

## SECTION IV – HARBOR MANAGEMENT

### 1. Introduction

Pursuant to Chapter 791 of the Laws of 1992, Article 42 of the *Waterfront Revitalization and Coastal Resources Act*, the Town of Southold has clear authority to comprehensively manage harbor and nearshore activities through the *harbor management* element of its *Local Waterfront Revitalization Program* (LWRP). The intent of a harbor management element is to cover the waterside issues from the mean high water mark seaward. This target area within the Town of Southold was defined earlier in *Section I, Harbor Management Area Boundary* and it is reprinted below the Subheading: ***Waterside Boundaries***.

It is a State requirement that *harbor management plans* (HMPs) be developed and implemented for key harbors as part of an approved LWRP. The Town of Southold's waterfront is extensive. It encompasses more than 100 miles of shoreline with multiple harbor areas, each with its own set of issues. Due to the different issues and the number of harbors, the development of separate HMPs for each of these areas will take several years. To date, the Town has adopted one HMP, for Fishers Island in Reach 10. A general prototype HMP was developed for Mattituck Creek in Reach 1.

The purpose of this section is to outline the general purpose, goals and objectives of harbor management within Southold Town. Further, a priority listing of creeks and harbors that will need HMPs will be recommended. The prototype HMP that was developed for Mattituck Creek will be described briefly. But, the Fishers Island HMP will be discussed in more detail

### 2. Purpose of Harbor Management

As the year-round and summer population within Southold Town increases, so will the degree and nature of conflicts between the need for access and need to protect the fragile estuarine and creek ecosystems owned by the Town. For this reason, the Town has incorporated into its LWRP, the concept of *harbor management*.

The underlying premise of *harbor management* is to accommodate the public desire to access the water, but to do so in a manner that protects the water resource from irreparable damage, whether that damage be from overuse or unwise use. The approach advocated by the Town for its harbor management efforts is similar to that advocated throughout its LWRP: to promote positive, constructive stewardship through intensive public education and incentives.

While a baseline of regulation will be required in order to set clear enforcement parameters for activities likely to negatively impact the environment, it is equally important to set standards for individuals to use as guidelines for their decision-making. And, since each creek has unique facets, the protocols by which it will be managed should be tailored to those defining characteristics.

### 3. Waterside Boundaries

The boundary of the Harbor Management Area shall be defined as follows:

*Beginning at a point along the Riverhead-Southold Town line, from the Mean High Water (MHW) mark on Long Island Sound and running in a northwesterly direction along the Riverhead-*

*Southold Town boundary at N 33 degrees, 17 minutes and 00 seconds W for a distance of approximately 94,319.76 feet to the intersection of the common borders of the Town of Southold, the County of Suffolk and the State of New York with the State of Connecticut (at N 358,759.71, E 2,339,722.33), thence running easterly along the aforesaid border between the Town/County/State with the State of Connecticut for a distance of 176,768.11 feet (at N 84 degrees, 14 minutes 48 seconds E) to a point nearly due north of Plum Island defined as N 376,480.00 E 2,515,600.00, where it turns northeasterly, again along the aforesaid border between the Town/County/State with the State of Connecticut for a distance of 33,860.00 feet at N 58 degrees, 12 minutes and 23 seconds E to a point northerly of Fishers Island at N 394,320.00 and E 2,544,380.00 where it turns easterly along the common border of the Town/County/State with the State of Connecticut for a distance of 25,403.64 feet at N 73 degrees, 50 minutes and 27 seconds E to a point defined as N 401,390.00 E 2,568,780.00, where it then turns southeasterly along the common border of the Town/County/State with the State of Connecticut for a distance of 6,347.36 feet at S 76 degrees, 25 minutes, 25 seconds E to a point where the common boundary of Town/County/State with the State of Connecticut meets with the boundary of the State of Rhode Island, which is defined as N 399,900.00 E 2,574,950.00, whereupon the line turns southerly along the Town/County/State boundary with the State of Rhode Island for a distance of 11,161.32 feet at S 18 degrees, 2 minutes, 6 seconds E until it reaches a point where the boundary of the Town and the State of Rhode Island meet the boundary of the Town of East Hampton at N 389,287.06 and E 2,578,405.53. From this point on the line moves southwest along the Town's joint border with that of East Hampton Town for a distance of 78,000 feet at S 60 degrees, 11 minutes and 40 seconds W to a point southeast of Plum Island defined as N 350,516.53 and E 2,510,723.58 where it shifts to a more southerly, but still westerly, direction, again along the joint border between Southold and East Hampton towns, for a distance of 38,750 feet at S 35 degrees, 11 minutes and 40 seconds W to a point where the borders of Southold and East Hampton meet with that of the Town of Shelter Island, defined as N 318,850 and E 2,488,390, whereupon the boundary shifts in a northwesterly direction along the boundaries between Southold and Shelter Island for a distance of 20,927.38 feet at N 76 degrees, 37 minutes 40 seconds W to a point defined as N 323,690 and E 2,468,030, thence continuing slightly more northerly along the Southold/Shelter Island boundary for a distance of 10,085.18 feet at N 70 degrees 54 minutes and 1 second to a point southward of Cleaves Point, East Marion; such point is defined as N 326,990 and E 2,458,500. The line then turns southwest and runs along the Southold/Shelter Island boundary (and roughly parallel to the Village of Greenport's boundary) for a distance of 17,085.44 feet at S 38 degrees 46 minutes and 30 seconds W to a point defined as N 313,670 and E 2,447,800, whereupon it turns northwest, again along the joint boundary with Shelter Island, for a distance of 6,248.92 feet at S 80 degrees, 53 minutes and 4 seconds W to a point defined as N 312,680 and E 2,441,630; said point lying nearly opposite the combined entrance to Budds Pond/Mill Creek/Hashomomuck Pond. The line then turns due south at this point and, still along the joint Southold/Shelter Island boundary, runs across Southold Bay for a distance of 19,813.38 feet to a point approximately midway between West Neck, Shelter Island, Jessup Neck, Southampton and Hog Neck, Southold, defined as N 296,030 and E 2,452,370 where the boundaries of Southold, Shelter Island and Southampton towns intersect. From this point, the line turns west and runs along the Southold/Southampton boundary for a distance of 5,500 feet at S 64 degrees, 48 minutes and 54 seconds W to a point south of (and nearly opposite) Cedar Beach Point, defined as N 293,689.52 and E 2,447,392.84, whereupon it turns southwest, again along the Southold/Southampton boundary, for a distance of 31,716.01 feet at S 36 degrees 21 minutes 10 seconds W to a point south of Robins Island, defined as N 268,146 and E 2,428,593, where the line turns westerly along the joint Southold/Southampton boundary for a distance of 25,321.70 feet at S 69 degrees, 40 minutes, 15*

*seconds W to a point where the joint Southold/Southampton boundary intersects with that of the Town of Riverhead, defined as N259,348.91 and E 2,404,848.53. The line then turns northwest and runs along the Southold/Riverhead Town boundary for a distance of 15,9331.17 feet at S 32 degrees, 56 minutes and 26 seconds E to the MHW mark on Great Peconic Bay.*

The waterside boundary of the Southold HMP does not include the Incorporated Village of Greenport or the waterside boundary of the Village. Accordingly, the HMP boundary defined above, does not run to the MHW mark within the Village, but rather runs to the joint boundary between the Village and the Town. That boundary is defined herein.

*The landward side of the waterside boundary of the Southold HMP runs to the MHW mark in all cases except at the Village of Greenport's border, beginning at the easternmost foot of Bridge Street near the head of Stirling Basin at a point defined as N 327,374.59 E 2,451,304.80 and running for a distance of 3,568.37 feet in a southeasterly direction along the Town/Village boundary at S 55 degrees 38 minutes 47 seconds E to a point defined as N 325,360.96 E 2,454,250.74 near Young's Point, whereupon the line makes a 90 degree turn to the southwest across Greenport Harbor along the Town/Village boundary for a distance of 6,654.63 feet at S 32 degrees, 44 minutes, 51 seconds W to a point defined as N 319,740.00 E 2,450,651.00 and nearly contiguous with a land form known as Fanning Point. The line then turns 90 degrees northwest, again along the Town/Village boundary and nearly parallel to the Village shoreline, for a distance of 745.83 feet at N 48 degrees 18 minutes 56 seconds W to a point near the foot of 6<sup>th</sup> Street defined as N 320,260.00 E 2,450,094.00, whereupon the line turns more westerly to follow the Town/Village boundary for a distance of 189.08 feet at N 66 degrees 57 minutes 38 seconds W to a point defined as N 320,334.00 E 2,449,920.00, where it turns north along the Town/Village boundary for a distance of 153.45 feet at N 27 degrees, 30 minutes, 12 seconds W to a point defined as N 320,470.11 E 2,449,849.14 or else the approximate distance to the MHW mark on this bearing.*

*See Map I-1: Coastal boundary and harbor management area.*

#### **4. Goals and Objectives**

The primary goal of the Town in adopting the HMP is: *To balance the demand and the need for public access to the waterfront against the demand and need to protect the environmental resources from degradation.* This goal is grounded in the Town's understanding of the vulnerability of its unique marine resources, as well as the fact that these resources are the underpinning not only of its high quality of life, but of its economic stability and vitality.

The primary objectives of the Town in adopting the HMP are:

1. *To protect the surface water quality from degradation; and to enhance or improve the surface water quality where it has been degraded.*
2. *To maximize public access to the waterfront and the surface waters within the capability of the marine resource to sustain it.*
3. *To develop clear, easily understandable guidelines for management of the harbors than can be used by government officials and private individuals to inform their decisions.*

These objectives reflect the Town's goal of ensuring that access and use of the marine resources do not impair their ability to function optimally as ecological systems. And, further, to enable its citizens to take part in the stewardship of the Town's resources.

## **5. Priority Harbors**

As mentioned earlier, in *Sections J. and K. of Section II. Inventory and Analysis*, the Town of Southold has identified creeks and harbors that are experiencing problems with water quality and/or public access. These creeks and harbors are likely to require HMPs at some point in the future. The harbors are listed below by Reach:

Reach 1:	Mattituck Inlet and Creek
Reach 5:	Orient Harbor Gull Pond Stirling Basin*
Reach 6:	Budds Pond-Mill Creek-Brickyard Cove complex
Reach 7:	Town Harbor-Jockey Creek complex Goose Creek Corey Creek Richmond Creek
Reach 8:	Cutchogue Harbor
Reach 9:	James Creek
Reach 10:	Fishers Island (Completed in 1997.)

*\*Most of Stirling Basin lies within the Village of Greenport, thus is covered under Greenport's LWRP and Harbor Management Plan. For all practical purposes, therefore, the management of Stirling Basin is under the auspices of the Village. However, the largest marinas on Stirling Basin are located within the Town's section of the Basin. Therefore, the Town's regulations as they pertain to marinas are relevant to the cooperative harbor management of the Basin by the Village and the Town.*

In *Section II.K.*, Mattituck, Stirling, Gull and the Mill Creek complex were identified as high priority harbors, meaning that these harbors are experiencing problems now.

## **6. Implementation**

As became evident in *Section II. J. Reach Inventory and Analysis*, the harbor management issues of concern to the Town vary significantly by creek and bay location. Therefore, the development of a single, detailed HMP that could be applied uniformly throughout the Town posed a singular challenge. Faced with this dilemma, a consultant was retained to prepare a draft prototype MHP using Mattituck Inlet and Creek in Reach 1 as the focus. This draft will be discussed below. Although this draft HMP was not adopted, it laid the groundwork for an HMP that subsequently was developed and adopted for Fishers Island, Reach 10. That HMP was described earlier, in *Section II. Subsection J. Reach 10 Inventory and Analysis*, but it is discussed in this Section as well.

