



To: NY/NJ HEP Habitat Workgroup
From: Christina Scully, NYC Parks/NRG
Date: May 13, 2003
Subject: March 12, 2003 meeting minutes

Next Meeting: Tuesday May 20, 2003
10 a.m. - 2 p.m.
NRDC Conference Room
40 W. 20th Street, 9th Floor
NY, NY

Present at Meeting: *Robert Alpern (NYCDEP), Mary Arnold (TCC), Alice Belling (NYCDEP), Michelle Bicek (ED), Betsy Blair (NYSDEC), Bernard Blum (FOR), Alexander Brash (NYC Parks), Paul Brunn (NYCDEP), David Burg (WM), Gisele Colbert (EE), Kerry Dawson (HRPT), Charles DeQuillfeldt (NYSDEC), Nina Haiman (NYCSWCD), Len Houston (USACE), Steve Jandoli (NJDEP/GA), Andrew Kasius (NYNJ), Shawn Kiernan (NOAA), Lynn Mandarano (UPenn), Bob Nyman (USEPA, HEP), Kevin O'Brien (NYCDEP), Manuel Russ (CACNYCDEP), Katie Schmid (NYCCW), Christina Scully (NYC Parks), Rosalie Siegel (PANYNJ), Allison Speiser (EWA), Carolyn Summers (NRDC), Bill Tai (NYC Parks), Kim Tripp (GNRA), Chris Villari (NYCDEP/BEE), Clark Wallace (TPL), Nancy Welsh (NYS DOS), Juliana Wyman (USFWS)*

Announcements/Handouts:

-Rosalie Siegel (PANYNJ) passed out the February 12, 2003 announcement of the Staten Island Waterfront North Shore Tract or Blissenbach Marina acquisition. The site is the first to be purchased under the \$60 Million Port Authority program.

-Steve Jandoli (NJDEP/GA) passed out the most current listing of NJDEP Green Acres Program funding.

Harbor Herons Conference Recap (3/11/03)

Alex Brash (NYCDPR) recounted the major points from the "Why Have the Herons Abandoned the Arthur Kill Islands: A New York City Audubon Harbor Herons Project Emergency Meeting and Discussion" at Staten Island College, to the workgroup. The loss of herons is attributed to multiple issues including continued habitat loss, increased predation, and pollutants. As outlying, suburban heron populations desert their less polluted inland habitat as a result of human encroachment, they take refuge on urban islands. There they are protected from habitat loss, but display decreased survivability. The study attributes these continuing losses to increased pollution from the urban environment. Brash suggested the HEP HWG consider supplementing current monitoring efforts to measure survivability and pollutants more precisely. He said that NYC Audubon Society and Parks would team up to invite visitors to the islands, with Parks providing boat access, to take advantage of this opportunity for public education. Brash recommended that NYCAS begin rigorous data collection and buttress those efforts with other students and researchers. He suggested the data include more nest counts and banding. This was submitted to Bob Nyman (USEPA/HEP) for inclusion in the HEP budget.

RB1-Pawpaw Hybrid Oak Coastal Woods site

Caroline Summers (NRDC) and Kevin O'Brien (NYCDEP) informed the workgroup that a portion of the HEP High Priority Acquisition, Pawpaw Hybrid Oak Coastal Woods site (RB1), has been developed. A 1-acre site has been preserved within the development containing rare oaks, and nearly 7 acres remain. Welsh said she would speak to Marge Gargiullo (NYCParks/NRG) about the remaining site and what the HEP can do to protect it.

Summers also said that the HEP HWG should focus on obtaining Outerbridge Ponds and Woods (AK17). NYSDEC has had numerous actions against this owner.

NYC Wilderness Conference

David Burg (WM) mentioned the possibility of a NYC Wilderness organization developing. They are holding a feasibility meeting on May 8th with representatives from Chicago Wilderness.

Minutes:

□ HEP HWG Administrative and Logistical Issues (Nancy Welsh, NYSDOS)

Nancy Welsh (NYSDOS) said that with the Hudson River Foundation moving their offices, it is not certain they can continue hosting HEP HWG meetings. At least temporarily, new meeting places must be lined up. Brash recommended the Arsenal Zoo Conference room. Carolyn Summers (NRDC) volunteered to look into the availability NRDC Conference room.

