

## EXISTING AUTHORITIES

### Political and Regulatory Jurisdiction

Jurisdiction over the Sag Harbor Cove/Bay Complex and its shoreline is divided among numerous entities at various levels of government. These include the Town of Southampton, the Town of East Hampton, and the Incorporated Village of North Haven, in addition to the Incorporated Village of Sag Harbor, the State of New York and various Federal government agencies. The current roles and responsibilities of the agencies and entities that effect the use, management and conservation of the Sag Harbor Cove/Bay Complex are shown in Table 1 in Section 2 of the Harbor Management Plan report.

The multiplicity of political jurisdictions which apply to the Sag Harbor Cove/Bay Complex complicates efforts to effectively manage this important resource. In many cases, more than one review, permit and/or approval is required to undertake a certain action. This can make it more difficult, as well as timely, when attempting to conduct dredging or other similar activities that are essential to the efficient operation of the harbor district. Furthermore, although tangible benefits can result from the initiatives undertaken by an individual municipality (e.g., the Village of Sag Harbor, in the case of this plan) or government agency, the cooperation of all involved political entities is necessary to achieve overall management goals such as the improvement of water quality and enhancement of ecological resources. The various political entities, and the extent of their regulatory jurisdiction, are discussed below.

#### A. Village of Sag Harbor

The Village of Sag Harbor exercises multi-faceted responsibilities with respect to activities within the Sag Harbor Cove/Bay Complex and the areas of the harbor complex watershed located within its jurisdiction. These responsibilities are summarized as follows.

- The Village has the exclusive authority to regulate land use activities within its boundaries.
- The Village has the exclusive authority to regulate the surface use of coastal waters extending for a distance of 1,500-feet from the mean high water line along the shoreline within its boundaries. This jurisdictional authority for the Village, which is derived from the State Navigation Law, does not affect the proprietary rights of the owner(s) of the underwater lands. Nor does the Village's water surface jurisdiction supersede the authority of the Town of Southampton or the State to regulate the use of underwater lands within their respective jurisdictions.

- The Village has the authority to control the placement of moorings on Town-owned underwater land, including those areas within the Village's 1,500-foot area of water surface jurisdiction.

These responsibilities extend to a variety of Village agencies and entities, as described below.

Village Board of Trustees - enacts ordinances which govern land and water use activities within the Village and approves modifications to same; makes final decisions on actions such as change of zone and special use permit applications, including SEQRA determinations; appoints the Village Planning Board and Zoning Board of Appeals; allocates and approves funding for projects and studies related to coastal management (as well as all other aspects of the Village budget).

Village Attorney - The Village Attorney drafts local ordinances and amendments to same; regulates the issuance of summonses for violations of the Village ordinances and enforces same; and aids in the prosecution of cases involving illicit dumping of hazardous materials into local waters, and other illegal activities.

Village Clerk - The Village Clerk processes administrative paperwork for the Board of Trustees, the Harbormaster, and all Village boards and committees. The Clerk also coordinates communications between these entities. In addition, the Village Clerk processes applications for docks and shoreline hardening structures or other activities pursuant to Chapters 12 of the Village Code, files sewer permits after they are processed by the Village Sewer Department in accordance with Chapter 43 of the Village Code, and presents information relevant to these permit applications to the Board of Trustees, as required, prior to public hearings.

Planning Board - The Planning Board is a five member board appointed by the Sag Harbor Village Board of Trustees. The Chairman is designated by the Board of Trustees in accordance with Section 179-g of the Village Law. The Planning Board is empowered and directed to undertake studies and make plans incorporating proposed legislation in the form of amendments to the Zoning Ordinance. The Planning Board must report to the Village Board of Trustees annually as to its progress and recommendations relative to the effectuation of foregoing studies and plans. The actions and objectives of the Planning Board must consider the following:

- the designation of those areas and structures which are of historic value and which warrant special action to ensure their preservation;
- the conservation and preservation of the natural shoreline and wetlands with special reference and attention to ecological relationship and needs;
- the proper use of those portions of the waterfront which are required and most suited for human activities, including both recreation and commerce; and

- appropriate changes to the Zoning Code which incorporate the results of foregoing studies as well as consider such other elements as business district requirements, traffic and parking, aesthetic and architectural review of new construction and alterations to existing structures, parks and recreation, and general land use development.

