



RECORD OF DECISION

Fire Island Inlet to Montauk Point Reformulation Study General Reevaluation Report and Environmental Impact Statement Suffolk County, New York

The Revised Final General Reevaluation Report (GRR) and Environmental Impact Statement (EIS) dated 20 February 2020, for the Fire Island to Montauk Point, New York Reformulation Study addresses Coastal Storm Risk Management (CSR) opportunities and feasibility in Suffolk County, New York. The final recommendation is contained in the report of the Chief of Engineers, dated 30 April 2020. Based on these reports, the reviews by other Federal, State, and local agencies, Tribes, input of the public, and the review by my staff, I find the plan recommended by the Chief of Engineers to be technically feasible, economically justified, in accordance with environmental statutes, and the public interest.

The Final GRR and EIS, incorporated herein by reference, evaluated various alternatives that would reduce coastal storm risk in the study area. To assist in meeting the requirements of P.L. 88-587 (authorizing the Fire Island National Seashore which has jurisdiction within 1/3 of the project area), a policy exemption giving permission to deviate from USACE policy related to economic justification was granted by the Assistant Secretary of the Army (Civil Works) (ASA(CW)). It grants an exemption to the USACE requirement to demonstrate incremental justification of features and recommend a National Economic Development (NED) plan, and allows USACE to recommend a plan "mutually acceptable" to the Secretary of the Army and Secretary of the Interior. The Recommended Plan is the "mutually acceptable" plan that includes the following:

Inlet Sand Bypassing

- Sand bypassing across Fire Island, Moriches, and Shinnecock Inlets, with bypassed sand placed in a berm template at elevation +9.5 ft. NGVD 29 in identified placement areas. Scheduled O&M dredging of the authorized navigation channel and deposition basin with sand placement on the barrier island will be supplemented, as needed, by dredging from adjacent ebb shoals of each inlet to obtain required volume of sand for bypassing.

Mainland Nonstructural

- Nonstructural measures, primarily structural elevations and building retrofits, for 4,432 structures within the 10 year floodplain.
- Localized acquisition in areas subject to high frequency flooding, and Reestablishment of natural floodplain function in these locations.

Breach Response on Barrier Islands

- Proactive Breach Response – is a response plan which is triggered when the beach and dune are lowered below a 4% level of risk reduction and provides for restoration of a dune at +13 ft. NGVD 29 and a 90 ft. berm.
- Reactive Breach Response – is a response plan which is triggered when a breach has physically occurred, e.g. the condition where there is an exchange of ocean and bay water during normal tidal conditions. It is utilized, as needed, in locations that receive beach and dune placement, and also in locations where there is agreement that a breach should be closed quickly, such as Robert Moses State Park and the Talisman Federal tract.
- Conditional Breach Response – is a response plan that applies to the large, Federally-owned tracts within Fire Island National Seashore where the Breach Closure Team determines whether the breach is closing naturally, and if found not to be closed at Day 60 that closure would begin on Day 60. Conditional Breach closure provides for a 90 ft. wide berm at elevation +9.5 ft. and no dune.
- Wilderness Conditional Breach Response – is a response plan that applies to the Wilderness Federally-owned tracts within Fire Island National Seashore, where the Breach Closure Team determines whether a breach should be closed, based upon whether the breach is likely to cause significant damage.

Beach and Dune Fill on Shorefront

- 90 ft. wide berm and +15 ft. dune along developed shorefront on Fire Island and Westhampton barrier islands.
- All dunes planted with dune grass.
- Post-Sandy optimized alignment followed on Fire Island, including overfill in developed locations.
- Renourishment approximately every 4 years for up to 30 years after project completion; while sand bypassing and proactive breach response continue from years 31 to 50.
- Feeder beach construction every 4 years for up to 30 years at Montauk Beach.
- Adaptive management to ensure volume and placement configuration accomplishes the design objectives of offsetting long-term erosion.

Groin Modifications

- Removal of two existing groins in the Village of Ocean Beach.

Coastal Process Features (CPFs)

- 12 barrier island and two mainland locations as CPFs
- Placement of approximately 4.2 million cy of sediment. Sediment will be placed along the barrier island bayside shoreline over the 50 year project period of analysis that reestablishes the coastal processes consistent with the reformulation commitment of no net loss of habitat or sediment. The placement of sediment along the bay shoreline will be conducted in conjunction with other nearby beach fill operations undertaken on the barrier island shorefront.

