

# Appendix C

**Spring Creek North  
Ecosystem Restoration Feasibility Study**

**Appendix C:**

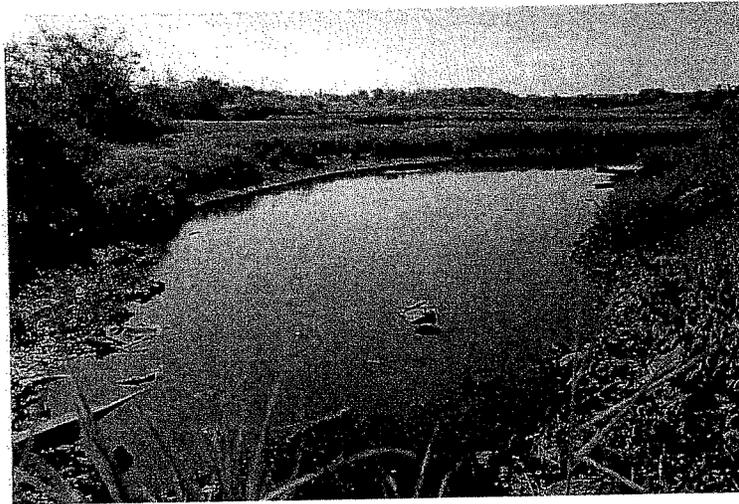
**Cultural Resources Correspondence and Report**



**New York District  
U.S. Army Corps of Engineers**

**PHASE IA CULTURAL RESOURCE  
DOCUMENTARY STUDY FOR  
SPRING CREEK  
ECOSYSTEM RESTORATION  
BOROUGH OF BROOKLYN AND QUEENS  
KINGS AND QUEENS COUNTY, NEW YORK**

**Final Report  
October 2003**



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**Prepared for  
DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
New York District**

**Prepared under the supervision of**

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## MANAGEMENT STUDY:

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A Phase 1A Cultural Resource Documentary Study was performed on behalf of the New York District of the U.S. Army Corps of Engineers in connection with a planned ecosystem restoration project at Spring Creek in the Borough of Brooklyn and Queens, Kings and Queens County, New York. This study involved background research, field inspection and preparation of this report. The purpose of this work was to provide a preliminary assessment of archaeological potential and cultural resource issues that might affect the implementation of the ecosystem restoration scheme. Research was conducted at the New York State Office of Parks, Recreation and Historic Preservation Office, the New York City Public Library and Map Room, the Jamaica Bay Local History Room at the Jamaica Queens Library, the New York City Landmarks Preservation Commission, Special Collections Room at Brooklyn College's Library and with interviews of local historians.

No previously documented prehistoric or historical archaeological resources were noted within the project site. Based on historical references, and taking into account the extensive land modification that resulted from the deposition of refuse and dredge materials at Spring Creek in the early to mid- twentieth century, in the range of fourteen to sixteen feet of fill, there is judged to be a little potential for intact Native American or Historic remains within the project area.

Sensitivity for Native American resources was considered low based on geological and cultural factors. Typically, Native American sites identified on Long Island were located on terraces or knolls above the low-lying land. There are no natural areas of high ground within the project area.

Portions of a dilapidated wooden footbridge remain within the project area. Most likely this bridge spanned the wetlands that allowed access down to the waterfront. Although mills were common in the areas such as Spring Creek, and one reported mill was present somewhere in the Spring Creek area in the nineteenth century, a review of area maps, previous pedestrian surveys, interviews with local historians and the depth of deposition of twentieth century dredge material and refuse has greatly affected the project area.

The Corps has determined, based on the information gathered for this report, that that sub-surface testing is not necessary within the project area. There are no potentially eligible sites within the area that can be considered for the National Register.

The restoration project will have no effect on cultural resources. Although no recorded sites are located within the project area, and the deposition of material in the twentieth century have most likely buried any potential site below the current project's limits, limited periodic monitoring during the excavation phase of the ecosystem restoration project is recommended as a precaution.

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## ACKNOWLEDGMENTS:

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As the ultimate team effort, many helped with the completion of this report. From within the Corps, Kirsten Davis was instrumental in documentary research and the report preparation. Work for this report was conducted at the following locations, with the assistance of several staff members. These included: New York State Office of Parks, Recreation and Historic Preservation Office, New York State Museum, New York Public Library – 42<sup>nd</sup> Street Map Room and Local Reading Room, Queens Historical Society Collections – Jamaica Bay Public Library, Local History Room – Jamaica Bay Public Library, Special Collections Division – Brooklyn College Library, Special Collections Division – Brooklyn Public Library and New York City Landmarks Preservation Commission. Special thanks go to the following individuals and groups: Ronald Schweiger, Brooklyn Borough Historian, Lee Rosenzweig, Brooklyn Historian, Natural Resource Group of the New York City Department of Parks and Recreation, Staff, Brooklyn College Archaeological Research Center, Matrix Environmental and Geotechnical Group and Steven Rizick, Director of Document Services, Parks Department, who deserves more credit than anyone in his kindness and support. Finally, thanks to everyone at the U.S. Army Corps of Engineers – New York District for their support.

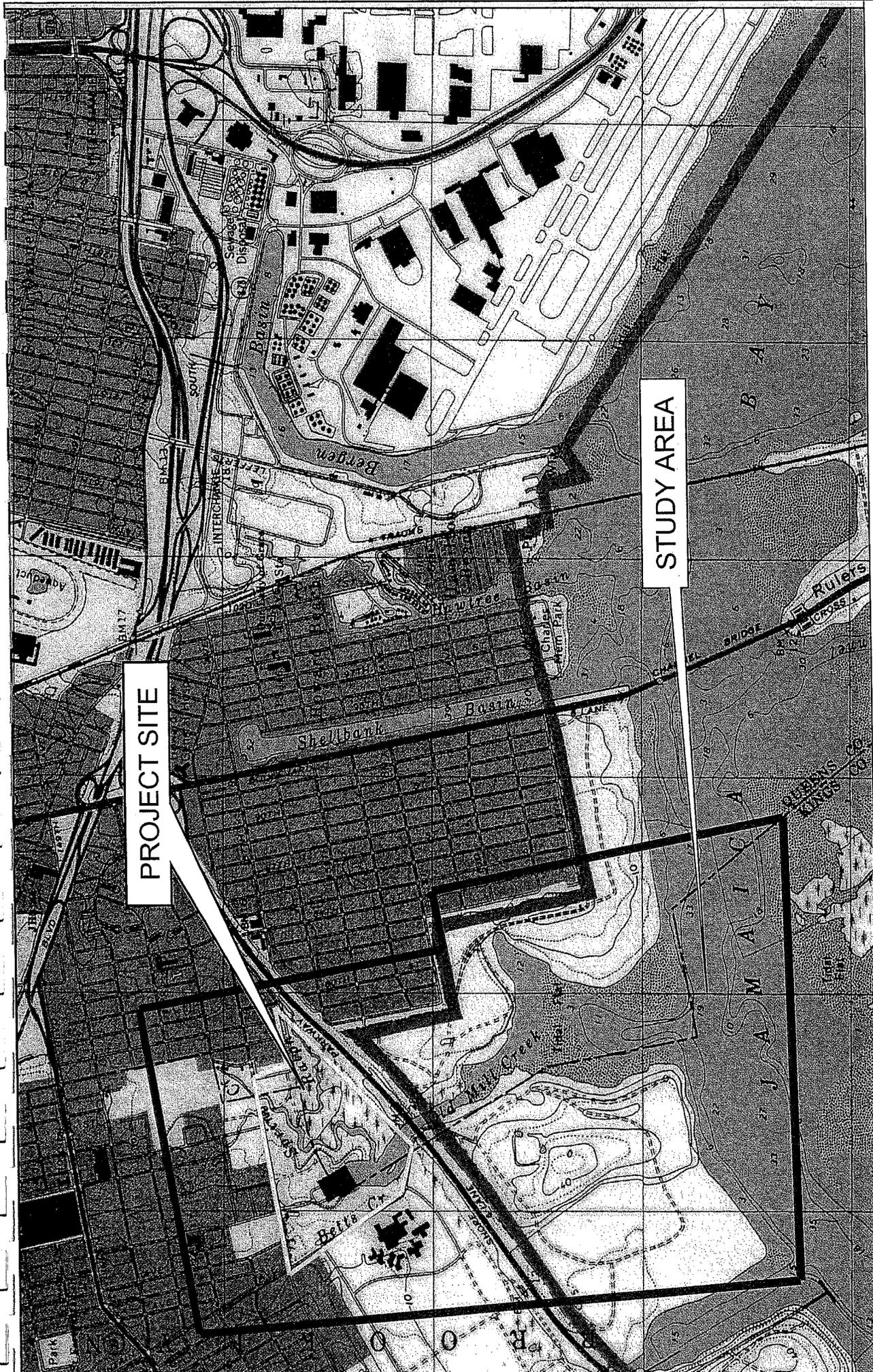
## **I. INTRODUCTION**

### **A. Project Background**

The U.S. Army Corps of Engineers, New York District (Corps) is developing a preliminary Ecosystem Restoration Plan for Spring Creek Park, located in northern Jamaica Bay, bounding both Kings and Queens Counties (See Figure 1). The proposed project will restore twenty-two acres of habitat: twelve acres of inter-tidal salt marsh and ten acres of coastal grassland and maritime scrubland.

This report details the Phase 1A Documentary Information gathered for the project. Limited historic research and collection of background material was conducted for the alternatives as originally proposed. Site surveys combined with documentary research yielded little evidence to suggest that Phase 1B subsurface testing, or beyond, was a necessary component of the cultural resource report. Research was conducted at the New York State Office of Parks, Recreation and Historic Preservation Office, the New York City Public Library and Map Room, the Jamaica Bay Local History Room at the Jamaica Queens Library, the New York City Landmarks Preservation Commission, Special Collections Room at Brooklyn College's Library and with interviews of local historians.

This cultural resource study has been undertaken to bring the plans recommended through the feasibility study into compliance with Section 106 of the National Historic Preservation Act of 1966, as amended. As a Federal Agency the Corps has certain responsibilities concerning the identification, protection and preservation of significant cultural resources within the Area of Potential Effects (APE) of any proposed project. The cultural resources deemed significant are any material remains of human activity that are listed on, or eligible for inclusion on, the National Register of Historic Places (NRHP). Other statutes and regulations authorizing the Corps to undertake these responsibilities include Section 101 (b) (4) of the National Environmental Policy Act of 1969 and the Advisory Council Procedures for the Protection of Cultural Properties (36 CFR Part 800).



Not to Scale

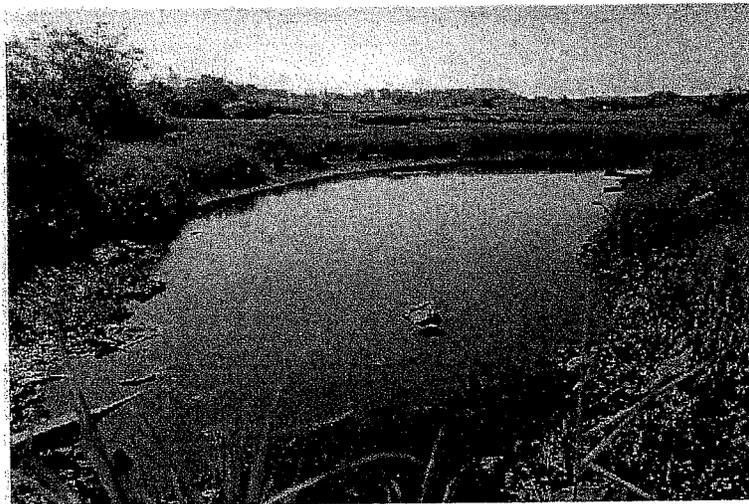


**USGS STUDY AREA LOCATION MAP**  
**SPRING CREEK ECOSYSTEM RESTORATION PROJECT**  
**BROOKLYN, KINGS COUNTY, NY**

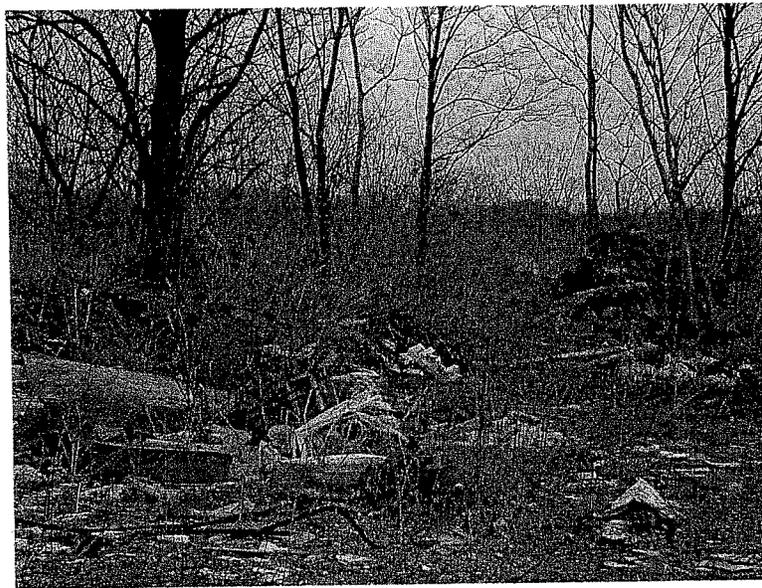
Source: USGS Topographic Map, Jamaica Quad, 1984



**FIGURE 1**



**Figure I: Western bend – Project Area**



**Figure II: Eastern end – North of Creek – modern garbage deposits**

## **B. Project Description**

Spring Creek is located within both the counties of Kings and Queens. The project area is located with in the northern part of Jamaica Bay and contains the largest amount of undeveloped land and wetlands in the area (USACE 2002). Jamaica Bay is a shallow tidal wetland of about 26 square miles in area. It grassy marshes are sheltered from the Atlantic Ocean by the Rockaway Peninsula. Although containing many islands, that have been formed, destroyed and reformed over the past three hundred years, only the largest, Broad Channel, is inhabited (NYC Parks Department Fact Sheet 2003). A Federal navigation channel was constructed beginning in 1910 and extends from offshore of Rockaway Point, Queens, through Rockaway Inlet and bisects at the southern edge of Floyd Bennett Field, Brooklyn, with one branch extending north into the upper part of Jamaica Bay and a second branch extending east into lower Jamaica Bay, in New York, New York. The project area was adversely affected by the dredging and filling activities associated with the construction and maintenance of the Federal navigation channel (USACE 2002) as well as numerous episodes of refuse deposition during the early to mid twentieth century. It is indicated in historical records that Spring Creek suffered approximately the same seventy-five percent wetland loss that Jamaica Bay experienced as a whole since the twentieth century.

