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2 CITY COUNCIL

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CITY OF NEW YORK

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THE TRANSCRIPT OF THE MINUTES

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of the

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COMMITTEE ON ENVIRONMENTAL PROTECTION

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October 21, 2004
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City Hall
250 Broadway, 16th Floor
New York, New York

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B E F O R E:

15

JAMES GENNARO

16

Chairperson,

17

COUNCIL MEMBERS: Margarita Lopez
Bill DeBlasio
Allan Jennings
Oliver Koppell
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Jose Serrano
Peter Vallone, Jr.
Dennis Gallagher

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2 A P P E A R A N C E S

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Karl Christopher Soller
4 Acting Superintendent, Jamaica Bay Unit
Gateway National Recreation Area

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Dave Avrin
6 Assistant Superintendent, Jamaica Bay Unit
Gateway National Recreation Area

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8 First Deputy Commissioner
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10 Deputy Commissioner, Bureau of Waste Water Treatment
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Bill Tai
12 Director, Natural Resources
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Jacob Kritzer
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1 COMMITTEE ON ENVIRONMENTAL PROTECTION

2 CHAIRPERSON GENNARO: Good morning,
3 good morning. Thank you for your patience. Thank
4 you for being here, and thank you for finding the
5 room. Whoever found it on the first shot did better
6 than I did, because I ended up across the street
7 thinking that our hearing was over there. But it is
8 important to have a witness and an audience that are
9 smarter than the Chairman, because all the
10 information, after all, is coming from you, and I
11 know it will be good information today.

12 I am Council Member Jim Gennaro,
13 Chair on the New York City Council Committee on
14 Environmental Protection. I would like to welcome
15 you all to this hearing. Today, the Committee will
16 hear testimony on a very important matter, the
17 current status and future of one of New York City's
18 natural resource jewels, Jamaica Bay.

19 In November of 2002, this Committee
20 held an oversight hearing on the future of the Bay
21 with a specific focus on environmental impacts on
22 the Bay's disappearing marshes. At that hearing,
23 witness upon witness, including Chris Ward, the
24 current Commissioner of DEP, were joined by Dave
25 Tweedy, who will soon be the Acting Commissioner of

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2 DEP, we are happy to have Dave here, and Billy
3 Garrett, former superintendent of the Gateway
4 National Recreation Area, Jamaica Bay Unit,
5 testified that the Bay had an astounding and
6 extremely troubling loss of tidal marshlands. I
7 know that you all know that, that is why you are
8 here.

9 The Bay's Marshland serves as nesting
10 and feeding areas for an abundance of birds and
11 other wild life. Perform an essential role in
12 controlling floods, and in protecting the Brooklyn
13 and Queens shore front from storms and erosion.

14 This Committee heard in 2002 that
15 these marshlands were rapidly and very mysteriously
16 vanishing. Numerous theories have serviced that
17 attempt to explain this phenomenon, such as the
18 filling and dredging of the Bay, the release of
19 waste water from some of the City's sewage treatment
20 plants into the Bay, changes in the tidal flows that
21 adversely effect sediment flows in the Bay. The
22 rise in sea level as a result of global warming, and
23 the going population of geese eating young marsh
24 grass plants before these plants can establish
25 themselves. Despite myriad theories and the best

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2 efforts of the scientific and environmental
3 community, the definitive cause, or set of causes
4 for Jamaica Bay's catastrophic marshland loss has
5 yet to be identified.

6 This brings us to today's hearing.
7 The goal of today's hearing is several fold:

8 We hope to take stock of the progress
9 since our last hearing in 2002 towards improving the
10 overall environmental health of the Bay, and
11 preventing further loss of marshland.

12 Perhaps more importantly, we also
13 hope to hear more about the direction in plans for
14 future efforts to save the Bay and its marshlands.

15 And finally, we hope to hear from our
16 talented groups of witnesses about how we, this
17 Committee, can be as supportive as possible of these
18 efforts. As I said at the outset, the Bay is one of
19 New York City's genuine, natural resource jewels.
20 Why I am very concerned about its health, and
21 confident that working together, we can do what is
22 necessary to preserve this jewel for this and future
23 generations.

24 I will now call our first witness,
25 but before I do that, I want to recognize the other

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2 members who are here with us. We are joined by
3 Council Member Lopez, and Council Member Koppell,
4 Council Member Joe Addabbo, whose district includes
5 a big section of the Bay, is represented by a member
6 of his staff, the gentleman in the back, would you
7 stand up and just be recognized. I know that there
8 are several of Joe's constituents here. And you
9 know, Joe and I have talked a lot about the Bay. He
10 is very concerned about it, he could not be here,
11 personally, but he is ably represented, and anyone
12 feels free, any of Joe's constituents to interact
13 with his staff.

14 Speaking of staff, I wish to thank
15 the staff of this Committee, Donna De Costanzo, and
16 Richard Colon, for their great efforts in getting
17 this hearing on track, and for staying with me over
18 these last two years. They were here to put forward
19 the original hearing that we had on this topic, as I
20 said, about two years ago. And two years of Jim
21 Gennaro is a lot of Jim Gennaro, but they have been
22 with me, and I really, you know, do appreciate that.

23 I have my own Chief of Staff, Peter
24 Washburn, who has worked very hard on this hearing,
25 as well. And I thank him for his diligently efforts

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2 and his, you know, profound commitment to the
3 environment.

4 Okay, and so the first witnesses who
5 will be the representatives of the federal
6 government, Chris Soller, the Acting Superintendent
7 of the National Park Service, Jamaica Bay Unit, and
8 Dave Avrin, who is the Assistant Superintendent,
9 National Park Service, Jamaica Bay Unit.

10 Thank you, thank you very much for
11 being with us here and giving the benefit of your
12 views. We appreciate all their efforts with regard
13 to Jamaica Bay. We would like to try to help, if we
14 can, maybe, hopefully, you will tell us how we can
15 do that.

16 ACTING SUPERINTENDENT SOLLER: All
17 right.

18 CHAIRPERSON GENNARO: The way we
19 ordinarily proceed in our hearings, I know this is
20 the first time that you have appeared before us, all
21 of our, you know, witnesses are placed under oath.
22 I would like to call upon the Counsel to the
23 Committee, Donna De Costanzo, to administer the
24 oath, and then you can proceed with your testimony.
25 We greatly appreciate your being here, and look

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2 forward to being upheld.

3 Thank you. Donna.

4 MS. DE COSTANZO: Please raise your
5 right hand? In the testimony that you are about to
6 give, do you swear or affirm to tell the truth, the
7 whole truth, and nothing but the truth?

8 MR. SOLLER: I do.

9 MS. DE COSTANZO: Thank you.

10 MR. SOLLER: My name is Chris Soller.

11 I am the Acting Unit Superintendent of the Jamaica
12 Bay Unit of Gateway National Recreation Area. I
13 want to thank the Chairman, and the members of the
14 Committee for our opportunity to appear before you
15 today.

16 I am not going to read the statement
17 word for word, but to paraphrase in the interest of
18 time, because we have got a lot of people here
19 today. Two years ago, we were here, Billy Garrett,
20 my boss, was here appearing before you and discussed
21 the issues of salt marsh loss and the importance of
22 Jamaica Bay.

23 I think that your statement that came
24 from you, Mr. Gennaro, basically hits it on the
25 range of problems, summarizes them very well.

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2 Since we appeared before you two
3 years ago, we have engaged in a number of
4 activities. We have created, on two fronts, one is
5 education research, and the other is restoration. On
6 the education research end, we have created, what we
7 call, the Jamaica Bay Institute, which is an
8 outreach effort that we have to coordinate research
9 going on in the Bay, and direct research that it
10 focuses on the real issues. Also, the Jamaica Bay
11 Institute is focused on trying to educate the larger
12 community about the issues involved with Jamaica
13 Bay.

14 Two years ago, a little over, in the
15 spring and the fall of 2002, spring of 2003, we
16 convened a number of workshops with all the agencies
17 involved with Jamaica Bay to talk about what they
18 were engaged in, try to get an understanding of the
19 various work going on in the Bay. We then followed
20 it up with a number of the public meetings for the
21 public to come in and learn what was going, and get
22 the idea of what the public thought was important
23 about Jamaica Bay, we then issued this report, "The
24 Evolving Legacy of Jamaica Bay." I have a couple of
25 copies available for those who have not seen, and I

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2 know a number of people in the room were engaged in
3 the preparation of this report, and have received
4 copies of it. It really outlines a variety of
5 activities going on in the Bay, as well as what
6 people of the community and the agencies feel is
7 important about the Bay. We continue this process
8 of trying to educate people about the importance of
9 the Bay and what day- to- day decisions made by a
10 variety of people have on the Bay.

11 Also, when Mr. Garrett was here he
12 talked about a Blue Ribbon Panel that we convened in
13 2001. This last March, we brought together a group
14 of researchers who have been engaged in a number of
15 research activities that were identified by the Blue
16 Ribbon Panel, and we had a symposium on the future
17 highlighting, ongoing research, local, international
18 prospective and future development and restoration
19 plans. This is the proceedings, I have a few copies
20 of that, which we can make available to people about
21 that. And it was interesting to find out the
22 variety of research and what is going on.

23 But we also have convened and put
24 together Jamaica Bay Science Board that is reviewing
25 the research, and trying to comment on and direct

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2 researchers so that they, the research is not done
3 just in sort of an academic vacuum. That it is done
4 in such a way that we can take this research and use
5 it at the end of the day. That it is going to help
6 us in future decision making, that it is not just
7 out there because somebody things, oh, isn't this a
8 good idea to go and do some research on this and get
9 my master's or doctoral thesis done. It is really,
10 we have real needs, and the Science Board works with
11 the researchers to help them focus and refine their
12 research to start addressing the concerns that we
13 have in the Bay.

14 So two major activities with regard
15 to research and outreach to the community and
16 education. Also, a number of other research
17 projects going, the variety of research projects
18 that were not even discussed in this, and at the
19 symposium we have got a major mapping of the Bay
20 bottom to determine the depth of the Bay, and
21 understand throughout what is happening at the
22 bottom. How it is filling in, where the pits are, a
23 variety of things like that. This is important to
24 know, the sediment flow, and to help determine where
25 we should be looking at deposits. There is going to

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2 be a hearing tonight about filling in some borrowed
3 pits in the far southeast quadrant of the Bay
4 outside of the Parks' boundary. But it is an
5 important issue, that has been that has been tossed
6 around and discussed a long time, as what should
7 happen with these Borough pits. So understanding
8 the depth of the Bay, what is happening with
9 sedimentation, is a really important issue.

10 On the restoration front, a year ago,
11 we undertook an initial demonstration project to see
12 about raising the level of part of salt marsh in the
13 Cross Bay Area, in the southwest corner of Cross
14 Bay, Broad Channel, sorry, off Cross Bay Boulevard
15 southwest corner of Broad Channel. Big Egg March,
16 about two acres of marshland, we spent about
17 \$450,000 in raising the level of two acres of
18 marshland, and then replanting it. We did this by
19 dredging some of the channels in the area, and
20 putting the sand back on the marshes to raise the
21 level of the marsh, and then came and replanted.

22 Basically, our initial monitoring of
23 it shows that it has been a success. The plants
24 that we planted, pretty much survived. When we went
25 out in May, there was a lot of growth. Hundreds of

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2 thousands of seedlings had come up through the area
3 where the marshland was raised. That is not to say
4 that it is a total success. We have seen some
5 erosion, we have seen some plant loss over the
6 course of the summer. We will continue to monitor
7 this. This was a demonstration to see if this is
8 going to be a realistic means to deal with marsh
9 restoration.

10 Another project that is under way
11 with the Corp. Of Engineers, and it is both a
12 construction project in the Corp's mind, but it is
13 also, very much a demonstration project that we
14 believe will be going forward, is dredging the
15 Rockaway Inlet and putting that sand, eventually,
16 out on Elder's Point for about 45 acres of marsh in
17 Elder's Point. This is sort of in the center of the
18 Bay, west of the Joseph Addabbo Bridge that is Cross
19 Bay Boulevard, north of Broad Channel.

20 So, about 45 acres of land will have
21 sand deposited on it to raise the level of the
22 marsh, and then be replanted. Right now what is
23 happening is, the Corp. Was getting ready to dredge
24 the Rockaway Inlet. That sand will be deposited on
25 an area of Floyd Bennett Field so that the water, if

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2 you understand dredging, there is a lot of water
3 that is engaged, it is involved with the sand, so
4 the water has got to drain off the sand, and then we
5 will put the drier sand out on the Bay. So, it is
6 going to make more sense out on the Bay to raise the
7 level of the Bay. This is going to be going on over
8 the next 12 to 18 months. It is very much a
9 demonstration project, there is no guarantee at the
10 end of the day that this is going to work. But,
11 this is where we are headed. We will be monitoring
12 this closely with the Corps of Engineers to see what
13 comes of it.

14 That is really where we are at this
15 point in time. I think that as we go forward, I
16 think the biggest issue is with regard to the health
17 of Jamaica Bay and what has happened in Jamaica Bay
18 has been the urbanization around the Bay. I mean, I
19 think the combination of factors that come into that
20 are what is causing this to occur on the loss of
21 salt marsh.

22 I think there are a lot of decisions
23 that are outside the control of the National Park
24 Service that are being made all the time that effect
25 Jamaica Bay. And every creek that has been

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2 channeled, and every bulkhead that is built, you
3 know, where, what is happening around the Bay, and
4 what are the issues. I think a lot of what you have
5 discussed in your paper is, in your statement is
6 clearly impacting the Bay.

7 I think we need to be very careful
8 about future decisions, and we need to work together
9 and understand the decisions made about development,
10 what those impacts will be long- term on the health
11 of Jamaica Bay. I am not optimistic that we can
12 stop the loss of salt marsh any time soon. I think
13 we are going to get to a point, and in talking to
14 our scientists about this, we are going to continue
15 to lose salt marsh. But we are going to get to an
16 equilibrium at some point, where those areas that
17 are protected and the edges, the salt marsh will be
18 there, the edge of the wildlife refuge, the edge of
19 the Floyd Bennett Field, either undeveloped areas
20 that are within the boundary, the park and other
21 protected areas such as Marine Park and other places
22 where you have got upland that can support the
23 continue survival of the marshland. I think there,
24 I don't believe we will see the end of marshes in
25 Jamaica Bay. But every decision we make, as we move

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2 forward, I mean, we have to really weigh the
3 decision as to what the impact is going to be.

4 Proposals to put a ferry through, a
5 fast ferry from Kennedy Airport to Manhattan that
6 the Port Authority is engaged in. I am not saying
7 one way or the other whether that is good or bad,
8 but we need to understand the impacts of, if you
9 have a ferry that is going to economically viable
10 and feasible, what are the speeds, what are the
11 wakes that are going to result from that ferry going
12 through the Bay. So we have got to understand that
13 before we say, yes, this is the thing to do.

14 New technology, and there may be
15 ferries that can move that the wake is reduced
16 dramatically. What will the cost be to do that? So
17 there are cost engaging involved in all of these
18 issues.

19 So, other issues, we talk, if looking
20 at developments, other developments, such as the
21 Gateway Center. It is an important economic piece
22 for, you know, the area of Brooklyn and Queens, with
23 the development of that, jobs, a variety of things.

24 CHAIRPERSON GENNARO: What was that,
25 again, the last thing?

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2 MR. SOLLER: The Gateway Center, Exit
3 15 on the Belt Parkway, Erskin Street, a
4 development. What are the long term impacts of
5 paving over a large area of what was sand, you know,
6 the runoff from that. I am not saying that it is a
7 good or bad thing, but you know what are the
8 impacts, do we really have an understanding. All
9 of these decisions, we need to be looking at.

10 And that is where we look to the
11 City, you know, in zoning, in development, that the
12 City is really in control of those things to talk
13 about what happens there.

14 So, that basically concludes my
15 statement. But I appreciate the opportunity to be
16 here. I will take any questions that you may have.

17 CHAIRPERSON GENNARO: Thank you.
18 Thank you, Mr. Soller. Just in order for us to
19 partner with you in a more significant way, to the
20 extent that you have activities that are going on
21 with regard to, you know, symposia, conferences, or
22 some kind of collaborative process going on, we
23 would be more than happy to be in, you know, kept
24 apprised of that. I can always send staff to come
25 or whatever, you know, we want to monitor what is

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2 going on. The Counsel to the Committee is, you
3 know, Donna De Costanzo, and you know, Richard
4 Colon, I just ask you to make sure that you have
5 their business cards, and be accepted that you have
6 stuff going on, we would love to be apprised and,
7 you know, be helpful as possible. And even just for
8 other actions that are under contemplation about the
9 City, you know, we are the City; right, Margarita,
10 this is us.

11 COUNCIL MEMBER LOPEZ: Yes, this is
12 it.

13 CHAIRPERSON GENNARO: You know.

14 MR. SOLLER: I have to say that there
15 are many times, and it is not your Committee, but
16 often we are sometimes the last people to hear about
17 things that are happening around the Bay. Well,
18 oftentimes when we see, there are people that do not
19 understand that Jamaica Bay is under the auspices of
20 the National Park Service, and it is an amazing
21 thing after 30 years that we still learn that it is
22 just looked at as vacant land, and it is not vacant
23 land. It is a National Park that is not, you know,
24 really on the table for development. And it is a
25 jewel within the heart of the City that everybody

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2 needs to be engaged in its protection.

3 So, I guess basically, a hearing like
4 this, and your Committee's trying to educate the
5 rest of the Council and others of the importance of
6 this resource is an important thing that I think can
7 continue to go on.

8 CHAIRPERSON GENNARO: Certainly. I
9 mean we are happy to play that role, and anything
10 that you become aware of with regard to any kind of
11 pending public decision by the City, the State, or
12 anyone, and we would be happy to know about it and
13 to see what we may be able to do to be of some help,
14 if that is possible.

15 Just to kind of go over some of the
16 various actions that you have taken since 2002.
17 When we sort of last tuned in, there was a
18 compilation of the Jamaica Bay Report, which is more
19 sort of like a process than a document, some sort of
20 ongoing thing that, I believe, resulted in this,
21 right?

22 MR. SOLLER: Right.

23 CHAIRPERSON GENNARO: And then the
24 Jamaica Bay Institute, is that like the successor to
25 the Jamaica Bay Report process?

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2 MR. SOLLER: Well, the Jamaica Bay
3 Institute was established, they were the driving
4 force in sort of putting together the Jamaica Bay
5 Report, they organized it. They were established
6 early in 2002. And so, over the course of that
7 year, one of the things they were charged with was
8 pulling together the Jamaica Bay Report, bringing
9 these people together to start focusing our actions,
10 and bringing people together to talk about what is
11 going on. So the Institute has been up and running
12 with staff to raise our knowledge and focus our
13 attention on the actions.

14 CHAIRPERSON GENNARO: Now where does
15 that fit in, you know, organization, is that like a
16 national - -

17 MR. SOLLER: It is an office within
18 the Jamaica Bay Unit of Gateway.

19 CHAIRPERSON GENNARO: Oh, I see,
20 okay.

21 MR. SOLLER: It is a part of the
22 Park, it is staff of the Park there. We also have,
23 work with our science folks out of Boston in the
24 Northeast Region and the National Park Service. We
25 have cooperation and cooperative agreements with a

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2 number of University partners, University of Rhode
3 Island. We have engaged in research with Stony
4 Brook, Brooklyn College.

5 CHAIRPERSON GENNARO: Yes, who are
6 you working with Stony Brook out there, Swanson?

7 MR. SOLLER: Steve Goodbrad
8 (phonetic).

9 CHAIRPERSON GENNARO: Is that at the
10 Marine Science Research Center?

11 MR. SOLLER: I believe so.

12 CHAIRPERSON GENNARO: Okay. Because
13 last, at the last hearing we had, we had Larry
14 Swanson of the Marine Science Research Center, who
15 put forward what I thought was some pretty
16 compelling motions about, you know, sediment
17 transport. As a geologist, I thought his testimony
18 was quite compelling, and I know it raised a lot of
19 interest. And that is also my Alma Mater, Stony
20 Brook. So keep those guys in the loop is always a
21 good idea.

22 And then you had the 2001 Blue Ribbon
23 Panel, how does that sort of fit in?

24 MR. SOLLER: Well the Blue Ribbon
25 Panel made the recommendations and sort of got us

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2 thinking about what are the issues that we should be
3 looking at in regard to research, and what kind of
4 restoration projects should be engaged in. And
5 basically, the Blue Ribbon Panel is, there work is
6 done, but what came out of the Blue Ribbon Panel
7 was, as I said, we created this Jamaica Bay Science
8 Advisory Board.

9 CHAIRPERSON GENNARO: I see.

10 MR. SOLLER: That is looking at the
11 research going on in Jamaica Bay and trying to focus
12 it. We had the symposium in March where a lot of
13 the ongoing researchers we brought together, the
14 Science Board listened to what the researchers were
15 engaged in. They commented in on each of the
16 researchers' reports, gave them feedback, tried to
17 direct them. They are looking at the research and
18 trying to focus research to help us for future
19 decision making, where we should go on issues.

20 So the Blue Ribbon Panel's report and
21 recommendations is basically what a lot of our
22 actions, going forward, are based on, and things
23 like the Science Board came out of that.

24 CHAIRPERSON GENNARO: I see, right.

25 So the Jamaica Bay Science Board, different than the

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2 Jamaica Bay Institute, came out of like the Blue
3 Ribbon Panel.

4 MR. SOLLER: Right. And they are
5 independent scientists from around the country who
6 are experts in their field with regard to this, with
7 salt marshes, wetlands, and the whole range of
8 issues that we are engaged in.

9 CHAIRPERSON GENNARO: I see. Okay,
10 and in order for you to get done what you feel needs
11 to be done at the Bay, other than trying to have
12 some control over the actions of the levels of
13 government that go beyond your control, is it a
14 question of, if you needed - - how can I phrase
15 this? Is it a situation that you need more money to
16 do some of the things that you want to do, or you
17 need, you know, more scientific information about
18 why certain things happen, like, what is your
19 biggest gap right now? Is it like a scientific
20 knowledge gap, like lack of understanding of what is
21 going on, is there a money gap?

