



To: NY/NJ HEP Habitat Workgroup
From: Christina Scully, NYC Parks/NRG
Date: 11/26/2002
Subject: Minutes from the October 30, 2002 HEP Habitat Workgroup Meeting

Next Meeting: December 5, 2002
10 am – 2 pm
USEPA - 290 Broadway 28th Floor Training Room
NY, NY

****Note:** You must RSVP if you plan on attending. You will need security clearance.

Present at Meeting: Robert Alpern (NYCDEP), Albert Appleton (RPA), Alice Belling (NYCDEP), Bernard Blum (FOR), Peter Blum (USACE), Paul Brunn (NYCP), Gisele Colbert (EE), Kerry Dawson (HRP), Margaret Gargiullo (NYC Parks), Cindy Goulder (BEL), Colleen Hopson (PANYNJ), Len Houston (USACE), Steve Jandoli (NJDEP/GA), Andrew Kasius (NYNJ), Shawn Kiernan (NOAA), Jim Lodge (HRF), Lynn Mandarano (UPenn), Paul Mankiewicz (NYCSWCD, Gaia, BCEQ), Catherine Manzi (CSBPP), Michelle Doran McBean (FCI), John McLaughlin (NYCDEP/OEPA), Nancy Niedowski Welsh (NYS DOS), Joyce Novak (NYCDEP), Bob Nyman (USEPA, HEP), Greg Remaud (Baykeeper), Manuel Russ (CACNYCDEP), Katie Schmid (NYCCW), Christina Scully (NYC Parks), Rosalie Siegel (PANYNJ), Allison Speiser (EWA), Frank Steimle (NOAA), Carolyn Summers (NRDC), Kim Tripp (GNRA), Nellie Tsipoura (NRDC), Chris Villari (NYCDEP/BEE), Robert Will (USACE), Dan Wzight (SH), Christopher Zeppie (PANYNJ)

Announcements:

Katie Schmid (NYCCW) addressed some confusion raised at the last HEP HWG. She said that the Council is not proposing ferry service though Jamaica Bay anytime soon. They are beginning to explore that option taking potential ecological concerns into consideration. She urged members to call her at 212-788-7037 with any concerns. She also announced an environmental protection hearing regarding Jamaica Bay wetland losses at City Hall scheduled for November 8, 2002 at 10am and urged members to participate.

Nancy Welsh (NYS DOS) announced a conference at Brooklyn College, "A Jamaica Bay Status Report", being held October 31, 2002.

Minutes:

□ Needs and Opportunities Report

Welsh began discussion by asking the HEP HWG to openly comment on the RPA's "Needs and Opportunities Report", which was previously distributed.

Jamaica Bay, Far Rockaways:

Bernard Blum (FOR) began expressing concerns with the N&O Report's stance concerning Jamaica Bay and the Far Rockaways. He stated that he disagreed with the proposition of shallowing Jamaica Bay by depositing dredge materials there because it would leave the area vulnerable to storm surges. He added that he does not want borrow pits to be considered for recontouring Jamaica Bay. Thirdly, Blum recommended Dubos Point is included as a 'harbor health indicator' fast track site with links to West Nile virus control and CSO issues. Blum would also like the Arverne Urban Renewal Area included in the report under Jamaica Bay Watershed conservation efforts.

Sizing up the Regional View:

Bob Alpern (NYCDEP) remarked that he would like the N&O Report to go beyond the port district and programs within the USACE's responsibilities, to encompass an overall strategy that includes restoration plans for the Bight, Long Island Sound, and Hudson River habitats.

Christopher Zeppie (PANYNJ) said that the Report will identify opportunities that are not necessarily tied to a USACE mandate and can be taken up by others. He added that for the sake of practicality, some geographic boundaries should be drawn.

Carolyn Summers (NRDC) also defended a narrower geographic view, saying that neighboring programs such as LISS have tremendous funds that are not available to the HEP. Although these boundaries are artificial from an ecological standpoint, such focusing enables us to secure and target funding for resources within HEP's part of the estuary.

Greg Remaud (Baykeeper) concurred with Summers saying that the HEP view is already complex with overlapping and subwatersheds. The estuary as a whole is too geographically complex for people to recognize. You risk losing focus and the attention of the public when you enlarge the scope of an area until it becomes unwieldy.

