Appendix 1

Code of Federal Regulations

§ 921.13 Management plan and environmental impact statement development.

(a) After NOAA approves the state's proposed site and application for funds submitted pursuant to §921.12, the state may begin draft management plan development and the collection of information necessary for the preparation by NOAA of an EIS. The state shall develop a draft management plan, including an MOU. The plan shall set out in detail:

(1) Reserve goals and objectives, management issues, and strategies or actions for meeting the goals and objectives;

(2) An administrative plan including staff roles in administration, research, education/interpretation, and surveillance and enforcement;

(3) A research plan, including a monitoring design;

(4) An education/interpretive plan;

(5) A plan for public access to the Reserve;

(6) A construction plan, including a proposed construction schedule, general descriptions of proposed developments and general cost estimates. Information should be provided for proposed minor construction projects in sufficient detail to allow these projects to begin in the initial phase of acquisition and development. A categorical exclusion, environmental assessment, or EIS may be required prior to construction;

(7)(i) An acquisition plan identifying the ecologically key land and water areas of the Reserve, ranking these areas according to their relative importance, and including a strategy for establishing adequate long-term state control over these areas sufficient to provide protection for Reserve resources to ensure a stable environment for research. This plan must include an identification of ownership within the proposed Reserve boundaries, including land already in the public domain; the method(s) of acquisition which the state proposes to use—acquisition (including less-than-fee simple options) to establish adequate long-term state control; an estimate of the fair market value of any property interest—which is proposed for acquisition; a schedule estimating the time required to complete the process of establishing adequate state control of the proposed research reserve; and a discussion of any anticipated problems. In selecting a preferred method(s) for establishing adequate state control over areas within the proposed boundaries of the Reserve, the state shall perform the following steps for each parcel determined to be part of the key land and water areas (control over which is necessary to protect the integrity of the Reserve for research purposes), and for those parcels required for research and interpretive support facilities or buffer purposes:

(A) Determine, with appropriate justification, the minimum level of control(s) required [e.g., management agreement, regulation, less-than-fee simple property interest (e.g., conservation easement), fee simple property acquisition, or a combination of these approaches]. This does not preclude the future necessity of increasing the level of state control;

(B) Identify the level of existing state control(s);

(C) Identify the level of additional state control(s), if any, necessary to meet the minimum requirements identified in paragraph (a)(7)(i)(A) of this section;

(D) Examine all reasonable alternatives for attaining the level of control identified in paragraph (a)(7)(i)(C) of this section, and perform a cost analysis of each; and

(E) Rank, in order of cost, the methods (including acquisition) identified in paragraph (a)(7)(i)(D) of this section.

(ii) An assessment of the relative cost-effectiveness of control alternatives shall include a reasonable estimate of both short-term costs (e.g., acquisition of property interests, regulatory program development

including associated enforcement costs, negotiation, adjudication, etc.) and long-term costs (e.g., monitoring, enforcement, adjudication, management and coordination). In selecting a preferred method(s) for establishing adequate state control over each parcel examined under the process described above, the state shall give priority consideration to the least costly method(s) of attaining the minimum level of long-term control required. Generally, with the possible exception of buffer areas required for support facilities, the level of control(s) required for buffer areas will be considerably less than that required for key land and water areas. This acquisition plan, after receiving the approval of NOAA, shall serve as a guide for negotiations with landowners. A final boundary for the reserve shall be delineated as a part of the final management plan;

(8) A resource protection plan detailing applicable authorities, including allowable uses, uses requiring a permit and permit requirements, any restrictions on use of the research reserve, and a strategy for research reserve surveillance and enforcement of such use restrictions, including appropriate government enforcement agencies;

(9) If applicable, a restoration plan describing those portions of the site that may require habitat modification to restore natural conditions;

(10) If applicable, a resource manipulation plan, describing those portions of the Reserve buffer in which long-term pre-existing (prior to designation) manipulation for reasons not related to research or restoration is occurring. The plan shall explain in detail the nature of such activities, shall justify why such manipulation should be permitted to continue within the reserve buffer; and shall describe possible effects of this manipulation on key land and water areas and their resources;

(11) A proposed memorandum of understanding (MOU) between the state and NOAA regarding the Federal-state relationship during the establishment and development of the National Estuarine Research Reserve, and expressing a long-term commitment by the state to maintain and manage the Reserve in accordance with section 315 of the Act, 16 U.S.C. 1461, and applicable regulations. In conjunction with the MOU, and where possible under state law, the state will consider taking appropriate administrative or legislative action to ensure the long-term protection and operation of the National Estuarine Research Reserve. If other MOUs are necessary (such as with a Federal agency, another state agency or private organization), drafts of such MOUs must be included in the plan. All necessary MOU's shall be signed prior to Reserve designation; and

(12) If the state has a federally approved coastal management program, a certification that the National Estuarine Research Reserve is consistent to the maximum extent practicable with that program. See §§921.4(b) and 921.30(b).

(b) Regarding the preparation of an EIS under the National Environmental Policy Act on a National Estuarine Research Reserve proposal, the state and NOAA shall collect all necessary information concerning the socioeconomic and environmental impacts associated with implementing the draft management plan and feasible alternatives to the plan. Based on this information, the state will draft and provide NOAA with a preliminary EIS.

(c) Early in the development of the draft management plan and the draft EIS, the state and NOAA shall hold a scoping meeting (pursuant to NEPA) in the area or areas most affected to solicit public and government comments on the significant issues related to the proposed action. NOAA will publish a notice of the meeting in the Federal Register at least 15 days prior to the meeting. The state shall be responsible for publishing a similar notice in the local media.

(d) NOAA will publish a Federal Register notice of intent to prepare a draft EIS. After the draft EIS is prepared and filed with the Environmental Protection Agency (EPA), a Notice of Availability of the draft EIS will appear in the Federal Register. Not less than 30 days after publication of the notice, NOAA will hold at least one public hearing in the area or areas most affected by the proposed national estuarine research reserve. The hearing will be held no sooner than 15 days after appropriate notice of the meeting has been given in the principal news media by the state and in the Federal Register by NOAA. After a 45-day comment period, a final EIS will be prepared by the state and NOAA.

Appendix 2

Memorandum of Understanding among Five New York State Agencies

MEMORANDUM OF UNDERSTANDING

This Memorandum serves as an expression of intent among five parties-in-interest hereinafter called the Signatories: the New York State Department of Environmental Conservation (Lead Agency), the New York State Office of General Services, the Palisades Interstate Park Commission, the New York State Office of Parks, Recreation and Historic Preservation, and the New York State Department of State.

Witnesseth:

WHEREAS, New York State has received a grant from the United States Secretary of Commerce for acquisition, development and operation of certain portions of the Hudson River Estuary (see Appendix A) as the Hudson River National Estuarine Sanctuary (the Sanctuary), and

WHEREAS, the purpose of such grant is to create new opportunities for coordinated Hudson River research and public education (the Program), and

WHEREAS, such Program has wide public support, and

WHEREAS, the Signatories have already evidenced support for such Program through the formation in 1981 of a Hudson River Estuarine Sanctuary Steering Committee which has met regularly to coordinate the efforts of the Signatories in establishing the Sanctuary,

NOW THEREFORE, in consideration of the mutual benefits to be derived from implementing this Program, the Signatories agree to the following:

1. The lands described in Appendix A are hereby designated as the Hudson River Estuarine Sanctuary.

2. There shall be a Management Plan for the Sanctuary, which Management Plan shall provide a framework for conducting research and educational programs. The Management Plan shall be developed by the Estuarine Sanctuary staff and reviewed by the Steering Committee. Such Management Plan shall set forth compatible and non-compatible uses for each site in the Sanctuary. The Management Plan shall not take effect except upon unanimous approval of the Signatories. The Management Plan shall be reviewed annually and shall be revised as needed, but no revisions shall take place except upon unanimous approval of the Signatories.

3. No land ownership and management prerogatives in the Sanctuary shall be changed except as specified in the Management Plan.

4. The purpose of the Program is the protection of such lands for use as a natural field laboratory in which to gather data and make studies of the natural and human processes occurring within the Hudson River estuary.

5. The Signatories shall adhere to the Management Plan in their land ownership and management activities within the Sanctuary.

6. Multiple uses of such lands are encouraged to the extent such uses are compatible with the Program and its purpose as expressed in the Management Plan. These areas are being managed to facilitate ecological research and education. Uses and/or levels of use, which are not compatible with the use of the Sanctuary as a natural field laboratory, shall be prohibited or limited to the greatest extent feasible, by the agency having jurisdiction.

7. Management Structure

a. There shall be a Sanctuary Steering Committee, comprised of one member from each of the Signatories, which shall review the recommendations of Sanctuary Advisory Committees and shall submit them to the agencies having jurisdiction over lands in the Sanctuary. The Steering Committee shall review the Management Plan annually and shall advise the Lead Agency regarding its implementation. The chairman of each Sanctuary Advisory Committee and a representative of the National Oceanic and Atmospheric Administration shall serve as non-voting, ex-officio representatives to the Steering Committee.

b. There shall be three Sanctuary Advisory Committees appointed by the Lead Agency, in consultation with the Steering Committee, which shall meet regularly to discuss the progress of the Sanctuary and to make recommendations to the Steering Committee.

c. The Lead Agency shall implement the Program by hiring and directing Estuarine Sanctuary staff, supervise and coordinate implementation of the provisions of the Management Plan, and by receiving and acting upon the recommendations of the Steering Committee.

d. The Estuarine Sanctuary staff, hired by and reporting to the Lead Agency, is immediately responsible for Program coordination with the agencies having jurisdiction over respective Sanctuary sites.

