



New York - New Jersey
Harbor Estuary Program

CITIZENS ADVISORY COMMITTEE

of the New York – New Jersey
Harbor Estuary Program

www.HarborEstuary.org

Harbor Estuary Program Citizens Advisory Committee Meeting

July 29, 2009 10 am – 12:00 pm
EPA Region 2 Offices
290 Broadway, New York, NY

MINUTES

Introductions

Roland Lewis welcomed attendees, who then introduced themselves.

Update on outreach to elected officials efforts

Harbor Roundtable

Jim Lodge provided a brief background on the Harbor Roundtable, a group of government agencies and civic groups that have been meeting periodically for the past 6 years with the goal of moving forward environmental restoration in the Estuary.

When the US Army Corps of Engineers (USACE) and the Port Authority of New York and New Jersey (PANYNJ) started working on the deepening project for navigational channels in the Harbor, an agreement was reached between environmental groups and the port community that environmental restoration would be pursued as a high priority within the region. The discussions of this group further stressed the need for the Hudson-Raritan Estuary (HRE) environmental restoration program. This study was authorized by Congress in 1999 with the PANYNJ as local sponsor. However, although deepening was proceeding well, progress in environmental goals was lagging behind.

The Harbor Roundtable met for the first time in 2003 to assess the causes of the limited success of environmental restoration. They concluded that the deepening project had been successful because the port community had a plan that they could explain to local politicians, the public, and others. This plan clearly defined what they wanted to accomplish, the costs, what would be the benefits, and timelines for attaining those goals.

The environmental community had HEP's Comprehensive Conservation and Management Plan (CCMP) and efforts to nominate restoration sites and, although many restoration projects were implemented, there was no coordinated and clearly defined plan for the region. Now with the Hudson-Raritan Estuary Comprehensive Restoration Plan (CRP) there is an overall plan; however, the next important step needed is to obtain the necessary funds to implement it.

Citizens Advisory Committee Co-Chairs

Michelle Doran McBean, Future City, Inc. ✦ 908-659-0689
Roland Lewis, Metropolitan Waterfront Alliance ✦ 212-935-9831

The recent Harbor Roundtable meeting was to discuss possible paths forward to achieve authorization of restoration and implement the CRP implementation. A couple of possibilities for achieving this goal are 1) to get a broad program authorization for habitat restoration in the region or 2) to authorize specific sites and projects, which is the typical process.

Roland mentioned that another option would be to have a congress champion that would sponsor a bill to authorize restoration projects for the region.

Lisa Baron mentioned that one major issue discussed at the Harbor Roundtable meeting was to formalize our commitment to the restoration outlined in the CRP and sign a “Charter” or pledge that would document regional support of the CRP, a willingness to work together in a coordinated fashion and a commitment to implementation of restoration. In order to obtain federal funds (65% of project costs) through new authorization, the Corps needs an agreement with local sponsors.

Bob Alpern noted that Albany focuses on Great Lakes and ocean restoration

Shino Tanikawa added that these efforts follow the principles of ecosystem-based restoration and that there is no link between that and what we do here in the Estuary. There is an Environmental Protection Fund that receives ~ \$1.5 million as a line item for the Great Lakes and ocean. This is through the Department of State (DOS), Coastal Management Program.

Bob Alpern suggested that CAC chairs send a letter to the DOS to try to obtain clarifying information about this fund and its relation to HEP.

NJ League of Municipalities

Capt. Bill Mc Sheehan provided an update on CAC efforts to attend this year’s annual meeting of the NJ League of Municipalities in Atlantic City in November. Unfortunately the calendar for workshops is already full. It would still be possible and worthwhile to have a table at the meeting, which will provide opportunities to talk with mayors, council member, Department of Public Works staff, and others. Hackensack Riverkeeper will be at the conference and offered to share some table space if one could not be secured for HEP. Capt Bill recommended that CAC starts working now to be able to have a workshop next year. He suggested that it would be a good idea to join efforts with other Estuary Programs in NJ and have a common track with them. These ideas were well received.

