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CITY COUNCIL

CITY OF NEW YORK

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THE TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON WATERFRONTS

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October 3, 2007
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City Hall
Committee Room
New York, New York

B E F O R E:

MICHAEL NELSON
Chairperson,

COUNCIL MEMBERS: Joseph Addabbo
Gale Brewer

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

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Kevin Jeffrey
4 Deputy Commissioner
NYC Department of Parks and Recreation

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Evan George
6 Government Relations Division
NYC Department of Parks and Recreation

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Daniel Kass
8 Assistant Commissioner
NYC Department of Health and Mental Hygiene

9

Roland Lewis
10 President and CEO
Metropolitan Waterfront Alliance

11

Joshua Verleun
12 Investigator
Riverkeeper, Inc.

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2 CHAIRPERSON NELSON: Okay, I'd like to
3 open up this hearing on the Committee on
4 Waterfronts.

5 Good morning. And welcome to today's
6 hearing on the Committee on Waterfronts. My name is
7 Mike Nelson. And I have the honor to chair this
8 Committee. The subject of today's hearing is the
9 safety of eating the fish caught in the New York
10 Harbor.

11 In the three decades since the
12 passage of the Clear Water Act, pollution in New
13 York Harbor has dramatically decreased and
14 recreational fishes can now be seen all across the
15 City. Levels of mercury, PCBs, and other toxins are
16 falling below levels at which they cause adverse
17 biological effects, and the Harbor is now safe for
18 many commercial and recreational activities that
19 were impossible just a few years ago.

20 However, despite such improvements,
21 levels of pollutants in the Harbor are still high
22 enough to contaminate large fish and shellfish. The
23 New York State Department of Health advises the
24 average person to limit the amount of fish they eat

25 that was caught in New York City, in the New York

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2 City waters, to one-half pound a week, and with
3 strict advisories to certain species and bodies of
4 water.

5 It's the purpose of our hearing today
6 to hear about the quality and wholesomeness of the
7 fish caught in New York Harbor, the limits the State
8 has recommended for the consumption, and the efforts
9 being made by State and local agencies, as well as
10 non-governmental organizations, to inform the public
11 of this hidden public hazard. A particular concern
12 of how this City is informing the immigrant
13 population which may rely on the fish they catch to
14 feed their families, and who may not speak English
15 as a primary language.

16 Now, I'd like to thank the Committee
17 Counsel, which is Jeffrey Baker, who was right to my
18 right, is now with the Sergeant-At-Arms, and Colleen
19 Pagter, the Policy Analyst, and my Deputy Chief of
20 Staff, Robert Barley, who helped put these meetings
21 together. And I'd like to welcome also Joe Addabbo
22 of Queens, a member, and Gale Brewer, also on the
23 Committee from Queens and Manhattan. And now I would

24 like to welcome the first three testifying, which
25 would be Deputy Commissioner Kevin Jeffrey; and Evan

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2 George of Parks and Recreation; and the third person
3 can be announced. Please, before you speak, identify
4 yourself again for the record. And you can begin any
5 time you wish.

6 DEPUTY COMMISSIONER JEFFREY: Good
7 afternoon, Chair Nelson and members of the
8 Waterfronts Committee. On behalf of Mayor Bloomberg,
9 First Deputy Mayor Patty Harris, and Parks
10 Commissioner Adrian Benepe, I am here to provide
11 testimony to this Committee.

12 My name is Kevin Jeffrey, Deputy
13 Commissioner for Public Programs for the New York
14 City Department of Parks and Recreation, and with me
15 today is Evan George of our Government Relations
16 Division. We also have Mike Schnall, Director of
17 Government Relations, and I'm joined with Assistant
18 Commissioner Daniel Cass, Assistant Commissioner,
19 who is in charge of Environmental Health, Department
20 of Health and Mental Hygiene.

21 I'm certain Commissioner Benepe
22 tapped me for this assignment because he knows my

23 passion for fishing - particularly the waters of the
24 New York Bight, that is lower New York Harbor,
25 northern New Jersey, Jamaica Bay, Breezy Point and

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2 the Rockaways. I have to mention the Rockaways,
3 Councilman Addabbo.

4 Although my fishing exploits have
5 taken me up and down the northeast coast and
6 occasionally to more tropical climes, it is the
7 biodiversity of species in New York's waters that
8 holds the greatest allure for me.

9 To those who haven't fished these
10 waters, that might sound strange, but the New York
11 Bight provides some of the most significant and
12 diverse angling opportunities in this part of the
13 country.

14 As I shared with you, Mr. Chairman, I
15 decided not to show pictures of my fishing exploits,
16 but the waters of New York certainly abound in
17 diversity, everything from stripe bass, bluefish,
18 porgy, sea bass, fluke and flounder, occasional
19 sturgeon, a variety and number of species of tuna
20 that visit in shore. I guess Councilman Addabbo can
21 attest to a few sharks that occasionally roll in our

22 swimming surf, very recently. It's truly an abundant
23 system.

24 And there are many reasons for this:
25 Fed by the Hudson Estuary, which includes over

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2 12,000 acres of littoral nursery grounds in Jamaica
3 Bay, and the waters of the Raritan, the area is a
4 vigorous ecosystem abounding with aquatic life.

5 Primarily due to the Clean Water,
6 Clean Air Bond Act of 1996, earlier legislation, and
7 certainly the advocacy of many groups, some of which
8 I think are represented here, our waters have
9 significantly improved in quality.

10 Recreational fishing for saltwater
11 species continues to be a cherished pastime for tens
12 of thousands of New Yorkers. I was on the phone with
13 a colleague from DEC just this morning, and we were
14 trying to calculate the number of anglers in New
15 York City. The data that they're getting from the
16 federal government is that there are over 735
17 anglers in Long Island, New York City region alone.
18 So, you can speculate perhaps half of those come
19 from New York City alone. With over 100 designated
20 fishing sites and miles of accessible shore line,

21 opportunities for anglers abound in every season.

22 Under Mayor Bloomberg's PlaNYC, the
23 City is committed to making accessible 90 percent of
24 the City's shore line. Currently some of the more
25 popular sites include Canarsie Pier, Midland Beach,

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2 Coney Island Pier, and almost the entire Rockaway
3 Beach area.

4 In your packages in the green
5 envelope, there is a list of, comprehensive list of
6 access sites, with federal, state and municipal in
7 New York City area. You can also click onto our
8 website under things to do and get that same
9 information.

