

## ***Chapter 4***

---

### ***LONG ISLAND SOUND COASTAL POLICIES***

The Long Island Sound Coastal Management Program policies presented in this chapter consider the economic, environmental, and cultural characteristics of the Long Island Sound coastal region. They take the place of the statewide policies of the New York State Coastal Management Program. The policies are comprehensive and reflect existing state laws and authorities. They represent a balance between economic development and preservation that will permit beneficial use of and prevent adverse effects on the Sound's coastal resources. The policies are the basis for federal and state consistency determinations for activities affecting the Long Island Sound coastal area. They are also a guide for development of new Local Waterfront Revitalization Programs and revisions to approved Local Waterfront Revitalization Programs. Definitions of terms used in the policies appear at the end of the chapter.

The policies are organized under four headings: developed coast policies, natural coast policies, public coast policies, and working coast policies.

#### ***SUMMARY OF POLICIES***

The following is a summary list of the Long Island Sound Coastal Management policies.

##### ***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 resources 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 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.

### ***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's coastal area.
- Policy 13 Promote appropriate use and development of energy and mineral resources.

### ***LONG ISLAND SOUND COASTAL POLICIES***

#### ***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.**

The regional character of Long Island Sound's coast is defined by the pattern of developed and open land. Within the Sound's pattern of development, the developed land features 17 waterfront communities that serve regional economic functions. These communities possess a distinctive character, reflecting their maritime heritage, and serve as focal points for commercial, cultural, and recreational activities within the region. In the western two-thirds of the Sound coastal region, suburban residential development around and between these communities is also an important element of the regional character.

Natural areas, parks, woodlands, working agricultural lands, and large estates comprise the open space component of the Sound's pattern of development. This component is dominant in the eastern half of the Sound coastal region. The remaining large estates, parkland, and fragments of open and wooded land found in the western half of the Sound coastal region take on added significance in defining community character because their acreage is more limited. The open landscape provides ecological, scenic, recreational, and economic benefits to the Sound region.

The collection of natural, recreational, commercial, ecological, cultural, and aesthetic resources in the community or landscape defines its character; and the distribution of developed and open lands establishes a pattern of human use that reflects an historic choice between economic development and preservation of coastal resources.

Development that does not reinforce the traditional pattern of human use would result in an undesirable loss of the community and landscape character of the Long Island Sound coastal region. Development, public investment, and regulatory decisions should preserve open space and natural resources and sustain the historic waterfront communities as centers of activity. Water-dependent uses generally should locate in existing centers of maritime activity in order to support the economic base and maintain the maritime character of these centers, 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 Sound's coastal resources. 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 traditional waterfront communities.**

Maintain traditional waterfront communities and ensure that development within these communities supports and is compatible with the character of the community.

Focus public investment, actions, and assistance in waterfront redevelopment areas to reclaim unused waterfront land and brownfields for new purposes.

Locate new development where infrastructure is adequate or can be upgraded to accommodate new development.

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

Reserve coastal waters for water-dependent uses and activities.

Accommodate water-enhanced uses along the Sound waterfront where they 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.

Allow other uses that derive benefit from a waterfront location, such as residential uses, in appropriate locations.

Avoid uses on the waterfront which cannot by their nature derive economic benefit from a waterfront location.

**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, open space, and agricultural lands.**

Avoid loss of economic, environmental, and aesthetic values associated with these areas.

Avoid expansion of infrastructure and services which would promote conversion of these areas to other uses.

Maintain natural, recreational, and open space values including those associated with large estates, golf courses, and beach clubs.

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

Minimize potential adverse land use, environmental, and economic impacts that would result from proposed development.

Minimize the potential for adverse impacts of types of development which individually may not result in a significant adverse environmental impact, but when taken together could lead to or induce subsequent significant adverse impacts.

**Policy 2 Preserve historic resources of the Long Island Sound coastal area.**

Archaeological sites and historic structures are tangible links to the past development of a community—both its cultural and economic life—providing a connection to past generations and events. The Native American sites, Colonial era farmsteads and outbuildings, 19th century commercial districts, fishing villages, lighthouses, shipwrecks, and Gilded Age mansions are important components in defining the Sound's distinctive identity and heritage. In a broader sense, these resources, taken together, continue to shape the coastal culture of the Long Island Sound region.

Although large numbers of prehistoric and historic sites have been lost as a result of urban growth, the Office of Parks, Recreation, and Historic Preservation has determined that the Long Island Sound coastal region contains numerous archaeological sites in all prehistoric stages and many intact historic resources and structures. These resources remain threatened by development and individual actions.

The intent of this policy is to preserve the historic and archaeological resources of the Long Island Sound coastal area. Concern extends not only to the specific site or resource but to the area adjacent to and around specific sites or resources. The quality of adjacent areas is often critical to maintaining the quality and value of the resource. Effective preservation of historic resources must also include active efforts, when appropriate, to restore or revitalize. While the Long Island Sound Coastal Management Program addresses all such resources within the coastal area, it actively promotes preservation of historic, archaeological, and cultural resources that have a coastal relationship.

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

Preserve the historic character of the resource by protecting historic materials and features or by making repairs using appropriate measures.

Provide for compatible use of the historic resource, while limiting and minimizing alterations to the resource.