Zoning Board of Appeals - The Zoning Board of Appeals consists of five members appointed by the Sag Harbor Village Board of Trustees. Every decision made by the Board must be made by resolution and contain a record of full findings, after first holding a public hearing. The Zoning Board of Appeals is empowered to hear and decide:

- any matter where an applicant alleges that the Village Building Inspector was in error in refusing to issue a building permit or certificate of occupancy as a result of misinterpreting the meaning, intent or application of any section of the Zoning Code;
- any matter where the appellant alleges that the Building Inspector was in error in his determination as to the exact location of a district boundary line on the Zoning Map; and
- any matter which the Building Inspector appeals on grounds of doubt as to the meaning or intent of any provision of the Zoning Code or to the location of any district boundary on the Zoning Map.

The ZBA also has the power to authorize, upon appeal in specific cases and where not contrary to the public interest, a variance from the terms of the Zoning Code in special cases where an applicant is able to demonstrate that the strict application of certain aspects of the Zoning Code would result in undue hardship.

Harbor Committee - The five members of the Harbor Committee are appointed by the Mayor and are subject to approval by the Board of Trustees. Members must be Village residents, although residents from adjacent communities may be designated as adjunct members at the discretion of the Mayor, subject to Board of Trustees approval. All decisions are governed by a majority vote of the full Committee. Adjunct members may participate in all discussions, but have no vote.

The duties and responsibilities of the Harbor Committee include:

- monitoring all activities and reviewing all applications and proposals that may affect local waters;
- maintaining liaison with other appropriate government and civic bodies, to assure cooperation that is to the mutual benefit of all concerned parties;
- being alert for sources of funding to implement projects related to water quality improvement and the implementation of other Committee recommendations;

- making timely and appropriate comments and recommendations to the Mayor and Board of Trustees and other Village boards so that their actions protect and preserve local waters;
- promoting public education efforts regarding the role that individual citizens play in protecting and preserving local waters; and
- making recommendations to the Board of Trustees with respect to revising and updating the LWRP.

Harbormaster - The Harbormaster is responsible for the day-to-day operations of the Village of Sag Harbor marina facilities (Marine Park and boat basin, the Long Wharf marina, A dock and B dock) and mooring area. This involves a number of duties, including:

- inspecting the marina facilities daily and making recommendations for any necessary repairs to structures or appurtenances therein, overseeing all repairs, and cataloguing any winter damage and contracting for repairs of same;
- conducting regular patrols of the harbor and cove complex to insure that this area is kept clear of navigational hazards, assisting boaters in distress, and enforcing local marine ordinances, particularly during the boating season;
- assigning all boat berths and mooring locations on a seasonal basis, handling all transient boating activity and collecting transient docking fees, computing and mailing all bills for berths and mooring locations, and all requisite record keeping;
- assisting with the preparation of budget requests and all other dock-related correspondence;
- overseeing the management, operation, and maintenance of the vessel waste pump-out facilities;
- reviewing inspection reports for mooring ground tackle; and
- supervising the installation of the winter ice protection system in the marina area, and the relocation of boats to winter storage areas and back to regular berths at the end of the winter season.

The Harbormaster is also responsible for overseeing the dockmasters and other assistant waterways personnel. To undertake these tasks, the Harbormaster is required to have knowledge of basic seamanship, dock construction, local and State marine and navigation laws, public relations skills, basic fire and rescue and first-aid techniques, and basic business and accounting procedures.

Upon request, the Sag Harbor Village Police provide limited assistance to the Harbormaster with boating accidents, death and distress calls. Whereas the Harbormaster's authority is restricted as a Peace Officer, the Village Police will also assist with arrests along the waterfront (Salargo, February 24, 1995).

Board of Historic Preservation and Architectural Review - The Board of Historic Preservation and Architectural Review consists of five members appointed by the Sag Harbor Board of Trustees. All members must be residents of the Village of Sag Harbor. Every decision made by this board must be by resolution and contain a full record of findings. This board is responsible for maintaining the desirable character of the Village of Sag Harbor's Historic District and designated landmarks, and for disapproving plans and proposals that are designed without consideration of, or that would alter the character of, this district and the buildings and structures contained therein.

