

December 7, 2010

K. Christopher Soller, Superintendent  
Fire Island National Seashore  
U.S. National Park Service  
120 Laurel Street  
Patchogue, N.Y. 11772

Dear Superintendent Soller:

The Fire Island Association (FIA) is gratified by the progress the National Park Service (NPS) has made in drafting a new General Management Plan for the Fire Island National Seashore (FINS). We are also very pleased that FIA, as the representative of the Island's communities, has been welcomed as a critically important partner not only in the drafting process, but also in the quest for effective implementation strategies and mechanisms.

In addition to acknowledging your key leadership role, we would also like to thank the National Park Service staff associated with Fire Island National Seashore (FINS) and their Planning Department, especially Ellen Carlson, Anne Moss, Diane Abel, and Justin Atherton Wood, for their efforts to reach out and work with FIA over the course of this important planning initiative. Recognizing the importance of this enterprise, FIA has devoted a great deal of time and energy to working collaboratively with NPS to identify, describe and document a shared vision of what Fire Island National Seashore should be, and how it might best be managed over the next several decades.

Fire Island has always been a "paradise" for its residents and visitors. Over the years, its 17 disparate communities have collectively demonstrated a passionate determination for protecting the fragile barrier

beach environment and preserving the island's unique life-style. Indeed, in the late 1950's when the island was threatened with increased levels of development including a highway, residents formed a coalition and raised the funds to purchase Sunken Forest. Then again in 1962, when the island faced a new threat of a four lane highway running through all communities, the early FIA organization worked together with many other groups to galvanize support in Congress to create the Fire Island National Seashore and thus prevent the construction of "the Moses road." When the Seashore legislation was enacted by Congress in 1964, it was initially viewed as a victory for both the National Parks and the island's inhabitants. It soon became evident, however, that there were areas of great tension between the NPS and the communities. Ironically, the FIA even had to threaten to sue the Department of Interior in order to compel the NPS to prepare the first FINS General Management Plan (GMP), which was finally adopted in 1977. At that time, many in the communities felt that the Interior Department (DOI) was establishing its own set of objectives, with little or no input from FIA, or from the island's residents who had fought so hard to create the Seashore. Moreover DOI was certainly not collaborating on beach erosion issues with the Army Corps of Engineers, which was specifically directed by Congress to take the lead on shoreline protection issues.

At present FIA notes a genuine 'sea change' in the relationship between FINS and the communities, and this new atmosphere has re-awakened us to the possibilities of a shared vision for Fire Island. Almost five decades after the creation of the Seashore, residents have at last been brought into in the process of helping to determine how to protect, preserve, enhance, administer and manage Fire Island. With dialogue now substituted for discord, FIA Directors and community leaders have participated in each of the FINS workshops dealing with various planning options. Residents have also participated in the web-based Community Character Analysis and attended the public comment sessions. The FINS Superintendent now routinely attends the monthly meetings of the FIA Board to give updates on the process, and to engage in frank and constructive discussion of key issues.

The preparation of a new GMP for Fire Island is a particularly timely initiative, given the many challenges that threaten the integrity of our bay and ocean shorelines, imperil the natural beauty of the barrier beach environment, undermine the road-less character of the island, and cast doubt on the sustainability of the unique quality of life that makes Fire Island so remarkably different from almost any other place in the world.

This letter details the FIA's generally positive response to many of the goals and objectives contained in the Draft Preliminary Alternatives, especially the management principles described as "common to all action alternatives." We applaud many of the elements outlined in the April 2010 GMP Newsletter, especially the emphasis on the

sea, sand, native ecology, history, current cultural landscape, and the new appreciation of the importance of the communities that exist within the Park. As noted above, we are also impressed with the efforts that the Planning staff has made to delve into some very complicated and thorny issues, gather feed-back in a facilitated manner, and listen carefully to all those who live and work on Fire Island.

