

APPENDIX G

**COASTAL ZONE MANAGEMENT AND LOCAL
WATERFRONT REVITALIZATION PROGRAMS**

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VILLAGE OF OCEAN BEACH POLICY STATEMENT

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POLICY STATEMENT FOR THE TOWN OF EAST HAMPTON LOCAL WATERFRONT REVITALIZATION PROGRAM

**NEW YORK STATE DEPARTMENT OF STATE
COASTAL ZONE MANAGEMENT PROGRAM**

Policy Statement Supplement to Federal Consistency Assessment Form

Project: Fire Island to Montauk Point (FIMP) Reformulation Project

Applicant: U.S. Army Corps of Engineers, New York District

Applicable Policies: In accordance with the Coastal Management Program (CMP) policies of New York State (NYDOS 2006), 26 policies were identified as potentially applicable to the proposed Project. These policies are presented below, followed by an explanation of Project consistency. Policies that are clearly not applicable are not discussed.

Policy 1 Restore, revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.

Determination – The New York District (District) is proposing measures to provide shore protection and reduce storm damage reduction for the south shore of Long Island, New York, from Fire Island Inlet to Montauk Point. The majority of Fire Island lies within the legislative boundaries of the Fire Island National Seashore (FIIS). The study area includes the barrier island chain from Fire Island Inlet to Southampton inclusive of the Atlantic Ocean shorelines, and adjacent back-bay areas along Great South, Moriches, and Shinnecock Bays. The study area also includes portions of the Towns of Babylon, Islip, Brookhaven, Southampton and Easthampton, as well as 12 incorporated Villages, the entirety of FIIS, the Poospatuck Indian Reservation, and the Shinnecock Indian Reservation. The area/land supports a variety of commercial, industrial, cultural, recreational and other compatible uses. The Project will help to stabilize the south shore of Long Island, protecting it from storm damage, and protecting these uses. The without Project condition would eventually impact commercial, industrial, cultural, recreational and other compatible uses. District has determined that the Tentatively Selected Plan (TSP) would be consistent with, and would advance, this policy.

Policy 2 Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.

Determination – The Project area supports a variety of public recreational activities. Numerous water dependent uses, such as marinas, beaches, parks and small business which support the summer tourism industry are located within the Project area. The Project will help to stabilize the south shore of Long Island, protecting it from storm damage, and protecting these uses. The without Project condition would eventually impact public recreational activities. CENAN has determined that the TSP would be consistent with, and would advance, this policy.

Policy 4 Strengthen the economic base by encouraging the development and enhancement of those traditional uses and activities that have provided such areas with their unique maritime identity.

Determination – The TSP would insure that traditional uses of the south shore of Long Island

would be enhanced and preserved. The TSP would stabilize the shoreline and manage the risk from coastal storm damage to the surrounding area, thus encouraging the development and enhancement of those traditional uses and activities that have provided the Project area with its unique maritime identity. Therefore, the District has determined that the TSP would be consistent with this policy.

Policy 5 Encourage the location of development in areas where public services and facilities essential to such development are adequate.

Determination – The TSP would manage the risk of coastal storm damage to existing infrastructure along the south shore of Long Island from hurricane and storm surge flooding. Risk management would provide stability and enhancement to existing and future development Projects. The without Project condition would eventually impact development as contractors would be hesitant to develop in an unstable, unprotected environment. Therefore, CENAN has determined that the TSP would be consistent with this policy.

Policy 7 Significant coastal fish and wildlife habitat will be protected, preserved, and where practicable, restored so as to maintain their viability as habitats.

Determination - All of Great South Bay and many adjoining marshes and natural areas are designated as Significant Coastal Fish and Wildlife Habitat (SCFWH). Policy 7 states that filling of shallows, grading, shoreline alteration and dredging are among generic activities most likely to affect protected habitats. These activities are integral to the proposed Project which consists of dredging sand from offshore borrow areas for placement on the Atlantic shoreline of Fire Island to create enhanced beach area and dunes for coastal storm risk management. No dredging will occur within State-designated SCFWH. No filling or grading will occur within marshes or wetlands; fill placement is limited to the Atlantic shoreline only. Fill placement along the Atlantic shoreline of Fire Island in the Project area will create wider beaches and dunes to minimize breaching and overwashing and consequent damage to habitats and communities on the barrier island and along the south shore of Long Island. There will be no change in existing tidal exchange patterns, only a continuation of the non-storm induced conditions.

A comprehensive assessment of potential Project impacts to threatened and endangered species and habitats was conducted and is presented in Chapter 4 of the Environmental Impact Statement (EIS) prepared for the Project and the Biological Assessment (BA) (see Appendix B). The proposed activities would be undertaken in a manner consistent with this policy.

Policy 8 Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sub-lethal or lethal effect on those resources.

Determination – The material that may be obtained from the offshore borrow areas, consists primarily of clean, coarse-grained sand. The material that would be dredged and used for beach nourishment on the down drift beaches would not contain hazardous wastes or other pollutants that would bio-accumulate in the food chain or cause significant sub-lethal or lethal effects on those resources. Sediment re-suspension is likely to cause temporary increases in turbidity; however, these increases would be limited in duration and spatial extent and are not expected to

significantly affect fish or aquatic wildlife in the Project areas. The proposed activities would not adversely affect fish and wildlife resources and would be undertaken in a manner consistent with this policy.

Policy 12 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.

Determination – The Long Island south shore barriers, inlets, and associated beaches, dunes, and nearshore areas are natural “defenses” that help preserve coastal lands and property from damage and reduce the danger to resources and property resulting from flooding and erosion. The proposed activities would be conducted in the inlets, mainland (10-year floodplain non-structural building retrofits, floodproofing, relocation, and acquisition, and road raising in 4 locations), and barrier islands. These properties and their associated coastal processes ordinarily provide varying levels of risk management measures to the barrier island upland areas, the south shore bays, and Long Island south shore mainland. The purpose of the Project is to implement measures that will augment and restore the natural protective capabilities of the barrier islands, inlets, and mainland.