### **(i) The Draft Harbor Management Plan**

In October 1995, a *Draft Harbor Management Plan* (Allee, King, Rosen & Fleming, Inc., Neil Ross Consultants with The Saratoga Associates) was written for the Town. This draft contained a discussion of the generic harbor management issues within the Town, and included an

inventory and analysis of the key features within each Reach that might be addressed by an HMP. A preliminary HMP for Mattituck Creek also was included within this report. While the Draft HMP is incorporated into the LWRP by reference, a synopsis is provided here for the purpose of this Section.

The report set forth the following **Objectives** for the Southold HMP:

- *Encouraging recreational and commercial boating opportunities, which are important components to the Town's quality of life, recreational amenities, and economy;*
  - *Promoting the safe use of coastal waters with respect to boating activities and the use of open waters, protection of channels;*
  - *To relieve areas of conflict and congestion, comprehensively planning for and managing those facilities that are directly within the control of the Town, such as mooring locations, siting of docks and piers, boat ramps and launches, public access, boat yards, and upland waterfront areas;*
  - *To address competition for the use of limited waterfront lands, by supporting water-dependent marine business, focusing boating facilities in these locations, and reusing already disturbed and developed waterfront lands;*
  - *Ensuring that upland infrastructure is adequate to handle waterfront activities, and that the use of the waterfront does not significantly conflict with other adjacent land uses;*
  - *Identifying conflicts between maritime activities and the natural coastal environment, including water quality, shellfish beds, significant coastal fish and wildlife habitats, wetlands, critical environmental areas, and habitats of rare and endangered species;*
  - *Reducing existing pollutant loads to marine waters - - including recreational and commercial boating -- and minimizing impacts from future sources, as a way to allow expanded boating activities without the impacts to coastal water quality, wetlands, and habitats;*
  - *Maintaining navigation channels --including coordinating with the government agencies that have jurisdiction over maintenance dredging (Army Corps and the Suffolk County Department of Public works) -- to ensure channels are adequately maintained and accessible to allow safe passage without conflicting with the natural environment and the proper disposal of dredged material;*
  - *Encouraging and protecting waterfront space and facilities for commercial fishing operations -- both the deep water commercial operations and the sole proprietor bayman -- which provide local employment, a way of life, and a local export resource;*
  - *Planning for growth in recreational boating while minimizing impacts to other uses, the marine environment, and cultural resources, and providing a rational basis for the allocation of water space to certain activities and for the management of the Town's waters;*
  - *Maintaining consistency and framing a context for local decision-making regarding the use of Town waters and adjacent upland; and*
  - *Addressing regional maritime issues.*
- (Allee King Rosen & Fleming, Inc. 1995, pp.I-2 and 3.)

The report identified the **regional maritime issues** as being equivalent to those enumerated in the March 1994 version of *New York State's Long Island Sound Coastal Management Program*. These issues are noted below:

- *Protecting and encouraging water-dependent commercial, industrial, and recreational uses in Long Island Sound's 12 Maritime Centers – one of which is Mattituck Inlet – and avoiding actions that would interfere with existing water dependent uses;*
  - *Focusing efforts within maritime centers to set priorities for public and private investments for water and sewer lines, dredging, anchorages, docks and piers, bulkheads and boat ramps, sidewalks and parking lots, rest rooms, pump out stations, waterfront parks, and investigating options to obtain capital funds for infrastructure;*
  - *Providing economic development through water-oriented activities and direction of public investment and actions to ensure adequate infrastructure for water-dependent uses;*
  - *Protecting and restoring the environment – particularly unique natural resources and the mitigation of previous environmental damage;*
  - *Adaptively reusing developed waterfront sites and protecting natural shoreline edges;*
  - *Maintaining historic waterfront communities as magnets for economic activity (within Southold the state has identified Mattituck Inlet and West Harbor on Fishers Island as historic waterfront communities);*
  - *Development management plans for designated significant Coastal Fish and Wildlife habitats;*
  - *Attaining water quality standards and use classifications; protecting the quality of the state's waters from nutrient loading, toxic discharges, and pathogens; and controlling vessel discharges particularly into shellfish waters;*
  - *Recognizing the importance of the ferries as means of passenger vehicular and goods shipment across Long Island and Fishers Island sounds to New England, and its role to regional mobility and economy;*
  - *Assisting the commercial fishing industry in providing adequate commercial fishing infrastructure – including dock space and off-loading areas, water and power connections, transportation access, and a regional fish processing market;*
  - *Constructing artificial reefs to increase fish populations and opportunities;*
  - *Amending the state tax law to allow value tax assessments for water-dependent commercial and industrial uses;*
  - *Shortening the regulatory process for water dependent uses, particularly in Maritime Centers; and*
  - *Developing markets for commercial fishery products, and promoting and encouraging private implementation of aquaculture.*
- (Allee King Rosen & Fleming, Inc. 1995, pp. 3 and 4.)

Pursuant to these Objectives and a detailed review of the Reaches, the report noted the following items as **Issues** to be addressed by an HMP:

- A. Boating activities, moorings and marinas, including:

- a. Mooring areas and allocation procedures
- b. Boat discharges and sanitary procedures
- c. Marina structures and design
- d. Dry rack storage
- e. Visual resources
- f. Parking, traffic, and circulation
- g. Navigation channels, dredging and deposition of dredged material
- h. Boat ramps and launches
- B. Shellfish and finfish resources
- C. Commercial fishing use
- D. Water quality
- E. Harbor tourism and economics
- F. Coastal fish and wildlife
- G. Public access
- H. Boating signage
- I. Historic maritime resources and navigational aids
- J. Solid waste and recycling
- K. Water-dependent uses, zoning, and permitting
- L. Ferries and water transportation
- M. Harbor Management Plan procedures and enforcement
- N. Fishers Island

(Allee King Rosen & Fleming, Inc. 1995, pp.III-1)

The following synopsis briefly describes the **Recommendations** or **Implementation Strategies** that were suggested:

- A. Boating activities, moorings and marinas, including:
  - a. Mooring areas and allocation procedures
    - i. Adopt permit procedures for Bay moorings and assign mooring slots based on a mooring grid or layout.
    - ii. Increase mooring capacity of creeks where appropriate through use of alternative mooring techniques and better layout.
    - iii. Ensure protection of shellfish beds and eelgrass habitat through better siting of moorings.
    - iv. Develop additional boat ramp access points where increasing the mooring capacity is not appropriate.
    - v. Improve enforcement by establishing clear mooring identification systems.
    - vi. Establish minimum mooring tackle standards to increase safety and permit maximization of mooring capacity in enclosed areas.
    - vii. Remove illegal moorings.
    - viii. Pull permits where mooring is not used by permit holder, but, rather, is intended to “preserve the view”.
    - ix. Enforce existing mooring permits.
      - x. Maintain a formal mooring application list and waiting list.
      - xi. Require appropriate and legitimate public or private access to the mooring.

- b. Boat discharges and sanitary procedures
  - i. Designate No Discharge Zones throughout the Town.
  - ii. Encourage owners of private commercial marinas to apply for matching federal funds to purchase and install pump-out stations.
  - iii. Provide floating vessel with a pump-out station as an alternative to fixed stations at marinas.
  - iv. Institute program of inspecting Y-valves to ensure that holding tanks are not flushed to local waters.
  - v. Educate boating public of law against discharge of holding tanks to local waters as well as against throwing litter overboard.
- c. Marina structures and design
  - i. Update site plan requirements as they pertain to marine design, particularly with regard to the environmental impacts of marine design.
  - ii. Promote use of Rock riprap edges in the design of bulkheads to encourage sub-tidal and inter-tidal habitat as well as to attenuate wave energy in certain areas.
  - iii. Reduce the impact of direct discharge of stormwater runoff from marinas by requiring the establishment of Pollution Prevention Plans, which incorporate the following elements: stormwater runoff control, contained fuel station design and spill containment procedures, management of wastewater, solid waste and fish processing remains, and the setting of boat cleaning guidelines to prevent water contamination.
- d. Dry rack storage
  - i. Maximize limited on-land boat storage capacity by promoting use of dry rack storage facilities in appropriate locations where sufficient support facilities, such as parking, rest-rooms and wash-down pads, are available and where the facility can be adequately buffered from neighboring landowners.
- e. Visual resources
  - i. Mitigate impacts of marinas on the landscape by requiring shielded night lighting and buffering landscaping around the perimeter of the site.
- f. Parking, traffic, and circulation
  - i. Adjust parking standards to reflect actual parking trends or demands at existing marinas.
  - ii. Encourage use of alternate modes of transit, other than private cars, to and from marinas; e.g. bicycles, walking.
- g. Navigation channels, dredging and deposition of dredged material
  - i. Develop a coordinated, annual maintenance dredging plan with the Suffolk County Department of Public Works and the State Department of Environmental Conservation.
  - ii. Use local knowledge of navigation problems and shoaling conditions to establish appropriate disposal areas that will preclude shoaling and reduce frequency of dredging.



- iii. Designate disposal areas that will enhance shorebird habitat.
  - h. Boat ramps and launches
    - i. Develop plan for improving and expanding public access to the waterfront by evaluating condition and use of existing launching ramps.
- B. Shellfish and finfish resources
  - a. Protection of prime shellfishing beds should be given priority over siting of moorings or mooring fields.
  - b. Expand shellfish harvesting opportunities through better management of the resource, and improving the surface water quality.
  - c. Encourage private owners of underwater lands to permit baymen to harvest shellfish.
  - d. Support resource management of the finfish resource within the marine industry through size limits, educating public about the value of non-traditional sport fish, encouraging catch and release programs for selected species, such as striped bass, and supporting the creation of artificial reefs.
- C. Commercial fishing use
  - a. Support commercial fishing centers and ancillary uses through zoning regulations.
  - b. Require commercial fishing operators and sites to file Pollution Prevention Plans.
  - c. Protect and upgrade existing access points to water used by local baymen.
- D. Water quality
  - a. Work with neighboring municipalities (Village of Greenport and Shelter Island Heights) to monitor sewage treatment discharges to surface waters
  - b. Reduce impacts of stormwater runoff and failed septic systems.
- E. Harbor tourism and economics
  - a. Encourage modernization and expansion of existing marinas in an environmentally-compatible way.
  - b. Increase opportunities for transient boaters to access the business and recreational centers of the Town from the water.
- F. Coastal fish and wildlife
  - a. Protect the habitat of marine mammals and sea turtles through better public education, particularly about human practices, such as littering, and hand-feeding, that are known to endanger wildlife.
  - b. Support the marine stranding program, which offers assistance to diseased, injured and distressed marine wildlife.
  - c. Regulate harbor activities in a manner that is consistent with the protection and preservation of Significant Coastal Fish and Wildlife Habitats.

- G. Public access
  - a. Expand public access to the water through public and private points, including from water-enhanced uses such as restaurants.
  - b. Encourage protection of scenic vistas of waterfront from public corridors.
  
- H. Boating signage
  - a. Develop system of signage to identify and promote the Town's maritime history and features.
  - b. Develop sign system to direct boaters to marinas located off main road.
  
- I. Historic maritime resources and navigational aids
  - a. Identify and preserve historic maritime features both on and off-shore (e.g. lighthouses and wrecks).
  
- J. Solid waste and recycling
  - a. Promote effective waste collection and recycling at marinas, including the property disposal of bilge waste, bilge pads and the recycling of discarded shrink-wrap used to winterize boats.
  
- K. Water-dependent uses, zoning, and permitting
  - a. Re-evaluate types of uses permitted in the two Marine Zoning districts.
  - b. Re-evaluate existing marine zoned properties and whether they should be changed to more or less-intensive marine uses.
  - c. Consider cumulative impacts of non-water dependent uses within marine zoning districts.
  - d. Consider permitting the placement of boat repair and maintenance facilities on inland properties instead of restricting to the waterfront.
  - e. Streamline the municipal and regional permitting process as it applies to marinas by adopting a Perimeter Permit procedure that would enable the marina to establish an overall plan of activities and structures that are proposed to take place within the site perimeter. Once the overall plan meets with environmental concerns and zoning regulations, allow the marina to pursue the proposed activities without requiring separate permits for each use as it is introduced.
  