10 Just a little bit about our
11 regulation of the waterways, our City is over 500
12 miles of shore line, its inland lakes and ponds,
13 rivers, offer a world of opportunities to
14 participate in fun, adventure, and excitement of
15 fresh and saltwater fishing. Each boasts in its own
16 unique fishing spots. From piers and beaches to
17 lakes and rivers, New York City's waters challenge
18 and welcome both salt and freshwater anglers.

19 At shorelines under the jurisdiction

20 of Parks, we have posted over 450 signs detailing
21 regulated uses of waters. And most specifically
22 we've spoken in these signs which I'll share with
23 you in a moment some of the health issues and
24 concerns over eating fish caught in New York City
25 salt waters.

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2 The signs detail health concerns
3 regarding consumption of fish caught in salt water.

4 These signs, I should point out, are
5 in English, Spanish and Chinese. And it's part of
6 our outreach to a number of immigrant populations.

7 Additionally, Parks regulations for
8 fresh water bodies that include appropriate
9 locations for fishing, the prohibition of lead
10 weights, rules requiring the removal of fishing
11 lines and hooks from the water, that is you can't
12 leave refuse, and the required release of fish, that
13 is in our Parks' property. Only in the freshwater
14 bodies do you require that people release the fish
15 that they catch.

16 A full explanation of rules and
17 regulations is available at our website,
18 www.nyc.gov.parks, and I would be happy to entertain

19 with my colleague from Health any questions the
20 Committee may have.

21 CHAIRPERSON NELSON: Do any of my
22 Committee members have any questions at this point?

23 Yes, Councilman Addabbo.

24 COUNCIL MEMBER ADDABBO: Thank you,
25 Mr. Chair. And I want to thank you and your staff

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2 for the work that you've done on this Committee
3 hearing.

4 Commissioner Jeffrey, it's good to
5 see you again. And thank you for mentioning the
6 southern most part of my district Rockaway. You
7 know, there are plenty of safe places to go fish,
8 but I think at this point we should reiterate those
9 unsafe places in Rockaway. We have the jetties and
10 you know that's been a popular site for those who
11 like to fish, but unfortunately it is an unsafe
12 area.

13 But I have about ten or so perfect
14 sites in my district that are well populated with
15 those who like to fish. And in speaking to a number
16 of them, they are amazed at, to your point in the
17 testimony, the quality of the water, the cleanliness

18 of the water, and I think again we should give
19 credit to those who helped, again, toward the
20 quality of the water, the DEP plant, the filtration
21 plant we have right there and others, that those who
22 fish there are amazed at the type of fish that are
23 in the area, based on the fact that the quality of
24 the water is what it is.

25 So, that is a really good point to

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2 make and we are hopeful that this idea of fishing in
3 the area continues to increase, because not only is
4 it a great hobby, but it is a good social event as I
5 have seen throughout my district. So, again, I
6 appreciate your testimony and time here today.

7 Thank you, Mr. Chair.

8 CHAIRPERSON NELSON: Thank you,
9 Council Member Addabbo.

10 I see this is, of course, in English
11 and Spanish, but I read that there was a lot of
12 Asian, our Asian population, fishing as well. Are
13 there any plans, whether it's Parks Department or
14 working in conjunction with another agency to
15 produce -- and I'm not sure about the Russian
16 population or the Arabic population or others, as

17 well. And if that was the case, would certain ethnic
18 groups frequent certain areas? Some may want to go
19 to Coney Island more than they want to go to Jamaica
20 Bay and so on.

21 DEPUTY COMMISSIONER JEFFREY: I think
22 there is always more room for outreach. I may not
23 have articulated, we also have a sign in Chinese.

24 CHAIRPERSON NELSON: Okay.

25 DEPUTY COMMISSIONER JEFFREY: That is

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2 posted in the communities where you have prevalent
3 populations of Asian individuals. I think there is
4 always room for more outreach, on two points, not
5 only the health and quality of the fish, but to
6 start to encourage stewardship for more populations
7 for these treasured resources.

8 CHAIRPERSON NELSON: I know that there
9 are some non-governmental agencies or entities who
10 are involved with this process; are you working
11 conjunctively with them?

12 DEPUTY COMMISSIONER JEFFREY: Yes,
13 there are many organizations and I think there are a
14 couple here today. Certainly the Hudson River
15 Project, a group doing tremendous research,

16 education and interpretation on the waterways. There
17 is also the Waterfront Alliance. We have good
18 relations with DEC on the education front. DEP is
19 certainly doing an awful lot, and I know there are
20 no representatives here, but Councilman Addabbo
21 mentioned it, the work that they've been doing in
22 managing a problem of combined sewer overflows,
23 which are not unique to New York City, a problem
24 that we have nationwide, basically storm runoff
25 water merges with sewage, overflowed sewerage plants

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2 and certainly compromises the quality of water.

3 DEP has done a number of things.

4 They're about to put on line over the next couple of
5 years three large container facilities, one in
6 Queens, one in Hutchinson and one in Paedergat Basin
7 in Brooklyn. The largest of these capable of holding
8 over 43 million gallons of storm runoff, and
9 basically what that means is this water that
10 normally would flush right into our waterways gets
11 trapped, does not overflow our sewage treatment
12 plant, and can be treated itself with floatables and
13 other materials.

14 There are certainly a lot of players,

15 organizations who are playing a part, not only in
16 maintaining the water quality but improving it.

17 CHAIRPERSON NELSON: And on
18 particularly heavy rainy days, more of this raw
19 sewage is spewn into the estuaries and other areas
20 of our City.

21 DEPUTY COMMISSIONER JEFFREY: Yes. I
22 wish I had one of my colleagues from DEP here, but
23 right now we're managing, the City is managing about
24 70 percent of its stormwater runoff effectively. The
25 problem is the 30 percent that we're not managing,

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2 which on a dry year I'm being told could go up to 27
3 billion gallons of water annually, that is not being
4 treated, that is storm runoff. Not being treated,
5 not being captured, and Flushing into our waterways.

6 And there are lots of problems with
7 that. There is issues with asphalt, there are issues
8 with other contaminants on waterways, and there are
9 certainly floatables, bottle caps, other plastics
10 and other materials. So, we all have a long way to
11 go on this.

12 CHAIRPERSON NELSON: I'm curious, are
13 we hearing from DOH today?

14 DEPUTY COMMISSIONER JEFFREY: From DOH
15 we have.

16 CHAIRPERSON NELSON: Oh, I'm sorry.
17 Forgive me.

18 Do you have any way to try to see if
19 some of the fish are being caught in some of the
20 areas that we find suspect are not being sold to
21 restaurants, especially like the striped bass, and
22 sturgeons?