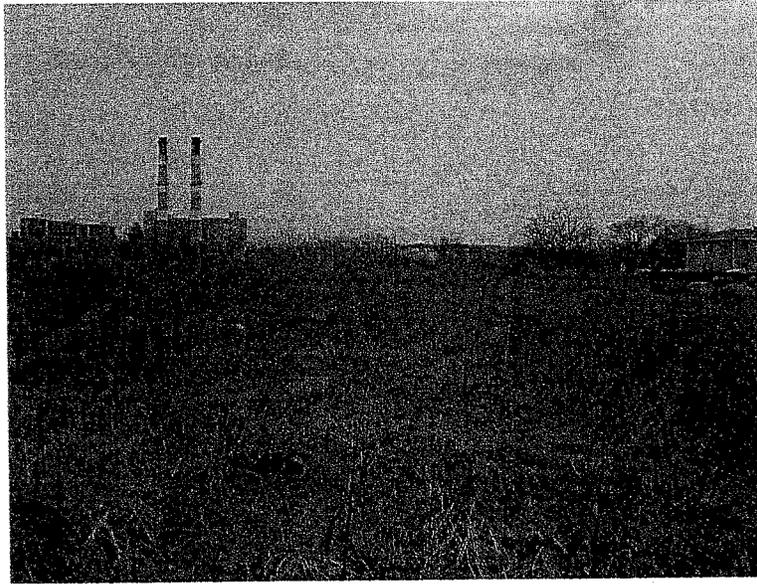
The site is located in the wetlands approximately 3 miles south of the terminal moraine formed from the melting of the Wisconsin glacier approximately 18,000 years ago (Eisenberg 1978:19). The site was described in 1860 as such, "Jamaica Bay, a large shallow, landlocked bay upon the south shore...Encloses a large number of low, marshy islands separated by narrow and irregular tidal currents. Wide salt marshes extend along the shore of the bays, and far inland along the courses of the small creeks." (French 1860: 365). The topography of the present site is mainly the result of its use as a landfill for dredged and construction fill, ash from the Department of Sanitation incinerator and a refuse dump.



**Figure V: Looking Northwest**

The vegetation on the site is typical of that found in marsh areas of heavy fill and disturbance; marsh plants such as cord grass (*Spartina alterniflora*) and spike grass (*Distichlis spicata*), also present was common reed (*Phragmites australis*) (Historical Perspectives 1988: 5).

The Corps proposes to remove the dredged material that was deposited within portions of Spring Creek and redeposit the material in other areas of the site. Approximately six to eight feet in depth is called for removal. This material will then be capped with blacktop, soil and sand and be used as a passive park area. The areas where the material was removed from will also serve as a passive recreational area. The main focus is to return Spring Creek to a more active marsh area where native species of flora can flourish.



**Figure VI: Looking North towards deposited garbage mounds**

### C. Previous Research

Research on the prehistory, history, and previous cultural resource studies in the project area was conducted at the following institutions: New York Public Library at 42<sup>nd</sup> Street, New York Public Library at 34<sup>th</sup> Street, Queens Borough Public Library in Jamaica, Queens, New York City Municipal Archives, New York City Landmarks Preservation Commission, Brooklyn College Archaeological Research Center's Archives, the Special Collections Room at Brooklyn College and the New York State Office of Parks, Recreation and Historic Preservation Office.

Research was also undertaken at the Map Room of the Olmstead Center of the New York City Department of Parks and Recreation (Parks) in Queens, New York. Parks maintains historic maps of their properties. Unfortunately, these maps are only of the property once it became a park and therefore only detail what disturbances have occurred since a site's inception as a park.

No previous archaeological studies have been conducted within the specific project area. Three studies have been undertaken that incorporate portions of the Spring Creek region including one study for the U.S. Post Office, the National Park Service (NPS) and the Corps. None of the reports detail any Prehistoric or Historic remains within the project area.

No historically written materials exist on the project area per say. Spring Creek is lumped together with Jamaica Bay and, in general, this southern area of Kings and Queens Counties in such widely circulated references such as: Black 1981, Ross 1902, Prime 1845, Thompson 1918, Van Wyck 1924 and Stiles 1884.

Frederick Black conducted a Historic Resource Study for the Jamaica Bay area in the late 1970s on behalf of the NPS (Black 1981). His report was fairly brief, with little referencing and provided an overview of the history of the area and a current condition report.

John Milner and Associates also undertook a similar study of the same project area for the NPS (John Milner and Associates 1978). Their report indicated that there was little chance to impact either Native American or Historic Sites within the Spring Creek area.

Historical Perspectives, working on behalf of the U.S. Post Office, conducted a Phase 1A just north of the current project area (Historical Perspectives 1988). The report references Van Wyck extensively and indicated that no impact would occur for either Native American or Historic Period sites within the overall area.

Arnold Pickman, working on behalf of the Corps, has conducted two Phase 1A Studies of the Jamaica Bay area as part of the larger Jamaica Bay Ecosystem Restoration Project (JBERP), which is still underway (Pickman 1990 and 2000). Pickman's report was the most detailed of the reports on the area. Although he indicates that there is little chance for the recovery of Native American sites, the Flynn Causeway should be investigated further.<sup>1</sup>

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<sup>1</sup> Note that the above referenced reports are on file with the New York City Landmarks Preservation Commission and the U.S. Army Corps of Engineers, New York District.



**Figure VII: Looking South towards nineteenth to twentieth century Flynn foot bridge/causeway**

## **II Prehistoric Background**

The prehistory of both Kings and Queens Counties has been documented in great detail in a number of formats, both historical and archaeological. Therefore only a limited detail of the project area is presented here to provide an overview.

The project site is located on the present day southwestern shore of Long Island. The island itself is a linear landform, called the Ronkonkoma Moraine, which is composed of low irregular hills, with two principal ridges (the Ronkonkoma and Harbor Hill ridges). The moraine was formed by the advancing ice sheet of the last glaciations, and forms the dominant geomorphological structure of Long Island into the present day (Hunter 2002: 2)

10,000 years ago, rising temperatures and warming ocean currents began to erode the ice sheet that covered the area, forming the outline of the Sound, and giving definition to modern day Long Island. The warming trends over the following millennia aided in the creation of several habitats on Long Island. Along the south shore of the island, the Atlantic barrier beaches protected salt meadows and shallow bays, as well as streams that were flowing into the bays, creating vast freshwater wetlands rich in plant and animal resources (Strong 1997: 35-53).

As the ice sheet receded and temperatures rose, the Native American occupation of the area soon began; it must be noted that the archaeological evidence of such activity during the Paleo-Indian (circa 10,000-8,000 BC) and Archaic (8,000-2,000 BC) period is relatively sparse. There has been some evidence found of Paleo-Indian peoples working with local materials (i.e. quartz) in order to produce stone tools and projectile points. The projectile points that were discovered were of the fluted variety characteristic of Paleo-Indian points found throughout the Atlantic coastal plain. Unfortunately the points that were found were discovered at surface level, leaving

no sense of archaeological context, nor was there enough material to consider the discovery a site of habitation (Strong 1997: 35-53; Hunter 2002: 2-5)

The Native American lifestyle of the Paleo-Indian, Archaic and Early Woodland periods (8,000 BC- 1000 AD) was one of hunting, gathering and fishing. In general the populations were mobile bands that moved from place to place based upon the migratory patterns of game and fish, the seasonal availability of plant resources, as well as the location of lithic raw materials. On Long Island there was an absence of chert, the preferred lithic material for tool making, forcing the Native people of the area to use quartz. Quartz is particularly difficult to flake down to a thin cutting edge, often crumbling in the process. Of the projectile points discovered, three were made of quartz, the others made of non-local materials such as chert, chalcedony and jasper, suggesting that they were likely being carried there by nomadic hunters (Strong 1997: 55-79; Hunter 2002: 2-5; Wick ND)

From the Middle Woodlands period on (1000BC-1000AD), the population base of the area appears to have grown relatively steadily, and become increasingly sedentary. The practice of agriculture begins during this period, around 1250 AD, and semi-permanent settlements become visible in the archaeological record in the Lower Hudson Valley. It is assumed that the same types of settlements were being formed further south, on Long Island. Coastal areas, such as the South Shore of Long Island, came to play an important part in the settlement patterns and food procurement patterns of the Native Americans. It has been suggested by Robert Wyatt in 1977, that the Native American's of the area moved in a seasonal round from summer camps (near the shore and fresh water streams) to a winter camp slightly more inland, where the focus of food procurement would include the hunting of deer and fowl (Wyatt 1982:76; Strong 1997: 55-77; Hunter 2002: 2-5)

The Late Woodland period, circa AD 1000-1600, was one in which European contact occurred, though until the later date (1600AD), the impact was relatively minimal upon Native American life ways. At this time, both the Canarsee and Rockaway Native American groups were using this area as fishing and hunting grounds (Panamerican 2003). Although agriculture was practiced by this time, their settlement patterns changing very little. It is with the arrival of permanent settlers to the area in 1653, that the way in which the Native Americans lived their lives, their settlement and farming patterns become drastically altered. It is throughout this Late Woodland period that shell middens and campsites become a common feature within the tidal landscape of southern Long Island (Wyatt 1982:76; Strong 1997: 79-107; Hunter 2002: 2-5).

Toward the end of the Late Woodland period the Native American record begins to become a part of the written historical record of the time. Contact with seventeenth century Europeans, apart from bringing about a documented history of Native Americans, also brought about changes in settlement patterns and social structure.

Limited archaeological survey's pertaining to Native Americans at Spring Creek have been conducted. In 1988 Toni Silver conducted a site survey of the area, particularly a possible shell midden, and concluded that historic material found was the result of landfill activities. The Brooklyn College Archaeological Research Center has also performed pedestrian surveys of the area since the 1970s, but have yielded only modern rubbish remains.

### III. Historical Background

#### Brief Overview of the History of Queens County<sup>2</sup>

Queens County was one of the ten original counties of New York created by the English in 1682. Prior to the official founding of the county, the Dutch settled many areas including Astoria, Dutch Kills, and the Long Island City area as early as 1637. English settlers entered the areas of Jamaica, Flushing and Elmhurst beginning in 1642. By 1683 Queens was divided into three main towns, Newton, Flushing and Jamaica. Physical barriers separated the towns (tidal marsh, estuaries and the terminal moraine). Water travel, through the many rivers, creeks and estuaries was the main transportation source.

The majority of Queens County was agrarian until the mid twentieth century, although a small area, in what is today Long Island City, did contain some industrial type work. Large family estates dotted the landscape. Goods were sold at markets in Manhattan and along the Kings/Queens boarder (Linder and Zacharias 1999).

By the mid nineteenth century, and lasting until the first quarter of the twentieth century, the population of the City of New York expanded at an exponential rate. Many of the new residents settled in the "outer boroughs" of Brooklyn, Queens and the Bronx. The farms of western Queens, closest to Manhattan were bought by land speculators and turned in to villages/housing areas.

With the opening of the Queens Borough Bridge and followed soon after by the subway system, Queens County's population and landscape exploded. The population increased caused the decrease in farms and a turn towards industrialized manufacture of goods and materials (Linder and Zacharias 1999).

#### Brief Overview of the History of the Rockaway's:

Yet with this change in economic subsistence one area of Queens remained fairly unchanged, that of the southern and southwestern shore area that connected to Kings County on the west and Nassau County on the east, the Rockaways. Home originally to the Rockaway and Canarsee Native American groups, the Rockaways became a shorefront haven for the residents who needed to "get away" from it all. The landscape, formed by the retreating Wisconsin glacier (circa 12,000 bce), consisted of tidal marshes, sandbars, islands, rivers, estuaries, wetlands, mud flats and ocean beaches.

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<sup>2</sup> Unless otherwise referenced, this chapter is summarized from the following sources:

William Trist Bailey c.1880; Louis & Associates, Inc, Cultural Resource Group Berger 1992; Frederick Black 1981; Eugene J. Boesch 1997; Edward Gloeggler 1973; Historical Perspectives, Inc. 1986, 1988a, 1988b, 1993; Kearns, Betsy, Cece Kirkorian and Richard Schaefer (Historical Perspectives, Inc.) 1991; John Milner Associates 1978; Panamerican Consultants 2003; Arnold Pickman 1990, 1999, 2000; Nathaniel Prime 1845; Henry R. Stiles 1884; Benjamin F. Thompson 1843 and Frederick Van Wyck 1924, 1935.

The name of the Rockaway's seems to have come from the Canarsee Indians when they established themselves at Rockaway Neck. Their word for the area was "Reckouwacky" which means the place of our own people. Within fifty years of European settlement, the Canarsee had sold their rights to the area to the English. The sale encompassed the entire Jamaica Bay area.

Since Native American occupation, settlements have been sparse in the area. This is due to the landscape, as no solid rock formations exist to build upon. Consisting mostly of marshes, the land lent itself more to occupational usage such as fishing. Fishing was the main subsistence of local residents until the late eighteenth century when limits were put on shell fishing.

There is limited information on the original inhabitants, although the original landowner appears to have been Richard Cornell. Most titles for property in the area list him as the original owner.

Settled areas began to spring up in the mid nineteenth century along the back bay side of Jamaica Bay. One resident, Van Wicklen set up a mill some time after the beginning of the nineteenth century. The Van Wicklen Mill was located in Spring Creek by the mid nineteenth century. During the late nineteenth through the early twentieth century the area was sparsely populated and used. Wooden piers and footbridges dotted the marsh area spanning the creek connecting the street developments that were developed to the northwest and northeast sections of the project area (Panamerican 2003).

The area remained largely unsettled until 1880, when the New York, Woodhaven, and Rockaway Railroad built a wooden trestle five miles long across the bay, connecting the Rockaways to the rest of Queens. Industry expanded along the shores of the bay, and their waste, along with sewage disposal, polluted the bay. In 1916, the Board of Health banned fishing and swimming in the bay, and all the summer resort hotels that had been built along the bay closed down (Panamerican 2003).

Spring Creek, which connected to Ralph Creek, Old Mill Creek, Crum Creek, Crum Hill Creek, and Lotts Creek eventually drained into Jamaica Bay. Along the bay, the City of New York planned in the late nineteenth century to establish the area for residential living. Landfill was brought in and placed throughout the area to begin this process. A branch of the Long Island railroad was established in the 1880s as well. By the turn of the twentieth century Patrick Flynn created a causeway that extended through the Spring Creek project area that connected the waterfront to the planned community north of the current project area. Remains of the Flynn causeway are still present in Spring Creek today (Pickman 2000).

During the prohibition period there is an indication that the area was used by bootleggers. Speakeasy's were rumored to exist along the Flynn piers in the late 1920s. Pedestrian surveys by the Brooklyn College Archaeological Research Center since the late 1970s have revealed hundreds of white-ware/hotel ware plates remains as well as bottles for alcohol, wine and condiments. One theory presented for the location and use of the area as a an illegal drinking establishment was that the area was so far away from the mainland/mainstream that police would not bother to break up the ring. It would appear that most entered the area through boats from Jamaica Bay (Muller, n.d.; Brooklyn College Archaeological Research Center 2000).

The land for Spring Creek Park was acquired by condemnation in May 1938 as part of the construction of the Shore Parkway. In 1992, the Department of Real Property assigned another section of property to Parks, more than doubling the size of the park. The northern and farthest western portion of the park lies in Brooklyn, while the southern portion below 157<sup>th</sup> Avenue is contained in Queens. In 1994 and 1995, two more parcels in Queens, on Fairfield Avenue, were added to the park. Today, a part of the bay and its surrounding area is protected as part of the Gateway National Recreation Area, created in 1972 under the NPS (New York City Department of Parks and Recreation – Spring Creek Fact Sheet 2000; Panamerican 2003).

