



New York State
Department of Environmental Conservation

Division of Fish, Wildlife and Marine Resources

Restoration of Natural Resources Through the Jamaica Bay Damages Account

Response to Public Comment from the
Reconnaissance Phase Report and
Decisions on Project Prioritization for the
Planning Phase

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Executive Summary

This "Decision and Response" document is an extension of the Reconnaissance Phase of the "Jamaica Bay Damages Account" (JBDA) Restoration Process. Public Comment was generated during the Reconnaissance Phase of this Restoration Process. The public comment raised certain issues and questions in need of comment and also additional projects to be considered for prioritization and inclusion in the Reconnaissance Report. The following sections address issues raised and additional projects to be included in the report.

Section 1: General Response to Public Comment-A variety of issues were raised in the public comment phase. Individuals and organizations presented their project priorities (see Sections 2 and 3 for DEC response), requested that certain additional projects be considered (see Section 4), and asked questions about the fund and how it is being administered. The last set of issues are addressed in this section.

Section 2: List of the criteria used in prioritizing projects-These criteria were discussed in the Reconnaissance Phase report. Given here are the final criteria chosen for prioritizing projects.

Section 3: Priority Ranking of Projects-The projects outlined in the Reconnaissance Report are placed in four priority groups: For Immediate Planning, High Priority, Low Priority, Not Under Consideration.

Section 4: Additional Projects-These projects were submitted too late to be included in the Reconnaissance Report, but were considered for prioritization in this document.

Section 5: Public Comment-Reproduced here are the written comments on the Reconnaissance Report submitted by individuals and organizations.

Genesis of the funds-distinction between this and the on-site remediation by the Division of Hazardous Waste Remediation

The Jamaica Bay Damages Account monies were collected as fines "...for damages for injury to, or destruction or loss of natural resources resulting from the alleged presence, release or threatened release of industrial and chemical wastes or other hazardous substances at the Landfills;..."¹ These funds are distinct from monies collected to remediate the landfill sites themselves. Through other legal arrangements, several hundreds of millions of dollars have been allocated to on-site remediation and closing of the landfills. The Jamaica Bay Damages Account was created from the collection of \$7 million in penalties to be used only for the resource damages, not the on-site remediation.

Distribution of monies

No apportionment of the funds, either by geographic area or by project type, is mentioned in the JBDA consent orders. The orders require that funds be used for injury assessment, restoration and replacement or acquisition of the equivalent of natural resources determined to have been injured as a result of the Landfill operations. There will be no *a priori* apportionment by mathematical rule. However, consideration will be given to geographic balance. It has been suggested by a number of respondents that the funds be apportioned among the three areas, Staten Island, Bronx, and Jamaica Bay in a 1:1:3 split based on the number of landfills covered under JBDA in each area. Decisions on project funding will be made by prioritizing projects with the criteria detailed in this document.

Description of the Geographic and Categorical Mix of Projects

Three distinct ecosystems are affected by the five landfills covered under the Jamaica Bay Damages Account: Jamaica Bay, Eastchester Bay/Pelham Bay (Bronx), and Richmond Creek (Staten Island). The consent order governing the Damages Account does not in any way specify an apportionment, therefore any apportionment among the three affected areas will be necessarily arbitrary. Several factors may be considered in determining the geographic distribution of the final projects. The following list of factors is far from inclusive; it is rather a starting point for further refinement during the Planning Phase.

- The relative ecological integrity and importance of the three affected ecosystems may help determine the apportionment. Jamaica Bay is by far the largest and, by some measures, most ecologically important, of the three natural areas affected.
- Prioritization of individual projects may play a role. The money should go to where it can do the most good, regardless of location within the quarried areas. The prioritization criteria in this report gives some guidance as to factors which make a project more or less likely to succeed.
- Three of the landfills are located in Jamaica Bay, while only one each are in Eastchester

Bay (Bronx), and Richmond Creek (Staten Island). This ratio of 3:1:1 for landfills within each ecosystem may be used to guide apportionment among the areas. A more refined approach may be to take into consideration the relative sizes of the landfills or the estimated damage inflicted by each.

Amount of monies

The consent orders specify fines of \$7 million and currently there is authorization for expenditures of this \$7 million. There may be additional money from interest earned on the fund. The assumption for this planning process is that there is \$7 million and if there is more, additional projects may be possible at a later date.

Ongoing management

Each project plan will include a long-term component. Restoration projects will need monitoring built into the contract to ensure and monitor/measure the success of the restoration. However, funds for management will come from sources other than the JBDA, since management is precluded from natural resource damage revenues. Land acquisitions will also require long-term management plans. Some of the issues to be decided for acquired parcels are:

Ownership-Which agency will retain ownership of the land.

Custodian-Which agency will manage the property.

Management-What is the management plan for the property.

Restrictions-What are the restrictions on use of the property.

Section 2: Criteria for Prioritization

The criteria used to prioritize projects for funding from the Jamaica Bay Damages Account remain largely unchanged from the Reconnaissance Report. The criteria are divided into "High Priority Issues" and "Priority Issues." In practice, the application of prioritizing criteria is complex; there is no formula or ranking system that specifies that a certain number of criteria must be met or a specific "score" achieved. Rather, projects have been looked at on an individual basis. Some projects received high ranks by strongly meeting one or two criteria, others by more moderate scores on many criteria, and some receive low ranks because they lack necessary criteria or lack of information regarding the project. Projects are prioritized in Section 3.

High Priority Issues

High Natural Values-High priority should be given to projects involving lands with high actual or potential natural values. This includes richness of plant and animal species and positive contributions to ecosystem functioning.

Diverse Natural Values-High priority should be given to projects involving land which harbors a diversity of plant life or animal habitat onsite or would add diversity to the ecosystem due to the presence of a rare habitat.

Development Pressure-High priority should be given to projects involving land which is in imminent danger of being developed for residential, commercial, or industrial use. Indicators of development pressure include recent transfer to a development company, application for extension of services such as streets, sewer, water, and utilities, application for zoning changes or subdivision of the property. Any land that has no intrinsic factors limiting development (i.e., in a flood plain, within wetland regulatory jurisdiction, etc.) should be considered under development pressure simply due to the urban location. Development pressure, in and of itself, is only important in the context of other threatened values.

Consolidation of Protected Land-High priority should be given to projects involving land which is adjacent to or an inholding of land that is already under some kind of protected status such as park land. The natural value of the protected land is improved by increasing the uninterrupted span of the land holdings. This also provides a buffer against incompatible land use.

High Restoration Potential-High priority should be given to projects judged to have a high chance of success. Implementation of restoration procedures that are experimental or have a low success rate, for example, should be avoided.

Availability of Complementary Funding-High priority should be given to projects currently possessing or having the potential for additional funding from other sources. Other sources might include Department of Transportation ISTEPA Enhancement Grants and the Environmental Quality Bond Act, among others.

Priority Issues

Access-Priority should be given to projects involving the management of access to natural resources. The goal of managing access is to ensure public use and access to natural resources that are suitable for use while controlling access where it would potentially damage important wildlife habitat or result in an unsatisfactory recreational experience. Access management includes providing roads, boat landings, piers, nature trails, and facilities as well as the erecting of fence and guardrails to prevent illegal dumping of fill and garbage, exclusion of vehicles from fragile habitats such as sand dunes, and putting up signs to help discourage inadvertent damage from inappropriate access.

High Social Value-Priority should be given to projects which provide educational or recreational opportunities. This includes providing controlled access for shoreline recreation, bird watching, and hiking, the provision of interpretive nature trails, and of multi-purpose parkland and open space.

Buffering-Priority should be given to projects which help to provide a buffer between natural resources and activities which tend to have a negative impact upon the functioning of the resources. This includes open fields between developed areas and natural areas to help capture and filter surface run-off, land in-holdings to complete a fragmented natural shoreline and may also include areas of disturbed upland depending on the degree to which a buffering function is being performed.

Appropriateness of Adjoining Lands-Priority should be given to projects whose goals are not undermined by incompatible uses on nearby lands. A project which will suffer continuing negative impacts from adjacent industrial activities, for example, may not be a location for successful restoration of habitat. However, a project may be effective by preventing a negative impact use of land that would be otherwise likely to occur. In other words, preempting a negative use with a neutral use may be as good as providing a positive use.

Local Public Support-Priority should be given to projects for which citizen constituency groups or elected officials have expressed advocacy. This advocacy may be for the specific project or generally in line with the stated goals of the project.

Meets Existing Planning Priorities-Priority should be given to projects which are identified as high priorities as part of other planning processes. Many local, state, federal, and private agencies set plans for land use and natural resource conservation. In addition to setting broad objectives, these plans often give specific guidance on strategies and priorities. Consultation of applicable plans will help to coordinate inter- and intra-agency efforts. These existing planning priorities must, of course, meet the goals of this plan to be considered.

Section 3: Priority Ranking of Projects

The projects outlined in the Reconnaissance Report are placed in four priority groups:

For Immediate Planning (I)-Projects which will be acted on immediately, those that were designated as "fast track" in the Reconnaissance Phase. If these prove to be viable, they will be undertaken.

High Priority (H)-These are projects which meet criteria for inclusion in the restoration process and rank quite highly in these criteria.

Low Priority (L)-These are projects which meet criteria for inclusion in the restoration process, but rank relatively low in these criteria.

Not Under Consideration (N)-Projects which are judged as not appropriate use of Jamaica Bay Damages Account funds.

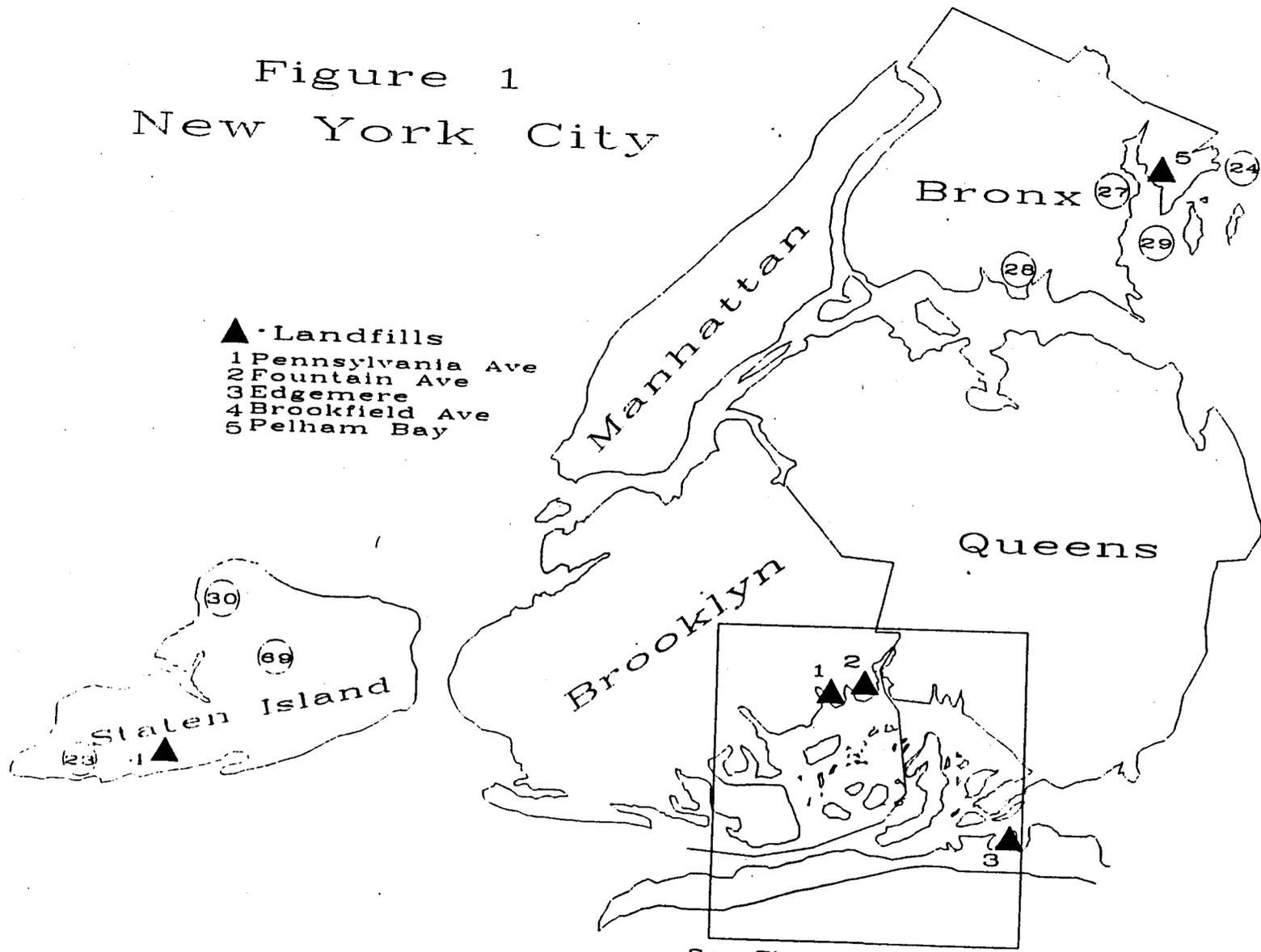
Planning, Implementation, and the Viability of Projects

After being chosen as projects needing immediate attention or as having high priority, each project will be further analyzed to determine if it is viable given the monetary and staffing resources available. There are several reasons why a project may be judged as a very high priority at this stage, but after beginning the planning phase, not make it to implementation. For an acquisition project, the planning process may reveal that the owners of the property are demanding a purchase price far outside the money available in the JDBA. The initial planning of a restoration project may determine that restoration is not feasible for a particular site after all. Because of these and other possibilities, highly ranked projects are not "certain" to come to fruition, but will be given resources to begin planning and, if viable, implementation.

Summary of Project Proposals

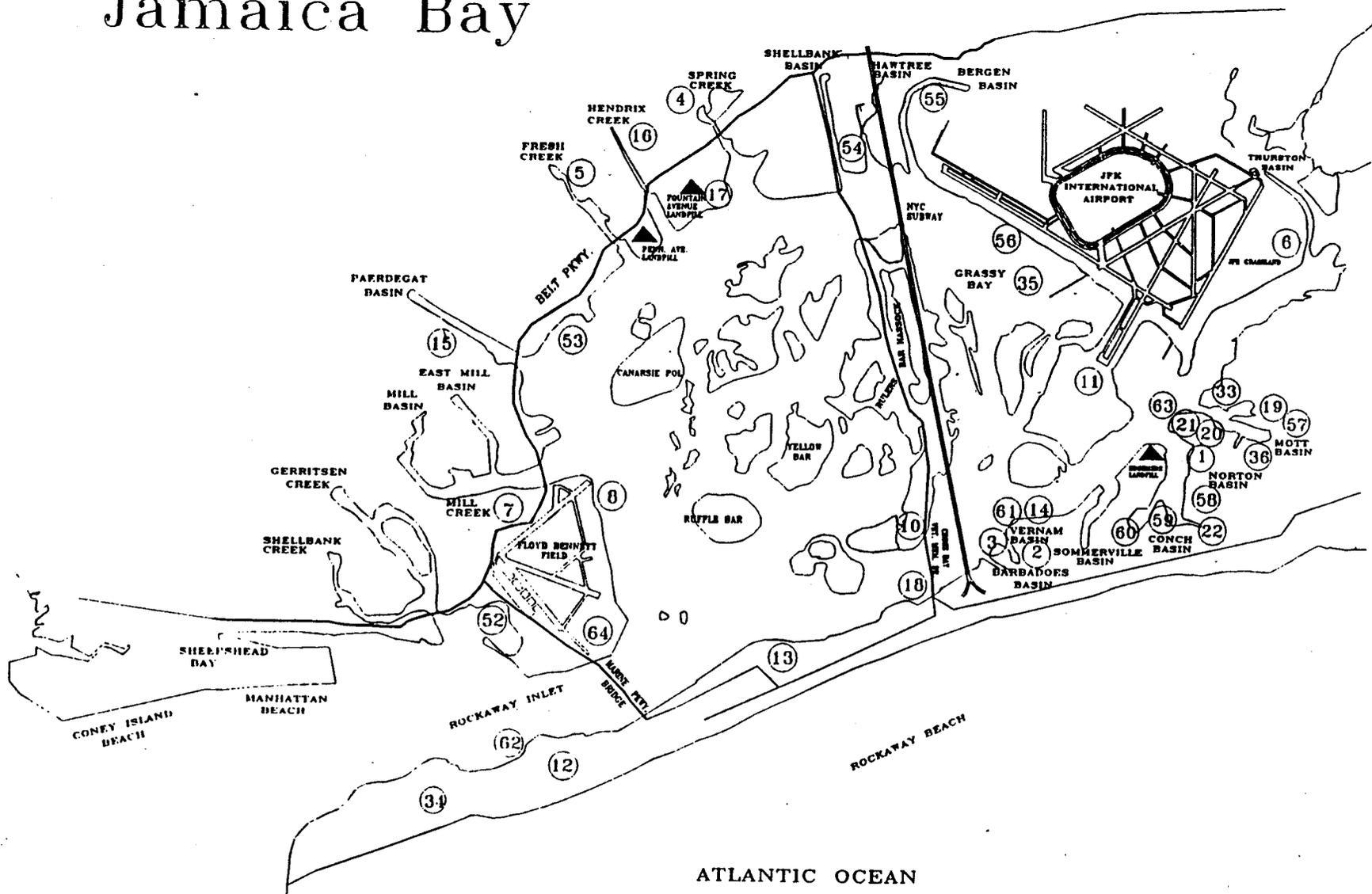
The following table is a short summary of the proposed projects under consideration from the Reconnaissance Phase of the process and includes the additional project proposals considered for prioritization in this document. Proposal numbers are a continuation of the numbering scheme in the Reconnaissance Report and are for reference only. See Figures 1 and 2 for proposed project locations. Section 4 details the proposed project additions as submitted.