#### B. Village of North Haven

The primary authority of the Incorporated Village of North Haven, with respect to harbor management planning, is summarized below:

- North Haven Village has the exclusive authority to regulate land use activities within its respective boundaries. In general, the water-side boundary of the village lies along the mean high water line.
- The Village of North Haven has the exclusive right to regulate the surface use of coastal waters within 1,500 feet of its respective corporate boundary. In some areas the Village of North Haven's surface water jurisdiction overlaps with that of the Village of Sag Harbor. This, however, has not led to conflicts over the use of the harbor and cove complex, particularly with regard to the construction of docks and similar structures, and the placement of moorings.

#### C. Town of East Hampton

Harbormaster - Since the Village of Sag Harbor employs their own Harbormaster, many of the routine duties of the East Hampton Harbormaster are undertaken outside of the Village limits. The duties of the East Hampton Harbormaster within the Village limits consist primarily of mutual aid activities requested by the Village, including assistance with search and rescue efforts, vessel fires, drownings and other emergencies. Upon occasion, the East Hampton Harbormaster will assist with the more routine enforcement and peace keeping functions while patrolling the neighboring Northwest Creek and Harbor areas, and during busy holidays (e.g., Fourth of July) when water use is at its peak (Taylor, February 23, 1995).

#### D. Town of Southampton

Board of Trustees - acts as the steward of the public waters within the Town of Southampton; regulates all activities affecting the underwater land from the high water mark seaward, including the installation and repair of docks, bulkheads, and boat moorings; regulates alterations to bottom lands (i.e., dredging, filling, or other construction activities); regulates the harvesting of shellfish from coastal waters and finfish from freshwaters, and controls stocking programs; and maintains two public boat launch ramps located at the following road ends: Bayview Drive in Bay Point, near the narrows between

Outer and Inner Sag Harbor Cove; and Cove Road at The Little Narrows, near the mouth of Ligonee Brook on the western shoreline.

Bay Constables - The Southampton Bay Constables are responsible for the Town waters located within the Sag Harbor Cove complex, including Paynes Creek and portions of Outer and Inner Sag Harbor Cove and Ligonee Brook. During their patrol, they will assist with routine enforcement and peace keeping functions in these waters. The duties of the Southampton Bay Constables within the Village of Sag Harbor jurisdictional limits consist primarily of mutual aid activities requested by the Village, including assistance with search and rescue efforts, vessel fires, drownings and other emergencies. Since the Village of Sag Harbor employs their own Harbormaster, many of the routine duties of the Southampton Bay Constables are undertaken outside of the Village limits, within the Sag Harbor Cove complex. It has been indicated by the Village of Sag Harbor that the Southampton Bay Constables do not make regular patrols throughout the Sag Harbor Cove Complex. This is due to the excessive amount of time required to travel the length of the cove complex as the result of the five mile per hour speed limit. The possibility of the Town of Southampton ceding their jurisdiction in this area to the Village, allowing the Village Harbormaster to patrol these waters on the part of the Town, should be considered.

#### E. Suffolk County

Suffolk County Department of Health Services (SCDHS) - SCDHS is the primary local agency that administers regulatory programs for groundwater protection and management. SCDHS regulates potential pollutant sources through the authority of the Suffolk County Sanitary Codes, particularly Article 7 - Water Pollution Control and Article 12 - Toxic and Hazardous Materials Storage and Handling Controls. SCDHS also oversees a comprehensive groundwater monitoring program.

Serving at the technical coordinating Agency for the Peconic Estuary Program, SCDHS has conducted surface water quality monitoring within Sag Harbor and Outer Sag Harbor Cove. In addition, SCDHS, in conjunction with the New York State Department of Environmental Conservation (NYSDEC), monitors and regulates the quality of the effluent originating from the Village of Sag Harbor Wastewater Treatment Facility.

