

From: [Dwyer, Thomas R.](#)
To: [dos.sm.Cstl.CR](#)
Subject: Federal Consistency Determination Attn: Consistency Review Unit
Date: Thursday, December 7, 2023 9:44:28 AM
Attachments: [image002.png](#)
[20231206 Plum Island Undersea Cable FCD.pdf](#)

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The Department of Homeland Security (DHS) Science and Technology Directorate (S&T) is submitting the enclosed Federal Consistency Determination for the proposed abandonment in place of an existing undersea utility cable and the installation of a new undersea utility cable between Orient Point, New York, and the Plum Island Animal Disease Center (PIADC) on Plum Island, New York (Proposed Action). DHS S&T has completed the attached Consistency Determination in accordance with the Coastal Zone Management Act (CZMA) and New York's Coastal Management Program (CMP). The scope of work for the proposed project includes the abandonment of an existing undersea electric cable and installation of a new electric/fiber optic cable between Orient Point and Plum Island. One of the existing two cables has reached the end of its lifespan and is at risk of failing. Additionally, there is a lack of redundancy with regards to fiber optic communications. DHS S&T is in the process of closing PIADC and transferring operations; however, electrical and communication capabilities are required on Plum Island during continued mission operation (until at least the end of 2024) and throughout the duration of planned closure activities. The Proposed Action would prevent potential loss of electrical or communication services at PIADC.

Respectfully,

Tom

Tom Dwyer, Environmental Protection Specialist, FAC P/PM, DHS P/PM, COR III
Licensed Professional Geologist – New York State

Plum Island Closure and Support Program Office

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With honor and integrity, we will safeguard the American people, our homeland, and our values.





Science and Technology

December 6, 2023

Consistency Review Unit
New York State Department of State
Office of Planning, Development & Community Infrastructure
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231
CR@dos.ny.gov

To whom it may concern,

The Department of Homeland Security (DHS) Science and Technology Directorate (S&T) is submitting the enclosed Federal Consistency Determination for the proposed abandonment in place of an existing undersea utility cable and the installation of a new undersea utility cable between Orient Point, New York, and the Plum Island Animal Disease Center (PIADC) on Plum Island, New York (Proposed Action). DHS S&T has completed this Consistency Determination in accordance with the Coastal Zone Management Act (CZMA) and New York's Coastal Management Program (CMP).

The scope of work for the proposed project includes the abandonment of an existing undersea electric cable and installation of a new electric/fiber optic cable between Orient Point and Plum Island. One of the existing two cables has reached the end of its lifespan and is at risk of failing. Additionally, there is a lack of redundancy with regards to fiber optic communications. DHS S&T is in the process of closing PIADC and transferring operations; however, electrical and communication capabilities are required on Plum Island during continued mission operation (until at least the end of 2024) and throughout the duration of planned closure activities. The Proposed Action would prevent potential loss of electrical or communication services at PIADC.

Enclosed for your review and concurrence is the DHS's consistency determination that the Proposed Action would be consistent to the maximum extent practicable with the enforceable policies of the New York State CMP. DHS respectfully requests your response within **60 days** from the receipt of this document, pursuant to 15 CFR Section 930.41, concurring or objecting to this consistency determination, or requesting an extension under Section 930.41(b). Your concurrence will be presumed if a response is not received by DHS on the 60th day from receipt of this determination. DHS has contracted AECOM to facilitate the CZMA process. Please direct your response or requests for additional information to Benjamin Obenland at AECOM via benjmain.obenland@aecom.com.

Sincerely,

John M. Searing, PE
Deputy Director, Plum Island Animal Disease Center
Office of National Laboratories
Science and Technology Directorate

Enclosure: Federal Consistency Determination

**FEDERAL CONSISTENCY DETERMINATION
PLUM ISLAND ANIMAL DISEASE CENTER UNDERSEA CABLE INSTALLATION
UNITED STATES DEPARTMENT OF HOMELAND SECURITY
SOUTHOLD, SUFFOLK COUNTY, NEW YORK**

Introduction

The United States (US) Department of Homeland Security (DHS) Science and Technology Directorate (S&T) is proposing to conduct activities relating to the abandonment in place of an existing undersea utility cable and the installation of a new undersea utility cable between Orient Point, New York, and Plum Island, New York (Proposed Action). Orient Point and Plum Island are located within New York State's designated coastal zone. Although Plum Island, as a federally owned property, is statutorily exempt from the State's coastal zone, the Proposed Action could have reasonably foreseeable effects on coastal zone resources and enforceable policies of New York's federally approved Coastal Management Program (CMP). Therefore, DHS S&T has prepared this Federal Consistency Determination in accordance with Section 307(d) of the Coastal Zone Management Act of 1972 (CZMA) and 15 Code of Federal Regulations (CFR) Part 930, Subpart C to evaluate the Proposed Action's effects on those resources and enforceable policies. DHS S&T has determined that the Proposed Action would be consistent to the maximum extent practicable with the enforceable policies of New York State's CMP.

The analysis presented here is drawn from the more detailed analyses presented in the Environmental Assessment (EA) that DHS S&T is preparing to analyze the Proposed Action's potential impacts in accordance with the National Environmental Policy Act of 1969 (NEPA) (42 United States Code [USC] §§ 4321 et seq.); the President's Council on Environmental Quality (CEQ) *Regulations Implementing the Procedural Provisions of NEPA* (40 CFR Parts 1500-1508); and DHS Management Directive 023-01, *Implementation of NEPA*.

Project Background

Plum Island is owned by DHS and is located approximately 1.5 miles northeast of Orient Point in Southold, Suffolk County, New York (**Figure 1**). Plum Island Animal Disease Center (PIADC) is operated by the DHS Science & Technology Directorate's Office of National Laboratories and is comprised of administrative and laboratory buildings, industrial facilities, roadways, utilities, easements, and utility rights of way. DHS also owns and operates the supporting Orient Point facility, which consists of two parcels: a 9.5-acre harbor facility; and a 0.5-acre parcel of land within Orient Point County Park that houses the utility transfer station, which supports the underground cabling and utilities on Plum Island.

