

SECTION III

WATERFRONT REVITALIZATION PROGRAM POLICIES

Contents

Page

DEVELOPMENT POLICIES

POLICY 1	RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDER-UTILIZED WATERFRONT AREAS FOR COMMERCIAL AND INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.....	1
POLICY 1A	RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDER-UTILIZED WATERFRONT AREAS IN THE CITY OF OSWEGO TO ACHIEVE A MIXTURE OF USES SERVING THE VARIED INTERESTS OF OSWEGO.....	1
POLICY 2	FACILITATE THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.....	2
POLICY 2A	FACILITATE APPROPRIATE INDUSTRIAL AND COMMERCIAL USES IN THE OSWEGO WATERFRONT AREA WHICH REQUIRE OR CAN BENEFIT SUBSTANTIALLY FROM A WATERFRONT LOCATION AND WHICH WILL PROVIDE ADDITIONAL EMPLOYMENT OPPORTUNITIES TO STRENGTHEN THE LOCAL OSWEGO ECONOMY.....	2
POLICY 2B	FACILITATE APPROPRIATE ACTIVE AND PASSIVE RECREATIONAL USES AND CULTURAL USES IN THE OSWEGO WATERFRONT AREA WHICH REQUIRE OR CAN BENEFIT SUBSTANTIALLY FROM A WATERFRONT LOCATION AND WHICH WILL INCREASE THE NUMBER OF JOBS AND THE USE OF OSWEGO'S WATERFRONT.....	3
POLICY 2C	AS OPPORTUNITIES ARISE, ENCOURAGE THE POSSIBLE RELOCATION OF EXISTING NON-WATER DEPENDENT USES FROM THE OSWEGO WATERFRONT TO OTHER APPROPRIATE AREAS SUITABLE FOR CONDUCTING THE ACTIVITY IN QUESTION, THEREBY MAKING WATERFRONT SITES AVAILABLE FOR WATER-DEPENDENT USES OR ACTIVITIES ENHANCED BY A WATERFRONT LOCATION.....	3
POLICY 3	ENCOURAGE THE DEVELOPMENT OF THE STATE'S EXISTING MAJOR PORTS OF ALBANY, BUFFALO, NEW YORK, OGDENSBURG, AND OSWEGO AS CENTERS OF COMMERCE AND INDUSTRY, AND ENCOURAGE THE SITING, IN THESE PORT AREAS, INCLUDING THOSE UNDER THE JURISDICTION OF STATE PUBLIC AUTHORITIES, OF LAND USE AND DEVELOPMENT WHICH IS ESSENTIAL TO OR IN SUPPORT OF WATERBORNE TRANSPORTATION OF CARGO AND PEOPLE.....	5
POLICY 4	The State Coastal Policy regarding development of smaller harbor areas is not applicable to Oswego.....	6

CONTENTS (Continued)

Page

POLICY 5 ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE, EXCEPT WHEN SUCH DEVELOPMENT HAS SPECIAL FUNCTIONAL REQUIREMENTS OR OTHER CHARACTERISTICS WHICH NECESSITATES ITS LOCATION IN OTHER COASTAL AREAS..... 6

POLICY 5A THE CITY OF OSWEGO WILL MAINTAIN AND, WHERE NECESSARY, IMPROVE PUBLIC SERVICES AND FACILITIES TO ASSURE CONTINUED ABILITY TO MEET EXISTING AND FUTURE NEEDS..... 7

POLICY 5B ENCOURAGE DEVELOPMENT TO OCCUR IN SUCH A MANNER AS TO ALLOW ADEQUATE WATERFRONT OPEN SPACE AND PUBLIC ACCESS TO THE WATERFRONT..... 7

POLICY 5C FOSTER ENERGY CONSERVATION BY ENCOURAGING PROXIMITY BETWEEN HOME, WORK AND LEISURE ACTIVITIES WITHIN THE MIXED-USE WATERFRONT REVITALIZATION AREA, WHICH HAS TRADITIONALLY CHARACTERIZED THE OSWEGO WATERFRONT..... 7

POLICY 6 EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS..... 8

POLICY 6A IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT PROJECTS AT SUITABLE LOCATIONS IN THE OSWEGO WATERFRONT AREA, THE CITY WILL CONTINUE ITS EFFORTS TO SIMPLIFY LOCAL DEVELOPMENT CONTROLS, CONSISTENT WITH OTHER STATE WATERFRONT REVITALIZATION AND COASTAL RESOURCES ACT POLICIES..... 8

POLICY 6B WHEN PROPOSING NEW REGULATIONS, IF THIS IS FOUND NECESSARY, THE CITY WILL EXAMINE THE FEASIBILITY OF INCORPORATING THE REGULATIONS WITHIN EXISTING PROCEDURES, IF THIS REDUCES THE BURDEN ON A PARTICULAR TYPE OF DEVELOPMENT AND WILL NOT JEOPARDIZE THE INTEGRITY OF THE REGULATIONS' OBJECTIVES..... 8

POLICY 6C WHEREVER POSSIBLE, WORK WITH COUNTY, STATE, AND FEDERAL AGENCIES TO IDENTIFY AND IMPLEMENT WAYS TO EXPEDITE PERMITTING PROCEDURES TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS..... 8

FISH AND WILDLIFE POLICIES

POLICY 7 SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS..... 9

CONTENTS (Continued)

Page

POLICY 7A AVOID OR PREVENT, INSOFAR AS POSSIBLE, ACTIVITIES ASSOCIATED WITH LAND USE OR DEVELOPMENT WHICH WOULD DESTROY OR SIGNIFICANTLY IMPAIR THE VIABILITY OF A HABITAT AREA, IN ORDER TO PRESERVE AND PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS IN THE OSWEGO COASTAL AREA..... 10

POLICY 8 PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIOACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT LETHAL EFFECT ON THOSE RESOURCES..... 11

POLICY 8A PREVENT THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH CAUSE A DETERIORATION IN FISH AND WILDLIFE RESOURCES..... 11

POLICY 8B MANAGE OR REGULATE WASTES HAVING THE POTENTIAL FOR CONTAMINATING FISH AND WILDLIFE HABITATS AND PROVIDE PROPER ENFORCEMENT OF EXISTING LOCAL REGULATIONS TO PROTECT HABITATS..... 11

POLICY 9 EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM..... 12

POLICY 9A EXPAND THE RECREATIONAL USE OF THE OSWEGO FISH AND WILDLIFE RESOURCES BY ASSISTING WHERE FEASIBLE IN IMPLEMENTING NEW WATERFRONT FACILITIES OR IMPROVEMENT OF EXISTING FACILITIES FOR FISHING AND BOATING ACTIVITIES..... 12

POLICY 9B ENCOURAGE THE EXPANSION OF RECREATIONAL FACILITIES TO SUPPORT THE GROWTH OF THE TOURIST INDUSTRY..... 12

POLICY 10 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA..... 13

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11 BUILDING AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION..... 14

CONTENTS (Continued)

Page

POLICY 11A ON COASTAL LANDS IDENTIFIED AS EROSION HAZARD AREAS IN THE CITY OF OSWEGO, BUILDINGS AND OTHER STRUCTURES PROPOSED FOR CONSTRUCTION SHALL BE SET BACK OR OTHERWISE SITED SUFFICIENT TO MINIMIZE DAMAGE FROM EROSION. STRUCTURES SUCH AS PIERS, DOCKS, AND ACCESS WAYS NECESSARY FOR THE USE OF THE WATER WILL BE PLACED SO AS TO MINIMIZE EROSION PROBLEMS. IN COASTAL AREAS OF THE CITY SUBJECT TO STORM WAVE WASH FROM HIGH VELOCITY WATERS, ADEQUATE MEASURES WILL BE UTILIZED TO MINIMIZE DANGERS TO STRUCTURES OR PEOPLE FROM COASTAL STORM HAZARDS..... 14

POLICY 11B IN AREAS IDENTIFIED AS FLOODWAYS, ADEQUATE MEASURES WILL BE UTILIZED TO MINIMIZE DANGERS TO STRUCTURES OR PEOPLE FROM FLOOD WATERS..... 15

POLICY 12 ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS, AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY..... 15

POLICY 13 THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST 30 YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS..... 15

POLICY 14 ACTIVITIES AND DEVELOPMENT, INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT OR AT OTHER LOCATIONS..... 16

POLICY 15 MINING, EXCAVATION, OR DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERPERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND..... 16

POLICY 16 PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG-TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES..... 17

CONTENTS (Continued)

Page

POLICY 17 WHENEVER POSSIBLE, USE NONSTRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION..... 17

GENERAL POLICY

POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS..... 18

PUBLIC ACCESS POLICIES

POLICY 19 PROTECT, MAINTAIN AND INCREASE THE LEVELS AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY ALL THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS..... 18

POLICY 19A MAINTAIN AND REPAIR, AS NEEDED, THOSE FACILITIES UNDER LOCAL GOVERNMENT CONTROL WHICH AFFECT PUBLIC USE OF THE WATERFRONT AND PROVIDE NECESSARY SAFETY AND SANITATION SERVICES FOR AREAS UNDER LOCAL JURISDICTION..... 19

POLICY 20 ACCESS TO THE PUBLICLY OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY OWNED SHALL BE PROVIDED, AND IT SHOULD BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP..... 20

POLICY 20A OBTAIN PUBLIC ACCESS TO THE FORESHORE THROUGH THE USE OF EASEMENTS, LAND PURCHASE, OR OTHER APPROPRIATE MEASURES WHERE NECESSARY AND FEASIBLE..... 22

RECREATION POLICIES

POLICY 21 WATER-DEPENDENT AND WATER-ENHANCED RECREATION SHALL BE ENCOURAGED AND FACILITATED AND SHALL BE GIVEN PRIORITY OVER NONWATER-RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTA-

CONTENTS (Continued)

Page

TION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT..... 23

POLICY 21A PROVIDE OPPORTUNITIES FOR WATER-RELATED RECREATION SUCH AS BOATING AND FISHING AS WELL AS RECREATIONAL ACTIVITIES WHICH ARE ENHANCED BY A COASTAL LOCATION SUCH AS PEDESTRIAN AND JOGGING PATHS, PICNIC AREAS, AND SCENIC VIEWS..... 24

POLICY 21B PROVIDE FOR A PROPER INTEGRATION OF RECREATIONAL AND OTHER WATER-DEPENDENT OR WATER-ENHANCED ACTIVITIES IN THE OSWEGO WATERFRONT AREA..... 24

POLICY 21C CONTINUE TO MAINTAIN ADEQUATE TRANSPORTATION FACILITIES SERVING WATER-RELATED RECREATIONAL NEEDS..... 24

POLICY 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, SHALL PROVIDE FOR WATER-RELATED RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT..... 25

POLICY 22A ENCOURAGE THE EXPANSION OF WATER-RELATED RECREATIONAL FACILITIES TO SUPPORT THE GROWTH OF THE TOURIST INDUSTRY..... 25

POLICY 23 PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES OR THE NATION..... 26

POLICY 23A MAINTAIN AND RESTORE OSWEGO'S HISTORIC HERITAGE FOUND AT MANY LOCATIONS IN AND AROUND THE WATERFRONT AREA..... 28

POLICY 23B MAINTAIN AND ENHANCE OSWEGO'S TRADITIONAL LINKS BETWEEN HISTORIC AREAS OF DOWNTOWN OSWEGO AND THE WATERFRONT..... 28

SCENIC QUALITY POLICIES

POLICY 24 PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE..... 29

POLICY 25 PROTECT, RESTORE AND ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE SCENIC QUALITY OF THE COASTAL AREA..... 29

POLICY 25A PROTECT AND ENHANCE SCENIC RESOURCES IN OSWEGO, BOTH NATURAL AND MAN-MADE, HAVING LOCAL AND STATEWIDE SIGNIFICANCE..... 29

CONTENTS (Continued)

Page

AGRICULTURAL LANDS POLICY

POLICY 26 The State Coastal Policy regarding agricultural lands is not applicable to Oswego. 30

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 NOT INCLUDED IN THE LOCAL PROGRAM¹..... 30

POLICY 28 ICE MANAGEMENT PRACTICES SHALL NOT DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING, OR INTERFERE WITH THE PRODUCTION OF HYDRO-ELECTRIC POWER..... 30

POLICY 29 NOT INCLUDED IN THE LOCAL PROGRAM¹..... 30

WATER AND AIR RESOURCES POLICIES

POLICY 30 MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES, INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS..... 30

POLICY 31 STATE COASTAL AREA POLICIES AND PURPOSES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVERBURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT..... 31

POLICY 32 The State Coastal Policy regarding alternative or innovative sanitary waste systems is not applicable to Oswego..... 32

POLICY 33 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS..... 32

POLICY 34 DISCHARGE OF WASTE MATERIALS FROM VESSELS INTO COASTAL WATERS WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS..... 32

POLICY 35 DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS, AND WETLANDS..... 32

CONTENTS (Continued)

Page

POLICY 36 ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.....33

POLICY 37 BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NONPOINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS.....33

POLICY 38 THE QUALITY AND QUANTITY OF SURFACE AND GROUNDWATER SUPPLIES WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.....33

POLICY 39 THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LAND AND SCENIC RESOURCES.....34

POLICY 40 EFFLUENT DISCHARGE FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJUROUS TO FISH AND WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.....34

POLICY 41 LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.....34

POLICY 42 NOT INCLUDED IN THE LOCAL PROGRAM35

POLICY 43 NOT INCLUDED IN THE LOCAL PROGRAM35

POLICY 44 PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.....35

DEVELOPMENT POLICIES

POLICY 1 RESTORE, REVITALIZE, AND REDEVELOP DETERIORATED AND UNDERUTILIZED WATERFRONT AREAS FOR COMMERCIAL AND INDUSTRIAL, CULTURAL, RECREATIONAL AND OTHER COMPATIBLE USES.

