

CITIZENS ADVISORY COMMITTEE & PUBLIC ACCESS WORK GROUP

of the New York – New Jersey Harbor Estuary Program

www.HarborEstuary.org

NY-NJ Harbor Estuary Program Citizens Advisory Committee & Public Access Work Group Meeting

Thursday, September 15, 2011 10:00 am – 2:00 pm New York, NY 10007

MINUTES

A. CAC SESSION

Introductions

Roland Lewis welcomed participants and all attendees introduced themselves.

Update on Joint Meeting of EPA Region 2 Citizens Advisory Committees

Bob Nyman provided an update. EPA has been in communication with CAC co-chairs and Estuary Program directors. A joint meeting has been scheduled tentatively for October 26 and EPA Regional Administrator Judith Enck will attend. Unlike the October 5th, 2010 meeting, to which all CAC members were invited, this meeting will be a small, targeted, strategic meeting for CAC co-chairs and Estuary Program directors. The goal is to plan on specific projects that could be undertaken that are of common interest to the region's CACs. CAC co-chairs have stressed that concrete outcomes must result from these meetings.

Maggie Flanagan suggested that a topic of interest could be to work with the US Army Corps of Engineers on regional-scale dredging strategies, which spurred some discussion on dredging and contaminated sediments.

Update on Outreach to Municipal Officials in New Jersey

Bob indicated that after considering the options and holding several conference calls, it was decided that this year we will try to approach municipal officials at their monthly County Mayor Meetings. Peter Brandt, EPA's Public Affairs Director for Estuaries & Lakes and Senior Communications Advisor is helping schedule HEP presentations at upcoming meetings.

Changes to CAC Bylaws

Gabriela Munoz had proposed changes to the bylaws during the last meeting to avoid artificially high quorums. The changes were approved via electronic voting after last meeting. Article III, Section 5 now reads: "All CAC members that have attended half or more CAC meetings in the previous year shall have voting rights except those representing state and federal government agencies" [added text in underlined italics]. Voting rights will change from meeting to meeting. Call-in or webinar options have been and will continue to be provided in the future to allow those who cannot travel to attend CAC meetings remotely. It was noted that

any CAC member may nominate new members at any point. Subsequently, Harvey Morginstin was nominated and, after voting, accepted as a CAC member. The updated bylaws and member list are now posted on the CAC webpage.

New York Co-Chair Election

Roland pointed out that his seat would be up for election in early 2012. This is his second term and thus he cannot be re-elected, and he urged other New York members to start preparing an election campaign. It was noted that the current language of the bylaws precludes any individual (but not an organization) from serving more than two consecutive periods.

Update on Possible Expansion of HEP's Geographic Scope

Bob explained that there has been significant discussion with Management and Policy Committee members regarding a potential expansion of HEP's geographical scope and that the draft white paper was revised accordingly. The Management Committee's recommendation to the Policy Committee is to keep HEP's focus on its current core area but to take steps to ensure a broader watershed approach. The Policy Committee will vote on this recommendation during their next meeting. The latest draft white paper has been posted on CAC's hidden page.

After this there was some discussion on CAC representation in the Policy Committee. Bob clarified that CAC can provide input to the Policy Committee through the CAC co-chairs, who then convey it to Chuck Warren, who sits at the Policy Committee representing both the CAC and the Science and Technical Advisory Committee (STAC). This brought about further discussion about the mechanism by which Chuck Warren had been selected as a CAC representative. Many CAC members pointed out that they had not met him and suggested that perhaps the representative should be elected by CAC members directly. Roland indicated that after being appointed as co-chairs, he and Michelle had reached out to Chuck to meet and engage him in the CAC, and that he participated in a number of meetings since then. CAC members requested background information on the history of the CAC/STAC representative and HEP's structure and membership.

Follow up:

- CAC/STAC Representative: Back in 1991, the Management Committee recommended adding a
 CAC/STAC/Local Government Committee representative to the Policy Committee and later on they
 recommended Chuck Warren to fill this position. Two documents showing this have been posted on
 the <u>hidden CAC page</u>. While there are no bylaws to address this, these documents seem to indicate
 the CAC/STAC could recommend a new representative.
- **HEP Structure and Membership**: A background document has been posted on the <u>hidden CAC page</u>. While some of this information is currently on HEP's website, we will make any needed updates to include a clear breakdown of the organizational structure of HEP, lists of members, and other details.

