



**CENTRAL
PINE
BARRENS**

**JOINT
PLANNING
&
POLICY
COMMISSION**

Central Pine Barrens Commission

2006 Report of Activities

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Central Pine Barrens Joint Planning and Policy Commission

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Steve A. Levy, Member and Suffolk County Executive
*(Designated Representatives:
Carrie Meek Gallagher, Thomas Isles)*

Staff

(from the Suffolk County Water Authority)

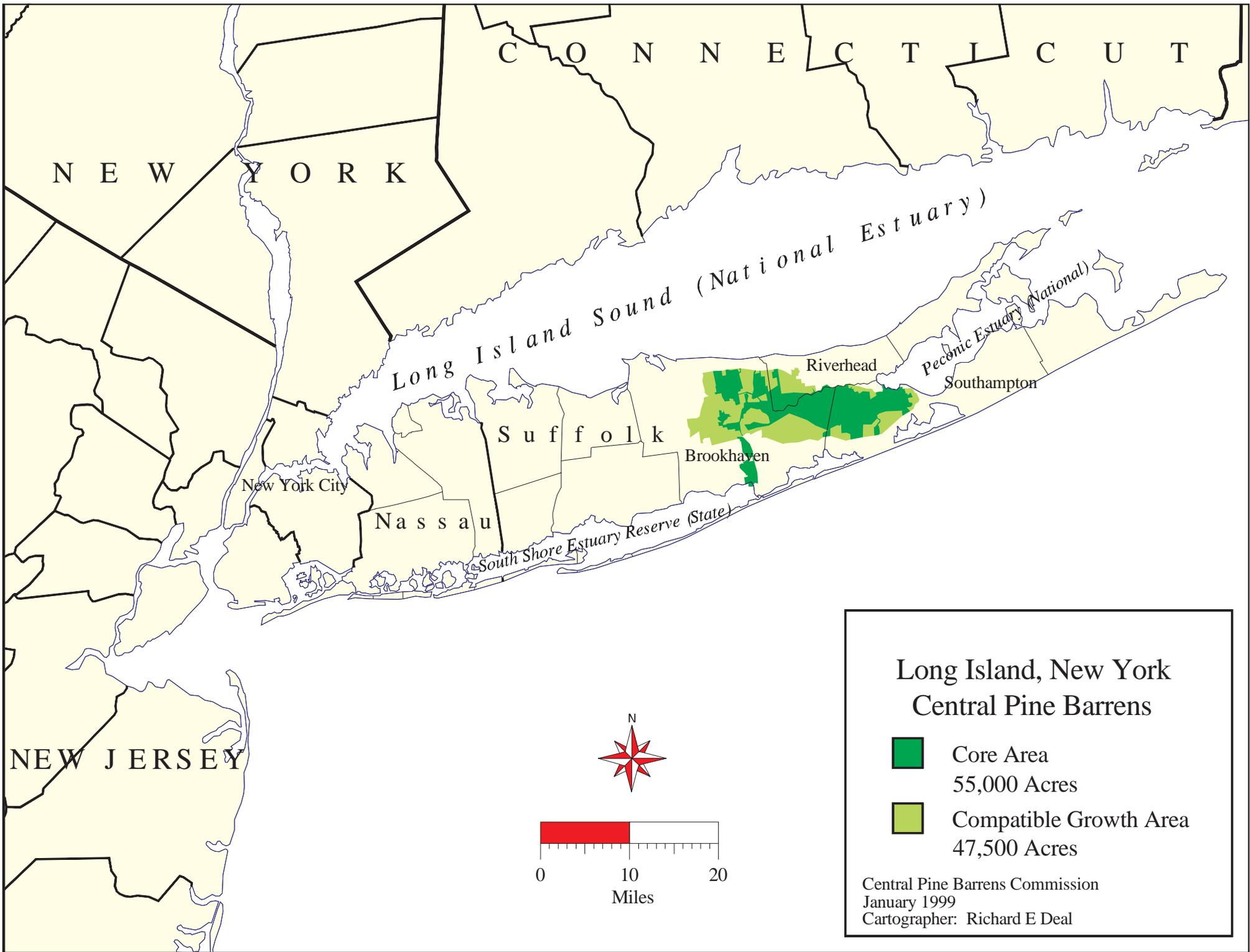
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Cover:

*Mixed white pine plantation and oak trees
at Southaven County Park in Yaphank, NY.
Cover and all other photos by Ray Corwin
unless otherwise noted.*



1. Planning, Land Use and Development

Projects, applications and decisions

During 2006, the Commission issued 5 decisions on development applications, all of them approvals. Of these, 4 were Compatible Growth Area (CGA) approvals, and 1 was a Core Preservation Area hardship approval. The CGA approvals included two residential subdivisions, one commercial site plan, and one educational institution expansion. The Core approval was a warehouse expansion. The Commission held 8 public hearings on land use proposals in 2006.

This brings the historical total of decisions to 125 since the establishment of the Commission in 1993, of which 103 were approvals and 22 were disapprovals. These 125 consist of 56 CGA decisions (50 approvals and 6 disapprovals) and 69 Core area decisions (53 approvals and 16 disapprovals).

Of particular note during 2006 was the withdrawal by the project sponsor of the Roanoke Sand and Gravel Asphalt Plant application in Middle Island, in Brookhaven Town, over which the Commission had asserted jurisdiction in 2005.

The Commission also issued a general interpretation of the pine barrens law's CGA "nondevelopment" provision regarding "five or fewer" lot subdivisions (ECL 57-0107(13)(xiii)).

Matters pending at the start of 2007

At the close of 2006, there were 6 pending applications before the Commission,

including 1 Core hardship application and 5 CGA projects. The pending CGA projects include, in part:

- One Development of Regional Significance (DRS), the long pending Brookhaven Walk retail center in Yaphank, in Brookhaven Town. The Commission has issued a "sense" letter to the Town summarizing the Commission's review of the project under the Central Pine Barrens Plan. A Commission decision is expected following the Town's decision.
- One Assertion of Jurisdiction project



Pine barrens natural resources include coastal areas and grasslands.

involving the Island Water Park in Calverton, in Riverhead Town. Since that July assertion, litigation has been commenced against the Commission by the project sponsor, and a court issued stay is currently in effect prohibiting any further action by the Commission.

Local government projects of note

The Commission, its staff, the Suffolk County Planning Department, and the SC Department of Economic Development and Workforce Housing discussed the County's long range plans for the SC Gabreski Airport in Westhampton, in Southampton Town, a facility which spans both CGA and Core property. These discussions resulted at the June Commission meeting in a letter to the Federal Aviation Administration regarding the map of the Proposed Airport Land Use Plan.

The Commission heard a presentation in July from the Village of Westhampton Beach on their pending sewage treatment and workforce housing project, which would utilize the sewage treatment facility at the Gabreski Airport.

Land use compliance and enforcement

As 2006 closed, there was a final version of a three way order on consent among the NYS Department of Environmental Conservation (DEC), the Commission, and the Longwood School District for certain land use violations of both a NYS DEC permit and the pine barrens law (NY Environmental Conservation Law Article 57). The Commission was the first party to sign the agreement in December.

These violations occurred at the Ridge Elementary School in Ridge, in Brookhaven Town, and affected a portion of the facility located within the Core Preservation Area. As one component of the consent agreement, a land swap is contemplated between the DEC and the District. Part of that swap requires two successive State Legislative approvals, and the first such approval was rendered by the Legislature this year (see Legislation section).

The broader challenges of general field patrol and enforcement during 2006 are described in the Law Enforcement section.

