



**U.S. Army Corps of Engineers
New York District**

**Engineering Evaluation and Cost Analysis
Action Memorandum

Former Camp Hero
Montauk, New York**

US Army Engineering & Support Center, Huntsville

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August 5, 2002

U.S. Army Engineering & Support Center
ATTN: Mr. Jerry Kresge
4820 University Square
Huntsville, AL 35816-1822
256-895-1158

Subject: Contract DACA87-00-D-0038, Delivery Order 0002
Final Action Memo/Responsiveness Summary Deliverable
Former Camp Hero, Montauk, New York

Dear Mr. Kresge:

Enclosed please find four (4) copies of the Final Action Memo/Responsiveness Summary Report for the former Camp Hero Engineering Evaluation/Cost Analysis Project. All comments from reviewers have been incorporated and the Form 7 annotations are attached. Following backcheck and approval, please forward two copies to Mr. Constancio Labeste (CENAN). Additional copies can be prepared as needed.

If you have any questions regarding this letter or need additional information, please contact me at (678) 969-2384 or (404) 606-0346 (cell).

Sincerely,

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Don Silkebakken, P.E.
Project Manager

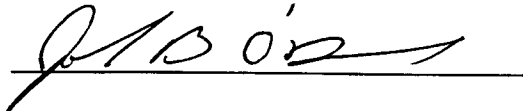
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**ENGINEERING EVALUATION AND COST ANALYSIS
ACTION MEMORANDUM
FORMER CAMP HERO
MONTAUK, NEW YORK**

FOREWORD

This Engineering Evaluation and Cost Analysis (EE/CA) Action Memorandum document represents the selected ordnance and explosives (OE) response actions for the former Camp Hero, Montauk, New York. The United States Army Corps of Engineers (USACE) is the executing agency under the Defense Environmental Restoration Program (DERP), and developed this EE/CA Action Memorandum in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended; and is consistent with the National Contingency Plan (NCP). This decision is based on the information contained in the administrative record for this site. This document has been approved by the undersigned.



John O'Dowd
Colonel, Corps of Engineers
Commanding

TABLE OF CONTENTS

	Page
1.0 INTRODUCTION	1
2.0 STATEMENT OF BASIS AND PURPOSE	1
3.0 PROJECT JUSTIFICATION.....	2
4.0 ALTERNATIVES CONSIDERED	2
5.0 HIGHLIGHTS OF COMMUNITY PARTICIPATION	2
6.0 COORDINATION SUMMARY	3
7.0 SELECTION CRITERIA	3
8.0 DESCRIPTION OF SELECTED REMEDIES	3
9.0 TRADE-OFF ANALYSIS.....	4
10.0 DOCUMENTATION OF SIGNIFICANT CHANGES	4
11.0 RESPONSIVENESS SUMMARY	4

LIST OF FIGURES

1. AREAS OF INTEREST	5
2. OE RESPONSE ACTION SUMMARY	6

LIST OF TABLES

1.0 RECOMMENDED RESPONSE ACTION SUMMARY.....	7
2.0 OE RESPONSE ACTION COST SUMMARY	8

1.0 INTRODUCTION

1.1 The former Camp Hero (the Camp) is a formerly used defense site (FUDS) located in Suffolk County in Montauk, New York, at the easternmost tip of the southern fork of Long Island. The former Camp encompasses approximately 468.69 acres. During and after World War II the Camp was utilized as a Coastal Defense Installation to defend approaches to New York via three self-sufficient batteries (Battery No. 112, Battery Dunn 113, and Battery No. 216) and supporting facilities (see Figure 1).

1.2 After facility closure and property transfers, a portion of the former Camp Hero land was transferred to the Department of the Air Force for an aircraft control and warning station. On January 24, 1951, the property was withdrawn from surplus and designated for use as a firing range and field exercise area for anti-aircraft artillery (AAA) from Fort Totten, NY. In 1952, the Air Force property was renamed the Montauk Air Force Station. Training continued using 90mm and 120mm guns, 3.5-inch rockets, and .50 caliber guns until 1957.

1.3 Between 1974 and 1984 all site lands were transferred to state, local, and Federal agencies. Much of the former Camp is now a State Park and is open to the public for pedestrian-based passive recreation including bird watching, beach combing, walking/hiking, photography, and seasonal surf fishing (permit only). The majority of the former Camp property is under the jurisdiction of the Office of Parks, Recreation, and Historic Preservation (OPRHP). The town of East Hampton controls 46.19 acres within the former Camp, consisting of 27 former Air Force housing units. In addition, the U.S. Coast Guard operates an automated beacon light atop the old lighthouse at Montauk Point.

1.4 An Engineering Evaluation/Cost Analysis (EE/CA) was conducted at the former Camp to characterize ordnance and explosives (OE) concentrations and locations, identify potential safety problems associated with the OE, study risk management alternatives, recommend proposed alternatives, and document the preferred alternative for various areas of interest (AOIs). The EE/CA investigation conducted at the site confirmed the presence of OE-related items within two AOIs and a potential explosive safety threat to the public was identified. A map depicting the AOIs within the Camp is presented as Figure 1.

2.0 STATEMENT OF BASIS AND PURPOSE

2.1 The purpose of this EE/CA Action Memorandum is to set forth the selected OE response actions for the former Camp. The United States Army Corps of Engineers (USACE) is the executing agency and there are no outstanding policy issues with regards to the recommendations at this site. This decision document presents the selected response action for the former Camp Hero in Montauk, New York which was chosen in accordance with the requirements under CERCLA, the NCP, and the Defense Environmental Restoration Program (DERP). The Ordnance Response Program addresses other environmental damage (such as the detection and disposal of UXO)

which creates an imminent and substantial endangerment to the public health, welfare, or the environment. There are no outstanding policy issues.

2.2 Based on the results of the completed EE/CA, the USACE will conduct removal actions under the Non-Time Critical Removal Action (NTCRA) process in two AOIs investigated during the EE/CA. Removal actions will consist of clearance to depth (maximum depth four feet) of UXO in the two investigation areas, as detailed in Subsection 7.3.6 of the Final EE/CA Report. In addition to these NTCRAs, institutional controls (IC) will be implemented site-wide within the former Camp in accordance with the Final EE/CA Report recommendations. The OE response actions are summarized in Table 1 and depicted on Figure 2.

2.3 Although no UXO was encountered during the EE/CA investigation, OE scrap indicative of demolition activity was present to a maximum depth of 18 inches below ground surface. The presence and distribution of OE scrap coupled with historical accounts of UXO findings at the site affirms the ASR determination and the historical information presented in the Archives Search Report, OE/UXO potentially remains at the site. OE scrap recovered during the EE/CA investigation included scrap from 3.5-inch practice rockets and scrap from 105mm HE projectiles.

2.4 The Final EE/CA Report describes the potential response alternatives that were evaluated for each of the AOIs within the site and presents the recommended response alternative. The OPRHP and local government officials have been actively involved in the document review process and concur with the selected alternatives presented here. The basis for this decision is documented in the Administrative Record for the site. This record is available at the Montauk Public Library, Montauk, NY on Montauk Highway (Route 27). The OPRHP concurs with the selected alternatives.

3.0 PROJECT JUSTIFICATION

The results of the EE/CA investigation confirmed that OE scrap, indicative of potential UXO hazards, are present within the Camp and potentially affecting the public safety. The origin of the OE scrap and any potential UXO at the site has been confirmed to be the result of DoD activity. No other potentially responsible parties have been identified at the site. The public has access to most of the site and there are no significant administrative or engineering controls currently in place to modify public behavior and reduce exposure to OE/UXO. A qualitative risk analysis was completed based on the U.S. Army Corps of Engineers, Engineering and Support Center Huntsville (USAESCH) OE Risk Impact Assessment (OERIA) evaluation tool. This tool qualitatively evaluates three primary risk factors: 1) presence of OE, 2) site characteristics, and 3) human factors. A detailed discussion of the OERIA is presented in the Final EE/CA Report. The results of the risk analysis indicate that the potential for the presence of OE/UXO exists within several areas of the former Camp posing an imminent and substantial endangerment to public safety, welfare, and the environment.

4.0 ALTERNATIVES CONSIDERED

A NTCRA was developed to address the potential risks associated with remnant OE/UXO at the former Camp. Several alternatives were considered for each of the AOIs investigated within the former Camp. These alternatives consist of:

- No DoD Action Indicated (NDAI);
- Institutional Controls (IC);
- Surface Clearance of OE/UXO items; and
- Clearance to Depth of OE/UXO items.

5.0 HIGHLIGHTS OF COMMUNITY PARTICIPATION

Several opportunities for the local community to actively participate in the former Camp Hero EE/CA were available. A public meeting was held February 6, 2001, prior to the start-up of field work to conduct the EE/CA investigation. A public meeting was also held February 28, 2002 to present the conclusions and recommendations of the EE/CA to the public and solicit comment. In addition, a public notice of the request for public comment was placed in two local papers, the *East Hampton Independent* and *Newsday* on March 27, 2002. Publication of the public notice marked the beginning of the thirty-day period for public comment. Most of the public concerns at both meetings were related to the potential environmental impact on the habitat and endangered species and the anticipated acceleration of erosion of the bluffs.

6.0 COORDINATION SUMMARY

Project activities for the Camp Hero EE/CA have been coordinated with the OPRHP and local government officials. All phases from the work plans through the Draft and Final EE/CA Reports were reviewed by OPRHP.

7.0 SELECTION CRITERIA

The selection criteria used to evaluate the four response action alternatives consist of the effectiveness in reducing the public safety risks, the implementability of the alternative, and the cost of implementing the alternative. These criteria are discussed further in Section 7 of the Final EE/CA Report.

8.0 DESCRIPTION OF SELECTED REMEDIES

8.1 Based on the results of the EE/CA field investigation, implementation of a site-wide IC program was deemed prudent regardless of the recommendations for specific AOIs. The site-wide IC components considered effective, implementable, and cost effective are the preparation and distribution of printed media, classroom education, visual/audio media, establishment of exhibits/displays, creation of an internet website, and establishment of an Ad Hoc committee. It is recommended that the local community establish the Ad Hoc committee. The total capital cost for implementation of the site-wide institutional controls is estimated at \$58,850 with an annual recurring cost of approximately \$3,400. A detailed description and associated cost for implementation of

each recommended site-wide IC component are presented in Appendix D of the Final EE/CA Report.

8.2 OE response action alternatives were evaluated for each of the AOIs within the Camp that were investigated during this EE/CA investigation. As a result of the comprehensive evaluation of alternatives by AOI, one AOI, Area A – Fire Control/37mm Training, was designated for “No DoD Action Indicated” (NDAI). The majority of Area K – Near-Shore Ordnance Area was also designated “NDAI”. The EE/CA investigation results indicated the distribution of OE in Area K was confined to the land immediately adjacent to the bluffs and below Area H – Ordnance Destruction Range. Portion of Area K recommended for an OE removal action was reduced from the original 44.88 acres to the 9 acres directly below Area H (referred to as Revised Area K), see Figure 2.

8.3 The clearance to depth of OE alternative is selected for Area H and in Revised Area K. Seven acres within Area H and 9 acres within Revised Area K will be cleared of all surface and subsurface OE-related items to a maximum depth of 4 feet below ground surface (bgs). Although no UXO was identified during investigation of either area during the EE/CA investigation, OE scrap was discovered in both areas to a maximum depth of 18 inches bgs. The depth distribution of OE scrap is consistent with the use of Area H as a demolition area with OE scrap present in Revised Area K attributable to migration via erosion of the steep bluff separating the areas. It is anticipated that any residual OE would similarly be within the OE scrap depth distribution observed during the EE/CA investigation. However, the data set may not be adequate to fully characterize the depth distribution. Therefore, based on the future land use for public recreation and in accordance with DoD guidance (DoD 6055.9-STD, 1999), the clearance to depth alternative will be synonymous with clearance to four feet bgs for Area H and Revised Area K.

