



New York - New Jersey  
Harbor Estuary Program

# CITIZENS ADVISORY COMMITTEE

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of the New York – New Jersey  
Harbor Estuary Program

[www.HarborEstuary.org](http://www.HarborEstuary.org)

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## NY-NJ Harbor Estuary Program Citizens Advisory Committee Meeting

Tuesday, June 15, 2010

10:00 am – 2:00 pm

Future City, Inc.

1045 E. Jersey Street, Elizabeth, NJ

### MINUTES

#### **Introductions**

*Michelle Doran McBean* and *Roland Lewis* welcomed participants and all attendees introduced themselves.

#### **Revision of HEP's Action Plan**

Participants broke out in three groups to discuss their input to HEP's Action Plan. Then all participants convened to discuss these comments and suggestions, which were summarized by each group's coordinator. *Gabriela* will compile all suggestions for the CAC's review. HEP CAC co-chairs will convey these suggestions to the Management Committee during the upcoming meeting on July 14<sup>th</sup>.

During this discussion, two issues of interest to the CAC were brought up. The first one was New Jersey Department of Environmental Protection's recent bans on shellfish gardening and restoration projects using commercially important species like oysters and clams in closed waters (see [http://www.state.nj.us/dep/newsrel/2010/10\\_0053.htm](http://www.state.nj.us/dep/newsrel/2010/10_0053.htm)). CAC members generally disagreed with these bans and suggested issuing a position on this topic. *Chris Len* (Hackensack Riverkeeper) volunteered to draft a position for CAC to be later reviewed and approved by HEP CAC members.

The second issue discussed was proposed NJDEP rules, which some CAC members anticipate will weaken current requirements to provide public access to the shoreline (see [http://www.state.nj.us/dep/newsrel/2010/10\\_0055.htm](http://www.state.nj.us/dep/newsrel/2010/10_0055.htm)). The CAC also favored issuing a statement on these regulations. It was suggested that the CAC request a public meeting with the NJDEP to discuss these issues in a public forum.

*Roland Lewis* offered including an article on the oyster bans in Metropolitan Waterfront Alliance's newsletter and pointed out that there could be opportunities for organizations attending the upcoming City of Water event to mention these issues as part of news coverage of the event.

#### **Public Access Update**

*Dorina Frizzera* provided an update on the Public Access Work Group (PAWG). This work group was originally created as a subcommittee of the CAC but was later separated. The PAWG is active and it developed a work plan with specific agenda items. This year, the PAWG requested a larger budget to be

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Citizens Advisory Committee Co-Chairs

**Michelle Doran McBean**, Future City, Inc. ✦ 908-659-0689

**Roland Lewis**, Metropolitan Waterfront Alliance ✦ 212-935-9831

able to implement this work plan. *Dorina* noted some challenges, such as not receiving enough grant applications for some of the group's grant programs and mentioned plans to work with the stewardship grants program, considering releasing a joint request for proposals in the future and providing training sessions for applicants.

The PAWG recently released a request for proposals for an Estuary-wide public access event, which was awarded to the Metropolitan Waterfront Alliance for its annual City of Water event in Governors Island.

*Dorina* also mentioned that NJ Marine Sciences Consortium, with NJ Sea Grant funds, is putting together a website about the Public Access Doctrine, which will be launched soon. Another useful public access resource is the Coastal Zone Management page: [http://coastalmanagement.noaa.gov/public\\_access.html](http://coastalmanagement.noaa.gov/public_access.html).

### **HEP CAC Budget**

*Bob Nyman* provided an update on HEP's budget for the upcoming fiscal year (October 1<sup>st</sup> 2010 through September 30<sup>th</sup> 2011), which was recently approved by the Policy Committee. The Policy Committee had met on April 12 to review and approve the budget. Given the important budget cuts in some HEP partner agencies, EPA Regional Administrator, Judith Enck, asked for a pause in the process to reconsider whether these budget cuts would affect some of the activities these agencies would be collaborating in. The Management Committee suggested minor modifications and, after much deliberation, the Policy Committee requested some additional changes that were finally approved on June 10. Three grants programs (Stewardship, Public Access Events and Public Access Research) were reduced a total of \$43,000 to allow funding sediment monitoring stations. It is anticipated that some unused funds from previous fiscal years may partly compensate for the reduced budget for grants programs.

The budget process (including CAC input) will start earlier in the future to ensure the budget is approved in a timely manner.

