if that's the case,
6 it's going to get flooding in an area
7 that typically wouldn't have had that
8 point source of flooding. Maybe
9 that's not the case, but that is my
10 concern, so I am bringing it up so you
11 have it to think about.
12 I'm also concerned about --
13 confused about the pond being 10 feet
14 deep and being considered non
15 recreational, but primarily there for
16 storm water runoff for recharge or
17 whatnot. Ten feet is a lot of depth.
18 Normally, if you have a recharge
19 basin, like we do on Lewis Road, they
20 remain empty until the water needs to
21 be filled into them. So I was curious
22 as to how you would maintain this area
23 at maximum 10 foot capacity and then
24 how does more -- when a rain event
25 happens, empty into it?

143

1
2 Likewise, if you kept it at five
3 feet below the top of the water level
4 potential, than that would kind of be
5 a danger in itself because people
6 don't want to live next to a half
7 filled bathtub.
8 Also, if it's not a wetlands
9 then it would have been lined. So if
10 it's lined, you are also going to have
11 issues with -- if you have it at max
12 capacity regularly and we have water
13 events, it would flood over the banks.
14 Things to consider. Not as easily as
15 seeing the plan quickly.
16 I'm really concerned about the
17 southern pine beetles. We know that
18 they are there and no one ever wants
19 to talk about them as many times as I
20 brought it up. I am concerned because
21 I have seen neighborhoods where the
22 pine beetles have infiltrated and the
23 trees have been filled and it looks
24 like a terror zone. This area now is
25 only going to have maybe 30 feet

144

1
2 between a residential area and the
3 golf course properties that's
4 developed.
5 If the pine beetles happen to
6 get in there, which they might be more
7 likely to because this is going to be
8 an area with development and incoming
9 compromised ecosystem, whatnot. Then
10 all of a sudden, now you're going to
11 have no choice but to take all of
12 trees and cut them down for the sake
13 of the environment and that point.
14 Now, all of that area we just
15 calculated and all these numbers is
16 suddenly going to be a zero versus
17 what little bit was there at the edges
18 of the golf course. Something to
19 really consider. Perhaps look at
20 where the areas that are prone to be
21 susceptible are. Maybe that will play
22 into how close you make these numbers
23 on our neighbors.
24 I'm also still confused a bit
25 about the wonderfulness of the Parlato

1
2 property. Two things:
3 One is from what I'm reading, it
4 doesn't actually mean that they are
5 building it on their account. It
6 would just be that they let Suffolk
7 County build it when they want to put
8 the new well in, which is kind of odd
9 because I would think that the Town of
10 Southampton probably also would have
11 let them put a well in there if they
12 owned the property anyway.
13 Also with the Timperman
14 addition, the parcels back there
15 weren't developed much because you
16 couldn't get to them because there was
17 old file mapping. And right now, the
18 access to -- people that live
19 residentially year round is through a
20 right of way that's on the eastern
21 side of the main Parlato property.
22 It's not a road. It can't be
23 abandoned because it's just a right of
24 way. But it is even beyond the right
25 of away where the asphalt or where the

1
2 dirt road goes where the people are
3 constantly traveling back and forth to
4 their parcel with whoever wants to
5 visit them.
6 So, again, I just want you to
7 look closer to see if this what they
8 are graciously going to give the Town
9 and be part of their calculations so
10 that they can develop more in this
11 core area of development. Is it
12 really what we think we are getting?
13 And I don't want it to be where
14 the Town is the one left with the
15 concerns to have deal with in the long
16 run.
17 I think they have made some
18 advances in shrinking and
19 consolidating. However, I also remind
20 us, we have been explaining that the
21 area on the northern part has already
22 been discussed as being extremely
23 hilly and hard to work with. So the
24 fact that they are now thinking, you
25 know what, maybe we shouldn't build

1
2 there. It's not really rocket
3 science. Just remember that it's not
4 necessarily -- they are not giving you
5 or us as much as we might be lead to
6 believe -- that they are.
7 Thank you.
8 CHAIRWOMAN GALLAGHER: Thank you
9 Elizabeth.
10 Onto Claudia Braymer, to be
11 followed by Michael Marino.
12 MS. BRAYMER: To the members of
13 the Commission, thank you for this
14 opportunity to provide comments.
15 I am Claudia Braymer, one of the
16 attorneys representing the Group for
17 the East End.
18 I am cocounsel with Jeff Bragman
19 who is not able to be here this
20 afternoon.
21 I will not go over all of the
22 history of this project. I know you
23 guys have dealt with this a lot. I am
24 not as familiar with all of the
25 details, but I know that

1
2 Assemblyman Englebright and many, many
3 others have already discussed the
4 sensitive nature of this area as well
5 as the significant scope and impacts
6 of the proposed project. And I know
7 that you have a very big decision to
8 be made in front of you.
9 We have challenged the
10 subdivision approval that was given by
11 the Town Planning Board and I can make
12 any of those pleadings or a memoriam
13 of law available to the Commission's
14 counsel at anytime if you would like
15 me to send that over.
16 The prior application from 2013,
17 the Hills, at Southampton MUPDD, was
18 before the Town Board many years ago.
19 And as we have heard this afternoon,
20 that application never passed and is
21 not even applicable at this time
22 because that Town law has since been
23 repealed. So that application has
24 been entirely discontinued and the
25 Town Board is no longer an involved

1
 2 agency.
 3 In 2017, a new application, the
 4 Lewis Road PRD, was submitted to the
 5 Planning Board. The Planning Board
 6 did not undertake a coordinated review
 7 and it did not itself take on the lead
 8 agency status. We have the Town's
 9 answer in our case now, and they have
 10 not indicated anywhere that they took
 11 on the lead agency status or undertook
 12 the SEQRA process in order to take
 13 over lead agency status. And they did
 14 not in anyway engage a coordinated
 15 review with you as the Commission as
 16 an involved agency in the review
 17 process.
 18 Because SEQRA requires strict
 19 compliance, you need to undertake your
 20 own SEQRA review. That means doing
 21 your own determination of
 22 significance. You cannot be a
 23 subordinate to an involved agency when
 24 a lead agency doesn't even exist.
 25 As I mentioned, the only lead

1
 2 agency that has existed on this
 3 convoluted history of the project on
 4 this particular property is the Town
 5 Board for the 2013 application that no
 6 longer exists and it's no longer
 7 relevant. It cannot be approved
 8 because that law has been repealed.
 9 The Town Board has already been
 10 sat today. It is no longer an agency
 11 and has no approval jurisdiction. It
 12 has no approval authority and it
 13 cannot be the lead agency on this new
 14 application.
 15 The application before you is
 16 not simply an alternative, it is a
 17 whole new project.
 18 So again, in conclusion, you
 19 must comply with your own SEQRA
 20 requirements for the actual project
 21 now before you, which I've heard today
 22 is different than what was actually
 23 reviewed and approved by the Planning
 24 Board, so I am assuming this is all
 25 going to have to go back to the

1
 2 Planning Board as well. Which is in
 3 further support of our argument that
 4 there needs to be a coordinated review
 5 between agencies that actually give
 6 approval of this project.
 7 This is a large project, and we
 8 ask that you take our concern
 9 seriously, that you do this right.
 10 And as an agency with your own
 11 authority that -- since there was no
 12 coordinated review -- you take lead
 13 agency status and give this a positive
 14 declaration, so that it can actually
 15 be thoroughly reviewed and an EIS
 16 prepared for this project.
 17 Ultimately, we would like to see
 18 the project be denied, but this is the
 19 first step.
 20 I thank you for the opportunity
 21 to provide these comments.
 22 And again, I can provide any
 23 information as needed.
 24 Thank you very much.
 25 CHAIRWOMAN GALLAGHER: Thank you

1
 2 Claudia.
 3 We will move onto
 4 Michael Mirino, to be followed by
 5 Lawrence Oxman; who I have as our
 6 final speaker who requested to speak
 7 with us in advance of the meeting.
 8 If there are other folks who
 9 want to speak afterwards, we will be
 10 able to take your comments.
 11 MR. MIRINO: Thank you.
 12 My name is Mike Mirino.
 13 I live in East Quogue.
 14 Thank you, Pine Barren
 15 Commissioners.
 16 What has been happening in our
 17 country once again, directing your
 18 attention, to prevent commercial golf
 19 course development in the Pine Barrens
 20 has been easier than expected because
 21 prevention is simple. The existing
 22 five acre country residence zoning was
 23 left for us by people who knew better.
 24 Our elected Town Board rejected this
 25 commercial golf course. The people of

153

1
2 East Quogue rejected it in its own
3 village, bigly.
4 Any Town action beyond this is
5 irrelevant. Please protect our
6 environment, restore faith in local
7 government and not grant special
8 permission allowing commercial golf
9 course development in the
10 Pine Barrens.
11 So it's simple, easy and fair.
12 Maintain the in place five acre
13 residential zoning. The conditions
14 under which the property was
15 purchased. The Town of Southampton
16 Code, Chapter 247 Open Space, Article
17 one, PRD, 247-9:
18 Recreational, conservational and
19 cultural uses.
20 Section D applies.
21 Areas for active to recreation
22 which are to contain substantial
23 approvals, structures referencing
24 surfaces and other alteration from
25 their natural state shall not

154

1
2 constitute open space as required by
3 section 247-7, which is the applicable
4 sections.
5 Also, please apply the following
6 truth in your substantial public
7 influence and other endeavors.
8 Private community is an
9 oxymoron. Our country needs inclusion
10 and brotherhood now more than ever.
11 Again, thank you for listening.
12 CHAIRWOMAN GALLAGHER: Thank
13 you, Mike.
14 Onto Lawrence Oxman, and then we
15 will check in with folks who may have
16 logged in but did not actually request
17 to speak ahead of time.
18 MR. MILAZZO: Carrie,
19 Steve Barshov -- and I apologize for
20 butchering the name -- has requested
21 to speak after Mr. Oxman.
22 CHAIRWOMAN GALLAGHER: Okay.
23 MR. MILAZZO: Thank you.
24 MR. OXMAN: Thank you for
25 letting me have this opportunity.

155

1
2 I actually -- first my name is
3 Lawrence Oxman. L-A-W-R-E-N-C-E,
4 Oxman, O-X-M-A-N.
5 I reside in Southampton Town. I
6 have been a resident for 43 years in
7 the West Hampton area. I live in
8 Remsenburg now.
9 Again, thank you for letting me
10 speak.
11 I have submitted a written
12 comment that can go for the record, so
13 I don't want to really repeat what
14 I've submitted.
15 But I am a very strong believer
16 in property rights. And I believe
17 that the applicant purchased this
18 property years ago based on the
19 current zoning, based upon the Suffolk
20 County Sanitary Code, based on the
21 Standards and Guidelines of the
22 Pine Barrens Comprehensive Land Use
23 Plan. They have read all of those.
24 They are submitting an application, in
25 my opinion, that meets all of those

156

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2 Guidelines. I really think that --
3 let's leave it to the staff with the
4 Planning Board and the Pine Barrens
5 Commission staff to make the
6 recommendations. And I think that
7 everything should be -- everything
8 will be worked out.
9 I am a little offended by all
10 the accusations that the opponents
11 have been saying today. I have not
12 planned on talking about this, but
13 when I start to hear that they are
14 complaining that the golf course has
15 been reduced in size and will it be
16 viable or that the roads are now going
17 to be narrower. I mean, they can't
18 win. So if the roads are too wide,
19 it's not good; if the golf course is
20 too big, that's not good. They are
21 reducing the size, that can't be good
22 either. The bays are polluted. Well,
23 we know that the bays are polluted. It
24 has nothing to do with this
25 application.

1
2 In fact, what this application
3 is trying to do is lessen that effect.
4 Pine beetles. Pine beetles.
5 Seriously. The Damascus contamination
6 was brought up, it's not anywhere near
7 the site. People in the cemetery
8 won't be able to rest in piece. These
9 are just dots that should not be
10 connected. It's fright rhetoric, it's
11 the sky is falling.
12 I am also very tired of hearing
13 that the PDD was defeated. Actually,
14 the Town Board -- the majority of the
15 Town Board voted in favor of it.
16 Unfortunately, it needed a
17 supermajority which it did not gain.
18 So back to my point, I trust the
19 planning staff, I trust the
20 consultants and I trust that you will
21 do the right thing and that you will
22 basically determine that this project
23 meets the Standards and Guidelines of
24 the Comprehensive Plan.
25 Thank you.

1
2 CHAIRWOMAN GALLAGHER: Thank
3 you, Lawrence.
4 So at this time, I know that
5 John already mentioned that
6 Steven Barshov would like to speak,
7 but if you are logged in as a
8 participant and have not already
9 provided comment and would like to do
10 so, please indicate your interest in
11 the chat window and we will be able to
12 make a list. It's in alphabetical
13 order, so I would like to call on any
14 remaining individuals who would like
15 to participate.
16 I was also just notified that if
17 you raise your hand in the window,
18 that is also helpful to alert that you
19 would like an opportunity to speak.
20 So we will figure that out while
21 Mr. Barshov is speaking.
22 MR. BARSHOV: Good afternoon,
23 everyone.
24 My name is Steven Barshov.
25 I am an attorney with Sive,

1
2 Paget and Riesel here in New York
3 City.
4 I am counsel for the applicant.
5 I would like to take a few
6 moments to address the multiple
7 comments that have been made -- have
8 been made regarding SEQRA.
9 So that the Commission is aware,
10 the Town Board was the lead agency for
11 the review of the entire project.
12 That included a development proposal
13 that was part of the PDD application,
14 which always included the same
15 development that you have before you
16 today. It included residential
17 development and everything that you
18 see except for the public element of
19 the golf course.
20 So when the Town Board undertook
21 its environmental review, it reviewed
22 the entire project, not a distinct and
23 competing development as my good
24 friend Bob DeLuca described it, with
25 all due respect, erroneously.

1
2 When the Town Board concluded
3 its environmental review, it adopted a
4 Findings Statement in which it
5 concluded that there were no
6 significant adverse environmental
7 impacts that would arise from this
8 project. When the PDD failed to
9 achieve the supermajority that was
10 required, the applicant simply went on
11 to continue the process by filing a
12 subdivision application with the
13 Planning Board. Something it would
14 have always had to have done, even if
15 the Town Board had granted the PDD
16 approval.
17 When the Planning Board
18 undertook its environmental review, it
19 determined that no supplemental
20 environmental impact statement was
21 needed and that it could proceed to
22 adopt its own Findings Statement,
23 which it did. And most importantly in
24 that regard, this Commission is also
25 an involved agency. It will be called

1
2 upon to make its own Findings
3 Statement.
4 The allegation has been made
5 that the Town Board can no longer be
6 made lead agency because it lacks
7 jurisdiction. It does not lack
8 jurisdiction. Bob DeLuca mentioned
9 the fact that there were additional
10 approvals including acceptance of
11 dedications and other matters which
12 would have to be undertaken by the
13 Town Board so it does retain
14 jurisdiction.
15 And on that legal point, Bob and
16 I disagree. And of course the courts
17 will resolve this, as Claudia quite
18 rightly referenced. This matter is
19 before the court and the judges in
20 that they will decide who is right and
21 who is wrong regarding the
22 environmental review of this project.
23 What is before this Commission
24 today is not any of that quite
25 frankly. What is before this

1
2 Commission today is something which
3 has remarkably received little comment
4 in all of the comments made today,
5 which is, has this project been
6 demonstrated to meet the various
7 Standards that this Commission must
8 apply?
9 And as I was listening to
10 comments, I was struck by how little
11 there was stated particularly by
12 project opponents as to how and in
13 what way this project fails to meet
14 the Standards this Commission is
15 required to review and analyze. And
16 would point out to the Commission,
17 that a great deal of effort has been
18 undertaken with the Town environmental
19 division and Commission staff in order
20 to refine the location of golf course
21 holes to increase the amount of
22 unfragmented open space and to do
23 other things that can be done and have
24 been done in order to make sure that
25 this project is the best that it can

1
2 be.
3 And will it in fact -- and does
4 in fact -- meet each and every one of
5 the Standards that the Commission must
6 review and analyze.
7 So I would suggest to you that
8 A: There is no issue before you that
9 precludes you -- no environmental
10 matter or environmental process that
11 precludes you from taking action. You
12 are perfectly able to do so as an
13 involved agency. And I would
14 encourage you to please look at the
15 submissions -- the technical
16 submissions which have been made.
17 Where there has been very, very
18 significant technical analysis
19 undertaken in order to show you and
20 prove to you with confidence, with
21 deliberateness that this project does
22 not create a single instance where the
23 Commission Standards are not met.
24 That is what I would ask you to
25 please look at when you are reviewing

1
2 this application on the merits.
3 Thank you very much.
4 CHAIRWOMAN GALLAGHER: Okay.
5 Thank you, Steven.
6 Do we have other folks who wish
7 to speak?
8 (WHEREUPON, there was inaudible,
9 indecipherable cross-talk among the
10 parties present.)
11 CHAIRWOMAN GALLAGHER: So
12 Dominic Clark and on deck will be
13 Robert Dallas.
14 MR. CLARK: My name is Dominic
15 Clark. Last name is spelled
16 C-L-A-R-K.
17 I am going to read a letter. He
18 is unable to make the call.
19 The letter from the Incorporated
20 Village of Westhampton Beach. The
21 mayor and the Board apologize for not
22 being on the call. They have an
23 important meeting of their own today.
24 Dear Pine Barrens Commission
25 members,

1
2 We are writing to share our
3 Village's positive experiences with
4 Discovery Land Company.

5 Discovery Land Company purchased
6 the Dune Deck property on Dune Road
7 and our Village demolished the
8 existing structure and transformed it
9 into a world class vacation spot.

10 The developer worked within all
11 of our strict development guidelines,
12 managed to meet all of the latest FEMA
13 requirements and coastal erosion and
14 hazard area requirements. Move their
15 structures back from the dune, rebuilt
16 the dune in front of their property
17 and observed all piping clover and
18 other summer construction limitations.

19 In the process of doing all of
20 their planning, it was discovered that
21 the villages public road at its
22 neighboring beach was located on part
23 of the Dune Deck property. At their
24 own considerable expense Discovery
25 Land Company built a public access

1
2 road for our Village residents on the
3 Lashley Beach property.

4 Discovery Land Company has also
5 been a generous partner for many local
6 area charities and public events.
7 Including those for the Westhampton
8 Beach Performing Arts Center, the
9 Greater Westhampton Chamber of
10 Commerce, the Moriches Bay project and
11 the many other supporting programs for
12 the wonderful people for the beautiful
13 village and the environment.

14 Based on our experience with
15 Discovery Land Company, we are
16 confident that they will live up to
17 all of the components of the
18 Lewis Road PRD project and will
19 continue to work to support the
20 community at large for years to come.

21 Signed Sincerely, Maria Moore,
22 Mayor.

23 MR. DALLAS: My name is Robert
24 Dallas and I am a community member and
25 a tax payor in the Town of

1
2 Southampton. I have been for 20
3 years.

4 I have a three-year-old son, so
5 the aquifer and the environmental
6 quality that is disputed in this
7 beautiful landscape is very important
8 to me.

9 I am a hundred percent in favor
10 of this project and I urge the
11 Commission to respectfully approve the
12 Lewis Road project.

13 Discovery will be an excellent
14 steward of these 600 plus acres.

15 I respectfully disagree with
16 something that I heard before with
17 Assemblyman Englebright and all of the
18 other non-partial objectors to the
19 project.

20 These objections are not based
21 on facts, science, nor from the
22 responses provided in the testimony in
23 the application. All we hear is a lot
24 of noise crafted to draw your
25 attention away from the facts.

1
2 And speaking of the facts, the
3 project does not fall in the core
4 preservation area of the Pine Barrens.
5 The plan meets all of the Standards
6 and Guidelines of the Central Land Use
7 Plan, which was also confirmed by the
8 Town of Southampton Planning Board
9 from the professional planning staff.

10 Not only is there absolutely
11 zero development in the core
12 preservation area, there is zero
13 development in the critical resource
14 area. The plan will preserve over 430
15 acres, and at the same time, will
16 result in tax reductions for people in
17 the East Quogue District -- School
18 District.

19 The plan maximizes over
20 contiguous open space in East Quogue.
21 The project will use less water, less
22 fertilizer and remove nitrogen from
23 the watershed as compared to a
24 standard subdivision.

25 From what I've heard and read

1
2 the Town of Southampton, their
3 scientists and the consultants say,
4 the application conforms with all the
5 Standards and Guidelines in the
6 Central Land Use Plan based on science
7 and facts.

8 So your decision should be
9 simple.

10 Thank you very much for your
11 time and consideration.

12 MS. LIGUORI: Hi everyone.

13 I'm actually going to be reading
14 a letter on behalf of Jok Kommer. So
15 I'll just preface it quickly by saying
16 that for those of you who don't know
17 Jok, he's an environmental scientist
18 teacher at Westhampton Beach.

19 By the way, I am a resident of
20 Westhampton Beach. My husband and I
21 bought a home here about two years
22 ago, but we also grew up out here our
23 whole lives, so my parents bought a
24 home in East Quogue.

25 Everyone in high school loved

1
2 Jok Kommer's class. He really has a
3 strong dedication to protecting the
4 environment. That's become his life
5 mission and he studied this proposal
6 since the beginning and applauded
7 always how innovative and responsible
8 it was. So his endorsement should
9 really reassure you that this is a
10 well designed project.

11 To begin:

12 Not being an engineer, a
13 politician or even a business man it
14 seems odd to pour over documents or
15 even to take the time to show up to
16 represent the interest of people I
17 barely know on behalf of a project
18 that I will never directly benefit
19 from.

20 This too because most of my
21 education in all of my years as a
22 teacher were spent on the environment
23 and studying with my kids, the local
24 systems that constitute our ecology.

25 This project, quote, the Hills,

1
2 captured my attention years ago. I
3 quickly turned it over for review to
4 my students. It was tough as they
5 didn't like lengthy documents written
6 from policymakers, by careful
7 engineers and local officials. All
8 with something in the mix. The kids
9 just knew how they felt about the
10 development. It was hard for them to
11 define the issues, and the details
12 were tough on the emotions.

13 That's not it though. That's
14 not the point of this review now years
15 down the road. All the emotions and
16 all the platitudes don't compare to
17 the simple fact, unbalanced and with
18 every opportunity Discovery has made
19 their project superior to the
20 requirements put forward to them.
21 They did the right engineering of the
22 waste water treatment. It far exceeds
23 the standards that has been set. They
24 did the right thing when confronted
25 with slope concerns and clustering

1
2 when the analysts said to do better,
3 and they did that too. They
4 reconfigured and acquired more land
5 for preservation that does more than
6 just enhance the connections between
7 small parcels. It made them whole and
8 it keeps them in perpetuity for open
9 space. This project does what
10 projects of this type are supposed to
11 do. Make better use of the land than
12 as of right, exceed water quality
13 standards and actually repair damage
14 to water quality.

15 This parcel groups parcels who
16 have had a history of use and
17 scarring. This is a wise use of this
18 land that will benefit the local
19 economy while weighing the
20 environmental cost and always doing
21 more than what was asked.

22 Thank you for consideration,
23 Joseph O. Kommer.

24 CHAIRWOMAN GALLAGHER: Thank
25 you, Heather.

1
2 Who's the last person? Next is
3 Tom Ward and he's on deck and then we
4 will go back to Yuki who has returned
5 to us.

6 MR WARD: Hi. My name is
7 Tom Ward and I am representing the
8 Long Island Chapter of Sierra Club.

9 The Sierra club opposes this
10 program. I'm not going to go into all
11 the reasons, but for -- to repeat
12 things Representative Englebright and
13 DeLuca and others have said.

14 But the concern with the runoff
15 with nutrients, the fact that there is
16 a danger in animal extinction and the
17 fact that that was mentioned today,
18 this plan seems to be based on a view
19 that it's only going to be -- the
20 residences are only going to be used
21 for part of the year. Kind of is a
22 bit of a -- creates a situation where
23 the sewage and other things may not
24 really be up to snuff for people who
25 decide to live there all year.

1
2 So for all of those reasons, the
3 Sierra Club of Long Island opposes
4 this project.

5 CHAIRWOMAN GALLAGHER: Thank
6 you, Tom.

7 Okay. Yuki, there you are.
8 Hello.

9 MR. ENDO: My name is Yuki Endo.
10 I am a nature lover and loss of any
11 nature in New York is (inaudible)
12 because it's beautiful Pine Barrens
13 across Long Island.(inaudible).

14 CHAIRWOMAN GALLAGHER: Thank
15 you, Yuki.

16 (WHEREUPON, there was inaudible,
17 indecipherable cross-talk among the
18 parties present.)

19 CHAIRWOMAN GALLAGHER: So we
20 just want to check now if there is any
21 call in participants -- any conference
22 call participants who wanted to speak.

23 A phone number ending in 376, if
24 you could just identify yourself.

25 So the phone number ending in

1
2 376 should be unmuted now if you
3 wanted to speak.

4 If either participants who has
5 dialed in -- one has a phone number
6 ending in 376 and one has a number
7 ending in 437. If you would like to
8 speak, you can unmute yourself at this
9 point. And if not, that is fine. We
10 just wanted to make sure we have given
11 you the opportunity to speak since we
12 saw that you had called in.

13 Okay. Not hearing anyone. We
14 did have two more folks that were part
15 of the applicant who wanted to provide
16 some final comments. So we are going
17 to go back to Chick and then to
18 Ed Divita. I think they wanted to
19 provide some final comments on behalf
20 of the applicant.

21 MR. VOORHIS: Thank you very
22 much.

23 Thank you for recognizing me.

24 I really covered most of what
25 needed to be covered. There were a

1
2 number of speakers; Mr. Barshov,
3 Mr. Dallas had some excellent points.
4 But I just want to go back to a couple
5 of quick items that Mr. Englebright
6 started and raised a couple of issues
7 that I want to assure to the
8 Commission are addressed.

9 Number one: There will be an
10 integrated turf health management plan
11 for the golf recreation area. That's
12 something that the Town of Southampton
13 administered for other golf courses.
14 It does that very effectively.

15 Mr. Englebright talked golf
16 course chemistry and monitoring.
17 There will be extensive groundwater
18 monitoring. We don't expect any
19 triggers to be met. Especially based
20 on experience of the Town and their
21 expert Dr. Petrovic. But there
22 certainly will be lysimeters which
23 will take samples in the vadose zone
24 before recharge gets to groundwater as
25 well as groundwater monitoring.

1

2 It's all part of the project.

3 It's all part of the approval.

4 The level of cluster was brought

5 up by Mr. Englebright. I want to

6 assure the Commission that I looked at

7 this very carefully. I feel that

8 bringing in the Parlato property,

9 which is 120 acres east of this site,

10 and having no development there as

11 opposed to having that be for

12 potential future development is

13 advantageous in many, many respects.

14 It's encouraged by the East Quogue

15 Land Use Plan and it just meets common

16 sense that it takes that development

17 off the table and brings that land use

18 to a consolidated area.

19 There's no development within a

20 core preservation area. That's a

21 given. The core area extends 1,000

22 feet south of Sunrise Highway. Our

23 cluster removes all development from

24 steep slope areas and is clustered

25 tightly. He also purchased the

1

2 Kracke property and consolidated

3 development from that, which could

4 have been a separate and distinct

5 development on its own.

6 We worked very closely with the

7 Town, we walked the site extensively.

8 Many visits were placed to the site to

9 ensure that all environmental

10 resources and contiguity of open space

11 was protected.

12 There were a couple of comments

13 about wildlife going extinct,

14 disequilibrium. I don't see that in

15 the Standards and Guidelines.

16 Basically, the project will retain

17 72 percent of the property. We can

18 only build on 28 percent of the

19 remaining natural open space. And

20 there are many areas that will also be

21 preserved that are already cleared.

22 We can't develop because of the nature

23 of the project site. Those areas are

24 already being returned to native Pine

25 Barrens through the efforts of

1

2 Discovery Land and with guidance from

3 the Town.

4 The fact that we meet those

5 perimeters has already been factored

6 into the wildlife and retention of

7 habitats based on the Pine Barrens

8 plan and the DEIS that was done for

9 that plan in the '90s. This is

10 compatible growth area. The area we

11 are developing is compatible growth.

12 There was talk about fuel

13 storage. And I think it's very

14 important to note that fuel storage is

15 not in anyway prohibited. It must

16 conform with Article 12 of the Suffolk

17 County Sanitary Code. The volume of

18 material is not excessive.

19 In Article 12, it provides

20 safeguards for the storage of that

21 material.

22 I worked very extensively with

23 Dr. Gobbler on this, as well as other

24 projects. We came to agreement on the

25 numbers at the end of the PDD process.

1

2 Dr. Gobbler did recognize that is your

3 certain public benefits that were part

4 of the PDD and are not required or

5 otherwise necessary for a subdivision

6 that conforms to Town Code and has

7 gained preliminary subdivision. Those

8 public benefits that were related to

9 the PDD are not necessary. They also

10 are not necessary for us to meet with

11 the Standards and Guidelines.

12 Particularly with respect to

13 nitrogen. I spoke extensively about

14 the nitrogen load analysis and how we

15 are consistent. I will standby the

16 record on that. And there's no need

17 to look at the CDM Smith model of the

18 County, which is basically a regional

19 model. We have done all necessary

20 site specific site assessments to

21 demonstrate conformance with the

22 Standards and Guidelines, in

23 particular with the nitrate-nitrogen

24 Guidelines.

25 I will just say that other

1
2 comments seem very general to me.
3 They didn't provide scientific backup.
4 Comments like it's a bad idea are not
5 in the Standards and Guidelines. And
6 I will rely on our record and the
7 submissions that is providing factual
8 information based on extensive
9 experience, consultants that have a
10 reputation to uphold and a team that
11 sincerely is looking to do the right
12 thing and provide the Commission with
13 the information they need to make a
14 well informed decision.

15 Those are my remarks and really
16 thank you for letting me speak.

17 CHAIRWOMAN GALLAGHER: Thank
18 you, Chick.

19 So Mr. Divita and then if we
20 have no other inquires or requests we
21 will --

22 (WHEREUPON, there was inaudible,
23 indecipherable cross-talk among the
24 parties present.)

25 MR. DIVITA: Good afternoon.

1
2 My name is Ed Divita and I am a
3 partner with Discovery Land Company
4 and I represent the applicant.

5 I would like to thank the
6 Commission and staff for a very
7 thorough evaluation of our
8 application. And a truly high quality
9 process and dialogue about the project
10 details.

11 We are indeed sincere in
12 proposing a fully conforming project.
13 Among our most important project
14 design criteria that we set out at the
15 outset of the project includes total
16 conformance with all requirements of
17 the Comprehensive Land Use Plan.

18 And I am very proud of our team
19 of skilled professionals and designers
20 who have prepared the plans and the
21 application. They interfaced
22 extensively with the Town and with the
23 Pine Barrens Commission staff
24 professionals, all to assure
25 conformance on every key measure.

1
2 Along the way we have listened
3 carefully to comments and feedback
4 from the community and from all
5 agencies. And throughout the process,
6 we integrated them as appropriate into
7 the application. We have taken many
8 years and worked very diligently as a
9 team to document the project
10 conformance in writing. It's in the
11 form of a very thorough and vetted
12 application.

