

## **Policy and Management Committee Meeting Minutes**

September 14, 2022 (FINAL)

Hudson River Foundation – Remote Meeting

### **Participants**

**Policy Committee:** Javier Laureano (EPA), COL Matthew W. Luzzatto (USACE), Katrina Angarone (NJDEP), Angela Licata (NY Government), Charles S. Warren (CAC), Judith Weis (STAC), and Christopher Daggett (HRF, Chair)

**Management Committee:** Pinar Balci (NYCDEP), Rick Balla (EPA), Lisa Baron (USACE), Elizabeth Butler (EPA), Meredith Comi (NY/NJ Baykeeper, CAC), Lisa Congiu (NJDEP, WQWG), Jason Fagel (NYSDEC), Allison Fitzgerald (NJCU, CAC), Ann Fraioli (BOP, NY-Educator), Jon Kramer (HRF, STAC), Marit Larson (NYC Parks, RWG), Tom Laustsen (PVSC/NJHDG), Jessie Murray (NOAA), Rob Pirani (HEP), Patti Rafferty (NPS), Clay Sherman (NJDEP), Shino Tanikawa (NYCSWCD, WQWG-CAC), Cathy Yuhás (Hudson County Schools, NJ-Educator)

**HRF/HEP Office Staff and Guests:** Vince Bacalan (EPA), Elizabeth Balladares, Tracy Brown (Riverkeeper), Christina Carrero, Jim Lodge, Isabelle Stinnette, Kimberly McEathron (EPA), Angela Melendez (EPA), Rosana Pedra Nobre, Dennis Reinknecht (NJDEP), Joe Seebode (USACE), Bryce Wisemiller (USACE),

### **Minutes**

#### **1. Welcome and agenda review**

Chris Daggett welcomed the committee and reviewed the agenda.

#### **2. Review and approval of January 2022 PC and June 2022 MC Minutes**

Chris Daggett shared that there are minor edits to the Policy Committee minutes but will work with HEP to send around a clean version via email.

**Action:** Policy Committee January 2022 minutes were moved by Chuck Warren, and second by COL Matthew Luzzatto. Management Committee June 2022 minutes were moved by Chuck Warren and second by Judith Weis.

#### **3. Director's Report**

Rob Pirani welcomed Christina Carrero, the newest HEP staff member and the Bronx/Harlem River Ambassador. Staff has solicited nominations for new members of the Management Committee to fill seats reserved for representatives of environmental justice communities. A small honorarium has been allotted to support the EJ chairs and will send candidates for approval via email. Following the

Policy Committee approval, a \$ 1.82 million workplan was submitted for the FY 23 annual budget from EPA to begin October 1. EPA was able to allocate \$ 817,000 and a contract was promulgated for \$ 1.634 million including required match from HRF. Isabelle Stinnette shared HEP's annual conference will be held in November, probably Nov 29- Dec 1st. This year's focus will be on restoration progress, and we anticipate virtual presentations and workshops as well as an in-person plenary and networking session.

#### **4. NY/NJ Harbor and Tributaries Study**

COL Luzzatto provided an update on HATS, one of the largest studies that the Corps has undertaken. It was announced that the Corps is tentatively selecting Alternative 3B plan where a direct risk benefit is estimated at 62.75%. Slides shared highlighted the proposed projects that are included in Alternative 3B from storm surge gates to shoreline-based measures and tie-ins. The Corps is seeking assistance to engage the public and receive feedback for the tentative plan as a good framework to start with. Assistance with consolidation those concerns and prioritizing the greatest benefits for the public will also be welcomed by partners. Discussions were held around the timeline and process for public comments. With the Chief's Report due in 2024 and construction to begin in 2030, there is sufficient time to create opportunities for comments, whether through meetings or public comment periods on reports. Storm gates were discussed, specifically on whether they have support from the public. Joe Seebode indicated it is a mixed bag of support for the larger proposed gates by the Verrazano Bridge and the Sandy Hook-Rockaway transect, neither of which were selected as part of the tentative plan. COL Luzzatto indicated a strong partnership with Port Authority who have expressed concern on the navigable channels of the proposed Arthur Kill and Kill van Kull storm gates. The USACE will be using available tools to create simulations to determine the impacts of the storm gates to shipping vessels. For more information about the study, please visit [www.nan.usace.army.mil/nynjhats](http://www.nan.usace.army.mil/nynjhats).

#### **5. NYSDEC Request for Data for Use of Saline Waters**

Jason Fagel shared NYSDEC's advance notice of proposed rulemaking for saline waters, an effort by DEC to gather data on how the public is using saline waters. The state is seeking information on what/where/when recreation in and on water is occurring, the number of people engaged in the activity, fishery, and potential hazards from everyone – public, NGOs, etc. A discussion on future rule making cannot be stated, but the data will assist the DEC in future rule making, the upgrades, and UAAs that may be needed. Rob Pirani indicated that HEP will be supporting DEC in this effort and will, with the assistance of the Public Access Work Group and Hudson-Harbor Educators Work Group, work to share available data. Specifically, through a grant made available by the Hudson River Estuary Program, Pratt SAVI has been building on the Paddling Guide to create an opportunity to engage the public on understanding the value of recreation. This effort will help gather data DEC is seeking. For more information, please visit <https://www.dec.ny.gov/chemical/125879.html>.

