

**MEETING OF THE
CITIZENS ADVISORY COMMITTEE
OF THE
NEW YORK/NEW JERSEY HARBOR ESTUARY PROGRAM**

May 17, 1999
Hudson River Foundation
40 West 20th Street, 9th Floor
New York, NY

A list of meeting attendees is included at the end of the meeting minutes.

Status of HEP Office and Non-profit Accounts

The HEP office will be located within the EPA Region II offices at 290 Broadway, and Bob Nyman will serve as Director of the office (he will remain an EPA employee). A few options are being explored for how to hire the other technical/outreach staff for the office, including through the EPA's SEEP program (whereby retired professionals are assigned to work for EPA full time) and through a "reverse IPA" process which would place an employee from another government agency "on assignment" at EPA.

HEP is pursuing establishing non-profit accounts at two organizations who have volunteered to administer such accounts: the New Jersey Community Fund and the Hudson River Foundation. Funds that are eventually deposited in these accounts would be used primarily for HEP research, monitoring and outreach activities and projects. Most of the money is expected to come from future environmental settlements.

Updates on HEP Work Group Activity

The Nutrients Work Group, recently combined with the NWG of the Long Island Sound Study, is currently focused on examining the results of the SWEM and on implementation of nitrogen reduction projects.

The Habitat Work Group has produced an Annual Report and issues maps of Jamaica Bay and the Arthur Kill. They would like to create such maps for all the major water bodies in the region in order to focus restoration activities on appropriate water body-specific endpoints. For many of the recommended restoration and acquisition projects included on the HWG's map, New York Bond Act funding has been obtained. A controversy had arisen about the use of the word "priority" on the site map – Commissioner Shinn of NJ DEP had objected to that wording on the grounds that the Department could not guarantee that their priorities would parallel HEP's due to litigation or other constraints – but he withdrew his objection and the map has been ratified.

The Pathogens Work Group will reconvene but had not yet as of the CAC meeting. Ben Longstreth of the Baykeeper reported that a contingent of Sandy Hook clambers had met with Baykeeper and EPA representatives to discuss shellfish bed reopening issues.

The DMMIWG has continued to discuss short-term options for dredged material disposal. There has been opposition to disposal in borrow pits in Jamaica Bay, and Bernie Blum (Friends of Rockaway) stated that he will continue to oppose the pilot projects being discussed for Jamaica Bay if recontouring or runway culverting in the Bay are not discussed as options for increasing flushing. Mr. Blum also distributed a letter from Henry Stern (attached), to which he objects, about the possibility of using open marsh water management as a mosquito control mechanism in the Rockaways.

NRDC's Bight Project

Representatives from NRDC made a presentation to the group about their new Harbor and New York Bight initiative. Carolyn Summers reported that the program will be funded for 8 years, and would like to work with existing programs such as the HEP in order to identify gaps that they could fill. A fact sheet about the program is attached.

The first project they will be undertaking will be a "report card" on the HEP modeled on one they produced last year for the Long Island Sound Study. They would also like to prepare a report or matrix of bioindicators for the harbor, and would be happy to work with the HEP on the production of a State of the Estuary report. Hank Smeal of NRDC commented that some of the options they are exploring with respect to bioindicators include a resurvey of the harbor system to compare to data that was collected in the early 1970s and mid-80s.

Laura Siegel of NRDC provided more detail about the Report Card project, which was successful in Long Island Sound in increasing awareness of local environmental issues. The project will begin with by surveying local governments in the Bight watershed, beginning with coastal municipalities. The goal of the survey will be to determine what local governments are doing with respect to land use, zoning, and planning that could impact water quality and coastal habitats. A questionnaire is being drafted to send to local government representatives in the coastal municipalities which will emphasize questions pertaining to habitat and land use, sewage, stormwater runoff, water access and open space, and wetlands. Many challenges have already been encountered with respect to identifying the borders of municipalities and finding the appropriate government representatives to work with.

There is a GIS component to this project, also, in which ARCview maps of permitted dischargers and other point sources are being overlaid on maps of the municipalities.

The results of the surveys will be compiled and distributed in July of 2000 to the media, agencies, and the public.

Gene Flatow stated that there are a number of ways that this project could be supported by and coordinated with HEP efforts and other ongoing initiatives. For example, the City's Use and Standards Attainability Study will be establishing advisory committees for each water body in its jurisdiction, and the HEP has a (admittedly unwieldy) yearly tracking report to track CCMP implementation. It was also suggested that NRDC reach out to fishing groups and to ANJEC in New Jersey for help.

Corps of Engineers Nationwide Permits

Carolyn Summers explained the history and status of the Corps nationwide permit program that is currently coming under scrutiny. She said that in New York, where the permitting authorities of the Corps and the State are totally separate, the Corps regulates all wetlands of any size, and operates under a nationwide permit, which allow small wetlands to be filled or altered with only notification required (rather than public comment, review, and a separate ruling by the Corps). In New Jersey, the State has taken over the wetlands permitting program from the Corps for freshwater wetlands, but the Corps can override state decisions. The Corps is currently reviewing their entire nationwide permit program, under pressure from a lawsuit being filed by NRDC, on the grounds that the cumulative negative effects of the projects authorized under the nationwide permit system are significant. They have received public comments and should be distributing a new draft in June and plan to adopt the new nationwides in September.

Fisheries News

Bill Marinaccio reported that fluke and mackerel fishing have been good, while flounder and cod fishing are poor. Ms. Flatow commented that the HEP CCMP does not place enough emphasis on fisheries management.