

**2.0 STATE COASTAL POLICIES**

The New York State Department of State has 44 Coastal Policies that include the following nine general management goals and protection strategies that promote beneficial uses of coastal resources, prevents their impairment, and coordinates major activities that affect numerous resources: *Development* (Policies 1 through 6), *Fish and Wildlife* (Policies 7 through 10); *Flooding and Erosion Hazards* (Policies 11 through 18), *Public Access* (Policies 19 and 20), *Recreation* (Policies 21 and 22), *Historic and Scenic Resources* (Policies 23 through 25), *Agricultural Land* (Policy 26), *Energy and Ice Management Policies* 27 through 29), and *Water and Air Resources* (Policies 30 through 44).

In accordance with the instructions in Section C of the Coastal Consistency Form (see attached), SLW has assessed and answered “yes” or “no” to each of the questions regarding Project characteristics. Specifically, SLW has answered “yes” to question nos. 1(g), 2(a), and 2(b). Section D of the Application requires the Applicant to address the policies following the questions in Section C for which a “yes” was answered. Table 1-1 summarizes the results of assessing the applicability of policies directly to the Project and completing the Coastal Consistency Form. For this Project, there where five (5) policies for assessed for CZM policy applicability. SLW has reviewed each of these policies and provides an analysis of how the SLW Project is consistent with or not applicable to these policies.

<b>Table 1-1 NYS Coastal Zone Policy Assessment Summary</b>		
<b>Policy No.</b>	<b>Policy Goal</b>	<b>CZM Applicability &amp; Consistency Statement</b>
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	The 0.41-mile segment of the overhead transmission line and Interconnection Substation is not located in coastal erosion hazard areas, coastal high hazard areas, or floodways.
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.	The 0.41-mile segment of the overhead transmission line and Interconnection Substation will not be located on beaches, dunes, barrier islands, or adversely effect river bank bluffs.
17	Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible	After construction, the shoreline area will be restored and stabilized using non-structural measures as described in the aforementioned Consistency statement for Policy 12. This will include the restoration planting of vegetation as necessary for project disturbed areas to help stabilize areas on the upland river bank bluff on both shorelines of the Chaumont River.

<b>Table 1-1 NYS Coastal Zone Policy Assessment Summary</b>		
<b>Policy No.</b>	<b>Policy Goal</b>	<b>CZM Applicability &amp; Consistency Statement</b>
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.	While the overall Project is a major energy facility, it is not water-dependent or sited in a CZM area. The purpose and need of the Project is consistent with state energy policy and is compatibility with CZM policies to protect the environment.
44	Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.	The 0.41-mile segment of the overhead transmission line and Interconnection Substation will not affect tidal or freshwater wetlands.

## **2.1 Flooding and Erosion Hazards**

### ***2.1.1 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.*

#### *Explanation of Policy 11*

On coastal lands identified as coastal erosion hazard areas, buildings and similar structures shall be set back from the shoreline a distance sufficient to minimize damage from erosion unless no reasonable prudent alternative site is available as in the case of piers, docks and other structures necessary to gain access to coastal waters to be able to function.

In coastal lands identified as being subject to high velocity waters caused by hurricane or other storm wave wash - a coastal high hazard area - walled and roofed buildings or fuel storage tanks shall be sited landward of mean high tide; and no mobile home shall be sited in such area. In coastal lands identified as floodways, no mobile homes shall be sited other than in existing mobile home parks. Where human lives may be endangered by major coastal storms, all necessary emergency preparedness measures should be taken, including disaster preparedness planning.

#### *Consistency with Policy 11*

No permanent buildings or structures are proposed on the shoreline or in the floodplain of the Chaumont River (see Figure 3, sheet 12 of 12). The proposed transmission line would cross over the Chaumont River without construction in the Chaumont River, designated floodplain, or freshwater wetlands adjacent to the river. Specifically, none of the proposed facilities will be subject to high velocity flood waters.

### **2.1.2 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.*

#### Explanation of Policy 12

Beaches, dunes, barrier islands, bluffs, and other natural protective features help safeguard coastal lands and property from damage, as well as reduce the danger to human life, resulting from flooding and erosion. Excavation of coastal features, improperly designed structures, inadequate site planning, or other similar actions which fail to recognize their fragile nature and high protective values, lead to the weakening or destruction of those landforms. Activities or development in, or in proximity to, natural protective features must ensure that all such adverse actions are minimized. Primary dunes will be protected from all encroachments that could impair their natural protective capacity.

#### Consistency with Policy 12

The proposed location and construction of transmission pole structures and the Attachment facility have been designed to avoid the natural features adjacent to the Chaumont River coastal management area. No permanent buildings or structures are proposed on the shoreline, floodplain, or wetlands of the Chaumont River (see Figure 3, sheet 12 of 12). Selective tree clearing is necessary on the east and west side upland bank bluffs of the River for clearance from overhead wires. Consistent with Policy 12, to the extent practical, tree clearing will be minimized prior to tree clearing, and a silt fence/haybale barrier will be installed parallel to the shoreline and along the entire length of the overhead transmission corridor to protect the River. Where feasible, tree roots, shrubs, and compatible trees and saplings will be left in place to encourage soil stability along the existing upland river bank hill-slopes to minimize the potential for erosion. To promote soil stability following the tree clearing operations, disturbed soils will be raked, seeded with indigenous herbaceous plant species, and then mulched. In addition, Consistent with Policy 12, these restoration and protective procedures will protect the natural shoreline areas of the Chaumont River.