Welsh also suggested that the HEP HWG begin selecting meeting dates well into the future on an every other month basis with smaller subgroups meeting more frequently and reporting back to the HEP HWG at the larger meetings. The dates for upcoming meetings are May 20, July 15, September 16, and November 18. Welsh welcomed ideas for subgroup initiatives, and added that issues such as the proposed HEP HWG hosted Workshop/Conference would be best handled by smaller specialized groups. Other initiatives for subgroups to revisit include the HEP HWG conference, site evaluation, regulatory concerns, mitigation, and acquisition/restoration, which will also deal with new site nominations, priority/high priority definitions, and follow site status.

Bob Nyman (USEPA, HEP) suggested a separate workgroup to work on site updates. USEPA has an intern working on this and additional help is needed for such a large task. Welsh agreed that distributing the sites lacking information amongst members and having them work independently would be useful. She added that it is extremely hard to update sites without dedicating a lot of time to the effort. Len Houston (USACE) suggested that the acquisition/restoration subgroup help the USACE move through the HRE study. Shawn Kiernan (NOAA) volunteered himself and Carl Alderson (NOAA) to work in the acquisition/restoration subgroup. Summers volunteered to work on mitigation and following up on the *White Paper* document with the regulatory committee. Brash again expressed commitment for NYC Parks to help with conference planning. He added that, in terms of acquiring land, the group already knows of many worthy sites. He urged the HEP HWG to focus their efforts on obtaining money.

Burg supported the idea of forming subcommittees and added that it will likely improve the HEP HWG's efforts to secure funding once a subcommittee focuses its attention specifically on acquisitions and funding. Welsh agreed that the HEP HWG needs to increase efforts to save sites and go beyond making lists. With respect to new subcommittees, she warned the workgroup that they would be receiving calls to join various committees. The new subcommittee meeting dates will be posted on the HEP website at [www.harboestuary.org](http://www.harborestuary.org).

□ NJDEP Green Acres Acquisition Update (Steve Jandoli, NJDEP/GA)

Jandoli brought an updated sheet of NJ progress for project tracking efforts. He announced that the Middlesex County project (AK6), Middletown Township (RB2), and Cheesequake Marsh (RB13) will be closing soon. Kiernan asked how the recently nominated Manyminds Creek is going. Jandoli responded that the site has received Green Acres funding, but was not sure if they have acquired yet. Juliana Wyman (USFWS) said that currently, there is no willing seller for Conaskonk Point (RB8).

□ HEP Budget (Nancy Welsh, NYSDOS and Bob Nyman, USEPA/HEP)

Nyman announced that the HEP budget was nearly due. He asked if members had any additional ideas for budget items to include in the request package. Welsh added that historically, the HEP HWG has received a small portion of HEP funding, but that it doesn't necessarily have to be that way.

One of the major budget items Nyman and Welsh had already researched is the web enabling of HEP sites. Both met with representatives from the Community Mapping Assistance Project (CMAP), Open Accessible

Space Information System program (OASIS). It is online at <http://www.oasisnyc.net/>. NYPIRG's CMAP provides affordable maps to not for profits to further goals of consumer protection, social justice, environment, and governmental reform. Both Welsh and Nyman agreed that the site has nice functionality, data layers of relevance to the HEP, and a free, user-friendly web format. Additionally, OASIS already has an array of partnerships forged throughout the Harbor. Welsh supported this as a good way to make the HEP sites accessible to the public. Although OASIS currently only maps the five boroughs of NYC, they will expand into NJ, accommodating all HEP sites. The prospective budget for incorporating HEP sites and data layers into the OASIS website is \$16,500. Welsh said she thinks this amount of funding is available and would like to forward it as a HEP HWG request. Another \$15K has already been allocated for a HEP HWG hosted conference.

Workgroup members suggested additional budget items. Kiernan suggested the HEP create a budget item of matching funds for a joint grant with member organizations such as NOAA and Baykeeper, to get high priority projects through the design phase and ready for permitting. A list of projects ready to go will encourage and impress funding sources. He added that it would be great to also identify work as an actual HEP project, rather than merely HEP approved. He volunteered to draft a paragraph for HEP budget consideration to Nyman by the end of the day. Summers suggested funding for an assistant to work on bookkeeping/site updates issues. Nyman said this was already added as a budget item. Welsh agreed that we need someone solely devoted to this task. In response to the "Why Have the Herons Abandoned the Arthur Kill Islands: A New York City Audubon Harbor Herons Project Emergency Meeting and Discussion", Brash suggested a budget item for positions in NYCDPR and NYCAS to expand the crew collecting data there. This was also submitted to Nyman as a budget item.