Plum Island receives electrical and fiber optic communications capabilities through two existing undersea cables connecting Orient Point and Plum Island, referred to as the M1 and M2 cables. Both cables together provide for the island's normal electrical requirements. The expected lifespan of these cables is approximately 25 years, which the M1 cable has exceeded and the M2 cable is near exceeding. DHS is in the process of closing PIADC and transferring operations to the newly constructed National Bio and Agro-Defense Facility (NBAF) in Manhattan, Kansas, over the next five to seven years. DHS continues to require electrical and communication capabilities on Plum Island during normal operation and throughout the duration of planned PIADC closure activities.

Purpose and Need

The *purpose* of the Proposed Action is to replace an existing cable with a new undersea cable to supply Plum Island with mission-critical electrical and communication capabilities. The Proposed Action is *needed* to prevent any adverse effects that a potential loss of electrical or communication services may have on required operations at PIADC.

Proposed Action

The Proposed Action is to conduct activities relating to the abandonment in place of an existing undersea utility cable and the installation of a new undersea utility cable between Orient Point and Plum Island. The existing cables extend up to approximately 11,000 feet under Plum Gut, an area of open water between Orient Point and Plum Island, from the cable vault on Orient Point to the cable vault on Plum Island. Beginning at the Orient Point cable vault, the existing cables are entrenched under a rock bed until reaching Plum Gut. From there, the cables span open water along the seabed of Plum Gut and Long Island Sound until reaching the shoreline of Plum Island where they are then buried until reaching the upland cable vault. One of the existing cables would be disconnected from the cable vaults on Orient Point and Plum Island and abandoned in place. The ends of the cable being abandoned would be disconnected and capped, with ends remaining inside the cable vault.

Installation of the new utility cable would entail connecting the cable to terminations within the existing cable vaults located on Orient Point and Plum Island, running the cable underground to well below the water line, and then bottom laying the cable through Plum Gut. The new cable would follow the same route as the existing M1 and M2 cables as it has been determined to be the most suitable route due to ocean depth in the area (**Figure 2**).

Final design for the proposed cable installation is currently underway. The new cable would be connected within each cable vault and entrenched along the beach, up to 500 feet at Orient Point and 200 feet at Plum Island, through the existing shoreline riprap, and into the water (laid on the seafloor). Existing soil, sand, and riprap would be temporarily excavated and stored on the shoreline adjacent to the trench line as the trench is constructed. Following cable installation, the excavated soil and sand would be used to backfill the trench and the riprap would be replaced above the trench. The new cable is expected to be trenched to a depth similar to the existing cables (approximately 30 inches) using a small excavator. In-water trenching is also anticipated and could occur up to several hundred feet along the seafloor. Approximately 100 feet of Cast Iron Cable Protectors (CICPs) would also be installed around the cable at each landing point during trenching. Approximately 0.5 acre on Plum Island and 0.5 acre at Orient Point would be used to stage equipment at each cable terminus. No land disturbance is planned at these areas except for the trenches between the cable vaults and the shoreline.

From where the cable exits the trench along the seafloor of Plum Gut, a cable-laying barge (CLB), assisted by tugboats and other support craft, would lay the remaining cable between Orient Point and Plum Island. The new cable would be approximately 3.5 inches in diameter and weigh approximately 6.2 pounds per linear foot in saltwater. Due to the heavy weight of the cable, anchoring to the seafloor is not necessary.

No harbors or waterways would be closed under the Proposed Action; however, recreational boating, fishing, and diving may be restricted in areas where Proposed Action activities are occurring. The Proposed Action is anticipated to occur either in 2024 or 2025, between the months of September and March. No work would occur between April 1 and September 1. Work would require approximately one year to complete, including completion of pre-installation surveys, installation and laying of the cable, cable

inspection and testing, and preparation of as-built surveys. The bottom laying portion of the in-water work for the Proposed Action is anticipated to only last up to seven days. Areas temporarily disturbed during trenching and installation would revegetate passively over time.

Alternatives

DHS S&T has determined that the Preferred Alternative, which would implement the Proposed Action as described above, is the only reasonable alternative for this Proposed Action. No other alternatives would meet the purpose and need of the Proposed Action.

Enforceable Policies

New York State's federally approved CMP is administered by the New York State Department of State (DOS). The DOS manages and implements the CMP and administers Federal Consistency Determinations as required under the CZMA. Federal agency actions that may impact coastal zone resources must be consistent to the maximum extent practicable with the enforceable policies of the New York State CMP. These policies are located within the New York State Coastal Management Program and Final Environmental Impact Statement (EIS), which was published and approved in 1982, and updated in 1983, 2001, and 2017. In addition, the Town of Southold has an approved Local Waterfront Revitalization Program (LWRP), which has been incorporated into the New York State CMP. The Southold LWRP contains its own set of enforceable policies with which federal consistency must also be determined. An analysis of the Proposed Action's consistency with applicable policies of New York State's CMP and the Southold LWRP, and review of potential impacts to other coastal resources, is presented below. **Table 1** provides a summary of applicable and non-applicable enforceable policies of the New York State CMP, and **Table 2** provides a summary of applicable and non-applicable enforceable policies of the Town of Southold LWRP.

New York State CMP Enforceable Policies

Fish and Wildlife Policies

Policy 7: Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats. Plum Island is an important terrestrial habitat, as it supports populations of threatened and endangered species and is used as stopover habitat for migrating birds, and has been designated as a Long Island Stewardship Area. Plum Gut has been designated by the DOS as a significant coastal fish and wildlife habitat. Habitat found in the Proposed Action area supports various common terrestrial and aquatic species, as well as federal and state-listed threatened and endangered species, species protected under the Marine Mammal Protection Act (MMPA) and essential fish habitat (EFH). DHS is consulting with the US Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries Office to ensure these resources would not be adversely affected, including from changes to habitat. DHS would adhere to conservation recommendations provided by USFWS and NOAA to minimize potential adverse impacts to these species and their habitat.

