



**City of New York  
Parks & Recreation**

The Arsenal  
Central Park  
New York, New York 10021

Adrian Benepe  
Commissioner

**Natural Resources Group**

Arsenal North  
1234 Fifth Avenue  
New York, New York 10029

Michael Feller  
Acting Chief  
(212) 360-1424



To: NY/NJ HEP Habitat Workgroup  
From: Christina Scully, HEP Habitat Workgroup Coordinator  
Date: March 27, 2002  
Subject: Minutes from the March 7, 2002  
HEP Habitat Workgroup Meeting, Zoo Conference Room

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Next meeting: TBA

*Present at Last Meeting:* Carl Alderson (NYC Parks), Bob Alpern (NYCDEP), Emily Ayers (BG), Steve Barnes (RRA), Susan Bauer-Maresca (NYSDEC), Robbin Bergfors (NYC Parks), Peter Blanchard, Bernard Blum (FOR), Megan Callus (Baykeeper), MaryAnne Carletta (RU), Wei Ming Chan (NYC Parks), Kerry Dawson (HRPT), Charles deQuillfeldt (NYSDEC), Eugenia Flatow (CAC, NYCSWCD), George Frame (NPS), Cindy Goulder (Bklyn CB#2), Jane Houdek (NYC Law), Steve Jandoli (NJDEP/GA), Paul Katzer (NYC Parks), Shawn Kiernan (NOAA), Paul Mankiewicz (GI), Catherine Manzi (CSBPPP), Marc Matsil (NYC Parks) Nancy Niedowski (USFWS), Joyce Novak (NYCDEP), Bob Nyman (EPA-HEP), Mario Paula (USEPA), Eugene Peck (URS), Greg Remaud (Baykeeper), Manuel Russ (CAC NYCDEP), Frank Steimle (NOAA NMFS), Nellie Tsipoura (NRDC), Kathy Urquhart (USFWS), Dan Wzight (SH), Cathy Yuhas (NJSJG-HEP), Christopher Zeppie (PA/NY/NJ)

***Items requiring further action:***

**LaGuardia Floating Breakwater Project (Christopher Zeppie, PA/NY/NJ)**

**Mitigation Ratios (Nancy Niedowski, USFWS)**

**National Estuary Program Conference (Bob Nyman, EPA-HEP)**

**Arverne Urban Renewal Area Application for Acquisition (Bernard Blum, FOR)  
*pending map submittance***

**Minutes:**

**□ Biodiversity Monitoring Portal (Paul Katzer, NYC Parks)**

Paul Katzer (NYC Parks) gave an updated interactive demonstration of the Biodiversity Monitoring Portal. From an interactive starting page/map, the user can navigate through municipality, watershed, and zip-code search options. By focusing on a specific area, monitoring information can be obtained. Pop-up radio boxes will enable the user to choose a monitoring subject (e.g. avian, amphibian, benthic, fish, water quality). Generic site information including site descriptions, subject-specific site descriptions, monitoring project lists and descriptions, references to organizations and investigators doing the monitoring, QAQC protocols, report locations, findings summaries, project site maps and photos will all be available through a simple, user-friendly interface.

A brief summary of the estimated project budget was submitted to workgroup members and is as follows:

**Project Budget: \$96,300**

<b>Hardware:</b> Internet Server/Development Station	\$15,000
<b>Software:</b> ArcIMS	\$10,000
<b>Software:</b> ArcSDE	\$10,000
<b>Software:</b> SQL Server 2000 Enterprise	\$20,000
<b>Software:</b> Servlet Engine	\$500
<b>Software:</b> Windows 2000 Server	\$800
<b>Staff Pay:</b> 150 hours per month	\$40,000
<b>Total:</b>	<b>\$96,300</b>

Once initiated, the project will take approximately 6 months to become operational.

Major tasks include:

- Compiling monitoring sites from multiple agencies and creating GIS polygon data delineating monitoring areas;
- Compiling project and site descriptions and standardizing formatting;
- Developing SDE database;
- Developing IMS portal;
- Testing and deploying.

Maintaining and updating the Restoration/Biodiversity Portal will be an on-going task. Depending on the frequency of monitoring reports submitted, the Portal will be updated as frequently as each month. Depending on the availability and completeness, historical data can be compiled and added to the site.

It was anticipated that ongoing maintenance will require a minimum annual budget of \$60,000 that includes 1-2 personnel operating at 150 hours per month.

#### **☐ ACE Dredge Responses to NGO Query (Nellie Tsipoura, NRDC)**

During the February DMMIWG meeting, consultants modeling the extent of potential erosion in the Arthur Kill presented information on their progress. The NRDC submitted letters to the ACE requesting that they defer dredging activities until sufficient impact studies are carried out. The additionally expressed in their letter of concern that ACE models and feasibility studies did not adequately address erosion issues.

The NRDC has urged the ACE to give particular attention to the work of Hank Smeal, a Policy Analyst in the NY-NJ Harbor Bight Project at the NRDC, who commented specifically on the wetland/erosion model used to determine the erosion impacts of dredging the Arthur Kill. (This analysis is available from Christina Scully/NRG.)

Issues raised during the DMMIWG meeting include the lack of analysis of historical erosion records in the hydrologic model and insufficient study of high tide conditions.