13 I would just like to clarify a
14 few points from the speakers today.

15 Number one, we are not the
16 biggest and baddest project of all
17 kind as Mr. Amper suggested.

18 This is a very carefully,
19 professionally and thoughtfully
20 planned project, fully conforming to
21 the objective criteria of the
22 Comprehensive Land Use Plan.

23 Also, the project area is not
24 off limits to development as
25 Ms. Kearns states. It's in fact

1
2 located within the compatible growth
3 area. And per legislation, this land
4 is meant for compatible growth. The
5 project is fully in compliance with
6 the New York State SEQRA law and was
7 thoroughly -- very thoroughly vetted
8 with multiple draft EIS, many public
9 hearings, many public comments
10 provided. Those comments all
11 integrated to the final EIS which was
12 completed and accepted by the Town
13 Board with a vote of five Board
14 members in favor and zero opposed.

15 And our golf course in the
16 Bahamas is not gone. It in fact
17 exists in beautiful and sustainable
18 form today. It is true that a
19 category five plus hurricane with
20 gusts in excess of 220 miles per hour
21 and a storm surge in excess of 10 feet
22 hit the Bahamas last year. And the
23 eye of the wall storm went right over
24 the top of our project. And because
25 our course was developed and

1
2 constructed and maintained in such a
3 substantial manner, it survived this
4 storm very well. I myself personally
5 as a representative of Discovery was
6 among the first people on the ground
7 after that storm hit in the Bahamas
8 providing evacuation and relief to
9 thousands of Bahamians -- general
10 citizens, not just our employees.

11 And despite the devastating
12 storm, today we employ over a thousand
13 gainfully at the Bahamas property.
14 And the project is the engine that's
15 leading the way for the Bahamas
16 recovery from the storm. And within
17 the Bahamas government, as high as the
18 Prime Minister, he'll attest to that.

19 Some locals who previously
20 opposed the project during the early
21 years, went live on CNN after the
22 storm thanking Discovery Land Company
23 for helping so much with relief and
24 recovery and evacuations.

25 So I ask in your decision

1
2 making, please be guided by the
3 content in our application and the
4 rules, Guidelines and laws that
5 govern.

6 And most important, this project
7 in fact represents a perfect alignment
8 between the Town's Comprehensive Plan,
9 the Comprehensive Land Use Plan and
10 Discovery's approach were committed to
11 being the best possible steward of
12 this land with long-term
13 sustainability being our priority. We
14 are continuing our commitment as a
15 contributor to the community, as the
16 mayor of Westhampton Beach states.
17 And as an employer and bringing high
18 quality low impact fully conforming
19 economic development to the area. And
20 we will be here through the tough
21 times and the good times. And when
22 needed, we will be among the strongest
23 of community members.

24 So we thank you again for
25 consideration of our application.

1
2 CHAIRWOMAN GALLAGHER: Thank
3 you, Ed.

4 I think at this point, John,
5 maybe you can go through the list of
6 individuals who have submitted written
7 comments, if you received several
8 comments in writing. We are not going
9 to read the comments, but we just
10 wanted to make you aware of who have
11 submitted written comments that will
12 be included in the record.

13 MR. PAVACIC: So these are
14 comments that we have received via
15 e-mail. We received approximately 70
16 comments via e-mail.

17 First one: Susan and Tom
18 Madigan, Martin and Ann Downs,
19 Kathleen Hurwitz, Thomas Elefterion,
20 Madeline L. Dale, Grace Cole,
21 Julia Lane, Michele Murray,
22 Melissa Clements, Marie Jacobs,
23 Brendan Martin, Gerard Connelly,
24 Ted Davis, Dennis Fagan,
25 Jeffrey Seeman, Mark F. Kessenich III,

1
2 Peter Cardel, Ambrose Carr,
3 Britton Bistran,
4 William Kreitsek, Sr., Celeste Tymann
5 Patrick Haskell, Silas Anthony,
6 Anthony Anne, William C. Wright,
7 Abe and Lucy Cary, Judith McDermott,
8 Peter Scott Sartorius, Jr.,
9 Maria Moore, Mayor of Village
10 Westhampton Beach, Leslie M. Jones,
11 Sheryl Heather, Jeffrey Heath,
12 Patrick Goman, Michael Alestra,
13 Shannon Sartain, John Artarian,
14 Kristie Roccoforte, Eileen Casino,
15 John Nelson, Ethan Cowan,
16 Susan Kearns, Gregory Oh, Erin Haney,
17 Tyler Morgan, Edward Burke, Jr.,
18 Wendy McCarthy, Bianca Ramirez,
19 Kristopher Selden, Sean Bouker,
20 Michael Schwenk, Tommy Bennetter,
21 Glenn O. Vickers, III,
22 Avishek Chatterjee, Joseph O. Kommer,
23 Yuki Endo, Lawrence Oxman,
24 Lindsey Gravina, Elenor Kobel,
25 Matthew Morgan, Shannon and

1
2 Gregory Celi, Karen Kooie, Long Island
3 Pine Barrens Society, Andrea Spilka
4 for Southampton Town Civic Coalition,
5 Melissa Bateman, Larry Citarelli,
6 Bob DeLuca for the Group for the East
7 End, Tom McCarthy, Peter Satorias,
8 Aram Terchunian and Camden Ackerman.

9 That's about 71 comments so far.

10 CHAIRWOMAN GALLAGHER: Thank
11 you, John.

12 So we will be accepting
13 additional written public comments.
14 So the Commission will be accepting
15 additional written public comments on
16 the Lewis Road application for five
17 business days following this hearing.

18 They can be submitted to
19 info@pb.state.ny.us.

20 And at this time, there is a
21 motion to close the public hearing and
22 leave it open for written comments for
23 five days.

24 MR. SCHNEIDERMAN: So moved.

25 CHAIRWOMAN GALLAGHER: We got

1
2 our motion and Ed will second it.

3 And then if we can raise they
4 hand in favor.

5 (Whereupon, there was a
6 unanimous, affirmative vote of the
7 Board.)

8 CHAIRWOMAN GALLAGHER: All in
9 favor.

10 So there's no extensions, I'm
11 assuming. I can't see -- yeah, we
12 have everyone. Okay.

13 So the public hearing is closed.
14 We will be moving the additional
15 public comments for five business
16 days, so that would be next --

17 MR. MILAZZO: (Interjecting) --
18 next Wednesday.

19 CHAIRWOMAN GALLAGHER:
20 (Continuing) -- the 26th.

21 Okay. We will be posting the
22 meeting -- video of the meeting today,
23 and as mentioned previously we will
24 also be providing the transcript.

25 So at this point we also need a

1
2 motion now to close the Commission
3 meeting and move it -- all right. Ed
4 is making a motion, second is by Jay,
5 everyone is in favor?

6 (Whereupon, there was a
7 unanimous, affirmative vote of the
8 Board.)

9 CHAIRWOMAN GALLAGHER: Yes. We
10 will close the meeting and move into a
11 close advisory session.

12 Do we need a motion for that
13 too?

14 MR. SCHNEIDERMAN: Yes.

15 CHAIRWOMAN GALLAGHER: So I
16 should have made a motion to move into
17 a closed advisory session before we
18 closed the meeting.

19 Motion by Jay, second by Ed. We
20 will move into closed advisory session
21 and closing the meeting -- oh, John?

22 MR. MILAZZO: I was reading the
23 comments from Wayne Bruyn. He just
24 needs clarification for the comments.
25 It's five business days, when do they

1
2 start? Tomorrow?

3 CHAIRWOMAN GALLAGHER: Tomorrow,
4 if it's tomorrow than that gives us
5 until the end of business on
6 August 26th.

7 MR. MILAZZO: So the comments
8 are due close of business next
9 Wednesday.

10 CHAIRWOMAN GALLAGHER: Correct.

11 MR. SCHNEIDERMAN: So John
12 Milazzo, before we vote on the motion
13 to go into a closed advisory session,
14 I typically like to state the reason
15 for the close advisory, so is it
16 confidential legal advice or is it --
17 MR. MILAZZO: Yes. There's a
18 couple of matters that is we need
19 counsel, one of which we talked about
20 earlier, and we also have an
21 enforcement question for you.

22 MR. SCHNEIDERMAN: Okay. Let me
23 amend my motion to go into close
24 advisory session for the purposes of
25 confidential legal advice and

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potential enforcement action.
CHAIRWOMAN GALLAGHER: Okay.
Second by Ed. All in favor?
(Whereupon, there was a
unanimous, affirmative vote of the
Board.)
CHAIRWOMAN GALLAGHER: Great.
So thank you everyone for joining us
today. And I'm sure that we will be
seeing many of you again in September.
(Whereupon, this hearing was
concluded at 6:03 p.m.)

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C E R T I F I C A T I O N.
STATE OF NEW YORK
ss:
COUNTY OF SUFFOLK

I, DOMENICA RAYNOR, Court
Reporter and Notary Public of the State of
New York, do hereby certify:

That the within transcript
was prepared by me and is a true and
accurate record of this hearing to the
best of my ability.

I further certify that I am
not related to any of the parties to this
matter by blood or by marriage and that I
am in no way interested in the outcome of
any of these matters.

IN WITNESS WHEREOF, I have
hereunto set my hand this 19th day of
August, 2020.

<p>\$1000000 88:12,23</p> <p>& 2:2 3:15,21</p> <p>'90s 179:9</p> <p>048 67:22</p> <p>15th 64:24 95:13</p> <p>16th 12:8 21:14</p> <p>17th 82:3</p> <p>19th 1:19 5:18 10:10 23:17 27:18 81:2 194:20 (7)</p> <p>1st 10:14</p> <p>23rd 23:7</p> <p>24th 96:4</p> <p>26th 12:5 190:20 192:6</p> <p>3rd 10:13</p> <p>501c3 137:10</p> <p>abandoned 145:23</p> <p>abe 188:7</p> <p>ability 81:21 105:12 135:6 194:13 (4)</p> <p>able 39:3 54:11 75:16 103:3 147:19 152:10 157:8 158:11 163:12 (9)</p> <p>about 21:17 27:13 48:6 51:7,8 52:19 54:12 59:5,23 60:2,2 65:13 67:9 77:14 87:22 113:17</p>	<p>114:13,22 115:11,13 116:21 117:2,6 120:5 121:16 122:7 124:19 127:2 140:3,14 141:25 142:11,12,13 143:16,19 144:25 156:12 169:21 171:9 178:13 179:12 180:13 182:9 189:9 192:19 (46)</p> <p>above 126:21</p> <p>absence 73:4 99:11</p> <p>absolutely 97:7 168:10</p> <p>accept 97:10</p> <p>acceptance 64:12 161:10</p> <p>accepted 54:14 80:12 184:12</p> <p>accepting 189:12,14</p> <p>access 38:14,23,24 39:4 44:4 125:19 145:18 165:25 (8)</p> <p>accessed 38:10 39:8</p> <p>accessory 63:6</p> <p>accommodate 32:25 33:7</p> <p>accommodated 53:7</p> <p>accordance 17:17</p> <p>account 18:16</p>	<p>53:24 145:5</p> <p>accounted 13:10</p> <p>accurate 7:19 30:24 65:9 194:12 (4)</p> <p>accusations 156:10</p> <p>achieve 12:11,19 21:12 28:23 134:13 160:9 (6)</p> <p>achievement 134:18</p> <p>achieves 35:11</p> <p>ackerman 4:10 131:18 136:5,7,21, 21,22,23 189:8 (9)</p> <p>acquired 20:25 172:4</p> <p>acre 12:14 28:12 33:24 103:18 152:22 153:12 (6)</p> <p>acres 10:25 14:2 15:3 16:2,4,12,24 17:2,12 18:4,6 20:24,25 21:3 34:3,18 68:6 90:10 95:11 125:23 126:9 167:14 168:15 177:9 (24)</p> <p>across 174:13</p> <p>act 71:18 72:16,19 74:12 76:2,22 81:13 95:6 110:24 112:11 113:6,24 116:2 (13)</p> <p>acted 96:5</p> <p>action 23:24</p>	<p>25:10 53:18 63:15 66:18 72:23 95:3 99:2 132:24 153:4 163:11 193:2 (12)</p> <p>active 38:8,13 40:6 64:17 132:17 153:21 (6)</p> <p>actively 135:7,16,21</p> <p>activity 15:8</p> <p>actual 92:25 93:7,13 150:20 (4)</p> <p>actually 28:15 49:9 52:2 54:25 89:22 133:19 134:8 145:4 150:22 151:5,14 154:16 155:2 157:13 169:13 172:13 (16)</p> <p>add 53:14 81:3</p> <p>adding 103:10</p> <p>addition 41:12 94:9 130:6 145:14 (4)</p> <p>additional 21:9 41:19 80:13 161:9 189:13,15 190:14 (7)</p> <p>address 7:18 26:18,23 63:18 67:18 96:24 159:6 (7)</p> <p>addressed 24:7 25:14 46:7 50:3,7 64:19 65:2 176:8 (8)</p> <p>addresses 30:6</p> <p>adequate 60:20 61:7</p>	<p>adjacent 15:17 18:19,23 20:6 33:16 102:4 133:24 (7)</p> <p>adjourned 23:17,25</p> <p>adjournment 24:3</p> <p>adjust 56:4</p> <p>adjustments 57:8</p> <p>administered 176:13</p> <p>administrative 94:14</p> <p>ado 26:22</p> <p>adopt 29:10 64:4 160:22</p> <p>adopted 26:7 29:3 63:21 160:3 (4)</p> <p>advance 114:5 152:7</p> <p>advances 146:18</p> <p>advantage 71:4</p> <p>advantageous 177:13</p> <p>adverse 105:6 125:6 160:6</p> <p>adversely 105:16</p> <p>advice 192:16,25</p> <p>advisory 94:13 191:11,17,20 192:13,15,24 (7)</p> <p>advocacy 117:9</p>
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<p>advocate 133:5 137:22</p> <p>advocates 118:17 135:11</p> <p>aerial 38:4</p> <p>aesthetic 15:2,7 33:2,6 60:18 (5)</p> <p>aesthetics 60:7</p> <p>affect 12:25,25 13:9 52:21 (4)</p> <p>affected 13:5 53:5</p> <p>affiliation 70:6 86:23 131:24</p> <p>affirmative 190:6 191:7 193:6</p> <p>affordable 100:11</p> <p>afforded 26:20</p> <p>after 5:3 38:9 108:6 116:21 154:21 185:7,21 (7)</p> <p>afternoon 5:12 6:25 10:2 22:7,9 27:4 45:12 71:8 94:4 101:23 107:24 116:12 123:4 127:25 136:7 147:20 148:19 158:22 181:25 (19)</p> <p>afterwards 152:9</p> <p>again 7:22 8:17,23 11:21 18:4 20:19 21:13 67:24 74:10 78:19 80:10,21 82:2,17,18,18 93:2</p>	<p>112:22,22 113:16,16 114:11 123:13 131:6 146:6 150:18 151:22 152:17 154:11 155:9 186:24 193:11 (32)</p> <p>against 98:16 100:10 102:6 112:18 114:9 134:6 (6)</p> <p>agencies 63:10,11 66:25,25 96:13 97:3 98:2 100:7 151:5 183:5 (10)</p> <p>agency 25:7 61:25 62:4,17,18 63:8,17 64:7,17,18 65:6,16,25 66:2,3, 5,12,13,17,20,21,2 4 95:18 96:2,6,11,15,23 97:6,15,16,21 98:22 99:4,8,20 14 9:2,8,11,13,16,23, 24 150:2,10,13 151:10,13 159:10 160:25 161:6 163:13 (52)</p> <p>agent 65:17,22,23</p> <p>ago 38:15,16 79:21 82:16 131:4 132:12 148:18 155:18 169:22 171:2 (10)</p> <p>agree 44:20 91:7 133:13</p> <p>agreement 179:24</p> <p>agricultural 133:24</p>	<p>aguiar 61:22,22 62:11 64:22 65:11 (5)</p> <p>aguior 3:6 6:18</p> <p>ahead 51:12 58:3 113:20 114:3 154:17 (5)</p> <p>air 73:3</p> <p>airport 129:7</p> <p>alert 158:18</p> <p>alestra 4:8 123:2 127:23,25 128:5,6 188:12 (7)</p> <p>algae 88:4 130:8,14</p> <p>algal 87:14</p> <p>alignment 41:12 186:7</p> <p>allegation 161:4</p> <p>allow 15:15 23:18 59:14</p> <p>allowed 25:21,25 56:15 62:15 81:20 83:19 104:3,14 (8)</p> <p>allowing 8:24 104:8 153:8</p> <p>allows 96:12</p> <p>almost 37:13 73:12 128:16</p> <p>alone 77:4</p> <p>along 34:2 38:23 41:13 61:20 106:8 111:18 123:22 130:12 139:23 183:2 (10)</p>	<p>alphabetical 158:12</p> <p>already 44:3,10 93:9 109:3,5,10,10 124:7 126:16 127:15 146:21 148:3 150:9 158:5,8 178:21,24 179:5 (18)</p> <p>also 10:7 11:3 15:19 20:23 26:18 28:19,22 30:16 41:3 47:2 49:19 54:16 59:14 63:19,24 75:8 77:8,13 78:12 88:7 90:14,23 94:12 99:6 142:12 143:8,10 144:24 145:10,13 146:19 154:5 157:12 158:16,18 160:24 166:4 168:7 169:22 177:25 178:20 180:9 183:23 190:24,25 192:20 (46)</p> <p>alteration 153:24</p> <p>altered 19:7</p> <p>alternative 96:25 150:16</p> <p>alternatives 76:14</p> <p>although 7:4</p> <p>always 61:5 62:23 103:13 159:14 160:14 170:7 172:20 (7)</p> <p>am 22:13 27:9 59:5 71:17,19 74:16 77:14 81:2 94:7,12 108:15 110:20 123:7,9 130:19 132:2</p>	<p>133:4,9 136:9,24 141:25 142:10 143:20 147:15,18,23 150:24 155:15 156:9 157:12 158:25 159:4 164:17 166:24 167:9 169:19 173:7 174:10 182:2 194:14,17 (41)</p> <p>amazed 38:17</p> <p>ambrose 188:2</p> <p>amend 192:23</p> <p>amended 81:24</p> <p>amenity 106:20</p> <p>among 47:13,25 53:12 137:25 164:9 174:17 181:23 182:13 185:6 186:22 (10)</p> <p>amount 93:9,10 162:21</p> <p>amounts 130:12</p> <p>amper 4:5 107:23 110:16,19 183:17 (5)</p> <p>analyses 55:22</p> <p>analysis 12:18 13:3 30:5,20 68:15 76:13 77:7 83:22 89:16 119:9 121:3 124:10 125:15 163:18 180:14 (15)</p> <p>analysts 172:2</p> <p>analyze 162:15 163:6</p>
---	---	--	---	--

<p>analyzed 42:18</p> <p>andrea 4:7 116:11 122:25 123:6 127:22 189:3 (6)</p> <p>andrew 4:9 104:20 127:24 131:17,22 136:4 (6)</p> <p>animal 173:16</p> <p>animals 111:11</p> <p>ann 187:18</p> <p>anne 188:6</p> <p>announce 7:15</p> <p>annually 47:3</p> <p>another 51:17,19 77:12 92:18 102:15,21 135:20 (7)</p> <p>answer 45:21 62:7 67:4 118:15 119:13 149:9 (6)</p> <p>answered 43:6</p> <p>answering 118:20</p> <p>answers 83:24 113:19</p> <p>anthony 188:5,6</p> <p>anybody 91:25</p> <p>anyone 80:12 175:13</p> <p>anything 45:24 104:15,16</p> <p>anytime 148:14</p>	<p>anyway 145:12 149:14 179:15</p> <p>anywhere 38:8 111:12 149:10 157:6 (4)</p> <p>apologize 154:19 164:21</p> <p>appeals 112:9</p> <p>appear 39:9</p> <p>appearing 22:16</p> <p>applauded 170:6</p> <p>apples 52:4</p> <p>applicable 118:24 148:21 154:3</p> <p>applicant 8:21 10:10,12,19 11:24 12:16 14:15,18 17:14 20:20,25 21:24 23:20 24:4 33:19 35:17 38:21 39:24 42:18 51:18 52:13,18 62:9 83:24 98:9,14 111:24 112:2,6 115:8 118:20 120:9 123:16 155:17 159:4 160:10 175:15,20 182:4 (39)</p> <p>applicant's 24:18 25:2,3,14 26:8 118:15 119:24 124:11 (8)</p> <p>applicants 6:2 13:7</p> <p>application 1:1 5:19,22 11:11 22:18 23:5,16 25:11,18,20 27:18 29:12 35:9 55:18</p>	<p>64:3 74:2 84:2,24 85:3 96:11,20 98:11 100:5 113:20 114:24 116:22 118:2 148:16,20,23 149:3 150:5,14,15 155:24 156:25 157:2 159:13 160:12 164:2 167:23 169:4 182:8,21 183:7,12 186:3,25 189:16 (49)</p> <p>applications 27:14 95:10</p> <p>applied 97:24</p> <p>applies 153:20</p> <p>apply 154:5 162:8</p> <p>appreciate 45:11 68:20</p> <p>approach 186:10</p> <p>approaches 89:21 90:4</p> <p>appropriate 31:11 70:5 99:11 118:19 183:6 (5)</p> <p>appropriated 57:8</p> <p>approval 36:18 97:12 99:9 100:8 105:13 108:19 148:10 150:11,12 151:6 160:16 177:3 (12)</p> <p>approvals 30:15 153:23 161:10</p> <p>approve 85:2,17 127:13 135:24 167:11 (5)</p>	<p>approved 14:13 19:6 29:4,21 45:8 74:11 84:9 95:14 113:7 118:8 126:4 150:7,23 (13)</p> <p>approving 96:12</p> <p>approximately 14:2 15:5 16:2 21:4 187:15 (5)</p> <p>april 82:3</p> <p>aquaculture 133:2</p> <p>aquifer 108:11 109:14 141:3 167:5 (4)</p> <p>aram 189:8</p> <p>arbitrary 99:22</p> <p>archeological 40:7</p> <p>are 5:7,9 7:10,12,13,15,17 8:7,13 9:15,16 10:25 12:7 14:4,9,18 15:5,17,24 16:24 17:9 18:4 21:6 25:14,22 29:7 30:15 32:24 33:5,6 39:20,21 40:5 44:2 45:19 47:9 49:5,18 50:8 51:2 56:9,14 57:8 60:14 63:10 64:10 65:22 66:2,18,25 67:25 68:4 70:7 73:21,23 76:14 77:5,6,8 78:7 81:9 83:11 87:6,25 88:4 90:5,7,25 93:14 94:2 101:20 102:18,24 103:4,20 104:3,13 106:6 107:3,4,7,8 109:21 110:3,10</p>	<p>112:17 114:10 115:10,23,23 116:9,25 117:9,20 119:15 120:3 121:16,25 122:3 123:3,24 124:2,3 125:13 126:5 129:8,16,19 130:18,19 131:7 132:4 134:10,14,20 135:3,13,22 136:18 137:6 140:20,21 141:6,6,12 143:10,18 144:20,21 145:4 146:2,8,12,24 147:4,6 152:8 153:22 155:24 156 :13,16,18,20,22,23 157:9 158:7 163:12,23,25 165:2 166:15 167:20 172:10 173:20 174:7 175:16 176:8 178:20,21,23 179:11 180:4,9,10,15 181:4,15 182:11 183:15 186:14 187:8,13 192:8 (174)</p> <p>area 16:2,5,8 21:3,9 33:25 34:4,7 35:16 38:5,7,8 39:19 42:21 60:10 72:22 74:13,15 75:21 81:16,19 82:7,8,14,24 83:17 84:5,14 88:4 91:18 120:23 121:8 140:22 142:6,22 143:24 144:2,8,14 146:11,21 148:4 155:7 165:14 166:6 168:4,12,14 176:11 177:18,20,21</p>
---	---	---	--	--

<p>179:10,10 183:23 184:3 186:19 (57)</p> <p>areas 13:19,25 14:4,7 15:24 16:22 20:15 21:6 28:10 32:14 35:8 36:11 37:14,17 38:22 44:4 53:25 74:13,24 144:20 153:21 177:24 178:20,23 (24)</p> <p>argument 133:13 151:3</p> <p>argumentative 58:5</p> <p>arise 160:7</p> <p>arose 13:4</p> <p>around 21:7</p> <p>art 92:2</p> <p>artarian 188:13</p> <p>article 44:11 58:10 83:14 153:16 179:16,19 (6)</p> <p>arts 166:8</p> <p>ask 6:5 45:16 58:2 59:13 65:12 79:8,9 105:9 107:15 122:17 127:10 134:22 151:8 163:24 185:25 (15)</p> <p>asked 21:16 26:22 28:14 63:18 67:9 113:16 118:25 126:19 172:21 (9)</p> <p>asking 54:12</p> <p>aspect 46:13</p>	<p>94:19</p> <p>aspects 13:10</p> <p>asphalt 145:25</p> <p>assault 113:17</p> <p>assembly 70:13 71:16,22</p> <p>assemblyman 3:17 70:8,9,11,21,23 71:3,7 80:7 82:9 108:13 148:2 167:17 (13)</p> <p>assertion 1:1 5:21</p> <p>assessment 94:23</p> <p>assessments 180:20</p> <p>assistance 138:4</p> <p>associated 113:24</p> <p>associates 136:10,25 137:9,18 138:24 (5)</p> <p>association 81:9 104:5,17 126:8 (4)</p> <p>assuming 150:24 190:11</p> <p>assumptions 48:6 49:18 54:4 55:3 (4)</p> <p>assure 96:23 97:25 176:7 177:6 182:24 (5)</p> <p>atmospheric 54:2</p> <p>attaining 92:22</p>	<p>attempting 123:14</p> <p>attended 128:15</p> <p>attendees 59:11</p> <p>attention 11:19 45:11 94:19 96:8 97:2 102:10 107:6,10,16 152:18 167:25 171:2 (12)</p> <p>attest 185:18</p> <p>attorney 158:25</p> <p>attorneys 147:16</p> <p>atvs 38:14</p> <p>august 5:18 12:5 192:6 194:21 (4)</p> <p>authority 28:12,14 83:13 96:16 97:8,12,17 114:5 150:12 151:11 (10)</p> <p>available 26:18 45:20 63:6 148:13 (4)</p> <p>average 57:13 58:12 92:23</p> <p>avishek 188:22</p> <p>avoid 11:7 76:16</p> <p>avoidable 76:12</p> <p>avoided 78:9</p> <p>aware 23:4 25:22 62:14 87:6 90:25 159:9 187:10 (7)</p> <p>away 103:25 106:6 145:25 167:25 (4)</p>	<p>bachelors 139:19</p> <p>back 39:20 40:17 68:8 92:17,19 120:3 124:12 139:17 140:16 142:4 145:14 146:3 150:25 157:18 165:15 173:4 175:17 176:4 (18)</p> <p>backgrounds 50:24 139:24</p> <p>backup 181:3</p> <p>backyard 105:19</p> <p>bad 112:18 133:14 135:9,14 181:4 (5)</p> <p>baddest 111:6 183:16</p> <p>bahamas 130:22 184:16,22 185:7,13,15,17 (7)</p> <p>bahamians 185:9</p> <p>balance 7:25</p> <p>banks 143:13</p> <p>barely 170:17</p> <p>baron 44:4</p> <p>barren 90:12 152:14</p> <p>barrens 2:2 5:15 15:21 27:15,19 33:17 43:8 45:5 48:13 55:23 64:25 68:9 71:9,18 72:16,18,21 73:10 74:6,12 76:2,6,21,24 81:13,25 83:6 84:5,25 85:12</p>	<p>94:13 99:17 101:14 103:2,10 106:3 107:11 108:10 110:9,17,21,24 111:8,16,21 112:13 113:6,13,18,24 114:17,25 115:7,9 116:2,18 122:6 127:12 128:3,13 131:7 136:14 137:5 139:7 152:19 153:10 155:22 156:4 164:24 168:4 174:12 178:25 179:7 182:23 189:3 (75)</p> <p>barshov 3:21 154:19 158:6,21,22,24 176:2 (7)</p> <p>based 29:18 31:5,11 38:3 44:16,22 47:10 48:24 56:5 57:18 58:8 67:12 75:17 100:25 104:14 109:24 119:23 155:18,19,20 166:14 167:20 169:6 173:18 176:19 179:7 181:8 (27)</p> <p>basic 74:18</p> <p>basically 31:3 38:22 75:15 100:17,22 157:22 178:16 180:18 (8)</p> <p>basin 142:19</p> <p>basins 14:6 31:25</p> <p>basis 35:23 37:18 57:4 63:13 85:15 123:23 (6)</p>
---	---	--	---	---