## **Common Ground**

FIA shares with FINS a belief that moving forward constructively in a collaborative manner on a shared management vision will enhance Fire Island's status as one of the world's great parks and most desirable places to live in or visit. We are pleased to note, therefore, that we generally support many aspects of the Preliminary Management Plan as it has been detailed to date:

(1) FIA is firmly and irrevocably committed to working with NPS to craft, implement and monitor a General Management Plan that all parties can support. We therefore strongly endorse the statement on page 7 that "Under all action alternatives, a proactive, collaborative approach to island stewardship among existing and new partners would be considered *fundamental to the success of the plan*" (Emphasis ours).

(2) FIA has always believed there should be a close working relationship between the NPS, FIA, NYS, the Towns and Villages and other responsible agencies within and around the Seashore so that all may operate together in the best interests of Fire Island.

(3) FIA fully concurs with the notion of managing Fire Island in a manner that preserves its natural, historical and scenic aspects, and embraces the island's unique cultural character. We also note with approval that the inclusion of "Community Resources" throughout the GMP validates the importance of Fire Island's communities and their full-time and seasonal residents. While there will always be a wide variety of opinions expressed by the different communities, we believe it is safe to say that all Fire Islanders would second the Fire Island Pines Property Owner's Association's approval of "the Park Service's recognition of the unique character of Fire Island National Seashore with the 17 communities ... a fundamental element to be valued and protected... and overlying management objectives to foster a balanced relationship between people, including community residents and visitors, and the natural environment."

(4) FIA believes that any development on the island should be undertaken in a manner designed to retain the island's unique character, and further we believe that each

community should take full responsibility for internally ensuring that preserving and protecting the island's ecological and historic landscape is considered a priority.

(5) FIA is a very strong proponent of retaining the "road-less" character of Fire Island, and looks forward to working with FINS to maintain and enhance this facet of the island's character. The Nelessen analysis indicates that islanders place an extremely high value on the absence of roads, and virtually all residents and visitors enjoy an island experience unmarred by motor-vehicles and the paved roads that would be built for such vehicles. The reality, however, is that there are many vehicles that do drive on the Island, especially on the West End. FIA looks forward to the publication of the long awaited Driving Regulations that we hope will lay the groundwork for a long-term and sustainable approach to minimizing and regulating essential motorized vehicle use on the island.

(6) FIA agrees that the Road-less Island management policy would be significantly advanced by efforts to expand freight ferry terminals, re-organize ownership of certain tracts of land on the island to facilitate this objective, and to work with each community, federal/state/local agencies, local utility providers, residential contractors, commercial establishments, waste haulers, ferry operators and all others to create a new and better distribution system to serve the island.

(7) FIA fully supports the continued and even expanded use of Fire Island to educate schoolchildren and interpret the natural history, ecology, and other relevant topics for other visitor groups. Fire Island National Seashore should be a key tool in regional place-based learning curricula. The FIA also supports increased interaction between FINS staff, the Woodhull School, and schools all along the south shore of Long Island.

### **Diverging Views and the Need for Dialogue**

While it is clear that there is considerable agreement between FINS and FIA on a wide range of management objectives, FIA has serious reservations about some of the goals and objectives outlined in the Proposed Management Alternatives. These concerns are especially intense where theoretical principles may be adopted and then translated into policies, rules and regulations that will seriously impact the island's communities and their residents over the next several decades. FIA's concerns include (*All page numbers refer to the April 2010 GMP Newsletter*):

**1) Park Purpose (p 3):** As currently written, the ‘Park Purpose’ is to conserve, preserve and protect the following:

- Relatively unspoiled and undeveloped *beaches, dunes and other natural features and processes*. These include Fire Island’s *larger landscape* and its surrounding *marine environment*.
- Historic *structures, cultural landscapes, museum collections and archeological resources* associated with Fire Island National Seashore.
- The primitive and natural character of the *Otis Pike Fire Island High Dune Wilderness*...and its wilderness values of solitude and isolation.

