



## New York - New Jersey Harbor Estuary Program

### **HEP Habitat Work Group Meeting**

September 12, 2006

USEPA, 290 Broadway, Conference RM 27D, NY, NY 10007

10:00 AM to 1:00 PM

### **Acquisition Site Nomination: Chris's Marina, Middletown, NJ**

Fran Varacalli (Monmouth Conservation Foundation) and Anthony Mercantante (Middletown Township) nominated the Chris's Marina site in Middletown, NJ. It is a 15+/- acres site.

*"This unique property is in danger of being sold. If sold this site is a perfect location for a developer to build a large density townhouse complex very similar to projects currently under way in Keyport, Long Branch, Asbury Park and other communities in Monmouth County. Currently there are no contracts or agreements in place with the owner. If the site is not preserved Middletown will lose priority habitat lands for bald eagle nesting and feeding, State Threatened Emergent Wetlands, public access to the water, a view of the water and the rare resource a marina provides for the public benefit. A development of this magnitude will forever change the surrounding area. Development will contribute to traffic increases, congestion, runoff, and loss of viewscape."* – taken directly from the Nomination Form.

There is a verbal understanding with the owner on a price for the property. The owner would like the property preserved. Middletown Township wants to clean up the boat storage area and put a walkway there instead. The township would like the marina to remain a marina for small boats. NJDEP had filled part of this property and this area could be restored and/or capped.

This property is near Claypit Creek. There are tidal wetlands on this property. It is ¼ - mile east of the NY-NJ Baykeeper oyster reef. It is a shallow site that is good for kayakers and canoeists. Herons and egrets can be found there. A lot of the area around the site has been preserved. There is also a fish ladder on the Swimming River which is near this site. The site was approved by the HWG with two abstentions – Port Authority of NY & NJ (PANYNJ) and the Coastal Marine Resource Center of New York (CMRC).

## **Acquisition Site Nomination: Various Sites in Staten Island found in *An Islanded Nature***

Clark Wallace (Trust for Public Land) and Yigal Gelb (NYC Audubon) nominated Outerbridge Shorelands, Kreisher's Cove, and Sharrotts Road Shorelands in Staten Island, NY.

Outerbridge Shorelands:

*“30 acres. The Outerbridge Crossing bisects the parcel - on southern half residences and commercial establishments are present. On the northern half a trucking facility exists. A vacant parcel east of Arthur Kill road is undeveloped and can link to other open space parcel. Area has ecological value—both floral and faunal species are represented on-site. Site also has an expansive shoreline.”* – taken directly from the Nomination Form.

Kreisher's Cove:

*“Approximately 25 acres along the Arthur Kill shoreline. Site is west of Arthur Kill Road; Androvetta Street is the northern border, and Allentown Land is the southern border. A tidal marsh is on the parcel, as well as a NYSDEC designated intertidal wetland area which protects the northern portion of the site. Faunal species include ospreys and southern leopard frogs. Southern 2/3 of site is being developed.”* – taken directly from the Nomination Form.

Sharrotts Road Shorelands:

*“42 acres. Arthur Kill is the western boundary; eastern boundary is the development of Arthur Kill road. Ellis Road/Port Mobil is the northern boundary; Androvetta Street is the southern boundary. A high marsh is dominant at edge of Arthur Kill, and wetlands are present near Tappens Creek. Open fields are at the end of Sharrotts Road. Woodlands border the field, and stretch from the shore area to the north portion of the parcel. Tappens Creek flows through the parcel, linking it to the Clay Pit Ponds State Park Preserve. Northern area of the DEC wetland AR-39 is located on the parcel. Area is ecologically recovering from industrial disturbances, notably a dredge spill that occurred when Arthur Kill channel was altered.”* – taken directly from the Nomination Form.

At the next HWG meeting, the other sites from *An Islanded Nature* should be nominated to the habitat list. The three sites were approved by the HWG with two abstentions – Port Authority of NY & NJ and the Coastal Marine Resource Center of New York.

Rosalie Siegel (PANYNJ) said that the PANYNJ always refrains from voting on habitat site nominations. Joel Banslaben (CMRC) refrained from voting on both sites because he wanted to object to the nomination process and the lack of resources for a site that has been nominated. He said that there is no coordinated effort to move sites along in either being restored or acquired. He is also objecting to the lack of follow-up with site nominators after the site has been nominated.

It was agreed that the site nomination forms should be e-mailed to the HWG at least a week before the HWG meeting.

It was also agreed that other sites that need to be nominated from *An Islanded Nature* should not be grouped together.

