The Legislature of Rockland County

HARRIET D. CORNELL
Legislator – District 10
Chair, Environmental Committee

MINUTES
ENVIRONMENTAL COMMITTEE
WEDNESDAY, MARCH 26, 2014
7:00 PM

MEMBERS PRESENT	MEMBERS ABSENT	OTHERS PRESENT	
LEG. H. CORNELL, CHAIR	LEG. F. SPARACO	R. MCKAY ESQ.	LEG. D. JOBSON
LEG. N. LOW-HOGAN, VICE-CHAIR		M. POINTING	P. KURTZ
LEG. CHAIR A. WOLFE		J. LIPSCOMB	S. POWERS
LEG. T. EARL		B. ATKINS	M. DIMOLA
LEG. B. KANTROWITZ		C. DORNBUSH	S. BARCLAY
LEG. C. CAREY		D. DUTHIE	D. MADRONERO

CHAIR CORNELL CALLED THE MEETING TO ORDER AT 7:19 PM

ADOPTION OF THE MINUTES OF THE 2/26/14 MEETING

MOTION TO ADOPT:
CAREY/LOW-HOGAN **UNAN**

ADDENDUM:
1. REF. #6394 - DISCUSSION/PRESENTATION ITEM – UPDATE ON THE STATUS OF UNITED WATER'S SURCHARGE CASE PENDING BEFORE THE PUBLIC SERVICE COMMISSION (MR. DAN DUTHIE, ESQ.)
(HON. HARRIET D. CORNELL, LEGISLATURE)

DISCUSSED

Dan Duthie, Esq., representing entities in the rate case (Town of Ramapo and Municipal Consortium), stated that for the first case, a joint proposal was anticipated in 2010 and the surcharge was to begin once the project was approved. There were questions about whether it was appropriate. If approved, there will be an 8% increase, the desalination amount will double from the original proposal, and it would be about $15 million per year just for the capital component. Half of Operation and Maintenance expenses are for electricity. We are looking at doubling water rates in Rockland County. Is that in Rockland County's best interests? He said he does not think it is. The surcharge case is more important to Rockland County than the regular rate case (deadline June 30, 2014) and has to be decided by July 28, 2014. The third case has no deadline on the decision and was instituted by the PSC (Public Service Commission). Its purpose is to determine if we still need a long-term water supply. He said the record indicates no immediate need or a need in the next four years. Water demand will be reduced once the Tappan Zee Bridge is built, which hasn't been taken into account. It may have made more sense in 2006, but there have been changes since then, such as capacity having increased and United water doing what they promised to do, so that the water supply of 34.5 mgd would happen by 2015. Leg. Chair Wolfe stated that there was a potential for the county to be represented in the surcharge case and there has been discussion about it. He asked if the estimated $75,000 cap would be for additional legal fees above Ramapo's? Mr. Duthie said it won't come close to the $75,000, but if there were more members of the consortium, Ramapo would get a credit. Everyone should contribute what has already been expended. Leg. Chair Wolfe said that Mr. Duthie's representation was very important and would like to see it happen. S. Powers stated that

the County Executive's office was going to see if it could be done by in-house counsel and would know later in the week. Leg. Chair Wolfe stated that this is highly technical legal work; and although in-house counsel is always better, this is the rare case that he would advocate for outside counsel. Chair Cornell seconded that, saying that this is what Dan does and they were very impressed. Leg. Carey asked if an assessment needed to be done? Mr. Duthie said that the PSC was in the untenable position to decide the surcharge before deciding if the need is there. If costs were imprudently incurred, they should not be passed onto the ratepayers. The project continued until an order to show cause and United Water filed a report to show need. He said he doesn't feel there is a need. The rate case ends in June and the surcharge case in July and those deadlines are driving the decision process. Chair Cornell said that the process is very different from the normal process. United water filed an Environmental Impact statement with the DEC and normally the DEC files a response, but they haven't gotten to that. She said the PSC said that they wouldn't get involved until the DEC acted. Leg. Low-Hogan stated that she supported Rockland County retaining Mr. Duthie on the surcharge issue. Leg. Jobson said that he supported Rockland County retaining Mr. Duthie, who specializes in something so important and is the man for the job.

