



New York – New Jersey
Harbor & Estuary Program

CITIZENS ADVISORY COMMITTEE

of the New York – New Jersey
Harbor & Estuary Program
www.HarborEstuary.org

NY-NJ Harbor & Estuary Program Citizens Advisory Committee Meeting

March 24, 2014

The Hudson River Foundation
17 Battery Place, 9th Floor
New York, NY 10004

MINUTES

1. **Introductions**
2. **Conversation with Long Island Sound Study Citizens Advisory Committee Co-Chairs**

Nancy Seligson and Curt Johnson provided an overview of the LISS CAC characteristics, role, and projects the Committee has worked on:

- The CAC has a very specific role, focusing on communication and funding.
- It is governed by bylaws, which establish the CAC role as the advocacy arm of the LISS. The CAC is very well appreciated for playing this role.
- 38 organizations are members, including municipalities, civic organizations, and businesses.
- It meets quarterly, alternating meeting locations between New York and Connecticut.
- Nancy (Town of Mamaroneck Town Supervisor) has been the NY co-chair for the past 10 years and Curt (Executive Director of Save the Sound, CT Fund for the Environment) for the past four years.
- The CAC has sub-committees, including an Accountability Committee. The Policy & Legislation is the most active one; it meets every month (via conference call) and meets in Washington, DC a couple of times a year. Most of its members are part of fairly large environmental organizations.
- One of the greatest accomplishments of the LISS was the development of the first bi-state TMDL (Total Maximum Daily Load) in the country, and the first one involving trading, which accomplished a 58.5% reduction in nitrogen.
- The CAC was involved in the development of the Comprehensive Conservation and Management Plan (CCMP) in 1994 and was responsible for providing strong language and a vision. Now the LISS is updating its CCMP, which will be a streamlined document that hits top 3 or 5 priorities. The CAC is working to make sure that visionary language is incorporated.
- The added value of the CAC is that it is the voice of the public and for the public, this is the group that can do the advocacy and meet with NY and CT delegation (CAC members have to foot their own bills).
- The LISS budget is not that big. Ten percent of the population of the country lives within 50 miles of the Sound, but funding is much smaller than that of the Puget Sound or the Great Lakes. It ranges from \$3 to 8 million.

Citizens Advisory Committee Co-Chairs

Meredith Comi, NY/NJ Baykeeper ✧ meredith@nynjbaykeeper.org ✧ 732-888-9870
Rob Buchanan, Village Community Boathouse ✧ avironvoile@gmail.com ✧ 917-656-7285

- The CAC also encourages and highlights citizen science projects. Most of the regular monitoring occurs in the middle of the sound, while most of the human interaction with the water takes place in coves, and that's where citizen science efforts are directed. Developing quality assurance project plans (QAPPs) for these projects is costly and time consuming; the CAC has initiated a look at those programs in order to get an easier path to the QAPP. (HEP has been in touch with Caitlyn Nichols of the Interstate Environmental Commission, providing info about the approach of its recent Citizen Science project, which aims at becoming a model and toolkit for future citizen science efforts).
- CAC bylaws require voting on everything and submitting positions 45 days in advance of the vote. This was amended so if something is relevant to the CCMP, the CAC can circulate proposals and request feedback within 24-48 hours. That has been successful in responding to time-sensitive issues.

Curt described an effort carried out by Save the Sound: through community visioning sessions for the Long Island Sound, 50 topics were identified, from which priorities were voted and offered as input for the CCMP. One important outcome of this process was to bring disparate groups together for the benefit of the Sound, developing a product that was much better than what each group could have developed on their own. A second key outcome was the Management Committee's realization of the value of citizen input. The Management Committee mimicked the process and came up with a plan that aligned nicely with Save the Sound's.

Meeting attendees then had an opportunity to ask questions.

Regarding funding sources, the LISS leverages \$98 per each dollar of federal funding through the Clean Water Act (perhaps the highest leveraging of all National Estuary Programs). Connecticut has a large clean water program and New York has implemented sewage upgrades through the Environmental Protection Fund, so both states make significant investments in projects related to the LISS.