8.4 In Area H, 100% of the OE scrap recovered during the EE/CA investigation were located from 0 to 18 inches bgs. In Revised Area K, 100% of the OE scrap recovered during the EE/CA investigation were located from 0 to 12 inches bgs. The estimated cost to implement the clearance to depth alternative is approximately \$82,720 at Area H and approximately \$122,108 at Revised Area K. The susceptibility of the area to significant erosion coupled with the confirmed use of the AOI for military training supports the need for a removal action. Since the constant effects of beach erosion may cause the relatively quick obsolescence of any beneficial effects of the removal action, an annual visual recheck of Revised Area K will be conducted for a period of four additional years to include coordination with OPRHP, police and sheriff's departments on any incident involving significant finds of ordnance. The annual visual recheck will be conducted after a major storm event or just prior to the commencement of the surf-fishing season. The estimated cost to complete the annual visual rechecks is approximately \$10,000 per year.

8.5 A detailed plan for recurring reviews of the IC components and removal actions implemented will be prepared during the preparation of the Removal Action Work Plan and will be in accordance with Chapter 10 of the Final EE/CA Report.

8.6 Based on the estimated costs presented in this Action Memorandum (see Table 2), the appropriate approval level for this project is the District Commander.

9.0 TRADE OFF ANALYSIS

The alternatives recommended for the former Camp Hero are the best alternatives as determined from the available historical records and data gathered in support of the EE/CA (USACE, 2001). Due to the sensitive nature of portions of the site (bluff features, wetland conditions, vegetation) mitigative measures will be developed as part of the Remedial Action Work Plan (with input from the project stakeholders) to ensure that resources are adequately protected. Care will be exercised when any intrusive activities are performed to ensure both worker safety and preserve the environment.

10.0 DOCUMENTATION OF SIGNIFICANT CHANGES

If the actions outlined in this EE/CA Action Memorandum are delayed or not taken at the former Camp Hero, the potential exists for continued and substantial endangerment to public health, welfare, and environment.

11.0 RESPONSIVENESS SUMMARY

The responsiveness summary for the public meeting of February 28, 2002 is provided as Attachment A. No formal comments from the public were received during the February 6, 2001 public meeting.

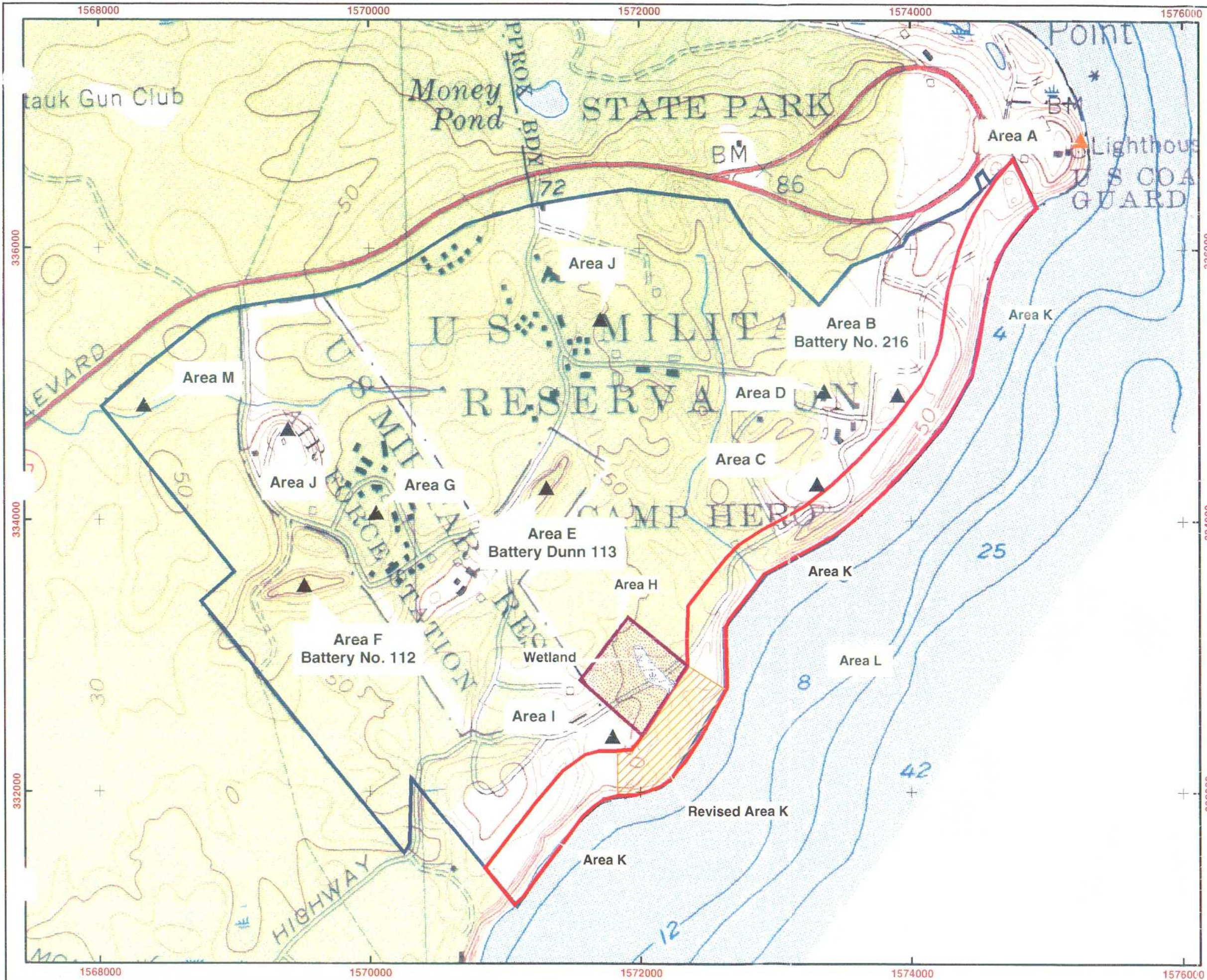
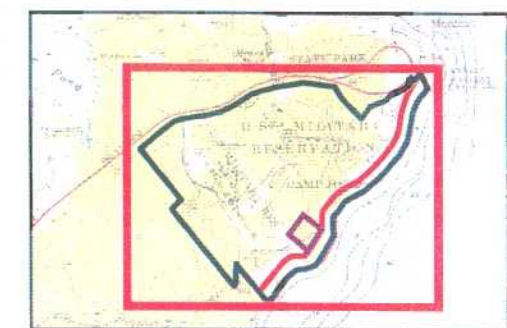


Figure 1

**Areas of Interest
Former Camp Hero
Montauk, New York**



Legend

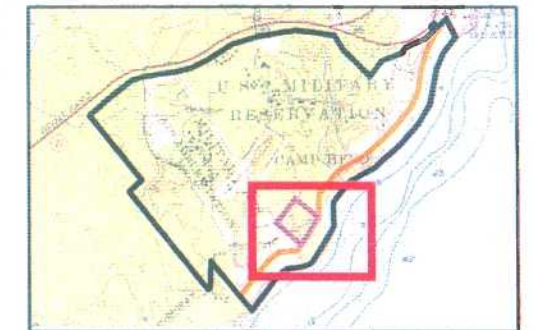
- Area A
- Other ASR Site of Interest
- Site Boundary
- Area K
- Area H
- Revised Area K



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DESIGNED BY MAD	Former Camp Hero Montauk, New York		
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SUBMITTED BY DMS	DATE January 2002	PAGE NUMBER	
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Figure 2

**OE Response
Action Summary
Former Camp Hero
Montauk, New York**



Legend

- Approximate Work Area Outside Original Boundary
- Area H
- Area K
- Revised Area K



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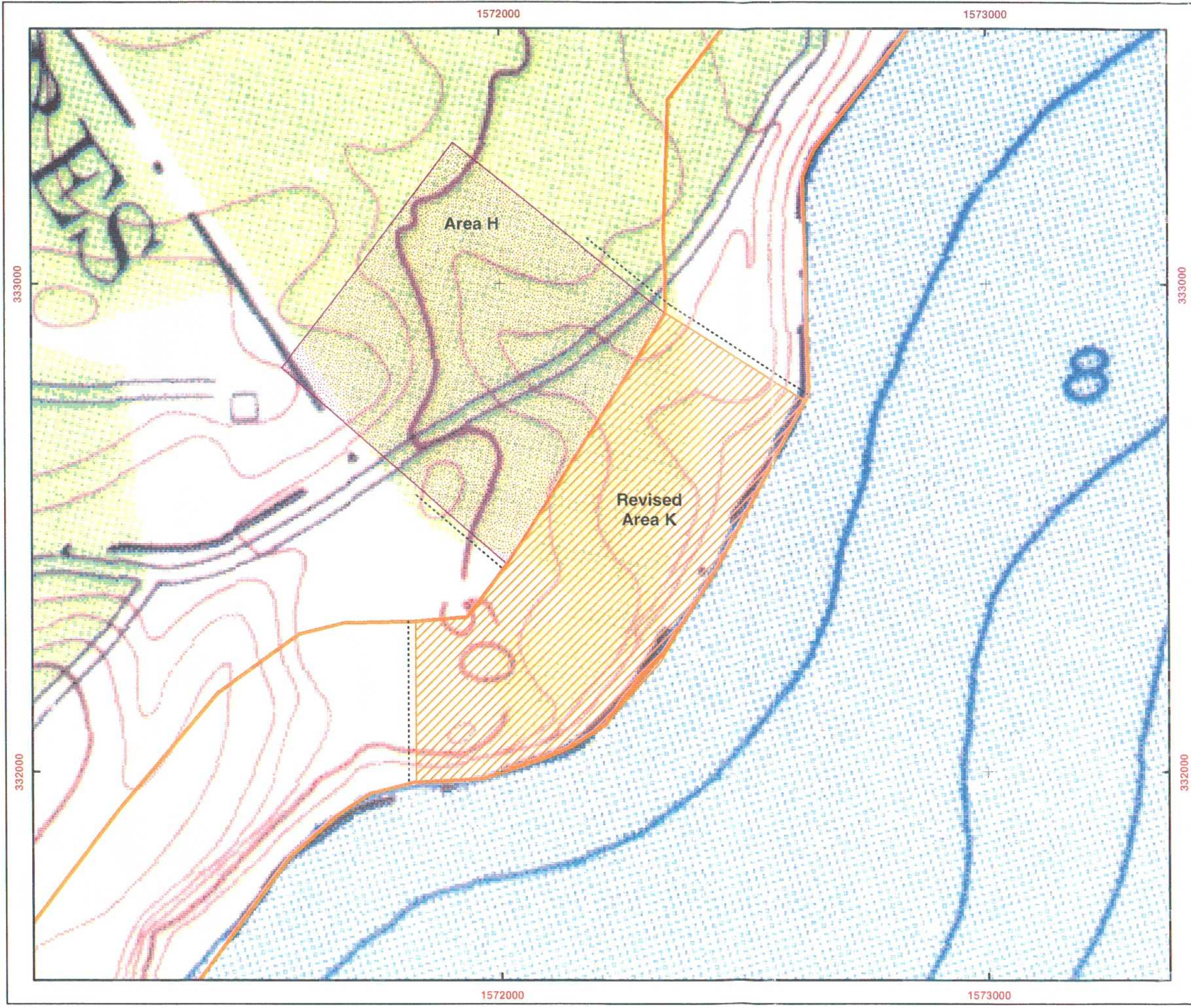


Table 1
Recommended Response Action Summary
Camp Hero, Montauk, New York

Project Areas of Interest	Description/Former Usage	Approx. Size (Acres)	NDAI	Site-wide IC	Clearance to Depth
A	Fire Control/37mm AAA Station	0.03	X	X	
H	Ordnance Destruction Range	7		X	X
Revised K	Near-Shore Ordnance Area	9		X	X ¹

NDAI – No DoD Action Indicated.