Mr. Duthie submitted the following:

United Water New York
Cases Pending before NYS Public Service Commission

	Name	Filed	Deadline	Request % Inc.	$ Annual Inc.	Projected - Capital Only			Potential	DPD Representation
Case 13-W-0246	Surcharge Case	Jun-13	28-Jul-14	8.08%	**$5,694,371**	**$15,338,711**				Town of Ramapo
Case 13-W-0295	General Rate Case	Jul-13	30-Jun-14	28.90%	**$20,367,244**					Municipal Consortium
	Cumulative			**36.98%**	**$26,061,615**	**$41,400,326**	**59%**	**Plus O&M?**	**100%**	
Case 13-W-0303	Desal Need Proceeding	Jul-13	No deadline	Investigation into need for LTWS						Town of Ramapo

UWNY	Currrent Revenues from Sales of Water	$70,474,893	
	Current Rate Base	$270,598,729	
	Ref. Staff Supplemental Testimony (Exhibit __ AAE-15, Schedule 1) in Rate Case		
	Desalination Project Expenditures	$56.8 million	as of July 31, 2013
	Original Estimate of Desal Project - Phase 1	$69 million	
	Current Estimate of Desal Project - Phase 1	$153 million	
	Phase 1 = 2.5 mgd		
	Currrent Rockland County Demand = 28.3 mgd		
	Current Rockland County Supply = 34 mgd, 34.5 mgd next year		
	Projected increase in Average Day Demand by UWNY from 2014 to 2017 = 1.3 mgd		
	Surplus = 4.9 mgd 2X Phase 1		

2. REF. #4374 - REQUESTING THAT THE NEW YORK STATE ASSEMBLY PASS BILL - A.8744 THE MICROBEAD-FREE WATERS ACT, THAT THE NEW YORK STATE SENATE INTRODUCE AND PASS SIMILAR LEGISLATION, AND THAT THE GOVERNOR SIGN SUCH LEGISLATION **(HON. ALDEN WOLFE, LEGISLATURE)**

ADDED CO-SPONSORS: LEGS. CORNELL, LOW-HOGAN, EARL, JOBSON

MOTION TO APPROVE:
WOLFE/LOW-HOGAN **UNAN**

Leg. Chair Wolfe stated that this is legislation proposed by the Attorney General in response to reports that small pieces of plastics in products are finding ways into waterways and are too small to be filtered out. The legislation would eliminate the use and some manufacturers have pledged to remove the plastics. This would make sure the rest of the manufacturers would stop both manufacture and distribution. They have been finding plastics in the Great Lakes. Plastics in our natural environment are not a good thing.

3. REF. #7565 - EXPRESSING THE ROCKLAND COUNTY LEGISLATURE'S OPPOSITION TO LG ELECTRONICS'S PLAN TO BUILD AN EIGHT-STORY BUILDING (143 FEET HIGH) LESS THAN 50 YARDS FROM THE PALISADES INTERSTATE PARK AND URGING THEM TO REDESIGN THE PROJECT AND IMPLEMENT THE ALTERNATIVE LOW-RISE DESIGN PROPOSED
(HONS. HARRIET D. CORNELL, JOHN A. MURPHY, LEGISLATURE)

ADDED CO-SPONSORS: LEGS. LOW-HOGAN, EARL, JOBSON
MOTION TO APPROVE:
LOW-HOGAN/ EARL **UNAN**

Chair Cornell stated that there was an enormous outpouring to save the Palisades. She had heard about it a year ago, when she was at an event and the Rockefellers and others began passing out flyers opposing LG Electronics. She said that LG Electronics has plenty of land to build without needing to go so high to spoil the beautiful view and landscape and set a precedent for other buildings. She quoted the National Park Services Director from the resolution, "The current developmental proposal…threatens the nationally significant, historic scenic integrity of the Palisades in a major way…If built, this tower will introduce a massive incompatible feature that will be visible miles along the river." Chair Cornell said that there are major national groups against LG's tower: the United States National Park Services, the U.S. Environmental Protection Agency, plus four governors, local mayors, the Federation of Women's Clubs, and lawsuits have been filed.

