

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

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October 29, 2010

Start: 1:30pm

Recess:

HELD AT: Council Chambers  
City Hall

B E F O R E: JAMES F. GENNARO  
Chairperson

COUNCIL MEMBERS:  
Elizabeth Crowley  
G. Oliver Koppell  
Stephen Levin  
Peter F. Vallone, Jr.

## A P P E A R A N C E S (CONTINUED)

Angela Licata  
Deputy Commissioner  
New York City Department of Environmental Protection

John McLaughlin  
New York City Department of Environmental Protection

Julie Stein  
New York City Department of Environmental Protection

Doug Adamo  
Chief of the Natural Resource Management Division  
Gateway National Recreation Area

Leonard Houston  
Chief of the Environmental Analysis Branch  
New York District Army Corps of Engineers

Brad Sewell  
Senior Attorney  
Natural Resources Defense Council

Lynne Hertzog  
Board Member  
New York City Audubon

CHAIRPERSON GENNARO: Sergeant, I think we're going to get started, okay? Yeah. Good afternoon. Welcome to this Halloween edition of the Environmental Protection Committee. I think we should start by saying boo. That's a big word around Halloween, boo. We were joined briefly by Peter Vallone who was in Halloween regalia and Council Member Koppell and myself who...

[off mic]

CHAIRPERSON GENNARO: Thank you, thank you Councilman. I'm wearing my Council Member costume today. This is my little pen that shows that, yeah. Good afternoon, I'm Council Member Jim Gennaro Chair of the Environmental Protection Committee and today we're holding an important oversight hearing on the implementation of the Jamaica Bay Watershed Protection Plan. Jamaica Bay, as we all know, is home to the largest urban wildlife preserve in the country. One of our nation's few urban national parks, Gateway National Recreation Area and the Jamaica Bay Wildlife Refuge is shelter for rare birds are located within Jamaica Bay.

1  
2 Located along the Atlantic fly  
3 away, the Wildlife Refuge is "one of the most  
4 important urban wildlife refuges in the United  
5 States" and is nationally and internationally  
6 renowned as "a prime birding spot for thousands of  
7 water, land and shore birds stop during  
8 migration". At two pervious hearings of the City  
9 Council, testimony did establish that Jamaica Bay  
10 had experienced a significant loss of title  
11 wetlands. We've been through this several times  
12 talking about this. And that, "at the current  
13 rate of attrition, most of the salt marsh islands  
14 could disappear within the next 20 years". And of  
15 course we're here today to make that that doesn't  
16 happen.

17 Therefore, just to give you some  
18 history and many people in this room know this  
19 history, in June of 2005 the Council passed Local  
20 Law 71 of 2005 which mandated the creation of a  
21 Jamaica Bay Watershed Protection Plan. Local Law  
22 71 of 2005 called for a number of measures to  
23 address the environmental threats to the Bay,  
24 directed to the Commissioner of Environmental  
25 Protection to complete a watershed protection plan

for the watershed and sewer shed of Jamaica Bay, which includes measures that the city can implement to improve the water quality, habitat, the use and enjoyment of the Bay.

These measures consisted of evaluation of the technical, legal, environmental and economic feasibility including in the Watershed Protection Plan, best management practices for minimization and control of soil erosion and storm water run off, reduction of both point and non-point source pollution, measures to address threats to the habitat, land acquisition and land use planning practices and opportunities. These measures also called for the creation of a variety of protocols designed to improve coordination for the appropriate federal, state and city governmental entities that have jurisdiction over the Jamaica Bay area and with the Office of Environmental Coordination. Finally Local Law 71 mandated creation of public education program and a program to target enforcement efforts to reduce pollution.

Five years have passed since the Council passed Local Law 71, which was authored by

me. This oversight hearing is intended to find out just how well the Jamaica Bay Watershed Protection Plan is being implemented and how effective it may be in piloting projects to reduce storm water runoff, improve water quality, increase public awareness, public access and the use of the Bay and thereby build greater stewardship for this invaluable resource.

Certainly we have a panel here from the administration. We're grateful to be joined, as I already mentioned, Peter Vallone and Council Member Koppell but also Council Member Crowley is here. We welcome the Council Members. People who have been reading the papers in the last couple of weeks and going back to earlier this year, I guess the second update for the Plan was released. We look forward to hearing about that. I know we have Brad Sewell who is one of the original members of the committee that was put together to do this. We want to hear from him and other parties who have a stake in this. We have people here representing the federal government.

There was a big announcement, I guess February is what it was. February I think

1  
2 it was by nitrogen discharges and a big agreement  
3 by the National Resources Defense Council and the  
4 administration, so a big story to tell about the  
5 efforts that have been taking place where  
6 hopefully the administration's commitment to this  
7 great water resource. I know there's been  
8 implementation.

9 I think the ARP process in water  
10 local sewage treatment plans, that's going to do  
11 wonderful things with regard to controlling  
12 nitrogen, with controlling ammonia, which  
13 indirectly controls nitrogen so that's been a  
14 great high tech innovation that we've done. But I  
15 certainly don't want to steal the thunder from  
16 your statement, which I'm sure will probably touch  
17 on all these points.

18 From the administration we have  
19 Angela Licata, Deputy Commissioner of the  
20 Department of Environmental Protection and the  
21 other, the other folks on this panel. So these  
22 are all representatives from the Bloomberg  
23 administration that can be introduced by you.  
24 Angela--oh sure. Peter has a Halloween oriented  
25 statement that he wishes to make.

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COUNCIL MEMBER VALLONE: What gave that away?

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CHAIRPERSON GENNARO: I already have boo on the record a couple of times so just to let you know that.

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COUNCIL MEMBER VALLONE: I want to apologize for the outfit but just came from a Halloween parade for the children and I'm heading back very soon, which I can't stay that long. Just some after school Halloween activities. There was no time to put a suit on but I do think it's fitting that Harry the Platypus is at an environmental hearing, right? That makes sense. If he's going to show up anywhere, it probably should be an environmental hearing.

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18

CHAIRPERSON GENNARO: Harry the Platypus is that your?

19

20

COUNCIL MEMBER VALLONE: You don't know Harry the Platypus?

21

22

23

CHAIRPERSON GENNARO: No, I wasn't briefed on Harry the Platypus. Harry the Platypus got away from me.

24

25

COUNCIL MEMBER VALLONE: He's on Phineas and Ferb, all the kids know him. I just

wanted to let you know why I'm sitting here out of garb.

CHAIRPERSON GENNARO: It's very appropriate. That's the first word out of my mouth when I started the hearing was.

COUNCIL MEMBER VALLONE: The tail part of the costume in the car.

CHAIRPERSON GENNARO: The tail because that would have been interesting to get through security and stuff like that. We're very grateful to have everyone here, in costume, out of costume. And you're in green, which is most appropriate. What we'll do is we'll have counsel to the Committee, we'll swear in this panel and then we can proceed with your testimony. I have a copy of that statement here and we're off.

COUNSEL: Please raise your right hands. Do you swear, affirm to tell the truth, the whole truth and nothing but the truth today?

ANGELA LICATA: I do.

CHAIRPERSON GENNARO: Great. Thank you once again so if you could just state your name for the record and introduce the folks around the panel with you, that will be great and you can

proceed.

MS. LICATA: Good afternoon members of the Committee. I am Angela Licata, Deputy Commissioner of New York City's Department of Environmental Protection. I am in the Bureau of Environmental Planning and Analysis. I am joined by my colleagues today. This is John McLaughlin to my right and Julie Stein to my left. They are here because they have both been very instrumental in moving this great plan into what we like to call its implementation phase. Both John and Julie have been working on implementing certain pilots. Just to keep the testimony a little interesting today, we'd like to accompany it with a slide show so as I'm speaking we'll be showing you various visuals and we can discuss those later with any detailed questions that you may have.

So thank you again for the opportunity to testify today on the implementation of the Jamaica Bay Watershed Protection Plan strategies. At the outset, I want to recognize the work of this Committee and especially your leadership, Chairman Gennaro, whose efforts have greatly contributed to making 2010 a landmark year

for Jamaica Bay.

### The Jamaica Bay Watershed

Protection Plan was submitted to Mayor Bloomberg and City Council Speaker Quinn on October 1, 2007.

The planning process required DEP to explore decentralized and integrated solutions for the issues facing Jamaica Bay's valuable and fragile natural resources including storm water management, public access, and public education and outreach in addition to water quality and restoration ecology. Most significantly, the Plan presented a comprehensive and holistic watershed approach to most significant issues of water quality and ecological factors. The alternatives that were selected for implementation were considered the most financially and environmentally sustainable improvements.

The goals of the plan were crosscutting and far reaching throughout the watershed, and Plan implementation was based on green and gray infrastructure strategies, structural and non-structural measures, innovative techniques being tested through pilot studies. As you will hear later in my testimony, the Jamaica

Bay Watershed Protection Plan has provided the model for watershed planning approaches citywide.

Together, the planning process and ongoing efforts of different stakeholders to implement the Plan over the course off the past three years have resulted in significant progress for the Bay. In February of this year, as you remarked, Mayor Bloomberg announced an historic agreement between the City, the New York State Department of Environmental Conservation, the Natural Resources Defense Council and a coalition of environmental groups, including but not limited to New York/New Jersey Bay keeper, the American Littoral Society, and Jamaica Bay Ecowatch, under which the City will make \$115 million in new investments to improve overall water quality and mitigate marshland loss in Jamaica Bay.

The investments include \$100 million to install new cost effective nitrogen control technologies at four wastewater treatment plants located on Jamaica Bay. And these investments, made in concert with \$95 million the City has already committed for nitrogen control upgrades, all of which will reduce the nitrogen

loads discharged into Jamaica Bay by nearly 50% over the next ten years.

These upgrades range from basic retrofits of existing equipment to introducing new nitrogen reducing chemicals and adding additional aeration tanks. Water quality treatment upgrades will occur at all four of the waste water treatment plants and will be occurring from now until 2020.

The City will also invest \$15 million for marshland restoration projects around the Bay. Since 2002, the City has invested \$37.4 million to reclaim more than 440 acres of environmentally sensitive land adjoining Jamaica Bay and plans to remediate nearly 100 additional acres over and above the projects in the agreement. For example, using \$15 million in Federal stimulus funds, we are going to restore 38 acres of wetlands and grasslands near a DEP facility under construction in Paerdegat Basin.