22 MR. SOLLER: There is a scientific
23 knowledge gap, and that is the research going on,
24 and it is hopefully going to fill that. But once
25 the research is done, and there are some

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2 recommendations, there is going to be the real
3 question, what is the money, and where is the money
4 going to come from to support and implement those
5 recommendations? And whether they will be
6 recommendations that we will be responsible for, or
7 someone will be, you know, money is going to be
8 needed. Where it is going to come from is a
9 question. And at this point in time, you know, we
10 have not gone forward and asked for money for
11 another marsh restoration because we want to see,
12 you know, does this make sense. Does this \$450,000
13 we spent on two acres make sense? Is the \$6.5
14 million we are going to be spending with the Corps
15 of Engineers on Elder's Point, does this make sense,
16 does it work, what is the lasting impact? So it is
17 a real question of understanding these actions that
18 we are taking, before we continue to say, yes, this
19 is the silver bullet that is going to do it.
20 Because I don't know, we don't know that it is.

21 So, but anything that we are engaged
22 in, in restoration project is going to take money.
23 So there is no doubt about that. So, and whether it
24 comes, you know, working with the Corps of Engineers
25 through some of the shoreline protection issues that

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2 they are engaged in, we are continuing to pursue
3 that all the time.

4 CHAIRPERSON GENNARO: And this is, I
5 guess my last question before I turn it over to my
6 colleagues. This is a set of prepared questions
7 that I will read from it. It seems that the JoCo
8 Marsh, just off JFK's Airport, their southern
9 runways, that marsh, I guess some other marsh in the
10 area, have remained stable. Is that right? And I
11 guess one of the questions is, do we have any
12 information on why certain marshes like that are
13 able to remain stable, and other ones seem to be
14 vanishing, or is this part of the --

15 MR. SOLLER: I think it is part of
16 the mystery, Dave may have some comments on that, as
17 well.

18 MR. AVRIN: It's for some reason, - -

19 CHAIRPERSON GENNARO: If you would
20 just state your name for the record, it is being
21 recorded.

22 MR. AVRIN: Dave Avrin.

23 CHAIRPERSON GENNARO: Okay.

24 MR. AVRIN: Assistant Superintendent
25 of the Jamaica Bay Unit.

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2 We don't really know, exactly why,
3 except that it appears that the elevation in that
4 particular marsh is higher. And it does not appear,
5 and we have some instruments on the marshes looking
6 at how elevations of these marshes are changing over
7 time, and for whatever reason the marshes in JoCo
8 are accreting (phonetic), they are actually growing,
9 raising in elevation. Exactly why that is happening
10 is anybody's guess at this point in time.

11 CHAIRPERSON GENNARO: It would be
12 wonderful to just simply, if it was as simple as
13 like the name of the marsh, you know, giving the
14 marshes similar names, they might accrete, I don't
15 know, we have to be as creative as we can.

16 Thank you, thank you.

17 I recognize Council Member Lopez for
18 questions.

19 COUNCIL MEMBER LOPEZ: Good morning.
20 I just need to understand a little bit of the
21 structure of what you represent. The National Park
22 Service is you.

23 MR. SOLLER: Correct.

24 COUNCIL MEMBER LOPEZ: And you are in
25 charge of the particular property in question in

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2 regard of this being a national park.

3 MR. SOLLER: Correct.

4 COUNCIL MEMBER LOPEZ: This national
5 park is in New York City jurisdiction.

6 MR. SOLLER: It is within the
7 boundaries of New York City, correct.

8 COUNCIL MEMBER LOPEZ: Okay, then
9 understanding that, when the City is planning to
10 develop, or the City is planning to allow any
11 development in there, what is the interaction with
12 you in regard of possible consequences, being
13 negative or positive?

14 MR. SOLLER: Well within the
15 boundaries of the park, the City has no authority to
16 allow development to occur. The development that the
17 City is engaged in is on the exterior of the park.

18 COUNCIL MEMBER LOPEZ: I am aware of
19 that.

20 MR. SOLLER: Okay, so --

21 COUNCIL MEMBER LOPEZ: But I am also
22 aware that if I live next to you, and I decide to
23 bring a rock and roll band, 24 hours a day, to an
24 incredible level of sound, it will have impact on
25 you. Then I am asking that question in that

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2 context.

3 MR. SOLLER: Right.

4 COUNCIL MEMBER LOPEZ: When the City
5 is allowing planning to do any kind of development,
6 what is the interaction with you in regard of the
7 consequences that can have toward the park, positive
8 or negative?

9 MR. SOLLER: It varies, depending on
10 the project, and the location of the project.
11 Sometimes we are notified immediately. Currently,
12 what is going on with the roadwork on the Belt
13 Parkway, and we sit adjacent to the Belt Parkway, we
14 were sort of told the City is way down the line in
15 planning. The Department of Transportation is way
16 down the line in planning, and we are brought in at
17 that point. There should be a discussion early on.

18 And in other times, we find out as
19 soon as there is even a discussion.

20 When there is a building permit
21 application by someone, if we are immediately
22 adjacent, we are notified. If we are, you know, a
23 half- mile away, if the development is up one of the
24 creeks, if we get notified, it is usually because
25 somebody who is a neighbor learned about it, and

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2 tells us. There is no, a development that may be up
3 one of the creeks that feed into Jamaica Bay, its
4 impact on the Bay, I don't think that anybody
5 understands that there could be a direct connection
6 or relationship. And so when there is zoning or
7 anything like that, a request made, we don't find
8 out about it unless one of the advocates in the area
9 let us know, and then we determine whether we can
10 engage, and whether it is appropriate for our
11 involvement.

12 It just depends on the project. And
13 if it is, if we are immediately adjacent, we usually
14 are notified because we are, you know, owner of
15 record, of the property.

16 COUNCIL MEMBER LOPEZ: Then the
17 understanding, at this moment, of the procedures
18 that we have in the City, which include
19 environmental impact reviews that have to be done by
20 law, in regard of any development, for example,
21 those environmental review not necessarily will
22 include you, and not necessarily give notification
23 to you, in the current shape and form that we have.

24 Do you think that this is due to
25 ignorance, due to people not understanding the

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2 consequences that something that happened in the top
3 of the mountain will have repercussion at the bottom
4 of the mountain?

5 MR. SOLLER: I think it is that. I
6 also think it is a lack of understanding of where is
7 the appropriate place you identify or who you should
8 notify with any of these actions. Sometimes
9 notifications get sent to Boston or Philadelphia,
10 because that is who somebody has on the record of
11 the National Park Service and the Regional Office.
12 So then it takes, you know, it will then get
13 transferred, sent to us, you know, two weeks after
14 there may be a hearing or a deadline, just
15 depending. It depends on who has, what the address
16 is for the agency involved with it, how they have us
17 recorded. I mean, so some of it is ignorance, and
18 some of it is a lack of understanding of the
19 consequences and the extent of a consequence of an
20 action.

21 I do not think anybody is doing this
22 deliberately.

23 COUNCIL MEMBER LOPEZ: No, I don't
24 think so either.

25 MR. SOLLER: I don't look at it as a

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2 deliberate action by anybody's part. I think it is
3 really a lack of awareness and understanding.

4 COUNCIL MEMBER LOPEZ: I don't think
5 so either. I think that we would be very stupid,
6 and New Yorkers are not stupid, we are very smart,
7 and very good in what we do here. Then I do not
8 believe that this is on purpose.

9 But what I do believe is that we have
10 a problem in the City in regard of absolute
11 awareness that we cannot continue to developing this
12 City without having a real, tight sheep in regard of
13 environmental impacts. And I think that in there we
14 have problem as a city.

15 Then could you tell me what kind of
16 mechanisms exists between you, particularly, I am
17 not referring to the National Parks Services, I am
18 referring you as the Jamaica Bay particular
19 facility, what agency mixes between you and the
20 Department of Environmental Control Board of the
21 City of New York?

22 MR. SOLLER: The Department of
23 Environmental Protection?

24 COUNCIL MEMBER LOPEZ: Protection,
25 yes.

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2 MR. SOLLER: We have a fairly good
3 working relationship with them. We do meet with
4 them, we are engaged with them in discussions on a
5 variety of issues. One of the areas that we have
6 been engaged in for quite a while, has been since, -
7 - is the capping and restoration of Pennsylvania
8 Avenue and found our new landfills. Both of which,
9 once the work is done will become part of Gateway
10 National Recreation Area. We actually own the
11 property now, but the capping is the responsibility
12 of the City, so we are engaged with DEP in that.

13 So, for the most part, I think we
14 have a good, working relationship. When we did the
15 Jamaica Report, we involved the Department of
16 Environmental Protection on that. So, they are, we
17 work with them on a regular basis.

18 COUNCIL MEMBER LOPEZ: I am glad to
19 hear that. And my last question, then if you have a
20 good relationship with them, and they have a good
21 relationship with you, why is it that when we talk
22 about the environmental review components of any
23 development that is going to happen by permits of
24 the Transportation Department, Building Department,
25 or the electrical companies, or any of the one that

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2 need permits, why is it that then there is not a
3 more clear knowledge of your possible impacts by all
4 of this developments, if the Environmental
5 Department of the City of New York had this good
6 relationship with you?

7 MR. SOLLER: Because I am not always
8 sure that we are talking to, whether we are talking
9 to the right people in DEP or not, as well.

10 COUNCIL MEMBER LOPEZ: I see.

11 MR. SOLLER: Are we talking to the
12 scientist, and people are we talking to the
13 permitting people, where are we in our relationship,
14 and I am not sure, you know, whether it is always
15 the best, as well.

16 COUNCIL MEMBER LOPEZ: Then this is
17 very good information. I thank you, I think that
18 the Chairman probably is going to look into this
19 questions that I asked, because it is clearly part
20 of the problem.

21 And I just want to make a comment
22 about something that you said. No, I don't say that
23 you, I am saying that you will identify part of the
24 problem in here through this questioning. Okay,
25 don't mess with me, because you will lose my love

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2 very quickly. Ask Peter, he knows.

3 I just want to make a comment to
4 something that you said that I got a little bit
5 concerned, I don't know if I misunderstood you.
6 When you were talking about the consequences of
7 losing or not losing this particular resource, what
8 it will be, and it remained to be seen what are the
9 consequences, I just got concerned when you said
10 that. Because obviously, if this resource is lost,
11 we will impact the environment in ways that we
12 cannot even predict. Then I would just like you to
13 clarify that statement.

14 MR. SOLLER: I think the consequences
15 can, may be dramatic. The loss of the marshes, the
16 islands, that I think is going to continue to happen
17 is going to reduce the availability for habitat for
18 bird and wildlife, and I think that is going to be
19 dramatic.

20 Will it be picked up somewhere else?
21 I don't know. Because as the Chairman's statement
22 says, you go to the Great South Bay, or you go
23 behind, you know, Jones Beach and the marshes there
24 are not being lost, so, what is going to happen
25 there, you know. Will the habitat, will that become

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2 greater impact on the habitat there, because we are
3 in the same sort of location, flyway, we are in the
4 same location, you know, this is part of a larger
5 system? I think the consequences are going to be
6 dramatic.

7 COUNCIL MEMBER LOPEZ: Well if the
8 house of the Eagle should not be destroyed. The
9 house of their puddle should not be destroyed
10 either. Then I don't care what house it is, both
11 houses must be preserved, and I understand that this
12 place must be protected.

13 MR. SOLLER: Thank you.

14 CHAIRPERSON GENNARO: Thank you,
15 Council Member Lopez. I just want to indicate that
16 we are joined by Council Member Vallone, and Council
17 Member Gallagher, both from Queens, both great
18 environmentalists, and we thank them for being here
19 today, valued members of this Committee.

20 And, yeah, I am going to, you know, I
21 guess say this on the record. Ordinarily, this is
22 the kind of thing I would say off the record to the
23 Counsel to the Committee, but I will say on the
24 record to the Counsel to the Committee that perhaps
25 we should, you know, look into the possibility of,

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2 you know, some sort of legislation that would
3 mandate the appropriate level of interaction with
4 the National Park Service with regard to development
5 activities that have an impact on this vital
6 resource. We cannot tell the federal government to
7 do, we certainly can tell the City government what
8 to do, and you know, mandate the types of
9 interactions that they need to have with regard to
10 protection of assets like this. So, I said it on
11 the record, so, Donna, please, Richard, if you could
12 look into that for us, that would be great.

13 And also, while you are here, and
14 part of, you know, we are all coming together today,
15 so, let's all make friends. So, swap business
16 cards, and then so on, and make sure of that,
17 because I think everyone in this room, you know,
18 first of all, the National Park Service, DEP, and
19 the Parks Department, both agencies, you know, have
20 a profound interest in protecting all of our vital,
21 natural assets. And of course, all the advocates
22 that make sure that we all do what we are supposed
23 to do. Everyone here, you know, is kind of on the
24 same page. And if we get this kind of cooperation,
25 both informally and by people just getting to know

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2 each other, and also, formally, if we can get some
3 sort of legislation that would mandate that, then I
4 think this is all a good thing.

5 And with regard to the sort of, I
6 guess my last question, about the importance of the
7 flyway, do we have any sense of the numbers of, you
8 know, water fowl that come through there, and the
9 status of Jamaica Bay as sort of a, you know,
10 critical asset in the whole flyway? Give us - -

11 MR. SOLLER: Well we get about - -

12 CHAIRPERSON GENNARO: Yes, if you
13 could give us like a thumbnail sketch of, you know,
14 how important Jamaica Bay is in the overall scope of
15 migrating water fowl, and so on?

16 MR. SOLLER: I am going to give a
17 little bit, but then I am going to ask Dave to fill-
18 in because he knows the details better.

19 We have about 300 species that have
20 been identified that come through Jamaica Bay. It
21 is primary on the route.

22 CHAIRPERSON GENNARO: Is your mic on,
23 is your microphone on?

24 MR. SOLLER: The green light keeps
25 going on and off.

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2 CHAIRPERSON GENNARO: Okay, it's on,
3 okay.

4 MR. SOLLER: Now it is on.

5 CHAIRPERSON GENNARO: Okay.

6 MR. SOLLER: It was just off.

7 CHAIRPERSON GENNARO: Okay.

8 MR. SOLLER: About 300 species of
9 birds have been identified that come through. It is
10 important on the migration season, total numbers,
11 Dave, what do you - -

12 MR. AVRIN: I don't think I can give
13 you, literally, a number. But it is considered by
14 the, within the National Water Bond Program, it is
15 considered to be an important bird area, which means
16 that many species of birds are incredibly dependent
17 upon the natural resource of Jamaica Bay, primarily
18 during migration, but also during breeding periods.
19 In terms of actual numbers of water fowl, the Fish
20 and Wildlife Service have annually, check into how
21 water fowl is doing along the Atlantic Flyway, and
22 Jamaica Bay is one of the locations that is looked
23 at. The numbers of waterfowl, I believe, are going
24 down. The number of geese are going up. That is on
25 a national scale.

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2 CHAIRPERSON GENNARO: Okay, thank
3 you. Oh, yes, okay, okay, Counsel reminds me that I
4 had two more things that I wanted to ask, which I
5 will do very quickly. Where is the paper, what is
6 going on? Without my paper, I am like finished. Is
7 this it? Okay, here we go.

8 Yeah, when we were out at the, we
9 took a tour of the Bay, and remember, Mr. Avrin, you
10 were there, right, sure, I remember, got a little
11 wet though, but it was fine. I think there was some
12 discussion, or I think I raised a possibility of
13 just look we have got this national recreation area,
14 which is a profound natural component to it. You
15 have got the real historical thing going on with
16 Floyd Bennett Field and all of that. You know why
17 don't we wrap this all in a big bow and just call it
18 like a National Park. You know, and give it that
19 status, do you think that would be meaningful, or
20 something that, you know, you folks would want or
21 whatever, what is the thought process on that? Has
22 it ever been envisioned that we should take all of
23 these various federal assets and make it sort of,
24 give it the status of National Park versus national
25 recreation area?

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2 MR. SOLLER: It has the same status.
3 It is a unit of the National Park system. National
4 Park versus National Recreation Area versus National
5 Seashore versus National Lake Shore versus National
6 Historical Park versus National Historic Site, they
7 are all the same thing, they are National Parks.
8 That it is called a National Park, Yellowstone
9 National Park.

10 CHAIRPERSON GENNARO: Right.

11 MR. SOLLER: Usually the designation
12 comes from that it is a large, natural area,
13 predominantly natural area.

14 With regard to Gateway, we have taken
15 a variety of resources and pulled them together,
16 most of which were, a lot of which were surplus,
17 federal property, Floyd Bennett Field, Fort Tilden,
18 old military bases, Sandy Hook in New Jersey, was
19 Fort Hancock, old military base. Fort Wadsworth, an
20 Army Base, and then, Miller Field an Army Air Field,
21 we have combine a variety of surplus federal
22 properties, as well as what are active recreation
23 facilities that the city wants managed. Plus you
24 take a natural area like Jamaica Bay. The
25 combination and what we are trying to do in New York

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2 is really reach out and provide both recreation and
3 natural resource opportunities for the City of New
4 York and the people of the Metropolitan Area.

5 The designation doesn't mean a whole
6 hell of a lot. We have the same mandates that a
7 manager of Yellowstone or the Grand Canyon has. We
8 have to look at resources the same way. We don't
9 make decisions differently because we are a national
10 recreation area. We have to deal with the questions
11 of impairment, we have to deal with the questions of
12 endangered species, all of those things.

13 And Yellowstone has to deal with
14 cultural resources that they have within their mix.
15 They have to deal with archeological sites. They
16 have to deal with the Secretary's standards for the
17 Stark Preservation.

18 So we all have the same body of law
19 that we have to operate under. I speak to this
20 because I worked in our Legislative Office for six
21 years, I know this inside and out. I was involved
22 in the creation of numerous parks, and the issue is
23 there is the body of law and the park is
24 established, and will conform to that body of law
25 that exists for every unit of the National Park

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2 system, and we have that as well.

3 So we don't get to make a decision
4 that say, oh, we are recreation so we don't have to
5 do it this way. We have to do it, the same way
6 Yellowstone or the Grand Canyon does it.

7 So the designation is, you know, some
8 people think that if you got a national park as your
9 name, you know, it is Gateway National Park, it is
10 going to mean a whole lot more. At the end of the
11 day, it doesn't mean a damn thing more. We are the
12 third largest budget in the National Park system.
13 Gateway National Recreation has the third largest
14 budget in the National Park system.

15 So it doesn't, you know.

16 CHAIRPERSON GENNARO: Well there you
17 have it, and thanks so much for being with us today.

18 We appreciate all of your efforts with regard to
19 managing this precious resource. And please stay in
20 touch with us with regard to activities that you
21 have going on.

22 I noticed that you said you had
23 copies of the various reports, or whatever.

24 MR. SOLLER: Yes, I have brought five
25 copies of each, which I will leave.

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2 CHAIRPERSON GENNARO: And anyone who
3 is interested in getting some of these publications,
4 or sort of forging relationship with the gentlemen
5 at the witness table, please take this opportunity
6 to do that, and get involved and become
7 knowledgeable with respect to the good things that
8 they have to offer.

9 And thanks, once again, I appreciate
10 it.

11 MR. SOLLER: Thank you.

12 CHAIRPERSON GENNARO: Okay. Our next
13 panel, okay, the First Deputy Commissioner, and soon
14 to be Acting Commissioner, David Tweedy of DEP;
15 Deputy Commissioner Al Lopez; Jim Mueller, also of
16 DEP; and Bill Tai, Director of the National
17 Resources Group of Parks and Recreation.

18 COUNCIL MEMBER LOPEZ: Where is Mr.
19 Lopez? Is he my brother, right there.

20 CHAIRPERSON GENNARO: Thank you,
21 thank you, David, and Bill. So Bill this is the old
22 Mark Mazel job, right?

23 MR. TAI: Yes, Sir, it is.

24 CHAIRPERSON GENNARO: Yes, okay, how
25 is Mark, and what is he up to?

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2 MR. TAI: He is very good. You know
3 he is on the other side of the big water, he is over
4 in New Jersey working with Environmental Protection
5 there.

6 CHAIRPERSON GENNARO: Oh, I see, I
7 see. Okay, well - -

8 COUNCIL MEMBER LOPEZ: Not better
9 than New York.

10 MR. TAI: I am not going to argue
11 with you Councilwoman.

12 CHAIRPERSON GENNARO: Well, before you
13 swear them in, I thank you both for being here, for
14 your interest in this issue, and for your commitment
15 to our natural resources.

16 You know, I know of DEP's coastal
17 waters, you know, activities just by being Chair of
18 this Committee and having involvement with the
19 agency for so long. I know a little less about the
20 Parks' role, City Parks' role vis- a- vis the
21 Gateway, and I am very much looking forward to the
22 testimony that you both have.

23 So without further ado, I will call
24 upon Donna to give the oath, and then you can
25 proceed with your good testimony.

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2 MS. DE COSTANZO: Please raise your
3 right hand? In the testimony that you are about to
4 give, do you swear or affirm to tell the truth, the
5 whole truth, and nothing but the truth?

6 ALL: I do.

7 MS. DE COSTANZO: Thanks.

8 CHAIRPERSON GENNARO: Okay, and you
9 can proceed in whatever order you wish.

10 FIRST DEPUTY COMMISSIONER TWEEDY: I
11 guess I am going to start.

12 CHAIRPERSON GENNARO: Okay.

13 FIRST DEPUTY COMMISSIONER TWEEDY:
14 And Chairman, thank you for having us today. I just
15 want to preface, this is a presentation, and I
16 actually was here two years ago, and Commissioner
17 Ward presented much of this material, and we want to
18 give you a recap today and the status of where DEP's
19 at in terms of these initiatives.

20 Well let me just start by saying that
21 having been at DEP now two years, one of the great
22 joys of being a Commissioner at DEP is that you get
23 to leave the City fairly often and go up in a
24 watershed, as we did yesterday, and have meetings in
25 these small communities where you are surrounded by

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2 stunning natural beauty. We were up yesterday in
3 Margretville and Gilboa with Commissioner Ward, and
4 the foliage season is upon us, and it, as I think
5 some of the Council members were able to get up in
6 the Croton Watershed recently, it is an amazing
7 aspect of our work that we are responsible for
8 worrying about and managing this watershed
9 activities. And it allows us to get out of City.
10 But, and it was a great tent of Commissioner Ward's,
11 I'm a Brooklyn boy, he lives on the Upper West Side,
12 and the environment within our City is perhaps even
13 of more concern because it is rare. And in that
14 sense, it is more special. I live in Brooklyn, I
15 get up in the morning, I run in Prospect Park, and
16 you never, ever, ever take for granted the beauty of
17 a park like that, when you are living five blocks
18 away on an urban street.