The nourishment of beaches and dunes with appropriate material is an allowable activity pursuant to the coastal erosion hazard area regulations contained in 6 NYCRR Part 505 (see also Policy 35), and is a non-structural erosion control measure preferred over structural measures by the State in its tidal wetlands, erosion hazards, and coastal management program statutes and regulations (see Policies 17, 35, and 44). Restoring the natural protective characteristics of the barrier island, inlets, and associated beaches, dunes, and nearshore areas (resulting in the protection of the barrier island itself, the bay-system and the mainland of Long Island) would be consistent with and further promote Policy 12, which is to minimize damage to natural resources and property by protecting the naturally occurring protective characteristics and the associated physical processes.

Policy 13 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 or construction standards and or assured maintenance or replacement programs.

The proposed Project is a long-term (50-year) plan for storm damage reduction.

Policy 14 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.

Determination – The proposed Project consists of both structural measures (groin modifications) and non-structural measures (soft measures such as beach fill and 10-year floodplain non-structural building retrofits, floodproofing, relocation, and acquisition, and road raising in 4 locations) for coastal storm risk management for the south shore of Long Island. No structures that would generate increases in erosion or flooding will be constructed. The Project is

consistent with and would advance this policy.

Policy 15 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.

Determination – The proposed action includes the removal of material from offshore borrow sources. The borrow areas are located more than 1 mile offshore, where excavation and dredging has been demonstrated to have a negligible impact on the nearshore coastal processes, and will not cause an increase in coastal erosion. Best management practices will be followed during all dredging activities and the proposed dredging depth in the borrow areas will not reduce the flow of sediments to adjacent areas. Coastal processes along the shoreline sand placement areas will not be interfered with as only natural sands will be placed; no structures or shoreline hardening is proposed. The proposed activities are consistent with this policy.

Policy 16 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.

Determination – The Project will minimize breaching and overwashing of the barrier islands and is a necessary measure for storm damage reduction on the barrier islands as well as the south shore of Long Island. The Project will enhance and recreate natural protective features of the barrier islands through beach renourishment and berm construction. Benefits to the human and natural environments outweigh the expenditures of public funds. This has been demonstrated through the completion of a comprehensive economic assessment of the Reformulation Plan. The Project is consistent with this policy.

Policy 17 Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

Determination – The proposed use of suitable dredged sand for beach nourishment and dune creation is a non-structural measure. The beach nourishment minimizes damage to natural resources and property from flooding and erosion by strengthening natural protective characteristics and providing the sediments necessary for these characteristics to function (see also Policies 12 and 15). The policy explanation states that consistency with this policy requires the use of such non-structural measures when they are appropriate and available. The Project is consistent with this policy.

Policy 18 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.

Determination – The Project will reduce the frequency and degree of breaches and overwashes

of the barrier islands and mainland and thereby afford coastal storm risk management to the barrier as well as communities on the south shore of Long Island. In addition, several of the inlets (such as Fire Island Inlet and Moriches Inlet) are regionally important navigation inlets that must be stabilized and maintained. The areas adjacent to the inlet support regionally important water-dependent and water-related uses, including commercial fishing and recreational boating facilities, public parklands, and other uses. The physical character of the barriers must be maintained to protect these uses.

The south shore of Long Island also supports a variety of public recreational and commercial activities. The south shore of Staten Island's coastline must be maintained to protect these uses. The without Project condition would eventually impact public recreational and commercial activities. The Project would provide coastal storm risk management to an important public recreational area and adjacent commercial and residential properties with minimal short-term impacts to economic, social, and environmental resources. Therefore, the District has determined that the TSP would be consistent with and advance this policy.

Policy 19 Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.

Determination – The beach areas in the proposed Project area support a variety of public recreational activities (see also Policies 18 and 20). The TSP would result in positive impacts on recreation as a result of better coastal storm risk management in the Project area. The without Project alternative would result in increased flood risks and increased erosion, thereby decreasing recreational potential in the area.

Buffer areas approximately 1,000 feet in length will be closed during construction activities for safety reasons. Although a reduction in public access to the work site during construction would occur, this impact would be temporary. As beach placement activities are completed within each 1,000-foot compartment, the buffer is shifted accordingly. Public use of the beach area would be restored at that time. The proposed activities would be undertaken in a manner consistent with this policy. Also, over the 50-year Project life the proposed activities would advance the policy to protect, maintain, and increase public access to and use of public water-related recreation resources and facilities.

Policy 20 Access to publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

Determination – Many of the lands and waters adjacent to and at the sites of the proposed activities are publicly-owned and accessible underwater lands and parklands that support a variety of public uses are present in the area (see also Policies 18 and 19). Based on the Policy 19 analysis above, the proposed activities would be undertaken in a manner consistent with and would advance this policy.

Policy 21 Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.

Determination – Many of the lands and waters within the Project area are publicly-owned and currently support a variety of public water dependent uses such as fishing, boating and beaching. The Project will protect and enhance these uses in the long-term, with only staggered short-term loss of use during construction, as described under Policy 19. The proposed Project is consistent with and will advance this policy.

Policy 22 Development when located adjacent to the shore will provide for water-related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

Determination – The Project is not “development” per se, but is a coastal storm risk management measure. Water-related recreation is a primary land use in the Project area and will remain as such. The Project will protect and enhance these water-dependent recreational uses in the long-term, with only staggered short-term loss of use during construction, as described under Policy 19. The proposed Project is consistent with and will advance this policy.

Policy 23 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.