The LISS has the Futures Fund, with ¼ funding from the National Fish and Wildlife Foundation (NFWF), a private-public foundation. Three quarters of the funding are provided by the LISS. These funds are used for competitive grants. The CAC provides input as to the area of focus (e.g., Green Infrastructure). These grants are well leveraged and the projects funded are important to show representatives what has been accomplished in their districts, as well as what could not be implemented because of insufficient funds. NFWF approached LISS to establish this fund. Paul Tudor-Jones played a big role.

The CAC has worked with Gerry Petrella (formerly with the U.S. Army Corps of Engineers) in Schumer's office to engage the Corps.

They also met with Bob Perciasepe, EPA Deputy Director and Curt Spalding, EPA region 1 to discuss the idea of urban estuary revival from Cape Cod to Cape May.

The river herring story in our part of the world should get the same attention as the salmon story out west. There was a time when we could net those in abundance. We need to reopen our rivers so the fish can travel, but also need to regulate trawling. This is an extremely important issue as these fish are the key to everything, including bigger fish, birds, even clean water for humans.

3. Conversation with The Port Authority of New York & New Jersey

Chris Zeppie, Director of the Office of Environmental and Energy Programs, gave an overview of the PANYNJ's environmental projects.

This program was first conceived of by Chris Ward around 2001. The expectation was that region would receive \$60 million from the Department of the Interior for projects aligned with HEP, but funding did not materialize. Chris Ward was able to convince Bob Boyle, former PANYNJ Executive Director, of the importance of this program. One issue was that there is no mandate in the law that created the PANYNJ to undertake natural resources acquisition in the region. After 9/11 the program was put in limbo for about one year. It was eventually authorized as a 'facility' and is funded on the capital budget (not operations), and therefore it has to have capital value and an asset, which is achieved through a restrictive covenant or conservation easement. The acquired properties go into a form of municipal government or to a natural resource entity at the city or state level.

The first project was via the Trust for Public Land. There has to be a willing seller, the price has to be based on independent appraisals, and the property has to be on the HEP habitat acquisition list as one in danger of development and worthy of protection, or one which provides public access. The overall reason was to counterbalance overall facilities programs, where facilities are expanding. This isn't mitigation; it is purely a broad counterweight to the development pressure that the PANYNJ brings to bear on the region. The property has to be within the Port district, i.e., 25 miles of statue of Liberty.

The Program received \$60 million total (30 million in each state) and the funds cannot be spent on a hazardous or contaminated site because of the unknown risk. So far, the program has acquired 18 properties totaling 400 acres. There's about \$2 million left. Mark Matsil (Trust for Public Land) and Greg Remaud (NY/NJ Baykeeper), persuaded the Executive Director, Pat Foye to renew the Program and it was included in the Capital Plan in February, but it still needs to be reauthorized in April. There will be \$60 million for ten years with the same general rules.

In Chris Zeppie's opinion, these funds should not be viewed as HEP dollars because it diminishes the sense of this being a Program we really need. The impetus behind the program is to preserve land from development rather than spend large amounts on restoration or remediation. He also indicated that partnerships add a lot value and make it a much easier sell to the Board. Each project has to be approved by the Board.

Meredith also brought up that the PANYNJ makes other contributions towards environmentally beneficial projects, for example they have contributed to the oyster restoration project.

Attendees then had an opportunity to comment or ask questions.

It was clarified that there are two environmental programs at the PANYNJ: the Hudson-Raritan Estuary Resources Program, which deals with land acquisition, and the Hudson-Raritan Estuary Restoration Program in partnership with the USACE. The latter contributed \$19 million specifically for the Comprehensive Restoration Plan (CRP).

Roland Lewis recounted the creation of the Interstate Sanitation Commission (now Interstate Environmental Commission) by the Harbor Commission in 1922 to address pollution affecting shipping. He acknowledged that the PANYNJ does not have a formal mandate for stewardship but maybe there was an opportunity to adopt standards of environmental protection. Chris reiterated that it would be hard for the PANYNJ to be more proactive on restoration issues.

