

Draft Minutes

Hudson River Estuary Advisory Committee Meeting

Minutes: June 1, 2023

Meeting held in person at Norrie Point Environmental Center and online via WebEx
Approximately 80 people attended the meeting, including 23 HREMAC members and Ex-Officios.

Welcome

The meeting began at 9:05 a.m. Stuart Findley asked for a motion to approve the minutes from April 20, 2023. Lucy Johnson made a motion to approve the minutes. The motion was seconded by Steve Stanne. The minutes were unanimously approved without revision.

1. Announcements and Updates

[Best Practices For Adopting Conservation Inventories and Plans](#)

Laura Heady, Conservation and Land Use Team Leader

Laura Heady shared the new publication, *Best Practices for Adopting Conservation Inventories and Plans*, a collaboration between the Conservation and Land Use Team at the Hudson River Estuary Program and Pace Land Use Law Center. Laura explained that the team works with municipalities to help them identify and learn about the natural resources within their boundaries: wetlands, streams, forests, plants, and wildlife, through Natural Resources Inventories (NRI), and other conservation inventories and plans. NRIs are used by municipalities as the first step in setting conservation priorities. There are now 37 communities or counties with NRIs and about 40% are using them. The publication provides legal guidance to municipalities about how to approve, adopt, and implement conservation plans, including NRIs, Open Space Inventories and Plans, and Critical Environmental Areas.

ASMFC Emergency Action on Striped Bass

Gregg Kenney, R3 Fisheries Biologist

Gregg Kenney explained that at the recent Atlantic State Marine Fisheries Commission (ASFMC) meeting in May, ASFMC approved an emergency action to implement a 28 inch to 31- inch size limit on all striped bass recreational fisheries from Maine to Florida, in response to a near doubling of the recreational harvest in 2022 over the previous (2021) year. Emergency actions are extremely unusual. Typically, there is a long public comment period, but this action takes effect immediately. There is a really strong year-class coming through, but behind them the classes are not very strong. The odds of successfully rebuilding the stock declined from 97% to 15% after the new harvest information. There is no change in the Hudson River because there already is a smaller slot limit of 18 inches to 28 inches, which are largely male fish. All ocean recreational fisheries now can only keep striped bass between 28 and 31-inches in size.

Stuart Findlay asked if the doubling in harvest could be attributed to more people fishing after the pandemic. Gregg Kenney replied that it is more likely that there is a biological cause, rather than due to human behavior.

ASMFC Awards

Gregg Kenney

Environmental Police (ECOs) from DEC Region 3 (Mid-Hudson region) received an award of excellence for their work in enforcing striped bass fishing regulations. In 2023, there were 14 dedicated patrols before the season opened. Officers issued 430 tickets for violations. They are doing a great job enforcing fishing rules, which is another important way to reduce mortality. Carol Hoffman, our long-time technical committee representative from New York, also received an award for her work.

HREMAC – Refreshing Procedures

Chairman Stuart Findlay

Stuart Findlay explained that HREMAC was created by the NYS legislature, but there is very little guidance about how HREMAC is expected to operate, for example the channels of communication from the group to DEC, and how DEC responds to HREMAC. HREMAC sends DEC an annual report and record minutes. The committee needs a Vice Chair who can stand in from time to time, a secretary who can keep track of correspondence, activities, and help with the minutes, although that's undetermined as of this time. Stuart said it's helpful to have more structure such as creating letterhead that lists members and keeping a list of active issues. HREMAC procedures are not written down. HREMAC generally doesn't vote on specific matters. However, there is a history of consistency as to how HREMAC does things. If someone wants to raise an issue (for example about canals and invasives) the member drafts a letter and then sends it around for revisions and amendments. If there are no strong objections, HREMAC sends it to DEC. We don't necessarily vote on it, but we try to include everyone's opinion. This is how we've been doing things, but it's not written down anywhere. There are undoubtedly other things like this, and we know what some of them are, but if members have suggestions, let us know. We are going to try to put together guidance and procedures.

