

DMMIWG

Memo: DMMIWG
From: Jim Tripp and Tom Wakeman, co-chairs
Re: February 6th Meeting

The next meeting of the DMMIWG is scheduled for next Wednesday, February 6, 2002, starting at 9:30 a.m., Hudson River Foundation, 9th floor, 40 West 20th Street, Manhattan. Subsequent meetings will be held on March 6, April 3, May 1 and June 5. The March 6 and April 3 meetings will be held at a location TBA.

The agenda for the February 6 meeting will include:

- 1. The Arthur Kill 41/40 foot project.** Presentations by Carolyn Summers, Andy Willner and others. Communications from environmental organizations, in particular Baykeeper and NRDC, have raised questions about AK erosion brought about by navigation and thus the implications of a deepened channel, particularly below Howland Hook, for erosion. They have also raised questions about the value of the proposed mitigation. At the last DMMIWG meeting, we distributed copies of the NRDC/ Baykeeper letter dated December 5, 2001. The Corps has responded by letter dated January 15, 2002.

The following broad questions are suggested for discussion by all parties:

- Do all agree that the Arthur Kill is an important part of the H-R ecosystem? What are the wetland and other resources of greatest importance?
- Is there an AK erosion problem, and, if so, what is its magnitude? Do all agree that erosion has been occurring in the Arthur Kill? Do we have quantitative information similar to what we have seen for Jamaica Bay? When did this erosion start? What have we lost in the last 10, 25, 50 or 70 years or over the period when the AK was dredged to 35 feet or any significant depth below natural levels? Has the rate of erosion being accelerating? What is the location of major erosion, i.e., more below Howland Hook than north of it? If we do not have such quantitative information, can we get it, and who should get it?
- Insofar as AK erosion is an historic and current problem, do we know what the existing and current cause is or causes are? Has navigation – channels deeper than natural conditions, dredging operations, terminal facilities and ships and barges with associated wave energy – been a major factor? A significant factor? What are the other factors? If we cannot identify the causes effectively, what analysis or field studies would we have to do? Who would do it?
- Is there any evidence that enlarging this channel beyond 41/40 to 45, 50 or beyond with associated changes in the composition of the shipping fleet would have an erosional impact beyond current conditions?
- What information would the Corps' model provide about the impact of the existing channel compared to pre-1935 conditions or natural conditions? What

- does not it say about the impacts of enlarging the existing channel from 35 feet to 50 feet? Does the model predict no erosional impact due to changes in estuarine bathymetry due to construction of a navigation channel in the AK? Does it predict impacts only for very large changes in channel depth and width and ship composition? Would it predict impacts from historic channel construction but not subsequent enlargement, not matter what the dimensions of the enlargement?
- Should the Corps focus just on the incremental impact of an enlargement from 35 feet to 41/40 or look at the larger picture?
 - How and in what respect will the PA study of AK erosion address any of these issues?
 - With respect to the mitigation proposal, does the Corps' methodology take into account the most recent scientific information about phragmites?
1. **Jamaica Bay.** At the last DMMIWG meeting, City DEP, DEC, the NPS, the Port Authority, the Corps and others were requested to work on an actual proposal for a pilot restoration project for one or more eroding wetland islands. All parties seemed to be willing, but someone has to formulate an actual proposal. What is our plan of action? Can we bring together a physical plan, appropriate dredged material, a scientific monitoring strategy and funding? What about the NPS? What about Corps small-project funding?
 2. **Hackensack Meadowlands.** How are we doing?
 3. **HARS.** Report by EPA on the status of the RMWG and peer review process. How are we doing? What is the schedule?
 4. **CARP.** Dennis Suszkowski. Report on meeting of the CARP Management Committee of Feb. 5. How are we doing? What are the outstanding issues and problems, if any? Are they being resolved?

At the January 9 meeting we discussed the following:

1. **The CPIP process.** Laura Shabe introduced the discussion. We hope to engender regional consensus on the Plan and its EIS. CPIP is a joint venture among several agencies and the two States. NJ is represented by NJDOT and NJDEP. NY is represented by ESDC and EDC. The federal agencies include EPA, the CORPS and the FHWA. We are combining the Plan and EIS process. Traditionally, the Plan would come first, then the EIS. The effort here is to do both concurrently although there has been a lag in starting the EIS process. We are in the process of selecting the EIS consultant. We expect to complete that by the second week in March. We have five qualified teams. Bids came in December 17, 2001. Each agency has its own notion as to the relationship between the Plan and EIS and how they are to work together.

The CPIP agencies awarded the Halcrow Group the CPIP plan consulting contract. Its main office is in Britain. We wanted a fresh look at the Port. The third stakeholder meeting is scheduled for Feb. 28 at NJTPA.