- L. Ferries and water transportation
  - a. Where sufficient upland support is available (e.g. parking, traffic control) and environmental protections can be ensured, permit ferry operations.
  
- M. Harbor Management Plan procedures and enforcement
  - a. Update Chapter 32 Boats, Docks and Wharves of Town Code to permit bay moorings, mooring tackle standards, perimeter permitting and harbor management boundaries.
  - b. Define Town Waters to the Town's seaside boundaries.

- c. Review staffing and authorities of the Bay Constables in light of need for effective enforcement of the Town Code and an HMP.
- d. Encourage private boat-towing operators to relieve Bay Constables of rescuing and towing disabled boats to safe harbor.
- e. Assess need for additional navigation aids on a regular basis.
- f. Coordinate patrolling of Stirling Basin between Greenport Village Harbormaster and the Bay Constables through the Southold Police Department.
- g. Review equipment and siting needs of Bay Constables during busy summer months on a regular basis, including a third boat located eastward of Hashomomuck Creek.
- h. Coordinate with Coast Guard to establish better coverage by timing routine patrols of dangerous waters, such as Plum Gut.
- i. Ensure review of private navigation aids by the Trustees and require Coast Guard review and approval.
- j. Continue to ensure consistency with Village of Greenport's LWRP and its HMP for Stirling Basin.
- k. Establish a coordinating committee to oversee harbor management issues within Southold Town, and to ensure that entities involved with an aspect of harbor management (e.g. Town Board, Trustees, Police Department/Bay Constables, Zoning and Planning boards and autonomous Park District Commissioners work together to implement an HMP.
- l. Maintain existing revenue sources to facilitate HMP implementation and enforcement.
- m. Work with State and federal governments to facilitate permit review, including providing consistency determinations.
- n. Expedite permit review by expediting consistency determinations. Encourage better understanding of local regulations and policies by state and federal agencies.
- o. Support State DEC in move to assume responsibilities of US Army Corps responsibilities in Section 10 reviews.
- p. Coordinate with New England District of the US Army Corps instead of the New York District on projects concerning Long Island and Fishers Island sounds.
- q. Update HMP regularly to incorporate latest changes in new technology, environmental regulations and environmentally sound products.
- r. Remove deteriorated shoreline structures.
- s. Promote Boating Safety and Intoxication programs
- t. Remove derelict and sunken vessels quickly.
- u. Enforce engine noise violations using hand-held meters from NYS Office of Parks, Recreation and Historic Preservation, or obtain monitoring equipment.
- v. Work to reduce impacts of noise and boat wakes near recreation areas, Critical Environmental Areas and significant coastal fish and wildlife habitat.

- w. Develop coordination between emergency officials and local marinas on a Storm Preparedness Plan.
- x. Require securing of equipment and personal property above the 100 year flood zone prior to major storms so as to reduce amount of post-storm debris on beaches, in wetlands and in local waters.

N. Fishers Island

- a. Implement the draft FIHMP.
- b. Establish pump-out facilities so that a No Discharge Zone can be established in Reach 10.
- c. Evaluate marine business zoning and determine new locations for least intensive marine zone.

(Allee King Rosen & Fleming, Inc. 1995, pp.III-3-36)

**(ii) Draft Mattituck Creek Harbor Management Plan**

The aforementioned report by Allee King Rosen & Fleming, 1995, also set forth some key and site-specific issues and recommendations for an HMP for the Town's only harbor on Long Island Sound. The observations of their report are included in their entirety below, along with additional comments subsequently received from the Coast Guard.

**INTRODUCTION**

In March 1994, DOS released the *Draft Long Island Sound Coastal Management Program* (LISCMP). This detailed study resulted in twelve policies that reflect the issues and conditions specific to the Sound, with a proposal for Special Management Areas, one of which is Maritime Centers. LISCMP identified Mattituck Inlet as 1 of 10 Maritime Centers on the Sound. Fundamentally, Maritime Centers are the most suitable locations for new or expanded water-dependent commercial and industrial uses, and harbor management plans are specifically recommended for such areas.

Mattituck Inlet is Southold's only active harbor on Long Island Sound and the only harbor east of Mt. Sinai to Orient Point, a distance of over 40 miles. It is the easternmost deepwater port-of-call, a harbor of refuge, and is home to a commercial fishing fleet with anchorage for transient recreational boaters. For these reasons, it was selected as a Maritime Center in LISCMP. That plan gathered a variety of data on Mattituck Inlet (see [Map IV-1](#)), and made recommendations for the inlet to meet the objectives of LISCMP (a copy of the Mattituck Inlet portion of LISCMP is provided in Appendix E). One of those recommendations was that a detailed Harbor Management Plan be developed for the inlet as a component of the Town's Local Waterfront Revitalization Program (LWRP).

Mattituck has been the focus of the Town's attention since 1980, when the Mattituck Inlet Advisory Committee was appointed to focus on concerns about its use and declining ecological health. Under the Committee's direction, the Suffolk County Planning Department completed a study in April 1981, *Mattituck Creek Watershed Study, Phase I, Inventory of Existing Conditions and Identification of Development Opportunities*. Ten opportunities were identified in that study; among them were: identifying reuse opportunities at the mouth of the inlet, enhanced public access and

recreational opportunities, stormwater runoff control, acquisition and protection of tidal wetlands, reduction of environmental impacts from development, and long-term protection of the navigation and natural features of the inlet.

## **DATA INVENTORY AND ANALYSIS**

### **Overall Description**

Mattituck Inlet is a 2.5-mile-long inland waterbody tidally connected to Long Island Sound. It is a well-protected harbor, the Town's only navigable inlet on its north shore, and the only Long Island north shore harbor east of Mount Sinai, a distance of about 40 miles. A shallow waterbody, Mattituck has a depth of 10 feet in the channel and a tidal fluctuation of about 5 feet. Long and narrow, at its widest it is a few hundred feet wide at the head. An arm of the creek on its east side is called Long Creek.

The inlet is unique in that it is an active and busy working harbor that has retained significant natural resources. Features of Mattituck Inlet are: concentrations of commercial and recreational maritime activities, aquaculture, shellfish harvesting (when water quality conditions allow), parkland, extensive wetlands, and state-designated significant coastal fish and wildlife habitat. Specifically, Mattituck contains:

- o A working waterfront with water-dependent uses concentrated in three locations: at the mouth, middle, and head;
- o A federal channel, with an anchorage at the head of the inlet and a capacity for about 75 craft;
- o Commercial fishing operations and five recreational marinas with party and charter boats;
- o Town-regulated mooring field positioned near the head of the creek;
- o Two boat ramps and a boating facility (shower, bathrooms) at the head, operated by the Town (one ramp) and Mattituck Park District (ramp and facility);
- o Tidal wetlands, including a 50-acre state-designated Significant Coastal Fish and Wildlife Habitat at the mouth;
- o Substantial shellfish beds, both hard shell clam and oyster;
- o Waterfront parkland and beaches on both sides of the jetty;
- o A number of homeowners' docks along the waterfronts of the inlet and Long Creek; and
- o Approximately 21 acres of vacant and formerly developed land at the mouth of the inlet, on the west side, zoned Marine-II (MII), that was formerly a petroleum and asphalt tank farm.

### **Waterfront Lands and Water-Dependent Uses**

#### **Marine Recreation**

Mattituck Inlet provides one of the Town's largest concentrations of marine facilities that includes recreational and commercial marinas, a federal anchorage, boat ramps, and private docks (see Table IV-1). These are described in greater detail below.

## Marinas

There are 5 marinas within Mattituck that together provide a total of about 300 slips, most of which are recreational, but with many commercial slips at the mouth of the inlet. These marinas include:

- o Petersons. Located at the mouth of the inlet on the west side, and containing a total of about 70 slips, Petersons Marina is used by both commercial and recreational craft. In addition to the in-water slips, Petersons has one of the four dry rack systems in the Town, and the only dry rack on the sound side of the Town and in Mattituck Inlet; the capacity is about 60 craft. Upland uses include winter storage and staging areas for commercial operations, including the storage of lobster traps. Amenities provided include electricity, water, ice, and basic repair and fueling services. A ramp is available for public use.
- o Mattituck Fishing Station. Just south of Petersons is Mattituck Fishing Station, a marina with about 40 slips. This marina provides rentals with a bait and tackle shop, a ramp, and fueling. There is also a residence on the property.
- o Mattituck Inlet Marina and Shipyard. Mattituck Inlet Marina is a large full-service marina, located just south of the Old Mill Road on the west side of Mattituck. Although it provides slips for seasonal rental and some transient use, one of its principal functions is as a full-service boat maintenance and repair. There are seven large sheds on the upland of the site used for hull and engine repair and maintenance, painting, drying, refinishing, and winter storage. Outdoor winter storage and wet storage are also provided. There are three travel lift stations with the capacity to handle boats of 30, 50, and 80 tons, and lengths up to 110 feet. In the water there are 78 slips.

Within the water there are 78 slips, with showers and restrooms. Fueling is available.

- o Matt-a-Mar. At the head of the creek is the Matt-a-Mar marina. One of the larger recreational marinas in the Town, Matt-a-Mar has 91 slips, of which about 50 percent is used by transient craft. In conjunction with the federal anchorage located nearby, this marina provides one of the main concentrations of transient use within the Town. Matt-a-Mar provides the range of recreational boating amenities, with showers and restrooms, ice, full-service repair, and the only pumpout facility within the inlet. Also provided are a restaurant and outdoor pool cabana club (the pool is used for Town swimming lessons).

Winter storage is provided in sheds, with a capacity for about 100 craft. In-water wet storage is available for 25 craft.

**Table IV-1**

**MARINE RECREATION IN MATTITUCK INLET**

	Public and Private <u>Slips/Berths</u>	<u>Moorings</u>	Public <u>Ramps</u> *	<u>Anchorage Capacity</u>
<u>Marinas</u>				
Mattituck Inlet Marina	78			
Petersons Marina	70		1	
Mattituck Fishing Station	40		1	
Matt-a-Mar Marina	91			
<u>Moorings</u>				
Town-Issued Moorings		27		
<u>Ramps</u>				
Town Ramp			1	
Mattituck Park District Ramp			1	
<u>Federal Anchorage</u>				30-75
<u>Private Docks/Bulkheads</u>		80-90		

Note:

\* *Public* is defined as available to the general public for a fee. *Private* is defined as a yacht club, homeowners association, or dockominium.

Sources: Field Survey, Allee King Rosen & Fleming, Inc., January 1995; Town of Southold Departments of Planning and Community Development, April 1995; Town of Southold Marina Survey, February/March, 1995; Town of Southold aerial photos, May 1993; Town of Southold data (no date); *Embassy's Complete Boating Guide and Chartbook, Long Island Sound*, 1993; New York Sea Grant Service marina listing, January 1995; telephone interview, Allee King Rosen & Fleming, Inc., March 1995.

Federally-designated Anchorage Area

Located at the head of Mattituck Inlet, this area was congressionally authorized and dredged in the 1960's. Its dimensions are about 460 feet wide and 570 feet long (about 6 acres), and its capacity is estimated at 75 craft. The anchorage is a popular destination for recreational transient craft in the summer months, and provides a well-protected harbor of refuge (the only harbor of refuge east of Mt. Sinai).

Moorings

Located in the head of the inlet are a number of moorings permitted by the Town. In 1994, these moorings totaled 27, and were basically located west of the federal anchorage. Mattituck has also been identified as one of the creeks in the Town at its mooring capacity, and has a waiting list of five for 1995.

### Boat Ramps

In addition to the marinas, there are two public ramps in Mattituck, both at the head of the inlet. One of these ramps is operated by the Town and the other is operated by the Mattituck Park District. Both are hard-surface ramps. The Town ramp is available to all residents with a sticker. The Park District ramp is available only to district residents. For a fee, the general public can also use the showers and restroom facilities.

