



To: NY/NJ HEP Habitat Workgroup
From: Christina Scully, NYC Parks and Recreation/Natural Resources Group
Date: June 7, 2002
Subject: Minutes from the May 2, 2002
HEP Habitat Workgroup Meeting, Natural Resources Defense Council Conference Room

*Next meeting: June 27, 2002
Hudson River Foundation
HRF Conference Room
10am-2pm*

Present at Last Meeting:

Carl Alderson (NYC Parks), Bob Alpern (NYCDEP), Susan Bauer-Maresca (NYSDEC), Robbin Bergfors (NYC Parks), Charles deQuillfeldt (NYSDEC), James Dunkey (GF), Eugenia Flatow (CAC, NYCSWCD), Marge Gargiullo (NYC Parks), Steve Jandoli (NJDEP/GA), Renee Jones (GA), Andrew Kasius (NYNJOST), Shawn Kiernan (NOAA), Paul Mankiewicz (GI), Nancy Niedowski (USFWS SNEP), Bob Nyman (EPA-HEP), Mario Paula (USEPA-HEP), Greg Remaud (Baykeeper), Rosalie Siegel (PANYNJ), Don Smith (NJMC), Kyle Spendiff (NJMC), Carolyn Summers (NRDC), Kin Tong (NYCDEP), Robert Will (USACE), Dan Wzight (SH), Jeff Zappieri (NYSDOS), Christopher Zeppie (PA/NY/NJ)

Items needing further action:

- Review of Site Nomination Form: discussion of revisions and process**
- Organization of names and contact information of regulatory people for upcoming mitigation workshop**

- Claypit Creek Woodlands Nomination for HEP Priority Status (Greg Remaud, NY/NJ Baykeeper)**

Greg Remaud (Baykeeper) gave a site nomination presentation for a 40-acre waterfront tract located on Claypit Creek, at tributary to the Navesink River. He stressed the ecological value of this potential site. This area provides buffer for shellfish beds and shallow water habitat on and adjacent to the property. It additionally links preserved open spaces of Huber Woods Park (258 acres) and Hartshorne Woods (736 acres) presenting the opportunity for public hiking trails throughout these natural areas.

Remaud listed further details of the property. The waterfront is only partially bulkheaded. The broad mudflats of the Creek provide feeding ground for numerous herons, egrets and waterfowl. An expansive grassy field and historic house are included. Roughly 65% of the property is densely forested with a healthy understory. Lastly, he added that the property is privately owned.

Jandoli (GA) said that the Monmouth County Park System is one of the best in the country for land acquisition. They were one of the first to implement an open space tax in the country. However, this county is under intense developmental pressure, making the case for acquisition of this land parcel pressing. He added that the municipality of Middletown, a potential partner to preservation, has the rights to zoning.

Flatow (CAC, NYCSWCD) expressed support and said that this is another chance for the HRE to link preserved waterfront properties. Shawn Kiernan (NOAA) who has been active with the Navesink River and nearby shallow water habitat research concurred and said that anywhere to put a buffer between the open water and development is a valuable opportunity. He added that there are extensive, very valuable mudflats in the area.

Bob Alpern (EPA) requested more information about the watershed involved and then commented that he would like to start including more watershed information on the nomination forms. Jandoli said that watershed management has been very important to NJDEP as each watershed has uniquely different issues affecting it. The NJDEP website displays watershed specific resource information. NJDEP also provides grants to watershed management groups for implementing their specific plans. Jandoli added that Monmouth County has been very active with preservation and cooperative with conservation efforts. The acquisition process will be pursued by Green Acres, Baykeeper, Middletown, and Monmouth County with Monmouth County providing money and working out the logistics of acquisition.

The site was unanimously nominated as a High Priority site with one abstention citing a conflict of interest.

The conversation evolved into a critique of the nomination forms. Alpern continued to suggest revisiting the nomination sheets and reformatting them to include additional information such as watersheds, the associated partners, public education context, etc.. Niedowski said that the presentations usually fill us in on the bigger picture of the nomination sites and have served us well for many years. Alderson (NYC Parks/NRG) and Remaud said that they have found the restoration section to be unclear.

It was generally agreed that the workgroup participants should review the current forms and offer ideas for change. A standard procedure for filling out the forms for acquisition vs. restoration actions shall be decided. Flatow supported this idea and stated that it will be useful for CAC meetings. The nomination form is attached to the minutes. All suggestions should be returned to Nancy Niedowski (USFWS SNEP) at Nancy_Niedowski@fws.gov or faxed to her at (401) 364-0170.

□ Update on Hackensack Meadowlands Restoration Projects and Research (Don Smith and Kyle Spendiff, NJMC)

Don Smith (NJMC) began by introducing Kyle Spendiff (NJMC) who will soon be replacing him at the NJMC. Smith went on to give a brief overview of the Hackensack Meadowlands District. Currently, a great deal of mitigation is occurring in the Hackensack Meadowlands due to out of district impacts.

