



New York - New Jersey
Harbor Estuary Program

CITIZENS ADVISORY COMMITTEE

of the New York – New Jersey
Harbor Estuary Program

www.HarborEstuary.org

NY-NJ Harbor Estuary Program Citizens Advisory Committee Meeting

Thursday, March 11, 2010

9:15 am – 12:30 pm

Metropolitan Waterfront Alliance

Seamen's Church Institute, 241 Water ST, NYC

MINUTES

Introductions

Michelle Doran McBean and *Roland Lewis* welcomed participants, especially the Long Island Sound Study (LISS) Citizens Advisory Committee (CAC) members. LISS Co-Chairs *Nancy Seligson* (NY) and *Curt Johnson* (CT) thanked the Metropolitan Waterfront Alliance for hosting the meeting and providing an opportunity to interact and identify issues where both groups could work together. Then all attendees introduced themselves.

Interactive Discussion: LISS and HEP CAC

Nancy and *Curt* gave a brief background on the LISS CAC history and structure, and some of its successes and challenges. Both groups share a similar structure. The LISS CAC had a very active participation in the development of the Program's Comprehensive Conservation and Management Plan (CCMP). A recent and significant success was the adoption by the LISS Management Committee of CAC recommendations on where investments in LISS should be directed.

Then *Roland* and *Michelle* provided a background on HEP CAC. *Roland* pointed out the group's efforts to reach out elected officials about HEP's agenda, including the plans to attend the 2010 NJ League of Municipalities. *Michelle* also stressed the group's emphasis on developing stewardship.

Then *Nancy* invited all attendees to share their ideas and thoughts on overlapping issues that both groups could collaborate on. The importance of learning from each other's experiences was stressed. For example, Long Island Sound has a Congressional Caucus that includes representatives from around the LIS area. The LISS CAC pushes them to meet regularly and the Caucus provides an opportunity for representatives with environmental concerns to improve the LIS.

After the group's discussion, HEP and LISS CAC members voted to prioritize the most pressing issues. Below is a list of the topics and number of votes; those in bold and marked with a star are the most voted ones and will be the focus of future efforts. Co-chairs will be in contact to plan the next steps so the two groups can start working together.

Citizens Advisory Committee Co-Chairs

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

- Dredging (8 votes)
 - There are mutual concerns such as marinas & cultural areas being often neglected in dredging management plans because the focus is on commercial dredging
 - A recent study (by Richard Fairbanks, Columbia University Lamont Doherty) links dredging with hypoxia in a deep segment of the East River
 - NYSDEC is looking to create a dredging office
- **Funding (14 votes) ***
 - Mention both HEP and LISS when talking about our own Estuary Program
 - Congressional approach, ask strategically
 - State Revolving Fund—Green infrastructure (4 votes)
 - Look at long-term set asides for green infrastructure
 - Work together to move municipalities to green infrastructure
 - Bring non-traditional groups
 - East River Sewage Treatment Plant upgrades
 - Joint letters would stress the importance of sewage treatment in local waters
 - Long-term investment in clean water
- Working Together
 - Hold annual combined meetings (8 votes)
 - Liaison group between the two CACs (1 vote)
- Energy Projects (8 votes)
 - Regional around NYC as a big energy market—issues of siting plants and networks
 - LIS dealing with marine planning
- Floatables (1 vote)
 - Central database
- Coast Guard & recreational uses (1 vote)
- Work with new DEP Commissioner (0 votes)
- **Climate change as a tri-state/regional issue (10 votes) ***
- **Habitat restoration and stewardship (9 votes) ***
 - No regulatory structure; should be CAC focus
 - Get the government's attention and increase funding
 - Regional Fisheries Restoration (3 votes)
- Resource availability—piggyback on existing infrastructure (1 vote)
- Outreach and education efforts should be consistent among LISS & HEP (1 vote)
- Public Access (3 votes)
 - Tri-state motto (3 votes)

Attendees agreed that this joint session was very fruitful and expressed their interest in collaborating in common issues and interests and continuing to hold joint meetings on an annual basis.

Update on HEP funding

Charles Warren, HEP CAC representative to the Policy Committee, provided an update of recent efforts to secure additional funding and resources for HEP. He has been working closely with HEP CAC Co-Chairs to obtain support from local elected officials. Representative Albio Sires (NJ Congressional District 13) was approached recently and he suggested requesting an earmark for HEP. HEP Co-Chairs put together a proposal, consistent with HEP's Management Plan and Action Plan, to appropriate funds for local stewardship initiatives in NJ between West New York and Perth Amboy. The HEP CAC will be updated on the process at the next meeting.

