

## Hudson River Estuary Advisory Committee Meeting

Final Minutes: Approved December 10, 2008

Meeting Date: June 4, 2008

Location: Pirate Canoe Club, Poughkeepsie, NY

Attendance: (total 84)

### HREMAC Members:

Anderson, Judy	Community Consultants	Lake, Tom,	Educator
Beers, Allan,	Rockland County	Matthiessen, Alex (John Lipscomb attending)	Riverkeeper
Bicking, Andy	Scenic Hudson	Mylod, John	M. T. Net
Bill Connors	Dutchess Co. Sportsmen	Rumpf, Jeff	Clearwater
Dorritie, John	H.V. Marine Trades Assoc.	Schoeberl, Karl	Central Hudson Gas and Electric
Gina D'Agrosa	Westchester County	Suszkowski, Dennis	Hudson River Foundation, Committee Chair
Emslie, Bill	Coastal Conservation	VanLuven, David	The Nature Conservancy
Findlay, Stuart	Institute of Ecosystem Studies	VanSchaack, Rene	Greene County IDA
Griffen, Sara	OLANA Partnership		

### Ex-Officios:

Baudanza, Tom	NYC DEP	Keller, Scott	Hudson River Valley Greenway
Devine, Bonnie	NYS DOS	Reinhardt, Bob	NYS OPRHP
Elliot, Bob	NYS Dept. of State	Rukovets, Boris (Brian Mitchell attending)	Interstate Env. Commission
Holochuck, Nordica	NYS Sea Grant		

### Guests:

DeLucia, Mari-Beth	The Nature Conservancy	Morrison, James	HDR
DeWan, Amielle	Cornell University	Mukasa, Agnes	NYS DOH
Dey, Bill	Hudson River Env. Society	Nutting, Trent	Riverkeeper
Dunlap, Katy	Watershed Alliance	Reed, Doug	Hudson Basin River Watch
Ewald, Bob	Sportsman, OrangeCo.	Reuter, Bob	Recreational sportsman
Hanson, James	NYS Governor's Office	Schlesinger, Matthew	The Nature Conservancy
Henshaw, Bob	HRES	Tafur, Victor	Riverkeeper
Keenan, Regina	NYS DOH	Trapani, Ryan	Catskill Forestry
Leinhart, Donna	Scenic Hudson	Verleun, Josh	Riverkeeper
Limburg, Karin	SUNY ESF	Weidman, Rebecca	NEIWPPC
Lindloff, Stephanie	American Rivers	Wilson, Stephen	Hudson River Env. Society

### DEC: \* denotes goalkeepers

Abuza, Leah	Estuary Program -SCA	* Kerpez, Ted	Region 3, FWMR
Beard, Nancy	Estuary Program - CPS	Ladd, John	Estuary Program/ HRNERR aquatic resources
* Blair, Betsy	HRERR(HRNERR)	Litten, Simon	Division of Water
Bowser, Chirs	Est. Program/ Research Reserve	Mackey, Sherri	Estuary Program - Administration
Clarke, Bill	R 4 Environmental Permits	Mapes, Jeff	Lands and Forests
Cuppett, Scott	Estuary Program - Watersheds	Marcell, Kristin	Estuary Program - Climate
Dunn, Clare	Estuary Program - GIS	Maresca, Susan	Region 2, FWMR
Dunwell, Fran	Estuary Program - Coordinator	McAvoy, Jean	HRNERR - Education
Fernald, Sarah	HRNERR - Monitoring	Miller, Dan	Estuary Program/ HRNERR habitat restoration
Filmer, Meg	Region 3, Env. Enforcement	* Myers, Jeff	Albany, Division of Water
Greiser, Kevin	Estuary Program - Tributaries	Nieder, Chuck	Albany, FWMR - Power Plants
Gumaer, Larry	Albany, Natural Res. Damages	Roessler, Beth	Estuary Program - Website
* Harrison, Ann	Public Affairs	Rowell, Chandler	Albany, Division of Water
Hattala, Kathy	Hudson River Fisheries Unit	Shaw, Jill	Estuary Program - Estuary Grants
Hauser, Emilie	HRNERR - Training	Stanne, Steve	Estuary Program - Education
Heady, Laura	Estuary Program - Biodiversity	Waterman, Beth	Estuary Program - Access
Houser, Rebecca	Estuary Program - Education	Wilson, Larry	Region 3, FWMR
* Kahnle, Andy )	Hudson R. Fisheries Unit	Zucker, Leslie	Estuary Program - Biodiversity
Kendall, Barbara	Estuary Program - Management team/watershed projects		

The meeting opened at 9:15 am by D. Suszkowski and F. Dunwell. Introductions were made around the

room.