<p>bateman 189:5</p> <p>bathtub 143:7</p> <p>battle 128:10</p> <p>bay 43:16 86:7,12 88:11,20,25 102:16,21 130:7 132:23 133:5 166:10 (12)</p> <p>bayberry 41:16</p> <p>bays 102:18,23 109:23 110:3 132:18 135:8,9 156:22,23 (9)</p> <p>beach 164:20 165:22 166:3,8 169:18,20 186:16 188:10 (8)</p> <p>bearing 77:13 94:23</p> <p>beautiful 166:12 167:7 174:12 184:17 (4)</p> <p>became 89:22</p> <p>because 7:10 8:17 30:12 31:9 36:4 47:4 48:7 52:17 54:18 55:16 58:21 66:17 73:7 76:10,21,24 96:9,9 98:20 107:5,9 140:25 141:10 142:5 143:5,20 144:7 145:9,15,16,23 148:22 149:18 150:8 152:20 161:6 170:20 174:12 178:22 184:24 (40)</p> <p>become 27:23 134:9 170:4</p>	<p>becomes 73:16,17 121:19</p> <p>becoming 126:17</p> <p>beds 88:16</p> <p>beetles 102:24 143:17,22 144:5 157:4,4 (6)</p> <p>before 8:5 9:3 10:4 38:8 41:4 69:3 70:15 76:8 79:18 85:11 102:8 115:19 116:23 117:20,22,23 118:6,12 120:11 122:5,10 148:18 150:15,21 159:15 161:19,23,25 163:8 167:16 176:24 191:17 192:12 (33)</p> <p>began 5:3 138:5</p> <p>begin 170:11</p> <p>beginning 117:5 119:21 170:6</p> <p>begun 88:17</p> <p>behalf 22:16 62:8 123:9 137:17 169:14 170:17 175:19 (7)</p> <p>behind 105:23 120:24</p> <p>being 7:5 21:17 54:22 63:5,8 72:25 79:15 88:25 89:2 90:7 91:4 92:25 103:15 124:17 129:9,19 137:5 142:13,14 146:22 164:22 170:12 178:24 186:11,13 (25)</p>	<p>believe 29:16 43:4 44:14,24 47:17 48:12 50:21 60:20 65:16 71:24 77:2 136:12 137:3 147:6 155:16 (15)</p> <p>believer 155:15</p> <p>below 49:5 143:3</p> <p>beneath 102:12,13 127:3</p> <p>beneficial 28:25 29:6 43:22 60:8 (4)</p> <p>benefit 43:8,16,18 90:20 136:19 170:18 172:18 (7)</p> <p>benefits 25:21 26:5 56:23 138:21 180:3,8 (6)</p> <p>bennetter 188:20</p> <p>berm 41:15</p> <p>best 29:22 69:12 96:25 162:25 186:11 194:13 (6)</p> <p>bet 106:10,17,22</p> <p>better 89:23 108:7,14 152:23 172:2,11 (6)</p> <p>between 8:19 9:12 16:10 34:9 41:9,22,25 47:8 82:6 100:6 144:2 151:5 172:6 186:8 (14)</p> <p>beyond 145:24 153:4</p> <p>bianca 188:18</p>	<p>big 73:5 113:2 114:7 117:4 121:17 133:25 148:7 156:20 (8)</p> <p>bigger 121:24 134:23</p> <p>biggest 111:6 183:16</p> <p>bigly 153:3</p> <p>bike 41:7</p> <p>bikes 38:14</p> <p>bill 4:3 93:24 101:20 108:5 (4)</p> <p>billion 111:15</p> <p>biodiversity 75:8</p> <p>biogeography 75:10</p> <p>bistrián 188:3</p> <p>bit 8:18 46:4 54:17 110:22 144:17,24 173:22 (7)</p> <p>block 11:5</p> <p>blocks 15:15 33:15 34:14 43:12 (4)</p> <p>blood 194:16</p> <p>bloom 130:8</p> <p>blooms 87:14 130:14</p> <p>board 23:14,14 25:8,8,22 29:3 48:17,22 62:3,14,16,24 63:16 64:6,16 65:5,17 66:22,23</p>	<p>74:9 95:18,25 96:18 97:5,5,7,14,19 98:3,7,12,18,21 104:25 105:8 111:23 112:9,9 115:20,20 116:24 118:9,13 119:19 120:10 123:21 148:11,18,25 149:5,5 150:5,9,24 151:2 152:24 156:4 157:14,15 159:10,20 160:2,13,15,17 161:5,13 164:21 168:8 184:13,13 190:7 191:8 193:7 (74)</p> <p>board's 25:23 63:15 64:12</p> <p>boards 115:21</p> <p>bob 4:2 93:23 94:2,6 101:18 159:24 161:8,15 189:6 (9)</p> <p>bodies 87:5 120:20</p> <p>body 87:17 115:24</p> <p>bona 115:11</p> <p>born 139:16</p> <p>both 23:13 72:13 75:13 83:4 85:19 86:8 87:4 133:13 (8)</p> <p>bought 169:21,23</p> <p>bouker 188:19</p> <p>bragman 147:18</p> <p>braymer 4:13 139:12</p>
---	--	--	---	---

147:10,12,15 (5)	buffers 16:9 19:24 20:4 41:19 125:11 (5)	146:9 (4)	190:3 (66)	142:5,9 149:9 (10)
breakdown 57:24	build 83:3,4 128:11 145:7 146:25 178:18 (6)	caliber 103:20	can't 65:7 101:8 135:23 145:22 156:17,21 178:22 190:11 (8)	casino 188:14
brendan 187:23	builders 81:6	california 77:19 78:5	cannot 39:13 97:14 149:22 150:7,13 (5)	catastrophic 77:21 79:3
brief 43:2 60:5	building 60:11 90:12 100:10 145:5 (4)	call 6:6,9 113:12 158:13 164:18,22 174:21,22 (8)	capabilities 105:15	category 184:19
briefly 28:8 68:3	buildings 107:2	called 104:21 116:6 160:25 175:12 (4)	capacity 74:21 106:15 142:23 143:12 (4)	cause 13:20 29:7
bring 92:7 138:22	built 77:23 130:16,22 140:23 165:25 (5)	calling 111:4 115:10	capture 8:2	caused 78:17
bringing 102:16 142:10 177:8 186:17 (4)	bullets 40:10 42:25	camden 4:10 131:18 136:5,21,22 139:10 189:8 (7)	captured 171:2	cdm 91:5 92:7 93:3 180:17 (4)
brings 128:14 177:17	burbsphonetic 55:14,16	came 52:3,22 92:17,19 135:10 179:24 (6)	carcinogens 102:11	celeste 188:4
britton 188:3	burdensome 50:23	campaign 114:6	cardel 188:2	celi 189:2
brook 86:25 88:8 133:3	burke 188:17	can 6:5 7:19 8:2 9:16,17 10:5 21:23 32:15 33:10 34:25 37:8 41:14 46:20,24 48:14 52:21 54:15 55:7,19 56:12 57:22,23,25 60:4,17 65:12 67:5 70:23 71:2,6 83:2 84:22,23 85:16 86:17 87:13 88:5 93:21 96:23 97:15 104:17 124:17 126:2,10 127:10 129:9 131:4 134:12 135:6,15,21 139:16 140:16 146:10 148:11 151:14,22 155:12 161:5 162:23,25 175:8 178:17 187:5 189:18	care 116:3 138:10	cemetery 140:11 157:7
brookhaven 6:17 43:19 71:12	business 57:5 117:10 170:13 189:17 190:15 191:25 192:5,8 (8)	campaign 114:6	careful 89:13 171:6	center 166:8
brotherhood 154:10	butchering 154:20	can 6:5 7:19 8:2 9:16,17 10:5 21:23 32:15 33:10 34:25 37:8 41:14 46:20,24 48:14 52:21 54:15 55:7,19 56:12 57:22,23,25 60:4,17 65:12 67:5 70:23 71:2,6 83:2 84:22,23 85:16 86:17 87:13 88:5 93:21 96:23 97:15 104:17 124:17 126:2,10 127:10 129:9 131:4 134:12 135:6,15,21 139:16 140:16 146:10 148:11 151:14,22 155:12 161:5 162:23,25 175:8 178:17 187:5 189:18	career 117:4	central 2:2 5:15 27:15 64:25 83:5 84:5,24 110:17 111:21 168:6 169:6 (11)
brought 74:17 96:7 102:10 143:20 157:6 177:4 (6)	c 3:2,17 188:6 194:2,2 (5)	can 6:5 7:19 8:2 9:16,17 10:5 21:23 32:15 33:10 34:25 37:8 41:14 46:20,24 48:14 52:21 54:15 55:7,19 56:12 57:22,23,25 60:4,17 65:12 67:5 70:23 71:2,6 83:2 84:22,23 85:16 86:17 87:13 88:5 93:21 96:23 97:15 104:17 124:17 126:2,10 127:10 129:9 131:4 134:12 135:6,15,21 139:16 140:16 146:10 148:11 151:14,22 155:12 161:5 162:23,25 175:8 178:17 187:5 189:18	carefully 46:8 177:7 183:3,18 (4)	centralized 14:5
brown 4:6 102:19 110:15 116:10,12,16 (6)	cadillac 92:8	can 6:5 7:19 8:2 9:16,17 10:5 21:23 32:15 33:10 34:25 37:8 41:14 46:20,24 48:14 52:21 54:15 55:7,19 56:12 57:22,23,25 60:4,17 65:12 67:5 70:23 71:2,6 83:2 84:22,23 85:16 86:17 87:13 88:5 93:21 96:23 97:15 104:17 124:17 126:2,10 127:10 129:9 131:4 134:12 135:6,15,21 139:16 140:16 146:10 148:11 151:14,22 155:12 161:5 162:23,25 175:8 178:17 187:5 189:18	care 116:3 138:10	ceo 137:7 138:23
bruyn 3:15,16 22:3,9,12,12,14 62:7,13 65:7 66:7,23 191:23 (13)	calculate 141:5	can 6:5 7:19 8:2 9:16,17 10:5 21:23 32:15 33:10 34:25 37:8 41:14 46:20,24 48:14 52:21 54:15 55:7,19 56:12 57:22,23,25 60:4,17 65:12 67:5 70:23 71:2,6 83:2 84:22,23 85:16 86:17 87:13 88:5 93:21 96:23 97:15 104:17 124:17 126:2,10 127:10 129:9 131:4 134:12 135:6,15,21 139:16 140:16 146:10 148:11 151:14,22 155:12 161:5 162:23,25 175:8 178:17 187:5 189:18	career 117:4	certain 30:15 64:8 180:3
buck 121:9	calculated 48:8 144:15	can 6:5 7:19 8:2 9:16,17 10:5 21:23 32:15 33:10 34:25 37:8 41:14 46:20,24 48:14 52:21 54:15 55:7,19 56:12 57:22,23,25 60:4,17 65:12 67:5 70:23 71:2,6 83:2 84:22,23 85:16 86:17 87:13 88:5 93:21 96:23 97:15 104:17 124:17 126:2,10 127:10 129:9 131:4 134:12 135:6,15,21 139:16 140:16 146:10 148:11 151:14,22 155:12 161:5 162:23,25 175:8 178:17 187:5 189:18	carefully 46:8 177:7 183:3,18 (4)	certainly 61:9 66:3 67:17 68:24 69:23 176:22 (6)
bucks 114:7	calculation 48:14	can 6:5 7:19 8:2 9:16,17 10:5 21:23 32:15 33:10 34:25 37:8 41:14 46:20,24 48:14 52:21 54:15 55:7,19 56:12 57:22,23,25 60:4,17 65:12 67:5 70:23 71:2,6 83:2 84:22,23 85:16 86:17 87:13 88:5 93:21 96:23 97:15 104:17 124:17 126:2,10 127:10 129:9 131:4 134:12 135:6,15,21 139:16 140:16 146:10 148:11 151:14,22 155:12 161:5 162:23,25 175:8 178:17 187:5 189:18	carry 75:17	certified 27:9,9 137:10
buffer 18:22 20:7	calculations 46:10 119:8 124:7	can 6:5 7:19 8:2 9:16,17 10:5 21:23 32:15 33:10 34:25 37:8 41:14 46:20,24 48:14 52:21 54:15 55:7,19 56:12 57:22,23,25 60:4,17 65:12 67:5 70:23 71:2,6 83:2 84:22,23 85:16 86:17 87:13 88:5 93:21 96:23 97:15 104:17 124:17 126:2,10 127:10 129:9 131:4 134:12 135:6,15,21 139:16 140:16 146:10 148:11 151:14,22 155:12 161:5 162:23,25 175:8 178:17 187:5 189:18	carrying 74:20	certify 194:9,14
		can 6:5 7:19 8:2 9:16,17 10:5 21:23 32:15 33:10 34:25 37:8 41:14 46:20,24 48:14 52:21 54:15 55:7,19 56:12 57:22,23,25 60:4,17 65:12 67:5 70:23 71:2,6 83:2 84:22,23 85:16 86:17 87:13 88:5 93:21 96:23 97:15 104:17 124:17 126:2,10 127:10 129:9 131:4 134:12 135:6,15,21 139:16 140:16 146:10 148:11 151:14,22 155:12 161:5 162:23,25 175:8 178:17 187:5 189:18	cary 188:7	cetera 141:22
		can 6:5 7:19 8:2 9:16,17 10:5 21:23 32:15 33:10 34:25 37:8 41:14 46:20,24 48:14 52:21 54:15 55:7,19 56:12 57:22,23,25 60:4,17 65:12 67:5 70:23 71:2,6 83:2 84:22,23 85:16 86:17 87:13 88:5 93:21 96:23 97:15 104:17 124:17 126:2,10 127:10 129:9 131:4 134:12 135:6,15,21 139:16 140:16 146:10 148:11 151:14,22 155:12 161:5 162:23,25 175:8 178:17 187:5 189:18	case 49:12,16 62:20 67:19 87:23 89:15 99:24	cgcscep 3:23
		can 6:5 7:19 8:2 9:16,17 10:5 21:23 32:15 33:10 34:25 37:8 41:14 46:20,24 48:14 52:21 54:15 55:7,19 56:12 57:22,23,25 60:4,17 65:12 67:5 70:23 71:2,6 83:2 84:22,23 85:16 86:17 87:13 88:5 93:21 96:23 97:15 104:17 124:17 126:2,10 127:10 129:9 131:4 134:12 135:6,15,21 139:16 140:16 146:10 148:11 151:14,22 155:12 161:5 162:23,25 175:8 178:17 187:5 189:18		chair 7:25 70:12 71:20 101:24 (4)

<p>chairman 59:7</p> <p>chairwoman 3:3 5:5 6:8,12,16 8:15 9:23 21:23 45:13 51:5 61:17 67:7 68:19,25 70:25 71:5 80:6 85:6 86:16,20 93:16 101:17 107:18 110:12,16 116:7 122:22 127:21 131:15 136:3,15 139:9 147:8 151:25 154:12,22 158:2 164:4,11 172:24 174:5,14,19 181:17 187:2 189:10,25 190:8,19 191:9,15 192:3,10 193:3,8 (55)</p> <p>challenge 135:19</p> <p>challenged 148:9</p> <p>chamber 166:9</p> <p>chance 69:19,21</p> <p>change 24:13 52:20 98:4 108:20 112:22 121:6 124:19 (7)</p> <p>changed 65:10 104:8 113:15 117:16 119:18 120:17 123:12,16 (8)</p> <p>changes 10:14 28:7,24 29:6 82:5 89:10 100:19 109:2 118:4 120:6 121:16,17 125:2 (13)</p> <p>changing 141:19</p> <p>chapter 82:4</p>	<p>153:16 173:8</p> <p>character 20:2 40:20,20 42:20 73:2 76:4,5 105:3,7,17,21 108:21 109:23 121:14 (14)</p> <p>characteristics 72:20</p> <p>charge 127:11</p> <p>charities 166:6</p> <p>charles 3:13</p> <p>chat 158:11</p> <p>chatterjee 188:22</p> <p>check 59:22 154:15 174:20</p> <p>checked 48:18</p> <p>checklist 14:16</p> <p>chemicals 73:23 74:2 129:18</p> <p>chemistry 73:22 176:16</p> <p>chick 24:23 26:23 27:5 45:14 49:21 51:4 54:7 57:13 59:2 68:20 89:8 175:17 181:18 (13)</p> <p>chief 81:5 104:20</p> <p>children 56:13 109:6 124:23</p> <p>choice 144:11</p> <p>choose 96:24</p> <p>chose 25:23 97:5</p>	<p>chris 80:17 85:24 86:17,24 93:17 102:14 104:18 (7)</p> <p>christopher 4:11</p> <p>circled 124:12</p> <p>circulation 125:15</p> <p>citarelli 189:5</p> <p>citizens 185:10</p> <p>city 58:13 159:3</p> <p>civic 114:10 123:8 189:4</p> <p>claim 112:20</p> <p>claimed 131:2</p> <p>claims 109:4 111:25 114:15 130:17 (4)</p> <p>clams 88:15,19</p> <p>clarification 46:11 48:4 53:3 54:8 191:24 (5)</p> <p>clarified 20:20</p> <p>clarifies 50:16</p> <p>clarify 21:2 51:6,14 183:13 (4)</p> <p>clarity 12:24</p> <p>clark 164:12,14,15,16 (4)</p> <p>class 126:15 165:9 170:2</p> <p>claudia 4:13 139:12 147:10,15 152:2 161:17 (6)</p>	<p>clean 129:24</p> <p>cleaned 142:3</p> <p>clear 33:4 83:25 93:5 98:25 99:6 110:9 (6)</p> <p>cleared 15:4 21:4 95:20 178:21 (4)</p> <p>clearing 14:3,8 16:19,22,24 17:2 21:5,7 35:4,7,18 38:7 39:25 (13)</p> <p>clearly 37:2,12 40:3 42:22 52:19 70:3 82:17 83:25 96:4 113:22 (10)</p> <p>clements 187:22</p> <p>climate 108:20 121:6</p> <p>climax 77:15,20,22 78:6,25 (5)</p> <p>close 144:22 189:21 191:2,10,11 192:8,15,23 (8)</p> <p>closed 190:13 191:17,18,20 192:13 (5)</p> <p>closely 178:6</p> <p>closer 61:6 100:12 120:19 146:7 (4)</p> <p>closing 42:25 191:21</p> <p>clover 165:17</p> <p>club 25:25 63:4 123:15 173:8,9 174:3 (6)</p>	<p>cluster 79:13 177:4,23</p> <p>clustered 76:7 177:24</p> <p>clustering 73:4 78:9 171:25</p> <p>cnn 185:21</p> <p>coalition 123:8 189:4</p> <p>coast 126:19</p> <p>coastal 121:9 165:13</p> <p>cocounsel 147:18</p> <p>code 153:16 155:20 179:17 180:6 (4)</p> <p>coffee 102:18</p> <p>cole 187:20</p> <p>colleague 79:7</p> <p>collectively 90:17</p> <p>college 116:19 117:14</p> <p>come 53:19 87:24 94:20 104:14 112:23 116:23 120:3,10 139:4 140:8 166:20 (11)</p> <p>comes 56:22 92:3 111:18 122:10 141:16 (5)</p> <p>commence 23:16</p> <p>commencements 112:12</p> <p>comment 7:12 8:2 12:3,23 21:15</p>
---	---	---	---	--

<p>36:2 57:11 58:21 59:9 62:8 67:18 69:4 140:15 155:12 158:9 162:3 (16)</p> <p>comments 8:7,12 10:17 12:2 14:17 21:22,25 23:20 24:7,19,21 25:2 45:17,25 59:13,16 61:21 68:22 69:3,8,10,16 80:11,13 85:19 93:17 101:16 122:18 147:14 151:21 152:10 159:7 162:4,10 175:16,19 178:12 181:2,4 183:3 184:9,10 187:7,8,9,11,14,16 189:9,13,15,22 190:15 191:23,24 192:7 (56)</p> <p>commerce 166:10</p> <p>commercial 106:22 140:12 152:18,25 153:8 (5)</p> <p>commission 2:2 5:10,17 7:14 8:16,22 9:12,20 11:19,25 12:8 13:13 16:15 21:21 22:2,10,21 23:4,6 24:6 25:6,17 26:15,24 27:15,20 30:10 31:20 32:19 36:7,17 39:19 42:3,22 45:16 49:20 50:9,18 53:18 55:24 59:8,12 61:18 62:10,13,15 63:23 64:20 69:2 71:9 77:8 79:22 80:23 83:6,23 84:6,25 85:12 94:5</p>	<p>95:14,21 98:25 99:13,15 101:4,10 104:19 107:25 108:8 110:4,18 113:14,16 114:12,17 115:19 117:21,24 118:6,18 122:5,11 127:11 128:3 131:8,20 134:21 136:14 137:5 147:13 149:15 156:5 159:9 160:24 161:23 162:2,7,14,16,19 163:5,23 164:24 167:11 176:8 177:6 181:12 182:6,23 189:14 191:2 (111)</p> <p>commission's 25:13 29:9 96:8 148:13 (4)</p> <p>commissioners 6:7 8:6 101:24 106:11 116:13 121:23 152:15 (7)</p> <p>commissions 101:3</p> <p>commit 39:24</p> <p>commitment 26:4 186:14</p> <p>committed 186:10</p> <p>committee 65:2 70:13 71:21 94:14 (4)</p> <p>common 177:15</p> <p>communicated 71:25</p> <p>communication 89:8</p>	<p>communities 56:9</p> <p>community 20:2 40:19 44:8 78:13 90:16 105:7,17,21 108:21 109:23 121:13 123:18 125:4 130:22,25 132:7 137:20 138:16,17 154:8 166:20,24 183:4 186:15,23 (25)</p> <p>company 56:18 137:19 165:4,5,25 166:4,15 182:3 185:22 (9)</p> <p>comparable 54:13 55:13</p> <p>compare 171:16</p> <p>compared 53:2 168:23</p> <p>comparing 13:2 51:15 52:4</p> <p>comparison 51:16</p> <p>compatible 24:10 25:4 26:13 81:19 82:7,24 83:17 84:4,13 179:10,11 184:2,4 (13)</p> <p>competing 95:10 159:23</p> <p>complaining 156:14</p> <p>complete 22:6 68:7 107:21</p> <p>completed 28:4 91:2 121:3,4,22 184:12 (6)</p> <p>completely 53:23</p>	<p>98:10 115:2</p> <p>compliance 94:24 99:24 126:2 149:19 184:5 (5)</p> <p>complicated 54:19</p> <p>complies 40:3 119:11</p> <p>comply 37:2 150:19</p> <p>component 100:11 130:10</p> <p>components 166:17</p> <p>composition 77:17</p> <p>comprehensive 8:10 11:15,20 27:24 44:12 94:25 117:19 119:12 155:22 157:24 182:17 183:22 186:8,9 (14)</p> <p>compromised 105:4 127:15 129:2 141:17 144:9 (5)</p> <p>compromising 87:10</p> <p>conceived 79:18</p> <p>concentration 12:12 31:6,12 46:25 47:6 67:21 93:7 (7)</p> <p>concern 59:23 60:2 87:15 98:13 124:8 142:10 151:8 173:14 (8)</p> <p>concerned 74:16</p>	<p>127:2 142:12 143:16,20 (5)</p> <p>concerning 25:12</p> <p>concerns 96:14,24 103:17 114:13 120:3 124:3 146:15 171:25 (8)</p> <p>concluded 42:19 125:6 160:2,5 193:13 (5)</p> <p>concludes 75:15</p> <p>concluding 44:21 51:2</p> <p>conclusion 33:10 34:25 37:9 150:18 (4)</p> <p>condition 20:5</p> <p>conditions 32:15 153:13</p> <p>conducted 98:21 118:13 119:9</p> <p>conference 2:2 174:21</p> <p>confidence 163:20</p> <p>confident 166:16</p> <p>confidential 192:16,25</p> <p>configuration 125:17 126:4</p> <p>configured 15:19</p> <p>confirmed 20:23 168:7</p> <p>confirms 29:16 35:12</p>
---	---	--	---	---

<p>conform 11:13 16:17 17:4 18:2,9,24 19:18 20:9,17 30:14,14 31:21 36:4,19 56:16 85:22 114:20 179:16 (18)</p> <p>conformance 8:8 15:8 21:12 24:10 34:15 35:19 37:11,18 44:15,21 50:10,19 180:21 182:16,25 183:10 (16)</p> <p>conforming 182:12 183:20 186:18</p> <p>conformity 134:21</p> <p>conforms 13:14 14:21 26:12 29:19 32:21 33:21 35:2 40:9 45:4 85:14,21 113:2 115:8 169:4 180:6 (15)</p> <p>confronted 171:24</p> <p>confused 141:25 142:13 144:24</p> <p>connect 129:15</p> <p>connected 75:3 157:10</p> <p>connection 22:17</p> <p>connections 39:7 172:6</p> <p>connelly 187:23</p> <p>consent 23:18,25</p> <p>conservation</p>	<p>5:14 71:21 83:15</p> <p>conservational 153:18</p> <p>consider 86:11 126:24 143:14 144:19 (4)</p> <p>considerable 72:14 165:24</p> <p>consideration 18:14 80:4 101:16 169:11 172:22 186:25 (6)</p> <p>considerations 72:9</p> <p>considered 25:21 39:13 90:8 124:18 142:14 (5)</p> <p>consistency 34:21 35:24 40:23 68:7 (4)</p> <p>consistent 27:24 28:25 33:9 34:12 36:23 42:24 49:2 51:2 55:22 60:21 79:23 180:15 (12)</p> <p>consists 16:9</p> <p>consolidated 28:22 177:18 178:2</p> <p>consolidating 146:19</p> <p>constant 91:14</p> <p>constantly 146:3</p> <p>constitute 154:2 170:24</p> <p>constructed 185:2</p>	<p>construction 141:18 165:18</p> <p>consultant 51:19 132:2</p> <p>consultants 48:20 53:22 54:6 124:8 157:20 169:3 181:9 (7)</p> <p>consultation 24:5</p> <p>contain 153:22</p> <p>containment 32:10</p> <p>contaminated 127:9</p> <p>contamination 127:3,6 157:5</p> <p>content 186:3</p> <p>context 37:25 39:11 77:23 101:13 (4)</p> <p>contiguity 178:10</p> <p>contiguous 15:16 33:15 43:12 75:2 168:20 (5)</p> <p>continuation 22:22</p> <p>continue 5:17 13:15 44:6 130:15 138:9,17 160:11 166:19 (8)</p> <p>continued 5:8</p> <p>continuing 186:14 190:20</p> <p>contra 129:21</p> <p>contradiction 75:25</p>	<p>contrary 34:22 50:12</p> <p>contributor 130:14 133:25 186:15</p> <p>control 17:7,8,15,23 36:2,5,10,16,22 49:25 50:2,21 126:9 (13)</p> <p>controller 73:18</p> <p>conventional 46:14</p> <p>convoluted 150:3</p> <p>coordinated 62:14 97:20,25 98:21 99:3,19 101:5 149:6,14 151:4,12 (11)</p> <p>coordination 28:4 95:22</p> <p>copy 14:15</p> <p>coral 130:23</p> <p>core 34:4 74:13,15 81:16 82:7,13 139:6 146:11 168:3,11 177:20,21 (12)</p> <p>cornell 132:25</p> <p>correct 8:14 46:16,19 48:10 50:4 192:10 (6)</p> <p>correctly 31:15</p> <p>corridor 37:22</p> <p>corridors 16:10 18:18,21 19:5 (4)</p> <p>cosponsor 71:17</p>	<p>cost 129:9 172:20</p> <p>could 62:6 65:17 78:8 82:12 84:11,18 86:22 160:21 174:24 178:3 (10)</p> <p>couldn't 70:19 145:16</p> <p>counsel 3:8 62:9,11 136:11 137:2 148:14 159:4 192:19 (8)</p> <p>count 71:3</p> <p>countless 120:15</p> <p>country 152:17,22 154:9</p> <p>county 6:20 28:11 60:3 84:17 91:2,12 92:4 104:19 126:25 145:7 155:20 179:17 180:18 194:5 (14)</p> <p>couple 22:5 54:7 79:10 139:2 176:4,6 178:12 192:18 (8)</p> <p>course 73:7,13,17 74:3,6,18 76:18 79:12 83:4 100:18 103:18 104:3 105:18 109:12 117:18 124:5 125:3,7,21,24 126:15 128:11 129:19 130:11,16,21,25 138:15 144:3,18 152:19,25 153:9 156:14,19 159:19 161:16 162:20 176:16 184:15,25 (41)</p>
--	--	--	--	---

<p>courses 55:19 73:21 74:13 103:20 176:13 (5)</p> <p>court 136:20 161:19 194:7</p> <p>courts 161:16</p> <p>covenants 56:11</p> <p>cover 41:16</p> <p>covered 43:4 175:24,25</p> <p>covickphoneticas 48:19</p> <p>covid 23:2,23 58:21 109:11 (4)</p> <p>covid19 138:5,7</p> <p>cowan 188:15</p> <p>coward 104:13</p> <p>crafted 167:24</p> <p>create 76:9,11 132:5 163:22 (4)</p> <p>created 14:24 32:24 81:13,16 100:5 (5)</p> <p>creates 74:18 173:22</p> <p>creating 137:11</p> <p>creation 74:21 110:23 113:9 135:12 (4)</p> <p>credits 90:12</p> <p>creek 87:18 88:2 90:11 100:13 (4)</p> <p>crisis 135:3</p>	<p>criteria 8:24 182:14 183:21</p> <p>critical 94:19 120:22 121:8 168:13 (4)</p> <p>criticism 134:6</p> <p>crosstalk 47:13,25 53:12 164:9 174:17 181:23 (6)</p> <p>cubic 103:22</p> <p>culprit 133:16</p> <p>cultural 18:12 19:15 37:19 40:4 153:19 (5)</p> <p>culturally 40:13</p> <p>cuomo 82:3 88:22</p> <p>curious 54:20 142:21</p> <p>current 19:9 20:5 72:13 84:2,23 88:2 90:6,6 109:25 112:14 123:20 155:19 (12)</p> <p>currently 14:13 17:19 71:19 86:9 90:5 (5)</p> <p>customize 55:17</p> <p>cut 37:7 144:12</p> <p>d 3:15 153:20</p> <p>daily 105:22</p> <p>dale 6:19 47:15 54:7 57:12,25 59:19 61:4 187:20 (8)</p>	<p>dallas 164:13 166:23,24 176:3 (4)</p> <p>damage 172:13</p> <p>damaged 44:5</p> <p>damascus 127:6 157:5</p> <p>danger 143:5 173:16</p> <p>dangerous 129:13</p> <p>date 23:22 54:5</p> <p>dated 64:23</p> <p>davis 187:24</p> <p>day 12:3 46:22 47:18 100:23 102:6 118:5 129:4 132:9 194:20 (9)</p> <p>days 12:4 38:16 57:20,21 67:12,14,16,20 68:17 80:11 124:20,20 189:17,23 190:16 191:25 (16)</p> <p>deadline 21:13 23:24</p> <p>deal 119:22 146:15 162:17</p> <p>dealing 29:24 55:3</p> <p>dealt 115:18 147:23</p> <p>dear 164:24</p> <p>debris 38:6</p> <p>dec 86:9 87:24</p>	<p>88:21</p> <p>decade 87:21 88:8</p> <p>decades 99:18</p> <p>december 23:7 118:2</p> <p>decide 83:3 84:7 99:13 109:7 161:20 173:25 (6)</p> <p>decimating 108:16</p> <p>decimation 102:22</p> <p>decision 12:6 44:22 82:17 85:16,23 97:18 98:14 115:22 148:7 169:8 181:14 185:25 (12)</p> <p>deck 104:2 164:12 165:6,23 173:3 (5)</p> <p>declaration 151:14</p> <p>decline 102:23</p> <p>declining 109:25</p> <p>dedicated 10:25 16:12 137:11</p> <p>dedication 28:12 34:2 96:10 97:11 170:3 (5)</p> <p>dedications 64:13 161:11</p> <p>deed 73:6</p> <p>deeds 64:13</p>	<p>deemed 106:19 119:5 129:13</p> <p>deep 15:6 117:10 133:21 142:14 (4)</p> <p>deeper 126:21</p> <p>defeated 98:6 111:23 157:13</p> <p>define 72:21 171:11</p> <p>defined 21:8</p> <p>degree 94:10 139:19</p> <p>degrees 94:10</p> <p>deis 179:8</p> <p>delay 8:18</p> <p>deliberateness 163:21</p> <p>delivered 23:22</p> <p>deluca 4:2 93:23 94:4,6 159:24 161:8 173:13 189:6 (8)</p> <p>demands 134:10</p> <p>demographic 56:6</p> <p>demolished 165:7</p> <p>demonstrate 29:22 32:6 56:8 101:2,4 180:21 (6)</p> <p>demonstrated 26:6 39:17 42:2 43:13,20 45:3 68:13 75:13 162:6 (9)</p>
--	---	--	--	---