The acreage of marshes currently being enhanced totals 196 acres of the New Jersey Meadowlands 297 acres of marsh. The restoration projects are in Harrier Meadow, Mill

Creek Marsh, and Skeetkill Creek Marsh. Smith claimed that the remaining area generally does not need restoration work done on it.

Smith considers the restoration projects to be largely successful. Although there have been problems with attaining a level of 85% vegetative establishment, often used to indicate the success of a wetland restoration project, other signs point to success. They have regular sightings of shorebirds, green-winged teal, black skimmers, and ospreys. After caged control experiments pointed to Canadian Geese as the largest threat to vegetative development and recruitment, egg addling and pin-holing population control efforts have been launched. Spendiff said that the number of goslings have decreased as a result.

Smith went on to talk specifically about Phragmites control. The ecological benefits to having some Phragmites are that it provides niches for rare species such as the black crowned night heron and least bittern. Phragmites also holds purple loosestrife at bay, benefiting native declining species such as cattail.

Spendiff said that their research has shown Phragmites growth is promoted with well-drained soils and opportunity for ribosomal burial. He concluded that restoring hydrologic flow to the Hackensack Meadowlands is a step toward controlling phragmites growth and colonization.

Smith stated that the increased wetland acreage has improved water quality. There has been overall increased tidal circulation, sunlight penetration, and O₂ accumulation, which he links to the current oyster recruitment and measurable water quality improvements. Several workgroup members stated that they need more scientific evidence for these claims. Both Spendiff and Smith stated that both pre- and post-restoration data is available through Rutgers University. The contact for this data is Dr. Ross Feltes at rfeltes@rci.rutgers.edu or (732) 932-5266.

❑ **Port Authority Acquisitions Update (Chris Zeppie, PANYNJ)**

The Port Authority has been closely working with the Trust for Public Land, acquiring land with their \$60 million dedicated for land acquisition in NY and NJ. The acquired land will be under conservation easements with Port Authority ownership. Zeppie stressed that the land acquisition is not for future mitigation, but to embrace ecological stewardship in a public and meaningful way. Zeppie reported that this process has been going very well with several sites already designated for acquisition. They include 3 land parcels in NY State; two of which are in Great Kills, the other, a marine access site in Blissenback within the Arthur Kill. In NJ, two sites have been identified. They are Steiner Marsh and a Rahway River Pin Oak site.

The workgroup members acknowledged that political forces and ecological forces can be at odds in making decisions about which sites are worthy of acquisition. Flatow remarked that as a result, sites can be chosen on the basis of waterfront access rather than ecological stewardship. Garguillo (NYC Parks/NRG) expressed concern that the natural value of the Great Kills sites were less than desirable considering remaining HEP High Priority sites, such as the increasingly rare Hybrid Oak Pawpaw Woods sites in Staten Island. Mankiewicz (GI) suggested that the Great Kills sites be treated with a soil spread, planting, and a couple years of maintenance to improve its ecological value. Rather than

a declining Pin Oak forest situated on top of fill, it will be seen as young and rejuvenating.

Zeppie said the Port Authority is in the process of pursuing federal legislation parallel to the USACE Passaic River Flood Control Project that credited land purchased by governmental agencies as a local share of the flood control project. In this case, any land purchased for natural resource acquisition within the Hudson River Estuary would be credited as a local share for the HRE feasibility study. In some cases, this might be retroactively applied as it was with the Passaic River Flood Control project. This will greatly leverage the amount of money used within the Hudson River Estuary area. Flatow said that the HEP HWG must have our protocols for prioritizing sites strictly defined before choosing whether to support a site through letters of support. Niedowski agreed that we must be able to justify our lists on a scientific basis and mentioned that updating our lists and tracking our projects must be a priority.

❑ Update Targets and Goals (Bob Nyman, EPA-HEP) and CAC Work Plan Development (Gene Flatow, CAC, NYCSWCD)

Nyman stated that there have not been any new updates to the *Targets and Goals* document. They are currently looking into finding out what monitoring is needed to establish baseline data for measuring the attainment of the document's specific goals. Flatow mentioned that Steve Barnes (RRA) will be going to the CAC meeting with a blueprint for this. Flatow would like the HEP HWG to review Barnes's document and determine whether or not it represents the workgroup's viewpoints.

❑ Next Steps for "Improving Mitigation" Workshop (Nancy Niedowski, USFWS SNEP)

Niedowski stated that the "white paper" mitigation document is scheduled for presentation on 5/16 at the Management Committee meeting. The HEP HWG must consider what to do with the white paper mitigation document once completed. This includes details of the document's distribution; mainly in what form the white paper will be distributed and to whom. In addition, the invitees to a "white paper" workshop must be decided.

