



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

June 3, 2011 10:00 am

Future City, Inc., Elizabeth, NJ

MINUTES

Introductions

Michelle Doran-McBean welcomed participants and all attendees introduced themselves.

Elections

Gabriela Munoz officially announced that Michelle was re-elected as the NJ Co-Chair of the CAC.

HEP Budget

Gabriela gave a brief update on the budget process. The CAC had been asked to submit ideas for projects that could be included in HEP's workplan and budget for fiscal year (FY) 2011 (for projects to be conducted October 2011-September 2012). Going Coastal submitted a proposal to work on fish advisory issues and this was approved by the Policy Committee. In addition, funds were approved to continue the stewardship and public access grants program and to participate in the NJLOM conference, albeit at a lower level than previous years. There have been some tweaks to the amounts allocated for each project and the final amount that will be available for HEP has not been confirmed yet but is expected to be slightly under \$600,000.

There was some discussion on the reduced level of funding and what role the CAC could play to advocate for increased funding, which is one of the topics of interest common to all National Estuary Programs in the region. It was acknowledged that there are some ongoing initiatives. In order to increase the effectiveness of any CAC initiatives in this regard and to avoid duplicating efforts, it was agreed to start by scheduling a conference call with Richard Innes, who advocates for funding for all NEPs in the nation through the Association of National Estuary Programs (ANEP). It was noted that the HEP office staff cannot participate in such efforts because it is federally funded.

Update: Stan Hales (Barnegat Bay Estuary Program) will contact the Association of National Estuary Programs (ANEP) Executive Committee to discuss the possibility of inviting Rich Innes to provide insight/guidance on communication with federal officials either during a Region-wide joint CAC meeting (see follow up to October 5th 2010 below) or the next HEP CAC meeting.

Fish Advisories Project

After some technical difficulties, Barbara LaRocco provided an overview of the proposed project. The main idea is to create a bi-state work study group to improve the effectiveness of fish advisories in New York and New Jersey and better reach at-risk populations such as pregnant women. This work group would be

Citizens Advisory Committee Co-Chairs

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

facilitated by Going Coastal and Future City. A website would also be created with interactive tools that non-governmental organizations can use to advance a consistent message, in spite of the different methods each state uses to establish fish advisories. Future City will provide in-kind contributions for the project, including technical support and meeting facilities in NJ. Bob Alpern suggested including the Science and Technical Advisory Committee in the work group. It was noted that work cannot start until the budget is finalized and an agreement is in place.

Public Access Update

Rob Buchanan provided an update of the Public Access Work Group (PAWG) meeting held on May 25th at EPA. During this meeting, several sites that had been nominated and approved for public access were reviewed; all sites looked promising. The group also discussed the process to nominate and approve a public access, and what specific steps HEP and other partners can take to increase the chances that nominated sites are actually implemented.

Another topic at the meeting was the idea to carry out a Public Access Exchange session to enable small community organizations to network and collaborate. The first step will be to compile a list of contacts.

The main order of business was to develop a Public Access statement for consideration by the CAC. Rob presented an outline at the PAWG meeting and based on feedback by the PAWG, he drafted the statement that was circulated prior to the CAC meeting.

Public Access Statement

The CAC then discussed the options for the public access statement. Because the deadline to submit comments for the NJ proposed Public Access Rules was that same day, the group decided that it was not possible to submit a comment as a group. However, it was noted that a group of organizations, including the American Littoral Society, had put together a statement that anybody could sign on to if they wanted to be in the written record for the Rules.

Regarding contents, Rob Buchanan noted that his initial draft statement attempted to address public access in general because the issues go beyond NJ's Public Access Rules; NYC's recently released Comprehensive Waterfront Plan pays lip service to public access but actually rolls back access. It was suggested that all of these issues are spelled out in the final version. Another important point to make in the statement is that public access considerations are usually not considered in important decisions, such as the plans to raise the Bayonne Bridge, and it is crucial to request that public access interests are represented in these discussions. One point to be added to the statement is the acknowledgement that public access may at times conflict with other concerns such as habitat protection or safety and that the group is sensitive to these conflicts.

Rob will address CAC feedback and circulate the new version for approval.

Update: A draft will be shared with the CAC as soon as it is available for comments and subsequent consideration for approval.

Harbor Coalition

Roland Lewis briefed the CAC about the Harbor Coalition— a campaign to raise federal funds for the Harbor. This is currently a group of ten organizations co-chaired by Alex Brash (National Parks Conservation Association). MWA is currently in the process of hiring a Campaign Director. This campaign was started in part because of the success of other efforts (e.g., Great Lakes) to support environmental

restoration. The recent designation of the NY-NJ Harbor as one of the nation's Great Waters is expected to help in this effort.

