



**US Army Corps
of Engineers**
Philadelphia District
1650 Arch Street
Philadelphia, PA 19103-2004
Attn: CENAP-PL

Public Notice

Comment Period Begins: September 10, 2024
Comment Period Ends: October 10, 2024
File Name: Nassau County Back Bays Programmatic Agreement
Contact: Ms. Kailey Loughran, Archaeologist
Email: Kailey.R.Loughran@usace.army.mil

SUBJECT: Programmatic Agreement (PA) for the Nassau County Back Bays Coastal Storm Risk Management Feasibility Study

LOCATION: Nassau County, New York

To Whom It May Concern,

The U.S. Army Corps of Engineers (USACE), Philadelphia District, on behalf of the New York District, in cooperation with the New York State Department of Environmental Conservation (NYSDEC) and the New York State Historic Preservation Office (NYSHPO), has prepared a Draft Programmatic Agreement (PA) in association with the Nassau County Back Bays Coastal Storm Risk Management (CSRМ) Feasibility Study (Study). The purpose of the Study is to develop a comprehensive CSRМ framework for southern Nassau County - one of several areas severely impacted by Hurricane Sandy - that will reduce flood risk to vulnerable coastal populations in the Study Area.

The New York District initiated consultation with the NYSHPO under Section 106 of the National Historic Preservation Act (NHPA) of 1966 (54 United States Code (USC) § 306108) in 2018. In accordance with Section 106 of the NHPA of 1966, as amended and its implementing regulations, 36 CFR 800, USACE recommended that a PA be prepared as part of the Final Integrated Feasibility Report and Environmental Impact Statement (IFR-EIS). A PA is a binding agreement between the NYSHPO and the USACE that outlines the activities and tasks that must be carried out to conclude identification of significant resources, determine adverse effects, and mitigate for those adverse effects. These activities include carrying out additional archaeological assessments and investigations based on the locations of project elements; coordination and consultation with the NYSHPO, interested parties and federally recognized Tribes; and preparation of NRHP nomination forms.

In August of 2021 the Philadelphia District released the Draft IFR-EIS for the Study which recommended the Non-structural County-wide Plan as the Tentatively Selected Plan (TSP). At the time, the Non-structural County-wide Plan consisted of elevating 14,183 residential structures and dry flood proofing 2,673 industrial and commercial structures within the Study Area. In November of 2021 the District released a Phase IA Cultural Resources Survey report for the Study Area and the NYSHPO concurred with our agency's conclusion that additional architectural and archaeological evaluations are necessary, as well as our intention to prepare a PA to address the potential for adverse effects to cultural resources.

In December of 2022 the District provided the NYSHPO with the draft PA in accordance with Section 106 of the NHPA. In addition, the District consulted with the Advisory Council on Historic Preservation (ACHP), the Delaware Nation, the Delaware Tribe of Indians, the Eastern Shawnee Tribe of Oklahoma, the Oneida Nation, the Saint Regis Mohawk Tribe, the Seneca Nation of Indians, the Shinnecock Indian Nation, and the Stockbridge-Munsee Community. The Oneida Nation responded that they have no comments on the draft PA. The Delaware Nation, the Stockbridge-Munsee Community, and the Eastern Shawnee Tribe of Oklahoma have elected to participate as Consulting Tribal Nations at this time. The District also sought comments on the PA from the Unkechaug Nation, the Nassau County Historical Society, the Freeport Historical Society, the Historical Society of the Massapeguas, the Long Beach Historical and Preservation Society, the Seaford Historical Society, and the Wantagh Preservation Society.

In August 2023, authorization for the Project expired and USACE remained in a hold position while awaiting further authorization and funding. In March 2024, the Project resumed, and the TSP was reevaluated, which led to a reduction in the current nonstructural plan. The TSP now consists of elevating 5,770 residential structures and dry flood proofing 2,300 industrial and commercial structures in the Study Area. In addition, the undertaking no longer includes Nature-based solutions. The PA was updated to reflect this reduction in the scope of the undertaking and associated potential for effects. In anticipation that the New York District will be implementing the project following the completion of the study phase, the PA was revised to reflect that the agreement is between the U.S. Army Corps of Engineers, New York District, and the NYSHPO.

The PA stipulates that, depending upon the results of surveys that will be carried as plans are refined, the District will consult with the NYSHPO and all other consulting parties to avoid, minimize, and mitigate for adverse effects to historic properties. Treatment plans or a standard mitigation agreement will be prepared to outline the specific mitigation measures that will be taken to address adverse effects on structures and archaeological sites that cannot be avoided. Treatment plans or mitigation agreements would include but not be limited to, specialized design guidelines for historic properties and districts and the scope of data recovery for archaeological sites that cannot be avoided.

In accordance with Section 106 of the NHPA, the public is now being afforded an opportunity to comment on the draft PA. Please review the latest draft PA and provide a response within thirty days of receipt of this Public Notice. Please contact Kailey Loughran, Project Archaeologist, at kailey.r.loughran@usace.army.mil or (917) 790-8706 with any comments or questions. Thank you for your assistance with this Project.

Adrian Leary
Chief, Planning Division
Philadelphia District
U.S. Army Corps of Engineers

COMMENT SUBMITTAL:

Any comments received will be considered by this office to determine whether to issue, modify, condition, or deny the proposed agreement. Comments on the proposed work must be submitted, in writing (hardcopy or electronic), to the Project Archaeologist and within the comment period indicated in the header above. Hardcopy comments must be sent to the following address:

USACE New York District
Attn. Ms. Kailey Loughran
Environmental Analysis Branch
Planning Division (Room 17-421)
26 Federal Plaza
New York, NY 10278
Kailey.R.Loughran@usace.army.mil

You may request additional information concerning this proposed agreement by calling Ms. Loughran between the hours of 9am and 5pm at (917) 790-8706.

This public notice as well as the full amendment request are available on our website:

<https://www.nap.usace.army.mil/Missions/Civil-Works/Public-Notices-Reports/>