

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON WATERFRONTS

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December 18, 2009

Start: 1:31 pm

Recess: 1:45 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
MICHAEL C. NELSON
Chairperson

COUNCIL MEMBERS:
Council Member Gale Brewer
Council Member Julissa Fererras
Council Member Melissa Mark-Viverito

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

Emily Egginton
Program and Government Affairs Associate
Metropolitan Waterfront Alliance

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[gavel]

CHAIRPERSON NELSON: We can start today's meeting, Waterfronts. Good afternoon and welcome to everyone to today's hearing of the Committee on Waterfronts. My name is Mike Nelson. I have the honor to Chair the Committee on Waterfronts. Today we take up the issue of the combating invasive species of the New York Harbor. An invasive species is a non-indigenous species of plant or animal who's introduction into the ecosystem causes economic or environmental harm, r harm to human health. The Committee hopes to learn how the invasive species got into the harbor, how invasive species are detected and monitored, and the damage that those invasive species cause to the local ecosystems. The Committee is also interested in what is being done to prevent the spread of invasive species, and to eradicate those invasive species that are already present, and about any opportunities for the City or State to be able to do more. I'd like to thank, to my left, Jeffrey Baker, Counsel to the Committee, and Colleen Pagter, the Policy Analyst. And I'd like--and also announce that Gale Brewer,

1 Council Member Gale Brewer, has joined us. And
2 Melissa Mark-Viverito was here, and Julissa
3 Fererras, Council Member, also, as well. And if
4 there's no opening remarks from my colleague?
5 Good, so we'll call the person testifying today:
6 Ms. Emily Egginton? Thank you. And you want to
7 come right over, please. The Metropolitan
8 Waterfront Alliance.

10 EMILY EGGINTON: Emily Egginton
11 from Metropolitan Waterfront Alliance. I want to
12 thank you for having the opportunity to speak
13 today. The Metropolitan Waterfront Alliance is a
14 coalition of over 380 organizations working
15 together to transform the New York Harbor and its
16 waterways into a world class resource for work,
17 play, transit and education. New York City
18 grocery stores, seafood markets, pet stores,
19 nurseries and lumber yards are brimming with
20 importing, imported goods coming through the local
21 ports and marinas. Globalization and innovation
22 in transportation have facilitated the movement of
23 goods and people to an unprecedented scale. But
24 these gains in international commerce have an
25 unintended consequence: the invasion of non-

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2 native species. Aquatic invasive species are one
3 of the most significant threats to our water
4 resources, as well as our local and regional
5 economies. The cost to the U.S. GDP alone is
6 estimated to be more \$100 billion per year. The
7 cost to the New York/New Jersey Harbor ecosystems
8 and its fisheries, including the cost of
9 eliminating invasive species, are substantial and
10 growing. Prevention is necessary, part of a long
11 term sustainable economic and environmental
12 strategy. In many areas, the invasion rate of
13 foreign aquatic species can be directly linked
14 with shipping traffic. Since 1959, when the St.
15 Lawrence Seaway opened to the St. Lawrence River,
16 and the Great Lakes, to direct ocean going
17 shipping, 65 percent of the more than 180 non-
18 native species discovered have been attributed to
19 the ballast water release. Scientists have shown
20 that the invasion rate of these species is
21 directly correlated with shipping activity. Zebra
22 mussels were introduced to the Hudson River in
23 ship ballast water during the '80s. Their
24 filtering activity reduces the abundance of both
25 phytoplankton and zooplankton in the water column,

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2 and their spread has been linked to the native
3 mussel loss and fish population changes. Prior to
4 the introduction of water chestnuts in the 1800s,
5 there were no large populations of floating
6 leaves, plants in the Hudson River. This invasive
7 species is now the second most abundant aquatic
8 plant in the freshwater tidal areas, and is
9 responsible for the reduction in dissolved oxygen.
10 Current research is exploring the impact of
11 invasive species such as the impact that plant
12 beds have on nutrient cycling and greenhouse gas
13 release, as well as other impacts in the New
14 York/New Jersey Harbor. Other invasive species,
15 the Chinese Mitten Crab from East Asia, was first
16 discovered in the Hudson River in 2007. Again,
17 these crabs were most likely introduced through
18 ship ballast water, or live release. They are
19 aggressive and may compete with the native blue
20 crab in the Hudson. Their burrowing habits may
21 threaten stream bank and earthen dam stability,
22 and promote erosion and habitat loss. Most
23 recently, the snakehead fish, a species native to
24 Asia, was found in the Meadow Lake in Flushing, in
25 Queens. The 28 inch voracious predator is a major