8. No projects shall be carried out on Sanctuary lands without the approval of the agency having jurisdiction over such lands. Such agency shall maintain all facilities built on its lands in furtherance of a project, and shall cooperate with Sanctuary staff in carrying out the Program.

9. The Lead Agency and the Department of State shall confer regularly to ensure coordination between the Estuarine Sanctuary Program and the Coastal Management Program.

10. This Memorandum shall not be construed so as to preclude additional transfers of property among the Signatories, or to preclude additions of appropriate lands to the Estuarine Sanctuary.

11. This Memorandum shall continue in effect in perpetuity; additional Signatories may join by unanimous approval of existing Signatories, and the Memorandum may be amended or terminated by majority vote of the Signatories at any time. Nothing in this Memorandum shall, however, preclude the unilateral withdrawal of any of the Signatories. In such latter eventuality is understood that the lands of such withdrawing Signatory would be dedesignated from the Sanctuary, and it is understood that the federal Office of Management and Budget will take appropriate action with respect to grant funds as may be indicated by its regulations.

Signed,

Department of Environmental Conservation

By _____

Date 8/4/82 Title First Deputy Comm

Office of General Services

By _____

Date 8/5/82 Title Deputy Commissioner

Palisades Interstate Park Commission

By _____

Date _____ Title _____

Office of Parks, Recreation and Historic Preservation

By _____

Date 8/2/82 Title Deputy Commissioner

Department of State

By _____

Date 8-2-82 Title _____

ADDENDUM TO 1982 MEMORANDUM OF UNDERSTANDING

1. By act of Congress in the 1986 Coastal Zone Management Act Reauthorization, the name of the program was changed from Hudson River National Estuarine Sanctuary to Hudson River National Estuarine Research Reserve.

2. By April 15, 1992 vote of the Steering Committee, local advisory committees were removed from the Reserve's administrative structure. Many other opportunities for public input will be provided under the State Environmental Quality Review, especially public scoping sessions and meetings during the development of site management plans.

APPENDIX A

to the Memorandum of Understanding

(The following maps and their symbols are described fully in Part II of this FEIS.)

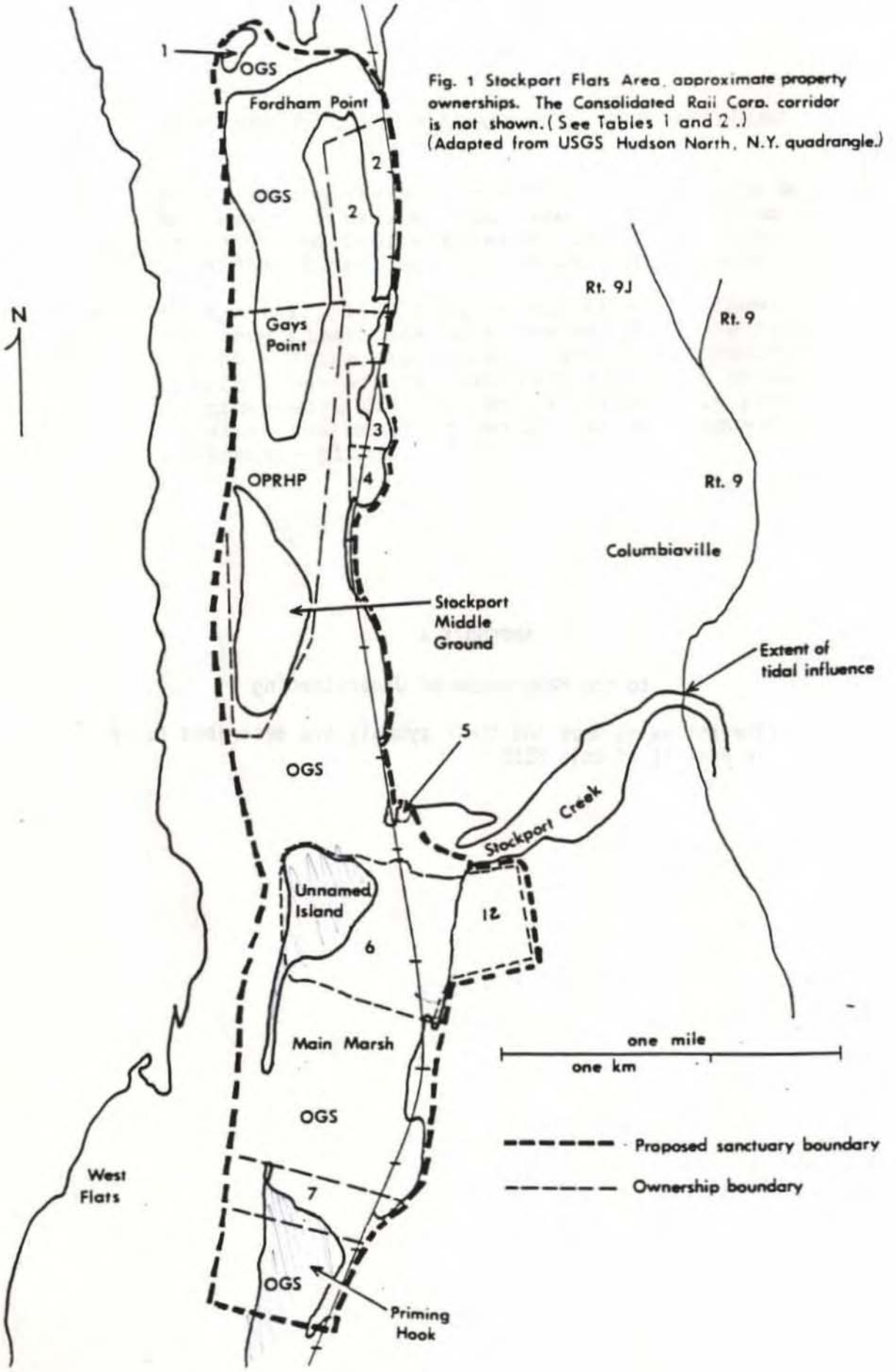


Fig. 1 Stockport Flats Area, approximate property ownerships. The Consolidated Rail Corp. corridor is not shown. (See Tables 1 and 2.) (Adapted from USGS Hudson North, N.Y. quadrangle.)