Explanation of Policy

Local, state and federal agencies must ensure that their actions further the revitalization of urban waterfront areas. The transfer and purchase of property; the construction of a new office building, highway or park; the provision of tax incentives to businesses; establishment of enterprise zones, are all examples of governmental means for spurring economic growth. When any such action, or similar action is proposed, it must be analyzed to determine if the action would contribute to or adversely affect a waterfront revitalization effort. Revitalization of once dynamic waterfront areas is one of the most effective means of encouraging economic growth without consuming valuable open space outside of the waterfront area. Waterfront redevelopment is also one of the most effective means of rejuvenating or stabilizing residential and commercial districts adjacent to the redevelopment area.

In implementing this policy, several other policies must be considered: (1) Uses requiring a location abutting the waterfront must be given priority in any redevelopment effort (see Policy 2); (2) as explained in Policy 5, one reason for revitalizing previously dynamic waterfront areas is that the costs for providing basic services to such areas is frequently less than providing new services to areas not previously developed; (3) the likelihood for successfully simplifying permit procedures and easing certain requirements (Policy 6) will be increased if a discrete area and not the entire urban waterfront is the focus for this effort. In turn, ease in obtaining permits should increase developers' interest to invest in these areas. Further, once this concentrated effort has succeeded, stabilization and revitalization of surrounding areas is more likely to occur. Local government through waterfront revitalization programs has the primary responsibility for implementing this policy.

POLICY 1A RESTORE, REVITALIZE, AND REDEVELOP OPPORTUNITY SITES IN THE OSWEGO WATERFRONT AREA AND UTILIZE AVAILABLE PUBLIC AND PRIVATE RESOURCES TO ACHIEVE A MIXTURE OF COMPATIBLE WATERFRONT USES.

Explanation of Policy

The City of Oswego's waterfront area is possibly the single greatest asset for stimulating economic development to create new employment opportunities. By encouraging appropriate use of the opportunity sites discussed in Section II, Inventory and Analysis, the City will maintain a climate which is attractive to private investors interested in profitable ventures. The City is committed to a revitalization of the Oswego waterfront as a means for

encouraging economic growth as well as expanding the use and enjoyment of the waterfront for a mixture of activities. The criteria or guidelines for determining consistency with this policy include:

1. Giving priority to uses which are dependent on, or enhanced by, a location adjacent to the water.
2. Encouraging private initiatives which lead to a mixture of development which is compatible with the desired character of the area.
3. Promoting activities or actions which serve as a catalyst to private investment and have the potential to improve the City's economic base.
4. Encouraging activities which improve the physical appearance and enhance the unique qualities of the Oswego waterfront as well as enhance scenic vistas and achieve a mixture of compatible uses.
5. Incorporating public access to the waterfront, where appropriate, and integrating cultural and recreational activities with economic development to achieve a compatible mixture of waterfront land uses.

POLICY 2 **FACILITATE THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS.**

Explanation of Policy

There is a finite amount of waterfront space suitable for development purposes. Consequently, while the demand for any given piece of property will fluctuate in response to varying economic and social conditions, the only reasonable expectation is that long-term demand for waterfront space will intensify.

The traditional method of land allocation, i.e., the real estate market, with or without local land use controls, offers little assurance that uses which require waterfront sites will, in fact, have access to the State's coastal waters. To ensure that such water-dependent uses can continue to be accommodated within the State, State agencies will avoid undertaking, funding, or approving non-water dependent uses when such uses would preempt the reasonable foreseeable development of water dependent uses. Such water dependent uses could include industrial and commercial activity to expand the local economy as well as a mixture of housing and retail activity or recreational uses, depending on site location and size and public funding or private initiative.

POLICY 2A **FACILITATE APPROPRIATE INDUSTRIAL AND COMMERCIAL USES IN THE OSWEGO WATERFRONT AREA WHICH REQUIRE OR CAN BENEFIT SUBSTANTIALLY FROM A WATERFRONT LOCATION AND WHICH WILL PROVIDE ADDITIONAL EMPLOYMENT OPPORTUNITIES TO STRENGTHEN THE LOCAL OSWEGO ECONOMY.**

POLICY 2B FACILITATE APPROPRIATE ACTIVE AND PASSIVE RECREATIONAL USES AND CULTURAL USES IN THE OSWEGO WATERFRONT AREA WHICH REQUIRE OR CAN BENEFIT SUBSTANTIALLY FROM A WATERFRONT LOCATION AND WHICH, WHENEVER POSSIBLE, WILL INCREASE THE NUMBER OF JOBS AND THE USE OF OSWEGO'S WATERFRONT.

POLICY 2C AS OPPORTUNITIES ARISE, ENCOURAGE THE POSSIBLE RELOCATION OF EXISTING NON-WATER DEPENDENT USES FROM THE OSWEGO WATERFRONT TO OTHER APPROPRIATE AREAS SUITABLE FOR CONDUCTING THE ACTIVITY IN QUESTION, THEREBY MAKING WATERFRONT SITES AVAILABLE FOR WATER-DEPENDENT USES OR ACTIVITIES ENHANCED BY A WATERFRONT LOCATION.

Explanation of Policy

The City of Oswego has a finite amount of waterfront space suitable for development purposes. While virtually all of the uses currently sited at the Oswego waterfront are either water-dependent or are enhanced by a waterfront location, the City needs to ensure that the future use of undeveloped or under-utilized sites enhances the City's waterfront, by encouraging only those new activities in the waterfront area which are water-dependent or water-enhanced, as demand for the use of this area increases. The waterfront areas of particular importance are the Opportunity Sites discussed in Section II, Inventory and Analysis.

The following uses and facilities are considered as water dependent:

- o uses which depend on the utilization of resources found in coastal waters (for example: fishing, mining of sand and gravel, mariculture activities);
- o recreational activities which depend on access to coastal waters (for example: swimming, fishing, boating, wildlife, viewing);
- o uses involved in the sea/land transfer of goods (for example: docks, loading areas, pipelines, short-term storage facilities, especially activities of the Port of Oswego);
- o structures needed for navigational purposes (for example: locks, dams, lighthouses);
- o flood and erosion protection structures (for example: breakwaters, bulkheads);
- o facilities needed to store and service boats and ships (for example: marinas, boat repair, boat construction yards);
- o uses requiring large quantities of water for processing and cooling purposes (for example: hydroelectric power plants, fish processing plants, pumped storage power plants);
- o uses that rely heavily on the waterborne transportation of raw materials or products which are difficult to transport on land, thereby making it critical that a site near to shipping facilities be obtained (for example: coal export facilities, cement plants, quarries);

- o uses which operate under such severe time constraints that proximity to shipping facilities becomes critical (for example: firms processing perishable foods);
- o scientific/educational activities which, by their nature, require access to coastal waters (for example: certain meteorological and oceanographic activities); and
- o support facilities which are necessary for the successful functioning of permitted water dependent uses (for example: parking lots, snack bars, first aid stations, short-term storage facilities). Though these uses must be near the given water dependent use they should, as much as possible, be sited inland from the water dependent use rather than on the shore.

In addition to water dependent uses, uses which are enhanced by a waterfront location should be encouraged to locate along the shore, though not at the expense of water dependent uses. A water-enhanced use is defined as a use that has no critical dependence on obtaining a waterfront location, but the profitability of the use and/or the enjoyment level of the users would be increased significantly if the use were adjacent to, or had visual access to, the waterfront. A restaurant which uses good site design to take advantage of a waterfront view, and a golf course which incorporates the coastline into the course design, are two examples of water-enhanced uses.

If there is no immediate demand for a water dependent use in a given area but a future demand is reasonably foreseeable, temporary non-water dependent uses should be considered preferable to a non-water dependent use which involves an irreversible, or nearly irreversible commitment of land. Parking lots, passive recreational facilities, outdoor storage areas, and non-permanent structures are uses of facilities which would likely be considered as "temporary" non-water dependent uses.

The criteria or guidelines for determining consistency with these policies include:

1. Matching water-dependent or water-enhanced uses with suitable locations to avoid conflicts between competing uses in the waterfront area.
2. Providing adequate sewer, water, power supply, and transportation facilities to development sites.
3. Providing adequate, safe access for those activities to be conducted on the water.
4. Providing protection from degradation to other natural and man-made coastal resources.

5. Giving preference to water-dependent uses at underutilized sites through capital programming, permit expediting, financial incentives and other local actions to promote such sites.
6. Providing adequate space for expansion of successful water-dependent uses in the future.

POLICY 3

ENCOURAGE THE DEVELOPMENT OF THE STATE'S EXISTING MAJOR PORTS OF ALBANY, BUFFALO, NEW YORK, OGDENSBURG, AND OSWEGO AS CENTERS OF COMMERCE AND INDUSTRY, AND ENCOURAGE THE SITING, IN THESE PORT AREAS, INCLUDING THOSE UNDER THE JURISDICTION OF STATE PUBLIC AUTHORITIES, OF LAND USE AND DEVELOPMENT WHICH IS ESSENTIAL TO OR IN SUPPORT OF WATERBORNE TRANSPORTATION OF CARGO AND PEOPLE.

Explanation of Policy

The aim of this policy is to support port development in New York, Albany, Buffalo, Ogdensburg, and Oswego. Three other development policies discussed in this Section, have significant implications for port development, namely: water dependency, concentration of development, and the expediting of permit reviews. In implementing this policy, state agencies will recognize the legally established jurisdictional boundaries of the port authorities and will abide by the following guidelines:

1. In assessing proposed projects within or abutting a major port, given that all other applicable policies are adhered to, the overriding consideration is the maintenance and enhancement of port activity, i.e., development related to waterborne transportation, which will have precedence over other non-port related activities.
2. Dredging to maintain the economic viability of major ports will be regarded as an action of regional or statewide public benefit if: a clear need is shown for maintaining or improving the established alignment, width, and depth of existing channels or for new channels essential to port activity; and, it can be demonstrated that environmental impacts would be an acceptable level according to State regulations governing the activity.
3. Landfill projects in the near shore areas will be regarded as an acceptable activity within major port areas, provided adverse environmental impacts are acceptable under all applicable environmental regulations and a strong economic justification is demonstrated.
4. If non-port related activities are proposed to be located in or near to a major port, these uses shall be sited so as not to interfere with normal port operations.