At this point, this core group of 10 organizations is leading the effort but, once it picks up pace, everybody will be asked to participate. The Kaplan Foundation provided funds to start this effort and had a significant say on the composition of the initial core group, based on their Washington, DC-related experience. Updates on the Harbor Coalition will be provided at HEP's Policy Committee meetings.

There were questions about how the funds would be administered and whether some would be directed to HEP. At this point the answer is not clear; current models include funds administered by EPA (Great Lakes), US Army Corps of Engineers (Everglades), and a civic organization (Chesapeake Bay). Currently, the idea is to obtain funds for EPA to do work for the Harbor and add 1 or 2 orders of magnitude to HEP funds. There will be a meeting on June 14 with different agencies to discuss this.

Rob Buchanan expressed concerns about whether these funds would go to restoration or could potentially end up going for development. Roland indicated that the goals are broad on purpose to allow flexibility to creatively package a proposal and pointed out that the Coalition thinks that having an overtly environmental mission would probably decrease the chances of success. Andy Bicking agreed that collaborative agendas catch people's attention and that broad interests (environmental, commercial, private) need to be taken into account in order to succeed.

Possible Expansion of HEP's Geographic Scope

Bob Nyman explained that last year New York State proposed to expand HEP's area north to include all tidally influenced waters, up to around Albany. This proposal drew strong support from some HEP partners and strong opposition from others, mainly the Port Authority of NY and NJ (PANYNJ), the NJ Department of Environmental Protection, and New York City, based on concerns of being neglected and underfunded with respect to the upstate region. After a series of discussions, it was clarified that the focus should be on what is the best strategy to increase funding for HEP.

Andy Bicking indicated that the upstate community, which includes nine urban cities as well as rural areas, is interested in being part of the National Estuary Program as it is the only program of its kind that can serve the resource that is shared between two states, including the NYC metro area, upstate NY and inland NJ. Regarding concerns about equitable funding for NYC and NJ, Andy indicated that an agreement could be made setting a base level of funding for the core harbor while also supporting a broader geography. He noted that Chris Ward and Congressman Tonko made favorable comments in terms of a "one estuary" approach at a recent public event. He also noted that the proposed expansion would not prohibit any existing group or coalition from advocating for their own priorities.

Bob Alpern reminded the group that HEP's geographic scope is also supposed to include the Bight.

Chuck Warren shared his opinions regarding HEP's geographic scope and funding. Efforts to increase funding over the years have not been successful. What is needed is a broad basis of support from Congressional members in both NY and NJ. Given the difficult climate in DC, no earmarks are possible. Funding could be obtained by having a strong group of Congressional members from both states pushing for the President's Budget to include funds for HEP via an appropriation for EPA. Regarding HEP boundaries, he has supported the expansion—even though there are some issues to resolve—because it will bring a larger group of Congress members to the fight and that will increase the chances to get a larger

appropriation. Those funds should be spent according to HEP priorities to ensure that no one is shortchanged.

Roland mentioned that, according to Senator Gillibrand, HEP's urban focus is a strength—not a weakness—and that we should think twice before looking upstate.

After that, a majority of attendees indicated that they were in favor of HEP expanding its geographic scope. Note, however, that there were only 8 voting members present (those joining by phone had already signed off) and a quorum was not achieved.

Follow up: Bob Nyman is working on a new paper summarizing the pros and cons for the various options. Please send any additional comments to Gabriela (gabriela@harborestuary.org). Once this paper is finalized, the Management Committee will study it and propose a path forward to be considered by the Policy Committee.

Follow up to October 5th 2010 meeting with regional CACs and U.S. EPA Regional Administrator Judith Enck

EPA has convened a conference call for June 6 with CAC Chairs from all 6 National Estuary Programs in the region to follow up on last year's meeting. Roland summarized his and Michelle's views. The October 2010 meeting was a great opportunity to interact with other CACs and there were certainly many issues of common interest. However, taking actions to work together would be very difficult without EPA support, as it would involve a large time investment.

After some discussion, the group agreed that having an annual meeting with all the CACs would be helpful, as long as there is follow up from EPA, including feedback on issues and indicating how CAC input would translate into action.

Update: The following actions were resolved during the June 6 conference call. More details will be shared when available:

1. There was support for a second, topic-focused all-CAC meeting in the October 2011 time frame. EPA will provide organizational and logistical support for the meeting. Focus will be on the top priorities of (a) *valuation of estuaries* and (b) *communications campaign*. A possible theme for the communication campaign is: "*Large populations with a lot of water under stress.*"
2. Stan Hales will contact the Association of National Estuary Programs (ANEP) Executive Committee to discuss the possibility of inviting Rich Innes to provide insight/guidance on communication with federal officials.
3. Programs that have valuation materials or notable contacts should share them.
4. Programs that have communication materials should share them.