Regarding a question about the Passaic River cleanup, the PANYNJ is involved (it has been named a potentially responsible party or PRP) and is interested in moving along the cleanup. A former plan to dredge contaminated sediments and place them in a Confined Disposal Facility (CDF) in Newark Bay did not prosper.

The PANYNJ would not purchase property from NYC or any municipality, as they have the ability to do this themselves.

Shino Tanikawa asked about the transfer of Arlington Marsh to NYC Parks and about rumors that this has not happened yet because of PANYNJ expansion plans. Chris said that the plan is on hold and that it was found that it would affect a portion of the marsh.

Rob Buchanan suggested that the PANYNJ would be in an ideal position to carry out an evaluation of the economic value of the estuary and how a green harbor could contribute to the economy of the region. Chris indicated that the PANYNJ has taken baby steps in that direction and has helped prioritize over 70 projects as part of the Comprehensive Restoration Plan. Also the PANYNJ's economic team analyzes the impact of each of their projects. In Chris' opinion, an economic valuation would be more in line with the mandate of the USACE, Fish and Wildlife Service, NYS Department of Environmental Conservation, or others. Perhaps HEP and the CAC can obtain resources for this project.

Rob Pirani suggested that, once the Capital Plan is reauthorized, the CAC could write a letter recognizing the restoration work of the PANYNJ.

4. Election Results

Election results were officially announced and celebrated. Rob Buchanan was unanimously re-elected for a second, two-year term as the NY co-chair.

5. New CAC members

A quorum was present and new CAC members Willis Elkins (Newtown Creek Alliance) and Dan Tainow (Lower East Side Ecology Center) were voted and welcomed as new members of the Citizens Advisory Committee.

It was suggested to have a close look at the balance between NY and NJ membership to see if there was a need to recruit more NJ members.

6. HEP Transition and Budget Update

Rob Pirani provided an update. The HEP budget for Fiscal Year 13 has been approved by the Policy Committee. The Hudson River Foundation is now working on the formal contract with EPA. The grant is expected to be awarded to HRF by the end of April. Rob is now working part time at HRF and he is happy to talk to anyone. In terms of funding and leverage, HEP has a huge mandate. At the same time, lot of projects are happening that HEP has little to do with but are still advancing HEP goals. The Program should focus on ways we can add value.

Rob is also working on a strategic plan for HEP, which will be presented to the Management Committee at the April 15 meeting, along with a plan for FY 14 budget (i.e., starting October 1, 2014). It has been confirmed that each of the National Estuary Programs will receive \$538K. The amount that will be

available for FY 15 is now being deliberated. The President has requested \$600 K for each NEP (\$25 million for the National Estuary Program as a whole). A sign-on letter is now being circulated in Congress to support this request—this is an effort led by the Association of National Estuary Programs (ANEP). CAC can share with Congress representatives.

There is also a new authorization for a competitive grants program open to all NEPs focused on marine mammals and submerged aquatic vegetation.

Regarding the composition of committees, no changes are anticipated in the near term. While it's worth looking at the composition, the focus is to strengthen the functional committees.

Bob Alpern pointed out that, unlike the LISS, HEP does not have an active Science and Technical Advisory Committee and its format and role should be discuss. His preference is to have a single STAC for the whole estuarine system and the Bight. He suggested conducting a monitoring workshop to examine what indicators are needed to determine the environmental condition of the estuary and whether these are being monitored. The last time this was conducted (many years ago), a research agenda was produced that was very good.

Rob Pirani asked whether there were specific geographic areas in need of additional funds that HEP could help secure. Maggie Flanagan indicated that the core urban area tends to lack funding for acquisition and restoration.

Joe Reynolds suggested that more funds were needed for education. Signage would be a simple and efficient way to do this.

7. HEP Updates

There was no time for presentations but attendees were invited to ask questions about the written summaries that had been circulated previously.