5. When not already restricted by existing laws or covenants and when there is no overriding regional or statewide public benefit for doing otherwise, surplus public land or facilities within or adjacent to a major port shall be offered for sale, in the first instance, to the appropriate port authority.
6. In the programming of capital projects for port areas, highest priority will be given to projects that promote the development and use of the port. However, in determining such priorities, consideration must also be given to non-port related interests within or near the ports that have demonstrated critical capital programming needs.
7. No building, piers, wharves, or vessels shall be abandoned or otherwise left unused by a public agency or sold without making provisions for their maintenance in sound condition or for their demolition or removal.
8. Port development shall provide opportunities for public access insofar as these opportunities do not interfere with the day-to-day operations of the port and the port authority and its tenants do not incur unreasonable costs.

Policy 4

The State Coastal Policy regarding development of smaller harbor areas is not applicable to Oswego.

Policy 5

ENCOURAGE THE LOCATION OF DEVELOPMENT IN AREAS WHERE PUBLIC SERVICES AND FACILITIES ESSENTIAL TO SUCH DEVELOPMENT ARE ADEQUATE, EXCEPT WHEN SUCH DEVELOPMENT HAS SPECIAL FUNCTIONAL REQUIREMENTS OR OTHER CHARACTERISTICS WHICH NECESSITATES ITS LOCATION IN OTHER COASTAL AREAS.

Explanation of Policy

By its construction, taxing, funding and regulatory powers, government has become a dominant force in shaping the course of development. Through these government actions, development, particularly large-scale development, in the Coastal Area will be encouraged to locate within, contiguous to, or in close proximity to, existing areas of concentrated development where infrastructure and public services are adequate, where topography, geology, and other environmental conditions are suitable for and able to accommodate development.

The above policy is intended to strengthen existing residential, industrial and commercial centers; foster an orderly pattern of growth where outward expansion is occurring; increase the productivity of existing public services and moderate the need to provide new public services in outlying areas; preserve open space in sufficient amounts and where desirable; foster energy conservation by

encouraging proximity between home, work, and leisure activities.

POLICY 5A MAINTAIN AND, WHERE NECESSARY, IMPROVE PUBLIC SERVICES AND FACILITIES TO ASSURE CONTINUED ABILITY TO MEET EXISTING AND FUTURE NEEDS.

POLICY 5B ENCOURAGE DEVELOPMENT TO OCCUR IN SUCH A MANNER AS TO ALLOW ADEQUATE WATERFRONT OPEN SPACE AND PUBLIC ACCESS TO THE WATERFRONT.

POLICY 5C FOSTER ENERGY CONSERVATION BY ENCOURAGING PROXIMITY BETWEEN HOME, WORK AND LEISURE ACTIVITIES WITHIN THE MIXED-USE WATERFRONT REVITALIZATION AREA, WHICH HAS TRADITIONALLY CHARACTERIZED THE OSWEGO WATERFRONT.

Explanation of Policy

The City of Oswego constitutes an area of concentrated development where public facilities and services are available and adequate to meet the existing needs as well as foreseeable demands from future development. The criteria or guidelines for determining consistency with these policies include:

1. Streets and highways serving proposed development sites can adequately accommodate traffic generated by new activities.
2. Water needs for consumption, processing, cooling, and fire-fighting can be met by the water supply system.
3. Sewage and solid waste disposal systems can accommodate the wastes generated by new development.
4. Energy requirements of new activities can be accommodated.
5. Stormwater runoff from development sites can be accommodated by onsite and/or off-site facilities.
6. Schools, police and fire protection, and health and social services are adequate to meet the needs of the population expected to live, work, shop, visit, or conduct business in the City as a result of new development.

POLICY 6 EXPEDITE PERMIT PROCEDURES IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.

Explanation of Policy

For specific types of development activities and in areas suitable for such development, State agencies and local governments participating in the Waterfront Revitalization Program will make every effort to coordinate and synchronize existing permit procedures and regulatory programs, as long as the integrity of the regulations' objectives is not jeopardized. These procedures and programs will be coordinated within each agency. Also, efforts will be made to ensure that each agency's procedures and programs are synchronized with other agencies' procedures at each level of government. Regulatory programs and procedures will be coordinated and synchronized between levels of government, and if necessary, legislative and/or programmatic changes will be recommended. When proposing new regulations, an agency will determine the feasibility of incorporating the regulations within existing procedures, if this reduces the burden on a particular type of development and will not jeopardize the integrity of the regulations' objectives.

POLICY 6A IN ORDER TO FACILITATE THE SITING OF DEVELOPMENT PROJECTS AT SUITABLE LOCATIONS IN THE OSWEGO WATERFRONT AREA, THE CITY WILL CONTINUE ITS EFFORTS TO SIMPLIFY LOCAL DEVELOPMENT CONTROLS, CONSISTENT WITH OTHER STATE WATERFRONT REVITALIZATION AND COASTAL RESOURCES ACT POLICIES.

POLICY 6B WHEN PROPOSING NEW REGULATIONS, IF THIS IS FOUND NECESSARY, THE CITY WILL EXAMINE THE FEASIBILITY OF INCORPORATING THE REGULATIONS WITHIN EXISTING PROCEDURES, IF THIS REDUCES THE BURDEN ON A PARTICULAR TYPE OF DEVELOPMENT AND WILL NOT JEOPARDIZE THE INTEGRITY OF THE REGULATIONS' OBJECTIVES.

POLICY 6C WHEREVER POSSIBLE, WORK WITH COUNTY, STATE, AND FEDERAL AGENCIES TO IDENTIFY AND IMPLEMENT WAYS TO EXPEDITE PERMITTING PROCEDURES TO FACILITATE THE SITING OF DEVELOPMENT ACTIVITIES AT SUITABLE LOCATIONS.

Explanation of Policy

The City of Oswego's efforts in expediting permit procedures are part of a much larger system for regulating development, which also includes County, State, and Federal government agencies. The City of Oswego wishes to encourage new development by continuing its efforts to reduce unnecessary regulatory requirements wherever possible. To be ultimately successful, the City's efforts must be matched by those at other levels of government, over which the City has no control. The State Waterfront Revitalization and Coastal Resources Act establishes a basis at the State level to achieve a synchronized and coordinated system of regulatory programs and procedures between levels of government.

For its part, the City of Oswego Local Waterfront Revitalization Program includes the identification of any needed changes to local land development laws and regulations. In addition, as possible areas for improving County, State, or federal level permitting procedures are identified at the local level, these will be brought to the attention of the Department of State and/or other appropriate agencies. The criteria or guidelines for determining consistency with these policies include:

1. Recommendations identified during the course of the Oswego LWRP to improve land development regulations in Oswego, such as, for example, amending the City's Zoning Ordinance, if needed.
2. Recommendations identified at the local or other governmental level for improving land development regulations, if needed.

FISH AND WILDLIFE POLICIES

POLICY 7 SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS IDENTIFIED ON THE COASTAL AREA MAP, SHALL BE PROTECTED, PRESERVED AND, WHERE PRACTICAL, RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

Explanation of Policy

Habitat protection is recognized as fundamental to assuring the survival of fish and wildlife populations. Certain habitats are particularly critical to the maintenance of a given population and therefore merit special protection. Such habitats exhibit one or more of the following characteristics:

- o are essential to the survival of a large portion of a particular fish or wildlife population (e.g., feeding grounds, nursery areas);
- o support populations of rare and endangered species;
- o are found at a very low frequency within a coastal region;
- o support fish and wildlife populations having significant commercial and/or recreational value; and
- o would be difficult or impossible to replace.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions destroy or significantly impair the viability of an area as a habitat. The range of generic activities most likely to affect significant coastal fish and wildlife habitats include but are not limited to the following:

- o draining wetlands, ponds causing changes in vegetation, or changes in groundwater and surface water hydrology;
- o filling wetlands, shallow areas of streams, lakes, bays, estuaries which may change the physical character of substrate (e.g., sandy to muddy, or smother vegetation, alter surface water hydrology);

- o grading land resulting in vegetation removal, increased surface runoff, or increased soil erosion and downstream sedimentation;
- o clear cutting which may cause loss of vegetative cover, increased fluctuations in amount of surface runoff, or increased streambed scouring, soil erosion, sediment deposition;
- o dredging or excavation which may cause a change in substrate composition, possible release of contaminants otherwise stored in sediments, removal of aquatic vegetation, or changed circulation patterns and sediment transport mechanisms;
- o dredge spoil disposal which may induce shoaling of littoral areas or changed circulation patterns;
- o physical alteration of shore areas through channelization or construction of shore structure which may change volume and rate of flow or increase scouring/sedimentation; and
- o introduction, storage or disposal of pollutants such as chemical, petrochemical, solid wastes, nuclear wastes, toxic material, pesticide, sewage effluent, urban and rural runoff, leachate of hazardous and toxic substances stored in landfills which may cause increased mortality or sublethal effects on organisms, alter their reproductive capabilities, or reduce their value as food organisms.

POLICY 7A

AVOID OR PREVENT, INsofar AS POSSIBLE, ACTIVITIES ASSOCIATED WITH LAND USE OR DEVELOPMENT WHICH WOULD DESTROY OR SIGNIFICANTLY IMPAIR THE VIABILITY OF A HABITAT AREA, IN ORDER TO PRESERVE AND PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS IN THE OSWEGO COASTAL AREA.

Explanation of Policy

Within the City of Oswego coastal area several significant fish and wildlife habitats have been identified which need to be protected and preserved (see Figure 2, Section II). When a proposed land use or development project is likely to alter the biological, physical, or chemical parameters of fish and wildlife habitats beyond the tolerance range of organisms occupying the habitat, thereby significantly impairing or destroying the viability of that habitat, such use or project would be inconsistent with City policy. Indicators of a significantly impaired habitat may include: reduced carrying capacity, changes in food chain relationships or species diversity, reduced productivity and/or increased incidence of disease and mortality. The criteria or guidelines for determining consistency with these policies include:

1. Protection, preservation, or restoration of significant fish and wildlife habitats.
2. Enforcement of the State Environmental Quality Review Act requiring the preparation of an environmental impact statement for any action that is likely to have a significant impact upon the environment.

3. Enforcement of local land development regulations for controlling activities associated with land use or development which affect the viability of fish and wildlife habitats.
4. Enforcement of existing regulations to protect coastal areas.

POLICY 8

PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIOACCUMULATE IN THE FOOD CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

Explanation of Policy

Hazardous wastes are unwanted by-products of manufacturing processes and are generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law §S27-0901(3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical, or infectious characteristics may: (a) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed or otherwise managed."

The handling (storage, transport, treatment and disposal) of hazardous materials is being strictly regulated in New York State to prevent their entry or introduction into the environment, particularly into the State's air, land, and waters. Such controls should effectively minimize possible contamination of and bio-accumulation in the State's coastal fish and wildlife resources at levels that cause mortality or create physiological and behavioral disorders.

Other pollutants are those conventional wastes, generated from point and non-point sources, and not identified as hazardous wastes but controlled through other State laws.

POLICY 8A

PREVENT THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH CAUSE A DETERIORATION IN FISH AND WILDLIFE RESOURCES.

POLICY 8B

MANAGE OR REGULATE WASTES HAVING THE POTENTIAL FOR CONTAMINATING FISH AND WILDLIFE HABITATS AND PROVIDE PROPER ENFORCEMENT OF EXISTING LOCAL REGULATIONS TO PROTECT HABITATS.

Explanation of Policy

The fish and wildlife resources in the Oswego area are included in State monitoring efforts to determine changes in levels of toxic materials or pollutants as well as in efforts to alleviate existing problems associated with the previous introduction of these materials to the environment. Although much of the responsibility

for controlling hazardous wastes and pollutants is at the State agency level, the city will exercise its local authority in support of State efforts. The criteria or guidelines for determining consistency with these policies include:

1. Actions undertaken as needed to manage or regulate wastes entering the environment.
2. Amendment, as necessary, of local regulations pertaining to hazardous wastes and pollutants.
3. Enforcement of existing local regulations to protect coastal areas.

POLICY 9 EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS AND DEVELOPING NEW RESOURCES. SUCH EFFORTS SHALL BE MADE, IN A MANNER WHICH ENSURES THE PROTECTION OF RENEWABLE FISH AND WILDLIFE RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

Explanation of Policy

Recreational uses of coastal fish and wildlife resources include consumptive uses such as fishing and hunting, and non-consumptive uses such as wildlife photography, bird watching and nature study.