4. REF. #4124 - DISCUSSION/PRESENTATION ITEM – HIGH-VOLUME HYDRAULIC FRACTURING IN NEW YORK STATE – EXTENSION OF MORATORIUM **(HONS. HARRIET D. CORNELL, CHRISTOPHER J. CAREY, ALDEN WOLFE, LEGISLATURE)**

DEFERRED

5. REF. #4124 - EXPRESSING OUR SUPPORT FOR THE ENERGETIC ADVOCACY OF OUR FEDERAL REPRESENTATIVES FOR INCREASING THE STRICTNESS OF THE REGULATIONS THAT GOVERN RAIL TRANSPORT OF HAZARDOUS LIQUIDS
(HONS. ALDEN WOLFE, HARRIET D. CORNELL, LEGISLATURE)

RED DOT VERSION

ADDED CO-SPONSORS: LEGS. LOW-HOGAN, EARL, KANTROWITZ, JOBSON

MOTION TO APPROVE:
WOLFE/KANTROWITZ, LOW-HOGAN, EARL **UNAN**

Chair Cornell stated that a press conference was held recently in West Nyack at the railroad tracks with Congresswoman Lowey and other officials because of the accidents and derailments happening locally and across the nation and Canada and the DOT-111's passed by during. The DOT-111 rail cars are known to be unsafe for transport. Transport of crude oil has increased by over 43% in recent years, with a great deal carried by rail. The volume of crude oil carried by rail increased 423% between 2011 and 2012. More oil spilled last year than in the last forty years since the U.S. started collecting data. Permits have been sought for a new area by Albany for Bakken Oil. The proposal is to build a distribution center in New Windsor and ship down the Hudson River, so there are concerns for transport by both rail and water. John Lipscomb, Riverkeeper Patrol Boat Captain, stated that the new transport of crude oil in the Hudson Valley is a fundamental change in North America. All refineries are on the coasts and the only way to get here is by rail or barge. There are brand new risks to residents, since the crude oil is brought out of the ground in America and Canada without any public comment versus oil previously coming from the Gulf or Alaska. He spoke about numerous rail and barge accidents and said that petroleum has been moving on the Hudson River for decades, all northbound traffic. Then it was moved by train. However, the new transport of crude and Bakken oil is not like heating oil. He said there are two types. Bakken is light enough to float, but has a sticky, black coating that coats shorelines and wildlife and is extremely volatile. Bakken Oil can blow up. First Responders of a spill have to deal with the possibility of an explosion. There is a 20-25% chance of recovery of an oil spill that you may catch before it gets to the shore. The other type of oil, tar sands oil is mysterious, because you can't get information from the rail companies carrying it. There is about 6 million gallons of crude oil per day going through Rockland County by rail and another 8 million every eight days by barge. The barges carry heavy sinking oils that are so dense, they sink. Expected recovery during spills is only 5% and hardhat divers are needed. These types of spills affect bottom dwelling creatures, like shad, herring, sturgeon, and larvae. The larvae may cease to exist and an entire generation of a species could be taken

