

ID63840

DATE: June 22, 2018

TO: Board of Acquisition and Contract

FROM: Kathleen O'Connor
Commissioner of Parks, Recreation & Conservation

SUBJECT: Resolution Authorizing the County of Westchester, acting by and through the Department of Parks, Recreation & Conservation, to enter into a Memorandum of Agreement with the United States Army Corps of Engineers and The New York State Office Of Parks, Recreation And Historic Preservation, to ensure that the County shall take into account and minimize effects on any significant archaeological property during the implementation of infrastructure improvements and shoreline stabilization (the "Project") undertaken by the County on approximately 5 +/- acres of land located at George's Island Park in the Town of Cortlandt Manor, New York.

Authority is hereby respectfully requested for the County of Westchester (the "County"), acting by and through the Department of Parks, Recreation, and Conservation ("Parks"), to enter into a Memorandum of Agreement ("MOA") with the United States Army Corps of Engineers, New York District ("USACE") and the New York State Office Of Parks, Recreation And Historic Preservation ("SHPO"), collectively referred to as the "Parties", to ensure that the County shall take into account and minimize effects on any significant archaeological property during the implementation of infrastructure improvements and shoreline stabilization (the "Project") proposed by the County on approximately 5 +/- acres of land located at George's Island Park in the Town of Cortlandt Manor, New York ("George's Island"). It is anticipated that the Project will be completed within 5 years upon approval of this resolution.

The Westchester County Department of Planning ("Planning"), in contemplation of undertaking the Project, applied to the USACE for a permit, pursuant to Section 404 of the Clean Water Act, authorizing the stabilization of slopes amounting to approximately 0.02 +/- acres of land within the limits of USACE jurisdictional waters for the construction of the Project.

USACE, in turn, consulted with the SHPO in accordance with Section 106 of the National Historic Preservation Act ("NHPA"), and determined that the location of permit area (the boat

launch and the location of the shoreline stabilization, with associated excavation, access, and work areas) includes one archaeological site, which is eligible for listing in the State/National Register of Historic Places.

Further, USACE, after consultation with SHPO, has determined that its issuance of the Permit authorizing the Project would have an adverse effect on the archaeological site and be subject to the NHPA and its implementing regulations. In accordance with Section 106 of the NHPA, USACE has contacted federally-recognized tribal nations Delaware Nation, Delaware Tribe of Indians, and Stockbridge-Munsee Community Band of Mohicans that have identified aboriginal territory in Westchester County, and ensured a reasonable opportunity for consultation in the Section 106 process. In accordance with 36 CFR Part 800, the USACE acknowledges and accepts the advice and conditions outlined in the Advisory Council on Historic Preservation's "Recommended Approach for Consultation on the Recovery of Significant Information from Archaeological Sites," published in the Federal Register on June 17, 1999.

The Parties, by their execution of the proposed MOA, will agree that recovery of significant archaeological property from the archaeological site listed above may be done in accordance with the published guidance. Based on available information, no human remains, associated funerary objects or sacred objects, or objects of patrimony as defined in the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001), are expected to be encountered in the archaeological work, however, should any be encountered during the implementation of the Project, the MOA will require the County to observe the requirements of the 2016 Unanticipated Discovery of Human Remains Protocol issued by SHPO.

This agreement serves a public purpose by ensuring that the County shall take into account and minimize effects on any significant archaeological property during the Project.

The goals and objectives of this Agreement are to ensure that the County shall take into account and minimize effects on any significant archaeological property during the Project. These goals and objectives will be monitored by Parks and Planning staff.

Therefore approval by your honorable Board is respectfully requested.

KO/DD/SL/jrc
Attachment

RESOLUTION

UPON A COMMUNICATION FROM THE COMMISSIONER OF PARKS, RECREATION & CONSERVATION, BE IT HEREBY

RESOLVED, that the County of Westchester (“County”) is hereby authorized to enter into a Memorandum of Agreement with the United States Army Corps of Engineers and The New York State Office Of Parks, Recreation And Historic Preservation to ensure that the County shall take into account and minimize effects on any significant archaeological property during the implementation of infrastructure improvements and shoreline stabilization undertaken by the County on approximately 5 +/- acres of land located at George’s Island Park in the Town of Cortlandt Manor, New York; and be it further

RESOLVED, that the County Executive or his duly authorized designee is authorized to execute any documents and take any actions necessary to effectuate purposes hereof.

Account to be Charged/Credited

		Major Program, Program & Phase	Object/	Trust	
Fund	Dept	Or Unit	Sub Object	Account	Dollars
N/A					

Budget Funding Year(s) n/a Start Date upon approval End Date 5 years from approval or July 31,2023
 (must match resolution)

Funding Source Tax Dollars _____
 State Aid _____
\$ n/a Federal Aid _____
 (must match resolution) Other \$ _____

APPROVED BOARD OF ACQUISITION & CONTRACT - 04/12/23 - USM RIJAS SECRETARY