United States Department of the Interior

FISH AND WILDLIFE SERVICE
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In Reply Refer To:
FWS/Region 5/ES-NRDAR

MAR 1 2 2014

Memorandum

To: Field Office Supervisor, New York Field Office

From: Assistant Regional Director, Ecological Services

Subject: Final Restoration Plan Addendum and Environmental Assessment for Mattiace Petrochemical Company Superfund Site

This is to inform you the Regional Director, as Authorized Official, has approved the Final Restoration Plan Addendum and Environmental Assessment for Mattiace Petrochemical Company Superfund Site.

We appreciate the efforts of you and your staff in accomplishing restoration under the Natural Resource Damage Assessment and Restoration (NRDAR) program. If you have any questions or need further assistance, please contact Robin Heubel, Regional NRDAR Coordinator, at 413-253-8630.

Attachments

FINAL RESTORATION PLAN AND ENVIRONMENTAL ASSESSMENT ADDENDUM

MATTIACE PETROCHEMICAL COMPANY SUPERFUND SITE GLEN COVE, NASSAU COUNTY, NEW YORK

January 31, 2014, Addendum Revised from
March 7, 2007, Final Restoration Plan

Prepared by:

United States Fish and Wildlife Service

on behalf of the

U.S. Department of the Interior,
National Oceanic and Atmospheric Administration,
and
New York State Department of Environmental Conservation

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Preamble

This Addendum to the "2007 Mattiace Petrochemical Superfund Site Final Restoration Plan" (USFWS 2007) has been developed to summarize a new restoration alternative that has been selected by the Trustees. This new alternative is necessary because the project proponent for the restoration project alternative selected in the 2007 Final Restoration Plan notified us that they are no longer able to perform the proposed work. The Trustees are now proposing an alternative that will fund the following five projects:

- Coastal forest restoration at Theodore Roosevelt Sanctuary,
- ExxonMobil Site grassland and wet meadow restoration,
- Beekman Creek stream restoration,
- Underhill Preserve grassland management, and
- Hempstead Harbor Cove wetland restoration.

A. Introduction

In June 2003, the United States Fish and Wildlife Service (USFWS), on behalf of the United States Department of the Interior (DOI), the National Oceanic and Atmospheric Administration (NOAA) of the United States Department of Commerce, and the New York State Department of Environmental Conservation (NYSDEC), on behalf of the State of New York, collectively referred to as the "Trustees," settled a natural resource damage claim with the Responsible Parties for the Mattiace Petrochemical Company Superfund Site (the Site) located in Glen Cove, Town of Oyster Bay, Nassau County, New York.

The Trustees sought this settlement as compensation for injuries to natural resources due to the release of environmental contaminants from the Site. We are required to use settlement funds to compensate for those injuries by restoring natural resources, supporting habitat, and/or services provided by the injured resources. The Comprehensive Environmental Compensation and Liability Act (CERCLA), 42 U.S.C. §9601, *et seq.*, which designates natural resource trustees, requires that, before settlement monies can be used for such activities, we must develop and adopt a Restoration Plan, and that in doing so, there must be adequate public notice and opportunity for hearing and consideration of all public comment.

The Trustees published and distributed a Draft Restoration Plan in 2006 and sought comments on it. We published a Notice of Availability of the Draft Plan in the Federal Register and the Oyster Bay *Enterprise-Pilot*. We received no comments on the Draft Restoration Plan within the 30-day comment period. The Final Restoration Plan was published in March 2007 (http://www.fws.gov/northeast/nyfo/ec/nrda.htm). The 2007 Restoration Plan presented a number

of restoration projects, as summarized in Section E. The Beaver Dam Creek Tributary Restoration Project was selected as the preferred alternative. The project proponent for the Beaver Dam Creek Tributary Restoration Project is no longer able to complete this project. In 2012 and 2013, the Trustees solicited additional project alternatives from the Long Island National Wildlife Refuge, Theodore Roosevelt Sanctuary and Audubon Center, Friends of Oyster Bay, Huntington-Oyster Bay Audubon Society, North Shore Land Alliance, and the Town of North Hempstead. We have reviewed projects submitted to us, as well as those previously submitted to us, and selected a new preferred alternative, which is presented in Section F below.

