



**US Army Corps  
of Engineers®**  
New York District

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**LAKE MONTAUK HARBOR, EAST HAMPTONS, NEW YORK  
NAVIGATION IMPROVEMENTS**

**FINAL ENVIRONMENTAL ASSESSMENT  
OCTOBER 2020**

**APPENDIX F:  
CZMA Consistency Determination**

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# 1. FEDERAL CONSISTENCY DETERMINATION

A number of questions under Part C of the New York State Coastal Management Program (NYS CMP) Federal Consistency Assessment Form (NYSDOS 2004a) were answered in the affirmative; therefore, as stated under Part D, it is necessary to analyze the project in greater detail with respect to its consistency with the *State Coastal Policies* (NYSDOS 2004a) of the NYS CMP, as well as the Town of East Hampton's jurisdictional adaptation<sup>1</sup> of the NYS CMP. Following is a list of the State and Local policies in question and a brief statement of how the project is consistent with each of these policies. Policies that are not listed were referenced to those questions under Part C that were answered in the negative with respect to this project.

\*The following policies are a combination of both jurisdictions policies that are potentially affected by the Federal action.

## **POLICY #1** *Revitalization of Deteriorated Waterfront Areas*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

## **POLICY #1A** *Underutilized Waterfront Sites*

N/A

## **POLICY #2** *Water-Dependent Uses*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

## **POLICY #2A** *The siting of water-dependent uses and facilities on or adjacent to coastal waters shall be accomplished provided the proposed use is consistent with the preservation and enhancement of other coastal resources, including cultural and natural resources.*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

## **POLICY #3** *Major Ports*

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<sup>1</sup> The Long Island Sound Coastal Management Program policies presented in this chapter consider the economic, environmental, and cultural characteristics of the Long Island Sound coastal region. They take the place of the statewide policies of the New York State Coastal Management Program. The policies are comprehensive and reflect existing state laws and authorities. They represent a balance between economic development and preservation that will permit beneficial use of and prevent adverse effects on the Sound's coastal resources. The policies are the basis for federal and state consistency determinations for activities affecting the Long Island Sound coastal area.

N/A

**POLICY #4** *Small Harbors; strengthen the economic base of small harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

**POLICY #5** *Public Services- encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitates its location in other coastal areas.*

N/A

**POLICY #6** *Permit Procedures, expedite permit procedures in order to facilitate the siting of development activities at suitable locations.*

N/A

### **1.1. Significant Habitats**

**POLICY #7** *Significant Fish and Wildlife Habitats- significant coastal fish and wildlife habitats, as identified on the coastal area map, shall be protected, preserved, and, where practicable, restored so as to maintain their viability as habitats.*

**POLICY #7A** *Locally Significant Fish And Wildlife Habitats-locally significant coastal fish and wildlife habitats, as identified on the coastal area map shall be protected, preserved, and where practicable restored so as to maintain their viability as habitats.*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations. These navigation improvements will not significantly impact fish or wildlife habitats in the area since the seasonal restrictions implemented for the O&M projects have historically prohibited dredging from 15 January through 30 September, and the proposed deepening project will be adopting those same BMPs to mitigate for potential adverse impacts to species of concern.

**POLICY #7B** *Protection of Diversity- protect to the maximum extent practicable the vulnerable plant and animal species and natural communities that have been identified on the state and federal levels by the New York heritage program, the NYS DEC protected native plant list (NYCRR 193.3), the NYS DEC list of endangered, threatened and special concern species and the federal list of endangered and threatened wildlife and plants (50 CFR 17).*

The proposed Federal Action is being evaluated under the NEPA, including ESA, FWCA, CWA, CZMA, CAA compliance analyses and documentation, and any other relevant statutes designed to ensure environmental integrity and sustainability of Federal actions, as well as compliance with all federal and local regulations. It is anticipated that a FONSI will result from these evaluations.

**POLICY #8** *Pollutants- protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food.*

The proposed Federal Action is being evaluated under the NEPA, including ESA, FWCA, CWA, CZMA, CAA compliance analyses and documentation, and any other relevant statutes designed to ensure environmental integrity and sustainability of Federal actions, as well as compliance with all federal and local regulations. It is anticipated that a FONSI will result from these evaluations.

