Hudson-Raritan Estuary Ecosystem Restoration Feasibility Study

the WATERS we SHARE

Appendix H
Cultural Resources

Final Integrated Feasibility Report &
Environmental Assessment

April 2020

Prepared by the New York District
U.S. Army Corps of Engineers

THE PORT AUTHORITY OF NY & NJ

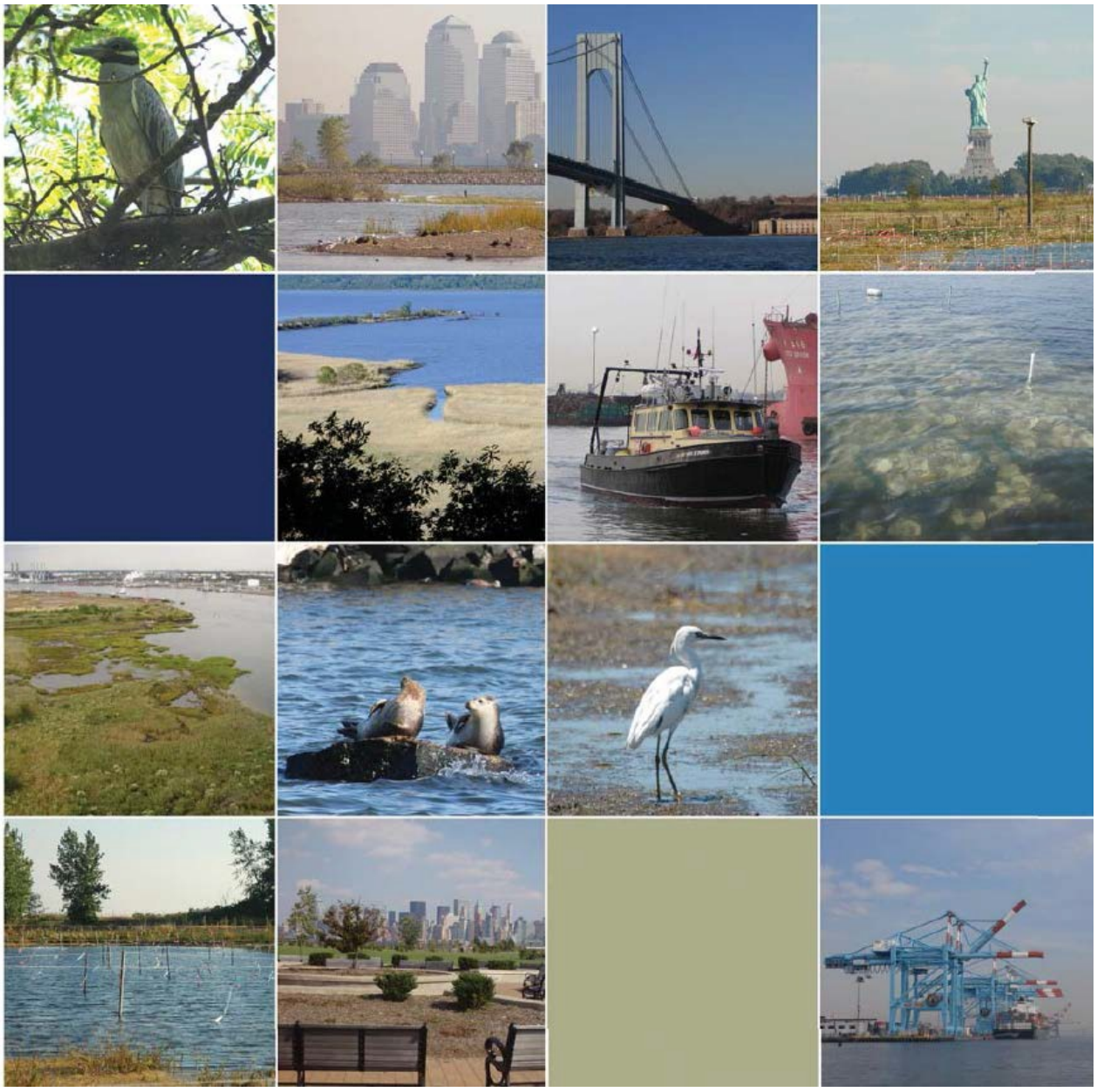


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Introduction

The US Army Corps of Engineers, New York District (District) has undertaken a feasibility study to identify environmental restoration and protection opportunities within the Hudson and Raritan Estuary (HRE). The HRE is located within the boundaries of the Port District of New York and New Jersey, and is situated within a 25 mile radius of the Statue of Liberty. The HRE is one of the largest estuaries on the east coast of the United States, comprising over 1,600 square miles (100 square kilometers) and almost 1,000 linear miles (1,600 kilometers) of shoreline, and is home to approximately 20 million people. In addition to residential land use, a large amount of the HRE study area is used for industry and commerce. The HRE study area has been broken down into the following eight Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay (Figure 1).

U.S. Congress recognized the New York-New Jersey Harbor as an estuary of national importance and accepted it into the National Estuary Program in 1988. The Assistant Secretary of the Army (ASA) designated it as an Ecosystem of National Significance in 2010. Significant impairments of the HRE have been defined as aquatic habitat loss, decrease in habitat and species diversity, increase in invasive species as well as shoreline and near-shore habitat modification and loss, water quality impairments, and high sedimentation caused by increased overland runoff, dredging, shoreline structure, and poor land management. The opportunities for improvement include restoring aquatic habitat, restoring and improving tributary connections, improving water quality, improving public access and protecting undeveloped habitat. The goal of the project is to bring restoration to water resources and sediment quality through creation, enhancement, and restoration of aquatic, wetland, and adjacent upland habitats.

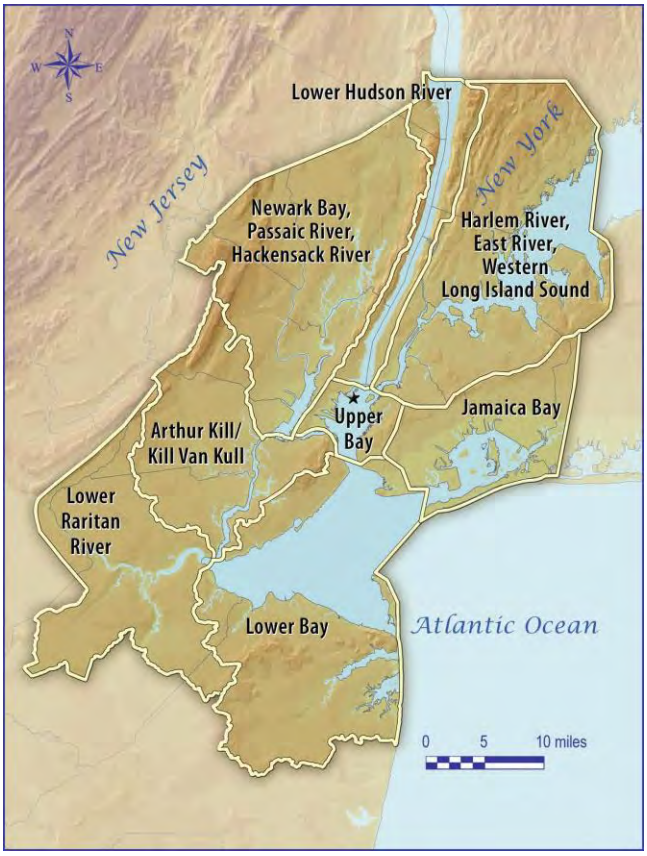


Figure 1. HRE Planning Regions.

Study History

Comprehensive restoration planning in the HRE was initiated in 1988 following its recognition by the United States Congress as an estuary of national importance and induction into the National Estuary Program. The New York-New Jersey Harbor Estuary Program (HEP), which brought together federal, state, local, and non-government organizations interested in improving ecological conditions within the HRE, was formed in conjunction with this designation. The HEP completed a Comprehensive Conservation and Management Plan in March 1996 that documented the condition of environmental resources and proposed a series of critical actions to address the environmental threats facing these resources (USACE 1996). Included among its recommendations is the development of a comprehensive regional plan to restore and protect habitat within the HRE.

The Comprehensive Conservation and Management Plan's recommendation to restore the HRE received support from the region's stakeholders, including state and municipal regulators and policy makers, federal agencies, non-governmental organizations, and the general public. In response to this broad support, Congress authorized the USACE to investigate and identify opportunities to implement the plan's habitat goals within the estuary. A 2000 USACE reconnaissance study determined federal interest in restoration (USACE 2000). In 2001, the USACE in partnership with the non-federal sponsor and the Port Authority of New York and New Jersey (PANY/NJ), initiated the HRE Feasibility Study to facilitate the development of a comprehensive regional plan for habitat restoration in the HRE.

As part of the HRE Feasibility Study, a report entitled Draft Comprehensive Restoration Plan (CRP) was released in 2009 (USACE and PANY/NJ 2009) and was updated in 2016. The CRP is the foundation for the Feasibility Study, outlining the water resource problems, goals, TECs (Target Ecosystem Characteristics), restoration opportunities and implementation strategies.

In 2015, in an effort to streamline restoration planning throughout the estuary, merge parallel efforts, and maximize efficiencies, resources, and benefits, the HRE Feasibility Study consolidated multiple parallel USACE ecosystem restoration feasibility studies. Each feasibility study was at a different stage prior to their consolidation into the HRE Feasibility Study in early 2015. The earlier feasibility studies are:

- HRE - Lower Passaic River Ecosystem Restoration Feasibility Study;
- HRE - Hackensack Meadowlands Ecosystem Restoration Feasibility Study;
- Flushing Creek and Bay Ecosystem Restoration Feasibility Study;
- Bronx River Basin Ecosystem Restoration Feasibility Study;
- Jamaica Bay, Marine Park, Plumb Beach Ecosystem Restoration Feasibility Study;

In February 2017 the District released the HRE Draft Integrated Feasibility Report and Environmental Assessment which recommended 33 restoration sites. Since that report was released 13 of the restoration sites have been removed from the recommended plan. Nine sites were screened out following a regional-level Cost Effectiveness and Incremental Cost Analysis (CE/ICA) (Hawtree Point, Dubos Point, Bayswater State Park, Muskrat

Cove, River Park/West Farm Rapids Park, Crestwood Lake, Westchester County Center, Dundee Island Park, and Clifton Dundee Canal Green Acres). The Soudview Oyster Restoration Site is being advanced by the Non-Federal Sponsor independently and therefore was removed from the study recommendation as well. The Governor's Island Oyster Restoration Project failed a pilot study and was determined to be infeasible, so it was also dropped from the recommended plan. Kearny Point was removed because of HTRW (Hazardous, Toxic, and Radioactive Waste) concerns, and Brant Point will be implemented under the East Rockaway to Rockaway Inlet project already underway. There are twenty sites remaining to be recommended in the HRE Final Report. Presently, the District is preparing the Final Integrated Feasibility Report and Environmental Assessment (FR/ES) for the HRE Ecosystem Restoration Feasibility Study. The Final FR/EA recommends the following:

- Construction of a subset of sponsor-supported restoration opportunities that are designed at a feasibility level of detail (the twenty sites that are the subject of this report); and
- Possible future spin-off feasibility studies for restoration opportunities within each HRE planning region to be carried out under the same study authority.

Cultural Resources Investigations

A number of cultural resources investigations have been carried out as individual ecosystem restoration feasibility studies prior to being consolidated into the HRE Feasibility Study. These are:

Jamaica Bay, Marine Park, and Plumb Beach Ecosystem Restoration Feasibility Study (NYSOPRHP Project ID 02PR02030)

- Phase 1A Documentary Study for the Jamaica Bay Islands Ecosystem Restoration Project, Brooklyn (Kings) and Queens County, New York. Panamerican Consultants, Inc. April 2004.

- Cultural Resources Baseline Study, Jamaica Bay Ecosystem Restoration Project, Kings, Queens, and Nassau Counties, New York. Panamerican Consultants, Inc. Hayward, Michelle H., Pickman, Arnold A., Steinback, Mark A., James, Stephen R., Curtin, Edward V., Cinquino, Michael A. July 2003.

- Phase IB Investigations of Bayswater State Park and Pardegat Basin, Jamaica Bay Ecosystem Restoration Project, Kings, Queens, and Nassau Counties, New York. Panamerican Consultants, Inc. Hayward, Michelle H., Button, Edwin W., Cinquino, Michael A. January 2006.

Flushing Bay Ecosystem Restoration Feasibility Study

- Cultural Resources Baseline Study, Flushing Bay Ecosystem Restoration Project, Queens County, New York. Panamerican Consultants, Inc. Pickman, Arnold, Hayward, Michelle H., Steinback, Mark A., Cinquino, Michael A. November 2003.

Bronx River Basin Ecosystem Restoration Feasibility Study

- Cultural Resources Baseline Study, Bronx River Ecosystem Restoration Study, Bronx and Westchester Counties, New York. U.S. Army Corps of Engineers, New England District, Atwood, Kathleen A., Paiva, Marcos A., Varghese, Saji. March 2007.

HRE - Hackensack Meadowlands Ecosystem Restoration Feasibility Study (NJSHPO Project ID 106-06-1376)

- Cultural Resources Investigation of Ten Sites in the Hackensack Meadowlands, Hackensack Meadowlands Restoration Project, Hudson and Bergen Counties, New Jersey. Hunter Research, Inc. August 2006.

- Historic Context Development, Hackensack Meadowlands Drainage Systems and Features, Hackensack Ecosystem Restoration Project, Hudson and Bergen Counties, New Jersey. Hunter Research, Inc. 2010.

HRE - Lower Passaic River Ecosystem Restoration Feasibility Study

- No cultural resources investigations were carried out for this study

Hudson-Raritan Estuary Ecosystem Restoration Feasibility Study

In 2014 the District completed a report titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan*. The purpose of the survey was to collect a wide range of cultural resources background material on all of the sites comprising the consolidated HRE Ecosystem Restoration Feasibility Study. The resulting report and GIS database was created to inform the Cultural Resources Appendix to the Integrated Feasibility Study and Environmental Assessment.

The focal points of the survey were 301 restoration sites spread throughout the HRE planning regions. These restoration areas include onshore and offshore sites ranging in size from 2,102 acres to 0.3 acres, for a total of 31,932 acres. These sites are primarily located within sensitive ecological, estuarine, riverine and wetland environments; both coastal and upland. Given the vast size of the study area, the study was framed by focusing on researching the areas near the restoration sites. To begin compiling the overall cultural resources database, buffers of one-mile and one half-mile were added to the restoration sites to act as a survey boundary. It is within these buffers that the majority of the data collection effort was focused. However, background, environmental, and cultural resources data where readily available was collected for the entire planning region study area. The data collected from the individual feasibility study reports provided much of the background data where available.

Data collection consisted of visiting cultural resources archives, collecting data available online, requesting digital data from repositories, and utilizing in-house reports and libraries to aggregate a series of cultural resources data classes for the project area. Specific classes of information include archaeological site locations, archaeological site location sensitivity, National Register listed and eligible historic resources, cultural resource survey areas, and submerged cultural resources. These data were collected from paper maps, archival documents, cultural resource reports, and Geographic Information System (GIS) spatial data. The primary archives included the New Jersey Historic Preservation Office, New Jersey State Museum, New York State Office of Parks, Recreation, and Historic Preservation, New York Landmarks Preservation Commission, and National Oceanic and Atmospheric Administration.

Approximately 20,000 resources within the study area were mapped or noted. While, the vast majority of these data come from a single source, the New Jersey above ground historic resources GIS layer, over 3,000 additional survey areas, archaeological sites, NR listed and eligible resources, underwater obstructions, and archaeological sensitivity areas were also collected. The resulting report is extensive (comprising three volumes) and includes comprehensive tables listing the specific surveys, historic resources, AWOIS targets, archaeological sites and sensitivity areas found within the 300 restoration sites and within a mile radius of those sites. The report and GIS database make it possible, therefore, to quickly and easily retrieve existing cultural resources data pertaining to any potential restoration site in the HRE study area.

Recommended Plan and the APE

Approximately 300 potential restoration sites were evaluated and screened as part of the HRE Ecosystem Restoration Feasibility Study resulting in a subset of 19 sites to be recommended for near-term construction and one site “Deferred” following EPA remediation (Figure 2). Of the 20 sites, five are located within New Jersey and 15 are located within New York State. There are five restoration sites located within the National Park Service Gateway National Recreation Area. The remaining sites that were not selected for this feasibility study can be recommended for future spin-off feasibility studies under the same authority. Below is a list of the 20 sites recommended by HRE by planning region.

Newark Bay, Hackensack River and Passaic River Planning Region

- Hackensack River (two sites): Meadowlark and Metromedia Marshes
- Lower Passaic River (one site): Essex County Branch Brook Park,
- Lower Passaic River “Deferred” (one site): Oak Island Yards

East River, Harlem River, Western Long Island Sound Planning Region

- Flushing Creek
- Bronx River (five sites): Stone Mill Dam, Bronx Zoo and Dam, Shoelace Park, Bronxville Lake, Garth Woods/Harney Road

Jamaica Bay Planning Region

- Perimeter sites (two sites): Fresh Creek, and Dead Horse Bay
- Marsh Islands (five sites): Elders Center, Duck Point, Stoney Point, Pumpkin Patch East, and Pumpkin Patch West

Oyster Restoration (three sites)

- Naval Station Earle, Bush Terminal, and Jamaica Bay

A screening process has been carried out to develop the recommended plan for each near-term restoration site based on existing conditions. The Recommended Plan was found through environmental and economic analysis of all of the proposed alternatives. The final designs for each of these restoration sites are presented in Figures 3-22. These designs do not yet include staging areas and access roads. The Area of Potential Effect (APE) for the HRE Ecosystem Restoration Feasibility Study includes the horizontal and vertical boundaries of the undertaking at the 20 restoration sites as well as any staging areas and access roads if they are located outside site boundaries and the associated viewsheds.

Drawing on data compiled in the 2014 cultural resources overview report, two tables were created listing all previously recorded cultural resources data and surveys within the APE as well as resources and surveys located within a ½ mile and 1 mile buffer area (Tables 1 and 2). These tables represent baseline data about the recommended plan sites, additional investigations will be required for each restoration site to complete the identification of historic resources.

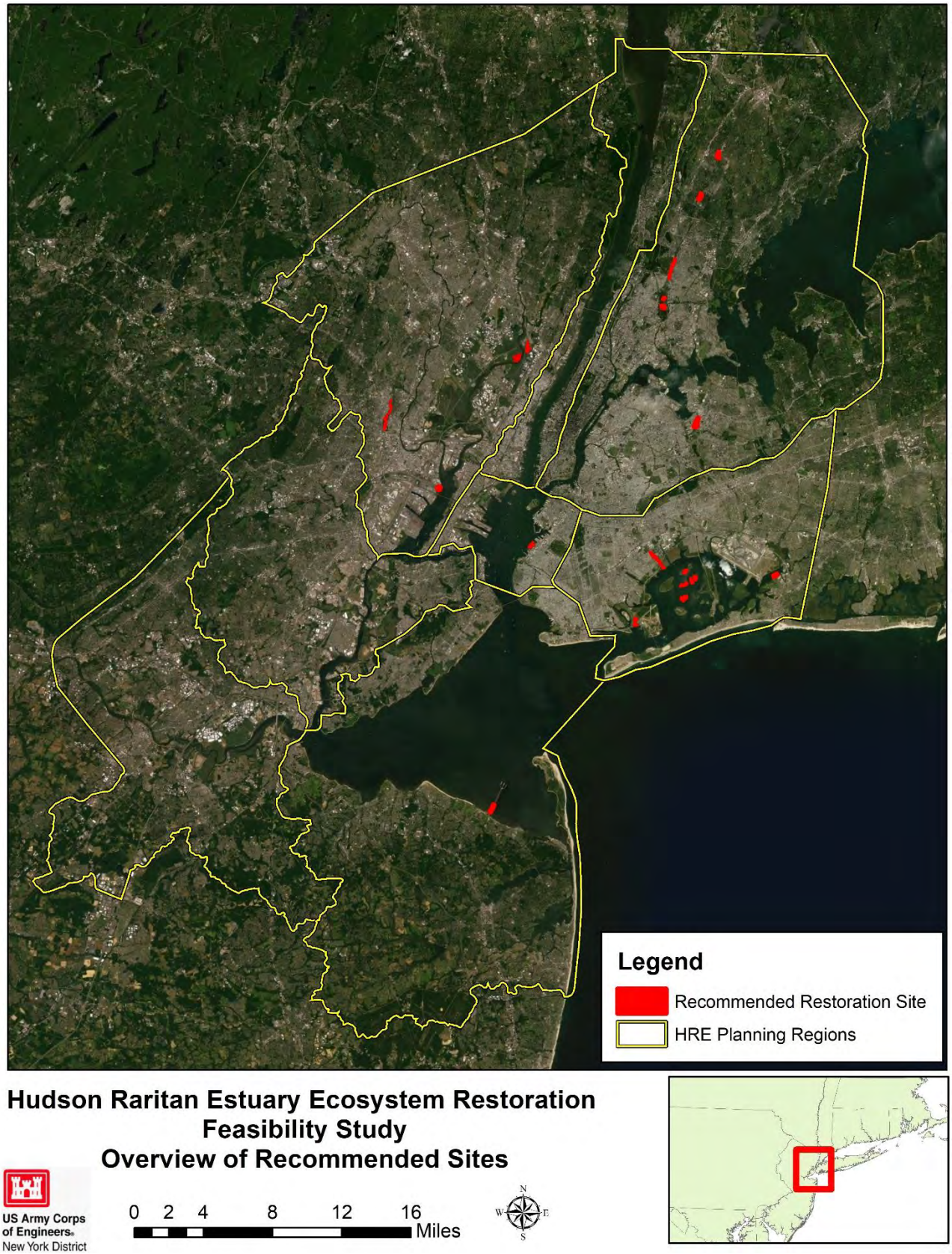


Figure 2. HRE Ecosystem Restoration Feasibility Sites.

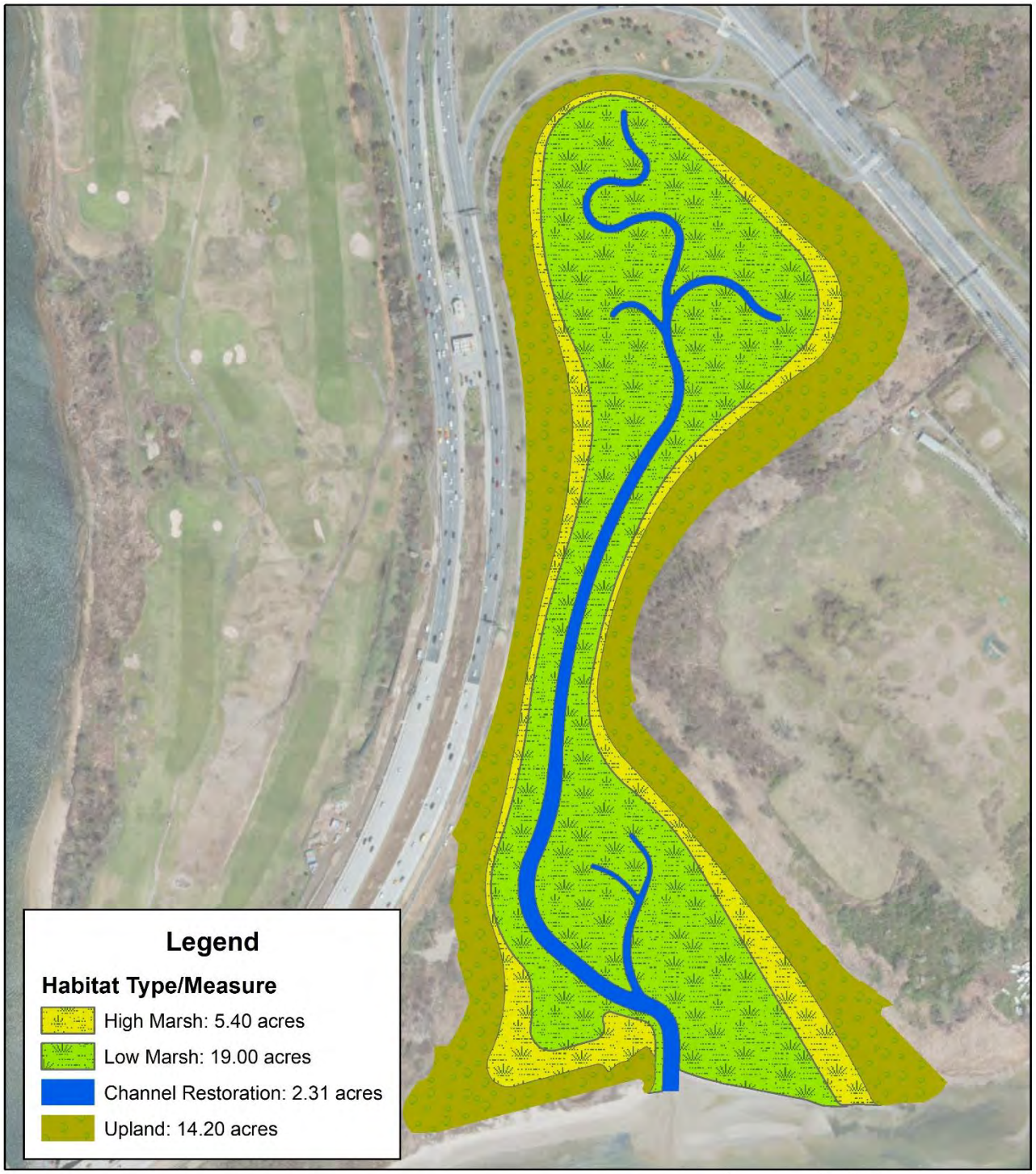


Figure 3. Design for Dead Horse Bay.

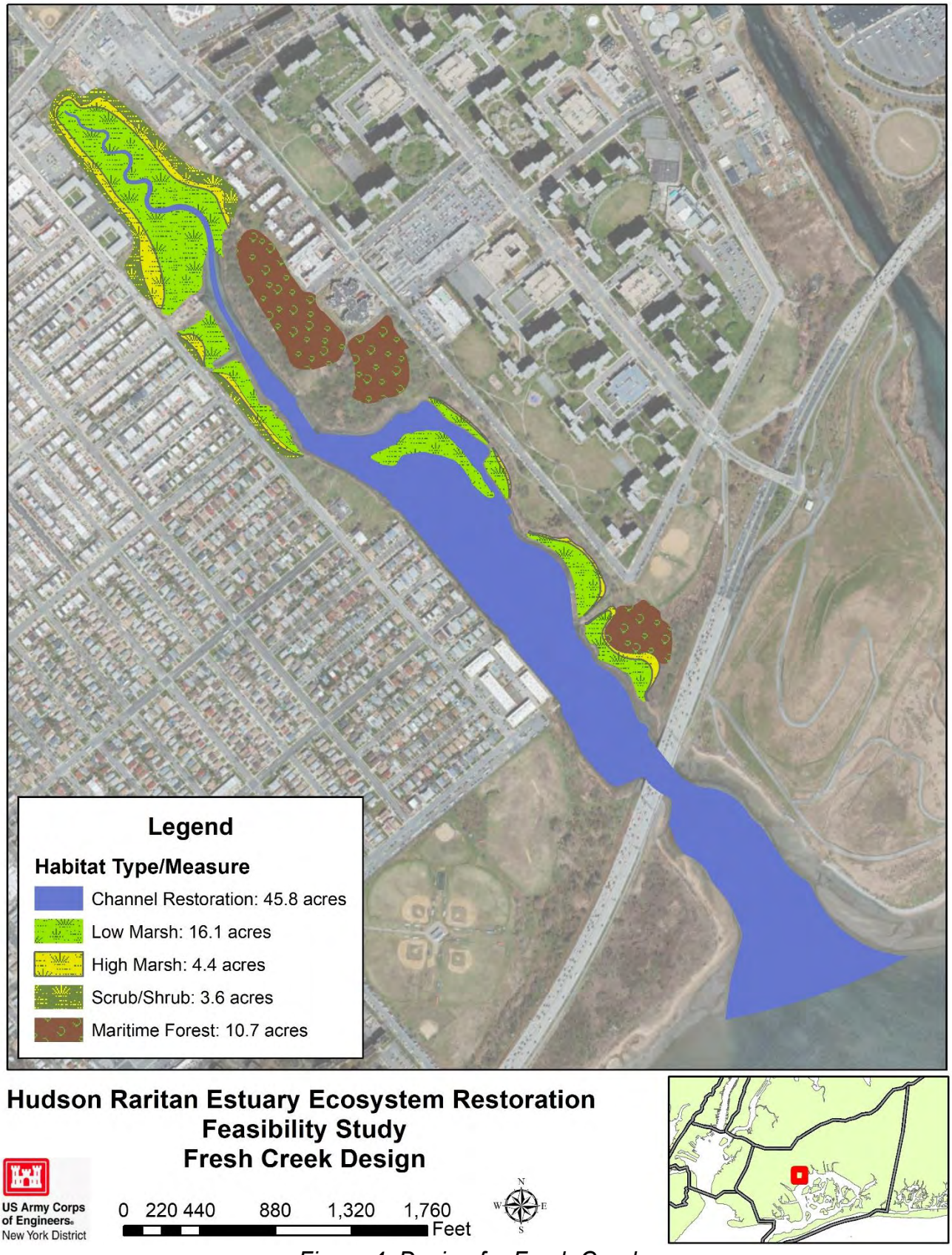


Figure 4. Design for Fresh Creek.

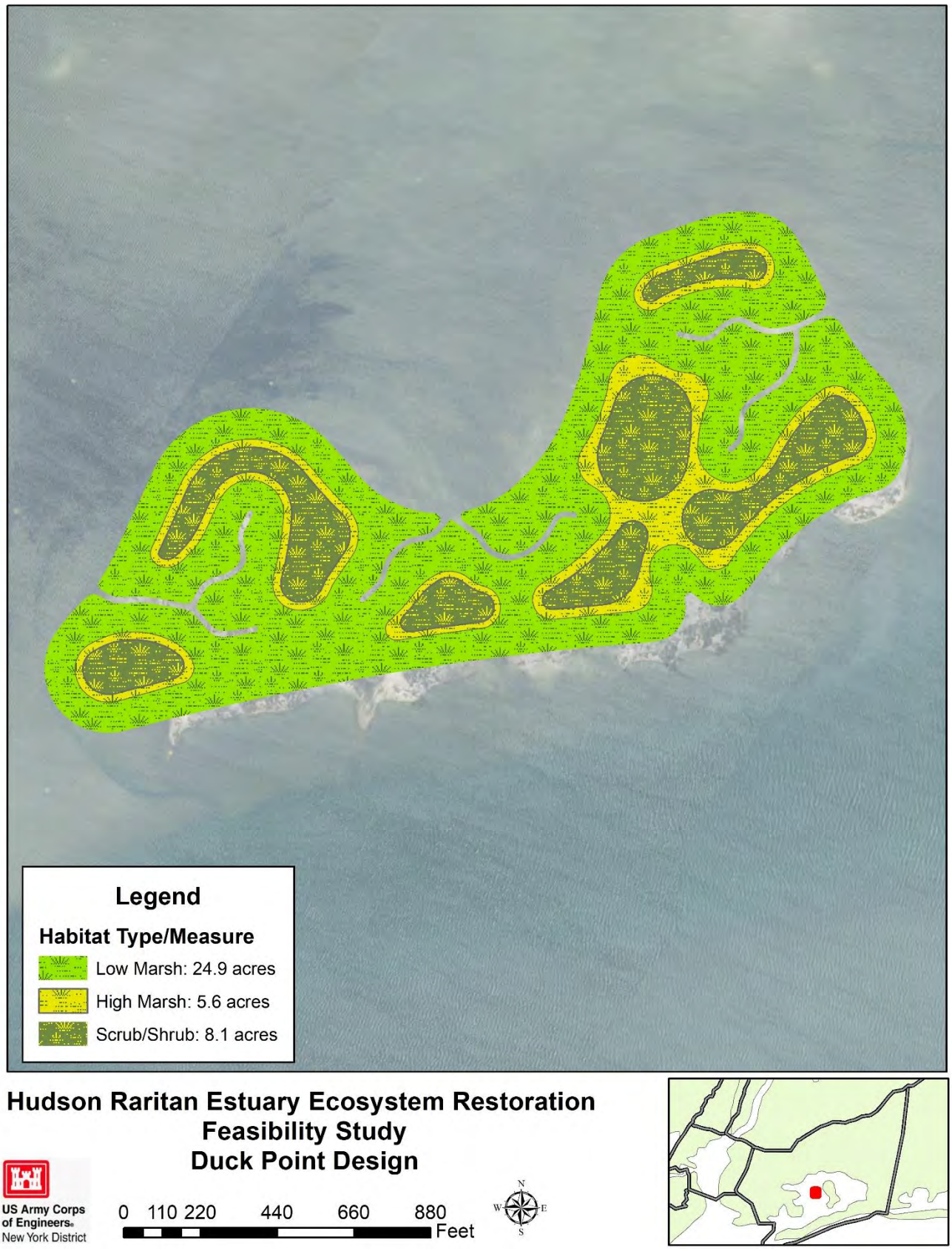


Figure 5. Design for Duck Point.

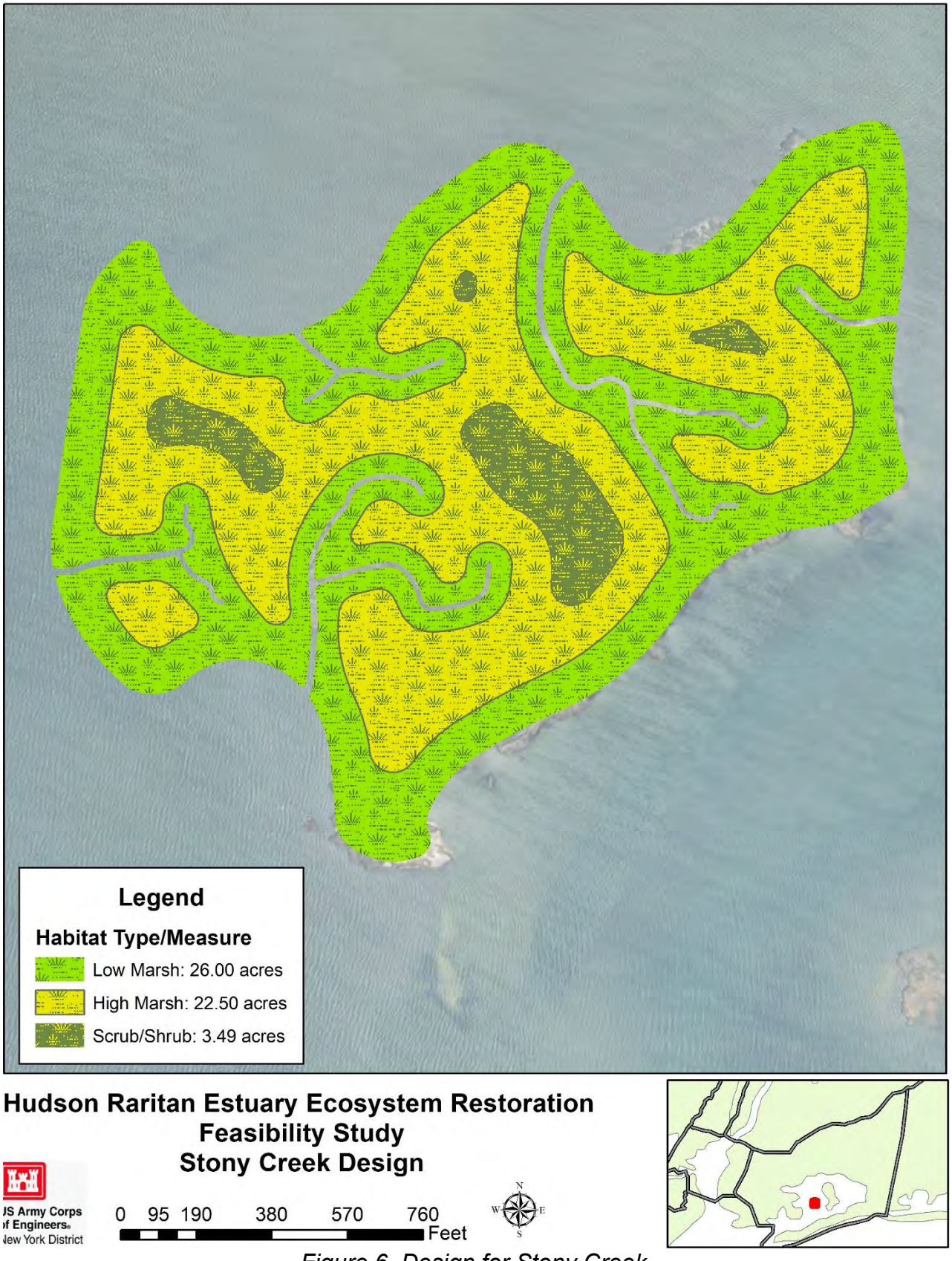


Figure 6. Design for Stony Creek.



Figure 7. Design for Pumpkin Patch West.



Figure 8. Design for Pumpkin Patch East.

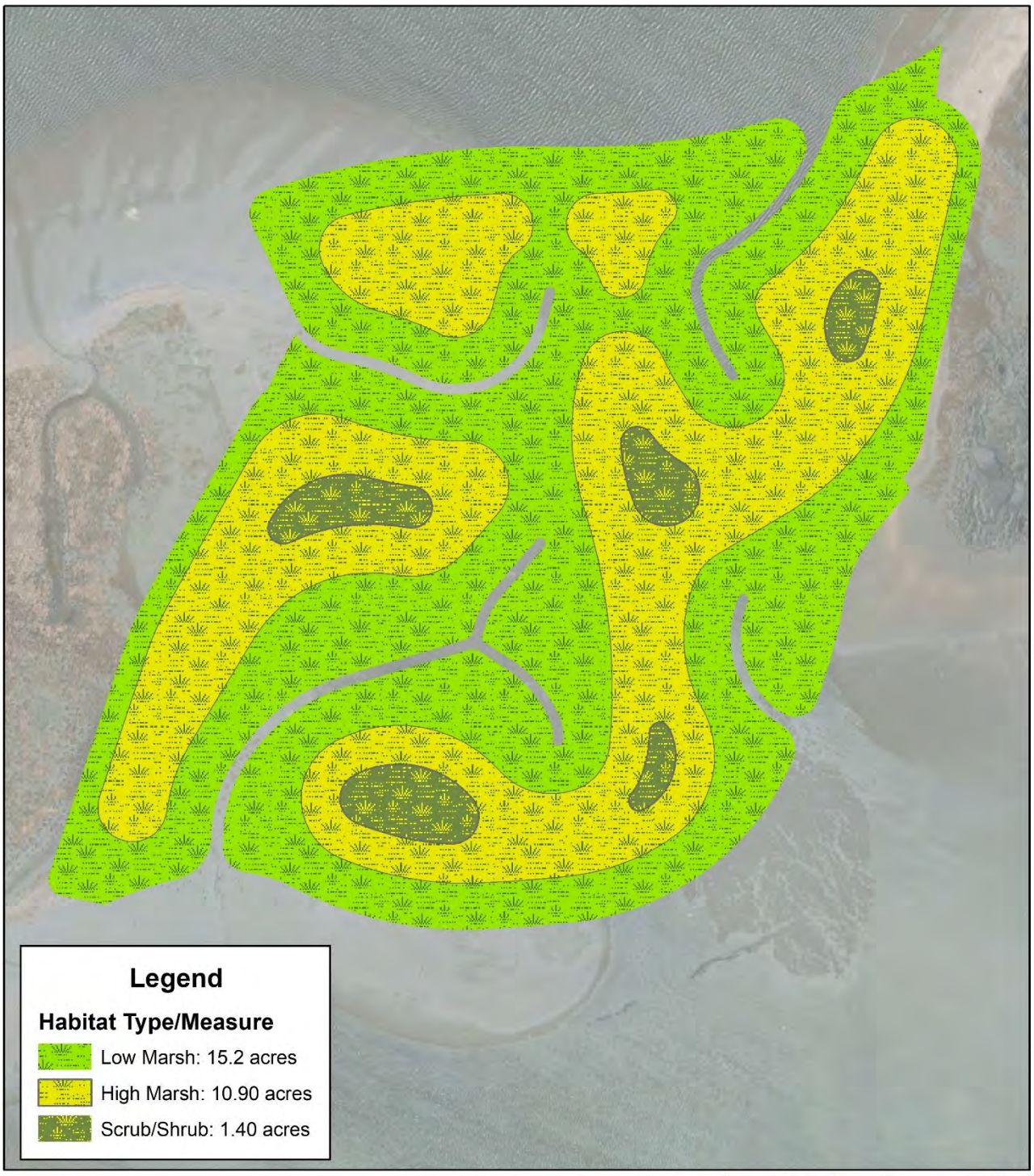


Figure 9. Design for Elders Center.

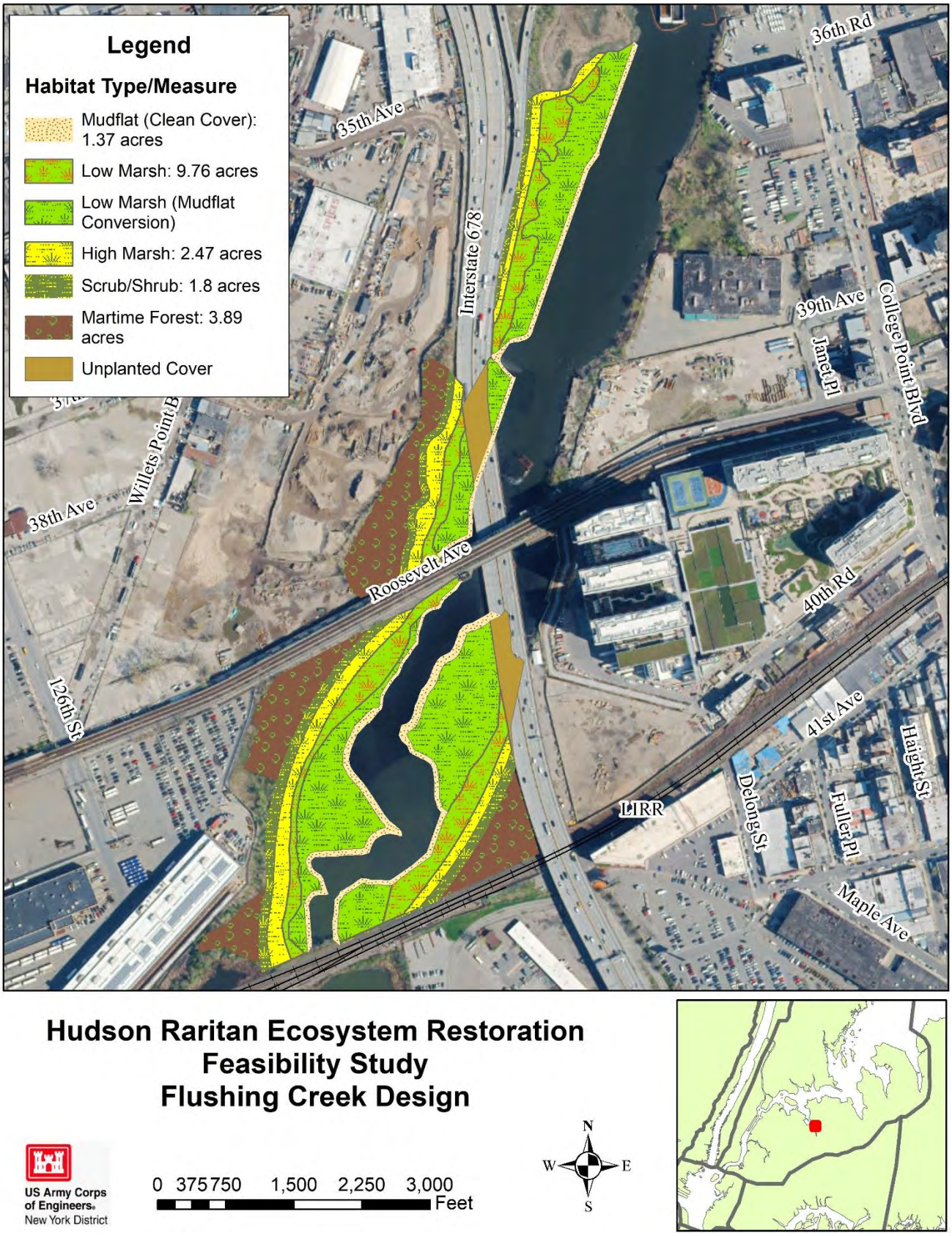


Figure 10. Design for Flushing Creek.

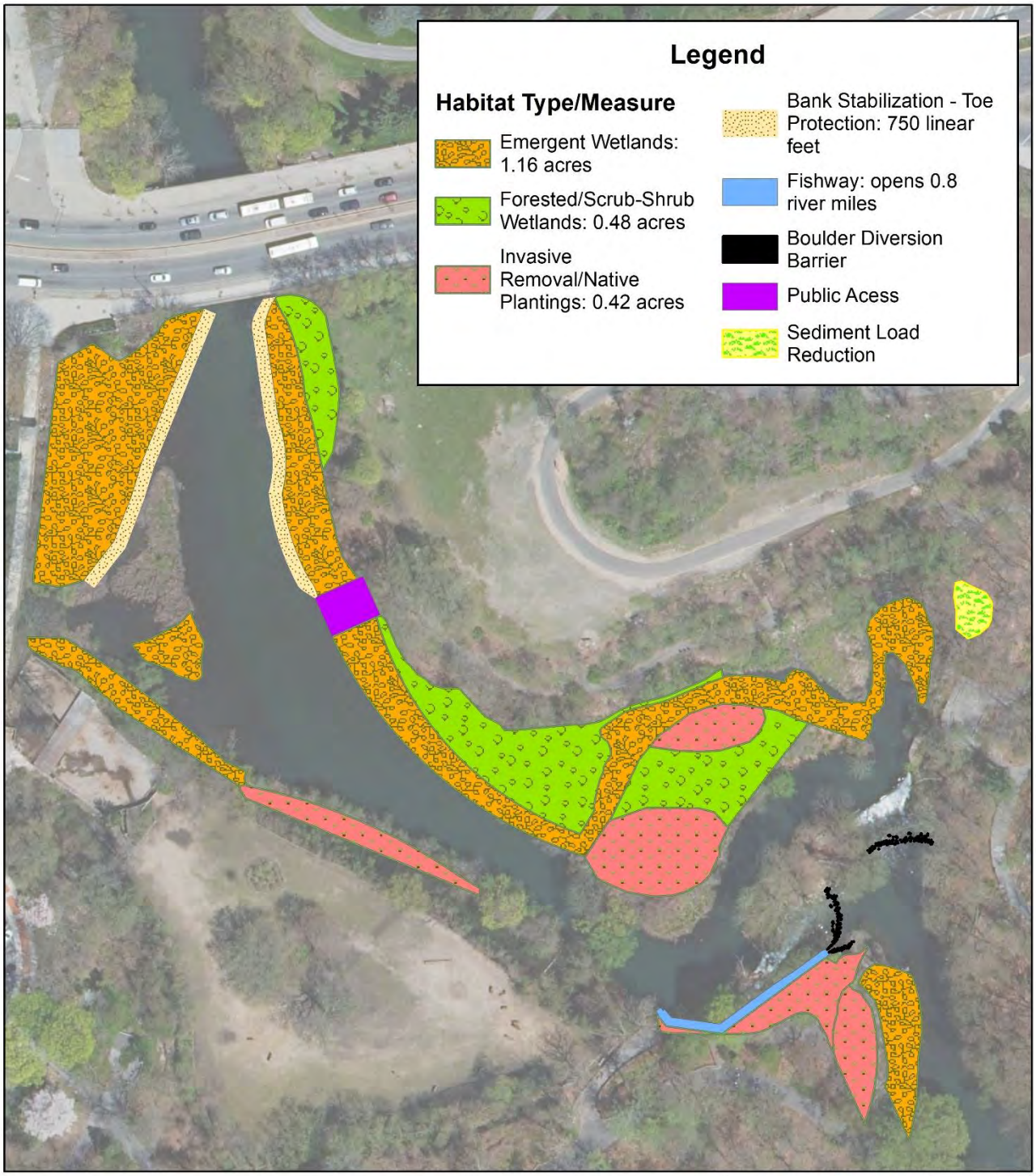


Figure 11. Design for Bronx Zoo and Dam.

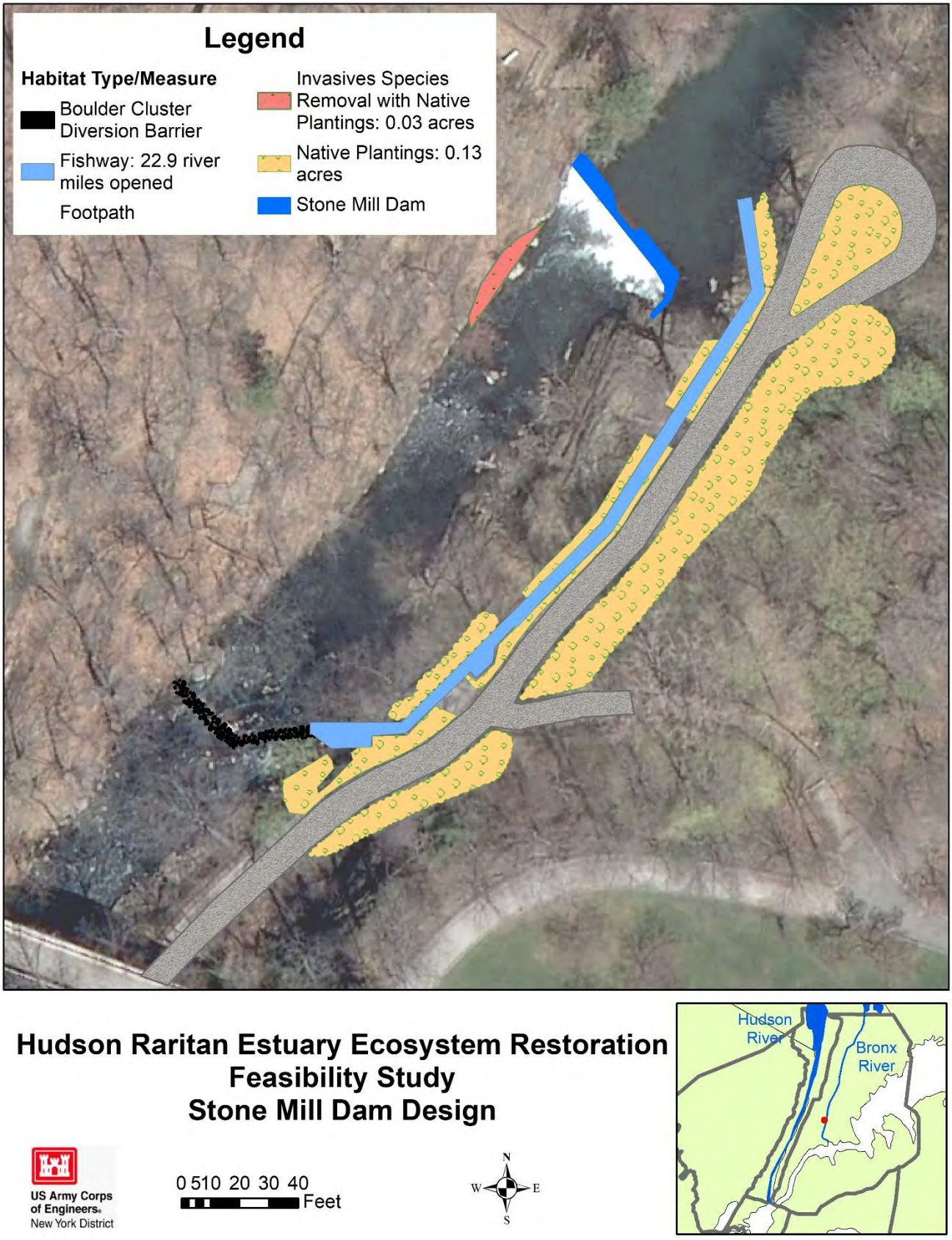


Figure 12. Design for Stone Mill Dam.

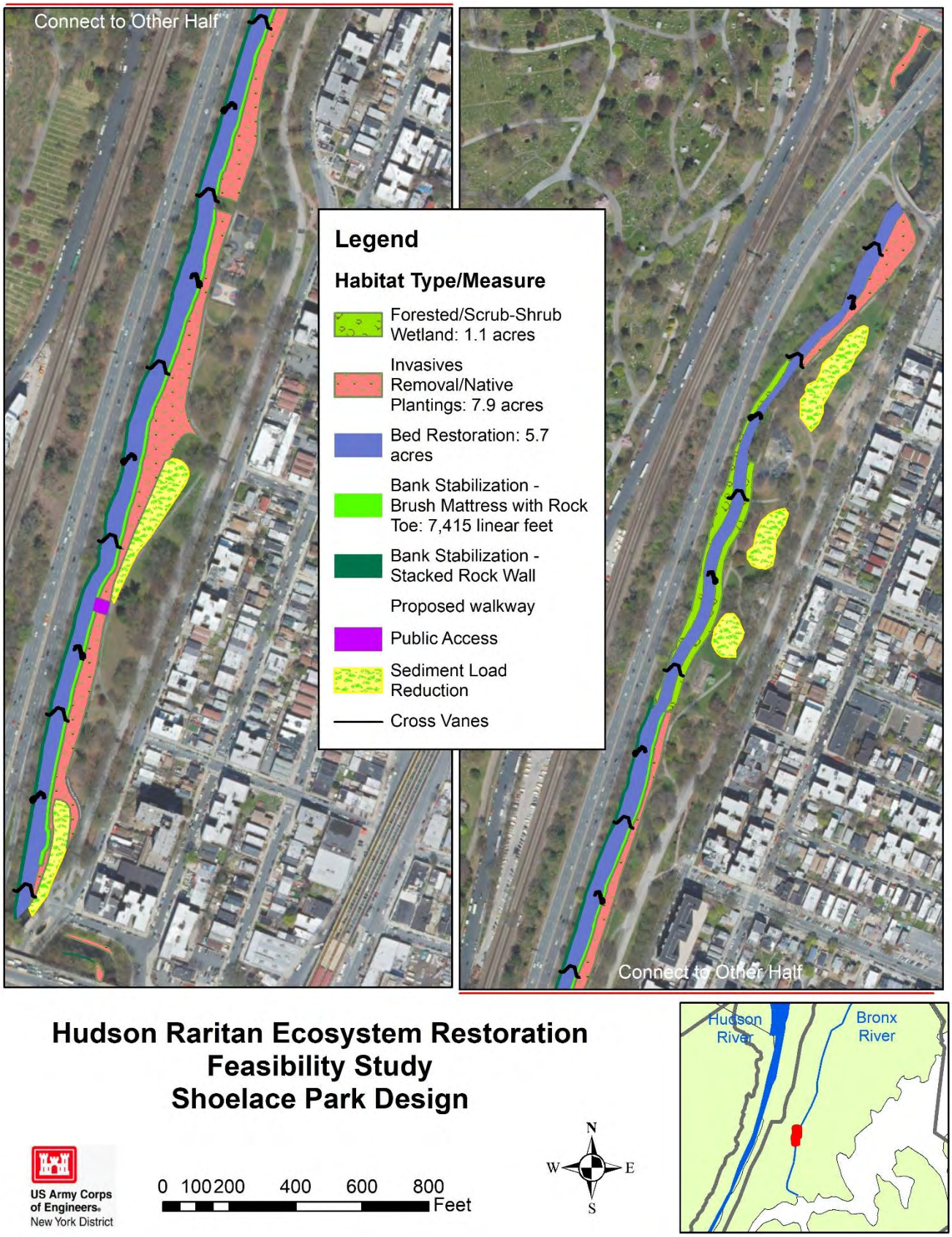


Figure 13. Design for Shoelace Park.

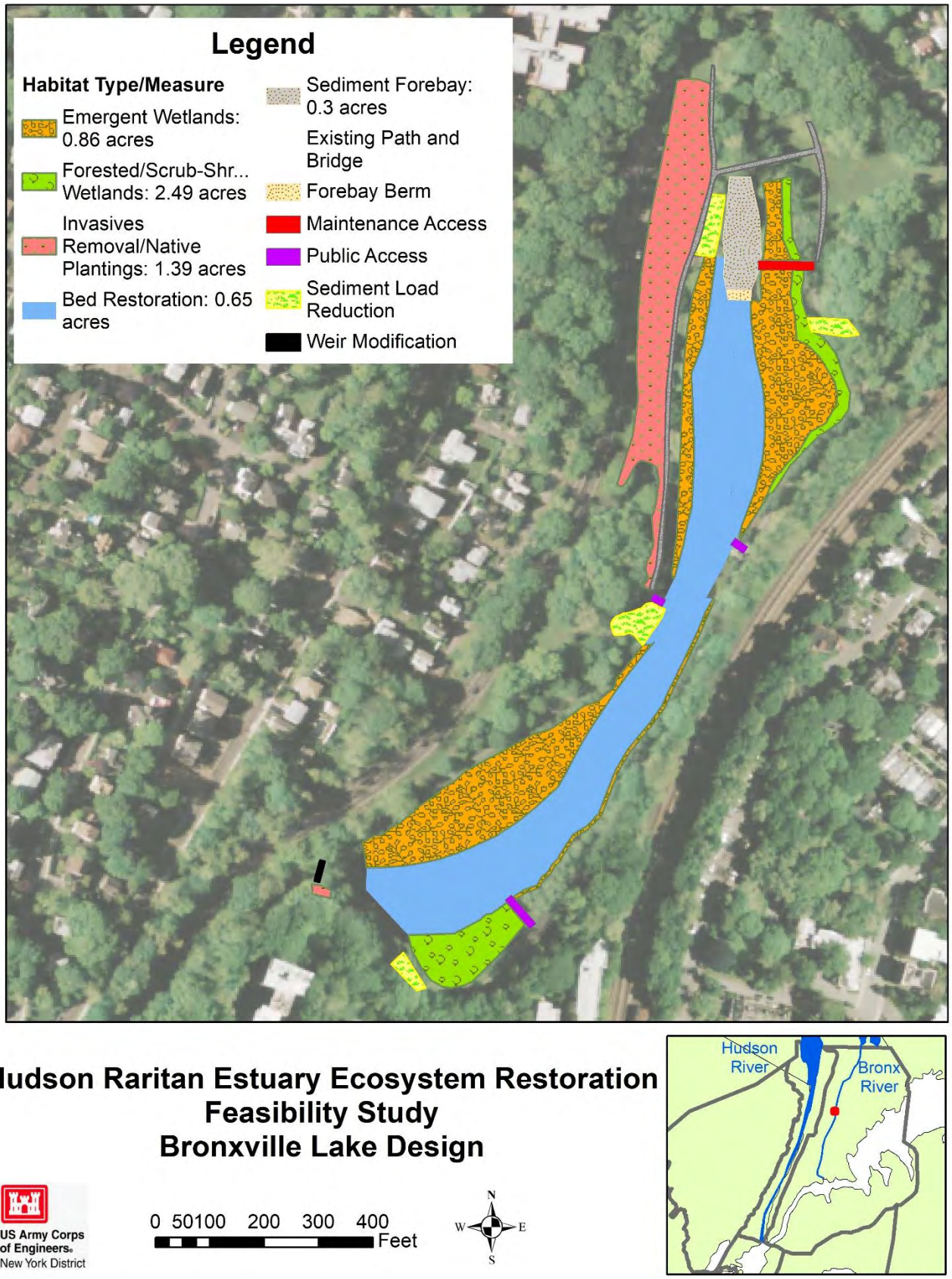
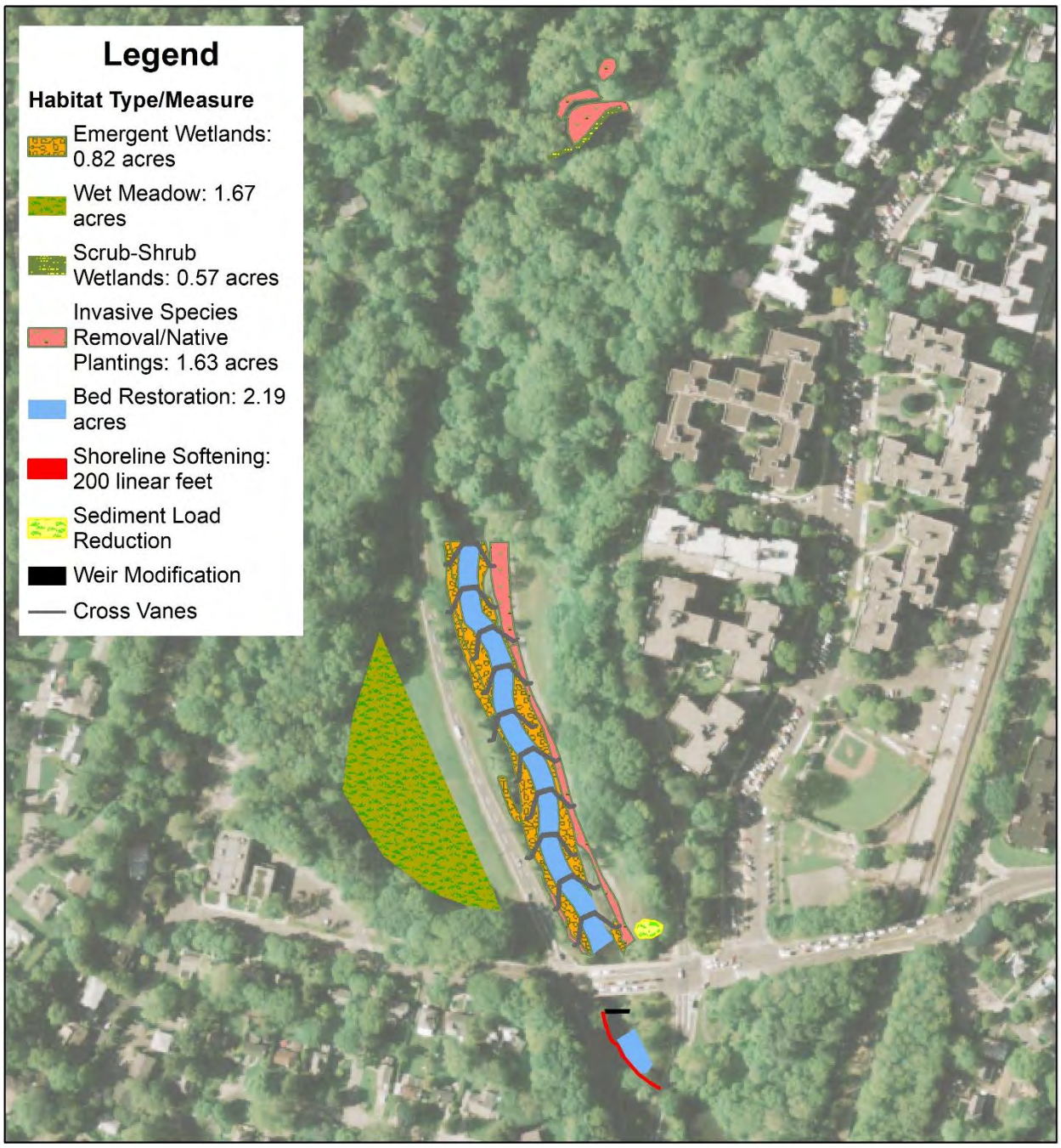


Figure 14. Design for Bronxville Lake.



Hudson Raritan Estuary Ecosystem Restoration
Feasibility Study
Garth Harney Design

US Army Corps of Engineers
New York District

0 62.5 125 250 375 500 Feet

N W E S

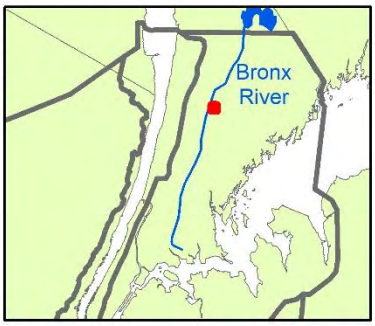


Figure 15. Design for Garth Harney.

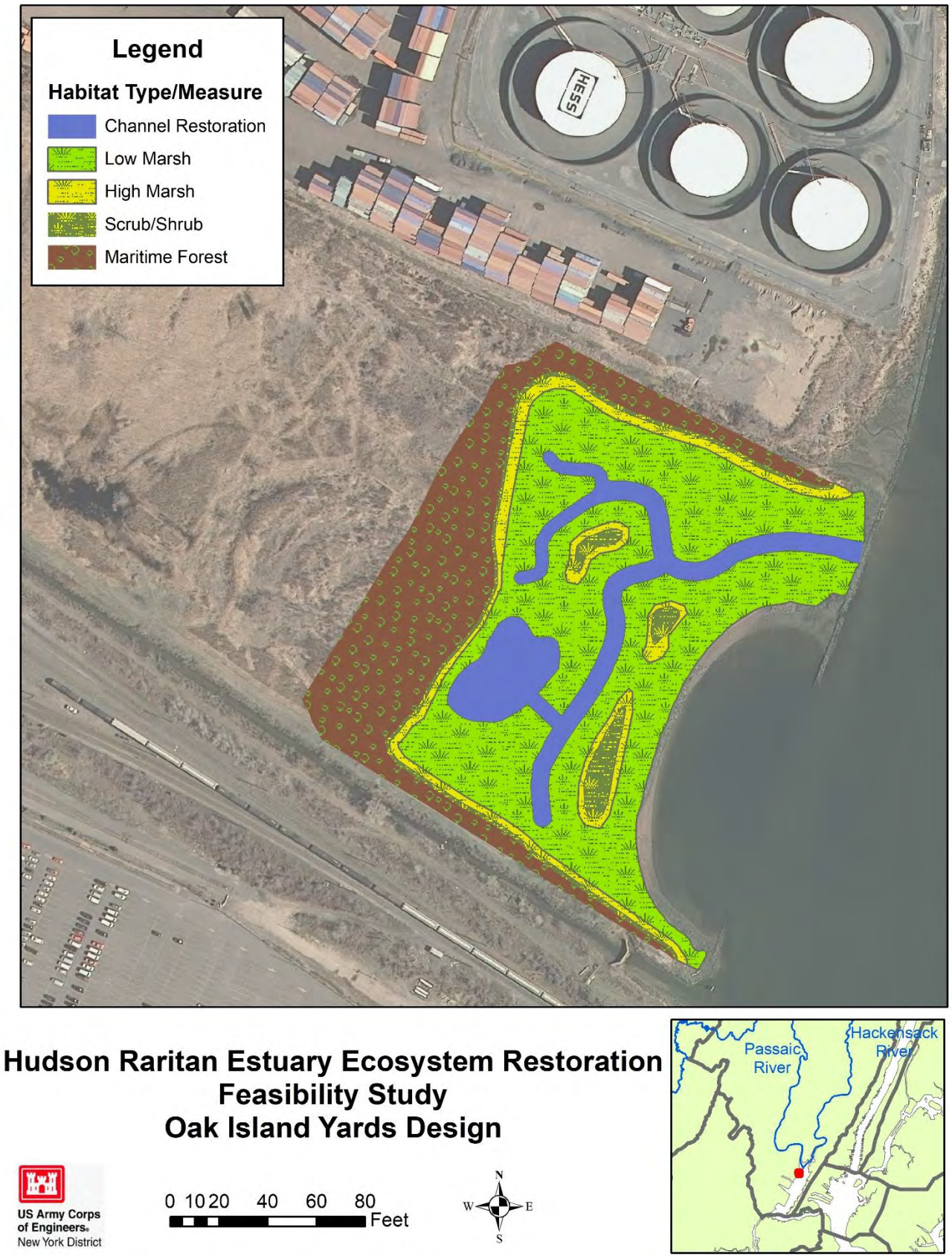


Figure 16. Design for Oak Island Yards.

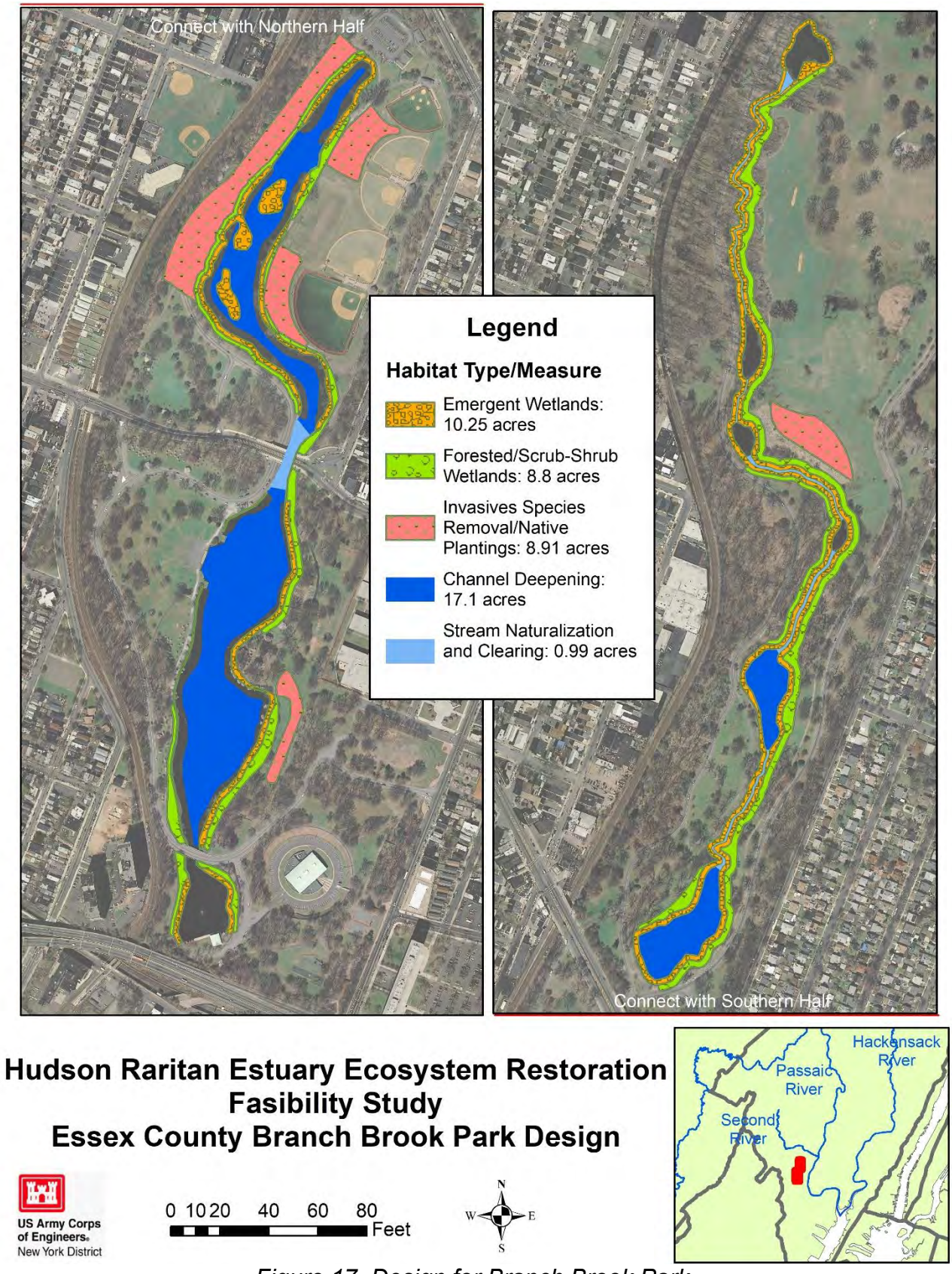


Figure 17. Design for Branch Brook Park.

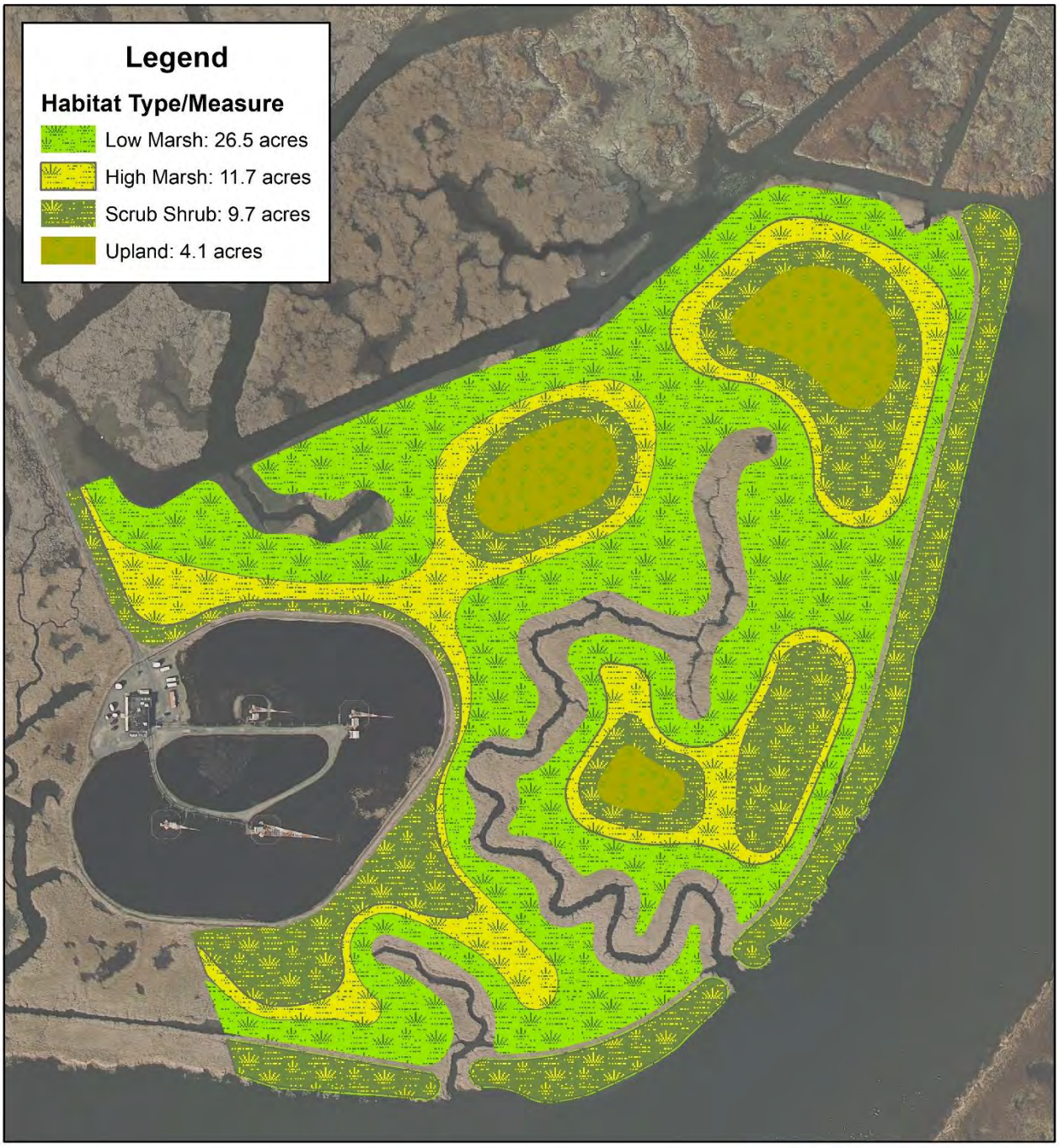


Figure 18. Design for Metromedia.

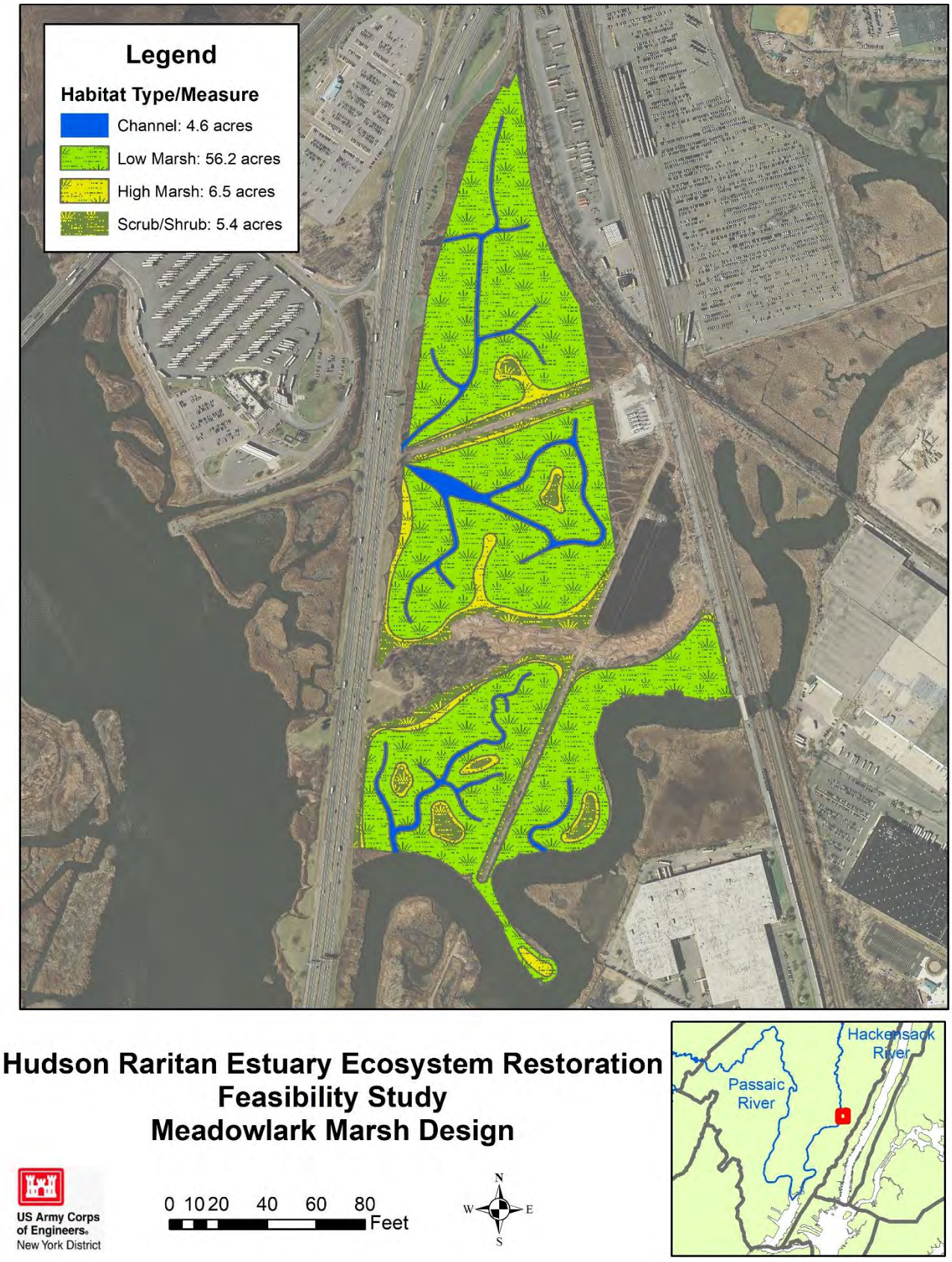


Figure 19. Design for Meadowlark Marsh.

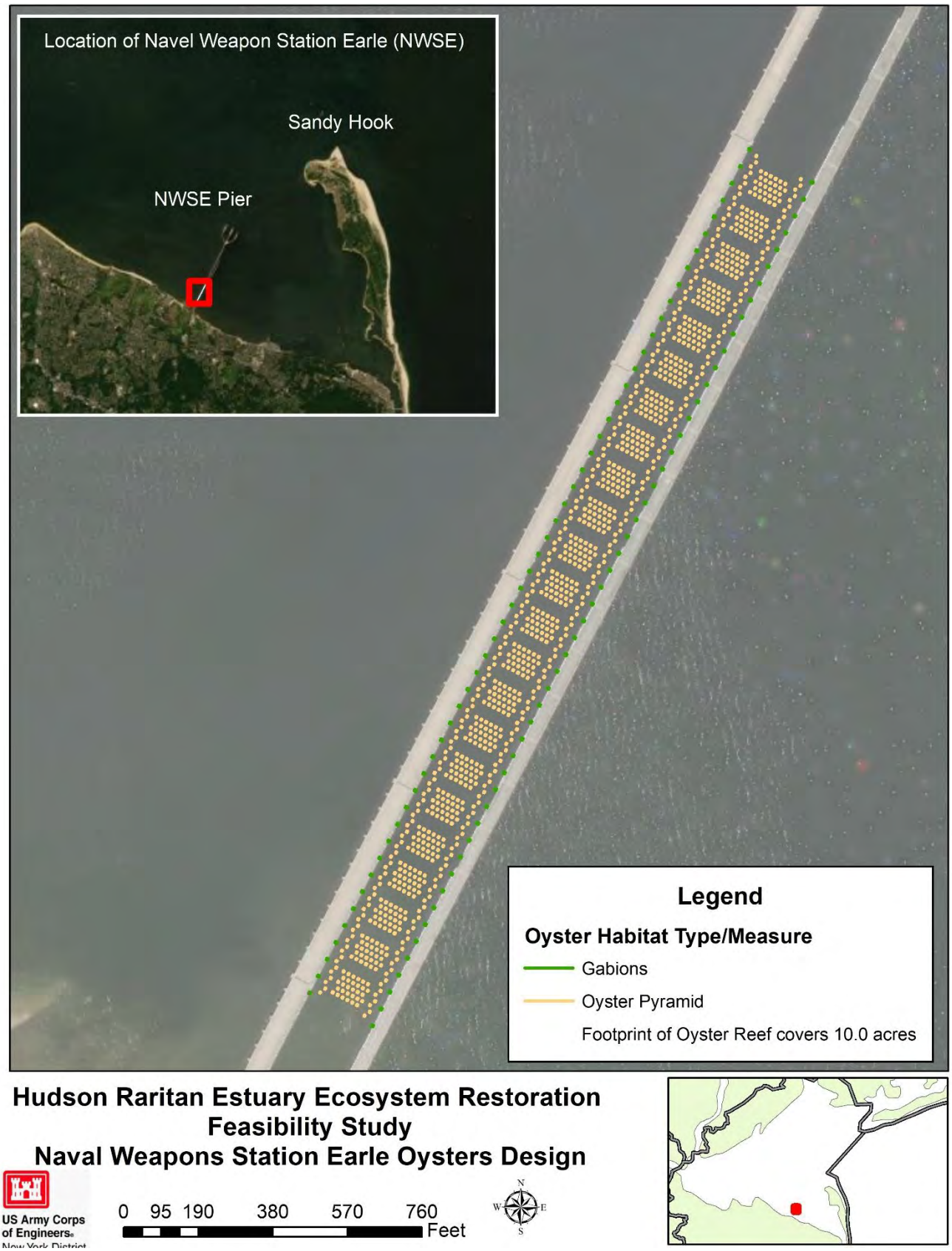


Figure 20. Design for Naval Station Earle Oysters.

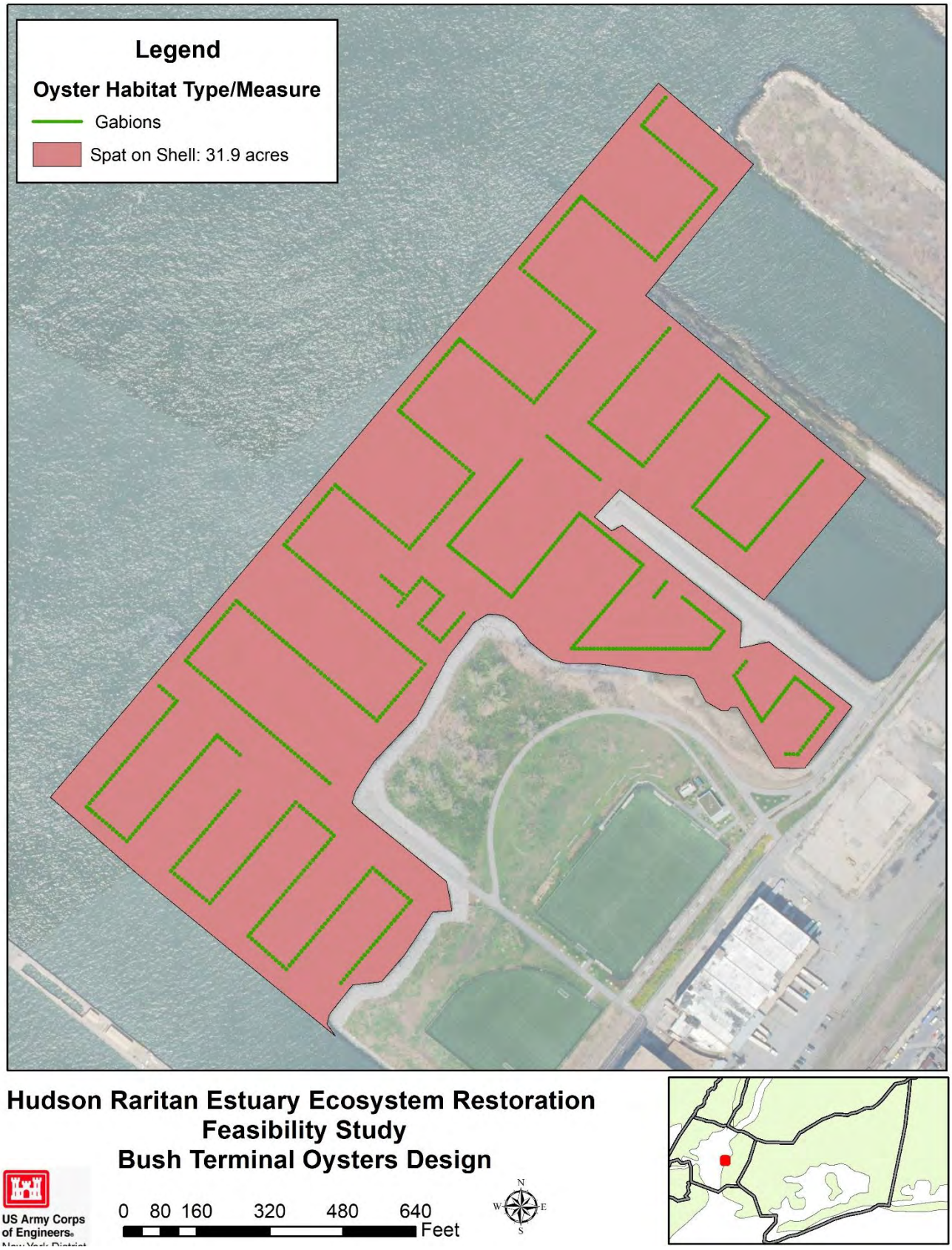


Figure 21. Design for Bush Terminal Oysters.