Proposed activities on the shorelines of Plum Island and Orient Point would occur within designated Coastal Erosion Hazard Areas (CEHAs) as designated by the New York State Department of Environmental Conservation (NYSDEC). The Proposed Action would disturb narrow beach corridors primarily containing riprap and erosion control measures, and limited shoreline vegetation that may provide coastal habitat. Vegetation removal may result in increased erosion and stormwater discharges to the waters surrounding Plum Island, including Plum Gut. DHS would obtain coverage for the Proposed Action under a National

Pollutant Discharge Elimination System (NPDES) General Permit and would adhere to the existing PIADC Stormwater Pollution Prevention Plan (SWPPP) to identify erosion controls and manage discharges to these waters. DHS would also obtain a Coastal Erosion Management permit, if applicable, to minimize damage to natural protective features and natural resources located within the CEHA, including significant fish and wildlife habitat. No terrestrial vegetative communities would be significantly impacted, and any affected vegetation populations would passively revegetate following the completion of the Proposed Action to ensure the maintenance and restoration of terrestrial habitats. DHS would avoid sand dunes to the extent practicable during onshore cable installation activities.

Proposed activities in the aquatic environment would result in the disturbance of benthic habitat from undersea trenching. Trenching activities would displace bottom sediment, resulting in an increase in turbidity and potential impacts to benthic species from sediment removal and suspended sediment in the water column. DHS anticipates using low-impact in-water trenching methods to install the cable such as jetting or ploughing to minimize adverse impacts to aquatic species and nearshore habitat to the extent practicable; however, traditional trenching methods utilizing an excavator/hydraulic dredge may be required. The trench would be backfilled once the cable is installed. Further, offshore trenching work would occur during periods of low tide when trenching is occurring within the intertidal area to minimize sediment disturbance, to the extent practicable. If traditional trenching methods are determined necessary, DHS would obtain all applicable permits and authorizations for in-water excavation, which could potentially include a Protection of Waters permit from NYSDEC, a Coastal Erosion Management permit from NYSDEC, and a Clean Water Act (CWA) Section 404 permit or Nationwide Permit with NYSDEC conditions from the US Army Corps of Engineers (USACE).

No known eelgrass beds are present within the planned cable installation route, and any disturbed deeper vegetation such as algae would return to normal conditions following installation. Undersea cable laydown would result in other physical disturbances that could temporarily affect the quality of aquatic habitat, such as changes in vessel traffic, noise, and turbidity. An increase in vessel traffic to lay the cable across Plum Gut, which would take up to seven days, could increase the risk of marine species interactions; however, such an increase would be negligible in the context of existing vessel traffic in Plum Gut and Long Island Sound. Noise emitted from the CLB and support craft could increase the ambient underwater noise baseline during the duration of installation activities, but would not exceed noise thresholds for species injury. Substrate displacement during the cable laydown would temporarily increase local turbidity levels, but those changes would not result in adverse species effects or result in permanent changes to undersea conditions. No permanent changes to aquatic habitat would occur that could affect its long-term viability. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable 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 sublethal or lethal effect on those resources.* Original PIADC policy prohibited the removal of waste material from Plum Island; as such, wastewater decontamination occurred on-site, waste was incinerated, and non-combustible waste was disposed of in designated waste management areas (WMAs). No WMAs are in the Proposed Action area, and no hazardous wastes or materials are generated or stored in the Proposed Action area. Operation of heavy equipment, vehicles, and vessels during cable installation could result in accidental discharge or spill of hazardous materials such as diesel, oil, antifreeze, and lubricants. DHS has a US Environmental Protection Agency and NYSDEC-approved Spill Prevention, Control, and Countermeasure Plan (SPCCP) and would require all vessels maintain spill containment and response equipment onboard

and develop a Vessel Response Plan to control the discharge of operational wastes. Adherence to these practices and other controls would minimize the potential for hazardous wastes to enter the environment and affect fish and wildlife resources during cable installation.

Operation of the new cable and abandonment of the existing cable are not anticipated to result in releases of hazardous materials. Both the new and old cable would be the same type of utility cable. The cables have multiple layers and hollow space within the cable is filled with plastic rather than oil, to prevent leakages into the water should the cable break. The outermost layer of the cables is made of galvanized steel armor wires, each of which is jacketed with high density polyethylene (HDPE) to prevent corrosion. Kerite, the cable manufacturer, has had no recorded instances of cable failure due to degradation; however, should the HDPE layer deteriorate for either the abandoned cable or the new cable, breakdown would occur similar to other plastics and no hazardous materials would be released. Corrosion of the CICPs installed along the length of the new cable would occur at a slow rate, and cast iron corrosion is generally considered harmless for marine environments. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Flooding and Erosion Hazards Policies

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.* Cable trenching occurring under the Proposed Action would impact coastal beach areas at Orient Point and at Plum Island, as the new cable would be buried underground between the shoreline and the upland cable vaults at each terminus. Up to approximately 500 feet of beach would be trenched at Orient Point to accommodate cable laydown, and approximately 200 feet of beach would be trenched at Plum Island. Beaches at both Orient Point and Plum Island are located within the NYSDEC-designated CEHA; DHS would obtain a Coastal Erosion Management permit, as applicable, to minimize impacts to natural protective features. Trenches that are excavated in these beach areas would be refilled with comparable beach and sandy soils so that the beach landforms are not permanently impacted, and their protective capacity is not reduced. Trenching activities would not lead to the destruction or loss of beaches at Orient Point or Plum Island, and disturbed areas would return to natural shoreline conditions. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

