

**Appendix A**

Town of Clayton and Village of Clayton

Harbor Management Plan



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## **Introduction**

Article 42 of the New York State Executive Law, Section 922 – Waterfront Revitalization of Coastal Areas and Inland Waterways – authorizes local governments to prepare harbor management plans (HMP) as part of their Local Waterfront Revitalization Program (LWRP). In the course of preparing a LWRP, the Town and Village of Clayton recognized the need to manage water activities in areas adjacent to the Waterfront Revitalization Area (WRA) proposed in their program. To that end, the Town and Village have integrated a HMP within the LWRP. With the goal of avoiding redundancy while creating these interdependent Plans, many sections within the LWRP are cross-referenced in this HMP.

As outlined below, the HMP addresses conflict, congestion, and competition for space in the use of surface waters and underwater lands and identifies various alternatives for the optimum use of the waterfront and adjacent water surfaces. More specifically, LWRP Section 2.0 identifies those areas within the WRA that are recognized as important Town and Village resources. LWRP Section 3.0 provides specific guidance for the HMP area. LWRP Section 4.0 summarizes the results of public visioning projects that identified the key harbor management issues concerning water use in the Town and Village and recommends specific planning principles and capital projects for implementing the vision. Section 5.0 of the LWRP identifies techniques for local implementation. Section 6.0 of the LWRP identifies the authorities of various federal and New York State agencies that can assist with the implementation of the program.

The topics listed below identify the required elements of a HMP found in 19 NYCRR 603.3 – Harbor Management. The supporting text describes and references the relevant LWRP sections that address the HMP elements.



## A. Harbor Management Area Boundary

The area addressed by the HMP includes the portion of the St. Lawrence River and its bays within the Town of Clayton and the portion of the St. Lawrence River and its bays within the Village of Clayton. Within the HMP area, surface-water bodies cover approximately 21.5 square miles or 13,770 acres in area. Except for the St. Lawrence shipping channel, which falls within the jurisdiction of the United States Coast Guard, the HMP area lies within the Village and Town of Clayton jurisdictional boundaries. For discussion purposes, the HMP area is divided into the following sub-areas (See HMP Maps 1 and 2):

- 1) The central harbor area, which encompasses the waters surrounding the Village peninsula, including French Creek Bay, Carrier Bay, and Goose Bay (the same area described in the Village of Clayton’s 1988 HMP); and
- 2) The outer waters area, which encompasses the waters outside of the central harbor area, including the St. Lawrence Seaway navigation channel and the islands within the town’s jurisdiction.

## B. Inventory and Analysis

The inventory of the natural and cultural resources, including surface waters and underwater lands in the HMP area is discussed in LWRP Section 2.0 of the LWRP. See Table A.1 for the location of HMP specific inventory topics discussed within the LWRP.

**Table A.1. Location of HMP Inventory Topics discussed in the LWRP.**

<i>HMP Inventory</i>	<i>Applicable LWRP sections</i>
Water-dependent uses	Section 2.5
Types of vessel activity	Section 2.5.3
Docking facilities and mooring areas	Section 2.8
Historic underwater sites or structures	Section 2.9.3
Scenic resources	Section 2.10

<i>HMP Inventory</i>	<i>Applicable LWRP sections</i>
Wastewater treatment	Section 2.12
Vessel waste facilities	Sections 2.12
Water quality	Section 2.12
Wetlands and significant habitats	Sections 2.13.2 and 2.14.2

### C. Issues of Local Importance

Primary issues of local importance identified in the LWRP Section 2.0 can be summarized into the following three categories:

- **Physical and visual public access to the water.** Physical and visual access is of primary concern as it impacts the quality of life for local residents, quality of experience for visitors, as well as economic development through tourism and water-related recreational activities.
- **Protection of scenic resources.** Protection of the scenic quality of the St. Lawrence River and its dynamic islands as a “scenic resource” is of primary importance to the community. This includes protecting views of the St. Lawrence River as well as protecting the overall quality of the river and its environs to sustain its scenic beauty. Maintaining and improving the uniqueness of the Thousand Islands is tantamount to ensuring a sustainable economy for the Village of Clayton and the Town of Clayton.
- **Protection of environmental and cultural resources.** The central harbor area and outer surface waters have received increased pressure in terms of shoreline development. Management of growth along the shoreline is essential to ensure the safe and reliable navigation through the HMP area and to protect its environmental integrity and scenic quality.