An idea that was first tested in the Jamaica Bay watershed as a result of the Watershed Protection Plan was most recently brought in to be a citywide initiative. On

September 28th Mayor Bloomberg unveiled the NYC Green Infrastructure Plan, a comprehensive plan to improve harbor water quality by capturing and retaining storm water runoff before it enters the sewer system. The NYC Green Infrastructure Plan identifies green infrastructure opportunities such as streets and sidewalks, multi-family residential complexes, commercial development parking lots and new development and redevelopment in combined sewer areas across the city. Specifically, the Plan quantifies these opportunities in terms of captured runoff, combined sewer overflow reductions and cost savings compared to an all gray infrastructure approach. In addition to water quality improvements, the NYC Green Infrastructure Plan is expected to enhance conservation, create green neighborhoods and reduce the costs required for gray infrastructure.

The multiple objectives of the Green Infrastructure Plan combined with a set of diverse implementation strategies presents a citywide management approach very similar to the Jamaica Bay Watershed Protection Plan. In fact, some of the first green infrastructure projects

thought to be essential to the implementation of the Green Infrastructure Plan are being piloted in the Jamaica Bay Watershed.

The pilots are intended to demonstrate retrofit technologies most suitable to New York City's environmental conditions and most likely to be replicated based on general land use opportunities and common development practices. Each pilot project includes monitoring for a period of two to three years to collect data on performance and inflow and outflow measurements, construction costs, maintenance requirements, and potential water quality impacts within specific water bodies.

Another key aspect of adaptive management approaches in both the Green Infrastructure Plan and Jamaica Bay Watershed Protection Plan are monitoring on a larger scale. In June of this year, DEP launched an enhanced water quality testing program in Jamaica Bay, increasing the number of sampling sites from 13 to 20 locations, including combined sewer overflow post construction monitoring in selected tributaries. Bay and Harbor monitoring gives DEP

vital information needed to ensure that the City's 14 wastewater treatment plants meet or exceed state and federal treatment standards and to determine the effectiveness of watershed wide strategies over time.

In the remainder of my testimony I would like to offer more detail on a few of the wide range of implementation strategies that are enumerated in the nine page chart at the front of the Plan Update. First, those that will see citywide approaches as elements of the Green Infrastructure Plan and second, those that are integral to the ecological restoration of the Bay.

First we will see a picture of a streetside swale with enhanced tree pits. A total of five of these with subsurface storage capability and six streetside infiltration swales were constructed in various residential and commercial neighborhoods throughout the Jamaica Bay watershed this past spring and summer. Storm water flow is directed to each tree pit and swale through a series of approved curb cuts or catch basin inlets. In the event of heavy rainfall, the tree pits and swales also have curb cut outlets to

relieve additional flow volumes.

As the vegetation at each of these pilot sites becomes established, these pilot projects add aesthetic value and other environmental benefits to the community. In addition to the monitoring parameters to be evaluated across all of the pilots, these projects will also look more closely at maintenance procedures and costs.

The North and South Conduit Avenue storm water Pilot involves the design, construction and monitoring of a large bioretention system within an existing roadway median to divert storm water runoff from adjacent roadways and away from the existing drainage infrastructure into green infrastructure. It is anticipated that drainage from approximately nine acres will be captured and treated by the proposed project.

The green roof and blue roof pilot project in partnership with the New York City Department of Education and School Construction Authority, DEP completed the construction of a blue and green roof comparison pilot study on an

existing school roof this past August. This pilot will directly compare construction costs, maintenance requirements and performance of two rooftop technologies.

This pilot project includes a significant educational component as DEP develops a monitoring program that involves the students of PS 118, through the installation of on the roof and other instrumentation in classrooms. Student involvement in monitoring combined with lessons on different environmental topics has made this particular pilot a remarkable success.

Rain Barrel Giveaway Program, this pilot, now complete, distributed 1,000 rain barrels. 250 rain barrels in the summer of 2008 and 750 in the summer of 2009 to single and two family homeowners in the watershed. Through distribution and collection of a homeowner survey-

CHAIRPERSON GENNARO: When you say the watershed you mean the watershed of Jamaica Bay?

MS. LICATA: Of Jamaica Bay, yes. The pilot allowed for an evaluation of homeowners'

interest and abilities to install and maintain rain barrels and regularly use captured storm water to irrigate lawns and landscaping.

Storm water Rate Study, as you may also be aware, the Water Board completed a study in December 2009 that evaluated the expenditures, revenue sources, and alternative water, wastewater and storm water rate structures. A primary goal of the study was to research possible structures that could be implemented in New York City to enhance revenue stability and equity for customers, and resource conservation.

One strategy resulting from the study is a Sewer Charge for Storm water for Parking Lots. That charge would apply to parking lots that have no water service and therefore do not pay for wastewater services, yet are generating tremendous demands on the wastewater system. Parking lots will be charged an annual wastewater charge for storm water of \$0.05 per square foot of property area and credit program will be in place when DEP implements this. This charge is to incentivize approvable green infrastructure technologies.

Marsh Island Restoration, construction of the Elders Point West wetland began in November 2009. This \$11.6 million project will restore approximately 35 acres of wetland habitat. DEP provided a cost share of approximately \$2.75 million and the rest of that money came from the Army Corps of Engineers. An additional 60 acres of wetland habitat are proposed for restoration at Yellow Bar Hassock. Designs are currently being developed by the US Army Corps of Engineers and are expected to be completed by the end of 2010. For that project we'll be using the \$15 million that we just made available as part of this announcement in February as part of the local match.

Eelgrass, this pilot consists of limited plantings of eelgrass near Floyd Bennett Field, Little Egg Marsh, Breezy Point Tip, Breezy Point Yacht Club and Dubos Point to evaluate existing environmental conditions for the potential to restore eelgrass. Submerged aquatic vegetation beds are important for a number of fish and shellfish species. Additional objectives of the pilot were to determine appropriate planting

depths, timing of plantings and whether to use seeds or adult shoots. For example, excessive sediment movement may be one factor preventing the establishment of eelgrass and the Breezy Point Tip area exhibited the most favorable results and a larger scale planting is anticipated to occur in the fall of 2011 to continue this study.

Paerdegat Basin Restoration, in January 2010, DEP announced the registration of a \$15 million American Recovery and Reinvestment Act Fund contract to restore 38 acres of wetlands and coastal grasslands adjacent to the Paerdegat Basin CSO Facility. This project will complement the water quality improvements that are anticipated as a result of the CSO Abatement Project.

There will be an Ecology Park will offer access to salt marsh intertidal mudflats, grassland, and shrublands and include educational exhibits about coastal habitats. Construction began in spring of 2010 and is expected to be completed in January 2012. The restoration will complement the \$357 million capital investment in that CSO abatement project.

Our last pilot, the Oyster Bed

Pilot, this month DEP is undertaking two oyster bed reintroduction pilot studies within Jamaica Bay. The design and implementation of an oyster bed off Dubos Point, Queens, and the placement of oyster reef balls in Gerritsen Creek, Brooklyn. The oyster study will evaluate whether climatic and environmental conditions within the bay are suitable for oyster growth and reproduction. The study will also measure how effective these bivalves are at filtering various pollutants affecting the bay, such as nitrogen and other nutrients, and particulate organic matter. If the pilot is successful, these oysters could not only help regenerate the natural environment of the bay, but also provide additional water quality benefits.

I appreciate the opportunity to present this testimony and am pleased to answer any questions you may have.

CHAIRPERSON GENNARO: Thank you. Thank you for your testimony. Thank you for the work that you've done in putting together the first report and the updates. I have some comments and questions but rather than having me

1  
2 start right away. It has been brought to my  
3 attention that Oliver Koppell has a question or a  
4 series of questions. I'll recognize him for  
5 questions while I put together what I'm going to  
6 ask you as I go through these statements. So I  
7 recognize Council Member Koppell.

8 COUNCIL MEMBER KOPPELL: Thank you,  
9 Mr. Chairman. I have a sort of bottom line  
10 question that arose as I studied the material  
11 prepared by the staff. It says here that between  
12 1974 and 1994, a 20 year period, 500 acres of  
13 Jamaica Bay wetlands were lost. Between 1994 and  
14 1999, a five year period, 300 acres were lost.  
15 And it says the current rate of attrition, most of  
16 the salt marsh islands could disappear within the  
17 next 20 years. My bottom line question is it's  
18 now been 10 years since 1999, have more wetlands  
19 been lost in that 10 year period and do you have  
20 an estimate if the answer is yes of how much or if  
21 we have a better answer? That there's some  
22 wetlands have been restored, that would be even  
23 better.

24 MS. LICATA: We know that  
25 additional wetlands have been lost and quite

possibly the rate of restoration is not necessarily keeping pace with the rate of loss. That is why we want to continue to restore additional wetlands. I don't have the exact figure. There hasn't been an updated study on that. I believe that the last study that was prepared, was prepared by New York State Department of Environmental Conservation.

COUNCIL MEMBER KOPPELL: Is there any plan to do another study?

MS. LICATA: The city does not have a plan to do that study. Typically the state that regulates the wetlands has produced these studies in the past. We could check with them.

COUNCIL MEMBER KOPPELL: It would be interesting to know, I suppose. Most of the efforts that you outlined and that are outlined in the report are just at their beginning. Then I guess most of what's being done hasn't yet had much of an effect. Am I correct in what I'm saying there?

MS. LICATA: The nitrogen levels are dropping and they have been dropping historically quite a bit. There will be another

50% reduction on top of that. So over the last 20 years or so, the nitrogen levels have been coming down as the plants have been doing a better job of treatment. We'll be taking the point in which we are now and reducing it by an additional 50%, with this additional reduction.

COUNCIL MEMBER KOPPELL: That should assist in preventing the wetlands from disappearing, along with the other things that you're doing, right?

MS. LICATA: What we hope is that that--

COUNCIL MEMBER KOPPELL: [interposing] Does the nitrogen have an effect on the wetlands or just on the species? What is the effect of the reduction in nitrogen?

MS. LICATA: There is a lot of varying opinion on that question. Our department didn't necessarily agree that nitrogen was the sole cause of marsh island loss. There are varying parameters that might be having their effect on the marsh lands such as the amount of sediment that is coming into the Bay. There's been quite a large reduction in that. One of the

1  
2       unfortunate side effects of doing a better job of  
3       treatment is that you're removing all of that grit  
4       at the waste water treatment plants. You're not  
5       necessarily allowing the system to renew itself  
6       with additional sediments.

7                 There's also theories about the  
8       marsh islands being lost as a result of ecological  
9       factors that are on top of the additional loadings  
10      from the plants. But at least the good news here  
11      is that the plants will not be a factor that  
12      they've been in the past. They're not as large a  
13      potential factor as they could have been in the  
14      past. There are a lot of reasons to do water  
15      quality upgrades.

16                COUNCIL MEMBER KOPPELL: To the  
17      extent that wetlands are important and at least as  
18      far as the report before me, it sort of looks like  
19      they're a central feature of why we're preserving  
20      Jamaica Bay. It seems to me it's a crucial issue,  
21      a critical question, are the wetlands being  
22      restored or are they still being lost.