### **2.1.3 Policy 17**

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

#### Explanation of Policy 17

This policy recognizes both the potential adverse impacts of flooding and erosion upon development and upon natural protective features in the coastal area, as well as the costs of protection against those hazards which structural measures entail.

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This policy shall apply to the planning, siting and design of proposed activities and development, including measures to protect existing activities and development. To ascertain consistency with this policy, it must be determined if any one, or a combination of, non-structural measures would afford the degree of protection appropriate both to the character and purpose of the activity or development, and to the hazard. If non-structural measures are determined to offer sufficient protection, then consistency with the policy would require the use of such measures, whenever possible. In determining whether or not non-structural measures to protect against erosion or flooding will afford the degree of protection appropriate, an analysis, and if necessary, other materials such as plans or sketches of the activity or development, of the site and of the alternative protection measures should be prepared to allow an assessment to be made.

Consistency with Policy 17

After construction, the shoreline area will be restored and stabilized using non-structural measures as described in the aforementioned Consistency statement for Policy 12. This will include the restoration planting of vegetation as necessary for project disturbed areas to help stabilize areas on the upland river bank bluff on both shorelines of the Chaumont River.

**2.2 Energy and Ice Management**

**2.2.1 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.*

Explanation of Policy 27

Demand for energy in New York will increase, although at a rates lower than previously predicted. The State expects to meet these energy demands through a combination of conservation measures; traditional and alternative technologies; and use of various fuels including coal in greater proportion.

A determination of public need for energy is the first step in the process for siting new facilities. The directives for determining this need are contained primarily in Article 5 of the New York State Energy Law. That Article requires the preparation of a State Energy Master Plan. With respect to transmission lines and steam electric generating facilities, Articles VII and VIII of the State's Public Service Law require additional forecasts and establish the basis for determining the compatibility of these facilities with the environment and the necessity for a shorefront location. The policies derived from the siting regulations under these Articles are entirely consistent with the general coastal zone policies derived from other laws, particularly the regulations promulgated pursuant to the Waterfront Revitalization and Coastal Resources Act. That Act is used for the purposes of ensuring consistency with the Coastal Management Program.

The Department of State will comment on the State Energy Master Plan; present testimony for the record during relevant certification proceedings under Articles VII and VIII of the PSL; and

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use the State SEQR and DOS regulations to ensure that decisions on other proposed energy facilities (other than transmission facilities and steam electric generating plants) which would impact the waterfront area, are made consistent with coastal policies.

Consistency with Policy 27

The overall St. Lawrence Windpower Project is subject to SEQR review and proceedings, and has been evaluated as a major energy facility that is not dependent on waterfront or coastal zone site development. Nonetheless, as addressed in the aforementioned consistency statement for Policy 2, the proposed transmission line crossing and the Attachment Facility components of the Project are located in a Coastal Zone Management area of the Chaumont River. While the purpose and need for the SLW Windpower Project is consistent with the State Energy Law and policies, the proposed transmission facilities for the project are not water-dependent nor a major energy facility siting issue, nor will it have an adverse effect on other related CZM policies as enumerated in this Consistency assessment. Therefore, the Project, including the proposed transmission facilities is consistent with Policy 27.

**2.3 Water and Air Resources**

**2.3.1 Policy 44**

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

Explanation of Policy 44

Tidal wetlands include the following ecological zones: coastal fresh marsh; intertidal marsh; coastal shoals, bars and flats; littoral zone; high marsh or salt meadow; and formerly connected tidal wetlands. These tidal wetland areas are officially delineated on the Department of Environmental Conservation's Tidal Wetlands Inventory Map.

Freshwater wetlands include marshes, swamps, bogs, and flats supporting aquatic and semi-aquatic vegetation and other wetlands so defined in the NYS Freshwater Wetlands Act and the NYS Protection of Waters Act.

The benefits derived from the preservation of freshwater wetlands include but are not limited to:

- habitat for wildlife and fish, including a substantial portion of the State's commercial fin and shellfish varieties; and contribution to associated aquatic food chains;
- erosion, flood and storm control;
- natural pollution treatment;
- groundwater protection;
- recreational opportunities;
- educational and scientific opportunities; and
- aesthetic open space in many otherwise densely developed areas.

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*Consistency with Policy 44*

No permanent buildings or structures are proposed on the shoreline or in the floodplain of the Chaumont River (see Figure 3, sheet 12 of 12) or in wetlands adjacent to the river. The proposed transmission line would cross overhead, spanning the Chaumont River, designated floodplain, and pole structures have been located to avoid construction in freshwater wetlands adjacent to the river. As described in the consistency statement for Policy 12, best management practices will be implemented in construction areas adjacent to the wetlands and the Chaumont River. These practices are consistent with the Policy goal of preserving and protection freshwater wetlands and preserve the benefits derived from these areas.