

## **SECTION III LOCAL WATERFRONT REVITALIZATION PROGRAM POLICIES**

### **OVERVIEW**

This section presents the coastal management policies that shall apply to the Incorporated Village of Bayville Local Waterfront Revitalization Area (LWRA). These local policies follow the 13 regional policies that are defined under the Long Island Sound Coastal Management Program (LISCMP). The main policy statements have been retained exactly as they appear in the LISCMP. The sub-policies and policy explanations have been modified and expanded to reflect the unique conditions in the Bayville area, and new sub-policies have been added to address specific issues and opportunities that apply to Bayville.

These policies are based on the economic, environmental and cultural characteristics of the Village of Bayville waterfront area, and represent a balance between economic development and preservation, which will permit beneficial use of and prevent adverse effects on Bayville's coastal resources. The policies shall serve as the basis for local, State, and federal consistency determinations for activities affecting the LWRA. No policy shall be viewed as being more significant than another. These policies should be read in conjunction with the specific standards of the Village of Bayville local laws.

As with the LISCMP, the Village of Bayville LWRA policies are organized under four policy headings: developed coast, natural coast, public coast, and working coast.

### **DEVELOPED COAST POLICIES**

- [Policy-1](#) Foster a pattern of development in the Long Island Sound coastal area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.
- [Policy-2](#) Preserve historic resources of the Long Island Sound coastal area.
- [Policy-3](#) Enhance visual quality and protect scenic resources throughout Long Island Sound.

### **NATURAL COAST POLICIES**

- [Policy-4](#) Minimize loss of life, structures, and natural resource from flooding and erosion.
- [Policy-5](#) Protect and improve water quality and supply in the Long Island Sound coastal area.
- [Policy-6](#) Protect and restore the quality and function of the Long Island Sound ecosystem.

Policy-7 Protect and improve air quality in the Long Island Sound coastal area.

Policy-8 Minimize environmental degradation in the Long Island Sound coastal area from solid waste and hazardous substances and wastes.

#### **PUBLIC COAST POLICY**

Policy-9 Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Long Island Sound coastal area.

#### **WORKING COAST POLICIES**

Policy-10 Protect Long Island Sound's water-dependent uses and promote siting of new water-dependent uses in suitable locations.

Policy-11 Promote sustainable use of living marine resources in Long Island Sound.

Policy-12 Protect agricultural lands in the eastern Suffolk County portion of Long Island Sound coastal area. *(This policy is not applicable to the Village of Bayville).*

Policy-13 Promote appropriate use and development of energy and mineral resources.

#### **DEVELOPED COAST POLICIES**

**POLICY 1 FOSTER A PATTERN OF DEVELOPMENT IN THE LONG ISLAND SOUND COASTAL AREA THAT ENHANCES COMMUNITY CHARACTER, PRESERVES OPEN SPACE, MAKES EFFICIENT USE OF INFRASTRUCTURE, MAKES BENEFICIAL USE OF A COASTAL LOCATION, AND MINIMIZES ADVERSE EFFECTS OF DEVELOPMENT.**

#### **Explanation of Policy**

The Village of Bayville plays an important role in the overall pattern of development in the Long Island Sound coastal area. As a traditional waterfront community, the Village historically has contained concentrations of water-dependent businesses; possessed a distinctive character; and served as a focal point for commercial, recreational, and cultural activities within the region.

The character of the Village of Bayville is defined by the pattern of land development along its shores, which includes residential communities, marine commercial facilities, and open space. These land uses reflect the Village's maritime heritage, and serve as focal points for commercial, cultural, and recreational activities for the local population. Natural areas, parks, and wetlands comprise the primary open space component of the Village's pattern of development. This

component is limited in extent, and is intermingled with areas of residential and commercial development that dominate the waterfront.

The limited acreage of open space in the LWRA lends special significance to these areas, which provide ecological, scenic, recreational, and economic benefits to the residents in areas beyond the LWRA boundary.

Development that does not reinforce the traditional pattern of human use would result in an undesirable loss of the community and landscape character in the Bayville coastal area. Development, public investment, and regulatory decisions should preserve open space and natural resources and sustain this historic waterfront community as a center of activity. New water-dependent uses should be encouraged to locate in the existing center of maritime activity that rims the lower harbor area (i.e., in Oyster Bay hamlet, outside the Bayville LWRA) in order to support the economic base and maintain the maritime character of that area, and to avoid disturbance of shorelines and waters in open space areas.

The policy is intended to foster a development pattern that provides for beneficial use of the coastal resources of Bayville, the Oyster Bay Harbor Complex, and Long Island Sound. The primary components of the desired development pattern are: strengthening traditional waterfront communities as centers of activity, encouraging water-dependent uses to expand in maritime centers, enhancing stable residential areas, and preserving open space.

### **1.1 Concentrate development and redevelopment in or adjacent to the Village of Bayville.**

- Maintain the Village as a traditional waterfront community and ensure that development supports and is compatible with the character of the community.
- Locate new development where infrastructure is adequate or can be upgraded to accommodate new development. Concentrating development to use existing infrastructure must be accompanied by maintenance and improvement of that infrastructure.

### **1.2 Ensure that development or uses take appropriate advantage of their coastal location.**

- Reserve areas adjoining and within coastal waters for water-dependent uses and water-dependent activities to the maximum extent practicable.
- Accommodate water-enhanced uses along the waterfront where such uses are compatible with surrounding development, do not displace or interfere with water-dependent uses, and reflect the unique qualities of a coastal location through appropriate design and orientation.

- Avoid uses on the waterfront that cannot, by their nature, derive economic or social benefit from a waterfront location.
- Allow other uses that derive benefit from a waterfront location, such as residential uses and restaurants, in appropriate locations.

**1.3 Protect stable residential areas.**

- Maintain stable residential areas and allow for continued compatible residential and supporting development in or adjacent to such areas.

**1.4 Maintain and enhance natural areas, recreation, and open space.**

- Avoid expansion of infrastructure and services which would promote conversion of these areas to other uses.
- Avoid loss of economic, environmental, and aesthetic values associated with these areas.
- Maintain natural, recreational, and open space values.
- Preserve Village-owned open-space areas and retain such lands in perpetuity for the benefit and enjoyment of future generations.

**1.5 Minimize adverse impacts of new development and redevelopment.**

- Minimize potential adverse environmental, economic, and land use impacts that would result from proposed development.
- Minimize the potential for adverse impacts from types of development that individually may not result in a significant adverse environmental impact, but which when taken together could lead to or induce subsequent significant adverse impacts.