Figure 1
New York City



Restoration of Natural Resources through the Jamaica Bay Damages Account

Figure 2 Jamaica Bay



ATLANTIC OCEAN

Table 1: Summary of Project Proposals

Proposal Number and Site Name		Description	Rank	Location	Map Number
1-A	Healy Ave.	Purchase parcel for addition to park	I	Jamaica Bay	1
1-B	Healy Ave	Install guardrail / Restore wetlands	I	Jamaica Bay	1
2-A	Brant Point	Purchase parcels to consolidate holdings	I	Jamaica Bay	2
2-B	Brant Point	Wetlands enhancement/Shrub and meadow restoration	I	Jamaica Bay	2
3-A	Vernam-Barbados	Transfer of land from NYC Economic Development Corporation to NYC Parks	H	Jamaica Bay	3
3-B	Vernam-Barbados	Restore maritime heathland and grassland / Create access road / Install protective guardrail	H	Jamaica Bay	3
4-A	Spring Creek	Purchase land for consolidation of holdings	H	Jamaica Bay	4
4-B	Spring Creek	Salt marsh planting / Clean-up / Protective Guardrail	H	Jamaica Bay	4
5-A	Fresh Creek	Transfer from NYC Department of Real Property to NYC Parks	H	Jamaica Bay	5
5-B	Fresh Creek	Purchase of land for consolidation of NYC Parks holdings	H	Jamaica Bay	5
6-A	Hook Creek	Transfer of Parcels to NYC Parks	I	Jamaica Bay	6
6-B	Hook Creek	Purchase of In-Holding Private Land	I	Jamaica Bay	6
6-C	Hook Creek	Install Guardrail for Security	I	Jamaica Bay	6
7-A	Four Sparrow Marsh	Transfer of Land from NYC EDC to Parks (Or Agreement on Protection)	H	Jamaica Bay	7
7-B	Four Sparrow Marsh	Woodland/Shrub Plantings for Erosion Control and Installing a Protective Guardrail	H	Jamaica Bay	7
8	Long Pond	Purchase Privately Held Parcels	H	Staten Island	23
9	Butler Manor	Purchase Privately Held Parcels	H	Staten Island	23
10	Pelham Bay	Intertidal Wetland Restoration	H	Bronx	24

Proposal Number and Site Name		Description	Rank	Location	Map Number
11	Twin Island Marsh	Restoring Tidal Inundation with Culverts	H	Bronx	25
12	Turtle Cove	Restore Tidal Flushing - Bank Regrading	H	Bronx	26
13	Unspecified	Artificial Reef	L	Jamaica Bay	
14	Unspecified	Phragmites Management	L	All 3 Areas	
15	Navy Pier	Restore Fishing Access	L	Jamaica Bay	8
16	Jamaica Bay	Restore Fishing Access (Various Projects)	L	Jamaica Bay	
17	Broad Channel	Restore Interpretive Kiosk and Bathroom	L	Jamaica Bay	10
18	Airport Extension at JoCo Marsh	Install Culverts to Restore Tidal Flow	L	Jamaica Bay	11
19	Jamaica Bay	Access Restriction	L	Jamaica Bay	
20	Far Rockaway	Piping Plover / Least Terns	L	Jamaica Bay	12
21	Unspecified	Upland Sand Piper Habitat Creation	L	All 3 Areas	
22	Unspecified	Enhancement of Public Access/Educational Materials	L	All 3 Areas	
23	LILCO Property	Purchase Property	H	Jamaica Bay	13
24	Hook Creek	Inter-Agency Transfer / Park Designation	H	Jamaica Bay	6
25	Dubos Point	Purchase Land	H	Jamaica Bay	14
26	Paerdegat Basin	Transfer Land to Parks and Protect	H	Jamaica Bay	15
27	Hendrix Creek	Inter-Agency Transfer	H	Jamaica Bay	16
28	Vandalia Dunes	Purchase Land - Limit Development	H	Jamaica Bay	17
29	Beach 90th Street	Purchase Parcel	H	Jamaica Bay	18
30	Mott Basin	Purchase Private Parcel	H	Jamaica Bay	19
31	Mott Peninsula (Bayswater Park)	Acquire Several Private Parcels	H	Jamaica Bay	20
32	Bayswater Park	Restoration of Tidal Wetlands	H	Jamaica Bay	21
33	Norton Peninsula	Transfer and/or Open Space Easements and Acquisition	H	Jamaica Bay	22

Proposal Number and Site Name		Description	Rank	Location	Map Number
34	Unspecified	Plant Submerged Aquatic Vegetation	L	All 3 Areas	
35	Grassy Bay	Rehabilitate Dredging Site	L	Jamaica Bay	35
36	Seagirt Ave.	Purchase Parcels Containing Tidal Wetlands	L	Jamaica Bay	
37	Palmer's Inlet	Purchase of Parcels to Protect Access to Historic Fish Weir	H	Bronx	27
38	Pugsley Creek	Purchase of Parcels or Easements to Consolidate Holdings	H	Bronx	28
39	City Island	Purchase land containing salt marsh	H	Bronx	29
40	Harbor Herons	Purchase Land with on-site restoration	H	Staten Island	30
41	Pelham Bay Park	Eastchester Bay Coastline, Restore a highly altered coastline that was originally rocky	H	Bronx	31
42	Pelham Bay Park Ferry Point	Grasslands Restoration	L	Bronx	32
43	Greenwich Property	Creation of an Intern Center	L	Jamaica Bay	33
44	Unspecified	Purchase boat for research and educational purposes	L	All 3 Areas	
45	Breezy Point	Gull Management	L	Jamaica Bay	34
46	Jamaica Bay	Rockaway/Gateway Greenway Bike Path	H	Jamiaca Bay	
47	Jamaica Bay (Various Sites)	Grassland Restoration	L	Jamaica Bay	
48	Bronx River	Expansion of Water Quality Monitoring	L	Bronx	
49	Bronx River	Shoreline Habitat Restoration for Soil Conservation	H	Bronx	
50	Bronx	Expand Community Education and Outreach Programs	L	Bronx	
51	Paw-Paw Woods	Land Purchase	H	Staten Island	23

Proposal Number and Site Name		Description	Rank	Location	Map Number
52	Gerritsen Inlet/Dead Horse Bay	Intertidal wetland restoration/cleanup, upland restoration and phragmites control	H	Jamaica Bay	52
53	Canarsie Beach	Wetland and upland restoration/cleanup and security guardrail	H	Jamaica Bay	53
54A	Hawtree Basin	Tidal wetland restoration	H	Jamaica Bay	54
54B	Head of Hawtree Basin	Enhance intertidal and high marsh wetlands and phragmites control	H	Jamaica Bay	54
55A	Bergen Basin Bulkhead	Restore and enhance wetlands	H	Jamaica Bay	55
55B	Bergen Basin Western Point	Tidal wetland restoration	H	Jamaica Bay	55
55C	Bergen Basin Subway Site	Enhance intertidal marsh and debris removal	H	Jamaica Bay	55
56	JFK Shoreline Enhancement	Tidal wetland enhancement	H	Jamaica Bay	56
57	Mott Basin	Tidal wetland/upland enhancement and debris removal	H	Jamaica Bay	57
58 (1b)	Healy Avenue	Tidal wetland restoration, upland restoration and security guardrail	H	Jamaica Bay	58
59	Conch Basin, Southeast Shore Front	Wetland restoration and debris removal	H	Jamaica Bay	59
59B	Conch Basin, Head of Bay	Tidal wetland enhancement and debris removal	H	Jamaica Bay	59
60A	Sommerville Basin - East Side	Tidal wetland enhancement and phragmites control	H	Jamaica Bay	60
60B	Sommerville Basin - West	Restoration of tidal wetlands, debris removal and possible fishing access	H	Jamaica Bay	60
61	Vernam Barbados	Tidal wetland enhancement and debris removal	H	Jamaica Bay	61
62	Breezy Point	Dune stabilization	L	Jamaica Bay	62

Proposal Number and Site Name		Description	Rank	Location	Map Number
63 (32)	Bayswater State Park	Shoreline naturalization by removal of rip-rap and enhance the tidal wetland	H	Jamaica Bay	63
64	Floyd Bennett Field	Shoreline naturalization and tidal wetland restoration	H	Jamaica Bay	64
65	South Garden, Jamaica Bay National Wildlife Refuge	Fresh water pond creation	L	Jamaica Bay	
66	Beach 80th Barbadoes	Tidal wetland creation	H	Jamaica Bay	
67	Arverne Renewal Area, Beach to Bay Park	Recreational access	L	Jamaica Bay	
68	Jamaica Bay (Various Sites)	Phragmites management	L	Jamaica Bay	
69	St. Francis Seminary	Acquire sensitive parcels	H	Staten Island	

Section 4: Additional Projects

These projects were submitted too late to be included in the Reconnaissance Report, but were considered for prioritization in this document. Project numbers in parentheses are references to projects already in the Reconnaissance Report. Additional new project ideas may come up throughout this next planning phase that are not part of this document, but are potential candidates for restoration efforts. These potential projects may be considered for inclusion into the planning process.

The majority of the additional project proposals were submitted by New York City Department of Environmental Protection through the Army Corp of Engineers Preliminary Reconnaissance Study. These proposed projects are discussed below in proposal numbers 52 - 64. This study was undertaken because of an environmental restoration program designed to make environmental improvements to offset habitat degradation related to the Corp's activities past or present. In conjunction with such initiatives Jamaica Bay has been identified as a suitable candidate for such restoration. A preliminary report was generated from this study and addresses the impacts and potential restoration work. This preliminary work will require further study.

These environmental restoration programs require cost-sharing partners. Currently, NYCDEP is in the process of finalizing a study plan with the ACOE for a cost-shared feasibility study to investigate alternatives and develop detailed plans to implement this habitat restoration project for Jamaica Bay including measures to correct water quality problems. The Jamaica Bay Damages Account Restoration Project has been working closely with these two agencies on this initiative and has a desire to cost-share in the construction of recommended habitat restoration plans, making this effort a comprehensive federal state and local effort to this targeted ecosystem and to integrate all efforts of the agencies involved.

The remaining additional projects (proposals 65-69) were suggested by Gateway National Recreation Area staff, The Friends of the Rockaways and NYSDEC.

PROPOSAL NUMBER: 52

SITE: Gerritsen Inlet/Dead Horse Bay

MAP NUMBER: 52

PROJECT: Shoreline enhancement

TYPE: Restoration/clean up

PROPOSED BY: NYC DEP

DESCRIPTION: 1 acre of intertidal/upland restoration: debris removal, phragmites control, vegetation planting

ESTIMATED COST: \$40,310

PROPOSAL NUMBER: 53

SITE: Canarsie Beach

MAP NUMBER: 53

PROJECT: Wetland and upland restoration, upland cleanup, guardrail (for site security), upland planting

TYPE: Restoration

PROPOSED BY: NYC DEP

DESCRIPTION: 1 acre intertidal restoration, spartina planting, guardrail for securing site, site cleanup.

ESTIMATED COST: \$26,320

PROPOSAL NUMBER: 54-A

SITE: Hawtree Basin

MAP NUMBER: 54-A

PROJECT: Tidal Wetland Restoration

TYPE: Restoration

PROPOSED BY: NYC DEP

DESCRIPTION: Regrade upland to intertidal inundation levels, replanting

ESTIMATED COST: \$52,680

PROPOSAL NUMBER: 54-B

SITE: Head of Hawtree Basin

MAP NUMBER: 54-B

PROJECT: Enhance intertidal and high marsh

TYPE: Enhancement

PROPOSED BY: NYCDEP

DESCRIPTION: Regrading and phragmites removal/control, replanting. Possible trenching to restrict freshwater. (Not included in estimated cost).

ESTIMATED COST: \$128,250

PROPOSAL NUMBER: 55-A

SITE: Bergen Basin Bulkhead

MAP NUMBER: 55-A

PROJECT: Restore and enhance Tidal Wetlands

TYPE: Restore and Enhance

PROPOSED BY: NYCDEP

DESCRIPTION: Partially remove derelict shoreline stabilization structures, regrade and replant.

ESTIMATED COST: \$137,725

PROPOSAL NUMBER: 55-B

Bergen Basin Western Point
MAP NUMBER: 55-B
PROJECT: Tidal Wetland Restoration
TYPE: Restoration
PROPOSED BY: NYCDEP
DESCRIPTION: Removal of sludge storage building, regrade and replant both intertidal and high marsh
ESTIMATED COST: \$150,000

PROPOSAL NUMBER: 55-C

SITE: Bergen Basin Subway Site
MAP NUMBER: 55-C
PROJECT: Enhancement of Spartina Community
TYPE: Enhancement
PROPOSED BY: NYCDEP
DESCRIPTION: Debris removal supplemental by planting *Spartina alterniflora*
ESTIMATED COST: \$26,400

PROPOSAL NUMBER: 56

SITE: JFK Shoreline Enhancement
MAP NUMBER: 56
PROJECT: Tidal Wetland Enhancement
TYPE: Enhancement
PROPOSED BY: NYC DEP
DESCRIPTION: Substrate elevation, spartina planting.
ESTIMATED COST: \$436,000

PROPOSAL NUMBER: 57 (30B)

SITE: Mott Basin
MAP NUMBER: 57
PROJECT: Enhancement of tidal marsh and upland
TYPE: Enhancement
PROPOSED BY: NYC DEP
DESCRIPTION: Debris removal, grading and extensive planting
ESTIMATED COST: \$84,680

PROPOSAL NUMBER: 58 (1B)

SITE: Healy Avenue

MAP NUMBER: 58

PROJECT: Install guard rail, restore tidal marsh and upland, fishing access

TYPE: Restoration/Enhancement

PROPOSED BY: NYC DEP/ NYC Parks

DESCRIPTION: Remove concrete relieving platform, plant saltmarsh, restore upland meadow and stabilize dune.

ESTIMATED COST: \$200,000 +

PROPOSAL NUMBER: 59-A

SITE: Conch Basin, Southeast Shore Front

MAP NUMBER: 59-A

PROJECT: Restoration of shoreline and salt marsh

TYPE: Restoration

PROPOSED BY: NYC DEP

DESCRIPTION: Debris and fill removal, grading and replanting of saltmarsh vegetation (Note: add access restriction. This is not included in \$294,140.)

ESTIMATED COST: \$294,140 + \$36,000 for guardrail (1500 ft.)

PROPOSAL NUMBER: 59-B

SITE: Conch Basin, Head of Bay

MAP NUMBER: 59-B

PROJECT: Enhance tidal marsh habitat 1.25 acres

TYPE: Enhancement

PROPOSED BY: NYC DEP

DESCRIPTION: Remove asphalt and concrete rubble and revegetate.

ESTIMATED COST: \$93,900

PROPOSAL NUMBER: 60-A

SITE: Sommerville Basin - East Side

MAP NUMBER: 60-A

PROJECT: Wetlands enhancement through phragmites control

TYPE: Enhancement

PROPOSED BY: NYC DEP

DESCRIPTION: Upland debris removal, grading and replanting

ESTIMATED COST: ?

PROPOSAL NUMBER: 60-B

SITE: Sommerville Basin - West (Between DeCosta and Thursby)
MAP NUMBER: 60-B
PROJECT: Restoration of saltmarsh and fishing access.
TYPE: Restoration/Access
PROPOSED BY: NYC DEP
DESCRIPTION: Debris removal, grading, revegetation and possibly boat ramp construction
ESTIMATED COST: \$318,650

PROPOSAL NUMBER: 61 (3B)

SITE: Vernam Barbados
MAP NUMBER: 61
PROJECT: Enhance shoreline
TYPE: Enhancement
PROPOSED BY: NYC DEP
DESCRIPTION: Debris removal, grading and replanting
ESTIMATED COST: \$144,700

PROPOSAL NUMBER: 62

SITE: Breezy Point
MAP NUMBER: 62
PROJECT: Dune stabilization and marsh vegetation
TYPE: Enhancement
PROPOSED BY: NYC DEP
DESCRIPTION: Plant stabilizing beach vegetation to control erosion
ESTIMATED COST: \$27,710

PROPOSAL NUMBER: 63 (32)

SITE: Bayswater State Park
MAP NUMBER: 63
PROJECT: Shoreline naturalization
TYPE: Enhancement
PROPOSED BY: NYC DEP
DESCRIPTION: Remove rip-rap (concrete) in an area between the seawall and an emerged spartina area to enhance the existing spartina stabilization of the shoreline. (Addition to Audubon Project).
ESTIMATED COST: \$50,550

PROPOSAL NUMBER: 64

SITE: Floyd Bennett Field

MAP NUMBER: 64

PROJECT: Shoreline restoration

TYPE: Restoration

PROPOSED BY: NYC DEP

DESCRIPTION: Remove metal bulkhead, regrade upland and plant tidal marsh

ESTIMATED COST: \$242,450

PROPOSAL NUMBER: 65

SITE: South Garden, Jamaica Bay National Wildlife Refuge

MAP NUMBER: 65

PROJECT: Pond Creation

TYPE: Replacement

PROPOSED BY: Don Riepe, Jamaica Bay National Wildlife Refuge

ESTIMATED COST: Using the Return-A-Gift pond information, the digging of the pond by an excavator should be accomplished in a week's time at a cost of approximately \$20,000. The boardwalk blind, plantings, signage, etc. can be accomplished in-house at a cost of approximately \$10,000. Total Cost: \$30,000.

