

GUIDE TO USING THE LWRP

This user guide includes an **Overview** of the organization of the LWRP, a **Topic Index**, a summary of **Key Local Issues**, and a **Policy Guide** with the basic policy text and a synopsis to assist in locating information and with the consistency review process.

A. OVERVIEW

1. Organization of the LWRP

The New York State Coastal Management Program is comprised of 44 statewide coastal policies. These have been adapted to address local conditions and planning needs. In the Town of East Hampton LWRP, the 44 statewide policies were organized into policy groups, originally with a separate report for each group. The **Inventory and Analysis** and **Policy** component for each group were completed as a unit so that, for instance, the **Inventory and Analysis** which is the basis for **Flooding and Erosion Policies #11-17** accompanies these policies as a unified report. While the LWRP as a whole was being completed, a number of these reports were incorporated into the Town's Comprehensive Plan, with accompanying public hearings, and a number of recommendations were implemented, for instance, a *Harbor Protection Overlay District*. The East Hampton LWRP is organized into 19 sections (see **Table of Contents**):

Section I	Coastal Area Boundary
Section II	Development Policies #1-6
Section III	Significant Habitats Policies #7-8
Section IV	Commercial Fishing Policy #10/10A
Section V	Flooding & Erosion Policies #11-17
Section VI	General Policy #18
Section VII	Public Access/Recreation Policies #9,19-22
Section VIII	Historic Resources Policy #23
Section IX	Scenic Resources Policies #24-25
Section X	Agriculture Policy #26
Section XI	Miscellaneous Policies #27-29
Section XII	Water Resources Policies #30-40,44
Section XIII	Air Quality Policies #41-43
Section XIV	Proposed Projects
Section XV	Local Implementation of the LWRP
Section XVI	State and Federal Actions and Programs Likely to Affect Implementation
Section XVII	Consultation with Other Affected Federal, State, Regional and Local Agencies
Section XVIII	Local Commitment

2. Coastal Area boundary

Section I of the LWRP defines the boundary of the **Coastal Area** which was studied in the LWRP and to which the 44 policies apply. For LWRP purposes the Town's coast was divided into twelve geographic reaches. Reach 1, Northwest, begins at the Town's north shore boundary with the Village of Sag Harbor and Southampton and Shelter Island Towns. Seven more reaches extend along the Town's Peconic Estuary shore to Montauk Point, and three reaches cover the Atlantic Ocean shore to the west boundary with Southampton Town at Wainscott. East Hampton Village, a separate municipality, is not included, nor is the Village of Sag Harbor, which has an approved LWRP of its own. A twelfth reach is set aside for Gardiner's Island, the most significant detached part of the Town's coast. Neighboring municipalities are either preparing, or should be encouraged to prepare their own LWRP's in coordination with East Hampton's policies.

The inland boundary of the **Coastal Area** extends approximately 1500' from the shore, although this dimension varies to include significant features or to conform to natural demarcations such as roadways, etc. In addition, several expansions to the **Coastal Area** have been proposed in order to include important features. It is important to be aware of the reach locations in order to reference information in the LWRP. [Map I-2](#) depicts the Reach and **Coastal Area** boundaries.

3. State and Local Coastal Policies

The sequence of the original 44 State policies, listed in the following table, has been somewhat rearranged in the policy groups of the East Hampton LWRP. A number of the statewide policies do not apply or apply only minimally to the Town of East Hampton, such as those for **Major Ports (#3)**, **Statewide Scenic Resources (#24)**, and **Energy and Ice Management (#27-29)**.

Some policies were also emphasized or consolidated in the process of developing the LWRP. For example, **Policy #10, Commercial Fishing**, is separated out in the East Hampton LWRP because of its importance to the local economy. **Policy #9, Recreational Fish and Wildlife Resources**, and **Public Access Policies #19-20**, are included with **Recreational Resources Policies #21-22** in the **Public Access and Recreational Resources** report. This was done because the Inventory for the **Recreational Resources** report, an extensive computerized database completed in 1996, was used to update the inventory for the **Public Access** report, which had originally been undertaken in 1991.

Several local sub-policies were added to the document to address specific local concerns. These are generally noted as **Policy #X-A** following the relevant State policy. For instance, **Policy #10A, Aquaculture/Mariculture** follows **Policy #10, Commercial Fishing**. A synopsis of the local policies is found in the **Policy Guide**.

NEW YORK STATEWIDE COASTAL POLICIES

POLICY NUMBER	CATEGORY	SUBJECT AREA
1 2 3 4 5 6	Development Policies	Waterfront Revitalization Water-dependent Uses Major Ports Small Harbors Public Services Permit Procedures
7 8 9 10	Fish & Wildlife Policies	Significant Habitats Pollutants Recreational Resources Commercial Fisheries
11 12 13 14 15 16 17	Flooding & Erosion Policies	Siting of Structures Natural Protective Features 30-year Erosion Control Structures No Flooding or Erosion Increases Mining, Excavation and Dredging Use of Public Funds Non-structural Control Measures
18	General Policy	Economic/Social/Environmental Interests
19 20	Public Access Policies	Access to Water-related Recreation Resources Access to the Public Foreshore
21 22	Recreation Policies	Water-dependent/Water-enhanced Recreation Uses Multiple-use Development
23 24 25	Historic Resource and Visual Quality Policies	Historic Preservation Scenic Resources of Statewide Significance Local Scenic Resources
26	Agricultural Lands Policy	Agricultural Lands Preservation
27 28 29	Energy & Ice Management Policies	Energy Facilities Siting and Construction Ice Management Practices Energy Resources Development

POLICY NUMBER	CATEGORY	SUBJECT AREA
30 31 32 33 34 35 36 37 38 39 40 41 42 43 44	Water & Air Resources Policies	Discharge of Pollutants into Coastal Waters Water Quality Classifications Innovative Sanitary Waste Systems Storm-water Run-off Vessel Discharges Dredging and Disposal Hazardous Materials Spills Non-point Discharges Surface & Groundwater Supplies Solid Waste Management Industrial Discharges State & National Air Quality Standards Clean Air Act - Reclassifications Acid Rain Tidal & Freshwater Wetlands

B. HOW TO FIND INFORMATION IN THE LWRP

To locate information in the LWRP, find the appropriate policy group and locate the report in the **Table of Contents**. Within the various policy reports, information in the **Inventory and Analysis** section is organized with general information on a townwide basis and detailed information by reach.

As an example, to find information about erosion protection on Gerard Drive in Reach 3, one could refer to **Section V, Flooding and Erosion Policies #11-17**, to the general discussion about erosion problems and solutions in the townwide introduction, and to specific information about erosion problems and structures along Gerard Drive in the section for Reach 3, Accabonac, in the Inventory, and further discussion in the accompanying **Analysis, References** and **Appendices** are found at the end of the LWRP. Alternatively, use the **Subject Index** below for reference to the appropriate report or policy. The **Policy Guide** following this section can also be scanned for a synopsis of the policies.

Recommendations are generally found in the **Analysis** section of each report, on both a townwide basis and for each reach. Recommendations are further incorporated into the relevant accompanying **Policy** section, or for those involving concrete action plans or research, crafted into **Proposed Projects** in **Section XIV** of the LWRP. **Projects** are loosely associated by policy group. However, there are many overlaps; for instance, a drainage project may serve policy goals of reducing flooding as well as improving water quality or habitat.

A brief explanation of laws implementing the policies is found in **Section XV.A, Local Laws**, along with a summary table. For full text of a particular section of the law, see the **Appendices**, where applicable, or a current edition of the Town Code.

The information and policy material in the LWRP is synergistic. Policy areas often overlap. Information relevant to habitats may also raise a concern for use of recreation resources, flooding

and erosion and visual quality issues may be relevant for development, waterfront development to commercial fishing, etc., etc. Though not exhaustive, the **Inventory and Analysis and Policies** frequently contain cross-references to other sections. The overlap of policies results in a certain amount of duplication and repetition, but the reader should keep in mind that the LWRP is a tapestry of interwoven issues and information that has evolved over time. Because of the nature of coastal issues, it will necessarily be an evolving document as information and policies continue to adapt to the changing conditions of the coast.

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D. KEY LOCAL ISSUES

1. Introduction

The process of formulating East Hampton's LWRP produced an extended discussion on waterfront issues between planners, citizens, special interest groups, the Town Board and its subsidiary Planning and Zoning Boards, the Town Trustees, the Waterfront Advisory Committee, and NYS DOS. Concerns emerged relative to the Town's long term coastal management, but many issues also grew from day to day planning and zoning needs and land use controversies. Some issues necessarily require resolution through the political process. In East Hampton political issues are linked closely to land use, and nearly all land use is related to the coast, directly affecting the quality of life. Some key issues that emerged in the LWRP process are noted in the following pages, grouped loosely by LWRP policy affiliation:

2. Development Issues (Policies #1-6)

Revitalizing deteriorated waterfront areas is an important policy thrust of the state coastal program. Although there are few areas in East Hampton's coastal zone that would be characterized as deteriorated, seven sites in need of revitalization, reclamation or reuse were identified. At several sites fragile coastal and marine environments require great sensitivity to avoid impacts on the natural surroundings. At others, such as Montauk Harbor and the Montauk business district, cooperative planning with local business owners will be an essential ingredient of success.

Preserving important water-dependent uses such as commercial fishing docks, fish-packing operations and other shoreside infrastructure is a primary policy objective, especially in harbor areas where high value non-water-dependent uses such as restaurants or retail stores are competing for scarce waterfront real estate. For instance, in planning the revitalization of Montauk Harbor it will be important to preserve fishing uses while at the same time improving water access for tourists and pedestrians. Whether Permitted and Special-permit uses in the Waterfront (WF) Zone adequately protect water-dependent uses is an open question. It may be desirable to further prioritize Permitted

WF uses, particularly where mixed uses come into play, such as commercial fishing and retail or restaurant operations.