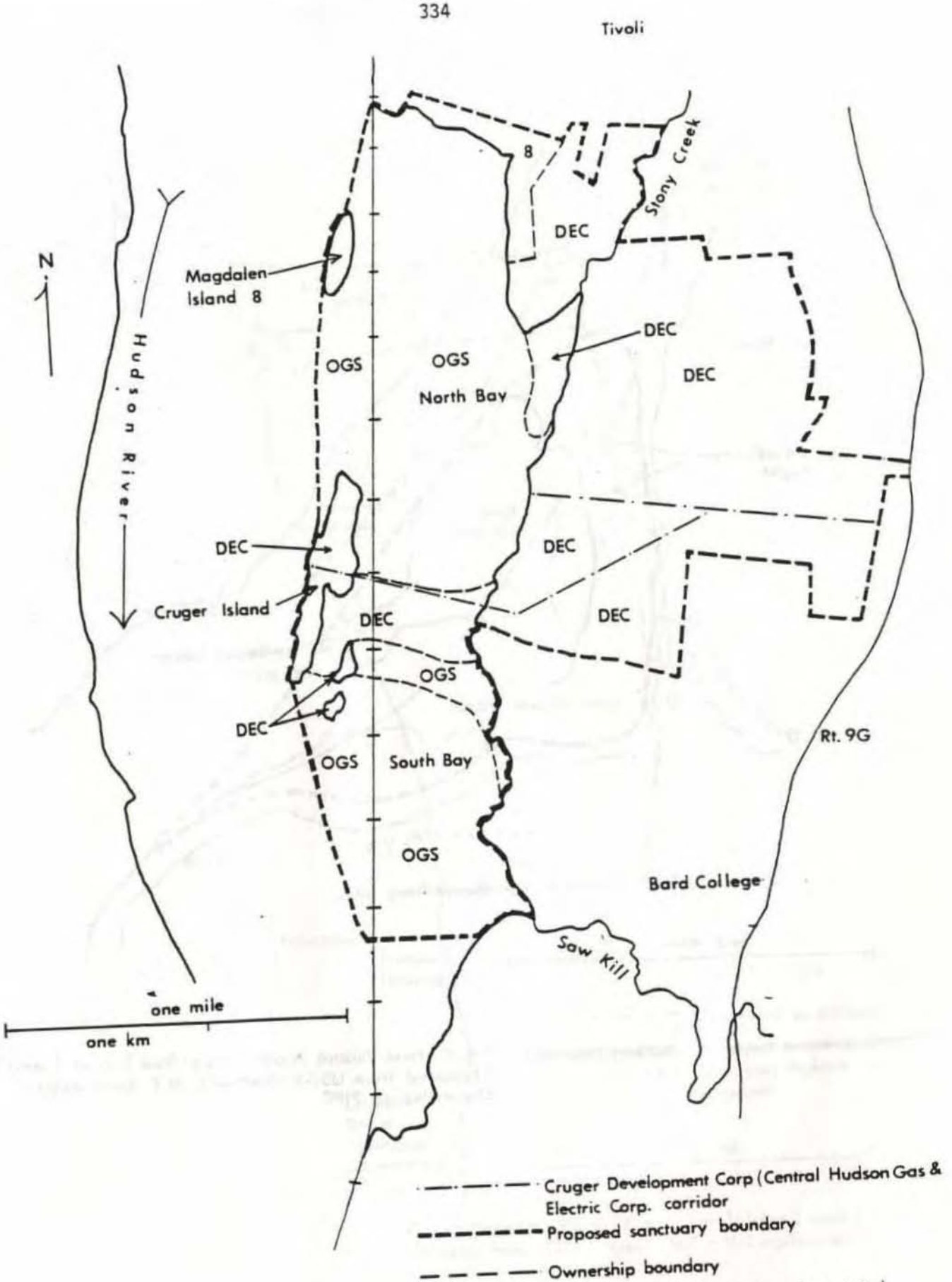
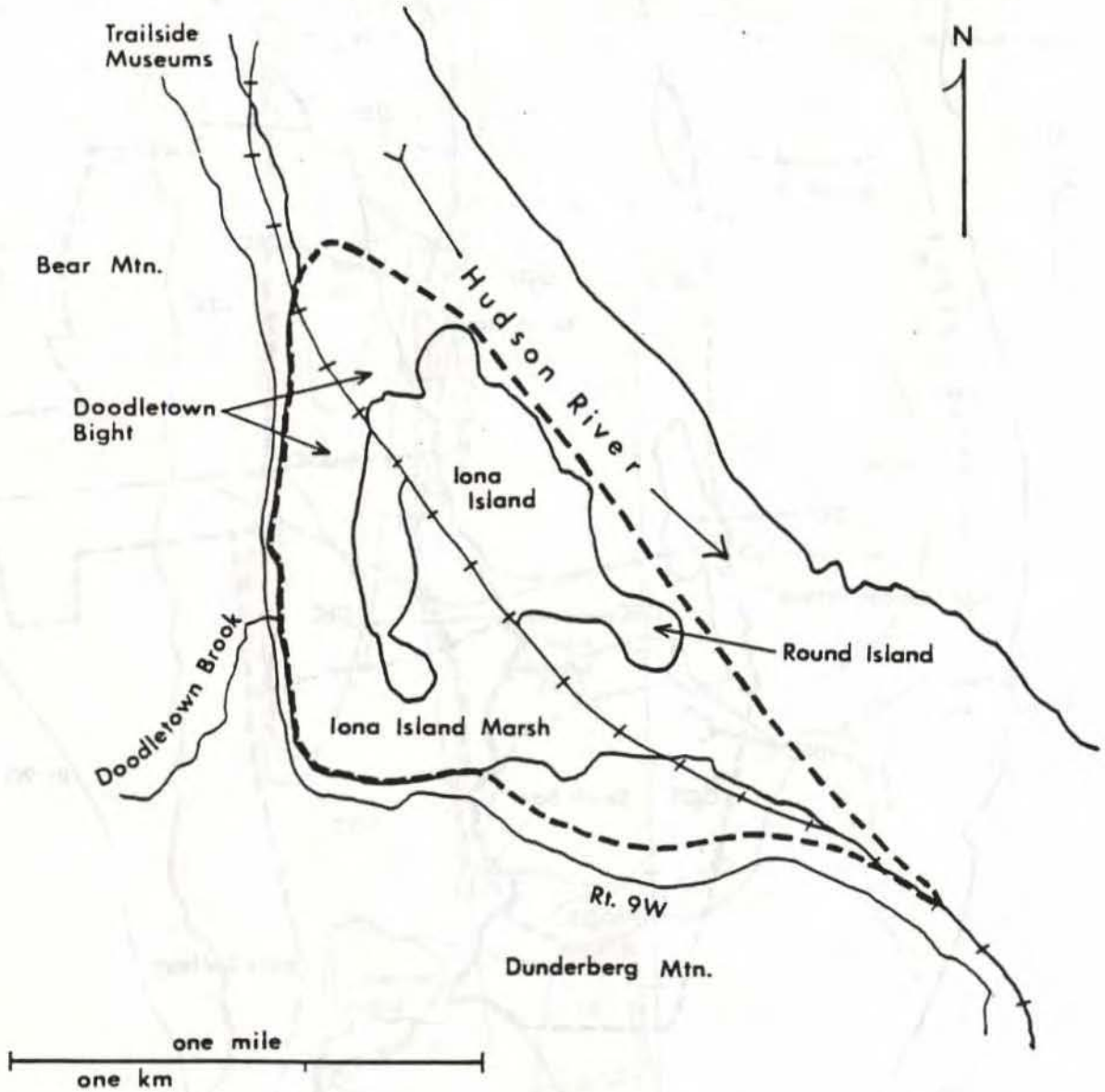


Fig. 2 Tivoli Bays Area. (See Tables 1 and 2.) (Adapted from USGS Saugerties, N.Y. quadrangle.)



Proposed sanctuary boundary

Fig. 3 Iona Island Marsh Area (See Tables 1 and 2.) (Adapted from USGS Peekskill, N.Y. quadrangle.) Ownership all PIPC

Appendix 3

Memorandum of Understanding between NYS DEC and NOAA

Appendix 4

Agency Roles in the Administration and Operation of the Hudson River NERR

APPENDIX 4

AGENCY ROLES in the ADMINISTRATION and OPERATION
of the HUDSON RIVER NERR

Agency Roles

Operation and management of the Hudson River National Estuarine Research Reserve (HRNERR) programs and sites occurs through the cooperative efforts of five state agencies and the National Oceanic and Atmospheric Administration (NOAA). State agencies involved are the New York State Department of Environmental Conservation (DEC), the lead agency; the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP); the NYS Department of State (DOS); the NYS Office of General Services (OGS), and the Palisades Interstate Park Commission (PIPC).

Management structure for the reserve was established in a comprehensive 1982 Memorandum of Understanding (MOU) among the five state agencies. The MOU established multilateral intent to support and implement the reserve program. It also established common policies for management of lands in the reserve:

The purpose of the program is to protect lands in the reserve for use as a natural field laboratory in which to gather data and make studies of the natural and human processes occurring within the Hudson River Estuary.

The state agencies involved shall adhere to the management plan in their land ownership and management activities in the reserve.

Multiple uses of lands in the reserve are encouraged to the extent that they are compatible with the program and the reserve's purpose as expressed in the management plan. These areas are being managed to facilitate ecological research and education. Uses and/or levels of use which are not compatible with use of the reserve as a natural field laboratory shall be prohibited or limited to the greatest extent feasible by the agency having jurisdiction.

No projects shall be carried out on reserve land without the approval of the agency having jurisdiction over such lands. Such agency shall maintain all facilities built on its land in furtherance of a project and shall cooperate with reserve staff in carrying out the program.

<u>National Oceanic and Atmospheric Administration (NOAA)</u>

The National Oceanic and Atmospheric Administration (NOAA) has lead responsibility within the U.S. Department of Commerce for administering the NERR program. Once a reserve has been designated, NOAA's role is to provide oversight and partial funding for development, land acquisition, operations and management, research, monitoring and education and interpretation. NOAA also conducts periodic evaluations of program operation and management under the Coastal Zone Management Act (CZMA) Section 312.

NOAA may provide financial assistance to coastal states to acquire, develop and operate national estuarine research reserves and to support educational and interpretive activities. Research and monitoring funds are available to all qualified public and private individuals and institutions. More detailed information on these awards can be found in the Federal Register 15 CFR Part 921. Availability of funds in all categories is contingent upon annual congressional appropriations for federal assistance to states under Section 315 of the CZMA.

NOAA conducts periodic performance evaluations of a reserve at least once every three years, and evaluations may be conducted more frequently if necessary. These evaluations are required by sections 312 and 315 of the CZMA and follow the evaluation procedures described in Section 312. Evaluations may assess all aspects of reserve operation and management, or they may focus on selected issues. Evaluations also may examine whether a reserve is in compliance with National Estuarine Research Reserve System (NERRS) designation regulations and whether the operations and management of the reserve are consistent with the mission and goals of NERRS and the NOAA state MOU.

NOAA officials conduct the performance evaluations, and, when appropriate, NOAA may request federal and non-federal experts to participate in the evaluations. Performance evaluations are conducted according to procedural and public participation provisions of CZMA regulations.

If performance evaluations reveal that the operation and management of the reserve is deficient or the research is inconsistent with NERRS research guidelines, the eligibility of the reserve for federal financial assistance may be suspended until the situation is remedied. If major deficiencies are not remedied within a reasonable amount of time, NOAA may initiate a process to withdraw the designation of the reserve.