Any efforts to increase recreational use of these resources will be made in a manner which ensures the protection of fish and wildlife resources in marine and freshwater coastal areas and which takes into consideration other activities dependent on these resources. Also, such efforts must be done in accordance with existing State law and in keeping with sound resource management considerations. Such considerations include biology of the species, carrying capacity of the resource, public demand, costs and available technology, existing or future utilization of the State's recreational fish and wildlife resources, and potential for overutilization or impairment of the habitat.

POLICY 9A EXPAND THE RECREATIONAL USE OF THE OSWEGO FISH AND WILDLIFE RESOURCES, INCLUDING THE FISHERY IDENTIFIED ON FIGURE 2, SECTION II, BY ASSISTING, WHERE FEASIBLE, IN IMPLEMENTING NEW WATERFRONT FACILITIES OR IMPROVEMENT OF EXISTING FACILITIES FOR FISHING AND BOATING ACTIVITIES.

POLICY 9B ENCOURAGE THE EXPANSION OF RECREATIONAL FACILITIES TO SUPPORT THE GROWTH OF THE TOURIST INDUSTRY.

Explanation of Policy

The City of Oswego is, through a variety of State-level initiatives and local efforts, becoming established as an area with important recreational fish and wildlife resources. These efforts include

improvements to water quality, improved public access, and stocking of certain species. The facilities which are being planned or constructed for boating and fishing as well as more passive recreational enjoyment of the water are expected to permit substantially expanded use of the waterfront. The criteria or guidelines for determining consistency with these policies include:

1. Provision of public access to recreational use of fish and wildlife resources, while at the same time supporting adequate opportunities for other water-dependent or water-enhanced activities.
2. Provision of new facilities, or improvements to existing facilities, which allow for greater recreational use of fish and wildlife resources.
3. Expansion of the tourist industry.

POLICY 10 FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA.

Explanation of Policy

Commercial fishery development activities must occur within the context of sound fishery management principals developed and enforced within the State's waters by the New York State Department of Environmental Conservation and the management plans developed by the Regional Fisheries Management Councils (Mid-Atlantic and New England) and enforced by the U.S. National Marine Fisheries Service within the Fishery Conservation Zone. (The Fishery Conservation Zone is the area of coastal waters extending from the three-mile State waters boundary to the 200 mile offshore boundary of the U.S. waters. The Conservation Zone is authorized by the U.S. Fishery Conservation and Management Act of 1976.) Sound resource management considerations would include optimum sustained yield levels developed for specific commercial fish species, harvest restrictions imposed by State and Federal governments, and the economic, political (uses conflicts) and technological constraints to utilizing these resources.

The following guidelines should be considered by local, state and federal agencies as they determine the consistency of their proposed action with the above policy:

1. A public agency's commercial fishing development initiative should not preempt or displace private sector initiative.
2. A public agency's efforts to expand existing or create new on-shore commercial fishing support facilities should be directed towards unmet development needs rather than merely displacing existing commercial fishing activities from a nearby port. This may be accomplished by taking into consideration existing State or regional commercial fishing development plans.

3. Consideration should be made by local, state and federal agencies whether an action will impede existing utilization or future development of the State's commercial fishing resources.
4. Commercial fishing development efforts should be made in a manner which ensures the maintenance and protection of the renewable fishery resources.

FLOODING AND EROSION HAZARDS POLICIES

POLICY 11 BUILDINGS AND OTHER STRUCTURES WILL BE SITED IN THE COASTAL AREA SO AS TO MINIMIZE DAMAGE TO PROPERTY AND THE ENDANGERING OF HUMAN LIVES CAUSED BY FLOODING AND EROSION.

Explanation of Policy

On coastal lands identified as coastal erosion hazard areas, buildings and similar structures shall be set back from the shoreline a distance sufficient to minimize damage from erosion unless no reasonable prudent alternative site is available as in the case of piers, docks and other structures necessary to gain access to coastal waters to be able to function. The extent of the setback will be calculated, taking into account the rate at which land is receding due to erosion, and the protection provided by existing erosion protection structures as well as by natural protective features such as beaches, sandbars, nearshore areas, bluffs and wetlands. The only new structure allowed in coastal erosion hazard areas is a moveable structure as defined in Section 505.3(u) of the regulations for ECL, Article 34. Prior to its construction, an erosion hazard areas permit must be approved for the structure. Existing, non-conforming structures located in coastal erosion hazard areas may be only minimally enlarged.

In coastal lands identified as being subject to high velocity waters, a coastal high hazard area, walled and roofed buildings or fuel storage tanks shall be sited landward of mean high tide; and no mobile home shall be sited in such area. In coastal lands identified as floodways, no mobile homes shall be sited other than in existing mobile home parks.

Where human lives may be endangered by major coastal storms, all necessary emergency preparedness measures should be taken, including disaster preparedness planning.

POLICY 11A ON COASTAL LANDS IDENTIFIED AS EROSION HAZARD AREAS IN THE CITY OF OSWEGO, BUILDINGS AND OTHER STRUCTURES PROPOSED FOR CONSTRUCTION SHALL BE SET BACK OR OTHERWISE SITED SUFFICIENT TO MINIMIZE DAMAGE FROM EROSION. STRUCTURES SUCH AS PIERS, DOCKS, AND ACCESS WAYS NECESSARY FOR THE USE OF THE WATER WILL BE PLACED SO AS TO MINIMIZE EROSION PROBLEMS. IN COASTAL AREAS OF THE CITY SUBJECT TO STORM WAVE WASH FROM HIGH VELOCITY WATERS, ADEQUATE MEASURES WILL BE UTILIZED TO MINIMIZE DANGERS TO STRUCTURES OR PEOPLE FROM COASTAL STORM HAZARDS.

POLICY 11B IN AREAS IDENTIFIED AS FLOODWAYS, ADEQUATE MEASURES WILL BE UTILIZED TO MINIMIZE DANGERS TO STRUCTURES OR PEOPLE FROM FLOOD WATERS.

Explanation of Policy

The City of Oswego has areas of critical erosion and flood plains, principally along the exposed Ontario Lakeshore. The existing development is such that there are minimal immediate dangers to life or property. As development in the waterfront takes place, the City will continue its efforts to avoid coastal area dangers from erosion and flooding. In minimizing these dangers, emphasis will be placed on the use of non-structural measures wherever possible, such as adequate setbacks, vegetative cover and floodproofing or elevation of structures. The criteria or guidelines to be used for determining consistency with this policy include:

1. Mitigating measures to avoid erosion or flooding dangers.
2. Mitigating structural or non-structural protective measures to avoid erosion or flooding dangers.

POLICY 12 ACTIVITIES OR DEVELOPMENT IN THE COASTAL AREA WILL BE UNDERTAKEN SO AS TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION BY PROTECTING NATURAL PROTECTIVE FEATURES INCLUDING BEACHES, DUNES, BARRIER ISLANDS, AND BLUFFS. PRIMARY DUNES WILL BE PROTECTED FROM ALL ENCROACHMENTS THAT COULD IMPAIR THEIR NATURAL PROTECTIVE CAPACITY.

Explanation of Policy

Beaches, dunes, barrier islands, bluffs, and other natural protective features help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of those landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse effects are minimized. Primary dunes will be protected from all encroachments that could impair their natural protective capacity.

POLICY 13 THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES SHALL BE UNDERTAKEN ONLY IF THEY HAVE A REASONABLE PROBABILITY OF CONTROLLING EROSION FOR AT LEAST 30 YEARS AS DEMONSTRATED IN DESIGN AND CONSTRUCTION STANDARDS AND/OR ASSURED MAINTENANCE OR REPLACEMENT PROGRAMS.

Explanation of Policy

Erosion protection structures are widely used throughout the State's coastal area. However because of improper design, construction and maintenance standards, many fail to give the protection which they were presumed to provide. As a result, development is sited in areas where it is subject to damage or loss due to erosion. This policy will help ensure the reduction of such damage or loss.

- POLICY 14** **ACTIVITIES AND DEVELOPMENT, INCLUDING THE CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES, SHALL BE UNDERTAKEN SO THAT THERE WILL BE NO MEASURABLE INCREASE IN EROSION OR FLOODING AT THE SITE OF SUCH ACTIVITIES OR DEVELOPMENT OR AT OTHER LOCATIONS.**

Explanation of Policy

Erosion and flooding are processes which occur naturally. However, by his actions, man can increase the severity and adverse effects of those processes, causing damage to, or loss of property, and endangering human lives. Those actions include: the use of erosion protection structures such as groins, or the use of impermeable docks which block the littoral transport of sediment to adjacent shorelands, thus increasing their rate of recession; the failure to observe proper drainage or land restoration practices, thereby causing run-off and the erosion and weakening of shorelands; and the placing of structures in identified floodways so that the base flood level is increased causing damage in otherwise hazard-free areas.

- POLICY 15** **MINING, EXCAVATION, OR DREDGING IN COASTAL WATERS SHALL NOT SIGNIFICANTLY INTERFERE WITH THE NATURAL COASTAL PROCESSES WHICH SUPPLY BEACH MATERIALS TO LAND ADJACENT TO SUCH WATERS AND SHALL BE UNDERTAKEN IN A MANNER WHICH WILL NOT CAUSE AN INCREASE IN EROSION OF SUCH LAND.**

Explanation of Policy

Coastal processes, including the movement of beach materials by water, and any mining, excavation or dredging in nearshore or offshore waters which changes the supply and net flow of such materials can deprive shorelands of their natural regenerative powers. Such mining, excavation and dredging should be accomplished in a manner so as not to cause a reduction of supply, and thus an increase of erosion, to such shorelands. Offshore mining is a future alternative option to land mining for sand and gravel deposits which are needed to support building and other industries.

POLICY 16

PUBLIC FUNDS SHALL ONLY BE USED FOR EROSION PROTECTIVE STRUCTURES WHERE NECESSARY TO PROTECT HUMAN LIFE, AND NEW DEVELOPMENT WHICH REQUIRES A LOCATION WITHIN OR ADJACENT TO AN EROSION HAZARD AREA TO BE ABLE TO FUNCTION, OR EXISTING DEVELOPMENT; AND ONLY WHERE THE PUBLIC BENEFITS OUTWEIGH THE LONG-TERM MONETARY AND OTHER COSTS INCLUDING THE POTENTIAL FOR INCREASING EROSION AND ADVERSE EFFECTS ON NATURAL PROTECTIVE FEATURES.

Explanation of Policy

Public funds are used for a variety of purposes on the State's shorelines. This policy recognizes the public need for the protection of human life and existing investment in development or new development which requires a location in proximity to the coastal area or in adjacent waters to be able to function. However it also recognizes the adverse impacts of such activities and development on the rate of erosion and on natural protective features and requires that careful analysis be made of such benefits and long-term costs prior to expending public funds.

POLICY 17

WHENEVER POSSIBLE, USE NONSTRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION.

Explanation of Policy

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area as well as the costs of protection against those hazards which structural measures entail.

"Non-structural measures" shall include, but not be limited to:
(1) within coastal erosion hazard areas identified under Section 34-104, Coastal Erosion Hazard Areas Act (Article 34, Environmental Conservation Law), and subject to the permit requirements on all regulated activities and development established under that law,
(a) the use of minimum setbacks as provided for in Section 34-108; and (b) the strengthening of coastal landforms by the planting of appropriate vegetation on dunes and bluffs, the installation of sand fencing on dunes, the reshaping of bluffs to achieve an appropriate angle of repose so as to reduce the potential for slumping and to permit the planting of stabilization vegetation, and the installation of drainage systems on bluffs to reduce runoff and internal seepage of waters which erode or weaken the landforms; and (2) within identified flood hazard areas, (a) the avoidance of risk or damage from flooding by the siting of buildings outside the hazard area, and (b) the flood-proofing of buildings or their elevation about the base flood level.

This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with

the policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible.

In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development, of the site and of the alternative protection measures should be prepared to allow an assessment to be made.

GENERAL POLICY

POLICY 18 TO SAFEGUARD THE VITAL ECONOMIC, SOCIAL AND ENVIRONMENTAL INTERESTS OF THE STATE AND OF ITS CITIZENS, PROPOSED MAJOR ACTIONS IN THE COASTAL AREA MUST GIVE FULL CONSIDERATION TO THOSE INTERESTS, AND TO THE SAFEGUARDS WHICH THE STATE HAS ESTABLISHED TO PROTECT VALUABLE COASTAL RESOURCE AREAS.