HEP CAC participation at the New Jersey League of Municipalities

Gabriela provided a brief update. HEP reserved a booth for this year's Annual Conference (Nov 15-17) and we were counting on having another workshop or panel session. However, the League was concerned about the low attendance last year and did not want HEP to have a session unless we took steps to attract a larger audience. We held a conference call with CAC Co-Chairs and all of last year's panelists and it was decided to propose a session focusing on combined sewer overflows (CSOs) and Total Maximum Daily Loads (TMDLs) and what this may mean for municipalities in the future in terms of upgrades and other actions likely to be required. This session was in line with a series of public meetings that NJDEP was planning to conduct and it was expected to be of great interest to municipalities. In addition, we would

have been able to provide credits, further increasing the chances of attracting a large audience. However, NJDEP put on hold their TMDL outreach plans and was thus not able to commit to participating in the panel. The League did not allow extra time to plan a different panel or session as they already had other sessions lined up and ready to go. However, they assured us that not having a panel this year would **not** hurt our chances of offering one next year.

HEP options include:

1. Attend the League Conference and host the exhibit booth only. However, the main goal for attending the conference is to build relationships with NJ elected officials and based on last year's experience, a booth with no workshop or panel session is unlikely to be very effective. Attending the League is a huge time commitment for HEP staff.
2. Host a table during the Consulting Period on Tuesday from 2-4PM. This can be done independently of HEP having a booth. The Federal government has consulting tables for the Departments of Agriculture and Labor; and the NJ DEP has several tables. It is a good way to have one-on-one consulting on a complicated topic that does not lend itself to a full session. There is no cost to have these consulting tables. They are by invitation only and many are repeat consultants for several years as issues arise).
3. Do not attend the League this year and focus on holding another type of event to help build relationships with NJ Municipal officials (different venue and date, possibly modeled after the CRP outreach meeting in Elizabeth in January; Mayor Bollwage helped plan this meeting and invited northern NJ mayors to attend)

After some discussion, it was agreed that the best option for this year is # 3.

Harbor Literacy Points

Gabriela gave an overview of the Harbor Literacy Points and reminded meeting attendees that the Education Task Force has been seeking to involve NJ educators in this effort. The Metropolitan Waterfront Alliance convened the Harbor Education Task Force a few years ago. A subcommittee of this Task Force has been working on putting together the Harbor Literacy Points; a few key concepts that everyone should know about the New York-New Jersey Harbor Estuary. Betsy Ukeritis, an Environmental Educator with the NY State Department of Environmental Conservation, has been trying to engage NJ educators in this process with limited success and we wanted to make sure the CAC was aware of this effort. The process should not be terribly taxing and it would help finalize the literacy points and find how these could be correlated with the NJ learning standards in science, math, social studies, and language arts. You can learn more about the Harbor Literacy Points and the Harbor Education Task Force by reading the article on page 4 of the Spring 2011 issue of The Tidal Exchange (see <http://www.harborestuary.org/newsletters.htm>).

Follow up: If you are interested in participating, please contact Betsy directly (her email was circulated in previous communications) or let Gabriela know (gabriela@harborestuary.org) and she will put you in contact with her.

2010 Stewardship Grants Updates

An update on Rockaway Waterfront Alliance's *Aqua 101* youth stewardship program was circulated among attendees. The update highlighted lessons learned and aspects of the program that could be replicated or be useful to other organizations.

Glenn Lautenbach provided an update on Keane University's *Environmentors* program. The students have been working on various projects and three of them were selected to present their results earlier that week in Washington DC, together with students from other *Environmentors* programs throughout the country.

HEP Updates

Gabriela provided several HEP updates.

Grants: Over the past three weeks, Kate and Gabriela have been coordinating the grants review process, which has involved a panel of 14 reviewers and a series of 6 meetings. This year a joint request for proposals was released for both public access and stewardship grants. We received 37 proposals and the review team selected 9 for funding. Notifications are being sent today to all applicants and detailed constructive feedback will be provided by the end of the month to those not funded.

Educational Materials Survey: HEP is working with NY Sea Grant to carry out a small needs assessment on how to improve our existing educational materials and determine what types of new materials would be most useful in terms of format, topics, target audience, etc. The survey will include NY & NJ organizations and NY Sea Grant will be in consultation with an Advisory Committee that represents both NY and NJ.

New HEP Website: Kate Boicourt had great suggestions for reorganizing HEP's website (www.harborestuary.org) and making it more visually appealing. We are currently working with our webmaster on these changes, as well as putting together updated and new content for the site. Gabriela showed some of the main changes, including drop-down menus, rotating images and stories on the home page, a more intuitive organization of contents, more use of images to make the pages more visually appealing, and a new calendar of events. This is a work in progress, so expect the site to keep improving. One of the areas that needs some work is the CAC page. We welcome any suggestions you may have for this page.