IC – Institutional Controls

X¹ – Modified version of the clearance to depth alternative which includes a 4-year annual visual surface clearance as described in Subsection 8.3.

Table 2
OE Response Action Cost Summary
Camp Hero, Montauk, New York

Project Area Designation	Description/Former Usage	Approx. Size (Acres)	OE Contamination	Recommended OE Response Action	Estimated Implementation Cost
All	Entire Camp Hero Site	468	Various	Site-wide IC	\$58,850 initial, \$3,400/yr (4 years)*
A	Fire Control/37mm AAA Station	0.03	None	NDAI/Site-wide IC	-
H	Ordnance Destruction Range	7	3.5-inch practice rockets 105mm M1 HE projectiles	Clearance to Depth	\$72,385 (\$10,340/acre)
Revised K	Near-Shore Ordnance Area	44.88 to 91	16 pieces of indiscernible OE-related scrap	Clearance to Depth ²	\$122,108 (\$13,568/acre) \$10,000/yr (4 years)
TOTALS					\$306,943

HE – High Explosives, IC – Institutional Controls, AOI – Area of Interest, NDAI – No DOD Action Indicated

¹Effective AOI acreage following footprint reduction.

²Modified Clearance to Depth will consist of a one-time clearance to depth removal and four years of visual only surface clearance rechecks (as needed) using simple geophysical instruments (non-recording) for gross screening.

* Site-wide IC costs were only considered for Year 1. Additional annual costs would be required as indicated for this alternative until 5 year review.

Area L was not investigated based on low potential exposure and lack of available technology.

Area B, C, D, E, F, G, I, J, and were not geophysically investigated due to ASR recommendation of No Further Action or FUDs ineligibility.

**ATTACHMENT A
RESPONSIVENESS SUMMARY**

**Questions Posed by Members of the Public
Public Meeting of February 28, 2002
Former Camp Hero**

The following questions were formally submitted at the February 28, 2002 Public Meeting. In some instances, the questions have been paraphrased for clarity. Other questions not formally submitted were answered to the satisfaction of the public at the meetings.

- 1. The Corps should proceed with its efforts to make the area safe for the public. [William Young, President, Montauk Surfcasters Association – 850 members]**

Comment noted.

- 2. Restoring Camp Hero and making it into a “Cold War Air Defense Museum” is a good idea and could attract tourist dollars. [Richard Morgan, Montauk resident]**

Comment noted.

- 3. Safety should be a concern but unless more evidence of serious danger is uncovered, the impact on the environment should be kept at a minimum, especially in sensitive areas. [John J. Fritz, Montauk resident]**

The EE/CA investigation results indicated a risk to the public is present at the areas of concern at former Camp Hero. Program-wide, the impact on the environment is always a consideration when determining the need for further action. During the “Work Plan” phase of the removal action procedures for mitigating environmental impacts will be detailed. A formal Environmental Impact Statement will not be prepared by the Corps but may be required to be performed by others under the covenants of the Park.

- 4. I support the concept of complete inspection of all areas discussed at the 2/28/02 meeting, including H and K. [John Burke, Montauk resident]**

Comment noted.

- 5. Not in favor of digging or clearing the bluffs. Request an Environmental Impact statement before any action is taken. Also, new information was submitted regarding the project on March 1st. Is there going to be a new public hearing on the new information? [Lisa Greci, Montauk resident]**

As stated in the Response to Comment #3, the mitigation procedures will be developed as part of the “Work Plan” phase of the removal action prior to the commencement of any proposed remediation activities. However, the Corps will not conduct an EIS.

No new project information or substantive changes to the report was distributed on March 1st, only minor text changes. However, to provide ample time for public comment, the Corps

notified the public of the revised document at the Public Meeting on February 28, 2002, and later placed advertisements in two local papers to indicate the EE/CA documents were available for review at the Montauk Public Library. In addition, the 30-day public comment period was extended from March 30, 2002 to April 27, 2002 in order to allow for ample public review of the document. No additional public meetings are scheduled at this time.

6. Great work. Please clean up Camp Hero. [K. Reynolds, Montauk resident]

Comment noted.

7. The following response is to the 6-page letter (included in its entirety at the conclusion of this summary) from the Concerned Citizens of Montauk (CCOM): [Richard Kahn, Chair, Legal Affairs Committee, CCOM]

The Corps and OPRHP acknowledge receipt of your letter. We appreciate your comments and concerns with the Camp Hero EE/CA project. All comments presented in your letter will be taken into consideration as plans regarding further activities are discussed. The Corps and OPRHP intend to take steps to mitigate environmental and ecological impact on the Camp Hero area. In addition, CCOM will be given the opportunity to be involved in the planning process via public meetings prior to commencement of any removal action.

8. The following are excerpts from a letter (included in its entirety at the conclusion of this summary) addressing the specific concerns requiring response. [Edward and Joan Porco, Montauk residents]

“The bluffs are eroding at a rapid rate so that any disturbance to them will only increase the rate of erosion, which is of paramount concern.”

As stated in the responses to Comments No. 3 and 5, the applicable environmental studies will be conducted during the “Work Plan” phase of the removal action prior to the commencement of any proposed remediation activities.

“The EE/CA is assuming active recreation at the site. This contravenes the deed covenants which allow passive recreation only.”

The EE/CA was conducted with all possible future land uses taken into consideration as anticipated by OPRHP. In a letter dated April 1, 2002 (included at the conclusion of this summary), OPRHP indicated, “It is the goal of the Office of Parks to make the Camp Hero property available to the general public for outdoor recreational use as well as provide an opportunity for interpretation of both WWII coastal defenses and the Cold War Era.” OPRHP is aware of all deed restrictions on land use and construction of facilities to support the area. Your concerns and active participation in preserving the area is appreciated.

9. The following are excerpts from the letter from OPRHP regarding the approach to the removal action presented in the EE/CA. [John Eberhard, Director of Capital Programs, OPRHP]

“State Parks generally agrees with recommended actions under Alternative 6...State Parks requests that the Corps undertake the following in relation to preparing a project consistent with Alternative 6:”

1. **“The Corps should retain expertise in coastal dynamics to ensure that none of the project activities will compromise the integrity of the bluffs...”**

2. **“The project should move forward at the soonest possible date that can be coordinated between State Parks and the Corps.”**

3. **“...State Parks is concerned with the ecological communities in the Camp Hero area and the ability of the area to re-establish plant communities. Special care should be undertaken in relation to the clearing of additional brush in areas H and revised K...”**

4. **“State Parks recently contracted a biodiversity report titled, “Rare Species and Ecological Communities of Montauk Point State Park”. This report included a review of both Camp Hero and adjoining Sanctuary property. No rare species were found in the vicinity of area H and revised area K...State Parks recommends that the Corps retains appropriate professional assistance to ensure that endangered or threatened species are not adversely impacted and that significant natural communities are restored.”**

5. **“At this time, Parks concurs with the Corps approach to not undertake additional OE/UXO removal work in the identified wetland area.”**

Comments noted.

10. **The following excerpt is from a letter (included in its entirety at the conclusion of this summary) addressing the specific concerns requiring response. [Rav Freidel, Montauk resident]**

“The program of utilization for the 450 acre Camp Hero site calls for passive recreation, i.e. bird watching, hiking, fishing, picnicking, etc...The logic of digging up this incredibly beautiful place defies logic.”

As noted previously in the response to Comment No. 8, the EE/CA was performed in coordination with OPRHP, stakeholders (via Public Meetings), and information provided by OPRHP. Additionally, OPRHP has requested specific measures be included in the planning process to mitigate any impact to the environment, species, and natural features of the area. Any future activities will be conducted with continued coordination and input from OPRHP and local interest groups.

11. **The following excerpt is from a letter (included in its entirety at the conclusion of this summary) addressing the specific concerns requiring response. [Richard S. Brown, Montauk resident]**

“The government at every level should be mandated to an environmental impact study, which is required in our town by anyone who wishes to do the type of large-scale work you are considering. When Camp Hero was transferred from the Federal government to New York State the transfer papers stated that the land be used for passive recreation only...Save it [Camp Hero] for now and for future generations to enjoy its’ natural beauty.”

As stated in the responses to Comments No. 3, 5 and 8, the Corps will not prepare an EIS but will include environmental mitigation procedures in the Removal Action Work Plan that will be available for public review and comment. Additional environmental studies, such as an EIS, may be required to be conducted by others. In addition, OPRHP has requested specific measures be included in the planning process to mitigate any impact to the environment, species, and natural features of the area.

12. The following excerpts are from a letter (included in its entirety at the conclusion of this summary) addressing the specific concerns requiring response. [Robert S. DeLuca, President, Group for the South Fork]

1. “We urge the USACE to avoid taking any actions that would disturb the fragile bluff system (Area K) on the Camp Hero site in the development of any further plans for site excavation...”

Any further action will be coordinated with OPRHP, who have requested expertise in coastal dynamics to ensure that none of the project activities will compromise the integrity of the bluffs.

2. “The Group does not support the proposed excavation to grade (four feet) along the extremely narrow rocky shore located in this project area...”

The approach presented in the EE/CA does not include excavation to a four-foot grade. The areas will be surveyed with the appropriate geophysical instrument and individual anomalies will be dug until located up to a maximum depth of 4 feet. None of the anomalies recovered during the EE/CA were found at a depth greater than 18 inches, most found were less than 12 inches. Similar anomaly depths are expected during the removal activities.

3. “We hope and strongly advise that the USACE reflect on the covenants and restrictions placed upon the subject property when it was deeded to the State of New York...”

USACE has been, and will continue, coordinating all field activities with the OPRHP and all other stakeholders.

4. “In Area H, we do not believe that there is adequate evidence of UXO or OE beyond that which was to be expected at a former demolition site. We do advise that Area H, with an additional buffer, be designated as a restricted zone and enclosed with fencing until a future time when the vegetation has been reestablished in the area. Additionally, we would recommend that road access to Area H be permanently restricted and any further consideration for future use of the area abandoned.”

We appreciate and understand your concern with Area H. OE scrap was discovered in Area H to a maximum depth of 18 inches bgs. The depth distribution and types of OE scrap are consistent with the use of Area H as a demolition area. We agree with your statement that there is no more UXO or OE beyond that which was to be expected at a former demolition site. However, that does not mean there is not sufficient risk to the

public to warrant a removal action. Further, the EE/CA data suggests that migration of OE scrap (and potentially UXO) from Area H to the Revised Area K beach is occurring. The recommendation for a removal action within Area H is driven by both the potential exposures to the public within Area H as well as the those resulting from the relocation to revised Area K.

Designation of Area H as a restricted area (as well as closure of site roads) is outside the Corps' purview and is strictly the decision of the Park. However, implementation of such an action would not resolve the migration issue. A primary activity of the Park users is the surf-cast fishing that occurs all along the coast adjacent to Area H.

5. "We suggest the USACE undertake a site wide restriction on the use of any metal detection device by the general public."

Restrictions on metal detection devices could certainly be instituted by the OPRHP. However, it is the experience of the Corps that such policies create an attractive nuisance situation. By instituting such a policy, you inform the public of the potential of UXO/OE and inadvertently increase the interest in treasure hunting.

6. "We strongly support the recommended Institutional Controls, including informational Park Brochures and Signage."

Comment noted.

7. "In the unlikely event that any UXO items are actually discovered in the future, we agree the Federal government would reevaluate ordnance clean up as necessary (EE/CA, Section 7.3.2.1)."

The referenced text was included in the discussion of Alternative 1 – No DoD Action Indicated (NDAI). Alternative 1 is when the government takes no action in regards to locating, removing, and disposing of any potential OE present within a specific area. However, this policy is a Corps standard and includes areas where other Alternatives were conducted.