## D. Issues of Regional Importance

Primary issues of regional importance identified in the LWRP Section 2.0 can be summarized into the following four categories:

- **Tourism.** Opportunities to attract visitors from all over the world exist all along the St. Lawrence Seaway from Massena to its transition into Lake Ontario at Cape Vincent, New York. Currently, regional, national and international tourism opportunities for economic growth are underutilized, such as in areas of eco-tourism for birding and paddling. Promoting eco-tourism however requires effective natural, historic and cultural resource protection and growth management.
- **Natural and cultural resource protection.** The protection of the natural, scenic, and cultural resources in the area is key to promoting economic growth for the region. What is healthy for the region is also healthy for the local community. Just as one river connects each community located on its shore, so do the cultural, historic, and scenic resources. Although the responsibility of managing local resources falls to each community, the diligence in caring for those resources benefits the entire region.
- **Commerce.** The shipping channel through the St. Lawrence River remains central to the movement of commerce from the Atlantic Ocean to the interior Great Lakes and major harbors located in Rochester, Buffalo, and ports further west such as Chicago and Milwaukee. Potential conflict exists between development in commerce and promotion of the natural and cultural beauty of the St. Lawrence region. To prevent this conflict, effective environmental quality standards should be maintained alongside manageable commercial growth along the St. Lawrence Seaway.

The possibility of winter navigation on the St. Lawrence Seaway is a specific issue related to commerce. This concept raises many concerns related to potential environmental impacts to shoreline and wetland areas. Studies conducted by the U.S. Army Corps of Engineers regarding the extension of the navigational season identified several possible environmental impacts (see LWRP Section 2.5.3 and Policy 4.8). Based on these studies, the Clayton community opposes the implementation of winter navigation.

- **Water levels.** Climatic changes in annual rainfall and snow pack are believed to have contributed to low water levels in the Thousand Islands Region in recent years. Local marina and boat launch owners are negatively impacted by this situation. The study, *Impact of Changing Water-Levels on Lake Ontario and St. Lawrence River Marinas and Yacht Clubs*, conducted by Nancy A. Connelly, Krista M. Guerrero, Tommy L. Brown in June 2003 found that low water levels impact St. Lawrence River marinas and yacht clubs in the following ways:
  - Loss of revenue due to boats moved or slips lost midseason;
  - Inability to use equipment;
  - Loss of sales of services, such as gas, food and lodging; and
  - Reduced number of customers.

The main actions taken by local businesses to adjust to low water levels typically entails some type of dredging or repairing/rebuilding docks. Other actions considered to accommodate low water levels, include the modification of launch equipment.

According to the same study, low water levels have a more frequent occurrence than high water levels in the HMP area, but occurrence of high water levels does have an impact on marinas as well. Impacts on St. Lawrence River marinas and yacht clubs due to high water levels include:

- Dock damage;
- Lack of fish;
- Lack of clearance under bridges; and
- Loss of revenue.

While annual rainfall and snow pack are difficult to regulate, a degree of regulation of the flow and water levels in the St. Lawrence River is possible. Such regulation could be significant for navigation, hydroelectric generation and recreational reasons, and depending on the activity may be a necessary measure. Regulation must, however, anticipate and mitigate potential environmental and user impacts (see LWRP Policy 4.7). Any program to regulate flow and water levels in the St. Lawrence River must recognize the following as potential concerns associated with low water levels:

- 1) Increased requirements for dredging activities near docks and marinas.
- 2) Potential increase in groundings, thereby impacting navigation or ship passage within the St. Lawrence Seaway.
- 3) Impacts on accessibility to and use of water for recreational activities.
- 4) Possible exposure of aquatic and semi-aquatic environments.
- 5) Potential reduction in the amount of normal area within waterfront wetlands.

## **E. Opportunities and Objectives**

In preparing the LWRP, the Town and Village of Clayton conducted visioning and planning sessions to achieve a consensus regarding local objectives in the central harbor area and the outer surface water areas. The following opportunities and their objectives were identified:

- 1) Maintain waterfront access for both public and private users (see LWRP Policy 1).**

- a. Ensure safe and reliable waterside and landside access to and from municipally owned docks.
- b. Redevelop the Frink America property to help revitalize the commercial core of the Village and its waterfront.
- c. Expand the RiverWalk in the village's shoreline to enhance access to the River not only for residents but also for all NY State residents and other visitors.

**2) Enhance accessibility to landside destinations (see LWRP Policy 1).**

- a. Maximize public transient boater docking to attract transient boaters and improve access to Clayton's stores restaurants and cultural activities.
- b. Establish wayfinding signage for boating tourists to access businesses and recreational resources in the Village and Town.
- c. Maximize waterfront automobile parking to improve public access to water activities.

