



To: NY/NJ HEP Habitat Workgroup
From: Nancy Welsh
Date: November 3, 2003
Subject: Minutes from the September 16, 2003 HEP Habitat Workgroup Meeting

Next meeting: TBA

Present at Meeting:

Robert Alpern (NYCDEP), Mary Arnold (TCC), Alice Belling (NYCDEP), Bernard Blum (FOR), Alexander Brash (NYCDPR), Paul Brunn (NYCDEP), Megan Callus (Baykeeper), Kerry Dawson (HRPT), Fran Dunwell (HRE NYSDEC), Eugenia Flatow (HEPCACCB), Len Houston (USACE), Steve Jandoli (NJDEP), Mark Jaworski (Weston), Andrew Kasius (NYNJ), Paul Mankiewicz (Gaia, NYCSWCD), E.J. McAdams (NYCAS), John McLaughlin (NYCDEP), Kevin Moore (WPA), Kamaile Nichols (EWA), Joyce Novak (NYCDEP), Bob Nyman (USEPA), Kevin O'Brien (HS), Greg Remaud (NYNJB), Manuel Russ (CACNYCDEP), Christina Scully (NYC Parks), Rosalie Siegel (PANYNJ), Allison Speiser (EWA), Robert Spiegel (EWA), Frank Steimle (NOAA-NMFS), Dennis Suszkowski (HRF), Bill Tai (NYCDPR), Kim Tripp (GNRA), Chris Villari (NYCDEP), Nancy Welsh (NYS DOS), Daniel Wright (Scenic Hudson), Christopher Zeppie (PANYNJ)

Announcements:

Bernard Blum (FOR) announced that the Housing Preservation and Development agency was having an Arverne tract review on 9/24, at 10am at 22 Reade Street. He requested that workgroup members attend to support the site's preservation.

Bob Nyman (USEPA) announced that Arverne Urban Renewal Area, Teaneck Creek and Manymind Creek have all been approved by the Policy Committee. He also noted that some of the sites have caveats associated with them, particularly when particular agencies have conflicting interests. These situations will be noted on a site-by-site basis and included in the site database.

Dennis Suszkowski (HRF) welcomed the HEP HWG to the first official meeting at the Hudson River Foundation's new offices at 17 Battery Place, Suite 915. Call 212-HUDSONR for more information.

Meeting Minutes:

Site Nomination: Dismal Swamp (Megan Callus, Baykeeper) and Bob Spiegel (Edison Wetlands Association/Executive Director)

Bob Spiegel (EWA) introduced the Dismal Swamp for acquisition. The Edison Wetlands Association has been working to preserve the site since 1985. Because of the site's expansiveness, there are many organizations and municipalities advocating for its preservation. The site, located at the Headwaters of the Raritan River, totals about 700 acres and is comprised of both freshwater wetland and forested areas, representing the largest viable wetland ecosystem in New Jersey. There have been many key species recorded on site including rare and endangered species. USFWS has designated the site as a priority for preservation. The site has multiple owners and extensive development pressures making it more difficult to purchase and protect. Both Megan Callus (Baykeeper) and Spiegel stressed the importance of

maintaining the site's contiguous nature.

Recently, the site has been subject to urbanization and encroachment from all directions. It has already been cut through the middle. Still, strides have been made in preserving the area. Neighboring lands totaling 272 acres have already been set aside as Open Space by Edison. Potential funding sources include Green Acres, individual counties, and Baykeeper. A current allotment of \$800,000 in Green Acres funding is available to Edison Wetlands. A potential maximum of \$2 million is available. In the meantime, prices are increasing along with real estate values in the area.

Edison Wetlands has developed an extensive environmental education program, which includes ecological tours, urban environmental programs, and anti-violence programs. As they acquire additional lands, they would like to enhance their environmental education program.