Suffolk County Department of Public Works (SCDPW) - SCDPW is the local agency coordinating and conducting public dredging and beach nourishment projects, as authorized pursuant to Suffolk County Code Article VIII which states "except as otherwise provided by law, have full care, custody and control of all waterways". SCDPW, in conjunction with the Suffolk County Sewer Agency, regulates sewage collection, treatment and disposal.

## F. New York State Department of State

As the State's designated coastal management agency, the New York State Department of State (NYSDOS), through the Division of Coastal Resources and Waterfront Revitalization, is responsible for administering the New York State Coastal Management Program (CMP) as well as coordinating activities essential to the program's implementation. Major responsibilities of NYSDOS include the review and certification of proposed State or federal activities for consistency with the State's CMP. Actions that are deemed to be inconsistent with the State Program are not permitted to proceed. In addition, NYSDOS provides assistance to communities for the preparation of Local Waterfront Revitalization Programs (LWRP's) and Harbor Management Plans (HMP's). NYSDOS, in coordination with the New York State Department of Environmental Conservation, also administers the State's Significant Habitat Program.

## G. New York State Department of Environmental Conservation

The New York State Department of Environmental Conservation (NYSDEC) has five primary regulatory responsibilities relative to important harbor management issues: (1) implementation and enforcement of the provisions of the National Shellfish Sanitation Program (NSSP), (2) administration of the permit program for activities undertaken within or adjacent to tidal wetlands, (3) administration of the permit program for wastewater discharges to surface waters (known as the State Pollution Discharge Elimination System, or SPDES), and (4) spill cleanup oversight, and (5) State law enforcement responsibilities. Each of these regulatory programs are described below.

Perhaps NYSDEC's most important duty under the requirements of the NSSP is to classify all shellfish beds on the basis of regular water quality analyses (additional information on the NSSP is contained in Sub-Section I below, and Section 5.6 of the Harbor Management Plan report). NYSDEC's classification system consists of the following five categories:

- *certified (approved) area;*
- *uncertified (closed) area;*
- *seasonally certified area;*
- *conditionally certified (conditionally approved) area; and*
- *restricted area.*

NYSDEC's shellfish harvesting regulations and closure classifications are described in further detail in Section 5.6 of the Harbor Management Plan report.

NYSDEC's other main obligations with respect to the NSSP's requirements for the sanitation of shellfish growing areas are to:

- administer the permit program for commercial shellfish harvesting;
- conduct shoreline surveys to identify pollution sources;

- enforce harvesting restrictions and prohibitions, with the assistance of local agencies (e.g., Town bay constables);
- prosecute violations of shellfish sanitation regulations; and
- provide access to shellfish growing areas.

NYSDEC's regulatory responsibilities with respect to activities conducted within or adjacent to tidal wetlands are established in Part 661 of Title 6 of the New York Code of Rules and Regulations (6NYCRR 661). See Section 5.7 of the Harbor Management Plan report for further discussion.

NYSDEC's regulatory responsibilities under the SPDES program entail oversight of major facilities that discharge wastewater to surface water bodies (large-scale discharges to the ground are also covered by SPDES). Facilities that are typically governed by the provisions of the SPDES regulations include sewage treatment plants, industrial outfalls, outfalls from groundwater remediation projects, and other high volume effluent sources. The Village of Sag Harbor sewage treatment plant (STP) effluent is the main point discharge to the Sag Harbor Cove/Bay Complex that is regulated under this program.

NYSDEC also has oversight responsibilities for the cleanup of hazardous material spills, including spills into the harbor complex and unauthorized upland discharges that can threaten harbor waters (e.g., into storm drains, tributary streams, wetlands, etc.). During an emergency situation, NYSDEC oversees the cleanup operation to ensure that the spill is effectively contained and environmental impacts are minimized. For chronic contamination problems (e.g., leaking underground tanks), NYSDEC may issue a consent order, which legally binds the responsible party to an agreed-upon program and schedule for remediation.