**1.6 Undertake redevelopment in a manner that maintains a mix of recreational and working waterfront uses and other compatible uses.**

- The unique character of Bayville is based largely on its working harbor uses. The LWRA also contains a number of shorefront properties that provide the public with physical and visual access to coastal waters. Actions that would significantly detract from or diminish either of these two important types of uses should be avoided.

**1.7 Undertake redevelopment consistent with environmental and physical conditions, particularly with respect to surface water drainage.**

- Surface water drainage in the portion of Bayville adjacent to Oyster Bay Harbor and the Mill Neck Creek system suffers from flooding, especially during “nor’easters” and hurricanes. Residents of the area have indicated that this condition adversely affects their quality of life. Actions that would exacerbate these impacts should be avoided, and actions that would mitigate these impacts should be encouraged.
- Flooding damages property and is a threat to human life. Any new development, redevelopment, or expansion of existing facilities is to be fully analyzed with respect to potential surface water flooding impacts.

**1.8 Formulate appropriate measures to mitigate flood-prone roads and low lying areas through inter-agency cooperation.**

**1.9 Eliminate the presence of non-conforming commercial uses in residential zoning districts, where such uses create conflicts with existing residential development.**

**1.10 Explore the feasibility of consolidating Village land holdings to create larger areas of contiguous public property.**

The Village presently owns a number of isolated parcels of land that are undeveloped and unutilized. Because of these circumstances, it would be difficult for the Village to put the lands in question to good public use, since they are somewhat remote from other Village-owned facilities. Under one possible plan of action, some of these parcels could be used in trade to acquire other lands that are in closer proximity to the Village’s usable public lands.

**POLICY 2 PRESERVE HISTORIC RESOURCES OF THE LONG ISLAND SOUND COASTAL AREA.**

**Explanation of Policy**

The intent of this policy is to preserve the historic and archeological resources of the Village of Bayville coastal area. While this LWRP addresses all such resources within the Village of Bayville, it actively promotes preservation of historic, archeological, and cultural resources that have a coastal relationship.

**2.1 Maximize preservation and retention of historic resources.**

- Avoid potential adverse impacts of development on nearby historic resources.

- Preserve the historic character of the resource by protecting historic materials and features or by making repairs using appropriate measures.
- Minimize loss of historic resources or historic character when it is not possible to completely preserve the resource.
- Provide for compatible use of the historic resource, while limiting and minimizing alterations to the resource.
- Relocate an historic resource only when the resource cannot be preserved in place.

**2.2 Protect and preserve archeological resources.**

- Prohibit appropriation of any object of archeological or paleontological interest situated on or under lands owned by New York State, except as provided for in Education Law, § 233.
- Minimize potential adverse impacts by redesigning projects, reducing direct impacts on the resource, recovering artifacts prior to construction, and documenting the site. A “Phase 1” Survey shall be conducted according to the specifications of the New York State Office of Parks Recreation and Historic Preservation.

**2.3 Protect and enhance resources that are significant to the coastal culture of the Village of Bayville.**

- Protect historic shipwrecks.
- Prevent unauthorized collection of artifacts from shipwrecks.

**2.4 Increase public awareness of the historical resources of the Village.**

**POLICY 3 ENHANCE VISUAL QUALITY AND PROTECT SCENIC RESOURCES THROUGHOUT LONG ISLAND SOUND.**

**Explanation of Policy**

Visual quality is a major contributor to the character of the Long Island Sound region and the Village of Bayville, and is the primary basis for public appreciation of the waterfront. The intent of this policy is to protect and enhance visual quality and protect locally recognized scenic resources in the Village of Bayville.

### **3.1 Protect and improve visual quality throughout the Bayville local waterfront area.**

- Recognize water-dependent uses as important additions to the visual interest of the Bayville waterfront.
- Enhance and preserve existing scenic characteristics by minimizing the introduction of discordant features. In particular, avoid new structures or expansion of existing structures that would contravene current height restrictions specified under the Village's Zoning Code.
- Preserve existing vegetation and establish new vegetation to enhance scenic quality.
- Preserve and restore vegetated wetlands.
- Restore deteriorated structures and remove degraded visual elements, and screen activities and views that detract from visual quality.
- Group or orient structures to preserve open space and provide visual organization.
- Anticipate and prevent impairment of dynamic landscape elements that contribute to ephemeral scenic qualities.
- Control development and limit the clearing of woodlands on hillsides so as to preserve the scenic quality.
- Protect scenic values associated with public lands, including public trust lands and waters, and natural resources.

## **NATURAL COAST POLICIES**

### **POLICY 4 MINIMIZE LOSS OF LIFE, STRUCTURES, AND NATURAL RESOURCES FROM FLOODING AND EROSION.**

The Long Island Sound shoreline of the Village of Bayville is exposed to storm and tidal action and is vulnerable to erosion and flooding. The bay-side shoreline (including Mill Neck Creek, Oak Neck Creek, and Oyster Bay Harbor) is relatively well-protected from destructive wave action generated during severe coastal storms, but also has experienced significant erosion in certain areas.

In response to existing or perceived erosion and flood hazards, many landowners have erected erosion protection structures. Over the past few decades, there has been a dramatic increase in the extent of shoreline hardening throughout the Long Island Sound region.

In the absence of adequate down-drift remediation, erosion protection structures often contribute to erosion both on and off the given project site. Poor siting and design of these structures also can result in aesthetic impairments, loss of public recreational resources, loss of habitats, and water quality degradation. The cumulative impact of these structures can be large. Before a permit is granted to allow construction of an erosion protection structure, the purpose, function, impact, and alternatives to the proposed structure need to be carefully evaluated in order to ascertain that the structure is necessary and will accomplish the desired objectives without resulting in significant, undesirable adverse impacts.

Although the Long Island Sound shoreline has been heavily fortified, there are significant stretches of the coast that remain in a natural state. Similarly, the Village of Bayville shoreline contains significant stretches of shoreline with structural protection, which mostly is associated with marine commercial uses, but also contains sections that have been retained in their natural state. These portions of the shoreline that are not fortified should generally remain in a natural condition to respond to coastal processes.

Development and redevelopment in hazard areas must be managed to reduce exposure to coastal hazards. Hardening of the shoreline should be avoided except when alternative means are not effective. Alternatives to traditional structural measures, such as beach nourishment and re-vegetation, are preferred approaches to control erosion because these measures result in fewer environmental impacts compared to traditional structures. Hard structures may be more practical to protect principal structures or areas of extensive public investment.