Minimize loss of historic resources or historic character when it is not possible to completely preserve the resource.

Relocate historic structures only when the resource cannot be preserved in place.

Allow demolition only where alternatives for retention are not feasible.

Avoid potential adverse impacts of development on nearby historic resources.

### **2.2 Protect and preserve archaeological resources.**

Minimize potential adverse impacts by redesigning projects, reducing direct impacts on the resource, recovering artifacts prior to construction, and documenting the site.

Prohibit appropriation of any object of archaeological or paleontological interest situated on or under lands owned by New York State, except as provided for in Education Law, § 233.

### **2.3 Protect and enhance resources that are significant to the coastal culture of the Long Island Sound.**

Protect historic shipwrecks.

Prevent unauthorized collection of artifacts from shipwrecks.

Protect the character of historic maritime communities.

Preserve and enhance historic lighthouses and other navigational structures by providing for their long-term protection through the least degree of intervention necessary to preserve the structure. Consider extensive shoreline stabilization only if relocation of historic lighthouses is not feasible.

## **Policy 3 Enhance visual quality and protect scenic resources throughout Long Island Sound.**

Visual quality is a major contributor to the character of the Long Island Sound region and its communities, and the primary basis for public appreciation of the Sound's landscape. The Sound coastal region includes different landforms, a variety of upland and shoreline vegetation, a complex land and water interface, well-defined harbors, and historic villages. Some areas need

particular emphasis on improving visual quality in order to support the character of the Sound. In addition to the many highly scenic natural resources found throughout the Sound, the variety of cultural elements in the landscape and the interplay of the built and natural environments are of particular importance to the visual quality of the Sound.

The intent of this policy is to protect and enhance visual quality and protect recognized scenic resources of the Sound's coastal area.

### **3.1 Protect and improve visual quality throughout the coastal area.**

Enhance existing scenic characteristics by minimizing introduction of discordant features.

Restore deteriorated and remove degraded visual elements, and screen activities and views which detract from visual quality.

Preserve existing vegetation and establish new vegetation to enhance scenic quality.

Group or orient structures to preserve open space and provide visual organization.

Improve the visual quality associated with urban areas and the historic maritime communities on Long Island Sound.

Anticipate and prevent impairment of dynamic landscape elements that contribute to ephemeral scenic qualities.

Recognize water-dependent uses as important additions to the visual interest of the Sound's coast.

Protect scenic values associated with public lands, including public trust lands and waters, and natural resources.

### **3.2 Protect aesthetic values associated with recognized areas of high scenic quality.**

Protect aesthetic and scenic values associated with the Nissequogue River, and any areas designated as scenic areas of statewide significance.

Prevent impairment of scenic components that contribute to high scenic quality.

## ***NATURAL COAST POLICIES***

### **Policy 4 Minimize loss of life, structures, and natural resources from flooding and erosion.**

Within the Long Island Sound coastal area, there are presently more than 8,200 buildings and other structures located in special flood hazard areas, and over 1,200 buildings and other structures seaward of the present coastal erosion hazard area boundary. In response to existing or perceived erosion and flood hazards, many landowners have constructed erosion protection structures. Approximately 50 percent of the Sound shoreline has been armored with erosion control structures, and the trend is continuing. In Suffolk County, for example, only 8.96 miles of the 132.5 miles of the Sound shoreline was engineered with riprap, bulkheads, or seawalls in 1969. Today, 43.7 miles of the county's shoreline are hardened. This significant increase in the miles of hardened shoreline is generally not associated with water-dependent uses in maritime centers but mostly for uses that do not have a functional relationship to coastal waters. While some erosion control structures are necessary to protect development, there are many erosion control structures located along the Long Island Sound shore that are not necessary for erosion protection or may cause erosion.

Erosion protection structures often contribute to erosion both on and off the site due to poor design and siting and lack of downdrift remediation. Increased erosion, aesthetic impairments, loss of public recreational resources, loss of habitats, and water quality degradation can result from erosion protection structures. The cumulative impact of these structures can be large.

Before a permit is granted to allow construction of erosion protection structures, the purpose, function, impact, and alternatives to a structure need to be carefully evaluated to determine that the structures are necessary and to avoid 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. The natural shoreline has an inherent natural, social, and economic value that should be respected to ensure continuing benefits to the state and the region. Consequently, those portions of the Sound shoreline that are not fortified should generally remain in a natural condition to respond to coastal processes.

Development and redevelopment in hazard areas needs to be managed to reduce exposure to coastal hazards. Hardening of the shoreline is to be avoided except when alternative means, such as soft engineering alternatives, are not effective. Beach nourishment, revegetation, offshore bar building, or inlet sand bypassing are preferred approaches to control erosion because of fewer environmental impacts than hard structures. Hard structures may be more practical to protect principal structures or areas of extensive public investment. Areas of extensive public investment include City Island and the Throgs Neck in the Bronx, the Cross Island Parkway section of Queens, Bayville, the Asharoken tombolo, Sunken Meadow State Park, Wildwood State Park, portions of waterfront redevelopment areas, and the maritime centers.