23 ASSISTANT COMMISSIONER KASS: Most of
24 the regulation around flow of fish into markets and
25 restaurants happen through the State Ag and Markets.

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2 We've actually been meeting with them over the last
3 several months, following our study of mercury
4 levels in New York City adults. Ag and Markets, EPA
5 and the City Health Department are each launching
6 independent but kind of overlapping studies. The
7 City Department of Health is going to be looking at
8 contaminants in market fish. The State Ag and
9 Markets is going to be stepping up some of its
10 enforcement and look at some of the issue of where
11 illegally imported fish is coming from and how it's
12 getting to market. And the Federal EPA will be

13 looking at contaminants in fish sold out of the
14 Hunts Point Fish Market.

15 CHAIRPERSON NELSON: And when did you
16 first become aware this might be a problem.

17 ASSISTANT COMMISSIONER KASS: Well,
18 what we've been paying attention to most recently
19 really comes out of a study that we've done of New
20 York City adults, called New York City Health and
21 Nutrition Examination Survey, and so we looked at a
22 representative group of a little less than 2,000 New
23 Yorkers, and looked at a variety of health outcomes,
24 and one of which was we looked at their blood levels
25 of metals and it was the analysis of those that

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2 really clued us into the extent to which mercury
3 levels are really high in New York City.

4 They may well be high in other places
5 too, we just are among the only local areas to
6 actually study it.

7 But we found that one out of four
8 adult New Yorkers, I noticed it in your own policy
9 briefing.

10 CHAIRPERSON NELSON: In that 25
11 percent.

12 ASSISTANT COMMISSIONER KASS: Have
13 levels that are at least reportable to the State.
14 Not necessarily levels that are injurious to their
15 own health, but certainly give us cause for concern.

16 So, it's really over the last few
17 months that we've been paying attention to the
18 notion of market fish, because Asian levels, levels
19 among Asian New Yorkers are so much higher. We're
20 looking in particular at whether there are fish sold
21 in Asian markets predominantly that are different
22 than what we know than the federal government and
23 the State government traditionally test for
24 contaminants.

25 So, we'll have some results from that

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2 in a few months.

3 CHAIRPERSON NELSON: Right. A
4 crack-down is in order for that. I compliment DOH
5 for being involved in an early set on, if you will.

6 Also, are you getting the word across
7 of women of child-bearing age, and others in
8 particular should be more cautious, right?

9 ASSISTANT COMMISSIONER KASS: That's
10 exactly right. I mean, especially for mercury, the

11 levels we're finding are a particular concern for
12 women of child-bearing age, and then newborns, and
13 pregnant women. I think we left for each of you an
14 English version. We've produced these brochures and
15 have distributed them in Spanish, English and
16 Chinese. We've so far distributed over 70,000
17 Citywide. We're going into a new printing, as well
18 as translating it into Korean and Japanese, to those
19 communities as well.

20 These are clearly oriented toward
21 consumers of market fish. We remind people at the
22 bottom of our advisories that we really don't advise
23 that pregnant women and young children eat fish from
24 New York City's waters.

25 CHAIRPERSON NELSON: What inroads have

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2 you made so far in the Chinese-American community?

3 ASSISTANT COMMISSIONER KASS: Well,
4 from the very start we've been actually talking to a
5 variety of organizations that provide health care
6 and reach out to pregnant women in the Chinese
7 community, in particular. We've just completed the
8 collection of fish from markets in three
9 neighborhoods in Flushing Queens and Sunset Park,

10 Brooklyn and in Lower Manhattan's Chinatown. When
11 we've been distributing these very widely to Chinese
12 service organizations, and so all of our entire
13 Chinese stock is now gone.

14 So, these are being really oriented
15 toward groups that are serving pregnant women, and
16 we've been working with the WIC centers to get them
17 into those places, and we expect once the findings
18 are back from our study of market fish in Asian
19 communities, we'll probably be calibrating our
20 advice to include more fish, specific advice from
21 what we found in that study.

22 CHAIRPERSON NELSON: And what are the
23 most potential health hazards that are maybe on the
24 horizon for them? Kidneys or --

25 ASSISTANT COMMISSIONER KASS: Well, we

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2 focus on mercury because that's what we know the
3 most about for this point. And the principal cause
4 for concern is really around neuro-developmental
5 effects in newborns.

6 Now, there are small but real risks
7 of IQ point reduction, some other neurological
8 effects in newborns that seem to last through

9 childhood. There's a lot that you can do to continue
10 to eat fish, fish is healthy, and it's a complicated
11 message to try to get out, we want people to keep
12 eating fish, it's one of the healthier protein
13 sources, but we also want people to choose fish that
14 are low in contaminants.

15 CHAIRPERSON NELSON: And
16 notwithstanding there are other ethnic groups as
17 well, but in the Chinese communities I would imagine
18 we should do something in -- let's see, Brooklyn has
19 got two Chinatowns, so-called, across Flushing
20 Avenue. My colleague John Liu I'm sure will be quite
21 concerned. And Manhattan, of course, maybe we could
22 do something in the centers, senior and otherwise,
23 churches?

24 ASSISTANT COMMISSIONER KASS: We'd
25 love to do more. We've been actually keeping close

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2 track of who has been asking for the brochure, just
3 to get a sense of how well the word has gotten out,
4 and I can share this with the Council another time,
5 but we've been mapping the request, and in fact, I
6 don't know if you can see this, but these are
7 requests for the Chinese language one, and they're

8 exactly where we want them to be, throughout the
9 City.

10 CHAIRPERSON NELSON: Brooklyn and
11 Staten Island.

12 ASSISTANT COMMISSIONER KASS: Through
13 Brooklyn and Queens and in Lower Manhattan.

14 CHAIRPERSON NELSON: I see. The outer
15 boroughs, Brooklyn, Queens.

16 ASSISTANT COMMISSIONER KASS: Right.

17 CHAIRPERSON NELSON: Well, good. Good.

18 Okay, so you're definitely on top of
19 this.

20 Oh, I'm sorry, and Council Member
21 Gale Brewer has a question.

22 COUNCIL MEMBER BREWER: Who knew,
23 Deputy Commissioner Jeffrey, that you were a
24 fisherman? That's so cool.

25 My question is, I think you have like

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2 a good thing happening, the waters are getting
3 cleaner, and I guess when you have three plants on
4 line it will be even cleaner, because of the
5 overflow. But then you're going to have a bigger
6 issue with people fishing, right?

