

Appendix C Harbor Management Plan

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 joint LWRP, the Towns of Chautauqua, Ellery, Ellicott, Busti and North Harmony and Villages of Mayville, Bemus Point, Celoron, and Lakewood recognized the need to manage water activities in areas adjacent to the Waterfront Revitalization Area (WRA) proposed in their program. To that end, the Towns and Villages have integrated an HMP within the LWRP. 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 II identifies those areas within the WRA that are recognized as important Town and Village resources; LWRP Section III provides specific guidance for the HMP area; LWRP Section IV 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; LWRP Section VI identifies the authorities of various New York State agencies.

The following list identifies the required elements of a harbor management program found in 19 NYCRR 603.3 – "Harbor Management" and identifies the pertinent section of the LWRP that deals with the element.

a. Boundary

Chautauqua Lake is approximately 17 miles in length with a maximum width of 2 miles. Chautauqua Lake is comprised of two distinct basins, north and south, and covers an area of approximately 20 square miles at an elevation of 1308 feet above mean sea level. The Village of Mayville and Town of Chautauqua shorelines encompass a large portion of the north basin. The Village of Bemus Point and Towns of Ellery and North Harmony have waterfront to the north and south of the center of the lake at the "narrows." The Villages of Celoron and Lakewood and the Towns of Busti and Ellicott are located at the southeastern end of Chautauqua Lake in the south basin. The waterfront boundary for the HMP includes all those lands and waters lying below the low water mark of Chautauqua Lake within the boundaries of the Towns of Chautauqua, Ellery, Ellicott, Busti and North Harmony, encompassing the entire water surface of Chautauqua Lake. The WRA of the Chautauqua Lake LWRP also includes the waterfront areas within the lateral boundaries of Villages of Mayville, Bemus Point, Celoron, and Lakewood.

b. Inventory and Analysis

As noted, the Chautauqua Lake LWRP integrates the Chautauqua Lake Harbor Management Plan (HMP) into LWRP in subsequent sections of Section II Inventory and Analysis and more

specifically as follows: Land Ownership, Public Access and Recreation, Infrastructure, Historical Resources, Topography and Geology, Water Quality, Protected Features, Natural Resources, Environmentally Sensitive Features, Fish and Wildlife, Tourism Resources, Scenic Views

c. Issues of Local Importance

It describes potentially conflicting water use issues that are reflected in the policies (Chapter 3) and that are components of the HMP: The overall policy direction of the LWRP is set forth in Section III, Policy 1: Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development.

d. Issues of Regional Importance

According to the Inventory and Analysis developed for the LWRP, the economy of Chautauqua County is based on agriculture, tourism, and manufacturing, with the manufacturing sector experiencing a steady downward trend. The Chautauqua Lake communities, varying in size and economic vitality, have all been affected by this trend. According to the LWRP, as these communities enter the new century, many see tourism as the key to growth.

e. Opportunities and Objectives

Village of Celoron

- Create downtown revitalization plan to develop commercial area into a destination for tourist and county residents.
- Improve Lucille Ball Memorial Park.
- Develop vacant Celoron Amusement Park.
- Create a gateway for the community and waterfront along Dunham Avenue.

Town of Ellicott

- Develop abandoned rail line east of Bonita into a nature preserve area. The railroad bed crosses wetland tracts and connects to City of Jamestown.
- Link the City of Jamestown River Walk with wetland areas.
- Develop Burtis Bay Park. Complete components of master plan.
- Encourage development of winter activities related to the lake.

Village of Lakewood

- Complete Chautauqua Avenue area revitalization efforts. Improve signage and streetscape amenities. - \$1.8 million has been invested to date.
- Create public docking to allow visitors to access downtown and the Hartley Park area from the Lake.
- Create a park in the center of the downtown area as open space to enhance streetscape and provide pedestrian amenities.
- Enlarge the beach area for additional swimming capacity

- Create Crescent Overlook in Hartley Park to improve utilization.
- Upgrade Community Park to allow for uses that complement Hartley Park
- Implement walking tour program to encourage tourism.

Town of Busti

- Establish trails linking Vukote Park, the Wetland Preserve, Goose Creek Landing (Loomis property), and the Stoneman Industrial Park to enhance overall parks system.
- Create system of nature trails / boardwalks with markers in the Wetland Preserve.
- Create a canoe and kayak landing for Goose Creek on Loomis property.
- Purchase land on the Vukote canal or the lakeshore to provide lake access for town residents.
- Complete Vukote Park Master Plan.
- Add public amenities such as parking at Wetland Preserve.