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.* Activities occurring under the Proposed Action would involve work within the 100-year floodplain designated by the Federal Emergency Management Agency (FEMA). Actions occurring in the floodplain would include all elements of installing the undersea cable. Minor ground disturbance would occur, but there would be no net fill. These activities would not alter or interfere with the function of the floodplain, nor result in an increased potential for flooding at Orient Point or Plum Island. Excavated soils from trenching activities would be susceptible to erosion from wind or runoff until they are replaced. DHS would obtain and adhere to an NPDES General Permit that identifies erosion and sediment control measures necessary to minimize potential erosion impacts, and would also obtain a Coastal Erosion Management permit as needed. There would be no long-term change to the erosion potential under the Proposed Action, and existing erosion control features installed on shore areas would not be affected. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable 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.* DHS may need to utilize traditional trenching methods, such as excavation, in nearshore waters when implementing the Proposed Action. Excavation would be relatively shallow (30 inches), narrow (e.g., width of a small excavator bucket), and over a relatively short distance (several hundred feet), and would not result in changes in the supply and net flow of shoreline materials. During trenching, sediment removed from the in-water trench would be placed on-shore above the high-water mark or on support vessels, so it does not contribute to offshore sedimentation. Once the cable is laid, the trench would be backfilled. DHS would obtain a Coastal Erosion Management Permit, as applicable, to address potential adverse impacts resulting from proposed trenching. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

General 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.* Proposed cable installation activities would not result in new developments or hardened infrastructure at either Orient Point or Plum Island, as the new cable would be connected to existing cable vaults at each location. Proposed onshore activities may result in erosion and sedimentation into Plum Gut or Long Island Sound, and underwater activities may result in turbidity from sediment disturbance as the cable is placed on the seafloor. Vessels used to place the cable on the seafloor may inadvertently discharge hazardous substances into coastal waters. The implementation of best management practices (BMPs), such as adherence to the existing SPCCP, Vessel Response Plan, and adherence to applicable protocols and regulations, including the NPDES General Permit, Coastal Erosion Management permit, and Protection of Waters permit, would ensure that coastal waters are not impaired. The protection of and minimization of potential impacts to coastal waters would protect this natural resource, as well as other economic and social interests dependent on it. The Proposed Action may temporarily interfere with recreational activities, as public access to the Orient Point shoreline would be limited where cable installation activities are occurring, and a buffer zone would be enforced around underwater cable-laying activities in Plum Gut. However, there would be no permanent changes to recreational opportunities either onshore or in-water. The Proposed Action would not result in any changes to local socioeconomic conditions and no communities with environmental justice concerns have been identified in the vicinity of the Proposed Action area. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Public Access Policies

Policy 20: *Access to the 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.* Elements of the Proposed Action would occur within Orient Point County Park, a waterfront park operated by the Suffolk County Parks Department that is open to the general public. The park offers various recreational opportunities, including access to the waters of Plum Gut. Proposed cable installation activities would temporarily impact public access to a small beachfront area along the western shoreline of Orient Point County Park. The cable would be trenched up to 500 feet at the beach at Orient Point, and public access would be restricted in this area while onshore and undersea trenching activities are occurring to protect public safety. These restrictions are anticipated to last between four to six

weeks. An additional 0.5 acre of shoreline would be used for equipment staging. While these activities would reduce public access to the water's edge throughout the duration of the cable replacement, they would be limited to a very small area of beachfront in comparison to the available beachfront at Orient Point County Park. Further, the Proposed Action would not result in a permanent loss or reduction of access to public coastal lands and waters, nor would any land at Orient Point County Park be removed from public ownership. Plum Island is a secure property not accessible to the public. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Historic and Scenic Resources Policies

Policy 23: *Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.* One aboveground historic resource has been identified within the aboveground Area of Potential Effect (APE) for the Proposed Action. The Plum Island Light Station, which includes a lighthouse, residence, and an associated oil house and storage shed, was listed in the National Register of Historic Places (NRHP) in 2011. The Plum Island Light Station is also a contributing property to the multiple property listing for Light Stations of the United States that was established in 2002. The Plum Island cable vault is located within the property boundary of the Plum Island Light Station; therefore, cable installation activities would also occur within the property boundary. No new above-ground components would be constructed, however, and there would be no adverse effects to the Plum Island Light Station. Review of the belowground APE, which includes underwater areas, has indicated a low potential for intact, significant archaeological resources. DHS therefore anticipates that there would be no effect on archaeological resources. DHS is consulting with the New York State Historic Preservation Office (SHPO) and Native American tribes in accordance with Section 106 of the National Historic Preservation Act (NHPA) regarding the Proposed Action. If the SHPO does not concur with DHS's determinations of no adverse effect on the Plum Island Light Station and no effect on archaeological historic properties, DHS would adhere to SHPO recommendations and would continue to consult in order to minimize potential impacts. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

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.* Orient Point and Plum Island do not contain scenic resources of statewide significance; however, they may still contribute to the overall scenic quality of the coastal area. Trenching occurring on the beaches of Orient Point and Plum Island would temporarily affect the scenic quality of the shoreline, but the trenches would be refilled with beachy, sandy soils and there would be no permanent degradation of the scenic quality of the shoreline. Minor vegetation clearing would occur to accommodate trenching, but affected areas would be allowed to revegetate following the completion of these activities. No new construction would occur under the Proposed Action that would introduce visually incongruous elements to the landscape. No natural landforms would be modified under the Proposed Action. No activities would occur that would impede visual access to coastal waters. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Energy and Ice Management Policies

Policy 29: *The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.* The installation of the undersea utility cable could be considered an offshore use in accordance with

this enforceable policy, but it would be installed underground and submerged at the bottom of Plum Gut. The proposed cable would replace one of the existing utility cables and provide redundancy to Plum Island, which has supported Government programs on the island for decades. The presence of the cable would not interfere with any industries. Underwater installation of the cable may temporarily affect maritime traffic, industries, activities, and recreation, as a buffer zone would be established around the work area to exclude vessels. Other vessel routes and areas around the installation zone would remain available for use. Underwater installation may also impact biological resources, such as aquatic species and their habitat, from temporary changes in vessel activity, ambient noise levels, and water quality.