### Private Docks

Along the length of Mattituck and Long Creek, there are a number of private docks and finger piers that stick out into the water, as well as private bulkheads. It is estimated that in total, these private facilities provide berthing for about 80 to 100 craft.

### Recreational Fishing

In addition to the private recreational craft, Mattituck is also home to a small fleet of charter party fishing boats. These boats are docked on the west side of the inlet, just north of Old Mill Road.

### Commercial Fishing

Four businesses and approximately 20-25 commercial fishing vessels (less than 60 feet in length) work out of Mattituck Inlet. Although there are commercial businesses elsewhere in the Town, Mattituck is the center of the Town's commercial fleet. Most of these vessels make daily runs in the Sound for lobster and finfish, although some trawlers make extended trips. There are ample docking facilities for commercial fishing vessels. One facility has a hydraulic crane for loading and unloading and, unlike most ports on the Sound, provides gear storage. However, no ice is available at many facilities, and fuel stations are lacking, requiring fuel to be trucked to commercial vessels. Mechanical and engine repairs are provided by on-call mechanics. Mattituck also is used by transient commercial vessels during the summer. Much of what is landed in Mattituck is sold commercially at the Fulton Fish Market (75-80 percent), and the balance is sold locally.

### Abandoned Industrial Waterfront Uses

At the mouth of the inlet -- where the channel turns east and just in from the jetty -- are two underused waterfront former industrial properties. One parcel, 1.3-acre in area, is owned by the Town, and the other, a parcel of about 21 acres, is privately owned. The larger parcel, now abandoned, was formerly a petroleum storage and asphalt-processing operation. Currently, a number of deteriorated tanks remain standing on the site, along with hoppers and smaller buildings. A portion of the property is bulkheaded, although the condition of the bulkhead is deteriorated. The portion that is not bulkheaded is a sand/rock beach with a crumbling pier that does not reach the water. The balance of the site is deteriorated surface cover and invasive vegetation.



### Navigation and Dredging

Mattituck is a federally maintained channel, and maintenance is the responsibility of the Army Corps of Engineers (ACOE). According to National Oceanic and Atmospheric Administration (NOAA) charts, channel depths range (from mean low water) between 7½ feet at the mouth and 4½ feet near the narrow neck at Old Mill Road, with a 5½-foot depth near the head. A rock jetty protects the east and west sides of the inlet, with Coast Guard navigational aids identifying the channel entrance at Long Island Sound.

Because of its generally long and narrow configuration, Mattituck is a well-protected channel and harbor of refuge; wind waves are limited. Navigation during the busier summer months can be difficult in the narrow stretches, particularly during periods of tidal change.

The natural depth of Mattituck Inlet is about 2 feet at low water. Plans for deepening the inlet date back to the late 19th century, when consideration was given to developing Mattituck as a commercial port for the transport of goods between Southold, New York City, and Connecticut (agricultural and other exported products), and to provide a harbor of refuge.

In 1896, Congress approved the dredging of a 7-foot-deep channel and the construction of two jetties. Work on one of the jetties began in 1901, and dredging commenced in 1907, south to the mill-dam tidegates and highway crossing at Waterville, where East and West Mill Roads now end at the creek.

In 1914, a drawbridge replaced the dam and the southern portion of the channel was dredged; the north channel was again dredged in 1921, 1923, 1927, and 1935. Due to the costs and difficulties of maintaining the Mattituck Channel, and the more efficient availability of rail, commercial growth of the port was not realized. However, efforts to keep the channels opened remained. To resolve continual shoaling believed to be caused by storms from the northwest, a 250-foot extension of the west jetty out into Long Island Sound was completed in 1938. Records show maintenance dredging occurred in 1938, 1946, 1950, 1955, 1961, 1965, and the 1980's.

By the mid-1960's, commerce within the creek had changed, and shipments now consisted almost entirely of petroleum products, including gasoline, fuel oil, and asphalt from a processing plant at the mouth of the inlet (see discussion above). In 1965, a 460-by-570-foot anchorage area was dredged at the head of the Creek, with Suffolk County providing the 50 percent local matching funds required by the Army Corps, and the Town providing a disposal site on the south side of Long Creek.

Prior to the current work, the jetties were last repaired in 1995. Currently, there is shoaling reported at the mouth. Last dredged in the 1980's, Mattituck is scheduled for dredging in 1996.

### Shellfishing

The inlet contains extremely productive shellfish beds producing hard and soft clams and oysters that are harvested both commercially and recreationally. It is considered by the local baymen to be one of the most productive creeks in the Town. However, because that portion of the inlet south of Long Creek is closed year-round to shellfishing and the balance of the creek is opened conditionally (see discussion below), landings from the creek are limited.

Agricultural and urban non-point runoff within the inlet's narrow drainage basin are the primary sources of the water quality degradation that has restricted shellfish harvesting impairment. Roadway runoff discharged to the creek has been identified by the Town as a source of non-point pollution. Water quality degradation is related to the concentration of vessels from the marinas, moorings, and federal anchorage at the head of the inlet.

### Waterfront Parks and Beaches

A 1.3-acre parcel at the mouth on the west side of the inlet was acquired by the Town of Southold in 1993 using *Environmental Quality Bond Act* funds. However, this site is fenced off and not used.

Two parks with beaches -- Bailie's Beach Park and Breakwater Park -- under the jurisdiction of the Mattituck Park District, flank the east and west sides of the jetty; their use is limited to Mattituck Park District residents. The east beach abuts the Mattituck Inlet Wetlands Significant Coastal Fish and Wildlife Habitat. This state-owned wetland system is available to the public through a permitting process (although there is no means to reach it except by boat), and provides opportunities for passive recreation, such as nature study and observation.

### Natural Resources

#### Wetlands

Vegetated tidal wetlands line the inlet shoreline; the most extensive system is the approximately 60-acre Significant Coastal Fish and Wildlife Habitat at the mouth, on the east side of the inlet, which includes open water and intertidal wetlands north of Mill Road. This wetland is characterized by good flushing action and a complex that supports juvenile marine finfish, clams, mussels, and osprey. Most of the vegetated wetlands in this designated habitat are owned by the State Department of Environmental Conservation. Potential sources of impacts include: chemical contamination and oil spills, alteration of tidal patterns, excessive turbidity, pollution from marinas, elimination of salt marsh and intertidal areas due to dredging excavation or filling, and construction of shoreline structures.

The remainder of the underwater lands and tidal wetlands are owned by the Town of Southold. These wetlands are highly productive habitats that support a variety of fish and wildlife, both within the inlet and in Long Island Sound near the inlet. These include a substantial soft clam and oyster shellfishery, which is dependent on high water quality and undisturbed wetlands.

### Water Quality Classifications

There are three state-designated water quality classifications in Mattituck: high-quality (shellfishing) SA waters are designated at the mouth; SC (secondary contact) waters are designated north of Old Mill Road; and the tributaries are designated C (non-marine) waters. Impacts on water quality conditions within Mattituck are discussed above.

## **ISSUES AND ANALYSIS**

### Overview of Issues

Issues within Mattituck Inlet are:

- o Protection of water-dependent uses and the working waterfront (both recreational and commercial maritime activities);
- o Adaptive reuse of underutilized, previously disturbed waterfront properties;
- o Navigation and dredging, including use of the Town's only federal harbor, including the federal anchorage, maintenance dredging, and the protection of navigation channels;
- o Provision of opportunities for shellfishing and aquaculture;
- o Expanding access to the water for natural recreation, navigation and shell-fishing;
- o Conflicts between marine uses and the environment; and
- o Substandard water quality and the need to reduce all contributing pollution sources.

A further discussion of these issues is provided below.

### Water-Dependent Uses

Although the existing water-dependent uses along the Mattituck waterfront are consistent with the MII zoning category, the MII district does allow the potential for non-water-dependent uses. While many of these uses are considered water-enhanced in that they do create public opportunities along the waterfront (e.g., restaurants, hotels), the loss of docking and support facilities for the commercial fishing fleet to these uses would be devastating to north shore commercial fishing operations, since the facilities in Mattituck are the only ones available along this stretch of the Long Island Sound.

### Use of Underutilized/Previously Disturbed Waterfront Lands

In addition to maintaining the existing marinas and marine recreational facilities in the inlet, there is an opportunity to locate additional water-dependent uses, or a mix of water-dependent and water-enhanced uses, at the 1.3-acre Town-owned parcel and the 21-acre underused parcel at the north end of the inlet. The 1.3-acre parcel is appropriately situated for water-dependent recreational uses -- such as public boat ramps -- due to its proximity to the Sound (launched boats would then not have to travel the length of the creek to reach open water), its previously disturbed/level terrain, and the absence of significant natural resources both on and adjacent to the

site. However, the site's size is a limiting factor, as is potential congestion at the narrow mouth of the inlet.

The larger site has potential as an upland area for a recreational-commercial maritime support facility (e.g., dry storage, repair service packing-shipping). However, there are a number of cost limitations upon its reuse:

- o Acquisition;
- o Potential hazardous materials remediation given its use history;
- o Waterfront infrastructure upgrading and repair, including bulkhead and pier reconstruction;
- o Demolition and site clearance; and
- o Facilities construction.

In addition, the site's location on a bend of the narrow Mattituck channel does present some limitations to its use for maritime purposes.

Accessibility to the site is also an issue with this property. It is a distance from the main roads; traffic conditions on local roads would have to be another consideration in assessing its appropriate use. Given the above, it remains that the site does present the opportunity for redevelopment as a maritime use. Such a reuse would be consistent with the Townwide goals discussed above. The waterfront site is sizable (21 acres), previously developed, does not contain significant environmental features, and is part of the historic working waterfront of Mattituck Inlet. To this end, the current MII zoning at the site should be evaluated and consideration given to MI zoning, which is more exclusively water dependent.

In addition, both local and regional considerations should be made in making future recommendations for this parcel. In the absence of privately sponsored development at this site, its purchase for a marine recreation park, in conjunction with the adjacent 1.3-acre parcel, could be considered. Such a use, however, would require the expenditure of sizable capital funds for acquisition and development.

### **Navigation and Dredging**

#### **Federally Designated Anchorage**

This mooring area was established through congressional authorization, an act which subsequently allowed the Army Corps of Engineers to establish and dredge the channel from Long Island Sound to this area which measures 460' by 570'.

The anchorage at the head of the inlet does not have moorings for transient vessels. These vessels anchor, requiring a greater scope and occupying more space in the anchorage, or anchor outside it because of a lack of space. Permanent or semi-permanent moorings and tackle for transients, which are safer than conventional anchors and use a shorter scope, would improve the use of space in the anchorage. Such systems would require a relatively small capital expenditure. They could be installed by a private operator, who could recover costs raised from an overnight fee. This is the practice in other transient harbors in the Northeast.

*However, as was brought to our attention by the Coast Guard, the installation of moorings requires approval of the Army Corps of Engineers (ACOE), unless this authority has been delegated by the ACOE to the State of New York. Regardless of whether the delegation rests with the State or the ACOE, the Coast Guard has objections to the installation of permanent moorings as they would be an unnecessary interference with navigation in that area. As an alternative, the Coast Guard recommends the State of New York request the Commander, First Coast Guard District, to designate an appropriate area as a special local anchorage pursuant to 33 C.F.R. Parts 109 and 110. The concept of installing permanent or semi-permanent moorings to improve the use of space in a designated anchorage should be examined in a mooring plan and explored with the ACOE, the State of New York and the Coast Guard prior to taking any action.*

### Dredging

As stated above, shoals are forming at the inlet channel, which is becoming a hazard to navigation, particularly at the mouth. Shoaling and deposition within the channel has been a long-term issue for Mattituck. ACOE proposes to dredge the channel in 1996. Current repairs to the jetty are expected to relieve certain shoaling issues at the inlet. Considerations should also be given to dredging the channel to a depth deeper than previous dredging depths, as a way to protect channels for navigation over a longer period of time, and to reduce the frequency of maintenance dredging.