Michael Moore then described the consulting effort. Halcrow has six sub-consultants for traffic forecasts/economies, landside transportation capacity issues, port terminal capacity, public outreach, logistical and technical assistance and terminal operations. We have started to carry out the public process and to do terminal and land-side

transportation capacity work. As for public involvement, we have held two stakeholder meetings in February and April 2001. At the latter meeting we asked questions to the stakeholders as to what would a successful outcome be and how should the process work. The intention at the February 28 stakeholder meeting is to set up a stakeholder structure. There is also a ranking process of draft goals and objectives. The project website is up and running: www.cpiponline.org, with a project description, abbreviated scope of work and draft goals and objectives.

The second major topic is to develop market forecasts. The forecast is due in July or August. On February 28 we plan to have a workshop on market forecasts. We will have a separate workshop on forecast models in March. The third subject is the available capacity seaside at the terminals. Gannett Fleming is interviewing more than 100 organizations in order to complete a baseline. We have talked to terminal operators and MPOs. Flatow inquired what the relationships is between the CPIP process and channel deepenings? Will we deepen before we know the forecasts? Wakeman responded that there is a 50 foot deepening process that is separate from the CPIP process. The agencies are shaking out this relationship.

Seebode added that, when we undertook the HNP feasibility study we did considerable work on forecasts. We determined that 50 foot channels were necessary to provide an efficient transportation and port system to allow use by larger ships. By 2010, 60% of the major deep water container fleet will require 50 foot channels. A lot of smaller ships are being used on shorter routes. We determined that with 50 foot channels we could bring in these ships. There is enough capacity at the existing facilities with productivity enhancements to support 9.6 million TEUs. Existing land in port facilities with infrastructure improvements planned and productivity could justify the 50 foot channels. For example, we have an eight-hour port. That could be extended. The Port Authority, labor and the terminal operators are looking at this issue. The longer-term forecast is 19.5 million TEU. It could come by ship, rail or truck. After we reach 9.6 m TEU, goods couldn't come by ship. So the agencies involved decided that we had to look at a Plan to consider how to move in more TEUs by ship or by some other way. The Plan is looking at alternative ways of handling cargo above 9.6.

Wakeman pointed out that there used to be 3 or 4 dozen ocean carriers. There are now a dozen major shipping companies. In the port industry, if you expand to accommodate larger ships, you become a lode center; others become regional centers. The cargo comes here regardless of the route. It can come by several modes. Ina Sanoff stated that airports were running out of capacity; now airline rates are cheap. Wakeman responded that, while port traffic growth is way down to 1.2% this year from 5 to 12% in recent years, we have to look at the long-term average of some 4%.

Moore continued that ports are national projects. Everyone wants a hub port. Worldwide we are seeing hub ports and regional ports. Port development does not necessarily follow economic principles. In NY vessels do not pay harbor dues. Wakeman pointed out that the EU is looking at going to the WTO to challenge US import taxes. The US does not have a vehicle for collecting fees for channel capital investments. You can get high

productivity numbers in a pure transshipment port. That is not what we have here. We are accessing traffic demand models of the MPOs. We must have compatible assumptions. Borsellino added that the analysis of additional cargo on land-side transportation facilities is an important part of the CPIP, i.e., the impact on roadways and rail. What may have to be done to accommodate more throughput? We are working closely with the two MPOs and the FHWA/USDOT. We are looking at the whole cumulative impact.

Janine Bauer indicated that TSTC had received no information since last spring about CPIP. Some of us are involved in transportation planning issues on a daily basis. We furnished comments on the Plan RFP and then heard nothing. Moore responded that green port principles are incorporated in the scope of work. The draft goals and objectives are on the website.

2. Bush Terminal Piers Open Space, Brooklyn, EDC. Alicia Cobb of EDC made the presentation. The impetus for a waterfront park at Sunset Park came out of the port strategic planning process. We looked at maritime, recreational and open space amenities. We identified a 23-acre site at Piers 1-5 through the public outreach process. We hired a landscape architecture team. We received planning funds from the State DOS and the City. The site was partly filled in the 1970's. We have Bond Act dollars to do an assessment. We are now looking at remediation options. Principal contaminants are metals, PAHs and some PCBs. The site has been abandoned for 25 years. It is on DEC's class 3 list. Contaminants are widely distributed. We are looking at capping options, while retaining natural features.

Cobb distributed a handout and showed a video film. It shows the wonders of an abandoned waterfront that nature is reclaiming. It was the largest integrated industrial and shipping district. By the late 1970's the City decided to build a new port facility. This led to landfilling of the site. Then someone began to dump illegal waste there. That and the fiscal crisis ended development of the site. The people of Sunset Park are reclaiming a precious piece of the City's vast waterfront. The part has been the sighting of 130 bird species. Filled dikes have allowed algae and seagrass to grow. That has attracted crustaceans and small fish and then birdlife. The park presents an opportunity to watch natural processes in one's own neighborhood. The upland shows advanced secondary plant succession. We have counted 100 plant species, including elm, black cherry and cottonwood, as well as apple and crabapple trees. What about boating at this site? The views are spectacular.

