



## Management Committee Meeting Minutes

December 12, 2019 (FINAL)

Hudson River Foundation 17 Battery Place NY, NY

### Participants

**Management Committee:** Greg Alber (NJHDG/PVSC, by phone), Pinar Balci (NYCDEP), Rick Balla (EPA), Lisa Baron (USACE, RWG co-chair), Jessica Bonamusa (IEC), Brett Branco (CUNY, WQWG co-chair), Liz Butler (EPA, by phone), Fran Dunwell (NYSDEC), Jason Fagel (NYSDEC), Margaret Flanagan (Waterfront Alliance), Mike Flood (EPA), Ann Fraioli (NY Harbor School), Dan Gurdak (EPA), Paul Higgins (PANYNJ), Marit Larson (NYC Parks, RWG co-chair), Rob Pirani (HEP), Evelyn Powers (IEC), Patti Rafferty (NPS), Dan Rose (EPA), Anne Rosenblatt (EPA), Clay Sherman (NJDEP), Melissa Sinisgalli (NJHDG/PVSC, by phone), and Judith Weis (Rutgers, STAC co-chair)

**HRF/HEP Office Staff:** Helena Andreyko, Rosana Da Silva, Isabelle Stinnette, Elizabeth Balladares, Clay Hiles

### Minutes

#### 1. Welcome and agenda review

Rob Pirani reviewed the agenda. Rick Balla introduced several members of the EPA team participating in today's meeting, which include Mike Flood, Dan Gurdak, and Anne Rosenblatt. Anne is on a temporary detail as HEP's EPA Region 2 Coordinator, replacing the role that the now-retired Rick Winfield had with HEP.

#### 2. Review and approval of minutes of September 10 2019 Meeting

Rob Pirani reviewed the September minutes.

**Action:** September 10, 2019 meeting minutes was approved, motioned by Rick Balla and seconded by Jason Fagel.

#### 3. New Members

Rob Pirani introduced two new members for approval to join the Management Committee. Patti Rafferty, Chief of Resource Stewardship for Gateway National Recreation Area, has agreed to represent US DOI on the Management Committee and hopes to invigorate the engagement of NPS and other DOI partners with HEP. Paul Higgins will be representing the PANYNJ. Paul was involved with HEP in the past and is thrilled to be back.

The Management Committee is still missing representation from EJ communities and a NJ Educator. Staff have been working to fill those seats by engaging the Harbor Educators group and through the UWFP efforts. Judith Weis recommended Pamela Pettyjohn of the Coney Island Beautification Project.

**Action:** Patti Rafferty and Paul Higgins were approved to join the Management Committee, motioned by Rick Balla and seconded by Lisa Baron. Rob will continue to follow up with members and others on filling empty seats.

**4. Update on Harbor-wide Water Quality Report**

Rosana Da Silva provided an overview on the status of the report. The schedule has been adjusted due to the number of comments received by the Water Quality Work Group and STAC. Pinar Balci asked for clarification on the comments received. Rosana informed the Committee that for pathogens, a majority of questions were about misrepresenting waterbody conditions due to lack of data in places such as the Raritan and Sandy Hook Bay. Other comments were about the lack of STV to show the spikes of pathogen levels; not showing dissolved oxygen fluctuation; and the lack of threshold values for Total Nitrogen and chlorophyll-a so the public can understand what is relatively good or bad. Judith Weis asked on how dissolved oxygen would be displayed and further evaluated. Rosana notified the committee about the parameters that were still being discussed with the consultants, Great Lakes Environmental Center, and a decision has not yet been made on how to resolve all of these issues.

**Action:** A draft public-facing report will be prepared for the Management Committee to provide comments by the March 19 Management Committee meeting.