B. Background

The 2-acre (0.8 ha) Mattiace Petrochemical Site is an inactive chemical distribution facility located on Long Island on Garvies Point Road, about 166 meters north of Glen Cove Creek (Figure 1). From the mid-1960s until 1987, Mattiace received chemicals by tank truck and redistributed them to its customers. The company also operated the M&M Drum Cleaning Company on the Site until 1982. During its operational period, the Mattiace property contained a Quonset hut, shed, concrete loading dock, and approximately 56 storage tanks, most of which were underground. In 1987, after seven years of failed negotiations and litigation regarding various waste-handling and environmental infractions, the State of New York seized the property. At that time, many drums and tanks of organic, acid, and alkali liquids remained (EPA 2010, NYSDEC 1998).

The primary migration pathways from the Site to habitats of concern in Glen Cove Creek were direct discharges through underground pipes, groundwater discharge, and surface water transport. When the facility was in operation, overflowing chemicals and stormwater were transported to a solvent/stormwater separator and ultimately discharged to the creek. Runoff eroded soil and created gullies in the driveway that served to direct flow towards Garvies Point Road. Garvies Point Road is connected to Glen Cove Creek via a storm sewer and underground pipe. In 1980, Mattiace obtained a state pollution discharge elimination permit to discharge stormwater overland. The permit expired in 1982 and was not renewed due to permit violations. Contaminated groundwater may have contributed to surface water contamination. Additionally, large leaching pools were constructed on-site to collect surface water runoff and to leach solvents into the ground.

In 1988, the U.S. Environmental Protection Agency (EPA) implemented an emergency removal action to secure the Site and remove more than 120,000 gallons of hazardous liquids. Samples were collected to characterize on-site contaminants, and 100,000 gallons of flammable liquids, 20,000 gallons of contaminated water, and 1,800 gallons of liquids containing polychlorinated biphenyls (PCBs) were removed from the Site. Empty chemical containers were crushed and sent to an off-site incineration facility. The owners reclaimed cylinders and some empty tanks. All other hazardous materials were transported to EPA-approved disposal facilities. After a geophysical survey was conducted during the Remedial Investigation, EPA found and characterized the contents of buried drums on the west central part of the Site. EPA signed a

Record of Decision (ROD) in 1990 specifically for removal and off-site treatment and disposal of drums and contaminated soil in the drum burial area. In 1992, EPA completed excavation and off-site disposal of approximately 400 buried drums and contaminated soil.

The EPA completed a comprehensive remedial investigation and feasibility study (RI/FS) of soil and groundwater pollution, and signed a ROD in June 1991 selecting in situ vapor extraction of soil, limited excavation of soil contaminated with pesticides, removal of all above- and below-ground tanks and cisterns, and groundwater pumping and treatment as the selected remedy. The removal of all tanks, cisterns, and associated piping was completed in 1996 and EPA initiated construction of an integrated groundwater and soil vapor treatment facility in October 1997. In August 1998, EPA completed construction of a groundwater/soil vapor integrated treatment facility and began long-term operation in September 1999. The facility will remediate an estimated 28,000 cubic yards of contaminated soil and one-half billion gallons of contaminated groundwater.

In July 2003, a private company assumed responsibility for performing long-term operation of the facility under an agreement with EPA and potentially responsible parties (PRPs). EPA provides oversight of the facility operation as part of the agreement. As of 2010, the PRPs had proposed a change in the remedy, which involves phytoremediation and air sparging treatment (USEPA 2010).

C. Natural Resources and Impacts To Those Resources

Glen Cove Creek and Hempstead Harbor are estuarine systems with associated wetlands. Hempstead Harbor has been designated a significant coastal fish and wildlife habitat by the New York State Department of State (NYSDOS 2005) and as Essential Fish Habitat for 15 species by NOAA's National Marine Fisheries Service (NOAA 2005). The USFWS (1997) recognizes the western harbors of Long Island, including Hempstead Harbor, as significant habitat areas for many fish and wildlife species, including wintering waterfowl and wading birds. Anadromous, catadromous, euryhaline and marine finfish, and invertebrates also use Hempstead Harbor and Glen Cove Creek. Some of these species have commercial and recreational importance.