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2 threat to the region's food chain. Even though
3 the common deadline passed on December 4, 2009, I
4 want to bring it to your attention that the U.S.
5 Coast Guard proposed a new rule, called "The
6 Standards for Living Organisms in Ships Ballast
7 Water Discharged into the U.S. Waters," that would
8 require ships transiting any waters off the U.S.
9 to clean out their ballast tank. This rule would
10 be a groundbreaking regulation and could be the
11 strongest effort yet in the fight to stop the
12 invasion of non-native aquatic species. The U.S.
13 Coast Guard's proposed rule is much stronger than
14 the International Maritime Organization's
15 standard, and matches the strongest standards in
16 the U.S., set by California and New York. The New
17 York State Invasive Species Council Act, is a
18 leading example of what can be done at the State
19 level, to identify and coordinate actions to
20 prevent, control and manage invasive species.
21 While overall, we are pleased with the strong,
22 final standards proposed in the Coast Guard
23 rulemaking, we are disappointed with the timeline
24 put forward. The proposed rule allows polluters
25 too much time to fix the problem. Ships could

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2 avoid the compliance for another ten years unless
3 timelines are shortened. Since the technology is
4 currently available, we urge the U.S. Coast Guard
5 to set a firm, final compliance date no later than
6 January 1, 2016. We are pleased that the vessels
7 subject to this rule, ruling, are also subject to
8 the EPA's vessel general permit. EPA has the
9 responsibility under the Clean Water Act to
10 regulate ballast water discharge, to protect water
11 quality. The Coast Guard and EPA need to work
12 together to create a coherent federal and local
13 program for regulating ballast water, that
14 utilizes both the Coast Guard's expertise and
15 vessels and EPA's expertise in protecting water
16 quality. I hope the City Council will support
17 this rule and the exemplary State programs,
18 notably New York's Sea Grant "Protect Your Waters"
19 program, and the New York Invasive Species
20 Clearinghouse, as well as DEC's educational
21 materials, found on their website, for boat
22 launches, fishing pier, and fish cleanup stations,
23 to prevent the introduction and spread of invasive
24 aquatic species. Finally, Metropolitan Waterfront
25 Alliance recommends the New York/New Jersey Harbor

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2 Estuary Program include invasive species as a
3 management area in the program's comprehensive
4 conservation management plan, as a way of ensuring
5 more research and strategies for managing invasive
6 species, can be applied to the harbor. Thank you
7 for the opportunity to testify and I'm happy to
8 answer any questions you might have.

9 CHAIRPERSON NELSON: Thank you very
10 much. I just want to start off with perhaps a
11 resolution from us, regarding this, it would be in
12 order. [cell phone] Sorry, timing, call all day.
13 The timing, which is ten years, they plan to put
14 this into effect, which could really deal a
15 terrible blow to the harbor.

16 EMILY EGGINTON: Yes.

17 CHAIRPERSON NELSON: Maybe a
18 resolution from the Council is, and get this, this
19 should really be appearing in various local
20 newspapers, as well. And to prove how it is a
21 threat to the ecosystem. New rule, could you
22 explain something about, as far as cleaning up the
23 ballast tanks, what that really ensues? How do
24 you do this?

25 EMILY EGGINTON: The technology

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2 exists to kind of filter the water so it's not
3 dumped into the harbor. There is, you know, it's
4 kind of like, you know, sewage from a boat,
5 there's ways to treat this water so that it
6 doesn't bring in the invasive species.

7 CHAIRPERSON NELSON: And would they
8 clean it out, like further out--?

9 EMILY EGGINTON: I think they, they
10 flush it and treat it, as opposed to dumping it.

11 CHAIRPERSON NELSON: Oh, alright,
12 so that if--so that's a case where maybe the,
13 there can be some of these crabs, or any other
14 type of creatures, it would basically kill it?