DESCRIPTION: Resource Management Proposal: South Garden Pond Creation

Rationale

During the past 10 years there have been several plans and attempts to create a small freshwater pond in a low-lying monoculture of phragmites just west of the South Garden area of the Wildlife Refuge District. A "Pond Suitability Study" conducted by Dr. Raul Cardena of Polytechnic Institute for the NY Audubon Society and Gateway NRA also listed this area as a candidate for placing a small pond. A paper entitled, "Management Strategies for Increasing Habitat and Species Diversity in an Urban National Park" (Cook, R.P. and Tanacredi, Jamaica Bay, T., 1990) extols the importance of freshwater habitats to species diversity.

Several years ago on Christmas Day, a fire burned about 5-6 acres of phragmites in the aforementioned area. The next Spring, many species of wading birds and waterfowl utilized the open, wet areas for foraging and roosting. As the area grew in, it became less attractive to wildlife. Creation of a small (1 acre), permanent, shallow, freshwater pond would provide a protected habitat for birds, mammals, herptiles, invertebrates and other wildlife. Such a pond would benefit visitors by affording close views of ibis, herons, egrets, etc. as they fly over the West Pond Trail to access the pond. In addition, a boardwalk and blind placed at the southeast section of the proposed pond would greatly enhance the park's "Watchable Wildlife" program by allowing easy access from the Visitor Center with closeup views for birders, photographers, school groups, seniors, disabled and the general public.

Pond size, depth, and configuration

Given the size of the general low-lying area of Phragmites bordering the South Garden, the pond should be at least 1 acre in size (200' X 200'). Depths should range from shallow, gradually sloped edges where

possible (1"-6") to mid depths of 4-5 feet. One section should contain a peninsula or finger of upland (40'-60') and a small island of fill in the center (10' X 6'). The shallow, gently sloped edges would provide habitat for shorebirds, and puddle ducks such as mallard, black duck and teal as well as ibis and herons. Deeper, center spots would ensure some standing water during mid-summer droughts. Some basking logs and brush would add sunning and nesting substrate for herptiles. Wood Duck and Tree Swallow houses would increase potential nest sites and interpretive value.

Plantings

Some planting of emergent and submergent vegetation such as duck potato, duck weed, pond lily, etc. should be tried as this would increase the pond's attractiveness both aesthetically and as a food resource for wildlife.

Boardwalk and Blind

Placement of a 100' boardwalk ending with a 16' X 8' blind at the southeast end of the proposed pond would provide visitor access without unduly disturbing most wildlife. It would be a great attraction to school groups and photographers as well as add a major point of interest to the South Garden area. It would also enhance the District's interpretation programs.

Proposal Number: 66

SITE: Beach 80th Barbadoes

MAP NUMBER: 66

PROJECT: Wetlands Restoration

TYPE: Restoration

PROPOSED BY: Friends of the Rockaways

ESTIMATED COST:

Reported topsoil theft on this industrial zoned site has led to a significant restoration of an intertidal wetland pool. In spite of rip-rapping, the tidal exchange exists and the pool contains killifish that are fed on bay egrets and other long-legged wading birds. Several years ago even a Great Blue Heron flew up near the northerly portion of the site environs of the pool.

This site has also been proposed for a big recycling plant (see Terrapin Point (proposal # 3) discussion. There was opposition that led to an agency TWA action that stopped the proposal and an operation that was unpermitted.

This site, aka "Rockaway Industrial Park", was in the early '70's proposed for light industry but there was discovered potential plans for a tank farm facility and plans were dropped.

Given that there is this succession and even patches of Spartina patens at the tip (in spite of dumped-on uplands) the site should be researched for acquisition with limited recreational development. The site welcomes people into Rockaway entering by subway and there is sensitivity to the impression an industrial dump and waste station produces on the watershed of Jamaica Bay. If there has to be some development, there have to be monitored performance standards. NYS DOS Enforcement Division produces little evidence of monitoring of local waste activities.

PROPOSAL NUMBER: 67

SITE: Arverne Renewal Area, Beach to Bay Park

MAP NUMBER: 67

PROJECT: Habitat Preservation and Recreational Access

TYPE: Restoration

PROPOSED BY: Friends of the Rockaways

ESTIMATED COST:

Friends of Rockaway, Inc. has sought habitat protection for this 308 acre renewal area site on the Atlantic side of Rockaway and for any development proposals to be in compliance with the 44 NYS CMP policies (and the 12 NYC related policies). There is a Duke Kahanamoku Way legal dedication at B38th Street (as entrance to an official surfing beach dedicated to father of American surfing Duke Kahanamoku) that we pioneered as a water-dependent use symbol. We have also proposed a Matthew Henson African American Coastal Hero Park (polar explorer under Peary expedition-neglected though arrived at North Pole first when Peary took ill) for a Beach to Bay facility.

Furthermore, to promote sensitivity to coastal erosion and to protect habitat we have proposed resiting the boardwalk inland B20's to B50's 200-400' along a crescentic arc the perceived natural northeaster HTL in the reach (personal observation and checking of charts and aerial photographs). Dedication to the Martyred Civil Rights Workers (Chaney-Schwerner-Goodman) would be appropriate for this Sprayview Promenade proposal (for Sprayview Avenue behind the boardwalk there).

But the site is being strip-mined, dumped on, mismanaged (still R5 high densities are found at Beach 38th where the erosion is strongest and where beach as along the arc lasts only one winter storm cycle (such is the boondoggle fund wastage (FEMA/COE/NYS taxpayers).

More conservation is needed for the site and water dependent use and related recreational economic developments. A feasibility study could be funded to determine such development with habitat sensitive planning. This can be tied to exploration of upgrading NYC Parks Department Boardwalk and promenade facilities for interpretive activities of park rangers and even volunteers. There is much neglect of this boardwalk and its potential for waterfront revitalization. This is the shame of NYC and NY State!

A symptom of neglect is to find the NJ Liberty Park site mentioned as a succession habitat sensitive one in the CCMP but not the Arverne site where piping plovers try to nest, checkered white butterflies fly, monarch butterflies stream through late summer and fall, owls and hawks feed, cotton tail rabbit survive, etc. The Parks Department has a beach waste transfer station B64th-B65th near the boardwalk-such is its management concerns. Boardwalk tunnels for access by its trucks allegedly represent erosion threats-such is it management concern!

The NYCDOS topsoil strip miners have had seemingly more jurisdictional power over the habitat there than NYC parks so it is indeed a strange management program for a waterfront!

Would the Damages Account program consider funding a feasibility study for a new waterfront program that makes sense? Experienced planners are available to perform the analysis for such a waterfront program.

Such a plan would be good for both new and older residential developments.

PROPOSAL NUMBER: 68

SITE: Jamiaca Bay (Various Sites)

MAP NUMBER: 68

PROJECT: Mosquito Mitigation

TYPE: Restoration

PROPOSED BY: Friends of the Rockaways

ESTIMATED COST:

This is proposal # 14 pg 38 Phragmites Management/Restoration- Habitat Alteration with an "Open Marsh Water Management" focus (see discussion there)! Other methods are called for too for grass-roots funding. *To repeat will the Damages Account program fund such a local program?* It makes more sense than the construction-type proposals listed as worthy as they may be. *Public health and outdoors enjoyment are at a premium for this selection. If there is disagreement please will you explain?*

PROPOSAL NUMBER: 69

SITE: St Francis Seminary

MAP NUMBER: 69

PROJECT: Land preservation by purchase

TYPE: Acquisition

PROPOSED BY: NYSDEC Bureau of Lands and Forests

ESTIMATED COST: \$14,000,000

This beautiful glacial woodland and pond has both recreational and watershed protection values, its habitat value for butterflies, birds and wildlife give this area a high priority for acquisition . It would be a great addition to the Greenbelt.

Section 5: Written Public Comment on the Reconnaissance Report

The following written comments were submitted by individuals and organizations on the Reconnaissance Report. The comments are reproduced as nearly as possible to the originals. However, attachments such as reports and newspaper articles have not been included. Many of the comments raised were answered in Section 1, General Response to Public Comment, however, comments containing very generalized statements and/or objections or support of the recommended action are responded to, often only requiring an acknowledgment of the commentator's position and/or a reference to a particular section of the document. When appropriate, specific comments within a given letter will be answered individually. The comments and responses are numbered sequentially only for reference purposes.

Number: Comment 1
Comment From: New York Coastal Fishermen's Association
Contact Information: Elizabeth Barbanes
Attorney at Law
103 South Bedford Road, Suite 106
Mount Kisco, NY 10549
(914) 241-0522
Telefax (914) 241-0747

re: Restoration of Natural Resources through the Jamaica Bay Damages Account: Reconnaissance Phase Report

The following are the written comments of the New York Coastal Fishermen's Association ("Fishermen"), the plaintiff in an action brought against the City of New York for violations of the Clean Water Act at the Pelham Bay Landfill, see New York Coastal Fishermen's Association v. Dep't. of Sanitation:

Comment # 1: As a threshold matter, the Fishermen believe that the use of "fast track" criteria is inappropriate for the determination of allocation of funds from the JBDA. Due to the inherently subjective nature of the criteria, the only sites which are designated "fast track" are located in Jamaica Bay. Three sites were designated "fast track" all due to three conditions which the Committee determined exist: "1) There is a potential development of these parcels as private homes; 2) Is one of very few developable shoreline properties in the area; 3) Advantage can be taken of depressed real estate market to pay a reasonable price." However, these conditions could be said to exist anywhere in the City where there is waterfront access. In the Bronx, for example, waterfront properties are being developed at an alarming rate.

The Committee enumerated six conditions which are to be considered "High Priority". For the three sites designated as "fast track", only one of the six conditions ("Development Pressure") has been met. In Eastchester Bay, the sites which have been listed should qualify as "fast track" because more than one of the six High Priority conditions have been met. For example, Proposal #41, Map #24, Pelham Bay Park, is a Protected Land ("High Priority" Mr. condition number 4) and is also a site with "Diverse Natural

Values" ("High Priority" condition number 2), as well as an area with actual or potential natural values ("High Natural Values", "High Priority" condition number 1). This is just one example of the flawed logic associated with ascribing values to the projects which would qualify the sites for "fast track" consideration.

Comment #2: The "Background Information" is incomplete and misleading. The information drafted regarding Eastchester Bay/Pelham Bay Park (page 3 of the "Recon Report") appears to have been drafted by someone with little or no understanding of the significance of the ecosystem in existence in the area. Eastchester Bay, the largest bay on the northern coast of the Long Island Sound, like Jamaica Bay, is an estuarine ecosystem with tidal wetlands, upland fields and woods, active and inactive parkland and open space.

There are rare intertidal communities that have been given special recognition by the New York State Natural Heritage Program.

Like Jamaica Bay, Eastchester Bay also has large numbers of species of birds and fish. There are more than seventy-nine (79) species of invertebrates in both the marine and freshwater systems. The intertidal ecosystems of Eastchester Bay are productive nurseries for the Long Island Sound fishery.

Eastchester Bay has lost significant amounts of wetlands to development, with continuous encroachment through misuse and absolute destruction. This includes the filling of wetlands on Rodman's Neck at the Police Firing Range for use as a bomb explosive and disposal pit. This bomb disposal pit was built over *Spartina patens* without, we believe, any liner or other method to protect the ecosystem. Eastchester Bay may have only one landfill, but unlike Jamaica Bay, it suffers from fifty-four (54) acres, including wetlands filled for the bomb pits, used by the Police Department for its outdoor firing range.

Comment #3: The specific proposals in the vicinity of the Pelham Bay Landfill need further elucidation.

Proposal #13, Map 24 - Turtle Cove. Bank regrading and the restoration of tidal flushing is critical to the future of this critical environmental area. In addition, unencumbered public access by wading fishermen has caused serious damage to the intertidal marsh located in the cove. The construction of an elevated wooden catwalk or pier should be considered to relieve this pressure.

Proposal #37, Map #27, - Palmer Inlet. This inlet, less than one-half mile south of the Pelham Bay Landfill, is the only productive wetland remaining on this part of Eastchester Bay. It is rimmed with *Spartina alterniflora*, has an intact Indian Fishing Weir and several types of natural communities, such as mud flats, sandy and rocky. There is a large fiddler crab community and each Spring countless horseshoe crabs lay their eggs on the sandy shores.

Most of the Inlet is surrounded by private residences, but on the north side exist the last undeveloped properties on the Western Shore of Eastchester Bay.

Specific proposals for Palmer Inlet are as follows:

1. Restore the continuous flushing by restoring brook that was diverted in 1987.
2. Ditching to discourage phragmites takeover of salt marsh- also the removal of encroaching lawns.
3. Improve tidal flushing by removing or cutting up abandoned wrecks and old concrete pier.

Since the loss of the brook, Palmer Inlet has rapidly been filling with sediment. While some local residents favor the idea of dredging, the Fishermen believe that the benefits of dredging will be short-lived absent the restoration of effective flushing.

Proposal # 41, Map #24 - Pelham Bay Park

Project - In addition to removal of concrete from the shoreline, there should be a restoration of intertidal marsh, which has already begun. There should be the movement of boulders to create a wave buffer and increased limited public access for bird watching and fishing.

The Fishermen believe that not enough consideration was given to the varied and sensitive ecosystems around the Pelham Bay Landfill. Eastchester Bay is every bit as important ecologically as Jamaica Bay both from a marine resources standpoint and as part of the flyway for numerous migratory birds.

In addition, as my client has a "special interest in the Jamaica Bay Damages Account planning process" (see Public Meeting Agenda, page two) I would like to request a meeting be scheduled between DEC staff personnel and members of the Fishermen to more fully discuss our comments and ask questions regarding the planning process.

Response 1

"Fast track status was assigned to 3 projects that not only met the rationale for "fast track" designation but also ranked high in the project selection criteria. Many properties within each ecosystem discussed in this report are vulnerable to development and rank relatively high in project selection criteria. However, the JBDA is a limited resource for both acquisition and restoration of properties.

Eastchester Bay is an important resource and several projects within Pelham Bay Park are being more extensively researched for restoration.

Number: **Comment 2**
Comment From: Bronx Council For Environmental Quality
Contact Information: Jorge Santiago
P.O. Box 526
Bronx, NY 10475
(718) 671-9519

The comments below are my responses to the October 11, 1994 meeting regarding the Jamaica Bay Damages Account Reconnaissance Report. At the meeting I emphasized that Bronx Projects should have their own fast track priority list, separate from those of Jamaica Bay. Here I summarize which projects the Bronx should have the highest priority.

Eastchester Bay, the Hutchinson River, and western Long Island Sound are, historically, one of the best fisheries in the whole estuary surrounding New York City. Nesting and migratory birds number in the hundreds, and this area, and unlike Jamaica Bay or any other area nearby, it is still home to one of the

original sea mammals of the area, the harbor seal. Because the Bronx coastline is a rocky shore with marshes, mudflats, as well as sandy shoreline from constructed beaches, it has more diverse habitat than any other area in the City. The restoring of these habitats should receive the highest priority for funding since restoration will both remediate water quality, and add to the richest ecology in New York City.

Pelham Bay Lagoon (Proposal 10) is the highest quality mudflat, saltmarsh, and oak forest habitat in New York City and the surrounding area. The NYC Parks Department plan to protect the forest edge here with restored saltmarsh can extend the oyster beds of the lagoon, some of the largest in New York, and increase foraging areas for brant and other birds. This is a highest priority project.

Turtle Cove (Proposal 12) has been made into a pond with more and more water added because the conduit under the roadway has partly collapsed. More than five species of wading birds and more than ten species of diving and dabbling birds can commonly be seen there. Opening the area to salt water would eliminate the phragmites reed which is starting to take over. The Parks plan to regrade can increase saltmarsh, improve flounder habitat by making the waters deeper, make 'islands' for nesting birds, as well as protected feeding habitat. This is a highest Priority project.

The marshes and upland between Ditmars and Tier Streets on City Island (Proposal 39) is already fiddler crab habitat, and was historically a creek frequented by herring and other trash presently dumped here. This area could also be used to treat storm water with native plants, improving the environmental quality of the site and water quality in Eastchester Bay. This is a highest priority project.

Palmer Inlet is one of the few remaining creeks of eastern Bronx. Efforts to establish a fair price for the adjoining land (Proposal 37) should be made as soon as possible, since illegal dumping has already occurred, probably in order to develop the area in ways which are not friendly to the nearby high quality estuary habitat and historic fishing weir preservation.

There is a mistake in the Reconnaissance Phase Report for the Restoration of Natural Resources through the Jamaica Bay Damages Account (Sept. 30 1993) which should be corrected. It states that: "Currently there are significant post-closure actions occurring to remediate the effects of dumping toxic substances at the (Pelham Bay) landfill" (page 3). Unfortunately, the closure plans for the Pelham Bay Landfill involve only capping and pumping of leachate to the Hunts Point Sewage Treatment Plant. Neither of these is "remediation", since they do not remove toxics in the landfill sediments, or protect Eastchester Bay from toxics swept out by the tides. Sending toxic leachate to a sewage treatment plant already at capacity is not remediation.

Response 2

The projects mentioned within your letter are already high priority projects, please see Section 3 for Priority Ranking of Projects and Section 1 for General Response to Public Comment.

Number: **Comment 3**
Comment From: Bronx Council for Environmental Quality
Contact Information: Helen C. Reel
160 Pilot St. Apt 424 City Island
New York, NY 10464-1639
Phone (718) 885-3383

Please send copy of Consent Order. Please consider sand replenishment at Orchard Beach.