Steve Jandoli volunteered to speak to Ernest Hahn, the NJDEP assistant commissioner for land use, in order to get names of potential workshop participants. Nyman, Niedowski and Jandoli would like the document to be reviewed before widely circulated, and for the document to remain a draft. Niedowski initially wants a large meeting to introduce the document, from which smaller group meetings can be arranged. After a brief discussion, it was roughly estimated that the meetings will begin in September.

James Dunkey (GF) mentioned that he would like to discuss a technology of wetland construction, which removes specific contaminants per cell as a result of bioremediating species layout at the September meeting.

❑ **Updating Acquisition and Restoration Project List and Prioritizing Projects to target funding opportunities (Nancy Niedowski, USFWS SNEP)**

Niedowski pointed to the need to start revising and reprioritizing the HEP HWG priority list. When funding opportunities arise, we must be ready to provide site options and pertinent site information.

Robert Will (USACE) noted that Liberty State Park, Sherman Creek, Newtown Creek, and Kearny Marsh have been organized as a Hackensack Meadowlands project spin-off, similar to the HRE restoration project. He added that scopes of work are being developed for many HEP sites under their feasibility studies.

Christopher Zeppie (PANYNJ) said that Al Appleton (RPA) has been working on a needs and opportunity report which is shortly due. He is designing this with an ecosystem approach and assigning HEP sites to the most fitting of 5 sub estuaries. Bob Will (USACE) does not anticipate that this document will lay everything out. It will frame the central issues from which habitat needs must be characterized and baselines must be developed. He added that the question of how much habitat/estuary function individual sites contribute to the overall estuary plan still needs to be addressed when prioritizing projects.

❑ **Hudson/Raritan Estuary Restoration Feasibility Study Update (Al Appleton, Regional Plan Association)**

Al Appleton (RPA) said that the RPA is currently under contract with the Port Authority of New York and New Jersey and the USACE to facilitate the stakeholder development of a Needs and Opportunities Report to present to the Corp to help guide the forthcoming Hudson Raritan Estuary ecosystem restoration study. Discussions of the report to date suggest that the HRE restoration study will be most productive if it approaches the Hudson Raritan Estuary as a set of rich but islanded habitats in a sea of urban development.

The term estuary creates a mental image of a common but often discontinuous ecology. But the HRE cannot be reliably thought of or pictured in that fashion. The Hudson Raritan Estuary is not so much an estuary as a meeting place of estuaries which produces what Appleton considers to be the most complex estuarine geography in the country.

The five core habitat complexes of the HRE are Jamaica Bay, Hackensack Meadowlands, Raritan Bay, the Arthur Kill, and the Bronx East River. Appleton noted that there are important individual sites outside the boundaries of these five ecosystems, but these five core habitat complexes contain most of the functioning ecological resources. Fortunately, though small in number, these five complexes span a remarkable diversity of habitat and still have the size and diversity to be restored and enhanced as major habitat resources.

Human development will inevitably continue to occur in the region. To insure ecosystems are preserved from this unrelenting development pressure, will require both aggressive preservation of these existing resources along with an ecosystem approach that emphasizes restoring the continuity of natural areas. The ecological information will be gathered from HEP, USACE, USFWS, NJ Audubon, and other studies and used to

draw restoration acquisition maps with the goals of getting restored areas to become ecologically self-sustaining to the greatest extent feasible.

Secondary goals of this effort are to foster discussion amongst agencies to share research and results minimizing resource waste, to develop a fitting regulatory process for decision making on restoration projects, to investigate the option of using land acquisition money as a match from local partners for restoration efforts which Appleton noted might require federal legislation, and to develop a list of immediate restoration projects costing under \$6.5 million, CAP projects as they are sometimes referred to, that can be implemented without explicit Congressional authorization.

A draft of the report is being prepared with supporting maps and will soon be available for distribution and review by participating stakeholders. The USACE is reviewing the current status of local sponsorship for the 13 specific sites that will receive restoration planning as part of the harbor-wide HRE restoration study. So far, 3 sites (Newtown, Liberty State Park, and Sherman Creek) have significant likelihood of getting local sponsors.

Flatow believes that the Port Authority can fund projects on federal land, and wants to pursue that option; especially for Jamaica Bay wetlands. She said that if capital funds are available, we put forward an effort to save those wetlands before reconvening with the Blue Ribbon Panel.

❑ **Green Acres Harbor Estuary Program Priority Site Funding (Steve Jandoli, GA)**

Jandoli briefly reviewed the current land acquisitions that Green Acres is processing. He handed out a document containing lists of the Project, HEP site, acres, and funding information. A total of 10 sites, 540 acres and \$16,090,000 are involved in HEP sites HR7, HR8, HR4, RB2, AK6 (Helstoski, multiple sites, Pin Oak Forest/multiple sites), and RB13.

Niedowski remarked on how valuable this up-to-date project tracking sheet is and recommended that the HEP HWG do something similar.