<p>demonstrates 37:12</p> <p>denied 111:25 114:21 118:14,23 124:16 151:18 (6)</p> <p>dennis 187:24</p> <p>density 47:10 68:5 98:4</p> <p>deny 100:24</p> <p>denying 124:13</p> <p>department 126:25</p> <p>depending 31:8 81:21</p> <p>deposition 54:2</p> <p>depth 142:17</p> <p>deputy 116:17</p> <p>describe 132:10</p> <p>described 28:7 159:24</p> <p>design 14:10,21 20:11 33:21 34:12 35:10 42:5 58:23 76:7,14 182:14 (11)</p> <p>designated 89:2</p> <p>designation 82:6 84:12</p> <p>designed 13:20 37:5,10 170:10 (4)</p> <p>designers 182:19</p> <p>designs 15:13,18</p> <p>despite 104:9 106:20 109:4</p>	<p>185:11 (4)</p> <p>destroyed 131:3</p> <p>destruction 74:19 108:23</p> <p>detail 50:8 61:2 122:18</p> <p>detailed 30:5 43:14</p> <p>details 112:21 147:25 171:11 182:10 (4)</p> <p>determination 52:13 97:21,22 98:18,19 99:4,5,21 149:21 (9)</p> <p>determinations 66:14 79:25 98:23 101:12 (4)</p> <p>determine 8:13 31:4,6,20 37:18 40:23 42:23 47:6 50:10,19 64:4 83:7 85:13 97:23 114:18 118:19 157:22 (17)</p> <p>determined 14:20 19:14 46:21,24 63:19 67:10 160:19 (7)</p> <p>determines 19:8</p> <p>detrimental 109:22</p> <p>devastating 185:11</p> <p>devastation 103:11</p> <p>develop 15:4 84:10 146:10 178:22 (4)</p>	<p>developed 15:17 16:11 17:11 82:19,24 83:8,11 84:22,23 144:4 145:15 184:25 (12)</p> <p>developer 79:9 109:5 118:3 120:12 165:10 (5)</p> <p>developers 81:10 89:9 110:8 114:7 125:8 (5)</p> <p>developing 138:14 179:11</p> <p>development 1:1 5:21 11:3 13:24 18:5,7,15 19:2,5,8 21:2,8 25:19 28:22 32:16 33:25 34:7,10 35:16 39:19 47:11 63:2 74:25 76:15,19 81:10,17,20 83:16 89:6,19 95:10 99:18 105:5 110:7,10 111:20 112:21 115:14 120:18,21 121:7 122:4,9 123:19 126:3 140:13 144:8 146:11 152:19 153:9 159:12,15,17,23 165:11 168:11,13 171:10 177:10,12, 16,19,23 178:3,5 183:24 186:19 (68)</p> <p>developmental 137:14</p> <p>developments 37:16</p> <p>devised 54:11 55:14</p> <p>dewatering</p>	<p>126:12</p> <p>diabilities 136:19 137:15</p> <p>dialed 175:5</p> <p>dialogue 9:11,20 182:9</p> <p>dick 4:5 110:14 116:8</p> <p>didn't 56:4 96:20 125:21 171:5 181:3 (5)</p> <p>diesel 78:20 105:14</p> <p>difference 51:8</p> <p>differences 51:24 123:25</p> <p>different 47:8 51:22 52:8,9,23,25 53:4 55:17 73:14 84:14 89:20 91:19,22 123:21 139:24 140:2,14 150:22 (18)</p> <p>difficult 55:17 73:24,25 103:14 (4)</p> <p>digging 141:14</p> <p>diligently 183:8</p> <p>diminishment 133:11</p> <p>direct 62:12 74:19 94:22</p> <p>directing 152:17</p> <p>directions 52:18</p> <p>directly 35:21 116:20 170:18</p>	<p>director 3:7,9 110:20 116:17 (4)</p> <p>dirt 38:14 41:6 146:2</p> <p>dis 56:7</p> <p>disabilities 137:23</p> <p>disability 136:10,25 137:9,17 138:24 (5)</p> <p>disagree 91:25 161:16 167:15</p> <p>disapprove 85:17 115:9</p> <p>disapproved 19:6</p> <p>disapproving 112:4</p> <p>disastrous 103:8</p> <p>disburses 32:12</p> <p>discern 54:12</p> <p>discontinued 148:24</p> <p>discouraging 117:13</p> <p>discovered 165:20</p> <p>discovery 43:25 45:20 56:18,24 104:16 111:19,22 112:20 113:22 114:15,23 115:4 128:10 129:20 130:17 131:25 133:18 134:13 137:19 138:2,7,13 165:4,5,24 166:4,15 167:13</p>
---	---	--	--	--

<p>171:18 179:2 182:3 185:5,22 (33)</p> <p>discovery's 186:10</p> <p>discrepancies 51:21</p> <p>discuss 128:17</p> <p>discussed 41:4 146:22 148:3</p> <p>disequilibrium 76:12,17 178:14</p> <p>disgrace 106:9</p> <p>dispersion 121:3 124:9</p> <p>displacement 103:21</p> <p>disputed 167:6</p> <p>disputing 52:12</p> <p>disrupt 141:8</p> <p>distinct 95:9 159:22 178:4</p> <p>distinguished 71:8,10</p> <p>distributed 13:25</p> <p>district 25:19 56:14 63:3 71:16 168:17,18 (6)</p> <p>disturb 105:20</p> <p>disturbance 13:21 31:22 32:7 40:15 42:16 (5)</p> <p>diversity 111:11</p> <p>division 24:6</p>	<p>162:19</p> <p>divita 3:20 175:18 181:19,25 182:2 (5)</p> <p>dlv 3:18 22:17</p> <p>document 50:15 64:23 183:9</p> <p>documentation 34:21 49:17,19 57:7 62:2 (5)</p> <p>documents 26:7 64:2 170:14 171:5 (4)</p> <p>dodging 119:14</p> <p>does 9:10,19 13:13 16:16 17:4,25 18:9,24 19:18 20:9,16 21:21 36:3,13 39:8,24 40:18 42:17 50:23 53:6 54:25 62:4 66:19 84:8 85:21 105:18 114:19 115:4 125:2 142:24 161:7,13 163:3,21 168:3 172:5,9 176:14 (38)</p> <p>doesn't 124:14 145:4 149:24</p> <p>dog 73:17</p> <p>doing 112:17 141:7 149:20 165:19 172:20 (5)</p> <p>dollar 98:16 115:14</p> <p>dollars 90:15 111:15 112:3</p> <p>domenica 194:7</p>	<p>dominic 164:12,14</p> <p>done 31:13 38:21 48:13,23 55:12 58:16 69:12 77:7 96:17 98:17 121:2 124:13,15 160:14 162:23,24 179:8 180:19 (18)</p> <p>dorian 6:19 47:22 55:10</p> <p>dots 157:9</p> <p>douberryphoneti c 135:11</p> <p>double 55:19 105:12</p> <p>doubt 98:17</p> <p>down 103:14 107:16 122:15 144:12 171:15 (5)</p> <p>downgrading 28:18</p> <p>downs 187:18</p> <p>dozen 87:22</p> <p>dr 48:19 80:17 85:9,25 86:19,24 102:14 104:18 176:21 179:23 180:2 (11)</p> <p>draft 23:10 29:23 32:18 34:17,23 35:12 37:23 40:11 42:17 184:8 (10)</p> <p>drainage 13:17,19,23,24 14:3,7,10,21 31:19 32:13 33:4 (11)</p> <p>draw 167:24</p>	<p>drew 81:15</p> <p>drink 128:25 129:13</p> <p>drinking 87:11 106:14 109:22 110:2 111:9 130:4,6 (7)</p> <p>drive 132:8</p> <p>driveways 37:4,13</p> <p>drs 27:16</p> <p>dry 141:15</p> <p>dual 127:14</p> <p>dually 55:25</p> <p>due 23:22 66:7 74:21 102:22 109:11 128:18 159:25 192:8 (8)</p> <p>dump 38:9</p> <p>dumping 38:7</p> <p>dumpsite 38:6 39:3,11 41:5 (4)</p> <p>dune 104:2 135:12 165:6,6,15,16,23 (7)</p> <p>duration 88:10</p> <p>during 60:6 61:2 87:21 88:7 138:6 141:15 185:20 (7)</p> <p>e 3:2,2,10,10 194:2 (5)</p> <p>each 15:5 50:17 66:13 99:8 119:19 120:10 121:15 163:4 (8)</p>	<p>earlier 51:6 69:17 79:24 92:12 122:20 125:5 192:20 (7)</p> <p>earliest 130:8</p> <p>early 120:13 185:20</p> <p>easement 97:10</p> <p>easements 64:14</p> <p>easier 152:20</p> <p>easily 30:14 39:8 143:14</p> <p>east 33:24 37:25 38:5,25 40:21 41:5,7 44:6 56:16 58:18 94:8 102:25 105:4 106:4 107:3 109:10 112:15,23 114:19 124:23 126:19 128:7,9,13 129:12 136:9,18,24 137:9,15,17 138:15,19,24 139:15,16,18 147:17 152:13 153:2 168:17,20 169:24 177:9,14 189:6 (46)</p> <p>eastern 108:21 145:20</p> <p>easy 141:4 153:11</p> <p>ecologic 76:11</p> <p>ecological 76:5</p> <p>ecology 72:10 73:3 76:23 77:13 170:24 (5)</p> <p>economic 43:18 186:19</p>
---	--	--	--	--

<p>economy 43:23 172:19</p> <p>ecosystem 77:16,20 78:25 111:7 115:15 116:4 122:6 144:9 (8)</p> <p>ecosystems 75:14</p> <p>ed 3:20 6:17 57:12 58:2,3 175:18 182:2 187:3 190:2 191:3,19 193:4 (12)</p> <p>edges 144:17</p> <p>education 170:21</p> <p>educational 37:21 39:15</p> <p>edward 3:4 75:7 188:17</p> <p>eeda 138:13,18</p> <p>eelgrass 88:16</p> <p>effect 30:25 43:22 73:11 74:22 157:3 (5)</p> <p>effectively 176:14</p> <p>effects 87:3 121:5</p> <p>effluent 47:5</p> <p>effort 38:17 91:13 117:7 133:6 162:17 (5)</p> <p>efforts 91:4 178:25</p> <p>eileen 188:14</p> <p>eis 39:17 63:20</p>	<p>124:12 151:15 184:8,11 (6)</p> <p>either 30:13 55:5 93:2 100:24 127:19 137:25 156:22 175:4 (8)</p> <p>elected 152:24</p> <p>elefterion 187:19</p> <p>element 159:18</p> <p>elements 62:22 64:11</p> <p>elenor 188:24</p> <p>elevations 141:20</p> <p>eliminate 66:19</p> <p>eliminated 84:12</p> <p>elimination 100:14</p> <p>elizabeth 4:12 136:6 139:11,14 147:9 (5)</p> <p>else 50:4 140:16</p> <p>elsewhere 54:14</p> <p>email 122:19 187:15,16</p> <p>emergency 125:19</p> <p>emotions 171:12,15</p> <p>empathetic 137:21</p> <p>employ 185:12</p> <p>employed 13:22 31:23</p>	<p>employee 131:25</p> <p>employees 129:21 185:10</p> <p>employer 186:17</p> <p>empty 142:20,25</p> <p>enabled 69:15 138:9</p> <p>encourage 7:7 163:14</p> <p>encouraged 9:15 29:8 177:14</p> <p>encroachment 126:7</p> <p>end 43:3 65:18 94:8 100:22 110:6 112:16 136:10,18,24 137:9,15,17 138:19,24 147:17 179:25 189:7 192:5 (18)</p> <p>endangered 109:13</p> <p>endeavors 154:7</p> <p>ended 95:8 98:8</p> <p>enders 112:23</p> <p>ending 174:23,25 175:6,7 (4)</p> <p>endo 174:9,9 188:23</p> <p>endorsement 170:8</p> <p>endorsing 111:16</p> <p>enforced 7:24</p> <p>enforcement</p>	<p>192:21 193:2</p> <p>engage 149:14</p> <p>engine 185:14</p> <p>engineer 14:14 170:12</p> <p>engineering 171:21</p> <p>engineers 14:17 171:7</p> <p>englebright 3:17 70:11,21,23 71:3,7,11 80:7 82:9 108:13 139:4 148:2 167:17 173:12 176:5,15 177:5 (17)</p> <p>enhance 172:6</p> <p>enhanced 24:14</p> <p>enough 103:12 109:14 111:2 113:21,21 114:3,4 121:20 141:4 (9)</p> <p>ensure 33:20 34:12,15 178:9 (4)</p> <p>ensuring 110:7</p> <p>entered 31:15</p> <p>entertain 8:7</p> <p>entire 69:22 82:11,13 119:20 120:5 122:6,14 138:19 159:11,22 (10)</p> <p>entirely 75:21 148:24</p> <p>entitle 9:19</p> <p>entitled 22:18</p>	<p>enumerated 114:24</p> <p>envelopes 16:19,22 35:4,8 (4)</p> <p>environment 24:5 26:11 44:2 89:11 109:16 115:6,13 117:8 120:17 123:17 130:19 132:17 144:13 153:6 166:13 170:4,22 (17)</p> <p>environmental 3:11 5:13 23:10,11 24:15,16 27:10 28:6 29:7 44:7 61:9 62:19 63:9,12,14,24 66:15 70:12 71:20 83:15 94:11,15,21 95:6 97:24 102:9 103:11 107:4,12,13 112:11 113:3 114:10,13 117:8 118:17,22 119:23 120:2,13 121:18,21 124:15 139:20 159:21 160:3,6,18,20 161:22 162:18 163:9,10 167:5 169:17 172:20 178:9 (57)</p> <p>environmentally 28:24 108:16</p> <p>epic 134:18</p> <p>epicenter 87:19</p> <p>equation 61:15</p> <p>equilibrium 75:11</p> <p>equipment 138:9</p>
--	---	---	--	---

<p>erin 188:16</p> <p>erosion 17:15,23 35:25 36:5,10,16,21 49:25 50:21 165:13 (10)</p> <p>erosions 17:6,8</p> <p>erroneously 159:25</p> <p>especially 121:5 126:24 176:19</p> <p>esq 3:8,13,15,21 (4)</p> <p>essentially 55:21 95:9,20</p> <p>establish 15:16</p> <p>established 18:17 19:3 37:20 39:14 119:10 123:15 (6)</p> <p>estimates 58:17</p> <p>estimating 57:14</p> <p>estimation 91:5</p> <p>estuaries 88:17</p> <p>et 141:22</p> <p>eternity 108:22</p> <p>ethan 188:15</p> <p>evacuation 185:8</p> <p>evacuations 185:24</p> <p>evaluate 124:25 134:22</p> <p>evaluation 182:7</p> <p>even 42:21 74:13</p>	<p>77:3 97:6,16 100:3 102:7 108:17 112:2 125:22 141:3 145:24 148:21 149:24 160:14 170:13,15 (17)</p> <p>event 142:24</p> <p>events 87:20 143:13 166:6</p> <p>eventually 44:21</p> <p>ever 91:9,11 97:21 109:25 122:5 127:13 130:8 143:18 154:10 (9)</p> <p>every 52:9 87:23 96:11 120:2 128:16 129:4 163:4 171:18 182:25 (9)</p> <p>everyone 7:7,22 8:16 22:8,24 27:4 69:12,20 123:5 131:6 158:23 169:12,25 190:12 191:5 193:9 (16)</p> <p>everything 88:5 101:9 140:16 156:7,7 159:17 (6)</p> <p>everywhere 50:4</p> <p>evidence 32:17</p> <p>evolutionary 53:15</p> <p>exact 26:4 33:3 57:22,24 92:9 (5)</p> <p>exactly 28:13 31:13</p> <p>example 89:14 118:25</p>	<p>excavate 126:20</p> <p>excavation 121:11</p> <p>exceed 172:12</p> <p>exceeds 171:22</p> <p>excellent 29:9 90:3 138:17 167:13 176:3 (5)</p> <p>except 159:18</p> <p>excess 102:11 184:20,21</p> <p>excessive 86:13 87:2,9,12 179:18 (5)</p> <p>excluded 81:17</p> <p>executed 91:11</p> <p>executive 3:7,9 81:5 110:20 (4)</p> <p>exercise 25:23</p> <p>exhausted 140:8</p> <p>exist 149:24</p> <p>existed 150:2</p> <p>existence 110:4</p> <p>existing 20:4 37:24 38:11 152:21 165:8 (5)</p> <p>exists 34:8 131:2 150:6 184:17 (4)</p> <p>exiting 141:23</p> <p>expansion 126:20,23</p> <p>expect 176:18</p>	<p>expectations 72:15 79:20</p> <p>expected 12:7 152:20</p> <p>expecting 54:23</p> <p>expense 165:24</p> <p>experience 27:11 166:14 176:20 181:9 (4)</p> <p>experienced 130:7 139:25</p> <p>experiences 165:3</p> <p>experiencing 138:20</p> <p>expert 176:21</p> <p>experts 53:21</p> <p>explain 68:3</p> <p>explained 51:23 52:20 53:6 57:6 (4)</p> <p>explaining 146:20</p> <p>explanation 30:22 53:10</p> <p>express 137:18</p> <p>extended 34:6 57:4</p> <p>extends 177:21</p> <p>extensions 190:10</p> <p>extensive 23:8 34:20 80:24 120:21 176:17 181:8 (6)</p>	<p>extensively 48:18 68:13 178:7 179:22 180:13 182:22 (6)</p> <p>extent 15:22 26:12 33:18 81:18 (4)</p> <p>extinct 178:13</p> <p>extinction 173:16</p> <p>extinctions 76:9</p> <p>extraordinary 33:20</p> <p>extravagant 73:8</p> <p>extremely 117:12 146:22</p> <p>eye 184:23</p> <p>f 187:25 194:2</p> <p>faces 102:21</p> <p>facilities 10:23 127:5</p> <p>facility 105:14 109:20</p> <p>facing 111:19 117:10 135:3,22 (4)</p> <p>fact 36:16 66:19 91:25 95:24 102:14 104:9,18 118:3 127:5 146:24 157:2 161:9 163:3,4 171:17 173:15,17 179:4 183:25 184:16 186:7 (21)</p> <p>factor 61:16</p> <p>factored 179:5</p>
---	--	--	---	---

<p>factors 50:25</p> <p>facts 29:18 44:24 46:17 50:25 129:16 167:21,25 168:2 169:7 (9)</p> <p>factual 181:7</p> <p>fagan 187:24</p> <p>failed 107:6,10 160:8</p> <p>fails 113:22 162:13</p> <p>fair 153:11</p> <p>fairways 73:15</p> <p>faith 153:6</p> <p>fall 98:24 168:3</p> <p>falling 157:11</p> <p>falls 99:7</p> <p>familiar 46:3 133:9 147:24</p> <p>family 139:17</p> <p>far 46:7 68:8 109:3 130:17 171:22 189:9 (6)</p> <p>farm 28:19</p> <p>father 132:11</p> <p>favor 157:15 167:9 184:14 190:4,9 191:5 193:4 (7)</p> <p>features 20:15 42:8</p> <p>february 10:10,17 23:17 24:4 27:18 41:24</p>	<p>81:2 117:24 118:5 (9)</p> <p>feedback 183:3</p> <p>feel 177:7</p> <p>feet 15:6 18:22 20:8 34:7 40:16 41:20 42:16 60:11,14 105:19,23 106:16,25 125:11,14 126:21,21 142:13,17 143:3,25 177:22 184:21 (23)</p> <p>felt 171:9</p> <p>fema 165:12</p> <p>fenced 38:22</p> <p>fertal 138:23</p> <p>fertigation 104:21 133:17 134:7</p> <p>fertilizer 55:18 124:4 168:22</p> <p>fertilizers 130:2,10</p> <p>few 38:15 86:3 103:17 124:2 159:5 183:14 (6)</p> <p>fide 115:11</p> <p>field 28:19 120:21</p> <p>fields 28:13,20</p> <p>fifty 106:8</p> <p>fighting 129:6</p> <p>figure 158:20</p>	<p>file 145:17</p> <p>filed 98:15</p> <p>filing 96:19 160:11</p> <p>filled 142:21 143:7,23</p> <p>fills 37:7</p> <p>filter 129:10</p> <p>final 23:11 59:21 63:12 98:14,19 120:7 124:12 132:4 152:6 175:16,19 184:11 (12)</p> <p>finally 104:23 109:17 113:12 115:18 (4)</p> <p>find 59:3 102:7</p> <p>findings 12:6 19:13 23:13 25:9 29:2,11 44:20 63:22 64:4 96:3 99:16 160:4,22 161:2 (14)</p> <p>finds 32:20 40:8 41:6</p> <p>fine 175:9</p> <p>finish 114:18</p> <p>fire 77:14,15,17,20,22 78:5,6,24 79:14 129:6 (10)</p> <p>fires 77:21 78:15</p> <p>firm 22:13</p> <p>first 5:24 7:16 12:9 22:20 30:19,23 55:11</p>	<p>70:3,15 78:12 86:23 103:5 111:22 132:11,21 138:3 151:19 155:2 185:6 187:17 (20)</p> <p>fishing 132:20</p> <p>fit 101:8</p> <p>fitting 135:24</p> <p>five 12:3,4 55:6 57:16 68:5,17 69:16,21,22 80:11 89:2 91:13 92:21 97:9 143:2 152:22 153:12 184:13,19 189:16,23 190:15 191:25 (23)</p> <p>flag 109:14</p> <p>flood 143:13</p> <p>flooding 87:9 142:6,8</p> <p>flow 31:5,12 46:25 47:5 48:8 56:5 91:10 92:6 125:17 (9)</p> <p>flowing 135:4,8</p> <p>fluctuations 140:20,21</p> <p>flux 103:14</p> <p>foam 129:6</p> <p>focus 30:10 94:18</p> <p>focused 88:11</p> <p>foliage 108:24</p> <p>folks 5:9 80:10 152:8 154:15 164:6 175:14 (6)</p>	<p>follow 84:25</p> <p>followed 5:25 23:8 80:17 93:23 101:21 107:21 110:14 116:10 123:2 127:23 131:18 136:6 139:12 147:11 152:4 (15)</p> <p>following 5:4,19 139:21 154:5 189:17 (5)</p> <p>foolishly 106:19</p> <p>foot 41:15 105:13 109:20 125:11 142:23 (5)</p> <p>footage 61:6</p> <p>forced 107:7</p> <p>forest 74:23 77:19 106:12</p> <p>forests 77:25 78:6</p> <p>forgot 93:18</p> <p>form 9:18 19:9 84:2 113:15 183:11 184:18 (6)</p> <p>formally 23:6 86:22 98:8</p> <p>formed 101:11</p> <p>formula 79:3</p> <p>forth 61:14 146:3</p> <p>forward 83:20 90:21 92:5 135:25 138:20 171:20 (6)</p> <p>found 30:13 38:4 87:25 102:15 130:9 140:17 (6)</p>
--	---	--	--	---

<p>four 10:24 18:11 28:12 41:15 57:16 140:14 (6)</p> <p>fourth 71:15,25</p> <p>fragmentation 73:8,10 74:17 75:4 76:11 (5)</p> <p>fragmenting 74:22 75:19</p> <p>frank 117:11</p> <p>frankly 61:4 161:25</p> <p>fred 70:9,18,19 79:7 (4)</p> <p>freleng 104:20</p> <p>fresh 8:25</p> <p>friend 159:24</p> <p>fright 157:10</p> <p>front 89:25 92:12 105:15 148:8 165:16 (5)</p> <p>fuel 78:24 79:15 109:20 179:12,14 (5)</p> <p>fueling 105:15</p> <p>fulfill 127:16</p> <p>full 30:16 68:15,21 136:17 (4)</p> <p>fulltime 58:8,20 67:20</p> <p>fully 54:4 67:17 182:12 183:20 184:5 186:18 (6)</p> <p>fungicides 130:2</p>	<p>further 11:4 24:14,20 26:16,20,22 28:13 40:8 48:21 64:10 82:5 95:22 102:22 129:17 151:3 194:14 (16)</p> <p>future 39:6 107:11 110:8 122:11 177:12 (5)</p> <p>fuzzy 113:18</p> <p>gabreski 129:7</p> <p>gain 157:17</p> <p>gained 180:7</p> <p>gainfully 185:13</p> <p>gallagher 3:3 5:5 6:8,12,16,21 8:15 9:23 21:23 45:13 51:5 59:7 61:17 67:7 68:19,25 70:25 71:5 80:6 85:6 86:16,20 93:16 101:17 107:18 110:12 116:7 122:22 127:21 131:15 136:3,15 139:9 147:8 151:25 154:12,22 158:2 164:4,11 172:24 174:5,14,19 181:17 187:2 189:10,25 190:8,19 191:9,15 192:3,10 193:3,8 (56)</p> <p>gallon 78:20,21</p> <p>garage 141:15</p> <p>gasoline 78:21 105:15</p> <p>gave 26:3</p>	<p>geis 56:17</p> <p>general 26:2 36:20 181:2 185:9 (4)</p> <p>generally 60:24</p> <p>generations 139:17 140:25</p> <p>generous 166:5</p> <p>gerard 187:23</p> <p>get 5:7 9:3 47:3 57:22,23 93:21 94:2 110:8 130:15 140:16 142:6 144:6 145:16 (13)</p> <p>gets 54:18 113:18 142:2 176:24 (4)</p> <p>getting 46:19 93:12 100:16,17 141:2 146:12 (6)</p> <p>give 69:20 70:14 87:7 92:9 93:19 146:8 151:5,13 (8)</p> <p>given 5:15 37:15 54:21 69:18 130:5 148:10 175:10 177:21 (8)</p> <p>gives 47:2 92:8 192:4</p> <p>giving 7:12 80:20 85:4 147:4 (4)</p> <p>glaciers 141:6</p> <p>glenn 188:21</p> <p>globally 107:8</p> <p>go 6:3 8:16 10:6 21:23 30:11 43:2 51:12 54:16 58:2 59:25 60:25 92:5</p>	<p>100:24 120:10 131:4 141:14 147:21 150:25 155:12 173:4,10 175:17 176:4 187:5 192:13,23 (26)</p> <p>goal 12:10 30:21 92:24 96:22 119:24 138:14 (6)</p> <p>gobbler 4:11 80:17 85:9,25 86:19,24,24 102:15 104:18 179:23 180:2 (11)</p> <p>goes 30:17 50:16 112:25 113:13 117:7 146:2 (6)</p> <p>going 5:7 7:9 8:17 9:2 22:4,4 30:11 43:2 61:20 68:8 78:3 81:3 90:21 99:14 116:9 123:24 129:19 130:20 142:6 143:10,25 144:7,10,16 146:8 150:25 156:16 164:17 169:13 173:10,19,20 175:16 178:13 187:8 (35)</p> <p>golf 25:25 28:10 55:19 63:4 73:7,13,17,20 74:3,5,12,17 76:18 79:11 83:4 100:17 103:18,19 105:18 109:12 124:5 125:2,7,20,24 126:5,15 127:14 128:11 129:19 130:11,16,21,25 138:14 139:4 144:3,18 152:18,25 153:8 156:14,19 159:19 162:20</p>	<p>176:11,13,15 184:15 (49)</p> <p>golfer 132:3</p> <p>gone 103:25 115:19 125:16 184:16 (4)</p> <p>good 6:25 9:25 22:7,9 27:4 71:7 77:9 94:4 101:23 107:24 116:12 123:4 127:25 132:12 136:7 156:19,20,21 158:22 159:23 181:25 186:21 (22)</p> <p>gorman 188:12</p> <p>got 100:23 189:25</p> <p>gotten 132:25</p> <p>govern 186:5</p> <p>government 153:7 185:17</p> <p>governor 82:3 88:22</p> <p>grace 187:20</p> <p>graciously 146:8</p> <p>grade 16:23,25 17:3,11,13 18:6,8 35:19 (8)</p> <p>grading 39:25</p> <p>graduate 94:9,10</p> <p>graduated 116:19 117:13</p> <p>grant 153:7</p> <p>granted 83:13</p>
---	--	---	--	---

123:22 160:15 grass 133:23 135:18 gravina 188:24 great 17:10 43:25 78:22 88:16 90:20 92:14 93:9 111:20 140:9,20,21 162:17 193:8 (13) greater 17:3,12,17 18:7 24:9 36:12 37:7 139:18 166:9 (9) greatest 87:15 91:8,9 96:15 111:8,10 (6) gregory 188:16 189:2 grew 169:22 grid 82:15 grosser 3:19 ground 134:15 135:17 185:6 grounds 130:3 groundwater 90:24 91:10,11 92:3,6,13,16 126:22 127:2 135:2 176:17,24,25 (13) group 94:7 112:15 147:16 189:6 (4) groups 172:15 grow 133:23 135:17 grown 120:14	132:19 grows 109:2 growth 24:10 25:4 26:13 41:9 81:19 82:7,24 83:17 84:4,13 179:10,11 184:2,4 (14) guess 70:18 guidance 179:2 guided 186:2 guideline 12:9,11,22 13:14,16,18 14:22,23 15:3 16:20 17:5,6,18 18:2,10,15 19:2,12,17,21 20:10 31:17,21 32:23 35:6,11,20 36:4,8,9,13 37:2,3,11,20 40:10,24 41:3 42:6,13,19 49:11 119:11 (43) guidelines 8:9 11:14,18,24 15:9 18:12 24:11 25:5 26:14 27:25 29:20 30:2,9,13,18 44:16 45:5 85:15 94:25 101:3 155:21 156:2 157:23 165:11 168:6 169:5 178:15 180:11,22,24 181:5 186:4 (32) gusts 184:20 guys 147:23 h 3:5,24 habitable 60:15	habitat 74:19 75:4 121:9 habitats 179:7 half 12:13,21 54:22 55:5,6 57:15 87:22 143:6 (8) hamlet 139:25 hampton 58:18 139:5 155:7 hand 110:23 132:22 158:17 190:4 194:20 (5) handled 7:4 hands 107:14 haney 188:16 happen 67:16 68:16 78:15 96:21 108:10 141:10 144:5 (7) happened 119:2 happening 152:16 happens 141:13,22 142:25 happy 60:5,25 68:14 hard 88:19 146:23 171:10 hargrave 3:11 5:24 6:24 9:25 30:8 51:13 52:16 59:2 (8) harm 115:12 harmful 87:14	has 10:10 21:10 22:24 23:2 27:22 31:3 32:5 33:19 34:18 35:17 36:6,16 37:10 38:13,20,21 39:3,4,5 41:25 42:22 43:23 44:5 48:25 49:2 50:11 51:15,23 52:10,18 53:19 55:24 56:25 58:16,21 59:23 61:12 62:23 63:24 68:12 69:14 77:13 81:24 84:7 87:18 88:9,22 90:7 93:11 94:20,22 95:7 96:12 97:7,17 100:5,9 102:15 103:13 104:7 108:17 109:10 114:4 117:12,16 119:18,21 120:14,17,18 121:19 123:13 128:16 130:7 132:14,22 133:10,18 134:21 135:6 140:6 146:21 148:22,23 150:2,8,9,11,12 152:16,20 154:20 156:14,24 161:4 162:3,5,17 163:17 166:4 170:2 171:18,23 173:4 175:4,5,6 179:5 180:6 (109) haskell 188:5 hasn't 130:16 haven 108:12 having 28:19 31:18 46:3 63:4 93:3 139:24 177:10,11 (8) hazard 165:14	he 164:17 170:2,5 177:25 191:23 (5) he'll 185:18 he's 22:4 169:17 173:3 head 78:18 health 102:20 126:25 132:18 176:10 (4) healthy 102:23 129:18 130:11 hear 8:19,20 11:25 70:24 119:25 130:20 156:13 167:23 (8) heard 9:9 103:5 132:9 140:3 148:19 150:21 167:16 168:25 (8) hearing 1:1 5:8,18,23 6:11 7:4,21 9:8 10:9,18 21:24 22:22 23:15,21,24 24:4 27:19 68:18 69:5,6 117:22,25 118:5 119:2 128:16 157:12 175:13 189:17,21 190:13 193:12 194:12 (32) hearings 23:3 80:24 184:9 heart 95:4 heat 130:13 heath 188:11 heather 172:25 188:11 heavy 56:23
--	--	---	---	---