### Structures in the Water

New in-water structures, such as docks and bulkheads, have become prevalent along the inlet shoreline. These structures impede access for shellfishing and other uses, and affect navigation in narrow, shallow areas if they extend out too far. Decking that covers underwater lands should be limited, and should not be within navigation channels or adjacent areas where navigation could be affected.

### Erosion, Inlet, and Beach Maintenance

At the entrance to the inlet, beach erosion on the east side of the jetty and shoaling on the west side are problems that requires continuing maintenance. Shoaling is a hazard for larger commercial and recreational vessels and ultimately reduces inlet flushing rates. Jetties at the entrance preclude the downdrift (easterly) movement of beach material, resulting in erosion of the beach on the east side of the inlet. The beach on the east side of the city provides an opportunity for dredged material for beach replenishment and tern colony enhancement if implemented properly.

### Water Quality, Shellfishing, and Aquaculture

Substandard water quality resulting from nonpoint and point source pollution preclude the inlet's designated use for shellfishing during most of the year, except during cold and dry winter periods when there is very little runoff into the inlet and no recreational boating activity. While water quality fails to meet SA water quality standards most of the year, it may be possible to improve water quality and reopen areas within the inlet for shellfishing. This will require control and/or treatment of stormwater and agricultural runoff using nonstructural as well as structural management practices. If these improvements are effective, current closures might be amended. In addition, use conflicts between shellfishing and concentrations of vessels

in marinas and mooring areas must be addressed to allow reopening of shellfish beds, if possible. Some of the potential risks of vessel waste pollution may be reduced by providing sufficient pumpout stations (see the Townwide policies). To effectively resolve these use conflicts in the short term, concentrations of anchored vessels will have to be limited to designated areas and prohibited in areas that are prime areas for shellfish harvesting.

At the mouth of the creek, there is also an active aquaculture operation maintained by Blue Point Oyster. These activities are important to the future of the local commercial fishing industry and should be protected and encouraged.

## **RECOMMENDATIONS AND IMPLEMENTATION**

### **Introduction**

Objectives for the Mattituck Inlet sub-area of the *Harbor Management Plan* include:

- The need to preserve and improve water-dependent uses within the inlet;
- Reuse of approximately 21 acres of vacant and underutilized waterfront land at the north end of the inlet for water-dependent uses;
- Improve surface water quality for shellfishing; and
- Maintain natural resources within the inlet, such as significant fish and wildlife habitats, wetlands, and shellfish beds.

### **Recommendations and Implementation**

To further the Townwide recommendations provided above in *Section III* and the recommendations of the *Long Island Sound Coastal Management Program*, the Mattituck Inlet plan proposes the following:

Protect Water-Dependent Uses. Protect and maintain existing water-dependent uses in their current locations and improve conditions so that they can operate more efficiently. Allow these uses to expand within defined perimeters. Examine the zoning along the inlet and need for zoning marine use properties as MI zones from the current MII zone. One such location is the vacant land at the mouth of the inlet (see discussion below).

Reuse of Vacant Parcels. Facilitate the siting of maritime uses on the vacant sites at the mouth end of the inlet. This should include a public boat ramp, waterfront public use, and possible dry rack storage, but the level of activity at this location would have to consider protection of the navigation channel width and the capacity of the inland streets to provide access. Parcels should also be open to public access, with consideration to public safety.

Habitat Protection. Protect the significant natural resource and habitats throughout the inlet. Proposed dredging in 1996 should be done in such a way that improves tern and piping plover habitat (disposal east of the east jetty) and minimizes impacts on water

quality, the aquatic resources, and habitats within the inlet. This would include identifying these natural resources in the dredging plan, avoiding significant beds to the extent feasible, and using silt screens to minimize turbidity.

Water Quality. Improve water quality for shellfishing by developing remediation measures for stormwater runoff (both point and non-point sources), vessel waste discharges, commercial facility pollution controls, and septic leachate. With respect to vessel discharges, gather data on the types of craft that use the federal anchorage (i.e., mix of large boats with heads and smaller craft) and the use of pumpouts. Currently, there is one pumpout in Mattituck at the Matt-a-Mar marina; this facility should have the capacity to handle pumpout demands within the inlet. Education through signage at the federal anchorage as to the availability of this facility could improve use of pump-outs.

Shellfish Harvesting. Maintain access opportunities to shellfish beds. Ensure that access is not precluded by structures or boating infrastructure. Protect aquaculture operations from impacts from boating and water quality degradation. Encourage improvements that will reduce pollutant loading to the inlet and, as a consequence, improve shellfish harvesting opportunities. Use of transplant to non-polluted waters is also encouraged.

Moorings and Anchorage Systems. Within the context of the protection of water quality, shellfish beds, and navigation channels, alternative mooring techniques (as discussed above) could be considered to reduce water area occupied by boat-swing circles. These alternative techniques could be used within the federal anchorage. This would require a capital investment and some operational costs that could be recovered through user fees. Implementation could be a public/private partnership.

Management. Consider a harbor management committee for Mattituck that would coordinate the activities within its waters. This could also include an improvement district, pursuant to Section 190 of the New York State Town Law, to provide a funding mechanism for public projects and physical improvements in the inlet, such as water quality improvement projects, studies, construction and maintenance of launching ramps, public docks, anchorage areas, bulkheads, land acquisition, public docking facilities, dredging, and shellfishing.

Public Access. Protect, maintain, and expand public access opportunities to both underwater lands and the foreshore for shellfishing, fishing, recreational boating, swimming, and passive recreation. To this end, expanded facilities for public fishing from the rebuilt jetty should be implemented. Also, the protection of access to the water's edge must be considered in the issuance of permits for structures (see also the discussion under #2 above).

Dredging. Dredging is proposed in 1996. Seek advanced maintenance dredging of the channel extending to a depth greater than 7 feet, thereby extending the periods between dredging. Dredging should be done so that impacts on water quality and natural resources are limited and not significant. Marinas should be encouraged to

piggyback when Corps dredging is planned (to piggyback is to have some portion of the marina channel dredged as well).

Channel Protection. There are very narrow areas of the channel at the areas around the Old Mill Road bridge. Protection of the channel from impacts -- both by structures along this stretch of the inlet and through all of Mattituck -- is of utmost importance. Potential impacts of new structures on channels and navigation must be considered in the review of permit applications for structures along the water. This would include the protection of the immediate channel (40 feet wide) and a buffer area on both sides of the channel (e.g., 10 feet on both sides). Trustee review of permits for structures in water should address channel protection.

Deteriorated Waterfront Conditions. The bulkheaded edge of the vacant property at the head of the inlet is deteriorated. Although no structural analysis was done as part of this study, in the absence of redevelopment of that property, the shore protection structures will continue to deteriorate. This could eventually pose a threat to navigation, particularly if the bulkhead fails, and should be monitored. If the conditions begin to pose a serious threat to navigation, actions should be taken to remedy these conditions at the expense of the property owner.

Rafting in the Federal Anchorage. This is a good north shore anchorage, and the waters are well-protected. There have been incidents, however, when boats raft up, the captain and crew leave the boats, and the boats drift during high winds. Rafted craft should not be left unattended and rafting should not be permitted when small craft advisories are issued. This can be stated on navigational aids that define the anchorage.

Nighttime Noise. Sound vibrations tend to travel greater distances over open water than on land and are much more discernible at night. Persons on boats may therefore be creating noise pollution without realizing it. Overall, this is not a major problem, but at times has been an issue in Mattituck. Provision of noise meters for the Bay Constables should help in this regard.

Tourism and Economics. Provide promotional and informational signage near the Mattituck federal anchorage (at the Town ramps) regarding inland activities to encourage boaters to spend money locally.

This draft plan has not been implemented because key issues and recommendations need to be further identified, a harbor management chart developed and legislation drafted. *Map IV-1* Mattituck Inlet Maritime Center illustrates elements of this draft plan.

### **(iii) The Fishers Island Harbor Management Plan**

The Fishers Island HMP was developed by the Fishers Island Harbor Management Committee under the auspices of this LWRP. The Committee felt that the most significant harbor management issues on Fishers Island were located in West Harbor. There, the divergent interests of recreational boaters, marina and shellfish producers all converged within an enclosed area that was becoming increasingly congested with boat traffic during the height of the season: the summer. The issues related to the quantity, location and availability of moorings, the protection



of the navigation channel, the extent to which transient boaters should be accommodated and the effects of boating activity and upland uses on both water quality and the shellfish resources of the harbor.

However, the Committee also identified other significant harbor management issues. These included: the improvement and protection of the quality of surface waters in all of the harbors; access to and the layout of in-water structures in Hay Harbor; protection of the ferry access from New London; water quality protection in Silver Eel Pond; the fate of the Navy research facility; management of the beaches; general uses of the waters surrounding Fishers Island including the impacts of mooring along the north shore; anchoring policies in East Harbor and the impacts of this activity on that harbor's water quality, shellfish resources and habitats.

On February 28, 1997, the Committee presented the Town of Southold with the final version of the *Fishers Island Harbor Management Plan*. The HMP set forth the following goals and guidelines.

- *Ensure balance among existing use of the Island's surrounding waters and harbors.*
- *Protect and maintain the shorefront character, heritage, and existing quality of life.*
- *Promote and support access to the Island's surrounding waters and other resources in the shoreline area for all Island residents.*
- *Provide for and regulate multiple uses of the Island's surrounding waters and harbors, in a manner that assumes safe, orderly and optimum use of the water and shorefront resources.*
- *Maintain the chemical, physical and biological integrity of the Island's surrounding waters and harbors and their dependent habitats.*

(Source: *Fishers Island Harbor Management Plan, 1997, p.1*)

The HMP was adopted by the Town Board on March 4, 1997. (*Map IV-2*. Fishers Island Harbor Management Plan displays elements of this plan.) Subsequently, legislation was drafted to implement the HMP. This legislation was adopted on July 22, 1997 as *Chapter 33 of the Town Code*, and although a synopsis is provided in the following paragraphs, the law itself is included at the end of this Section 10. Appendix, along with a copy of the 1997 HMP itself. for the reader's convenience.

The HMP applies to all waters adjacent to Fishers Island from the mean high-water mark seaward for a distance of 1,500 feet. It designates the Bay and Fishers Island Constables, the New York State Police and other law enforcement officers with the authority to control waterborne traffic. It formally creates a Harbor Committee charged with recommending policies for management and to assist in the administration of the plan. Penalties for violations may be levied, but are not to exceed \$250 or imprisonment time up to six months.

The legislation regulates the speed of boats within 300 feet of the shoreline, piers, anchored or moored vessels, launching ramps, marinas, sailboat race courses, and other congested areas to within five miles per hour. It also defines places and terms under which waterskiing is permitted. The terms by which resident's boats may be anchored or moored also are set forth, along with a charge to the Committee to maintain a mooring plan and a permit system. Random inspections of the moorings are permitted so as to ensure their proper maintenance. Use of the moorings by guests of the mooring owner is permitted, but is subject to review and permission of the Constable

and/or the Committee. The use of any boat as a live-aboard residence is prohibited except on a strictly limited and temporary basis, as defined by the Code and subject to any extensions the Committee feels are justified.

Chapter 33 also deals with safety issues. It limits the number of boats that may be rafted to single moorings during daylight and evening hours. It provides for the removal of un-navigable boats. Water quality issues also are addressed in the prohibition against discharging any untreated or improperly treated sewage, refuse, waste matter, petroleum products or by-products, paint, varnish, dead animals or debris within Fishers Island waters or shores.

## **7. Analysis**

The preparation of site specific harbor management plans for the key creeks and open water areas within the Town is an effective and structured way to maximize public access to the waterfront while protecting the marine and shoreline environments. HMPs can combine regulation of waterborne uses as well as shore-side practices and it can site-customize those regulations to target the issues of greatest concern to that harbor. HMPs also offer the convenience of grouping all site-specific regulations in one place, thereby making it easier to become familiar with the regulations and to enforce them. The Fishers Island HMP is an excellent case in point, whereby a separate Harbor Committee was designated and appointed by the Town Board to deal with specific management issues on a more timely basis than could Town personnel based on the mainland. For that reason, the Town proposes to continue developing and implementing HMPs, particularly those noted on the Priority list, above.