**3) Protect historic resources and scenic vistas for enjoyment by community residents and visitors (see LWRP Policies 2 and 3).**

- a. Maintain public parks and viewing opportunities for visual access to the scenic St. Lawrence River.
- b. Protect distinctive vistas and panoramic views of the islands and the mainland.
- c. Protect culturally significant structures, such as historic boathouses.
- d. Support development that is compatible with the Thousand Islands vernacular architecture.
- e. Protect the Route 12 and 12E scenic rural corridors that help define the identity of the Clayton community.

**4) Protect environmental resources (see LWRP Policies 4, 5, 6, 7, and 8).**

- a. Develop a NYSDOS Underwater Blueway Trail to help protect the historic scuba diving sites.
- b. Protect the environmentally sensitive areas within and adjacent to the HMP area.
- c. Protect significant coastal fish and wildlife habitats from impacts due to flooding and erosion hazards; flooding and erosion control projects; and ice management practices.
- d. Educate residents and tourists about the location and importance of protection of the environmentally sensitive areas.
- e. Improve the flow of water around the Washington Island causeway.
- f. Return the French Creek outlet to more natural conditions to alleviate sedimentation build up.

**5) Promote and support regional, national, and international tourism see LWRP Policy 9).**

- a. Encourage development of commercial hospitality services for tourists to attract destination boating.
- b. Maintain quality municipal hospitality services for all visitors, tourists, business owners, and residents.
- c. Maintain a quality wayfinding system for boating tourists as well as landside tourists to promote commercial interests, and to protect the privacy and other interests of the residents.
- d. Promote international scuba diving activities and opportunities.
- e. Promote fishing activities.

**6) Promote safe boating and other water-related activities (see LWRP Policy 9).**

- a. Minimize potential conflicts between different boating activities.
- b. Provide safe environment for swimmers, paddlers and scuba divers.

- c. Manage the development of new public docks or dock extensions to provide ample boat access to land and water destinations.
- d. Provide for a safe public swimming area on the mainland shoreline.
- e. Provide public fishing opportunities, including one on or near the French Creek Bridge.

## **F. Water Dependent Uses**

Water dependent uses are primarily located in French Creek Bay, Goose Bay, Spicer's Bay, Blind Bay, and Carrier Bay. Water dependent uses such as marinas, commercial docking, and boat launching facilities provide access to the St. Lawrence River and are a vital part of the region's economy. Existing water use patterns are discussed in LWRP Section 2.5 and shown on HMP Maps 1 and 2. Policy 10 in Section 3.0 of the LWRP addresses the protection of water dependent uses and supports the siting of new water-dependent uses in suitable locations.

## **G. Underwater Lands and Navigable Waters**

Ownership of the St. Lawrence River, within the territorial limits of New York State, and all submerged lands, including the subsurface lying under the river, is held by the State of New York, unless ownership has been granted to any other person or entity. The bottomlands of the river are susceptible of private ownership only for special purposes. The boundary line between State ownership of the bottomlands of the St. Lawrence River and ownership of the adjacent upland is the low water mark. See also LWRP Policy 9.2 and HMP Map 2.

The New York State Office of General Services (OGS) manages state-owned underwater lands. The OGS issues grants, leases, easements and other interests for these underwater lands. They also investigate encroachments on littoral rights (the right of an upland owner to access the navigable waters of the lake) and make sure there is no interference with navigable channels. The OGS reviews NYSDEC and U.S. Army Corps of Engineers comments for proposed projects that affect State-owned bottomlands to ensure that the benefits of the public will not be deprived and that the environment will not be adversely impacted. Various activities relating to the use of this land under water, such as construction of commercial docks, wharves, moorings and permanent structures, such as piers and breakwaters or occupation of previously filled in lands, require permission from the State. In order to obtain permission for the use of these lands underwater, an application must be made to the Office of General Services.

Underwater access to the shipwrecks is allowed, however it is unlawful to disturb archeological resources (including most shipwrecks and underwater archeological sites) on public lands without first obtaining a permit from the New York State Museum, as stipulated in § 233 of New York State Education Law.

Navigable waters in the Village and Town of Clayton WRA and HMP area are managed under the authority of the New York State Navigation Law and United States Coast Guard. Section 30 of the Navigation Law places jurisdiction over navigable waters within the New York State Office of Parks, Recreation and Historic Preservation. The Seaway Authority has established speed limits for transient boaters. The Village's Chief of Police reports unsafe boating incidents to the Coast Guard or NY State Police whose boats patrol the area.