B. JOINT CAC-PAWG SESSION

CAC Role in Advocating for HEP Funding

Richard Innes, the Executive Director of the Association of National Estuary Programs (ANEP), joined the meeting via phone and offered some comments regarding increased funding for HEP and other Estuary Programs.

Rich noted that HEP and the other 27 National Estuary Programs (NEPs) are doing great work with modest funding. For the past several years each National Estuary Program has been receiving approximately \$600,000/year of EPA Clean Water Act Section 320 funds, with the exception of 2010, when these programs

were awarded \$800,000 each. The latest House Interim Appropriations Bill included funding for NEPs at the \$600,000 level, but it was not passed (if passed it would have ended the Endangered Species Act and cut back other environmental programs). Funding for the NEPs for the fiscal year starting in October 2012 may be resolved in late December or in January but there is one caveat: The Super Committee report is expected before Thanksgiving and it could lead to severe cuts to conservation and environmental programs. If this is the case, funding for the NEPs could be affected, depending on how those cuts are implemented.

Rich pointed out that the HEP's current level of funding is not commensurate with the task at hand. Other estuaries have secured a much higher funding level. For example, Puget Sound and San Francisco Bay receive \$30 million and \$7 million respectively in appropriations, while Long Island Sound receives consistent congressional funding. The timing to try to increase HEP funding could not be worse, but there is never a good time for this. What is needed is a broad base of support, including grassroots and grasstops organizations, media, and Washington legislator champions.

NY-NJ Harbor Coalition Update

Lilo Stainton recently joined the Harbor Coalition as a Campaign Director. She provided an update on Harbor Coalition activities and plans. Her slide presentation is posted on the <u>CAC hidden page</u> and additional information (including a video of a recent interview for PBS) can be found at the <u>Harbor Coalition website</u>.

The Harbor Coalition Steering Committee currently includes 10 members and is working to add another NJ member. Then it will work to reach out to a wider audience. The focus area was chosen to coincide with HEP boundaries. This region has enormous value, including natural resources, cultural icons, the busiest port in the East coast that generates billions of dollars in revenues, and 22 million of residents. Although conditions in the region have improved significantly in the past 20 years or so, there is still much work to do and the Harbor Coalition is advocating for a fair share of resources. With increased funding, the region will benefit in many ways, including job creation, a boost to the local economy, improved water quality, and better overall quality of life, among others.

Some of the reasons to seek for funding now include the relatively recent development of a Comprehensive Restoration Plan for the estuary, NYC's strategic planning for the long-term use of the waterfront, Federal interest in the region from the Department of Interior (i.e. Gateway restoration) and the White House (Obama's urban parks agenda), the designation of the NY-NJ Harbor as one of the "Great Waters" (which makes it part of a national program to protect and restore these waterways), and public support.

The Harbor Coalition grew out of the Harbor Roundtable and includes members with various interests. The goal is to work with HEP, the Port Authority, USACE, National Parks, and others to build on existing work. The focus is specifically on funding to "restore and transform our waterfront into a World-Class Harbor with healthy estuaries". The Harbor Coalition is now working on constituent mobilization and community organizing to build a movement to achieve these goals. Some of the efforts include the Harbor Caucus concept that was presented during the "Floating Harbor" event in May, launching the <u>Harbor Coalition</u> website, and an interview in PBS.

Regarding the Harbor Caucus, the Harbor Coalition has been reaching out to several elected officials, and is drafting a letter to the White House in support of the work of HEP and the US Army Corps of Engineers. Next steps include holding a press conference with elected leaders, issuing a Harbor "Report Card," and making the Harbor Coalition the theme of the upcoming MWA conference in April.

After these two presentations on funding for HEP and our region there was discussion and questions from meeting attendees. Bart Chezar asked what strategy had been more successful for other programs: to try to obtain funds for specific projects or for broad goals. Lilo indicated that it is best to focus on general funding for the region, not specific projects, which may be favored by some politicians but not others. There was some discussion on whether broad funding could end up being spent mostly on infrastructure rather restoration, and the example of deepening of our ports channels was brought up. Another question was about the current composition of the Harbor Coalition; Lilo reiterated that a core group was selected for the first phase of the effort but that later on everybody will be brought on board. Adina Taylor asked how the funds were to be distributed when obtained. Lilo indicated that there is no answer yet and it will depend on the details.