Lot, block and cost information for the site is nearly complete. There are about 30 separate landowners. Spiegel recognized the difficulty in acquiring parcels with so many owners, but some sites are landlocked between preserves and cannot be built upon. They will likely be easy to acquire. For this reason, they would first like to go after parcels slated for road building and prime real estate. Despite the Dismal Swamp being presented as a whole, the preservation will occur in pieces.

The municipalities involved with the acquisition also have different opinions on acquisition. Edison is extremely cooperative and working towards a major acquisition. South Plainfield is, on the other hand, interested in development and exploitation.

Eugenia Flatow (HEPCAC CB) suggested looking into the possibility of getting a match from the PANYNJ \$30 million. To date, they have had a problem matching NJ to NY matches and money may be available.

Spiegel mentioned current enhancement work to mitigate mosquito spraying and invasive species. Five additional areas need remediation. Major restoration can take place afterwards. The USACE has already made recommendations for restoration of the area mainly for flood control in the Bound Brook area.

Alex Brash (NYCDPR) recommended expanding upon a partnership with Rutgers University. As a state university, it could potentially move the process along and offer scientific guidance and data.

Dismal Swamp was nominated as a priority 18 of 29 present, 4 abstentions and no opposition. This will be forwarded on to Policy and Management Committees.

Hudson River Estuary Program Update (Fran Dunwell, Hudson River Estuary Program)

Fran Dunwell (HRE) attended to share current HRE program initiatives and ideas on how to partner with the HEP program. As the NYSDEC HRE coordinator, Dunwell's job is to direct the development of the HRE plan. Dunwell noted that Suszkowski is Chairman for the program and Bob Alpern (NYCDEC) and Eugenia Flatow (HEPCAC CB) are also actively involved.

HRE Action Plans drive the HRE Program work. They are currently working on Draft Action Plans for 2004 and work under 2001 plans in the meantime. NY Governor George Pataki endorses the HRE program and has increased their budget to \$6 million from its original \$100,000 in funding. To, date \$190 million has been dedicated to the program.

The HRE plan outlines measurable accomplishments, goals and targets. In partnership with HEP, Dunwell attends HEP meetings and Bob Nyman (USEPA) attends HRE meetings. As a result, both programs have complementary goals.

The HRE program was written into NYS law in 1987 and spans the length of the Hudson River from the Troy Dam to the Verrazano Narrows. The program is broadly encompasses fisheries, critical river habitats and the entire Hudson River watershed south of Troy Dam. Currently, there is more focus on the lower Hudson.

A key issue of the HRE plan is to retain strong spawning stocks of original anadromous species. Currently, they are assessing populations of many species. They have determined, for example, that shad and sturgeon are being over harvested to the point where recovery will take decades. Dunwell added that coast-wide regulations caused striped bass populations to rebound. In order to protect certain species, they aim to protect them at all of their life stages. In order to achieve this, the HRE plan has begun mapping all aquatic vegetation, wetlands, river bottom, and upland habitat in watershed. The benthic mapping project previously presented to the HWG will give detailed information on habitat function and sediment composition. The river bottom mapping and data collection, including sediment cores in the inner Harbor has been completed. The data products will be included in a map and available at the end of 2004.

Other key issues and challenges include habitat loss, invasive species, and competing demands for use of the Estuary. Habitat loss, another key issue, is hard to reverse and there has already been 1/3 of the Hudson, upstream of the Catskills, filled with dredge spoil. HRE is working with the USACE to reverse this trend. The program must also deal with the legacy of pollution on the Hudson River, addressing PCBs, dioxins and heavy metals. Funding has been used to track down these pollutants, including \$11 million for contaminant track down and \$50 million from the Bond Act for sewage treatment.

The HRE NY Harbor project includes benthic mapping, habitat restoration, public access, education and contaminant trackdown. These are all related to the HEP program.

In managing the watershed they have installed signage for major streams and support local management and restoration projects. To address biodiversity, they target local land use and reach out to local land trusts and elected officials. The HRE program points out resources worth preserving, updates local master plans, ordinances, and expands Open Space Plans. Other local, community based efforts include education and outreach to people living within the Hudson watershed. They have programs for fishing, boating and experiencing the ecosystem. The HRE program recently gave \$1 million in funding to local non-profits for boating access, fishing, swimming, education and on-the-ground projects.