out, as the oil causes heart abnormalities. He said there might very well be heavy crude moving and we need to know what is traveling through Rockland County. First Responders have to know if they need equipment to handle explosive materials. This is the 25th anniversary of the Exxon Valdez oil spill and that's what would happen in a Bakken spill. We must do everything we can to prevent that. The PCB cleanup in the Hudson River is ¾ of the way complete and an oil spill would destroy that. Herring, Shad, and Sturgeons are at critical low levels. Riverkeeper is trying to get the DEC to review the Albany heating facility. The DEC is now starting to take a look at crude transport. The railroad companies have a lot of autonomy, but the Rockland County Legislature can express their concerns to the DEC and state officials about crude oil transport and its dangers. Chair Cornell stated that the current resolution is about rail transport, but one can be done later for water transport and they could talk to the DEC. One measure that could be taken is reducing rail speed limits. Rockland County is a densely populated suburban area and a spill of hazardous material could be devastating. There was an accident with a truck and a tanker train a few weeks ago in West Nyack. The tanker wasn't filled, but even residue could have ignited if the impact had been harder. Leg. Carey said that he would support this, but if the resolution was important enough to be added as a red dot item, there would have been a benefit of having someone from the DOT or DEC. Important topics need the right people in the room from all perspectives before making decisions, like with fracking. Chair Cornell said that following the derailment in Kingston, a referral was sent months ago as a discussion item. Right after, new information came from U.S. Senators and others. J. Lipscomb said at a recent Coast Guard meeting, the DEC Region 3 and railroad representatives were there, and when asked if Bakken floats, they didn't know. The pros were behind the curve, since this is so new. Leg. Carey said that experts saying they don't know means we need more discussion. Chair Cornell said that this was about protection of our citizens. This is a good resolution calling for safety factors, as rail cars have proven dangerous. Leg. Chair Wolfe stated that he and Chair Cornell had reached out to Gordon Wren, Rockland County Director of the Office of Fire & Emergency Services, but there was an issue with his expertise being made available to the Legislature, which is being discussed with the County Executive. Leg. Low-Hogan said that the handout from Riverkeeper (hereto attached), titled "Virtual Pipeline" – Real Risks, was an excellent way to describe this issue and asked for a description of what is transported in Rockland County. J. Lipscomb said that by rail, there are two trains carrying 6 million gallons per day by land, 4 million gallons per day by barge, and a ship goes every eight days to New Brunswick with another 8 million gallons. He said Albany is turning out to be the focal point, but the issue is nationwide. Transport of crude oil will increase and there is no limit to that volume. Leg. Kantrowitz asked about the trains crossing the reservoir and how a criminal act could affect the water supply? J. Lipscomb said that if crude oil gets into the reservoir or the Hackensack River, it would be a big issue for the water supply. Spills in the Hudson River affect the drinking supply for other locations near Rockland County. Floating oil over time becomes sink oil and all water intakes have to be shut down. There is a great vulnerability to Rockland County and Bergen County.

Bob Dillon, New City, submitted the following comments:

"The CSX Railroad West Shore Line runs through the Hackensack River watershed from Congers, NY south to the Newark Bay in New Jersey. The railroad crisscrosses the Hackensack River in a watershed that supplies potable water to over **1 million residents of 3 counties**: Rockland NY, Bergen NJ and Hudson NJ.

There are 3 major diversions of water from the Hackensack River for treatment and delivery to residential and commercial customers, which would be impacted by an oil or chemical spill from the CSX Railroad West Shore Line:

1. United Water New York (UWNY) at Lake DeForest in West Nyack, NY – UWNY supplies an average 28 million gallons per day (MGD) to 270,000 Rockland County residents.
2. Village of Nyack Water Department at Hackensack River in West Nyack, NY - supplies an average 2 MGD to 15,000 Rockland County residents.
3. United Water New Jersey (UWNJ) at Oradell Reservoir, New Jersey – UWNJ supplies an average 113 MGD to 750,000 Bergen and Hudson County, New Jersey residents."

John Lipscomb, Riverkeeper Patrol Boat Captain, submitted "Virtual Pipeline" – Real Risks presentation on Crude Oil in Rockland County (hereto attached).

6. REF. #9150- ROCKLAND COUNTY DEER MANAGEMENT COMMITTEE CHAIR TO GIVE INTERIM REPORT, DECEMBER, 2013

DISCUSSED

Carl Dornbush, Deer Management Committee Chair, stated that the committee did fact-finding, research, field trips, and had experts give presentations, which helped them create the interim report. We looked at the possibility of examining the means of controlling the deer population. The feasibility of bow hunting was one option. Westchester