Action items: HEP staff will contact the League to try to secure a table at the event.

Public Access Work Group update

Kevin Reilly provided an update on the Public Access Work Group. HEP released a call for proposals for public access events. A total of \$20,000 was available and HEP expected to support about 20 projects. Only 4 proposals were submitted, and all of them received funding. Remaining funds (\$13,000) will be rolled over to the next cycle. HEP expects to release a new request for proposals in November or December to allow enough planning time for public events in 2010.

The following organizations and events were funded:

- Red Hook Boaters, \$2,000 – Expansion of walk-up kayaking program
- Rocking the Boat, \$2,000 – Spring 2010 Boat Launch Celebration
- NY/NJ Baykeeper, \$2,000 – EcoCruise
- Coney Island Brighton Beach Open Water Swimmers, \$1,000 – Grimaldo's Mile Swim Event

During the last Public Access Work group meeting, three sites were nominated to be added to the list of public access sites: Hackensack Riverfront Park in Jersey City, NJ, Riverbank Park Expansion along the Passaic River in Newark, NJ and the Harlem River Promenade located on the Bronx side of the Harlem River. (see minutes of the meeting at

<http://www.harborestuary.org/reports/publicaccess/PubAccess-Minutes042309.pdf>)

All three sites were approved by the Management Committee (MC) during the last MC meeting.

Local events

Elizabeth Environmental Day

Michelle Doran McBean gave a brief overview of Elizabeth Environmental Day event, which Future City holds annually around Earth Day. Future City prepared a video showing all partners that participated this year, including the USACE, US Coast Guard, US EPA, and Kean University. Every year, partners provide educational exhibits and activities for hundreds of local students.

City of Water Day

Roland provided an overview of Metropolitan Waterfront Alliance's second annual City of Water Day, which took place at Governor's Island on Saturday, July 18. The event was a big success and attracted around 11,000 people, a record number of visitors for the island. Participants enjoyed a wide range of activities for all ages, including boat and walking tours, rowing, and the information fair.

Update on the Comprehensive Restoration Plan

Lisa Baron provided an update on outreach efforts related to the Comprehensive Restoration Plan (CRP) for the region.

After the CRP was released in May, the USACE gave several presentations, and has additional ones planned. The CRP is an interim report for the Feasibility Study (FS). The FS will investigate opportunities for potential USACE water resource project¹ as well as outlining the process of reviewing and identifying opportunities that may be implemented by other stakeholders. The series of outreach efforts are key to producing the FS, which will then be used to seek Congressional Authorization for a Restoration Program that will be able to implement the restoration plan. The FS will need to show that each restoration opportunity identified advances CRP's goals and will benefit the region. This will require gathering information about each site and setting a more defined research agenda to move forward. This task will be carried out over the next two years.

¹ Water resources planning is a structured, system-wide approach conducted in a collaborative manner with input from stakeholders and the public.

During USACE's presentation to congressional staff, in addition to briefing them on the CRP, representatives were provided talking points that highlight why restoration is important to their constituency.

The latest Harbor Roundtable meeting focused on the mechanisms of Congressional Authorization and policy hurdles to restoration. The Roundtable will assess these hurdles and try to find solutions to make the restoration process easier.

One of the goals of the presentation to HEP's Habitat Work Group was to ensure that all technical aspects of the CRP are correct and backed by science. Further meetings with the appropriate technical HEP Work Groups and technical experts will be held to address any issues.

USACE plans to give presentations during other meeting and events, including:

1. A Senior Leadership/Congressional Harbor Inspection
2. Other HEP Work Groups
3. Visits to State and City agencies: two of the main goals of these meetings are to 1) look for opportunities for local sponsorship² of restoration projects and 2) make sure that restoration projects that are important to different groups are included to the list of restoration opportunities.
4. NJ League of Municipalities (see Bill Sheehan's update above)
5. Public Meetings throughout each of the eight CRP Planning Regions targeted to local officials, NGOs, environmental advocates, and the general public. In addition to briefing the audiences about the CRP, another goal is to collect regional master plans, identify restoration opportunities, and determine whether these two components are compatible.
6. Planning Boards, watershed groups, and others. These meetings will have similar goals as those described in item 5.

