

# CITIZENS ADVISORY COMMITTEE

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## of the New York – New Jersey Harbor & Estuary Program

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To: Regional Administrator Judith Enck, U.S. Environmental Protection Agency Region 2, NY-NJ Harbor & Estuary Program Policy Committee

Cc: New York-New Jersey Harbor & Estuary Program Policy Committee  
New York-New Jersey Harbor & Estuary Program Management Committee

From: New York-New Jersey Harbor & Estuary Program Citizens Advisory Committee  
Robert Buchanan, Village Community Boathouse and Michelle Doran-McBean, Future City, Inc.,  
Co-chairs

Re: New Policy Regarding use of Section 320 Funds

Date: April 5, 2012

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Dear Regional Administrator Enck:

On behalf of the NY-NJ Harbor & Estuary Program Citizens Advisory Committee, we are writing to protest the recently adopted EPA Region 2 Policy prohibiting the use of HEP Section 320 funds for any project that “directly or indirectly support[s] the placement of pilings or platforms in open waters, near shore waters or wetlands” or for any project that “directly or indirectly support[s] the placement of fill, except for oyster bed and eel grass projects.”

The new rules run contrary to EPA’s innovative Urban Waters Initiative that encourages urban communities across the nation to access, restore and benefit from their waters and the surrounding land. There is no more urban a water in our nation than the Hudson-Raritan Estuary as the New York-New Jersey metropolitan region is our country’s most densely built environment. Fortunately, our harbor and waterways are in recovery and increasingly used by the public as a recreational and educational resource. While we of course support the goal of 'no net fill' across the estuary, we also believe that small-scale building in and on the water to promote restoration, education, recreation and water-based economic development is a necessity.

Furthermore, this overly broad edict would prohibit support of many activities of the organizations that comprise the HEP CAC. The HEP CAC members are most often not-for-profit organizations, many volunteer based, that work toward achieving better public access and water quality in the region. These organizations must already comply with federal, state and local regulations when it comes to creating access for the public on and into the water as well as encouraging better edge design. Many of these projects are in response to federal and state priority issue areas such as sea level rise, coastal hazard adaptation and mitigation, wetland monitoring and ‘living shoreline treatments’. These types of activities and projects by definition often entail the placement of material and or building in and on the water to stabilize shorelines and/or to create docks, piers and waterfronts that allow the public to connect to the estuary they inhabit. The relatively meager Section 320 funds are critical support to many organizations that are doing this vital work.

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**Citizens Advisory Committee Co-Chairs**

**Michelle Doran McBean**, Future City, Inc., 1045 East Jersey St. Suite 204, Elizabeth, NJ 07201 ✦ 908-659-0689  
**Robert Buchanan**, Village Community Boathouse,  
New York, NY 10038 ✦

We respectfully request that you rescind these rules. Rather we encourage you to support improvements in public access in all its various forms including those projects that must be built on and in the water. Such work plays a key role in environmental awareness and restoration and better public access to our urban waterways.

The far greater challenge we all face is the lack of funding for the Hudson-Raritan Estuary. We can all agree that the \$600,000 dedicated for the entire New York-New Jersey harbor and estuary for restoration is grossly inadequate. Let's work together with our congressional delegation and with civic efforts to remedy this.

Sincerely,

Michelle Doran-McBean, Future City, Inc., NJ HEP CAC Co-Chair  
Robert Buchanan, Village Community Boathouse, NY HEP CAC Co-Chair

NOTE: The New York-New Jersey Harbor & Estuary Program (HEP) is a partner program and its members occasionally have conflicting positions on regulatory and management issues. One of HEP's roles is to facilitate the exchange of ideas and to work towards resolution of these issues. The opinions of individual agencies or committees do not necessarily reflect the opinion of the program as a whole.