<p>height 138:11</p> <p>held 128:17</p> <p>hello 174:8</p> <p>help 133:6 135:15,21 138:6 (4)</p> <p>helped 138:8</p> <p>helpful 85:18 158:18</p> <p>helping 85:22 185:23</p> <p>here 5:9 6:15 8:13 63:23 64:23 65:4 68:23 78:7,15 89:4 93:25 113:4 114:11 115:22 116:24 124:2 128:14 131:7 132:5,16,19 133:18 134:22 135:3 136:9 147:19 159:2 169:21,22 186:20 (30)</p> <p>here's 95:12</p> <p>hereby 5:14 194:9</p> <p>hereunto 194:20</p> <p>hi 169:12 173:6</p> <p>high 41:15 111:17 169:25 182:8 185:17 186:17 (6)</p> <p>higher 89:17</p> <p>highway 34:3,5,9 40:13,16 42:15 81:8 177:22 (8)</p>	<p>hiking 37:24 39:9</p> <p>hills 11:6 16:3,7,14 111:2,25 112:5,10 116:22 117:3 119:4,18 128:12 131:12 139:5 140:4 148:17 170:25 (18)</p> <p>hilly 146:23</p> <p>hired 116:20</p> <p>his 58:2 170:4,8</p> <p>hissey 3:18</p> <p>historic 39:11 40:6</p> <p>historical 38:3</p> <p>historically 61:10 140:23</p> <p>history 147:22 150:3 172:16</p> <p>hit 129:11 184:22 185:7</p> <p>hold 62:5 94:10</p> <p>holding 94:9</p> <p>hole 74:2 76:18 109:12</p> <p>holes 126:5 162:21</p> <p>home 102:13 105:16 126:5 129:11 169:21,24 (6)</p> <p>homeowner's 104:4,17 126:8</p> <p>homeowners 109:7</p>	<p>homes 83:3 106:8 109:9 120:20,25 125:9,13 129:15 (8)</p> <p>hope 10:4 79:22 127:18</p> <p>hosting 22:21</p> <p>hour 184:20</p> <p>house 105:23</p> <p>housing 59:24 60:10,21,23 61:12 73:11,14 76:20 100:11 105:5 128:12 (11)</p> <p>how 53:4 61:10 67:9 73:23 86:4 91:20,20 99:14 109:21 117:16 123:24 124:25 125:2,16 126:2,7,13 133:9 135:13 140:9 142:22,24 144:22 162:10,12 170:7 171:9 180:14 (28)</p> <p>however 41:8 42:11 124:11 125:6 146:19 (5)</p> <p>huge 130:11 133:10,16</p> <p>human 78:10 102:20</p> <p>hundred 16:4 98:15 112:3 141:9 167:9 (5)</p> <p>hundreds 112:23</p> <p>hurricane 131:3 184:19</p> <p>hurwitz 187:19</p>	<p>husband 169:20</p> <p>hydrogeological 74:8</p> <p>i'll 10:6 13:15 22:5 28:7 40:17 58:6,20,24 59:22 85:9 169:15 (11)</p> <p>i'm 22:16 30:10 43:2 46:2 58:9 61:19 64:22 65:14 128:22 131:25 142:12 143:16 144:24 145:3 169:13 173:10 190:10 193:10 (18)</p> <p>i've 132:25 133:2 150:21 155:14 168:25 (5)</p> <p>idea 78:22 112:18 181:4</p> <p>identified 13:11 19:11,16 21:10 30:8 33:11 35:5 38:5 50:7,18 95:17 126:6 (12)</p> <p>identify 72:25 174:24</p> <p>ignored 115:2</p> <p>ignoring 112:10</p> <p>iii 187:25 188:21</p> <p>ill 79:18</p> <p>illegal 38:19</p> <p>illegally 106:19</p> <p>imagine 134:12 135:23</p> <p>immune 103:7</p>	<p>impact 19:10,15 23:10,12 24:15 40:19 58:22 62:20 63:9,12,25 66:15 105:16,20 118:22 119:7 120:5 122:4 123:17 124:5,21,25 125:3,6,17 126:14,23 160:20 186:18 (29)</p> <p>impacted 39:4 106:9 107:9 115:21 (4)</p> <p>impacting 102:20</p> <p>impacts 17:10,16 24:16 26:11 29:7 39:12 105:6 114:14 121:7,12,13 148:5 160:7 (13)</p> <p>impaired 100:13</p> <p>impairment 132:22</p> <p>imparity 77:2</p> <p>imperative 110:6</p> <p>imperiled 106:13</p> <p>implementation 89:20 95:5</p> <p>implemented 126:13</p> <p>important 56:15 80:2,22 86:5 101:12 113:11 121:24 164:23 167:7 179:14 182:13 186:6 (12)</p> <p>importantly 45:2 118:11 125:18 160:23 (4)</p>
--	---	---	---	--

<p>imposed 23:23</p> <p>impossible 7:11</p> <p>improve 86:11 133:7</p> <p>improved 27:23</p> <p>improvements 60:18 64:14</p> <p>inability 100:25</p> <p>inaudible 36:15,20 38:23 47:12,24 53:11 54:3 68:9,11 103:6 164:8 174:11,16 181:22 (14)</p> <p>inaudiblebut 34:6</p> <p>inaudiblethat 35:2</p> <p>incentive 98:4</p> <p>include 19:23</p> <p>included 14:7 28:8 82:22 119:4 159:12,14,16 187:12 (8)</p> <p>includes 33:23 73:2 182:15</p> <p>including 10:23 23:9,19 27:16 41:16 76:4 87:8 161:10 166:7 (9)</p> <p>inclusion 109:12,18 154:9</p> <p>income 61:12</p> <p>incoming 144:8</p> <p>inconclusive</p>	<p>104:22</p> <p>incorporated 164:19</p> <p>incorporates 26:9</p> <p>increase 88:18 93:7 162:21</p> <p>increased 42:2</p> <p>increasingly 106:13</p> <p>incredible 137:20</p> <p>indecipherable 47:13,25 53:12 164:9 174:17 181:23 (6)</p> <p>indeed 182:11</p> <p>independent 48:14 88:13 89:15 130:9 (4)</p> <p>independently 99:7</p> <p>indicate 36:13 42:18 74:4 158:10 (4)</p> <p>indicated 27:22 28:3 30:3,23 55:25 80:25 149:10 (7)</p> <p>indicates 31:21 32:23 35:14 40:5,12 42:9 138:16 (7)</p> <p>indicating 31:19</p> <p>indifference 73:12</p> <p>individuals 57:2 158:14 187:6</p>	<p>inevitable 78:14</p> <p>infiltrated 143:22</p> <p>infiltrating 129:8</p> <p>influence 154:7</p> <p>influx 109:6</p> <p>info@pbstatenyu s 189:19</p> <p>information 32:5 34:23 40:22 42:23 44:17 50:11 53:20,24 63:18 92:9 151:23 181:8,13 (13)</p> <p>informed 44:22 181:14</p> <p>initial 96:19</p> <p>initiated 99:12</p> <p>inlets 135:12</p> <p>innovative 137:13 170:7</p> <p>input 12:24 13:8 20:22 31:11 48:9 51:22 52:21 69:20 97:25 140:5 (10)</p> <p>inputs 13:5,9 30:22,25 49:18 52:8,17,23 53:4 55:20 (10)</p> <p>inquires 181:20</p> <p>insertion 11:10</p> <p>inside 125:9</p> <p>instance 163:22</p> <p>instead 75:2,4 97:4 125:14,23 (5)</p>	<p>institute 81:6</p> <p>integrated 100:4,20 176:10 183:6 184:11 (5)</p> <p>intellectual 137:14,23</p> <p>intended 33:6 110:25 116:2</p> <p>intends 76:22</p> <p>intensive 127:14</p> <p>intercept 135:7</p> <p>interest 93:4 100:7 132:3,6,17 158:10 170:16 (7)</p> <p>interested 194:17</p> <p>interesting 134:5</p> <p>interests 97:2 117:10</p> <p>interfaced 182:21</p> <p>interjecting 7:2 51:10 52:11 86:17 136:16 190:17 (6)</p> <p>interrupt 47:15 86:18</p> <p>into 6:3 54:17 61:12 69:4 74:23 75:22 82:13 84:13 102:25 117:7 130:3,4 135:4,8 141:3 142:4,21,25 144:22 165:9 173:10 179:6 183:6 191:10,16,20 192:13,23 (28)</p> <p>introduce 69:25 86:22</p>	<p>introduction 141:20</p> <p>invested 88:22</p> <p>investment 88:12 90:14</p> <p>invited 69:16</p> <p>involved 25:7 27:12 63:11,17 66:2,13,25 86:10 96:5 97:16 100:8 133:2 148:25 149:16,23 160:25 163:13 (17)</p> <p>involves 32:6 112:15</p> <p>irrelevant 153:5</p> <p>irrigation 15:7 134:11</p> <p>is 5:5,14 6:10 7:6,9,23 8:13 9:8,9,11,13 10:4,8 12:2,18,20 13:13 14:11,12,13 15:2,3,7 16:2,5,15,15 17:2,19,25 18:19,22 20:5,16 21:3,13 22:4,11 23:4 25:6,18 29:17,18,23 30:25 31:11,13 32:8,10,17 33:4,8,9 34:11,23 35:5,25 36:3,14 37:19 38:11,21 39:2,8,15 40:13,14,18,25 41:8,20 42:4,11,12 ,14,15,20,21,24 43:11,23,25 44:15,22 45:22 46:15,22 47:2 48:9,23 49:12,15,16 50:4,10,11,22</p>
---	---	--	--	---

<p>51:20 52:12,24 53:20,22,23 54:4,9,14 55:11,13 ,16,20,22,25 57:5,6,17 58:7 59:7,16 60:8,10,13 ,19,21,22 61:8,24 62:3,14,18 64:6,16,19 65:5 66:6,13,16,22 68:4,7,10 69:18 70:10,11 71:11,13,24 72:14 73:5,7 74:6,25 75: 4,6,8,12,16,17,24 76:8,12,25 77:9,11,15,19 78:5,8,25 79:2,18,19 80:16 81:4 82:19,23 83:7,20 84:21 85:11,12,15,18 86:6,9 87:16,17,19 88:4 91:7,12 92:2,8,24 93:6,9,13,19,25 94:6 95:8 96:22 97:11 98:25 99:2,6,25,25 100:6 101:25 103:9,14,15,24 104:11,13 105:24,24 106:9 107:5,9,14,20,22 108:2 109:15 110:4,6,19 111:5,23 112:17,20 113:15,21 114:2,3,16 115:11,13 116:5,16 117:9,15,21 118:7,12,20 119:13,17,24 120:7,9,12,21,24 123:6,20 124:17 125:16,22 126:3,8,22,25 127:7,8 128:5,19 129:2,4,6 130:5,9,13 131:22 132:6</p>	<p>133:12,14,15,18 134:7,16,17,25 135:5,14,14,23 137:10,25 139:6,13 141:2,25 142:2,3,9,17 143:24 144:7,15 145:3,8,19,24 146:11,14 147:19 148:20,25 150:4,1 0,15,16,22,24 151:2,7,18 152:12,21 153:4 154:3,8 155:2 156:19 157:3,3,11 158:18,21,24 159:9 160:24 161: 18,20,21,23,24,25 162:2,5,14,25 163:8,24 164:14,15,18 166:23 167:6,7,23 168:10,12 170:9 172:17 173:2,6,15,21 174:9,11,20 175:9 177:9,12,24 179:9,11,14,18 180:2,18 181:7,11 182:2 183:18,23 184:4,5,16,18 185:14 189:20 190:13 191:4,4,5 192:15,16,18 194:11 (393)</p> <p>island 53:18 58:13 71:13 74:22 75:10,16,18 81:6,11 88:23 94:16 103:7 108:22 110:21 111:10 116:18 137:16,24 173:8 174:3 189:2 (21)</p> <p>island's 111:7 113:10 115:15 116:4 (4)</p> <p>islanders 111:14</p> <p>islandia 81:8</p>	<p>islandinaudible 174:13</p> <p>islands 74:23,24 75:22</p> <p>issue 13:11 63:19 96:8 126:17 163:8 (5)</p> <p>issued 97:21</p> <p>issues 8:12 72:10 134:20 143:11 171:11 176:6 (6)</p> <p>issuing 99:9</p> <p>items 30:12 43:3 50:17 176:5 (4)</p> <p>iteration 114:14 120:4 125:20</p> <p>its 9:13 19:9 25:25 62:15 63:13 64:4 78:5 79:24 84:2,23 91:3 96:2,19 100:25 104:22 106:20 114:18 127:16 131:3,8 153:2 159:21 160:3,18,22 161:2 165:21 178:5 (28)</p> <p>itself 40:22 143:5 149:7</p> <p>jackson 4:12 136:6 139:11,13,14,14 (6)</p> <p>jacobs 187:22</p> <p>january 64:24 95:13</p> <p>jay 3:5 6:13 8:15 45:22 46:19 47:16 58:15 114:8 191:4,19 (10)</p>	<p>jeff 147:18</p> <p>jeffrey 3:23 187:25 188:11</p> <p>job 85:11 114:18 117:9 141:7 (4)</p> <p>jobs 43:21</p> <p>john 3:7,8,9 8:16 9:24 69:17 158:5 187:4 188:13,15 189:11 191:21 192:11 (13)</p> <p>joined 70:8 132:24</p> <p>joining 193:9</p> <p>joint 5:16 110:18</p> <p>jok 169:14,17 170:2</p> <p>jones 188:10</p> <p>joseph 172:23 188:22</p> <p>jr 188:8,17</p> <p>judges 161:19</p> <p>judith 188:7</p> <p>julia 187:21</p> <p>julie 3:11 5:24 6:22 7:3 8:4,5 30:8,23 31:16 43:4 50:7 51:6,12 53:16 (14)</p> <p>july 10:14</p> <p>jump 70:16</p> <p>jumped 70:18</p> <p>june 10:13 24:19 64:21 66:10 (4)</p>	<p>junkyard 132:13</p> <p>jurisdiction 1:1 5:22 11:11 62:24 63:2 64:8,9 150:11 161:7,8,14 (11)</p> <p>jurisdictional 96:16 97:7</p> <p>just 7:3 8:25 10:6 11:21 28:7 30:11 38:15 47:10 50:20 51:13 53:14 54:7,16,20 58:5,20,24 59:5,10,25 60:4 66:17 68:3 70:7 74:4,10 77:10 78:3 82:14 85:9,10 86:3,17,20 87:6 90:2,8,22,23 91:15 92:11,22 93:8,15 94:2 101:8 103:25 112:17 114:8 116:22 120:17 124:2 125:11 126:21 127:7 129:13 130:20 136:8,16,19 138:25 140:16,18 144:14 145:6,23 146:6 147:3 157:9 158:16 169:15 171:9 172:6 174:20,24 175:10 176:4 177:15 180:25 183:13 185:10 187:9 191:23 (83)</p> <p>justice 61:10</p> <p>karen 189:2</p> <p>kathleen 187:19</p> <p>katie 4:6 110:15 116:10,16 122:23 (5)</p>
---	---	--	--	--

<p>kayaking 132:20</p> <p>kearns 4:3,4 93:24 101:20,22,23,25 102:2 107:20,24 108:2,3 183:25 188:16 (14)</p> <p>keep 129:23</p> <p>keeping 19:25 104:12</p> <p>keeps 172:8</p> <p>kept 138:10 143:2</p> <p>kessenich 187:25</p> <p>key 182:25</p> <p>kids 104:12,13 170:23 171:8 (4)</p> <p>kind 76:17 77:24 100:20 121:21 143:4 145:8 173:21 183:17 (8)</p> <p>kinds 101:12</p> <p>knew 140:24 152:23 171:9</p> <p>know 7:3 27:8 54:17 58:15 60:12 61:5,25 69:17 86:4,12 87:12 90:6,25 92:10,12 93:18 110:24 129:17 134:20 136:17 140:19 141:9,11,13 143:17 146:25 147:22,25 148:6 156:23 158:4 169:16 170:17 (33)</p> <p>knowledge 48:12</p>	<p>known 87:19</p> <p>knows 58:15</p> <p>kobel 188:24</p> <p>kommer 169:14 172:23 188:22</p> <p>kommer's 170:2</p> <p>kooie 189:2</p> <p>kracke 16:4 178:2</p> <p>kreitsek 188:4</p> <p>kristie 188:14</p> <p>kristopher 188:19</p> <p>l 3:10 187:20</p> <p>lack 100:4 161:7</p> <p>lacking 65:22</p> <p>lacks 161:6</p> <p>laden 133:21 134:16</p> <p>laid 141:6</p> <p>land 8:10 11:15,20 18:20 20:7 27:24 37:25 38:2 39:5,8,13 41:7,22 43:25 44:12 45:20 56:17,18,24 72:9,12 73:3,18 82:22 83:9 84:4,9 86:14 90:10 94:12,25 104:16 111:19,22 112:20 113:9,22,25 114:15,23 115:4 119:12 128:10 130:17 131:25 134:25 137:6,19</p>	<p>138:2,7 155:22 165:4,5,25 166:4,15 168:6 169:6 172:4,11,18 177:15,17 179:2 182:3,17 183:22 184:3 185:22 186:9,12 (71)</p> <p>land's 129:21 138:13</p> <p>landings 88:19</p> <p>lands 82:6</p> <p>landscape 120:16 167:7</p> <p>landscaping 60:19</p> <p>lane 187:21</p> <p>language 33:3 42:13</p> <p>large 14:4 15:15 33:15 34:14 43:11 73:9 103:24 151:7 166:20 (9)</p> <p>largely 75:20,21</p> <p>larger 11:4 103:21 107:2</p> <p>largest 107:2 122:4</p> <p>larry 189:5</p> <p>lashley 166:3</p> <p>last 7:16 10:21 42:4 59:16 69:2,19 70:4,4 84:19 86:23 89:13 92:11 111:20 117:22 118:10 119:2 125:20 164:15 173:2 184:22 (20)</p>	<p>lastly 109:18 127:10</p> <p>later 50:3 116:25</p> <p>latest 10:20 20:21 113:15,17 114:14 125:22 140:18 165:12 (8)</p> <p>launched 129:14</p> <p>law 5:14 65:23 79:20 83:15 94:15 97:13 99:6,24 101:7 104:15 112:18,19 113:3,14 114:9,20,25 115:5,16,25 148:13,22 150:8 184:6 (24)</p> <p>lawn 105:22</p> <p>lawrence 4:15 152:5 154:14 155:3,3 158:3 188:23 (7)</p> <p>laws 82:4 85:2 131:8 186:4 (4)</p> <p>lawsuit 98:16</p> <p>lay 140:10</p> <p>layout 10:11,15 24:8,18,25 123:13 (6)</p> <p>leaching 105:11 130:3</p> <p>lead 37:9 61:24 62:4,17,18 63:8 64:7,18 65:5,15,17 ,22,23,24 66:3,5,12,20,21,24 87:13 90:16 95:18,25 96:10,23 97:6,14,20 98:22 99:4,20 147:5</p>	<p>149:7,11,13,24,25 150:13 151:12 159:10 161:6 (42)</p> <p>leaders 114:10</p> <p>leading 185:15</p> <p>leaf 38:6</p> <p>learn 129:3</p> <p>learned 117:5,6</p> <p>least 132:9</p> <p>leave 58:6,24 109:20 156:3 189:22 (5)</p> <p>led 88:9 91:4</p> <p>left 111:10 139:2 146:14 152:23 (4)</p> <p>legal 3:8 66:10 95:2 161:15 192:16,25 (6)</p> <p>legislation 128:24 184:3</p> <p>legislative 77:2</p> <p>legislators 82:10</p> <p>legislature 72:24 81:14,15,24 82:12 84:11 113:8 (7)</p> <p>length 41:13</p> <p>lengthy 171:5</p> <p>leslie 188:10</p> <p>less 12:14,19,20 16:23,25 18:5 35:8,18 49:9 67:24 125:25 134:16 168:21,21 (14)</p>
---	---	---	--	--

<p>lessen 157:3</p> <p>let 59:11 93:18,19 145:6,11 192:22 (6)</p> <p>let's 115:7 119:22 156:3</p> <p>letter 30:4 164:17,19 169:14 (4)</p> <p>letting 154:25 155:9 181:16</p> <p>level 14:12 92:25 93:13 97:23 99:13 143:3 177:4 (7)</p> <p>levels 72:6 92:15 134:9</p> <p>lewis 1:1 5:20 22:19 23:5 25:17 26:9 38:12,25 39:2,20 41:8 42:11,11 95:16,19 96:2,20 97:8 105:2 111:3 112:7 117:3 119:6,17 142:19 149:4 166:18 167:12 189:16 (29)</p> <p>license 106:21</p> <p>lies 95:4</p> <p>lieu 14:4 31:25</p> <p>life 78:11 130:24 139:25 170:4 (4)</p> <p>liguori 169:12</p> <p>like 22:20 25:7,16 45:15 55:15 59:14 61:19 62:7 64:15 67:5 70:22 72:7 90:10 91:23 119:15 124:16 128:2</p>	<p>130:3 137:18 139:3 141:4 142:19 143:24 148:14 151:17 158:6,9,13,14,19 159:5 171:5 175:7 181:4 182:5 183:13 192:14 (37)</p> <p>likelihood 78:10 129:25</p> <p>likely 20:6 144:7</p> <p>likewise 141:11 143:2</p> <p>limit 7:24 14:8 21:5</p> <p>limitations 23:2,23 165:18</p> <p>limited 54:22 95:22</p> <p>limiting 102:19</p> <p>limits 40:2 110:10 183:24</p> <p>lindsey 188:24</p> <p>line 41:10</p> <p>lineage 139:17</p> <p>lined 143:9,10</p> <p>lingers 109:2</p> <p>lips 7:9</p> <p>liquor 106:21</p> <p>lisa 138:23</p> <p>list 158:12 187:5</p> <p>listened 140:4 183:2</p>	<p>listening 108:6 154:11 162:9</p> <p>liter 49:10,13 67:23 92:20 (4)</p> <p>literally 35:10 92:17</p> <p>litigation 112:14</p> <p>littered 119:16</p> <p>little 8:18 46:10 54:16 65:14 93:13 110:22 144:17 156:9 162:3,10 (10)</p> <p>live 69:7 71:12 108:4 128:7 139:15 143:6 145:18 152:13 155:7 166:16 173:25 185:21 (12)</p> <p>lived 102:4</p> <p>lives 78:2 169:23</p> <p>living 58:19</p> <p>llc 22:17</p> <p>llp 3:16</p> <p>load 31:4,6 43:16 46:20 47:2,7 88:6 180:14 (8)</p> <p>loading 52:14 86:14 87:3 89:12,18,24 90:5,18 119:8 (9)</p> <p>loads 87:10 89:22</p> <p>loath 54:17</p> <p>local 19:7 76:9 90:13 99:12 100:12 105:20</p>	<p>108:12 110:2 114:20 132:16 139:3 153:6 166:5 170:23 171:7 172:18 (16)</p> <p>locals 185:19</p> <p>located 28:11 60:24 139:6 165:22 184:2 (5)</p> <p>location 60:8 142:5 162:20</p> <p>locations 89:3</p> <p>logged 154:16 158:7</p> <p>logical 68:4</p> <p>long 53:18 58:13 71:13 81:6,11 88:23 94:15 103:6 108:21 110:21 111:7,10,14 113:10 115:15 116:4,18 121:20 137:15,23 146:15 173:8 174:3,13 189:2 (25)</p> <p>longer 25:18 71:2 103:23 104:9,11 118:24 131:2 148:25 150:6,6,10 161:5 (12)</p> <p>longterm 121:5 186:12</p> <p>look 46:8 61:5 66:9 89:13 93:3 97:15 103:2 130:20 134:23 138:20 144:19 146:7 163:14,25 180:17 (15)</p> <p>looked 55:24 56:18,19 120:7 177:6 (5)</p>	<p>looking 59:3 64:22 78:7 91:16 106:11,18,24 121:25 122:3 132:5 140:18 181:11 (12)</p> <p>looks 92:6 124:16 143:23</p> <p>lose 75:23</p> <p>loss 74:20 75:5 77:25 78:2,11 87:8,13 174:10 (8)</p> <p>lot 89:4 92:21 142:17 147:23 167:23 (5)</p> <p>lots 8:11</p> <p>louis 38:12</p> <p>loved 169:25</p> <p>lover 174:10</p> <p>low 68:11 186:18</p> <p>lower 48:8,8 61:11 134:10 (4)</p> <p>lowermiddle 61:11</p> <p>lucy 188:7</p> <p>luxury 128:11 138:14</p> <p>lynch 4:9 127:24 131:17,19,22,23 (6)</p> <p>lysimeters 176:22</p> <p>m 188:10</p> <p>madam 101:24 110:16</p>
--	---	--	---	--

<p>made 21:12 48:7 52:13 82:5 89:10 97:20 108:17 112:13 146:17 148:8 159:7,8 161:4,6 162:4 163:16 171:18 172:7 191:16 (19)</p> <p>madeline 187:20</p> <p>madigan 187:18</p> <p>magnificently 106:5</p> <p>main 15:24 33:25 93:14 145:21 (4)</p> <p>maintain 142:22 153:12</p> <p>maintained 20:13 185:2</p> <p>maintenance 100:10</p> <p>major 96:11 118:4 129:14 130:10,13 (5)</p> <p>majority 43:11 157:14</p> <p>make 11:24 57:10 58:5,20 59:12,15 60:4,7 66:14 70:2 83:25 85:16 86:4 93:15 101:11 119:22 124:14 125:25 144:22 148:11 156:5 158:12 161:2 162:24 164:18 172:11 175:10 181:13 187:10 (29)</p> <p>maker 115:22</p> <p>makes 37:23</p>	<p>making 82:17 93:17 102:25 120:9 186:2 191:4 (6)</p> <p>man 170:13</p> <p>manage 134:25</p> <p>managed 165:12</p> <p>management 14:11 20:11 42:5 77:15 96:14 176:10 (6)</p> <p>mandated 104:25</p> <p>manner 20:14 185:3</p> <p>many 27:14 73:14 77:5 79:21 86:12 89:10,20 91:6 109:3 118:15 126:4 133:12 139:21,23 140:5,9 143:19 148:2,2,18 166:5,11 177:13,13 178:8,20 183:7 184:8,9 193:11 (30)</p> <p>map 29:5 81:15,25 117:19,23 118:6 (6)</p> <p>mapping 145:17</p> <p>march 58:11,14</p> <p>marcincuk 3:15 22:14</p> <p>maria 166:21 188:9</p> <p>marie 187:22</p> <p>marine 75:13 130:24</p>	<p>marino 147:11</p> <p>mark 3:18 187:25</p> <p>marriage 194:16</p> <p>martin 187:18,23</p> <p>marvin 48:19</p> <p>masks 7:11</p> <p>mass 55:12</p> <p>massive 140:12</p> <p>master 10:11,15,22 72:14 (4)</p> <p>match 16:16</p> <p>material 179:18,21</p> <p>materially 24:13</p> <p>materials 10:13</p> <p>matter 1:1 59:18 77:10 99:14 100:4 112:19 161:18 163:10 194:16 (9)</p> <p>matters 64:9 96:9 161:11 192:18 194:18 (5)</p> <p>matthew 188:25</p> <p>max 143:11</p> <p>maximize 16:21 35:7</p> <p>maximized 35:17</p> <p>maximizes 168:19</p> <p>maximum 15:22 26:12 33:18</p>	<p>142:23 (4)</p> <p>may 8:11 19:6,9 26:16 32:19 42:10 47:17 65:25 82:10 134:8,9 154:15 173:23 (13)</p> <p>maybe 46:10 113:3,4 142:8 143:25 144:21 146:25 187:5 (8)</p> <p>mayor 164:21 166:22 186:16 188:9 (4)</p> <p>mcarthur 75:7</p> <p>mcarthurwilson 75:9</p> <p>mccarthy 188:18 189:7</p> <p>mcdermott 188:7</p> <p>me 27:8 57:23 67:6 70:24 78:17 80:20 93:5,19 109:21,24 117:15 132:11 139:5 148:15 154:25 155:9 167:8 175:23 181:2,16 192:22 194:11 (22)</p> <p>mean 9:11 55:2 93:13 145:4 156:17 (5)</p> <p>meaning 51:11 77:16 78:23</p> <p>meaningful 73:4</p> <p>means 40:18 109:17 149:20</p> <p>meant 47:19 128:24 131:9 184:4 (4)</p>	<p>measure 182:25</p> <p>measured 93:11</p> <p>measurement 60:9</p> <p>measures 18:17 19:22 26:10 33:20 119:3 (5)</p> <p>meek 3:3 6:21</p> <p>meet 81:21 83:18 84:8 101:2,6 113:23 115:5 123:14 162:6,13 163:4 165:12 179:4 180:10 (14)</p> <p>meeting 29:15 152:7 164:23 190:22,22 191:3,10,18,21 (9)</p> <p>meetings 102:11</p> <p>meets 21:5 83:8 84:2 136:13 137:4 155:25 157:23 168:5 177:15 (9)</p> <p>melissa 187:22 189:5</p> <p>melville 27:7</p> <p>member 3:4,5,6 7:13,14 9:12 94:13 132:8 166:24 (9)</p> <p>members 5:11 9:7,21 22:2,10 26:17 45:17,19 59:8,12 61:18 65:3 69:2 71:8 94:5 107:25 110:17 115:24 131:19 147:12 164:25 184:14 186:23 (23)</p>
--	--	---	---	--