FIA is very concerned that nowhere is it clearly stated in the ‘Park Purpose’ language that the communities are considered a *component* of the “cultural landscape”, therefore worthy (and eligible) for ‘conservation, preservation or protection.’ While we hope that it was the intention of the Planners to subsume the communities under the domains of either “larger landscape,” or “cultural landscapes,” this possible intent is anything but clear as currently written. FIA believes very strongly that the communities must be referred to as such, and should be specifically named in the document to avoid any confusion. The language of the Park Purpose should be changed to reflect this inclusion.

The lack of clarity on the status of the communities may stem from NPS hesitation to include such language because of shore management issues; i.e., stating that NPS is supposed to ‘protect’ the communities might later translate into responsibility to fund beach re-nourishment. Whatever the reason for the omission, the question of how the communities will be identified and integrated into the statement of Park Purpose in the new GMP must be the subject of an open and frank discussion between FIA and the GMP planning staff. In order for the communities to have confidence in the sincerity of the NPS “collaborative” approach to stewardship of the Island, the communities must be given status within FINS, and their future fully and specifically acknowledged and assured within the GMP.

**2) Park Goals (p 4):** In the April Newsletter, one of the “Resource Management” goals is to “partner with the public, island communities, and others in the stewardship and preservation of Fire Island’s natural and cultural resources and its distinct character.” FIA must again insist on language here that explicitly includes the principle that the 17 communities are an integral component of the island and therefore a key aspect of the “natural and cultural resources and distinct character” that are to be managed and preserved. Indeed, we know and believe this was Congress’s intent when the communities were declared “exempt” in the 1964 Enabling Legislation.

Also in the Park Goals section, under the topic of Land Use and Development, there is a statement of the intent to “partner with others to ensure that land and development practices undertaken... promote ecological health, environmental quality in this dynamic environment.” The reference to partnering “with others” to promote ecology and environment is imprecise. The language should reflect, first, that the existing communities are to “remain in character” and be “protected as communities,” and second, the vague term “others” should state that the communities, the two townships, the two incorporated villages, and other specifically identified agencies or entities, will have a voice in developing and implementing island development practices.

**3) Cooperative Stewardship:** The FIA has always embraced the notion of a cooperative partnership with FINS, especially one wherein the partners are willing to be flexible, and where there is a mutual confidence that understandings will not be eliminated or reversed either by new Park staff and policies, or by changes in community or FIA leadership.

FIA has some reservations, however, about how the GMP will define this concept of “Cooperative Stewardship.” To us, truly cooperative stewardship is about partners mutually defining shared goals, a willingness by each party to give and get in the process, and then an honest effort to dedicate the time and resources necessary to achieve those goals. FIA and the Fire Island residents we represent have therefore been extremely heartened by recent leadership attitudes at FINS, especially as established under former Superintendent Michael Reynolds, and actively promoted by current Superintendent Chris Soller, who has worked to create a truly collaborative relationship. When and if a mutually derived GMP has been formulated and adopted, FIA looks forward to working even more closely with FINS to maintain the Island’s natural beauty, preserve the communities’ varied and unique character, restore the native ecology, expand visitor services in a rational and sustainable manner, and build philanthropic support for FINS.

**4) Shoreline Management:** Naturally, a primary FIA concern is the historic NPS position on appropriate responses to beach or bay shoreline erosion, especially as these policies may be integrated into the new GMP. In the past, there has been a strong divergence of views between FIA and NPS regarding the causes of beach erosion, appropriate protective and beach restoration measures, and the interpretation of the “science” underpinning many of NPS’s findings and its resulting policies.

The FIA, for example, has long held the belief that Fire Island was a prograding spit that has recently (since the 1950’s) been sand-starved due to man-made influences ‘up-stream.’ Thus beach and bay re-nourishment projects replicating previous sediment

build-up trends are a legitimate and logical response. FIA strongly believes that ongoing sand-replenishment is therefore appropriate and reasonable, unless of course government agencies are willing to remove groins, shore hardening structures and the inlet jetties east of Fire Island that now limit historical long-shore sand migration. Since the latter is not likely to occur, FIA holds that the most cost-effective response is that the beach be periodically strengthened so as to protect communities, the attributes and values of the Seashore, and the communities along the South Shore of Long Island.