The Village of Clayton has a permanent mooring area in French Creek Bay (29 buoys) and a proposed mooring area at Upper Goose Bay/Washington Island (8 buoys) (see HMP Map 2 and Mooring Area maps created by Jefferson County in January 2010). Both mooring areas are regulated by the Village, which issues

annual leases, and conducts annual inspections to ensure safe mooring practices. A 125' fairway in French Creek Bay was established to provide clear navigation from the St. Lawrence River to the NYS Route 12E Bridge at French Creek. This French Creek fairway is marked as a "no wake zone". Dredging for the French Creek fairway has not occurred.

Currently the Village of Clayton has a Harbor Management law, which regulates vessels and other water-based activities within the Village. This law covers most of the central harbor area. The Village Harbor Management Law, Chapter 85 of the Village of Clayton Code, was adopted on January 24, 2000 to "regulate the use and operation of vessels and the conduct of water-based activities within the jurisdiction of the Village of Clayton in the manner to protect and promote the public, health, safety, and general welfare." The Village Chief of Police serves as the Enforcement Officer and has the authority to enforce all laws and regulations affecting the waters, maritime facilities, and waterways within the jurisdiction of the Village of Clayton. In addition to regulating vessel operations, this local law also regulates local mooring areas, insurance requirements, sanitation requirements, and enforcement procedures. The Town of Clayton does not have a similar water management law and relies upon the coast guard and county sheriff for law enforcement services when necessary. Both municipalities undertake a cursory review of their respective municipal waterfront facilities as part of their annual budget review process.

## **H. Proposed Surface Water Use Plan**

The basis for the proposed surface water use plan is supported by the policies and goals stated above and in Section 3.0 of the LWRP. Policy 10 states the town and village will facilitate the location and expansion of water-dependent uses in its waterfront with particular emphasis on those which will contribute to local revitalization efforts and tourism development. HMP Maps 3 and 4 show the proposed surface-water use plan with the recommended additional water surface-use activities, boating facilities, and infrastructure. The focus of this



surface-water use plan is to encourage a balance of recreational and commercial uses between private and public users.

The Frink America property redevelopment project provides a very practical opportunity to address the docking shortage in the village. A breakwater extending easterly from the Frink America property into Goose Bay toward Washington Island would provide excellent protection in a water area that is currently underutilized and is already fairly well protected. When considering the appropriateness of constructing a breakwater, the village and town should seek a breakwater that provides: the greatest marine protection benefits, the least monetary cost, the least impacts upon current uses and users, the least environmental impacts upon the WRA, and consistency with state, regional and local plans and policies. In addition, the breakwater system could provide docking for large vessels and protect a floating dock system to serve additional transient boaters and individual owners of adjacent housing. The transient boater dock facility would have electricity and water hook-ups and an adjacent toilet/shower facility. This would give the village a first class transient boater docking system in the heart of the commercial core within walking distance of almost all the major attractions in the village. There would be no seasonal docking. All services, fuel, repairs, etc., would be provided by local marinas.

#### **Public Launching Ramp at Mary Street**

A public launching ramp is recommended as part of the redevelopment of the municipal wastewater treatment plant property (see LWRP Section 4.4.3). A new ramp for small boats at this location could improve efficiency, safety, and launching capacity for the Village of Clayton.

#### **Additional Transient Boat Docking**

Additional docks will allow more people to visit Clayton. Possible locations for new docks include the RiverWalk docks, the Mary Street dock, and the enlargement of the Town-owned dock at Upper Landing on Grindstone Island. An expansion of the Regional Dock, which provides deep water access at Frink

Memorial Park, would allow multiple larger transient boats (over 100' in length) to visit Clayton.

### **Fishing Platform at Route 12E Bridge at French Creek**

The LWRP recommends that a new Route 12E Bridge at French Creek, when constructed, provide for a public fishing/observation platform with seating on or adjacent to the bridge. This platform associated with the bridge would allow access to fishing without the need of a boat.

### **Dog Swimming Area**

Dog owners would like a designated off-leash dog swim area. Possible locations include Bain Street and Union Street where they extend to the St. Lawrence River in the Village of Clayton.