NYC area restoration projects which have received funding from HRE include the Natural Resources Group Fort Washington and Tryon Invasive species removal project, New York Restoration Project invasive removal work, and the Serpentine Art and Nature Commons erosion minimization project. As part of last year's mini-grant program, Monmouth County is putting up signs to identify watershed tributaries.

Partnerships have been formed at many levels and include those with HEP, Hudson River Greenway, Heritage Area, American Heritage River, community organizations and researchers.

Greg Remaud (Baykeeper) recommended that groups that receive funding within HEP announce their funding and project plans. He commended the HRE's approach towards fishing and public education,

which creates a vision of a river that can be used in every way. He also recommended NYC reconsider its policy on installing oyster beds and combine public education on oyster use. Despite dangers involved in consuming fish and shellfish, the public's vision of the waterfront and stewardship associated with this type of recreation would likely improve with increased recreation and usage.

Flatow recommended inviting the Department of Health to come in and present its stance on waterfront uses. They could talk about their signage, connection to NYCDEP, seasonality and fish advisories. Blum recommended they also discuss mosquito-borne illness.

The workgroup agreed to address fish, shellfish advisories and mosquito control at a later meeting.

Dunwell suggested workgroup members contact her if they need information. Her contact information is as follows:

NYSDEC HREP
21 South Putt Corners Rd
New Paltz, NY 12561
(845) 256-3016
hrep@gw.dec.state.ny.us
Website: <http://www.dec.state.ny.us/website/udson/hrep.html>

HRE Study Update-Consultant Scope of Work; Habitat Workgroup sites mapping and database development (Len Houston, USACE)

Len Houston (USACE) began by briefing the workgroup on the Liberty State Park restoration. The project's scope is being worked through and includes design and associated investigations (biological, sediment, ornithological). The ultimate intent of the scope is to have a restoration plan for Liberty State Park. The plan is being designed to fit NJDEP's budget and as a result, will be designed for phasing. Liberty State Park represents the first HRE restoration.

The USACE is negotiating with various entities within NYC for restoration at Sherman Creek. The conceptual design is ready, but the project will not be implemented unless someone steps forward as local sponsor to cost share. NYCDEP has told USACE to proceed with Newtown Creek. They are scoping this out and waiting for funding to initiate the first phase of work. Newtown Creek suffers from a combination of ecological problems and the restoration plan will reflect them.

As far as the CRIP, the USACE was concerned that the project was being stymied last year. To counteract this, a harbor wide opportunity scope of work has been developed, identifying target areas and mini-reports for each one. The reports will include each area's history of degradation, resources present and restoration opportunities. A CRIP White Paper will outline the philosophy behind this. By the end of September, drafts of the 7-8 individual study areas will be ready. They will then be presented to the communities and serve as the basis for community outreach.

Nancy Welsh (NYSDOS) questioned why the Habitat Workgroup had not been involved in developing this scope of work. Welsh expressed concern about the partnership between USACE and HEP, and noted that the Workgroup was not responsible for the delays encountered in advancing the CRIP. Rather, the Workgroup agreed to play a role as requested in the Needs and Opportunity Report development process, despite many partners' reservations about the Report, and worked diligently to advance that process and met all deadlines that were provided. The Workgroup was given to understand that there would be

further opportunity to shape the CRIP through the Scope of Work. The HEP HWG fulfilled its side of the partnership to date, but appears to have been left out of the next steps. She expressed concern that the HEP HWG's decade of hard work related to site identification and project development is being subsumed by the USACE and its project consultants.