Land use planning and Comprehensive Plan amendments

During 2006, both the Commission itself and the Central Pine Barrens Advisory Committee expended considerable effort upon drafting, evaluating, and revising proposed amendments to the Central Pine Barrens Comprehensive Land Use Plan. Specifically, these amendments deal with changes to Chapters 4 and 5 of the Plan Volume 1: Policies, Programs and Standards. This effort continued principally within the Advisory Committee as 2006 drew to a close.

The topical emphasis in this effort is currently upon

- the CGA land use project jurisdiction of the Commission
- Critical Resource Area revisions from the 1995 Plan
- Developments of Regional Significance thresholds
- standards and guidelines for development in the CGA
- coordination of future land use

project reviews by the Commission and those of other agencies, especially Town and County level reviews.

The Commission staff have also met regularly with the planning and environmental staff of the pine barrens towns to coordinate the Commission's Plan update work with planning efforts for specific areas or topics at the Town level (e.g., the Middle Country Road Land Use Plan and Overton Preserve Plan in Brookhaven Town, old filed map issues in Southampton Town, and updates of Critical Resource Areas and Development of Regional Significance thresholds).



The eponymous tree of the barrens, the pitch pine, also has a dwarf form in some portions of the Core Preservation Area.

The Central Pine Barrens Advisory Committee

The Advisory Committee met five times (four general meetings and one work session) during 2006, chaired by Mr. Stephen Jones of the Suffolk County Water Authority, with Mr. Richard Amper of the Long Island Pine Barrens Society serving as

Vice Chair. They discussed proposed changes to the Plan and examined trends in land use activity within the Core and the CGA.

The Advisory Committee offered specific advice to the Commission on several current land use project proposals within the pine barrens, and occasionally used these project specific discussions as a basis for evaluating potential Plan amendments.

During 2006, the Committee also

- reviewed the role of the local zoning and planning boards and their relationship to the pine barrens Plan
- discussed the extent to which Pine Barrens Credits are being used by projects within the three pine barrens towns
- discussed the number, extent and impact of CGA rezonings since 1995
- discussed the then pending return of the Pine Barrens Credit Clearinghouse "initialization" funds to the NYS DEC (see Pine Barrens Credit Program section)
- discussed pending legislative bills
- recommended that the Commission urge non pine barrens towns to accept Pine Barrens Credits
- reported to the Commission that the Committee does not support clearing of core areas for agricultural purposes
- recommended that the Commission review the method for determining clearing on CGA agricultural parcels

Eastern U.S. regional planning

The Commission accepted an invitation to be one of the sponsoring organizations of



the September "Regional Planning Comes of Age" conference in New Brunswick, NJ in September. The New Jersey Pinelands

Commission, the Pinelands Preservation Alliance and other eastern U.S. regional planning entities marked the occasion of the 25th anniversary of the adoption of the New Jersey Pinelands Comprehensive Land Use Plan with topical seminars and exchanges of environmental policy, land use planning,

and natural resource protection information.

Our Commission noted in its March resolution authoring cosponsorship that *"the Long Island efforts of the Central Pine Barrens Commission and its many partners have been inspired by the outstanding and pioneering legislative, regional planning, and plan implementation work of our colleagues in and affiliated with the New Jersey Pinelands Commission"* and stated that we wished *"... to thank our professional colleagues for their crucial assistance with our efforts over the years, as well as to learn from, and exchange ideas with, the numerous regional planning entities ..."*.

Further information: www.pb.state.ny.us/chart_development_main_page.htm
www.pb.state.ny.us/chart_minutes_ac.htm
www.state.nj.us/pinelands/

Pine Barrens Commission Development Project Decisions 1993 through 2006

Year	Core Preservation Area			Compatible Growth Area			Central Pine Barrens		
	Approvals	Disapprovals	Decisions	Approvals	Disapprovals	Decisions	Approvals	Disapprovals	Decisions
1993	0	0	0	0	0	0	0	0	0
1994	6	2	8	6	1	7	12	3	15
1995	7	4	11	12	2	14	19	6	25
1996	7	1	8	9	0	9	16	1	17
1997	8	1	9	0	0	0	8	1	9
1998	3	1	4	3	0	3	6	1	7
1999	3	2	5	3	0	3	6	2	8
2000	1	1	2	0	0	0	1	1	2
2001	7	1	8	1	0	1	8	1	9
2002	4	2	6	0	1	1	4	3	7
2003	2	1	3	2	0	2	4	1	5
2004	1	0	1	4	0	4	5	0	5
2005	3	0	3	6	2	8	9	2	11
2006	1	0	1	4	0	4	5	0	5
Total	53	16	69	50	6	56	103	22	125

**Pine Barrens Commission
Development Applications Summary Chart - 1993 through 2006**

Type	Brookhaven Town	Riverhead Town	Southampton Town			Totals
			Unincorporated	Quogue Village	Westhampton Beach Village	
Core Preservation Area						
Core Hardship	30 Approved (1 annulled by court) 10 Denied 12 Withdrawn 5 Nondev't	4 Approved 1 Denied 2 Withdrawn	16 Approved (1 rescinded by Commission) 5 Denied 14 Withdrawn 1 Pending	0	0	50 Approved (1 annulled by court; 1 rescinded by Commission) 16 Denied 28 Withdrawn 5 Nondev't 1 Pending
Compelling Public Need	1 Approved (partly in Riverhead)	0	2 Approved	0	0	3 Approved
Assertions of Jurisdiction	0	1 Rescinded	0	0	0	1 Rescinded
Core Totals	31 Approved (1 annulled by court) 10 Denied 12 Withdrawn 5 Nondev't	4 Approved 1 Denied 2 Withdrawn	18 Approved (1 rescinded by Commission) 5 Denied 14 Withdrawn 1 Pending	0	0	53 Approved (1 annulled by court; 1 rescinded by Commission) 16 Denied 28 Withdrawn 5 Nondev't 1 Assertion rescinded 1 Pending 104 Total
Compatible Growth Area (CGA)						
CGA Hardships	20 Approved 1 Denied 1 Withdrawn 2 Nondev't 3 Pending	1 Approved 1 Denied	1 Withdrawn	0	0	21 Approved 2 Denied 2 Withdrawn 2 Nondev't 3 Pending
Assertions of jurisdictions	1 Approved (1 annulled by court) 1 Denied 1 Withdrawn 1 Rescinded	1 Pending	0	0	0	1 Approved (1 annulled by court) 1 Denied 1 Withdrawn 1 Rescinded 1 Pending
Projects in a Critical Resource Area (CRA)	0	(No CRAs)	2 Approved	(No CRAs)	(No CRAs)	2 Approved
Developments of Regional Significance (DRS)	1 Withdrawn 1 Pending	0	1 Approved	0	0	1 Approved 1 Withdrawn 1 Pending
Projects under Interim Goals and Standards (IGS) (No longer applicable.)	20 Approved 3 Denied 2 Withdrawn 3 Nondev't	1 Approved	1 Approved	3 Approved 1 Nondev't	0	25 Approved 3 Denied 2 Withdrawn 4 Nondev't
CGA Totals	41 Approved (1 annulled by court) 5 Denied 5 Withdrawn 5 Nondev't 1 Assertion rescinded 4 Pending	2 Approved 1 Denied 1 Pending	4 Approved 1 Withdrawn	3 Approved 1 Nondev't	0	50 Approved (1 annulled by court) 6 Denied 6 Withdrawn 6 Nondev't 1 Assertion rescinded 5 Pending 74 Total
Total Core + CGA Projects: 178						

2. Pine Barrens Credit (PBC) Program

Statistics & numbers

At the close of 2006, the following statistical observations on the Program can be made:

- The PBC Program now protects 632 parcels covering 1,336 acres across the three Towns.
- Overall, there are currently 490 Credits issued and unredeemed across the three Towns.
- To date, the average size of the PBC easement protected parcel is 2.11 acres, down slightly from 1/1/06.