Hempstead Harbor is an important wintering (November-March) area for waterfowl species. Mid-winter aerial surveys of waterfowl abundance for the ten-year period 1987-1996 indicate average concentrations of about 400 birds in the bay each year (1345 in peak year), including approximately 135 greater and/or lesser scaup (*Aythya affinis*) (420 in peak year) and 95 American black ducks (*Anas rubripes*) (295 in peak year), along with lesser numbers of Canada goose (*Branta canadensis*), brant (*Branta bernicla*), common goldeneye (*Bucephala clangula*), canvasback (*Aythya valisineria*), red-breasted merganser (*Mergus serrator*), mallard (*Anas platyrhynchos*), bufflehead (*Bucephala albeola*), American widgeon (*Anas americana*), and

long-tailed duck (*Clangula hyemalis*). Pied-billed grebe (*Podilymbus podiceps*) and common loon (*Gavia immer*) are regular winter visitors to Hempstead Harbor (NYSDOS 2005).

In addition to waterfowl, Hempstead Harbor supports a diverse assemblage of other bird species, including great egret (*Ardea alba*), snowy egret (*Egretta thula*), black-crowned night-heron (*Nycticorax nycticorax*), laughing gull (*Larus atricilla*), ring-billed gull (*Larus delawarensis*), great black-backed gull (*Larus marinus*), herring gull (*Larus argentatus*), double-crested cormorant (*Phalacrocorax auritus*), red-winged blackbird (*Agelaius phoeniceus*), belted kingfisher (*Ceryle alcyon*), red-throated loon (*Gavia stellata*), and horned grebe (*Podiceps auritus*). Osprey (*Pandion haliaetus*) currently nest on constructed platforms as well as on previously existing nesting sites (NYSDOS 2005).

A diversity of rare bird species have also been observed visiting Hempstead Harbor. These species include peregrine falcon (*Falco peregrinus*), roseate tern (*Sterna dougallii*), black tern (*Chlidonias niger*), piping plover (*Charadrius melodus*), short-eared owl (*Asio flammeus*), least tern (*Sterna antillarum*), common tern (*Sterna hirundo*), bald eagle (*Haliaeetus leucocephalus*), northern harrier (*Circus cyaneus*), sedge wren (*Cistothorus platensis*), American bittern (*Botaurus lentiginosus*), black skimmer (*Rynchops niger*), sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), northern goshawk (*Accipiter gentilis*), common nighthawk (*Chordeiles minor*), red-headed woodpecker (*Melanerpes erythrocephalus*), horned lark (*Eremophila alpestris*), golden-winged warbler (*Vermivora chrysoptera*), vesper sparrow (*Pooecetes gramineus*), grasshopper sparrow (*Ammodramus savannarum*), and seaside sparrow (*Ammodramus maritimus*) (NYSDOS 2005).

Contaminants of concern at the Mattiace Petrochemical Site included volatile organic carbons (VOCs) and phenols contained in groundwater discharge and surface water transport from the Site to creek habitats supporting trust resources (EPA 2010). Hazardous substances were detected in on-site soils, sediment, surface water, and groundwater at levels that potentially reduce survivability of algae, benthic invertebrates, fish fry, and communities of other animals (e.g. shellfish, fish, birds, and mammals) that rely on them for food.

D. Natural Resource Damage Settlement

The Trustees analyzed injury to the 38-acre area impacted by Site-related contaminants using a Habitat Equivalency Analysis (Unsworth and Bishop 1994). After negotiation with the Responsible Parties, we reached a settlement based on a 5-acre wetland restoration goal. This settlement was formalized in a Consent Decree signed by the United States Government, the State of New York, and the Responsible Parties in June 2003. As a result of the settlement, the Responsible Parties provided $194,156.53 (the estimated cost of a 5-acre wetland restoration) to the Trustees to compensate for the habitat degradation. The restoration account for the Site as of September 2013, due to the accrual of interest, currently contains about $225,000. Of those funds,

approximately $180,000.00 is available for restoration activities, with the balance for project planning, implementation, and monitoring.

E. Proposed Restoration Projects – 2007 restoration plan

The primary goal of restoration as part of natural resource damage assessments is to compensate for natural resources that were injured. Restoration includes returning an injured resource to its prior condition, as well as acquisition of other resources to compensate for those that were injured. The Trustees are required to assess a reasonable number of possible restoration projects. A project may consist of a single action or a set of actions to be undertaken. To identify potential projects, we originally consulted various program areas within the Service, NOAA's Restoration Center, the NYSDEC, the New York State Department of Parks and Recreation, the Department of Maritime Services - Town of Huntington, and Ducks Unlimited. We also published a Notice of Availability of the Draft Plan in the Federal Register and the Oyster Bay *Enterprise-Pilot*. Based on the input received, in 2007, we identified the following potential restoration projects.