Another thing we've talked about is that we need more input from members. What do you want to hear or talk about? It might be something your organization is working on and you think this group should know about it. Or, you want to know more about a particular topic and you want the experts to speak to it for the benefit of the group, for example how wastewater infrastructure gets funded. We need a clearer idea about what members need. We're phrasing this as a "system refreshing of how we do business." The system's not broken, and we don't need wholesale changes, but we need to gather a history of how we've done things and develop guidance on how we are going to do things in the future. We plan to bring something back to HREMAC by the November 2nd meeting. Please let us know your comments and thoughts.

Heather Gierloff explained that her role as Hudson River Programs Supervisor and Estuary Coordinator is to communicate between HREMAC and DEC, and between DEC and HREMAC. We want to hear what you want to learn about and what you need. I can bring those conversations to state and federal agencies and our partners. My role is to be able to take what you need and bring it to our agency and state partners and take advantage of all the other mechanisms we have at our disposal, which could be the Action Agenda or grant opportunities or partnering with other funding opportunities. The steps that Stuart is suggesting would help me be clear about the voice of the committee. I want to be able to go to my executives and say, "This is what I'm hearing from HREMAC, or this is what they really care about or are interested in, or this is what's lacking." I'm hoping we can work towards this as we go forward in the next two years.

Stuart said he and Heather will put together a rough outline of the guidance. He asked members to let them know if they wanted to include anything, or had comments on what the guidance should look like.

Steve Stanne asked if there would still be staff support for HREMAC. Heather responded that there would be administrative support, but not a staff member dedicated to HREMAC.

Dan Shapley asked for clarification about the new Hudson River Programs organizational structure and how it relates to HREMAC's role. Heather responded that her role is to supervise and manage anything that moves across all four teams (Marine Fisheries, Marine Habitat (regulatory), Research Reserve, Estuary Program), which includes the Hudson River Estuary Action Agenda, contracts, and budget. HREMAC has an important role representing an incredible suite of partners to advise DEC.

Clean Water, Clean Air, and Green Jobs Bond Act Update

Jim Tierney, Deputy Commissioner for Water Resources

Jim Tierney gave an outline of the \$4.2 billion Environmental Bond Act and then provided some details about the programs the bond act would fund. He acknowledged and thanked HREMAC partners for their advocacy in supporting and moving forward the bond act: 67% of voters approved the bond. He also emphasized that there was bipartisan support for this funding and for its purpose to protect water quality, help communities adapt to climate change, improve resiliency, and create green jobs. Bond Act Funding will support new and expanded projects across the State to safeguard drinking water sources, reduce pollution, and protect communities and natural resources from climate change.

In broad outline, there is up to \$1.5 billion to reduce air pollution and fight climate change; at least \$1.1 billion for flood risk reduction, including shoreline resiliency and restoration of habitats; at least \$650 million to protect drinking water sources and improve water quality; up to \$650 million to protect open space and improve access to nature; and \$300 million to be used across all categories. At least 35% of the funds are

targeted to benefit disadvantaged communities significantly impacted by environmental changes.

In addition, NYS funds projects through the Environmental Facilities Corporation (EFC) which is providing \$425 million in grants this year for water quality improvement projects, engineering planning grants, and drinking water protection. The Bipartisan Infrastructure Law, or BIL, will infuse \$55 billion to the EFC's State Revolving Fund financing programs with additional funding annually for five years, starting in 2022. This will allow the Clean Water and Drinking Water State Revolving Fund programs to support more water quality and infrastructure improvement projects throughout NYS. Wastewater and Drinking Water Infrastructure Funding programs include Water Infrastructure Improvement (WIIA) and Intermunicipal Grant (IMG) Programs; and the Green Innovation Grant Program (GIGP) and Engineering Planning Grants (EPG).

The \$400 million NYS Environmental Protection Fund supports Water Protection Grants, Environmental Cleanup Grants, Wildlife Protection Grants, Land and Forest Protection Grants, Environmental Justice Grants, Climate Change Grants and Clean Energy Grants. (The EPF also funds the Hudson River Estuary Program and Great Lakes Grants, which directly support implementation of New York's Great Lakes Action Agenda across multiple categories, including water protection, lands and forests, habitat, and climate change.)

