

**existing
conditions**

FIRE ISLAND

LEGISLATION

A national seashore on Fire Island was established by an act of Congress on September 11, 1964, and is one of ten National Park Service areas located on barrier islands and spits of the Atlantic and Gulf coasts (see figure 2). It was established "for the purpose of conserving and preserving for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes, and other natural features within Suffolk County, New York, which possess high values to the Nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population" (Public Law 88-587, 78 Stat. 928; see appendix E). The legislation also allows traditional recreational activities to be provided at environmentally compatible areas of the seashore.

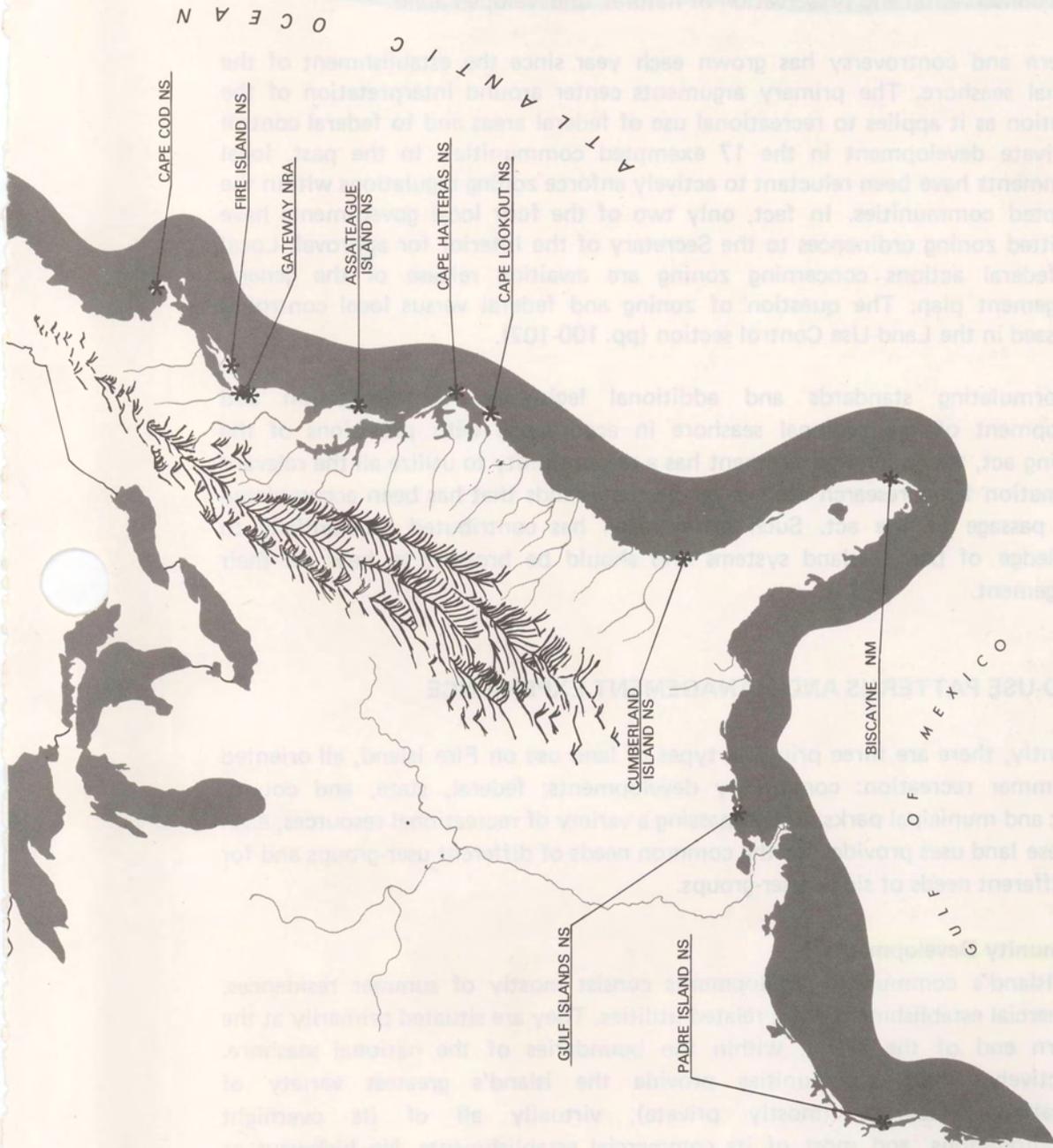
The boundaries of the national seashore, as defined in section 1(b) of the enabling legislation, include the area "from the easterly boundary of Robert Moses State Park eastward to Moriches Inlet," various nearby islands in adjacent bays, and "the waters surrounding said area to distances of one thousand feet in the

Atlantic Ocean and up to four thousand feet in Great South Bay and Moriches Bay." Section 2(a) authorizes the Secretary of the Interior to acquire by purchase, donation, transfer, exchange, or otherwise, "the lands, waters, and other property, and improvements thereon and any interest therein, within the boundaries of the seashore." The act further provides for land exchange between the federal government and other interests within the boundaries of the seashore.