Explanation of Policy

Proposed major actions may be undertaken in the coastal area if they will not significantly impair valuable coastal waters and resources, thus frustrating the achievement of the purposes of the safeguards which the State has established to protect those waters and resources. Proposed actions must take into account the social, economic and environmental interests of the State and its citizens in such matters that would affect natural resources, water levels and flows, shoreline damage, hydroelectric power generation, and recreation.

PUBLIC ACCESS POLICIES

POLICY 19 PROTECT, MAINTAIN AND INCREASE THE LEVELS AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED BY ALL THE PUBLIC IN ACCORDANCE WITH REASONABLY ANTICIPATED PUBLIC RECREATION NEEDS AND THE PROTECTION OF HISTORIC AND NATURAL RESOURCES. IN PROVIDING SUCH ACCESS, PRIORITY SHALL BE GIVEN TO PUBLIC BEACHES, BOATING FACILITIES, FISHING AREAS AND WATERFRONT PARKS.

Explanation of Policy

This policy calls for achieving balance among the following factors: the level of access to a resource or facility, the capacity of a resource or facility, and the protection of natural resources. The imbalance among these factors is the most significant in the State's urban areas. Because this is often due to access-related problems, priority will be given to improving

physical access to existing and potential coastal recreation sites within the heavily populated urban coastal areas of the State and to increasing the ability of urban residents to get to coastal recreation areas by improved public transportation. The particular water-related recreation resources and facilities which will receive priority for improved access are public beaches, boating facilities, fishing areas and waterfront parks. In addition, because of the greater competition for waterfront locations within urban areas, the Coastal Management Program will encourage mixed use areas and multiple use of facilities to improve access.

POLICY 19A MAINTAIN AND REPAIR, AS NEEDED, THOSE FACILITIES UNDER LOCAL GOVERNMENT CONTROL WHICH AFFECT PUBLIC USE OF THE WATERFRONT AND PROVIDE NECESSARY SAFETY AND SANITATION SERVICES FOR AREAS UNDER LOCAL JURISDICTION.

Explanation of Policy

The City of Oswego has as one of its major objectives the increased use of the waterfront by the public. The City seeks to improve existing access, as shown on Figure 6, Section II, and establish new areas for public recreational use of the waterfront resources. The term "access" is used to mean the public's ability to use the waterfront area either actively, such as for boating and fishing, or passively, such as for sitting or walking along the water's edge. The term "public lands or facilities" is used to mean state or local government property to which the public has, or could have, access. Such property may be held in fee simple or less than fee simple. The term "public water-related recreation resources" is used to mean all public lands or facilities that are suitable for passive or active recreation that requires either water or a waterfront location or is enhanced by a waterfront location. The criteria or guidelines to be used for determining consistency with this policy include:

1. The existing access from adjacent or proximate lands or facilities to public water-related recreation resources and facilities shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or proximate public lands or facilities be eliminated unless, in the latter case, estimates of future use of these resources and facilities are too low to justify maintaining or providing increased public access.
2. Any proposed project to increase public access to public water-related recreation resources and facilities shall be analyzed according to the following factors:
 - o The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.

- o The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the resource or facility. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.
3. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.

POLICY 20

ACCESS TO THE PUBLICLY OWNED FORESHORE AND TO LANDS IMMEDIATELY ADJACENT TO THE FORESHORE OR THE WATER'S EDGE THAT ARE PUBLICLY OWNED SHALL BE PROVIDED, AND SHALL BE PROVIDED IN A MANNER COMPATIBLE WITH ADJOINING USES. SUCH LANDS SHALL BE RETAINED IN PUBLIC OWNERSHIP.

Explanation of Policy

In coastal areas where there are little or no recreation facilities providing specific water-related recreational activities, access to the publicly owned lands of the coast at large should be provided for numerous activities and pursuits which require only minimal facilities for their enjoyment. Such access would provide for walking along a beach or a city waterfront or to a vantage point from which to view the seashore. Similar activities requiring access would include bicycling, birdwatching, photography, nature study, beachcombing, fishing, and hunting.

For those activities, there are several methods of providing access which will receive priority attention of the Coastal Management Program. These include: the development of a coastal trails system; the provision of access across transportation facilities to the coast; the improvement of access to waterfronts in urban areas; and the promotion of mixed and multi-use development.

While such publicly owned lands referenced in the policy shall be retained in public ownership, traditional sales of easements on lands underwater to adjacent onshore property owners are consistent with this policy, provided such easements do not substantially interfere with continued public use of the public lands on which the easement is granted. Also, public use of such publicly owned underwater lands and lands immediately adjacent to the shore shall be discouraged where such use would be inappropriate for reasons of public safety, military security, or the protection of fragile coastal resources. The following guidelines will be used in determining consistency of a proposed action with this policy:

1. Existing access from adjacent or proximate public lands or facilities to existing public coastal lands and/or waters shall not be reduced, nor shall the possibility of increasing access in the future from adjacent or nearby public lands or facilities to public coastal lands and/or waters be eliminated, unless such actions are demonstrated to be of overriding regional or

statewide public benefit, or in the latter case, estimates of future uses of these lands and waters are too low to justify maintaining or providing increased access. The following is an explanation of the terms used in the above guidelines:

- a. (See definitions under first policy of "access", and "public lands or facilities").
 - b. A reduction in the existing level of public access includes, but is not limited to, the following:
 - (1) Pedestrian access is diminished or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Pedestrian access is diminished or blocked completely by public or private development.
 - c. An elimination of the possibility of increasing public access in the future includes, but is not limited to, the following:
 - (1) Construction of public facilities which physically prevent the provision, except at great expense, of convenient public access to public coastal lands and/or waters.
 - (2) Sale, lease, or other conveyance of public lands that could provide public access to public coastal lands and/or waters
 - (3) Construction of private facilities which physically prevent the provision of convenient public access to public coastal lands and/or waters from public lands and facilities.
2. The existing level of public access within public coastal lands or waters shall not be reduced or eliminated.
 - a. A reduction or elimination in the existing level of public access includes, but is not limited to, the following:
 - (1) Access is reduced or eliminated because of hazardous crossings required at new or altered transportation facilities, electric power transmission lines, or similar linear facilities.
 - (2) Access is reduced or blocked completely by any public development.
 3. Public access from the nearest public roadway to the shoreline and along the coast shall be provided by new land use or development except where: (a) it is inconsistent with public safety, military security, or the protection of identified

fragile coastal resources; (b) adequate access exists within one-half mile; or (c) agriculture would be adversely affected. Such access shall not be required to be open to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

4. The State will not undertake or fund any project which increases access to a water-related resource or facility that is not open to all members of the public.
5. In their plans and programs for increasing public access, State agencies shall give priority in the following order to projects located: within the boundaries of the Federal Aid Metropolitan Urban Area and served by public transportation; within the FAMJA but not served by public transportation; outside the defined Urban Area boundary and served by public transportation; and outside the defined Urban Area boundary but not served by public transportation.
6. Proposals for increased public access to coastal lands and waters shall be analyzed according to the following factors:
 - a. The level of access to be provided should be in accord with estimated public use. If not, the proposed level of access to be provided shall be deemed inconsistent with the policy.
 - b. The level of access to be provided shall not cause a degree of use which would exceed the physical capability of the coastal lands or waters. If this were determined to be the case, the proposed level of access to be provided shall be deemed inconsistent with the policy.

POLICY 20A OBTAIN PUBLIC ACCESS TO THE FORESHORE THROUGH THE USE OF EASEMENTS, LAND PURCHASE, OR OTHER APPROPRIATE MEASURES WHERE NECESSARY AND FEASIBLE.

Explanation of Policy

The City of Oswego is fortunate in having a substantial amount of foreshore accessible to the public, with over 75% of the shore held in public ownership. The use and accessibility of additional foreshore areas will be increased upon completion of revitalization and improvement efforts along the West Bank and Wright's Landing. Subsequent revitalization efforts may identify additional need for public access points. Wherever feasible, the City will seek to obtain additional public access as needed. The criteria or guidelines for determining consistency with these policies include:

1. Preservation of existing public access to the Oswego foreshore.

RECREATION POLICIES

POLICY 21 WATER-DEPENDENT AND WATER-ENHANCED RECREATION SHALL BE ENCOURAGED AND FACILITATED AND SHALL BE GIVEN PRIORITY OVER NONWATER-RELATED USES ALONG THE COAST, PROVIDED IT IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES AND TAKES INTO ACCOUNT DEMAND FOR SUCH FACILITIES. IN FACILITATING SUCH ACTIVITIES, PRIORITY SHALL BE GIVEN TO AREAS WHERE ACCESS TO THE RECREATION OPPORTUNITIES OF THE COAST CAN BE PROVIDED BY NEW OR EXISTING PUBLIC TRANSPORTATION SERVICES AND TO THOSE AREAS WHERE THE USE OF THE SHORE IS SEVERELY RESTRICTED BY EXISTING DEVELOPMENT.

Explanation of Policy

Water-related recreation includes such obviously water-dependent activities as boating, swimming, and fishing as well as certain activities which are enhanced by a coastal location and increase the general public's access to the coast such as pedestrian and bicycle trails, picnic areas, scenic overlooks and passive recreation areas that take advantage of coastal scenery.

Provided the development of water-related recreation is consistent with the preservation and enhancement of such important coastal resources as fish and wildlife habitats, aesthetically significant areas, historic and cultural resources, agriculture and significant mineral and fossil deposits, and provided demand exists, water-related recreation development is to be increased and such uses shall have a higher priority than any non-coastal dependent uses, including nonwater-related recreation uses. In addition, water-dependent recreation uses shall have a higher priority over water-enhanced recreation uses. Determining a priority among coastal-dependent uses will require a case-by-case analysis.

Among priority areas for increasing water-related recreation opportunities are those areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and those areas where the use of the shore is severely restricted by highways, railroads, industry, or other forms of existing intensive land use or development. The DOS, working with the Office of Parks, Recreation, and Historic Preservation and with local governments, will identify communities whose use of the shore has been so restricted and those sites shoreward of such developments which are suitable for recreation and can be made accessible. Priority shall be given to recreational development of such lands.

The siting or design of new public development in a manner which would result in a barrier to the recreational use of a major portion of a community's shore should be avoided as much as practicable.

Among the types of water-dependent recreation, provision of adequate boating services to meet future demand is to be encouraged by this Program. The siting of boating facilities must be consistent with preservation and enhancement of other coastal resources and with their capacity to accommodate demand. The provision of new public boating facilities is essential in meeting this demand, but such public actions should avoid competition with private boating development. Boating facilities will, as appropriate, include parking, park-like surroundings, toilet facilities, and pumpout facilities. Harbors of Refuge are particularly needed along Lake Erie and Lake Ontario. There is a need for a better locational patter of boating facilities to correct problems of overused, insufficient, or improperly sited facilities.

Also to be encouraged is non-motorized recreation in the State's coastal area. Water-related off-road recreational vehicle use is an acceptable activity, provide no adverse environmental impacts occur. Where adverse environmental impacts will occur, mitigating measures will be implemented, where practicable to minimize such adverse impacts. If acceptable mitigation is not practicable, prohibition of the use by off-road recreational vehicles will be posted and enforced.

- POLICY 21A** PROVIDE OPPORTUNITIES FOR WATER-RELATED RECREATION SUCH AS BOATING AND FISHING AS WELL AS RECREATIONAL ACTIVITIES WHICH ARE ENHANCED BY A COASTAL LOCATION SUCH AS PEDESTRIAN AND JOGGING PATHS, PICNIC AREAS, AND SCENIC VIEWS.
- POLICY 21B** PROVIDE FOR THE INTEGRATION OF RECREATIONAL AND OTHER WATER-DEPENDENT OR WATER-ENHANCED ACTIVITIES IN THE OSWEGO WATERFRONT AREA.
- POLICY 21C** CONTINUE TO MAINTAIN ADEQUATE TRANSPORTATION FACILITIES SERVING WATER-RELATED RECREATIONAL NEEDS.