County came up with a bow hunting process that would allow some hunting in their parks. A good portion of Rockland County is made up of parkland, but we don't have large tracts of land. The bow hunting and permitting process wouldn't work in Rockland County, even if a scaled down version, because of staff constraints in the Rockland County Environmental Resources division. There was a Deer Browse survey with the DEC in Clausland Mountain Park to try and get an idea of the number of deer in that park. They estimated about 20 deer/square mile by looking at droppings every 100 yards. Chair Cornell said that this came about because there was a proposal of bow hunting and this place was packed with irate people and a committee was established. M. DiMola, Deer Management Committee Member, stated that a bow couldn't be fired within 500 feet of a building, which limits areas where you can hunt. Many Rockland County parks abut town and state parks, so you would need partnerships. He said that S. Pascoo (Deer Management Committee Member and hunting license instructor) is trying to reduce the distance you can bow hunt down to 150 feet from buildings, which would allow more hunting. After the harsh winter, there probably was a significant reduction in the deer population. Chair Cornell spoke about a deer birth control project being done in Hastings. C. Dornbush said that DEC biologists don't think birth control is a good solution. The does usually restrict their range to two square miles. Deer are very comfortable in our neighborhoods. Education is very important. Chuck Stead at the Cornell Cooperative Extension talks to homeowners about deer management and plant selection of plants that deer don't like. The number of auto accidents is on the rise. The fix is that you can exclude deer, like the community farm (Cropsey) he passed on way here that just installed 10-foot tall fences, which is one technique. He said he wasn't sure there are no predators. A large enough pack will take down a deer. He spoke about the recent coyote attack of a woman walking her dog in Orangeburg. Chair Cornell said that she would rather have deer than coyotes. She thanked the committee and Carl for leading the effort. The committee was diligent about field trips and looking at different deer management policies. Leg. Earl said that there were no fixes for the situation and asked for any recommendations, as people complained about their gardens being eaten. C. Dornbush said that the deer have become very accustomed to living in suburbia. Leg. Earl said that people feed the deer. C. Dornbush said that state law prohibits feeding them. Leg. Earl asked what types of bows are used? C. Dornbush said that longbows were used and that S. Pascoo said that they were considering crossbows. M. DiMola said that compound bows are used now and that there is more food in the backyards for deer than in the woods. Leg. Earl said it was tough to decrease the deer population with bows. C. Dornbush said that there were no surefire solutions for Rockland County. There's fencing and repellants. They probably are not going to do birth control, due to costs.

M. DiMola said that in Tuxedo, NY, they recently killed over 50 deer by putting sharpshooters in the trees.

Chair Cornell thanked Suzanne Barclay, who had been the chief of Staff of the Deer Management Committee. Leg. Jobson said that he appreciated the effort of the committee, but the deer were here before us and in Stony Point we have hundreds. Despite subdivisions having been built, the deer have good memories and come back as if the forests are still there. C. Dornbush said that they were looking at the effect on biodiversity of the forest understory, because deer eat it away, which could allow invasive plants to grow.

Rockland County Deer Management Committee Interim Report, December, 2013:

Rockland County, like much of the Northeast, is experiencing a virtual explosion in its deer population, and the evidence is all around us. Families of deer can be seen in our backyards, parks, cemeteries, on any available green space. With increasing regularity, dead deer are found on the side of the road. When hiking in any of our parks residents notice the lack of understory that has been destroyed by hungry deer. Deer are "edge animals" meaning they thrive where field and woodlands meet, exactly the landscape that typifies Rockland. The increase in the population is believed to be caused by development of former deer habitat, the loss of natural predators as well as hunting laws that promote the bagging of bucks over does.

In 2009 the Legislature created a special committee on deer management in Rockland County in response to a proposal to legalize bow hunting. Legislature Chairwoman Harriet Cornell formed the Deer Management Committee in February, 2012 to analyze the impacts of the burgeoning deer population on Rockland and to explore options for addressing it. She invited environmentalists, hunters, educators, park managers, and gardeners to participate. Carl Dornbush, retired Environmental Health Bureau Manager with the County Health Department, was appointed chair.

