

April 12, 2016

To: Basil Seggos, Acting Commissioner, NYS Dept. of Environmental Conservation

From: Dennis J. Suszkowski, Ph.D., Chairman, Hudson River Estuary Management Advisory Committee

Subject: 2015 Annual Report of the Hudson River Estuary Management Advisory Committee (HREMAC)

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The Hudson River Estuary Management Advisory Committee ("the Committee") is pleased to submit our Annual Report for 2015, as required by section 11-0306 of the NYS Environmental Conservation Law.

We are delighted to once again acknowledge the sterling performance of the Hudson River Estuary Program ("the Estuary Program") and its many achievements in 2015 that are documented in the "Accomplishments" report prepared by the Estuary Program staff. What is abundantly clear is that the staff is comprised of highly competent individuals and guided by the thoughtful leadership of Fran Dunwell. Coupled with the strong support from DEC headquarters and the regional office, and the avid participation by members of the Committee and other partners, the Estuary Program was a shining example of what is possible when various interests can come together and work toward the common good.

This past year was a particularly special one for the Estuary Program and the Committee. The Program, along with the Committee, completed a strategic planning exercise that has resulted in a new level of focus and some very positive benefits. And, the format of Committee meetings has been modified to accommodate greater participation among the many members of the Committee. These new initiatives helped to facilitate the smooth and comprehensive development of the new Action Agenda that we enthusiastically endorse, and believe will inspire new community partnerships. Outcomes and metrics of the Program are now articulated and expressed in a manner that are now clear to the Estuary Program staff, partners carrying out the work, and to the people in the Valley that will benefit from the efforts.

Significant highlights of 2015 include:

- The successful Hudson River Summit, held last April, was attended by over 300 people, demonstrating both the tremendous interest in the stewardship of the Hudson River Estuary and the widespread respect for the Estuary Program.
- The publication of an updated "State of the Hudson" report.
- The biggest ever "Day in the Life" event with over 5,000 participants from 100 schools from New York Harbor to the Mohawk River simultaneously taking the pulse of the Hudson at 80 different locations. This initiative now includes educational programs before and after the event that deepen student understanding of the Estuary.

- The expansion of the HRECOS (Hudson River Environmental Conditions Observing System) network into the Mohawk River, and the completion of a strategic plan. Similarly, there has been a dramatic rise in public participation in citizen monitoring of pathogens and cleanup efforts coordinated by Riverkeeper, and in the Wallkill River Watershed.
- Reactivation of the grants program to create access to the Hudson River, particularly by providing universal access for all populations and ensuring that access infrastructure is resilient to storms.
- The publication by the Conservation and Land Use Team of a new guidebook, “Creating a Natural Resource Inventory”, that is now being used by 14 communities to plan for protection of drinking water, creating climate smart and resilient communities, and enhance quality of life.
- Outreach and training to local communities for how to protect streams, reduce flooding and retain healthy ecosystems by the Climate Team, in partnership with Cornell Cooperative Extension and Soil and Water Conservation Districts.
- Collaboration between the Scenery Team and the region's land trusts to identify and protect natural landscapes, significant ecological resources, and scenery, and lay the groundwork to develop a land conservation framework to guide future investments maximize benefits from land protection efforts.
- Advances by the Watershed Team in reducing risks due to flooding while simultaneously enhancing access for eels.
- Research by the Fisheries Team in partnership with Cornell University to use science to improve management of fisheries and their natural habitats, and targeted funding for fish passage.
- The publication of the “Managing Shore Zones for Ecological Benefits Handbook” in partnership with the Hudson River National Research Reserve and the Sustainable Shorelines Project Team.
- A closer partnership between the NYS Hudson River Estuary Program and the federal NY-NJ Harbor & Estuary Program that has created greater awareness and appreciation among upstate and downstate interests and focus on shared goals.
- Advancement of plans for a regional habitat restoration plan through "The Hudson We Share" partnership led by the Hudson River Estuary Program, the National Estuarine Research Reserve, The Nature Conservancy of New York, and Scenic Hudson.

