

Hudson River Estuary Advisory Committee Meeting  
Minutes: March 8, 2017 -Approved November 15, 2017  
NYS OPRHP Taconic regional office, Staatsburg, NY

**1. Welcome and announcements** - 81 people attended (see listing below). The meeting opened at 9:00 am.

The November 10, 2016 minutes were approved with no changes: Motion made by L. Johnson, seconded by C. Gruetzner.

Announcements: The following people were recognized:

Linda Cooper, OPRHP Taconic Regional Director welcomed HREMAC to Staatsburg.

Kelly Turturro has been appointed DEC Region 3 Regional Director. She thanked the committee and the Estuary Program staff for their work on the Hudson.

Tom Baudanza, long time ex-officio member, is retiring from NYC DEP after 34 years. Tom expressed his appreciation for being involved in the committee and looks forward to staying involved in Hudson River issues.

Javier Laureano, Ph.D., USEPA Director for Clean Water, and Jeff Gratz, EPA Deputy Director, Clean Water Division were introduced. Javier looks forward to working with the Estuary Program. He noted the opportunity for national estuaries to share and learn from one another within their bio-regions.

The 2017 SCA interns were introduced: Marnie Sciamanda, Shaye Weldon, Allison Philpot, Skyler Chambers, and Grace Ballou.

Budget Update: the EPF proposed funding released by the Governor includes a \$500,000 increase for the program, which, would bring the program's budget up to \$4.7 million plus \$800,000 for the Mohawk River program, for a total of \$5.5 million for FY 2017-18. The Committee thanked Jim Tierney for his continued support. (Update: Final funding is \$4.5 million, an increase of \$300,000.)

Next HREMAC meeting: 2017 marks the 30<sup>th</sup> anniversary of the signing of the Hudson River Estuary Management Act, the 30<sup>th</sup> anniversary of the NY/NJ Harbor & Estuary Program, and the 35<sup>th</sup> anniversary of the Hudson River National Estuarine Research Reserve. A May 23, 2017 conference is planned, at the NYU Law School, NYC. There will be no June HREMAC meeting.

**2. Annual Report and Conversation with Jim Tierney, Deputy Commissioner for Water Resources:**

**The Hudson River Estuary 2016 Coordinator's Annual Report:** F. Dunwell presented this year's annual report (power point and paper report). Highlights are summarized below. The entire report will be posted to the web: <http://www.dec.ny.gov/lands/4920.html> .

## Highlights:

Stream barrier removal success: The City of Troy received an estuary grant to remove an old industrial tide gate that was creating a barrier to spawning fish. In a matter of days after removal, river herring were confirmed swimming up this tributary to spawn. This project made national news as it was the first barrier to be removed on the Hudson in more than 70 years.

Our Climate Change team is working with Sea Level Rise task force communities in Catskill, Kingston, Stony Point, and Piermont. Cornell University landscape architect students have been engaged in Climate Adaptation Design (CAD) projects in several communities, helping people visualize what their waterfronts could look like in the future.

Source water protection became a focus of attention during 2016, especially for the City of Newburgh. The Estuary Program has been developing an inventory and database of wastewater infrastructure in the valley that will help municipalities and decisions makers prioritize future management decisions.

The Program's Conservation and Land Use staff continue to work with municipalities to provide natural resource information and tools to help communities become more resilient. A special focus has been the development of natural resource inventories (NRIs). Red Hook is turning their conservation plan recommendations into policy.

Fisheries: Recent work on the life history of sturgeon in the river identified the Hyde Park deep water area as an important wintering spot for shortnose sturgeon.

**HREMAC Draft 2016 report to DEC**: D. Suszkowski thanked A. Bicking for bringing this report together. A. Bicking also thanked R.DeLaCruz for her work on the report.

The Committee supports and appreciates the projects and collaborations that are brought together through the work of the Program, noting the leveraging power of Estuary Program funding. The following issues are included in the draft report:

- The continued need to better integrate work across DEC disciplines.
- PCB contamination is still an issue in the estuary. While the upper river dredging project has concluded and EPA's 5-year review is underway, many questions remain. The Committee applauds DEC's active interest in the situation, and expresses concern regarding the resources needed to monitor it.
- Anchorages: The US Coast Guard proposal to establish numerous anchorage sites along the estuary raises concerns about impact to benthic habitat. Hyde Park is an important habitat area for both Atlantic and shortnose sturgeon.
- Emerging changes in the Valley, Energy issues are shifting from energy generation to the transmission and transport of energy-related products through

the area. Other concerns include the closure of Indian Point and the future of the long-term utilities biological monitoring program and the management and preservation of long-term data sets. Thirty years of fish samples are warehoused in Massachusetts. These need to be preserved. Questions remain as to what to do and who will bear the related costs.