Tsipoura said that Carolyn Summers (NRDC) recently met with the EPA and learned that they mostly approved the ACE dredging project; however, the EPA still has issues regarding air quality.

Tsipoura proceeded to hand out two letters; one, a response from the ACE to Peter Colosi, the Assistant Regional Administrator of the Habitat Conservation Division of NMFS; the second, a letter from the USFWS's Clifford Day to Frank Santomauro, Chief of the Planning Division of NY District ACE.

#### **☐ White Paper Mitigation (Nancy Niedowski, USFWS)**

As seen in recent studies from across the country including the NAS/Joy Zedler study, NJDEP/Marjorie Kaplan study, etc., standard practices for mitigating wetland losses are largely unsuccessful and often result in net-loss of wetlands. To counter this lack of success, the HWG working draft seeks to offer alternatives to current wetland mitigation practices.

Nancy Niedowski (USFWS) presented the latest draft mitigation white paper to the HEP HWG. After the last HEP HWG meeting, the most notable edit to the document included deleting the argument for a 20:1 mitigation ratio; the major obstacle to unanimous support from the HEP HWG members. The executive summary recommends the following approaches:

- Expand the use of land acquisition and preservation in the region's mitigation program, regardless of "on-site/in-kind" status. This can be accomplished by requiring a combination of acquisition and in-kind restoration as mitigation for all permitted projects. The HEP acquisition priorities list should be targeted as a starting point.
- Increase standard compensation ratios used for all mitigation activities to adequately account for mitigation failure, habitat scarcity, temporal loss of function, and historical habitat loss. Mitigation by restoration alone should require compensation well above 1:1.

- Improve assessment of habitat value at proposed development sites and proposed mitigation sites to accurately reflect the context of the urban estuary, actual use of the area by biota, and restoration or enhancement potential.
- Conduct adequate monitoring and evaluation for all mitigation projects, including assessment of both compliance and functional equivalency. A universal, region-wide database should be developed to facilitate project tracking and to store monitoring information.
- Utilize accurate land valuation and estimates of restoration costs where in-lieu-fee payments or cash donations are part of mitigation. Rough cost estimates based on past HEP projects are in the range of \$184K/acre acquisition and \$466K/acre restoration.
- Require completion of mitigation activities prior to permitted habitat disturbances, or require performance bonds for a compensation ratio in excess of 1:1 using cost per acre estimates that provide disincentive to walking away from the bond.
- Require appropriate qualifications for consultants and contractors that design and implement mitigation projects, and track their success rates. The issuance of future permits should be tied to the mitigation track record of involved personnel.
- Increase enforcement of permit compliance, including additional site work when required conditions are not achieved. Stiff penalties should be assessed for non-compliance.

This document will be presented to the Management Committee in May 2002. Afterwards, a multiagency workshop to discuss implementation will be developed.

#### **□ Pin Oak Forest Nomination (Megan Callus, Baykeeper)**

Megan Callus (Baykeeper) presented the Pin Oak Woodbridge site for HEP HWG priority nomination. This site is already nominated as an Area of Special Concern as part of the Arthur Kill Greenway's project, but the additional HEP HWG nomination will assist in preservation efforts.

The nomination site was described by Callus as a 150-acre habitat site at the head of the Woodbridge River in Woodbridge Township. It is the last extensive wetland on the Creek with an undisturbed interior composed of open freshwater marsh, mixed shrubs and other floodplain and wetland species.

Shawn Kiernan (NOAA) expressed support and noted that a lot of potential restoration sites are connected to this area. Marc Matsil (NYC Parks) added that the site represents one of the best examples of habitat given its connectivity, size, and diversity and suggested that it be nominated as the highest priority. It was nominated for high priority status unanimously with no abstentions.

Bob Nyman (EPA-HEP) recommended that a map be included in the nomination packet. Matsil recommended making photocopies of the PowerPoint presentation for distribution.

Steve Barnes (RRA) suggested that restoration projects be organized on a sub-watershed basis and added that the Lower Raritan River area is so large that implementation and prioritization should happen on a local basis.

Given the large number of potential monitoring projects on the Raritan River, Matsil, Eugenia Flatow (CAC NYCSWCD) and Paul Mankiewicz (GI) recommended

enlisting the help of Universities for monitoring particular sites. Matsil said that it was important to show these colleges that they can obtain funding for research efforts.

❑ **Targets and Goals (Bob Nyman, EPA/HEP)**

Bob Nyman announced that the Targets and Goals document was nearly complete with a projected release date of the following week (March 11-15)

Bob Alpern (NYCDEP) recommended including a science-based research and monitoring plan agenda. Nyman responded that the document is not a monitoring plan, but the importance of research and monitoring is well represented throughout the document.

❑ **National Estuary Program Conference (Marc Matsil, NYC Parks)**

Marc Matsil began by announcing that he will be leaving the NYC Parks Natural Resources Group. He will be moving on to be the Assistant Commissioner for Natural and Historic Resources for the State of New Jersey/DEP. He begins there on 3/28/02. Matsil said that he would discuss the changeover with Nyman with regards to both the HEP HWG and the proposed NEP conference.

In the meantime, suggestions for speakers for this conference are still requested. Bob Nyman was to attend a NEP meeting in mid-March and planned to speak to the other NEP's about ideas for this event.