According to section 2(e) of the act, the Secretary may acquire, without the consent of the owners, lands necessary for public access to the beach, but he may not acquire without consent other lands where compliance with "a duly adopted, valid, zoning ordinance that is satisfactory to the Secretary" has been demonstrated. The Secretary is authorized by section 3(b) to "issue regulations, which may be amended from time to time, specifying standards that are consistent with the purposes of this Act for zoning ordinances which must meet his approval." Such standards may prohibit certain new commercial or industrial uses and promote "the protection and development . . . of land within the national seashore by means of acreage, frontage, and setback requirements." Section 3(d) states that such regulations must be incorporated into provisions of local zoning ordinances, which will not be approved by the Secretary if they contain "any provision that he considers adverse to the protection and development . . . of the area comprising the national seashore." These provisions give the federal government considerable authority to regulate land use and development on lands within the boundaries of the seashore that are not in federal ownership.

Section 2(e) specifically authorizes the Secretary to acquire property by condemnation "in an approximately eight-mile area from the easterly boundary of . . . Davis Park . . . to the westerly boundary of the Smith Point County Park." Owners of property in this zone on July 1, 1963, were given the option of a life tenancy, or up to a 25-year tenancy, in lieu of vacating the property after selling it to the federal government. This zone and the Sunken Forest area are afforded special protection by sections 7(a) and 7(b) from the incursion of roads and ecologically incompatible uses.

The role of the Corps of Engineers in environmental manipulation is stipulated in section 8(a): "The authority of the Chief of Engineers, Department of the Army, to undertake or contribute to shore erosion control or beach protection measures on lands within Fire Island National Seashore shall be exercised in accordance with a plan that is mutually acceptable to the Secretary of the Army and the Secretary of the Interior and that is consistent with the purposes of this act."



Scale 1 : 7,500,000
 0 100 200

Figure 2
National Park Service Lands
On Spits And Barrier Islands
Of The Atlantic And Gulf Coasts

Fire Island National Seashore
 NEW YORK

The act and the history of administrative policy for recreational areas support the fact that the National Park Service's land acquisition policy must first be directed to the conservation and preservation of natural, undeveloped areas.

Concern and controversy has grown each year since the establishment of the national seashore. The primary arguments center around interpretation of the legislation as it applies to recreational use of federal areas and to federal control of private development in the 17 exempted communities. In the past, local governments have been reluctant to actively enforce zoning regulations within the exempted communities. In fact, only two of the four local governments have submitted zoning ordinances to the Secretary of the Interior for approval. Local and federal actions concerning zoning are awaiting release of the general management plan. The question of zoning and federal versus local control is addressed in the Land-Use Control section (pp. 100-107).

In formulating standards and additional legislation for protection and development of the national seashore in accordance with provisions of the enabling act, the federal government has a responsibility to utilize all the relevant information from research studies on barrier islands that has been accumulated since passage of the act. Such information has contributed substantially to knowledge of barrier-island systems and should be brought to bear on their management.

LAND-USE PATTERNS AND MANAGEMENT EXPERIENCE

Currently, there are three principal types of land use on Fire Island, all oriented to summer recreation: community developments; federal, state, and county parks; and municipal parks. Encompassing a variety of recreational resources, each of these land uses provides for the common needs of different user-groups and for the different needs of single user-groups.

Community Developments

Fire Island's community developments consist mostly of summer residences, commercial establishments, and related utilities. They are situated primarily at the western end of the island, within the boundaries of the national seashore. Collectively, these communities provide the island's greatest variety of recreational facilities (mostly private), virtually all of its overnight accommodations, and most of its commercial establishments. No highways or lateral ferry systems link the communities with public recreation areas, and public facilities in the communities are largely inaccessible to visitors who do not own boats. The residential areas are political subdivisions of Long Island's towns of Islip and Brookhaven and the villages of Ocean Beach and Saltaire, which provide limited municipal services.