Other federal funding sources (U.S. EPA, U.S. DOT, U.S. DOE, FEMA, Army Corps of Engineers, and others) will complement or be leveraged to enhance Bond Act funds to further achieve beneficial environmental impacts across New York and include funding for climate change, environmental justice, and other natural resource protection projects. The Inflation Reduction Act is funding clean energy projects to reduce greenhouse gas emissions and includes \$50 billion for resiliency (flood-risk reduction, habitat restoration, and more).

Jim Tierney also emphasized the ongoing Environmental Bond Act listening tour, virtually and in-person, which provides opportunities for individuals and communities to contribute ideas, engage, and comment on projects that could be supported through this fund.

Chat question: What about innovation in wastewater treatment? Does the Bond Act fund planning? Jim Tierney responded that the funding goes to project implementation, not for planning, and has to be for a capital project designed to last 10 years or longer, because the asset has to be there in order to protect Bond buyers.

Carla Castillo said that there is a challenge around the 50% match requirement. Smaller communities can't come to the table as these are daunting amounts for them. Is there any thought about reducing match requirement?

Jim Tierney responded that the Water Quality Improvement Project (WQIP) grants increased to 75% (so 25% match). Engineering Planning grants have been increased to

80% (20% match). A zero-interest loan can fund up to 25% of the match. Under discretionary funding there is some money for hardship communities. He provided the example of Mt. Vernon where the storm and wastewater infrastructure collapsed. DEC gave the city \$150 million to fix the system.

Dan Shapely asked about funding for dam removal. Jim Tierney responded that it is possible to use Bond Act money for removal if there are Resilient NY studies that say we need to remove a particular dam. He acknowledged that this was a complicated issue and noted that Scott Cuppett is leading an interdivisional team about dam removal.

Links:

Environmental Bond Act: <https://www.dec.ny.gov/about/127431.html>

New York State and Federal Funding Sources Overview:
https://www.dec.ny.gov/docs/administration_pdf/bondactinfodoc.pdf

Bipartisan Infrastructure Bill- EFC: <https://efc.ny.gov/BIL>

Resilient New York: <https://www.dec.ny.gov/lands/121102.html>

Environmental Facilities Corporation: <https://efc.ny.gov/>

NYS Environmental Protection Fund: <https://www.dec.ny.gov/about/92815.html>

HREMAC Member Updates

Corey Allen, Newburgh Habitat for Humanity wants to make sure that local residents know when funding is available and emphasized that jobs are very important.

Andy Bicking, Scenic Hudson expressed appreciation for all of the federal funding and noted that Congressman Paul Tonko had reintroduced the NY/NJ Watershed Protection Act. He also mentioned Senator Michelle Hinchey's recently signed Agricultural and Farmland Viability Protection Fund legislation that requires NYSERDA to aid local planning and conservation, and helps protect farmland from development.

Jim Bonesteel, Rensselaer Plateau Alliance said that they are conserving 1,700 – 2,400 acres of forest land this year, for a total of 16,000 acres conserved. They are hoping to leverage federal funds for this, and also hope to add staff with some of this funding. He also said the Rensselaer Plateau Alliance is merging with the Rensselaer Land Trust.

Carla Castillo, Hudson Valley Regional Council, HVRC is sponsoring the Westchester County Climate Action Planning Institute (CAPI), a collaborative working group of local governments developing individual government operations greenhouse gas emissions inventories ("GOGHGI") and government operations climate action plans ("GOCAP"), and in partnership with Local Governments for Sustainability is leading the Dutchess CAPI. <https://hudsonvalleyregionalcouncil.org/capi/>

Scott Croft, Hudson, River Boat and Yacht Club Association, expressed gratitude to Jim Tierney, especially regarding DEC's help in Mt Vernon. He also thanked DEC for its striper enforcement actions, and said there is a need to educate members who use boat slips for only 2 months/year.