For the benefit of the reader, the key harbor management issues within each Reach have been discussed in *Section II. Inventory and Analysis*, particularly *Subsections J. and K., Reach Inventory and Analysis* and *Summary and Conclusions*. Further, in *Section III. Waterfront Revitalization Policies*, the key aspects of harbor management are addressed. The policies that are particularly relevant to the concept of harbor management and the issues of concern are noted below:

### **DEVELOPED COAST POLICIES**

- Policy 1 Foster a pattern of development in the Town of Southold that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.
- Policy 2 Preserve historic resources of the Town of Southold.
- Policy 3 Enhance visual quality and protect scenic resources throughout the Town of Southold.

### **NATURAL COAST POLICIES**

- Policy 4 Minimize loss of life, structures, and natural resources from flooding and erosion.
- Policy 5 Protect and improve water quality and supply in the Town of Southold.
- Policy 6 Protect and restore the quality and function of the Town of Southold's ecosystem.

Policy 8 Minimize environmental degradation in the Town of Southold from solid waste and hazardous substances and wastes.

### **PUBLIC COAST POLICIES**

Policy 9 Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Town of Southold .

### **WORKING COAST POLICIES**

Policy 10 Protect the Town of Southold’s water-dependent uses and promote siting of new water-dependent uses in suitable locations.

Policy 11 Promote sustainable use of living marine resources in the Town of Southold.

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

The aforementioned policies each contain a sub-policy that has specific relevance to harbor management. Accordingly, the Town's LWRP contains a strong HMP element throughout, whether expressly fashioned into a site-specific HMP or not. The development and implementation of any HMP within Southold will require the active input of the Board of Trustees, because of their jurisdiction over Town-owned underwater lands and lands within 100 feet of fresh and tidal wetlands. The Trustees currently exercise jurisdiction over many types of activities that can be characterized as harbor management. These activities are defined and described in the following chapters of the Town Code:

Chapter	32,	Boats, Docks and Wharves
Chapter	77,	Shellfish
Chapter	97,	Wetlands

The contents of each Chapter is explained in this document *in Section V - Techniques for Implementing the Local Waterfront Revitalization Program*.

## **8. Recommendations**

It is suggested that future HMPs in Southold address the following concerns, at a minimum:

- o Mooring Plans
- o Mooring Permits
- o Protection of Navigation Channels
- o Dock & Pier Regulations: Public and Private
- o Wetlands and Habitat Protection: Local and Regional
- o Fisheries Management: Local and Regional
- o Shoreline Protection, Flooding and Erosion
- o Water Quality Protection: Management of Stormwater Runoff and Upland Watershed Land Use
- o Shellfish Management
- o Public Infrastructure & Commercial Support Services: Fishing, Recreational, Marine
- o Boating Activity: Types and Level of Traffic
- o Public Access: Water Dependent and Enhanced

- o Open Space, Historic and Aesthetic Issues
- o Common Law and Riparian Issues: Use and Control of Underwater Lands
- o Stewardship and Public Education
- o Emergency Response Plans
- o Enforcement and Penalties

Finally, the development of future HMPs should be a collaborative effort involving Planning staff, an environmental consultant or staff person, the Board of Trustees, the Bay Constables, the Shellfish Advisory Committee, the Conservation Advisory Committee, representatives of the marine businesses within the harbor, property owners and other harbor users. Input on draft HMPs should be solicited from outside agencies whose cooperation in managing the harbor may be needed. These agencies may include all or some of the following:

- o Village of Greenport Harbormaster
- o County of Suffolk
  - o Department of Planning
  - o Department of Public Works
- o State of New York
  - o Department of Environmental Conservation
  - o Office of Parks, Recreation and Historic Preservation
  - o Office of General Services
  - o Department of State
  - o Department of Transportation
- o U.S. Government
  - o Army Corps of Engineers
  - o Coast Guard
  - o Environmental Protection Agency
  - o Department of Interior
  - o Department of the Navy
  - o National Oceanic and Atmospheric Administration

While HMPs should be incentive-based whenever possible, it is recognized that penalties must be set for those who chose to violate the law. In the case of HMPs, the penalties should provide sufficient financial deterrence to boaters and property owners that may be tempted to ignore the rules. Given the time periods involved with enforcement and the often high cost of undoing environmental damage, a one-warning system followed by truly stiff fines and a replacement or repair requirement may be more effective than a low maximum fine of \$250 per violation.

However, there are a number of issues that are universal to the Town's surface waters that are perhaps best dealt with through general legislation, particularly in relation to the impact of land uses on the water. These issues really require a more broad-based approach to management; one that takes into account human activity within the entire watershed of a harbor. For instance, the siting of septic systems relative to ground and surface waters, the re-grading of natural drainage swales, the stripping of native vegetation and replacement with landscaping requiring irrigation and fertilizers: each of these activities has an impact on the surface water quality. In those instances, the adoption of tighter restrictions on how land is developed and used will help reduce the negative impacts of human activity on the Town's enclosed surface waters. Given the fact that

the Town's entire landmass drains to its surrounding waters, town-wide regulations are likely to be more effective in protecting harbor water quality than HMPs alone.

## **9. Conclusions**

Ideally a harbor management plan addresses conflicts between competing water uses and leads to more efficient use of the water surface, shoreline and natural resources. It provides guidance on the management of boat traffic, general harbor use, the optimum location and number of boat support structures, (such as docks, piers, moorings, pumpout facilities, and special anchorage areas), and the safeguarding of local and federal navigation channels from obstacles. It also helps the Town to identify various avenues for optimum use of the waterfront and adjacent water surface, while at the same time noting the probable environmental effects of these alternatives.

It is anticipated that future HMPs will incorporate elements of resource management, particularly in those harbors containing significant fisheries and marine habitat. In open waters, HMPs are more likely to focus on the location and protocols for mooring or anchoring fields with an eye towards protecting key marine habitats, fisheries, and scenic vistas, as well as ensuring public safety. As the summer and resort population increases, the influx of seasonal and out-of-town boaters will not only result in more congestion on the waters, but may result in greater potential for environmental damage. It is difficult to enforce regulations on the water given the enormous amount of waterfront, nevermind the numbers of inexperienced or uninformed boaters. For that reason, extensive public education is felt to be a necessity in order to maintain high standards of stewardship of the surface waters within the Town's borders.

Finally, HMPs cannot substitute for good resource management plans on a broad scale; whereby the State, the County and the Town work together to ensure the sustainability of the marine habitat and fisheries. But, HMPs can and should complement those resource management plans and, further, should do so by providing clear guidelines for property owners, boaters and government officials about the permitted or prohibited activities within their subject harbors.

## **10. Appendix**

### **(i) Fishers Island Harbor Management Plan, 1997.**

The Committee established the following goals and guidelines for harbor management planning for the waters surrounding Fishers Island. The Fishers Island Harbor Committee shall strive to:

- Insure balance among existing uses of the Island's surrounding waters and harbors.
- Protect and maintain the shorefront character, heritage, and existing quality of life.
- Promote and support access to the Island's surrounding waters and other resources in the shoreline area for all Island residents.
- Provide for multiple uses of the Island's surrounding waters and harbors in a manner that assures safe, orderly and optimum use of the water and shorefront resources.
- Maintain the chemical, physical and biological integrity of the Island's surrounding waters and harbors and their dependent habitats.

In response to these goals and issues, the Fishers Island Harbor Committee has prepared the Fishers Island Harbor Management Plan. This Plan includes proposed amendments to the code of the Town of Southold to implement and enforce the Harbor Management Plan. The proposed Harbor Management Plan for Fishers Island, the resulting water uses and amendments to the Town

Code will be integrated within the Town of Southold Harbor Management Plan as part of the Town of Southold LWRP.

#### The need for a Fishers Island Harbor Committee

As the uses of harbors and waters surrounding Fishers Island increase and diversify, the need for clearly defined and communicated rules and regulations is essential to avoid and mediate conflict.

In the past on Fishers Island, there have been Southold Town Bay Constables appointed on an annual basis to enforce Southold Town Code as it relates to Fishers Island waters. In some cases, the Town Code does not address specific harbor issues that occur on Fishers Island.

For these reasons, a Fishers Island Harbor Management Committee shall be established to develop and recommend policies for the management of the waters surround Fishers Island to the Southold Town Board and other bodies with jurisdiction over such waters. The Committee shall strive to ensure balance among existing uses of Fishers Island waters.

The Committee shall act in an advisory capacity to the Southold Town Board. Members may be appointed by the Town Board so as to adequately represent a wide range of groups using and interested in Fishers Island waters, drawing members to the extent reasonably possible from the groups listed in Appendix C from time to time.

Committee members shall serve for a term of five years, except that the initial members shall serve staggered terms of one, two, three, four and five years as appointed by the Town Board. At the expiration of each members' original term, the successors shall be appointed for a term of 5 years.

The Town Board may remove any member of the Committee for cause. The Committee may recommend to the Town Board a list of suitable candidates to fill the vacancy.

The Committee shall meet at least two times a year prior to and after the boating season in April/May and September/October. Notice of these meetings shall be mailed to individual Committee members, shall be posted on the Post Office bulletin board and shall be provided to the Southold Town Clerk ten (10) days in advance of the meeting. Meeting agendas shall follow Robert's Rules of Order. Minutes of these meetings shall be available at the Fishers Island Library and forwarded to the Southold Town Clerk. A chair shall be elected at the post-boating season meeting each year.

#### Implementation and enforcement

The Town Board may incorporate the recommendations of the Fishers Island Harbor Committee into the Town Code. In order to ensure a safe and positive experience for all users of Fishers Island waters, it is important to establish clear communication of and consistent enforcement of the Town Code as it applies to Fishers Island waters. The Town Board shall annually appoint one or more Fishers Island Bay Constables, each to serve for one year, after advertising, from a list, which may include candidates submitted by the Committee. The Bay Constables shall enforce the Town Code and other laws and ordinances applicable to Fishers Island waters.

The Fishers Island Bay Constables shall monitor the status of boats in Fishers Island waters and be available to incoming vessels to provide guidance on amenities, moorings, and anchorages to vessel operators and provide advice on the Town Code as it applies to Fishers Island waters.

The Bay Constables shall also collect fees and maintain records of all moorings and other permits issued in accordance with the Town Code, including such information about permits, vessels and locations as may be pertinent thereto, and shall make reports on permits, violations and other matters to the Committee as it may reasonably request.

Moved by Justice Evans, seconded by Councilwoman Oliva, it was RESOLVED that the Town Board of the Town of Southold hereby adopts the Fishers Island Harbor Management Plan, dated February 28, 1997, prepared for the Town of Southold by The Fishers Island Harbor Committee. Said plan is as follows:

### **FISHERS ISLAND HARBOR MANAGEMENT PLAN**

Prepared for the Town of Southold by:  
**THE FISHERS ISLAND HARBOR COMMITTEE**  
FEBRUARY 28, 1997

Fishers Island is an isolated hamlet at the northeasternmost reaches of the Town of Southold in Long Island Sound. Fishers Island residents seek to preserve the aesthetic beauty, ensure the environmental health, maintain the character and infrastructure, and enhance the Island's economic viability. Fishers Island is a residential community with virtually no provision for tourism. This fact combined with New York State's formal recognition that Fishers Island is surrounded by the highest quality marine waters in the Long Island Sound and hosts various rare habitats sets the stage for the preparation of this document.

In harmony with the goals of the Town of Southold, Fishers Island's social and economic well-being and the general welfare of the people of Fishers Island are critically dependent upon the preservation, protection, and judicious use of the natural and man-made resources of the Island's surrounding waters and shoreline areas.