Maintaining open space for recreational purposes, habitat, public access and natural buffers is an important policy consideration for the coastal area. Where contiguous open space parcels are preserved or are in the process of being established, for example in Northwest (Barcelona Neck-Grace Estate-Cedar Point), Accabonac Harbor, Napeague State Park-Hither Hills-Hither Woods, Montauk Point (State Park-County Park-Sanctuary-Shadmoor), and Amagansett Double Dunes, it is important to complete remaining acquisitions and to constrain development on surrounding parcels to maintain habitats. Other areas remain in need of preservation or management. For instance, a permanent plan should be worked out for preservation of the Benson Reservation along Old Montauk Highway.

Limiting development in ecologically sensitive and flood prone areas such as the bay mouth spits of Sammy's Beach and Gerard Drive is critical to retaining their natural protective features, to avoid overstressing groundwater resources, and to prevent pollution of surrounding surface waters. Future development or redevelopment in these and other sensitive areas such as the Double Dunes of Amagansett will be further examined in the proposed *Hurricane Damage Mitigation Plan* (see **Projects**).

3. Fish & Wildlife Habitat Issues (Policies #7-8)

Increasing development and intensifying commercial and recreational uses pose significant problems for State and locally designated Significant Coastal Fish and Wildlife Habitats (SCFWH), including loss, fragmentation, and degradation of habitat areas. Some aspects of protecting habitats from development include minimizing stormwater runoff, avoiding activities that degrade water quality or reduce biological productivity in harbors and bays, and taking measures to maintain and preserve migration streams and coastal ponds for anadromous fish, e.g. alewives. The Town must also do whatever it can to conserve habitat and species diversity on Gardiner's Island, one of the great natural treasures of the east coast.

For multi-jurisdictional areas such as Hither Hills/Hither Woods, relevant agencies of State, County or Town government need to develop cooperative habitat management plans, including fire management. For significant habitats on private property the Town should work out cooperative preservation strategies with landowners and private environmental groups such as The Nature Conservancy and Peconic Land Trust.

The Town should work to maintain traditional fish and wildlife harvests, hunting and shellfishing at sustainable levels within the constraints of habitat protection and compatible with increasing development, year-round population, and other recreational uses.

The ecological communities of the Town's beaches are particularly vulnerable. Some believe there is a need to reduce or eliminate ORV traffic, human and pet disturbances around seasonal nesting sites for colonial shorebirds, especially least terns and piping plovers. While the Trustees have developed and supported programs for the protection of shorebirds, they do not perceive a need to

reduce or eliminate ORV traffic. The Trustees believe that increased and consistent enforcement of existing town code provisions will afford the increased protection necessary to support those endangered species. Bluff and beach communities of shoreline vegetation that support rare and endangered plant species also need increased protection from traffic, and shoreline hardening structures should be prohibited in these areas to avoid impacts on fronting beaches. A contingency plan should be developed for a sustained breach of Oyster Pond to protect the endangered plant community on its shores from changes in salinity. Given the fragility of the beach environment, the Town should encourage the U.S. Department of Transportation to establish a Tanker-Free Zone (see **Projects**) between Montauk Point and Block Island to prevent catastrophic spills.

Surface water quality is critical to a healthy marine habitat. Any activity that degrades water quality or reduces biological productivity must be restricted to maintain healthy marine nurseries in the harbors, creeks and inshore waters of the town. Habitat protection, shellfish seeding programs, and elevating water quality to a top priority in the planning process will help to maintain sustainable levels of fish and shellfish stocks. Scheduling of dredging projects should be on a case by case basis and site specific to minimize impacts on habitats. Through water quality monitoring and improvement in non-point pollution abatement the Town can work to minimize shellfish closure areas in harbors at risk for closures due to high coliform bacteria counts. Measures to reduce runoff, leaching of septic wastes, and other sources will be encouraged, as through the *Harbor Protection Overlay District*. As another example, a **Project** is planned to improve water quality in Fresh Pond in Amagansett by shortening or removing the jetty and opening the gut to increase flushing, with a view to recertifying it for shellfishing.

4. Commercial Fishing Issues (Policy #10/10A)

Ways that the Town can support the commercial fishing industry include maintaining adequate shoreside support facilities, including Town commercial docks, and reexamining the WF zone to make sure it provides adequate protection for fish processing and other fishery support uses. If regional initiatives to restore fisheries' historic levels of productivity are successful, it is important to have adequate infrastructure and capacity for expansion if needed. To remain competitive with other states, New York should rebate the fuel tax for commercial draggers at the dock. Commercial activity at onshore fishing facilities should be protected with a "Right to Fish" law.

While fishery conservation is important, it is also important to keep traditional fishing techniques from being regulated out of existence. Town advocacy with state and federal regulatory agencies can help, e.g. to permit fish traps in waters adjacent to state parklands. The Town should retain a fish & wildlife expert in the Town Natural Resources Department to assist with fisheries issues and monitoring, and act as liaison with other agencies. The regulatory process should be reformed to include more input from fishermen. Needlessly restrictive interpretations of the National Shellfish Sanitation Program should be changed to reflect actual boating use and coliform statistics.

Public access is critical for commercial fishermen to get to the shore. In Montauk the Town should resolve conflicts between shellfish harvesters and property owners of privately owned bottomlands in Lake Montauk. In the future no agency should grant private leases of public bottomlands unless they benefit public stocks. The Town opposes large-scale private aqua-/mariculture that does not

benefit the public resource or monopolizes productive public bottomland. Present techniques of finfish aquaculture are also opposed because of the potential for pollution, disease, genetic mutation and impacts on traditional fisheries.

5. Flooding & Erosion Issues (Policies #11-17)

Flooding and erosion problems provoke policy dilemmas, of balancing protection of private property with preservation of public resources such as beaches, bluffs, dunes and wetlands. The present condition of the Town's shore reflects decisions of the past. The question for some areas is how to treat previously armored shorelines, as opposed to predominantly natural shores, and what mitigating measures can be taken to offset damage from hard structures. At Montauk Harbor, the beach erosion downdrift of the Federal jetties might be aided by sand bypassing to the affected area. The Town should also promote efforts to eliminate the scouring effect of the state and federal groins on the Wainscott beach. In the inner harbors hard structures are of low utility in the low energy tidal environment and should be phased out.

It is important to identify areas of critical erosion and flooding potential so increased measures can be taken to protect resources and property. Some municipal infrastructure and evacuation facilities are within hazard zones on Army Corps SLOSH maps, and should be considered for relocation. In embayments such as Northwest Creek and Accabonac Harbor relocation of existing artificial channels or restoration of historic channels should be considered as a way to ameliorate flooding and water quality problems. In hazard areas the Town should prepare for, and look at ways to minimize and mitigate storm damage, as well as set up a framework for rapid post-storm damage assessment and response.

Appropriate responses may include increased setbacks or limiting expansion of existing residences in hazard areas. Hard erosion control structures should not be permitted on south ocean shores, nor should structures be permitted to interfere with the natural shoreline characteristics of Gardiner's Island. The Town should also examine whether pre-existing structures should be rebuilt in high hazard areas following a catastrophic storm. Where erosion control measures are appropriate, structural vs. non-structural erosion control measures must be evaluated; also perpendicular (groins, jetties) vs. shore-parallel structures; and environmentally sound techniques must be identified that can be used for soft structures or other erosion protection as alternatives to hard structures. Use of Erosion Control Districts should be explored to renourish eroded beaches.

In areas already damaged by erosion, as at Ditch Plains in Montauk, it will be necessary to study causes and design a remediation strategy for erosion of the protective dune. Similarly, the Town should rebuild the ocean dune at Kirk Park in the Montauk business area to prevent blowout or breach, and develop contingency procedures for closing breaches of coastal ponds, low-lying areas of Napeague, reopening harbors closed by storms, etc. Other remedial or preventive actions include realigning setbacks along Old Montauk Highway with the bluff setbacks for the rest of Town, redesigning and revegetating road-ends to reduce flooding and erosion, and prohibiting beach vehicles within 50 feet of the beachgrass line, with additional post-storm restrictions on vehicles when the beach is narrowed. Where excessive beach vehicle (ORV) use is damaging beaches and vegetation, additional restrictions should be imposed.

Restoration of natural saltmarsh flood absorption patterns through Open Marsh Water Management (OMWM) will help to reduce storm flooding. Redirecting drainage from NY 114 and from East Hampton Village that now flows into Georgica Pond, and a cooperative stormwater abatement effort with Southampton Town for Wainscott Pond will also help alleviate flooding.

Future planning efforts should examine the likely effects of global warming, including increasing sea-level rise and storm and hurricane activity on the Town's coastline. Beginning to plan for these effects, assessing potential damage to public resources and infrastructure, and evaluating methods of protection and associated costs, are vital for future coastal management.

Other initiatives for the Town include adoption of a local law to implement the NYS Coastal Erosion Hazard Act (CEHA), including protection for secondary dunes, and adapting the Town Code to changes in the National Flood Insurance Program (NFIP).

6. Public Access and Recreation Issues (Policies #9 and 19-22)

The central focus of the public access policies is to increase public access to public beaches and water bodies where it has been diminished, lost to private development, or is otherwise inadequate, and to reopen public access points closed by unauthorized private activities. Where access to the water is insufficient at sites listed in the report, the Town may acquire additional public access points. Increased access must be appropriate to the particular site. For instance, trails and other low-impact accesses are appropriate for sensitive natural areas, just as a continuous waterfront walkway would be for Coonsfoot Cove in Montauk Harbor. Wherever possible, public access and/or recreation should be incorporated in new development, and should not be excluded solely because of safety or liability considerations.