Town of North Harmony

- Create Fishing Park at the Ball Creek outlet under the I-86 Bridge.
- Develop the Stow Property.
- Build a public dock at the Ferry area to encourage better utilization of the Stow area by boaters
- Acquire Tom's Point or a portion thereof
- Improve Stow commercial area with façade program and streetscape improvements.
- Enhance Ashville commercial area – Goose Creek connection, business clusters.
- Proximity to Dobbins Woods Preserve

Town of Chautauqua

- Encourage the DEC to provide public dockage and picnic tables to allow boaters to better utilize Pendergast Point boat launch. Dredge area in front of launch.
- Promote Chautauqua Institution tourism
- Seawall replacement project
- Lighting plan and implementation

Village of Mayville

- Develop trails to link the Lakeside Park area to the Rails-to-Trails system.
- Implement the Recreational Waterfront Plan.
- Complete Downtown Master Plan and link to Lake uses.
- Establish performing arts center / retail center to complement Chautauqua
- Institution efforts as indicated in Recreational Waterfront Plan.
- Work with private developer to encourage development in Lakeside Park area.

Town of Ellery

- Work with New York State and private developers to restore the Minturn
- Mansion into an historic lake museum and nature interpretive center.

- Work with New York State DEC to provide input on Cheney Farm property development. Projects may include hiking trails, farming museum, access to lake for public and acquisition of additional lands.
- Develop a bike path to connect Long Point State Park to Bemus Point.
- Maintain the scenic vista on the Cheney Farm.

Village of Bemus Point

- Create downtown revitalization plan to address aesthetic enhancements, streetscapes and signage.
- Encourage New York State DEC to upgrade boat launch area and parking with better landscaping and maintenance.
- Upgrade Bemus Point – Stow Ferry landing area breakwalls and pedestrian access.

f. Underwater Lands and Navigable Waters (See h, below)

g. Water dependent Uses

Policy 2 - Protect Chautauqua Lake's water-dependent uses and promote siting of new water-dependent uses in suitable locations.

h. Management of Underwater Lands and Navigable Waters

Section VI of the Chautauqua Lake LWRP identifies the Office of General Services as the administrator of State-owned underwater lands through Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.

Navigable waters on Chautauqua Lake are managed under the authority of the New York State Navigation Law. Section 30 of the Navigation Law places jurisdiction over navigable waters in the New York State Office of Parks, Recreation and Historic Preservation. Locally, XXX

i. Water Use Plan (See below for a list of policies that constitute the HMP Water Use Plan)

j. Policies concerning present and future use of the water use plan area

The Chautauqua Lake LWRP sets forth the water use policy of the participating communities in Section III, Policy 1: "The future of the Chautauqua Lake area will be influenced by the ability of the Chautauqua Lake communities to preserve open spaces and protect natural resources while enhancing and revitalizing the community assets that help to create the unique experience of visiting Chautauqua Lake. Tourism is the primary economic base for many of the lake communities such as Chautauqua, Ellery and Bemus Point... This policy is intended to foster a development pattern that provides for the beneficial use of the environmental, historical, and cultural resources of the Chautauqua Lake communities while maintaining and building on their traditional economic base. "

k. Capital Projects

Section IV, Proposed Land & Water Uses and Proposed Projects, lists the capital projects that have been identified by the Chautauqua Lake Communities as potential waterfront projects. They include:

Village of Celoron

- Repair Existing Breakwall
- Lucille Ball Park Improvements
- Development of Old Celoron Amusement Park Site
- Incorporate Trail Network from Celoron to Busti

Town of Ellicott

- Build Aluminum Dock at Burtis Bay Park
- Establish Small Boat Launch at Burtis Bay Park
- Clean Up of Lakeshore at Burtis Bay Park
- Create Trail between Celoron and Lakewood along Old Rail Line
- Work with Watershed Conservancy to Develop Trail System through Bonita Wetlands
- Upgrade Stormwater Systems to Minimize Nonpoint Pollutants

Village of Lakewood

- Improve Street Endings – Trees, Small Craft Launches, Design as Cycling and Walking Stops
- Conserve and Improve Stream Corridors
- Enlarge Beach at Hartley Park
- Install Public Dock at Hartley Park
- New Breakwall or Rip Rap at Hartley Park
- Improve Boat Launch at Community Park
- Incorporate Trail Network from Ellicott to Busti
- Upgrade Stormwater Systems to Minimize Nonpoint Pollutants