Committee comments should be sent to Andy, Dennis, Fran and Nancy by COB 3/17/17. The final report will be transmitted to Commissioner Seggos soon thereafter.

D. Suszkowski and T. Lake spoke about recent whale sightings in upper New York Harbor. The humpback whales were reportedly feeding on menhaden. Whales offer new opportunities for public education, and increased awareness about the estuary.

**3. Conversation with Jim Tierney:** Committee members shared the following comments, concerns and issues with Jim in a go-round around the table. **Issues included:**

- The importance of the proposed Clean Water infrastructure bill, and the need to address gray and green water infrastructure, source water protection, stream buffers, and well heads. Consider the design life (i.e. 50 years) of proposed projects, and what design conditions will be needed in the future for green/ gray Infrastructure, flooding, and droughts.
- Develop a comprehensive approach to land protection in the Valley, including a timeline to align land trusts and the state.
- Continue to press for a complete PCB clean up.
- Recognize and support the importance of water quality sampling in the river: people are kayaking and swimming everywhere. The river hosts the longest swim in the world, from the Rip Van winkle to the Verrazano narrows. More than 12 kayak businesses along the estuary are serving the demand, and support the tourist economy. Consider the need to shift to long-term control planning in NYS and the need to shift to different water quality indicators.
- Support for the proposed (now funded) Empire State Trail.
- Continue the Estuary Program's technical assistance and training opportunities provided to local governments. Local communities need to plan now and be prepared for the continuing influx of people upstate from NYC, creating new land use development pressures, impacts from sea level rise, CSOs. Local communities struggle with their budgets, need to consider shared services, and collaborating on opportunities to protect the river.
- Continue Estuary Grants Program: The access grant for Haverstraw Park will help improve accessibility to docks and will provide an accessible kayak launch. Westchester County is working on improving river access at: the Beczak Center, Town of Cortland, and Georges Island.
- Continue to support and offer citizen science programs: eels, amphibian road crossings, WAVE, I Fish NY, Trees 4 Tribes, Day in the Life, and the Great Hudson River Fish Count. These help citizens and students connect to the river.

- Continue state agency collaborations (DOH, OPRHP, DOS) with the program. DOH notes that of surveyed anglers, 70% of the people who eat fish from the Hudson River, eat striped bass. Health advisories are needed to reach these people. DEC and OPRHP are working together on Bristol Beach, Saugerties to improve access. OPRHP is also working in Beacon to improve several state parks properties.
- Consider a statewide mandate for environmental education in NYS.
- The upper and lower(NYC) estuary and programs need to better connect. The Estuary Program is crucial to bridging this gap providing a baseline connection to the river through education programs (Pier 26 estuarium), research, HRECOS, and grants. Programs at Downtown Boathouse reach large numbers of people who pass through every summer to kayak for free on the river.
- Inventory and address marina issues along the estuary. Recreational boating is increasing. Siltation, especially for facilities at low tides is a problem. Note: Philipse Manor marina received a permit to dredge, working through the DEC Marina Dredging Task Force.
- Concerns continue regarding the USCG proposed anchorages for barges.
- Support development of the Hudson Estuary Restoration Plan
- Support a fully funded EPA. To keep what has been developed since the 1960;s
- Take advantage of the many colleges in the Hudson Valley.
- Continue to address invasive species, i.e. *Hydrilla*, and others,
- Support watershed – estuary connections; upstream protection of our tributaries, trout habitat, culvert assessments and dam removals.

Jim Tierney thanked the committee for their work during the past year and noted the importance of their and the program’s work in the future. Water quality issues, alone, will require substantial investments. He noted that it will take \$80 billion over 20 years to address NYS’s infrastructure needs. He stressed the importance of developing a strong constituency, activism, education, and proven accomplishments for the river. He urged the group to think about how best to deploy funding, achieve short and long-term successes, and continue to build support through stewardship.

### **Program News and Updates:**

**Gary Wall, USGS:** The USGS is undertaking an educational outreach effort to raise awareness of the importance of stream gages to local communities. More than 300 stream gages operate throughout NYS and are used for environmental monitoring, flood management, water quality and infrastructure planning at reservoirs and dams, and provide information for recreation and navigation. The gages rely on partnerships for funding.

**Patricie Drake, Rockland Task Force on Water Resources Management** reviewed recent task force projects including the proposed desalination plant, and the development of a water conservation strategy for the county, focusing on education and human behavior changes. They have been involved in the Sparkill Creek watershed with Emily Vail.

**Dan Shapley, Riverkeeper**, presented an update on the closing of Indian Point. A final Settlement Agreement was signed January 8, 2017. The signatories include: Governor Cuomo, NYSDEC, NYSDOH, NYSDOS, Office of Attorney General of New York, Dept. Public Service (DPS), Entergy, and Riverkeeper. (See Appendix A for details.)

