

Restoration Plan for a Portion of the New Cassel Industrial Area Natural Resource Damages
Settlement Funds
Acquisition of the Stroll Garden and Connector Parcels
Shu Swamp Preserve
Oyster Bay Special Groundwater Protection Area
Mill Neck, NY

Introduction

The New York State Department of Environmental Conservation (Department), on behalf of the State of New York as the “Trustee” of groundwater resources in the state resolved a natural resource damage (NRD) claim with the responsible parties for the New Cassel Industrial Area (Site) located in the Town of North Hempstead, Nassau County, New York. Long Island’s aquifers are designated by the United States Environmental Protection Agency (EPA) as a Sole Source Aquifer because they are the only source of drinking water for the 2.9 million residents in Nassau and Suffolk County.

This Restoration Plan was prepared by the Trustee pursuant to its authority and responsibilities as natural resource Trustee under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 United States Code (USC) § 9601, et seq., the Federal Water Pollution Control Act, 33 USC § 1251, et seq. (also known as the Clean Water Act), and other applicable Federal laws, including Subpart G of the National Oil and Hazardous Substances Contingency Plan, at 40 Code of Federal Regulations (CFR) §§ 300.600 through 300.615, the Oil Pollution Act of 1990, 33 USC § 2700, et seq., Article 12 of the New York State Navigation Law, CERCLA natural resource damage assessment regulations at 43 CFR Part 11 (Natural Resource Damage Assessment and Restoration [NRDAR] regulations) which provide guidance for this restoration planning process under CERCLA, and NYSDEC Natural Resource Damages Policy CP-44.

The Trustee sought a settlement as compensation for injuries to natural resources due to the release of environmental contaminants from the Site that impacted Long Island’s sole source aquifer. The Trustee is required to use settlement funds to compensate for those injuries by restoring natural resources, supporting habitat, and/or services provided by the injured resources. Accordingly, the Trustee has prepared this Restoration Plan.

Restoration

Preservation of open space is a broadly proven and cost effective means of groundwater protection. On Long Island, where 100% of the drinking water comes from underground aquifers, preserving open space, particularly in designated Special Ground Water Protection Areas, is of critical importance. The acquisitions in this Restoration Plan will benefit groundwater resources on the north shore of Long Island in Nassau County by preventing runoff and septic leachate associated with new development from entering the aquifer.

The Plan is to acquire fourteen acres of land, two seven-acre parcels, in the Oyster Bay Special Groundwater Protection Area (“SGPA”) for preservation purposes. The parcels are located within the Shu Swamp-Beaver Brook watershed and include Class I freshwater wetlands and a Class C stream. They are part of a 200-acre network of public and privately protected land that includes the Smithers Estate Preserve, Charles T. Church Preserve (Shu Swamp Preserve), Beaver Lake/Beaver Dam Preserve (all owned by Nassau County) and several conservation easements held by the North Shore Land Alliance. The Shu Swamp area is specifically targeted for land preservation in the Long Island Comprehensive Special Groundwater Protection Area Plan issued by the Long Island Regional Planning Board.

Protecting land adjacent to the Shu Swamp Preserve is also a listed priority in the 2016 New York State Open Space Conservation Plan for the primary purpose of groundwater protection. Secondary environmental benefits include protection of rare, threatened and endangered species, consolidation of public lands, expansion of outdoor recreational opportunities and protection of Long Island Sound water quality. Shu Swamp and Beaver Brook drain directly to Oyster Bay, a major embayment within the Long Island Sound Estuary.

Because the Shu Swamp parcels are located less than one mile from Planting Fields Arboretum State Historic Park, under jurisdiction of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), and because the Department has no preserve lands of its own proximate to Shu Swamp, it has been deemed expeditious that OPRHP acquire the parcels on behalf of the People of the State and that the parcels be managed as a natural annex of the State Historic Park.

Under terms of a Memorandum of Understanding, the Department will sub-allocate Nine Hundred Fifty Thousand dollars (\$950,000) of Next Millennium NRD funds to OPRHP for its direct acquisition of the Shu Swamp parcels. OPRHP will undertake all acquisition work including necessary appraisal(s), title work, environmental assessment(s), contracting and closing. The NRD funds will be used to pay the aforesaid hard costs as well as the purchase price of each parcel approximately as follows:

\$920,000, total purchase price for both parcels based on appraised fair market value;
\$30,000, hard costs related to the acquisition (appraisals, survey, EA’s, title insurance).
\$950,000 total

The Department will provide technical support to OPRHP on acquisition matters; maintain records of project related invoices; retain copies of appraisals, surveys, contracts and deeds. The Department will verify completion of the project and make any reports required by the Settlement.

OPRHP will make its best effort to acquire the Shu Swamp parcels expeditiously. As is the case with all land acquisition, title, appraisal or environmental problems could delay or prevent the closing of title on one or both parcels.

Response to Public Comments Received

A Draft Restoration Plan was prepared for public review and comment and was published in the NYSDEC Environmental Notice Bulletin on February 28, 2018 with a 30-day comment period.

No comments were received.