Figure 22. Design for Head of Jamaica Bay Oysters.

Table 1. Cultural Resources by Restoration Site in New York.

Planning Region	HRE Site	Historic Resources (1 Mile Radius)	AWOIS (1 Mile Radius)	Archaeological Sites (1 Mile Radius)	Within an Archaeological Sensitivity Area	Surveys (1/2 Mile Radius)
Jamaica Bay	Fresh Creek	None	None Identified	3609, 3607, 3610, 7390,	Yes	**02PR02030 Queens County 31, Kings County 32, Kings or Queens County 31 Queens County 1**
	Dead Horse Bay	NR Historic Resource: Floyd Bennett Field Historic District (US Naval Air Station)	13261, 13519, 13520, 13521, 13522, 13523, 13524, 13525, 13528, 13529, 14520, 14536	04701.000124, 7391	No	Kings County 54, 09PR00796
	Elders Center Marsh Island*	None	None Identified	None Identified	No	**02PR2030/Kings County 31**, Kings or Queens County 31 Queens County 1
	Duck Point Marsh Island	None	None Identified	None Identified	No	**02PR2030/Kings County 31**
	Pumpkin Patch East	None	None Identified	None Identified	No	**02PR2030/Kings County 31**
	Pumpkin Patch West	None	None Identified	None Identified	No	**02PR2030/Kings County 31**
	Stony Point Marsh Island	None	None Identified	04701.000116	No	**02PR2030 Kings County 31**
Harlem River/East River/Western Long Island Sound	Flushing Creek	NR Historic Resources (12): Old Quaker Meetinghouse, Flushing Town Hall, Kingsland Homestead, John Browne House, RKO Keith's Theatre, US Post Office – Flushing Main, Flushing High School, Flushing Armory, Weeping Beach Tree, Old Quaker Meetinghouse, St. George's Church, Main Street Subway Station (Dual System IRT) Historic Resources (7): 08101.011528, 08101.011529, 08101.011171, 08101.006249, 08101.007212, 08101.011527, 08101.011159	1686	(6 sites): 4542, 4545, **4544**, 4524, 08101.000133, 08101.011526	Yes	**03PR2845 Queens County 38**

Planning Region	HRE Site	Historic Resources (1 Mile Radius)	AWOIS (1 Mile Radius)	Archaeological Sites (1 Mile Radius)	Within an Archaeological Sensitivity Area	Surveys (1/2 Mile Radius)
	Stone Mill Dam (Snuff Mill Dam)	NR Historic Resources: **New York Botanical Gardens (NHL, NR, SR)**, ***Lorillard Snuff Mill (NHL, NR, SR)***, Rainey Memorial Gates, 52nd Police Precinct Station House and Stable, United Workers Cooperatives, Pelham Parkway Station (Dual System IRT) Historic Resources: 00501.001196, 00501.001199, 00501.000799, 00501.000778, 00501.001142	None Identified	None Identified	No	05PR3926 Bronx County 26
	Bronx Zoo and Dam	13 Records within 1 mile NR Historic Resources: **Rainey Memorial Gates (NR, SR)**, New York Botanical Gardens, Lorillard Snuff Mill, Pelham Parkway Station (Duall System IRT), Morris Park Station Historic Resources: **Bronx Zoo Dam (NRE)** 00501.001464, 00501.001196, 00501.001199, 00501.000778, 00501.001142, 00501.000711, 00501.001105, 00501.001398	None Identified	None Identified	No	04PR6033 Bronx County 20, 05PR3926 Bronx County 26
	Shoelace Park	NR Historic Resources (4): Valentine-Varian House, Keeper's House Williamsbridge Reservoir, Lisanti Chapel, Woodlawn Station (Dual System IRT) Historic Resources (9): 00501.001410, 00501.000050, 00501.001586, 00501.001245, 00501.001144, 00501.001134, 00501.001479, 00501.001401, 00501.001311	None Identified	2837	Yes	None
	Bronxville Lake	13 Records within 1 mile NR Historic Resources: **Bronx River Parkway Reservation (NR, SR),** Eleazer Hart House, US Post Office – Bronxville, Plashbourne Estate, Bronxville Women's Club Building Historic District: Lawrence Park Historic District Historic Resources: 11963.000080, 11963.000079, 1193.000081, 11963.000077, 11963.000082, 11963.000078, 11963.000059	None Identified	5221, 5222, 5197	Yes	None
	Garth Harney	**NR Historic Resources: Bronx River Parkway Reservation (NR, SR)**, Scarsdale RR Station, U.S. Post Office Scarsdale, Caleb Hyatt House,	None Identified	5222, 11916.000006	Yes	**05PR1459 Westchester County 282, 07PR557**

Planning Region	HRE Site	Historic Resources (1 Mile Radius)	AWOIS (1 Mile Radius)	Archaeological Sites (1 Mile Radius)	Within an Archaeological Sensitivity Area	Surveys (1/2 Mile Radius)
		Historic Resources: 11903.000058				**09PR0636 Westchester County 224 234**
Oyster Restoration	Head of Jamaica Bay	None Identified	None Identified	4548, 4050, 4547	Yes	None
	Bush Terminal	More than 18 Records within 1 mile Historic Districts (2): **Bush Terminal Historic District (NRE, SRE),** Sunset Park Historic District Historic Resources (more than 14): **Pier 4 – Bush Terminal,** Bush Terminal Piers Parks, Units 57 and 58 at Bush Terminal, Unit G at Bush Terminal, Building 45 at Bush Terminal, Building 39-40 at Bush Terminal, **Pier 5 Bush Terminal**, **Pier 6 – Bush Terminal,** 04701.000154, 04701.013598, 04701.000442, 04701.000445, 04701.017138, 04701.014993, numerous others. NR Historic Resources (2): 90NR01314 58$_{th}$-65$_{th}$ St. and 2$_{nd}$ Ave., 90NR01282 4302 4$_{th}$ Ave.	13402, 13403, 13489	None Identified	No	07PR00965/Richmond 105,

NOTES: Bolded items are located within the HRE site boundaries. Bold and italic items may be within site boundaries. NHL = National Historic Landmark, NR = National Register Listed, NRE = National Register Eligible, SR = State Register Listed, SRE = State Register Eligible. Surveys are listed only when they cover areas within ½ mile of the HRE site boundaries. Some sites had more resources than could be listed in the table, all sites within the site boundaries are listed.

Table 2. Cultural Resources by Restoration Site in New Jersey.

Planning Region	HRE Site	Historic Resources (1 Mile Radius)	AWOIS (1 Mile Radius)	Archaeological Sites (1 Mile Radius)	Within an Archaeological Sensitivity Area	Surveys (1/2 Mile Radius)
Newark Bay/Hackensack River/Passaic River	Meadowlark Marsh	Historic District: Little Ferry Shops – Railroad Turntable Historic Resources (4): NYS & W Railroad Tunnel and Cut, English Neighborhood School, Zabriske-Monahan House, Dutch Reformed Church of the English Neighborhood	None Identified	None Identified	No	BER A 240a, BER A 278, BER E 46**, MULT A 240 a, MULT A 181 a**, MULT F 41, **MULT A55 A55(1)a A559(2)**, **HUD Z 21**, MULTI Z181 a V.1 V.2

Planning Region	HRE Site	Historic Resources (1 Mile Radius)	AWOIS (1 Mile Radius)	Archaeological Sites (1 Mile Radius)	Within an Archaeological Sensitivity Area	Surveys (1/2 Mile Radius)
	Metromedia Marsh	None Identified	None Identified	None Identified	No	**BER A 240a**, **BER AA 747,** BER R 76, BER Z 179, HUD V 1, MULT A 240 a, MULT A55 A55(1)a A55(2), MULT F 41
	Branch Brook Park	Historic Districts (17): Delaware, Lackawanna and Western Railroad Newark Grade Crossing Elimination Historic District, Old Main Delaware, Lackawanna and Western Railroad Historic District, 14th Street Streetscape, Grant Street/Eighth Avenue Historic District, Newark City Subway Historic District, Lincoln Ave Streetscape, Forest Hill Historic District, James Street Commons Historic District, North 13th Street Historic District, T.P. Howell Industrial Historic District, North Broad Street Historic District, J. Wiss and Sons Company Workers Housing Historic District, **Branch Brook Park Historic District (NR),** Montclair Branch of the Delaware, Lackawanna & Western Railroad Historic District, Halcyon Park Historic District, Silver Lake Stone Houses, Morris Canal Historic District Historic Resources: 1,462 within one mile	None Identified	28-ES-079, 100, 101, 111, 112, 113, 114, 115, 116 ,117, 123, 124, 125	No	(28 surveys): MULT J 2, **ESS B 3, ESS Y 144,** ESS Y 742, **ESS F 97, MULT 236a MULT Z 28a,** ESS AA 299, ESS AA 371, ESS AA 468, ESS AA 89a, ESS B 12, ESS F 560, ESS F 633, ESS F 633a, ESS F 239a b, ESS H 12, ESS H 126a, ESS HSR 178, HSR 64, MULT J 2 MULT 251, ESS S 5, ESS Y 142, ESS Y 143, ESS Z 201 a v.1, ESS Z 26 26a, ESS Z 29a Z29b, MULT S 3

Planning Region	HRE Site	Historic Resources (1 Mile Radius)	AWOIS (1 Mile Radius)	Archaeological Sites (1 Mile Radius)	Within an Archaeological Sensitivity Area	Surveys (1/2 Mile Radius)
	Oak Island Yards (Deferred)	4 Records within 1 mile Historic Districts: Lehigh Valley Railroad Historic District, Pennsylvania Railroad New York Bay Branch Historic District, Lehigh Valley Railroad Oak Island Yard Historic District Historic Resource: Passaic Valley Sewerage Commission Newark Bay Outfall Sewerage Works	None Identified	None Identified	No	**ESS Y 143, MULT R 89; MULT A 12 MULT A 201 MULT A 201a**
Oyster Restoration	Naval Weapons Station Earle	Historic Districts: **Naval Weapons Station Earle Historic District (NRE, SR)**, Shoal Harbor Rural Historic District Historic Resources: "Alexander Hamilton" Steamship	590, 2451, 6834, 3337, 2462, 2461	None Identified	No	**Mon Q 17 Q 169 Q 9 Q 14;** Mon Q 1; Mon A 149

NOTES: Bolded items are located within the HRE site boundaries. NR = National Register Listed, NRE = National Register Eligible, SR = State Register Listed. Surveys are listed only when they cover areas within ½ mile of the site boundaries. Some sites had more resources than could be listed in the table, all sites within the HRE site boundaries are listed.

Historic Properties within the APE

It is the District's opinion that the recommended plan is likely to result in adverse effects to historic properties listed or eligible for listing on the NRHP. The identified resources are presented below in alphabetical order, first by Direct Effect and then by Indirect Effect. This list only contains the historic properties that are known at this time. It is likely that additional historic properties will be identified through future investigations. Pursuant to the Programmatic Agreement, the level of cultural resources survey to be carried out at each site prior to construction will be coordinated between the District, SHPOs, and participating Tribes. Below, a description of the resources are presented.

Potential Direct Effect

Branch Brook Park Historic District (NR): The Branch Brook Park restoration site is located within the Branch Brook Park Historic District. This district is significant because it was the first county park in the United States (Galop 1979). The Essex County Park Commission was established in 1895 and Branch Brook Park was its first Park (Galop 1979). The park was designed by the Essex County Parks Commission, the Olmstead Brothers Landscape Architects Firm, and John Bogart and N.F. Barrett Landscape Architects and Engineers (Galop 1979). The Olmstead Brothers are one of the most famous landscape architecture firms in the United States, having designed Central Park in New York City and the Capitol Grounds in Washington D.C. The Cherry Blossom Trees are also an important element of Branch Brook Park. In 1927 the Bamberger-Fuld Family donated more than 2,000 cherry trees to Branch Brook Park (Galop 1979). Since then, the Essex County Park Commission has planted well over 1,500 additional cherry trees. Today, Branch Brook Park has the largest display of cherry trees in the United States, surpassing even the Tidal Basin of the Nation's Capital in both number and different types of blossoms (Galop 1979). Branch Brook Park is divided into four sections, the Southern Division (the oldest part of the park), the Middle Division, the Northern Division, and the Extension (the most recent area added to the park). The proposed restoration would take place in the Southern, Middle, and Northern Divisions. The Southern Division holds the original Branch Brook Lake, which the District is proposing to deepen and create emergent wetland and forested/scrub/shrub habitat around its perimeter, as well as remove invasive vegetation. The Middle Division hold an extension of Branch Brook Lake, which the District is proposing the same actives in and around. The Northern Division holds several smaller lakes and footbridges designed by the Olmstead Brothers. The District is proposing to deepen two of these lakes and create emergent wetlands and forested scrub/shrub habitats around the lakes and Branch Brook creek which connects the lakes and to remove invasive vegetation. No work is being proposed in the Extension section of the park, but this is where the majority of the famous Branch Brook Park cherry trees are located. The entire restoration site was previously surveyed in 1978. The report, entitled *A Cultural Resources Survey for the Branch Brook Park Redevelopment Plan* (ESS B 3), is on file at the NJ SHPO.

Bronx River Parkway Reservation (NR, SR): The Bronx River Parkway Reservation HistoricDistrict is a 10 mile long stretch of the Bronx River Parkway, which is a historic road that runs along the Bronx River, and the narrow parkland that surround the road and includes the Bronx River. The parkway is eligible for the NR under criteria A and C in the areas of conservation, recreation, transportation, landscape architecture, architecture and engineering (LaFrank 1990). Its period of significance is 1913-1930. The Bronx River Commission was established in 1906 to address the problem of pollution in the Bronx River (LaFrank 1990). Their solution was to acquire land on both banks along a 16 mile

stretch of the river in Bronx and Westchester Counties. Existing buildings that lined the riverbanks were removed and the riverbed was cleaned. In some areas a new channel was dug to increase the "naturalistic effect", to separate the river from the tracks of the New York Central Railroad, and/or to reduce curves that would have made parkway construction difficult (LaFrank 1990). Changes to the river bed were carefully planned to maximize the number of water features in the reservation. Thus, the river is apparent throughout and runs rapidly over rocky rapids, flows slowly in deeper areas, has been dammed to create lakes and ponds, and flows over several waterfalls. The parkway and river run past a variety of landscape features. An effort was made to preserve the natural environment. Forests, such as Garth Woods, East Chester, and Butler Woods were preserved largely in their natural state (LaFrank 1990). The commission planted thousands of native trees and shrubs in the reservation. The vegetation was planted mostly to screen the surrounding development from the parkway. A series of meadows was built and usually coincide with where a screen of trees had been planted (LaFrank 1990). The landscaping was undertaken by Hermann Merkel, the chief landscape architect for the Bronx River Parkway Commission. Construction of the parkway began in 1909, but was interrupted by the First World War and not completed until 1923. The Bronx River Parkway was the first modern parkway in the United States. The NR District contains 4 buildings, 2 sites and, 64 bridges.

The District is recommending two habitat restoration sites within the Bronx River Parkway: Bronxville Lake and Garth Harney. Bronxville Lake is one of the original artificial lakes that was created for the parkway. The habitat restoration project the District is recommending at Bronxville Lake includes planting native upland trees and shrubs, removing invasive vegetation species, creating emergent vegetation along the lake banks, filling sections of the lake bottom and creating forest and scrub/shrub wetlands on these areas, adding bedding stone to the lake bottom, installing a riprap forebay in the river channel upstream of the lake to reduce the sediment load, and modification to the weir to allow fish passage upstream. The proposed restoration will change the original Bronx River Parkway landscape design by modifying the weir that makes Bronxville Lake, and exchanging areas designed by the Commission as open water for wetlands. The NR Nomination focuses on the bridges as contributing elements to the historic district, but does not evaluate the NR status of any of the weirs that were built by the Bronx River Commission. The Commission's landscaping in the Reservation is an important element of the Reservation. Future work would consult the information in the Bronx River Parkway Reservation Historic American Engineering Record and the relevant records of the Bronx Parkway Commission.

The Garth Harney site has two vicinities, one in Garth Woods, and the other just south of that at Harney Road. At Harney Road, the restoration consists of lowering the weir by removing 30 cubic yards of concrete and building cross vanes across the Bronx River, creating emergent wetlands (including a wet meadow in the current meadow), planting native shrubs and trees, and installing a rain garden. At Garth Woods forested and scrub/shrub wetlands will be created, invasive plants will be removed and native plants planted. Garth Woods is one of the native forests that was preserved by the Bronx River Commission. The weir at Harney Road is mentioned in the Bronx River Parkway NR Nomination as creating a small lake. Future work would consult the information in the Bronx River Parkway Reservation Historic American Engineering Record and the relevant records of the Bronx Parkway Commission.

Bronx Zoo Dam (NRE): The Bronx Zoo Dam is considered eligible for the NR under Criteria A and C (Howe 2005). The dam is comprised of an earth embankment with a concrete core wall and two distinct spillways. Both spillways are constructed of earth and natural rock, which form graduated cascades. The Bronx Zoo Dam was built in 1840 by James Bolton for his Bronx Bleach and Cloth Tape Factory (Howe 2005). The mill village that formed around Bolton's corporation on the eastern side of the river was called Bronxdale – the first area to be settled in the Bronx (Howe 2005). The Bronx Zoo Dam meets NR Criterion A in the area of settlement and community development for the role it played in the growth of the village of Bronxdale. It also meets Criterion C as a rare survivor of early nineteenth-century engineering design in the Bronx. The District is proposing to install a fish way around the dam to allow fish passage up the Bronx River, create wetland around the dam, remove trash debris that has accumulated in the area, install a sediment trap and create a public access point.

Lorillard Snuff Mill (NR, NHL, SR): The Lorillard Snuff Mill is located within the New York Botanical Gardens National Historic Landmark on the eastern bank of the Bronx River. The Stone Mill Dam may be associated with the NR listed Lorillard Snuff Mill or the New York Botanical Gardens (see below). The Lorillard Snuff Mill building is the oldest extant tobacco factory in the United States, and the P. Lorillard Company is the oldest tobacco manufacturing firm (Adams 1976). The NR Nomination states that in 1792 the George Lorillard and Pierre Lorillard II moved their main snuff mill factory from Manhattan to this site where they bought "50 acres, a grist mill and other buildings, water rights, and a dam". The District hypothesizes that the dam they bought may be the Stone Mill Dam, which is the only dam presently located on this stretch of the Bronx River. Future work may include additional research to determine if the Stone Mill Dam is associated with the Lorillard Snuff Mill, the New York Botanical Gardens or another resource. The District is proposing to install a fishway around the dam to allow fish passage up the Bronx River, and to remove existing invasive vegetation and replant with native vegetation.

New York Botanical Gardens (NR, NHL, and SR): The Stone Mill Dam restoration site is located within the New York Botanical Gardens National Historic Landmark. The New York Botanical Gardens was listed on the NR as a historic district for significance in education and science in the 19th and 20th centuries (Greenwood 1976). The legacy NR Nomination form does not specify which criterion these significance elements fall under, but it would likely be Criterion A. The NR Nomination form does not mention any information on dams within the historic district, so it is unknown at this time if the Stone Mill Dam itself is a contributing element of the NR listed New York Botanical Gardens Historic District or related to the Lorillard Snuff Mill (see above). The District hypothesizes that the dam could have been either 1) built in association with landscaping in the New York Botanical Gardens, or 2) was associated with the NR Listed Lorillard Snuff Mill that is about 800 feet downstream from the dam. Future work will include research to determine which, if any, historic resource the Stone Mill Dam is associated with. For habitat restoration at the site, the District is proposing to install a fishway around the dam to allow fish passage up the Bronx River, and to remove existing invasive vegetation and replant with native vegetation. Grading and planting will also occur in the New York Botanical Gardens for this proposed restoration.

Potential Indirect Effect

Bush Terminal Historic District (NRE and SRE): The Bush Terminal oyster restoration site is located within the NR eligible Bush Terminal Historic District. Bush Terminal is eligible for the State and

National Registers under Criteria A and C in the areas of Commerce and architecture (Mackey 2019). Bush Terminal was the first American example of the complete integration of the commercial and industrial functions of manufacturing and warehousing with both rail and water transportation in one terminal under a unified management (Mackey 2019). The oyster restoration at Bush Terminal will touch Piers 4, 5, 6, and the Bush Terminal Pier Parks. Spat on shell will be placed on the sea floor over 31.9 acres and then gabions placed on top. These features will likely not be visible from above water, but will be physical additions to the historic district. The proposed measures are not expected to cause adverse effect to this historic property, however, impacts will have to be evaluated in coordination with the NYSHPO, ACHP and participating Tribes as plans are further developed in the PED phase of the project.

Naval Ammunition Depot Earle (NRE, SR): The Naval Weapons Station Earle oyster restoration site is located within the Naval Ammunition Depot Earle Historic District, on Trestle 1, Building T-1, which is a contributing element of the historic district. The historic district is called “Naval Ammunition Depot Earle” and the current Navy operation there is called “Naval Weapons Station Earle.” Naval Weapons Station Earle’s primary mission is the transshipment of munitions (Smith and Tooker 2013). The historic district is eligible for listing on the NRHP under Criteria A, for its association with significant events that occurred there during WWII and the Korean War; and Criteria C due to the “distinctive characteristics of a type, period or method of construction” (Guzzo 2001). The contributing features include the vast majority of ammunition storage facilities, the roadways, railways, and remaining historic piers and trestles – since these are all significant features in the transshipment process (Smith and Tooker 2013). The proposed oyster restoration will consist of installing 102 gabions and 1,010 oyster castles over a 10 acre area adjacent to the historic trestle. Like Bush Terminal, these features will not be visible from above water, but will be physical additions to the historic district. The proposed measures are not expected to cause adverse effect to this historic property, however, impacts will have to be evaluated in coordination with the NJSHPO, ACHP and participating Tribes as plans are further developed in the PED phase of the project.

Rainey Memorial Gates (NR and SR): The Bronx Zoo Dam restoration site extends into the boundary of the Rainey Memorial Gates. The Rainey Memorial Gates are monumental free-standing sculptured bronze gates depicting plants and animals that stand at the entrance of the Bronx Zoo. That gates were made by Paul Manship who worked on them from 1926 to 1931 (Lash 1971). Mrs. Grace Rainey Rogers gave the gates to the park as a memorial to her brother, Paul Rainey, who was a famed big game hunter (Lash 1971). Paul Rainey had given several exotic animals from his expeditions to the zoo, including polar bears, walrus, musk oxen, and other animals (Lash 1971). He died at sea in 1923, while on his way to Africa on another big game hunting expedition (Lash 1971). The part of the habitat restoration project that is within the Rainey Memorial Gates boundary is emergent wetland creation. The land will be cleared and grubbed to reach the correct grade for an emergent wetland habitat and then planted with native plants. The proposed measures are not expected to cause adverse effect to the Rainey Memorial Gates, however, impacts including visual APE impacts will be evaluated in coordination with the NYSHPO, ACHP and participating Tribes as plans are further developed in the PED phase of the project.

Recommendations

The following contains a summary of the resources and potential impacts for each restoration site and recommendations for activities to be carried out prior to construction. These recommended approaches to carrying out future section 106 activities are preliminary and will be coordinated with the SHPOs, ACHP, and Tribes in accordance with the Stipulations of the PA.

Dead Horse Bay: 100% of this restoration site has been surveyed. Most of the restoration area was covered by a Phase IA Cultural Resources Baseline Study in 2003 by Northern Ecological Associates, Inc. in preparation for the USACE Jamaica Bay Ecosystem Restoration Project (Pickman et al. 2003). The remaining southwestern tip of the restoration site was covered by John Milner Associates 1978 report titled *A Cultural Resources Inventory of the Gateway National Recreation Area, New York and New Jersey.* The proposed restoration is to excavate 408,399 CY of material from the site to create elevations conducive for the habitat types proposed (emergent wetlands, low marsh, high marsh and upland) and then plant the site with native vegetation. There are no archaeological sites or historic properties recorded within the APE for this restoration site. The 2003 Baseline study made recommendations for future work Dead Horse Bay which the District, in coordination with the consulting parties, shall use as a guide for future investigations. The recommendations included: 1) documentation of the breakwater/pier pilings in the SW corner; bulkhead remains along south shoreline, and wooden vessel remains. 2) Surface inspection of and subsurface testing of upland, dune and beach areas with manual or mechanical methods. 3) Inspection of marsh, mudflats, adjacent waters with remote sensing methods (especially the wooden vessel remains). It is important to note that there has long been talk in the archaeological community that the landfill at Dead Horse Bay may be an important cultural resource, but it has never been recorded as an archaeological site. Recommendation 2 would address this concern by carrying out a Phase 1B survey of the restoration site footprint.

Fresh Creek: ~18% of the Fresh Creek Restoration site has been previously surveyed. The previously surveyed areas are at the southern end of the site. Most of this area was covered by the Phase IA Cultural Resources Baseline Study in preparation for the USACE Jamaica Bay Ecosystem Restoration Project (Pickman et al. 2003). The rest of the surveyed area was covered by the Cultural Resources Inventory of the Gateway National Recreation Area (John Milner Associates 1978). No cultural resources have been recorded within the APE for the restoration site, but there are four archaeological sites within one mile and the area is considered archaeologically sensitive by the NY SHPO. The proposed restoration is to partially fill and re-contour the Fresh Creek basin, mechanically grade the site to specific elevations conducive for the habitat types proposed (emergent wetlands, low marsh, high marsh, scrub/shrub, and maritime forest) and then plant the site with native vegetation. In total 193,220 CY of material will be excavated from the site. The 2003 Cultural Resources Baseline Study for the Jamaica Bay Ecosystem Restoration Project made three recommendations for future work at this site. These recommendations are to: 1) document any remains associated with Vanderveer Mill. Historic maps show that this mill existed on the edge of the Fresh Creek restoration site, and that now an apartment building has been built over the site of the mill building (Pickman et al. 2003), but associated features like dams, wharfs, and boardwalks may still remain. During field reconnaissance, remains of the wooden wharf were observed where historic maps depicted them to be, 2) conduct surface and subsurface inspection with largely mechanical means of terrestrial sections, and 3) inspect the Bay end with remote sensing methods. As plans are further developed the District, in coordination with the consulting parties, will use these recommendations to guide future cultural resources investigations and mitigation measures for affected resources.

Stony Creek, Pumpkin Patch East, Pumpkin Patch West, Duck Point, and Elders Center (Marsh Islands): 100% of these five marsh islands were surveyed for the 1978 report *A Cultural Resources Inventory of the Gateway National Recreation Area, New York and New Jersey*. There are no previously recorded archaeological sites or historic properties on the marsh islands. As the project moves forward the District shall evaluate the need for additional cultural resources investigations based on the plans as they are further developed. The proposed restoration is to deliver sand dredged from other USACE Operations projects to these five marsh islands and then grade the new sand.

Flushing Creek: ~50% of the restoration site has been surveyed by a Phase IA inventory carried out by the District in 2003. This study identified several cultural resources in the restoration area that would need further work. These recommendations include: test trenching to determine the presence, location and conditions of the remains of (1) the Flushing or present Long Island Railroad Bridge (Pickman et al. 2003 predict these remains to be NR eligible); (2) the Flushing & Woodside Railroad Bridge and Trestle (both railroad bridges) (Pickman et al. 2003 predict these remains to be potentially NR eligible); (3) the D.S. Jones Lumber Yard/H.K. Lines Coal and Wood Yard/Eastern Steel Tank Corporation (believed to be located on the east bank of Flushing Creek and north of the LIRR from 1904 to 1951); and (4) the New York City outfall and headwall and wood pilings which were present in the eastern creek bank project area.

The recommendations also instructed to evaluate the Flushing Bridge, the Roosevelt Avenue Bridge, and the Porpoise Bridge, but all three of these have been evaluated by others since the 2003 inventory. The Flushing Bridge and the Roosevelt Avenue Bridge were determined to be Not Eligible for the NRHP by the NY SHPO, whereas the Porpoise Bride was determined to be Eligible. The remaining four recommendations from the 2003 inventory will be used to guide future work under the PA. Since the Porpoise Bridge has been determined eligible, the District plans to avoid this resource, or will work to address potential adverse effects. No work is currently planned that will affect the Porpoise Bridge, but a treatment plan will be developed for it to ensure no damage inadvertently occurs in accordance with the PA. Lastly, additional cultural resources survey will be carried out to cover the rest of the restoration site that was not covered in the initial 2003 Phase 1A inventory.

Part of the New York State Museum Site 4544 is within the boundaries of the restoration site. This site was identified in the early 1900s by Arthur C. Parker (Pickman et al. 2003). There are no records for this site on NYSHPO's CRIS. Site 4544 is broadly identified as a camp site in the general area of the World's Fair site. Parker delineated this site as a "camp site west of Flushing Creek" corresponding to the higher ground overlooking the tidal marsh in the general vicinity of 54th Ave (Pickman et al. 2003). Most of this site was likely obliterated by development associated with the World's Fair, but the extent of the disturbance is unknown without archaeological investigations. The proposed restoration is to re-contour the mudflats, grade the marsh and place the excess material in the upland areas of the site, and then plant with native vegetation. In total, 39,015 CY of material will be excavated.

Bronx Zoo and Dam: ~5% of this APE was surveyed for the 2013 AKRF report titled *Phase IA Archaeological Documentary Study: Bronx Zoo Transportation Facility, Bronx River Parkway, Bronx, New York*. The NR Rainey Memorial Gates and the NRE Bronx Zoo Dam lie within the APE of this

restoration site. The proposed restoration is to install a fish ladder around the Bronx Zoo Dam, clear and grub the restoration site footprint, and then plant with native vegetation. In total, 5,740 CY of material will be excavated during clearing and grubbing activities. The project is not expected to adversely affect the Rainy Memorial Gates, however, because the work is being carried out in the area and the dam is located within the visual APE for the historic property, avoidance and mitigation measures may be required depending upon the physical extent of construction activities.

Stone Mill Dam: 0% of this APE has been surveyed. This restoration site may contain a contributing element of the Lorillard Snuff Mill or the Bronx Botanical Gardens. The proposed restoration is to install a fish ladder around the Stone Mill Dam and plant native vegetation. 10 CY of material will be excavated during this process. As plans are further developed the District will carry out research to identify any previously unidentified cultural resources within the APE and to determine if the Stone Mill Dam is associated with the Lorillard Snuff Mill or the New York Botanical Gardens. In accordance with the stipulations of the PA, if the Stone Mill Dam is found to be a contributing element of either of these historic properties, or a historic property in its own right a treatment plan may be necessary to address adverse effects.

Shoelace Park: 0% of this APE has been surveyed. No known archaeological sites or historic properties are located within the APE. The restoration site is within an archaeologically sensitive area according to NYSHPO's CRIS, and there is one archaeological site nearby. The proposed restoration includes channel re-alignment, building in-stream structures (cross vanes), stabilizing stream banks, a stacked rock wall and plantings, excavation to create vegetation swales, biorentention basins and raingardens across the site, and native vegetation plantings. In total 44,510 CY of material will be excavated during construction. Since the entire APE has never been surveyed, a cultural resources survey of the APE will be carried out to identify any cultural resources within the project APE.

Bronxville Lake: 0% of this restoration site has been previously surveyed. The NR Bronx River Parkway Historic District covers this entire restoration site. The proposed restoration is to lower the weir (which is potentially a contributing element to the Bronx River Parkway Historic District), filling sections of the lake bottom, excavating the lake bottom and installing bedding stone, a rip rap forebay will be constructed in the river channel, excavation for vegetated swales, biorentention basins, a raingarden, and native plantings. In total 58,340 CY of material will be excavated during construction. As the project proceeds the District plans to carry out cultural resources investigations for the APE and specifically to evaluate whether the weir is eligible for the NR and assess the effects of the proposed habitat restoration on the Bronx River Parkway.

Garth Harney: 0% of this APE has been previously surveyed. The NR Bronx River Parkway Historic District covers this entire restoration site. The proposed restoration includes lowering the weir (which is potentially a contributing element to the Bronx River Parkway Historic District), building in-stream cross vanes, clearing and grubbing, excavation for a raingarden/biorentention basin, and planting native vegetation. In total 11,330 CY of material will be excavated during construction. The District plans to carry out an investigation to determine the NRHP eligibility on the weir and to evaluate the effects of the proposed habitat restoration project on the Bronx River Parkway HD. Alteration of the Bronx River Commission's landscaping such as changing the meadow into a wet meadow, installing cross vanes in the Bronx River channel, potential excavation to create the correct grade for emergent wetlands has the potential to alter the character defining features of the park. If the alterations to the

weir and landscaping are found to impact elements of the historic district, alterations to the design may be considered in coordination with the consulting parties and a treatment plan developed in accordance with the PA to address adverse effects.

Oak Island Yards: The entire site has been previously surveyed for the 1993 report *Stage IA Cultural Resource Reconnaissance, Combined Sewer Overflow project, City of Newark, New Jersey (*ESS Y 143) by Historic Sites Research. No known resources are located within the APE, but three historic rail road districts run adjacent to this restoration site. The proposed restoration includes grading, clearing and grubbing, and planting native vegetation. Cubic yards of excavated material have not been calculated yet. As the project moves forward the District shall evaluate the need for additional cultural resources investigations based on the plans as they are further developed.

Branch Brook Park: 100% of the restoration site is located within the Branch Brook Park Historic District and was surveyed for the 1978 report *A Cultural Resources Survey for the Branch Brook Park Redevelopment Plan* (ESS B 3). The proposed restoration includes excavating 75,350 CY of sediment from the ponds and lake in the park, grading, clearing and grubbing, and planting native vegetation. A thorough evaluation of the effects to the Branch Brook Park Historic District will be carried out in the Pre-Construction, Engineering and Design (PED) Phase and the District will work to avoid adverse effects in the design of the project in coordination with the consulting parties. If necessary a treatment plan will be developed in accordance with the stipulations of the PA to address effects to this historic district.

Metromedia: 100% of this APE has been investigated by Hunter Research for the District in their 2006 report *Cultural Resource Investigation of Ten Sites in the Hackensack Meadowlands* (MULT A 240, a). This report recommended coring at three sites to create a picture of the entire Meadowlands: Meadowlark, Anderson Creek, and Riverbed Wetland Preserve. At the time, USACE was recommending ten restoration sites in the Meadowlands, but since now USACE is only recommending two, a new strategy for investigating the paleoenvironment of the Meadowlands will be developed. The New Jersey Meadowland Commission will be among the parties consulted with on this decision. There are no known sites within this APE. The proposed restoration is to excavate 38,000 CY of material from the site and replace it with 41,000 CY of clean fill, and then plant with native vegetation.

Meadowlark Marsh: ~95% of this APE has been investigated by Hunter Research for the District in their 2006 report *Cultural Resource Investigation of Ten Sites in the Hackensack Meadowlands* (MULT A 240, a). This testing identified 1917-1931 fill material from industrial brick manufacturing. Future work will include determining the significance of this fill and testing the remaining untested portion of this restoration site. The New Jersey Meadowland Commission would be among the parties consulted on this project. The 2006 Hunter report recommended coring at three sites to create a picture of the entire Meadowlands: Meadowlark, Anderson Creek, and Riverbed Wetland Preserve. Since USACE is now only recommending two Meadowlands restoration sites instead of ten, a new approach to recovering this data will be coordinated. The proposed restoration at this site is to grade the entire site, with 53,590 CY of material taken off site, the rest of the sediment will be used to raise the grade of the high marsh and upland areas of the site, and native vegetation will be planted.

Naval Weapons Station Earle: ~80% of this APE was been surveyed for the 2007 report *Cultural Resources Survey Report, Naval Weapons Station Earle* and the 1995 report *Cultural Resources Assessment, Replacement of Bridge HB-4 Over Swimming River, Normandy Road, Naval Weapons Station Earle* (8380 and 8929). The oyster restoration at this site is located within the Naval Weapons Station Earle Historic District. The proposed restoration is to install 1,010 oyster pyramids and 30 oyster castles over a 10 acre area between the trestles at Naval Weapons Station Earle. The placement of oyster gabions and castles on the Bay bottom is not expected to cause adverse effect to historic properties will be placed on the bay bottom, however this will be coordinated with the NJ SHPO once project plans are further developed.

Bush Terminal Oysters: ~25% of this APE was surveyed for the 2018 for the *Made in New York (MiNY) – North Campus Project, Phase IA Archaeological Documentary Study and Architectural Eligibility Assessment*. This restoration site is located entirely within the Bush Terminal Historic District. The proposed restoration is to install 31.9 acres of spat on shell and oyster gabions in the water on the bay bottom around the historic piers in the Bush Terminal Historic District. The proposed undertaking is not expected to cause adverse effect to historic properties, but this will be coordinated on with the NY SHPO once project plans are further developed.

Head of Jamaica Bay: 0% of this APE has been surveyed. The proposed restoration is to install 10.1 acres of spat on shell on the bay bottom and then place oyster castles, oyster gabions, and hanging super trays on top. The restoration site is within one mile of three archaeological sites, making it sensitive for archaeological sites. Since this area has never been surveyed, *a* cultural resources investigation will be carried out to determine the likelihood of submerged prehistoric and historic remains within the APE.

Section 106 Coordination

Prior to consolidation of the feasibility studies into the HRE Ecosystem Restoration Feasibility Study, significant Section 106 activities were carried out for the Jamaica Bay Ecosystem Restoration Project. The study comprised twelve restoration sites situated around Jamaica Bay. Two of the recommended restoration sites within the Jamaica Bay Planning Region were among the twelve evaluated at the time. These there were Fresh Creek and Dead Horse Bay. The survey did not look at the marsh islands, Elders Center, Duck Point, Pumpkin Patch East and West, and Stony Point. The cultural resources assessment of Jamaica Bay focused on the twelve restoration sites but also looked at the region generally, describing the area's prehistoric and historic use and considering the potential for the planned activities to impact significant cultural resources. Recommendations were made for additional investigations and monitoring activities at the sites on an individual level (Panamerican Consultants, Inc. 2003). Additional studies that are relevant to the current project are a 2006 Phase IB of Bayswater State Park and Paerdegat Basin and a 2004 survey was completed for three marsh island sites that were subsequently constructed, Yellow Bar and Elders East and West (Panamerican Consultants, Inc.) Consultation was carried out in 2004 with the New York State Office of Parks Recreation and Historic Preservation (NYSOPRHP), federally recognized tribes, and other interested parties upon completion of a draft Programmatic Agreement for the perimeter Jamaica Bay sites. A final draft of the document was never executed (Appendix A - Section A.1 Jamaica Bay Correspondence).

Significant Section 106 compliance activities were also carried out for the HRE-Hackensack Meadowlands Ecosystem Restoration Feasibility Study in 2006 upon completion of a cultural resources survey of ten restoration sites in the Hackensack Meadowlands. Meadowlark Marsh and Metromedia Marsh, two current recommended sites, were among the sites evaluated at that time. The report identified a system of historic drainage features at a number of sites (including Metromedia and Meadowlark) as well as circa 1917-1930 fill material at Meadowlark Marsh that had the potential to yield significant cultural resources. The report also discussed, in a broader framework, the issue of determining archaeological potential in wetland environments and recommended a series of high-integrity cores be carried out as part of future investigations for the study to better understand the potential for prehistoric archaeological sites (Hunter Research, Inc. 2006). Later consultation occurred after the District carried out an evaluation of the drainage systems and features in the Hackensack Meadowlands. The survey focused on the Metromedia Site among others and recommended additional subsurface investigations before eligibility for the National Register of Historic Places could be determined. The District declared its intent to prepare a Programmatic Agreement at that time, however, in 2012 progress on the study was suspended and a draft PA was not fully developed (Appendix A – Section A.2 Hackensack Meadowlands Correspondence).

Coordination for the HRE Ecosystem Restoration Project between the District, the New Jersey State Historic Preservation Office (NJSHPO) and the New York State Office of Parks, Recreation and Historic Preservation began in 2014 when the cultural resources overview survey was completed (URS 2014). The District declared its intent at that time to draft a Programmatic Agreement for each state (Appendix A.3 HRE Correspondence). The ACHP requested USACE to combine both States into one PA, which is the path the District followed. The PA outlines the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects (Appendix B Programmatic Agreement).

The PA was executed on March 4, 2020. The signatories were USACE New York District, NYSHPO, NJSHPO, and the ACHP. The invited signatories were the New York City Landmarks Preservation Commission, the National Park Service Northeast Regional Office, and Gateway National Recreation Area – National Park Service. The NPS Northeast Regional Office declined to participate in the agreement. The Delaware Nation, the Delaware Tribe of Indians, the Shawnee, the Stockbridge-Munsee Community Band of Mohicans, and the Shinnecock Nation were also invited to participate in the agreement. The Stockbridge Munsee declined to be a signatory but wish to be kept informed as the project progresses. The other tribes did not respond to the District's invitation. Public involvement is being conducted during the public review of the final FR/EA and the PA under NEPA and will serve as the District's Section 106 public coordination. The final PA has incorporated all comments received on the draft document.

Bibliography

Adams, George R.
1976 National Register of Historic Places Inventory – Nomination Form for Lorillard Snuff Mill. National Park Service.

Burrow, Ian and Damon Tvaryanas
2010 Historic Context Development, Hackensack Meadowlands Drainage Systems and Features, Hackensack Ecosystem Restoration Project, Hudson and Bergen Counties, New Jersey. Hunter Research, Inc. Prepared for Mabbett & Associates, Inc. Under Contract to U.S. Army Corps of Engineers.

Galop, Kathleen and Ron Rudin
1979 National Register of Historic Places Inventory – Nomination Form for Brank Brook Park.

Greenwood, Richard
1976 National Register of Historic Places Inventory – Nomination Form for the New York Botanical Garden. National Park Service. Accessed electronically on CRIS.

Grossman, Joel W. and Dorothy Peteet
2006 Cultural Resources Investigation of Ten Sites in the Hackensack Meadowlands, Hackensack Meadowlands Restoration Project, Hudson and Bergen Counties, New Jersey. Hunter Research, Inc. Prepared for Northern Ecological Consultants. Under Contract to U.S. Army Corps of Engineers.

Guzzo, Dorothy
2001 Consultation Comments Letter to Tina A. Deininger dated January 29, 2001. On file at NJ SHPO.

Howe, Kathy
2005 NYSOPRHP Resources Evaluation for Bronx Zoo Dam. New York State Office of Parks, Recreation and Historic Preservation, Historic Preservation Field Services Bureau.

John Milner Associates
1978 A Cultural Resources Inventory of the Gateway National Recreation Area, New York and New Jersey. Prepared for National Park Service.

LaFrank, Kathleen
1990 National Register of Historic Places Registration Form for Bronx River Parkway Reservation. Accessed electronically on CRIS.

Lash, Stephen
1971 National Register of Historic Places Inventory – Nomination Form for Rainey Memorial Gates. Accessed Electronically on CRIS.

Mackey, Linda

2019 Resource Evaluation for Bush Terminal Historic District. New York State Office of Parks, Recreation, and Historic Preservation.

Panamerican Consultants, Inc.
2003 Phase IA Cultural Resources Investigation of the Hudson-Raritan Estuary Ecosystem Restoration Project, Liberty State Park, Jersey City, Hudson County, New Jersey.

Panamerican Consultants, Inc.
2004 Phase 1A Documentary Study for the Jamaica Bay Islands Ecosystem Restoration Project, Brooklyn (Kings) and Queens County, New York.

Panamerican Consultants, Inc.
2006 Phase IB Investigations of Bayswater State Park and Paerdegat Basin, Jamaica Bay Ecosystem Restoration Project, Kings, Queens, and Nassau Counties, New York., Hayward, Michelle H., Button, Edwin W., Cinquino, Michael A.

Pickman, Arnold A., Michael A. Cinquino, Mark A. Steinback, Michelle H. Hayward, Edward V. Curtin
2003 Cultural Resources Baseline Study, Jamaica Bay Ecosystem Restoration Project, Kings, Queens, and Nassau Counties, New York. Panamerican Consultants, Inc. Prepared for Northern Ecological Associates, Inc. Under Contract to USACE New York District.

Pickman, Arnold, Michele H. Hayward, Mark A. Steinback, and Michael A. Cinquino
2003 Cultural Resources Baseline Study, Flushing Bay Ecosystem Restoration Project, Queens County, New York. Panamerican Consultants, Inc. Prepared for Barry A. Vittor & Associates, Inc. Under Contract to U.S. Army Corps of Engineers.

Smith, Adam D. and Megan W. Tooker
2013 Naval Weapons Station Earle Reassessment. U.S. Army Engineer Research and Development Center (ERDC). Prepared for Navy Region Mid-Atlantic.

URS Corporation
2014 Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan. Vol's I-111.

U.S. Army Corps of Engineers, New England District
2007 Cultural Resources Baseline Study, Bronx River Ecosystem Restoration Study, Bronx and Westchester Counties, New York., Atwood, Kathleen A., Paiva, Marcos A., Varghese, Saji

U.S. Army Corps of Engineers, New York District
1996 New York-New Jersey Harbor Estuary Program, Including the Bight Restoration Plan, Final Comprehensive Conservation and Management Plan. New York/New Jersey Harbor Estuary Program, New York, New York.

U.S. Army Corps of Engineers, New York District
2000 Draft Expedited Reconnaissance Study: Hudson-Raritan Estuary Environmental Restoration.

U.S. Army Corps of Engineers, New York District and Port Authority of New York and New Jersey
2009 Hudson-Raritan Estuary Comprehensive Restoration Plan, Draft, Vol.s I and II.

Appendix A – Correspondence

Section A.1 – Jamaica Bay Correspondence

Section A.2 – Hackensack Meadowlands Correspondence

Section A.3 – HRE Correspondence

Section A.1 – Jamaica Bay Correspondence

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 19, 2004

Environmental Analysis Branch

Poospatuck Reservation
Eastern Area Office
P.O. Box 86
Mastic, NY 11950

Re: USACE Jamaica Bay Ecosystem Restoration
Kings and Queens Counties, New York
Programmatic Agreement

To Whom it May Concern:

This letter is in reference to a project that the United States Army Corps of Engineers, New York District (Corps) is currently undertaking in the Jamaica Bay Area. The Corps is developing a plan to restore the ecosystem of eight specific Jamaica Bay sites to their original ecological levels.

This letter is meant to serve two purposes: 1) to inform you of the project and 2) to request information as to who to best contact in regards to Cultural Resource issues. The Corps is currently drafting a Programmatic Agreement between itself and other State and Federal Agencies that will ensure the proper execution of the National Register of Historic Places, Section 106 mandate as well as follow all NAGPRA regulations.

I would like to request the name and contact information for the person on the Poospatuck Reservation who would best be contacted to deal with the above-mentioned project as well as the cultural resources of the Poospatuck. The contact information can be sent to the following address:

Kirsten R. Davis, Project Archaeologist
US Army Corps of Engineers
Environmental Analysis Branch
26 Federal Plaza, Rm. 2136
New York, New York 10278

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

OFFICE OF PARKS · RECREATION · HISTORIC PRESERVATION
NEW YORK STATE
Bernadette Castro
Commissioner

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189 518-237-8643

November 9, 2004

Kirsten Davis
US Army corps of Engineers
26 Federal Plaza, Rm. 2136
New York, NY 10278

Dear Ms. Davis;

Re: CORPS
Jamaica Bay Ecosystem Restoration
Kings, Queens and Nassau Counties, NY
Draft Programmatic Agreement
02PR02030

Thank your for requesting the comments of the New York State Historic Preservation Office (SHPO) with regard to the potential for this project to affect significant historical/cultural resources. SHPO has reviewed the Draft Programmatic Agreement (PA) that was included with your letter of October 5, 2004 and received in our office on October 25, 2004. Based on this review, the SHPO concurs with the language of the Draft PA. Our one comment would be to insure that all of the appropriate Native American Tribes that may have an interest in the project have been consulted.

Please contact me at extension 3291 if you have any questions regarding these comments.

Sincerely

Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology

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printed on recycled paper

OFFICE OF PARKS · RECREATION · HISTORIC PRESERVATION
NEW YORK STATE
Bernadette Castro
Commissioner

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189 518-237-8643

In an effort to better serve the public and other agencies, the New York State Historic Preservation Office (SHPO) is introducing its **On Line Resource Center**. This tool is part of our new web site. Simply go to www.nysparks.state.ny.us/shpo and select **On Line Resources** from the menu. Here users will discover links to three new web based programs:

Geographic Information System (GIS)
A map based program that allows the user to select a community and view the boundaries of properties listed in the State and National Registers of Historic Places in New York State. The site also allows the user the ability to see a graphic depiction of areas that may be archeologically sensitive. These two components will provide most users with a comprehensive initial overview of the cultural resources of a specific location within the state.

National Register Document Imaging Program
This program contains the images of New York's more than 4,400 State and National Registers of Historic Places documents. An easy search program allows the user to select listed resources by community, type, style, materials, or historic use.

SPHINX (State Preservation Historic Inventory Network Exchange)
This system provides access to the State Historic Preservation Office's program-wide database for bureau records. This database includes information on more than 250,000 addresses in the state. (requires a password signup)

We are requesting that you utilize these applications to determine the ***general*** presence or absence of cultural resources in your community or project area **prior** to submitting a request for this data to our office. It is expected that these on-line tools should eliminate your need to submit information queries where only the State Environmental Quality Review Act (SEQRA) is involved. Consultation with the SHPO is mandatory when there is any state or federal involvement in a project.

If you should have questions regarding these new programs please do not hesitate to contact John Bonafide at (518) 237-8643, ext. 3263

Thank you for your assistance in helping us to streamline our process and to better meet your needs.

ATTENTION

Please find attached a REVISED *Project Review Cover Form*. This new version replaces the one currently in circulation. Please include this form with ALL submissions to this office.

Rev 6-04

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printed on recycled paper

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island Resource Center, PO Box 189, Waterford, NY 12188-0189 (Mail)
Delaware Avenue, Cohoes 12047 (Delivery)
(518) 237-8343

PROJECT REVIEW COVER FORM

Rev. 10-04

Please complete this form and attach it to the top of ***any and all information submitted to this office*** *for review.*
Accurate and complete forms will assist this office in the timely processing and response to your request.

This information relates to a previously submitted project.

PROJECT NUMBER ____ PR_____

COUNTY _____

☐ If you have checked this box and noted the previous Project Review (PR) number assigned by this office you do not need to continue unless any of the required information below has changed.

---

2. This is a new project. ☐ If you have checked this box you will need to complete ALL of the following information.

Project Name _____

Location _____
You MUST include street number, street name and/or County, State or Interstate route number if applicable

City/Town/Village _____
List the correct municipality in which your project is being undertaken. If in a hamlet you must also provide the name of the town.

County _____
If your undertaking* covers multiple communities/counties please attach a list defining all municipalities/counties included.

TYPE OF REVIEW REQUIRED/REQUESTED (Please answer both questions)

A. Does this action involve a permit approval or funding, now or ultimately from any other governmental agency?

☐ No ☐ Yes

If Yes, list agency name(s) and permit(s)/approval(s)

Agency involved	Type of permit/approval	State	Federal
		☐	☐
		☐	☐
		☐	☐

B. Have you consulted the NYSHPO web site at http://www.nysparks.state.ny.us/shpo to determine the preliminary presence or absence of previously identified cultural resources within or adjacent to the project area? If yes: ☐ Yes ☐ No

Was the project site wholly or partially included within an identified archeologically sensitive area? ☐ Yes ☐ No

Does the project site involve or is it substantially contiguous to a property listed or recommended for listing in the NY State or National Registers of Historic Places? ☐ Yes ☐ No

CONTACT PERSON FOR PROJECT

Name _____ **Title** _____

Firm/Agency _____

Address _____ **City** _____ **STATE** _____ **Zip** _____

Phone (____) _____ **Fax** (____) _____ **E-Mail** _____

Delaware Nation NAGPRA Office

P.O. Box 825, Anadarko, OK 73005
Phone: (405) 247-2448
Fax: (405) 247-9393

October 28, 2004

Kirsten Davis, Project Archaeologist
US Army Corp of Engineers
26 Federal Plaza, Rm. 2136
New York, NY 10278

RE: Programmatic Agreement with US Army Corp of Engineers, the New York State Office of Parks, Recreation, and Historic Preservation, the New York City Landmarks Commission, the National Park Service and the New York City Department of Parks

Dear Ms. Davis:

Thank you for contacting the Delaware Nation regarding the above referenced project. The Delaware Nation is committed to protecting archaeologist sites that are important to tribal heritage, culture, and religion. Furthermore, the tribe is particularly concerned with archaeologist sites that may contain human burial remains and associated funerary objects.

The Delaware Nation is agreeable to provide input for programmatic agreements within our area of interest. However, after reviewing your draft it is evident that there has been an omission of a primary party with whom you should also be consulting with on this programmatic agreement. Please contact and include the Delaware Tribe of Oklahoma located in Bartlesville, Oklahoma in your revised draft. When the revised draft is complete we request tbat you provide a copy to our office for review.

We appreciate our cooperation in contacting the Delaware Nation. Should you have any questions, feel free to contact me.

Sincerely,

Tamara Francis
NAGPRA/Cultural Preservation Director

THE CITY OF NEW YORK LANDMARKS PRESERVATION COMMISSION
1 Centre St, 9N, New York, NY 10007 (212) 669-7700

ENVIRONMENTAL REVIEW

USACE/106-Y 10/11/04

PROJECT NUMBER DATE RECEIVED

PROJECT JAMAICA BAY ECOSYSTEM RES

[ ] No architectural significance

[ ] No archaeological significance

[ ] Designated New York City Landmark or Within Designated Historic District

[ ] Listed on National Register of Historic Places

[ ] Appears to be eligible for National Register Listing and/or New York City Landmark Designation

[ ] May be archaeologically significant; requesting additional materials

COMMENTS The LPC is in receipt of the Draft Programmatic Agreement for the Jamaica Bay Restoration Project. We concur with the substance of the document and would like to be consulted but would prefer not to be signatories of the agreement.

cc: NYSOPRHP

Amanda Sutphin 11/08/04

SIGNATURE DATE

The Delaware Nation

P.O. Box 825
Anadarko, OK 73005
405-247-2448
Fax: 405-247-9393

8 October 2004

RE: Points of Contacts (POCs)

To Whom It May Concern:

Thank you for contacting the Delaware Nation. The Delaware Nation believes that it is crucial for our nation to have an obligation to comment on government-to-government consultations not only with the Government Agencies but also with other sovereign Indian nations.

Please add the following people to the points of contacts for the Delaware Nation:

Mr. Edgar L. French
President

Ms. Linda Poolaw
NAGPRA Representative

Ms. Tamara Francis
NAGPRA/Cultural Preservation Director

Should you have questions or concerns, do not hesitate to contact the Delaware Nation. We look forward to establishing a long and productive working relationship between your organization and the Delaware Nation.

Sincerely,

Edgar L. French
President

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278–0090

REPLY TO
ATTENTION OF

October 7, 2004

Environmental Analysis Branch

Amanda Sutphin
New York City Landmarks Preservation Commission
Director of Archaeology
One Center Street
9th Floor
New York, NY 10007

Dear Ms. Sutphin:

In a letter dated February 23, 2004 the US Army Corps of Engineers announced our intent to draft and execute a Programmatic Agreement, among interested Agencies, in reference to the Jamaica Bay Ecosystem Restoration Project (Enclosure 1). The decision to execute the Programmatic Agreement was based upon the fact that project sites have yet to be finalized and funding is uncertain at this time. As funds become available, via Congressional legislation, and project sites are more clearly defined, aspects of the Programmatic Agreement will be put into effect.

I would like to take this opportunity to invite the New York City Landmarks Preservation Commission to comment upon the draft Programmatic Agreement (PA) for the Jamaica Bay Ecosystem Restoration Project. The PA is to be entered into by the US Army Corps of Engineers, the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service. A copy of the draft PA is included with this letter and has also been sent to the above referenced parties.

I would also like to take this opportunity to solicit your opinion as to other non-agency groups who should be consulted as part of this process. Those that we are considering at this time include:

The Canarsie Historical Society
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Brooklyn College Archaeological Research Center
The Stockbridge-Munsee Tribe
The Delaware Nation

If there are other groups that you feel may be interested in the Jamaica Bay Ecosystem Restoration Project and its subsequent PA, please include the names and contact information with your comments.

Please review the enclosed draft and provide any comments within 30 days of your receipt of this letter to the following address:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

If you feel that it would be beneficial to schedule a meeting amongst the signatories, to discuss the PA, please include this with your comments.

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

October 7, 2004

Environmental Analysis Branch

Kathy Foppes, NPS
Gateway National Recreation Area
Cultural Resource
210 New York Avenue
Staten Island, NY 10305

Dear Ms. Foppes:

In a letter dated February 23, 2004 the US Army Corps of Engineers announced our intent to draft and execute a Programmatic Agreement, among interested Agencies, in reference to the Jamaica Bay Ecosystem Restoration Project (Enclosure 1). The decision to execute the Programmatic Agreement was based upon the fact that project sites have yet to be finalized and funding is uncertain at this time. As funds become available, and project sites are more clearly defined, aspects of the Programmatic Agreement will be put into effect.

I would like to take this opportunity to invite National Parks Service to comment upon the draft Programmatic Agreement (PA) for the Jamaica Bay Ecosystem Restoration Project. The PA is to be entered into by the US Army Corps of Engineers, the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service. A copy of the draft PA is included with this letter and has also been sent to the above referenced parties.

I would also like to take this opportunity to solicit your opinion as to other non-agency groups who should be consulted as part of this process. Those that we are considering at this time include:

The Canarsie Historical Society
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Brooklyn College Archaeological Research Center
The Stockbridge-Munsee Tribe
The Delaware Nation

If there are other groups that you feel may be interested in the Jamaica Bay Ecosystem Restoration Project and its subsequent PA, please include the names and contact information with your comments.

Please review the enclosed draft and present any comments within 30 days of your receipt of this letter to the following address:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

If you feel that it would be beneficial to schedule a meeting amongst the signatories, to discuss the PA, please include this with your comments.

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278–0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Ms. Sherry White
Cultural Resources Officer
Stockbridge-Munsee Band of Mohicans
N8476 MohHeConNuck Road
Bowler, Wisconsin 54416

Dear Ms. White:

An earlier letter, dated March 15, 2004, announced the development of a Programmatic Agreement (PA) between the US Army Corps of Engineers, the New York State Office of Parks, Recreation, and Historic Preservation, the New York City Landmarks Commission, the National Park Service and the New York City Department of Parks (Enclosure 1).

The Stockbridge-Munsee Tribe, due to its extensive cultural heritage in the region, has been identified as a possibly interested party in the development of this Agreement. I would like to take this opportunity to provide the Tribe with a draft copy of the PA, and offer the opportunity to comment on the draft PA and proposed project, before they are finalized.

I would also like to take this opportunity to solicit your opinion as to other non-agency groups this PA could potentially be sent to. Those that we are considering at this time include:

The Canarsie Historical Society
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Brooklyn College Archaeological Research Center
The Delaware Nation

If there are other groups that you feel may be interested in the Jamaica Bay Ecosystem Restoration Project and its subsequent PA, please include the names and contact information with your comments.

Please review the enclosed draft and present any comments within 30 days to the following address:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

If you feel that it would be beneficial to schedule a meeting, amongst the signatories, to discuss the PA, please include the request in your comments.

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Bruce Gonzales, President
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

Dear Mr. Gonzales:

An earlier letter, dated March 15, 2004, announced the development of a Programmatic Agreement (PA) between the US Army Corps of Engineers, the New York State Office of Parks, Recreation, and Historic Preservation, the New York City Landmarks Commission, the National Park Service and the New York City Department of Parks (Enclosure 1).

The Delaware Nation, due to its extensive cultural heritage in the region, has been identified as a possibly interested party in the development of this Agreement. I would like to take this opportunity to provide the Nation with a draft copy of the PA, and offer the opportunity to comment on the draft PA and the proposed project, before they are finalized.

I would also like to take this opportunity to solicit your opinion as to other non-agency groups this PA could potentially be sent to. Those that we are considering at this time include:

The Canarsie Historical Society
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Brooklyn College Archaeological Research Center
The Stockbridge-Munsee Tribe

If there are other groups that you feel may be interested in the Jamaica Bay Ecosystem Restoration Project and its subsequent PA, please include the names and contact information with your comments.

Please review the enclosed draft and present any comments within 30 days to the following address:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

If you feel that it would be beneficial to schedule a meeting, amongst the signatories, to discuss the PA, please include the request in your comments.

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Ruth Pierpont, Director
New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Service Bureau
Peebles Island, P.O. Box 189
Waterford, New York 12188-0189

Re: USACE Jamaica Bay Ecosystem Restoration
Kings, Queens, and Nassau Counties, New York
Programmatic Agreement
Project Number: 02PR02030

Dear Ms. Pierpont:

In a letter dated February 23, 2004 the US Army Corps of Engineers announced our intent to draft and execute a Programmatic Agreement, among interested Agencies, in reference to the Jamaica Bay Ecosystem Restoration Project (Enclosure 1). The decision to execute the Programmatic Agreement was based upon the fact that project sites have yet to be finalized and funding is uncertain at this time. As funds become available, and project sites are more clearly defined, aspects of the Programmatic Agreement will be put into effect.

I would like to take this opportunity to invite the New State Office of Parks, Recreation and Historic Preservation to comment upon the draft Programmatic Agreement (PA) for the Jamaica Bay Ecosystem Restoration Project. The PA is to be entered into by the US Army Corps of Engineers, the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service. A copy of the draft PA is included with this letter and has also been sent to the above referenced parties.

I would also like to take this opportunity to solicit your opinion as to other non-agency groups who should be consulted as part of this process. Those that we are considering at this time include:

The Canarsie Historical Society
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Brooklyn College Archaeological Research Center
The Stockbridge-Munsee Tribe
The Delaware Nation

If there are other groups that you feel may be interested in the Jamaica Bay Ecosystem Restoration Project and its subsequent PA, please include the names and contact information with your comments.

Please review the enclosed draft and provide any comments within 30 days of your receipt of this letter to the following address:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

If you feel that it would be beneficial to schedule a meeting, amongst the signatories, to discuss the PA, please include this with your comments.

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Dr. Arthur Bankoff
Brooklyn College Archaeological Research Center
Brooklyn College, CUNY
2900 Bedford Avenue and Avenue H
Brooklyn, New York 11210-2889

Dear Dr Bankoff:

I would like to take this opportunity, on behalf of the US Army Corps of Engineers, New York District (District) to introduce the Jamaica Bay Ecosystem Restoration Project (JABERP). The project is intended to revitalize the environmental ecosystem of the Jamaica Bay area. Eight sites in Jamaica Bay have been chosen for study, and possible restoration. These sites include: Dead Horse Bay, Paerdegat Basin, Fresh Creek, Spring Creek, Hawtree/Bergen Basin, Bayswater State Park, Dubos Point, and Brant Point (Enclosure 1). Cultural Resources may be affected by this project and it is the goal of the US Army Corps to protect and minimize the impact of the proposed ecosystem restoration. The overall purpose of the project is to improve the environmental quality of Jamaica Bay by ameliorating the adverse impacts of past activities at the project sites. Field observations of the sites indicate that the ecology of the areas are degraded, due to past filling of tidal wetlands, poor water quality, and the predominance of introduced invasive species. JBERP includes the restoration of over 161 acres of salt marsh, almost 80 acres of beach/dune habitat, and over 217 acres of upland around Jamaica Bay.

This project will include the excavation of fill from shoreline areas to restore tidal marshes. Some sites (Dead Horse Bay, Bayswater, Dubos Point, Spring Creek) include the creation of tidal creeks to permit proper tidal inundation of newly created marshes, and to prevent the recolonization of invasive species. Most of the excavated materials will be reused onsite for landscaping of adjacent upland features, such as maritime forests and grasslands, which will protect the marshes and provide transitional zones to the surrounding uplands.

I would like to take this opportunity to invite the Brooklyn College Archaeological Research Center to comment upon the draft Programmatic Agreement (PA), to be entered into by the US Army Corps of Engineers (Corps), the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service.

This PA has been drafted in an attempt to satisfy the Section 106 requirements in accordance with the National Historic Preservation Act of 1966. Due to project timelines

and funding all required cultural resources work cannot be completed at this stage of the feasibility study. The included PA describes the actions and responsibilities that will be undertaken by the Corps throughout the duration of the project and their direct impact on any cultural resources encountered.

Other parties that have been asked to comment upon the draft PA are:

The Canarsie Historical Society
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Stockbridge-Munsee Tribe
The Delaware Nation

Should you feel that there are other interest groups that would like to be involved please contact the Project Archaeologist, Kirsten Davis, (212) 264-0248.

Please review the enclosed draft and present any comments within 30 days to Kirsten Davis:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Mike Steffens
Friends of Marine Park and Gerritsen Creek
P.O. Box 340701
Brooklyn, New York 11234-0701

Dear Mr. Steffens:

I would like to take this opportunity, on behalf of the US Army Corps of Engineers, New York District (District), to introduce the Jamaica Bay Ecosystem Restoration Project (JABERP). The project is intended to revitalize the environmental ecosystem of the Jamaica Bay area. Eight sites in Jamaica Bay have been chosen for study, and possible restoration. These sites include: Dead Horse Bay, Paerdegat Basin, Fresh Creek, Spring Creek, Hawtree/Bergen Basin, Bayswater State Park, Dubos Point, and Brant Point (Enclosure 1). The overall purpose of the project is to improve the environmental quality of Jamaica Bay by ameliorating the adverse impacts of past activities at the project sites. Field observations of the sites indicate that the ecology of the areas are degraded, due to past filling of tidal wetlands, poor water quality, and the predominance of introduced invasive species. JABERP includes the restoration of over 161 acres of salt marsh, almost 80 acres of beach/dune habitat, and over 217 acres of upland around Jamaica Bay. Cultural Resources may be affected by this project and it is the goal of the District to protect and minimize the impact of the proposed ecosystem restoration on these resources.

This project will include the excavation of fill from shoreline areas to restore tidal marshes. Some sites (Dead Horse Bay, Bayswater, Dubos Point, Spring Creek) include the creation of tidal creeks to permit proper tidal inundation of newly created marshes, and to prevent the recolonization of invasive species. Most of the excavated materials will be reused onsite for landscaping of adjacent upland features, such as maritime forests and grasslands, which will protect the marshes and provide transitional zones to the surrounding uplands

I would like to take this opportunity to invite the Friends of Marine Park and Gerritsen Creek to comment upon the draft Programmatic Agreement (PA), to be entered into by the US Army Corps of Engineers (Corps), the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service.

This PA has been drafted in an attempt to satisfy the Section 106 requirements in accordance with the National Historic Preservation Act of 1966. The decision to execute the Programmatic Agreement was based upon the fact that project plans have yet to be finalized and funding is uncertain at this time. As funds become available and project plans are more clearly defined, aspects of the Programmatic Agreement will be put into

effect. The included PA describes the actions and responsibilities that will be undertaken by the District throughout the duration of the project and their direct impact on any cultural resources encountered.

Other parties that have been asked to comment upon the draft PA are:

The Canarsie Historical Society
Brooklyn College Archaeological Research Center
The Marine Park Civic Association
The Stockbridge-Munsee Tribe
The Delaware Nation

Should you feel that there are other interest groups that would like to be involved please contact the Project Archaeologist, Kirsten Davis, (212) 264-0248.

Please review the enclosed draft and present any comments within 30 days to Kirsten Davis:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Ira M. Kluger, President
Canarsie Historical Society
661 East 82nd Street
Brooklyn, New York 11236

Dear Mr. Kluger:

I would like to take this opportunity, on behalf of the US Army Corps of Engineers, New York District (District), to introduce the Jamaica Bay Ecosystem Restoration Project (JBERP). The project is intended to revitalize the environmental ecosystem of the Jamaica Bay area. Eight sites in Jamaica Bay have been chosen for study, and possible restoration. These sites include: Dead Horse Bay, Paerdegat Basin, Fresh Creek, Spring Creek, Hawtree/Bergen Basin, Bayswater State Park, Dubos Point, and Brant Point (Enclosure 1). The overall purpose of the project is to improve the environmental quality of Jamaica Bay by ameliorating the adverse impacts of past activities at the project sites. Field observations of the sites indicate that the ecology of the areas are degraded, due to past filling of tidal wetlands, poor water quality, and the predominance of introduced invasive species. JBERP includes the restoration of over 161 acres of salt marsh, almost 80 acres of beach/dune habitat, and over 217 acres of upland around Jamaica Bay. Cultural Resources may be affected by this project and it is the goal of the District to protect and minimize the impact of the proposed ecosystem restoration on these resources.

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I would like to take this opportunity to invite the Canarsie Historical Society to comment upon the draft Programmatic Agreement (PA), to be entered into by the US Army Corps of Engineers (Corps), the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service.

This PA has been drafted in an attempt to satisfy the Section 106 requirements in accordance with the National Historic Preservation Act of 1966. The decision to execute the Programmatic Agreement was based upon the fact that project plans have yet to be finalized and funding is uncertain at this time. As funds become available and project

plans are more clearly defined, aspects of the Programmatic Agreement will be put into effect. The included PA describes the actions and responsibilities that will be undertaken by the District throughout the duration of the project and their direct impact on any cultural resources encountered.

Other parties that have been asked to comment upon the draft PA are:

Brooklyn College Archaeological Research Center
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Stockbridge-Munsee Tribe
The Delaware Nation

Should you feel that there are other interest groups that would like to be involved please contact the Project Archaeologist, Kirsten Davis, (212) 264-0248.

Please review the enclosed draft and present any comments within 30 days to Kirsten Davis:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Bill Tai
Natural Resources Group
City of New York, Parks and Recreation
The Arsenal
Central Park
830 5th Avenue
New York, NY 10021

Dear Mr. Tai:

In a letter dated February 23, 2004 the US Army Corps of Engineers announced our intent to draft and execute a Programmatic Agreement, among interested Agencies, in reference to the Jamaica Bay Ecosystem Restoration Project (Enclosure 1). The decision to execute the Programmatic Agreement was based upon the fact that project sites have yet to be finalized and funding is uncertain at this time. As funds become available, and project sites are more clearly defined, aspects of the Programmatic Agreement will be put into effect.

I would like to take this opportunity to invite the New York City Parks Department to comment upon the draft Programmatic Agreement (PA) for the Jamaica Bay Ecosystem Restoration Project. The PA is to be entered into by the US Army Corps of Engineers, the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service. A copy of the draft PA is included with this letter and has also been sent to the above referenced parties.

I would also like to take this opportunity to solicit your opinion as to other non-agency groups who should be consulted as part of this process. Those that we are considering at this time include:

The Canarsie Historical Society
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Brooklyn College Archaeological Research Center
The Stockbridge-Munsee Tribe
The Delaware Nation

If there are other groups that you feel may be interested in the Jamaica Bay Ecosystem Restoration Project and its subsequent PA, please include the names and contact information with your comments.

Please review the enclosed draft and provide any comments within 30 days of your receipt of this letter to the following address:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

If you feel that it would be beneficial to schedule a meeting, amongst the signatories, to discuss the PA, please include this with your comments.

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278--0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Martha Catlin, Federal Agencies Services Program Analyst
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW
Suite 809
Washington, DC 20004

Re: USACE Jamaica Bay Ecosystem Restoration
Kings, Queens, and Nassau Counties, New York
Programmatic Agreement

Dear Ms. Catlin:

I would like to take this opportunity to invite the Advisory Council on Historic Preservation to comment upon the draft Programmatic Agreement, to be entered into by the US Army Corps of Engineers, the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service.

Please review the enclosed draft and present any comments within 30 days to the Project Archaeologist, Kirsten Davis:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

It is assumed that the Council will not participate in this PA, however should the Council like to participate, please feel free to contact Kirsten Davis to schedule a meeting and/or conference call.

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DRAFT

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISION,
NEW YORK CITY PARKS DEPARTMENT,
NATIONAL PARKS SERVICE
AND
THE NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION
REGARDING
THE JAMAICA BAY ECOSYSTEM RESTORATION PROJECT

WHEREAS, the U.S. Army Corps of Engineers, New York District, (New York District) proposes to implement ecosystem restoration projects at eight sites within Jamaica Bay (the Project) in cooperation with its local sponsor (a map depicting Jamaica Bay and the proposed restoration sites is included as Appendix 1 of this Programmatic Agreement), located in Kings and Queens Counties, New York (PA).

WHEREAS, the proposed project elements at each of the proposed restoration sites may include one or more of the following: channel modifications, regrading, replanting, and recontouring of marshland, phragmites control and removal, dredging, and the excavation of fill.

WHEREAS, the New York District is authorized to undertake the implementation of this Project by a resolution of the Committee on Public Works and Transportation of the United States House of Representatives adopted 1 August 1990.

WHEREAS, the New York District and State of New York intend to execute a Project Cooperation Agreement to formalize the roles and responsibilities of the federal and state governments in the implementation of the Jamaica Bay Ecosystem Restoration Project;

WIIEREAS, the New York District will continue to develop plans and implement the provisions of this PA for each site within the Project as funds are appropriated in future years.

WHEREAS, the New York District has defined the "Area of Potential Effect" (APE) for this undertaking to include all areas impacted by activities required to construct the channel modifications, regrading, replanting, and recontouring of marshland, phragmites control and removal, dredging, and the excavation of fill, including all construction staging and borrow areas, and all access roads (detailed conceptual plans for each restoration site are provided in Appendix 2 of this PA. The APE maybe redefined based upon revisions to the proposed project plan;

WHEREAS, the New York District has completed a Phase IA Cultural Resources survey

that identifies potentially significant cultural resources in the Project area.

WHEREAS, the New York District has identified several interested parties to participate in the Section 106 consultation process and project planning, to include the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), the National Park Service, Gateway National Recreation Area (NPS), New York City Landmarks Preservation Commission (NYCLPC) and the New York City, Department of Parks and Recreation (NYCDPR), to be known throughout this PA as "other Agencies" and the Stockbridge-Munsee Tribe and the Delaware Nation (to be known throughout this PA as "the Tribes" "), and will consider subsequent requests as appropriate. In accordance with 36 CFR Part 800.13, the New York District, and the OPRHP have determined that execution of this PA and the Project Cooperation Agreement will establish alternative procedures to streamline the coordination of the Project;

WHEREAS, the New York District shall continue to consult with the NYSOPRHP, other Agencies, and the Tribes regarding plans and surveys to identify, evaluate and treat historic properties as the New York District and its agents implement all phases of the Jamaica Bay Ecosystem Restoration Project;

WHEREAS the New York District is coordinating, and shall continue to coordinate a public outreach program for this undertaking, which in the past has consisted of a number of public meetings and the circulation of cultural resource and environmental documents related to the Section 106 review process; and

NOW, THEREFORE, the New York District, and the NYSOPRHP agree that the Project shall be administered in accordance with the following stipulations to satisfy the New York District's Section 106 responsibility for all individual undertakings of the Project.

Stipulations

The New York District shall ensure that the following measures are carried out:

I. IDENTIFICATION AND EVALUATION

A. The New York District shall consult with the NYSOPRHP to develop plans to complete the identification and evaluation of cultural resources within the Project's APE. The NYSOPRHP will provide comments on the scope of work and final plans within 15 days of receipt.

B. The New York District shall revise scopes of work to address comments and recommendations provided by the NYSOPRHP, and the other Agencies and the Tribes, as appropriate, prior to proceeding with identification and evaluation activities.

C. The New York District shall ensure that qualified professionals meeting the NPS professional qualifications for the appropriate discipline [NPS Professional Qualification Standards, Secretary of the Interior's Standards and

Guidelines for Archaeology and Historic Preservation (48 FR 44738-39)] will complete all identification and evaluation investigations related to this undertaking, to include archaeological surveys and testing, and documentation.

D. The New York District shall ensure that all archaeological surveys the APE are conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and the New York Archaeological Council (NYAC) Cultural Resources Standards Handbook; Guidelines for Understanding and Applying New York State Standards for New York State Cultural Resources (2000), and take into account the NPS publication The Archaeological Survey: Methods and Uses (1978) and the statewide historic contexts developed by the NYSOPRHP.

E. The New York District shall consider the views of the public or interested parties in completing its identification and evaluation responsibilities.

F. The New York District, in consultation with the NYSOPRHP, shall evaluate cultural resources using the National Register of Historic Places (NRHP) criteria, Regulation number 16 U.S. C 470;

G. Traditional Cultural Properties.

1. The New York District and the NYSOPRHP have agreed that there are six potential sites that may contain traditional cultural properties located within the APE. These sites will be investigated further and results will be coordinated with other Agencies as to determine NRHP eligibility.

2. The New York District shall ensure that future surveys within the the APE includes procedures to identify Traditional Cultural Properties and to consult with the Tribes and other affected parties in accordance with the guidelines provided by NPS Bulletin 38, Guidelines for Evaluating and.

3. In the event that the Tribes or affected group contacts the New York District regarding its recognition of a Traditional Cultural Property, located within the APE, the New York District shall notify the NYSOPRHP and other Agencies, as appropriate, and initiate discussions with all parties to evaluate whether the property is a Traditional Cultural Property that meets the Criteria.

II. TREATMENT OF HISTORIC PROPERTIES.

The New York District shall adhere to the following treatment strategies in order to avoid adverse effect to historic properties.

A. The New York District shall ensure that treatment plans are developed and implemented for all historic properties within the APE consistent with the terms of the PA, determined eligible for listing in the N RHP.

B. The New York District, in consultation with the NYSOPRHP, other Agencies, and the Tribes, as appropriate shall develop appropriate treatment plans for historic properties identified within the APE, which may be affected by the Project. Unless the NYSOPRHP, the other Agencies, and the Tribes, as appropriate, objects within 30 days of receipt of any plan, the New York District shall ensure that treatment plans are implemented by the New York District or its representative(s). The New York District shall revise Plans to address comments and recommendations provided by the NYSOPRHP, the other Agencies, and the Tribes, as appropriate..

C. The New York District shall ensure that qualified professionals meeting the N PS professional qualifications for the appropriate discipline [NPS Professional Qualification Standards, Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44738-39)] are used to develop and implement all treatment plans.

D. Avoidance. The preferred treatment is avoidance of effects to historic properties. The New York District shall, to the extent feasible, avoid historic properties either through project design changes, use of temporary fencing or barricades, realignments, landscaping, or other measures that will protect historic properties. The New York District, the NYSOPRHP other Agencies, and the Tribes, as appropriate shall consult to develop plans for avoiding impacts to historic properties. The New York District shall incorporate feasible avoidance measures into project activities as part of the implementation of the Project. If, in consultation with the NYSOPRHP, the other Agencies, and the Tribes, as appropriate, avoidance is determined to be infeasible, the New York District shall develop and implement treatment plans consistent with Stipulations II.E or II.F of this PA.

E. Preservation In Place.

When the New York District the NYSOPRHP, the other Agencies, and the Tribes, as appropriate, agree that complete avoidance of historic properties is infeasible, the New York District shall explore preservation in place, if appropriate. Preservation in place may entail partial avoidance or protection of historic properties against project related activities in proximity to the property. The New York District shall preserve properties in place through project design, i.e. incorporating color, texture, scale, materials, which are compatible with the architectural or historic character of the historic property, use of fencing, berms or barricades, preservation of vegetation including mature trees, landscaping and planting that screen the property. If the New York District, in consultation with the NYSOPRHP, the other Agencies, and the Tribes, as appropriate, determines that preservation in place is infeasible, the New York District shall develop and implement treatment plans consistent with Stipulation II.F of this PA.

F. Data Recovery

1. When the New York District, in consultation with the NYSOPRHP, the other

Agencies, and the Tribes, as appropriate, determines that project activities will have an adverse effect on sites that have been determined to be eligible for the NRHP, the New York District shall conduct data recovery as follows:

a. The New York District shall develop a data recovery plan to retrieve significant archaeological information. The New York District shall ensure that the data recovery plan for each historic property that will be adversely affected by the project addresses substantive research questions developed in consultation with the NYSOPRHP, the NYCLPC, NYCDP, NPS, The Stockbridge-Munsee Tribe, and the Delaware Nation.

b. The plan shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37) and take into account 's publication, Treatment of Archaeological Properties. Each plan shall specify, at a minimum, the following:

(i) the property, properties, or portions of properties where data recovery is to be carried out;
(ii) the research questions to be addressed through the data recovery, with an explanation of their relevance and importance;
(iii) the methods to be used, with an explanation of their relevance to and effectiveness in addressing the research questions;
(iv) a proposed schedule for the submission of progress reports and the draft and final data recovery reports to the NYSOPRHP, the other Agencies, and the Tribes.

c. The New York District shall submit data recovery plans to the NYSOPRHP, the other Agencies, and the Tribes, as appropriate, for review and approval. The New York District and NYSOPRHP, the other Agencies, and the Tribes, as appropriate, shall consult to resolve any objections to the data recovery plan as proposed. The New York District once approved by the NYSOPRHP shall then implement the data recovery plan. If no response is received from the NYSOPRHP, the other Agencies, and the Tribes, as appropriate, after 30 days of receipt of adequate documentation, the New York District may assume the concurrence and proceed with implementation of the plan submitted.

d. The New York District shall ensure that data recovery plan(s) will be carried out by or under the direct supervision of an archaeologist(s) who meets, at minimum, the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9).

e. The New York District, in consultation with the NYSOPRHP, and other Agencies, as appropriate, shall develop adequate provisions for site security during data recovery to avoid vandalism.

G. Curation and Dissemination of Information

1. The New York District or its designee, in consultation with the NYSOPRHP shall ensure that all materials and records resulting from the survey, evaluation, and data recovery conducted for the Project will be curated in accordance with 36 CFR Part 79 "Curation of Federally-Owned and Administered Archaeological Collections" and ER 1130-2- 433 "Project Operations: Collections Management and Curation of Archaeological and Historical Data." All material and records recovered from non-Federally owned land shall be maintained in accordance with 36 CFR Part 79 until their analysis is complete and, if necessary, are returned to their owner(s).

2. The New York District shall ensure that all final reports resulting from actions pursuant to this PA will be provided, to the NYSOPRHP, the other Agencies, the Tribes, and upon request, to other interested parties. All such plans shall be responsive to contemporary standards. Final plans shall be submitted to NYSOPRHP, the other Agencies, and the Tribes, as appropriate, for review and approval. The New York District shall implement approved final plans.

3. The New York District, in consultation with other Agencies as appropriate ensures that all artifacts recovered as part of the work identified in this PA be returned to their respective owners for curation and storage.

III. PUBLIC OUTREACH EFFORT

A. The New York District shall consult with the NYSOPRHP, and other Agencies, and the Tribes, as appropriate to develop a plan for the creation of a public outreach program as part of mitigation for project related impacts.

B. The Scope of Work prepared for the public outreach shall be submitted with the New York District's schedule for implementation to the NYSOPRHP, the other Agencies, and the Tribes, as appropriate, for review and approval. The New York District other Agencies and the NYSOPRHP shall consult to resolve any objections. The New York District once approved by the Agencies shall implement the final plan. If no response is received from the Agencies within 30 days following receipt of adequate documentation the plan shall be implemented as submitted.

C. The plan for public outreach programs will be implemented only if, through consultation of the New York District, the other Agencies, and the Tribes, as appropriate, historic properties are encountered at a given site within the Project area and project funds are appropriated.

III. UNANTICIPATED DISCOVERY

A. If previously unidentified cultural resources are discovered during Project

implementation, the New York District shall cease all work in the vicinity of the discovered cultural resources until it can be evaluated pursuant to the guidelines in Stipulation I of this PA. If the property is determined to be eligible, the New York District shall consult with the NYSOPRHP and other Agencies to develop a treatment plan.

B. The New York District shall implement the treatment plan once approved by the NYSOPRHP, the other Agencies, and the Tribes, as appropriate.

C. The New York District shall ensure that all archaeological surveys within the portions of the APE are conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and the (NYAC) Cultural Resources Standards Handbook: Guidelines for Understanding and Applying New York State Standards for New York State Cultural Resources (2000), and take into account the NPS publication The Archaeological Survey: Methods and Uses (1978) and the statewide historic contexts developed by the NYSOPRHP.

IV. COORDINATION OF REVIEWS FOR PROJECT ACTIVITIES

A. All plans, documents, reports, and materials shall be submitted by the New York District (or its representative) to the other Agencies, and the Tribes, as appropriate, for a 30 day review period unless otherwise stipulated in this PA. If the Agencies fail to comment within the specified time, the New York District must request comments unless the PA provides for the New York District to assume concurrence when the 30-day review period has elapsed.

B. When interested parties are participating in the review of activities or actions outlined in this PA the New York District shall ensure that all interested parties are provided documentation at the time it is forwarded to the NYSOPRHP and afforded a 30-day review period. As appropriate, the New York District shall submit the comments of interested parties to the NYSOPRHP to facilitate further consultation.

