



New York ~ New Jersey Harbor Estuary Program

To: NY/NJ HEP Habitat Workgroup
From: Nancy Welsh, HWG Chair
Date: September 5, 2003
Subject: Minutes from the July 15, 2003 HEP Habitat Workgroup Meeting

Next meeting: Tuesday, September 16, 2003
10 am – 2 pm
Hudson River Foundation - **AT THEIR NEW LOCATION:**
17 Battery Place Suite 915
New York, NY

Present at July 15 Meeting:

Robert Alpern (NYCDEP), Al Appleton (RPA), Mary Arnold (TCC), Bernard Blum (FOR), Paul Brunn (NYCDEP), David Burg (WM), Gisele Colbert (EE), Kerry Dawson (HRPT), Charles DeQuillfeldt (NYSDEC), Eugenia Flatow (HEPCAC), Dorina Frizzera (NJDEP), Nina Haiman (NYCSWCD), Ray Hinkle (URS), Len Houston (USACE), Mark Jaworski (Weston), Lynn Mandarano (UPenn), Susan Maresca (NYSDEC), E.J. McAdams (NYCAS), Susan Metzger (LMS), Bob Nyman (USEPA), Kevin O'Brien (HS), Diana Raichel (USFWS), Greg Remaud (NYNJB), Manuel Russ (CACNYCDEP), Katie Schmid (NYC Council), Christina Scully (NYC Parks), Rosalie Siegel (PANYNJ), Allison Speiser (EWA), Kyle Spendiff (NJMC), Frank Steimle (NOAA-NMFS), Carolyn Summers, Kim Tripp (GNRA), Chris Villari (NYCDEP), Nancy Welsh (NYSDOS)

Announcements and Agenda:

- **NRDC Update**

Carolyn Summers informed the group that she has resigned as the NRDC Harbor Bight director. She introduced Brad Sewell, the new director and point person for Harbor Bight issues. He can be reached at (212) 727-4507 or bsewell@nrdc.org.

- **City Council Select Committee on Waterfronts Hearing**

Katie Schmid (NYCCW) briefed the workgroup on the City Council Select Committee on Waterfronts hearing addressing the issue of transferring city-owned ecologically sensitive parcels to the NYC Parks Department. The plans are being formalized in a letter from council members Joseph Addabbo Jr., David Yassky, and Jim Gennaro, respectively heading Committees on Parks and Recreation, Waterfronts, and Environmental Protection. The HEP slideshow for this hearing, given by Carolyn Summers on behalf of the Habitat Workgroup, will be posted on the HEP website.

- **Harbor Herons Subcommittee**

E.J. McAdams (NYCAS) described the Harbor Herons subcommittee meeting held on Wednesday, July 9th. They discussed heron distribution and population numbers. In terms of numbers, heron populations have improved, although the three Arthur Kill Islands are still abandoned. They additionally discussed

the Arverne piping plover re-nesting program. Plovers are using the site, but productivity is low.

The subgroup discussed what direction to move in, and leaned towards disseminating current research to advocacy groups and researching funding options. They plan on meeting on a quarterly basis and perhaps more frequently once things are underway.

- **HEP HWG National Conference**

Gene Flatow (NYCSWCD) said that the HEP HWG national conference is being arranged for late Spring 2004. The conference will take place at the AMNH. Currently, they are trying to follow a process in obtaining a keynote speaker and deciding upon 3-4 workshop topics. They are planning on inviting other National Estuary Programs. Bill Tai (NYC Parks) has agreed to take the lead on the conference, and is working with Nancy Welsh on potential session topics. The topics will be chosen based upon interest and agreement and include volunteer partnerships and citywide monitoring protocols. Kim Tripp (GNRA) and Bob Alpern (NYCDEP) suggested addressing sea level rise. Welsh spoke to McAdams about having Katherine Parson's work incorporated as it would incorporate the less urban, agricultural and rural estuaries. Other possible topics include a report on the HRE and land use (recreational vs. habitat). Flatow and Welsh encouraged workgroup members help with the conference efforts.