Todd Earling, HV Agri-business Development Corps, spoke about the next rollout of the Consolidated Funding Application (CFA) process.

Stuart Findlay, Cary Institute of Ecosystem Studies, talked about the HABs in the Walkill, and that Cary is working with Riverkeeper and Scenic Hudson on invasive species and they are advocating and getting the word out.

Lucy Johnon, Vassar and Hudson River Environmental Society, talked about Vassar's Lifelong Learning Institute where elder citizens take 4, 6, and 8-week courses. She said they are a very interested audience and would love any ideas for additional talks.

Suzette Lopane, Westchester County Water Agency, talked about dam removal in Westchester, and that they were on a 5-year timeline for a dam removal project which included doing surveys, gathering data, and seeking easements. The county is not looking at projects where residents would be disturbed by loss of property.

John Mylod, said he has been on HREMAC since the beginning representing commercial fisherman (blue crab, herring, and shad), and that after 40 years, it's probably time to leave.

Peter Park, Biology Professor, SUNY Farmingdale, talked about the interdisciplinary study funded by NEIWPC researching macroalgae that can be commercially harvested. The study is surveying macroalgae sites in Queens and Brooklyn Bridge Park, and is researching the macroalgae relationship to nutrients.

Dan Shapley, Riverkeeper, talked about NYS water quality standards up to Bear Mt Bridge requiring more disinfection. Although the higher standards are good, no reduction for storm water/sewer overflows in NYC and Westchester is required. He also talked about the anchorage issue.

Ed Skorupski, recreational angler, discussed recreational anglers concerns about invasives species, and that they are trying to educate people about round goby.

Richard Slingerland, Historic Hudson River Towns, said that HHRT is working with Sea Grant to establish travel stories for a number of Hudson River towns, including audio walking and driving tours.

Steve Stanne, Hudson River Sloop Clearwater, said that the demand for sailing programs is back to pre-pandemic levels. Clearwater is having problems finding deep-water docks. There is one in Marlboro, none in Newburgh, the Poughkeepsie dock needs repair, and Peekskill is working on one. Clearwater is building support for federal infrastructure funding to repair and establish deep water docks in urban areas.

Emily Svenson, Hudson 7, expressed concern about the CHPPE project and that the group advocated for pilot testing to see if it would affect the drinking water supply. She also mentioned the ongoing salt front study, and noted that watershed groups don't have the capacity to get funding, expressing support for more capacity building.

Shino Tanikawa, Lower Hudson Coalition of Conservation Districts, is on the DEIJ Committee with the Harbor & Estuary, program. The LHCCD recently brought back the NYC Envirothon at Pier 84, in-person for the first time, but the program is understaffed and underfunded, so they are looking at applying for an Estuary Education Grant.

Ex-Offcios:

Audrey Van Genechten, NYS Dept. of Health, said that DOH has released new advice for the Catskill Region on mercury, not due to increases in mercury, but to be more protective and more flexible. www.health.ny.gov/fish/cat DOH is looking for feedback on the new statewide advisories in order to make advice work as best as it can.

https://www.health.ny.gov/environmental/outdoors/fish/health_advisories/whats_new.htm

Jessica Kuonen, Sea Grant: Sea Grant is co-facilitating the Hudson Valley Flood Resilience Network in partnership with the Hudson River Watershed Alliance and Consensus Building Institute, and is formalizing their structure, and working on strategic roadmap to be released in the fall.

Rob Pirani, NY/NJ Harbor & Estuary Program, talked about working collaboratively with the HR Estuary Program on a combined dual State of the Estuary Report. They are identifying indicators of estuary health. He also thanked Pratt Institute for their work on a database of access opportunities downriver and in the City.

Linda Cooper, OPRHP Taconic Region, talked about their partnership with DEC on Dockside Park in Cold Spring, and said that most of the new plantings did well over the winter. She mentioned the new Norrie Point parking area and that Parks will be constructing new boat storage. They also are using FEMA funding to see how the state-owned Dinsmore Golf Course can be used to store stormwater. Other projects include the multiyear Fjord trail, the riverwalk to connect Sleepy Hollow to Tarrytown, the Hudson Eagles Recreation Area, and others.

