

Citizens' Agenda

Creating a Long Island Sound Reserve Program

Introduction

Great strides in the restoration of Long Island Sound have been made over the past decade. Its waters are becoming cleaner and major infrastructure dollars have been allocated to up-grade sewage treatment plants. Additional funds will be needed to continue the clean-up of Long Island Sound for the job is far from over.

However, as society implements these positive changes, there remains the issue of the character of the Sound's coastline. As each decade passes, more and more of the Long Island Sound coastline is developed, leaving only small remnants for birds, wildlife and citizens to enjoy. At current rates of growth, less than a decade remains to protect what is left of the Sound's shoreline. And if these trends continue, ironically, most of the citizens who have bankrolled the clean up of the Sound will be prevented from visiting its waters and enjoying the rewards of these investments.

The coastal zone of Long Island Sound must be protected, properly managed and, where possible, restored for future generations. These actions will provide great ecological and economic benefits for all. This Listen to the Sound 2000 Citizens' Agenda proposes to address these issues through the creation of a Long Island Sound Reserve.

The Reserve Concept

The Long Island Sound Reserve will provide for the preservation, restoration and improved stewardship of the Sound's shoreline and adjacent resources. It will also provide for public access to these places, consistent with the larger goal of conserving the Sound's ecological values. Specific outcomes will include:

- **Creating a network of protected natural areas** to ensure that remaining undeveloped and undisturbed sites are permanently preserved. Our goal will be to protect the vast majority of remaining undeveloped shoreline parcels through concerted municipal, state, federal and private conservation initiatives.
- **Restoring resources that have already been destroyed or debased** to recreate a critical mass of wildlife habitat, wetlands, accessible urban waterfronts and other resources.
- **Improving stewardship of public and private lands** to ensure preservation of the Sound's water quality, habitat and recreational resources. Stewardship activities will include improved maintenance of existing public parks, adoption of model local codes and regulations requiring development setbacks, vegetative screening and buffer areas, and public education designed to discourage damaging activities, such as chemical lawn fertilizer applications on properties adjoining the Sound and its tributaries.



Michael Bochnik

- **Providing reasonable public access to the Sound** to be consistent with the goal of protecting the ecological values of reserve lands and safeguarding the privacy of waterfront communities and property owners.

Precedents

Other northeastern states from Maine to Maryland have adopted ambitious programs to protect and provide public access to their coastlines. Highlights of these programs include:

- **Massachusetts'** coastal acquisition program, begun in the late 1970s, has committed hundreds of millions of dollars to acquiring dozens of barrier beaches and islands, rocky headlands, public access sites, more than 30 islands in the Boston Harbor Islands State Park and the Waquoit Bay National Estuarine Reserve on Cape Cod.
- **Rhode Island** has protected dozens of open properties in its Narragansett Bay Island Park System, including the Prudence Island National Estuarine Reserve, and others on Block Island, and other coastal areas.
- **New Jersey** has had an aggressive statewide Green Acres program for more than two decades that has protected a number of coastal properties. In addition, the state's Supreme Court has required that town beaches be made available to the general public.
- **Maryland** has created a network of coastal reserves in the Chesapeake Bay, and has adopted strict regulations over new development in the bay that reduce overall densities and require setbacks and vegetative buffers from the bay.

Even New York state has had an ambitious coastal acquisition and public access program on its Atlantic coastline; most of Long Island's Atlantic shoreline is permanently protected as federal, state and municipal parkland. In comparison with these efforts, Long Island Sound is virtually the only section of the entire northeastern coastline that has not benefited from a major public commitment to land conservation and public access, making it one of the most vulnerable and inaccessible sections of coastline in the country.

What's at Stake?