C. If after consulting with the NYSOPRHP and interested parties for a period of 90 days on any action or activity provided for in this PA, the New York District or NYSOPRHP concludes there is no progress in developing treatment/mitigation plan or other documents required by this PA, the New York District or NYSOPRHP may notify and request the involvement of the Advisory Council on Historic Preservation (Council) to expedite completion of the consultation process.

D. The New York District shall ensure that all submissions to the NYSOPRHP, the other Agencies, and the Tribes will include all relevant information to facilitate their review. The New York District shall provide all additional information requested by NYSOPRHP, the Council, the other Agencies, and the Tribes, within a timely manner unless the signatories to this PA agree otherwise.

E. The New York District shall ensure that all draft and final reports resulting from actions pursuant to the Stipulations of this PA will be provided to the NYSOPRHP, the other Agencies, and the Tribes, and upon request, to other interested parties and will identify the Principal Investigator responsible for the report. All reports will be responsive to contemporary standards, and as appropriate to the Department of the Interior's Format Standards for Final Reports of Data Recovery Programs (42 FR 5377-79) and SHPO report standards. Precise locational data may be provided only in a separate appendix if it appears that its release could jeopardize archaeological sites consistent with National Register Bulletin Number 29, Guidelines for Restricting Information about Historic and Prehistoric Resources.

F. If the District proposes revisions or addenda to NYSOPRHP approved treatment plans or other documents; the New York District and NYSOPRHP shall consult to determine whether additional conditions are appropriate.

G. The New York District shall certify in writing that all requirements for identification and evaluation, and the implementation of treatment plans have been satisfactorily completed prior to the initiation of construction activities for a specified portion of the Project. The New York District shall submit a copy of this certification to the NYSOPRHP by certified mail. The NYSOPRHP shall have 30 days to object to the certification based on the NYSOPRHP's finding of incomplete compliance or inadequate compliance with the terms of this PA. If the NYSOPRHP does not object, the District may proceed with construction for the specified segment of the Project.

V. DISPUTE RESOLUTION

A. The NYSOPRHP, other Agencies, and the Tribes shall have 30 days to object to determinations, evaluations, plans, and documents submitted by the New York District. The New York District, the NYSOPRHP, other Agencies, and the Tribes shall attempt to resolve any disagreement arising from implementation of this PA. If there is a determination that the disagreement cannot be resolved, the New York District shall request 's recommendations or request the comments in accordance with 36 CFR Part 800.6(b).

B. Any Council recommendations or comments provided in response will be considered in accordance with 36 CFR Part 800.6(c)(2), with reference only to the subject of the dispute. The New York District shall respond to the Council recommendations or comments indicating how the New York District has taken the Council's recommendations or comments into account and complied with same, prior to proceeding with Project activities that are subject to dispute. Responsibility to carry out all other actions under this PA that are not the subject of the dispute will remain unchanged.

VI. PUBLIC INVOLVEMENT

A. Copies of this Agreement and relevant documentation prepared pursuant to the terms of this PA shall be made available for public inspection (information regarding the

locations of archaeological sites will be withheld in accordance with the Freedom of Information Act and National Register Bulletin 29, if it appears that this information could jeopardize archaeological sites). The New York District shall take any comments received from the public under this Agreement into account.

B. The New York District shall review and resolve timely substantive public objections. Public objections shall be considered timely when they are provided within the review periods specified in this PA. The New York District shall consult with the other Agencies to resolve objections. Project actions, which are not the subject of the objection, may proceed while the consultation is conducted.

VII. MONITORING

A. Upon execution of the Project Cooperation Agreement, the New York District shall prepare annual reports summarizing the status of compliance with the terms of this PA and a summary of the completed activities and the exempt activities for the past year and proposed activities for the next fiscal year to the NYSOPRHP, Council, the other Agencies, and the Tribes by the New York District. Reports shall be submitted by January 31 of every year. The Annual Reports shall be provided to NYSOPRHP, other Agencies, and the Tribes, as appropriate, until the Project-related activities are complete.

B. NYSOPRHP may request a site visit to follow up information in the annual report or to monitor activities carried out pursuant to this PA. The NYSOPRHP shall provide the New York District with 30 days written notice when requesting a site visit unless otherwise agreed. The New York District may also schedule a site visit with the NYSOPRHP and at its discretion.

VII. AMENDMENTS

Any signatory to this PA may request that it be amended, whereupon all the parties will consult in accordance with 36 CFR Part 800.13 to consider such amendment.

VIII. TERMINATION

Any signatory to this PA may terminate it by providing 30 days notice to the other parties, provided that the parties will consult during the period prior to termination by certified mail to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the New York District will comply with 36 CFR Parts 800.4 through 800.6 with regard to individual undertakings covered by this Agreement.

IX. SUNSET CLAUSE.

A. This PA will continue in full force and effect for five years ensuring that all terms of this PA are met, unless the Project is terminated or authorization is rescinded. The New York District and other Agencies will revisit this PA after five years to ensure all parties

are still in agreement that that Project authorization continues.

Execution and implementation of this PA evidences that the New York District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and that the New York District has afforded the NYSOPRHP an opportunity to comment on the undertaking and its effects on historic properties.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____
John M. Fowler, Executive Director

NEW YORK STATE OFFICE OF PARKS, RECTREATION, AND HISTORIC PRESERVATION

By: _____ Date: _____
Ruth Pierpont, State Historic Preservation Officer

NEW YORK CITY LANDMARKS PRESERVATION COMMISSION

By: _____ Date: _____
Amanda Sutphin, Director of Archaeology

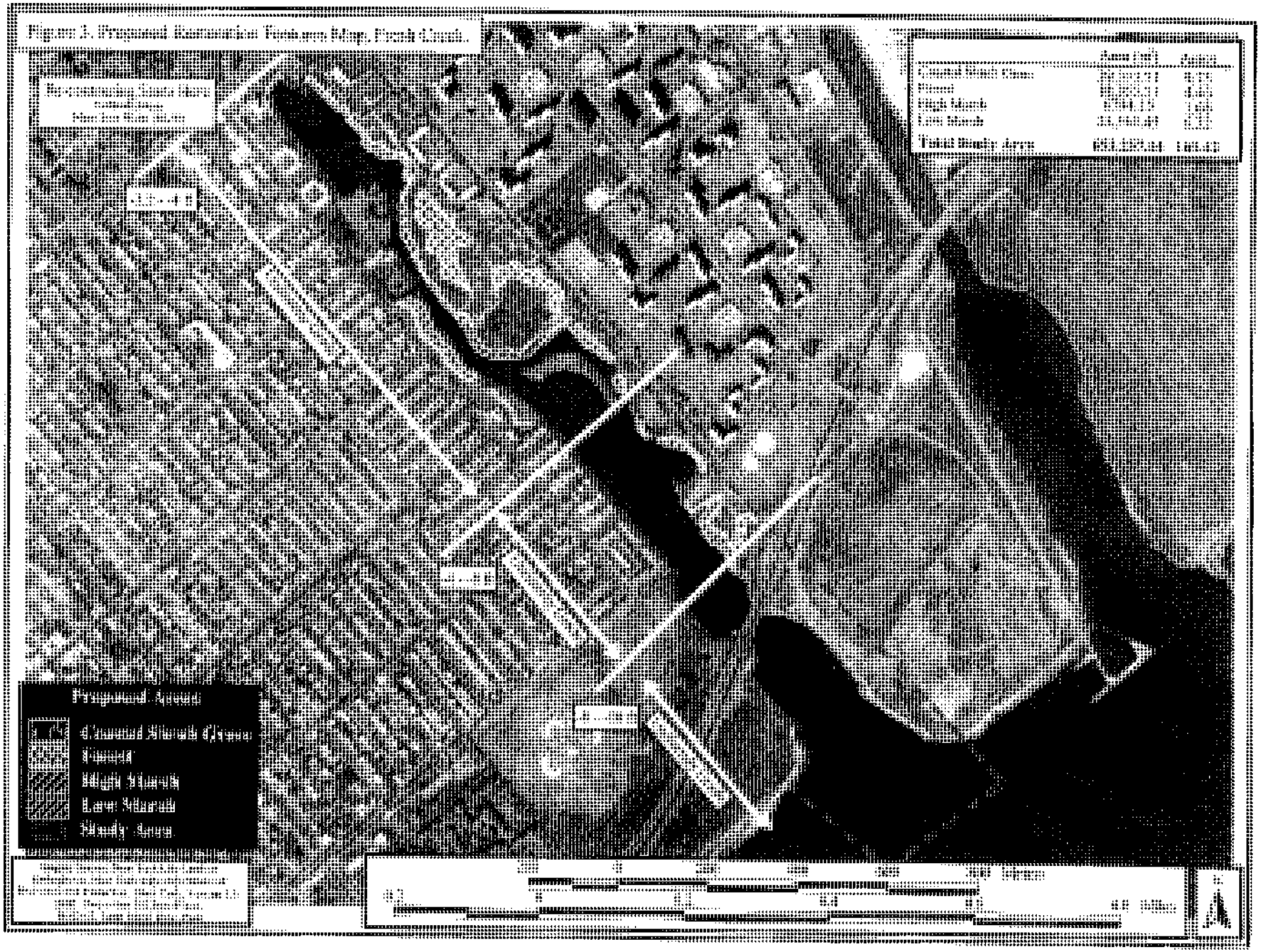
City of New York, Parks and Recreation
By: _____ Date: _____
Bill Tai, Natural Resources Group

NATIONAL PARK SERVICE, GATEWAY NATIONAL RECREATION AREA

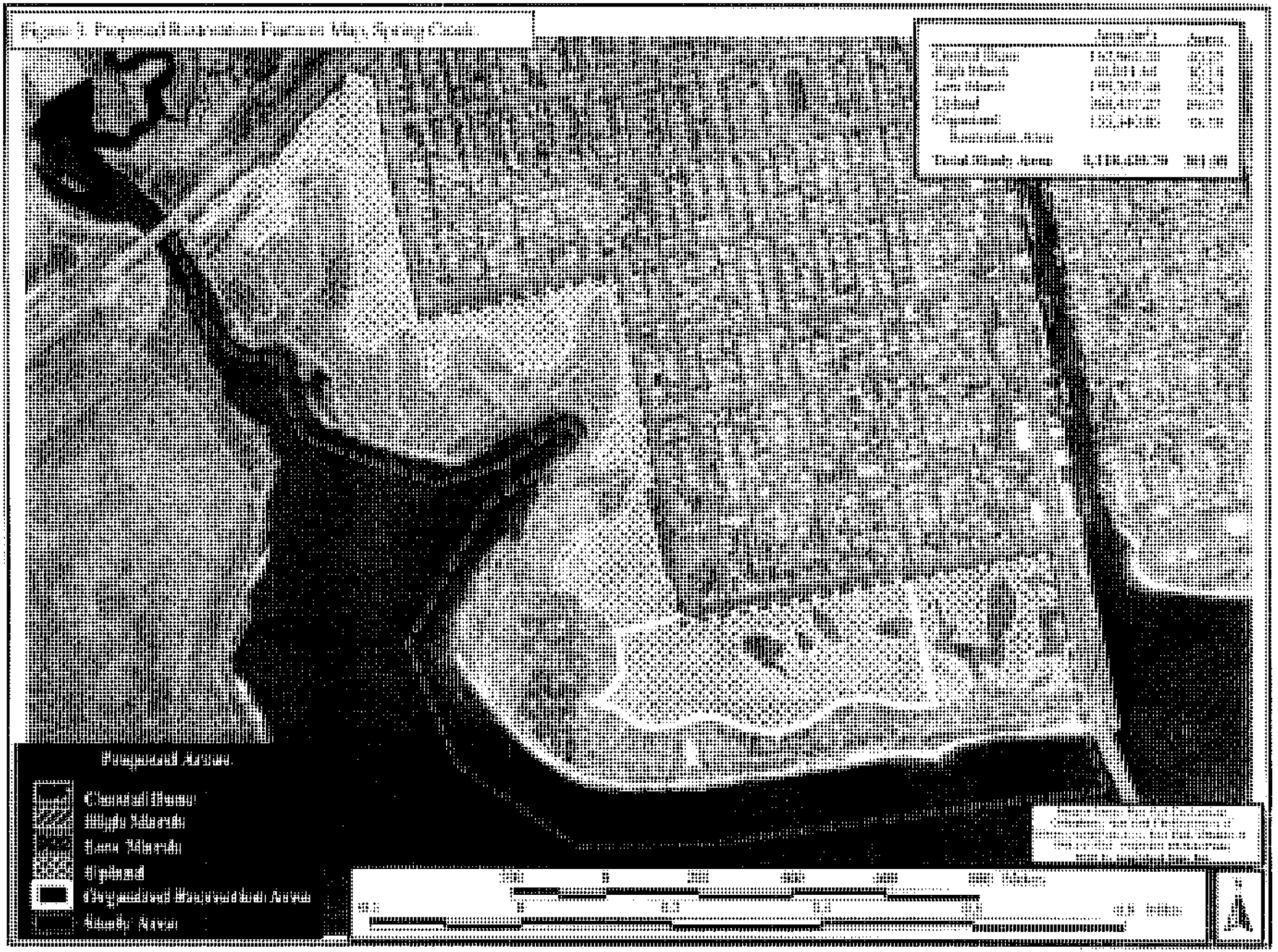
By: _____ Date: _____
Kathy Foppes, Cultural Resource Coordinator

U.S. ARMY CORPS OF ENGINEERS

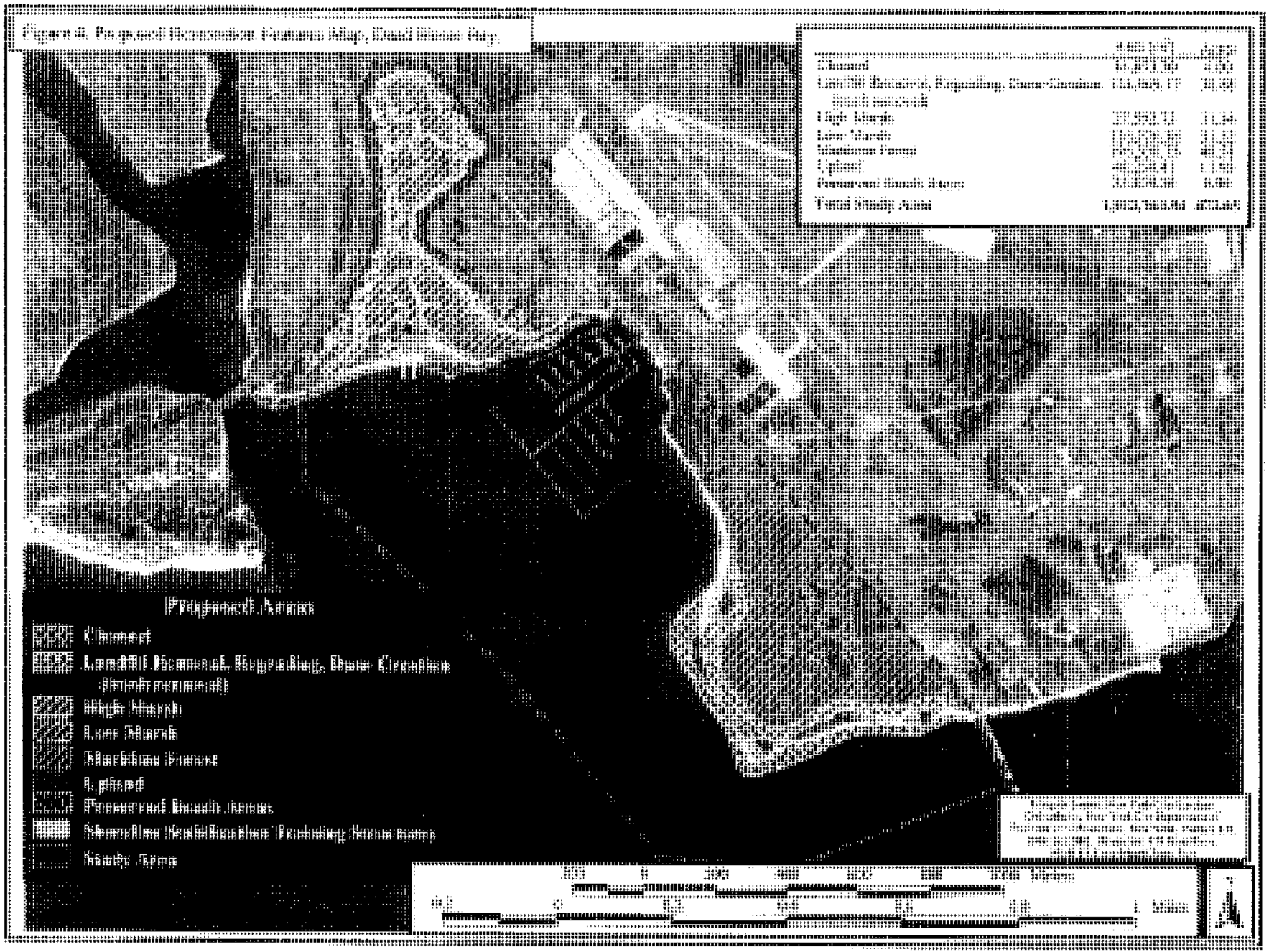
By: _____ Date: _____
Richard Polo
District Engineer, New York District.





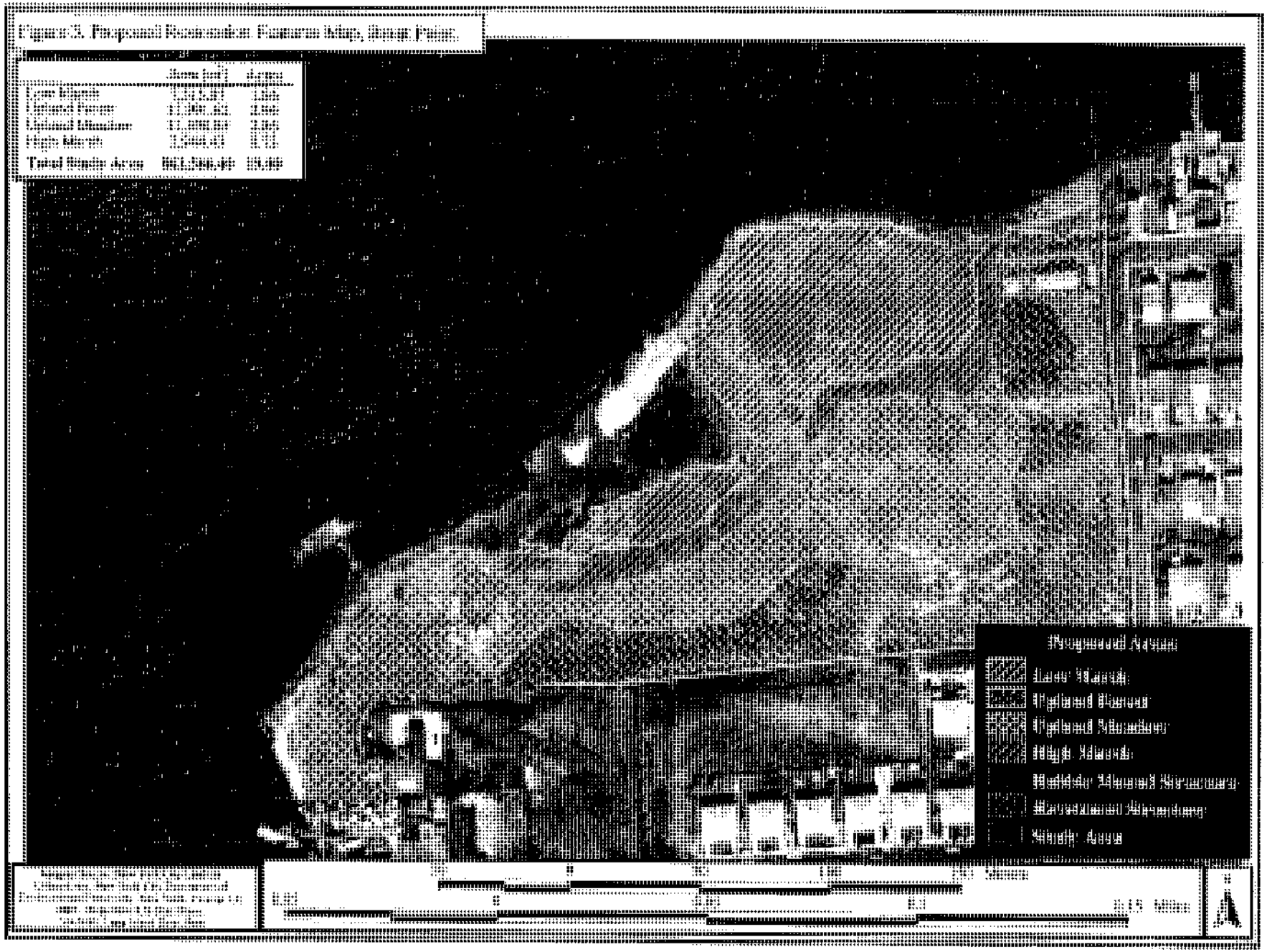











Proposed Actions

OFFICE OF PARKS · RECREATION · HISTORIC PRESERVATION
NEW YORK STATE
Bernadette Castro
Commissioner

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189 518-237-8643

March 8, 2004

Kirsten Davis
New York District Office
Army Corps of Engineers
Jacob K. Javits Federal Building
New York, NY 0278-0090

Dear Ms. Davis:

Re: CORPS
Jamaica Bay Ecosystem Restoration
Kings, Queens and Nassau Counties, NY
Programmatic Agreement
02PR02030

Thank you for requesting the comments of the State Historic Preservation Office (SHPO) with regard to the potential for this project to affect significant cultural/historical resources. SHPO has reviewed your submission regarding the proposal to develop a Programmatic Agreement for this project. The SHPO concurs with this proposal and looks forward to working with you in this process. We have reviewed the material submitted with your cover letter, including the archaeological recommendations for each of the proposed units. While we concur with the majority of the proposed Phase 1B work, there is some concern regarding the proposed work at Locations 6 and 7 (Hawtree Point and Motts Point). At both these locations, the Phase 1A investigation identified a potential for prehistoric deposits, however the Phase 1B proposal at each indicates "Surface and subsurface examination with largely mechanical means". This methodology seems to be aimed at identifying historic deposits, but it is not clear that the potential for prehistoric deposits has been considered in developing this proposal. Therefore, SHPO recommends that for these two locations the proposed testing methodology be reconsidered, or if there are reasons to suspect that prehistoric deposits may not be present, they should be presented clearly in the Programmatic Agreement documents. We look forward to working with you on this project.

Please contact me at extension 3291 if you have any questions regarding these comments.

Sincerely

Douglas P. Mackey

Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology

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printed on recycled paper

Section A.2 – Hackensack Meadowlands Correspondence

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK, N.Y. 10278-0090

Reply to
Environmental Assessment Section
Environmental Analysis Branch

March 30, 2011

Mr. Daniel Saunders
Acting Administrator and Deputy State Historic Preservation Officer
Historic Preservation Office
New Jersey Department of Environmental Protection
CN 404
Trenton, New Jersey 08625-0404

Re: HPO-K2009-252
Log # 06-1376-3 VM

Dear Mr. Saunders:

The U.S. Army Corps of Engineers, New York District (Corps), is pleased to furnish you with the final draft of the report entitled *Historic Context Development, Hackensack Meadowlands Drainage Systems and Features, Hackensack Ecosystem Restoration Project, Hudson and Bergen Counties, New Jersey* (Enclosure). This report developed a historic context for historic drainage systems in the Hackensack Meadowlands, specifically within the New Jersey Meadowlands District (NJMD), which is currently the subject of studies being undertaken by the Corps and the NJMC that are aimed at identifying opportunities for ecosystem restoration. This historic context study implements a recommendation made in the 2006 cultural resource study *Phase I Cultural Resource Investigation of Ten Sites in the Hackensack Meadowlands, Hackensack Meadowlands Restoration Project, Hudson and Bergen Counties, New Jersey* (HPO-E2006-41; 106-06-1376-1).

In accordance with comments received from your office on December 3, 2009, the Corps shall consider any archaeological remains of the 1867 Driggs' iron-core dike or component drainage features New Jersey and National Register eligible and drainage component features related to the SR/NR Morris Canal shall be considered a part of the canal district. The Corps is aware of the possibility of intact drainage systems and components existing within the Meadowlands that may not be directly observable at this time. The recommendations in the report call for archaeological review as a first step toward addressing the impacts of proposed undertakings and a programmatic agreement shall be prepared in coordination with your office and the NJMD, to ensure that a suitable management protocol is followed in all future restoration undertakings. The Corps has amended

some sections of the recommendations of this report to better address your concerns on these points.

Thank you for your assistance in the Section 106 process. If you or your staff require additional information or have any questions, please contact Heather Morgan, Project Archaeologist at (917) 790-8730.

Sincerely,

Peter Weppler,
Chief, Coastal Ecosystems Section

Enclosure

HPO-K2009-252
Log # 06-1376-3 VM

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

NATURAL & HISTORIC RESOURCES, HISTORIC PRESERVATION OFFICE
PO Box 404, Trenton, NJ 08625
TEL: (609) 984-0176 FAX: (609) 984-0578
www.state.nj.us/dep/hpo

MARK N. MAURIELLO
Acting Commissioner

December 3, 2009

Peter Weppler
Chief, Coastal Ecosystems Section
Department of the Army
New York District, Corps of Engineers
Jacob K. Javits Federal Building
New York, New York 10278-0090

Re: *Historic Context Development, Hackensack Meadowlands, Drainage Systems and Features, Hackensack Ecosystem Restoration Project, Hudson and Bergen Counties, New Jersey.*

Dear Mr. Weppler:

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the Draft May 2009 *Historic Context Development, Hackensack Meadowlands, Drainage Systems and Features, Hackensack Ecosystem Restoration Project, Hudson and Bergen Counties, New Jersey* prepared by Hunter Research, Inc. The report provides an excellent summary of the five major historic period drainage systems (ditches, dikes, sluices and gates) within the Hackensack Meadowlands. This report will be accessioned into the HPO report collection as MULT A 240b.

The recommendations provided in Chapter 7 for the identification and National Register evaluation of historic period drainage features within the Hackensack Meadowlands is appropriate for satisfying the U.S. Army Corps of Engineers' responsibilities under Section 106 of the National Historic Preservation Act. The HPO recommends, however, that based on the lack of any subsurface testing as part of the historic context, that any National Register evaluation for the integrity of complete drainage systems and/or individual drainage system elements is restrained until the presence and/or absence of such archaeological features are established through future archaeological investigations. The evaluation of the integrity of archaeological properties shall be conducted in conformance with Chapter VIII "How to evaluate the integrity of a Property" within National Register Bulletin No. 15, *How to Apply the National Register Criteria for Evaluation.* In addition, it is the HPO's feeling that any archaeological remains of the 1867 Driggs' iron-core dike or any component drainage features would be New Jersey and National Register eligible (SR/NR). Finally, please be aware, any drainage

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component features that are identified as part of the SR/NR Morris Canal shall be considered contributing to the canal district.

The HPO looks forward to future consultation with the U.S. Army Corps of Engineers to create a programmatic agreement, based on the recommendations within the above referenced and 2006 reports, for the identification and treatment of historic properties as part of the Hackensack Meadowlands ecosystem restoration project.

Additional Comments

Thank you for providing the opportunity to comment on the potential for this project to affect historic and archaeological properties. The HPO would appreciate receiving a copy of the drainage feature GIS shapefile layers from the above-referenced report to aid in compliance review within the Hackensack Meadowlands. If you have any questions, please feel free to contact Vincent Maresca of my staff at (609) 633-2395 or Vincent.Maresca@dep.state.nj.us

Sincerely,

Daniel D. Saunders
Deputy State Historic
Preservation Officer

c: Carissa Scarpa, New York District, USACE
Ian Burrow, Hunter Research, Inc.

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

September 15, 2009

Environmental Assessment Section
Environmental Analysis Branch

Mr. Daniel Saunders
Acting Administrator and Deputy State Historic Preservation Officer
Historic Preservation Office
New Jersey Department of Environmental Protection
CN 404
Trenton, New Jersey 08625-0404

Re: HPO-E2006-41
106/06-1376-1

Dear Mr. Saunders:

The U.S. Army Corps of Engineers, New York District (Corps), is pleased to furnish you with the draft *Historic Context Development, Hackensack Meadowlands Drainage Systems and Features, Hackensack Ecosystem Restoration Project, Hudson and Bergen Counties, New Jersey* (Enclosure). This report draws a historic context for historic drainage systems in the New Jersey Meadowlands District of northeastern New Jersey which has been selected by the Corps for ecosystem restoration. This study implements a recommendation of the 2006 cultural resource study of ten restoration sites in the Meadowlands (HPO-E2006-41; 106-06-1376-1).

A history of drainage technology and practice in the Meadowlands was collected and divided into distinct time periods. With each distinct period a description of the expected resources as well as a provisional assessment of significance was developed. A GIS data layer compatible with the New Jersey Meadowlands GIS system was created using period maps and a "pilot" field verification survey was undertaken in the Carlstadt Meadows to get a sense of the actual rate of survival for the historic features.

The survey revealed the Meadowlands to be a busy and highly complex landscape. The field survey identified mainly 20th Century gates and systems and underscored the difficulties of inspecting these features within the marsh. The report concluded that it is very unlikely that complete historic ditching and diking systems are likely to survive with integrity anywhere in the Meadowlands. In consideration of this the report puts forward a recommended approach for evaluating the significance of individual components of drainage systems. The Corps plans to make use of this survey and the 2006 survey to prepare a programmatic agreement for treatment of cultural properties within the framework of the restoration project.

We would appreciate receiving any Section 106 comments that you may have regarding the enclosed report and, of course, any comments or recommendations you may have concerning the Corps' plan of action. Thank you for your assistance in the Section 106 process. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist at (917) 790-8612.

Sincerely,

Peter Weppler,
Chief, Coastal Ecosystems Section

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278–0090

September 7, 2006

REPLY TO
ATTENTION OF

Environmental Assessment Section
Environmental Analysis Branch

Ms. Dorothy P. Guzzo
Deputy State Historic Preservation Officer
Historic Preservation Office
New Jersey Department of Environmental Protection
CN 404
Trenton, New Jersey 08625-0404

Attention: Deborah Fimbel
Re: HPO-E2006-41
106-06-1376-1

Dear Ms. Guzzo:

The U.S. Army Corps of Engineers, New York District (Corps), is pleased to furnish you with two bound copies of the final report entitled *Cultural Resource Investigation of Ten Sites in the Hackensack Meadowlands, Hackensack Meadowlands Restoration Project, Hudson and Bergen Counties, New Jersey* (Enclosures 1 and 2). This report has received accession designation MULT A 240 (ID6538) in your office's permanent library.

In a May 4, 2006 letter (Enclosure 3) you made recommendations regarding our plans for undertaking future cultural resources surveys in accordance with our Section 106 responsibilities. As recommended by your office the Corps will use flown State aerials in addition to USGS maps for the updated sub-marsh topography model imagery and we will develop a list of institutions and repositories that will receive this report and the results of the core analyses. The Corps will carefully consider doing pollen, spore, and foraminifera data collection from all three high-integrity cores taken in the next phase of work as you have requested. This will require further discussion, however, between your office, the palynologist, the geomorphologist and the Corps and will be subject to the estimated value of the testing to the research, the cost of these tests, and the availability of funds.

Thank you for your careful review of this report and for providing comments in accordance with the Section 106 process. The Corps will continue to coordinate with your office as further cultural resources surveys are undertaken. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist at (917) 790-8612.

Sincerely,

for

Leonard Houston,
Chief, Environmental Analysis Branch

Enclosures

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

Natural and Historic Resources, Historic Preservation Office
PO Box 404, Trenton, NJ 08625
TEL: (609) 292-2023 FAX: (609) 984-0578
www.state.nj.us/dep/hpo

LISA P. JACKSON
Commissioner

HPO-E2006-41
106/06-1376-1
May 4, 2006

Leonard Houston
Chief, Environmental Analysis Branch
Department of the Army
Corps of Engineers New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090

Re: *Phase I Cultural Resource Investigation of the Ten Sites in the Hackensack Meadowlands, Hackensack Meadowlands restoration Project, Hudson and Bergen Counties, New Jersey*

Dear Mr. Houston:

Thank you so much for providing the opportunity to review the February 2006 Draft report, *Phase I Cultural Resource Investigation of the Ten Sites in the Hackensack Meadowlands, Hackensack Meadowlands restoration Project, Hudson and Bergen Counties, New Jersey* prepared by Hunter research, Inc., Grossmand and associates, inc. and Dorothy Peteet, Ph.D. The report provides an excellent summary regarding the breadth of our knowledge about the Meadowlands natural and human land use history, the hypotheses necessary to better refine these models, and means to better represent the information cartographically. The report will be accessioned into the Historic Preservation Office's permanent library under accession designation MULT A 240 (ID6538).

Implementation of the recommendations presented in Chapter 6 will greatly enhance our knowledge and site settlement potential of the Meadowlands and provide a substantive contribution to satisfying the U.S. Army Corps of Engineers' responsibilities relating to this project under Section 106 of the National Historic Preservation Act. The approach and recommendations, given the problematic nature of addressing cultural resources in this project setting, is both creative and commendable.

I have three comments/questions relating to the proposed work. First, it would be extremely useful if the updated SAMP imagery is plotted on both large scale USGS maps and flown State aerials. This may already be part of the imagery that is proposed.

Second, although it is stated on page 6-7 of the recommendations that the results of the column analysis will be presented in a peer-reviewed article for publication, it would be appropriate to develop a list of perhaps a dozen institutions/repositories that will receive report copies. I am certain it is your intention to distribute one the New Jersey Meadowlands Commission. However, this document and its findings are relevant to a broad audience. Perhaps alternately the work could be available on a web site or compact discs. HPO would like to receive two copies.

Finally, it is stated on page 6-6 that although three high resolution columns will be extracted only one will be subjected to full analysis, including pollen and spores. Wouldn't duplication or redundancy of data be of value, especially since the three columns will be extracted from three different area (the north, central and south) across the Meadowlands? Would it be prudent and possible to at least reconsider full analysis of one or both of the other columns after the selected column is analyzed?

Thank you again for providing this opportunity for review and Consultation. HPO looks forward to the results of the next phase of survey and analysis. If you have any questions, please do not hesitate to contact Deborah Fimbel, staff reviewer for this project, at 609-984-6019.

Sincerely,

Dorothy P. Guzzo
Deputy State Historic
Preservation Officer

DPG:DRF

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278–0090

REPLY TO
ATTENTION OF

March 31, 2006

Environmental Assessment Section
Environmental Analysis Branch

Ms. Dorothy P. Guzzo
Deputy State Historic Preservation Officer
Historic Preservation Office
New Jersey Department of Environmental Protection
CN 404
Trenton, New Jersey 08625-0404

Attention: Deborah Fimbel

Dear Ms. Guzzo:

The U.S. Army Corps of Engineers, New York District (Corps), is pleased to furnish you with the draft *Phase I Cultural Resource Investigation of Ten Sites in the Hackensack Meadowlands, Hackensack Meadowlands Restoration Project, Hudson and Bergen Counties, New Jersey* (Enclosure). This report synthesized available archaeological, geormorphological, and palynological data relevant to ten sites (totaling at least 1100 acres) that have been selected by the Corps for ecosystem restoration within the New Jersey Meadowlands District (Meadowlands). Reconnaissance was conducted at all ten sites but subsurface testing was only possible at one site, Meadowlark Marsh.

The survey identified two potentially significant historic sites; a series of historic drainage features at a number of the sites and *circa* 1917-1930 fill material at Meadowlark Marsh. In addition to this, a site sensitivity ranking system was developed to place the ten sites into a testing framework employing a much broader, Meadowlands-wide, approach to quantifying impacts and satisfying the Corps' Section 106 responsibilities. Considering the problematic nature of archaeological investigations within wetland environments, the recommended approach advocates analysis of high integrity cores at three of the ten sites. This data will allow for documentation of environmental change and is anticipated to provide an assessment of archaeological potential throughout the Meadowlands.

The Corps plans to implement the recommendations that are found in this report including the series of probes and high integrity cores at Meadowlark Marsh, Anderson Creek Marsh, and Riverbend Wetlands Preserve and the eligibility assessments of the historic drainage features and the historic fill materials. It is the Corps' intention to undertake these measures to fulfill its Section 106 responsibilities for the project. The coring strategy, in particular, will serve to address any early historic and prehistoric cultural resource potential.

We would appreciate receiving any Section 106 comments that you may have regarding the enclosed report and, of course, any comments or recommendations you may have concerning the Corps' plan of action. Thank you for your assistance in the Section 106 process. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist at (917) 790-8612.

Sincerely,

L. Houston

Leonard Houston,
Chief, Environmental Analysis Branch

Enclosure

Section A.3 – HRE Overall Correspondence

March 4, 2020

Mr. Peter Weppler
Chief, Environmental Analysis Branch
New York District
U.S. Army Corps of Engineers
26 Federal Plaza
New York, NY 10278

Ref: *Hudson-Raritan Estuary Ecosystem Restoration Project*
U.S. Army Corps of Engineers, New York District, New York and New Jersey
ACHPConnect Log Number: 011871

Dear Mr. Weppler:

Enclosed is your copy of the fully executed Section 106 agreement (Agreement) for the referenced undertaking. By carrying out the terms of the Agreement, U.S. Army Corps of Engineers will fulfill its responsibilities under Section 106 of the National Historic Preservation Act (NHPA) and the regulations of the Advisory Council on Historic Preservation, "Protection of Historic Properties" (36 CFR Part 800). Please ensure that all consulting parties are provided a copy of the executed Agreement in accordance with 36 CFR 800.6(c)(9). The original Agreement will remain on file at our office.

If we may be of further assistance as the Agreement is implemented, please contact Mr. Christopher Daniel at (202) 517-0223 or by e-mail at cdaniel@achp.gov and reference the ACHPConnect Log Number above.

Sincerely,

Tom McCulloch, Ph.D., R.P.A.
Assistant Director
Federal Property Management Section
Office of Federal Agency Programs

Enclosure

From:	Brazee, Olivia (PARKS)
To:	Jansson, Anna CIV USARMY CENAN (USA)
Cc:	Perazio, Philip (PARKS); cdaniel@achp.gov; jesse.West-Rosenthal@dep.nj.gov; Scarpa, Carissa A CIV USARMY CENAN (USA)
Subject:	[Non-DoD Source] RE: 10PR03164 - Routing Final Programmatic Agreement for Signature
Date:	Tuesday, February 18, 2020 1:55:30 PM
Attachments:	10PR03164_Hudson Raritan Estuary Programmatic Agreement_SHPO signature page.pdf

Hi, All - please see attached, the PA signature page for SHPO. Please let me know if you need the hard copy original signature page.

Olivia Brazee
Historic Site Restoration Coordinator
Division for Historic Preservation

New York State Parks, Recreation & Historic Preservation
Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-268-2182 | olivia.brazee@parks.ny.gov
Blockedhttps://parks.ny.gov/shpo

Blockedhttps://cris.parks.ny.gov/
Please explore the Division for Historic Preservation's Cultural Resource Information System (CRIS) combining a powerful GIS based data management system with an all-digital submission and response platform.

Are you registered to vote? Register to vote online today.
Moved recently? Update your information with the NYS Board of Elections.
Not sure if you're registered to vote? Search your voter registration status.

-----Original Message-----
From: Perazio, Philip (PARKS) <Philip.Perazio@parks.ny.gov>
Sent: Tuesday, February 18, 2020 9:39 AM
To: Brazee, Olivia (PARKS) <Olivia.Brazee@parks.ny.gov>
Subject: FW: 10PR03164 - Routing Final Programmatic Agreement for Signature

FYI.

Philip A. Perazio
Historic Preservation Program Analyst - Archaeologist Division for Historic Preservation

New York State Parks, Recreation & Historic Preservation Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-268-2175
Philip.Perazio@parks.ny.gov
Blockedhttps://parks.ny.gov/shpo

-----Original Message-----
From: >
Sent: Thursday, February 13, 2020 5:43 PM
To: Perazio, Philip (PARKS) <Philip.Perazio@parks.ny.gov>
Cc: Chris Daniel <cdaniel@achp.gov>; West-Rosenthal, Jesse <Jesse.West-Rosenthal@dep.nj.gov>; Scarpa, Carissa A CIV USARMY CENAN (USA) <Carissa.A.Scarpa@usace.army.mil>
Subject: 10PR03164 - Routing Final Programmatic Agreement for Signature

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Philip,

I just submitted this on CRIS, but I wanted to email you too since this project is so time critical for us here at USACE. I am routing the Final PA for the Hudson Raritan Estuary Project (10PR03164) for signature. I attached here a cover letter for the PA, the Final PA, and a separate signature page for NYSHPO. Our Commander signed the PA today and now I am sending it out to the New York and New Jersey SHPOs at the same time for signature. Once I have concurrence and signatures from both SHPOs, I will route the PA to the ACHP to sign, and then next the NYCLPC and Gateway National Recreation Area. Our headquarters wants us to execute the PA prior to February 27th in order for the Final Feasibility Report and Environmental Assessment to go out for State and Agency Review. Please reach out to me if you have any comments or questions.

Thanks so much,
Anna

Anna M. Jansson M.A. RPA
Archaeologist
U.S. Army Corps of Engineers
26 Federal Plaza
New York, NY 10278
Office: 917-790-8623

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NATURAL & HISTORIC RESOURCES
HISTORIC PRESERVATION OFFICE
501 East State Street
P.O. Box 420, Mail Code 501-04B
Trenton, New Jersey 08625-0420
Tel. (609) 984-0176 • Fax (609) 984-0578
www.nj.gov/dep

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
Commissioner

HPO Project # 14-3348-6
HPO-B2020-151 PA

February 24, 2020

Peter M. Weppler
Chief, Environmental Analysis Branch
Department of the Army
Corps of Engineers, New York District
Jacob K. Javits Federal Building
26 Federal Plaza
New York, New York 10278-0090

Re: Bergen, Hudson, Middlesex, Monmouth, and Union Counties
Programmatic Agreement
Hudson-Raritan Estuary Ecosystem Restoration Project
United States Department of the Army, Corps of Engineers

Dear Mr. Weppler:

I have signed the attached Programmatic Agreement and am returning it to you as requested. Thank you for your efforts to complete the Section 106 review process.

If you have any questions, please do not hesitate to contact Jesse West-Rosenthal, Ph.D. of my staff at (609) 984-6019 with any questions regarding archaeology. Please reference the HPO project number 14-3348, in any future calls, emails, or written correspondence to help expedite your review and response.

Sincerely,

Katherine J. Marcopul

Katherine J. Marcopul
Deputy State Historic
Preservation Officer

[enclosure]

Cc: Anna Jansson, USACE (via e-mail)

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution of this PA by the USACE, NJSHPO, NYSHPO, and ACHP and implantation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

By: Katherine J. Marcopul Date: 2/21/2020
Signatory
Katherine J. Marcopul
Deputy State Historic Preservation Officer
New Jersey State Historic Preservation Office

From:	Brazee, Olivia (PARKS)
To:	Jansson, Anna CIV USARMY CENAN (USA)
Cc:	Perazio, Philip (PARKS); cdaniel@achp.gov; jesse.West-Rosenthal@dep.nj.gov; Scarpa, Carissa A CIV USARMY CENAN (USA)
Subject:	[Non-DoD Source] RE: 10PR03164 - Routing Final Programmatic Agreement for Signature
Date:	Tuesday, February 18, 2020 1:55:30 PM
Attachments:	10PR03164_Hudson Raritan Estuary Programmatic Agreement_SHPO signature page.pdf

Hi, All - please see attached, the PA signature page for SHPO. Please let me know if you need the hard copy original signature page.

Olivia Brazee
Historic Site Restoration Coordinator
Division for Historic Preservation

New York State Parks, Recreation & Historic Preservation
Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-268-2182 | olivia.brazee@parks.ny.gov
Blockedhttps://parks.ny.gov/shpo

Blockedhttps://cris.parks.ny.gov/
Please explore the Division for Historic Preservation's Cultural Resource Information System (CRIS) combining a powerful GIS based data management system with an all-digital submission and response platform.

Are you registered to vote? Register to vote online today.
Moved recently? Update your information with the NYS Board of Elections.
Not sure if you're registered to vote? Search your voter registration status.

-----Original Message-----
From: Perazio, Philip (PARKS) <Philip.Perazio@parks.ny.gov>
Sent: Tuesday, February 18, 2020 9:39 AM
To: Brazee, Olivia (PARKS) <Olivia.Brazee@parks.ny.gov>
Subject: FW: 10PR03164 - Routing Final Programmatic Agreement for Signature

FYI.

Philip A. Perazio
Historic Preservation Program Analyst - Archaeologist Division for Historic Preservation

New York State Parks, Recreation & Historic Preservation Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-268-2175
Philip.Perazio@parks.ny.gov
Blockedhttps://parks.ny.gov/shpo

-----Original Message-----
From: >
Sent: Thursday, February 13, 2020 5:43 PM
To: Perazio, Philip (PARKS) <Philip.Perazio@parks.ny.gov>
Cc: Chris Daniel <cdaniel@achp.gov>; West-Rosenthal, Jesse <Jesse.West-Rosenthal@dep.nj.gov>; Scarpa, Carissa A CIV USARMY CENAN (USA) <Carissa.A.Scarpa@usace.army.mil>
Subject: 10PR03164 - Routing Final Programmatic Agreement for Signature

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Philip,

I just submitted this on CRIS, but I wanted to email you too since this project is so time critical for us here at USACE. I am routing the Final PA for the Hudson Raritan Estuary Project (10PR03164) for signature. I attached here a cover letter for the PA, the Final PA, and a separate signature page for NYSHPO. Our Commander signed the PA today and now I am sending it out to the New York and New Jersey SHPOs at the same time for signature. Once I have concurrence and signatures from both SHPOs, I will route the PA to the ACHP to sign, and then next the NYCLPC and Gateway National Recreation Area. Our headquarters wants us to execute the PA prior to February 27th in order for the Final Feasibility Report and Environmental Assessment to go out for State and Agency Review. Please reach out to me if you have any comments or questions.

Thanks so much,
Anna

Anna M. Jansson M.A. RPA
Archaeologist
U.S. Army Corps of Engineers
26 Federal Plaza
New York, NY 10278
Office: 917-790-8623

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

February 13, 2020

Mr. Daniel Mackay,
Deputy Commissioner
New York State Division for Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

Ref: USACE
Hudson-Raritan Estuary
10PR03164

Dear Mr. Mackay,

The US Army Corps of Engineers, New York District (District) is in receipt of your letter dated December 23, 2019 on the Hudson Raritan Estuary (HRE) Restoration Project Programmatic Agreement (PA).

In addition to your office, written comments were provided by the New Jersey State Historic Preservation Office (NJSHPO), the New York City Landmarks Preservation Commission (NYCLPC) and, the Advisory Council for Historic Preservation (ACHP). Verbal comments were provided by the National Park Service, Gateway National Recreation Area (NPS GNRA). The following is a list of those comments:

1) On December 23, 2019 the NYSHPO requested that the NYSHPO signatory be changed to R. Daniel Mackay. This change was made in the document.

2) On January 2, 2020 NJSHPO provided the following comments. All changes have been made in the document:

- Ensure the order of references to the signatories of the PA are consistent throughout the document.
- Cite N.J.A.C. 7:4-8.5 as “New Jersey Historic Preservation Office Requirements for Archaeological Survey Reports – Standards for Report Sufficiency (N.J.A.C. 7:4-8.5).”
- Cite the NJSHPO’s 1999 *Guidelines for Architectural Survey*.
- Change wording in Stipulation 1.F.3 to “Any change to the project design that may have the potential to affect historic properties…”
- Add dissemination of public comments received by USACE to the signatories of the PA.
- Change “30 day review period” to “30 calendar day review period from the date of receipt.”
- Update NJSHPO signatory to Katherine J. Marcopul.

3) On January 10, 2020 ACHP commented that USACE needs to delineate in the PA which signatories are signatories, invited signatories, and consulting parties. This change was made, and the PA now states that the District, NJSHPO, NYSHPO, and ACHP are signatories, and that the NYCLPC and NPS are invited signatories. ACHP also supplied boilerplate text for Dispute Resolution, which was adopted. ACHP requested their involvement be limited to their role in disputes and that they do not need to receive or review the majority of reports and plans, which was edited in the PA. Lastly, ACHP requested a clear duration to be spelled out in the PA, which USACE put as September 30, 2040.

4) On January 13, 2020 the NYCLPC requested that Stipulation IV, Section B be revised to note that the New York District shall be responsible for preparing non-federal collections that are donated to a facility in accordance with the standards of that facility. This language has been added to the document.

5) On January 17, 2020 NPS GNRA verbally requested in a teleconference with the District that the PA be reviewed by their Region 1 Headquarters since National Historic Landmarks (NHL) are involved. On January 22, 2020 the District sent the PA to Bonnie Halda at NPS Region 1 to review. On February 3, 2020 Ms. Halda responded that at this time, the NHL program did not have any further comments, but to reach out to the NHL program if during the Section 106 / Section 110(f) process it is determined that the project has the potential for an adverse effect to an NHL. On February 12, 2020 the District concurred that the District will consult with the NHL program if this occurs.

6) No comments were received from the 20 interested parties and public entities (historical societies) the draft PA was sent to.

At your earliest convenience, please sign the signature page for your agency (Enclosure). The District is required to execute the PA prior to February 27th so that the Final HRE Feasibility Report and EA can be released to State and Agency review. To expedite this process, upon signature, please scan and upload your signature page to CRIS. If you have any questions, Anna Jansson, Project Archaeologist can be reached at anna.m.jansson@usace.army.mil or 917-790-8623.

Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure
Final PA for Hudson Raritan Estuary Restoration Project

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

February 13, 2020

Ms. Katherine J. Marcopul
Administrator and Deputy State Historic Preservation Officer
Historic Preservation Office, Natural and Historic Resources
New Jersey Department of Environmental Protection
501 East State Street
Station Plaza Building 5, 4th Floor
Trenton, New Jersey 08625

RE: Project # 14-3348-3
Hudson, Raritan Estuary Ecosystem Restoration Project

Dear Ms. Marcopul,

The US Army Corps of Engineers, New York District (District) is in receipt of your letter dated January 2, 2020 on the Hudson Raritan Estuary (HRE) Restoration Project Programmatic Agreement (PA).

In addition to your office, written comments were provided by the New Jersey State Historic Preservation Office (NJSHPO), the New York City Landmarks Preservation Commission (NYCLPC) and, the Advisory Council for Historic Preservation (ACHP). Verbal comments were provided by the National Park Service, Gateway National Recreation Area (NPS GNRA). The following is a list of those comments:

1) On December 23, 2019 the NYSHPO requested that the NYSHPO signatory be changed to R. Daniel Mackay. This change was made in the document.

2) On January 2, 2020 NJSHPO provided the following comments. All changes have been made in the document:

- Ensure the order of references to the signatories of the PA are consistent throughout the document.
- Cite N.J.A.C. 7:4-8.5 as “New Jersey Historic Preservation Office Requirements for Archaeological Survey Reports – Standards for Report Sufficiency (N.J.A.C. 7:4-8.5).”
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3) On January 10, 2020 ACHP commented that USACE needs to delineate in the PA which signatories are signatories, invited signatories, and consulting parties. This change was made, and the PA now states that the District, NJSHPO, NYSHPO, and ACHP are signatories, and that the NYCLPC and NPS are invited signatories. ACHP also supplied boilerplate text for Dispute Resolution, which was adopted. ACHP requested their involvement be limited to their role in disputes and that they do not need to receive or review the majority of reports and plans, which was edited in the PA. Lastly, ACHP requested a clear duration to be spelled out in the PA, which USACE put as September 30, 2040.

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6) No comments were received from the 20 interested parties and public entities (historical societies) the draft PA was sent to.

At your earliest convenience, please sign the signature page for your agency (Enclosure). The District is required to execute the PA prior to February 27th so that the Final HRE Feasibility Report and EA can be released to State and Agency review. To expedite this process, upon signature, could you please scan and email your signature page to Anna Jansson, Project Archaeologist at: anna.m.jansson@usace.army.mil. If you have any questions, she can be reached at 917-790-8623.

Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure
Final PA for Hudson Raritan Estuary Restoration Project

From: Jansson, Anna CIV USARMY CENAN (USA)
To: NHL NEReview, NPS
Cc: Marilou Ehrler
Subject: RE: [Non-DoD Source] Re: [EXTERNAL] Programmatic Agreement for US Army Corps of Engineers Hudson Raritan Estuary Study
Date: Wednesday, February 12, 2020 8:09:00 AM

Dear Ms. Halda,

Thank you for reviewing the PA. At this point, I will proceed with routing the PA for signature to Jennifer Nersesian, Superintendent of Gateway National Recreation Area. If all goes according to plan, we hope to start constructing the restoration site at Stone Mill Dam in January 2025, so probably sometime in 2023 or 2024 we will have a good enough idea of what the project will look like to do the adverse effect determination. When this happens, I will reach back out to your office to consult.

Thank you,
Anna

-----Original Message-----
From: bonnie_halda@nps.gov [mailto:bonnie_halda@nps.gov] On Behalf Of NHL NEReview, NPS
Sent: Monday, February 3, 2020 11:26 AM
To: Jansson, Anna CIV USARMY CENAN (USA) <Anna.M.Jansson@usace.army.mil>
Cc: Marilou Ehrler <marilou_ehrler@nps.gov>
Subject: [Non-DoD Source] Re: [EXTERNAL] Programmatic Agreement for US Army Corps of Engineers Hudson Raritan Estuary Study

Dear Ms. Jansson,

Thank you for contacting our office regarding the Hudson Raritan Estuary study and the ecosystem restoration of the "Stone Mill Dam" site in the Bronx, NY. The area of potential affect includes the New York Botanical Gardens National Historic Landmark (NHL), and may also include the Lorillard Snuff Mill NHL. We appreciate your notifying the National Park Service, Region 1, National Historic Landmark program, about this project.

I've reviewed the draft Programmatic Agreement (PA) and it is clear that you will be conducting further studies to evaluate potential affects to the NHLs. On behalf of the NHL program, I don't have any comments on the PA at this time; however, if you determine during your Section 106 / Section 110(f) process that the project has the potential for an adverse effect to an NHL, please contact our office to invite our participation in the consultation process.

Bonnie Halda

Program Manager, History and Preservation Assistance

National Park Service
Interior Region 1, North Atlantic - Appalachian

1234 Market Street, 20th floor
Philadelphia, PA 19107

On Fri, Jan 24, 2020 at 9:42 AM Halda, Bonnie <bonnie_halda@nps.gov <mailto:bonnie_halda@nps.gov> > wrote:

_____
Bonnie Halda

Program Manager, History and Preservation Assistance
National Park Service
Interior Region 1, North Atlantic - Appalachian

1234 Market Street, 20th Floor
Philadelphia, PA 19107
215-597-5028
267-767-3242 (cell)

---------- Forwarded message ---------
From: Jansson, Anna CIV USARMY CENAN (USA) <Anna.M.Jansson@usace.army.mil <mailto:Anna.M.Jansson@usace.army.mil> >
Date: Wed, Jan 22, 2020 at 4:29 PM
Subject: [EXTERNAL] Programmatic Agreement for US Army Corps of Engineers Hudson Raritan Estuary Study
To: Bonnie_Halda@nps.gov <mailto:Bonnie_Halda@nps.gov> <Bonnie_Halda@nps.gov <mailto:Bonnie_Halda@nps.gov> >
Cc: Patricia Rafferty <patricia_rafferty@nps.gov <mailto:patricia_rafferty@nps.gov> >, Ehrler, Marilou <marilou_ehrler@nps.gov <mailto:marilou_ehrler@nps.gov> >, Scarpa, Carissa A CIV USARMY CENAN (USA) <Carissa.A.Scarpa@usace.army.mil <mailto:Carissa.A.Scarpa@usace.army.mil> >

Dear Ms. Halda,

I am an archaeologist at the Army Corps of Engineers, New York District. I have been coordinating a Programmatic Agreement for our Hudson Raritan Estuary study, and the recommended plan involves ecosystem restoration at a site called 'Stone Mill Dam' in the Bronx, New York. The Stone Mill Dam is associated with at least one, but perhaps two National Historic Landmarks. The Stone Mill Dam is located inside the New York Botanical Gardens NHL and may also be associated with the Lorillard Snuff Mill NHL. Based on this, NPS Gateway National Recreation Area recommended I reach out to you to review and/or participate in the Programmatic Agreement since NHLs are involved. I have a PDF of the PA and the correspondence that goes with it, but the file size is so large I cannot attach it to an email. I can send the PDF through our file transferring website called "DoD Safe" though. You should see a separate email that has a link and password to download the file. I was able to attach the cover letter to the PA here though. I am also sending a paper copy of the PA in the mail to you.

Sincerely,
Anna

Anna M. Jansson M.A. RPA
Archaeologist
U.S. Army Corps of Engineers
26 Federal Plaza
New York, NY 10278
Office: 917-790-8623

ENVIRONMENTAL REVIEW

Project number: US ARMY CORPS OF ENGINEERS / 106-Y
Project: HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJE
Date Received: 1/13/2020

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

Properties with no Archaeological significance:

Site #	site_id	BBL	Address	Site Name		
1 ni	101362			K Bush Terminal Oysters	No AY concerns	1st threshold analysis indicates location is underwater and there appear to be no further archeological concerns
6 ni	101322	3045870012		K Stony creek	No AY concerns	the 1st threshold analysis indicates no impact to potential submerged archeological properties related to prehistoric Native American occupation as this location is proposed for land filling and no subsurface construction
6 ni	101323	3045870012		K Pumpkin patch east/w	No AY concerns	the 1st threshold analysis indicates no impact to potential submerged archeological properties related to prehistoric Native American occupation as this location is

						proposed for land filling and no subsurface construction
6 ni	101324	3045870012		K Elders center	No AY concerns	the 1st threshold analysis indicates no impact to potential submerged archeological properties related to prehistoric Native American occupation as this location is proposed for land filling and no subsurface construction
6 ni	101321	3045870012		K Duck point	No AY concerns	the 1st threshold analysis indicates no impact to potential submerged archeological properties related to prehistoric Native American occupation as this location is proposed for land filling and no subsurface construction

Properties with Archaeological significance:
LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from historic and Native American occupation on the project sites as indicated below. Accordingly, the Commission recommends that an archaeological documentary study be performed for these sites to clarify initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2014).

Site #	site_id	BBL	Address	Site Name		
2 ay	101325	3085900700	FLATBUSH AVENUE	K Dead horse bay	Awaiting next level of work to be completed	Native American potential see puid 26617. Adjacent to and may be part of NMAI Shanscomacocke, Gerritsen Creek, Ryder's Pond; NYSM 7459
3 ay	101326	3082730132	AVENUE L	K fresh creek	Awaiting next level of work to be completed	Native American potential see puid 28132. Adjacent to and may be part of NA Indian Creek; NMAI East New York; New York State Museum Site No. 3607
4 ay	101330	2032720001	2600 SOUTHERN BOULEVARD	X Stone mill dam	Awaiting next level of work to be completed	Historic Archeology, 18th / 19th c mill dam; Native American potential see Boesch site #45, 46, 119, 120, 121; Adjacent to and may be part of NA Site, Acqueehgenom (Bolton 1922 site 119); & Bear Swamp, (Site 13)
4 ay	101329	2043330001	1129 EAST 180 STREET	X Bronx zoo and dam	Awaiting next level of work to be completed	Historic Archeology, 18th / 19th c mill dam; Native American potential see Boesch site #45, 46, 119, 120, 121; Adjacent to and may be part of NA Site, Acqueehgenom (Bolton 1922 site 119); & Bear Swamp, (Site 13)
5 ay	101331	2033600020	560 EAST 233 STREET	X Shoelace park	Awaiting next level of work to be completed	Native American potential see Boesch site #121; Adjacent to and may be part of NA Site, Indian Field & Cowangongh #120 (Bolton 1922)

7 ay	101327			Q flushing creek	Awaiting next level of work to be completed	Native American potential, Adjacent to and may be part of NYSM 4544, 4524, 4542; Boesch sites 60, 61, 75; Bolton 1922:#53; 1934:#127
8 ay	101363			Q Head Of Jamaica Bay	Awaiting next level of work to be completed	Native American potential, Adjacent to and may be part of NYSM 4538, 4547; and Boesch sites 50, 51

Properties with Architectural significance within the study areas:

Flushing Creek:

LPC DESIGNATED: SAINT GEORGES CHURCH, OLD PARISH HOUSE, AND GRAVEYARD, 38-02 MAIN STREET; FRIENDS MEETING HOUSE, 137-16 NORTHERN BOULEVARD; FLUSHING TOWN HALL, 137-35 NORTHERN BOULEVARD; LEWIS H. LATIMER HOUSE, 34-41 137TH STREET; FLUSHING HIGH SCHOOL, 35-01 UNION STREET; BOWNE HOUSE, 37-01 BOWNE STREET; PROTESTANT REFORM DUTCH CHURCH OF FLUSHING (BOWNE STREET COMMUNITY CHURCH), 143-11 ROOSEVELT AVENUE; WEEPING BEECH, WEEPING BEECH PARK, 37TH AVENUE BETWEEN PARSONS BOULEVARD AND BOWNE STREET; KINGSLAND HOMESTEAD, 143-35 37TH AVENUE; UNISPHERE AND SURROUNDING REFLECTING POOL, FLUSHING MEADOWS-CORONA PARK.

RKO KEITHS FLUSHING THEATER (INTERIOR), 135-29 TO 135-45 NORTHERN BOULEVARD

LPC ELIGIBLE: MANN MANSION, 136-23 SANFORD AVENUE

2600 Southern Blvd:

LPC designated: PAUL J. RAINEY MEMORIAL GATES, NEW YORK ZOOLOGICAL PARK, NEW YORK ZOOLOGICAL PARK, PARK ENTRANCE AT EAST FORDHAM ROAD; BAIRD COURT, NEW YORK ZOOLOGICAL PARK, NEW YORK ZOOLOGICAL PARK, SOUTH OF EAST FORDHAM ROAD; ROCKEFELLER FOUNTAIN, NEW YORK ZOOLOGICAL PARK, INSIDE EAST FORDHAM ROAD; LORILLARD SNUFF MILL, NEW YORK BOTANICAL GARDEN, NEW YORK BOTANICAL GARDEN; CONSERVATORY, NEW YORK BOTANICAL GARDEN, NEW YORK BOTANICAL GARDEN, KAZIMIROFF BOULEVARD; MUSEUM BUILDING, FOUNTAIN OF LIFE, AND TULIP TREE ALLEE, NEW YORK BOTANICAL GARDEN, NEW YORK BOTANICAL GARDEN, WATSON DRIVE AND GARDEN WAY; UNITED WORKERS COOPERATIVE COLONY, 2700-2774 AND 2846-2870 BRONX PARK EAST; ALUMNI HOUSE, SAINT JOHN'S HALL, SAINT JOHN'S CHURCH, AND HORATIO SHEPHEARD MOAT HOUSE, FORDHAM UNIVERSITY, EAST FORDHAM ROAD AND EAST 191ST STREET

560 East 233 Street: LPC designated: WILLIAMSBRIDGE RESERVOIR KEEPER'S HOUSE, 3400 RESERVOIR OVAL.

[NOTE: ISAAC VALENTINE HOUSE, 3266 BAINBRIDGE AVENUE JUST BEYOND 1 MILE RADIUS]

1129 East 180 Street:

LPC designated: PAUL J. RAINEY MEMORIAL GATES, NEW YORK ZOOLOGICAL PARK, NEW YORK ZOOLOGICAL PARK, PARK ENTRANCE AT EAST FORDHAM ROAD; BAIRD COURT, NEW YORK ZOOLOGICAL PARK, NEW YORK ZOOLOGICAL PARK, SOUTH OF EAST FORDHAM ROAD; ROCKEFELLER FOUNTAIN, NEW YORK ZOOLOGICAL PARK, INSIDE EAST FORDHAM ROAD; LORILLARD SNUFF MILL, NEW YORK BOTANICAL GARDEN, NEW YORK BOTANICAL GARDEN; CONSERVATORY, NEW YORK BOTANICAL GARDEN, NEW YORK BOTANICAL GARDEN, KAZIMIROFF BOULEVARD; MUSEUM BUILDING, FOUNTAIN OF LIFE, AND TULIP TREE ALLEE, NEW YORK BOTANICAL GARDEN, NEW YORK BOTANICAL GARDEN, WATSON DRIVE AND GARDEN WAY; UNITED WORKERS COOPERATIVE COLONY, 2700-2774 AND 2846-2870 BRONX PARK EAST; ALUMNI HOUSE, SAINT JOHN'S HALL, SAINT JOHN'S CHURCH, HORATIO SHEPHEARD MOAT HOUSE, FORDHAM UNIVERSITY, EAST FORDHAM ROAD AND EAST 191ST STREET; 52ND POLICE PRECINCT STATION HOUSE, 3016 WEBSTER AVENUE; OLD WEST FARMS SOLDIERS' CEMETERY, 2103 BRYANT AVENUE; NEW YORK, WESTCHESTER AND BOSTON RAILROAD, ADMINISTRATION BUILDING, 481 MORRIS PARK AVENUE

LPC ELIGIBLE: BECK MEMORIAL PRESBYTERIAN CHURCH, 980 EAST 180 STREET

Avenue L:

LPC ELIGIBLE: ENGINE CO. 290/LADDER CO. 103, 480 SHEFFIELD AVENUE

[NOTE: LPC DESIGNATED NEW LOTS REFORMED DUTCH CHURCH, 630 NEW LOTS AVENUE JUST BEYOND 1 MILE RADIUS]

Comments: The LPC is also in receipt of the Draft Programmatic Agreement. The language pertaining to archaeological resources is acceptable with one exception- provision IV section B should note that the collections to non-federal landowners will be donated in accordance with the standards of the curation facility as is noted for Federal collections.

Gina Santucci

1/21/2020

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 32335_FSO_DNP_01212020.docx

Cc: SHPO 06PR02700

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

January 22, 2020

REPLY TO ATTENTION OF:
ENVIRONMENTAL ANALYSIS BRANCH

Bonnie Halda
Program Manager, History and Preservation Assistance
National Park Service Interior Region 1, North Atlantic - Appalachian
1234 Market Street, 20th Floor
Philadelphia, PA 19107

Dear Ms. Halda,

The U.S. Army Corps of Engineers, New York District (NAN) has been coordinating a Programmatic Agreement (PA) for the Hudson Raritan Estuary (HRE) study. NAN is working on the final reviews of the Final combined Feasibility Report and Environmental Assessment before it is released to the public. The study's recommended plan is to conduct 20 ecosystem restoration projects, six of which are located within the NPS Gateway National Recreation Area (GNRA). Because of this, NAN has been coordinating with Gateway National Recreation Area. The other fourteen sites are located off of NPS managed land, but one of these restoration sites is located within one, potentially two, National Historic Landmarks (NHL). This restoration site is called 'Stone Mill Dam' and is located within the New York Botanical Gardens NHL, and may be also associated with the Lorillard Snuff Mill NHL. The Stone Mill Dam ecosystem restoration site is located on land owned by New York City.

On November 26, 2019 NAN sent the draft PA to GRNA to review before signing as an invited signatory to the agreement. On January 17, 2020 GRNA verbally told NAN through a teleconference that one of their comments on the draft PA was that the NPS Northeast Regional Headquarters should review the PA since a NHL is involved. Due to this comment, NAN is contacting you to request your comments on the draft PA. If you wish to participate in the agreement, you may request to join the agreement as an invited signatory or as a concurring party. NAN has already received formal written comments on the draft PA from the New Jersey and New York Historic Preservation Offices and the Advisory Council on Historic Preservation.

In regards to the ecosystem restoration at Stone Mill Dam, zero percent of the APE for the Stone Mill Dam ecosystem restoration site has been previously surveyed for cultural resources on the New York State Historic Preservation Office's online Cultural Resource Information System (CRIS). This restoration site may contain a contributing element of the Lorillard Snuff Mill (National Historic Landmark, National Register Listed, and State Register Listed) and/or the Bronx Botanical Gardens (National Historic Landmark, National Register Listed, and State Register Listed). The proposed restoration is to install a fish ladder around the Stone Mill Dam and plant native vegetation. 10 CY of material will be excavated during this process. As plans are

further developed the District will carry out research to identify any previously unidentified cultural resources within the APE and to determine if the Stone Mill Dam is associated with the Lorillard Snuff Mill or the New York Botanical Gardens. In accordance with the stipulations of the PA, if the Stone Mill Dam is found to be a contributing element of either of these historic properties, or a historic property in its own right, a treatment plan may be necessary to address adverse effects.

Please feel free to reach out with any comments, questions, or concerns to Anna Jansson, Project Archaeologist, at 917-790-8623 or anna.m.jansson@usace.army.mil.

Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch
U.S. Army Corps of Engineers, NAN

Enclosure
Draft PA for Hudson Raritan Estuary

From:	Chris Daniel
To:	Jansson, Anna CIV USARMY CENAN (USA)
Cc:	Christopher.Romanoski@dep.nj.gov; ASutphin@lpc.nyc.gov; Brazee, Olivia (PARKS); Chris Daniel
Subject:	[Non-DoD Source] RE: Final Review of Draft Programmatic Agreement for Hudson Raritan Estuary
Date:	Friday, January 10, 2020 4:53:07 PM
Attachments:	2020-01-10 ACHP Comments PA for Hudson Raritan Estuary.pdf Section 106 GAD Checklist - Content.pdf Template MOA and Amendment-S.pdf

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Anna,

Please find attached the draft PA with the ACHP's comments. Overall, the ACHP does not have any major objections; however, we have several administrative and procedural comments that need to be addressed before the Corps can move it signature. The Corps needs to delineate between signatories, invited signatories, and concurring parties. As it stands, the agreement seems to confuse those roles, which may be unintended and may cause difficulties concerning execution and amendment. I've noted several places that I recommend using the ACHP's boilerplate language from the attached template for many administrative stipulations and clauses. We would prefer these be used and if not request explanation for the variation. Lastly, I've noted in most places that ACHP involvement should be limited to our role in disputes and that we do not need to receive or review the majority of the reports/plans.

To assist in all of these issues, I recommend the District consult the ACHP's Guidance on Section 106 agreement documents at Blockedhttps://www.achp.gov/initiatives/guidance-agreement-documents and the attached template and checklists.

Sincerely,

Christopher Daniel
Program Analyst
Advisory Council on Historic Preservation
202.517.0223 (Office & Mobile)
cdaniel@achp.gov

Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington DC 20001-2637
(202) 517-0200 (Main Number)
Blockedwww.achp.gov

-----Original Message-----
From: Jansson, Anna CIV USARMY CENAN (USA) [mailto:Anna.M.Jansson@usace.army.mil]
Sent: Tuesday, November 26, 2019 2:45 PM
To: John Fowler
Cc: Reid Nelson; Chris Daniel
Subject: Final Review of Draft Programmatic Agreement for Hudson Raritan Estuary

Dear Mr. Fowler,

We are wrapping up the Final Report for Hudson Raritan Estuary (HRE), and I am sending around the Draft Programmatic Agreement for one more round of review before I send it for signature. Included in this attachment is the Case Report (that will be the Cultural Resources Appendix in the Final Report) and the Draft Programmatic

Agreement. I also sent a printed copy of this in the mail too. Please reach out to me if you have any comments or concerns.

Thanks,
Anna

Anna M. Jansson M.A. RPA
Archaeologist
U.S. Army Corps of Engineers
26 Federal Plaza
New York, NY 10278
Office: 917-790-8623

Section 106 Agreement Checklist: Content

Use this checklist to ensure that the Memorandum of Agreement (MOA) or project Programmatic Agreement (project PA) includes the administrative stipulations and other clauses and information that should be found in every Section 106 agreement document. Also, consider the inclusion of other stipulations to provide contingencies for changes to the undertaking, problems, and other issues that could arise during implementation of the agreement.

Project Name:

Review Date:

TITLE			
Memorandum of Agreement or Programmatic Agreement?	See definitions at 36 CFR §800.6(c) and §800.14(b)		
	Yes	**No**	**Comments**
Are all the signatories named in the title?	☐	☐	Federal agency(ies), SHPO/THPO, and ACHP if participating
Is the undertaking(s) named in the title?	☐	☐	
PREAMBLE- WHEREAS CLAUSES			
	Yes	**No**	**Comments**
Is the entire undertaking and the nature of federal involvement described?	☐	☐	
Does a clause note the agreement was developed pursuant to Section 106 of the National Historic Preservation Act?	☐	☐	
Is the responsible federal agency named?	☐	☐	
If there is a lead federal agency, has it been	☐	☐	If so, also identify the role(s) of other involved federal agencies

named?			[36 CFR §800.2(a)(1)]
Is an applicant for federal permits, licenses, grants, or other assistance involved?	☐	☐	If so, are the applicant's role and responsibilities described?
Is the appropriate SHPO/THPO(s) named?	☐	☐	
Are all other consulting parties listed, including any Indian tribes, Native Hawaiian organizations, and representatives of local governments?	☐	☐	See 36 CFR §800.2(c)
In a Programmatic Agreement, is the reason why a programmatic approach is needed described?	☐	☐	See 36 CFR §800.14(b)(1)
Has the Area of Potential Effects for the undertaking(s) been identified?	☐	☐	
Are historic properties affected by the undertaking listed?	☐	☐	If numerous, consider summarizing and referencing an appendix.
Does a clause acknowledge historic properties would or may be adversely affected?	☐	☐	If historic properties would be adversely affected by the undertaking, briefly describe how.
Is a clause stating that the ACHP has been notified of the finding of adverse effect included? If the ACHP is participating in the consultation, is this stated?	☐	☐	
Is a reference included to the agency's public involvement efforts?	☐	☐	
Is the clause, "Now, therefore, [federal agency, SHPO/THPO….] agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties"	☐	☐	

included?			
STIPULATIONS			
	Yes	**No**	**Comments**
Are the stipulations preceded by a clear statement that *the federal agency shall ensure that these terms are carried out*?	☐	☐	See the ACHP's template MOA
Are procedures for responding to the unanticipated discovery of historic properties or inadvertent adverse effects to identified historic properties included?	☐	☐	Where appropriate; see 36 CFR §800.6(c)(6). See also 36 CFR §800.13
Are procedures for responding to emergency situations included?	☐	☐	See 36 CFR §800.12
Is the need for confidentiality of sensitive information identified where appropriate?	☐	☐	See 36 CFR §800.11(c)
Has the use of qualified professionals been stipulated where appropriate?	☐	☐	See the Secretary of the Interior's professional qualifications standards, and 36 CFR §800.2(a)(1)
If archaeological data recovery is stipulated, is a data recovery plan attached or referenced in the agreement?	☐	☐	See the ACHP's archaeological guidance at www.achp.gov/archguide
Are procedures for public involvement included for any ongoing reviews carried out according to the agreement's terms?	☐	☐	See 36 CFR §800.2(d) and 800.6(a)(4)
Are procedures for monitoring and reporting on agreement implementation included as appropriate to the project?	☐	☐	Where appropriate; see 36 CFR §800.6(c)(4)

If other federal funds, permits, or licenses may be used or required in the future for the undertaking, is an "other federal involvement" stipulation included?	☐	☐	See Sample Stipulations Section
Is a dispute resolution procedure included?	☐	☐	
Are provisions for the amendment and termination of the agreement included?	☐	☐	See 36 CFR §§800.6(c)(7) and 800.6(c)(8)
Is the agreement's duration specified?	☐	☐	Required by 36 CFR §800.6(c)(5)
Is compliance with the Anti-Deficiency Act recognized where appropriate?	☐	☐	
Is compliance with other federal laws, such as the Native American Graves Protection and Repatriation Act and the Archaeological Resources Protection Act, and state and/or tribal laws, including state burial laws, acknowledged where appr**o**priate?	☐	☐	While these other laws can be noted in an MOA/PA, Section 106 agreements are solely for documenting an agency's compliance with Section 106 of the NHPA. As such, Section 106 agreement documents should not provide for an agency's compliance with other statutes.
Do the stipulations conclude with an affirmation statement consistent with the template MOA?	☐	☐	
SIGNATURES			
	Yes	**No**	**Comments**
Are the signature blocks for signatories, invited signatories, and concurring parties clearly identified?	☐	☐	

Have all parties that are assigned responsibilities in the agreement been asked to be invited signatories?	☐	☐	
Does each signature line include a printed name, title, agency/organization, and date?	☐	☐	

ACHP Template Agreement Documents

Included below are two agreement templates: a two-party Memorandum of Agreement (MOA) template (followed by instructions on how to turn it into a three-party MOA template), and a template to amend an MOA or a project Programmatic Agreement (project PA).

ACHP Model Two-Party MOA Template:

MEMORANDUM OF AGREEMENT
BETWEEN [insert Agency]
AND THE
[insert name of State or Tribe] ["STATE" or "TRIBAL"] HISTORIC PRESERVATION OFFICER
REGARDING THE [insert project name and location]

WHEREAS, the **[Agency]** (**[insert Agency abbreviation]**) plans to **["carry out" or "fund" or "approve"/"license"/"permit" or other appropriate verb]** the **[insert project name]** (undertaking) pursuant to the **[insert name of the substantive statute authorizing the federal agency involvement in the undertaking]**, **[insert legal cite for that statute]**; and

WHEREAS, the undertaking consists of **[insert a brief explanation of the undertaking]**; and

WHEREAS, [Agency abbreviation] has defined the undertaking's area of potential effects (APE) as **[insert written description and/or "described in Attachment XXX"]**; and

WHEREAS, [Agency abbreviation] has determined that the undertaking may have an adverse effect on **[insert name of historic property(ies)]**, which **["is" or "are"] ["listed in" or "eligible for listing in"]** the National Register of Historic Places, and has consulted with the **[insert name of State or Tribe] ["State" or "Tribal"]** Historic Preservation Officer (**["SHPO" or "THPO"]**) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

WHEREAS, [Agency abbreviation] has consulted with the **[insert name of Indian tribe(s) or Native Hawaiian organization(s)]**, for which **[insert name of historic property(ies)] ["has" or "have"]** religious and cultural significance, **[Insert this whereas clause if appropriate];** and

WHEREAS, **[Agency abbreviation]** has consulted with **[insert names of other consulting parties, if any]** regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as a **["invited signatory(ies)" or "concurring party(ies)"];** and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), **[Agency abbreviation]** has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen *not to* participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, **[Agency abbreviation]** and the **["SHPO" or "THPO"]** agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

[Agency abbreviation] shall ensure that the following measures are carried out:

[I.-III. (Or whatever number of stipulations is necessary) Insert negotiated measures to avoid, minimize, or mitigate the adverse effects on historic properties.]

IV. DURATION

This MOA will expire if its terms are not carried out within five (5) years **[or specify other appropriate time period]** from the date of its execution. Prior to such time, **[Agency abbreviation]** may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.

V. POST-REVIEW DISCOVERIES

If properties are discovered that may be historically significant or unanticipated effects on historic properties found, the **[Agency abbreviation]** shall implement the discovery plan included as attachment **[insert number of attachment]** of this MOA. **[Insert this stipulation if there is an indication that historic properties are likely to be discovered during implementation of the undertaking.]**

VI. MONITORING AND REPORTING

Each **[insert a specific time period]** following the execution of this MOA until it expires or is terminated, **[Agency abbreviation]** shall provide all parties to this MOA **["and the ACHP" if appropriate]** a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in **[Agency abbreviation]**'s efforts to carry out the terms of this MOA.

VII. DISPUTE RESOLUTION

Should any signatory * or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, **[Agency abbreviation]** shall consult with such party to resolve the objection. If **[Agency abbreviation]** determines that such objection cannot be resolved, **[Agency abbreviation]** will:

A. Forward all documentation relevant to the dispute, including the **[Agency abbreviation]**'s proposed resolution, to the ACHP. The ACHP shall provide **[Agency abbreviation]** with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, **[Agency abbreviation]** shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. **[Agency abbreviation]** will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, **[Agency abbreviation]** may make a final decision on the dispute and proceed

accordingly. Prior to reaching such a final decision, **[Agency abbreviation]** shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. **[Agency abbreviation]**'s responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VIII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

IX. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, **[Agency abbreviation]** must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. **[Agency abbreviation]** shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the **[Agency abbreviation]** and **["S" or "T"]**HPO and implementation of its terms evidence that **[Agency abbreviation]** has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.******

SIGNATORIES:

[insert Agency name]

_____ Date
[insert agency official name and title]

[insert name of State or Tribe] ["State" or "Tribal"] Historic Preservation Officer

_____ Date
[insert name and title]

INVITED SIGNATORIES:

[insert invited signatory name]

_____ Date
[insert name and title]

CONCURRING PARTIES:

[insert name of concurring party]

_____ Date
[insert name and title]

Notes:

** This document assumes that the term "signatory" has been defined in the agreement to include both signatories and invited signatories.*

*** Remember that the agency must submit a copy of the executed MOA, along with the documentation specified in Section 800.11(f), to the ACHP prior to approving the undertaking in order to meet the requirements of Section 106. 36 CFR § 800.6(b)(1)(iv).*

Instructions on how to turn the Two-Party MOA template (above) into a Three-Party MOA Template

If the ACHP is participating in the consultation to resolve adverse effects, the two-party MOA template can be revised to create a three-party agreement by inclusion of the following (*in italics*):

1. Revise the Title to read:

MEMORANDUM OF AGREEMENT
***AMONG* [insert Agency],**
THE
[insert name of State or Tribe] ["STATE" or "TRIBAL"] HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE [insert project name and location]

2. Revise the 7th WHEREAS clause to read:

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), **[Agency abbreviation]** has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen *to* participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

3. At the end of the Whereas clauses add "ACHP" to the 'Now, therefore' clause to read: NOW, THEREFORE**,** [Agency abbreviation], the ["SHPO" or "THPO"], *and the ACHP* **agree….**

4. Add the "ACHP" to all relevant stipulations as needed.

5. Include "ACHP" in the paragraph immediately above the signature lines:

Execution of this MOA by the [Agency abbreviation], **the**["S" or "T"]**HPO, *and the ACHP,* and implementation of its terms evidence that** [Agency abbreviation] **has taken into account….**

6. Add the following line to the signatory page:

Advisory Council on Historic Preservation

_____ Date
John M. Fowler, Executive Director

Model MOA/Project PA Template Amendment:

AMENDMENT TO
[INSERT FULL NAME OF THE AGREEMENT]
(AGREEMENT)

WHEREAS, the Agreement was executed on [insert month and year of execution];

WHEREAS, [insert a concise explanation of the reasons for the amendment];

WHEREAS, [insert the name of the federal agency] will send a copy of this executed amendment to the ACHP [Only use this whereas clause if the ACHP is not a signatory to the Agreement];

NOW, THEREFORE, in accordance with Stipulation [insert the number of the amendment stipulation] of the Agreement, [insert the Signatories of the Agreement] agree to amend the Agreement as follows:

1. Amend Stipulation [insert the number of the stipulation to be amended] so it reads as follows:

   [insert the amended text of the stipulation]

[AND/OR, if the amendment involves adding a new stipulation to the Agreement]

2. Add new Stipulation [insert the number of the new stipulation]:

   [insert the text of the new stipulation]

[AND/OR, if the amendment involves deleting a stipulation of the Agreement]

3. Delete Stipulation [insert the number of the stipulation to be deleted].

[Repeat #1, 2, and 3 as necessary]

[OR, if the amendments are so pervasive that it is easier to cut/paste a copy of the entire, amended Agreement]

1. Amend the Agreement so it reads as follows:

   [attach the text of the entire, amended agreement]

[Insert signature and date lines for all Signatories. If the amendments add duties to a party that did not sign the Agreement, add a signature line for that party.]

