



To: NY/NJ HEP Habitat Workgroup
From: Christina Scully, NYC Parks/NRG
Date: December 11, 2002
Subject: Minutes from the December 5, 2002 HEP Habitat Workgroup Meeting

Next Meeting: Thursday, January 23, 2003
Environmental Protection Agency Region II Office
290 Broadway Room 27D

**You must RSVP to Nancy Welsh or Christina Scully, bring a picture ID and pass through a metal detector to enter the building.

Present at Meeting: *Carl Alderson (NOAA), Robert Alpern (NYCDEP), Michelle Bicek (ED), Bernard Blum (FOR), David Burg (WM), Charles deQuillfeldt (NYSDEC), Margaret Gargiullo (NYC Parks), Nina Haiman (NYCSWCD), Roselle Henn (USACE), Len Houston (USACE), Steve Jandoli (NJDEP/GA), Andrew Kasius (NYNJ), Shawn Kiernan (NOAA), Paul Mankiewicz (NYCSWCD, Gaia, BCEQ), E.J. McAdams (NYCAS), John McLaughlin (NYCDEP/OEPA), Dan Montella (EPA), Kevin Moore (WPA), Joyce Novak (NYCDEP), Bob Nyman (USEPA, HEP), Mario Paula (EPA), Gene Peck (URS), Greg Remaud (Baykeeper), Jacqueline Royce (AHEC), Manuel Russ (CACNYCDEP), Christina Scully (NYC Parks), Rosalie Siegel (PANYNJ), Don Smith (HMC), Allison Speiser (EWA), Mike Stringer (Baykeeper), Carolyn Summers (NRDC), Chris Villari (NYCDEP/BEE), Nancy Welsh (NYS DOS), Cathy Yuhas (NJSG/HEP), Christopher Zeppie (PANYNJ)*

Announcements:

□ Nancy Welsh (NYDOS) announced the Federal Register's Final Estuary Habitat Restoration Strategy:

The Estuary Habitat Restoration Council's final Estuary Habitat Restoration Strategy has been published in the 3 December 2002 Federal Register, Vol. 67, No. 232. See link below or attached pdf file.

http://www.usace.army.mil/civilworks/cecwp/estuary_act/3dec02-final.pdf

Minutes:

□ **Hep Budget Cycle Review (Bob Nyman, USEPA, HEP)**

Bob Nyman (USEPA, HEP) began by saying that, while EPA's budget has not been finalized, it is anticipated that HEP will receive a similar amount as last year - \$510,000. All work groups and advisory committee chairs must submit their budget requests to the HEP Office by February. Proposals for \$50,000 or less generally have a better chance of being funded, but particularly good projects could potentially receive more funding. He suggested that the HEP HWG begin brainstorming project ideas for the upcoming budget, for discussion at the next HEP HWG meeting.

He mentioned that although the Biodiversity Monitoring Portal, an internet available site was deemed too expensive for the HEP HWG budget, a less technical version is possible to produce. Nyman envisions an interactive map with basic regional ecological information.

In the meantime, Nyman and Nancy Welsh (NYCDOS) will meet with developers of the NYC Oasis website (<http://www.oasisnyc.net>) to discuss the option of putting HEP sites on their website. Currently, NJ is not covered in their program although they expressed interest in expanding.

Bob Alpern (NYCDEP) asked about COAST. Andrew Kasius (NYNJCOAST) said that there is a regional map on their website (<http://www.nynjcoast.org>). A database could possibly be incorporated into it. Welsh said that the HEP HWG database needs to be completed and updated before it can be incorporated into a web based map.

□ **Mitigation Workshop Update:**

The Mitigation workshop for regulators is being scheduled for January 2003. Welsh plans on having the first conference to allow regulators to express their reactions to the Mitigation *White Paper* Document. Later, a second, wider workshop reaching beyond the regulatory community will be scheduled.