### **1) Update Reports:**

Executive Subcommittee Report: The Executive Committee met and developed comments on two issues:

1. American shad (letter sent to Commissioner Grannis), commending DEC on taking action to protect the shad stock and supporting planning to insure recovery of this fishery
2. the Ocean Great Lakes initiative (letter sent to Jim Tierney,) recommending to not expand Estuary Program into the watershed, but encouraging communication and coordination with the Harbor Estuary Program, and investigating the needs of up-river and Mohawk regions with an eye towards replication of the Estuary Program. It was noted that the Estuary Program statute already allows the program to address issues on the Upper Hudson and Mohawk River if they affect the estuary. Copies were distributed to HREMAC members prior to the meeting and are one file.

Federal Collaborative Initiative: Andy Bicking reported that the Hudson Valley Federal delegation has requested that area environmental groups identify specific projects that need federal funding. The groups have provided a copy of the Action Agenda to the delegation and have identified priority projects they support.

HREMAC Membership: Jeff Rumpf, Executive Director, Clearwater was welcomed as a new member. Shannon LaFrance and John Young have resigned.

Governor's May 29, 2008 Announcements: Governor Paterson's press release was distributed: "With American Shad Stocks at Historically Low Levels, Governor Paterson Announces New Initiatives to Rebuild and Protect Hudson River Fisheries." This announcement supports an ecosystem approach to addressing American shad recovery coast-wide and also supports the state's participation in HRECOS (Hudson River Environmental Conditions Observing System), a collaborative monitoring network which includes the Estuary Program, the Hudson River National Estuarine Research Reserve (HRNERR) and academic and scientific partners.

Grants: DEC has been awarded a US Forest Service Grant, \$364,000, to promote green infrastructure and urban forestry on the Hudson estuary in NYC, with a focus on Newton Creek.

Estuary Grants: (B. Waterman): The 10<sup>th</sup> cycle of estuary grants will offer a minimum of \$1 million. June 27, 2008 is the application deadline. To date, 342 grants have been awarded over a 9 year period, totaling more than \$11.5 million dollars.

NYS Dept. Of Health: (Regina Keenan): DOH has received \$3 million to be spent over 20 years to improve information dissemination about NYS fish consumption advisories from Hudson Falls to the Battery, NYC. The program will target low income and non-English speaking groups that are at highest risk from eating fish from the river. DOH is looking to coordinate with interested partners.

**2. What's Happening in the Estuary:** A review of the Estuary Program's goals was presented by goalkeepers (DEC staff in most cases) and representatives of HREMAC subcommittees. Two special presentations focused on monitoring efforts, one in-river and one upland. Where indicated, power point presentations are on file as part of the meeting minutes.

Education: Goal 8: Ann Harrison, Goalkeeper, Steve Stanne, Estuary staff and subcommittee chair: (Power Point presentation on file)

To date: 16 school districts use estuary program educational services; Day in the Life of the River reaches over 2500 students, 56 schools at over 50 sites, involving over 41 environmental groups/partners; Hudson River Almanac has over 450 subscribers; Teaching the Hudson Valley reaches 150 attendees/year for this 3 day institute; Afterschool Conservation Club, NYC, promotes urban stewardship.

Looking Ahead: Hits on our website indicate there is a broader market for our products; Estuary Grants program is key to supporting this goal; Need to conduct a public attitudinal survey before the Quadricentennial to gauge program impact/effect; Activities under consideration: stewardship-related projects, No Child Left Inside initiative.

Committee and Audience Comments: Connect to the riverfront development audience, folks who now live near or in sight of the river.