23                MS. LICATA: I can tell you this.  
24      That it's certainly something to continue to  
25      monitor. As a result of the consent order that

1  
2 we're establishing with New York State DEC, DEP  
3 has agreed to lead a marsh island group or task  
4 force, if you will where we would decide what  
5 marsh island should be prioritized. Of course  
6 we'll be working with partners such as the Army  
7 Corps of Engineers and the New York State DEC. As  
8 part of that effort, we could perhaps do a better  
9 job of tracking the marsh islands and the gains  
10 and the losses.

11 COUNCIL MEMBER KOPPELL: What I'd  
12 like to do is just kind of join the conversation  
13 for a second. In previous hearings we've had on  
14 this, from my former school SUNY Stony Brook we  
15 had Larry Swanson who is with the Marine Sciences  
16 Research Center there. He seems to focus a lot on  
17 sediment transport and what Deputy Commissioner  
18 Licata was talking about with regard to our sewage  
19 treatment having a positive impact to keeping the  
20 water clean.

21 But this other impact of kind of  
22 causing a local disruption in the natural sediment  
23 flow. So one of the things we're facing is we  
24 don't really quite know fully what the mechanisms  
25 are. I think we have some concept of the

mechanisms but to what extent this mechanism is more important than that mechanism. That would be necessary, precursor, to how we fix that.

I think the point is that keeping nitrogen levels as healthy as we possible can in the Bay for water quality purposes, that always is a good thing to do. Also, in recent years we have more high energy storm activity and wave activity. To the extent the amount of marsh land in the Bay has decreased and that would allow... The marshes that are left they are now subject to more high energy wave action than was the case when the Bay was made up of much more marsh lands.

The decrease in marsh land almost has like a multiplier effect of just higher energy wave activity that wasn't there when it was covered with marshes. There are many factors in play that scientists have to figure out what the various factors are and how important they are.

But in the meantime we have to keep the water as clean as possible and try to get to that scientific determination of what's the silver bullet that's going to help us to keep from losing the marshes. Working with the Army Corps and

1  
2 others to kind of build up marsh lands in areas  
3 where we have the opportunity to do so. Would you  
4 agree with that?

5 MS. LICATA: That was excellent. I  
6 would agree with all of the statement.

7 COUNCIL MEMBER VALLONE: Thank you,  
8 Mr. Chairman. I just want to say necessarily  
9 relevant to this or not relevant to this but since  
10 I saw the planting of oysters I wanted to thank  
11 the DEP for planting some oysters off the Bronx  
12 just in the last couple of days.

13 CHAIRPERSON GENNARO: There's  
14 something about oysters in the month with the  
15 letter R, there's something about that. I don't  
16 know what that is.

17 MS. LICATA: We won't eat them.

18 JOHN MCLAUGHLIN: If I could put a  
19 plug in for Bay Ridge flats off of Brooklyn,  
20 that's a great history of a place to fish oysters.

21 CHAIRPERSON GENNARO: Oysters for  
22 all, why not? What's not to like? Thank you.  
23 Thank you, Council Member Koppell. We're joined  
24 by Council Member Levin, happy to have Steve here.  
25 I'll go to some of my remarks and questions I

wanted to make.

In your statement one of the passages that wasn't read by you verbally but it is part of the statement was that we're well on our way to meeting state water quality standards. This was in the paragraph that talked about, that the actions that we've taken will reduce nitrogen loads into Jamaica Bay by nearly 50% over the next ten years. And the statement after that, we're on the way to meeting state water quality standards. Could you give us a little sense of what those state standards are now and how far away we are from meeting those standards?

MS. LICATA: I'd be pleased to do that. The open waters of Jamaica Bay are SB, they're designated SB so that means that they're best use of swimming and baiting. The tributaries are generally speaking classification I, which means secondary contact. We are with--

CHAIRPERSON GENNARO: [interposing]  
Like boating or kayaking kind of thing, right?

MS. LICATA: Exactly. We are, with these upgrades and with the CSO program as well, projecting for the most part to meet water quality

standards almost as close to 100% of the time. So the differences are that we have varying rain events so maybe during the most torrential events there may be excursions from those standards but for the most part we try to measure compliance, what's the basis, is it 94%, 98%. We are getting really high projections from our model.

What will happen now is that we will put in actual monitoring programs. What we've been doing is modeling because these systems are not in place yet. All we can do is say based on this investment, what is the modeled expectation for water quality achievement. Now what we'll be able to do once these systems are in place is we'll actually be able to measure that so more to come on that, on measurement.

CHAIRPERSON GENNARO: I just want to make sure that I've gotten the right meaning from your answer. That is that once we dot he millions of dollars of upgrades and they've had an ability to have an impact on water quality and we cut the nitrogen going to the Bay by 50%, once that happens we'll be a the compliance level. Or do we have to wait for that to happen or are we

1  
2 there now and these other improvements will be  
3 sort of gravy, using a technical term. Gravy is  
4 not a technical term, I'm just using it as that.  
5 Which would it be? Are we there now or do we have  
6 to wait for the investment and wait for the  
7 discharges to go down 50% and the model predicts  
8 that when that all happens we'll be where we need  
9 to be.

10 MS. LICATA: It's more of the  
11 latter although the Bay, the way we look at it is  
12 through these cells. So the Bay itself is  
13 generally the water quality is healthier towards  
14 the western part of the Bay where it has the  
15 opening from the Rockaways to the more open waters  
16 so it gets better flushing there. The eastern  
17 sections are more challenged because you have the  
18 very deep pit known as Grassy Bay that was created  
19 to develop the JFK runways. So it's very deep  
20 back there and it's a little bit more difficult to  
21 get flushing to occur.

22 With the location of two treatment  
23 plants, that puts additional stresses on that  
24 system. So in those areas you will have to wait  
25 for the upgrades to really achieve water quality

standards 100% of the time, although in certain times of the year we are in compliance. So it's a really mixed bag answer, I apologize for that.

CHAIRPERSON GENNARO: I know that once upon a time there was the state was going to promulgate TMDL standards or something and then it was thought that perhaps that wouldn't happen. I guess the state has the ability to do that under I guess the Clean Water Act or something. They have the ability to set those standards. I know that there was some thinking about would that or would that not be a good idea to set those standards. Did that ever happen or does the agreement we had back in February sort of obviate the need to set those standards? Help me out with that a little bit. I haven't followed it as close as people who work on it on a day to day basis like yourself.

MS. LICATA: There will be no setting of TMDLs for Jamaica Bay. Essentially that is really, I think, a good thing because we've kept it simpler in the sense that the city's been willing to accept the fact that the general loadings come from the treatment plants and from the CSOs. We haven't necessarily drilled down on

1  
2 what are the other potential sources of the  
3 loadings, how much is coming generally over land  
4 or from any other sources, from others speedys  
5 [phonetic] permits that have been issued.

6 With that said, the city has  
7 assumed much of the responsibility for the  
8 loadings, that's how the upgrades will be made to  
9 city facilities.

10 CHAIRPERSON GENNARO: In that case,  
11 setting those TMDL standards wouldn't really  
12 accomplish much. It's just getting the city to do  
13 a lot for its loadings through CSOs, through  
14 discharge plans, that would be the way to make  
15 that happen.

16 MS. LICATA: It's hard to say  
17 without a TMDL, actually conducted and without  
18 those results but that's my opinion.

19 CHAIRPERSON GENNARO: Right. I  
20 just want to talk a little bit about this new ARP  
21 technology that's been implemented, I believe, at  
22 26th Ward or was going to be implemented at 26th  
23 Ward. It's my understanding that this is kind of  
24 like a high tech low capital intensive way to get  
25 a very good result of nitrogen removal without

1  
2 building a lot of complicated infrastructure. I  
3 think some of those more traditional processes  
4 also have a bigger carbon footprint than does this  
5 technology.

6                   Why don't we talk just a little bit  
7 about what kind of promise this technology holds  
8 here, not only for the 26th Ward and for Jamaica  
9 Bay but for the city's overall nitrogen removal  
10 strategy. Because I know it's been compelled to  
11 do that and under plans, the new plans that affect  
12 the East River. This is sort of like the new  
13 frontier of sewage treatment and nitrogen removal.  
14 What promise does it hold for the Bay in terms of  
15 less pipes and infrastructure we have to build,  
16 better carbon footprint and other methodologies  
17 and is it envisions that this will be incorporated  
18 into the city's larger nitrogen reduction  
19 strategy.

20                   MS. LICATA: The ARP process is  
21 really a demonstration project. I think all of  
22 the good points that you pointed to are really  
23 very fair, which is that if this type of gray  
24 infrastructure and this type of technology really  
25 demonstrates well on this scale. Because these

1  
2 technologies have been proven on a more minor  
3 scale--

4 CHAIRPERSON GENNARO: [interposing]  
5 And also just the term of art that refers to gray  
6 strategy rather than green strategy. Gray  
7 strategy is a pipe or a gizmo or a plant or  
8 something you would build to do something versus a  
9 green strategy which is like letting Mother Nature  
10 do it. Just for the folks here I just wanted to  
11 draw that distinction and people watching on  
12 Channel 74 may not know what that is but please  
13 continue.

14 MS. LICATA: Really there's  
15 everything in between. I think this ARP strategy  
16 is somewhat in between the gray and the green so  
17 it's really using better technology and a means of  
18 using the natural digestion processes to give us a  
19 better nitrogen removal rate. If we can do that  
20 effectively here then you're quite right that that  
21 is a technology that could be applied elsewhere.  
22 So we'll be monitoring that very closely to see if  
23 it is in fact a high performer.

24 CHAIRPERSON GENNARO: Now that's  
25 under construction or it's going to be under

1

2 construction? Where does that sit?

3

4

MS. LICATA: I don't actually know  
the very latest status there.

5

6

7

CHAIRPERSON GENNARO: But they  
haven't put a shovel in the dirt, kind of built  
that yet, right?

8

9

MS. LICATA: I'm really not sure.  
I'd have to check for you with dates.

10

11

12

13

CHAIRPERSON GENNARO: Because it's  
a pilot is it going to be designed, have a fair  
amount of throughput or just enough to give us a  
sense of its effectiveness.

14

15

16

17

18

19

MS. LICATA: It will exist in one  
tank, which is a fairly large. I like to call  
that better than a pilot. It's really a  
demonstration project. I think that the idea is  
that if it works on this scale, I don't know  
exactly what the throughput is on that tank.

20

[Speaking to her colleague] Do you?

21

22

23

24

25

Then it could be quite promising  
and in fact this is not the only technology ARP.  
There are other technologies and many  
environmental engineers are working really hard to  
find new strategies for nitrogen reduction. I

1  
2 think the future bodes well that there will be  
3 technologies there that will allow us to do a more  
4 efficient job of wastewater treatment in the  
5 future. It seems to me that New York City is not  
6 the only one doing additional nitrogen control.  
7 It's a very expensive process so there are  
8 environmental engineering firms that are studying  
9 and examining better solutions for that problem.