Harbor Literacy Points

Betsy Ukeritis, Environmental Educator with the NY State Department of Environmental Conservation, joined by phone and provided an update on the Harbor Literacy Points. These are key concepts that everyone should know about the New York-New Jersey Harbor Estuary. Betsy and others have been working to incorporate the NY learning standards into these points. The latest draft is available from MWA's Harbor Education Task Force webpage. Betsy will work to also tie in a variety of groups that offer programs related to the literacy points.

Betsy urged NJ participants to contact her to make sure NJ programming and educational standards are incorporated to the literacy points.

Action Item: If you would like to help Betsy, please let Gabriela know (gabriela@harborestuary.org) and she will put you in contact.

Discussion on Water Quality Monitoring and Opportunities for Communication

Beau Ranheim opened discussion with a 10-minute background of his work at the NYCDEP running the water quality monitoring program. Water quality is monitored four days a week in the summertime, each of the stations being monitored weekly. In winter, the monitoring occurs monthly. The stations generally cover the entire geographic region. The data currently provided on a weekly basis include coliform bacteria counts, dissolved oxygen, and secchi depth (turbidity). The city is also making an effort to provide data in semi-real time. For bacteria, however, it is difficult to get a fast turn-around time due to the incubation time required (24-48 hrs). Shorter time-period testing methods can indicate absence or presence, but can tell little about amount, which is necessary for reporting water quality conditions. However, the city is working on the possibility of using polymerase chain reaction technology to get a 3-5 hour response. He mentioned that there is a need to work on communication about conditions.

In response to a question about the communication and decision-making between Dept. of Health and Department of Environmental Protection, Beau indicated that it is Department of Health's jurisdiction to make a decision about whether or not human health is at risk. Rob Buchanan asked how comfortable Beau was with the decision that was made and Beau indicated that they followed protocol in terms of sampling, modeling, and decision-making – that, given the difficulty of the situation, and the variety of coliform levels they were finding, he felt comfortable with the decision itself.

There was also some discussion about opportunities for DEP to work with volunteer monitoring groups, as many of these groups monitor water quality already, and there may be opportunities for their data to assist or highlight anomalies/high conditions on a site-specific basis (e.g. near the public access sites where users are

most likely to get into the water). Beau mentioned that he could discuss the methods and potentially provide training.

Follow-up: we will follow up on this issue at the next meeting. In addition, for questions/comments/to get in touch with Beau, please contact Kate Boicourt (habitat@harborestuary.org)

HEP Budget Process

Bob provided a tentative timeline for HEP's budget process for 2012, which is now posted on <u>CAC's hidden</u> <u>page</u>.

Action Item: CAC and PAWG members should start thinking about possible projects they would like to suggest for HEP for the upcoming fiscal year. More details will be provided in the near future.

Stewardship Grants and other HEP Updates

Gabriela provided a brief update on HEP Stewardship grants. The three projects funded in 2010 are coming to an end:

- Rockaway Waterfront Alliance has completed their Youth Stewardship Program for 2010 and created a toolkit with lesson plans and other useful materials. This project engaged high school students in a variety of projects to improve the environmental conditions of their beach to bay corridor in the Rockaway peninsula, providing at the same time estuary education and valuable skills. Numerous groups and individuals collaborated as mentors in this program.
- Going Coastal has created two ecocache discovery trails to explore environmental features of the Estuary in Liberty State Park and Inwood Hill Park. These trails will be officially launched soon and a final report is expected by the end of September.
- Keane University is wrapping up its Environmentors project, which paired high school students with graduate students to conduct a variety of research projects. Three of those were selected to be presented in Washington DC, at the national Environmentors event earlier this year. A final report is expected by the end of September.

Regarding 2011 grants, the review panel selected 4 stewardship projects for funding:

- Rocking the Boat will engage some of their more advanced and skilled students to conduct a *Wading & Shore Birds Study*, collecting much needed data.
- Rockaway Waterfront Alliance will continue and expand their Aqua 101: Rockaway Youth Stewardship Program
- NJ Audubon will offer the NY/NJ Harbor Estuary Signature Program for Seniors in the Raritan Bay region, a program that includes lectures and field trips.
- The Association of NJ Environmental Commissions will reach out to and work with NJ Environmental Commissions to promote *Stewardship of the Lower Raritan River* and increase awareness of public access points.

Everybody was encouraged to visit the recently updated <u>HEP grants page</u>, which now includes an interactive map showing the location of all HEP-funded projects, with some basic information and links for more details. Summaries of all stewardship and other HEP grants are posted. Final reports are posted as they become available.

Gabriela also pointed out to HEP's recent e-news blasts and encouraged members to submit any Estuary-related stories or announcements that could be appropriate for the e-newsletter. Other feedback on the newsletter is also welcome.