**5. Raritan Bay No Discharge Zone Update**

Rosana Da Silva shared a draft report on the No Discharge Zone stakeholder feedback process that HEP has been working on with NYSDEC, NJDEP, and EPA. The process included identifying key stakeholders, online survey, mailed surveys to marinas, interviews, and two public meetings. Rosana provided an overview on the results and key recommendations outlined in the report. Draft recommendations included identifying funds to add pumpout services/facilities to service both recreational and commercial vessels; having enforcement begin at a later date to allow for older vessels to come into compliance or purchase new compliant vessels; and continue outreach and education efforts. Clay Sherman asked whether a date has been selected for the NDZ to be put in place. Rosana informed that this process was to help the states identify next steps in that process, and will work with EPA to possibly set a date. Jason Fagel stated that the states are seeking to update the draft NEIWPC petition (2016) which would be required prior to submitting a request for action to EPA. Judith Weis identified that there was a lot of work done, but that the number of participants was still low and conclusions should be drawn with caution. Rosana agreed and noted that further engagement should be made with marinas and commercial operators. Rick Balla asked if there was overall support for the NDZ. Rosana informed that everyone was supportive of protecting and improving the Raritan Bay. Rob Pirani asked whether commercial marinas could serve other commercial vessels that are not of that port. Rosana stated that would need to be further discussed with those operators. Margaret Flanagan suggested that a pumpout facility could be built in Sunset Park and could easily service both commercial and recreational vessels. Margaret also informed that capacity of mobile pumpouts (trucks or boats) is an issue for some commercial vessels.

**Action:** Committee members are asked to provide comments on the draft report by **January 31, 2020**. In addition, members are welcome to identify additional activities or support that they could provide as part of the next steps for the states and EPA to consider.

**6. Advancing Pathogen Monitoring through Citizen Science**

Jessica Bonamusa and Evelyn Powers from IEC reported on the Volunteer Pathogen Monitoring Program. The program, piloted with HEP in 2016, trains citizen scientists (under an EPA-approved QAPP) who volunteer time to collect discrete water samples in areas where data gaps exist. Samples are then processed and uploaded to STORET/WQX by IEC staff. This year, Freshkills Park Alliance (Staten Island, NY) and the Lower Raritan Watershed Partnership (NJ) participated in the program sampling once a week/five times per month at sites identified by the groups. LRWP was interested in boat launches along the Lower Raritan, areas where limited or no data was available on informing recreational activities. Freshkills Park Alliance has been concerned with remediation on the Freshkills Park superfund site, scheduled to be completed and opened in 2030. Results of the citizen science data was shared with the group, which looked at enterococci and fecal coliform.

**Action:** Members of the committee are welcome to present on how they are advancing the Action Agenda goals in future meetings. Let Rob know if you would like to be part of the agenda.

**7. 2019 Restoration Conference Report**

Elizabeth Balladares detailed the great success of the 2019 conference where more than 250 scientists, resource managers and policy professionals gathered for Lessons Learned for a Changed Future. The conference featured the release of the 2017-2019 progress report, which provides details on the than 40 projects and \$290 million of expenditures completed in New York and New Jersey in the past three years. Rick Balla congratulated the group for a job well done. Rob Pirani mentioned the addition of filling the EJ and Education seats will be critical to aid in shaping the next conference to increase diversity. Jessica Bonamusa noted that this year the conference had more interdisciplinary representation and Isabelle Stinnette noted that the conference hit 250 without much marketing. Judith Weis raised that the size was perfect and cautioned that going larger may lose advantages that we already have. Ann Fraioli noted her staff enjoyed the conference, but stated that if the goal for the next conference is to attract diversity, then diversity first needs to happen in the Committee. Ann noted this is tough to do, but encourage the committee to work towards this goal.

**Action:** HEP to work on improving diversity as an overall goal for all committees and conferences, including EJ MC representatives as well as 2020 conference steering committee.

