

## Minutes

Hudson River Estuary Advisory Committee Meeting

Minutes: April 20, 2023

Meeting held online via WebEx

Approximately 93 people attended the meeting, including 17 HREMAC members and Ex-Officios.

### **Welcome: Stuart Findlay, Heather Gierloff**

The meeting began at 9:05 a.m. Heather Gierloff introduced herself as the Hudson River Programs Supervisor and Estuary Coordinator, a newly established title. This reorganization allows a full watershed and integrated approach to all the issues affecting the Hudson River.

Chairman Stuart Findlay joined the meeting and asked for a motion to approve the minutes. Dan Shapley made a motion to approve the minutes. The motion was seconded by Carla Castillo. Stuart asked that nays be indicated in the chat. There were no nays, and the minutes were unanimously approved. Stuart introduced DEC Region 3 Director Kelly Turturro who joined the meeting from a phone.

Kelly Turturro formally announced and officially welcomed Heather Gierloff as the new Hudson River Programs Supervisor and Estuary Coordinator. Heather will coordinate and supervise the management of four programs: Marine Habitat, Hudson River Fisheries, the Hudson River National Estuarine Research Reserve, and the Hudson River Estuary Program. Kelly congratulated Heather and said DEC is really excited to have Heather step into this role. Kelly is looking forward to meeting with everyone in-person at the June 1 meeting at Norrie Point in Staatsburg. Kelly said that the next step was to hire a Hudson River Estuary Program manager who will manage the day-to-day operations of the Hudson River Estuary Program, and that DEC is working through that process now.

Heather Gierloff explained she will manage four programs: Marine Habitat (regulatory), Marine Fisheries (the Hudson River Fisheries Unit managed by Gregg Kenny), the Hudson River National Estuarine Research Reserve (HRNERR), and the Estuary Program. Heather's role is to oversee and supervise the management of these programs, as well as working with DEC executives, State Agency partners and closely with HREMAC. She looks forward to working with HREMAC and with committee members about they want to move forward, how we can communicate effectively, and really reflect the knowledge and insight of HREMAC members, for example how the current Action Agenda is working and how we can make improvements in the future. The June meeting is a great opportunity to meet in-person. Norrie Point has a new parking lot, a new entrance, and new exhibits.

Heather briefly presented the *2022 Hudson River Estuary Coordinator's Report* which was sent as an attachment to members prior to the meeting. She said that it is a great summary of the year's work and what progress we've made. A lot of the success stories were previously published in *Hudson RiverNet*, and asked members to feel free to let her know what they think. The report will soon be shared with the legislature.

Dan Shapley said the Coordinator's Report is a good forum to highlight the biological monitoring program and data now that it's resuming.

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

Jim Tierney is planning to attend the June 1<sup>st</sup> meeting and is slated on the agenda to give more insight into the Environmental Bond Act. DEC crafted listening sessions into the Act and when dates and details of the listening sessions are finalized, these will be shared with HREMAC.

Champlain Hudson Power Express (CHPE) & Champlain-Hudson Environmental Trust (CHET):

Jonathon Kramer, Hudson River Foundation

Jonathon Kramer presented a high-level overview of CHPE, acknowledging that many members had been involved with the project since 2012. All major permits for the project have been received, and although there are both strong proponents and opponents, there has been widespread support (environmental, union, business, host communities). The U.S. portion of the transmission system travels underground/underwater ~339 miles (545 km) from the Canadian border to Astoria, Queens.

Jonathon then focused on the Champlain-Hudson Environmental Trust, \$117 million over 35 years, to provide assistance to projects that improve and enhance the aquatic environments in Lake Champlain, the Hudson River, the Bronx, Harlem and East Rivers, and New York Harbor. He explained the Environmental Trust Governance Committee (ETGC), the funding timeline, the Trust "Mission", and the Hudson River and NYC projects to develop into case statements. The CHPE and CHET powerpoint is attached with these minutes.

Discussion:

A discussion followed about a second cable, Clean Path, a portion of which also would be in the river on its proposed route, concern about lack of coordination between the two projects, and whether CHET funding could be applied to understanding the benthic impacts of the cable in the marine environment. The CHET is a long-term trust (35 years) and there is funding available for this, and we need to think clearly about what we need to know over the life span of the project.

Heather Gierloff stated that the developer is required by the CHPE certificate to assess the sediment and monitor benthic impacts. Heather and representatives of many state agencies have been involved in refining the protocols of this monitoring. The initial assessment will ensure we have information to help guide future studies. The developer has already done some of the pre-monitoring of sturgeon movement required before the construction was begun so that they can be reflective of the conditions in the Hudson.