Alternative 1 - Glen Cove Creek Restoration

The Trustees considered performing a restoration project in Glen Cove Creek, which is in the immediate vicinity of the Site. However, the Glen Cove Creek shoreline is highly developed and contains a significant portion of high-walled, steel-sheet, and wood pilings along the banks, limiting shoreline and/or wetland restoration options of a single project to less than the minimum 5-acre restoration goal. Therefore, a restoration project in Glen Cove Creek was not given further consideration.

Alternative 2 - Mill Dam Pond Revitalization Restoration Projects

Mill Dam Pond (Pond) is located about 11 mi east of the Site, in the Village of Huntington, Suffolk County, New York, immediately south of Mill Dam Road, west of New York Avenue, and east of Shore Road. The 9-acre Pond receives large volumes of stormwater flow from the Wall Street and New York Avenue drainage areas. The Pond has filled with sediment from decades of untreated stormwater flow. The two specific Mill Dam Pond restoration projects considered by the Trustees were:

2a. Mill Dam Pond fish passage – installation of a structure to facilitate movement of fish into Mill Dam Pond from the Harbor would open up 7 acres of tidal wetland for use by fish and wildlife.

2b. Mill Dam Pond wetland enhancement – enhancement of 4.2 acres of tidal wetland habitat around the perimeter of Mill Pond.

The Trustees did not select these projects because the Mill Dam Pond fish passage project greatly exceeded our budget. We had concerns that development and stormwater runoff may jeopardize wetland enhancement around the pond perimeter.

Alternative 3 - Beaver Dam Creek Tributary Restoration

The Beaver Dam Creek Tidal Marsh Restoration is a NOAA community-based initiative involving multiple partners including the NOAA Community-based Restoration Program, Ducks Unlimited, the Post Morrow Foundation, the Town of Brookhaven, the Suffolk County Department of Public Works, and the Long Island National Wildlife Refuge Complex of the U.S. Fish and Wildlife Service. The proposed project would restore 5 acres of tidal wetland. **This project was selected as our preferred alternative in 2007.**

Alternative 4 - Phillips Mill Pond Dam Fish Passage

North and South Phillips Mill Pond Dams are located at the southeast corner of Caleb Smith State Park Preserve, Smithtown, Town of Smithtown, Suffolk County, New York. The approximately 5-foot-high dams are at the head of tide at a common boundary between the park and privately-owned land. The proposed restoration project would include dam repair or replacement and installation of fish passage. The cost of this alternative far exceeded the available funds. This project was not given further consideration.

Alternative 5 - New Mill Pond Dam Fish Passage

New Mill Pond Dam is located in Blydenburgh County Park, Smithtown, Town of Smithtown, Suffolk County, New York. The dam impounds approximately 100 acres of high quality water. This proposed project involved implantation of fish passage at this dam. However, fish passage would be needed downstream at Phillips Mill Pond Dam to make this project biologically productive. This project was not given further consideration.

Alternative 6 - No Action Alternative

Federal regulations require natural resource trustees to consider a no action restoration option. Under the No Action Alternative, no action would be taken to restore resources injured due to contamination or remedial activities associated with the Site.

Preferred Alternative in 2007 Restoration Plan

Based on an evaluation and comparison of project alternatives for the 2007 Final Restoration Plan for the Mattiace Petrochemical Superfund Site, the Trustees selected the Beaver Dam Creek Tributary Restoration project as the "Preferred Project" for implementation. The project proponents have since notified us that they are no longer able to complete this project.

F. Proposed Restoration Projects – 2014 Addendum to Restoration Plan

The Trustees have evaluated additional alternatives as part of this Addendum to the Restoration Plan. They are Alternatives 7-12.