**8. State of the Hudson River**

Isabelle Stinnette updated the Committee on HEP's collaboration with the New York State Hudson River Estuary Program to prepare a State of the Hudson Report. This is a companion to HEP's State of the Estuary document. Draft indicators were shared which provide a brief description of where we might be going. The STAC, HREMAC, and academic community will be beginning their technical reviews shortly and review/publication is aimed for March-May 2020.

**Action:** Data, graphs and preliminary sections will be sent to relevant members of the STAC by mid-January. The final draft public-facing report will be sent to the Management Committee in March; comments may be due prior to March 19 Management Committee meeting.

**9. Aquatic Connectivity Through Climate-Ready Culverts**

As part of the new projects approved by the Committee in June, Isabelle Stinnette has been working on a project assessing aquatic connectivity within two watersheds in New Jersey. This project utilizes citizen scientists to assess road-stream crossings, providing critical data that supports prioritization of restoration for both habitat connectivity as well as right-sizing hydraulic capacity of roads for future precipitation levels. Isabelle shared the preliminary GIS map which identifies where streams cross roads. Field work is required to verify and assess sites. NJDEP, NJ counties, and Rutgers University are interested in seeing the results of the analysis. HEP also hopes to also engage NJDOT and other transport agencies. Isabelle is working on the next season and looking for partners and leveraging funding to extend work further. Fran Dunwell asked how the project ran with the volunteers. Isabelle noted lessons learned – important to select volunteers who know one another and have a community connection. Judith Weis recommended coordinating with a professor who teaches a class or environmental group or talk with environmental groups that work with citizens. Jessica Bonamusa suggested that having three consistent leads to participate in the training would allow for rotating volunteers that were not part of the training.

**Action:** Committee members to consider partnerships and funding opportunities that could aid in expanding work. Isabelle to share protocols with Marit Larson to further discuss analysis for target species. Isabelle and Fran Dunwell to coordinate how to best engage New York State counties and transportation agencies on sharing results and begin on implementing recommendations from the comparable Hudson River Estuary Program in New York State.

**10. Identifying Funding for Estuary Projects**

Congressmen Tonko (NY) is drafting federal legislation to help address the habitat restoration, water quality, public access, and coastal resiliency needs in the Hudson-Raritan Estuary. Rob has been working with civic partners including Scenic Hudson to advise the Congressman on needs here in the region as well as sharing comparable existing legislation for other NEPs including the

Delaware Bay and Long Island Sound. This information was presented to the CAC which noted concerns that the watershed-wide reach may result in the Harbor not receiving its fair share of resources in comparison to the upper Hudson. Lisa Baron cautioned Tonko's bill could muddy messaging of requests to fund the HRE-CRP feasibility study. Margaret Flanagan commented that the bill should be written in a way that helps fund urban working waterfront. Fran Dunwell commented that Congressman Tonko is interested in doing something for the Mohawk River and while there are concerns for competition of funds downriver, the bill is also working to get funds to waterways that no funding has become available. Judith Weis asked whether there was any indication on a cosponsor, particularly a Republican. Rob Pirani stated that the goal is for the bill to have bipartisan support. One Republican to consider is Chris Smith whose district includes the Navesink and Shrewsbury Rivers.

**Action:** All members to submit any additional comments or thoughts to Rob Pirani by email by January 14. Rob Pirani will circulate comments from the committee, CAC, and other civic organizations to Tonko's office as the final draft of the bill is expected to be completed in the next month or so. Lisa Baron to share language for use in discussing the HRE-CRP Feasibility projects; the Chief's report is due Memorial Day and language is anticipated to be included in the 2020 WRDA Bill.