In terms of additional sponsorship, Bob Nyman (USEPA) and Flatow said that travel expenditure money could likely come from the EPA for EPA representatives.

Al Appleton (RPA) said the original list of themes dealt with accelerating acquisition, mitigation and the permitting process. He asked if they were swinging this towards more technical aspects. Welsh said that she wants to find topics that assuage those who are doing the bulk of the work. Still, the topics must be cohesive enough and to draw in others from outside estuary programs.

Donna Frizzera (NJDEP) recommended addressing invasive species restoration methods and integration of business and science protocols throughout a project. Welsh said that the conference should avoid overlap with other conferences such as those in planning by the USACE and HRF. Len Houston (USACE) said that the USACE conference will highlight how projects reach fruition. They will bring experienced restoration teams to discuss planning and construction phases of restoration work, detailing what problems were encountered and discussing ways to improve the systems. The conference will not deal with restoration philosophy or the scientific/technical aspects of the work.

Kim Tripp (GNRA) said that GNRA has money for a symposium on global sea level rise and its effect on armored shorelines. The conference will take place this winter and accommodate about 100 attendees.

- **Northeast Rapid Assessment Aquatic Invasive Species Survey Recap** (Bob Nyman, USEPA)

Nyman reminded the group that the aquatic invasive species survey would be conducted soon (beginning August 9). The sampling sites will include South Street Seaport, Snug And Great Kills Harbor. The sites were selected based upon substrate, salinity, and access. A group of about one dozen taxonomists will be sampling piers and docks for attached species. Cathy Yuhás is the contact for this project (cathy@harborestuary.org)

- **Corporate Wetlands Restoration Partnerships** (Bob Nyman, USEPA)

Nyman informed the group that the corporate sponsorship program Mario Del Vicario presented to the group at the last meeting is underway in NJ. They are currently looking for NJ projects to get started on. Nyman submitted a few project ideas which include a South NJ fish ladder installation and a project John Sacco (NJDEP) designed for oil spill abatement and osprey nesting creation/protection. The project will identify areas susceptible to oil spills, install standard osprey platforms and easily deployable oil booms to prevent oil spill damage in coastal wetlands. Nyman said that additional projects should be prepared for proposal to NJ corporate sponsors. Greg Remaud (Baykeeper) said that the Raritan Bay Shore and

Manyminds Creek area could host projects. He volunteered to sort through potential projects and site information Baykeeper has gathered.

Nyman told the group that he would draft a letter from the workgroup supporting the oil spill boom/osprey nest project. The group suggested seeking sites for this work in areas along the Raritan Bay Shore and in Monmouth County since the Arthur Kill has several projects pending. Remaud said that some places are not suitable for artificial osprey nests. Surveys should probably be made as some places have natural potential nesting sites or the nests might lessen the value of an aesthetically pristine area. Welsh, Summers, and David Burg (WM) seconded this statement.

Nyman said that the main aspect is to prevent oil damage, while the osprey nests are secondary to the study. An emergency response team will install the booms. The project is fairly low tech, and easy to implement. Nyman said that the issue is to initiate working with this group, and to start getting projects ready to go.

Welsh said she would like to be able to work with the CWRP although she added that in terms of potential projects, the boom dispatching and osprey nesting isn't the best example of what the HEP HWG could be producing or endorsing. Still, in developing a partnership, she can try and work with CWRP and attempt to foster an understanding of the type of projects that are available in the Harbor Estuary and that are high priorities. The CWRP requirements for project ideas limit what can be suggested from the HEP, but it is hoped that in the future they will work with the Habitat Workgroup to try and advance high priority restorations. Remaud agreed that boom installation is a beneficial, preventative project, but that in terms of potential projects, it isn't be top tier.

