



To: NY/NJ HEP Habitat Workgroup  
From: Christina Scully, NYC Parks/NRG  
Date: October 3, 2002  
Subject: Minutes from the September 12, 2002 HEP Habitat Workgroup Meeting

**Next Meeting:** October 30, 2002  
10 am – 2 pm  
Hudson River Foundation  
40 W 20<sup>th</sup> St, 9<sup>th</sup> Floor  
NY, NY 10011

**Present at Meeting:** Robert Alpern (NYCDEP), Michelle Bicek (ED), Bernard Blum (FOR), Kerry Dawson (HRP), Eugenia Flatow (CAC, NYCSWCD), Margaret Gargiullo (NYC Parks), Cindy Goulder (BEL), Len Houston (USACE), Steve Jandoli (NJDEP/GA), Mark Jaworski (WS), Ken Jennings (HCK), Shawn Kiernan (NOAA), Lynn Mandarano (UPenn), Paul Mankiewicz (NYCSWCD, Gaia, BCEQ), Nancy Niedowski (NYS DOS), Joyce Novak (NYCDEP), Bob Nyman (USEPA, HEP), Mario Paula (USEPA), Greg Remaud (Baykeeper), Manuel Russ (CACNYCDEP), Katie Schmid (NYCC), Christina Scully (NYC Parks), Donald Smith (HMC), Frank Steimle (NOAA), Carolyn Summers (NRDC), Kim Tripp (GNRA), Chris Villari (NYCDEP/BEE), Dan Wzight (SH)

**☐ Priority Acquisition Site Nomination (Greg Remaud, NY/NJ Baykeeper and Ken Jennings, Hudson County Parks)**

Greg Remaud (Baykeeper) and Ken Jennings (HCP) presented the Laurel Hill Park Wetlands site for Priority acquisition. The site, composed of 95% wetland Phragmites marsh is located just South of Laurel Hill Park, across from the Sawmill Wildlife Management Reserve and Kearny Marsh. In addition to providing continuity with other natural sites, this nomination continues land protection south along the Hackensack River.

Remaud described the natural value of the site, as an integral part of the Hackensack Meadowlands complex. A species list is available for it. The waterfront stretch of the site is completely bordered with oyster beds.

The site is located in the Township of Secaucus and currently owned by the Municipality of Jersey City. The county is thinking about a landswap to acquire the site. Although there are no current plans for development of the site, it is currently for sale. Carolyn Summers (NRDC) added that because the site is for sale with no formal protection, it is under threat of development. Margaret Gargiullo (NYC Parks) asked whether or not we could obtain an easement for the site. Remaud answered that the owners are seeking payment for the site's acquisition. He is passing on precise lot and block information to Nancy Niedowski (NYS DOS)

Laurel Hill Park Wetlands nomination for High Priority Status was approved by a majority vote of HEP HWG members. Mark Jaworski (WS) remarked that the parcel's proximity to additional open space made it undesirable. Summers responded that that is a reason to vote for it, as habitat connectivity is a goal in land preservation. Houston said that the small size detracts from its high priority appeal and that the HEP HWG should focus on larger tracts of land. He recommended spending money on privately owned sites while continuing discussions of easements and land transfers with the municipality. Remaud answered that the city is looking for payment and that the quoted price of \$250,000 is a bargain given the site location.

**❑ Determining Potential Impacts of Freight Ferries in Jamaica Bay (Katie Schmid, NYCCCWF)**

Katie Schmid (NYCCCWF) began by describing her organization, the New York City Council, Select Committee on Waterfront. They deal closely with the NYCDOT, NYCDEP, and other agencies with different vested interests. The committee holds little legislative power, but offers a forum to coordinate discussion between waterfront related agencies.

Issues they currently deal with include waterfront land use, compiling a list of city waterfront properties (expected to be ready in November 2002), ferry transportation commuter network, bringing ferry accessibility to underserved communities, the appropriate use for Governor's Island, and relaying fish consumption advisories to the public. They are concerned with making decisions with ecological responsibility and sustainability in mind. Schmid said that the committee will look to the HEP HWG for guidance on ecological issues and would like to maintain an ongoing relationship for this purpose. She added that while the NYC Council is often spread thin dealing with a plethora of wide ranging environmental issues, the Waterfront Committee could pointedly address specific waterfront concerns.

