

May, 2016

Van Name Van Pelt Park: North Staten Island Restoration Plan (FINAL)

Using Natural Resources Damages settlement funds from the Chevron Perth Oil Spill

Introduction

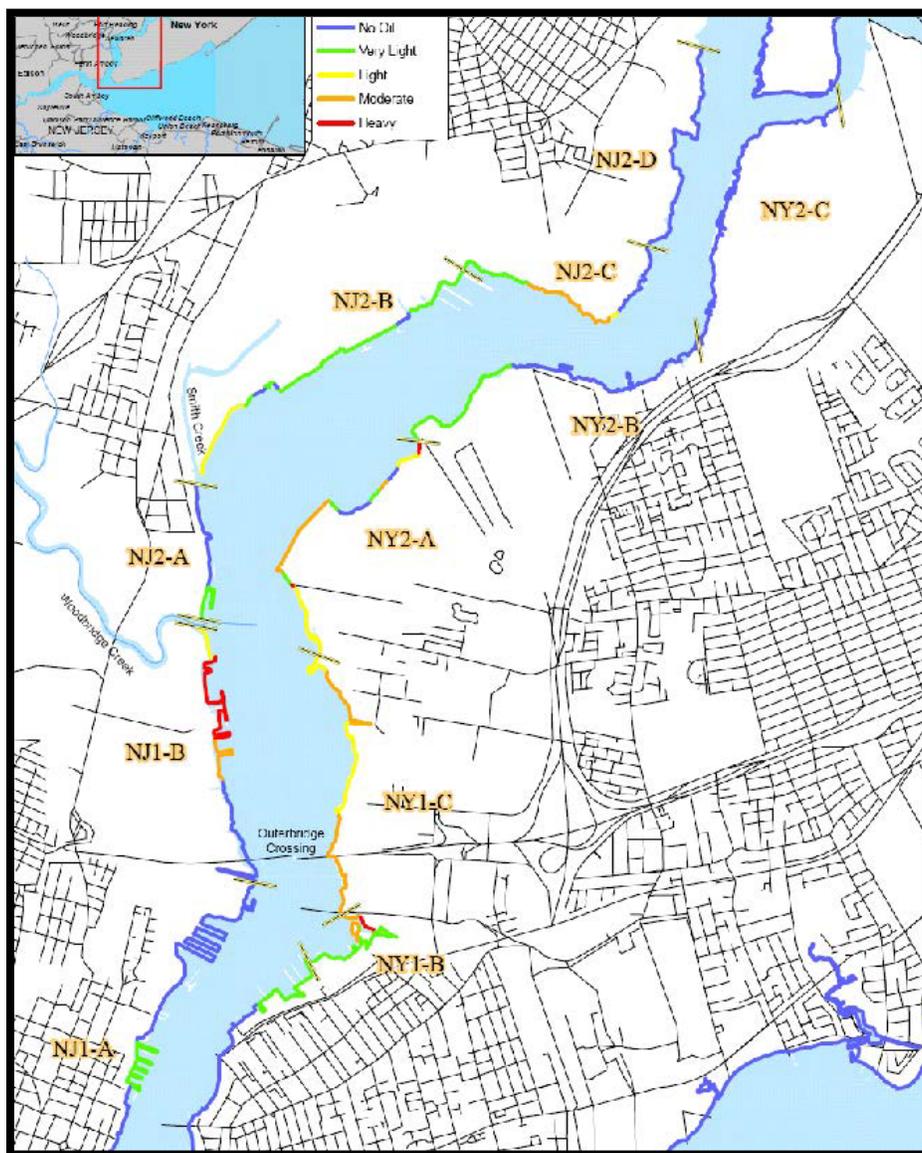
On February 13th 2006, approximately 31,000 gallons of #6 crude oil leaked from a nearshore Chevron refinery located at 1200 State Street in Perth Amboy, NJ. The spill, which leaked for 8 hours, spread from Perth Amboy, up the lower half of the Arthur Kill to the Fresh Kills and down to Raritan Bay. The spill was investigated and a cleanup effort was initiated by the US Coast Guard with oversight by a Unified Command team that included US Coast Guard, NY State Department of Environmental Conservation (NYSDEC), NJ Department of Environmental Protection (NJDEP), NY City Department of Environmental Protection (NYCDEP), and Chevron. Detailed information regarding this event is documented by the NYSDEC under Spill Report No. 0551609.