10 CHAIRPERSON GENNARO: But it was my  
11 sense, I guess going back even to like the Chris  
12 Wood days, that there was a federal mandate to do  
13 it. You get certain nitrogen reduction targets  
14 done by some date in the future and along with  
15 that federal mandate to do that there was almost  
16 like a prescription for how federal government  
17 might have wanted it to be done in terms of what  
18 the technology to be used.

19 It's at least my understanding that  
20 DEP worked with the federal government to say,  
21 we'll get you the targets that you want but let us  
22 be innovative and see if we can work with some  
23 high tech designs to kind of like design a better  
24 mouse trap. We think we can come up with ways of  
25 doing it that are less capital intensive, more

1  
2 environmentally beneficial and we just get cheaper  
3 and better. We can get the federal government to  
4 kind of like swallow their matza balls, so to  
5 speak. Is that your understand of how that might?

6 MS. LICATA: I'm not aware of any  
7 federal government involvement in this ARP  
8 process.

9 CHAIRPERSON GENNARO: Okay but that  
10 was I remember. I remember we were having a  
11 discussion, this is years back with Chris Ward  
12 about the capital budget and ways we could save on  
13 the capital budget. That was something he was  
14 talking about to me that we thought that we could  
15 do it better and cheaper and we're willing to give  
16 the federal government the results that they were  
17 looking for. But we were going to use different  
18 vector to get there than really expensive, high  
19 cap and processes. I thought that was the way to  
20 go. If we can do better and cheaper than that  
21 would be...

22 MS. LICATA: That's certainly true.  
23 This is supposed to be if proven and demonstrated,  
24 a very cost effective technology. One of the  
25 things that we struggle with in New York City is

1  
2 that our two plants are so big. So when you look  
3 at these technologies that may work well  
4 elsewhere, when you start to apply them to  
5 treatment plants that are measured in millions of  
6 gallons a day. That's where we had to do some  
7 additional R & D. We're very excited. We're very  
8 hopeful.

9 CHAIRPERSON GENNARO: Great.

10 Here's what we're going to do. We have some good  
11 folks that are going to come forward and testify  
12 about what we've been doing here since we came up  
13 with Local Law 71 and some of the efforts that  
14 played out. Want to get a chance to give them the  
15 opportunity to say what they want to say. To the  
16 extent that you can leave some folks behind to  
17 hear some of their good statements, that would be  
18 great and would appreciate that. I have a  
19 doctor's appointment later on this afternoon that  
20 it would be nice if I showed up at. It works out  
21 better that way. I won't have to talk to him over  
22 the Blackberry, well, I'm feeling this. I don't  
23 want to have to do it that way. Some things you  
24 have to show up for.

25 I'm very, very grateful for the

1 presentation. I'm grateful for your efforts. I'm  
2 looking forward to working with you, as we have,  
3 to make a cleaner bay. It seems like what we do  
4 with Local Law 71 has really spurred this like  
5 cottage industry of best management practices that  
6 we're going to use all over the city to help to  
7 control storm water and that'll be a good thing  
8 for coastal water quality.  
9

10 Just to think, it all started with  
11 this little effort we had regarding Local Law 71,  
12 which the Bloomberg administration was a big part  
13 of. We're happy that it's spawned this interest  
14 and doing better things with storm water  
15 throughout the city. These are all the good  
16 things.

17 Angela, pleasure to see you. This  
18 panel, I'm very grateful for all of your efforts.  
19 John and Julie they're working very hard on this.  
20 I get to talk about it but you get to do it every  
21 day and so we appreciate that. So thanks very  
22 much for coming and we'll hear some good  
23 testimony. Hopefully you folks will be able to  
24 stay around for that. Thanks very much.  
25 Appreciate it.

MS. LICATA: Thank you for your leadership. Bye bye.

CHAIRPERSON GENNARO: Next panel we'll have Douglas Adamo of the National Park Service, Leonard Houston from the Army Corps so I guess we'll call this federal government panel. I think that's what we'll call it, right? The panel after that will be Brad Sewell from the National Resource Defense Council and Lynne Hertzog from New York City Audubon. We're very grateful to NRDC and to Audubon for really being a part of this from the very, very beginning. But we'll be happy to have the federal panel come forward, representatives from the National Park Service that would be Douglas Adamo and from US Army Corps, Leonard Houston, if they could come forward.

[pause]

CHAIRPERSON GENNARO: We'll have counsel swear in the panel. I'll make a few opening remarks and we'll get going.

COUNSEL: Can you please raise your right hands? Do you swear affirm to tell the truth, the whole truth and nothing but the truth

today?

BOTH: Yes, I do.

CHAIRPERSON GENNARO: Thank you very much. We're grateful to the National Park Service, which has been a great steward of the Bay. And US Army Corps, I had the occasion I guess about a year ago, to have dinner with I guess the head of the Army Corps for this region, John Boule. I'm not sure of his rank but it's like colonel or something.

LEONARD HOUSTON: Colonel Boule, District Engineer.

CHAIRPERSON GENNARO: Pardon?

MR. HOUSTON: Colonel Boule who is the District Engineer.

CHAIRPERSON GENNARO: Colonel, yes. He started talking about the activity that's going on with Jamaica Bay, had our appetizer. We're having coffee and cake and he was still going so why don't we start with Mr. Adamo. We'll hear your good statement and then the statement of the US Army Corps and then we'll have questions and comments.

DOUGLAS ADAMO: Thank you, Council

1  
2 Member. I'm Doug Adamo, Chief of the Natural  
3 Resource Management Division at Gateway National  
4 Recreation Area, a unit of the US Department of  
5 Interiors, National Park Service. I'm here to  
6 offer the following comments on behalf of Gateway  
7 National Recreation Area and its role as natural  
8 resource steward for the major portion of the  
9 Jamaica Bay Estuary, including the Jamaica Bay  
10 Wildlife Refuge.

11 The National Park Service and  
12 Gateway National Recreation Area appreciate the  
13 opportunity to testify today regarding the New  
14 York City Department of Environmental Protection's  
15 Jamaica bay Watershed Protection Plan, including  
16 the plan updates and its overall level of  
17 effectiveness.

18 The National Park Service mission  
19 to preserve unimpaired the natural and cultural  
20 resources of the national park system for the  
21 enjoyment, education and inspiration of this and  
22 future generations, is generally supported by the  
23 goals of the Jamaica Bay Watershed Protection  
24 Plan. In order to fulfill the more park specific  
25 mission, which is to protect significant park

resources and create high quality opportunities for visitors to enjoy, Gateway National Recreation Area and natural resource managers and researchers have been working cooperatively with key non government groups, city, state and federal agencies.

When Local law 71 was passed I was pleased to participate for the National Park Services co-chair with Brad on the Jamaica Bay Watershed Protection Plan Advisory Committee created by the law under the leadership of Council Member James Gennaro. We've been encouraged by the spirit of cooperation that Local Law 71 inspired. Due to the efforts of many government and non government entities, we remain optimistic about the futures of the Bay's ecosystems.

We continue to view the overall goal of restoring and sustaining the water and settlement quality and ecological integrity of Jamaica Bay as the highest priority for Gateway National Recreation Area, its wildlife, its millions of visitors and the City of New York.

The National Park Service is encouraged by the progress made since the plan was

released. The updates to the plan underscore DEP's commitments to the overall plan objectives, especially with respect to ecosystem restoration project support. Although further research is needed to find a clear link between cause and effect pertaining to salt marsh and other habitat lost in Jamaica Bay, restorative measures have yielded nearly 100 acres of nearly created salt marsh over the past five or six years.

Jamaica Bay remains one of the largest and most productive coastal ecosystems in the Northeast United States and includes the largest tidal wetland complex in the New York metropolitan area. The functions and values of this resource for fish and wildlife have been well documented and are also well known by those concerned, including yourselves. The National Park Service therefore applauds the plan 50% nitrogen reduction from waste water treatment facilities over the next 10 years. This is a very encouraging start toward the improvement of the relatively poor water quality of the Bay and its watershed/sewershed.

From a resource management

perspective, the National Park Service is greatly concerned about getting over the water quality hurdle as quickly as possible because most of the resource management strategies being developed for the Bay are contingent upon good water quality for success. Once the Bay's waters and sediments are improved to a sustainable high level of quality, ecosystem restoration efforts such as shellfish and sea grass beds that have been absent from the Bay from decades will no longer be viewed as high risk endeavors.

Departments will be more willing to support these and other ecosystem restorations efforts and the future of the Bay will again be bright. We encourage DEP and all involved partners to take the next big step towards such sustainability and plan to reduce nitrogen loading by another 50% by 2030.

The National Park Service is also encouraged by the implementation of pilot projects such as the wastewater treatment plant, Alger Struggers, the Paerdegat Basin Restoration, including the storm water tanks and tidal wetland creation, the green infrastructure plan and the

streetside swale enhanced tree pit pilots. All of these and other pilots that improve watershed conditions will contribute to the goals of the plan.

The one missing element, sediment contamination abatement, is perhaps one of the most challenging technologically and in terms of gaining public support. As the Jamaica Bay Watershed Protection Plan mentions, nearly 50% of Jamaica Bay sediments are contaminated at various levels. Since the sediments represent a critical habitat interface with the water calm and our capable supporting the basis of the aquatic food web, improving the Bay's sediment quality must be viewed as a second critical element along with the water quality improvement in our quest for healthy and sustainable estuarial ecosystem. We therefore encourage DEP and all involved partners to focus on this important task in coordination with the National Park Service and all involved partners.

The National Park Service and Gateway national Recreation Area greatly appreciate the work and support of New York City Council's Committee on Environmental Protection.

We look forward to sustained support from the Council and many other partners involved in protection and enhancing the Jamaica Bay ecosystem. We are extremely grateful for the dedication of and knowledge shared by the many talented staff members throughout the agencies, universities and organizations.

In the spirit of the original intent of Local Law 71, we're here all to support any and all immediate actions pertaining to the most critical concern at hand, the continued reduction of water and sediment contaminants in the Bay as well as the implementation of other key steps and management practices recommended by the Jamaica Bay Watershed Protection Plan Advisory Committee, throughout the Jamaica Bay Watershed.

I thank you again for your support and interest in this endeavor and for the opportunity to submit this testimony. Thanks.

CHAIRPERSON GENNARO: Thank you Mr. Adamo. I'm certainly going to have quite a bit to say about your statement. I appreciate your being here to give us the statement and the opportunity to answer some questions on it. I appreciate

1  
2 that. We'll just hear the statement of the Army  
3 Corps and then we'll question you both at once.  
4 Mr. Houston, state your name for the record and  
5 proceed with your testimony.