**Gregg Kenney, HR Fisheries Unit:** Staff have been contributing to the development of the Delaware Basin American Shad Fishery Management Plan. This plan includes the harvest of Hudson River American Shad stock in the Delaware Bay and was approved by ASMFC in February. The plan includes a new benchmark that addresses harvest on the mixed stock (including Hudson River) of shad which is designed to prevent expansion of this fishery, and if exceeded, will not allow the directed harvest of American Shad in the lower bay. DEC continues to monitor the American Shad juvenile index. There is no indication that a recovery of the HR stock is imminent.

**Betsy Blair, Marine Habitat Unit and HRNERR:** HRNERR staff have been involved in determining the role that the Piermont Marsh plays in protecting the Village of Piermont during storms. This collaborative research project includes the Village and a collective of professional marsh managers. The project is one of 8 priority projects for the National Estuarine Research Reserve/Systems (NERRS) Science Collaborative and is the highest priority for the Hudson River NERR. Funding has been provided at \$660,000 for 3 years.

**Gavin Lemley and Scott Ireland, Hudson River Pilot's Assoc.:** Scott Ireland shared a video, illustrating the importance of HRECOS current-meter data in the Albany Pool area, which was funded by the Estuary Program through HRECOS. Scott navigates large ships, (650'), up the Hudson to the Port of Albany. A major challenge is turning these boats around in the river safely and docking at the Port in all kinds of river conditions, including changing currents and tides. The real-time information that can be obtained from the HRECOS station in Albany makes this job much safer.

**Andy Peck, the Nature Conservancy, Partners Restoring the Hudson, Comprehensive Restoration Plan update:** A. Peck updated the group on the Hudson River Habitat Restoration Plan. Technical Ecosystem Characteristics (TECs) are being developed. Discussions are underway regarding how the Estuary Program *Action Agenda* will integrate with the Habitat Restoration Plan. The ecological assessment, done by TNC, is complete and includes more than 200 GIS layers. Community engagement efforts to date include workshops held in 2016. TEC goals and objectives are being finalized. Next steps include: drafting of the Comprehensive Restoration Plan, vetting the Draft Plan and scoping a management framework.

**Chris Bowser, 2017 Citizen Science Volunteer Opportunities:** The Estuary Program offers several opportunities in the spring for citizen science volunteers to get involved. Information is available on the web: <http://www.dec.ny.gov/lands/4920.html> .

Several upcoming events were announced:

*Mohawk Watershed Symposium*, 9<sup>th</sup> annual conference, Union College, 3/17/ 2017

*Marine Debris in our Waterways*, Hudson Valley Regional Council, April 19, 2017, Orange County Community College, Newburgh.

*Hudson River on the Rise; Waterfront Planning for Communities and Nature*, Wallace Center, Hyde Park, NY -- 4/27/2017

HRES Conference, *Changing Energy Landscapes in the Hudson Valley and Watershed*, SUNY New Platz, 5/3/2017

*Joint NYNJ/HEP& Estuary Program Conference*, NYC 5/23/2017.

There was no old business, new business. L. Johnson motioned to adjourn. Seconded, by C. Gruetzner, The meeting adjourned at 12:15 pm.

Respectfully submitted: Nancy Beard, recorder.

**Attendance: 81**

**HREMAC Members:**

Allan Beers	Rockland County Environmental Resources
Frank Bergman	Hudson River Boat and Yacht Club Assoc.
Andy Bicking	Scenic Hudson
Dave Conover	Hudson Sloop Clearwater
Chris DeRoberts	Central Hudson Gas & Electric Corp.
Jerry Faiella	Historic Hudson River Towns
Stuart Findlay	Cary Institute of Ecosystem Studies
Charlie Gruetzner	HVMTA
Dan Shapley	Riverkeeper, Inc. (for Paul Gallay)
Lucy Johnson	Vassar College, Environmental Consortium, HRES
Tom Lake	Naturalist/Educator
Suzette Lopane	Westchester County Water Agency
Kelly Morris	Orange County Planning (for Dave Church)
Steve Noble	City of Kingston Parks and Recreation
Dennis Suszkowski	Committee Chair, Hudson River Foundation
Shino Tanikawa	Lower Hudson Coalition of Conservation Districts
Russell Yess	Trout Unlimited

**Ex-OFFICIOS:**

Tom Baudanza	NYC DEP
Peter Brandt	US EPA

Scott Keller	Hudson River Valley Greenway
Diana Carter	NYS OPRHP
Jamie Ethier	NYS DOS
Regina Keenan	NYS Department of Health
Rob Pirani	NY NJ HEP
Rick Winfield	NYNJ HEP (for Rob Pirani)
Peter Weppler	US ACE
Nicolette Witcher	Hudson River Park Trust
Nordica Holochuck	NY Sea Grant