What's at stake is the very soul of the Sound and its waterfront communities, and the integrity of the Sound's ecological systems. It has been estimated that approximately 80% of the Sound's wetlands have already been destroyed. Only a handful of state parks are truly accessible to the general public. Most town beaches in both New York and Connecticut limit access to local residents only, and in any event, these beaches protect only a small section of the entire shoreline of the Sound. Approximately 10% of its shoreline remains undeveloped, and these lands are under tremendous growth pressure. Unfortunately, with today's hot economy and pressures for over-development, these remaining open lands will be subject to "industrial strength" development, including "McMansions," golf course communities, marinas and office parks. These "improvements" will obliterate what's left of the Sound's natural shoreline. And inappropriate development of these places will impair the Sound's visual quality for visitors, boaters and waterfront residents.

These few remaining natural areas are also a critical element of the Sound's ecological health and vitality. The Sound's dwindling network of unspoiled uplands, dunes, bluffs, tidal rivers, wetlands, flats and other natural features are an integral part of the Sound's natural systems. They filter pollution and provide habitat for birds, mammals and insects, and provide shelter for shorebirds, shell and fin fish. Destruction of these values could ripple through the ecological chain of the entire estuary, making the Sound less resilient to natural and man-



Gorhams Pond

made stress. After spending billions of dollars to restore the Sound's water quality, if these natural resources are lost, we could end up with a relatively clean but permanently impaired estuary, instead of a healthy, self-sustaining one.



Categories for the Reserve

In the creation of a Long Island Sound Reserve program, it is critical that there are a diversity of categories to meet the unique needs and opportunities of Long Island Sound. Throughout the ten citizen hearings, we heard specific suggestions including Marty Garrell's (of Long Island) call for inclusion of underwater lands. Richard Amper of the Long Island Pine Barrens Society called for protection of the coastal bluffs, dunes and beaches of the Island's North Fork, and in particular the 600-acre KeySpan property in Jamesport. Nancy Seligson, of Westchester, urged that a category be created for vista parks at the end of the streets, where people could sit and enjoy the Sound. The New York League of Conservation Voters emphasized the need for urban paths, where public access as well as habitat restoration could take place. The Connecticut chapter of the Nature Conservancy spoke on the importance of protecting sites with unique habitat types where a variety of threatened and endangered species can be found. National Audubon called for protection of Important Bird Areas both in Connecticut and New York.

With these comments and many more, a Long Island Sound Reserve program must cast a wide umbrella and be all-inclusive. The recommended categories for a Long Island Sound Reserve program are listed below with examples to follow in the next chapter.

Coastal Bays and Points, where some of the greatest diversity of birds, wildlife and marine life exist.

Dunes and Bluffs, which are unique and disappearing habitat types on Long Island Sound.

Barrier Beaches, which are evolving through nature's changes and need buffer land protection to survive.

Islands, which make up a necklace of crown jewel lands around the Sound – some protected and others threatened by development.

Underwater Lands, where the marine life needs to thrive and where protection is critical.

Public Access Sites for urban, suburban and rural communities, so that citizens can get to Long Island Sound, connect with the resource and become stewards of the Sound.

Habitat Restoration Areas are critical to begin to restore what has been destroyed on the shores of Long Island Sound.

Private and Public Conservation Lands including federal lands, state parks, local parks and private land trusts/conservation lands. These protected sites provide a foundation for a Long Island Sound Reserve program and can be examples of proper stewardship and management approaches.

These categories help provide a working definition of a Long Island Sound Reserve program and enable society to look at a multitude of mechanisms to achieve the conservation goals of a reserve system.

Mechanisms for the Reserve and Stewardship: An Action Plan

At Listen to the Sound 2000 hearings, citizens testified for more dollars for land acquisition, more dollars for conservation easements, more dollars for planning and more dollars for stewardship and restoration projects at specific sites. Citizens also called for improved zoning on a local level to protect the Sound's coastline, as well as increasing public education for people of all ages. This citizens' agenda recommends that the following mechanisms be created/enhanced to support a Long Island Sound Reserve program.