However, in the “Elements Common to All Action Alternatives” there is a statement that all federal lands would be left to “retreat” as the seas rise. On this issue, FINS and FIA seem to be on a collision course. FIA believes the shoreline should be protected by making the barrier island’s beaches wider and higher, using generally accepted techniques replicating natural processes, thus preserving vulnerable natural and human communities on the island and the mainland. Protecting the shoreline in such ways would be environmentally sound and justified by the duty of NPS to preserve and protect Fire Island as a natural resource. However, there is concern among many in FIA that NPS may allow preconceived doctrine to dictate its “science” findings and subsequent management decisions, or that it will selectively choose data that support its policy preferences and ignore valid scientific findings that contradict those preferences. These concerns must be allayed.

FIA is encouraged that Preliminary Management Alternative #3 does state that “a moderate level of intervention in the natural system would be permitted including limited beach nourishment.” However, the very same section states that, under this Alternative, “Land management strategies would provide a transition to a more natural (landward) dune alignment.” Any effort to cause – or allow – migration of the dune-line towards the mainland is something that communities will strongly oppose because, as FIA President Stoddard has stated in his personal written comments on the GMP, “these are fighting words.”

Finally, FIA is aware that when addressing beach or bay erosion in other times and places, policy accommodations have been made by NPS and permits have been issued. In recent years, for example, there have been sand by-passes at Sandy Hook, huge re-nourishment projects at Assateague, work on Hatteras, and numerous other projects along the Gulf of Mexico. On Fire Island itself, FINS has also engaged in bayside renourishment. FIA believes that NPS should not maintain and enforce two sets of rules for beach or bay erosion issues.

Of all the issues to be worked out in the final version of the GMP, these waters are certainly the most complex to navigate for FINS and the communities. Despite this potential for confrontation on the issue of shoreline management, however, it is important to note that many in FIA are optimistic that a more objective review of the science and the management strategies that might be employed by FINS, coupled with

a greater appreciation of the importance of anthropogenic impacts on the island's sediment budget, will lead to a mutually satisfactory vision for managing and maintaining the ocean beaches and bay shoreline in the future.

**5) Land Use:** We note with serious concern that the "Community Resources" section in each of four Alternatives contains language that seems to indicate that NPS is interested in additional property acquisition over time along our waterfronts. FIA believes such intent is in stark contrast to the enabling legislation, and moreover feels that inclusion of such language indicates that a clear anti-community stance has been taken. In fact, FIA would again point out that it was the Fire Island communities and their residents that united in the '50's and '60's to prevent a major highway, and to purchase that land that was given to the NPS to create FINS. In addition, this document reads throughout as if the only entity with any real stake in the island's future is the NPS, while the communities own, and even longer standing, history of "ownership" and "stewardship" is not acknowledged. Even Alternative #3 (Recognizing the Relationship between Human Use and Nature) is ambiguous on the subject of property rights. In the same paragraph that describes 'a transition to a more natural (landward) dune alignment,' there is additional language explaining that 'rebuilding would be permitted consistent with adopted plans, land use regulations and/or design guidelines.' Who would develop these land use regulations and design guidelines, and what is meant by "adopted plans"? And who are the 'others' referred to in the statement that "NPS would work with others to arrive at a meaningful strategy for compensating affected property owners"? Whatever the answers to these questions, the document should state them plainly.

While FIA agrees that better – and enforceable -- Dune District and CEHA regulations should be negotiated so that totally new or expanded development (unrelated to reasonable replacement of damage or loss by fire or wind) does not occur, we do not agree that property acquisition is a viable land management strategy – much less a planning objective -- for the Island. *Compensation for affected property owners is not a substitute for a rational program of coastal management for the entire Seashore.*

**6) Climate Change and Sea Level Rise:** In the "Elements Common to All Action Alternatives" sections, there is a statement that "the Seashore would implement sustainable strategies for adapting human activities to dynamic coastal processes and climate change and sea level rise." This language is somewhat broad and didactic. If this objective simply indicates that future planning and investments in FINS infrastructure will favor efforts associated with "Climate Friendly Parks," i.e. green



designs, self-sustaining energy sources, and educational and interpretive efforts that highlight conservation, then FIA would fully support this stance.