6 MR. HOUSTON: Good afternoon, my  
7 name is Leonard Houston. I'm Chief of the  
8 Environmental Analysis Branch of the New York  
9 District Army Corps of Engineers. As one of the  
10 Mayor's appointees to the advisory committee of  
11 the Council charged with oversight of the  
12 preparation of the Jamaica Bay Watershed  
13 Protection Plan, it has been my privilege to work  
14 closely with six other committee members and the  
15 Department of Environmental Protection in  
16 developing and advancing this innovative and far  
17 reaching plan to restore the Bay. The challenge  
18 now lies in putting the plans strategies into  
19 action and to make real progress towards  
20 improvement in Jamaica Bay.

21 As an agency, our district  
22 engineer, Colonel John R. Boule has championed the  
23 concept of world class estuary, which the economic  
24 values of the port of New York and New Jersey and  
25 the environmental values of Hudson River Estuary,

of which Jamaica Bay is an integral part, are looked upon as mutual supportive elements of a sustainable system. The ongoing deepening of the navigational channels in port reflects the federal government's commitment to the economy of the region. Although the creation of a comprehensive restoration plan for the Hudson River Estuary is the first major step towards the environmental commitment that completes the balanced vision.

Developed with matching funds from the Port Authority of New York and New Jersey, this master plan for restoring the ecological values of the estuary has been developed and supported by a diverse group of stakeholders that include city agencies such as DEP, Department of Parks and Recreation, the City Planning and the Economic Development Commission.

The Comprehensive Restoration Plan is being looked upon as a guide for many collaborators to use in planning their individual restorative efforts towards system wide goals. The Comprehensive Restoration Plan is divided into eight geographical sub-regions, one of which is Jamaica Bay. Since the Jamaica Bay Watershed

Protection Plan is fully consistent with the goals of the HRE we have been able to work with our partners to implement projects that advance both plans in a mutually beneficial manner.

Most notable is the ongoing oyster reef pilot study, designed in close coordination with DEP's current oyster bed pilots in Gerritsen Creek and off Dubos Point, this HRE funded effort will have completed six small pilot reefs at locations throughout the Harbor. The results of these sites taken in conjunction with DEP's monitoring of their Jamaica Bay sites will provide valuable insight into expanding the Jamaica Bay Water Protection Plan strategy for oyster reef restoration of the Bay.

For actions directly supporting implementation of the strategies, you go only to look at the marsh restoration that began in 2006. Matching state and local funds at a 2:1 level, the Corps has been able to put in place two completed marsh restorations this year, one along the tributary into the Bay, Gerritsen Creek, and the other in a central portion of the Bay at Elders Island West. At Gerritsen we matched \$1.5 million

for funds from New York City's Department of Parks and Recreation with \$5 million in federal funds to create a 20 acre shoreline marsh from a former landfill. While at Elders West we matched \$4.2 million from DEP and New York State Department of Environmental Conservation with an additional \$7.8 million to beneficially use 240,000 cubic yards of dredge materials from the Harbor deepening to add 34 acres of salt marsh to the 42 acres that were already constructed earlier to Elders East in partnership with Port Authority.

Besides adding to marshes lost when the landfill was created, the marsh at the head of Gerritsen Creek will also help improve the water quality in the tributary and untimely the Bay, another major strategy for the Jamaica Bay Water Protection Plan. The Elders West Marsh Island taken in conjunction with Elders East represents the first serious large scale reversal of what has been a steady annual decline in marsh islands that have been plaguing the Bay for many years.

None of this would have been possible without the outstanding cooperation of Gateway National Recreation Area. Not only has

Gateway improved the two island restorations on their own property but they have been active partner in the site designs and are not conducting a detailed monitoring of both sites to help document their successes and identify measures to correct problems or improve the process in the future. Now the future appears to be bright.

Plans are currently being completed for a second tributary marsh restoration at the head of Spring Creek, again with New York City Parks and a third marsh island at Yellow Bark with the same DEP and DEC partnership in 2011.

Estimated at a total cost of \$25 million, the two projects alone would have exceeded the settlement funds DEP has dedicated to marsh restoration.

However, by working together the federal funds will cover two-thirds of the construction costs, freeing the city and state funds to advance additional restoration plans for Black Wall and Rulu's Bar marsh islands that are just now getting underway.

This said, we also realize Jamaica Bay is made up of a diversity of habitats in addition to marsh islands. The Corps has recently

completed a feasibility report to restore eight other sites along the periphery of the Bay. These range from a beach marsh complex along Dead Horse Point to water quality at Benton Cabin Head improvements within Paerdegat and Fresh Creek tributaries. Both of which would advance the Jamaica Bay Protection Plan implementation strategy that CSO controls at those tributaries. And also there are marsh protection and creation along the Bay's periphery at Grants Point, Dubos Point and Hore Tree Basin, which support the Jamaica Bay Water Protection Plan waiver attenuating pilot study to protect essentially what is still there.

Though still several years from final approval and authorization by Congress, these projects represent the second generation of improvements and a longer term opportunity to expand tight budgets through future cost sharing. As such, act of support by the Council would go a long way towards getting congressional authorization and funding to put those in place for years to come.

We have succeeded collectively so

1  
2 far because everyone worked together to remove  
3 traditional hurdles and roadblocks out of the path  
4 to success. Over the past several years, a truly  
5 astounding and very successful partnership for the  
6 Bay has involved. And the results are there for  
7 all to see. This remarkable level of success has  
8 been due in no small part to the group putting the  
9 needs of the Bay above their own.

10           It's imperative that this ability  
11 to focus on the big picture be maintained. While  
12 appropriate environmental controls must happen  
13 follow, the desire for perfection, to push a  
14 specific agenda, to eliminate all levels of risk  
15 must not be allowed to creep back into the  
16 planning process or we will quickly see the costs  
17 escalate and timeframes expand to the point where  
18 real opportunities are lost and the Bay suffers in  
19 the long run.

20           But for now at least, Jamaica Bay  
21 has been the center of attention and the recipient  
22 of substantial investments in its protection and  
23 restoration. It serves as a great example of how  
24 a diverse group of stakeholders can all work  
25 towards a common goal and is therefore looked upon

as a poster child or model for advancing restoration throughout the Hudson River Estuary.

As such, Colonel Boule has been very proactive in bringing agencies and organizations to the Bay to witness what can and has occurred. While on board he has used the opportunity to promote not just the Bay but the overarching idea of world class estuaries to a whole new group of potential partners, political supporters, donors and the media. This has resulted in a flurry of very favorable media coverage and strong public support that culminated in the recent visit from Secretary of Interior, Kenneth Salazar, who convened a summit at Ellis Island to explore ways of advancing the conservation agenda for urban parks, and in particular Jamaica Bay.

Collectively, we have the partnership and a unified vision that fits in very nicely with many of the strategies of the Jamaica Bay Watershed Protection Plan and we look forward to many years of great work together to move these ideas to the fruition. Thank you.

CHAIRPERSON GENNARO: Wow, thank

1  
2 you. Sometimes I come to hearings and I kind of  
3 know a fair amount and I kind of just hone my  
4 knowledge of what's going on. But I really  
5 learned a lot from the testimony from this panel  
6 and I appreciate it. Mr. Houston, you talked in  
7 your testimony not only about your work as one of  
8 the appointees for the Jamaica Bay Watershed  
9 Protection program but what I guess is the federal  
10 initiative, the CRP, right?

11 MR. HUDSON: Correct.

12 CHAIRPERSON GENNARO: So the  
13 Comprehensive Restoration Plan, that's a federal  
14 initiative, right?

15 MR. HUDSON: That was a plan that  
16 the Corps of Engineers has put together, along  
17 with all our stakeholders, at the request of  
18 Congress to develop an overall plan to improve the  
19 entire estuary. Instead of trying to attack it at  
20 little individual pieces, the idea was what's best  
21 for the estuary as a whole and then how can the  
22 little parts help move that goal forward.

23 CHAIRPERSON GENNARO: Of course  
24 this is a far flung region over which the CRP has  
25 effect, right?

1

2

MR. HUDSON: Yes, it does.

3

4

5

CHAIRPERSON GENNARO: More so than ours which, by definition, is focusing on Jamaica Bay.

6

MR. HUDSON: That's correct.

7

8

9

10

11

12

13

14

CHAIRPERSON GENNARO: Let me talk about your statement a little bit and sort of work backwards to Mr. Adamo, who testified first. I think the best way for me to really get a sense of what's going on in the Bay would be for me to go out there. Would you guys take me out?

MR. ADAMO: You're more than welcome to come any time.

15

16

CHAIRPERSON GENNARO: First time we went out--

17

18

MR. ADAMO: [interposing] We'll even put you in waders, Council Member.

19

20

21

22

CHAIRPERSON GENNARO: What's that?

MR. ADAMO: We'll even put you in a pair of waders and get you to walk out on the islands.

23

24

25

CHAIRPERSON GENNARO: That would be--I would tend to think Bill Murray sitting to my left who works in my environmental policy would

1  
2 have a smaller environmental impact by virtue of  
3 the fact that he is a lot lighter than I do. But  
4 I will. If you take guys that weigh more than 200  
5 pounds then I'll definitely go, if that won't hurt  
6 the marsh.

7 We went out on the Bay, I guess I'm  
8 going to say like 2002 or something like that. It  
9 was like late November, it was starting to get  
10 pretty cold. I'm a boater myself so I don't take  
11 my boat out of the water until December so I'm not  
12 afraid of the cold weather. Bill, if you could  
13 work with representatives from the Army Corps and  
14 the Gateway to get us out there because then I  
15 think that will give us a much better sense of  
16 what's really going on and some of the good things  
17 that are happening.

18 Mr. Houston, if you could talk  
19 about some of the synergy that's going on in  
20 between the Jamaica Bay Watershed Protection Plan  
21 and the CRP. How does that work together,  
22 complement each other? How does that work?

23 MR. HUDSON: As I mentioned, CRP is  
24 divided into eight geographically areas for the  
25 convenience of developing a plan and one of those

1 areas is Jamaica Bay. So it's an area,  
2 essentially, entirely of its own. What we're  
3 doing is we're looking at what would you do to  
4 restore the estuary given current conditions.  
5 You're not going to move Manhattan island, you're  
6 not going to remove bridges and things like that.  
7 What can you do to actually restore the estuary  
8 given the current conditions.  
9

10 We've come up with a series of  
11 large overarching goals. The protection plan--

12 CHAIRPERSON GENNARO: [interposing]  
13 For the CRP.

14 MR. HUDSON: For the CRP, right.  
15 The protection plan for Jamaica Bay, essentially  
16 most of the ecological value that you get out of a  
17 plan like that is essentially supported; it's  
18 almost like a mini CRP occurring just within  
19 Jamaica Bay. Not only is it a mini CRP but  
20 because Jamaica Bay is getting so much well  
21 deserved attention, as I said in my testimony,  
22 it's also becoming a lightning rod. All of the  
23 attention there just can't help but drip off, if  
24 you don't mind my saying that, to the rest of the  
25 estuary as well. It's serving to help the Bay but

1  
2 it's also serving to extend the benefits of the  
3 Bay to the larger estuary. So it's extremely  
4 synergistic.

