

Teleconference with Colonel Caldwell USACE regarding the ASDRP Project for the Village of Asharoken:

Attending:

Village of Asharoken:

- Mayor Greg Letica
- Deputy Mayor Pierce
- Bruce Migatz, Village Attorney
- Nancy Rittenhouse, Village Clerk

USACE:

- Colonel David Caldwell
- Anthony Ciorra
- Stephen Couch
- Clifford Jones
- Florence Mak
- Danielle Tommaso

NYSDEC:

- Susan McCormick
- Alan Fuchs

Town of Huntington:

- Supervisor Frank Petrone
- Philip Ingerman, Town Attorney

USACE teleconference began at 2:30pm on September 13<sup>th</sup>, 2016

USACE: USACE pointed out that back on August 5<sup>th</sup> Colonel Caldwell issued a letter outlining the project requirements relating to public access, parking and dune crossovers. USACE asked on September 5<sup>th</sup> if these requirements were acceptable. Susan McCormick reached out and asked if we can give additional time to the Village to respond. The question was raised, where the Village stands on these three points.

Mayor Letica: Mayor Letica thanked Colonel Caldwell. He asked the Colonel if there were anymore negotiations regarding the number of access points and parking in order to make the plan more palatable for the residents of Asharoken and provide protection to Eaton's Neck residents, or is this final offer.

Colonel Caldwell: Colonel Caldwell stated that there will be no further negotiations; we have had all our discussions with higher Headquarters. We are at a point where the Village must tell us whether they are willing to condemn property in order to move the project forward or not.

Mayor Letica: Mayor Letica pointed out that we have already submitted a letter with five access points. Are you looking for another letter from the Village, restating the same thing as we did before?

Colonel Caldwell: Colonel Caldwell pointed out that the USACE does not need another letter; the USACE needs a verbal commitment that you are willing to move forward.

Mayor Letica: Mayor Letica noted that the Village wants to finish the Feasibility Study in the event we need the study in the future.

Colonel Caldwell: Colonel Caldwell asked if the USACE finishes the Feasibility Study, will the Village go beyond the study and finish the project or will the study be placed on the shelf? The USACE has other projects that are important that are in need of federal taxpayer funds to complete. The USACE needs to know if the Village is willing to move forward with the project.

Mayor Letica: Mayor Letica stated that the Village's intent is to listen to what is being conveyed to the Village Board by our residents. The requirements of the public access plan which are five access points and parking is not going to be acceptable to our residents, at least not today. The Village does not know what will happen in the future. It's my duty as Mayor to finish the Feasibility Study and then reach out to our residents on how they want to move forward.

Colonel Caldwell: Colonel Caldwell pointed out that the next step in the Agency Decision Milestone (ADM) is to brief Headquarters on whether the Letter of Support has been submitted by the Village of Asharoken. The question that Headquarters will ask is will the Village of Asharoken and NYSDEC include the condemnation of property in the Letter of Support to move the ASDRP project forward. Per the Colonel, we will never get to the next step and headquarters will consider this a dead project if we don't have a Letter of Support in hand that includes the willingness to condemn property to move the project forward; the only choice is to stop the Feasibility Study.

Mayor Letica: Mayor Letica pointed out that this project has been going on since 2001. It is now 2016; I have been Mayor for four years. The notion that the Village must include in the Letter of Support the willingness to condemn property in order to move the project forward is the first time this has been communicated to the Village. Again, Mayor Letica pointed out that to say this whole ASDRP project hinges on whether or not the village is willing to condemn property is completely new to the village. We clearly have to discuss this with our entire Board of Trustees.

Susan McCormick with NYSDEC: Sue McCormick pointed out that this too is the first time the USACE has ever offered a "do or die" situation. Sue McCormick made it clear that there has always been room for more negotiations and that the USACE had never laid it on the line. The Village of Asharoken and NYSDEC never understood that this was the situation. She noted that at this point the Board of Trustees can decide what they want to do. Again, Sue McCormick asked if the Letter of Support for the Agency Decision Milestone (ADM) must include condemnation of property because this is the first time the USACE has requested it.

Colonel Caldwell: Colonel Caldwell indicated that Headquarters wants to have it in writing by the Local Sponsor (Village of Asharoken). Headquarters does not want to waste federal taxpayer funding if the Local Sponsor is not willing to commit to condemning property in order to move the project forward to completion. The project calls for condemning property, he noted, and will the Local Sponsor do that? Again, the Colonel pointed out that Headquarters does not want to spend federal taxpayer dollars on a Feasibility Study if the completion of the ASDRP project is not going to occur.