Parcels protected by Pine Barrens Credit conservation easements include these 100 dwarf pine barrens Core acres in Westhampton.

- The 2006 activity was overwhelmingly centered in Southampton Town, with 144 new parcels covering 260 acres now protected by PBC easements.
- The total dollar value of all Credit conveyances from the start of the Program in 1995 topped the \$22 million mark during 2006, thanks principally to a \$3.6 million "sales volume" in 2006 in Southampton Town alone.
- Sales or "conveyance" prices are recorded by the parties with the Clearinghouse. In 2006, Credit sales and conveyances:
 - Were among private parties; no Clearinghouse purchases or sales occurred in 2006.
 - Ranged from \$100,000 to \$164,000 per Credit for Credits from Brookhaven.
 - Were all at the \$70,000 per Credit values for Credits from Riverhead.
 - Ranged from \$15,000 to \$110,000 per Credit for Credits from Southampton.
- See the following pages for a statistical comparison of the PBC Program's activity from 1/1/06 through 1/1/07.

Intermunicipal credit redemptions

One of the trends noted in the PBC program in 2006 was the use of Credits for "intermunicipal" redemptions; i.e., the acceptance of a Credit for a land use activity in a municipal jurisdiction different from the municipal jurisdiction from which it was

generated. A new report entitled "Intermunicipal Flows of Pine Barrens Credits" quantifies exactly what "cross boundary" Credit movements have occurred.

Currently, all of the 20.42 Credits of intermunicipal redemptions have been through the Suffolk County Health Department. These 20.42 redeemed Credits account for 7.3% of all Credit redemptions since the start of the PBC Program in 1995.

The largest number of Credits "exported" from a single Town has occurred from Southampton, with 16.76 Southampton Credits crossing municipal (i.e., town or village) boundaries. Of these, 9.10 Credits were redeemed in other Towns, and the remaining 7.66 were redeemed inside incorporated villages within Southampton Town. See the chart which follows for a full breakdown.

Conservation easements of note

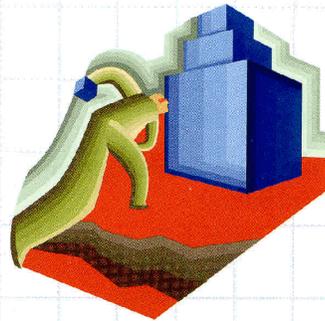
One PBC easement of special note during 2006 was the pending 403 acre Boy Scouts of America conservation easement in Wading River, within the Town of Riverhead. The detailed terms of the easement were being worked upon as the year closed.

Credit allocation appeals

Appeals of Letters of Interpretation (LOIs) are handled directly by the Commission. During 2006, 2 new appeals were received, heard and decided, both appeals applying to parcels within Southampton Town. One appeal was denied, and the other was granted. There were no pending appeals at the close of 2006.

PBCs 1-2-3

How to Obtain Pine Barrens Credits (PBCs) for Your Project



Prepared by the Central Pine Barrens
Credit Clearinghouse

2006

A new flyer with the PBC basics will be distributed through Town and County offices. It's also on the web site, of course!

This brings the total number of appeals filed since the 1995 start of the program to 52, of which 20 resulted in additional allocation of Credits, 29 were denied (leaving the original

LOI allocation intact), and 3 were withdrawn by the appellant. During 2006, the one successful appeal yielded 0.51 additional Credits to the appellant, bringing the total number of additional Credits allocated during all appeals since the start of the Program to 73.77, for an average of 3.69 additional Credits allocated per successful appeal.

PBC policy clarifications made by the Clearinghouse in 2006

These include:

- identifying the acceptable sources of acreage for Letters of Interpretation
- establishing a minimum acreage above zoning lot size for identifying partially developed parcels which are eligible for Credits
- requiring an affidavit from Credit applicants in certain situations to hold the Clearinghouse harmless from future claims
- revising Certificate information for better data capture and easier use

PBC policy clarifications made by the Commission during 2006

These include:

- approving an alternate language for Pine Barrens Credit conservation easements which strikes original language providing access over other parcels belonging to the applicant
- modifying the title policy to require

that Credit applicants provide an affidavit holding the Commission harmless from claims by the immediate previous owner

- establishing the Plan adoption date of 6/28/95 as the date of record for determining what separately assessed parcels are eligible for Credit allocations
- interpreting the applicability of a specific, existing PBC easement to a proposed land use activity

PBC Clearinghouse funds

The Clearinghouse uses these funds for purchasing Credits, and replenishes the fund when Credits are sold. The funds are managed by the Suffolk County Treasurer's Office under the direction of the PBC Clearinghouse Board of Directors. Interest and dividends are retained within the account. As of 12/31/06, the balance in that account was \$3,103,068.66. This contrasts with the 12/31/05 balance of \$7,874,024.43. During 2006, Clearinghouse funds experienced investment return rates ranging from 4.3% to 5.3%.

During 2006, the Commission and the Clearinghouse paid back the original 1995 \$5 million ten year, no interest loan from the NYS Department of Environmental Conservation's Natural Resource Damages Unit. These funds were provided by the DEC as part of a groundwater contamination settlement between that agency and a private corporation in Suffolk County.

Further information: www.pb.state.ny.us/chart_pbc_main_page.htm

PINE BARRENS CREDIT CLEARINGHOUSE

James T.B. Tripp, Esq., *Chairman*
 Andrew P. Freleng, AICP, *Vice Chairman*
 Robert Anrig, *Member*
 Richard W. Hanley, *Member*
 Mitchell H. Pally, Esq., *Member*

Change in Easement Protected Lands and Pine Barrens Credits from 1/1/06 to 1/1/07								
	Brookhaven		Riverhead		Southampton		Total	
	1/1/07	Change from 1/1/06	1/1/07	Change from 1/1/06	1/1/07	Change from 1/1/06	1/1/07	Change from 1/1/06
Parcels	315	1	14	0	303	144	632	145
Acreage	704.77	8.51	109.42	0	522.03	260.28	1336.22	268.79
Average Parcel Size	2.24	0.02	7.82	0	1.72	0.08	2.11	-0.08
Credits Generated	454.66	5.80	66.83	0	246.49	51.93	767.98	57.73
Credits Redeemed	180.65	7.06	45.19	0	52.104	15.34	277.944	22.40
Credits Not Redeemed	274.01	-1.26	21.64	0	194.386	36.59	490.036	35.33
PBC transactions	\$12,307,313	\$830,000	\$2,017,440	\$70,000	\$7,896,114	\$3,643,050	\$22,220,867	\$4,543,050

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Intermunicipal Flows of Pine Barrens Credits as of 1/1/07

Destinations	Originating from			Totals
	Brookhaven Town	Riverhead Town	Southampton Town	
Brookhaven Unincorporated (District 200)			5.00	5.00
Patchogue Village (204)	0.20			0.20
Huntington Unincorporated (400)		1.00		1.00
Islip Unincorporated (500)		2.00	4.00	6.00
Riverhead Unincorporated (District 600)				0.00
Smithtown Unincorporated (800)			0.10	0.10
Southampton Unincorporated (District 900)	0.46			0.46
Quogue Village (902)			0.26	0.26
Southampton Village (904)			2.20	2.20
Westhampton Beach Village (905)			5.20	5.20
Totals	0.66	3.00	16.76	20.42

3. Law Enforcement

This section courtesy of the Pine Barrens Law Enforcement Council.