□ **HEP HWG Conference Update:**

The American Museum of Natural History is reserved for May 6-7, 2003. A pending issue concerns whether or not to collaborate with the Hudson River Estuary Society (HRES). The HRES is currently planning for a Fall '03 conference marking the 30th Anniversary of the Clean Water Act.

Nyman suggested we discuss things further with the HRES. Until then, Welsh said the HEP HWG will go ahead planning the conference, leaving flexibility to incorporate the HRES if they decide to join. In the meantime, Welsh combined the HRES and HEP HWG agendas. She recommended that the HEP HWG also begin outreach to other estuary programs, encouraging participation in a May conference.

Alpern asked if the conference could be tied into the Comprehensive Restoration Integration Program (CRIP) that the USACE and RPA are developing. Welsh said that might be too NY Harbor-centric. The conference aims to attract people from other estuaries. Likewise, a view beyond the NY Harbor will not suit the USACE's needs.

□ **Priority Restoration Site Nomination: Lake Weequaic (Kevin Moore, Weequaic Park Association)**

Kevin Moore (WPA) presented the Weequaic Lake Restoration project for consideration as a priority restoration. The 80 acre lake is located in Newark, NJ.

The Weequaic Park Association recently completed \$5 million worth of work to reverse highly eutrophic conditions present in the lake. This work has included contiguous restoration of 25% of the entire shoreline, a stabilizing shoreline path, construction of dry wells and retention ponds to minimize water flow from both groundwater and Route 22 runoff and water quality monitoring.

The WPA plans for additional restoration work to continue reversing eutrophic and stratified conditions present in the lake through various bioengineering techniques. They would like to complete restoration of the entire shoreline. The WPA is in a preliminary design phase with conceptual estimates complete. Future projects in addition to the lake restoration and accompanying maintenance will include GISing the watershed, classifying sediments, monitoring stormwater, studying the hydrology of the watershed and Lake Weequaic, making a botanical catalog of the entire park, and environmental and civic education.

Moore stressed that the proposed restoration has community support and a dedicated base of 30 members attending weekly WPA meetings, a reflection of the high use this park undergoes.

The WPA has received funding from the NJDEP Green Acres Program and has discussed incorporating a Weequaic Lake restoration into the USACE restoration of the Lower Passaic River.

Shawn Kiernan (NOAA) expressed concern that this lake is not natural, but formerly a swamp and river system. Moore responded that despite the site being manmade, it is of ecological importance given its highly urbanized setting. He also highlighted the dearth of HEP sites in the area. Moore added that Weequaic Lake is connected to Newark Bay and therefore provides linkage to the NY/NJ Harbor Estuary.

Greg Remaud (Baykeeper) responded that the WPA is unique for an urban park in that they are looking for natural solutions to their problems. They are softening their shorelines and looking to develop an understory in the park's forested areas, which are not traditional approaches. Remaud added that there are other HEP sites with tenuous connections to the estuary (i.e. Pouch Camp), such that an indirect link cannot preclude

its acceptance. He commended the WPA for reaching out to its users with environmental education and coordinating with appropriate state and grassroots agencies.

The site was nominated for priority status with 18 in favor and 2 abstentions.

□ **Priority Acquisition Nomination: Manyminds Creek (Mike Stringer, Baykeeper and Dr. Jacqueline Royce, Atlantic Highlands Commission)**

Mike Stringer (Baykeeper) presented Manyminds Creek for priority acquisition. This site is located on the Raritan Bay shore, an area which both the USFWS and Audubon Society have focused upon for biotic habitat. It is a 6.5 acre parcel of salt marsh and fringe habitat at the Manyminds Creek mouth consisting of sandy beach, tidal flats, *Spartina* marsh and associated upland, currently used for boat storage.

The Atlantic Highlands Commission (AHC) has garnered community support through environmental education and Earth Day events. Questionnaires sent to residents received strong support for the acquisition and preservation of the site.