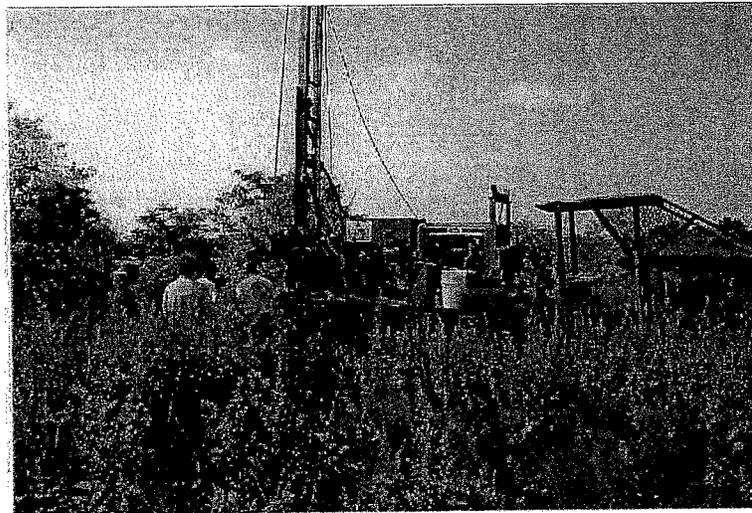
#### **IV: Field Investigations**

Pedestrian surveys were undertaken in March, April, June, July and August of 2003. Photographs documenting the surveys are included in Appendix B. No subsurface testing was undertaken during any of these surveys. Monitoring of the drilling and excavation for the hazardous material (HTRW) surveys were also conducted in 2003 under the direction of the Corps<sup>3</sup>.

No evidence of prehistoric sites was noted during the survey. The only noted historic remains, aside from modern refuse, were the partial remains of a dilapidated wooden footbridge. This bridge spans a portion of the creek channel and generally runs in a east to west fashion.

Over twenty pits were excavated throughout the area for the HTRW survey. In general, areas were excavated to a depth of fourteen to eighteen feet below the modern ground surface. Only twentieth century materials were recovered in any of the pits to those depths. No pre-twentieth century surfaces were excavated. Refuse and some hazardous soils were recovered in the test pits.

Of the non-HTRW surveys, twentieth century refuse material, including burned out cars, ash dumps from the near-by incinerator, and general refuse litter the entire project area. No pre-1950s historic material was noted in the survey.



**Figure VIII: HTRW testing**

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<sup>3</sup> Detailed information from the HTRW report will be presented in the Spring Creek Ecosystem Restoration Report/Environmental Assessment due in Summer 2004.

## **V: Assessment of Archaeological Potential**

### **A. Prehistoric Resources**

At Spring Creek there is little potential for the uncovering of Native American remains. Although creeks and shorelines such as Spring Creek were used by Native Americans in the area, Gerritsen's Creek just to the west for example, it appears that this area was not inhabited for any great length of time. No known archaeological sites exist in the project area in the files of NY SHPO, NYS Museum or the New York City Landmarks Preservation Commission (NYC LPC). Previous archaeological investigations of the area reported little potential for the recovery of Native American sites. Historical accounts for the area do not list Native Americans as being at Spring Creek, but rather in the areas near the Creek, the Rockaways, Canarsie, New Lots, and Gerritsen's Creek. The geology of the Spring Creek area also lends itself to not having been used as an occupation area.

Based on the above information, and the fourteen to eighteen feet of fill present over the site, there is limited potential for the recovery of significant Native American remains.

### **B. Historical Archaeological Resources**

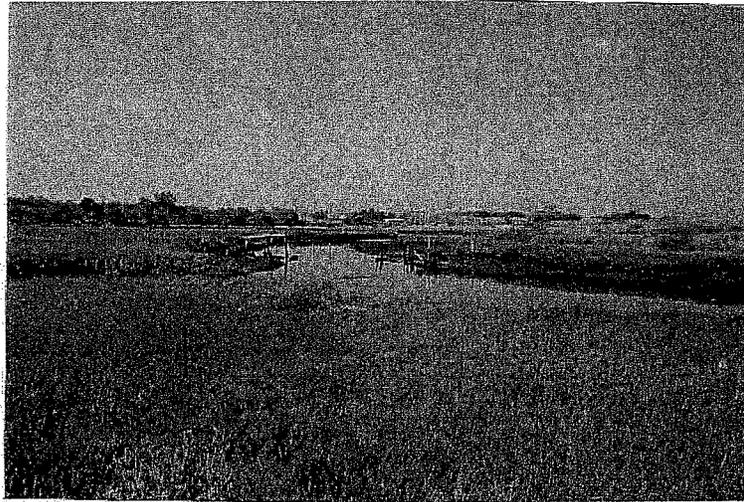
A study of the available historic maps of the Spring Creek area (See Appendix A, Figures 1-10) indicated that no historic (or prehistoric) settlements were located within the project area. Beginning with the Colton Maps (1836 and 1840), the area has been marshland. Tilden (1860) and Beers (1873) indicate that a roadway was, at least, planned to connect to the Spring Creek area. The Drips (1877), Wolverton (1891), Bein (1891) and the Board of Public Improvement (1902) detail the area as being only marshland as well. The 1930s New York City Department of Parks and Recreation Map, the last of the historic maps, reveals no structures within the area. What is interesting is none of the maps indicate the remains of the only standing structure within Spring Creek, the possible Flynn Causeway/footbridge.

Pickman reports that the causeway can be linked to Flynn, which most likely connected the mill and the northern settlements to the water's edge (1988 and 2000). However, the work by the Brooklyn College Archaeological Research Center and Muller (n.d.) regard this bridge as an early twentieth century structure that served as a pathway towards illegal speak-easy settlements along Jamaica Bay's waterfront. Although mills and footbridges may be eligible for the National Register under certain criteria, the remains of the Flynn Causeway/foot bridge at Spring Creek would not qualify based on the lack of verifiable documentary evidence and the decrepit nature of the remains. Most of the bridge has rotted away and what is left poses more of a hazard than a benefit.

Van Wicklen's Mill by Van Wyck (1924) and reiterated by Pickman (1988 and 2000) is located just to the northwest of the current project area (Panamerican 2003). This mill was present until the early nineteenth century. The location is now a garbage building.

No other historic resources are noted in the historic record or uncovered during the survey and HTRW excavations. Therefore, there is limited potential for the recovery of historic sites and/or materials within the project area.

Based on the above information, and the fourteen to eighteen feet of fill present over the site, there is limited potential for the recovery of significant Historic remains.



**Figure IX: Looking South towards foot bridge**

#### **IV: Summary and Recommendations**

Based on the geographic history of the area, the documentary evidence, previous archaeological work, pedestrian field surveys, HTRW excavations and oral reports, the Spring Creek area holds limited potential for the uncovering of Prehistoric or Historic sites. No current National Register eligible sites are in the project area.

The Ecosystem Restoration Plan, as proposed by the Corps, will have no effect on the Cultural Resources of Spring Creek and it is the recommendation of this report that a finding of No Effect be given.

However, to insure that the cultural heritage of the area is not impacted even on a limited basis, the Corps recommends the following with regard to the Spring Creek Ecosystem Restoration Project.

During the excavation phase of the Ecosystem Restoration Project, a limited archaeological monitoring occur. With this monitoring, if something with regard to the cultural history of the area is uncovered, a determination can be made as to its potential for significance.

