

New York State Department of Environmental Conservation

Division of Water

Bureau of Flood Protection and Dam Safety, 4th Floor
625 Broadway, Albany, New York 12233-3504
Phone: (518) 402-8185 • FAX: (518) 402-9029
Website: www.dec.ny.gov



October 21, 2014

Anthony Ciorra, P.E.
Chief, Coastal Restoration and Special Project Branch
United States Army Corps of Engineers – New York District
26 Federal Plaza – Room 2119C
New York, New York 10278

Re: Fire Island Inlet to Montauk Point, New York, Downtown Montauk Hurricane and Storm Damage Reduction Project

Dear Mr. Ciorra:

This letter supersedes my letter dated October 3, 2014 due to the pre-application meeting held between the New York State Department of Environmental Conservation (DEC) and the United States Army Corps of Engineers (Corps) on October 10, 2014 regarding the Water Quality Certificate (WQC) for the above project.

The purpose of this letter is to confirm DEC's interest in participating in the Fire Island Inlet to Montauk Point, New York, Downtown Montauk Hurricane and Storm Damage Reduction Project (Project) as the Non-Federal Sponsor with the Corps for the construction of the Project. Furthermore, the DEC supports the recommendations contained in the Hurricane Sandy Limited Reevaluation Report dated August 2014.

In order for the DEC to take on the role of the Non-Federal Sponsor, the DEC's authority (Chapter 7 of Title 4 of the New York State Unconsolidated Laws) to participate in a project to arrest erosion and alleviate or prevent damage resulting from storms requires the DEC to have a local sponsor that will share in the Non-Federal Sponsor's costs and obligations. The Town of East Hampton has agreed to be the DEC's local sponsor.

The DEC understands that to the extent that the Disaster Relief Appropriation Act of 2013, Public Law 113-2 enacted January 29, 2013 (DRAA 13) funds appropriated by Congress are available, the Corps will construct the Project at 100 percent Federal expense. In the event that there are insufficient DRAA 13 funds to complete construction of the Project, the proposed Project Partnership Agreement (PPA) will need to be amended and the remaining work will be subject to cost-sharing.

This letter is not a commitment for the funding of any portion of the Project. The commitment can only be made when the proposed PPA with the Corps for the Project is executed by the Office of the New York State Comptroller. DEC maintains that it is interested in being the non-federal sponsor; however, DEC's participation will depend upon successful execution of a formal agreement with the local sponsor.

DEC awaits the Corps submittal of their Water Quality Certification (WQC) application. Based on the DEC's review of the Hurricane Sandy Limited Reevaluation Report (LRR) dated August 2014, and the pre-application meeting held on October 10, 2014 with the Corps, DEC does not foresee any problems that would preclude the issuance of the WQC, providing the previous DEC comments on the LRR are adequately addressed in the Corps WQC application. The State will initiate the formal review process of the WQC once the Corps application is submitted. Please note that until this review process is completed and a WQC is issued, there is no authorization for the Corps to move forward in the construction of the project.

DEC will continue working with the Corps to move the Project forward as expeditiously as possible. If you have any questions, please contact me by email at alan.fuchs@dec.ny.gov, or by telephone at (518) 402-8185.

Sincerely,



Alan A. Fuchs, P.E.
Director
Bureau of Flood Protection and Dam Safety

cc: F. Verga, USACE
L. Cantwell, Town of East Hampton Supervisor
J. Tierney, NYSDEC
P. Scully, NYSDEC
S. McCormick, NYSDEC
M. Chlebus, NYSDEC
C. Dixon, NYSDEC

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October 3, 2014

Anthony Ciorra, P.E.
Chief, Coastal Restoration and Special Project Branch
United States Army Corps of Engineers
New York District
26 Federal Plaza
New York, New York 10278-0090

Re: Downtown Montauk Stabilization Project

Dear Mr. Ciorra:

The purpose of this letter is to confirm the New York State Department of Environmental Conservation's (Department) interest in participating in the Downtown Montauk Stabilization Project (Project) as the Non-Federal Sponsor with the United States Army Corps of Engineers (Corps) for the construction of the Project. Furthermore, the Department supports the recommendations contained in the Hurricane Sandy Limited Reevaluation Report dated July 2014.

