

Minutes

Hudson River Estuary Advisory Committee Meeting

Minutes: November 2, 2023

Meeting held online via WebEx

Approximately 81 people attended the meeting, including 24 HREMAC members and Ex-Officios.

Welcome

The meeting began at 9:00 a.m. Stuart Findley asked for a motion to approve the minutes from April 20, 2023. Lucy Johnson made a motion to approve the minutes. The motion was seconded by Ed Skorurpski. The minutes were unanimously approved without revision. Stuart announced that Janet Burnett has retired and thanked her for her service as a member of HREMAC.

1. Announcements and Updates

Hudson River Programs Supervisor and Estuary Coordinator Heather Gierloff introduced the three new program managers: Ingrid Haeckel, Hudson River Estuary Program Manager; Sarah Fernald, Hudson River National Estuarine Research Reserve Manager, and Angela Schimizzi, Marine Habitat Manager.

Heather also introduced new staff members Brittany Flatten, HRECOS Coordinator, and Allison Joers, Marine Habitat biologist.

NYS Open Space Plan

Jeff Mapes, Environmental Program Specialist, DEC Lands and Forests

Timestamp: 6:00 - 25:04

PowerPoint presentation available.

Jeff Mapes gave an overview of the New York Open Space Plan, currently being updated, which serves as the State's blueprint for land conservation and acquisition. Land acquisition is based on the priority projects list, which includes regional, multi-region, and statewide priorities. New York is also working on the 30 x 30 goal to conserve 30% of the state's land and waters, coastal and ocean areas by 2030 in an effort to conserve biodiversity. Jeff emphasized that there would be several public hearings on the draft open space plan along with a 60 day comment period. More information is available on DEC's website: [Open Space - NYDEC](#).

Dan Shapley expressed the need to map source water areas throughout the state and prioritize those for conservation, as well as the importance of prioritizing marine protected areas.

Katie Petronis agreed those were great points and said to be sure to be in touch with the advisory committees. Marine protected areas are in the federal 30 x 30 plan, and they are working on this within the state plan.

Andy Bicking was concerned that the timeline for the open space planning process was very aggressive for local land trust partners, and it would be great to extend the deadline for them. He asked how open space relates to the Estuary Program and that it was important for both Regions 3 and 4 to be able to draw across regional lines. He also urged DEC to consider equitable access and what conservation means in urban settings where most of the people live.

Fish Regulations Update

Gregg Kenney, R3 Fisheries Biologist

Gregg explained that striped bass fishing regulation changes were likely based on a new draft addendum to the fishery management plan initiated in response to the unexpectedly high fishing mortality in 2022. For the recreational fishery, this draft addendum proposes recreational bag and size limits for the ocean that achieve a 14.5% reduction in fishing mortality, along with the same 14.5% reduction for the commercial fishery. The Hudson River options have not been determined, but we will be required to make a 14.5% reduction. There will be public meetings so anglers can provide input about how they would like to see us meet that those fishing mortality reductions. This likely involves a smaller slot limit or a shorter season.

Dan Shapley asked if recreational fishing was the primary source of mortality.

Gregg responded that for the last several years, the largest single source of mortality for striped bass has been discard mortality from recreational fishing.

Ed Skorupski asked if the recreational fish mortality was for the entire Atlantic coast or if it was broken down by region?

Gregg said that it was coastwide, but based on the available information there is a 9% mortality rate for released stripers for all anglers up and down the coast.

Dan Shapley asked for clarification whether the 9% mortality was fish that die after being caught and released, and Gregg confirmed that it was.

Stuart Findlay asked if circle hooks were used coastwide. Gregg responded that yes, they are a requirement coastwide. He explained that several studies were conducted in the Hudson and along the coast to determine the mortality rate after catch and release with circle hooks. The fish released did not die right away, but a few days later.

Striped Bass Addendum is available for public comment.