Response 3

The JBDA was set up for the purpose of restoring, replacing or acquiring the equivalent of natural resources determined to have been injured by the landfills. Sand replenishment does not rank high in project selection criteria as outlined in Section 2 of this report.

Number: **Comment 4**
Comment From: Fran Reiter Deputy Mayor of Planning and Community Relations
Contact Information: The City of New York, Office of the Mayor
New York, NY 10007

I am writing concerning the distribution and use of the Jamaica Bay Damages Account (JBDA) as described in the September 30, 1994 Draft Reconnaissance Report on *Restoration of Natural Resource through the Jamaica Bay Damages Account*. The report contains many proposals that would improve the quality of the natural areas throughout the city and support the City's substantial investment in habitat protection. Our Departments of City Planning, Parks and Recreation, Environmental Protection and La have reviewed the report, and we have several recommendations. Accordingly, I am enclosing a list of the acquisition and restoration projects the city believes would be the best use of these funds.

First, the City should play a significant role in how these JBDA funds are allocated and our priorities should be given primary consideration in their distribution. The landfills and the environmental degradation they have caused are located within New York City. The original \$7 million of the JBDA, which we understand has increased to over \$8 million with interest, was obtained in part as a result of lawsuits brought by the City. The City's efforts were instrumental in the creation of this fund.

Second, it is our position that the fund should be distributed proportionally among the areas impacted by the five landfills. Therefore, we support a division of JBDA that would use 1/5 in Staten Island, 1/5 in the Bronx, and the remaining 3/5 in Jamaica Bay (Brooklyn and Queens). The projects on the attached list are in order of priority for each borough assuming this proportional distribution of the funds.

Third, we believe that these funds should be used primarily for the acquisition and restoration of habitat. Use of these funds for other expenses should be limited. For example, some staffing expenses will be necessary in order to implement the chosen proposals, however these should be kept to a minimum.

Finally, the report does not discuss how the proposed sites will be managed or their future ownership

once the projects are completed. Since many of the suggested project sites are adjacent to or near City Parklands, we should like to work with the DEC to coordinate management schemes and identify appropriate ownership for the chosen projects. We recommend that for any property purchased using JBDA, additional money from this fund be allocated for securing the perimeters of the acquired or restored properties from the illegal dumping and inappropriate access that are a constant threat to our natural areas. Restoration money is particularly critical for any sites in Jamaica Bay, including those already acquired for buffering the bay as well as any future acquisitions. We believe that a portion of these funds should be set aside as a dedicated source of money to be used for the ongoing care of any acquired natural areas. This will provide not only for the protection of the land but also for the preservation of the habitats located on these properties.

The JBDA provides a means of creating a lasting gift to the people of New York and would help to ensure the beauty of natural areas throughout the city. We look forward to working with your agency toward our shared goal of habitat improvement within New York City. Wilbur L. Woods, Director, Waterfront and Open Space Division, Department of City Planning has been coordinating the review efforts of the city agency staff members. Mr. Woods can be reached at (212) 720-3523 to arrange further discussion of these issues.

Thank you for your time and attention to our concerns.

Response 4

We have included New York City's input to help in DEC's decisions on how the funds are distributed. Please see Section 1- General Response to Public Comment.

Number:	Comment 5
Comment From:	NOAA/ NMFS
Contact Information:	Michael Ludwig 212 Rogers Avenue Milford, CT 06460-6499 Phone: (203) 783-4228 Fax: (203) 783-4295

The document appears to be quite thorough and representative of the discussion held last year. We're not convinced that land purchases represent the best use but can understand the desire to use the funds for such activities. Nice job on the document.

Number: Comment 6
Comment From: U.S. Army Corps of Engineers
Contact Information: Len Houston
26 Federal Plaza
New York N.Y. 10278
Phone: (212) 264-1275
Fax: (212) 264-5472

As you requested, I have attached 2 copies of our recon evaluation of restoration potential in Jamaica Bay. As you can see, a strong case for a Federal interest in understanding a restoration project in the bay exists. If a cost-sharing sponsor were available, Federal funds to study and design a suitable project could be applied for, with construction to follow. This is a high-interest project and funding would have a good chance of being approved, providing the project fit our guidelines and was reasonably certain to successfully provide significant ecosystem improvements for the bay. Though we can't recommend land acquisition, here are a number of habitat creation/restoration effects that fit our guideline and are compatible with project identified in Recon rpt and with NYC-DEP comprehensive watershed mgmt plan. I believe Federal funding for such an effort would greatly expand the work you propose to do, and stand ready to discuss them with you in the near future. Don't hesitate to call with question.

Response 6

Please see Section 4-Additional Projects.

Comment: Comment 7
Comment From: Protectors of Pine Oak Woods, Inc.
Contact Information: 80 Mann Avenue
Staten Island, NY 10314
(718) 761-7496

re: Comments on Phase I, Jamaica Bay Damages Account

Protectors of Pine Oak Woods, Staten Island's land conservation, park advocacy, wetlands defense organization, appreciates the opportunity to comment on issues, criteria for prioritization and selection of projects, procedures for administering the Jamaica Bay Damages Account and for coordinating with other groups, and the opportunity to recommend projects which Protectors believes should be financed by the Jamaica Bay Damages Fund.

This letter will comment on philosophical and procedural issues raised in the report. An accompanying letter will discuss and provide support documentation for Protectors' recommendations for funding of projects on Staten Island.

Comments on Types of Projects:

Highest priority - acquisition/protection of intact freshwater and tidal wetland resources which provide purified, nutrient-rich waters to marine resource areas/coastal areas damaged by the hazardous waste dumping in the five City landfills, resulting in fines which comprise the Jamaica Bay Damages Fund.

Wetland resources to be acquired need not be within the same estuary when, as is the case at the Brookfield Landfill/Richmond Creek hazardous waste dump site, all of the estuary is already in public ownership as a continuing landfill site (Fresh Kills Landfill) and in parkland (LaTourette Park and the Wm. T. Davis Wildlife Refuge). Jamaica and Eastchester Bays are defined as the ecosystems affected; the S.I. eco-system affected includes Richmond Creek, the Arthur Kill and the Raritan Bay, not Richmond Creek alone.

Acquisition is the highest priority because lands lost are gone forever - there is no effective way to recreate or replace them.

Next Highest priority - restoration of freshwater and tidal wetland resources, as above.

Last priority - replacement of resources. Protectors feels there are so many worthy S.I. acquisition projects and so many apparently worthy restoration and acquisition projects Citywide that, considering the limited assets of the Jamaica Bay Damages Fund, replacement projects should not be attempted.

Comments Regarding Adding to the List of Possible Projects on S.I.

While Protectors could generate additional Staten Island projects which may be appropriate, for example, acquisition and restoration of the Finlay and Carteret Street feeder sources of AR-15, the Ward's Point Wetland within Conference House Park (see our letter of 9/7/94 to Phyllis Atwater and Jim Gilmore and the 9/8/94 letter of the Conference House Park-Raritan Bay Conservancy to Jim Gilmore), and evaluation of the costs and benefits involved in this and other potentially additional projects and the limited Jamaica Bay Damages Funds available, we conclude it is unwise and unhelpful to suggest other projects which might detract from those already proposed.

Number: Comment 8
Comment From: Sally Robusto
Contact Information: 7 Poillon Avenue
Staten Island, NY 10312

re: Comments on Restoration of Natural Resources through the Jamaica Bay Damages Account
Reconnaissance Phase Report.

I am not a scientist or a marine biologist, but I am a resident of Staten Island and I would like to see what is left of our woodlands saved from development. I have come to learn that streams, ponds and other waterways play a very important part in our eco-system and flood management. If you lived on Staten Island, you would understand that flood management is a very necessary part of our lives here because there are many areas that experience severe flooding. It is for that reason, and the fact that I care about

saving our trees, streams and ponds, that I urge you to allocate funding for protection of the Paw Paw ar Hybrid Oak Woods areas. These are rare trees which have been studied since 1888 and should remain protected for all to see and enjoy. Also, the wetlands and waterways in these woods, bring fresh water filled with nutrients to the Raritan Bay area. Developing 400 MORE homes on Staten Island will bring no benefit to those already living in congestion here and certainly will NEVER benefit a shrinking woodland.

WE NEED TO SAVE MORE OF OUR OPEN SPACE AREAS - not develop them. PLEASE HELP SAVE PAW PAW AND HYBRID OAK WOODS.

Sally Robusto

Number: Comment 9
Comment From: Ellen O'Flaherty Pratt
Corresponding Secretary
Contact Information: Protectors of Pine Oak Woods
80 Mann Avenue
Staten Island, NY 10314

re: Jamaica Bay Damages Account

Enclosed is an article, "Ecologists Read the Rolls of Vanishing Species on Staten Island," which appeared in the October 18, 1994 Science Times section of *The New York Times*.

This article relates to our recommendation that the Tottenville Wetlands - Paw-Paw-Hybrid Oaks Woods, a botanical treasure house, be fast tracked for acquisition in implementing the Jamaica Bay Damages Account.

[Article attached]

Number: Comment 10
Comment From: Michael G. Arale
Contact Information: 203 Fairview Avenue
Staten Island, NY 10314-3062

I feel that it is important that a portion of the fine monies collected from the Brookfield/Jamaica Bay remedial fund be used to purchase the area known as the Paw-Paw Hybrid Oak Woods on Staten Island. The area in question is located between Page Ave and Joline Ave on the water side of Hylan Blvd in the Tottenville section of Staten Island. If this area is not purchased soon I fear that it will be developed shortly. Since this area contains rare hybrid oaks as well as paw-paws, I feel that it must be saved now before it is too late.

I am a board member of the Protectors of Pine Oak Woods, Inc. who also support this proposal to acquire the above mentioned parcel of land. Since this land contains the only stand of hybrid oaks in the state, we feel that this land is worth saving. Thank you for your time and consideration in this matter.

Number: **Comment 11**
Comment From: Mrs. Louise Phillips
Contact Information: 112 Green Valley Road
 Staten Island, NY 10312

I am writing to ask you to help us preserve the PAW PAW woods/hybrid oak woods in Tottenville, Staten Island. I understand that about \$7 million dollars has been set aside from corporate fines for environmental preservation. It is extremely important that some of these funds be used to preserve this portion of the Tottenville wetlands that is so vital to our ecosystem.

Thank you for your attention to the opinion of Staten Islanders on this issue.

Number: **Comment 12**
Comment From: John and Kathleen Heller
Contact Information: 44 Guyon Avenue
 Staten Island, NY 10306

With regard to the \$7 million fund referred to as the Jamaica Bay Damage Fund, I strongly suggest that a substantial part of this fund be earmarked for the acquisition of wetlands in the Tottenville section of Staten Island known as the "Paw-Paw and Hybrid Oaks."

Number: **Comment 13**
Comment From: Celine P. Joyce
Contact Information: 38 Bent Street
 Staten Island, NY 10312

Re: Paw Paw Woods and Hybrid Oaks Woods, AR-15

This \$7 million dollars that is being held must be used to protect various areas here on Staten Island.

Staten Island does maintain the world's largest dump and anything that can be done to help the wetlands and waterways.

Please allocate the necessary funding to protect the Tottenville waterways and the above referred two wooded areas.

Number: Comment 14
Comment From: Helen Hauber
Contact Information: 70 Delaware Ave.
Staten Island, NY 10304

Please use the money available to preserve the area known as AR-15 wetland, the Paw-Paw Woods area - Hybrid Oaks Woods. I understand the owner is the Hybrid Oaks Woods. & L. Development Corporation. Tottenville, Staten Island is still an area we can enjoy in a virgin state.

Number: Comment 15
Comment From: Jean Taylor Freedman
Contact Information: 98 Keegans Lane
Staten Island, NY 10308

I am writing to you because of my passionate interest in saving the Paw-Paw Woods Hybrid Oaks Woods of Tottenville, Staten Island. This part of the Tottenville Wetlands is designated AR15.

I am the Land Trust/Nature Conservancy Chairman for the Federated Garden Clubs of New York State, Inc. and have long been interested in preserving this wonderfully rare pristine area.

I understand there are funds available for this now, namely the Jamaica Bay Damages Account supervised by NYSDEC. If the money is divided five ways and one-fifth goes to the Borough of Richmond, I would like to see it go to save the Paw-Paw-Hybrid Oaks Woods, parcel AR15.

In addition to being the site of many rare trees and plants, a large wetland system of streams and marshes drains eastward through the two blocks to be acquired into the Butler Manor wetlands, entering the Raritan Bay south of Butler Manor. This wetland system, AR-15, delivers purified and nutrient rich fresh water to the Bay heavily used for resting and feeding by migrating ducks and other waterfowl.

Number: Comment 16
Comment From: Olga Federeco
Contact Information: 376 Guyon Ave.
Staten Island, NY 10306

The seven million dollars which have been earmarked for acquiring agency[?] environmentally sensitive areas, included in the areas should be the Hybrid Oaks Woods Paw-Paw Woods in the Tottenville end of Staten Island.

The trees of the area are unique for this area being the most northerly Paw Paws on the east coast and the oaks a unique hybrid.

The are part of AR-15, south of Hylan Blvd. and west of Page Avenue.

Number: Comment 17
Comment From: Barbara Hosie
Contact Information: 973 Carlton Blvd.
Staten Island, NY 10312

I'm writing to encourage you to vote some of the moneys available to preserve the Paw Paw Hybrid Oaks Woods which are part of the Tottenville Wetlands, designated AR15.

We are living very close to the Brookfield Landfill, not to even mention the horrible Fresh Kills Landfill.

All the land we can save for our grandchildren is an investment in their future.

Here on Staten Island we are inundated with new housing, enough is enough.

Number: Comment 18
Comment From: Mrs. G. Hicinbothem
Contact Information: 168 Lovelace Ave.
Staten Island, NY 10312

As a resident of Staten Island I would highly recommend the funds available to be spent on the Paw-Paw Woods and Hybrid Oaks Woods project. It is part of the Tottenville wetlands, AR-15.

Since these funds were obtained in the form of fines which had damaged the land it only seems fitting to put nature back the way it was.

Number: Comment 19
Comment From: Borough of Staten Island Community Board 3
Contact Information: Alfred J. Brumme, Chairman of the Board
Charles P. Talley, Ph.D., Chairman, Environmental Committee
655-218 Rossville Avenue
Staten Island, NY 10309

Thank you for the opportunity to comment upon the use of the Jamaica Bay Damages Account.

Community Board #3 encompasses many crucial freshwater and tidal wetland resources which are important to the health of the Arthur Kill and Raritan Bay. Since the Brookfield and Fresh Kills landfills are wholly or partially located within Community Board #3 and since their improper operation has resulted in damage to the Arthur Kill and Raritan Bay, we consider it fitting that restorative projects in Community Board #3 which directly effect the improvement of the Arthur Kill and Raritan Bay should be funded.

At the October 25, 1994 general Board meeting, Community Board #3 on Staten Island passed the following motion unanimously:

"that the Staten Island portion of the illegal landfill dumping fines be used to purchase the parcel bordered by Hylan Boulevard, Raritan Bay, Richard Avenue and Joline Avenue and that these parcels be added to the Conference House Park."

These boundaries include Paw-Paw Woods /Hybrid Oaks Woods and the Butler Manor wetlands and coastal area.

Community Board #3 believes that the acquisition and preservation of these two major freshwater wetland feeder systems which flow into Raritan Bay will help compensate for the damages to water quality and marine life caused by the Brookfield landfill toxic waste dumping. We are concerned that no other funding sources have been identified for these acquisitions, presenting an excellent opportunity for the use of some of the Jamaica Bay Damages Account.

Number: Comment 20
Comment From: Melissa DeRenzi
Contact Information: 10 Mason Bv.
Staten Island, NY 10309

Re: Site # 51: Paw-Paw Woods, Tottenville, SI, NY

As a native Staten Islander (third generation) I feel I am obligated to write and plead with you to help Staten Island maintain some of its pristine qualities, which I think can be obtained by adding Carteret Street and Finlay Street Streams to Proposal # 51. Carteret Street Stream has already been damaged by developers and needs repairs; let's not let more damage occur before ever important repairs they feed the AR-22 Wetland System in Conference house park. Again is not just the folly of some nature nut; (which I am) it is reality that our quality of life here on Staten Island has declined greatly the past 15 years. Let's try to help our future generation as well as the present.

Thank you in advance for your consideration.

Number: Comment 21
Comment From: C.H.P. Raritan Bay Conservancy
Contact Information: 263 Manhattan Street
Staten Island, N.Y. 10307
Phone: (718) 356-6368

The Conference House Park Raritan Bay Conservancy is in full support of the JBDA proposal 3 51 - land acquisition - purchase of the Paw-Paw/ Hybrid Oaks Woods in Tottenville Staten Island, N.Y.

However, we feel proposal # 51 should also include the two AR-22 wetland feeder streams and small surrounding woodland south of Kylan Blvd. on Carteret St. and Finlay St. A letter, map, and photograph of these areas has been sent to James Gilmore explaining the importance of preserving these streams and showing their exact location. It is also important that you, receive input and information from community based organizations. Since the Conservancy is Tottenvilles environmental organization, we are sending the attached two-page letter, to explain more fully why we are requesting the preservation of both of these areas. Thank you.

Number: Comment 22
Comment From: Beatrice Nicholson
Contact Information: Nov. 2 1994
78 Poillon Ave.
Staten Island N.Y. 10312

I'm writing to ask you to help us preserve the PAW PAW Woods Hybrid Oak Woods in Tottenville, Staten Island. I understand that about \$7 million dollars has been set aside from corporate fines for environmental preservation. It is extremely important that some of these fines be used to preserve this portion of the Tottenville wetlands that is so vital to our ecosystem.
Thank you for your attention to the opinion of Staten Island on this issue.