*Sgt. Arthur Pendzick,
Suffolk County Park Police, Chair
Lt. Dallas Bengel,
NYS EnCon Police, Vice Chair*

The Pine Barrens Law Enforcement Council (LEC) with its 25 member agencies, working together and independently, share the responsibility of protecting and safeguarding the Central Pine Barrens by working within their various jurisdictions.

Through our combined law enforcement efforts, we are trying to preserve and secure all of the hard work and accomplishments that the Pine Barrens Commission, its councils and many committees have done and continue to do. The Council has regular monthly meetings to discuss and work on accomplishing its many law enforcement and public safety objectives and project initiatives.

This past year has been my first as Chairman, and I have been trying to get involved with all the various councils and committees, as



A multi agency field detail assembles at Southaven Park Police Headquarters in January 2006.

there is definitely a need for all of us to work and communicate together.



Highlights for 2006 include the purchase of five new all terrain vehicles (ATVs), a large ATV trailer, fifteen 800 mhz radios, and surveillance equipment for monitoring and apprehending any criminal activities within the Pine Barrens. This equipment was purchased with money from the \$175,000 Environmental Benefit Payment account at no cost to the public, and is being shared with various agencies in the Council to assist their law enforcement efforts.

Lt. John McGann of the SC Sheriff's Office, who has been on the Council for many years and recently served as Vice Chair, retired in June and was honored for his many services to the Council. Lt. Dallas Bengel of the NYS Environmental Conservation Police has since taken his place.

The LEC has joined forces with the Wildfire Task Force's Public Education Committee, which has already met several times in 2006, and is working on ways to better inform the public on the many issues involving the Pine Barrens.

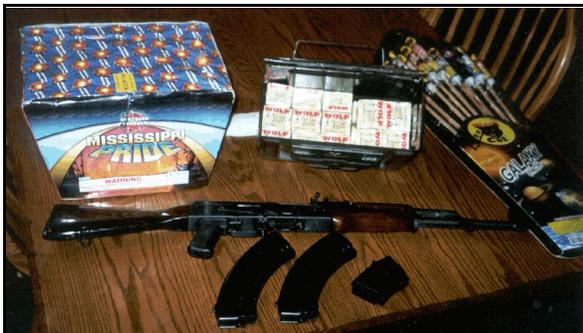
The LEC, in cooperation with the Suffolk County Park Police and Suffolk County Police Department Highway Patrol, set up several ATV Training Classes in 2006 in which officers from many different agencies have been trained and certified. The NYS Environmental Conservation Police gave a

special class on hunting to new officers from several agencies at the request of the LEC. The LEC is also currently involved with the NY Army National Guard, trying to restart the airlift program of abandoned vehicles in the Pine Barrens, which was a huge success a few years back.

The LEC, being concerned about a new ATV bill that the County Legislature is currently proposing which would impose a forfeiture of an ATV on a first offense, felt that this penalty would create many more problems than it would solve, even possibly affecting an officer's safety in the field. As such, we went on record supporting a forfeiture on a second offense, which the Legislature (I understand) is now seriously considering.

Nassau County recently passed its own ATV law, which was in the works for many years and with which the LEC assisted. In fact, at the December LEC meeting, civic representatives from Nassau County personally thanked the LEC for our assistance, stating that the bill might not have passed if not for our help.

The LEC also supported the successful 2006 State legislation upgrading the NYS Forest Rangers from peace officers to police officers.



Weapons, ammunition, and fireworks are among the materials seized during the 2006 field enforcement details.



This November 2006 homeless shelter discovery highlights the increasingly common issue of people living on public lands. The LEC has been sensitive to this, working with social service and outreach agencies.

In regards to enforcement issues, illegal ATV use still seems to top the charts. This is where the Council's Multi Agency ATV Task Force plays an important role. During 2006, Multi-Agency ATV Task Force details resulted in 256 ATV impounds and 596 summons issued, along with numerous other arrests and incidents (for a complete summary of these details' results, please refer to the 2006 Multi Agency Task Force Annual Report).

During the year, the enforcement agencies on the LEC have collectively compiled the following enforcement statistics within and around the Pine Barrens:

1. Over 1,160 reported ATV complaints were recorded
2. 509 ATVs were impounded, compared to 405 in 2005
3. Over 900 tickets were written for illegal ATV operation in violation of State, County and local laws, compared to about 600 issued in

2005.

4. 10 Stolen ATVs were recovered, which resulted in as many arrests for possession of stolen property and even 2 burglary charges. Many more ATVs are currently being investigated by the Suffolk County Police Department Auto Squad for having their VIN (Vehicle Identification Number) removed or obscured, which is a felony offense.
5. 50 illegal dumping arrests and/or tickets were recorded.
6. 243 tickets for Environmental Conservation Law violations were made (these include hunting, trespass etc.). An AK-47 (semi automatic assault rifle) was also confiscated for being fired in the field.
7. Penal Law violations included 4 drug arrests, 4 DWI arrests , 1 possession for a large amount of fireworks, plus 15 felony and 20 misdemeanor arrests for various other charges.
8. 8 homeless person incidents were handled, a problem becoming more prevalent than ever before.
9. 5 abandoned vehicles were reported.
10. 4 stolen motor vehicles were recovered.
11. 3 officers from various agencies, were also injured this past year while involved in ATV enforcement, with one officer very seriously injured.

The above figures reflect the work done by the Brookhaven Town Public Safety



Dumping is an unfortunate reality, and the LEC focuses upon identifying and apprehending violators. This site was discovered during an October detail.

Officers, the NYS Environmental Conservation Police, the NYS Forest Rangers, the NYS Park Police, the NYS Police, the Suffolk County Park Police, the Suffolk County Police 6th and 7th Precinct COPE Officers, the Suffolk County Sheriff's Office and the US Fish & Wildlife Service.

The above statistics give only a partial view of the enforcement efforts in the Pine Barrens. The hundreds (and even thousands) of hours of patrol cannot be reflected in any kind of statistics, nor can the deterrence of crime that is prevented or minimized; but without it, we can only guess as to how much worse it would be.

Last but not least, I'm most happy to report that the LEC has implemented an Awards



One batch of the 509 ATVs impounded in 2006 awaits transport. Impounded vehicles are subject to redemption fees separate from fines.

Committee. The law enforcement statistics just mentioned would not be possible without the dedication, perseverance and professionalism of the officer in the field, who in most cases goes almost completely unnoticed. As such, the 'Environmental Enforcement Officer of the Year Award' has been created, which we hope to become an annual event hereafter. Nominations were submitted from various LEC agencies, reflecting the best of their officers, who

contributed the most to enforcement in the Pine Barrens. The Awards Committee, then selected the "best of the best". Those officers are:

- Officer Mark Simmons, NYS Environmental Conservation Police
- Ranger David L. Pachan, NYS Forest Rangers
- Officer Elizer Cuevas, NYS Park Police
- Officer David Brohman, NYS Park Police
- Deputy Charles Clark, SC Sheriff's Office
- Officer Peter Mandleur, SC Park Police
- A special award from the LEC itself goes to Lt. Frank Lapinski, NYS Environmental Conservation Police.

In summation, 2006 has been a very productive year for the LEC; much has been accomplished with much more to do in 2007.

(All photographs are courtesy of Sgt. Pendzick.)