FIA is leery, however, of the possibility that Climate Change and Sea Level Rise considerations may be used to justify a particular interpretation of science and data with respect to broader matters, especially beach and bay erosion issues. As previously noted, language in the “Preliminary Alternatives” document does point toward an NPS position that assumes that Fire island will “retreat” (or “migrate”) in the future. This issue is important for all Fire Islanders, but especially for the approximately 25% of residents who live along the ocean-front or bay-front of Fire Island.

An ancillary question raised by this ‘retreat’ language is whether NPS will cease to maintain and enhance its own facilities on Fire Island. Such a decision would be the logical extension of a policy that storm and erosion damage should not be addressed by preventive measures such as beach renourishment and other preservation strategies. FIA does not believe that NPS should withhold investing in its own facilities or infrastructure on Fire Island based on such reasoning.

**7) Community Resources:** FIA notes with dismay that the “Community Resources” sections in all four Alternatives are stunningly devoid of reference to anything that the communities and their residents would consider as resources as that term is typically understood, i.e. something that is used for support or help, drawn upon when needed, or employed to cope with a difficult situation. While Alternative #3 does mention that the Seashore “would work closely with island communities/towns....to help communities attain protection of natural resources and community character,” the larger context for this pledge is one of land use and zoning reform (p 12). There is one other reference to NPS support of community efforts to “identify, document, and preserve their cultural resources and heritage” (p 12). But these two statements do not begin to adequately address the topics that should be included under any meaningful discussion of Community Resources. The absence of any specificity in this “community resource” language is troubling. Even if this omission was merely an oversight, it’s disturbing that planners who promote stewardship and partnership as core management principles would neglect giving even a passing nod to organizations and groups that nourish, sustain and protect the island’s residents, businesses and communities. These include, among others, the various homeowners associations, the Year-Round Residents Association, the Fire Island Law Enforcement/Security Council, volunteer fire departments and law enforcement groups the ambulance corps, historical societies, community funds, the Fire Island Land Trust, Fire Island Lighthouse Preservation Society and the FIA.

**8) Submerged Marine Resources.** FIA does not believe that Submerged Marine Resources needs to be a stand-alone topic, for essentially FINS is already charged with protecting and enhancing all ecological or historic/cultural resources under its purview, and thus whatever planning processes are used for current upland areas ought to be applied equally to submerged areas. FIA would strongly oppose any shift in management practices that would distinctly alter the cultural landscape of Fire Island or interfere with regional residents' traditional uses of the Great South Bay.

Perhaps Marine Resources are being highlighted in order to simply bring attention to this unappreciated asset. However if this section portends a major new shift in direction away from the enabling legislation, one by which NPS intends a dramatic change in its policies and managerial efforts that will come into conflict with the commercial sport fishing fleet(s) in the area, long-standing Great South Bay shell-fishing practices, historical hunting patterns, or similar such uses, then this will require further discussion.

**9) Public Information and Wayfinding:** FIA acknowledges the complex interplay between the communities, visitors, ferry companies, island businesses, and the park itself. Fire Island residents have always welcomed visitors from the Mainland who come to enjoy the island. Recently however, dramatically increased numbers of visitors, many of whom seem to be looking for a "beach party" atmosphere, have caused some communities to re-think the idea of visitation, public information and 'way finding.' It must be recognized that FI has a finite carrying capacity and that the visitor 'overload' is straining the resources of the communities, municipal jurisdictions, local volunteer fire and ambulance services, the lifeguard resources, and the Suffolk County Police Department and other law enforcement agencies. There is in fact a certain lack of internal consistency in the proposed GMP alternatives which, on the one hand, encourage increased visitor presence that strains local resources, while also stating that preserving the environmental and natural aspects of the island for future generations is a primary goal.