NYSDEC employs two Environmental Conservation Police (ENCON Police) officers whose patrol areas overlap in the vicinity of Sag Harbor. The duties of the ENCON Police include enforcement of the State criminal and penal laws as well as the provisions of the NYS Navigation Law, NYS Environmental Conservation Laws, NYCRR and NYS Parks and Recreation regulations. The jurisdictional area for the ENCON Police extends across the mainland to three miles offshore. Since the patrol area of each officer is so large, the ENCON Police typically respond first to complaint calls received from their NYSDEC Headquarters in Stony Brook, the local police precincts and harbormasters. Other routine patrol duties are prioritized on an as-need basis (e.g., priority patrol would include a seasonally certified shellfishing ground the first day of closure) (Officer Hodor, February 23, 1995).

#### **H. New York State Department of Parks, Recreation and Historic Preservation**

The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) administers both the National and State Registers of Historic Places. The National and State Registers of Historic Places are the official lists of buildings, structures, districts, objects and sites significant in the history, architecture, archeology and culture of New York and the nation. The same eligibility criteria are used for the National and State



Registers. All sites, structures, etc. within New York State that are listed on the National Register are also listed on the State Register.

Nominations for sites and/or structures to be listed on the State or National Register can be made by members of the general public, municipal officials, historic preservation boards, and the staff of the OPRHP. All official nominations are maintained in a State logbook and are reviewed by the State Historic Preservation Office. The Commissioner of the OPRHP serves as the State Historic Preservation Officer.

The State Board of Historic Preservation evaluates each nomination to determine if it satisfies the eligibility criteria. If it meets the criteria, the Board will then make a recommendation to the State Historic Preservation Officer for approval of the nomination. The State Historic Preservation Officer may then forward the proposal to the National Park Service for National designation.

The National Historic Preservation Act of 1966 (amended 1980 by public law 89-665) and the New York State Historic Preservation Act of 1980 (chapter 354, laws of 1980) are the legal bases for the National and State Register programs.

There are a number of benefits that can be derived if a property is listed on these Registers. These include the following.

- Registered properties and properties determined eligible for the State and National Registers receive a measure of protection from the effects of Federal and/or State agency sponsored or assisted projects through a notice, review and consultation process.
- Owners of depreciable, certified properties may take a 25 percent Federal income tax credit for the costs of certified, substantial rehabilitation as provided for under the Economic Recovery Tax Act of 1981 (P.L. 97-34).
- Registered properties also receive priority consideration from Federal and State agencies in space rental or leasing. (Public Buildings Cooperative Use Act of 1976 and New York State Historic Preservation Act of 1980, Section 4b.).
- Owners of registered properties may apply for 50 percent matching grants-in-aid for preservation work (subject to available funding).

There are no restrictions placed on private owners of registered properties. Private property owners may sell, alter or dispose of their property as they wish, although an owner who demolishes a certified registered property may not deduct the costs of demolition from his/her Federal income tax (Economic Recovery Tax Act, 1981).

Nearly one half of the Village of Sag Harbor is included within a National Historic District, and a significant portion of the waterfront is included within a local Historic District. The portion of the Harbor Management District which lies within the Historic District is shown on [Figure 6](#). The Village of Sag Harbor has established a Board of Historic Preservation and Architectural Review which is charged with protecting local landmarks and historic places. The duties of this local board are described in Sub-Section A above. The OPRHP, therefore, functions primarily as an advisory service to the Village. However, projects

which receive State or Federal funding require OPRHP review and approval under the State Environmental Quality Review Act (SEQRA).

## **I. U.S. Food and Drug Administration**

The regulation of the shellfish industry, with regard to human health considerations, is overseen on a Federal level by the U.S. Food and Drug Administration (FDA), within the Public Health Service of the Department of Health and Human Services. The FDA's primary role is to conduct systematic surveys to ensure that each shellfish-producing state has implemented, and effectively enforces, a shellfish sanitation program which meets uniform minimal requirements.

Each state's shellfish sanitation program is reviewed annually by the FDA. The findings of FDA's review are reported to all states that are participating members of the National Shellfish Sanitation Program (NSSP). This reporting procedure has an important, positive influence on overall shellfish sanitation, since shellfish products from states that are less diligent in their implementation of program requirements will likely suffer a decrease in their out-of-state shellfish market. The New York State Department of Environmental Conservation (NYSDEC) is the regulatory agency within New York State which is charged with implementation and enforcement of the provisions of the NSSP. NYSDEC's local authority is described further in Sub-Section G above.