APPENDIX A: Historic Maps



Figure X: Colton, Map of Long Island- 1836

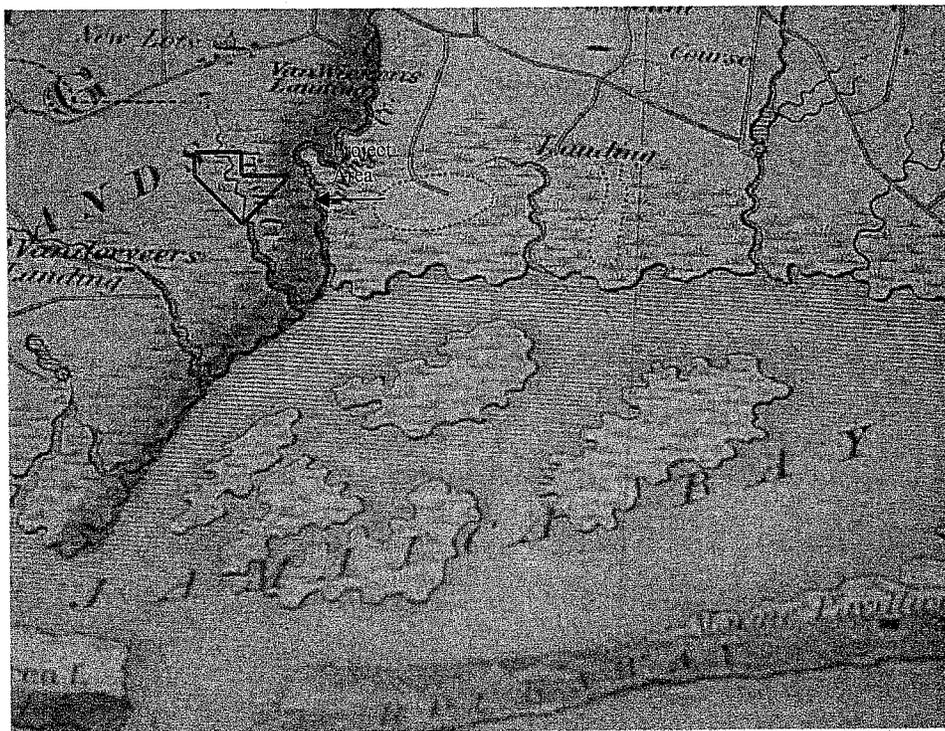


Figure XI: Colton, Map of Long Island-1844

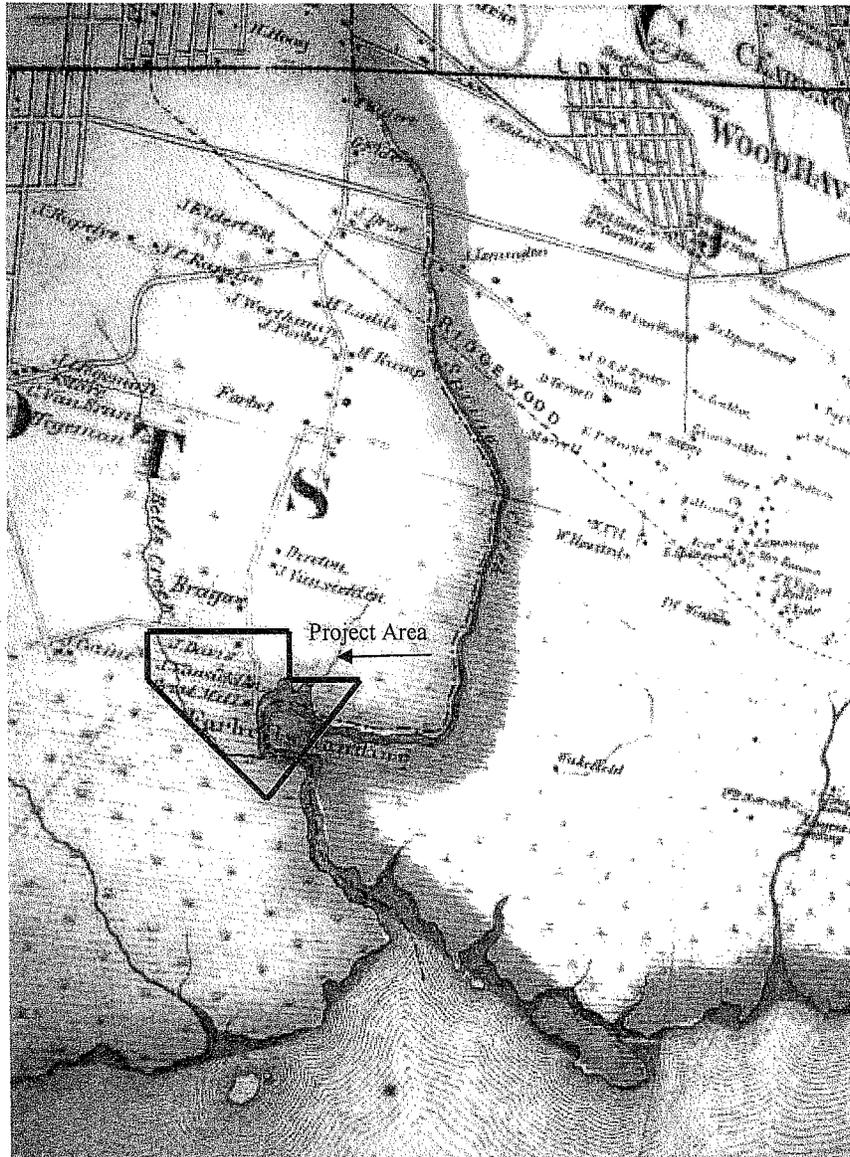


Figure XII: Tilden, Map of City of New York-1860

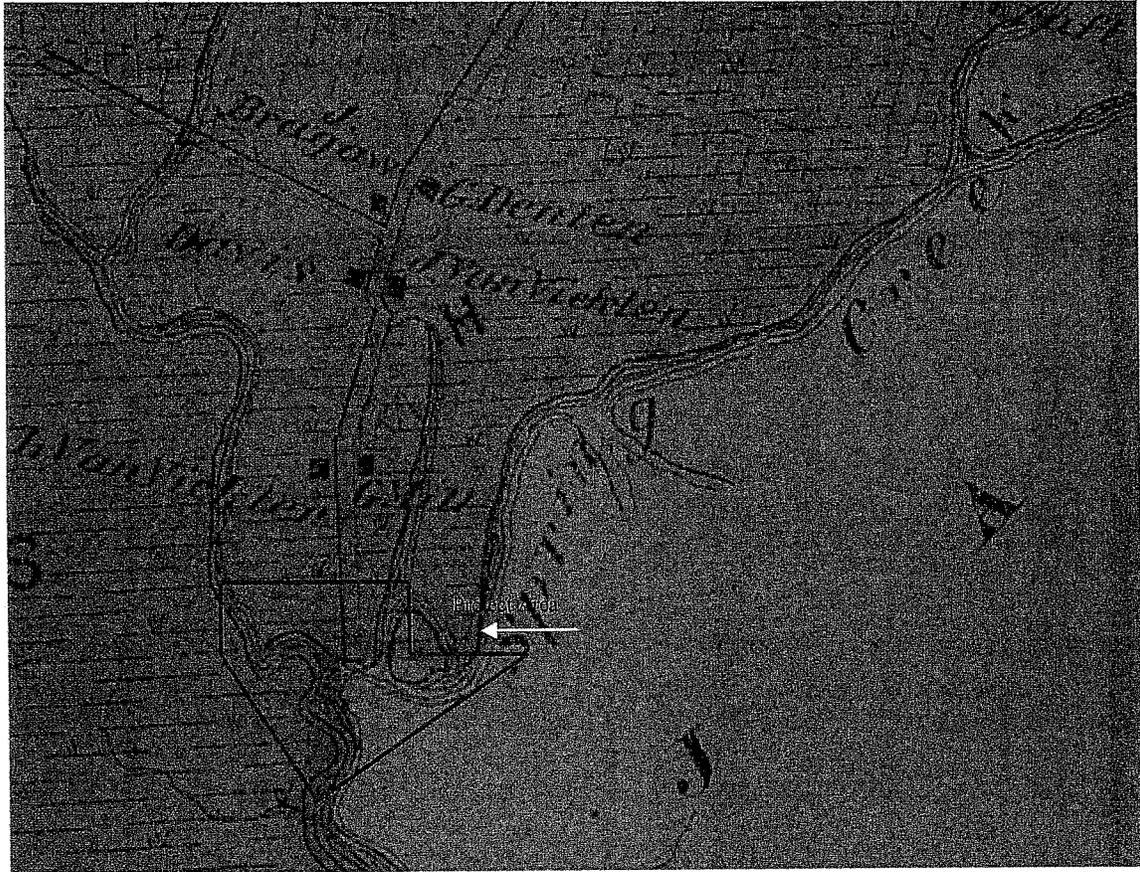


Figure XIII: Beers Atlas of Long Island, 1873

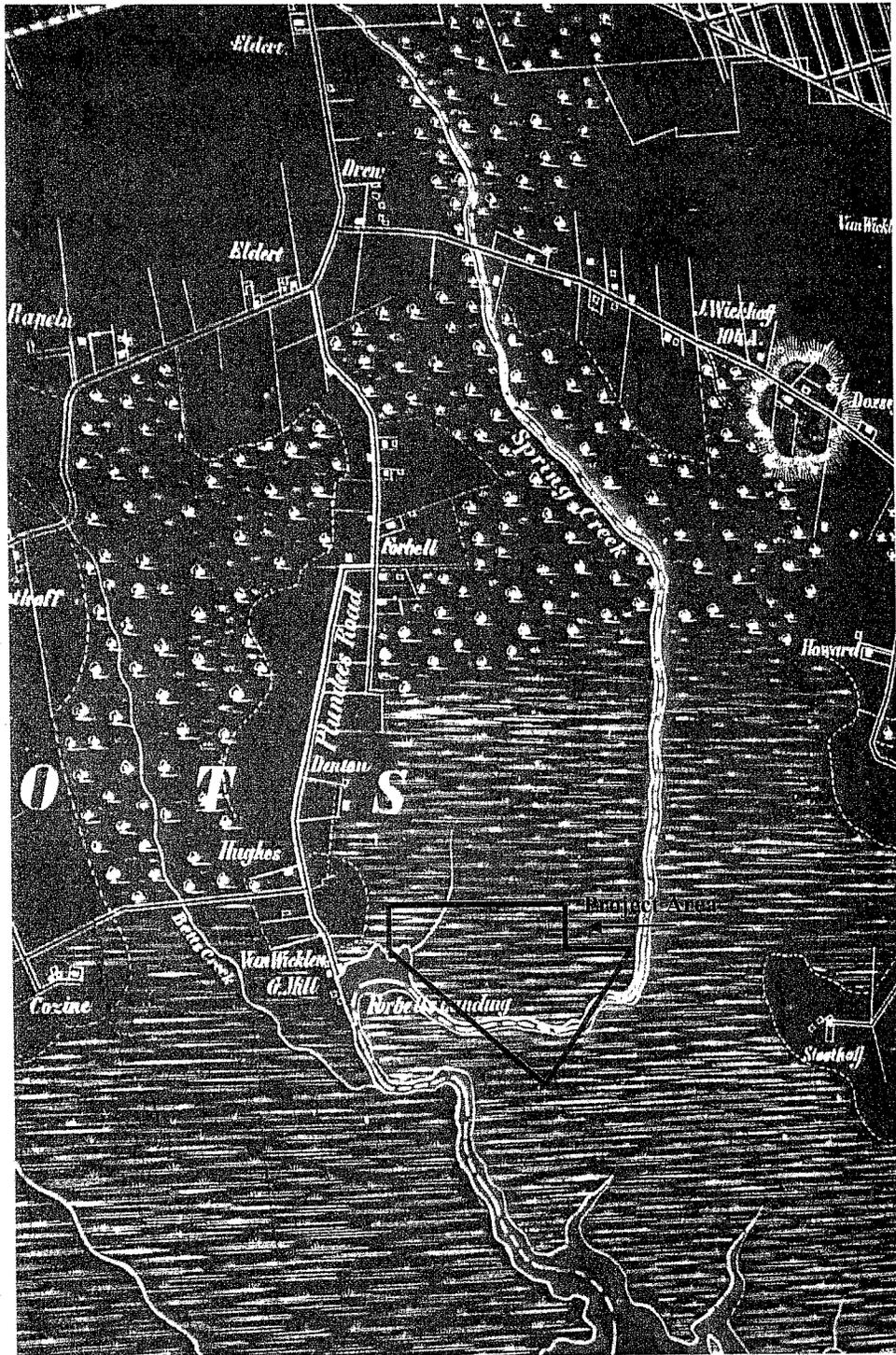


Figure IV: Drips, Map of Kings and Queens Co-1877

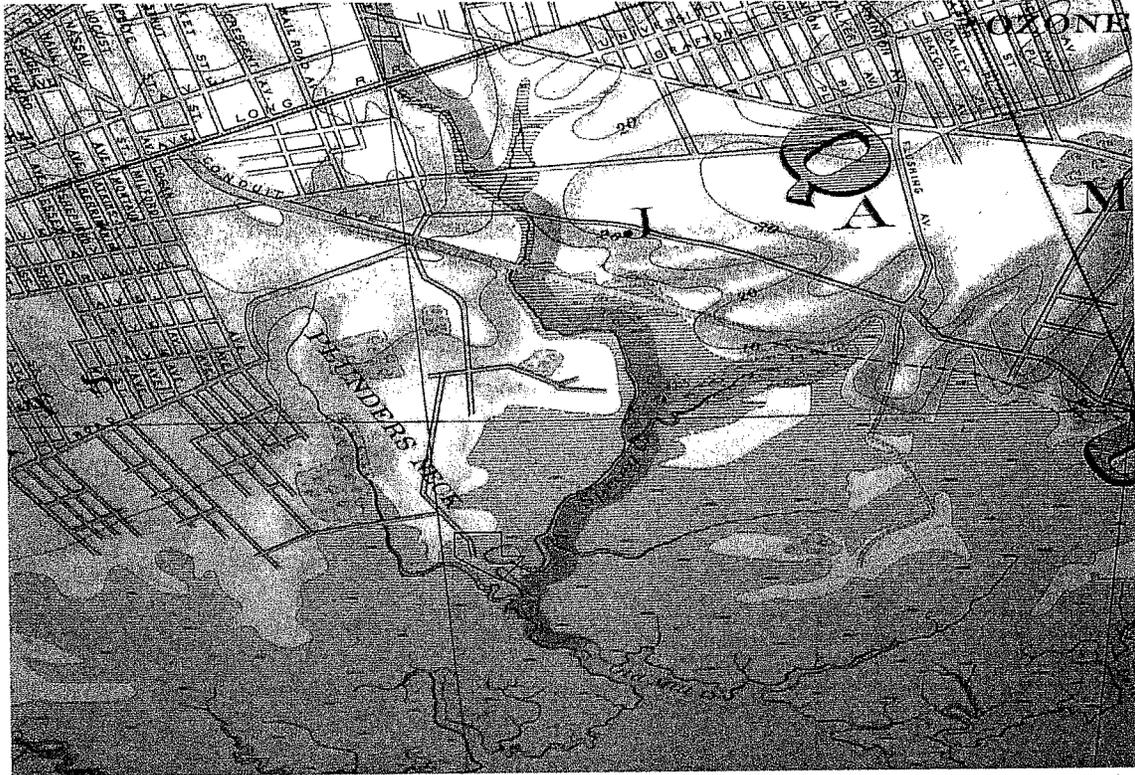


Figure XVI: Bein, Atlas of Long Island-1891

Project Area  
→

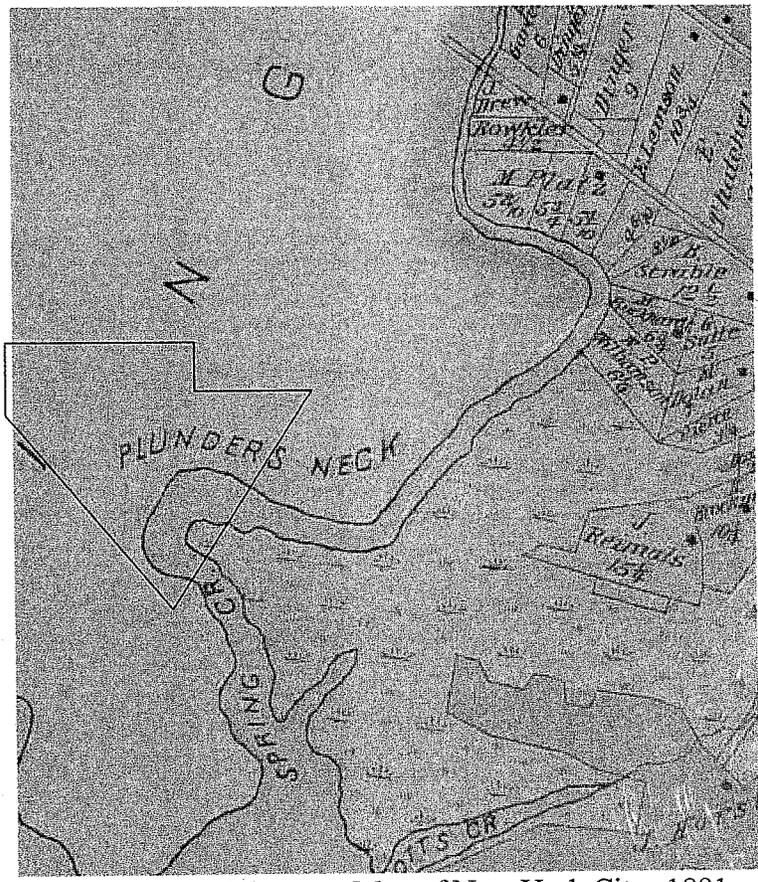


Figure XV: Wolverson, Map of New York City- 1891



Figure XVII: Board of Public Improvement, City of New York, 1902

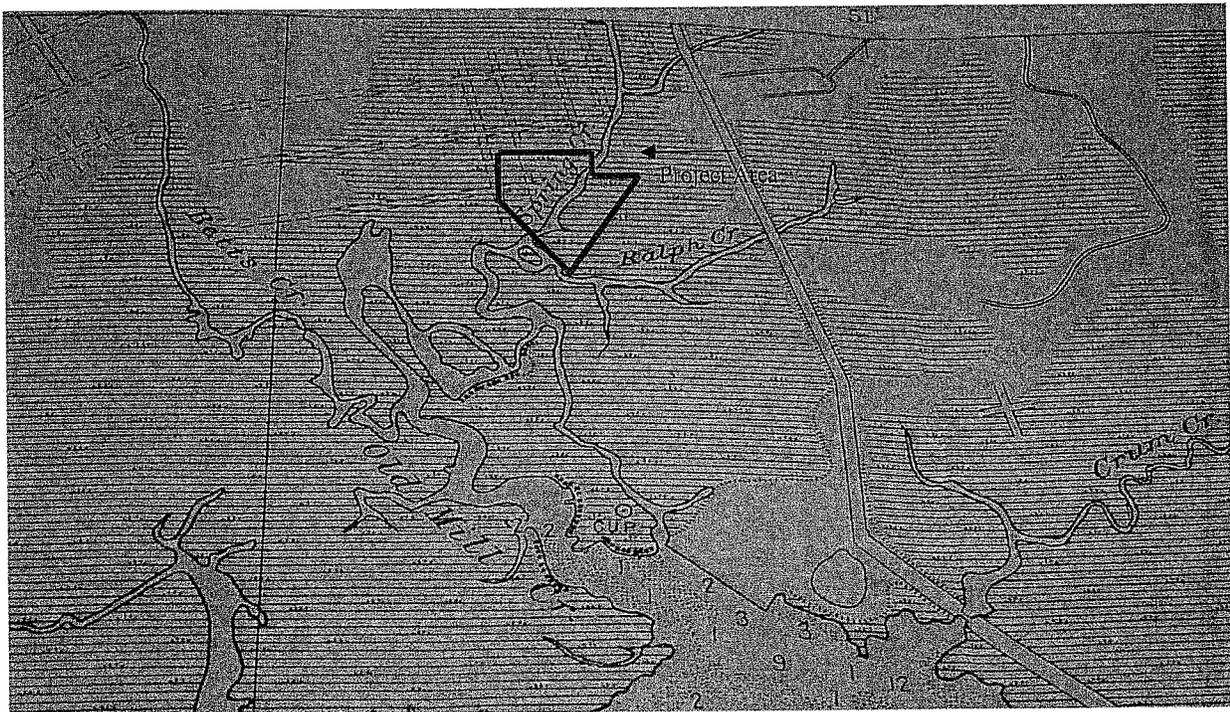


Figure XVIII: U.S. Coast and Geodetic Survey, United States East Coast, Jamaica Bay and Rockaway Inlet-1926

