



New York - New Jersey Harbor Estuary Program

Joint Meeting of the HEP Habitat Workgroup & Citizens Advisory Committee April 11, 2006

Future City, Inc., 1045 E. Jersey Street Bonnell House, Elizabeth, NJ, 07201
10:00 AM to 1:00 PM

Acquisition Site Nomination: West Essex Highlands, West Orange, NJ

Paul Tractenberg, WE CARE (West Essex Committee Against Rezoning Excesses), & Rich Hehmeyer, TPL nominated the West Essex Highlands site in West Orange, NJ. It is a 120 acres site. This site runs from the Canoe Brook to the Passaic River to Newark Bay. The owner of the property is a major per and the planning board has denied the application for development of the land by the owner. A top priority of the West Orange Open Space Committee is to preserve this property. It is the largest undeveloped property remaining in West Essex. This site has extensive wetlands and an Indian bat habitat. It is on the ridge line of the second Watchung Mountain. The town derives water from this property. If this site is developed, 13, 130, 000 gallons of water would be lost. There was some discussion as to whether or not the site is in the HEP Core area. It was decided that this issue had to be brought to the attention of the HEP Management Committee (MC). The HWG voted for the site to be on the HEP habitat list, but this decision is contingent on the MC's decision about whether or not the site is geographically in the HEP area.

HEP Site Update: Bush Terminal, Brooklyn, NY

Paula Roy, NYC EDC, presented the status of the restoration being conducted at the Bush Terminal, Piers 1-5 in Sunset Park, Brooklyn. It is a 24 acres site. The area is residential east of the Gowanus Expressway and it is industrial west of the Gowanus Expressway. Paula presented a brief history of the area. In the 1900's, Irving T. Bush built the terminal. It was the world's first integrated industrial park. In the 1970's, Piers 1-4 were partially filled for a container port. In the 1980's, it was deemed a level 3 hazardous waste site.

There are about 2-300 bird species and there are aquatic species found in the ponds that were created between the piers. NYC EDC wants to reactivate this area and come up with a strategic plan for it. This area is also viewed as open space and a public waterfront access point. NYC EDC conducted workshops and public meetings in regards to the remediation. NYSDEC awarded Bond Act funding for the remediation. The remediation will include the creation of two recreational fields, maintaining the wooded areas and ponds on the site, and a cleanup of the contaminated sediment. Remediation of the area will include a 2-ft soil cover on the landfill; 6-in soil cover in the existing wooded area; and covering the sediments of the shallow pond area by

filling and covering the deeper sediments. The NYSDEC Bond Act monies will cover the remediation, some development, and transportation improvements. There are plans for a park, sports field, landscaping, environmental education facility, interpretative signage, a children's play area with equipment, park furniture, boardwalk structures through the wooded area, and railing.

A final conceptual plan will be complete by Fall 2006. The total project cost is \$35 Million. Maintenance will cost \$850,000 to \$1 Million. Schematic and final design will be complete by Fall 2007. Construction is scheduled to start in 2008. The area will most likely be run as a NYC park with a separate maintenance company.

Ludger Balan (The Urban Divers Conservancy) asked Paula about the beach area and she responded that a lot of the details will be worked out in the remedial design.

The site was considered for the No Action Alternative, but it was decided that the remediation had to be done.

NYC EDC is scheduled to have more public meetings in June 2006.

Hudson Raritan Estuary Study Update

Len Houston (USACE) led the discussion. There have been a number of meetings. There are two phases – (1) development of a Master Plan and (2) development of an internal plan for the USACE. HRF had a workshop where they were looking for targets to come up with goals. The USACE will work with the HWG to come up with sites. USACE wants to work with HWG.

The Master Plan will include everything even if USACE cannot do the work. USACE will need input on process and targets. Master Plan deadline is 2007 and the Internal USACE Plan deadline is 2008. Individual reports for each site has not happened because they do not have the money. It will be up to the individual sites to come up with the matching funds for each site.

HRF proceedings from their workshops will be online. GIS will have to be used to identify sites by using characteristics.

Alex Brash (NPCA) wants to sell as a package the sites to Congressional representatives.

Bob Mancini (NJDEP) thinks that we should look at the Barnegat Bay Estuary Program's Plan. Terry Fowler from UASCE worked on this plan.

Carter Craft (MWA) thinks that the HWG and CAC should conduct direct advocacy and help.

NYSDEC's Permitting Policies for Oyster Reef Restoration/Creation on the NY side of the Harbor

The HWG heard from various different partners for this discussion.

