



DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF ENGINEERS
WASHINGTON, D.C. 20314-1000

MAR 3 1 2006

REPLY TO
ATTENTION OF:

CEMP-NAD (1105-2-10a)

SUBJECT: Montauk Point, New York

THE SECRETARY OF THE ARMY

1. I submit for transmission to Congress my report on the study to reduce hurricane and storm damages at Montauk Point, New York. It is accompanied by the report of the district and division engineers. These reports are in response to two authorizing resolutions by the Committee on Environment and Public Works of the U.S. Senate adopted on May 15, 1991. One resolution requested the Secretary to *"....determine what interim emergency protection works can be carried out to serve as protection for the lighthouse and bluff until a comprehensive study determines the best environmental, cultural and economical plan to enhance and protect this important resource."* The other resolution requests the Secretary *".... to review the report of the Chief of Engineers on Fire Island to Montauk Point, New York, published as House Document Number 86-425, 86th Congress, 2nd session, and other pertinent reports, to determine whether modifications of the recommendations contained therein are advisable at the present time, with a view to preserving, restoring and protecting Montauk Point and vicinity, including the historic Montauk Lighthouse and associated facilities, from erosion, environmental degradation, and coastal storm damage."* The reporting officers determined in the Reconnaissance Report dated February 1993 that *"In view of the limited protection afforded by the U.S. Coast Guard and the Montauk Historical Society in 1990, 1991 and 1992, no additional interim emergency measures are warranted at this time."* The feasibility study confirmed those findings. Pre-construction engineering and design activities for this proposed project will be continued under the authority provided by the latter resolution cited above.

2. The reporting officers recommend a long-term comprehensive revetment project with a 73-year storm design for hurricane and storm damage reduction for Montauk Point, New York. The plan consists of the following improvements:

- Stone revetment, 840-feet in length, with a crest width of 40-feet at elevation +25 feet NGVD, and 1V:2H side slopes.
- 12.6-ton quarystone armor units extending from the crest down to embedded toe.
- Three layers of 4-5 ton armor units are used atop the splash apron.
- The bottom of the armor stone layer in the toe would be located at a depth of 12-feet below the existing bottom.
- A heavily embedded toe is incorporated to protect against breaking waves, provide long-term stone stability, and prevent scour at the toe of the structure.

3. Based on October 2005 price levels, the total first cost for construction of the recommended plan \$14,252,000. Because the usage of the protected area is recreation, cost sharing for construction will be 50 percent Federal and 50 percent non-Federal in accordance with the requirements of the Water Resources Development Act (WRDA) of 1986, as amended. The estimated total Federal first cost of construction is \$7,126,000 and the estimated total non-Federal first cost of construction is \$7,126,000. All costs for operation, maintenance, repair, rehabilitation, and replacement of the recommended project are the responsibility of the non-Federal sponsor.

4. The recommended plan is the national economic development plan. Based on October 2005 prices and a Federal discount rate of 5.125 percent, the estimated average annual cost of the recommended plan is \$889,000, average annual benefits are \$1,697,000, and average annual net benefits are \$808,000. The project's benefit-to-cost ratio is 1.9 to 1.0.

5. I generally concur in the findings, conclusions, and recommendations of the reporting officers. The plan developed is technically sound, economically justified, and environmentally and socially acceptable. The plan conforms with essential elements of the U.S. Water Resources Council's Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies and complies with other administrative and legislative policies and guidelines. The views of interested parties, including Federal, State, and local agencies, have been considered. The District, Division, and HQ have reviewed the impact assessment and found it to be compliant with Corps regulations. The Corps has fully considered the State and Federal Agency comments.

6. Accordingly, I recommend implementation of the authorized project in accordance with the reporting officers' plan with such modifications as in the discretion of the Chief of Engineers may be advisable. My recommendation is subject to cost sharing, financing, and other applicable requirements of WRDA 1986, as amended. Also, this recommendation is subject to the non-Federal sponsor agreeing to comply with all applicable Federal laws and policies, including the following requirements:

a. Provide non-Federal costs assigned to hurricane and storm damage reduction as further specified below:

(1) Enter into an agreement, which provides, prior to construction, 25 percent of pre-construction engineering and design (PED) costs;

(2) Provide, during the first year of construction, any additional funds needed to cover the non-federal share of PED costs;

(3) Provide all lands, easements, and rights-of-way, including suitable borrow areas, and perform or ensure the performance of any relocations determined by the Federal Government to be necessary for the initial construction, operation, and maintenance of the project;