Watersheds and Water Quality Goal 4 & 10, Jeff Myers, Goalkeeper, Rene VanSchaack, Subcommittee representative. (Power Point presentation on file)

To date: The most degraded streams have been cleaned up, however the water quality in pristine waterbodies is slipping. Need to protect hi-quality waters from this “migration to mediocrity;” Forty-one of the 44 municipal wastewater treatment plants discharging into the Hudson practice some form of disinfection; the 3 outstanding are in the Albany Pool area. DEC is making steady progress on addressing combined sewer overflows (CSOs) through long term control plans. Ten communities have identified CSO issues; 5 municipalities have plans due in 2008, 2 in 2009.

Looking Ahead- The Draft Priority Waterbodies List is coming out soon for Lower Hudson River tributaries; On-the-ground projects connect the right ‘tools’ to problems (i.e. Trees for Tribs) Stormwater: program under development through green infrastructure initiative; NY/NJ Harbor Program is looking to bring New Jersey into the No Discharge Zone designation.

Open Space and Scenic: Goals 5 & 6, Jeff Mapes for Fran Sheehan, Andy Bicking and Sara Gifford introduced as new co-chairs for the subcommittee.(Power Point presentation on file.)

To date: Tools being used to meet the targets include: community preservation act, forest stewardship program, conservation easement tax credits, urban forestry grants, and promoting riparian buffer easements.

Looking Ahead: Land acquisition will be part of DEC’s Quadricentennial project; Need a comprehensive scenic study to identify viewpoints and viewsheds.

Committee and Audience Comments: existing “Tree city USA” has been very successful in municipalities: ie City of Poughkeepsie; need to coordinate permit reviews with SASS: note development along west shore, new homes everywhere; local zoning needs to address stream buffers, similar to wetland buffers; better links needed to connect open space/scenic resources to peoples’ lives, communities, personal “sense of place.”

Access and Waterfront Revitalization, Goals 7 & 9: Beth Waterman -access, and Bonnie Devine, goalkeeper for Goal 9, Bob Elliott subcommittee former Chair (Power Point presentation for access on file)

To date: fishing and shoreline access map were recently released on CD; goal to have new or improved access in every community has been nearly reached; eight of the 9 access sites over the Metro North railroad tracks have been completed; estuary grants program is key to supporting this goal; GIS is helping us avoid conflicts between new access projects and significant habitats to prevent habitat loss, degradation.

Looking Ahead ; Our new focus will look toward providing docks and piers for deep water vessels; plans are underway for Turkey Point, to be developed for handicapped access; Catskill boat launch is in need of renovation; Town of Lloyd has plans to develop a riverfront park; Access subcommittee provides state agencies opportunity to improve inter-agency coordination; should Estuary Program expand access program into the watershed?

Bonnie Devine (NYS DOS) addressed Waterfront Revitalization portion of Goal 9.

To date: Examples of active Local Waterfront Revitalization Plans are underway in many communities; 2008 DOS grants due 6/30/08. New text addresses climate change.

Looking Ahead: DOS is looking into updating coastal policies, revising grants program in response to community needs; Noted that DOS needs a federal action or 'hook' to trigger SASS review, which limits DOS ability to influence science goals.

Committee and Audience Comments: Change LWRPs to be more effective in review of projects. -DOS should target undeserved communities.

Contaminants, Goal 11, Jeff Myers, Goalkeeper (Power Point presentation on file)

To date: The main issues continue to be legacy pollutants, identifying sources, sediment management in the Harbor, insuring consistency across state lines; have started to map sediment quality. Efforts to characterize movement of sediments up and down the river are underway – assumption is that sediments are contaminated. The objective is to reduce the flow of sediment, which in turn will reduce the flow of contaminants; Monitoring sites are in place at Poughkeepsie, Mohawk River (Cohoes) and Waterford; the final CARP report is available, and identifies 26 compounds in violation of water quality standards (TMDLs). Report concludes that at a minimum, the requirements of the Clean Water Act will result in declines of contaminants but some fish will still exceed FDA limits.

Looking Ahead; DEC has established 6 sites on major tributaries with USGS. Operation and maintenance funding is needed.

Committee and Audience Comments: How to address upriver hot spots vs. downriver, more diffuse contaminated sediments; Not all sediment is 'bad'. Sediment loading also buries contaminated sediments which is a viable alternative in some situations.