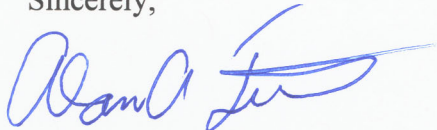
In order for the Department to take on the role of the Non-Federal Sponsor, the Department's authority (Chapter 7 of Title 4 of the New York State Unconsolidated Laws) to participate in a project to arrest erosion and alleviate or prevent damage resulting from storms requires the Department to have a local sponsor that will share in the Non-Federal Sponsor's costs and obligations. The Town of East Hampton has agreed to participate in the project as the Department's local sponsor.

The Department understands that to the extent that the Disaster Relief Appropriation Act of 2013, Public Law 113-2 enacted January 29, 2013 (DRAA 13) funds appropriated by Congress are available, the Corps will construct the Project at 100 percent Federal expense. In the event that there are insufficient DRAA 13 funds to complete construction of the Project, the proposed Project Partnership Agreement (PPA) will need to be amended and the remaining work will be subject to cost-sharing.

This letter is not a commitment for the funding of any portion of the Project. The commitment can only be made when the proposed PPA with the Corps for the Project is executed by the Office of the New York State Comptroller. The Department maintains that it is interested in being the Non-Federal Sponsor; however, the Department's participation will depend upon successful execution of a formal agreement with the local sponsor.

The Department will continue working with the Corps to move the Project forward as expeditiously as possible. If you have any questions, please contact Matt Chlebus by email at matthew.chlebus@dec.ny.gov, or by telephone at (518) 402-8139.

Sincerely,



Alan A. Fuchs, P.E.

Director

Bureau of Flood Protection and Dam Safety

cc: F. Verga, USACE
S. Couch, USACE
L. Cantwell, Town of East Hampton
K. Shaw, Town of East Hampton
G. Anderson, County of Suffolk
P. Scully, NYSDEC Reg.1
E. Star, NYSDEC Reg.1
M. Chlebus, NYSDEC
S. McCormick, NYSDEC



TOWN OF EAST HAMPTON

159 Pantigo Road
East Hampton, New York 11937

LARRY CANTWELL
Supervisor

Tel: (631) 324-4140
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lcantwell@ehamptonny.gov

October 1, 2014

New York State Department of Environmental Conservation
Sue McCormick, P.E.
Chief, Coastal Erosion Management Program
Bureau of Flood Protection, 4th Floor
625 Broadway
Albany, NY 12233-3504

RE: Fire Island to Montauk Point (FIMP) Project
Downtown Montauk Stabilization Project

Dear Ms. McCormick:

Thank you for participating in the Town of East Hampton's ("the Town") latest open meeting on Thursday, September 25, 2014 in Montauk with the United States Army Corps of Engineers ("the Corps") regarding the Fire Island to Montauk Point ("FIMP") project and, specifically, the Downtown Montauk Stabilization Project ("Downtown Montauk Project"). The meeting was both informative and helpful in explaining the final plans and requirements for the project.

At the September 25, 2014 meeting, the New York State Department of Environmental Protection ("DEC") informed the Town that it required a commitment to be local sponsor from either the Town or Suffolk County ("the County") by October 1, 2014, in order for the Downtown Montauk Project to proceed in this calendar year. As you know, the Town and the County have been negotiating to determine which agency shall be the local sponsor for this project. Suffolk County has informed the Town that although it has assumed the local sponsorship for the FIMP project in Fire Island, it does not want to be the local sponsor for the Downtown Montauk Project. Further, while the County has indicated it is willing to share in the financial costs associated with the required maintenance that the local sponsor will have to perform, no formal resolutions have been adopted by the Suffolk County Legislature confirming same. We are currently working on an inter-municipal agreement that will outline the shared responsibilities of the County and Town. The Town is willing to assume local sponsorship for the Downtown Montauk Project, provided that Suffolk County shares equally, i.e. fifty percent (50%), in the financial costs of local sponsorship for the duration of the Town's responsibility as local sponsor. The Town understands that the State and the Corps are not involved in these

negotiations and that the outcome is irrelevant to the Downtown Montauk Project schedule. Therefore, to ensure there is no unnecessary delay in the project proceeding on schedule, the Town hereby accepts local sponsorship for the Downtown Montauk Project.

The Town of East Hampton is committed to working with the Corps, the DEC and Suffolk County to facilitate and ensure that the Downtown Montauk Project is completed and successful. Indeed, the Town appreciates the work of all parties involved in addressing the problems associated with coastal erosion and flooding in Downtown Montauk. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry Cantwell', with a stylized, cursive script.