Explanation of Policy

The City of Oswego has experienced a substantial increase in opportunities for water-related recreation, both publicly and privately sponsored. Additional facilities for recreational use will be made available upon completion of State-sponsored construction along the West Bank and Wright's Landing. The criteria or guidelines for determining consistency with these policies include:

1. Preservation of existing water-related recreational activity.
2. Provision of adequate transportation facilities serving recreational activities.
3. Provision of additional water-related recreational activities as opportunities arise.

POLICY 22 DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, SHALL PROVIDE FOR WATER-RELATED RECREATION, AS A MULTIPLE USE, WHENEVER SUCH RECREATIONAL USE IS APPROPRIATE IN LIGHT OF REASONABLY ANTICIPATED DEMAND FOR SUCH ACTIVITIES AND THE PRIMARY PURPOSE OF THE DEVELOPMENT.

Explanation of Policy

Many developments present practical opportunities for providing recreation facilities as an additional use of the site or facility. Therefore, whenever developments are located adjacent to the shore, they should to the fullest extent permitted by existing law provide for some form of water-related recreation use unless there are compelling reasons why any form of such recreation would not be compatible with the development, or a reasonable demand for public use cannot be foreseen. The types of development which can generally provide water-related recreation as a multiple use include but are not limited to parks, highways, power plants, utility transmission rights of way, sewage treatment facilities, health facilities, hospitals, prisons, schools, universities, military facilities, nature preserves, large residential subdivisions, shopping centers, and office buildings.

Prior to taking action relative to any development, State agencies should consult with the State Office of Parks, Recreation, and Historic Preservation and with the municipality in which the development is to locate to determine appropriate recreation uses. The agency should provide OPRHP and the municipality with the opportunity to participate in project planning.

Appropriate recreation uses which do not require any substantial additional construction shall be provided at the expense of the project sponsor provided the cost does not exceed 2% of total project cost.

In determining whether compelling reasons exist which would make inadvisable recreation as a multiple use, safety considerations should reflect a recognition that some risk is acceptable in the use of recreational facilities.

Whenever a proposed development would be consistent with CMP policies and the development could, through the provision of recreation and other multiple uses, significantly increase public use of the shore, then such development should be encouraged to locate adjacent to the shore (this situation would generally only apply within the more developed portions of urban areas).

POLICY 22A ENCOURAGE THE EXPANSION OF WATER-RELATED RECREATIONAL FACILITIES TO SUPPORT THE GROWTH OF THE TOURIST INDUSTRY.

Explanation of Policy

The limited size of waterfront area available in Oswego requires that a mixture of activities be properly integrated to adequately serve a variety of needs. Wherever feasible, a multiple use of sites is desirable, and Oswego is now demonstrating how this can be achieved in the planning for recreational use of land above a storm water interceptor along the West Bank. Other multiple uses of sites will be sought during waterfront revitalization efforts. The criteria or guidelines to be used for policy evaluation include:

1. Maintenance of existing multiple use of waterfront sites for recreational purposes.
2. Provision of additional waterfront multiple use sites for recreational activities as feasible.
3. Support for the recreational facilities needed to expand the tourist industry.

POLICY 23

PROTECT, ENHANCE AND RESTORE STRUCTURES, DISTRICTS, AREAS OR SITES THAT ARE OF SIGNIFICANCE IN THE HISTORY, ARCHITECTURE, ARCHEOLOGY OR CULTURE OF THE STATE, ITS COMMUNITIES OR THE NATION.

Explanation of Policy

Among the most valuable of the State's man-made resources are those structures on areas which are of historic, archeological, or cultural significance. The protection of these structures must involve a recognition of their importance by all agencies and the ability to identify and describe them. Protection must include concern not just with specific sites but with areas of significance, and with the area around specific sites. The policy is not to be construed as a passive mandate but must include active efforts when appropriate to restore or revitalize through adaptive reuse. While the program is concerned with the preservation of all such resources within the coastal boundary, it will actively promote the preservation of historic and cultural resources which have a coastal relationship.

The structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities, or the nation comprise the following resources:

- o a resource which is in a Federal or State park established, among other reasons, to protect and preserve the resource;
- o a resource on, nominated to be on, or determined eligible to be on the National or State Registers of Historic Places;
- o a resource on or nominated to be on the State Nature and Historic Preserve Trust;
- o an archeological resource which is on the State Department of Education's inventory of archeological sites;

- o a local landmark, park, or locally designated historic district that is located within the boundary of an approved local waterfront revitalization program; or
- o a resource that is a significant component of an Urban Cultural Park.

All practicable means to protect structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities or the nation shall be deemed to include the consideration and adoption of any techniques, measures, or controls to prevent a significant adverse change to such significant structures, districts, areas or sites. A significant adverse change includes but is not limited to:

- o Alteration of or addition to one or more of the architectural, structural, ornamental or functional features of a building, structure, or site that is a recognized historic, cultural, or archeological resource, or component thereof. Such features are defined as encompassing the style and general arrangement of the exterior of a structure and any original or historically significant interior features including type, color and texture of building materials; entry ways and doors; fenestration; lighting fixtures; roofing; sculpture and carving; steps, rails; fencing; windows; vents and other openings; grillwork; signs, canopies; and other appurtenant fixtures and, in addition, all buildings, structures outbuildings, walks, fences, steps, topographical features, earthworks, paving and signs located on the designated resource property. (To the extent they are relevant, the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" shall be adhered to.)
- o Demolition or removal in full or part of a building, structure, or earthworks that is a recognized historic, cultural, or archeological resource or component thereof, to include all those features described in the above paragraph, plus any other appurtenant fixtures associated with a building structure or earthwork.
- o All proposed actions within 500 feet of the perimeter of the property boundary of the historic, architectural, cultural, or archeological resource and all actions within an historic district that would be incompatible with the objective of preserving the quality and integrity of the resource. Primary considerations to be used in making judgement about compatibility should focus on the visual and locational relationship between the proposed action and the special character of the historic, cultural, or archeological resource. Compatibility between the proposed action and the resource means that the general appearance of the resource should be reflected in the architectural

style, design material, scale, proportion, composition, mass, line, color, texture, detail, setback, landscaping and related items of the proposed actions. With historic districts this would include infrastructure improvements or changes, such as, streets and sidewalk paving, street furniture and lighting.

This policy shall not be construed to prevent the construction, reconstruction, alteration, or demolition of any building, structure, earthwork, or component thereof of a recognized historic, cultural or archeological resource which has been officially certified as being imminently dangerous to life or public health. Nor shall the policy be construed to prevent the ordinary maintenance, repair, or proper restoration according to the U.S. Department of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings of any building, structure, site or earthwork, or component thereof of a recognized historic, cultural or archeological resource which does not involve a significant adverse change to the resource, as defined above.

POLICY 23A MAINTAIN AND RESTORE OSWEGO'S HISTORIC HERITAGE FOUND AT MANY LOCATIONS IN AND AROUND THE WATERFRONT AREA, PARTICULARLY THOSE SITES SHOWN IN SECTION II, FIGURE 5.

POLICY 23B MAINTAIN AND ENHANCE OSWEGO'S TRADITIONAL LINKS BETWEEN HISTORIC AREAS OF DOWNTOWN OSWEGO AND THE WATERFRONT.

Explanation of Policy

Much of Oswego's historic and cultural significance is directly related to its waterfront. The protection and enhancement of numerous sites in and around the waterfront noted on Figure 5, Section II, has a strong influence on waterfront revitalization efforts being undertaken. The criteria or guidelines for determining consistency with these policies include:

1. Conservation and rehabilitation efforts to maintain physical linkages with Oswego's past.
2. Integration of areas or sites having historic or cultural significance with a revitalized waterfront.

Given the possibility of archeologically significant sites in the Oswego waterfront area, government agencies proposing a permitting or development action will contact the New York State Office of Parks, Recreation and Historic Preservation, Division of Historic Preservation, for procedures to follow with respect to a given site. The Oswego West Side Archeological District is shown in Figure 5, Section II.

SCENIC QUALITY POLICIES

- POLICY 24 The State Coastal Policy regarding scenic resources of statewide significance is not applicable to Oswego.
- POLICY 25 PROTECT, RESTORE AND ENHANCE NATURAL AND MAN-MADE RESOURCES WHICH ARE NOT IDENTIFIED AS BEING OF STATEWIDE SIGNIFICANCE, BUT WHICH CONTRIBUTE TO THE SCENIC QUALITY OF THE COASTAL AREA.
- POLICY 25A PROTECT AND ENHANCE SCENIC RESOURCES IN OSWEGO, BOTH NATURAL AND MAN-MADE HAVING LOCAL SIGNIFICANCE AS IDENTIFIED IN SECTION II, Figure 2.

Explanation of Policy

When considering a proposed action, which would affect these scenic resources, agencies shall ensure that the action would be undertaken so as to protect, restore or enhance the overall scenic quality of the coastal area. Activities which could impair or further degrade scenic quality are:

- ° the irreversible modification of geologic forms; the destruction, or removal of vegetation; the modification, destruction or removal of structures, whenever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and
- ° the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials, will diminish the scenic quality of an identified resource.

Important local scenic resources within the Oswego Waterfront Revitalization Area include scenic vistas, as shown on Figure 2, Section II, and historic resources, as shown on Figure 5, Section II.

1. The following siting and facility related guidelines are to be used to achieve this policy, recognizing that each development situation is unique and that the guidelines will have to be applied accordingly. The guidelines include:
 - ° siting structures and other development such as signs back from the shoreline or in other inconspicuous locations to maintain the attractive quality of the shoreline and to retain views to and from the shore;
 - ° clustering or orienting structures to retain views, save open space, and provide visual organization to a development;
 - ° incorporating sound, existing structures, especially historic buildings, into the overall development scheme;

- o removing deteriorated and/or degrading elements;
- o maintaining or restoring the original land form, except when changes screen unattractive elements and/or appropriate interest;
- o maintaining or adding vegetation to provide interest, blend structures into the site, and obscure unattractive elements, except when selective clearing removes unsightly diseased or hazardous vegetation and when selective clearing creates views of coastal waters;
- o using appropriate materials, in addition to vegetation, to screen unattractive elements; and
- o using appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

AGRICULTURAL LANDS POLICY

POLICY 26 The State Coastal Policy regarding agricultural lands is not applicable to Oswego.

ENERGY AND ICE MANAGEMENT POLICIES

POLICY 27 NOT INCLUDED IN THE LOCAL PROGRAM.¹

POLICY 28 ICE MANAGEMENT PRACTICES SHALL NOT DAMAGE SIGNIFICANT FISH AND WILDLIFE AND THEIR HABITATS, INCREASE SHORELINE EROSION OR FLOODING, OR INTERFERE WITH THE PRODUCTION OF HYDROELECTRIC POWER.

Explanation of Policy

Prior to undertaking actions required for ice management, an assessment must be made of the potential effects of such actions upon the production of hydroelectric power, fish and wildlife and their habitats as will be identified in the Coastal Area Maps, flood levels and damage, rates of shoreline erosion damage, and upon natural protective features.

Following such an examination, adequate methods of avoidance or mitigation of such potential effects must be utilized if the proposed action is to be implemented.

POLICY 29 NOT INCLUDED IN THE LOCAL PROGRAM.¹

WATER AND AIR RESOURCES POLICIES

POLICY 30 MUNICIPAL, INDUSTRIAL, AND COMMERCIAL DISCHARGE OF POLLUTANTS, INCLUDING BUT NOT LIMITED TO, TOXIC AND HAZARDOUS SUBSTANCES INTO COASTAL WATERS WILL CONFORM TO STATE AND NATIONAL WATER QUALITY STANDARDS.

Explanation of Policy

Municipal, industrial and commercial discharges include not only "end-of-the pipe" discharges into surface and groundwater but also plant site runoff, leaching, spillages, sludge and other waste disposal, and drainage from raw material storage sites. Also the regulated industrial discharges are both those which directly empty into receiving coastal waters and those which pass through municipal treatment systems before reaching the State's waterways.

POLICY 31

STATE COASTAL AREA POLICIES AND PURPOSES OF APPROVED LOCAL WATERFRONT REVITALIZATION PROGRAMS WILL BE CONSIDERED WHILE REVIEWING COASTAL WATER CLASSIFICATIONS AND WHILE MODIFYING WATER QUALITY STANDARDS; HOWEVER, THOSE WATERS ALREADY OVERBURDENED WITH CONTAMINANTS WILL BE RECOGNIZED AS BEING A DEVELOPMENT CONSTRAINT.