## **1.2. Water Resources Policies**

**POLICY 9** *Recreational fish and wildlife resources policy- expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

**POLICY #9A** *Expanding access to fish and wildlife- Recreational use of fish and wildlife resources will be expanded by increasing public access and other measures at sites recommended under "opportunities for improvement" and "recreational uses compatible with new development" in the analysis narrative of this report and in "public access and recreation improvements" in projects, section xiv.*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

**POLICY #10** *Commercial Fishing- further develop commercial finfish, shellfish and crustacean resources in the coastal area by: (i) encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities; (ii) increasing marketing of the state's seafood products; and (iii) maintaining adequate stocks and expanding aquaculture facilities. Such efforts shall be in a manner which ensures the protection of such renewable fish resources and considers other activities dependent on them.*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational

fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

**POLICY #10A** *(Aquaculture Mariculture) - Encourage aquaculture and mariculture which benefits overall public stocks of living marine resources, but discourage aquaculture or mariculture inconsistent with maintaining healthy Stocks and habitats.*

N/A

**POLICY #11** *Flooding and Erosion policies (siting of structures)-Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.*

N/A

**POLICY #12** *Natural Erosion Protection Features- Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs. Primary Dunes will be protected from all encroachments that could impair their natural protective capacity.*

N/A

**POLICY #13** *30-year erosion control structures- The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured Maintenance or replacement programs.*

N/A

**POLICY #13A** *Maintenance/Mitigation for Erosion Control Structures- erosion protection structures must be maintained both with regard to the structure and to adjoining natural protective features. Required maintenance.*

N/A

**POLICY #14** *No Flooding or Erosion Increases- Activities and development including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.*

N/A

**POLICY #14A** *Minimize Erosion Protection Structures in Certain Reaches*

N/A

**POLICY #15** *Mining, Excavation, and Dredging- Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

The proposed Federal Action is being evaluated under the NEPA, including ESA, FWCA, CWA, CZMA, CAA compliance analyses and documentation, and any other relevant statutes designed to ensure environmental integrity and sustainability of Federal actions, as well as compliance with all federal and local regulations. It is anticipated that a FONSI will result from these evaluations.

**POLICY #16** *Use of Public Funds- public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.*

N/A

**POLICY #17** *Non-structural Control Measures-whenver possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (i) the setback of buildings and structures; (ii) the planting of vegetation and the installation of sand fencing and draining; (iii) the reshaping of bluffs; and (iv) the flood-proofing of buildings of their elevation above the base flood level.*

N/A

**POLICY #17A** *Only non-structural measures permitted in certain reaches-along the south shore ocean facing reaches of the town, only non-structural measures to minimize flooding and erosion are permitted.*

N/A

**POLICY #17A** *Recognizes the highly dynamic and mobile character of the ocean beach and dune system, and was inserted by the Town to reflect its concern that structural solutions in this high energy environment are likely to disrupt coastal processes and cause adverse impacts downdrift or to neighboring property.*

N/A

### **1.3. General Policy**

**POLICY #18** *(State Vital Interests)-to safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full*

*consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resource areas.*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

The proposed Federal Action is being evaluated under the NEPA, including ESA, FWCA, CWA, CZMA, CAA compliance analyses and documentation, and any other relevant statutes designed to ensure environmental integrity and sustainability of Federal actions, as well as compliance with all federal and local regulations. It is anticipated that a FONSI will result from these evaluations.

#### **1.4. Public Access and Recreation Resources Policies**

##### **POLICY #19** *Access To Public Water-Related Recreation Resources*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

The proposed Federal Action is being evaluated under the NEPA, including ESA, FWCA, CWA, CZMA, CAA compliance analyses and documentation, and any other relevant statutes designed to ensure environmental integrity and sustainability of Federal actions, as well as compliance with all federal and local regulations. It is anticipated that a FONSI will result from these evaluations.

##### **POLICY #20** *Access to Publicly-Owned Lands Adjacent to the Water's Edge*

N/A

**POLICY #21** *Water-related Recreation- water-dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water related uses along the coast, provided it is consistent with the preservation and Enhancement of other coastal resources and, takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

The proposed Federal Action is being evaluated under the NEPA, including ESA, FWCA, CWA, CZMA, CAA compliance analyses and documentation, and any other

relevant statutes designed to ensure environmental integrity and sustainability of Federal actions, as well as compliance with all federal and local regulations. It is anticipated that a FONSI will result from these evaluations.

**POLICY #21A** *Water-related Recreation Improvement Sites, Water-dependent and water-enhanced recreation will be encouraged and facilitated at sites recommended under "opportunities for improvement" and "recreational uses compatible with new development" in the analysis narrative of this report and in "public access and recreation improvements" in projects, section xiv.*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

The proposed Federal Action is being evaluated under the NEPA, including ESA, FWCA, CWA, CZMA, CAA compliance analyses and documentation, and any other relevant statutes designed to ensure environmental integrity and sustainability of Federal actions, as well as compliance with all federal and local regulations. It is anticipated that a FONSI will result from these evaluations.