<p>membership 26:2 56:25 63:4,5 (4)</p> <p>memorial 81:7</p> <p>memoriam 148:12</p> <p>mention 70:7 88:7 90:2,22 127:5 (5)</p> <p>mentioned 31:17 69:25 149:25 158:5 161:8 173:17 190:23 (7)</p> <p>merits 164:2</p> <p>message 110:9</p> <p>met 49:24 50:5 118:18 119:9 136:11 137:2 163:23 176:19 (8)</p> <p>method 47:7</p> <p>methods 48:15 129:23</p> <p>meyer 138:23</p> <p>michael 4:8,14 123:2 127:23 128:5 131:16 147:11 152:4 188:12,20 (10)</p> <p>michele 187:21</p> <p>microphone 69:14</p> <p>middle 61:11</p> <p>might 54:13 91:16 103:3 144:6 147:5 (5)</p> <p>mike 152:12 154:13</p>	<p>milazzo 3:8 6:5,10 7:2 9:7 154:18,23 190:17 191:22 192:7,12,17 (12)</p> <p>miles 184:20</p> <p>milligrams 49:10,12 67:22 92:19 (4)</p> <p>million 12:13,20 90:14 98:15 112:3 (5)</p> <p>millions 129:9</p> <p>minds 9:2</p> <p>mine 126:19,20</p> <p>minimal 13:20 32:7</p> <p>minimalize 26:10</p> <p>minimize 37:5,7 76:17</p> <p>minimum 20:8 31:22 34:8 123:14 (4)</p> <p>mining 127:3</p> <p>minister 185:18</p> <p>minutes 9:3 22:5 69:17,21,22 (5)</p> <p>mirino 4:14 152:4,11,12 (4)</p> <p>mismanagement 77:22</p> <p>mission 127:17 134:24 170:5</p> <p>misspoke 47:17 51:11</p>	<p>misstated 115:3</p> <p>mitch 80:18 85:7,10</p> <p>mittell 3:24 80:16 81:4</p> <p>mitigate 88:6 90:4 135:21</p> <p>mitigating 89:21</p> <p>mitigation 21:10 24:14 26:9 119:3 (4)</p> <p>mix 171:8</p> <p>model 12:24 13:11 20:22 31:2,3 46:12,13,16 48:7,24 49:17 51:9,22 52:19 53:8,22 54:4 55:11,12,14 56:25 57:5 58:7,22 67:11,14 75:7,12 91:17,21,23 92:7 93:4 180:17,19 (35)</p> <p>modeled 12:16</p> <p>modeling 54:9,13 55:23 56:2 57:15 90:24 91:4,9 92:3,13 121:2 (11)</p> <p>modifications 21:11</p> <p>moment 81:15 128:25 131:9</p> <p>moments 159:6</p> <p>monday 41:12</p> <p>monitor 73:24</p> <p>monitored 89:5 126:3</p>	<p>monitoring 64:15 87:24 88:3 133:4 176:16,18,25 (7)</p> <p>months 38:15 101:2 105:22</p> <p>moore 166:21 188:9</p> <p>moral 110:6</p> <p>more 22:6 27:23 41:20 50:8 60:14,20 61:2,7 62:12 91:13 92:19 94:16 100:18 102:7 114:12 119:21 121:24 122:18 125:18 129:17 135:24 142:24 144:6 146:10 154:10 172:4,5,21 175:14 (29)</p> <p>morgan 188:17,25</p> <p>moriches 133:5 166:10</p> <p>morning 10:19 30:4 50:16</p> <p>most 45:2 87:23 91:6 99:17 103:19 111:8 113:11 117:15 118:11 128:20 138:6 160:23 170:20 175:24 182:13 186:6 (16)</p> <p>mostly 46:22 88:13</p> <p>moth 121:10</p> <p>mother 131:2</p> <p>motion 189:21 190:2</p>	<p>191:2,4,12,16,19 192:12,23 (9)</p> <p>move 61:20 69:4,7 82:12 83:19 101:19 116:9 135:25 152:3 165:14 191:3,10,16,20 (14)</p> <p>moved 58:12,15 105:18 189:24 (4)</p> <p>moves 35:10 113:20 114:3</p> <p>moving 100:6 125:7 190:14</p> <p>mowing 105:22</p> <p>ms 6:24 9:25 51:13 52:16 59:2 61:22 62:11 64:22 65:11 107:24 116:12 123:4 139:13 147:12 169:12 183:25 (16)</p> <p>much 9:6 11:8 32:15 59:19 64:16 80:19 85:4 101:15 108:7,14 117:6,16 120:17,19 121:24 122:24 127:20 132:3 145:15 147:5 151:24 164:3 169:10 175:22 185:23 (25)</p> <p>multibillion 115:14</p> <p>multiple 57:2 159:6 184:8</p> <p>municipality 19:7</p> <p>mupdd 148:17</p>
--	---	---	---	---

<p>murray 187:21</p> <p>must 14:7 17:14 25:9 31:20 63:11 83:19 99:3,13 101:4 114:21 120:25 121:3,4,6,10,11,14 150:19 162:7 163:5 179:15 (21)</p> <p>mute 121:19</p> <p>my 14:8 22:11 29:15 30:16 48:11 50:14,21 54:12 71:11 72:4 78:18 79:7 81:2,4 89:15 91:5 94:6 101:16,25 102:12,13 103:2,4 108:2 110:19 116:16 117:4 123:6 128:5 131:22 132:6,11 137:18 139:13,17 142:9 152:12 155:2,25 157:18 158:24 159:23 164:14 166:23 169:20,23 170:20,21,23 171:2,4 173:6 174:9 181:15 182:2 192:23 194:13,20 (58)</p> <p>myself 6:20 102:7 185:4</p> <p>n 3:2,10 194:2</p> <p>name 7:16 22:11 70:3,4,4 71:11 81:4 86:23,23 94:6 101:25 108:2 110:19 116:16 123:6 128:5 131:22 136:17 139:13 152:12 154:20 155:2 158:24 164:14,15 166:23 173:6</p>	<p>174:9 182:2 (29)</p> <p>narrower 156:17</p> <p>narrowest 18:21</p> <p>national 82:15</p> <p>native 13:21 15:21 31:22 32:3 33:17 75:23 76:10 178:24 (8)</p> <p>natural 13:17,19 15:14 18:22 19:24 20:4 31:18 32:7,15 33:14 34:8 38:23 43:10 74:24 76:23 108:23 153:25 178:19 (18)</p> <p>naturally 34:19</p> <p>nature 131:2 148:4 174:10,11 178:22 (5)</p> <p>navigate 85:8</p> <p>near 40:8 73:14 90:10 100:12 157:6 (5)</p> <p>nearby 120:19,20,24 121:12 (4)</p> <p>necessarily 9:11,19 147:4</p> <p>necessary 72:3 103:23 119:5 180:5,9,10,19 (7)</p> <p>need 11:18 50:9 57:4 69:22,23 105:13 109:8 124:9 126:12 128:20 134:3 149:19 180:16 181:13 190:25 191:12 192:18</p>	<p>(17)</p> <p>needed 40:23 63:20 100:19 138:6 151:23 157:16 160:21 175:25 186:22 (9)</p> <p>needs 14:20 80:12 104:5,23 129:2 137:22 142:20 151:4 154:9 191:24 (10)</p> <p>negative 19:10</p> <p>neighborhoods 143:21</p> <p>neighboring 126:18 165:22</p> <p>neighbors 121:12 140:10 144:23</p> <p>nelson 3:13 24:24 27:5 188:15 (4)</p> <p>net 93:6</p> <p>netnegative 43:15</p> <p>never 68:16 95:25 97:19,20 98:21 106:10,17,23 120:6 148:20 170:18 (11)</p> <p>new 5:13 22:15 53:24 58:13 71:21 72:17 80:3 81:8 84:16 85:2 98:10 104:15 109:11 111:12 113:7 114:16 120:4,25 121:2,4 125:16 129:4 133:19 135:12 140:18 145:8 149:3 150:13,17 159:2 174:11 184:6</p>	<p>194:3,9 (34)</p> <p>news 78:3,4</p> <p>newsday 58:10</p> <p>newspaper 129:3</p> <p>next 12:5 18:11 21:15 33:11 35:25 80:16 93:19,20,22 101:19 107:20 143:6 173:2 190:16,18 192:8 (16)</p> <p>nightmare 103:8</p> <p>nightmares 102:9</p> <p>nine 35:13 76:7</p> <p>nitrate 12:9</p> <p>nitratennitrogen 12:12 30:21 180:23</p> <p>nitrogen 12:10,17 20:21 31:4 43:15 46:10,20 47:3 48:9 52:14 53:19 55:20 67:21 68:12 86:14 87:3,10,12 88:6 89:12,18,22,24 90:4,18,19,24 91:10,11 92:15,18 93:10 102:12 119:3,8,11 121:2 124:7,22 130:12,12 133:10,15,20,23 134:2,8,9,14,16,17 135:4,7,16,22 168:22 180:13,14 (58)</p> <p>no 21:9 25:18 30:25 32:17 33:9 34:22,25 40:5,14</p>	<p>42:15 50:12 52:16 56:12 62:24 63:20 71:2 91:24 97:7,17 99:19,20,20 103:22 104:11 108:4 109:17 112:4,19 114:4 118:23 120:7 125:6 130:25 131:12,24 140:23 143:18 144:11 148:25 150:5,6,10,11,12 151:11 160:5,19 161:5 163:8,9 177:10,19 180:16 181:20 190:10 194:17 (56)</p> <p>noise 167:24</p> <p>non 142:14</p> <p>nonclustering 77:11</p> <p>nonconformance 32:17</p> <p>none 37:13 69:6 130:24</p> <p>nonetheless 26:6</p> <p>nonpartial 167:18</p> <p>nontrivial 77:9</p> <p>nor 167:21</p> <p>normally 142:18</p> <p>north 16:14 22:14 34:3 60:11 (4)</p> <p>northerly 11:6 16:6</p> <p>northern 146:21</p>
---	---	--	---	--

<p>northwest 28:20</p> <p>notary 194:8</p> <p>note 19:3 37:24 39:23 59:10 138:25 179:14 (6)</p> <p>noted 24:23 34:17 54:8</p> <p>nothing 124:16 131:11 156:24</p> <p>notice 5:14</p> <p>notified 158:16</p> <p>now 26:23 38:18 39:5 65:21 70:22 71:5 77:17 79:21 91:21 95:8 97:9 98:24 99:13 100:6,16 102:13,24 105:24 106:5 107:6,8 109:7 116:6 120:22,24 124:17 125:13 128:17 134:13,16 140:10 141:7 143:24 144:10,14 145:17 146:24 149:9 150:21 154:10 155:8 156:16 171:14 174:20 175:2 191:2 (46)</p> <p>number 31:7,14 49:6 52:12 53:25 56:14 57:20 75:15 79:11,13,14 98:6 102:17 174:23,25 175:5,6 176:2,9 183:15 (20)</p> <p>numbers 49:5 59:3 93:5 141:5 144:15,22 179:25 (7)</p> <p>numerous 54:6</p>	<p>nutrients 173:15</p> <p>o 3:10 75:7 172:23 188:21,22 194:2 (6)</p> <p>o'shea 3:15 22:13</p> <p>oak 41:17</p> <p>oakwood 140:10</p> <p>object 72:5</p> <p>objections 72:4 167:20</p> <p>objective 37:8 44:23 47:2 83:8,11,18 84:3 183:21 (8)</p> <p>objectively 29:17</p> <p>objectors 167:18</p> <p>obligated 101:11</p> <p>obligations 95:23</p> <p>observation 59:21</p> <p>observed 165:17</p> <p>obtain 138:8</p> <p>obtained 30:15</p> <p>obvious 103:12</p> <p>obviously 21:18 51:23 59:11 61:6 65:8 80:9 89:4 90:20 (8)</p> <p>occupancy 54:21 56:4,6,24 57:19 58:8,9 67:9,13 68:16 104:7 124:20 (12)</p> <p>occupant 57:14</p>	<p>occupants 54:24</p> <p>occupied 56:10 67:15,20</p> <p>occur 36:14</p> <p>occurred 62:21 132:23</p> <p>occurs 18:7</p> <p>october 96:4 118:10 123:22</p> <p>odd 145:8 170:14</p> <p>off 70:18 110:10 136:8 177:17 183:24 (5)</p> <p>offended 156:9</p> <p>offer 34:14</p> <p>offered 56:11</p> <p>offering 33:25</p> <p>officer 81:5</p> <p>offices 27:6</p> <p>official 65:23</p> <p>officials 171:7</p> <p>offline 59:22</p> <p>offsite 25:20 26:4 34:15</p> <p>oh 70:18 93:25 188:16 191:21 (4)</p> <p>old 145:17</p> <p>once 8:23 30:14 66:11 69:14 83:17 122:15 123:12 131:6 152:17 (9)</p> <p>one 7:18 11:17</p>	<p>15:25 17:24 30:19,22 31:16 33:11 35:25 40:10,19 42:4 46:13 50:20 57:12 61:25 62:22 66:12,17 67:4 68:5 74:14 78:16 79:11 89:2 91:8 102:7 103:8 113:10 129:2 135:5 137:3 138:3 140:19,23 143:18 145:3 146:14 147:15 153:17 163:4 175:5,6 176:9 183:15 187:17 192:19 (47)</p> <p>ones 50:6,8</p> <p>ongoing 108:25</p> <p>only 24:13 27:22,23 32:24 37:9 40:13 42:14 49:13,22,23 54:23 63:6 66:12 68:5 77:3 84:7 85:11,15 96:5 100:23 110:5 125:23 129:2 134:6 135:5 138:18 143:25 149:25 168:10 173:19,20 178:18 (32)</p> <p>onsite 20:4 52:5 56:13</p> <p>onto 69:7 122:25 131:17 136:5 139:11 147:10 152:3 154:14 (8)</p> <p>open 11:5 15:10,16,24 16:3,9,13,17 18:23 21:25 25:25 28:23 33:12,15 34:8,13,19 43:12</p>	<p>63:4 75:3 95:7 97:11 100:16 126:2,6,9 153:16 154:2 162:22 168:20 172:8 178:10,19 189:22 (34)</p> <p>operation 106:22</p> <p>opinion 51:8 155:25</p> <p>opinions 50:13</p> <p>opponents 156:10 162:12</p> <p>opportunity 9:9,14 45:9,18 59:17 69:24 70:15 80:21 84:7 85:5 86:2 116:15 123:10 128:4 131:20 135:20 147:14 151:20 154:25 158:19 171:18 175:11 (22)</p> <p>oppose 112:24</p> <p>opposed 177:11 184:14 185:20</p> <p>opposes 173:9 174:3</p> <p>optimistic 117:14</p> <p>option 25:24 31:4</p> <p>orally 9:17</p> <p>oranges 52:4</p> <p>order 69:12 93:20 149:12 158:13 162:19,24 163:19 (7)</p> <p>organization 7:17 137:6,11</p>
---	---	--	--	--

<p>organizations 138:3</p> <p>original 71:17 74:9 89:16</p> <p>originally 65:20 82:2</p> <p>other 8:12 13:3,10 21:6,11 32:10 33:9 39:18 45:19 48:20 52:24 53:7 56:2 59:8 61:17 63:10 64:14 66:24 71:9 76:14 77:5 82:10 90:7 98:2 122:9 129:7 137:25 152:8 153:24 154:7 161:11 162:23 164:6 165:18 166:11 167:18 173:23 176:13 179:23 180:25 181:20 (41)</p> <p>others 82:11 148:3 173:13</p> <p>otherwise 180:5</p> <p>our 7:5 26:17 32:19 34:6 44:17 49:16 52:22 59:23 66:9 69:12 70:8 85:22 87:14 88:2 104:13 106:13 108:11,24 109:5,22,22,23 110:2 116:3 120:16,16 122:17 128:19 129:5 130:3,4,6 131:10 132:18 133:7,11 135:4,8,9 136:11 137:2,7 138:10 141:3 144:23 149:9 151:3,8 152:5,16,24 153:5 154:9 165:2,7,11 166:2,14 169:22 170:24 177:22</p>	<p>181:6 182:7,13,18 184:15,24,25 185:10 186:3,13,14,25 190:2 (74)</p> <p>out 11:12 47:23 49:13 53:19 66:14 71:19 73:11,20 74:10 76:13,20 77:6,10 78:16 90:8 104:12 108:13 112:23 116:23 128:23 129:10 134:8,15 135:10,17 142:4 156:8 158:20 162:16 169:22 182:14 (31)</p> <p>outbreak 138:5</p> <p>outbuildings 106:25</p> <p>outcome 13:2 194:17</p> <p>outcomes 91:17</p> <p>outfit 54:10</p> <p>outline 26:25</p> <p>outlined 11:14 56:20</p> <p>output 13:2</p> <p>outputs 30:25 49:18</p> <p>outset 182:15</p> <p>outside 28:10</p> <p>outstanding 30:6</p> <p>over 8:17 12:14 54:18 57:20 62:25 63:2 64:8,10 67:13 84:19 88:12 90:18 95:3 96:16</p>	<p>97:8,12,17 100:25 103:2 106:3,12 109:13 117:17,18 130:22 139:22 140:5 143:13 147:21 148:15 149:13 168:14,19 170:14 171:3 184:23 185:12 (37)</p> <p>overall 35:16 121:17</p> <p>overarching 120:8</p> <p>overcrowded 109:5</p> <p>overlay 42:3</p> <p>overly 50:22 71:23</p> <p>overview 11:21</p> <p>overwhelming 100:2</p> <p>own 29:10 48:13 52:10 57:2 64:4 66:14 96:3,14 149:20,21 150:19 151:10 153:2 160:22 161:2 164:23 165:24 178:5 (18)</p> <p>owned 145:12</p> <p>owners 63:7 104:8 126:18</p> <p>ownership 73:9</p> <p>oxman 4:15 152:5 154:14,21,24 155:3,4,4 188:23 (9)</p> <p>oxymoron 154:9</p>	<p>oysters 88:15</p> <p>p 3:2,2,4,10 (4)</p> <p>page 35:13 40:11</p> <p>pages 50:22</p> <p>paget 3:21 159:2</p> <p>paid 129:20</p> <p>pally 80:16,19 81:4,5 (4)</p> <p>pandemic 138:7,12</p> <p>papers 119:16</p> <p>paralytic 87:20</p> <p>paraphrase 134:24</p> <p>parcel 146:4 172:15</p> <p>parcels 15:17 33:16 126:5 145:14 172:7,15 (6)</p> <p>parents 169:23</p> <p>park 106:15</p> <p>parking 106:17 126:11 141:15</p> <p>parlato 16:14 33:24 144:25 145:21 177:8 (5)</p> <p>part 57:5 61:15 63:20 68:21 71:13 79:15 80:13 94:14 103:24 104:4 117:4 124:13 140:22 141:25 146:9,21 159:13 165:22 173:21 175:14 177:2,3</p>	<p>180:3 (23)</p> <p>partially 126:6</p> <p>participant 158:8</p> <p>participants 7:20 71:10 174:21,22 175:4 (5)</p> <p>participate 158:15</p> <p>particular 11:18 27:13 30:12 56:8 87:15 91:18,18 115:24 150:4 180:23 (10)</p> <p>particularly 58:17 132:18 162:11 180:12 (4)</p> <p>parties 23:19 26:19 47:14 48:2 53:13 164:10 174:18 181:24 194:15 (9)</p> <p>partner 137:21 138:18 166:5 182:3 (4)</p> <p>parts 12:13,20 42:7 53:7 (4)</p> <p>parttime 58:9</p> <p>passed 79:21 148:20</p> <p>passing 128:24</p> <p>past 55:24 74:11 87:21 88:8 102:3,10 138:15 (7)</p> <p>patient 22:24</p> <p>patrick 188:5,12</p> <p>pattern 16:6</p>
---	--	--	---	---

<p>74:19</p> <p>paul 3:19</p> <p>pavacic 3:7,9 187:13</p> <p>pay 107:6,10,15</p> <p>payor 166:25</p> <p>pc 3:22</p> <p>pdd 25:19,24 48:17 64:10 89:14 90:2,9 116:22 119:4,18 123:23 124:13 157:13 159:13 160:8,15 179:25 180:4,9 (19)</p> <p>pe 3:19</p> <p>peconic 102:21</p> <p>pending 14:12</p> <p>people 21:16 58:12,19,22 71:15 91:6,7 93:18 100:15 106:6 115:23 116:3 128:19 137:13,22 138:11 139:23 143:5 145:18 146:2 152:23,25 157:7 166:12 168:16 170:16 173:24 185:6 (28)</p> <p>per 12:13,20 40:16 46:21,22 47:18,19,20,21 49:10,12 55:4,4,5,6 57:20 67:12,22 68:5 90:19 92:20 184:3,20 (23)</p> <p>percent 16:23,25 17:3,10,13,17 18:6,8 35:9,19</p>	<p>36:12 37:6,14 43:9 88:18 103:20 111:18 141:9 167:9 178:17,18 (21)</p> <p>percentage 35:15 57:19</p> <p>perception 61:8</p> <p>perfect 119:14 186:7</p> <p>perfectly 163:12</p> <p>performance 25:3</p> <p>performing 166:8</p> <p>perhaps 54:15 125:18 144:19</p> <p>perimeters 56:20 179:5</p> <p>period 12:4 21:15</p> <p>periods 140:2</p> <p>permanent 43:9 75:22</p> <p>permission 153:8</p> <p>permit 36:20 99:9</p> <p>permitting 97:3</p> <p>perpetuity 172:8</p> <p>perplexed 108:15</p> <p>person 46:21 47:21 55:4,6,7 173:2 (6)</p> <p>personal 138:8</p>	<p>personally 128:15,22 185:4</p> <p>perspective 77:12</p> <p>pertained 49:25</p> <p>pertaining 8:8</p> <p>pertains 49:14</p> <p>pesticides 124:4 130:2</p> <p>pet 54:2</p> <p>peter 188:2,8 189:7</p> <p>petrovic 176:21</p> <p>phd 3:19 4:11</p> <p>philanthropic 88:14</p> <p>phone 174:23,25 175:5</p> <p>photographs 38:4</p> <p>picture 134:23</p> <p>piece 101:10 157:8</p> <p>pin 103:14</p> <p>pine 2:2 5:15 15:21 27:15,19 33:17 41:16 43:8 45:5 48:13 55:23 64:25 68:9 71:9,18 72:16,18,21 73:10 74:6,12 76:2,6,21,24 81:13,25 83:6 84:5,25 85:12 90:12 94:13 99:17 101:14 102:24</p>	<p>103:2,10 106:3,4,12 107:11 108:10 110:9,17,21,24 111:8,16,21 112:13 113:6,13,18,24 114:17,25 115:7,9 116:2,18 122:6 127:12 128:3,13 131:7 136:13 137:4 139:7 143:17,22 144:5 152:14,19 153:10 155:22 156:4 157:4,4 164:24 168:4 174:12 178:24 179:7 182:23 189:3 (86)</p> <p>pin 19:25</p> <p>pinning 165:17</p> <p>pitch 41:16</p> <p>place 38:10,13 49:23 83:21 153:12 (5)</p> <p>placed 23:2 38:22 120:22,24 125:12 178:8 (6)</p> <p>placement 16:21 18:3 35:7,17 37:3 78:19 (6)</p> <p>places 39:21</p> <p>plan 8:10 10:11,15,22 11:15,20,22 13:23 14:11,22 17:7,21,23 21:6 27:25 36:6,11,22 37:8,12 40:17 44:12,18,25 45:7 48:25 53:19 56:17 60:6 61:3,5 63:2 72:12,14 73:5 74:9 79:16,18 83:9 84:4</p>	<p>89:11,17 90:6,6 91:3,3 95:2 103:24 113:10,15,25 117:20,23 118:4,6 119:12 121:11 123:20 143:15 155:23 157:24 168:5,7,14,19 169:6 173:18 176:10 177:15 179:8,9 182:17 183:22 186:8,9 (75)</p> <p>planned 1:1 5:20 25:19 156:12 183:20 (5)</p> <p>planner 3:12 27:9 104:20</p> <p>planning 2:2 5:16 23:14 25:8 29:3 41:23 45:6 48:22 62:3 63:16 65:5 74:9 95:18,25 96:18 97:4,19 98:12,20 104:19,24 105:8 110:18 112:8 115:20 118:9 119:23 123:21 148:11 149:5,5 150:23 151:2 156:4 157:19 160:13,17 165:20 168:8,9 (40)</p> <p>plans 17:9,15 28:2,4,15 33:4 41:18 140:18 182:20 (9)</p> <p>plant 10:24 28:17,21 51:16,20 60:12,16 90:13 100:9 105:10 109:19 113:4 120:24 141:24 (14)</p> <p>plants 51:25</p>
--	---	---	---	---

61:13,14 111:11 (4)	points 54:8 76:13 77:9 86:3 93:14 140:15 176:3 183:14 (8)	165:3 (4)	precious 109:13 128:20 131:10	(4)
plaque 107:9		possible 10:7 11:8 60:9 73:15 81:18 186:11 (6)	precludes 163:9,11	presently 75:19 102:18
platitudes 171:16	poisoning 87:20	possibly 124:23	predictability 73:23	preservation 15:14,21 33:17 34:4 43:9 74:12 76:2,22 81:16 82:8,14 168:4,12 172:5 177:20 (15)
play 104:3 144:21	pola 3:25 93:22,25	post 141:23	predictably 76:9	preserve 33:14 76:3,22 111:16 168:14 (5)
playable 125:21	policy 2:2 5:16 94:15 110:18 (4)	posted 21:17,20	predicted 75:6	preserved 178:21
played 133:10	policymakers 171:6	posting 190:21	preface 169:15	preserves 34:13
pleadings 148:12	politician 170:13	potential 26:10 39:6 86:13 87:8,10 143:4 177:12 193:2 (8)	prefer 62:10	preserving 90:10
please 7:14 70:2 116:5 122:12,13,17 131:12 153:5 154:5 158:10 163:14,25 186:2 (13)	polluted 135:7 156:22,23	potentially 12:25 17:21	preliminarily 118:8	president 3:18 94:7 123:7
pleased 29:13	pollution 17:20	pounds 46:21 47:3,18,19,20 55:4,5,6 57:16,16,16 90:18 (12)	preliminary 29:4 180:7	pressed 124:9
plenty 59:14	polly 3:24	pour 170:14	premier 111:7 115:15 116:4	presumably 14:19
plus 116:25 167:14 184:19	pond 142:13	power 61:14	preparation 23:9 62:19	pretending 115:7
pm 2:3 5:3 193:13	ponds 14:24 15:5,6 31:25 32:22,23 33:5 49:15 (8)	powers 82:20	prepare 25:9 99:16	prevention 17:20 152:21
pockets 117:11 141:12	pools 105:11	practicable 15:23	prepared 21:19 29:14 63:9 151:16 182:20 194:11 (6)	prevent 126:7 152:18
point 46:6 49:13 58:6 60:3 73:20 74:10 77:4,10 78:16 90:8 93:6 108:18 139:5 142:8 144:13 157:18 161:15 162:16 171:14 175:9 187:4 190:25 (22)	poorly 76:25	practical 26:12 31:24,24 32:9 33:18 100:3 137:12 (7)	prepped 93:21	pretty 27:8 46:2 64:16
pointed 11:12 71:19 77:6 108:13 (4)	pope 3:13 24:24 27:6	prd 22:19 23:5 25:17 26:9 39:2 41:8,22 95:16 96:2 97:8,12 117:3 119:6,17 149:4 153:17 166:18 (17)	presence 73:12 74:5	prevention 17:20 152:21
pointing 120:12	population 31:7,14 58:16	presentation 6:2 10:4 11:16,25 22:6 (5)	present 6:10 24:24 27:17 47:14 48:2 53:13 119:19 164:10 174:18 181:24 (10)	previous 72:4,13 132:9
	portion 5:2 69:4 132:12	precedence 79:23	presented 29:19 41:24 49:20 65:21	previously 25:12 38:24 69:24 79:6 96:7 185:19 190:23 (7)
	portions 20:12 129:12	precedent 122:8		primarily 72:8 142:15
	position 29:10 85:20			primary 27:17
	positive 23:12 88:17 151:13			

30:9 73:18 prime 185:18 principal 3:11 principle 75:10 principles 44:25 prior 8:24 25:10 40:17 41:23 98:4 148:16 (6) prioritize 15:20 33:16 priority 186:13 pristine 75:20 132:10 private 16:3,9 124:6 154:8 (4) privilege 71:14 probably 9:2 61:16 91:6,7,22 145:10 (6) problem 73:6 95:4 112:4 135:22 (4) problematic 73:21 74:25 77:12 problems 129:10 procedural 99:24 proceed 91:20 95:15,21 99:15,23 160:21 (6) proceedings 5:3 107:22 process 5:10 25:13 31:10 54:6 94:22,22 95:8 96:22 104:21	117:12 119:20 122:8,14 133:17 134:7 149:12,17 160:11 163:10 165:19 179:25 182:9 183:5 (23) processed 27:14 142:2 processing 127:4 produced 95:9 product 132:4 professional 27:10 94:12 168:9 professionally 183:19 professionals 129:20 182:19,24 professor 86:25 profit 137:10 program 88:10,24 89:6 132:25 173:10 (5) programs 64:15 166:11 prohibited 115:16 179:15 prohibits 112:19 project 9:10,15 10:12 11:9 12:14,17,19 13:3,6,13 15:25 16:13,16,21 17:4,9,11,16 18:2,9,19,24 19:14,18 20:3,9,17 24:13 27:22 29:17 31:8,9 32:6,12,21 33:8,13 34:18 35:2,6 36:3,19,25	37:10,12 40:2,8,9,19 41:18 42:10,20,24 43:7,14,17 44:15 45:3,22 46:3 50:2 51:15,17,19 52:9,25 53:2 56:22 61:25 62:23 63:14 64:11 66:5 67:15 68:11 70:10 72:2,5 80:22,24,25 83:19 85:13,18 86:10 89:23 90:21 91:9 92:5 96:17 97:25 99:2,18 100:24 102:5 103:9,13 104:10,25 106:12,18,24 108:17,19,25 111:3,5,22 112:6,21,24 113:13,22 114:3,19 115:4,10,12,17 117:2,16 118:11,13,23 119:10,18 120:8,14 121:15,18,19 122:2,10,15 123:13 124:16 125:5 126:24 127:7,8 128:17 129:14 131:13 132:6 133:5,25 135:15,23 136:12 137:3 139:21 140:6 147:22 148:6 150:3,17,20 151:6,7,16,18 157:22 159:11,22 160:8 161:22 162:5,12,13,25 163:21 166:10,18 167:10,12,19 168:3,21 170:10,17,25 171:19 172:9 174:4 177:2 178:16,23 182:9,12,13,15 183:9,16,20,23	184:5,24 185:14,20 186:6 (200) projects 13:4 27:16 46:23 47:9,9 49:14 51:25 52:9,24 53:16 55:15 56:2 127:13 133:4 135:5 172:10 179:24 (17) promise 125:10 promised 130:23 promote 87:14 prone 79:15 144:20 properties 57:2 144:3 property 11:7 20:24 33:24 34:13 38:12 41:6,10,25 44:5 56:19 78:2,11 82:13,15,18 83:10 84:13,19,22 92:14 93:12 95:11 98:5 101:10 132:8,12 145:2,12,21 150:4 153:14 155:16,18 165:6,16,23 166:3 177:8 178:2,17 185:13 (41) proposal 18:16 19:3,6,9 73:19 76:8,24 79:9 83:8 94:20 95:20 97:16 159:12 170:5 (14) proposed 12:3 14:4 21:14 31:9 32:11 41:18 45:3 70:10 73:5 76:15,20 78:19 83:16 102:5 103:15 105:25	111:5,6 114:19 124:17 126:15 133:18 148:6 (23) proposing 182:12 proprietary 54:10 prospective 122:3 protect 42:8 72:24 78:12 89:11 108:9 109:16 116:3 128:23 130:23 131:10 134:25 153:5 (12) protected 178:11 protecting 117:7 170:3 protection 18:13,16 19:19,21 40:25 71:18 72:16,19,19 80:2 101:14 115:6 (12) protective 127:12 138:8 protects 20:14 proud 182:18 prove 163:20 provide 9:14,18 11:4 22:6 24:9 26:20,24 32:9 34:21 41:21 44:8 45:10 50:24 69:16,19 70:6 85:19 96:13 108:11 138:4 147:14 151:21,22 175:15,19 181:3,12 (27) provided 10:15 14:15 15:25 28:15
---	---	--	--	--