The Village is an area of extensive public investment. Barrier landforms that protect significant public investment or natural resources should be maintained. Soft structural protection methods are to be used to conform with the natural coastal processes. Barrier beach landforms should be maintained by using clean, compatible dredged material, when feasible, for beach nourishment, offshore bar building, or marsh creation projects. Sea level rise should be considered when projects involving substantial investments of public expenditures are designed.

This policy seeks to protect life, structures, and natural resources from flooding and erosion hazards in the Bayville coastal area. The policy reflects State flooding and erosion regulations, and provides measures for reduction of hazards and protection of resources.

#### **4.1 Minimize losses of human life and structures from flooding and erosion hazards.**

- Use the following management measures, which are presented in order of priority:
  - 1) avoid development other than water-dependent uses in coastal hazard areas;
  - 2) locate or move development and structures as far away from hazards as practical;

- 3) use vegetative, non-structural measures that have a reasonable probability of managing flooding and erosion, based on shoreline characteristics, including exposure to wave impacts, shoreline geometry, and sediment composition;
  - 4) enhance existing natural protective features and processes, and use non-structural measures that have a reasonable probability of managing erosion;
  - 5) use structural erosion protection measures for control of erosion only where the above measures are not sufficient to protect the principal use or where the use is water-dependent.
- Mitigate the impacts of erosion control structures.
  - Manage development in flood plains outside of coastal hazard areas so as to avoid adverse environmental effects, to minimize the need for structural flood protection measures, and to meet federal flood insurance program standards.

#### **4.2 Preserve and restore natural protective features.**

- Minimize interference with natural coastal processes by: providing for natural supply and movement of unconsolidated sediments; minimizing intrusion of structures into coastal waters and interference with coastal processes; and mitigating any unavoidable intrusion or interference.
- Prevent development in natural protective features, except development as specifically allowed in 6 NYCRR Part 505.8. A “natural protective feature” means a nearshore area, beach, bluff, primary dune, secondary dune, or wetland, and the vegetation thereon. A “natural protective feature area” means a land or water area containing natural protective features, the alteration of which might reduce or destroy the protection afforded other lands against erosion or high water. All natural protective feature areas are delineated as such on coastal erosion hazard area maps (ECL 6 NYCRR 505, Section 505.2).
- Maximize the protective capabilities of natural protective features by: avoiding alteration or interference with shorelines in a natural condition; enhancing existing natural protective features; restoring impaired natural protective features; and managing activities to minimize interference with, limit damage to, or reverse damage which has diminished the protective capacities of the natural shoreline.

#### **4.3 Protect public lands and public trust lands and the use of these lands when undertaking all erosion or flood control projects.**

- Retain ownership of public trust lands that have become upland areas due to fill or accretion resulting from erosion control projects.

- Mitigate unavoidable impacts on adjacent property, natural coastal processes and natural resources, and on public trust lands and their use.
- Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection structures.

**4.4 Manage navigation infrastructure to limit adverse impacts on coastal processes.**

- Manage navigation channels to limit adverse impacts on coastal processes by designing channel construction and maintenance to protect and enhance natural protective features, prevent destabilization of adjacent areas, and make beneficial use of suitable dredged material.
- Manage stabilized inlets to limit adverse impacts on coastal processes.

**4.5 Ensure that expenditure of public funds for flooding and erosion control projects results in a public benefit.**

- Expenditure of public funds is: limited to those circumstances where public benefits exceed public cost; and prohibited for the exclusive purpose of protecting private development, except where actions are undertaken by an erosion protection district.
- Give priority in expenditure of public funds to actions which: protect public health and safety; mitigate flooding and erosion problems caused by previous human intervention; protect areas of intensive development; and protect substantial public investment in land, infrastructure, and facilities.

**4.6 Consider sea level rise when siting and designing projects involving substantial public expenditures.**

Projects should be sited at a sufficient distance from the current shoreline and elevated sufficiently above high water levels to prevent flooding and erosion damages related to the anticipated long-term rise in sea level over the expected life of the project.

**4.7 Minimize adverse impacts associated with existing flooding and erosion.**

Low-lying, near-shore areas in the Bayville - especially the tombolo area at the eastern end of the Village and the areas around the Mill Neck/Oak Neck Creek system - can experience inundation by coastal waters during major storm events. However, except for narrow bands directly along the Long Island Sound and Oyster Bay Harbor shorelines, the Village generally is not subjected to physical damage caused by storm wave impacts. Suitable capital projects

should be pursued to reduce the susceptibility of the Village's 100-year flood plain area to inundation during coastal storms.

In addition to coastal flooding, inadequacies of the stormwater drainage system cause flooding in Bayville. Such flooding is common during heavy rains in certain sections of the Village, including the Bayville Avenue corridor and the low-lying district of the "president streets" directly to the east of the Oak Neck upland area. At times, the depth of flood waters makes the streets and roadways of the Village impassable to vehicles, thereby creating a potential safety hazard and disrupting the lives of local residents.

Although some studies have been performed to define the problems and develop alternative flood mitigation plans, no action has been taken to date. Additional efforts are needed to achieve progress on this issue. Structural solutions should be explored to alleviate stormwater flooding in the critical problem areas. This should involve the cooperative action of both the NYS Department of Transportation and the Nassau County Department of Public Works (which has jurisdiction over the Bayville Bridge). Any flood abatement project that is undertaken in accordance with this policy should also provide water quality abatement to the degree practicable.

Coastal erosion has resulted in a number of adverse impacts to the Village of Bayville, including: the loss of valuable shorefront land; and the breaching of natural and artificial protective structures, exposing development in adjacent upland areas to increased potential flooding. Stormwater-induced erosion in upland areas can contribute to: the accumulation of sediment in drainage structures, thereby increasing maintenance costs; and degraded quality in receiving waters due to increases the turbidity of stormwater discharges. Appropriate action should be taken to reduce these erosion-related impacts.

## **POLICY 5 PROTECT AND IMPROVE WATER QUALITY AND SUPPLY IN THE LONG ISLAND SOUND COASTAL AREA.**

The purpose of this policy is to protect the quality and quantity of water in the Long Island Sound area. Quality considerations include both point source and non-point source pollution management. The primary quantity consideration is the maintenance of an adequate supply of potable water in the region.