Number: Comment 23
Comment From: Taiou Uoycocal
Contact Information: 442 Beach Road
Staten Island NY 10312
November 1, 1994

I understand there are funds available for saving the PAW PAW Hybrid Oak Woods of Tottenville, Staten Island. (Wetland system AR-15). As a resident of Staten Island for 23 years I feel a portion (15 or more) of this money should go to this project. Thank you

Number: **Comment 24**
Comment From: Edward W. Johnson
Contact Information: Staten Island Institute of Arts and Sciences
75 Stuyvesant Place
Staten Island, N.Y. 10301
Phone: (718) 727-1135
Fax: (718) 273-5683

The attached documentation refers to Staten Island Proposal 51, PAW PAW Woods. It serves to update information on the site, which is more properly called the Hybrid Oak Woods, since these are the more significant plants found on the site. Historical information on the site is also provided.

Number: **Comment 25**
Comment From: Richard T. Lynch Professional Botanist
Contact Information: 17 Monroe Avenue
Staten Island, NY 10301
Ph: 718-273-3740
Fax: 718-273-3740

Comments (Attach additional pages if necessary):

The Staten Island Willow Oak/Hybrid Oak Forest is perhaps the rarest plant community in New York State. I strongly urge to increase the budget for acquiring this land, which was incorrectly delineated by NYC DPR staff. I again urge NYS DEC to review the wetland boundaries of AR-15 in the vicinity of the willow oak forest. Except for built structures, almost the entire site is quercus bicolor/acer rubrum swamp forest.

Please review the enclosed document, a proposal to create a willow oak/hybrid oak biological reserve in south Richmond. We hope to have this issue acted upon by the NYC Council. I would appreciate you input.

Richard T. Lynch
November 3, 1994

P.S. Add'n material by mail.

Number: Comment 26
Comment From: Karen Woytowich
Contact Information: 442 Beach Road
Staten Island, NY 10312
November 1, 1994

Dear Sirs,

I understand there are funds available for saving the Paw-Paw-Hybrid Oak Woods of Tottenville, State Island (Wetlands system AR-15). As a resident of Staten Island for 23 years I feel a portion (1/5 or more) of this money should go to this project. Thank you.

Cordially,

Karen Woytowich

Number: Comment 27
Comment From: Protectors of Pine Oak Woods, Inc.
Contact Information: Richard Buegler, President
80 Mann Ave.
Staten Island, NY 10314
PH: (718) 761-7496

James Gilmore, Director
Division of Natural Resources
NYS Department of Environmental
Conservation - Region II
47-40 21st Street
Long Island City, NY 11101

Re: Recommendation of Projects, Phase I,
Jamaica Bay Damages Account

Dear Mr. Gilmore,

Protectors of Pine Oak Woods recommends that the "Staten Island portion" of the Jamaica Bay Damages Fund be used to purchase block 7806, S.I., the Canada Mayflower/Highbush Blueberry Forest (Joline Avenue east to Bedell Avenue, Hylan Blvd. south to Conference House Park-Raritan Bay) and portions of blocks 7780 and 7775, the Paw Paw-Hybrid Oak Woods (Bedell Avenue east to Page Avenue, Hylan Blvd. south to Conference House Park-Raritan Bay) as indicated in Appendix A which is also page 9 of the Proposed Acquisition Sites/Boundaries Map contained in the September, 1994 N.Y.C. Department of Parks Natural Resources Group report on Long Pond-Butler Manor, enclosed herewith as Appendix B.

Why the Tottenville, Wetlands - Paw Paw-Hybrid Oak Woods?

Protectors call the area noted above, which is recommended for acquisition in the unified comment of New York City, the Tottenville Wetlands - Paw Paw-Hybrid Oak Woods.

Many acquisition-preservation projects are proposed and/or underway on Staten Island. Even though this same PawPaw-Hybrid Oak Wood project has been included on the N.Y.C. region's priority list prepared for the 1994 Draft Conserving Open Space in New York State plan, it is extremely unlikely these parcels, which are extremely endangered by development, could be purchased with Environmental Protection Fund (EPF) monies. Two "big ticket" high expense parcels - the gravely endangered St. Francis Seminary woodlands and ponds - and Pouch Scout Camp in the Greenbelt are the highest priority items. Both of these Greenbelt parcels are highly visible, highly recognizable recreational and wildlife habitats possessing the same glacially sculpted knob and kettle unique areas woodlands found at the adjacent DEC-owned Camp Kaufmann. Both are competing for scarce EPF monies with other statewide projects.

A project which appears on the Summary of Project Proposals list of the Jamaica Bay Damages Account Phase 1 Report, restoration and acquisition at the Harbor Herons Park-Preserve now in formation in northwestern W.I., is admittedly in closer proximity to the damaged Brookfield Landfill site. The Harbor Herons Complex is already receiving \$5 million in Exxon oil spill fines and another \$1+ million in B.T. Nautilus oil spill fines. (Appendix C enclosed). None of these fine moneys have been used on other S.I. wetland sites, as they might have been. Full time staff from the N.Y.C. D.R.P. and N.Y.C.D.E.P. are funded to work on Harbor Herons. The City's unified recommendations document does not recommend Harbor Herons. The City's unified recommendations document does not recommend Harbor Herons for Jamaica Bay Damages Account funding.

Nearby the Tottenville Wetlands - Paw Paw-Hybrid Oak Woodlands site the N.Y.C. Department of Parks is purchasing approximately 21 privately held acres which, combined with City-owned lands, will form the 110-acre Long Pond Park which abuts the very extensive wetlands and woodlands of northern and western Mt. Loretto and is nearby the approximately 50-acre Mill Creek Bluebelt preserve soon to be ULURP by N.Y.C.D.E.P. Long Pond Park, one of the recommended outcomes of the City Planning Department's Long Pond-Butler Manor Neighborhood Disposition Plan (1992-1993) is slated to begin ULURP within the next six months.

Another area recommended for acquisition in the above City Planning Department report, the approximately 14-acre Butler Manor wetlands (located between Page Avenue and Central Mt. Loretto, Hylan Boulevard and Conference House Park-Raritan Bay) will be protected as Phase II of Long Pond-Butler Manor project and will be annexed to Conference House Park. The Butler Manor wetlands contain such large amounts of designated freshwater wetlands and Designated Open Space that the area New York City's top priority but is recommend to the Jamaica Bay Damages Fund only if moneys are left over after acquisition of the recommended Tottenville Wetlands - PP-HOW site.

Other South Richmond freshwater systems, listed as Bluebelts in the draft Conserving Open Space Plan seems to be proceeding slowly but satisfactorily toward preservation and restoration under the direction of Dan Gumb at N.Y.C.D.E.P.

Rationale for Selection of the Tottenville Wetlands - Paw Paw-Hybrid Oak Parcels for Jamaica Bay Damages Fund Financing

As previously noted, Protectors feels that DEC's definition of the area affected by the Brookfield landfill hazardous waste dumping as "Richmond Creek" is far too narrow for reasons previously noted on page 1 of our 11/1/94 letter to you, enclosed.

Both the Brookfield Landfill and the proposed Tottenville Wetlands project are in South Richmond, S.I. and are within Community Board 3. Both impact waters of the Arthur Kill and Raritan Bay and both did/do provide habitat and resources for migrant waterfowl, water birds, songbirds, insects, butterflies and for reptiles, turtles, frogs and amphibians.

Brook-field, located at the mouth of the Sweet Brook watershed which drains large areas of southern Staten Island from Great Kills to Annadale, to Eltingville, was, prior to its selection as a N.Y.C. landfill and its subsequent destruction and poisoning, a series of freshwater brooks and streams meandering through meadows and fields along the banks of Richmond Creek. The area was called "Fairy Land" because of its beauty. Brookfield and Sweet Brook, before their destruction at the hands of man, provided nutrient-rich, purified fresh waters to Richmond Creek, the Arthur Kill and the Raritan Bay, in a manner similar to the damaged but not-yet-destroyed western branch of the Tottenville Wetlands (proposed acquisition site) will supplies water to the Raritan Bay.

Brookfield and the neighboring tidal-freshwater basin of Richmond and Main Creeks, Fresh Kills, have been destroyed forever by land filling and improper landfill procedures. Daily they contribute millions of poisonous hazardous waste-filled, leachate-filled gallons of water to the Arthur Kill and the Raritan Bay. Preservation of the remaining intact portions of the Tottenville Wetlands, including the Butler Manor and western Mt. Loretto wetlands, will assure a continued supply of clean, rich freshwater from this 88-acre wetland system into the Raritan Bay.

There are NO OTHER FUNDS available within the near or distant future to acquire the Paw Paw-Hybrid Oak Woods portions of the Tottenville Wetlands. A developer, who has a freshwater wetland permit from DEC and is near-to-final-filing of his 400-unit townhouse development in the block closest to Page Avenue, will destroy this wetland resource and severely damage its contributions to the health of the fisheries and shell fisheries of the adjacent Raritan Bay.

A Brief History of Recent Efforts to Protect the Tottenville Wetlands - Paw Paw-Hybrid Oak Woods

The Tottenville Wetlands - PP-HOW area has long been the site of botanical study and note and has repeatedly been proposed for preservation. (See appendix f, Extract from the Proceedings of the Natural Science Association of Staten Island, September 8, 1888; appendix G, Bulletin of the Torrey Botanical Club, Report on the Field Trip to Richmond Valley Staten Island on July 15, 1962; appendix H, The Effects of the Disastrous Fires of April 20, 1963 on the Natural History of Staten Island, Staten Island Institute of Arts & Sciences Conservation Series, #5, 1963). Botanical discoveries and re-discoveries of the 1990's (see appendix I, Hybrid-oaks A Critical Part of Staten Island's Vanishing Heritage, Staten Island Advance, March 23, 1990; appendix J, Pawpaw Grove in Danger, Staten Island Advance, September 18, 1990, appendix K, Keep yer paws off pawpaw tree, Daily News, September 17, 1990, appendix L, Save the Hybrid Oaks, Staten Island Advance, September 21, 1990 and appendix M,

Significant Flora of H&L Development Tract, Staten Island have prompted additional appeals for preservation.

Announcement of a 400-unit development planned by H & L Development Corporation, owner of much of the block between Bedel and Page Avenues (see Appendix N), alarmed preservationists and led to further visits and explorations of this area. This resulted in discovery of the PawPaws, discovery of several rare herbaceous species (see appendices B and M), discovery of additional hybrid oaks and many additional Willow Oak hybrids in both this and the next block to the west (also proposed as part of this acquisition site) and recently, discovery of a Persimmon Tree.

To the horror of preservationists and residents of the Tottenville, Prince's Bay, Pleasant Plains and Butler Manor communities, DEC, threatened by a de-designation and hardship appeal before the Freshwater Wetlands Appeal Board, issued a freshwater wetlands permit to H & L Development Corporation which applied maximum protection under the law, establishing a 100-foot-wide "no-development" zone on either side of the AR-15 stream, with the proviso* that the same amount of water must be supplied to the wetland, no more, no less. Considering the extent of the wetland and the lack of protection for its benefits and for the unique botanical treasures on the H & L site, the permit opened the road to disaster but probably was all that the law could justify. Efforts to designate Mallow Pond proved futile and it was expected to be filled in.

A group of preservationists, including representatives of Protector, the District I Federated Garden Clubs, the S.I. Institute of Arts and Sciences and The Conference House Park-Raritan Bay Conservancy planned strategy, attempting to involve The Nature Conservancy, The N.Y.C. Department of Parks (which was successfully done), Barbara Fife, the Deputy Mayor, and The Department of City Planning. A meeting** to explain the uniqueness of the site resulted in discussions of how to move the 400 units around the site to do the least damage. Botanical surveys and reports and news articles were supplied to Barbara Murray, the City Planning Department - S.I. staff member who was handling the developer's plan.

* ridiculous and impossible to achieve

** with staff of S.I. N.Y.C. Department of City Planning

The developer was requested to map the rare flora and to attempt to configure his development around it, leaving open space and rare trees in various small areas among the townhouses. The City Planning Department's Neighborhood Land Disposition Plan for the area mentioned the hope to preserve these unique habitats and valuable, functioning wetland but offered no hope of funding, since the City was donating dozens of acres to Long Pond Park and several acres to the Butler Manor tract of Conference House Park as well as funding the purchase of more than 20 privately held acres.

H & L Development Corporation could walk into the offices of S.I. City Planning Department today and begin review of the final draft of its development plan, environmental studies and reports and DEC wetlands permit in hand. There is NO OTHER MONEY to buy this parcel to avert development.

PROPOSAL # 1 - Staten Island

PROJECT DESCRIPTION: Purchase of approximately 14 acres of coastal plain property containing the western portions of AR-15, the Tottenville Wetlands, between Joline and Page

Avenues, Hylan Blvd. and Conference House Park, in Tottenville, S.I. New York City proposes to contribute block 7800 to the project and will probably connect this wetland-botanical preserve area by also adding City-owned connector parcels with access to Conference House Park

- property does not need to be cleaned or restored
- security, fencing and signage may be desirable
- restoration not needed; intact wetland

PRIORITY ATTRIBUTES and RATIONALE FOR "FAST-TRACK" DESIGNATION

RATIONALE FOR "FAST-TRACK" DESIGNATION

- Development of this parcel is imminent upon improvement in the real estate market. Hylan Boulevard interceptor sewer is in place and functioning. 400 townhouse units are planned.
- DEC wetlands permit has been issued. Permit issued under threat of application to Freshwater Wetlands Appeals Board. No active case before the FWAB.
- Application with Department of City Planning nearly complete; environmental reviews apparently completed; could have returned in late 1993 and 1994 to City Planning.
- Advantage can be taken of depressed real estate market, especially for townhouses on the South Shore, to pay a reasonable price.

HIGH PRIORITY ATTRIBUTES:

High Natural Values - extremely high natural values in wetlands function, richness of rare and endangered and unique plant life (appendix B, also documents from Dr. David Hunt of The Nature Conservancy); refer to DEC Final Freshwater Wetlands Classification Report for AR-15, appendix O enclosed, for extensive wetland benefits/functions, extensive wetland vegetative diversity, extensive plant species list, wide ranging wildlife species reported, and to Appendix B, Report of The Natural Resources Group, NYCDPR for documentation of richness of plant and animal species and ecosystem functioning attributes.

Diverse Natural Values- see great diversity, as noted in sources above.

Development Pressure- see discussion on pages 4 and 5 of this letter. Most of the site's value would be lost if development, even according to the impossible conditions of DEC permit, were to occur.

Consolidation of Protected Land- nearby Conference House Park, which is eroding into the Raritan Bay, would benefit by the addition of this proposed acquisition, and the approximately 14 acres planned/recommended by NYCDP to be added at lower Butler Manor. 110-acre Long Pond Park in creation; extensive forested, marsh and swamp wetlands in northwestern and south-western Mt. Loretto are designated for protection; approximately 50 acres of Mill Creek Basin in process of being protected as NYCDEP Bluebelt. Coastal areas of Atlantic Migratory Flyway stabilized and maintained to partially mitigate extensive coastal plain-S.I. development occurring further southwest in Tottenville and along the Raritan Bay coastline.

High Restoration Potential- no restoration needed unless, of course, development occurs, after which

restoration is basically ineffective (our opinion).

Availability of Complementary Funding- NYC proposes to donate lots it owns in block 7800, is creating Long Pond Park, Mill Creek Bluebelt and will create Butler Manor addition to Conference House Park a well.

PRIORITY ATTRIBUTES of Staten Island Proposal # 1

Access - will assure availability and access to rare botanical treasure house site for students, botanists, propagators.

High Social Value - very high educational, research potential as well as potential to study vanishing butterflies, amphibians, flora and hybridization of trees, plants.

Buffering - Conference House Park shoreline is eroding into the Bay; addition of this and Butler Manor Wetlands will provide "depth" of terrain to park and resource for local and migrating wildlife.

Appropriateness of Adjoining Lands: large tracts of open space nearby are being converted to parks and preserves; 240+ acre Conference House Park adjoins site. Mt. Loretto at-the-sea, 125 acres, on Draft Conserving Open Space List, apparently not for sale.

Local Public Support: Protectors of Pine Oak Woods, S.I.'s largest land conservation organization with 2,500 members strongly supports this priority; objects to others unless this is accomplished first. community Board 3 unanimous resolution forthcoming if it has not yet been received. Letters of support should have arrived and should be arriving. See commentary at Draft Conserving Open Space in N.Y.S. Hearing, 11/17/94. S.I. Friends of Clearwater has sent letter of support from Vice President.

Meets Existing Planning Priorities- this category belongs in High Priority Issues category. NYC Department of City Planning Neighborhood Open Space Designation Report on area recommends preservation if possible. Contact Barbara Murray, 718-727-8453 for documentation if desired.

Again, Protectors urges DEC to follow the unified recommendations of the New York City agencies involved in commenting upon the Jamaica Bay Damages Account, at least as far as Staten Island properties and opportunities are concerned.

We look forward to continuing our productive and supportive relationships with NYSDEC staff.

Sincerely yours,

Richard P. Buegler,
President

Ellen O'Flaherty Pratt,
Corresponding Secretary

cc. Hon. Phyllis Atwater
Jane Cleaver
Mark Matsil, Director, NRG

Barbara Murray, NYCDCP-SI
Dominick Durso
Betsy Adamson, NYCDEP

Number: Comment 28
Comment From: Friends of Clearwater
Contact Information: James Scarcella
P.O. Box 040270
Staten Island, N.Y. 10304
Phone (718) 987-6037

Please use the Staten Island allocation of the Jamaica Bay Damages account to purchase the Hybrid Oak, PAW PAW Woods in Tottenville, Staten Island. This woodland/ wetland (part of designation A-15) is a beautiful area with streams, trees, plants, and wildflowers. Many migratory birds utilize this area. And there is a direct path to the beaches of Raritan Bay located here. Thank you for your consideration of this request.

