



**New York-New Jersey Harbor Estuary Program
Management Committee Meeting Minutes of May 16, 2002
Location: Hudson River Foundation Offices**

(Draft May 24, 2002)

The Management Committee meeting was convened at 10:00 at the Hudson River Foundation Offices. Kevin Bricke chaired the meeting.

Bob Nyman announced that there were several new members of the Management Committee: Frank Steimle from NOAA/NMFS, Megan Callus of Baykeeper/CAC (represented by Debbie Mans), and Rod McNeil (represented by Greg Capobianco). Boris Rukovets of IEC also attended for the first time since rejoining IEC.

The minutes of the January 25, 2002 and March 4, 2002 Management Committee meetings were approved as written.

Nancy Niedowski, USFWS and the new chair of the Habitat Work Group (HWG), gave a presentation of the draft wetland mitigation ratio white paper that was being prepared by the HWG. Handouts were provided. Some of the findings include: As low as 13% of wetland permits even require mitigation; required compensation ratios were achieved at as low as 17% of the sites; less than one half of the sites were ever monitored for compliance; and in a NJ freshwater wetland study, only 45%, on average, of the intended wetland was ever achieved. The HWG would then like to hold a workshop in late summer to discuss the reality of implementation from a regulatory perspective. Tom Wakeman said it was a good and much needed paper. He added that it would be very useful to get guidance on how wetland values should be measured in the harbor area, since there are several methods available. Mr. Bricke said that it would be good to try to work this into the indicators of success. Joe Olha said that Lenny Houston has some reservations about the contents of the document. Dick Draper said that it would be useful for the recommendations to include commentary on what needs to be changed - regulations or policy. He also added that it would be useful to know what sites or types of sites should not be permitted. Ms. Niedowski said there were several ways of looking at it. One is, if it is a type of habitat, such as forested wetland, which has proven extremely difficult to replace, it shouldn't be destroyed. The other could be a site that has very rare species on it. Bob Nyman pointed out that the reason he asked for the presentation to the MC was because he felt it was a great effort, and that the MC should be aware of what the HWG is working on. Genie

Flatow said that we need to state what we are setting out to achieve. Experts must be doing the mitigation work and permittees need to know that they will be supervised. Greg Capobianco said that it would be useful to assess the value of what is being lost versus the cost of staffing enforcement. Mr. Bricke said that regulators should be involved in the discussions. Ms. Flatow said that it would be useful for dredging projects. Tom Wakeman said that it would be important to identify and acquire important sites. He noted that, for the most part, non-vegetated sites were not on the list, and would be the ones most likely to be impacted by dredging. He also said it would be useful to identify who would be responsible for operation and maintenance of the sites. Regarding getting Policy Committee approval for the document, Mr. Bricke suggested that may result in it being sanitized too much. It may be best to come as a final HWG document with recommendations. The document will now be distributed more widely for comment. **It was decided that comments would be due to Ms. Niedowski by June 30th.**

Bob Nyman gave a presentation regarding VOCs work the Toxics Work Group (TWG) has been undertaking. A handout was made available on the subject prior to the meeting. As part of the reassessment of the list of toxics of concern in 1999, the TWG decided it needed more recent information to assess whether VOCs, and tetrachloroethylene (PERC) in particular, were a problem in ambient surface waters. In the early 1990s, NYC Harbor Survey data indicated exceedances of water quality standards for this compound. A collaborative effort by HEP between EPA, NYC, PVSC, NJDEP, NYSDEC, and others, resulted in new data being collected in 2000 and 2001 for 60 VOCs from about 40 stations each year. The data indicated that there were no longer exceedances of water quality standards for PERC, or any other VOC. **The TWG recommended that VOCs be removed from the list and the Management Committee concurred.** The question was asked as to whether the Policy Committee needed to concur with this. Mr. Bricke replied no, but that they would be notified.