Maggie Flanagan asked about the advisory committee for the Urban Shorelines project and to ensure that the CAC is more in tune with this project, as the protocol that will be developed can then be used by the public. Kate Boicourt indicated that the advisory committee is not a formal part of HEP but was created specifically for this project, to advise the team that will be developing the protocol. HEP will keep members informed as the project moves forward.

8. Open Discussion and Announcements

Discussion and question from attendees followed.

It was suggested to invite the new Parks Commissioner to a CAC meeting. One of his priorities is underserved areas.

The need to better engage Chuck Warren (the CAC & STAC representative to the PC) was stressed.

Bob Alpern brought up the Mid Atlantic Regional Planning Body (MidA RPB), which is currently accepting comments for its framework. He asked that his summary be circulated and a draft comment letter. **The co-chairs will look into this issue more closely and follow up with the group.**

Kate announced that the HEP Restoration Conference has been scheduled for June 3rd. This will be a full day symposium focused on restoration, sustainability, and benefits. More details will be sent shortly.

The LISS CAC will be meeting on Thursday (March 27) in New York City and Judith Enck will attend.

Shino reminded attendees that NYS Department of Environmental Conservation is accepting public comment on their draft storm water and MS₄ permits. The Stormwater Infrastructure Matters (SWIM) coalition has created an "MS₄ Permit for Dummies" fact sheet and a sample letter. SWIM is also carrying out its first fundraising event on April 10 at the Hudson River Foundation, honoring NYCDEP Commissioner Carter Strickland.

Louis Kleinman announced MWA's Waterfront Conference (April 24) and City of Water Day (July 12).

Rebuild by Design will have a public exhibit of all proposals on April 3rd at Liberty Science Center in the morning and in lower Manhattan in the afternoon.

Other comments and thoughts: ensure citizen participation in LTCP in NYC; focus geographically on areas where access is compromised; monitoring, can HEP help fund more of it long term; restoration committee: ensure that science guides our investments; sediment management: contaminated assessment and remediation plan—needs to be revived and advanced; public education: small grants program (how to revive); public access: small grants program, use Sandy funding, make connection to water quality.

The meeting was adjourned at 4 PM.

ATTENDEES

Robert Alpern
Andy Bicking, Scenic Hudson, Inc. (by phone)
Kate Boicourt, NY-NJ Harbor & Estuary Program
Peter Brandt, US EPA Region 2 (by phone)
Rob Buchanan, Village Community Boathouse
Don Chesley, Stevens Institute of Technology
Bart Chezar, Gowanus Dredgers Canoe Club
Meredith Comi, NY/NJ Baykeeper
Michelle Doran McBean, Future City, Inc. (by phone)
Willis Elkins, Newtown Creek Alliance
Maggie Flanagan
Ann Fraioli, Urban Assembly Harbor School
Edgar Freud, Sierra Club
Damian Griffin, Bronx River Alliance
Clay Hiles, Hudson River Foundation
Curt Johnson, CT Fund for the Environment, LISS CAC co-chair
Louis Kleinman, Metropolitan Waterfront Alliance
Roland Lewis, Metropolitan Waterfront Alliance
James Lodge, Hudson River Foundation
Bernice Malione, Port Authority of NY & NJ
Gabriela Munoz, NY-NJ Harbor & Estuary Program
Nesmarie Negron, US EPA Region 2

Caitlyn Nichols, Interstate Environmental Commission
Robert Pirani, NY-NJ Harbor & Estuary Program
Joseph Reynolds, Bayshore Regional Watershed Council
Manuel Russ, Concerned Citizens of Bensonhurst
Bill Schultz, Raritan Riverkeeper (by phone)
Nancy Seligson, Town of Mamaroneck, LISS CAC co-chair
Rosalie Siegel, Port Authority of NY & NJ
Cathy Sohn, American Littoral Society (by phone)
Dennis Suszkowski, Hudson River Foundation
Daniel Tainow, Lower East Side Ecology Center
Shino Tanikawa, NY Soil & Water Conservation District
Tirza Wahrman, Law Office of Tirza S. Wahrman, LLC
Nina Zain, The River Project
Chris Zeppie, Port Authority of NY & NJ