

Policy Committee Meeting Minutes (Final) January 20, 2022

Participants

Policy Committee: Kati Angarone (NJDEP), Christopher J. Daggett (HRF), Lisa F. Garcia (USEPA), Javier Laureano (USEPA), COL Matthew Luzzatto (USACE), Vincent Mazzei (NJDEP), Phyllis Reich (City of Elizabeth, NJ-Government), Jim Tierney (NYSDEC), Chuck Warren (CAC), and Judith Weis (Rutgers, STAC)

Management Committee: Pinar Balci (NYCDEP), Rick Balla (USEPA), Lisa Baron (USACE), Lisa Bloodgood (Newtown Creek Alliance, CAC), Hugh Carola (Hackensack Riverkeeper, PAWG), Meredith Comi (NY/NJ Baykeeper, CAC), Lisa Congiu (NJDEP, WQWG), Jason Fagel (NYSDEC), Marit Larson (NYC Parks), Tom Laustsen (NJHDG/PVSC), Kate Lawrence-Shetty (PANYNJ), Jim Lodge (HRF), Jessie Murray (NOAA Fisheries), Rob Pirani (HEP), Patti Rafferty (NPS), Clay Sherman (NJDEP), and Peter Weppler (USACE)

Others in attendance: Anika Andrews (NJDEP), Alyssa Arcaya (EPA), Peter Brandt (USEPA), Elizabeth Butler (USEPA), Fran Dunwell (NYSDEC), Dan Falt (USACE), Lingard Knuston (USEPA), Tom Niekrewicz, Dennis Reinknecht (NJDEP), Joe Seebode (USACE), Melissa Sinisgalli (NJHDG/PVSC), Beth Soltani (EPA), and Shino Tanikawa (NYC Soil & Water Conservation District, CAC)

HRF/HEP Office Staff: Elizabeth Balladares, Rosana Da Silva, Sara Harrison, Jonathan Kramer, and Isabelle Stinnette

1. Introductions and agenda review

Chris Daggett opened the meeting and the agenda was reviewed. Chris introduced Lisa F. Garcia, EPA's newly appointed Region 2 Regional Administrator. Lisa shared a few words on her past work with the Obama Administration and Gina McCarthy on Environmental Justice work. Lisa grew up in New Jersey and now lives in New York, Region 2 is near and dear to her and looks forward to working with the Program and Committee members.

2. Approval of April 2021 Minutes

Chris Daggett requested approval for minutes from the April 21, 2021 meeting.

Action: April 21, 2021 Minutes were approved, motioned by Chuck Warren and seconded by Jim Tierney.

3. Program Director's Report

Rob Pirani and HEP staff highlighted progress on the Action Agenda over the past year. Rosana Da Silva shared a green infrastructure plan for Perth Amboy, the progress to remove 17 abandoned and derelict vessels in Weehawken Cove and the upper Hudson River, and work with EPA and local partners for microbial source tracking in the Lower Raritan River. Isabelle Stinnette shared significant advancement of the Aquatic Connectivity through Climate Ready Infrastructure project, the assessment launch in the Lower Raritan, and preparing for streamlining barrier removal processes in preparation for funding. Rob shared the success of City of Water Day where \$35,000 was distributed to support in your neighborhood events. This year, City of Water Day will

be held on July 16th and we have received \$25,000 from a private donor in addition to anticipate NYC Ferry to also donate. Jim Lodge shared an updated on the Contamination Assessment and Reduction Project (CARP) which has completed the assessment of PCB and dioxin concentration in Harbor Sediments and an initial model simulation on a higher resolution. Liz Balladares shared an update on the Lower Passaic River UWFP efforts around supporting shoreline communities by advancing improvements along the shoreline for the lower 8.3 miles of the river before Superfund remediation occurs. Isabelle provided an overview on the 2021 November HEP conference with 13 panel sessions, 78 speakers, and 500 registrants. Rob highlighted the NY-NJ Watershed Protection Act, thanking Scenic Hudson, Riverkeeper, and Baykeeper on their efforts to gain support of the act by 56 organizations. The act will provide \$50 million annually through 2026 to help advance our collective action agenda goals. Hugh Carola highlighted the recent work by the Harbor Herons, a subcommittee of the Restoration Work Group. Members were able to complete a full survey year which indicated the need for additional monitoring for some key species.

4. Action Agenda Update and Communications Plan

Rob Pirani provided an overview of the Management Committee's discussion with the staff in requesting approval of an updated Action Agenda timeline, which includes a set of milestones for revising the Action Agenda and related documents by 2025. While we have made progress on all 40 actions within the 2017-2022 Action Agenda, the extension request will help us align with our 5-year Program Evaluation and better utilize our Environmental Monitoring Plan and State of the Estuary report to inform a 2025 Action Agenda. Chuck Warren asked for clarification of the current Action Agenda timeline. Rob indicated the current Action Agenda ends calendar year 2022 and that this request is really to better align with our other core documents, but that work will continue to advance goals outline in the current Action Agenda.