Further information: www.pb.state.ny.us/chart_stewardship_main_page.htm

4. Research and Protected Lands

Overview

During 2006, the Protected Lands Council (PLC), co-chaired by Mr. Charles Hamilton of the New York State Department of Environmental Conservation and Commissioner Ronald Foley of the Suffolk County Department of Parks, Recreation and Conservation, met five times.

Complementing the management discussions and projects of the Council were the research activities of both the Commission and its various partners. One of these research partners was the Foundation for Ecological Research in the Northeast (FERN), which received financial support from the Commission for a portion of its endeavors. Dr. Timothy Green of the Brookhaven National Laboratory (BNL) serves as Chair of the FERN Board, and is also the PLC's Technical Subcommittee Chair.

PLC's Long Island Central Pine Barrens Invasive Plant Inventory and Assessment

The Commission, the Nature Conservancy and the Suffolk County Water Authority worked closely in the hiring and equipping of two student interns, Susan Dobbartin and Elisha Gibson, who conducted this field intensive inventory and assessment work during 2006. Working under the supervision and guidance of staff from the Commission and the Nature Conservancy, and with the permission and very supportive cooperation of the federal, state, and local conservation land managers in the barrens, most of the preserved lands within the Core Preservation Area were inspected for invasive plants, and the results were inventoried and mapped.



The 2006 invasive inventory was the subject of a Nov. 8 workshop for the managers of those public lands. Photo by Ann Carter.

More than 350 miles of trails were covered, with 44 species of non native plants identified (see report excerpt below). Future extensions of this work could include completion of the Core area survey, and inspection of the vehicle traffic corridors where invasives are likely to be found, based upon 2006 observations.

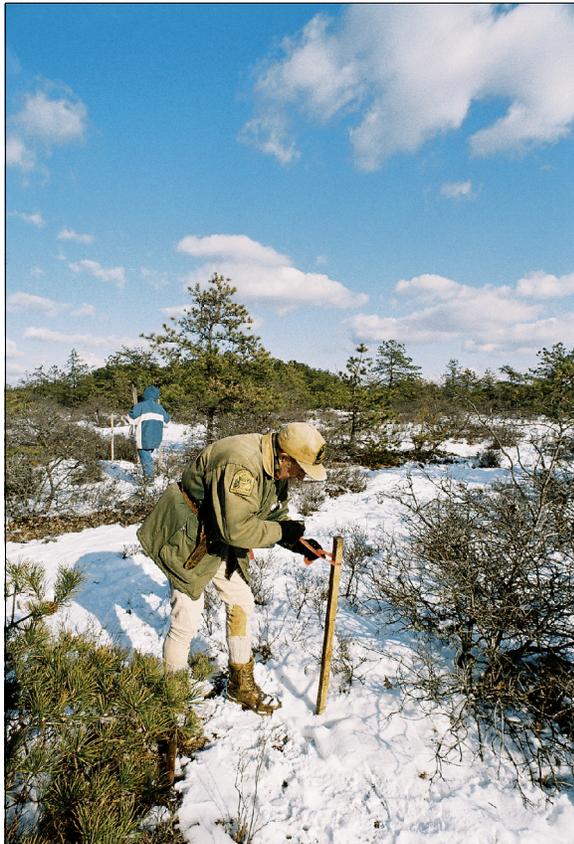
ATV damage mitigation effort

In response to the growing extent of vegetation damage from off road vehicles, the Council established an ATV Damage Mitigation Committee in 2006 to identify pilot areas for the testing of damage control and restoration techniques.

Dwarf Pine Plains Trail

Continuing an effort initially started in 2005, several PLC member agencies continued to work out the necessary details of locating a

short, public access interpretive and educational trail through the dwarf pine plains. This trail is planned for part of a 100 acre parcel on the east side of County Road 31 (Riverhead - Westhampton Road), which was enrolled in the Pine Barrens Credit Program by the former private owner. As such, the parcel is protected by a Pine Barrens Credit Program conservation easement. The parcel was then purchased in two 50 acre parcels, by the NYS DEC and Suffolk County. The trail will have a trailhead hosted by the Suffolk County Water Authority, and will traverse both parcels in equal portions. The Commission, the SC Water Authority, the NYS DEC, the SC Department of Parks, Southampton Town, and The Nature Conservancy are working toward an opening in 2007.



Larry Paul, a long time volunteer, assists with trail work in the winter of 2005-06.

Cooperation with the Foundation for Ecological Research in the Northeast (FERN)

The Commission has enjoyed and benefitted greatly from its close cooperation with FERN, which has begun to fulfill its intended purpose of coordinating scientific research efforts in the field of ecology. FERN's charter identifies a pyramid of geographic areas for its research efforts:

- the Upton Ecological and Research Reserve at the Brookhaven National Laboratory (part of the Core area),
- the Central Pine Barrens as defined in NY Environmental Conservation Law (ECL) Article 57,
- the larger Pine Barrens Maritime Reserve defined within ECL Article 57, and
- the northeastern United States pine barrens regions.

FERN's Forest Health Monitoring Program

Concentrating upon upland forests, one of the five "ecological targets" identified in the Protected Lands Council's earlier ecological needs assessment (the "5S Process"), FERN placed another 41 plots under the Forest Health Monitoring Program. This brings the total number of plots to 91, representing approximately one plot for each 1,000 acres. Interns lead by a biologist conducted monitoring during June and July, 2005 and 2006. Measurements were made of seedlings, saplings, adult trees, understory density and composition, leaf litter depths, pH, and canopy cover. An initial analysis indicated that understory composition and density varies between forest types. The data also indicate that the forest is not

regenerating as FERN initially expected. Data indicate a fairly large number of seedlings, but few if any saplings are present in the understory. A final report is expected in the spring of 2007.

FERN's Southern Leopard Frog Long Island Survey

The Foundation also facilitated extensive research surveys throughout Long Island for the southern leopard frog. This species appears to be nearly extirpated from Long Island. Several areas remain to be surveyed again in 2007.

Other FERN projects in 2006

An assessment of 49 freshwater aquatic plant communities was completed early in 2006. Research by Dowling College's Vishal Shah into the microbial world of the pine barrens appears to be resulting in the discovery of new genera of microbes.

Brookhaven National Laboratory cooperative work

BNL and FERN hosted 25 interns and teachers during the summer to conduct research projects on dragonflies, damselflies, turtles, salamanders, fox, soil and water chemistry, frogs, reptile diseases, etc. This work was presented at poster sessions at the Pine Barrens Research Forum.



The barrens provide a walkable laboratory for ecology field trips, as for this Yale graduate class.