19 So the contrast, I think, if
20 anything, makes us all appreciate how important the
21 natural heritage in our city is. Jamaica Bay is
22 unique, and we are here, happily, and I commend the
23 Chairman for staying on top of this issue.

24 While we are huge neighbors, DEP,
25 representing this city, as everyone knows. You will

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2 be hearing an update on our Four WasteWater
3 Treatment Plants, our combined sewer outflows, other
4 activities. We cannot afford not to be responsible
5 and very proactive players in Jamaica Bay. So,
6 thanks for having us today.

7 The other, just summary point that I
8 would like to make, is that in hearing the National
9 Park Service's testimony, I think a really important
10 point was made, which is, especially with the
11 marshland issue, and it is true with air pollution,
12 it is true with a lot of issues, no one player is
13 going to solve this problem, if it is solvable. And
14 so, I really welcome, I heard the comment about,
15 gee, I am not sure who at DEP to talk to. Well,
16 please call me, we will make sure that is not a
17 problem. We have plenty of other problems with
18 marshland, that should not be a problem. You will
19 hear our testimony, we are very involved already
20 partnering.

21 And again, I think your efforts are
22 really important because you need a holistic,
23 comprehensive approach, if you are going to get
24 anywhere on what is a very complex issue. So, thank
25 you.

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2 I have with me Al Lopez, who runs, as
3 Senora Lopez knows, our WasteWater Treatment, our
4 Bureau of WasteWater Treatment, and is an expert on
5 these issues. And Jim Mueller, who is going to be
6 helping me with the presentation, works in our
7 Engineering Bureau, and does a lot of the planning
8 that you are going to see displayed here this
9 morning.

10 So again, much of this we went over
11 two years ago because it is a longstanding issue
12 with longstanding projects. But just to recount some
13 of this material, Jamaica Bay has changed a great
14 deal, and sort of getting at that same issue, it has
15 changed over the years for complex and multiple
16 issues.

17 Kennedy Airport was built, channeling
18 took place. It went from being a natural, truly
19 natural environment to a natural jewel in a much
20 more urbanized environment, and I think that
21 everyone recognizes that that is one of the
22 challenges that we face in trying to attack an
23 issue, like disappearing marshlands. So this is
24 sort of the context of the longstanding issue that
25 we are dealing with there.

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2 Jim, next slide. As I said, DEP is a
3 major player, as everyone knows, in this
4 environment, in this habitat. We are trying to do
5 our job, cleaning the water, 1.2 billion gallons
6 comes into the City every day, is wonderfully clean
7 water, and has to leave the City every day. And we
8 have four of our 14 WasteWater Treatment Plants
9 located in this habitat, in this area. There are a
10 billion dollars worth of ongoing projects within our
11 very large capital program, focused on the
12 improvement of these four pollution control plants.
13 And those projects will do a number of things, they
14 will bring those plants, many of which are old, some
15 of which are old, they are working to bring them
16 towards a maintenance state of good repair.
17 Obviously, we have to spend on these plants just to
18 keep them operating. So some of that money is for
19 that purpose.

20 But there are also very important
21 projects within that budget to improve those plants
22 ability to remove nitrogen from the water, which is
23 a critical issue for the health of water in this
24 Jamaica Bay, or any water environment. So that work
25 is ongoing, it is an important priority for DEP, and

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2 again, it is not news today, these are longstanding
3 projects, but they are underway. We are staying on
4 top of them, and they certainly will contribute to
5 the overall health of the Bay.

6 Along with those, we have two major
7 capital projects focused on improved, combined sewer
8 outflow. At Spring Creek there is \$100 million
9 being spent to upgrade a storage facility, and
10 Paerdegat Basin, as well, we are spending money on a
11 storage facility there, which we expect to be
12 completed by the date you see on that slide.

13 Also effecting the Bay is the
14 landfill work we are doing. Pennsylvania and
15 Mountain Avenue Landfill projects are very important
16 efforts. They are going very well. And as the
17 slide says, we are working on a system that will be
18 fully, is that fully operational, I guess it is
19 already, that should have been updated, sorry, but
20 30,000 gallons per day are being sent from there to
21 26 Ward for pretreatments. So again, rather than
22 letting bad stuff flow into the Bay, we are
23 capturing it. And again, it gets at sort of this
24 notion of needing a comprehensive solution to the
25 Bay, even from the point of view of DEP's work, it

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2 is not just the Waste Water Treatment Plants, but
3 other infrastructure work that has to be done.

4 Next slide. Other projects in this
5 whole system, our Sanitary Sewer Expansion that we
6 have planned in the Warnerville/Meadowmere area,
7 along with a pumping station. There is this
8 Shellbank Basin Destratification Project, a Sewer
9 Separation Project in Rockaway and the Laurelton
10 areas. We have ongoing Floatables Control work that
11 we do in the Bay, as we do throughout New York's
12 Harbor system. And we do ongoing Water Quality
13 Monitoring and Modeling as part of our long- term
14 effort consistent with DEP's mission.

15 Next slide. Now those are projects
16 that are very specific to our core mission, you
17 know, whether it is Jamaica Bay, or it is any water
18 habitat, we are under mandate, and obviously, as the
19 management of DEP representing the Mayor, we take
20 very seriously the need to continually improve water
21 quality. But we are also involved as partners on
22 other activities to improve the health of the Bay.
23 So, we are not only involved in water quality, but
24 these efforts that are outlined here.

25 We are undertaking, with the National

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2 Park Service, this Jamaica Bay wetland restoration
3 project, with the Army Corps. And as you look down
4 this slide, this will be a demonstration project,
5 but we have money targeted for this effort between
6 the two agencies DEC and DEP's State and City, we
7 have \$1.7 million targeted and put aside to fund
8 along with the Army Corps. This work. And we are
9 very hopeful that that work will continue and reap
10 benefits, obviously, for the area.

11 There is also a longer term
12 feasibility study being undertaken with the Army
13 Corps, focused on once we get our Paerdegat Bay and
14 Fresh Creek work done around CSO abatement, we are
15 looking at a study that would then come in and do
16 some specific restoration work around replacing some
17 of the bad mud and sand, and bring in healthier, and
18 then come in after we have done our CSO work and
19 restore that portion of the Bay's habitats. So that
20 is an ongoing project that we are involved in.

21 The story, and again, Jamaica Bay,
22 the health of the Bay does not depend purely on our
23 success at removing the nitrogen load from these
24 four WasteWater Treatment Plants. Nevertheless, that
25 story, I think is a positive one, if you look at

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2 this graph, sort of what happened in this trend.

3 And for anyone in the room who is not an expert, too

4 much nitrogen in the water is a bad thing, it

5 ultimately lets too much plant life grow, it then

6 dies, and it removes oxygen from the water, which

7 leaves a less healthy water environment.

8 So that it is important for our

9 plants to have continual improvements put in place

10 that control the amount of nitrogen that is being

11 fed from these plants into the water. You can see

12 from this chart, a trend, I suppose it is sort of

13 the inverse of the Yankees Baseball Season this

14 year. We had some bad news, into the nineties,

15 because we were running these plants and started de-

16 watering processes, which created more nitrogen

17 load. But as you can see the number declining in

18 more recent years and being well within the targets

19 that we are essentially mandated to reach. We have

20 had real success in these plants through better

21 technology and the money we are spending in getting

22 those nitrogen load numbers down to levels that are

23 within our goals, and much healthier, ultimately,

24 for the Bay. So this is, again, a story we are proud

25 of, and we have built, just to digress for a moment,

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2 an entire strategy that we hope of finalize with DEC
3 very soon, around our entire program, around
4 nitrogen, where we can meet the same goal more
5 efficiently, and spend less capital dollars, because
6 we are taking advantage of newer technology, which
7 lets us get to that point in a more effective way.

8 The next slide, which I think you
9 have seen before, is a slide that basically gets at
10 the result of when you put too much nitrogen in the
11 water. The result is that you end up having an
12 impact on dissolved oxygen. And as I said, when you
13 take too much dissolved oxygen out of the water, you
14 end up with a less healthy, water habitat.

15 Let me explain what these color
16 graphs mean. The first panel on the left is a
17 representation of the output from the modeling work
18 that we have been doing for long- term understanding
19 of the Bay and our impact on it. And it shows
20 existing summer, average dissolved oxygen
21 concentrations in the bottom Waters of Jamaica Bay.
22 The squares that are blue and green are in
23 compliance with New York State Water Quality
24 Standards for Dissolved Oxygen. Whereas, areas
25 shown in the yellow, orange, and red, indicate low-

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2 dissolved oxygen and violations of existing Water
3 Quality Standards.

4 So I think that that sort of gets at
5 the issue for the need of a comprehensive approach.
6 Because where you have on the left red areas, those
7 are areas that really apply to DEP's core mission,
8 those are small tributaries where our combined sewer
9 outflows may be having a disproportion impact. But
10 the yellow area, may well be resulting from dredging
11 or other work that is independent of DEP's work, but
12 again has a bad impact on the Bay. So multiple
13 things are going on in this picture.

14 And on the next slide, I want to read
15 it, the second panel shows percent compliance with
16 current New York State Water Quality Standards. The
17 squares that are blue are in compliance with the
18 standard 100 percent of the time. Compliance
19 decreases as the colors of the squares change to
20 light blue, to green, to yellow, orange, and then
21 finally red. Red indicates areas of the highest
22 non- compliance in the Bay. So that second panel
23 indicates the same problem areas as the first panel,
24 the tributaries, these small bodies of water, as
25 well as the Grassy Bay where we have issues in terms

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2 of dredging. That sort of gives you a status of
3 what we are dealing with in terms of specific areas
4 of the Bay and Water Quality.

5 So I want to just summarize in terms
6 of where DEP is engaged in what is a very complex
7 issue, which is the health of Jamaica Bay. This is
8 ongoing, challenging, expensive campaign, and we are
9 a partner. We look forward to improving the
10 partnership with other players, whether they be the
11 Park Service, City Parks, DEC, Army Corps. But we
12 have many ongoing initiatives, we are doing our best
13 to partner around these areas. We certainly hope,
14 for instance, the Army Corps. Program where we have
15 money targeted in support of that effort, gets fully
16 funded soon and gets underway, the marshland effort.

17 We are developing for the longer term
18 a Jamaica Bay Comprehensive Water Quality Plan to
19 address noncompliance with dissolved oxygen, that is
20 on schedule for October 2006. We expect to submit
21 that to DEC. And that will deal with both the
22 treatment alternatives that we can accomplish
23 through the work we are doing in our plants. But it
24 will also focus on non- treatment alternative, such
25 as changing where outfalls occur, and also look at

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2 recontouring within the Bay, for at least hot areas,
3 where it may be that the underlying areas within the
4 Bay are causing some of this impact.

5 So again, I thank you for having us.
6 It is an important issue to DEP, and we look forward
7 to working on it. And thank you for having me,
8 again.

9 CHAIRPERSON GENNARO: Thank you.
10 Thank you, Commissioner. We will just hear the
11 testimony of the Parks Department, and then we will
12 ask you questions, both together.

13 MR. TAI: Thank you, Commissioner.
14 Good morning again, to the members of the Committee.

15 CHAIRPERSON GENNARO: Oh, pardon me,
16 pardon me, I am sorry, Sir. I just want to mention
17 that we are joined by Council Member Recchia and
18 Council Member Serrano, two valued members of this
19 Committee, and we are honored that they could be
20 here with us today. Sorry about that, please,
21 proceed.

22 MR. TAI: Not at all, happy to
23 recognize the full table.

24 Chairman Gennaro, thank you, again,
25 for the invitation. I have learned something

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2 already that we have something in common, we are
3 both geologists.

4 Again, my name is Bill Tai, I am the
5 Director of Natural Resources at Parks and
6 Recreation. On behalf of Commissioner Benepe, I am
7 pleased to be here to discuss Jamaica Bay with you
8 today.

9 Parks and Recreation, particularly
10 through its Natural Resource Group, has long been
11 working to restore and preserve New York City's
12 ecosystems, including Jamaica Bay. Established in
13 1984, the Natural Resource Group, or as we are
14 known, NRG, is responsible of the acquisition,
15 restoration, and management of the City's natural
16 parkland. NRG works with federal and state
17 agencies, as well as other local agencies,
18 organizations, institutions, to address the
19 maintenance and restoration needs of natural areas
20 in the City.

21 A little bit of history, comprising
22 an area almost equal to that of Manhattan Island,
23 Jamaica Bay consists of numerous islands, as we
24 know, of laborant of waterways and channels. Tidal
25 lands, two fresh water ponds, the wetlands, provide

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2 a unique setting for both wildlife preservation, and
3 as we have heard, urban recreation. Protected from
4 the Atlantic Ocean by the Rockaway Peninsula, the
5 Bay, as we heard again, hosts over 100 species of
6 fish, 50 species of butterflies, and 325 species of
7 birds. It really is a favorite stop of migratory
8 waterfowl, and a key part of the regional ecosystem.

9 Most of the wetlands of Jamaica Bay
10 belonged to New York City before they were
11 transferred to the federal government during the
12 City's financial crisis of the 1970s. So whether
13 they are under federal jurisdiction or not, wetlands
14 are extremely important to the environmental health
15 of the City. Great numbers of plant, invertebrate,
16 fish and bird species all depend upon these salt
17 marshes for food, resting areas, and maybe most
18 importantly, breeding sites. The Bay, itself, is a
19 beneficial engineering component for the City. The
20 Bay's configuration prevents waves from eroding
21 shorelines in Brooklyn and Queens, and provides a
22 great number of recreational opportunities to the
23 residents of the area, as well as we have heard from
24 the Commissioner to help filter toxic waste from the
25 polluted waters. And they have certainly improved

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2 over the years.

3 Among other environmental issues
4 facing Jamaica Bay, in the course of the last
5 decade, as we have heard, was a determination that
6 has now been confirmed, that salt marshes in the Bay
7 are shrinking. So as we meet here again today on
8 this issue, a number of potential causes are being
9 investigated. However, it is likely that there is no
10 single factor at work, and clearly, that restoring
11 the Bay is a long- term endeavor.

12 To speak a little bit about Parks'
13 roles, it seemed like there was some room for
14 clarification here. As has been mentioned, from the
15 National Parks statistics, 9,000 acres are contained
16 within the Jamaica Bay Wildlife Refuge. And it is
17 under the federal jurisdiction of Gateway National
18 Recreation Area. Parks and Recreation is
19 responsible for many of the surrounding wetlands
20 along the tributaries north of the Belt Parkway, and
21 then south along the Rockaway Peninsula.

22 New York City Parks currently manages
23 almost 1,000 acres of land around Jamaica Bay, with
24 more than half of that total concentrated at Marine
25 Park, which you heard mentioned earlier too, in

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2 Brooklyn. This is the site of one of our newest
3 nature centers, the Salt Marsh Nature Center, and
4 also the site of our upcoming \$6 million Gerritsen
5 Creek Ecological Restoration Project, a partnership
6 with the Army Corps that I will describe in more
7 detail shortly.

8 There are more than 25 local, state,
9 and federal agencies with some jurisdictional
10 responsibility in Jamaica Bay. I know Chris and the
11 Commissioner share my enthusiasm for dealing with
12 all those intertwined web. Some of the agencies,
13 Parks has continued to closely with are, obviously,
14 the National Park Service, City DEP, as we have
15 heard the Army Corps of Engineers, New York State
16 Department of Environmental Conservation, and of
17 course, the Department of State.

18 Earlier this year, Parks attended the
19 most recent symposium and public forum on Jamaica
20 Bay's disappearing marshes. Again, as we have heard,
21 they were sponsored by the National Park Services of
22 Jamaica Bay Institute and Gateway. We also
23 participated in this year's QC2SG Conference, that
24 is an acronym for Quality Communities, Quality
25 Coasts, and Smart Growth, that was held up in

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2 Albany. And I also joined the National Park Service
3 and Army Corps of Engineer representatives at a
4 panel discussion about Jamaica Bay at the
5 International Coastal Zone Conference last year.

6 Conferences, I mention these
7 conferences just because they remain a very
8 important way to educate the public about the issues
9 and to help assemble stakeholders. Obviously, they
10 are needed and planning for the Bay's future.

11 We also had Parks continue to work
12 with a great number of organizations, community
13 partners, elected officials, in order to ensure the
14 long- term integrity of the City's Parks and other
15 natural areas. With respect to Jamaica Bay, I might
16 single out our long- term participation in the EPA's
17 sponsored New York/New Jersey Harbor Estuary
18 Program, and particularly its Habitat Working Group.

19 The Chair invoked the name of my predecessor of
20 Natural Resources, who was the Chairperson of that
21 habitat working group for a long time. We also have
22 partnerships with the Audubon Society and the Trust
23 for Public Land, and they have been very valuable in
24 identifying, monitoring, and acquiring important
25 habitat around Jamaica Bay.

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2 So again, Parks is committed to
3 working with scientists and non- scientists, old
4 partners and new partners, such as the recently
5 established Idlewild Park Preservation Committee in
6 Queens, to identify what is causing the marsh
7 erosion, prevent further damage and restore the bay.

8 When we appeared before your
9 Committee in November 2002, Parks described a number
10 of projects that were in various stages of funding,
11 design or construction. So at this point, I would
12 like to give you an update on some of those
13 projects. At this point, I might also point out
14 that you have a beautiful, colorful map in your
15 packets to help you follow along.

16 Four Sparrow Marsh is a 67- acre
17 marsh near the intersection of Flatbush Avenue and
18 the Belt Parkway. Since the last Jamaica Bay
19 hearing, we have completed this project, final work
20 concluded \$800,000 worth of habitat improvement,
21 which it reclaimed approximately three and one- half
22 acres in that area, that had previously been a
23 dumping ground for more than 5,000 cubic yards of
24 old car batteries, debris, and garbage that was
25 clogging the marshland. And then onto Gerritsen

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2 Creek at Marine Park.

3 Parks and the Army Corps recently
4 executed a project corporation agreement to initiate
5 the six million- dollar project. This project will
6 improve more than 35 acres of tidal wetland and
7 maritime grasslands, restoring the site to its
8 historic habitat function.

9 To turn back these effects of prior
10 filling and dredging and channel work, this project
11 will recontour the site to re- establish the inter-
12 tidal elevations, remove invasive plant species,
13 such as phragmites and replant with native species.
14 Key goals of the project include increasing tidal
15 flushing, habitat diversity, improving water
16 quality, protecting the existing wetlands, and
17 restoring healthy habitat.

18 I might underscore that Gerritsen
19 Creek is the first ecological restoration agreement
20 executed by the Army Corps within their entire New
21 York District with any local cooperator.
22 Construction is scheduled to start in June 2005,
23 next year, with project completion a year later.

24 And as you can tell from some of the
25 price tags we have floated in front of you,

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2 restoration work can be very expensive. In addition
3 to their technical and construction experience at
4 Gerritsen Creek, the Army Corps is providing 75
5 percent of the \$66 million project budget. Parks
6 was also successful in utilizing State Clean
7 Air/Clean Water Bond Act funds for project, and as a
8 result the City's financial contribution to
9 Gerritsen Creek total \$650,000, again, out of a
10 total budget of \$6 million.

11 In addition to Gerritsen Creek, we
12 are looking forward to moving forward on other
13 projects in Jamaica Bay. Of course, this is
14 dependent upon the federal funding of the Army Corps
15 Project, which is known under the acronym ERP,
16 Ecological Restoration Program. The restoration of
17 30 acres of tidal wetland and upland at Spring Creek
18 is another collaboration with Army Corps. Funding
19 has not been committed yet, but this \$7 million
20 project is near in completion of the feasibility
21 stage.

22 And then planning continues on other
23 restoration projects that you are already aware of,
24 these include Vernam Barbados, and we are in design
25 collaboration with DEP, as you have heard with

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2 Paedergat Basin, which will include the restoration
3 of both tidal marshes and upland areas.

4 Finally, I might underscore again,
5 two additional restoration projects that have moved
6 forward since the last hearing.

7 In 2003, the State announced the
8 dedication of \$350,000 in environmental benefit
9 funds for Idlewild Park, which encompasses more than
10 250 acres on the eastern side of your map, the
11 eastern side of Kennedy Airport. An earlier \$1.4
12 million ecological restoration project at Idlewild
13 was designed jointly by Parks and DEP and improved
14 more than 13 acres of tidal and fresh water
15 wetlands. The new funding has a number of specific
16 applications including additional fill removal and
17 recontouring to restore tidal flushing to more of
18 this area, it is actually quite a large site.

19 The other new project is at Dubos
20 Point Preserve on the Rockaway Peninsula, \$350,000
21 in funds from Council Member Sanders was recently
22 allocated for restoration work at this site,
23 focusing on healthy habitat models for ecological
24 mosquito control. Obviously, another side
25 consideration for a healthy habitat.

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2 city- wide, four years ago, Parks designated 48
3 natural area preserves as part of the establishment
4 of the Forever Wild Program. Recently, the second
5 phase of this program was launched to wide
6 publicity, and the City's forever wild sites have,
7 we have raised public awareness further at the
8 City's favorite wild sites, and we hope interest in
9 the City's natural areas. Again, we hope that more
10 New Yorkers will end up visiting these gems around
11 the City, but even if they don't, we are sure, and
12 it is clear that future generations of New Yorkers
13 will ultimately benefit from their protection.

14 Our Urban Park Rangers provide a
15 variety of programs for school groups, families, and
16 visitors in the City also, encouraging them to visit
17 our natural areas. And these programs include
18 natural classroom, ranger conservation corps, and
19 explorer programs. They meet with high schoolers,
20 families, adults, evenings, weekends, whenever it is
21 convenient for them to pass along the consideration
22 of conservation and natural area stewardship. And
23 we have partnered with the City's Department of
24 Education and the National Geographic Society on
25 some of these programs.