Mr. Nyman introduced a monitoring planning effort that IEC has been charged with undertaking for HEP. Pete Sattler provided a handout on the status of HEPs efforts to plan for expansion of the NYC Harbor Survey to cover all the waters of the harbor, including areas of NJ that are not currently covered. An ad hoc group has met twice and has been focusing on identifying ambient water quality parameters, water bodies, possible end products, etc. Mr. Sattler noted that he would be putting together a matrix of the county health departments as well. Mr. Bricke said he liked the focus on water quality and suggested the group explain how this effort relates to other efforts. Ms. Flatow said we shouldn't forget about sediments and other parameters, such as metals. Tom Wakeman asked whether the group should be formed into an official committee and expand it's focus. Mr. Sattler responded that IECs main charge was to look at long term ambient monitoring. Al Fuchs suggested that the group scope out what it would be doing, but remain ad hoc until the next Management Committee can consider it at its next meeting. Dr. Suszkowski said he wants to keep focus on why we are monitoring. **It was decided that the group would continue to keep an ongoing ambient water quality focus, but that it would make a recommendation for the next MC meeting as to what it's scope should be. The group will also set in motion an effort to produce a report, most likely in conjunction with NYC.**

The next agenda item was the HEP budget. Bob Nyman gave an overview of the funding needs and projects that were proposed. Deb Hammond said she just found out that Commissioner Campbell was going to be announcing an initiative on outreach of consumption of contaminated crabs from Newark Bay. She requested that \$50k be allocated to this. Mr. Nyman then handed out his proposed allocation of funds, that he was requested to prepare by the Management Committee work group. Ms. Flatow suggested that item #20, public access mapping, was not necessary, and that \$10k be reallocated to item #10 regarding signs. The total amount needed in the coming year for pathogens TMDLs, if they were to be done on schedule, was \$313,000. Mr. Nyman recommended that \$138,000 of HEP funds be applied towards this, and that the EPA TMDL program staff had agreed cover the remainder. Dick Draper said that NYS was planning on delisting the waters of the harbor for pathogens, as they appeared to be meeting standards, and that a harbor wide TMDL would not be necessary. He recommended that no HEP funds be allocated to the pathogens TMDL. Ms. Hammond agreed that was also the case from the NJ perspective. Mr. Bricke said that EPA did not necessarily share that assessment and that he wanted to revisit it outside of the HEP meeting with appropriate people. He stressed that this would be a big decision. He requested that the recommended funds be held until a decision is made on moving ahead the TMDL. He also wanted to check on the EPA TMDL funds. The MC then came up with a contingency plan for the \$138k, should they not be needed. Of that \$138k an additional \$50k would be applied to CARP data management, \$30k would be applied item #18 - toxics trackdown, \$48k would be applied towards the new item #21 dealing with contaminated crabs, and \$10k would be applied toward some aspect of the habitat mapping, though it was agreed that the current \$96k proposal was beyond HEPs current needs. Ms. Hammond will take the lead on developing a proposal for the crab work, and try to incorporate aspects of item #9 related to mercury poisoning outreach. **Bob Nyman agreed to provide a written summary back to the MC** (attached). Once agreement is reached on the budget, it will be circulated for Policy Committee approval.

Laura Bartovics provided an update of some of the HEP outreach activities, including that 11 subcontracts were signed for the mini-grants. She stated that the newsletter is getting closer to being reissued and that HEP was a cosponsor of the Hudson River Environmental Society's Clean Water Act conference in October 2002. Ms. Bartovics said that she wanted to reinstitute the Public Participation Task Force, as stated in the CCMP and as was discussed on a previous MC Work Group conference call. Mr. Sattler said that the LISS carried out many of those functions through the Implementation Team. There were some additional questions as to what the group would do and who should be represented on it. **It was decided that Ms. Bartovics would prepare a write-up for the proposed PPTF and that it would be discussed at the next MC meeting.** Ms. Flatow requested that another legislative briefing be conducted.