Dan Shapley asked how the data will be shared and how to access it as well as data on the sediment cores begin taken, and if there are PCBs where those hot spots are in the lower river.

Heather stated the data is required to be filed with **DPS** and would be publicly available after review, although it can be hard to find. She will help make sure everyone on the Governance Committee knows about the data and how to access the data, including hyperlinks to it. Heather also will work with Jon Kramer and the Governance Committee to make sure TDI presents to the committee.

**Discussion recording timestamp 33 minutes – 42 minutes**

New York-New Jersey Harbor and Tributaries Coastal Storm Risk Management Study (HATS)

Bryce Wisemiller, USACE NY District

Bryce Wisemiller presented an overview of the HATS study area, coastal storm risks & damages, the study scope, and the study schedule. The comment closing date for the Tier 1 EIS was March 31,

2023, but comments are always welcome, Bryce Wisemiller emphasized. The detailed powerpoint presentation is attached with the minutes.

- Study Area covers 2,150+ square miles and 900+ miles of affected shoreline in 25 counties in New York & New Jersey, with an affected population of roughly 16 million people, including New York City and the six most populated cities in New Jersey. There is significant life/Safety risk and over 275,000 structures in the potential impact area.
- Study Cost: \$19.4M, cost-shared 50/50 with NYSDEC and NJDEP thru July 2022, and 100% federal thereafter. The study also received \$6,724,000 of Disaster Relief Supplemental Appropriation. Act funds.
- See [WWW.NAN.USACE.ARMY.MIL/NYNJHATS](http://WWW.NAN.USACE.ARMY.MIL/NYNJHATS) for Draft Report and appendices. Agency Decision milestone is scheduled for July 2023, and the Final Chief of Engineers Report is currently approved to be completed in June 2024, but likely to be extended due to extended public review of Draft Report.

Bryce Wisemiller then presented the alternative plans, and the pros and cons of each. He then focused on Alternative 3B, the Tentatively Selected Plan (TSP), which benefits 63% of the study area at direct risk. He outlined the risk-reduction and induced-flooding mitigation features behind and outside the storm surge gates. Bryce presented the TSP features in detail for the Kill Van Kull and Arthur Kill storm surge barriers, the Jamaica Bay storm surge barrier, Sheepshead Bay storm surge barrier, and the tie-ins to shoreline-based measures. He then described the shoreline-based measures for South Brooklyn, lower Manhattan, for the Jersey City area, Liberty State Park, East Harlem, and the Bronx. These include floodwalls, levees, flip-up barriers, pedestrian and vehicle gates, elevated promenades, and seawalls. The Newtown Creek area, the Red Hook and Gowanus Creek area, and the Flushing Bay area TSP include storm surge barriers with shoreline-based tie-ins.

The New York-New Jersey Harbor and Tributaries Study website is here:

<https://www.nan.usace.army.mil/nynjhats/>

The website includes links to the Draft Integrated Feasibility Report and Tier 1 Environmental Impact Statement and technical appendices, which includes the technical details of today's presentation. The website also includes a link to a StoryMap Hub, which contains various interactive maps and tools that allow you to examine the many features, measures, and alternatives examined by the study

team. The StoryMap Hub can be accessed at <https://hats-cenan.hub.arcgis.com/>

Related links from the Chat:

HATS models: NYBEM:

[https://www.nan.usace.army.mil/Portals/37/Appendix%20A11\\_Tier%201%20New%20York%20Bight%20Ecological%20Model\\_HATS\\_.pdf](https://www.nan.usace.army.mil/Portals/37/Appendix%20A11_Tier%201%20New%20York%20Bight%20Ecological%20Model_HATS_.pdf)

Storm Surge Modeling:

[https://www.nan.usace.army.mil/Portals/37/Appendix%20B6\\_ADCIRC%20Modeling%20Report\\_HAT\\_S.pdf](https://www.nan.usace.army.mil/Portals/37/Appendix%20B6_ADCIRC%20Modeling%20Report_HAT_S.pdf)

AdH model (non-storm conditions, barriers open):

[https://www.nan.usace.army.mil/Portals/37/Appendix%20B7\\_AdH%20Modeling\\_HATS.pdf](https://www.nan.usace.army.mil/Portals/37/Appendix%20B7_AdH%20Modeling_HATS.pdf)

**A discussion and answer period followed which can be found in the recording from timestamp 1:15 – 1:39.**

Striped Bass Regulations/Round Goby- Gregg Kenney

Striped bass regulations: There are signs of striped bass spawning stock recovery in the Hudson as well as indications that coastwide stock is on the decline. There are currently no regulation changes in the Hudson, but fisheries biologists are remaining vigilant and paying attention to the population.