At their first meeting on February 23, 2012, Committee members described impacts they observed that deer are having on the environment. Deer browsing in parks and natural areas is decimating the understory in those areas as well as the landscaped yards of residents' homes. When deer feed along riverbanks, they reduce plant coverage that leads to erosion and decreased water quality. There is growing concern with the impact that deer browsing is having on songbirds by destroying their habitat. Deer-vehicle collisions are an on-going problem. The deer population has economic impacts as well: Dr. Davies Farm in Congers lost thousands of tomato seedlings to deer and Conklin Orchards lost numerous apple trees as well. Further north, New York City drinking water showed a high fecal count,

which was determined to be due to deer droppings in the Croton Reservoir. An over-population of deer can also increase the incidence of epizootic hemorrhagic disease. Finally, while deer are often associated with the increase in the incidence of Lyme disease, there is no universal agreement of the role that deer play in the cycle.

Chair Carl Dornbush explained that there are two meanings of deer management and it can refer to encouraging the growth of the deer population or restricting or reducing it, depending on the geographic area. He noted that deer are considered a positive resource as well as a nuisance.

Background Information

There is a wealth of information on the deer population in the northeast, both scholarly articles and those written for the layperson. Many reports describe the specific processes and measures that individual municipalities or environmental groups have used in their locale. The Committee reviewed a number of studies and reports but found that these two studies made comprehensive presentations of the issues and possible solutions:

2012-2016 Management Plan for White-tailed Deer in NYS prepared by New York State Department of Environmental Conservation, Division of Fish, Wildlife and Marine Resources, Bureau of Wildlife.

The Westchester Citizen's Task Force on White Tailed Deer and Forest Regeneration
A Citizen's Guide to the management of White-tailed Deer in Urban and Suburban New York
(www.dec.ny.gov/docs/wildlife_pdf/ctguide07.pdf.*)* The Westchester Citizens' Task Force paved the way for Rockland. Of a similar composition to the Rockland Committee, this group met for over two years to research many of the same issues as the Rockland group. (Both documents are available online.)

As the smallest county area-wise in the State, Rockland does not contain a NYS Wildlife Management Area nor does it contain any state forests. Hunting is not allowed on County property; it is allowed on private property with restrictions. Trapping is permitted by NYS DEC law under specific conditions.

Feeding deer is illegal in New York although some pet food stores sell deer food.

Deer and vehicle collisions average from 60,000 to 70,000 per year in New York state with most accidents occurring two hours before sunrise and after sunset.

Quality deer management describes policies to ensure a healthy deer herd. A deer herd is healthiest when the ratio of females to males is 1:1. This allows young bucks to grow to maturity to pass on their DNA to future generations creating a healthy herd. The goal is to bring deer populations down to levels that the landscape can support by restricting the number of immature bucks that are bagged and by increasing the harvesting of does.

Presentations

In order to better understand the scope of the deer problem, the Committee asked a number of experts to make presentations. **Kevin Clarke, DEC Deer Biologist for Region 3**, introduced the Committee to NYS Department of Environmental Conservation's policy on deer. He explained that DEC strongly advocates for deer management to reduce deer impacts, preserve biodiversity and promote forest regeneration. DEC also promotes hunting to preserve a recreational opportunity. The Deer Management Assistance Program (DMAP) allows a land owner to allow deer hunting on their property.

The Westchester County Deer Management Program. The Westchester Citizens' Task Force on White Tailed Deer and Forest Regeneration was formed in 2006 to study the impact of deer on that county's environment. Over a two-year period the Task Force reviewed the literature, conducted deer surveys, made field visits, heard presentations by experts and evaluated a variety of current deer management practices. They produced a report and set of recommendations for the Westchester County Legislature. John Baker, a conservationist with the Westchester County Parks Department and member of their Task Force, presented their report to the Rockland Committee, describing the process and results. The Westchester Task Force had to overcome public opposition, mostly from groups like PETA, the Humane Society and In Defense of Animals. The Task Force researched culling but determined it would be too controversial. Instead, the report recommended that a bow-hunting program be developed and tried in several County parks.