Welsh said she is inclined to support a letter if HEP partners involved, such as John Sacco and Baykeeper, think that the boom can provide some benefit. There is value in trying to begin a partnership with the CWRP, and HEP may be able to get resources for additional, higher priority projects in the future after CWRP gets up and running.

- **Hudson River Estuary Study** (Len Houston, USACE)

Houston thanked the group for coming together to discuss the next steps between HEP HWG and USACE in the HRE planning process. He said that at this point, everyone should have copies of the Needs and Opportunities Report.

The USACE is examining the report, submitting a lot of recommendations and implementing its ideals into a restoration plan which goes beyond agency and cost considerations, keeping the estuary's health as the main driving factor. The HRE project will continue as projects are funded and consist of numerous phases.

Houston informed the group that the 13 fast tracked sites are not fixed. Instead, sites will be considered based upon funding availability. Currently, Liberty State Park is progressing, moving fast towards implementing public outreach. The design for the 250-acre park is close to completion. The feasibility study (first draft) will be ready by the end of 2003. Because the project is such an expensive undertaking, NJDEP may not have sufficient funds. They will likely phase the project into different components. There are monthly progress meetings.

The USACE is moving along with the Sherman and Newtown Creek projects, which are respectively located in Harlem and on the Brooklyn/Queens border. These projects have willing sponsors EDC (Sherman Creek) and NYCDEP (Newtown Creek). The Meadowlands project was recently signed off by the NJMC and is underway. The lower Passaic restoration also has its own funds and authorization. It will be melding with the EPA Superfund cleanup. Houston said that the group will hear much more about these projects after October when the fiscal year rolls over.

Flatow recommended oversight on all projects, ensuring that they are faithful to habitat restoration. She

also requested details on the Gowanus NYCDEP project. Houston responded that the project is a separate feasibility study with its own funds, targets, and workers. The Hackensack Meadowlands is also a spinoff feasibility study.

Houston reminded the group that he would like the HEP to discuss its involvement with the HRE and ideally set up a structure for this interface. He suggested that the group give input for directing the study and implementing what the study recommends. Houston sees this plan as potentially the best thing to happen to the harbor and added that it is not getting the attention it deserves. Appleton said we should start a process of consultation, which can evolve over time. Burg asked how HEP input would be implemented. Welsh could be the point person for a workgroup-directed effort.

Houston described the regional approach, which includes breaking the harbor up into manageable sections without cutting across watersheds. There are currently eight geographic areas. The USACE is currently looking for existing data for these regions and investigating options of gaining support and funding for projects. The opportunities and history for each region are identified in the HRE report. Welsh questioned how this is different from the N&O report. Houston said that the N&O philosophy informs the HRE study.

Schmid asked how advisory boards are designed and particularly if they have binding arrangements to conform to HRE procedures, especially when working with community partners. Houston said there is flexibility, although he would like to have a public involvement plan. He said that the plan will always allow room for evolution and improvement.

Remaud asked how spinoff projects get integrated into the HRE. Houston said this can be done through the CAP program or congressional authorization. He added that a major benefit of spinoff projects is that they are completed in a timely fashion. The CRIP will address this issue. Houston added that the HEP can examine and contribute to this issue. Presently, the spinoffs only tie together because they are in the harbor. Flatow urged that a process for spinoff integration be developed in order to bypass Comprehensive Port Improvement Plan (CPIP) issues regarding site prioritization and resource use. Spinoff agencies could potentially represent a non-cooperating group.

Welsh asked if sites which have designs, plans, and are underway to some extent could be fast-tracked (e.g. NYCDPR sites). Houston said that this is a possibility. Welsh asked whether or not the HRE study and resources can be put to work to write out the plans for the HRE and said that this is the most valuable initiative to work on at the outset. Houston said that projects ready for implementation can be funded from the Continuing Authorities Program. The agencies involved must submit letters. To date, nothing has been rejected. CAP projects bypass the feasibility study. Houston said that there is money in the HRE to develop site plans. Liberty Park is using this provision. Sherman and Newtown can use them once they have partners.