US Army Corps of Engineers
New York District



Comments and Questions

Former Camp Hero
EE/CA Public Meeting - February 28, 2002

Name: WILLIAM YOUNG
 Address: 89 NARWOOD RD.
 City/State/Zip: MASSAPEQUA N.Y. 11758
 E-mail: MSA WILLIE @ (G) HOTMAIL.COM
 Phone: 516-~~39~~ 647-8492

Comments or Questions: THE CORP SHOULD PROCEED
WITH ITS EFFORTS TO MAKE THE AREA SAFE FOR THE
PUBLIC. Willie Young

PRES. MONTAUK SURCASTERS' ASSOC (850 MEMBERS +)
Box 497 MONTAUK N.Y. 11954 THEIR FAMILIES

I would like a personal response to my comments and/or questions if possible.



US Army Corps of Engineers
New York District



Comments and Questions

Former Camp Hero

EE/CA Public Meeting - February 28, 2002

Name: JOHN J FRITZ
Address: 290 WEST 3 STREET
City/State/Zip: DEER PARK, N.Y. 11729
E-mail: _____
Phone: 631 242 2539

Comments or Questions: Safety should be a concern but unless
more evidence of serious dangers uncovered the impact on the
environment should be kept at a minimum, especially
in sensitive areas.

I would like a personal response to my comments and/or questions if possible.



US Army Corps of Engineers
New York District



Comments and Questions

Former Camp Hero
EE/CA Public Meeting - February 28, 2002

Name: JOHN BURKE
 Address: 70 SOUTH FAIRVIEW AV
 City/State/Zip: N.Y. NY 11954
 E-mail: JOHN.BURK@OPTONLINE.COM
 Phone: 631 6622804

Comments or Questions: I support the concept of
complete inspection of all areas discussed at the 2/28/02
meeting including A+K.

JB

I would like a personal response to my comments and/or questions if possible.



US Army Corps of Engineers
New York District



Comments and Questions

Former Camp Hero
EE/CA Public Meeting - February 28, 2002

Name: RICHARD MORGAN
 Address: 25 Andiron Lane
 City/State/Zip: Brookhaven, N.Y. 11719
 E-mail: _____
 Phone: 1-31 286-0244

Comments or Questions: Restoring camp hero &
making it into a "Cold War Era
Defense Museum" is a good idea & would
attract tourist dollars.

I would like a personal response to my comments and/or questions if possible.



US Army Corps of Engineers
New York District



Comments and Questions

Former Camp Hero

EE/CA Public Meeting - February 28, 2002

Name: K. REYNOLDS
Address: PO 826 MONTAUK NY
City/State/Zip: 11954
E-mail: _____
Phone: 668 31 81

Comments or Questions: _____

GRATE WORK, PLEASE
CLEAN IT UP CAMP HERO

I would like a personal response to my comments and/or questions if possible.



US Army Corps of Engineers
New York District



Comments and Questions

Former Camp Hero
EE/CA Public Meeting - February 28, 2002

Name: Lisa Grenci
Address: 135 Tuthill Rd
City/State/Zip: Montauk, N.Y. 11954
E-mail: _____
Phone: 631-668-4954

Comments or Questions: NOT IN FAVOR OF ANY DIGGING OR
CLEARING ON THE BLUFFS. Request a Environmental impact
statement before any action is taken. Also, new information
was submitted regarding this project on March 1st, is there
going to be a new public hearing on the new information?

I would like a personal response to my comments and/or questions if possible.



CONCERNED CITIZENS OF MONTAUK INC.

P.O. BOX 915 MONTAUK, NEW YORK 11954

FAX/PHONE: 631-668-6473

Environmental Organization Founded in 1970

March 26, 2002

Department of the Army
U. S. Army Corps of Engineers
190 State Highway 18, Room 202
East Brunswick, New Jersey 08816
Attention: Luz Spann-LaBato

Former Camp Hero, Montauk, New York
Engineering Evaluation/Cost Analysis ("EE/CA")

Dear Ms. Spann-LaBato:

Concerned Citizens of Montauk ("CCOM") appreciates this opportunity to comment on the final draft of the EE/CA on the investigation of former Camp Hero prepared by Parsons, Inc. for the U.S. Army Corps of Engineers ("USACE") and presented at a public hearing held in Montauk on February 28, 2002.

CCOM is an environmental organization founded in 1970 with a current membership of more than 800 Montauk residents. CCOM spearheaded the successful effort in the 1980's to prevent the sale by the General Services Administration of Camp Hero for residential development and to obtain transfer of the property to New York State for its Park Preserve system. Since its acquisition by the State we have been actively involved in the review of various proposals for the use and development of the Park.

At the outset we recognize the difficulty the USACE encounters in determining what, if any, remedial action needs to be taken in the interests of public safety at the Park. During the intrusive investigation conducted in May of 2001 neither any unexploded ordnance ("UXO") nor any ordnance and explosives ("OE") was identified. The possible presence of such items rests solely on inferences based on the presence of ordnance scrap in some areas, the historical uses of the property and a few direct and indirect witness reports reflected in the Archives Search Report ("ASR").

There is no way to prove that UXO or OE items are not present in the Park. Similarly there is no contemporary evidence that any such items are present. And regardless of any remedial action USACE takes there can be no assurance that all OE and UXO items that might have once been there have in fact been removed. The EE/CA thus reflects an assessment of risks leading to the designation of eleven of the thirteen Areas of Interest ("AOI"s) as uncontaminated and a sharp reduction in the portion of Area K where OE removal action is recommended. We appreciate the efforts undertaken to strike a balance in these designations. Our comments are

are directed to the questions of whether the risk of injury to the public has been adequately discounted by its improbability and as to whether sufficient consideration has been given to the environmental costs of seeking to eliminate that risk.

1. Risk Assessment. Fundamental to the assessment of risk to the public is the determination of what future activities will be carried on at the Park. The Executive Summary ("ES") of the EE/CA states (at ES-4): "Future land use is anticipated to be active and passive public recreational use with development consisting of infrastructure in support of this use" (emphasis added). This conclusion ignores the restrictions and covenants incorporated in the deeds conveying the property from the United States to the State of New York.

Under the governing documents (including the State's Program of Utilization incorporated into the deeds of conveyance) the property is to be managed and operated by the State as part of its "Park Preserve" system. Under this designation only low intensity passive recreational activities (such as fishing, hiking, nature study, photography and horseback riding) are permitted. With regard to infrastructure the construction of necessary facilities (such as offices, roads, paths, environmental centers and parking areas) are limited to no more than 15% of the land area of the preserve. Failure to comply with these limitations gives rise to a right of reverter to the Federal government.

We recommend that the final EE/CA reflect the prohibitions on active recreation and the limitations on support facilities at the Park and that these considerations be factored in to the overall risk assessment. We further suggest that the USACE consult with the National Park Service, especially since by reason of the right of reverter to the Federal government the Service should be regarded as a "stakeholder" in all actions affecting the Park. The appropriate contact person is:

Elyse LaForest
Regional Manager
Federal Lands to Parks Program
U.S. Department of the Interior
National Park Service
15 State Street
Boston, MA 02109-3572
(Tel: 617-223-5190)

2. Environmental Considerations. The EE/CA identifies the numerous endangered and threatened plant and animal species present in the Park. The impact of any OE removal actions on those species and their habitat will be the subject of the environmental impact statement which (we were assured at the public hearing) will be prepared before any further remedial action contemplated by the EE/CA is undertaken at the Park.

The EE/CA, however, fails to identify the importance and sensitivity of the bluff system comprised within Revised Area K -- indeed the importance and sensitivity of the bluffs are not even mentioned in the Environmental Protection Plan included in the April 2001 Work Plan.

The 50 to 80 foot escarpment comprised within Area K is a key part of the bluff system that is the dominating feature of the very eastern end of Long Island along the shores of the Atlantic. These bluffs, comprised of glacial till, should be regarded as a national treasure -- there is no comparable system on the East coast from Montauk to Florida.

The bluffs are actively eroding and unstable. There is little doubt that extensive intrusive OE removal actions will hasten the erosion of the system, with resulting impacts not only on the portion of Area K recommended for such action but also on the bluffs to the east and west of Revised Area K (including bluffs protecting a number of residences). Subsurface clearance to depth will involve excavations, potentially to four feet below ground surface. This would compromise the integrity of the bluffs because such excavations will increase the rainwater and groundwater flowing southerly towards the edge of the bluffs -- historically such water flows have been contributing factors to bluff erosion at least as significant as damage from ocean winds and waves. Although it is contemplated that the excavations will be backfilled with the displaced soil -- manually with shovels and rakes -- it is highly improbable that such steps would be sufficient to restore bluff integrity. Moreover, it would be necessary to clear all brush and undergrowth to facilitate OE removal actions, including all remaining brush and undergrowth on the bluff of the western section of Revised Area K (EE/CA, section 7.5.5.1.3). The erosion impacts of such clearance have not been addressed.

In balancing the purported benefits of OE removal actions against the environmental costs of such actions it is important to take into account the apparent difficulty in distinguishing OE scrap and possible OE items from the ferrous rocks which are abundant in Areas H and K. In the investigation conducted in May of 2001 of Areas A, H and K there were 1,513 anomalies identified in the 14.45 acres surveyed (almost all of which were in Areas H and K). From these anomalies, and utilizing (presumably) state-of-the-art metal detection equipment, 544 anomalies were selected for intrusive investigation. That investigation identified no OE and no UXO items and only 29 anomalies (less than 6%) contained OE scrap. The majority of the remaining 94% of the anomalies turned out to be ferrous rocks and the rest of the anomalies were non-ordnance related scrap and false positives. These slim pickings suggest that the potential damage to the bluffs is vastly disproportionate to the possible benefits of intrusive investigation.

Some might argue that discovery and removal of even one OE or UXO item would justify the damage from intrusive investigation because the societal value of

avoiding injury to even one person is greater than the societal value of the bluff system. But this kind of argument would lead to the conclusion that the entire 468 acres of former Camp Hero should be subjected to intrusive investigation -- involving clearing the Park of most of its vegetation and (if the results of the May 2001 investigation are extrapolated to the entire site) over 17,000 excavations. The EE/CA, appropriately in our view, rejects this approach.

We believe it is essential that the sensitivity and instability of the bluff system and the impacts of OE removal actions on that system be fully analyzed in an environmental impact statement before any further intrusive work is carried on.

3. Recommendations. We are unable to make final recommendations as to actions to be taken at Camp Hero Park until the environmental impact statement is prepared and analyzed. At this stage, however, we believe that the final EE/CA Report and the USACE Action Memorandum should reflect several changes from the present version of the draft EE/CA.

In general we do not believe the EE/CA Report makes a persuasive case for removal actions in Area H or the bluff portions of Revised Area K -- at best it reflects a borderline judgment call. Moreover, the removal recommendations included in the EE/CA are compromised by the two major defects in the Report previously noted: (1) the incorrect assumption that the Park will be used for active (as opposed to passive) recreation, a matter necessarily affecting risk assessment¹, and (2) the failure to consider the importance of the bluff system in Revised Area K and the likely erosion impacts of intrusive excavation.

Our specific recommendations are as follows:

(a) Beaches within Area K. We believe that the EE/CA should make a clear distinction between the beach areas of Area K and the bluff system of Revised Area K, and that different remedial actions are appropriate for each of the two areas. There are two reasons for this recommendation.