5 CHAIRPERSON GENNARO: Maybe we  
6 should. The member of Congress that represents  
7 here would be Anthony Wiener but perhaps there's  
8 other members of Congress that touch on other  
9 areas?

10 MR. HUDSON: I believe it's  
11 Congressman Meeks.

12 CHAIRPERSON GENNARO: Pardon?  
13 Meeks?

14 MR. HUDSON: Congressman Meeks and  
15 Congressman Weiner are the two that actually touch  
16 on the Bay but there are others that are pretty  
17 close as well.

18 CHAIRPERSON GENNARO: We could  
19 conceivable arrange. He's been a supporter of...

20 MR. HUDSON: Yes, he has.

21 CHAIRPERSON GENNARO: With I guess  
22 federal funding, right?

23 MR. HUDSON: Mm-hmm.

24 CHAIRPERSON GENNARO: He's been  
25 working on that, make arrangements to go out there

1  
2 with Congressman Weiner who also will not make as  
3 much of an environmental impact as I will when I  
4 walk on that marsh. You'd be able to see my  
5 footprints; that's for sure. I guess it would be  
6 fair to say that the attention generated by the  
7 team that we put on the field to do this. It  
8 seems to be making a lot of things happen.

9 MR. HUDSON: It is making a lot of  
10 things happen because that same team because it's  
11 part of the city and the federal government also  
12 gets involved in extending that activities outside  
13 of Jamaica Bay. We still work with DEP but we've  
14 got a wonderful partnership going as a result of  
15 the work on Jamaica Bay and that partnership just  
16 now extends to the rest of the Harbor as well.

17 CHAIRPERSON GENNARO: The eight  
18 regions, that goes into like Jersey and stuff.

19 MR. HUDSON: It does.

20 CHAIRPERSON GENNARO: Mr. Adamo, in  
21 your statement you talked a lot about sediments  
22 being like a frontier that really needs to be  
23 addressed. I made notes in my...you talk about  
24 the one missing element, I'm reading from your  
25 statement, sediment contamination abatement is

perhaps one of the most challenging technologically in terms of gaining public support. Maybe on one level to make a little bit of a parade of my lack of knowledge of our own plan, do we have a sediment contamination abatement element in the Jamaica Bay strategy? Is that part of what came out of Local Law 71? Is there one prong of that that speaks to sediment contamination abatement?

MR. ADAMO: Yes, there are goals within the plan that were set to address sediment contamination. And I was actually informed before the hearing that, or reminded actually, that part of the Paerdegat Basin work was sediment contamination abatement. I guess what I'm focusing on in my statement, our statement, is within the Bay proper, within the wildlife refuge proper and within Park Service boundaries there are several hot spots, as they call it, where contaminations of various PAHs, mercury, et cetera have been identified. Those are of course of great concern because with the water quality improvements expected over the next 10, 20 years as they are. We don't want to leave that

1  
2 component behind. We feel that it should be  
3 worked on concurrently.

4 CHAIRPERSON GENNARO: Right, so  
5 that would have to be, I guess, dredged out.  
6 Isn't that how you would do that?

7 MR. ADAMO: I don't know if--I  
8 think we've had some conversations with all the  
9 partners about that but we really haven't come up  
10 with a good plan, whether covering up is better  
11 than digging them out.

12 CHAIRPERSON GENNARO: I see.

13 MR. ADAMO: The science behind it,  
14 we haven't delved into it enough yet.

15 CHAIRPERSON GENNARO: Because to  
16 dredge it means to stir it up and once you collect  
17 the stuff what are you going to do with it, all  
18 those questions.

19 MR. ADAMO: Basically those two  
20 schools of thought. Whether you should remove it  
21 and stir it up or is it better to cover it up with  
22 clean material? Lynne probably has much more  
23 expertise than that.

24 CHAIRPERSON GENNARO: Why don't we  
25 talk about that just briefly? Okay, so we've got

1  
2 these hot spots and you can spend a lot of money,  
3 you can cover it up but then current patterns or  
4 whatever end up taking the cover away. But this,  
5 for now, is the way this whole area of inquiry  
6 sits it's out there is something that we should  
7 figure out how to do something about or is there  
8 like a concrete plan? Say, by some date certain  
9 on some of these tasks lists that we have a due  
10 date by some date certain to figure out what we're  
11 going to do about this or this is now just  
12 recognized as something that we should do  
13 something about but we really don't have a handle  
14 on how we're going to get it done. Where is it  
15 at?

16 MR. ADAMO: More or less what you  
17 just said, that unless I'm unaware Angela, If  
18 there is some kind of plan being developed to  
19 abate sediment contamination then I'm not aware of  
20 a plan.

21 CHAIRPERSON GENNARO: Mr. Houston,  
22 do you have anything to add to the whole sediment  
23 hot spot?

24 MR. HUDSON: I think you kind of  
25 summarized the problem out there. The other

1  
2 aspect of that is though there may be sediment hot  
3 spots that exist now, one of the things you need  
4 to do is find out if they are actually hot spots  
5 where contaminants are moving from or some of  
6 those things might be there long enough where  
7 they're basically stable and maybe they're just  
8 better leaving them alone altogether. A lot of  
9 money is spent into looking at contaminant control  
10 and sediments and a lot of that moneys go into  
11 models to predict. On the surface it seems like  
12 you waste a lot of money in these models but you  
13 don't waste the money.

14 Unless you know what the sediments  
15 are doing now and what they might do in the  
16 future, you could be wasting even larger amounts  
17 of money coming up with what's termed to be an  
18 incorrect correction.

19 CHAIRPERSON GENNARO: I remember at  
20 previous hearings Larry Swanson, as I mentioned  
21 before from SUNY Stony Brook, he was doing some  
22 kind of study regarding sediment transport of  
23 whatever he was doing. Are there academic  
24 institutions beyond the Park Service and the Army  
25 Corps that are putting some brain waves into

1  
2 what's really going on here, what could be done?  
3 Would that be a good thing to do? Should I go to  
4 my lama mater and tell Stony Brook they ought to  
5 do a research program and stuffy this or  
6 something?

7 Whenever I have these hearings,  
8 it's one thing for me to become more knowledgeable  
9 but it's another thing for me to walk out of the  
10 hearing with a little task list. I had this  
11 hearing, I brought everyone in, what should I do  
12 to kind of make things a little better? It's  
13 always good to be educated but to the extent that  
14 I could push a button, that would be good. Is  
15 this an area that's being studied by academics or  
16 whatever now or just need more. What would help?

17 MR. HUDSON: There is some work  
18 that's going on. I think Doug would probably have  
19 a better list but there are several academic  
20 institutions in the area. I believe Columbia,  
21 Stony Brook is one, Brooklyn College might be  
22 another, Queens College I think is another doing  
23 individual small, little research projects which  
24 always help collectively deal with the larger  
25 picture.

I know Stony Brook is looking at the oyster question. I know Columbia is looking at the sedimentation on the marsh to see if that's the problem. I'm not exactly sure what the two city universities are looking at but I know they're involved in the Bay. There are small little research projects going on at this time but there's no large research agenda, there's no large funding for that research agenda that exists now either.

CHAIRPERSON GENNARO: This will certainly be something for us to talk about and visit. It looks like it fair to say that this is an area of concern that we don't have the ultimate handle on yet. While that's not necessarily a great thing, it's better than us think we have a handle on it and spending a bunch of money doing something that ends up using up a lot of money making the thing worse. Clearly it's an area that it would be nice to get a better feel for what we really should do. So that's one of the key points I take away from this panel.

They said that there's Columbia, Brooklyn College, Queens College and Stony Brook

1

2 are all kind of--

3

4

MR. HUDSON: [interposing] That I know off hand.

5

6

7

CHAIRPERSON GENNARO: Right, that are doing little...kind of on the level of a doctoral thesis or a real research project?

8

9

MR. HUDSON: Probably something along that level.

10

11

12

13

14

CHAIRPERSON GENNARO: No, it's always good when people put brain waves into something and create a piece of scholarship that can help future endeavors. It's not like we have Woods Hall or something looking at this, right?

15

16

17

18

19

20

21

MR. HUDSON: No.

CHAIRPERSON GENNARO: Woods Hall is a big outfit. I think most people know that. This has been very, very helpful. When I go out there am I going to be on a Park Service boat or be in an Army Corps boat, is there going to be a competition there? How's that going to work?

22

23

MR. ADAMO: It depends on what size boat you want to be on.

24

25

CHAIRPERSON GENNARO: Right. Okay but I would like Bill Murray, my staff to kind of

work that out. Last time I went out it was great; it was raining, it was cold, it was delightful. That was like November, it was windy--

MR. ADAMO: [interposing] You're going to get more of the same.

CHAIRPERSON GENNARO: It was everything you want. I guess a kind of wrap up question, I got in this with Local Law 71, putting together you folks and others that served on that panel that did very good work. Now, I'm trying to monitor what has happened as a result of that. Any need from me to revisit the original local law to have Jamaica Bay task force 2.0? Or we did this, good people doing good work, I'm trying to keep an eye on it or will that be good enough? If you were me, what would you do?

MR. HUDSON: I think the plan that's evolved is an excellent plan. I think what we need to do now is concentrate on being sure that that plan is implemented as best as possible.

CHAIRPERSON GENNARO: Okay, so I'm doing my job here by trying to make that happen. It's been wonderful to partner with the Bloomberg administration on this and many other

1  
2 environmental efforts. They're a wonderful and  
3 great administration and I'm happy to partner with  
4 them. This is also unique in we have state  
5 partners and federal partners. I'm just grateful  
6 for the good things that you folks are making  
7 happen and try to pick a really bad weather day  
8 and go out there and have some fun, Bill. If it's  
9 sunny, you're in trouble. Let's get wet, okay?

10 No Dramamine before you go out.  
11 That's it. You hang over the side, you take your  
12 business. Got to toughen up my staff. I want to  
13 thank this panel very much for your great work.  
14 We really greatly appreciate it. Now this is my  
15 next threshold, the whole sediment thing. When I  
16 was studying geology I was more like a hard rock  
17 guy, a geophysics kind of guy. I know a little  
18 bit about sediment, not as much as other  
19 geologists but I'm ready to get back into it.  
20 Thanks gentlemen, I appreciate you being here and  
21 good luck with your efforts to protect the Bay.