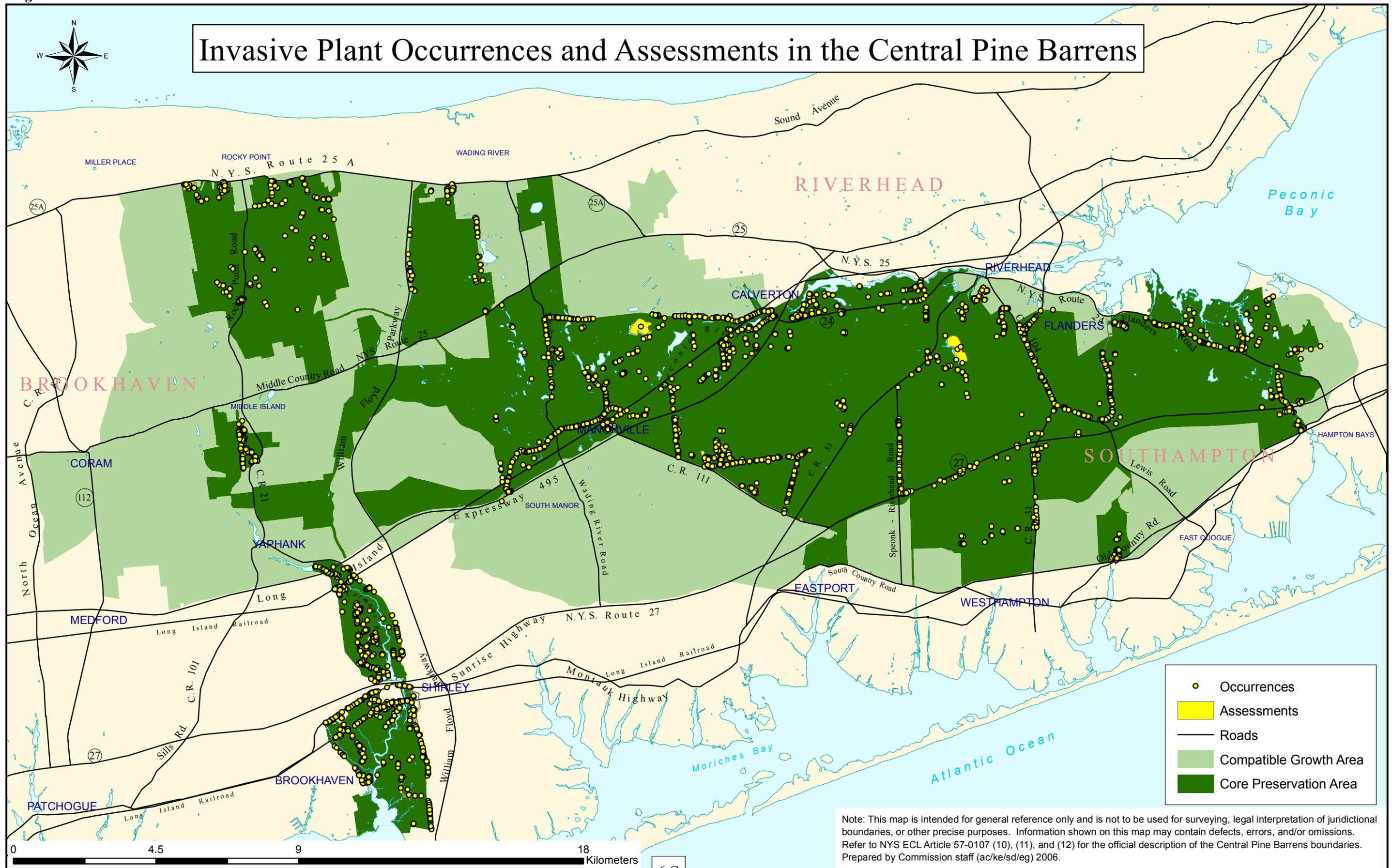
BNL's Office of Education Programs established the Open Space Stewardship Program and is working with government, nonprofit agencies and school districts to establish monitoring of open space. Numerous parcels have been adopted and the first rounds of monitoring have begun.

Pine Barrens Research Forum

The 11th annual Pine Barrens Research Forum was cosponsored by the Commission, the Brookhaven National Laboratory (also the host site - thank you!), the Long Island Groundwater Research Institute, and the Foundation for Ecological Research in the Northeast. The 2006 Forum drew approximately 120 individuals throughout the day. The Forum is an important venue for sharing research results, trends, and techniques among scientists, technicians, land managers, and interested citizens.

Further information: www.pb.state.ny.us/chart_stewardship_main_page.htm,
www.pb.state.ny.us/chart_research_main_page.htm
and www.fern-li.org

Figure 4



5. Fire

Wildfire Task Force in 2006

During 2006, the Wildfire Task Force, chaired by Mr. John Urevich of the Southampton Town Fire Chiefs Council, met three times, with the various subcommittees meeting separately. Serving as Co-Vice Chairs for the Task Force were NYS Forest Ranger Capt. Timothy Byrnes and Suffolk County Fire Marshal Edward Schneyer.

The principal areas of activity for the Task Force in 2006 were fire weather, public outreach and education, and the NY Wildfire and Incident Management Academy.



The April 20, 2006 Brentwood fire in western Suffolk's pine barrens occurred during an extraordinarily low humidity day. Photo courtesy SC Fire Marshal Ed Schneyer.



One month after the Edgewood fire, new shoots appeared.

Fire Weather

Daily fire danger ratings were produced from 1/1/06 through 10/31/06, with the daily broadcasts sent to the Suffolk County Department of Fire, Rescue and Emergency Services and over 50 other organizations and individuals in the early afternoon each day. For the 301 rated days in 2006, all were rated LOW (232 days), MODERATE (57 days), or HIGH (12 days); no VERY HIGH or EXTREME ratings were issued.

There were four distinct periods during 2006 involving one or more HIGH ratings, each preceded by a set of MODERATE days:

- March 15 through April 2
- April 19 and 20, when an unusually rapid northeastern U.S. drop in humidity levels drove our local relative humidity percentages to the mid teens. This was presumably the driving force behind the severity of a

major brush fire in the NYS Edgewood Pine Barrens Preserve in the Brentwood area of Islip Town (west of the Central Pine Barrens)

- April 28 though May 6
- July 31 through Aug 24, finally dampened by several days of precipitation.

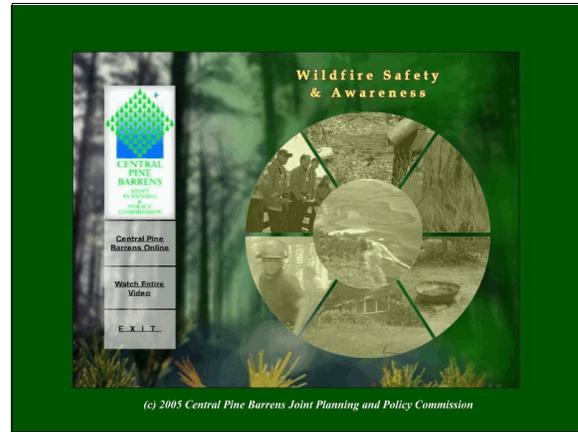
See the following pages for the full set of 2006 daily ratings.

Public Outreach

In 2006, the Wildfire Task Force and the Law Enforcement Council agreed to share a single Public Education Committee, devoted



Smokey on a HIGH rating day along William Floyd Parkway.



The Wildfire Safety and Awareness CD-ROM is a flexible teaching aid.

to the overlapping needs of both councils. Chaired by Riverhead Town Fire Marshal Bruce Johnson, the committee has focused upon revising standard press release templates, distributing the teacher's version of the Wildfire Safety and Awareness CD-ROM, upgrading of the Commission's public events display board, and maintenance of the Smokey Bear roadside fire danger signs.

The Wildfire Safety and Awareness CD-ROM, and instructor's version of the earlier 30 minute video of the same name, is being promoted to schools and fire educators. As of the close of the year, 46 copies were distributed.