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 relative to the shore is another significant factor in the incidence of erosion and flooding over time. For the Sound, tidal gauge data collected within the last 100 years suggests a relative sea level rise varying from about 0.1 inches to less than 0.04 inches per year. At that rate, a horizontal movement of mean sea level of one to three inches per year (assuming a 1 on 30 beach/nearshore slope) is anticipated in the region. As a result, 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 throughout the Long Island Sound 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 which have a reasonable probability of managing flooding and erosion, based on shoreline characteristics including exposure, geometry, and sediment composition; (4) enhance existing natural protective features and processes, and use non-structural measures which have a reasonable probability of managing erosion; (5) use hard structural erosion protection measures for control of erosion only where the above measures are not sufficient to protect the principal use, or the use is water-dependent or reinforces the role of a maritime center or a waterfront redevelopment area.

Mitigate the impacts of erosion control structures.

Manage development in floodplains 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.**

Prevent development in natural protective features except development as specifically allowed in 6 NYCRR Part 505.8.

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.

Minimize interference with natural coastal processes by: providing for natural supply and movement of unconsolidated materials; minimizing intrusion of structures into coastal waters and interference with coastal processes; and mitigating any unavoidable intrusion or interference.

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

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

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.

Mitigate unavoidable impacts on adjacent property, natural coastal processes and natural resources, and on public trust lands and their use.

**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 and 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.**

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.

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.

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

**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 nonpoint source pollution management. The primary quantity consideration is the maintenance of an adequate supply of potable water in the region.

The Comprehensive Conservation 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 nonpoint sources. Impairments also result from pollution sources outside the Sound coastal area. Consequences of water quality impairments include hypoxia, a major problem in the western portions of the coastal area; 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, surface water pollution can readily contaminate groundwater resources. The sandy, highly porous soils of Long Island allow nutrients and other pollutants to pass with little filtration into aquifers. Since Long Island is served by a sole-source aquifer, activities that introduce pollutants to surface waters must be controlled. In addition, nutrient input from groundwater flow into embayments is, in some cases, a significant factor in water quality impairments. 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 the combination of managing new and remediating existing sources of pollution. 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 which would cause or contribute to contravention of water quality standards.**

Restore Long Island Sound's water quality by reducing impairments caused by major sources of pollution by: limiting nitrogen loadings from waste water treatment plants to levels at or below levels occurring in 1990, 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 which would: (1) exceed applicable effluent limitations, or (2) cause or contribute to contravention of water quality classification and use standards, or (3) materially adversely affect receiving water quality, or (4) violate a vessel waste no-discharge zone prohibition.

Ensure effective treatment of sanitary sewage and industrial discharges by maintaining efficient operation of treatment facilities, providing secondary treatment of sanitary sewage, improving nitrogen removal capacity, incorporating treatment beyond secondary for new wastewater treatment facilities, reducing demand on facilities, reducing loading of toxic materials, reducing or eliminating combined sewer overflows, and managing on-site disposal systems.

#### **5.2 Manage land use activities and use best management practices to minimize nonpoint pollution of coastal waters.**

#### **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 variation in velocity, temperature, and level of water.

Protect water quality of coastal waters from adverse impacts associated with excavation, fill, dredging, and disposal of dredged material.

**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 which 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 and estuaries 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.

**Policy 6 Protect and restore the quality and function of the Long Island Sound ecosystem.**

The Long Island Sound ecosystem consists of physical (non-living) components, biological (living) components, and their interactions. Its physical components include environmental factors such as water, soils, geology, energy, and contaminants. The biological components include the plants, animals, and other living things in and 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; 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, or benthic communities. These more common natural resources collectively affect the quality and biological diversity of the Sound ecosystem.

This policy also recognizes and provides for enhancement of natural resources within regionally important natural areas for which management plans have been prepared.

**6.1 Protect and restore ecological quality throughout Long Island Sound.**

Avoid significant adverse changes to the quality of the Long Island Sound ecosystem as indicated by physical loss, degradation, or functional loss of ecological components.

Maintain values associated with natural ecological communities.

Retain and add indigenous plants.

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.

Avoid permanent adverse change to ecological processes.

Reduce adverse impacts of existing development when practical.

Mitigate impacts of new development; mitigation may also include reduction or elimination of adverse impacts associated with existing development.

**6.2 Protect and restore Significant Coastal Fish and Wildlife Habitats.**

Protect Long Island Sound's designated significant coastal fish and wildlife habitats from uses or activities which would destroy habitat values or significantly impair the viability of the designated habitat beyond its tolerance range which is the ecological range of conditions that supports the species population or has the potential to support a restored population where practical.

Where destruction or significant impairment of habitat values cannot be avoided, minimize potential impacts through appropriate mitigation.

Wherever practical, enhance or restore designated habitats so as to foster their continued existence as natural systems.

**6.3 Protect and restore tidal and freshwater wetlands.**

Comply with statutory and regulatory requirements of the state's wetland laws.

Use the following management measures, which are presented in order of priority: (1) prevent the net loss of vegetated wetlands by avoiding fill or excavation; (2) minimize adverse impacts resulting from unavoidable fill, excavation, or other activities; and (3) provide for compensatory mitigation for unavoidable adverse impacts. Provide and maintain adequate buffers between wetlands and adjacent or nearby uses and activities to protect wetland values.

Restore tidal and freshwater wetlands wherever practical to foster their continued existence as natural systems.