Larry Cantwell
Supervisor, Town of East Hampton

cc: Frank Verga, Project Manager, New York District, U.S. Army Corps of Engineers
Jay Schneiderman, Legislator, Suffolk County
Gil Anderson, Commissioner, Suffolk County Department of Public Works
Kim Shaw, Director, Town of East Hampton Department of Natural Resources

ANDREW M. CUOMO
GOVERNOR



STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12233-1010

JOE MARTENS
COMMISSIONER

June 14, 2013

Colonel Paul E. Owen
District Commander
United States Army Corps of Engineers
New York District
26 Federal Plaza
Room 2109
New York, NY 10278

Dear Colonel Owen:

I am pleased to inform you that New York State supports implementation of the fully federally funded Fire Island to Montauk Point (FIMP) project, including the United States Army Corps of Engineers' (Corps) proposal to expedite the implementation of elements of FIMP, such as the immediate restoration of dunes and beaches damaged by Hurricane Sandy on Fire Island and downtown Montauk. This support is based on the overall concepts of the FIMP project subject to the items further described in this letter.

On March 11, 2011, representatives of the Corps and the United States Department of Interior sent a letter to me outlining the potential plan of improvement for the Fire Island to Montauk Point ("FIMP") Reformulation Study. This "Tentative Federal Supported Plan" ("TFSP") was proposed as the basis to move forward with Reformulation Study efforts for the entire FIMP study area – encompassing approximately 83 miles of Atlantic Ocean coastal and bay areas of Suffolk County, New York. As noted in the federal letter, New York State must find the general plan of improvement acceptable before its attributes can be finalized through a collaborative process. New York's approval at this stage, I understand, would allow the Corps and State to move forward with a final analysis of the TFSP, including such matters as plan formulation, engineering, economics, environmental assessment, model certifications and formal agency policy-level approvals.

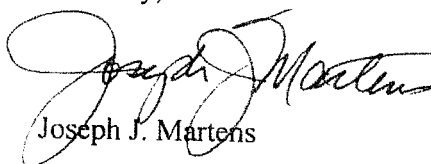
After a series of discussions, on December 29, 2011, DEC sent a letter to the Army Corps presenting information requests aimed at better understanding some of the basic elements of the TFSP so that DEC would be in a position to accurately explain project elements, costs, maintenance obligations and impacts of the TFSP to the required local community sponsor(s). While further discussions were taking place, Hurricane Sandy arrived – altering the physical and fiscal landscape in a variety of ways. On May 16, 2013 the Corps responded to the Department's letter which addressed a number of the concerns raised by the Department, but deferred a response on a few issues that are currently under review based on the impacts from Sandy.

I understand that alternative components of the TFSP are now being further refined, including: breach response measures along the barrier island, including "advanced" breach response methods or protocols; inlet management, beach and dune fill components and alignments with on-going beach nourishment; structural groin modifications; resiliency measures, including a significant number of coastal community building elevations; road elevations; land and development management to limit new development in certain flood hazard areas; protective natural infrastructure features (including wetland complexes, living shorelines, shellfish reefs, dunes, ecologically friendly in-bay breakwaters, and marsh islands) and environmental restoration, particularly in south shore bay areas.

All of the above elements would be sharpened in a process that fully involves local stakeholders. As you have emphasized, this massive project would need to be finalized in a manner that takes into account increased storm surge intensity associated with climate change and sea level rise. It is understood that the Corps will be performing an environmental impact review process under the National Environmental Policy Act (NEPA) for the entire FIMP project and that the National Park Service is evaluating the need for a NEPA review with respect to the existing breach in the Wilderness Area of the Fire Island National Seashore. It is through these processes that the elements of the project will be fully analyzed and a final FIMP project will be fully defined.

The State also supports the Corps' review of the post Sandy dune re-alignment along Fire Island that may be necessary based on the Corps' cost to benefit analysis that is still underway. If the cost to benefit analysis indicates that the alignment should be moved north in order to make the project more economical, resilient, and sustainable over the 50-year period of the project, then the State would support this realignment. If the realignment requires the purchase of properties, then the State would request that the Corps minimize the scope of this activity to the extent possible for unwilling sellers and to perform the procurement of these properties for the State at full federal expense. The State awaits the Corps' submittal of the elements of the project that you are currently working on, as delineated in your May 16, 2013 response. Thank you for all of your good and continuing efforts to help New York rebuild smarter and stronger in the face of the challenges presented by Hurricane Sandy.

Sincerely,



Joseph J. Martens

c: Mr. Joseph Vietri