Adaptive Management

- Provides for monitoring and the ability to adjust specific project features to improve effectiveness and achieve project objectives.
- Climate change will be accounted for with the monitoring of climate change parameters, identification of the effect of climate change on the project design, and identification of adaptation measures that are necessary to accommodate climate changes as it relates to all the project elements.

Integration of Local Land Use Regulations and Management

- As part of the USACE Annual Inspection of Completed Works program, permanent easements acquired for the project will be monitored to confirm that they remain undeveloped and functioning as intended.

In addition to a “No Action” Alternative and the Recommended Plan, two additional alternatives were evaluated. Each alternative, except for the “no action” plan, included the same key components: beach restoration, sediment management, groins, breach response plans, reestablishment of coastal process features, non-structural methods, and monitoring and adaptive management. The differences between the two alternatives and the preferred alternative, as described above, follows:

- Alternative 1:
 - Beach and Dune Fill: +13 ft. dune and 90 ft. berm along Lighthouse tract; renourishment only occurs when cross-section falls below 25-year design level.
 - Sediment Management: Continuation of authorized project at each inlet with increased sediment bypassing from the ebb shoal to offset the downdrift deficit.
 - Groin Modification: Tapering of Westhampton and Ocean Beach existing groins and shortening of groins 1 through 13 in Westhampton.
 - Breach Response Plan: Conditional Breach Response in Otis Pike Wilderness Area and Proactive Breach Response at Shinnecock Inlet East and Southampton Beach.
 - CPFs: Longshore sediment transport, cross island sediment transport, dune development and evolution, estuarine circulation, and bayside shoreline processes
 - Non-structural: Similar number of structures to preferred alternative with varied locations; road raisings in four locations (5.9 miles in length) and enhanced protection to 1,054 houses.
 - Adaptive management: no set renourishment.
- Alternative 2:
 - Beach and Dune Fill: +13 ft. dune with berm at the Fire Island underdeveloped locations; no renourishments.
 - Sediment Management: No ongoing sediment management.
 - Groin Modification: Same as Alternative 1.
 - Breach Response Plan: Same as Alternative 1.
 - CPFs: Same as Alternative 1.
 - Non-structural: 100-year level of protection for all structures inside the 6-year floodplain; no relocations or buyouts; road raising as in

- Alternative 1; no relocation of Smith Point County Park facilities, instead, there would be a +13 ft. dune with berm.
- Adaptive Management: No adaptive management.

Four additional alternatives were considered but eliminated from detailed analysis. These included levees and floodwalls, storm closure gates, offshore breakwaters, and seawalls. See Section 2: Alternatives in the EIS for additional details.

Careful consideration was given to the overall public interest, P.L. 88-587 and the economic, social, cultural and environmental effects throughout the development of the Recommended Plan. The Recommended Plan is mutually acceptable to the Secretaries of the Army and Interior for CSRМ that identified and evaluated natural and nature-based measures that contribute to coastal resiliency and is the Environmentally Preferred plan as it is the least environmentally damaging practicable alternative that accomplishes all the project objectives.

For all alternatives, the potential effects to the following resources were evaluated:

Table 1: Summary of Potential Effects of Recommend Plan

	Significant adverse effect*	Insignificant effects due to mitigation**	Insignificant effects	Resource unaffected by action
Aesthetics	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Air quality	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Aquatic resources/wetlands	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Invasive species	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Fish and wildlife habitat	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Threatened/Endangered species	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Historic properties	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Other cultural resources	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Floodplains	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Hazardous, toxic & radioactive waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Hydrology	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Land use	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Navigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Noise levels	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Public infrastructure	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Socio-economics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Environmental justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Soils	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Tribal trust resources	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Water quality	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Climate change	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

All practical means to avoid or minimize adverse environmental effects were analyzed and incorporated into the recommended plan. Best management practices (BMPs) as detailed in the GRR/EIS will be implemented to minimize impacts (see Section 2 and Appendix J of EIS and Section 6 of GRR). The Recommended Plan provides a systems approach for CSRSM that balances the risks to human life and property, while maintaining and restoring the natural coastal processes and ecosystem integrity. The design has taken care to minimize environmental impacts and incorporate coastal process natural and nature-based features (NNBFs) which should improve environmental quality, where feasible and appropriate.