22 MR. ADAMO: I appreciate it.

23 MR. HUDSON: Thank you.

24 CHAIRPERSON GENNARO: You bet.  
25 I'll read it into record or I'll want you to read

1  
2 it into record at the appropriate time. I want to  
3 call the next panel, Brad Sewell of the National  
4 Resource Defense Council, Lynne Hertzog of New  
5 York City Audubon. To my knowledge that's going  
6 to be the last panel. What we're going to do,  
7 I'll tell you what; we're going to let this panel  
8 get settled and then the counsel for the committee  
9 is going to read into the record a letter from  
10 Council Member Comrie and Bill Scarborough of the  
11 State Assembly. I'm going to leave the room for  
12 about 90 seconds. I'll be right back. By that  
13 time the panel will be sworn, this will be read  
14 into the record and we'll be ready to go. I'll be  
15 right back.

16 COUNSEL: Honorable James Gennaro,  
17 Chair of the Environmental Protection Committee,  
18 dear Council Member Gennaro. I am joining my  
19 colleague and government assembly member William  
20 Scarborough, 29th Assembly District in Queens and  
21 offering comments on your oversight hearing  
22 regarding the implementation of the Jamaica Bay  
23 Watershed Protection Plan.

24 I must commend your Committee on  
25 its effective work regarding the many complex

actions that must be taken to address the environmental threat to Jamaica Bay. As a Council Member and an Assembly member for Southeast Queens, respectively, we are deeply concerned with Item S of your report which indicates no detailed comments or discussion of proposed storm water projects contained in the 2010 update.

I know you are personally aware of the problems we are facing due to a rising water table in Southeast Queens and concur that any holistic approach to the Jamaica Bay study must include implementation of the construction of the badly needed projects.

It's my understanding that two years ago 25 projects were proposed for the Southeast Queens area. When stimulus funds became available in 2009, we alerted our federal officials to the importance of such projects as Status Six, 110th Avenue and 164th Street flood prevention, your college flooding, must pump one million gallons daily, sewer projects for Community Board 8, 12, 13 and 14 and replacement of all seepage basins. No funds were gained.

We are using this opportunity today

1  
2 to re-alert those involved in the implementation  
3 of the Jamaica Bay Watershed Protection Plan under  
4 Local Law 71 of 2005, that resolution of the  
5 flooding problems in Southeast Queens must be an  
6 integral part of any efforts to protect the  
7 watershed. Sincerely Leroy Comrie, Deputy  
8 Majority Leader and William Scarborough, 29th  
9 Assembly District Queens.

10 And now would you please raise your  
11 right hand. Do you swear, affirm to tell the  
12 truth, the whole truth and nothing but the truth  
13 today?

14 BOTH: Yes.

15 COUNSEL: Thank you.

16 [Pause]

17 CHAIRPERSON GENNARO: Thanks very  
18 much for being here and we're very, very grateful  
19 for all of your efforts throughout the years in  
20 trying to make the Bay better. We're very  
21 grateful to have you here. Without further a due,  
22 we'd like to hear your good statements. We're  
23 going to start with Brad? Okay, sure.

24 BRAD SEWELL: Thank you. I'm Brad  
25 Sewell, a senior attorney with the Natural

Resources Defense Council and as the Committee knows I served at co-chair with Doug Adamo on the Jamaica Bay Watershed Protection Plan Advisory Committee. I greatly appreciate the opportunity to appear before the committee and talk about the implementation of the Jamaica Bay Watershed Protection Plan.

As prior witnesses have testified and as the Committee Chair knows so well, Jamaica Bay is an extraordinary resource. There's lots of factoids about it but the one that always serves up the most in my mind is that there's an estimate of it being visited by 20% of the continent's earth's species every year. That should give a flavor as to the enormous natural heritage than we have at stake there. Of course, there's the Jamaica Bay Wildlife Refuge. And then as a recreational resource for the surrounding communities, it's vitally important and for providing flood protection and erosion control, it's also important.

Now this year brought really the best news for Jamaica Bay that we've had so far. The Advisory's Committee's number one

1  
2 recommendation back as the time of the development  
3 of the protection plan was for DEP to  
4 significantly reduce the nitrogen pollution into  
5 the Bay from the four city treatment plans.

6 Around 40,000 pounds a day of nitrogen get pumped  
7 into the Bay. That results in an assortment of  
8 water quality problems, including these massive  
9 algae bloom during the summer, making the Bay  
10 inhospitable for all sorts of life including the  
11 diverse and abundant aquatic life.

12           There's also mounting evidence that  
13 disnption [phonetic] plays a role in the erosion  
14 of the marsh islands, which is the subject that's  
15 being discussed today. Just on that issue, there  
16 were some questions about the current rate and  
17 whether there was any ongoing study of marsh  
18 island erosion. On that point, at the report from  
19 the Committee stated, there was this more than a  
20 doubling of the erosion rate that was recorded  
21 during the 90s. In a DEC study, the Gateway and  
22 the Advisory Committee tried to do an update of  
23 that study. It appeared from our result that  
24 certainly the rate hadn't slowed and in some areas  
25 may have increased.

1  
2                   We're right now in the middle,  
3 we're actually over the hump in changing the  
4 technology in how these studies get done from  
5 basically doing it by hand, figuring out the  
6 erosion rate with hand digitizing to being it  
7 completed by computer. I think that will make it  
8 possible to do much more frequent and probably  
9 better, studies of this nature. I would say in  
10 the next five years we'll have a much better  
11 handle as to what has been going on most recently  
12 and where we're going. It may be that Doug, after  
13 the hearing, can provide some insights as to  
14 what...I think Gateway is taking the lead on those  
15 studies.

16                   In any case last January, New York  
17 City committed to significantly reduce nitrogen  
18 pollution into the Bay as well as to fund large  
19 scale restoration activities and to improve water  
20 quality monitoring in the Bay. As we've heard  
21 from DEP, the key component is this nitrogen  
22 pollution reduction, a planned 50% reduction from  
23 current levels in the next ten years. There will  
24 be upgrades at all four plants and some of the  
25 technologies that will be tried over this ten year

period are intended to be really sort of cutting edge, cutting edge in cost effective per pound of nitrogen removal and that will be very exciting to see how those work.

It will be an opportunity for New York City to really be in a laboratory, as they have before, in the development of pollution abatement technologies. Nitrogen abatement isn't something that New York City alone suffers from.

The city is also going to direct \$15 million to marsh island restoration activities. Also we've heard that it will hopefully result in a 2:1 match with federal funds so we can get it up to about \$45 million, which would just be extraordinary in terms of really bolstering this marsh island restoration effort that folks have previously testified about.

Finally we're going to have some improvements in the water quality monitoring. What's also, from the citizen groups that were involved in crafting this agreement, what's also important about this is they'll be some enhance enforceability to all of these commitments including in the permits that govern the nitrogen

1  
2 discharges. The public will be able to be  
3 involved on an ongoing basis, including through  
4 enforcement or at least working to see if there's  
5 some sort of enforcement issue and attempting to  
6 resolve that ahead of time; really trying to keep  
7 this moving forward and everyone accountable for  
8 these commitments.

9 The agreement isn't quite  
10 finalized. It's a complex agreement but it should  
11 be finalized quite shortly--

12 CHAIRPERSON GENNARO: [interposing]  
13 This is the one that we announced in February,  
14 right?

15 MR. SEWELL: Right. It's really an  
16 extraordinary commitment on the part of the city,  
17 for which DEP and the new DEP Commissioner should  
18 be congratulated. NRDC was very excited to be a  
19 part of putting this together.

20 Actually I want to say a couple of  
21 words<sup>4</sup> about other components of the Watershed  
22 Protection Plan. These upgrades and the  
23 restoration funding have been folded into the plan  
24 are important new significant improvements to the  
25 plan. Additionally these pilot projects that have

1  
2 been talked about have clearly made some  
3 substantial progress and they're important in  
4 terms of identifying new technologies that can  
5 help Jamaica Bay.

6 CHAIRPERSON GENNARO: [interposing]  
7 Projects like the ARP and all?

8 MR. SEWELL: The ARP project is an  
9 important one. The oyster, the turf scrubber  
10 pilot at the Rockaway Plant, so these are all  
11 important initiatives that are part of the Jamaica  
12 Bay Plan that will hopefully bear even greater  
13 fruit if we can scale them up in future years.

14 The final point I want to make,  
15 having discussed all the good news is we still  
16 have concerns that the Jamaica Bay Watershed  
17 Protection Plan is lacking in the key respect that  
18 it still doesn't have the specifics of  
19 quantitative and measurable goals, the milestones  
20 both per project and then for a plan as a whole  
21 and then an adequate monitoring system to figure  
22 out if we're actually getting what we want to get.

23 CHAIRPERSON GENNARO: I was going  
24 to save my stuff for the end but in the previous  
25 panel one of the witnesses, I forget which one of

1  
2 them. I'm trying to briefly look at the  
3 statements here but it was great that we're going  
4 to get 50% reduction over the next ten years but  
5 we should get another 50% reduction by 2030. It  
6 was either Houston or was that?

7 MR. SEWELL: It was Doug Adamo.

8 CHAIRPERSON GENNARO: Doug Adamo,  
9 so that made me think. As you're saying that, I  
10 guess it reinforces your assertion that in a  
11 perfect world we would set those kinds of  
12 milestones, rather than talk about the substantial  
13 resources that are going to be put in and then  
14 those resources are able to do whatever they do.  
15 It would be nice to set a benchmark of where you  
16 want to be by some date and then do whatever's  
17 necessary to get there. I guess that's sort of  
18 your point. I'll let you make your own point  
19 rather than me make it for you.

20 MR. SEWELL: You've made it better  
21 than I possibly could have. That was my last  
22 point, I guess, to support what you just said.  
23 You got to figure out where you want to get and  
24 then put resources together to give it your best  
25 shot with your current thinking as to how you can

1  
2 get there. But then you need to be able to figure  
3 out whether you're getting there and then adjust  
4 your plan accordingly. If you don't really know  
5 where you're going you can't do that adaptive  
6 management, as it's called.

7 I think that the plan had these  
8 really phenomenal steps forward in the last year.  
9 But I think as we continue to get into the depths  
10 of implementation, this may prove to be an issue,  
11 not simply with nitrogen but Jamaica Bay suffers  
12 from a host of different complicated impacts. In  
13 order to figure out whether we're succeeding, we  
14 have the benchmarks to do so and hold ourselves  
15 accountable.