Ideas for additional public access and waterfront recreation include: establishing a townwide marine park network for primitive canoe/kayak camping; developing a new bathing beach at the Town's [Assembly of God] property in Napeague; revitalizing the former fishing station in Three Mile Harbor for passive recreation, environmental education and Town Hatchery use; restoring the Marina Lane dredge spoil site in Three Mile Harbor for a park and native plant nursery; restoring wetlands and eliminating phragmites to preserve visual access and scenic views; revitalizing the old fish factory at Promised Land for limited recreational use as a fishing pier [and possible canoe/kayak campsite]; reclaiming the former Montauk landfill as a park; improving access to Camp Hero for low-intensity uses such as hiking and surfcasting; and acquiring the Shadmoor parcel for additional habitat and low-intensity recreation.

Conflicts between uses need to be resolved, particularly off-road vehicle (ORV) use at sites where they damage beach resources or disturb nesting shorebirds. The Town and Town Trustees should expand education and enforcement of ORV regulations, make regulations uniform, and close beaches with nesting shorebirds, in accordance with a comprehensive protection plan approved by the Town Trustees for Town Trustee beaches, as has been done in the past. Other conflicts arise over safety issues with jetskis in proximity to swimmers and other boaters, or active recreational uses such as hunting conflicting with passive uses, e.g. hiking, photography. Some conflicts can be resolved relatively easily, for example, maintaining scenic and conservation easements to insulate

homeowners from hikers, and vice versa. Conflicts of uses with resources may require enhanced enforcement of existing regulations, for instance, preventing unauthorized ORV/ATV access to trails in Hither Woods. Others conflicts indicate a need for a shift in management or policy, e.g. to reduce the great numbers of campers on beaches in the County and State Parks at Montauk Point, or to maintain the contiguous habitat of Hither Hills-Hither Woods.

Many improvements can be made in recreational resources and access to them, for instance, improving facilities at access points to include bike racks, benches, additional parking, restored launch ramps, etc., and establishing upland beach parking with a shuttle bus service to beaches. These improvements can be accomplished through a program of annual capital improvements to beach access and other facilities.

Other management initiatives include restoring and revegetating public access points and road-ends damaged by ORV's or erosion without otherwise eliminating public access; posting educational signs to reduce impacts and use conflicts; addressing overuse at the Lazy Point Road windsurfing access to Napeague Harbor; reducing speed limits (now 25 mph, and 45 mph for ski boats) and establishing no-wake zones in south Lake Montauk to address safety and ecological concerns; providing standards for development that incorporate coastal recreation and resource protection; and ensuring future recreational shellfish harvests by seeding of local waters with stock from the Town Shellfish Hatchery, and maintaining water quality through non-point pollution controls. The Town also believes that public bay bottomlands should be kept for the public and that no new leases of productive County or State bottomlands should be granted to private entities.

7. Historic Resources Issues (Policy #23)

A salient issue related to historic resources is how to protect sites listed or eligible for listing on the State and National Registers of Historic Places. To do this the Town should update its earlier survey of historic structures and sites, and expand it to include sites of cultural and economic or military significance, including from the World War II era, and devise an historic district and building preservation local law [as an LWRP project] to better protect historic structures and sites.

The Town should also develop a cultural resources sensitivity model and standards to identify and protect archaeological, historical and cultural resources, and incorporate National Register criteria in the planning and zoning process. In addition to historic districts, local legislation is also needed to better protect areas of known historic and prehistoric significance. The law would require that phased archaeological research be carried out in accordance with state and federal standards in areas identified by the sensitivity model as potentially significant, and provide options for preservation.

To record local lore the Town should also set up a project to collect oral history related to the coast from older residents, especially baymen and fishermen (see **Projects**).

8. Scenic Resources and Visual Quality Issues (Policies #24-25)

Although current planning and zoning law provides some protections, the Town needs a comprehensive inventory and analysis of its scenic resources and a local law to better protect scenic

resources and enhance visual quality. The Town should likewise encourage New York State to conduct or fund a survey for Scenic Areas of Statewide Significance. See **Projects**.

Views of or from scenic and historic structures should be preserved and new development should be visually integrated into the landscape so as not to interfere with views. Original landforms, historic landscapes, farms, gardens and specimen trees should be maintained or restored wherever possible. Unattractive elements should be kept out of scenic areas and landscapes, or minimized or screened, and removed when they deteriorate. Vegetated areas should be maintained with native species; road shoulders should be planted or allowed to grow in with native species, especially wildflowers.

The pleasures of stargazing and views over moonlit waters are deteriorating from manmade lighting. Light pollution should be avoided through regulations designed to contain light onsite, and to encourage use of least-polluting light sources and proper shielding. The Town should follow these guidelines at all of its municipal installations, ballfields, docks, parking lots, etc.

9. Agricultural Lands, Energy and Ice Management Issues (Policies #26-29)

Remaining farmland is scarce in the coastal area and the Town should utilize all available techniques for preservation of prime farmland including mandatory clustering, purchase of development rights (PDR), right-to-farm legislation, agricultural value assessment, and private conservation. The Town should encourage a change in Federal tax code provisions on valuation of farmland for estates taxes to help keep farm families on the land. All levels of government should avoid public actions that would lead to further farmland development. Groundwater contamination from agricultural practices can be reduced by reducing reliance on monocrops like potatoes, diversifying to low maintenance crops, using organic farming and integrated pest management (IPM) techniques.

Siting of any future energy facilities may conflict with flood hazards, habitat, scenic, recreational and biological values of the coastal area, and other LWRP policies. The LILCO substation and emergency generating facility on Fort Pond should be relocated out of the NFIP flood hazard zone.

Town policy is to encourage conservation of non-renewable energy resources, and to seek to expand the role of renewable energy resources such as solar and wind power, especially wind on the Montauk peninsula. The Town is generally opposed to development of offshore energy resources on the outer continental shelf (OCS), which could threaten local coastal habitat and beaches with degradation from oil spills. No sites in East Hampton presently meet criteria for OCS onshore support facilities. The Town should petition the federal government for a *Tanker-Free Zone* between Montauk Point and Block Island to prevent catastrophic navigation accidents and resulting oil spills (see **Water Resources Policy #34**).

10. Water and Air Resources Issues (Policies #30-44)

Water quality concerns stimulated the broadest array of LWRP issues of any policy group. The Brown Tide, an algal bloom, has since 1985 eradicated the valuable bay scallop crop and decimated eelgrass beds, the primary scallop habitat. Its causes are still undetermined, and it may return at any

time. A number of research and management initiatives are focused on the Brown Tide from various levels of government, most notably through the PEP.

Permits issued by the NYS DEC are at times incompatible with its own water quality classifications, e.g. intensive resort development is permitted next to waters with SA classification, the highest habitat and recreational purity. Such practices have led to degradation of water quality, which has in turn led to increasing closures for shellfishing and some recreational purposes. A consistent water quality monitoring program is essential to prevent additional shellfish closures and should include overall water quality indicators other than coliform, e.g. nitrates, heavy metals, suspended sediment, hydrocarbons, viruses and phosphates. The Town intends to conduct additional monitoring as an **LWRP Project**.

Closures due to coliform bacteria contamination or National Shellfish Sanitation Program (NSSP) marina regulations have eliminated 29% of Town waters from shellfishing harvest. NSSP closures around marinas are based on an occupancy formula more intensive than is shown to be the case by Town's Marina and Boater Survey. The Town should lobby to reduce present closures to reflect realistic use, and pursue improvements in water quality to forestall further closures.

As there are no significant municipal sewage treatment facilities (point sources) in the Town contributing to pollution of surface waters, surface water pollutants derive from non-point sources, including leaking fuel storage tanks, waste leachates, pesticides, fertilizers, stormwater runoff, animal wastes, leachate from treated wood structures, siltation, faulty septic systems, boat wastes including human wastes from marine sanitation devices (MSD's), and marine cleaners, paints, bilge wastes, and fuel and petroleum derivatives. Non-point sources are difficult to control, and while the interactions and effects of nutrients from these non-point sources are poorly understood, nutrient loading of nitrogen in particular should be reduced.

The Town has implemented or is considering several measures to reduce non-point pollution. A *Harbor Protection Overlay District (HPOD)* has been established to educate property owners and reduce pollutants draining into surface waters. Provisions of the HPOD require turf and clearing restrictions; encourage agricultural best management practices in the coastal area to reduce discharges; include best management land use practices including setbacks to insure protection of freshwater and tidal wetlands; encourage use of non-chlorine swimming pool systems, require adequate dry-wells for swimming pool discharge, and discourage use of acid cleaners in proximity to coastal waters; and encourage upgrading and use of alternative septic systems to reduce leaching from faulty septic systems.

The HPOD strengthens drinking water protection standards in low-lying coastal areas by increasing distance to groundwater for septic systems to 4', relocating faulty systems where possible and minimizing new development in sensitive areas. Suffolk County Health Department standards for new septic systems for single family residences should be revised to permit alternative septic waste disposal systems, and the Town should utilize alternative systems for public facilities in sensitive areas where public access to the waterfront is provided. This policy on alternative septic systems should not be construed to support additional development in sensitive areas. To encourage

improvements to existing systems the Town should investigate an incentive-based approach and a revolving loan fund for septic system upgrades.

To further address non-point pollution the Town will prioritize and mitigate stormwater runoff with a number of measures including drainage improvements, onsite containment of runoff, buffers of native vegetation, erosion protection methods during construction, catchments, road repair and maintenance, reduced use of vector control ditches, and reduced use of pesticides, herbicides, fertilizers and road salt. It will also seek to reduce spills of hazardous materials through education, monitoring and enforcement.

To coordinate land and water based initiatives the Town may in the future develop *Harbor Management Plans* for each harbor. Many harbor management objectives are being addressed by the LWRP, including educating the boating public on ways to reduce pollution; encouraging use of shoreside sanitary and washing facilities by marina patrons; marina operators voluntarily designating their marina as a No-Discharge Marina within the Empire State Marine Trades Association program; instituting fuel spill prevention measures for boaters, marinas and fuel storage or dispensing facilities (including trucks filling from docks); a prohibition against floating homes in Town waters; prohibiting transient overnight anchoring in Northwest Creek, Accabonac Harbor, and Napeague Harbor except in emergency. In addition, the Town, with help from the local marine industry and state agencies has applied for *No-Discharge Zone* designation for its inner harbors to reduce cumulative impacts of pollution.