Dan Aitchison, a wildlife specialist also with the Westchester County Parks Department, described the Department's Deer Management Pilot Program he created in response to the Task Force request. It began as a bow-hunting program in two

County parks and due to its success was expanded to two additional parks. The parks range in size from 200 acres to 4,200 acres and the program is tailored to each park. Administration of the program costs roughly $100,000 for staff: a full-time manager and part-time assistant. They work unusual hours, often taking phone calls from hunters at 4 a.m. The program strictly regulates who is able to participate and where and when hunting is allowed. From mid-October to late December, hunting is restricted to 6:00 am to 10:00 am. Parks remain open to the public although there is little chance of conflicts between visitors and hunters since hunters leave the public trails and travel much further into the woods. The County requires that hunters who wish to participate attend three meetings and pass a proficiency test to qualify for a permit. The County regulates the type of bow to be used.

Mr. Aitchison explained that once the deer population has been reduced to a sustainable level, it is not hard to maintain. Female deer, which have a range of about a square mile, do not move far from their home range. For this same reason, deer herds do not move into an area that was cleared of deer. Once the density drops, deer will become more skittish and change their behavior by retreating deeper into the woods.

The goal of the program has been to make it virtually invisible to park visitors. For the three years it has been in place, the Westchester program has been very well received by hunters and the public; there have been no significant problems.

Field Trips

Ward Pound Ridge – The Committee visited the Ward Pound Ridge Reservation where Dan Aitchison and his staff supervise the highly regarded Deer Management Program. This is Westchester's largest park at 4,315 acres. (In comparison, Blauvelt State Park, Rockland's largest park outside of the PIP, is 590 acres.) The program is a 'stealth' program designed to make it as invisible to the public as possible. That means that all signs pertaining to the program are small, the kiosks are out of the view of the public, and parking is discretely located.

Exclosure Field Trip – Committee members visited the deer exclosure at the Reeve's Meadow Education Center in Sloatsburg. As its name implies, the purpose of a deer exclosure is to literally keep deer out of an area to allow for regrowth of the vegetation. Constructed 3 years ago, the exclosure is made of heavy duty wire mesh fencing attached to cedar posts. It is roughly 10 feet high and 30' long on each side. Hemlocks and deciduous trees heavily shaded the area inside the exclosure. There was little new vegetation in the exclosure but partridgeberry, oak seedlings and lady slipper leaves were spotted. Jim Hall noted that the regrowth was slower than expected, perhaps because of the depletion of the seed stock from years of deer browsing before the area was fenced. What was most noticeable was the lack of barberry that is otherwise ubiquitous. Jim Hall offered that another deer exclosure at Bear Mountain has been there for 10 years and the difference is much more dramatic.

Data Collection

Statewide the deer population is about 900,000 but there is no data for Rockland. Committee members agreed that the first step to understanding the issue is to determine the size of the deer population. Certainly any actions that the Committee recommends or takes must be grounded in a firm understanding of the size of the herd in Rockland. There are several methods for estimating population but the most cost-effective is to conduct browse surveys.

Deer Browse Surveys - In March, 2012 and April, 2013, members of the Committee led by Kevin Clarke and Nathan Ermer of DEC, conducted a deer browse survey in Clausland Mountain Park. Two County employees and two Master Gardener volunteers assisted them. The teams surveyed four transects, shot 65-70 points along each of the transects and then measured 4' radius circles or plots at each of the points. Within the circles they counted deer pellet piles. Browse damage to saplings was measured at every other plot.

Results – In the first year, results of the surveys indicated 20 deer per square mile, not a high incidence. The lack of snow cover in 2012 meant that deer were able to move about the area freely. Very little understory was noted, although that may be due to the dense forest canopy as well as deer browsing. The teams saw very few pellet piles and not as much deer damage as anticipated. This may be because the deer moved elsewhere – to suburban yards - due to the low acorn crop. Two herds of deer with about 30 deer total were sighted. This past spring, teams used the same transects and sampled 270 plots. The densities were higher at 35.6 deer per square mile.

Infrared Survey By Helicopter – The use of infrared surveys conducted by helicopter is considered one of the most definitive ways to establish and document the size and location of a deer population. Carl Dornbush explored

use of the County helicopters for conducting a survey but learned it was not operational. The helicopter was not available in 2012 and was not available as of this writing in 2013.

