

LES says:

- (1) to need to have full land on dredge
- (2) broader idea ok, but would like paper
- (3) policy - details

March 9, 2000

MEMORANDUM FOR JOHN PODESTA

FROM: GEORGE T. FRAMPTON, JR.

SUBJECT: NEW YORK/NEW JERSEY PROPOSAL FROM SECRETARIES BABBITT
AND WESTPHAL

Interior Secretary Bruce Babbitt and Assistant Secretary for Civil Works Joe Westphal have proposed a major federal-state restoration effort for the NY/NJ harbor modeled after our restoration efforts in the Florida Everglades and CALFED in California. It would combine economic revitalization for the ports with a comprehensive wetlands restoration plan, create open space and improve water quality. They propose federal legislation which would create a federal-state commission (similar to that in Florida) to develop a harbor restoration plan in two years which would recommend: (1) harbor and dredging upgrades using plans of the Port Authority and the Corps; and (2) land acquisition of all remaining undeveloped wetlands at a 50/50 federal/state cost-share. This could ultimately involve the use of Lands Legacy funds.

Babbitt has talked to Senator Torricelli and Westphal has talked to Senators Lautenberg, Schumer, and Moynihan, as well as Congressmen Pallone, Menendez, Nadler and Frelinghuysen. All appear to like what they've heard. Torricelli and Schumer seem to want to take the lead though it is unclear who might host the meeting (perhaps us).

This could impact current on-going problems between NY and NJ over dredging. For years the states have squabbled over the placement of dredged materials. NJ has created upland sites for these materials and is annoyed that NY has not. NY prefers to deposit dredged material offshore of NJ or upland in NJ, but NJ does not want to keep accepting New York mud. In 1996, Vice President Gore helped broker an agreement whereby the Mud Dump site off NJ shore was closed for deposit of dredged material although Category 1 (the cleanest) material could be deposited at the off-shore Historic Area Remediation Site (HARS).

NJ Congressmen Pallone, Saxton and Smith, who represent the southern part of NJ, have opposed recent Corps permits that would allow dredged materials to be deposited at HARS stating that the materials are too dangerous. However, EPA and the Corps have approved the materials as meeting the category 1 criteria. They also oppose two imminent Corps dredging projects in NY. Saxton and Smith have been critical of Gore as allowing through these agencies harmful materials off NJ shores. Pallone has not been critical of Gore but is helping Saxton and Smith indirectly. They have been fueled by Clean Ocean Action, the environmental lead that does not want any deposits in the ocean and are thus asking the Corps to go further than the 1996 agreement. Complicating this is the fact that EPA has for two years been engaged in a peer

- (4) never get money bill passed w/ bill
- (5) Commission to look at it

policy - 224-1330
NY Harbor
Westphal
Babbitt

Technical
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review of the standards for materials deposited at HARS and will by June announce whether it intends to strengthen those standards.

NJ Congressmen Menedez, Frelinghuysen and Crawley support the permits and projects in large part on behalf of the ports and the AFL-CIO and longshoremen, and have been critical of Pallone for not keeping the agreement. They are also critical of strengthening the standards.

With respect to land acquisition, there are several on-going efforts by Interior and EPA to identify and acquire lands in the estuary and harbor for conservation and protection that could be coordinated with state initiatives.

It is likely that this proposal would have to be clear that it is intended to improve federal interagency coordination, foster cooperation between the two states, recognize differing agency and entity missions and authorities, and take the larger ecosystem restoration view. It would not be successful or well received if seen as more federal regulation or control. This might be particularly true of a greater role for an agency like Interior that has a smaller presence and influence in the area today than the Corps and EPA.

The everglades model suggests the wisdom of legislation that helps solidify the long-term plan and commitment needed to make the proposal work.



THE SECRETARY OF THE INTERIOR
WASHINGTON

Scott —
set up a
meeting with
George Tom F
+ relapse
this week
to
discuss

Memorandum for the President

From: Bruce Babbitt *BAB*
Secretary of the Interior

Joseph Westphal *JW*
Assistant Secretary of the Army for Civil Works

Subject: New York / New Jersey Harbor Restoration

The Background

- The New York / New Jersey Harbor complex is in crisis. Existing ports cannot accommodate the upcoming generation of deep draft container ships. Maersk, which dominates Atlantic shipping, is threatening to move south to Norfolk or elsewhere unless the New York ports are expanded. At the root of this crisis is the inability of New York and New Jersey to work together on resolving many of the infrastructure/development issues and environmental imperatives facing the region. They oppose each other on nearly every issue and every possible solution. The current dispute over disposal of dredge material from the Brooklyn Marine Terminal is just one of many examples.
- Environmental groups are awakening to the possibilities of comprehensive environmental restoration modeled on the Florida Everglades. Over the years the New York / New Jersey Harbor has lost more than 90% of its original shoreline and estuary wetlands. Yet it remains one of the most important waterfowl habitats on the Atlantic Coast, and the fisheries of the estuaries are beginning to revive due to the Clean Water Act. There are important unprotected wetlands on Long Island, Raritan Bay and the Meadowlands of New Jersey that need protection and restoration. The cleanup of the Bay waters should be accelerated. Waterfront park groups are working piecemeal on efforts such as the west shore of Manhattan and the restoration of Governor's Island.
- There is urgent need for a forum that brings state leaders together to address solutions. Today, it is only small groups dealing on a project by project basis.

The Opportunity

Propose a major federal-state restoration effort modeled on our popular and successful efforts in Florida and in California. It would combine economic revitalization of the ports with a comprehensive program to restore wetlands, produce open space and continue efforts to improve water quality.

- We need an innovative way to resolve very complex and important issues. What is needed is a big, conceptual proposal that transcends and unifies all the bits and pieces, much like the situation when we began in Florida in 1993. This is another opportunity to prove that environmental protection and economic growth go together and to use one to leverage support for the other. While it may not be realistic to expect much from Congress this year, this proposal, once launched, will take off of its own momentum.

The Program

A ten-year plan to upgrade ports and restore the New York / New Jersey Harbor waters and wetlands.

- Propose legislation to create a federal commission, consisting of the Governors of New York and New Jersey and a Cabinet level presidential appointee to formulate and present a harbor improvement and environmental restoration plan addressing wetlands losses, port expansion on both New Jersey and New York sides, role of the Port Authority, riverfront development, and brownfields cleanup. The legislation would require the Commission to present its plan to Congress within two years. In a general way this would be comparable to the "restudy" that we asked Congress to authorize in Florida in 1995 and that is now the base on which the restoration is going forward. It also has a precedent in the Cal Fed effort now underway under the joint leadership of the Governor of California and the Secretary of the Interior.
- The harbor improvement and restoration plan to be submitted by the Commission for congressional approval would have two parts:
 - a.) Recommendations for harbor and dredging upgrades based upon review of existing plans developed by Port Authority and Corps of Engineers. Financed by traditional harbor improvement cost sharing.
 - b.) Recommendations for acquisition and restoration of all remaining undeveloped wetlands in the New Jersey Meadowlands, Raritan Bay, Long Island, and Jamaica Bay in the Bronx. Use the 50/50 cost share precedent that is emerging from Florida and California.