The AHC are supported in this effort by the Greenway Open Space Plan, and Mayor, Council and Planning Board of Atlantic Highlands. The NJ Audubon Society, Baykeeper, and Watershed Management District 12 serve as technical advisors.

Kiernan said that the on-site abundance of *Phragmites* likely indicates that the site was historically filled. Most natural features of the site have been removed. Stringer responded that despite the site's lack of natural features, it presents a unique opportunity because the headwaters are already preserved. The entire creek from headwaters to mouth can potentially be preserved.

Kiernan stated that developmental pressure threatens this site as land to build parking lots for high speed ferry service is sought. This particular site is very close to the ferry's dock so pressure will intensify. The AHC estimates the acquisition would cost about \$1 million.

The site was nominated for priority status with 21 in favor and 2 abstentions.

□ **Nomination on Arverne Renewal Area (Bernard Blum, FOR)**

The Arverne Renewal area is located on the Rockaway Peninsula between 38th St and 78th St beaches. The site is owned by the NYC Department of Housing Preservation and Development pending development as an Urban Renewal Area.

Bernard Blum (FOR) extolled the site's habitat and ecological value as it includes salt marsh and dunes with biotic and floral diversity.

David Burg (WM) introduced himself as president of Wild Metro an organization geared to protecting natural areas around the world. As former president of the NYC Audubon Society (NYCAS), he is very familiar with the site.

Burg said that because the site is surrounded by a very low income community, nature preservation has not been a priority. However, when NYCAS was actively working on the Buffer the Bay project in the area, they had both participation and cooperation from the surrounding community. NYCAS is currently understaffed and unable to continue those efforts. Burg said that thousands of housing units are planned for construction despite the site's biodiversity which includes Piping plover (federally-listed endangered species), Sea beach amaranth (federally-listed endangered species), Seabeach knotweed (NYS rare plant), Beach plum, and Bayberry. Don Reipe (NPS) is currently cataloging biota there.

Burg added that this site has been mapped by the Federal Emergency Management Association (FEMA) as vulnerable in severe hurricane type weather. In his opinion, building housing in such a vulnerable area with minimal evacuation options is not logical.

Don Smith (HMC) learned of a possible correlation between increased nutrients and the proliferation of ribbed mussels at the Jamaica Bay Wetlands: A Status Report Conference (October 31, 2002). Dr. David Franz (Brooklyn College/AREAC) has conducted studies showing this correlation. Smith warned of the potential to exacerbate the problem with additional wastewater effluent from the thousands of proposed housing units.

Carolyn Summers (NRDC) agreed that this site is very important, but questioned if the city has already gone through the processes to begin development. Alpern volunteered to research this with the NYCDHP. She added that the NYC Council is holding a meeting regarding the waterfronts land inventory. She urged HEP HWG members to attend and press for key natural areas to be handed over to the NYC Parks Department. (This meeting was postponed and has not yet been rescheduled.)

The site was nominated for High Priority Status with 22 in favor and 1 abstention.

□ **Needs and Opportunities Report**

As an update, Welsh reminded the workgroup that comments on the N&O Report should be made directly to Al Appleton (RPA). As a workgroup, it can later be decided whether or not to endorse the document. Houston said that if the USACE approves the N&O Report, it will carry more weight with a HEP HWG endorsement. Appleton requested comments submitted to him by 12/18/02.

Charles DeQuillfeldt (NYSDEC) said that the HEP HWG should have the opportunity to comment on sections that are still under development or were not available for review with Appleton's last submittal.

A majority of attendees had not yet reviewed the latest draft, so discussion was tabled until a later HEP HWG meeting. Welsh added that although there are deficiencies in the document, progress towards its release must continue in order for the USACE to continue obtaining funding.

□ **High Priority and Priority Definition/Criteria**

Welsh stated the need for defining criteria for the terms ‘priority’ and ‘high priority’ and determining a threshold for acceptance to both categories. These requirements have been lost since the inception of the HEP HWG. The Management Committee asked for these definitions to better evaluate future site nominations from the HWG.