Dredging issues also enter into harbor management and water quality. The Town will work to provide more consistent maintenance dredging for the navigable channels of Northwest Creek, Three Mile Harbor, Accabonac Harbor, and Montauk Harbor to improve navigational safety and to increase circulation and flushing. Both public and private dredging projects should synchronize dredging time windows to minimize impacts on marine life. However, this window should be determined on a case by case basis. To compensate for damage to public shellfish resources from private maintenance dredging when the localized impact cannot be adequately mitigated, the Town should establish an impact fee system. Clean dredge spoil should be used for public beach nourishment (see also dredging under **Flooding/Erosion Policy #15**). South of Star Island in Lake Montauk dredging to allow deeper draft boats should be discouraged because of the locally poor circulation and flushing, and existing water quality problems.

The Town will make needed capital improvements to maintain or improve surface water quality, including stormwater abatement, pumpouts for boat waste and improvements to scavenger waste treatment plants to allow boat waste processing. In addition a number of projects will be undertaken to address water quality issues, including OMWM techniques to reduce coliform and other bacterial levels in enclosed harbors, demonstrated by pilot projects in Northwest Creek and Accabonac Harbor; encouraging an upgrade of the Sag Harbor Sewage Treatment Plant to reduce effluent and nutrient loading in Northwest Harbor; improving flushing in Fresh Pond, Amagansett, to reduce coliform counts; and construction of the Oceanside-Ditch Plains Drainage System to reduce infiltration of pollutants into southern Lake Montauk.

Air pollution in the Town comes primarily from automobile emissions, which are controlled by state and federal regulations; the Town should request monitoring by NYS DOT to assess and locate problem areas. The Town can work to reduce automobile pollutants by reducing traffic congestion, to be examined in Town Transportation Study, forthcoming in 1997. The Town is downwind of nuclear reactors at Waterford, CT (Millstone) and Brookhaven National Lab, and should be included in their emergency plans and immediately advised of any airborne releases of radioactive material. The Town should set up its own radiological monitoring station to monitor these emissions.

11. Harbor Management Plan

In preparing the LWRP, the Town of East Hampton identified numerous harbor management issues and recognizes the need to manage the nearshore areas through harbor management planning. A harbor management plan addresses conflict, congestion and competition for space in the use of a community's surface waters and underwater land. It provides guidance and regulation for management of boat traffic and general harbor use; optimum locations and numbers of boating support structures such as docks, piers, moorings, pumpout facilities, and transient anchorage areas; and identifies local and federal navigation channels and maintenance needs. It also provides the opportunity to identify various alternatives for optimum use of the waterfront and adjacent water surface, while at the same time analyzing the probable environmental effects of these alternatives.

As harbor management programs are now a required element for the approval of a LWRP, the Town of East Hampton has chosen to integrate the *Town of East Hampton Harbor Management Plan* within the LWRP, which considers many uses of East Hampton's water area. The key harbor management issues have been addressed within the LWRP Inventory and Analysis and **Policies**. In order to address specific water use issues the Town will prepare separate harbor management plans for its principal harbors as an LWRP **Project**. The boundary for harbor management along the northern bay coast is the Town's municipal water boundary; along the south facing Atlantic Ocean shore it extends 1500' offshore, as authorized in **19 NYCRR Part 603.2**. The Town Trustees have historically regulated the uses of and in their harbors. Any future Harbor Management Plan directly affecting Trustee lands will be subject to approval by the Trustees.

The Town's principle harbor management concerns and the policies in which they are addressed include: Water-Dependent Uses, especially ferries, **Development Policies #1-6**; shoreside infrastructure for commercial fisheries, **Commercial Fishing Policy #10**; and public access and recreational uses, **Public Access and Recreation Resources Policies #9 & 19-22**. Issues specific to maintaining surface water quality have been included in the **Policies and Projects of Water Resources Policies #30-40 & 44**, particularly in the Local Law for a *Harbor Protection Overlay District (HPOD)* and Town applications for *No-Discharge Zones*. Dredging related issues are included in **Flooding and Erosion Policy #15, Mining, Excavation and Dredging**, and **Water Resources Policy #35, Dredging**. Visual and esthetic issues along the waterfront are discussed in **Visual Quality Policies #24-25**, and will be further developed in the *Scenic and Visual Resources Survey and Protection Project*.

The open waters of the Town are used primarily for boating and fishing, whereas the enclosed harbors are generally mixed use areas inviting a variety of recreational pursuits and some commercial

enterprises, including tourism and commercial fishing and shellfishing. Issues related to water uses, for instance, ownership and leasing of underwater lands and aquaculture or mariculture, are discussed within **Commercial Fishing Policy #10, Significant Habitats Policy #7, and Development Policies #1-6**. Opportunities to provide additional public access, improved facilities or to secure open space in the coastal area are detailed in **Development Policies #1-6 and Public Access and Recreation Policies #9 & 19-22**, with future implementation in various **Projects** for restoration or revitalization of disused sites, and several public access **Projects**, especially *Public Access and Recreation Improvements*.

Implementation and enforcement of harbor management policies is provided for in applicable sections of the Town Code, and by virtue of ownership of significant coastal resources by the Town Trustees, who issue permits and make regulations for moorings, docks and other structures on their lands.

E. POLICY GUIDE

This section provides the basic text of the 44 statewide LWRP policies along with a synopsis of the Town's approach to them. The guidelines, standards and supporting local laws included within each policy or policy group are noted for reference and purposes of regulatory review. However, the reviewer should refer to individual policy sections for substantive policy explanations and actual language of guidelines. Local laws are discussed and summarized in greater detail in **Section XV, Implementation**. Other LWRP policies which apply are cross-referenced, as are initiatives in **Section XIV, Projects**, which implement the policies.

The links between policies are found primarily in the main body of the policy reports. Information from the Inventory and Analysis sections is interwoven with policy statements, and complemented by the **Local Laws and Projects**, each contributing to the fabric of the LWRP as a whole.

DEVELOPMENT POLICIES

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

POLICY #1A (UNDERUTILIZED WATERFRONT SITES)
RESTORE, REVITALIZE, AND REDEVELOP THE FOLLOWING UNDERUTILIZED SITES FOR CULTURAL, RECREATIONAL, AND OTHER COMPATIBLE USES:

- (1) MARINA LANE DREDGE SPOIL SITE, THREE MILE HARBOR
- (2) OLD FISH FACTORY SITE, NAPEAGUE
- (3) FORMER MONTAUK LANDFILL SITE

- (4) MONTAUK HARBOR AREA (LINKED WALKWAY)
- (5) FORMER CAMP HERO, MONTAUK
- (6) MONTAUK BUSINESS AREA

This policy identifies and provides capsule plans for improvements at seven sites in the Town's coastal area. Refer to **Public Access and Recreation Resources Policies #9 & 19-22** for discussion of potential recreation uses, and to **Significant Habitats Policy #7** for a discussion of potential habitat constraints on reuse of the sites. Sites and proposed plans are also noted in **Section XIV, Projects**.

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

POLICY #2A THE SITING OF WATER-DEPENDENT USES AND FACILITIES ON OR ADJACENT TO COASTAL WATERS SHALL BE ACCOMPLISHED PROVIDED THE PROPOSED USE IS CONSISTENT WITH THE PRESERVATION AND ENHANCEMENT OF OTHER COASTAL RESOURCES, INCLUDING CULTURAL AND NATURAL RESOURCES.

These policies detail existing Waterfront (WF) and Resort (RS) zones and land uses by reach and tax parcel. Standards for water-dependent and water-enhanced uses in these zones from **§153-11-10** of the Town Code are listed for Permitted and Special Permit uses, as are standards for development and special standards for recreational marinas. Standards for development also include those for the Harbor Protection Overlay District, **§153-3-70** through **-75**.

The thrust of **Policy #2A** is to emphasize protection of resources and especially surface waters. For further information refer to **Significant Habitats Policy #7, Commercial Fishing Policy #10/10A, Historic and Visual Resources Policies #23-25, and Water Resources Policies #30-40 & 44**.

Initiatives in the **Projects** section which implement this policy include *Fisheries Shoreside Support Infrastructure, Visual Inventory of Existing Waterfront, Historic Building and District Update, Cultural Resources Inventory and Identification Matrix, Scenic and Visual Resources Survey and Protection Program, and Harbor Management Plans*.

POLICY #3 (MAJOR PORTS)
FURTHER DEVELOP THE STATE'S 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 THE WATERBORNE TRANSPORTATION OF CARGO AND PEOPLE.

This policy does not apply; East Hampton has no major port.

POLICY #4 (SMALL HARBORS)
STRENGTHEN THE ECONOMIC BASE OF SMALL HARBOR AREAS BY ENCOURAGING THE DEVELOPMENT AND ENHANCEMENT OF THOSE TRADITIONAL USES AND ACTIVITIES WHICH HAVE PROVIDED SUCH AREAS WITH THEIR UNIQUE MARITIME IDENTITY.

Applied to Three Mile and Montauk Harbors, this policy provides guidelines to maintain maritime traditions and preserve the resources of these harbors. Actions should also be consistent with **Significant Habitats Policy #7, Commercial Fishing Policy #10/10A, Flooding and Erosion Policies #11-17, Public Access and Recreational Resources Policies #9, & 19-22, Historic and Visual Resources Policies #23-25, and Water Resources Policies #30-40 & 44.**

Projects which implement this [and other harbor-related] policies include *Visual Inventory of Existing Waterfront, Harbor Management Plans, No-Discharge Zones, Fisheries Shoreside Support Facilities, Montauk Harbor Revitalization, Water Quality Monitoring, Historic Building and District Update, Cultural Resources Inventory and Identification Matrix, and the Scenic and Visual Resources Survey and Protection Program.*

POLICY #5 (PUBLIC SERVICES)
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.

