

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

May 15, 2000  
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.

Meeting attendees introduced themselves.

***Corps of Engineers Habitat Restoration Projects***

Len Houston of the New York District of the Army Corps of Engineers gave a presentation on the Corps' new habitat restoration initiatives taking place in the Harbor. He described the criteria that must be met in order for the Corps to undertake a habitat restoration project: the project must be significant locally, regionally and nationally; it must be technically feasible and cost-effective; and there must be a non-Federal cost-sharing sponsor for the project. There are two mechanisms by which the Corps carries out these environmental projects: through their Continuing Authorities Program (CAP) which has blanket Congressional authorization (no separate Congressional action is necessary because these projects are part of the everyday functions of the Corps) or through traditional civil works programs in which Congress authorizes a specific project. CAP projects are targeted to a specific site, have a funding cap of \$5 million (federal share) for study and construction, and their study/design phase lasts from 1½ to 2½ years. Five CAP studies are ongoing in the Harbor area: Lincoln Park, a salt marsh restoration project being carried out in partnership with the Barkeeper in the Hackensack River; Rahway River, a stream bank and salt marsh restoration project also being carried out with the Barkeeper; Treasure Lake, a freshwater marsh restoration in Cliffwood Beach, NJ; Spring and Gerritsen Creek, a salt marsh restoration in a tributary to Jamaica Bay; and Soundview Park, a restoration of a marine embayment in the Bronx.

Under the traditional civil works program, which are more extensive studies (the study/design phase is 3-5 years) on a watershed or sub-basin scale, there are four projects ongoing in the Harbor. First, the Jamaica Bay Ecosystem Feasibility Study, being carried out in partnership with NYC DEP, has identified 13 sites where restoration measures (regrading, plantings, excavation, etc.) can take place. The feasibility study will be completed in late 2001 or early 2002. Second, the Flushing Bay Ecosystem Feasibility Study is a partnership among the Corps, NYC DEP, and the Port Authority. Potential specific restoration sites are still in the process of being evaluated and chosen. The third project, the Bronx River Reconnaissance study, is entering the feasibility stage now, and awaits approval of a cost-sharing agreement by NYC DEP, NYS DEC and Westchester County. Carolyn Summers (NRDC) warned against

overemphasizing pond restoration at the expense of destroying wetland habitat that silted ponds may have become. The largest of the four projects is the Hudson-Raritan Estuary Recon, which just began in January of this year and is in its earliest stages. This extensive project will be carried out in close collaboration with the HEP Habitat Work Group, and is still working to identify non-Federal sponsors. So far over 150 sites have been recommended for inclusion in the list of restoration sites; that list will need to be culled. The draft recon report is undergoing in-house review and should be ready to go to Headquarters in July. Bernard Blum (Friends of Rockaway) asked how the Jamaica Bay Feasibility Study fits into this one; Mr. Houston explained that there may be some Jamaica Bay sites included in the Hudson-Raritan program but the Jamaica Bay study is much further along. Mr. Blum emphasized that agencies involved in restoration projects must communicate with each other, to avoid incidents such as the one that happened in Dubos Point where the Parks Department received a citation for destroying habitat with heavy equipment used during a restoration project. There was a discussion about the consideration of the effects of sea level rise on proposed projects; Andy Willner (NY/NJ Barkeeper) encouraged the Corps not to rule out projects that might be affected by sea level rise, but instead to include more upland projects in their final list. In response to another question, Mr. Houston stated that restoration projects will not be undertaken unless a permanent easement can be secured on the sites so that the project can be guaranteed to be permanent.

