

June 10, 2005

David A. Stillwell
U.S. Fish & Wildlife Service
New York Field Office (Region 5)
3817 Luker Rd.
Cortland, NY 13045

Dear Mr. Stillwell,

Enclosed is the Draft Restoration Plan and Environmental Assessment (Draft RP/EA) for the Liberty Industrial Finishing Corporation Superfund Site, June 2005 (also available at <http://www.darp.noaa.gov>). The National Oceanic and Atmospheric Administration (NOAA), U.S. Fish and Wildlife Service, and the New York State Department of Environmental Conservation, also known as the federal and state natural resource trustees, jointly prepared the Draft RP/EA, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act and National Environmental Policy Act. The Draft RP/EA describes the injuries caused by the releases of hazardous substances at the Site, and the proposed off-Site restoration project to address those injuries.

The Draft RP/EA proposes the creation of fish passage at the spillway downstream of Massapequa Lake. Massapequa Lake is a 40-acre water body located near the southern end of the Massapequa Preserve in the Township of Oyster Bay, Nassau County, New York. The proposed work focuses on the construction of a concrete or adjustable aluminum fish ladder at the spillway to allow anadromous fish passage into the Massapequa Creek watershed. We are in conceptual stage of the project and will complete a design document once the Draft RP/EA has been through the public review process. Restoration tasks identified include a topographic survey, a wetland delineation of the area, and installation of the fish ladder. The final plan may call for stocking of anadromous fish species in Massapequa Lake. NOAA staff anticipates no adverse effects to threatened or endangered species associated with construction of this fish ladder.

In compliance with Section 7 of the Endangered Species Act, 16 U.S.C. § 1536, we ask that you please review the proposed project and provide comments by July 15, 2005 to Reyhan Mehran, NOAA Coastal Resource Coordinator at (212) 637-3257, NOAA Office of Response and Restoration, 290 Broadway, 18th Floor, New York, NY 10007-1866. If we do not hear from you by July 15, then the trustees will assume that you have no further comments on this project.

Sincerely,

Kate Clark
Injury Assessment Coordinator
NOAA Office of Response and Restoration

cc: w/o attachment: Jason Forman, NOAA/OGC
John Catena, NOAA/NMFS
Reyhan Mehran, NOAA/ORR
Mark Barash, DOI
Sharon Brooks, NYSDEC
David Keehn, NYSDEC
Ken Karwowski, USFWS