

Dear Quogue Residents,

With beach stickers now for sale and the 2021 version of the stairs at the Village Beach now in place, I thought that people might be interested in the status of the long-running Fire Island to Montauk Point Project as it pertains to Quogue, and so here is my current understanding:

General. New York State, acting through the Department of Environmental Conservation (DEC), has negotiated but not executed a Project Partnership Agreement with the US Army Corps of Engineers (USACE) calling for the initial construction of the coastal risk management features from Fire Island Inlet east to Montauk Point. New York State has produced draft Local Project Partnership Agreements between it and Suffolk County and each of the Towns involved (Babylon, Islip, Brookhaven, Southampton and East Hampton). The State wants those executed before it signs with the USACE. The Town of Southampton may wish to execute an intermunicipal agreement with each of the three villages in the Town that are involved.

The State wants the agreements executed with the County and the Towns by the end of April. Otherwise the project will be delayed.

Contracts. The first contract to be entered into by the USACE and a contractor will be for the dredging of Fire Island Inlet and placing the sand from that at Gilgo Beach and Robert Moses Park. It is slated for September 2021.

The next contracts are 2 and 5 and involve sand bypassing around Shinnecock and Moriches Inlets. September 2022 is the projected start date.

The next contract, which directly affects Quogue, is Contract 3, and it is anticipated to commence in September 2023. The basic project spec is for a beach height of 9.5 feet and a dune height of 13 feet. Steve Couch of the USACE did a field inspection in Quogue and East Quogue on March 25th with a team from the engineering, real estate and planning divisions of the USACE as well DEC representatives. The team reportedly found no significant impediments to doing the work, observed that the erosion at the Quogue Village Beach placed that area below project specification and identified that obtaining required real estate easements (described below) is the obstacle to be overcome in order to advance the project construction to 2022 instead of 2023. While the details of exactly how much of Quogue's beachfront will be included in the FIMP plan are not clear, we are confident that the Village Beach will be covered and that sand will be placed westward of that as well.

Funding. Initial construction of this project is 100% funded by the Federal government. It is the only project covered by the agreements between the USACE and the State and between the State and the public entities referred to above. One-hundred percent of the annual operating and maintenance cost (such as monitoring, beach clean-up and repairs) of the initial construction would be locally borne. For all of Southampton Town (including Quogue) this is estimated by the DEC at \$171,000 annually.

Future nourishments every four years or so would be 50-50 cost split between the Federal government and State/Local entities, with the State/Local share split 35%/15% and prorated by shoreline length. There is no contract for those future nourishments now, however.

Required Easements. The USACE requires a perpetual storm damage reduction easement from the owner of each property where it will be doing work. An easement is a right of use over limited and specific defined areas of a property. Easements allow the temporary construction activities necessary to build and, if necessary, repair the beach by placing beach compatible sand and will guarantee the public will be able to use the publicly-funded beach in a reasonable and lawful manner. Public use is necessary because Federal law requires that public funds only be spent on beaches that are usable by the public. The easement area is only in the beach and dune area, not the

property as a whole. The public would not be permitted to traverse the property in order to get to the beach, for example. Of course, in the Town of Southampton already “there is an easement in favor of the public between the high-water mark of the Atlantic Ocean and the southerly top of the sand dunes” *Dolphin Lane Assocs. v. Town of Southampton*, 37 N.Y.2d 292, 297 (1975).

The USACE recommends getting perpetual beach storm damage repair easements across all of the project beachfront (even if work is not being done in that area now) because the Federal government will reimburse 100% of the cost of doing that. If we do not get them now but then have to get those easements later on for a beach nourishment, the Federal government would not pay for them.

Obtaining easements is a local responsibility, but the costs of doing so are reimbursable if included in the initial project construction. The Town of Southampton intends to hire a contractor that has worked with the USACE in the past to accomplish this work. There are about 100 oceanfront parcels in Quogue.

Public Access. General public access will have to be provided at the Quogue Village Beach. Specifics remain to be finalized, but it appears that there will be some general access, daily rate parking at the parcel adjacent to the Village Beach parking lot that is jointly owned by the Town of Southampton and the Village of Quogue.

Peter Sartorius
Mayor