New York State Department of Environmental Conservation (NYSDEC)

The overall administration and coordination of the reserve program is the responsibility of NYSDEC, the proprietary agency for parts of three reserve sites. NYSDEC was created in 1970 under New York State Environmental Conservation Law (ECL) primarily by bringing together the natural resource management function of the former Conservation Department with certain environmental protection functions that were formerly in the Health Department. Title 3 of the ECL details the general functions, powers, duties and jurisdictions of the department and commissioner. Services are delivered through nine regional headquarters and numerous sub-offices.

NYSDEC's environmental protection and natural resources management services are organized in the Albany central office into the Offices of Natural Resources, Environmental Quality and Hazardous Waste Remediation. The Office of Natural Resources, headed by a deputy commissioner and an assistant commissioner, includes the divisions of Fish, Wildlife and Marine Resources, Lands and Forests and Minerals. All of NYSDEC's land-management activities are conducted by the Natural Resources program. Most statewide water, air, solid waste, hazardous waste, fish and wildlife, wetlands, marine resources and forestry permits are administered by NYSDEC's Division of Regulatory Affairs. Since 1990, the reserve program has been housed in NYSDEC's Division of Fish, Wildlife and Marine Resources, in the Bureau of Marine

Resources, under the Marine Habitat Protection Section. Reserve staff report through the NYSDEC Region 3 Natural Resources supervisor.

As lead agency, NYSDEC is the principal state contact with NOAA for the reserve program, as well as the recipient agency for NOAA capital development, operations, education and monitoring awards. NYSDEC hires and directs reserve staff and carries out the reserve programs in education, research and monitoring, resource protection and stewardship and estuary training; operates the Norrie Point Environmental Center headquarters; prepares the reserve management plan; coordinates implementation of the reserve management plan; maintains records related to grants; prepares reports, and reviews management-plan policies. NYSDEC participates in the development and implementation of management plans and manages land under its jurisdiction in conformance with this plan. NYSDEC is responsible for assisting other agencies in developing and reviewing management plans related to reserve lands they maintain and effecting changes in these plans through input from reserve staff. NYSDEC actions undertaken within New York's coastal zone area must be consistent with state coastal management policies.

NYSDEC administers the following state lands within the reserve: 595 acres at Stockport Flats, 752 acres at Tivoli Bays and 71 acres at Piermont Marsh.

New York State Office of Parks, Recreation and Historic Preservation (OPRHP)

The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) was established in 1970 under New York State Parks, Recreation, and Historic Preservation Law. Article 3 of this law details the powers and authority of the office and the commissioner. The prime responsibility of OPRHP is to operate and maintain a system of parks and historic sites and to meet recreational needs of the public. Overall, OPRHP's administrative and operational functions are focused on four main program areas: administration, park operations, recreational services and historic preservation. The agency also is responsible for administering the Navigation Law throughout the state. OPRHP is organized into 12 regions statewide, including one that includes New York lands in the Palisades Interstate Park.

OPRHP's responsibility in the reserve is to manage lands under its jurisdiction at Tallman Mountain State Park, Bear Mountain State Park and Hudson River Islands State Park in conformance with this management plan and to participate in management planning. The OPRHP Taconic Region also partners with NYSDEC in the operation and maintenance of the Norrie Point Environmental Center, an OPRHP building located in the Margaret Lewis Norrie State Park.

OPRHP administers 193 acres of state lands at Stockport Flats, in addition to lands described below under the Palisades Interstate Park Commission (PIPC).

Palisades Interstate Park Commission (PIPC)

The Palisades Interstate Park Commission (PIPC) manages more than 80,000 acres of park land in northern New Jersey and southeastern New York, which comprise one of the 12 OPRHP regions. The PIPC is a private governing body established by interstate compact and supported by public funds from both states. Legal authority to administer PIPC lands in New York derives from the Parks, Recreation, and Historic Preservation Law and the interstate compact.

PIPC's responsibility to the reserve is to manage lands under its jurisdiction in conformance with this management plan and to participate in management planning. PIPC administers state lands at two reserve sites, including 556 acres at Iona Island and 871 acres at Piermont Marsh.

Office of General Services (OGS)

The New York State Office of General Services (OGS) was created in 1960 as a successor to the State Land Office. The Division of Land Utilization within OGS operates under the provisions of the New York State Public Lands Law. Through the division, OGS conducts public auctions of real property and issues permits related to real property conveyances, as well as grants, leases, and easements for the sale and use of state lands acquired for all state purposes except transportation. OGS has jurisdiction over all sovereign lands that are now or were formerly under water, including a considerable acreage in the reserve, some of which will be transferred to NYSDEC and OPRHP.

OGS administers the following state lands within the reserve: 532 acres at Stockport Flats, 820 acres at Tivoli Bays and 75 acres at Piermont Marsh.

Department of State (DOS)

The New York State Coastal Management Program (CMP), administered by the Department of State's Division of Coastal Resources and Waterfront Revitalization, was established pursuant to the federal Coastal Zone Management Act of 1972 and the State Waterfront Revitalization and Coastal Resources Act of 1981 (WRCRA). These acts call for the coordinated and comprehensive exercise of governmental authority over land and water uses in the coastal zone for the purpose of preserving and using coastal resources and promoting economic development. In part, the acts provide that all state and federal actions in the coastal zone will comply with 44 coastal policies. These policies are set forth in the State Coastal Management Program Final Environmental Impact Statement. The coastal policies, attendant guidelines and existing federal and state environmental and resource management laws provide the objectives and standards for the program.

The WRCRA requires that "actions directly undertaken by state agencies within the coastal area…shall be consistent with the coastal policies of this Article." This provision of law together with the State Environmental Quality Review Act--a statewide environmental review law for state and local actions--ties together the programs of state agencies by binding their decision-making actions to the coastal policies.

DOS is involved in implementation of this management plan through staff participation on management-planning teams. DOS's review of federal and state actions and their consistency

determinations help insure that the objectives of the reserve management plan are not preempted by federal agency actions. Also, DOS designated all four reserve sites as significant coastal fish and wildlife habitats. Detailed narratives of natural resources and features exist for these habitats. These narratives are used for consistency determinations, and they include recommendations for resource protection and listings of activities that would negatively affect these resources.

Appendix 5

Staff Duties and Organizational Charts for the Hudson River NERR

APPENDIX 5

STAFF DUTIES and ORGANIZATIONAL CHARTS for the HUDSON RIVER NERR

RESERVE STAFF ROLES

Management Staff

Reserve Manager (1 FTE, NYS Civil Service position, NYS funding) - Manage Hudson River National Estuarine Research Reserve's (HRNERR) education, research and stewardship programs, develop and supervise staff, build and maintain partnerships, oversee facilities development and serve as primary liaison and spokesperson for the program.

Administrative and Stewardship Coordinator (1 FTE, contractual, NYS Hudson River Estuary Program funding) - Coordinate administration of federal, state and private grants related to reserve programs, including preparation of new grant applications and extension/change of budget requests and maintenance of fiscal tracking system. Also coordinate site stewardship, resource protection and maintenance activities at Nutten Hook, Stockport Flats and Piermont Marsh sites.

Research Staff

Research Coordinator (1 FTE, contractual, NOAA funding. NOTE: until 10-07, was a NYS Civil Service position funded by NYS General Fund) - Manage and develop research and monitoring programs, facilities and equipment; supervise research staff and promote partnerships, awareness of the research program and use of the scientific information by scientists, educators and managers.

Research Assistant (1 FTE, contractual, NOAA funding. NOTE: This position is now vacant because funding was reallocated to support the Research Coordinator) - Conduct the NERRS Systemwide Monitoring Program, including deployment and maintenance of field equipment, data collection, wet chemistry, weather station operation, annual review and submission of all data to NOAA, creation and maintenance of relational databases, data analysis, laboratory oversight and supervision of the part-time Research Assistant.

Research Associate (half-time, contractual, federal funding) - Assist the Research Assistant with all aspects of the water-quality monitoring program, including deployment and maintenance of field equipment, wet chemistry, weather station operation and data entry.

Education Staff

Education Coordinator (1 FTE, NYS Civil Service position, federal funding) - Manage and develop education and interpretive programs, facilities and equipment; supervise education staff, and promote partnerships, awareness of the education program and translation of scientific

information for general public, formal-education and informal-education audiences.

Education Assistant (1 FTE, contractual, NOAA funding) - Support and enrich HRNERR education programs; deliver canoe-program series and other programs for the general public, formal education groups and other special-interest groups; research and contribute to education exhibits and publications; maintain web sites; train and supervise SCA interns, and provide graphic-design expertise.

SCA Education Intern (10 months, contractual, 50% NYS and 50% NOAA funding) - Support HRNERR education programs and staff the Tivoli Bays Visitor Center.

SCA Education Intern (5 months, contractual, 50% NYS and 50% NOAA funding) - Support HRNERR education programs, especially the public field programs.

