

The Jamaica Bay Ecowatchers Proposal at the Broad Channel Civic Association meeting on 2/25/10

The Broad Channel Civic Association unanimously approved this motion:

That the entire site (of the former Schmitt's Marina) be designated as a Nature Preserve consisting of Oyster restoration along the water's edge, starting inside (landward) of the NPS line, then inter tidal marsh followed by high marsh and upland grasses and forest with a trail along the upland perimeter. Also, we recommend it be named "Sunset Cove Preserve" with the entrance on the South side through the existing Broad Channel Park.

Analysis/history/recommendations of the former site of Schmitt's Marina, presented by Dan Mundy, President - Jamaica Bay Ecowatchers

The site is comprised of approximately nine acres located in Broad Channel, Queens and is bounded by West 19th road on the North, private homes on the Northeast, NYC Department of Parks on the Southeast and South and National Park Service (Gateway National Recreational area) on the West.

The area has been severely impacted by illegal filling for over fifty years and has been in litigation for over twenty five years in the following cases:

- NYS DEC against John Schmitt, 1984 through 1992; illegal fill, clearing, grading and bulk heading; found guilty and ordered to restore, remove and pay fine; nothing was done & no fine paid.
- NYS Supreme court in 1990 which was combined into the federal lawsuit.
- United States District Court, Eastern District 1989 thru 2002.
- United States Court of Appeals January 13, 2002 upheld the judgment of the Eastern District Court of 3/31/98 finding the defendants guilty of violating the Clean Water Act and ordered to restore filled areas; nothing was done.
- NYSDEC in 2008; guilty of dumping raw sewage.
- 2009, leases terminated, eviction/demolition; property assigned to NYC Parks Department.

The NPS boundary line is approximately at the High Water Line (HWL) along the waterfront portion and the NYS DEC tidal wetlands map of 1974 shows inter tidal marsh and high marsh over a majority of the property. This would put most of the remaining property under DEC jurisdiction as an Adjacent Area (AA) that also limits development. Any activity on the seaward side of the HWL would require permits from the NPS, USACOE, NYSDEC, NYSDOS, NYCWRP, and any activity on the landward side of the HWL would require permits from the NYSDEC, NYSDOS, NYCWRP, NYC Parks Department, Waterfront Division of DOB and be subject to the Waterfront Zoning Text Amendment. Based on the past history of this site and subject to the rules and regulations of the above mentioned agencies, any development at this site would be extremely difficult and maybe impossible.

Taking all this into consideration and mindful of the present fragile condition of the surrounding deteriorating marsh lands, the Jamaica Bay Ecowatchers recommend the following:

The entire site is designated as Nature Preserve consisting of oyster restoration along the water's edge starting inside the NPS Line (landward) then inter tidal marsh followed by high marsh and upland grasses and forest with a trail along the upland perimeter. Also, we recommend it be named "Sunset Cove Preserve" with the entrance on the South side through the existing Broad Channel Park. It may be funded by the USACOE through The Beneficial Use of Dredged Materials Program similar to the other restoration projects along with the 65%/35% co-share with State and City agencies.

Other suggestions for this area can be pursued at the adjacent Broad Channel Park project site.