7 Which is a good thing. Those little
8 things that eat the piles, whatever they're called,
9 what are those little --

10 DEPUTY COMMISSIONER JEFFERY: The
11 borers?

12 COUNCIL MEMBER BREWER: Yes. The water
13 is clean and then the piles get eaten. So, it's a
14 good thing that the water is clean. So, how are you
15 going to -- what's the timing kind of on, is it
16 going to be a lot more fishing do you think in the
17 next decade, and is there even more -- like if the
18 water is cleaner, will the fish be cleaner, and we
19 won't have these kinds of issues anymore; how does
20 that all fit together?

21 DEPUTY COMMISSIONER JEFFREY: Well, I
22 think there's some complicated issues. Certainly if
23 the water is clean the fish are healthier.

24 COUNCIL MEMBER BREWER: Right.

25 DEPUTY COMMISSIONER JEFFREY: And I

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2 might defer to my colleague here, one of the
3 problems with mercuries and heavy metals is the way
4 that they concentrate in fatty tissue, and the way
5 they concentrate, you find the fish that have the

6 highest level of mercury are what we call "tertiary
7 consumers," they're fish that eat fish that eat
8 fish. So, sort of each stage in the food chain these
9 materials get compounded. So at this point we have
10 fish within the swimming bio mass, if you will, we
11 have mercury issues within that bio mass.

12 But even if you clean the water there
13 will be a period of time that it will take for the
14 fish to have less toxicity, if you will.

15 I will pass it on to my colleague.

16 ASSISTANT COMMISSIONER KASS: That's
17 right.

18 COUNCIL MEMBER BREWER: So, in other
19 words, the perception will be, and it's a good one,
20 that fish, that the water is clean so I can fish
21 more, and then more people will participate. That's
22 good in the sense that more people are active, and
23 like you said, it's a rich variety, but I don't
24 think, for people like me, who I have to say don't
25 fish, that I don't really know what you know, so I

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2 think it's helpful to have this kind of discussion,
3 as sort of what's next on the horizon.

4 DEPUTY COMMISSIONER JEFFREY: I think

5 the other problem, too, particularly with the heavy
6 metals is these emit materials that are in the
7 sediment, and I don't know how else to say it than
8 through the sins of our forefathers, so despite
9 industrial regulation that we have that prohibits
10 the use of some of these materials, the bottom line
11 is that it still exists in the sediment of many of
12 our waterways and it will probably exist for some
13 time until effective means to remove that material.

14 COUNCIL MEMBER BREWER: So, all of
15 these issues will continue healthwise even though
16 we'll have cleaner waters.

17 DEPUTY COMMISSIONER JEFFREY: Yes, I
18 don't think there is an easy fix for this issue.

19 COUNCIL MEMBER BREWER: Okay. And you
20 don't need a license to fish, right? This is my
21 ignorance.

22 DEPUTY COMMISSIONER JEFFREY: There is
23 a license to fish in fresh water bodies in New York
24 City.

25 COUNCIL MEMBER BREWER: Freshwater.

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2 DEPUTY COMMISSIONER JEFFREY: There is
3 no license for salt water at this time, but a recent

4 reauthorization of the McGunnison Act (phonetic),
5 Stevens Act, which is a little complicated, the salt
6 water fishing act was originally developed to stop
7 off shore foreign exploitation of our natural
8 resource, fishing resource in the ocean in the
9 United States. Basically there's some mandates
10 coming down from the federal government saying that
11 all states will have to develop a saltwater registry
12 for fishing, which could be a salt water license.
13 The advantage for New York State to seizing this
14 opportunity of developing a salt water license would
15 mean that by 2011 the federal government, if you
16 will, won't be getting the money from those
17 licenses, the State would be able to realize the
18 revenue generated from those licenses, which could
19 add to an increase of environmental conservation
20 officers in the New York City area, that would start
21 to help the issue you mentioned, Mr. Chair, of
22 illegal sale of the fish in this area.

23 COUNCIL MEMBER BREWER: Yes, but
24 there's something cool about having a fishing rod
25 and going out and fishing and not dealing with

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2 government.

3 DEPUTY COMMISSIONER JEFFREY: I would
4 certainly concur with that. When I take my tie off.

5 COUNCIL MEMBER BREWER: And then my
6 final question is, this is again ignorance, but when
7 you have these wonderful Parks events and you have
8 these kids with the rods, it's a very fabulous,
9 exciting, long line, that's another place I think to
10 do education because I was just at an event at
11 Riverside Park and oh my goodness, there must have
12 been 100 children in line they were so excited.
13 Again, another place to do education would be the
14 schools, I would say. Something to think about. The
15 kids were so excited. Obviously when you catch
16 something that particular situation, you throw it
17 back, which is always hard to do. But
18 environmentally correct.

19 So, I'm just saying, another
20 location, because I was there, I didn't see anything
21 going on in terms of education but it was a fun day,
22 not necessary but another place to have some input.

23 DEPUTY COMMISSIONER JEFFREY: It's a
24 valid point.

25 COUNCIL MEMBER BREWER: Thank you.

2 Thank you, Mr. Chair.

3 CHAIRPERSON NELSON: You're very
4 welcome, Council member.

5 The other major problem we have that
6 also comes to the fore at times is dredging, which
7 is necessary at times, as well. Have we developed
8 any safer method? I guess I would direct this at DOH
9 and Mr. Kass. Anything being worked on at all? Is
10 there any way to approach that particular, the
11 method of operation of making room for bigger ships,
12 and whatever other purpose that we're dredging.

13 ASSISTANT COMMISSIONER KASS: Well, I
14 thank you for your confidence that I have an answer
15 to this question, but the last time I checked in an
16 epidemiology course, they didn't cover geology. I
17 actually don't know the answer to that question. We
18 could certainly try to find out more about it.

19 The one thing I do know, which is
20 actually a nice thing about the current dredging
21 arrangement is that the City has been able to
22 capture some of the offsets for some of the air
23 pollution that's been going on from dredging to help
24 support some of the engine conversions in the
25 ferries to support air pollution, but that's as far

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2 as my knowledge goes.

3 CHAIRPERSON NELSON: Well, I give you
4 a lot of credit, credence. But would DEP have, the
5 geologists, or the State or what have you, that
6 works on these type of issues?