The Comprehensive Conservation and Management Plan developed by the Long Island Sound Study (1994) clearly summarizes the major surface water quality impairments in the region. These impairments reflect the intensity of upland and water uses in the Sound coastal area, and result from both point and non-point sources. Impairments also result from pollution sources outside of the Sound's coastal area, including discharges into the waters around New York City. Consequences of water quality impairments include: hypoxia, a major problem in the western portion of the Sound;

reduced availability of crustaceans and certified, marketable shellfish; increased closure days for beaches; and reduced enjoyment of the Sound shoreline.

Due to the geologic and soil characteristics of the Sound coastal region, the pollution of fresh surface waters can readily contaminate underlying groundwater resources. The sandy, highly porous soils of Long Island allow chemicals and other pollutants to pass readily into aquifers. Since Long Island is entirely dependent upon regional aquifers for its potable water supply, activities that introduce pollutants to recharge waters must be controlled. In addition, nutrient input from groundwater flow into coastal embayments is, in some cases, a significant factor in the impairment of water quality in those water bodies. For these reasons, land use, even in upland areas, can have permanent adverse effects on water quality in this region.

Water quality protection and improvement in the region must be accomplished by a combination of managing new sources of pollution and remediating existing sources. In some areas with existing water quality impairments, more aggressive remediation measures will be needed than for the region as a whole.

#### **5.1 Prohibit direct or indirect discharges that would cause or contribute to contravention of water quality standards.**

- Restore water quality of surface waters adjacent to the Village of Bayville by reducing impairments caused by major sources of pollution by: reducing nitrogen discharges sufficient to limit the occurrence of hypoxia and remediating existing contaminated sediment, and limiting introduction of new contaminated sediment.
- Prevent point source discharges into coastal waters and avoid land and water uses that would: (1) exceed applicable effluent limitations, or (2) cause or contribute to contravention of water quality classification and use standards, or (3) materially or adversely affect receiving water quality, or (4) violate a vessel waste no-discharge zone prohibition.
- Ensure effective treatment of sanitary sewage by proper management of on-site disposal systems.
- Implement suitable public education measures aimed at controlling the generation of contaminants that may be discharged to surface water bodies. This includes continuation of the Village's program to stencil the pavement near storm drains with warnings regarding the environmental consequences of discharging hazardous substances to these water bodies through the storm drains.
- Implement suitable non-point controls for municipal marina facilities, including pertinent measures specified in the NYSDEC's *Marina Operations for Existing Facilities*. Where feasible, use the same standards to improve non-point mitigation

at existing marinas and similar facilities that are subject to Village discretionary approvals, such as expansions or major improvements.

**5.2 Manage land use activities and use best management practices to minimize non-point pollution of coastal waters.**

In addition to ensuring that best management practices are followed for private development projects that are subject to its approval, the Village will continue to implement such practices to the maximum extent practical for its own actions. This includes street sweeping operations to remove contaminated deposits from roadway surfaces before they are washed into surface waters, and the use of integrated pest management for Village facilities.

**5.3 Protect and enhance the quality of coastal waters.**

- Protect water quality based on physical factors (pH, dissolved oxygen, dissolved solids, nutrients, odor, color, and turbidity), health factors (pathogens, chemical contaminants, and toxicity), and aesthetic factors (oils, floatables, refuse, and suspended solids).
- Minimize disturbance of streams, including their beds and banks, in order to prevent erosion of soil, increased turbidity and irregular variations in velocity, temperature, and water level.
- Protect water quality of coastal waters from adverse impacts associated with excavation, placement of fill, dredging, and disposal of dredged material.
- Preserve and restore vegetated tidal wetlands.
- Seek to implement a program of actions that will incrementally improve water quality in the Mill Neck/Oak Neck Creek system with the ultimate goal being to attain this water body's current SA criteria.

**5.4 Limit the potential for adverse impacts of watershed development on water quality and quantity.**

- Protect water quality by ensuring that watershed development protects areas that provide important water quality benefits, maintains natural characteristics of drainage systems, and protects areas that are particularly susceptible to erosion and sediment loss.
- Limit the impacts of individual development projects to prevent cumulative water quality impacts upon the watershed which would result in a failure to meet water quality standards.

### **5.5 Protect and conserve the quality and quantity of potable water.**

- Prevent contamination of potable waters by limiting discharges of pollutants and limiting land uses that are likely to contribute to contravention of surface and groundwater quality classifications for potable water supplies.
- Prevent depletion of existing potable water supplies by limiting saltwater intrusion in aquifers through conservation methods or restrictions on water supply use and withdrawals and allowing for recharge of potable aquifers.
- Limit cumulative impacts of development on groundwater recharge areas to ensure replenishment of potable groundwater supplies.

### **5.6 Where feasible, and as budgetary considerations allow, mitigate existing stormwater-derived sources of contamination to the Mill Neck/Oak Neck Creek System and Oyster Bay Harbor.**

- Water quality in the creeks and harbors adjacent to the Village of Bayville is impacted by a variety of sources. On a regional basis, stormwater discharges generated in the upland watershed are the main source of contaminants delivered to these surface water bodies. Thus, any comprehensive effort intended to improve water quality in the LWRA should focus on the contaminant loadings contained in stormwater.
- Water quality problems in the LWRA arising from contaminated stormwater runoff can be addressed primarily in two ways, summarized in general terms as follows:
  - a) Measures can be implemented to reduce contaminant loadings in the effluent carried by individual stormwater discharges (e.g., outfalls and streams, etc.). This approach treats stormwater runoff as a “point source”, and typically involves the installation of structural devices that address a relatively small portion of the entire contributing watershed area, but which can be very effective in mitigating acute, localized water quality problems.
  - b) The rate of contaminant generation and transport in the upland areas can be controlled through the use of “best management practices”, public education initiatives, and other non-structural means. This “watershed-wide” approach treats stormwater runoff as a “non-point source” and typically involves relatively inexpensive implementation measures.
- For optimal effectiveness, comprehensive stormwater mitigation programs should employ both approaches outlined above. Within the Bayville watershed, this should include an evaluation of alternatives for projects to provide improved treatment to stormwater discharged into the harbor complex.

In addition to capital projects to mitigate existing sources of stormwater-derived contamination in Oak Neck Creek, Mill Neck Creek, Mill Neck Bay, Oyster Bay Harbor and Long Island Sound, a number of watershed controls can be implemented to achieve this goal. These practices include:

- timely street sweeping operations, to remove pollutant-laden sediments from roadway surfaces before they get washed into drainage systems;
- regular clean-out of sediment collection structures in the drainage system, including catch basins and leaching wells, to maintain the capacity of these structures and prevent flow bypassing; and
- public education programs, to reduce the loadings of contaminants generated by resident activities, such as landscaping with chemical treatments, improperly disposed household hazardous wastes, and poorly maintained on-site sanitary systems.