**Action:** DEC's closing date for submitting data is scheduled for October 25, 2022.

#### **6. FY 22/FY 23 Bipartisan Infrastructure Act Workplan**

Rob Pirani provided a brief overview on the background for the Bipartisan Infrastructure Law (BIL - also known as the Infrastructure Investment and Jobs Act) which will provide HEP \$909,800 a year for

the next five years (FY 2022 through FY 2026). Building from our conversation with the Policy Committee last January, staff has been working with our work groups and partners to prepare a workplan for the first two years of BIL funding from FY 22 and FY 23 with a total cost of \$1,819,600 (first two years, match is waived). In keeping with EPA's July 26 National Estuary Program Bipartisan Infrastructure Law Funding Implementation Memorandum for Fiscal Years 2022-2026, HEP's approach will help Implement our current Action Agenda/CCMP priorities as well as the congressional intent. Javier Laureano further detailed the importance of this work to support disadvantaged and environmental justice communities and encouraged to clearly detail this in the workplan.

An overview of the types of projects and support HEP is aiming to provide was discussed. Overall, the workplan is largely dealing with infrastructure, followed by climate issues, and HEP is well over the Justice40 with about 75% of the funding invested in disadvantaged/environmental justice communities. Making some assumptions regarding where proposed RFPs work may go, HEP anticipates an even split of funding being invested in both states. A question was raised on how much of funds will be supportive of existing programs/projects versus distributed in competitive grants. Rob will share the numbers via email, but his guestimate was roughly half will go through competitive grants while the balance will be distributed between competitive bidding and in some cases, we have justification for sole sourcing. It was also noted that majority of funding is going towards implementation of projects and some monitoring rather than research. While accurate, HEP benefits from being at the Foundation where staff work closely to advance and support research needs of the estuary via the Foundation funding cycles.

**Action:** Please provide questions or comments in the next couple of weeks. Approval from the Policy Committee is requested by September 30 via email.

## **7. 2025 Environmental Monitoring Plan Update**

Jon Kramer shared HEP has been working to identify indicators, cataloging and curating monitoring programs throughout the estuary, and the understanding of status and trends. The STAC recently met in June to focus on how indicators are used, how monitoring can be useful, and the critical questions that we may have. STAC has challenged us to think about mechanisms and the questions that would inform us further on aggregating indicators to improve our understanding and inform management decisions. Rosana Pedra Nobre shared the STAC challenge will aid in the development of the Environmental Monitoring Plan's Research and Monitoring Report, but for this year the focus is on updating the inventory and interactive map. HEP is working towards updating the metadata with a goal of releasing an update this November, however, we anticipate marking indicators in some way to show whether they are cross cutting HEP's goals and whether they are important for understanding climate change.

## **8. Tibbetts Brook Daylighting**

Pinar Balci announced that NYCDEP's work to daylight Tibbetts Brook in the Bronx, a multi-purpose project that is part of the City Long Term Control Plan, is finally happening with City moving to acquire the 1.1 mile corridor from CSX. This will subsequently be the largest green infrastructure project by NYCDEP. Pinar provided an overview of the conceptual plans and goals, including their work in cooperation with NYC Parks to improve the ecology around Tibbetts Brook, and Hester and Piero's

Mill Pond in Van Cortlandt Park. The proposed design includes access points, signage, seating, wetland features, recreational opportunities, and more. Pinar noted that one of the biggest constraints to the project are along the former CSX corridor because it is very narrow and private land limits accessibility. A hearing will be held on November 9<sup>th</sup> and NYCDEP will be working to bring stakeholder back together in the spring. Details of the project are available here: [https://tibbettsbrook.substack.com/p/tibbetts-brook-daylighting-greenway?utm\\_source=substack&utm\\_medium=email](https://tibbettsbrook.substack.com/p/tibbetts-brook-daylighting-greenway?utm_source=substack&utm_medium=email). A brief discussion was held on whether a fish passage will be installed around the existing weir. Marit Larson from NYC Parks noted that we may not want to encourage connectivity here given the fish species in the region.

#### **9. Other Estuary and Partner Updates**

Judith Weis provided an overview of Sylvia Earle's program, Mission Blue, to designate Hope Spots to bring honor and support for important waterways. Judith has proposed nominating the Harbor Estuary given how the last 50 years of activities to improve the estuary. She is seeking support from committee members to further advance the application. The committee members recognized the enormous progress throughout the region and thanked Judith for putting together this story and forwarding the nomination.