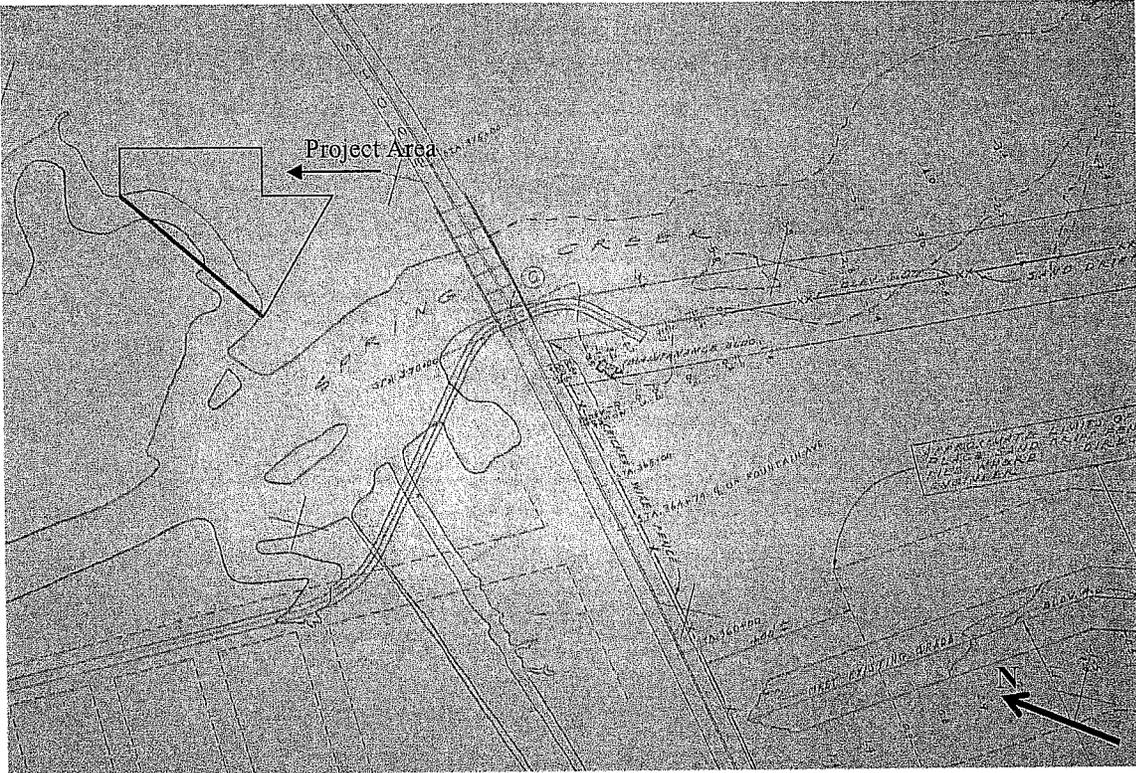


Figure XIX: Department of Parks, circa 1930

**APPENDIX B: Photographs:**



Figure XX: Disposal Mound



Figure XXI: Disposal Area

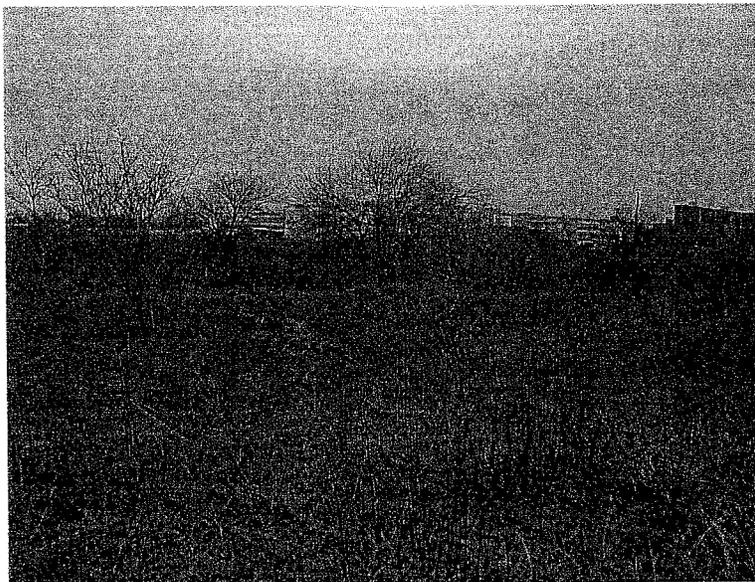


Figure XXII: Disposal Area



Figure XXIII: Disposal Area

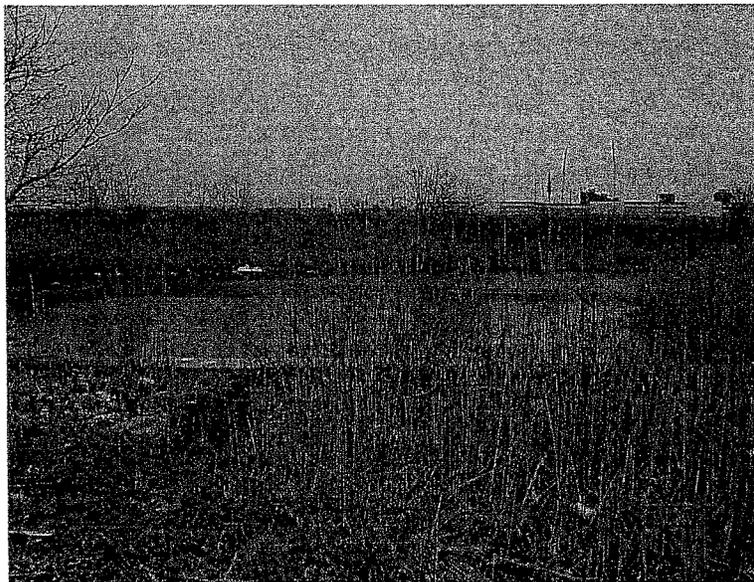


Figure XXIV: North bend of Creek and Disposal Area

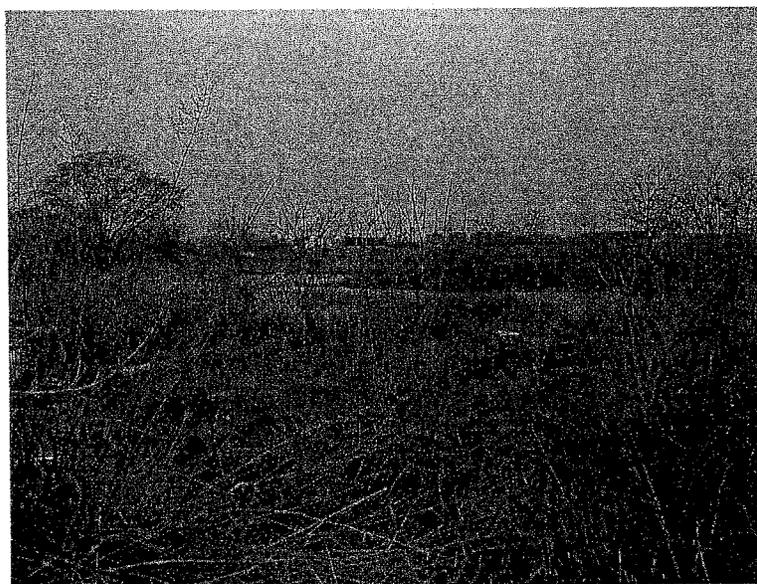


Figure XXV: North bend of Creek and Disposal Area

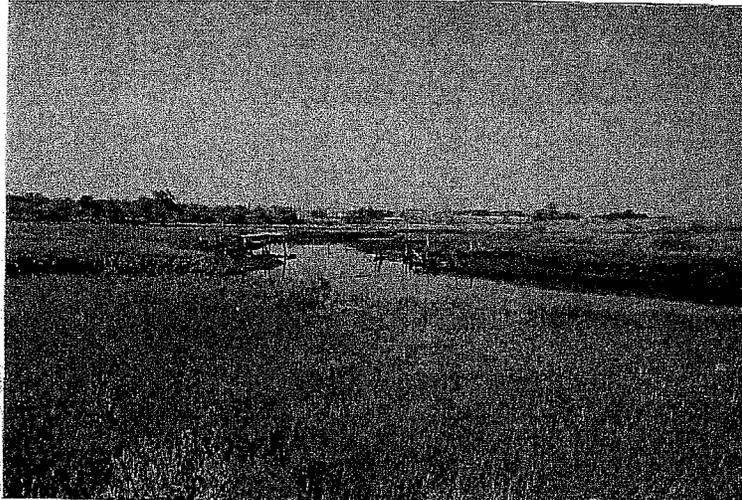


Figure XXVI: Looking South Towards Flynn (?) Causeway/Foot Bridge



Figure XXVII: Looking South Towards Flynn (?) Causeway/Foot Bridge



Figure XXVIII: Looking South Towards Flynn (?) Causeway/Foot Bridge



Figure XXIX: Looking East Towards Disposal Area



Figure XXX: Eastern Road

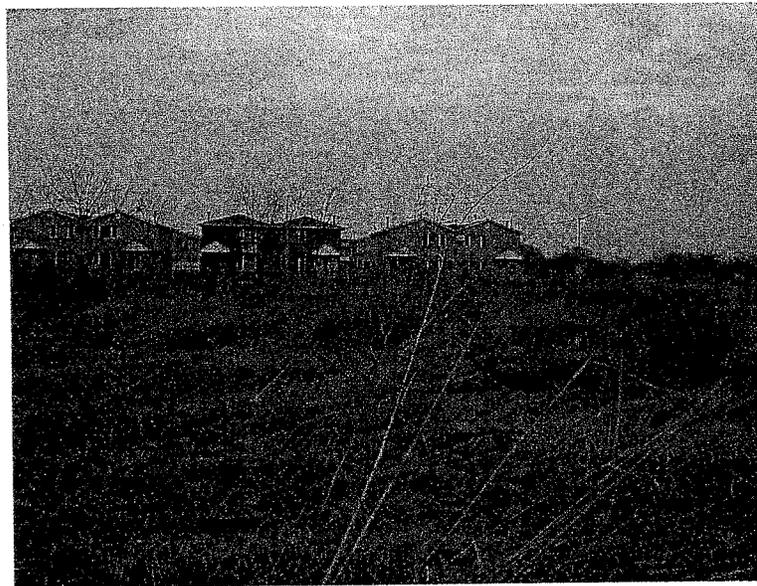


Figure XXXI: Eastern Road – Looking Towards Development

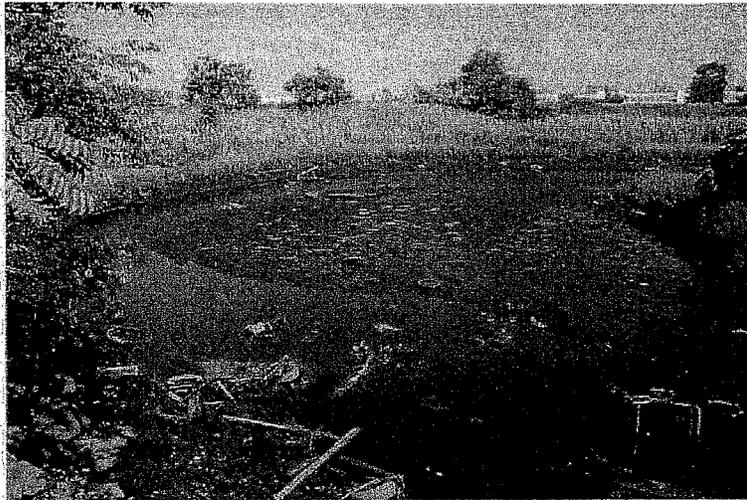


Figure XXXII: Eastern Bend – Disposal Area



Figure XXXIII: Man-Hole Cover/Sewer System



Figure XXXIV: Man-Hole Cover/Sewer System

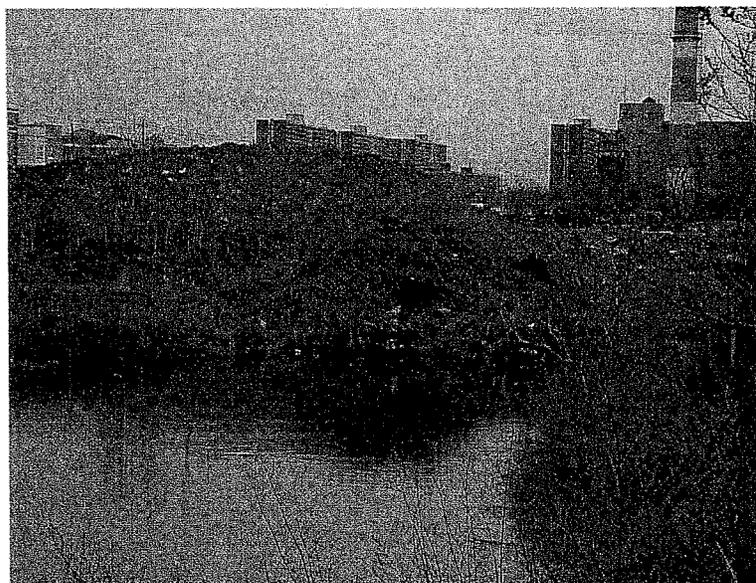


Figure XXXV: Broken Sewer Line

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REPLY TO  
ATTENTION OF

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

26 September 2003

Environmental Analysis Branch

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

Dear Ms. Pierpont:

The U.S. Army Corps of Engineers, New York District (Corps), is pleased to furnish you with a copy of the draft report, *Phase IA Cultural Resource Documentary Study For Spring Creek Ecosystem Restoration; Borough Of Brooklyn and Queens, Kings and Queens County, New York*.

The Spring Creek Project is a Section 1135 Ecosystem Restoration Project. The Corps and the New York City Department of Parks and Recreation's Natural Resource Group plan to remove approximately ten to twelve feet of modern day landfill and dredge spoil and rehabilitate approximately 30 acres of the inter-tidal salt marsh and grassland areas.

The Phase 1A Documentary Study Report concludes that there will be no impact to either Native American or Historic Period deposits within the project area. The large amount of landfilling, both by the City of New York in the form of garbage and the Army Corps of Engineers in the form of dredge material deposition, along with the geologic nature of the marsh zone, indicates that this area was not used in any form of permanency in the past. The report does call for monitoring during the construction phase to insure that any deep buried deposits are not impacted.

In keeping with Section 106 compliance of the Historic Preservation Act of 1966, as amended, the Corps requests a review of the enclosed draft report and your assessment of our determinations by 26 October 2003. We hope that your office will concur with all of the conclusions and determinations made in the report. If you have any questions, please contact the Project Archaeologist, Chris Ricciardi, at (212) 264-0204.

Sincerely,

A handwritten signature in black ink, appearing to read "L Houston", is positioned above the typed name.

Leonard Houston  
Chief, Environmental Analysis Branch

Enclosure



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

October 14, 2003

Christopher Ricciardi  
U.S. Army Corps of Engineers  
Jacob K. Javits  
26 Federal Plaza, 21<sup>st</sup> Floor, Room 2131  
New York, New York 10278-0090

Re: CORPS  
Spring Creek Ecosystem Restoration/Spring  
Creek Park, northern Jamaica Bay  
Brooklyn/Queens, Kings/Queens County  
03PR04894

Dear Mr. Ricciardi:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966.

Based upon this review, it is the SHPO's opinion that your project will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont  
Director

RLP:cmp



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

25 November 2015

Environmental Analysis Branch

Amanda Sutphin, Director of Archaeology  
NYC Landmarks Preservation Commission  
Municipal Building  
One Center Street – 9<sup>th</sup> Floor  
New York, New York 10007

Dear Ms. Sutphin:

The U.S. Army Corps of Engineers, New York District (Corps) is moving forward with plans for an ecosystem restoration project at Spring Creek in Kings and Queens Counties, New York. The Spring Creek Ecosystem Restoration Project is being carried out under Section 1135 of the Water Resources Development Act of 1986, as amended, where the U.S. Army Corps of Engineers (USACE) is authorized to address degradation of the environment caused by past USACE projects either within or directly adjacent to a project area or corridor. The project aims to preserve and restore ecologically important habitat along Spring Creek, and restore and maintain communities that support an optimum diversity of living resources such as fish, wildlife, and plant communities. A Draft Integrated Ecosystem Restoration Report and Environmental Assessment are being prepared at this time.

In 2003, the Corps furnished your office with a report entitled *Phase IA Cultural Resource Documentary Study for Spring Creek Ecosystem Restoration; Borough Of Brooklyn and Queens, Kings and Queens County, New York*. The study looked at the project plans in conjunction with the history of the project area and HRTW testing results and concluded that there would be no impact to cultural resources within the project area. The large amount of landfilling, both by the City of New York in the form of garbage and the Army Corps of Engineers in the form of dredge material, along with the geologic nature of the marsh zone, indicated that this area had a limited potential for significant cultural resources. The report called for monitoring during the construction phase to ensure that any deeply buried deposits would not be impacted. In 2003 the NYSOPRHP concurred with the Corps' determination of no effect and recommendations for monitoring during construction in 2003 (Enclosure 1).

In the time following initial consultation with your office, the project plans have been further developed. The current optimized plan, which has been enclosed here for your review (Enclosure 2), consists of removing modern day landfill and moving a portion of the material to other areas on the site in order to create approximately 30

acres of low and high marsh and maritime forest. The Corps has reviewed the current plans in conjunction with the 2003 Cultural Resources Documentary Study and has determined that the vertical and horizontal boundaries of the project have not changed from those in the 2003 report and therefore the project is expected to have no effect upon cultural resources. The Corps plans to carry out monitoring at the project site during construction as originally proposed.

Pursuant to Section 106 of the Historic Preservation Act of 1966, as amended, the Corps requests a review of the enclosed project plans and previous correspondence and any comments that your office may wish to provide. If you have any questions, please contact the Project Archaeologist, Carissa Scarpa, at (917) 790-8612.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Weppeler". The signature is fluid and cursive, with the first name "Peter" written in a larger, more prominent script than the last name "Weppeler".

Peter Weppeler  
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

25 November 2015

Environmental Analysis Branch

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

Re: CORPS  
Spring Creek Ecosystem Restoration  
Spring Creek, northern Jamaica Bay  
Brooklyn/Queens, Kings/Queens County  
03PR040894

Dear Ms. Pierpont:

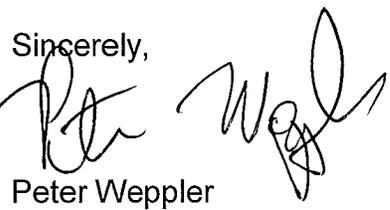
The U.S. Army Corps of Engineers, New York District (Corps) is moving forward with plans for an ecosystem restoration project at Spring Creek in Kings and Queens Counties, New York. The Spring Creek Ecosystem Restoration Project is being carried out under Section 1135 of the Water Resources Development Act of 1986, as amended, where the U.S. Army Corps of Engineers (USACE) is authorized to address degradation of the environment caused by past USACE projects either within or directly adjacent to a project area or corridor. The project aims to preserve and restore ecologically important habitat along Spring Creek, and restore and maintain communities that support an optimum diversity of living resources such as fish, wildlife, and plant communities. A Draft Integrated Ecosystem Restoration Report and Environmental Assessment are being prepared at this time.