Feature Presentation: Hudson River Environmental Conditions Observing System (HRECOS), Chuck Neider, (Power Point presentation of file) For more information: ([www. hrecos.org](http://www.hrecos.org))

To date: This project has, in one year, gone from concept to reality: 6 partners bringing together available data, from 6 sites; modeled after national program, IOOS -Integrated Ocean Observing System,

([www.ocean.us](http://www.ocean.us)), and MARCOOS, Mid-Atlantic Regional Observing System; Hudson River is a highly variable system, collecting continuous data is an effective way to catch cycles, trends, patterns, unpredictable events (storms) that can have significant impacts.

Looking Ahead: challenges are: funding, data gaps, QA/QC, expanding website, increasing user groups.

Committee and Audience Comments: connect ESF Huntington Forest in Adirondacks, collecting real-time data at headwaters station; relationship with Beacon Institute planning (Ans. Beacon Institute product and process is under development and expected to be ready by 2010. Its focus is on development of new technology/ HRECOS is up and running now using standard technology. Will look for future opportunities to collaborate); look for opportunities to connect with local decision makers.

Signature fisheries, Goal 1, Andy Kahnle, Goalkeeper, John Lipscomb and Karin Limburg, subcommittee representatives, (Power Point presentation on file)

To date: The main problems affecting fish are excessive mortality, habitat loss, exotics, global warming, contaminants. Shad: graphs show decline over time. Major potential causes believed to be overfishing. DEC put emergency regulations in place spring 2008 on both commercial and recreational fishery. A recovery plan has been developed (on file). The plan calls for monitoring, identification of spawning and nursery habitats, predator and competition studies.; Atlantic Sturgeon: Commercial fishery was closed on the river in 1996, coast-wide in 1998. Preliminary ocean by-catch estimates are high. DEC conducts annual juvenile monitoring as well as tagging program on adults, using satellite and sonic tags to track movement of fish in the river as well as along the coast; Herring: populations are decreasing. Still have inadequate information; Eel: abundance coast-wide is decreasing. Poor upstream passage might be contributing factor.

Looking Ahead: actions needed: monitor, regulate, identify and protect habitats, clarify ecosystem interactions.

Committee and Audience Comments: Karin Limburg: (power point presentation on file): Need to protect shad stock, consider the shifting baseline overtime – (ecosystem linkage with shad has been badly broken, but can be restored); Riverkeeper report notes declines in several fish species, suggests tighter restrictions on power plant intakes.

Aquatic Habitats: Goal 2: Betsy Blair Goalkeeper, Stuart Findlay, subcommittee chair. (Power Point presentation on file)

To date: Major problems affecting habitat are: climate change, human response to sea level rise, habitat fragmentation and invasive species; current programs are focused on base-line mapping, and trends analysis; Aquatic habitat staff are participating in TNC's Rising Waters Project, an effort based on scenarios to help communities deal with future uncertainties; Hudson River Shoreline Adaptation Project, seeks to identify ecosystem services provided by near-shore habitats, identify stakeholders, monitor effectiveness in changing human behavior.

Looking Ahead: Challenge is pulling together all individual activities to maximize the program's momentum; Need to identify specific places where work plans among goals overlap, i.e. use of habitats by fishes, mapping/functional assessments of habitats.(Proposed a joint workshop for fall

2008); Need to identify topics that cut across goals, require input from different areas i.e. education, climate change and shorelines; If the Hudson is going to be the "model" for EBM, need a conceptual model, fitting the pieces together, looking at the unified effort.

Biodiversity, Goal 3, Ted Kerpez Goalkeeper, Matthew Schlessinger, subcommittee representative. (Power Point presentation on file)

To date: Outreach to local governments is key. This program provides training, maps, technical assistance, funding; The Local Government Handbook is now in the printing stage.

Looking Ahead: Wildlife Monitoring Programs are being developed. The Hudson River will be a pilot for a state-wide approach through a state wildlife grant; The program will look at habitat connectivity, corridors; Needs, barriers include: additional funding for monitoring climate change, technical assistance to communities, contract red-tape, and better access to data on the DEC website.

**3. Feature Presentation:** Chris Bowser and a group of high school students presented their research on eel migration. Students learned field work techniques and scientific method in a hands on project that gave the Estuary Program data on eel use of two Hudson River tributary creeks. Poughkeepsie high school students sampled the Fall Kill in Dutchess County and Ossining high school students sampled Furnace Brook in Westchester County.