Training Staff

Estuary Training Program Coordinator (1 FTE, contractual, NOAA funding) - Develop and oversee the Coastal Training Program, including organization of a steering committee, market analyses and needs assessments, development of strategic and marketing plans and delivery of estuary training programs and products, including coastal decision-maker workshops, issue forums and guidance documents.

Stewardship Staff *(See also Administrative Staff)*

SCA Stewardship Intern (10 months, contractual, NOAA funding) - Support HRNERR stewardship programs, including invasive species education and management, visitor impact assessment and public outreach.

Site Stewards - Where feasible, site stewards will live at reserve sites in exchange for site patrolling and assistance with public outreach. Stewards, by patrolling sites and living on site, will provide a steady state presence to discourage inappropriate patterns of public use. A forest ranger currently lives at the Pinkowski House at Nutten Hook (part of the Stockport Flats component). The reserve manager has the primary role in selection of a site steward.

Hudson River Estuary Program Staff

Habitat Restoration Coordinator (1 FTE, contractual, NYS funding) - Assess habitat restoration opportunities in tidal wetlands, modified shorelines, tributary streams and submerged habitats; prepare restoration program guidelines and a plan for habitat restoration in the Hudson River estuary; provide technical assistance to agencies and municipalities, and evaluate the feasibility of restoring priority sites on the Hudson River Estuary.

Benthic Habitat Coordinator (1 FTE, contractual, NYS funding) - Coordinate the benthic mapping program, including determination of appropriate technologies to map benthic substrates and to define and characterize key estuarine habitats and their flora and fauna, coordination of the design of web-based access to benthic data, response to benthic data and information

requests and oversight of contracts related to mapping project.

Maintenance

Maintenance Assistant (half time, NYS Civil Service seasonal position, NYS funding) - Perform janitorial and light maintenance duties at Norrie Point Environmental Center. State agencies will be responsible for maintenance tasks identified in the management plan on lands over which the agency has jurisdiction or has been delegated authority through management agreement. These tasks may include custodial, landscape management, site posting and other related duties.

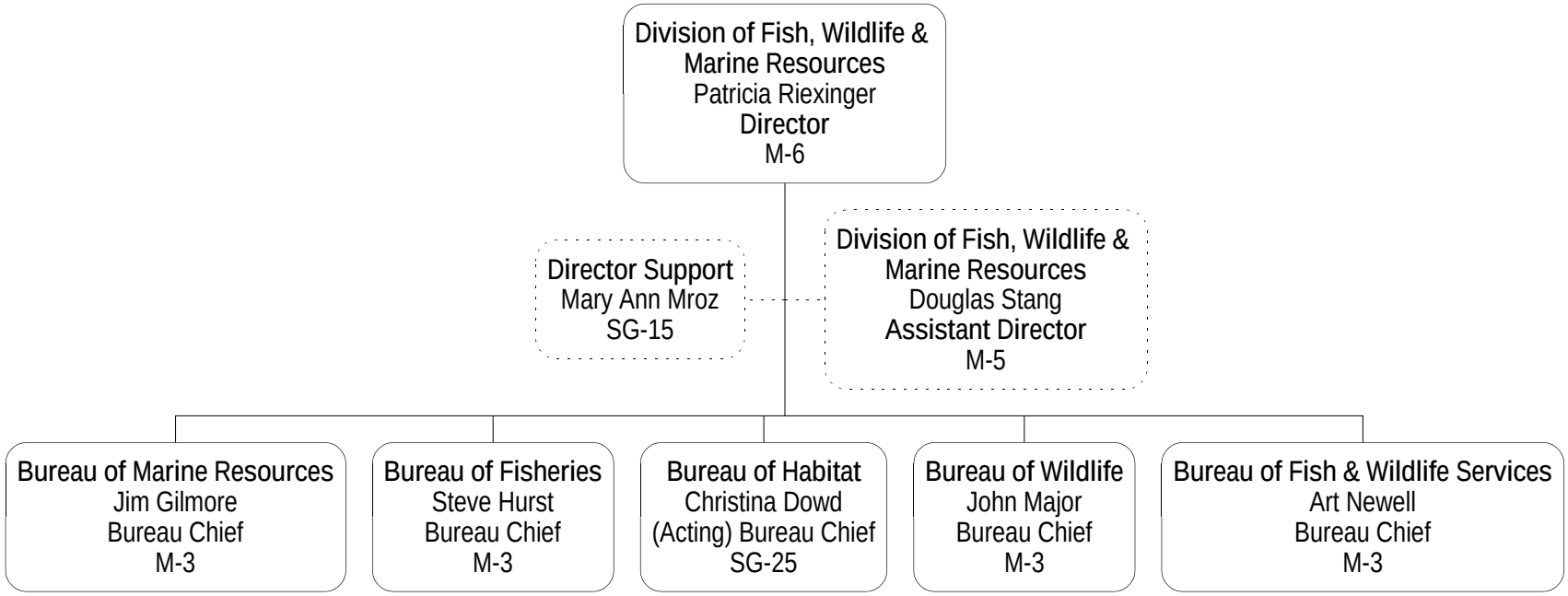
Volunteers

At a future date, a volunteer program may be started to help support interpretive activities at the Norrie Point Environmental Center, the Tivoli Bays Visitor Center and the NERR sites, as well as stewardship and resource protection activities undertaken by the reserve.

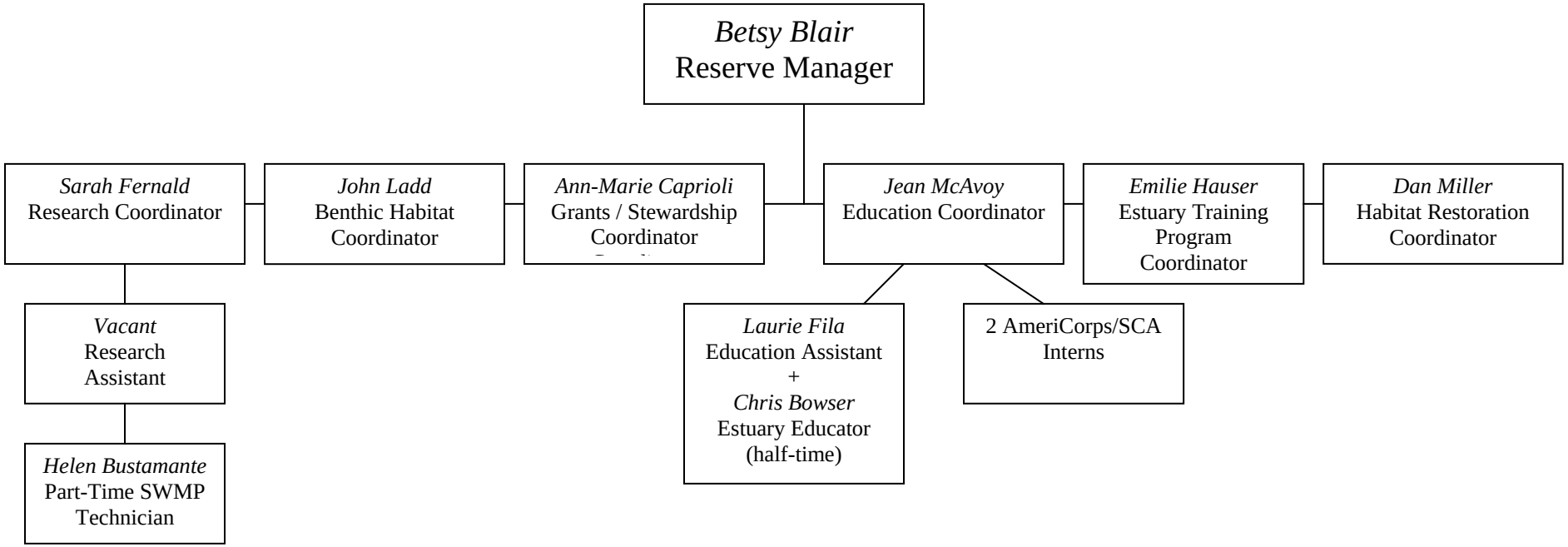
ORGANIZATIONAL CHARTS

The organization of the Hudson River NERR staff is depicted in the first attached organization chart. NYSDEC is a matrix of regional and program offices. On a regional basis, the Hudson River NERR, as the regional Marine program, reports to the NYSDEC Region 3 Office through the natural resources supervisor in the second attached chart. On a programmatic basis, the Hudson River NERR reports to the NYSDEC Division of Fish, Wildlife and Marine Resources through the Bureau of Marine Resources, in the last attached chart.

Division of Fish, Wildlife & Marine Resources



Hudson River National Estuarine Research Reserve



Appendix 6

Memorandum of Understanding between NYS DEC and NYS Office of Parks, Recreation, and Historic Preservation Regarding Norrie Point Environmental Center

A. Original Memorandum (December, 2006)
B. First Amendment of MOU (June, 2009)

Appendix 7

Letter of Agreement between the NYS DEC and the Village of Tivoli Regarding the Tivoli Bays Visitor Center

Appendix 8

Access Details for Hudson River NERR Sites

APPENDIX 8

Access Details for Hudson River NERR Sites

Stockport Flats Access

Lands that comprise the Stockport Flats/Nutten Hook component of the Hudson River National Estuarine Research Reserve (HRNERR) include nearly five miles of shoreline, marshes, islands and peninsulas primarily accessible by boat. The Stockport Flats/Nutten Hook component includes three broad land-ownership/public-use groupings. These are treated separately below and include Nutten Hook, the Hudson River Islands State Park and the Stockport Marshes and Upland Buffer.