Grant Opportunity Learning Session

Heather Gierloff

Currently, there are four Estuary Program Grant Opportunities available. These listening sessions are set-up to make sure that we are hitting the mark, that we have the right number of grant opportunities. If there are stumbling blocks we want to learn what they are. Heather can work with DEC executive staff to find ways to make these grant opportunities better for our partners. Heather mentioned that the Tributary Restoration and Resiliency grants can help prepare municipalities and partners for the Environmental Bond Act. The Local Stewardship Planning grants are important because

planning is not funded by the Bond Act. The Hudson River Education grants is a way to fund education and outreach. River Access grants help make the Hudson River accessible to all abilities. How can we make future grant opportunities help you? There is an online survey available and right now we have flip charts for informal conversations. I'm hoping you will respond to these questions within two weeks so we have time to process it and start thinking about how we might change these funding opportunities.

Old Business/New Business

Old Business:

John Mylod asked about funding for invasive species (round goby) and asked that DEC move the barrier project faster.

Heather Gierloff responded that DEC and Canal Corps are in discussion about producing communication products together to facilitate letting HREMAC know what is being done. She also mentioned that Riverkeeper and the Nature Conservancy sent a letter to DEC asking for progress and transparency.

Ed Skorupski said that according to Meg Modley (Lake Champlain Basin Program Aquatic Invasive Species Management Coordinator), they were entering Phase II of the canal barrier study and were going to select the two best options to stop round goby from entering the Champlain Canal. He stated that it is frustrating not knowing about the progress of this.

New Business:

Heather Gierloff was asked about the future of the Climate-adaptive Design (CaD) project. She responded that 2 climate staff had moved on to great programs, so CaD Phase I was on hold. Also, she was looking at other ways to move CaD I (design) to Phase II (implementation). There may be other ways to fund engineering design and implementation and have CaD 1 & 2 as a qualifier for a project.

Chuck Neider said that DEC is currently working on the NYS Freshwater Wetlands regulations through Article 24, which protects wetlands smaller than 12.4 acres, which will capture more wetlands. The draft regulations will go out later this year. Everything is in place, including developing highly detailed maps. Beginning in 2028, more acres of wetlands will be protected.

Heather reminded everyone about the options for commenting on the grant opportunities, both virtually or in-person using the flip charts set-up in the Captains Room.

The meeting was adjourned at 11:40.

Meeting Recording:

<https://meetny.webex.com/meetny/ldr.php?RCID=eaf6c56c11271ef7e76de0235e6ba1c2>

HREMAC Members in Attendance:

Corey Allen	Habitat for Humanity of Greater Newburgh
Andy Bicking	Scenic Hudson
Jim Bonesteel	Rensselaer Plateau Alliance
Carla Castillo	Hudson Valley Regional Council
Scott Croft	Hudson River Boat Yacht Club Association
Todd Erling	Hudson Valley Agri-business Development Corp.
Stuart Findlay	Cary Institute of Ecosystem Studies, HREMAC Chairperson
Lucy Johnson	Vassar College Lifetime Learning, HV Consortium, HRES
Suzette Lopane	Westchester County Water Agency
John Mylod	Commercial Fisherman
Peter Park	SUNY Farmingdale
Dan Shapley	Riverkeeper, Inc.
Ed Skorupski	Recreational angler, environmental writer
Richard Slingerland	Historic Hudson River Towns
Steve Stanne	Hudson River Sloop Clearwater
Emily Svenson	Hudson 7
Shino Tanikawa	Lower Hudson Coalition of Conservation Districts

Ex-OFFICIOS:

Linda Cooper	NYS OPRHP, Taconic Region
Rob Pirani	NY/NJ HEP
Carrie Roble	Hudson River Park Trust
Audrey Van Genechten	NYS Dept. of Health