### **Estuary Live Broadcast at Jamaica Bay on September 29, 2006**

Cathy Yuhas (NJSG/HEP) made an announcement that HEP's Estuary Live Broadcast at Jamaica Bay will be on September 29, 2006 at 12:10pm.

### **Jamaica Bay Watershed Protection Plan Update**

Len Houston (USACE), who is a member of the Advisory Committee for the Jamaica Bay Watershed Protection Plan, gave the update on the Jamaica Bay Watershed Protection. The plan was established through Local Law 71. NYC Department of Environmental Protection (NYCDEP) has to respond to each recommendation that was made to them. They either have to accept, reject, or table them. There are 62 recommendations. A few of the ones that the NYCDEP rejected are:

- Identifying chemicals, specifically pharmaceutical chemicals, in effluents from treatment plants. NYCDEP felt this was too broad and that it needs to be more specific. The Advisory Committee will come back to the NYCDEP with a list of specific chemicals.
- Conducting a health survey of the people who eat fish from Jamaica Bay. NYCDEP felt this was outside of the scope of the watershed protection plan and that this would be very involved.

NYCDEP tabled the other 60 recommendations. The Advisory Committee is disappointed that the NYCDEP did not accept any of the recommendations. The Advisory Committee will work with NYCDEP to accept the recommendations.

There are three challenges in the plan. Each challenge has goals and recommendations that will be used to achieve prioritized goals. The three challenges are:

1. Water Quality
2. Compromised Ecology
3. Inadequate Planning and Outreach

The Compromised Ecology challenge includes a plan to obtain funding for all HEP sites in Jamaica Bay.

NRDC is having a meeting on September 14<sup>th</sup> with the environmental groups to discuss the recommendations. The recommendations can be fine tuned.

Catalogue of plants and animals need to be pulled together.

HWG should be aware of all stakeholders' meetings.

## **City Wetlands Transfer Task Force**

Bill Tai from the NYC Department of Parks and Recreation Natural Resources Group (NYCDPR NRG) presented the City Wetlands Transfer Task Force to the HWG. This task force was signed into law at the same time as the Jamaica Bay Watershed Protection Plan. There are seven individuals on the task force. This task force was established through the Local Law 83, which allows for the feasibility of transferring wetlands to NYC Parks. The criteria used for the wetlands properties are environmental, economic, legal, and technical. There are 2100 lots of city-owned wetlands. The break-down of the agencies that own them with the percentage of how much they own are as follows:

- NYC Parks – 55%
- NYCDEP – 20%
- DCA – 15%
- Other – 4%
- HPD – 4%
- DSBS – 4%

Some parcels are very small. There are 625 lots in Staten Island that are not owned by NYC Parks. They have identified high priority clusters, i.e., that the lot is close to a park, in a bluebelt, in a particular watershed, etc.

Public comments have been accepted. They will also take a look at parcels that community groups are aware of that could be added to the list. There is a hesitancy to turn parcels over to NYC Parks, especially if any mitigation/restoration work is being conducted on them by another city agency where there is funding in place for the mitigation/restoration. The mitigation/restoration should be completed before it is transferred to NYC Parks.

Bob Alpern would like to see an evaluation of the wetland transfer process. Alex Brash (National Parks Conservation Association) asked him to write a position paper on it.

Alex thinks that the HWG should write a letter of support for contentious sites, especially the transfer of Arlington Marsh in Staten Island. The HWG voted unanimously to write a letter of support for the transfer of Arlington Marsh.

Sites can be co-managed by NYC Parks and a community group.

Potential new category for preservation is “hold for preservation”.

John McLaughlin (NYCDEP) said that HEP should watch over the process.

## **Hudson Raritan Estuary Study Update**

Len Houston (USACE) led the discussion. HEP should adopt the HRE planning process. The Hudson River Foundation (HRF) wanted the process open and scientific therefore a committee was formed to determine the target ecosystem goals (TECs). There are seven members and they include individuals from USACE, PANYNJ, HEP, HRF, & NOAA.

Conservation and Restoration Plan (CRP) Work Group was formed so that others, including HEP, could provide input and guidance to the CRP. Their first meeting was last week. Jim Lodge and Mark Baine are the contacts. They have identified 10 preliminary TECs that are being developed. A 3-4 page write-up on the TECs is being funded by HRF. The first draft of the report is due on September 29<sup>th</sup>. There will be an open period for all stakeholders. It will be a general umbrella for restoring the estuary. It will include the interconnectivity of habitat types since species use more than one habitat for life cycles and it will look at ecological functions. It will also be water-oriented because the water has been missing in other plans (historically). There was a question as to whether or not the uplands will be included. Yigal Gelb thinks the HWG should write a letter about including the uplands.