DHS would adhere to conservation recommendations provided during consultation with the USFWS and NOAA. Undersea trenches would be backfilled to restore sediment, promote species recovery, and ensure that no obstacles remain on the nearshore areas. With adherence to permit conditions and recommendations from USFWS and NOAA, changes to aquatic habitat would remain within the tolerance thresholds of aquatic species. Aquatic habitat would return to its normal, baseline conditions following the completion of proposed installation activities. The abandoned cable is not anticipated to release hazardous substances into the surrounding water, and the new cable would be designed to minimize the potential for deterioration. Corrosion of the CICPs would occur at a slow rate and would be considered harmless for the marine environment. The Proposed Action would not result in the permanent degradation of water quality. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Water and Air Resources Policies

Policy 33: *Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.* Cable installation activities would not create new impervious surfaces nor generate new, permanent stormwater discharges to Long Island Sound or Plum Gut. However, due to minimal shoreline disturbance associated with beach trenching at Orient Point and Plum Island, DHS would obtain a NPDES General Permit to manage stormwater discharges resulting from ground disturbance. In addition, a DHS would adhere to the PIADC SWPPP to identify and implement erosion control measures. No structural measures to control stormwater runoff would be constructed under the Proposed Action, and no changes would be made to sewer infrastructure. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Policy 35: *Dredging and filling in coastal waters and disposal of dredged material 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.* DHS anticipates using low impact in-water trenching methods, such as ploughing or jetting, under the Proposed Action; however, it may be necessary to use traditional trenching methods such as excavation. Excavation would have the potential to result in temporary sediment disturbance and turbidity, loss of nearshore aquatic habitat, and impacts to water quality. Should the use of traditional methods be required, DHS would obtain all applicable state permits related to dredging, such as the Protection of Waters permit, Coastal Erosion Management permit, and CWA Section 404 permit. Adherence to permit requirements would minimize the potential for adverse effects and would ensure that state coastal resources are protected to the extent practicable. Further, DHS would adhere to conservation recommendations provided by USFWS and NOAA during consultation to minimize impacts to species and their habitat. Finally, the potential impacts of the trenching would be limited by the very shallow and narrow dimensions, and

relatively short distance proposed, of the trenches. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Policy 36: *Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.* Under the Proposed Action, hazardous materials, including petroleum, would be used by heavy equipment, vehicles, and vessels to support cable installation. All hazardous materials or waste discovered, generated, or used during cable installation would be handled, containerized, and disposed of in accordance with applicable federal, state, and local regulations. Should any inadvertent spills occur, DHS would implement clean-up and containment procedures in accordance with DHS's existing SPCCP. DHS would also require vessels to develop a Vessel Response Plan to control the discharge of operational wastes into coastal waters and would require vessels to maintain spill containment and response equipment onboard. Vessels would be refueled at marine refueling stations in accordance with standard protocols. Adherence to these regulations and BMPs would minimize the potential for spills or releases into coastal waters. Following cable installation, there would be no potential for additional releases of hazardous materials. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Policy 37: *Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.* Some ground disturbance associated with onshore cable trenching at Orient Point and Plum Island would occur under the Proposed Action that could result in non-point discharges of eroded soils and sedimentation into coastal waters. BMPs addressing stormwater runoff would also be applicable to managing erosion and sedimentation, including adherence to a NPDES General Permit and the existing PIADC SWPPP. Adherence to the Coastal Erosion Management permit would minimize the exacerbation of erosion hazards along the coastline. Non-point discharges of eroded soils would cease following the completion of ground-disturbing activities, and disturbed areas would be allowed to revegetate passively, to restore habitat and prevent additional erosion and sedimentation into Plum Gut. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable 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.* No streams are located on Plum Island, although the site itself is located within Long Island Sound. Plum Gut is not listed as impaired under Section 303(d) of the Clean Water Act, although Long Island Sound is considered impaired for dissolved oxygen, and a total maximum daily load (TMDL) addressing nitrogen pollution has been established. Ground-disturbing activities under the Proposed Action would be minimal and limited to the small areas of shoreline on Orient Point and Plum Island where trenching would occur. With implementation of the NPDES General Permit and SWPPP, the Proposed Action would have no effect on the Long Island Sound TMDL or on surface water quality from erosion and sedimentation. Undersea trenching in Plum Gut for cable installation would temporarily affect turbidity within Plum Gut, but disturbed bottom sediments would be expected to settle out of the water column and would not have a permanent impact on surface water quality. Sediment removed from the in-water trench to place the cable would be placed on-shore above the high-water mark or on support vessels, so it does not contribute to sedimentation in Plum Gut. Plum Island and Orient Point are underlain by freshwater aquifers. The Proposed Action is not likely to intersect a freshwater aquifer during trenching activities given that trenching is not estimated to exceed a depth of 30 inches. Accidental spills of petroleum or other hazardous

materials associated with heavy equipment could leach into unconfined aquifers. However, these impacts would be minimized through adherence to BMPs, such as performing routine inspections of equipment, maintaining spill containment materials on-site, and establishing containment structures where necessary. No intentional release or injection of materials into the aquifer would occur, and no aquifer withdrawals would be required under the Proposed Action. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Policy 41: *Land use or development in the coastal area will not cause national or State air quality standards to be violated.* Suffolk County is designated as a maintenance area for particulate matter with a size of less than or equal to 2.5 micrometers (PM_{2.5}) and a serious nonattainment area for ozone (O₃). Suffolk County is considered in attainment for the remaining criteria pollutants. The Proposed Action would result in emissions from fuel-burning combustion equipment, such as on-road vehicles and in-water vessels. The total anticipated emissions from cable installation activities would not exceed the regulated *de minimis* thresholds for PM_{2.5} or the precursors to O₃. No permanent emissions sources would be established. Throughout the course of the Proposed Action, national and state air quality standards would not be violated. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Wetlands Policy

Policy 44: *Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.* Proposed cable installation activities are not anticipated to impact estuarine and marine wetlands present along the shorelines of Orient Point and Plum Island. Trenching to access the cable vaults at Orient Point and Plum Island would be through areas of primarily sand and rock. Prior to beginning cable installation work, a qualified wetland delineator would be contracted to evaluate if estuarine and marine wetlands are present within the Proposed Action area. If wetlands are identified, DHS would adhere to the appropriate permitting process. Ground disturbance may have the potential to result in erosion or sedimentation in nearby estuarine and marine wetlands, but DHS would adhere to erosion control measures included in the project-specific NPDES permit to minimize potential indirect impacts. No freshwater wetlands are present within the vicinity of the Proposed Action area. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy.