NYS Department of Environmental Conservation

Charlie deQuilfeldt represented NYSDEC on this matter. Charlie had Debbie Barnes's (NYSDEC) notes and he spoke to Steve Zahn (NYSDEC) prior to this meeting. NYSDEC had public health concerns in the past, but now shellfish restoration is part of NYSDEC's plan, such as for scallops in the Peconics and oysters above the Tappan Zee Bridge. NYSDEC is supportive of pilot projects and oyster gardening. NYSDEC is supportive of projects in areas where oysters were historically found. Monitoring has to be conducted for the project so that they can support larger oyster projects. NYSDEC is in the process of developing a NY State shellfish restoration plan and policy and it is approximately a year away from being complete. In the meantime, all proposed projects will be looked at on an individual basis.

Permits that would be needed are an aquaculture permit, shellfish bed permit, a scientific collecting permit, and a tidal wetlands and protection of waters permit. Debbie Barnes would be the first person at NYSDEC that one should talk to and Steve Zahn would be the next person. Before shells are put on the bottom, a benthic resource investigation needs to be conducted to determine what is there.

NYSDEC still has public health concern since the public could harvest the oysters.

NJ Department of Environmental Protection

Gustavo Calvo represented NJDEP on this matter. He has worked with Debbie Barnes on oyster reef creation and NJDEP has similar concerns as NYSDEC. NJ has a 1963 survey of historic habitat areas of shellfish distribution. They are using this survey as a baseline when they look at the area of interest for a potential project. Another survey was conducted in 1980. NJDEP is concerned about public health. Oyster reefs should be created in waters that are open to shellfishing and are classified as shellfish growing waters. Permits will also be needed from NJDEP.

NJDEP is putting money into non-point source pollution to improve waters.

The River Project

Dr. Michael Kirby has GIS information of the historical oyster reefs in the Harbor. The three data sources in GIS are historical, fishery, and field surveys. This information can be used to restore historical reefs. He has historical information on the Hudson and would like to include the all of the major waterways. Dr. Kirby does not know if the oyster reefs were alive when the Europeans arrived.

J.T. Boehm from the River Project talked about their (The River Project, The NY-NJ Baykeeper, & The Harbor School) project where they would like to out an oyster reef off of Tribeca at Pier 26 in the Hudson River. They will create an education program associated with it. They have engineering drawings of Pier 26 and they have inventoried the wild oysters. They find more oysters settled there each year. Oysters die by the next year and the rate of death increases in the intertidal zone. Dr. Kirby said that oysters do not do well in the winter in the intertidal zone. They have money from NYSDEC to look below the low-tide zone to see what is there in regards to oysters. Oyster gardening at Pier 26 has shown that the rates of growth are better, but are growing slowly below the low-tide zone.

NY-NJ Baykeeper

The oyster gardening program in New York has a 20,000 oyster cap and the Baykeeper cannot do anything with them. Baykeeper does not have an oyster reef in NY waters and the NY oysters cannot be transported to NJ waters. The NJ oyster gardening program generates 50,000 oysters.

NYC Department of Parks and Recreation Natural Resources

Janine Harris represented the NYC Parks and she said that they would like to conduct their project in the Bronx River at the mouth of the Bronx and East Rivers on the south side of Soundview Park. NOAA and the Wildlife Conservation have provided funding for the project. They are proposing to put shells in a bag and put them in the water. They need a sub-tidal area where there is an 8-foot tidal range. They have done oyster gardening on the Bronx River and the oysters grew well and they have seen spat. Live oysters have been seen living there on tires.

General Discussion

NY does not have the same surveys as NJ does for recent years. NY has benthic mapping of the Hudson River not the Harbor and historical maps. NY does not have maps of what remains now in the Harbor in regards to shellfish beds.

NY waters do not meet shellfishing standards. Project design has to include looking into public health issues. The public should be educated about oysters.

HEP Budget Update

Bob Nyman (USEPA) discussed the HEP budget with the CAC and the HWG. Carter Craft (MWA) talked about doing something to commemorate the 10-year Anniversary of the CCMP. Carter wants the CAC and HWG to write a letter to Congress to support the work of the USACE in the Harbor. Alex Brash (NPCA) thinks that letters should be written and that there should be a lobby day for those that can do that.

Bob Mancini (NJDEP) talked about the Corporate Business Tax and the \$5 million surplus and how some of the money could be used for restoration projects. The money is earmarked for areas with watershed approved plans. Projects are going to be identified for funding during July 2006 to June 2007.