Welsh noted that the HEP reaches out to neighboring organizations. Betsy Blair and Dan Miller presented the Hudson River Estuary Program's Restoration Plan in June. Neighboring program participants are always welcome to the HEP HWG meetings.

Areas of Overlap

Zeppie said that concern should be placed within overlapping jurisdictions, where areas may be neglected when neighboring organizations believe others are managing shared areas.

Several members commented on omission of the lower Hudson River. Both Bob Nyman (USEPA) and Welsh confirmed that there has been a universal commentary and desire to have this included in the document. Alpern added that overlap in the East River from both the LIS and HEP should be recognized in the document and suggested that a phrase be added that conversation and collaboration should exist in areas where such overlap occurs.

Appleton said that several members requested that acquisition be stressed as a core part of the Harbor's plan. Remaud agreed that this should be elaborated on to forward effort and funds in this area.

Zeppie said that we should obtain credit for local acquisition with respect to the USACE acquisition programs. This procedure is accepted in the Passaic River program.

USACE past damages:

Several people submitted requests to Al Appleton (RPA) that the report incorporate past damages caused by the USACE in addition to positive work they have done. Some comments specifically referred to USACE flood control issues in Monmouth County, NJ.

Summers added that the USACE has the ability to retrofit and restore problems they have caused in the past. This, in her opinion, gives them a stronger reason for participating. Len Houston (USACE) said that revisiting past projects is no longer a USACE requirement for taking part in restoration projects. He added that we should look towards the future and focus on what the harbor needs since the history of damages is known.

Acquisition:

Marge Gargiullo (NYC Parks) said there is so much talk of restoration rather than acquisition these days. Restored lands will never have the ecological integrity of undisturbed areas. She would like more emphasis on acquiring relatively pristine areas with intact functional ecology. Summers concurred that the importance of acquisition be highlighted and discussed. Acquired areas serve as benchmarks and a source of propagules.

Paul Mankiewicz (NYCSWCD, Gaia, BCEQ) added that the likelihood of restoration success drops unless coupled with intact functional marshes. All efforts should be in proximity to such areas. Freshwater marshes must also be included because the coupling of the saltwater and freshwater systems greatly increases habitat and water quality.

Houston said that current USACE authorization does not allow for acquisition unless it is a necessary part of a restoration project. They cannot buy a site just to preserve it. Acquisition may occur through a local restoration sponsor who would get credit toward their share of the total restoration project. The more money devoted to acquisition, the less is available for restoration. He continued that, in some cases, it might be best to buy and restore rather than work on public land that is at least protected already.

Public Access and Education:

Eugenia Flatow submitted a comment asking if the report should call for more public access to acquired sites and if these sites should have connections to various proposed Greenways.

Joyce Novak (NYCDEP) said that the public should be exposed to and educated on some of the sites. This will garner their support. Steve Jandoli (GA) added that not all sites will be appropriate for public access. The potential for appropriate sites should be considered especially with the current lack of public natural areas. He added that many natural areas can sustain public use.

Gargiullo warned of the dangers with creating public access. Heavy use can degrade an area. Sensitive access such as boardwalks with signage and accompanying education programs are desirable rather than allowing destructive recreation within wilderness areas.

Welsh added that use where appropriate is a reasonable option. She interpreted Flatow's submitted comment to allow use where appropriate and incorporate it into a mechanism for prioritizing certain sites. Habitats can be grouped for a regional focus into Greenway and educational zone areas for example. The Report is not meant to identify access areas, but a tool for it.

Summers said that it is important to prioritize in terms of ecological contribution, keeping public education as one of our goals.

Site Stewardship:

Gargiullo noted that the idea of continued stewardship of sites must be emphasized. Once sites are restored and then abandoned, they become quickly degraded and littered with trash. Maintenance and stewardship must become more of a priority; otherwise restoration efforts are often wasted.

Jandoli agreed with this comment adding that stewardship may be the determining factor for public access and use. Agencies must actively manage sites.

Appleton said that the report will urge the USACE to negotiate monitoring and ongoing stewardship of the sites. Houston responded that they are currently adding a monitoring provision to restoration projects that could be highlighted and elaborated upon.

Mankiewicz said that the HEP HWG has a 5-year monitoring requirement. The value of this work cannot be understated. Those undertaking this effort, whether it be city or state should be economically credited. Houston responded that it can be part of a local match if it meets the monitoring requirements of the USACE.