## **POLICY 6 PROTECT AND RESTORE THE QUALITY AND FUNCTION OF THE LONG ISLAND SOUND ECOSYSTEM.**

The ecosystem on Long Island Sound consists of physical (non-living) and biological (living) components, and their interactions. The physical components include environmental factors such as water, soils, geology, energy, and contaminants. The biological components include aquatic plants and animals, and all other living things that inhabit the area around the Sound.

Certain natural resources that are important for their contribution to the quality and biological diversity of the Sound ecosystem have been specifically identified by the state for protection. These natural resources include: regulated tidal and freshwater wetlands; Department of State-designated Significant Coastal Fish and Wildlife Habitats; and rare, threatened, and endangered species. In addition to specifically identified, discrete natural resources, the quality of the Sound ecosystem also depends on more common, broadly distributed natural resources, such as the extent of forest cover, the population of overwintering songbirds, and benthic communities. These more common natural resources collectively contribute to the quality and biological diversity of the Sound ecosystem.

### **6.1 Protect and restore ecological quality in the Village of Bayville.**

- Avoid permanent adverse change to ecological processes.
- Avoid fragmentation of natural ecological communities and maintain corridors between ecological communities. Maintain structural and functional relationships between natural ecological communities to provide for self-sustaining systems.

- Retain and add indigenous plants.
- Maintain values associated with natural ecological communities.
- Avoid significant adverse changes to the quality of the ecosystem of the Bayville LWRA that would result from physical loss, degradation, or functional loss of ecological components.
- Reduce or eliminate adverse impacts of existing development, when practical.
- Mitigate the impacts of new development.

**6.2 Protect and restore the Mill Neck Creek Wetlands and Oyster Bay Harbor Significant Coastal Fish and Wildlife Habitats.**

- Protect Mill Neck Creek Wetlands and Oyster Bay Harbor from uses or activities that would destroy habitat values, or would significantly impair the viability of these areas beyond the tolerance range of indigenous organisms (i.e., the ecological range of conditions that supports viable populations of these species), or would impair the potential for the habitat to support restored populations where practical.

The habitat impairment test presented in each Significant Coastal Fish and Wildlife Habitat narrative (Section 2.2.7 of this LWRP) must be met for any activity that is subject to consistency review. If the proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within, or outside the designated area.

- Where destruction or significant impairment of habitat values cannot be avoided, minimize potential impacts through appropriate mitigation. Use mitigation measures that are likely to result in the least environmentally damaging feasible alternative, according to the following hierarchy (in decreasing order of preference):
  1. Avoid potential adverse impacts, including:
    - a) avoid ecologically sensitive areas,
    - b) schedule activities to avoid vulnerable periods in life cycles, or to avoid creating unfavorable environmental conditions, and
    - c) prevent fragmentation of intact habitat areas.
  2. Minimize unavoidable potential adverse impacts, including:
    - a) reduce scale or intensity of use or development,

- b) design projects to result in the least amount of potential adverse impact, and
  - c) choose alternative actions or methods that would lessen potential impacts.
- 3. Implement specific measures designed to protect habitat values from impacts that cannot be sufficiently avoided or minimized, in order to prevent habitat destruction or significant habitat impairment.
- 4. Implement specific protective measures, as identified under the “Impact Assessment” in the State narratives for the Mill Neck Creek Wetlands and Oyster Bay Harbor Significant Coastal Fish and Wildlife Habitats.
- Wherever practical, enhance or restore the Mill Neck Creek Wetlands and Oyster Bay Significant Coastal Fish and Wildlife Habitats, so as to foster their continued viability as natural systems.

**6.3 Protect and restore tidal wetlands.**

- Comply with the statutory and regulatory requirements of the State’s wetland laws.
- Use the following management measures, which are presented in order of decreasing priority:
  - 1) Prevent the net loss of vegetated wetlands by avoiding fill or excavation;
  - 2) Provide and maintain adequate buffers between wetlands and adjacent or nearby uses and activities to protect wetland values and restore tidal wetlands wherever practical to foster their continued existence as natural systems;
  - 3) Minimize adverse impacts resulting from unavoidable fill, excavation, or other activities; and
  - 4) Provide for compensatory mitigation for unavoidable adverse impacts.

**6.4 Protect vulnerable fish, wildlife, and plant species, and rare ecological communities.**

**6.5 Restore tidal wetlands along the shores of Oyster Bay Harbor and the Mill Neck/Oak Neck Creek system.**

- Over the years, human activities have caused the direct loss of significant areas of tidal wetlands, as well as indirect impairments to this important ecological resource. Wetland restoration projects would reverse this historical trend and enhance the

harbor's natural resource value. One area that appears to be well suited to such projects is the Mill Neck Preserve.

**6.6 Protect natural resources and associated values in the Oyster Bay-Cold Spring Harbor Regionally Important Natural Area.**

- Protect and enhance activities associated with sustainable human use or appreciation of natural resources.
- Provide for achievement of a net increase in wetlands when practical opportunities exist to create new wetlands or restore former wetlands.
- Adhere to the management plan for the Oyster Bay-Cold Spring Harbor Regionally Important Natural Area.

**POLICY 7 PROTECT AND IMPROVE AIR QUALITY IN THE LONG ISLAND SOUND COASTAL AREA.**

This policy provides for protection of the Long Island Sound coastal area from air pollution generated within the coastal area or from outside the coastal area which adversely affects coastal air quality.

**7.1 Control or abate existing and prevent new air pollution in the Village of Bayville.**

- Limit pollution resulting from vehicle or vessel movement or operation.
- Limit actions that directly or indirectly change transportation uses or operation in a manner that would result in increased pollution.
- Limit pollution from new or existing stationary air contamination sources, consistent with applicable standards, plans, and requirements.
- Recycle or salvage air contaminants using best available air cleaning technologies.
- Restrict emissions of air contaminants to the outdoor atmosphere that are potentially injurious or unreasonably interfere with enjoyment of life or property.

**7.2 Limit sources of atmospheric deposition of pollutants to the Sound and all waters surrounding the Village of Bayville, particularly from nitrogen sources.**

**POLICY 8 MINIMIZE ENVIRONMENTAL DEGRADATION IN THE LONG ISLAND SOUND COASTAL AREA FROM SOLID WASTE AND HAZARDOUS SUBSTANCES AND WASTES.**

A variety of substances, ranging from improperly disposed motor oils to industrial waste dumps, may pose immediate problems and can preclude or delay appropriate reuse of coastal lands. Smaller and more incremental solid waste problems arise from littering.