## **I. Policies concerning present and future use of the water use plan area**

Within the central harbor area, the western side of the Village peninsula has intensive water dependent development. With few exceptions, it is completely devoted to marina operations, both private and municipal. On the north portion of the peninsula, restaurants and gift shops generally occupy the commercial district, (water enhanced uses). Water dependent uses generally have not been feasible because of severe wind and wave conditions. The eastern portion of the peninsula where the Frink America property is located is currently undeveloped, except for a marina located immediately south of the Frink America property. The RiverWalk, which will be devoted to public access for walking, viewing, and fishing will provide a dramatic change to this condition. The plan envisions extending the RiverWalk-Frink Segment through Frink Park, the Village docks, Memorial Park, Centennial Park and potentially the commercial district between the parks. Section 4.0 of the LWRP also identifies short-term transient boater docking with electric service and a shower/toilet facility on the shore to be installed on the Frink America site as a priority project.

Policies 1 and 9 of the LWRP restrict the use of Clayton's waterfront to water dependent and water enhanced activities. Village and Town zoning and the local permit process enforce these restrictions.

## **J. Capital Projects**

Capital improvement projects or construction projects that are necessary to maintain or improve uses or conditions in the HMP area include the following:

- A designated paddling trail coordinated with landside trail projects (see LWRP section 4.3.2)
- Mainland public swimming access (see LWRP section 4.3.3)
- Coordinate Clayton's recreational diving opportunities with the NYSDOS Underwater Blueway Trail (see LWRP section 4.3.4)
- Provide places for dogs to swim (see LWRP section 4.3.8)
- A breakwater extending easterly from the Frink America property into Goose Bay (see LWRP section 4.4.2)
- Additional transient boater docks and facilities at the RiverWalk docks, the Mary Street dock, the Upper Landing dock, and the Regional dock (see LWRP section 4.4.2)
- Enlarge Grindstone Island public dock (see LWRP section 4.4.2)
- Route 12E Bridge at French Creek Reconstruction (see LWRP section 4.4.4)
- Frink Memorial Park improvements (see LWRP section 4.4.6)
- Washington Island causeway rehabilitation (see LWRP section 4.4.7)
- Enhance public fishing area at Goose Bay and on French Creek Bridge (see LWRP sections 4.4.4 and 4.4.7)
- Expand wayfinding signage to help direct visitors arriving by boat to Clayton amenities (see LWRP section 4.4.11)
- Develop a map of all public trails and fishing access points (see LWRP section 4.6.6)

## **K. Techniques to Implement the Harbor Management Plan**

The land and water surface uses proposed under the LWRP will be implemented through LWRP policies, existing land use regulations, the Town's Comprehensive Plan and other land management plans, agreements, policies, and planning principles, and through the accomplishment of capital projects identified in Section 4.0 of the LWRP that involve waterside infrastructure and docks. In particular, Chapter 85 of the Clayton Code, Harbor Management, was adopted to “regulate the use and operation of vessels and the conduct of water based activities within the jurisdiction of the Village of Clayton in a manner to protect and promote public health, safety, and general welfare.” The law provides detailed instructions on moorings, insurance requirements, sanitation requirements and enforcement procedures. In addition to this, the Village and Town are proposing to amend their codes with a Consistency Review Law and the Town is proposing an Island Agriculture zoning district and a scenic protection overlay for the major road corridors located in the WRA.

LWRP Section 6.0 identifies State and Federal actions that affect and will be affected by the LWRP. With reference to the HMP area these include the authorities exercised by:

A. New York State Department of Environmental Conservation (NYSDEC)  
Under the Freshwater Wetlands Act, the NYSDEC issues permits for dredging, the construction of docks, piers, and shore protection, and building within 100 feet of a freshwater wetlands. Under the Use and Protection of Waters, the NYSDEC issues water quality certifications that certify that a proposed activity will not violate water quality standards and regulates docks and fill placement. The NYSDEC manages water quality throughout the state and through the State Pollution Discharge Elimination System (SPDES) oversees municipal stormwater management programs. The NYSDEC oversaw the brownfield cleanup

program at the Frink America Property. The NYSDEC also undertakes scientific research and may provide funding assistance with planning studies and/or design and construction of projects targeted to protect or restore wetlands or mitigate localized flooding problems.

#### B. New York State Environmental Facilities Corporation

The New York State Clean Vessel Assistance Program (CVAP) was established to protect and improve water quality in New York's navigable waterways. The CVAP provides federally funded grants of up to 75% of eligible project costs with a current maximum of \$35,000 per project. The grants are to assist marinas, municipalities, and not-for-profit organizations install pump out and dump station facilities to receive sewage from recreational marine vessels. Under contract with the NYSDEC, New York State Environmental Facilities Corporation (NYSEFC) provides technical and administrative services for this grant program. Funding assistance is also available for the planning, design and construction of expansion or improvement projects for remediation of combined sewer outfalls.

