

May 2nd, 2018

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<<sent via email>>

**To Whom It May Concern;**

For many years there has been a growing interest to pursue oyster restoration within Newtown Creek. From what we understand, permits for oysters gardens in the past have been denied due to the Federal Superfund Status of Newtown Creek. While we fully appreciate the human health risks associated with consuming fish, shellfish or crabs from an area like Newtown Creek we believe that well planned and managed oyster restoration would provide significant environmental and public benefit. We have outlined a number of key issues here and look forward to the opportunity to discuss these further with the end goal of obtaining permits to install and monitor oyster cages within Newtown Creek.



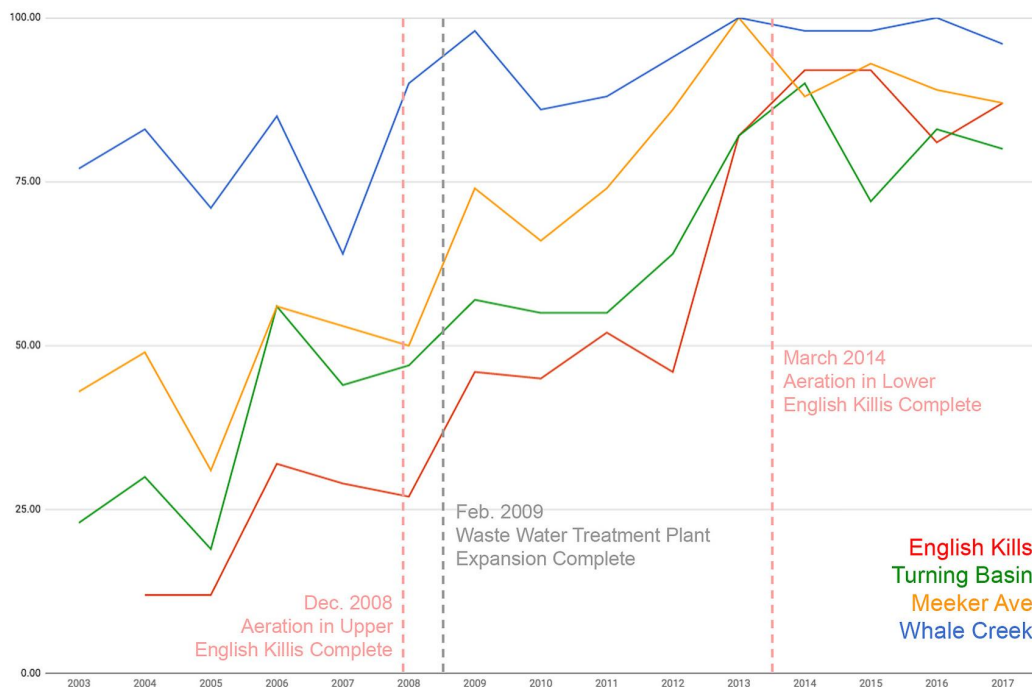
*Wild oyster populations at the Pulaski Bridge.*

**Wild Oyster Populations**

For the past 5 years we have documented a population of wild oysters growing in Newtown Creek. This winter we counted over 1,300 wild oysters from a small boat during spring low tide conditions.

Growing on riprap, steel and concrete bulkheads, the populations are almost entirely located within the first mile of Newtown Creek (closest to the East River, where we believe the spats are entering from). Improvements in water quality within the Creek during the past 15 years (see graph below) have undoubtedly played a role in the ability for oysters to survive in the Creek, and we can likely expect greater populations as more improvements continue to come online in the future. Having the ability to seed oysters and study their growth/health in a controlled setting throughout the Creek offers the opportunity to better understand and improve water quality and local ecological conditions without concern over introducing a species that is not currently present.

**Dissolved Oxygen Levels in Newtown Creek 2003 - 2017**  
Percent of Samples Above 3mg/L



Source: NYCDEP Harbor Water Sampling Data; top and bottom samples at sites NC0, NC1, NC2, NC3.

## Superfund Signage

Following the longstanding requests of community members, the EPA installed a series of signs along public and private access points throughout Newtown Creek last summer informing potential anglers (in 5 different languages) as to the risks of consuming fish, shellfish and crabs from the Superfund site. Our organization helped in this process with both the design of the signs and locations, based upon our own experiences where people access the Creek and/or have been seen fishing/crabbing. We understand the health concerns regarding poaching of oysters throughout NYC waters and strongly believe that education is a strong component to deter such behavior. Newtown Creek is one of the only places within NYC that has such public signage; which we feel is a necessary component to accompany oyster seeding. Although no one from our organization has,



to-date, witnessed anyone harvest shellfish from Newtown Creek, we feel that proactive education and public signage is a necessary caution.



*Consumption Advisory Sign at the end of Maspeth Avenue in Brooklyn.*

## Private Shorelines

The vast majority of the Newtown Creek shoreline is inaccessible to the public. Most of the industrial facilities along the Creek have security measures and personnel in place. Utilizing the shorelines of secure private properties greatly reduces the concern about members of the public being able to access and potentially harvest seeded oyster populations. We have relationships with a number of Creekside businesses who are amenable to working with our organization to maintain environmental projects that do not interfere with their operations. We believe that utilizing private, and largely inaccessible shorelines would help alleviate concerns over poaching.

## Bulkhead Shorelines

Due to concerns over sediment contamination within Newtown Creek, pursuing oyster restoration in cages suspended off the Creek bottom and within the water column would be most ideal. Fortunately, most of the Creek shoreline is bulkheaded, allowing easy points to hang cages that can be deployed, retrieved and monitored by boat. With proper permitting we would work to identify private bulkheaded shorelines that operate non maritime dependent facilities ideal for oyster cages.

## Ecological Service

The value of oysters to improve water quality and provide critical marine habitat is well documented. We believe that such services should be encouraged and expanded in challenged places like Newtown Creek, that suffer so heavily from on-going pollution (CSO and stormwater), stagnant conditions and lack of natural habitat (intertidal zones and shallow waters). We know that CSO reduction will only bring us so far in water quality improvements and should be looking to multiple natural means for improving water quality as well. Additionally, the Natural Resources Damage Assessment (NRDA), which is unfolding in tandem with the Superfund cleanup, offers real opportunity to restore habitat and ecological function in the coming decades, of which oysters can play a vital role. Just as NYCDEP is currently pursuing small scale salt marsh restoration in Newtown Creek, we see no reason that we should not also be pursuing small scale oyster restoration to help influence larger restoration efforts in the years ahead.

### **Community Support and Educational Value**

As a community-based organization we have seen how educational programming about the, often surprising, ecology of Newtown Creek has generated a greater awareness, personal connection and care for our local waterway. Species like horseshoe crabs, great egrets and american eel (all present within Newtown Creek) have great value in engaging people with larger conversations about the protection of the natural environment, particularly in heavily urbanized areas. The eastern oyster plays a starring role in this story: a humble creature that filters water and creates habitat for numerous other organisms and is now returning to local waters following decades of heavy pollution. As the Billion Oyster Project has demonstrated, more and more New Yorkers are appreciating the oyster, not as a food source, but as an ecological resource. Being able to expand our educational programming through oyster restoration would have significant value to the future health and protection of the Creek, as well as direct benefit to the communities that surround it.

We thank you for your consideration of these issues and look forward to further conversation about ways to safely pursue restoration and research within Newtown Creek.

Sincerely,



Willis Elkins  
Program Manager