Following up on previous discussions with the Policy Committee, the Management Committee has now approved updated language for Action Agenda Priority WQ-A-2 as well as a workplan for advancing coordination on standards in the shared waters. Chuck Warren shared that the Citizen Advisory Committee did have comments and have agreed on this language, but noted that this has been a long-term issue and stressed the importance of advancing this action. Chuck and the CAC encourage HEP to play a role in aiding the states and EPA to advance shared waters. Chris Daggett agreed that this would be a great victory for all of us and that it has been a difficult task to take on.

Rob indicated the Management Committee has also reviewed and approved a proposed HEP Communications Plan. In brief, the strategy is to do a better job at communicating about the Program, communicating scientific information, and improve coordination with our peer and partners around communication issues. As the Communications Plan is one of HEP's core documents, Policy Committee approval is requested prior to formal transmittal to EPA. Chris Daggett expressed one of the difficulties we have had has been on the lack of communication. This is one of the most important estuaries in the country, and communications is so critical to connect to the public. Lisa Garcia added that it is important for messaging to be translated and able to reach the communities we serve and community groups. When thinking about the Passaic and Hackensack, there are language barriers and Lisa is interested in helping the Program.

Action: Action Agenda timeline extension and language update to WQ-A-2 was approved, motioned by Jim Tierney and seconded by Kati Angarone. HEP's Communications Plan was approved, motioned by Jim Tierney and seconded by Hugh Carola.

5. Infrastructure Investment and Jobs Act Funding

Chris Daggett indicated the HEP is in a position to receive \$900,000 each year for the next five years, in addition to base funding, which in FY 23 is anticipated to be \$750,000 that would enable the Program to advance actions further. Rob Pirani shared through the American Infrastructure Investment and Jobs Act will provide substantial new funding for water quality improvements, coastal resiliency, habitat enhancement, and environmental justice. The Program is anticipating to receive guidance from EPA soon and we have had continued conversations in preparation for the guidance. This is big money for the Program, but in grand scheme of things it is small and we're working to be more targeted. The goal of today is to identify some key considerations between partner actions, our action plan, and what comes from the Congressional intent and Administration Priorities (EJ, climate, and infrastructure). Rob highlighted several project examples that we could build upon across our five Action Agenda goals. Chris Daggett asked each Policy Committee member to spend five minutes reporting out on their own plans for the new infrastructure funding and any related initiatives, and identify possible ways that proposed HEP's activities can help advance and add value to their work.

Peter Brandt shared that Lisa highlighted EPA's priorities in her opening remarks of the meeting. COL Matthew Luzzatto shared that the district will have \$1B for projects. In particular, funded projects include \$1.2M for the Spring Creek South feasibility study, \$7.1M for the PED and initial construction Spring Creek project, \$1.5M for the NYC Watershed, \$3.2M for the general reevaluation report of Sea Bright to Manasquan, \$3.2M for the initial and feasibility phase of the Atlantic Coast and South Shore Long Island, and \$6.7M for HATS. Anything that HEP and partners can assist in making these projects move along would be ideal and appreciated. There will be outreach for these projects and will look towards the Committee members to assist in sharing those meetings. To set expectations, this is an unprecedented amount of funding for our region and our estuary to promote coastal resiliency, supporting disadvantage communities, and improving the infrastructure, COL Luzzatto asked for patience as the Corps works through their process and pitched that this will require hyper coordination amongst partners. Harbor Deepening study is ongoing now and on track for the Spring for state agency review and in June the Chief's Report. COL Luzzatto asked the Committee to start identifying potential projects for reusable dredge material would be appreciated. Judy Weis asked what type of projects are included? Joe Seebode answered most are resiliency projects – fluvial flood risk management and coastal flood risk management. Spring Creek is a dual purpose environmental and resiliency project. Joe highlighted that these projects are fully funded which allows the Corps to put together unique execution plans in order to build these projects than they would normally in a budget schedule – more creativity in design contracts, etc. Lisa Baron added while HRE was not included in the infrastructure bill, she is looking forward to advance the HRE projects: Oysters at Naval Station Earle with Baykeeper and NJDEP, Marsh Island with NYCDEP and NPS, the Bronx Zoo Dam with NYC Parks, and Flushing Creek with NYCDEP.