Nutten Hook - Nutten Hook is accessible from land via two roads with at-grade railroad crossings. Ferry Road, at the south end of the site, is equipped with an electronic gate and signal. NYS DOT requested to local Columbia County school districts that they not traverse the Ferry Road crossing with school buses as the crossing does not have a sufficient clear zone to safely accommodate a full-sized school bus entering from or exiting to State Route 9J. Ice House Road to the north is a private-grade crossing without signals. Although Ice House Road is currently closed to public traffic due to a hazardous rail crossing (no signal and high- speed trains), there is off-road parking for three cars. Pedestrians may walk onto the site, taking care when crossing the tracks. A small parking area (2-3 cars) is available on Ferry Road, past the row of houses. Visitors may access Nutten Hook via foot trails from Ferry Road.

Permitted uses at Nutten Hook include: nature study, hiking, canoeing, boating and picnicking. Hunting, trapping and fishing also are permitted with a valid state license; a state fishing license is required on tributaries to the Hudson River. Prohibited activities are those identified as threats to the site's sensitive natural and cultural resources and include: camping, swimming, mountain biking, building fires and operating all-terrain vehicles and personal watercraft. Collection of plants, animals, artifacts or any other materials is strictly controlled and requires one or more state and/or reserve permits.

Hudson River Islands State Park - The Hudson River Islands State Park includes Stockport Middle Ground and Gay's Point, both of which may be reached by boat. Several off-site boat launches exist in the vicinity of the site, including public launches at Hudson (four miles south of Stockport Creek on the east shore, open dawn to 10 PM), Catskill (eight miles south on the west shore, open dawn to dusk), Coxsackie (directly across from Nutten Hook, open dawn to dusk) and Athens (seven miles south of Coxsackie).

The section of the Hudson River Islands State Park within the reserve is accessible only by boat. Two L-shaped floating platforms on the west shore of Gay's Point provide docking for six boats; these are in place during the summer season and through September. Primitive toilets, fire rings, grills, picnic tables and a picnic shelter are available at Gay's Point.

Permitted uses at the Hudson River Islands State Park include: nature study, hiking, canoeing, boating, picnicking, camping, and having fires in picnic grills only. Hunting and fishing also are

permitted with a valid state license and a NYS Parks hunting permit issued at Schodack Island State Park. A state fishing license is required on tributaries to the Hudson River. Prohibited activities include: trapping, swimming, mountain biking and operating all-terrain vehicles and personal watercraft. Collection of plants, animals, artifacts or any other materials is strictly controlled and requires one or more state and/or reserve permits. All statewide rules and regulations administered by the Office of Parks, Recreation and Historic Preservation (OPRHP) on public use of land apply.

Stockport Marshes and Upland Buffer - Areas comprising the Stockport Marshes and upland buffer include: the mouth of Stockport Creek, the deltaic island west of the railroad bridge, the dredge spoil island and its associated tidal swamp south of the creek mouth and the large tidal freshwater marsh that lies between Priming Hook and the dredge spoil island. Most of the area is owned by DEC, with a sizeable amount of acreage under the jurisdiction of OGS.

The principal road and boat access point for the site exists just north of the mouth of the Stockport Creek, one mile west of Route 9 at the end of Station Road. Parking space exists for 15 cars east of the railroad line, adjacent to a DEC-maintained ramp for launching small, trailered and car-top boats into Stockport Creek. Access from this ramp to the river channel is limited at low tide, with average water depths of less than six inches, and it is not advisable to launch large, trailered boats due to limited water depths in general and low clearance under the railroad bridge at high tides.

Souther Road, which runs between Route 9 and Station Road, also provides visual access to the site at an overlook maintained by the Town of Stockport. Excellent south and west views from the 130-foot bluff may be had of Stockport Middle Ground and the mouth of Stockport Creek. The parking area associated with the boat ramp at the creek's mouth also provides visual access to a broad sweep of the river for visitors who come to enjoy the view or to bird watch.

The Stockport Marshes and upland buffer are open to the public year-round, dawn to dusk, for a variety of public activities, including nature observation, education, research and recreational activities that do not affect the integrity of the ecosystem and natural resources. Pedestrian access across the railroad bridge spanning Stockport Creek is prohibited and extremely dangerous. The boat launch at the creek mouth is open 24 hours, although its use is tidally restricted. Permitted uses include: nature study, hiking, canoeing, boating and picnicking. Hunting, trapping and fishing also are permitted with a valid state license; a state fishing license is required on tributaries to the Hudson River. Prohibited activities include: camping, swimming, mountain biking, building fires and operating all-terrain vehicles and personal watercraft. Collection of plants, animals, artifacts or any other materials is strictly controlled and requires one or more state and/or reserve permits.

Tivoli Bays Access

The Tivoli Bays are accessible by car via three public roads. A DEC parking area on Route 9G provides parking for up to ten cars and access to a trailhead. A second entrance on Kidd Lane, about a half-mile west of Route 9G, permits vehicle access to a trailhead, the site's network of internal roads and the Stony Creek car-top boat launch. Cruger Island Road provides access to

three small parking areas and to an unimproved trail to Cruger Island via Cruger Neck.

Canoe access to the site is via the Stony Creek canoe launch or the Cruger canoe launch. Small boats and canoes may be launched from the Village of Tivoli's public launch, the Glasco canoe launch at the sewage treatment plant or launches in Saugerties. Small boats (hand-powered only) and canoes entering from the river must travel under any of five small bridges in the railroad berm to gain access to Tivoli north and south bays. Clearance under these bridges is limited at high tides.

The Tivoli Bays Reserve site is contiguous with the Tivoli Bays Wildlife Management Area (WMA), and public use of the site is governed by state WMA regulations, pursuant to Environmental Conservation Law, Article 11. Permitted uses at Tivoli Bays include: nature study, hiking, canoeing, picnicking and mountain biking. Hunting, trapping and fishing are permitted during legal seasons, except as restricted by posted notice. Prohibited activities include: camping (except under permit by the natural resources supervisor), swimming, having fires and operating mechanically powered vessels (except as specifically permitted by posted notice), all-terrain vehicles and personal watercraft. Collection of plants, animals, artifacts or any other materials is strictly controlled and requires one or more state and/or reserve permits.

Also prohibited is vehicular use of roads posted against such use and off-road travel or use of motorcycles, motor scooters, mopeds, trail bikes, snowmobiles or any other motorized vehicles, except as specifically permitted by posted notice. Internal roads are closed to vehicle access during winter and early spring.

Public access is generally prohibited on private lands within the reserve boundary, which are encumbered by conservation easements, including lands at the northern end of Tivoli Bay and the shore lands of Montgomery Place on Tivoli South Bay. The latter are accessible only when accompanied by reserve staff, who must obtain permission in advance.

Iona Island Access

Iona Island can be reached by car via a two-lane causeway from Route 9W across Salisbury Meadow. Parking for 15 cars is available west of the railroad on either side of the access road. An at-grade railroad crossing without signals provides access to the remainder of Iona Island and to Round Island. Access to the marshes of Salisbury Meadow is by canoe launched from the east end of the causeway. Access to Doodletown Bight and adjoining marshes north of the causeway is by canoe portaged from the wetlands south of the road or by small boat from the main stem of the river.

Excellent views of Iona Island can be seen from a number of vantage points, notably the overlook across the river on Route 6/202, which has parking for at least 15 cars. The elevation of this pull-off and the sweeping views of Iona and Round Islands make it a premier spot for observing the resting and feeding behaviors of wintering bald eagles. Several overlooks within Bear Mountain State Park also offer splendid views of Iona Island and its marshes.

Iona Island lands east of the railroad crossing are not accessible to the public at this time under regulations by the Palisades Interstate Park Commission (PIPC). Lands west of the railroad crossing are accessible and offer limited views of the marsh. A foot trail and boardwalk traverse part of the marsh and offer limited views to the public. Canoe access to the marsh is limited to reserve-guided field trips which are approved and permitted in advance by the manager of the Bear Mountain State Park. In an effort to avoid conflict with breeding bird season, these field trips are conducted only from July to September.

Piermont Marsh Access

Access to DEC lands at Piermont Marsh is via Paradise Avenue in the Village of Piermont. Parking for several dozen cars is available a short distance to the east at the beginning of Piermont Pier. DEC lands also can be reached from the pier, which extends one mile into the river and provides the northern boundary of the reserve although it is not part of it. Pedestrians can see exceptional views of the marsh, shallows and Tappan Zee.

Access to PIPC-held lands at Piermont is via a bike and foot trail in Tallman Mountain State Park along the marsh edge. A scenic overlook within the park from the north picnic area provides visual access to a large portion of the marsh. Both Piermont Pier and the bike/foot trail are level, firm ground and generally accessible to people with disabilities. Parking is available in the Village of Piermont parking area on Paradise Avenue, adjacent to the ball field and near the swimming pool in the park.