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2 In closing, I would say that Parks
3 has always been and will continue to be concerned
4 about the environmental issues that impact the
5 extensive, but fragile, ecological web of Jamaica
6 Bay. The disappearance of Jamaica Bay's marshes
7 continued to be studied and monitored by engaged
8 scientists and individuals, as well as agencies who
9 are working simultaneously to restore and protect
10 this special area with the current knowledge that is
11 available to us.

12 Public awareness and collaboration
13 has measurably benefited Jamaica Bay in the past,
14 and we know that it will continue into the future.
15 As well, interagency cooperation and partnerships
16 that are fostered by forums such as the one that you
17 offered us today, are equally important.

18 However, I would like to come back to
19 the issue of funding, especially for our newest
20 partner, the Army Corps of Engineers. It is
21 critical to accomplish what is often expensive
22 restoration work, as you have heard.

23 Through our environmental programs
24 and restoration projects, Parks is protecting,
25 preserving, and if possible, improving, the natural

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2 areas that we hold and trust for the future of all
3 New York. And we will continue to protect Jamaica
4 Bay and other fragile ecosystems around the City.

5 Thanks very much.

6 CHAIRPERSON GENNARO: Thank you.

7 Thank you, both, very much. It is very nice that
8 both your agencies came to the table having a lot of
9 good things to say. We like that very much, and
10 thank you for your commitment to the Bay and all our
11 other natural areas.

12 Let me just, I guess with regard to
13 both your agencies, because you both have activities
14 that involve the Bay and the National Parks Service.

15 To what extent do your respective agencies, I
16 guess, meet with each other, and also meet with the
17 National Parks Service with regard to these
18 projects? It seems that we have heard, you know,
19 that there might be other sort of more, we might be
20 able to provide for, you know, more opportunities
21 for constructive collaboration. And do you meet
22 with the National Parks people on some regularity,
23 or with regard to specific projects that you have
24 going on?

25 You know just talk to me a little bit

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2 about the collaboration between the City agencies
3 and the National Park Service?

4 MR. TAI: Jim Mueller, do you want to
5 come up here for a minute? I am going to ask Jim
6 Mueller to address that for you, from DEP, if you
7 don't mind?

8 CHAIRPERSON GENNARO: Sure.

9 MR. TAI: Who is actively involved in
10 this kind of ongoing thing.

11 CHAIRPERSON GENNARO: For the sake of
12 time, we are not going to swear him in, but he looks
13 like a pretty honest guy to me, it's okay.

14 MR. MUELLER: Good morning.

15 CHAIRPERSON GENNARO: We just got a
16 good look at him. Look me right in the eye? Okay,
17 he is good, that is good, fine.

18 MR. MUELLER: We have been meeting
19 with the National Parks and Army Corps for many
20 years now on Jamaica Bay in regards to the
21 feasibility study that David mentioned before, and
22 also Corps sharing opportunities for the
23 demonstration projects that you heard about already.
24 So, we do that on a fairly regular basis. I think
25 we are meeting, it might have been quarterly for a

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2 while.

3 CHAIRPERSON GENNARO: Okay.

4 MR. MUELLER: And then kind of people
5 go away and do work for a while, and come back and
6 give updates and what not. So, we do attend the
7 Jamaica Bay Task Force meetings, as well.

8 CHAIRPERSON GENNARO: Great.

9 MR. MUELLER: Mark Klein, a member of
10 my staff, was just at the last meeting a couple of
11 weeks ago, and we gave a status update of DEP
12 activities.

13 CHAIRPERSON GENNARO: All right,
14 let's just talk a little bit about these activities
15 outside the park. You know, City developments or
16 other kind of private developments that have an
17 impact on the Bay. And the witnesses from the
18 National Parks Service expressed concern about their
19 lack of knowledge about projects that would have an
20 impact on the Bay. And I guess not being as well
21 versed on the whole process as I guess I could be,
22 to what extent are your respective agencies involved
23 in the Environmental Review of these proposed
24 development projects, and what can you tell us about
25 possibilities for looping in the National Parks

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2 Service for future? You know where I am going.

3 MR. TAI: Absolutely. Angela Cotter,
4 who runs DEP's Office of Environmental Planning is
5 very focused of overseeing the EIS work that Council
6 Member Lopez was describing earlier. And the
7 challenge, my understanding in terms of these
8 marshland issue is that, the issue is complex, the
9 science has not really determined casualty at a
10 point that is so specific that you can, it is not an
11 item in the EIS format today. We look at water
12 quality, we look at air, but there is not, the
13 ability frankly, to pinpoint this is one of the
14 challenges of the issue, that this particular
15 development will or will not have this impact on
16 Park Marshland or that kind of a result. And that
17 is a challenge we face.

18 I would certainly commit though, to
19 the Chairman, that if you would like a written
20 statement from DEP's Office that is focused on EIS
21 Policy, and whether there has been discussions
22 around how to approach that, I could follow- up and
23 get that to you.

24 CHAIRPERSON GENNARO: Yeah.

25 MR. TAI: But that is my

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2 understanding today.

3 CHAIRPERSON GENNARO: Yes, perhaps
4 something just before you leave today, if you just
5 have a conversation. Is Chris Soller still here?
6 Oh, you are behind the pillar there, I can't see
7 you. Yes, just have a conversation in the hallway
8 with Chris about how we can work out, you know, some
9 of this cooperation. And then you know, Chris, feel
10 free to, you know, tell me about what you think you
11 may need in terms of to be kept in the loop on these
12 projects. But as I said before, I will direct the
13 Counsel to the Committee to take the look at the
14 possibility for us to sort of formalize this you
15 know kind of arrangement, if the various
16 stakeholders think that might be, you know, a
17 productive thing.

18 FIRST DEPUTY COMMISSIONER TWEEDY:
19 Mr. Chair, I would like to pickup on that point, you
20 mentioned it earlier too. I might first say, I
21 commiserate completely with Chris, City Parks, and
22 DEP are often in the same situation as being a land
23 owner, and you are certainly notified in the
24 permitting process too, if you are the adjacent
25 land- owner. But if you are a little bit further

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2 distant from the project, you sometimes do not hear
3 about a project. We share the same frustration that
4 Parks do.

5 But again, to pick up on your point
6 too, there are special natural area distracting
7 designations that are used elsewhere throughout the
8 City that are used to collect and notify people of
9 projects that are in an area of special
10 consideration. Might be very interesting to follow-
11 up on that sort of designation for Jamaica Bay.

12 CHAIRPERSON GENNARO: Yes, because it
13 just might, I mean, for me, as an environmentalist,
14 as a public servant, it just seems that activities
15 in and around this precious and national asset to
16 the extent that we can accord the people who have
17 the responsibility of managing it with the
18 information that they may need to sort of weigh- in,
19 or some designation, or whatever. I mean, I am
20 open, I mean, I have got the ability to legislate,
21 and if people come to me with ideas about how
22 legislation that we might be able to draft here
23 might be of help, then we would be happy to do that.
24 That is why I got a smart staff, and we are ready
25 to go.

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2 So, yes, I just think it would be
3 great if, you know, DEP and Parks just had a chat in
4 the hallway with the people from the National Parks
5 Service, I think that would be good. We are all on
6 the same team, and that would be super.

7 Let me just get into specific
8 questions with regard to both of your respected
9 statements. And David, with regard to nitrogen
10 removal, I know that we are currently in
11 negotiations with the federal government who have a
12 lot of nitrogen removal that they want us to do with
13 regard to the plants that, the East Shore replants
14 that ultimately impact Long Island Sound.

15 And I know that you and I are engaged
16 in our common battle to stave off efforts to
17 introduce commercial food waste disposals, which
18 would give us nitrogen spikes and headaches, and a
19 load of dissolved oxygen, and yelling and screaming,
20 and we don't want any of those things. And I thank
21 you for your support there.

22 Are we also envisioning future
23 nitrogen reductions for the plants that impact
24 Jamaica Bay?

25 FIRST DEPUTY COMMISSIONER TWEEDY:

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2 Al? The answer is yes. I am going to have Al Lopez
3 address it. We really are in the tail end of this
4 complex negotiation with DEC, who is the agent for,
5 obviously, the EPA.

6 CHAIRPERSON GENNARO: Oh, that is
7 right, in your statement you made mention of some
8 plan that you were going to -- Oh, is that part of
9 the Jamaica Bay Comprehensive Water Quality Plan to
10 address non-compliance for dissolved oxygen and all
11 of that?

12 DEPUTY COMMISSIONER LOPEZ: Well just
13 starting with where we are now, there are nitrogen
14 discharge requirements for Jamaica Bay, and we are
15 meeting those numbers. Discharges, and that is in
16 the presentation, the graph actually showed - -

17 CHAIRPERSON GENNARO: Right.

18 DEPUTY COMMISSIONER LOPEZ: - - what
19 the requirements are, with the limits imposed at
20 this time have been. And the efforts that we have
21 made in order to meet those limits. There have been
22 extensive activities in terms of upgrades at some of
23 the Jamaica Bay Plants in order to accomplish those
24 numbers. Jim has got it up on the board right now.

25 So as you can see the requirements

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2 came as a result, as the Commissioner mentioned
3 before, dewatering which resulted in a spike of
4 nitrogen into Jamaica Bay, and we have initiated
5 construction, and we have initiated some changes in
6 process that have brought those numbers down
7 successfully. And the horizontal line you see is
8 the limits that we now have for Jamaica Bay. And
9 obviously, the lines below that over the recent
10 years, since 1999, show that we have been in
11 compliance, and we continue in compliance.

12 Going into the future, as the
13 Commissioner also mentioned, we have a plan
14 underway, there is a requirement for us to develop
15 and to submit to DEC by 2006, a long- term plan that
16 would essentially speak to where we would go beyond
17 the current limits, and where we would go beyond the
18 current treatment levels. And so, we are in the
19 process of investigating different possibilities,
20 different approaches for Jamaica Bay, much as we did
21 for the Upper East River, and we will be submitting
22 that report to DEC in 2006.

23 CHAIRPERSON GENNARO: Thank you,
24 thank you.

25 We are very, very happy to be joined

1 COMMITTEE ON ENVIRONMENTAL PROTECTION
2 by Council Member Bill DeBlasio and Council Member
3 Alan Jennings. And I recognize Council Member
4 Vallone for questions.

5 COUNCIL MEMBER VALLONE: Thank you,
6 Mr. Chair. Let me also thank your agency for taking
7 us on tour of, I think it was a week or two ago, Jim
8 Gennaro, myself, Council Member Rivera, just left.
9 We were up there and examining the security measures
10 at the Croton Reservoir. And you are absolutely
11 right, the beauty up there is breathtaking, and when
12 term limits throws me out of here, I will be coming
13 to work with you guys, okay? Just give me a little
14 heads up.

15 Also, I mean, you mentioned your
16 program with the school kids. And I have toured the
17 Hudson with my daughters, sailed the Hudson with my
18 daughters, their fourth grade class. So I have done
19 that too, and it is an excellent program.

20 A quick question though, you have
21 mentioned a few times that there are many causes for
22 the problems that are occurring. So let's try to
23 focus on a specific one, sludge, which comes from
24 the dewatering process. Now the way I understand
25 this, I am no expert, they take the water from the

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2 waste, the dry sludge is then removed, and either
3 reused, but then that water is released into the
4 Bay.

5 Two questions, what is the status of
6 that situation? And number two, do you agree with
7 this theory that that is a cause of the loss of some
8 of these marshlands?

9 FIRST DEPUTY COMMISSIONER TWEEDY: Al
10 Lopez will address it.

11 DEPUTY COMMISSIONER LOPEZ: I will
12 address that with the same graph that is up here.
13 Going back the beginning of the line, if you go back
14 to the left, and you see 1991, 1992, the numbers are
15 going up, there is that trend upwards, and that is
16 the result of the watering operations that were
17 implemented pursuant to the Clean Water Act, and the
18 fact that we then had to take our sludge and begin
19 dewatering it, before we dispose of it. So, without
20 a doubt, when we first started that operation, the
21 numbers for nitrogen did spike, and again, that is
22 the reason you see the rise. There is that small
23 dip, roughly in 1994 that occurred for a couple of
24 years. The reason that occurred was because we were
25 transporting sludge from Jamaica Bay to other

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2 locations, specifically to the Upper East River.

3 That essentially just transferred the
4 problem from one location to the other. We realized
5 that is obviously not a good approach. We brought
6 that back to Jamaica Bay, and instead, as I
7 mentioned before, we initiated some construction, we
8 initiated some process changes in order to basically
9 enhance the treatment of nitrogen, and enhance the
10 treatment of the sludge material. And, we again,
11 brought that back down to a level that is now
12 certainly pre- sludge dewatering, and that is what
13 we have been holding on.

14 Just to go backwards a little bit to
15 your question, it is, the sludge in and of itself is
16 not discharging to Jamaica Bay. The by- product of
17 the sludge, which is the centrate, also is not
18 discharged into Jamaica Bay. In fact, what we are
19 doing is at the treatment plants, where we have
20 sludge dewatering, we have a treatment process. And
21 that treatment process is in the plant itself, and
22 the treatment process, the deficiency of that, is
23 reflected in these graphs. So certainly we are
24 treating it, we are not adding to the pollution.

25 You know, it took us a couple of

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2 years, obviously, as this shows, to get those
3 processes constructed and on- line. But they are on-
4 line now, and they are doing the job.

5 COUNCIL MEMBER VALLONE: So what are
6 you releasing into the Bay?

7 DEPUTY COMMISSIONER LOPEZ: Releasing
8 into the Bay is the F1 from the treatment plant,
9 fully treated. It is not effected negatively by
10 dewatering operation. The treatment processes are
11 in place to handle the additional load from the
12 dewatering facilities. And again, it took us time
13 to build them, and to put them in operation. But
14 the fact that dewatering is taking place both at the
15 Jamaica Plant and at the 26 Ward Plant does not
16 negatively impact the Bay, in and of itself.

17 COUNCIL MEMBER VALLONE: So there was
18 no impact before this chart started in 1991, 1992,
19 because you were not undergoing that process,
20 correct?

21 DEPUTY COMMISSIONER LOPEZ: No,
22 certainly I go back to the statement that I made
23 before, we owe the State, and we are in the process
24 of preparing a long- term plan to bring those levels
25 lower yet. But the dewatering operation caused

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2 those numbers to go up, we brought them back down to
3 actually levels that were, that are at or below pre-
4 sludge dewatering. And our plan on the long- term is
5 to bring them down even further through additional
6 activities and that plan we are developing now.

7 COUNCIL MEMBER VALLONE: I mean we
8 have not made much progress since 1991- 92,
9 according to this chart.

10 DEPUTY COMMISSIONER LOPEZ: No, if
11 you focus on the red line, the red line going up,
12 1991- 1992 we went beyond the horizontal black line.

13 We stayed there until probably about 1998- 99.

14 COUNCIL MEMBER VALLONE: I meant
15 2000, I'm sorry, 2001, 2002.

16 DEPUTY COMMISSIONER LOPEZ: Right.
17 And again, that is well below the required numbers
18 that the State dictates. The horizontal line, it is
19 about 46,000 is the permanent limit, I'm sorry, we
20 are at about 36 now. The permanent limit is about
21 45, and we are about 36 now, 36,000 pounds.

22 FIRST DEPUTY COMMISSIONER TWEEDY:
23 Based on the work we are doing, now - -

24 COUNCIL MEMBER VALLONE: Is that a
25 limit for Jamaica Bay or is that a limit for any

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2 body of water?

3 FIRST DEPUTY COMMISSIONER TWEEDY:

4 This limit is just for Jamaica Bay. We are looking
5 at just Jamaica Bay. There is a separate, similar
6 graph, different numbers for the Upper East River,
7 and for the Lower East River.

8 COUNCIL MEMBER VALLONE: I don't
9 mean the chart.

10 FIRST DEPUTY COMMISSIONER TWEEDY:

11 This is just Jamaica Bay.

12 COUNCIL MEMBER VALLONE: I mean the
13 State set limit.

14 FIRST DEPUTY COMMISSIONER TWEEDY:

15 This State set limit is for Jamaica Bay.

16 COUNCIL MEMBER VALLONE: And you are
17 coming up with a plan now to decrease that amount
18 even further, you said?

19 FIRST DEPUTY COMMISSIONER TWEEDY: We
20 are actually planning construction that will bring
21 the number down even before that plan, but we are
22 developing a plan, which we will submit to the State
23 that will bring that number down further, yet.

24 COUNCIL MEMBER VALLONE: Okay, thank
25 you. I have some more, but I have another hearing I

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2 have to run to. So thank you for your testimony.

3 CHAIRPERSON GENNARO: Thank you.

4 Thank you, Council Member Vallone.

5 Just a real quick follow- up, because
6 we do have to get to other witnesses too, but I just
7 want to follow- up to Peter's question. How many
8 areas do we do dewatering on, how many dewatering
9 sites do we have?

10 DEPUTY COMMISSIONER LOPEZ: We have
11 eight dewatering facilities, we have 14 wastewater
12 treatment plants Citywide, and eight of those
13 facilities have dewatering.

14 CHAIRPERSON GENNARO: Okay, so there
15 is eight dewatering sites Citywide. Now how many
16 dewatering sites, just one, right?

17 DEPUTY COMMISSIONER LOPEZ: In
18 Jamaica, there is two. The Jamaica Plant, itself,
19 which is a small facility, and there is the 26 Ward
20 Dewatering Facility, which is also in Jamaica Bay.

21 CHAIRPERSON GENNARO: Right.

22 DEPUTY COMMISSIONER LOPEZ: So there
23 are two sites in Jamaica Bay.

24 CHAIRPERSON GENNARO: Now because
25 there is 14 plans and only eight sites where

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2 dewatering happens, then there has got to be some
3 transport of sludge to these various sites now. I
4 guess my question gets to, I just want to be sure
5 that the Bay is not doing sort of like more than its
6 share, so- to speak. So how many plants, is the
7 sludge that is dewatered only from the sludge that
8 is generated at the two plants? Is that how that
9 works?

10 DEPUTY COMMISSIONER LOPEZ: No,
11 essentially the two dewatering facilities in Jamaica
12 Bay, handle Jamaica Bay. There are four plants in
13 Jamaica Bay, two of which do not have dewatering
14 facilities.

15 CHAIRPERSON GENNARO: Right.

16 DEPUTY COMMISSIONER LOPEZ: That is
17 Rockaway and Coney Island.

18 CHAIRPERSON GENNARO: Right.

19 DEPUTY COMMISSIONER LOPEZ: The Coney
20 Island Plant, it is connected to the 26th Ward Plant
21 via pipeline, and the Rockaway Plant generates
22 sludge, which we take to 26 Ward, also via vessel.

23 CHAIRPERSON GENNARO: Right.

24 DEPUTY COMMISSIONER LOPEZ: So 26
25 Ward becomes the central location to handle Coney

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2 Island, Rockaway, and its own sludge. Jamaica
3 handles its own sludge.

4 CHAIRPERSON GENNARO: Okay.

5 DEPUTY COMMISSIONER LOPEZ: So those
6 two facilities take care of Jamaica Bay.

7 CHAIRPERSON GENNARO: Great.

8 DEPUTY COMMISSIONER LOPEZ: On
9 occasion, you should know we do bring, we have the
10 ability to bring sludge from Jamaica Bay to the
11 Upper East River.

12 CHAIRPERSON GENNARO: That is okay.

13 DEPUTY COMMISSIONER LOPEZ: And the
14 other way around as well.

15 CHAIRPERSON GENNARO: No, no, no,
16 that is not okay. Okay, okay. Thank you, all, very
17 much for - - Pardon? I'm sorry, Council Member
18 Jennings has a question. I recognize Council Member
19 Jennings.

20 COUNCIL MEMBER JENNINGS: Thank you,
21 Mr. Chairman. I don't live too far from your
22 treatment plant. I live on the other side of the
23 North, South Conduit. You have north, south, the
24 treatment plant is on the south side of the conduit,
25 I am on the north side of the conduit. And there is

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2 a very bad odor many mornings, especially when it is
3 humid, that comes from the direction of the
4 treatment plant, and many in my community are
5 concerned that this odor is toxic, and what can be
6 done?

7 And number two, what can be done to
8 cretonne (phonetic) it, on that odor. The odor runs
9 from 150th Street and the Conduit going all the way
10 to about Lefferts Boulevard North, and you can smell
11 it as far away as Rockaway Boulevard?

12 CHAIRPERSON GENNARO: All right, I
13 would just like to say that before you answer the
14 question, this is off the topic of the hearing, but
15 I will give the Council member a little bit of
16 latitude here, because it is important.

17 If it is a short answer fine,
18 otherwise you can always talk to him outside. So,
19 please.

20 FIRST DEPUTY COMMISSIONER TWEEDY:
21 Okay, I will try to keep the answer short. The
22 facility that we are talking about it is the Jamaica
23 Plant right by Kennedy Airport. The quick answer to
24 this is we have major upgrading going on at that
25 facility now. And some of the current upgrading

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2 will, of course, new equipment, upgraded equipment
3 will address the odor issues.

4 Beyond that we, the more significant
5 pieces of the problem will be addressed in the
6 future phases of construction for the Jamaica
7 Treatment Plant, so the future phases will include
8 significant odor, additional odor control, beyond
9 what is in there now.

10 COUNCIL MEMBER JENNINGS: Is there
11 any type of toxic fumes that is coming out from that
12 plant?

13 FIRST DEPUTY COMMISSIONER TWEEDY:
14 Essentially, it is odorous, it is a nuisance. In
15 terms of toxic danger to health, there is none.

16 COUNCIL MEMBER JENNINGS: Okay, thank
17 you.

18 CHAIRPERSON GENNARO: Thank you,
19 thank you. But before you leave the table, I just
20 want to recognize the presence of Council Member
21 Sanders, whose district includes a large part of the
22 Bay, and also to thank him for what is mentioned
23 prominently here in the Parks Department testimony.
24 But the \$350,000 allocation of capital funds that
25 Councilman Sanders allocated for very important

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2 restoration work, and wetland habitat, and a
3 terrific allocation, and thank you, Councilman
4 Sanders for your commitment to Wetlands
5 Preservation, and for your very generous
6 contribution to what is a wonderful, wonderful
7 thing. So thank you, Councilman Sanders.