First, the EE/CA adopts the ASR conclusion that Area H was formerly used as a demolition area. Although no UXO or OE items were encountered during the EE/CA investigation, the presence of OE scrap showing no evidence of having been fired and the absence of any evidence suggesting Area H was used as a firing range suggests

¹ For example, a member of OE CX Technical Review Team at USACE in Huntsville commented on an earlier version of the EE/CA relating Area H: "I think the potential hazard here is overstated. We have found nothing but fragments while intentionally looking for OE, but we say there is still an explosive safety risk to the public. Recommend toning these types of statement down throughout the document". The contractor's response noted that there was precedent for OE removal at sites where only circumstantial evidence of UXO was present and stated "Given the intended use of the site for unlimited recreational activities as a State Park the project team believed a removal action is warranted" (emphasis added).

that the conclusion Area H was once a demolition area is justified. Because Revised Area K appears to share a common border with Area H it appears possible that the extensive erosion of the bluffs of Revised Area K over the last half century may have resulted in OE items (if any in fact existed in Area H) falling down to the beach area of Revised Area K where it is possible that they still lie buried.(EE/CA, section 3.2.3.5). Second, as the EE/CA recognizes (EE/CA, section 4.2.2.2), fired ordnance associated with the Area L (the ocean firing range) could be deposited on the beach as a result of wave action.²

In terms of public safety it seems clear that children and Park visitors with metal detectors are far more likely to dig in the sands of the beaches rather than through the dense vegetation of the upland areas. This fact, together with the special considerations applicable to the beach area of Revised Area K noted above, appears to us to justify OE removal action in such beach area. We further support periodic visual clearance, not only of the beaches of Revised Area K but also of the beaches to the north and south. There is no reason to think that any UXO or OE that may wash up out of the ocean firing range will be deposited only on the beaches of Revised Area K and, indeed, the one OE scrap item discovered in the northern portion of original Area K appears to have been redeposited there after a storm event. (EE/CA, section 3.2.3.5). Finally, we would suggest consideration be given to visual clearance of the beach areas more frequently (at least in the early years) than the annual visual clearance recommended in the EE/CA.

(b) Bluffs within Revised Area K. For the reasons previously noted we do not support OE removal actions (involving the clearance of the remaining vegetation) on the bluff system located within Revised Area K. There were no UXO or OE found during the intrusive investigation and the mere possibility that such items may be present does not, in our view, justify the environmental damage which will result from further removal actions. We note that if there is any future discovery of UXO items the Federal government would respond at that time. (EE/CA, section 7.3.2.1)

We do support Institutional Controls, referred to below, for all of Area K.

(c) Area H. In the EE/CA investigation of Area H there were 334 anomalies identified. Out of these, 127 were selected for intrusive investigation, resulting in the discovery of no OE and no UXO and the recovery of ordnance-related scrap from only 19 anomalies. One would expect OE scrap to appear in a demolition area, and the presence of such scrap does not indicate the public is at risk. Indeed, the EE/CA (section 3.2.2.5) concludes that the presence of scrap items "suggests" the "potential

² The Executive Summary (ES-6) states that the 756,492 acre Off-Shore Ordnance Area (Area L) was excluded from the EE/CA investigation "based on the lack of a viable exposure pathway to anyone at the site". This conclusion should not be read as suggesting that possible OE and UXO items are not present off-shore or that such items could not be churned up in severe Atlantic storms and deposited on the beach. In a number of sections the EE/CA recognizes the existence of this risk (see, for example, EE/CA, sections 2.6.4.4; 3.2.3.1; 3.2.3.5; and 4.3.3.2).

presence" of OE and that a safety risk to the public "may" exist. Further intrusive removal actions in Area H will pose a risk to the large wetland area (about two acres) in the eastern and central portion of Area H (EE/CA, section 3.2.2.4) and species habitats, especially in light of the fact that the high concentration of ferrous rocks at the site (EE/CA, section 3.2.2.4) will result in numerous false positives in any further investigation. The heavy scrub oak vegetation (which is characteristic of the area and which has, for the most part, survived the clear-cutting incident to the EE/CA investigation) makes it unlikely that any possible OE items will rise to the surface and makes any casual digging by Park visitors into the subsurface highly improbable.

We believe that the speculative risk to public safety can be adequately addressed through institutional controls. These controls could include, in the case of Area H, the closing of the road that runs through the area to block vehicular access from the east and west (EE/CA, section 3.2.2.7). Whether or not any OE removal actions are undertaken, Area H would be an unsuitable location for any Park facilities involving construction, such as the construction of cabins which appears to be "under consideration" (EE/CA, section 3.2.2.2). There is ample room in the Park to make it possible to avoid Area H in the establishment of new trails or paths, leaving Area H as a natural and heavily vegetated preserve.

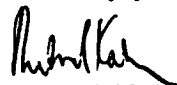
In the unlikely event that any UXO items are actually discovered in the future the Federal government would respond at that time (EE/CA, section 7.3.2.1)

(d) Institutional Controls. We would support, in the case of Area H and all of Area K (before revision), institutional controls (in addition to those previously mentioned for Area H.) These controls would principally involve Park brochures and signage. We would also support a prohibition on the use of metal detectors anywhere in the Park.

* * * * *

Thank you for the opportunity to present these comments. We would appreciate your advising us as to the anticipated timing for the next steps in the USACE's work at Camp Hero including the anticipated timing of the environmental impact statement. We would also be grateful for the opportunity to participate in the scoping session for the environmental impact statement.

Sincerely yours,



Richard Kahn
Chair, Legal Affairs Committee

cc: Roland G. Belew

undesignated par. relating to designation of park preservation areas.

§ 20.02 Powers, functions and duties; commissioner

In addition to the powers, functions and duties provided for in section 3.09, the commissioner shall:

1. Conduct scientific and environmental studies to determine the selection of state parks, parkways, historic sites or recreational facilities that shall be designated park preserves as well as portions of parks that shall be designated park preservation areas.
2. Maintain the integrity of park land, flora, fauna, and scenic vistas; restore and maintain historical and archeological sites; and provide for the management of all unique, rare, threatened or endangered species of flora and fauna within designated park preserves and park preservation areas.
3. Provide personnel trained in the natural sciences, including but not limited to biology, botany, ecology, entomology, geology, and zoology, to staff such park preserves and park preservation areas and provide for the management of their educational and scientific utilization.
4. a. Construct necessary facilities including offices, roads, paths, environmental centers and parking areas, on no more than fifteen percent of the land area of each such state park, parkway, historic site or recreational facility that has been designated a park preserve.
 - b. Maintain portions of facilities that have been designated park preservation areas in their undeveloped state, limiting development within such areas to appropriate passive recreational facilities.
5. Establish environmental education classes to be conducted by naturalists for the public in cooperation with other governmental agencies.
6. Develop a written stewardship plan for each designated park preserve and park preservation area. Such plan shall include a description of stewardship activities required to monitor, protect and enhance the fauna, flora, scenic, historical, archeological and other resources that merited designation of the park preserve or park preservation area. Such plan shall also provide for passive recreational uses such as horseback riding, fishing, hiking, nature study, and photography provided that such uses are compatible with the long-term protection of the ecological and historical resources that merited designation of the park preserve or park preservation area.
7. To insure that the types and intensity of use of such park preserve lands is commensurate with the goal of maintaining their ecological viability and balance, establish an admission control system by permit on either a group or individual and non-discriminatory basis pursuant to rules and regulations promulgated by the commissioner.
8. Prepare an environmental impact statement and conduct public hearings pursuant to article eight of the environmental conservation law prior to acting on any proposal to remove park preserve or park preservation area designation from any state park, parkway, historic site or recreational facility designated hereto.
9. Promulgate rules and regulations to effectively carry out the purposes

Historical and Statutory Notes

1993 Amendments. Subd. 1. L.1993, c. 554, § 13, eff. July 28, 1993, substituted selection of state parks, parkways, historic sites and recreational facilities to be designated park preserves or park preservation areas for selection of park preserve areas in or near metropolitan areas.

Subd. 2. L.1993, c. 554, § 13, eff. July 28, 1993, substituted management of unique, rare, threatened or endangered species within designated park preserves and preservation areas for management of unique, rare or endangered species within park preserve areas.

Subd. 3. L.1993, c. 554, § 13, eff. July 28, 1993, required commissioner to provide trained staff for and management of educational and scientific use of park preservation areas.

Subd. 4, par. a. L.1993, c. 554, § 13, eff. July 28, 1993, redesignated existing text of subd. as par. a, and in par. as so redesignated, provided for 15% limit on the amount of land containing facilities in state parks, parkways, historic sites and recreational facilities designated park preserves rather than in park preserves.

Subd. 4, par. b. L.1993, c. 554, § 13, eff. July 28, 1993, added par. b.

Subd. 6. L.1993, c. 554, § 13, eff. July 28, 1993, required commissioner to develop a written stewardship plan for each park preserve and park preservation area and set out required contents of plan.

Subds. 8, 9. L.1993, c. 554, § 13, eff. July 28, 1993, added subd. 8 and redesignated former subd. 8 as 9.

Rules of the City of New York

Fishing and boating, environmental protection, see 15 RCNY Chapter 16.

TITLE D—SNOWMOBILES

ARTICLE 21—GENERAL PROVISIONS

Section

21.07 Fee for snowmobile trail development and maintenance.

§ 21.07 Fee for snowmobile trail development and maintenance

A fee of ten dollars is hereby imposed upon the resident, and twenty dollars upon the nonresident, owner of a snowmobile for the snowmobile trail development and maintenance fund to be paid to the commissioner of motor vehicles upon the registration thereof in addition to the registration fee required by the vehicle and traffic law, the payment of which fee hereby imposed shall be a condition precedent to such individual resident, individual nonresident or dealer registration.

(Added L.1985, c. 779, § 1; amended L.1992, c. 773, § 4.)

Historical and Statutory Notes

1992 Amendments. L.1992, c. 773, § 4, eff. Aug. 7, 1992, substituted provision imposing \$10 fee upon resident owner for provision imposing \$5 fee upon owner, and imposed a \$20 fee upon nonresident owner.

Effective Date. Section effective Sept. 1, 1985, pursuant to L.1985, c. 779, § 6, set out as a note under section 27.17.

ARTICLE 25—CONTROL PROVISIONS

from the date the office gives the lender or grantor notice of its intent to terminate the loan under section 19.22 of this article.

2. No action against the office to recover property shall be commenced more than three years from the date the office gives notice of its intent to terminate the loan under section 19.17 of this article or notice of intent to acquire title to undocumented property under section 19.18 of this article.
(Added L.1994, c. 130, § 1.)

Historical and Statutory Notes

Effective Date. Section effective May 31, 1994, pursuant to L.1994, c. 130, § 2.

§ 19.27 Limitations on actions by the office

The procedures set forth in sections 19.14, 19.15, 19.16, 19.17, 19.18 and 19.19 of this article shall not be available to the office unless the office shall have fully complied with section 19.25 of this article. In the event that the office shall have failed to comply with such section, any action by the office shall be governed by the period of limitations that would have applied in the absence of this article.

(Added L.1994, c. 130, § 1.)

Historical and Statutory Notes

Effective Date. Section effective May 31, 1994, pursuant to L.1994, c. 130, § 2.

§ 19.28. Acquisition of property by gift or bequest

1. Prior to the acquisition of property by gift, the office shall provide the donor with a written copy of the appropriate facility collections policy, which shall include policies and procedures of the office relating to deaccessioning.

2. If the office has the knowledge of a planned bequest of any property prior to the death of the testator, the office shall provide the testator with a written copy of the appropriate facility collections policy, which shall include policies and procedures of the office relating to deaccessioning.

(Added L.1998, c. 323, § 4, eff. Sept. 1, 1998.)

Legislative Histories

L.1996, c. 323: For Legislative, Executive or Judicial memoranda relating to this law, see McKinney's 1996 Session Laws of New York, p. 1752.

§ 19.29. Deaccessioning

Notwithstanding any other provision of law, the commissioner may donate a work of art or an historic or other object of personal property under the jurisdiction of the office to a public corporation. The commissioner may also dispose of such property directly pursuant to a process set forth in regulation which is consistent with subdivision three of section one hundred sixty-seven of the state finance law or may transfer such property with or without conditions to the office of general services, and the office of general services shall be authorized to accept such work of art or such object and dispose of such property in accordance with the provisions of section one hundred sixty-seven of the state finance law, or at a private sale. Such work of art or object shall only be donated, transferred or sold pursuant to this section provided that:

1. The commissioner determines such work of art or object to be surplus to the needs of the office or the public.

and offered to the New York state museum for use in its collections, and if not accepted within thirty days of such offer, it shall be offered for transfer to state agencies having a legislative mandate to acquire, exhibit, preserve and interpret works of art and historic objects. Proceeds derived from the deaccessioning of any property from the collections of the office shall be deposited into the state park infrastructure fund established pursuant to section ninety-seven-mm of the state finance law and shall be used only for the acquisition of collections and/or for the preservation, protection and care of the collections, including capital projects relating thereto.