Town of Southold LWRP Enforceable Policies

Developed Coast Policies

Policy 2: *Preserve historic resources of the Town of Southold.* The APE for the Proposed Action contains one aboveground historic resource, the Plum Island Light Station, which is listed in the NRHP and has also been designated as a historically significant navigational aid by the Town of Southold. Proposed cable installation activities would occur within the property boundary of the Plum Island Light Station since the cable vault is also located within that property boundary. No new above-ground components would be constructed, and there would be no impacts to the Plum Island Light Station, including to its historic, scenic character. DHS does not anticipate any adverse effects to archaeological resources, including underwater archaeological resources, as reviews of the belowground APE has not identified significant resources. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policy 23.

Policy 3: *Enhance visual quality and protect scenic resources throughout the Town of Southold.* Local scenic resources and surrounding visual quality would not be impacted by the Proposed Action. No construction would occur that could permanently block or modify scenic views from local roads, public parks, or other spaces. Shoreline areas at Orient Point and on Plum Island disturbed from trenching activities would be refilled with beachy, sandy soils, and would be allowed to revegetate passively. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policy 25.

Natural Coast Policies

Policy 4: *Minimize loss of life, structures, and natural resources from flooding and erosion.* No shoreline hardening, construction of erosion control structures, or other development activities would occur. Undeveloped portions of the shoreline at Plum Island and Orient Point disturbed during trenching activities would be restored following cable installation, no natural protective features would be degraded, and there would be no loss of public trust lands. The function of the floodplain would not be altered, and potential impacts from erosion would be minimized through adherence to a NPDES General Permit and the Coastal Erosion Management permit. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policy 14.

Policy 5: *Protect and improve water quality and supply in the Town of Southold.* No point source, sanitary sewer, industrial, or other direct discharges containing nitrogen into surface waters would occur as a result of cable installation activities. Any non-point source discharges, such as from stormwater runoff, would be managed through adherence to a NPDES General Permit and existing PIADC SWPPP. Undersea cable installation, including trenching and laydown activities, would have the potential to affect water quality temporarily from local increases in turbidity. Turbidity resulting from trenching and the disturbance of bottom sediment during cable laydown would settle out of the water column and would not permanently change water quality. Sediment removed from the in-water trenches would be placed on-shore or on support vessels. The abandoned cable is not anticipated to release hazardous substances into the surrounding water, and the new cable would be designed to minimize the potential for deterioration. Corrosion of the CICPs would occur at a slow rate and would be considered harmless for the marine environment. Accidental spills of petroleum or other hazardous materials could occur from vessels, potentially affecting surface water quality and leaching into groundwater supplies for the Town of Southold. Potential impacts from spills would be minimized through adherence to an SPCCP and Vessel Response Plan, as well as through BMPs such as maintaining spill response equipment on-board, performing routine inspections, and establishing containment structures as needed. Implementation of these plans and BMPs would ensure that the quality of surface waters and groundwater, and the potability and availability of groundwater for the Town of Southold, would not be substantially reduced. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policies 7, 8, 36, and 38.

Policy 6: *Protect and restore the quality and function of the Town of Southold ecosystem.* Plum Island is an important terrestrial habitat for threatened and endangered species and migratory birds, and Plum Gut has also been designated as a significant coastal fish and wildlife habitat. Much of Plum Island remains in

a natural, undeveloped state, and the Proposed Action would not result in any development of these areas. Proposed trenching activities on the shorelines of Plum Island and Orient Point would disturb narrow beach corridors and vegetation that may provide species habitat. While disturbed beach areas would be restored and refilled with beachy soils and allowed to revegetate, ecological quality would be affected until activities under the Proposed Action are complete. DHS would avoid sand dunes to the extent practicable and would adhere to conditions of the Erosion Management Permit, if applicable, to minimize damage to natural protective features and other natural resources. Stormwater discharges that may occur would be minimized through adherence to permits and applicable BMPs to protect and minimize adverse impacts to Plum Gut.

Undersea trenching would result in disturbances to benthic habitat and would temporarily increase turbidity levels. The trenching technique would be selected to minimize adverse impacts to the extent practicable and removed sediment would be managed so turbidity levels do not affect water quality beyond the immediate construction phase or exceed species' tolerance levels. If traditional trenching methods, such as excavation, are required, DHS would obtain and adhere to applicable dredge permit requirements to minimize potential adverse impacts. Temporary changes to physical parameters of the aquatic ecosystems, including turbidity and noise, would occur from the operation of the CLB and other vessels and cable laydown on bottom sediment. Neither of these increases are anticipated to exceed the tolerance thresholds of aquatic species. These habitat impacts would be temporary and are not expected to adversely affect special status species. DHS is consulting with USFWS and NOAA Fisheries Office regarding impacts to federally threatened or endangered species, species protected under the MMPA, and EFH, and would comply with recommendations to protect these species. No permanent physical loss or degradation of the terrestrial and aquatic ecosystems at Plum Island and Orient Point would occur, and no permanent habitat impairment or changes to physical, abiotic ecosystem components would occur. No freshwater wetlands are located within the Proposed Action area, and no estuarine wetlands are expected to be impacted. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policies 7 and 44.

Policy 7: *Protect and improve air quality in the Town of Southold.* The Proposed Action would not result in the introduction of heavy industry, expansion of power plants, or a permanent increase in automobile or vessel traffic. Increased air emissions during proposed cable installation activities would be temporary, and would not exceed applicable regulatory standards. No permanent emissions sources would be established. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policy 41.