#### C. New York State Department of State (NYSDOS)

As described on the NYSDOS website <http://nyswaterfronts.com>, The Division of Coastal Resource provides information on ways to improve communities through planning, preservation and redevelopment of important waterfront resources and brownfields. The Division provides tools and techniques including effective local and regional initiatives, GIS waterfront mapping, conducting consistency reviews and information on state and federal grant opportunities. The Division of Coastal Resources reviews the actions of State agencies and advises them regarding consistency procedural matters and the consistency of their actions with State coastal policies, approved Local Waterfront Revitalization Programs, and other CMP special management area plans. The DOS also evaluates proposed Federal agency actions and activities to determine if they consistent or not consistent with the coastal policies of the New York

State Coastal Management Program or approved Local Waterfront Revitalization Programs. Unlike traditional permit or certification programs, the Division does not issue or deny a permit or certification. If an activity is determined to be consistent with State coastal policies, the federal agency involved can proceed to authorize or undertake the action guided by DOS's decision. If an activity is determined to be not consistent with State coastal policies, the federal agency is not allowed to proceed to authorize or undertake the action.

D. Department of Economic Development / Empire State Development Corporation

Assistance for the preparation of economic feasibility studies for the reuse of various deteriorated and unutilized structures, as well as for the siting or improvement of public facilities.

E. New York State Office of General Services

NYSOGS must authorize the construction or placement of structures on State-owned underwater lands, which include most of the St. Lawrence River (there are a few privately owned underwater parcels in the WRA). Most residential docks are exempt from obtaining an authorization since they are covered under the riparian rights of the upland owner. All non-residential docks, piers, and moorings require authorization in the form of a lease, easement, license, or permit. The fee schedule is based upon the potential income from the dock, pier, or mooring.

F. New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP)

New York's State Historic Preservation Office (SHPO) helps communities identify, evaluate, preserve, and revitalize their historic, archeological, and cultural resources. SHPO's Environmental Review program is a planning process that helps protect New York's historic cultural resources from the potential impacts of projects that are funded, licensed

or approved by state or federal agencies. Under Section 106 of the National Historic Preservation Act and Section 14.09 of the New York State Historic Preservation Act, the SHPO's role in the review process is to ensure that effects or impacts on eligible or listed properties are considered and avoided or mitigated during the project planning process. In addition, the SHPO advises local communities on local preservation environmental reviews, upon request, under the provisions of the State Environmental Quality Review Act. NYSOPRHP may also provide funding assistance for historic planning, design and restoration or preservation projects. Funding approval under programs such as the Land and Water Conservation Fund and the Clean Water/ Environmental Protection Fund for development and improvement of waterfront parkland.

#### G. Governor's Office for Small Cities

Funding assistance for economic development and public improvements and facilities that meet the needs of low and moderate-income households or address slum or blighting conditions.

#### H. United States Army Corps of Engineers (USACE)

The USACE has regulatory jurisdiction over all construction and filling activities taking place in the waters and wetlands of the United States, including the construction of docks and piers. It can provide assistance with future proposed erosion control structures, navigational issues, dredging and channel maintenance, and ice management activities along the waterfront.

#### I. U.S. Coast Guard (Department of Transportation)

The U.S. Coast Guard is responsible for promoting the safety and security of the nation's waters. The Coast Guard enforces maritime laws, promotes vessel safety, conducts inspections of commercial and recreational vessels, participates in homeland security, undertakes illegal drug interdiction, responds to oil and hazardous materials spills, and performs emergency searches and rescues. The USCG is responsible for

maintaining public aids to navigation (buoys, lights) and regulating the placement of private aids to navigation.

J. Department of Transportation

Federal Highway Administration funding assistance with local transportation related projects, including the reconstruction of the French Creek Bridge.

K. Environmental Protection Agency

Assistance with the enforcement of the Clean Water and Clean Air Act regulations, and funding and other assistance for brownfields cleanup and redevelopment. Funding assistance for solid and hazardous waste management and wastewater treatment activities.

L. Department of Commerce

Funding assistance for public works and development facilities, business development and other economic development pursuits. Support and assistance with conservation activities on the St. Lawrence River.

M. Department of Housing and Urban Development

Community development block grant assistance for waterfront improvement projects and other urban development needs in the waterfront area.

N. Department of Interior

Funding and other assistance for historic preservation activities and wildlife and fish restoration programs.