7 ASSISTANT COMMISSIONER KASS: I think
8 it's the Army Corps of Engineers that really manages
9 these operations, and I dare say I think they're the
10 right people to speak to about the technology
11 changes.

12 CHAIRPERSON NELSON: And of course the
13 City would work with them, I'm sure, whenever an
14 area needs to be dredged. Hopefully there's
15 communication between the feds and the City and
16 State? I'm sure there is.

17 ASSISTANT COMMISSIONER KASS: You
18 know, I believe there is a lot of notification that
19 goes on. I would say this, though, in sort of around
20 the question fish contaminants, though, which is
21 that any level of contaminants of fish in a given
22 moment represents the end of a whole chain of events
23 that often for migratory fish starts way up the
24 Hudson and ends up in New York Harbor. So, while I
25 think these are things for real concern, I think, as

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2 Council Member Brewer pointed out, they're not
3 really going away, nor does any single event really
4 contribute dramatically to the problem.

5 CHAIRPERSON NELSON: Sure. No, it's a
6 multifaceted issue and problem and people that need
7 to work together, hopefully to save that many more
8 people from becoming seriously ill, and of course,
9 in some cases fatal overall. Hence, the meeting was
10 set up for that reason.

11 Any of my colleagues have any other
12 questions?

13 COUNCIL MEMBER BREWER: Do you eat the
14 fish?

15 DEPUTY COMMISSIONER JEFFREY: Yes, I
16 do eat some fish from New York waterways. My
17 five-year-old is actually very fond of a fish called
18 "the black fish," which I catch somewhat offshore
19 of New York, about six miles out. But, yes, I do eat
20 fish.

21 COUNCIL MEMBER BREWER: When are we
22 invited? Thank you.

23 DEPUTY COMMISSIONER JEFFREY: We can
24 talk about that offline.

25 COUNCIL MEMBER BREWER: Thank you.

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2 CHAIRPERSON NELSON: How many people
3 did that 32 pound approximately fish feed, by the
4 way?

5 DEPUTY COMMISSIONER JEFFREY: But it
6 probably tresses out to 20 pound, at the recommended
7 half pound, I'd say 40 people.

8 CHAIRPERSON NELSON: After you
9 sufficiently cooked it.

10 By the way, which brings out this
11 question, just briefly, can you nuke it to reduce
12 the negative synergistic effects of the toxins,
13 dioxins, et cetera?

14 ASSISTANT COMMISSIONER KASS: For
15 certain contaminants that concentrate at different
16 parts of a fish. So, for example, New York State --

17 CHAIRPERSON NELSON: Dark parts?

18 ASSISTANT COMMISSIONER KASS: Right.
19 New York State Department of Health's Advisory do a
20 very good job, for example, for some of the shell
21 fish to point out that some of the contaminants, in
22 particular PCBs and dioxins, tend to concentrate in
23 the softer tissues of the organ systems. So, we're
24 advised not to eat the tomares, for example, from
25 crabs and lobsters, that sort of thing.

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2 PCBs tend to concentrate in fatty
3 tissue, so there are ways to try to trim and cook in
4 certain ways that reduce some of the exposure. But
5 for mercury, the sense that we have is that it's
6 fairly evenly distributed throughout the fish, so
7 there is really no way to rob a fish of its mercury
8 before you eat it.

9 CHAIRPERSON NELSON: And no study has
10 been developed that would show that intense cooking
11 would necessarily negate the negative effects?

12 ASSISTANT COMMISSIONER KASS: No, it
13 wouldn't. And for some of the toxins that
14 concentrate in fatty tissue, if you think about a
15 serving size being an after cooking amount, it could
16 tend to concentrate it as well.

17 CHAIRPERSON NELSON: I see. Thank you.

18 I will just throw this one out just
19 very briefly. Not that I'm suggesting we do this,
20 but is a permit required to fish from City-owned
21 property?

22 DEPUTY COMMISSIONER JEFFREY: Could
23 you repeat the question?

24 CHAIRPERSON NELSON: Is any permit
25 required to fish from any City-owned property? I'm

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2 not suggesting there should be one. I'm just curious
3 if there is one.

4 DEPUTY COMMISSIONER JEFFREY:

5 Technically to fish on any inland bodies, that is
6 freshwater bodies, you need a freshwater fishing
7 permit from DEC, if you are 16 years of age or
8 older.

9 So, for freshwater bodies you ask for
10 saltwater bodies of water now.

11 CHAIRPERSON NELSON: It would be very
12 difficult to enforce any type of a limit to amount
13 of the fish that one would catch, I would imagine?

14 DEPUTY COMMISSIONER JEFFREY: Actually
15 it happens now. There are a number of species,
16 what's called "size and bag limits."

17 So you're limited to a number of fish
18 of a particular species, and those fish have to be
19 of a certain size. I can't quote it off the top of
20 my head, but it's ten bluefish, one striped bass
21 over 28 inches, it's 25 porgys, 25 sea bass, so
22 there are size and bag limit restrictions for the
23 salt water fishery.

24 CHAIRPERSON NELSON: Okay. I was just
25 curious if there are any statistics on the amount of

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2 citations being issued. I don't know how enforceable
3 it is. I don't know if it's necessary to enforce it
4 at this point of that many fish running around right
5 now.

6 DEPUTY COMMISSIONER JEFFREY: Well, I
7 think it is enforced by DEC, Environmental
8 Conservation Officers, but I don't believe they have
9 more than five of those officers in the New York
10 City region.

11 CHAIRPERSON NELSON: It's sort of like
12 dock masters, three in the entire City as well,
13 doing what they do. The name alluded me for the
14 moment.

15 Well, I thank you all so much for
16 testifying.

17 DEPUTY COMMISSIONER JEFFREY: Thank
18 you.

19 CHAIRPERSON NELSON: And there is some
20 work to be done and we'd like to work together with
21 you on this in getting the information out that some
22 of my colleagues and myself especially would love to
23 be able to disseminate the information healthwise.

24 ASSISTANT COMMISSIONER KASS: Please

25 feel free to contact us. These are available through

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2 our web order system and through 3-1-1. And my staff
3 is also delighted to come out and do presentations
4 to community groups on the subject.

5 CHAIRPERSON NELSON: Great. Thank you
6 so much.

7 Thank you, gentlemen. I appreciate
8 it.

9 The next couple of people to testify
10 would be Roland Lewis and Joshua Verleun. I'm sorry
11 if I didn't pronounce it correctly.