The FDA's authority includes oversight of the following aspects of shellfish resource utilization (see Sections 3.2.F and 5.6 of the Harbor Management Plan report for further discussion of specific items listed below as they pertain to New York State):

- state shellfish laws and regulations;
- data and files maintained by the states to demonstrate compliance with the administrative requirements of the NSSP;
- standardization and quality assurance for laboratory procedures for the measurement of bacteriological, toxicological, chemical, and physical parameters;
- surveys and classification of shellfish growing areas;
- controlled relaying programs;
- patrol of shellfish growing areas and enforcement of laws and regulations;
- shellfish harvesting permit programs;
- methods used to identify closed areas;
- educational methods; and
- operation, inspection, and certification of shellfish shippers, processors, and depuration facilities.

In addition to the responsibilities outlined above, the FDA (in cooperation with the Interstate Shellfish Sanitation Commission, which is composed of state shellfish regulatory officials, industry representatives, the FDA, and other Federal agencies) also updates the NSSP Manual of Operations as necessary. This manual sets forth the principles and requirements for the sanitary control of shellfish shipped in interstate commerce in the United States, and is used by the agency (or agencies) in each state that is charged with implementing the provisions of the NSSP.

#### **J. National Oceanic and Atmospheric Administration**

The National Oceanic and Atmospheric Administration (NOAA) has numerous responsibilities that impact on coastal and harbor management. Within NOAA, the Office of Ocean and Coastal Resources Management (OCRM) is responsible for administering the federal Coastal Zone Management Program; the National Weather Service (NWS) is responsible for issuing weather forecasts and coastal storm warnings; and the National Ocean Service (NOS) is responsible for conducting bathymetric surveys, preparing the nautical charts used by boaters for navigation, and determining changes in sea level and publishing tide tables.

Also within the NOAA, the National Marine Fisheries Service has jurisdiction over any endangered marine species that might utilize the waters within the Village harbor management area. As discussed in Section 4.2, endangered sea turtles have been documented as using the waters within Sag Harbor Bay for feeding and resting. Local municipal agencies are indirectly responsible for the protection of endangered species pursuant to Section 9 of the Endangered Species Act.

#### **K. U.S. Department of the Interior**

There are two agencies within the U.S. Department of Interior that are indirectly involved with coastal issues within the Village Harbor District; namely, the U.S. Fish and Wildlife Service (USFWS) and the National Park Service (NPS). The USFWS has regulatory jurisdiction over any federally endangered wildlife species which might breed on the upland areas or be affected by activities within the Village Harbor District.

Although no Federally-listed wildlife species are known to use the uplands within the Village Harbor District boundaries, least terns (listed as endangered by NYSDEC, unlisted by USFWS) have been reported as historically nesting on Long Beach, just west of the Village. This is important because Long Beach had been used in the past (and is likely to be used in the future) as a deposition area for dredged material removed from Sag Harbor Cove. Piping plovers (federally-listed as threatened and State-listed as endangered) commonly nest within least tern colonies or in similar suitable habitats on fresh sandy deposits and dredge spoils. The Village and SCDPW should coordinate all dredging operations with the USFWS to avoid potential conflicts concerning endangered species habitats.

The involvement of the NPS in the Village Harbor District is limited to those areas contained within the Historic District boundaries, as well as those properties which are likely to become nominated and accepted onto the National Register of Historic Places.

As discussed briefly in Sub-Sections A and H above, the OPRHP and the Village Board of Historic Preservation and Architectural Review have a more active, direct role in protecting local landmarks.

The following is a summary of the Sag Harbor Village Historic District, as provided by the NPS:

"The Sag Harbor Historic District includes the historic core of the Village and represents just under 50% of the total acreage. Freestanding frame residences on small plots of land with front, rear and side yards make up the bulk of the structures in the district, but there are four cemeteries, two large parks and the business district as well. The house lots vary widely in size and shape, from about twenty to one hundred twenty five feet wide and roughly one hundred to one hundred to one hundred fifty feet deep."

