

Division of Environmental Permits, Region 1

SUNY @ Stony Brook

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Aram V. Terchunian, President
First Coastal Corporation
P.O. Box 1212 4 Arthur St.
Westhampton Beach, N.Y. 11978

February 25, 2014

Re: 1-4736-01875 / 00011 Village of Quogue Beach Nourishment Project
Notice of Complete Application & Public Comments

Dear Mr. Terchunian:

This letter is to update you on the status of the referenced application for Tidal Wetlands, Protection of Waters and Water Quality Certification approval to dredge approximately 1.1 million cubic yards of sand from an approximately 100 acre area of ocean bottom off the Village of Quogue and the associated placement of the material along the entire ocean frontage of the Village as beach and dune nourishment.

As you know, the Department of Environmental Conservation issued a Notice of Complete Application for this application in October of 2013 to provide an opportunity for the public and any involved or interested agencies to learn about the project and submit comments on environmental or regulatory concerns / issues associated with the proposal. This public notice resulted in the receipt of a significant number of written comments expressing concern about a range of issues which are clearly linked to the project and must be addressed as part of the application process. What follows is a summary of the comments, issues or concerns expressed in the letters and electronic messages DEC received in response to the public notice. I have sorted the issues into rough subject groups and, in the many cases in which two or more commentators articulated the same idea in slightly different language or terms, produced a single paraphrased statement to minimize repetition. A complete set of all the correspondence received during the public comment period is attached so that you have the full statement of each person who submitted a comment.

We request that you review this letter and the actual comment correspondence with the mayor and other Village officials, and then provide the undersigned with the applicant's responses to the issues raised. The applicant's response to the following issues will be an important factor in our determination of whether a public hearing is necessary for this application.

Administrative

1. The Board of Trustees of the Freeholders and Commonality of the Town of Southampton has notified DEC that the placement and manipulation of sand on the beach between the toe of the primary dune and the ocean as proposed will require the approval of that body. It has expressed concern that the Village has not consulted or otherwise contacted it to discuss issues of concern and application requirements for the project.
2. The Village's consultant is not qualified to design and propose the project under consideration. Such a project should only be considered if it proposed by the US Army Corps of Engineers.
3. All permit application and project design materials should be available for public review at the public library in Quogue.

Project Need / Alternatives

4. The proposed project is not necessary.
5. The problematic erosion area is a small fraction of Quogue's overall ocean frontage. This erosion should be addressed with a solution centered on the problem area, not the full 2.7 miles of ocean shoreline. **Note: Please provide a comprehensive response to this comment which clearly establishes the need for the proposed Village-wide scale of the project.**
6. A detailed, public, cost – benefit analysis should be done to determine whether it is appropriate for the Village to undertake such a large scale project.
7. The ocean beach has been building and eroding seasonally, and in response to major storm events, for thousands of years. Let nature take its course.
8. The relatively few homeowners who feel threatened by the current beach conditions should consider designing, proposing and undertaking a project which addresses the problem/s at their few properties which doesn't involve the whole Village oceanfront.
9. The relatively few homeowners affected by beach erosion in Quogue should consider relocating their homes landward.
10. The Village, as the project sponsor and applicant, has not discussed or considered feasible alternatives to the proposed action.

11. As an alternative to the proposed action, enhanced bypassing of sand across the Shinnecock Inlet should be explored.

12. How can the proposed action be taken seriously by the Village and the regulatory agencies when the US Army Corps of Engineers Fire Island to Montauk Point plan (FIMP) does not recommend any action to reinforce or expand Quogue Beach?

Project Cost / Funding Mechanisms, Etc.

13. The proposed project is too costly.

14. All Village taxpayers should not have to pay for a project which will directly benefit a relative few.

15. Since the problem erosion area is relatively small and confined, financial responsibility for addressing the erosion should rest with the affected property owners. These affected property owners should consider a much smaller scale, less costly project to deal with the localized problem.

16. Since the longevity of large scale beach nourishment projects nationwide is variable at best and poor at worst, all concerned need to understand that the long term efficacy of the proposed project is not guaranteed. Funds expended to carry out the project could be wasted and there could be the expectation of the expenditure of additional funds to re-nourish the beach after the material from the first nourishment erodes.

17. The Village needs to undertake a cost – benefit analysis to determine whether such a large expenditure of municipal funds is justified by the project benefits which can reasonably be expected from the action.