Both DEC and PIPC lands are closed during hours of darkness. All regulations on public use of state-owned tidal wetlands apply. Permission is needed from the Village of Piermont for group activities on and vehicular access to Piermont Pier.

Permitted uses at Piermont Marsh include: nature study, hiking, canoeing, boating, picnicking at day-use facilities located in adjacent Tallman Mountain State Park and mountain biking along the Tallman Mountain bike trail. Fires also are permitted but only in picnic grills. Fishing is permitted with a valid state fishing license required on tributaries to the Hudson River. Prohibited activities include: camping, swimming, hunting, trapping and operating all-terrain vehicles and personal watercraft. Collection of plants, animals, artifacts or any other materials is strictly controlled and requires one or more state and/or reserve permits.

Appendix 9

Resource Protection Authorities and Regulations Affecting Hudson River NERR Sites

Appendix 9

Resource Protection Policies and Regulatory Authorities Affecting Hudson River NERR Sites

Geology

Surface and subsurface features possessing unique geological characteristics will be protected to preserve those characteristics from unwarranted disturbance or destruction. Visitor access to these features will be controlled to insure their protection and the safety of the visitor.

Pertinent statutes, regulations and/or guidelines:

Environmental Conservation Law (ECL) Article 8 - New York State Environmental Quality Review Act

New York State Parks, Recreation, and Historic Preservation Law, Section 09-05 (lands under OPRHP and PIPC jurisdiction)

Soils

Excavation, mining or removal of loam, gravel, rock, sand, clay, coal, petroleum or minerals or alteration of topography will not be permitted except:

- As related to the collection of geological, geophysical or archaeological data under a research permit
- As necessary to restore dredge spoil islands, pre-disturbance hydrologic flows and natural vegetation communities
- As related to maintenance dredging of the Hudson River Federal Navigation Channel

Areas subject to user impact, such as trails, will be developed and maintained to minimize damage to and loss of soils through application of best-management practices. Particular care will be taken to minimize soil disturbances in the intertidal zone in and along non-tidal wetlands and watercourses and in forests and other plant communities on slopes of more than 10 percent adjoining or draining directly into tributary streams or estuarine environments.

Efforts will be made to stabilize human-induced erosion of shorelines through replanting of native supra- and intertidal vegetation. Shoreline stabilization sites will be closely monitored to determine colonization success. Generally, attempts will not be made to stabilize areas that are eroding from natural causes unless it is necessary to protect resources of unusual value. Eroding areas may not be restored if it is determined that rare and endangered species or other special

resources depend on the erosion. No dredge spoils will be deposited in the Hudson River National Estuarine Research Reserve (HRNERR.

Pertinent statutes, regulations and/or guidelines:

Best Management Practices for controlling non-point source pollutants

Executive Law, Article 42 - Waterfront Revitalization and Coastal Resources Act (WRCRA) (Policy 37)

Soil and Water Conservation District Law

Watershed/Hydrology

There will be no human activities or uses of reserve sites that are significantly detrimental or adverse to the maintenance, improvement or conservation of existing surface and ground water supplies and quality. Efforts will be made to maintain and, where necessary, improve existing water quality through consistency reviews and substantive comment on projects outside the reserve. These efforts will seek to prevent or mitigate potential impacts on reserve water quantity and quality.

Spill contingency plans will be incorporated into management planning to ensure a high level of protection for tidal habitats within the reserve. These plans will be reviewed by DEC's Spill Response Unit staff and approved by the reserve manager.

There will be no further restrictions of water movements in either the estuarine environment or in upland streams, ponds and pools. Streambeds and channels will be preserved in their natural state. Efforts will be made to maintain railroad bridges and culverts clear of obstructions. Water control structures, dams, impoundments, breakwaters and canals will not be built, with the exception of minor (and generally temporary) structures for the purpose of scientific research and monitoring. No activities will be conducted on reserve sites that will significantly alter natural water level, reduce flow or both.

Permission for exceptions to this policy may be granted on a case-by-case basis, generally for approved applied research or wetland restoration projects. Restoration of tidal circulation may be pursued (with appropriate environmental quality reviews) where additional culverts or larger railroad bridge openings are needed to restore or maintain functional values of the reserve's tidal wetlands.

Pertinent statutes, regulations, and/or guidelines:

ECL Article 15, Title 5 - Protection of Water

ECL Article 17, Title 8 - State Pollution Discharge Elimination System

ECL Article 24 - Freshwater Tidal Wetlands Act

ECL Article 25 - Tidal Wetlands Act

Federal Clean Water Act, Section 404

Pesticides and Herbicides

The use of pesticides and herbicides will be minimized to prevent contamination of reserve environments and will be used only as part of an approved management-plan activity. Persistent chemicals will not be used. Chemicals will be used only where their use results in no significant impact on non-target organisms, as judged by agency natural resources staff in consultation with the reserve manager.

Railroads and other right-of-way owners will be encouraged to use integrated pest management techniques in or near reserve sites or hand or mechanical harvesting.

Pertinent statutes, regulations and/or guidelines:

ECL Article 33

ECL Article 9, Title 13 - Forest Insect and Disease Control

Air Quality

Activities that have the potential to cause air pollution exceeding New York State air-quality standards are forbidden in the reserve.

Pertinent statutes, regulations and/or guidelines:

ECL Article 19 - Air Pollution Control

Executive Law, Article 42 - WRCRA (Policy 41)

Wetlands

All tidal and non-tidal wetlands located within or along reserve boundaries shall be protected in a natural condition. Wetlands include swamps, freshwater and brackish marshes, unvegetated intertidal sand and mud flats and submerged shallows to a depth of six feet at low tide. For the purpose of this policy, there is no minimum size limit for wetland definition. Generally, no wetland, pond or waterway shall be filled. On a limited basis, the reserve manager will consider

exceptions to this policy; for instance, under circumstances that require wetland filling to assure the integrity of the reserve. Any such activities will be subject to the requirements of the State Environmental Quality Review Act (SEQRA) and other applicable authorities.

Efforts will be made to restore wetlands that have been filled, altered as a result of human activities or invaded by non-native species or Phragmites to the extent feasible, practicable and beneficial for the maintenance and protection of special biological resources. Detailed restoration plans are described for each reserve site later in this chapter.

Pertinent statutes, regulations and/or guidelines:

ECL Article 15, Title 5 - Protection of Water (all sites)

ECL Article 25 (Piermont Marsh)

ECL Article 24 (Iona Island, Tivoli Bays, Stockport Flats)

Federal Clean Water Act, Section 404 and 401

Executive Law, Article 42 - WRCRA (Policies 7, 35 and 44)

Vegetation Management

Management efforts will seek to maintain the upland and wetland ecosystems in natural states that are within the natural range of variability exhibited by similar, relatively undisturbed ecosystems in the region. Vegetation management policy will vary according to land use types at reserve sites. In no cases will clear cutting be allowed.

Sensitive areas, such as wetlands, stream and wetland buffers, steep slopes, scenic landscapes and other areas in need of protection from inappropriate or excessive use, will have a limited management policy. Upland vegetation management will be limited to pruning and cutting to promote safety on roads and trails, maintain or establish trails or conduct research that will have limited or no impact on tidal wetlands. Forest resources will be conserved and protected to provide wetland and tributary stream buffers, wildlife habitat and corridors, erosion control and a variety of other beneficial functions. Wetland vegetation management may require public use controls to prevent damage. Vegetation management activities to restore degraded wetlands may be employed as specified and consistent with other policies in this management plan.

For areas where there is a yield of forest or wildlife and/or dispersed recreation, such as hiking, bird watching or hunting, management strategies will be more active. Vegetation may be managed through selective thinning to control exotic invasions or to improve species diversity and stand health to restore upland ecosystems. Old fields may be maintained through mowing or controlled burns to provide habitat for a variety of species requiring open-field habitats.

Areas within reserve sites requiring a high degree of protection, such as natural areas, rare species habitats and historical and archaeological sites, will be governed by the attributes and management needs of the unique resource(s) within these areas. In some areas, the resource(s) may dictate aggressive control of vegetation (e.g., Nutten Hook Ice House); in others, vegetation management will be minimized.

For areas within reserve sites containing developed land, a variety of vegetation management strategies may be undertaken to maintain active areas, including mowing, pruning and selective thinning.

For all sites within the reserve, control of outbreaks of forest insect pests, such as gypsy moth and hemlock woolly adelgid, will be at the discretion of the agency with jurisdiction, provided control methods conform to the pesticides and herbicides policy. In general, outbreaks will be allowed to run their natural course; however, controls may be used to protect important ecological areas. In addition, for all sites, land managers, in consultation with reserve staff, will develop site-specific strategies for responding to catastrophic events such as floods or hurricanes, including prescription of salvage and clean-up activities.

