

Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

RESOLUTION NO. 586 -2014, AUTHORIZING EXECUTION OF A LOCAL PROJECT PARTNERSHIP AGREEMENT WITH THE STATE OF NEW YORK IN CONNECTION WITH THE RECONSTRUCTION OF THE FIRE ISLAND BARRIER BEACH AND DUNE NETWORK FROM THE FIRE ISLAND INLET TO MORICHES INLET (FIMI)

WHEREAS, the Fire Island Inlet to Montauk Point, New York, Combined Beach Erosion Control and Hurricane Protection Project ("FIMP") was first authorized by the River and Harbor Act of 1960, Public Law 86-645; and

WHEREAS, under the Construction heading, Chapter 4, Title X, Division A of the Disaster Relief Appropriations Act of 2013, Public Law 113-2 (127 Stat. 24 – 25) enacted January 29, 2013 (hereinafter "DRAA 13"), the Secretary of the Army is authorized, at full Federal expense using funds provided from DRAA 13, to complete construction of certain ongoing construction projects, which includes construction of the subject proposed project in the FIMI area at an estimated total cost of \$207,100,000; and

WHEREAS, as a consequence of the severe coastal erosion during Superstorm Sandy and in recognition of the urgency to repair and implement immediate stabilization measures particularly between the Fire Island Inlet and Moriches Inlet, the United States Army Corp of Engineers ("USACE"), consistent with DRAA 13, developed the Fire Island to Moriches Inlet, Fire Island Stabilization Project Hurricane Sandy Limited Reevaluation Report dated June 2014 ("FIMI Report"), annexed as Exhibit "A" which provides for the reconstruction of the beach and dune along eighty-five thousand one hundred (85,100) feet of shoreline within the 30 miles of shoreline from Fire Island Inlet to Moriches Inlet ("Project"); and

WHEREAS, as a consequence of the severe coastal erosion, the barrier beach is vulnerable to overwash and breaching during future storm events which may increase the potential for devastating storm damage to shore and back bay communities along the Great South Bay and Moriches Bay; and

WHEREAS, in order for the Project to proceed, it is necessary for both the State and the County to agree to be local sponsors of the Project and for the State to enter into a Project Partnership Agreement with the Federal Government and a separate Local Project Partnership Agreement with the County ("Agreement"); and

WHEREAS, as a local sponsor, the County will be responsible for acquiring the real estate interests necessary for implementation of the Project as determined by the USACE, including acquisition of approximately forty-one (41) properties, and obtaining approximately four hundred eleven (411) easements on private properties, including Perpetual Beach Storm Reduction Easements, Temporary Construction Easements, and Rights-of-Entries (See Exhibit A - FIMI Report, Appendix G); and

WHEREAS, the Project has undergone an environmental assessment by the Federal Government in accordance with the requirements of the National Environmental Protection Act of 1969 (NEPA) wherein it was found that there was no significant adverse impact; and

WHEREAS, pursuant to the State Environmental Quality Review Act, N.Y. Env. Conservation Law Article, 8 (“SEQRA”) and Title 6 New York Code of Rules and Regulations (“NYCRR”) Part 617, the New York State Department of Environmental Conservation (“NYSDEC”), acting as lead agency, classified the Project as a Type I action under 6 NYCRR §617.4, determined that implementation of the Project as proposed will not result in any significant adverse environmental impacts and issued a negative declaration (“Negative Declaration”) regarding the Project; and

WHEREAS, a coordinated SEQRA review was performed; and

WHEREAS, the County of Suffolk, as an involved agency, following coordinated review, is bound by the Negative Declaration (see 6 NYCRR Section 617.6(b)(3)(iii)); and

WHEREAS, pursuant to the proposed Agreement, the State will advance and/or reimburse to the County funds to cover the cost of acquiring and/or obtaining the real estate interests necessary for the Project to proceed and will thereafter seek reimbursement from the Federal Government; and

WHEREAS, in the event there are expenditures made by the County in connection with acquisition of real estate interests that are not subject to reimbursement by the Federal Government, the proposed Agreement provides that the State will reimburse the County for seventy percent (70%) of such non-reimbursable costs; and

WHEREAS, it is in the best interests of the County and its residents that the Project proceed in order to implement immediate stabilization measures to restore the beaches and dune network thereby protecting the barrier islands and the mainland from the Fire Island Inlet to the Moriches Inlet; now, therefore be it

1st **RESOLVED**, this Legislature, pursuant to SEQRA and Chapter 450 of the Suffolk County Code, hereby finds and determines that the County is bound by the Negative Declaration issued by NYSDEC on July 18, 2014, and that, the Legislature has no further responsibilities under SEQRA; and be it further

2nd **RESOLVED**, that the Suffolk County Executive or his designee, is hereby authorized, empowered and directed to execute the Agreement with the State substantially in the form submitted herewith as Exhibit “B”, and to take all actions necessary to implement the Agreement; and be it further

3rd **RESOLVED**, that the Suffolk County Executive and/or his designee(s) are further authorized to take such actions and execute and deliver, on behalf of the County, such documents including easements, rights of access and other agreements, instruments or authorizations, as may be contemplated by, or necessary or advisable to consummate or otherwise give full effect to, the Project and the Agreement and this resolution, and which are deemed necessary or desirable to effectuate the Project and to perform all acts and do all things required or contemplated to be performed or done by the Agreement or by this resolution or by any agreement, instrument or authorization approved, contemplated or authorized hereby; and be it further

4th **RESOLVED**, that the Departments of Public Works, Real Property Management and Acquisition and Law are authorized to perform acts necessary to comply with the provisions of the Agreement including but not limited to actions necessary to obtain surveys, appraisals,

environmental assessments and title reports and to acquire or obtain all rights of ways, easements and title to real estate properties in accordance with the FIMI Report and this Agreement.

DATED: July 29, 2014

APPROVED BY:

/s/ Dennis M. Cohen
Chief Deputy County Executive of Suffolk County

Date: July 30, 2014