Determination – The Fire Island Light Station (Town of Islip) and the Beach Road Historic District (Village of Southampton) are the only properties within the study area that are listed on the National Register. A number of other structures, each more than 50 years of age, which may possess the requisite characteristics and integrity to be eligible for the National Register are visible from the beach (JMA 2000), including: the Robert Moses State Park Tower; the former Point O' Woods Life Saving Station (presently the Fire Island Hotel and Resort), and houses in various communities in the study area (see Table 3.10-1 of the EIS). The Project will afford additional coastal storm risk management to existing properties on the National Register, as well as the other identified structures. The Project will not affect archaeological site or marine resources, such as shipwrecks. The Project will protect cultural resources and is consistent with this policy.

Policy 24 Prevent impairment of scenic resources of statewide significance.

Determination – Portions of East Hampton have been designated as scenic resources of statewide significance (NYS DOS 2010). Although some of these portions of East Hampton are within the Project area, CENAN is not proposing any actions in these areas that will impact these scenic resources of statewide significance. Consequently, the Project will not impair scenic resources of statewide significance.

Policy 25 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.

Determination – Implementation of the TSP would require the use of large construction

equipment, such as dredge barges and excavators that would visually interrupt the natural landscape during construction activities. These short-term impacts would be similar to visual impacts that currently occur and would not be significant. Long-term, the TSP would reduce the impacts from storm and flooding events that may cause significant erosion or breaching of beaches, dunes, and shorelines. By reducing these types of impacts, the TSP will contribute positively to the overall scenic quality of the coastal area.

Policy 30 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.

Determination – The Project will not discharge pollutants. The Project is likely to result in sediment re-suspension and associated increases in turbidity during dredging in the borrow areas and during sand placement along the shoreline. These turbidity increases will be temporary and will not result in a violation of this policy.

Policy 35 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 dredging of clean, relatively coarse-grained accumulated sand from offshore borrow areas will not adversely affect significant coastal fish and wildlife habitats (see Policy 7), natural protective characteristics (see Policies 12, 14, 15, 17, and 18), or wetlands (see Policy 44).

The proposed dredging activities would take place in waters greater than 6 feet deep, and are therefore not required to meet the regulatory standards contained in the State’s tidal wetlands land use regulations in 6 NYCRR Part 661. However, the use of the dredged material for beach nourishment in the areas adjacent to the Atlantic Ocean tidal wetland littoral zone would require a tidal wetlands permit (see Policy 44). The sand placement area is within state designated significant fish and wildlife habitats. The State tidal wetlands regulations in 6 NYCRR Part 661 indicate that the use of the dredge material for beach nourishment in an area adjacent to tidal wetlands is a generally compatible use; however, such a use is dependent on several character and resource values and the effects such nourishment and its associated dredged materials might have on intertidal wetlands and adjacent areas. The material to be dredged and used to nourish the beaches is compatible with the material currently on the beaches. The nourishment of beaches and dunes where necessary and appropriate is an activity that may be authorized pursuant to the coastal erosion hazard area regulations in 6 NYCRR Part 505 (see also Policy 12).

The Project will be implemented in such a manner as to avoid adverse impacts to these habitats during construction to the extent practicable. Long-term benefits to significant fish and wildlife habitats are anticipated as the placement of the beach fill would lead to larger and wider beach areas that could be used for breeding and nesting by shorebirds.

There is an overriding need to maintain the physical character of the barrier island and its

associated natural protective characteristics, as well as the natural resource values of these characteristics. An EIS has been prepared for the Project which details the potential impacts to natural and cultural resources. In addition, all required permits, such as a NYSDEC Tidal Wetlands Permit, Section 401 Water Quality Certificate, Clean Water Act Section 404 permit, will be acquired and all permit conditions will be complied with.

Consultation and coordination with State and Federal resource agencies (US Fish & Wildlife Service, NOAA Fisheries, National Park Service and State Natural Resource agencies) will be conducted and species specific seasonal restrictions and mitigation measures will be put in place. The proposed activities will be conducted in a manner consistent with this policy.

Policy 38 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.

Determination – The Project will not affect water supply sources. Temporary increases in turbidity may occur during dredging and sand placement activities; however, these will be limited to construction periods and will be limited in spatial extent and duration. Best management practices will be implemented to minimize impacts. The Project is consistent with this policy.

Policy 41 Land use or development in the coastal area will not cause national or State air quality standards to be violated.

Determination – The Project will result in mobile air emissions sources during construction only. No stationary sources are proposed. A conformity analysis is being conducted for the Project and any required mitigation measures to offset temporary emissions increases will be implemented. A detailed air impact analysis is included with the EIS prepared for the FIMP Reformulation Project. The Project is consistent with this policy.

Policy 43 Land use or development in the coastal area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.

Determination – Refer to the response to Policy 41; the Project is consistent with this policy.

Policy 44 Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Determination – As demonstrated above in the Policy 35 analysis, the proposed activities would take place areas adjacent to the Atlantic Ocean littoral zone and intertidal wetland areas. The proposed activities are compatible uses according to the tidal wetlands land use regulations in 6 NYCRR Part 661. The proposed activities include one of the preferred non-structural erosion control measures identified in the State erosion hazard area regulations, the Coastal Policies contained in the State’s Coastal Management Program document, the State tidal wetlands land use regulations, and Article 42 of the Executive Law and its implementing regulations in 19 NYCRR Part 600. The beach nourishment activities will result in physical changes to the intertidal area that will adversely affect some invertebrates at the site of the beach nourishment

activities while the Project is being undertaken (see Policy 35 analysis). However, these adverse effects would not be significant, would be temporary, and would not result in significant adverse effects nor significantly impair the benefits derived from the tidal wetland areas. The proposed activities would be undertaken in a manner consistent with this policy.