There is no set list of members for the CRP Work Group. There was no one from the NYS Department of Environmental Conservation (NYSDEC) or NJ Department of Environmental Protection (NJDEP) at the CRP meeting last week. Each agency should be represented at these meetings since they are the ones that are going to have to implement the CRP. The HWG recommends that the absence of NYSDEC and NJDEP be discussed at the next HWG meeting. CRP meetings should be announced to the HWG.

## **RFP for HEP's Conceptual Habitat Restoration Planning and Design Grants**

Bob Nyman (EPA/HEP) announced that a steering committee is needed for the RFP.

## **Key Species Project Update**

Cathy Yuhas (NJSG/HEP) gave an update on the key species project. All of the individuals write-ups are not complete as of yet. Once they are complete, they will be sent to the Key Species Sub-committee for review.

There was a suggestion by Joel Blanslaben to add humans to the list of species.

## **Discussion of the Geographic Eligibility of HEP Habitat Sites**

Alex Brash (NPCA) and Cathy Yuhas (NJSG/HEP) led this discussion. Cathy Yuhas presented three different options to the HWG.

- Option 1: Watershed of the core tidally-influenced waters
  - Ecological Boundaries which includes the headwaters on the NJ side of the harbor and the NYC Sewershed since NYC Boroughs are piped and the drainage does not follow the natural topography of the land.
- Option 2: Hudson Raritan Estuary (HRE) Study Area
  - The Port District which is the area surrounding the greater metropolitan NYC within an approximate 25-mile radius of the Statue of Liberty. For the purposes of the ecological community, the actual study area may include additional portions of this system beyond the man-made Port District boundary.
- Option 3: HRE Study Area, Tidally-influenced Core Watershed, & Non-tidally Influenced Watershed
  - HRE Study Area minus the LIS Boundary plus the non-tidal portions of NJ and the non-tidal portion of the Bronx River Watershed.

The recommendation from the HWG to the HEP Management Committee (who will make the ultimate decision) was to include Option 3 for recommending sites, but focus resources on the core area.

## **HEP Stewardship Plan**

Laura Bartovics (NYSG/HEP) and Cortney Worrall (NEWIPPC/HEP) presented the HEP Stewardship Pan to the HWG and were seeking input from the HWG. Some of the suggestions and ideas that were generated from the HWG were:

- Immigrant awareness of urban ecology/ecosystem value
- Human dimension of habitat
- Awareness of natives
- Connection of habitat and water quality
- Community involvement
- Corporate/retail- audience
- Leverage resources through a volunteer initiative/corporate financing
- Public access with a sense of accountability
- Community members- targeting specific sites that have inertia and build a capacity toward restoration.
- More ownership
- Get students involved
- Traveling road show for schools that includes curriculum for the teacher

## **Attendees**

Alexander Brash, NPCA, 212-617-2989  
Bob Alpern, 718-789-7692  
Bob Nyman, USEPA, 212-637-3809  
Bill Tai, NYC DPR NRG, 212-360-1425  
Cathy Yuhas, NJSG/HEP, 212-637-3792  
Clark Wallace, TPL, 212-677-7171  
Clay Sherman, NJDEP, 609-984-6888  
Cortney Worrall, NEWIPPC/HEP, 212-637-3869  
Don Reccklies, Protectors of Pine Oak Woods, 718-768-9036  
Ellen Pratt, Protectors of Pine Oak Woods, 718-948-2662  
Eric Rothstein, Great Eastern Ecology, 212-579-6800  
Frank Steimle, NOAA NMFS, 732-872-3059  
Jason Smith, NYSDEC, 718-482-4919  
Joel Banslaben, CMRC, 646-515-9290  
John McLaughlin, NYCDEP, 718-595-4458  
Kim Musler, TPL, 212-677-7171  
Laura Bartovics, NYSG/HEP, 212-637-3787  
Len Houston, USACE, 917-790-8702  
Ludger Balan, The Urban Divers Estuary Conservancy, 718-802-9874  
Manuel Russ, CAC NYCDEP Pollution Prevention, 718-435-5037  
Mario Paula, USEPA, 212-637-3819  
Mike Feller, NYC Parks, NRG, 212-360-1424  
Rosalie Siegel, PANYNJ, 212-435-4405  
Yigal Gelb, NYC Audubon