Mayor Letica: Mayor Letica pointed out that the Village submitted a comprehensive public comment response to the USACE which seemed to push the project in the wrong direction; we went from a possible three access point to five access point plan. The Village of Asharoken is trying to save taxpayer money by completing the Feasibility Study for future disasters to protect the Village of Asharoken as well as the property owners of Eaton's Neck. Mayor Letica pointed out that our community is being asked to bear the full local share cost as well as opening up our private beaches to the public. We have one access roadway that is utilized by 5,000 cars a day. We have a seawall

that needs repair; if the USACE would just place sand in front of the seawall it would extend the life of the structure and secure access to Asharoken and Eaton's Neck residents. We continue to repair the dunes that protect the roadway. There are so many reasons to move forward with this project to protect the roadway, and in fact your own regulations say that "shores other than public will be eligible for Federal assistance if there is a benefit such as that arising from public use". The public use is the roadway. The Village tried to reach a compromise with the USACE through Congressman Israel and Supervisor Petrone. We are not wasting Federal taxpayer dollars if we move forward and at least complete the Feasibility Study; any needed future projects could then be completed, similar to Long Beach, its money well spent.

Colonel Caldwell: Colonel Caldwell pointed out that even though Long Beach had its study, the USACE had to spend time making adjustments to it, before the final project moved forward. Today there is a different sense of urgencies. In 2014 Congress was pushing the timeline to move Feasibility Studies forward. The USACE came up with certain milestones to support that. But the overall intent of Congress for USACE projects that are not moving forward is that the related Feasibility Studies should end as well. The USACE was making every effort after reviewing the public comments to come up with other options for Asharoken and Eaton's Neck but sometimes the Colonel noted when comments are made they bring up other issues. The USACE was trying to figure out a way to get to approve the three access plan, but they confirmed that it doesn't follow National policy and therefore the USACE had to go back and add additional requirements based on the regulations.

Clifford Jones of the USACE: pointed out that the public access component can only be removed if the protection of the roadway by itself was economically justified, which it is not.

Mayor Leticia: Mayor Leticia pointed out that the Village of Asharoken submitted a three access plan; it was turned down. The Village then submitted a five access plan in order to finish the Feasibility Study. Mayor Leticia asked the Colonel to put in writing all requirements needed from Village.

Village Attorney Bruce Migatz: Bruce Migatz asked why the protection of the only roadway in this community is not justified; many smart residents in Asharoken and Eaton's Neck cannot understand that the protection of the roadway does not stand on its own.

USACE: The USACE pointed out that the roadway is separated out; even if we calculate damage or impact to the roadway the amount of losses incurred from loss of usage of the roadway compared to the project as a whole (\$30,000,000) would only provide a 30% benefit; and therefore would not justify the project using the roadway as the "public benefit".

Village Attorney Bruce Migatz: Bruce Migatz clearly asked the USACE how the loss of life is factored into its cost/benefit analysis.

Colonel Caldwell: Colonel Caldwell stated that the loss of life is not factored into the analysis.

Village Attorney Bruce Migatz: Bruce Migatz pointed out that if an emergency situation were to occur, nobody will be able to get to those people.

USACE: The USACE pointed out that history has shown that the Coast Guard can provide for evacuation if necessary.

Village Attorney Bruce Migatz: Bruce Migatz pointed out that we are also referring to emergencies such as fire and health emergencies.

Mayor Letica: Mayor Letica made a point; do we really want to end up in a situation where the road is washed out? Shouldn't the USACE at least consider placing sand needed to protect this from happening? All of Eaton's Neck residents could be stranded under these conditions. These situations have not been considered fully but we have repeatedly made this point in our public comment. The seawall area is at a point that even on a normal weather day, washover occurs. The seawall and Asharoken Beach could have been severely damaged if it wasn't for the wind shift from Superstorm Sandy. We may not be that lucky next time.

USACE: The USACE has to come up with a cost benefit ratio of the project. These are defined in order for us to make the calculations, none of this is arbitrary. The USACE arrives at a higher benefit from protecting businesses/commercial property as opposed to residential property.

Colonel Caldwell: Colonel Caldwell asked when the next Board meeting is; Mayor Letica noted in the next two weeks.

Mayor Letica: Mayor Letica asked the Colonel to put in writing exactly what the USACE is looking for in a response from the Village. Colonel Caldwell noted that a letter will be sent out shortly.

Sue McCormick with NYSDEC: Sue McCormick asked the USACE to make sure the letter is clear as to what the Village has to commit to. The Village needs to understand that if they walk away from the project that the USACE is done with the ASDRP project and that this is a take it or leave it decision. The State and the Village have been asking these questions for two years now and we never got concrete answers until this phone conference call.

Town of Huntington Supervisor-Frank Petrone: Supervisor Petrone thanked Colonel Caldwell for his time. He pointed out his concern for Eaton's Neck and Asharoken residents and the several hundred homes if the Village decides to leave the project. He asked the Colonel if there are any mitigation funds available and pointed out that he will be responsible for the new chapter to protect the people of that hamlet. He made a point of looking at alternatives and discussing mitigation.

Colonel Caldwell: Colonel Caldwell pointed out that he will try to outline options for the future if the project does not go forward.

Sue McCormick with NYSDEC: Sue McCormick suggested to the USACE to review the letter sent to Village of Bayville.

Mayor Letica: Mayor Letica stressed that the Village will work with Supervisor Petrone on mitigating options. Mayor Letica ended by strongly suggesting putting a huge amount of sand in front of the seawall.

Colonel Caldwell: Colonel Caldwell thanked everyone on the call.  
Call ended at 3:25pm