References

- JMA 2000 John Milner Associates, Inc. (JMA). 2000. Cultural Resources Baseline Study Fire Island Inlet to Montauk Point. Suffolk County, New York Reformulation Study. Prepared for The Greeley-Polhemus Group and the U.S. Army Corps of Engineers New York District.
- NYSDOS 2006 New York State Department of State (NYSDOS). “Coastal Management Program, State Coastal Policies (Including Program changes from 1982-2006).” 2006.
- NYSDOS 2010 NYSDOS, Division of Coastal Resources. “East Hampton Scenic Areas of Statewide Significance.” January 2010.

VILLAGE OF OCEAN BEACH

LOCAL WATERFRONT REVITALIZATION PROGRAM

POLICY STATEMENT

Project: Fire Island Inlet to Montauk Point (FIMP) Reformulation Project

Applicant: U.S. Army Corps of Engineers, New York District

Project Overview: The Project will provide stabilization along the Fire Island Inlet to Montauk Point of the Fire Island barrier island. Although the project will not afford new public access to the waterfront, existing public access will be maintained and enhanced.

A more detailed description of the Project is provided in the *Fire Island Inlet to Montauk Point Environmental Impact Statement (EIS)*, which also includes a comprehensive assessment of potential environmental impacts from the Project.

Applicable Policies: In accordance with the coastal management policies that apply to the Village of Ocean Beach Local Waterfront Revitalization Area (LWRA) that follow the 13 amended policies issued by the New York State Department of State, which have been refined from the original 44 State Coastal Policies (NYS DOS 2006). Upon completion of the Waterfront Assessment Form (WAF) 4 policies were identified as potentially applicable to the proposed Project. These policies are presented below, followed by an explanation of Project consistency.

Policy 5 Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.

Determination – All of Great South Bay and many adjoining marshes and natural areas are designated as Significant Coastal Fish and Wildlife Habitat (SCFWH). All or portions of additional SCFWHs are within the Project area; however, they are not within the Village of Ocean Beach.

Filling of shallows, grading, shoreline alteration and dredging are among generic activities most likely to affect protected habitats. These activities are integral to the proposed Project which, in the area of the Village of Ocean Beach, consists of dredging sand from offshore borrow areas for placement on the Atlantic shoreline of Fire Island to create enhanced beach area and dunes for coastal storm risk management. No filling or grading will occur within marshes or wetlands; fill placement is limited to the Atlantic shoreline only. Fill placement along the Atlantic shoreline of Fire Island in the area of the Village of Ocean Beach will create wider beaches and dunes to minimize breaching and overwashing and consequent damage to habitats and communities on the barrier island and along the south shore of Long Island. There will be no change in existing tidal exchange patterns, only a continuation of the non-storm induced conditions.

A comprehensive assessment of potential Project impacts to threatened and endangered species and habitats was conducted and is presented in the EIS prepared for the Project. The proposed activities would be undertaken in a manner consistent with this policy.

Policy 7 Minimize loss of life and damage to structures and natural resources from flooding and erosion. Protect the integrity of Fire Island, so as to ensure its continued function as an effective barrier against flooding and erosion for the Long Island mainland.

Determination – The Long Island south shore barriers and their associated beaches, dunes, and nearshore areas are natural “defenses” that help preserve coastal lands and property from damage and reduce the danger to resources and property resulting from flooding and erosion. The proposed activities would be conducted in the nearshore littoral zone and on the south shore barrier island beaches. These properties and their associated coastal processes ordinarily provide varying levels of protection to the barrier island upland areas, the south shore bays, and Long Island south shore mainland. The natural physical functioning and integrity of the beaches, nearshore areas, and dunes immediately down drift are affected, resulting in increased vulnerability to storm damage to natural resources and property from coastal flooding and erosion. The purpose of the Project is to implement measures that will augment and restore the natural protective capabilities of the natural protective characteristics down drift of the inlet.

Sand obtained from the offshore borrow area would be pumped to the beach areas to restore the natural protective features of the barrier island. The nourishment of beaches and dunes with appropriate material is an allowable activity pursuant to the coastal erosion hazard area regulations contained in 6 NYCRR Part 505 and is a non-structural erosion control measure preferred over structural measures by the State in its tidal wetlands, erosion hazards, and coastal management program statutes and regulations. Restoring the natural protective characteristics of the barrier island (resulting in the protection of the barrier island itself, the bay-system and the mainland of Long Island) would be consistent with and further promote Policy 7, which is to minimize damage to natural resources and property by protecting the naturally occurring protective characteristics and the associated physical processes.

Policy 11 Improve public access to and use of public lands and waters.

Determination – The beach areas in the Village of Ocean Beach support a variety of public recreational activities. A temporary reduction in off-season, public access to the work site during the construction season would occur. However, this would be off-set over the longer term by the increased width of the nourished public beach and the continued protection and maintenance of the beach as a public resource that supports a high level of public access and use. Buffer areas approximately 1,000 feet in length will be closed during construction activities for safety reasons. As beach placement activities are completed within each 1,000-foot compartment, the buffer is shifted accordingly.

Public use of the beach area would be restored at that time. Over the Project life (approximately 50 years), the proposed activities would advance the policy to protect, maintain, and increase public access to and use of public water-related recreation resources and facilities. The Project will be consistent with this policy by maintaining and enhancing the beaches within the Village.

Policy 12 Enhance visual quality and protect outstanding scenic resources.

Determination – The Village of Ocean Beach is not designated as a scenic resource of statewide significance (NYS DOS 2010). Consequently, the Project will not impair scenic resources of statewide significance. However, the visual quality of the coastal zone is a major component of the overall character in the Village. The Village contains a variety of natural visual attributes, including the estuarine waters of Great South Bay, a complex land and water interface on the bay side, and a dynamic beach and dune system on the ocean side. The public recognizes that these features make an important contribution to the desirability of the community to live and recreate. The Project will be consistent with this policy by maintaining and enhancing the beach and dune areas of the Village.