Welsh particularly expressed concern about the distribution of HEP HWG site information. Several requests have been made for all the site files and the electronic database from USACE and PANYNJ subcontractors. There are several HEP HWG projects underway currently that relate to mapping and tracking the HEP Priority Sites, including efforts to rebuild the database and provide access to Priority Site information on the NYC OASIS website. Recently, the site files were provided to the USACE subcontractors despite Welsh's request to meet and discuss how project work and products could be coordinated to avoid duplicative work. Other information requests have included reference to potential FOIA.

Alex Brash (NYCDPR) remarked that when sites are brought to the HEP HWG, it should be understood that the information is now in the public realm. Brash questioned why there was resistance to the use of site information as part of the USACE study. The goals of distributing the site information were to effect positive change and the HWG should not oppose that.

Welsh agreed that the information is public, but the work of the HEP partners who have brought this information to the table needs to be respected and their stake in the sites and projects should be protected in the spirit of partnership. It is not an effort to own the information, but an effort to honor the partnership with the goal being to advance all of the HEP projects. Welsh believes that the files and the database should not be distributed without a discussion among HWG members, and the knowledge and approval of the Chair.

Collectively, several workgroup members (Callus, Flatow, Remaud, Spiegel, Mary Arnold) expressed their confidence in Welsh to make the right decisions and for other members to seek her permission in any similar scenarios. Remaud noted that the folders often contain sensitive site information crucial to land acquisition deals. Real-estate prices can increase and competition amongst even other NGOs to acquire the lands may ensue after the release of such information. Information that could interfere with ongoing negotiations, project development, or local partnership building needs to be withheld at times. It is therefore crucial that Welsh be abreast of all happenings concerning this information.

Megan Callus (Baykeeper) added that she thinks the USACE study itself is a fabulous idea. However, HEP information should not be used unilaterally for USACE purposes. The HRE study/CRIP should itself work to advance the workgroup's goals and ideals.

Flatow noted that the workgroup members have evolved since its inception from more community based members to one that is almost completely composed of agency representatives. She is hopeful that this indicates the community representatives trust the workgroup to make the right decisions with sensitive information. As a result, there is a responsibility to act appropriately. Flatow added that the process between USACE and HEP needs to be rectified. The legislation has cut both budgets, increasing the need for cooperation. With this in mind, all work needs to be conducted with the input and decision-making of HEP leaders.

Houston apologized if the USACE seemed to be compromising the HEP, but assured the group that all of the HEP's contributions will be noted and additionally, that any land acquisition, block and lot, real estate prices will not be released. The USACE was pressed to spend the money before the end of the fiscal year,

resulting in the frantic pace of their consultants' work. The USACE's efforts are not to steal HEP information, but rather to advance restoration opportunities throughout the Harbor. His intent is to work with the group and move forward together. The consultants are putting together site maps and taking an inventory of information that exists already. They are not collecting new information at all. The product will be a comprehensive evaluation of the area all articulated in one place, along with recommendations for a public outreach program addressing how information will be disseminated amongst community groups.

Welsh said she does not have a problem with the USACE plans going forward, she is just concerned that the HEP HWG needs to be involved and she wants to protect the efforts of the workgroup participants. As a partnership, we should be able to trust each other to keep the site list alive. Her biggest fear is that members become territorial and overprotective of site information and the spirit of cooperation is lost.

Remaud noted that on some occasions he has been reluctant to bring site information or project updates to the Workgroup, but has done so because Welsh has advocated for inclusiveness and building a better database.

Welsh believes that the CRIP can benefit both the HEP and USACE. However, they need to outline a plan for managing site information and decide how it will be used and what products will be produced. She added that HEP and particularly NYCDPR has received money for an intern to work on the site updates, tracking system and database compatibility for an Internet mapping program. All efforts should coincide to avoid duplicate work.

Paul Mankiewicz (Gaia) said that in working with such named consultants it's important to recognize that projects in the NY Harbor cost significantly more than projects across the US. A result of this is that local projects tend to be looked over. Cheaper projects from different regions shouldn't necessarily supercede NY based projects simply because of their high costs. The workgroup needs to work with the USACE to facilitate work and funding for this region.