Policy 8: *Minimize environmental degradation in Town of Southold from solid waste and hazardous substances and wastes.* No landfills, hazardous waste sites, or other waste management or hazardous material storage facilities are located within the Proposed Action area. Installation of the undersea cable would use some hazardous substances to operate heavy equipment, vehicles, and vessels. Accidental discharge or spill of such materials into coastal waters, including diesel, oil, or antifreeze, would be minimized through implementation of an SPCCP and Vessel Response Plan. Vessels would be required to maintain spill containment and response equipment onboard and would refuel at designated marine refueling stations. The proposed cable installation would not create a new permanent source of hazardous material or solid waste generation and would have no potential for environmental contamination once operational. Therefore, the Proposed Action is consistent to the maximum extent practicable with this

enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policies 8 and 36.

Public Coast Policies

Policy 9: *Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Town of Southold.* Elements of the Proposed Action would occur within Orient Point County Park, a public waterfront park within the Town of Southold. Proposed trenching activities would temporarily limit public access to a small beachfront area along the western shoreline of Orient Point County Park while the cable is being installed for public safety. Following cable installation, the shoreline area at Orient Point would be reopened. The Proposed Action would not result in a permanent loss or reduction of public access to coastal lands and waters, including visual access, or of recreational opportunities. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policy 20.

Working Coast Policies

Policy 11: *Promote sustainable use of living marine resources in Long Island Sound, the Peconic Estuary and Town waters.* Some in-water trenching to install the undersea cable would occur several hundred feet off the shorelines of Orient Point and Plum Island into Plum Gut, and the cable would be placed on the seafloor of Plum Gut. In-water trenching would avoid, to the extent practicable, benthic habitat and eelgrass beds, and the proposed route for cable laydown is mostly rocky substrate with no ecologically sensitive habitats. Additionally, as the proposed cable route would follow the existing undersea utility corridor, previously undisturbed areas would be avoided. By avoiding sensitive habitat areas, the Proposed Action would minimize adverse impacts on the health and abundance of living marine resources and would not affect the size or continued propagation of native stocks or affect important spawning grounds, shellfish habitat, or the success of marine fisheries. The Proposed Action would have no potential to affect the operation or marketability of commercial or recreational fisheries, the commercial fishing fleet or support facilities, the managed shellfish harvest, or aquaculture. Therefore, the Proposed Action is consistent to the maximum extent practicable with this enforceable policy. Additional information on the Proposed Action's consistency with this local enforceable policy is included in the determination of consistency with the New York State CMP Policy 7.

Conclusion

Table 1 and **Table 2** summarize the Proposed Action's consistency with or applicability to the enforceable policies of the New York State CMP and the Town of Southold LWRP. DHS has determined that the Proposed Action, which would be implemented in accordance with applicable BMPs and minimization measures, would be consistent to the maximum extent practicable with the enforceable policies and coastal resources of New York State's federally approved CMP, including the Town of Southold's LWRP, pursuant to the Coastal Zone Management Act of 1972, as amended, and in accordance with 15 CFR Part 930, Subpart C.

Table 1. Consistency or Applicability of the Proposed Action to New York CMP Enforceable Policies

Policy	Applicability or Consistency¹
Development Policies	
Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreations, and other compatible uses.	N/A
Policy 2: Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.	N/A
Policy 3: Further develop the State's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.	N/A
Policy 4: Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.	N/A
Policy 5: Encourage the location of development in areas where public services and facilities essential to such development are adequate.	N/A
Policy 6: Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.	N/A
Fish and Wildlife Policies	
Policy 7: Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.	Consistent
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 sublethal or lethal effect on those resources.	Consistent
Policy 9: Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.	N/A
Policy 10: Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the State's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.	N/A
Flooding and Erosion Hazards	
Policy 11: Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.	N/A

Table 1. Consistency or Applicability of the Proposed Action to New York CMP Enforceable Policies

Policy	Applicability or Consistency¹
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.	Consistent
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 and construction standards and/or assured maintenance or replacement programs.	N/A
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.	Consistent
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.	Consistent
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.	N/A
Policy 17: Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.	N/A
General 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.	Consistent
Public Access Policies	
Policy 19: Protect, maintain, and increase the level and types of access to public water related recreation resources and facilities.	N/A
Policy 20: Access to the 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.	Consistent

Table 1. Consistency or Applicability of the Proposed Action to New York CMP Enforceable Policies

Policy	Applicability or Consistency¹
Recreation Policies	
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.	N/A
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.	N/A
Historic and Scenic Resources Policies	
Policy 23: Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the State, its communities, or the Nation.	Consistent
Policy 24: Prevent impairment of scenic resources of statewide significance.	N/A
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.	Consistent
Agricultural Lands Policies	
Policy 26: Conserve and protect agricultural lands in the State's coastal area.	N/A
Energy and Ice Management Policies	
Policy 27: Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.	N/A
Policy 28: Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitat, or increase shoreline erosion or flooding.	N/A
Policy 29: The development of offshore uses and resources, including renewable energy resources, shall accommodate New York's long-standing ocean and Great Lakes industries, such as commercial and recreational fishing and maritime commerce, and the ecological functions of habitats important to New York.	Consistent
Water and Air Resources Policies	
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.	N/A
Policy 31: State coastal area policies and management objectives of approved local Waterfront Revitalization Program will be considered while	N/A

Table 1. Consistency or Applicability of the Proposed Action to New York CMP Enforceable Policies

Policy	Applicability or Consistency¹
reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.	
Policy 32: Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.	N/A
Policy 33: Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.	Consistent
Policy 34: Discharge of waste materials into coastal waters from vessels subject to State jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.	N/A
Policy 35: Dredging and filling in coastal waters and disposal of dredged material 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.	Consistent
Policy 36: Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.	Consistent
Policy 37: Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.	Consistent
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.	Consistent
Policy 39: The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.	N/A
Policy 40: Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.	N/A
Policy 41: Land use or development in the coastal area will not cause national or State air quality standards to be violated.	Consistent
Policy 42: Coastal management policies will be considered if the State reclassifies land areas pursuant to the prevention of significant deterioration regulations of the Federal Clean Air Act.	N/A

Table 1. Consistency or Applicability of the Proposed Action to New York CMP Enforceable Policies

Policy	Applicability or Consistency¹
Policy 43: Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.	N/A
Wetlands Policy	
Policy 44: Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.	Consistent

Note:

1. Consistent, to the maximum extent practicable.

Source: *New York State Coastal Management Program and Final Environmental Impact Statement*, 1982.

