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**US Army Corps  
of Engineers**

Philadelphia District

## Public Notice

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CENAP-PL-E-21-04

Date  
27 August 2021

In Reply Refer to:  
Environmental Resources Branch

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### **Nassau County Back Bays Draft Integrated Feasibility Report and Environmental Impact Statement Nassau County, New York**

In accordance with Section 102 of the National Environmental Policy Act (NEPA), as amended, Section 404 of the Clean Water Act, and Section 10 of the Rivers and Harbors Act, notice is hereby given that the U.S. Army Corps of Engineers (USACE), Philadelphia District, is issuing the *Nassau County Back Bays (NCBB) Draft Integrated Feasibility Report and Environmental Impact Statement (DIFR-EIS)* and appendices. These documents are available to the public for review on the Philadelphia District's web site at:

<https://www.nap.usace.army.mil/Missions/Civil-Works/Nassau-County-Back-Bays-Study/>.

The report outlines a 'Tentatively Selected Plan' framework, which includes the elevation of more than 14,000 residential structures and dry flood proofing of more than 2,500 industrial/commercial properties to reduce the risk of flood damages associated with storm surge. Please note that the plan is subject to change following input from the public and agency review. In addition, it has not yet been approved by higher authorities, including Congress, and has not been funded for implementation at the federal or state level.

The USACE, in partnership with the New York State Department of Environmental Conservation and Nassau County, is conducting the feasibility study within the Nassau County Back Bays area. The study area (Figure 1) includes all the tidally influenced bays and estuaries hydraulically connected to the south shore of Nassau County on the Atlantic Ocean. The objective of the study is to investigate problems and solutions to reduce damages from coastal storm-related flooding that affects population, critical infrastructure, critical facilities, property, and ecosystems. Modeling shows the study area could experience \$1 billion in average annual flood damages from 2030 to 2080 with no federal project in place.

The study team prepared the *DIFR-EIS* to present findings, technical analyses, and outline a Tentatively Selected Plan and other measures considered. The Tentatively Selected Plan, as shown in Figure 2, includes the following conceptual features:

- Elevation of approximately 14,183 residential structures
- Dry flood proofing of approximately 2,667 industrial/commercial (non-residential) structures from the ground surface up to 3 feet above ground. Dry flood proofing involves sealing all areas from the ground level up to approximately 3 feet of a structure. Dry flood proofing measures help make walls, doors, windows, and other openings resistant to penetration by storm surge waters.

The *DIFR-EIS* also considers natural and nature-based features as well as potential localized floodwalls to reduce risk to critical infrastructure (such as power stations and wastewater treatment plants) to help communities recover faster and improve resilience. The document describes engineering, economic, social, and environmental analyses of the Tentatively Selected Plan, localized floodwalls, and natural and nature-based features.

During the feasibility study, USACE evaluated other flood risk management measures during the study, including storm surge barriers, cross bay barriers, and community-wide floodwalls. Hydraulic modeling indicated that storm surge barriers and cross-bay barriers did not significantly reduce water levels and, in some cases, exacerbated flooding in certain areas.

The USACE will host virtual public meetings to discuss the report and answer questions in September and/or October 2021. To view the report or virtual public meeting instructions, visit <https://www.nap.usace.army.mil/Missions/Civil-Works/Nassau-County-Back-Bays-Study/>

In accordance with Section 102 of NEPA, the *NCBB DIFR-EIS* will be posted in the Federal Register e-NEPA system. The date the Notice of Availability (NOA) posts in the Federal Register will start a 45-day public review period. It is anticipated that the NOA will be posted on Friday September 3, 2021. The public, agencies, and stakeholders are invited to provide comments by October 18, 2021.

- **Submit comments by email:** [PDPA-NAP@usace.army.mil](mailto:PDPA-NAP@usace.army.mil)
- **Submit comments by mail:** U.S. Army Corps of Engineers Planning Division, Wanamaker Building, 100 Penn Square E. Philadelphia PA 19107

In accordance with Section 401 of the Clean Water Act, a Section 404(b)1 assessment has been drafted. Water Quality Certification will be coordinated with the NYSDEC at a future study phase.