Flatow said that new HWG members might not realize how the working group functions. When there are disagreements and caveats included, there are double responsibilities. This is the cornerstone of the organization. The Chair singularly has the confidence of the members to make crucial decisions.

Spiegel commended Baykeeper, in particular, for their work with community groups. They are always respectful of information, and work to assist the local groups recognizing that is the local entities that often know sites best. They do not force their goals and initiatives.

Both Welsh and Houston agreed to improve the lines of communication, to discuss the HEP/USACE partnership, timeframes, and next steps for the plan. Houston agreed to provide the HWG with the maps and compiled information produced by the recent consultant work, once completed.

Proposal for HRE STAC Workshop (Nancy Welsh, NYSDOS)

Welsh noted that several recent efforts, discussions and initiatives within the HEP HWG have indicated the need for scientific direction. These include the original CCMP calling for the HRE Comprehensive Study, Targets and Goals (Management Committee), HEP HWG info on species, habitat ratios, etc. Welsh suggested holding a workshop or a limited series of workshops including area scientists pertinent to the topics of interest. Any comprehensive restoration strategy will need the rationale framed from a scientific mindset.

Dennis Suszkowski (HRF) also recognized the need for the STAC to begin providing technical assistance. He sees two approaches for the STAC: 1) to begin identifying sites and looking for opportunities for implementation. 2) to develop a priority restoration and preservation plan taking an overall look at the estuary. The HRE plan from the USACE can be working alongside this. He added that goals should be laid out initially to prevent STAC participants from forwarding their own agenda.

Suszkowski added that fisheries and benthic creatures are a missing component and will need to be addressed. He wants to first focus on what information is needed to point us towards what restoration themes should be employed. Frank Steimle (NOAA) informed the group that he is working with Baykeeper to assess where the oyster stands originally existed. Flatow would like to establish a consistent meeting to target underwater species.

Bob Nyman (USEPA) recommended breaking the goals up into manageable pieces such as the USFWS's Significant Habitats and Habitat Complexes of New York Bight Watershed, identifying key species, and then following with specific species workshops, for example, an anadromous fish workshop.

Mankiewicz said it might not be best to look at historic conditions. Before beginning species restoration, he recommended to first assess how specific restorations will affect estuarine health, specifically the biogeochemical fluxes and processes.

Flatow said the workgroup should seek to develop and foster relationships with Sea Grant HRE and LISS. Partnerships will be more likely to obtain funding for fisheries related work. The STAC meetings should address these specific fisheries issues and funding opportunities.

Suszkowski would like to see a kickoff meeting outline a process and make recommendations addressing the USACE plans. He advised that the STAC should not miss the opportunity to reach the broad spectrum of the Estuary.

Bob Alpern (NYCDEP) advised the HEP STAC to consult with already developed research agendas such as the Regional Planning Association HRE plans. Key items were climate change implications, habitat cluster needs, developing a research agenda and ways to fund the initiatives.

Suszkowski would not like to get involved with research agendas unless they are specific to the HRE/USACE work. Otherwise, they will not get funded. They need to inform the HRE/USACE work, focusing upon that study and an estuary-wide restoration plan.

Brash said that the academic institutions often look at larger pictures, such as global climate change. They would also be of assistance for more specific questions. For example the NYCDPR work on the Bronx River could use guidance with decisions for fish passage, stocking, etc. Funding is already in place, but guidance is needed.

Flatow said that there needs to be more focus on the aquatic linkage between habitat clusters,. Despite the fact that aquatic link initiatives often run into problems because of recreation and access, they should be identified.

Welsh thanked everyone for their input. She will put together a STAC workshop proposal incorporating the HWG's input. Houston said that his work is very time sensitive. He recognized that the delays have not been caused by the HEP HWG. Still, the USACE is behind schedule. Welsh said she and Len need to develop better communication about USACE needs and deadlines, and determine how the HEP HWG

can furnish them for the USACE.