The intent of this policy is to protect people from sources of contamination and to protect coastal resources from degradation through proper control and management of wastes and hazardous materials.

**8.1 Manage solid waste to protect public health and control pollution.**

- Plan for proper and effective solid waste disposal prior to undertaking major development or activities generating solid wastes.
- Prevent the discharge of solid wastes into the environment by using proper handling, management, and transportation practices.
- Manage solid waste by reducing the amount of solid waste generated and reusing or recycling material.

**8.2 Manage hazardous wastes to protect public health and control pollution.**

- Eliminate or reduce the generation of hazardous wastes to the maximum extent practical.
- Ensure maximum public safety through proper management of industrial hazardous waste treatment, storage, and disposal.

**8.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.**

- Prevent the release of toxic pollutants or substances hazardous to the environment that would have a deleterious effect on fish and wildlife resources.
- Prevent environmental degradation due to persistent toxic pollutants by: eliminating discharges of bio-accumulative substances, avoiding resuspension of toxic pollutant and hazardous substances and wastes, and avoiding reentry of bio-accumulative substances into the food chain from existing sources.
- Prevent and control environmental pollution due to radioactive materials.

- Protect public health, public and private property, and fish and wildlife from inappropriate use of pesticides.
- Take appropriate action to correct all unregulated releases of substances hazardous to the environment.

#### **8.4 Prevent and remediate discharges of petroleum products.**

- Minimize adverse impacts from potential oil spills by ensuring that petroleum fueling and loading facilities are appropriately sited.
- Clean up and remove any petroleum discharge, giving first priority to minimizing environmental damage.
- Prevent discharges of petroleum products by following approved handling and storage, and facility design and maintenance principles.
- Develop and implement adequate plans for the prevention and control of petroleum discharges at any major petroleum-related facility.

#### **8.5 Transport solid waste, and hazardous substances and waste, in a manner that protects: the safety, well-being, and general welfare of the public; the environmental resources of the State; and the continued use of transportation facilities.**

### **PUBLIC COAST POLICIES**

#### **POLICY 9 PROVIDE FOR PUBLIC ACCESS TO, AND RECREATIONAL USE OF, COASTAL WATERS, PUBLIC LANDS, AND PUBLIC RESOURCES OF THE LONG ISLAND SOUND COASTAL AREA.**

The Long Island Sound shoreline is one of the most densely populated coastal regions along the eastern seaboard, yet physical and visual access to coastal lands and waters is limited for the general public. This is not the case in the Village of Bayville, however, where the layout of streets, the topography of the land, and the absence of walls and other obstructions provide opportunities for reaching or viewing the waterfront.

This policy addresses the need to maintain and improve existing public access and facilities in order to accommodate existing demand, and to capitalize on all available opportunities to provide additional visual and physical public access along with appropriate opportunities for recreation.

**9.1 Promote appropriate and adequate physical public access and recreation throughout the Village of Bayville.**

- Provide a level and type of public access and recreational use that takes into account proximity to population centers, public demand, conservation of historic and cultural resources, natural resource sensitivity, accessibility, compatibility with on-site and adjacent land uses, and the needs of special groups.
- Provide additional physical public access and recreation facilities at public sites.
- Protect and maintain existing public access and water-related recreation.
- Provide convenient, well-defined, physical public access to and along the shore for water-related recreation.
- Include physical public access and/or water-related recreation facilities as part of development whenever development or activities are likely to limit the public's use and enjoyment of public coastal lands and waters.
- Provide physical access linkages throughout the Bayville LWRA.
- Provide incentives to private development that includes public access and/or water-related recreation facilities.
- Ensure access for the general public at locations where State or federal funds are used to acquire, develop, or improve parkland.
- Restrict public access and water-related recreation on public lands only where incompatible with public safety and the protection of natural resources and submerged cultural resources.

**9.2 Preserve visual access from public lands to coastal lands and waters and, where physically appropriate and feasible, enhance existing public facilities to provide new opportunities for the viewing of the scenic resources within the Village of Bayville.**

The existence of a high level of scenic quality in an area is of real benefit to the public only if convenient physical access is available to suitable viewing locations. Furthermore, even where such physical access is provided, the level of utilization may be low because the facilities at a given site are not attractive and inviting to the public. Therefore, in order to make best use of Bayville's outstanding visual resources, readily accessible viewing locations should be made available at various locations along the waterfront. To achieve this goal, the following general policy standards should be applied:

- Avoid the loss of existing visual access by limiting physical blockage by development or activities. Minimize adverse impacts on visual access.
- Mitigate the loss of visual access by providing for on-site visual access or additional and comparable visual access off-site.
- Increase visual access wherever practical.

**9.3 Preserve the public interest in and use of lands and waters held in public trust by the Village of Bayville, Town of Oyster Bay, State of New York, and federal government.**

- Limit grants, easements, permits, or lesser interests in lands underwater to those instances where they are consistent with the public interest in the use of public trust lands.
- Determine ownership, riparian interest, or other legal right prior to approving private use of public trust lands under water.
- Reserve such interests or attach such conditions as are necessary to preserve the public interest in use of underwater lands and waterways and as will be adequate to ensure public access, recreation opportunities, and other public trust purposes.
- Evaluate opportunities to re-establish public trust interests in existing grants or leases that are not used in accordance with the terms of the grant/lease, are in violation of the terms of the grant/lease, or where there are significant limitations on public benefits resulting from the grant/lease in contravention of the public trust doctrine.

**9.4 Assure public access to public trust lands and navigable waters.**

- Use the following factors in determining the minimum access necessary at any given location: the upland user's dependence on access to navigable waters, the range of tidal fluctuation, the size and nature of the water body, the uses of the adjacent waters by the public, the traditional means of access used by surrounding similar uses, and whether alternative means to gain access are available.
- Allow obstructions to public access when necessary for the operation of water-dependent uses and their facilities.
- Ensure that the public interest in access below mean high water and to navigable waters is maintained.
- Mitigate substantial interference or obstruction of public use of public trust lands and navigable waters.