References

- NYSDOS 2006 New York State Department of State (NYSDOS). “Coastal Management Program, State Coastal Policies (Including Program changes from 1982-2006).” 2006.
- NYSDOS 2010 NYSDOS, Division of Coastal Resources. “East Hampton Scenic Areas of Statewide Significance.” January 2010.

**NEW YORK STATE DEPARTMENT OF STATE
COASTAL ZONE MANAGEMENT PROGRAM**

Policy Statement for the Town of East Hampton Local Waterfront
Revitalization Program

Project: Fire Island Inlet to Montauk Point (FIMP) Reformulation Project

Applicant: U.S. Army Corps of Engineers, New York District

Applicable Policies: The Town of East Hampton Local Waterfront Revitalization Program (LWRP) policies (East Hampton 1999) were reviewed as to their applicability to the FIMP Reformulation Project. Based upon this review, 26 LWRP policies and sub-policies were identified as potentially applicable to the proposed Project. These policies are presented below, followed by an explanation of Project consistency. Policies that are clearly not applicable are not discussed.

Policy 4 Strengthen the economic base by encouraging the development and enhancement of those traditional uses and activities that have provided such areas with their unique maritime identity.

Determination – As applied to Three Mile and Montauk Harbors, the Tentatively Selected Plan (TSP) would insure that traditional uses of the south shore of Long Island would be enhanced and preserved. The TSP would stabilize the shoreline and manage the risk from coastal storm damage to the surrounding area, thus encouraging the development and enhancement of those traditional uses and activities that have provided Three Mile and Montauk Harbors with their unique maritime identity. Therefore, the District has determined that the TSP would be consistent with this policy.

Policy 5 Encourage the location of development in areas where public services and facilities essential to such development are adequate.

Determination – This policy is intended to further the rural pattern of the Town, which concentrates development in village and hamlet centers. The TSP would manage the risk of coastal storm damage to existing infrastructure along the south shore of Long Island from hurricane and storm surge flooding. Risk management would provide stability and enhancement to existing and future development Projects. The without Project condition would eventually impact development as contractors would be hesitant to develop in an unstable, unprotected environment. Therefore, CENAN has determined that the TSP would be consistent with this policy.

Policy 7 Significant coastal fish and wildlife habitat will 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 habitat, as identified on the coastal area map, shall be protected, preserved, and where practicable, restored so as to maintain their viability as habitats.

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 NYSDEC protected native plant list (NYCRR 193.3), the NYSDEC list of endangered, threatened and special concern species and the federal list of endangered and threatened wildlife and plants (50 CFR 17).

Determination - All of Great South Bay and many adjoining marshes and natural areas are designated as Significant Coastal Fish and Wildlife Habitat (SCFWH). Policy 7 states that filling of shallows, grading, shoreline alteration and dredging are among generic activities most likely to affect protected habitats. These activities are integral to the proposed Project which consists of dredging sand from offshore borrow areas for placement on the Atlantic shoreline of Fire Island to create enhanced beach area and dunes for coastal storm risk management. No dredging will occur within State-designated SCFWH. No filling or grading will occur within marshes or wetlands; fill placement is limited to the Atlantic shoreline only. Fill placement along the Atlantic shoreline of Fire Island in the Project area will create wider beaches and dunes to minimize breaching and overwashing and consequent damage to habitats and communities on the barrier island and along the south shore of Long Island. There will be no change in existing tidal exchange patterns, only a continuation of the non-storm induced conditions.

A comprehensive assessment of potential Project impacts to threatened and endangered species and habitats was conducted and is presented in Chapter 4 of the Environmental Impact Statement (EIS) prepared for the Project and the Biological Assessment (BA) (see Appendix J of the EIS). The proposed activities would be undertaken in a manner consistent with this policy.

Policy 8 Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sub-lethal or lethal effect on those resources.

Determination – The material that may be obtained from the offshore borrow areas, consists primarily of clean, coarse-grained sand. The material that would be dredged and used for beach nourishment on the down drift beaches would not contain hazardous wastes or other pollutants that would bio-accumulate in the food chain or cause significant sub-lethal or lethal effects on those resources. Sediment re-suspension is likely to cause temporary increases in turbidity; however, these increases would be limited in duration and spatial extent and are not expected to significantly affect fish or aquatic wildlife in the Project areas. The proposed activities would not adversely affect fish and wildlife resources and would be undertaken in a manner consistent with this policy.

Policy 12 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.

Determination – The Long Island south shore barriers, inlets, and associated beaches, dunes, and nearshore areas are natural “defenses” that help preserve coastal lands and property from damage and reduce the danger to resources and property resulting from flooding and erosion. The proposed activities would be conducted in the inlets, mainland (10-year floodplain non-structural

building retrofits, floodproofing, relocation, and acquisition, and road raising in 4 locations), and barrier islands. These properties and their associated coastal processes ordinarily provide varying levels of risk management measures to the barrier island upland areas, the south shore bays, and Long Island south shore mainland. The purpose of the Project is to implement measures that will augment and restore the natural protective capabilities of the barrier islands, inlets, and mainland.

The nourishment of beaches and dunes with appropriate material is an allowable activity pursuant to the coastal erosion hazard area regulations contained in 6 NYCRR Part 505 (see also Policy 35), and is a non-structural erosion control measure preferred over structural measures by the State in its tidal wetlands, erosion hazards, and coastal management program statutes and regulations (see Policies 17, 35, and 44). Restoring the natural protective characteristics of the barrier island, inlets, and associated beaches, dunes, and nearshore areas (resulting in the protection of the barrier island itself, the bay-system and the mainland of Long Island) would be consistent with and further promote Policy 12, which is to minimize damage to natural resources and property by protecting the naturally occurring protective characteristics and the associated physical processes.

Policy 15 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.