Water quality was deemed to be not substantially effected according to the EPA's Acute Water Quality Criteria for VOCs or PAHs. Sediment samples were collected shortly following the spill but never tested.

The petroleum discharge makes the Navigation Law (NL) § 181 applicable against Chevron for the spill damages. NL § 181(a) states that any person who discharges petroleum shall be strictly liable, without regard to fault, "for all cleanup and removal costs and all direct and indirect damages, no matter by whom sustained." A Natural Resources Damages (NRD) settlement was agreed upon out of court by NYSDEC and the National Oceanic and Atmospheric Association (NOAA) following a presentation by Chevron on May 2, 2006. The agreement awards \$13,500 to the NYSDEC who acts as Natural Resources Trustee in this matter. Following the federal regulations for NRD Assessment and Restoration, monetary recoveries are to be spent on restoration, replacement, or acquisition of the equivalent of the injured natural resource or ecosystem services that were lost as a result of the spill. As such, these monies will be used to improve the shoreline of Staten Island adjacent to the area of the February 13, 2006 Chevron spill.

Resource and Injury Description

The determination of the extent and severity of the Spill was conducted by Chevron under the supervision and approval of Unified Command. Cleanup, also overseen by Unified Command, consisted of placing booms at strategic points in the Arthur Kill to contain the surface spread of oil, collecting and disposing of oily water via skimmers and manually collecting oiled shoreline sediment or vegetation. Areal spread of the oil and the extent of damage were investigated by flying over the affected area, traversing the river by boat, walking the shoreline, and working with local stakeholders to identify and help (if possible) injured wildlife. Chevron assumed responsibility for the spill and created a final damage report by compiling the Incident Action Plans that were created daily and approved by the entirety of Unified Command.

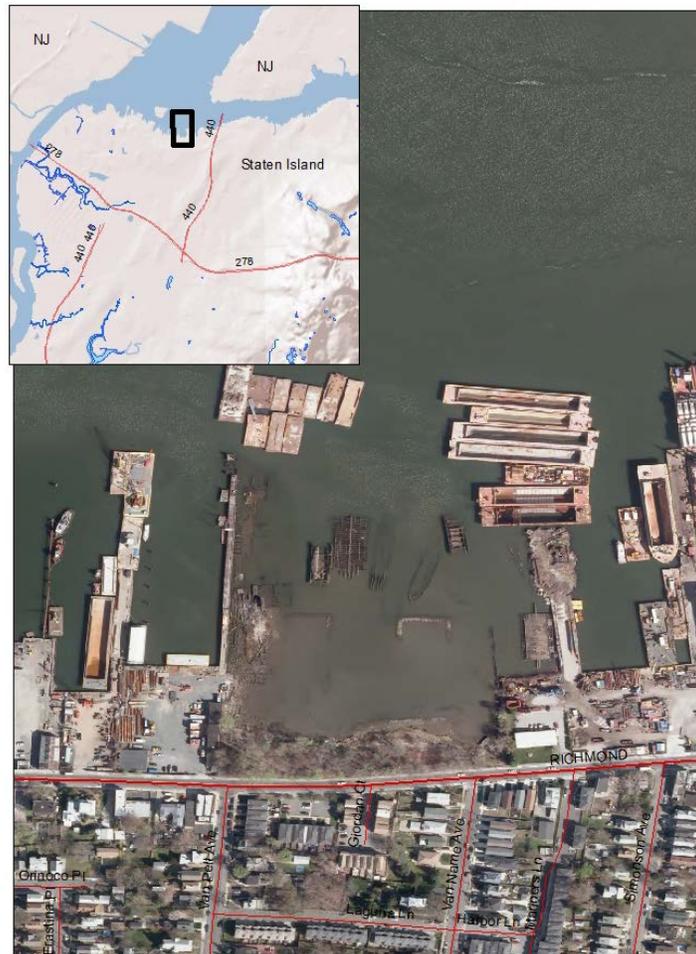


Approximately 5 miles of NY coastline was impacted by oiling following the spill. The following comprise the acres of NY coastline affected by oiling: 1.56 acres of marsh, 0.49 acres of manmade structures, 0.15 acres of beach, and 0.11 acres of mud flat. Depending on the magnitude of the shoreline oiling, light to heavy, the natural areas of the coastline were expected to take 3-36 months to recover. Wildlife injury for the entire spill (on both the New Jersey and New York sides) was approximately 40-50 oiled birds and the death of a Harbor porpoise and a Sand shark. Of the 13 live birds collected, 12 were rehabilitated and released.