Pathogens TMDL Development

Larry Levine (Natural Resources Defense Council—NRDC) gave a presentation on the status of pathogens TMDL for the NY-NJ Harbor. The shoreline in the NY-NJ metropolitan area is lined with hundreds of combined sewer overflows (CSOs), often very close to public access points to the water. During most rain events, the combined sewers will be overwhelmed, resulting in discharges of raw sewage mixed with stormwater. These CSOs are the main source of pathogens to local waters. TMDL stands for Total Maximum Daily Load: the maximum discharge of a pollutant that a waterbody can take and still comply with water quality standards. Once the applicable water quality standards are defined (depending on uses of the water body, e.g., swimming vs. paddling), the TMDL process involves determining current discharges, reductions needed to achieve the standards, and how the allowed discharges will be allocated among all sources of the pollutant.

The states of NJ and NY are currently in the process of defining how the existing water quality standards will be applied for TMDL development. The current standard in both NY and NJ is based on a 30-day geometric mean (i.e., the standard is met if, on average, pathogen concentrations do not exceed the standard over a 30-day period). Many organizations have expressed concern because a standard based on an average does not ensure compliance at all times. Most waterbodies in NY comply do attain this 30-day average standard under current conditions, or after planned upgrades to certain water treatment plants are completed. NJ waterbodies would require reductions in discharges between 30 and 100% of current levels. However, the states are proposing to base the standard on a seasonal (May-September) average, which will make it even weaker and allow the discharge of billions of raw sewage per year. Under this scenario all areas would be in compliance under current conditions, with no reductions needed except for a 60% discharge reduction needed in the Passaic River.

Because the U.S. Environmental Protection Agency supervises the TMDL process, NRDC, NY/NJ Baykeeper, the S.W.I.M. Coalition, and other local organizations recently sent a letter to the U.S. EPA Regional Administrator asking EPA to ensure that the standard used for TMDL development is not weakened.

Katie Mosher-Smith made a motion to have the CAC send a similar letter asking that the states do not lower the standards. The motion was approved.

HEP CAC Budget

Gabriela briefly recounted the four budget requests that HEP CAC submitted for consideration:

- \$40,000 for a grants program to raise public awareness of HEP activities, goals and estuary resources (submitted by Zhennya Slootskin)
- \$50,000 to continue with HEP's Stewardship Grants Program (submitted by HEP CAC Co-Chairs)
- \$15,000 to reach out to local elected officials at the 2010 New Jersey League of Municipalities annual meeting. This would cover registration costs, preparation of materials, participation and travel costs for HEP staff and Citizens Advisory Committee representatives (submitted by HEP CAC Co-Chairs)
- \$15,000 to address inconsistent fish advisories in the shared waters of the NY-NJ Harbor Estuary. This would be used to draw together stakeholders to identify the issues and develop improvements in fish advisories that increase their effectiveness (submitted by Margaret Flanagan)

Michelle also pointed out that the HEP CAC received three other proposals that were deemed more appropriate as applications for the existing HEP grants programs.

Rick Balla (acting HEP Director while Bob Nyman is on a temporary detail) then summarized the next steps of the process. The HEP office has received budget requests from all HEP workgroups and committees and is in the process of compiling these requests. Requests exceed available funds for FY 2010. The Management Committee will meet in the next few weeks and will make a recommendation to the Policy Committee on how best to allocate funds. The recommendation will then be forwarded to the Policy Committee for their

consideration. The Policy Committee will meet on April 12 to discuss and approve the final budget. Bob Nyman will be back from the detail.

2010 Stewardship Grants

Gabriela briefed the group about this year's request for proposals for Stewardship Grants (which were announced on March 12). This year there is approximately \$168,000 available for green infrastructure, shoreline cleanup, education, and other types of projects. Instead of face-to-face informational meetings, a webinar will be held on March 24 in hopes that this will make it easier for people to attend. Full proposals are due on April 23. Details about the RFP are posted at www.harborestuary.org

New York City Comprehensive Waterfront Plan

Roland gave a presentation on the Comprehensive Waterfront Plan (CWP). The first CWP for NYC was completed in 1992 and identified four types of waterfront activity areas (natural, public, working, and redeveloping) within 22 zones in the City (see <http://www.nrpa.com/waterfront.htm>). At that time, three areas were designated as Special Natural Waterfront Areas (Jamaica Bay, the Harbor Herons Complex in the industrial northwest corner of Staten Island, and the Long Island Sound/Upper East River area).