Number: Comment 29
Comment From: NYNJ Harbor Baykeeper
Contact Information: Bdg. 18 Sandy Hook
Highlands, NJ 07732
Ph: 908-291-0176
Fax: 908-872-8041

November 3, 1994

Comments: Restoration of Natural Resources through Jamaica Bay Account

The NY/NJ Harbor Baykeeper supports the proposal to acquire Paw-Paw Woods in Tottenville, Staten Island by NYCDEC. It would be a significant addition to local and regional natural area preservation.

Two freshwater streams that flow into the Raritan Bay from the vicinity of Finlay and Carteret Streets in Tottenville should also be acquired and restored through the Jamaica Bay Damages Account. The natural hydrologic flow in these areas was greatly altered by the initial phases of residential wildlife loss and displacement, disruption of larger ecological systems including the designated AR-22 wetlands, water quality degradation, and the aggravation of flooding of local residences.

Along with reversing the above mentioned problems, the acquisition and restoration of these streams would provide the following benefits:

- Preserve and restore the ecological integrity of natural areas near Conference House Park
- Protect water quality of streams flowing directly into Raritan Bay
- Contribute significantly to the broader effort of preserving wildlife habitat and water quality in and around the NY/NJ harbor, as recommended in the upcoming Harbor Estuary Program Comprehensive Management Plan

Thank you for your consideration.

Sincerely,
Gregory A. Remaud

Response to Comments 4-29

The Paw Paw- Hybrid Oak Woods is included in this document as high priority land acquisition project, see Section 3. The JBDA/DEC is committed to acquiring as much environmentally important land as possible with the limited funds available to be used for acquisition within the JBDA. The parcel's environmental qualities, proximity to the effected landfill area and the use of complementary funding will play a role in the ultimate decision.

Number: Comment 30
Comment From: Friends of Rockaway, Inc.
Contact Information: Bernard J. Blum, President
 (Member HW.G.-HEP)
 (Member NYC SLUDGE CAC)
 67-11 Beach Channel Drive
 Arverne, New York 11692

In RE: Will you please respond to Jamaica Bay Damages Account Report Comments Enclosed? No
 Illegalities Alleged But Note Suspicions of Unethical

Thank you for the call of October 17th as follow up to ensure our contribution to the range of testimonie: on the important issue of how the available funds will be expended. The "Damages List" was held far too long away from public scrutiny while the Harbor Estuary Program was producing a "Jamaica Bay Comprehensive Watershed Management Plan" and the National Park Service - DOI at Gateway NRA, Chair of the Jamaica Bay Task Force", from our perception distance itself during the process. As explained to Director Concra at Regulatory Affairs the in-house NYCDEP watershed model for a slowly flushing bay is unsatisfactory, has not been reviewed by other agencies, and was inserted into the HEP's CCMP by "secret" government known to authoritarian state! Contradictions with NYC Comprehensive Waterfront Management Plan (visionary but not USURPED), and the 1978 Gateway Management Plan (Draft Environmental Statement-General Management Plan-DES 78-6 of 1978) set of proposals including restoration of normal flushing patterns needs to be coordinated in the regulatory review proces

will not be helpful in ensuring resource protective actions and timetables that reportedly will be part of the final draft presented to the public. Thus it is important to ensure the best expenditure of available funds in accordance with any watershed protective goal of the HEP. Also please note that we filed the first watershed protective plan for the Bay-Rockaway complex in 1979 as testimony to CZM hearings specifically a proposal to make Rockaway and the Periphery of Jamaica Bay a Geographic Area of Particular Concern (GAPC) in the NYC Coastal Program. So this testimony represents a long period of concern with holistic resource protection a follows:

Site 2a-2b Map #2, pg. 30 - Brant Point

Friends of Rockaway prevented this site from being totally filled in with demolition, etc. In the early 1970's the State Attorney General interceded on our behalf using the new TWA regulations while the uplands within the parkland-refuge site need restoration that can be funded there are still several suggestions not mentioned as follows:

a) The total 16 acres can be added to with a site to the south bounded between the Hillmeyer Avenue right of way that has had used asphalt dumped on it (reportedly for flood control) and Alameda Avenue to the south and with Barbadoes Drive to the West and Beach 72nd Street to the East. This potential expansion site is low in grade and has always had a high water table that produces a phragmites type wetland. It was strip-mined this summer and has been in the past to produce mosquito ponding conditions in a rich remnant wildlife section (with abuse mentioned). The used asphalt berm along Hillmeyer was put in "without drains" to add to the "absurdity" of a local "Mosquito-Weed Program" in which strip-mining produces mosquito breeding sites! Availability should be researched but it is incumbent on agencies to undertake serious mosquito mitigation planning given increased incidence of mosquito vectored diseases and because it represents good public relations for conservation especially in neighborhoods plagued and in which outdoors enjoyment is so impacted.

b) The channelward sections of Spartina alterniflora wetland have been sloughing off due to presumably shipping and boating generated waves and the slope towards the dredged channel that begins below the scarped wetland margin facing the channel). Perhaps some floating breakwaters could be installed to mitigate the problem and given there is really just a relatively small expanse of wetland left relative to the demolition filed upland.

c) Whatever the final boundaries of the park-refuge consideration of "high bayside dune construction", under NYSDEC guidance, would satisfy perpetual flooding mitigation in the vicinity of this conservation effort.

Site 3a-3b Map # 3, pg. 31 - Terrapin Point, aka Vernam-Barbadoes Peninsula, aka Lost Point

This site was proposed for conservation back in the early 1970's as part of the 'Dubos Natural Areas dedication' and then later for a short while as Dubos Point when it was threatened by industrialization plans. By 1989 "Terrapin Point" was proposed by Friends of Rockaway Inc. as a relevant dedication to the memory of the Rockaway Algonquin Nation and linked to the attempt to have the NYC Parks Department sort out precolumbian cultural remains mechanically sifted during beach cleaning operations. Bernard J. Blum, President of the local group, has a collection of worthy purpose USACE has not commented so far, since their dredging contractors for beach nourishment are responsible for the cultural resource. But NYCOPRH claims "transported" remains of lesser value to be concerned with. With profile like the head of Terrapin turtle, and unbulkheaded (non-functional deteriorated one) it is

likely remaining available site for dedication is also linked to the local group's participation in regulatory reform to protect this species (game animal status with size and season limits imposed). When it was proposed for a Truck Assembly Plant back in 1989 even Public Development Corporation (now EDC) environmental consultants could not ignore there was a significant roosting area for black crowned night herons and has a diverse assemblage of other fauna and flora. Thus it is one of the most if not the most worthy proposal sites for conservation listed in the Damages Account!

So it is surprising, given industrial threats that have continued to date and with call for bulkheading of Rockaway's natural shores, that the language used to describe the site has a "disinforming aspect" with respect to total acreage available for conservation (23 of 26 acres to our knowledge). So it is unclear why only 12 acres is all that is mentioned for conservation. (See Consent Order Map and Several Pages Enclosed). Our knowledge of total acreage available dates back to the early 1980's when there was a meeting with the Port Authority of NY and NJ about conservation of two peninsulas (Conchs Hole Point and the smaller Vernam to Barbadoes one). They were rented from NYC as buffer sites with potential for navigational equipment. Real estate maps were obtained for both sites.

An update about the knowledge came about in researching ownership of industrialization threatened sites in and around Vernam and Barbadoes Basins in the 1990's. This has been at a time when a huge Transfer Station SWMP facility was proposed for a Beach 80th carting company site and there was a proposal for Concrete Recycling a Terrapin Point, and there has been strip-mining of topsoil and living vegetation by NYCDOS, NYCDOT dumping of used asphalt at a number of sites-WITH SOME PAVED ONTO TERRAPIN POINT-C&D dumping in massive amounts at the Norton Peninsula (proposal #33 Map #22 Pg. 46) and at other sites in the Arverne renewal area that has been termed "illegal landfilling".

Furthermore it came about that we were invited to a meeting at the Queens Borough President's office on the Terrapin Point land use issue given that local interests had arranged for a \$2 and one half million dollar Road and Pier proposal on a government bond supported list of projects (voter defeated) and there was interest in the conservation proposal that conflicted with the project. At the meeting a Consent Order was discussed, arranged between NYCDEC Attorneys and the NYC Corporation Counsel, that would dedicate all the peninsula to the Parks Department (but for 3 acres on the neck privately owned) in exchange for site contamination at the Brooklyn Navy Yard see pg 4, 5 and exhibit A Map (of Consent Order -DEC File No. R2-0213-92-07). *Specifically there is a missing 11 acres (12 + 11 = 23) in the language based on knowledge of about 26 available for conservation (includes for restoration).*

To "sweeten the deal" there was suggestion to NYCDEC and NYCDEP that there be arranged a trade for more Terrapin Point acquisition funds with cost of returning tidal flow to an impounded Mott Bridge Creek section related to proposal #36 pg. 47 Seagirt Avenue Site. In 1975 Water Resources (now DEP) had cut off tidal flow, there were alternatives, and no ratification of past acts permit was granted. But no mitigation nor penalties imposed in the decision (see Map for proposal #36 drawn by Gordon Colvin Environmental Analyst) January 13th '94 letter to Paul Gallay, Regional Attorney, on the proposed deal sweetener is enclosed as is letter to Commissioner NYCDEP Albert Appleton suggesting the trade. There were no responses. Thus Stream Application No. 24108-0098SP still is open for a useful trade (or restoration). *Will it be considered?*

There is uncertainty why access road for maintenance is needed nor is the location of a guardrail known in relation to three privately owned acres nor whether the three acres can be purchased in the future. But

one suggestion is a *Paman Interpretive Center* (dedication to last known Sachem of the Rockaway Algonquins) for environmental education including Native American culture linked to the cultural remains collected out of beach fills. A Terrapin Point petition (enclosed) explains all this and the need for conservation of the entire peninsula!

Proposal #4a-4b Spring Creek

In the early 1970's Friends of Rockaway Inc. alerted the Sierra Club and environmentalists Mr. H. Silverstein and son about a NYC DOS ashfill of a site off the Belt Parkway in Howard Beach. As result of compromise arranged by NYSDEC, using TWA, two acres were dedicated to conservation and the rest became residential development. So whatever is remaining there available for conservation is worthwhile to expend funds on. Unfortunately no detailed maps were provided at the workshop attended to gauge the extent of the effort.

Proposal #4a-5b Fresh Creek

The Sierra Club, through the efforts of Claire DePerrot and others, fought with allies like Friends of Rockaway Inc. lengthy struggles at DEC TWA based hearing to prevent wetlands destruction by developers along this creek. The Silversteins were assisted in environmental analysis by be and there was some success at the series of hearings to save as much as possible. So whatever has not been nibbled away at by development should be saved by expenditure of funds. As with other site proposals detailed maps should have been provided at the workshop to gauge protection efforts.

Proposal # 6a-6b-6c Map # 6 pg 33, 34

Proposal # 24 Map # 6 pg 43

These "Idlewild Park" Head of the Bay wetlands were recognized in the Friends of Rockaway GAPC proposal and became a GAPC in the City LWRP. With the Sierra Club and the Silversteins there was successful testing of the TWA and preservation of Hook Creek tributaries at several sites. But in recent times nibbling away proposals continue from roads to commercial development proposals. Indeed at the corner of Rockaway Turnpike and Brookville Boulevard there is a prominent recent concrete manufacturing facility on a filled private inholding (1993 or 1994 initiated but completed in '94 it would appear). Friends of Rockaway has questioned the permitting process for such impactive industrial developments there.

It should be noted that in the Meadowmere Park section of the turnpike across from a Pathmark shopping center C&D has been used for real estate development and this processed waste was also leveled at the southern end of the CASCO development. Such filling was encountered in Rockaway (proposal 33 Norton Peninsula) and so wetland and buffering sites are threatened increasingly by disposal pressures. All of these lands in NYC and any in Nassau County must be preserved! Port Authority airfreight facility development planning is another threatening factor to encourage conservation efforts (a hazardous waste dump site at the northern edge of the wetlands (a filled site) is under investigation for remediation and information. *Maybe this site should be remediated and restored for conservation (for dumping and development is an old story)? Once again maps were lacking and there is no explanation why proposal 11 and 12 (both in Bronx) are linked in the Damages Account publication. Why?*

Proposal # 7a-7b Map # 7 pg 35 - Four Sparrow Marsh

This Mill Basin site's conservation struggles date back to the '70's with local opposition to wetlands

destruction expressed and in the 1979 testimony. The proposal is certainly worthy and map presentation would have been appreciated. Mr. and Mrs. Buchwald were pioneers in such early conservation efforts.

Proposal #13 pg 38 Artificial Reef

This may be a worthy proposal at a glance. But there has been a considerable amount of dumping of concrete and asphalt demolition along the Jamaica Bay shoreline (for erosion control and disposal). Furthermore there have been proposals and operations of C&D processing and concrete grinding on the bay shoreline. The "attraction" of disposal activities to Jamaica Bay is problematic and should be avoided. Thus offshore reef production and enhancement activities should be the continued agency focus! More demolition hauling along Rockaway roads must be avoided by this suggested focus! Thus this form of disposal is not recommended while efforts to remove wastes from the bay should be encouraged! If there is not agreement please explain why?

Proposal #14 Phragmites Management/Restoration-Habitat Alteration

This is an excellent proposal and should be combined with "Open Marsh Water Management" for *mosquito mitigation!* *Indeed it is surprising that this conceptualization of management focus was not expressed as a benefit at least. Why?* At any rate it was expressed at a bay conference that phragmites adapts to grades where stagnant rainwater collects (altered grades or "contours") which encourages all the mosquito breeding. Thus restoration to tidally flushed wetlands and restoration of more flushing of wetlands (permitting access of mosquito larvae feeding killifish and their survival between high tides) is a great proposal and for a baywide mosquito mitigation program (in conjunction with other biofriendly methods)! Dubos Point (Proposal 25 pg 14 pg 43) has flushing problems in its tip there. Management parties there (NYCDPR-NYCAS and the Advisory Committee) need to be contacted for application of this proposal there. Low spots manufactured by previous grade-contour altering activities also need "restoration" to mitigate mosquito breeding beyond expected number. Will such contact be made when the proposal is enacted? There would be good publicity for all agencies and parties that become involve

Proposal #15 Ranger Road Bulkhead and Navy Pier

Improved access for fishing is important but the prime focus of funding expenditure should be for habitat-watershed protection. *Furthermore how is this proposal for bulkhead rehabilitation related to Hook Creek (proposal 24) and Dubos Point (proposal 25) where none is called for?* So a Terrapin Point Paman Center and "open Marsh Water Management"/"Phragmites Management" certainly should take priority (for such prioritization where the need is greatest for meaningful benefits). *If there is a disagreement why?*

Proposal 16 pg 40 - Restore Fishing Access

Early plans for Dubos and Terrapin Points included fishing piers. Furthermore enhanced access discussions on this issue have taken place in the 1970's at the Project 208's waterfront committee and in the 1980's at the Jamaica Bay Task Force. The NYC Parks Department already has published a veritable "Biblical Tome" on shoreline parkland use and access. But this exploration had little if any treatment of the issue for Jamaica Bay. How many studies ("comprehensive look") are needed when local voices are more knowledgeable? Unfortunately some of these voices are not sensitive to natural area protection but at least the issue is being expressed in public and by the public. So "while a motherhood type issue" expenditure towards it should not be a priority to habitat protection that has storm water pollution mitigation which affects fish consumption safety. Furthermore such expenditure should come from other funding sources. *If there is disagreement why?*

Proposal 17 Broad Channel Interpretive Kiosk and Bathroom

How this proposal relates to 23 and 24 is questionable other than the funding source. As in the proposal 16 it must be said that habitat protection with positive impacts on fish consumption safety should be the priority in the Damages Account, funding should come from other sources. *Why if there is disagreement*

Proposal 18 Culvert to Restore Tidal Flow at Kennedy Airport Runway Extension at JoCo Marsh

This "crucial proposal" for Jamaica Bay restoration is not found in the Jamaica Bay Watershed Plan proposed by NYCDPP and was inserted into the HEP's CCMP in an allegedly problematic style! It was being discussed in the early 1970's at the Project 208 waterfront committee, is found in Friends of Rockaway GAPC testimony of 1979, and discussion continued in the 1980's at the Jamaica Bay Task Force.

Friends of Rockaway actually wrote to the Port Authority on the culverts issue and met with the agency with Project 208 Cooperation. There is no written reply but USEPA and NYSDEC did send perfunctory replies that, by not stating, provided evidence of the need for Port Authority cooperation to accomplish this major restoration construction.

The need for the culverts or "sluice ways" is found on pg 56 of the 1978 Gateway Draft Environmental Statement. Such "sluice ways" are also proposed through the MTA subway trestle fill and the East and West Ponds. The need is also supported by the following quote from "Use Impairments of Jamaica Bay" by Anne S. West-Valle, Cynthia J. Decker, and R.L. Swanson (Marine Sciences Center The University at Stony Brook, NY 11794-5000) 1992.