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

**6.5 Protect natural resources and associated values in identified regionally important natural areas.**

Protect natural resources comprising a regionally important natural area. Focus state actions on protection, restoration, and management of natural resources.

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 or restore former tidal wetlands.

Adhere to management plans prepared for regionally important natural areas.

**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.**

Limit pollution resulting 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.

Limit pollution resulting from vehicle or vessel movement or operation.

Limit actions which directly or indirectly change transportation uses or operation resulting in increased pollution.

Restrict emissions or air contaminants to the outdoor atmosphere which are potentially injurious or unreasonably interfere with enjoyment of life or property.

Limit new facility or stationary source emissions of acid deposition precursors consistent with achieving final control target levels for wet sulfur deposition in sensitive receptor areas, and meeting New Source Performance Standards for the emissions of oxides of nitrogen.

**7.2 Limit discharges of atmospheric radioactive material to a level that is as low as practicable.**

**7.3 Limit sources of atmospheric deposition of pollutants to the Sound, particularly from nitrogen sources.**

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

Most, if not all, Long Island towns have solid waste management plans approved by the Department of Environmental Conservation. In addition, all significant Long Island landfills have been assigned monitors employed by the Department of Environmental Conservation to ensure that adverse impacts, such as leachates to groundwater, are mitigated. The Department of Health is implementing a gas monitoring system. 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 Long Island Sound's coastal resources from degradation through proper control and management of wastes and hazardous materials. In addition, this policy is intended to promote the expeditious remediation and reclamation of hazardous waste sites in and around Glen Cove Creek and other areas to permit redevelopment. Attention is also required to identify and address sources of soil and water contamination resulting from landfill and hazardous waste sites and in-place sediment contamination in the Long Island Sound region.

**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.

Manage solid waste by: reducing the amount of solid waste generated, reusing or recycling material, and using land burial or other approved methods to dispose of solid waste that is not otherwise being reused or recycled.

Prevent the discharge of solid wastes into the environment by using proper handling, management, and transportation practices.

Operate solid waste management facilities to prevent or reduce water, air, and noise pollution and other conditions harmful to the public health.

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

Manage hazardous waste in accordance with the following priorities: (1) eliminate or reduce generation of hazardous wastes to the maximum extent practical; (2) recover, reuse, or recycle remaining hazardous wastes to the maximum extent practical; (3) use detoxification, treatment, or destruction technologies to dispose of hazardous wastes that cannot be reduced, recovered, reused, or recycled; (4) use land disposal as a last resort.

Phase out land disposal of industrial hazardous wastes.

Ensure maximum public safety through proper management of industrial hazardous waste treatment, storage, and disposal.

Remediate inactive hazardous waste disposal sites.

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

Prevent 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: limiting discharge of bioaccumulative substances, avoiding resuspension of toxic pollutants and hazardous substances and wastes, and avoiding reentry of bioaccumulative 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 discharge of petroleum products.**

Minimize adverse impacts from potential oil spills by appropriate siting of petroleum offshore loading facilities.

Have adequate plans for prevention and control of petroleum discharges in place at any major petroleum-related facility.

Prevent discharges of petroleum products by following approved handling and storage, and facility design and maintenance principles.

Clean up and remove any petroleum discharge, giving first priority to minimizing environmental damage.

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

**8.6 Site solid and hazardous waste facilities to avoid potential degradation of coastal resources.**

***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. Limitations on reaching or viewing the coast are further heightened by a general lack of opportunity for diverse forms of recreation at those sites that do provide access. Often access and recreational opportunities that are available are limited to local residents. Existing development has made much of the coast inaccessible and new development has diminished remaining opportunities to provide meaningful public access. In addition to loss of opportunities for physical access, visual access has also been lost due to the loss of vantage points or outright blockage of views. Access along public trust lands of the shore has been impeded by long docks, and shoreline fortification has led to physical loss of access.

Existing public access and opportunities for recreation are inadequate to meet the needs of the residents of the Sound, let alone residents of the state. Given the lack of adequate public access and recreation, this policy incorporates measures needed to provide and increase public access throughout the Sound. The need to maintain and improve existing public access and facilities is among these measures, and is necessary to ensure that use of existing access sites and facilities is optimized in order to accommodate existing demand. Another measure is 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 coastal area.**

Provide convenient, well-defined, physical public access to and along the coast for water-related recreation.

Provide a level and type of public access and recreational use that takes into account proximity to population centers, public demand, natural resource sensitivity, accessibility, compatibility with on-site and adjacent land uses, and needs of special groups.

Protect and maintain existing public access and water-related recreation.

Provide additional physical public access and recreation facilities at public sites.

Provide physical access linkages throughout Long Island Sound.

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 incentives to private development which provides public access and/or water-related recreation facilities.

Restrict public access and water-related recreation on public lands only where incompatible with public safety and protection of natural resources.

Ensure access for the general public at locations where state or federal funds are used to acquire, develop, or improve parkland.

**9.2 Provide public visual access from public lands to coastal lands and waters or open space at all sites where physically practical.**

Avoid loss of existing visual access by limiting physical blockage by development or activities. Minimize adverse impact on visual access.

Mitigate 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 state, New York City, and towns in Nassau and Suffolk counties.**

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.

Limit grants, including conversion grants, in fee of underwater lands to exceptional circumstances.