Schmid mentioned an open upcoming meeting on 9/17 to rezone the City's waterfronts. Under this initiative, the Waterfront Committee seeks to prevent developers in Greenpoint and Williamsburg Brooklyn from infringing upon waterfront and ecological issues. Rather, they aim to integrate local communities with waterfront issues by improving accessibility, not limiting it. Summers commented that the HEP HWG would like to look at the inventory of waterfront parcels, and added that the HEP HWG definitely recommends keeping and leaving currently existing green space alone, while redeveloping already developed areas.

In terms of ferry service and ridership, Schmid said that governmental attention has been almost universally given to NJ commuters rather than intracity lines. They would like to explore subsidization for ferry lines that have failed in the past as private enterprises. In doing this, routes, boat models and speeds can be chosen taking ecological factors into account.

Eugenia Flatow (CAC, NYCSWCD) responded that UMPTA (Urban Mass Public Transportation Association) studies from the 1960's exploring ferry transportation options showed they would require subsidization until a market was created for it. From there, ferry ridership could likely lead to the transport of goods. She added that Hunts Point is a fertile territory for ferry use. Schmid added that the case for a Hunts Point ferry is strengthened by the fact that the Fulton Fish Market is moving up to Hunts Point in 2004, and the fact that in addition to fish, most of the city's fruit is imported through JFK. Hunts Point will be a connection for a lot of NYC's marketable goods. Using ferries rather than the Van Wyck Expressway seems to be a better alternative.

Other factors to consider in ferry use include wake propagation, which Paul Mankiewicz (NYCSWCD, Gaia, BCEQ) noted is not necessarily correlated with boat speed, but boat design. Schmid responded that the Stevenson Institute would be releasing a report at the end of the month detailing the ecological impacts of ferry wakes. Summers mentioned that ferries in disrepair release fuel into the water and that burning diesel fuel worsens air quality. Schmid replied that ferry energy efficiency and fuel standards will be introduced in 2007. Increased ridership post 9/11 has overwhelmed the modern fleet forcing ferry operators to put their less efficient ferries on the water.

Michelle Bicek (ED) said that Environmental Defense is researching technological options for improving old ferry boats including retrofits and engine improvements that address air and water quality issues in CA and TX.

Schmid added that NY Waterways would be receptive to improving the energy efficiency of their fleets. Although there currently are not laws governing energy efficiency, they already have an image of being a clean transportation alternative and would like to live up to that image.

Paul Mankiewicz questioned whether the Waterfront Committee had researched potential areas for ferry ridership. Schmid responded that the Rockaways, Sunset Park, Greenpoint, Williamsburg, South Queens and Hunts Point, all communities that initially contacted the Waterfront Committee, have ongoing feasibility studies. They are exploring whether low ridership coupled with fast, smaller boats would be economically viable.

Remaud remarked that NJ has shown a propensity for placing ferry stops in NJ park settings, which leads to commuters racing through. He commented that NYC seems to be working in the right direction by not turning parks into commuter settings.

In closing, Niedowski said that the HEP HWG needs to develop a framework to relay expertise and ecological advice to the Waterfront Committee as they proceed with redevelopment plans.

Katie Schmid offered her e-mail ([katie.schmid@council.nyc.ny.us](mailto:katie.schmid@council.nyc.ny.us)) and phone (212) 788-7037 to the HEP HWG .

**❑ Revised Needs and Opportunities Report and Maps (Len Houston, USACE and Nancy Niedowski, NYSDOS)**

Al Appleton (RPA) was ill and could not attend. Niedowski and Houston led this discussion.

Houston began by remarking that he had not seen the latest version of the Needs and Opportunities report which the USACE intends to employ as a guide for its feasibility study. Despite the report's release being behind schedule, the USACE would like to move the process along as soon as possible. He noted that comments received to date have targeted specific details with criticism, but agreed with the general philosophy of the report. He asked the HEP HWG how these comments could be incorporated without necessarily delaying the report. With the fiscal year ending at the end of October, this deadline is impossible, however he urged the group to make getting a final product to the USACE a priority.

Houston gave a few suggestions on how to deal with this. They included releasing the report with the suggestions amended at a later date, or revising the report one more time trying to get the consensus of the HEP HWG and other estuary stakeholders. Niedowski responded that she does not want to delay the release any further, but is concerned that stakeholders have not been given ample opportunities to review materials during the process. The dissemination process has been haphazard and incomplete. She added that the report should not be released without all stakeholders who want to comment having a chance to do so. Niedowski continued, saying that the distribution and comment process must be transparent.