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
~~THE NATIONAL PARKS SERVICE,~~
~~THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION~~
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

WHEREAS, the U.S. Army Corps of Engineers, New York District, (New York District), has been authorized under the General Investigations (GI) Program to conduct a feasibility study to evaluate federal participation in ecosystem restoration in the Hudson Raritan Estuary (HRE). The study was authorized by resolution of the U.S. House of Representatives Committee on Transportation and Infrastructure on 15 April 1999, to determine the feasibility of carrying out improvements, including the creation and enhancement of aquatic, wetland, and adjacent upland habitats as specific areas of interest; and

WHEREAS, the U.S. Army Corps of Engineers has been conducting several feasibility studies for ecosystem restoration within the Hudson Raritan Estuary (HRE) that have been consolidated into the HRE Ecosystem Restoration Feasibility Study and these are the Bronx River Basin Ecosystem Restoration Feasibility Study; the HRE - Lower Passaic River Ecosystem Restoration Feasibility Study; the HRE - Hackensack Meadowlands Ecosystem Restoration Feasibility Study; the Jamaica Bay, Marine Park, Plumb Beach Ecosystem Restoration Feasibility Study; and the Flushing Creek and Bay Ecosystem Restoration Feasibility Study; and

WHEREAS, The Hudson Raritan Estuary (HRE) is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25-mile radius of the Statue of Liberty. The HRE study area includes the following 8 Planning regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay; and

WHEREAS, the scope of the HRE Ecosystem Restoration Project is to restore and protect lost or degraded aquatic, wetland and terrestrial habitats within the HRE study area. These activities will be accomplished by implementing various site-specific ecosystem restoration projects formulated within the context of an overall strategic plan. The Corps has identified roughly 300 potential restoration sites spread throughout the eight planning regions. These restoration sites include onshore and offshore sites ranging in size from 2,102 acres to 0.3 acres, for a total of 31,932 acres; and

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WHEREAS, out of the 300 potential restoration sites, the New York District has identified twenty sites to recommend for construction for which plans are being developed (Appendix A). The twenty sites are Dead Horse Bay, Fresh Creek, Duck Point, Stony Creek, Pumpkin Patch West, Pumpkin Patch East, Elders Center, Flushing Creek, Bronx Zoo and Dam, Stone Mill Dam, Shoelace Park, Bronxville Lake, Garth Harney, Oak Island Yards, Branch Brook Park, Metromedia, Meadowlark Marsh, Naval Station Earle Oysters, Bush Terminal Oysters, and Head of Jamaica Bay Oysters; and

WHEREAS, fifteen of the restoration sites are located within the State of New York, and five restoration sites are located within the State of New Jersey; and

WHEREAS, the New York District has defined the "Area of Potential Effect" (APE) for this Undertaking to include all areas within the twenty restoration sites and the associated staging areas and access roads if they are located outside of the restoration area; and

WHEREAS, the New York District has conducted a reconnaissance-level cultural resources survey of the 300 HRE restoration sites within the study area and a GIS database has been created for the HRE Ecosystem Restoration Project which compiled all of the cultural resource data collected during the survey for each of the HRE restoration sites. The HRE cultural resources database contains data on historic sites and districts, archaeological sites and sensitivity areas, National Register of Historic Places (NRHP)-eligible and listed resources, and submerged resources recorded in the Automated Wreck and Obstruction Information System (AWOIS) database which are located within the restoration site boundaries and within a one-mile buffer surrounding each site. In addition to the restoration sites and boundary areas, background history, and environmental and cultural resources data was collected for the entire HRE study area; and

WHEREAS, the New York District has determined that properties listed and/or eligible for listing on the National Register of Historic Places (NRHP) may be adversely affected by implementation of the restoration measures (Appendix B); and

WHEREAS, the New York District has determined that, due in part to the previous studies carried out by the District, as well as studies carried out by other parties, significant amounts of data exist in varying levels of detail throughout the HRE study area, however, for most of the APE additional survey is required to determine the presence or absence of significant cultural resources and to make an assessment of archaeological sensitivity; and

WHEREAS, the New York District has invited several potential interested parties to participate in the Section 106 consultation process and study planning, including the Advisory Council on Historic Preservation (ACHP), the New York City Landmarks Preservation Commission (LPC), the National Park Service, the Delaware Nation, the Shinnecock Nation, the Stockbridge-Munsee Band of Mohican Indians, the Delaware Tribe of Indians, and the Shawnee Tribe of Oklahoma (Appendix C); and

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WHEREAS, the ACHP and the Landmarks Preservation Commission have elected to participate in this Agreement and the Stockbridge Munsee have elected not to participate as signatories but as consulting parties; and

WHEREAS, the New York District, in consultation with the New Jersey State Historic Preservation Office (NJSHPO), the New York State Historic Preservation Office (NYSHPO), and other consulting parties plans to carry out additional work to identify significant resources, develop treatment plans and mitigation plans, if necessary, for the proposed undertaking to ensure that the project will avoid or minimize adverse effects to significant historic properties and archaeological sites; and

WHEREAS the New York District, partially through the NEPA process, is coordinating, and shall continue to coordinate a public outreach program for this undertaking which in the past has consisted of a number of public meetings and the circulation of cultural resource and environmental documents related to the Section 106 review process; and

NOW, THEREFORE, the New York District, the NYSHPO, the NJSHPO, ~~the LPC, NPS~~ and the ACHP ~~agree that the project shall be administered in accordance with the following stipulations to satisfy the New York District's Section 106 responsibilities for all individual actions of the Undertaking.~~

STIPULATIONS

The New York District shall ensure that the following measures are carried out:

I. IDENTIFICATION AND EVALUATION

A. The New York District shall carry out cultural resources surveys for each restoration site that is advanced past feasibility phase to identify significant cultural resources within the APE. Survey methodology shall be tailored to the unique environment of the restoration site to identify resources and will consider previous survey results and consultation comments when designing the surveys. Consultation shall be carried out with the appropriate SHPOs depending on whether the site or site(s) are within the State of New York or New Jersey. If a survey is addressing multiple sites located within both states, both the NYSHPO and the NJSHPO shall be consulted. The ACHP shall be copied on all consultation carried out for the project, and at a minimum, NPS and the LPC shall be copied on all consultation carried out for sites within their areas of responsibility.

B. Prior to the initiation of construction-related activities which may affect historic properties, the New York District, in consultation with the appropriate SHPO(s), and other interested parties as appropriate , shall identify and evaluate:

1. Archaeological Sites

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a. The New York District shall ensure that archaeological surveys within the uninvestigated portions of the APE are conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and guidelines set forth by the SHPOs including the NJSHPOs Guidelines for Phase I Archaeological Investigations: Identification of Archaeological Resources (N.J.A.C. 7:4-8.4) and the New York Archaeological Council's Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State (1994, adopted by NYSHPO in 1995), the NYSHPO's 2005 Phase I Archaeological Format Requirements, and take into account the National Park Service publication The Archaeological Survey: Methods and Uses (1978) and the statewide historic contexts developed by the SHPO(s).

b. The scopes of work and survey reports shall be submitted to the appropriate SHPO(s), the ACHP, and other consulting parties, as appropriate, for review and comment.

2. Traditional Cultural Properties.

a. The New York District shall ensure that future surveys within the uninvestigated portions of the APE include procedures to identify traditional cultural properties and to consult with federally recognized tribes and other affected parties in accordance with the guidelines provided by National Park Service Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties and the U.S. Army Corps of Engineers Tribal Consultation Policy (2013).

b. In the event that a federally recognized tribe or affected group contacts the New York District regarding its recognition of a traditional cultural property, located within the APE, the New York District shall notify the appropriate SHPO and the ACHP to initiate discussions to consider whether the property is a traditional cultural property that meets the Criteria.

3. Buildings and Structures

a. The New York District shall ensure that surveys are conducted for buildings and structures in the APE in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and which takes into account the statewide historic contexts developed by the SHPO(s). The Scope of Work and survey report will be consistent with the guidelines set forth by the SHPOs and shall be submitted to the appropriate SHPO(s), the ACHP, and other consulting parties for review.

b. The New York District, in consultation with the appropriate SHPO(s), the ACHP, and other consulting parties, shall identify and evaluate buildings and structures that are located adjacent to listed or eligible NRHP historic districts to determine

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whether such properties should be considered as part of the historic district or an expanded district.

4. Historic Landscapes and View Sheds

a. The New York District shall consult with the appropriate SHPO(s) and other consulting parties, including local historical societies, to identify and evaluate historic landscapes and viewsheds located within the APE. The New York District shall consult National Park Service Bulletins 18, How to Evaluate and Nominate Designed Historic Landscapes, and 30 Guidelines for Evaluating and Documenting Rural Historic Landscapes, National Park Service Preservation Brief 36, Protecting Cultural Landscapes, and other publications and materials made available by the SHPO(s) to assist in defining the criteria that should be applied to such properties.

b. The objective in conducting the surveys is to identity NRHP-listed or eligible historic landscapes and affected viewsheds within the project area that may be adversely affected by the Undertaking, and to determine whether they meet the NRHP criteria set forth in 36 CFR Part 60.4.

C. The New York District shall ensure that qualified professionals meeting the National Park Service professional qualifications for the appropriate discipline [National Park Service Professional Qualification Standards, Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44738-39)] are used to complete all identification and evaluation plans related to this undertaking, to include geomorphological, palynological, and archaeological surveys and testing, and documentation.

D. The New York District, the SHPO(s), and all other consulting parties shall consider the views of the public and interested parties, including local historic preservation groups, in completing its identification and evaluation responsibilities.

E. The New York District shall maintain records of all decisions it makes related to the NRHP eligibility of properties.

F. Application of Criteria:

1. The New York District, in consultation with the appropriate SHPO, and other consulting parties, shall evaluate historic properties using the Criteria established for the NRHP [36 CFR 800.4(c)(1)]:

a. If the New York District, the SHPO(s), and the other consulting parties agree that the Criteria apply or do not apply, in evaluating the NRHP eligibility of a property, the property shall be treated accordingly for purposes of this PA.

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b. If the New York District, the SHPO(s), and other consulting parties disagree regarding NRHP eligibility, prior to the start of any project-related work at the site or in the vicinity of the property, the New York District shall obtain a formal Determination of Eligibility (DOE) from the Keeper of the National Register (Keeper), National Park Service, whose determination shall be final.

2. The New York District shall ensure that the identification and evaluation of historic properties that may be affected by each phase of the Undertaking is completed prior to the initiation of any formal action by the New York District including rehabilitation, relocation, demolition, etc.

3. Any changes to the project designs that could result in adverse effects to historic properties or extends beyond the current APE will be submitted to the consulting parties for review and comment.

4. If a property is determined to be eligible for the National Register, the New York District will consult with the NYSHPO, the ACHP and the appropriate consulting parties and signatories to resolve the adverse effects in accordance with Stipulation II below.

II. RESOLUTION OF ADVERSE EFFECTS

A. If the New York District, in consultation with the appropriate SHPO(s), the ACHP, and other consulting parties, as appropriate, determines that the Undertaking will have an adverse effect on historic properties, the New York District shall consult with the appropriate consulting parties and signatories, pursuant to 36 CFR Part 800.6, to determine how best to resolve adverse effects and document the proposed resolution.

B. Once there is agreement on how adverse effects will be resolved, the New York District will develop treatment plans that will identify the activities to be implemented to resolve adverse effects. The ACHP, the SHPO(s) and the appropriate signatories and other consulting parties, if identified, will be provided with copies of each treatment plan for review and comment. The New York District shall revise plans to address comments and recommendations provided by the consulting parties. The New York District shall ensure that treatment plans are implemented by the New York District or its representative(s).

C. Should the New York District, the SHPOs, ACHP, and appropriate signatories and consulting parties disagree on how the adverse effects will be resolved, the New York District shall seek to resolve such objection through consultation in accordance with procedures outlined in Stipulation VIII.

III. PUBLIC INVOLVEMENT AND OUTREACH

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A. The New York District shall inform the public of the existence of this PA and the District's plan for meeting the stipulations of the PA. Copies of this agreement and relevant documentation prepared pursuant to the terms of this PA shall be made available for public inspection. Information regarding the specific locations of terrestrial and submerged archaeological sites, including potential wreck areas, will be withheld in accordance with the Freedom of Information Act and National Register Bulleting No. 29, if it appears that this information could jeopardize archaeological sites. Any comments received from the public related to the activities identifies by the PA shall be taken into account by the New York District.

B. The New York District shall develop, in coordination with the SHPOs, NPS, the NYCLPC, and participating Tribes, publically accessible information about the cultural resources and historic properties investigations for the Undertaking in the form of brief publication(s), exhibit(s), or website(s).

IV. CURATION

A. The New York District shall ensure that all collections resulting from the identification and evaluation of surveys, data recovery operations, or other investigations pursuant to this PA are maintained in accordance with 36 CFR Part 79 until the collection is turned over to the NPS, New York City or other landowner/entity. Minimally, the District will ensure that analysis is complete and the final report(s) are produced and accepted by the SHPO(s) prior to the turnover of collections to the appropriate entity.

B. The New York District shall be responsible for consulting with the NPS, New York City and other landowners regarding the curation of collections resulting from archaeological surveys, data recovery operations, or other studied and activities pursuant to this agreement. The District shall coordinate the return of collections to non-federal landowners. If non-federal landowners wish to donate the collection, the District, in coordination with the SHPOs, the NPS, the federally-recognized Tribes, and the NYCLPC to determine an appropriate entity to take control of the collection.

C. The New York District shall be responsible for preparation of federally-owned collections and the associated records and non-federal collections donated for curation in accordance with the standards of the curation facility.

V. UNANTICIPATED DISCOVERY

A. The following language shall be included in construction plans and specifications:

"When a cultural resource, including but not limited to archaeological sites, shipwrecks, standing structures, and properties of traditional religious and cultural significance to a federally-recognized Tribe are discovered during execution of the

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Project, the individual(s) who made the discovery shall immediately secure the vicinity and make a reasonable effort to avoid or minimize harm to the resource, and notify the Project's Contracting Officer's Representative (COR) and the New York District. All activities shall cease within a minimum of 50 feet from the inadvertent discovery (50-foot radius 'no work' buffer) until authorized by the District and the Project COR.

B. If previously unidentified and unanticipated historic properties are discovered during Project activities, the New York District shall cease all work in the vicinity of the discovery until it can be evaluated in accordance with 36 CFR Part 800.13 "Post-Review Discoveries." Upon notification of an unanticipated discovery, the New York District shall implement any additional reasonable measures to avoid or minimize effects to the resource. Any previously unidentified cultural resource will be treated as though it is eligible for the NRHP until such other determination can be made.

C. The New York District shall immediately notify the SHPOs, ACHP, the NYCLPC, NPS, and the federally-recognized Tribes, as appropriate depending upon the location of the find, within 48 hours of the finding and request consultation to resolve potential adverse effects.

D. If the New York District and the relevant signatories agree that the cultural resource is not eligible for the NRHP, then the suspension of work in the area of the discovery will end.

E. If the New York District and the relevant signatories agree that the cultural resources is eligible for the NRHP, then the suspension of work will continue, and the District, in consultation with all relevant signatories will determine the actions to avoid, minimize, or mitigate adverse effects to the historic property and will ensure that the appropriate actions are carried out.

F. If the New York District and the relevant signatories cannot agree on the appropriate course of action to address an unanticipated discovery or effects situation, then the New York District shall initiate the dispute resolution process set forth in Stipulation VIII.

VI. DISCOVERY OF HUMAN REMAINS:

A. If any human remains and/or grave-associated artifacts are encountered during any of the investigations, including data recovery, the New York District will follow the NYSHPO's Human Remains Discovery Protocol (2018), the ACHP's "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (February 23, 2007), the Native American Grave Protection and Repatriation Act, As Amended (PL 101-601), and the U.S. Army Corps of Engineers Tribal Consultation Policy (2013).

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B. The following language shall be included in the construction plans and specifications:

"When human remains, suspected human remains, or indications of a burial are discovered during the execution of a Project, the individual(s) who made the discovery shall immediately notify the local law enforcement, coroner/medical examiner, and the Project COR and the New York District, and make a reasonable effort to protect the remains from any harm. The human remains shall not be touched, moved, or further disturbed. All activities shall cease within a minimum of 50 feet from the area of the find (50-foot radius 'no work' buffer) until authorized by the New York District."

VII. PUBLIC INVOLVEMENT

A. In consultation with the SHPO(s), the ACHP, and other consulting parties, the New York District shall develop a plan to inform the interested parties of the existence of this Agreement. Copies of this Agreement and relevant documentation prepared pursuant to the terms of this PA shall be made available for public inspection (information regarding the locations of archaeological sites will be withheld in accordance with the Freedom of Information Act and National Register Bulletin 29, if it appears that this information could jeopardize archaeological sites). Any comments received from the public under this Agreement shall be taken into account by the New York District.

B. Public Objections. The New York District shall review and resolve timely substantive public objections. Public objections shall be considered timely when they are provided within the review periods specified in this PA. The New York District shall consult with the relevant consulting parties and as appropriate with the Council, to resolve objections. Study actions which are not the subject of the objection may proceed while the consultation is conducted.

VIII. ADMINISTRATIVE TERMS

A. PROFESSIONAL QUALIFICATIONS AND STANDARDS

1. The New York District shall ensure that qualified professionals meeting the NPS professional qualifications for the appropriate discipline [NPS Professional Qualification Standards, Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44738-39)] are used to develop and implement all treatment plans, and

2. All investigations carried out pursuant to this PA in New York State will be undertaken in accordance with the New York State Archaeological Council's Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State (1994), Cultural Resources

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Standards Handbook (2000), and the NYSHPO Archaeological Report Format Requirements (2005), and

3. All reports prepared for restoration sites in New Jersey will conform to the NJSHPO's Requirements for Archaeology Survey Reports – Standards for Report Sufficiency (N.J.A.C. 7.4-8.5).

B. REPORTING

1. The New York District shall prepare annual reports summarizing the status of compliance with the terms of this PA and a summary of the completed activities and the exempt activities for the past year and proposed activities for the next fiscal year. Reports shall be submitted by January 31 of every year. The Annual Reports shall be provided to the ACHP, NYCLPC, NPS, the SHPOs, federally-recognized Tribes, and additional interested parties, if identified, until the Study-related activities are complete.

2. The ACHP, NYCLPC, NPS and the SHPOs may request a site visit to follow up information in the annual report or to monitor activities carried out pursuant to this PA. The ACHP, NYCLPC, NPS, and the SHPOs shall provide the New York District with 30 days written notice when requesting a site visit unless otherwise agreed. The New York District may also schedule a site visit with the ACHP, NYCLPC, NPS, and the SHPOs at its discretion.

C. REVIEW PERIODS

1. The New York District shall ensure that all draft and final reports resulting from the action pursuant to this PA will be provided to the appropriate signatories and other interest parties, if identified.

2. The SHPOs, the ACHP, NYCLPC, and other consulting parties shall receive copies of all determinations, evaluations, plans, reports and other documentation by mail, for a 30 day review period unless otherwise stipulated in this PA. The New York District shall provide electronic copies of documentation if requested by any consulting party. The NYSHPO shall receive all documentation via the Cultural Resource Information System (CRIS).

3. Any comments and/or objections resulting from a review of any New York District determination, evaluation, plans, reports, and other documents must be provided in writing to the New York District. If comments, objections, etc. are not received within 30 calendar days, the New York District will assume concurrence with the subject determination, evaluation, plan, report or other documentation submitted.

D. DISPUTE RESOLUTION

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1. The New York District and consulting parties shall attempt to resolve any disagreement arising from implementation of this PA. If there is a determination that the disagreement cannot be resolved, the New York District shall request the ACHP's recommendations or request the comments of the ACHP in accordance with 36 CFR Part 800.7(c).

2. Any ACHP recommendations or comments provided in response will be considered in accordance with 36 CFR Part 800.7(c), with reference only to the subject of the dispute. The New York District shall respond to ACHP recommendations or comments indicating how the New York District has taken the ACHP's recommendations or comments into account and complied with same prior to proceeding with Undertaking activities that are subject to dispute. Responsibility to carry out all other actions under this PA that are not the subject of the dispute will remain unchanged.

3. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, the New York District may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, the New York District shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the PA, and provide that to the ACHP.

E. WITHDRAWAL AND TERMINATION

1. Any signatory may withdraw its participation in this PA by providing thirty (30) days advance written notification to all other signatories. In the event of withdrawal, any signatory to this PA may terminate it by providing 30 calendar days, written notice to the signatories. In the event of withdrawal, this PA will remain in effect for the remaining signatories.

2. This agreement may be terminated in accordance with 36 CFR Part 800, provided that the signatories consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. Any signatory requesting termination of this PA will provide thirty (30) days advance written notification to all other signatories.

3. In the event of termination, the District will comply with 36 CFR 800.4 through 800.6 with regard to individual undertakings covered by this Agreement.

F. DURATION AND SUNSET CLAUSE

1. This PA will take effect upon execution by the District, the SHPOs, and other signatories with the date of the final signature.

2. This PA will continue in full force and effect until the Undertaking is complete and all terms of this PA are met, unless the Undertaking is terminated or

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authorization is rescinded or a period of five years from execution of the PA has passed, at which time the agreement may be extended as written provided all signatories concur.

G. AMENDMENT

1. This PA may be amended upon agreement in writing by all signatories. Within thirty (30) days of a written request to the New York District, the New York District will facilitate consultation between the signatories regarding the proposed amendment.

2. Any amendments will be in writing and will be in effect on the date the amended PA is filed with the ACHP.

H. ANTI-DEFICIENCY ACT

1. All requirements set forth in this PA requiring expenditure of funds by the New York District are expressly subject to the availability of appropriations and the requirements of the Anti-Deficiency Act (31 U.S.C. 1341). No obligation undertaken by the New York District under the terms of this PA shall require or be interpreted to require a commitment to extend funds not appropriated for a particular purpose. If the New York District cannot perform any obligation set forth in this PA because of unavailability of funds, that obligation must be renegotiated among the New York District and the signatories as necessary.

~~Execution and implementation of this PA evidences that the New York District has satisfied its Section 106 responsibilities for all individual Undertakings of the Project, and that the New York District has afforded the ACHP an opportunity to comment on the Undertaking and its effects on historic properties.~~

Appendix A: Design Plans for Restoration Sites
Appendix B: Tables of Cultural Resources by Restoration Site
Appendix C: Correspondence

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PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NATIONAL PARKS SERVICE,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

~~Execution and implementation of this PA evidences that the District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and has afforded the NYSHPO and the ACHP an opportunity to comment on the undertaking and its effects on historic properties.~~

By:_____Date_____
Thomas D. Asbery
Colonel, U.S. Army
District Engineer

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PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NATIONAL PARKS SERVICE,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution and implementation of this PA evidences that the District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and has afforded the NYSHPO and the ACHP an opportunity to comment on the undertaking and its effects on historic properties.

By: _____ Date: _____
Dorothy P. Guzzo
Deputy State Historic Preservation Officer
New Jersey State Historic Preservation Office

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PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NATIONAL PARKS SERVICE,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution and implementation of this PA evidences that the District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and has afforded the NYSHPO and the ACHP an opportunity to comment on the undertaking and its effects on historic properties.

By: _____ Date: _____
R. Daniel Mackay
Deputy Commissioner
Division for Historic Preservation
New York Office of Parks, Recreation and Historic Preservation

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PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NATIONAL PARKS SERVICE,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution and implementation of this PA evidences that the District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and has afforded the NYSHPO and the ACHP an opportunity to comment on the undertaking and its effects on historic properties.

By:_____ Date:_____
Sarah Carroll
Chair, New York City Landmarks Preservation Commission

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PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NATIONAL PARKS SERVICE,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution and implementation of this PA evidences that the District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and has afforded the NYSHPO and the ACHP an opportunity to comment on the undertaking and its effects on historic properties.

By:_____ Date:_____
Jennifer T. Nersesian
Superintendent, Gateway National Recreation Area

DRAFT

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NATIONAL PARKS SERVICE,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution and implementation of this PA evidences that the District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and has afforded the NYSHPO, the NJSHPO, the NYCLPC, NPS and the ACHP an opportunity to comment on the undertaking and its effects on historic properties.

By:_____ Date:_____
~~Reid Nelson~~
~~Director, Office of Federal Agency Programs~~
Advisory Council on Historic Preservation

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Appendix A - Design Figures

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NATURAL & HISTORIC RESOURCES
HISTORIC PRESERVATION OFFICE
MAIL CODE 501-04B
P.O. BOX 420
TRENTON, NJ 08625-0420
TEL: # 609-984-0176 FAX: # 609-984-0578

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
Commissioner

January 2, 2020

Peter M. Weppler
Chief, Environmental Analysis Branch
Corps of Engineers, New York District
Department of the Army
Jacob K. Javits Federal Building
26 Federal Plaza
New York, New York 10278-0090

Dear Mr. Weppler:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing continuing Consultation Comments for the following proposed undertaking:

Bergen, Hudson, Middlesex, Monmouth, and Union Counties
Draft Programmatic Agreement
Hudson-Raritan Estuary Ecosystem Restoration Project
United States Department of the Army, Corps of Engineers

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the draft Programmatic Agreement (PA) for the Hudson-Raritan Estuary Ecosystem Restoration Project, received at our office on December 3, 2019, for the above-referenced undertaking. Based on our review, the HPO has the following comments:

- General Comments
  - The organization of the references to the signatories of the agreement shifts throughout the PA. Please ensure that the listing of signatories is consistent throughout the agreement document.
- Stipulation 1.B.1.a
  - Consistent with our previous comments on the prior draft PA, all phases of the archaeological survey reporting for New Jersey will need to be in keeping with N.J.A.C. 7:4-8.5. Please cite these standards as, "New Jersey Historic Preservation

Office Requirements for Archaeological Survey Reports - Standards for Report Sufficiency (N.J.A.C. 7:4-8.5)."

- Stipulation 1.B.3
  - Architectural survey must be in keeping with the HPO's 1999 *Guidelines for Architectural Survey* (http://www.nj.gov/dep/hpo/1identify/survarcht.htm) for all survey completed within New Jersey. Please cite these guidelines in this stipulation.
- Stipulation 1.F.3
  - The Stipulation states that the New York District will consult on, "Any change to the project design that could result in adverse effects to historic properties." Please change this wording to, "Any change to the project design that *may have the potential to affect historic properties*" [emphasis added]. As currently written, the PA does not afford the signatories the opportunity to consult on any potential changes in effect, just those that the New York District deems potential adverse effects. This is inconsistent with 36 CFR 800.5-Assessment of Adverse Effects.
- Stipulation 1.F.4
  - The New York State Historic Preservation Office specifically named in the Stipulation, but the New Jersey State Historic Preservation Office is not. Consistent with our comments above, please address the consistency of the references to the signatories throughout the document.
- Stipulation III.A
  - The Stipulation documents that the New York District will take into account any comments received from the public related with the undertaking. However, there is no provision for sharing this information with the signatories for further consideration. Please update the document to include dissemination of the public comments to the signatories.
- Stipulation IV.B
  - Again, the New York State Historic Preservation Office is specifically named in the Stipulation, but not the New Jersey State Historic Preservation Office. Consistent with our comments above, please address the consistency of the references to the signatories throughout the document.
- Stipulation VIII.C.2
  - "The [consulting parties]...shall receive [documentation]...for a 30 day review period unless otherwise stipulated in this PA" shall be revised to state, "The [consulting parties]...shall receive [documentation]...for a 30 *calendar* day review period *from the date of receipt* unless otherwise stipulated in this PA" [emphasis added].
- Stipulation VIII.C.3
  - "If comments, objection, etc., are not received within 30 calendar days..." shall be revised to states, "If comments, objection, etc., are not received within 30 calendar days *of the date of receipt*..." [emphasis added].
- New Jersey Signature Page
  - Please note, Dorothy Guzzo has not been the Deputy State Historic Preservation Officer for New Jersey since 2008. Please update your records and the signature page to include Katherine J. Marcopul as the Deputy State Historic Preservation Officer for New Jersey.

The HPO looks forward to further consultation with the United States Department of the Army, Corps of Engineers regarding the development and implementation of this agreement document.

Additional Comments

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. Please do not hesitate to contact Jesse West-Rosenthal, Ph.D. of my staff at (609) 984-6019 with any questions regarding archaeology or Lindsay Thivierge (609) 292-4091 with questions regarding historic architecture. Please reference the HPO project number 14-3348, in any future calls, emails, or written correspondence to help expedite your review and response.

Sincerely,

Katherine J. Marcopul
Deputy State Historic
Preservation Officer

Cc: Anna Jansson, USACE (via e-mail)
Christopher Daniel, ACHP (via e-mail)

KJM/MMB/JWR

NEW YORK STATE OF OPPORTUNITY. Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

December 23, 2019

Ms. Anna Jansson
Archaeologist
U.S. Army Corps of Engineers
26 Federal Plaza
New York, NY 10278

Re: USACE
Hudson-Raritan Estuary: Restoration Plan
10PR03164

Dear Ms. Jansson:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project.

We have reviewed the Case Report and draft Programmatic Agreement that was provided to our office on November 26th, 2019. Based upon our review, we offer the following comments:

1. We concur with the determinations of potential indirect and direct project effects to historic and cultural resources and the recommendations for treatment plans to avoid or minimize potential adverse effects, as described in the Case Report.
2. Please refer to our letter dated December 16th, 2016 for our initial comments on the draft PA. The only additional comment we have at this time is as follows: the SHPO signatory is now:

   R. Daniel Mackay
   Deputy Commissioner for Historic Preservation/Deputy SHPO
   New York State Historic Preservation Office

If additional information or correspondence is required regarding this project it should be provided via our Cultural Resource Information System (CRIS) at https://cris.parks.ny.gov/. Once on the CRIS site, you can log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this project number and your e-mail address. If you have any questions, I can be reached at (518) 268-2182.

Sincerely,

Olivia Brazee
Historic Site Restoration Coordinator
e-mail: olivia.brazee@parks.ny.gov

via e-mail only

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Mr. John M. Fowler
Executive Director
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington DC 2001-2637

RE: Hudson Raritan Estuary Ecosystem Restoration Project

Dear Mr. Fowler,

The US Army Corps of Engineers, New York District (District) is proceeding with the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study. The purpose of this study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25 mile radius of the Statue of Liberty. At this time, I am reaching out to you to request a final round of comments on the Draft Programmatic Agreement before it is routed for signature. The District released a draft Feasibility Report and Environmental Assessment (FR/EA) in 2016 for public review that recommended 33 sites. The draft FR/EA included two draft Programmatic Agreements, one to address restoration sites in New Jersey and one to address restoration sites in New York. The draft PAs were coordinated with the appropriate SHPO as well as with the National Park Service, the New York City Landmarks Preservation Commission, and federally recognized tribes with significant cultural heritage in the region.

The Advisory Council on Historic Preservation (ACHP) and the New York City Landmarks Preservation Commission (NYCLPC) have elected to be signatories on the PA. The ACHP has suggested that the District combine the PAs into one so that all consulting parties can be kept apprised of all PA related activities. The New York State Historic Preservation Office (NYSHPO) requested the PA include the NYSHPO's 2005 Phase I Archaeological Format Requirements and Human Remains Discovery Protocol. The New Jersey State Historic Preservation Office (NJSHPO) requested that the PA include the "New Jersey State Historic Preservation Office Requirements for Archaeological Survey reports – Standards for Report Sufficiency (N.J.A.C. 7:4-8.5) and the New Jersey Historic Preservation Office Guidelines for Phase I Archaeological Investigations: Identification of Archaeological Resources (N.J.A.C 7:4-8.4) and that a process be added for addressing changes to project scope. The Stockbridge Munsee declined to be a signatory but requested to be kept apprised of all PA related activities. The National Park Service (NPS), the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, and the Eastern Shawnee Tribes of Oklahoma did not provide comments.

The District is preparing to release the Final FR/EA in January 2020. The Final FR/EA recommends habitat restoration measures at 20 of the original 33 sites recommended in the draft report. The draft PA and cultural resources case report have been updated to reflect the final study recommendations, updated and refined site designs, and the comments received from your office and others (Enclosure 1).

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Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Erin Thompson
Director of Cultural Resources & Section 106
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

RE: Hudson Raritan Estuary Ecosystem Restoration Project

Dear Ms. Thompson,

The US Army Corps of Engineers, New York District (District) is proceeding with the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study. The purpose of this study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25 mile radius of the Statue of Liberty. At this time, I am reaching out to you to request a final round of comments on the Draft Programmatic Agreement before it is routed for signature. The District released a draft Feasibility Report and Environmental Assessment (FR/EA) in 2016 for public review that recommended 33 sites. The draft FR/EA included two draft Programmatic Agreements, one to address restoration sites in New Jersey and one to address restoration sites in New York. The draft PAs were coordinated with the appropriate SHPO as well as with the National Park Service, the New York City Landmarks Preservation Commission, and federally recognized tribes with significant cultural heritage in the region.

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Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Susan Bachor
Preservation Representative (East Coast)
Delaware Tribe of Indians
P.O. Box 64
Pocono Lake, PA 18347

RE: Hudson Raritan Estuary Ecosystem Restoration Project

Dear Ms. Bachor,

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Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Dear Interested Party,

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Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Ms. Katherine Marcopul
Administrator and Deputy State Historic Preservation Officer
Historic Preservation Office
Natural and Historic Resources
New Jersey Department of Environmental Protection
501 East State Street
Station Plaza Building 5
4th Floor
Trenton, New Jersey 08625

RE: Project # 14-3348-3
Hudson, Raritan Estuary Ecosystem Restoration Project

Dear Ms. Marcopul,

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Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Jennifer T. Nersesian
Superintendent
Gateway National Recreation Area
National Park Service
210 New York Avenue
Staten Island, New York 10305

RE: Hudson Raritan Estuary Ecosystem Restoration Project

Dear Ms. Nersesian,

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Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Sarah Carroll
Chair and Commissioner
New York City Landmarks Preservation Commission
David N. Dinkins Municipal Building
1 Centre Street, 9th Floor North
New York, NY 10007

RE: Hudson Raritan Estuary Ecosystem Restoration Project

Dear Ms. Carroll,

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Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Mr. Daniel Mackay,
Deputy Commissioner
New York State Division for Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

RE: Consultation Number 10PR03164
Hudson Raritan Estuary Ecosystem Restoration Project

Dear Mr. Mackay,

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Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Chairman Ron Sparkman
Shawnee Tribe
29 South Highway 69A
Miami, OK 74355

RE: Hudson Raritan Estuary Ecosystem Restoration Project

Dear Chairman Sparkman,

The US Army Corps of Engineers, New York District (District) is proceeding with the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study. The purpose of this study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25 mile radius of the Statue of Liberty. At this time, I am reaching out to you to request a final round of comments on the Draft Programmatic Agreement before it is routed for signature. The District released a draft Feasibility Report and Environmental Assessment (FR/EA) in 2016 for public review that recommended 33 sites. The draft FR/EA included two draft Programmatic Agreements, one to address restoration sites in New Jersey and one to address restoration sites in New York. The draft PAs were coordinated with the appropriate SHPO as well as with the National Park Service, the New York City Landmarks Preservation Commission, and federally recognized tribes with significant cultural heritage in the region.

The Advisory Council on Historic Preservation (ACHP) and the New York City Landmarks Preservation Commission (NYCLPC) have elected to be signatories on the PA. The ACHP has suggested that the District combine the PAs into one so that all consulting parties can be kept apprised of all PA related activities. The New York State Historic Preservation Office (NYSHPO) requested the PA include the NYSHPO's 2005 Phase I Archaeological Format Requirements and Human Remains Discovery Protocol. The New Jersey State Historic Preservation Office (NJSHPO) requested that the PA include the "New Jersey State Historic Preservation Office Requirements for Archaeological Survey reports – Standards for Report Sufficiency (N.J.A.C. 7:4-8.5) and the New Jersey Historic Preservation Office Guidelines for Phase I Archaeological Investigations: Identification of Archaeological Resources (N.J.A.C 7:4-8.4) and that a process be added for addressing changes to project scope. The Stockbridge Munsee declined to be a signatory but requested to be kept apprised of all PA related activities. The National Park Service (NPS), the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, and the Eastern Shawnee Tribes of Oklahoma did not provide comments.

The District is preparing to release the Final FR/EA in January 2020. The Final FR/EA recommends habitat restoration measures at 20 of the original 33 sites recommended in the draft report. The draft PA and cultural resources case report have been updated to reflect the final study recommendations, updated and refined site designs, and the comments received from your office and others (Enclosure 1).

The proposed measures have the potential to impact the following properties in New York State: Bronx River Parkway Historic District (National Register Listed (NR), State Register Listed (SR)), Bronx Zoo Dam ((National Register Eligible (NRE)), Lorillard Snuff Mill (NR, (National Historic Landmark) NHL, SR), New York Botanical Gardens (NR, NHL, SR), Bush Terminal Historic District (NRE, State Register Eligible (SRE)) and Rainey Memorial Gates (NR, SR). In New Jersey the following properties could be affected: Branch Brook Park Historic District (NR) and Naval Ammunition Depot Earle (NRE, SR).

In addition to these properties there is potential for the proposed measures to impact historic properties and archaeological sites within portions of the project area that have not been surveyed. The PA will guide the steps the District will take to identify, avoid and mitigate for adverse effects to historic properties.

Please review the enclosed Case Report (Enclosure 1) and draft PA (Appendix B of the Case Report) and provide Section 106 comments pursuant to 36 CFR 800.5. Once all comments that we receive have been resolved, the PA will be routed for signature. If you or your staff require additional information or have any questions, please contact Anna Jansson, Project Archaeologist, at anna.m.jansson@usace.army.mil or 917-790-8623.

Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Bonney Hartley
THPO
Stockbridge Munsee Community
65 1st Street
Troy, NY 12180

RE: Hudson Raritan Estuary Ecosystem Restoration Project

Dear Ms. Hartley,

The US Army Corps of Engineers, New York District (District) is proceeding with the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study. The purpose of this study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25 mile radius of the Statue of Liberty. At this time, I am reaching out to you to request a final round of comments on the Draft Programmatic Agreement before it is routed for signature. The District released a draft Feasibility Report and Environmental Assessment (FR/EA) in 2016 for public review that recommended 33 sites. The draft FR/EA included two draft Programmatic Agreements, one to address restoration sites in New Jersey and one to address restoration sites in New York. The draft PAs were coordinated with the appropriate SHPO as well as with the National Park Service, the New York City Landmarks Preservation Commission, and federally recognized tribes with significant cultural heritage in the region.

The Advisory Council on Historic Preservation (ACHP) and the New York City Landmarks Preservation Commission (NYCLPC) have elected to be signatories on the PA. The ACHP has suggested that the District combine the PAs into one so that all consulting parties can be kept apprised of all PA related activities. The New York State Historic Preservation Office (NYSHPO) requested the PA include the NYSHPO's 2005 Phase I Archaeological Format Requirements and Human Remains Discovery Protocol. The New Jersey State Historic Preservation Office (NJSHPO) requested that the PA include the "New Jersey State Historic Preservation Office Requirements for Archaeological Survey reports – Standards for Report Sufficiency (N.J.A.C. 7:4-8.5) and the New Jersey Historic Preservation Office Guidelines for Phase I Archaeological Investigations: Identification of Archaeological Resources (N.J.A.C 7:4-8.4) and that a process be added for addressing changes to project scope. The Stockbridge Munsee declined to be a signatory but requested to be kept apprised of all PA related activities. The National Park Service (NPS), the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, and the Eastern Shawnee Tribes of Oklahoma did not provide comments.

The District is preparing to release the Final FR/EA in January 2020. The Final FR/EA recommends habitat restoration measures at 20 of the original 33 sites recommended in the draft report. The draft PA and cultural resources case report have been updated to reflect the final study recommendations, updated and refined site designs, and the comments received from your office and others (Enclosure 1).

The proposed measures have the potential to impact the following properties in New York State: Bronx River Parkway Historic District (National Register Listed (NR), State Register Listed (SR)), Bronx Zoo Dam ((National Register Eligible (NRE)), Lorillard Snuff Mill (NR, (National Historic Landmark) NHL, SR), New York Botanical Gardens (NR, NHL, SR), Bush Terminal Historic District (NRE, State Register Eligible (SRE)) and Rainey Memorial Gates (NR, SR). In New Jersey the following properties could be affected: Branch Brook Park Historic District (NR) and Naval Ammunition Depot Earle (NRE, SR).

In addition to these properties there is potential for the proposed measures to impact historic properties and archaeological sites within portions of the project area that have not been surveyed. The PA will guide the steps the District will take to identify, avoid and mitigate for adverse effects to historic properties.

Please review the enclosed Case Report (Enclosure 1) and draft PA (Appendix B of the Case Report) and provide Section 106 comments pursuant to 36 CFR 800.5. Once all comments that we receive have been resolved, the PA will be routed for signature. If you or your staff require additional information or have any questions, please contact Anna Jansson, Project Archaeologist, at anna.m.jansson@usace.army.mil or 917-790-8623.

Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure 1: HRE Case Report

Milford Wayne Donaldson, FAIA
Chairman

Leonard A. Forsman
Vice Chairman

John M. Fowler
Executive Director

Preserving America's Heritage

August 25, 2017

Lieutenant General Todd T. Semonite
Commanding General and Chief of Engineers
Headquarters
U.S. Army Corps of Engineers
441 G Street NW
Washington, D.C. 20314-1000

Ref: *Hudson-Raritan Estuary Ecosystem Restoration Project – New Jersey Portion*
New York District, New York
ACHPConnect Log Number: 011984

Dear General Semonite:

In response to a notification by the U.S. Army Corps of Engineers (USACE), the Advisory Council on Historic Preservation (ACHP) will participate in consultation to develop a Section 106 agreement document for the referenced undertaking. Our decision to participate in this consultation is based on the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, contained within our regulations , "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act. The criteria are met for this proposed undertaking because it has substantial impacts on historic properties and the potential for procedural problems.

Section 800.6(a)(1)(iii) of our regulations requires that we notify you, as the head of the agency, of our decision to participate in consultation. By copy of this letter, we are also notifying Mr. Peter Weppler, Environmental Branch Chief, of this decision.

Our participation in this consultation will be handled by Mr. Christopher Daniel, who can be reached at 202.517.0223 or via e-mail at cdaniel@achp.gov. We look forward to working with your agency and other consulting parties to reach agreement on appropriate measures to avoid, minimize, or mitigate potential adverse effects on historic properties.

Sincerely,

John M. Fowler
Executive Director

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

July 20, 2017

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Mr. John M. Fowler
Executive Director
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington DC 2001-2637

Dear Mr. Nelson:

The U.S. Army Corps of Engineers, New York District (District) is carrying out the Hudson-Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014 as part of the Environmental Assessment a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE. The report titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan* combined background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers on previously recorded cultural resources to aid in identifying and managing impacts to cultural resources.

The tentatively selected plan (TSP) consists of a subset of 33 restoration sites selected from the 301 sites evaluated in 2014. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. The District has determined that the project is likely to impact significant cultural resources and has elected to draft an agreement document to ensure that impacts are addressed as the project moves forward. To simplify coordination, two Programmatic Agreements have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources data gathered for the 33 sites and potential impacts anticipated from the implementation of the

TSP. The report also contains agency coordination letters, project maps and the draft PAs (Enclosure 1).

The District recently released the draft Feasibility Report and Environmental Assessment (FREA) for public review. The review period closed on April 14, 2017. Prior to the release of the draft FREA, coordination occurred between the District and the SHPOs, the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, the Shawnee Tribe of Oklahoma, the Stockbridge Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, and the National Park Service (Enclosure 2). The New York City Landmarks Preservation Commission has opted to participate a signatory on the New York PA. The Stockbridge Munsee have elected not to participate as signatories but wish to be consulted throughout the project. There were no objections to the District's approach to addressing our Section 106 responsibilities through development of agreement documents and no concerns have been raised regarding impacts to cultural resources.

I would like to take this opportunity to invite the Advisory Council on Historic Preservation to comment upon the draft PAs for the HRE Ecosystem Restoration Feasibility Study and to participate in the PAs as per 36 CFR Part 800.6. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist, at (917) 790-8612 or Carissa.a.scarpa@usace.army.mil.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

NYC Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: US ARMY CORPS OF ENGINEERS / 106-Y
Project: HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJE
Address: 38 LAFAYETTE STREET, **BBL:** 1001560001
Date Received: 4/25/2017

Comments:

The LPC is in receipt of the draft Programmatic Agreement (PA) for the above cited project. LPC will be a signatory to the agreement. Please provide the signatory copy of the final PA to LPC for review and signature when it is available.

Cc: NYS SHPO

Gina Santucci 4/25/2017

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 32335_FSO_GS_04252017.doc

From: Bonney Hartley
To: Scarpa, Carissa A CIV USARMY USACE (US)
Subject: [EXTERNAL] RE: HRE Consultation
Date: Monday, January 23, 2017 1:37:32 PM

Hi Carissa:

I wanted to get back to you on this project. Stockbridge-Munsee Community will respectfully opt not to participate as a signatory to the PA, but instead wishes to receive Section 106 consultation materials for sites within our areas of interest.

Our areas of interest relevant to the study area appear to be Bronx, Kings, Queens, Richmond and Westchester counties.

Thank you,
Bonney

Bonney Hartley
Tribal Historic Preservation Officer
Stockbridge-Munsee Mohican Tribal Historic Preservation
New York Office
65 1st Street
Troy, NY 12180
(518) 244-3164
Bonney.Hartley@mohican-nsn.gov
Blockedwww.mohican-nsn.gov

State of New Jersey
MAIL CODE 501-04B
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NATURAL & HISTORIC RESOURCES
HISTORIC PRESERVATION OFFICE
P.O. Box 420
Trenton, NJ 08625-0420
TEL. (609) 984-0176 FAX (609) 984-0578

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

December 16, 2016

Peter M. Weppler
Chief, Environmental Analysis Branch
Department of the Army
Corps of Engineers, New York District
Jacob K. Javits Federal Building
26 Federal Plaza
New York, NY 10278-0090

Dear Mr. Weppler:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing continuing Consultation Comments for the following proposed undertaking:

Bergen , Hudson, Middlesex, Monmouth, and Union Counties
Draft Programmatic Agreement
Hudson-Raritan Estuary Ecosystem Restoration Project
United States Department of the Army, Corps of Engineers

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the draft Programmatic Agreement for the Hudson-Raritan Estuary Ecosystem Restoration Project, received at our office on November 16, 2016, for the above-referenced undertaking. Based on our review, the HPO has the following comments:

- The New Jersey Historic Preservation Office Phase I archaeological survey guidelines should be cited as, "New Jersey Historic Preservation Office Guidelines For Phase I Archaeological Investigations: Identification Of Archaeological Resources (N.J.A.C. 7:4-8.4)." Please update the Programmatic Agreements appropriately.
- All phases of the archaeological survey reporting will need to be in keeping with N.J.A.C. 7:4- 8.5. Please cite these standards, where appropriate, as, "New Jersey Historic Preservation Office Requirements for Archaeological Survey Reports - Standards for Report Sufficiency (N.J.A.C. 7:4-8.5)."

- The Programmatic Agreements should contain a stipulation(s) to address situations where project plans change after consultation has been conducted. How will post-review changes is scope be addressed? Please update the Programmatic Agreements to address these situations.
- Page 3, Section IA
    - The stipulation states, "The New York District shall carry out survey…" The language should be more specific and stipulate cultural resource surveys. Please update the language accordingly.

The HPO looks forward to further consultation with the United States Department of the Army, Corps of Engineers regarding the development and implementation of this agreement document.

Additional Comments

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. Please do not hesitate to contact Jesse West-Rosenthal of my staff at (609) 984-6019 with any questions regarding archaeology or Jenna Solomon (609) 984-0176 with questions regarding historic architecture. Please reference the HPO project number 14-3348, in any future calls, emails, or written correspondence to help expedite your review and response.

Sincerely,

Katherine J. Marcopul

Katherine J. Marcopul
Deputy State Historic
Preservation Officer

Cc: Carissa Scarpa, USACE

KJM/MMB/JWR

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
The Old Post Office Building
1100 Pennsylvania Avenue, N.W., Suite 809
Washington, D.C. 20004

Dear Mr. Nelson:

The U.S. Army Corps of Engineers, New York District (District) is concluding the Hudson-Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014 as part of the Environmental Assessment a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE. The report titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan* combined background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers on previously recorded cultural resources to aid in identifying and managing impacts to cultural resources (Enclosure 1).

The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. The District has determined that the project is likely to impact significant cultural resources and has elected to draft an agreement document to ensure that impacts are addressed as the project moves forward. To simplify coordination moving forward, two Programmatic Agreements have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources surveys undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure 2).

I would like to take this opportunity to invite the Advisory Council on Historic Preservation to comment upon the draft PAs for the HRE Ecosystem Restoration Feasibility Study and to participate in the PAs as per 36 CFR Part 800.6. The District is coordinating the documents with the SHPOs, the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, the Shawnee Tribe of Oklahoma, the Stockbridge Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, and the National Park Service. The draft PA will also be available for public review in the project's draft EIS prepared under the National Environmental Policy Act which will serve as part of the Corps' Section 106 public coordination. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist, at (917) 790-8612 or Carissa.a.scarpa@usace.army.mil.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

NEW YORK STATE OF OPPORTUNITY. | Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

December 13, 2016

Ms. Carissa Scarpa
Archaeologist
U.S. Army Corps of Engineers
26 Federal Plaza, Room 2152
New York, NY 10278

Re: USACE
Hudson-Raritan Estuary: Restoration Plan
10PR03164

Dear Ms. Scarpa:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

We have reviewed your consultation letter dated November 4th, 2016, the *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan* (July 2014), the *Cultural Resources Summary and Preliminary Case Report Hudson-Raritan Estuary Ecosystem Restoration Feasibility Study* (November 2016), and the draft Programmatic Agreement (PA) that were provided to our office on November 16th, 2016. Based upon our review, we can concur with the draft PA, with incorporation of the following requested revisions:

Page 3 – I.B.1: SHPO requests that reports also conform with our 2005 Phase I Archaeological Format Requirements.

Pages, 7, 8, and 9: SHPO requests that submissions to this office be made via the Cultural Resource Information System (CRIS).

Page 7: please correct “NJSHPO” typo – should be “NYSHPO”

Page 8: please reference the latest version of SHPO’s Human Remains Discovery Protocol (June 2015).

Page 12: the signatory for SHPO should be Ruth L. Pierpont, Deputy Commissioner for Historic Preservation/ Deputy SHPO.

We would appreciate if the requested information could be provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/ Once on the CRIS site, you can log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this project number and your e-mail address. If you have any questions, I can be reached at (518) 268-2182.

Sincerely,



Olivia Brazee
Historic Preservation Technical Specialist
olivia.brazee@parks.ny.gov

via e-mail only

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 4, 2016

Reply to Attention of

Environmental Assessment Section
Environmental Analysis Branch

Ms. Katherine Marcopul
Deputy State Historic Preservation Officer
State of New Jersey Department of Environmental Protection
Historic Preservation Office
PO Box 420
Trenton, NJ 08625-0420

REF: Project # 14-3348

Dear Ms. Marcopul:

The U.S. Army Corps of Engineers, New York District (District) is concluding the Hudson-Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. In 2014 a report titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan* was submitted to your office for review. The survey consisted of a cultural resources overview of 301 potential restoration sites within the HRE. Your office reviewed that report and provided comments. In November of 2014, the District declared its intent to draft and execute a Programmatic Agreement and in May of this year the Project Archaeologist met with your staff to present the tentatively selected plan (TSP), which consists of a subset of 33 restoration sites. Of the 33 restoration sites that are advancing at this time, eight are located within New Jersey and 25 are located in New York State. To simplify coordination, two Programmatic Agreements (PAs) have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with interested parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources surveys undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure).

I would like to take this opportunity to invite the New Jersey State Historic Preservation Office to comment upon the draft Programmatic Agreement for the New Jersey portion of HRE Ecosystem Restoration Feasibility Study. The PA is to be entered into by the U.S. Army Corps of Engineers and the SHPO. The Advisory Council on Historic Preservation are also invited to participate in this Agreement along with a number of Native American Tribes who have extensive cultural heritage in the region. The invited Tribes are the Delaware Nation, the Delaware Tribe of Indians, and the Shawnee Tribe of Oklahoma. Should there be any other groups who your office feels should participate in this process please include that information

with your comments.

Please review the enclosed case report and draft PA for the New Jersey portion of the project and provide any Section 106 comments pursuant to 36 CFR 800.5. If you feel it would be beneficial to schedule a meeting amongst the consulting parties, please include that with your comments. We look forward to working with you on the HRE Ecosystem Restoration Project. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist, at (917) 790-8612 or Carissa.a.scarpa@usace.army.mil.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 4, 2016

Reply to Attention of

Environmental Assessment Section
Environmental Analysis Branch

Ms. Ruth L. Pierpont
New York State Office of Parks,
Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, P.O. Box 189
Waterford, NY 12188-0189

Dear Ms. Pierpont:

The U.S. Army Corps of Engineers, New York District (District) is concluding the Hudson-Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study and Environmental Assessment. In 2014 a report titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan* was prepared and submitted to your office for review. The survey consisted of a cultural resources overview of 301 potential restoration sites within the HRE. The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and eight are located in New Jersey.

The District has identified cultural resources within the Area of Potential Effect (APE) that could be impacted by the project and has determined that additional investigations will be required to determine whether the project will have an adverse effect on cultural resources. To that end the District has elected to develop a Programmatic Agreement to outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with interested parties, determining adverse effects, and, if necessary, mitigation for adverse effects. To simplify coordination moving forward, two PAs have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. A Preliminary Case Report has also been prepared that includes a summary of the cultural resources surveys undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure).

I would like to take this opportunity to invite the New York State Office of Parks, Recreation, and Historic Preservation to comment upon the draft Programmatic Agreement for the New York portion of HRE Ecosystem Restoration Feasibility Study. The PA is to be entered into by the U.S. Army Corps of Engineers and the New York State Historic Preservation Office, and the New York City Landmarks Preservation Commission. The National Park Service Gateway National Recreation Area, and the Advisory Council on Historic Preservation are also invited to participate in this Agreement along with a number of Native American Tribes who have extensive cultural heritage in the region. The invited Tribes are the Delaware Nation, the

Delaware Tribe of Indians, the Stockbridge-Munsee Band of Mohicans, and the Shinnecock Nation. Should there be any other groups who your office feels should participate in this process please include that information with your comments.

Please review the enclosed case report and draft PA for the New York portion of the project and provide any Section 106 comments pursuant to 36 CFR 800.5. If you feel it would be beneficial to schedule a meeting amongst the signatories, please include that with your comments. We look forward to working with you on the HRE Ecosystem Restoration Project. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist, at (917) 790-8612 or Carissa.a.scarpa@usace.army.mil.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Gateway National Recreation Area
ATTN: Marilou Ehrler
Historical Architect
210 New York Avenue
Staten Island, New York 10305

Dear Ms. Ehrler:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Hudson Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014 as part of the Environmental Assessment a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE. The report titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan* combined background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers on previously recorded cultural resources to aid in identifying and managing impacts to cultural resources (Enclosure 1).

The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites selected from the 301 potential sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. Of these, eight sites are located within Gateway National Recreation Area. The District has determined that the project is likely to impact significant cultural resources and has elected to draft an agreement document to ensure that impacts are addressed as the project moves forward. To simplify agency coordination, two Programmatic Agreements have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources surveys undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure 2).

We invite you to participate as a Consulting Party to the PA for the New York portion of the HRE

Ecosystem Restoration Project. The PA will also be coordinated with the SHPO, Advisory Council on Historic Preservation, Delaware Nation, Delaware Tribe of Indians, the Shinnecock Nation, the Shawnee Tribe of Oklahoma, the Stockbridge Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, and other potential interested parties. The draft PA will also be available for public review in the project's draft EIS prepared under the National Environmental Policy Act which will serve as part of the Corps' Section 106 public coordination. The final PA will incorporate comments received on the draft document, as appropriate.

As the project proceeds it is our intent to meet with you and your staff to discuss working together to meet our Section 106 responsibilities in a way that will facilitate your goals for Gateway. Please review the enclosed material and provide comments. Should you require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist, at (917) 790-8612 or by email at Carissa.a.scarpa@usace.army.mil.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
The Old Post Office Building
1100 Pennsylvania Avenue, N.W., Suite 809
Washington, D.C. 20004

Dear Mr. Nelson:

The U.S. Army Corps of Engineers, New York District (District) is concluding the Hudson-Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014 as part of the Environmental Assessment a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE. The report titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan* combined background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers on previously recorded cultural resources to aid in identifying and managing impacts to cultural resources (Enclosure 1).

The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. The District has determined that the project is likely to impact significant cultural resources and has elected to draft an agreement document to ensure that impacts are addressed as the project moves forward. To simplify coordination moving forward, two Programmatic Agreements have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources surveys undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure 2).

I would like to take this opportunity to invite the Advisory Council on Historic Preservation to comment upon the draft PAs for the HRE Ecosystem Restoration Feasibility Study and to participate in the PAs as per 36 CFR Part 800.6. The District is coordinating the documents with the SHPOs, the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, the Shawnee Tribe of Oklahoma, the Stockbridge Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, and the National Park Service. The draft PA will also be available for public review in the project's draft EIS prepared under the National Environmental Policy Act which will serve as part of the Corps' Section 106 public coordination. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist, at (917) 790-8612 or Carissa.a.scarpa@usace.army.mil.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Ms. Nekole Alligood
Cultural Preservation Director
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

Dear Ms. Alligood:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Hudson Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight planning regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014 as part of the Environmental Assessment a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE (Enclosure 1). The report, titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan,* compiled background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers on previously recorded cultural resources to aid in identifying and managing impacts to cultural resources.

The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites selected from the 301 potential sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. The District has determined that the project has the potential to adversely affect significant historic resources and has elected to draft an agreement document to ensure impacts are addressed as the project moves forward. To simplify agency coordination two Programmatic Agreements (PAs) have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources work undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure 2).

As a tribe with significant cultural heritage in the region, I would like to take this opportunity to

invite you to review and comment upon the draft PAs for the HRE Ecosystem Restoration Feasibility Study. The PAs are also being coordinated with the SHPO, Advisory Council on Historic Preservation, Delaware Tribe of Indians, the Shinnecock Nation, the Stockbridge Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, and the National Park Service. The draft PAs will be available for public review in the project's draft EIS, prepared under the National Environmental Policy Act, which will serve as part of the Corps' Section 106 public coordination. The final PAs will incorporate comments received on the draft document, as appropriate.

We invite the Delaware Nation to participate in the PAs and the project as a consulting party. Please provide a written response within 30 days to the project archaeologist, Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2151, New York, NY 10278) or by email to Carissa.a.scarpa@usace.army.mil. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Ms. Susan Bachor
Delaware Tribe
Historic Preservation Representative
P.O. Box 64
Pocono Lake, PA 18347

Dear Ms. Bachor:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Hudson Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight planning regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014, as part of the Environmental Assessment, a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE. The report, titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan,* compiled background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers on previously recorded cultural resources to aid in identifying and managing impacts to cultural resources (Enclosure 1).

The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites selected from the 301 potential sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. To simplify agency coordination moving forward, two draft Programmatic Agreements (PAs) have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources work undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure 2).

As a tribe with significant cultural heritage in the region, I would like to take this opportunity to invite you to review and comment upon the draft PAs for the HRE Ecosystem Restoration Feasibility Study and to invite the Delaware Tribe to participate in the PA as a consulting party.

The PAs will also be coordinated with the SHPOs, Advisory Council on Historic Preservation, Delaware Nation, the Shinnecock Nation, the Shawnee Tribe of Oklahoma, the Stockbridge Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, the National Park Service, and other potential interested parties. The draft PAs will also be available for public review in the project's draft EIS prepared under the National Environmental Policy Act which will serve as part of the Corps' Section 106 public coordination. The final PA will incorporate comments received on the draft document, as appropriate.

Please provide a written response within 30 days to the project archaeologist, Ms. Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2151, New York, NY 10278) or by email to Carissa.a.scarpa@usace.army.mil. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Ms. Kim Jumper
Tribal Historic Preservation Officer
Shawnee Tribe of Oklahoma
29S HWY69A
Miami, OK 74355

Dear Ms. Jumper:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Hudson Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight planning regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014, as part of the Environmental Assessment, a cultural resources survey was carried out for 301 sites that were identified as potential restoration opportunities within the HRE (Enclosure 1). The report, titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan,* compiled background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers of previously recorded cultural resources to aid in identifying and managing impacts to cultural resource.

The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites selected from the 301 potential sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. The District has determined that the project is likely to impact significant cultural resources and has elected to draft an agreement document to ensure that impacts are addressed as the project moves forward. Two Programmatic Agreements (PAs) have been prepared to simplify agency coordination, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources work undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure 2).

As a tribe with significant cultural heritage in the region, I would like to take this opportunity to

invite you to review and comment upon the draft PA for the New Jersey portion of the HRE Ecosystem Restoration Feasibility Study. The PA is also being coordinated with the New Jersey State Historic Preservation Office, the Advisory Council on Historic Preservation, the Delaware Nation, and the Delaware Tribe of Indians. The draft PA will be available for public review in the project's draft EIS prepared under the National Environmental Policy Act which will serve as part of the Corps' Section 106 public coordination. The final PA will incorporate comments received on the draft document, as appropriate.

We invite the Shawnee Tribe of Oklahoma to participate in the PA and the project as a consulting party. Please provide a written response within 30 days to the project archaeologist, Carissa Scarpa, by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2151, New York, NY 10278) or by email to Carissa.a.scarpa@usace.army.mil. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Mr. Bryan Polite
Chairman
Shinnecock Nation
P. O. Box 5006
Southampton, NY 11969

Dear Mr. Polite:

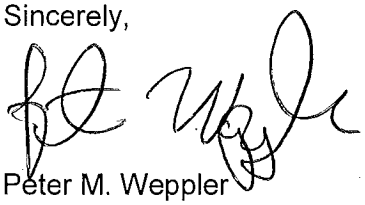
The U.S. Army Corps of Engineers, New York District (District) is undertaking the Hudson Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014, as part of the Environmental Assessment, a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE (Enclosure 1). The report, titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan,* compiled background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers of previously recorded cultural resources to aid in identifying and managing impacts to cultural resources as the project advances.

The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites selected from the 301 potential sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. The District has determined that the project has the potential to adversely affect significant historic resources and has elected to draft an agreement document to ensure impacts are addressed as the project moves forward. To simplify agency coordination, two Programmatic Agreements (PAs) have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources work undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure 2).

I would like to take this opportunity to invite the Shinnecock Nation to review the Preliminary Case Report and comment upon the New York portion of the draft PA for the HRE Ecosystem Restoration Feasibility Study. The PA is also being coordinated with the SHPO, the Advisory Council on Historic Preservation, the Delaware Nation, the Delaware Tribe of Indians, the Stockbridge-Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, and the National Park Service. The draft PA will be available for public review in the project's draft EIS prepared under the National Environmental Policy Act which will serve as part of the Corps' Section 106 public coordination. The final PA will incorporate comments received on the draft document, as appropriate.

We invite the Shinnecock Nation to participate in the PA and the project as a consulting party. Please provide a written response within 30 days to the project archaeologist, Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278) or by email to Carissa.a.scarpa@usace.army.mil. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,



Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Ms. Bonney Hartley
Stockbridge-Munsee Community
Band of Mohicans
THPO-New York Office
65 1st Street
Troy, NY 12180

Dear Ms. Hartley:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Hudson Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight planning regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014, as part of the Environmental Assessment for the project, a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE (Enclosure 1). The report, titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan,* combined background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers of previously recorded cultural resources to aid in identifying and managing impacts to cultural resources as the project advances.

The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites selected from the 301 potential sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. The District has determined that the project is likely to adversely affect significant historic resources and has elected to draft an agreement document to ensure impacts are addressed as the project moves forward. To simplify agency coordination two Programmatic Agreements (PAs) have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources work undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure 2).

As a tribe with significant cultural heritage in the region, I would like to take this opportunity to invite you to review and comment upon the Case Report and the New York portion of the draft PA for the HRE Ecosystem Restoration Feasibility Study. The PA is also being coordinated with the New York State Historic Preservation Office, the Advisory Council on Historic Preservation, the Delaware Tribe of Indians, the Delaware Nation, the Shinnecock Nation, the New York City Landmarks Preservation Commission, and the National Park Service. The draft PA will be available for public review in the project's draft EIS prepared under the National Environmental Policy Act which will serve as part of the Corps' Section 106 public coordination. The final PA will incorporate comments received on the draft document, as appropriate.

We invite the Stockbridge-Munsee Community to participate in the PA and the project as a consulting party. Please provide a written response within 30 days to the project archaeologist, Ms. Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2151, New York, NY 10278) or by email to Carissa.a.scarpa@usace.army.mil. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

State of New Jersey
MAIL CODE 501-04B
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NATURAL & HISTORIC RESOURCES
HISTORIC PRESERVATION OFFICE
P.O. Box 420
Trenton, NJ 08625-0420
TEL. (609) 984-0176 FAX (609) 984-0578

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

December 18, 2014

Peter M. Weppler
Chief, Environmental Analysis Branch
Department of the Army
Corps of Engineers, New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090

Dear Mr. Weppler:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing Consultation Comments for the following proposed undertaking:

Bergen, Hudson, Union, Middlesex, and Monmouth Counties
Cultural Resources Overview
Hudson-Raritan Estuary Comprehensive Restoration Plan
United States Department of the Army, Corps of Engineers

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the following final copy of the cultural resources overview report, received at this office on November 24, 2014, for the above-referenced undertaking:

Harris, Matthew D. Eileen K. Hood, and Joel Dworsky
2014 *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan.* Prepared for the United States Department of the Army, Corps of Engineers – New York District. Prepared by URS Corporation, Burlington, New Jersey.

800.4 Identification of Historic Properties

The HPO has reviewed the above-referenced final copy of the submitted cultural resources overview report and believe the comments outlined in our June 27, 2014 letter have been adequately addressed.

This cultural resource report represents a thorough and detailed review of the existing cultural resources represented within the Hudson-Raritan Estuary Comprehensive Restoration Plan survey area. The compiling of this assessment will provides future researchers with a detailed record of the evolution of the area and will help guide research Hudson-Raritan Estuary. This report will be accessioned into the report collection at the HPO for future reference.

According to the documentation submitted, the United States Department of the Army, Corps of Engineers (Corps) has identified 301 proposed restoration areas as part of this undertaking. However, none of these areas have yet been selected to move forward for further study, As a result, the documentation notes that site specific assessments are not being undertaken at this time. The HPO looks forward to further consultation with the Corps, once project plans are generated, to identify historic properties within the undertaking's area of potential effects, as well as develop means to avoid, minimize, and/or mitigate potential project effects, pursuant to Section 106 of the National Historic Preservation Act.

Additional Comments

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. The HPO looks forward to further consultation to regarding the identification and evaluation of the project's potential effects on historic properties. Please do not hesitate to contact Jesse West-Rosenthal of my staff at (609) 984-6019 with any questions regarding archaeology. Please reference the HPO project number 14-3348, in any future calls, emails, or written correspondence to help expedite your review and response.

Sincerely,

Daniel D. Saunders
Deputy State Historic
Preservation Officer

Cc: Lynn Rakos – USACE

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 17, 2014

Environmental Assessment Section
Environmental Analysis Branch

Mr. Daniel Saunders
Deputy State Historic Preservation Officer
State of New Jersey Department of Environmental Protection
Historic Preservation Office
PO Box420
Trenton, NJ 08625-0420

Dear Mr. Saunders:

The US Army Corps of Engineers, New York District (Corps) is undertaking the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study (HPO #14-3348-1, HPO-F2014-459) . We are pleased to furnish you with the final report entitled"Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan" by the URS Corporation (Enclosure 1). The final report contains a CD in a pocket bound into a hard copy of Volume I of a three volume document. The CD contains digital versions of all three volumes. Volumes II and III are contained only on CD due to the quantity of data contained therein and the large size of a printed complete report. Lynn Rakos coordinated the submission of the Volumes II and III on disk with Jesse West-Rosenthal of your staff (Enclosure 2). The associated GIS database is also on CD and is enclosed as is an extra CD containing Volumes I - III. Your office reviewed the report and had comments which were addressed in the final document (Enclosure 3).

The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The study area is vast. At the time of the study there were over 301 potential restoration areas, none of which had been selected to move forward for further study. The Corps did not conduct site specific work but prepared a cultural resources overview for each of the planning regions with a data collection focused on the restoration areas then under consideration. In the feasibility study just a subset of sites will be evaluated in detail.

We will continue to coordinate the HRE study with you as the project proceeds. A Draft Programmatic Agreement will be prepared and coordinated with your office. If you or your staff require additional information or have any questions, please contact Lynn Rakos, Project Archaeologist, at (917) 790-8629

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 13, 2014

Environmental Assessment Section
Environmental Analysis Branch

Ms. Ruth L. Pierpont
New York State Office of Parks,
Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, P.O. Box 189
Waterford, NY 12188-0189

Dear Ms. Pierpont:

The US Army Corps of Engineers, New York District (Corps) is undertaking the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25-mile radius of the Statue of Liberty. The study area includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay (Enclosure 1). These planning regions cover multiple municipalities and counties in New Jersey and New York.

The Corps and the Port Authority of New York & New Jersey prepared a Comprehensive Restoration Plan (CRP) in collaboration with Federal, State, municipal, non-governmental organizations and other regional stakeholders. The document set forth a consensus vision, master plan and strategy for future ecosystem restoration in the New York/New Jersey Harbor. The CRP established estuary-wide goals and restoration targets (TECs) (Enclosure 2). The TECs are being used to identify and design restoration projects and measure programmatic success. The approach was initially programmatic and included approximately 300 sites identified as potential restoration opportunities. An Environmental Assessment was prepared in 2013 and included in that document was a cultural resources overview of all locations.

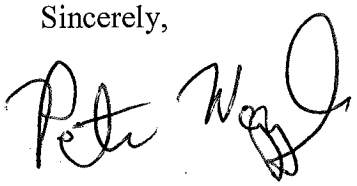
This cultural resources effort included the development of a GIS database of all known resources that were available through your office, the New Jersey Historic Preservation Office, New Jersey State Museum, New York Landmarks Preservation Commission and the National Oceanic and Atmospheric Administration. These restoration areas include onshore and offshore sites that area located primarily within sensitive ecological, estuarine, riverine and wetland environments; both coastal and upland. To begin compiling the overall cultural resources database, buffers of one-mile and one half-mile were added to the restoration sites to act as a survey boundary. It is

within these buffers that the majority of the data collection effort was focused. However, background, environmental, and cultural resources data where readily available was collected for the entire planning region study area.

We are pleased to furnish you with the final report resulting from the study entitled "Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan" by the URS Corporation (Enclosure 3). The CD contains digital versions of all three volumes. The associated GIS database on CD is also enclosed (Enclosure 4). We apologize that your office was inadvertently not provided an opportunity to review the draft of this report. The New Jersey Historic Preservation Office did review the draft and had comments that were addressed in the final document (Enclosure 5).

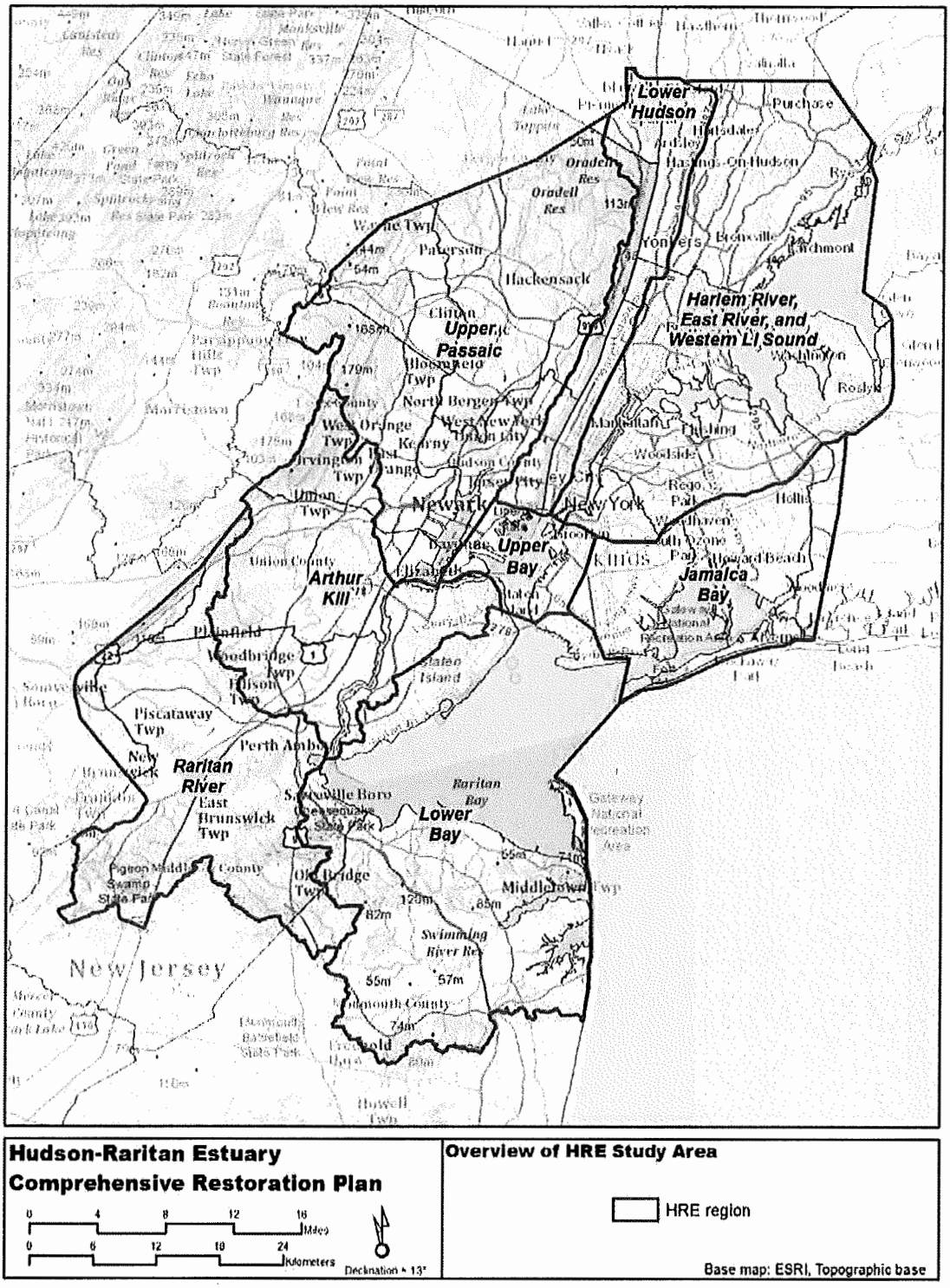
The HRE study is proceeding. In the feasibility study just a subset of sites will be evaluated in detail. We will continue to coordinate the HRE study with you as the project proceeds and specific sites are selected. It is likely that a Draft Programmatic Agreement will be prepared which will be coordinated with your office. If you or your staff require additional information or have any questions, please contact Lynn Rakos, Project Archaeologist, at (917) 790-8629.

Sincerely,



Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures



Enclosure 1. Overview of the Hudson-Raritan Estuary Study Area.

Enclosure 2. HRE Target Ecosystem Characteristics and Potential Restoration Activities

Target Ecosystem Characteristic	Potential Restoration Activities
Wetlands	• Removal of historic fill • Regrading slopes to proper elevations for wetland plantings • Removal of invasive species • Native plant species plantings
Islands for Waterbirds	• Removal of invasive species • Expansion of existing islands using clean sand from the Harbor Deepening • Planting of native species
Maritime Communities	• Removal of invasive species • Native plant species plantings • Stabilization of dunes
Oyster Reefs	• Deposition of bolders or other appropriate materials at optimal locations in water to create reefs for spat
Eelgrass Beds	• Plantings of eelgrass at optimal locations
Shorelines & Shallows	• Removal of hard or bulkheaded shorelines • Regrading slopes to transitional intertidal and littoral elevations • Underwater baffles or training walls to redirect flows/maintain desirable depths • Increase light transmission to water through piers by increasing height or decreasing width of piers • Use texturized bulkheads/reef balls/ stacked hollow cubes to add physical complexity to environment
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Public Access	• Construct direct access points for swimming, boating, fish (local action) • Indirect access (waterfront promenade) or waterfront vistas may be recreational component of restoration action

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO ATTENTION OF

November 13, 2014

Environmental Assessment Section
Environmental Analysis Branch

Mr. Daniel Saunders
Deputy State Historic Preservation Officer
State of New Jersey Department of Environmental Protection
Historic Preservation Office
PO Box420
Trenton, NJ 08625-0420

Dear Mr. Saunders:

The US Army Corps of Engineers, New York District (Corps) is undertaking the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study (HPO #14-3348-1, HPO-F2014-459) . We are pleased to furnish you with the final report entitled"Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan" by the URS Corporation (Enclosure 1). The final report contains a CD in a pocket bound into a hard copy of Volume I of a three volume document. The CD contains digital versions of all three volumes. Volumes II and II are contained on CD only due to the quantity of data contained therein and the large size of a printed complete report. Lynn Rakos coordinated the submission of the Volumes II and III on CD with Jesse West-Rosenthal of your staff (Enclosure 2). The associated GIS database is also on CD and is enclosed as is an extra CD containing Volumes I - III. Your office reviewed the report and had comments which were addressed in the final document (Enclosure 3).

The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The study area is vast. At the time of the study there were over 301 potential restoration areas, none of which had been selected to move forward for further study. The Corps did not conduct site specific work but prepared a cultural resources overview for each of the planning regions with a data collection focused on the restoration areas then under consideration.

We will continue to coordinate the HRE study with you as the project proceeds. A Draft Programmatic Agreement will be prepared and coordinated with your office. If you or your staff require additional information or have any questions, please contact Lynn Rakos, Project Archaeologist, at (917) 790-8629

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

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NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 13, 2014

Environmental Assessment Section
Environmental Analysis Branch

Ms. Amanda Sutphin
New York City Landmarks Preservation Commission
Municipal Building
One Center Street, 9th Floor
New York, N.Y. 10007

Dear Ms. Sutphin:

The US Army Corps of Engineers, New York District (Corps) is undertaking the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25-mile radius of the Statue of Liberty. The study area includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay (Enclosure 1). These planning regions cover multiple municipalities and counties in New Jersey and New York.

The Corps and the Port Authority of New York & New Jersey prepared a Comprehensive Restoration Plan (CRP) in collaboration with Federal, State, municipal, non-governmental organizations and other regional stakeholders. The document set forth a consensus vision, master plan and strategy for future ecosystem restoration in the New York/New Jersey Harbor. The CRP established estuary-wide goals and restoration targets (TECs) (Enclosure 2). The TECs are being used to identify and design restoration projects and measure programmatic success. The approach was initially programmatic and included approximately 300 sites identified as potential restoration opportunities. An Environmental Assessment was prepared in 2013 and included in that document was a cultural resources overview of all locations.

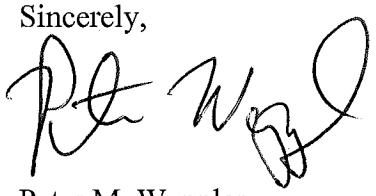
This cultural resources effort included the development of a GIS database of all known resources that were available through your office, the New Jersey Historic Preservation Office, New Jersey State Museum, New York State Office of Parks, Recreation and Historic Preservation and the National Oceanic and Atmospheric Administration. These restoration areas include onshore and offshore sites that area located primarily within sensitive ecological, estuarine, riverine and wetland environments; both coastal and upland. To begin compiling the overall cultural resources database, buffers of one-mile and one half-mile were added to the restoration sites to act as a survey boundary. It is within these buffers that the majority of the data collection effort

was focused. However, background, environmental, and cultural resources data where readily available was collected for the entire planning region study area.

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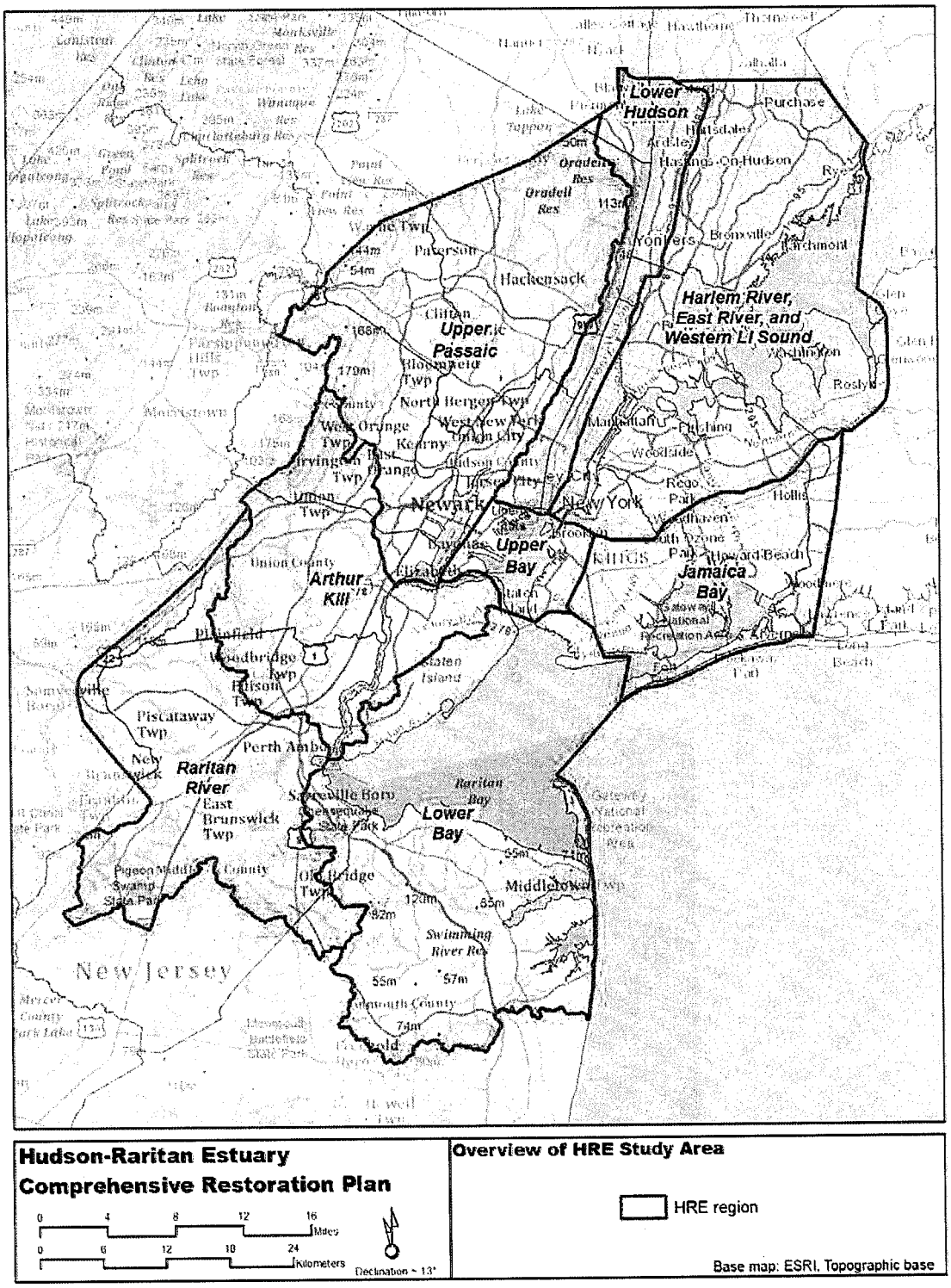
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Sincerely,



Peter M. Weppler
Chief, Environmental Analysis Branch

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From: Jesse West-Rosenthal
To: Rakos, Lynn NAN02
Subject: [EXTERNAL] RE: Hudson Raritan Estuary Cultural Resources Report (UNCLASSIFIED)
Date: Friday, July 11, 2014 3:36:13 PM

Hi Lynn,

Kate and I had a discussion with Kinney regarding this, since he is our data management person. Based on our discussions, we will forgo the paper copy of the additional volumes and will figure something out on our end for making the information available to consultants when necessary. At this point in time, as you've seen, our research library is strictly maintained on paper. At some point in the future we intend to adopt some form of digital access, however, we do not have that capability now. Just something to keep in mind for future submissions.

If you have any other questions, please feel free to contact me.

Have a great weekend.

-Jesse

Jesse West-Rosenthal
Historic Preservation Specialist
Historic Preservation Office
Department of Environmental Protection
Mail Code 501-04B
501 E. State Street
PO Box 420
Trenton, NJ 08625
Phone: (609) 984-6019
Fax: (609) 984-0578
Website: http://www.nj.gov/dep/hpo

Please Note: My E-mail address had changed. I can now be reached at Jesse.West-Rosenthal@dep.nj.gov Please update your records accordingly.

HPO's cultural resources GIS data is now available in GeoWeb:
http://www.state.nj.us/dep/gis/geowebsplash.htm

-----Original Message-----
From: Rakos, Lynn NAN02 [mailto:Lynn.Rakos@usace.army.mil]
Sent: Friday, July 11, 2014 2:07 PM
To: Jesse West-Rosenthal
Subject: Hudson Raritan Estuary Cultural Resources Report (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi Jesse,

I asked URS to print the full volumes as we discussed. They just got back to me saying it will be about 4,465 pages that will be bound in about 15 volumes. Do you still want all the material printed? I can give you extra copies of the CDs so if one goes missing you have more.

The material is largely scans of forms from your office and NYSHPO. They would be next to impossible

to use without an ability to search them using the "find" capability of a computer. They were really intended to be electronic files.

If you do want the printed volumes would it be ok to put them in binders as opposed to spiral bound?

Thanks!
Lynn

Classification: UNCLASSIFIED
Caveats: NONE

State of New Jersey
MAIL CODE 501-04B
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NATURAL & HISTORIC RESOURCES
HISTORIC PRESERVATION OFFICE
P.O. Box 420
Trenton, NJ 08625-0420
TEL. (609) 984-0176 FAX (609) 984-0578

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

June 27, 2014

Nancy J. Brighton
Acting Chief, Environmental Analysis Branch
Department of the Army
Corps of Engineers, New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090

Dear Ms. Brighton:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing Consultation Comments for the following proposed undertaking:

Bergen, Hudson, Union, Middlesex, and Monmouth Counties
Cultural Resources Overview
Hudson-Raritan Estuary Comprehensive Restoration Plan
United States Department of the Army, Corps of Engineers

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the following cultural resources overview report, received at this office on June 2, 2014, for the above-referenced undertaking:

Harris, Matthew D. Eileen K. Hood, and Joel Dworsky
2014 *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan.* Prepared for the United States Department of the Army, Corps of Engineers – New York District. Prepared by URS Corporation, Burlington, New Jersey.

800.4 Identification of Historic Properties

This cultural resource report represents a thorough and detailed review of the existing cultural resources represented within the Hudson-Raritan Estuary Comprehensive Restoration Plan survey area. The compiling of this assessment will provides future researchers with a detailed

record of the evolution of the area and will help guide research Hudson-Raritan Estuary. This report will be accessioned into the report collection at the HPO for future reference

.