Reserve such interests or attach such conditions to preserve the public interest in use of underwater lands and waterways which will be adequate to preserve public access, recreation opportunities, and other public trust purposes.

Evaluate opportunities to re-establish public trust interests in existing grants which are not used in accordance with the terms of the grant, or are in violation of the terms of the lease, or where there are significant limitations on public benefits resulting from the public trust doctrine.

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

Ensure that the public interest in access below mean high water and to navigable waters is maintained.

Allow obstructions to public access when necessary for the operation of water-dependent uses and their facilities.

Permit interference with public access for riparian non-water-dependent uses in order to gain the minimum necessary reasonable access to navigable waters.

Use the following factors in determining the minimum access necessary: 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.

Mitigate substantial interference or obstruction of public use of public trust lands and navigable waters.

### ***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. 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.

There are nearly 200 water-dependent uses located along the Long Island Sound shore. These uses are vital to the economic health of the region. The Sound's commercial fishing fleet is a prominent water-dependent use and is addressed separately in policy 11.

##### **10.1 Protect existing water-dependent uses.**

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

##### **10.2 Promote maritime centers as the most suitable locations for water-dependent uses.**

Ensure that public actions enable maritime centers to continue to function as centers for water-dependent uses.

Protect and enhance the economic, physical, cultural, and environmental attributes which support each maritime center.

##### **10.3 Allow for development of new water-dependent uses outside of maritime centers.**

New water-dependent uses may be appropriate outside maritime centers if the use: (1) should not be located in a maritime center due to the lack of suitable sites; or (2) has unique locational requirements that necessitate its location outside maritime centers; or (3) would adversely impact the functioning and character of the maritime center if located within the

maritime center; or (4) is of a small scale and has a principal purpose of providing access to coastal waters.

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

**10.5 Minimize adverse impacts of new and expanding water-dependent uses, provide for their safe operation, and maintain regionally important uses.**

Site new and expand existing marinas, yacht clubs, boat yards, and other boating facilities where there is: adequate upland for support facilities and services; sufficient waterside and landside access; appropriate nearshore depth to minimize dredging; suitable water quality classification; minimization of effects on wetlands, shellfish beds, or fish spawning grounds; and adequate water circulation.

Maintain existing ferry services and promote new ferry services to increase the transportation efficiency of passengers and cargo in the Sound region.

Improve protection of natural resources when importing, transshipping, or storing petroleum products by promoting inland storage and offshore transshipment of product.

Maintain regionally important aggregate transshipment facilities.

**10.6 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.

Provide new or expanded navigation lanes, channels, and basins when necessary to support water-dependent uses.

Use suitable dredged material for beach nourishment, dune reconstruction, or other beneficial uses.

Avoid placement of dredged material in Long Island Sound when opportunities for beneficial reuse of the material exist.

Allow placement of suitable dredged material in nearshore locations to advance maritime or port-related functions, provided it is adequately contained and avoids negative impacts on vegetated wetlands and significant coastal fish and wildlife habitats.

Avoid shore and water surface uses which would impede navigation.

Give priority to existing commercial navigation in determining rights to navigable waters.

Provide for services and facilities to facilitate commercial, industrial, and recreational navigation.

Foster water transport for cargo and people.

Maintain stabilized inlets at Glen Cove Creek, Port Jeffers on, Mount Sinai, Mattituck Inlet, and Silver Eel Pond.

**10.7 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 any increase or additional use of coastal waters if such an increase or addition poses a public safety hazard, which cannot be mitigated.

Prohibit intrusions or encroachments upon navigation channels and other identified vessel use areas.

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

The living marine resources of the Sound play an important role in the social and economic well-being of the people of Long Island. Commercial and recreational uses of the Sound's living marine resources constitute an important contribution to the economy of the region and the state. 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 fisheries resources and their habitats, and on ensuring that the 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: (1) be consistent with the restoration and maintenance of healthy stocks and habitats, and (2) maximize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for commercial and recreational fisheries. Based upon ownership of underwater lands, many towns also provide for the direct management of shellfish resources of Long Island Sound.

**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 useable 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 transboundary and migratory species is consistent with interstate, state-federal, and interjurisdictional management plans.

Protect, manage, and restore sustainable populations of indigenous fish, wildlife species, and other living marine resources.

Foster occurrence and abundance of Long Island Sound'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.

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

Maximize the benefits of marine resource use so as to provide a valuable recreational resource experience and viable business opportunities for commercial and recreational fisheries.

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.

Protect the public health and the marketability of marine and fishery resources by maintaining and improving water quality.

Promote development of and maintain existing artificial reefs to improve marine resources habitat and expand nearshore fishing opportunities.

**11.3 Maintain and strengthen a stable commercial fishing fleet in Long Island Sound.** Protect and strengthen commercial fishing harvest operations, facilities, and waterfront infrastructure to support a stable commercial fishing industry.

Improve existing and support expansion of fishing operations and facilities for offshore commercial fishing in Huntington Harbor, Northport Harbor, Port Jefferson Harbor, and Mattituck Inlet. Maintain existing commercial fishing operations and facilities in Oyster Bay, Setauket, and Mount Sinai at present levels.

Support nearshore harvesting throughout the Sound region by providing access, berthing, and off-loading facilities suitable for nearshore operators.