**9.5 Ensure that the form of new or enhanced public access at any given location is based on site-specific environmental, infrastructural, and social constraints.**

- In general, new or enhanced public access to the Bayville waterfront should not take a form that would likely encourage a large number of people to congregate at a given location, due to traffic constraints and parking limitations, further congestion and other possible disruption of the social characteristics of the community, and potential adverse impacts to environmental resources. The most suitable types of improvements or expansion to public recreational facilities along the shoreline are those that involve relatively small-scale passive recreational activities, such as picnicking, nature viewing, bird watching, walking, and similar uses.

**9.6 Enhance the Mill Neck Preserve for passive recreational uses in association with habitat restoration.**

It is recommended that consideration be given to undertaking a habitat restoration of the Mill Neck Creek Preserve. This project could be tied into a larger effort to open this area to public access. Presently, the shoreline of this area is accessible at only a few locations. Viewing platforms and benches placed at strategic locations would also enhance the passive recreational value of this site.

**9.7 Ensure that vessel operations do not significantly impair the use of established bathing beaches.**

Vessel operation and swimming are generally incompatible uses. The incursion of vessels into swimming areas can have potentially dire consequences for swimmers, including serious injury and health consequences due to vessel waste discharges. The proximity of vessel operations also diminishes the enjoyment of the resource by swimmers. In order to ensure that swimming coexists with vessel uses within the Bayville LWRA, swimming areas are designated at existing bathing beaches, within which the operation of vessels is excluded.

**9.8 Retain existing public lands in public ownership in perpetuity, so as to ensure that adequate facilities are available for public access and recreation.**

The lands under public ownership in the Village of Bayville provide extensive opportunities for public access to the waterfront and a broad range of recreational pursuits. These lands serve a vital function to the community, and contribute substantially to the high quality of life enjoyed by Village residents. In order to ensure that these benefits are available to future generations, all lands within the Village that are in public ownership shall remain as such in perpetuity. Any relief from this policy shall occur only where it can be demonstrated that an overriding public purpose would be served.

## **WORKING COAST POLICIES**

### **POLICY 10 PROTECT LONG ISLAND SOUND'S WATER-DEPENDENT USES AND PROMOTE SITING OF NEW WATER-DEPENDENT USES IN SUITABLE LOCATIONS.**

The intent of this policy is to protect existing water-dependent commercial, industrial, and recreational uses and to promote suitable use of maritime centers (as identified in the Long Island Sound Coastal Management Program, January 1999). It is also the intent of this policy to enhance the economic viability of water-dependent uses by ensuring adequate infrastructure for water-dependent uses and their efficient operation in *maritime centers*.

Although not a State-identified *maritime center*, the Village of Bayville's water-dependent commercial and recreational uses are vital to the health of the local economy, and its maritime character.

#### **10.1 Protect existing water-dependent uses in the Village of Bayville.**

- Avoid actions that would displace, adversely impact, or interfere with existing water-dependent uses.

#### **10.2 Improve the economic viability of water-dependent uses by allowing for non-water-dependent accessory and multiple uses in the Village, particularly water-enhanced and maritime support services.**

#### **10.3 Minimize adverse impacts of new and expanding water-dependent uses, and provide for their safe operation.**

- Expand and improve existing marinas and other boating facilities where there is: adequate upland for support facilities and services; sufficient water-side and land-side access; appropriate nearshore depth to minimize the need for dredging; suitable water quality classification; minimal effects on wetlands, shellfish beds, or fish spawning grounds; and adequate water circulation.

#### **10.4 Provide sufficient infrastructure for water-dependent uses.**

- Protect and maintain existing public and private navigation lanes and channels at depths consistent with the needs of water-dependent uses.
- Avoid placement of dredged material in the open waters of Long Island Sound when opportunities for beneficial reuse of the material exist.

- Allow placement of suitable dredged material in nearshore locations to advance maritime functions, provided it is adequately contained and avoids negative impacts on tidal wetland areas and the Mill Neck Creek Wetlands and Oyster Bay Harbor Significant Coastal Fish and Wildlife Habitats.
- Provide new or expanded navigation lanes, channels, and basins where necessary to support water-dependent uses.
- Use suitable dredged material for beach nourishment, dune reconstruction, or other beneficial uses.
- Avoid shore and water surface uses that would impede navigation.
- Provide for services and facilities to facilitate commercial and recreational navigation.
- Give priority to existing commercial navigation in determining rights to navigable waters.

#### **10.5 Promote efficient harbor operation.**

- Limit congestion of harbor waters, conflict among uses, foster navigational safety, and minimize obstructions in coastal waters to reduce potential hazards to navigation.
- Prohibit intrusions or encroachments upon navigation channels and other identified vessel use areas.
- Prohibit any increase or additional use of coastal waters if such an increase or addition poses a public safety hazard that cannot be mitigated.

#### **10.6 Optimize surface water uses for various user groups, while minimizing adverse effects on natural resources and the human environment.**

The surface water area within the Bayville LWRA is utilized for a variety of activities. For the most part, use areas have been differentiated informally over the years, with major areas relegated for moorings for commercial shellfishing boats and for commercial marinas. Individual moorings may be placed in special mooring areas. The channels are well marked, and are off-limits to moorings so as to preserve unimpeded navigation. The swimming areas at Village beaches are delineated during the summer season by floats to prevent incursions by boats from the adjacent mooring area. In general, these water uses areas should remain in-place, as designated on a water use map for the Village's Harbor Management Area (see Figure 4).

**10.7 Facilitate timely public dredging projects.**

The availability of waterways free of navigational impediments is essential to boater safety and their enjoyment of the resource, especially in heavily utilized bodies of water like Oyster Bay Harbor and Mill Neck Creek. At the present time, dredging is performed on an as-needed basis, prompted by the actual occurrence of problems communicated to the Village by boaters. A more effective strategy for addressing dredging needs would entail the regular monitoring of areas that have historically experienced shoaling problems.

**10.8 Seek to establish a cooperative mechanism among the adjacent municipalities sharing jurisdiction over the water surface area in the Bayville LWRA, in order to ensure effective oversight of in-water activities.**

Jurisdiction over in-water activities in the Bayville LWRA is shared among the Town of Oyster Bay, and the Incorporated Villages of Bayville, Lattintown, Mill Neck, and Centre Island. As discussed in Section 2.3.7.B of this LWRP, there is some degree of overlap between the jurisdiction of the Town and the Villages. The most desirable course of action to address this issue would be to further the cooperative mechanism that was used under the ONCA program to coordinate among the various municipalities and governmental entities having jurisdiction over the Oyster Bay/Cold Spring Harbor Complex and its watershed.

