



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

Commander

DEC 14 2016

Mr. Alan Fuchs
New York State Department of Environmental Conservation
Division of Water
Bureau of Flood Protection and Dam Safety
625 Broadway
Albany, New York 12233-3504

Dear Mr. Fuchs:

I am in receipt of your October 18, 2016 letter regarding the Asharoken, New York Coastal Storm Risk Management Feasibility Study (Study). Your letter is a response to my August 2, 2016 and September 22, 2016 letters, in which I requested a statement of support for the proposed project, your willingness to proceed to construction, and your ability to fulfill the requirements of a non-Federal sponsor.

I have discussed the matter with NYSDEC Commissioner Basil Seggos, and NYSDEC Deputy Commissioner James Tierney over the course of the past two months. I appreciate their effort to work with the Village of Asharoken, the Town of Huntington, and others to find a solution that is compliant with applicable USACE guidance. However, there has been no clear commitment on the part of the NYSDEC or Village of Asharoken to construct the project. Through our coordination, it has become clear to me that there is no consensus with the NYSDEC or the Village of Asharoken about how to best build the project, or even agreement as to whether or not the project should be built. Therefore, I have notified the Commander of the USACE North Atlantic Division that the Study is now concluded in accordance with Engineering Regulation, ER 1105-2-100, Paragraph 4-3.

We recognize and thank you for your agency's work on the Study. I look forward to completing other post-Hurricane Sandy projects with your team. Please do not hesitate to contact Mr. Stephen Couch, Chief, Sandy Planning Branch, at (917) 790-8707 if you should require more information.

Sincerely,

David A. Caldwell
Colonel, U.S. Army
Commander

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of Water Resources, Deputy Commissioner
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December 14, 2016

Colonel Caldwell
Commander
U.S. Army Corps of Engineers
New York District Office
26 Federal Plaza
New York, New York 10278-0090

Re: Asharoken Coastal Storm Feasibility Study Discontinuance

Dear Colonel Caldwell:

The New York State Department of Environmental Conservation (DEC) has reviewed your December 14, 2016 letter informing of the Army Corps' decision to discontinue efforts on the Feasibility Study for the Asharoken coastal storm resiliency project. I write to clarify DEC's position and actions on the Asharoken matter in relation to how they were described in your letter and in an associated memorandum to the North Atlantic Division dated December 9, 2016. In your memo, you wrote that DEC was not clear about its support for the project.

DEC has communicated to the Army Corps that it is in full support of completing the Feasibility Study – a study that was approximately 95% complete at a cost of approximately \$4 million thus far and extending over an eight year period. A copy of DEC's October 18, 2016 letter to you on that topic is attached. As discussed in that letter and in other communications, DEC is in full support of the project proposed in the Army Corps draft study, with DEC's understanding that the project would be modified to be a "sand only" project.

In the attached November 22, 2016 letter to the Mayor of the Village of Asharoken, that was copied to four members of the Army Corps' management team, DEC once again expressed full support for the project and provided the local officials with a detailed explanation of the exact set of commitments that would be necessary to avert an Army Corps' decision to terminate the Feasibility Study and with it, the proposed project. As you and your team understand, regardless of New York's support for this project, a local



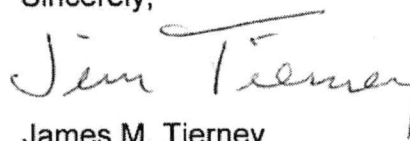
Department of
Environmental
Conservation

sponsor is required for such projects under New York law. Our staff communicate regularly, and it is my understanding that your team was kept fully informed of DEC's position on the Feasibility Study, the project and our many discussions with the local community.

Most recently, the Village of Asharoken requested until January 10, 2017, to undertake community consultations and provide a response on the Army Corps required commitments. While this request was ultimately denied by the Army Corps, it is our hope that should this community provide a satisfactory response soon the Feasibility Study would proceed toward completion.

Thank you for your time. On behalf of the Commissioner, please know that we at DEC are personally grateful to you and your team for all the good efforts to make New York more resilient.

Sincerely,

A handwritten signature in cursive script that reads "Jim Tierney". The signature is written in dark ink and is positioned above the printed name.

James M. Tierney

Encls.