(Added L.1998, c. 323, § 4, eff. Sept. 1, 1998.)

Historical and Statutory Notes

Derivation

Section derived from PRHPL § 3.17; L.1985, c. 520, § 2.

Legislative Histories

L.1996, c. 323: For Legislative, Executive or Judicial memoranda relating to this law, see McKinney's 1996 Session Laws of New York, p. 1752.

L.1985, c. 520: For memorandum of the Office of Parks, Recreation and Historic Preservation, see McKinney's 1985 Session Laws of New York, p. 3120.

ARTICLE 20—NEW YORK STATE PARK PRESERVE SYSTEM

§ 20.01 Purpose

With the loss of natural areas through development, there is a critical need for the creation of a new designation of park land containing wildlife, flora, scenic, historical and archeological sites that are unique and rare in New York state. The commissioner may designate a system of park preserves to assure the protection of this heritage for future generations.

Furthermore, there is a need to create an additional park designation, to be known as park preservation areas, to identify and conserve portions of state parks, parkways, historic sites and recreational facilities that, although the entire facility does not qualify as a park preserve, nonetheless possess outstanding ecological values, including assemblages of flora and fauna that are unique or rare in the state. The commissioner may designate a system of park preservation areas to protect outstanding ecological values within facilities under the jurisdiction of the office that have not been designated park preserves. For administrative purposes, designated park preservation areas shall be considered a part of the park preserve system.

(As amended L.1993, c. 554, § 12.)

Historical and Statutory Notes

1993 Amendments. First undesignated par. L.1993, c. 554, § 12, eff. July 28, 1993, substituted reference to loss of natural areas through development for reference to loss of most of our natural areas through subdivision and general suburban sprawl; substituted declaration of need for new designation of park land containing sites that are unique and rare in state for declaration of need for new designation of park land geared mainly to metropolitan areas and statement that most nat-

ural regions within such areas are now parks with sites sometimes unique and rare in state and often the only type of such facilities available to urban residents; and substituted authority in commissioner to designate system of park preserves to assure protection of heritage for statement that a park preserve system could assure this heritage.

Second undesignated par. L.1993, c. 554, § 12, eff. July 28, 1993, added second

148 Monroe Dr
Montauk NY 11954
28 March 2002

Department of the Army
U.S. Army Corps of Engineers
190 State Highway 18, Room 202
East Brunswick, New Jersey 08816
Attention: Luz Spann-La Bato

Former Camp Hero, Montauk, New York
Engineering Evaluation/Cost Analysis ("EE/CA")

Dear Ms. Spann-LaBato:

We write this letter as citizens and residents of Montauk, concerned with protecting its heritage.

With reference to the above-cited EE/CA, we add our voices to those who believe that the Corps should be precluded from clearing Revised Area K. These bluffs are unique to the east coast of the United States. There are no comparable bluffs from here to Florida. Furthermore, the possibility of someone traversing them is extremely remote as they are full of vines and thorns. As no one can walk on the bluffs, why disturb them even if there were unexploded ordnance on the site. The bluffs are eroding at a rapid rate so that any disturbance to them will only increase the rate of erosion, which is of paramount concern. We agree with the plan to clear the beach areas of Area K, as the danger could be real.

The EE/CA is assuming active recreation at the site. This contravenes the deed covenants which allow passive recreation only. If the Corps were to limit its activities to this restriction, it would further diminish the need to disturb Revised Area K. Again, with the restrictive covenants in mind, the road in Area H can be closed since any change in passive recreational use at this site can be easily accommodated in the areas contiguous to Area H.

Sincerely,


Edward and Joan Porco

Edward and Joan Porco
148 Monroe Dr
Montauk NY 11954



Department of the Army
U.S. Army Corps of Engineers
190 State Highway 18, Room 202
East Brunswick, New Jersey 08816
Attention: Luz Spann-La Bato

08816X1407



RAV FREIDEL

3/11/02

Luz O. Spann-LaBato
Project Engineer
Army Corps of Engineers
190 State Highway 18, Suite 202
East Brunswick, NJ 08816-1407

Dear Ms. Spann-LaBato,

Last year, clear-cutting of approximately 8 acres of Camp Hero at Montauk, New York took place in search of old ordinance left from military days. None was found. The irony is that the area clear-cut was so dense that only rodents, reptiles, fox, rabbits and maybe a dog or cat could enter, and to my knowledge, none were ever blown up.

The program of utilization for the 450 acre Camp Hero site calls for passive recreation, i.e. bird watching, hiking, fishing, picnicking, etc. Perhaps you could tell me which of these activities would require a massive dig in search of unexploded ordinance? Because I can't think of any.

The logic of digging up this incredibly beautiful place defys logic.

Sincerely,



Rav Freidel



US Army Corps of Engineers
New York District



Comments and Questions

Former Camp Hero

EE/CA Public Meeting - February 28, 2002

Name: Richard S. Brown Jr.

Address: 11 Washington Ave

City/State/Zip: Montauk, N.Y. 11954

E-mail: _____

Phone: (631) 668-5049

Comments or Questions: _____

Please see attached

I would like a personal response to my comments and/or questions if possible.

Richard S. Brown Jr.
11 Washington Ave.
Montauk, NY 11954

March 2002

US Army Corps of Engineers
190 State Highway 18, Suite 202
East Brunswick, NY 08816-1407

Dear Ms. Spann-LaBato

The area in which the corps plan to dig, the bluffs at Camp Hero is a very sensitive area. The Montauk community has gone to great lengths to preserve the cliffs at the lighthouse as well as all along the shore, by planting to control erosion. I live in Camp Hero and have hiked extensively in the area and have never come across any fragments. Since World War II do you have any idea of how many Nor'easters and Hurricanes have occurred since then? In addition the land was used by the Army and then by the Air Force. Do you think the military would not care about their personnel and leave ordnance around the base to injure military personnel? I think not. I vote in favor of just leaving the area untouched. As far as what to spend the money on, you could use it to replant the area, which was cleared the last time the corps were looking for ordnance. They raped the landscape! Please do the right thing. Spend money on the removal of the rest of the buildings in the old base and let it be restored to its' natural beauty. The government at every level should be mandated to an environmental impact study, which is required in our town by anyone who wishes to do the type of large-scale work you are considering. When Camp Hero was transferred from the Federal government to New York State the transfer papers stated that the land be used for passive recreation only. With all the proposed uses for this land in the recent past such as a golf course, cabins, etc., I don't think anyone has looked in the dictionary for the meaning of the word "passive". Please take the time to look it up and apply it to this precious piece of land. Save it for now and for future generations to enjoy its' natural beauty.

Sincerely,



Richard S. Brown Jr.

Cc: Concerned Citizens of Montauk
N.Y. State Dept. of Parks and Recreation (Bernadette Castro)
Camp Hero Advisory Board
U.S. Army Corps of Engineers (Washington, D.C.)



New York State Office of Parks, Recreation and Historic Preservation
The Governor Nelson A. Rockefeller Empire State Plaza
Agency Building 1, Albany, New York 12238

518-474-0456

Human Resources
518-474-0453

Fiscal Management
518-474-0061

TDD: 518-486-1899

April 1, 2002

Luz O. Spann-Labato
US Army Corps of Engineers
Turnpike Metroplex Building
190 State Highway 18, Suite 202
East Brunswick, New Jersey 08816-1407

Dear Luz:

The Office of Parks, Recreation and Historic Preservation has reviewed the document referred to as the Draft Final Engineering Evaluation / Cost Analysis (EE/CA) for the former Camp Hero at Montauk, New York. The following represents the agency's comments and recommendations.

State Parks generally agrees with recommended actions under Alternative 6. This alternative recommends clearing ordnance material up to four feet deep and implementing institutional controls. It is suggested in the supporting documents that this alternative provides the highest level of assurance that no live ordnance remains on the property. It is the goal of the Office of Parks to make the Camp Hero property available to the general public for outdoor recreational use as well as provide an opportunity for interpretation of both WWII coastal defenses and the Cold War Era. We anticipate that most visitors to Montauk Point State Park, approximately one million patrons each year, will take the opportunity to visit Camp Hero. There is no choice but to take that course of action, providing the highest degree of safety to our patrons.

State Parks requests that the Corps undertake the following in relation to preparing a project consistent with Alternative 6:

1. The Corps should retain expertise in coastal dynamics to ensure that none of the project activities will compromise the integrity of the bluffs. These experts should establish a bluff setback ensuring that activities above the bluff do not contribute to erosion or destabilize the bluff. In addition, to ensure worker safety they should establish appropriate setback distances from the bluff face.
2. The project should move forward at the soonest possible date that can be coordinated between State Parks and the Corps.

3. As you know State Parks is concerned with the ecological communities in the Camp Hero area and the ability of the area to re-establish plant communities. Special care should be undertaken in relation to the clearing of additional brush in areas H and revised K. Mature trees should not be cut. The Park manager will work with the Corps contractor during any additional clearing of brush in the cleanup area.
4. State Parks recently contracted a biodiversity report titled "Rare Species and Ecological Communities of Montauk Point State Park." This report included a review of both Camp Hero and adjoining Sanctuary property. No rare species were found in the vicinity of area H and revised area K. The rare species surveys conducted for these inventories were not comprehensive, therefore, it is possible that other rare plants or animals exist or could be found in the area to be cleared. Maritime Shrubland is a significant natural community occurring within area H and revised K. The goal of State Parks in post OE/UXO removal is to have the site naturally revegetated/restored in a manner consistent with the significant natural communities identified within the affected area. State Parks recommends that the Corps retains appropriate professional assistance to ensure that endangered or threatened species are not adversely impacted and that significant natural communities are restored. State Parks will work with those that are retained, to develop an appropriate scope of work to ensure that this goal is achieved.
5. At this time Parks concurs with the Corps approach to not undertake additional OE/UXO removal work in the identified wetland area. This position is taken in the context that no live ordnance has been uncovered anywhere on the property and that the ecological damage would be significant in comparison to the relative potential of finding live ordnance. The Corps will place signage at the perimeter of the wetland warning the public of the potential hazard. Parks reserves the right to revise this position should information and data change relative to live ordnance.
6. Parks also requests that the Army Corps of Engineers indemnify and hold harmless against all liability, damage, penalties or judgments arising from injury to person or property sustained by anyone in and about the premises, the State of New York, the Office of Parks, Recreation and Historic Preservation, and its officers, agents, servants, employees or contractors in relation to undertaking the cleanup project.

Camp Hero is part of a much larger area containing potential OE/UXO. The Off-Shore Ordnance Area, (Area L) is composed of 756,491 acres of underwater lands in the Atlantic Ocean. This area has not been considered for cleanup within the context of the EE/CA

Ms. Spann-Labato
April 1, 2002
Page 3

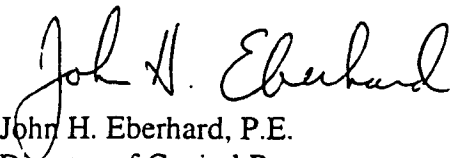
document. It is noted in the EE/CA report that one source for the material found in area K is the eroding bluff face. State Parks believes that each coastal storm event has the potential to expose new OE/UXO material from the bluff face or drive ordnance onto the shore from Area L. Parks is requesting that the Corps either through this program or through regional Corps resources, undertake an annual shore survey each spring to ensure that new ordnance material has not been placed within reach of the public. Parks further recommends that such a survey take place after each major coastal event such as a Noreaster or hurricane.