In 2006, four Smokey Bear fire danger signs were maintained by our cooperators:

- **Southaven County Park in Yaphank** (Victory Avenue entrance), maintained by Southaven Park staff
- **The "Big Duck" in Flanders** on NYS Route 24 at Sears Bellows County Park, and
- **Sears Bellows County Park's Bellows Pond Road entrance** in Flanders, both maintained by the

- Sears Bellows Park staff
**William Floyd Parkway
northbound lane** on U.S.
Department of Energy Brookhaven
National Laboratory property in
Upton, maintained by BNL Fire
Rescue



Ninth Annual New York Wildfire and Incident Management Academy

The 2006 Academy is best described in this summary from its web site:

“The New York Wildfire and Incident Management Academy (NYWIMA), which ran from October 20, 2006 through October 30, 2006 at Brookhaven National Laboratory (BNL) and at Suffolk County's Fire Rescue and Emergency Services offices in Yaphank tied a training record set in 2004 by once again offering 27 training courses during the Academy's 11-day run.

The Academy's goal is to provide for a safe learning environment for Wildland Firefighters and Incident Managers and to

foster greater networking opportunities and partnerships between participants from federal, state, and local agencies.

To aid in achieving this objective, the NYWIMA is managed to mirror an actual incident utilizing the Incident Management System (ICS) under the direction of an Incident Management Team (IMT). The IMT reflects the interagency and cooperative nature of today's incident management philosophy with team members coming from federal, state, and local agencies.

In total, 555 personnel participated in the 2006 Academy. Participation included 30 overhead staff members, and 43 instructors from federal, state and local agencies. In total, 482 students representing 32 states and one Canadian province participated in the 2006 Academy.

This year the Academy offered 27 courses in a wide variety of areas resulting in the Red Card certification of wildland firefighters and the re-certification of firefighters. Additional training certification was completed in the following classes: Crew Boss, Advanced Wildland Firefighter, Powersaws, and the Incident Command System.

"The courses were extremely successful and the New York Academy contributed to expanding the pool of certified resources that will be available for the 2007 wildland fire season, and to respond to emergency incidents locally and nationally," Academy Coordinator Charles T. Hamilton said.

The New York State Department of Environmental Conservation (DEC) conducted the 2006 Academy along with a consortium of federal, state and county agencies including: (Federal) Brookhaven National Laboratory, Bureau of Land

Management, National Park Service, United States Coast Guard, United States Forest Service, United States Fish and Wildlife Service (State) Central Pine Barrens Commission, Central Pine Barrens Wildfire Task Force, Massachusetts Department of Environmental Management, New York State Emergency Management Office, New York State Office of Fire Prevention and Control (City, County and Other Organizations) Fire Department of New York (FDNY) Suffolk County Department of Fire, Rescue, and Emergency Services, Suffolk County Department of Parks, Recreation, and Conservation, the Colorado Wildfire Academy, and the Northeast

Compact, an international organization focusing on wildland fire prevention, education and suppression activities. The Compact is composed of representatives from seven states and three Canadian provinces.

The Academy was developed in response to the 1995 Long Island Pine Barrens wildland fires as well as to the increased overall frequency of wildland fires on Long Island. All courses were taught by certified wildland fire and incident command instructors, and meet all National Wildfire Coordination Group (NWCG) standards.”

Further information: www.pb.state.ny.us/chart_stewardship_main_page.htm
www.pb.state.ny.us/wtf/fire_land_status.htm
and: www.dec.state.ny.us/website/reg1/acad.html

Central Pine Barrens Daily Fire Ratings for 2006

Week	Sun	Mon	Tue	Wed	Thu	Fri	Sat
10/29 - 11/4	Low	Low	Low	<i>Daily ratings suspended till Spring '07</i>			
10/22 - 10/28	Low	Low	Low	Moderate	Moderate	Low	Low (rain)
10/15 - 10/21	Moderate	Moderate	Low (rain)	Low	Low	Low (rain)	Low
10/8 - 10/14	Low	Low	Low	Low (rain)	Low	Moderate	Moderate
10/1 - 10/7	Low	Low	Low	Low	Low (rain)	Low	Low
9/24 - 9/30	Low	Low	Moderate	Low	Low	Low	Low
9/17 - 9/23	Low	Low	Low (rain)	Low	Moderate	Moderate	Low
9/10 - 9/16	Low	Low	Moderate	Low	Low (rain)	Low (rain)	Low
9/3 - 9/9	Low	Low	Low (rain)	Low	Low	Low	Low
8/27 - 9/2	Low (rain)	Low (rain)	Low (rain)	Low	Low	Low	Low (rain)
8/20 - 8/26	Moderate	Moderate	Moderate	Moderate	Moderate	Low (rain)	Low
8/13 - 8/19	High	High	Low (rain)	Moderate	Moderate	Moderate	Moderate
8/6 - 8/12	Moderate	Moderate	High	High	High	High	High
7/30 - 8/5	Low	Moderate	Moderate	Moderate	Moderate	Moderate	Moderate
7/23 - 7/29	Low	Low	Low	Low	Low	Low	Low
7/16 - 7/22	Low	Moderate	Moderate	Low	Low (rain)	Low	Low
7/9 - 7/15	Low	Low	Low	Low (rain)	Low	Low	Low
7/2 - 7/8	Low	Low	Low	Low (rain)	Low (rain)	Low	Low
6/25 - 7/1	Low (rain)	Low	Low	Low	Low	Low	Low
6/18 - 6/24	Low	Low	Low	Moderate	Low	Low	Low
6/11 - 6/17	Low	Low	Low	Low	Low	Moderate	Low

6/4 - 6/10	Low	Low	Low	Low (rain)	Low	Low	Low
5/28 - 6/3	Low	Low	Low	Low	Low	Low	Low (rain)
5/21 - 5/27	Low	Moderate (*)	Low	Moderate	Low	Low (rain)	Low
5/14 - 5/20	Low	Low (rain)	Low (rain)	Low	Low	Low (rain)	Low
5/7 - 5/13	Moderate	Moderate	Low (rain)	Low (rain)	Low (rain)	Low (rain)	Low
4/30 - 5/6	Moderate	High (*)	Low (rain)	Low (rain)	Low	Moderate	Moderate
4/23 - 4/29	Low (rain)	Low	Low	Low	Low	Moderate	Moderate
4/16 - 4/22	Low	Low	Low	Moderate (*)	High	Low	Low (rain)
4/9 - 4/15	Low	Low	Low	Low	Low	Low (rain)	Low
4/2 - 4/8	High	Low (rain)	Low	Low (rain)	Low	Low	Low (rain)
3/26 - 4/1	Moderate	Moderate	Moderate	Moderate	Moderate	High	High
3/19 - 3/25	Moderate (*)	Moderate (*)	Moderate	Moderate	Moderate	Moderate	Moderate
3/12 - 3/18	Low (rain)	Low	Low (rain)	Moderate (*)	Moderate (*)	Moderate	Moderate (*)
3/5 - 3/11	Low	Low	Low	Low	Low	Low	Low
2/26 - 3/4	Low	Low	Low	Low	Low (snow)	Low	Low
2/19 - 2/25	Low	Low	Low	Low	Low (rain)	Low	Low
2/12 - 2/18	Low (snow)	Low	Low	Low	Low	Low (rain)	Low
2/5 - 2/11	Low	Low	Low	Low	Low	Low	Low (snow)
1/29 - 2/4	Low (rain)	Low	Low (rain)	Low	Low	Low (rain)	Low (rain)
1/22 - 1/28	Low	Low (rain)	Low	Low	Low	Low	Low
1/15 - 1/21	Low	Low	Low	Low	Low	Low	Low
1/8 - 1/14	Low	Low	Low	Low	Low	Low	Low
1/1 - 1/7	Low	Low (rain)	Low (rain)	Low	Low	Low	Low

(*) NWS Red Flag Warning days

6. Legislation of Interest

State

During 2006, the State Legislature passed, and the Governor signed, Chapter 289 of the laws of 2006 entitled the “Peconic Bay Region Watershed Protection Act”. This act, with an effective date of 7/26/06, divided NY Environmental Conservation Law Article 57 into two “titles”. ECL Article 57 containing the Pine Barrens Protection Act became “Title I”, while the Peconic Bay Region law became “Title II”.