Alternative 7 - Wetland Restoration at Seatuck National Wildlife Refuge

Seatuck National Wildlife Refuge (NWR) is one of ten management units within the Long Island NWR Complex. The Refuge is located in the Town of Islip on the south shore of Long Island and consists of 209 acres bordering the Great South Bay, separated from the Atlantic Ocean by Fire Island. Proposed projects submitted total $107,500 and include restoration and enhancement of 66 acres of tidal marsh and 16 acres of emergent wetland via removal of dredged material and drainage of areas with excessive water. The NWR also proposed to manage non-native *Phragmites* and Chinese silvergrass by prescribed burning and herbicide use on approximately 50 acres of the Refuge.

Alternative 8 - Theodore Roosevelt Sanctuary and Audubon Center Coastal Forest Restoration

Restore coastal forest habitat at Theodore Roosevelt Sanctuary and Audubon Center by managing invasive species in the understory via a variety of chemical and mechanical methods, followed by planting of native species. The understory of the forest sanctuary has been invaded by non-native, invasive species such as Norway maple, English ivy, and Japanese spurge. Invasive species will be initially eliminated through herbicide applications, with post-spraying mechanical and manual means to further remove invasive species. Native species such as downy serviceberry, flowering dogwood, white oak, swamp white oak, American holly, sweet pepperbush, joe-pye weed, and broom sedge will be planted in treated areas. Approximately 5,120 2-inch plugs, 900 1-quart herbaceous plants, 465 1-gallon shrubs or trees, 125 3-gallon shrubs or trees, and 35 7-gallon trees will be planted.

Project costs are $38,400 supporting a grant of $34,977.27 from the National Fish and Wildlife Foundation and additional matching funds and in-kind services (~$13,210) from Restaino Design and Theodore Roosevelt Sanctuary and Audubon Center. NRDAR funds will be spent on a combination of contract services for the herbicide application, plant materials, and staff time to manage the project. In addition, educational materials such as wayside signage and or printed materials, will provide information to the public about the threat of invasive species as well as methods to address this threat.

Background: The Theodore Roosevelt Sanctuary and Audubon Center is Audubon's first and oldest bird sanctuary. It supports rare old growth trees including American tulip, oak, red maple,

beech, and hickory. Non-native invasive species have invaded the sanctuary, out-competing the native understory species and inhibiting growth of native trees.

Alternative 9 - Grassland and Wet Meadow Enhancement at ExxonMobil Site

Create native short grass and tall grass ecological communities and wet meadow on approximately three acres at the former ExxonMobil site in Cold Spring Harbor. Specific project activities include soil preparation, application of compost, seeding with grassland and wildflower species, and planting plugs and container herbaceous and shrub/tree species. Total requested funding is $35,000, with $35,000 in matching funds from ExxonMobil.

Background: The North Shore Land Alliance has proposed habitat restoration on a former ExxonMobil facility that has been remediated. The property is approximately eight acres in size and will eventually become a nature preserve open to the public. Other project components include shrubland enhancement, tidal salt marsh restoration, spit dune restoration, and parking.

Alternative 10 - Stream Restoration along Beekman Creek

Remove and dispose of two in-stream concrete dams and install eight rock vortex weirs to concentrate and deepen stream flow, create plunge pools, and reduce bank erosion. Remove invasive and exotic plants along Beekman Creek and re-plant native, non-invasive tree and shrub species. Total project cost is $42,200, with $25,000 to be spent for removing existing concrete check dams and installing eight rock vortex weirs, $7,200 for native plant materials, $9,000 for surveying, engineering oversight, and project management by Friends of the Bay, and $1,000 for removing trash and invasive species along the stream channel.

Background: Beekman Creek is a small tributary to Mill Creek that flows into Oyster Bay. The stream supports native brook trout, although approximately 600 feet of the creek downstream of the proposed project area flows within a culvert.

Alternative 11 - Native Grassland Restoration at Underhill Preserve

Implement a recently developed invasive species management plan for the 50-acre Underhill Preserve. Invasive species on site include periwinkle, wineberry, multiflora rose, black locust, bradford pear, white mulberry, Japanese stiltgrass, purple loosestrife, creeping yellow-loosestrife, fly honeysuckle, Amur honeysuckle, and Japanese honeysuckle. These invasives pose a threat to Underhill's grassland habitat and to ten recently mapped threatened, rare, and endangered plant species including hyssop-leaved hedge-nettle, lowland yellow-loosestrife, spiny woodrush, Torrey's thoroughwort, white thoroughwort, American persimmon, Great Plains flatsedge, smartweed dodder, midland sedge, and green milkweed. Funds will be used to rent, trailer, or hire equipment, tools, and operators and certified herbicide applicators. Funds will also be allocated

for gloves, hand saws, pruners, stakes, flagging, and signage for use by agency staff and volunteer stewards working on the project and to set up monitoring plots to measure the long-term success of the work. Requested funding is $39,225.