8 COUNCIL MEMBER SANDERS: If I could
9 just say one thing?

10 CHAIRPERSON GENNARO: Sure.

11 COUNCIL MEMBER SANDERS: That we are
12 going to allocate more in the near future to do
13 these things, including, I am very interested in
14 buying some land that is out there that we need to
15 return to nature immediately. I am very interested
16 in continuing this conversation. I am sure that our
17 Chair has done a fantastic job as usual, so I will
18 not prolong my conversations. I see one of my good
19 constituents here, and I trust that you will take
20 his words very heavily, I do. And I thank you,
21 again, Sir.

22 CHAIRPERSON GENNARO: Thank you.
23 Thank you very much, and I know you will have a
24 fruitful conversation with the representatives of
25 the National Parks Service. And I thank you for

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2 your commitment to Jamaica Bay and all of your good
3 works.

4 COUNCIL MEMBER SANDERS: Thank you.

5 CHAIRPERSON GENNARO: And our next
6 witness is Don Riepe of the American Littoral
7 Society and New York City Audubon, who has a very,
8 very special designation as "The Jamaica Bay
9 Guardian." Don is formerly with the National Parks
10 Service, and was there with us that day out on the
11 boat.

12 So, Don, thank you so much for being
13 here, thank you for your career commitment to the
14 preservation of Jamaica Bay, it is really an honor
15 and a privilege to have you with us here, today.

16 MR. RIEPE: Thank you, Councilman,
17 and thank you for having this hearing. It is very
18 important that we keep up the attention and focus on
19 this issue. And one of the key words on my
20 testimony is focus. And by the way, you did steal
21 some of my thunder by asking people to meet out in
22 the hallway, because I do believe that the agencies
23 have to meet more often, and the process has to be
24 formalized.

25 So anyway, I will go through this,

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2 some of this will be reiterating what has been said
3 before, but I will just quickly read through.

4 CHAIRPERSON GENNARO: Sure.

5 MR. RIEPE: My name is Don Riepe. I
6 am the Director of the Northeast Chapter of the
7 American Littoral Society, a coastal conservation
8 organization. I also hold a position in Jamaica Bay
9 Guardian, and I am a Board member of New York City
10 Audubon, and a member of the Jamaica Bay Task Force.

11 As Jamaica Bay Guardian I routinely
12 patrol the Bay by boat to look for pollution
13 problems, conduct wildlife surveys, organize field
14 trips for the public, and coordinate Operation Clean
15 Sweep, a program to remove abandoned boats and
16 debris from the shorelines and marshes of the Bay.
17 I am here today because I am greatly concerned about
18 the continued loss of marshes in Jamaica Bay. The
19 Bay is a unique estuary that supports critically
20 important fish and wildlife habitat, and has had
21 designation by the DEC and New York State Department
22 of State (sic), as well as much needed recreation
23 opportunity for millions of New York City residents.

24 In May 2001, the National Parks
25 Service convened a Blue Ribbon Panel Conference to

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2 determine causes and suggest remedies for the marsh
3 erosion problem. In the fall of 2003, the Service
4 initiated a pilot project where our sediment was
5 sprayed on two acres of marsh at Big Egg Marsh.
6 This, along with subsequent planting of Spartina
7 grass appears to be somewhat successful in re-
8 establishing marsh growth, and I think that should
9 be continued on a large scale, as I believe it will
10 be.

11 In the spring of 2005, it is expected
12 the US Army Corps of Engineers plans to pump sand,
13 dredged from Rockaway Inlet onto Elder's Point and
14 Yellow Bar Hassock Marshes. While these projects
15 are commendable and slowly moving along, Jamaica Bay
16 continues to lose an estimated 40 to 50 acres of
17 valuable salt marsh yearly. If we lose the salt
18 marshes of the Bay, we will lose many species of
19 marine and bird life, as well as lose the buffer
20 that protects the houses of people living around the
21 Bay, such as my house, which is right in Jamaica Bay
22 and Broad Channel. If we lose those marshes, it is
23 going to create a big, open, fetch of water, and we
24 are going to be inundated a lot more than we have
25 been in the past. So the marshes are not only

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2 wildlife habitat, they are buffer habitat for the
3 mainland.

4 I recommend that the National Parks
5 Service conduct quarterly meetings with interested
6 parties, such as the Jamaica Bay Task Force. We do
7 meet, but I think we need to meet on a more regular
8 basis, and establish an ongoing, working interagency
9 panel of experts to review data, prioritized
10 restoration strategies, and seek additional avenues
11 for requiring funding.

12 Unless more attention is given to
13 this issue, the marshes of the western section of
14 the Bay will totally disappear by year 2020,
15 according to a DEC study projection.

16 The larger, more protective marshes
17 of the eastern half of Jamaica Bay are also showing
18 signs of fragmentation and loss. During the past 10
19 years, I have noticed that Silver Hole Marsh, which
20 is adjacent to JoCo Marsh, just a little bit west of
21 that, lost almost all its high marsh, and is totally
22 flooded with each tide. Birds that used to nest on
23 these marshes, like Common Terns, Clapper Rails, and
24 Laughing Gulls, no longer can nest because the
25 marshes are flooded continually now, whereas 10

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2 years ago they were not. We did have high marsh, a
3 higher, different vegetation on that.

4 I also recommend that all relevant
5 City, State, and federal agencies meet quarterly,
6 again, to update each other on plans and actions, as
7 well as coordinate and prioritized efforts in
8 combined funding for restoration. And I am happy to
9 see that that appears to be in the making. But it
10 really needs to be formalized. I think too often
11 people go back, we have these hearings, and they get
12 the calls from this one and that one, and they get
13 pulled away from this thing and that thing and I
14 mean, we all do. But the key word, again, is we
15 need to focus, this is a serious issue for the Bay.
16 And I think it is a great opportunity for New York
17 City to really develop a model, a strategy to show,
18 you know the rest of the nation that we can actually
19 do this. You know, we can work together and pull
20 this off, and it is a very difficult challenge,
21 however.

22 Additionally, these agencies must
23 take a more aggressive stand toward continued
24 development around the Bay as well. External
25 threats, such as large scale Arverne Renewal

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2 Development in the Rockaways should be looked at in
3 concert with other current and proposed developments
4 so that the cumulative impact of the Bay can be
5 assessed before they are permitted. We are not
6 opposed, I am not saying we are opposed to
7 development, but we need to look at the cumulative
8 impact. They cannot be done just piecemeal. You
9 say, well, this project is not going to impact the
10 Bay. But take this project and add on all these six
11 or seven projects that are ongoing in the Rockaways
12 concurrently, and what will be the total impact of
13 that, before you permit the process.

14 By the way, it is not to alert the
15 Arverne, the western section is being developed, but
16 there is still the eastern section needs to be
17 looked at a little more critically. And I think we
18 need to have more parkland in that area.

19 There seems to be no real and ongoing
20 interagency planning structure in place. And the
21 efforts are fragmented and duplicated in some cases.

22 As stewards of our precious natural resources,
23 these agencies must take a harder and more focused
24 look at the marsh loss issue, and re-allocate when
25 necessary, funding, staff, and resources to step up

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2 the pace and meet the challenge of stabilizing and
3 restoring the marsh of Jamaica Bay.

4 I urge New York City Council members
5 to apply political pressure through this end, and
6 pass a resolution that extols the importance of
7 Jamaica Bay's marshes to the people of New York
8 City.

9 So that is my formal testimony.

10 CHAIRPERSON GENNARO: Don, thank you,
11 thank you so much for your work. And this is
12 perfect because you came here and you said, okay,
13 this is what, you know, this is what we want the
14 Committee to do. So there are three parts of your
15 testimony that are particularly relevant. And the
16 first was about the National Parks Service
17 conducting quarterly meetings with interested
18 parties, such as the Jamaica Bay Task Force, and an
19 ongoing working panel of experts to review data and
20 all that. So that is like not really happening now,
21 or it is not happening to the extent that it is not
22 good?

23 MR. RIEPE: It is not happening in a
24 very formal and kind of meaningful way. They meet
25 maybe once a year they come, or twice a year, at

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2 most. And I think they need to meet.

3 CHAIRPERSON GENNARO: Well who is
4 they?

5 MR. RIEPE: Well the Jamaica Bay Task
6 Force meets and brings different agencies in to talk
7 to the general public.

8 CHAIRPERSON GENNARO: And the Jamaica
9 Bay Task Force is sort of headed up by like the
10 National Parks?

11 MR. RIEPE: The New York City Soil
12 and Water Conservation District, and Jeanne is right
13 there.

14 CHAIRPERSON GENNARO: And Jeanne is
15 right here, okay.

16 MR. RIEPE: Yes, pulls together these
17 meetings. And after consulting with the various
18 groups around the Bay, decides which agencies and
19 people would like to talk.

20 CHAIRPERSON GENNARO: So the Jamaica
21 Bay Task Force is a Jeanne thing?

22 MR. RIEPE: Yes, it is --

23 CHAIRPERSON GENNARO: Okay, it is a
24 soil and water, same thing.

25 MR. RIEPE: Well it is part of what

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2 they do.

3 CHAIRPERSON GENNARO: Right, okay.

4 Because we talked earlier about going back to
5 National Parks' testimony, they talked about a
6 couple, I tried to, I had like notes written on 99.

7 MR. RIEPE: What I am saying that we
8 need to formalize these here.

9 CHAIRPERSON GENNARO: Right, because
10 going back to the testimony from Chris Soller, it
11 was the Jamaica Bay Institute we talked about, the
12 Blue Ribbon Panel, the Jamaica Bay, I guess, Science
13 Board, and what you are talking about is the Jamaica
14 Bay Task Force.

15 MR. RIEPE: Right.

16 CHAIRPERSON GENNARO: Was that
17 mentioned by Chris in his testimony?

18 MR. RIEPE: I don't remember.

19 CHAIRPERSON GENNARO: Okay.

20 MR. RIEPE: It might have been.

21 CHAIRPERSON GENNARO: So that you
22 think would be a critical thing. And that has to
23 be, and so, now the Jamaica Bay Task Force, I guess,
24 can meet whenever it wants, but you are saying that
25 the challenge is to make sure we get the right

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2 people there.

3 MR. RIEPE: Right. And I think the
4 agencies have to step up a little bit more here.

5 CHAIRPERSON GENNARO: Right.

6 MR. RIEPE: And pull these meetings
7 together on a more frequent basis, bring outside
8 people in. You need to keep the attention focused,
9 otherwise, as I said, people are pulled --

10 CHAIRPERSON GENNARO: Sure, sure.

11 MR. RIEPE: - - in many directions.
12 And in the meantime, we are losing at least 40 acres
13 a year, here.

14 CHAIRPERSON GENNARO: Right.

15 MR. RIEPE: So we cannot say, well,
16 10 years from now we will have this done, or that
17 done. We need to really search, seek out. And this
18 is not, by the way, unique to Jamaica Bay.

19 CHAIRPERSON GENNARO: Right.

20 MR. RIEPE: The disappearing marshes.

21 CHAIRPERSON GENNARO: Sure.

22 MR. RIEPE: Chesapeake Bay and the
23 Louisiana Marshes also have problems.

24 CHAIRPERSON GENNARO: Well, here is
25 what I am going to do, I think. Why don't we do

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2 this? What if you, and I guess, Jeanne or whatever,
3 were to meet with staff to the Committee at some
4 other time, and you know you can get the staff of
5 the Committee better versed in like the Science
6 Board versus the thing, versus the Task Force, and
7 here is how this entity works, and here is what they
8 are doing, and here is what we want to do. And all
9 of this would be a view towards, as you say in your
10 last point, of putting together a resolution that
11 would really spell out what you think ought to
12 happen. And then, so, we can work to do that. Like
13 we do resolutions all the time, and then, you know,
14 we sort of put all the other players on notice that
15 we would all like to kind of orchestrate better.
16 And maybe this is a way that we can help to make
17 that happen.

18 MR. RIEPE: I think that is a good
19 idea.

20 CHAIRPERSON GENNARO: Okay.

21 MR. RIEPE: And also I would
22 recommend that you have these hearings yearly. I
23 think it is important to have people come, you know,
24 I have been bugging that we have to have meetings.

25 CHAIRPERSON GENNARO: We all have to

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2 meetings for a day.

3 MR. RIEPE: So my staff let me down.

4 I'm kidding, CHAIRPERSON GENNARO: Okay.

5 MR. RIEPE: But to have them, more

6 people - -

7 CHAIRPERSON GENNARO: It is a common,

8 political thing to blame the staffs.

9 MR. RIEPE: - - because that brings
10 the agencies in, and they have to focus.

11 CHAIRPERSON GENNARO: Right, yes. So
12 I am going to direct staff of the Committee, Donna
13 and Richard to meet with Don and Jeanne, to sort of
14 work out what, you know, might be an appropriate
15 course of action and appropriate resolution.

16 And I wish to recognize Council
17 Member Sanders for questions.

18 COUNCIL MEMBER SANDERS: Thank you
19 very much, Mr. Chair. As a Rockaway guy, a guy who
20 lives in the Rockaways, I want to really commend my
21 neighbor in Broad Channel for his massive,
22 incredible work. Many of you may not know that Mr.
23 Riepe is one of the people who spotted the problem
24 in Jamaica Bay, spotted the loss of the marshland in
25 Jamaica Bay, and helped to sound an alarm, I guess

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2 like a modern day Paul Revere riding around to
3 whoever would listen. Until finally, people started
4 listening.

5 So I want to commend you, of course,
6 for that. As an ardent environmentalist I am
7 extremely concerned about what is not, with just
8 what is happening in the Bay, but what the effect
9 this happening on people. I have had conversations
10 with Port Authority over what we can do, since the
11 Port Authority is one of the entities that need to
12 be here to speak about the title circle, if you
13 wish. We used to have a natural cleansing of the
14 Jamaica Bay when the water would come in and go in a
15 circle, if you wish, with the construction of
16 certain air, water runways this is, had an impact on
17 the Jamaica Bay.

18 I am looking forward to the
19 continuing those conversations with them, and
20 especially to see what the Army Corps of Engineers
21 are going to do on one or two of their projects
22 there.

23 You mentioned massive construction
24 taking place in the Rockaways. I want to draw the
25 attention to it, and the one person in here that

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2 does not know it, that outside of Lower Manhattan,
3 there is no district in the City that is seeing more
4 development than the 31st. If you put the massive
5 developments in the Rockaways with what is happening
6 on by Kennedy Airport and other places together,
7 this is a district really in the bullseye of
8 development for better and for worse. And we need
9 to be very leery and weary of that.

10 I am committed to ensuring that we
11 will, that the Rockaways that I grew up in will be a
12 similar Rockaways that we give to the seventh
13 generation from here, and that does include
14 parkland, and the need for more parkland and
15 grabbing wild space and returning things to nature
16 forever wild or otherwise, now, while there is still
17 time.

18 So, again, I wanted to commend you
19 for your good work, and to you and the good people
20 that you are working with, and to letting you know
21 that your efforts are certainly not in vain in
22 catching the eye of many. And as a local guy, keep
23 up the good work.

24 MR. RIEPE: Thank you, Councilman
25 Sanders. I just have to make one correction, I

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2 would love to take the credit for being the first
3 person to point out the severity of the erosion
4 problem. But it is the Jamaica Bay Ecologists who
5 are not here today, Dan Mundy's School, the
6 fishermen that are out there every day that really
7 have made the difference here.

8 By the way, they are also helping my
9 with the abandoned boat removal project, which we
10 have ongoing in Jamaica Bay, out there. Thank you.

11 CHAIRPERSON GENNARO: Thank you,
12 Councilman Sanders. And you know, thank you, once
13 again, for that wonderful allocation of capital
14 resources to improve the Bay.

15 Council Member DeBlasio has a
16 question.

17 COUNCIL MEMBER DEBLASIO: Thank you,
18 Mr. Chairman. And Mr. Chairman, I want to start by
19 saying I appreciate the way that you keep an eye on
20 issues that don't always find their way into the
21 headlines, and I think it is absolutely crucial, and
22 I appreciate. The only thing, sometimes I don't
23 appreciate, is that you manager to make us do so
24 much work on so many issues that it keeps us on the
25 ball. But that is exactly what you should be doing,

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2 and I especially appreciate when it is such a big
3 structural issue as this.

4 Mr. Riepe, I am seeking a little bit
5 of an analysis from you, because I am not, at all,
6 familiar with how all these pieces interact, in
7 terms of what is really sort of the weights of the
8 different pieces that have the negative impact on
9 the Bay. I see some that are obviously from the
10 various testimony natural, you know, if the ocean is
11 rising, that is not necessarily that we in New York
12 City can stop. Although, some of the other things
13 this Committee is doing, hopefully will have, at
14 least, impact on global warming. But I do notice a
15 number of features, or a number of dynamics that are
16 perhaps something that we can have more of an impact
17 on. So I just want to get your sense on this.

18 I mean, I see, for example, in the
19 Parks Service testimony, they suggest that, you
20 know, the impact of boat wakes is a problem.
21 Obviously, there are some actions we have taken,
22 that you mentioned too that are productive in terms
23 of planting grasses and spreading sediment.

24 Could you summarize, in terms of, if
25 you could wave your magic wand, what are the steps

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2 the realistic steps we could take here? We cannot
3 resume motion dumping, I know that. But what are
4 some of the steps, that if we really focused our
5 resources and energy we could take?

6 MR. RIEPE: Well we have the view the
7 estuary as a region. We have to do some regional
8 planning. We have to look at the watershed; and we
9 have to develop a comprehensive strategy, not a
10 piecemeal strategy. In fairness to all the agencies
11 their stress, you know, with the funding and
12 staffing, and so on. But I do believe they are
13 still fragmented; they have their own little
14 interests around the Bay; and I do not believe they
15 communicate as much as they should. So I think that
16 is critical, combined funding, re- allocate for
17 shared staff who are needed, look at how they could
18 avoid duplicating efforts, for example, and act as
19 one entity. In concert, not only environmental
20 agencies, but you have to bring in the development
21 agencies, Economic Development Corporation and HPD,
22 and people like that have to be brought into the
23 process too. Because they have to realize, you
24 know, that they have an impact here, as well.

25 COUNCIL MEMBER DEBLASIO: Let me push

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2 it a little bit farther. First of all, and maybe I
3 am misunderstanding, is there such a thing as a
4 senior interagency group that meets regularly? And
5 I the Committee I Chair, General Welfare, we deal
6 with the same problem between agencies.

7 MR. RIEPE: I don't believe there is.

8 COUNCIL MEMBER DEBLASIO: All right.

9 So let me just suggest, Mr. Chairman, that might be,
10 again, I know you know about 100 times more about
11 this than I do, but I wonder, because I have had a
12 problem with, not just this Administration, but
13 every Administration trying to force a critical mass
14 on issues that we just do not have time on anymore.
15 And I think this is one of them, why not all of the
16 relevant Commissioners, not someone down the food
17 chain though, the relevant Commissioner get in a
18 room once a month, or whatever it may be, once a
19 quarter and really have to come to grips. And I
20 also wonder why we shouldn't force a price tag onto
21 this. We all understand the City, State, and
22 federal government all of their financial problems.
23 But I think in other situations where there has been
24 a crisis, part of what has happened is a lot of
25 wonderful advocates, such as yourself, have created

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2 a dynamic order as a demand that, in a sense, became
3 overwhelming at a certain point that forced the
4 issue.

5 And I think what is a little
6 difficult, and I think the fact that I am such a
7 layman on this issue actually helps, because I can
8 tell you, I hear all of this and it leaves me a
9 little bit aimless about what do we do next. So one
10 thing that seems obvious is get the actual people
11 with power to make an impact together and force them
12 to have to recognize this as an issue they take
13 responsibility for. And I cannot think
14 environmentally of hardly anything in the City, more
15 important or more fragile, you know, more time
16 sensitive than this.

17 But the other thing is, you know,
18 difficult though it may be, what is the price tag,
19 to get us, at least to stop this level of erosion
20 here? I mean, do you have a sense of what it would
21 take?

22 MR. RIEPE: Obviously, hundreds of
23 millions of dollars. But say it is a billion
24 dollars, you know, it sounds like, Oh my God, a
25 billion dollars. I mean that is not unrealistic, if

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2 all the agencies get together and say, yes, it is a
3 billion dollars, let's have a Bond Act for Jamaica
4 Bay, or let's have a tax, oh, I said a bad word, on
5 something --

6 COUNCIL MEMBER DEBLASIO: Strike that
7 from the record.

8 MR. RIEPE: - - but I mean to be
9 creative, you have to get together. And also bring
10 in some of the interested public. A lot of good
11 ideas come from these people living around the Bay,
12 like I mentioned the local fisherman. They know a
13 lot more about the Bay on a personal level than we
14 do.

15 COUNCIL MEMBER DEBLASIO: Well I just
16 say, in closing, I appreciate your reflections
17 there. I think it is an excellent comment when you
18 say a billion dollars is not so much. I mean, a
19 billion dollars is a lot, but if we are talking 10
20 years or whatever, and a Bond Act, and utilizing
21 federal and state funds in the mix, I mean, it just
22 seems to me, you know, I look at public policy from
23 the future backwards. We don't want to wake up 20
24 years from now, it's gone, and then we are wondering
25 about all the other side effects, when in fact,

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2 there were some real tangible things we could have
3 done.

4 And when you said, I think you said
5 something very important when you said bring the
6 Economic Development Agencies into play. If you
7 spend a billion dollars, I am just taking this out
8 of a hat, if you spend a billion dollars over 10
9 years to save this Bay, a lot of people are going to
10 get work in that process. There will be a clear and
11 positive economic benefit, let alone the
12 environmental benefit.

13 So I would just say that it is time
14 for us to make and continue to make a single
15 overarching demand here, and also make the decision-
16 makers to have to look each other in the face
17 regularly and respond to a series of items on a
18 regular basis.

19 MR. RIEPE: Thank you. I just want
20 to make another correction, which Bernie Blum kind
21 of looked at me, he said, HEP. The Harbor Estuary
22 Program under the EPA is an umbrella organization,
23 which also looks at this issue.

24 CHAIRPERSON DEBLASIO: Thank you.

25 MR. RIEPE: So in terms of senior

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2 people that would be one group that is involved, and
3 Jeanne can speak to that more than I can.