Public Attitude Surveys - A simple one-page survey was made available to visitors of the National Fishing & Hunting Day in September, 2012 to learn the extent to which they felt the deer population posed a problem in Rockland. Surveys were completed by 42 visitors of the event. Although it was presumably a pro-hunting audience, it provided useful feedback about resident's feelings about the presence of deer in Rockland.

Municipal Surveys - A brief survey was sent to all five town supervisors and nineteen village mayors. Responses were received from three supervisors and ten mayors; a good response overall. Only the Village of Upper Nyack has a deer committee and it has met twice to date. They stated they do public education but did not elaborate. None of the other municipalities has ever sought public input, held meetings or collected data on this issue. The police departments of two municipalities collect data on deer/vehicle collisions. Seven municipalities indicated that they remove and dispose of deer carcasses. Public interest in this topic was high only in one town and two villages. No municipality had taken any steps to address the impacts of deer nor were any municipalities aware of hunting on public or private property

Education

The Committee has discussed several ideas to educate the public and increase public awareness about the problem, such as preparing and distributing a brochure, making use of speakers at the Cornell Cooperative Extension of Rockland and promoting the Cooperative's wildlife management course. Committee member Chuck Stead regularly addresses the topic in his Cornell Cooperative course entitled "Dealing with the Deer Population in the Suburban Landscape." Committee members suggested putting a price tag on garden and landscape damage, and doing a public service program on Channel 12. Previously, when a bow-hunting program was introduced in 2008, residents were extremely vocal in their opposition. The Committee is convinced that a public education campaign to inform residents about the environmental damage from deer such as erosion, risk to biodiversity and lowered water quality is imperative. These ideas are still being explored.

The Draft EIS for the Rockland Lake Park Complex Master Plan mentioned the impact of deer on the park. Chairwoman Harriet Cornell submitted comment on the draft urging the PIPC not to dismiss the potential for birth control to manage the population.

Next Steps

The Deer Committee acknowledges several obstacles to its work. These include:

- limited jurisdiction since County parkland represents a fraction of the total park and undeveloped land in the County;
- the smaller size of County Parks compared to those in Westchester which means a bow-hunting program would have to be appropriately scaled to our smaller parks;
- public opposition to hunting; and
- the County's current financial situation. In a climate of fiscal austerity for the County, it is a difficult time to propose a program that requires significant County funding.

As Rockland experiences growing hardships due to the over-population of deer, the Committee must work with state conservation officials, hunters and residents to develop a reasonable policy to manage the deer population in the County. The Deer Committee continues to meet and hopes to propose some cost-effective solutions to addressing the deer population in Rockland.

<u>Rockland County Deer Committee Members</u>

Harriet D. Cornell, Chairwoman, Rockland County Legislature (2005-13); Chair, Environmental Committee

Carl Dornbush, Committee Chair, retired Environmental Health Bureau Manager with the Rockland County Department of Health.

R. Allan Beers, Coordinator, County Environmental Resources, receives calls daily about deer.

Gerold H. Bierker, hunter and former County legislator, whose primary interest is the damage to the understory in woodlands.

Janet Burnet, Executive Director, Ramapo River Watershed Intermunicipal Council, who is concerned about the impact of deer on watersheds.

Michael DiMola, as Rockland County Park Manager who is responsible for daily operations of the parks, he sees first-hand the impact of deer.

James F. Hall, Executive Director, Palisades Interstate Parks Commission, deals with large deer populations in their parks.

Joanna Galdone, Master gardener, Audubon Board member.

Sona Mason, Master gardener, ecologist.

Stanley Pascoo, Representative to NYS Fish & Wildlife Board, hunter and master archer, supporter of Venison Coalition which makes venison available to food banks.

Chuck Stead, Educator at Cornell Cooperative Extension of Rockland, who states that the most anticipated topic in their public programs is deer management.

Charles Vezzetti, Superintendent, Rockland County Department of Highways, and Director of the Association of Outdoor Guides, brings a forest management perspective.

MOTION TO ADJOURN 8:50 PM **UNAN**
CAREY/EARL

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ENV 3.26.14.MIN/PS