Follow up: if you have any suggestions for the CAC page (or other elements of the website) please send them to Gabriela (gabriela@harboestuary.org).

CRP Nomination Process

During last CAC meeting in December, Maggie Flanagan asked to take a look at the Comprehensive Restoration Plan (CRP) nomination process for new sites and have the CAC help bring attention to overlooked sites. Maggie was not able to attend this meeting but she sent a brief note pointing out that the nomination process may help lower to middle class urban communities highlight their interest in local waterfront restoration, and could help improve local waterfront access. As an example, she mentioned the crumbling seawall at the Queensbridge public housing project on the East River in Queens; through the nomination process, it might be considered to rebuild this, at least partially, as a softer edge for habitat and recreation, like the "Designing the Edge" project on the Harlem River, instead of rebuilding another cement wall with a fence. CAC members are uniquely positioned to call attention to sites that are important in their communities and are welcome to bring these issues to the table and to nominate sites, either as individual members or as a group. Kate noted that the CRP nomination form has been recently updated and that HEP Restoration and Public Access work groups are currently working to improve tracking and reporting of sites that are nominated and whether habitat restoration and/or public access are actually implemented in those sites. The new nomination form and a sheet with frequently asked questions are posted at www.watersweshare.org.

Proposed Changes to CAC Bylaws

According to the bylaws, "All CAC members shall have voting rights except those representing state and federal government agencies..." and "If any member of the CAC or his/her designated alternate fails to attend half or more CAC meetings per year without sufficient explanation, the Chairs may recommend removal and replacement of that member" (Article III, Sections 5 and 4, respectively). The second provision has not been

enforced and, as a result, the current quorum is artificially high, which becomes an issue when voting. Gabriela proposed to amend Article III, Section 5 to limit voting rights based on attendance, to read (insertion underlined): "*All CAC members that have attended half or more CAC meetings in the previous year shall have voting rights except those representing state and federal government agencies*". The alternative would be to strictly enforce the provisions in Article III, section 4; however this is more cumbersome.

Follow up: Please send an email to Gabriela ([gabriela@harboestuary.org](mailto:gabriela@harborestuary.org)) indicating whether you agree with the proposed change. 10 votes are needed to approve the motion.

Open Forum

Bob Alpern asked to include Indian Point in the agenda for next meeting. Michelle requested to please send specific topics and aspects to be discussed to help plan the meeting.

Regarding the topic of geographic expansion, Harvey Morginstin requested to delineate the new geographic scope, including Albany, the Bight, Long Island Sound, and coastal NJ.

Michelle brought up some challenges to a geographic expansion that were pointed out to her during the lunch break. A good amount of research and data collection has already been conducted in the core area in NY and NJ. If the geographic scope were to be expanded, a lot of work regarding protocols would have to be re-done and it could take another 10 years to collect new data.

Manuel Russ asked if ferry services in our region could be used to obtain water quality data.

Gabriela asked the group to start thinking about the possibility and pros/cons of re-combining the CAC and Public Access Work Groups, as many topics are of interest to both groups.

Bob Alpern reminded the group once more that HEP should consider modeling its grants program after the Long Island Sound Study, which combines public access, stewardship and habitat restoration in a single request for proposals.

Next CAC Meeting

A date for the next CAC meeting will be suggested after the conference call on Monday regarding follow up on the regional CAC meeting. If it is decided to hold a second joint meeting of the 6 regional CACs, our next HEP CAC meeting will take place prior to the joint meeting.

Update: The next CAC meeting will probably be scheduled in September in New York City. A "save the date" email will be sent as soon as a specific date is selected.

The meeting was adjourned at approximately 2:30 pm.

ATTENDEES

Robert Alpern
Andy Bicking, Scenic Hudson
Kate Boicourt, HEP
Nancy Brous, NYC Water Trail Association
Rob Buchanan, NYC Water Trail Association
Don Chesley, Stevens Institute of Technology
Alan Cohn, NYC Department of Environmental Protection
Meredith Comi, NY/NJ Baykeeper
Michelle Doran McBean, Future City, Inc.
Barbara LaRocco, Going Coastal, Inc.
Roland Lewis, Metropolitan Waterfront Alliance
Glenn Lautenbach, Future City, Inc.
Bhavin Mistry, Future City, Inc
Harvey Morginstin, Passaic River Boat Club
Gabriela Munoz, NY-NJ Harbor Estuary Program
Robert Nyman, US EPA Region 2
Manuel Russ, Concerned Citizens of Bensonhurst
Clay Sherman, NJ DEP DWM
Rosalie Siegel, The Port Authority of NY and NJ
Adina Taylor, Floating the Apple, Inc.
Chuck Warren, Kramer Levin Naftalis & Frankel LLP
Nina Zain, The River Project