4 CHAIRPERSON DEBLASIO: Thank you.

5 And thank you, Mr. Chairman.

6 CHAIRPERSON GENNARO: Thank you.

7 Thank you, Councilman DeBlasio. And just as follow-
8 up to Councilman DeBlasio's point, I think he made
9 some excellent ones, and I would be grateful if some
10 of Councilman DeBlasio's points that he made could
11 be part of the discussion that you had with staff
12 and with Jeanne, and I direct Donna to,
13 particularly, about the Commissioners and all the
14 good things that Bill brought to the table in
15 dialogue with Don, should be part of the meeting
16 that you have with Don, and with Jeanne, and with
17 maybe one or two other people that we might want to
18 put into that.

19 So Don, thank you so much for being
20 here. And yes, I would be remiss in the course of
21 conducting this hearing, if I didn't praise, you
22 know, Dan Mundy and you know people like him for all
23 that they do on the day- to- day basis. You know,
24 for no money, to help the Bay. I was looking
25 forward to seeing Dan here today, but I guess he

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2 couldn't be here.

3 MR. RIEPE: He had another
4 commitment.

5 CHAIRPERSON GENNARO: Oh, I see. But
6 Don, thanks very much.

7 MR. RIEPE: Thank you.

8 CHAIRPERSON GENNARO: Give my best to
9 Dan, and I appreciate your being here.

10 MR. RIEPE: Thank you for having me,
11 and I would just like to add, we do have boat tours
12 of Jamaica Bay out of Sheepshead Bay in spring and
13 fall, and I would like to invite everybody, if I can
14 have some kind of mailing list, I will make sure you
15 know about that.

16 CHAIRPERSON GENNARO: Sure, that
17 would be terrific.

18 MR. RIEPE: A free boat tour with
19 people who are speaking about the barriers, things
20 happening in the Bay. You can get an on-site visit
21 that way.

22 CHAIRPERSON GENNARO: That would be
23 super, I don't think anyone should leave here today
24 without Don's business card, or if he doesn't have
25 enough, you know, contact information. And I am

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2 very grateful for all the wonderful that you do.

3 MR. RIEPE: Thank you, same to you.

4 CHAIRPERSON GENNARO: Thank you, Don.

5 And so our next panel will be Arnold Gordon of
6 Columbia University. He has a real, real time
7 commitment, and he has to be going very, very
8 shortly. So we will announce the full panel, but
9 what we will do, we will let Mr. Gordon speak first,
10 and then, because I know he has to be on his way,
11 but we will finish the rest of the panel here.
12 Ellen Hartig, is that right, Ellen Hartig, Eugenia
13 Flatow, and Paul Mankiewicz, will comprise the
14 entire panel. But we will let Mr. Gordon, is it Mr.
15 Gordon, Dr. Gordon, Prof. Gordon, what is it? Okay,
16 all of them. Sure, and so you will begin, so the
17 other members of the panel can, you know, come to
18 the panel. And if you are able to stay for the
19 duration of the other witnesses testimony on the
20 panel, that is fine. If you have to leave, of
21 course, we understand. We thank you for being
22 patient, and being here.

23 So as I said, this is Ellen, and
24 Jeanne, and Paul, can also take their positions at
25 the panel, as well, at this time. Okay, Dr. Gordon,

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2 what we will do is, you know we wait until we get
3 the other panel. Is Paul here? Okay, Paul, what
4 are you doing here? And Ellen, as well. These are
5 on first names today, I just feel like a first name
6 mode.

7 Okay, and then the next panel will be
8 Brad Sewell of NRDC, and Jacob Kritzer, I believe,
9 of Environmental Defense, will be the next panel.

10 Okay, as long as I have all four of
11 you here, we will ask Donna De Costanzo to
12 administer the oath, Donna.

13 MS. DE COSTANZO: Please raise your
14 right hands? In the testimony that you are about to
15 give, do you swear or affirm to tell the truth, the
16 whole truth, and nothing but the truth?

17 ALL: I do.

18 MS. DE COSTANZO: Thank you.

19 CHAIRPERSON GENNARO: Thank you.

20 Thank you very much, thank you all very much for
21 being here. And without further ado, because I know
22 that Professor Gordon has a time commitment, we will
23 ask Professor Gordon to present his testimony first.

24 PROFESSOR GORDON: Yes, thank you.

25 CHAIRPERSON GENNARO: Okay, you have

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2 got to talk right into the microphone there.

3 PROFESSOR GORDON: The green light is
4 on.

5 CHAIRPERSON GENNARO: Okay, but you
6 have to kind of get up close in order for it to work
7 well.

8 PROFESSOR GORDON: Okay, all right.
9 I am a Professor of Oceanography at Columbia
10 University, and an Associate Director at the
11 University's Lamont- Doherty Earth Observatory in
12 Palisades New York. And a Columbia Scientist under
13 my direction in the year of 2000, and then again in
14 the year 2002, carried out a study of Jamaica Bay.
15 The study include a study of its physics, its
16 chemistry, its biology and geology, and Jamaica Bay
17 is such a complex network of forces and processes,
18 such an integrated study is necessary to understand
19 Jamaica Bay including the problem of the
20 disappearing marshes and water quality.

21 And the report that we developed at
22 the end of 2000, and it needs to be updated with the
23 new data we collected in 2002, is on a web site, and
24 that is in the hard copy I passed out to you. And I
25 just to say what I and others have concluded of what

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2 a major factor in the mystery of the disappearing
3 marshes, and it is simply a sediment source and
4 delivery of sediment to the central marshes, but it
5 is not just any sediment, it is the terrestrial
6 sediment, it is the clays and the sands, the hard
7 particles. A marsh built out of totally organic
8 material would disappear quite quickly in the face
9 of erosion of waves, and wind, and tides. And it is
10 the loss of the terrestrial sediments that is the
11 problem.

12 Now why are they being lost? There
13 is a few factors, one is because the development of
14 the area, the paving over of the region. A long
15 time ago, there was a continuous, gradual change
16 between farm, upland farms and the marshes of
17 Jamaica Bay. And of course, the farms are gone, and
18 now we have big parking lots, lots of cement. And
19 another has to do with the dredging in the area.
20 There is now a full circle of water around the
21 central marshes, a Molt, if you like, that limits
22 the access of whatever terrestrial sediments can get
23 into the region from the surrounding area, limits
24 that transport of that sediment into the central
25 marshes.

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2 And it is further compounded by
3 Grassy Bay. Grassy Bay, as you might guess from its
4 name, was once a grassy marshland, but now it is the
5 deepest point of Jamaica Bay, about 15 meters deep,
6 and that missing sediment is parts of the runway of
7 Kennedy Airport. So we have made a number of
8 measurements in the area. We looked at the
9 suspended material, we looked at the circulation, we
10 put dye in the water to see how fast it disappears,
11 and much of this work was in Grassy Bay.

12 And what we found was that the
13 circulation in Jamaica Bay was far, far more active
14 than we previously thought. The residents' time, a
15 molecule of water, or entering the surrounding molt
16 of water form the surrounding region, you would only
17 stay there for about five days to seven days, before
18 you are out. Go through Rockaway Inlet into the
19 coastal regime. And that is much faster than we
20 originally thought. We thought it was going to be
21 more like a month. So what happens then is that the
22 particles that come in from the side, whatever there
23 is can make it in from the sides, is kept suspended
24 by the very vigorous tides, and out it goes in a few
25 days into the coastal environment. Some of it gets

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2 trapped in the bottom of Grassy Bay, which is full
3 of new sediment coming in there. So that is one of
4 the sinks.

5 The other sink, of course, is just
6 the loss of the sediment through Rockaway Inlet.
7 But the bottom line is there is less terrestrial,
8 less clays and sands being delivered to the central
9 marshes, and that is what is dooming the central
10 marshes. And I think knowing the, I would just like
11 to add that of course this is the opinion, the
12 scientific opinion of a number of us who have worked
13 in Jamaica Bay, that is the problem of sediment
14 source and delivery to the central marshes. If but
15 knowing that does not necessarily, clearly, does not
16 necessarily delineate what action needs to be taken.

17

18 And I think I will end here, and
19 maybe just answer your questions.

20 CHAIRPERSON GENNARO: Thank you.
21 Thank you, Professor. Unfortunately, I had to get
22 called to a conversation that just had to take
23 place, at that moment. I apologize. I appreciate
24 your testimony. And I guess my question would be,
25 you have heard the proceedings today, you kind of

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2 got a sense of what I am trying to do here, and if
3 you were me, like what would you do?

4 PROFESSOR GORDON: Okay, very good.

5 CHAIRPERSON GENNARO: You know, I
6 guess that is from one geologist to another. Okay,
7 so help out a fellow geologist here, here I am.

8 PROFESSOR GORDON: Okay, very good.
9 You know, what needs to be done? Now clearly in
10 proving the, we found that the nitrogens that are
11 put in from the waters, from the sewage treatment
12 plants are causing a problem. You have high
13 productivity, oxygen is limited. It is actually
14 carbon dioxide is probably more of the limiting
15 factor in the phytoplankton growth, but there is no
16 doubt that near bottom oxygen, particularly in
17 Grassy Bay approach zero, very low values. And
18 reducing the nitrogen input is an important
19 objective. I do not believe that that will solve
20 the problem of the central marshes. And I said, the
21 central marsh problem has to do with delivery of
22 terrestrial sediments, not organics, in order to
23 build the strength of the central marshes, so they
24 are not destroyed by the waves, wind, and tides.

25 So, the idea is, if, I don't think we

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2 want to turn back progress, development is important
3 for the City and it is a wonderful place to live up
4 there. So that development will continue. And
5 recreation of the area, Jamaica Bay is a gem. The
6 recreation should be encouraged, and that will
7 continue.

8 So what do you do? You have got to
9 take the terrestrial sediment that ordinarily would
10 have gone to the central marshes, that as of now
11 cannot get there because of the change other the
12 environment, and you have got to put it there. I
13 like the idea of the spraying the sands on that
14 western marsh, I think, is what it is. Though, I
15 believe that it might be too draconian, it might be
16 too fast, too much, too soon. I think in the long
17 run that marsh will be healthy, but I bet it will
18 take a decade or so.

19 Probably a slower addition of
20 terrestrial sediments might prove more economical to
21 carry out, and might turn out to be more beneficial.

22 Again, that is just my opinion.

23 CHAIRPERSON GENNARO: Okay. Well
24 thank you, thank you. And just, kind of diverting
25 from my regular protocol would be to let all four

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2 witnesses testify, and then question you all as a
3 group. Because I know the Professor has a time
4 commitment.

5 And one last question for you,
6 Professor. Do you think that there could be
7 somewhat of a multiplier effect going on? Because
8 as you, I guess presumably as you lose marsh area, I
9 guess the action of the water in the Bay may tend to
10 be like a little more kinetic, or whatever, because
11 there is less, you know, impediment to it. And so
12 sort of like the more you lose, the greater the wave
13 action, and so like the force of the water, do you
14 believe there is a multiplier effect at work here?

15 PROFESSOR GORDON: Yes, absolutely.
16 It is a, when you have a complex network of forces,
17 some positive and negative feedbacks, the result is
18 nonlinear. I mean I might say, if you plotted the
19 development of the surrounding area to the marsh
20 loss, you would not see a straightforward linear
21 relationship.

22 And as you point out, what happens is
23 as you begin getting some marsh loss, some of the
24 forces, the negative forces that will continue that,
25 only become stronger. You get more waves, you have

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2 more fetch, more waves. And also, the terrestrial
3 component of the sediment of the marsh is slowly
4 lost. You might still have quite a residue from
5 what was deposited there decades ago.

6 CHAIRPERSON GENNARO: Right.

7 PROFESSOR GORDON: But as
8 accelerating, as the data shows, the marsh loss is
9 accelerating, and I think that is why you are seeing
10 the nonlinear response of the environmental change
11 in this acceleration. I suspect that acceleration
12 is going to continue, and short circuiting it,
13 getting that terrestrial sediment and putting on the
14 marshes in a proper way, I believe is the answer.

15 CHAIRPERSON GENNARO: Thank you. And
16 is there, presumably this is happening, you know, a
17 lot of areas around the country, is there any, and I
18 am sure you have some familiarity with research
19 grants and national science foundation, and all
20 these various entities out there, is there any way
21 that we could figure out a way to make this some
22 sort of, you know, national project, national model,
23 if you will, to entice an entity like the National
24 Science Foundation, or one of those entities that
25 gives out big chunks of dough, says, look, we are

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2 going in there, and we are going to solve like the
3 whole country's problems based on working out on
4 what is going on in Jamaica Bay, is that, am I, is
5 this kind in the sky, or?

6 PROFESSOR GORDON: No, that is what I
7 thought would happen, but it hasn't. We were at
8 Columbia, so we were funded, Columbia put in part of
9 the money and the National Parks Service put in part
10 of the money to get the program started. And that
11 is how we got started, and it was the hope that we
12 would be able to bring in federal money through the
13 National Science Foundation, just exactly as you
14 say, to compare this region to other regions. And
15 it hasn't happened, and we are still trying to make
16 that happen. But every region is somewhat
17 different, you see, and it is hard to make, it is
18 hard to say we want this Jamaica Bay to be one of
19 the type regions, understand that, you will
20 understand the other areas. And the other areas,
21 they know, understand us, and you will understand
22 the other. So, there is a lot involved in this.

23 CHAIRPERSON GENNARO: Yes, let me see
24 who we have got up high, now is John Mulberger still
25 the President, Science Advisor, whatever?

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2 PROFESSOR GORDON: Yes.

3 CHAIRPERSON GENNARO: He is like a
4 New York guy, right?

5 PROFESSOR GORDON: Yes.

6 CHAIRPERSON GENNARO: And the
7 National Science Foundation will listen to a guy
8 like that, presumably, right?

9 PROFESSOR GORDON: I don't know.

10 CHAIRPERSON GENNARO: Yes, I am just
11 trying to, I am just going a little nuts, I am going
12 like a little nonlinear, myself, you know.

13 PROFESSOR GORDON: Okay.

14 CHAIRPERSON GENNARO: I'm like a
15 Stony Brook guy, Mulberger is a Stony Brook guy.

16 PROFESSOR GORDON: Yes.

17 CHAIRPERSON GENNARO: You know we
18 should, well, put down John Mulberger.

19 PROFESSOR GORDON: Well I could speak
20 with him, and I don't know what influence that would
21 have on the National Science Foundation, nor would I
22 necessarily want such influenced to be placed on the
23 National Science Foundation.

24 CHAIRPERSON GENNARO: Okay, I wanted
25 to get your perspective on that, okay. Thank you,

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2 Professor. I understand that you might be able to
3 stay for the rest of the --

4 PROFESSOR GORDON: No, I can stay
5 until one o'clock, so I can hear.

6 CHAIRPERSON GENNARO: Oh, fine, fine,
7 okay, so you get the benefit of some of the other
8 members views. So in whatever order the rest of the
9 panel would wish to proceed, I would ask you, each
10 of the three remaining panelists to present your
11 respective statements. And then after all three are
12 done, then I will ask questions to the collective
13 panel.

14 Okay, fine, so Paul, are you wired
15 into this thing now?

16 MR. MANKIEWICZ: I am not, although I
17 could be if somebody knows how to do that.

18 CHAIRPERSON GENNARO: Oh.

19 MR. MANKIEWICZ: Do you happen to
20 know that Don? Me neither. It might be a little bit
21 better, if we did it.

22 CHAIRPERSON GENNARO: If we have to
23 just use your testimony, we could - -

24 MR. MANKIEWICZ: I can send you it.

25 CHAIRPERSON GENNARO: - - yes, we

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2 could all use our imaginations, like Mr. Rogers kind
3 of thing.

4 MR. MANKIEWICZ: That is right. What
5 I want you to imagine is a thousand yards around the
6 entire Jamaica Bay resource, having been wetlands
7 just 100, 125 years ago. And as the Columbia group
8 indicated, and as you can check out on our web site,
9 that has been entirely filled in and made into human
10 habitation, which is fine.

11 Historic salt marshes have been lost
12 before the thousand acres that was documented by DEC
13 and discovered by Dan Mundy, and others, on the Bay,
14 itself. So there is, at least as thousand, there
15 is, at least 2,000 acres besides the 1,000 acres of
16 marshland that has been lost in the central part of
17 the Bay from fill and basically human habitation.

18 The simple, take home message comes
19 from a problem of urban infrastructure meeting sea
20 level rise. Basically, we have now surrounding
21 virtually the entire Bay, vertical riprap, sheet
22 piling, and the rest. There is no place for the
23 marshes to migrate up and down the coastline as they
24 did 10,000 years ago as accretions retreated and sea
25 level increased. So the marshes are essentially

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2 dead in the water, because the water level will
3 increase, and the marshes have, literally, no place
4 to go.

5 So, what to do, has to be along the
6 lines of what the Professor in the Columbia group
7 has described, basically, constructing marshes.
8 Strategically, we have to do two things: One is to
9 ratchet down sources, and the other is to greatly
10 increase the scale of the sinks for pollutants and
11 the sinks also for sediments.

12 Pollutant sources we went over today,
13 somewhat already today in the 36,300 pounds of
14 nitrate per day, is one problem. DEP is working on
15 rationing that down.

16 Probably an equally scaled problem,
17 or some place around the same size is the non- point
18 problem from internal combustion engines and the
19 nitrate just trying to deposit it all around the
20 Jamaica Bay Watershed.

21 The scale of the sinks is another
22 two- prong problem. One you have heard about with
23 the storm water approach we have taken, basically,
24 catching as much storm water around the land. The
25 largest sink for nitrate on the planet is basically

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2 wetlands and ground water. If we could get the
3 storm water into ground water it would denitrify,
4 that is we would get the nitrogen out before it got
5 into the Bay. This is over and above the 36,000
6 pounds per day.

7 The other sink is intertidal
8 wetlands, themselves. According to Teal's Classic
9 work on Tipperwisit (phonetic) Marsh with the Wintel
10 (phonetic) Group, they found that an acre of marsh
11 removes about 40 pounds of nitrate, nitrogen per
12 year, and probably something like five times that
13 when you count, when you factor in the muscles and
14 the other removable factors as well as the plant
15 growth, themselves.

16 I will send you this, the numbers
17 altogether, and many of them are right in front of
18 you.

19 But the take home message here is
20 still that we are in trouble, as Don Riepe was
21 indicating. And we need to get DEP, the Army Corps,
22 Noah, and other principle players at the table.

23 Were we to build tomorrow, over the
24 course of development, say five to ten years it
25 would take the marshes to get back, we have already

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2 build a thousand acres of marsh, they would be
3 removing something like 40,000 pounds of nitrate
4 nitrogen per year through denitrification from the
5 Bay. It is only about four or five days worth of
6 the output of DEP. It is no where enough, even if
7 you factor in at the larger scale, including the
8 muscles and the rest, you are still looking at only
9 maybe a months worth of nitrate being removed by the
10 biota.

11 I am going to hypothesize that before
12 that big hole was dug at Grassy Bay, Jamaica Bay
13 behaved something like the Chesapeake. The older
14 water was filtered by the biota mostly every day,
15 and nitrate was basically a feed stock as opposed to
16 an excess pollutant source. I cannot prove that,
17 probably Columbia could do it with some of their
18 work on the sediments.

19 So the point is that we need to look
20 at immense opportunities over, in terms of
21 relatively, gradual development for both the sinks.
22 In marshlands, as National Parks are beginning to
23 do, we cannot look at postage stamps, we cannot be
24 restoring a 10- acre site here and there, it has got
25 to be on hundreds of acres, because we are losing

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2 thousands. We have to be able to test each of the
3 parts. The critical thing is getting mineralized
4 material in there.

5 Sand has been shown to be relatively
6 poor for denitrification. Sand plus silt gives you
7 the right kind of poor space for getting nitrogen
8 out. These are technical issues that can be
9 answered by a technical policy group.

10 CHAIRPERSON GENNARO: Fine,
11 absolutely.

12 MR. MANKIEWICZ: But beside the
13 marshlands within the central part of the Bay, the
14 Bay was entirely ring by a marsh, not so long ago,
15 and I think we need a federal, State, and City
16 collaborative to get restoration around Penn and
17 Fountain Avenue, around the Brook Avenue Landfill,
18 basically, around the shoreline, which is where the
19 marshes were up and down the creeks, partly because
20 we will never get marsh development in sufficient
21 scale unless we do that. Unless we couple, somehow,
22 the edges, and the capacity for marshes to migrate
23 in and out. Basically, modifying some areas, Floyd
24 Bennett Field, is a place that comes to mind. Huge
25 expansions of land, rebuild some creeks there, and

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2 marshland that actually can develop at sea level
3 rises.

4 So besides building some marshes, we
5 have to make room for where marshes can develop, and
6 you will see that in the PowerPoint I will send you.
7 Conserve, create, and maintain habitat, but we
8 need to increase the size of natural filters, while
9 we are also rationing down the inputs. Otherwise,
10 we cannot get them there to here, here to there.

11 CHAIRPERSON GENNARO: Thank you.
12 Thank you, Paul. And I will come back to your
13 testimony, once I hear the rest. Jeanne. Oh, you,
14 is your testimony - -

15 MS. HARTIG: Finish with some of the
16 previous work.

17 CHAIRPERSON GENNARO: Oh, hang on
18 just one minute.

19 MS. FLATOW: If she is going to bring
20 up global warming, I would like to go next, because
21 that is one of the interesting problems.

22 CHAIRPERSON GENNARO: Okay, go ahead,
23 Jeanne.

24 MS. FLATOW: Your problem is, what is
25 the quality of your leadership, I am sorry to say

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2 that. Before you, we did not have - -

3 CHAIRPERSON GENNARO: Me?

4 MS. FLATOW: Yes, I am talking about
5 you.

6 CHAIRPERSON GENNARO: Okay.

7 MS. FLATOW: We did not have somebody
8 convening all of us so frequently on problems that
9 are very difficult to solve. The agencies that
10 appeared before you, the National Parks Service is
11 sponsoring and giving us the space to hold the
12 Jamaica Bay Task Force. And both the Parks
13 Department and DEP are very close partners of ours
14 in everything that we do.

15 The question is, if you bring all of
16 the Commissioners together so they know what is
17 going on, that is in the back room. And a great
18 many ideas come from the people, other people in
19 this room that have been at this problem for so
20 long. I really have to say that. We convene the
21 Jamaica Bay Task Force quarterly. That is about all
22 we can do. It needs to be put together with focus,
23 I agree with you, Don, and it has to be legislated.
24 And I am making a proposal today on how that will be
25 done.