<p>32:5,18 34:23 42:3 53:20 57:7 64:21 83:22,24 158:9 167:22 184:10 (16)</p> <p>provides 30:4 34:20 40:22 41:19 179:19 (5)</p> <p>providing 137:12 138:10 181:7 185:8 190:24 (5)</p> <p>provisions 114:25</p> <p>proximity 49:14 59:24 61:13 67:25 (4)</p> <p>public 1:1 5:8,17 6:3 7:3 8:23 9:8,8 10:17,25 12:2 18:20 20:7 22:22 23:15,24 25:20 26:2,4 37:25 38:7 39:21 59:15 61:20 63:5 69:4,5,7,10 70:16 128:16 154:6 159:18 165:21,25 166:6 180:3,8 184:8,9 189:13,15,21 190:13,15 194:8 (46)</p> <p>public's 69:19</p> <p>publically 59:17</p> <p>pumping 133:22 134:15</p> <p>purchase 33:23 90:11 111:15</p> <p>purchased 84:18 153:15 155:17 165:5 177:25 (5)</p> <p>purely 100:3</p>	<p>purest 111:9</p> <p>purpose 57:3 109:8</p> <p>purposes 11:2 15:2,7 33:2,6 86:21 192:24 (7)</p> <p>pursuant 5:12 96:6 101:5</p> <p>purview 65:19</p> <p>put 55:2 61:12 69:12 97:13 104:23 110:6 111:14 120:6 145:7,11 171:20 (11)</p> <p>putting 79:5</p> <p>quality 86:11 95:6 112:11 133:4,8,11,14 167:6 172:12,14 182:8 186:18 (12)</p> <p>quantified 43:23</p> <p>quantity 111:9</p> <p>quarter 54:23</p> <p>question 13:8,12 16:15 17:25 20:16 49:23 51:7 52:22 58:2 61:24 65:12 66:4,6 67:4,8 192:21 (16)</p> <p>questions 8:22 13:4 20:18 21:22,25 24:21 25:11 26:16 30:7 43:6 45:17,21,24 46:5,6 48:6 52:17 59:13 69:3 113:17 118:16,21 119:15 (23)</p> <p>quick 61:24 87:7</p>	<p>140:15 176:5 (4)</p> <p>quickly 10:7 53:14 67:5 143:15 169:15 171:3 (6)</p> <p>quiet 140:11</p> <p>quite 46:4 133:20 161:17,24 (4)</p> <p>quogue 22:17 40:21 56:16 102:25 105:4 107:3 109:10 114:19 124:23 128:7,9,13 129:12 132:21 138:15 139:15,16,18 152:13 153:2 168:17,20 169:24 177:14 (24)</p> <p>quote 170:25</p> <p>quotes 118:21</p> <p>r 3:2,10 194:2</p> <p>raged 128:10</p> <p>rain 142:24</p> <p>raise 158:17 190:3</p> <p>raised 23:20 25:12 118:16 120:3 176:6 (5)</p> <p>ramirez 188:18</p> <p>range 49:10</p> <p>rapaport 3:25 93:22</p> <p>rare 108:9</p> <p>rate 124:20</p> <p>rates 55:18</p>	<p>rather 73:8 119:22</p> <p>ratio 67:13</p> <p>raynor 194:7</p> <p>reached 33:10</p> <p>reaching 111:17</p> <p>react 107:7</p> <p>read 7:8 50:23 58:10 62:2 78:18 114:22 129:3 155:23 164:17 168:25 187:9 (11)</p> <p>reading 145:3 169:13 191:22</p> <p>reads 36:9</p> <p>real 129:25</p> <p>realistically 39:7</p> <p>realize 128:19</p> <p>really 30:11 50:11 73:5 78:17 87:18 88:5 90:3 129:24 133:6 141:9 143:16 144:19 146:12 147:2 155:13 156:2 170:2,9 173:24 175:24 181:15 (21)</p> <p>reason 107:4,8 110:3 122:13 192:14 (5)</p> <p>reasons 173:11 174:2</p> <p>reassure 170:9</p> <p>rebuilt 165:15</p> <p>receive 122:23</p>	<p>received 21:19 28:2 59:22 69:13 138:2 162:3 187:7,14,15 (9)</p> <p>receiving 86:6 87:5,16</p> <p>recent 39:12 135:10 140:17</p> <p>recently 24:22 88:22 91:2 126:19 132:15 (5)</p> <p>recharge 12:18 13:17,19 14:5,5 20:22 31:18,25 67:22 142:16,18 176:24 (12)</p> <p>reckless 99:22</p> <p>recognize 180:2</p> <p>recognized 63:16</p> <p>recognizing 175:23</p> <p>recommendations 74:7 156:6</p> <p>reconcile 123:25</p> <p>reconfigured 172:4</p> <p>record 7:19 8:3 22:11 29:18 34:20 35:10 39:18 43:21 44:23 56:7 60:2 68:17,22 80:14 130:21 155:12 180:16 181:6 187:12 194:12 (20)</p> <p>recovery 185:16,24</p> <p>recreation 153:21 176:11</p>
--	---	--	---	--

<p>recreational 18:17,20 19:4,20,22 37:21 39:14 40:6 41:2 56:9 102:19 106:20 142:15 153:18 (14)</p> <p>red 109:14</p> <p>reduce 20:3 78:10 88:6 89:12 (4)</p> <p>reduced 125:10 156:15</p> <p>reducing 89:21 156:21</p> <p>reduction 90:17</p> <p>reductions 168:16</p> <p>reef 130:23</p> <p>reevaluated 121:10,14</p> <p>referenced 12:21 161:18</p> <p>referencing 153:23</p> <p>referred 46:12 53:17 75:9</p> <p>refers 37:20 42:6</p> <p>refine 162:20</p> <p>reflecting 140:9</p> <p>reflects 96:25</p> <p>regard 72:11 160:24</p> <p>regarding 52:14 53:25 72:2,9 159:8 161:21 (6)</p>	<p>regards 87:2 89:24 90:23 91:19 92:22,23,25 121:6 (8)</p> <p>region 80:2 86:5 87:16,17 138:22 139:7,18 (7)</p> <p>regional 101:13 107:12,13 122:2 127:11 180:18 (6)</p> <p>regionally 107:5</p> <p>regrow 39:3</p> <p>regularly 143:12</p> <p>regulate 73:25</p> <p>reiterate 85:10</p> <p>reject 79:17</p> <p>rejected 65:18 77:3 152:24 153:2 (4)</p> <p>related 41:4 180:8 194:15</p> <p>relates 41:3</p> <p>relating 72:10</p> <p>released 10:21</p> <p>releases 130:11</p> <p>relevant 150:7</p> <p>relief 185:8,23</p> <p>relocates 10:23</p> <p>relocation 37:15 125:3</p> <p>rely 32:19 181:6</p> <p>remain 16:13 64:18 142:20</p>	<p>remained 38:13 132:14</p> <p>remaining 16:8 20:18 158:14 178:19 (4)</p> <p>remains 41:7 66:24</p> <p>remark 60:5</p> <p>remarkably 162:3</p> <p>remarks 45:10 181:15</p> <p>remember 147:3</p> <p>remind 25:16 80:10 131:6 146:19 (4)</p> <p>reminder 25:6 136:16</p> <p>removal 32:2</p> <p>remove 79:11,14 168:22</p> <p>removed 119:6</p> <p>removes 177:23</p> <p>remsenburg 155:8</p> <p>renames 112:7</p> <p>render 85:22</p> <p>repair 107:7 172:13</p> <p>reparanda 111:17</p> <p>repealed 148:23 150:8</p> <p>repeat 155:13</p>	<p>173:11</p> <p>repetitive 71:24</p> <p>replicates 32:14</p> <p>report 5:25 6:23 8:20 10:16,20 20:19 23:21 29:14,16,23 32:18 34:18,24 35:12,22 36:3 37:23 39:24 40:11,22 42:9,17 43:4 44:17,19 46:9 49:22 65:8 68:10 (29)</p> <p>reporter 136:20 194:8</p> <p>reports 134:14</p> <p>represent 170:16 182:4</p> <p>representative 173:12 185:5</p> <p>representing 7:18 71:15 136:9 147:16 173:7 (5)</p> <p>represents 43:17 186:7</p> <p>reprocessed 141:3</p> <p>repurposed 126:10</p> <p>reputation 181:10</p> <p>request 69:11,13 124:14 154:16 (4)</p> <p>requested 60:22 152:6 154:20</p> <p>requests 181:20</p> <p>require 32:2</p>	<p>64:11</p> <p>required 11:13 17:9 36:11,17 43:13 49:6 66:16,18 98:9 113:14 154:2 160:10 162:15 180:4 (14)</p> <p>requirement 17:22 49:7 99:25</p> <p>requirements 36:21,24 75:25 79:19 113:23 115:5 150:20 165:13,14 171:20 182:16 (11)</p> <p>requires 14:2 36:15 66:11 72:19 76:3 77:17 96:10 99:23 149:18 (9)</p> <p>rerouting 141:21</p> <p>reserve 13:24 14:3 32:14</p> <p>reside 56:12 155:5</p> <p>residence 152:22</p> <p>residences 100:12,18 173:20</p> <p>resident 128:8 132:7,21 139:3 155:6 169:19 (6)</p> <p>residential 1:1 5:21 28:9 46:23 47:10 79:2 81:10 98:10 144:2 153:13 159:16 (11)</p> <p>residentially 145:19</p> <p>residents 56:12</p>
---	---	---	--	--

104:2 166:2 residing 54:25 resolution 95:14,16 98:6 resolve 99:14 161:17 resort 56:9 125:10,25 127:14 140:13 (5) resource 120:23 121:8 128:20 168:13 (4) resources 18:13 19:11,16,20,23 37:19 40:4 41:2 178:10 (9) respect 56:3 63:3 66:8 159:25 180:12 (5) respected 140:5 respectfully 107:15 167:11,15 respective 44:11 54:21 respects 177:13 respond 78:14 responded 10:20 responders 78:13 responds 91:21 response 13:7 23:19 24:18,20 25:2 50:21 64:20 66:9 124:12 (9) responses 10:16 25:15 119:15 167:22 (4)	responsibilities 98:24 responsibility 95:2 99:7 109:15 110:5 (4) responsible 62:18 99:8 170:7 responsive 76:25 rest 13:15 70:16 104:23 140:10 157:8 (5) restaurant 106:21 restoration 38:17 44:7 88:15,24 89:3 (5) restore 153:6 restoring 44:3 restrictions 56:11 rests 107:13 result 12:18 13:9 26:3 29:9 33:8 34:25 35:23 36:25 40:21 42:21 43:15 45:7 75:5 77:25 84:6 97:18 105:6 168:16 (18) resulted 24:8 77:21 95:7 results 13:6 52:21 53:5 79:4 (4) retain 161:13 178:16 retention 19:23 179:6	return 79:8 returned 173:4 178:24 revenue 43:21 reverse 135:15 review 8:22 11:17 14:14 23:8 29:2,15,23,25 37:8 38:3 43:14 44:19,23 48:17 60:7 62:15 63:14,16,21,24 69:9 72:3 87:7 94:21 95:3,6,8,15 96:12 97:20,24 98:8,22 99:4,10,12,19 100:5,21 101:5 112:11 117:19 119:20,22 120:8 121:18,21 122:8 140:7 149:6,15,16,20 151:4,12 159:11,21 160:3,18 161:22 162:15 163:6 171:3,14 (64) reviewed 29:17 46:4 48:21 53:17 98:3 118:7 150:23 151:15 159:21 (9) reviewing 11:23 17:19 51:14 163:25 (4) reviews 36:15 125:5 revised 10:11,13,22 11:22 24:25 72:13 121:10 (7) revision 24:8 91:14	revisions 24:12,17 26:25 48:25 (4) rhetoric 157:10 richard 107:22 110:19 ridiculously 103:19 riesel 3:22 159:2 right 26:3 65:21 69:6 70:20 85:24 87:25 89:18,23 116:8 122:12 142:4 145:17,20,23,24 151:9 157:21 161:20 171:21,24 172:12 181:11 184:23 191:3 (24) rightly 161:18 rights 155:16 ripple 43:22 risks 86:13 riverhead 1:1 6:19 43:20 61:23 (4) road 1:1 5:20 22:15,19 23:5 25:17 26:9 27:7 28:18 38:11,12,25 39:2,20 40:14 41:8 42:11,11,17 95:16,19 96:2,20 97:8,10 100:15 102:4 105:2 106:8 108:5 111:3 112:7 117:3 119:6,17 124:6 125:4,9,16 127:6 135:12 142:19 145:22 146:2 149:4 165:6,21 166:2,18	167:12 171:15 189:16 (52) roads 37:3,4,13 38:23 39:20 125:13 156:16,18 (8) roadside 20:11,13 42:4,7,12,14 (6) roadways 18:3 100:14 robert 75:6 164:13 166:23 roccoforte 188:14 rocket 134:3 147:2 role 6:6,8 25:13 108:7 121:24 133:10 (6) romaine 3:4 6:17 57:10 58:4 65:12 66:8,21 67:2 (8) romaine's 67:18 roughly 16:4 round 56:10 109:9 145:19 rules 97:12 186:4 run 134:8 146:16 runoff 14:25 32:25 33:7 141:22 142:16 173:14 (6) runs 38:11 rusty 65:14 s 3:2,10,10
--	--	--	--	---

<p>sadly 132:2</p> <p>safe 138:12</p> <p>safeguard 108:11</p> <p>safeguards 179:20</p> <p>said 41:11 47:18 50:9 63:8 69:17 85:11 136:18 137:5 172:2 173:13 (10)</p> <p>sailing 132:20</p> <p>sake 144:12</p> <p>same 48:16,23 51:17 95:11 117:2 118:5,12 121:20 127:16 159:14 168:15 (11)</p> <p>samples 176:23</p> <p>sanitary 46:14 155:20 179:17</p> <p>sartain 188:13</p> <p>sartorius 188:8</p> <p>sat 150:10</p> <p>satisfied 53:10</p> <p>satisfy 17:21</p> <p>satorias 189:7</p> <p>saw 29:13 51:21 113:9 175:12 (4)</p> <p>say 28:8 45:23 50:3 77:17 78:22 93:8 104:17 112:5 169:3 180:25 (10)</p> <p>saying 136:9 156:11 169:15</p>	<p>says 15:3 36:9 39:16 65:4 (4)</p> <p>scale 91:22</p> <p>scallop 102:21</p> <p>scarce 106:13</p> <p>scarring 172:17</p> <p>scenarios 91:19</p> <p>scenic 19:19,22 20:14 40:25 42:8 (5)</p> <p>scheduled 23:16</p> <p>schneiderman 3:5 6:13,15 8:5 9:5 11:12 46:2 48:3 49:4,21 51:3,10 52:11 53:9 189:24 191:14 192:11,22 (18)</p> <p>schneiderman's 114:6</p> <p>school 56:13 90:13 104:12,14 168:17 169:25 (6)</p> <p>schools 109:6 124:24</p> <p>schwenk 188:20</p> <p>science 94:11 147:3 167:21 169:6 (4)</p> <p>scientific 129:23 181:3</p> <p>scientist 134:3 169:17</p> <p>scientists 130:9 169:3</p>	<p>scope 117:17 148:5</p> <p>scott 188:8</p> <p>scratch 78:18</p> <p>screen 7:6 10:6</p> <p>screening 41:21</p> <p>sea 22:14 86:14</p> <p>seagrass 87:13</p> <p>sean 188:19</p> <p>season 141:15,16</p> <p>seasonal 56:3,5,24 104:7,10 (5)</p> <p>seasonally 58:19</p> <p>second 30:24 31:16 57:12,23 86:18 190:2 191:4,19 193:4 (9)</p> <p>seconds 139:2</p> <p>secret 118:18</p> <p>section 11:6 16:6 69:8 153:20 154:3 (5)</p> <p>sections 29:24 154:4</p> <p>sediment 17:7,8,15 36:2,5,10,22 50:2,20 (9)</p> <p>see 10:5 41:14 71:2,6 73:19 91:20 103:3 109:6 122:17 134:4 135:6 146:7 151:17 159:18 178:14 190:11</p>	<p>(16)</p> <p>seeing 143:15 193:11</p> <p>seeks 12:11</p> <p>seem 109:24 125:21 181:2</p> <p>seeman 3:23 187:25</p> <p>seems 61:7 108:8 127:8 141:4 170:14 173:18 (6)</p> <p>seen 109:3,10 132:21 134:6 143:21 (5)</p> <p>selden 188:19</p> <p>sells 112:7</p> <p>send 148:15</p> <p>senior 3:18</p> <p>sense 124:14 177:16</p> <p>sensitive 101:9 148:4</p> <p>sent 142:3</p> <p>sep 59:25</p> <p>separate 16:12 178:4</p> <p>separated 74:24</p> <p>separation 41:24 60:19</p> <p>separations 75:22</p> <p>september 12:8 21:14 193:11</p>	<p>septic 52:5,5 90:15</p> <p>seqra 23:9,12 25:7,9,13 26:7 29:2,8 65:14,24 66:11 95:7,19,23 96:6,9 98:25 99:12,16,23 101:5 114:2 118:13 119:10 149:12,18,20 150:19 159:8 184:6 (30)</p> <p>serenity 38:10,13</p> <p>series 90:3 102:8</p> <p>serious 114:12 118:15,20 120:2 121:21 (5)</p> <p>seriously 151:9 157:5</p> <p>serve 65:17,24 116:17</p> <p>served 123:23</p> <p>session 6:4 191:11,17,20 192:13,24 (6)</p> <p>set 39:20 79:24 106:5 122:9 128:23 171:23 182:14 194:20 (8)</p> <p>setauket 71:12</p> <p>setback 60:13,15</p> <p>setting 78:25</p> <p>seven 116:25 122:14</p> <p>several 26:17 42:25 72:5 92:20 100:25 187:7 (6)</p>
--	---	--	--	--

<p>severe 79:3</p> <p>sewage 10:24 28:17,21 46:15,17 51:16,20,25 52:6,6,7 60:12,16 61:13 68:6 90:12 100:9 105:9 109:18 113:4 120:23 141:24 173:23 (23)</p> <p>shall 15:13 153:25</p> <p>shannon 188:13,25</p> <p>shape 117:17 120:15</p> <p>share 54:15 137:7 165:2</p> <p>shared 10:5</p> <p>shellfish 87:20,23 88:24 133:7 (4)</p> <p>sheryl 188:11</p> <p>shielding 19:24</p> <p>shifted 11:3 120:19</p> <p>shifting 28:9 141:19</p> <p>shinnecock 43:16 86:7,12 88:9,11,20,25 102:16 130:7 132:23 133:15 (11)</p> <p>shortcomings 77:6 114:23</p> <p>should 13:22 14:24 15:19 16:21 18:16 19:3,23 20:13 29:21 31:23</p>	<p>32:24 33:14 35:7 36:11,14 37:5 38:2 44:13,18 45:7 73:20 76:16 77:3 78:23 83:10 84:9 90:20 96:17 99:15 109:14 129:22 156:7 157:9 169:8 170:8 175:2 191:16 (37)</p> <p>shoulder 103:3</p> <p>shouldn't 146:25</p> <p>shoved 100:10</p> <p>show 163:19 170:15</p> <p>showing 10:14 68:15</p> <p>shown 44:9</p> <p>shows 13:23 88:3 125:15</p> <p>shrinking 146:18</p> <p>side 138:25 139:23 145:21</p> <p>sides 133:13</p> <p>sierra 173:8,9 174:3</p> <p>signed 82:4 138:23 166:21</p> <p>significance 97:22 99:5,21 149:22 (4)</p> <p>significant 19:10 32:2,4 39:22 40:14 43:18 53:20 148:5 160:6 163:18 (10)</p> <p>significantly 19:15 49:5 89:17</p>	<p>123:16 (4)</p> <p>silas 188:5</p> <p>similar 13:4 47:7 55:12,21,25 77:19 (6)</p> <p>similarly 63:23 112:22</p> <p>simple 133:20 152:21 153:11 169:9 171:17 (5)</p> <p>simply 97:13 99:15 103:25 150:16 160:10 (5)</p> <p>simulation 12:17</p> <p>since 10:9 24:3 27:21 41:23 53:15 59:16 65:10,18 74:11 81:23 88:17 102:6 120:15,18 148:22 151:11 170:6 175:11 (18)</p> <p>sincere 182:11</p> <p>sincerely 166:21 181:11</p> <p>single 96:15 163:22</p> <p>site 12:15 13:25 15:13,18 27:13 32:13 38:16,25 40:15 43:10,11 52:15 60:6 61:3,5 103:6 127:7 157:7 177:9 178:7,8,23 180:20,20 (24)</p> <p>sites 40:6,7,7 127:9 (4)</p> <p>siting 61:7</p> <p>situation 83:7 173:22</p>	<p>situations 75:14</p> <p>sive 3:21 158:25</p> <p>six 105:22</p> <p>size 75:17 105:11,12 117:17 120:15 125:25 156:15,21 (8)</p> <p>skilled 182:19</p> <p>sky 157:11</p> <p>slipped 47:23</p> <p>slope 11:8 35:9 37:17 171:25 177:24 (5)</p> <p>sloped 28:10</p> <p>slopes 16:25 17:3,10,12,16 18:5,7 35:18 36:12 37:6,14 (11)</p> <p>slowly 7:8,23 10:8</p> <p>small 103:19 172:7</p> <p>smaller 125:22</p> <p>smart 128:18</p> <p>smith 91:5 92:7 93:3 180:17 (4)</p> <p>snuff 173:24</p> <p>so 5:12 7:3,7,9,19 ,22,25,25 8:6,25 9:3,5 10:3,8,9 13:2,12 14:20 15:20 40:18 45:22 46:7,13,16 48:5,25 49:4,21 50:19 53:3,9,22 55:7 56:22 59:11 61:14,14 62:13</p>	<p>64:6,16,18 66:12,21 67:8 68:7 70:14,20 73:13 74:4,16 75:19 76:7,25 77:10 78:7 79:5 80:12,15 82:16 84:15,20 85:18 88:4 89:3,25 91:15 92:21 93:12,14,19,20,25 96:11 100:22 101:19 102:7 117:6 119:7 123:13 127:18,20 132:3 133:9 135:9,21 140:15 141:3 142:10,10,21 143:9 146:6,9,23 148:23 150:18,24 151:14 153:11 155:12 156:18 157:18 158:4,10,13,20 159:9,20 161:13 163:7,12 164:11 167:4 169:8,14,23 170:8 174:2,19,25 175:16 181:19 185:23,25 186:24 187:13 189:9,12,14,24 190:10,13,16,25 191:15 192:7,11,15 193:9 (139)</p> <p>society 110:21 112:13 116:18,20 189:3 (5)</p> <p>soil 103:22 142:4</p> <p>soils 141:5,19</p> <p>sold 104:10 126:10</p> <p>solely 14:25 33:2,5 82:23 (4)</p> <p>solidaristic 83:5</p>
--	---	---	---	--

<p>solutions 137:12</p> <p>some 14:16 21:16 38:18 51:21 53:16 58:22 60:17 62:2 72:8,11 92:12,16,20 100:20 106:25 111:14 123:18 128:18 129:4,10,22 134:5 146:17 175:16,19 176:3 185:19 (27)</p> <p>someone 81:12 117:13</p> <p>something 78:8 85:10 91:23 126:16 133:12 144:18 160:13 162:2 167:16 171:8 176:12 (11)</p> <p>sometimes 75:8 101:8</p> <p>somewhat 117:14</p> <p>son 167:4</p> <p>sonir 30:20 31:3 54:9 55:11 67:10 91:23 (6)</p> <p>soon 140:11 141:8</p> <p>sorry 47:15 114:8 128:22</p> <p>sound 37:18 119:23</p> <p>source 142:8</p> <p>south 11:7 16:3,7 28:17 34:5 37:16 120:19 125:8 177:22 (9)</p> <p>southampton 6:14 22:15 28:5</p>	<p>34:11 43:19 44:9 58:18 62:3,17 65:5 68:10 82:21,25 83:2,21 84:18 86:9 95:17,24 96:18 97:4,5,19 98:3,7,11,20 104:24 105:8 111:24 112:8 114:4 116:24 118:9 123:8 133:3 145:10 148:17 153:15 155:5 167:2 168:8 169:2 176:12 189:4 (45)</p> <p>southern 102:24 143:17</p> <p>southward 11:4</p> <p>space 11:5 15:10,25 16:3,9,13,17 18:23 28:23 33:12,15 34:8,13,15,19 43:13 75:3 97:11 100:16 126:2,6,9 153:16 154:2 162:22 168:20 172:9 178:10,19 (29)</p> <p>spaces 15:16</p> <p>spat 132:25</p> <p>speak 7:7,23 8:25 22:5 45:18 59:17 61:19 65:7 67:6 69:11 70:15,22 72:7 86:2 116:15 123:11 128:4 131:21 152:6,9 154:17,21 155:10 158:6,19 164:7 174:22 175:3,8,11 181:16 (31)</p> <p>speaker 152:6</p> <p>speakers 70:17</p>	<p>93:20 132:10 133:12 176:2 183:14 (6)</p> <p>speaking 9:4 123:9 158:21 168:2 (4)</p> <p>special 72:22,25 153:7</p> <p>species 41:17 74:20 75:5,16,24 76:10 77:16 111:12 (8)</p> <p>specific 42:13 72:23 180:20</p> <p>specifically 29:24 55:15 72:12,18 76:18 88:10 (6)</p> <p>speed 7:25</p> <p>spell 7:15 70:4 136:17</p> <p>spelled 164:15</p> <p>spent 170:22</p> <p>spilka 4:7 116:11 123:4,6 189:3 (5)</p> <p>spinney 28:18 100:15 102:4 106:8 108:5 124:6 125:3,9 (8)</p> <p>spoke 180:13</p> <p>spoken 139:22</p> <p>spot 165:9</p> <p>sprawl 78:8</p> <p>sprawling 77:11,24</p> <p>sprawls 76:19</p>	<p>spreading 73:11</p> <p>spreads 76:20</p> <p>spur 125:16</p> <p>square 105:13 106:16,25 109:19 (4)</p> <p>sr 188:4</p> <p>ss 194:4</p> <p>staff 5:25 6:23 7:13 8:20 9:13,21 10:16,20 12:23 20:19 23:21 24:6 28:6 29:14,23 32:18 34:17,24 35:12,21 36:3 37:23 39:23 40:11,21 42:9,17 43:4 44:17,19 46:9 48:5,13,20 49:22 50:9,11 51:7,7 52:12 60:2 65:8 76:13 77:7 83:22,23 101:24 138:10 156:3,5 157:19 162:19 168:9 182:6,23 (55)</p> <p>stake 87:8 89:4</p> <p>staking 39:25</p> <p>stand 44:13 116:5</p> <p>standard 11:17 15:12 16:18 21:5 33:13,22 34:16,22 35:3,24 39:16 49:7,11 51:12 54:14 125:14 168:24 (17)</p> <p>standards 8:9 11:14,23 24:11 25:4 26:13 27:25 29:20,25 30:9,18</p>	<p>44:16 45:4 49:24 50:5 81:22 83:9,12,12,18 84:3,8 85:14 94:24 101:3,6 123:15 136:13 137:4 155:21 157:23 162:7,14 163:5,23 168:5 169:5 171:23 172:13 178:15 180:11,22 181:5 (43)</p> <p>standby 180:15</p> <p>standpoint 61:10</p> <p>start 6:23 8:6 9:20 22:4 136:8 141:8 156:13 192:2 (8)</p> <p>started 5:7 176:6</p> <p>state 5:13 70:3,8 71:22 72:17 79:20 81:14,14,23 82:11 84:11,16 85:2 92:2 95:5 101:7 103:13 104:15 109:25 111:12 112:10 113:8 114:17,20 153:25 184:6 192:14 194:3,8 (29)</p> <p>stated 96:4 162:11</p> <p>statement 12:7 19:13 23:11,12,13 24:15 25:10 29:10 30:17 35:13 62:20 63:10,13,22,25 64:5 66:16 96:3 99:16 118:22 134:24 137:8 160:4,20,22 161:3 (26)</p> <p>states 13:18 15:12 16:20 18:15</p>
--	---	--	---	--

19:2,21 33:13 35:6 36:19 37:4 183:25 186:16 (12)	stony 86:25 88:8 133:3	121:7 170:5	subordinate 149:23	43:7
static 53:23	stop 113:21 115:7	studies 56:7 68:8 120:13,25 121:4 139:20 (6)	subsequent 63:15 131:8	summer 130:13 165:18
status 66:11 149:8,11,13 151:13 (5)	stopped 38:20	study 56:21 135:10	subsequently 98:15,22	sunrise 34:3,5,9 40:13,16 42:15 106:3 177:22 (8)
statute 82:12	storage 78:20,21,24 105:14 109:20 179:13,14,20 (8)	studying 170:23	substantial 43:24 99:17 124:21 153:22 154:6 185:3 (6)	super 103:6
statutory 127:16	stories 140:3	sub 91:3	substantially 49:9 67:24 123:20	superior 171:19
stay 70:19 104:9 109:8	storm 14:11,24 17:20 32:9,12,25 33:7 142:16 184:21,23 185:4,7,12,16,22 (15)	subdivision 15:12,18 24:9,17 25:18 29:5 36:18 46:23 62:23,25 63:7 82:23 98:10 148:10 160:12 168:24 180:5,7 (18)	subsumed 125:8	superiority 131:3
stayed 121:20	stp 31:10 124:5 125:12	subject 99:3 100:19	successful 38:18	supermajority 157:17 160:9
stays 79:23	straddles 74:14	subjective 83:12	such 15:19 23:2 34:7 64:12 74:14 103:7 107:4 117:4 185:2 (9)	supervisor 3:4,5,6 11:12 114:5 (5)
steep 11:7 28:10 177:24	stranger 107:21	submission 20:21 23:8 32:20 89:14 (4)	sudden 141:13,17 144:10	supplemental 63:20 68:15 160:19
steeper 37:16	street 102:13	submissions 8:8 23:18 26:8,21 39:18 163:15,16 181:7 (8)	suddenly 144:16	supplementary 64:2
stenographer 7:6 70:5 86:21	stress 7:22	submit 17:14,22 68:14 80:12 98:9 (5)	sued 112:2	supplied 52:18 117:25
stenographers 7:8	strict 99:23 101:6 149:18 165:11 (4)	submitted 9:17 10:12 11:22 23:6 24:19,21 30:3 36:6 50:13,15 64:2 66:10 69:11 79:7 118:3 121:11 122:19 149:4 155:11,14 187:6,11 189:18 (23)	sufficient 41:21 42:23 124:18	suppling 114:11
step 151:19	strong 155:15 170:3	submit 17:14,22 68:14 80:12 98:9 (5)	sufficiently 43:5	supply 11:2 87:11 129:5,8 (4)
steve 3:17 70:20 139:4 154:19 (4)	strongest 186:22	submit 17:14,22 68:14 80:12 98:9 (5)	suffolk 6:20 28:11 84:17 91:2,12 92:4 104:19 126:25 145:6 155:19 179:16 194:5 (12)	support 15:13 29:11 44:7 50:25 85:20 88:13,14 99:25 129:18 137:13,19 138:11,16 151:3 166:19 (15)
steven 3:21 70:11 71:11 158:6,24 164:5 (6)	struck 162:10	submit 17:14,22 68:14 80:12 98:9 (5)	suggest 66:8 163:7	supporting 32:4 166:11
steward 44:2 167:14 186:11	structure 165:8	submit 17:14,22 68:14 80:12 98:9 (5)	suggested 183:17	supports 138:13
stewards 130:18	structures 60:13,15 153:23 165:15 (4)	submit 17:14,22 68:14 80:12 98:9 (5)	summarize 24:25	supposed 79:2 117:18 172:10
still 5:9 14:11,19 62:4 64:7,7,17 101:20 113:19 114:2 116:25 120:12 123:3 144:24 (14)	students 109:11 171:4	submitting 155:24	summary 10:21	
	studied 24:6			