Timestamp: 25:26 - 34:28

EPA Report

Dan Shapley

Timestamp: 34:39 – 45:11

Dan Shapley noted that the EPA is slated to make a presentation to HREMAC in March on its 5-year review of the data on the cleanup of PCBs in the Hudson. Dan outlined the longstanding issue of PCB contamination from G.E. manufacturing plants in the upper Hudson, and EPA's remediation order which set specific target for protection of human health by requiring one pound of fish per month to be safe enough for the average angler to eat. Every 5 years, EPA reviews the data. EPA is now completing its 3rd review and has 3 choices: label the remedy protective (meets the target); the remedy is nonprotective (target not met) and are other actions are required; or there is not enough data to make a determination. Scenic Hudson and Riverkeeper hired independent science experts to look at all of the available data and have come to the conclusion very clearly based on the data that that the remedy is not protective. The only appropriate determination EPA can make is a nonprotective determination. People are eating fish and warnings are not enough to protect people. Scenic Hudson and Riverkeeper drafted a letter, which will be circulated to HREMAC for approval. We would like to DEC to be vocal about this issue, and we want the commissioner to know it's important.

Andy Bicking said this is also a social and political issue. The status quo means that we are continuing to live with this. There is a generational impact of these PCBs, and as it continues our grandchildren will not be able to eat fish from the Hudson. The burden of this will be shifted to environmental justice communities and we have a moral duty not to let this happen. It takes every civic group, every environmental organization, every political leader in New York State needs to be on message. That's the leadership the Hudson River deserves from New York State.

Stuart Findlay reminded everyone that the procedure for letters is that a small group will work on the letter, and it's then circulated for consideration for transmittal. The transmittal will include majority opinions, and if there are minority those would also be included.

Future of HREMAC Guidance

Stuart Findlay

With the growth of membership, it became clear that the committee needed a short guide about HREMAC works. The draft of this will be emailed to everyone and is open for discussion, additions, deletions, and suggestions. We'll also send the document from more than a decade ago that details how the committee works and that also will be emailed. In the interest of time, two important points in the guidance: HREMAC needs

an executive committee (Chair, Vice Chair, and Secretary) and we need a way to assess people's interest in staying on the committee. If you miss two meetings in a year, we'll ask if you are still interested in staying on the committee. It will be helpful for members to know how HREMAC operates.

2. U.S. Coast Guard Anchorage Study

Commander Dan McQuate

Timestamp 48:35 to 1:16:07

PowerPoint available.

The New York Sector area of responsibility includes NY Harbor extending out 200 miles in the ocean miles, from the East River to the western end of Long Island Sound, and up the Hudson River to north of the Troy locks, and other bodies of water branching off these areas. The Port Sector Commander responsibilities include Captain of the Port, safety and security of the Port, inspection of vessel facilities, search and rescue, marine environmental protection within the Port, and the resiliency of the marine transportation system.

Hudson River Safety Navigation Committee (HRSNOC), created by stakeholders and users, was established following the Coast Guard's Port and Waterways Safety Assessment (PAWSA) in 2017, to work with the steering committee (Coast Guard, Albany Port District, shipping agents, terminal operators, etc.) to study the nature of vessel traffic; the risks and benefits of historic practices for commercial vessel anchoring; and the risks and benefits of establishing anchorage grounds on the Hudson River. The committee was required to report its findings and recommendations as part of the NDAA (National Defense Authorization Act). The NDAA study was completed in 2021, and the findings, conclusions, and recommendations were forwarded to the Commandant. The Department of Homeland Security (DHS) and the Office of Management and Budget completed its review in 2023 and forwarded it to Congress. As the Coast Guard's role on the river includes protecting the environment and promoting navigational safety, the river will remain in the same regulated state it has been since the early 20th century. The Coast Guard will continue to support HRSNOC as a forum for all waterway users to evaluate risks and promote safety of navigation, property, and the environment. The Coast Guard is not planning to establish anchorage grounds on the Hudson at this time. It is also looking at expanding a Vessel Traffic Safety (VTS) center to include the Hudson River to the Troy Dam, to reduce the potential for groundings and collisions. Additional recommendations, including addressing the anchoring in sturgeon spawning grounds near Hyde Park) are outlined in the Commander McQuaid's PowerPoint presentation.