#### **11. Should HEP Staff Submit Public Testimony/Comments?**

Rob Pirani stated HEP's operating procedures authorize program staff to work with other agencies and organizations to facilitate integration of appropriate portions of the Action Agenda into appropriate actions of each agency or organization. We also serve as an advocate for the New York-New Jersey Harbor & Estuary and the goals and implementation of the CCMP and Action Plan. To date, this has not included formally submitting public testimony. Historically, we have addressed this work by hosting meetings/workshops on topical subjects and/or by providing input directly to partners on draft plans. Rob opened the discussion by asking the committee whether it would be helpful for HEP to provide public comments/legislative testimony and what guidelines should be considered if we do? Judith Weis asked what other estuary programs do. Rob indicated that it's a mixed bag, some are visible in testifying like the Barnegat Bay, while others are housed in state agencies and do not. Rick Balla noted that programs do vary; He is comfortable with comments that align with the Action Agenda. Conversations included pros and cons to doing that and whether it would be helpful. Margaret Flanagan used NYCDEP's LTCP public inputs as an example for comments by HEP. Pinar Balci, using the LTCP as the example, as to whether this would cause a conflict of interest given that NYCDEP and NJDEP are actively participating in the Management Committee, Water Quality Work Group, and other meetings that have aided the agencies. Clay Sherman echoed this concern and noted that NJDEP's withdrawal from HEP was due to past negative public comments and could limit participation. Brett Branco noted that having open conversations at the Water Quality Work Group has been working and asked whether making formal comments for the larger public review is truly necessary or whether it would distract from work groups efforts? Judith Weis stated that public comments would increase HEP's visibility, but cautioned

that comments should not be rash and checking with partners would be key. Ann Fraioli cautioned that HEP's committees and the organizations on those committees represent specific interests and that it should not be assumed that we are engaging the public. Rob concluded that, as a minimum, any prospective public comment or testimony should be checked with the management committee especially relevant agencies.

**Action:** Any prospective public comment or testimony by HEP staff should be checked with the management committee especially relevant agencies

## **12. Updates from Work Groups and Committee Chairs**

- **Water Quality Work Group:** A Continuous Monitoring Subcommittee has been formed focusing on addressing practitioner needs. A survey will be drafted and the committee is welcomed to provide recommendations. November's meeting focused largely on water quality monitoring and how we can better coordinate and leverage against one another. Darvene Adams noted that funds have been secured for REMAP, an Environmental Monitoring Plan recommendation, and will be implemented in 2020 along with the NARS program. Lastly, USGS presented on their proposal for including the lower Hudson-Raritan Watershed for their national Next Generation Water Observing System. Although we're three years away from the proposal being considered, we plan to work on how to best document questions and data gaps to inform the proposal update in partnership with the Hudson River Estuary Program.
- **Restoration Work Group:** The restoration conference preparation and finalizing the 2017-2019 progress report was a large focus on the work group. The Enclosed and Confined Waters TEC was redefined and is included in the update. USACE is working on authorization of 20 restoration projects in the Hudson River Estuary as part of the HRE-CRP feasibility Study. A number of projects are currently at different phases which include Spring Creek North and South, Liberty State Park, Sawmill Creek Wetland, and Jamaica Bay. NYC Parks are also advancing saltmarsh restoration through the creation of their wetlands framework report.
- **Public Access Work Group:** The Waterfront Alliance task force, co-chaired by HEP, has prepared a draft report. HEP and Waterfront Alliance are working with NYC Planning and Parks on a January 10 workshop on community stewardship. This will be used to inform on the city-wide Comprehensive Waterfront Plan.
- **Citizen Advisory Committee:** The committee provided feedback on Tonko's bill and created a subcommittee to help advance this effort. Members of the Sewage Free Streets and Rivers, a NJ counterpart to NYC SWIM, were invited to collaborate with SWIM on shared waters LTCP. The Citizen Science subcommittee is working on hosting a workshop for water quality monitoring activities to advance and improve this field of work in February 2020.
- **Urban Waters Partnerships:** Sara Powell is coming back full time in January 2020 and will advance the work there to implement the Harlem River Watershed Plan. Elizabeth Balladares has been working with the City of Passaic and NPS on stakeholder

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engagement around Dundee Island Park as well as engagement on shoreline structures for the Passaic River superfund cleanup.