In 2003, the Corps furnished your office with a report entitled *Phase IA Cultural Resource Documentary Study for Spring Creek Ecosystem Restoration; Borough Of Brooklyn and Queens, Kings and Queens County, New York*. The study looked at the project plans in conjunction with the history of the project area and HRTW testing results and concluded that there would be no impact to cultural resources within the project area. The large amount of landfilling, both by the City of New York in the form of garbage and the Army Corps of Engineers in the form of dredge material, along with the geologic nature of the marsh zone, indicated that this area had a limited potential for significant cultural resources. The report called for monitoring during the construction phase to ensure that any deeply buried deposits would not be impacted. Your office

concurred with the Corps' determination of no effect and recommendations for monitoring during construction in 2003 (Enclosure 1).

In the time following initial consultation with your office, the project plans have been further developed. The current optimized plan, which has been enclosed here for your review (Enclosure 2), consists of removing modern day landfill and moving a portion of the material to other areas on the site in order to create approximately 30 acres of low and high marsh and maritime forest. The Corps has reviewed the current plans in conjunction with the 2003 Cultural Resources Documentary Study and has determined that the vertical and horizontal boundaries of the project have not changed from those in the 2003 report and therefore the project is expected to have no effect upon cultural resources. The Corps plans to carry out monitoring at the project site during construction as originally proposed.

Pursuant to Section 106 of the Historic Preservation Act of 1966, as amended, the Corps requests a review of the enclosed project plans and previous correspondence and any comments that your office may wish to provide as well as an indication of your concurrence with the Corps determination of no effect and monitoring plans. If you have any questions, please contact the Project Archaeologist, Carissa Scarpa, at (917) 790-8612.

Sincerely,  
  
Peter Weppeler  
Chief, Environmental Analysis Branch

Enclosures



# Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO  
Governor

ROSE HARVEY  
Commissioner

February 05, 2016

Ms. Carissa Scarpa  
Project Archaeologist  
U.S. Army Corps of Engineers, New York District  
26 Federal Plaza  
Rm 2145  
New York, NY 10278

Re: USACE  
Spring Creek Ecosystem Restoration Project  
Southeast of Junction of Flatlands and Fountain Avenues, Brooklyn and Queens, NY  
15PR07075

Dear Ms. Scarpa:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials 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).

Based on the information provided, SHPO continues to recommend that the proposed project will have **No Effect** on historic properties listed or eligible for listing on the National Register of Historic Places (see 03PR04894). We also concur with the recommendation that archaeological monitoring be conducted, as proposed in the 2003 USACE report. A protocol establishing procedures to be carried out in case possible archaeological deposits are encountered during monitoring should be prepared.

If you have any questions please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit  
Phone: 518-268-2175  
e-mail: [philip.perazio@parks.ny.gov](mailto:philip.perazio@parks.ny.gov)

via e-mail only

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## Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • [www.nysparks.com](http://www.nysparks.com)



DEPARTMENT OF THE ARMY  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

18 May 2016

Environmental Analysis Branch

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

Dear Ms. Bachor,

The U.S. Army Corps of Engineers, New York District (District) wishes to inform you of an ecosystem restoration project at Spring Creek in Kings and Queens Counties, New York (Enclosure 1). The Spring Creek North Ecosystem Restoration Project is being carried out under Section 1135 of the Water Resources Development Act of 1986, as amended, where the U.S. Army Corps of Engineers (USACE) is authorized to address degradation of the environment caused by past USACE projects either within or directly adjacent to a project area or corridor. The project aims to preserve and restore ecologically important habitat along Spring Creek, and restore and maintain communities that support an optimum diversity of living resources such as fish, wildlife, and plant communities. A Draft Integrated Ecosystem Restoration Report and Environmental Assessment are being prepared at this time.

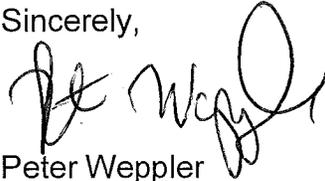
In 2003, the District carried out a cultural resources survey of the project area, the report was entitled *Phase IA Cultural Resource Documentary Study for Spring Creek Ecosystem Restoration; Borough Of Brooklyn and Queens, Kings and Queens County, New York (Enclosure 2)*. The survey looked at the project plans in conjunction with the history of the project area and Hazardous, Toxic and Radioactive Waste (HRTW) testing results and concluded that there would be no impact to cultural resources within the project area. The large amount of landfilling, both by the City of New York in the form of garbage and the USACE in the form of dredge material, along with the geologic nature of the marsh zone, indicated that this area has a limited potential for significant cultural resources. The report called for monitoring during the construction phase to ensure that any deeply buried deposits will not be impacted.

Pursuant to Section 101 (d)(6)(B) and Section 106 of the National Historic Preservation Act, as amended, the District is notifying you of project plans so that your office may have an opportunity to submit any comments or questions you may have regarding the project or its impacts as they pertain to your tribe. Should you have any questions or require additional information about this project the District would be happy to provide it to you. If the project area does not contain land or historic properties of

special significance to your tribe and you would not care to be consulted further on this project, please contact the Project Archaeologist, Carissa Scarpa, at:

U.S. Army Corps of Engineers  
New York District  
Environmental Branch, Rm. 2151  
Jacob K. Javitz Federal Building  
26 Federal Plaza  
New York, NY 10278  
(917) 790-8612  
[Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil)

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Wepler". The signature is fluid and cursive, with a large loop at the end.

Peter Wepler  
Chief, Environmental Analysis Branch

Enclosures



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

18 May 2016

Environmental Analysis Branch

Ms. Bonney Hartley  
Tribal Historic Preservation Officer  
New York Office  
Stockbridge-Munsee Community  
Band of Mohicans  
65 1<sup>st</sup> Street  
Troy, NY 12180

Dear Ms. Hartley,

The U.S. Army Corps of Engineers, New York District (District) wishes to inform you of an ecosystem restoration project at Spring Creek in Kings and Queens Counties, New York which is within your expressed area of interest (Enclosure 1). The Spring Creek North Ecosystem Restoration Project is being carried out under Section 1135 of the Water Resources Development Act of 1986, as amended, where the U.S. Army Corps of Engineers (USACE) is authorized to address degradation of the environment caused by past USACE projects either within or directly adjacent to a project area or corridor. The project aims to preserve and restore ecologically important habitat along Spring Creek, and restore and maintain communities that support an optimum diversity of living resources such as fish, wildlife, and plant communities. A Draft Integrated Ecosystem Restoration Report and Environmental Assessment are being prepared at this time.

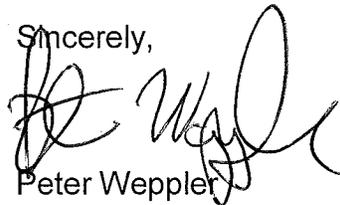
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Pursuant to Section 101 (d)(6)(B) and Section 106 of the National Historic Preservation Act, as amended, the District is notifying you of project plans so that your office may have an opportunity to submit any comments or questions you may have regarding the project or its impacts as they pertain to your tribe. Should you have any

questions or require additional information about this project the District would be happy to provide it to you. If the project area does not contain land or historic properties of special significance to your tribe and you would not care to be consulted further on this project, please contact the Project Archaeologist, Carissa Scarpa, at:

U.S. Army Corps of Engineers  
New York District  
Environmental Branch, Room 2152  
Jacob K. Javitz Federal Building  
26 Federal Plaza  
New York, NY 10278  
(917) 790-8612  
Email: [Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil)

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Weppeler". The signature is fluid and cursive, with a large loop at the end.

Peter Weppeler  
Chief, Environmental Analysis Branch

Enclosures



DEPARTMENT OF THE ARMY  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

18 May 2016

Environmental Analysis Branch

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

Dear Ms. Alligood,

The U.S. Army Corps of Engineers, New York District (District) wishes to inform you of an ecosystem restoration project at Spring Creek in Kings and Queens Counties, New York (Enclosure 1). The Spring Creek North Ecosystem Restoration Project is being carried out under Section 1135 of the Water Resources Development Act of 1986, as amended, where the U.S. Army Corps of Engineers (USACE) is authorized to address degradation of the environment caused by past USACE projects either within or directly adjacent to a project area or corridor. The project aims to preserve and restore ecologically important habitat along Spring Creek, and restore and maintain communities that support an optimum diversity of living resources such as fish, wildlife, and plant communities. A Draft Integrated Ecosystem Restoration Report and Environmental Assessment are being prepared at this time.

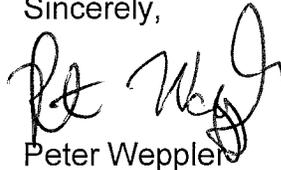
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Pursuant to Section 101 (d)(6)(B) and Section 106 of the National Historic Preservation Act, as amended, the District is notifying you of project plans so that your office may have an opportunity to submit any comments or questions you may have regarding the project or its impacts as they pertain to your tribe. Should you have any questions or require additional information about this project the District would be happy

to provide it to you. If the project area does not contain land or historic properties of special significance to your tribe and you would not care to be consulted further on this project, please contact the Project Archaeologist, Carissa Scarpa, at:

U.S. Army Corps of Engineers  
New York District  
Environmental Branch, Rm. 2151  
Jacob K. Javitz Federal Building  
26 Federal Plaza  
New York, NY 10278  
(917) 790-8612  
[Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil)

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Wepler". The signature is stylized and cursive.

Peter Wepler  
Chief, Environmental Analysis Branch

Enclosures



DEPARTMENT OF THE ARMY  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

18 May 2016

Environmental Analysis Branch

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) wishes to inform you of an ecosystem restoration project at Spring Creek in Kings and Queens Counties, New York (Enclosure 1). The Spring Creek North Ecosystem Restoration Project is being carried out under Section 1135 of the Water Resources Development Act of 1986, as amended, where the U.S. Army Corps of Engineers (USACE) is authorized to address degradation of the environment caused by past USACE projects either within or directly adjacent to a project area or corridor. The project aims to preserve and restore ecologically important habitat along Spring Creek, and restore and maintain communities that support an optimum diversity of living resources such as fish, wildlife, and plant communities. A Draft Integrated Ecosystem Restoration Report and Environmental Assessment are being prepared at this time.

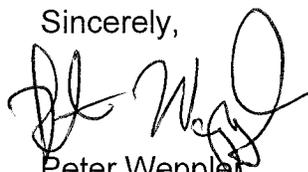
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Pursuant to Section 101 (d)(6)(B) and Section 106 of the National Historic Preservation Act, as amended, the District is notifying you of project plans so that your office may have an opportunity to submit any comments or questions you may have regarding the project or its impacts as they pertain to your tribe. Should you have any questions or require additional information about this project the District would be happy to provide it to you. If the project area does not contain land or historic properties of

special significance to your tribe and you would not care to be consulted further on this project, please contact the Project Archaeologist, Carissa Scarpa, at:

U.S. Army Corps of Engineers  
New York District  
Environmental Branch, Rm. 2151  
Jacob K. Javitz Federal Building  
26 Federal Plaza  
New York, NY 10278  
(917) 790-8612  
[Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil)

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Weppel". The signature is stylized and cursive, with the first name being more prominent.

Peter Weppel  
Chief, Environmental Analysis Branch

Enclosures

**From:** [Bonney Hartley](#)  
**To:** [Scarpa, Carissa A NAN](#)  
**Subject:** [EXTERNAL] RE: Spring Creek North Ecosystem Restoration Project Cultural Survey  
**Date:** Monday, June 27, 2016 11:38:05 AM

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Dear Carissa,

Thank you for sending the Spring Creek North Ecosystem Restoration Project, Kings & Queens Counties NY, for Section 106 cultural resource review. I have completed review and on behalf of Stockbridge Munsee Mohican Tribe I confirm that we do not have significant cultural resource concerns with the project. We concur with the assessment in the Phase 1A that there is low likelihood for sites but that it would be prudent to have limited archeological monitoring during construction. If any cultural materials are inadvertently discovered at that time, we request immediate notice.

Thank you & kind regards,  
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](mailto:Bonney.Hartley@mohican-nsn.gov)  
Blocked [www.mohican-nsn.gov](http://www.mohican-nsn.gov)

-----Original Message-----

From: Scarpa, Carissa A NAN [<mailto:Carissa.A.Scarpa@usace.army.mil>]  
Sent: Thursday, June 02, 2016 2:07 PM  
To: Bonney Hartley  
Subject: Spring Creek North Ecosystem Restoration Project Cultural Survey

Good Afternoon Ms. Hartley,

I have sent you a letter of consultation and a cultural resources survey report pertaining to the Spring Creek North Ecosystem Restoration Project in Kings and Queens Counties, New York through our file sharing site Amrdec. I hope you receive the file without difficulty. This project is being carried out by the U.S. Army Corps of Engineers, New York District, and I am contacting you because I believe the project area is within the Stockbridge-Munsee Community's expressed area of interest. If you have any questions, have specific information about the area you wish to share with the USACE or require additional information about this project please don't hesitate to reach out. Thank you.

Carissa Scarpa  
Archaeologist  
New York District  
U.S. Army Corps of Engineers  
26 Federal Plaza  
New York, NY 10278  
917-790-8612



Delaware Tribe Historic Preservation Representatives  
P.O. Box 64  
Pocono Lake, PA 18347  
[temple@delawaretribe.org](mailto:temple@delawaretribe.org)

July 18, 2016

U.S. Army Corps of Engineers, NY District  
26 Federal Plaza, Rm. 1937  
New York, NY 10278  
ATT: Carissa Scarpa

**Re: Spring Creek North Ecosystem Restoration Project**

Ms. Scarpa:

Thank you for informing the Delaware Tribe regarding the above referenced project. Our review indicates that there are no religious or culturally significant sites within the project area and we have no objection to the project.

We do ask that in the event that a concentration of artifacts and/or in the unlikely event any human remains are accidentally unearthed during the course of the project that all work is halted until the Delaware Tribe of Indians is informed of the inadvertent discovery and a qualified archaeologist can evaluate the find.

If you have any questions, feel free to contact me by phone at (610) 761-7452 or by e-mail at [temple@delawaretribe.org](mailto:temple@delawaretribe.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Bachor", is written over a light-colored, textured rectangular background.

Susan Bachor  
Delaware Tribe Historic Preservation Representative



**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

October 11, 2017

Reply to the Attention of:

Environmental Assessment Section  
Environmental Analysis Branch

John Bonafide  
Agency Preservation Officer  
New York State Office of Parks, Recreation & Historic Preservation  
Peebles Island, P.O. Box 189  
Waterford, New York 12188-0189

Re: CORPS  
Spring Creek Ecosystem Restoration  
Spring Creek, northern Jamaica Bay  
Brooklyn/Queens, Kings/Queens County  
15PR07075

Dear Mr. Bonafide:

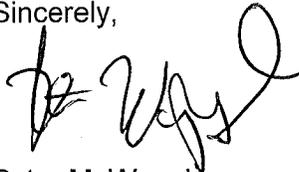
The U.S. Army Corps of Engineers, New York District (District) is carrying out the Spring Creek Ecosystem Restoration Project at Spring Creek Park in Brooklyn and Queens, NY. The project is being carried out under the Continuing Authorities Program (CAP), Section 1135 of WRDA 1986, as amended. The project consists of restoration of 7.6 acres of low marsh, 5.4 acres of high marsh, and 22.1 acres of maritime upland for a total of 35.1 acres of restored habitat degraded as a result of historic fill operations (Enclosure 1). Please note that the Spring Creek Ecosystem Restoration Project is a distinct and separate project from the Spring Creek South Project which is being carried out with FEMA Hazard Mitigation Grant Program funding by the New York State Department of Environmental Conservation (NYSDEC), the District, and other partners just to the south of the Spring Creek Ecosystem Restoration Project.