**4. Feature Presentation:** Upland landscape monitoring and what it means to the estuary, Amielle DeWan and Leslie Zucker (Power Point presentation on file): Monitoring land use change and habitat changes can document trends and identify thresholds. A major threat to the estuary is pollution from land-based sources: Nutrients, toxics, soil erosion, habitat loss, fragmentation, climate change, hydrology and the human reaction to these changes all contribute to the ecosystem of the estuary. Land use monitoring will help us address these challenges.

Old Business/New Business: The Hudson River Environmental Society is planning several conferences on Ecosystem Based Management, historic ecology, small wetlands, and proposed a new one, status of fish in the Hudson.

The meeting closed at 4:15 pm. Respectfully submitted, Nancy Beard , recorder.

Date: 05/21/08 3:00 PM

**Subject:** Hudson River Estuary Advisory Committee Comments to Jim Tierney, regarding the Ocean and Great Lakes Council and ecosystem-based management

Dear Jim:

Some time ago, Fran Dunwell forwarded to our Hudson River Estuary Management Committee a few questions that we understand you were interested in getting our opinion. They concern the relationship of the Hudson River Estuary Program to initiatives being considered by the Ocean and Great Lakes Council, and how the Hudson River Program is conducting ecosystem based management.

In formulating answers to your questions, we had open discussions about them at our last full committee meeting, and enlisted several members to put together a coordinated response. Below is the result of our deliberations. We hope you find these responses helpful in formulating DEC recommendations to the Council regarding Hudson River matters.

We sincerely appreciate the opportunity to provide you with some comments on the OGL initiative. If you have any questions, or need any clarifications of our answers, we will be happy to provide.

Thanks again! Best wishes,

Dennis  
Dennis Suszkowski, Chair  
Hudson River Estuary Management Advisory Committee

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(1) (a) What are implications of including all of the Hudson and Mohawk River watersheds into a program or programs? (b) And what are the implications of extending the Hudson River Estuary Program further south into New York Harbor and possibly the ocean?

(a). An important principle of ecosystem based management that has particular bearing on this issue is that management be "placed based," and consider the unique local setting both environmentally and from a human perspective. The lower Hudson, while linked to its upper watershed, has fundamentally different attributes. The bulk of important environmental issues in these domains require regionally distinct attention. The problems and the people that will guide their solution are clearly different across these regions. Attempting to have a management structure in place that crosses heterogeneous systems (both natural and human) is very problematic because the issues and solutions must be appropriate to the location. In addition, a basic tenet of both the Hudson River Estuary Program and the NY/NJ Harbor Estuary is that they both consider all relevant factors that affect the waters in their respective geographic boundaries, regardless of whether those factors originate within the political or strict geographic boundaries of both programs. Likewise both programs give consideration to ensuring that what happens within the

boundaries does not result in adverse effects outside their limits. Some issues, like PCB contamination and soil erosion begin in the upper watershed and affect the lower river. Conversely, demand for rural recreation and housing from the NYC region drives development pressure in the upper reaches. These issues are already recognized and being considered in the Hudson River Estuary Program. Consequently, if a new upper watershed program is established, we would strongly recommend that it be a replication of the current Hudson River Estuary Program, not an extension of it. And since an additional program within the watershed would undoubtedly require additional resources, we recommend that the funding stream for any new program be kept separate from the Hudson River Program so the Hudson's unique Action Agenda, timeline and stakeholder investment can be preserved without interruption and dilution.

(b). For many years the Hudson River Estuary Program and the NY/NJ Harbor Estuary Program have been operating independently within the entire Hudson River system. Both programs have always recognized that close coordination was necessary, and significant improvements have been made over the years to bring participants of both efforts together on critical and overlapping issues, and both programs have developed goals and targets consistent with one another. The Hudson Program began as an outgrowth of a fisheries advisory committee and started with a strong focus on fisheries issues, whereas the Harbor Program began with a strong focus on water quality. These focus areas reflected a substantive difference in level of concern about particular problems and issues in each geographic unit. But they were also strongly influenced by the participating personnel, and their respective operating divisions within DEC (with respect to the Hudson program) and within DEC, NJDEP and USEPA for the Harbor Program. As both programs matured, they increased their attention on all relevant issues, and now both programs have complementary broad and comprehensive goals and objectives. It is difficult to make an argument that there are pressing issues going unaddressed because of the bifurcated management of the lower Hudson River by DEC. Both programs embrace and provide good examples of ecosystem based management approaches with tasks and solutions tied to the local situation while recognizing and addressing cross-boundary problems.