In accordance with Section 307 (c) of the Coastal Zone Management Act of 1972, an activity affecting land or water uses in a State's coastal zone must comply with the State's Coastal Zone Management Program. It has been determined that the Tentatively Selected Plan would have effects within New York's coastal zone. A Federal consistency determination has been made stating that the Tentatively Selected Plan is consistent with the enforceable policies of New York State's federally approved coastal management program. State consistency review will be conducted during the coordination of the *DIFR-EIS*.

The Tentatively Selected Plan will be in compliance with the Endangered Species Act of 1973 (ESA). Pursuant to Section 7 of the ESA, a draft Biological Assessment (BA) has been prepared and a consultation with the U.S. Fish and Wildlife Service and National Marine Fisheries Service by the USACE will be initiated with release of the *DIFR-EIS*. The TSP is not anticipated to affect threatened or endangered species. If critical infrastructure measures are included at a future point, steps would be taken to avoid and minimize impacts to species.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, the USACE determined that the Tentatively Selected Plan may have the potential to have an effect, or potential adverse effect, to historic properties eligible for or listed on the National Register of Historic Places. A Programmatic Agreement between the USACE and the New York State Historic Preservation Office is recommended to guide further consultation.

The Magnuson-Stevens Act is the primary law governing marine fisheries management in U.S. federal waters. Pursuant to Section 305 (b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act, the USACE has prepared an Essential Fish Habitat [EFH] Assessment for the NCBB study. The Tentatively Selected Plan is in compliance with the Magnuson-Stevens Act. If the critical infrastructure measures are included in the Tentatively Selected Plan at a future time, the study is expected to remain in compliance.

All practicable means to avoid or minimize adverse environmental effects to date have been incorporated into the Tentatively Selected. The public and all agencies are invited to comment on this proposal. More detailed information on this work is available for public review at the Philadelphia District Office.

Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider this proposal. Requests for a public hearing shall state, in detail, the reasons for holding a public hearing.

FOR THE DISTRICT ENGINEER:

Peter R. Blum, P.E.  
Chief, Planning Division  
Philadelphia District  
U.S. Army Corps of Engineers