We are working with DEC on a remediation plan. That takes time. We are doing an end use plan concurrently with the remediation plan. We hope to have a sign off on remediation alternatives soon. The capital plan for site remediation and design is \$40 million. The PA has expressed an interest in helping to fund park construction. Seabode inquired about clean dredged material, such as rock and sand, as capping material.

2. Arthur Kill 41/40 foot project. The principal discussion of the NRDC/Baykeeper critique of the project and its mitigation plan will take place at the February 6 meeting.

Seebode stated that project planning started over a decade ago. The initial EIS was completed some time ago. When we learned of impacts that were mitigable, we decided to prepare a supplemental NEPA document. It went out in 1999. It identified two sites for mitigation that had experienced substantial deterioration through hydrologic change or illegal dumping. They were not picked because they were dominated by phragmites. Environmental organizations, including NRDC and Baykeeper, submitted detailed comments in November 1999. We addressed those comments. We intend to respond to the December 2001 NRDC/Baykeeper letter.

Erosion of the Arthur Kill adjacent shoreline is occurring, but factors that are not channel depth related are causing it. We would welcome an opportunity to work with the environmental community on erosion concerns. Placement of rock at low elevations can accrete sediment and does appear to be stabilizing shorelines. We have a lot of rock and clay. This project has been budgeted. We are finalizing the project cooperation agreement. We anticipate starting work in May or June. The project has gone through a detailed process with the State and NMFS to minimize impacts on fisheries. Restrictions on dredging have been imposed. It will be an expensive project.

Len Houston added that we have drafted a response to the December 2001 letter. The Corps does not ignore comments. There is coastal erosion in the Arthur Kill. We have a model that suggests that a deeper channel will not exacerbate erosion. We will conduct a detailed survey before and after construction. We are determining the rate of erosion now. Then after construction we will measure erosion. There are other activities addressing erosion. We have talked to the PA and New York about such a project. So far there is no local sponsor. We have looked at the beneficial use of rock.

Andrus Tootto, the PA's AK project manager, indicated that the PA had retained Moffitt and Nichols. They have placed wave meters at two sites to correlate waves with types of vessels. The field data are to be completed in two months, with recommendations down the line.

Houston continued that there is a recognition that phragmites has value. The mitigation areas were salt marshes that were dramatically altered by fill. They are prime candidates to restore. The success of restoration depends on location. These were originally salt marshes. The HEP analysis calculates nutrient restoration, species diversity etc. Seebode added that we have little naturally occurring phragmites. Typically it invaded following hydrologic modifications.

4. Budgeting and HEP goals and targets. Wakeman stated that we have requested formation of a finance and budgeting committee to work on operating and capital programs. We need to get work plans from different groups and then put budgets together. Nyman added that the Policy Committee met December 18 to review draft targets and goals. There will be a navigation section but a bigger focus on contaminated sediment issues. The focus is more on shorter-term activities to be achieved by 2009 rather than 2022 in terms of Harbor restoration. The management committee meets January 25 and March 4. The Policy Committee will meet again March 20.

Wakeman continued that we are going to the work groups for proposals. We have not laid out the capital program. The Committee for now is Tom Wakeman and Bob Nyman. We need constituencies to inform and influence the Congressional caucus. What do we need dollars for and what do we get? We need to develop acquisition, restoration and access projects as systematically as we do port capital planning.

Seebode added that we will spend \$110 to 120 million on dredging in the next year. With leveraged funds from other places we have rock, clay and sand for restoration uses. We need a consensus on restoration needs and priorities. There is a connection between reducing erosion and maintaining navigation in that we could get dredging contractors to place material to reduce shoreline erosion at low incremental cost. The Corps could deliver material to Jamaica Bay wetland islands, for example. We are not looking at ocean waves but wind and barge waves. Houston stated that the Corps has recently received a letter from NYC DEP on wetland islands. The Corps responded that we could use 206 continuing authority program funds to move a pilot project forward.

Wakeman pointed out that we could change the current authorization for the NHS in WRDA 2002. The two States and others could ask for such an expansion of authority to include coastal protection and restoration, as well as other issues. This offers an opportunity to take \$2.3 billion and move all programs together. The two States would have to sign on.

5. RMWG. Ron Borsellino reported that the RMWG is meeting January 10 and 11 with the peer reviewers who will be looking at the proposed evaluation methodology. The first day is an overview of the process and background of the HARS and regulatory framework. The second day consists of technical presentations. The Corps will make a presentation. The peer reviewers will conduct individual reviews and then come back together to develop a consensus review.