12 MR. VERLEUN: Ver-loon.

13 CHAIRPERSON NELSON: Ver-loon, thank
14 you.

15 Mr. Lewis, I hear you have to leave
16 at 2:00, so if you would like to be the first person
17 to testify?

18 MR. LEWIS: Thank you.

19 CHAIRPERSON NELSON: You're welcome.

20 MR. LEWIS: I will be brief.

21 CHAIRPERSON NELSON: I'm sorry, can
22 you mention your name prior to?

23 MR. LEWIS: Roland Lewis, President of

24 the Metropolitan Waterfront Alliance.

25 CHAIRPERSON NELSON: Thank you, sir.

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2 MR. LEWIS: All right. And I think a
3 few of the points were hit by the City officials
4 before me so I will summarize my testimony and be
5 available for questions if you have them.

6 First, to hit on the main point of
7 the hearing, I do agree that health is paramount.
8 Mt. Sinai did a study, there are an estimated 20,000
9 people who consume New York fish on any given week.
10 That's a lot of fish eaters out there. There's a
11 sort of a triple whammy going on. They're mostly
12 from poor areas. I think a lot of them fish out of
13 necessity in the poor areas, Hunt's Point and
14 Spanish Harlem is where the water is dirtiest. And
15 the sign, and I'm glad to see that there has been
16 progress on that front, but I think there needs to
17 be much more clear better signage in lots of
18 different languages clearly telling folks where it's
19 good to fish and where it's not good to fish,
20 because the health concerns are paramount and I
21 encourage the Committee to look into that.

22 Second, I'd like to touch on the

23 point of access and also later the commercial
24 fishing, and I'll tell you how they are related. New
25 York, you've been given a map compiled by the

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2 Metropolitan Water Alliance of 70 different spots
3 around the City of New York where you are able to
4 fish and that's, on a small map with a lot of dots
5 it looks like a lot, but it, in fact, is where we're
6 sort of poor in the opportunities to throw a line in
7 the water in an officially designated spot.

8 In New Jersey right across the river,
9 there is one spot, fishing pier for every 25,000
10 residents. In New York it's one for every 100,000
11 residents, and we can do a lot better than that.

12 And then related to that is the
13 access issue, where can you put a fishing boat, on
14 this beautiful island of Manhattan? And there is
15 really no place where a fishing boat can troll in
16 from Sheepshead Bay, for instance, and pick me up
17 and take me out fishing.

18 It's a huge economic opportunity. One
19 of my friends, Paul Bolzier (phonetic), is a
20 fisherman, and the reason he is so enthusiastic
21 about the work we do is that -- he doesn't mind

22 going to Brooklyn, but it's a long schlep from where
23 he lives on the Upper West Side out to the end of
24 Flatbush Avenue to do what he loves to do best,
25 which is go fishing. It doesn't need to be that way.

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2 There was a study done in Chicago
3 where they saw that the economic impact of boating,
4 just the boating industry, recreational and fishing,
5 was almost a quarter billion dollars and growing. It
6 could be much greater in New York and we should look
7 toward the fishing industry itself. We don't have a
8 fleet of fishing boats, but we do have the Hunts
9 Point Market which feeds America, but the fish in
10 that market gets out to California and all across
11 the United States. It's a national resource. So,
12 these are jobs that are related to the waterfront
13 and are related to fishing. So, to broaden the scope
14 of the discussion today a little bit in that
15 direction I think is a useful idea for the
16 Committee.

17 And finally, back to the health of
18 the fish, in conservation, we have complex fishing
19 rules and, frankly, they're stated very complexly. I
20 will forward to the Committee some material. We are

21 a bistate organization, we cover New Jersey as well,
22 relatively clear with iconic figures about what you
23 can fish and what you can't fish on one piece of
24 paper. It's a model we should use, and we should
25 integrate the standard.

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2 For instance, New Jersey bans blue
3 crab fishing, and rightly so, because New York Bay
4 has a lot of stuff in it you wouldn't want to touch
5 or eat it. If you walk across -- if you boat across
6 the Arthur Kill to Staten Island and you'd be
7 allowed to fish it and eat it. And probably New
8 Jersey is right in this aspect, we probably should
9 ban that for health reasons. But what we do is
10 integrate it, because while we did, and I'm sure our
11 founding fathers and whoever created those lines had
12 a good idea, the fish don't really recognize our
13 boundary in the middle of the Hudson between New
14 Jersey and New York, it's the same estuary and
15 harbor system. So, I would encourage you to look
16 into that matter, as well as you are examining the
17 issue of fishing in New York. And that is my
18 testimony in summary.

19 CHAIRPERSON NELSON: Thank you. Fish

20 with Green Cards, okay.

21 You wouldn't have an idea about how
22 many people are fishing in the City?

23 MR. LEWIS: I was on the Brian Leery
24 Show, and I gave them an estimate, I think it's
25 hundreds of thousands, and that would be a great

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2 number to know.

3 Actually, one thought I wanted to
4 tell you is we have a Waterfront Works Committee
5 that's talking about maritime jobs and all kinds of
6 ways to use our waterfront to create economic
7 activity, from fishing boats out of Sheepshead Bay
8 to cruise ships to everything else, and we would
9 love to work with this Committee on ways to cover
10 the best actual ideas for the Council and this
11 Administration and the next Administration to make
12 our waterfront work.

13 CHAIRPERSON NELSON: And I compliment
14 you on your nifty little map here too.

15 MR. LEWIS: Many more where that came
16 from. You can overlay the non-English speaking
17 areas, the poor areas and, and the first point I
18 made would be very clear, but this just shows you

19 where the access points are in the Councilmanic
20 districts.

21 CHAIRPERSON NELSON: There are no
22 fishing spots up here, as I believe in that outlined
23 Meadowlands area, right?

24 MR. LEWIS: The Meadowlands? No.

25 CHAIRPERSON NELSON: I'd worry if

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2 there were.

3 MR. LEWIS: Yes.

4 CHAIRPERSON NELSON: I drive up that
5 Jersey Turnpike, I'm glad I have an air conditioner.

6 Do my colleagues have any questions?

7 Council Member Brewer.

8 COUNCIL MEMBER BREWER: Thank you.

9 When you say picking up locations for fishing boats,
10 would that be like any of the piers in Manhattan?

11 MR. LEWIS: It could be.

12 COUNCIL MEMBER BREWER: Would it
13 require different licensing for the boats that go
14 out of Sheepshead Bay? What are the barriers?