Determination – The proposed action includes the removal of material from offshore borrow sources. The borrow areas are located more than 1 mile offshore, where excavation and dredging has been demonstrated to have a negligible impact on the nearshore coastal processes, and will not cause an increase in coastal erosion. Best management practices will be followed during all dredging activities and the proposed dredging depth in the borrow areas will not reduce the flow of sediments to adjacent areas. Coastal processes along the shoreline sand placement areas will not be interfered with as only natural sands will be placed; no structures or shoreline hardening is proposed. The proposed activities are consistent with this policy.

Policy 16 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.

Determination – The Project will minimize breaching and overwashing of the barrier islands and is a necessary measure for storm damage reduction on the barrier islands as well as the south shore of Long Island. The Project will enhance and recreate natural protective features of the barrier islands through beach renourishment and berm construction. Benefits to the human and natural environments outweigh the expenditures of public funds. This has been demonstrated through the completion of a comprehensive economic assessment of the Reformulation Plan. The Project is consistent with this policy.

Policy 17 Non-structural measures to minimize damage to natural resources and

property from flooding and erosion shall be used whenever possible.

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.

Determination – The proposed use of suitable dredged sand for beach nourishment and dune creation is a non-structural measure. The beach nourishment minimizes damage to natural resources and property from flooding and erosion by strengthening natural protective characteristics and providing the sediments necessary for these characteristics to function. The Project is consistent with this policy.

Policy 18 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.

Determination – The Project will reduce the frequency and degree of breaches and overwashes of the barrier islands and mainland and thereby afford coastal storm risk management to the barrier as well as communities on the south shore of Long Island. In addition, several of the inlets (such as Fire Island Inlet and Moriches Inlet) are regionally important navigation inlets that must be stabilized and maintained. The areas adjacent to the inlet support regionally important water-dependent and water-related uses, including commercial fishing and recreational boating facilities, public parklands, and other uses. The physical character of the barriers must be maintained to protect these uses.

The south shore of Long Island also supports a variety of public recreational and commercial activities. The south shore of Staten Island's coastline must be maintained to protect these uses. The without Project condition would eventually impact public recreational and commercial activities. The Project would provide coastal storm risk management to an important public recreational area and adjacent commercial and residential properties with minimal short-term impacts to economic, social, and environmental resources. Therefore, the District has determined that the TSP would be consistent with and advance this policy.

Policy 19 Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.

Determination – The beach areas in the proposed Project area support a variety of public recreational activities (see also Policies 18 and 20). The TSP would result in positive impacts on recreation as a result of better coastal storm risk management in the Project area. The without Project alternative would result in increased flood risks and increased erosion, thereby decreasing recreational potential in the area.

Buffer areas approximately 1,000 feet in length will be closed during construction activities for safety reasons. Although a reduction in public access to the work site during construction would occur, this impact would be temporary. As beach placement activities are completed within each 1,000-foot compartment, the buffer is shifted accordingly. Public use of the beach area would be

restored at that time. The proposed activities would be undertaken in a manner consistent with this policy. Also, over the 50-year Project life the proposed activities would advance the policy to protect, maintain, and increase public access to and use of public water-related recreation resources and facilities.

Policy 20 Access to publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

Determination – Many of the lands and waters adjacent to and at the sites of the proposed activities are publicly-owned and accessible underwater lands and parklands that support a variety of public uses are present in the area (see also Policies 18 and 19). Based on the Policy 19 analysis above, the proposed activities would be undertaken in a manner consistent with and would advance this policy.

Policy 21 Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.

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 “Town of East Hampton Local Waterfront Revitalization Program” (East Hampton 1999) and in “Public Access and Recreation Improvements” in Projects, Section XIV of “Town of East Hampton Local Waterfront Revitalization Program” (East Hampton 1999).

Determination – Many of the lands and waters within the Project area are publicly-owned and currently support a variety of public water dependent uses such as fishing, boating and beaching. The Project will protect and enhance these uses in the long-term, with only staggered short-term loss of use during construction, as described under Policy 19. The proposed Project is consistent with and will advance this policy.

Policy 23 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.

Determination –The Fire Island Light Station (Town of Islip) and the Beach Road Historic District (Village of Southampton) are the only properties within the study area that are listed on the National Register, and none of these properties are in East Hampton. A number of other structures, each more than 50 years of age, which may possess the requisite characteristics and integrity to be eligible for the National Register are visible from the beach (JMA 2000), including: the Robert Moses State Park Tower; the former Point O' Woods Life Saving Station (presently the Fire Island Hotel and Resort), and houses in various communities in the study area (see Table 3.10-1 of the EIS). None of the properties listed in Table 3.10-1 are located in East Hampton. The Project will afford additional coastal storm risk management to existing

properties on the National Register, as well as the other identified structures. The Project will not affect archaeological site or marine resources, such as shipwrecks. The Project will protect cultural resources and is consistent with this policy.

Policy 24 Prevent impairment of scenic resources of statewide significance.

Determination – Portions of East Hampton have been designated as scenic resources of statewide significance (NYSDOS 2010). Although some of these portions of East Hampton are within the Project area, CENAN is not proposing any actions in these areas that will impact these scenic resources of statewide significance. Consequently, the Project will not impair scenic resources of statewide significance.

Policy 25 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.

Determination – Implementation of the TSP would require the use of large construction equipment, such as dredge barges and excavators that would visually interrupt the natural landscape during construction activities. These short-term impacts would be similar to visual impacts that currently occur and would not be significant. Long-term, the TSP would reduce the impacts from storm and flooding events that may cause significant erosion or breaching of beaches, dunes, and shorelines. By reducing these types of impacts, the TSP will contribute positively to the overall scenic quality of the coastal area.

Policy 30 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.

Determination – The Project will not discharge pollutants. The Project is likely to result in sediment re-suspension and associated increases in turbidity during dredging in the borrow areas and during sand placement along the shoreline. These turbidity increases will be temporary and will not result in a violation of this policy.