The Committee gratefully acknowledges the 2015-2016 generous state appropriation of \$3.7 million for the Estuary Program, and is extremely grateful for the proposed increase in next year’s budget by Governor Cuomo. The Committee enthusiastically welcomes recent announcements by Governor Cuomo relating to a proposed bump in the Estuary Program funding for 2016-2017 to \$4.2 million, as well as new funding for the Water Infrastructure Improvement grants, Climate Smart Communities, Conservation Advisory Commissions in an expanded Environmental Protection Fund, as well as the newly created Water Quality Rapid Response Team. We stand ready to implement compatible measures on the Hudson Estuary through these and other programs.

Generally, the committee recommends that the Program continue its work to understand and assess ecological conditions in the region, support communities in developing resilience to

climate change and severe storms, invest in clean water and important fish and wildlife habitats, conserve the region's world-famous scenery and open space, and provide opportunities for the public to learn about, access and enjoy the river.

Progress through the Estuary Program has indeed been great, yet there are many significant issues in the region that have yet to be resolved. The following summarizes points of concern expressed by the Committee.

#### *Hudson River PCB Cleanup*

- The USEPA has allowed GE to dismantle their cleanup infrastructure and leave a large quantity of contaminated sediments in the upper Hudson River and Champlain Canal.
- It is imperative that a clear understanding of the effectiveness of the cleanup's impact on reducing PCB impacts to the Estuary be made.

#### *Need for Water Infrastructure Funding*

- There is an immense need for water infrastructure funding, including \$1.66 billion in the Hudson Estuary, \$24.7 billion in New York City, \$325 million in the Upper Hudson Watershed, and \$508 million in the Mohawk Watershed.
- There is a particular need to develop strategic approaches for storm water management and GI in suburban watersheds.
- Funding available through the Water Infrastructure Improvement Act of 2015 prioritizes under-performing systems. Several Hudson Valley communities working off functional but outdated systems or septic fields are seeking to build new infrastructure within the developed footprint of existing community centers to maximize development potential and take the pressure of surrounding open space resources, but are not eligible for these funds.

#### *State Agency Attention and Cooperation*

- State agencies are, in general, in need of operating funds and staff to further these missions.
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#### *Transportation of Crude Oil*

- Pipelines for crude oil and natural gas are being planned, permitted and constructed without sufficient individual or collective impacts reviewed, reduced, mitigated or eliminated.
- Crude oil transported by rail remains a major concern, especially given that over 47 miles of tracks are directly adjacent to the Hudson River. Specifically, there is currently no assurance that transporters of crude oil products by rail have adequate insurance to levels specified in the Navigation Law. In addition, rail bridges along the transportation routes are in a poor state of repair.
- Ships, tugs and barges that are transporting oil are using anchorage areas located in important Atlantic Sturgeon spawning grounds.

#### *Need for a Regional Urban Environmental Agenda*

- In many respects, the region and River can be characterized by its collection of cities. While these jurisdictions have much in common, they currently lack a shared urban

agenda to build resilience for climate change, access to the waterfront, access into the Hudson River, and environmental justice. There is a need to build a common understanding among these partners.

#### *Need to Address Micro-pollutants*

- Pharmaceuticals, personal care products, pesticides and other "micro pollutants" are present throughout the estuary, and are a potential threat to animal species and public health.

#### *Open Space and Scenery*

- The Hudson Valley Agricultural Enhancement Program of 2015 was received with tremendous support from farmers, local government and the region's land trust community.
- The increases to open space protection, farmland protection and municipal parks funding in the Governor's proposed budget has also received broad support.
- The region's landscapes are increasingly fragmented, impacting habitats, long term resilience, agriculture and scenic character.
- A new Hudson Valley Conservation Framework, a Marxan-based analysis of open space resources conducted by Scenic Hudson can help ensure that limited public funding is applied to the greatest public affect by helping to prioritize future investments.