Lisa asked the CAC to please suggest good locations for public meetings (items 5 and 6) and also to suggest questions that could be asked to these audiences.

Roland commented that it would be very useful to know when the meetings to Congressional staffers will take place so we can also brief them about CAC and HEP efforts.

Lisa assured that she would be in communication with Bob Nyman about these meetings. In addition, USACE, HEP and other stakeholders have been involved in an outreach campaign about the CRP that includes a website (www.thewatersweshare.org), which will be launched soon. This website will contain information about all outreach events.

Stewardship Grants

Gabriela mentioned that HEP received twelve applications for the Stewardship Grants Program. These are now being evaluated and the review panel will meet on August 6th to select the award recipient/s.

STEW-MAP Collaboration

² Restoration projects funded with Federal dollars need to be matched with non-Federal funds. The Port Authority of New York and New Jersey has been a local sponsor for many projects but additional sponsors are needed.

Gabriela provided an update on the collaboration with the US Forest Service (USFS)'s Stewardship Mapping and Assessment Project (STEW-MAP) to expand the database to better cover NJ organizations. She showed the features of the existing HEP online Stewardship Network database (<http://www.harborestuary.org/stewardshipdatabase.htm>) as well as STEW-MAP database features, which has been integrated into the new OASIS map (<http://www.harborestuary.org/stewardshipdatabase.htm>) and is also searchable (<http://www.urbanresearchmaps.org/oasis/stewardship/stewardshipsearch.aspx>).

Since last CAC meeting, the USFS has formatted a short survey so it can be completed online, and they have composed a draft cover note to be sent along the survey. *Gabriela* has suggested a few changes to make sure that the survey and note are addressed to both NY and NJ organizations and will make sure that these changes are incorporated.

Roland asked whether there were data available on STEW-MAP website usage. The USFS probably has this information and *Gabriela* will request it. [*Update*: The new OASIS site and stewardship layer were released very recently and are still in test phase. Therefore, any available statistics are not meaningful at this point. Information on usage of the old stewardship map would not be indicative of the new site. Regardless of how much the site is currently used, it has a lot of potential and it could be a useful tool to communicate better with groups in the area, which is one of CAC goals].

Action items: *Gabriela* will work with USFS to finalize the survey contents and cover note and subsequently send out the survey requests. A key point to successfully update and expand the database is to reach out to as many stewardship organizations as possible, so *Gabriela* asked all CAC members to **share with HEP any lists of stewardship organizations if at all possible**. As requested by CAC, lists of the organizations currently in HEP's and/or USFS databases were shared with all members and participants. Otherwise, CAC members will have a chance to **forward the survey to others** when it is released.

Discussion on fish advisory issues

Michelle brought up the issue of NJ and NY having different fish advisories because these are based on different methods and standards of fish tissue analyses. This is of particular concern because subsistence fishing is a reality in our region, and has likely increased as a result of the economic crisis.

As pointed out by CAC members, this lack of consistency results in mixed messages being sent. A particularly troubling example is the Arthur Kill, where crabbing is banned on the NJ side, while it is allowed and does take place in Staten Island. In addition, there are no signs warning about existing fish advisories in many piers (mainly in the New York side of the Estuary) where people regularly fish.

Barbara LaRocco shared with the group that Going Coastal is working on this issue. The group is reviewing existing studies on fish consumption on the Brooklyn coast. Working with a multi-lingual team and graphic designers, Going Coastal will create and post signs warning about fish consumption advisories in a graphic way, in hopes to overcome the language barriers. After signs have been posted, they will work with focus groups within the fishing population to determine

which signs have been more effective in deterring consumption. This project has been funded by the NY State Department of Health through and Environmental Justice grant.

