

August 5, 2014

Dear Senator Schumer and Congressman Israel:

One of the common concerns of Asharoken residents regarding the Asharoken Storm Reduction Project is that the entire beach when restored will become open to public access. They are worried about their total loss of privacy, ability to leave property on the beach and be exposed to potential liability issues should they chose to do so.

The overriding public benefit of the project is to protect the only road to Eaton's Neck. Asharoken Avenue provides ingress and egress for the residents of Eaton's Neck (approximately 1500 of which are not Asharoken residents), the Eaton's Neck Fire Department, US Coast Guard Station at Eaton's Neck and the families housed there, and a Town of Huntington public beach. The use of the road has to be assured at all times to protect the safety and health of everyone who relies on it. Therefore, there is a very significant public benefit to placing sand on the beach to protect Asharoken Avenue.

Several village residents inquired if it would be possible to create a buffer zone extending seaward from the bulkheads and the existing dune that could be considered private. The width of this zone is something that is open for discussion. I ran this idea by the NYSDEC and ACOE and was told that it could not be done. I am wondering if the ACOE and DEC are interpreting the Shore Erosion Control Law too narrowly.

Section h. states: "Public Use. Public use is a condition for Federal participation in hurricane, abnormal tidal or lake flood protection projects. Current shore erosion control law provides that "Shores other than public (i.e., privately owned) will be eligible for Federal assistance if there is a benefit **such** as that arising from public use . . ."

I am respectfully asking you to contact the USACOE and NYSDEC on behalf of the Village of Asharoken and explore the possibility of using the benefit arising from protecting and assuring the public use of Asharoken Avenue, a listed federal highway, as an offset for the amount of beach that is required for public access on the beach.

Asharoken understands and respects the beach public access requirement but the public benefit of preserving the road is significant and should be considered. The village will provide access paths to the beach approximately every half-mile. Asharoken is looking to create ample parking and access to the easternmost end of the beach where there is a 1000' long stretch without any homes. Combined, the road protection and proposed beach access provides a very significant public benefit. Additionally, approximately one half of the beach restoration is incidental to directly protecting Asharoken Avenue as there are no houses on that section of the Long Island Sound side of the road. Therefore, could a buffer zone be included in the Asharoken Storm Reduction Project, without incurring additional costs to the village and still conforming with the law, as a potential compromise to meet the needs of the residents of Asharoken and the public?

I am ready to meet with your staff, as well as the USACOE and NYSDEC to explore this option in detail. The village is trying to complete its draft public access plan by the middle of September so anything that can be done to expedite the process would be appreciated. In advance I would like to thank you for your help in this matter and your long term support and help for the residents of Asharoken.

Regards,

Mayor Greg Letica