Also passed and signed this year was State Senate bill 7346 / Assembly bill A11004 which **amends the Criminal Procedure Law to upgrade the status of the New York State Forest Rangers** from “peace officers” to “police officers”. This legislation was supported by the Law Enforcement Council. The NYS Forest Rangers are one of the 25 organizations contributing to the important work of the Council. The legislation was signed on 9/13/06.

State legislative bill S.7674 / A.11998 was passed and signed, providing a “first session” approval (two consecutive State legislative session approvals are required) for a **proposed land swap between the NYS DEC and the Longwood School District** to partly resolve violations of both a DEC permit and the pine barrens law at the Ridge Elementary School in Ridge, in Brookhaven Town. The Commission passed a resolution of support in June 2006.

Local

At the close of 2006, the Suffolk County Legislature was considering **Introductory**

Resolution 2268, “A Local Law to strengthen ATV seizure and forfeiture provisions”. The Law Enforcement Council discussed this and commented upon its provisions at the Legislature’s 12/19/06 public hearing.

The Suffolk County Legislature passed, and the County Executive signed, **Resolution 1361-2006 (Intro. Res. 2440-2006), a resolution “Amending the County Policy for Park Police Hiring”.** This modifies Section 687-1 of the Suffolk County Code which contains the preexisting County policy of hiring one additional Park Police Officer for every additional 500 acres of land acquired by the County for enumerated conservation purposes.

Resolution 1361 specifically excludes farmland preservation acreage from the list of such conservation lands considered in that calculation. The SC Park Police are active members of the Pine Barrens Law Enforcement Council.



Enforcement issues were the focus of several legislative items in 2006. Photo from a May 2006 field detail courtesy of Sgt. Arthur Pendzick.

Immediately to our west, **Nassau County passed Local Law 14-2006 restricting the use of motorized vehicles, including all terrain vehicles, and requiring certain truth in selling provisions** for new vehicles. This law was based upon the existing Suffolk County laws, and the LEC members

responded to requests for assistance from both Nassau County officials and citizens, some of whom are regular participants in LEC meetings. Passage of this legislation helps to decrease the disparity in local laws pertaining to off road vehicles in the bicounty region.

<i>ECL 57 - the Pine Barrens Act - through the years</i>	
1990	ECL 57 created as LI Pine Barrens Maritime Reserve Act (“pre pine barrens”)
1993	Amended by LI Pine Barrens Protection Act
1996	Approval of first Core residential exemption list
1998	Addition of Wertheim National Wildlife Refuge
2001	Approval of expanded Core residential exemption list
2003	Enforcement penalties for violations
2005	Restriction of government Core applications to compelling public need
2006	ECL 57 divided into titles by Peconic Bay Region Watershed Protection Act

Further State information: www.assembly.state.ny.us and use “Quick Bill Search”
 or: www.senate.state.ny.us and click “Bills & Laws”
 Further County information: www.co.suffolk.ny.us/legis/ and click “Online Documents”
 or: www.nassaucountyny.gov/agencies/Legis/

7. Litigation

There was no active litigation involving the Commission at the start of 2006. During 2006, three new litigation items involving the Commission arose, each in NY State Supreme Court and each pertaining to a specific land use matter.

The newly pending litigations are:

- *Gladys Gherardi v. Commission, Suffolk County Index 06-17693, filed on 7/19/06,*
- *LI Pine Barrens Society, Richard Amper, South Yaphank Civic Association, Johan McConnell, John Del Buono, Howard Carpluk, Sue Davis, and Douglas Steigerwald v.*

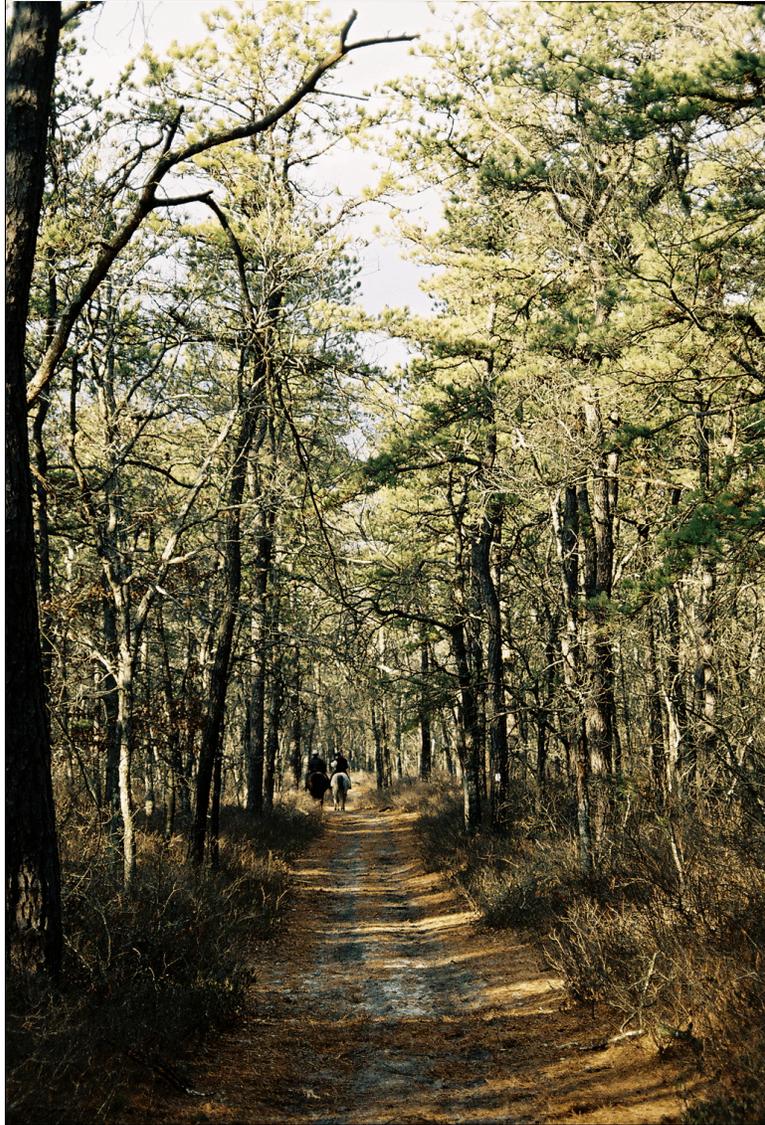
Commission, Suffolk County, and Hunter Sports Shooting Grounds, Suffolk County Index 06-22354, filed on 8/11/06, and

- *Island Water Park Corp. and Eric Scott v. Commission and Town of Riverhead, Suffolk County Index 06-21016, filed on 8/17/06.*

This brings the total number of such items involving the Commission which have been filed since 1993 to 18, with all but the above three now closed. For the 15 closed litigation matters, the average duration from filing to trial court decision has been 1.5 years.

<i>Litigation and the Barrens from 1993 through 2006</i>		
Nature of litigation	Federal Courts	State Courts
Challenges to Act	2	2
Land Use	0	10
Administrative	0	4
Totals	2	16

Further information: www.pb.state.ny.us/legal/chart_litigation.htm



A parting shot of the barrens with two horseback riders enjoying a quiet back road. Tens of thousands of acres are protected, and many are accessible for public enjoyment.

www.pb.state.ny.us