I. Creation of a Long Island Sound Open Space Plan. The states of Connecticut and New York would join forces with civic and environmental groups to create an open space plan for Long Island Sound. Using the model developed when the Habitat Restoration Plan was adopted and following techniques used by New York state in the creation and updating of their state Open Space Plan, both states would jointly produce an open space plan by 2003. The plan would have a section on all of the major categories of the Long Island Sound Reserve program. The Listen to the Sound 2000 partners (National Audubon, Regional Plan Association and Save the Sound) would play an active role in this process.

This plan would be updated every two years, be subject to public hearings and have regional advisory committees in different regions of the Sound to help identify sites. The Listen to the Sound 2000 hearing record can be used as an informational base to support this effort.

With a Long Island Sound Open Space Plan in place, the states and federal government would have a blueprint to authorize the use of public dollars for a Long Island Sound Reserve program. All sites authorized for funds would be from willing sellers.

II. Creation of a Long Island Sound Open Space Account. It is recommended that the states of New York and Connecticut create a Long Island Sound Open Space Account. Each state already has land protection funds in their annual state budget. Therefore, it is recommended that each state at a minimum:



Quinnipiac River Watershed Association

- set up a Long Island Sound Open Space sub-account;
- appropriate and initial fund of \$100 million (\$50 million from each state) for this account an aggressively use this fund to protect priority sites identified in the open space plan, as well as storm-damaged and flood-prone properties through state, municipal and private acquisition;
- seek matching federal funds for this purpose through the Land and Water Conservation Fund, and special federal funds appropriated for the Long Island Sound Reserve program or for expansion of the Stewart McKinney National Wildlife Refuge;
- provide additional funds annually to replenish this fund and meet unexpected needs of larger sites that come on the market;
- roll-over unused funds from one year to the next to ensure that they are used for purchases of open space on Long Island Sound.

III. Local Community Assistance and Planning Programs. Not all lands in the Long Island Sound Reserve program will be purchased by local, state or federal governments. Therefore, it is critical that local governments are given planning tools and mechanisms to ensure that their coastlines remain vibrant and properly managed.

It is recommended that the states and federal government provide community assistance funds to all coastal communities to establish local open space plans, as well as waterfront revitalization plans for their communities. These planning processes will not only identify critical parcels in need of protection, but will also provide direction to local towns on where their zoning laws may need to be changed to protect the character of their communities and Long Island Sound coastlines. Zoning could be used, for example, to reduce development densities, increase setbacks, and require vegetative buffers in designated conservation areas.



Tim Holstrom c/o The Trust for Public Land

Chandler Estate, Mount Sinai Harbor, NY

Both states have coastal zone programs that contain some of these elements. They need to be expanded and fully funded to address the needs outlined. In addition, each state should allocate adequate funds so, at a minimum, five new communities can participate in open space and/or water revitalization planning processes.

IV. Conservation of Private Lands Program. There are many lands along the shores of the Sound, which will always remain in private ownership. These lands can become part of a Long Island Sound Reserve program if the private land-owner agrees to enter into a voluntary conservation program with the state. In return, the state could purchase some conservation, scenic or trail easements on these lands or provide tax incentives for their conservation actions.



Therefore, it is recommended that a Long Island Sound Reserve Program Certificate be awarded to private land-owners that wish to enroll and agree to certain conservation actions. Actions could include, but are not limited to:

- developing habitat management plans for the property;
- creating additional buffer lands to the coastline and rivers;
- changing management practices on lands to reduce run-off, use of lawn pesticides or restore natural plant species;
- allowing habitat restoration projects to take place on their lands;
- allowing public access to Long Island Sound on a portion of the property; and
- selling or donating development rights of the property to the state.

These are some examples of activities that could take place as part of a private lands program. Private lands eligible for this program could include a wide variety of property types, from farms to corporate headquarter lands to rural/suburban private estates to wetlands or islands or other types of private land holdings.