We file these comments based upon information and data collected to date. As the property owner and a principal stakeholder, we make these comments without prejudice to request a post-cleanup (post-comment) review of further findings by the Corps. We request that a post project meeting be convened of the stakeholders to review the findings of the Corps. State Parks reserves the right to request additional OE/UXO cleanup work based upon the review of such findings.

As you know our long-term vision for the use of this property is to focus on its role during World War II and the Cold War Era. It is possible that at some time in the future a museum and /or interpretive displays would be established in relation to this use. We would appreciate receiving samples of identified inert ordnance debris that is associated with various pieces of military hardware that were used at Camp Hero. Naturally any assistance the Corps could give us in obtaining inert intact samples would be appreciated.

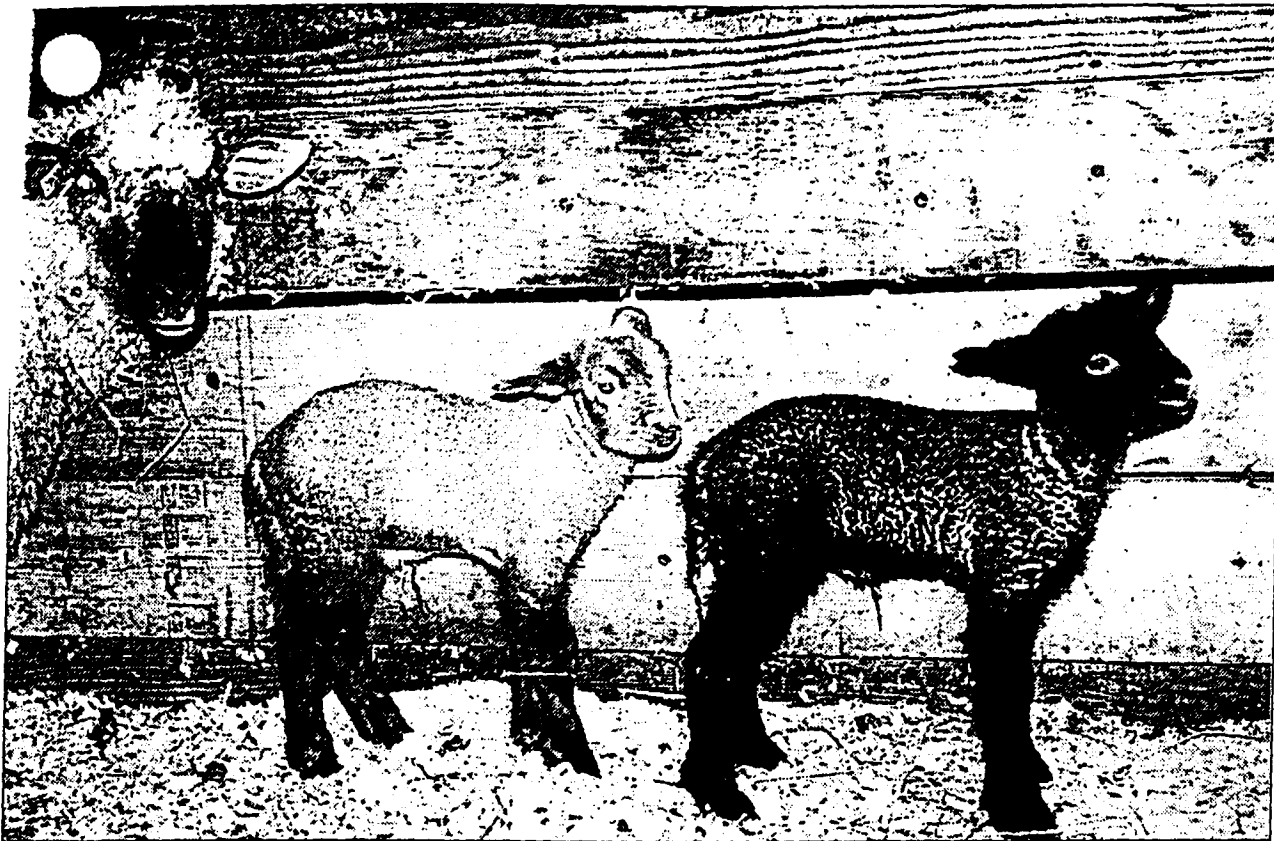
State Parks appreciates the cooperation and efforts of the Corps to date. We appreciate the Corps' prompt reply to our request that fencing and signing be immediately put in place to keep the public out of areas H and revised K. We also appreciate the Corps efforts to revise, reprint and redistribute the Camp Hero OE/UXO brochure. We look forward to working with the Corps in completing the OE/UXO cleanup project.

Sincerely,



John H. Eberhard, P.E.
Director of Capital Programs

cc: T. Dess



TWIN LAMBS, one light and one dark, were born at Deep Hollow Ranch in Montauk last week. The ranch's stock keep are supervised by dogs. More baby lambs are expected soon.

Amanda Star Frazer

FIREWORKS EXPECTED

At Camp Hero Meeting On Digging

A report by the Army Corps of Engineers, which will be discussed at a public meeting in Montauk tonight, recommends digging along more than a mile on the ocean bluffs at Camp Hero to remove what may be shrapnel, before the land is put to "active" as well as "passive" recreational use.

Some Montauk residents are alarmed at both the recommendation to dig as well as at the apparent change in the state's designation of Camp Hero, which to date has been reserved for passive recreational use only.

"We think it should be left alone. If it's not dangerous they're messing with a very environmentally sensitive

area steeped in erosions," said Lisa Greci, chairwoman of the Montauk Citizens Advisory Committee.

The Army Corps report states that the park is slated for "active and passive recreational use, with development consisting of infrastructure in support of its use."

It goes on to say that material found below the bluff could endanger users of the park and recommends digging as far as four feet down along 6,500 feet to remove it.

The former Air Force base was designated for "passive recreational" use when it was transferred from the federal government to the State Office of Parks, Recreation, and His-

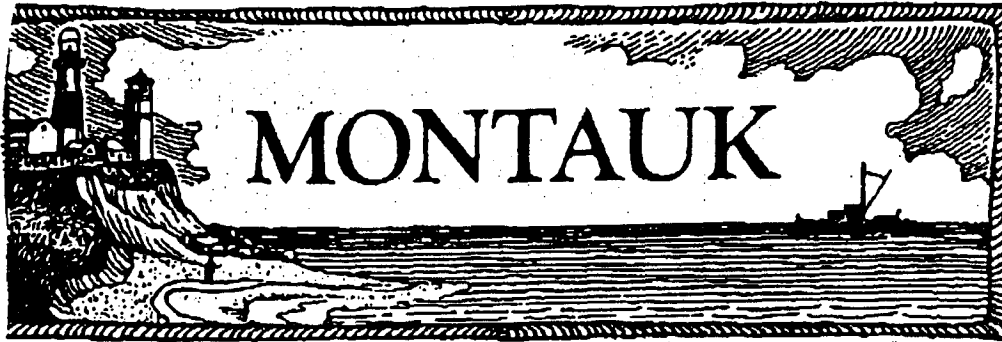
toric Preservation some time ago.

Some community members, including the Montauk Chamber of Commerce, were outraged to learn last fall that Bernadette Castro, the commissioner of state parks, planned to build between 12 and 18 cabins there to rent to visitors. There has been talk of putting a golf course there as well.

The state asked the Army Corps to study the area to see if left-over ordnance needed to be removed, and the results of that study have been available at the Montauk Library.

Tonight's meeting will be held at 7 at the Montauk Downs State Park.

J.H.



JANIS HEWITT • 668-3349
JANE BIMSON • 668-5496

The board of trustees of the Montauk Library will meet on Tuesday at 7 p.m. in the library.

"Topsy-Turvy," a film depicting the creative process behind Gilbert and Sullivan's "The Mikado," will be shown on Wednesday at 7 p.m. in the meeting room. Admission is free.

The next selection of the library's book reading group, which meets on March 10 at noon, will be "Arrow-smith" by Sinclair Lewis. Copies are available now at the circulation desk.

The Montauk Lighthouse Museum and gift shop will be open this Saturday and Sunday from 11 a.m. to

4 p.m. Admission is \$5 for adults, \$4.50 for senior citizens, and \$2.50 for children 12 and under. There is a height requirement of 41 inches to climb the tower and anyone under that may not be carried. The schedule is always weather permitting.

Pancake Breakfast

Looking ahead to the annual St. Patrick's Day parade, the Friends of Erin will have their fund-raising pancake breakfast on Sunday at the firehouse.

Mr. John's Pancake House will provide the flapjacks from 8 a.m. till noon. Tickets are \$3.50 for children and \$5 for adults, available from the Friends or at the door.

Camp Hero Ordnance

The public has been invited to attend a meeting to discuss a recently completed report on the search for any ordnance that might have been left over at Camp Hero, a former military base in Montauk.

The meeting will be held next Thursday at 7 p.m. at the Montauk Downs State Park clubhouse. The session is part of a required 30-day review and comment period sponsored by The State Department of Parks, Recreation, and Historic Preservation, which has been working to determine what would be the best types of recreational uses at Camp Hero State Park.

In the spring of 2001 the United States Army Corps of Engineers ordnance group started to look for any dangerous explosives that might have been left after the Army and later the Air Force abandoned the former fire control and anti-aircraft artillery station.



GROUP FOR THE SOUTH FORK
2442 Main Street
P.O. Box 569
Bridgehampton, New York 11932-0569
631-537-1400 Fax: 631-537-2201
email: gsf@hamptons.com

April 25, 2002

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James Trees
Harold M. Wit

Department of the Army
U. S. Army Corps of Engineers
Turnpike Metroplex Building
190 State Highway 18, Suite 202
East Brunswick, New Jersey 08816-1407

Attention: Luz Spann-LaBato

**RE: Former Camp Hero, Montauk, New York
Engineering Evaluation/Cost Analysis ("EE/CA")**

Dear Ms. Spann-LaBato:

Group for the South Fork appreciates the opportunity to comment on the final draft of the EE/CA regarding the investigation of former Camp Hero.

Group for the South Fork is a professionally-staffed non-profit environmental advocacy organization representing the conservation and planning interests of 3,000 member households and businesses across Long Island's South Fork and Shelter Island, for the last 30 years.

We recognize the prudent desire of the USACE in its efforts to determine, in the interest of public safety, what, if any, remedial action needs to be taken at the former Camp Hero site.

We note, however, that during the expansive investigation, conducted in May of 2001, neither any unexploded ordnance (UXO) nor any ordnance and explosives (OE) were identified. We recognize also, that the possible presence of such items is based exclusively on inferences extrapolated from the mere presence of ordnance scrap in some areas, the past

GROUP FOR THE SOUTH FORK



uses of the property and a few direct and indirect witness reports reflected in the Archives Search Report (ASR).

Based on our review of this proposal we believe that there is no way to prove with absolute certainty that potentially hazardous ordnance or explosives are absent from the site, nor is there a conclusive way to prove that these potentially hazardous items will be found. In addition, there is no demonstrative proof, that if the clean up actions proposed by the USACE are undertaken, that the possible UXO and/or OE items will be removed at a level that completely assures public safety into the future.

In light of our observations, We recommend the following suggestions for consideration:

- a) We urge the USACE to avoid taking any actions that would disturb the fragile bluff system (Area K) on the Camp Hero site in the development of any further plans for site excavation. These bluffs have already been subject of extensive natural erosion due to weather and other seasonal occurrences and we are concerned that any additional excavation could be devastating to the integrity of this sensitive natural feature. Any excavation of the bluff system will also increase the rate of erosion and the subsequent potential for exacerbating the impacts of this erosion on the subject property and those areas located downdrift of the site.
- b) The Group does not support the proposed excavation to grade (four feet) along the extremely narrow rocky shore located in this project area. From our standpoint disturbance of the bluffs and adjacent shoreline area could significantly damage the only bluff ecosystem located on the south shore of Long Island. Instead of excavation, we support the proposed series of visual inspections of both the bluffs and the adjoining beach areas (Areas H and K). This should take place on a quarterly basis and again after any major storm activity.
- c) We hope and strongly advise that the USACE reflect on the covenants and restrictions placed upon the subject property when its was dedeed to the State of New York. As we understand it, the Camp Hero property is to be managed and operated by the State exclusively as part of its 'Park Preserve' system, and be used for only low intensity passive recreational activities. We believe the emphasis on passive recreational use that was envisioned back at the time of the transfer significantly limits the level of human risk that could be anticipated at this site over time. Obviously the need for further site investigation would be more prudent if the proposed public use of the site was envisioned for intensive public use or active recreational development.