Finally, the publication of HEP's <u>2011 Harbor-Wide Water Quality Monitoring Report for the New York-New Jersey Harbor Estuary</u> was announced. This report includes NY and NJ data collected by the NYC Department of Environmental Protection and the NJ Harbor Dischargers Group. Hard copies can be requested to Gabriela.

C. Public Access Work Group Session

Public Access Statement

Following upon the last meeting, Rob Buchanan presented the most recent draft of the Public Access Statement, intended to be shared with and recommended to the Citizens Advisory Committee for adoption. The Statement is posted to the CAC hidden page. The previous meeting's summary of this effort is listed below in italics, for reference:

The CAC then discussed the options for the public access statement. Because the deadline to submit comments for the NJ proposed Public Access Rules was that same day, the group decided that it was not possible to submit a comment as a group. However, it was noted that a group of organizations, including the American Littoral Society, had put together a statement that anybody could sign on to if they wanted to be in the written record for the Rules.

Regarding contents, Rob Buchanan noted that his initial draft statement attempted to address public access in general because the issues go beyond NJ's Public Access Rules; NYC's recently released Comprehensive Waterfront Plan pays lip service to public access but actually rolls back access. It was suggested that all of these issues are spelled out in the final version. Another important point to make in the statement is that public access considerations are usually not considered in important decisions, such as the plans to raise the Bayonne Bridge, and it is crucial to request that public access interests are represented in these discussions. One point to be added to the statement is the acknowledgement that public access may at times conflict with other concerns such as habitat protection or safety and that the group is sensitive to these conflicts.

Action items: The statement will be edited by the PAWG & sent to the CAC for review. PAWG members should review the draft and send any edits to Kate Boicourt (habitat@harborestuary.org) by October 14. A revised draft will be then sent to the CAC for review and potential adoption.

New Nominated Sites - Matawan Creek

Matawan Creek in Monmouth County, NJ, was recently nominated as a potential acquisition project for the Comprehensive Restoration Plan. As discussed in last meeting, newly nominated sites for restoration or acquisition should also be brought forward to the Public Access Work Group if there is a reasonable possibility that public access might be potential for the site.

Action items: maps of the site and description will be <u>posted to the hidden CAC page</u> for any comments.

Developing guidance for newly nominated sites

Following last meeting's discussion, in which there was expressed an interest in inviting a few recent nominators of public access sites, two members of the PAWG (Rob Buchanan and Linda Eskinas) were asked

to share their experiences, barriers to progress, and what might be useful to them in moving their sites forward (Navy Yard and The North Shore Greenway Trail).

- Linda Eskinas of the North Shore Waterfront Greenway, described her group's vision for a more
 accessible waterfront on Staten Island, incorporating many of the important historic and natural
 resources. The Greenway Trail group has also met with Atlantic Salt and Caudill Dry Docks, who have
 verbally mentioned support for the Greenway plan.
- O Rob Buchanan shared his experience with trying to gain access and boat launching activity within the Wallabout basin. With the Village Community Boathouse, they have successfully gained approval for some access by the Navy Yard managers, and run regular rowing programs out of the basin. To move access forward at the site, the Village Community Boathouse first considered where in the area made sense from navigational interests (protected area to launch). Following this, they worked with the landowner to identify their needs and interests, finding that they were willing to open for access as long as someone would take responsibility. They have also worked to locate partners (such as schools) and to anticipate objections. For now, they have created a relationship with the landowner that allows them access, perhaps leading the way for more in the longer-term.
- There was interest from the group in having also a short printed guide to developing new public access sites. Through discussion focused on the basic steps to move a public access site successfully forward, it was agreed that there were a few basic steps that could be expanded upon for such a guide by the group (e.g. ownership and interest of owners, group interested in access, potential management, suitability/adjacent opportunities, level of access proposed, etc). Such a guide could also help provide some clarity (or at least a starting point) as to which agencies have control over a site, identify the diversity of types of access (and in some interim options), and could identify some local groups that could help to move things forward. The Workgroup agreed to edit and help to create such a document.

Action Items: Producing a guide to moving public access sites forward: Kate will create an outline & mockup of a guide to moving forward public access sites, following up with group-members to write and/or edit sections. A draft will be distributed prior to the next meeting.

Tracking Public Access Progress

Through efforts such as yearly reporting to EPA of all new sites, and a recent effort to go back through HEP history and identify restoration projects, and some additional effort, HEP will be able to glean enough information about public access gained in the estuary, so that this might be reported annually.