Flatow expressed concern that projects with Liberty State Park, Jamaica Bay, Newtown Creek, and Gowanus are going ahead with project planning; meeting without the advantage of including a unifying philosophy, which this report holds. She said that there must be ample opportunity for information dissemination, after which a community of stakeholder opinions is represented. She requested a meeting for which all HEP HWG participants will be invited, held before Christmas to address the Report. Niedowski added that Appleton must attend such a meeting to receive comments.

Flatow then added that the levels of government do not work at the same levels as this ecosystem approach. Bob Alpern (NYCDEP) recommended additionally taking alternative stewardship and reserve approaches similar to the LISS approach and working more closely with them.

Remaud commented that the maps should be included in the various document drafts, noting their importance in Report evaluation. Summers added that the ecosystem boundaries should be made as general as possible. Flatow agreed and said that habitat clusters are linked with green space and water bodies. Maps with discrete boundaries are misleading and do not represent these connections.

Niedowski agreed and said that at a minimum, black and white copies of the maps must be made available as part of the review.

The HEP HWG agreed that, if the report was distributed the week of 9/23 in hard copy format with maps, comments could be provided directly to Al Appleton by the week of 10/21. The final opportunity to comment will occur at the HEP HWG meeting on 10/30, which will be devoted to finalizing the Needs and Opportunities report. Appleton will then release the final report, having taken comments received and the 10/30 meeting discussion into consideration.

❑ **Selecting a STAC: Scientific and Technological Advisory Committee** (Dennis Suszkowski, HRF, CARP)

Dennis Suszkowski (HRF, CARP) offered his advice on choosing a STAC, an issue raised with regard to the Needs and Opportunities report and the HRE Feasibility Study. Issues to consider include whether or not it should be a small select group of individuals, if they should be paid, and if they should consist of HEP HWG scientists.

Houston stated that the STAC should be a focused, paid group of individuals. In that case, they will deliver products and results in a timely manner. Flatow disagreed with this especially because HEP HWG members are volunteers. She said that offering inducements affects the integrity of the STAC scientists. She recommended having the STAC be a subset of the HWG.

Suszkowski said that the STAC has a lot of interesting issues from both a scientific and policy viewpoint.

The HEP HWG could likely get leading scientists resulting from past collaborations. In terms of payment and meeting deadlines, he just recommended that the STAC have the goals of the habitat plan articulated and understood by scientists early on, that they be given time frames, and that the HEP provide travel expenses. Suszkowski suggested that members have broad enough disciplines to not focus on one particular aspect of habitat. He also recommended tapping into existing, ongoing work, for which a number of regional options exist. The resulting committee should be considered an ad-hoc STAC with comments going beyond the contract and USACE to include the Management and Policy Committees with both technical and functional representation.

Houston recommended a larger scientific group to guide the other scientists along. He expressed concern that the STAC often finds it hard to reach a consensus with so many different voices and that personal research agendas cloud goals for the committee.

Flatow recommended instituting a peer review process to bypass such issues. She also said that we might want to have a STAC for future issues in areas the HEP HWG lacks expertise. In this case, they would not be divorced from HEP, but should not be required to meet regularly.

Houston said that the concept of an Advisory Committee is included in the report. Comments should be submitted to Al Appleton.

**☐ HEP Habitat Conference Update (Nancy Niedowski, NYSDOS)**

Niedowski announced that the conference is slated for May 2003 and awaiting final confirmation from the American Museum of Natural History for space.

**☐ Mitigation Workshop Update (Nancy Niedowski, NYSDOS)**

Niedowski told the workgroup of a confounding factor in scheduling a HEP HWG mitigation workshop. The EPA is holding a workshop October 10-11. She explained that potential attendees might not want to attend a workshop of similar substance around that time.

Houston suggested that the mitigation workshop be a single agenda HEP HWG meeting open to all.

Flatow added that the workshop should not be postponed too long with the potential 50 foot Arthur Kill deepening in some areas. It is important to involve DEC in a discussion of the concept of habitat tradeoffs (getting rid of one habitat and building another), particularly in the littoral zone.

Houston added that mitigation issues should be cleared up as soon as possible to prevent a trend of mitigating for habitat lost in construction of mitigation projects, and warned of the profound effect this could have on the Harbor.

Flatow added that NJ's mitigation attempts are failing as most habitat types are mitigated for in the Meadowlands. In these cases, they are failing to compensate for the different habitat types lost.

Niedowski proceeded to hand out the agenda for the October 10-11 EPA conference. She encouraged HEP HWG related agencies to attend.