In addition to the ecological injury, the citizens of NY and NJ also lost access to the Arthur Kill to use for commercial transportation and recreation during parts of the cleanup. The NYSDEC also expends fiscal resources when responding to, assessing, and monitoring spills.

Restoration Description

The area to be restored is a small parcel of waterfront located on Staten Island's north shore, between Van Name and Van Pelt Avenues. The north shore of Staten Island is heavily industrialized, which makes even small parcels like this one particularly important to the community and to the wildlife of the Kill Van Kull.



The Van Name Van Pelt property was recently acquired by the NYC Department of Parks and Recreation (NYCDPR), which was interested in restoring the property but lacked the resources to do so. In response, NYSDEC reached out to a local community organization, The North Shore Waterfront Conservancy (NSWC), to see if there was interest in organizing a volunteer effort to restore the wetland. The NSWC is a local non-profit community organization that strives to promote greener shorelines and community access in northern Staten Island. As such, they organize volunteer events to work on issues such as environmental justice, toxic contamination issues, coastal flooding and sustainable development. The NSWC agreed to host the volunteer effort freeing up the settlement money to cover the purchase of restoration materials.

Because of the industrialized nature of the north shore of Staten Island, NYCDPR has proposed the creation of an intertidal marsh at this location to increase the ecological value of the area. Additionally, the narrowness of the shoreline makes this a vulnerable spot for coastal flooding. Planting even a narrow fringing salt marsh on this shoreline may add some flood protection to Richmond Terrace. To complete this 0.5 acre restoration, approximately 18,000 *Spartina alterniflora* plants would need to be purchased. Additionally, the NSWC would like to purchase bat boxes to promote wildlife usage, community interest, and natural mosquito control. The \$13,500 NRD settlement money will be used for the purchase of both the plants and bat boxes.

The Pinelands Nursery in Columbus, NJ will be able to provide the *S. alterniflora* plants required for the intertidal marsh restoration with little to no notice prior to ordering. The 2" plugs are sold for \$0.70 each, which is a comparable price to local competitors that may not have the same capacity for production as Pinelands Nursery. Bat boxes of many varieties can be readily purchased online for \$50 or less each. For example, identical Audubon Bat Boxes can be purchased at Walmart.com, Jet.com, BestNest.com, CountryMax.com and Wayfair.com. No more than 10 boxes should be required for this project.

The intertidal area should be assessed and marked out in the field prior to planting. NYCDPR may also want to organize a garbage and debris cleanup prior to or in conjunction with this planting effort.

Restoration Plan Justification

Historically, Staten Island was nearly surrounded by salt marsh wetlands. This ecosystem provides many services including habitat for wildlife and a rest stop for migrating birds, improved water quality by sequestering toxins and pollutants, as well as carbon sequestration. Many of Staten Island's wetlands have been filled in to provide room for coastal development. Recently, more marshes are eroding due to pollution in the waterways such as this 2006 Chevron spill. Thus protecting Staten Island's remaining marshes is very important to the ecology and the community. The Chevron spill resulted in injury to the marshes, the estuary and the wildlife that uses them. Though the restoration proposed at the Van Name Van Pelt Park is small, combined efforts to restore marshes and improve the natural environment at on the Kill van Kull and Arthur Kill shorelines could have a cumulative effect in providing habitat for the local fish and birdlife. Near the Van Name Van Pelt Park there are at least two other natural areas that provide wildlife habitat: Arlington Marsh, the last remaining tidal marsh on the

Kill van Kull, and Shooters Island, once a significant heron nesting area. Both neighboring areas also have the potential for restoration efforts.

Implementation

The NYSDEC is prepared to release the NRD settlement funds to the NYCDPR under a sole-source contract, for the purchase of the restoration materials. NYCDPR will engage the NSWC to organize their volunteer event and oversee the training of the volunteers in proper planting technique. NYSDEC requests communication from NYCDPR regarding the progress of the project implementation and best practice dictates NYCDPR conduct three years of annual monitoring regarding the success of the restoration actions.

Public Outreach and Public Comment

A draft Restoration Plan was prepared for public review and comment in compliance with requirements of NRDA rules and regulations and was published in the NYSDEC Environmental Notice Bulletin on March 23, 2016 with a 38-day comment period. No public comments were received so the restoration plan has not been altered for this final version.