V. Stewardship of Existing Parks and Private Conservation Lands. Today's parks and private conservation lands should all be part of a Long Island Sound Reserve program, but with that commitment must come additional funds and a commitment to improved stewardship of these properties. The states of Connecticut and New York, as well as federal agencies must increase their funding for improved stewardship of public and private conservation lands, including restoration and improved maintenance of these recreational and natural resources. A precedent of this initiative can be found in the Massachusetts coastal reserve program, through which existing state reservations were restored and their management was improved.

In these places, for example, dune systems were reclaimed, parking lots and camping areas were thinned out and revegetated with native plant species, new and less obtrusive bathhouses and comfort stations were built in and new interpretive trails and programs were instituted. Whether it is the McKinney Refuge, the Nature Conservancy's Griswold Point Preserve, Hammonasset State Park or New York's new Nissequogue River State Park, funds must be provided for similar stewardship activities. Stewardship activities include:

- improved maintenance of existing facilities;
- restoration or replacement of park facilities;
- habitat restoration on site;
- research programs on site;
- educational programs on site; and
- acquisition and protection programs for adjacent lands to these private, state and federal parks and preserves.



New York has a stewardship account in its Environmental Protection Fund and Connecticut has recently allocated some funding to park enhancements, but much more needs to be done. A stewardship program at all federal and state parks on the Sound would go a long way to making them part of a Long Island Sound Reserve program.

It is important not only to protect those lands threatened by development, but also to protect those lands that may be threatened by neglect.

Government Actions: Federal, State and Local

The Long Island Sound Reserve is envisioned as a partnership between federal, state and local governments and private land conservation organizations. Specific steps can and should be taken to formally establish the reserve concept and to clarify how all the partners can most effectively work together to ensure success for this effort. Key steps that can be taken to firmly establish the structure for the reserve follow:

Federal Legislation [2001-2002]:

Congress should enact federal legislation establishing the framework for the Long Island Sound Reserve system. Key elements of the proposed federal legislation include:

- I. Purpose.
- II. Framework for the reserve, including the clear intention that the reserve is a partnership between federal, state and local governments, and private land conservation organizations.
- III. Resources eligible for inclusion in the reserve.
- IV. Authorizes appropriations including, but not limited to, the Land and Water Conservation Fund for land acquisitions and conservation.

- V. **Enabling authority for allocation of federal funding for research, monitoring, education, restoration, land acquisition, maintenance and management activities related to the reserve.**
- VI. **Contingency fund for purchase of storm-damaged coastal properties for inclusion in the reserve.**
- VII. **Clarification that lands to be added to the reserve should be the result of successful negotiations between willing buyers and sellers. To protect private property rights, condemnation should not be a tool that is used to establish the Long Island Sound Reserve.**
- VIII. **Designation of specific federal land holdings as part of the reserve (e.g. Lands held under the Stewart B. McKinney National Wildlife Refuge; certain lands held under the Silvio B. Conte National Fish and Wildlife Refuge; other federally owned land that meets the criteria set forth in Section III, above).**

Governors' Agreement [2001]:

New York Governor George Pataki and Connecticut Governor John Rowland should jointly develop and sign an agreement committing the states of New York and Connecticut to development and implementation of a Long Island Sound Reserve system. This type of agreement will continue a tradition established by the signing of the first Long Island Sound Agreement in 1994, and a second in 1996. Earlier agreements have been the catalyst for significant efforts and expenditures by both states to restore and protect the Sound. In carrying out this new agreement, the governors should work in close cooperation with federal and local government and private land conservation organizations. The new agreement should also commit the governors to developing a consistent look for signs identifying sites to be included in the reserve.