15 EMILY EGGINTON: Brought it, yeah.

16 CHAIRPERSON NELSON: Okay, before
17 it would get into the harbor. What can be done to
18 remove invasive species?

19 EMILY EGGINTON: Well, it's kind
20 of--

21 CHAIRPERSON NELSON: Or how to do
22 it, actually.

23 EMILY EGGINTON: --the, the saying
24 is, is like, watching a volcano. [laughs] Once,
25 once it erupts, there's very little you can do.

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2 They have examples in the Great Lakes where
3 they've, you know, killed everything in the lake
4 just to mitigate the invasive species, like carp.

5 CHAIRPERSON NELSON: The snakefish?
6 Was that the new--?

7 EMILY EGGINTON: Snakefish is, is
8 similar to carp, it can grow very, very quickly,
9 and really take over.

10 CHAIRPERSON NELSON: 'Cause I saw
11 something on Discovery I guess it was, where they
12 were going after the snakefish. I don't know if
13 they just went after the snakefish, or they're
14 actually killing everything in sight, as well.

15 EMILY EGGINTON: Yeah, they're,
16 they're pretty--a predator, their teeth and the
17 size and--

18 CHAIRPERSON NELSON: And right here
19 in what, Queens, that it was found, in Corona
20 Park?

21 EMILY EGGINTON: They found five.
22 Yep.

23 CHAIRPERSON NELSON: Fascinating.
24 Somebody had to have a sense of humor, then. They
25 must've just dumped a bunch of 'em in there, huh?

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Who monitors invasive species, do you know?

EMILY EGGINTON: I would have to get back to, to you on that question. I mean, there are agencies, as I recom--

CHAIRPERSON NELSON: U.S. government? State?

EMILY EGGINTON: But this is a very hot topic in the Great Lakes, and in California, they're doing a--

CHAIRPERSON NELSON: Is there any idea about approximately how much damage is done to the indigenous species by these, these foreigner predators, foreign predators?

EMILY EGGINTON: I mean, it might be hard to quantify because they are making it uninhabitable, you know, withy the dissolved oxygen rate, or the, you know, habitat, but they're also eliminating the food chain, so I mean it's kind of--

CHAIRPERSON NELSON: Oh, by the way, Council Member Viverito also is back here again. What are the long, what do you think, is there any idea what the long term effects might be?

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EMILY EGGINTON: Loss of

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biodiversity, I mean, this--huge economic--again,

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the, you know, the deep--fish populations, but--

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CHAIRPERSON NELSON: You said the

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last part about the watershed, I'm sorry, just to

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get it on the record.

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EMILY EGGINTON: I mean, I, I would

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also want to get back to you with further research

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to answer that question.

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CHAIRPERSON NELSON: No, that's

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okay, no, no. Not to put you on the spot at all.

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Just, there is, some of this is really new even to

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the Chair, so I imagine it's new to 99 and nine-

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tenths percent of New Yorkers.

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EMILY EGGINTON: Yeah.

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CHAIRPERSON NELSON: Including

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Committee Members and Council Members and so on.

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Because this, if it could really pose a real

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problem, like perhaps it would they would be

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destroying other creatures in the sea, that keep

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the ecosystem clean, obviously this could have

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very bad long term effects.

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EMILY EGGINTON: Exactly.

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CHAIRPERSON NELSON: And as far as,

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2 again, a ten year deal, it just seems to be an
3 awfully long time to get started with anything.
4 Something that we really need to do some research
5 to find out. Does evidence point to the fact that
6 we have that much time before there's, there's
7 some deleterious effects? Or do we have to really
8 begin this sooner?

9 EMILY EGGINTON: Mhm.

10 CHAIRPERSON NELSON: Or would you
11 like to add anything else to this, Emily?

12 EMILY EGGINTON: Thank you for this
13 opportunity, again.

14 CHAIRPERSON NELSON: We certainly
15 thank you so much for testifying. And we thank
16 everybody for being here today. Again, it's, it's
17 Christmastime, so I think people are running all
18 over the place. But at least we have almost four
19 members of this Committee, and it's pretty good
20 during this week. So, thank you so much, and with
21 that, I guess we could adjourn the Committee on
22 Waterfronts meeting, for December 18, 2009. Thank
23 you all so much.

24 [gavel]

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C E R T I F I C A T E

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


Signature JOHN DAVID TONG

Date December 30, 2009