❑ **Restoration Site Nomination, Mary Arnold Site (Teaneck Creek Conservatory)**

Mary Arnold (TCC) began the restoration site nomination by giving a geographical overview. The site is a 46-acre section of the 1,200-acre Overpeck Creek Park, located in the Township of Teaneck in Bergen County, NJ. The site contains forested wetlands, state open waters, and freshwater wetlands.

Arnold proposed that wetland restoration at this site would enhance wetland functions of denitrification, carbon sequestration, pollutant removal and storm water management. Despite being neighbored by a landfill, leachate drains downstream of the project site. The landfill also has an elaborate restoration plan to be capped. Arnold described the public and private partnerships established for the site, which include ties with Bergen County representatives, the Puffin Foundation, Hackensack Riverkeeper, Inc., and neighboring schools and communities.

Charles DeQuillfeldt (NYSDEC) said that with this project, the technical probability of success is contingent on things that may or may not happen. He added that in looking over the nomination form, the probability of success is medium, not high, as indicated. He said that partnerships from governmental agencies are not necessarily guaranteed or likely. Project success depends on a host of factors, what improvements you need and if they are technologically and economically feasible. The nomination form was adjusted to reflect a moderate probability of success.

18 members voted in favor, 0 were in opposition and 2 abstained.

❑ **2003 Funding Ideas for HEP Projects**

Clark Wallace (TPL) said it is extremely difficult to convince nation-wide funders to commit money in the NYC area, as parcels are smaller and significantly more expensive. Brash said an element to counteract this, is to stress to government representatives that urban areas are driven by a lot of votes.

Bill Tai (NYC Parks) mentioned that incremental environmental penalties could go into a city acquisition fund. Summers agreed that the HEP HWG should push to obtain money for this region. Aides in the past have found a total of \$3 million for NY Harbor area land acquisition, by way of congressional representatives funneling them where money is easiest to obtain.

Houston said that the HRE budget is currently less than \$1 million. Next year's budget proposal is of the same magnitude. Of the 13 HRE sites, only Liberty State Park and Newtown Creek have developing plans. The goal is finding money to match state funding. The CRIP will move forward on these 2 sites, but the remaining 11 will not be developed in detail until they have at least some commitments to fund them. He mentioned that some sites may need to be substituted.

Houston briefed the workgroup on site funding and progress. The cost sharing agreement to start the Hackensack Meadowlands is imminent. Gowanus restoration is moving along with funding from NYCDEP. The lower Passaic cleanup is more complex and may still need additional time to work out, but continues to move ahead. The Jamaica Bay design is almost finished with 8 sites complete. About 3-4 have committed partners for construction, with the remaining sites still in need of partners. The *Jamaica Bay Draft Feasibility Study Report* is due at the end of 2003. Currently, NY State has \$7-8 Million in the Jamaica Bay damages account which it can apply as matching funds for construction, which are matched 2:1 on the federal level. DEC and DEP are matches for other sites. The feasibility report will include designs for all of the exterior wetland sites and suggestions for restoration priorities.

Summers said that lobbying for acquisition funds will need a different approach since the Conservation and Reinvestment Act (CARA) has failed. Federal funding is still available. The TPL received \$350,000 in funding for two projects; one in Long Island Sound, the other in Lake Ontario. NJ coastal received funding through the National Ocean Service, which was funneled through NOAA. Wallace volunteered to look into these funding opportunities and discuss them at an upcoming meeting.

Summers said that the workgroup needs to continue lobbying to get HEP sites purchased through the PANYNJ \$60 million. Welsh agreed and said that it is a useful way to get Outerbridge Ponds and Woods (AK17). Owners of such high priority sites also need to be contacted and TPL is looking into that. Wallace recommended looking through *Islanded Nature* to find important sites. He expressed interest in presenting TPL sites.