Summers recommended reviewing the nomination forms which list all of the site characteristics considered for selecting sites, including imminence of development, ecological functionality, species present, community support, etc. She added that in the past, high priority rested upon habitat priority, scarcity and imminence of development. Charles deQuillfeldt (NYSDEC) said that any urban natural area is a priority threatened with development. Kiernan added that he does not think ranking restoration priorities is necessary. If a site only requires restoration, it is not under immediate threat of development.

Welsh questioned the group whether or not they feel as though categories of high priority and priority make the site list more confusing. She said that the HEP HWG could instead keep sites under one priority status, while noting imminence of development, or other special circumstances.

Christopher Zeppie (PANYNJ) responded that if all sites are listed in the same category, acquisition would be easily subject to the whimsy of outside forces. Zeppie supports keeping the priority and high priority status markers as a tool to direct the funding of sites. Paul Mankiewicz (NYCSWCD, Gaia) agreed that there is value in making sites high priority to urge the quickest possible acquisition. He cited acquisition of the City Island Wetlands (LI2) as an example. In that case, the site’s high priority status eased its acquisition. Len Houston (USACE) said that as a member of an agency who chooses sites to restore, HEP HWG prioritization for both restoration and acquisition sites is an important indicator. Otherwise, sites with the most vocal and influential representatives will get chosen. Welsh also agreed that the perspective of outside funders should be a major consideration, and highlighting certain, particularly valuable sites over others is important.

Kiernan said that every site is acquired by opportunity anyway. The high priority list is not necessarily doing any better than the priority list. He did however agree with Zeppie, Houston and Welsh that it puts an impetus behind crucial properties. Steve Jandoli (GA) added that high priority carries a commitment to a site over priority sites. Kasius added that the difference between acquisition and restoration should be enough to separate development threats amongst the sites. Acquisition implies that the site is vulnerable to development, while restoration implies that the site is protected in some way.

Carl Alderson (NOAA) suggested making the system more fluid so that under certain circumstances (i.e. new development pressure) a site can elevate. He also acknowledged that the current system is not dynamic and that the *NY/NJ Harbor Estuary Program Habitat Workgroup 2001 Status Report*, now two years old, is the most recent widespread distribution of the list.

Allison Speiser (EWA) expressed concern that community groups would not be happy with a priority nomination rather than high priority. She also expressed concern that outside agencies will consistently overlook priority sites

Margaret Gargiullo (NYC Parks) said that encroachment and threat of development should be more thoroughly outlined in the nomination forms for determination of high priority status. Gargiullo added that too often political pressure overrides habitat value and imminence of development in funding allocation. She cited the acquisition of Great Kills Harbor (RB16), a site with lesser habitat value than other more ecologically valuable, sites such as North Mount Loretto Woods (AK14), as an example. Gargiullo noted that Mount North Loretto Woods is still undeveloped. The site contains high quality beech-oak forest, a freshwater marsh, successional woodland, and is contiguous with Long Pond Park.

Mankiewicz said that the sites will be better described and catalogued once we move towards a computer based system and away from the paper trail. deQuillfeldt said that despite a system upgrade, information is often incomplete such that the HEP HWG is not in the position to make rank decisions. He added that, in some cases better site nomination presentations might get ratified more easily.

Welsh asked the group if they would like to keep the current nomination categories and define what they absolutely mean or fundamentally change the system including the old lists. She added that a separate and equally important task is to update the lists, addressing what sites have been lost, acquired, restored etc., as the current tracking system is largely incomplete.

Joyce Novak (NYCDEP) said that she was in favor of keeping our current systems and working on solidifying the current terms and conditions, but felt the matter required additional discussion.

Speiser said that a vote between an undefined option and an improved version of the current system is not fair. She expressed support for revamping the entire system.

Kiernan requested that members bring definitions for criteria for discussion at the next meeting.