

## Georgica Jetties Cleared

### Federal judge absolves them of erosion guilt

By Russell Drumm

(9/4/2008) A federal district judge has ruled that the jetties at Georgica in East Hampton are not responsible for erosion that has scoured beaches to the west and forced a Sagaponack resident to move her cottage landward two times.

In 1999, Gary Ireland sued the county on behalf of his mother, Cynthia Ireland, over erosion at Sagaponack, where her beachfront cottage was threatened. Suffolk

County had contracted to have the three jetties built in the early 1960s after the Army Corps of Engineers and the State Department of Environmental Conservation had given their approvals.

The jetties lie between Georgica Pond and the Georgica bathing beach in East Hampton Village.

Mr. Ireland, a lawyer based in New York City, charged that the jetties had caused the erosion to the west, dramatically so during fierce northeast storms in the early '90s. He claimed that the Army Corps had ignored its own studies and failed to follow Congressional mandates that accompanied authorization of the corps' project to stabilize the south shore of Long Island.

Mr. Ireland said the corps' recommended stabilizing approach at the time the Georgica jetties were installed was to replenish beaches with sand rather than build jetties to keep sand in place. The agency went against its own advice, Mr. Ireland contended, as a favor to Juan Trippe, then president of Pan American Airways, who lived on Georgica Beach in a house now owned by Calvin Klein.

Southampton Town later joined Mr. Ireland's suit. The East Hampton Town Trustees, who own much of the beach near the jetties on behalf of the public, did not, nor did East Hampton Village, in whose jurisdiction the jetties were built.

However, in 2003, the East Hampton Town Board voted in favor of shortening or removing the jetties at the county's expense.

Mr. Ireland's contention that the jetties had caused downdrift scouring as far as Sagaponack was supported by the Group for the East End, the Southampton Town Trustees, and by Lee E. Koppelman, the former director of the Long Island Regional Planning Board, who noted that use of beaches contributed \$173 million annually to Suffolk's economy.

Dr. Koppelman and State Assemblyman Fred W. Thiele Jr. of Sag Harbor faulted the Army Corps for not nourishing eroded beaches.

Mr. Ireland and Southampton Town did not seek a monetary award, only that eroded beaches be



Morgan McGivern

A couple walked at Georgica Beach at high tide on Monday, east of a series of jetties that a federal judge has ruled are not the cause of erosion in Sagaponack.

nourished at the county's expense, with the cost to be determined by experts in the field.

In a 19-page decision, United States District Judge Brian M. Cogan wrote that witnesses for Mr. Ireland had not proved the Georgica jetties were the cause of erosion as far west as Sagaponack. Instead, he favored the argument put forth by the county's expert witness, Dr. David Aubrey of the Woods Hole Group, a private research firm in Falmouth, Mass., who contended that the most dramatic erosion of the beaches in question had occurred between 1938 and 1954, before the jetties were built.

Dr. Aubrey also said that the jetties had a much more limited zone of influence, that is, that any downdrift scouring occurred within a much closer proximity to the jetties than Mr. Ireland claimed.

"We were surprised and disappointed," Mr. Ireland said yesterday morning. "We had a great case. We respectfully disagree with the judge's decision and are considering our options. An appeal is a likely possibility."

In a press release, Suffolk County Executive Steve Levy called the decision a victory for the taxpayers of the county.