Explanation of Policy

Pursuant to the Federal Clean Water Act of 1977 (PL 95-217) the State has classified its coastal and other waters in accordance with considerations of best usage in the interest of the public and has adopted water quality standards for each class of waters. These classifications and standards are reviewable at least every three years for possible revision or amendment. Local Waterfront Revitalization Programs and State coastal management policies shall be factored into the review process for coastal waters. However, such consideration shall not affect any water pollution control requirement established by the State pursuant to the Federal Clean Water Act.

The State has identified certain stream segments as being either "water quality limiting" or "effluent limiting". Waters not meeting State standards and which would not be expected to meet these standards even after applying "best practicable treatment" to effluent discharges are classified as "water quality limiting". Those segments meeting standards or those expected to meet them after application of "best practicable treatment" are classified as "effluent limiting", and all new waste discharges must receive "best practicable treatment". However, along stream segments classified as "water quality limiting", waste treatment beyond "best practicable treatment" would be required, and costs of applying such additional treatment may be prohibitive for new development.

The Oswego River is identified as water quality limiting and Lake Ontario is identified as effluent limiting. The surface water classification for the Oswego River varies between Class B (best usage is swimming) and Class C (best usage is fishing). Within the boundaries of the City of Oswego, the river is classified C which is acceptable to the City because of the extensive recreational fishing activity which now exists along the banks. Hazardous flow conditions preclude swimming.

The surface water classification for Lake Ontario is Class A (water supply for drinking or food processing with treatment) which is acceptable to the City because all recreational uses are possible.

POLICY 32 The State Coastal Policy regarding alternative or innovative sanitary waste systems is not applicable to Oswego.

POLICY 33 BEST MANAGEMENT PRACTICES WILL BE USED TO ENSURE THE CONTROL OF STORMWATER RUNOFF AND COMBINED SEWER OVERFLOWS DRAINING INTO COASTAL WATERS.

Explanation of Policy

Best management practices include both structural and non-structural methods of preventing or mitigating pollution caused by the discharge of stormwater runoff and combined sewer overflows. At present, structural approaches to controlling stormwater runoff (e.g., construction of retention basins) and combined sewer overflows (e.g., replacement of combined system with separate sanitary and stormwater collection systems) are not economically feasible. Proposed amendments to the Clean Water Act, however, will authorize funding to address combined sewer overflows in areas where they create severe water quality impacts. Until funding for such projects become available, non-structural approaches (e.g., improved street cleaning, reduced use of road salt) will be encouraged.

The City of Oswego is in compliance with all state and federal waste water discharge requirements and there are no waste water problems being experienced.

POLICY 34 DISCHARGE OF WASTE MATERIALS FROM VESSELS INTO COASTAL WATERS WILL BE LIMITED SO AS TO PROTECT SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATIONAL AREAS AND WATER SUPPLY AREAS.

Explanation of Policy

The discharge of sewage, garbage, rubbish, and other solid and liquid materials from watercraft and marinas into the State's waters is regulated. Priority will be given to the enforcement of this Law in areas such as shellfish beds and other significant habitats, beaches, and public water supply intakes, which need protection from contamination by vessel wastes. Also, specific effluent standards for marine toilets have been promulgated by the Department of Environmental Conservation (6 NYCRR, Part 657).

POLICY 35 DREDGING AND DREDGE SPOIL DISPOSAL IN COASTAL WATERS WILL BE UNDERTAKEN IN A MANNER THAT MEETS EXISTING STATE DREDGING PERMIT REQUIREMENTS, AND PROTECTS SIGNIFICANT FISH AND WILDLIFE HABITATS, SCENIC RESOURCES, NATURAL PROTECTIVE FEATURES, IMPORTANT AGRICULTURAL LANDS AND WETLANDS.

Explanation of Policy

Dredging often proves to be essential for waterfront revitalization and development, maintaining navigation channels at sufficient depths, pollutant removal and meeting other coastal management needs. Such dredging projects, however, may adversely affect water quality, fish and wildlife habitats, wetlands and other important coastal resources. Often these adverse effects can be minimized through careful design and timing of the dredging operation and proper siting of the dredge spoil disposal site. Dredging permits will be granted if it has been satisfactorily demonstrated that these anticipated adverse effects have been reduced to levels which satisfy State dredging permit standards set forth in regulations developed pursuant to Environmental Conservation Law (Articles 15, 24, 25, and 34), and are consistent with policies pertaining to the protection of coastal resources (State Coastal Management policies 7, 15, 24, 26, and 44).

- POLICY 36** **ACTIVITIES RELATED TO THE SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS MATERIALS WILL BE CONDUCTED IN A MANNER THAT WILL PREVENT OR AT LEAST MINIMIZE SPILLS INTO COASTAL WATERS; ALL PRACTICABLE EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.**

Explanation of Policy

See Policy 39 for definition of hazardous materials.

- POLICY 37** **BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NONPOINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS.**

Explanation of Policy

Best management practices used to reduce these sources of pollution could include but are not limited to, encouraging organic farming and best management principles, soil erosion control practices, and surface drainage control techniques.

- POLICY 38** **THE QUALITY AND QUANTITY OF SURFACE AND GROUNDWATER SUPPLIES WILL BE CONSERVED AND PROTECTED, PARTICULARLY WHERE SUCH WATERS CONSTITUTE THE PRIMARY OR SOLE SOURCE OF WATER SUPPLY.**

Explanation of Policy

Surface and groundwater are the principle sources of drinking water in the State and, therefore, must be protected. As an example, since Long Island's groundwater supply has been designated a "primary source aquifer", all actions must be reviewed relative to their impacts on Long Island's groundwater aquifers.

POLICY 39 THE TRANSPORT, STORAGE, TREATMENT AND DISPOSAL OF SOLID WASTES, PARTICULARLY HAZARDOUS WASTES, WITHIN COASTAL AREAS WILL BE CONDUCTED IN SUCH A MANNER SO AS TO PROTECT GROUNDWATER AND SURFACE WATER SUPPLIES, SIGNIFICANT FISH AND WILDLIFE HABITATS, RECREATION AREAS, IMPORTANT AGRICULTURAL LAND AND SCENIC RESOURCES.

Explanation of Policy

The definitions of terms "solid wastes" and "solid wastes management facilities" are taken from New York's Solid Waste Management Act (Environmental Conservation Law, Article 27). Solid wastes include sludges from air or water pollution control facilities, demolition and construction debris and industrial and commercial wastes.

Hazardous wastes are unwanted by-products of manufacturing processes generally characterized as being flammable, corrosive, reactive, or toxic. More specifically, hazardous waste is defined in Environmental Conservation Law [Section 27-0901 (3)] as "waste or combination of wastes which because of its quantity, concentration, or physical, chemical or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating illness; or (b) pose a substantial present or potential hazard to human health or the environment which improperly treated, stored, transported, disposed, or otherwise managed".

POLICY 40 EFFLUENT DISCHARGE FROM MAJOR STEAM ELECTRIC GENERATING AND INDUSTRIAL FACILITIES INTO COASTAL WATERS WILL NOT BE UNDULY INJURIOUS TO FISH AND WILDLIFE AND SHALL CONFORM TO STATE WATER QUALITY STANDARDS.

Explanation of Policy

The State Board on Electric Generation Siting and the Environment must consider a number of factors when reviewing a proposed site for facility construction. One of these factors is that the facility "not discharge any effluent that will be unduly injurious to the propagation and protection of fish and wildlife, the industrial development of the State, the public health, and public enjoyment of the receiving waters". The effects of thermal discharges on water quality and aquatic organisms will be considered by the Siting Board when evaluating an applicant's request to construct a new steam generating facility.

POLICY 41 LAND USE OR DEVELOPMENT IN THE COASTAL AREA WILL NOT CAUSE NATIONAL OR STATE AIR QUALITY STANDARDS TO BE VIOLATED.

Explanation of Policy

New York's Coastal Management Program incorporates the air quality policies and programs developed for the State by the Department of Environmental Conservation pursuant to the Clean Air Act and State Laws on air quality. The requirements of the Clean Air Act are the minimum air quality control requirements applicable within the coastal area.

To the extent possible, the State Implementation Plan will be consistent with coastal lands and water use policies. Conversely, coastal management guidelines and program decisions with regard to land and water use and any recommendations with regard to specific sites for major new or expanded industrial, energy, transportation, or commercial facilities will reflect an assessment of their compliance with the air quality requirements of the State Implementation Plan.

The Department of Environmental Conservation will allocate substantial resources to develop a regulatory and management program to identify and eliminate toxic discharges into the atmosphere. The State's Coastal Management Program will assist in coordinating major toxic control programming efforts in the coastal regions and in supporting research on the multi-media nature of toxics and their economic and environmental effects on coastal resources.

- POLICY 42 NOT INCLUDED IN THE LOCAL PROGRAM.¹
- POLICY 43 NOT INCLUDED IN THE LOCAL PROGRAM.¹
- POLICY 44 PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.

Explanation of Policy

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act. Freshwater wetlands in the City of Oswego are identified in Section II, Figure 4.

The benefits derived from the preservation of tidal and freshwater wetlands include but are not limited to:

- o habitat for wildlife and fish, including a substantial portion of the State's commercial fin and shellfish varieties; and contribution to associated aquatic food chains;
- o erosion, flood and storm control;
- o natural pollution treatment;
- o groundwater protection;
- o recreational opportunities;
- o educational and scientific opportunities; and,
- o aesthetic open space in many otherwise densely developed areas.

Footnote 1: In determining consistency with the New York State Coastal Management Program (NYS CMP), federal agencies should consult the NYS CMP and Final Environmental Impact Statement (FEIS), or an appendix to the Oswego Waterfront Revitalization Program, for the text of those policies identified by the phrase "Not Included In the Local Program". Otherwise the Oswego Waterfront Revitalization Program fully substitutes for the NYS CMP and FEIS.

Footnote Number 1 for Section III (Local Policies and Applicable State Policies) states that in determining consistency with the New York State Coastal Management Program (NYS CMP), federal agencies should consult the NYS CMP and Final Environmental Impact Statement (FEIS), or an appendix to the Oswego Waterfront Revitalization Program, for the text of those policies identified by the phrase "Not Included in the Local Program." Those policies identified as "Not Included in the Local Program" for Oswego are policies 27, 29, 42 and 43. The text of these four policies as extracted from the NYS CMP and FEIS, are as follows:

POLICY 27 Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

A. Explanation of Policy

Demand for energy in New York will increase, although at a rate slower than previously predicted. The State expects to meet these energy demands through a combination of conservation measures; traditional and alternative technologies; and use of various fuels including coal in greater proportion.

A determination of public need for energy is the first step in the process for siting any new facilities. The directives for determining this need are contained primarily in Article 5 of the New York State Energy Law. That Article requires the preparation of a State Energy Master Plan. With respect to transmission lines and steam electric generating facilities, Articles VII and VIII of the State's Public Service Law require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization and Coastal Resources Act. That Act is used for the purposes of ensuring consistency with the Coastal Management Program.

The Department of State will comment on the State Energy Master Plan; present testimony for the record during relevant certification proceedings under Articles VII and VIII of the PSL; and use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the coastal area are made consistent with coastal policies.

B. State Means for Implementing the Policy

1. Energy Law (Article 5)

Under this law an Energy Planning Board was established. As required, the Board prepared and adopted the first State Energy Master Plan which is currently in effect. The Board is now considering an updated plan. See Section 7 of this document for a more detailed discussion of this plan.

2. Public Service Law (Article VIII) - Siting of Major Steam Electric Generating Facilities

Before preparation of a site or the construction of a major steam electric generating facility can commence, a Certificate of Environmental Compatibility and Public Need must be issued by the New York State Board on Electric Generation Siting and the Environment. This process is described in detail in Section 7. In granting this certificate, the Board must determine that the facility:

- o Represents the minimum adverse environmental impact, considering the state of available technology; the nature and economics of the various alternatives; and the interests of the state with respect to aesthetics, preservation of historic sites, forests and parks, fish and wildlife, and viable agricultural lands;
- o Complies with applicable State laws concerning, among other matters, the environment and public health and safety;
- o Serves the public interest, convenience and necessity.