Background: The Underhill Preserve is an open space area located within the Town of Jericho. The preserve is co-owned by the Town of Oyster Bay, State of New York, and Nassau County and this project is proposed by the Huntington-Oyster Bay Audubon Society and NYSDEC. The grasslands and meadows are threatened by invasive species. Restoration and protection of the biological diversity of this preserve would protect one of the largest contiguous grasslands in Nassau County.

Alternative 12 - Hempstead Harbor Cove Wetland Restoration

Use herbicide to control *Phragmites australis* on approximately one acre in Hempstead Harbor Cove in Port Washington, New York. Herbicide treatment would be followed by planting of approximately 2,000 *Spartina* plugs, silt fencing, and goose exclusion fencing. The Project cost is $25,000.

Background: The Town of North Hempstead is proposing this project as a follow-up to restoration activities that have been conducted at this site by other agencies. Previous restoration efforts have been impaired by re-growth of Phragmites and storm damage.

Preferred Alternative for 2014 Restoration Plan Addendum

The Trustees propose to implement Alternative 8 (Theodore Roosevelt Sanctuary coastal forest restoration), Alternative 9 (grassland and wet meadow enhancement at ExxonMobil site), Alternative 10 (stream restoration along Beekman Creek), Alternative 11 (native grassland restoration at Underhill Preserve), and Alternative 12 (Hempstead Harbor Cove wetland restoration) as our preferred alternative (Table 1). In considering alternatives, we evaluated projects by the extent to which the alternative restores, replaces, or acquires the equivalent natural resources that were injured. Factors we considered included:

- Proximity of restoration project to injured resources.
- Cost effectiveness.
- Extent to which the restoration project will enhance the public's ability to use, enjoy, or benefit from the natural resources.
- Extent to which the project is expected to be successful.
- Compliance with applicable Federal, State, Tribal, and local laws and policies.
- Ability of resources to recover with or without restoration project.
- Potential effects of the project on human health and safety.
- Potential for additional injury resulting from the proposed restoration activities.

Table 1. Summary of Feasible Project Alternatives 2a, 2b, 3, 7, 8, 9, 10, 11, 12, and the No Action Alternative. The Preferred Alternative consists of Alternatives 8, 9, 10, 11 & 12. See Figure 1.

Project	Acres/Feet Restored	Type Habitat	Project Proponent	Cost
Original Restoration Plan Viable Alternatives (2007)				
No Action	0	None		$0
Alt 2a: Mill Dam Pond Fish Passage	7 acres	Tidal wetland restoration		$527,000
Alt 2b: Mill Dam Pond Wetland Enhancement	4.2 acres	Tidal wetland enhancement		$168,000
Alt 3: Beaver Dam Creek Restoration (preferred alternative in 2007 Restoration Plan – no longer viable)	5+	Tidal wetland restoration	Ducks Unlimited	$155,000
Restoration Plan Addendum Viable Alternatives (2014) (selected projects are shaded)				
Alt 7: Seatuck NWR Wetland Enhancement & Restoration (project withdrawn)	77 acres 5 acres 50 acres	Salt marsh enhancement Salt marsh restoration Invasive species management	USFWS	$107,500
Alt 8: Theodore Roosevelt Sanctuary Coastal Forest Restoration	**14 acres**	**Coastal forest restoration**	**Audubon**	**$38,500 ($86,687 total cost)**
Alt 9: ExxonMobil Grassland and Wet Meadow Restoration	**3 acres**	**Grassland and wet meadow habitat restoration**	**North Shore Land Alliance**	**$35,000 ($70,000 total cost)**
Alt 10: Beekman Creek Restoration	**500-1,000 feet**	**Invasive species management and planting; install 8 vortex weirs**	**Friends of the Bay**	**$42,200**
Alt 11: Underhill Preserve Grassland Restoration	**22 acres**	**Grassland restoration**	**NYSDEC/ Audubon**	**$39,225**
Alt 12: Hempstead Harbor Cove Wetland Restoration	**1 acre**	**Tidal wetland restoration**	**Town of North Hempstead**	**$25,000**