15 MR. LEWIS: That's a great question,
16 and, unfortunately, I don't have a great answer.
17 Because I don't really know. I think DOT has not

18 approved it. They cite, there's arduous security
19 requirements post-9/11 -- they treat a fishing boat
20 from Sheepshead Bay as they would treat a cargo ship
21 from China, and they're not the same thing to go on
22 Pier 11. And as I noted in the testimony,
23 ironically, of course, these piers are completely
24 empty on Saturdays and Sundays. So, the ferry
25 terminals would be a perfect place for a fishing

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2 boat to dock, get weekend anglers out into the
3 water. So, I think it's a great question for the
4 other City agencies, the City agencies, EDC, DOT,
5 that control -- there is no really good reason why
6 we can't do that.

7 COUNCIL MEMBER BREWER: Okay. And the
8 other question is, again, to develop more fishing
9 spots, would that require -- just there is no
10 barrier to that, it's just a question of access and
11 decision.

12 MR. LEWIS: Access and some relatively
13 minor capital improvement. A fishing pier is one of
14 the lesser expensive recreational things to do, and
15 you go out there, again, between my last job and
16 this job I biked the entire waterfront in New York,

17 and I saw so many fishermen in every spot you could
18 possibly imagine. They're out there, they love to
19 fish.

20 COUNCIL MEMBER BREWER: Thank you.

21 CHAIRPERSON NELSON: Thank you.

22 The Metropolitan Waterfront Alliance,
23 are they pro bono?

24 MR. LEWIS: It's a civic organization,
25 and we are not-for-profit, supported by viewers like

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2 you and foundations.

3 CHAIRPERSON NELSON: 501(c)(3)?

4 MR. LEWIS: Yes.

5 CHAIRPERSON NELSON: That's great.

6 MR. LEWIS: We do work closely with
7 government agencies. And, again, we want to be as
8 conclusive and find good common ground ideas and we
9 would look very much toward the expertise located on
10 your committee to help us.

11 CHAIRPERSON NELSON: It's really
12 terrific, the work that you do, and indeed all at
13 the Metropolitan Waterfront Alliance. And you'll be
14 working with some of the other organizations to
15 ensure --

16 MR. LEWIS: Absolutely.

17 CHAIRPERSON NELSON: To ensure the
18 safety of our population?

19 MR. LEWIS: Approximately 321
20 organizations are alive with us and within those,
21 government agencies too.

22 CHAIRPERSON NELSON: You and
23 Riverkeepers do a great job. We really, really
24 appreciate it. Just about on time performance.

25 MR. LEWIS: I appreciate it.

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2 CHAIRPERSON NELSON: Thanks a lot,
3 Roland. We appreciate your being here, Mr. Lewis.

4 MR. LEWIS: All right. Take care now.

5 CHAIRPERSON NELSON: Thank you.

6 It's Mr. Verleun, right?

7 MR. VERLEUN: Yes, that's correct. Hi.
8 I would like to thank the Waterfronts Committee for
9 inviting Riverkeeper to speak at this hearing. My
10 name is Joshua Verleun, and I'm an investigator with
11 Riverkeeper. I'm here on behalf of Alex Matheson,
12 who is the Hudson River keeper and president, and I
13 work on Riverkeeper's Fisheries Campaign that we are
14 in progress of developing. So that is why I'm here

15 to speak with you to testify today.

16 A little bit of background
17 information about Riverkeeper. We were founded in
18 1965 as the Hudson River Fishermen's Association. It
19 was a bunch of both commercial and recreational
20 fishermen who were fed up with the state of the
21 Hudson River and the pollution. And, so, we've been
22 fighting for over 40 years now to combat pollution,
23 fish issues and various other things in the Hudson
24 River.

25 CHAIRPERSON NELSON: Was that also the

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2 time with Peter Seger? Was he part of the -- at the
3 embryonic stage of this?

4 MR. VERLEUN: I believe that Peter
5 Seger founded Clearwater, which is another one of
6 the Hudson River Advocacy --

7 CHAIRPERSON NELSON: A little
8 different.

9 MR. VERLEUN: It is a different
10 organization. We were founded by Bob Boyle, who was
11 kind of part of the impetus. There were a number of
12 Marines that had come back from the war and were
13 very fed up with sort of the state of the fish and

14 what had been impacting their livelihood as
15 fishermen, after returning. But we work closely with
16 Clearwater and a number of the other Hudson River
17 environmental organizations.

18 I would like to applaud a lot of what
19 has been said today, in terms of the efforts that
20 are being made by various agencies to respond to
21 this issue, and a lot of what I wanted to speak
22 about has already been said, but I will just
23 summarize briefly.

24 Despite all of the gains that we have
25 gotten over the past 30 or 40 years with the Hudson

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2 River, there still are some fairly major problems,
3 both with contaminants in the fish and also with the
4 fish populations. There are a few species that have
5 rebounded pretty dramatically, the striped bass and
6 the bluefish, but there are still many other species
7 that are in decline. That includes the American
8 Shad, the White Perch, the Atlantic Tomcod and the
9 Rainbow Smelt. And we also have some data that there
10 may be quite a number of other fish species that are
11 also in fairly serious decline and maybe
12 disappearing. So, despite all of the gains, there

13 still are some problems.

14 Power plants on the Hudson River kill
15 billions of fish, and both adults and larvae every
16 year through kind of antiquated once-through cooling
17 systems. The Indian Point Nuclear Power Plant draws
18 in the volume of water of the entire Hudson River
19 once per year, and everything goes through their
20 cooling system and then back out into the river. So,
21 despite the gains that we've seen, there still are
22 some fairly serious problems in that regard.

23 Additionally, as both the Department
24 of Health and DEC acknowledge, there still are
25 contaminant issues with large portions of the

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2 populations of the fish that are being pulled out of
3 the river.

4 So, our main concern is just to
5 increase the work that is already being done to do
6 more outreach. We have a patrol boat that goes
7 through New York Harbor, the Harlem River, the East
8 River, the Gowanus Canal and all the other area
9 waterways, and our boat captain frequently sees
10 fishermen on the side, both in public parks but also
11 fishing off of private property, sewage outfall

12 pipes. You know, any manner of places that you could
13 get access to the water we see people out there
14 fishing, and many of those places do not have signs.
15 Even public parks. A number of our members have
16 been to public parks and seen people fishing without
17 adequate signage advising them as to the potential
18 for health risk from eating fish that they're
19 catching. And we recognize that there is a very
20 large community in the New York City area that do
21 eat fish that they're catching from the river,
22 whether it be that they don't know that the fish is
23 contaminated or whether it's just that they cannot
24 afford another source of food. There definitely are
25 a lot of people who are eating this fish without

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2 knowledge that there may be substantial health risks
3 involved.