State Legislation [2002]:

State legislative bodies in both Connecticut and New York should enact legislation formally establishing the Long Island Sound Reserve and designating specific state-owned properties for inclusion in the reserve system. Key elements of the state legislation include:

- I. **Purpose.**
- II. **Framework for the reserve, including the clear intention that the reserve is a partnership between federal, state and local governments, and private land conservation organizations.**
- III. **Resources eligible for inclusion in the reserve.**
- IV. **Authorization of appropriations from the states for land acquisitions and easements.**
- V. **Enabling authority for allocation of state funding for research, monitoring, education, restoration, maintenance and management activities related to the reserve.**
- VI. **Contingency fund for purchase of storm-damaged coastal properties for inclusion in the reserve.**

- VII. Clarification that lands to be added to the reserve should be the result of successful negotiations between willing buyers and sellers. To protect private property rights, condemnation should not be a tool that is used to establish the Long Island Sound Reserve.
- VIII. Designation of specific state land holdings as part of the reserve (e.g. state park and forest lands located along the coast or tidal rivers; coastal access points, including boat ramps; other state-owned lands that meet the criteria set forth in Section III, above).
- IX. A mechanism for local governments and private land conservation organizations to designate their land holdings as part of the Long Island Sound Reserve.

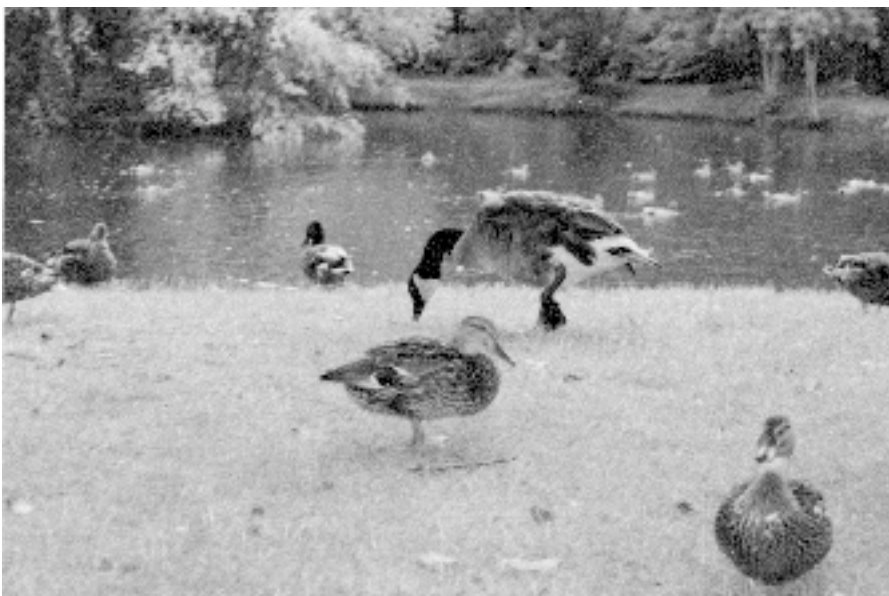
Local Government Actions [ongoing]:

Local governments, by vote of the local legislative body, may take action to formally designate open space lands that meet the criteria set forth in state and federal legislation as part of the Long Island Sound Reserve. Lands so designated should be posted with consistent signage to identify them as part of the reserve system. The owners of lands so designated would be eligible for federal or state funding that may be available for carrying out the purposes of the reserve, including education, research, monitoring, restoration, maintenance, management and land acquisition.

Private Land Conservation Organizations [ongoing]:

Private land conservation organizations, by vote of their board of directors, trustees or board of governors, may take action to formally designate open space lands that meet the criteria set forth in state and federal legislation as part of the Long Island Sound Reserve. Lands so designated should be posted with consistent signage to identify them as part of the reserve system. The owners of lands so designated would be eligible for federal or state funding that may be available for carrying out the purposes of the reserve, including education, research, monitoring, restoration, maintenance, management and land acquisition.

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Conclusion

Through the Listen to the Sound citizen hearing process, we heard a chorus of voices in support of the Long Island Sound Reserve concept. This agenda reflects the citizens' energy, commitment and thoughtful suggestions to make a Long Island Sound Reserve system successful. It is imperative that government leaders at all levels heed these voices and work to make the Long Island Sound Reserve program a reality.