**Guests:**

Helena Andreko	Hudson River Foundation
Linda Cooper	NYS OPRHP, Taconic Region
Patricie Drake	Rockland County Water Task Force
Jeff Gratz	EPA
Scott Ireland	Hudson River pilot
Ricardo Lopez-Torrijos	CFM
Javier Laureano	US EPA, Region 2 Director for Clean Water
Andy Peck	the Nature Conservancy
Rich Schiafo	Hudson Valley Regional Council
Audrey Vangenechten	NYS Dept. of Health
Gary Wall	USGS

**DEC, Estuary Program staff and SCA interns**

Nancy Beard	Estuary Program, citizen participation
Betsy Blair	HRNERR, Program Manager, goalkeeper
Chris Bowser	Estuary Program, Research Reserve, education
Ann Marie Caprioli	HRNERR, grants administration
Elisa Chae	Estuary Program, source water protection
Scott Cuppett	Estuary Program, watersheds
Kathy Czajkowski	Mohawk River Program
Brian DeGasperis	HRNERR
Fran Dunwell	Estuary Program, Hudson River Coordinator
Jason Fagel	DEC Division of Water
Sarah Fernald	HRNERR
Kacie Giuliano	Estuary Program, habitat restoration
Michele Golden	Estuary Program, GIS Coordinator
Ingrid Haeckel	Estuary Program, biodiversity
Emily Hauser	HRNERR, coastal training
Laura Heady	Estuary Program, biodiversity
Rebecca Houser	Estuary Program, education
Gregg Kenney	DEC, Hudson River Fisheries Unit

Ken Kosinski	DEC, DOW
Gavin Lemley	Estuary Program, HRECOS
Megan Lung	Estuary Program, SCA intern
Sherri Mackey	Estuary Program, administration
Jeff Mapes	DEC, Lands and Forests
Kristin Marcell	Estuary Program, climate change
Susan Maresca	DEC, Region 2, permits
Andrew Meyer	Estuary Program, scenery, watersheds
Dan Miller	Estuary Program, habitat restoration
Jeff Myers	DEC, DOW, goalkeeper
Chuck Nieder	DEC, Fish and Wildlife, energy generation permitting
Susan Pepe	Estuary Program, grants coordinator
Allison Philpott	Estuary Program, SCA intern
Beth Roessler	Estuary Program, Trees for Tribes
Maude Salinger	Estuary Program, communications
Marnie Sciamanda	Estuary Program, SCA intern
Steve Stanne	Estuary Program, education
Karen Strong	Estuary Program, biodiversity
Jim Tierney	DEC, Deputy Commissioner for Water Resources
Kelly Turturro	DEC, Region 3 Director
Emily Vail	Estuary Program, watersheds
Gabrielle Weiss	Estuary Program, climate change
Shaye Weldon	Estuary Program, SCA intern
Libby Zemaitis	Estuary Program, climate change

## Appendix A:

The Indian Point settlement agreement requires:

- Indian Point Unit 2 to permanently cease operations by April 30, 2020.
- Indian Point Unit 3 permanently cease operations by April 30, 2021.
- Only NYS can extend operations and ONLY if an emergency exists (e.g., by reason of war, terrorism, sudden increase in demand, sudden shortage of electricity). Any extension cannot go beyond April 30, 2024.
- NYS will issue all permits necessary for Indian Point to operate up to closure dates (SPDES, 401 WQC, Coastal Consistency Certification, etc.)
- The Settlement includes the establishment of a \$15 million environmental benefit fund, “Community Fund” to support the community, and to provide environmental protection and other public benefits to the community. Fund not yet created. NY State and Entergy will be the controlling parties.
- Priority to environmental projects supported under this Fund will be given to projects for:
  - dam or culvert removal
  - purchase of sensitive wetlands areas along the Hudson River
  - continuation of scientific studies designed to advance the protection of riverine species
  - prevention of the introduction of invasive species into the Hudson River watershed
  - other projects determined by NYS and Entergy that are consistent with the purposes for which the Fund has been established
- DRAFT SPDES permit, Supplemental FEIS, and 401 Water Quality Certification released for public comment on February 1, 2017. Comment period closes on March 20, 2017.
- The SPDES Permit and 401 WQC require the permanent cessation of operations in accordance with the Settlement Agreement.
- Additional fish protective requirements off the SPDES permit include:
  - continued operation of Ristroph Traveling Screens and fish Return System
  - minimizing cooling water use
  - refueling outages to occur between February 23 and August 23
- SPDES permit requires the continuation of the Hudson River Monitoring Program at 2015 levels and a commitment to work with DEC to develop a reduced monitoring effort. This obligation should not draw upon the Community Fund.