16 CHAIRPERSON GENNARO: Right. Let  
17 me just kind of talk out loud for a second. I'm  
18 great friends with the Bloomberg administration,  
19 all the environmental entities within the  
20 Bloomberg administration, whether it's the good  
21 people at DEP or the good people in the Mayor's  
22 office, the good people at Long Term Planning and  
23 Sustainability. Bill, we're right in the middle  
24 of doing this PlaNYC 2.0 or whatever it is. Maybe  
25 this is a conversation for the Office of Long Term

1  
2 Planning and Sustainability to sort of put on  
3 their agenda of something they want to see. Then  
4 that will help drive the efforts, the good efforts  
5 of DEP towards getting that kind of structure and  
6 goals and mandates. I'm just kind of thinking out  
7 loud here. I'm thinking of how I would do it.

8 Also, if this is a view that's  
9 shared by the original members of the Jamaica Bay  
10 Committee or whatever it's called that was put  
11 together by Local Law 71. How many members were  
12 there, seven or something?

13 MR. SEWELL: Yes, seven.

14 CHAIRPERSON GENNARO: And some were  
15 Council, some were administration, right? Again  
16 this wouldn't be in any way to sort of criticize  
17 all of the good efforts that have gone on to date.  
18 But if it were, a desire or a wish of the majority  
19 of the members of that, I guess, technically now  
20 defunct committee having served its purpose with  
21 great distinction.

22 But to the extent that this was a  
23 dream, a desire, or whatever that to the extent  
24 possible we could have the hard goals to be  
25 reached by some date certain. If that were

1  
2 conveyed to me then I could convey it to the  
3 Office of Long Term Planning and Sustainability  
4 just to see what we could do to take a good  
5 process that has served the Bay and served the  
6 people of New York well, even better.

7           Then I'd be on the hook at the  
8 Council to say I'd want to get my colleagues to  
9 support more money for this kind of thing. It's  
10 not just wishing for something, it's finding the  
11 money to do it. Then I'd be happy to engage you  
12 and other like minded folks who were deeply  
13 involved in this process. I would try to do what  
14 I could to try to get those kinds of goals better  
15 articulated and try to create some sort of process  
16 by which we can really...

17           You're the second witness that has  
18 come forward and said what we're doing is great  
19 but it would be nice to do even better. We could  
20 say that with everything but I'd be more than  
21 happy to do that. I'm having this hearing because  
22 I want to take the next step. I want to not just  
23 be informed but to be able to take some, maybe not  
24 a concrete step, but something between concrete  
25 and Jell-O, there's something in between that, a

1  
2 step I could take. I don't want to do anything  
3 that in any way diminish the great efforts of the  
4 Bloomberg administration and the federal  
5 government, state government, all of whom really  
6 want the best for the Bay and are working very  
7 hard.

8 But to see if there's any way we  
9 could set the bar a little higher. This is a  
10 really terrific national resource even if it were  
11 the Feds or whatever. I would like to try to  
12 figure it out. Again, not that I'm looking to do  
13 a whole Jamaica Bay Watershed Plan 2.0 but  
14 something that could make this good effort even  
15 better, I would like to try to do that and we  
16 appreciate any guidance on how I could to it or  
17 any strategies by which we could try to advance  
18 that and go through.

19 I'm thinking with the Office of  
20 Long Term Planning and Sustainability because they  
21 really have a larger view than does even DEP on  
22 this. That's my thought. So to the extent that  
23 you could work with Samara and Bill to figure out  
24 how we would do that, that would be fine, just to  
25 get to that. Because if we can get that amount of

1  
2 nitrogen reduction, that would be super because  
3 this bay, this resource, this is bigger than just  
4 New York City. This is a serious and  
5 irreplaceable national resource that we really  
6 have an obligation to do whatever we possibly can.

7 But anyway, please continue. Those  
8 are my own brain waves. If you could talk after  
9 the hearing to staff about that, about how we  
10 could advance that. We'll talk about it on the  
11 boat.

12 MR. SEWELL: I'll certainly follow  
13 up. I'm really at a close. I appreciate the  
14 Chair's phenomenal commitment to this issue, to  
15 the Bay over the years and for allowing me to  
16 testify today.

17 CHAIRPERSON GENNARO: Brad, you  
18 were there from the get-go. We really appreciate  
19 that. I may have done something to help the  
20 Committee come together but I didn't go to just  
21 one meeting. I just put it in motion and let it  
22 do its thing. I'm happy to play my role but I  
23 have the utmost respect for people who went and  
24 did it, and that would be you.

25 MR. SEWELL: Thank you.

CHAIRPERSON GENNARO: I appreciate it. And from Audubon, Lynne Hertzog. Thank you very much for being here. I have your statement.

LYNNE HERTZOG: Thank you, it's good to be here.

CHAIRPERSON GENNARO: I got your statement right here.

MS. HERTZOG: You got it?

CHAIRPERSON GENNARO: Mm-hmm.

MS. HERTZOG: Okay. I am with New York City Audubon, I'm on the board. Just a little background, we're an independent grass roots conservation organization affiliated with National Audubon and we represent 10,000 members in the city's five boroughs. Our primary mission is to protect wild birds and habitat within the city, which thus improves the quality of life for all New Yorkers. We help to protect Heron Zegrid's iris that are nesting and New York Harbor and raise awareness of the hazards of glass and light for millions of migratory birds.

Also, a linking beach clean ups in the watershed area with Horsehoe crab surveys and shore bird observations in Jamaica Bay, which has

1  
2 been ongoing for quite a few years. We educate  
3 the public about the importance of our city for  
4 wild birds and nurture the next generation of  
5 young conservationists and stewards of the  
6 environment.

7 Jamaica Bay is very important to  
8 New York City Audubon. It is also very important  
9 to the world. It's been designated by Bird Life  
10 International, the leading international  
11 conservational organization as an important bird  
12 area of global significance because of its use by  
13 migratory shore birds and colonially breeding  
14 water birds.

15 Overall, unfortunately, shore bird  
16 populations are declining rapidly. Some species  
17 like the red mott may go extinct in our lifetime.  
18 At least 35 species of shore birds have been  
19 identified during their migration through Jamaica  
20 Bay. Most of these species are long distance  
21 migrants and one individual travels thousands of  
22 miles from the Artic to Latin America, stopping in  
23 Jamaica Bay. Many of these birds depend upon  
24 finding suitable stop over habitat that affords  
25 high energy food and protection from predators

1  
2 along the way. They need to get some of that in  
3 Jamaica Bay.

4 As coastal and wetland habitat  
5 continue to degrade and/or disappear, areas like  
6 Jamaica Bay mud flats play an increasingly  
7 important role in the conservation of these  
8 migratory species. Jamaica Bay is the most  
9 important area for birds in New York City.  
10 Protecting the Bay's watershed and achieving high  
11 standards of water quality in the Bay are critical  
12 components in providing high quality habitat for  
13 this survival, health and condition of these key  
14 wetland dependent bird species.

15 New York City Audubon applauds the  
16 efforts of the Mayor's Office and the New York  
17 State Department of Environmental Protection in  
18 their implementation strategy for Jamaica Bay's  
19 Watershed Protection. In addition to the work  
20 being done regarding best management practices for  
21 storm water management, reduction of nitrogen  
22 loading, CSO improvements and improved resolved  
23 oxygen concentration, New York City Audubon urges  
24 that the city move forward in committing funding  
25 to monitoring programs from monitoring microscopic

1  
2 life to shore birds, turtles, so that these  
3 management strategies can be evaluated at an  
4 ecosystem level. The fate of migratory birds  
5 passing through Jamaica Bay depends on these  
6 actions. And that's the end of my statement. I'd  
7 like to thank you very much for asking us to be  
8 here today and participate in your work.

9 CHAIRPERSON GENNARO: I'm very  
10 grateful to Audubon, all of the consciousness  
11 raised and that you're able to do with your  
12 members and for your publication and letting  
13 people know of the great resource that is Jamaica  
14 Bay. The folks have been critical not only from  
15 an environmental advocacy perspective but in just  
16 letting regular New Yorkers know, who we're  
17 saving, what's this all about. While New York  
18 City is the home of millions of people who find  
19 their home here and who come through here for  
20 business and tourism or whatever, we have other  
21 visitors and other tourists with wings. If we  
22 don't keep the proper habitat for them then our  
23 city is going to be lesser for that and the planet  
24 will be lesser.

25 You guys play a great role in

1  
2 making sure that that message is heard by ten  
3 thousand people and the people that they talk to  
4 around the water coolers. So we're grateful for  
5 Audubon. I'm mostly grateful because as soon as  
6 we did this Audubon made a big fuss over me too  
7 that one year. That was nice. So that was a lot  
8 of fun.

9                   So just to kind of wrap up here's  
10 what we're going to do. We've had the hearing and  
11 Brad you and others can work to try to figure out  
12 how we make these good efforts even better,  
13 whether it's by me talking to the Office of Long  
14 Term Planning and Sustainability. They got this  
15 new guy, David Bragdon, good guy. As we create  
16 PlaNYC 2.0 it would seem to me that there's a real  
17 value added that we can bring to this process of  
18 doing better by the Bay, if that was included in  
19 one of the pillars of PlaNYC 2030.

20                   Just like the administration in the  
21 last year has really, really stepped up and did  
22 what was necessarily with regard to an issue that  
23 really is not related to this but the spector of  
24 hyrdofracking the city's water supply. It was  
25 this administration that came forward and created

1  
2 a great body of science that it put for New York  
3 State regulators that were seeking to advance the  
4 hydrofracking proposal. It went and it did it and  
5 it got it done. So this is an administration that  
6 I love to work with on environmental issues and  
7 other issues, but particularly environmental  
8 issues.

9 I really want to take the good work  
10 that we've done and take it to the next level.  
11 Mr. Adamo made reference of the need to do more on  
12 the nitrogen itself and others. So we're going to  
13 do that and we're going to go out on the boat.  
14 Bill's going to set that up. We're going to look  
15 at sediment hot spots. That's something that we  
16 have to try to figure out if we can get some brain  
17 waves directed in that area that will help us to  
18 do something with the sediment hot spots or not do  
19 something with them, whatever seems to make the  
20 most sense. But that's in my radar as well.

21 Of course anyone who has an  
22 interest in this issue my door is always open.  
23 Counsel to the Committee, Samara Swanson who has  
24 worked long and hard on this and Bill Murray, my  
25 environmental staff member who is on my own staff,

not only the committee staff but serves the committee well. With that said I think we had a good little hearing here. We know where we're going from here and it's up to Bill and Samara to make sure that I said what I said.

They're going to follow through on what I said. If I do, I will take the credit. If I don't, they will get the blame. That's the way it works when you're a Chairman. Thanks very much. Happy Halloween to one and all and I got a doctor's appointment in 45 minutes and I'll just about make it. Thanks all very much. Thank you for being here.

C E R T I F I C A T E

I, Amber Gibson, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  \_\_\_\_\_

Date November 23, 2010