"The 1962 extension of JFK Airport (runway 4-22L), obstructed the natural counterclockwise flow in Jamaica Bay and increased residence time of the creeks by threefold what it was 100 years ago, when the creeks were not bulkheaded (US Dept. of Int., 1976). Grassy Bay was transformed into a nearly stagnant pool in which fine grained sediments and their associated contaminants readily precipitate (Nat'l Acad. Sci., 1971.....)(pg 22)

Thus proposal #35 for the rehabilitation of Grassy Bay through shallowing would not be enough to restore flushing action.

Even further support comes "for personal communication" with Eugenia Flatow (Director Coalition for the Bight, CoChair HEP's CAC., associate of Commissioner Albert F. Appleton) who admitted after an HEP meeting that shallowing up Grassy Bay (with USACE Dredging Forum Program inserted into the CCMP of the HEP) and other borrow pits would not be sufficient and that the culverting of the JoCo Marsh runway and of the MTA fill and the ponds would still be necessary to restore normal flushing patterns (paraphrase). *Is there an effort not to perturb the Port Authority in all of these deliberations but to ensure disposal of contaminated dredge spills off Rockaway and Coney Island and elsewhere? So perhaps Friends of Rockaway should be funded by the Damages Account to lobby for Port Authority involvement for what parties are doing so to undertake this important challenge?* So with government facilitation this huge bureaucracy can fund the extension of a LaGuardia runaway the same process might facilitate culverting (even with excessing or 'powering down' their well funded staff if necessary). *If there is disagreement please explain?* Note the Jamaica Bay Task Force will be agenda forming and at our request there will be discussion of the KIAC Cogeneration power plant with outfall into Jamaica Bay (needing SPDES monitoring of mineral salt, grease, and thermal impacts on the effluent and receiving

water-specifically Grassy Bay and its stagnant circulation and low DO). This discussion will be in the context of the proposal 18 approach by our efforts and any assistance would be appreciated! There is the expectation of obtaining some thermal plume diagram to gauge the impact but none has yet been obtained from Richard Newman Regional Engineer at the Water Division nor from Michelle Moore Senior Analyst at Regulatory Affairs contact for the permit. So the agency has also been "stagnant" but we keep hoping.

Proposal 19 Access Enhancement/Control (on Jamaica Bay)

The complaint about "limiting access caused by conservation" of land has been waged against conservation proposals in Rockaway. Even if those who complain are perceived as wishing access for land use approached that would significantly impact or destroy natural areas with bulkheading and fillin, there is an agreement to be made for "enhancement of controlled access" for public enjoyment. But this should not be the priority of expenditures until significant habitat-watershed protection is achieved. But the approach is good anyway. There has been no real and significant waterfront recreational facility construction on the bay or oceanside of Rockaway for some time and even boardwalk or promenade facilities lack any interpretive aspect. Without destroying natural sites some such facility "would draw appropriate access" and provide for environmental education as well and about how not to abuse natural areas. But such does not happen in Rockaway and Gateway NRA sites are often too distant for such public education about access. Thus the Paman Center conceived of in the Terrapin Point proposal (Map #3 Vernam Barbadoes) makes sense as do some site selection for waterfront park and pier by the local planning board.

Is there a municipal agenda to ignore Rockaway on such issues but concentrate on waste disposal and related industrial activity enhancement (for even the Parks Department has a beach waste Transfer Station near the boardwalk at B64th St, and the Sanitation Department has a strip-mined topsoil sifting station to the northeast at B63rd and Larkin Avenue, and NYCDOT has dumped large amounts of used asphalt at the park waste-transfer site)? Such is access enhancement Rockaway style on an abandoned municipal parking lot)? Only one of the abandoned parking lots has been appropriated for community recreation use.

Bicycle and hiking route programs do exist that connect with Rockaway and the funding should come from those programs. But key guardrail construction, trails and signage could be attached to facilitating other conservation proposals.

Proposal 20 Far Rockaway Piping Plover/Least Terns Restoration

The presentation of this proposal is disinforming or at least problematic! First the Map on page 14 places Far Rockaway (eastern part of Rockaway) at the western end at Neponsit/Bell Harbor and secondly there is the lack of "protection of nest sites" in the project and type labels.

There is knowledge of a program handled by Christina Dowd of the DEC Fish & Wildlife Division (now back in Albany reportedly) to protect Piping Plover nest sites on the beach at 44th Street in Edgemere (just west of Far Rockaway) with reports of a USFWS program on the bayside also in Edgemere (but no definite observation of the sites). If "Far Rockaway" means the entire peninsula "it is still a timely program". *But cooperation is needed with the NYC Parks Department and FEMA regulations to bring under control all the mechanical transfer of sand with bulldozers and the mechanical sifting of the beach.* Such programs enhance wind and water erosion and temporary flood control dune constructions

(seldom if ever stabilized with fencing and never with beach grass) appear random. Then there are the endless four-wheel drive vehicular traffic that also has to be directed to avoid potential nesting sites. There almost appears to be a plan to frighten nesting shore birds away given megalopolis type aspirations of some locals and some municipal agencies who would be frightened themselves by increased nesting. At any rate such a program is a good idea that needs coordination. Thus in the B30's to B50's the Parks Department has permitted low dunes to build and vegetate on the beach. *Should development ever proceed in the renewal area will such potential nesting habitat be bulldozed away?* Note we have urged resiting of the boardwalk inland as well as CEHLine on a 'highly erodible beach nourishment boondoggle' B20's to B50's with such appropriate dune construction for whatever stabilization is possible there.

The widened beach intervals since 1976 are correlated with more ringbill gulls and there are certainly more laughing gulls. We would be interested in least tern nesting sites beyond those known at Breezy Point. Public education would be useful but could also lead to vandalism. *If there is disagreement with the aforementioned please will you explain why?*

Proposal 21 Upland Sand Piper at JFK Airport and other Jamaica Bay Sites

Upland sand piper populations might breed in the Arverne renewal area grassland patches and on the Edgemere landfill if it will really be closed and not appropriated for new composting and sludge dumping agendas or for more secret strip-mined topsoil transfer activities of the "Lot Cleaning" Division of NYCDOS, or expansion of bulkhouseholder waster processing on his mapped 'fraudulent parkland' site. A proposal to build a pier to barge in fill for closure (truck traffic mitigation) could serve other SWMP agendas. Hopefully all the bayside "really closed" landfills will be 'upland sandpiper heaven'. Please note also that the Arverne-Edgemere renewal area is never treated as sensitive habitat by municipal agencies nor so far by the CCMP!

Proposal 22 Enhancement of Public Access and Education at Gateway NRA

While a good idea this is not a priority when outside of the federal park there are so many conservation-water quality problems in the watershed that need attention. Federal resources should be utilized for the proposal. *If there is disagreement why?*

Proposal 23 Lilco Site NYCDEP Purchase

Since NYCDEP was invited to the October '93 workshop for this Damages Account and not a small grass-roots Friends of Rockaway, Inc. obviously it was easy to throw to (insert) this absurd proposal into a more conservation oriented list. But how is this acceptable on the following grounds:

1) This is a Superfund site given past coal gassification history (PAHs) and there has been NYSDEC and USEPA attention towards whatever contamination may exist. There is transformer equipment currently on the site (SW corner at B108 and Beach Channel Drive and concern with possible PCB contamination. But so far neither USEPA, NYSDEC, nor LILCO have indicated there has been any contamination problem. Second hand information indicates worker concern at the site about environmental health problems possible from being there. Note by letter of 3/10/93 NYSDEC was waiting for a Site Evaluation performed by USEPA and due that May. Information is always hard to obtain so if there has been any Consent Order for remediation it is unknown to us. Yet even commercial interests in the vicinity have noticed, as we have, mysterious soil removals on the site on which demolition has been bulldozed down too. If there is remediation by degrees who knows? USEPA Region II needs to be questioned.

2) In the past the site was discussed in terms of a shopping center (commercial enterprise). But it was worried over as a potential threat to the struggling Beach 116th Street commercial strip.

3) But the Lilco site has commercial value. The local government agency (Cbd. No. 14) reportedly did include it as one of the alternatives to a bayside public park with pier among more environmentally sites eg. Terrapin Point (aka Vernam Barbadoes Peninsula (3a-3b, Map #3 pg 31). Thus to relegate this large site to DEP waste facility planning, given few large sites available for public recreational-econom development that is not sensitive, would be a poor choice for expenditure of shrinking available funding

Proposal 24 Hook Creek

(See 6a-6b) This Hook Creek area and all Head of the Bay wetlands were of concern back in the early 1970's and were included in the 1979 GAPC testimony (to repeat proposal). *But why it is separated off from it is not explained in the damages account document. If it is assumed that there is no intention to confuse will an explanation please be provided for this number choice? Naturally, given the threats, all these wetlands and adjacent buffer should be saved as habitat and traffic (aircraft and automobile) mitigation for air quality impacts. The wetlands also provide airport buffer for ditching in case of mechanical difficulty.*

Proposal # 25 Map # 14 pg 43 - Dubos Point (Buffer Purchase)

This site has been of interest to Friends of Rockaway Inc. as early as the late 1960's to early '70's. "The Greening of Jamaica Bay" by Joseph Kastner (Smithsonian Magazine, July 1990, pg 110) records this and notes how we are the pioneering group that arranged for the dedication with the Dubos Center and Mrs. Rene' Dubos. Dr. Dubos had coined the expression "Think Globally-Act Locally" and had arrange for the National Academy of Science Study that helped stop more runways into Jamaica Bay such as the JoCo Marsh Runway at Map #11 (Proposal # 18). Thus with all this involvement we were written out of the Buffer the Bay Revisited-X publication discussion of Dubos Point nor were not invited to the workshop in October '93 to have significant input wished into the Damages Account document. Please explain why no grass-roots groups were invited but a NYC Audubon is as well as a Trust for Public Land? This latter group was removed from the Dubos Point Advisory Group, and with struggle, Friend of Rockaway Inc. was given some significance. Yet there has been a purposeful exclusion from meaning full agendas there! Your agency bears full responsibility for the failure for protection of Terrapin Turtl nesting in a meaningful way (what NYC Audubon was not doing) and for erosion problems there than can also impact residential development on the sites that were available for buffering!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

Note "exclusion" from the Governor's Task Force on Coastal Erosion meetings (alleged on purpose in spite of testimony in 1988 on Queens CEHL siting) was not helpful to disseminate such ideas on backb erosion. Indeed a Plumb Beach type nourishment may be necessary in several years to maintain the upland nesting sites and the diversity of habitats too! Lack of NYSDEC oversight is deplorable (fires, over harvesting of hard shell clams, worms, Terrapin turtles (report of harvesting comes from NYCAS) Mosquito mitigation problems (also of DEC responsibility) is discussed with respect to Proposal # 14 p 38. Phragmites Management/Restoration Habitat Alteration with focus at the saltmeadow tip. But other parts of the site also need such management-alteration.

With the above stated it is unfortunate that, with all the effort expended allegedly to exclude us from meaningful management decisions, the expansion of residential development on disturbed (but functioning wetland and wildlife habitat) freshwater Phragmites marsh due south of Dubos Point was n

given proportionate attention! If this sounds harsh and cynical there may be a wish to investigate the "politics" of the conflicting parties (OR NOT) to gauge lack of efforts towards buffering with mosquito mitigation!!! Thus the site between B65th-B63rd Streets DeCosta to Thursby Avenue already has residential development though NYC Parks Dept. in 1989 circulated maps as is still to the local resident etc., indicating it is an expansion site as is still a site (wooded but topsoil scraped) between B65th-B69th Bayfield to DeCosta Avenues.

Of interest are reports of litigation already (needs verification) on foundation problems related to the high water table on the expansion site. When there was site clearing in 1993 Regulatory Affairs was contacted pointing out hydrological link between expansion site and Dubos Point (including reports of Typha along DeCosta, as well as Gerardia Aqualins sp.) and scouring rush (Equisetum sp.) but we were told that presence of DeCosta Avenue (even with presence of Juncus gerardi bayward of perimeter protective berm lining south side of DeCosta) prevented any regulatory process to require some buffer along the northern portion of the site. For years the middle of the site was a regular puddling site for ducks (due to spring rains and high water table) and from this perspective it seems a problematic construction site. Note at a recent Dubos Point Mosquito Safari Day event (induced by our pressure but not really a program) ironically the construction site was conducting a "dewatering operation" that used Dubos Point as the receiving site.

At this time the construction site bears watching for maybe the eastern portion, not yet built on and facing industrial site (auto junkyard, etc.), might be worked into some buffering strip with mosquito mitigation funded. But it may be too late! *Will NYSDEC staff research this and also any available buffer strips south of Dubos Point along B63rd St that has also been cleared for residential development?* These sites, either side of B63rd and south of Thursby Avenue, could have been part of a Beach to Bay Park (see original Buffer the Bay and '60's-early '70's local government agency (CBD # 14) plans) with some serious Coastal Management agency coordination of other agencies and programs (CMP/LWRP coordination with other agencies)! Note Ring Necked Pheasant, Cotton Tail Rabbit, Raccoon, White Foot Mouse, Fowlers Toad still exist on these sites or have already been bulldozed off. Terrapin turtles reportedly used to be crushed at B65th and DeCosta seeking nesting sites in an area that in the '50's -'60 still had some wood lots nearby where college professors birdwatched. Thus the nest sites at the point are more important (unless many of those females have already been harvested). The lack of attention to buffer planning is all too apparent to preserve remnant populations and habitat and there has been time in spite of development pressures. *The "boxing in" of Dubos Point is equivalent to the "boxing in" plans NYC has approved or is in the process of approving for Jamaica Bay (no matter the other buffering activities including the Damages Account program).* So it is relative and it all is 'redolent of manure' as program that is supposed to protect wildlife habitat and water quality in the CCMP! Note also that a lot of sludge was going to be dumped in the Edgemere Landfill across Sommerville Basin from the Dubos Point before the Contract fell through after tabloid and 20/20 revelation. There is redolence indeed!

Proposal #26 Paerdegat Basin

The efforts of Marilyn Vogel of the Sebago Canoe Club and others of the club kept pressure on municipal agencies in the '70's and afterwards to improve the water quality of this Jamaica Bay tributary and to protect natural shoreline around it. Whatever is left there of natural lands should be preserved to culminate such struggles. Hopefully DEP is continuing to improve water quality in the basin for water dependent recreation.

Proposal #27 Hendrix Creek

Whatever can be preserved around this highly polluted creek (identified in Project 208 tributary studies) should be in connection to proposal # 28 Vandalia Dunes as the Damages Account recommends. Hopefully the DEP CSO abatement program will be functional at some future time to improve the water quality in all these north shore tributary creeks. If not at least remnant shoreline natural areas provide some mitigation.

Proposal #28 Vandalia Dunes

This site, also considered along with the creek shorelines in the 1979 Friends of Rockaway GAPC proposal, never made it into the NYC Planning Commission's "Comprehensive: Waterfront Plan". Thus the "Gateway Estates" proposal for about 3200 units along with the Edgemere 800 and Arverne 7500+ units amounts to considerable "boxing in" of available wildlife habitat on the Jamaica Bay. The point has been made that there are sites in the "urban core" (including Brooklyn) suitable for residential development and so there is no need to move onto the CMP/LWRP storm surge floodable zone.

Thus NYC and NYS policies are in contradiction and the purpose of Gateway East (in part to protect bay and watershed with state and city agency cooperation) becomes defeated with increasing threats of habitat loss and water quality threats. Cumulative storm water pollution impacts of all development should be of concern in this connection! Naturally there is always the choice to destroy Nature. So given the odor from the adjacent Pennsylvania Landfill (across Belt Parkway) and this large remaining buffer and wildlife habitat site the "extreme development pressure" should be released with acquisition and limited if not to "no development" choice. How could that longstanding odor problem really be mitigated anyway? *If there is disagreement with the contradiction, habitat needs, and odor mitigation problems will there please be an explanation?* This critical upland buffer needs management as well as conservation. With volunteer educators and managers educational needs in the natural sciences could be satisfied and assist in a conservation proposal. Gateway NPS rangers could also be integrated into a site conservation proposal.

Proposal # 29 Beach 90th Street

Between roughly B90th Street between the bay and Beach Channel Drive there is a strip of vegetated uplands that runs to roughly B86th Street. The site is bounded on the east by a marine concrete rubble L shaped groin and a remaining section of early 20th century bungalows on poles over the bay. Towards B86th there are lots with a nice stretch of intertidal wetlands. The strip is broken by "Rosies" Bait Station and Fish Store at about the B87-88th Streets.

For some reason the Trust For Public Land focused in on the B90th Street portion of the strip (it has a building from a former gas station on it) and omitted the vegetated strips with wetlands to the east. The omitted sites offer wildlife habitat (Brant feed close to shore noticeably in fall to spring) preservation opportunities, passive recreation opportunities (fishing and picnicking), and visual corridors for viewing the bay that other developments block. There is some nonfunctional bulkheading and a great deal of concrete ripped filled shoreline (Fucus covered) and with some improvements can serve this multi-use function.

At the moment the garage site has a hotel planned for it and a replacement bulkhead has already been installed. Reports are the builder feels constrained by visual corridor and height limitations imposed on the plans by the regulatory process. The Rockaway Beach Civics Association has been in opposition of

the development trend there and the blocking of a magnificent view of bridge and bay especially at night (with lights reflected of the surface). Buffer the Bay has been slow to assist and with current plans its a problematic picture.

Will the Damages Account program please research the opportunities for acquisition for the aforementioned purposes explained along the entire strip as they exist and develop? There are those segments of Rockaway that would like a seaside hotel and maybe a trade might originate to fee the B90th Street site. But who knows? Thus the so called B90th Street site never was intended to be limited to the boundary the Trust for Public Land chose! The intertidal wetlands at the eastern portion should be included in any site acquisition and its critical to providing public access to the bay for passive recreation. Please make this neglected shoreline segment a priority for the program in the name of such access! Will this be done?