**POLICY 11 PROMOTE SUSTAINABLE USE OF LIVING MARINE RESOURCES IN LONG ISLAND SOUND.**

Commercial and recreational uses of the living marine resources of Long Island Sound play an important role in the local and regional social and economic well-being. Commercial products provide high-protein food sources to consumers and are distributed throughout the State and nation, and to expanding international markets. In addition to the food value of the Sound's living marine resources, they have economic significance in the commercial development of value-added food stuffs, pharmaceuticals, cosmetics, and oils. These same resources provide recreational experiences and important accompanying economic activity.

Continued use of the Sound's living resources depends on maintaining long-term health and abundance of marine fishery resources and their habitats, and on ensuring that these resources are sustained in usable abundance and diversity for future generations. This requires the State's active management of marine fisheries, protection and conservation of habitat, restoration of habitats in areas where they have been degraded, and maintenance of water quality at a level that will foster occurrence and abundance of living marine resources. Allocation and use of the available resources must be consistent with the restoration and maintenance of healthy stocks and habitats, and must maximize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for commercial and recreational fisheries.

### **11.1 Ensure the long-term maintenance and health of living marine resources.**

- Ensure that commercial and recreational uses of living marine resources are managed in a manner that: results in sustained usable abundance and diversity of the marine resource; does not interfere with population and habitat maintenance and restoration efforts; uses best available scientific information in managing the resources; and minimizes waste and reduces discard mortality of marine fishery resources.
- Ensure that the management of the State's trans-boundary and migratory species is consistent with interstate, State-federal, and inter-jurisdictional management plans.
- Foster occurrence and abundance of Bayville's marine resources by: protecting spawning grounds, habitats, and water quality; and enhancing and restoring fish and shellfish habitat, particularly for anadromous fish, oysters, and hard clams.
- Protect, manage, and restore sustainable populations of indigenous fish, wildlife species, and other living marine resources.

### **11.2 Provide for commercial and recreational use of the Bayville LWRA's finfish, shellfish, crustaceans, and marine plants.**

- Maximize the benefits of marine-resource use so as to provide a valuable recreational resource and viable business opportunities for commercial and recreational fisheries.
- Protect the public health and the marketability of marine and fishery resources by maintaining and improving water quality.
- Where fishery conservation and management plans require actions that would result in resource allocation impacts, ensure equitable distribution of impacts among user groups, giving priority to existing fisheries in the State.
- Promote development of artificial reefs at suitable locations to improve marine resources habitat and expand nearshore fishing opportunities.

### **11.3 Maintain and strengthen a stable commercial fishing fleet in the Village of Bayville.**

- Protect and strengthen commercial fishing harvest operations, facilities, and waterfront infrastructure to support a stable commercial fishing industry.
- Protect commercial fishing from interference or displacement by competing land and water uses.

- Strengthen the economic viability of the commercial fishing fleet based in Bayville through appropriate domestic and international marketing.
- Support nearshore harvesting by providing access, berthing, and off-loading facilities suitable for nearshore operators.

**11.4 Promote recreational use of marine resources.**

- Provide adequate infrastructure to meet recreational needs, including appropriate fishing piers, dockage, parking, and livery services.
- Provide opportunities for recreational use of marine resources.

**11.5 Promote managed harvest of shellfish originating from uncertified waters.**

- Allow for the harvest of shellfish from uncertified waters for transplant to certified waters, provided that adherence to shellfish sanitation regulations and protocols are ensured for the protection of public health, and provided that such operations are undertaken in a manner that does not cause significant adverse effects on the Bayville marine ecosystems.
- Limit environmental disturbance of the harvest area by using the scale or method of shellfish harvesting that is most appropriate to the resource and the physical characteristics of the harvest area. Allow sufficient shellfish spawning stock to remain in the harvest area to maintain the resource while reducing the likelihood of illegal harvesting.

**11.6 Promote aquaculture.**

- Encourage further development of aquaculture of economically important species.
- Protect native stocks from potential adverse biological impacts from aquaculture.

**POLICY 12 THE LONG ISLAND SOUND COASTAL POLICY REGARDING AGRICULTURAL LANDS IS NOT APPLICABLE TO THE VILLAGE OF BAYVILLE.**

### **POLICY 13 PROMOTE APPROPRIATE USE AND DEVELOPMENT OF ENERGY AND MINERAL RESOURCES.**

The Village of Bayville is not the site of a major power generating facility, nor is the Village an appropriate location for a power station. Therefore, the inherent risk to the coastal environment associated with such facilities is not present. The LIPA plant in Glenwood Landing serves energy needs in the Bayville area.

The Sound region faces energy problems more serious than any other region in the State. Long Island faces recurring price hikes and the danger of energy shortages. The Sound region is overly dependent on imported oil for electric generation and home heating. Natural gas is unobtainable in a large portion of the region. Strong reliance on motor vehicle transportation has also resulted in an over-dependence on imported gasoline. The decommissioning of the Shoreham nuclear power plant has resulted in the highest electricity prices in the continental United States.

In dealing with the Sound region's energy problems, the first order of preference is the conservation of energy to the maximum extent practicable. Energy efficiency in transportation and site design, and efficiency in energy generation are the best means for reducing energy demands. Reduced demand for energy decreases the need for construction of new facilities that may have adverse impacts on coastal resources.

For similar reasons, greater use should be made of sustainable energy resources, such as solar, wind, and hydroelectric power. While solar and wind power may make marginal contributions to the Sound's energy needs, the most substantial source of sustainable energy potentially available to the this area is hydroelectricity. Although the Sound offers few opportunities for the development of local hydroelectric generation facilities, the extension of power transmission lines to the Sound for importation of electricity is possible to help meet the region's energy needs.

#### **13.1 Conserve energy resources.**

- Promote and maintain energy efficient modes of transportation, including passenger transportation, mass transit, and alternative forms of transportation.
- Plan and construct sites using energy efficient design.
- Improve energy-generating efficiency through design upgrades of existing facilities.

#### **13.2 Promote alternative energy sources that are self-sustaining, including solar and wind-powered energy generation.**

- In siting such facilities, avoid interference with coastal resources, including migratory birds, and coastal processes.

**13.3 Minimize adverse impacts associated with mineral extraction and subaqueous sand and gravel extraction.**

- Commercial sand and aggregate mining is generally presumed to be an inappropriate use in the Bayville LWRA.
- Limit subaqueous sand and gravel extractions to activities necessary for navigation or erosion control.
- Preserve topsoil and overburden using appropriate site preparation techniques and subsequent site reclamation plans.