We selected projects that restore a variety of habitats similar to those impacted at the Mattiace Site in a cost-efficient manner with a high likelihood of success. We propose to restore approximately 14 acres of coastal forest habitat at Theodore Roosevelt Sanctuary and Audubon Center, restore approximately 3 acres of wet meadow and grassland at the ExxonMobil site, restore

approximately 500-1,000 feet of stream habitat along Beekman Creek, restore approximately one acre of tidal marsh via Phragmites control and re-planting in Hempstead Harbor Cove, and manage invasive species at the 50 acre Underhill Preserve. (Figure 1).

The alternatives that were not selected are discussed below:

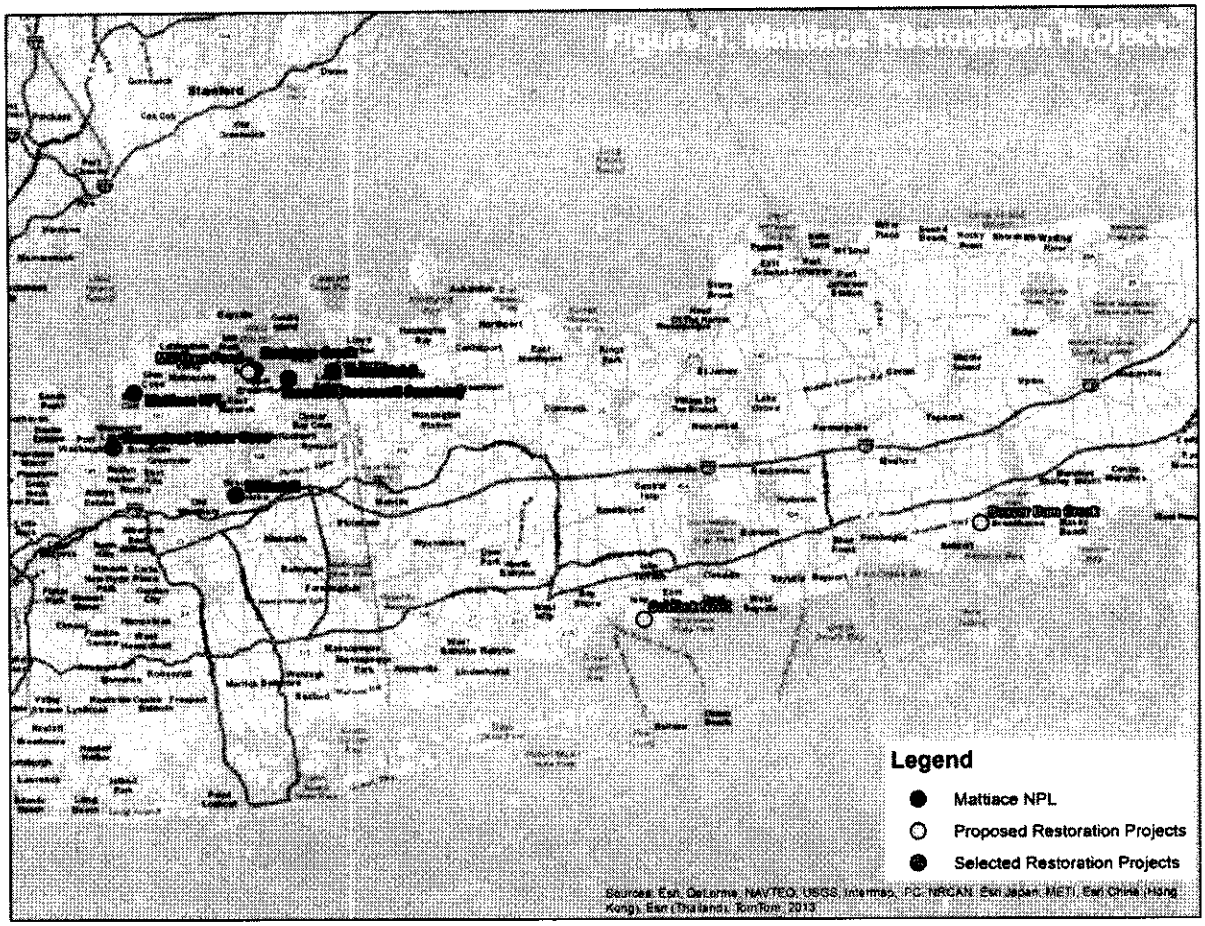
No-action Alternative – Restoration of the injured resources under the no-action alternative would occur only through natural processes and existing or future programs that are unrelated to this restoration plan. The no-action alternative would not increase the rate of restoration of the injured natural resources and habitats beyond what will result from natural processes and existing or future programs.