The regulations which implement Article VIII and govern the Board's decision (see Appendix A, #7) assure that this decision will be compatible with the policies articulated in this document, both those relating to environmental protection and to economic development.

To further ensure compatibility, the Department of State will review applications and may present testimony during proceedings

involving facilities proposed to be sited in coastal areas. When reviewing applications, the Department will examine the required description of reasonable alternate locations as well as the rationale for the preferred site, particularly with respect to potential land uses on or near the proposed site, and the justification for the amount of shore-front land to be used. Proposed uses which are likely to be regarded by the Department as requiring a shorefront location include:

- o Uses involved in sea/land transfer of goods (docks, pipelines, short term storage facilities);
- o Uses requiring large quantities of water (hydroelectric power plants, pumped storage power plants); and,
- o Uses that rely heavily on waterborne transportation of raw materials or products which are difficult to transport on land.

3. Public Service Law (Article VII) - Siting of Major Utility Transmission Facilities

Prior to the construction of a major electric or fuel gas transmission facility, a Certificate of Environmental Compatibility and Public Need must be granted by the Public Service Commission. See Section 7 of this document for a detailed description of this process. In issuing a certificate, the Commission must determine that the facility:

- o Represents the minimum adverse environmental impact, considering the state of available technology and the nature and economics of the various alternatives;
- o Conforms with applicable State laws;
- o Serves the public interest, convenience and necessity.

As with steam electric generating plants, the Department of State will review applications and may present testimony during proceedings involving transmission facilities proposed to be sited in the coastal area. The Department will examine the same matters as under Article VIII. It will also use the same

criteria to determine the need for a shore-front location and the consistency of the proposal with coastal policies.

Interstate transmission facilities, such as gas and petroleum pipelines, coal slurry pipelines and electric transmission lines associated with hydroelectric facilities, are regulated by Federal agencies. Through Federal consistency provisions, such facilities will be sited in a manner that is consistent with the Program's policies.

4. Environmental Conservation Law (Article 23, Title 17) - Liquefied Natural and Petroleum Gas

All liquefied natural gas (LNG) and liquefied petroleum gas (LPG) facilities, must obtain an environmental safety permit before construction and operation. For a permit to be granted, it must be shown that such facilities would not endanger residential areas and contiguous populations and would otherwise conform to siting criteria established by the Department of Environmental Conservation. During the review of proposed projects, consideration is given to: the location of the proposed facility; the design and capacity of the facility; expected sources of the gas; methods of transporting gas to and from the facility and transportation routes; the public need for the facility; its environmental impacts; and, descriptions of reasonable alternate locations for the facility.

5. Waterfront Revitalization and Coastal Resources Act, Executive Law (Article 42)

Section 919 of Article 42 requires 1) that State agencies' actions, including direct energy development activities such as those undertaken by the Power Authority of the State of New York, must be consistent with the environmental protection and development policies of this act. This provision of law is implemented by amendments to SEQR (below) and by DOS regulations. DOS regulations (19 NYCRR Part 600) provide that, for their direct actions which do not have a significant effect on the environment, State agencies certify that the action is consistent with the coastal policies, 2) that the Secretary of State shall review actions

of State agencies that may affect achievement of the policy, and 3) that SEQR regulations be amended to reflect consideration of coastal resources.

Section 2 of the Act requires that State agencies analyze their programs' consistency with coastal policies and that the Secretary of State recommend any needed modifications to the Governor and the Legislature.

6. State Environmental Quality Review Act, Environmental Conservation Law (Article 8)

Under the State Environmental Quality Review Act, State agencies and local governments are required to prepare an environmental impact statement for any action that might have a significant impact upon the environment. This requirement applies to large scale energy facilities other than transmission lines and steam electric generating plants as described above. The environment is broadly defined to include existing patterns of development and land resources. Actions which have been subject to an environmental impact statement must, consistent with social, economic, and other essential considerations, minimize or avoid, to the maximum extent practicable, the adverse environmental effects revealed in the impact statement (ECL §8-0109-8). In addition, pursuant to Article 42 of the Executive Law, SEQR regulations are amended to require that for actions by a State agency for which an EIS has been prepared, such actions shall be consistent with the coastal policies.

7. Water Resources Law, Environmental Conservation Law (Article 15)

Proposals, including those to construct all pipelines, which would excavate or deposit fill in any navigable waters and adjacent marshes and estuaries of the State require permits issued by the Department of Environmental Conservation.

8. Tidal Wetlands Act, Environmental Conservation Law (Article 25)

The Tidal Wetlands Act requires that a permit be issued for uses, including oil pipelines, in identified tidal wetlands. It must be demonstrated that proposed facilities will

not adversely affect water quality, flood and storm control, marine food production, wild-life habitats, open space, and aesthetically significant areas.

9. Freshwater Wetlands Act, Environmental Conservation Law (Article 24)

The Freshwater Wetlands Act requires that a permit be issued for uses, including oil pipelines, in identified freshwater wetlands. It must be demonstrated that proposed facilities will not adversely affect water quality, flood and storm control, erosion control, subsurface water resources, wildlife habitats, freshwater fish sanctuaries, open space, and aesthetically significant areas.

10. Oil Spill Prevention, Control and Compensation, Navigation Law (Article 12, Section 170 et. seq.)

This Article provides for the protection of the State's environment and economy by preventing unregulated discharge of petroleum from major facilities; by authorizing the Departments of Environmental Conservation and Transportation to respond quickly to remove any discharges; and by establishing liability for any damages sustained within the State as a result of such discharges.

The Article also creates a fund for clean-up, restoration and compensation for damages caused by oil spills. Before a license to construct a major oil facility can be issued by the Department of Transportation, an applicant must pay the required fee to help maintain the fund and must show that the necessary equipment to prevent, contain and remove petroleum discharges will be provided. The Department will issue licenses for major onshore facilities only after the Department of Environmental Conservation has certified that the applicant has the necessary equipment to control oil discharges.

11. State Pollutant Discharge Elimination System, Environmental Conservation Law (Article 27)

This Article requires permits for construction of new outlets or new disposal systems to discharge industrial and other wastes into State waters, including wastes from nuclear power plants, other steam electric generating

plants, and petroleum facilities. This permit procedure ensures that established water quality standards are met.

12. Air Pollution Control, Environmental Conservation Law (Article 19, Title 3)

This Article gives the Department of Environmental Conservation the authority to promulgate and enforce regulations controlling air emissions, including those released by energy facilities. These regulations appear in the State Implementation Plan which details State strategies for meeting Federal air quality standards under the Clean Air Act.

POLICY 29 Encourage the development of energy resources on the Outer Continental Shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.

A. Explanation of Policy

The State recognizes the need to develop new indigenous energy sources. It also recognizes that such development may endanger the environment. Among the various energy sources being examined are those which may be found on the Outer Continental Shelf (OCS) or in Lake Erie. The State has been encouraging the wise development of both.

Matters pertaining to the OCS are the responsibility of the Department of Environmental Conservation. In 1977, the Department, in cooperation with regional and local agencies, completed a study which identified potential sites along the marine coast for on-shore OCS facilities. To date, these sites have not been developed for this purpose. The Department, also, actively participates in the OCS planning process by reviewing and voicing the State's concerns about federal OCS oil and gas lease sales and plans. In its review of these proposed sales and plans, the Department considers a number of factors such as the effects upon navigational safety in the established traffic lanes leading into and from New York Harbor; the impacts upon important finfish, shellfish and wildlife populations and their spawning areas; economic and other effects upon commercial and recreational fishing activities; impacts upon public recreational resources and opportunities along the marine coast; the potential for geohazards; impacts upon biological communities; and water quality.

The Department of Environmental Conservation has also examined the potential impacts of Lake Erie gas drilling and is instituting reasonable guidelines so that activities can proceed without damage to public water supplies and other valuable coastal resources. State law prohibits development of wells nearer than one-half mile from the shoreline, two miles from public water supply intakes, and one thousand feet from any other structure or installation in or on Lake Erie. Further, State law prohibits production of liquid hydrocarbons in Lake Erie, either alone or in association with natural gas. The Department has not, however, reached a decision as to whether or not the lands under Lake Erie will be leased for gas exploration purposes.

B. State Means for Implementing the Policy

1. Environmental Conservation Law (Section 23-1101)

The Department of Environmental Conservation may lease the lands beneath Lake Erie according to specific siting, operation, and liability requirements. Thus the State's environmental agency will retain control over the process and ensure appropriate environmental safeguards. The production of liquid hydrocarbons is, however, prohibited by this Article.

2. Environmental Conservation Law (Section 23-0305)

This law provides that the Department of Environmental Conservation will retain jurisdiction over any active or abandoned wells and wellheads and may limit production. The Department may act to terminate hazardous discharges which threaten natural resources. Under this law, producers and handlers must maintain accurate records of quantities of gas handled.

3. Siting of Major Utility Transmission Facilities, Public Service Law (Article VII)

This law establishes procedures to be followed by developers of natural gas in the construction of any gathering pipelines from wellheads and any master collecting pipelines in accordance with the environmental considerations of this Article as discussed under the previous policy.

4. Public Service Law (Article 4, Section 66)

Under this law, the Public Service Commission regulates the safe construction and operation of natural gas pipelines from the wellhead to any onshore connection.

5. Waterfront Revitalization and Coastal Resources Act, Executive Law (Article 42)

See description under Policy 27.

6. State Environmental Quality Review Act, Environmental Conservation Law (Section 8-0113)

See description under Policy 27.

7. Water Resources Law, Environmental Conservation Law (Article 15)

See description under Policy 27.

8. Freshwater Wetlands Act, Environmental Conservation Act (Article 24)

See description under Policy 27.

9. Freshwater Wetlands Act, Environmental Conservation Act (Article 24)

See description under Policy 27.

POLICY 42 Coastal Management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.

A. Explanation of Policy

The policies of the State and local coastal management programs concerning proposed land and water uses and the protection and preservation of special management areas will be taken into account prior to any action to change prevention of significant deterioration land classifications in coastal regions or adjacent areas. In addition, the Department of State will provide the Department of Environmental Conservation with recommendations for proposed prevention of significant deterioration land classification designations based upon State and local coastal management programs.

B. State Means for Implementing the Policy

1. Air Pollution Control Act, Environmental Conservation Law (Article 19)

This law provides the Department of Environmental Conservation with the authority to designate areas of the State based upon degree of pollution that may be permitted. It allows the Department to consider that what may be proper for a residential area, for example, may not be proper for a highly developed industrial area.

2. Waterfront Revitalization and Coastal Resources Act, Executive Law (Article 42)

Section 919 of Article 42 requires 1) that State agencies actions, including funding, planning, and land transactions, as well as direct development activities, must be consistent with the policies of this act, 2) that the Secretary of State shall review actions of State agencies that may affect achievement of the policy, and 3) that SEQR regulations be amended to reflect consideration and impacts on the use and conservation of coastal resources.

Section 2 of the Act requires that State agencies analyze their programs' consistency with coastal policies and that the Secretary of State recommend any needed modifications to the Governor and the Legislature.

POLICY 43 Land use or development in the coastal area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.

A. Explanation of Policy

The New York Coastal Management Program incorporates the State's policies on acid rain. As such, the Coastal Management Program will assist in the State's efforts to control acid rain. These efforts to control acid rain will enhance the continued viability of coastal fisheries, wildlife, agricultural, scenic and water resources.

B. State Means for Implementing the Policy

1. Air Pollution Control Act, Environmental Conservation Law (Article 19).
2. Waterfront Revitalization and Coastal Resources Act, Executive Law (Article 42).

Section 919 of Article 42 requires 1) that State agencies actions, including funding, planning, and land transactions, as well as direct development activities, must be consistent with the policies of this act, 2) that the Secretary of State shall review actions of State agencies that may affect achievement of the policy, and 3) that SEQR regulations be amended to reflect consideration of impacts on the use and conservation of coastal resources.

Section 2 of the Act requires that State agencies analyze their programs' consistency with coastal policies and that the Secretary of State recommend any needed modifications to the Governor and the Legislature.