Pertinent statutes, regulations, and/or guidelines:

Forest Harvesting Best Management Practices (all sites)

ECL Article 9

Executive Law, Article 42 - WRCRA (Policy 7)

Wildlife

Wildlife is defined as the wild, introduced and/or exotic vertebrate and invertebrate animals that appear as residents, transients or migrants at reserve sites. In general, balanced wildlife populations will be promoted through the protection of habitats and environmental quality in the reserve, rather than the implementation of species management plans. Occasionally, wildlife management plans will be required for species that are considered to be a threat to the ecological integrity of existing native communities within the reserve or for rare and endangered species which would be at risk without management. In these instances, reserve staff and wildlife managers will work cooperatively with the involved state agency to develop such a plan.

Public access to key habitats for endangered species of wildlife will be restricted during critical periods to minimize disturbance of affected populations. Research, education and/or management (including harvesting) activities must be conducted under a valid New York State Scientific Collector’s permit or New York State hunting, fishing or trapping license. Commercial harvesting of fish and wildlife is addressed in the industrial and commercial activities section of this plan.

Pertinent statutes, regulations, and/or guidelines:

ECL Article 11 - Fish and Wildlife

ECL Article 13 - Marine and Coastal Resources

Executive Law, Article 42 - WRCRA (Policies 8 and 35)

Endangered and/or Threatened Species and Communities

Areas within reserve sites identified by the New York Natural Heritage, the Nature Conservancy or others as possessing endangered, threatened or rare elements--including plant and animal species or communities and other regionally rare elements and taxa--shall be managed to preserve and protect these resources, generally by restricting public access to these areas. Specific management strategies may be required to address life history and habitat requirements. The presence of such elements shall not necessarily preclude all other continued or proposed uses of an area. The flora and fauna at reserve sites will be surveyed, monitored and managed in conjunction with the New York Natural Heritage Program and other involved agency staff.

Pertinent statutes, regulations, and/or guidelines:

Federal Endangered Species Act

ECL Article 11, Title 5

ECL Article 9, Title 15 - Removal of Evergreen Trees and Protected Plants

Exotic and Invasive Species

Exotic and invasive plant and animal species will be discouraged to the extent practicable in core tidal wetland areas. Reserve staff and other involved agency partners will consider ways to minimize the spread of these species through reduction of existing populations and recruitment sources and incorporate such actions into research and monitoring efforts where feasible. Efforts will be made to avoid the creation of habitat conditions conducive to their spread, such as disturbed soils.

Pertinent statutes, regulations and/or guidelines:
ECL Article 11, Title 5

Structures, Roads and Trails

In all but developed sections of reserve sites, no new buildings, facilities, structures, piers, roads or trails will be constructed, except those accessory to research, education, administration and naturalistic uses of the reserve site. Bird blinds and tree stands are considered to be temporary structures linked to traditional hunting activities that are allowed unless prohibited by regulations. In developed areas, other construction may be considered, provided it is accessory to the use of the lands for recreation, visitor centers, administration and/or maintenance. Such construction may be undertaken by the jurisdictional agency only after the environmental impact of any such construction is assessed under the SEQRA, as appropriate, and the action is approved for consistency with the management plan.

Removal of existing structures will be assessed for environmental impact. With the exception of the illegally constructed squatters' cabins at Stockport, there will be no compulsion to remove existing structures.

Pertinent statutes, regulations and/or guidelines:

ECL Article 8 - New York State Environmental Quality Review Act

National Historic Preservation Act

ECL Article 9, Title 3 - Use of Lands and Forests

Signs and Billboards

Display of signs, billboards or other advertisements will not be permitted on or above reserve sites except to identify the state jurisdiction; to provide notice of the designation as part of the Hudson River National Estuarine Research Reserve (HRNERR); to post rules and regulations; to indicate trail locations and destinations, and/or to interpret the natural and cultural history of the site(s).

Pertinent statutes, regulations and/or guidelines:

ECL Articles 3, 9, 11, and 49

Fire

Accidental and natural fires will be controlled where feasible in accordance with applicable state regulations. No fires shall be permitted at reserve sites, with the exception of controlled burns in accordance with DEC prescribed-burns regulations that are part of an approved habitat management action. Fires also may be permitted in fireplaces or grills in developed sections of reserve sites.

Pertinent statutes, regulations and/or guidelines:

OPRHP Rules and Regulations, Part 377

ECL Article 9, Title 11 - Forest Fire Control

Trash, Rubbish and Waste

New York State has a carry-in/carry-out policy on public land. No soil, trash, ashes, garbage, debris, vehicles, appliances, hazardous waste or other offensive materials shall be dumped or deposited on reserve sites. Any such materials that have been deposited illegally will be removed expeditiously. Efforts will be made by enforcement personnel to trace the source of such materials and to compel their removal. Railroads and right-of-way owners will not dispose of railroad ties or other debris in the reserve.

Pertinent statutes, regulations and/or guidelines:

OPRHP Rules and Regulations, Part 375

ECL Article 9, Title 3 - Use of Lands and Forests (DEC lands)

Vehicles

No motorized vehicles will be operated within the reserve, except on access roads where expressly permitted by the jurisdictional agency. All-terrain vehicles are prohibited on all OPRHP and PIPC lands and in DEC wildlife management areas. Motorized boats are not permitted in the Tivoli Bays, except as specifically permitted by posted notice. Personal watercraft are not permitted at any reserve site.

Pertinent statutes, regulations and/or guidelines:

OPRHP Rules and Regulations, Part 375

ECL Article 11

Archaeological and Historical Resources

Reserve sites will be inventoried, as resources permit, to locate sites and objects possessing prehistoric and/or historic significance, and plans to protect such sites and objects shall be incorporated into management planning. Research, educational and management activities which may affect significant sites or objects shall require review and approval by appropriate authorities.

Pertinent statutes, regulations and/or guidelines:

National Archaeological Resource Protection Act

National Historic Preservation Act

OPRHP NYS Park, Recreation, and Historic Preservation Law

New York State Education Law 233

ECL Article 9, Title 3 - Use of Lands and Forests

ECL Article 45 - State Nature and Historical Preserve Trust (Tivoli Bays)

Executive Law, Article 42 - WRCRA (Policy 23)

Collection of Natural, Historical and/or Cultural Resources

No plant, animal, mineral or fossil specimens or historic and prehistoric artifacts may be collected at the reserve without applicable state or federal permits, including a reserve research permit. Use of metal detectors is prohibited. The gathering of natural materials for camouflaging hunting blinds is generally allowed but discouraged; it is also prohibited where posted.

Pertinent statutes, regulations and/or guidelines:

National Archaeological Resource Protection Act

NYS Education Law 233

ECL Article 9, Title 3 - Use of Lands and Forests

Habitat Manipulation

Habitat manipulation activities for research purposes will not be permitted if those activities or their resulting short- and long-term consequences have the potential to compromise the representative character and integrity of the reserve or to adversely affect reserve resources.

According to NOAA regulations, habitat manipulation for resource management purposes is not permitted within the reserve except for:

- Protection of public health
- Preservation of sensitive, natural, cultural or historical resources which have been listed or are eligible for protection under relevant state or federal authorities
- Restoration of degraded areas to improve the representative character and integrity of the reserve
- Development or improvement of access, consistent with other policies in this section

Manipulations for the purposes of restoration may be allowed under policies for soil, hydrology, wetlands, vegetation, wildlife and fire management, and these may provide opportunities for research.

Pertinent statutes, regulations and/or guidelines:

National Estuarine Research Reserve System Regulations, CFRR, Part 921

National Environmental Policy Act

Executive Law, Article 42 - WRCRA (Policy 7)

Industrial and Commercial Activities

Private and commercial activities are generally not allowed in the reserve; however, approvals may be obtained where the commercial activity is in conjunction with or in support of reserve activities, including such activities as natural history courses, authorized concessions for reserve events or vegetation management. No restrictions apply to activities associated with the exercise of navigation rights, such as commercial fishing and kayaking.

Pertinent statutes, regulations and/or guidelines:

ECL Article 9 - Fish and Wildlife

ECL Article 13 - Marine and Coastal Resources

Executive Law, Article 42 - WRCRA (Policy 7)

Appendix 10

Public Comments and Responses

APPENDIX 10
PUBLIC COMMENTS AND RESPONSES

Management Plan Review Process

This Revised Management Plan was developed with input gathered from a variety of sources. The planning was informed by many interactions and conversations with citizens, partners, and colleagues at New York State agencies, NOAA, and other national estuarine research reserves on a wide variety of topics. Although too numerous to name here, many key partners are identified in chapters 4 through 8. Needs assessments performed by the Hudson River Estuary Training Program and reviews by members of the NOAA Coastal Training Program Oversight Committee shaped and improved the training program. Ongoing work with the Hudson River Estuary Program and its subcommittees, especially the River Habitats Subcommittee and the Fish Habitats Working Group, have similarly shaped the research and monitoring programs.

In addition, comments on a draft of the plan were solicited and received from staff of NOAA and the state agencies that administer the lands within the Reserve. These comments were addressed and resulted in the Draft Revised Management Plan. A 30-day public comment period was announced in the Federal Register and the Poughkeepsie Journal, and the draft plan was made available on a web site. In addition, the Reserve emailed notice of the opportunity to review this document to over 80 state agency staff, partners and conservation interests, and citizens. All comments were addressed appropriately.