Alternative 7, Seatuck NWR wetland enhancement and restoration – This project was recommended as part of the preferred alternative in the draft version of this Restoration Plan Addendum (dated April 2013). Due to shifting priorities, the NWR has withdrawn this project from consideration.

G. Compliance with the National Environmental Policy Act (NEPA)

The *Final Revised Procedures* for the USFWS for implementing NEPA, published in the Federal Register on January 16, 1997, provided a categorical exclusion for natural resource damage assessment restoration plans prepared under CERCLA when only minor or negligible change in the use of the affected areas is planned. Categorical exclusions are classes of actions that do not individually or cumulatively have a significant effect on the human environment.

The Theodore Roosevelt Sanctuary coastal forest restoration project, ExxonMobil site wet meadow and grassland restoration project, Beekman Creek restoration project, Underhill Preserve grassland restoration project, and Hempstead Harbor Cove restoration project will result in only a minor change in the use of the affected areas. These projects involve restoring natural habitat on land that is publicly held or owned by non-governmental organizations that promote conservation. Activities include minor earth moving for seedbank preparation, seeding and planting of native species, removal of small concrete dams, installation of small in-stream rock vortex weirs, streambank planting, and non-native invasive plant control by hand removal, and herbicide use by permitted applicators. Accordingly, this Restoration Plan qualifies for a categorical exclusion under NEPA. We have prepared an Environmental Action Statement documenting this determination. That Environmental Action Statement is attached to this Final Restoration Plan as Attachment A.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Proposed Restoration Projects
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Attachment A

UNITED STATES FISH & WILDLIFE SERVICE

ENVIRONMENTAL ACTION STATEMENT

Restoration Plan Addendum (2014) for the Mattiace Petrochemical Superfund Site

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined that the action of the Final Restoration Plan for the Mattiace Petrochemical Superfund Site in Glen Cove, New York:

_XX_ is a categorical exclusion as provided by 516 DM 6 Appendix 1 and 516 DM 6, Appendix 1. No further documentation will therefore be made.

____ is found not to have significant environmental effects as determined by the attached Environmental Assessment and Finding of No Significant Impact.

____ is found to have significant effects, and therefore further consideration of this action will require a notice of intent to be published in the Federal Register announcing the decision to prepare an EIS.

____ is not approved because of unacceptable environmental damage, or violation of Fish and Wildlife Service mandates, policy, regulations, or procedures.

____ is an emergency action within the context of 40 CFR 1506.11. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Acting Regional Director / DOI designated Authorized Official

14 March 2014
Date

U.S. Department of the Interior Approval

of the

Mattiace Petrochemical Company Site

Final Restoration Plan Addendum and

Environmental Assessment

In accordance with U.S. Department of the Interior policy regarding documentation for natural resource damage assessment and restoration projects (521 DM 3), the Authorized Official for the Department must demonstrate approval of draft and final Restoration Plans and their associated National Environmental Policy Act documentation, with concurrence from the Department's Office of the Solicitor.

The Authorized Official for the Mattiace Petrochemical Company natural resource damage assessment case is the Regional Director for the U.S. Fish and Wildlife Service's Northeast Region.

By the signatures below, the Mattiace Petrochemical Company Final Restoration Plan Addendum and Environmental Assessment is hereby approved.

Approved:		Concurred:	
14 March			
Acting Regional Director Northeast Region U.S. Fish and Wildlife Service	Date	Mark Barash Senior Attorney Northeast Region Office of the Solicitor	Date

U.S. Department of the Interior Approval

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Approved:		Concurred:	
		3/12/2014	
Regional Director Northeast Region U.S. Fish and Wildlife Service	Date	Mark Barash Senior Attorney Northeast Region Office of the Solicitor	Date