According to the documentation submitted, the United States Department of the Army, Corps of Engineers (Corps) has identified 301 proposed restoration areas as part of this undertaking. However, none of these areas have yet been selected to move forward for further study, As a result, the documentation notes that site specific assessments are not being undertaken at this time. The HPO looks forward to further consultation with the Corps, once project plans are generated, to identify historic properties within the undertaking's area of potential effects, as well as develop means to avoid, minimize, and/or mitigate potential project effects, pursuant to Section 106 of the National Historic Preservation Act.

Additional Comments

Report Comments

The report received by the HPO for review and comment represents only Volume I of a three volume report. Please note, reports must be submitted as individual documents for accessioning into the HPO's reference library. The HPO requests that a bound final copy of the complete report, including all volumes and appendices, be submitted to our office so that it may be accessioned into our report collection for future reference.

In addition to the report comments provided by the Corps, which the HPO concurs with, the following issues must be addressed in a revised copy of the report, incorporating the revisions within the main body of the report not as an appendix, and submitted to the HPO for review and comment:

- P.190, First Paragraph, Last Sentence: The sentence is not finished in the text provided. Please complete this sentence.
- P.191, Last Paragraph, Line 3: The text references Arthur Kill County, which does not exist. Please clarify this.
- To understand potential submerged historic properties within the survey area, the report utilizes the National Oceanographic and Atmospheric Administration's Automated Wreck and Obstruction Information System (AWOIS) as the primary source for this data. However, the report does not clarify the quality of this data. The AWOIS database is not a comprehensive repository of potential submerged historic properties and as a result should not be utilized solely on its own. Please clarify the quality of this data in the report and evaluate future avenues of research that will be appropriate to assess the potential for submerged historic properties to be present within the project's area of potential effects (APE).
- The report utilizes the HPO's Archaeological Site Grid as a source of data for the assessment of historic properties within the study area. The HPO would like to note that our Archaeological Site Grid does not represent a sensitivity model, but is instead utilized to manage sensitive archaeological data regarding the specific locations of archaeological sites for access by the public. The data displayed by the grid simply represents either the presence or absence of archaeological data within the grid squares and does not represent

comprehensive survey of the State of New Jersey. As a result, the potential for archaeological historic properties to exist within areas not highlighted by the Archaeological Site Grid still exists. Please clarify the quality of this data in the report.

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. The HPO looks forward to further consultation to regarding the identification and evaluation of the project's potential effects on historic properties. Please do not hesitate to contact Jesse West-Rosenthal of my staff at (609) 984-6019 with any questions regarding archaeology. Please reference the HPO project number 14-3348, in any future calls, emails, or written correspondence to help expedite your review and response.

Sincerely,

Daniel D. Saunders
Deputy State Historic
Preservation Officer

Cc: Lynn Rakos – USACE

DDS/JWR

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO ATTENTION OF

May 27, 2014

Environmental Assessment Section
Environmental Analysis Branch

Mr. Daniel Saunders
Deputy State Historic Preservation Officer
State of New Jersey Department of Environmental Protection
Historic Preservation Office
PO Box420
Trenton, NJ 08625-0420

Dear Mr. Saunders:

The US Army Corps of Engineers, New York District (Corps) is undertaking the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25 mile radius of the Statue of Liberty. The HRE study area includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay (Enclosure 1). These planning regions cover multiple municipalities and counties in New Jersey and New York.

As part of the HRE Feasibility Study, the Corps and The Port Authority of New York & New Jersey prepared a Comprehensive Restoration Plan (CRP). The CRP was developed in collaboration with Federal, State, municipal, non-governmental organizations and other regional stakeholders and sets forth a consensus vision, master plan and strategy for future ecosystem restoration in the New York/New Jersey Harbor. The CRP established estuary-wide goals and restoration targets (TECs) (Enclosure 2). The TECs are being used to identify and design restoration projects and measure programmatic success. The feasibility study assesses the potential restoration actions (described in Enclosure 2), the ecological benefits and costs for restoration opportunities throughout the estuary. The feasibility study will recommend construction for a subset of restoration opportunities that already have detailed feasibility-level designs, while recommending the remaining restoration sites for future study.

As the study area is vast and there are over three hundred potential restoration areas, none of which have yet been selected yet to move forward for further study, the Corps did not conduct site specific work but prepared a cultural resources overview for each of the planning regions with a data collection focused on the 301 restoration areas. This effort included the development of a GIS database of all known resources that were available through the New Jersey Historic

Preservation Office, New Jersey State Museum, New York State Office of Parks, Recreation, and Historic Preservation, New York Landmarks Preservation Commission, and National Oceanic and Atmospheric Administration.. These restoration areas include onshore and offshore sites that area located primarily within sensitive ecological, estuarine, riverine and wetland environments; both coastal and upland. To begin compiling the overall cultural resources database, buffers of one-mile and one half-mile were added to the restoration sites to act as a survey boundary. It is within these buffers that the majority of the data collection effort was focused. However, background, environmental, and cultural resources data where readily available was collected for the entire planning region study area. The report,"Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan" by the URS Corporation, is enclosed for your review as is the associated GIS database (Enclosure 3).

Approximately 20,000 resources within the study area have been mapped or noted. While, the vast majority of these data come from a single source, the New Jersey above ground historic resources GIS layer, over 3,000 additional survey areas, archaeological sites, NR listed and eligible resources, underwater obstructions, and archaeological sensitivity areas have been collected.

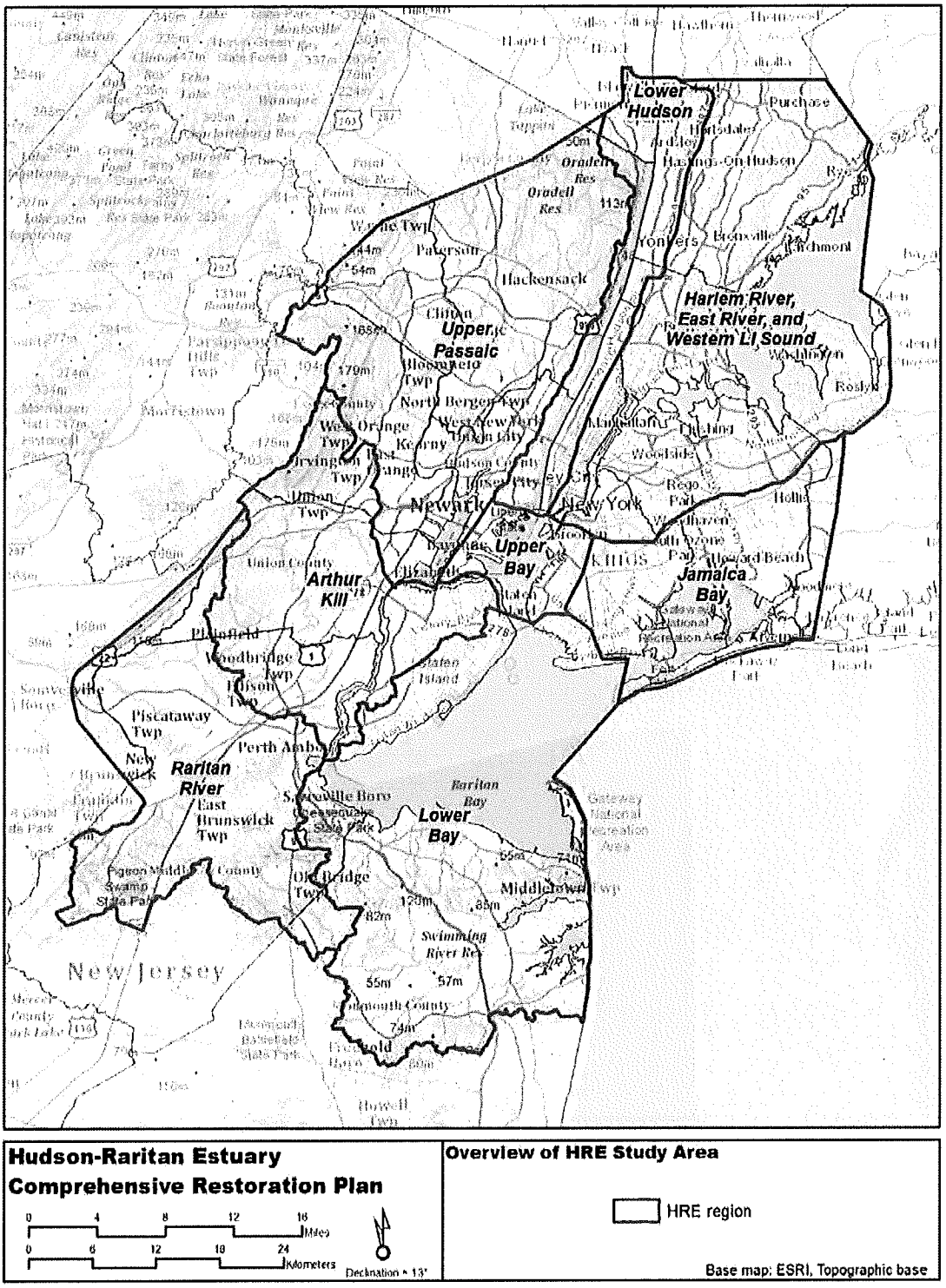
Chapter 5 of the report contains an overview of the proposed restoration measures and steps to prepare a Programmatic Agreement (PA). The project had been anticipated to include a PA to cover the entire suite of TECs and potential impacts expected with each. That approach is no longer being taken due to the scale of the proposed work as a whole. Each restoration site will subject to environmental and Section 106 compliance as they are advanced. Reference to the PA and the Section 106 process in Chapter 5 will be removed from the final report.

The Corps will use these data as a planning tool for the HRE to identify restoration areas with known resources, identify locations that are archeologically sensitive and determine which areas require surveys. Please review the enclosed report and GIS data and provide Section 106 comments, pursuant to 36 CFR 800.5. The Corps' comments on the draft report and GIS data are enclosed for your information (Enclosure 4). We will continue to coordinate the HRE study with you as the project proceeds. If you or your staff require additional information or have any questions, please contact Lynn Rakos, Project Archaeologist, at (917) 790-8629

Sincerely,

Nancy J. Brighton
Acting Chief, Environmental Analysis Branch

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Appendix B – Programmatic Agreement

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

WHEREAS, the U.S. Army Corps of Engineers, New York District, (New York District), has been authorized under the General Investigations (GI) Program to conduct a feasibility study to evaluate federal participation in ecosystem restoration in the Hudson Raritan Estuary (HRE). The study was authorized by resolution of the U.S. House of Representatives Committee on Transportation and Infrastructure on 15 April 1999, to determine the feasibility of carrying out improvements, including the creation and enhancement of aquatic, wetland, and adjacent upland habitats as specific areas of interest; and

WHEREAS, the U.S. Army Corps of Engineers has been conducting several feasibility studies for ecosystem restoration within the Hudson Raritan Estuary (HRE) that have been consolidated into the HRE Ecosystem Restoration Feasibility Study and these are the Bronx River Basin Ecosystem Restoration Feasibility Study; the HRE - Lower Passaic River Ecosystem Restoration Feasibility Study; the HRE - Hackensack Meadowlands Ecosystem Restoration Feasibility Study; the Jamaica Bay, Marine Park, Plumb Beach Ecosystem Restoration Feasibility Study; and the Flushing Creek and Bay Ecosystem Restoration Feasibility Study; and

WHEREAS, The Hudson Raritan Estuary (HRE) is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25-mile radius of the Statue of Liberty. The HRE study area includes the following 8 Planning regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay; and

WHEREAS, the scope of the HRE Ecosystem Restoration Project is to restore and protect lost or degraded aquatic, wetland and terrestrial habitats within the HRE study area. These activities will be accomplished by implementing various site-specific ecosystem restoration projects formulated within the context of an overall strategic plan. The Corps has identified roughly 300 potential restoration sites spread throughout the eight planning regions. These restoration sites include onshore and offshore sites ranging in size from 2,102 acres to 0.3 acres, for a total of 31,932 acres; and

WHEREAS, out of the 300 potential restoration sites, the New York District has identified twenty sites to recommend for construction for which plans are being developed (Appendix A). The twenty sites are Dead Horse Bay, Fresh Creek, Duck Point, Stony Creek, Pumpkin Patch West, Pumpkin Patch East, Elders Center, Flushing Creek, Bronx Zoo and Dam, Stone Mill Dam, Shoelace Park, Bronxville Lake, Garth Harney,

Oak Island Yards, Branch Brook Park, Metromedia, Meadowlark Marsh, Naval Station Earle Oysters, Bush Terminal Oysters, and Head of Jamaica Bay Oysters; and

WHEREAS, fifteen of the restoration sites are located within the State of New York, and five restoration sites are located within the State of New Jersey; and

WHEREAS, the New York District has defined the "Area of Potential Effect" (APE) for this Undertaking to include all areas within the twenty restoration sites and the associated staging areas and access roads if they are located outside of the restoration area; and

WHEREAS, the New York District has conducted a reconnaissance-level cultural resources survey of the 300 HRE restoration sites within the study area and a GIS database has been created for the HRE Ecosystem Restoration Project which compiled all of the cultural resource data collected during the survey for each of the HRE restoration sites. The HRE cultural resources database contains data on historic sites and districts, archaeological sites and sensitivity areas, National Register of Historic Places (NRHP)-eligible and listed resources, and submerged resources recorded in the Automated Wreck and Obstruction Information System (AWOIS) database which are located within the restoration site boundaries and within a one-mile buffer surrounding each site. In addition to the restoration sites and boundary areas, background history, and environmental and cultural resources data was collected for the entire HRE study area; and

WHEREAS, the New York District has determined that properties listed and/or eligible for listing on the National Register of Historic Places (NRHP) may be adversely affected by implementation of the restoration measures (Appendix B); and

WHEREAS, the New York District has determined that, due in part to the previous studies carried out by the District, as well as studies carried out by other parties, significant amounts of data exist in varying levels of detail throughout the HRE study area, however, for most of the APE additional survey is required to determine the presence or absence of significant cultural resources and to make an assessment of archaeological sensitivity; and

WHEREAS, the New York District has invited several potential interested parties to participate in the Section 106 consultation process and study planning, including the National Park Service (NPS), the New York City Landmarks Preservation Commission (LPC), the Delaware Nation, the Shinnecock Nation, the Stockbridge-Munsee Band of Mohican Indians, the Delaware Tribe of Indians, and the Shawnee Tribe of Oklahoma (Appendix C); and

WHEREAS, in accordance with 36 CFR § 800.6(a)(l)(i), USACE has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(l)(iii); and

WHEREAS, the National Park Service and Landmarks Preservation Commission have elected to participate in this Agreement as invited signatories; and

WHEREAS, the Stockbridge Munsee have elected not to participate as an invited

signatory to this agreement, but wish to receive Section 106 consultation materials for all work in Bronx, Kings, Queens, Richmond and Westchester counties; and

WHEREAS, the New York District, in consultation with the New Jersey State Historic Preservation Office (NJSHPO), the New York State Historic Preservation Office (NYSHPO), and other consulting parties plans to carry out additional work to carry out the phased identification and evaluation of significant resources (36 CFR 800.4(b)(2)), develop phased treatment plans and mitigation plans (36 CFR 800.5(a)(3)), if necessary, for the proposed undertaking to ensure that the project will avoid or minimize adverse effects to significant historic properties and archaeological sites; and

WHEREAS the New York District, partially through the NEPA process, is coordinating, and shall continue to coordinate a public outreach program for this undertaking which in the past has consisted of a number of public meetings and the circulation of cultural resource and environmental documents related to the Section 106 review process; and

NOW, THEREFORE, the New York District, NJSHPO, NYSHPO, and the ACHP agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

I. IDENTIFICATION AND EVALUATION

The New York District shall ensure that the following measures are carried out:

A. The New York District shall carry out cultural resources surveys for each restoration site that is advanced past feasibility phase to identify significant cultural resources within the APE. Survey methodology shall be tailored to the unique environment of the restoration site to identify resources and will consider previous survey results and consultation comments when designing the surveys. Consultation shall be carried out with the appropriate SHPOs depending on whether the site or site(s) are within the State of New York or New Jersey. If a survey is addressing multiple sites located within both states, both the NYSHPO and the NJSHPO shall be consulted. The NPS and the LPC shall be copied on all consultation carried out for sites within their areas of responsibility.

B. Prior to the initiation of construction-related activities which may affect historic properties, the New York District, in consultation with the appropriate SHPO(s), and other interested parties as appropriate, shall identify and evaluate:

1. Archaeological Sites

a. The New York District shall ensure that archaeological surveys within the uninvestigated portions of the APE are conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and guidelines set forth by the SHPOs including the New Jersey Historic Preservation Office Requirements for Archaeological Survey Reports - Standards for Report Sufficiency (N.J.A.C. 7:4-8.5) and the New York Archaeological Council's Standards for Cultural Resource Investigations and the

Curation of Archaeological Collections in New York State (1994, adopted by NYSHPO in 1995), the NYSHPO's 2005 Phase I Archaeological Format Requirements, and take into account the National Park Service publication The Archaeological Survey: Methods and Uses (1978) and the statewide historic contexts developed by the SHPOs.

b. The scopes of work and survey reports shall be submitted to the appropriate SHPO(s), and other consulting parties, as appropriate, for review and comment.

2. Traditional Cultural Properties.

a. The New York District shall ensure that future surveys within the uninvestigated portions of the APE include procedures to identify traditional cultural properties and to consult with federally recognized tribes and other affected parties in accordance with the guidelines provided by National Park Service Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties and the U.S. Army Corps of Engineers Tribal Consultation Policy (2013).

b. In the event that a federally recognized tribe or affected group contacts the New York District regarding its recognition of a traditional cultural property, located within the APE, the New York District shall notify the appropriate SHPO and the ACHP to initiate discussions to consider whether the property is a traditional cultural property that meets the Criteria.

3. Buildings and Structures

a. The New York District shall ensure that surveys are conducted for buildings and structures in the APE in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23), and in New Jersey, the New Jersey Historic Preservation Office's 1999 *Guidelines for Architectural Survey*, and take into account the statewide historic contexts developed by the SHPO(s). The Scope of Work and survey report will be consistent with the guidelines set forth by the SHPOs and shall be submitted to the appropriate SHPO(s), the ACHP, and other consulting parties for review.

b. The New York District, in consultation with the appropriate SHPO(s), the ACHP, and other consulting parties, shall identify and evaluate buildings and structures that are located adjacent to listed or eligible NRHP historic districts to determine whether such properties should be considered as part of the historic district or an expanded district.

4. Historic Landscapes and View Sheds

a. The New York District shall consult with the appropriate SHPO(s) and other consulting parties, including local historical societies, to identify and evaluate historic landscapes and viewsheds located within the APE. The New York District shall consult National Park Service Bulletins 18, How to Evaluate and Nominate Designed Historic Landscapes, and 30 Guidelines for Evaluating and Documenting Rural Historic Landscapes, National Park Service Preservation

Brief 36, Protecting Cultural Landscapes, and other publications and materials made available by the SHPO(s) to assist in defining the criteria that should be applied to such properties.

b. The objective in conducting the surveys is to identity NRHP-listed or eligible historic landscapes and affected viewsheds within the project area that may be adversely affected by the Undertaking, and to determine whether they meet the NRHP criteria set forth in 36 CFR Part 60.4.

C. The New York District shall ensure that qualified professionals meeting the National Park Service professional qualifications for the appropriate discipline [National Park Service Professional Qualification Standards, Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44738-39)] are used to complete all identification and evaluation plans related to this undertaking, to include geomorphological, palynological, and archaeological surveys and testing, and documentation.

D. The New York District, the SHPO(s), and all other consulting parties shall consider the views of the public and interested parties, including local historic preservation groups, in completing its identification and evaluation responsibilities.

E. The New York District shall maintain records of all decisions it makes related to the NRHP eligibility of properties.

F. Application of Criteria:

1. The New York District, in consultation with the appropriate SHPO, and other consulting parties, shall evaluate historic properties using the Criteria established for the NRHP [36 CFR 800.4(c)(1)]:

a. If the New York District, the SHPO(s), and the other consulting parties agree that the Criteria apply or do not apply, in evaluating the NRHP eligibility of a property, the property shall be treated accordingly for purposes of this PA.

b. If the New York District, the SHPO(s), and other consulting parties disagree regarding NRHP eligibility, prior to the start of any project-related work at the site or in the vicinity of the property, the New York District shall obtain a formal Determination of Eligibility (DOE) from the Keeper of the National Register (Keeper), National Park Service, whose determination shall be final.

2. The New York District shall ensure that the identification and evaluation of historic properties that may be affected by each phase of the Undertaking is completed prior to the initiation of any formal action by the New York District including rehabilitation, relocation, demolition, etc.

3. Any changes to the project design that may have the potential to affect historic properties or extends beyond the current APE will be submitted to the consulting parties for review and comment.

4. If a property is determined to be eligible for the National Register, the New York District will consult with the NJSHPO, NYSHPO, NPS, NYCLPC, and the appropriate consulting parties to resolve the adverse effects in accordance with Stipulation II below.

II. RESOLUTION OF ADVERSE EFFECTS

A. If the New York District, in consultation with the appropriate SHPO(s), and other consulting parties, as appropriate, determines that the Undertaking will have an adverse effect on historic properties, the New York District shall consult with the appropriate consulting parties and signatories, pursuant to 36 CFR Part 800.6, to determine how best to resolve adverse effects and document the proposed resolution.

B. Once there is agreement on how adverse effects will be resolved, the New York District will develop treatment plans that will identify the activities to be implemented to resolve adverse effects. The SHPO(s) and the appropriate signatories and other consulting parties, if identified, will be provided with copies of each treatment plan for review and comment. The New York District shall revise plans to address comments and recommendations provided by the consulting parties. The New York District shall ensure that treatment plans are implemented by the New York District or its representative(s).

i. Treatment plans will include a description of the historic property, the adverse effect to the historic property, and the treatment to mitigate the adverse effect to the historic property.

ii. Draft treatment plans will be reviewed by the signatories and the applicable invited signatories. The signatories will have 30 calendar days to review the draft treatment plan and provide comments to the USACE.

iii. USACE will resolve all comments received. Once all comments have been agreed upon, a final treatment plan will be sent for signature to the signatories and applicable invited signatories.

III. PUBLIC INVOLVEMENT AND OUTREACH

The New York District shall inform the public of the existence of this PA and the District's plan for meeting the stipulations of the PA. Copies of this agreement and relevant documentation prepared pursuant to the terms of this PA shall be made available for public inspection. Information regarding the specific locations of terrestrial and submerged archaeological sites, including potential wreck areas, will be withheld in accordance with the Freedom of Information Act and National Register Bulleting No. 29, if it appears that this information could jeopardize archaeological sites. Any comments received from the public related to the activities identifies by the PA shall be taken into account by the New York District. The New York District will share any public comments received with the signatories of this PA.

A. The New York District shall develop, in coordination with the SHPOs, NPS, the

NYCLPC, and participating Tribes, publically accessible information about the cultural resources and historic properties investigations for the Undertaking in the form of brief publication(s), exhibit(s), or website(s).

IV. CURATION

A. The New York District shall ensure that all collections resulting from the identification and evaluation of surveys, data recovery operations, or other investigations pursuant to this PA are maintained in accordance with 36 CFR Part 79 until the collection is turned over to the NPS, New York City or other landowner/entity. Minimally, the District will ensure that analysis is complete and the final report(s) are produced and accepted by the SHPO(s) prior to the turnover of collections to the appropriate entity.

B. The New York District shall be responsible for consulting with the SHPOs, NPS, NYCLPC and, other landowners regarding the curation of collections resulting from archaeological surveys, data recovery operations, or other studied and activities pursuant to this agreement. The District shall coordinate the return of collections to non-federal landowners. If non-federal landowners wish to donate the collection, the District, in coordination with the SHPOs, NPS, NYCLPC and federally-recognized Tribes, will determine an appropriate entity to take control of the collection.

C. The New York District shall be responsible for preparation of federally-owned collections and the associated records and non-federal collections donated for curation in accordance with the standards of the curation facility.

V. UNANTICIPATED DISCOVERY

A. The following language shall be included in construction plans and specifications: "When a cultural resource, including but not limited to archaeological sites, shipwrecks, standing structures, and properties of traditional religious and cultural significance to a federally-recognized Tribe are discovered during execution of the project, the individual(s) who made the discovery shall immediately secure the vicinity and make a reasonable effort to avoid or minimize harm to the resource, and notify the Project's Contracting Officer's Representative (COR) and the New York District. All activities shall cease within a minimum of 50 feet from the inadvertent discovery (50-foot radius 'no work' buffer) until authorized by the District and the Project COR."

B. If previously unidentified and unanticipated historic properties are discovered during Project activities, the New York District shall cease all work in the vicinity of the discovery until it can be evaluated in accordance with 36 CFR Part 800.13 "Post-Review Discoveries." Upon notification of an unanticipated discovery, the New York District shall implement any additional reasonable measures to avoid or minimize effects to the resource. Any previously unidentified cultural resource will be treated as though it is eligible for the NRHP until such other determination can be made.

C. The New York District shall immediately notify the SHPOs, NPS, NYCLPC, and the federally-recognized Tribes, as appropriate depending upon the location of the find, within 48 hours of the finding and request consultation to resolve potential adverse effects.

D. If the New York District and the relevant signatories agree that the cultural resource is not eligible for the NRHP, then the suspension of work in the area of the discovery will end.

E. If the New York District and the relevant signatories agree that the cultural resources is eligible for the NRHP, then the suspension of work will continue, and the District, in consultation with all relevant signatories will determine the actions to avoid, minimize, or mitigate adverse effects to the historic property and will ensure that the appropriate actions are carried out.

F. If the New York District and the relevant signatories cannot agree on the appropriate course of action to address an unanticipated discovery or effects situation, then the New York District shall initiate the dispute resolution process set forth in Stipulation VIII.

VI. DISCOVERY OF HUMAN REMAINS:

A. If any human remains and/or grave-associated artifacts are encountered during any of the investigations, including data recovery, the New York District will follow the NYSHPO's Human Remains Discovery Protocol (2018), the ACHP's "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (February 23, 2007), the Native American Grave Protection and Repatriation Act, As Amended (PL 101-601), and the U.S. Army Corps of Engineers Tribal Consultation Policy (2013).

B. The following language shall be included in the construction plans and specifications:

"When human remains, suspected human remains, or indications of a burial are discovered during the execution of a Project, the individual(s) who made the discovery shall immediately notify the local law enforcement, coroner/medical examiner, and the Project COR and the New York District, and make a reasonable effort to protect the remains from any harm. The human remains shall not be touched, moved, or further disturbed. All activities shall cease within a minimum of 50 feet from the area of the find (50-foot radius 'no work' buffer) until authorized by the New York District."

VII. PUBLIC INVOLVEMENT

A. In consultation with the SHPO(s) and other consulting parties, the New York District shall develop a plan to inform the interested parties of the existence of this Agreement. Copies of this Agreement and relevant documentation prepared pursuant to the terms of this PA shall be made available for public inspection

(information regarding the locations of archaeological sites will be withheld in accordance with the Freedom of Information Act and National Register Bulletin 29, if it appears that this information could jeopardize archaeological sites). Any comments received from the public under this Agreement shall be taken into account by the New York District.

B. Public Objections. The New York District shall review and resolve timely substantive public objections. Public objections shall be considered timely when they are provided within the review periods specified in this PA. The New York District shall consult with the relevant consulting parties and as appropriate with the Council, to resolve objections. Study actions which are not the subject of the objection may proceed while the consultation is conducted.

VIII. ADMINISTRATIVE TERMS

A. PROFESSIONAL QUALIFICATIONS AND STANDARDS

1. The New York District shall ensure that qualified professionals meeting the NPS professional qualifications for the appropriate discipline [NPS Professional Qualification Standards, Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44738-39)] are used to develop and implement all treatment plans, and

2. All investigations carried out pursuant to this PA in New York State will be undertaken in accordance with the New York State Archaeological Council's Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State (1994), Cultural Resources Standards Handbook (2000), and the NYSHPO Archaeological Report Format Requirements (2005), and

3. All reports prepared for restoration sites in New Jersey will conform to the New Jersey Historic Preservation Office Requirements for Archaeological Survey Reports - Standards for Report Sufficiency (N.J.A.C. 7:4-8.5).

B. REPORTING

1. The New York District shall prepare annual reports summarizing the status of compliance with the terms of this PA and a summary of the completed activities and the exempt activities for the past year and proposed activities for the next fiscal year. Reports shall be submitted by January 31 of every year. The Annual Reports shall be provided to the SHPOs, NPS, NYCLPC, the federally-recognized Tribes, and additional interested parties, if identified, until the Study-related activities are complete.

2. The SHPOs, NPS and, NYCLPC may request a site visit to follow up information in the annual report or to monitor activities carried out pursuant to this PA. The SHPOs, NPS and, NYCLPC shall provide the New York District with 30 calendar days written notice when requesting a site visit unless otherwise agreed. The New York District may also schedule a site visit with the SHPOs, NPS and,

NYCLPC at its discretion.

C. REVIEW PERIODS

1. The New York District shall ensure that all draft and final reports and treatment plans resulting from the action pursuant to this PA will be provided to the appropriate signatories and other interest parties, if identified.

2. The SHPOs, NPS, NYCLPC, and other consulting parties shall receive copies of all determinations, evaluations, plans, reports and other documentation by mail, for a 30 calendar day review period from the date of receipt unless otherwise stipulated in this PA. The New York District shall provide electronic copies of documentation if requested by any consulting party. The NYSHPO shall receive all documentation via the Cultural Resource Information System (CRIS).

3. Any comments and/or objections resulting from a review of any New York District determination, evaluation, plans, reports, and other documents must be provided in writing to the New York District. If comments, objections, etc. are not received within 30 calendar days of the receipt, the New York District will assume concurrence with the subject determination, evaluation, plan, report or other documentation submitted.

D. DISPUTE RESOLUTION

1. Should any signatory, invited signatory, or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, USACE shall consult with such party to resolve the objection. If USACE determines that such objection cannot be resolved, USACE will:

   A. Forward all documentation relevant to the dispute, including the USACE's proposed resolution, to the ACHP. The ACHP shall provide USACE with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, USACE shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. USACE will then proceed according to its final decision.

   B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, USACE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, USACE shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.

   C. USACE's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

2. TERMINATION

1. If any signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult the other signatories to attempt to develop an amendment per Stipulation G, below. If within thirty (30) calendar days an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.

2. Once the PA is terminated, and prior to work continuing on the undertaking, USACE must either (a) execute a PA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. USACE shall notify the signatories as to the course of action it will pursue.

3. Execution of this PA by the USACE and the SHPOs and implementation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

3. DURATION AND SUNSET CLAUSE

1. This PA will take effect upon execution by the District, the SHPOs, and other signatories with the date of the final signature.

2. This PA will continue in full force and effect until September 30, 2040, unless the Undertaking is terminated or authorization is rescinded, at which time the agreement may be extended as written provided all signatories concur.

E. AMENDMENT

1. This PA may be amended upon agreement in writing by all signatories. Within thirty (30) days of a written request to the New York District, the New York District will facilitate consultation between the signatories regarding the proposed amendment.

2. Any amendments will be in writing and will be in effect on the date they are signed by all of the signatories.

F. ANTI-DEFICIENCY ACT

1. All requirements set forth in this PA requiring expenditure of funds by the New York District are expressly subject to the availability of appropriations and the requirements of the Anti-Deficiency Act (31 U.S.C. 1341). No obligation undertaken by the New York District under the terms of this PA shall require or be interpreted to require a commitment to extend funds not appropriated for a particular purpose. If the New York District cannot perform any obligation set

forth in this PA because of unavailability of funds, that obligation must be renegotiated among the New York District and the signatories as necessary.

Execution of this PA by USACE, NYSHPO, NJSHPO, and the ACHP and implementation of it terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

Appendix A: Design Plans for Restoration Sites
Appendix B: Tables of Cultural Resources by Restoration Site
Appendix C: Correspondence

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution of this PA by the USACE, NJSHPO, NYSHPO, and ACHP and implantation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

By:
Signatory
Thomas D. Asbery
Colonel, U.S. Army
District Engineer

Date: 20200213

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution of this PA by the USACE, NJSHPO, NYSHPO, and ACHP and implantation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

By: Katherine J. Marcopul Date: 2/21/2020
Signatory
Katherine J. Marcopul
Deputy State Historic Preservation Officer
New Jersey State Historic Preservation Office

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution of this PA by the USACE, NJSHPO, NYSHPO, and ACHP and implantation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

By: R Daniel Mackay Date: 2/15/2020
Signatory
R. Daniel Mackay
Deputy Commissioner for Historic Preservation/Deputy SHPO
New York State Historic Preservation Office

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution of this PA by the USACE, NJSHPO, NYSHPO, and ACHP and implantation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

By: John M. Fowler Date: 3/4/20
Signatory
John Fowler
Executive Director
Advisory Council on Historic Preservation

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution of this PA by the USACE, NJSHPO, NYSHPO, and ACHP and implantation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

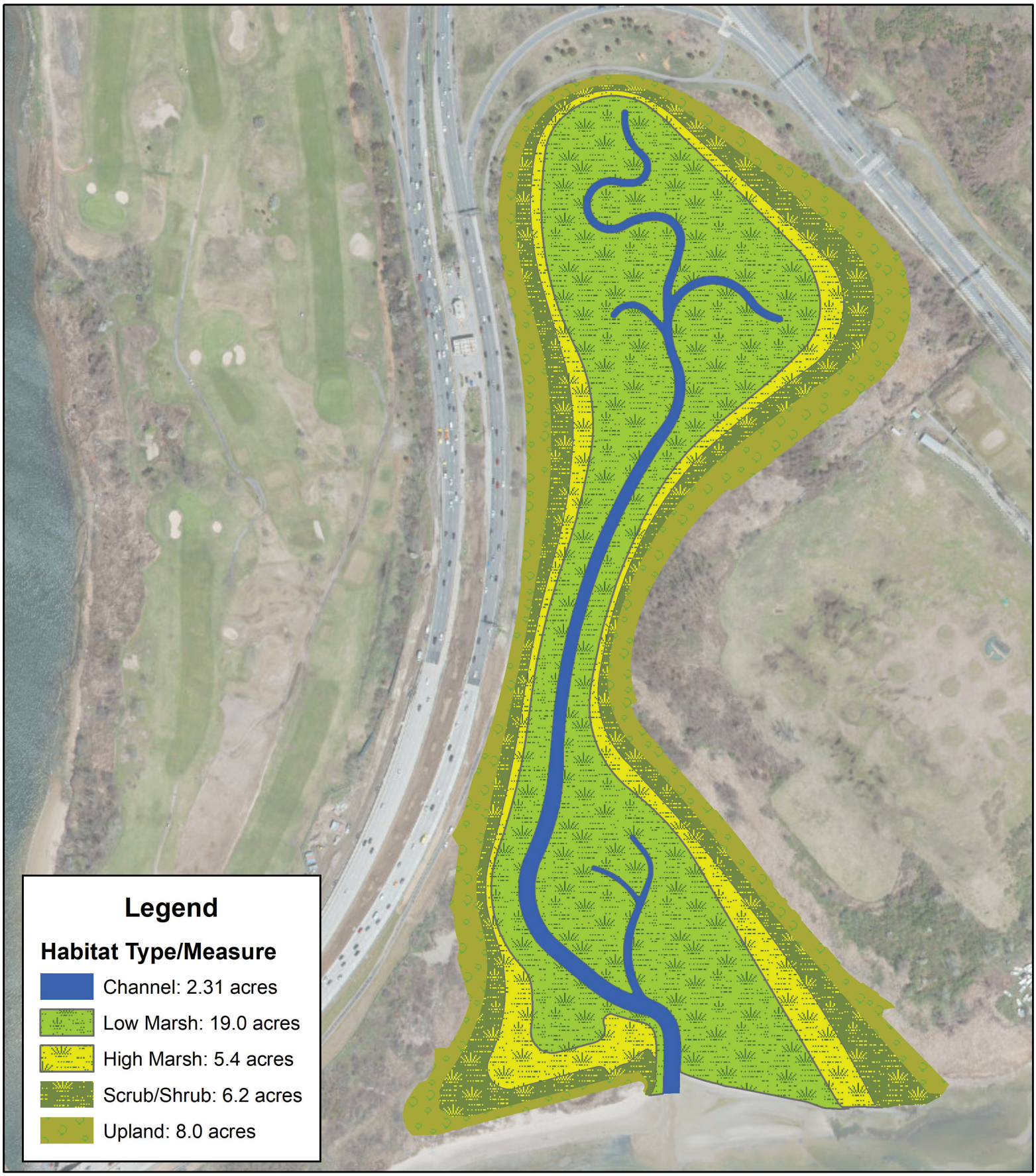
By:  Date: 3/25/2020
Invited Signatory
Sarah Carroll
Chair, New York City Landmarks Preservation Commission

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution of this PA by the USACE, NJSHPO, NYSHPO, and ACHP and implantation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

By: JENNIFER NERSESIAN Digitally signed by JENNIFER NERSESIAN Date: 2020.04.16 14:46:49 -04'00' Date:
Invited Signatory
Jennifer T. Nersesian
Superintendent, Gateway National Recreation Area

Appendix A - Design Figures

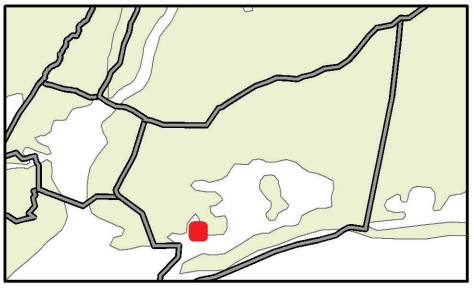


Hudson Raritan Estuary Ecosystem Restoration
Feasibility Study
Dead Horse Bay North Design

US Army Corps of Engineers
New York District

0 100 200 400 600 800 Feet

N W E S



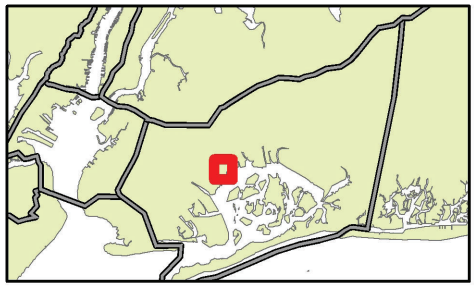


Hudson Raritan Estuary Ecosystem Restoration
Feasibility Study
Fresh Creek Design

US Army Corps of Engineers
New York District

0 220 440 880 1,320 1,760
Feet

N
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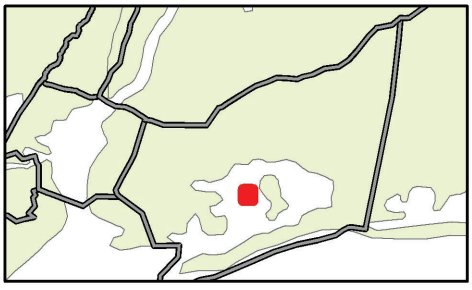


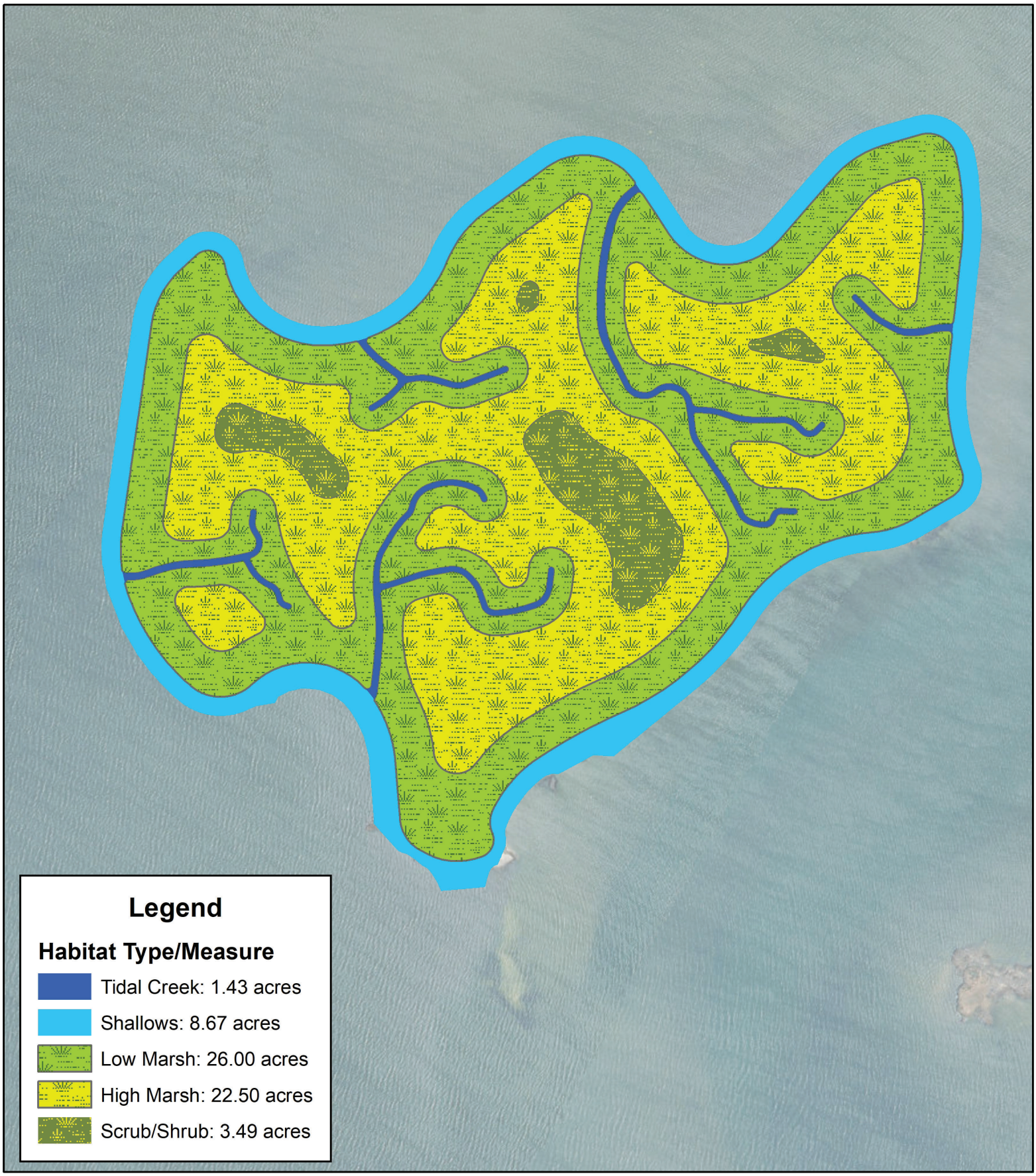
Hudson Raritan Estuary Ecosystem Restoration
Feasibility Study
Duck Point Design

US Army Corps of Engineers
New York District

0 125 250 500 750 1,000 Feet

N
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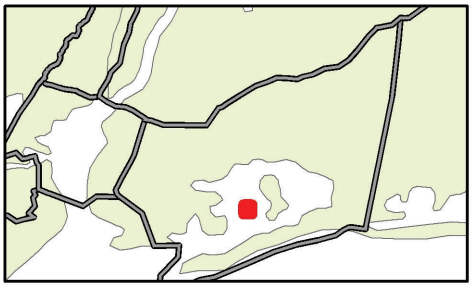


Hudson Raritan Estuary Ecosystem Restoration
Feasibility Study
Stony Creek Design

US Army Corps of Engineers
New York District

0 105 210 420 630 840 Feet

N W E S



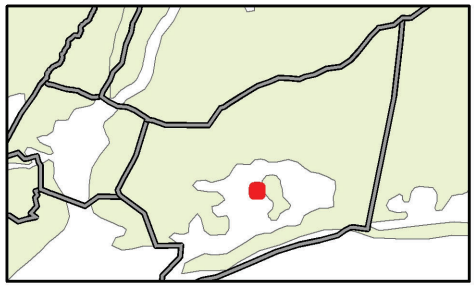


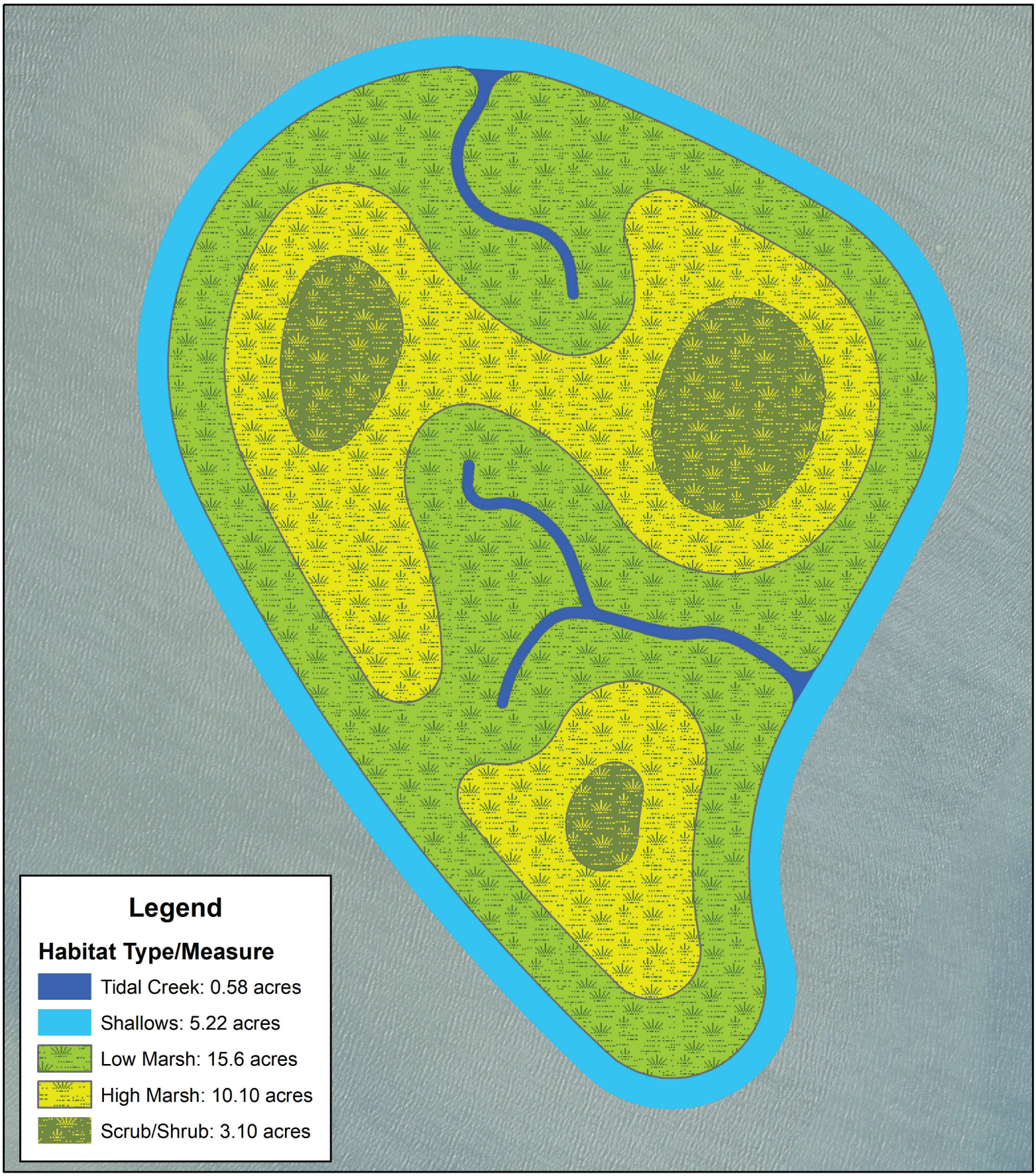
Hudson Raritan Estuary Ecosystem Restoration
Feasibility Study
Pumpkin Patch West Design

US Army Corps of Engineers
New York District

0 80 160 320 480 640 Feet

N
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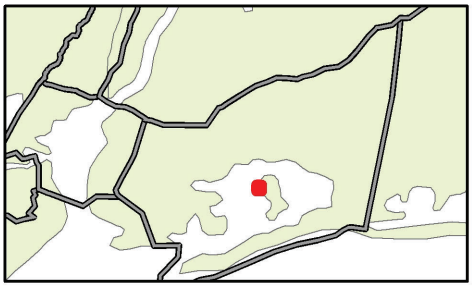


Hudson Raritan Estuary Ecosystem Restoration
Feasibility Study
Pumpkin Patch East Design

US Army Corps of Engineers
New York District

0 65 130 260 390 520 Feet

N W E S



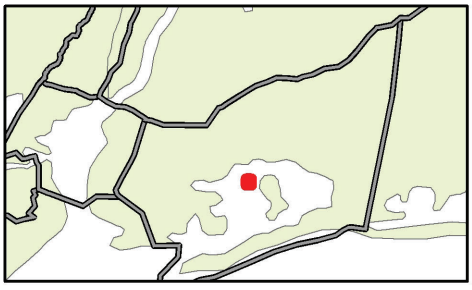


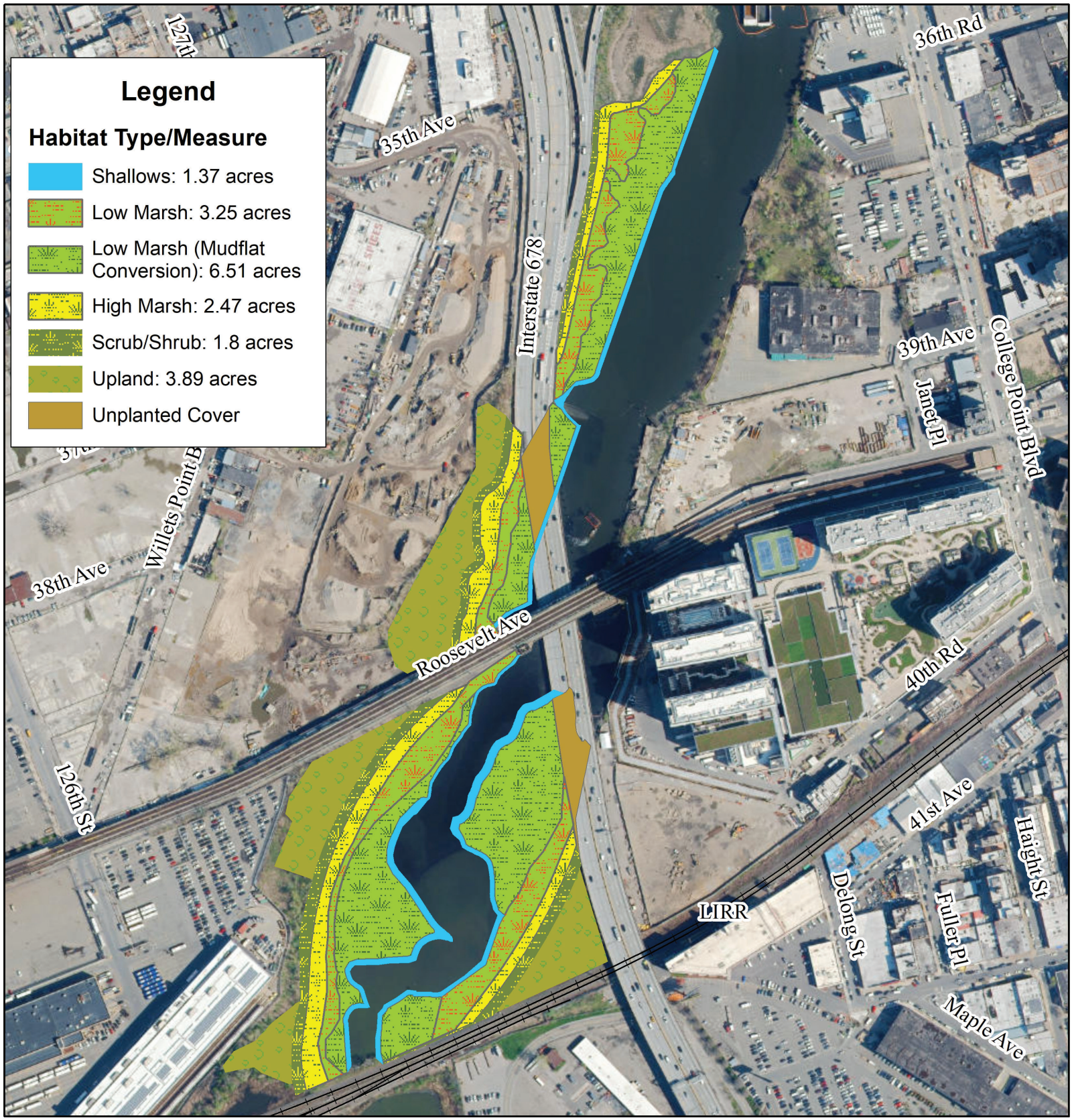
Hudson Raritan Estuary Ecosystem Restoration
Feasibility Study
Elders Center Design

US Army Corps of Engineers
New York District

0 70 140 280 420 560 Feet

N W E S



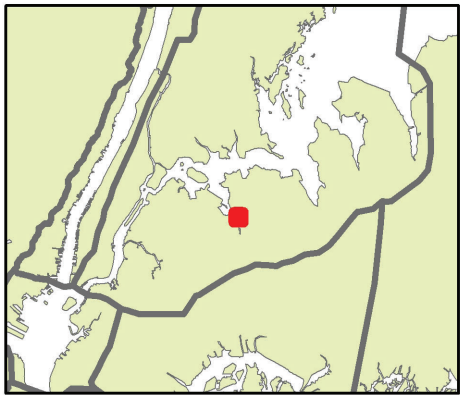


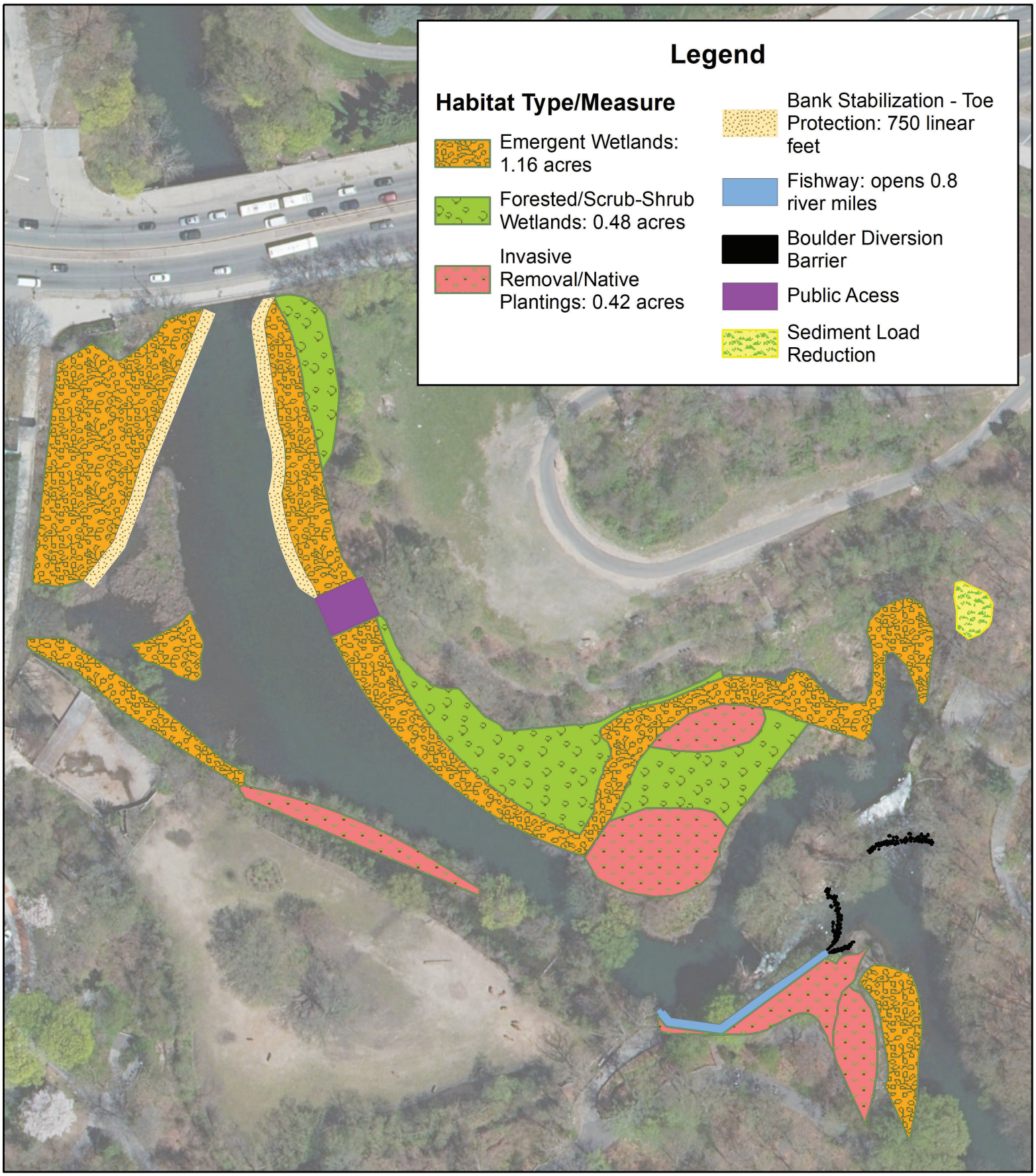
Hudson Raritan Ecosystem Restoration
Feasibility Study
Flushing Creek Design

US Army Corps of Engineers
New York District

0 375 750 1,500 2,250 3,000 Feet

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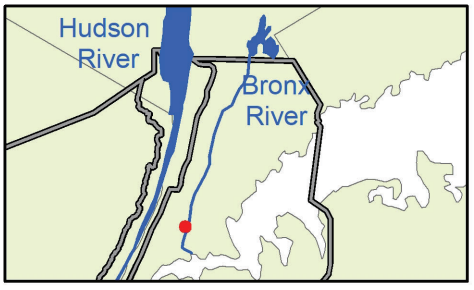


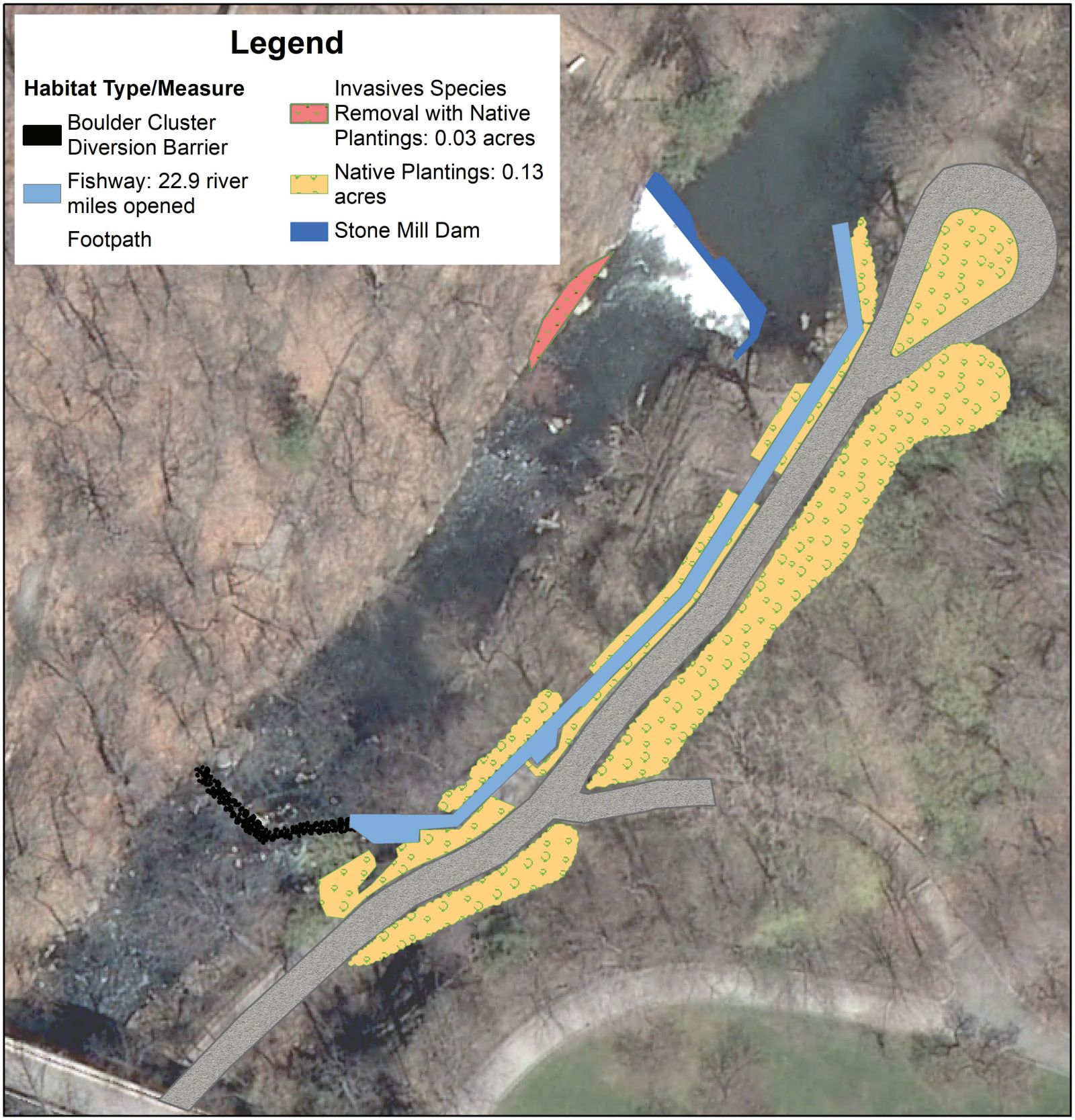
Hudson Raritan Estuary Ecosystem Restoration Feasibility Study
Bronx Zoo and Dam Design

US Army Corps of Engineers
New York District

0 30 60 120 180 240 Feet

N W E S



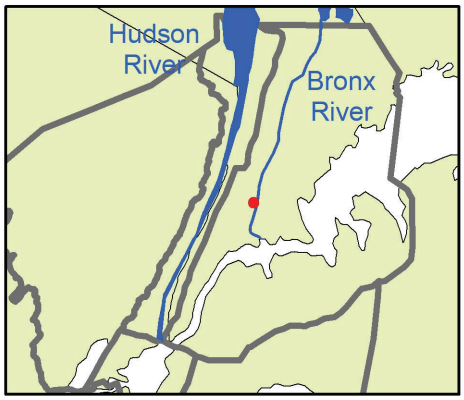


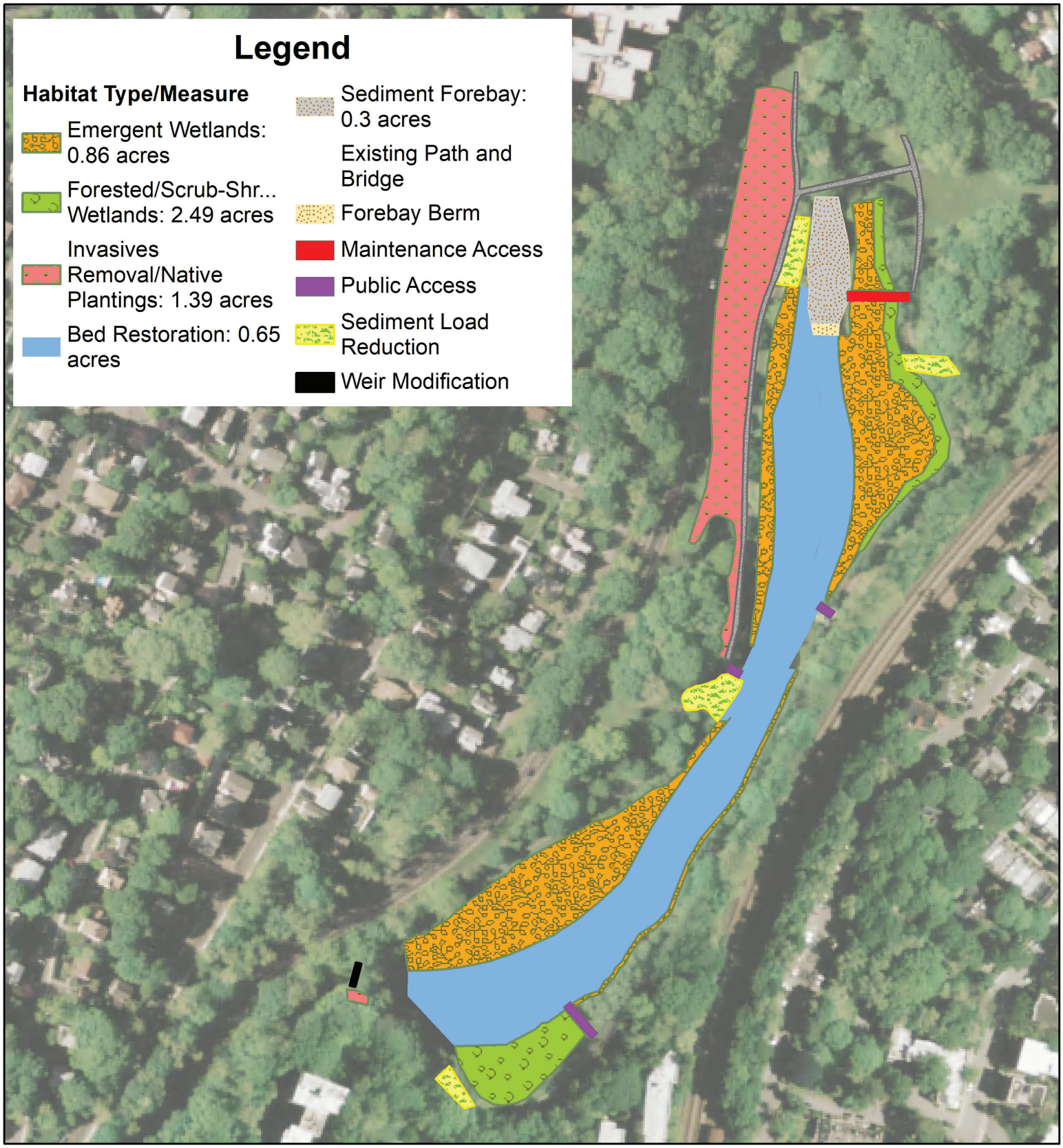
Hudson Raritan Estuary Ecosystem Restoration Feasibility Study
Stone Mill Dam Design

US Army Corps of Engineers
New York District

0 5 10 20 30 40
Feet

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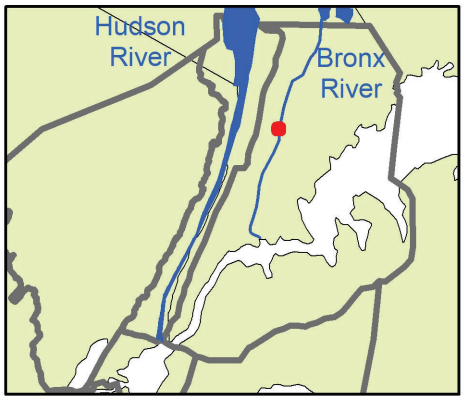


Hudson Raritan Estuary Ecosystem Restoration Feasibility Study
Bronxville Lake Design

US Army Corps of Engineers
New York District

0 50100 200 300 400 Feet

N W E S



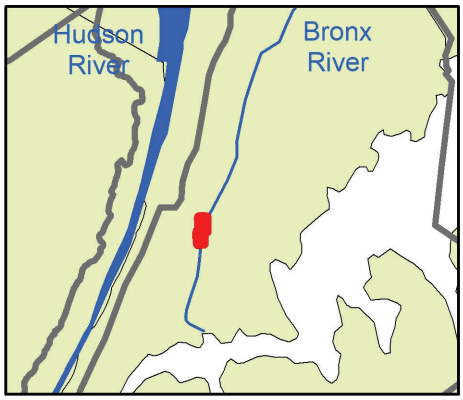


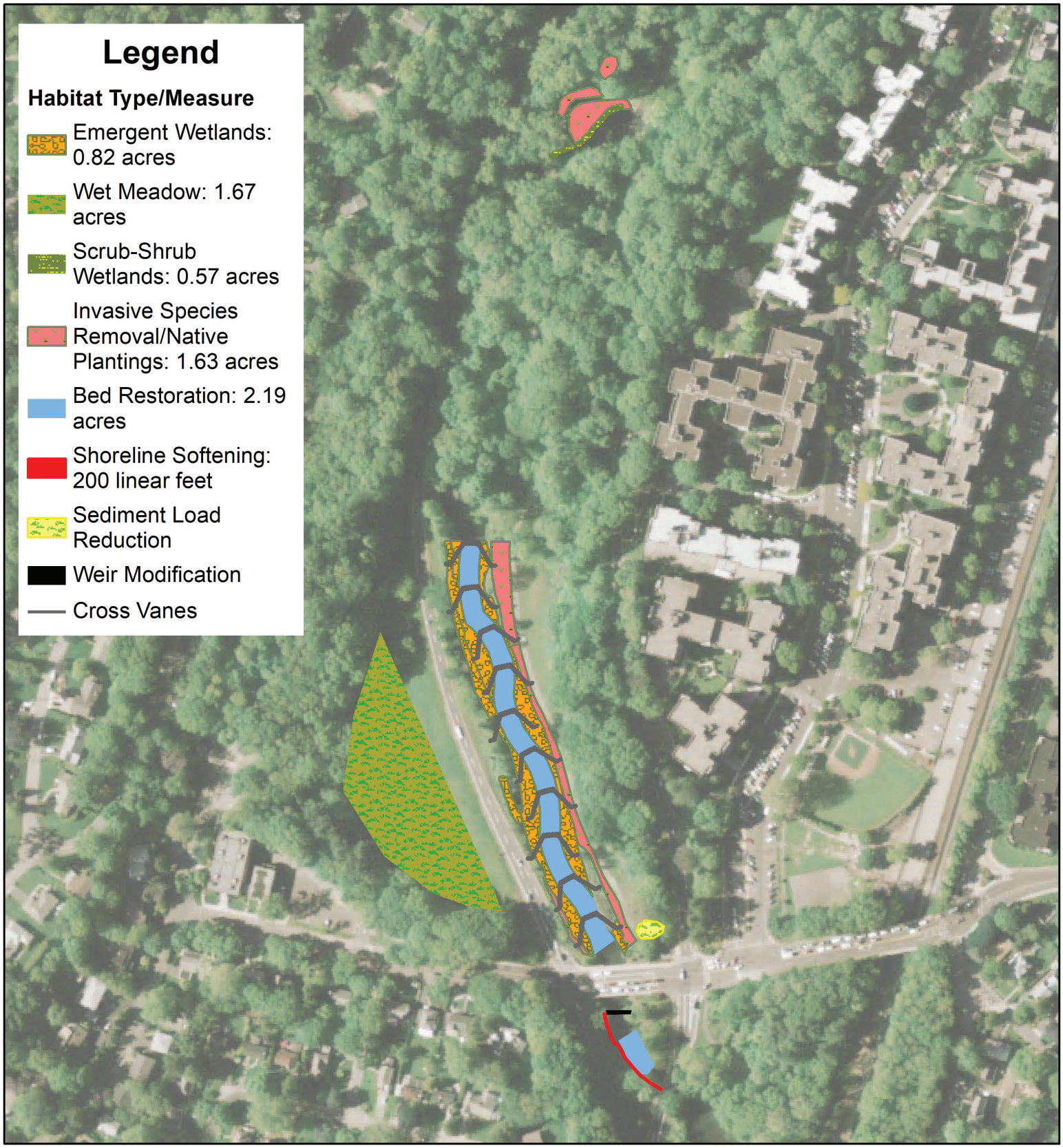
Hudson Raritan Ecosystem Restoration
Feasibility Study
Shoelace Park Design

US Army Corps of Engineers
New York District

0 100 200 400 600 800 Feet

N
W E
S



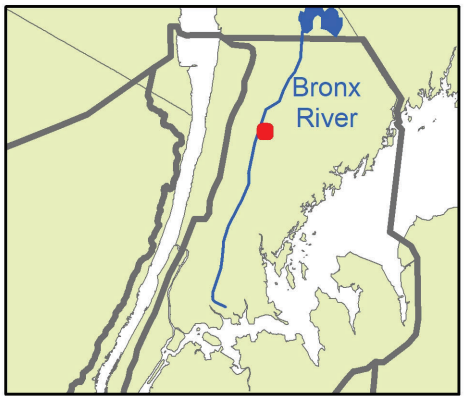


Hudson Raritan Estuary Ecosystem Restoration
Feasibility Study
Garth Harney Design

US Army Corps of Engineers
New York District

0 62.5 125 250 375 500 Feet

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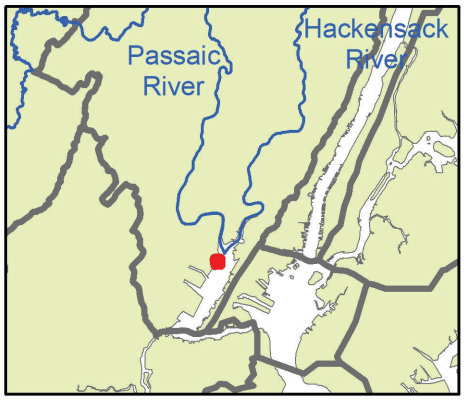


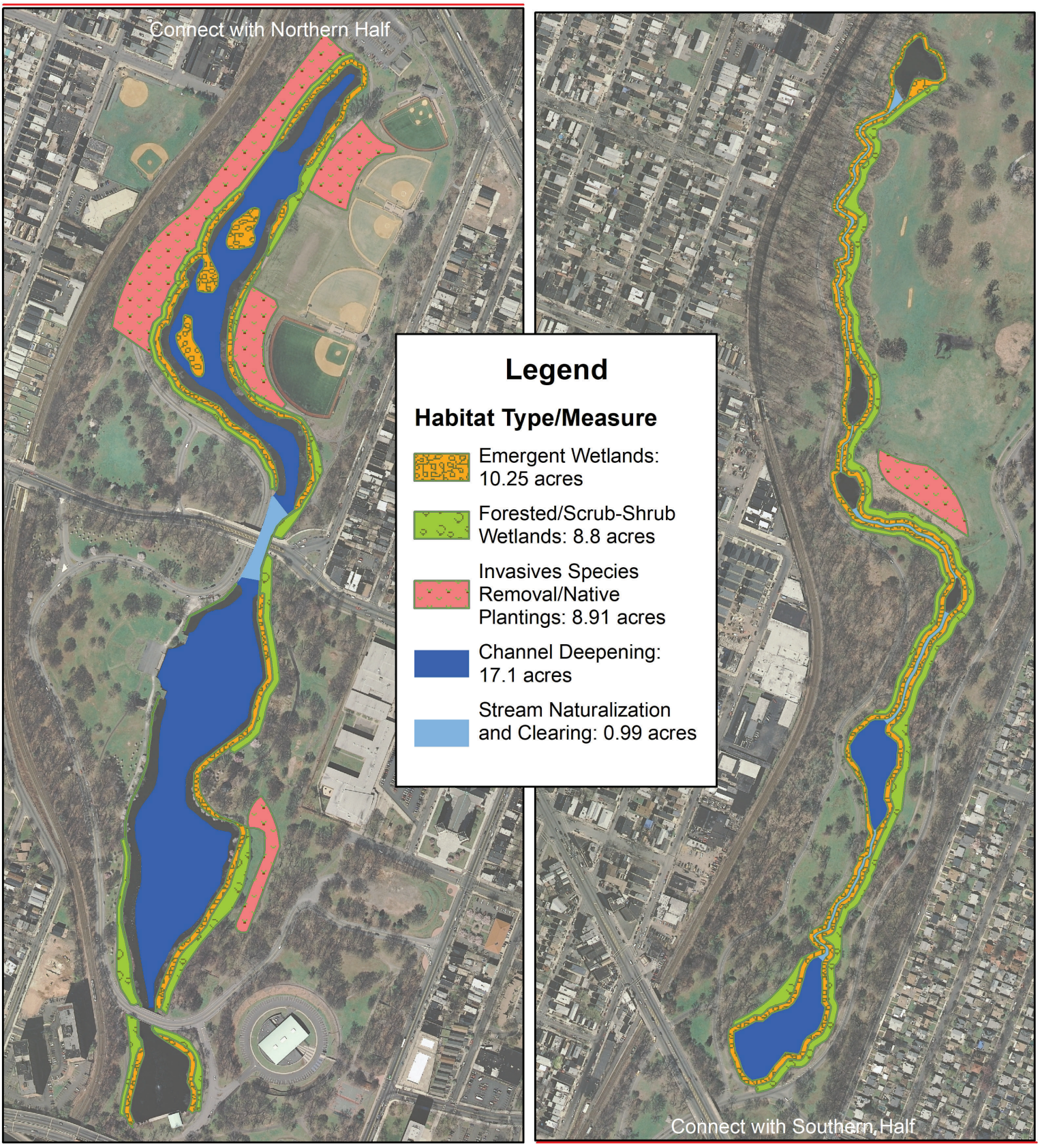
Hudson Raritan Estuary Ecosystem Restoration
Feasibility Study
Oak Island Yards Design

US Army Corps of Engineers
New York District

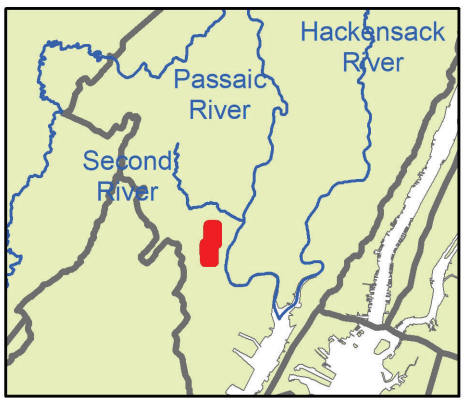
0 62.5 125 250 375 500 Feet

N
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S





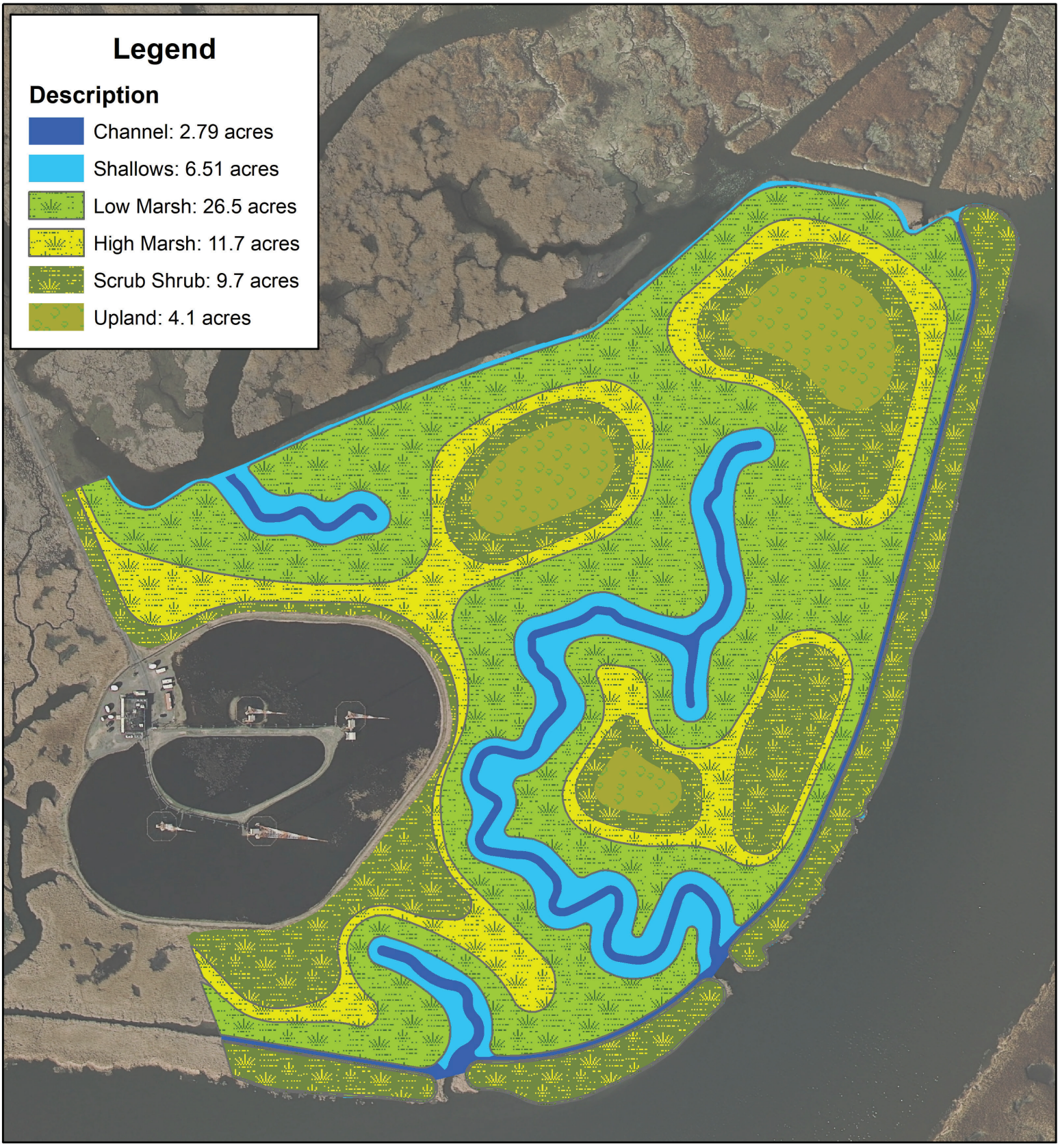
Hudson Raritan Estuary Ecosystem Restoration
Fasibility Study
Essex County Branch Brook Park Design



US Army Corps of Engineers
New York District

0 175 350 700 1,050 1,400 Feet

N
W E
S

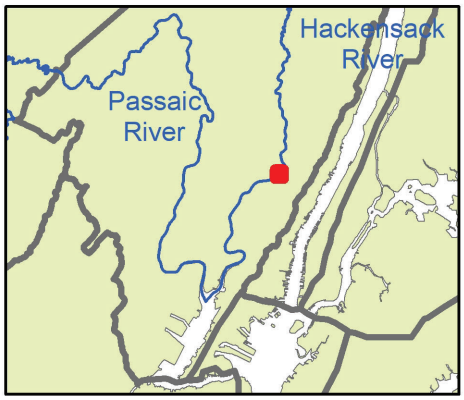


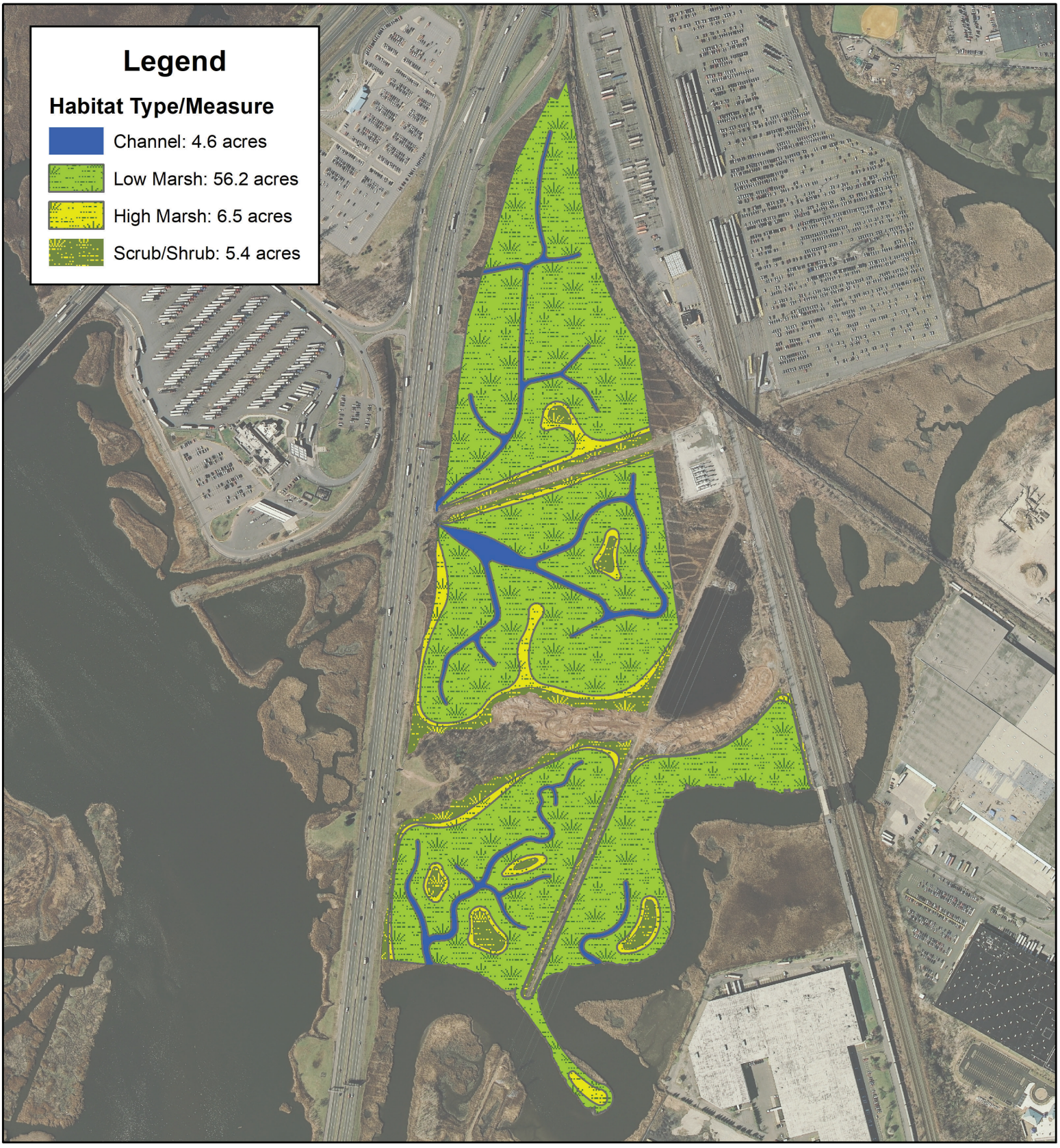
Hudson Raritan Estuary Ecosystem Restoration
Feasibility Study
Metromedia Design

US Army Corps of Engineers
New York District

0 100 200 400 600 800 Feet

N W E S



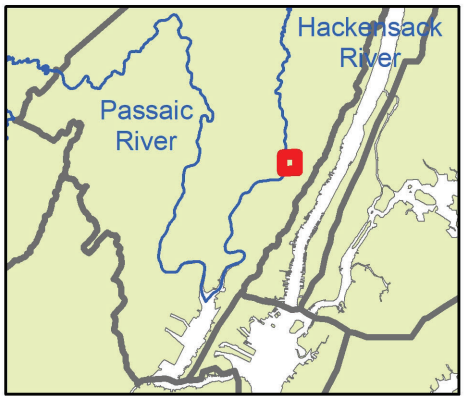


Hudson Raritan Estuary Ecosystem Restoration
Feasibility Study
Meadowlark Marsh Design

US Army Corps of Engineers
New York District

0 187.5375 750 1,125 1,500
Feet

N
W E
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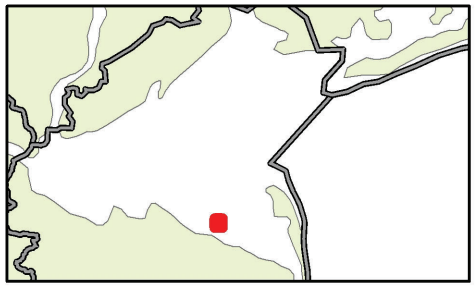


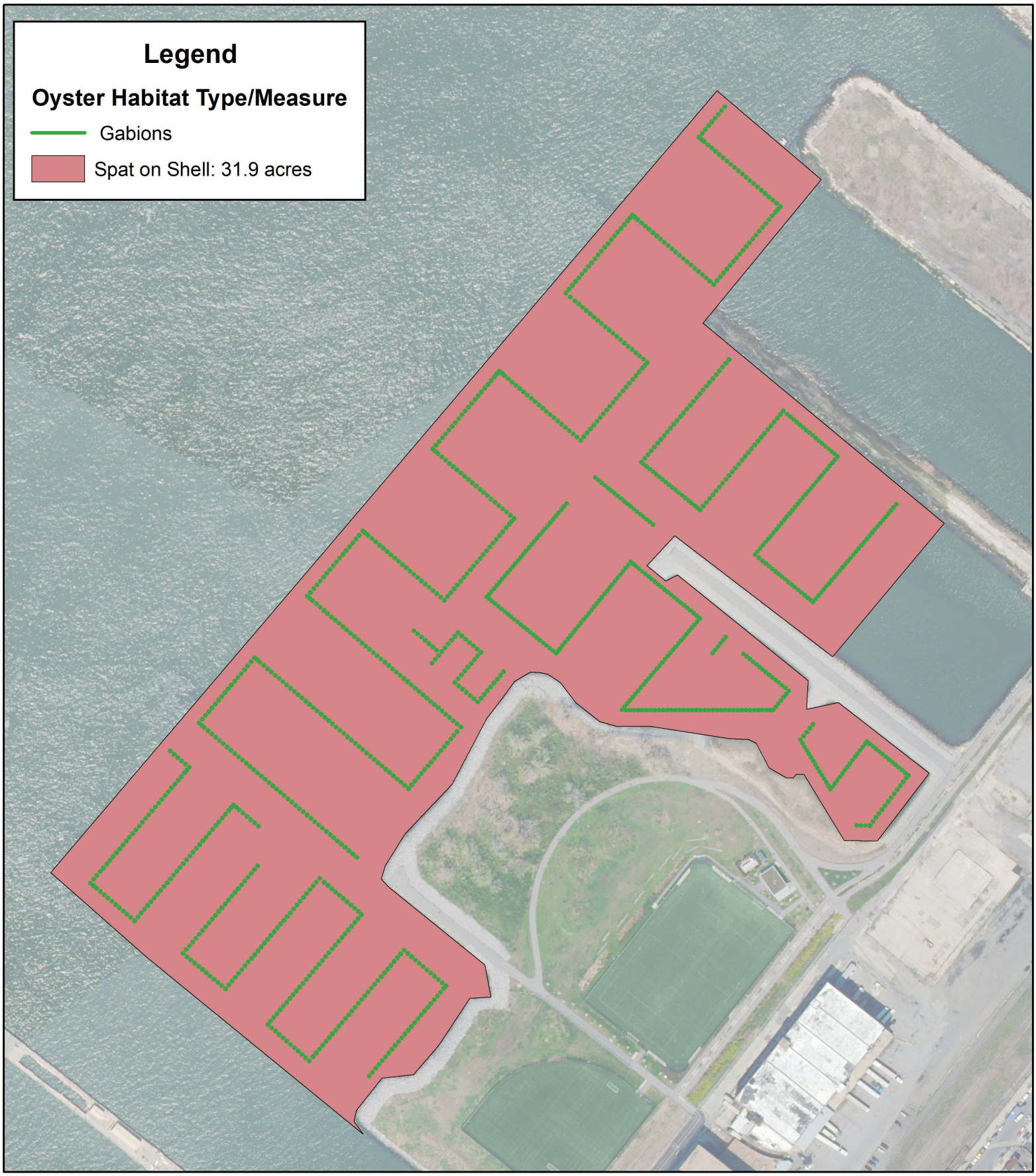
Hudson Raritan Estuary Ecosystem Restoration Feasibility Study
Naval Weapons Station Earle Oysters Design

US Army Corps of Engineers
New York District

0 95 190 380 570 760 Feet

N W E S



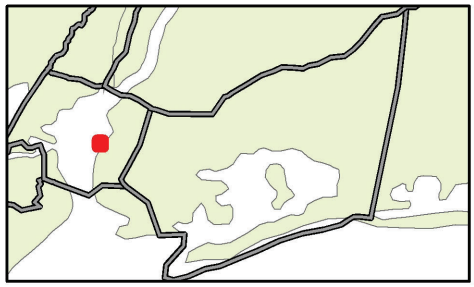


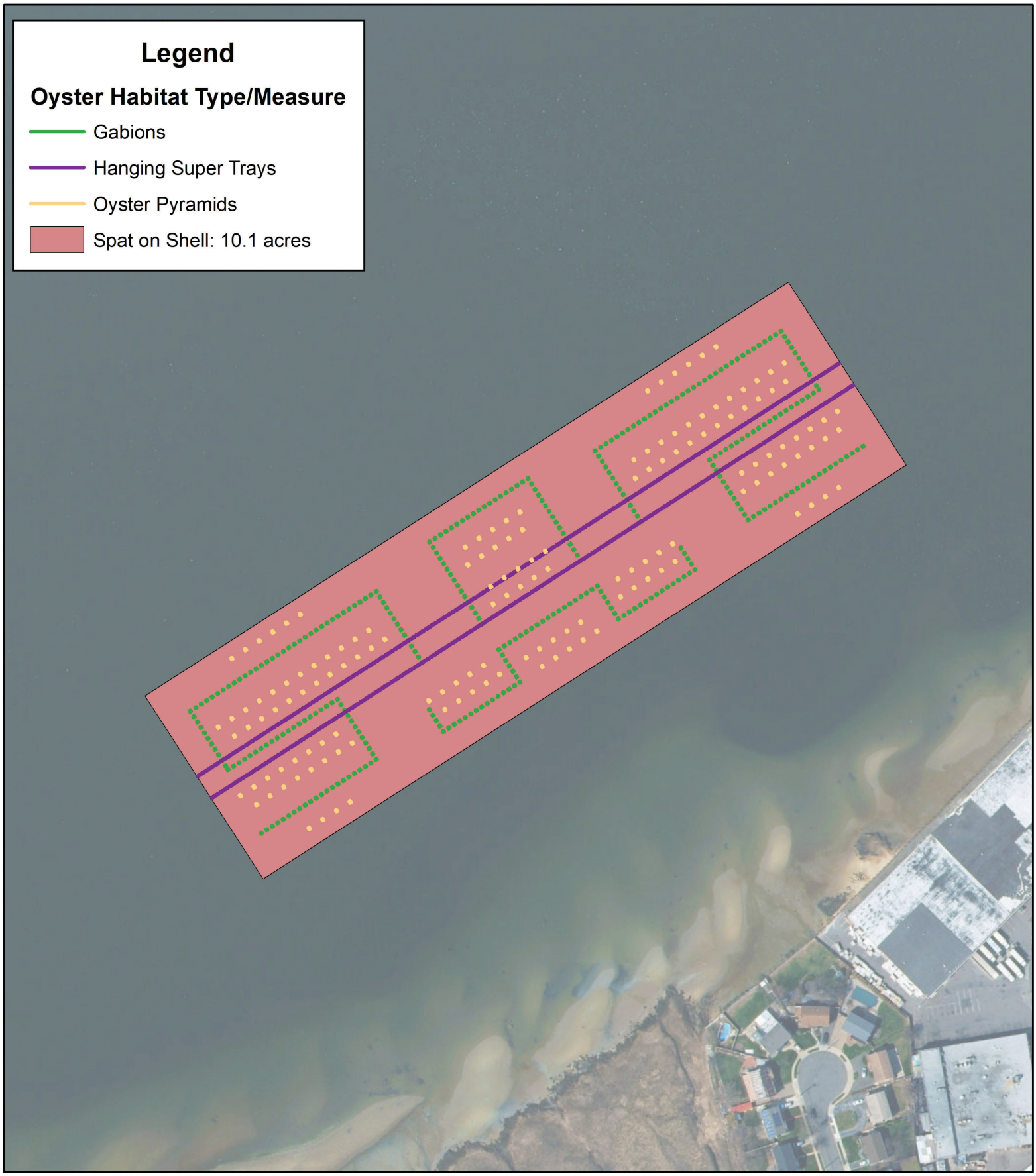
Hudson Raritan Estuary Ecosystem Restoration
Feasibility Study
Bush Terminal Oysters Design

US Army Corps of Engineers
New York District

0 80 160 320 480 640 Feet

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S



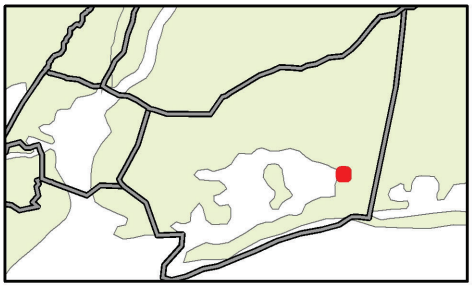


Hudson Raritan Estuary Ecosystem Restoration
Feasibility Study
Head of Jamaica Bay Oysters Design

US Army Corps of Engineers
New York District

0 65 130 260 390 520 Feet

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Appendix B: Tables of Cultural Resources by Restoration Site

Table 1. Cultural Resources by Restoration Site in New York.