Action items: First cut at reporting on new public access sites: for the next meeting, HEP will aim to have a draft summary of this year's new public access sites, and more information about what those new sites are contributing overall to population centers reached, distance needed to travel, etc. A more in-depth look at public access over time should be a goal for 2012, as the data for the "history project," or collection of information pertaining to restoration will likely be ready in November.

Other updates

 Climate-ready public access sites: HEP will be moving forward on a project to assess the vulnerability of, and prepare resilience recommendations to, public access sites, with a particular

- focus on the New Jersey portion of the estuary. More information and opportunities for input will be coming forth after October, when the project is officially slated to start.
- Harbor Public Access networking event: A list of potential public access organizations of interest
 was sent out to all, but little time was left in the meeting to discuss this potential future event. It was
 tabled for the next meeting.
- Recent Public Access Grants: There was not enough time left at the end of the meeting to give a presentation about the closing 2010 grants and beginning 2011-12 projects, but a summary is as follows. We also encourage you to go to <u>our webpage</u>, to find out more about current and past grants.

2010 Grants: HEP provided funding for six public access events and projects last year, including:

- City of Water Day (Metropolitan Waterfront Alliance), an annual celebration of the waterfront in locations throughout the NY-NJ metropolitan region.
- Harbor Discovery on Governor's Island (Governor's Island Alliance), a weekly educational program on the island.
- Celebrate the Harlem River (Urban Divers Estuary Conservancy), a weekend event in the Bronx with hands-on environmental activities.
- Open-water swimming races (Coney Island Brighton Beach Open Water Swimmers) which incorporated estuary education though speakers and other media.
- All-Club Invitational (Sebago Canoe Club), a human-powered boat and estuary education event with guided trips and informational tables throughout the bay.
- American Star December Youth Invitational Rowing Race (Floating the Apple),
- NY-NJ Paddling Guide (Going Coastal), a harbor estuary-wide map of public access sites.

2011 Grants:

- Access your estuary (East River Community Recreation & Education on the Water), on-river rowing & educational programs in east Harlem.
- River Barge Park Day (New Jersey Meadowlands Commission) will celebrate the opening of the new park, incorporating education and awareness about public access and the estuary.
- Back to the river boat tours & walkshops (Ironbound Community Corporation/City of Newark) will bring over 1,000 Newarkers to the Passaic River.
- Public Kayaking at Kennedy Marine (Yonkers Paddling & Rowing Club) will expand the scope of the program's free kayaking program, and incorporate estuary and environmental education.
- Hutchinson River Canoe/Kayak Launching Study The Hutchinson River Restoration Project will investigate potential launch sites on the River and design preliminary site plans, involving the surrounding community throughout the process.

Adjourn

ATTENDEES

Gerald Blackstone, Yonkers Paddling & Rowing Club Kate Boicourt, NY-NJ Harbor Estuary Program Peter Brandt, US EPA Region 2 Nancy Brous, NYC Water Trail Association Rob Buchanan, Village Community Boathouse

Don Chesley, Stevens Institute of Technology

Bart Chezar, Gowanus Dredgers Canoe Club

Alan Cohn, NY City Department of Environmental Protection

Linda Eskenas, North Shore Waterfront Greenway, SI

John Fallon, Metropolitan Waterfront Alliance

Maggie Flanagan

Mary Nell Hawk, East River C.R.E.W.

Richard Innes, Association of National Estuary Programs (by phone)

Kerstin Kalchmayr, NY/NJ Baykeeper

Louis Kleinman, Metropolitan Waterfront Alliance

Roland Lewis, Metropolitan Waterfront Alliance

Caroline McLaughlin, NJ Sea Grant Consortium

Harvey Morginstin, Passaic River Boat Club

Gabriela Munoz, NY-NJ Harbor Estuary Program

Robert Nyman, US EPA Region 2

Eleanor Rae, Hutchison River Restoration Project

Beau Ranheim, NYC DEP

Manuel Russ, Concerned Citizens of Bensonhurst

Clay Sherman, NJ DEP DWM

Lilo Stainton, NY-NJ Harbor Coalition

Shino Tanikawa, NY Soil & Water Conservation District

Adina Taylor, Floating the Apple, Inc.

Betsy Ukeritis, NY State Department of Environmental Conservation (by phone)

Charles S. Warren, Kramer Levin Naftalis & Frankel LLP (by phone)