18. The supply of suitable sand within a reasonable distance offshore of the Village, like the Village's budget, is finite and should be used only when absolutely necessary.

19. The expenditure of \$15 million by the Village for this project should be the subject of a vote by all Quogue residents.

20. The proposed project will do nothing to protect against flooding from the bay. Bay side property owners, who are already in the position of having to pay increased flood insurance premiums after Sandy, will find themselves also paying increased Village taxes to support a project which will not directly benefit them.

21. As the public only has legal access to the portion of the beach seaward of the line of mean high water in front of private property, the proposed project seems like a very large public expense which will do little to increase the area of the beach available to the public.

Village Governance / Municipal Issues

22. The Village of Quogue needs to hold a public forum at which all issues associated with this project can be discussed.

23. The consultant hired by the Village for this project is not objective and is biased toward the proposed project design.

24. The affected landowners may have contributed to or even caused their own problems with the development decisions they made on their properties.

25. The Village of Quogue may have contributed to the problems in the eroding area by issuing local land use and building authorizations for development requiring variance relief from the Coastal Erosion Management minimum standards.

26. The current development pattern on the barrier island in Quogue is unwise and unsustainable. The very large, very expensive, permanent homes which now exist on the oceanfront engender in the owners the understandable desire to protect them, at almost any cost, against the forces of nature, to the detriment of the beach and dunes. In the not so distant past, many people contented themselves with much smaller, less permanent, less valuable beach cottages, structures which they could afford to lose and/or replace if they were damaged by erosion or storms.

27. Is the Village proposing this project to protect a small number of houses, or to protect the natural protective feature of the beach?

28. Oceanfront property owners must know that they are taking on considerable risk when they purchase or otherwise acquire their properties. These property owners, not the municipality, should be responsible for maintaining them.

29. Pursuing a beach nourishment project while at the same time allowing the installation of geotubes, sand cubes and other shoreline stabilization structures is a contradiction in approaches.

Environmental / Natural Resources Impacts

30. The proposed project may have a negative impact on the physical structure and organisms inhabiting the 100 acre borrow site on the ocean floor.
31. The project may have a negative impact on the material placement area, which is the entire ocean frontage of the Quogue Village. In particular, the deepening of the borrow area may result in more energetic, powerful waves reaching the beach and increasing erosion rates for the nourished beach.
32. All existing erosion control structures should be removed from the ocean beach if the proposed project is constructed.
33. The impact of the proposed project on the ocean beaches to the east and west of Quogue has not been evaluated / considered and should be.

Erosion Protection / Project Efficacy

34. The application materials submitted provide no long term guarantee that the project will be effective. IE: That the material placed and graded on the beach and dunes will remain in place to provide protection for a period of time which justifies the effort and expense of the project.
35. The benefits of beach fill projects from offshore borrow sources have been shown to be short lived in many east coast locations, requiring subsequent nourishment cycles to maintain the project design template. Has this fact been taken into consideration for the Quogue project?
36. Has any type of investigation or analysis been undertaken to gain a better understanding of the nature and mechanism of the erosion “hot spot” area which is affecting some Quogue properties and may be the main driver of the project under consideration? Is there enough known about this phenomenon to expect that the proposed project might correct it or address it in a permanent way, or to suggest an alternative project design or measure which might address the “hot spot” directly without pumping sand onto 2.7 miles of beach?
37. It should be understood that the proposed project, if implemented, would not be significantly protective of the barrier island if the area were to experience a storm with similar characteristics to the 1938 hurricane.
38. Beach nourishment, while a stopgap measure, seems to have less negative effects than the installation of hard shoreline stabilization structures.

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39. The project description provided with the application is not complete because it does not include the periodic renourishments of the initial project which will undoubtedly be required.

40. The proposed project will do nothing to address the flooding / storm surge which engulfs the barrier island from the bay side.

The Village's responses to the issues outlined above will be essential for the Department to determine the appropriate next steps in the permit application process.

Please note that DEC has identified several issues associated with the project design, supporting information submitted with the application and other technical requirements which will be set forth shortly in a separate letter. In the meantime, please contact me at (631) 444-0371 or gwhammar@gw.dec.state.ny.us if you have any questions. Thank you for attention in this matter.

Sincerely,



George W. Hammarth
Deputy Regional Permit
Administrator

Enclosures
cc: Mayor Peter Sartorius