Policy 35 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 dredging of clean, relatively coarse-grained accumulated sand from offshore borrow areas will not adversely affect significant coastal fish and wildlife habitats (see Policy 7), natural protective characteristics (see Policies 12, 14, 15, 17, and 18), or wetlands (see Policy 44).

The proposed dredging activities would take place in waters greater than 6 feet deep, and are therefore not required to meet the regulatory standards contained in the State’s tidal wetlands land use regulations in 6 NYCRR Part 661. However, the use of the dredged material for beach nourishment in the areas adjacent to the Atlantic Ocean tidal wetland littoral zone would require

a tidal wetlands permit (see Policy 44). The sand placement area is within state designated significant fish and wildlife habitats. The State tidal wetlands regulations in 6 NYCRR Part 661 indicate that the use of the dredge material for beach nourishment in an area adjacent to tidal wetlands is a generally compatible use; however, such a use is dependent on several character and resource values and the effects such nourishment and its associated dredged materials might have on intertidal wetlands and adjacent areas. The material to be dredged and used to nourish the beaches is compatible with the material currently on the beaches. The nourishment of beaches and dunes where necessary and appropriate is an activity that may be authorized pursuant to the coastal erosion hazard area regulations in 6 NYCRR Part 505 (see also Policy 12).

The Project will be implemented in such a manner as to avoid adverse impacts to these habitats during construction to the extent practicable. Long-term benefits to significant fish and wildlife habitats are anticipated as the placement of the beach fill would lead to larger and wider beach areas that could be used for breeding and nesting by shorebirds.

There is an overriding need to maintain the physical character of the barrier island and its associated natural protective characteristics, as well as the natural resource values of these characteristics. An EIS has been prepared for the Project which details the potential impacts to natural and cultural resources. In addition, all required permits, such as a NYSDEC Tidal Wetlands Permit, Section 401 Water Quality Certificate, Clean Water Act Section 404 permit, will be acquired and all permit conditions will be complied with.

Consultation and coordination with State and Federal resource agencies (US Fish & Wildlife Service, NOAA Fisheries, National Park Service and State Natural Resource agencies) will be conducted and species specific seasonal restrictions and mitigation measures will be put in place. The proposed activities will be conducted in a manner consistent with this policy.

Policy 38 The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Policy 38A Maintain water resources as near to their natural condition of purity as reasonably possible to safeguard public health.

Determination – The Project will not affect water supply sources. Temporary increases in turbidity may occur during dredging and sand placement activities; however, these will be limited to construction periods and will be limited in spatial extent and duration. Best management practices will be implemented to minimize impacts. The Project is consistent with this policy.

Policy 41 Land use or development in the coastal area will not cause national or State air quality standards to be violated.

Determination – The Project will result in mobile air emissions sources during construction only. No stationary sources are proposed. A conformity analysis is being conducted for the Project and any required mitigation measures to offset temporary emissions increases will be implemented. A detailed air impact analysis is included with the EIS prepared for the FIMP

Reformulation Project. The Project is consistent with this policy.

Policy 43 Land use or development in the coastal area must not cause the generation of significant amounts of the acid rain precursors: nitrates and sulfates.

Determination – Refer to the response to Policy 41; the Project is consistent with this policy.

Policy 44 Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Determination – As demonstrated above in the Policy 35 analysis, the proposed activities would take place areas adjacent to the Atlantic Ocean littoral zone and intertidal wetland areas. The proposed activities are compatible uses according to the tidal wetlands land use regulations in 6 NYCRR Part 661. The proposed activities include one of the preferred non-structural erosion control measures identified in the State erosion hazard area regulations, the Coastal Policies contained in the State’s Coastal Management Program document, the State tidal wetlands land use regulations, and Article 42 of the Executive Law and its implementing regulations in 19 NYCRR Part 600. The beach nourishment activities will result in physical changes to the intertidal area that will adversely affect some invertebrates at the site of the beach nourishment activities while the Project is being undertaken (see Policy 35 analysis). However, these adverse effects would not be significant, would be temporary, and would not result in significant adverse effects nor significantly impair the benefits derived from the tidal wetland areas. The proposed activities would be undertaken in a manner consistent with this policy.

References

- East Hampton 1999 East Hampton Town Board. “Town of East Hampton Local Waterfront Revitalization Program.” December 3, 1999.
- JMA 2000 John Milner Associates, Inc. (JMA). 2000. Cultural Resources Baseline Study Fire Island Inlet to Montauk Point. Suffolk County, New York Reformulation Study. Prepared for The Greeley-Polhemus Group and the U.S. Army Corps of Engineers New York District.
- NYSDOS 2010 New York State Department of State (NYSDOS), Division of Coastal Resources. “East Hampton Scenic Areas of Statewide Significance.” January 2010.



INC. VILLAGE OF OCEAN BEACH

Waterfront Assessment Form (WAF)

A. INSTRUCTIONS (Please print or type all answers)

1. Applicants, or in the case of direct actions, Village of Ocean Beach agencies, shall complete this Waterfront Assessment Form (WAF) for proposed actions which are subject to the consistency review law. This assessment is intended to supplement other information used by the designated Village of Ocean Beach agency in making a determination of consistency.
2. Before answering the questions in Section C, the preparer of this form should review the policies and explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), a copy of which is on file in the Village of Ocean Beach Village Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.
3. If any questions in Section C on this form are answered "yes", then the proposed action may affect the achievement of the LWRP policy standards contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination regarding its consistency with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

1. Type of agency action (check appropriate response):

- (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction)
- (b) Financial assistance (e.g. grant, loan, subsidy)
- (c) Permit, approval, license, certification
- (d) Agency undertaking action

2. Type of Approval Action Requested (check all that apply)

- Site Plan Approval Variance
- Rezoning Building Permit
- Subdivision Special Use Permit
- X Other

3. Describe nature and extent of action:

Atlantic Coast of Long Island, New York. The U.S. Army Corps of Engineers, New York District (CENAN) is proposing measures to provide shore protection and reduce storm damage reduction for the south shore of Long Island, New York, from Fire Island Inlet to Montauk Point (Fire Island Montauk Point Reformulation Project). Beach fill from offshore sites, and other associated actions, to be placed on Fire Island barrier island in Ocean Beach, resulting in a +15 ft dune and 90 ft berm. Project will minimize damage to natural resources and property from flooding and erosion by protecting natural features including beaches, dunes, barrier islands and bluffs.