Protect commercial fishing from interference or displacement by competing land and water uses.

Strengthen the economic viability of the Sound's commercial fishing fleet through appropriate domestic and international marketing.

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

Provide opportunities for recreational use of marine resources.

Provide adequate infrastructure to meet recreational needs, including appropriate fishing piers, dockage, parking, and livery services.

Promote commercial charter and party boat businesses in maritime centers.

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

Allow for harvest of shellfish from uncertified waters, provided shellfish sanitation protocols are adhered to for protection of public health.

Limit environmental disturbance of the harvest area by using the scale or method of shellfish harvesting operations 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.

Promote hand-harvesting of stock for depuration and for relays by nearshore harvesters.

**11.6 Promote aquaculture.**

Encourage aquaculture of economically important species.

Protect native stocks from potential adverse biological impacts due to aquaculture.

Provide leases of state-owned underwater lands for aquaculture only in areas which are not significant shellfish producing areas or which are not supporting significant shellfish hand-harvesting, and only where aquaculture operations would not significantly impair natural resources or water quality.

**Policy 12 Protect agricultural lands in the eastern Suffolk County portion of Long Island Sound's coastal area.**

The intent of this policy is to conserve and protect agricultural land in the Suffolk County portion of the Sound's coastal area by preventing the conversion of farmland to other uses and protecting existing and potential agricultural production. Suffolk's agricultural acreage has been sharply reduced over a relatively short period of time. Over the past half century there has been a 72 percent reduction in agricultural acreage (119,016 acres in 1940 to 34,000 acres in 1992). This

loss has occurred primarily due to residential development which has rapidly transformed Suffolk's landscape from one dominated by agrarian uses and activities to one dominated by single family residences. Protecting the remaining agricultural land in Suffolk County is necessary to ensure preservation of Suffolk's agricultural economy, 300-year farming heritage, open space, and scenic quality.

Suffolk County's agricultural land is among the most productive in the state. Protecting these agricultural lands is critical for four major reasons:

- Suffolk County soils are the richest and most productive soils in the state. If these agricultural lands are not further protected, development, particularly residential, is expected to continue to encroach upon agricultural lands impairing the viability of agriculture to an irreversible level.
- The county's agricultural products are diverse and unmatched by any other of the state's regions. The insulating coastal climate, extended growing season, fertile soils, and moderately sloping topography, provide ideal growing conditions for tree and shrub nurseries, fruits, vegetables, and potatoes, as well as the emerging agricultural uses of sod farms, vineyards, and horse farms.
- Suffolk's agricultural economy is highly productive, leading all other counties in the state in wholesale value of agricultural products sold, and is a major part of region's economy.
- Suffolk County's agriculture also provides scenic and open space values that contribute to and define much of the special regional character and sense of place that attracts visitors to eastern Long Island. These scenic and open space qualities of agricultural lands provide relief from the congestion and dense development that characterize much of Long Island and the Sound coast.

#### **12.1 Protect existing agriculture and agricultural lands from conversion to other land uses.**

Protect existing agricultural use and production from adverse impacts due to: public infrastructure and facility development; creation of other conditions which are likely to lead to conversion of agricultural lands; and environmental changes which are likely to reduce agricultural productivity or quality, including, but not limited to, quantitative and qualitative changes to groundwater resources.

Provide sufficient buffer as part of new development when it is located near agricultural land.

#### **12.2 Establish and maintain favorable conditions which support existing or promote new coastal agricultural production.**

Promote new and maintain existing local services and commercial enterprises necessary to support agricultural operations.

Provide economic support of existing agriculture by allowing mixed uses which would assist in retention of the agricultural use.

Promote activities and market conditions that would likely prevent conversion of farmlands to other land uses.

#### **12.3 Minimize adverse impacts on agriculture from unavoidable conversion of agricultural land.**

Minimize encroachment of commercial, industrial, institutional, or residential development on agricultural lands.

Retain or incorporate opportunities for continuing agricultural use.

Locate and arrange development to maximize protection of the highest quality agricultural land in large contiguous tracts for efficient farming.

**12.4 Preserve scenic and open space values associated with the Sound's agricultural lands.**

Locate and arrange development to maximize protection of agricultural land in large contiguous tracts to protect associated scenic and open space values.

Allow farms to operate using appropriate modern techniques and structures without consideration of scenic values.

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

Major power generating facilities located in the Long Island Sound coastal area that provide power to the region include: the Glenwood Power Station adjacent to Hempstead Harbor, which uses oil-powered steam turbines; the Northport Power Station adjacent to Northport Bay, which uses oil-powered steam turbines; the Port Jefferson Power Station adjacent to Port Jefferson Harbor, which uses oil-powered steam turbines; and the Shoreham facility, which includes gas turbines and is the site of the former nuclear facility. Such facilities are necessary uses which, because they receive fuel oil by water, involve some risk to the coastal environment.

Electric power on Long Island has been the highest priced in the continental United States. However, with state leadership and the creation of the Long Island Power Authority to assume control of electric energy production from LILCO, a 20 percent reduction in the cost of energy to Long Islanders is at hand. There are still challenges that face the Sound region, however. One is dependence 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 overdependence on imported gasoline.