Remaud noted that the stewardship and access issues should be considered on a site-by-site basis, and that it is extremely important to consider what the local communities want. He cited Michelle Doran McBean of Future City Inc., an Elizabeth, NJ community organization, and Bob Speigle of Edison Wetlands as examples of local stewards who know how the surrounding communities will use specific sites. The Report needs to reflect how the community feels about the sites.

Summers responded that you rarely have an entire county speaking with one voice about how to use a particular pieces of land. Objective scientific overviews from HEP should be employed in determining which sites can be used for active recreation. Appleton added that virtually all of the sites have gone through the HEP process and often come from the communities. If we are serious about restoring as much as we can of the remnant habitat, we need to speak for the tremendous need to go after and protect the last remnants.

Michelle Doran McBean (FCI) stressed that people in the communities need information. If ecology is put into terms they can grasp, they will become your best advocates. Shawn Kiernan (NOAA) added that smaller groups and not for profits have been largely ignored in the generation of this document. They should be given a certain amount of involvement, authority and cost sharing.

Remaud added that the point is to get the community involved and engaged in our discussions. This document is a good summarization of what HEP has done, but lacks substance and details that it was charged to report on. He urged the group to begin spending money on details that can move projects forward rather than generics. Remaud said that the public is confused by new plans coming out every year. Watershed plans, USACE plans, Baykeeper plans, HEP plans, etc. come out every year. It is too much to ask the public to discern between them and recognize which plan has authority.

Houston responded that the USACE has successfully reached out to other USACE districts. The South FL Everglades project is an example. In this case, the USACE stressed public outreach, hiring specialists for the program. The USACE would like to do similar outreach in this region.

Jandoli said that the question is whether or not we do the public outreach first, or publish first. He feels as though the public should be an active part of developing the plan. Appleton responded that the Needs and Opportunities Report is not the plan, but meant to guide the plan. Jandoli added that they will need a separate public education plan for this to be effective. Cindy Goulder (BEL) suggested a paragraph or two about a public education plan, which Kiernan supported. Welsh questioned if in moving forward in the process there will be opportunity to ensure outreach as it has been lacking thus far.

Allison Speiser (EWA) stated that the communities are being frustrated by the many plans. In general the public likes to receive a final plan that will take effect within the near future. Long term goals and actions are hard to envision. Not for profits and other local community groups are the keys to pulling people in at the local level.

Novak recommended a small paragraph addressing future communities being addressed on a per site basis. Community input is not in question, but before the report is brought to the communities, it needs to be organized.

Appleton said that for now, it is most important to have the commitment of the USACE with HEP. Relationships with the communities will evolve over time at the onset of drafting the workplan. At this time, the document leaves that topic deliberately vague, while institutional arrangements are worked out.

Both Welsh and Kiernan countered that the vagueness is causing problems now, as communities feel they will be left out. They suggested removing some of this vagueness and strengthening a commitment to community involvement in the text.

Gargiullo recommended the Staten Island Blue Belt organization as a good model for connecting with the community. Mankiewicz recommended putting text on the web with links to environmental groups, creating a democratic process and public outreach.

Appleton added that the HEP HWG needs to have a discussion with the ACE on the timing of this process. The last thing community groups want is to be roused and then have nothing happen.

Scientific Advisory Panels:

Houston recapped the previous meeting's STAC discussion, where members expressed concern that payment corrupts the committee's work. He added that there is a big difference between having an advisory panel to look at the entire project or just specific project components. Appleton suggested starting with a general panel to be seen as a resource. Houston said that the critical starting point is to incorporate monitoring needs up front to provide feedback into what works and what doesn't.

Frank Steimle (NOAA) added that research is of more importance than monitoring in areas lacking baseline data. Once research below the waterline is furthered, more needs and opportunities will be developed. Kiernan said that needs for research and how to measure those needs must be developed.

Welsh agreed that the STAC should be better defined. She wants to avoid having the panel work on generic scientific issues, rather than the immediate needs of the HRE Study. The panel must both define research needs and bring us from the conceptual to project implementation.

Appleton wants the panel to also be a resource for participants, especially for nontechnical people. Community groups must be able to seek information from a source independent of the USACE. John McLaughlin (NYDEP/OEPA) added that the community groups should have a scientific technical advisor to make information accessible to its members.