**POLICY #22** *(provision of water-related recreation within development adjacent to the shore) development, when located adjacent to the shore, will provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

The proposed Federal Action is being evaluated under the NEPA, including ESA, FWCA, CWA, CZMA, CAA compliance analyses and documentation, and any other relevant statutes designed to ensure environmental integrity and sustainability of Federal actions, as well as compliance with all federal and local regulations. It is anticipated that a FONSI will result from these evaluations.

**POLICY #22A** *Sites Where Water-Related Recreation May Be Incorporated Into Development As A Multiple Use- For Specific Locations Which May Appropriately Provide Water-Related Recreation As A Multiple Use With Development See Recommendations Under "Opportunities For Improvement" And "Recreational".*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

The proposed Federal Action is being evaluated under the NEPA, including ESA, FWCA, CWA, CZMA, CAA compliance analyses and documentation, and any other relevant statutes designed to ensure environmental integrity and sustainability of Federal actions, as well as compliance with all federal and local regulations. It is anticipated that a FONSI will result from these evaluations.

## 1.5. Historic Resources Policy

**POLICY #23** *Historic Resources- Protect, Enhance And Restore Structures, Districts, Areas Or Sites That Are Of Significance In The History, Architecture, Archeology Or Culture Of The State, Its Communities, Or The Nation.*

The proposed federal action is in compliance with this policy. The project's impact on cultural resources has been evaluated in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 306108), its implementing regulations, the Advisory Council on Historic Preservation's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR 800), and EO 11593. Although there are a number of known historic properties located nearby the proposed action, the deepening of the federal channel and placement of dredged material would not result in physical destruction of or damage to all or part of any historic property; alteration of any historic property; removal of any property from its historic location; neglect of any historic property; transfer, lease, or sale of any historic property out of federal ownership; or the character of any historic property's use or of physical features within the historic property's setting that contribute to its historic significance. Therefore, USACE has determined a finding of "No Adverse Effect" for historic properties or archaeological sites listed in or eligible for listing in the National Register of Historic Places.

Consultation with the NYSHPO, the Shinnecock Indian Nation, and interested parties, including the Montauketts, Unkechaug, and the Montauk Historical Society was initiated via the NEPA scoping and Section 106 (NHPA) process and is currently ongoing.

## 1.6. Visual Quality Policies

**POLICY #24** *Scenic Resources of State Significance - prevent impairment of scenic resources of statewide significance, as identified on the coastal area map. Impairment shall include: (i) the irreversible modification of geological forms, the destruction or removal of vegetation or structures are significant to the scenic quality of an identified resource; (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form, or materials will diminish the scenic quality of an identified resource.*

N/A

**POLICY #25** *Overall Visual Quality Protect, Restore Or Enhance Natural And Man-Made Resources Which Are Not Identified As Being Of Statewide Significance But Which Contribute To The Overall Scenic Quality Of The Coastal Area.*

N/A

### **1.7. Agricultural Lands Policy**

**POLICY #26** *Important Agricultural Lands -To conserve and protect agricultural lands in the state's coastal area, an action shall not result in a loss, nor impair the productivity, of important agricultural lands if that loss or impairment would adversely affect the viability of agriculture in an agricultural district or if there is no agricultural district, in the area surrounding such lands.*

N/A

**POLICY #26A** *Locally Important Agricultural Lands- To Conserve And Protect Agricultural Lands In East Hampton's Coastal Area, An Action Shall Not Result In A Loss, Nor Impair The Productivity, Of Locally Important Agricultural Lands If That Loss Or Impairment Would Adversely Affect The Viability Of Agriculture In An Agricultural District Or If There Is No Agricultural District, In The Area Surrounding Such Lands.*

N/A

### **1.8. Energy and Ice Management Policies**

**POLICY #27** *Siting Of Major Energy Facilities-Decisions On The Siting And Construction Of Major Energy Facilities In The Coastal Area Will Be Based On Public Energy Needs, Compatibility Of Such Facilities With The Environment, And The Facility's Need For A Shorefront Location.*

N/A

**POLICY #28** *Ice Management Practices-Ice Management Practices Shall Not Damage Significant Fish And Wildlife And Their Habitats, Increase Shoreline Erosion Or Flooding, Or Interfere With The Production Of Hydroelectric Power.*