Planning Region	HRE Site	Historic Resources (1 Mile Radius)	AWOIS (1 Mile Radius)	Archaeological Sites (1 Mile Radius)	Within an Archaeological Sensitivity Area	Surveys (1/2 Mile Radius)
Jamaica Bay	Fresh Creek	None	None	3609, 3607, 3610, 7390,	Yes	**02PR02030 Queens County 31, Kings County 32, Kings or Queens County 31 Queens County 1**
	Dead Horse Bay	NR Historic Resource: Floyd Bennett Field (US Naval Air Station)	13261, 13519, 13520, 13521, 13522, 13523, 13524, 13525, 13528, 13529, 14520, 14536	04701.000124, 7391	No	Kings County 54, 09PR00796
	Elders Center Marsh Island*	None	None	None	No	**02PR2030/Kings County 31**, Kings or Queens County 31 Queens County 1
	Duck Point Marsh Island	None	None	None	No	**02PR2030/Kings County 31**
	Pumpkin Patch East	None	None	None	No	**02PR2030/Kings County 31**
	Pumpkin Patch West	None	None	None	No	**02PR2030/Kings County 31**
	Stony Point Marsh Island	None	None	04701.000116	No	**02PR2030 Kings County 31**
Harlem River/East River/Western Long Island Sound	Flushing Creek	NR Historic Resources (12): Old Quaker Meetinghouse, Flushing Town Hall, Kingsland Homestead, John Browne House, RKO Keith's Theatre, US Post Office – Flushing Main, Flushing High School, Flushing Armory, Weeping Beach Tree, Old Quaker Meetinghouse, St. George's Church, Main Street Subway Station (Dual System IRT) Historic Resources (7): 08101.011528, 08101.011529, 08101.011171, 08101.006249, 08101.007212, 08101.011527, 08101.011159	1686	(6 sites): 4542, 4545, **4544**, 4524, 08101.000133, 08101.011526	Yes	**03PR2845 Queens County 38**

Planning Region	HRE Site	Historic Resources (1 Mile Radius)	AWOIS (1 Mile Radius)	Archaeological Sites (1 Mile Radius)	Within an Archaeological Sensitivity Area	Surveys (1/2 Mile Radius)
	Stone Mill Dam (Snuff Mill Dam)	NR Historic Resources: **New York Botanical Gardens (NHL, NR, SR)**, ***Lorillard Snuff Mill (NHL, NR, SR)***, Rainey Memorial Gates, 52nd Police Precinct Station House and Stable, United Workers Cooperatives, Pelham Parkway Station (Dual System IRT) Historic Resources: 00501.001196, 00501.001199, 00501.000799, 00501.000778, 00501.001142	None	None	No	05PR3926 Bronx County 26
	Bronx Zoo and Dam	13 Records within 1 mile NR Historic Resources: **Rainey Memorial Gates (NR, SR)**, New York Botanical Gardens, Lorillard Snuff Mill, Pelham Parkway Station (Duall System IRT), Morris Park Station Historic Resources: **Bronx Zoo Dam (NRE)** 00501.001464, 00501.001196, 00501.001199, 00501.000778, 00501.001142, 00501.000711, 00501.001105, 00501.001398	None	None	No	04PR6033 Bronx County 20, 05PR3926 Bronx County 26
	Shoelace Park	NR Historic Resources (4): Valentine-Varian House, Keeper's House Williamsbridge Reservoir, Lisanti Chapel, Woodlawn Station (Dual System IRT) Historic Resources (9): 00501.001410, 00501.000050, 00501.001586, 00501.001245, 00501.001144, 00501.001134, 00501.001479, 00501.001401, 00501.001311	----	2837	Yes	None
	Bronxville Lake	13 Records within 1 mile NR Historic Resources: **Bronx River Parkway Reservation (NR, SR),** Eleazer Hart House, US Post Office – Bronxville, Plashbourne Estate, Bronxville Women's Club Building Historic District: Lawrence Park Historic District Historic Resources: 11963.000080, 11963.000079, 1193.000081, 11963.000077, 11963.000082, 11963.000078, 11963.000059	Zero	5221, 5222, 5197	Yes	None
	Garth Harney	**NR Historic Resources: Bronx River Parkway Reservation (NR, SR)**, Scarsdale RR Station, U.S. Post Office Scarsdale, Caleb Hyatt House,	Zero	5222, 11916.000006	Yes	**05PR1459 Westchester County 282, 07PR557**

Planning Region	HRE Site	Historic Resources (1 Mile Radius)	AWOIS (1 Mile Radius)	Archaeological Sites (1 Mile Radius)	Within an Archaeological Sensitivity Area	Surveys (1/2 Mile Radius)
		Historic Resources: 11903.000058				**09PR0636 Westchester County 224 234**
Oyster Restoration	Head of Jamaica Bay	Zero	Zero	4548, 4050, 4547	Yes	Zero
	Bush Terminal	More than 18 Records within 1 mile Historic Districts (2): **Bush Terminal Historic District (NRE, SRE),** Sunset Park Historic District Historic Resources (more than 14): **Pier 4 – Bush Terminal,** Bush Terminal Piers Parks, Units 57 and 58 at Bush Terminal, Unit G at Bush Terminal, Building 45 at Bush Terminal, Building 39-40 at Bush Terminal, **Pier 5 Bush Terminal**, **Pier 6 – Bush Terminal,** 04701.000154, 04701.013598, 04701.000442, 04701.000445, 04701.017138, 04701.014993, numerous others. NR Historic Resources (2): 90NR01314 58$_{th}$-65$_{th}$ St. and 2$_{nd}$ Ave., 90NR01282 4302 4$_{th}$ Ave.	13402, 13403, 13489	Zero	No	07PR00965/Richmond 105,

NOTES: Bolded items are located within the site boundaries. Bold and italic items may be within site boundaries. NHL = National Historic Landmark, NR = National Register Listed, NRE = National Register Eligible, SR = State Register Listed, SRE = State Register Eligible. Surveys are listed only when they cover areas within ½ mile of the site boundaries. Some sites had more resources than could be listed in the table, all sites within the site boundaries are listed.

Table 2. Cultural Resources by Restoration Site in New Jersey.

Planning Region	HRE Site	Historic Resources (1 Mile Radius)	AWOIS (1 Mile Radius)	Archaeological Sites (1 Mile Radius)	Within an Archaeological Sensitivity Area	Surveys (1/2 Mile Radius)
Newark Bay/Hackensack River/Passaic River	Meadowlark Marsh	Historic District: Little Ferry Shops – Railroad Turntable Historic Resources (4): NYS & W Railroad Tunnel and Cut, English Neighborhood School, Zabriske-Monahan House, Dutch Reformed Church of the English Neighborhood	None	None	No	BER A 240a, BER A 278, BER E 46**, MULT A 240 a, MULT A 181 a**, MULT F 41, **MULT A55 A55(1)a A559(2)**, **HUD Z 21**, MULTI Z181 a V.1 V.2

Planning Region	HRE Site	Historic Resources (1 Mile Radius)	AWOIS (1 Mile Radius)	Archaeological Sites (1 Mile Radius)	Within an Archaeological Sensitivity Area	Surveys (1/2 Mile Radius)
	Metromedia Marsh	None	None	None	No	**BER A 240a**, **BER AA 747,** BER R 76, BER Z 179, HUD V 1, MULT A 240 a, MULT A55 A55(1)a A55(2), MULT F 41
	Branch Brook Park	Historic Districts (17): Delaware, Lackawanna and Western Railroad Newark Grade Crossing Elimination Historic District, Old Main Delaware, Lackawanna and Western Railroad Historic District, 14th Street Streetscape, Grant Street/Eighth Avenue Historic District, Newark City Subway Historic District, Lincoln Ave Streetscape, Forest Hill Historic District, James Street Commons Historic District, North 13th Street Historic District, T.P. Howell Industrial Historic District, North Broad Street Historic District, J. Wiss and Sons Company Workers Housing Historic District, **Branch Brook Park Historic District (NR),** Montclair Branch of the Delaware, Lackawanna & Western Railroad Historic District, Halcyon Park Historic District, Silver Lake Stone Houses, Morris Canal Historic District Historic Resources: 1,462 within one mile	None	28-ES-079, 100, 101, 111, 112, 113, 114, 115, 116 ,117, 123, 124, 125	No	(28 surveys): MULT J 2, **ESS B 3, ESS Y 144,** ESS Y 742, **ESS F 97, MULT 236a MULT Z 28a,** ESS AA 299, ESS AA 371, ESS AA 468, ESS AA 89a, ESS B 12, ESS F 560, ESS F 633, ESS F 633a, ESS F 239a b, ESS H 12, ESS H 126a, ESS HSR 178, HSR 64, MULT J 2 MULT 251, ESS S 5, ESS Y 142, ESS Y 143, ESS Z 201 a v.1, ESS Z 26 26a, ESS Z 29a Z29b, MULT S 3

Planning Region	HRE Site	Historic Resources (1 Mile Radius)	AWOIS (1 Mile Radius)	Archaeological Sites (1 Mile Radius)	Within an Archaeological Sensitivity Area	Surveys (1/2 Mile Radius)
	Oak Island Yards (Deferred)	4 Records within 1 mile Historic Districts: Lehigh Valley Railroad Historic District, Pennsylvania Railroad New York Bay Branch Historic District, Lehigh Valley Railroad Oak Island Yard Historic District Historic Resource: Passaic Valley Sewerage Commission Newark Bay Outfall Sewerage Works	None	None	No	**ESS Y 143, MULT R 89; MULT A 12 MULT A 201 MULT A 201a**
Oyster Restoration	Naval Weapons Station Earle	Historic Districts: **Naval Weapons Station Earle Historic District (NRE, SR)**, Shoal Harbor Rural Historic District Historic Resources: "Alexander Hamilton" Steamship	590, 2451, 6834, 3337, 2462, 2461	None	No	**Mon Q 17 Q 169 Q 9 Q 14;** Mon Q 1; Mon A 149

NOTES: Bolded items are located within the site boundaries. NR = National Register Listed, NRE = National Register Eligible, SR = State Register Listed. Surveys are listed only when they cover areas within ½ mile of the site boundaries. Some sites had more resources than could be listed in the table, all sites within the site boundaries are listed.

Appendix C – Correspondence

Section C.1 – Jamaica Bay Correspondence

Section C.2 – Hackensack Meadowlands Correspondence

Section C.3 – HRE Correspondence

Section C.1 – Jamaica Bay Correspondence

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 19, 2004

Environmental Analysis Branch

Poospatuck Reservation
Eastern Area Office
P.O. Box 86
Mastic, NY 11950

Re: USACE Jamaica Bay Ecosystem Restoration
Kings and Queens Counties, New York
Programmatic Agreement

To Whom it May Concern:

This letter is in reference to a project that the United States Army Corps of Engineers, New York District (Corps) is currently undertaking in the Jamaica Bay Area. The Corps is developing a plan to restore the ecosystem of eight specific Jamaica Bay sites to their original ecological levels.

This letter is meant to serve two purposes: 1) to inform you of the project and 2) to request information as to who to best contact in regards to Cultural Resource issues. The Corps is currently drafting a Programmatic Agreement between itself and other State and Federal Agencies that will ensure the proper execution of the National Register of Historic Places, Section 106 mandate as well as follow all NAGPRA regulations.

I would like to request the name and contact information for the person on the Poospatuck Reservation who would best be contacted to deal with the above-mentioned project as well as the cultural resources of the Poospatuck. The contact information can be sent to the following address:

Kirsten R. Davis, Project Archaeologist
US Army Corps of Engineers
Environmental Analysis Branch
26 Federal Plaza, Rm. 2136
New York, New York 10278

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

OFFICE OF PARKS · RECREATION · HISTORIC PRESERVATION
NEW YORK STATE
Bernadette Castro
Commissioner

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189 518-237-8643

November 9, 2004

Kirsten Davis
US Army corps of Engineers
26 Federal Plaza, Rm. 2136
New York, NY 10278

Dear Ms. Davis;

Re: CORPS
Jamaica Bay Ecosystem Restoration
Kings, Queens and Nassau Counties, NY
Draft Programmatic Agreement
02PR02030

Thank your for requesting the comments of the New York State Historic Preservation Office (SHPO) with regard to the potential for this project to affect significant historical/cultural resources. SHPO has reviewed the Draft Programmatic Agreement (PA) that was included with your letter of October 5, 2004 and received in our office on October 25, 2004. Based on this review, the SHPO concurs with the language of the Draft PA. Our one comment would be to insure that all of the appropriate Native American Tribes that may have an interest in the project have been consulted.

Please contact me at extension 3291 if you have any questions regarding these comments.

Sincerely

Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology

An Equal Opportunity/Affirmative Action Agency
printed on recycled paper

OFFICE OF PARKS · RECREATION · HISTORIC PRESERVATION
NEW YORK STATE
Bernadette Castro
Commissioner

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189 518-237-8643

In an effort to better serve the public and other agencies, the New York State Historic Preservation Office (SHPO) is introducing its **On Line Resource Center**. This tool is part of our new web site. Simply go to www.nysparks.state.ny.us/shpo and select **On Line Resources** from the menu. Here users will discover links to three new web based programs:

Geographic Information System (GIS)
A map based program that allows the user to select a community and view the boundaries of properties listed in the State and National Registers of Historic Places in New York State. The site also allows the user the ability to see a graphic depiction of areas that may be archeologically sensitive. These two components will provide most users with a comprehensive initial overview of the cultural resources of a specific location within the state.

National Register Document Imaging Program
This program contains the images of New York's more than 4,400 State and National Registers of Historic Places documents. An easy search program allows the user to select listed resources by community, type, style, materials, or historic use.

SPHINX (State Preservation Historic Inventory Network Exchange)
This system provides access to the State Historic Preservation Office's program-wide database for bureau records. This database includes information on more than 250,000 addresses in the state. (requires a password signup)

We are requesting that you utilize these applications to determine the ***general*** presence or absence of cultural resources in your community or project area **prior** to submitting a request for this data to our office. It is expected that these on-line tools should eliminate your need to submit information queries where only the State Environmental Quality Review Act (SEQRA) is involved. Consultation with the SHPO is mandatory when there is any state or federal involvement in a project.

If you should have questions regarding these new programs please do not hesitate to contact John Bonafide at (518) 237-8643, ext. 3263

Thank you for your assistance in helping us to streamline our process and to better meet your needs.

ATTENTION

Please find attached a REVISED *Project Review Cover Form*. This new version replaces the one currently in circulation. Please include this form with ALL submissions to this office.

Rev 6-04

An Equal Opportunity/Affirmative Action Agency
printed on recycled paper

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island Resource Center, PO Box 189, Waterford, NY 12188-0189 (Mail)
Delaware Avenue, Cohoes 12047 (Delivery)
(518) 237-8343

PROJECT REVIEW COVER FORM

Rev. 10-04

Please complete this form and attach it to the top of ***any and all information submitted to this office*** *for review.*
Accurate and complete forms will assist this office in the timely processing and response to your request.

This information relates to a previously submitted project.

PROJECT NUMBER ____ PR_____

COUNTY _____

☐ If you have checked this box and noted the previous Project Review (PR) number assigned by this office you do not need to continue unless any of the required information below has changed.

---

2. This is a new project. ☐ If you have checked this box you will need to complete ALL of the following information.

Project Name _____

Location _____
You MUST include street number, street name and/or County, State or Interstate route number if applicable

City/Town/Village _____
List the correct municipality in which your project is being undertaken. If in a hamlet you must also provide the name of the town.

County _____
If your undertaking* covers multiple communities/counties please attach a list defining all municipalities/counties included.

TYPE OF REVIEW REQUIRED/REQUESTED (Please answer both questions)

A. Does this action involve a permit approval or funding, now or ultimately from any other governmental agency?

☐ No ☐ Yes

If Yes, list agency name(s) and permit(s)/approval(s)

Agency involved	Type of permit/approval	State	Federal
		☐	☐
		☐	☐
		☐	☐

B. Have you consulted the NYSHPO web site at http://www.nysparks.state.ny.us/shpo to determine the preliminary presence or absence of previously identified cultural resources within or adjacent to the project area? If yes: ☐ Yes ☐ No

Was the project site wholly or partially included within an identified archeologically sensitive area? ☐ Yes ☐ No

Does the project site involve or is it substantially contiguous to a property listed or recommended for listing in the NY State or National Registers of Historic Places? ☐ Yes ☐ No

CONTACT PERSON FOR PROJECT

Name _____ **Title** _____

Firm/Agency _____

Address _____ **City** _____ **STATE** _____ **Zip** _____

Phone (____) _____ **Fax** (____) _____ **E-Mail** _____

Delaware Nation NAGPRA Office

P.O. Box 825, Anadarko, OK 73005
Phone: (405) 247-2448
Fax: (405) 247-9393

October 28, 2004

Kirsten Davis, Project Archaeologist
US Army Corp of Engineers
26 Federal Plaza, Rm. 2136
New York, NY 10278

RE: Programmatic Agreement with US Army Corp of Engineers, the New York State Office of Parks, Recreation, and Historic Preservation, the New York City Landmarks Commission, the National Park Service and the New York City Department of Parks

Dear Ms. Davis:

Thank you for contacting the Delaware Nation regarding the above referenced project. The Delaware Nation is committed to protecting archaeologist sites that are important to tribal heritage, culture, and religion. Furthermore, the tribe is particularly concerned with archaeologist sites that may contain human burial remains and associated funerary objects.

The Delaware Nation is agreeable to provide input for programmatic agreements within our area of interest. However, after reviewing your draft it is evident that there has been an omission of a primary party with whom you should also be consulting with on this programmatic agreement. Please contact and include the Delaware Tribe of Oklahoma located in Bartlesville, Oklahoma in your revised draft. When the revised draft is complete we request tbat you provide a copy to our office for review.

We appreciate our cooperation in contacting the Delaware Nation. Should you have any questions, feel free to contact me.

Sincerely,

Tamara Francis
NAGPRA/Cultural Preservation Director

THE CITY OF NEW YORK LANDMARKS PRESERVATION COMMISSION
1 Centre St, 9N, New York, NY 10007 (212) 669-7700

ENVIRONMENTAL REVIEW

USACE/106-Y 10/11/04

PROJECT NUMBER DATE RECEIVED

PROJECT JAMAICA BAY ECOSYSTEM RES

[ ] No architectural significance

[ ] No archaeological significance

[ ] Designated New York City Landmark or Within Designated Historic District

[ ] Listed on National Register of Historic Places

[ ] Appears to be eligible for National Register Listing and/or New York City Landmark Designation

[ ] May be archaeologically significant; requesting additional materials

COMMENTS The LPC is in receipt of the Draft Programmatic Agreement for the Jamaica Bay Restoration Project. We concur with the substance of the document and would like to be consulted but would prefer not to be signatories of the agreement.

cc: NYSOPRHP

Amanda Sutphin 11/08/04

SIGNATURE DATE

The Delaware Nation

P.O. Box 825
Anadarko, OK 73005
405-247-2448
Fax: 405-247-9393

8 October 2004

RE: Points of Contacts (POCs)

To Whom It May Concern:

Thank you for contacting the Delaware Nation. The Delaware Nation believes that it is crucial for our nation to have an obligation to comment on government-to-government consultations not only with the Government Agencies but also with other sovereign Indian nations.

Please add the following people to the points of contacts for the Delaware Nation:

Mr. Edgar L. French
President

Ms. Linda Poolaw
NAGPRA Representative

Ms. Tamara Francis
NAGPRA/Cultural Preservation Director

Should you have questions or concerns, do not hesitate to contact the Delaware Nation. We look forward to establishing a long and productive working relationship between your organization and the Delaware Nation.

Sincerely,

Edgar L. French
President

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278–0090

REPLY TO
ATTENTION OF

October 7, 2004

Environmental Analysis Branch

Amanda Sutphin
New York City Landmarks Preservation Commission
Director of Archaeology
One Center Street
9th Floor
New York, NY 10007

Dear Ms. Sutphin:

In a letter dated February 23, 2004 the US Army Corps of Engineers announced our intent to draft and execute a Programmatic Agreement, among interested Agencies, in reference to the Jamaica Bay Ecosystem Restoration Project (Enclosure 1). The decision to execute the Programmatic Agreement was based upon the fact that project sites have yet to be finalized and funding is uncertain at this time. As funds become available, via Congressional legislation, and project sites are more clearly defined, aspects of the Programmatic Agreement will be put into effect.

I would like to take this opportunity to invite the New York City Landmarks Preservation Commission to comment upon the draft Programmatic Agreement (PA) for the Jamaica Bay Ecosystem Restoration Project. The PA is to be entered into by the US Army Corps of Engineers, the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service. A copy of the draft PA is included with this letter and has also been sent to the above referenced parties.

I would also like to take this opportunity to solicit your opinion as to other non-agency groups who should be consulted as part of this process. Those that we are considering at this time include:

The Canarsie Historical Society
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Brooklyn College Archaeological Research Center
The Stockbridge-Munsee Tribe
The Delaware Nation

If there are other groups that you feel may be interested in the Jamaica Bay Ecosystem Restoration Project and its subsequent PA, please include the names and contact information with your comments.

Please review the enclosed draft and provide any comments within 30 days of your receipt of this letter to the following address:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

If you feel that it would be beneficial to schedule a meeting amongst the signatories, to discuss the PA, please include this with your comments.

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

October 7, 2004

Environmental Analysis Branch

Kathy Foppes, NPS
Gateway National Recreation Area
Cultural Resource
210 New York Avenue
Staten Island, NY 10305

Dear Ms. Foppes:

In a letter dated February 23, 2004 the US Army Corps of Engineers announced our intent to draft and execute a Programmatic Agreement, among interested Agencies, in reference to the Jamaica Bay Ecosystem Restoration Project (Enclosure 1). The decision to execute the Programmatic Agreement was based upon the fact that project sites have yet to be finalized and funding is uncertain at this time. As funds become available, and project sites are more clearly defined, aspects of the Programmatic Agreement will be put into effect.

I would like to take this opportunity to invite National Parks Service to comment upon the draft Programmatic Agreement (PA) for the Jamaica Bay Ecosystem Restoration Project. The PA is to be entered into by the US Army Corps of Engineers, the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service. A copy of the draft PA is included with this letter and has also been sent to the above referenced parties.

I would also like to take this opportunity to solicit your opinion as to other non-agency groups who should be consulted as part of this process. Those that we are considering at this time include:

The Canarsie Historical Society
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Brooklyn College Archaeological Research Center
The Stockbridge-Munsee Tribe
The Delaware Nation

If there are other groups that you feel may be interested in the Jamaica Bay Ecosystem Restoration Project and its subsequent PA, please include the names and contact information with your comments.

Please review the enclosed draft and present any comments within 30 days of your receipt of this letter to the following address:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

If you feel that it would be beneficial to schedule a meeting amongst the signatories, to discuss the PA, please include this with your comments.

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278–0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Ms. Sherry White
Cultural Resources Officer
Stockbridge-Munsee Band of Mohicans
N8476 MohHeConNuck Road
Bowler, Wisconsin 54416

Dear Ms. White:

An earlier letter, dated March 15, 2004, announced the development of a Programmatic Agreement (PA) between the US Army Corps of Engineers, the New York State Office of Parks, Recreation, and Historic Preservation, the New York City Landmarks Commission, the National Park Service and the New York City Department of Parks (Enclosure 1).

The Stockbridge-Munsee Tribe, due to its extensive cultural heritage in the region, has been identified as a possibly interested party in the development of this Agreement. I would like to take this opportunity to provide the Tribe with a draft copy of the PA, and offer the opportunity to comment on the draft PA and proposed project, before they are finalized.

I would also like to take this opportunity to solicit your opinion as to other non-agency groups this PA could potentially be sent to. Those that we are considering at this time include:

The Canarsie Historical Society
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Brooklyn College Archaeological Research Center
The Delaware Nation

If there are other groups that you feel may be interested in the Jamaica Bay Ecosystem Restoration Project and its subsequent PA, please include the names and contact information with your comments.

Please review the enclosed draft and present any comments within 30 days to the following address:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

If you feel that it would be beneficial to schedule a meeting, amongst the signatories, to discuss the PA, please include the request in your comments.

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Bruce Gonzales, President
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

Dear Mr. Gonzales:

An earlier letter, dated March 15, 2004, announced the development of a Programmatic Agreement (PA) between the US Army Corps of Engineers, the New York State Office of Parks, Recreation, and Historic Preservation, the New York City Landmarks Commission, the National Park Service and the New York City Department of Parks (Enclosure 1).

The Delaware Nation, due to its extensive cultural heritage in the region, has been identified as a possibly interested party in the development of this Agreement. I would like to take this opportunity to provide the Nation with a draft copy of the PA, and offer the opportunity to comment on the draft PA and the proposed project, before they are finalized.

I would also like to take this opportunity to solicit your opinion as to other non-agency groups this PA could potentially be sent to. Those that we are considering at this time include:

The Canarsie Historical Society
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Brooklyn College Archaeological Research Center
The Stockbridge-Munsee Tribe

If there are other groups that you feel may be interested in the Jamaica Bay Ecosystem Restoration Project and its subsequent PA, please include the names and contact information with your comments.

Please review the enclosed draft and present any comments within 30 days to the following address:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

If you feel that it would be beneficial to schedule a meeting, amongst the signatories, to discuss the PA, please include the request in your comments.

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Ruth Pierpont, Director
New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Service Bureau
Peebles Island, P.O. Box 189
Waterford, New York 12188-0189

Re: USACE Jamaica Bay Ecosystem Restoration
Kings, Queens, and Nassau Counties, New York
Programmatic Agreement
Project Number: 02PR02030

Dear Ms. Pierpont:

In a letter dated February 23, 2004 the US Army Corps of Engineers announced our intent to draft and execute a Programmatic Agreement, among interested Agencies, in reference to the Jamaica Bay Ecosystem Restoration Project (Enclosure 1). The decision to execute the Programmatic Agreement was based upon the fact that project sites have yet to be finalized and funding is uncertain at this time. As funds become available, and project sites are more clearly defined, aspects of the Programmatic Agreement will be put into effect.

I would like to take this opportunity to invite the New State Office of Parks, Recreation and Historic Preservation to comment upon the draft Programmatic Agreement (PA) for the Jamaica Bay Ecosystem Restoration Project. The PA is to be entered into by the US Army Corps of Engineers, the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service. A copy of the draft PA is included with this letter and has also been sent to the above referenced parties.

I would also like to take this opportunity to solicit your opinion as to other non-agency groups who should be consulted as part of this process. Those that we are considering at this time include:

The Canarsie Historical Society
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Brooklyn College Archaeological Research Center
The Stockbridge-Munsee Tribe
The Delaware Nation

If there are other groups that you feel may be interested in the Jamaica Bay Ecosystem Restoration Project and its subsequent PA, please include the names and contact information with your comments.

Please review the enclosed draft and provide any comments within 30 days of your receipt of this letter to the following address:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

If you feel that it would be beneficial to schedule a meeting, amongst the signatories, to discuss the PA, please include this with your comments.

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278–0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Dr. Arthur Bankoff
Brooklyn College Archaeological Research Center
Brooklyn College, CUNY
2900 Bedford Avenue and Avenue H
Brooklyn, New York 11210-2889

Dear Dr Bankoff:

I would like to take this opportunity, on behalf of the US Army Corps of Engineers, New York District (District) to introduce the Jamaica Bay Ecosystem Restoration Project (JABERP). The project is intended to revitalize the environmental ecosystem of the Jamaica Bay area. Eight sites in Jamaica Bay have been chosen for study, and possible restoration. These sites include: Dead Horse Bay, Paerdegat Basin, Fresh Creek, Spring Creek, Hawtree/Bergen Basin, Bayswater State Park, Dubos Point, and Brant Point (Enclosure 1). Cultural Resources may be affected by this project and it is the goal of the US Army Corps to protect and minimize the impact of the proposed ecosystem restoration. The overall purpose of the project is to improve the environmental quality of Jamaica Bay by ameliorating the adverse impacts of past activities at the project sites. Field observations of the sites indicate that the ecology of the areas are degraded, due to past filling of tidal wetlands, poor water quality, and the predominance of introduced invasive species. JBERP includes the restoration of over 161 acres of salt marsh, almost 80 acres of beach/dune habitat, and over 217 acres of upland around Jamaica Bay.

This project will include the excavation of fill from shoreline areas to restore tidal marshes. Some sites (Dead Horse Bay, Bayswater, Dubos Point, Spring Creek) include the creation of tidal creeks to permit proper tidal inundation of newly created marshes, and to prevent the recolonization of invasive species. Most of the excavated materials will be reused onsite for landscaping of adjacent upland features, such as maritime forests and grasslands, which will protect the marshes and provide transitional zones to the surrounding uplands.

I would like to take this opportunity to invite the Brooklyn College Archaeological Research Center to comment upon the draft Programmatic Agreement (PA), to be entered into by the US Army Corps of Engineers (Corps), the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service.

This PA has been drafted in an attempt to satisfy the Section 106 requirements in accordance with the National Historic Preservation Act of 1966. Due to project timelines

and funding all required cultural resources work cannot be completed at this stage of the feasibility study. The included PA describes the actions and responsibilities that will be undertaken by the Corps throughout the duration of the project and their direct impact on any cultural resources encountered.

Other parties that have been asked to comment upon the draft PA are:

The Canarsie Historical Society
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Stockbridge-Munsee Tribe
The Delaware Nation

Should you feel that there are other interest groups that would like to be involved please contact the Project Archaeologist, Kirsten Davis, (212) 264-0248.

Please review the enclosed draft and present any comments within 30 days to Kirsten Davis:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Mike Steffens
Friends of Marine Park and Gerritsen Creek
P.O. Box 340701
Brooklyn, New York 11234-0701

Dear Mr. Steffens:

I would like to take this opportunity, on behalf of the US Army Corps of Engineers, New York District (District), to introduce the Jamaica Bay Ecosystem Restoration Project (JABERP). The project is intended to revitalize the environmental ecosystem of the Jamaica Bay area. Eight sites in Jamaica Bay have been chosen for study, and possible restoration. These sites include: Dead Horse Bay, Paerdegat Basin, Fresh Creek, Spring Creek, Hawtree/Bergen Basin, Bayswater State Park, Dubos Point, and Brant Point (Enclosure 1). The overall purpose of the project is to improve the environmental quality of Jamaica Bay by ameliorating the adverse impacts of past activities at the project sites. Field observations of the sites indicate that the ecology of the areas are degraded, due to past filling of tidal wetlands, poor water quality, and the predominance of introduced invasive species. JABERP includes the restoration of over 161 acres of salt marsh, almost 80 acres of beach/dune habitat, and over 217 acres of upland around Jamaica Bay. Cultural Resources may be affected by this project and it is the goal of the District to protect and minimize the impact of the proposed ecosystem restoration on these resources.

This project will include the excavation of fill from shoreline areas to restore tidal marshes. Some sites (Dead Horse Bay, Bayswater, Dubos Point, Spring Creek) include the creation of tidal creeks to permit proper tidal inundation of newly created marshes, and to prevent the recolonization of invasive species. Most of the excavated materials will be reused onsite for landscaping of adjacent upland features, such as maritime forests and grasslands, which will protect the marshes and provide transitional zones to the surrounding uplands

I would like to take this opportunity to invite the Friends of Marine Park and Gerritsen Creek to comment upon the draft Programmatic Agreement (PA), to be entered into by the US Army Corps of Engineers (Corps), the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service.

This PA has been drafted in an attempt to satisfy the Section 106 requirements in accordance with the National Historic Preservation Act of 1966. The decision to execute the Programmatic Agreement was based upon the fact that project plans have yet to be finalized and funding is uncertain at this time. As funds become available and project plans are more clearly defined, aspects of the Programmatic Agreement will be put into

effect. The included PA describes the actions and responsibilities that will be undertaken by the District throughout the duration of the project and their direct impact on any cultural resources encountered.

Other parties that have been asked to comment upon the draft PA are:

The Canarsie Historical Society
Brooklyn College Archaeological Research Center
The Marine Park Civic Association
The Stockbridge-Munsee Tribe
The Delaware Nation

Should you feel that there are other interest groups that would like to be involved please contact the Project Archaeologist, Kirsten Davis, (212) 264-0248.

Please review the enclosed draft and present any comments within 30 days to Kirsten Davis:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Ira M. Kluger, President
Canarsie Historical Society
661 East 82nd Street
Brooklyn, New York 11236

Dear Mr. Kluger:

I would like to take this opportunity, on behalf of the US Army Corps of Engineers, New York District (District), to introduce the Jamaica Bay Ecosystem Restoration Project (JBERP). The project is intended to revitalize the environmental ecosystem of the Jamaica Bay area. Eight sites in Jamaica Bay have been chosen for study, and possible restoration. These sites include: Dead Horse Bay, Paerdegat Basin, Fresh Creek, Spring Creek, Hawtree/Bergen Basin, Bayswater State Park, Dubos Point, and Brant Point (Enclosure 1). The overall purpose of the project is to improve the environmental quality of Jamaica Bay by ameliorating the adverse impacts of past activities at the project sites. Field observations of the sites indicate that the ecology of the areas are degraded, due to past filling of tidal wetlands, poor water quality, and the predominance of introduced invasive species. JBERP includes the restoration of over 161 acres of salt marsh, almost 80 acres of beach/dune habitat, and over 217 acres of upland around Jamaica Bay. Cultural Resources may be affected by this project and it is the goal of the District to protect and minimize the impact of the proposed ecosystem restoration on these resources.

This project will include the excavation of fill from shoreline areas to restore tidal marshes. Some sites (Dead Horse Bay, Bayswater, Dubos Point, Spring Creek) include the creation of tidal creeks to permit proper tidal inundation of newly created marshes, and to prevent the recolonization of invasive species. Most of the excavated materials will be reused onsite for landscaping of adjacent upland features, such as maritime forests and grasslands, which will protect the marshes and provide transitional zones to the surrounding uplands

I would like to take this opportunity to invite the Canarsie Historical Society to comment upon the draft Programmatic Agreement (PA), to be entered into by the US Army Corps of Engineers (Corps), the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service.

This PA has been drafted in an attempt to satisfy the Section 106 requirements in accordance with the National Historic Preservation Act of 1966. The decision to execute the Programmatic Agreement was based upon the fact that project plans have yet to be finalized and funding is uncertain at this time. As funds become available and project

plans are more clearly defined, aspects of the Programmatic Agreement will be put into effect. The included PA describes the actions and responsibilities that will be undertaken by the District throughout the duration of the project and their direct impact on any cultural resources encountered.

Other parties that have been asked to comment upon the draft PA are:

Brooklyn College Archaeological Research Center
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Stockbridge-Munsee Tribe
The Delaware Nation

Should you feel that there are other interest groups that would like to be involved please contact the Project Archaeologist, Kirsten Davis, (212) 264-0248.

Please review the enclosed draft and present any comments within 30 days to Kirsten Davis:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Bill Tai
Natural Resources Group
City of New York, Parks and Recreation
The Arsenal
Central Park
830 5th Avenue
New York, NY 10021

Dear Mr. Tai:

In a letter dated February 23, 2004 the US Army Corps of Engineers announced our intent to draft and execute a Programmatic Agreement, among interested Agencies, in reference to the Jamaica Bay Ecosystem Restoration Project (Enclosure 1). The decision to execute the Programmatic Agreement was based upon the fact that project sites have yet to be finalized and funding is uncertain at this time. As funds become available, and project sites are more clearly defined, aspects of the Programmatic Agreement will be put into effect.

I would like to take this opportunity to invite the New York City Parks Department to comment upon the draft Programmatic Agreement (PA) for the Jamaica Bay Ecosystem Restoration Project. The PA is to be entered into by the US Army Corps of Engineers, the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service. A copy of the draft PA is included with this letter and has also been sent to the above referenced parties.

I would also like to take this opportunity to solicit your opinion as to other non-agency groups who should be consulted as part of this process. Those that we are considering at this time include:

The Canarsie Historical Society
Friends of Marine Park and Gerritsen Creek
The Marine Park Civic Association
The Brooklyn College Archaeological Research Center
The Stockbridge-Munsee Tribe
The Delaware Nation

If there are other groups that you feel may be interested in the Jamaica Bay Ecosystem Restoration Project and its subsequent PA, please include the names and contact information with your comments.

Please review the enclosed draft and provide any comments within 30 days of your receipt of this letter to the following address:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

If you feel that it would be beneficial to schedule a meeting, amongst the signatories, to discuss the PA, please include this with your comments.

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

October 5, 2004

Environmental Analysis Branch

Martha Catlin, Federal Agencies Services Program Analyst
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW
Suite 809
Washington, DC 20004

Re: USACE Jamaica Bay Ecosystem Restoration
Kings, Queens, and Nassau Counties, New York
Programmatic Agreement

Dear Ms. Catlin:

I would like to take this opportunity to invite the Advisory Council on Historic Preservation to comment upon the draft Programmatic Agreement, to be entered into by the US Army Corps of Engineers, the New York State Office of Parks, Recreation and Historic Preservation, the New York City Landmarks Commission, the New York City Department of Parks, and the National Park Service.

Please review the enclosed draft and present any comments within 30 days to the Project Archaeologist, Kirsten Davis:

Kirsten Davis, Project Archaeologist
US Army Corps of Engineers
26 Federal Plaza, Rm. 2136
New York, New York 10278

It is assumed that the Council will not participate in this PA, however should the Council like to participate, please feel free to contact Kirsten Davis to schedule a meeting and/or conference call.

We look forward to working with you on the Jamaica Bay Ecosystem Restoration Project.

Sincerely,

L. Houston

Leonard Houston
Chief, Environmental Analysis Branch

Enclosure

DRAFT

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISION,
NEW YORK CITY PARKS DEPARTMENT,
NATIONAL PARKS SERVICE
AND
THE NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION
REGARDING
THE JAMAICA BAY ECOSYSTEM RESTORATION PROJECT

WHEREAS, the U.S. Army Corps of Engineers, New York District, (New York District) proposes to implement ecosystem restoration projects at eight sites within Jamaica Bay (the Project) in cooperation with its local sponsor (a map depicting Jamaica Bay and the proposed restoration sites is included as Appendix 1 of this Programmatic Agreement), located in Kings and Queens Counties, New York (PA).

WHEREAS, the proposed project elements at each of the proposed restoration sites may include one or more of the following: channel modifications, regrading, replanting, and recontouring of marshland, phragmites control and removal, dredging, and the excavation of fill.

WHEREAS, the New York District is authorized to undertake the implementation of this Project by a resolution of the Committee on Public Works and Transportation of the United States House of Representatives adopted 1 August 1990.

WHEREAS, the New York District and State of New York intend to execute a Project Cooperation Agreement to formalize the roles and responsibilities of the federal and state governments in the implementation of the Jamaica Bay Ecosystem Restoration Project;

WIIEREAS, the New York District will continue to develop plans and implement the provisions of this PA for each site within the Project as funds are appropriated in future years.

WHEREAS, the New York District has defined the "Area of Potential Effect" (APE) for this undertaking to include all areas impacted by activities required to construct the channel modifications, regrading, replanting, and recontouring of marshland, phragmites control and removal, dredging, and the excavation of fill, including all construction staging and borrow areas, and all access roads (detailed conceptual plans for each restoration site are provided in Appendix 2 of this PA. The APE maybe redefined based upon revisions to the proposed project plan;

WHEREAS, the New York District has completed a Phase IA Cultural Resources survey

that identifies potentially significant cultural resources in the Project area.

WHEREAS, the New York District has identified several interested parties to participate in the Section 106 consultation process and project planning, to include the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), the National Park Service, Gateway National Recreation Area (NPS), New York City Landmarks Preservation Commission (NYCLPC) and the New York City, Department of Parks and Recreation (NYCDPR), to be known throughout this PA as "other Agencies" and the Stockbridge-Munsee Tribe and the Delaware Nation (to be known throughout this PA as "the Tribes" "), and will consider subsequent requests as appropriate. In accordance with 36 CFR Part 800.13, the New York District, and the OPRHP have determined that execution of this PA and the Project Cooperation Agreement will establish alternative procedures to streamline the coordination of the Project;

WHEREAS, the New York District shall continue to consult with the NYSOPRHP, other Agencies, and the Tribes regarding plans and surveys to identify, evaluate and treat historic properties as the New York District and its agents implement all phases of the Jamaica Bay Ecosystem Restoration Project;

WHEREAS the New York District is coordinating, and shall continue to coordinate a public outreach program for this undertaking, which in the past has consisted of a number of public meetings and the circulation of cultural resource and environmental documents related to the Section 106 review process; and

NOW, THEREFORE, the New York District, and the NYSOPRHP agree that the Project shall be administered in accordance with the following stipulations to satisfy the New York District's Section 106 responsibility for all individual undertakings of the Project.

Stipulations

The New York District shall ensure that the following measures are carried out:

I. IDENTIFICATION AND EVALUATION

A. The New York District shall consult with the NYSOPRHP to develop plans to complete the identification and evaluation of cultural resources within the Project's APE. The NYSOPRHP will provide comments on the scope of work and final plans within 15 days of receipt.

B. The New York District shall revise scopes of work to address comments and recommendations provided by the NYSOPRHP, and the other Agencies and the Tribes, as appropriate, prior to proceeding with identification and evaluation activities.

C. The New York District shall ensure that qualified professionals meeting the NPS professional qualifications for the appropriate discipline [NPS Professional Qualification Standards, Secretary of the Interior's Standards and

Guidelines for Archaeology and Historic Preservation (48 FR 44738-39)] will complete all identification and evaluation investigations related to this undertaking, to include archaeological surveys and testing, and documentation.

D. The New York District shall ensure that all archaeological surveys the APE are conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and the New York Archaeological Council (NYAC) Cultural Resources Standards Handbook; Guidelines for Understanding and Applying New York State Standards for New York State Cultural Resources (2000), and take into account the NPS publication The Archaeological Survey: Methods and Uses (1978) and the statewide historic contexts developed by the NYSOPRHP.

E. The New York District shall consider the views of the public or interested parties in completing its identification and evaluation responsibilities.

F. The New York District, in consultation with the NYSOPRHP, shall evaluate cultural resources using the National Register of Historic Places (NRHP) criteria, Regulation number 16 U.S. C 470;

G. Traditional Cultural Properties.

1. The New York District and the NYSOPRHP have agreed that there are six potential sites that may contain traditional cultural properties located within the APE. These sites will be investigated further and results will be coordinated with other Agencies as to determine NRHP eligibility.

2. The New York District shall ensure that future surveys within the the APE includes procedures to identify Traditional Cultural Properties and to consult with the Tribes and other affected parties in accordance with the guidelines provided by NPS Bulletin 38, Guidelines for Evaluating and.

3. In the event that the Tribes or affected group contacts the New York District regarding its recognition of a Traditional Cultural Property, located within the APE, the New York District shall notify the NYSOPRHP and other Agencies, as appropriate, and initiate discussions with all parties to evaluate whether the property is a Traditional Cultural Property that meets the Criteria.

II. TREATMENT OF HISTORIC PROPERTIES.

The New York District shall adhere to the following treatment strategies in order to avoid adverse effect to historic properties.

A. The New York District shall ensure that treatment plans are developed and implemented for all historic properties within the APE consistent with the terms of the PA, determined eligible for listing in the N RHP.

B. The New York District, in consultation with the NYSOPRHP, other Agencies, and the Tribes, as appropriate shall develop appropriate treatment plans for historic properties identified within the APE, which may be affected by the Project. Unless the NYSOPRHP, the other Agencies, and the Tribes, as appropriate, objects within 30 days of receipt of any plan, the New York District shall ensure that treatment plans are implemented by the New York District or its representative(s). The New York District shall revise Plans to address comments and recommendations provided by the NYSOPRHP, the other Agencies, and the Tribes, as appropriate..

C. The New York District shall ensure that qualified professionals meeting the N PS professional qualifications for the appropriate discipline [NPS Professional Qualification Standards, Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44738-39)] are used to develop and implement all treatment plans.

D. Avoidance. The preferred treatment is avoidance of effects to historic properties. The New York District shall, to the extent feasible, avoid historic properties either through project design changes, use of temporary fencing or barricades, realignments, landscaping, or other measures that will protect historic properties. The New York District, the NYSOPRHP other Agencies, and the Tribes, as appropriate shall consult to develop plans for avoiding impacts to historic properties. The New York District shall incorporate feasible avoidance measures into project activities as part of the implementation of the Project. If, in consultation with the NYSOPRHP, the other Agencies, and the Tribes, as appropriate, avoidance is determined to be infeasible, the New York District shall develop and implement treatment plans consistent with Stipulations II.E or II.F of this PA.

E. Preservation In Place.

When the New York District the NYSOPRHP, the other Agencies, and the Tribes, as appropriate, agree that complete avoidance of historic properties is infeasible, the New York District shall explore preservation in place, if appropriate. Preservation in place may entail partial avoidance or protection of historic properties against project related activities in proximity to the property. The New York District shall preserve properties in place through project design, i.e. incorporating color, texture, scale, materials, which are compatible with the architectural or historic character of the historic property, use of fencing, berms or barricades, preservation of vegetation including mature trees, landscaping and planting that screen the property. If the New York District, in consultation with the NYSOPRHP, the other Agencies, and the Tribes, as appropriate, determines that preservation in place is infeasible, the New York District shall develop and implement treatment plans consistent with Stipulation II.F of this PA.

F. Data Recovery

1. When the New York District, in consultation with the NYSOPRHP, the other

Agencies, and the Tribes, as appropriate, determines that project activities will have an adverse effect on sites that have been determined to be eligible for the NRHP, the New York District shall conduct data recovery as follows:

a. The New York District shall develop a data recovery plan to retrieve significant archaeological information. The New York District shall ensure that the data recovery plan for each historic property that will be adversely affected by the project addresses substantive research questions developed in consultation with the NYSOPRHP, the NYCLPC, NYCDP, NPS, The Stockbridge-Munsee Tribe, and the Delaware Nation.

b. The plan shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37) and take into account 's publication, Treatment of Archaeological Properties. Each plan shall specify, at a minimum, the following:

(i) the property, properties, or portions of properties where data recovery is to be carried out;
(ii) the research questions to be addressed through the data recovery, with an explanation of their relevance and importance;
(iii) the methods to be used, with an explanation of their relevance to and effectiveness in addressing the research questions;
(iv) a proposed schedule for the submission of progress reports and the draft and final data recovery reports to the NYSOPRHP, the other Agencies, and the Tribes.

c. The New York District shall submit data recovery plans to the NYSOPRHP, the other Agencies, and the Tribes, as appropriate, for review and approval. The New York District and NYSOPRHP, the other Agencies, and the Tribes, as appropriate, shall consult to resolve any objections to the data recovery plan as proposed. The New York District once approved by the NYSOPRHP shall then implement the data recovery plan. If no response is received from the NYSOPRHP, the other Agencies, and the Tribes, as appropriate, after 30 days of receipt of adequate documentation, the New York District may assume the concurrence and proceed with implementation of the plan submitted.

d. The New York District shall ensure that data recovery plan(s) will be carried out by or under the direct supervision of an archaeologist(s) who meets, at minimum, the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9).

e. The New York District, in consultation with the NYSOPRHP, and other Agencies, as appropriate, shall develop adequate provisions for site security during data recovery to avoid vandalism.

G. Curation and Dissemination of Information

1. The New York District or its designee, in consultation with the NYSOPRHP shall ensure that all materials and records resulting from the survey, evaluation, and data recovery conducted for the Project will be curated in accordance with 36 CFR Part 79 "Curation of Federally-Owned and Administered Archaeological Collections" and ER 1130-2- 433 "Project Operations: Collections Management and Curation of Archaeological and Historical Data." All material and records recovered from non-Federally owned land shall be maintained in accordance with 36 CFR Part 79 until their analysis is complete and, if necessary, are returned to their owner(s).

2. The New York District shall ensure that all final reports resulting from actions pursuant to this PA will be provided, to the NYSOPRHP, the other Agencies, the Tribes, and upon request, to other interested parties. All such plans shall be responsive to contemporary standards. Final plans shall be submitted to NYSOPRHP, the other Agencies, and the Tribes, as appropriate, for review and approval. The New York District shall implement approved final plans.

3. The New York District, in consultation with other Agencies as appropriate ensures that all artifacts recovered as part of the work identified in this PA be returned to their respective owners for curation and storage.

III. PUBLIC OUTREACH EFFORT

A. The New York District shall consult with the NYSOPRHP, and other Agencies, and the Tribes, as appropriate to develop a plan for the creation of a public outreach program as part of mitigation for project related impacts.

B. The Scope of Work prepared for the public outreach shall be submitted with the New York District's schedule for implementation to the NYSOPRHP, the other Agencies, and the Tribes, as appropriate, for review and approval. The New York District other Agencies and the NYSOPRHP shall consult to resolve any objections. The New York District once approved by the Agencies shall implement the final plan. If no response is received from the Agencies within 30 days following receipt of adequate documentation the plan shall be implemented as submitted.

C. The plan for public outreach programs will be implemented only if, through consultation of the New York District, the other Agencies, and the Tribes, as appropriate, historic properties are encountered at a given site within the Project area and project funds are appropriated.

III. UNANTICIPATED DISCOVERY

A. If previously unidentified cultural resources are discovered during Project

implementation, the New York District shall cease all work in the vicinity of the discovered cultural resources until it can be evaluated pursuant to the guidelines in Stipulation I of this PA. If the property is determined to be eligible, the New York District shall consult with the NYSOPRHP and other Agencies to develop a treatment plan.

B. The New York District shall implement the treatment plan once approved by the NYSOPRHP, the other Agencies, and the Tribes, as appropriate.

C. The New York District shall ensure that all archaeological surveys within the portions of the APE are conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and the (NYAC) Cultural Resources Standards Handbook: Guidelines for Understanding and Applying New York State Standards for New York State Cultural Resources (2000), and take into account the NPS publication The Archaeological Survey: Methods and Uses (1978) and the statewide historic contexts developed by the NYSOPRHP.

IV. COORDINATION OF REVIEWS FOR PROJECT ACTIVITIES

A. All plans, documents, reports, and materials shall be submitted by the New York District (or its representative) to the other Agencies, and the Tribes, as appropriate, for a 30 day review period unless otherwise stipulated in this PA. If the Agencies fail to comment within the specified time, the New York District must request comments unless the PA provides for the New York District to assume concurrence when the 30-day review period has elapsed.

B. When interested parties are participating in the review of activities or actions outlined in this PA the New York District shall ensure that all interested parties are provided documentation at the time it is forwarded to the NYSOPRHP and afforded a 30-day review period. As appropriate, the New York District shall submit the comments of interested parties to the NYSOPRHP to facilitate further consultation.

C. If after consulting with the NYSOPRHP and interested parties for a period of 90 days on any action or activity provided for in this PA, the New York District or NYSOPRHP concludes there is no progress in developing treatment/mitigation plan or other documents required by this PA, the New York District or NYSOPRHP may notify and request the involvement of the Advisory Council on Historic Preservation (Council) to expedite completion of the consultation process.

D. The New York District shall ensure that all submissions to the NYSOPRHP, the other Agencies, and the Tribes will include all relevant information to facilitate their review. The New York District shall provide all additional information requested by NYSOPRHP, the Council, the other Agencies, and the Tribes, within a timely manner unless the signatories to this PA agree otherwise.

E. The New York District shall ensure that all draft and final reports resulting from actions pursuant to the Stipulations of this PA will be provided to the NYSOPRHP, the other Agencies, and the Tribes, and upon request, to other interested parties and will identify the Principal Investigator responsible for the report. All reports will be responsive to contemporary standards, and as appropriate to the Department of the Interior's Format Standards for Final Reports of Data Recovery Programs (42 FR 5377-79) and SHPO report standards. Precise locational data may be provided only in a separate appendix if it appears that its release could jeopardize archaeological sites consistent with National Register Bulletin Number 29, Guidelines for Restricting Information about Historic and Prehistoric Resources.

F. If the District proposes revisions or addenda to NYSOPRHP approved treatment plans or other documents; the New York District and NYSOPRHP shall consult to determine whether additional conditions are appropriate.

G. The New York District shall certify in writing that all requirements for identification and evaluation, and the implementation of treatment plans have been satisfactorily completed prior to the initiation of construction activities for a specified portion of the Project. The New York District shall submit a copy of this certification to the NYSOPRHP by certified mail. The NYSOPRHP shall have 30 days to object to the certification based on the NYSOPRHP's finding of incomplete compliance or inadequate compliance with the terms of this PA. If the NYSOPRHP does not object, the District may proceed with construction for the specified segment of the Project.

V. DISPUTE RESOLUTION

A. The NYSOPRHP, other Agencies, and the Tribes shall have 30 days to object to determinations, evaluations, plans, and documents submitted by the New York District. The New York District, the NYSOPRHP, other Agencies, and the Tribes shall attempt to resolve any disagreement arising from implementation of this PA. If there is a determination that the disagreement cannot be resolved, the New York District shall request 's recommendations or request the comments in accordance with 36 CFR Part 800.6(b).

B. Any Council recommendations or comments provided in response will be considered in accordance with 36 CFR Part 800.6(c)(2), with reference only to the subject of the dispute. The New York District shall respond to the Council recommendations or comments indicating how the New York District has taken the Council's recommendations or comments into account and complied with same, prior to proceeding with Project activities that are subject to dispute. Responsibility to carry out all other actions under this PA that are not the subject of the dispute will remain unchanged.

VI. PUBLIC INVOLVEMENT

A. Copies of this Agreement and relevant documentation prepared pursuant to the terms of this PA shall be made available for public inspection (information regarding the

locations of archaeological sites will be withheld in accordance with the Freedom of Information Act and National Register Bulletin 29, if it appears that this information could jeopardize archaeological sites). The New York District shall take any comments received from the public under this Agreement into account.

B. The New York District shall review and resolve timely substantive public objections. Public objections shall be considered timely when they are provided within the review periods specified in this PA. The New York District shall consult with the other Agencies to resolve objections. Project actions, which are not the subject of the objection, may proceed while the consultation is conducted.

VII. MONITORING

A. Upon execution of the Project Cooperation Agreement, the New York District shall prepare annual reports summarizing the status of compliance with the terms of this PA and a summary of the completed activities and the exempt activities for the past year and proposed activities for the next fiscal year to the NYSOPRHP, Council, the other Agencies, and the Tribes by the New York District. Reports shall be submitted by January 31 of every year. The Annual Reports shall be provided to NYSOPRHP, other Agencies, and the Tribes, as appropriate, until the Project-related activities are complete.

B. NYSOPRHP may request a site visit to follow up information in the annual report or to monitor activities carried out pursuant to this PA. The NYSOPRHP shall provide the New York District with 30 days written notice when requesting a site visit unless otherwise agreed. The New York District may also schedule a site visit with the NYSOPRHP and at its discretion.

VII. AMENDMENTS

Any signatory to this PA may request that it be amended, whereupon all the parties will consult in accordance with 36 CFR Part 800.13 to consider such amendment.

VIII. TERMINATION

Any signatory to this PA may terminate it by providing 30 days notice to the other parties, provided that the parties will consult during the period prior to termination by certified mail to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the New York District will comply with 36 CFR Parts 800.4 through 800.6 with regard to individual undertakings covered by this Agreement.

IX. SUNSET CLAUSE.

A. This PA will continue in full force and effect for five years ensuring that all terms of this PA are met, unless the Project is terminated or authorization is rescinded. The New York District and other Agencies will revisit this PA after five years to ensure all parties

are still in agreement that that Project authorization continues.

Execution and implementation of this PA evidences that the New York District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and that the New York District has afforded the NYSOPRHP an opportunity to comment on the undertaking and its effects on historic properties.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____
John M. Fowler, Executive Director

NEW YORK STATE OFFICE OF PARKS, RECTREATION, AND HISTORIC PRESERVATION

By: _____ Date: _____
Ruth Pierpont, State Historic Preservation Officer

NEW YORK CITY LANDMARKS PRESERVATION COMMISSION

By: _____ Date: _____
Amanda Sutphin, Director of Archaeology

City of New York, Parks and Recreation
By: _____ Date: _____
Bill Tai, Natural Resources Group

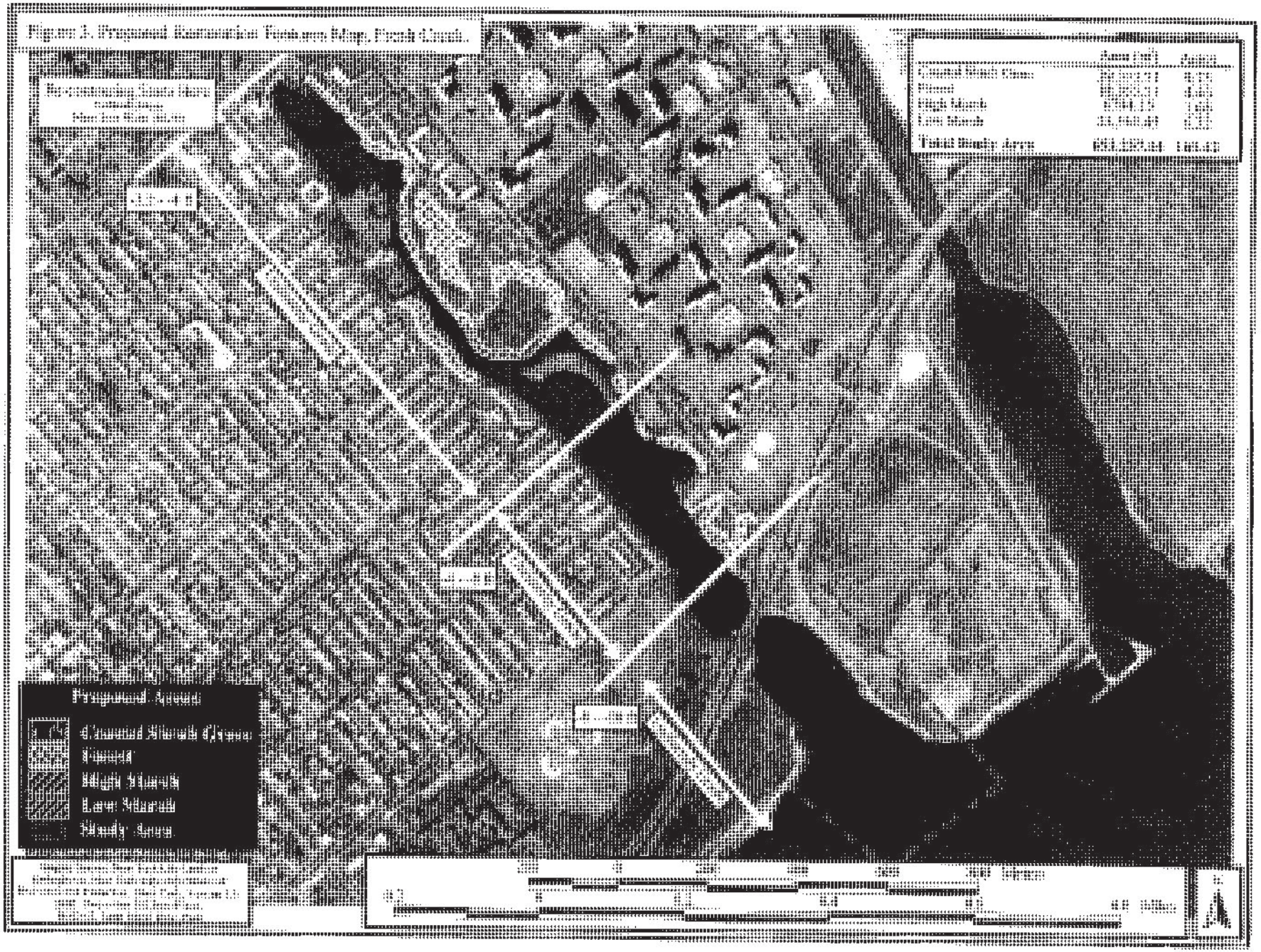
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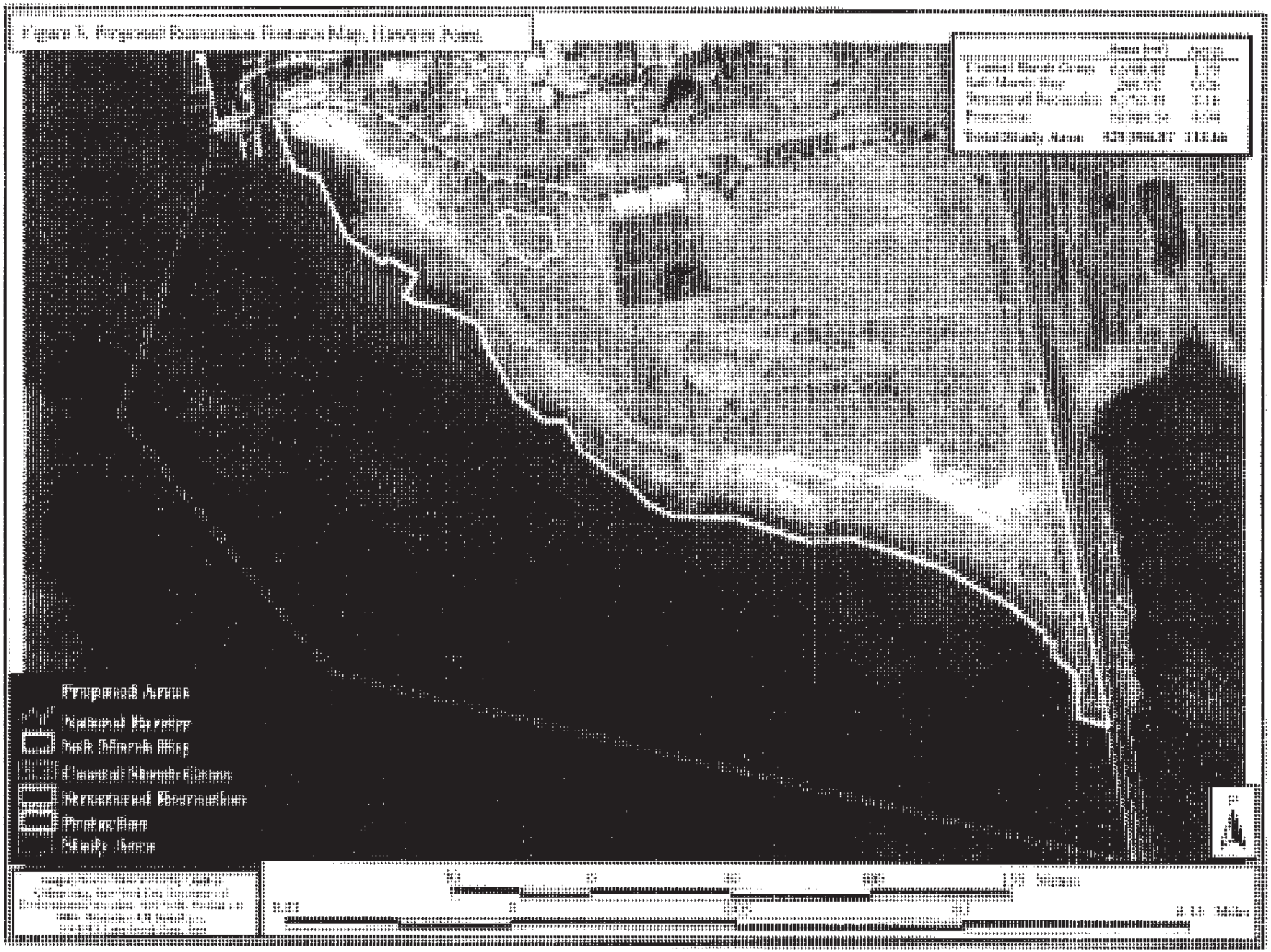
By: _____ Date: _____
Kathy Foppes, Cultural Resource Coordinator

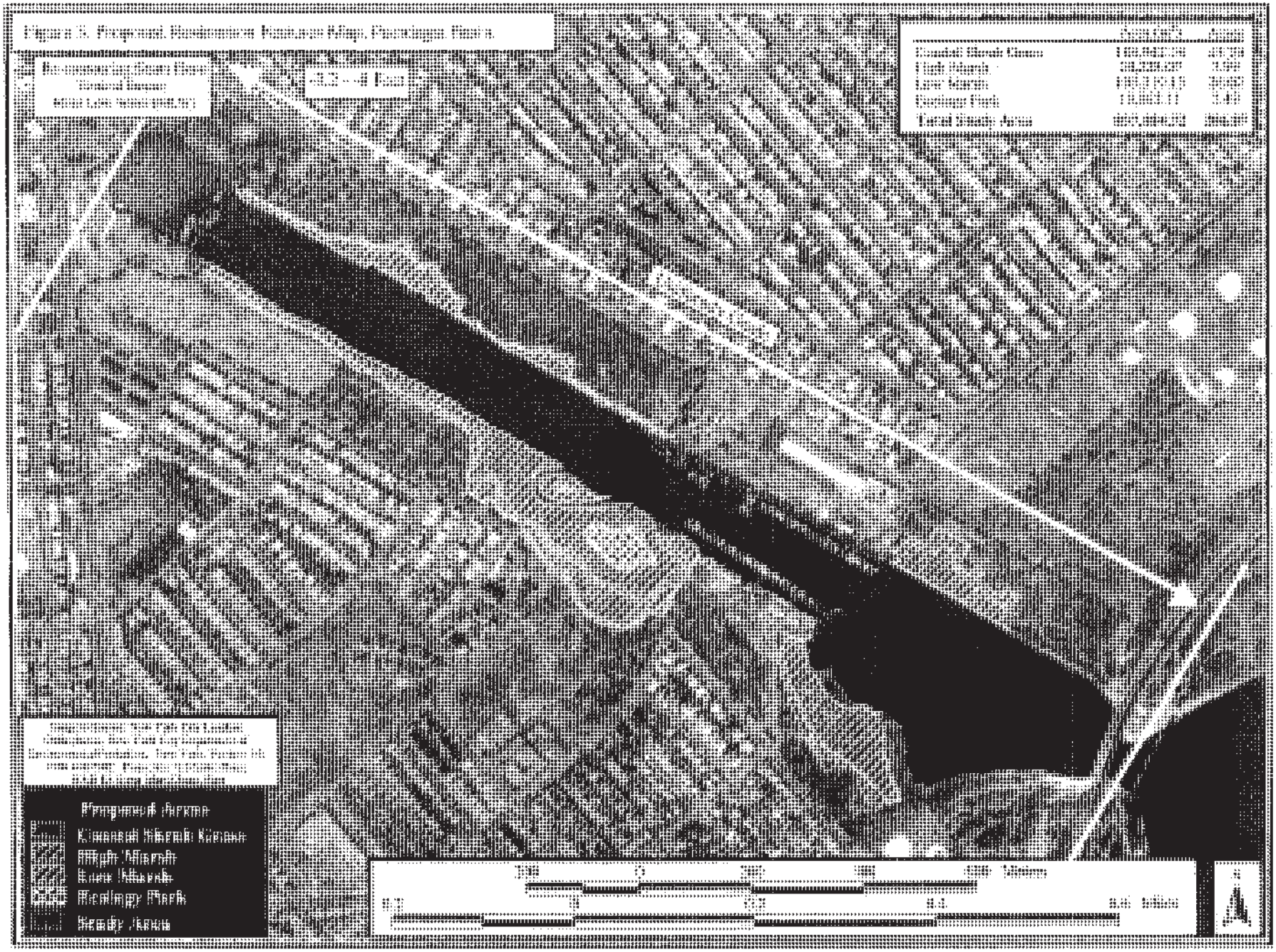
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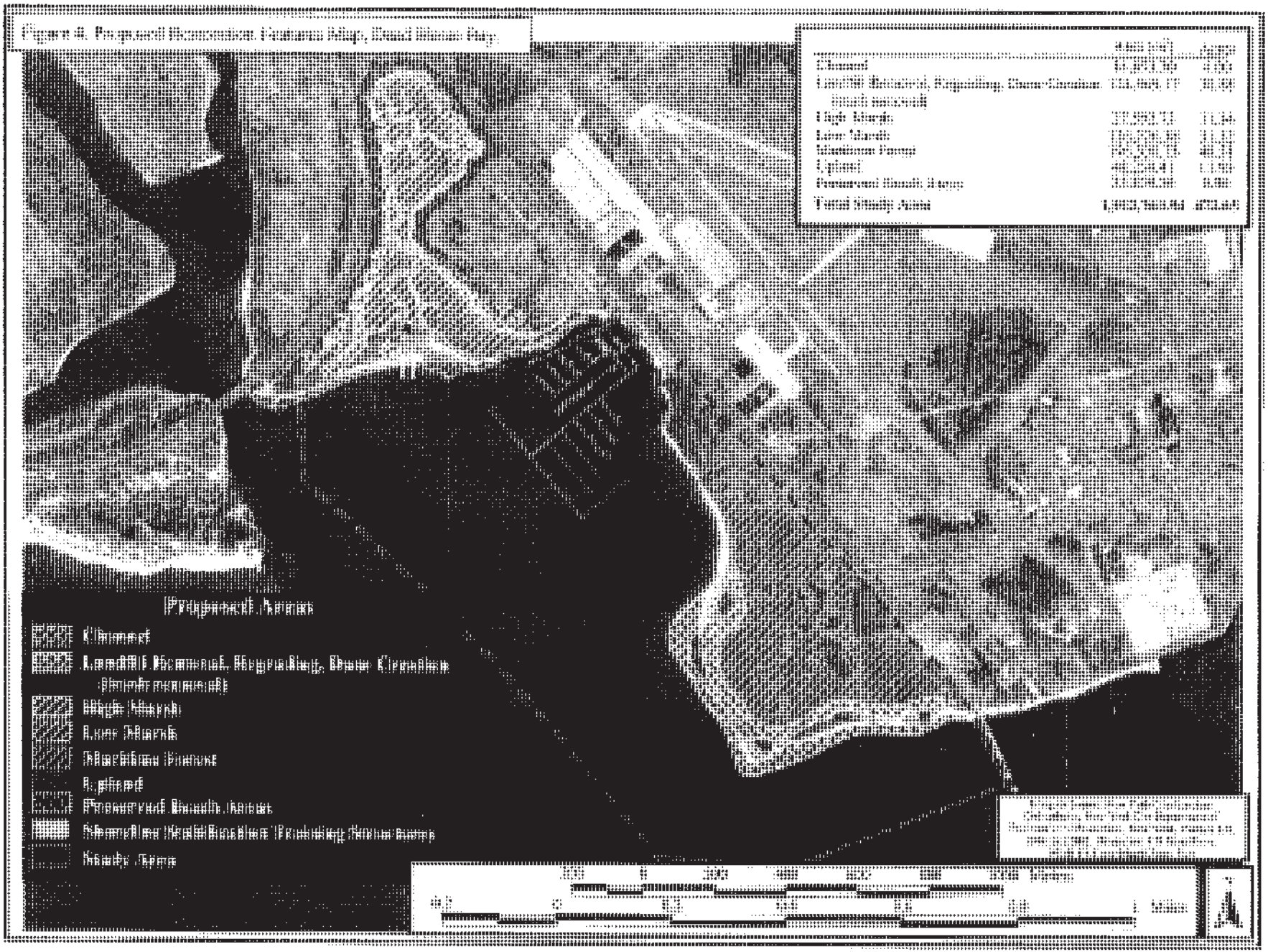
By: _____ Date: _____
Richard Polo
District Engineer, New York District.