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2 is what Paul is all about. All of his proposals are
3 generally ways in which we can keep the soil and the
4 water on the land, and not have to redo or dredge
5 every time we go out there and study it. It is very
6 important to understand that. It has to be a
7 partnership of all the agencies and the people out
8 there in the boondocks, who know their resources
9 just as well, if not better, than the agencies, and
10 are willing to speak up.

11 But it must have a formal process,
12 and it must have, at least, money to have some staff
13 people, because we are depending a great deal on
14 volunteers. Yes, we sprayed the sediment on the
15 Island, but the plantings of all of the plants that
16 were put in there was done largely with a great deal
17 of volunteer people from the community. And doing
18 this is not easy to do.

19 We started on this right after the
20 law was established in then 1970s, in the early
21 1972, we had a program in the City called 208, which
22 was the first attempt that Washington ever made,
23 Washington, D.C. Ever made, to find out now that we
24 built all of these plants, let's look and find out
25 if they are working right, and if we did the right

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2 thing in building them. And that was what 208 was.
3 Those were days when the computers were huge things
4 that you wired in the back of them, and every time
5 you wanted to change something, it was a long
6 process. But we had our Jamaica Bay Task Force
7 established then. And we drew an audience of 100
8 people from all walks of the City, to tell the
9 agencies what they ought to be doing.

10 So that we need these things in order
11 to do it. The rest of my
12 testimony, which I will spare you, but I will put on
13 the record is, Jamaica Bay has been designated a
14 significant, coastal fish, and wildlife habitat by
15 the Department of State.

16 A critical environmental area by DEC.
17 A special, natural waterfront area by
18 the New York City Waterfront Revitalization Plan,
19 and an important bird area by Audubon.

20 What we have is, all of those
21 agencies focused on Jamaica Bay with one thing or
22 another. And no way of bringing them together to
23 discuss how do we all share in order to protect it
24 and improve it. And that could come from the likes
25 of the Council, memorializing both the State

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2 Legislature and the appropriate Washington
3 legislatures to work with them on establishing the
4 funds, and the mechanisms for having them talk
5 together at both the staff and Commissioner level,
6 and with the public that frequently has some very
7 good ideas.

8 CHAIRPERSON GENNARO: Thank you,
9 Jeanne. Thank you very much.

10 MS. HARTIG: Thank you. Okay, I am
11 Ellen Kracauer Hartig. I want to thank you for
12 being here to listen to us speak on Jamaica Bay that
13 is near and dear to so many of us. And what I, I
14 was doing research under Arnold Gordon several years
15 ago, and now I am looking very, I documented some of
16 the aerial photography, the changes that were seen
17 the aerial photos from 1959 to the present. At that
18 time, I have since moved over to Friends of
19 Marshlands in Westchester County when they asked me
20 to see if they were having problems that were very
21 similar to that of Jamaica Bay. And the more I
22 looked at the photography, the more I saw, and saw
23 that this was the same problem as being repeated.

24 I spoke to the people at New York
25 State DEC and got some of their data that actually

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2 they had at the web until 2003, also documenting
3 similar loss in the region.

4 So I agree with everything that
5 Eugenia Flatow said about looking at Jamaica Bay. I
6 would go perhaps a step further and say, we have got
7 a regional problem with marsh loss. And we may want
8 to even invite the other areas where this marsh loss
9 is occurring to be part of the Jamaica Bay one.

10 If you have my testimony, and on page
11 four, is a table that has a list of some of the
12 other areas where there is similar marsh loss.
13 Jamaica Bay is by and far the largest, the acreage,
14 which now, since 1999, the marshes are believed to
15 be 1,223 acres, and it is the largest. We have got
16 the most marsh loss, and that is certainly where the
17 focus can begin. And the rate of loss that I found
18 from 1974 to the present is 1.5 percent, per year.
19 That matches the 40 to 50 acres per year that Don
20 spoke of. When you consider at one point, those
21 marshes were once about 4,000 acres.

22 So we do have a huge problem, it is
23 not just Jamaica Bay. We cannot just look at what
24 the issues are here. Well what I found in looking at
25 each of these sites, Manhasset Bay, Stony Brook

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2 Harbor, Oyster Bay, Shinnecock Bay, some of these
3 areas are also very constricted by development
4 around the marsh. So many of those problems may be,
5 so what is at work at Jamaica Bay is also at work at
6 those. But I also found that in Shinnecock Bay,
7 which is probably one of the more pristine areas,
8 that seven out of the thirteen islands that were
9 there in 1974, six of the thirteen have now
10 disappeared, and seven remain.

11 So certainly, there are other
12 problems that may also include sea level rise. So
13 it is not just a matter of the navigation channels.
14 I believe that, currently I agree with Dr. Arnold
15 Gordon, and the other scientists that were my
16 colleagues. Sediment starvation is probably the
17 major problem.

18 Again, I would go a step further, if
19 you hop to the last page, figure 2 showing the sea
20 level rise trends for the last century that the
21 marshes, you know, sea level rise was now a foot
22 during the last century, the next century will
23 probably be, at least, another foot. If we were to
24 consider global climate models developed at GIS
25 (phonetic) and elsewhere, and in Canada, and in

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2 London, you take all the different scenarios that
3 have been developed by different scientists, and you
4 plug them into the local, sea level rise that we
5 have here in New York, you will see that probably it
6 is more likely that we will have more than a foot in
7 the coming century of sea level rise. So that while
8 up to now sediment deficits may have been the major
9 problem, in the future it may become sea level rise.

10

11 I would also like to concur with the
12 other scientists and with what is going on in
13 Jamaica Bay encouraged by Echo Watchers and American
14 Littoral Society, and most tremendously by National
15 Parks Service that adding sediment will be of help.
16 I would encourage some of the future research,
17 maybe, to come up with a more ideal amount of
18 sediment that can be sprayed onto the marshes.

19 Perhaps the SETs, there is now,
20 National Parks Service in cooperation with USGS has
21 placed in the marshes a method to measure the
22 accretion rates that are going on now. They are
23 rather small mechanisms where we can measure how
24 much accretion is going on. Combining that with
25 some of the scenarios will allow us to know how much

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2 accretion is going on in the Bay, and comparing that
3 with a sea level rise. And then you could come up
4 with an amount of sediment that should be added to
5 the marsh that may be cheaper than doing sort of
6 draconian amount of sediment. So I would certainly
7 encourage that, and would like to be a part of that
8 research. And I believe that is very much going in
9 the right direction, and would like to thank Parks
10 Service for really, once they were aware of the
11 problem, with finding a way to find out what works.
12 So, thank you, again.

13 I just have one more thing I would
14 like to point to earlier, my middle, diagram figure
15 1, where what I do, is take the three aspects and
16 put it into a circle. It could also be done in a
17 triangle. The Anthropogenic Role, the Climate
18 Change Role, and Ecological Changes in the marsh,
19 and it really is the synergistic interactions that
20 are led to the marsh loss. I think looking just for
21 one cause is going to be very tricky, and that may
22 not be the best use of the resources. But
23 experimentation, such as Parks Services doing, I
24 know, Army Corps plans too, I think is the way to
25 go.

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2 Thank you very much.

3 CHAIRPERSON GENNARO: Thank you.

4 Thank you very much, all of you, for your
5 comprehensive testimony. Let me just go in order
6 here, if I could.

7 Paul, you have got some, now you have
8 got a proposal, if you will, for doing salt marsh
9 restoration at the edge of the Bay all around, which
10 you believe is critical to any kind of plan. Now do
11 we have that, is this it? You have to speak into
12 the mic.

13 Thank you, Professor, I appreciate
14 it, good luck.

15 MR. MANKIEWICZ: Yes, I have some of
16 that in the PowerPoint that I am going to show.

17 CHAIRPERSON GENNARO: Okay.

18 MR. MANKIEWICZ: But basically, it
19 said, at this moment it is relatively conceptual.
20 We have to pick places. The landfills are obvious,
21 in a way, because even though they are being close,
22 and a very good job is being done by DEP in terms of
23 plantings on the surfaces. The area around those
24 fresh creeks --

25 CHAIRPERSON GENNARO: I will tell you

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2 what, let's be practical here. The landfill
3 remediation and all that, what used to be like a
4 Sanitation thing, is now like a DEP thing, right?
5 DEP is doing all that stuff, right?

6 MR. MANKIEWICZ: That is right, DEP.

7 CHAIRPERSON GENNARO: Okay, so, and I
8 am the Chairman of the Committee of Environmental
9 Protection, I have a great relationship with DEP,
10 and you have got like a salt marsh restoration plan
11 for in and around Fountain Avenue and Pennsylvania
12 Avenue.

13 MR. MANKIEWICZ: As well as Brook and
14 other areas, but that is right.

15 CHAIRPERSON GENNARO: And I am just
16 saying - -

17 MR. MANKIEWICZ: Yes, that is right.

18 CHAIRPERSON GENNARO: - - I have a
19 real hook, you know, in the area around the
20 landfills, because it is like my guys, you know.

21 MR. MANKIEWICZ: Yes, that is right.
22 So the historic marshes and they would be, because
23 the highest concentration of nitrogen is coming out
24 from 26 Ward right at that creek, right along side
25 Fountain.

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2 CHAIRPERSON GENNARO: Right.

3 MR. MANKIEWICZ: That would be a
4 perfect place, because concentration runs the
5 relationship project chemistry.

6 CHAIRPERSON GENNARO: That is what we
7 are going to do. I will press the case with DEP on
8 that, we will figure out a way. And is this going
9 to take a lot of money to do?

10 MR. MANKIEWICZ: It's not.

11 CHAIRPERSON GENNARO: Go easy, you
12 know.

13 MR. MANKIEWICZ: It's go easy, and
14 also you can use local dredge material, to build,
15 the cleaner dredge material to construct the
16 marshes.

17 CHAIRPERSON GENNARO: Okay.

18 MR. MANKIEWICZ: And the critical
19 thing, even though this is being considered here and
20 there, it is critical to get DEC as partner, and it
21 is critical to get Columbia as a partner in testing,
22 and it is critical to get the scale of it sufficient
23 to address the loading. And those, I think those,
24 otherwise we are not going to get it to work.

25 But it has to be big enough, you have

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2 to have academic partners, academicians, and the
3 State has got to be a party to it.

4 CHAIRPERSON GENNARO: Okay, that is
5 fine, but that looks like something I could, you
6 know, sink my teeth into, I have got the appropriate
7 connection with DEP, and they are already doing a
8 whole big thing there. And you know, it would just
9 be a wonderful thing. Okay, so that we will do, so
10 talk to Donna about that, and it will be great.

11 Now Jeanne you got this State thing
12 or whatever, has it already been introduced, or what
13 is going on with that?

14 MS. FLATOW: We have gone up to talk
15 to the State Legislature while they were still
16 thinking positively enough faced on the election and
17 the criticism that has been aimed at them. We are
18 going to go back right after the beginning of the
19 year.

20 I would like to say to you that it is
21 also important to recognize, which I have in my
22 testimony, that Washington furnished us a fortune
23 worth of money to deepen where the boats come in, so
24 that we could have an expansion of the port. And we
25 have been saying to them, we should have something

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2 like as close as possible for environmental needs
3 for the engineers. Because the engineers, we are
4 supposed to do all of the work that we have been
5 announcing and they were cut very badly on this, in
6 this present budget.

7 CHAIRPERSON GENNARO: So why don't we
8 do this, I know that you are getting together with
9 Don, and with the staff to Committee, that can be
10 part of that discussion. And before this meeting
11 happens, I just want to direct staff of the
12 Committee to talk to me about who should be at that
13 meeting, or whatever. We don't want to leave people
14 out.

15 MS. FLATOW: Yes, one more, small
16 thing I would like to say.

17 CHAIRPERSON GENNARO: But that can be
18 part of this discussion.

19 MS. FLATOW: And that is, we are now
20 dredging for clean sand as one of the things that
21 was authorized. And we can use, and should probably
22 be using the Jamaica Bay bottom, if we can. But the
23 fact of the matter is for what we are talking about
24 because of the sediment budget, we should keep in
25 mind that we better get something going very soon

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2 while that other sand will be available.

3 CHAIRPERSON GENNARO: Okay, okay,
4 make sure you talk to Donna about that one thing,
5 when you get together.

6 And Ellen, you participate in some of
7 the proceedings, you are networked in with the
8 Jamaica Bay science people?

9 MS. HARTIG: Somewhat, somewhat.

10 CHAIRPERSON GENNARO: Okay. Anything
11 I can do to help that or whatever?

12 MS. HARTIG: Yes.

13 CHAIRPERSON GENNARO: What do you
14 want me to do?

15 MS. HARTIG: Very good. I will have
16 to speak to you about that.

17 CHAIRPERSON GENNARO: Okay.

18 MS. HARTIG: I would be very
19 interested in having a more active role, rather than
20 being a participant - -

21 CHAIRPERSON GENNARO: Yes, okay. And
22 so I direct the Counsel of the Committee, Donna De
23 Costanzo to have a conversation with Ellen about
24 that, about that very subject.

25 MS. HARTIG: Thank you.

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2 CHAIRPERSON GENNARO: Okay? One
3 more, okay, you got one more thing, Paul?

4 MR. MANKIEWICZ: Yes, please.

5 CHAIRPERSON GENNARO: Go ahead.

6 MR. MANKIEWICZ: The critical thing
7 that Don had brought up before, the even though we
8 need to be careful and proceed in a scientific way
9 with the rest of the construction of the marshes and
10 all, we have lost an immense amount of high marsh
11 and bird nesting habitat. So as we go forward, even
12 if we, basically, to make something that is too high
13 for marsh is not terrible, because to have an
14 isolated community where laughing gulls, and also,
15 we should look at multiple habitat types because of
16 the immensity of the resource.

17 And following up on Professor
18 Gordon's model, you know when you have a self-
19 contained little system like Jamaica Bay, it is a
20 perfect experimental place, to look at how deepening
21 can be remodified, how currents can be changed, how
22 marsh development and decay are actually coupled
23 with all of that. And I think it is a national
24 model. And I think, Florida, they never have
25 burdened, moved a single ship into the Everglades.

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2 They got \$8 billion to deal with it. We ought to do
3 something like that with Jamaica Bay.

4 CHAIRPERSON GENNARO: Thank you,
5 thank you. And because that is the point that I
6 made with the Professor at Columbia. And like with
7 regard to building something that might be, you
8 know, too high for high marsh, or whatever. But
9 would provide habitat. I have a well- reserved
10 reputation in this institution of being for the
11 birds. So we could, that sounds fine, that sounds
12 fine.

13 Thank you. Thank you, all, very much
14 for being here.

15 Okay, and now we have a panel of Brad
16 Sewell of NRDC, Jacob Kritzer of Environmental
17 Defense, and if they are in our midst, E.J. McAdams
18 the Director of the New York City Audubon, not here,
19 okay. And so, thank you both for being here.

20 COUNCIL MEMBER JENNINGS: Mr.
21 Chairman.

22 CHAIRPERSON GENNARO: Yes.

23 COUNCIL MEMBER JENNINGS: I have to
24 be excused, I have a Cultural Affairs Committee
25 starting at one o'clock, okay?

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2 CHAIRPERSON GENNARO: Okay.

3 COUNCIL MEMBER JENNINGS: All right,
4 thank you.

5 CHAIRPERSON GENNARO: Thank you,
6 Council Member Jennings.

7 Donna De Costanzo will administer the
8 oath, and then we can proceed.

9 MS. DE COSTANZO: Please raise your
10 right hand? In the testimony that you are about to
11 give, do you swear or affirm to tell the truth, the
12 whole truth, and nothing but the truth?

13 ALL: I do.

14 MS. DE COSTANZO: Thank you.

15 CHAIRPERSON GENNARO: Thank you.
16 Thank you, both for being here, and for being
17 patient, and being the two environmental groups that
18 we rely on for a lot of things. So we greatly
19 appreciate your interest in this issue, as well as
20 the many other wonderful things that your
21 organizations do.

22 So without further ado, I call upon
23 you to present your good testimony, in whatever
24 order you wish.

25 MR. SEWELL: All right, I have been

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2 generously offered the opportunity to go first.

3 CHAIRPERSON GENNARO: Okay.

4 MR. SEWELL: Thank you, Committee and
5 Chairman for inviting me to testify today on behalf
6 of NRDC on this critical issue to New York City, and
7 really to the country, and that is, how to save
8 Jamaica Bay.

9 I was wondering whether Florida and
10 the Everglades would be referenced so that I would
11 not have to bring it up myself. It has been, so I
12 will just say one thing about. Although, I was born
13 in this area, I have actually spent the last 12
14 years working on the Florida Everglades restoration
15 issues, and recently switched back to work on issues
16 in this area. And was there during the time that
17 they set up a Task Force comprised of state,
18 federal, officials, Indian tribes and possibly some
19 other representation, but primarily federal, state.

20 And it was legislated in Congress,
21 which, obviously, is an issue in terms of the
22 proceeding today. And I cursed it a lot, because it
23 just seemed so political and a lot of wasted breath.

24 But at the same time, I have come to appreciate
25 now working in this area that it did serve a

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2 phenomenal, catalyzing, communication purpose, and
3 if something like that could happen here, it would
4 be great. And frankly, it contributed to getting
5 funding for that project, that we desperately need
6 here.

7 So in terms of Jamaica Bay, you know
8 I will try to be quick. One comment I think that
9 you had asked so how important Jamaica Bay is to
10 bird and the waterfowl, and I have heard that, at
11 least, some scientists think that 20 percent of the
12 birds in North America visit annually Jamaica Bay
13 because of its prominence in the flyway, the
14 Atlantic Flyway.

15 And, obviously, it has a number of
16 important designations that are deserving,
17 considering what it holds in terms of ecological
18 resources. And its health is rapidly deteriorating.

19 The salt marshes in it, their disappearance is
20 viewed widely as the most significant problem. But
21 also water quality is a problem, and in fact, DEP
22 has documented as Jamaica Bay as really being the
23 only water body of any significance in the City. It
24 has actually deteriorated in health over the last
25 decade as opposed to improved.

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2 I am actually going to focus on the
3 water quality issue with the remaining time in my
4 testimony, because the disappearing salt marshes,
5 the causes are still being sorted out. There is no
6 secret as to what the causes of the water quality
7 problems are. You know, they can be attributed to
8 the City, and obviously, this is a City Council
9 hearing, and thus hope for you and the agencies that
10 you jurisdiction over have a hand in solving those
11 water quality problems.

12 Since 1986, water clarity in Jamaica
13 Bay has declined almost one- third. In terms of
14 toxic sediments, in 1993, there are highly toxic,
15 classified, sediments found at four sites. By 1998,
16 it had grown to seven. And then over the last
17 several years it has been discussed, dissolved
18 oxygen levels have gone down, algae levels have gone
19 up.

20 And in terms of the PowerPoint slide
21 that was shown earlier by Mr. Lopez from DEP, just
22 because we are under the limits set by DEC
23 concerning nitrogen inputs into the Bay, doesn't
24 mean anything besides we need to lower the limit.
25 Because obviously, that higher limit is causing

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2 water quality standards, and in fact, that has been
3 DEC's ambition, and they are waiting for a Water
4 Quality Plan from DEP to figure out how low it
5 should go. And it is going to be lower than the
6 current inputs in order to get the dissolved oxygen
7 problem under control.

8 So generally what should the City do?

9 Well I already sort of intimated that one thing
10 and that is that we have got to improve the waste
11 water, control a management system, and CSOs are
12 going to be a big piece of that in doing a better
13 job of abating that. And the most recent, revised
14 Administrative Consent Order concerning what the
15 City is going to do on CSO abatement was not the
16 step forward that the environmental community had
17 thought it might be and had hoped for. If anything,
18 it is actually a step backwards from what was
19 envisioned in 1992.

20 And in terms of treated waster water
21 into the Bay, Long Island Sound, they got their
22 TMDL, and Long Island Sound is, obviously, a
23 magnificent resource. So, as everyone has said
24 today, is Jamaica Bay. Jamaica Bay needs a TMDL
25 because that then drives a lot of the planning and

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2 management controls as a legal matter. And where
3 you have got legal requirements, you then get
4 funding.

5 And, in fact, DEC has had a TMDL
6 scheduled for development for Jamaica Bay and other
7 places around the City since 1998, it has been on
8 the impaired water list. It was scheduled for
9 implementation in 2005, then moved to 2006.

10 CHAIRPERSON GENNARO: What was that,
11 could you just back up for a second a little? I
12 missed the, just back up a couple of sentences
13 there.

14 MR. SEWELL: DEC has an impaired
15 water list, which lists the water bodies around the
16 State that need TMDLs because they are impaired
17 water bodies that are not being resolved by existing
18 management. And Jamaica Bay has been on that list
19 since 1998, and was scheduled for implementation,
20 development and then implement of a TMDL for 2005.
21 It was then moved to 2006, you know, they are not
22 making that. They have not initiated the
23 development of a TMDL. And that, given the
24 complexity of this development in this case is going
25 to be a multi- year process, and they couldn't start

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2 it too soon, considering the water quality problems
3 in the Bay.

4 Sorry, it's total, maximum, daily
5 limit and it's a Federal Clean Water Act term that
6 is used just to describe how much inputs of a
7 particular pollutant a water body can take. And
8 they figure that out, and then they divvy up among
9 the various polluters. That is what they did with
10 the Long Island Sound. Ergo, New York City got
11 mandated a 60 percent reduction in the amount of
12 nitrogen that they put into Long Island Sound as a
13 result of figuring out this total maximum, daily
14 load, and what New York City's contribution of it
15 was.

16 And that same thought, sort of thing
17 needs to happen in Jamaica Bay, because then it
18 enables you to back up into more holistic watershed
19 planning, instead of just end of the pipe kind of
20 stuff, which is what DEP has fixated on now.

21 And just to close, you know,
22 obviously, and people have said this, we need to
23 really reconceptualize how we view and treat Jamaica
24 Bay. I mean it is a National Parks Service unit
25 that the City is blessed with having within its

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2 midst, and it is not treated as a National Parks
3 Service unit. And certainly not like the
4 Everglades, and not like most other National Parks
5 Service units around the country. And, you know, we
6 obviously need to recognize that it is downstream of
7 140 square miles of the most intensively developed,
8 at least one of the most intensively developed areas
9 on the earth.