#### ***Update on the Hackensack Meadowlands Special Area Management Plan***

Anne Galli (Hackensack Meadowlands Development Commission (HMDC) Environment Center, Co-chair, CAC) gave a presentation on the status of the Special Area Management Plan (SAMP) for the Hackensack Meadowlands. She said that the SAMP was conceived of as a way to undertake comprehensive planning for the Meadowlands and to resolve land use and environmental conflicts there. A draft Environmental Impact Statement was prepared in 1995, followed by a series of public meetings at which many suggestions for changes were made. Since then, the EIS has undergone many modifications, and discussions continue as to what the SAMP should say. It currently calls for 400 acres of the Meadowlands to be filled (plus 100 more for transportation projects), down from 1500 acres in the draft plan, and includes 34 projects. The final EIS is still being worked on, and a Record of Decision could be issued as soon as the end of this year. If the SAMP is adopted, HMDC will revise their Master Plan and zoning to comply with the SAMP. Once the SAMP is in place (if it is approved), the application process for new development will go through the HMDC first to determine the project's consistency with the SAMP, and to find ways to minimize impact of the project. Projects under 10 acres will be covered under a general permit, and projects over 10 acres will be subjected to an abbreviated Federal permit review. Mitigation and implementation of Best Management Practices will be required. The SAMP will be revisited every 5 years to determine the success of its policies and to determine if changes need to be made.

Mr. Willner stated that the fact that the SAMP allows development in the wetlands is antithetical to the Clean Water Act's requirement that coastal development be water-dependent. Due to this violation, and other legal objections to the SAMP, Mr. Willner stated that if the SAMP is implemented, Barkeeper will sue to have it blocked. Barkeeper and a cadre of other organizations have formed the Hackensack Meadowlands Preservation Alliance to promote the

concept of creating a National Wildlife Refuge in the Meadowlands and the Hackensack Meadowlands Partnership which is another coalition of organizations organizing to preserve the Meadowlands.

Ms. Galli responded that through the existing process, all wetlands not currently proposed for fill will be set aside as permanently protected open space, in which HMDC has already started acquisition and restoration.

Bill Sheehan (Hackensack Riverkeeper) added that the idea that the Meadowlands is a degraded ecosystem and is better filled in than restored via natural processes is false. He stated that the ecosystem has improved tremendously thanks to the Clean Water Act, the HMDC in its early years, and the tireless work of concerned citizens. He added that development is already occurring in some places in the Meadowlands. He invited participants to come out on one of the boat tours of the Meadowlands that he runs to see the variety of life that is there. Ms. Galli stated that the HMDC also offers a boat tour of the Meadowlands.

Dave Lutz (Neighborhood Open Space Coalition) drew a parallel between this issue and the fight in NYC for preserving community gardens and to NOSC's and others' efforts to create the Greenway trail. Trails and other access projects can help increase the public's exposure to our local natural areas, thereby increasing their appreciation and valuation of those resources. Ms. Galli responded that there are plans for such trails in the Meadowlands.

Gene Flatow (NYC Soil & Water Conservation District, Co-chair, CAC) said that she would like to understand how the Comprehensive Port Improvement Plan fits into plans for the Meadowlands, considering that some of the proposed development may be warehouses.

The importance of the Meadowlands as a flood barrier was discussed. Mr. Willner stated that as more development is allowed in the Meadowlands, nearby businesses and homes will be flooded more often as the storage capacity of the wetland is destroyed by filling.

[NOTE: A public comment period and public meetings have just been announced to accept comments on the application of Empire, Ltd. for their Meadowlands Mills project, a large mixed-use commercial development in the Meadowlands that would fill about 200 acres of the wetland. Written comments are being accepted until September 11, 2000, and a public hearing will be held on August 29. For more information, contact Steven Schumach at the Corps of Engineers at 212-264-0183.]

### ***Help the Harbor Meetings***

Ms. Flatow outlined a proposal that she is planning to make to the Management Committee to hold a new series of Help the Harbor meetings similar to the ones held by the HEP in previous years. The focus of these community meetings will be to highlight the progress and successes of the program and to ask community members what they feel to be missing from the plan so that the HEP can identify gaps and fill them.

***Other Announcements/Business***

Ms. Flatow suggested that CAC members review the Management Committee meeting agenda and get back to her if you have particular concerns; most of the agenda items are simply update reports.

Mr. Houston stated that a more detailed report on the Corps' Jamaica Bay project he described at the meeting will be made to the Jamaica Bay Task Force on June 8.

Mr. Willner reported that he had met with the Rear Admiral of the Coast Guard, who had agreed to pay for and supply pump out boats for the entire fleet for the upcoming OpSail.

Vince Mackiel (resident of Perth Amboy) asked if anyone knew the status of Amboy Aggregates' plans to mine sand offshore. Mr. Willner said that the decision as to whether an EIS would be required for the project has still not been made.