Jim Tierney shared that in NYS alone there are \$3.5B worth of projects that are done post-Sandy, underway, or recently completed. In addition, there are a number of plans that have been developed between HEP's Action Agenda, HREP's Action Agenda, NYS Ocean Plan, and the Long Island Sound Study on what our benchmarks. A lot of environmental justice communities experience hardship in developing plans to access those federal funds and NYSDEC has worked to create more innovative grant giving opportunities so that we can help communities design a specific proposal for action with 10% engineering design to be effective in competitive grants. NYS alone will receive \$420M this year from EPA for Clean Water Infrastructure (I-Bank) and those

funds will allow NYSDEC to move the ball forward in all sorts of ways. Jim added the magnitude of funding will advance efforts and for example lead service lines, EPA provided \$115M for NYS per year for the next five years to replace those lines. NYS also has a \$4B bond act on the upcoming ballot and if voters enact it, \$2.5B of that would go to climate resiliency efforts in NYS.

Kati Angarone shared that NJDEP is working on a draft strategic plan for 2022 which will continue to focus on climate and environmental justice in everything they do. They are also focused on working with local communities in flood prone areas, restoration efforts, providing open space, and looking at PFAS. A few projects and programs that are a priority for the NJDEP include: wetlands restoration and migration, blue acres program in a more proactive manner to address migration and strengthen the estuary, long term monitoring in their restored sites is a critical gap and there are opportunities to expand it. Kati stressed the traditional methods of funding don't necessarily get us to shovel-ready projects, something the NJDEP hopes to address. New land protection rules are being reviewed to include Sea Level Rise and dovetails well with HEP's Action Agenda. NJDEP will continue to address CSOs, holding stakeholder meetings, and more opportunities will arise in the LTCs to advance green infrastructure as well as in MS4 areas. Communications is important and the communications plan the Committee approved today would benefit all of us on all the work that we do. Kati shared information is available on NJ Water Infrastructure Investment Plan here: https://www.nj.gov/dep/newsrel/2022/22_0001.htm. Phyllis Reich, representing the City of Elizabeth, indicated that they agree with a number of issues Kati raised and will circle back to Rob with the Mayor's priorities.

Chuck Warren shared that the CAC would like to work on engaging communities that we have not reached before and would advance the Communications Plan we approved. There are groups out there that are in need of funding to be able to do this type of work and the partners would benefit from adding new voices. Judith Weis shared that the STAC has not been involved in a lot of things in a while and hope to rejuvenate the committee to be more engaged. Judy stressed that it is always good to fund research. While HRF has funded research, it may be helpful to compiling research that people are doing in our estuary and make it more public so that we are all aware of who is doing what. Kate Lawrence-Shetty shared that the Port Authority has committed to reach net zero by 2050. Efforts to get the Authority there include electrification of their fleet, use of solar panels, and other efforts across the Authority.

Jessie Murray shared NOAA is looking at coastal and nearshore habitats for the beneficial use of dredge materials. NOAA anticipants \$492M for the National Oceans and Coastal Security Fund, \$207M for Coastal Zone Management habitat restoration projects, and \$77M for habitat restoration projects through the NERR system. Under the National Marine Fisheries Service and Office of Habitat Conservation, NOAA anticipants \$491M to be dedicated for contracts, grants, and cooperative agreements for habitat restoration or protecting ecological features that protect coastal communities from flooding or coastal storms; and \$400M for restoring fish passage by removing in-stream barriers.

Rob Pirani stated that there are a number of great things each partners are doing and what would be helpful for the Program is identifying how HEP's funding could add to the work underway. Rob suggested a number of ideas, including: monitoring and data collection in support of infrastructure investment; concept plans and pilot projects that advance capital improvement projects; community engagement and capacity building; and leveraging/complementing partner activities. Chris Daggett suggested maximizing our coordination amongst partners will be critical.

Javier Laureano added that we have not seen this kind of funding in a long time, particularly in this region and that EPA R2 will be in communications with the Program in how funding can advance the Action Agenda.

Hugh Carola indicated he had attended a Hudson County Department of Planning meeting discussing the public access walkway from the Hackensack, Newark Bay, to the Kill van Kull. There are existing projects in the County that are shovel ready and shovel worthy that could also be connected to wetland restoration and CSO mitigation. Chuck Warren added that he has been on this Committee for many years, and while we are in a better place we find ourselves in a unique opportunity push forward as many of those projects as possible. This will aid the Program's communications to engage and show communities the progress we are making - an opportunity we haven't had.

Chris Daggett suggested to the Committee, given the huge infusion of funding and the strong need to coordinate, where there was a benefit of having more frequent meetings of the Policy Committee (currently twice a year). Kati Angarone and Chuck Warren supported at least an additional meeting for planning purposes would be helpful. Rob Pirani indicated the Program staff will be working to pull together a draft workplan. Javier Laureano indicated that the Program will need to draft a new workplan for this funding allocation and will aid Lisa Garcia in finalizing those efforts.