4. Location: *The project is located along the Atlantic coast shoreline from the Fire Island inlet to the Montauk Point and includes the segment within the Village of Ocean Beach.*

5. Size of site: *The project includes the 2,000 foot segment of Atlantic coast shoreline within the Village of Ocean Beach.*

6. Present land use: *The project area is an existing beach within the Fire Island National Seashore.*

7. Present zoning classification: N/A

8. Describe any unique or unusual land forms on the project site (i.e. steep slopes, swales, ground depressions, other geological formations):

The project generally includes the existing berm and dunes along the shoreline.

9. Percentage of site which contains slopes of 15% or greater: N/A

10. Streams, lakes, ponds or wetlands existing within or contiguous to the project area?

(1) Name: N/A

(2) Size (in acres): _____

11. If an application for the proposed action has been filed with the agency, the following information shall be provided:

(a) Name of applicant

USACE- New York District

(b) Mailing address:

26 Federal Plaza, New York, NY 10278

(c) Telephone number: 917-790-8729 Robert Smith

12. Will the action be directly undertaken, require funding, or approval by a state or federal agency?

Yes No If yes, which agency US Army Corps of Engineers.

C. Waterfront ASSESSMENT (Check either "Yes" or "No" for each of the following questions)

1. Will the proposed action have a significant effect upon: YES NO

(a) Commercial or recreational use of fish and wildlife resources? NO

(b) Scenic quality of the waterfront environment? YES

(c) Development of future, or existing water dependent uses? NO

(d) Stability of the shoreline? YES

(e) Surface or groundwater quality? NO

(f) Existing or potential public recreation opportunities? NO

(g) Structures, sites or districts of historic, archeological or cultural significance to the Village of Ocean Beach, State or Nation? NO

2. Will the proposed action involve or result in any of the following: YES NO

(a) Physical alteration of land along the shoreline, land under water or waterways? YES

(b) Physical alteration of two (2) acres or more of land located elsewhere in the waterfront area? YES

(c) Expansion of existing public services or infrastructure in undeveloped or low density areas of the waterfront? NO

(d) Energy facility not subject to Article VII or VIII of the Public Service Law? NO

(e) Mining, excavation, filling or dredging? YES

(f) Reduction of existing or potential public access to or along the shore? NO

- (g) Sale or change in use of publicly-owned lands located on the shoreline or under water? NO
- (h) Development within a designated flood hazard area? NO
- (i) Development on a natural feature that provides protection against flooding or erosion? YES
- (j) Diminished surface or groundwater quality? NO
- (k) Removal of ground cover from the site? NO

3. PROJECT YES NO

(a) If a project is to be located adjacent to shore:

- (1) Will water-related recreation be provided? NO
- (2) Will public access to the foreshore be provided? NO
- (3) Does the project require a waterfront site? YES
- (4) Will it supplant a recreational or maritime use? YES
- (5) Do essential public services and facilities presently exist at or near the site? NO
- (6) Is it located in a flood prone area? YES
- (7) Is it located in an area of high erosion? YES

(b) If the project site is publicly owned:

- (1) Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities? YES
- (2) If located in the foreshore, will access to those and adjacent lands be provided? NO
- (3) Will it involve the siting and construction of major energy facilities? NO
- (4) Will it involve the discharge of effluents from major steam electric generating and industrial facilities into waterfront facilities? NO
- (c) Is the project site presently used by the community neighborhood as an open space or recreation area? YES

(d) Does the present site offer or include scenic views or vistas known to be important to the community? YES

(e) Is the project site presently used for commercial fishing or fish processing? NO

(f) Will the surface area of any waterways or wetland areas be increased or decreased by the proposal? NO

(g) Does any mature forest (over 100 years old) or other locally important vegetation exist on this site which will be removed by the project? NO

(h) Will the project involve any waste discharges into waterfront waters? NO

(i) Does the project involve surface or subsurface liquid waste disposal? NO

(j) Does the project involve transport, storage, treatment or disposal of solid waste or hazardous materials? NO

(k) Does the project involve shipment or storage of petroleum products? NO

(l) Does the project involve discharge of toxics, hazardous substances or other pollutants into the waterway? NO

- (m) Will the project affect any area designated as a tidal or freshwater wetland? NO
- (n) Will the project alter drainage flow, patterns or surface water runoff on or from the site? NO
- (o) Will best management practices be utilized to control stormwater runoff into waterfront waters? NO
- (p) Will the project utilize or affect the quality or quantity of sole source or surface water supplies? NO
- (q) Will the project cause emissions which exceed federal or state air quality standards or generate significant amounts of nitrates or sulfates? YES

D. REMARKS OR ADDITIONAL INFORMATION: (Add any additional sheets to complete this form.)

Refer to the attached policy statement which discusses project consistency with relevant policies of the Local Waterfront Revitalization Program of the Village of Ocean Beach.

If assistance or further information is needed to complete this form, please contact Village of Ocean Beach Building Inspector at (631) 583-7018.

Preparer's Name Robert Smith
Title: Project Manager Agency: U.S. Army Corps of Engineers, N.Y. District
Telephone Number: () _____
Date: _____