In response to and in anticipation of the increased pressures for use of the Island's coastal land and water resources, the importance of long range planning, to maintain and guide the future use and development of the Island's limited and sensitive resources has been recognized. Some of the most important planning issues on the Island relate to the use and management of the harbors and waters surrounding Fishers Island.

The most significant harbor management issues on Fishers Island occur in West Harbor. The sometimes divergent interest of recreational boaters, marinas and shellfish producers all converge within a harbor that is becoming increasingly congested with boat traffic. The main concern is with the quantity, location and availability of moorings, particularly for Island residents, the quantity and location of anchored boats, the protection of the navigation channel, the layout of in-water structures, the extent of provision for transient boaters, and the effects of boating activity and upland uses on both water quality and the important shellfish resources of the harbor.

Other significant harbor management issues on Fishers Island include minimizing the impacts of harbor uses on the adjacent shorefront residential uses; the improvement

and protection of water quality, navigational access and to and the layout of in-water structures in Hay Harbor; the protection of the ferry access and water quality in Silver Eel Pond; and the protection of localized surface water uses, such as the Navy facility and the recreational uses at the beaches, in the waters surrounding Fishers Island and the impacts of moorings along the north shore and anchoring in East Harbor and the impacts of this activity on water quality, shellfish resources and habitats.

In response to the increasing congestion and competition for the use of the waters of Fishers Island, the Town of Southold appointed a 16 member Fishers Island Harbor Committee. Established in May 1994, they were charged with drafting a harbor management plan for all the Town waters surrounding Fishers Island.

The preparation of the harbor management plan will help address and mitigate any conflicts among competing water uses and lead to the efficient use of the waters, shorelines and natural resources of Fishers Island. 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 for a the management and regulation of boat traffic, general harbor use, optimum location and number of boat support structures, such as docks, piers, moorings, pumpout facilities, special anchorage areas, and identification of local and federal navigation channels. 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. Each person using Fishers Island waters assumes all risks thereof and no use shall create liability on the part of the Bay Constable, the Town of Southold or the Committee.

#### Covering Costs:

The Committee will incur costs associated with administering and implementing management policies recommended to and adopted by the Town Board. The Committee shall prepare a budget to be submitted to the Town during its budget formulation process. The Committee shall calculate the past year's expenses and estimate the costs of specific project ideas for the coming year when formulating a budget to be presented to the Town.

The Committee shall from time to time, recommend for adoption by the Town Board, a fee schedule for permits required for activities in Fishers Island waters. The fees shall be collected by the Fishers Island Bay Constable and deposited into the Town's general fund.

#### Establishing General Uses and Restrictions:

The Town Board shall provide for the existing multiple uses of Fishers Island waters in a manner that assures safe, orderly, and optimum use of the waters and shorefront resources. The Committee shall be responsible for recommending to the Town Board designations of restricted use areas (such as aquaculture sites, no jetskiing areas) in Fishers Island waters on an as needed basis (included in Appendix A). In many cases the Town Code specifically addresses particular uses. The uses outlined below are of particular concern to Islanders and recommendations on how to address these uses are made.



*Access:*

Fishers Island is a quiet residential community that possesses outstanding natural resources and little in the way of amenities and what are typically considered tourist attractions. Visiting boaters who wish to go ashore can do so from West harbor or Silver Eel Pond. There are several private and semi-private beaches on the Island which are frequently enjoyed by visitors. Shorefront property owners seem particularly tolerant of these visitors, especially when the visitors do not stray beyond mean high tide lines and leave behind no trace of their visit.

Islanders are afforded ample access to the shorefront. There is one large public beach at the southwest end of the Island, several semi-private beaches along the southeast side of the Island and one on the northwest end of the Island. The area belonging to the Fishers Island Ferry District on the southwest end of the Island is heavily used by anglers as is Silver Eel Pond. There is a public boat ramp in inner West Harbor. Many shorefront property owners allow Island anglers to cross to the shore. There are two public marinas (one with eight slips and a deli) on West Harbor and another marina at inner West Harbor.

*Speed and Wake:*

No vessel shall create a wake that disturbs or damages any persons or property. No vessel shall be operated at a speed of more than 5 miles per hour within 300 feet of any shore, pier, anchor or moored vessel, launching ramp, marina, sailboat race or other congested area.

*Water-skiing:*

There are few areas in Fishers Island waters where conditions regularly accommodate water-skiers with the exception of the almost totally enclosed Hay Harbor. Because it is a long standing and popular pastime, water-skiing has been permitted in Hay Harbor with exceptions to speed and wake regulations. Allowable times and ski patters were established to maximize safety and consider aesthetics for surrounding property owners. These restrictions are currently outlined in the Town Code.

*Shellfishing:*

There is a concern among Islanders about out of state visitors harvesting shellfish from Fishers Island waters both in and out of seasons defined by the New York Department of Environmental Conservation (DEC). Bay Constables will monitor shellfishing activities, enforce the DEC seasons, and check permits.

*Other Natural Resources:*

In order to protect and maintain the superior environmental quality of the shoreline, permits shall be required from the Town of Southold and other agencies with jurisdiction for removal of sand, gravel. Beach rock, or other materials from lands adjacent to Fishers Island waters.

*Piers and Bulkheads:*

In order to ensure safe navigation, monitor environmental impacts, consider impacts on shorefront property owners and maintain the quality and character of the shorefront, permits for piers, bulkheads, docks, additions to these, or any other fixed objects in

Fishers Island waters, shall be required from Southold Town and other agencies with jurisdiction. Owners of fixed structures in Fishers Island waters shall maintain such structures at a level so as not to cause hazards to navigation and damage to persons or property.

*Anchoring:*

Safe anchorages shall be provided for visiting vessels that do not interfere with moorings, channels, other areas designated for particular uses or community character. For safety reason, no anchoring shall be allowed in Silver Eel Pond, site of the Fishers Island ferry pier and US Coast Guard Station. In order to improve or maintain water quality and avoid interference with mooring fields and channels, no anchoring is allowed in Inner West Harbor. Water quality considerations are the basis for no overnight anchoring in Hay Harbor. As is stated in Town Code, no vessel shall anchor anywhere for longer than three consecutive nights.

*Moorings:*

In the interests of vessel safety, environmental protection, and the optimum use of available space, all moorings in Fishers Island waters shall require a permit issued by the Bay Constable.

The location of all moorings shall be determined by the Committee and be shown on a Mooring Plan for Fishers Island waters (as shown in Appendix A). The Committee shall consider the size and class of vessel, whether the mooring will be used for vessel storage or living aboard, and impacts on shorefront property owners while developing the Mooring Plan and assigning mooring locations. The Mooring Plan shall show both designated mooring fields and locations of moorings that are not in the designated mooring fields. As a matter of courtesy, adjacent shorefront property owners shall be notified of and hear on applications for moorings not located within a designated mooring field.

In order to improve and maintain water quality in West Harbor and monitor vessels as potential sources of pollution, the mooring field to the west of Goose Island Channel shall be used primarily for storage of vessels while the mooring field to the east of Goose Island Channel shall be used primarily to moor live-aboard vessels.

*Transient Moorings:*

For reciprocity with other harbors and in an effort to extend hospitality, some provision shall be made for visiting vessels seeking a mooring in Fishers Island waters, in addition to the established anchorage areas. To this end, a number of moorings shall be made available for transient boats and be located within the east mooring field at West Harbor in a way that does not impair water quality. The transient moorings will be made available for a boating season to an appropriate local management agent on payment of the mooring permit fee. Transient moorings will be distinctly marked and use of the moorings will be available from the local management agent.

*Special Uses of Private Moorings:*

All permit holders (whether having moorings in or out of a designated mooring field) with a vacant mooring shall be permitted to allow guest use of their moorings as long as the mooring tackle and mooring circle can safely accommodate the guest vessel. However, for reasons stated earlier, unless the mooring is located in the east mooring field at West harbor, the guest shall not live aboard during the visit. For purposes of tracking visitor uses and associated impacts of Fishers Island waters, guests shall be registered by the permit holder with the Bay Constable.

*Rafting:*

Unsafe rafting of vessels can pose serious threats to property and persons and adversely impact shorefront property owners. Rafting shall not interfere with navigation, neighboring moorings or lawfully anchored vessels. Weather permitting, up to three vessels may raft on a single mooring in the daytime and two overnight. Rafted vessels must be attended.

*Overnight use of a vessel:*

Impacts on water quality and community character are the primary reasons to regulate use of vessels as abodes, whether docked, moored, or anchored. Overnight use of a vessel shall be allowed for three consecutive nights in any 14 day period, only in an area designated for live-aboard use. However, the Town Board may give the Committee power to grant temporary exceptions to the length of stay, considering the location of the vessel, overboard discharges associated with the vessel, and reasons for the request for an exception.

*Sanitation:*

To maintain the superior quality of Fishers Island waters and shores for the benefit of all users, no untreated or insufficiently treated sewage, no refuse, no waste matter, no petroleum product or byproduct, no paint or varnish, no dead animal or debris shall be discharged into Fishers Island waters or adjacent shores.

*Noise:*

In consideration of shorefront property owners, people aboard vessels in anchorages and mooring fields with live-aboards, vessel engine noise shall be sufficiently muffled in such a way that it does not interfere with a reasonable man. Parties and pets aboard visiting vessels shall not disturb shorefront property owners or people aboard other vessels.

More about Moorings:

*Fees:*

An administrative fee for an annual mooring permit shall be set by Town Board resolution. The Harbor Committee shall recommend the amount of this requisite fee on an annual basis (Appendix D).

*Applications:*

The process for soliciting and reviewing mooring permit applications shall be as follows:

Mooring permit applications will be made available by the Bay Constable in January of each year. Completed mooring permit applications and the requisite fee shall be returned to the Bay Constable by March 31 of each year. Prior to the boating season, the Committee will meet to review mooring permit applications and make mooring location assignments in accordance with the Mooring Plan for Fishers Island waters. Following this meeting, the Bay Constable will mail annual mooring stickers and details of the mooring location to approved applicants and refund the requisite fee to unsuccessful applicants.

For reference purposes during Bay Constable patrols of mooring areas, each mooring application shall contain information about the applicant (address and phone), the vessel, and the type of mooring tackle.

In order for Bay Constables to monitor the type and condition of tackle for safety purposes, mooring inspection forms (available from the Bay Constable) shall accompany the mooring application. The mooring inspection form shall indicate a visual inspection of tackle performed anytime within the preceding year.

Applications for a mooring permit will be publicly heard at a duly noticed Committee meeting. The applicant shall have the right to attend and speak.

Any amendments proposed to existing mooring permits will require an application for a new mooring permit.

*Waiting List:*

If no moorings or spaces for moorings are available to accommodate an application, the applicant's fee shall be refunded and the applicant's name shall be put on a waiting list in the order of time of completion of the application. Applicants on the waiting list shall reapply each year to maintain position on the waiting list.

*Mooring Maintenance:*

In order to provide for the safety of persons and property, the Committee shall recommend to the Town Board mooring tackle specifications for use in the waters surrounding Fishers Island. The Town Board may establish recommended minimum mooring tackle specifications (shown in Appendix B). Bay Constable shall perform random tackle inspections to ensure proper condition of tackle.

Moorings failing an inspection, or missing a buoy, or otherwise defective or unsafe shall not be used until the condition is corrected. If unsafe conditions persist, or the mooring is abandoned, the Bay Constable shall report the details to the Harbor Committee and the Town Board. The Bay Constable may order the tackle lifted and removed. In the event that the owner fails to remove the tackle within 10 business days, the Town may cause the tackle to be lifted and removed. The expense of such removal shall constitute a lien and a charge on the property of the owner until paid, and shall be collected in the same manner and at the same time as other Town charges.

For Bay Constable patrolling purposes, when the mooring permit is issued and the mooring is placed, the permit holder shall mark the float with the appropriate identifying characters.

*Unsafe Conditions:*

The Bay Constable shall be able to order the correction of conditions he deems unsafe or a hazard to persons or property.