Round Goby: Round Goby is an invasive species from the Black and Caspian Seas. It's a benthic fish and voracious predator especially of fish eggs. USGS documented the movement of round goby through the Erie Canal to the Mohawk to the Hudson, spreading to Poughkeepsie in the first year, and this year some spread to Newburgh. Research is underway to study their spatial distribution, as well as salinity trials as this is the first time they've come into a coastal environment, eDNA studies, and with the Bureau of Ecosystem Health, studying if they have VHS and to see what contaminants they may carry.

Questions and discussion followed about the potential movement of round goby from the Hudson through the Champlain Canal, with members expressing strong frustration about the pace of measures to prevent this. Stuart Findlay reminded members that they sent a letter late last year to the Commissioner asking for more speed on action to manage invasive species movement, and there has been no response. Riverkeeper has been circulating a fact sheet (see below). Peter Weppler discussed ACE research about a lift and a barrier and various impacts on the flows, historic use of the canal by boaters, and ecotourism.

Heather Gierloff stated that she and other team members including representatives from the Hudson River Aquatic Invasive Task Force are working with Assistant Commissioner Katie Petronis to move forward this working relationship with Canal Corp. We proposed a couple of communication documents that would help committee members understand in a wholistic way what the Canal Corp is currently doing, what our concerns are from a boating standpoint, an invasive species standpoint. She is hoping this will move forward better communication from the Department (DEC) how the state agencies are working with user groups. Heather said she would support getting the Canal Corporation here to discuss this. She will be working with Katie Petronis and the Canal Corporation in the very near future. Heather has had a number with many of the DEC Divisions involved. It's a complicated process and hopes to be a conduit to at least communicate message back and forth.

<https://drive.google.com/file/d/1squYvNBjTjhob9K6cYAd2efr5RoIMjQn/view?usp=sharing>

Blog post with link to an action alert on the topic, asking Governor Hochul to prioritize the issue:

<https://www.riverkeeper.org/blogs/ecology/protecting-the-hudson-from-a-threat-worse-than-pollution/>

**The canal and invasive species discussion begins at timestamp 1:42:54 and continues through 1:59:20.**

Salt Front study: Heather Gierloff

DEC is finalizing a scope of work with USGS to assess the salt front movement in the Hudson River support a study of the potential movement itself, front on the Hudson River. The study would take about three years. USGS has a lot of experience doing this work so they are really well-suited to do the study. Because the scope of work is not finalized and the contract is not signed, Heather cannot get into too much detail, but staff from the Research Reserve, the Estuary Program, and representatives from the fisheries unit, marine, and ecosystem health have all weighed in on the study to make it comprehensive on habitat and fish movement. This would be a great basis of information to launch more analysis, for example for Hudson 7 to do more analysis on water withdrawals. Once they are closer to finalizing the scope Heather and Kelly Turturro will reach out to Hudson 7 in the near future to run some scenarios related to water withdrawals. Part of the funding for this study is the Hudson River Estuary Program EPF line.

#### Update on Hudson River Biological Monitoring Program- Jim Lodge

Jim Lodge presented an overview of the Hudson River Biological Monitoring Program (HRBMP), including the history of the program, an overview of the Primary Utilities Fisheries Monitoring Surveys, and dates the surveys ended. Entergy (Indian Point owner/operator) provided these datasets and archived samples to SUNY Stony Brook in 2020.

DEC and the Hudson River Foundation convened an independent group of 10 scientific experts; the HRBMP Workgroup, to consider current monitoring programs and develop recommendations for changes to the utilities monitoring programs that would strengthen their integration with ongoing and expected DEC fish monitoring programs and improve their efficiency and cost-effectiveness.

The Indian Point Community Fund was established in 2022. \$6.5M allocated to HRF/DEC to restore key portions of the HRBMP and develop a new, more comprehensive, Hudson River Ecosystem Monitoring Program – The “Next Generation” HRBMP. In 2023, HRF and DEC engaged a four member “Expert Panel” to support implementation of the project and provide expert guidance and leadership of workshops, data synthesis and analysis and other research activities needed to design and implement the “Next Generation” Hudson River Ecosystem Based Fisheries Monitoring Program. More information and a description of the current progress of the project is included in the attached powerpoint presentation.