### **Update on HEP funding**

*Michelle* noted that the request for appropriation put by Congressman Sires is still a possibility but the process is long and the appropriation will not be decided until September. If approved, this will be attached to HEP's budget and funds would be allocated to stewardship projects in NJ.

*Bob Nyman* added that he will talk with Alex Brash (National Parks Conservation Association and former chair of HEP's Habitat Work group) to secure funds to implement the habitat Comprehensive Restoration Plan.

*Michelle* reminded attendees that the NY-NJ Harbor Estuary has a much lower budget than other estuaries. HEP and several of its partners are exploring options to increase HEP's budget.

### **Update on NJ League of Municipalities**

*Gabriela* informed the CAC that HEP was recently assigned a booth at the League (November 16-18 in Atlantic City) and charged at the non-profit rate (1/2 the regular rate). *Michelle* reminded that there are buses departing from the Port Authority terminal in Manhattan that provide an inexpensive transportation option. Next steps include setting up a Planning Committee and assign volunteers to staff the booths and carry out other activities. Mayor Bollwage will be moderating HEP's session at the league. This session has been confirmed for Tuesday, November 16 at 3:45 pm. The session is anticipated to include the following presentations: *Overview of the Program and State of the Estuary* (Robert Nyman), *Importance of the Estuary to Municipalities* (Kerry Kirk Pflugh, NJDEP), *Benefits of Ecosystem*

*Restoration to Municipalities* (Lisa Baron), *Water Pollution Reduction Plans for NE New Jersey* (NJDEP speaker TBD), and *The Importance of Citizen/Municipal Involvement* (Bill Sheehan and John Dobosiewicz).

### **Update on 2009 Stewardship Grants**

Rebecca Schultz (NYC Soil and Water Conservation District) provided an update on the project funded last year by HEP: *Reducing Stormwater Runoff through Green Infrastructure in a High Density Residential Development in New York City*. This project involved retrofitting an existing building (five connected brownstones converted into low income housing and a preschool in the Upper West Side in Manhattan) with green infrastructure to manage stormwater runoff. Last week, NYCSWCD and the landscape architects installed 20 rain barrels which will function as a detention system, slowly releasing the water into the stormwater infrastructure. One of the barrels has a spigot to allow using the stormwater for watering plants. As part of the project, several “wally pots” were installed. These are basically pots attached to the walls, where a variety of native plants will be grown. NYCSWCD is currently preparing educational materials for the preschool, including fact sheets and signage. There will be an opening ceremony for children and their parents to learn about the project and its benefits.

Chris Len provided an update on Hackensack Riverkeeper’s project: the *Litter Marshall Program*, an anti-littering campaign that educates the general public and encourages them to report littering to the Bergen County Litter Marshal Hotline. Hackensack Riverkeeper erected two signs (one of which is still posted), handed brochures at public events and the local DMVs, and publicized the program through local media to create awareness of the program and the hotline to report littering incidents. Hackensack Riverkeeper has received a steady stream of calls and has been passing the information to the County Sheriff’s Office, a partner in this project. After checking the information, the Sheriff’s office sends anti-littering educational materials along with a letter to the owner of the vehicle warning that littering is a crime that can result in heavy fines if witnessed by a police officer. Hackensack Riverkeeper is pleased with the results and will continue to hand leaflets at public events. Michelle encouraged the CAC to visit Hackensack Riverkeeper’s webpage where this program is featured: <http://www.hackensackriverkeeper.org/>.

Both these projects will be finalized by August 2010 and the final report will be posted on HEP’s grants webpage: <http://www.harborestuary.org/stewardshipgrants.htm>.

### **Update on 2010 Stewardship Grants**

Gabriela provided a brief update of this year’s request for proposals. 21 proposals were received (approximately double the amount received in each of the past two years) which made the selection process particularly challenging, and required a longer review time than originally anticipated. A subcommittee pre-selected 11 proposals which were then reviewed by the full review panel on May 28<sup>th</sup>. Three proposals were tentatively selected for funding, but all three were required to provide additional information that reviewers considered were lacking in the proposals. All applicants were notified and responses are due on June 21<sup>st</sup>. Award recipients will be announced once their responses have been reviewed and a final decision made.