**Appendix A: Water Use Plan – West Harbor, Fishers Island**

**Appendix B: Recommended Minimum Standards for Single Point Mooring**

In an effort to improve the safety of moored vessels in Island harbors, the Fishers Island Harbor Committee recommends the following:

- 1) The Committee recommends that all surface and “reachable” portions of mooring tackle be inspected once a year and that a diver inspect all tackle components once every tow years. The Bay Constable will perform random inspections of mooring tackle as a way to monitor the success of this self-compliance process, to determine if tackle is being maintained in a safe condition.
- 2) The Committee recommends the minimum standards for single point moorings outlined below. It is recognized that these standards are conservative and presently (1/97), would require many owners to upgrade their tackle. Careful monitoring of the condition of tackle and upgrading tackle as it needs to be replaced will go a long way toward making the harbors safer for all boat owner.

<b>Vessel Length</b>	<b>Vessel Weight</b>	<b>Mushroom Weight</b>	<b>Bottom Chain</b>	<b>Top Chain</b>	<b>Pennant Nylon strand</b>	<b>3</b>
12-26'	Up to 2 tons	150 lbs	1/2"	3/8"	Single 5/8"	
18-32'	Up to 6 tons	300 lbs	5/8"	3/8"	Single 3/4"	
25-42'	6 to 10 tons	400 lbs	5/8"	1/2"	Pair 3/4"	
35-52'	Up to 15 tons	500 lbs	3/4"	5/8"	Pair 1"	
42-80'	Up to 25 tons	750 lbs	3/4"	3/4"	Pair 1"	

**NOTES:**

Only mushroom anchors should be used for permanent moorings. Use of newer technology will be reviewed by the Committee on a case by case basis.

West Harbor moorings for vessels under 20 feet in length should be equipped with 20 feet of proof coil galvanized chain. West Harbor moorings for all other vessels should be equipped with 15 feet of bottom chain and 15 feet of top chain. The Committee will review applications and make recommendations on chain lengths for moorings in locations other than West Harbor an a case by case basis. Galvanized screw pins for shackles should secured with plastic ties or wire seized.

Three-strand nylon pennant should be a minimum length of 10 feet and chafe guard should be placed at obvious points of wear.

The float buoy should be high impact styrofoam or injection molded plastic with a minimum 24 inch diameter.

The Town of Southold, the Fishers Island Bay Constables and the Fishers Island Harbor Committee assume no responsibility for personal injury or property damage that may result from the use of any mooring tackle that either meets or exceeds the minimum standards recommended above.

**Appendix C: Groups Interested in Fishers Island Harbor Management**

At the date of initial approval of the Fishers Island Harbor Management Plan, the groups interested in Island harbor management and their proportionate interests, expressed as the number of members of the Fishers Island Harbor Committee each group should have to represent it, are as follows:

- a. Fishers Island Civic Association (1)
- b. Fishers Island Club, Inc. (1)
- c. Fishers Island Conservancy (1)
- d. Fishers Island Development Corporation (1)
- e. Fishers Island Fire Department (1)
- f. Fishers Island Lobstermen’s Association (1)
- g. Fishers Island Yacht Club (1)
- h. Goose Island, Inc. (1)
- i. Hay Harbor Club (1)
- j. Hay Harbor Property Owners Association (1)
- k. Island People’s Project (1)
- l. Pirate’s Cove Marine (1)
- m. persons engaged in aquaculture (1)
- n. other owners of waterfront property on West Harbor (2)
- o. other owners of waterfront property on Hay Harbor (1)

**Appendix D: Fees**

At the date of initial approval of the Fishers Island Harbor Management Plan, the schedule of annual fees for mooring permits in Fishers Island waters is as follows:

<u>Length of Vessel</u>	<u>Permit Fee</u>
up to 25 feet	\$30.00
over 25 feet but not more than 35 feet	\$65.00
over 35 feet	\$125.00
Non-resident/non-lessee	\$300.00
Moorings outside entrance markers to East, West and Hay Harbors	\$00.00

**(ii) Southold Town Law, Chapter 33, Fishers Island Harbor Management**

{HISTORY: Adopted by the Town Board of the Town of Southold 7-22-1997 by L.L. No. 19-1997. Amendments noted where applicable.}

**GENERAL REFERENCES**

**Boats, docks and wharves – See Ch. 32.**

**Coastal erosion hazard areas – See Ch. 37**

**Parking at beaches – See Ch. 65**

**§ 33-1. Title; applicability.**

A. Title. This chapter shall be known as “The Fishers Island Harbor Management Law.”

B. Applicability. Unless otherwise provided, each provision of this chapter relating to Fishers Island shall apply to all waters adjacent to Fishers Island, Town of Southold, from the mean high-water mark to a distance of 1,500 feet from the shore.

**§ 33-2. Traffic control authority.**

The Bay Constables, Fishers Island Constables, the New York State Police and other law enforcement officers shall have the authority to control waterborne traffic as specified in Chapters 32 and 33 of the Southold Town Code and other applicable state and federal statutes.

**§ 33-3. Fishers Island Harbor Committee.**

The Town Board creates a Fishers Island Harbor Committee to recommend policies for the management of the waters bounding Fishers Island and to assist in administration of this chapter. The membership shall represent a wide range of groups interested in and using the waters bounding Fishers Island. Members shall be appointed for five-year terms. The Committee shall meet a minimum two times per year, prior to and after the boating season. Notice of the meeting shall be posted 10 days in advance.

**§ 33-4. Speed and wake regulation.**

No vessel shall be operated in a manner to create a wake which could endanger or disturb persons or property in any area of Fishers Island waters. No vessel shall be operated at a speed greater than five miles per hour in designated speed zones or within 300 feet of shore, pier, anchored or moored vessels, launching ramps, marinas, sailboat race or other congested areas.

**§ 33-5. Waterskiing.**

A. Waterskiing is prohibited in all areas where speed in excess of five miles per hour is prohibited.

B. The following regulations shall apply to Hay Harbor:

(1) Waterskiing is permitted after 5:00 p.m. on the weekdays and all day Saturday and

Sunday unless organized waterfront activities have been approved by the Bay Constable.

- (2) Water-skiers will follow a pattern established by the first boat to start skiing, i.e., clockwise or counterclockwise.
- C. Skiers will remain a minimum of 100 feet from any dock or shoreline unless they approach or depart perpendicularly to or from the shoreline solely for the purpose of commencing or ending the ride.

**§ 33-6. Anchoring and mooring.**

- A. All boats temporarily anchored in waters bounding Fishers Island shall anchor in area established by the Fishers Island Harbor Committee, subject to the following:
- (1) No anchoring is permitted in Inner West Harbor or Silver Eel Pond.
  - (2) No overnight anchoring is permitted in Hay Harbor.
  - (3) Anchoring shall not be permitted for a continuous period of more than three consecutive nights in a fourteen-day period within an anchorage unless authorized by the Fishers Island Bay Constable, which authorization may only be granted for emergency Situations. {Amended 1-18-2000 by L.L. No. 2-2000}
  - (4) No boat shall be so moored or anchored that it at any time rests within any channel or interferes with the full use of such channel, nor shall any boat be moored or anchored within 50 feet of any dock, pier or other boat docking facilities.
- B. [Amended 1-18-2000 by L.L. No. 2-2000] No permanent moorings shall be placed unless authorized by a permit duly issued by the Fishers Island Harbor Committee Secretary/Clerk. An annual mooring sticker issued to the permittee by the Fishers Island Harbor Committee Secretary/Clerk indicates authorization of the permit.
- (1) The location of each mooring shall be assigned by the Fishers Island Harbor Committee for waters bounding Fishers Island. The Committee shall consider optimum use of available space, vessel safety, environmental protection, impacts on shorefront property owners, whether the mooring will be used for vessel storage or living aboard and the size and class of vessel, while assigning mooring locations.
  - (2) The fees for a mooring permit shall be those established by resolution of the Southold Town Board.
  - (3) All mooring permits shall expire on December 31 of the year of issuance.
  - (4) All mooring buoys shall be assigned a number by the Fisher's Island Harbor Committee Secretary/Clerk, which shall be affixed to the buoy be the permittee in numbers at least four inches in height.



(5) The Committee will maintain the mooring plan for West Harbor.

**§ 33-7. Use of vessel as abode.**

- A. Use of a vessel as an abode, whether at a dock, in a designated anchorage or on a mooring designated for a live-aboard use, is permitted for three consecutive nights within any fourteen day period.
- B. The Town Board authorizes the Fishers Island Harbor Committee power to allow temporary exemptions to length-of-stay restrictions, by considering the location of the vessel, overboard discharges associated with the vessel and the reasons for requesting exemption.

**§ 33-8. Mooring maintenance.**

- A. All moorings are subject to random inspections by a Bay Constable or his designee, who may require hauling, repair or replacement for worn or defective tackle.
- B. Moorings failing an inspection or missing a buoy or otherwise defective or unsafe shall not be used until the condition is corrected.
- C. If unsafe conditions persist or the mooring is abandoned, the Bay Constable shall order and direct the removal of the tackle. In the event that the owner fails to remove the tackle within 10 business days, the town may cause the tackle to be lifted and removed. The expense of such removal shall be a lien and charge on the property of the boat owner until paid and shall be collected in the same manner and the same time as other town charges.

**§ 33-9. Use of private moorings by guests.**

- A. Permittees may make their vacant mooring available to their guests upon notification of and permission from the Fishers Island Bay Constable or his designee, for a period not to exceed three consecutive nights within any fourteen-day period. Permission shall be granted if the guest vessel is of compatible or like size to the vessel for which the mooring was approved and can be accommodated with the approved mooring tackle and within the approved mooring circle.
- B. Live-aboard guest use of a private mooring shall be limited to the mooring field in West Harbor designated by the Fishers Island Harbor Committee for live-aboard use. Such use is subject to the provisions governing use of vessel as and abode. EN(1)

**§ 33-10. Rafting.**

Rafting on a single mooring will only be permitted for not more than three boats during the daylight hours and two boats at night, provided it does not interfere with adjacent single moorings or anchorages or navigation of other boats. Owners or operators of rafted vessels shall not leave the raft unattended and shall be available to tend to the vessels in the event of heavy weather.

**§ 33-11. Discharge of refuse.**

It shall a violation of this chapter to discharge any untreated or improperly treated sewage, refuse or waste matter, petroleum product or by-product, paint varnish, dead animals or debris within Fishers Island waters or adjacent shores.

**§ 33-12. Unnavigable boats; hazards to navigation.**

A. Any boat which becomes a menace to navigation or unseaworthy or sinks, grounds or otherwise becomes disabled or incapable of navigation shall be removed or restored to navigable condition by the registered owner upon notice form the Southold Town Board or its designated agent, which notice shall be either by personal service or be certified mail addressed to the registered owner's last known address as given by him or as stated in his certificate of registration.

B. If such boat is not removed or restored to navigable condition by the owner within one week after the mailing of sad notice, the Southold Town Board or its designated agency may direct the removal or destruction of the boat; and the cost of said removal, including storage charges, shall attach to and shall become a lien upon said boat; and said boat may be sold, upon direction of the court, at public auction to defray said expenses, any surplus being returned to the owner of record. The town shall not be liable for any damage done to said boat during its removal, storage and sale.

**§ 33-13. Severability.**

Should any provision of this chapter be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involve in the litigation in which such judgment shall have been rendered.

**§ 33-14. Penalties for offenses.**

A. It shall be unlawful for any person or agent of any person to fail to comply with any provision of this chapter or to fail in any manner to comply with a written notice, directive or order of the Bay Constables or to conduct any operation in a manner not in compliance with a permit issued pursuant to this chapter.

B. For every offense against any of the provisions of this law or any regulations made pursuant thereto or failure to comply with a written notice or order of the Bay Constables within the time fixed form compliance therewith, any person, or any other person or agent of such who commits, takes part or assists in the commission of any such offense or who shall fail to comply with a written order or notice of the Bay Constables shall, upon conviction thereof, be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day's continued offense shall constitute a separate, additional violation.