Sites are being represented within a small inventory database including ownership information, current site conditions and site history. This information will be available for all sites, despite whether or not they have sponsors. Houston emphasized the importance of CRIP becoming a restoration plan for the Harbor without staking sites against each other. The objective is to get all sites done in the future.

Summers recommended a process to ensure the HEP HWG is involved in decisions on whether or not to go forward on projects. Many members have put a lot of time into the development of the HRE plan and should maintain a presence. To start, she thinks the HEP HWG should have a subcommittee that will oversee the HRE and seek funding from the EPA, a large undertaking that will require additional staffing. The project is already underway and the HEP should keep up with project proposals and offer input. She added that the subcommittee should also reach out to academics for guidance and look at the sites with impartiality.

Schmid recommended a community intermediary staff position to convey the science and project planning aspects to the public. Remaud agreed that having local contacts to spread the word and garner

support will help lead to successful projects.

Charles DeQuillfeldt (NYSDEC) said that this plan, like others, addresses individual sites/restorations. He said that the larger issue of making the regional plan most meaningful is unfulfilled. The functioning of the Harbor as a whole, tied in with the CCMP, is not the prevailing mission like it should be. Rather, funding is the deciding factor.

Welsh reminded the group that the N&O report largely reformulates the HEP HWG site identification work which has been done already. In her opinion, beginning anew with a new site identification approach is illogical. The HEP sites list and N&O report should be used as a starting point, and the HRE study can build on this, fill gaps and refine existing information.

The critical need is for the HEP HWG partners commit to working with USACE to start implementing fast track sites in order to show that progress is being made. The HEP site list already exists and with a minimum of effort and resources, a subset of the existing sites that are in need of more funding or other resources can be identified for immediate fast tracking, if HWG partners can commit to being the local sponsors. This revived HWG commitment is what is needed. A list of sites ready for implementation and of projects needing more work should be compiled by the workgroup and sent to Houston for fast tracking.

To frame the comprehensive study, a STAC will be needed, but to help USACE show progress and justify continued HRE budget allocations, the HWG partners should commit to advancing the fast track sites with the basic data that is already available. Thus HEP's agenda and the HRE agenda are advanced without creating new management structures, staff positions, or site identification processes.

Welsh clarified that a letter of intent expressing a local match commitment to the USACE is necessary to be a fast track site. She added that she would like to explore the option of resuming stalled, partly finished and ready-to-go sites through the USACE. She mentioned NYCDPR sites Four Sparrow Marsh and Saw Mill Creek as examples of these types of projects. Welsh requested members to submit sites they can sponsor locally and she will forward to Houston.

Frizzera recommended that the process include consultation with the HEP HWG be added as a provision before projects are underway. Flatow agreed that sites should come and seek approval before construction. Houston said there is no reason they can't be discussed within the HEP.

In terms of HEP HWG's involvement, Houston said he would like to constantly receive feedback. At a minimum, he will continue attending the meetings to seek guidance. However, a subgroup with formalized recommendations is a welcome possibility.

Summers motioned to convene a subgroup to make the lists Welsh described and submit them to Houston. Susan Bauer-Maresca (NYSDEC) and Welsh seconded her motion. Later the group can guide policy and work more closely with the USACE.

Frizzera volunteered to query within NJDEP to obtain a list of every ongoing project in the HRE, its status and funding source. She predicted a product by October.

Flatow said that sponsors for the projects already initiated should be brought in to speak. Then the HEP HWG can learn whom they're working with, who their committee is, and ensure compatibility with the HRE. This should include Sherman Creek, Meadowlands, Passaic River, and Newtown Creek sponsors. Remaud stressed that the NJ meeting should be in NJ.