Alpern suggested having the STAC address global warming and relative sea level rise in addition to monitoring needs. Carl Alderson (NOAA) suggested adding restoration practitioners to the STAC for the technical part of the STAC.

Alice Belling (NYCDEP) questioned why a STAC is needed. Jamaica Bay's restoration did not have a panel and is often seen as successful. She pointed to the expertise within the HEP HWG, which is familiar with this geographic area and questioned why we shouldn't just draw from that.

Raritan River and Raritan Bay:

Several disagreed with the designated Habitat Clusters. Given the vast differences between the Raritan River and Bay, Remaud argued they should be listed as discrete systems. The River is filled with landfills and toxic sites, while the Bay has little contamination. In terms of a restoration approach for the River, any restoration effort does not go beyond a temporary fix, as the River must be remediated first. Otherwise, restored sites will be recontaminated.

Appleton agreed that the Bay and River should be split. He does not recommend including language that restoration is a wasted effort because of recontamination because improvement efforts may be suppressed.

Appleton mentioned that Judith Weiss of Rutgers University advised recognizing that *Spartina* draws and sequesters metals aboveground, while *Phragmites* stores it underground. Kiernan stated that metal uptake is a major roadblock to restoring the Hackensack Meadowlands.

Welsh suggested that contamination of the Raritan River be added as a key characteristic of that habitat.

Lower Hudson River:

Appleton noted that since the ability to discern between the Raritan River and Bay should be included, another issue is the Lower Hudson River. He questioned whether the workgroup thinks the lower Hudson is being slighted.

Goulder responded that the lower East River is completely ignored despite its ecological importance. She suggested that it be included in the lower Hudson River cluster. Lately all East River work has focused on human use and she wants some attention shifted to the natural areas.

Kerry Dawson (HRPT) said that the lower Hudson should be its own habitat cluster.

Welsh said that the report to date has treated contiguous vegetated intertidal areas as the most important habitats. The lower Hudson does not fit that description but is geographically of great habitat importance. She suggested it be listed as a cluster to reflect that, perhaps based on aquatic and benthic values. Appleton responded that this will be considered.

Appleton suggested the idea of a marine cluster including the lower Hudson, Raritan and East rivers. They share contamination problems as core issues.

Maps:

Alpern said that the maps included in the Report mailing should be better tied to the text. Appleton said that the maps were meant to show the complexity of the region and boundaries. He added that they are not in a position to change the maps because of funding issues. Ultimately, better maps including site information and visuals may be produced once a database is complete. Alpern suggested a map of the entire geographic area indicating the habitat clusters and significant characteristics as a start.

Fisheries and Contamination:

Appleton questioned whether current discussion of fisheries and contamination issues are sufficient within the document.

Steimle said that a few sentences are necessary. Without the water and fish, you have a meadow not an estuary. Despite not completely knowing the current opportunities for research and problems, a large bookmark indicating 'more to come' should be included. When the essential fish habitat is better known, this section can develop. Steimle volunteered to submit text to Appleton. It will include getting rid of right-angle bulkheaded environments and replacing them with gradual ladder-like environments.

Degradation of permanently preserved lands:

Kim Tripp (GNRA) told the group that permanently preserved lands are not static systems. There is currently a lot of degradation occurring. Stewardship programs and resources for enforcement are needed as overuse and inappropriate use is occurring.

Appleton noted the importance but was not sure whether it should be included in the document.

Time and Cost estimates:

Appleton asked if time and cost estimates for fulfilling this report should be included. Houston responded that he would like to see this area expanded. USACE site selection is often driven by costs. He added that the CRIP should identify what sites should be restored and to what they should be restored to.

Alderson suggested text about leveraging money from the government and other localities. Appleton agreed that the plan needs to institutionalize how this funding flows between agencies.

Moving Forward with the N&O Report:

Appleton closed by saying that additional edits would only be accepted in text form, unless members call and discuss their issues with him. The deadline for additional submissions was given as 11/4/2002. The revised text will be circulated once again.

Houston said that the final date for the report being finalized is in January 2003. He urged the group to work towards finalization before that. He questioned on how the HEP HWG will endorse the report.

Welsh volunteered to write a letter on behalf of the HEP HWG endorsing the general principals of the report.