Cathy Yuhas provided handouts and gave a presentation on the status of beach closures in the harbor core area. The assessment is part of a draft white paper that was being done so that a baseline could be established for future tracking of targets and goals. One of the main findings was that there were very few beach closures of certified beaches in the core area, and that most of those closures were related to a limited number of events. She also noted that the data does not reflect wet weather closures because no data is collected for them. It may be possible to

estimate those closures based on meteorological data. There was a question as to why ocean beaches were not included. Ms. Yuhás responded that they are not in the core area, but that data on those beaches was being retained and could be presented as well, if desired. She also noted that Dave Rosenblatt of NJDEP had provided a map of approximately a dozen potential new beach sites on the NJ side. Information was lacking for the NY side, but would be necessary in order to assess one of the draft targets of opening new swimming beaches. **It was agreed that comments from the MC on the white paper should be submitted by June 6th.**

Dr. Suszkowski gave an overview of the Harbor Health/Human Health report that was produced by HRF for HEP. He noted that he had given a presentation on it at the Metropolitan Waterfront Alliance's conference the previous day that was well received. Joe Olha commented that he would like additional information included in the report explaining some of the measures, such as the ERLs and ERMs. Dr. Suszkowski noted that there was a page explaining some of these benchmarks included in the report. HRF had previously proposed doing a press release on the document, but questions arose as to who should be doing the release, what it should say, and was the report an official HEP product because it had not undergone a formal HEP MC/PC review. Ms. Hammond said that she would like to get the Policy Committee together on it. Dick Draper said that he did not necessarily think the PC should look at everything. Others, such as Mr. Wakeman, felt that HEP was missing an opportunity to by not acting on the document. **It was decided that Mr. Nyman would work with Dr. Suszkowski to frame a choice for the PC on this and future press releases.**

Regarding the Policy Committee and its membership, Mr. Bricke said that a **Policy Committee meeting should be just set up as soon as possible. In addition, a facilitated Management Committee meeting would be set up for June to continue to work on the Targets and Goals document, prior to presenting it to the Policy Committee.**

The meeting adjourned at 3:20.

Budget recommendations from May 16, 2002 Management Committee meeting.

#	Title	Request	Plan A	Plan B
1	Outreach Coordinator Position in HEP Office (continuation)	37,000	37,000	37,000
2	Technical Specialist Position in HEP Office (continuation)	55,000	55,000	55,000
3	SEEP Assistant Position in HEP Office (continuation to be hired	15,000	15,000	15,000
4	Outreach production of materials, etc (Additional funds also to cover State of Estuary layout and printing.)	11,000	36,300	36,300
5	HEP website maintenance.	5,000	5,000	5,000
6	Partial funding for CARP data management.	50,000	50,000	100,000
7	Collation of indicator report information.	50,000		
8	Mini-grant Program.	55,000	55,000	55,000
9	Outreach for mercury poisoning.	10,000		
10	Identification of process for developing water identifying signs.	?	10,000	10,000
11	Co-sponsoring National Estuary Day events.	27,500	27,500	27,500
12a	NJ pollutant loadings for coliform.	65,000	65,000	
12b	Calibrate coliform model.	65,000	65,000	
12c	Calibrate enterococci model.	85,000		
12d	Baseline conditions for model projections.	45,000		
12e	Perform component analysis.	45,000		
12f	Develop allowable loadings.	65,000		
12g	Convene independent MEG for Pathogens work.	8,000	8,000	
13	Interactive web-based habitat map.	96,000		10,000
14	HEP travel funds.	10,000	10,000	10,000
15	PCB mass balance at 2 facilities.	50,000	50,000	50,000
16	PCB 11 trackdown at PVSC.	30,000		
17	Support for beach cleanups by ALS and COA.	20,000	10,000	10,000
18	Continuation of toxics trackdown by NJDEP and NYSDEC.	150,000		30,000
19	Meeting participation by HydroQual for PWG and Toxic TMDL	15,000	15,000	15,000
20	Inventory and map of public access sites.	?		
21	Contaminated Crabs - Outreach in Newark Bay Area	50,000		48,000
	TOTALS		513,800	513,800

Total available = \$513,800