"The historic district is an expansion of the Sag Harbor Historic District, listed on the National Register in 1973. It was expanded based on new information and research uncovered during a comprehensive 1990 survey. This form supersedes the old form. The expanded district is about 35% larger in land area and has 305 more primary buildings, 136 more ancillary buildings, 1 more structure, 3 more sites and 2 more objects than the old district. The expansion is based on documentation in the 1991 Sag Harbor Survey undertaken by the Village under the guidance of the State Historic Preservation Office. The study area for this survey was larger than the new district and incorporated approximately 1200 primary structures and features."

"There are 698 contributing primary buildings, 7 sites, 2 structures, and 3 objects in the district and its expansion. There are 458 contributing primary buildings, 4 sites, 1 structure, and 3 objects in the old district and 240 contributing primary buildings, 3 sites and 1 structure in the expansion. There are 122 non-contributing primary buildings, 2 non-contributing objects and 1 non-contributing site in the district and its expansion, with 59 non-contributing buildings and 1 non-contributing site in the old district and 63 non-contributing and 2 non-contributing objects in the expansion. There are 172 contributing ancillary buildings, primarily garages and sheds, 62 of which are in the expansion. There are 195 non-contributing ancillary buildings, 76 of which are in the expansion. The few modern intrusions are primarily later twentieth century houses which are low rise frame structures similar to the historic buildings. Other non-contributing primary structures are older buildings which have been so extensively altered that they lack historical significance."

#### **Boundaries**

"The boundaries have been drawn to include as much as possible of the historic Village within the period of significance and as much of the waterfront as possible. Individual and groups of non-contributing structures have been excluded at the edges of the district. Beginning at the north, starting at the Long Wharf, the district takes in the Long Wharf and proceeds east along the water (Shelter Island Sound) to the end of the Sag Harbor Yacht Club building, approximately across from Rysam Street. Excluded are the modern and altered industrial structures east of the Yacht Club. There were industries connected with whaling and maritime trade in the nineteenth

century along Bay Road near the Long Wharf but major fires in the nineteenth century (the last in 1845 and 1877) destroyed the buildings. Included in the district on the south side of Bay Street is a mix of nineteenth and twentieth century commercial and industrial structures. They represent the last of the pre-World War II industrial structures along the waterfront."

#### **L. U.S. Coast Guard**

The U.S. Coast Guard is primarily charged with overseeing all waterborne activities in Federal waters, but their responsibilities overlap locally into all coastally connected navigable waterways. The U.S. Coast Guard places and maintains navigational aids situated outside of the Village breakwater in the waters of Sag Harbor Bay. They are also responsible for the placement and maintenance of navigation aids in the navigation channel located inside the breakwater, that was formerly authorized by the Army Corps of Engineers. The U.S. Coast Guard undertakes general law enforcement activities, such as imposing fines and/or penalties for reckless or negligent vessel operation, enforces the zero tolerance policy regarding the shipping of illegal contraband, and conducts marine inspections of recreational boat safety equipment. Other responsibilities of the U.S. Coast Guard include responding to search and rescue requests, and enforcing the provisions of the Federal Water Pollution Control Act.

#### **M. U.S. Army Corps of Engineers**

The U.S. Army Corps of Engineers (ACE) exercises regulatory authority over actions undertaken within the waters of the United States (e.g., dredging, and the placement of structures such as docks and bulkheads). Often, a separate permit is required from the Department of the Army for actions that also require a tidal wetlands permit from NYSDEC.

The breakwater that is situated in Sag Harbor Bay at the eastern end of the Village harbor management area was authorized for construction in 1902 and completed in 1908 by the ACE. By 1937, the ACE had also constructed a navigational channel 10 feet deep, and 100 feet wide running a length of approximately 0.4 miles, which terminated into a turning basin and channel anchorage area eight feet deep just east of the navigational channel. The ACE still maintains responsibility for the breakwater, which was last repaired in 1963, but all maintenance dredging is conducted by the Suffolk County Department of Public Works (Friedman, January 24, 1995). Channel and maintenance dredging is discussed further in Sub-Sections E above, and 3.2.G of the Harbor Management Plan report.