This policy is intended to further the rural pattern of the Town which concentrates development in village and hamlet centers, thereby minimizing infrastructure costs and serving the greatest number of people. The principal infrastructure constraint on coastal development is public water, and some related issues are discussed in this policy. See also **Water Resources Policies #30-40 & 44.**

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

This policy describes Town efforts to coordinate and synchronize permitting for development which furthers LWRP policy goals such as public access, desirable water-dependent uses, etc. The Town issues expedited emergency permits and expresses willingness to work on a streamlined or consolidated permitting procedure, provided objectives of regulations are not jeopardized.

Local Laws, summarized in Section XV.A, which implement the LWRP Development Policies include: **§153, Zoning, particularly §153-3-70, Harbor Protection Overlay District; §153-4, Protection of Natural Features; §153-3-40, Flood Hazard Overlay District; §153-5, Special Permit Uses; §153-6, Site Plan Review; §153-12, Use District (Zoning) Maps; §153-11-10, Use Tables.**

SIGNIFICANT HABITATS

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

POLICY #7A (LOCALLY SIGNIFICANT FISH AND WILDLIFE HABITATS)
LOCALLY SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS, AS IDENTIFIED ON THE COASTAL AREA MAP SHALL BE PROTECTED, PRESERVED, AND WHERE PRACTICABLE RESTORED SO AS TO MAINTAIN THEIR VIABILITY AS HABITATS.

These policies identify state and locally designated Significant Coastal Fish and Wildlife Habitats (SCFWH) in the Town, and provide standards for their protection. Potential impacts are evaluated through a habitat impairment test, with examples of activities which may cause impairment. Detailed analysis of the individual SCFWH's, threatened and endangered species, and potential impacts is found in the accompanying Inventory and Analysis.

POLICY #7B (PROTECTION OF DIVERSITY)
PROTECT TO THE MAXIMUM EXTENT PRACTICABLE THE VULNERABLE PLANT AND ANIMAL SPECIES AND NATURAL COMMUNITIES THAT HAVE BEEN IDENTIFIED ON THE STATE AND FEDERAL LEVELS BY THE NEW YORK HERITAGE PROGRAM, THE NYS DEC PROTECTED NATIVE PLANT LIST (NYCRR 193.3), THE NYS DEC LIST OF ENDANGERED, THREATENED AND SPECIAL CONCERN SPECIES AND THE FEDERAL LIST OF ENDANGERED AND THREATENED WILDLIFE AND PLANTS (50 CFR 17).

This policy requires site inspections and additional protection of the most vulnerable species or biological communities, as identified by state and federal programs. Policy guidelines are intended to maximize protection of listed species.

POLICY #8 (POLLUTANTS)
PROTECT FISH AND WILDLIFE RESOURCES IN THE COASTAL AREA FROM THE INTRODUCTION OF HAZARDOUS WASTES AND OTHER POLLUTANTS WHICH BIO-ACCUMULATE IN THE FOOD

CHAIN OR WHICH CAUSE SIGNIFICANT SUBLETHAL OR LETHAL EFFECT ON THOSE RESOURCES.

The storage, transport, treatment and disposal of hazardous materials is strictly regulated in New York State to prevent their entry or introduction into the environment. Other pollutants are conventional wastes generated from point and non-point sources and addressed in other sections of the LWRP, primarily in **Water Resources Policies #30-40 & 44**.

RECREATIONAL FISH AND WILDLIFE RESOURCES

POLICY #9 (RECREATIONAL USE OF FISH AND WILDLIFE)
EXPAND RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES IN COASTAL AREAS BY INCREASING ACCESS TO EXISTING RESOURCES, SUPPLEMENTING EXISTING STOCKS, AND DEVELOPING NEW RESOURCES.

POLICY #9A (EXPANDING ACCESS TO FISH AND WILDLIFE)
RECREATIONAL USE OF FISH AND WILDLIFE RESOURCES WILL BE EXPANDED BY INCREASING PUBLIC ACCESS AND OTHER MEASURES AT SITES RECOMMENDED UNDER "OPPORTUNITIES FOR IMPROVEMENT" AND "RECREATIONAL USES COMPATIBLE WITH NEW DEVELOPMENT" IN THE ANALYSIS NARRATIVE OF THIS REPORT AND IN "PUBLIC ACCESS AND RECREATION IMPROVEMENTS" IN PROJECTS, SECTION XIV.

(NOTE: POLICIES #9/9A HAVE BEEN INCLUDED IN SECTION VII WITH PUBLIC ACCESS AND RECREATIONAL RESOURCES POLICIES #19-22)

These policies provide guidelines for expanding traditional hunting and fishing activities, with recommendations for improvements at specific access points throughout the Town. The guidelines also emphasize resource conservation and habitat preservation.

Other aspects of habitat protection are included within **Development Policies #1-6, Flooding and Erosion Policies #11-17, Public Access and Recreation Resources Policies #9 & 19-22, and Water Resources Policies #30-40 & 44**.

Projects which will help foster habitat protection include *Open Space Acquisition, Gardiner's Island Preservation, Camp Hero Revitalization and Redevelopment, Town Natural Heritage Inventory and Management, Interpretive Signs, Wetland Restoration, Eelgrass Restoration, Natural Beach Habitat and Coastal Processes Control Area, Roadside Wildflower Habitat, Scenic Byways, Road-end and Beach Access Modifications, Stormwater Abatement, Open Marsh Water Management (OMWM), Septic Waste Remediation, Harbor Management Plans, No-Discharge Zones, and Harbor Protection Overlay District Homeowner Education*.

Local Laws, summarized in Section XV.A, governing aspects of habitat management and protection include: **§153, Zoning, particularly §153-4, Protection of Natural Features; §43, Beaches and Parks; §125, Shellfish; §131, Subdivision of Land; §110, Open Space Preservation; §103, Nature Preserve; §22, Conservation Easements; §153-4-4.95(A).**

COMMERCIAL FISHING

POLICY #10

(COMMERCIAL FISHING)

FURTHER DEVELOP COMMERCIAL FINFISH, SHELLFISH AND CRUSTACEAN RESOURCES IN THE COASTAL AREA BY: (i) ENCOURAGING THE CONSTRUCTION OF NEW, OR IMPROVEMENT OF EXISTING ON-SHORE COMMERCIAL FISHING FACILITIES; (ii) INCREASING MARKETING OF THE STATE'S SEAFOOD PRODUCTS; AND (iii) MAINTAINING ADEQUATE STOCKS AND EXPANDING AQUACULTURE FACILITIES. SUCH EFFORTS SHALL BE IN A MANNER WHICH ENSURES THE PROTECTION OF SUCH RENEWABLE FISH RESOURCES AND CONSIDERS OTHER ACTIVITIES DEPENDENT ON THEM.

POLICY #10A

(AQUACULTURE/MARICULTURE)

ENCOURAGE AQUACULTURE AND MARICULTURE WHICH BENEFITS OVERALL PUBLIC STOCKS OF LIVING MARINE RESOURCES, BUT DISCOURAGE AQUACULTURE OR MARICULTURE INCONSISTENT WITH MAINTAINING HEALTHY STOCKS AND HABITATS.

These policies detail the importance of commercial fishing to both the Town's economic and cultural life. Locations which supply shoreside support for the fishing industry are noted. Guidelines for decision making related to fisheries indicate the Town's commitment to support for its fishing industry, including traditional methods used by baymen and haulseiners.

Guidelines in the Aquaculture/Mariculture policy reflect Town concerns about the use of public waters and bottomlands for private benefit, and a cautionary approach to environmental problems arising from aquaculture in other regions. The Town's policy encourages public aquaculture that enhances stocks and discourages large scale private aquaculture/mariculture, particularly finfish aquaculture.

Local Laws affecting commercial fishing center on permitted uses in the Town's Waterfront (WF) zone, as delineated in **§ 153-4-39B, § 153-3-45D** and **§ 153-5-50** [Fish Processing accessory use] of the Town Code. **Projects** which will support commercial fishing include **Wetland Restoration, Eelgrass Restoration, Fisheries Shoreside Support Infrastructure, Local Fishery Assistance, Open Marsh Water Management, Water Quality Monitoring Project, Harbor Management Plans, No-Discharge Zones, and Dredging Projects.**

FLOODING AND EROSION POLICIES

POLICY #11 (SITING OF STRUCTURES)
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.

Where an erosion hazard has been identified, this policy directs that buildings and similar structures be set back from the shoreline a distance sufficient to minimize damage from erosion, as set forth in § 153-4-30 through -39 of the Town Code. Siting of buildings and other structures in designated flood and erosion hazard areas are also subject to provisions of the National Flood Insurance Program (NFIP), implemented locally as a **Flood Hazard Overlay District, § 153-3-40 to -45** of Town Code; and to provisions of the **NYS Coastal Erosion Hazards Act**, as implemented by NYS DEC.

Both laws are excerpted in the policy.

POLICY #12 (NATURAL EROSION PROTECTION FEATURES)
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.

Natural protective features help safeguard coastal lands and property from damage and reduce danger to human life from flooding and erosion. Activities or development in, or in proximity to, natural protective features must ensure that all adverse effects are minimized. The policy cites Town Code provisions protecting these features.

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

POLICY #13A (MAINTENANCE/MITIGATION FOR EROSION CONTROL STRUCTURES)
EROSION PROTECTION STRUCTURES MUST BE MAINTAINED BOTH WITH REGARD TO THE STRUCTURE AND TO ADJOINING NATURAL PROTECTIVE FEATURES. REQUIRED MAINTENANCE

MAY INCLUDE BEACH NOURISHMENT AND MITIGATION OF EROSION TO NEARBY PROPERTY AND RESOURCES CAUSED BY CONSTRUCTION OR RECONSTRUCTION OF EROSION PROTECTION STRUCTURES.