In 2002, a new Waterfront Revitalization Plan (WRP) was developed as the City's principal coastal zone management tool and updating the original WRP of 1982 (see http://www.nyswaterfronts.com/initiatives_nyc.asp). The Department of City Planning is currently preparing Vision 2020, a new Comprehensive Waterfront Plan that will build on the 1992 CWP and will identify opportunities & strategies for improving the waterfront. The city is now starting to hold public meetings to identify priorities and recommendations (the first one will be held on April 8; see <http://www.nyc.gov/html/dcp/html/cwp/index.shtml> for details). The Metropolitan Waterfront Alliance will actively participate in the development of the CWP.

Revision of HEP's Action Plan

Gabriela briefly explained the upcoming revision of HEP's Action Plan and the role that the CAC can play. HEP's Comprehensive Conservation and Management Plan (CCMP) was finalized in 1996 and signed by the governors of New York and New Jersey the fall of 1997. This plan outlines a comprehensive strategy to achieve HEP's goal of "establishing and maintaining a healthy and productive ecosystem with full beneficial uses." The CCMP contains about 70 objectives covering 11 broad topics (e.g., habitat, toxics, public involvement/education). Most objectives include several specific actions to achieve HEP's goals. The Action Plan is a document that helps implement the CCMP by focusing on a subset of actions at a time. The Action Plan is a working document that will be updated periodically to reflect new information, evolving priorities, and progress on recommended priorities. HEP will be updating its Action Plan later this year and this will provide an opportunity to review which specific actions HEP will be focusing on in the short and mid term. As members of the Management Committee, HEP CAC Co-Chairs can bring the CAC's suggestions regarding actions that the group thinks should be included in the updated Action Plan. For example, HEP CAC has become interested in fish advisory issues. HEP's CCMP Objective T-10 (see Chapter 3: Toxic Contamination, page 94) specifically addresses this topic, but this objective is not currently included as one of the Priority Actions in the Action Plan. This should be discussed in more detail during the next CAC meeting. The CCMP and Action Plan can be downloaded at <http://www.harboestuary.org/actionplan.htm>

Next CAC Meeting

Gabriela suggested following a schedule similar to that of LISS CAC for our meetings, since the groups expressed interest in holding joint yearly meetings. The next meeting will be held in June in NJ. Details will be sent closer to the date.

The meeting was adjourned at 12:30 pm.

ATTENDEES

HEP CAC members and participants:

Claire Antonucci, NJ Marine Sciences Consortium
Rick Balla, NY-NJ Harbor Estuary Program
Don Chesley, Stevens Institute of Technology
Bart Chezar, Gowanus Dredgers Canoe Club
John Dobosiewicz, Kean University
Michelle Doran McBean, Future City, Inc.
Patricia Doyle, Passaic River Institute, Montclair State University
Maggie Flanagan, South Street Seaport Museum
Edgar Freud, Sierra Club
Robin Kriesberg, Bronx River Alliance
Larry Levine, Natural Resources Defense Council
Roland Lewis, Metropolitan Waterfront Alliance
Keith Mahoney, NY City Department of Environmental Protection
Katie Mosher-Smith, NY/NJ Baykeeper
Gabriela Munoz, NY-NJ Harbor Estuary Program
Gabriel Rodriguez, NJ Congressional District 13
Manuel Russ, Concerned Citizens of Bensonhurst
Adina Taylor, Floating the Apple, Inc.
Charles Warren, Kramer Levin Naftalis & Frankel LLP
Cortney Worrall, Metropolitan Waterfront Alliance

LISS CAC members:

Patricia Aitken, Friends of the Bay
Allen Berrien, Milford Harbor Marina
Al Caccese, Audubon New York
Carol DiPaolo, Coalition to Save Hempstead Harbor
William Cooke, Citizens Campaign for the Environment
John Dunne, Pfizer Global Operation
Martin Garrell, Aldephi University
Curt Johnson, CT Fund for the Environment/Save the Sound
Jon Kachmar, The Nature Conservancy
Aldona Lawson, Town of Oyster Bay
Cesare Manfredi, Federated Conserv. of Westchester County
Bud Raleigh, Darien Advisory Comm./Coastal Waters
Joel Rinebold, Joel Rinebold LLC
Dianne Selditch, SoundWaters, Inc.
Nancy Seligson, Councilwoman for Town of Mamaroneck
Eric Swenson, Hempstead Harbor Protection Committee
Grant Westerson, CT Marine Trades Association
Jennifer Wilson-Pines, Manhasset Bay Protection Comm.
Joel Ziev, Town of North Hempstead Town Hall

Other LISS CAC attendees:

Sarah Deonarine, NYSDEC
Mark Tedesco, EPA LISO
Art Glowka, LIS stakeholder
Larissa Graham, NY Sea Grant