Jandoli said that Marc Matsil, the NJDEP Assistant Commissioner for Natural and Historic Resources, had NJDEP put together a site list for PANYNJ, or which all are from the HEP HWG list. The NJMC also recently created a plan for preserving land within the Meadowlands district. Summers suggested sites that are being actively pursued be given to the HEP HWG along with info on willing sellers. Summers also suggested a subgroup meeting to talk about alternative funding sources and who within the HEP HWG nonprofits can lobby and request money from their representatives.

❑ **Restoration/Mitigation Workshop (Len Houston, USACE)**

In response to a request by Welsh for conference ideas last fall, the USACE asked the HRES to conduct a restoration workshop. The workshop will deal with the science of building and constructing projects, commonly encountered problems, and detail how to get from start to finish as efficiently as possible. Houston added that the HEP HWG should continue focusing on the *White Paper* and regulatory policy/issues. Discussions with both NY and NJ regulatory committees at a recent DMMWIG meeting showed common restoration project hurdles. A restoration permit will likely be denied if any amount of filling occurs in a wetland, despite the fact that the project design could yield a successfully restored habitat of greater value or rarity. On the other hand, dredging and deepening projects gain approval in a timely fashion. The data and level of detail needed to overcome this regulatory hurdle typically kills projects. In Houston's opinion, certain risks should be allowed when reviewing a restoration permit, especially when targeting relatively degraded areas where the worst that might be expected, is a return of the existing conditions. He added that each case should be reviewed independently and expeditiously. NY and NJ discussed having an environmental restoration coordinator to deal with this issue. Kiernan said that this should not stop with wetlands, but should review shellfish habitat creation.

DeQuillfeldt said that habitat exchange is related to this. Confusing scenarios arise when reasonably healthy habitat is used to create something else that may never achieve full functionality. This occurs with propositions for salt marsh creation on reasonably healthy subtidal habitat. Summers added that the group needs to define degraded so that Phragmites and mudflat are not immediately dismissed without

examination. They offer habitat and protection for a suite of species. Restoring the area may take away these ecological niches. Mowing down hundreds of Hackensack Meadowlands acres is not necessarily a smart idea. Houston countered that you have to think about what habitats you should aim for within the HRE. He argued that since most Phragmites seems to be invasive and its dominance is a result of human interference, it should not be protected.

Houston said that a workshop to deal with these regulatory and mitigation related issues would benefit from HEP sponsorship. Both issues present themselves for a workshop-type scenario. Welsh agreed this is indeed needed. However, she was not sure about the prospect of combining both issues given how large they are. She asked what kind of timeframe and format Houston envisioned. Houston thinks that a fall/winter roundtable with sufficient, wide-ranging agency participation would work, possibly over two days, but likely as a very focused and prepared morning and afternoon sessions. Summers suggested a format similar to the mitigation conference. She also recommended researching and gathering together the current policies of regulatory agencies. Summers also said that NYSDEC has noted inconsistencies in their wetland permitting, which are being examined.

Welsh and Houston agreed that HEP HWG members belonging to regulatory agencies need to come back with the list of appropriate participants. DeQuillfeldt suggested limiting this to the NY Harbor for now. Jandoli volunteered to speak to regulatory links in NJ. He added that NJ land use regulation programs have designed more than 20 permits for different development/restoration activities, which makes the process a lot easier. NJDEP also has a Wetlands Mitigation Council. Houston added that nonprofits should be involved in this issue.

□ **Priority/High Priority Definitions (Nancy Welsh, NYSDOS)**

Welsh passed out draft “priority” “high priority” term definitions, which will take place immediately. They were written with input from a conference call between HEP HWG members. Welsh said she is willing to take more comments from members, but for now, the definitions explain the categories reasonably well. The more complex issue of ranking sites will be discussed in another forum/subgroup. Welsh encouraged members to also participate in this process. Kiernan suggested that the workgroup update the site list first, and identify the sites important for the coming year, before considering rankings. DeQuillfeldt said that a scoring system has merit, it just cannot be explored uniformly right now with the current information gaps. In terms of HRE site prioritization, Houston mentioned the system currently used in the Florida Everglades Restoration does not prioritize sites. Rather, they consider all sites that support the entire plan and there is no competition between them. Houston said this type of approach might work in the HRE.