Some community leaders point to the impact of internet marketing by ferry companies, bars and other commercial establishments as one of the factors contributing to the increased visitor population. Whatever the cause, the sheer numbers of people on the walks and beaches create problems that communities are struggling to manage, and more importantly, to pay for. These problems include public drinking on walks and beaches, late night rowdyism within several communities, increased litter and a greater need for garbage collection, increased emergency service calls, and greater demands on lifeguards. Serious incidents including malicious vandalism and home invasion have also become alarmingly more frequent in some communities. Enforcement by the

Suffolk County Police Department is consistently inadequate along the length of the island due to reduced manpower in the Marine Bureau and County budgetary constraints. For many communities, the high level of public intoxication, especially on week-ends during the summer season in combination with the reduced police presence, has created the perception that Island residents are vulnerable and unprotected from threats to their property or their families.

**10) Lateral Bike Path:** In order to maintain and preserve the road-less character of Fire Island, to control the influx of visitors who strain public services and also to reduce the accidents, injuries and security problems that will inevitably result, FIA strongly opposes the development of an island-wide bicycle path. This proposal is not a new one and it has been historically perceived by island residents as a precursor to the construction of a highway for vehicular traffic. FIA believes that such a path is another example of a goal in the GMP that would paradoxically have an adverse impact on the environmental, historical and natural features of the island and detract from the peaceful enjoyment of the island by residents and visitors alike.

## Next Steps

In addition to these diverging opinions about some of the general management objectives as currently described in the Preliminary Management Alternatives, FIA's generally positive support of the GMP conceptual framework to date is also tempered by very real questions concerning "next steps." Or to state the issue more succinctly, after selecting a set of management objectives and drafting a final version of the GMP, then what happens?

Specifically, we would like to pursue expanded discussion with GMP planners on the following issues before a final plan is adopted:

1) *What might a new management model actually look like?* Does "Cooperative Stewardship" mean that one partner will set the rules and the other partners are expected to cooperate in a 'stewardship' role? FIA would prefer a 'Fire Island Communities in Partnership' model, describing a relationship of equals who forge an agreement to cooperatively plan in order to advance mutual interests and achieve shared outcomes. FIA believes that the communities should be guaranteed a say in developing any regulations that we must live under and abide by, rather than merely being asked to 'steward' (through education, persuasion or even enforcement) various positions developed by a daunting array of regulatory agencies (NPS, NYS DEC and

others). This critically important concept of collaborative partnership is not clearly or adequately defined or described in the Draft Alternatives.

2) After the parameters of such a partnership are delineated, how will approved policies, rules and regulations be fairly and equitably implemented and enforced on the island? How will the communities ensure that what is agreed to at the local level is not modified or overturned at the regional or national level? And who will assume oversight and responsibility for this task, serve as an arbiter in disputes, and will there be any funding for the new structure or process?

3) There are still a great number of questions about coastal land management, property-rights, and zoning that are very controversial, and that neither FINS nor the Communities can pursue in a vacuum. How would other government entities fit into the partnership picture?

4) As a corollary to no. 3, if a new partnership is to have a chance for success, how would FINS propose to navigate the current labyrinth of jurisdictions (Federal, State, County, Towns, and Villages) and regulatory agencies (e.g., NPS, USACE, NYS DEC, NYS Department of State, U.S. Fish & Wildlife) that assert authority on Fire Island?

In summary, FIA essentially supports the proposed Alternative #3, but with strong reservations about (1) the absence of reference to the communities and island residents throughout the document, (2) the approach to beach and bay erosion, especially the concept of a 'migrating' land-ward dune line, (3) the vague language employed to describe proposed land use strategies and (4) concerns that some proposed aspects of the GMP may exacerbate the growing concerns about the island's 'carrying capacity.'

FIA would like to close our comments by commending the NPS for proceeding with this comprehensive effort to prepare a new GMP for Fire Island National Seashore. We are very grateful for this opportunity to comment on the preliminary alternatives. In order to further explore the complex issues described in this letter, FIA would welcome the opportunity for additional collaborative discussion with FINS and the GMP planners in the near future.

Sincerely yours,

Gerard Stoddard