STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

April 16, 2019

Mr. Peter Weppler, Chief
Environmental Analysis Branch
U.S. Army Corps of Engineers/New York District
26 Federal Plaza
New York, NY 10278-0090

Re: **F-2019-0129 (DA)** - U.S. Army Corps of Engineers/New York District submission of a consistency determination for the **Fire Island to Montauk Point (FIMP)** General Reevaluation Report (GRR) and Environmental Impact Statement (EIS), and Final Monitoring and Adaptive Management Plan. Atlantic Ocean, South Shore of Long Island from Fire Island Inlet to Montauk Point, Suffolk County. **Concurrence with Consistency Determination - With Recommendations**

Dear Mr. Weppler:

The Department of State (Department) has completed its review of your consistency determination regarding the consistency of the above-referenced activity with the New York Coastal Management Program.

Pursuant to 15 CFR §930.41, and based upon the project information submitted, the Department of State concurs with your consistency determination for this activity. This concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, or other forms of authorization or approval that may be required pursuant to existing State statutes.

The Department would also like to offer the following recommendation regarding the consistency of this proposal: Considering that the FIMP GRR and EIS have yet to be finalized and individual project components are still under development, it is strongly recommended that coordination with the Department of State, the Local Waterfront Revitalization Program communities of Village of Ocean Beach and Town of East Hampton, and all federal and non-federal sponsors continue as the details of this project are developed and finalized to ensure continued consistency with the New York State Coastal Management Program and applicable LWRPs. Also, please note that for proposed Federal agency activities that were previously determined by the Department to be consistent with the management program, but which have not yet begun, the Corps shall further coordinate with the Department and prepare a supplemental consistency determination if the proposed activity will affect any coastal use or resource substantially different than originally described.[1]

[1] See 15 CFR § 930.46. Substantially different coastal effects are reasonably foreseeable if:
(1) The Federal agency makes substantial changes in the proposed activity that are relevant to management program enforceable policies; or
(2) There are significant new circumstances or information relevant to the proposed activity and the proposed activity's effect on any coastal use or resource.
(3) Substantial changes were made to the activity during the period of the State agency's initial review and the State agency did not receive notice of the substantial changes during its review period, and these changes are relevant to management program enforceable policies and/or affect coastal uses or resources.

Please contact Matthew Maraglio at: Matthew.Maraglio@dos.ny.gov or 518-474-6000 if you have any questions, and please reference file no. F-2019-0129 (DA).

Sincerely,

Gregory L. Capobianco
Office of Planning, Development and
Community Infrastructure

GLC/jls

ecc: COE/NY District Regulatory – Steve Ryba
DEC (CEHA) Central Office – Matthew Chlebus
DEC Region 1 Permits – Sue Ackerman
Suffolk County Planning - Sarah Lansdale, Robert Whelan
Town of East Hampton – Brian Frank
East Hampton Town Trustees
Village of Ocean Beach - Steven W. Brautigam
NYS DOS Local Programs – Kaitlyn Smith
NYS DOS South Shore Estuary Reserve – Jeremy Campbell