Because of improper design and/or poor construction and maintenance standards many erosion protection structures fail to provide adequate protection over time. As a result, development is sited in areas where it becomes subject to erosion damage. The purposed of this policy is to ensure that when erosion protection structures are used, they function as intended. **Policy #13A** has been added by the Town to ensure that when coastal erosion protection structures are used they do not damage coastal resources or neighboring property.

POLICY #14 (NO FLOODING OR EROSION INCREASES)
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.

POLICY #14A (MINIMIZE EROSION PROTECTION STRUCTURES IN CERTAIN REACHES)
MINIMIZE THE CONSTRUCTION OF EROSION PROTECTION STRUCTURES AND NEW DEVELOPMENT IN HAZARDOUS AREAS IN REACHES 1, 4, 5, 7, 8, 9, 10, 11, 12, PARTS OF REACHES 2, 3 AND 6.

Through poor construction practices, improper siting, or poor planning and design, human activities and development in the coastal area can increase the severity of erosion and flooding on site or at adjacent locations. The intent of this policy is to ensure that this will not occur.

Certain areas of the Town's shoreline are inappropriate for installation of erosion protection structures because of potential damage to natural protective features and disruption of coastal processes with consequent downdrift impacts. **Policy #14A** has been inserted by the Town in order to identify these areas.

POLICY #15 (MINING, EXCAVATION, AND DREDGING)
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.

Mining, excavation, and dredging can reduce sediment supply for beaches and adversely affect coastal processes in nearshore waters thus changing natural sediment transport. The purpose of this policy is to confirm that these activities will be accomplished in a manner which does not cause a reduction of sediment supply, and thus increase erosion along the shoreline.

POLICY #16 (USE OF PUBLIC FUNDS)
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.

This policy recognizes the public need for protection of human life and existing investment in development or infrastructure which requires proximity to coastal erosion hazards to be able to function. It also recognizes the potential adverse impacts of human activities and development on natural resources, and requires that a cost/benefit analysis be completed prior to expending public funds which includes impacts to natural features.

POLICY #17 (NON-STRUCTURAL CONTROL MEASURES)
WHENEVER POSSIBLE, USE NON-STRUCTURAL MEASURES TO MINIMIZE DAMAGE TO NATURAL RESOURCES AND PROPERTY FROM FLOODING AND EROSION. SUCH MEASURES SHALL INCLUDE: (I) THE SETBACK OF BUILDINGS AND STRUCTURES; (II) THE PLANTING OF VEGETATION AND THE INSTALLATION OF SAND FENCING AND DRAINING; (III) THE RESHAPING OF BLUFFS; AND (IV) THE FLOOD-PROOFING OF BUILDINGS OF THEIR ELEVATION ABOVE THE BASE FLOOD LEVEL.

POLICY #17A (ONLY NON-STRUCTURAL MEASURES PERMITTED IN CERTAIN REACHES)
ALONG THE SOUTH SHORE OCEAN FACING REACHES OF THE TOWN, ONLY NON-STRUCTURAL MEASURES TO MINIMIZE FLOODING AND EROSION ARE PERMITTED.

This policy addresses the potential adverse impacts which can be caused by structural shoreline protection methods. It states a preference for use of non-structural methods for protection of property and natural resources.

POLICY #17A recognizes the highly dynamic and mobile character of the ocean beach and dune system, and was inserted by the Town to reflect its concern that structural solutions in this high-

energy environment are likely to disrupt coastal processes and cause adverse impacts downdrift or to neighboring property.

Aspects of flooding and erosion control or related policy also pertain to **Development Policies #1-6, Significant Habitat Policy #7, Public Access and Recreation Policies #9 & 19-22, Storm-water Run-off Policy #33, and Dredging and Disposal Policy #35.**

Local Laws implementing **Flooding and Erosion Policies #11-17** include: §43, **Beaches and Parks**, with specific protections for beaches, dunes and vegetation in §43-4 **Prohibited Conduct**, §43-5 **Vehicles on the beach**, §43-12 **Temporary Closure**; §131, **Subdivision Law**, particularly §131-1.04 (also §153-1-20 of **Zoning**), definitions for Lot Area, and §131-1.05, **Subdivision Law General Policies**; §153, **Zoning**, especially §153-4, **Protection of Natural Resources**, §153-4-15, §153-4-20, **Natural Resource Special Permit**, §153-4-20 (E), §153-4-25, **Emergency and minor maintenance exceptions**, §153-4-30 through 39, **Setbacks**, §153-4-39, **Exceptions**, §153-3-40 to 45, **Flood Hazard Overlay District**, §153-5-50, **standards for coastal structures**, §153-4-85, reference to Town Trustee prerogatives. The Town Trustees also have regulations and issue permits for structures on beaches and bottomlands in their ownership.

Projects which will implement the **Flooding and Erosion Policies** include: *Hurricane Damage Mitigation Plan, Visual Inventory of Existing Waterfront, Coastal Erosion Monitoring, Storminess History and Statistical Model, Sea Level Rise Model, Erosion Control Districts, Fresh Pond Channel Erosion Stabilization and Widening, Montauk Harbor Channel Sand Bypass System, Ditch Plains Erosion and Remediation Study, Drainage Mitigation, Georgica Cove, East Hampton/Southampton Cooperative Run-off Mitigation for Wainscott Pond, Reduce Impacts of Federal Groins on Wainscott Beach, Natural Beach Habitat and Coastal Processes Control Area, Road-end and Beach Access Modifications, Management Plan for Lazy Point Road-end, Stormwater Abatement, Storm and Flood Monitoring Cooperative with National Weather Service, Public Education Project, and Geographic Information System for Coastal Zone Management.*

GENERAL POLICY

POLICY #18

(STATE VITAL INTERESTS)

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.

This policy requires that no major action be undertaken that would have a significant impact on coastal resources unless appropriate and accepted mitigative measures are implemented. It provides a general standard which serves as a framework for all other LWRP policies, and is implemented through **Local Laws** including §43 **Beaches and Parks**, §75 **SEQR**, §153-4 **Protection of Natural**

Features, and §153-4-20 Natural Resource Special Permit. No specific **Projects** implement this policy.

PUBLIC ACCESS AND RECREATION RESOURCES POLICIES

POLICY #19 (ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES)

PROTECT, MAINTAIN AND INCREASE THE LEVEL AND TYPES OF ACCESS TO PUBLIC WATER-RELATED RECREATION RESOURCES AND FACILITIES SO THAT THESE RESOURCES AND FACILITIES MAY BE FULLY UTILIZED 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.

POLICY #20 (ACCESS TO PUBLICLY-OWNED LANDS ADJACENT TO THE WATER'S EDGE)

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.

The objective of the **Public Access** policies is to maintain or improve public access to public water-related recreational facilities and public shores using a balance among the level of access to a site, its capacity, and the protection of natural resources. The policies recommend a variety of improvements for public access, including for habitat protection, education and signage, enforcement of existing regulations, land acquisition and further studies. Guidelines are provided for maintaining public access to the water in accord with the policies. **POLICY #20** also deals with the question of access to underwater lands and provides guidelines for maintaining access to public lands.

Several other LWRP policy groups deal with aspects of public access, including **Development Policies #1-6, Flooding and Erosion Policies #11-17, Historic Resource and Visual Quality Policies #23-25, and Water Resources Policies #30-40 & 44.** The following sections of the Town Code implement the **Public Access Policies: §43, Beaches and Parks, especially §43-5, Vehicles on the beach; §110, Open Space Preservation; §131, Subdivision Law; §146-4, Parking Permit; and §153, Zoning, especially §153-4 Protection of Natural Features.**

Project initiatives which will enhance public access include: *Improve Public Access to Ocean Beaches, Road-end and Beach Access Modifications, Camp Hero Revitalization and Redevelopment, Interpretive Signs, Public Access and Recreation Improvements, Management Plan for Lazy Point*

Road-end, Visual Inventory of Existing Waterfront, Scenic and Visual Resources and Protection Program, and Geographic Information System.

POLICY #21 (WATER-RELATED RECREATION)
WATER-DEPENDENT AND WATER ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED, AND WILL BE GIVEN PRIORITY OVER NON-WATER 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.

POLICY #21A (WATER-RELATED RECREATION IMPROVEMENT SITES)
WATER-DEPENDENT AND WATER-ENHANCED RECREATION WILL BE ENCOURAGED AND FACILITATED AT SITES RECOMMENDED UNDER "OPPORTUNITIES FOR IMPROVEMENT" AND "RECREATIONAL USES COMPATIBLE WITH NEW DEVELOPMENT" IN THE ANALYSIS NARRATIVE OF THIS REPORT AND IN "PUBLIC ACCESS AND RECREATION IMPROVEMENTS" IN PROJECTS, SECTION XIV.

These policies provide consistency guidelines for water-related recreation designed to preserve and maintain coastal resources and avoid user conflicts.

POLICY #22 (PROVISION OF WATER-RELATED RECREATION WITHIN DEVELOPMENT ADJACENT TO THE SHORE)
DEVELOPMENT, WHEN LOCATED ADJACENT TO THE SHORE, WILL 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.

POLICY #22A (SITES WHERE WATER-RELATED RECREATION MAY BE INCORPORATED INTO DEVELOPMENT AS A MULTIPLE USE)
FOR SPECIFIC LOCATIONS WHICH MAY APPROPRIATELY PROVIDE WATER-RELATED RECREATION AS A MULTIPLE USE WITH DEVELOPMENT SEE RECOMMENDATIONS UNDER "OPPORTUNITIES FOR IMPROVEMENT" AND "RECREATIONAL

USES COMPATIBLE WITH NEW DEVELOPMENT" IN THE ANALYSIS NARRATIVE OF THIS REPORT AND IN "PUBLIC ACCESS AND RECREATION IMPROVEMENTS" IN PROJECTS, SECTION XIV. SEE ALSO PUBLIC ACCESS POLICIES #19-20.