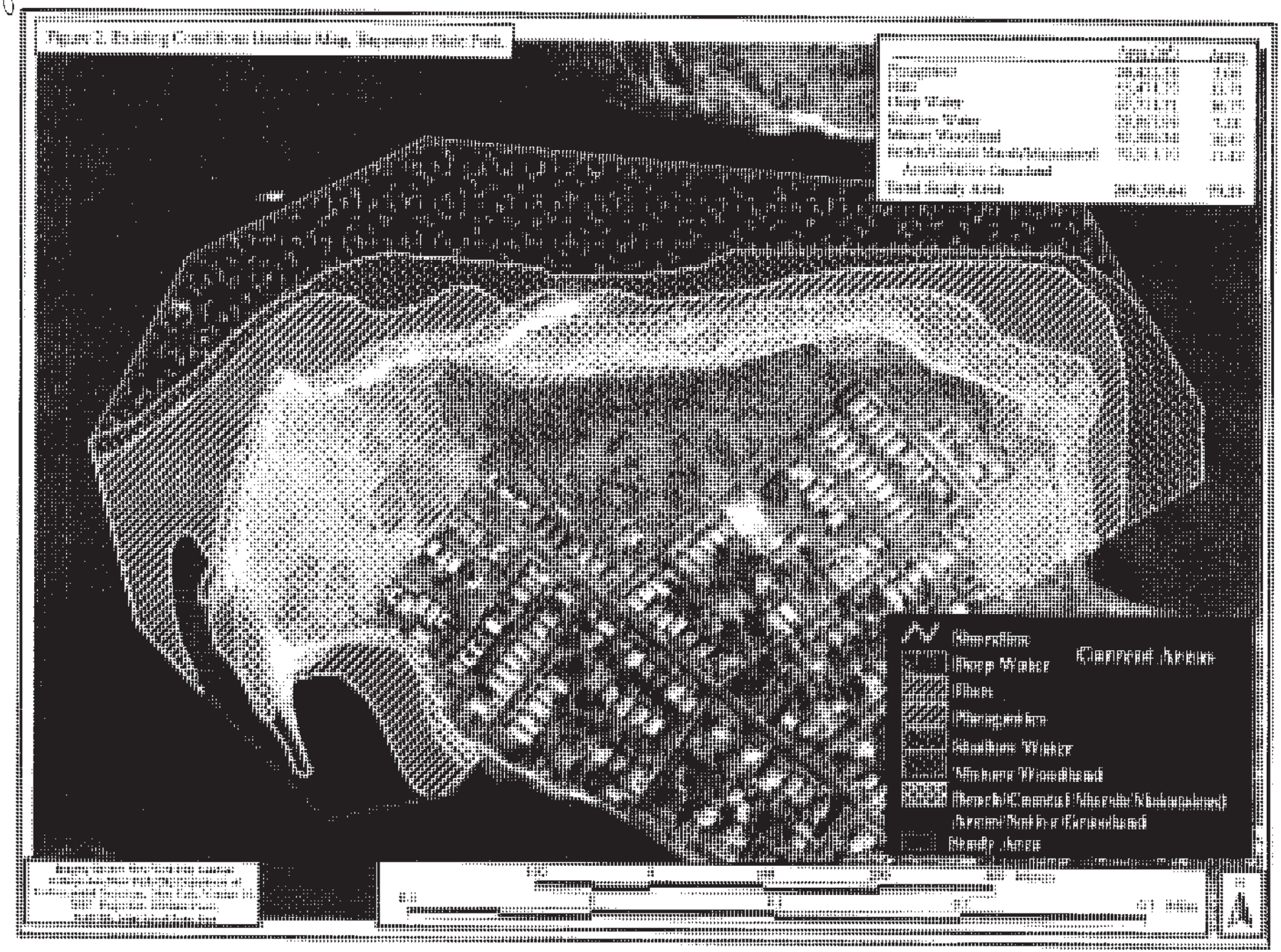


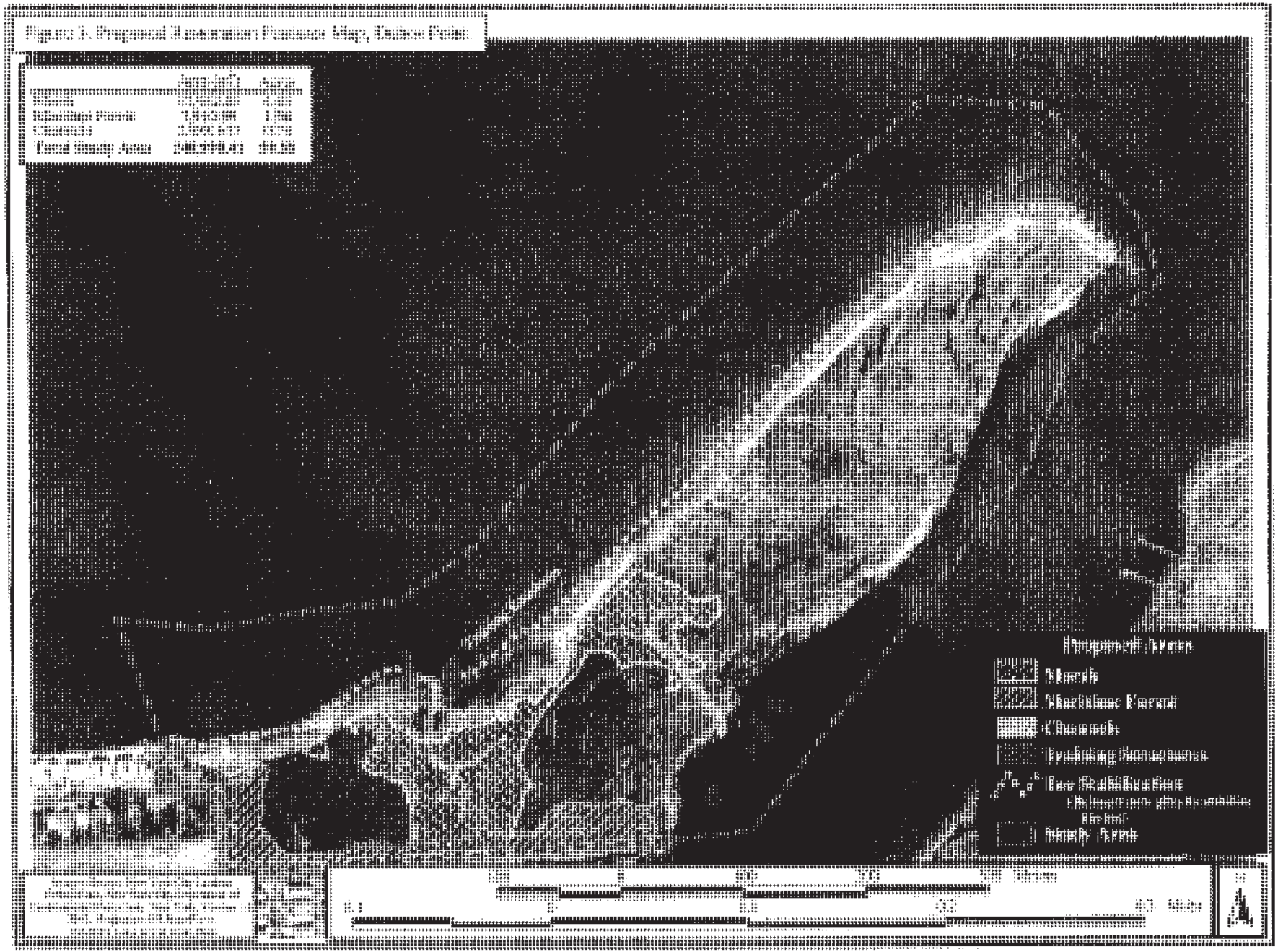


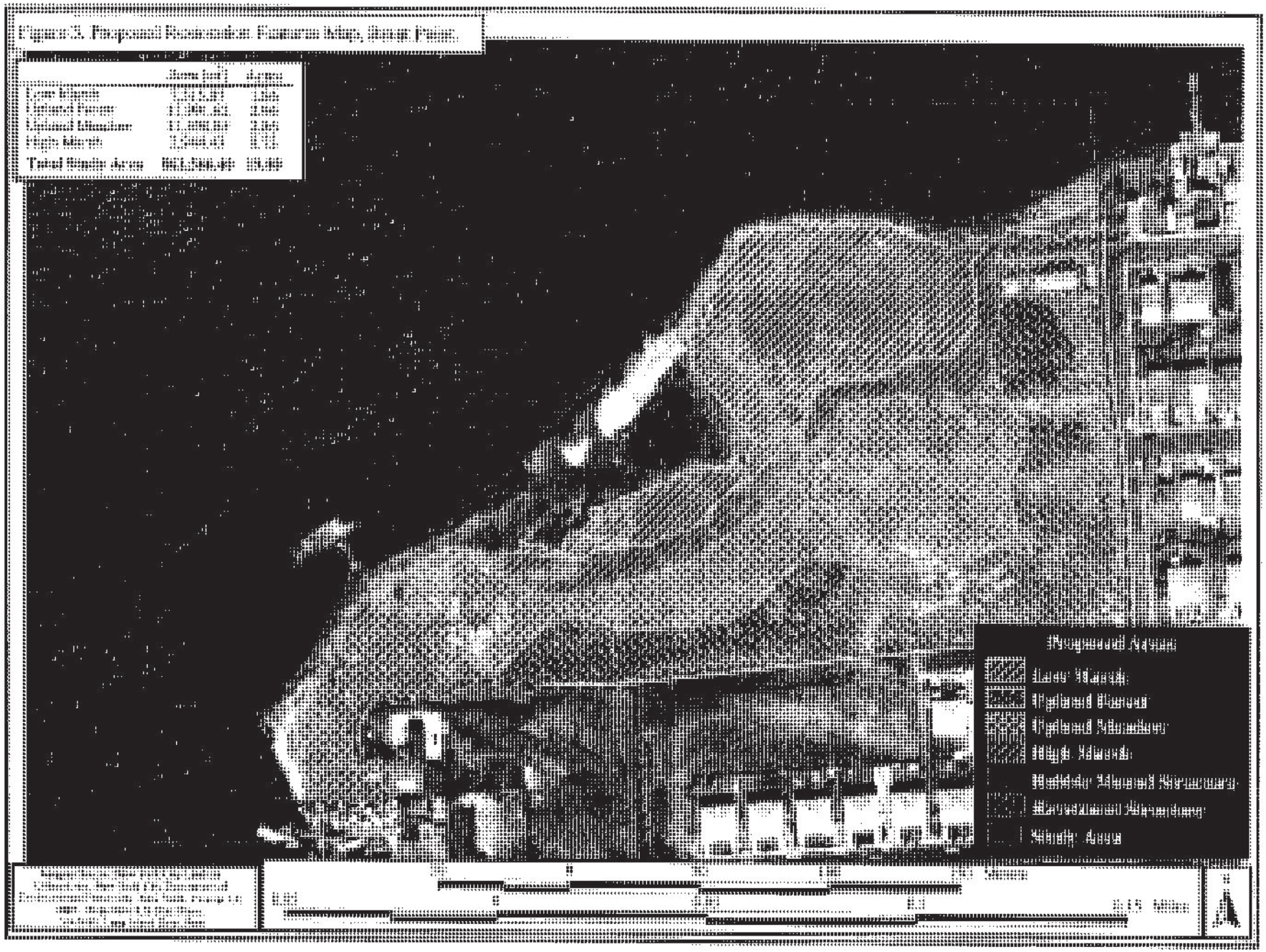












OFFICE OF PARKS · RECREATION · HISTORIC PRESERVATION
NEW YORK STATE
Bernadette Castro
Commissioner

New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189 518-237-8643

March 8, 2004

Kirsten Davis
New York District Office
Army Corps of Engineers
Jacob K. Javits Federal Building
New York, NY 0278-0090

Dear Ms. Davis:

Re: CORPS
Jamaica Bay Ecosystem Restoration
Kings, Queens and Nassau Counties, NY
Programmatic Agreement
02PR02030

Thank you for requesting the comments of the State Historic Preservation Office (SHPO) with regard to the potential for this project to affect significant cultural/historical resources. SHPO has reviewed your submission regarding the proposal to develop a Programmatic Agreement for this project. The SHPO concurs with this proposal and looks forward to working with you in this process. We have reviewed the material submitted with your cover letter, including the archaeological recommendations for each of the proposed units. While we concur with the majority of the proposed Phase 1B work, there is some concern regarding the proposed work at Locations 6 and 7 (Hawtree Point and Motts Point). At both these locations, the Phase 1A investigation identified a potential for prehistoric deposits, however the Phase 1B proposal at each indicates "Surface and subsurface examination with largely mechanical means". This methodology seems to be aimed at identifying historic deposits, but it is not clear that the potential for prehistoric deposits has been considered in developing this proposal. Therefore, SHPO recommends that for these two locations the proposed testing methodology be reconsidered, or if there are reasons to suspect that prehistoric deposits may not be present, they should be presented clearly in the Programmatic Agreement documents. We look forward to working with you on this project.

Please contact me at extension 3291 if you have any questions regarding these comments.

Sincerely

Douglas P. Mackey
Historic Preservation Program Analyst
Archaeology

An Equal Opportunity/Affirmative Action Agency
printed on recycled paper

Section C.2 – Hackensack Meadowlands Correspondence

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK, N.Y. 10278-0090

March 30, 2011

Reply to
Environmental Assessment Section
Environmental Analysis Branch

Mr. Daniel Saunders
Acting Administrator and Deputy State Historic Preservation Officer
Historic Preservation Office
New Jersey Department of Environmental Protection
CN 404
Trenton, New Jersey 08625-0404

Re: HPO-K2009-252
Log # 06-1376-3 VM

Dear Mr. Saunders:

The U.S. Army Corps of Engineers, New York District (Corps), is pleased to furnish you with the final draft of the report entitled *Historic Context Development, Hackensack Meadowlands Drainage Systems and Features, Hackensack Ecosystem Restoration Project, Hudson and Bergen Counties, New Jersey* (Enclosure). This report developed a historic context for historic drainage systems in the Hackensack Meadowlands, specifically within the New Jersey Meadowlands District (NJMD), which is currently the subject of studies being undertaken by the Corps and the NJMC that are aimed at identifying opportunities for ecosystem restoration. This historic context study implements a recommendation made in the 2006 cultural resource study *Phase I Cultural Resource Investigation of Ten Sites in the Hackensack Meadowlands, Hackensack Meadowlands Restoration Project, Hudson and Bergen Counties, New Jersey* (HPO-E2006-41; 106-06-1376-1).

In accordance with comments received from your office on December 3, 2009, the Corps shall consider any archaeological remains of the 1867 Driggs' iron-core dike or component drainage features New Jersey and National Register eligible and drainage component features related to the SR/NR Morris Canal shall be considered a part of the canal district. The Corps is aware of the possibility of intact drainage systems and components existing within the Meadowlands that may not be directly observable at this time. The recommendations in the report call for archaeological review as a first step toward addressing the impacts of proposed undertakings and a programmatic agreement shall be prepared in coordination with your office and the NJMD, to ensure that a suitable management protocol is followed in all future restoration undertakings. The Corps has amended

some sections of the recommendations of this report to better address your concerns on these points.

Thank you for your assistance in the Section 106 process. If you or your staff require additional information or have any questions, please contact Heather Morgan, Project Archaeologist at (917) 790-8730.

Sincerely,

Peter Weppler,
Chief, Coastal Ecosystems Section

Enclosure

HPO-K2009-252
Log # 06-1376-3 VM

State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

NATURAL & HISTORIC RESOURCES, HISTORIC PRESERVATION OFFICE
PO Box 404, Trenton, NJ 08625
TEL: (609) 984-0176 FAX: (609) 984-0578
www.state.nj.us/dep/hpo

MARK N. MAURIELLO
Acting Commissioner

December 3, 2009

Peter Weppler
Chief, Coastal Ecosystems Section
Department of the Army
New York District, Corps of Engineers
Jacob K. Javits Federal Building
New York, New York 10278-0090

Re: *Historic Context Development, Hackensack Meadowlands, Drainage Systems and Features, Hackensack Ecosystem Restoration Project, Hudson and Bergen Counties, New Jersey.*

Dear Mr. Weppler:

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the Draft May 2009 *Historic Context Development, Hackensack Meadowlands, Drainage Systems and Features, Hackensack Ecosystem Restoration Project, Hudson and Bergen Counties, New Jersey* prepared by Hunter Research, Inc. The report provides an excellent summary of the five major historic period drainage systems (ditches, dikes, sluices and gates) within the Hackensack Meadowlands. This report will be accessioned into the HPO report collection as MULT A 240b.

The recommendations provided in Chapter 7 for the identification and National Register evaluation of historic period drainage features within the Hackensack Meadowlands is appropriate for satisfying the U.S. Army Corps of Engineers' responsibilities under Section 106 of the National Historic Preservation Act. The HPO recommends, however, that based on the lack of any subsurface testing as part of the historic context, that any National Register evaluation for the integrity of complete drainage systems and/or individual drainage system elements is restrained until the presence and/or absence of such archaeological features are established through future archaeological investigations. The evaluation of the integrity of archaeological properties shall be conducted in conformance with Chapter VIII "How to evaluate the integrity of a Property" within National Register Bulletin No. 15, *How to Apply the National Register Criteria for Evaluation.* In addition, it is the HPO's feeling that any archaeological remains of the 1867 Driggs' iron-core dike or any component drainage features would be New Jersey and National Register eligible (SR/NR). Finally, please be aware, any drainage

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component features that are identified as part of the SR/NR Morris Canal shall be considered contributing to the canal district.

The HPO looks forward to future consultation with the U.S. Army Corps of Engineers to create a programmatic agreement, based on the recommendations within the above referenced and 2006 reports, for the identification and treatment of historic properties as part of the Hackensack Meadowlands ecosystem restoration project.

Additional Comments

Thank you for providing the opportunity to comment on the potential for this project to affect historic and archaeological properties. The HPO would appreciate receiving a copy of the drainage feature GIS shapefile layers from the above-referenced report to aid in compliance review within the Hackensack Meadowlands. If you have any questions, please feel free to contact Vincent Maresca of my staff at (609) 633-2395 or Vincent.Maresca@dep.state.nj.us

Sincerely,

Daniel D. Saunders
Deputy State Historic
Preservation Officer

c: Carissa Scarpa, New York District, USACE
Ian Burrow, Hunter Research, Inc.

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278–0090

REPLY TO
ATTENTION OF

September 15, 2009

Environmental Assessment Section
Environmental Analysis Branch

Mr. Daniel Saunders
Acting Administrator and Deputy State Historic Preservation Officer
Historic Preservation Office
New Jersey Department of Environmental Protection
CN 404
Trenton, New Jersey 08625-0404

Re: HPO-E2006-41
106/06-1376-1

Dear Mr. Saunders:

The U.S. Army Corps of Engineers, New York District (Corps), is pleased to furnish you with the draft *Historic Context Development, Hackensack Meadowlands Drainage Systems and Features, Hackensack Ecosystem Restoration Project, Hudson and Bergen Counties, New Jersey* (Enclosure). This report draws a historic context for historic drainage systems in the New Jersey Meadowlands District of northeastern New Jersey which has been selected by the Corps for ecosystem restoration. This study implements a recommendation of the 2006 cultural resource study of ten restoration sites in the Meadowlands (HPO-E2006-41; 106-06-1376-1).

A history of drainage technology and practice in the Meadowlands was collected and divided into distinct time periods. With each distinct period a description of the expected resources as well as a provisional assessment of significance was developed. A GIS data layer compatible with the New Jersey Meadowlands GIS system was created using period maps and a "pilot" field verification survey was undertaken in the Carlstadt Meadows to get a sense of the actual rate of survival for the historic features.

The survey revealed the Meadowlands to be a busy and highly complex landscape. The field survey identified mainly 20th Century gates and systems and underscored the difficulties of inspecting these features within the marsh. The report concluded that it is very unlikely that complete historic ditching and diking systems are likely to survive with integrity anywhere in the Meadowlands. In consideration of this the report puts forward a recommended approach for evaluating the significance of individual components of drainage systems. The Corps plans to make use of this survey and the 2006 survey to prepare a programmatic agreement for treatment of cultural properties within the framework of the restoration project.

We would appreciate receiving any Section 106 comments that you may have regarding the enclosed report and, of course, any comments or recommendations you may have concerning the Corps' plan of action. Thank you for your assistance in the Section 106 process. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist at (917) 790-8612.

Sincerely,

Peter Weppler,
Chief, Coastal Ecosystems Section

Enclosure

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278–0090

September 7, 2006

REPLY TO
ATTENTION OF

Environmental Assessment Section
Environmental Analysis Branch

Ms. Dorothy P. Guzzo
Deputy State Historic Preservation Officer
Historic Preservation Office
New Jersey Department of Environmental Protection
CN 404
Trenton, New Jersey 08625-0404

Attention: Deborah Fimbel
Re: HPO-E2006-41
106-06-1376-1

Dear Ms. Guzzo:

The U.S. Army Corps of Engineers, New York District (Corps), is pleased to furnish you with two bound copies of the final report entitled *Cultural Resource Investigation of Ten Sites in the Hackensack Meadowlands, Hackensack Meadowlands Restoration Project, Hudson and Bergen Counties, New Jersey* (Enclosures 1 and 2). This report has received accession designation MULT A 240 (ID6538) in your office's permanent library.

In a May 4, 2006 letter (Enclosure 3) you made recommendations regarding our plans for undertaking future cultural resources surveys in accordance with our Section 106 responsibilities. As recommended by your office the Corps will use flown State aerials in addition to USGS maps for the updated sub-marsh topography model imagery and we will develop a list of institutions and repositories that will receive this report and the results of the core analyses. The Corps will carefully consider doing pollen, spore, and foraminifera data collection from all three high-integrity cores taken in the next phase of work as you have requested. This will require further discussion, however, between your office, the palynologist, the geomorphologist and the Corps and will be subject to the estimated value of the testing to the research, the cost of these tests, and the availability of funds.

Thank you for your careful review of this report and for providing comments in accordance with the Section 106 process. The Corps will continue to coordinate with your office as further cultural resources surveys are undertaken. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist at (917) 790-8612.

Sincerely,

for

Leonard Houston,
Chief, Environmental Analysis Branch

Enclosures

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

Natural and Historic Resources, Historic Preservation Office
PO Box 404, Trenton, NJ 08625
TEL: (609) 292-2023 FAX: (609) 984-0578
www.state.nj.us/dep/hpo

HPO-E2006-41
106/06-1376-1
May 4, 2006

Leonard Houston
Chief, Environmental Analysis Branch
Department of the Army
Corps of Engineers New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090

Re: *Phase I Cultural Resource Investigation of the Ten Sites in the Hackensack Meadowlands, Hackensack Meadowlands restoration Project, Hudson and Bergen Counties, New Jersey*

Dear Mr. Houston:

Thank you so much for providing the opportunity to review the February 2006 Draft report, *Phase I Cultural Resource Investigation of the Ten Sites in the Hackensack Meadowlands, Hackensack Meadowlands restoration Project, Hudson and Bergen Counties, New Jersey* prepared by Hunter research, Inc., Grossmand and associates, inc. and Dorothy Peteet, Ph.D. The report provides an excellent summary regarding the breadth of our knowledge about the Meadowlands natural and human land use history, the hypotheses necessary to better refine these models, and means to better represent the information cartographically. The report will be accessioned into the Historic Preservation Office's permanent library under accession designation MULT A 240 (ID6538).

Implementation of the recommendations presented in Chapter 6 will greatly enhance our knowledge and site settlement potential of the Meadowlands and provide a substantive contribution to satisfying the U.S. Army Corps of Engineers' responsibilities relating to this project under Section 106 of the National Historic Preservation Act. The approach and recommendations, given the problematic nature of addressing cultural resources in this project setting, is both creative and commendable.

I have three comments/questions relating to the proposed work. First, it would be extremely useful if the updated SAMP imagery is plotted on both large scale USGS maps and flown State aerials. This may already be part of the imagery that is proposed.

Second, although it is stated on page 6-7 of the recommendations that the results of the column analysis will be presented in a peer-reviewed article for publication, it would be appropriate to develop a list of perhaps a dozen institutions/repositories that will receive report copies. I am certain it is your intention to distribute one the New Jersey Meadowlands Commission. However, this document and its findings are relevant to a broad audience. Perhaps alternately the work could be available on a web site or compact discs. HPO would like to receive two copies.

Finally, it is stated on page 6-6 that although three high resolution columns will be extracted only one will be subjected to full analysis, including pollen and spores. Wouldn't duplication or redundancy of data be of value, especially since the three columns will be extracted from three different area (the north, central and south) across the Meadowlands? Would it be prudent and possible to at least reconsider full analysis of one or both of the other columns after the selected column is analyzed?

Thank you again for providing this opportunity for review and Consultation. HPO looks forward to the results of the next phase of survey and analysis. If you have any questions, please do not hesitate to contact Deborah Fimbel, staff reviewer for this project, at 609-984-6019.

Sincerely,

Dorothy P. Guzzo
Deputy State Historic
Preservation Officer

DPG:DRF

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278–0090

REPLY TO
ATTENTION OF

March 31, 2006

Environmental Assessment Section
Environmental Analysis Branch

Ms. Dorothy P. Guzzo
Deputy State Historic Preservation Officer
Historic Preservation Office
New Jersey Department of Environmental Protection
CN 404
Trenton, New Jersey 08625-0404

Attention: Deborah Fimbel

Dear Ms. Guzzo:

The U.S. Army Corps of Engineers, New York District (Corps), is pleased to furnish you with the draft *Phase I Cultural Resource Investigation of Ten Sites in the Hackensack Meadowlands, Hackensack Meadowlands Restoration Project, Hudson and Bergen Counties, New Jersey* (Enclosure). This report synthesized available archaeological, geormorphological, and palynological data relevant to ten sites (totaling at least 1100 acres) that have been selected by the Corps for ecosystem restoration within the New Jersey Meadowlands District (Meadowlands). Reconnaissance was conducted at all ten sites but subsurface testing was only possible at one site, Meadowlark Marsh.

The survey identified two potentially significant historic sites; a series of historic drainage features at a number of the sites and *circa* 1917-1930 fill material at Meadowlark Marsh. In addition to this, a site sensitivity ranking system was developed to place the ten sites into a testing framework employing a much broader, Meadowlands-wide, approach to quantifying impacts and satisfying the Corps' Section 106 responsibilities. Considering the problematic nature of archaeological investigations within wetland environments, the recommended approach advocates analysis of high integrity cores at three of the ten sites. This data will allow for documentation of environmental change and is anticipated to provide an assessment of archaeological potential throughout the Meadowlands.

The Corps plans to implement the recommendations that are found in this report including the series of probes and high integrity cores at Meadowlark Marsh, Anderson Creek Marsh, and Riverbend Wetlands Preserve and the eligibility assessments of the historic drainage features and the historic fill materials. It is the Corps' intention to undertake these measures to fulfill its Section 106 responsibilities for the project. The coring strategy, in particular, will serve to address any early historic and prehistoric cultural resource potential.

We would appreciate receiving any Section 106 comments that you may have regarding the enclosed report and, of course, any comments or recommendations you may have concerning the Corps' plan of action. Thank you for your assistance in the Section 106 process. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist at (917) 790-8612.

Sincerely,

L. Houston

Leonard Houston,
Chief, Environmental Analysis Branch

Enclosure

Section C.3 – HRE Overall Correspondence

March 4, 2020

Mr. Peter Weppler
Chief, Environmental Analysis Branch
New York District
U.S. Army Corps of Engineers
26 Federal Plaza
New York, NY 10278

Ref: *Hudson-Raritan Estuary Ecosystem Restoration Project*
U.S. Army Corps of Engineers, New York District, New York and New Jersey
ACHPConnect Log Number: 011871

Dear Mr. Weppler:

Enclosed is your copy of the fully executed Section 106 agreement (Agreement) for the referenced undertaking. By carrying out the terms of the Agreement, U.S. Army Corps of Engineers will fulfill its responsibilities under Section 106 of the National Historic Preservation Act (NHPA) and the regulations of the Advisory Council on Historic Preservation, "Protection of Historic Properties" (36 CFR Part 800). Please ensure that all consulting parties are provided a copy of the executed Agreement in accordance with 36 CFR 800.6(c)(9). The original Agreement will remain on file at our office.

If we may be of further assistance as the Agreement is implemented, please contact Mr. Christopher Daniel at (202) 517-0223 or by e-mail at cdaniel@achp.gov and reference the ACHPConnect Log Number above.

Sincerely,

Tom McCulloch, Ph.D., R.P.A.
Assistant Director
Federal Property Management Section
Office of Federal Agency Programs

Enclosure

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

February 21, 2020

Mr. John M. Fowler
Executive Director
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington DC 2001-2637

Reference: USACE Hudson-Raritan Estuary Restoration Project Programmatic Agreement

Dear Mr. Fowler,

The US Army Corps of Engineers, New York District (District) is in receipt of your email dated January 10, 2020 on the Hudson Raritan Estuary (HRE) Restoration Project Programmatic Agreement (PA).

In addition to your office, written comments were provided by the New York State Historic Preservation Office (NYSHPO), New Jersey State Historic Preservation Office (NJSHPO) and, the New York City Landmarks Preservation Commission (NYCLPC). Verbal comments were provided by the National Park Service, Gateway National Recreation Area (NPS GNRA). The following is a list of those comments:

1) On December 23, 2019 the NYSHPO requested that the NYSHPO signatory be changed to R. Daniel Mackay. This change was made in the document.

2) On January 2, 2020 NJSHPO provided the following comments. All changes have been made in the document:

- Ensure the order of references to the signatories of the PA are consistent throughout the document.
- Cite N.J.A.C. 7:4-8.5 as "New Jersey Historic Preservation Office Requirements for Archaeological Survey Reports – Standards for Report Sufficiency (N.J.A.C. 7:4-8.5)."
- Cite the NJSHPO's 1999 *Guidelines for Architectural Survey*.
- Change wording in Stipulation 1.F.3 to "Any change to the project design that may have the potential to affect historic properties…"
- Add dissemination of public comments received by USACE to the signatories of the PA.
- Change "30 day review period" to "30 calendar day review period from the date of receipt."
- Update NJSHPO signatory to Katherine J. Marcopul.

3) On January 10, 2020 ACHP commented that USACE needs to delineate in the PA which signatories are signatories, invited signatories, and consulting parties. This change was made, and the PA now states that the District, NJSHPO,

NYSHPO, and ACHP are signatories, and that the NYCLPC and NPS are invited signatories. ACHP also supplied boilerplate text for Dispute Resolution, which was adopted. ACHP requested their involvement be limited to their role in disputes and that they do not need to receive or review the majority of reports and plans, which was edited in the PA. Lastly, ACHP requested a clear duration to be spelled out in the PA, which USACE put as September 30, 2040.

4) On January 13, 2020 the NYCLPC requested that Stipulation IV, Section B be revised to note that the New York District shall be responsible for preparing non-federal collections that are donated to a facility in accordance with the standards of that facility. This language has been added to the document.

5) On January 17, 2020 NPS GNRA verbally requested in a teleconference with the District that the PA be reviewed by their Region 1 Headquarters since National Historic Landmarks (NHL) are involved. On January 22, 2020 the District sent the PA to Bonnie Halda at NPS Region 1 to review. On February 3, 2020 Ms. Halda responded that at this time, the NHL program did not have any further comments, but to reach out to the NHL program if during the Section 106 / Section 110(f) process it is determined that the project has the potential for an adverse effect to an NHL. On February 12, 2020 the District concurred that the District will consult with the NHL program if this occurs.

6) No comments were received from the 20 interested parties and public entities (historical societies) the draft PA was sent to.

At your earliest convenience, please sign the signature page for your agency (Enclosure). The District is required to execute the PA prior to February 27th so that the Final HRE Feasibility Report and EA can be released to State and Agency review. To expedite this process, upon signature, please scan and upload your signature page to CRIS. If you have any questions, Anna Jansson, Project Archaeologist can be reached at anna.m.jansson@usace.army.mil or 917-790-8623.

Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure
Final PA for Hudson Raritan Estuary Restoration Project

From:	Brazee, Olivia (PARKS)
To:	Jansson, Anna CIV USARMY CENAN (USA)
Cc:	Perazio, Philip (PARKS); cdaniel@achp.gov; jesse.West-Rosenthal@dep.nj.gov; Scarpa, Carissa A CIV USARMY CENAN (USA)
Subject:	[Non-DoD Source] RE: 10PR03164 - Routing Final Programmatic Agreement for Signature
Date:	Tuesday, February 18, 2020 1:55:30 PM
Attachments:	10PR03164_Hudson Raritan Estuary Programmatic Agreement_SHPO signature page.pdf

Hi, All - please see attached, the PA signature page for SHPO. Please let me know if you need the hard copy original signature page.

Olivia Brazee
Historic Site Restoration Coordinator
Division for Historic Preservation

New York State Parks, Recreation & Historic Preservation
Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-268-2182 | olivia.brazee@parks.ny.gov
Blockedhttps://parks.ny.gov/shpo

Blockedhttps://cris.parks.ny.gov/
Please explore the Division for Historic Preservation's Cultural Resource Information System (CRIS) combining a powerful GIS based data management system with an all-digital submission and response platform.

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Moved recently? Update your information with the NYS Board of Elections.
Not sure if you're registered to vote? Search your voter registration status.

-----Original Message-----
From: Perazio, Philip (PARKS) <Philip.Perazio@parks.ny.gov>
Sent: Tuesday, February 18, 2020 9:39 AM
To: Brazee, Olivia (PARKS) <Olivia.Brazee@parks.ny.gov>
Subject: FW: 10PR03164 - Routing Final Programmatic Agreement for Signature

FYI.

Philip A. Perazio
Historic Preservation Program Analyst - Archaeologist Division for Historic Preservation

New York State Parks, Recreation & Historic Preservation Peebles Island State Park, P.O. Box 189, Waterford, NY 12188-0189
518-268-2175
Philip.Perazio@parks.ny.gov
Blockedhttps://parks.ny.gov/shpo

-----Original Message-----
From: >
Sent: Thursday, February 13, 2020 5:43 PM
To: Perazio, Philip (PARKS) <Philip.Perazio@parks.ny.gov>
Cc: Chris Daniel <cdaniel@achp.gov>; West-Rosenthal, Jesse <Jesse.West-Rosenthal@dep.nj.gov>; Scarpa, Carissa A CIV USARMY CENAN (USA) <Carissa.A.Scarpa@usace.army.mil>
Subject: 10PR03164 - Routing Final Programmatic Agreement for Signature

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Philip,

I just submitted this on CRIS, but I wanted to email you too since this project is so time critical for us here at USACE. I am routing the Final PA for the Hudson Raritan Estuary Project (10PR03164) for signature. I attached here a cover letter for the PA, the Final PA, and a separate signature page for NYSHPO. Our Commander signed the PA today and now I am sending it out to the New York and New Jersey SHPOs at the same time for signature. Once I have concurrence and signatures from both SHPOs, I will route the PA to the ACHP to sign, and then next the NYCLPC and Gateway National Recreation Area. Our headquarters wants us to execute the PA prior to February 27th in order for the Final Feasibility Report and Environmental Assessment to go out for State and Agency Review. Please reach out to me if you have any comments or questions.

Thanks so much,
Anna

Anna M. Jansson M.A. RPA
Archaeologist
U.S. Army Corps of Engineers
26 Federal Plaza
New York, NY 10278
Office: 917-790-8623

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NATURAL & HISTORIC RESOURCES
HISTORIC PRESERVATION OFFICE
501 East State Street
P.O. Box 420, Mail Code 501-04B
Trenton, New Jersey 08625-0420
Tel. (609) 984-0176 • Fax (609) 984-0578
www.nj.gov/dep

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
Commissioner

HPO Project # 14-3348-6
HPO-B2020-151 PA

February 24, 2020

Peter M. Weppler
Chief, Environmental Analysis Branch
Department of the Army
Corps of Engineers, New York District
Jacob K. Javits Federal Building
26 Federal Plaza
New York, New York 10278-0090

Re: Bergen, Hudson, Middlesex, Monmouth, and Union Counties
Programmatic Agreement
Hudson-Raritan Estuary Ecosystem Restoration Project
United States Department of the Army, Corps of Engineers

Dear Mr. Weppler:

I have signed the attached Programmatic Agreement and am returning it to you as requested. Thank you for your efforts to complete the Section 106 review process.

If you have any questions, please do not hesitate to contact Jesse West-Rosenthal, Ph.D. of my staff at (609) 984-6019 with any questions regarding archaeology. Please reference the HPO project number 14-3348, in any future calls, emails, or written correspondence to help expedite your review and response.

Sincerely,

Katherine J. Marcopul

Katherine J. Marcopul
Deputy State Historic
Preservation Officer

[enclosure]

Cc: Anna Jansson, USACE (via e-mail)

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution of this PA by the USACE, NJSHPO, NYSHPO, and ACHP and implantation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

By: Katherine J. Marcopul Date: 2/21/2020
Signatory
Katherine J. Marcopul
Deputy State Historic Preservation Officer
New Jersey State Historic Preservation Office

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

February 13, 2020

Mr. Daniel Mackay,
Deputy Commissioner
New York State Division for Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

Ref: USACE
Hudson-Raritan Estuary
10PR03164

Dear Mr. Mackay,

The US Army Corps of Engineers, New York District (District) is in receipt of your letter dated December 23, 2019 on the Hudson Raritan Estuary (HRE) Restoration Project Programmatic Agreement (PA).

In addition to your office, written comments were provided by the New Jersey State Historic Preservation Office (NJSHPO), the New York City Landmarks Preservation Commission (NYCLPC) and, the Advisory Council for Historic Preservation (ACHP). Verbal comments were provided by the National Park Service, Gateway National Recreation Area (NPS GNRA). The following is a list of those comments:

1) On December 23, 2019 the NYSHPO requested that the NYSHPO signatory be changed to R. Daniel Mackay. This change was made in the document.

2) On January 2, 2020 NJSHPO provided the following comments. All changes have been made in the document:

- Ensure the order of references to the signatories of the PA are consistent throughout the document.
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6) No comments were received from the 20 interested parties and public entities (historical societies) the draft PA was sent to.

At your earliest convenience, please sign the signature page for your agency (Enclosure). The District is required to execute the PA prior to February 27th so that the Final HRE Feasibility Report and EA can be released to State and Agency review. To expedite this process, upon signature, please scan and upload your signature page to CRIS. If you have any questions, Anna Jansson, Project Archaeologist can be reached at anna.m.jansson@usace.army.mil or 917-790-8623.

Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure
Final PA for Hudson Raritan Estuary Restoration Project

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

February 13, 2020

Ms. Katherine J. Marcopul
Administrator and Deputy State Historic Preservation Officer
Historic Preservation Office, Natural and Historic Resources
New Jersey Department of Environmental Protection
501 East State Street
Station Plaza Building 5, 4th Floor
Trenton, New Jersey 08625

RE: Project # 14-3348-3
Hudson, Raritan Estuary Ecosystem Restoration Project

Dear Ms. Marcopul,

The US Army Corps of Engineers, New York District (District) is in receipt of your letter dated January 2, 2020 on the Hudson Raritan Estuary (HRE) Restoration Project Programmatic Agreement (PA).

In addition to your office, written comments were provided by the New Jersey State Historic Preservation Office (NJSHPO), the New York City Landmarks Preservation Commission (NYCLPC) and, the Advisory Council for Historic Preservation (ACHP). Verbal comments were provided by the National Park Service, Gateway National Recreation Area (NPS GNRA). The following is a list of those comments:

1) On December 23, 2019 the NYSHPO requested that the NYSHPO signatory be changed to R. Daniel Mackay. This change was made in the document.

2) On January 2, 2020 NJSHPO provided the following comments. All changes have been made in the document:

- Ensure the order of references to the signatories of the PA are consistent throughout the document.
- Cite N.J.A.C. 7:4-8.5 as “New Jersey Historic Preservation Office Requirements for Archaeological Survey Reports – Standards for Report Sufficiency (N.J.A.C. 7:4-8.5).”
- Cite the NJSHPO’s 1999 *Guidelines for Architectural Survey*.
- Change wording in Stipulation 1.F.3 to “Any change to the project design that may have the potential to affect historic properties…”
- Add dissemination of public comments received by USACE to the signatories of the PA.
- Change “30 day review period” to “30 calendar day review period from the date of receipt.”
- Update NJSHPO signatory to Katherine J. Marcopul.

3) On January 10, 2020 ACHP commented that USACE needs to delineate in the PA which signatories are signatories, invited signatories, and consulting parties. This change was made, and the PA now states that the District, NJSHPO, NYSHPO, and ACHP are signatories, and that the NYCLPC and NPS are invited signatories. ACHP also supplied boilerplate text for Dispute Resolution, which was adopted. ACHP requested their involvement be limited to their role in disputes and that they do not need to receive or review the majority of reports and plans, which was edited in the PA. Lastly, ACHP requested a clear duration to be spelled out in the PA, which USACE put as September 30, 2040.

4) On January 13, 2020 the NYCLPC requested that Stipulation IV, Section B be revised to note that the New York District shall be responsible for preparing non-federal collections that are donated to a facility in accordance with the standards of that facility. This language has been added to the document.

5) On January 17, 2020 NPS GNRA verbally requested in a teleconference with the District that the PA be reviewed by their Region 1 Headquarters since National Historic Landmarks (NHL) are involved. On January 22, 2020 the District sent the PA to Bonnie Halda at NPS Region 1 to review. On February 3, 2020 Ms. Halda responded that at this time, the NHL program did not have any further comments, but to reach out to the NHL program if during the Section 106 / Section 110(f) process it is determined that the project has the potential for an adverse effect to an NHL. On February 12, 2020 the District concurred that the District will consult with the NHL program if this occurs.

6) No comments were received from the 20 interested parties and public entities (historical societies) the draft PA was sent to.

At your earliest convenience, please sign the signature page for your agency (Enclosure). The District is required to execute the PA prior to February 27th so that the Final HRE Feasibility Report and EA can be released to State and Agency review. To expedite this process, upon signature, could you please scan and email your signature page to Anna Jansson, Project Archaeologist at: anna.m.jansson@usace.army.mil. If you have any questions, she can be reached at 917-790-8623.

Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure
Final PA for Hudson Raritan Estuary Restoration Project

From: Jansson, Anna CIV USARMY CENAN (USA)
To: NHL NEReview, NPS
Cc: Marilou Ehrler
Subject: RE: [Non-DoD Source] Re: [EXTERNAL] Programmatic Agreement for US Army Corps of Engineers Hudson Raritan Estuary Study
Date: Wednesday, February 12, 2020 8:09:00 AM

Dear Ms. Halda,

Thank you for reviewing the PA. At this point, I will proceed with routing the PA for signature to Jennifer Nersesian, Superintendent of Gateway National Recreation Area. If all goes according to plan, we hope to start constructing the restoration site at Stone Mill Dam in January 2025, so probably sometime in 2023 or 2024 we will have a good enough idea of what the project will look like to do the adverse effect determination. When this happens, I will reach back out to your office to consult.

Thank you,
Anna

-----Original Message-----
From: bonnie_halda@nps.gov [mailto:bonnie_halda@nps.gov] On Behalf Of NHL NEReview, NPS
Sent: Monday, February 3, 2020 11:26 AM
To: Jansson, Anna CIV USARMY CENAN (USA) <Anna.M.Jansson@usace.army.mil>
Cc: Marilou Ehrler <marilou_ehrler@nps.gov>
Subject: [Non-DoD Source] Re: [EXTERNAL] Programmatic Agreement for US Army Corps of Engineers Hudson Raritan Estuary Study

Dear Ms. Jansson,

Thank you for contacting our office regarding the Hudson Raritan Estuary study and the ecosystem restoration of the "Stone Mill Dam" site in the Bronx, NY. The area of potential affect includes the New York Botanical Gardens National Historic Landmark (NHL), and may also include the Lorillard Snuff Mill NHL. We appreciate your notifying the National Park Service, Region 1, National Historic Landmark program, about this project.

I've reviewed the draft Programmatic Agreement (PA) and it is clear that you will be conducting further studies to evaluate potential affects to the NHLs. On behalf of the NHL program, I don't have any comments on the PA at this time; however, if you determine during your Section 106 / Section 110(f) process that the project has the potential for an adverse effect to an NHL, please contact our office to invite our participation in the consultation process.

Bonnie Halda

Program Manager, History and Preservation Assistance

National Park Service
Interior Region 1, North Atlantic - Appalachian

1234 Market Street, 20th floor
Philadelphia, PA 19107

On Fri, Jan 24, 2020 at 9:42 AM Halda, Bonnie <bonnie_halda@nps.gov <mailto:bonnie_halda@nps.gov> > wrote:

_____
Bonnie Halda

Program Manager, History and Preservation Assistance
National Park Service
Interior Region 1, North Atlantic - Appalachian

1234 Market Street, 20th Floor
Philadelphia, PA 19107
215-597-5028
267-767-3242 (cell)

---------- Forwarded message ---------
From: Jansson, Anna CIV USARMY CENAN (USA) <Anna.M.Jansson@usace.army.mil <mailto:Anna.M.Jansson@usace.army.mil> >
Date: Wed, Jan 22, 2020 at 4:29 PM
Subject: [EXTERNAL] Programmatic Agreement for US Army Corps of Engineers Hudson Raritan Estuary Study
To: Bonnie_Halda@nps.gov <mailto:Bonnie_Halda@nps.gov> <Bonnie_Halda@nps.gov <mailto:Bonnie_Halda@nps.gov> >
Cc: Patricia Rafferty <patricia_rafferty@nps.gov <mailto:patricia_rafferty@nps.gov> >, Ehrler, Marilou <marilou_ehrler@nps.gov <mailto:marilou_ehrler@nps.gov> >, Scarpa, Carissa A CIV USARMY CENAN (USA) <Carissa.A.Scarpa@usace.army.mil <mailto:Carissa.A.Scarpa@usace.army.mil> >

Dear Ms. Halda,

I am an archaeologist at the Army Corps of Engineers, New York District. I have been coordinating a Programmatic Agreement for our Hudson Raritan Estuary study, and the recommended plan involves ecosystem restoration at a site called 'Stone Mill Dam' in the Bronx, New York. The Stone Mill Dam is associated with at least one, but perhaps two National Historic Landmarks. The Stone Mill Dam is located inside the New York Botanical Gardens NHL and may also be associated with the Lorillard Snuff Mill NHL. Based on this, NPS Gateway National Recreation Area recommended I reach out to you to review and/or participate in the Programmatic Agreement since NHLs are involved. I have a PDF of the PA and the correspondence that goes with it, but the file size is so large I cannot attach it to an email. I can send the PDF through our file transferring website called "DoD Safe" though. You should see a separate email that has a link and password to download the file. I was able to attach the cover letter to the PA here though. I am also sending a paper copy of the PA in the mail to you.

Sincerely,
Anna

Anna M. Jansson M.A. RPA
Archaeologist
U.S. Army Corps of Engineers
26 Federal Plaza
New York, NY 10278
Office: 917-790-8623

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

January 22, 2020

REPLY TO ATTENTION OF:
ENVIRONMENTAL ANALYSIS BRANCH

Bonnie Halda
Program Manager, History and Preservation Assistance
National Park Service Interior Region 1, North Atlantic - Appalachian
1234 Market Street, 20th Floor
Philadelphia, PA 19107

Dear Ms. Halda,

The U.S. Army Corps of Engineers, New York District (NAN) has been coordinating a Programmatic Agreement (PA) for the Hudson Raritan Estuary (HRE) study. NAN is working on the final reviews of the Final combined Feasibility Report and Environmental Assessment before it is released to the public. The study's recommended plan is to conduct 20 ecosystem restoration projects, six of which are located within the NPS Gateway National Recreation Area (GNRA). Because of this, NAN has been coordinating with Gateway National Recreation Area. The other fourteen sites are located off of NPS managed land, but one of these restoration sites is located within one, potentially two, National Historic Landmarks (NHL). This restoration site is called 'Stone Mill Dam' and is located within the New York Botanical Gardens NHL, and may be also associated with the Lorillard Snuff Mill NHL. The Stone Mill Dam ecosystem restoration site is located on land owned by New York City.

On November 26, 2019 NAN sent the draft PA to GRNA to review before signing as an invited signatory to the agreement. On January 17, 2020 GRNA verbally told NAN through a teleconference that one of their comments on the draft PA was that the NPS Northeast Regional Headquarters should review the PA since a NHL is involved. Due to this comment, NAN is contacting you to request your comments on the draft PA. If you wish to participate in the agreement, you may request to join the agreement as an invited signatory or as a concurring party. NAN has already received formal written comments on the draft PA from the New Jersey and New York Historic Preservation Offices and the Advisory Council on Historic Preservation.

In regards to the ecosystem restoration at Stone Mill Dam, zero percent of the APE for the Stone Mill Dam ecosystem restoration site has been previously surveyed for cultural resources on the New York State Historic Preservation Office's online Cultural Resource Information System (CRIS). This restoration site may contain a contributing element of the Lorillard Snuff Mill (National Historic Landmark, National Register Listed, and State Register Listed) and/or the Bronx Botanical Gardens (National Historic Landmark, National Register Listed, and State Register Listed). The proposed restoration is to install a fish ladder around the Stone Mill Dam and plant native vegetation. 10 CY of material will be excavated during this process. As plans are

further developed the District will carry out research to identify any previously unidentified cultural resources within the APE and to determine if the Stone Mill Dam is associated with the Lorillard Snuff Mill or the New York Botanical Gardens. In accordance with the stipulations of the PA, if the Stone Mill Dam is found to be a contributing element of either of these historic properties, or a historic property in its own right, a treatment plan may be necessary to address adverse effects.

Please feel free to reach out with any comments, questions, or concerns to Anna Jansson, Project Archaeologist, at 917-790-8623 or anna.m.jansson@usace.army.mil.

Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch
U.S. Army Corps of Engineers, NAN

Enclosure
Draft PA for Hudson Raritan Estuary

ENVIRONMENTAL REVIEW

Project number: US ARMY CORPS OF ENGINEERS / 106-Y
Project: HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJE
Date Received: 1/13/2020

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

Properties with no Archaeological significance:

Site #	site_id	BBL	Address	Site Name		
1 ni	101362			K Bush Terminal Oysters	No AY concerns	1st threshold analysis indicates location is underwater and there appear to be no further archeological concerns
6 ni	101322	3045870012		K Stony creek	No AY concerns	the 1st threshold analysis indicates no impact to potential submerged archeological properties related to prehistoric Native American occupation as this location is proposed for land filling and no subsurface construction
6 ni	101323	3045870012		K Pumpkin patch east/w	No AY concerns	the 1st threshold analysis indicates no impact to potential submerged archeological properties related to prehistoric Native American occupation as this location is

						proposed for land filling and no subsurface construction
6 ni	101324	3045870012		K Elders center	No AY concerns	the 1st threshold analysis indicates no impact to potential submerged archeological properties related to prehistoric Native American occupation as this location is proposed for land filling and no subsurface construction
6 ni	101321	3045870012		K Duck point	No AY concerns	the 1st threshold analysis indicates no impact to potential submerged archeological properties related to prehistoric Native American occupation as this location is proposed for land filling and no subsurface construction

Properties with Archaeological significance:
LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from historic and Native American occupation on the project sites as indicated below. Accordingly, the Commission recommends that an archaeological documentary study be performed for these sites to clarify initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2014).

Site #	site_id	BBL	Address	Site Name		
2 ay	101325	3085900700	FLATBUSH AVENUE	K Dead horse bay	Awaiting next level of work to be completed	Native American potential see puid 26617. Adjacent to and may be part of NMAI Shanscomacocke, Gerritsen Creek, Ryder's Pond; NYSM 7459
3 ay	101326	3082730132	AVENUE L	K fresh creek	Awaiting next level of work to be completed	Native American potential see puid 28132. Adjacent to and may be part of NA Indian Creek; NMAI East New York; New York State Museum Site No. 3607
4 ay	101330	2032720001	2600 SOUTHERN BOULEVARD	X Stone mill dam	Awaiting next level of work to be completed	Historic Archeology, 18th / 19th c mill dam; Native American potential see Boesch site #45, 46, 119, 120, 121; Adjacent to and may be part of NA Site, Acqueehgenom (Bolton 1922 site 119); & Bear Swamp, (Site 13)
4 ay	101329	2043330001	1129 EAST 180 STREET	X Bronx zoo and dam	Awaiting next level of work to be completed	Historic Archeology, 18th / 19th c mill dam; Native American potential see Boesch site #45, 46, 119, 120, 121; Adjacent to and may be part of NA Site, Acqueehgenom (Bolton 1922 site 119); & Bear Swamp, (Site 13)
5 ay	101331	2033600020	560 EAST 233 STREET	X Shoelace park	Awaiting next level of work to be completed	Native American potential see Boesch site #121; Adjacent to and may be part of NA Site, Indian Field & Cowangongh #120 (Bolton 1922)

7 ay	101327			Q flushing creek	Awaiting next level of work to be completed	Native American potential, Adjacent to and may be part of NYSM 4544, 4524, 4542; Boesch sites 60, 61, 75; Bolton 1922:#53; 1934:#127
8 ay	101363			Q Head Of Jamaica Bay	Awaiting next level of work to be completed	Native American potential, Adjacent to and may be part of NYSM 4538, 4547; and Boesch sites 50, 51

Properties with Architectural significance within the study areas:

Flushing Creek:

LPC DESIGNATED: SAINT GEORGES CHURCH, OLD PARISH HOUSE, AND GRAVEYARD, 38-02 MAIN STREET; FRIENDS MEETING HOUSE, 137-16 NORTHERN BOULEVARD; FLUSHING TOWN HALL, 137-35 NORTHERN BOULEVARD; LEWIS H. LATIMER HOUSE, 34-41 137TH STREET; FLUSHING HIGH SCHOOL, 35-01 UNION STREET; BOWNE HOUSE, 37-01 BOWNE STREET; PROTESTANT REFORM DUTCH CHURCH OF FLUSHING (BOWNE STREET COMMUNITY CHURCH), 143-11 ROOSEVELT AVENUE; WEEPING BEECH, WEEPING BEECH PARK, 37TH AVENUE BETWEEN PARSONS BOULEVARD AND BOWNE STREET; KINGSLAND HOMESTEAD, 143-35 37TH AVENUE; UNISPHERE AND SURROUNDING REFLECTING POOL, FLUSHING MEADOWS-CORONA PARK.

RKO KEITHS FLUSHING THEATER (INTERIOR), 135-29 TO 135-45 NORTHERN BOULEVARD

LPC ELIGIBLE: MANN MANSION, 136-23 SANFORD AVENUE

2600 Southern Blvd:

LPC designated: PAUL J. RAINEY MEMORIAL GATES, NEW YORK ZOOLOGICAL PARK, NEW YORK ZOOLOGICAL PARK, PARK ENTRANCE AT EAST FORDHAM ROAD; BAIRD COURT, NEW YORK ZOOLOGICAL PARK, NEW YORK ZOOLOGICAL PARK, SOUTH OF EAST FORDHAM ROAD; ROCKEFELLER FOUNTAIN, NEW YORK ZOOLOGICAL PARK, INSIDE EAST FORDHAM ROAD; LORILLARD SNUFF MILL, NEW YORK BOTANICAL GARDEN, NEW YORK BOTANICAL GARDEN; CONSERVATORY, NEW YORK BOTANICAL GARDEN, NEW YORK BOTANICAL GARDEN, KAZIMIROFF BOULEVARD; MUSEUM BUILDING, FOUNTAIN OF LIFE, AND TULIP TREE ALLEE, NEW YORK BOTANICAL GARDEN, NEW YORK BOTANICAL GARDEN, WATSON DRIVE AND GARDEN WAY; UNITED WORKERS COOPERATIVE COLONY, 2700-2774 AND 2846-2870 BRONX PARK EAST; ALUMNI HOUSE, SAINT JOHN'S HALL, SAINT JOHN'S CHURCH, AND HORATIO SHEPHEARD MOAT HOUSE, FORDHAM UNIVERSITY, EAST FORDHAM ROAD AND EAST 191ST STREET

560 East 233 Street: LPC designated: WILLIAMSBRIDGE RESERVOIR KEEPER'S HOUSE, 3400 RESERVOIR OVAL.

[NOTE: ISAAC VALENTINE HOUSE, 3266 BAINBRIDGE AVENUE JUST BEYOND 1 MILE RADIUS]

1129 East 180 Street:

LPC designated: PAUL J. RAINEY MEMORIAL GATES, NEW YORK ZOOLOGICAL PARK, NEW YORK ZOOLOGICAL PARK, PARK ENTRANCE AT EAST FORDHAM ROAD; BAIRD COURT, NEW YORK ZOOLOGICAL PARK, NEW YORK ZOOLOGICAL PARK, SOUTH OF EAST FORDHAM ROAD; ROCKEFELLER FOUNTAIN, NEW YORK ZOOLOGICAL PARK, INSIDE EAST FORDHAM ROAD; LORILLARD SNUFF MILL, NEW YORK BOTANICAL GARDEN, NEW YORK BOTANICAL GARDEN; CONSERVATORY, NEW YORK BOTANICAL GARDEN, NEW YORK BOTANICAL GARDEN, KAZIMIROFF BOULEVARD; MUSEUM BUILDING, FOUNTAIN OF LIFE, AND TULIP TREE ALLEE, NEW YORK BOTANICAL GARDEN, NEW YORK BOTANICAL GARDEN, WATSON DRIVE AND GARDEN WAY; UNITED WORKERS COOPERATIVE COLONY, 2700-2774 AND 2846-2870 BRONX PARK EAST; ALUMNI HOUSE, SAINT JOHN'S HALL, SAINT JOHN'S CHURCH, HORATIO SHEPHEARD MOAT HOUSE, FORDHAM UNIVERSITY, EAST FORDHAM ROAD AND EAST 191ST STREET; 52ND POLICE PRECINCT STATION HOUSE, 3016 WEBSTER AVENUE; OLD WEST FARMS SOLDIERS' CEMETERY, 2103 BRYANT AVENUE; NEW YORK, WESTCHESTER AND BOSTON RAILROAD, ADMINISTRATION BUILDING, 481 MORRIS PARK AVENUE

LPC ELIGIBLE: BECK MEMORIAL PRESBYTERIAN CHURCH, 980 EAST 180 STREET

Avenue L:

LPC ELIGIBLE: ENGINE CO. 290/LADDER CO. 103, 480 SHEFFIELD AVENUE

[NOTE: LPC DESIGNATED NEW LOTS REFORMED DUTCH CHURCH, 630 NEW LOTS AVENUE JUST BEYOND 1 MILE RADIUS]

Comments: The LPC is also in receipt of the Draft Programmatic Agreement. The language pertaining to archaeological resources is acceptable with one exception- provision IV section B should note that the collections to non-federal landowners will be donated in accordance with the standards of the curation facility as is noted for Federal collections.

Gina Santucci

1/21/2020

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 32335_FSO_DNP_01212020.docx

Cc: SHPO 06PR02700

From:	Chris Daniel
To:	Jansson, Anna CIV USARMY CENAN (USA)
Cc:	Christopher.Romanoski@dep.nj.gov; ASutphin@lpc.nyc.gov; Brazee, Olivia (PARKS); Chris Daniel
Subject:	[Non-DoD Source] RE: Final Review of Draft Programmatic Agreement for Hudson Raritan Estuary
Date:	Friday, January 10, 2020 4:53:07 PM
Attachments:	2020-01-10 ACHP Comments PA for Hudson Raritan Estuary.pdf Section 106 GAD Checklist - Content.pdf Template MOA and Amendment-S.pdf

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Anna,

Please find attached the draft PA with the ACHP's comments. Overall, the ACHP does not have any major objections; however, we have several administrative and procedural comments that need to be addressed before the Corps can move it signature. The Corps needs to delineate between signatories, invited signatories, and concurring parties. As it stands, the agreement seems to confuse those roles, which may be unintended and may cause difficulties concerning execution and amendment. I've noted several places that I recommend using the ACHP's boilerplate language from the attached template for many administrative stipulations and clauses. We would prefer these be used and if not request explanation for the variation. Lastly, I've noted in most places that ACHP involvement should be limited to our role in disputes and that we do not need to receive or review the majority of the reports/plans.

To assist in all of these issues, I recommend the District consult the ACHP's Guidance on Section 106 agreement documents at Blockedhttps://www.achp.gov/initiatives/guidance-agreement-documents and the attached template and checklists.

Sincerely,

Christopher Daniel
Program Analyst
Advisory Council on Historic Preservation
202.517.0223 (Office & Mobile)
cdaniel@achp.gov

Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington DC 20001-2637
(202) 517-0200 (Main Number)
Blockedwww.achp.gov

-----Original Message-----
From: Jansson, Anna CIV USARMY CENAN (USA) [mailto:Anna.M.Jansson@usace.army.mil]
Sent: Tuesday, November 26, 2019 2:45 PM
To: John Fowler
Cc: Reid Nelson; Chris Daniel
Subject: Final Review of Draft Programmatic Agreement for Hudson Raritan Estuary

Dear Mr. Fowler,

We are wrapping up the Final Report for Hudson Raritan Estuary (HRE), and I am sending around the Draft Programmatic Agreement for one more round of review before I send it for signature. Included in this attachment is the Case Report (that will be the Cultural Resources Appendix in the Final Report) and the Draft Programmatic

Agreement. I also sent a printed copy of this in the mail too. Please reach out to me if you have any comments or concerns.

Thanks,
Anna

Anna M. Jansson M.A. RPA
Archaeologist
U.S. Army Corps of Engineers
26 Federal Plaza
New York, NY 10278
Office: 917-790-8623

Section 106 Agreement Checklist: Content

Use this checklist to ensure that the Memorandum of Agreement (MOA) or project Programmatic Agreement (project PA) includes the administrative stipulations and other clauses and information that should be found in every Section 106 agreement document. Also, consider the inclusion of other stipulations to provide contingencies for changes to the undertaking, problems, and other issues that could arise during implementation of the agreement.

Project Name:

Review Date:

TITLE			
Memorandum of Agreement or Programmatic Agreement?	See definitions at 36 CFR §800.6(c) and §800.14(b)		
	Yes	**No**	**Comments**
Are all the signatories named in the title?	☐	☐	Federal agency(ies), SHPO/THPO, and ACHP if participating
Is the undertaking(s) named in the title?	☐	☐	
PREAMBLE- WHEREAS CLAUSES			
	Yes	**No**	**Comments**
Is the entire undertaking and the nature of federal involvement described?	☐	☐	
Does a clause note the agreement was developed pursuant to Section 106 of the National Historic Preservation Act?	☐	☐	
Is the responsible federal agency named?	☐	☐	
If there is a lead federal agency, has it been	☐	☐	If so, also identify the role(s) of other involved federal agencies

named?			[36 CFR §800.2(a)(1)]
Is an applicant for federal permits, licenses, grants, or other assistance involved?	☐	☐	If so, are the applicant's role and responsibilities described?
Is the appropriate SHPO/THPO(s) named?	☐	☐	
Are all other consulting parties listed, including any Indian tribes, Native Hawaiian organizations, and representatives of local governments?	☐	☐	See 36 CFR §800.2(c)
In a Programmatic Agreement, is the reason why a programmatic approach is needed described?	☐	☐	See 36 CFR §800.14(b)(1)
Has the Area of Potential Effects for the undertaking(s) been identified?	☐	☐	
Are historic properties affected by the undertaking listed?	☐	☐	If numerous, consider summarizing and referencing an appendix.
Does a clause acknowledge historic properties would or may be adversely affected?	☐	☐	If historic properties would be adversely affected by the undertaking, briefly describe how.
Is a clause stating that the ACHP has been notified of the finding of adverse effect included? If the ACHP is participating in the consultation, is this stated?	☐	☐	
Is a reference included to the agency's public involvement efforts?	☐	☐	
Is the clause, "Now, therefore, [federal agency, SHPO/THPO….] agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties"	☐	☐	

included?			
STIPULATIONS			
	Yes	**No**	**Comments**
Are the stipulations preceded by a clear statement that *the federal agency shall ensure that these terms are carried out*?	☐	☐	See the ACHP's template MOA
Are procedures for responding to the unanticipated discovery of historic properties or inadvertent adverse effects to identified historic properties included?	☐	☐	Where appropriate; see 36 CFR §800.6(c)(6). See also 36 CFR §800.13
Are procedures for responding to emergency situations included?	☐	☐	See 36 CFR §800.12
Is the need for confidentiality of sensitive information identified where appropriate?	☐	☐	See 36 CFR §800.11(c)
Has the use of qualified professionals been stipulated where appropriate?	☐	☐	See the Secretary of the Interior's professional qualifications standards, and 36 CFR §800.2(a)(1)
If archaeological data recovery is stipulated, is a data recovery plan attached or referenced in the agreement?	☐	☐	See the ACHP's archaeological guidance at www.achp.gov/archguide
Are procedures for public involvement included for any ongoing reviews carried out according to the agreement's terms?	☐	☐	See 36 CFR §800.2(d) and 800.6(a)(4)
Are procedures for monitoring and reporting on agreement implementation included as appropriate to the project?	☐	☐	Where appropriate; see 36 CFR §800.6(c)(4)

If other federal funds, permits, or licenses may be used or required in the future for the undertaking, is an "other federal involvement" stipulation included?	☐	☐	See Sample Stipulations Section
Is a dispute resolution procedure included?	☐	☐	
Are provisions for the amendment and termination of the agreement included?	☐	☐	See 36 CFR §§800.6(c)(7) and 800.6(c)(8)
Is the agreement's duration specified?	☐	☐	Required by 36 CFR §800.6(c)(5)
Is compliance with the Anti-Deficiency Act recognized where appropriate?	☐	☐	
Is compliance with other federal laws, such as the Native American Graves Protection and Repatriation Act and the Archaeological Resources Protection Act, and state and/or tribal laws, including state burial laws, acknowledged where appr**o**priate?	☐	☐	While these other laws can be noted in an MOA/PA, Section 106 agreements are solely for documenting an agency's compliance with Section 106 of the NHPA. As such, Section 106 agreement documents should not provide for an agency's compliance with other statutes.
Do the stipulations conclude with an affirmation statement consistent with the template MOA?	☐	☐	
SIGNATURES			
	Yes	**No**	**Comments**
Are the signature blocks for signatories, invited signatories, and concurring parties clearly identified?	☐	☐	

Have all parties that are assigned responsibilities in the agreement been asked to be invited signatories?	☐	☐	
Does each signature line include a printed name, title, agency/organization, and date?	☐	☐	

ACHP Template Agreement Documents

Included below are two agreement templates: a two-party Memorandum of Agreement (MOA) template (followed by instructions on how to turn it into a three-party MOA template), and a template to amend an MOA or a project Programmatic Agreement (project PA).

ACHP Model Two-Party MOA Template:

MEMORANDUM OF AGREEMENT
BETWEEN [insert Agency]
AND THE
[insert name of State or Tribe] ["STATE" or "TRIBAL"] HISTORIC PRESERVATION OFFICER
REGARDING THE [insert project name and location]

WHEREAS, the **[Agency]** (**[insert Agency abbreviation]**) plans to **["carry out" or "fund" or "approve"/"license"/"permit" or other appropriate verb]** the **[insert project name]** (undertaking) pursuant to the **[insert name of the substantive statute authorizing the federal agency involvement in the undertaking]**, **[insert legal cite for that statute]**; and

WHEREAS, the undertaking consists of **[insert a brief explanation of the undertaking]**; and

WHEREAS, [Agency abbreviation] has defined the undertaking's area of potential effects (APE) as **[insert written description and/or "described in Attachment XXX"]**; and

WHEREAS, [Agency abbreviation] has determined that the undertaking may have an adverse effect on **[insert name of historic property(ies)]**, which **["is" or "are"] ["listed in" or "eligible for listing in"]** the National Register of Historic Places, and has consulted with the **[insert name of State or Tribe] ["State" or "Tribal"]** Historic Preservation Officer (**["SHPO" or "THPO"]**) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

WHEREAS, [Agency abbreviation] has consulted with the **[insert name of Indian tribe(s) or Native Hawaiian organization(s)]**, for which **[insert name of historic property(ies)] ["has" or "have"]** religious and cultural significance, **[Insert this whereas clause if appropriate];** and

WHEREAS, **[Agency abbreviation]** has consulted with **[insert names of other consulting parties, if any]** regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as a **["invited signatory(ies)" or "concurring party(ies)"];** and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), **[Agency abbreviation]** has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen *not to* participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, **[Agency abbreviation]** and the **["SHPO" or "THPO"]** agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

[Agency abbreviation] shall ensure that the following measures are carried out:

[I.-III. (Or whatever number of stipulations is necessary) Insert negotiated measures to avoid, minimize, or mitigate the adverse effects on historic properties.]

IV. DURATION

This MOA will expire if its terms are not carried out within five (5) years **[or specify other appropriate time period]** from the date of its execution. Prior to such time, **[Agency abbreviation]** may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.

V. POST-REVIEW DISCOVERIES

If properties are discovered that may be historically significant or unanticipated effects on historic properties found, the **[Agency abbreviation]** shall implement the discovery plan included as attachment **[insert number of attachment]** of this MOA. **[Insert this stipulation if there is an indication that historic properties are likely to be discovered during implementation of the undertaking.]**

VI. MONITORING AND REPORTING

Each **[insert a specific time period]** following the execution of this MOA until it expires or is terminated, **[Agency abbreviation]** shall provide all parties to this MOA **["and the ACHP" if appropriate]** a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in **[Agency abbreviation]**'s efforts to carry out the terms of this MOA.

VII. DISPUTE RESOLUTION

Should any signatory * or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, **[Agency abbreviation]** shall consult with such party to resolve the objection. If **[Agency abbreviation]** determines that such objection cannot be resolved, **[Agency abbreviation]** will:

A. Forward all documentation relevant to the dispute, including the **[Agency abbreviation]**'s proposed resolution, to the ACHP. The ACHP shall provide **[Agency abbreviation]** with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, **[Agency abbreviation]** shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. **[Agency abbreviation]** will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, **[Agency abbreviation]** may make a final decision on the dispute and proceed

accordingly. Prior to reaching such a final decision, **[Agency abbreviation]** shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. **[Agency abbreviation]**'s responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VIII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

IX. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, **[Agency abbreviation]** must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. **[Agency abbreviation]** shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the **[Agency abbreviation]** and **["S" or "T"]**HPO and implementation of its terms evidence that **[Agency abbreviation]** has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.**

SIGNATORIES:

[insert Agency name]

_____ Date
[insert agency official name and title]

[insert name of State or Tribe] ["State" or "Tribal"] Historic Preservation Officer

_____ Date
[insert name and title]

INVITED SIGNATORIES:

[insert invited signatory name]

_____ Date
[insert name and title]

CONCURRING PARTIES:

[insert name of concurring party]

_____ Date
[insert name and title]

Notes:

** This document assumes that the term "signatory" has been defined in the agreement to include both signatories and invited signatories.*

*** Remember that the agency must submit a copy of the executed MOA, along with the documentation specified in Section 800.11(f), to the ACHP prior to approving the undertaking in order to meet the requirements of Section 106. 36 CFR § 800.6(b)(1)(iv).*

Instructions on how to turn the Two-Party MOA template (above) into a Three-Party MOA Template

If the ACHP is participating in the consultation to resolve adverse effects, the two-party MOA template can be revised to create a three-party agreement by inclusion of the following (*in italics*):

1. Revise the Title to read:

MEMORANDUM OF AGREEMENT
***AMONG* [insert Agency],**
THE
[insert name of State or Tribe] ["STATE" or "TRIBAL"] HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE [insert project name and location]

2. Revise the 7th WHEREAS clause to read:

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), **[Agency abbreviation]** has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen *to* participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

3. At the end of the Whereas clauses add "ACHP" to the 'Now, therefore' clause to read: NOW, THEREFORE**,** [Agency abbreviation], the ["SHPO" or "THPO"], *and the ACHP* **agree….**

4. Add the "ACHP" to all relevant stipulations as needed.

5. Include "ACHP" in the paragraph immediately above the signature lines:

Execution of this MOA by the [Agency abbreviation], **the**["S" or "T"]**HPO, *and the ACHP*, and implementation of its terms evidence that** [Agency abbreviation] **has taken into account….**

6. Add the following line to the signatory page:

Advisory Council on Historic Preservation

_____ Date
John M. Fowler, Executive Director

Model MOA/Project PA Template Amendment:

AMENDMENT TO
[INSERT FULL NAME OF THE AGREEMENT]
(AGREEMENT)

WHEREAS, the Agreement was executed on [insert month and year of execution];

WHEREAS, [insert a concise explanation of the reasons for the amendment];

WHEREAS, [insert the name of the federal agency] will send a copy of this executed amendment to the ACHP [Only use this whereas clause if the ACHP is not a signatory to the Agreement];

NOW, THEREFORE, in accordance with Stipulation [insert the number of the amendment stipulation] of the Agreement, [insert the Signatories of the Agreement] agree to amend the Agreement as follows:

1. Amend Stipulation [insert the number of the stipulation to be amended] so it reads as follows:

   [insert the amended text of the stipulation]

[AND/OR, if the amendment involves adding a new stipulation to the Agreement]

2. Add new Stipulation [insert the number of the new stipulation]:

   [insert the text of the new stipulation]

[AND/OR, if the amendment involves deleting a stipulation of the Agreement]

3. Delete Stipulation [insert the number of the stipulation to be deleted].

[Repeat #1, 2, and 3 as necessary]

[OR, if the amendments are so pervasive that it is easier to cut/paste a copy of the entire, amended Agreement]

1. Amend the Agreement so it reads as follows:

   [attach the text of the entire, amended agreement]

[Insert signature and date lines for all Signatories. If the amendments add duties to a party that did not sign the Agreement, add a signature line for that party.]

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
~~THE NATIONAL PARKS SERVICE,~~
~~THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION~~
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

WHEREAS, the U.S. Army Corps of Engineers, New York District, (New York District), has been authorized under the General Investigations (GI) Program to conduct a feasibility study to evaluate federal participation in ecosystem restoration in the Hudson Raritan Estuary (HRE). The study was authorized by resolution of the U.S. House of Representatives Committee on Transportation and Infrastructure on 15 April 1999, to determine the feasibility of carrying out improvements, including the creation and enhancement of aquatic, wetland, and adjacent upland habitats as specific areas of interest; and

WHEREAS, the U.S. Army Corps of Engineers has been conducting several feasibility studies for ecosystem restoration within the Hudson Raritan Estuary (HRE) that have been consolidated into the HRE Ecosystem Restoration Feasibility Study and these are the Bronx River Basin Ecosystem Restoration Feasibility Study; the HRE - Lower Passaic River Ecosystem Restoration Feasibility Study; the HRE - Hackensack Meadowlands Ecosystem Restoration Feasibility Study; the Jamaica Bay, Marine Park, Plumb Beach Ecosystem Restoration Feasibility Study; and the Flushing Creek and Bay Ecosystem Restoration Feasibility Study; and

WHEREAS, The Hudson Raritan Estuary (HRE) is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25-mile radius of the Statue of Liberty. The HRE study area includes the following 8 Planning regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay; and

WHEREAS, the scope of the HRE Ecosystem Restoration Project is to restore and protect lost or degraded aquatic, wetland and terrestrial habitats within the HRE study area. These activities will be accomplished by implementing various site-specific ecosystem restoration projects formulated within the context of an overall strategic plan. The Corps has identified roughly 300 potential restoration sites spread throughout the eight planning regions. These restoration sites include onshore and offshore sites ranging in size from 2,102 acres to 0.3 acres, for a total of 31,932 acres; and

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WHEREAS, out of the 300 potential restoration sites, the New York District has identified twenty sites to recommend for construction for which plans are being developed (Appendix A). The twenty sites are Dead Horse Bay, Fresh Creek, Duck Point, Stony Creek, Pumpkin Patch West, Pumpkin Patch East, Elders Center, Flushing Creek, Bronx Zoo and Dam, Stone Mill Dam, Shoelace Park, Bronxville Lake, Garth Harney, Oak Island Yards, Branch Brook Park, Metromedia, Meadowlark Marsh, Naval Station Earle Oysters, Bush Terminal Oysters, and Head of Jamaica Bay Oysters; and

WHEREAS, fifteen of the restoration sites are located within the State of New York, and five restoration sites are located within the State of New Jersey; and

WHEREAS, the New York District has defined the "Area of Potential Effect" (APE) for this Undertaking to include all areas within the twenty restoration sites and the associated staging areas and access roads if they are located outside of the restoration area; and

WHEREAS, the New York District has conducted a reconnaissance-level cultural resources survey of the 300 HRE restoration sites within the study area and a GIS database has been created for the HRE Ecosystem Restoration Project which compiled all of the cultural resource data collected during the survey for each of the HRE restoration sites. The HRE cultural resources database contains data on historic sites and districts, archaeological sites and sensitivity areas, National Register of Historic Places (NRHP)-eligible and listed resources, and submerged resources recorded in the Automated Wreck and Obstruction Information System (AWOIS) database which are located within the restoration site boundaries and within a one-mile buffer surrounding each site. In addition to the restoration sites and boundary areas, background history, and environmental and cultural resources data was collected for the entire HRE study area; and

WHEREAS, the New York District has determined that properties listed and/or eligible for listing on the National Register of Historic Places (NRHP) may be adversely affected by implementation of the restoration measures (Appendix B); and

WHEREAS, the New York District has determined that, due in part to the previous studies carried out by the District, as well as studies carried out by other parties, significant amounts of data exist in varying levels of detail throughout the HRE study area, however, for most of the APE additional survey is required to determine the presence or absence of significant cultural resources and to make an assessment of archaeological sensitivity; and

WHEREAS, the New York District has invited several potential interested parties to participate in the Section 106 consultation process and study planning, including the Advisory Council on Historic Preservation (ACHP), the New York City Landmarks Preservation Commission (LPC), the National Park Service, the Delaware Nation, the Shinnecock Nation, the Stockbridge-Munsee Band of Mohican Indians, the Delaware Tribe of Indians, and the Shawnee Tribe of Oklahoma (Appendix C); and

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WHEREAS, the ACHP and the Landmarks Preservation Commission have elected to participate in this Agreement and the Stockbridge Munsee have elected not to participate as signatories but as consulting parties; and

WHEREAS, the New York District, in consultation with the New Jersey State Historic Preservation Office (NJSHPO), the New York State Historic Preservation Office (NYSHPO), and other consulting parties plans to carry out additional work to identify significant resources, develop treatment plans and mitigation plans, if necessary, for the proposed undertaking to ensure that the project will avoid or minimize adverse effects to significant historic properties and archaeological sites; and

WHEREAS the New York District, partially through the NEPA process, is coordinating, and shall continue to coordinate a public outreach program for this undertaking which in the past has consisted of a number of public meetings and the circulation of cultural resource and environmental documents related to the Section 106 review process; and

NOW, THEREFORE, the New York District, the NYSHPO, the NJSHPO, ~~the LPC, NPS~~ and the ACHP ~~agree that the project shall be administered in accordance with the following stipulations to satisfy the New York District's Section 106 responsibilities for all individual actions of the Undertaking.~~

STIPULATIONS

The New York District shall ensure that the following measures are carried out:

I. IDENTIFICATION AND EVALUATION

A. The New York District shall carry out cultural resources surveys for each restoration site that is advanced past feasibility phase to identify significant cultural resources within the APE. Survey methodology shall be tailored to the unique environment of the restoration site to identify resources and will consider previous survey results and consultation comments when designing the surveys. Consultation shall be carried out with the appropriate SHPOs depending on whether the site or site(s) are within the State of New York or New Jersey. If a survey is addressing multiple sites located within both states, both the NYSHPO and the NJSHPO shall be consulted. The ACHP shall be copied on all consultation carried out for the project, and at a minimum, NPS and the LPC shall be copied on all consultation carried out for sites within their areas of responsibility.

B. Prior to the initiation of construction-related activities which may affect historic properties, the New York District, in consultation with the appropriate SHPO(s), and other interested parties as appropriate , shall identify and evaluate:

1. Archaeological Sites

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a. The New York District shall ensure that archaeological surveys within the uninvestigated portions of the APE are conducted in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and guidelines set forth by the SHPOs including the NJSHPOs Guidelines for Phase I Archaeological Investigations: Identification of Archaeological Resources (N.J.A.C. 7:4-8.4) and the New York Archaeological Council's Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State (1994, adopted by NYSHPO in 1995), the NYSHPO's 2005 Phase I Archaeological Format Requirements, and take into account the National Park Service publication The Archaeological Survey: Methods and Uses (1978) and the statewide historic contexts developed by the SHPO(s).

b. The scopes of work and survey reports shall be submitted to the appropriate SHPO(s), the ACHP, and other consulting parties, as appropriate, for review and comment.

2. Traditional Cultural Properties.

a. The New York District shall ensure that future surveys within the uninvestigated portions of the APE include procedures to identify traditional cultural properties and to consult with federally recognized tribes and other affected parties in accordance with the guidelines provided by National Park Service Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties and the U.S. Army Corps of Engineers Tribal Consultation Policy (2013).

b. In the event that a federally recognized tribe or affected group contacts the New York District regarding its recognition of a traditional cultural property, located within the APE, the New York District shall notify the appropriate SHPO and the ACHP to initiate discussions to consider whether the property is a traditional cultural property that meets the Criteria.

3. Buildings and Structures

a. The New York District shall ensure that surveys are conducted for buildings and structures in the APE in a manner consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and which takes into account the statewide historic contexts developed by the SHPO(s). The Scope of Work and survey report will be consistent with the guidelines set forth by the SHPOs and shall be submitted to the appropriate SHPO(s), the ACHP, and other consulting parties for review.

b. The New York District, in consultation with the appropriate SHPO(s), the ACHP, and other consulting parties, shall identify and evaluate buildings and structures that are located adjacent to listed or eligible NRHP historic districts to determine

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whether such properties should be considered as part of the historic district or an expanded district.

4. Historic Landscapes and View Sheds

a. The New York District shall consult with the appropriate SHPO(s) and other consulting parties, including local historical societies, to identify and evaluate historic landscapes and viewsheds located within the APE. The New York District shall consult National Park Service Bulletins 18, How to Evaluate and Nominate Designed Historic Landscapes, and 30 Guidelines for Evaluating and Documenting Rural Historic Landscapes, National Park Service Preservation Brief 36, Protecting Cultural Landscapes, and other publications and materials made available by the SHPO(s) to assist in defining the criteria that should be applied to such properties.

b. The objective in conducting the surveys is to identity NRHP-listed or eligible historic landscapes and affected viewsheds within the project area that may be adversely affected by the Undertaking, and to determine whether they meet the NRHP criteria set forth in 36 CFR Part 60.4.

C. The New York District shall ensure that qualified professionals meeting the National Park Service professional qualifications for the appropriate discipline [National Park Service Professional Qualification Standards, Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44738-39)] are used to complete all identification and evaluation plans related to this undertaking, to include geomorphological, palynological, and archaeological surveys and testing, and documentation.

D. The New York District, the SHPO(s), and all other consulting parties shall consider the views of the public and interested parties, including local historic preservation groups, in completing its identification and evaluation responsibilities.

E. The New York District shall maintain records of all decisions it makes related to the NRHP eligibility of properties.

F. Application of Criteria:

1. The New York District, in consultation with the appropriate SHPO, and other consulting parties, shall evaluate historic properties using the Criteria established for the NRHP [36 CFR 800.4(c)(1)]:

a. If the New York District, the SHPO(s), and the other consulting parties agree that the Criteria apply or do not apply, in evaluating the NRHP eligibility of a property, the property shall be treated accordingly for purposes of this PA.

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b. If the New York District, the SHPO(s), and other consulting parties disagree regarding NRHP eligibility, prior to the start of any project-related work at the site or in the vicinity of the property, the New York District shall obtain a formal Determination of Eligibility (DOE) from the Keeper of the National Register (Keeper), National Park Service, whose determination shall be final.

2. The New York District shall ensure that the identification and evaluation of historic properties that may be affected by each phase of the Undertaking is completed prior to the initiation of any formal action by the New York District including rehabilitation, relocation, demolition, etc.

3. Any changes to the project designs that could result in adverse effects to historic properties or extends beyond the current APE will be submitted to the consulting parties for review and comment.

4. If a property is determined to be eligible for the National Register, the New York District will consult with the NYSHPO, the ACHP and the appropriate consulting parties and signatories to resolve the adverse effects in accordance with Stipulation II below.

II. RESOLUTION OF ADVERSE EFFECTS

A. If the New York District, in consultation with the appropriate SHPO(s), the ACHP, and other consulting parties, as appropriate, determines that the Undertaking will have an adverse effect on historic properties, the New York District shall consult with the appropriate consulting parties and signatories, pursuant to 36 CFR Part 800.6, to determine how best to resolve adverse effects and document the proposed resolution.

B. Once there is agreement on how adverse effects will be resolved, the New York District will develop treatment plans that will identify the activities to be implemented to resolve adverse effects. The ACHP, the SHPO(s) and the appropriate signatories and other consulting parties, if identified, will be provided with copies of each treatment plan for review and comment. The New York District shall revise plans to address comments and recommendations provided by the consulting parties. The New York District shall ensure that treatment plans are implemented by the New York District or its representative(s).

C. Should the New York District, the SHPOs, ACHP, and appropriate signatories and consulting parties disagree on how the adverse effects will be resolved, the New York District shall seek to resolve such objection through consultation in accordance with procedures outlined in Stipulation VIII.

III. PUBLIC INVOLVEMENT AND OUTREACH

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A. The New York District shall inform the public of the existence of this PA and the District's plan for meeting the stipulations of the PA. Copies of this agreement and relevant documentation prepared pursuant to the terms of this PA shall be made available for public inspection. Information regarding the specific locations of terrestrial and submerged archaeological sites, including potential wreck areas, will be withheld in accordance with the Freedom of Information Act and National Register Bulleting No. 29, if it appears that this information could jeopardize archaeological sites. Any comments received from the public related to the activities identifies by the PA shall be taken into account by the New York District.

B. The New York District shall develop, in coordination with the SHPOs, NPS, the NYCLPC, and participating Tribes, publically accessible information about the cultural resources and historic properties investigations for the Undertaking in the form of brief publication(s), exhibit(s), or website(s).

IV. CURATION

A. The New York District shall ensure that all collections resulting from the identification and evaluation of surveys, data recovery operations, or other investigations pursuant to this PA are maintained in accordance with 36 CFR Part 79 until the collection is turned over to the NPS, New York City or other landowner/entity. Minimally, the District will ensure that analysis is complete and the final report(s) are produced and accepted by the SHPO(s) prior to the turnover of collections to the appropriate entity.

B. The New York District shall be responsible for consulting with the NPS, New York City and other landowners regarding the curation of collections resulting from archaeological surveys, data recovery operations, or other studied and activities pursuant to this agreement. The District shall coordinate the return of collections to non-federal landowners. If non-federal landowners wish to donate the collection, the District, in coordination with the SHPOs, the NPS, the federally-recognized Tribes, and the NYCLPC to determine an appropriate entity to take control of the collection.

C. The New York District shall be responsible for preparation of federally-owned collections and the associated records and non-federal collections donated for curation in accordance with the standards of the curation facility.

V. UNANTICIPATED DISCOVERY

A. The following language shall be included in construction plans and specifications:

"When a cultural resource, including but not limited to archaeological sites, shipwrecks, standing structures, and properties of traditional religious and cultural significance to a federally-recognized Tribe are discovered during execution of the

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Project, the individual(s) who made the discovery shall immediately secure the vicinity and make a reasonable effort to avoid or minimize harm to the resource, and notify the Project's Contracting Officer's Representative (COR) and the New York District. All activities shall cease within a minimum of 50 feet from the inadvertent discovery (50-foot radius 'no work' buffer) until authorized by the District and the Project COR.

B. If previously unidentified and unanticipated historic properties are discovered during Project activities, the New York District shall cease all work in the vicinity of the discovery until it can be evaluated in accordance with 36 CFR Part 800.13 "Post-Review Discoveries." Upon notification of an unanticipated discovery, the New York District shall implement any additional reasonable measures to avoid or minimize effects to the resource. Any previously unidentified cultural resource will be treated as though it is eligible for the NRHP until such other determination can be made.

C. The New York District shall immediately notify the SHPOs, ACHP, the NYCLPC, NPS, and the federally-recognized Tribes, as appropriate depending upon the location of the find, within 48 hours of the finding and request consultation to resolve potential adverse effects.

D. If the New York District and the relevant signatories agree that the cultural resource is not eligible for the NRHP, then the suspension of work in the area of the discovery will end.

E. If the New York District and the relevant signatories agree that the cultural resources is eligible for the NRHP, then the suspension of work will continue, and the District, in consultation with all relevant signatories will determine the actions to avoid, minimize, or mitigate adverse effects to the historic property and will ensure that the appropriate actions are carried out.

F. If the New York District and the relevant signatories cannot agree on the appropriate course of action to address an unanticipated discovery or effects situation, then the New York District shall initiate the dispute resolution process set forth in Stipulation VIII.