## **L. Additional Considerations**

### **1. Conflict and Competition for Space**

Water-dependent uses are land uses that require a shoreline location in order to operate. Examples include a marina, a boat launch ramp, transshipment



facilities, or uses that require water for processing. Water-enhanced uses are land uses that derive benefit from a upland waterfront location, but do not require such a location to function, such as a restaurant, residential properties or parkland. LWRP Section 2.0 describes the water dependent uses that currently exist in each of the WRA. LWRP Policies 1.2, 10.2, and 10.4 express the Clayton community's desire to promote the siting of water-dependent uses within the WRA, giving such uses preference over other non-water dependent uses and ensuring that waterfront development makes beneficial use of waterfront locations with minimal conflict between competing uses.

## **2. Structures**

In order to minimize potential adverse impacts from development, LWRP Policy 1.5 states the community will “Avoid the introduction of discordant features, which would detract from the community.” In regards to preserving and restoring natural protective flooding features, LWRP Policy 4.1 states the community will “Locate or move development and structures as far away from hazards as practical.” In regards to natural destructive forces, LWRP Policy 4.6 states “The construction or reconstruction of docks, boathouses, boat hoists, public access facilities and other shoreline structures shall be undertaken in a manner which will, to the maximum extent practicable, protect against or withstand the destructive forces of wave action and ice movement.” In regards to providing access and recreation that is compatible with natural resources, LWRP Policy 9.6 states the community will “Use methods and structures of access that maintain and protect open space areas associated with natural resources.”

## **3. Regional Needs**

The 700-mile long Saint Lawrence River has defined and molded the community since the first native habitation until modern times. Today, Clayton is touted as the “Gateway to the Thousand Islands” and has long been a recreational area for fishing, boating and sightseers on a seasonal basis. Since, however, the logging and shipbuilding that dominated the economy of the 19th and early 20<sup>th</sup> century, is no longer around, the community is striving to be a destination to

live, work, and play year round. Regional resources and programs that the community will strive to protect, coordinate with, and/or enhance include:

- The Seaway Trail Scenic Byways System
- The French Creek Wildlife Management Area and other significant fish and wildlife habitats
- The location and expansion of water-dependent uses with particular emphasis on those that will contribute to local revitalization efforts and tourism development
- Expansion of recreational trail systems (on land and water and underwater), including the RiverWalk
- The protection of scenic views and vistas
- The redevelopment of vacant waterfront parcels such as the Frink America property
- Agricultural heritage
- Water level management strategies

#### **4. Additional Applications**

##### 1) Commercial shipping

In regards to views of St. Lawrence Seaway commercial traffic, LWRP Policy 3.0 recognizes this as a quality visual experience that is a part of Clayton and Thousand Island culture and therefore seeks to protect and enhance it. In regards to preventing the discharge of petroleum products, LWRP Policy 8.4 states, “The Town and Village encourage the maximum practicable measures that will prevent or at least minimize spills and discharges of such materials into its waterfront waters.” In regards to winter navigation, LWRP Policy 4.8 states “Winter navigation along the St. Lawrence Seaway, which has been proposed in the past, would require ice management practices along the Village and Town’s river shoreline. Such practices would involve detrimental impacts on waterfront resources in the local waterfront area. The Town and Village oppose winter navigation in every conceivable way.”

2) Recreational boating

LWRP Policy 1.2 states “Water-dependent uses should be promoted where appropriate and given precedent over other types of development at suitable waterfront sites. Existing water dependent uses, including commercial barge traffic servicing the islands, recreational boating, water-based entertainment (e.g., water-ski shows and visiting tour boats and naval vessels), fishing (including the charter fishing business), and recreational diving should be protected. Enhanced public docking access, particularly in the village, is a type of water-dependent use that is appropriate and useful in capturing recreational boaters from the St. Lawrence River.” Floating domiciles are not considered a water-dependent use. Floating domiciles may not be attached to the shore by dock, pier, causeway or grounding within the village’s harbor management area except by permit when associated with a vacant lot with a minimum of 200ft of shoreline that is owned by the occupant of the floating domicile or docked at a commercial marina facility.

3) Commercial and recreational fishing and shellfishing

Commercial fishing (not including charter fishing businesses) and shellfishing is not applicable.

In order to protect, preserve, and where practical restore Significant Waterfront Fish and Wildlife Habitats, LWRP Policy 6.2 states “All projects along the waterfront, and especially projects involving waterfront access, should be developed in a manner that ensures the protection of fish and wildlife resources. Project reviewers must consider potential impacts on fish and wildlife habitats, avoid project development and other activities that would destroy or impair habitats, and encourage project design that will restore previously impacted habitats for desirable species. LWRP Policy 8.3 addresses the need to protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health. LWRP Policy 11.1 addresses the need to provide for and promote the health and recreational use of fishing resources.