N/A

**POLICY #29** *Development Of Off-Shore Energy Resources Encourage The Development Of Energy Resources On The Outer Continental Shelf, In Lake Erie And In Other Water Bodies, And Ensure The Environmental Safety Of Such Activities.*

N/A

### **1.9. Water and Air Resources Policies**

**POLICY #30** *Discharge Of Pollutants Into Coastal Waters - Municipal, Industrial, And Commercial Discharge Of Pollutants Including But Not Limited To, Toxic And Hazardous Substances, Into Coastal Waters Will Conform To State And National Water Quality Standards.*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

The proposed Federal Action is being evaluated under the NEPA, including ESA, FWCA, CWA, CZMA, CAA compliance analyses and documentation, and any other relevant statutes designed to ensure environmental integrity and sustainability of Federal actions, as well as compliance with all federal and local regulations. It is anticipated that a FONSI will result from these evaluations.

**POLICY #31** *Water Quality Classifications-State Coastal Area Policies And The Purposes Of Approved Local Waterfront Revitalization Programs Will Be Considered While Modifying Water Quality Standards; However, Those Waters Already Overburdened With Contaminants Will Be Recognized As Being A Development Constraint.*

N/A

**POLICY #32** *Use Of Alternative Sanitary Waste Systems Encourage The Use Of Alternative Or Innovative Sanitary Waste Systems In Small Communities Where The Costs Of Conventional Facilities Are Unreasonably High, Given The Size Of The Existing Tax Base Of These Communities.*

N/A

**POLICY #33** *Storm Water Runoff Best Management Practices Will Be Used To Ensure The Control Of Stormwater Runoff And Combined Sewer Overflows Draining Into Coastal Waters.*

N/A

**POLICY #34** *Discharge Of Vessel Wastes Discharge Of Waste Materials Into Coastal Waters From Vessels Will Be Limited So As To Protect Significant Fish And Wildlife Habitats, Recreation Areas And Water Supply Areas.*

N/A

**POLICY #34A** *No-Discharge Zones- The Following Harbors And Creeks Of The Town Shall Be Designated As State And Federal EPA No-Discharge Zones Per The Town's Application Of July, 1997: Reach 1 Northwest Creek Reach 2 Three Mile Harbor, Hog Creek Reach 3 Accabonac Harbor Reach 4 Napeague Harbor Reach 6 Lake Montauk*

N/A

**POLICY #35** *Dredging And Dredge Spoil Disposal Dredging And Dredge Spoil Disposal In Coastal Waters Will Be Undertaken In A Manner That Meets Existing State Dredging Permit Requirements, And Protects Significant Fish And Wildlife Habitats, Scenic Resources, Natural Protective Features, Important Agricultural Lands, And Wetlands.*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

The proposed Federal Action is being evaluated under the NEPA, including ESA, FWCA, CWA, CZMA, CAA compliance analyses and documentation, and any other relevant statutes designed to ensure environmental integrity and sustainability of Federal actions, as well as compliance with all federal and local regulations. It is anticipated that a FONSI will result from these evaluations.

**POLICY #36** *Shipment And Storage Of Petroleum And Other Hazardous Wastes- Activities Related To Shipment And Storage Of Petroleum And Other Hazardous Materials Will Be Conducted In A Manner That Will Prevent Or At Least Minimize Spills Into Coastal Waters; All Practical Efforts Will Be Undertaken To Expedite The Cleanup Of Such Discharges; And Restitution For Damages Will Be Required When These Spills Occur.*

N/A

**POLICY #37** *Non-Point Discharge Of Water Pollutants Best Management Practices Will Be Utilized To Minimize The Non-Point Discharge Of Excess Nutrients, Organics And Eroded Soils Into Coastal Waters.*

N/A

**POLICY #38** *Surface And Ground Water Protection-The Quality And Quantity Of Surface Water And Groundwater Supplies, Will Be Conserved And Protected, Particularly Where Such Waters Constitute The Primary Or Sole Source Of Water Supply.*

N/A

**POLICY 38A** *Maintain Water Resources As Near To Their Natural Condition Of Purity As Reasonably Possible To Safeguard Public Health.*

N/A

**POLICY #39** *Solid Waste Transport, Treatment, And Disposal*

*The Transport, Storage, Treatment And Disposal Of Solid Wastes, Particularly Hazardous Wastes, Within Coastal Areas Will Be Conducted In Such A Manner So As To Protect Groundwater And Surface Water Supplies, Significant Fish And Wildlife Habitats, Recreation Areas, Important Agricultural Lands And Scenic Resources.*

