

SECTION XI
ENERGY FACILITIES, ICE MANAGEMENT,
& OFFSHORE ENERGY DEVELOPMENT
POLICIES #27-29

A. INTRODUCTION

These policies address the siting of major energy facilities, ice management practices, and the development of off-shore energy resources.

B. ENERGY FACILITIES, ICE MANAGEMENT, & OFFSHORE ENERGY DEVELOPMENT POLICIES

POLICY 27 DECISIONS ON THE SITING AND CONSTRUCTION OF MAJOR ENERGY FACILITIES IN THE COASTAL AREA WILL BE BASED ON PUBLIC ENERGY NEEDS, COMPATIBILITY OF SUCH FACILITIES WITH THE ENVIRONMENT, AND THE FACILITY'S NEED FOR A SHOREFRONT LOCATION.

Explanation of Policy:

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

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are set forth in the New York Energy Law. With respect to transmission lines Article VII of the State's Public Service Law requires additional forecasts and establishes the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. (With respect to electric generating facilities, environmental impacts associated with siting and construction will be considered by one or more State agencies or, if in existence, an energy siting board.) The policies derived from these proceedings are entirely consistent with the general coastal zone polices derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. The Act is used for the purposes of ensuring consistency with the State Coastal Management Program and with this Local Waterfront Revitalization Program.

In consultation with the Town of East Hampton, the Department of State will comment on State Energy Office policies and planning reports as may exist, and will present testimony for the record during relevant proceedings under State law; ensure that State SEQRA and DOS regulations are followed with regard to decisions on other proposed energy facilities (other than those certified under the Public Service Law) which would impact the waterfront area, and that these decisions are made consistent with the polices and purposes of this Local Waterfront Revitalization Program.

Existing Facilities in the Local Waterfront Area

Within the coastal area, major energy facilities consist of electrical substations and transmission lines and are located in the following reaches: Reach 4, Reach 5, Reach 6 and Reach 9. These facilities all reduce a 23,000 volt transmission source to 4,000 volts in order to supply the local area's electrical demand. In addition, the substation on Fort Pond is equipped with internal backup combustion diesel engines that generate electricity during extreme peak load or emergency conditions.

The LIPA Fort Pond substation is sited in an NFIP A- flood zone, and according to the Army Corps of Engineers SLOSH model, could be overwashed in a Category 2 or greater hurricane. As this substation is designed to supply emergency power for the Montauk peninsula in just such an event, its present location is inconsistent with good coastal zone management and hazard mitigation, and it should be relocated out of the flood hazard zone. The Town has so recommended in **Flooding and Erosion Policies #11-17**.

As the coastal area provides habitat to many rare and endangered species, recreational opportunities and scenic vistas important to a tourist dependent economy, and nursery grounds vital to the shellfishing and finfishing industry, it is not a suitable area to situate non-renewable energy facilities. In the future, where no viable alternative sites are available, any energy facility required to be sited in the Waterfront Area should be situated so as to maximize the setback distance from the waterfront, provide a maximum depth to groundwater, and should be well buffered.

Siting of any new non-renewable energy facilities in the East Hampton waterfront area should be limited to those necessary to serve the needs of the residents of East Hampton only. Due to the environmental sensitivity of the Town, its location at the extreme eastern end of Long Island and the configuration of the peninsula, it would at best be an inefficient utilization of resources to generate non-renewable energy to serve residents of other localities to the west.

Existing Town of East Hampton regulations encourage energy conservation in residential and commercial development. Subdivision regulations encourage a layout of streets and lots that provide an opportunity for building envelope selection that provide an opportunity for building envelope selection based on the availability of solar energy and for southern orientation of windows in structures. In compliance with the New York State Uniform Fire Prevention and Building Code, which incorporates the New York State Energy Conservation Construction Code, the Town of East Hampton Building Department implements standards for energy conservation in new public and private construction.

Local zoning code regulations require that lighting be minimized to that required for safety and convenience and that all lighting be contained onsite. It is required that outdoor illumination of signs, building facades, lawns, yards, pools, tennis courts, walks, driveways, and parking areas not be visible across property lines, including from streets.