VI. DISCOVERY OF HUMAN REMAINS:

A. If any human remains and/or grave-associated artifacts are encountered during any of the investigations, including data recovery, the New York District will follow the NYSHPO's Human Remains Discovery Protocol (2018), the ACHP's "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (February 23, 2007), the Native American Grave Protection and Repatriation Act, As Amended (PL 101-601), and the U.S. Army Corps of Engineers Tribal Consultation Policy (2013).

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B. The following language shall be included in the construction plans and specifications:

"When human remains, suspected human remains, or indications of a burial are discovered during the execution of a Project, the individual(s) who made the discovery shall immediately notify the local law enforcement, coroner/medical examiner, and the Project COR and the New York District, and make a reasonable effort to protect the remains from any harm. The human remains shall not be touched, moved, or further disturbed. All activities shall cease within a minimum of 50 feet from the area of the find (50-foot radius 'no work' buffer) until authorized by the New York District."

VII. PUBLIC INVOLVEMENT

A. In consultation with the SHPO(s), the ACHP, and other consulting parties, the New York District shall develop a plan to inform the interested parties of the existence of this Agreement. Copies of this Agreement and relevant documentation prepared pursuant to the terms of this PA shall be made available for public inspection (information regarding the locations of archaeological sites will be withheld in accordance with the Freedom of Information Act and National Register Bulletin 29, if it appears that this information could jeopardize archaeological sites). Any comments received from the public under this Agreement shall be taken into account by the New York District.

B. Public Objections. The New York District shall review and resolve timely substantive public objections. Public objections shall be considered timely when they are provided within the review periods specified in this PA. The New York District shall consult with the relevant consulting parties and as appropriate with the Council, to resolve objections. Study actions which are not the subject of the objection may proceed while the consultation is conducted.

VIII. ADMINISTRATIVE TERMS

A. PROFESSIONAL QUALIFICATIONS AND STANDARDS

1. The New York District shall ensure that qualified professionals meeting the NPS professional qualifications for the appropriate discipline [NPS Professional Qualification Standards, Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44738-39)] are used to develop and implement all treatment plans, and

2. All investigations carried out pursuant to this PA in New York State will be undertaken in accordance with the New York State Archaeological Council's Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State (1994), Cultural Resources

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Standards Handbook (2000), and the NYSHPO Archaeological Report Format Requirements (2005), and

3. All reports prepared for restoration sites in New Jersey will conform to the NJSHPO's Requirements for Archaeology Survey Reports – Standards for Report Sufficiency (N.J.A.C. 7.4-8.5).

B. REPORTING

1. The New York District shall prepare annual reports summarizing the status of compliance with the terms of this PA and a summary of the completed activities and the exempt activities for the past year and proposed activities for the next fiscal year. Reports shall be submitted by January 31 of every year. The Annual Reports shall be provided to the ACHP, NYCLPC, NPS, the SHPOs, federally-recognized Tribes, and additional interested parties, if identified, until the Study-related activities are complete.

2. The ACHP, NYCLPC, NPS and the SHPOs may request a site visit to follow up information in the annual report or to monitor activities carried out pursuant to this PA. The ACHP, NYCLPC, NPS, and the SHPOs shall provide the New York District with 30 days written notice when requesting a site visit unless otherwise agreed. The New York District may also schedule a site visit with the ACHP, NYCLPC, NPS, and the SHPOs at its discretion.

C. REVIEW PERIODS

1. The New York District shall ensure that all draft and final reports resulting from the action pursuant to this PA will be provided to the appropriate signatories and other interest parties, if identified.

2. The SHPOs, the ACHP, NYCLPC, and other consulting parties shall receive copies of all determinations, evaluations, plans, reports and other documentation by mail, for a 30 day review period unless otherwise stipulated in this PA. The New York District shall provide electronic copies of documentation if requested by any consulting party. The NYSHPO shall receive all documentation via the Cultural Resource Information System (CRIS).

3. Any comments and/or objections resulting from a review of any New York District determination, evaluation, plans, reports, and other documents must be provided in writing to the New York District. If comments, objections, etc. are not received within 30 calendar days, the New York District will assume concurrence with the subject determination, evaluation, plan, report or other documentation submitted.

D. DISPUTE RESOLUTION

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1. The New York District and consulting parties shall attempt to resolve any disagreement arising from implementation of this PA. If there is a determination that the disagreement cannot be resolved, the New York District shall request the ACHP's recommendations or request the comments of the ACHP in accordance with 36 CFR Part 800.7(c).

2. Any ACHP recommendations or comments provided in response will be considered in accordance with 36 CFR Part 800.7(c), with reference only to the subject of the dispute. The New York District shall respond to ACHP recommendations or comments indicating how the New York District has taken the ACHP's recommendations or comments into account and complied with same prior to proceeding with Undertaking activities that are subject to dispute. Responsibility to carry out all other actions under this PA that are not the subject of the dispute will remain unchanged.

3. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day time period, the New York District may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, the New York District shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the PA, and provide that to the ACHP.

E. WITHDRAWAL AND TERMINATION

1. Any signatory may withdraw its participation in this PA by providing thirty (30) days advance written notification to all other signatories. In the event of withdrawal, any signatory to this PA may terminate it by providing 30 calendar days, written notice to the signatories. In the event of withdrawal, this PA will remain in effect for the remaining signatories.

2. This agreement may be terminated in accordance with 36 CFR Part 800, provided that the signatories consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. Any signatory requesting termination of this PA will provide thirty (30) days advance written notification to all other signatories.

3. In the event of termination, the District will comply with 36 CFR 800.4 through 800.6 with regard to individual undertakings covered by this Agreement.

F. DURATION AND SUNSET CLAUSE

1. This PA will take effect upon execution by the District, the SHPOs, and other signatories with the date of the final signature.

2. This PA will continue in full force and effect until the Undertaking is complete and all terms of this PA are met, unless the Undertaking is terminated or

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authorization is rescinded or a period of five years from execution of the PA has passed, at which time the agreement may be extended as written provided all signatories concur.

G. AMENDMENT

1. This PA may be amended upon agreement in writing by all signatories. Within thirty (30) days of a written request to the New York District, the New York District will facilitate consultation between the signatories regarding the proposed amendment.

2. Any amendments will be in writing and will be in effect on the date the amended PA is filed with the ACHP.

H. ANTI-DEFICIENCY ACT

1. All requirements set forth in this PA requiring expenditure of funds by the New York District are expressly subject to the availability of appropriations and the requirements of the Anti-Deficiency Act (31 U.S.C. 1341). No obligation undertaken by the New York District under the terms of this PA shall require or be interpreted to require a commitment to extend funds not appropriated for a particular purpose. If the New York District cannot perform any obligation set forth in this PA because of unavailability of funds, that obligation must be renegotiated among the New York District and the signatories as necessary.

~~Execution and implementation of this PA evidences that the New York District has satisfied its Section 106 responsibilities for all individual Undertakings of the Project, and that the New York District has afforded the ACHP an opportunity to comment on the Undertaking and its effects on historic properties.~~

Appendix A: Design Plans for Restoration Sites
Appendix B: Tables of Cultural Resources by Restoration Site
Appendix C: Correspondence

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PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NATIONAL PARKS SERVICE,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

~~Execution and implementation of this PA evidences that the District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and has afforded the NYSHPO and the ACHP an opportunity to comment on the undertaking and its effects on historic properties.~~

By:_____Date_____
Thomas D. Asbery
Colonel, U.S. Army
District Engineer

DRAFT

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NATIONAL PARKS SERVICE,
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Execution and implementation of this PA evidences that the District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and has afforded the NYSHPO and the ACHP an opportunity to comment on the undertaking and its effects on historic properties.

By: _____ Date: _____
Dorothy P. Guzzo
Deputy State Historic Preservation Officer
New Jersey State Historic Preservation Office

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PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NATIONAL PARKS SERVICE,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution and implementation of this PA evidences that the District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and has afforded the NYSHPO and the ACHP an opportunity to comment on the undertaking and its effects on historic properties.

By: _____ Date: _____
R. Daniel Mackay
Deputy Commissioner
Division for Historic Preservation
New York Office of Parks, Recreation and Historic Preservation

DRAFT

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NATIONAL PARKS SERVICE,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

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By:_____ Date:_____
Sarah Carroll
Chair, New York City Landmarks Preservation Commission

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PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NATIONAL PARKS SERVICE,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution and implementation of this PA evidences that the District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and has afforded the NYSHPO and the ACHP an opportunity to comment on the undertaking and its effects on historic properties.

By:_____ Date:_____
Jennifer T. Nersesian
Superintendent, Gateway National Recreation Area

DRAFT

PROGRAMMATIC AGREEMENT
AMONG
THE U. S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,
THE NEW JERSEY STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NATIONAL PARKS SERVICE,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
And THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJECT

Execution and implementation of this PA evidences that the District has satisfied its Section 106 responsibilities for all individual undertakings of the Project, and has afforded the NYSHPO, the NJSHPO, the NYCLPC, NPS and the ACHP an opportunity to comment on the undertaking and its effects on historic properties.

By:_____ Date:_____
~~Reid Nelson~~
~~Director, Office of Federal Agency Programs~~
Advisory Council on Historic Preservation

DRAFT

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NATURAL & HISTORIC RESOURCES
HISTORIC PRESERVATION OFFICE
MAIL CODE 501-04B
P.O. BOX 420
TRENTON, NJ 08625-0420
TEL: # 609-984-0176 FAX: # 609-984-0578

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CATHERINE R. McCABE
Commissioner

January 2, 2020

Peter M. Weppler
Chief, Environmental Analysis Branch
Corps of Engineers, New York District
Department of the Army
Jacob K. Javits Federal Building
26 Federal Plaza
New York, New York 10278-0090

Dear Mr. Weppler:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing continuing Consultation Comments for the following proposed undertaking:

Bergen, Hudson, Middlesex, Monmouth, and Union Counties
Draft Programmatic Agreement
Hudson-Raritan Estuary Ecosystem Restoration Project
United States Department of the Army, Corps of Engineers

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the draft Programmatic Agreement (PA) for the Hudson-Raritan Estuary Ecosystem Restoration Project, received at our office on December 3, 2019, for the above-referenced undertaking. Based on our review, the HPO has the following comments:

- General Comments
  - The organization of the references to the signatories of the agreement shifts throughout the PA. Please ensure that the listing of signatories is consistent throughout the agreement document.
- Stipulation 1.B.1.a
  - Consistent with our previous comments on the prior draft PA, all phases of the archaeological survey reporting for New Jersey will need to be in keeping with N.J.A.C. 7:4-8.5. Please cite these standards as, "New Jersey Historic Preservation

Office Requirements for Archaeological Survey Reports - Standards for Report Sufficiency (N.J.A.C. 7:4-8.5)."

- Stipulation 1.B.3
  - Architectural survey must be in keeping with the HPO's 1999 *Guidelines for Architectural Survey* (http://www.nj.gov/dep/hpo/1identify/survarcht.htm) for all survey completed within New Jersey. Please cite these guidelines in this stipulation.
- Stipulation 1.F.3
  - The Stipulation states that the New York District will consult on, "Any change to the project design that could result in adverse effects to historic properties." Please change this wording to, "Any change to the project design that *may have the potential to affect historic properties*" [emphasis added]. As currently written, the PA does not afford the signatories the opportunity to consult on any potential changes in effect, just those that the New York District deems potential adverse effects. This is inconsistent with 36 CFR 800.5-Assessment of Adverse Effects.
- Stipulation 1.F.4
  - The New York State Historic Preservation Office specifically named in the Stipulation, but the New Jersey State Historic Preservation Office is not. Consistent with our comments above, please address the consistency of the references to the signatories throughout the document.
- Stipulation III.A
  - The Stipulation documents that the New York District will take into account any comments received from the public related with the undertaking. However, there is no provision for sharing this information with the signatories for further consideration. Please update the document to include dissemination of the public comments to the signatories.
- Stipulation IV.B
  - Again, the New York State Historic Preservation Office is specifically named in the Stipulation, but not the New Jersey State Historic Preservation Office. Consistent with our comments above, please address the consistency of the references to the signatories throughout the document.
- Stipulation VIII.C.2
  - "The [consulting parties]…shall receive [documentation]…for a 30 day review period unless otherwise stipulated in this PA" shall be revised to state, "The [consulting parties]…shall receive [documentation]…for a 30 *calendar* day review period *from the date of receipt* unless otherwise stipulated in this PA" [emphasis added].
- Stipulation VIII.C.3
  - "If comments, objection, etc., are not received within 30 calendar days…" shall be revised to states, "If comments, objection, etc., are not received within 30 calendar days *of the date of receipt*…" [emphasis added].
- New Jersey Signature Page
  - Please note, Dorothy Guzzo has not been the Deputy State Historic Preservation Officer for New Jersey since 2008. Please update your records and the signature page to include Katherine J. Marcopul as the Deputy State Historic Preservation Officer for New Jersey.

The HPO looks forward to further consultation with the United States Department of the Army, Corps of Engineers regarding the development and implementation of this agreement document.

Additional Comments

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. Please do not hesitate to contact Jesse West-Rosenthal, Ph.D. of my staff at (609) 984-6019 with any questions regarding archaeology or Lindsay Thivierge (609) 292-4091 with questions regarding historic architecture. Please reference the HPO project number 14-3348, in any future calls, emails, or written correspondence to help expedite your review and response.

Sincerely,

Katherine J. Marcopul
Deputy State Historic
Preservation Officer

Cc: Anna Jansson, USACE (via e-mail)
Christopher Daniel, ACHP (via e-mail)

KJM/MMB/JWR

NEW YORK STATE OF OPPORTUNITY. Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ERIK KULLESEID
Commissioner

December 23, 2019

Ms. Anna Jansson
Archaeologist
U.S. Army Corps of Engineers
26 Federal Plaza
New York, NY 10278

Re: USACE
Hudson-Raritan Estuary: Restoration Plan
10PR03164

Dear Ms. Jansson:

Thank you for continuing to consult with the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project.

We have reviewed the Case Report and draft Programmatic Agreement that was provided to our office on November 26th, 2019. Based upon our review, we offer the following comments:

1. We concur with the determinations of potential indirect and direct project effects to historic and cultural resources and the recommendations for treatment plans to avoid or minimize potential adverse effects, as described in the Case Report.
2. Please refer to our letter dated December 16th, 2016 for our initial comments on the draft PA. The only additional comment we have at this time is as follows: the SHPO signatory is now:

   R. Daniel Mackay
   Deputy Commissioner for Historic Preservation/Deputy SHPO
   New York State Historic Preservation Office

If additional information or correspondence is required regarding this project it should be provided via our Cultural Resource Information System (CRIS) at https://cris.parks.ny.gov/. Once on the CRIS site, you can log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this project number and your e-mail address. If you have any questions, I can be reached at (518) 268-2182.

Sincerely,

Olivia Brazee
Historic Site Restoration Coordinator
e-mail: olivia.brazee@parks.ny.gov

via e-mail only

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Mr. John M. Fowler
Executive Director
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington DC 2001-2637

RE: Hudson Raritan Estuary Ecosystem Restoration Project

Dear Mr. Fowler,

The US Army Corps of Engineers, New York District (District) is proceeding with the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study. The purpose of this study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25 mile radius of the Statue of Liberty. At this time, I am reaching out to you to request a final round of comments on the Draft Programmatic Agreement before it is routed for signature. The District released a draft Feasibility Report and Environmental Assessment (FR/EA) in 2016 for public review that recommended 33 sites. The draft FR/EA included two draft Programmatic Agreements, one to address restoration sites in New Jersey and one to address restoration sites in New York. The draft PAs were coordinated with the appropriate SHPO as well as with the National Park Service, the New York City Landmarks Preservation Commission, and federally recognized tribes with significant cultural heritage in the region.

The Advisory Council on Historic Preservation (ACHP) and the New York City Landmarks Preservation Commission (NYCLPC) have elected to be signatories on the PA. The ACHP has suggested that the District combine the PAs into one so that all consulting parties can be kept apprised of all PA related activities. The New York State Historic Preservation Office (NYSHPO) requested the PA include the NYSHPO's 2005 Phase I Archaeological Format Requirements and Human Remains Discovery Protocol. The New Jersey State Historic Preservation Office (NJSHPO) requested that the PA include the "New Jersey State Historic Preservation Office Requirements for Archaeological Survey reports – Standards for Report Sufficiency (N.J.A.C. 7:4-8.5) and the New Jersey Historic Preservation Office Guidelines for Phase I Archaeological Investigations: Identification of Archaeological Resources (N.J.A.C 7:4-8.4) and that a process be added for addressing changes to project scope. The Stockbridge Munsee declined to be a signatory but requested to be kept apprised of all PA related activities. The National Park Service (NPS), the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, and the Eastern Shawnee Tribes of Oklahoma did not provide comments.

The District is preparing to release the Final FR/EA in January 2020. The Final FR/EA recommends habitat restoration measures at 20 of the original 33 sites recommended in the draft report. The draft PA and cultural resources case report have been updated to reflect the final study recommendations, updated and refined site designs, and the comments received from your office and others (Enclosure 1).

The proposed measures have the potential to impact the following properties in New York State: Bronx River Parkway Historic District (National Register Listed (NR), State Register Listed (SR)), Bronx Zoo Dam ((National Register Eligible (NRE)), Lorillard Snuff Mill (NR, (National Historic Landmark) NHL, SR), New York Botanical Gardens (NR, NHL, SR), Bush Terminal Historic District (NRE, State Register Eligible (SRE)) and Rainey Memorial Gates (NR, SR). In New Jersey the following properties could be affected: Branch Brook Park Historic District (NR) and Naval Ammunition Depot Earle (NRE, SR).

In addition to these properties there is potential for the proposed measures to impact historic properties and archaeological sites within portions of the project area that have not been surveyed. The PA will guide the steps the District will take to identify, avoid and mitigate for adverse effects to historic properties.

Please review the enclosed Case Report (Enclosure 1) and draft PA (Appendix B of the Case Report) and provide Section 106 comments pursuant to 36 CFR 800.5. Once all comments that we receive have been resolved, the PA will be routed for signature. If you or your staff require additional information or have any questions, please contact Anna Jansson, Project Archaeologist, at anna.m.jansson@usace.army.mil or 917-790-8623.

Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Erin Thompson
Director of Cultural Resources & Section 106
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

RE: Hudson Raritan Estuary Ecosystem Restoration Project

Dear Ms. Thompson,

The US Army Corps of Engineers, New York District (District) is proceeding with the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study. The purpose of this study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25 mile radius of the Statue of Liberty. At this time, I am reaching out to you to request a final round of comments on the Draft Programmatic Agreement before it is routed for signature. The District released a draft Feasibility Report and Environmental Assessment (FR/EA) in 2016 for public review that recommended 33 sites. The draft FR/EA included two draft Programmatic Agreements, one to address restoration sites in New Jersey and one to address restoration sites in New York. The draft PAs were coordinated with the appropriate SHPO as well as with the National Park Service, the New York City Landmarks Preservation Commission, and federally recognized tribes with significant cultural heritage in the region.

The Advisory Council on Historic Preservation (ACHP) and the New York City Landmarks Preservation Commission (NYCLPC) have elected to be signatories on the PA. The ACHP has suggested that the District combine the PAs into one so that all consulting parties can be kept apprised of all PA related activities. The New York State Historic Preservation Office (NYSHPO) requested the PA include the NYSHPO's 2005 Phase I Archaeological Format Requirements and Human Remains Discovery Protocol. The New Jersey State Historic Preservation Office (NJSHPO) requested that the PA include the "New Jersey State Historic Preservation Office Requirements for Archaeological Survey reports – Standards for Report Sufficiency (N.J.A.C. 7:4-8.5) and the New Jersey Historic Preservation Office Guidelines for Phase I Archaeological Investigations: Identification of Archaeological Resources (N.J.A.C 7:4-8.4) and that a process be added for addressing changes to project scope. The Stockbridge Munsee declined to be a signatory but requested to be kept apprised of all PA related activities. The National Park Service (NPS), the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, and the Eastern Shawnee Tribes of Oklahoma did not provide comments.

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In addition to these properties there is potential for the proposed measures to impact historic properties and archaeological sites within portions of the project area that have not been surveyed. The PA will guide the steps the District will take to identify, avoid and mitigate for adverse effects to historic properties.

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Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Susan Bachor
Preservation Representative (East Coast)
Delaware Tribe of Indians
P.O. Box 64
Pocono Lake, PA 18347

RE: Hudson Raritan Estuary Ecosystem Restoration Project

Dear Ms. Bachor,

The US Army Corps of Engineers, New York District (District) is proceeding with the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study. The purpose of this study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25 mile radius of the Statue of Liberty. At this time, I am reaching out to you to request a final round of comments on the Draft Programmatic Agreement before it is routed for signature. The District released a draft Feasibility Report and Environmental Assessment (FR/EA) in 2016 for public review that recommended 33 sites. The draft FR/EA included two draft Programmatic Agreements, one to address restoration sites in New Jersey and one to address restoration sites in New York. The draft PAs were coordinated with the appropriate SHPO as well as with the National Park Service, the New York City Landmarks Preservation Commission, and federally recognized tribes with significant cultural heritage in the region.

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Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Dear Interested Party,

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Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Ms. Katherine Marcopul
Administrator and Deputy State Historic Preservation Officer
Historic Preservation Office
Natural and Historic Resources
New Jersey Department of Environmental Protection
501 East State Street
Station Plaza Building 5
4th Floor
Trenton, New Jersey 08625

RE: Project # 14-3348-3
Hudson, Raritan Estuary Ecosystem Restoration Project

Dear Ms. Marcopul,

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Sincerely,

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Chief, Environmental Analysis Branch

Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Jennifer T. Nersesian
Superintendent
Gateway National Recreation Area
National Park Service
210 New York Avenue
Staten Island, New York 10305

RE: Hudson Raritan Estuary Ecosystem Restoration Project

Dear Ms. Nersesian,

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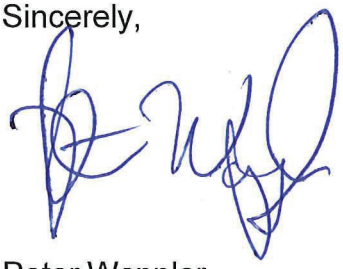
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Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Sarah Carroll
Chair and Commissioner
New York City Landmarks Preservation Commission
David N. Dinkins Municipal Building
1 Centre Street, 9th Floor North
New York, NY 10007

RE: Hudson Raritan Estuary Ecosystem Restoration Project

Dear Ms. Carroll,

The US Army Corps of Engineers, New York District (District) is proceeding with the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study. The purpose of this study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25 mile radius of the Statue of Liberty. At this time, I am reaching out to you to request a final round of comments on the Draft Programmatic Agreement before it is routed for signature. The District released a draft Feasibility Report and Environmental Assessment (FR/EA) in 2016 for public review that recommended 33 sites. The draft FR/EA included two draft Programmatic Agreements, one to address restoration sites in New Jersey and one to address restoration sites in New York. The draft PAs were coordinated with the appropriate SHPO as well as with the National Park Service, the New York City Landmarks Preservation Commission, and federally recognized tribes with significant cultural heritage in the region.

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Enclosure 1: HRE Case Report

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U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Mr. Daniel Mackay,
Deputy Commissioner
New York State Division for Historic Preservation
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

RE: Consultation Number 10PR03164
Hudson Raritan Estuary Ecosystem Restoration Project

Dear Mr. Mackay,

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Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Chairman Ron Sparkman
Shawnee Tribe
29 South Highway 69A
Miami, OK 74355

RE: Hudson Raritan Estuary Ecosystem Restoration Project

Dear Chairman Sparkman,

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Enclosure 1: HRE Case Report

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

November 26, 2019

Bonney Hartley
THPO
Stockbridge Munsee Community
65 1st Street
Troy, NY 12180

RE: Hudson Raritan Estuary Ecosystem Restoration Project

Dear Ms. Hartley,

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Sincerely,

Peter Weppler
Chief, Environmental Analysis Branch

Enclosure 1: HRE Case Report

Milford Wayne Donaldson, FAIA
Chairman

Leonard A. Forsman
Vice Chairman

John M. Fowler
Executive Director

Preserving America's Heritage

August 25, 2017

Lieutenant General Todd T. Semonite
Commanding General and Chief of Engineers
Headquarters
U.S. Army Corps of Engineers
441 G Street NW
Washington, D.C. 20314-1000

Ref: *Hudson-Raritan Estuary Ecosystem Restoration Project – New Jersey Portion*
New York District, New York
ACHPConnect Log Number: 011984

Dear General Semonite:

In response to a notification by the U.S. Army Corps of Engineers (USACE), the Advisory Council on Historic Preservation (ACHP) will participate in consultation to develop a Section 106 agreement document for the referenced undertaking. Our decision to participate in this consultation is based on the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, contained within our regulations , "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act. The criteria are met for this proposed undertaking because it has substantial impacts on historic properties and the potential for procedural problems.

Section 800.6(a)(1)(iii) of our regulations requires that we notify you, as the head of the agency, of our decision to participate in consultation. By copy of this letter, we are also notifying Mr. Peter Weppler, Environmental Branch Chief, of this decision.

Our participation in this consultation will be handled by Mr. Christopher Daniel, who can be reached at 202.517.0223 or via e-mail at cdaniel@achp.gov. We look forward to working with your agency and other consulting parties to reach agreement on appropriate measures to avoid, minimize, or mitigate potential adverse effects on historic properties.

Sincerely,

John M. Fowler
Executive Director

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

July 20, 2017

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Mr. John M. Fowler
Executive Director
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington DC 2001-2637

Dear Mr. Nelson:

The U.S. Army Corps of Engineers, New York District (District) is carrying out the Hudson-Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014 as part of the Environmental Assessment a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE. The report titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan* combined background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers on previously recorded cultural resources to aid in identifying and managing impacts to cultural resources.

The tentatively selected plan (TSP) consists of a subset of 33 restoration sites selected from the 301 sites evaluated in 2014. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. The District has determined that the project is likely to impact significant cultural resources and has elected to draft an agreement document to ensure that impacts are addressed as the project moves forward. To simplify coordination, two Programmatic Agreements have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources data gathered for the 33 sites and potential impacts anticipated from the implementation of the

TSP. The report also contains agency coordination letters, project maps and the draft PAs (Enclosure 1).

The District recently released the draft Feasibility Report and Environmental Assessment (FREA) for public review. The review period closed on April 14, 2017. Prior to the release of the draft FREA, coordination occurred between the District and the SHPOs, the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, the Shawnee Tribe of Oklahoma, the Stockbridge Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, and the National Park Service (Enclosure 2). The New York City Landmarks Preservation Commission has opted to participate a signatory on the New York PA. The Stockbridge Munsee have elected not to participate as signatories but wish to be consulted throughout the project. There were no objections to the District's approach to addressing our Section 106 responsibilities through development of agreement documents and no concerns have been raised regarding impacts to cultural resources.

I would like to take this opportunity to invite the Advisory Council on Historic Preservation to comment upon the draft PAs for the HRE Ecosystem Restoration Feasibility Study and to participate in the PAs as per 36 CFR Part 800.6. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist, at (917) 790-8612 or Carissa.a.scarpa@usace.army.mil.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

NYC Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: US ARMY CORPS OF ENGINEERS / 106-Y
Project: HUDSON-RARITAN ESTUARY ECOSYSTEM RESTORATION PROJE
Address: 38 LAFAYETTE STREET, **BBL:** 1001560001
Date Received: 4/25/2017

Comments:

The LPC is in receipt of the draft Programmatic Agreement (PA) for the above cited project. LPC will be a signatory to the agreement. Please provide the signatory copy of the final PA to LPC for review and signature when it is available.

Cc: NYS SHPO

Gina Santucci 4/25/2017

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 32335_FSO_GS_04252017.doc

From: Bonney Hartley
To: Scarpa, Carissa A CIV USARMY USACE (US)
Subject: [EXTERNAL] RE: HRE Consultation
Date: Monday, January 23, 2017 1:37:32 PM

Hi Carissa:

I wanted to get back to you on this project. Stockbridge-Munsee Community will respectfully opt not to participate as a signatory to the PA, but instead wishes to receive Section 106 consultation materials for sites within our areas of interest.

Our areas of interest relevant to the study area appear to be Bronx, Kings, Queens, Richmond and Westchester counties.

Thank you,
Bonney

Bonney Hartley
Tribal Historic Preservation Officer
Stockbridge-Munsee Mohican Tribal Historic Preservation
New York Office
65 1st Street
Troy, NY 12180
(518) 244-3164
Bonney.Hartley@mohican-nsn.gov
Blockedwww.mohican-nsn.gov

State of New Jersey
MAIL CODE 501-04B
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NATURAL & HISTORIC RESOURCES
HISTORIC PRESERVATION OFFICE
P.O. Box 420
Trenton, NJ 08625-0420
TEL. (609) 984-0176 FAX (609) 984-0578

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

December 16, 2016

Peter M. Weppler
Chief, Environmental Analysis Branch
Department of the Army
Corps of Engineers, New York District
Jacob K. Javits Federal Building
26 Federal Plaza
New York, NY 10278-0090

Dear Mr. Weppler:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing continuing Consultation Comments for the following proposed undertaking:

Bergen , Hudson, Middlesex, Monmouth, and Union Counties
Draft Programmatic Agreement
Hudson-Raritan Estuary Ecosystem Restoration Project
United States Department of the Army, Corps of Engineers

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the draft Programmatic Agreement for the Hudson-Raritan Estuary Ecosystem Restoration Project, received at our office on November 16, 2016, for the above-referenced undertaking. Based on our review, the HPO has the following comments:

- The New Jersey Historic Preservation Office Phase I archaeological survey guidelines should be cited as, "New Jersey Historic Preservation Office Guidelines For Phase I Archaeological Investigations: Identification Of Archaeological Resources (N.J.A.C. 7:4-8.4)." Please update the Programmatic Agreements appropriately.
- All phases of the archaeological survey reporting will need to be in keeping with N.J.A.C. 7:4- 8.5. Please cite these standards, where appropriate, as, "New Jersey Historic Preservation Office Requirements for Archaeological Survey Reports - Standards for Report Sufficiency (N.J.A.C. 7:4-8.5)."

- The Programmatic Agreements should contain a stipulation(s) to address situations where project plans change after consultation has been conducted. How will post-review changes is scope be addressed? Please update the Programmatic Agreements to address these situations.
- Page 3, Section IA
    - The stipulation states, "The New York District shall carry out survey…" The language should be more specific and stipulate cultural resource surveys. Please update the language accordingly.

The HPO looks forward to further consultation with the United States Department of the Army, Corps of Engineers regarding the development and implementation of this agreement document.

Additional Comments

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. Please do not hesitate to contact Jesse West-Rosenthal of my staff at (609) 984-6019 with any questions regarding archaeology or Jenna Solomon (609) 984-0176 with questions regarding historic architecture. Please reference the HPO project number 14-3348, in any future calls, emails, or written correspondence to help expedite your review and response.

Sincerely,

Katherine J. Marcopul

Katherine J. Marcopul
Deputy State Historic
Preservation Officer

Cc: Carissa Scarpa, USACE

KJM/MMB/JWR

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
The Old Post Office Building
1100 Pennsylvania Avenue, N.W., Suite 809
Washington, D.C. 20004

Dear Mr. Nelson:

The U.S. Army Corps of Engineers, New York District (District) is concluding the Hudson-Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014 as part of the Environmental Assessment a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE. The report titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan* combined background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers on previously recorded cultural resources to aid in identifying and managing impacts to cultural resources (Enclosure 1).

The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. The District has determined that the project is likely to impact significant cultural resources and has elected to draft an agreement document to ensure that impacts are addressed as the project moves forward. To simplify coordination moving forward, two Programmatic Agreements have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources surveys undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure 2).

I would like to take this opportunity to invite the Advisory Council on Historic Preservation to comment upon the draft PAs for the HRE Ecosystem Restoration Feasibility Study and to participate in the PAs as per 36 CFR Part 800.6. The District is coordinating the documents with the SHPOs, the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, the Shawnee Tribe of Oklahoma, the Stockbridge Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, and the National Park Service. The draft PA will also be available for public review in the project's draft EIS prepared under the National Environmental Policy Act which will serve as part of the Corps' Section 106 public coordination. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist, at (917) 790-8612 or Carissa.a.scarpa@usace.army.mil.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

NEW YORK STATE OF OPPORTUNITY. | Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

December 13, 2016

Ms. Carissa Scarpa
Archaeologist
U.S. Army Corps of Engineers
26 Federal Plaza, Room 2152
New York, NY 10278

Re: USACE
Hudson-Raritan Estuary: Restoration Plan
10PR03164

Dear Ms. Scarpa:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the provided documentation in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

We have reviewed your consultation letter dated November 4th, 2016, the *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan* (July 2014), the *Cultural Resources Summary and Preliminary Case Report Hudson-Raritan Estuary Ecosystem Restoration Feasibility Study* (November 2016), and the draft Programmatic Agreement (PA) that were provided to our office on November 16th, 2016. Based upon our review, we can concur with the draft PA, with incorporation of the following requested revisions:

Page 3 – I.B.1: SHPO requests that reports also conform with our 2005 Phase I Archaeological Format Requirements.

Pages, 7, 8, and 9: SHPO requests that submissions to this office be made via the Cultural Resource Information System (CRIS).

Page 7: please correct “NJSHPO” typo – should be “NYSHPO”

Page 8: please reference the latest version of SHPO’s Human Remains Discovery Protocol (June 2015).

Page 12: the signatory for SHPO should be Ruth L. Pierpont, Deputy Commissioner for Historic Preservation/ Deputy SHPO.

We would appreciate if the requested information could be provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/ Once on the CRIS site, you can log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this project number and your e-mail address. If you have any questions, I can be reached at (518) 268-2182.

Sincerely,



Olivia Brazee
Historic Preservation Technical Specialist
olivia.brazee@parks.ny.gov

via e-mail only

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 4, 2016

Reply to Attention of

Environmental Assessment Section
Environmental Analysis Branch

Ms. Katherine Marcopul
Deputy State Historic Preservation Officer
State of New Jersey Department of Environmental Protection
Historic Preservation Office
PO Box 420
Trenton, NJ 08625-0420

REF: Project # 14-3348

Dear Ms. Marcopul:

The U.S. Army Corps of Engineers, New York District (District) is concluding the Hudson-Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. In 2014 a report titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan* was submitted to your office for review. The survey consisted of a cultural resources overview of 301 potential restoration sites within the HRE. Your office reviewed that report and provided comments. In November of 2014, the District declared its intent to draft and execute a Programmatic Agreement and in May of this year the Project Archaeologist met with your staff to present the tentatively selected plan (TSP), which consists of a subset of 33 restoration sites. Of the 33 restoration sites that are advancing at this time, eight are located within New Jersey and 25 are located in New York State. To simplify coordination, two Programmatic Agreements (PAs) have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with interested parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources surveys undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure).

I would like to take this opportunity to invite the New Jersey State Historic Preservation Office to comment upon the draft Programmatic Agreement for the New Jersey portion of HRE Ecosystem Restoration Feasibility Study. The PA is to be entered into by the U.S. Army Corps of Engineers and the SHPO. The Advisory Council on Historic Preservation are also invited to participate in this Agreement along with a number of Native American Tribes who have extensive cultural heritage in the region. The invited Tribes are the Delaware Nation, the Delaware Tribe of Indians, and the Shawnee Tribe of Oklahoma. Should there be any other groups who your office feels should participate in this process please include that information

with your comments.

Please review the enclosed case report and draft PA for the New Jersey portion of the project and provide any Section 106 comments pursuant to 36 CFR 800.5. If you feel it would be beneficial to schedule a meeting amongst the consulting parties, please include that with your comments. We look forward to working with you on the HRE Ecosystem Restoration Project. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist, at (917) 790-8612 or Carissa.a.scarpa@usace.army.mil.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 4, 2016

Reply to Attention of

Environmental Assessment Section
Environmental Analysis Branch

Ms. Ruth L. Pierpont
New York State Office of Parks,
Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, P.O. Box 189
Waterford, NY 12188-0189

Dear Ms. Pierpont:

The U.S. Army Corps of Engineers, New York District (District) is concluding the Hudson-Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study and Environmental Assessment. In 2014 a report titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan* was prepared and submitted to your office for review. The survey consisted of a cultural resources overview of 301 potential restoration sites within the HRE. The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and eight are located in New Jersey.

The District has identified cultural resources within the Area of Potential Effect (APE) that could be impacted by the project and has determined that additional investigations will be required to determine whether the project will have an adverse effect on cultural resources. To that end the District has elected to develop a Programmatic Agreement to outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with interested parties, determining adverse effects, and, if necessary, mitigation for adverse effects. To simplify coordination moving forward, two PAs have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. A Preliminary Case Report has also been prepared that includes a summary of the cultural resources surveys undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure).

I would like to take this opportunity to invite the New York State Office of Parks, Recreation, and Historic Preservation to comment upon the draft Programmatic Agreement for the New York portion of HRE Ecosystem Restoration Feasibility Study. The PA is to be entered into by the U.S. Army Corps of Engineers and the New York State Historic Preservation Office, and the New York City Landmarks Preservation Commission. The National Park Service Gateway National Recreation Area, and the Advisory Council on Historic Preservation are also invited to participate in this Agreement along with a number of Native American Tribes who have extensive cultural heritage in the region. The invited Tribes are the Delaware Nation, the

Delaware Tribe of Indians, the Stockbridge-Munsee Band of Mohicans, and the Shinnecock Nation. Should there be any other groups who your office feels should participate in this process please include that information with your comments.

Please review the enclosed case report and draft PA for the New York portion of the project and provide any Section 106 comments pursuant to 36 CFR 800.5. If you feel it would be beneficial to schedule a meeting amongst the signatories, please include that with your comments. We look forward to working with you on the HRE Ecosystem Restoration Project. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist, at (917) 790-8612 or Carissa.a.scarpa@usace.army.mil.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Gateway National Recreation Area
ATTN: Marilou Ehrler
Historical Architect
210 New York Avenue
Staten Island, New York 10305

Dear Ms. Ehrler:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Hudson Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014 as part of the Environmental Assessment a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE. The report titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan* combined background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers on previously recorded cultural resources to aid in identifying and managing impacts to cultural resources (Enclosure 1).

The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites selected from the 301 potential sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. Of these, eight sites are located within Gateway National Recreation Area. The District has determined that the project is likely to impact significant cultural resources and has elected to draft an agreement document to ensure that impacts are addressed as the project moves forward. To simplify agency coordination, two Programmatic Agreements have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources surveys undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure 2).

We invite you to participate as a Consulting Party to the PA for the New York portion of the HRE

Ecosystem Restoration Project. The PA will also be coordinated with the SHPO, Advisory Council on Historic Preservation, Delaware Nation, Delaware Tribe of Indians, the Shinnecock Nation, the Shawnee Tribe of Oklahoma, the Stockbridge Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, and other potential interested parties. The draft PA will also be available for public review in the project's draft EIS prepared under the National Environmental Policy Act which will serve as part of the Corps' Section 106 public coordination. The final PA will incorporate comments received on the draft document, as appropriate.

As the project proceeds it is our intent to meet with you and your staff to discuss working together to meet our Section 106 responsibilities in a way that will facilitate your goals for Gateway. Please review the enclosed material and provide comments. Should you require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist, at (917) 790-8612 or by email at Carissa.a.scarpa@usace.army.mil.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Mr. Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
The Old Post Office Building
1100 Pennsylvania Avenue, N.W., Suite 809
Washington, D.C. 20004

Dear Mr. Nelson:

The U.S. Army Corps of Engineers, New York District (District) is concluding the Hudson-Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014 as part of the Environmental Assessment a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE. The report titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan* combined background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers on previously recorded cultural resources to aid in identifying and managing impacts to cultural resources (Enclosure 1).

The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. The District has determined that the project is likely to impact significant cultural resources and has elected to draft an agreement document to ensure that impacts are addressed as the project moves forward. To simplify coordination moving forward, two Programmatic Agreements have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources surveys undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure 2).

I would like to take this opportunity to invite the Advisory Council on Historic Preservation to comment upon the draft PAs for the HRE Ecosystem Restoration Feasibility Study and to participate in the PAs as per 36 CFR Part 800.6. The District is coordinating the documents with the SHPOs, the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, the Shawnee Tribe of Oklahoma, the Stockbridge Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, and the National Park Service. The draft PA will also be available for public review in the project's draft EIS prepared under the National Environmental Policy Act which will serve as part of the Corps' Section 106 public coordination. If you or your staff require additional information or have any questions, please contact Carissa Scarpa, Project Archaeologist, at (917) 790-8612 or Carissa.a.scarpa@usace.army.mil.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Ms. Nekole Alligood
Cultural Preservation Director
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

Dear Ms. Alligood:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Hudson Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight planning regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014 as part of the Environmental Assessment a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE (Enclosure 1). The report, titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan,* compiled background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers on previously recorded cultural resources to aid in identifying and managing impacts to cultural resources.

The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites selected from the 301 potential sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. The District has determined that the project has the potential to adversely affect significant historic resources and has elected to draft an agreement document to ensure impacts are addressed as the project moves forward. To simplify agency coordination two Programmatic Agreements (PAs) have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources work undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure 2).

As a tribe with significant cultural heritage in the region, I would like to take this opportunity to

invite you to review and comment upon the draft PAs for the HRE Ecosystem Restoration Feasibility Study. The PAs are also being coordinated with the SHPO, Advisory Council on Historic Preservation, Delaware Tribe of Indians, the Shinnecock Nation, the Stockbridge Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, and the National Park Service. The draft PAs will be available for public review in the project's draft EIS, prepared under the National Environmental Policy Act, which will serve as part of the Corps' Section 106 public coordination. The final PAs will incorporate comments received on the draft document, as appropriate.

We invite the Delaware Nation to participate in the PAs and the project as a consulting party. Please provide a written response within 30 days to the project archaeologist, Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2151, New York, NY 10278) or by email to Carissa.a.scarpa@usace.army.mil. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Ms. Susan Bachor
Delaware Tribe
Historic Preservation Representative
P.O. Box 64
Pocono Lake, PA 18347

Dear Ms. Bachor:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Hudson Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight planning regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014, as part of the Environmental Assessment, a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE. The report, titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan,* compiled background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers on previously recorded cultural resources to aid in identifying and managing impacts to cultural resources (Enclosure 1).

The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites selected from the 301 potential sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. To simplify agency coordination moving forward, two draft Programmatic Agreements (PAs) have been prepared, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources work undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure 2).

As a tribe with significant cultural heritage in the region, I would like to take this opportunity to invite you to review and comment upon the draft PAs for the HRE Ecosystem Restoration Feasibility Study and to invite the Delaware Tribe to participate in the PA as a consulting party.

The PAs will also be coordinated with the SHPOs, Advisory Council on Historic Preservation, Delaware Nation, the Shinnecock Nation, the Shawnee Tribe of Oklahoma, the Stockbridge Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, the National Park Service, and other potential interested parties. The draft PAs will also be available for public review in the project's draft EIS prepared under the National Environmental Policy Act which will serve as part of the Corps' Section 106 public coordination. The final PA will incorporate comments received on the draft document, as appropriate.

Please provide a written response within 30 days to the project archaeologist, Ms. Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2151, New York, NY 10278) or by email to Carissa.a.scarpa@usace.army.mil. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosure

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Ms. Kim Jumper
Tribal Historic Preservation Officer
Shawnee Tribe of Oklahoma
29S HWY69A
Miami, OK 74355

Dear Ms. Jumper:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Hudson Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight planning regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014, as part of the Environmental Assessment, a cultural resources survey was carried out for 301 sites that were identified as potential restoration opportunities within the HRE (Enclosure 1). The report, titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan,* compiled background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers of previously recorded cultural resources to aid in identifying and managing impacts to cultural resource.

The HRE study is proceeding and has recently identified a tentatively selected plan (TSP) which consists of a subset of 33 restoration sites selected from the 301 potential sites. Of the 33 restoration sites that are advancing at this time, 25 are located within New York State and 8 are located in New Jersey. The District has determined that the project is likely to impact significant cultural resources and has elected to draft an agreement document to ensure that impacts are addressed as the project moves forward. Two Programmatic Agreements (PAs) have been prepared to simplify agency coordination, one that addresses the restoration sites located in New Jersey, and another that addresses the restoration sites in New York State. The PAs outline the steps required to carry out the District's remaining Section 106 responsibilities including conducting additional surveys, consultation with participating parties, determining adverse effects, and, if necessary, mitigation for adverse effects. A Preliminary Case Report has been prepared that includes a summary of the cultural resources work undertaken to date, agency coordination letters, the draft PAs, and project maps along with other relevant project information (Enclosure 2).

As a tribe with significant cultural heritage in the region, I would like to take this opportunity to

invite you to review and comment upon the draft PA for the New Jersey portion of the HRE Ecosystem Restoration Feasibility Study. The PA is also being coordinated with the New Jersey State Historic Preservation Office, the Advisory Council on Historic Preservation, the Delaware Nation, and the Delaware Tribe of Indians. The draft PA will be available for public review in the project's draft EIS prepared under the National Environmental Policy Act which will serve as part of the Corps' Section 106 public coordination. The final PA will incorporate comments received on the draft document, as appropriate.

We invite the Shawnee Tribe of Oklahoma to participate in the PA and the project as a consulting party. Please provide a written response within 30 days to the project archaeologist, Carissa Scarpa, by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2151, New York, NY 10278) or by email to Carissa.a.scarpa@usace.army.mil. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Mr. Bryan Polite
Chairman
Shinnecock Nation
P. O. Box 5006
Southampton, NY 11969

Dear Mr. Polite:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Hudson Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014, as part of the Environmental Assessment, a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE (Enclosure 1). The report, titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan,* compiled background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers of previously recorded cultural resources to aid in identifying and managing impacts to cultural resources as the project advances.

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I would like to take this opportunity to invite the Shinnecock Nation to review the Preliminary Case Report and comment upon the New York portion of the draft PA for the HRE Ecosystem Restoration Feasibility Study. The PA is also being coordinated with the SHPO, the Advisory Council on Historic Preservation, the Delaware Nation, the Delaware Tribe of Indians, the Stockbridge-Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, and the National Park Service. The draft PA will be available for public review in the project's draft EIS prepared under the National Environmental Policy Act which will serve as part of the Corps' Section 106 public coordination. The final PA will incorporate comments received on the draft document, as appropriate.

We invite the Shinnecock Nation to participate in the PA and the project as a consulting party. Please provide a written response within 30 days to the project archaeologist, Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2131, New York, NY 10278) or by email to Carissa.a.scarpa@usace.army.mil. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

November 22, 2016

Reply to the Attention of

Environmental Assessment Section
Environmental Analysis Branch

Ms. Bonney Hartley
Stockbridge-Munsee Community
Band of Mohicans
THPO-New York Office
65 1st Street
Troy, NY 12180

Dear Ms. Hartley:

The U.S. Army Corps of Engineers, New York District (District) is undertaking the Hudson Raritan Estuary (HRE) Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey and is situated within a 25-mile radius of the Statue of Liberty. The HRE study includes eight planning regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay. In 2014, as part of the Environmental Assessment for the project, a cultural resources overview was carried out for 301 sites that were identified as potential restoration opportunities within the HRE (Enclosure 1). The report, titled *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan,* combined background data on the prehistory and history of the eight planning regions including historic maps and Geographical Information System (GIS) data layers of previously recorded cultural resources to aid in identifying and managing impacts to cultural resources as the project advances.

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As a tribe with significant cultural heritage in the region, I would like to take this opportunity to invite you to review and comment upon the Case Report and the New York portion of the draft PA for the HRE Ecosystem Restoration Feasibility Study. The PA is also being coordinated with the New York State Historic Preservation Office, the Advisory Council on Historic Preservation, the Delaware Tribe of Indians, the Delaware Nation, the Shinnecock Nation, the New York City Landmarks Preservation Commission, and the National Park Service. The draft PA will be available for public review in the project's draft EIS prepared under the National Environmental Policy Act which will serve as part of the Corps' Section 106 public coordination. The final PA will incorporate comments received on the draft document, as appropriate.

We invite the Stockbridge-Munsee Community to participate in the PA and the project as a consulting party. Please provide a written response within 30 days to the project archaeologist, Ms. Carissa Scarpa by mail (US Army Corps of Engineers, CENAN-PL-EA, 26 Federal Plaza, Room 2151, New York, NY 10278) or by email to Carissa.a.scarpa@usace.army.mil. If you or your staff require additional information or have any questions, please contact Ms. Scarpa at (917) 790-8612.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

State of New Jersey
MAIL CODE 501-04B
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NATURAL & HISTORIC RESOURCES
HISTORIC PRESERVATION OFFICE
P.O. Box 420
Trenton, NJ 08625-0420
TEL. (609) 984-0176 FAX (609) 984-0578

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

December 18, 2014

Peter M. Weppler
Chief, Environmental Analysis Branch
Department of the Army
Corps of Engineers, New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090

Dear Mr. Weppler:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing Consultation Comments for the following proposed undertaking:

Bergen, Hudson, Union, Middlesex, and Monmouth Counties
Cultural Resources Overview
Hudson-Raritan Estuary Comprehensive Restoration Plan
United States Department of the Army, Corps of Engineers

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the following final copy of the cultural resources overview report, received at this office on November 24, 2014, for the above-referenced undertaking:

Harris, Matthew D. Eileen K. Hood, and Joel Dworsky
2014 *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan.* Prepared for the United States Department of the Army, Corps of Engineers – New York District. Prepared by URS Corporation, Burlington, New Jersey.

800.4 Identification of Historic Properties

The HPO has reviewed the above-referenced final copy of the submitted cultural resources overview report and believe the comments outlined in our June 27, 2014 letter have been adequately addressed.

This cultural resource report represents a thorough and detailed review of the existing cultural resources represented within the Hudson-Raritan Estuary Comprehensive Restoration Plan survey area. The compiling of this assessment will provides future researchers with a detailed record of the evolution of the area and will help guide research Hudson-Raritan Estuary. This report will be accessioned into the report collection at the HPO for future reference.

According to the documentation submitted, the United States Department of the Army, Corps of Engineers (Corps) has identified 301 proposed restoration areas as part of this undertaking. However, none of these areas have yet been selected to move forward for further study, As a result, the documentation notes that site specific assessments are not being undertaken at this time. The HPO looks forward to further consultation with the Corps, once project plans are generated, to identify historic properties within the undertaking's area of potential effects, as well as develop means to avoid, minimize, and/or mitigate potential project effects, pursuant to Section 106 of the National Historic Preservation Act.

Additional Comments

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. The HPO looks forward to further consultation to regarding the identification and evaluation of the project's potential effects on historic properties. Please do not hesitate to contact Jesse West-Rosenthal of my staff at (609) 984-6019 with any questions regarding archaeology. Please reference the HPO project number 14-3348, in any future calls, emails, or written correspondence to help expedite your review and response.

Sincerely,

Daniel D. Saunders
Deputy State Historic
Preservation Officer

Cc: Lynn Rakos – USACE

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 17, 2014

Environmental Assessment Section
Environmental Analysis Branch

Mr. Daniel Saunders
Deputy State Historic Preservation Officer
State of New Jersey Department of Environmental Protection
Historic Preservation Office
PO Box420
Trenton, NJ 08625-0420

Dear Mr. Saunders:

The US Army Corps of Engineers, New York District (Corps) is undertaking the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study (HPO #14-3348-1, HPO-F2014-459) . We are pleased to furnish you with the final report entitled"Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan" by the URS Corporation (Enclosure 1). The final report contains a CD in a pocket bound into a hard copy of Volume I of a three volume document. The CD contains digital versions of all three volumes. Volumes II and III are contained only on CD due to the quantity of data contained therein and the large size of a printed complete report. Lynn Rakos coordinated the submission of the Volumes II and III on disk with Jesse West-Rosenthal of your staff (Enclosure 2). The associated GIS database is also on CD and is enclosed as is an extra CD containing Volumes I - III. Your office reviewed the report and had comments which were addressed in the final document (Enclosure 3).

The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The study area is vast. At the time of the study there were over 301 potential restoration areas, none of which had been selected to move forward for further study. The Corps did not conduct site specific work but prepared a cultural resources overview for each of the planning regions with a data collection focused on the restoration areas then under consideration. In the feasibility study just a subset of sites will be evaluated in detail.

We will continue to coordinate the HRE study with you as the project proceeds. A Draft Programmatic Agreement will be prepared and coordinated with your office. If you or your staff require additional information or have any questions, please contact Lynn Rakos, Project Archaeologist, at (917) 790-8629

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 13, 2014

Environmental Assessment Section
Environmental Analysis Branch

Ms. Ruth L. Pierpont
New York State Office of Parks,
Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, P.O. Box 189
Waterford, NY 12188-0189

Dear Ms. Pierpont:

The US Army Corps of Engineers, New York District (Corps) is undertaking the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25-mile radius of the Statue of Liberty. The study area includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay (Enclosure 1). These planning regions cover multiple municipalities and counties in New Jersey and New York.

The Corps and the Port Authority of New York & New Jersey prepared a Comprehensive Restoration Plan (CRP) in collaboration with Federal, State, municipal, non-governmental organizations and other regional stakeholders. The document set forth a consensus vision, master plan and strategy for future ecosystem restoration in the New York/New Jersey Harbor. The CRP established estuary-wide goals and restoration targets (TECs) (Enclosure 2). The TECs are being used to identify and design restoration projects and measure programmatic success. The approach was initially programmatic and included approximately 300 sites identified as potential restoration opportunities. An Environmental Assessment was prepared in 2013 and included in that document was a cultural resources overview of all locations.

This cultural resources effort included the development of a GIS database of all known resources that were available through your office, the New Jersey Historic Preservation Office, New Jersey State Museum, New York Landmarks Preservation Commission and the National Oceanic and Atmospheric Administration. These restoration areas include onshore and offshore sites that area located primarily within sensitive ecological, estuarine, riverine and wetland environments; both coastal and upland. To begin compiling the overall cultural resources database, buffers of one-mile and one half-mile were added to the restoration sites to act as a survey boundary. It is

within these buffers that the majority of the data collection effort was focused. However, background, environmental, and cultural resources data where readily available was collected for the entire planning region study area.

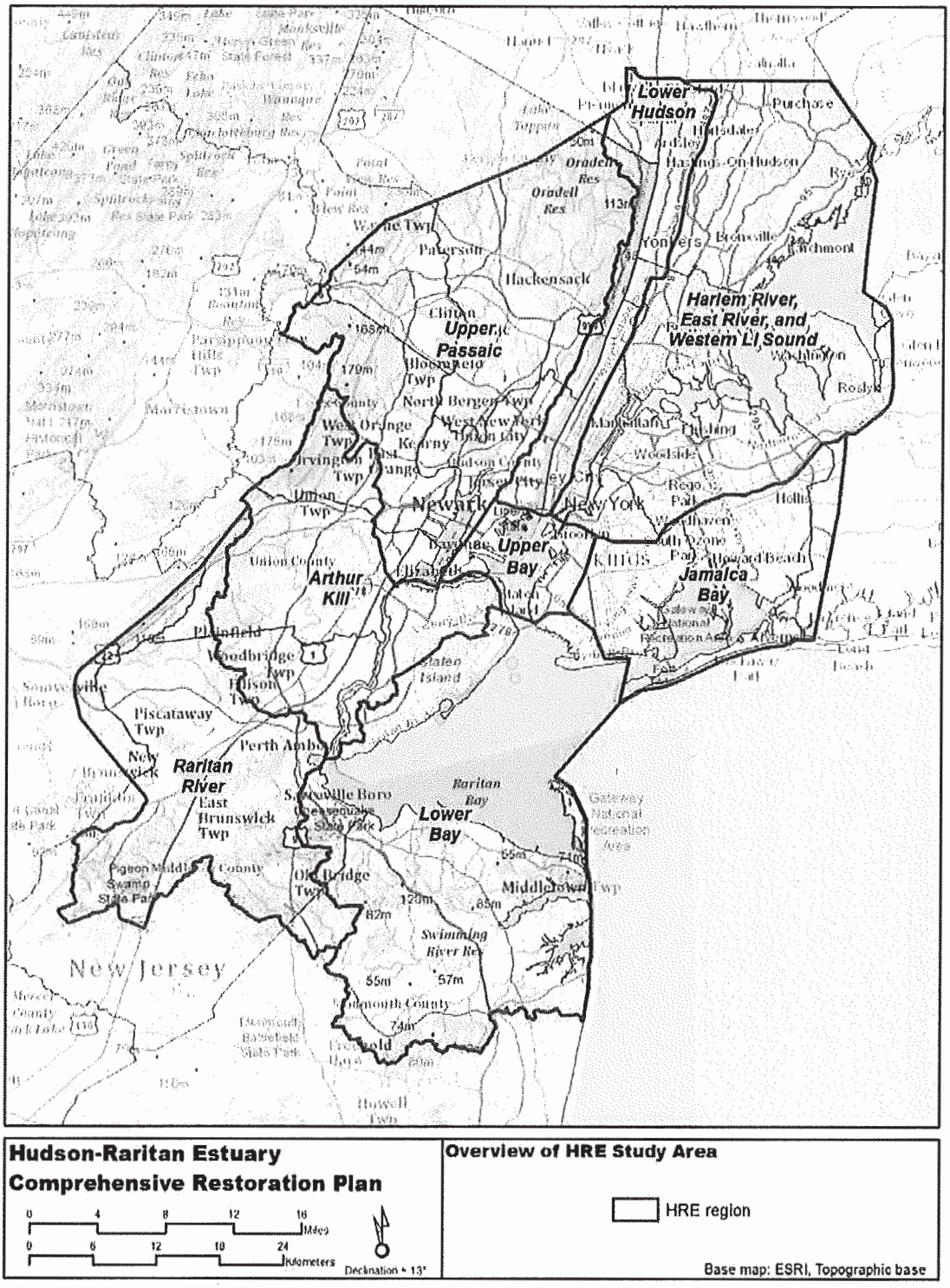
We are pleased to furnish you with the final report resulting from the study entitled "Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan" by the URS Corporation (Enclosure 3). The CD contains digital versions of all three volumes. The associated GIS database on CD is also enclosed (Enclosure 4). We apologize that your office was inadvertently not provided an opportunity to review the draft of this report. The New Jersey Historic Preservation Office did review the draft and had comments that were addressed in the final document (Enclosure 5).

The HRE study is proceeding. In the feasibility study just a subset of sites will be evaluated in detail. We will continue to coordinate the HRE study with you as the project proceeds and specific sites are selected. It is likely that a Draft Programmatic Agreement will be prepared which will be coordinated with your office. If you or your staff require additional information or have any questions, please contact Lynn Rakos, Project Archaeologist, at (917) 790-8629.

Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures



Enclosure 1. Overview of the Hudson-Raritan Estuary Study Area.

Enclosure 2. HRE Target Ecosystem Characteristics and Potential Restoration Activities

Target Ecosystem Characteristic	Potential Restoration Activities
Wetlands	• Removal of historic fill • Regrading slopes to proper elevations for wetland plantings • Removal of invasive species • Native plant species plantings
Islands for Waterbirds	• Removal of invasive species • Expansion of existing islands using clean sand from the Harbor Deepening • Planting of native species
Maritime Communities	• Removal of invasive species • Native plant species plantings • Stabilization of dunes
Oyster Reefs	• Deposition of bolders or other appropriate materials at optimal locations in water to create reefs for spat
Eelgrass Beds	• Plantings of eelgrass at optimal locations
Shorelines & Shallows	• Removal of hard or bulkheaded shorelines • Regrading slopes to transitional intertidal and littoral elevations • Underwater baffles or training walls to redirect flows/maintain desirable depths • Increase light transmission to water through piers by increasing height or decreasing width of piers • Use texturized bulkheads/reef balls/ stacked hollow cubes to add physical complexity to environment
Habitat Complexes for Fish, Crabs, & Lobsters	• Removal of historic fill • Regrading slopes to proper elevations for wetland plantings • Removal of invasive species • Native plant species plantings • Deposition of bolders or other appropriate materials at optimal locations to create habitat complexes in water
Tributary Connections	• Dam removal • Modification of weirs, rock ramps • Fish ladders • Construction of canals • Widening of culverts
Enclosed and Confined Waters	• Removal of hardened/bulkheaded shorelines • Address extreme differences in bathymetry by depositing clean sand to restore more natural slope as found in historic tidal creeks
Acquisition	• Protection of land through acquisition
Sediment Contamination	• Remediate sediments (non-USACE) • Cap or contain sediments (non-USACE)
Public Access	• Construct direct access points for swimming, boating, fish (local action) • Indirect access (waterfront promenade) or waterfront vistas may be recreational component of restoration action

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO ATTENTION OF

November 13, 2014

Environmental Assessment Section
Environmental Analysis Branch

Mr. Daniel Saunders
Deputy State Historic Preservation Officer
State of New Jersey Department of Environmental Protection
Historic Preservation Office
PO Box420
Trenton, NJ 08625-0420

Dear Mr. Saunders:

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Sincerely,

Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

November 13, 2014

Environmental Assessment Section
Environmental Analysis Branch

Ms. Amanda Sutphin
New York City Landmarks Preservation Commission
Municipal Building
One Center Street, 9th Floor
New York, N.Y. 10007

Dear Ms. Sutphin:

The US Army Corps of Engineers, New York District (Corps) is undertaking the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25-mile radius of the Statue of Liberty. The study area includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay (Enclosure 1). These planning regions cover multiple municipalities and counties in New Jersey and New York.

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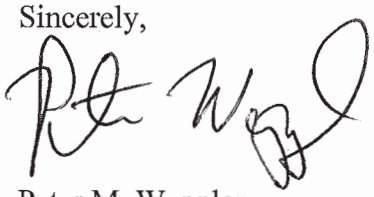
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We are pleased to furnish you with the final report resulting from the study entitled "Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan" by the URS Corporation (Enclosure 3). The CD contains digital versions of all three volumes. The associated GIS database on CD is also enclosed (Enclosure 4). We apologize that your office was inadvertently not provided an opportunity to review the draft of this report. The New Jersey Historic Preservation Office did review the draft and had comments that were addressed in the final document (Enclosure 5).

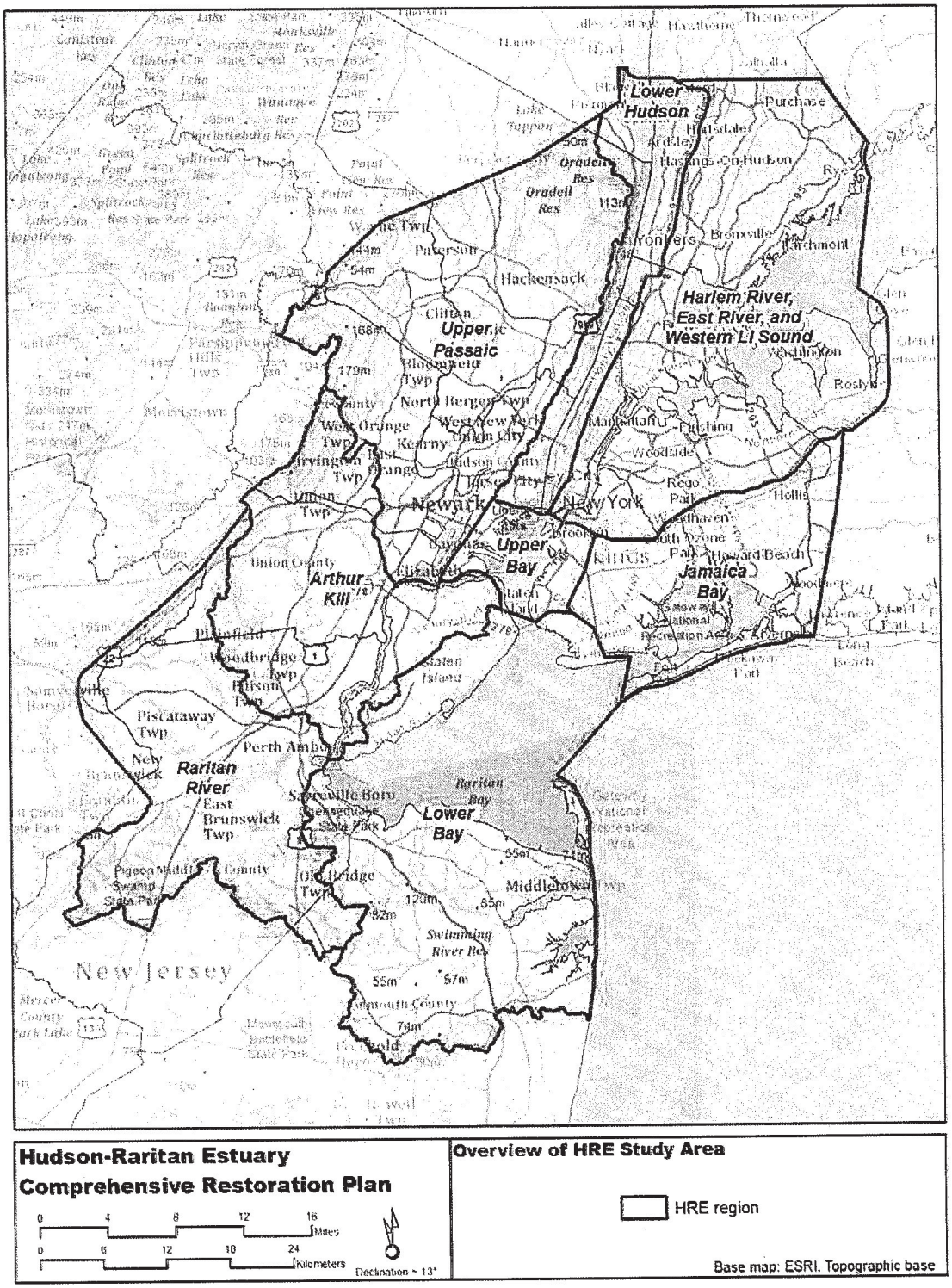
The HRE study is proceeding. In the feasibility study just a subset of sites will be evaluated in detail. We will continue to coordinate the HRE study with you as the project proceeds and specific sites are selected. It is likely that a Draft Programmatic Agreement will be prepared which will be coordinated with your office. If you or your staff require additional information or have any questions, please contact Lynn Rakos, Project Archaeologist, at (917) 790-8629.

Sincerely,



Peter M. Weppler
Chief, Environmental Analysis Branch

Enclosures



Enclosure 1. Overview of the Hudson-Raritan Estuary Study Area.

Enclosure 2. HRE Target Ecosystem Characteristics and Potential Restoration Activities

Target Ecosystem Characteristic	Potential Restoration Activities
Wetlands	• Removal of historic fill • Regrading slopes to proper elevations for wetland plantings • Removal of invasive species • Native plant species plantings
Islands for Waterbirds	• Removal of invasive species • Expansion of existing islands using clean sand from the Harbor Deepening • Planting of native species
Maritime Communities	• Removal of invasive species • Native plant species plantings • Stabilization of dunes
Oyster Reefs	• Deposition of bolders or other appropriate materials at optimal locations in water to create reefs for spat
Eelgrass Beds	• Plantings of eelgrass at optimal locations
Shorelines & Shallows	• Removal of hard or bulkheaded shorelines • Regrading slopes to transitional intertidal and littoral elevations • Underwater baffles or training walls to redirect flows/maintain desirable depths • Increase light transmission to water through piers by increasing height or decreasing width of piers • Use texturized bulkheads/reef balls/ stacked hollow cubes to add physical complexity to environment
Habitat Complexes for Fish, Crabs, & Lobsters	• Removal of historic fill • Regrading slopes to proper elevations for wetland plantings • Removal of invasive species • Native plant species plantings • Deposition of bolders or other appropriate materials at optimal locations to create habitat complexes in water
Tributary Connections	• Dam removal • Modification of weirs, rock ramps • Fish ladders • Construction of canals • Widening of culverts
Enclosed and Confined Waters	• Removal of hardened/bulkheaded shorelines • Address extreme differences in bathymetry by depositing clean sand to restore more natural slope as found in historic tidal creeks
Sediment Contamination	• Remediate sediments (non-USACE) • Cap or contain sediments (non-USACE)
Public Access	• Construct direct access points for swimming, boating, fish (local action) • Indirect access (waterfront promenade) or waterfront vistas may be recreational component of restoration action

From: Jesse West-Rosenthal
To: Rakos, Lynn NAN02
Subject: [EXTERNAL] RE: Hudson Raritan Estuary Cultural Resources Report (UNCLASSIFIED)
Date: Friday, July 11, 2014 3:36:13 PM

Hi Lynn,

Kate and I had a discussion with Kinney regarding this, since he is our data management person. Based on our discussions, we will forgo the paper copy of the additional volumes and will figure something out on our end for making the information available to consultants when necessary. At this point in time, as you've seen, our research library is strictly maintained on paper. At some point in the future we intend to adopt some form of digital access, however, we do not have that capability now. Just something to keep in mind for future submissions.

If you have any other questions, please feel free to contact me.

Have a great weekend.

-Jesse

Jesse West-Rosenthal
Historic Preservation Specialist
Historic Preservation Office
Department of Environmental Protection
Mail Code 501-04B
501 E. State Street
PO Box 420
Trenton, NJ 08625
Phone: (609) 984-6019
Fax: (609) 984-0578
Website: http://www.nj.gov/dep/hpo

Please Note: My E-mail address had changed. I can now be reached at Jesse.West-Rosenthal@dep.nj.gov Please update your records accordingly.

HPO's cultural resources GIS data is now available in GeoWeb:
http://www.state.nj.us/dep/gis/geowebsplash.htm

-----Original Message-----
From: Rakos, Lynn NAN02 [mailto:Lynn.Rakos@usace.army.mil]
Sent: Friday, July 11, 2014 2:07 PM
To: Jesse West-Rosenthal
Subject: Hudson Raritan Estuary Cultural Resources Report (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hi Jesse,

I asked URS to print the full volumes as we discussed. They just got back to me saying it will be about 4,465 pages that will be bound in about 15 volumes. Do you still want all the material printed? I can give you extra copies of the CDs so if one goes missing you have more.

The material is largely scans of forms from your office and NYSHPO. They would be next to impossible

to use without an ability to search them using the "find" capability of a computer. They were really intended to be electronic files.

If you do want the printed volumes would it be ok to put them in binders as opposed to spiral bound?

Thanks!
Lynn

Classification: UNCLASSIFIED
Caveats: NONE

State of New Jersey
MAIL CODE 501-04B
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NATURAL & HISTORIC RESOURCES
HISTORIC PRESERVATION OFFICE
P.O. Box 420
Trenton, NJ 08625-0420
TEL. (609) 984-0176 FAX (609) 984-0578

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

June 27, 2014

Nancy J. Brighton
Acting Chief, Environmental Analysis Branch
Department of the Army
Corps of Engineers, New York District
Jacob K. Javits Federal Building
New York, NY 10278-0090

Dear Ms. Brighton:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing Consultation Comments for the following proposed undertaking:

Bergen, Hudson, Union, Middlesex, and Monmouth Counties
Cultural Resources Overview
Hudson-Raritan Estuary Comprehensive Restoration Plan
United States Department of the Army, Corps of Engineers

Thank you for providing the Historic Preservation Office (HPO) with the opportunity to review and comment on the following cultural resources overview report, received at this office on June 2, 2014, for the above-referenced undertaking:

Harris, Matthew D. Eileen K. Hood, and Joel Dworsky
2014 *Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan.* Prepared for the United States Department of the Army, Corps of Engineers – New York District. Prepared by URS Corporation, Burlington, New Jersey.

800.4 Identification of Historic Properties

This cultural resource report represents a thorough and detailed review of the existing cultural resources represented within the Hudson-Raritan Estuary Comprehensive Restoration Plan survey area. The compiling of this assessment will provides future researchers with a detailed

record of the evolution of the area and will help guide research Hudson-Raritan Estuary. This report will be accessioned into the report collection at the HPO for future reference

According to the documentation submitted, the United States Department of the Army, Corps of Engineers (Corps) has identified 301 proposed restoration areas as part of this undertaking. However, none of these areas have yet been selected to move forward for further study, As a result, the documentation notes that site specific assessments are not being undertaken at this time. The HPO looks forward to further consultation with the Corps, once project plans are generated, to identify historic properties within the undertaking's area of potential effects, as well as develop means to avoid, minimize, and/or mitigate potential project effects, pursuant to Section 106 of the National Historic Preservation Act.

Additional Comments

Report Comments

The report received by the HPO for review and comment represents only Volume I of a three volume report. Please note, reports must be submitted as individual documents for accessioning into the HPO's reference library. The HPO requests that a bound final copy of the complete report, including all volumes and appendices, be submitted to our office so that it may be accessioned into our report collection for future reference.

In addition to the report comments provided by the Corps, which the HPO concurs with, the following issues must be addressed in a revised copy of the report, incorporating the revisions within the main body of the report not as an appendix, and submitted to the HPO for review and comment:

- P.190, First Paragraph, Last Sentence: The sentence is not finished in the text provided. Please complete this sentence.
- P.191, Last Paragraph, Line 3: The text references Arthur Kill County, which does not exist. Please clarify this.
- To understand potential submerged historic properties within the survey area, the report utilizes the National Oceanographic and Atmospheric Administration's Automated Wreck and Obstruction Information System (AWOIS) as the primary source for this data. However, the report does not clarify the quality of this data. The AWOIS database is not a comprehensive repository of potential submerged historic properties and as a result should not be utilized solely on its own. Please clarify the quality of this data in the report and evaluate future avenues of research that will be appropriate to assess the potential for submerged historic properties to be present within the project's area of potential effects (APE).
- The report utilizes the HPO's Archaeological Site Grid as a source of data for the assessment of historic properties within the study area. The HPO would like to note that our Archaeological Site Grid does not represent a sensitivity model, but is instead utilized to manage sensitive archaeological data regarding the specific locations of archaeological sites for access by the public. The data displayed by the grid simply represents either the presence or absence of archaeological data within the grid squares and does not represent

comprehensive survey of the State of New Jersey. As a result, the potential for archaeological historic properties to exist within areas not highlighted by the Archaeological Site Grid still exists. Please clarify the quality of this data in the report.

Thank you for providing the opportunity to review and comment on the potential for the above-referenced project to affect historic properties. The HPO looks forward to further consultation to regarding the identification and evaluation of the project's potential effects on historic properties. Please do not hesitate to contact Jesse West-Rosenthal of my staff at (609) 984-6019 with any questions regarding archaeology. Please reference the HPO project number 14-3348, in any future calls, emails, or written correspondence to help expedite your review and response.

Sincerely,

Daniel D. Saunders
Deputy State Historic
Preservation Officer

Cc: Lynn Rakos – USACE

DDS/JWR

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

May 27, 2014

Environmental Assessment Section
Environmental Analysis Branch

Mr. Daniel Saunders
Deputy State Historic Preservation Officer
State of New Jersey Department of Environmental Protection
Historic Preservation Office
PO Box420
Trenton, NJ 08625-0420

Dear Mr. Saunders:

The US Army Corps of Engineers, New York District (Corps) is undertaking the Hudson-Raritan Estuary (HRE), NY & NJ, Ecosystem Restoration Feasibility Study. The purpose of the study is to recommend implementation of ecosystem restoration opportunities at multiple sites within the HRE. The HRE is within the boundaries of the Port District of New York and New Jersey, and is situated within a 25 mile radius of the Statue of Liberty. The HRE study area includes eight (8) Planning Regions: 1) Jamaica Bay; 2) Lower Bay; 3) Lower Raritan River; 4) Arthur Kill/Kill Van Kull; 5) Newark Bay, Hackensack River and Passaic River; 6) Lower Hudson River; 7) Harlem River, East River, and Western Long Island Sound; and 8) Upper Bay (Enclosure 1). These planning regions cover multiple municipalities and counties in New Jersey and New York.

As part of the HRE Feasibility Study, the Corps and The Port Authority of New York & New Jersey prepared a Comprehensive Restoration Plan (CRP). The CRP was developed in collaboration with Federal, State, municipal, non-governmental organizations and other regional stakeholders and sets forth a consensus vision, master plan and strategy for future ecosystem restoration in the New York/New Jersey Harbor. The CRP established estuary-wide goals and restoration targets (TECs) (Enclosure 2). The TECs are being used to identify and design restoration projects and measure programmatic success. The feasibility study assesses the potential restoration actions (described in Enclosure 2), the ecological benefits and costs for restoration opportunities throughout the estuary. The feasibility study will recommend construction for a subset of restoration opportunities that already have detailed feasibility-level designs, while recommending the remaining restoration sites for future study.

As the study area is vast and there are over three hundred potential restoration areas, none of which have yet been selected yet to move forward for further study, the Corps did not conduct site specific work but prepared a cultural resources overview for each of the planning regions with a data collection focused on the 301 restoration areas. This effort included the development of a GIS database of all known resources that were available through the New Jersey Historic

Preservation Office, New Jersey State Museum, New York State Office of Parks, Recreation, and Historic Preservation, New York Landmarks Preservation Commission, and National Oceanic and Atmospheric Administration.. These restoration areas include onshore and offshore sites that area located primarily within sensitive ecological, estuarine, riverine and wetland environments; both coastal and upland. To begin compiling the overall cultural resources database, buffers of one-mile and one half-mile were added to the restoration sites to act as a survey boundary. It is within these buffers that the majority of the data collection effort was focused. However, background, environmental, and cultural resources data where readily available was collected for the entire planning region study area. The report,"Cultural Resources Overview for Hudson-Raritan Estuary Comprehensive Restoration Plan" by the URS Corporation, is enclosed for your review as is the associated GIS database (Enclosure 3).

Approximately 20,000 resources within the study area have been mapped or noted. While, the vast majority of these data come from a single source, the New Jersey above ground historic resources GIS layer, over 3,000 additional survey areas, archaeological sites, NR listed and eligible resources, underwater obstructions, and archaeological sensitivity areas have been collected.

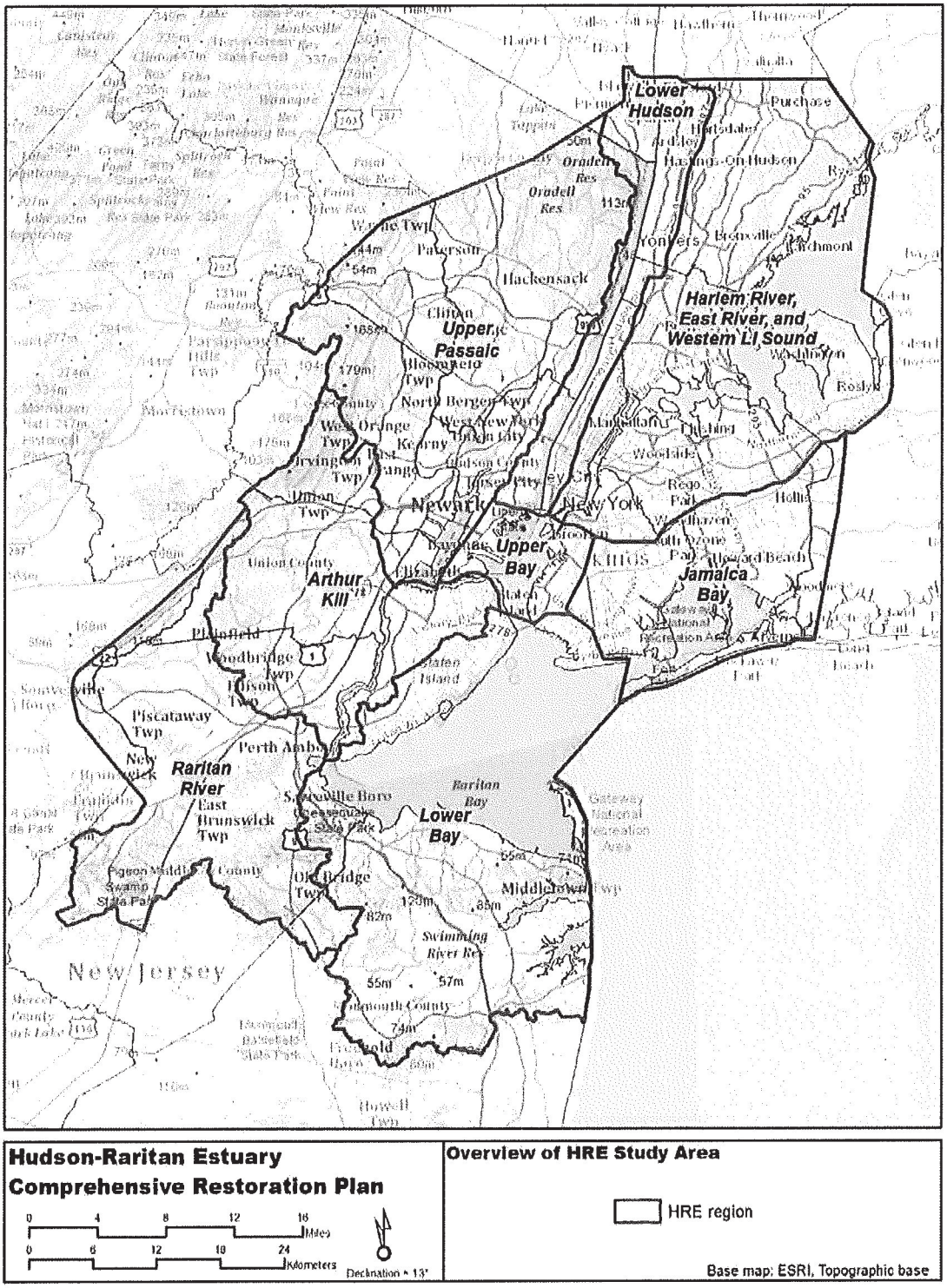
Chapter 5 of the report contains an overview of the proposed restoration measures and steps to prepare a Programmatic Agreement (PA). The project had been anticipated to include a PA to cover the entire suite of TECs and potential impacts expected with each. That approach is no longer being taken due to the scale of the proposed work as a whole. Each restoration site will subject to environmental and Section 106 compliance as they are advanced. Reference to the PA and the Section 106 process in Chapter 5 will be removed from the final report.

The Corps will use these data as a planning tool for the HRE to identify restoration areas with known resources, identify locations that are archeologically sensitive and determine which areas require surveys. Please review the enclosed report and GIS data and provide Section 106 comments, pursuant to 36 CFR 800.5. The Corps' comments on the draft report and GIS data are enclosed for your information (Enclosure 4). We will continue to coordinate the HRE study with you as the project proceeds. If you or your staff require additional information or have any questions, please contact Lynn Rakos, Project Archaeologist, at (917) 790-8629

Sincerely,

Nancy J. Brighton
Acting Chief, Environmental Analysis Branch

Enclosures



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Oyster Reefs	• Deposition of bolders or other appropriate materials at optimal locations in water to create reefs for spat
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Tributary Connections	• Dam removal • Modification of weirs, rock ramps • Fish ladders • Construction of canals • Widening of culverts
Enclosed and Confined Waters	• Removal of hardened/bulkheaded shorelines • Address extreme differences in bathymetry by depositing clean sand to restore more natural slope as found in historic tidal creeks
Acquisition	• Protection of land through acquisition
Sediment Contamination	• Remediate sediments (non-USACE) • Cap or contain sediments (non-USACE)
Public Access	• Construct direct access points for swimming, boating, fish (local action) • Indirect access (waterfront promenade) or waterfront vistas may be recreational component of restoration action

Appendix C: Interested Parties Contacted

Interested Parties – HRE Ecosystem Restoration Project

Email

Roebling Chapter of the Society for Industrial Archaeology
Sandy Needham, President
Send email: scotsloon@gmail.com

Passaic County Historical Society
Maria Carparelli, President
3 Valley Road
Patterson, NJ 07503
(973)247-0085
Print and email: president@lambertcastle.org

Newark History Society
31 Synott Place
Newark, NJ 07106
Print and email: newarkhistorysociety@verizon.net

Clifton Historical Commission
Myrtle Petty, Chairperson
Clifton City Hall
900 Clifton Avenue
Clifton, NJ 07011
Email: Info@cliftonhistory.org

Ted Leimbach
Westchester County Planning Department
Email: Eal8@westchestergov.com

Nassau County Historical Society
P.O. Box 207
Garden City, NY 11530-0207
Email: Natalie.a.naylor@hofstra.edu

NPS Gateway National Recreation Area
Marilou Ehrler
Historical Architect
210 New York Avenue
Staten Island, NY 10305
Email: Marolou_ehrler@nps.gov

Print Mail

New Jersey Historical Society
52 Park Place
Newark, NJ 07102

Archaeological Society of New Jersey
c/o New Jersey State Museum
Bureau of Archeology & Ethnography
205 West State Street
P.O. Box 530
Trenton, NJ 08625-0530

New Jersey Historical Commission
Maxine Lurie, Chair
P.O. Box 305
Trenton, NJ 08625

Bergen County Historical Society
1201 Main Street
River Edge, NJ 07661

Essex County Division of Culture and History
Essex County Kip's Castle Park
22 Crestmont Road
Verona, NJ 07044

Hudson County Genealogical and Historical Society
1 Prince Andrew Court
Marlton, NJ 08053
Middlesex County Cultural and Heritage Commission
703 Jersey Avenue
New Brunswick NJ 08901

Earle Naval Weapons Station
201 Route 34 South
Colts Neck, NJ 07722

New York Historical Society
170 Central Park West at Richard Gilder Way (77th Street)
New York, NY 10024

Bronx County Historical Society
3309 Bainbridge Avenue
The Bronx, NY 10467

Brooklyn Historical Society
128 Pierrepont Street
Brooklyn, NY

Westchester County Historical Society
2199 Saw Mill River Road
Elmsford, NY 10523
Lee Pollock, President

New York Botanical Gardens
J.V. Cossaboom, Director of the Garden
New York Botanical Gardens
2900 Southern Boulevard
Bronx, NY 10458-5126

New York City Parks
Marit Larson
Chief of Natural Resources
The Arsenal
Central Park
830 Fifth Avenue
New York, NY 10065