Emily Svenson representing Hudson 7 asked to be included in future conversations about anchorage locations and concerned about anchorages in the vicinity of the drinking water communities. that this part of the Hudson was included in the redefined area of the Port of NY.

Dan Shapley, Riverkeeper, expressed concern that the majority of members of HRSNOC were from the shipping industry so that minority opinions were not reflected in

the report to Congress. He also echoed Emily's concern about the potential for expanding anchorages and the need to protect the drinking water intakes.

Commander McQuate reiterated that they were not going with 'majority rules' on HRSNOC and they wanted to hear the discussion and be part of the discussion because they recognize that there are competing interests on the committee.

Steve Stanne, Clearwater, would like to be added to the stakeholder list regarding future considerations, particularly about the proposal to extend vessel traffic up the river.

Andy Bicking, Scenic Hudson wanted to ensure that the Coast Guard was working with DEC to have updated information on sturgeon habitat and is making informed decisions about this sensitive species.

Commander McQuate said they had discussed with Heather Gierloff meeting with DEC to get feedback on sturgeon spawning grounds as they recognized the criticality of protecting the spawning grounds. Commander McQuate welcomes questions and feedback.

3. New York Power Authority and New York State Canal Corporation

Brian Platt, NY Power Authority (NYPA)

Katie Littrell, Senior Environmental Scientist, NYPA

[Katherine.littrell@nypa.org]

Timestamp: 1:18:33

PowerPoint available

Brian Platt presented an overview of the NYPA/Canals aquatic invasive species (AIS) mitigation initiatives, now focused primarily on deterring round goby's spread within the Champlain Canal and into Lake Champlain, and subsequently to address AIS mitigation tactics on a system-wide basis. The NY Canal System AIS Response Plan initial draft was presented to NYPA/Canals in November 2023. The initiatives include a Round Goby Rapid Response Plan (RRP), Champlain Canal Round Goby Facility Plan (draft available), and a NYS Canal System AIS Response Plan. The 2022/2023 Round Goby RRP describes measures implemented by NYPA/Canals to deter round goby from advancing past Lock C1, and there has been no advancement based on extensive monitoring.

The deterrent technologies evaluated include lock-based deterrents, and deterrents in the Glens Falls Feeder Canal (GFFC). Brian Platt outlined the preferred deterrent approaches and the preferred locations at Locks C7 and C8 and at the Glens Falls Feeder Canal inlets. The evaluation criteria included effectiveness, public health and safety considerations, environmental impacts, canal user impacts, capital costs, and future operation and maintenance requirements. The full depth electrical deterrent, which uses in-water electrodes (DC) to create an electrical field in the water column, has the highest effectiveness, but also the highest potential impacts, and also is the

most expensive. The deterrent was described and a conceptual design at Lock C8 was shown. The deterrent limitations, implementation considerations, and canal system user impacts and public safety considerations were also described. Discharge flow deflectors were also recommended at Lock C8 to enhance sweeping during lock drainage and to supplement the electrical deterrent. The bubble curtain deterrent was evaluated, but there are no studies on the effectiveness of the curtain on round goby. A wedge wire screen at the Glens Falls Feeder canal inlet would prevent passage of round goby, including larvae and eggs. The effectiveness of the various deterrent technologies for other AIS species was considered and evaluated.