Town of Busti

- Acquire Lakefront Property at Vukote to Provide Lake Access
- Keep Canal Zone Open at Vukote
- Remove Debris from Goose Creek
- Develop Trail System that Links Wetland Preserve, Vukote Park, Goose Creek and Stoneman Industrial Park
- Establish Nature Trails / Boardwalks and Improve Wetland Park Area

Town of North Harmony

- Encourage Commercial Recreational Development Along Goose Creek in Ashville
- Create Trail along Goose Creek from Ashville to Creek Outlet
- Improve Ferry Launch Area
- Fishing Park

- Improve Stow Property
- Install Boat Launch and Public Dock at Tom's Point

Town of Chautauqua and Village of Mayville

- Develop Three Access Points at Street Endings within Town Of Chautauqua as Low Impact Access Points
- Improve NYS DEC Prendergast Point Launch Facility
- Complete Seawall along Lakeside Park
- Maintain and Replace Seawall along Chautauqua Institution
- Establish Lighthouse Pier in Accordance with Mayville Park Plan
- Tributary Management Study and Implementation
- Lake Bottom Gravel Deposits Removed at Tributary Outlets
- Town of Ellery and Village of Bemus Point
- Dredge Sediment Areas at Creek Deltas, Creek Outlets and Canal Outlets
- Develop Walking / Bike Trail between Downtown Bemus Point and Long Point State Park
- Restore Minturn Mansion to a Historic / Lake Interpretative Center and Museum
- Develop Streetscape Community Plan for Commercial Areas in Bemus Point
- Create Façade Improvement Program to Assist with Implementation of Streetscape Plan
- Develop New York State DEC Property (Cheney Farm):
 - Maintain Ferry Service and Ferry Area
 - Complete Town of Ellery Park
 - Acquire Lakefront between Italian Fisherman and Village Beach
 - Expand Parking Capacity

I. Techniques to Implement the Harbor Management Plan

The Chautauqua Lake LWRP, Section IV outlines the means for implementing the program:

Zoning Law

The four Villages and five Towns participating in the LWRP all have zoning ordinances. For each of the communities, the Zoning Code regulates land use under traditional zoning provisions. These traditional zoning provisions categorize land use by type (e.g. residential, commercial, industrial) into districts and allow for permitted uses and conditional uses. Conditional uses are permitted in zoning districts subject to specific circumstances.

LWRP Consistency Law

The LWRP Consistency Law requires that actions, which are directly undertaken, funded, or permitted by the municipality be consistent with the provisions of the LWRP, and will serve to implement all of the waterfront policies. Each participating Chautauqua Lake community, to ensure implementation of the LWRP, must adopt this law. A model local law is proposed in Appendix A. Additionally, a Waterfront Consistency Assessment Form should be adopted as part of the consistency law. The form should be

used by the enforcement organization to facilitate the consistency review. A standard consistency form is provided in Appendix B.

Intergovernmental Cooperation

Some of the proposed projects are located on or adjacent to lands owned and controlled by the New York State Department of Environmental Conservation (NYS DEC). Consequently, each municipality should maintain a relationship with the NYS DEC to promote the community's goals and understand the necessary permits for project development.

New York State

Some of the proposed LWRP projects, such as Stow's development plans or Prendergast Point's Improvements, are proposed on or adjacent to state owned lands. Consequently, in an effort to promote local revitalization of the Chautauqua Lake communities, the State should work in coordination with the Chautauqua Lake communities and private sector developers to promote the development of these projects.

Management Structure Necessary to Implement the LWRP

Administration of the LWRP should be integrated into the decision-making process for proposed projects and land use issues in each municipality. The board with the power to grant the discretionary approval of actions within each municipality should be given the duty of administering the LWRP. Responsibilities will include the review of the proposed actions, within the defined waterfront revitalization boundary, to assure their consistency with the LWRP. This local level of management is the base from which the LWRP can begin to be implemented.

Optional Lake Management Structures

The LWRP proposes a number of alternative structures for a management structure to address issues that are regional problems. The ultimate form has not yet been decided.

m. Additional Considerations

1. Conflict and Competition for Space

Water-Dependent Uses – Are activities which require a location in, on, over, or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity.

Issues associated with conflict, and competition for space, are addressed in Section III, Policy 2 and standards: Protect Chautauqua Lake's water-dependent uses and promote siting of new water-dependent uses in suitable locations.

2 Structures

Section III, Policy 7.1 Minimize flooding damage in the Chautauqua Lake communities through the use of appropriate management measures, requires development structures to be located away from areas of known flooding, and prohibits principal structures that are intended for habitation to be located within 50 feet of the shoreline.