#### Climate Justice: Working Together for An Equitable Future: Libby Zemaitis

Libby Zemaitis presented the new Climate Smart Communities video featuring climate and environmental justice issues in Yonkers, New York. Oded Holzinger spoke about Groundwork Hudson Valley’s work featured in the video, and Corey Allen spoke about environmental justice work in Newburgh.

<https://www.youtube.com/watch?v=y0uUoVPemS4>

Community Engagement Primer:

<https://climatesmart.ny.gov/fileadmin/csc/documents/InclusiveEngagement-Primer-CSC-Cert-2022-09-01.pdf>

Disadvantaged Communities Criteria for Climate Act:

<https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria>

Stuart Findlay asked members if they had any new business to bring up.

Rob Pirani announced some recent grants RFPs from NY/NJ Harbor & Estuary Program/HRF to advance climate resiliency, restoration and public access. Details are here:

<https://www.hudsonriver.org/grants#hep-grants>

Heather Gierloff talked about the next HREMAC meeting June 1 at Norrie Point, which will be both in-person and virtual. Jim Tierney will be attending the meeting, and she would like to hear from HREMAC members about suggestions for the future, what members want to learn, and how Heather in her role can be a bridge between state agencies and the advisory committee. She asked committee members to reach out to her with any questions or concerns and she is hoping to get on the road meet everyone where they are in the future, which will take time. Heather is managing four programs and there are three vacancies for managers right now.

Chat [not sure where these belong]:

From Dan Shapley to everyone:

<https://www.dec.ny.gov/regulations/127310.html>

The above link refers to open public comment period for newly proposed criteria for recreational water quality in NYC and Lower Hudson (and Long Island Sound & Atlantic Ocean). There will be a second rulemaking in a year or so that could also reclassify waters, including the Hudson, as "swimmable." Right now, the Hudson adjacent to Manhattan and many other NYC waters are not classified for swimming, so they are not currently required to meet "swimmable" water quality criteria.

<https://minerva.union.edu/garverj/mws/2023/symposium.html>

Peter Wepler to everyone: WRDA 22 - SEC. 8302. WATERSHED AND RIVER BASIN ASSESSMENTS. (11)

New York-New Jersey Watershed Basin, which encompasses all the watersheds that flow into the New York- New Jersey Harbor and their associated estuaries, including the Hudson, Mohawk, Raritan, Passaic, Hackensack, and Bronx River Watersheds and the Hudson River Estuary; a new study authorization that was listed in WRDA 22. Would need local sponsor(s) to advance

Dan Shapley to everyone:

Salinization of freshwater drinking water supplies, from road salt not sea-level rise, is already a growing problem. This blog post explains some of the impacts in part of the Mohawk watershed:

<https://mohawk.substack.com/p/salinization-in-the-mohawk-watershed>

A lot of water supplies already exceed sodium levels at the threshold DOH sets for "very low sodium diets." Chloride levels are changing water chemistry, also, leading to risks of lead leaching from pipes and other contaminant mobilization. (Flint, Mich., had its crisis after switching its source to a more corrosive source.)

The meeting adjourned at 11:48.

A link to the recording of the meeting is available here: [HREMAC 04/20/23-20230420 1303-1](#)

HREMAC Members:

Corey Allen	Habitat for Humanity of Greater Newburgh
Allan Beers	Rockland County Environmental Resources
Andy Bicking	Scenic Hudson
Jim Bonesteel	Rensselaer Plateau Alliance
Janet Burnet	Ramapo River Watershed Intermunicipal Council
Carla Castillo	Hudson Valley Regional Council
Scott Croft	Hudson River Boat Yacht Club Association
Martin Daley	Capital District Regional Planning Commission
David Decker	Constitution Marsh Audubon
Todd Erling	Hudson Valley Agri-business Development Corp.
Stuart Findlay	Cary Institute of Ecosystem Studies, HREMAC Chairperson
Oded Holzinger	Groundwork Yonkers
Karen Imas	Waterfront Alliance
Lucy Johnson	Vassar College Lifetime Learning, HV Consortium, HRES
Jonathan Kramer	Hudson River Foundation
Suzette Lopane	Westchester County Water Agency
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:

Diana Carter	NYS OPRHP
Peter Brandt	US EPA
Josh Hunn	NYS DOS
Scott Keller	HRV Greenway
Rob Pirani	NY/NJ HEP
Carrie Roble	Hudson River Park Trust
Audrey Van Genechten	NYS Dept. of Health
Peter Weppner	US Army Corps Engineers