The U.S. Fish and Wildlife Service (USFWS) initially identified the need for compensatory mitigation. Through coordination, USACE determined that no compensatory mitigation is required as the recommended plan includes features that comprehensively address potential impacts. Based upon the need to satisfy the “mutually acceptable requirement” (Department and USACE), the project includes the following elements: 1) renourishments will cease after year 30; 2) scale of the project along the shoreline has been reduced to address “no net loss” of sediment transport across the barrier island by including the placement of approximately 4,200,000 cubic yards of sediment in the back bay environment; and 3) 14 coastal process features (12 barrier island locations and two mainland locations). The Monitoring and Adaptive Management Plan (MAMP) is provided in Appendix J of the GRR. The MAMP will be further developed in the preconstruction, engineering, and design (PED) phase as specific design details are made available. Monitoring is expected to last no more than 50 years.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Fish and Wildlife Service (FWS) issued a biological opinion, dated 29 March 2019, that determined that the recommended plan will not jeopardize the continued existence of the following federally listed species or adversely modify designated critical habitat: piping plover (*Charadrius melodus*), seabeach amaranth (*Amaranthus pumilus*). The project also received concurrence from USFWS on the may affect, but not likely to adversely affect (NLAA) determination for the rufa red knot (*Calidris canutus*). All terms and conditions, conservation measures, and reasonable and prudent alternatives and measures resulting from these consultations shall be implemented in order to minimize take of endangered species and avoid jeopardizing the species.

Pursuant to section 7 of the Endangered Species Act of 1973, as amended, the U.S. Army Corps of Engineers determined that the recommended plan may affect but is not likely to adversely affect the following federally listed species or their designated critical habitat: Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), loggerhead turtle (*Caretta caretta*), green turtle (*Chelonia mydas*), Kemp's ridley turtle (*Lepidochelys kempi*) and leatherback turtle (*Dermochelys coriacea*). The National Marine Fisheries Service (NMFS) concurred with the Corps' determination on 29 March 2016.

Pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, the U.S. Army Corps of Engineers determined that historic properties may be adversely affected by the recommended plan. The Corps, the New York State Historic

Preservation Office, and the National Park Service entered into a Programmatic Agreement (PA), dated 14 February 2020. All terms and conditions resulting from the agreement shall be implemented in order to minimize adverse impacts to historic properties.

Within the FIMP study area is one federally-recognized Indian Tribe, the Shinnecock Indian Nation, and one New York state-recognized tribe, Unkechaug Indian Nation (Poospatuck). Both the Shinnecock Indian Nation and the Unkechaug Indian Nation own lands within the study area however, none will be adversely affected by the project measures.

Pursuant to the Clean Water Act of 1972, as amended, the discharge of dredged or fill material associated with the recommended plan has been found to be compliant with section 404(b)(1) Guidelines (40 CFR 230). The Clean Water Act Section 404(b)(1) Guidelines evaluation is found in Appendix N of the GRR/EIS.

A water quality certification pursuant to section 401 of the Clean Water Act will be obtained from the New York State Department of Environmental Conservation prior to construction. In a letter dated 20 August 2019, the State of New York stated that the recommended plan appears to meet the requirements of the water quality certification, pending confirmation based on information to be developed during the pre-construction engineering and design phase. All conditions of the water quality certification will be implemented in order to minimize adverse impacts to water quality.

A determination of consistency with the State of New York Coastal Zone Management program pursuant to the Coastal Zone Management Act of 1972 will be obtained from the New York State Department of State prior to construction. In a letter dated 16 April 2019, the State of New York stated that the recommended plan appears to be consistent with state Coastal Zone Management plans, pending confirmation based on information to be developed during the pre-construction engineering and design phase. All conditions of the consistency determination shall be implemented in order to minimize adverse impacts to the coastal zone.

An Essential Fish Habitat Assessment was performed in collaboration and coordination with NOAA-NMFS, and Conservation Recommendations were received 11 April 2019 (Appendix D of the Final Report).

A Statement of Conformity (SOC) was prepared to support the General Conformity Review (GCR), as required under the Clean Air Act, for Federal Actions that may adversely affect State Implementation Plans (SIP) in designated Non-Attainment Areas (NAA).

Public review of the draft GRR/EIS was completed on 19 October 2016. All comments submitted during the public comment period were responded to in the Final GRR/EIS. A 30-day waiting period and state and agency review of the Final GRR/EIS was completed on 23 March 2020. Comments from state and federal agency review did not result in any changes to the final GRR/EIS.

Technical, environmental, and economic criteria used in the formulation of alternative plans were those specified in the Water Resources Council's 1983 Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies. All applicable laws, executive orders, regulations, and local government plans were considered in evaluation of alternatives. Based on the review of these evaluations, I find that benefits of the recommended plan outweigh the costs and any adverse effects. This Record of Decision completes the National Environmental Policy Act process.



September 25, 2020

Date

R.D. James
Assistant Secretary of the Army
(Civil Works)