In dealing with the Sound's energy problems, the first order of preference is the conservation of energy. Energy efficiency in transportation and site design, and efficiency in energy generation are the best means for reducing energy demands. Reduced demand for energy reduces 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 Sound 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.

In addition to the impacts of construction of new energy generating facilities, the potential impacts of oil and gas extraction and storage and mineral extraction must be considered. In particular are the potential adverse impacts of mining activities on aquifers, which are the source of drinking water for Long Island.

**13.1 Conserve energy resources.**

Promote and maintain energy efficient modes of transportation, including rail freight and intermodal facilities, waterborne cargo and passenger transportation, mass transit, and alternative forms of transportation.

Plan and construct sites using energy efficient design.

Capture heat waste from industrial processes for heating and electric generation.

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 Ensure maximum efficiency and minimum adverse environmental impact when siting major energy generating facilities.**

Site major energy generating facilities in a coastal location where a clear public benefit is established.

Site major energy generating facilities close to load centers to achieve maximum transmission efficiency.

Site and construct new energy generating and transmission facilities so they do not adversely affect natural and economic coastal resources.

**13.4 Minimize adverse impacts from fuel storage facilities.**

Regional petroleum reserve facilities are inappropriate in the Long Island Sound coastal area.

The production, storage, or retention of petroleum products in earthen reservoirs is prohibited.

Liquefied Natural Gas facilities must be safely sited and operated.

Protect natural resources by preparing and complying with an approved oil spill contingency plan.

**13.5 Minimize adverse impacts associated with mineral extraction.**

Commercial sand and aggregate mining is generally presumed to be an inappropriate use in the Long Island Sound coastal area.

Preserve topsoil and overburden using appropriate site preparation techniques and subsequent site reclamation plans.

***DEFINITIONS***

Selected terms used in the policies are defined as follows:

***Accretion*** means the gradual and imperceptible accumulation of sand, gravel, or similar material deposited by natural action of water on the shore. This may result from a deposit of such material upon the shore, or by a recession of the water from the shore.

***Agricultural land*** means land used for agricultural production, or used as part of a farm, or having the potential to be used for agricultural production. Agricultural lands include lands in agricultural districts, as created under Article 25-AA of the Agricultural and Markets Law; lands comprised of soils classified in soil groups 1, 2, 3, or 4 according to the New York State Department of Agriculture and Markets Land Classification System; or lands used in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law.

***Aquaculture*** means the farming of aquatic organisms, including fish, mollusks, crustaceans, and aquatic plants. Farming implies some form of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc. Farming also implies ownership of the stock being cultured.

**Best management practices** means methods, measures, or practices determined to be the most practical and effective in preventing or reducing the amount of pollutants generated by nonpoint sources to a level compatible with water quality standards established pursuant to section 17-0301 of the Environmental Conservation Law. Best management practices include, but are not limited to, structural and non-structural controls, and operation and maintenance procedures. Best management practices can be applied before, during, or after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters.

**Boating facility** means a business or accessory use that provides docking for boats and encompasses 4,000 square feet or greater of surface waters, as measured by the outermost perimeter of the dock, and is designed to accommodate six (6) or more boats.

**Coastal Barrier Resource Area** means any one of the designated and mapped areas under the Coastal Barrier Resources Act of 1982, (P.L. 97-348), and any areas designated and mapped under the Coastal Barrier Improvement Act of 1990 (P.L. 101-591), as administered by the U.S. Fish and Wildlife Service, and any future designations that may occur through amendments to these laws.

**Coastal Hazard Area** means any coastal area included within an Erosion Hazard Area designated by the New York State Department of Environmental Conservation pursuant to the Coastal Erosion Hazard Areas Act of 1981 (Article 34 of the Environmental Conservation Law), and any coastal area included within a V-zone as designated on Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency pursuant to the National Flood Insurance Act of 1968 (P.L. 90-448) and the Flood Disaster Protection Act of 1973 (P.L. 93-234).

**Development**, other than existing development, means any construction or other activity which materially changes the use, intensity of use, or appearance of land or a structure including any activity which may have a direct and significant impact on coastal waters. Development shall not include ordinary repairs or maintenance or interior alterations to existing structures or traditional agricultural practices. The term shall include division of land into lots, parcels, or sites.

**Historic maritime communities** means historic centers of maritime activity identified in Chapter 587, Laws of 1994, for the purpose of fostering the protection and beneficial enjoyment of the historic and cultural resources associated with maritime activity on Long Island Sound.

**Historic resources** means those structures, landscapes, districts, areas or sites, or underwater structures or artifacts which are listed or designated as follows: any historic resource in a federal or state park established, solely or in part, in order to protect and preserve the resource; any resource on, nominated to be on, or determined eligible to be on the National or State Register of Historic Places; any cultural resource managed by the state Nature and Historic Preserve Trust or the state Natural Heritage Trust; any archaeological resource which is on the inventories of archaeological sites maintained by the Department of Education or the Office of Parks, Recreation, and Historic Preservation; any resource which is a significant component of a Heritage Area; any locally designated historic or archaeological resources protected by a local law or ordinance.