#### *Iconic Hudson River Organization, Programs and Events*

- The Hudson River Sloop Clearwater faces a highly publicized struggle to survive.
- The Hudson River Revival was cancelled for 2016.
- The Toughman Triathlon is moving from Croton Point Park on the Hudson River to a lake in Rockland County.
- The latest round of Hudson River Improvement Fund grants will exhaust the fund. It was established in 1986 with a \$1.5 million settlement with Exxon. Over 30 years, the fund has made over 850 grants totaling \$7 million.
- Participation in citizen science and volunteer cleanup efforts coordinated by Riverkeeper is on the rise.

#### *Tourism and Waterfront Infrastructure*

- New and improved waterfront infrastructure (docks, piers, and dredged channels and berths) will be needed to support tall ships, educational boats and tour vessels, like the S.S. Columbia, in the future. The Estuary Program could help with guidance and support for the planning and implementation of them to support the goals of the Action Agenda.
- The work of the dredging work group should continue.

#### *Development along the River*

- Projects are being proposed along the River that are not sensitive to the goals of the Estuary Program. The Estuary Program should consider ways to expand its communication with local officials and planning organizations such that the goals and products of the Program can be incorporated into the planning of all development projects affecting the Estuary.

- Consideration, under SEQRA, should be given to requiring a potential developer on the waterfront or within the river view shed to consider the community across the river as an adjacent community for SEQRA notification purposes and that the developer provide a visual representation of how the proposed development will look from the river as well as other vantage points.
- Consideration should also be given to ways to protect the scenic value of ridgelines in the Valley from projects that negatively impact it.

On behalf of the Committee, thank you for the opportunity to serve New York State in advising the work of the Hudson River Estuary Program. We are truly fortunate have such a remarkable program and leadership at multiple levels in government.

# Hudson River Estuary Management Advisory Committee Members and Ex-officios

## HREMAC Members

Dennis Suszkowski,  
Committee Chairman  
Hudson River Foundation

Allan Beers  
Rockland County  
Dept. of Environmental  
Resources

Frank Bergman  
Hudson River Boat and  
Yacht Club Assoc.

Andy Bicking  
Scenic Hudson

Janet Burnet  
Ramapo River  
Watershed Council

David Church,  
Commissioner of Planning  
Orange County

Nicola Coddington  
Irvington Green Policy  
Task Force

Chris DeRoberts  
Central Hudson Gas and  
Electric Corp.

Bill Emslie  
Coastal Conservation  
Association

Todd Erling  
Hudson Valley Agri-Business  
Development Corp.

Jerry Faiella  
Historic Hudson River Towns

Stuart Findlay  
Cary Institute of  
Ecosystem Studies

Paul Gally  
Riverkeeper, Inc.

Peter Gross  
Hudson River Sloop Clearwater

Charles Gruetzner  
Hudson Valley Marine  
Trades Assoc.

Lucille Johnson  
Vassar College and  
Environmental Consortium of  
Colleges and Universities

Tom Lake  
Commercial  
Fisherman/Educator

Roland Lewis  
Metropolitan Waterfront  
Alliance

Eric Lind  
Constitution Marsh Sanctuary

Suzette Lopane  
Westchester County  
Dept. of Planning

Bernard Molloy  
Hudson River Watertrail  
Association

John Mylod  
Commercial Fisherman

Steve Noble  
City of Kingston Parks and  
Recreation

George Schuler  
The Nature Conservancy

Shino Tanikawa  
NYC Soil and Water  
Conservation District

Rene VanSchaack  
Greene County IDA

Russell Yess  
Trout Unlimited

## HREMAC Ex-officios

Tom Baudanza  
NYC Department of  
Environmental Protection

Peter Brandt  
US Environmental Protection  
Agency

Diana Carter  
NYS Office of Parks,  
Recreation and Historic  
Preservation

Mark Castiglione  
Hudson River Valley  
Greenway

Noreen Doyle  
Hudson River Park Trust

Jamie Ethier  
NYS Department of State

Nordica Holochuck  
NY Sea Grant

Regina Keenan  
NYS Department of Health

Rob Pirani  
NY-NJ Harbor and Estuary  
Program

Peter Wepler  
U.S. Army Corps of Engineers