HEP Stewardship Program Update

Laura Bartovics (NYSG/HEP) told the HWG and CAC the three Stewardship Program projects that are going to be funded. The three projects are:

- (1) Title: New York–New Jersey Harbor Education Program (NYNJ Harbor Ed)
 - Partners:
 - i. Brooklyn Center for the Urban Environment
 - ii. New Jersey Marine Sciences Consortium
- (2) Title: Friends of the Estuary
 - Partners:
 - i. Association of New Jersey Environmental Commissions
 - ii. Council on the Environment of New York City
 - iii. Future City Inc.
 - iv. New York Academy of Sciences
 - v. New York City Soil and Water Conservation District
- (3) Title: Increasing Harbor Stewardship through Oyster Restoration in New York City
 - Partners:
 - i. The River Project
 - ii. NY/NJ Baykeeper
 - iii. New York Harbor School

NYSDEC's Proposed Delisting of Waters from the 303(d) List

Larry Levine (NRDC) presented this topic. NYSDEC's 2006 proposed list to the EPA includes the delisting all of NYS waters in the Harbor that is under TMDL development. It is premature to delist the waters. The rationale is to address pollutants through other control measures other than TMDLs, e.g., CSO abatement projects in NYC. NYC water quality standards will weaken and TMDLs will not be needed through the use designation. EPA granted an extension to NYSDEC for their final proposal. They are not allowed to eliminate uses of the water. NYCDEP will submit to NYSDEC a Use Attainability Analysis. Jeff Myers will be addressing these concerns and agrees with NRDC's points for Jamaica Bay, which is retracting downgrades for Jamaica Bay. EPA has similar concerns. This issue should be passed on to the Management and Policy Committees.

CMRC Business Stewardship Initiative Update

Joel Banslaben from the Coastal Marine Resources Center (CMRC) introduced his business stewardship plan to the HWG and CAC. He would like to integrate businesses with Harbor-related work. This issue could aid in achieving HEP's Target 22. Joel is working with corporations, retail, and waterfront dependent businesses. Joel had a workshop at the Hudson River Foundation. Joel wants input from the group.

Captain Bill Sheehan (Hackensack Riverkeeper) said that Whole Foods and ShopRite donate to the Hackensack Riverkeeper.

Attendees

Alexander Brash, NPCA, 212-617-2989
Beatrice Bernzott, NJ Concern, 908-862-2056
Bob Mancini, NJDEP, 609-633-3812
Bob Nyman, USEPA, 212-637-3809
Bill Sheehan, Hackensack Riverkeeper, 201-968-0808
Carter Craft, MWA, 800-364-9943
Cathy Drew, The River Project, 212-233-3030
Cathy Yuhas, NJSG/HEP, 212-637-3792
Clark Wallace, TPL, 212-677-7171
Cindy Goulder, Louis Berger Group, 212-612-7972
Dave Schwartzberg, Rahway River Association, 908-322-8757
Deborah Watlers, NJDEP, 609-748-2000
Don Chesley, Stevens Institute/South Street Seaport Museum, 516-825-9442,
Eric Rothstein, Great Eastern Ecology, 212-579-6800
Greg Remaud, NY/NJ Baykeeper, 732-888-9870
Gustavo Calvo, NJDFW, 609-748-2040
Jane Jackson, NY Restoration Project, 212-333-2552
Janine Harris, NYC Parks, NRG, 212-360-1432
Jim Lynch, County of Union, 908-789-3673
Joel Banslaben, CMRC, 646-515-9290
J.T. Boehm, The River Project, 347-581-7480
Katie McCrone, NY/NJ Baykeeper, 732-888-9870
Laura Bartovics, NYSG/HEP, 212-637-3787
Larry Levine, NRDC, 212-727-4548
Len Houston, USACE, 917-790-8702
Linda M. Stiles, Sierra Club, 973-736-2224
Ludger Balan, The Urban Divers Estuary Conservancy, 718-802-9874
Michael Doall, Stony Brook University, 631-632-1523
Michael Kirby, The River Project
Michele Doran-McBean, Future City, Inc., 908-659-0689
Paul Tractenberg, WE CARE, 973-353-5433
Paula Roy, NYCEDC, 212-312-3552
Ray Hinkle, URS, 973-812-6886
Rich Hehmeyer, Trust for Public Land, 973-292-1100 ext. 21
Rosalie Siegel, PANYNJ, 212-435-4405
Sarah Ralph, NYCDEP, 718-595-6959
Steve Jandoli, NJDEP, 609-984-0499
Tad Barnes, The River Project, 212-233-3030
Yigal Gelb, NYC Audubon