Provision for public access and water-related recreation in conjunction with public or private development is encouraged in this policy to the full extent permitted by law. Water-related recreation activities cross over with many other policy recommendations and initiatives. Other LWRP policies with application include: **Development #1-6, Significant Habitats #7, Flooding and Erosion #11-17, Historic Resources and Visual Quality #23-25, and Water Resources #30-40 & #44.**

Local Laws implementing the **Recreation Resources Policies** include §43, **Beaches and Parks**, especially §43-5, **Vehicles on the beach; §103, Nature Preserves; §146-6, Parking Permit; §149, Waterways and Boats; §125, Shellfish; and §153-4, Protection of Natural Features.**

Projects designed to further aspects of the **Recreation Resources Policies** include *Public Access and Recreation Improvements Lions Field/Montauk Point State Boulevard Recreation Complex, Management Plan for Lazy Point Road-end, Improved Public Access to Ocean Beaches, Open Space Acquisition, Reclamation and Park Design for Former Montauk Landfill, Revitalization of Montauk Harbor, Camp Hero Revitalization and Redevelopment, and Scenic and Visual Resources Survey and Protection Program.*

HISTORIC RESOURCES POLICY

POLICY #23 (HISTORIC RESOURCES)

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.

This policy is concerned with protection of historic resources including standing and subsurface historical remains, prehistoric localities and/or sites, and geographical areas of cultural, historical, economic and environmental significance. Its mandate includes appropriate efforts to identify, protect, restore, or revitalize historic and/or prehistoric resources, either through preservation in place or through adaptive reuse. Policy guidelines define types of resources to be included under local and New York State or Federal National Register criteria, and means for protecting resources in accord with state and federal standards.

Several **Project** initiatives are adjuncts to this policy and will further its mandate: *Town Historic Building and District Update*, development and implementation of an *Historic District and Building Preservation Local Law*, development of a *Cultural Resources Inventory and Identification Matrix*, and a *Coastal Oral History Project*. Other **Projects** that would impinge less directly on the policy but would involve historic resources include *Gardiner's Island Preservation, Revitalization of*

Former Fish Factory Site in Napeague State Park, and Camp Hero Revitalization and Redevelopment.

Local laws which presently act to further this policy include **§131 Subdivision; §153 Zoning; §75 SEQR; §153-6 Site Plan Review, and §153-7 Architectural and Design Review.**

Other LWRP policies which relate to the **Historic Resources Policy** include **Development Policies #1-6, General Policy #18, Public Access & Recreation Policies #9 and 19-22, Visual Quality Policies #24-25, and Agricultural Lands Policy #26.**

VISUAL QUALITY POLICIES

POLICY #24 (SCENIC RESOURCES OF STATE SIGNIFICANCE)
PREVENT IMPAIRMENT OF SCENIC RESOURCES OF STATEWIDE SIGNIFICANCE, AS IDENTIFIED ON THE COASTAL AREA MAP. IMPAIRMENT SHALL INCLUDE: (i) THE IRREVERSIBLE MODIFICATION OF GEOLOGICAL FORMS, THE DESTRUCTION OR REMOVAL OF VEGETATION OR STRUCTURES ARE SIGNIFICANT TO THE SCENIC QUALITY OF AN IDENTIFIED RESOURCE; (ii) 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.

This policy cannot be applied to East Hampton, as Scenic Areas of Statewide Significance (SASS) must be designated by New York State. Although many of the town's scenic resources might qualify, the designation process has not been undertaken either by the State or Town.

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

East Hampton's world-class coastal scenery provides enjoyment to residents and visitors alike, and is critical to the health of the Town's resort economy. Guidelines stated in this policy are designed to protect, restore or enhance the Town's scenic resources under existing laws. A list of examples of scenic resources accompanies the Inventory and Analysis for this policy report. A Scenic and Visual Resources Survey and Protection Program as proposed in Projects is currently underway as a means of cataloging and developing protections for visual resources with public input, as well as pursuing designation under the State program. Existing local law protects scenic and visual quality primarily through the provisions of **§131, Subdivision of Land; §153, Zoning; §153-6, Site Plan Review; and §75, SEQR.**

AGRICULTURAL LANDS POLICY

POLICY #26 (IMPORTANT AGRICULTURAL LANDS)
TO CONSERVE AND PROTECT AGRICULTURAL LANDS IN THE STATE'S COASTAL AREA, AN ACTION SHALL NOT RESULT IN A LOSS, NOR IMPAIR THE PRODUCTIVITY, OF IMPORTANT AGRICULTURAL LANDS IF THAT LOSS OR IMPAIRMENT WOULD ADVERSELY AFFECT THE VIABILITY OF AGRICULTURE IN AN AGRICULTURAL DISTRICT OR IF THERE IS NO AGRICULTURAL DISTRICT, IN THE AREA SURROUNDING SUCH LANDS.

This policy cannot be applied to East Hampton, as New York State has not identified any important agricultural lands within the Town. Although many of the town's agricultural lands might qualify, the designation process has not been undertaken either by the State or Town.

POLICY #26A (LOCALLY IMPORTANT AGRICULTURAL LANDS)
TO CONSERVE AND PROTECT AGRICULTURAL LANDS IN EAST HAMPTON'S COASTAL AREA, AN ACTION SHALL NOT RESULT IN A LOSS, NOR IMPAIR THE PRODUCTIVITY, OF LOCALLY IMPORTANT AGRICULTURAL LANDS IF THAT LOSS OR IMPAIRMENT WOULD ADVERSELY AFFECT THE VIABILITY OF AGRICULTURE IN AN AGRICULTURAL DISTRICT OR IF THERE IS NO AGRICULTURAL DISTRICT, IN THE AREA SURROUNDING SUCH LANDS.

This policy's objective is to minimize the loss of farmland, which is important not only for its direct contribution to the economy but for its aesthetic and social benefits as well. Agricultural land contributes to the rural and visually appealing nature of the Town and attracts artists, tourists and second homeowners to the area. This policy provides standards for review of actions that would either be consistent or inconsistent with town policy for conservation of farmland.

East Hampton Town has instituted a number of complementary programs to protect existing farm acreage including expenditure of large amounts of money to purchase farmland or farm development rights, mandatory clustering, architectural review, right to farm legislation and soil conservation. The Town's Open Space Plan, completed in September 1995, includes techniques and priorities for farmland preservation.

Present local laws governing farmland derive primarily from **§79, Farmland Preservation; §118, Right to Farm; §131, Subdivision; and §153, Zoning.** **§153-6-60** requires protection of public views and contiguous prime soil farmlands; **§153-6-30 A.(6)** requires site plan review for single family residences on parcels over 10 acres within Agricultural Districts. Other LWRP policies relevant to conservation and protection of agricultural lands include **Development #1-6, Historic Resource and Visual Quality Policies #23-25,** and **Water Resources Policies #30-40 & 44.** **Projects** promoting farmland conservation and protection include *Open Space Acquisition,*

Gardiner's Island Preservation, and the Scenic and Visual Resources Survey and Protection Program.

ENERGY AND ICE MANAGEMENT POLICIES

POLICY #27 (SITING OF MAJOR ENERGY FACILITIES)

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.

This policy discusses state and local priorities for present and future energy facilities in the coastal area. The Town advocates relocation of the LILCO [LIPA] Montauk emergency substation presently sited in a flood hazard zone on Fort Pond and promotes development of renewable energy resources. See also **Development Policies #1-6, Flooding and Erosion Policies #11-17, and Water and Air Resources Policies #30-44. Local Laws** affecting energy facilities include primarily **§153 Zoning**, especially provisions in **§153-6, Site Plan Review** including **Definition of utility, §153-12 Uses and Dimensions; §153-11-72 Height; and §151, Wind Energy Conversion Systems.**

POLICY #28 (ICE MANAGEMENT PRACTICES)

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.

Area winters generally do not cause extensive ice floes, and waterfront infrastructure requiring ice management is minimal.

POLICY #29 (DEVELOPMENT OF OFF-SHORE ENERGY RESOURCES)

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.

The Town recognizes the need for new energy sources. However, development of the outer continental shelf (OCS) could result in oil spills which would devastate the Town's shoreline and surface waters, its fishing and resort economy. Development of OCS oil and gas resources would be in conflict with other policies of the East Hampton LWRP, especially **Significant Habitats Policy #7 and Commercial Fishing 10**, and should therefore only occur as a last resort, if needed to maintain national security. Furthermore, there are no sites currently within the Town of East Hampton which meet the criteria for OCS support sites.

WATER AND AIR RESOURCES POLICIES

POLICY #30 (DISCHARGE OF POLLUTANTS INTO COASTAL WATERS)
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.

The policy of the Town of East Hampton is to maintain water resources as near to their natural condition of purity as possible to safeguard public health and the local economy. To that end, all necessary steps shall be taken to prevent water pollution and improve water quality which has degraded. Both point and non-point sources of pollutants are identified in this policy. See also **Policy #8, Pollutants.**

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

This policy notes classifications of the Town's waters under the Clean Water Act, and describes the Town's principal initiatives for improvement of surface waters, including *No-Discharge Zones, Harbor Protection Overlay District, and the Water Quality Monitoring* program. The initiatives are further described in the Inventory and Analysis accompanying the policies, and in **Section XIV, Projects.**

POLICY #32 (USE OF ALTERNATIVE SANITARY WASTE SYSTEMS)
ENCOURAGE THE USE OF ALTERNATIVE OR INNOVATIVE SANITARY WASTE SYSTEMS IN SMALL COMMUNITIES WHERE THE COSTS OF CONVENTIONAL FACILITIES ARE UNREASONABLY HIGH, GIVEN THE SIZE OF THE EXISTING TAX BASE OF THESE COMMUNITIES.