A cultural resources investigation was carried out for the Project in 2003 that looked at the proposed plans in conjunction with historical documentation and HTRW testing results. The report, entitled *Phase IA Cultural Resource Documentation Study for Spring Creek Ecosystem Restoration, Boroughs of Brooklyn and Queens, King and Queens Counties, New York*, concluded that there is limited potential for National Register eligible archaeological sites to be present within the project area, however, recommended monitoring during construction to ensure that deeply buried resources would not be impacted. Your office reviewed the report and concurred with the District's determination and plan to carry out monitoring (Enclosure 2).

The District recently released the Draft Feasibility Report and Environmental Assessment (FREA) for public review. Prior to the release of the draft FREA, the District coordinated once again with your office as well as the Delaware Nation, the Delaware Tribe, the Shinnecock Nation, the Stockbridge-Munsee Community Band of Mohicans, and the New York City Landmarks Preservation Commission (NYCLPC) (Enclosure 2). Responses were received from the NYSHPO, NYCLPC, the Delaware Nation, and the Stockbridge Munsee Community. All parties have concurred with the District's recommendation for monitoring during the construction phase. The FREA review period concluded on October 6, 2017 and no additional comments regarding cultural resources were received from the public.

To ensure monitoring activities are carried out during construction in accordance with applicable guidelines and regulations, the District is preparing a Programmatic Agreement to be entered into minimally by the NYSHPO and the District. In accordance with 36 CFR 800.14, the District has also invited the Advisory Council on Historic Preservation (Council) to participate in this PA. A copy of the draft PA is enclosed for your review (Enclosure 3). The Stockbridge-Munsee, the Delaware Tribe, and the New York City Landmarks Preservation Commission have been invited to comment on the draft PA as well, and to participate in the Agreement as consulting parties. Please review this draft PA and provide any comments you may have. 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](mailto:Carissa.a.scarpa@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter M. Wepler', written in a cursive style.

Peter M. Wepler  
Chief, Environmental Analysis Branch

Enclosures

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**Enclosure 1 – Project Area and Design**

Spring Creek North and Spring Creek South Project Areas, Brooklyn and Queens, New York





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**Enclosure 2 – Coordination**

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**Enclosure 3 – Draft Programmatic Agreement**

DRAFT PROGRAMMATIC AGREEMENT  
BETWEEN THE U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,  
AND THE  
NEW YORK STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE SPRING CREEK ECOSYSTEM RESTORATION PROJECT  
BOROUGHES OF BROOKLYN AND QUEENS,  
KINGS AND QUEENS COUNTY, NEW YORK

WHEREAS, the U.S. Army Corps of Engineers, New York District (Corps) plans to carry out the Spring Creek Ecosystem Restoration Project at Spring Creek Park in the Boroughs of Brooklyn and Queens, Kings and Queens Counties, NY; and

WHEREAS, the project is being carried out under the Continuing Authorities Program (CAP), Section 1135 of WRDA 1986, as amended; and

WHEREAS, the undertaking consists of the restoration of 7.6 acres of low marsh, 5.4 acres of high marsh and 22.1 acres of maritime upland for a total of 35.1 acres of restored habitat degraded as a result of historic dredge and fill operations (Appendix A); and

WHEREAS, the Corps has defined the Area of Potential Effect (APE) for this undertaking to include all areas impacted by activities associated with the undertaking, including the removal of approximately 98,000 cubic yards of fill material to achieve desired elevations in areas selected for channel realignment, low and high marsh creation, and placement of approximately 29,000 cubic yards of excavated material in select locations at the site to create upland environments; and

WHEREAS, the Corps conducted a cultural resources investigation of the project area that looked at the project plans in conjunction with the historical documentation and HRTW testing results and concluded that there was limited potential for archaeological sites eligible for the NRHP to exist within the project area but recommended monitoring during the construction phase to ensure that any deeply buried deposits would not be impacted; and

WHEREAS, the Corps has consulted with the New York State Historic Preservation Officer (NYSHPO), the New York City Landmarks Preservation Commission (NYCLPC), the Delaware Tribe, the Delaware Nation, the Stockbridge-Munsee Mohican Tribe, and the Shinnecock Tribe pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C 470f); and

WHEREAS, in accordance with 36 CFR Part 800.6(a)(1), the Corps has invited the Advisory Council on Historic Preservation (ACHP) to participate in this Programmatic Agreement; and

WHEREAS, the Corps, NYSHPO, the NYCLPC, and Federally Recognized Tribes have agreed that no Traditional Cultural Properties are known to be within the project area; and

WHEREAS, the NYSHPO and the NYCLPC have concurred that there are no previously documented historic resources or archaeological sites within the APE, and the NYSHPO, the NYCLPC, the Shinnecock Tribe, and the Delaware Nation have concurred with the Corps recommendation for monitoring during construction; and

WHEREAS, in accordance with 26 CFR Part 800.14, the Corps and the NYSHPO have determined that execution of this PA will establish procedures to carry out monitoring during construction activities; and

WHEREAS, the Corps will implement the provisions of this Programmatic Agreement (PA) as funding for the project is appropriated in future years; and

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

#### Stipulations

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

- I. Archaeological Monitoring
  - A. A monitoring plan will be developed, in consultation with the NYSHPO, once 100% construction plans are completed for the Project.
  - B. Should paleo-surfaces or archaeological remains be discovered during the monitoring all work shall cease in the vicinity of the discovery and the archaeologist shall carry out the necessary investigations to evaluate the NRHP-eligibility of the remains pursuant to the guidelines in Stipulation I(D) of this PA.
  - C. The New York District shall ensure that qualified professionals meeting the NPS's professional qualifications and the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44738-39) are used to complete all archaeological monitoring, documentation, and evaluation and determinations of eligibility.
  - D. Application of Criteria:
    1. The New York District, in consultation with the NYSHPO, shall evaluate archaeological sites using the Criteria established for the NRHP [36 CFR 800.4(c)(1)].

2. If the New York District and the NYSHPO agree that the Criteria apply or do not apply, in evaluating the NRHP eligibility of an archaeological site, the property shall be treated accordingly for purposes of this PA.
  3. If the New York District and the NYSHPO disagree regarding NRHP eligibility, or if the ACHP so requests, prior to resuming 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.
- E. The New York District shall maintain records of all decisions it makes related to the NRHP eligibility of archaeological sites.
  - F. If the site is investigated and the District determines, in consultation with the NYSHPO, that the site is not eligible, the construction work and monitoring may resume.
  - G. If the discovery is determined to be a site that is eligible for the NRHP, the New York District and the NYSHPO, and interested parties as appropriate, shall consult to develop alternatives in accordance with Stipulation II of this PA to avoid, minimize, or mitigate adverse effects. The alternatives shall consider program needs, cost, public benefit and values.

## II. TREATMENT OF SIGNIFICANT ARCHAEOLOGICAL SITES

The New York District shall adhere to the following treatment strategies in order to avoid, minimize or mitigate adverse effects to significant archaeological sites.

- A. Avoidance. The preferred treatment is avoidance of effects to archaeological sites. The New York District shall, to the extent feasible, avoid archaeological sites either through project design changes, use of temporary fencing or barricades; realignments, landscaping, or other measures that will protect the site. If the parameters of the site are not known, archaeological testing shall be carried out to determine the areas of sensitivity.
- B. Data Recovery. If Avoidance is not possible the District shall develop a data recovery plan for archaeological sites found to be eligible under NRHP Criterion D which the New York District and the NYSHPO agree cannot be avoided.
- C. The New York District shall ensure that the data recovery plan addresses substantive research questions developed in consultation with the NYSHPO and other consulting parties, as appropriate. 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 the ACHP's publication, Treatment of Archaeological Properties.
- D. The New York District shall submit data recovery plans to the NYSHPO and other consulting parties, as appropriate, for review and approval. The New York District and NYSHPO shall consult to resolve any objections to the data recovery

plan as proposed. The data recovery plan shall then be implemented by the New York District once approved by the NYSHPO. If no response is received from the NYSHPO after 30 days of receipt of adequate documentation, the New York District may assume the NYSHPO's concurrence and proceed with implementation of the plan submitted.

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

### III. TREATMENT OF HUMAN REMAINS:

If any human remains and/or grave-associated artifacts are encountered, the New York District, the NYSHPO and Tribes shall consult to develop a treatment plan that is responsive to 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, 25 U.S.C. 3001 et seq.) and, U.S. Army Corps of Engineers, Tribal Consultation Policy (4 October 2012) and the NYSHPO Human Remains Discovery Protocol (October 2013).

- A. Human remains must be treated with the utmost respect and dignity. All work must stop in the vicinity of the find and the site will be secured.
- B. The medical examiner/coroner, local law enforcement, the NYSHPO and tribes will be notified. The coroner and local law enforcement will determine if the remains are forensic or archaeological in nature.
- C. If the human remains are determined to be Native American they shall be left in place and protected from further disturbance until a treatment plan has been developed and approved by the New York District, NYSHPO and Tribes.
- D. Avoidance of human remains is the preferred treatment.

### IV. ADMINISTRATIVE TERMS

#### A. REVIEW PERIODS

The NYSHPO and consulting parties shall have 30 days to review and/or object to determinations, evaluations, plans, reports, and other documents submitted to them by the New York District.

## B. DISPUTE RESOLUTION

1. The New York District and the signatories 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.

2. Any ACHP recommendations or comments provided in response will be considered in accordance with 36 CFR Part 800.7, 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.

## C. TERMINATION

Any signatory to this PA may terminate it by providing thirty days' notice to the signatories, provided that the signatories 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 Undertaking actions covered by this Agreement.

## D. SUNSET CLAUSE

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

## E. AMENDMENT

This PA may be amended upon agreement 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.

## F. ANTI-DEFICIENCY ACT

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.

## U.S. ARMY CORPS OF ENGINEERS

By: \_\_\_\_\_ Date: \_\_\_\_\_

Thomas D. Asbery

Colonel, EN

Commander

## NEW YORK STATE HISTORIC PRESERVATION OFFICE

By: \_\_\_\_\_ Date: \_\_\_\_\_

Daniel Mackay

Deputy State Historic Preservation Officer

Appendix A – Project Area/Designs and Profiles

## Appendix B – Correspondence



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

October 11, 2017

Reply to the Attention of:

Environmental Assessment Section  
Environmental Analysis Branch

Mr. Reid Nelson  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, D.C. 20001-2637

Dear Mr. Nelson:

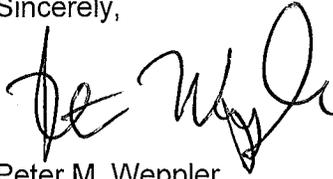
The U.S. Army Corps of Engineers, New York District (District) is carrying out the Spring Creek Ecosystem Restoration Project (Project) at Spring Creek Park in Brooklyn and Queens, NY. The Project is being carried out under the Continuing Authorities Program (CAP), Section 1135 of WRDA 1986, as amended. The project consists of the restoration of 7.6 acres of low marsh, 5.4 acres of high marsh, and 22.1 acres of maritime upland for a total of 35.1 acres of restored habitat degraded as a result of historic fill operations (Enclosure 1). Please note that the Spring Creek Ecosystem Restoration Project is a distinct and separate project from the Spring Creek South Project which is being carried out with FEMA Hazard Mitigation Grant Program funding by the New York State Department of Environmental Conservation (NYSDEC), the District, and other partners just to the south of the Spring Creek Ecosystem Restoration Project.

A cultural resources investigation was carried out for the Project in 2003 that looked at the proposed plans in conjunction with historical documentation and HTRW testing results. The report, titled *Phase IA Cultural Resource Documentation Study for Spring Creek Ecosystem Restoration, Boroughs of Brooklyn and Queens, King and Queens Counties, New York*, concluded that there is limited potential for National Register eligible archaeological sites to be present within the project area, however, recommended monitoring during construction to ensure that deeply buried resources would not be impacted.

The District recently released the Draft Feasibility Report and Environmental Assessment (FREA) for public review. Prior to the release of the draft FREA, the District coordinated with the New York State Historic Preservation Office (NYSHPO), the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, the Stockbridge Munsee Community Band of Mohicans, and the New York City Landmarks Preservation Commission (NYCLPC) (Enclosure 2). Responses were received from the NYSHPO, NYCLPC, the Delaware Nation, and the Stockbridge Munsee Community. All parties have concurred with the District's recommendation for monitoring during construction. The FREA review period concluded on October 6, 2017 and no additional comments regarding cultural resources were received from the public.

To ensure monitoring activities are carried out during construction in accordance with applicable guidelines and regulations, the District is preparing a Programmatic Agreement to be entered into minimally by the NYSHPO and the District. In accordance with 36 CFR 800.14, the District invite the Advisory Council on Historic Preservation to participate in this PA. A copy of the draft PA is enclosed for your review (Enclosure 3). The NYSHPO, Stockbridge-Munsee, the Delaware Tribe, and the New York City Landmarks Preservation Commission have been invited to comment on the draft PA as well, and to participate in the Agreement as consulting parties. Please review this draft PA and provide any comments you may have. If you or your staff require additional information to make a determination or have any questions, please contact Carissa Scarpa, Project Archaeologist, at (917) 790-8612 or [Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter M. Weppler', written in a cursive style.

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

October 11, 2017

Reply to the Attention of

Environmental Assessment Section  
Environmental Analysis Branch

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

Dear Ms. Bachor,

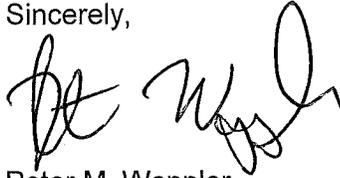
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A cultural resources investigation was carried out for the Project in 2003 that looked at the proposed plans in conjunction with historical documentation and HTRW testing results. The report, titled *Phase IA Cultural Resource Documentation Study for Spring Creek Ecosystem Restoration, Boroughs of Brooklyn and Queens, King and Queens Counties, New York*, concluded that there is limited potential for National Register eligible archaeological sites to be present within the project area, however, recommended monitoring during construction to ensure that deeply buried resources would not be impacted. In May of 2016, the District coordinated with the Delaware Tribe regarding this project. In a letter of response, dated July 18, 2016, you informed us that there are no documented religious or culturally significant sites within the project area and asked that we notify you if artifacts or human remains are encountered during construction activities.

To ensure monitoring activities are carried out during construction in accordance with applicable guidelines and regulations, the District is preparing a Programmatic Agreement between the New York State Historic Preservation Office (NYSHPO) and the District. As a tribe with expressed interest in the project area, we would invite the Delaware Tribe to review the draft PA (Enclosure 3) and invite you to be a consulting party to the agreement. The draft PA is also being reviewed by the NYSHPO and other interested parties at this time. Please provide any

comments you may have as well as an indication of whether the Delaware Tribe wishes to participate in this agreement. 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](mailto:Carissa.a.scarpa@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter M. Wepler', written in a cursive style.