Several CAC members also connected this issue with the wider topic of water quality and combined sewer overflows (CSOs). Although this is certainly a concern, fish advisories are related to toxic pollutants and would still be in effect even in the absence of CSOs.

Michelle proposed that CAC consider bringing this issue to HEP's Management and Policy Committees to bring the two states to work together and adopt consistent advisories. *Cortney Worrall* also suggested that HEP seeks additional funds to create a new grants program exclusively dedicated to supporting public education and outreach efforts on fish advisories.

On the topic of water quality, there was discussion on the availability, or lack thereof, of information about CSO events. *Bart Chezar* mentioned that NYCDEP posted online a map showing information on water quality and its relation with rainfall (see http://www.nyc.gov/html/dep/html/advisories/combined_sewer_overflow_advisory.shtml). However this site focuses on beaches and leaves out other sites where people may get in contact with water. *Debbie Mans* stressed that in NJ beaches that are not designated as swimming areas no warnings are posted if water tests find fecal bacteria. Clean Ocean Action is working with the state to address this, now that the Bathing Beach Rule is going to be re-issued.

Edgar Freud brought to the group's attention that the Interstate Environmental Commission (IEC, formerly Interstate Sanitation Commission) keeps track of sewage bypasses at water treatment plants (which are required to provide this information). This information is summarized on IEC's annual reports, available from http://www.iec-nynjct.org/reports/2009/iec.annual_report.2008.pdf. [*Update*: IEC has been keeping bypass logs since 1998. The type of bypass has expanded to include sludge, chemical/fuel spills, disinfection upsets and fish kills. Logs are in the public domain and can be requested from IEC].

Capt Bill noted that there is an upcoming Sewer Overflow Right to Know Act, which is aimed at making real time data readily accessible to the public. This bill could facilitate having daily updates (in newspapers, weather reports, online) on water quality status that people could rely on before deciding on carrying out water activities. [*Update*: on June 18 the bill was approved by the Senate Environment and Public Works Committee. The status of this bill (S.937) can be tracked at <http://www.opencongress.org/bill/111-s937/show>].

Manuel Russ suggested that the Pathogens Work Group provide an update during next CAC meeting.

Other comments

Edgar Freud mentioned the issue of the possible designation of the Gowanus Canal as a Superfund site. The comment period closed already.

Next CAC Meeting

The next meeting was tentatively scheduled for October 29 in New Jersey.

The meeting was adjourned at around noon.

ATTENDEES

Robert Alpern, NYS Water Resources Planning Council
Lisa Baron, USACE
Don Chesley, Stevens Institute of Technology
Bart Chezar, Gowanus Dredgers
John Dobosiewicz, Kean University & Elizabeth River/Arthur Kill Watershed Association
Michelle Doran McBean, Future City, Inc.
Edgar Freud, Sierra Club
Louis Kleinman, Metropolitan Waterfront Alliance
Robin Kriesberg, Bronx River Alliance
Barbara LaRocco, Going Coastal, Inc.
Roland Lewis, Metropolitan Waterfront Alliance
James Lodge, Hudson River Foundation
Debbie Mans, NY/NJ Baykeeper
Michael McBean, Future City, Inc
Bhavin Mistry, Future City, Inc
Heather Morgan, USACE
Gabriela Munoz, NY-NJ Harbor Estuary Program
Susan Nanney, Passaic River Coalition
Robert Nyman, US EPA Region 2
Kevin Reilly, NY-NJ Harbor Estuary Program
Angel Rodriguez, Future City, Inc
Gabriel Rodriguez, NJ Congressional District 13
Manuel Russ, Concerned Citizens of Bensonhurst
Bill Sheehan, Hackensack Riverkeeper
Clay Sherman, NJ DEP DWM
Amanda Switzer, USACE
Shino Tanikawa, NYC Soil and Water Conservation District
Cortney Worrall, Metropolitan Waterfront Alliance
Nina Zain, The River Project