3. Regional Needs

The regional needs of the Chautauqua Lake communities are summarized in Section III, Policy 1: Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development.

4. Additional Applications

i. commercial shipping is n/a

There are no major ports within the local waterfront. The State's Policy is assessed as not applicable to this LWRP. The following water-dependent commercial uses are located within the Waterfront Revitalization Area (WRA): The Summer Wind Cruise Boat; The Lakewood Yacht Club; The Bemus Point / Stow Ferry; The Chautauqua Belle Cruise Boat; Evergreen Outfitters; and The Casino Restaurant.

ii. recreational boating

The Chautauqua Lake LWRP identifies marinas and public launch facilities as appropriate water-dependent uses and recognizes the importance of recreational boating in Section III, Policy 2: Protect Chautauqua Lakes water-dependent uses and promote siting of new water-dependent uses in suitable

iii. commercial and recreational fishing and shellfishing

Chautauqua Lake supports an abundant and diverse warm water fish population with bass, walleye, muskellunge and perch being the predominate species. Although commercial fishing plays no role in the local economy, recreational fishing contributes greatly to the economy with both summer and winter fishing opportunities. The Chautauqua Lake LWRP protects this valuable resource in Section III, Policy 4, Promote the sustainable use of fish resources in Chautauqua Lake.

iv. aquaculture and mariculture is n/a

v. waste management

Section III, Policy 10: Minimize environmental degradation in the Chautauqua Lake communities from solid waste and hazardous substances and wastes and sets appropriate standards to implement the policy are found in Policy 10.1 Manage solid

waste to protect public health and control pollution; and, Policy 10.2 Manage hazardous waste to protect public health and control pollution.

vi. mineral extraction

Issues related to mineral extraction are treated in Section III, Policy 9.3: Ensure that mining, excavation, and dredging do not cause an increase in erosion, or an adverse effect on natural resources.

vii. dredging

The Chautauqua Lake LWRP recognizes the need for dredging in some locations and sets standards in Section III, Policy 9.3: Ensure that mining, excavation, and dredging do not cause an increase in erosion, or an adverse effect on natural resources.

viii. public access

Section III, Policy 11 sets forth a policy to provide for public access to, and recreational use of, waterfront, public lands, and public resources of the waterfront areas.

ix. recreation

Issues related to recreational use of the waterfront are treated in Policy 11: Provide for public access to, and recreational use of, waterfront, public lands, and public resources of the waterfront area.

x. habitats and natural resource protection

Although Chautauqua Lake does not have any designated Significant Coastal Fish and Wildlife Habitats, the New York State DEC Region 9 Office identified prime spawning and nursery habitat locations on Chautauqua Lake in their work included in the Supplemental Environmental Impact Statement (SEIS Policy 5.1 Protect fish habitats. Policy 5.2 Protect freshwater wetlands). The Chautauqua Lake LWRP addresses the issue in Section III, Policy 5: Protect ecological resources around Chautauqua Lake, including important fish habitats, wetlands, and rare ecological communities.

xi. water quality

Section III, Policy 6: Protect and improve water resources, sets policy standards to control direct and non-point discharges into the lake.

xii. open space

Section III, Policy 3 protects agricultural lands adjacent to the WRA. To further protect open space, Section III, Policy Standard 1.4 requires proposed development to be located on areas where adequate public infrastructure exists. Section III, Policy 6 sets

forth a policy to Protect ecological resources around Chautauqua Lake, including important fish habitats, wetlands, and rare ecological communities, and sets standards for its application.

xiii. aesthetic values

The issue of aesthetic values is treated in two separate policies. Scenic vistas are treated in Section III, Policy 12: Enhance visual quality and protect scenic resources throughout the Chautauqua Lake communities. Historic resources are treated in Section III, Policy 13: Preserve historic resources of the waterfront area of Chautauqua Lake.

xiv. water dependent uses see policy 2

xv. common law riparian or littoral rights

Section II, Inventory and Analysis notes that the vast majority of land in the WRA is privately owned. Policy 11, which calls for adequate public access to the waters of Chautauqua Lake, recognizes that private ownership places limitations on the general public. This policy sets standards determining when public access to a site is appropriate.

xvi. public interest under the Public Trust Doctrine

Land underwater in Chautauqua Lake (except where previously granted) is held in trust by the State of New York. The public interest in these lands is treated in Section III, Policy Standard 3.2, which sets forth the requirement that public trust lands under water must be accessible to the public.