## 4) Aquaculture and mariculture

Not applicable.

## 5) Waste management

Waste management issues will be addressed by standards and guidelines contained in LWRP Policy 8. This policy is intended to protect the public from sources of contamination and to protect coastal resources from further degradation through proper control and management of wastes and hazardous materials. In addition, this policy is intended to promote the expeditious remediation and reclamation of hazardous waste sites in the waterfront area to facilitate reuse and redevelopment of degraded properties. The policy addresses solid waste, hazardous wastes, toxic pollutants and hazardous substances, petroleum products, and the transportation of solid and hazardous wastes.

## 6) Mineral extraction

Not applicable

## 7) Dredging

LWRP Policy 13.5 addresses dredging in the WRA and states that dredging should “not cause an increase in erosion, any adverse effects on natural resources or degradation of visual resources.” At this time the Village or Town is not proposing to complete dredging to deepen portions of its central harbor area waters. If the need arises, dredging should be minimized as much as possible and regulatory requirements for dredging and spoil storage/removal will need to be examined.

## 8) Public access and recreation

Public access issues are addressed under LWRP Policy 9. This policy identifies measures needed to provide sufficient and appropriate access throughout the WRA. In addition to physical access, this policy addresses visual access, the Public Trust Doctrine and structures on

public trust lands and waters, as well as the need to preserve natural areas when public access is provided.

9) Habitats and natural resource protection

Issues regarding habitats and resource protection are addressed in LWRP Policy 6. This policy addresses the protection and restoration of State-designated Significant Coastal Fish and Wildlife Habitats, the promotion and protection of certain locally significant areas (e.g. French Creek Marsh, Goose Bay and Carrier Bay, shoreline wetlands), management of harbor operations, dredging and stream bank disturbances, and the remediation of hazardous waste sites to protect important natural resources.

The significant silting that has occurred in the St. Lawrence River Shoreline bays adjacent to the Washington Island causeway is relevant to habitat and natural resource protection. The causeway restricts the natural flow of water in Goose Bay. If the causeway was removed and a low bridge system built, this would improve the silting problem and natural systems. This concept requires additional study to determine the current impacts of the existing causeway, the predicted impacts of its removal, and the feasibility of the most appropriate solution.

The causeway that blocks the channel connecting French Creek to French Creek Bay is also relevant to this topic. A reconstructed bridge would improve natural habitats and restore the French Creek outlet to more natural conditions and alleviate sedimentation build up.

10) Water quality

Issues regarding water quality are addressed through LWRP Policy 5. This policy finds that water quality considerations involve both point and non-point source pollution management. Therefore the policy addresses direct discharges to surface waters, non-point pollution management, existing regulations for protection of surface water quality and the protection of potable water supplies.

#### 11) Open space

LWRP Policies 6 and 9 (previously discussed above) address the protection and restoration of ecological resources and the provision of adequate public access to the waterfront. The policy includes guidelines to achieve the objectives regarding preservation of open space (particularly in the Town of Clayton), including siting, clustering, building preservation, removal of degrading elements, maintaining original landforms, maintaining vegetation, using appropriate materials and using appropriate scales.

#### 12) Aesthetic values

Issues regarding aesthetic values and scenic quality are addressed under LWRP Policy 3. This policy focuses on potential changes and redevelopment along the waterfront, and the need to not only preserve existing scenic vistas and visual resources, but to provide new resources and additional opportunities for scenic viewing. Policy 3 sets forth standards for the protection and improvement of visual quality throughout the WRA, identifying and protecting aesthetic values associated with recognized areas of high scenic quality, and protecting the aesthetic quality of locally recognized scenic areas that have historically added to the waterfront character of the community.

#### 13) Water dependent uses

As previously discussed, issues regarding water dependent uses will be addressed under LWRP Policy 10.

#### 14) Common law riparian or littoral rights

Issues of common law riparian or littoral rights under the Public Trust Doctrine are addressed in under LWRP Policy 9.2. This policy specifically states that private uses, structures or facilities on underwater lands should be limited to those circumstances where ownership of the underwater lands or riparian interest has been legally validated either

through proof of ownership of the underwater lands or adjacent riparian parcel, or by assignment of riparian interest by the riparian owner.

15) Public interest under the Public Trust Doctrine

Issues of public interest under the Public Trust Doctrine will be addressed in LWRP Policy 9.4, which provides standards to assess potential adverse impacts on public lands and sets guidelines for the transfer of interest in public lands.