Estimated costs, not including operation and maintenance:

- Full Depth Electrical Deterrent \$10,300,000
- GFFC Inlet Screens \$13,500,000
- Bubble Curtain \$650,000

The path forward includes:

- Champlain AIS Task Force Review of Facility Plan (Comments anticipated 11/3)
- HREMAC Review of Facility Plan (Review requested by 12/8/23)
- Finalization of Facility Plan
- A funding source to design and construct the deterrents described in the facility plan has not been identified and an implementation schedule has not been developed
- Continue development of NY State Canal System Aquatic Invasive Species Response Plan
 - Stakeholder review anticipated mid-2024
- Continue collaboration with NYSDEC, Lake Champlain Basin Program (LCBP), USACE on Champlain Canal AIS Barrier

4. HREMAC Member Updates

NYS DOH Statewide Fish Advisory Update

Audrey Van Genechten

Timestamp: 1:56:45 – 2:09

PowerPoint available.

- The program is shifting from a 'by water' to a 'by fish' approach. Advisories are also adjusted to accommodate angler preferences. Trout, walleye, and yellow perch are most frequently consumed fish in NYS
- Goal of update is to simplify regional advisories. No more than 15% of waters will have specific advisories.
- DOH has been moving towards updating chemical guidelines used in setting advisories. PCB and mercury guidelines were updated to be more risk based. New guidelines for mercury are more restrictive for all populations.

5. Hudson River Foundation Strategic Plan

Jon Kramer

The Hudson River Foundation is undertaking a year-long strategic planning process that will help define their work over the coming 5 – 10 years. They have created a *Strategic Roadmap* that reflects the HRF mission, vision, priorities, and strategies and are inviting HREMAC members to comment on it. This following link brings you to the roadmap and a brief survey:

https://www.surveymonkey.com/r/HRF_FT_Survey

Timestamp: 2:05:45 – 2:07:28

PowerPoint available.

6. Hudson River Estuary Management Program Updates

Conservation and Land Use, Watershed, Hudson River Fisheries, Climate-adaptive Communities, River Habitat, Education, and River Access Team Leads presented highlights of their 2023 work. The PowerPoint presentations are attached.

Timestamp: 2:09:10 – 2:59:21

PowerPoints available.

Old Business/New Business

New Business:

Rob Pirani highlighted the upcoming NY/NY Harbor & Estuary Program conference the focus of which will be the State of the Estuary Report

Heather Gierloff explained that staff are working on the *2026 – 2030 Draft Action Agenda* which will be presented to HREMAC in March. The *Action Agenda* which will be the focus of the June 6, 2024, HREMAC meeting.

The meeting was adjourned at 12:00 noon.

Meeting Recording:

<https://meetny.webex.com/recording/service/sites/meetny/recording/playback/c589aba05bad103cb7f9005>

[056815555](https://www.056815555.com)

3 hours

HREMAC Members in Attendance:

Corey Allen	Habitat for Humanity of Greater Newburgh
Andy Bicking	Scenic Hudson
Jim Bonesteel	Rensselaer Plateau Alliance
Carla Castillo	Hudson Valley Regional Council
Scott Croft	Hudson River Boat Yacht Club Association
Todd Erling	Hudson Valley Agri-business Development Corp.
Stuart Findlay	Cary Institute of Ecosystem Studies, HREMAC Chairperson
Walter Garschagen	Sea Tow Central Hudson
Lucy Johnson	Vassar College Lifetime Learning, HV Consortium, HRES
Jonathon Kramer	Hudson River Foundation
John Mylod	MT Nets
Dan Shapley	Riverkeeper, Inc.
Ed Skorupski	Recreational angler, environmental writer
Richard Slingerland	Historic Hudson River Towns
Steve Stanne	Hudson River Sloop Clearwater
Emily Svenson	Hudson 7

Ex-OFFICIOS:

Peter Brandt	US EPA
Diana Carter	NYS OPRHP
Joshua Hunn	NYS DOS
Jessica Kuonen	NY Sea Grant
Rob Pirani	NY/NJ HEP
Carrie Roble	Hudson River Park Trust
Audrey Van Genechten	NYS Dept. of Health
Peter Weppler	US Army Corps of Engineers