This policy expresses the Town's concerns about the adequacy of conventional septic tank/leaching pool systems under some conditions in the coastal area, and provides guidelines for introducing alternative systems and techniques for single family use.

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

While there is no municipal sewer system, thus no combined sewer overflow, direct runoff into surface waters remains a problem the Town is committed to reducing to the maximum extent practicable. The policy provides standards for management of stormwater and other runoff sources and to decrease pollutants reaching surface waters through recharge, filtration and other measures. Best management practices to control stormwater runoff are outlined in **Policy 37/37A**.

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

POLICY #34A (NO-DISCHARGE ZONES)
THE FOLLOWING HARBORS AND CREEKS OF THE TOWN SHALL BE DESIGNATED AS STATE AND FEDERAL EPA NO-DISCHARGE ZONES PER THE TOWN'S APPLICATION OF JULY, 1997:

- REACH 1 NORTHWEST CREEK
- REACH 2 THREE MILE HARBOR, HOG CREEK
- REACH 3 ACCABONAC HARBOR
- REACH 4 NAPEAGUE HARBOR
- REACH 6 LAKE MONTAUK

These policies reflect the Town's commitment to reduce all sources of pollutants affecting surface waters. They contain guidelines for both management and education efforts to reduce all boating related pollutants, and enumerate efforts by the Town to install pumpout facilities, increase Harbormaster personnel, process boat waste, and develop *Harbor Management Plans*. Designation of Town waters as *No-Discharge Zones* will enhance education and enforcement efforts to limit discharge of vessel wastes, and help to prevent further closures of Town waters to shellfishing.

POLICY #35 (DREDGING AND DREDGE SPOIL DISPOSAL)
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.

Periodic dredging is needed to maintain navigation channels and improve circulation and flushing in enclosed harbors. Dredging can also have an adverse affect on water quality, fish and wildlife habitat, wetlands and other important coastal resources. The policy provides guidelines to determine need for dredging and to minimize adverse impacts. Priorities are given for use of clean dredge spoil for beach nourishment and/or habitat enhancement.

POLICY #36 (SHIPMENT AND STORAGE OF PETROLEUM AND OTHER HAZARDOUS WASTES)

ACTIVITIES RELATED TO 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 PRACTICAL EFFORTS WILL BE UNDERTAKEN TO EXPEDITE THE CLEANUP OF SUCH DISCHARGES; AND RESTITUTION FOR DAMAGES WILL BE REQUIRED WHEN THESE SPILLS OCCUR.

Hazardous materials storage, shipment and spills are discussed in the accompanying Inventory and Analysis. Minor fuel spills are a problem in the Town's harbors, and standards are enumerated for dockside fueling procedures to prevent spills. The Town also has a NYS DEC approved Oil Spill Contingency Plan. Finally, given known navigational hazards and the potentially catastrophic consequences of a large scale oil spill on marine habitat and recreational resources, the Town proposes that US DOT institute a *Tanker-Free Zone* in the waters of Block Island Sound between Block Island and Montauk.

POLICY #37 (NON-POINT DISCHARGE OF WATER POLLUTANTS)

BEST MANAGEMENT PRACTICES WILL BE UTILIZED TO MINIMIZE THE NON-POINT DISCHARGE OF EXCESS NUTRIENTS, ORGANICS AND ERODED SOILS INTO COASTAL WATERS.

This policy complements several other Water Resources policies with guidelines to minimize impacts of non-point sources of pollution, which include nearly all land-based pollution sources in the coastal area. Management practices and guidelines in the policy are organized under three categories: a *Harbor Protection Overlay District (HPOD)*, Agricultural Cultivation Practices, and Development Controls. Each of these provides a list of actions to reduce pollutants from municipal, residential, commercial, and agricultural sources.

POLICY #38 (SURFACE AND GROUND WATER PROTECTION)

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

POLICY 38A MAINTAIN WATER RESOURCES AS NEAR TO THEIR NATURAL CONDITION OF PURITY AS REASONABLY POSSIBLE TO SAFEGUARD PUBLIC HEALTH.

Given the vulnerability of the Town's groundwater and its dependence on a sole source aquifer, all practical methods of preventing and controlling water pollution must be utilized. This policy adds

to earlier Water Resources policies with specific guidelines for groundwater protection, including water conservation and measures to prevent septic infiltration.

POLICY #39 (SOLID WASTE TRANSPORT, TREATMENT, AND DISPOSAL)
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 LANDS AND SCENIC RESOURCES.

Although solid waste handling, particularly hazardous waste, is licensed and regulated by NYS DEC, Town practices designed to protect the environment from solid wastes are also enumerated in this policy. Town policy of hazardous materials disposal under the NYS Stop Throwing Out Pollutants (STOP) program is also described.

POLICY #40 (EFFLUENT DISCHARGE BY MAJOR ENERGY AND INDUSTRIAL FACILITIES)
EFFLUENT DISCHARGED 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.

This policy does not apply. East Hampton has no major generating or industrial facilities.

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

POLICY #41A (INCLUSION IN RADIOLOGICAL EMERGENCY RESPONSE PLANS)
THE TOWN SHALL BE INCLUDED IN RADIOLOGICAL EMERGENCY RESPONSE PLANNING AND NOTIFICATION FOR THE MILLSTONE NUCLEAR ENERGY PLANTS OPERATED BY NORTHEAST UTILITIES IN WATERFORD, CT AND THE NUCLEAR REACTORS OPERATED BY THE U.S. DEPARTMENT OF ENERGY AT BROOKHAVEN NATIONAL LABORATORY.

Land use and development in the coastal zone of East Hampton do not violate federal or state air quality policies and programs. The principal air pollution source within the Town is automobile traffic, particularly the significant congestion that occurs on summer weekends on Montauk

Highway, the Town's principal artery. Potential solutions are analyzed in a Town Transportation Study completed in 1997.

The Town's northerly coast lies within a 20-mile radius of the three units of the Millstone Nuclear Power Plant operated by Northeast Utilities across Long Island Sound, and in the prevailing downwind shadow of the nuclear reactors operated by the U.S. Department of Energy at Brookhaven National Laboratory approximately 30 miles to the west. As ionizing radiation from byproducts of nuclear fission poses a significant health hazard, the Town should be advised immediately of any abnormal release of fission byproducts, and should be included in federally mandated emergency response plans for notification, monitoring, containment, or evacuation from affected areas. The Town also proposes to undertake independent radiological monitoring (see *Air Quality Monitoring Station* in **Projects**).

POLICY #42 (RECLASSIFICATION OF AREAS PURSUANT TO CLEAN AIR ACT)
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.

LWRP policies will be taken into account prior to any action to change Prevention of Significant Deterioration land classifications under Federal Clean Air Act regulations within the Town's coastal zone or adjacent areas.

POLICY #43 (ACID RAIN PRECURSORS)
LAND USE OR DEVELOPMENT IN THE COASTAL AREA MUST NOT CAUSE THE GENERATION OF SIGNIFICANT AMOUNTS OF THE ACID RAIN PRECURSORS: NITRATES AND SULFATES.

There are no significant generators of acid rain precursors in the Town. The only significant generation of air pollutants within the Town occurs from automobile traffic.

POLICY #44 (TIDAL AND FRESHWATER WETLANDS)
PRESERVE AND PROTECT TIDAL AND FRESHWATER WETLANDS AND PRESERVE THE BENEFITS DERIVED FROM THESE AREAS.

Wetlands benefit habitat, control flooding and break down or filter pollutants. This policy characterizes the Town's wetlands, and provides standards for development in adjacent upland, including provisions for alternative locations, setbacks, siting of septic systems, etc.

The **Water and Air Resources Policies** as a group amplify and interact with many other LWRP policies including **Development #1-6, Significant Habitats #7, Commercial Fishing #10, Flooding and Erosion #11-17, Recreation Policies #9 and 21-22, Visual Quality #24-25, Agricultural Lands #26, and Energy and Ice Management #27-29.**

Provisions of the Town Code which implement the **Water and Air Resources Policies** include §75, SEQR; §77-8, Dredging; §123, Scavenger Waste; §131, Subdivision Review; §149 Waterways and Boats, particularly §149-2, Prohibited discharges and §149-34, Prohibition of floating homes; §153, Zoning, particularly §153-3-70, Harbor Protection Overlay District, §153-4-20, Natural Resource Special Permits, §153-4-20 (A), Wetland setbacks, §153-3-40 Flood Hazard Overlay District, §153-6, Site Plan Review, and §153-3-65, Water Recharge Overlay District. Mooring, anchorage and dock permits and regulations are also issued by the Town Trustees for harbors, beaches and bottomlands under their jurisdiction. In addition, the Town's Building Code requires water conserving appliances; the Town's state approved Solid Waste Management Plan governs disposal of solid waste; and local implementation of the NYS Stop Throwing Out Pollutants (STOP) program helps to remove toxic or hazardous materials from the environment.

Projects to achieve the objectives of these policies include: *Open Space Acquisition, Reclamation and Park Design for Former Montauk Landfill, Revitalization of Montauk Harbor, Wetland Restoration, Eelgrass Restoration, Sea Level Rise Model, Fresh Pond Channel Erosion Stabilization and Widening, Drainage Mitigation for Georgica Cove, East Hampton/Southampton Cooperative Run-off Mitigation for Wainscott Pond, Road-end and Beach Access Modifications, Management Plan for Lazy Point Road-end, Stormwater Abatement, Open Marsh Water Management (OMWM), Water Quality Monitoring Project, Septic Waste Remediation, Harbor Management Plans, No-Discharge Zones, Boater Education Project, Harbor Protection Overlay District Homeowner Education, Dredging Projects to Improve Water Quality, Air Quality Monitoring Station, Storm and Flood Monitoring Cooperative with National Weather Service, and Geographic Information System for Coastal Zone Management.*