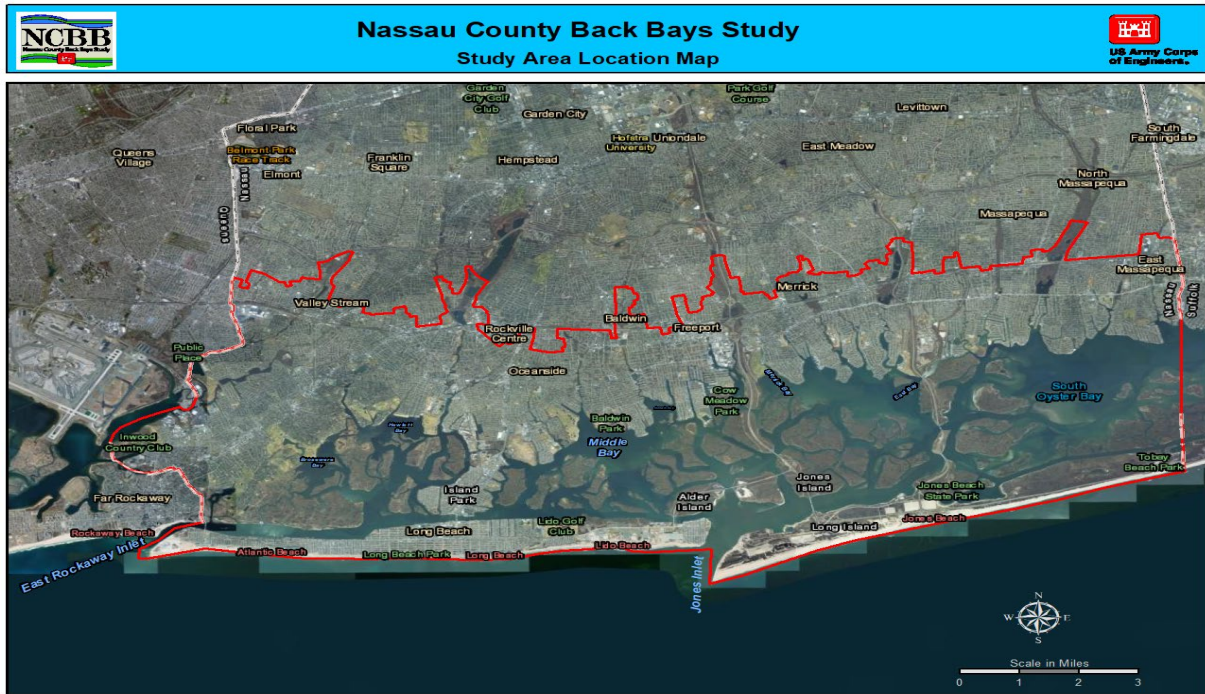


Figure 1. Nassau County Back Bays Draft Integrated Feasibility Report and Environmental Impact Statement Study Area

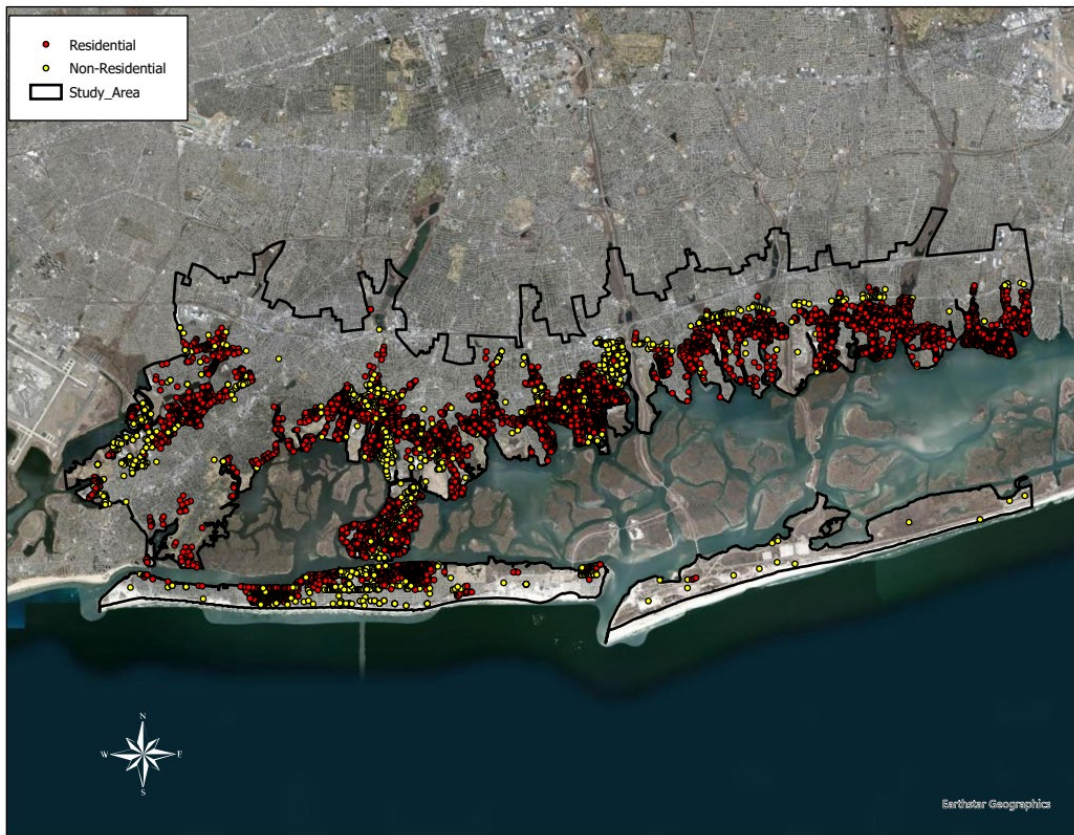


Figure 2. NCBB Tentatively Selected Plan