Peter M. Wepler  
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

October 11, 2017

Reply to the Attention of

Environmental Assessment Section  
Environmental Analysis Branch

Amanda Sutphin, Director of Archaeology  
NYC Landmarks Preservation Commission  
Municipal Building  
One Center Street – 9<sup>th</sup> Floor  
New York, New York 10007

Dear Ms. Sutphin:

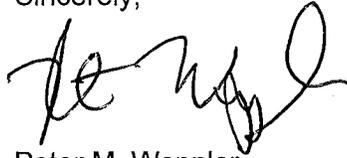
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A cultural resources investigation was carried out for the Project in 2003 that looked at the proposed plans in conjunction with historical documentation and HTRW testing results. The report, titled *Phase IA Cultural Resource Documentation Study for Spring Creek Ecosystem Restoration, Boroughs of Brooklyn and Queens, King and Queens Counties, New York*, concluded that there is limited potential for National Register eligible archaeological sites to be present within the project area, however, recommended monitoring during construction to ensure that deeply buried resources would not be impacted. Previous coordination with your office confirmed that there are no significant architectural or archaeological properties documented within the project area (Enclosure 2).

To ensure monitoring activities are carried out during construction in accordance with applicable guidelines and regulations, the District is preparing a Programmatic Agreement (PA) between the New York State Historic Preservation Office (NYSHPO) and the District. At this time the District invites you to review the draft PA (Enclosure 3) and to be a consulting party to the agreement. The draft PA is also being reviewed by the NYSHPO and other interested parties at this time. Please provide any comments you may have as well as an indication of whether the NYCLPC wishes to participate in this agreement. 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,

A handwritten signature in black ink, appearing to read "Peter M. Wepler". The signature is stylized and cursive, with a large initial "P" and "W".

Peter M. Wepler  
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

October 11, 2017

Reply to the Attention of

Environmental Assessment Section  
Environmental Analysis Branch

Bonney Hartley  
Tribal Historic Preservation Officer  
Stockbridge-Munsee Mohican Tribal Historic Preservation  
New York Office  
65 1<sup>st</sup> Street  
Troy, NY 12180

Dear Ms. Hartley,

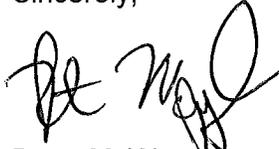
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A cultural resources investigation was carried out for the Project in 2003 that looked at the proposed plans in conjunction with historical documentation and HTRW testing results. The report, titled *Phase IA Cultural Resource Documentation Study for Spring Creek Ecosystem Restoration, Boroughs of Brooklyn and Queens, King and Queens Counties, New York*, concluded that there is limited potential for National Register eligible archaeological sites to be present within the project area, however, recommended monitoring during construction to ensure that deeply buried resources would not be impacted. In May of 2016, the District coordinated with the Stockbridge-Munsee regarding this project. In a letter of response, dated July 27, 2016, you informed us that you do not have significant cultural resource concerns with the Project and concurred with the Districts' plan to monitor during construction (Enclosure 2).

To ensure monitoring activities are carried out during construction in accordance with applicable guidelines and regulations, the District is preparing a Programmatic Agreement between the New York State Historic Preservation Office (NYSHPO) and the District. As a tribe with expressed interest in the project area, we would invite the Stockbridge-Munsee Mohican Tribe to review the draft PA (Enclosure 3) and invite you to be a consulting party to the agreement. The draft PA is also being reviewed by the NYSHPO and other interested parties at this time.

Please provide any comments you may have as well as an indication of whether the Stockbridge-Munsee wish to participate in this agreement. If you or your staff require additional information to make a determination or have any questions, please contact Carissa Scarpa, Project Archaeologist, at (917) 790-8612 or [Carissa.a.scarpa@usace.army.mil](mailto:Carissa.a.scarpa@usace.army.mil).

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter M. Weppner', written in a cursive style.

Peter M. Weppner  
Chief, Environmental Analysis Branch

Enclosures



# Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO  
Governor

ROSE HARVEY  
Commissioner

October 25, 2017

Ms. Carissa Scarpa  
Project Archaeologist  
U.S. Army Corps of Engineers, New York District  
26 Federal Plaza  
Rm 2145  
New York, NY 10278

Re: USACE  
Spring Creek Ecosystem Restoration Project  
Southeast of Junction of Flatlands and Fountain Avenues, Brooklyn and Queens, NY  
15PR07075

Dear Ms. Scarpa:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials 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.

SHPO has reviewed the draft programmatic agreement for this project (Weppeler, 11 October 2017). We have no substantive comments regarding the document. Please note, however, that there is a typo on the third page of the PA. In section II.A., the last sentence should read "If the parameters of the site are not known..."

If you have any questions, please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit  
Phone: 518-268-2175  
e-mail: [philip.perazio@parks.ny.gov](mailto:philip.perazio@parks.ny.gov)

via e-mail only

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## Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • [www.nysparks.com](http://www.nysparks.com)



The Delaware Tribe of Indians of Oklahoma  
Delaware Tribe Historic Preservation  
P.O. Box 64  
Pocono Lake, PA 18347  
sbachor@delawaretribe.org

November 13, 2017

U.S. Army Corps of Engineers, NY District  
Jacob K. Javits Feral Building  
26 Federal Plaza, Rm.  
New York, NY 10278  
ATT: Peter Wepler

**Re: Spring Creek Ecosystem Restoration Project**

Mr. Wepler:

Thank you for sending the Delaware Tribe the draft PA for the above referenced project. We believe that the Tribes who have interest in this area be included under Stipulations Section I, part D 1-3. Also, please see the Inadvertent Discovery Plan (attached in email).

If you have any questions, feel free to contact me by phone at (610) 761-7452 or by e-mail at [temple@delawaretribe.org](mailto:temple@delawaretribe.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Bachor", is written over a light-colored rectangular background.

Susan Bachor  
Delaware Tribe Historic Preservation Representative



Preserving America's Heritage

October 27, 2017

Mr. Peter Wepler  
Chief, Environmental Analysis Branch  
Department of the Army  
New York District, Corps of Engineers  
Jacob K. Javits Federal Building  
26 Federal Plaza  
New York, New York 10278-00910

Ref: *Proposed Spring Creek Ecosystem Restoration Project  
Brooklyn and Queens, New York*

Dear Mr. Wepler:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Programmatic Agreement (PA), developed in consultation with the New York State Historic Preservation Office's (SHPO's) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the PA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Christopher Daniel at 202 517-0223 or via e-mail at [cdaniel@achp.gov](mailto:cdaniel@achp.gov).

Sincerely,

Artisha Thompson  
Historic Preservation Technician  
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637  
Phone: 202-517-0200 • Fax: 202-517-6381 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

PROGRAMMATIC AGREEMENT  
BETWEEN THE U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT,  
AND THE  
NEW YORK STATE HISTORIC PRESERVATION OFFICE  
REGARDING THE SPRING CREEK ECOSYSTEM RESTORATION PROJECT  
BOROUGHES OF BROOKLYN AND QUEENS,  
KINGS AND QUEENS COUNTY, NEW YORK

WHEREAS, the U.S. Army Corps of Engineers, New York District (Corps) plans to carry out the Spring Creek Ecosystem Restoration Project at Spring Creek Park in the Boroughs of Brooklyn and Queens, Kings and Queens Counties, NY; and

WHEREAS, the project is being carried out under the Continuing Authorities Program (CAP), Section 1135 of WRDA 1986, as amended; and

WHEREAS, the undertaking consists of the restoration of 7.6 acres of low marsh, 5.4 acres of high marsh and 22.1 acres of maritime upland for a total of 35.1 acres of restored habitat degraded as a result of historic dredge and fill operations (Appendix A); and

WHEREAS, the Corps has defined the Area of Potential Effect (APE) for this undertaking to include all areas impacted by activities associated with the undertaking, including the removal of approximately 98,000 cubic yards of fill material to achieve desired elevations in areas selected for channel realignment, low and high marsh creation, and placement of approximately 29,000 cubic yards of excavated material in select locations at the site to create upland environments; and

WHEREAS, the Corps conducted a cultural resources investigation of the project area that looked at the project plans in conjunction with the historical documentation and HRTW testing results and concluded that there was limited potential for archaeological sites eligible for the NRHP to exist within the project area but recommended monitoring during the construction phase to ensure that any deeply buried deposits would not be impacted; and

WHEREAS, the Corps has consulted with the New York State Historic Preservation Officer (NYSHPO), the New York City Landmarks Preservation Commission (NYCLPC), the Delaware Tribe, the Delaware Nation, the Stockbridge-Munsee Mohican Tribe, and the Shinnecock Tribe pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C 470f); and

WHEREAS, in accordance with 36 CFR Part 800.6(a)(1), the Corps has invited the Advisory Council on Historic Preservation (ACHP) to participate in this Programmatic Agreement and the ACHP has elected not to participate at this time; and

WHEREAS, the Corps, NYSHPO, the NYCLPC, and Federally Recognized Tribes have agreed that no Traditional Cultural Properties are known to be within the project area; and

WHEREAS, the NYSHPO and the NYCLPC have concurred that there are no previously documented historic resources or archaeological sites within the APE, and the NYSHPO, the NYCLPC, the Stockbridge-Munsee, and the Delaware Tribe have provided comments and concurred with the Corps' recommendation for monitoring during construction; and

WHEREAS, in accordance with 26 CFR Part 800.14, the Corps and the NYSHPO have determined that execution of this PA will establish procedures to carry out monitoring during construction activities; and

WHEREAS, the Corps will implement the provisions of this PA as funding for the project is appropriated in future years; and

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

### Stipulations

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

- I. Archaeological Monitoring
  - A. A monitoring plan will be developed, in consultation with the NYSHPO, once 100% construction plans are completed for the Project.
  - B. Should paleo-surfaces or archaeological remains be discovered during the monitoring the following procedures will be carried out:
    1. All work shall cease in the vicinity of the discovery to allow the archaeologist to determine the nature of the remains. If the remains are determined to be human, the remains will be treated according to the procedures outlined in Stipulation III of this PA.
    2. The New York District, in consultation with the NYSHPO and participating Tribes as appropriate, shall evaluate archaeological sites using the Criteria established for the NRHP [36 CFR 800.4(c)(1)].
    3. If the site is investigated and the District determines, in consultation with the NYSHPO, that the site is not eligible, the construction work and monitoring

may resume. If the site is evaluated and determined to be eligible, it shall be treated according to the procedures laid out in Stipulation II.

4. If the discovery is determined to be a site that is eligible for the NRHP, the New York District and the NYSHPO, and interested parties as appropriate, shall consult to develop alternatives in accordance with Stipulation II of this PA to avoid, minimize, or mitigate adverse effects. The alternatives shall consider program needs, cost, public benefit and values.
5. If the New York District and the NYSHPO agree that the Criteria apply or do not apply, in evaluating the NRHP eligibility of an archaeological site, the property shall be treated accordingly for purposes of this PA.
6. If the New York District and the NYSHPO disagree regarding NRHP eligibility, or if the ACHP so requests, prior to resuming 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.

- C. The New York District shall ensure that qualified professionals meeting the NPS's professional qualifications and the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44738-39)] are used to complete all archaeological monitoring, documentation, and evaluation and determinations of eligibility.
- D. The New York District shall maintain records of all decisions it makes related to the NRHP eligibility of archaeological sites.

## II. TREATMENT OF SIGNIFICANT ARCHAEOLOGICAL SITES

The New York District shall adhere to the following treatment strategies in order to avoid, minimize or mitigate adverse effects to significant archaeological sites.

- A. Avoidance. The preferred treatment is avoidance of effects to archaeological sites. The New York District shall, to the extent feasible, avoid archaeological sites either through project design changes, use of temporary fencing or barricades, realignments, landscaping, or other measures that will protect the site. If the parameters of the site are not known, archaeological testing shall be carried out to determine the areas of sensitivity.
- B. Data Recovery. If Avoidance is not possible the District shall develop a data recovery plan for archaeological sites found to be eligible under NRHP Criterion D which the New York District and the NYSHPO agree cannot be avoided.
- C. The New York District shall ensure that the data recovery plan addresses substantive research questions developed in consultation with the NYSHPO and other consulting parties, as appropriate. 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 the ACHP's publication, Treatment of Archaeological Properties.

- D. The New York District shall submit data recovery plans to the NYSHPO and other consulting parties, as appropriate, for review and approval. The New York District and NYSHPO shall consult to resolve any objections to the data recovery plan as proposed. The data recovery plan shall then be implemented by the New York District once approved by the NYSHPO. If no response is received from the NYSHPO after 30 days of receipt of adequate documentation, the New York District may assume the NYSHPO's concurrence and proceed with implementation of the plan submitted.
- E. The New York District shall ensure that qualified professionals meeting the NPS professional qualifications for the appropriate discipline [National Park Service Professional Qualification Standards] and the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44738-39)] are used to develop and implement all data recovery plans.

### III. TREATMENT OF HUMAN REMAINS:

If any human remains and/or grave-associated artifacts are encountered, the following procedures shall be carried out:

- A. Human remains must be treated with the utmost respect and dignity. All work must stop in the vicinity of the find and the site will be secured. Avoidance of human remains is the preferred treatment.
- B. The medical examiner/coroner, local law enforcement, the NYSHPO and tribes will be notified immediately upon discovery. The coroner and local law enforcement will determine if the remains are forensic or archaeological in nature.
- C. If the human remains are determined to be Native American they shall be left in place and treated in accordance with the the NYSHPO Human Remains Discovery Protocol (October 2013), the ACHP's "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (February 23, 2007), and the "Delaware Tribe of Indians Policy for Treatment and Disposition of Human Remains and Cultural Items That May be Discovered Inadvertently during Planned Activities" (November 2017) until a treatment plan has been developed and approved by the New York District, NYSHPO and Tribes.
- D. The New York District, the NYSHPO and Tribes shall consult to develop a treatment plan that is responsive to the Native American Grave Protection and Repatriation Act, As Amended (PL 101-601, 25 U.S.C. 3001 et seq.), the U.S. Army Corps of Engineers, Tribal Consultation Policy (4 October 2012), and the ACHP's "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (February 23, 2007).

#### IV. ADMINISTRATIVE TERMS

##### A. REVIEW PERIODS

The NYSHPO and consulting parties shall have 30 days to review and/or object to determinations, evaluations, plans, reports, and other documents submitted to them by the New York District.

##### B. DISPUTE RESOLUTION

1. The New York District and the NYSHPO 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.

2. Any ACHP recommendations or comments provided in response will be considered in accordance with 36 CFR Part 800.7, 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.

##### C. TERMINATION

Any signatory to this PA may terminate it by providing thirty days' notice to the signatories, provided that the signatories 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 Undertaking actions covered by this Agreement.

##### D. SUNSET CLAUSE

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

#### E. AMENDMENT

This PA may be amended upon agreement 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.

#### F. ANTI-DEFICIENCY ACT

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.

**SIGNATORY PAGE**

**PROGRAMMATIC AGREEMENT  
AMONG  
THE U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT, AND  
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,  
REGARDING  
THE SPRING CREEK ECOSYSTEM RESTORATION PROJECT,  
BOROUGHES OF BROOKLYN AND QUEENS,  
KINGS AND QUEENS COUNTIES, NEW YORK**

**U.S. ARMY CORPS OF ENGINEERS**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Thomas D. Asbery

Colonel, EN

Commander

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KINGS AND QUEENS COUNTIES, NEW YORK**

**NEW YORK STATE HISTORIC PRESERVATION OFFICE**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Michael Lynch

Deputy State Historic Preservation Officer, New York

## Appendix A – Project Area/Designs and Profiles

## Appendix B – Correspondence