Table 2. Consistency or Applicability of the Proposed Action to the Town of Southold LWRP Policies

Policy	Applicability or Consistency¹
Developed Coast Policies	
Policy 1: Foster a pattern of development in the Town of Southold that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.	N/A
Policy 2: Preserve historic resources of the Town of Southold.	Consistent
Policy 3: Enhance visual quality and protect scenic resources throughout the Town of Southold.	Consistent
Natural Coast Policies	
Policy 4: Minimize loss of life, structures, and natural resources from flooding and erosion.	Consistent
Policy 5: Protect and improve water quality and supply in the Town of Southold.	Consistent
Policy 6: Protect and restore the quality and function of the Town of Southold's ecosystem.	Consistent
Policy 7: Protect and improve air quality in the Town of Southold.	Consistent
Policy 8: Minimize environmental degradation in the Town of Southold from solid waste and hazardous substances and wastes.	Consistent
Public Coast Policies	
Policy 9: Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Town of Southold.	Consistent
Working Coast Policies	
Policy 10: Protect the Town of Southold's water-dependent uses and promote siting of new water-dependent uses in suitable locations.	N/A
Policy 11: Promote sustainable use of living marine resources in the Town of Southold.	Consistent
Policy 12: Protect agricultural lands in the Town of Southold.	N/A
Policy 13: Promote appropriate use and development of energy and mineral resources.	N/A

Note:

1. Consistent, to the maximum extent practicable.

Source: *Town of Southold Local Waterfront Revitalization Program*, 2004.

FIGURES

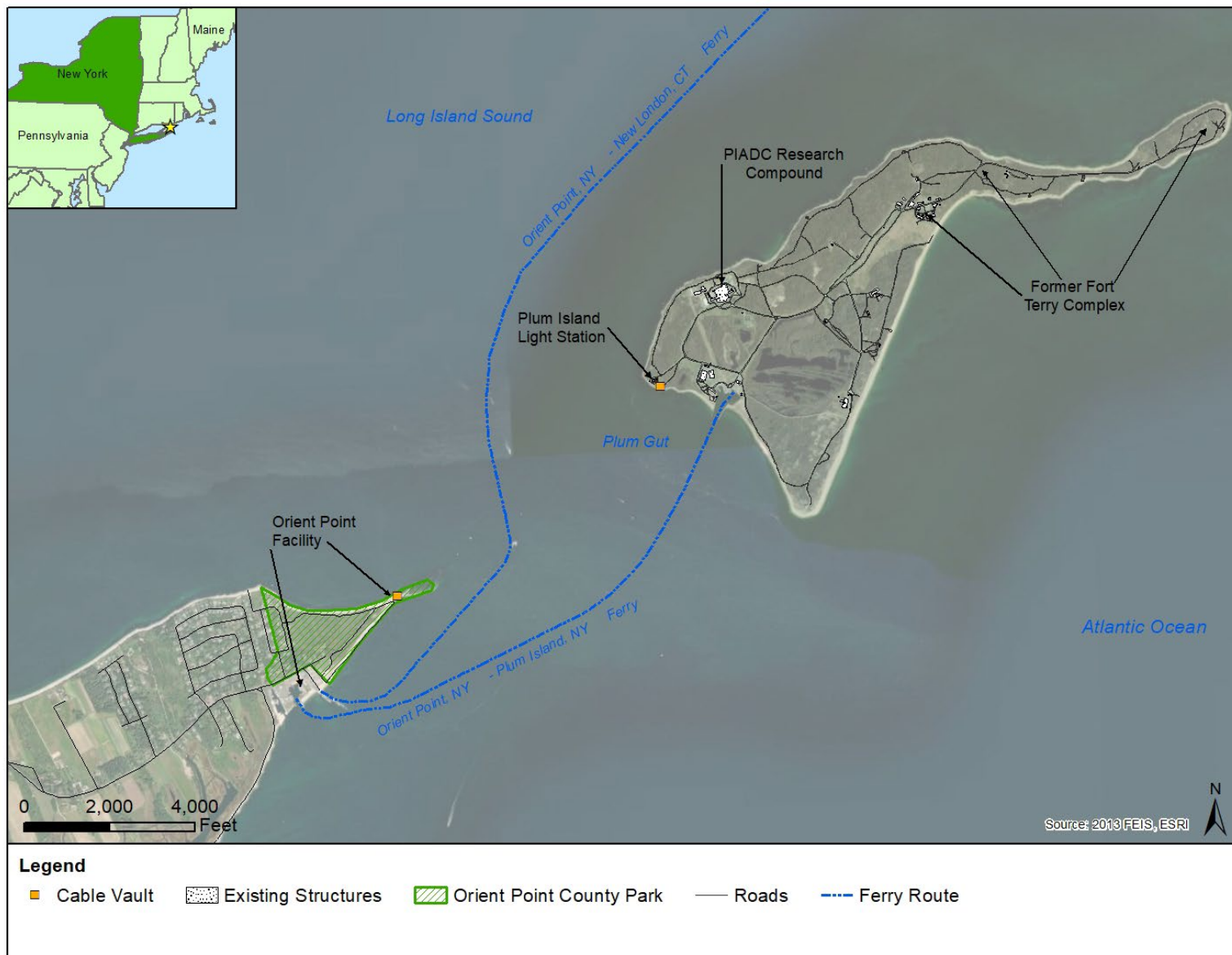


Figure 1: Proposed Action Area Location



Figure 2: Proposed Undersea Cable Route