It could be argued, however, that day-to-day management and overall planning could be made more efficient by improving the internal workings of DEC. Having the right people with the right amount of resources directed at the right problems at the right time is the challenge. Providing dedicated commitment at the highest levels of DEC, where divisional and regional boundaries could be penetrated to allow the effective participation of relevant staff (technical, administrative and financial) at opportune times would be extremely beneficial. As an example, ecosystem restoration planning for the Harbor requires the participation of many individuals from several divisions and regions. Effectively "plugging" these individuals into the planning and implementation of projects is a challenge. And as the Harbor and Hudson River restoration agendas proceed, cross fertilization of both programs will be critical. The current role that you play, Jim, seems to be a step in the right direction to make this happen.

(2) How might the Ocean and Great Lakes Council assist the Hudson Estuary program with improving its ecosystem-based management model.

One of the challenges that the Hudson Program has faced is eliciting cooperation and communication from many different state agencies and entities. In some cases, the Program has

experienced enormous success, in others less so. Since the Ocean and Great Lakes Council is supposed to provide state-wide coordination of agencies, the Hudson Program could greatly benefit from the Council's help in promoting better cooperation among agencies, including broader approaches to problem-solving, better communication and the sharing of resources. The ready ability of commissioners and heads of agencies to not only discuss ecosystem issues, but to discuss ways of improving existing "administrative infrastructure" could be very useful to the Program. An example that you are familiar with is the approximately \$30 Million of unspent harbor/dredging/contaminant funds at the Port Authority of NY & NJ that could be used for important Hudson Program initiatives (e.g., system-wide observing, sediment transport investigations, etc.). These funds could become available to the Program if DEC and the Empire State Development Corporation could agree on workplans and funding mechanisms.

(3) How might the Hudson Program assist the overall Oceans and Great Lakes effort?

The Hudson Program has been wildly successful in engaging diverse stakeholders for nearly two decades. There a number of reasons for this including, enlightened leadership in DEC, core funding that allows DEC to make a difference, attention to suggestions from their broadly representative advisory committee, engagement and continuing dialogue with key individuals and groups, having a science-based agenda, clearly including people as part of the ecosystem, clear and measurable tasks relevant to residents of the Hudson Valley. These attributes could be articulated and summarized for other future efforts.

From: >>> "Dennis" <[Dennis@hudsonriver.org](mailto:Dennis@hudsonriver.org)>

05/19/08 8:21 AM >>>

To: Kathy Hattala  
NYSDEC-Hudson River Fisheries Unit  
21 South Putt Corners Rd.  
New Paltz, NY 12561

Dear Kathy,

I am submitting comments to the proposed permanent shad regulations on behalf of the Hudson River Estuary Management Advisory Committee.

The Committee would like to commend the efforts of the Hudson River Fisheries Unit in developing technically sound information about the dwindling stock of American shad and taking action to protect this important resource of the Hudson Valley. We understand the need for the emergency regulations this year, and that reducing mortality of shad into the future is crucial.

We also applaud the Department of Environmental Conservation's (DEC) stated commitment to develop a shad recovery plan that will explore many different ways of protecting and rebuilding the shad population. Since sources of mortality other than in-river fishing may be significant, it is critical that the recovery plan be put into place as soon as possible. And since the regulation of in-river mortality would only be a part of the plan, we request that the plan be adopted along with the permanent regulations. Since the plan is still in development, we request that finalization of the regulations await adoption of the recovery plan.

The recovery plan will likely require resources beyond those currently available to DEC. The advisory committee would like to work with DEC on the plan, and offers its assistance toward getting recovery underway as soon as possible. But we expect the Department to actively pursue the funding necessary for the recovery of American shad, and as an added incentive, we request that if permanent regulations are promulgated, that they have a "sunset" provision. We suggest that any new regulations be effective for a period not to exceed five years. During that time, the results of the recovery plan can be used to adjust fishing pressure in the river.

Thank you for the opportunity to comment.

Sincerely,

Dennis Suszkowski, Chair  
Hudson River Estuary Management Advisory Committee

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Dennis J. Suszkowski, Ph.D.  
Science Director  
Hudson River Foundation