Proposal 30 Map # 19 pg 45 - Mott Basin

Proposal 31 Map # 20 pg 45 - Mott Peninsula (Bayswater Park)

Proposal 32 Map # 21 pg 45 - Bayswater State Park Wetlands Restoration

Proposal 30-32 above are worthy but much has been accomplished already around Bayswater State Park The Beach 90th Street extended strip eastwards should not be neglected for public access certainties (note limited public access to conservation sites has been pushed as complaint by developer interests at the local government agency (CBD # 14) and one local media voice and so it would be more than suitable to explore this less sensitive strip (relative to others) for access and conservation). If there is disagreement why?

Proposal # 33 Map # 11 pg 46 - Norton Peninsula

This peninsula has been the site of extensive illegal landfilling with processed Construction and Demolition solid waste with an "herbicidal character." No agency (NYSDEC, NYCDEP, USEPA) has accounted for the lack of plant growth nor has located the dumpers. The dumping ostensibly filled freshwater wetlands produced by constant strip-mining of topsoil by NYCDOS on high water table sites dumped on (but not needing strip-mining). A NYCDOS-IG investigation has been requested to account for all the missing topsoil from such sites and for which mosquito and flooding mitigation need not require a "contaminated" processed solid waste! The B43-44th Streets area has been the focus of the waste dumping. Many of the illegally dumped on sites are in the Edgemere renewal area and potential for hazardous waste is supposed to be addressed. Rich Gardineer this summer, as Hazmat Director at Region II NYSDEC, site visited and promised an analysis if NYCDOS provided equipment for taking grid depth samples. Note Red Bag fragments were removed from one very odorous and oily site (that was cleaned) and so there is potential cause to be suspicious! Frankly confidence in the agencies is at a minimum at this site and this is not the time to consider acquisition until some explanation is provided for the strip-mining and illegal C&D dumping. A request has been sent for removal (based on no permit for storage on public land (there is mix of public and private land dumped on) but so far there has been no movement by the bureaucracies on this mysterious operation site. There has come the suggestion that the waste, rather than local or at least not too far away, came from the Brooklyn Navy Yard contamination problem but there is no proof nor is there any that it came from some contaminated Port Authority site.

So will the Damages Account program please delay the acquisition process? Note there has also been a area block off by concrete along the shore there with some dumping this is a mystery too!

Proposal # 34 pg 46 - Plant Submerged Aquatic Vegetation

Discussion at H.G.-HEP and other information would indicate that turbidity and high nitrogen levels would make restoration difficult. Had there been a less selective invitee list for the October '93 Damage workshop to be sure there would have been more emphasis attempted on mosquito mitigation planning and upland restorations as well.

Proposal # 35 Map # 35 pg 46 - Grassy Bay Dredge Site Rehabilitation

Any consideration of this proposal at this time is more problematic for the following reasons:

1) There is a KIAC Cogeneration power plant tenant at J.F.K. Airport that "could be" linked to "phase" Liberty Pipeline industrialization plans for bay waterfront and environs. The plant was approved as not impactful but there are perceivable problems with thermal pollution in "stagnant" Grassy Bay! No thermal plume diagram has been provided as requested of NYSDEC but the recent long delayed Jamaica Bay Task Force placed the item on the agenda at our request. There was a commitment to prove more information at the next meeting and hopefully NYSDEC "regional water expertise" will participate. There has been discussion about neither the plant nor the pipeline being necessary based on updated energy needs review. But it is there and there needs to be more public review. Even the DEP CWMP does not mention this plant nor the Joco Marsh Runway "impairment" so there are a number of reasons to generate suspicion.

2) The same ex-DEC official, involved with the KIAC approval process, was until recently active as Port Authority representative at the Dredging Forum (with a function to dispose of contaminated dredged spoils by the USEPA-USACE coordinated program.) A Straw proposal has been under agency and public review to become an insert in the Harbor Estuary Program CCMP. There is concern, with the "need to dispose and cap" sediment planning, that proposals for less than uncontaminated sediments might be brought to the program central committee and somehow be presented under cost benefits analysis as suitable especially with capping. *And then what of other borrow pits disposal options?* This may appear farfetched but there is a perceivable USACE boondoggled in Edgemere beach nourishment related to borrow pit dredging that has the disposal option to the potential benefit of the Port Authority. So "all is imaginable" with good cause! *So while the bay borrow pit option was said to have been dropped (after public review) will sediment parameters be configured to appear less contaminated and thus more suitable? Will the Damages account program, therefore, refrain from funding considerations and focus more on mosquito mitigation and habitat restoration at sites eg., Dubos Point, Brant Point, Beach 90th Street site (extended), etc.?* (Note discussion at the Dredging Forum worried some publicly minded environmentalist about 'such' to "close-expand" the Mud Dump.)

Proposal # 36 Seagirt Avenue

As the Terrapin Point (aka Vernam-Barbadoes site 3a-3b) discussion states we had suggested a trade of the cost to restore tidal flow from this site through blocked culverts to an impounded section north of Seagirt Boulevard at B9th Street for more of the threatened peninsula.

We were party of interest back in 1975 to restore tidal flow to the impounded creek bed and shoreline

area and mitigation is still pending from our perspective (Stream Appl. No . 24108-0098SP).

Naturally the site (all of the creek north and south of Seagirt Boulevard (see DEC map) is in our GAPC Proposal and had not been forgotten when in 1991 we were invited to a scoping session (chaired by NYCDCP with NYCDEP representation) for a large 13 story high-rise proposed for the unimpounded section with tidal wetlands impacts (CEQR# 89-068Q). Both city agencies indicated there might be a City Permit but that USACE permitting would be problematic given that the proposal was "not water dependent" (see scoping map enclosed). There was advice to the developers and consultants that NYSDEC would also provide a permitting problem.

There was an attempt by us to insert this Seagirt Avenue unimpounded site into the NYC "Comprehensive" Management Program Reach 17 (includes Rockaway and Jamaica Bay) but without success. So it is timely to consider purchase of the entire area as shown on the 1975 map. It is functioning wetland habitat and it is threatened by filling and other shoreline modifications by commercial activities. It is remnant of all the line modifications by commercial activities. It is remnant of all the creeks in the area south of Seagirt Boulevard with drainage into the bay. Naturally there has been considerable modification since the early 20th century when this natural drainage existed.

We were recently invited to an informational meeting concerning a NYSDOT storm water retention pond/wetlands restoration project (Nassau Expressway NY Route 878 R, Broadway to Seagirt Boulevard, PIN 0072.12 Wetlands Report available from NYSDOT and perhaps Region I that suggested site). Rather than 'more Expressway involved arbicide' in the area we suggested examining whether the Mott Bridge Creek Seagirt Avenue and its impounded section could be an "alternate system" with some pipe engineering. Note the impounded section has become freshwater and generated a toad invasion that made the tabloids in 1993 and probably generates some mosquitoes (though reports of complaints are unknown). *There is concern that the NYSDOT project will become a mosquito generating nuisance so, if possible, why not remediate an already impacted site?* As is the Seagirt site does receive storm water at B5th Seagirt Avenue outfall and with both sites with unpaved shoreline there is storm water runoff mitigation provided and under normal condition mitigate street flooding during heavy rains and storm surge. *Thus will the Damages Account program please consider the preservation of these remnant wetlands (much modified drainage area) that serve multiple function?* Egrets and glossy ibis are observed there, red winged black birds, also feed, and even raccoons are reported to wander through. But there is little left to preserve so the application would be timely. *If preservation should not be a priority compared to already portions of the Mott Point State Park area (proposals 30-32) will the program please explain why not?* Ownership should be researched and note the impounded section (with its own development conflict against another multi-residence structure) has a For Sale sign Phone No. (516) 820-5900.

Proposal #43 Bayswater Park-Greenich Property Intern Center Construction

Suffice it to say this is a worthy project but it is not habitat conservation as a priority represented. There is the suggestion the Damages Account program fund a mosquito mitigation/habitat restoration project of Friends of Rockaway Inc. at Dubos Point and elsewhere around Jamaica Bay. An interpretive center dedicated to Paman (see Terrapin Point discussion) would also be preferable to an intern center. Thus environmental and multicultural education could outreach to a wider public audience. Conservation of the Seagirt Avenue site (proposal # 29) is also more important than this one as worthy as it is. *If there is disagreement please explain?*

Proposal #44 Boat Purchase and Outfitting For Research and Education

The discussion of proposal # 43 applies to this other worthy proposal. Conservation should be a priority in agreement with CCMP of the Harbor Estuary Program and in this case foundation and donation sources of obtaining an outfitted craft should be sought rather than to compete with scarce funds. If there is disagreement please explain?

Proposal # 45 Map # 34 pg 50 - Black -backed and Herring Gull Colonies Displacement/Eradication at Breezy Point

For the sake of piping plover nesting success and for other species impacted by gull presence this is a worthy proposal. This proposal perhaps should be linked with the proposal 20 Map # 12 pg 41 Far Rockaway piping plover/least terns management project for an overall proposal to promote nesting success of this endangered species on the peninsula (as well as Terns, etc.) with interagency cooperation. If there is no agreement for this consolidation why not?

Proposal #46 Rockaway/Gateway Class 1 Bike/Pedestrian Greenway

While a worthy proposal this access enhancing and recreational utilitarian one should not be competing with scarce conservation funds "nor dare it be said much neglected mosquito mitigation" at Dubos Point and other shoreline sites. All the Rockaway conservation proposal might also share the \$300 thousand dollars suggested. But it is not explained the requirement that it is obligate for this sum to derive from the Damages Account. This is 'too arbitrary' given other needs! So this is not recommended from a grass-roots perspective. *The funds should be obtained from other sources. If there is disagreement please explain will you?* All these construction proposals generate outrage given problems attracting attention to all the C&D dumping, strip-mining of topsoil with flooding and mosquito breeding impacts, used asphalt dumping and the need for impacts analysis and habitat protection from the Arverne renewal area, to Terrapin Point, to the Norton Peninsula, etc.

Proposal # 47 Upland Grassland Habitat Restoration (Gateway Estates-Vandalia Dunes Mitigation Sites)

There is no explanation why "Gateway Estates" is mentioned at this proposal but not at proposal # 28 - Vandalia Dunes. This would be confusing to less informed reviewer and hopefully is just an oversight. At any rate there are other sites to remediate and protection of Gateway NRA watershed requires opposition to the Vandalia Dunes development.

Site 1a-1b Map # 1 - Healy Avenue (Bayswater Park Addition)

If this is the Solow property or environs there certainly is habitat worthy of preservation in the area to be added to the park. Unfortunately maps are not available to determine exact location to any reviewer. But on faith, and given development threats, it certainly ranks just behind Terrapin Point/Dubos Point buffer/ Seagirt Avenue/B90th Street extended site, etc. listed sites.

Thank you for your kind attention and concern.

Response 30

All proposals mentioned in your letter are included as possible projects for inclusion under the JBDA. Please refer to section 3 for Priority Ranking of Projects. Greater planning of individual projects is underway so that staff can begin the development of restoration plans and ultimately project

implementation. Individual project comments will be taken into consideration within this planning phase.

Number: Comment 31
Comment From: Broad Channel Civic Association Environmental Committee
Contact Information: 435 Cross Bay Blvd.
Broad Channel, NY 11693
Contact person: Susan Williams
(212) 560-5733
Committee Chair: Dan Mundy

Received by FAX

This is in response to your announcement of Sept. 16, 1994 regarding the development of a restoration and enhancement plan for the monitoring of activities under the Jamaica Bay Damages Account.

The Broad Channel Civic Association's Environmental Committee has the following comments/suggestions concerning the three phases outlined in the announcement.

Phase I: Reconnaissance Goals

Types of Projects

- Removal and cleanup of debris from the waterways and wetlands surrounding and/or in Jamaica Bay.
- Enhancement of wetlands.
- Educational campaigns.

Possible Projects

- Contract to clean waterways and wetlands in and around Jamaica Bay.
- Create a tidal wetland educational park in Broad Channel at the site of the old Broad Channel Day Camp.
- Have wetland education added to the school curriculum by way of guest speakers knowledgeable in this area.
- Adopt a wetland adjacent to the school.

Phase II & III: Planning and Implementation Goals

The Broad Channel Civic Association Environmental Committee is interested in the cleanup of Jamaica Bay and is committed to the continued education of our fellow residents.

We would be interested in participating in any planning which would assist us in attaining these goals, and the implementation of restoration and/or educational projects which result from such planning.

If possible, our Committee would like to obtain, for review, a copy of the Jamaica Bay Damages Account Reconnaissance Report mentioned in the announcement.

Response 31

As stated in the Reconnaissance Phase Report, the JBDA is to be used to restore, replace or acquire the equivalent of natural resources determined to have been injured or lost as a result of release of hazardous substances from five landfills within New York City. The type of projects to be undertaken are acquisition and natural resource restorations. Please refer to Section 3 for potential projects to be undertaken with these funds.

Number: Comment 32
Comment From: NYC Parks, Natural Resources Group
Contact Information: Marc Matsil, Director
830 5th Avenue
New York, NY 10021
PH: (212) 360-1417
Fax: (212) 360-1426

Comments (Attach additional pages if necessary):

Thank you for the opportunity to comment on the Jamaica Bay Damages Account Reconnaissance Phase Report-Draft. Since we submitted our last priority projects, several proposals have been completed. Based on these actions, I would like to re-prioritize the projects. The restoration plan has several important components. As the five landfills in question are located in every borough, except Manhattan, and outstanding projects have been proposed for those boroughs, we recommend allocating the fund proportionately by borough. As a result, \$4.6 million would be spent in Jamaica Bay (Brooklyn and Queens); \$1.5 million in Staten Island; \$1.1 million in Pelham Bay Park, in the Bronx; Our recommendations build on pre-existing studies done by public interest groups (Protectors of Pine Oak Wood, Audubon Society, Trust of Public Land, GAIA Institute) and Parks' Natural Resources Group, and eliminate the need to perform new and costly assessments. The acquisitions will support the consolidation of publicly-held lands which will make their management more efficient, and magnify their resource value. The plan includes a provision for management and coordination, to be performed by Parks' Natural Resources Group (land transfer and restoration component on Parks property,) and NYS DEC, to ensure they are accomplished quickly and competently. The proposals all enjoy considerable community support.

The prioritized recommendations are as follows:

- 1) Pelham Bay Lagoon - Proposal 10, 1st highest priority (A top priority) (see additional attachment). Estimated cost: \$400,000.00
- 2) Turtle Cove, Bronx - Proposal 12, 2nd highest priority (A top priority). Estimated cost: \$500,000.00. (See attachment.)
- 3) Proposal 8 & 9, Long Pond and Butler Manor Acquisition, 3rd highest Priority (a top

priority). Estimated cost: \$1,500,000.00. In addition to the original proposal we wish to add site AR22 (see map). The site, Paw-Paw Woods, is in close proximity to Butler Manor located the Southwest corner of Hylan Boulevard on Page Avenue. Paw-Paw Woods contains the finest example of rare coastal oak barren containing white, black, red, pin oak in addition to uncommon post, chestnut, blackjack, scrub oaks, and rare hybridized species including Quercus Rudkini and Quercus heterophylla (Bartrams oak).

The site also contains State endangered (G5, SI) bleeding heart, willow oak (G5,SI), and PAV (G5-S2) and a glorious hibiscus pond. (See attached article and map).

4) Proposal 2A & B: Brant Point Acquisition (2A) and Restoration (2B). 4th highest priority (A top priority); Estimated cost: \$1,150,000.00

5) Proposal 1-A & B, Healy Avenue/Bayswater; Acquisition. Estimated cost \$1,500,000.00, and Restoration protection (1B), \$200,000.00 5th highest priority (A top priority). Cost: \$1,700,000.00.

6) Proposal 6 B & C. Hook Creek Acquisition and Restoration. 6th highest priority (A top priority) Estimated cost: Acquisition: \$600,000.00 and Restoration/protection: \$150,000.00. Total cost: \$750,000.00

7) Proposal 7 B. Four Sparrow Marsh, Protection/Habitat Enhancement. The Four Sparrow Marsh Preserve was recently transferred from NYC EDC to Parks. An MOU has been executed - 7th highest priority (A top priority). Estimated cost: \$100,000.00. Includes guardrail installation, 1 mile (measured) around perimeter of preserve. In addition, \$150,000.00 for buffer enhancements. Total: \$250,000.00

8) Management & Coordination: A top priority. Coordination and oversight for Parks restoration and acquisition are necessary to ensure ecological integrity and timeliness of projects. An ecologist hired by New York City Parks (reporting to the Natural Resources Group), and New York State Project Manager (reporting to NYS DEC), will initiate management plans to facilitate acquisition of properties, and restoration oversight. Wetland restoration projects require field supervision to check grades, establish biological benchmarks, and monitor the projects. As most, if not all of the projects are related to NYC Parks' properties (acquisition, land transfers from other City agencies, and restoration), this position would require necessary oversight by a Parks' employee. Cost: 2 positions x 3 years, (one for NYC Parks, one for NYS DEC):

\$30,000.00 base pay,

30.8% fringe,

5% annual increases:

Total: \$247,408.00

9) Proposal 3B Vernam-Barbados Restoration, 8th Priority. Wetland and meadow restoration. Estimate cost: \$750,000.00. NYC EDC has agreed to transfer the natural areas (wetlands, meadows and shrub

buffers) of Bernam Barbados to Parks

Response 32

Please see Section 3- Priority Ranking of Projects.

1. State of New York: Department of Environmental Conservation. Order on Consent Case # D: 0001-90-11.