### **Other updates**

Michelle passed along a message from Roland, encouraging the CAC to visit the “Rising Currents” exhibition at the MoMA, which features projects that re-envision the Harbor’s coastline in view of sea level rise brought about by climate change. For more information about the exhibition (which runs through October 11), visit [http://moma.org/explore/inside\\_out/category/rising-currents#description](http://moma.org/explore/inside_out/category/rising-currents#description).

*Michelle* also announced that the Elizabeth River/Arthur Kill Watershed Association will be updating its “blue map,” which shows public access points where fishing takes place. The first, informal, version of this map was created 5 years ago. The update will include pictures to document changes to the sites. The State of the Elizabeth River/Arthur Kill Watershed in pictures will also be updated this year.

*Louis Kleinman* distributed flyers about two upcoming events: Metropolitan Waterfront Alliance’s City of Water event in Governor’s Island (July 24<sup>th</sup>) and the citywide public meeting for New York City’s Comprehensive Waterfront Plan (June 24<sup>th</sup>). More information about these events is available at [www.waterwire.net/](http://www.waterwire.net/).

*Patricia Doyle* reminded participants about the Passaic River Symposium on June 22<sup>nd</sup> at Montclair State University (<http://csam.montclair.edu/pri/conferences/index.html>).

Then there was more discussion about the recent NJDEP bans on shellfish projects in closed waters. *Meredith Comi* indicated that NJDEP has requested all projects to stop and reefs to be removed. NY/NJ Baykeeper has been aware of human health risks from poached oysters and has designed its reefs with several layers of security. First, the reefs are always covered by water at undisclosed locations, so they are never visible and are very difficult to find. Second, the oysters are inside mesh cages in a rebar structure, which makes them very difficult to be removed. Finally, the oysters are only ½ inch in size and not very attractive for consumption. Baykeeper has invited NJDEP to visit the reefs but so far there has been no answer. It was also pointed out that poachers harvest and eat other shellfish species, including naturally occurring mussels, so the health risk would still exist even if all oyster projects were removed.

*Chris Len* confirmed that he would write a draft resolution to be considered by the CAC [**update:** the draft resolution was circulated among the CAC. Once approved by a majority of at least 10 CAC voting members (see <http://www.harborestuary.org/citadvcomm.htm> for a list of voting members), the position will be communicated to NJDEP Commissioner Bob Martin, EPA Region 2 Administrator Judith Enck, and several HEP committees and work groups]. *Chris* also suggested that individual members express their position through letters to NJDEP, newspapers, and other suitable means. *Meredith* mentioned that schools involved in oyster gardening and scientists involved in oyster research projects have been communicating their opposition to NJDEP’s bans.

*Michelle* brought up the issue of subsistence fishing, which is increasing, including among some small family businesses, and cautioned that catch and release is not as easy as it sounds and if not done properly, fish are hurt or killed. *Maggie* pointed out the apparent contradiction of states issuing fishing permits when there are fish advisories.

#### **Next CAC Meeting**

*Michelle* suggested scheduling next meeting prior to the Policy Committee meeting, which will be held in September. Once the Policy Committee meeting is scheduled, then a couple of dates will be proposed for the CAC meeting.

The meeting was adjourned at 2:30 pm.

#### **ATTENDEES**

Robert Alpern  
Claire Antonucci, NJ Marine Sciences Consortium

J. Christian Bollwage, Mayor of Elizabeth City  
Rob Buchanan, Village Community Boathouse  
Don Chesley, Stevens Institute of Technology  
Bart Chezar, Gowanus Dredgers Canoe Club  
Meredith Comi, NY/NJ Baykeeper  
John Dobosiewicz, Kean University  
Michelle Doran McBean, Future City, Inc.  
Patricia Doyle, Passaic River Institute, Montclair State University  
Maggie Flanagan, South Street Seaport Museum  
Dorina Frizzera, NJDEP Coastal Management Program  
Louis Kleinman, Metropolitan Waterfront Alliance  
Robin Kriesberg, Bronx River Alliance  
Heather Kutassy, Future City, Inc.  
Glenn Lautenbach, Future City, Inc.  
Chris Len, Hackensack Riverkeeper  
Roland Lewis, Metropolitan Waterfront Alliance  
Bhavin Mistry, Future City, Inc  
Gabriela Munoz, NY-NJ Harbor Estuary Program  
Robert Nyman, US EPA Region 2  
Manuel Russ, Concerned Citizens of Bensonhurst  
Rebecca Schultz, NYC Soil & Water Conservation District  
Nellie Tsipoura, NJ Audubon Society  
Nina Zain, The River Project