<p>sure 22:3 55:9 58:9 60:7 67:7 70:2 130:19 162:24 175:10 193:10 (10)</p> <p>surface 68:2</p> <p>surfaces 153:24</p> <p>surge 184:21</p> <p>surprise 108:4</p> <p>surprised 117:15</p> <p>surrounded 103:9 127:9 140:12</p> <p>survived 185:3</p> <p>susan 4:4 101:22 107:20 108:2 110:13 187:17 188:16 (7)</p> <p>susceptible 144:21</p> <p>suspect 8:11</p> <p>sustainability 186:13</p> <p>sustainable 184:17</p> <p>sustains 108:24</p> <p>svis 123:24</p> <p>swppp 36:23</p> <p>system 14:10</p> <p>systems 13:20 46:15 90:15 170:24 (4)</p> <p>t 3:10 194:2,2</p> <p>table 126:22</p>	<p>140:21 177:17</p> <p>tail 73:16</p> <p>take 55:7 57:23 60:9 66:19 69:22 116:3 144:11 149:7,12 151:8,12 152:10 159:5 170:15 176:23 (15)</p> <p>taken 33:19 132:24 183:7</p> <p>takes 66:17 112:6 129:17 177:16 (4)</p> <p>taking 25:10 106:6 127:11 133:20 135:16 163:11 (6)</p> <p>talk 104:13 143:19 179:12</p> <p>talked 176:15 192:19</p> <p>talking 77:14 117:2 121:16 156:12 (4)</p> <p>tank 78:20,22</p> <p>tap 38:11</p> <p>target 100:6</p> <p>tax 43:21 166:25 168:16</p> <p>teacher 169:18 170:22</p> <p>team 26:17 45:20 181:10 182:18 183:9 (5)</p> <p>technical 46:20 64:6 163:15,18 (4)</p> <p>ted 187:24</p>	<p>tell 48:14 119:24</p> <p>ten 47:20 142:17</p> <p>tenants 104:8</p> <p>terchunian 189:8</p> <p>term 103:5</p> <p>terms 6:6 32:22 46:9 57:19 58:18 60:18,23 73:21 (8)</p> <p>terrestrial 75:14</p> <p>terror 143:24</p> <p>testify 80:21 82:10</p> <p>testimony 50:14 81:2 167:22</p> <p>than 12:19,20 16:23,25 17:3,10,12,17 18:5,8 21:11 32:10 35:8,18 41:20 48:9 52:24,25 60:14,20 61:7 67:24 89:23 91:13,22 92:19 94:16 107:2 108:14 114:12 119:22 121:25 123:21 134:10,17 143:4 150:22 152:20 154:10 172:5,11,21 192:4 (43)</p> <p>thank 6:24 8:4 9:5,22,23,25 22:7,20 27:2,3 45:9,13 47:22 48:3 51:3 55:9 58:25 59:19 67:2 80:4,6,19,20,23 85:4,6,25 93:16 101:15,17 107:17,18 110:11,12</p>	<p>116:8,14 122:16,21,24 123:10 127:20,21 128:2 131:14,15,19 136:2,3 139:8,9 147:7,8,13 151:20,24,25 152:11,14 154:11,12,23,24 155:9 157:25 158:2 164:3,5 169:10 172:22,24 174:5,14 175:21,23 181:16,17 182:5 186:24 187:2 189:10 193:9 (81)</p> <p>thanking 185:22</p> <p>theile 79:7</p> <p>their 8:25 20:20 48:13 53:21 57:5 59:12,15,16 63:21 65:19 66:14 69:13 79:15 96:13 102:25 104:21 109:9 115:10 118:4 119:16 123:9 125:13 130:20 138:15 140:3,4,5 141:7 145:5 146:4,9 153:25 164:23 165:14,16,20,23 169:2 171:19 176:20 (40)</p> <p>them 8:24 9:3,18 26:18 70:14 87:22 103:9 141:8 142:21 143:19 144:12 145:11,16 146:5 171:10,20 172:7,8 183:6 (19)</p> <p>there's 8:17 21:9 87:21 88:11,18 89:3,10 91:24 98:13 99:19 128:9 132:3 177:19</p>	<p>180:16 190:10 192:17 (16)</p> <p>thereby 110:7</p> <p>therefore 35:15 37:17 40:2 84:21 108:15 (5)</p> <p>therein 19:25</p> <p>therewith 64:3</p> <p>these 17:22 20:15 24:12 28:3 44:24 45:10 56:8,14,19 79:5 83:11,18 84:8 90:16 100:19 101:11 106:6 107:22 109:21 120:6 123:25 125:2 129:10,15,25 139:22 141:5 144:15,22 151:21 157:8 167:14,20 187:13 194:18 (35)</p> <p>they're 100:17</p> <p>thiele 70:9</p> <p>thing 92:11 107:16 122:12 157:21 171:24 181:12 (6)</p> <p>things 56:15 61:5 78:17 79:10 87:7 90:7,9 130:14 137:25 140:17 143:14 145:2 162:23 173:12,23 (15)</p> <p>think 46:5,6 47:19 51:5,11 52:2 58:21 60:17 61:4,8,15 62:11 65:9,21 72:3 77:8 86:4,8 87:5 89:25 90:25</p>
--	--	---	---	---

<p>91:6,15,24,24 92:6 93:2,3,12 100:23 104:5 119:25 122:7 127:18 135:19 142:11 145:9 146:12,17 156:2,6 175:18 179:13 187:4 (44)</p> <p>thinking 146:24</p> <p>thomas 187:19</p> <p>thorough 182:7 183:11</p> <p>thoroughly 151:15 184:7,7</p> <p>those 7:10 8:24 28:6 30:11 43:5,6 50:17 53:16 54:24 55:21 56:22 57:8 77:8,24 78:23 79:6 90:19 93:5,14,17 98:23 109:15 122:23 129:16 140:9 148:12 155:23,25 166:7 169:16 174:2 178:23 179:4 180:7 181:15 184:10 (36)</p> <p>though 67:15 97:6 141:4 171:13 (4)</p> <p>thought 12:23 100:15 103:6 106:10,17,23 (6)</p> <p>thoughtful 79:25</p> <p>thoughtfully 183:19</p> <p>thoughts 9:14 69:3 72:11 79:5 80:8 (5)</p> <p>thousand 185:12</p>	<p>thousands 185:9</p> <p>threat 107:12 129:4</p> <p>threatened 121:9</p> <p>three 36:17 40:12 41:14 52:2 69:18 79:14 82:15 93:20 103:21 131:4 (10)</p> <p>threeyearold 167:4</p> <p>through 10:6 14:19 29:8 30:11,17 31:10 38:10,12 43:3,8,14 50:16 53:21 54:3 61:2 78:18 89:6,9 91:14 122:19 145:19 178:25 186:20 187:5 (24)</p> <p>throughout 13:25 32:13 49:2 119:16 183:5 (5)</p> <p>thursday 10:21</p> <p>thus 32:14 44:20 63:21</p> <p>tiana 102:16</p> <p>tide 102:15</p> <p>tightly 177:25</p> <p>time 7:23 8:18,19 27:21 45:15 59:9,15 61:18 62:2 65:10 69:9 71:25 77:18 80:5,14 101:16 114:16 115:17 116:21 120:2 121:15 122:16 127:16 131:14 140:2 148:21 154:17 158:4 168:15 169:11</p>	<p>170:15 189:20 (32)</p> <p>times 46:25 47:6 81:25,25 84:14 109:3 120:15 123:12 143:19 186:21,21 (11)</p> <p>timperman 20:24 145:13</p> <p>tired 157:12</p> <p>today 7:10,20 22:16 24:2 50:14 68:18,23 70:9 72:7 80:21 82:11 85:5 94:18 108:6 114:11 115:10 116:15 117:21 118:7,12 122:16,20 128:14,21 140:8 150:10,21 156:11 159:16 161:24 162:2,4 164:23 173:17 183:14 184:18 185:12 190:22 193:10 (39)</p> <p>today's 78:3,4</p> <p>together 79:6 120:6</p> <p>told 129:9,19</p> <p>tom 173:3,7 174:6 187:17 189:7 (5)</p> <p>tommy 188:20</p> <p>tomorrow 192:2,3,4</p> <p>tons 129:18</p> <p>too 108:4 109:3 156:18,20 170:20 172:3 191:13 (7)</p>	<p>took 89:12 132:11 149:10</p> <p>top 143:3 184:24</p> <p>total 48:9 102:17 182:15</p> <p>touch 140:25</p> <p>tough 117:9 119:14 171:4,12 186:20 (5)</p> <p>town 1:1 6:13,17,18 14:12,14,18 17:19 23:13,14 24:5 25:8,22,23 28:5 29:3 34:11 38:2,5 39:2,5 41:5,6,22,25 43:19 44:5,8 45:23 48:16,21 53:21 56:12,21 60:6,22 62:14,16,16,24 63:15 64:6,12,16 65:16 66:22,23 71:13 82:20,25 83:2,21 84:17 86:8 95:17,24 96:18 97:5,6,14 98:3,7,16,18 104:24 105:8 111:23,24 112:2,8 114:4 115:19,20 116:24 118:9,13 121:25 123:8 124:8 129:15 145:9 146:8,14 148:11,18,22,25 150:4,9 152:24 153:4,15 155:5 157:14,15 159:10,20 160:2,15 161:5,13 162:18 166:25 168:8 169:2 176:12,20 178:7 179:3 180:6 182:22 184:12 189:4 (113)</p>	<p>town's 14:16,17 19:13 36:23 149:8 186:8 (6)</p> <p>toxic 87:23 88:3 102:15</p> <p>toxins 102:11 129:7</p> <p>trace 139:16</p> <p>track 96:13 130:21</p> <p>trade 81:9</p> <p>traffic 121:4 124:22 125:17</p> <p>trail 18:18,21 19:4 37:22 39:6,15 41:7,9,13 (9)</p> <p>trails 18:18,20 19:4 37:21,24 44:3 (6)</p> <p>transcribed 7:5</p> <p>transcript 21:18 190:24 194:10</p> <p>transformed 165:8</p> <p>transparent 100:21</p> <p>transpired 5:4</p> <p>traveling 146:3</p> <p>traversing 37:6</p> <p>treasure 111:20</p> <p>treasures 113:11</p> <p>treated 47:4,9</p> <p>treatment 10:24</p>
--	---	--	--	--

<p>28:17,21 46:15,17 51:16,20,25 52:6,7,7 60:12,16 61:13 68:6 90:13 100:9 105:10 109:19 113:4 120:23 141:23,24 171:22 (24)</p> <p>trees 74:23 103:4 106:4 143:23 144:12 (5)</p> <p>trend 135:16</p> <p>trespassing 38:20</p> <p>tricky 93:13</p> <p>triggers 176:19</p> <p>true 184:18 194:11</p> <p>truly 182:8</p> <p>trust 157:18,19,20</p> <p>truth 154:6</p> <p>try 10:6 71:23 76:3</p> <p>trying 66:13 76:16 86:10 157:3 (4)</p> <p>tune 78:3</p> <p>turf 176:10</p> <p>turmoil 107:5</p> <p>turn 55:2</p> <p>turned 171:3</p> <p>twice 60:14 132:9</p> <p>two 12:13,21 15:4,24 38:16 40:10 50:20 51:24</p>	<p>55:5 57:15 70:8 79:13 92:20 99:18 100:23 111:15 131:4 145:2 169:21 175:14 (20)</p> <p>tyler 188:17</p> <p>tymann 188:4</p> <p>type 31:8 46:23 52:25 55:23 60:23 99:2 172:10 (7)</p> <p>types 55:21</p> <p>typical 64:13</p> <p>typically 54:23 142:7 192:14</p> <p>ultimately 115:22 130:4 151:17</p> <p>unable 164:18</p> <p>unanimous 190:6 191:7 193:6</p> <p>unanimously 113:7</p> <p>unauthorized 38:19 39:12 44:4</p> <p>unbalanced 171:17</p> <p>unbroken 15:15 34:14 43:12</p> <p>unclustered 74:18</p> <p>under 14:13 23:9 25:7 83:13,14,20 95:19,23 96:14 97:13 99:9 140:6 141:20 153:14 (14)</p>	<p>underground 106:16 126:11 133:21 141:14 (4)</p> <p>understand 26:15,19 58:7 65:15 (4)</p> <p>understandable 10:8</p> <p>understanding 14:9 22:25 39:10 108:7 (4)</p> <p>understood 38:2</p> <p>undertake 149:6,19</p> <p>undertaken 161:12 162:18 163:19</p> <p>undertook 149:11 159:20 160:18</p> <p>undisclosed 105:10</p> <p>undisputed 84:21</p> <p>undisturbed 20:12 42:7,12,14 (4)</p> <p>unfortunately 157:16</p> <p>unfounded 109:4</p> <p>unfragmented 11:5 15:10 16:5,17 28:23 33:12 162:22 (7)</p> <p>unique 72:22 108:9</p> <p>unit 68:5</p> <p>units 28:9</p>	<p>31:7,15 54:22 73:14 (5)</p> <p>university 86:25 88:9 94:16</p> <p>unmute 175:8</p> <p>unmuted 69:14 94:3 175:2</p> <p>unmuting 5:10 85:9</p> <p>unproven 129:22</p> <p>untested 104:22 133:19</p> <p>until 12:5 23:25 38:14 132:14 142:20 192:5 (6)</p> <p>up 21:25 26:3 40:17 52:3 54:4 67:5 80:16 85:24 87:24 93:19 94:2,20 97:15 100:10 107:20 111:14 116:5 120:9 132:14,19 133:22 134:18 142:10 143:20 157:6 166:16 169:22 170:15 173:24 177:5 (30)</p> <p>update 48:24 67:14</p> <p>updated 28:2 53:23 54:3</p> <p>upgrading 28:20 90:15</p> <p>uphold 181:10</p> <p>upon 75:17 85:16 99:8 155:19 161:2 (5)</p> <p>urge 79:17 84:24</p>	<p>167:10</p> <p>us 7:10 45:25 56:16 61:20 85:5,22 101:21 102:8 106:7 112:15 119:25 123:3 128:14 138:4,8,9 141:7 146:20 147:5 152:7,23 173:5 180:10 192:4 193:9 (25)</p> <p>usage 126:16</p> <p>use 8:10 11:15,20 19:25 27:25 39:13 44:12 56:17 72:9,12 73:18 83:9 84:4 94:12 95:2 102:19 113:9,25 119:12 127:14 134:25 137:6 155:22 168:6,21 169:6 172:11,16,17 177:15,17 182:17 183:22 186:9 (34)</p> <p>used 15:6 38:24 39:9 46:16 47:5 48:15,23 56:2 73:24 124:4 134:17 173:20 (12)</p> <p>useful 50:12</p> <p>uses 16:11 133:24 153:19</p> <p>using 133:22 135:17</p> <p>usual 125:23</p> <p>usually 7:8 65:15</p> <p>utilities 141:21</p> <p>utilization 56:23</p>
---	---	--	---	---

<p>utilize 63:11</p> <p>utterly 112:10</p> <p>vacation 165:9</p> <p>vadose 176:23</p> <p>validated 48:22 49:3 54:5</p> <p>value 91:16 104:22 138:21</p> <p>variability 92:14,21 93:10</p> <p>variance 72:15 74:7 75:24 79:19 (4)</p> <p>various 55:20 81:22 162:6</p> <p>vegetated 34:19 41:9 75:20,21 (4)</p> <p>vegetation 13:21 15:14,22 16:10 31:23 32:3,8 33:14 41:15 75:23 (10)</p> <p>vegetative 127:4</p> <p>vehicle 125:19</p> <p>vehicles 106:15</p> <p>verbal 68:22 69:10,19 85:19 (4)</p> <p>verified 104:6</p> <p>version 89:16 92:8 125:22</p> <p>versus 46:15 63:5 144:16</p> <p>very 22:24 29:13 30:5 43:2 47:7 52:23 55:12,16</p>	<p>59:19 68:4,11 72:25 73:21,24,25 74:5,16,25 79:25 80:19,22 85:4,18 89:13 101:15 110:3 118:4 122:24 124:22 127:2 131:9 133:9,14 140:2 148:7 151:24 155:15 157:12 163:17,17 164:3 167:7 169:10 175:21 176:14 177:7 178:6 179:13,22 181:2 182:6,18 183:8,11,18 184:7 185:4 (57)</p> <p>veterans 81:7</p> <p>vetted 183:11 184:7</p> <p>via 2:2 7:4 9:17 22:23 187:14,16 (6)</p> <p>viability 123:19</p> <p>viable 99:20 125:25 156:16</p> <p>vice 3:18</p> <p>vickers 188:21</p> <p>video 2:2 21:16,17 69:15 190:22 (5)</p> <p>view 127:12 173:18</p> <p>views 50:12 105:20</p> <p>village 153:3 164:20 165:7 166:2,13 188:9 (6)</p> <p>village's 165:3</p>	<p>villages 165:21</p> <p>virgin 106:12</p> <p>virtual 116:14</p> <p>visible 20:6 42:10,21 105:2,3 (5)</p> <p>vision 128:18</p> <p>visit 146:5</p> <p>visits 178:8</p> <p>visual 20:4 40:20 41:21 105:3 (4)</p> <p>visually 19:24 39:21</p> <p>vital 134:25</p> <p>voice 122:13</p> <p>volume 179:17</p> <p>voorhis 3:13,14 22:3 24:23,24 26:23 27:3,5,6 46:18 47:20 48:11 49:8 50:6 51:18,23 53:14 55:9 57:18 59:5 60:4 62:6 67:3,8 68:24 175:21 (26)</p> <p>vote 44:13,18,25 107:16 122:14 131:12 184:13 190:6 191:7 192:12 193:6 (11)</p> <p>voted 157:15</p> <p>w 3:19</p> <p>wags 73:16</p> <p>wait 57:12,25</p> <p>walk 41:5</p>	<p>walked 38:15 41:11 178:7</p> <p>wall 184:23</p> <p>walt 27:6</p> <p>want 6:22 45:23 46:8 57:10 59:9,11,25 67:17 68:3 70:7,14 77:10 88:5 92:5,10 94:18 101:9 119:25 136:8 143:6 145:7 146:6,13 152:9 155:13 174:20 176:4,7 177:5 (29)</p> <p>wanted 51:6,13 53:3 69:20 84:10 93:15 137:7 174:22 175:3,10,15,18 187:10 (13)</p> <p>wants 143:18 146:4</p> <p>ward 173:3,6,7</p> <p>warnings 140:4</p> <p>wasn't 54:11</p> <p>waste 31:5,10,12 46:24 47:4,5,8 54:2 56:4 127:4 171:22 (11)</p> <p>wasteland 132:13</p> <p>watched 106:2</p> <p>water 11:2 14:11,25 17:20 28:11,14 31:5,10,12 32:9,13,25 33:7 46:25 47:4,5,8 56:5 73:2,22 86:11 87:5,11,16 102:12 106:14</p>	<p>109:22 110:2 111:9 116:3 120:20 126:16 127:13 128:19,23,25 129:5,8,11,15,23 130:7 131:10 132:19,22 133:3,7,11,14,21 134:16,17 135:8,14 140:20 141:2,12,21,21,23 142:2,16,20 143:3,12 168:21 171:22 172:12,14 (69)</p> <p>waters 68:2 86:6 100:13 130:5 (4)</p> <p>watershed 86:5 87:4 91:3 127:15 134:2 135:4 168:23 (7)</p> <p>way 15:20 29:22 77:24 95:21 99:22 102:25 119:14 132:14 141:5 145:20,24 162:13 169:19 183:2 185:15 194:17 (16)</p> <p>wayne 3:15 22:3,11,12 27:3,21 28:3 191:23 (8)</p> <p>ways 86:11 100:23 123:18</p> <p>we'll 94:2</p> <p>we're 111:19</p> <p>wearing 7:11</p> <p>wednesday 12:5 21:15 190:18 192:9 (4)</p> <p>weeds 54:17</p>
---	--	---	---	---

<p>week 103:15,16 111:4</p> <p>weesuck 87:18 88:2 90:11 100:13 (4)</p> <p>weighing 172:19</p> <p>welcome 139:4</p> <p>welcomed 9:16</p> <p>well 7:10 21:20 27:8 28:13,19 34:4 36:22 48:19 50:14 68:22 70:10 75:13 78:4 86:6 92:18 112:12 113:21 120:4,21 129:11 145:8,11 148:4 151:2 156:22 170:10 176:25 179:23 181:14 185:4 (30)</p> <p>wells 92:16 124:6</p> <p>wendy 188:18</p> <p>went 91:14 95:12 103:25 123:22 160:10 184:23 185:21 (7)</p> <p>weren't 52:3 145:15</p> <p>west 106:5 127:7 155:7</p> <p>western 88:25 132:23 133:15</p> <p>westhampton 164:20 166:7,9 169:18,20 186:16 188:10 (7)</p> <p>wet 141:16</p> <p>wetland 49:15 68:2</p>	<p>wetlands 87:9 120:25 143:8</p> <p>what 8:13 15:2 31:13 32:10 36:8 38:21 39:15 40:12,18 44:13 50:13 54:12 57:17 58:16 60:22,23 73:6 75:3 78:7,22 83:22 87:19 92:24 95:12 103:15 105:24 110:24 112:17 116:5 117:15,18,21,25 118:7 119:2,7,25 120:4 122:7 123:21 124:17,19 126:22 130:9 134:10,18 141:10,13,22,25 144:17 145:3 146:7,12,25 150:22 152:16 155:13 157:2 161:23,25 162:13 163:24 168:25 172:9,21 175:24 (67)</p> <p>what's 126:14</p> <p>whatever 58:22 62:10 83:20 111:3 113:12 114:15 115:9 (7)</p> <p>whatnot 142:3,17 144:9</p> <p>when 8:20 15:17 21:19 29:4,13 36:14 47:18 48:16 49:11 52:20 55:2 65:20 69:25 81:12 92:2,4 103:5,19 117:9 118:25 126:24 132:11 138:4 141:13 142:2,24 145:7 149:23 156:13 159:20 160:2,8,17 163:25 171:24</p>	<p>172:2 186:21 191:25 (38)</p> <p>where 13:11 17:9,16 25:20 28:13 31:23,24 51:21 52:4,22 56:25 60:24 71:14 88:3,4 89:19 99:19 114:2 135:13 141:2,11 143:21 144:20 145:25,25 146:2,13 163:17,22 173:22 (30)</p> <p>whereof 194:19</p> <p>whereupon 5:2 47:12,24 53:11 164:8 174:16 181:22 190:5 191:6 193:5,12 (11)</p> <p>whether 49:24 66:15 83:3,7,10 85:13,17,21 98:13 129:5 (10)</p> <p>which 5:4 12:20 24:7 25:24 32:20,22 35:14 36:18 38:10 39:2,15 40:17 41:20 42:12 46:22 49:15 50:3 51:15 62:20 63:3 69:13 71:13 74:14 75:8,12 76:3,19 81:2,17,19 82:5 85:16 89:15 94:20 95:7 96:12 97:17,22 98:5,12,16 99:2 107:3 108:8,10 124:21 128:13 130:19 139:6 144:6 145:8 150:21 151:2 153:14,22 154:3 157:17 159:14</p>	<p>160:4,23 161:11 162:2,5 163:16 168:7 176:22 177:9 178:3 180:18 184:11 192:19 (71)</p> <p>while 85:8 138:25 158:20 172:19 (4)</p> <p>whitman 27:7</p> <p>who 6:10 7:6,10,15 45:17 61:18,24 66:4 70:11 80:16 81:12 82:10 93:18 117:13 147:19 152:5,6,8,23 154:15 158:14 161:20,21 164:6 169:16 172:15 173:4,24 174:22 175:4,15 182:20 185:19 187:6,10 (35)</p> <p>who's 173:2</p> <p>whoever 146:4</p> <p>whole 12:14 117:11 150:17 169:23 172:7 (5)</p> <p>whose 70:9 109:15</p> <p>why 31:14 52:3 56:17 78:23 108:16 131:7 140:22,23,24 (9)</p> <p>wide 18:22 156:18</p> <p>wildlife 102:20 108:12,24 178:13 179:6 (5)</p> <p>will 5:17,23 6:3 7:11,24 8:16,22</p>	<p>11:16,23,24,25 15:4,6 16:13 17:21 20:3 21:4,18,19 24:24 26:19 31:9 36:19,25 37:14 43:7,15,16 44:6 49:13 50:3 57:23 60:5 67:16 68:16 69:7,9,15 71:23 75:23 76:8,11 78:15 80:9,10,11,14,17 87:6 88:7 89:25 90:8,22 93:8,22 101:19 104:2 105:5 106:9 108:20,24 109:6 110:8 122:5,9 123:2 124:5,21,25 125:16,24 126:11,13 129:23 138:16 141:10 144:21 147:21 152:3,9 154:15 156:8,15 157:20,21 158:11,20 160:25 161:17,20 163:3 164:12 166:16,18 167:13 168:14,15,21 170:18 172:18 173:4 176:9,17,22,23 178:16,20 180:15,25 181:6,21 186:20,22 187:11 189:12,14 190:2,14,21,23 191:10,20 193:10 (123)</p> <p>william 101:25 107:19 188:4,6 (4)</p> <p>wilson 75:7</p> <p>win 156:18</p> <p>window 158:11,17</p>
---	---	--	--	--

wise 172:17	165:9	171:5 187:6,11 189:13,15,22 (19)	80:3 81:8 84:16 85:2 104:15 111:13 113:7 114:16 159:2 174:11 184:6 194:3,9 (18)	143:24 176:23 (4)
wish 164:6	worry 129:22	wrong 95:12 161:21	you're 111:4 133:20,22,22 144:10 (5)	zoning 65:19 82:20 83:20 112:9 115:21 152:22 153:13 155:19 (8)
within 21:7 40:15 42:16,20 65:19 68:17 82:19,23 87:4 90:2 91:12 92:4 105:19,23 120:22 165:10 177:19 184:2 185:16 194:10 (20)	worse 102:14 130:15	yard 103:4 105:19	your 7:15,16,18,25 8:2 9:9,13,14 11:18 29:10 44:11 45:11,23 48:7 49:4 51:6 53:9 54:10 68:22 69:14,15 70:3,3,4,6 76:13 78:12 80:4,7 85:20,24 94:18,23 95:2 101:15 102:10 105:16,16,19,23 107:14 108:7 110:5,6 122:16 131:14 134:23 136:17 149:19,21 150:19 151:10 152:10,17 154:6 158:10,17 167:24 169:8,10 180:2 185:25 (62)	zoom 2:2 7:5 22:23
without 26:22 46:19 105:12 131:11 (4)	worthy 72:23	yards 103:22 125:12	yourself 70:2 86:22 174:24 175:8 (4)	203 16:12
witness 194:19	would 12:25 19:14 22:20 25:16,24 32:2 38:16 45:15 50:9 57:13,15 59:14 60:25 61:19 62:12 65:24 66:8 67:5,22 68:14,19 70:21 72:7 74:4,10 75:3 78:10,12,13,16 79:8 91:7,20,25 92:10 93:4 97:23 98:17 99:22 103:7,8 105:9 106 :10,11,14,18,22,23 119:7 128:2 134:19,22 137:18 139:3 140:19 142:22 143:4,9,13 145:6,9,10 148:14 151:17 158:6,9,13,14,19 159:5 160:7,13 161:12 162:16 163:7,13,24 175:7 182:5 183:13 190:16 (81)	yeah 190:11	years 27:11,13 79:21 82:16 84:19 89:7,9 94:11,17 97:9 102:3 106:2 108:25 116:25 117:17 128:9 131:4 132:12 134:12 139:21,22 140:6 148:18 155:6,18 166:20 167:3 169:21 170:21 171:2,14 183:8 185:21 (33)	220 184:20
witnessed 77:18	wouldn't 142:7	year 47:19,21 54:22,24 55:4 56:10 57:20 58:11,14 67:12,16,20 90:19 91:13 102:22 109:9 118:10 122:14 129:14 145:19 173:21,25 184:22 (23)	yourselves 93:21 127:10	233 16:2 126:9
won't 115:12 157:8	wrap 67:5	years 27:11,13 79:21 82:16 84:19 89:7,9 94:11,17 97:9 102:3 106:2 108:25 116:25 117:17 128:9 131:4 132:12 134:12 139:21,22 140:6 148:18 155:6,18 166:20 167:3 169:21 170:21 171:2,14 183:8 185:21 (33)	yvette 3:6 6:18	247 153:16
wonderful 166:12	wright 188:6	yes 6:11,24 46:18 49:8 70:25 73:3 122:22 191:9,14 192:17 (10)	zero 31:15 92:17 144:16 168:11,12 184:14 (6)	250 22:14
wonderfulness 144:25	writing 64:19 165:2 183:10 187:8 (4)	yet 14:13 17:24 103:9	zone 74:8 98:5	300 5:3,6 125:12
wondering 109:21	written 9:18 12:3 21:14 23:18 25:15 26:20 30:16 68:21 80:11,13 85:20 122:18 155:11	yep 86:19		365 57:21 67:14,15,20 (4)
woods 41:14		yes 6:11,24 46:18 49:8 70:25 73:3 122:22 191:9,14 192:17 (10)		376 174:23 175:2,6
words 78:23		yet 14:13 17:24 103:9		416 106:15
work 7:9 60:6 146:23 166:19 (4)		yevette 61:22		430 168:14
worked 133:2 139:23 156:8 165:10 178:6 179:22 183:8 (7)		york 5:13 22:15 58:13 71:21 72:17		437 175:7
workforce 59:24 60:10,21				450 60:10
working 12:4 14:19				500 78:21
world 126:15				572 27:6

1123 98:6	27000 106:16			
1600 90:18	43652 34:18			
1730 18:6	53313 12:10			
1731 17:2	53352 13:16 31:17			
1962 38:9	53353 14:23			
1978 74:8	53362 15:11			
1984 38:9	53381 16:19			
1993 81:23 113:8	53384 17:6			
1995 113:9	53385 18:3			
2009 120:14,16,18	100000 106:24			
2013 116:19 148:16 150:5	400000 103:22			
2016 118:14	533111 18:11			
2017 58:10 98:7 149:3	533112 18:25			
2018 58:11	533114 20:10			
2019 23:7 58:11 96:4 118:2 (4)				
2020 1:19 2:19 5:18 12:8 58:14 64:24 82:3,4 95:13 117:24 194:21 (11)				
2477 154:3				
2479 153:17				
2500 34:7 40:15 42:16				
9000 105:13 109:19				
17578 81:7				
25000 58:14				