10 But that is not an adequate excuse
11 for how we are treating it now, particularly given
12 the crisis that it is in. And so, we need to, and
13 obviously this is what the Committee is trying to
14 do, you know, tried to do two years ago, and it has
15 been beating the drum beat on and that is why we are
16 here today. So, thank you very much.

17 CHAIRPERSON GENNARO: Thank you,
18 thank you. Okay, Jacob. I think you have to push
19 the button, if the button you press goes off, then
20 it is on. Try it now.

21 MR. KRITZER: How is that?

22 CHAIRPERSON GENNARO: Yes, that is
23 okay.

24 MR. KRITZER: Okay. I hate to start
25 off my testimony by correcting the Chairman, but the

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2 last name is pronounced Cry- zer.

3 CHAIRPERSON GENNARO: Oh, Cry- zer.

4 MR. KRITZER: And I say that because

5 I am sure my grandparents are looking down from

6 above.

7 CHAIRPERSON GENNARO: Oh that is

8 right, okay.

9 MR. KRITZER: That said, you, it is

10 spelt Kritzer, pronounced Cry- zer, I will not get

11 into that now.

12 I am a marine ecologist and fisheries

13 biologist who has recently started working with

14 Environmental Defense. You obviously know a bit

15 about us, we are a national organization

16 representing several hundred thousand people across

17 the country, but New York is a particular area of

18 interest to us, because --

19 CHAIRPERSON GENNARO: I know so much

20 about Environmental Defense. You know, James T. B.

21 Trip, I know what the T. B. Stands for. I bet you

22 didn't even know that.

23 MR. KRITZER: No, I do know that - -

24 CHAIRPERSON GENNARO: I am not going

25 to tell you.

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2 MR. KRITZER: I will ask him when I
3 get back to the office.

4 CHAIRPERSON GENNARO: Okay, I know
5 what the T. B. Stands for.

6 MR. KRITZER: All right, enough about
7 Environmental Defense then. Well, we are, you do
8 know that we got our start in the New York area, we
9 have since kind of drifted away, and now we are
10 starting to drift back. And my position as part of
11 that effort, and with a particular focus on coastal
12 Waters.

13 The reason I mention all of that is
14 because, you know, I, personally, and to some extent
15 we, as an organization, although, Jim is possibly
16 our one exception, are new to the Jamaica Bay issue.

17 And I think one thing useful, we and I can provide
18 is kind of stepping in as a bit of an outsider right
19 now and looking at what is going on.

20 I am not going to talk too long
21 today, I am conscious of the time, and I am
22 conscious of a lot of what I am going to say have
23 been said in various ways by other people. But I
24 just want to make a couple of points.

25 As a scientist, first of all, and how

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2 I see the scientific process that are addressing the
3 problems in Jamaica Bay, how that is going and what
4 can be done better. Clearly, a lot of the causes of
5 marsh decline, which is what the consensus seems to
6 show is the major issue of concern facing Jamaica
7 Bay, a lot of those causes are not well understood,
8 but we are starting to get a handle on what some of
9 the important factors are. And one thing I think we
10 need to start doing, is start talking about ways to
11 deal with those, with those problems, in advance of
12 having full, unequivocal, scientific evidence for
13 the kind of relative impacts of different causes.
14 And I was actually encouraged to hear Professor
15 Gordon speaking with more authority, more conviction
16 I should say, than I am used to hearing fellow
17 scientists speak, when asked what is causing the
18 problems in there.

19 So sediment load is clearly an issue.

20 Water quality is clearly an issue, and we need to
21 start making moves on those fronts. A lot of those
22 issues, however, are very long- term solutions.
23 They are impacts and solutions that will take place
24 over the long- term. What our goal needs to be
25 there is to create an environment there that is

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2 conducive to survival growth, and reproduction of
3 salt marshes.

4 In the meantime, however, while those
5 things are taking place, you know, changing current
6 flows, changing sediment transport and sediment
7 supply, changing water quality is not going to
8 happen overnight. And therefore, I think in the
9 short term a lot of the restoration efforts that are
10 ongoing and proposed really need to be encouraged
11 and expanded. Because what those will do, is
12 basically safeguard a minimum standing crop of salt
13 marsh that is basically going to be our basis for
14 expanding the marsh within the Bay in 10, 15, 20, or
15 50 years time, when we have improved and cleaned up
16 that environment.

17 So, one of the things I want to
18 encourage is really bolstering those immediate
19 restoration efforts. You do not want to rely on
20 those over the long haul. You don't want to rely on
21 constantly spraying sediment, constantly replanting
22 salt marsh plants. You want to create an
23 environment that lets the organisms take care of
24 themselves, but in the short- term, we have to do
25 that while we correct the environment.

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2 I have also, in my testimony,
3 outlined a few issues I think should be kind of the
4 next generation of research focus in the Bay. You
5 know so much is being focused on salt marshes and
6 for very good reason. But we always need to be
7 thinking ahead. So when we start making some
8 progress on the salt marsh problem, we don't find
9 ourselves saying, okay, what now, and realizing we
10 need a baseline of information that we don't have.

11 Water quality is something that we
12 have talked about, and there is work being done on
13 that front. Although, I did come across a comment
14 in the proceedings of the recent National Parks
15 Symposium back in March. One of the science panel
16 members was commenting that the water quality data
17 and the water quality monitoring are actually, there
18 is actually a lot to be desired in terms of that
19 type of data. And that is critical, getting that
20 data, understanding what the causes are, and also
21 understanding what the consequences are for the
22 different organisms that use the Bay. Because you
23 cannot set a meaningful target for any nutrient, or
24 pollutant, or toxin, or whatever, unless you know
25 what the effects are, otherwise, it is basically

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2 arbitrary. So, we need to look more at water
3 quality.

4 Shellfish restoration is an issue. I
5 think, really people in Jamaica Bay need to be
6 talking about a lot more. There, historically, were
7 large productive populations of bivalves in Jamaica
8 Bay. Now, to my understanding, it is mostly ribbed
9 mussels that live amongst the marsh grasses
10 themselves. But there used to be hard clams and
11 oysters there. I think that oysters are species
12 that is worth particular attention because like all
13 bivalves, they are filter feeders, they will help
14 improve water quality. But the other things oysters
15 do that clams and mussels don't do as well, is they
16 actually create a habitat. They create complex
17 reefs that serve as an additional nursery habitat
18 for crabs and fish.

19 And another contribution that those
20 reefs can make is actually to buffer the marshes
21 from wave activity and other erosive properties of
22 the water. And this is stuff that is being done in
23 Galveston Bay in Texas and other places, where they
24 are trying to restore oyster reef as a way of
25 buffering salt marsh erosion. And whether or not

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2 that can work in Jamaica Bay is a question that
3 remains to be answered, but it is certainly
4 something that we should put on the scientific
5 agenda.

6 And I think more attention to
7 fisheries issues. And we all know that Jamaica Bay
8 is an important hub of recreational fishing
9 activity. But also in the New York Metro area there
10 is a fairly large, subsistence fishery among low
11 income people who basically fish for food. And that
12 actually, in my mind, puts a whole new level of
13 importance on the fisheries in this area. When we
14 are not just going out there for fun and recreation,
15 but when people are actually relying on this as part
16 of their diet. So I think more activity on the
17 fisheries' role of Jamaica Bay. I mean, what it
18 contributes potentially as a nursery to the water
19 area, is something we should look at.

20 A final point I made is just that the
21 Council, and I think Don made a similar comment in
22 his testimony in reference to a resolution, but
23 should very specifically outline what its objectives
24 and strategies are for the Bay. And I think that is
25 important because we have heard that there are so

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2 many different agencies operating in a very loosely,
3 coordinated way. It is helpful if everyone knows
4 what each agency sees is important, what its long-
5 term goals are, and what its long- term strategies
6 are.

7 I made some comments at the end about
8 the Port Authority proposal for a ferry right
9 through the Bay. I will not go much into that now.
10 We as an organization don't actually have an
11 official position on that now. We understand that
12 public transportation has huge environmental
13 benefits in terms of reducing gridlock and the CO2
14 emissions, or CO emissions that come with that. At
15 the same time, running ferries through Jamaica Bay
16 increases contaminants, increases wave activity, and
17 we know that is effecting the ecosystem.

18 I guess our general recommendation
19 there is that as that process moves forward,
20 particularly because this is a part of our National
21 Park system, there needs to be very tight
22 environmental standards by which that RFP process is
23 enacted.

24 And with that, I will stop.

25 CHAIRPERSON GENNARO: Thank you.

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2 Thank you both so much, and please give my best to
3 Jim. I see that his statement is appended to yours.

4 I got here in large part, because I listen to Jim
5 Trip, so I will continue to do that. And I thank
6 Environmental Defense for everything that you are
7 doing with regard to coastal waters, and I am glad
8 that they have you on board.

9 And with regard to the, yes, where is
10 that, is this Brad's, okay. Brad, with regard to
11 the TMDL, I think that is like the magic bullet I
12 was looking for out of this hearing. I didn't know,
13 you know, what stroke would really make a lot of
14 things happen. And I think the TMDL is it, right?
15 So we should get that.

16 MR. SEWELL: In terms of certain,
17 specific, water quality problems that a plaguing the
18 Bay, it is a pretty important instrument.

19 CHAIRPERSON GENNARO: Okay, yes, so
20 that is something which really, you know, it was not
21 on my radar screen until you brought it up, it
22 certainly is now. And I thank you for that, Brad.

23 I invite both of you to be in contact
24 with the Counsel to the Committee, Donna De
25 Costanzo, about, you know, how we can move that

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2 forward.

3 MR. SEWELL: Great.

4 CHAIRPERSON GENNARO: Thank you,
5 thank you both. And our next witness is Bernard
6 Blum, our last witness, representing Friends of the
7 Rockaways. Mr. Blum.

8 MR. BLUM: Okay, maybe I would have
9 gotten up sooner, had I brought my own panel. But
10 anyway,--

11 CHAIRPERSON GENNARO: Okay.

12 MR. BLUM: I am delighted that - -

13 CHAIRPERSON GENNARO: Is the
14 microphone on, Sergeant?

15 SERGEANT- AT- ARMS: Yes, it is.

16 CHAIRPERSON GENNARO: It is, fine.
17 Okay.

18 MR. BLUM: I am delighted though that
19 I was invited to participate at this hearing. I
20 don't get invited to too many hearings. I missed
21 several on Arverne, you have heard about Arverne,
22 308- acre track, that is being bulldozed to
23 smithereens by the Sanitation Department, as well as
24 developers.

25 When I came here today, I noted that

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2 the Queens Division of Lot Cleaning was bulldozing a
3 site underneath the elevated line. And let me tell
4 you when you talk about protecting watershed, this
5 Queens Division of Lot Cleaning has destroyed more
6 beautiful and productive upland than you could ever
7 imagine. They have completed no impact statement,
8 and I have asked Angela Racada of DEP and other
9 agencies to request. I have even asked Commissioner
10 Doherty, himself, to provide a complete impact
11 statement, and to explain where all the topsoil has
12 been delivered to by this agency.

13 And as I heard about watershed
14 protection, there will be no watershed protection to
15 the extent that is really necessary, unless you
16 control this agency. And you should be happy
17 hearing, in fact, on Sanitation activities as how
18 they deal with natural areas. Believe me, if is out
19 of control, I have been threatened with arrest for
20 simply trying to deal with the issue.

21 And let me say, before I get onto the
22 main issue of the wetland islands, that several of
23 my associates are litigating in federal court
24 because the federal coastal program administered by
25 NOA (phonetic) has not been complying with policies

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2 dealing with habitat protection or coastal access.

3 And this goes for the State as well, and the City.

4 The City Planning Commission is the

5 Coastal Commission, and I must tell you that the

6 Jamaica Bay/Rockaway area is just triage by this

7 whole system of regulations and compliance

8 requirements, it is just incredible.

9 So when we hear about Jamaica Bay

10 having deteriorated to such a great extent, it is no

11 surprise.

12 I would like to begin by pointing out

13 that I have read testimony that I want to explain at

14 the last Jamaica Bay Task Force meeting. Mr. Klein

15 of DEP made a presentation on the Jamaica Bay Water

16 Quality improvements. And I had some questions for

17 him, and I have asked them before, on the back page

18 of the second page is an article on borrow pits,

19 which was mentioned here today, but not fully

20 explained. And then the back part of the first page

21 is a commentary, Bay Restoration.

22 Now Jamaica Bay has been studied to

23 smithereens. I see Eugenia Flatow cited that it's

24 been called the significant coastal fishing,

25 wildlife habitat, created environment to the area a

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2 special, natural waterfront area, geographically
3 targeted area, an important bird area, blah, blah,
4 blah. So why is it such a mess?

5 And the real problem is not only lack
6 of coordination, but I don't think there are enough
7 bureaucrats who are really that concerned. And I am
8 glad to see that as an elected official you are
9 demonstrating great concern with this, you know,
10 wonderful, piece of natural property that the public
11 owns, but is not really being taken care of.

12 I am not going to read these two
13 pages, but I am going to deal with it. I heard Mr.
14 Lopez say that the centrate (sic) from the 26 Ward
15 Plant does not go directly into Jamaica Bay. Now I
16 just hope that you actually get this in writing,
17 because when I sat on the CAC of the Sludge Disposal
18 Management Program many years ago. I was leery of
19 the fact that sludge dewatering centrifuges, at the
20 26 Ward Plant and the Jamaica Plant, would have
21 retrofitted to them these centrifuges and the
22 centrate would go out into Jamaica Bay. And it just
23 seemed that a dangerous situation was being
24 produced.

25 Recently, Dan Mundy and his eco-

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2 watchers noted a deterioration in water quality, did
3 not come up here today, in water quality, and they
4 found that there was an excessive amount of sludge
5 dewatering at the 26 Ward Plant. And at the Jamaica
6 Bay Task Force meeting recently, Mr. Klein pointed
7 out that there was something wrong with the Staten
8 Island plant, so Staten Island dredged spoor was
9 being brought into Jamaica Bay. And hopefully they
10 remedied the situation. But the fact is, it just
11 demonstrates that the more sludge dewatering that
12 goes on at the 26 Ward Plant, if Dan Mundy and his
13 people are correct, and there is even noted a
14 decline in fish catches, then there is something
15 wrong here. And it has got to be checked out.

16 I really don't, I have become a great
17 cynical, --

18 CHAIRPERSON GENNARO: I got the
19 point, I got the point. You can move on from that,
20 because I understand your point, you can move onto
21 you next point.

22 MR. BLUM: And there is one issue
23 here that deals with the Idlewild Storm Sewer. It
24 was talked about the fact that it has been proposed
25 that sea level rise is drowning the marshes. It

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2 seems to me that the engineers of DEP are more
3 concerned with getting as much water into Jamaica
4 Bay to prevent flooding, than they are really in
5 dealing with the water quality issue.

6 Now this particular Idlewild Storm
7 Sewer, and Don Riepe may have left, he was
8 associated with the project at the time, this storm
9 sewer, as I calculated, a 2.46 billion gallons -

10 CHAIRPERSON GENNARO: If you could
11 just indicate what it is about this storm sewer that
12 you are looking for, just, I got the background,
13 just tell me what you want to do with the storm
14 sewer?

15 MR. BLUM: It has no impact
16 statement, under NEPA and under SEQRA, there was
17 political pressure, and there is no impact
18 statement. There is a floatables problem there, and
19 I really think that the flow of water may actually
20 be contributing to drowning the Bay. A wave
21 historian, Ann Malou said, thinks that in between
22 the tides, given all the flow of water from these
23 combined sewer overflow projects, all this flow of
24 water does not let the peat, the wetland island
25 substrate dry out sufficiently, and it is more easy

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2 to wash away.

3 CHAIRPERSON GENNARO: Okay.

4 MR. BLUM: And this is, I think,
5 something that has got to be, you know, checked out.
6 And once again, where is the impact statement?

7 CHAIRPERSON GENNARO: I got that.

8 Next issue.

9 MR. BLUM: I happen to be a
10 premudgent (phonetic).

11 CHAIRPERSON GENNARO: I understand
12 that.

13 MR. BLUM: I don't deal with programs
14 as much.

15 CHAIRPERSON GENNARO: I am too. I
16 got to get out of the room. I need you to go onto
17 your next issue, whatever it is. So, I got the
18 first thing, I got the second thing. Next.

19 MR. BLUM: Then next, once again,
20 Arverne. We had Councilman Sanders here speaking
21 about the fact - -

22 CHAIRPERSON GENNARO: Arverne, I
23 understand that. Let me just - -

24 MR. BLUM: - - the 31st section.

25 CHAIRPERSON GENNARO: Arverne is

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2 beyond the scope of this Committee, so you have got
3 to move past Arverne.

4 MR. BLUM: But it is watershed of
5 Jamaica Bay.

6 CHAIRPERSON GENNARO: I understand
7 that, but - -

8 MR. BLUM: The more, the more that
9 Arverne and the surrounding land becomes paved over,
10 the more non- point source you are getting.

11 CHAIRPERSON GENNARO: Right, but we
12 dealt with developments in and around, and so we got
13 the whole development around the Bay issue thing.

14 MR. BLUM: It really is not being
15 handled.

16 CHAIRPERSON GENNARO: I understand
17 that. But it has already been put forward by other
18 witnesses. I understand Arverne, and I understand
19 the other developments that were mentioned. Next
20 issue.

21 MR. BLUM: Well that is just about
22 it. But I really want, once again, is to check out
23 just where the centrates are going, if it is still
24 going into the Bay, it should be diverted elsewhere,
25 and that the Idlewild Storm Sewer does not need an

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2 impact statement. Even the a retention basin.

3 CHAIRPERSON GENNARO: What is the
4 name of that storm sewer, again?

5 MR. BLUM: Idlewild Storm Sewer.

6 CHAIRPERSON GENNARO: Idlewild Storm
7 Sewer, okay.

8 MR. BLUM: Otherwise known as the
9 Carson Avenue.

10 CHAIRPERSON GENNARO: Okay.

11 MR. BLUM: And while you may think a
12 lot of the people who sit here when I bring this up
13 to Eugenia Flatow or Jim Tripp, they don't bat an
14 eyelash. And I think that there is something wrong
15 at times with some of the people who are dealing
16 with these issues, who are being rather, how should
17 I say, blase or subterranean in what their real
18 thinking is about how Jamaica Bay should be handled.

19 It is being handled as an extension of DEP's water
20 treatment systems, and that is the whole problem.
21 And I think there are some people that are too
22 comfortable with it being treated as such. And I
23 hope that you really do put your nose to the
24 grindstone and get at some of these issues so that
25 there is no more deterioration. Because I really

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2 think that we are being a little too realistic, and
3 not enough commudgmently (phonetic) with some of
4 these bureaucrats.

5 Thank you very much.

6 CHAIRPERSON GENNARO: Thank you very
7 much Mr. Blum.

8 MR. BLUM: And thank you for being
9 patient.

10 CHAIRPERSON GENNARO: There is a
11 great a role in this world for all commudgments, and
12 thank you very much.

13 I just would also like to state for
14 the record, that we have written testimony, it has
15 been submitted by Alexander Brash, Regional Director
16 of the National Parks Conservation Association, and
17 New Yorkers for Parks also submitted written
18 testimony as well.

19 I thank everyone for participating in
20 this hearing, commudgments or non-commudgments alike,
21 for giving us the benefit of your views, and we look
22 forward to working cooperatively with you as we move
23 forward on this issue. Thank you all very much.

24 This hearing is adjourned.

25 (Hearing adjourned at 1:41 p.m.)

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

2 (The following testimony was read
3 into the record.)

4

5 Testimony of:

6 Maura Lout

7 Director of Research

8 New Yorkers for Parks

9 Good morning. My name is Maura Lout,
10 and I am the Director of Research at New Yorkers for
11 Parks (NY4P), a citywide parks advocacy organization
12 working to ensure quality park services in every New
13 York City neighborhood. I am here to urge the
14 Council to work to protect New York City's remaining
15 natural areas, including Jamaica Bay.

16 Natural Areas Overview

17 NY4P and New York City Audubon

18 (NYCAS) have worked for the last three years on a
19 comprehensive database of New York City's remaining
20 natural areas, both publicly and privately owned.
21 This program, the Natural Areas Initiative, aims to
22 use the information amassed in the Database to
23 preserve, balance and monitor the use of NYC's
24 remaining natural spaces to protect the diversity of
25 life that exists within them.

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2 The database currently contains 173
3 sites, many of which are located in the Jamaica Bay
4 ecosystem. Natural areas can be found in every part
5 of the City, however, and unless additional
6 attention is paid to their protection and
7 maintenance, they will suffer the same fate as
8 Jamaica Bay, unexplained losses and diminishing
9 health. The Bay represents a critical natural,
10 cultural and economic resource for the City.
11 Unfortunately, years of overuse have negatively
12 impacted the ecological quality of the bay. NY4P
13 and NYCAS fully support efforts to investigate and
14 preserve the remaining natural features of Jamaica
15 Bay.

16 We also encourage the Council to be
17 proactive in its protection of the other natural
18 areas found throughout in the City and in every
19 Borough.

20 The values of natural areas are as
21 diverse as the City, itself. Natural areas filter
22 and purify air, improve water quality and act as
23 flood control. They ameliorate high temperatures
24 and decrease energy consumption, provide habitat for
25 resident wildlife and migratory insects and birds,

1 COMMITTEE ON ENVIRONMENTAL PROTECTION

2 and create passive recreational opportunities for
3 residents and visitors.

4 Conclusion

5 In closing, we encourage the Council
6 Environment Committee, working in conjunction with
7 other Council Committees, to act to preserve New
8 York City's remaining natural areas by protecting
9 areas where possible and working with communities to
10 develop alternate strategies for development.

11 (Hearing concluded at 1:41 p.m.)

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CERTIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK)

I, PAT WTULICH, do hereby certify
that the foregoing is a true and accurate transcript
of the within proceeding.

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.

IN WITNESS WHEREOF, I have hereunto
set my hand this 21st day of October 2004.

PAT WTULICH

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C E R T I F I C A T I O N

I, PAT WTULICH, do hereby certify the
aforesaid to be a true and accurate copy of the
transcription of the audio tapes of this hearing.

PAT WTULICH