(4) Provide, during construction, any additional amounts as are necessary to make its total contribution equal to 50 percent of initial project costs assigned to hurricane and storm damage reduction;

b. For so long as the project remains authorized, operate, maintain, and repair the completed project, or functional portion of the project, at no cost to the Federal Government, in a manner compatible with the project's authorized purposes and in accordance with applicable Federal and State laws and regulations and any specific directions prescribed by the Federal Government.

c. Give the Federal Government a right to enter, at reasonable times and in a reasonable manner, upon property that the Non-Federal Sponsor, now or hereafter, owns or controls for access to the project for the purpose of inspecting, operating, maintaining, repairing, replacing, rehabilitating, or completing the project. No completion, operation, maintenance, repair, replacement, or rehabilitation by the Federal Government shall relieve the Non-Federal Sponsor of responsibility to meet the Non-Federal Sponsor's obligations, or to preclude the Federal Government from pursuing any other remedy at law or equity to ensure faithful performance;

d. Hold and save the United States free from all damages arising from the initial construction, operation, maintenance, repair, replacement, and rehabilitation of the project and any project-related betterments, except for damages due to the fault or negligence of the United States or its contractors;

e. Keep and maintain books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to the project in accordance with the standards for financial management systems set forth in the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments at 32 Code of Federal Regulations (CFR) Section 33.20;

f. Perform, or cause to be performed, any investigations for hazardous substances that are determined necessary to identify the existence and extent of any hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), Public Law 96-510, as amended, 42 U.S.C. 9601-9675, that may exist in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be required for the initial construction, operation, and maintenance of the project. However, for lands that the Federal Government determines to be subject to the navigation servitude, only the Federal Government shall perform such investigations unless the Federal Government provides the Non-Federal Sponsor with prior specific written direction, in which case the Non-Federal Sponsor shall perform such investigations in accordance with such written direction;

g. Assume complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be necessary for the initial construction, operation, or maintenance of the project;

h. Agree that the Non-Federal Sponsor shall be considered the operator of the project for the purpose of CERCLA liability, and to the maximum extent practicable, operate, maintain, and repair the project in a manner that will not cause liability to arise under CERCLA;

i. If applicable, comply with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 CFR Part 24, in acquiring lands, easements, and rights-of-way, required for the initial construction, periodic nourishment, operation, and maintenance of the project, including those necessary for relocations, borrow materials, and dredged or excavated material disposal, and inform all affected persons of applicable benefits, policies, and procedures in connection with said Act;

j. Comply with all applicable Federal and State laws and regulations, including, but not limited to: Section 601 of the Civil Rights Act of 1964, Public Law 88-352 (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto; Army Regulation 600-7, entitled "Nondiscrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of the Army"; all applicable Federal labor standards requirements including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (revising, codifying and enacting without substantial change the provisions of the Davis-Bacon Act (formerly 40 U.S.C. 276a *et seq.*), the Contract Work Hours and Safety Standards Act (formerly 40 U.S.C. 327 *et seq.*) and the Copeland Anti-Kickback Act (formerly 40 U.S.C. 276c *et seq.*)); and Section 402 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 701b-12), requiring non-Federal preparation and implementation of flood plain management plans;

k. Provide and maintain necessary access roads, parking areas, and other public use facilities, open and available to all on equal terms;

l. Recognize and support the requirements of Section 221 of Public Law 91-611, Flood Control Act of 1970, as amended, and Section 103 of the Water Resources Development Act of 1986, Public Law 99-662, as amended, which provides that the Secretary of the Army shall not commence the construction of any water resources project or separable element thereof, until the non-Federal sponsor has entered into a written agreement to furnish its required cooperation for the project or separable element; and

m. Do not use Federal funds to meet the non-Federal sponsor's share of total project costs unless the Federal granting agency verifies in writing that the expenditure of such funds is expressly authorized by statute.

7. The recommendation contained herein reflects the information available at this time and current departmental policies governing formulation of individual projects. It does not reflect program and budgeting priorities inherent in the formulation of a national civil works construction program, nor the perspective of higher review levels within the executive branch. Consequently, the recommendation may be modified before it is transmitted to Congress as a proposal for authorization and implementation funding. However, prior to transmittal to

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Congress, The State of New York, Department of Environmental Conservation, the non-Federal sponsor, interested Federal agencies; and other parties will be advised of any modifications and will be afforded an opportunity to comment further.

A handwritten signature in black ink, appearing to read 'Carl A. Strock', with a long horizontal flourish extending to the right.

CARL A. STROCK
Lieutenant General, U.S. Army
Chief of Engineers