**Long Island Sound** means all tidal waters within the Long Island Sound coastal area.

**Long Island Sound coastal area** means that portion of the New York State coastal area beginning at the Connecticut-New York State border and extending south to the intersection of the state coastal area boundary with the Bruckner Expressway, resuming the state coastal boundary south to its intersection with the Throgs Neck Expressway, then following the Throgs Neck Expressway to the Throgs Neck Bridge, following the Throgs Neck Bridge and the Clearview Expressway to the intersection with the state coastal boundary at the Cross Island

Parkway, then following the state coastal boundary east to its intersection with the topographic divide in the eastern portion of the Town of Southold, following the topographic divide to Orient Point, extending seaward to the New York boundary and including Plum Island and Fishers Island.

**Maritime center** means a discrete portion or area of a harbor or bay that is developed with, and contains concentrations of water-dependent commercial and industrial uses or essential support facilities. The harbor or bay area is a center for waterborne commerce, recreation, or other water-dependent business activity and, as such, is an important component of the regional transportation system. A maritime center is characterized by: sheltered and suitable hydrologic conditions; land- and water-based infrastructure, essential for the operation of water-dependent commercial and industrial uses, extant or easily provided; physical conditions necessary to meet the siting and operational requirements of water-dependent uses; close proximity to central business districts; and limited high value natural resources.

The following are Long Island Sound maritime centers:

- Port Chester (Byram River-  
Port Chester Harbor)
- Mamaroneck Harbor
- Echo Bay-New Rochelle Harbor
- City Island-East Shore Bronx
- Port Washington-Manorhaven  
(Manhasset Bay)
- Glen Cove Creek
- Huntington Harbor
- Northport Harbor
- Port Jefferson Harbor
- Mattituck Inlet

**Maritime support services** means industrial, commercial, or retail uses which provide necessary goods and services to water-dependent businesses, thus enabling these businesses to operate in an efficient and economically viable manner.

**Native or indigenous stock** means fish, shellfish, and crustaceans originating in and being produced, growing, living, or occurring naturally in the coastal waters of Long Island Sound.

**Natural ecological community** means a variable assemblage of interacting plant and animal populations that share a common environment.

**Natural protective features** means a nearshore area, beach, bluff, primary dune, secondary dune, or wetland, and the vegetation thereon.

**Regionally important natural area** means a defined geographic area within the Long Island Sound coastal boundary generally composed of a variety of smaller, natural ecological communities that together form a landscape of environmental, social, and economic value to the people of New York. To be identified as a regionally important natural area, an area must contain significant natural resources which are at risk and require additional management to protect or restore resource values. Thirteen regionally important natural areas have been initially identified for the Long Island Sound coastal area: Crab Meadow-Fresh Pond, Eastern Islands, Fishers Island, Little Neck Bay, Lloyd Neck-Eatons Neck, Mount Sinai Harbor, Oyster Bay-Cold Spring Harbor, Pelham Bay Park-Westchester Islands, Riverhead Bluffs, Stony Brook-Setauket, Sunken Meadow-Nissequogue River, Wading River, and Wildwood-Baiting Hollow.

**Public trust lands** means those lands below navigable waters, with the upper boundary normally being the mean high water line, or otherwise determined by local custom and practice. Public trust lands, waters, and living resources are held in trust by the state or by the trustees of individual towns for the people to use for walking, fishing, commerce, navigation, and other recognized uses of public trust lands.

***Rare ecological communities*** means ecological communities which, according to the state Natural Heritage Program, qualify for a Heritage State Rank of S1 or S2; and those which qualify for both a Heritage State Rank of S3, S4 or S5; and an Element Occurrence Rank of A.

***Traditional waterfront communities*** means communities which historically have contained concentrations of water-dependent businesses; possess a distinctive character; and serve as a focal points for commercial, recreational, and cultural activities within the region. On Long Island Sound, these communities are: Village of Port Chester, Village of Mamaroneck, City of New Rochelle, City Island, Village of Manorhaven-Port Washington, City of Glen Cove, Village of Roslyn, Village of Sea Cliff, Village of Bayville, Village of Northport, Stony Brook, Setauket, Village of Port Jefferson, Oyster Bay, Cold Spring Harbor, Huntington Harbor, and Mattituck Inlet.

***Vulnerable fish and wildlife species*** means those listed in 6 NYCRR Part 182.5 as Endangered Species, and Threatened Species.

***Vulnerable plant species*** means those listed in 6 NYCRR Part 193.3 as Endangered Species, Threatened Species, Exploitably Vulnerable Species, and Rare Species.

***Water-dependent use*** means a business or other activity which can only be conducted in, on, over, or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

***Water-enhanced use*** means a use or activity which does not require a location adjacent to coastal waters, but whose location on the waterfront adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment uses.

***Waterfront Redevelopment Area*** means a waterfront area which is part of or near a business district and contains blighted or underutilized properties which are adequate in size to accommodate significant redevelopment of regional or statewide benefit. The following factors shall be considered in identification of waterfront redevelopment areas: (1) evidence of community commitment and initiative; (2) participation in the Local Waterfront Revitalization Program; (3) adequacy of local land and water use regulations; (4) adequacy of infrastructure; (4) opportunities for local and regional economic growth; and (5) opportunities for improved public access, environmental quality, and creation of local activity centers. Long Island Sound's waterfront redevelopment areas include portions of: the Village of Port Chester, the City of New Rochelle, the Village of Manorhaven, the City of Glen Cove, the Town of Smithtown, and the Village of Port Jefferson.