4 So, what we would advocate for is
5 increased education and outreach and placement of
6 signage in parks, possibility of public service
7 announcement type methods that would go out on
8 multi-lingual media, newspapers, that sort of thing.
9 More outreach and clinics and that sort of thing
10 that would explain to fishermen the proper ways to

11 clean and cook fish that would reduce the amount of
12 toxicity that they would be ingesting, and also a
13 more broad outreach effort between State, local and
14 the City to make sure that all of these
15 announcements, all of these pamphlets are translated
16 into as many languages as there are populations in
17 this very diverse City of ours.

18 Thank you.

19 CHAIRPERSON NELSON: Thank you. You've
20 answered some of the questions I had to get to that
21 population who is probably most at risk, and the
22 last to know.

23 MR. VERLEUN: Absolutely. Absolutely.

24 CHAIRPERSON NELSON: Yes, Council
25 Member Brewer.

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2 COUNCIL MEMBER BREWER: The Parks
3 Department is, in my experience, very responsive.
4 So, have you given them a list of where you're
5 seeing people so that signs could be posted? Or
6 could you do that?

7 MR. VERLEUN: I am not aware as to
8 whether we have an outreach to the Parks Department
9 as of yet, but that's definitely something that I

10 think would be very important for us to do.

11 I will speak with our boat captain,
12 who is the person who is out on the river every day,
13 who is seeing people fishing in various areas, and I
14 will get a list and submit it to the Parks
15 Department.

16 COUNCIL MEMBER BREWER: Deputy
17 Commissioner Jeffrey is a terrific human being, and
18 I think he might even go out with you and make the
19 list and I think they would put up the signs.

20 MR. VERLEUN: That would be great. We
21 frequently have numbers of local government agencies
22 out on the boat and that is something that I
23 definitely would like for us to do.

24 Thank you.

25 COUNCIL MEMBER BREWER: I think we'd

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2 love to go on the boat, too.

3 MR. VERLEUN: Excellent. Excellent.

4 COUNCIL MEMBER BREWER: No, I'm
5 serious. I think it would be very helpful.

6 MR. VERLEUN: I would love for that.

7 COUNCIL MEMBER BREWER: We will get
8 the signs up very quickly.

9 MR. VERLEUN: Great. Thank you.

10 COUNCIL MEMBER BREWER: Thank you.

11 CHAIRPERSON NELSON: What's the impact
12 on commercial fishing in the Hudson River and the
13 Harbor? Do you have any data or even any off-hand
14 ideas about that?

15 MR. VERLEUN: I know that there was a
16 recent report that was released just a number of
17 days ago that detailed a lot of problems with the
18 Shad population in the Hudson River. And I don't
19 have any specific data related to commercial
20 fisheries, but I know that there is a fairly
21 substantial commercial Shad fishery and how this
22 report will have an impact on that, I think we will
23 probably see fairly soon.

24 Other than that, I don't have any
25 information about the commercial fisheries.

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2 COUNCIL MEMBER NELSON: Anything we
3 can learn from other jurisdictions, municipalities?
4 Does Riverkeeper seek out any of what they've done
5 in the past to try to alleviate these problems?
6 Although I think we would probably be number one
7 with toxic problems, but I do not know that.

8 MR. VERLEUN: Our Fisheries Program is
9 kind of still in the planning stages at this point.
10 Generally what we do as advocates at Riverkeeper is
11 to file lawsuits to stop polluters and work with the
12 agencies whose jurisdiction it is to sort of take
13 care of these pollution problems.

14 We have had throughout our history
15 various programs that have done more community
16 outreach and education. At this particular point we
17 are still kind of in the planning phases with the
18 most recent sort of efforts on that.

19 So, I don't have any particular
20 information about what we have done with other
21 communities in the past. I've been with Riverkeeper
22 now a month, so I'm still learning the ins and outs
23 of the organization.

24 CHAIRPERSON NELSON: Oh, sure. That
25 might be another facet added to your

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2 responsibilities.

3 Is Robert Kennedy still hands-on
4 involved?

5 MR. VERLEUN: Yes, very much so. I
6 just graduated from Pace Law School where he is a

7 professor. He was my professor prior to starting
8 with Riverkeeper, so he is definitely very involved
9 with cases that Riverkeeper works on, mostly as a
10 clinical professor. And he is our Chief Attorney, as
11 well.

12 CHAIRPERSON NELSON: Okay, it's pretty
13 classy the way I think his involvement is kind of
14 understated, because I think more people would get
15 involved.

16 MR. VERLEUN: Absolutely. He also is
17 the President of the Waterkeeper Alliance, which is
18 the umbrella organization. There are now over 150
19 keeper organizations all over the world that all
20 came about through inspiration from our Riverkeeper
21 Program and Baykeeper, which we share sort of
22 jurisdiction sort of over the New York Harbor, and
23 they do New York Harbor and some of the Jersey
24 advocacy issues.

25 CHAIRPERSON NELSON: Find out for us,

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2 if Hillary wins if he's going to go for US Senate.
3 We want to know the scoop here. I'm kidding. Just
4 kidding.

5 By the way, is anybody else here to

6 testify? Well, with that, I would say, with no one
7 else to testify, I suppose this hearing will be
8 adjourned.

9 We thank you very much for coming
10 today.

11 MR. VERLEUN: Thank you very much. I
12 appreciate it.

13 CHAIRPERSON NELSON: Thank you.

14 (Hearing concluded at 2:09 p.m.)

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CERTIFICATION

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6 COUNTY OF NEW YORK)

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9 I, CINDY MILLELOT, a Certified
10 Shorthand Reporter, do hereby certify that the
11 foregoing is a true and accurate transcript of the
12 within proceeding.

13 I further certify that I am not
14 related to any of the parties to this action by
15 blood or marriage, and that I am in no way
16 interested in the outcome of this matter.

17 IN WITNESS WHEREOF, I have hereunto
18 set my hand this 3rd day of October 2007.

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CINDY MILLELOT, CSR.

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

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I, CINDY MILLELOT, a Certified Shorthand

10 Reporter and a Notary Public in and for the State of

11 New York, do hereby certify the aforesaid to be a

12 true and accurate copy of the transcription of the

13 audio tapes of this hearing.

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CINDY MILLELOT, CSR.

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