- d) In Area H, we do not believe that there is adequate evidence of UXO OR OE beyond that which was to be expected at a former demolition site. We do advise that Area H, with an additional buffer, be designated as a restricted zone and enclosed with fencing until a future time when the vegetation has been reestablished in the area. Additionally we would recommend that road access to Area H been permanently restricted and any further consideration for future use of the area abandoned.
- e) We suggest the USACE undertake a site wide restriction on the use of any metal detection device by the general public.
- f) We strongly support the recommended Institutional Controls, including informational Park Brochures and Signage.
- g) In the unlikely event that any UXO items are actually discovered in the future, we agree the Federal government would reevaluate ordinance clean up as necessary. (EE/CA, section 7.3.2.1)

Thank you for your attention to our concerns. We would like to remain informed as to the anticipated timing for the next steps in the USACE's work at Camp Hero. We would be especially interested in the anticipated timing of the Environmental Impact Statement agreed to at the February 2002 public meeting. We would also appreciate the opportunity to participate in the scoping session for this Environmental Impact Statement.

If we can provide you with any additional information or assistance please feel free to give me a call at your convenience

Sincerely,

Robert S. DeLuca
President

**ATTACHMENT A
RESPONSIVENESS SUMMARY**

**Questions Posed by Members of the Public
Public Meeting of February 28, 2002
Former Camp Hero**

The following questions were formally submitted at the February 28, 2002 Public Meeting. In some instances, the questions have been paraphrased for clarity. Other questions not formally submitted were answered to the satisfaction of the public at the meetings.

- 1. The Corps should proceed with its efforts to make the area safe for the public. [William Young, President, Montauk Surfcasters Association – 850 members]**

Comment noted.

- 2. Restoring Camp Hero and making it into a “Cold War Air Defense Museum” is a good idea and could attract tourist dollars. [Richard Morgan, Montauk resident]**

Comment noted.

- 3. Safety should be a concern but unless more evidence of serious danger is uncovered, the impact on the environment should be kept at a minimum, especially in sensitive areas. [John J. Fritz, Montauk resident]**

The EE/CA investigation results indicated a risk to the public is present at the areas of concern at former Camp Hero. Program-wide, the impact on the environment is always a consideration when determining the need for further action. During the “Work Plan” phase of the removal action procedures for mitigating environmental impacts will be detailed. A formal Environmental Impact Statement will not be prepared by the Corps but may be required to be performed by others under the covenants of the Park.

- 4. I support the concept of complete inspection of all areas discussed at the 2/28/02 meeting, including H and K. [John Burke, Montauk resident]**

Comment noted.

- 5. Not in favor of digging or clearing the bluffs. Request an Environmental Impact statement before any action is taken. Also, new information was submitted regarding the project on March 1st. Is there going to be a new public hearing on the new information? [Lisa Greci, Montauk resident]**

As stated in the Response to Comment #3, the mitigation procedures will be developed as part of the “Work Plan” phase of the removal action prior to the commencement of any proposed remediation activities. However, the Corps will not conduct an EIS.

No new project information or substantive changes to the report was distributed on March 1st, only minor text changes. However, to provide ample time for public comment, the Corps

notified the public of the revised document at the Public Meeting on February 28, 2002, and later placed advertisements in two local papers to indicate the EE/CA documents were available for review at the Montauk Public Library. In addition, the 30-day public comment period was extended from March 30, 2002 to April 27, 2002 in order to allow for ample public review of the document. No additional public meetings are scheduled at this time.

6. Great work. Please clean up Camp Hero. [K. Reynolds, Montauk resident]

Comment noted.

7. The following response is to the 6-page letter (included in its entirety at the conclusion of this summary) from the Concerned Citizens of Montauk (CCOM): [Richard Kahn, Chair, Legal Affairs Committee, CCOM]

The Corps and OPRHP acknowledge receipt of your letter. We appreciate your comments and concerns with the Camp Hero EE/CA project. All comments presented in your letter will be taken into consideration as plans regarding further activities are discussed. The Corps and OPRHP intend to take steps to mitigate environmental and ecological impact on the Camp Hero area. In addition, CCOM will be given the opportunity to be involved in the planning process via public meetings prior to commencement of any removal action.

8. The following are excerpts from a letter (included in its entirety at the conclusion of this summary) addressing the specific concerns requiring response. [Edward and Joan Porco, Montauk residents]

“The bluffs are eroding at a rapid rate so that any disturbance to them will only increase the rate of erosion, which is of paramount concern.”

As stated in the responses to Comments No. 3 and 5, the applicable environmental studies will be conducted during the “Work Plan” phase of the removal action prior to the commencement of any proposed remediation activities.

“The EE/CA is assuming active recreation at the site. This contravenes the deed covenants which allow passive recreation only.”

The EE/CA was conducted with all possible future land uses taken into consideration as anticipated by OPRHP. In a letter dated April 1, 2002 (included at the conclusion of this summary), OPRHP indicated, “It is the goal of the Office of Parks to make the Camp Hero property available to the general public for outdoor recreational use as well as provide an opportunity for interpretation of both WWII coastal defenses and the Cold War Era.” OPRHP is aware of all deed restrictions on land use and construction of facilities to support the area. Your concerns and active participation in preserving the area is appreciated.

9. The following are excerpts from the letter from OPRHP regarding the approach to the removal action presented in the EE/CA. [John Eberhard, Director of Capital Programs, OPRHP]

“State Parks generally agrees with recommended actions under Alternative 6...State Parks requests that the Corps undertake the following in relation to preparing a project consistent with Alternative 6:”

1. **“The Corps should retain expertise in coastal dynamics to ensure that none of the project activities will compromise the integrity of the bluffs...”**

2. **“The project should move forward at the soonest possible date that can be coordinated between State Parks and the Corps.”**

3. **“...State Parks is concerned with the ecological communities in the Camp Hero area and the ability of the area to re-establish plant communities. Special care should be undertaken in relation to the clearing of additional brush in areas H and revised K...”**

4. **“State Parks recently contracted a biodiversity report titled, “Rare Species and Ecological Communities of Montauk Point State Park”. This report included a review of both Camp Hero and adjoining Sanctuary property. No rare species were found in the vicinity of area H and revised area K...State Parks recommends that the Corps retains appropriate professional assistance to ensure that endangered or threatened species are not adversely impacted and that significant natural communities are restored.”**

5. **“At this time, Parks concurs with the Corps approach to not undertake additional OE/UXO removal work in the identified wetland area.”**

Comments noted.

10. **The following excerpt is from a letter (included in its entirety at the conclusion of this summary) addressing the specific concerns requiring response. [Rav Freidel, Montauk resident]**

“The program of utilization for the 450 acre Camp Hero site calls for passive recreation, i.e. bird watching, hiking, fishing, picnicking, etc...The logic of digging up this incredibly beautiful place defies logic.”

As noted previously in the response to Comment No. 8, the EE/CA was performed in coordination with OPRHP, stakeholders (via Public Meetings), and information provided by OPRHP. Additionally, OPRHP has requested specific measures be included in the planning process to mitigate any impact to the environment, species, and natural features of the area. Any future activities will be conducted with continued coordination and input from OPRHP and local interest groups.

11. **The following excerpt is from a letter (included in its entirety at the conclusion of this summary) addressing the specific concerns requiring response. [Richard S. Brown, Montauk resident]**

“The government at every level should be mandated to an environmental impact study, which is required in our town by anyone who wishes to do the type of large-scale work you are considering. When Camp Hero was transferred from the Federal government to New York State the transfer papers stated that the land be used for passive recreation only...Save it [Camp Hero] for now and for future generations to enjoy its’ natural beauty.”

As stated in the responses to Comments No. 3, 5 and 8, the Corps will not prepare an EIS but will include environmental mitigation procedures in the Removal Action Work Plan that will be available for public review and comment. Additional environmental studies, such as an EIS, may be required to be conducted by others. In addition, OPRHP has requested specific measures be included in the planning process to mitigate any impact to the environment, species, and natural features of the area.

12. The following excerpts are from a letter (included in its entirety at the conclusion of this summary) addressing the specific concerns requiring response. [Robert S. DeLuca, President, Group for the South Fork]

1. “We urge the USACE to avoid taking any actions that would disturb the fragile bluff system (Area K) on the Camp Hero site in the development of any further plans for site excavation...”

Any further action will be coordinated with OPRHP, who have requested expertise in coastal dynamics to ensure that none of the project activities will compromise the integrity of the bluffs.

2. “The Group does not support the proposed excavation to grade (four feet) along the extremely narrow rocky shore located in this project area...”

The approach presented in the EE/CA does not include excavation to a four-foot grade. The areas will be surveyed with the appropriate geophysical instrument and individual anomalies will be dug until located up to a maximum depth of 4 feet. None of the anomalies recovered during the EE/CA were found at a depth greater than 18 inches, most found were less than 12 inches. Similar anomaly depths are expected during the removal activities.

3. “We hope and strongly advise that the USACE reflect on the covenants and restrictions placed upon the subject property when it was deeded to the State of New York...”

USACE has been, and will continue, coordinating all field activities with the OPRHP and all other stakeholders.

4. “In Area H, we do not believe that there is adequate evidence of UXO or OE beyond that which was to be expected at a former demolition site. We do advise that Area H, with an additional buffer, be designated as a restricted zone and enclosed with fencing until a future time when the vegetation has been reestablished in the area. Additionally, we would recommend that road access to Area H be permanently restricted and any further consideration for future use of the area abandoned.”

We appreciate and understand your concern with Area H. OE scrap was discovered in Area H to a maximum depth of 18 inches bgs. The depth distribution and types of OE scrap are consistent with the use of Area H as a demolition area. We agree with your statement that there is no more UXO or OE beyond that which was to be expected at a former demolition site. However, that does not mean there is not sufficient risk to the

public to warrant a removal action. Further, the EE/CA data suggests that migration of OE scrap (and potentially UXO) from Area H to the Revised Area K beach is occurring. The recommendation for a removal action within Area H is driven by both the potential exposures to the public within Area H as well as the those resulting from the relocation to revised Area K.

Designation of Area H as a restricted area (as well as closure of site roads) is outside the Corps' purview and is strictly the decision of the Park. However, implementation of such an action would not resolve the migration issue. A primary activity of the Park users is the surf-cast fishing that occurs all along the coast adjacent to Area H.

5. "We suggest the USACE undertake a site wide restriction on the use of any metal detection device by the general public."

Restrictions on metal detection devices could certainly be instituted by the OPRHP. However, it is the experience of the Corps that such policies create an attractive nuisance situation. By instituting such a policy, you inform the public of the potential of UXO/OE and inadvertently increase the interest in treasure hunting.

6. "We strongly support the recommended Institutional Controls, including informational Park Brochures and Signage."

Comment noted.

7. "In the unlikely event that any UXO items are actually discovered in the future, we agree the Federal government would reevaluate ordnance clean up as necessary (EE/CA, Section 7.3.2.1)."

The referenced text was included in the discussion of Alternative 1 – No DoD Action Indicated (NDAI). Alternative 1 is when the government takes no action in regards to locating, removing, and disposing of any potential OE present within a specific area. However, this policy is a Corps standard and includes areas where other Alternatives were conducted.