N/A

**POLICY #40** *Effluent Discharge By Major Energy And Industrial*

*Facilities Effluent Discharged From Major Steam Electric Generating And Industrial Facilities Into Coastal Waters Will Not Be Unduly Injurious To Fish And Wildlife And Shall Conform To State Water Quality Standards.*

N/A

**POLICY #41** *Compliance with Air Quality Standards- Land Use Or Development In The Coastal Area Will Not Cause National Or State Air Quality Standards To Be Violated*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

The proposed Federal Action is being evaluated under the NEPA, including ESA, FWCA, CWA, CZMA, CAA compliance analyses and documentation, and any other relevant statutes designed to ensure environmental integrity and sustainability of Federal actions, as well as compliance with all federal and local regulations. It is anticipated that a FONSI will result from these evaluations.

**POLICY #41A** *Inclusion In Radiological Emergency Response Plans The Town Shall Be Included In Radiological Emergency Response Planning And Notification For The Millstone Nuclear Energy Plants Operated By Northeast Utilities In Waterford, Ct And The Nuclear Reactors Operated By The U.S. Department Of Energy At Brookhaven National Laboratory.*

N/A

**POLICY #42** *Reclassification Of Areas Pursuant To Clean Air Act Coastal Management Policies Will Be Considered If The State Reclassifies Land Areas Pursuant To The Prevention Of Significant Deterioration Regulations Of The Federal Clean Air Act.*

The proposed Federal Action is in compliance with this policy as it is intended to undertake navigation improvements designed to support the commercial and recreational fishery in the region, as well as ensure navigational safety and efficiency for local homeland security operations.

The proposed Federal Action is being evaluated under the NEPA, including ESA, FWCA, CWA, CZMA, CAA compliance analyses and documentation, and any other relevant statutes designed to ensure environmental integrity and sustainability of Federal actions, as well as compliance with all federal and local regulations. It is anticipated that a FONSI will result from these evaluations.

**POLICY #43** *Acid Rain Precursors-Land Use Or Development In The Coastal Area Must Not Cause The Generation Of Significant Amounts Of The Acid Rain Precursors: Nitrates And Sulfates.*

N/A

**POLICY #44** *Tidal And Freshwater Wetlands-Preserve And Protect Tidal And Freshwater Wetlands And Preserve The Benefits Derived From These Areas.*

N/A

## **2. CONCLUSION**

As the EA and all its Appendices, including this Appendix containing the Districts evaluation of the projects consistency with the relevant policies contained within the Coastal Zone Management Act (Act), as regulated via delegated authority to the State of New York and the Town of East Hampton, NY, has been distributed for public review, and has been coordinated with the respective jurisdictional authorities, it is the conclusion of the District, that, pursuant to the provisions within the Act, the project is in compliance with the Act.

The District requests concurrence with our Consistency Determination, as required, under the Act.

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

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ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
SECRETARY OF STATE

October 7, 2020

Peter Wepler  
Chief, Environmental Analysis Branch  
Corps of Engineers, New York District  
26 Federal Plaza  
New York, NY 10278

Re: F-2020-0666  
Proposal to deepen existing 12' deep by 150' wide channel to -17' MLLW and increase the deposition basin width from 50' to 100' wide and deepened to -17' MLLW, totaling approximately 188,000 cubic yards of fill removed. All dredged material would be placed west of the inlet on the downdrift beach. The stated purpose of the project is to deepen and widen an existing Federal channel and identify a dredged material replacement site.  
Lake Montauk Harbor, Town of East Hampton, Suffolk County  
**Concurrence with Consistency Determination**

Dear Mr. Wepler:

The Department of State has completed its review of the Corps' consistency determination regarding the proposed dredging of the Lake Montauk Harbor located at the inlet of Lake Montauk, with the New York State Coastal Management Program.

Based upon the information submitted, the Department of State concurs with the Corps' consistency determination regarding this matter.

Please feel free to contact Hannah Willey at (518) 474-2813 or e-mail at: [Hannah.Willey@dos.ny.gov](mailto:Hannah.Willey@dos.ny.gov) and reference file number F-2020-0666 (DA).

Sincerely,



Gregory L. Capobianco  
Office of Planning, Development and  
Community Infrastructure

GLC/JS/HW

cc: COE/New York District – Jenine Gallo (Project Biologist)  
DEC Region 1 (1-4724-00448/00008)



**Department  
of State**