In accordance with the New York State Energy Plan, the Town of East Hampton will continue to expand the role of renewable energy resources to ensure a sustainable and environmentally sound energy future. Historically windmills provided a source of energy for essential services of the Town's agricultural economy, ranging from pumping water to grinding grain. In addition to prevailing winds in the waterfront area, daily onshore breezes are generated by thermal upwelling overland, and offshore breezes when the temperature differential between land and water is reversed. These conditions provide a supply of an efficient, renewable source of energy in the Town. The average windspeed at Montauk is the highest on Long Island and among the highest along the eastern coast. The Department of Energy considered Montauk as an alternative site for the prototype wind generator that was eventually located on Block Island.

Technology that avails itself of this renewable source of energy should be pursued in the future, and may be appropriately sited in the coastal zone provided other environmental criteria are met. Possible sites for such activity include the former Town landfill site in Montauk and the adjacent tower farm, and the state owned land of the former Camp Hero.

The Town of East Hampton will also encourage energy conservation in commercial and residential development by periodically updating and revising regulations in order to take advantage of new technology for lighting and construction.

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

Explanation of policy:

Ice management is not usually a significant issue in the Town, and practices are limited to the provision of air bubble systems at some marinas to minimize damage to bulkheads, piles, docks, and vessels left in the water during the winter. Air bubble systems do not adversely affect fish and wildlife and their habitats, increase shoreline erosion or flooding nor do they affect the production of hydroelectric power, which is not generated in Eastern Long Island.

For residential properties and adjacent underwater lands, the only authorized docks, piers or wharfs are removable floating structures. Floating docks that are removed during the winter months facilitate ice movement out of bays and harbors during spring thaw, do not adversely affect fish and wildlife habitats, and are less likely to be dislodged and damaged during severe storms.

The Town Trustees also have a policy of prohibiting new dock construction on Trustee-owned bottomlands, which includes most private docks. Alternatives, such as rigged line and pulley mooring or use of existing marina facilities, are frequently recommended in response to new dock applications. Nothing in this LWRP should be construed to abrogate, dilute, limit or abridge any rights the Town Trustees may possess, either now or in the future, to regulate and manage properties within their control.

POLICY 29 ENCOURAGE THE DEVELOPMENT OF ENERGY RESOURCES ON THE OUTER CONTINENTAL SHELF, IN LAKE ERIE AND IN OTHER WATER BODIES, AND ENSURE THE ENVIRONMENTAL SAFETY OF SUCH ACTIVITIES.

Explanation of Policy:

The state recognizes the need to develop new indigenous energy sources. It also recognizes that such development may endanger the environment. Among the various energy sources being examined are those which may be found on the Outer Continental Shelf (OCS).

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

The Town recognizes the need to develop new energy sources. However, the development of oil and gas or other resources on the outer continental shelf could result in accidents such as oil spills which would devastate the Town's fishing and resort economy and the high environmental quality of the Town's shoreline and surface waters. The development of OCS oil and gas resources would be in direct conflict and inconsistent with the objectives and policies of the East Hampton LWRP, particularly **Significant Habitat Policy #7**, since many offshore areas are part of or near State and Locally designated Significant Coastal Fish and Wildlife Habitats (SCFWH). Such development would also most likely conflict with and **Water and Air Resources Policies #30-44**, and with national and international policies to reduce output of gasses that contribute to global warming. The development of such resources should therefore only occur as a last resort, if essential to maintain national security. Development of non-polluting, renewable energy sources, such as solar, wind or tidal power and the use of energy conservation measures should be encouraged before development of off-shore oil and gas resources is considered.

Furthermore, there are no longer any sites within the Town of East Hampton which meet the criteria for OCS support sites. Fort Pond Bay, the site identified as acceptable in 1977 is no longer available for industrial use. A portion of the site is a State, County and Town-owned Park and is classified as a New York State SCFWH. The former sand mining area is now a 13-lot residential subdivision and the former Ocean Science Laboratory is now a 150-unit resort/condominium. Only small, scattered vacant parcels remain. The 1977 study should be updated before any decisions are made regarding the development of OCS resources.