Assurance of acceptable environmental quality in these communities is in part the responsibility of the Secretary of the Interior, who may issue regulations governing land-use development and island protection and must approve all zoning ordinances pertaining to these areas. The federal government has discretionary authority to exert control over activities in these communities. In practice, however, the community developments function as semi-autonomous units within the national seashore. Park visitors are not encouraged to spend time in the communities.

Land-use control, through Department of the Interior zoning regulations, was the explicit responsibility of the four local governments controlling the 17 communities of Fire Island. Widespread confusion has developed since establishment of the national seashore regarding which governmental authority should do what to enforce land-use controls. In general, local and federal authorities have failed to exercise proper responsibility.

The use of four-wheel-drive vehicles has become an increasing concern to visitors, some property owners, local governmental officials, and National Park Service managers. Where vehicle use is particularly heavy, both federal and non-federal lands are adversely affected. Although the number of permits has been reduced in recent years (412 permits in 1976), more restrictive measures will be required in the immediate future to provide the environmental quality due visitors and users of this unique barrier island. The reduction of vehicle use to the absolute minimum is a common objective of the federal and local governments.

Federal, State, and County Parks

Public parks on Fire Island are managed either by federal, state, or county agencies, and the type of recreational opportunities available depends on the managing agency. State and county parks offer high-density recreational activities, while the national seashore offers low- to medium-density activities.

Fire Island National Seashore. In February 1977, the National Park Service managed 5,943 acres within the seashore boundaries, of which 2,792 acres were owned in fee and 3,151 acres were controlled through an easement granted by New York State (from the mean high waterline seaward 1,000 feet). The lands managed by the Park Service represent about 31 percent of the total acreage of land and water (19,356 acres) within the boundaries. Most federally owned lands were acquired during a 6-year period following passage of the enabling act in 1964. At present, Park Service holdings on Fire Island consist of four large bay-to-ocean strips totaling 1,639 acres and six smaller bay-to-ocean strips totaling 183 acres. All of East Fire Island and its satellite islands (156 acres), as well as most of West Fire Island (102 acres), are also federal lands. In addition to these lands, which were included within the original boundary, Congress added in 1965 the 612-acre William Floyd Estate, a historic mainland property north of Moriches Bay near the eastern end of Fire Island.

The Department of the Interior has expended \$15,731,000 of the \$16 million originally authorized for land acquisition and purchases of interests in land, and the remaining \$269,000 has been included in the 1977 Park Service budget request. In 1976 Congress authorized an additional \$2 million for land acquisition at Fire Island National Seashore.

After April 1977, 42 residences will remain occupied under tenancy options; after September 1977, only 20 residences will remain occupied. As tenancy option agreements expire, residential structures and associated developments on federally acquired lands are slowly being removed, and the lands are being used for public day-use recreation or natural preservation.

The federal government does not own the beach, the primary dune line, the marshlands, or other unimproved lands on Fire Island that are outside the boundaries of its existing holdings, and it has no bay-bottom acreage, except for a small tract at Sunken Forest that is 1,000 feet out into the bay and follows a line 1,350 feet east and west of the centerline of the marina. The national seashore act gave the National Park Service legislative authority over waters for a distance up to 4,000 feet in Great South Bay, as indicated by the seashore boundary on figure 1. In 1966, New York State granted the Park Service use and occupancy rights (easements) over waters for a distance of 1,000 feet into the Atlantic Ocean from the high waterline on the beach.

National Park Service concerns in exercising jurisdiction in Great South Bay are fourfold. First is the concern about the health, safety, and welfare of the general public using waters within the national seashore's boundaries and the effects such uses might have on adjacent seashore lands. Within this framework, the Park Service might reasonably be expected to assure that adequate safety equipment is aboard boats within seashore waters and that the use of these boats complies with applicable U.S. Coast Guard regulations. A second area of regulatory concern relates to hunting migratory waterfowl within seashore boundaries, a concern that is addressed through a cooperative hunting agreement between the Park Service and New York State. A third area of concern is the introduction of pollutants, wastes, or other materials into bay waters, which would adversely affect the quality of bay waters or bayside shorelines and their related marine plant and animal life. This concern could be addressed by regulating wastewater discharge into bay waters by private and commercial vessels and by encouraging boaters to use land-based disposal facilities. A final concern deals with resource protection and preservation, which is covered by regulations found in the *Code of Federal Regulations*, Title 36, Sections 1 through 6.

The present authority of the National Park Service within the 4,000-foot jurisdiction does not permit regulation of commercial or recreational shellfishing

nor the regulation of bay-bottom activities. It is the position of the National Park Service, as one of many enforcing agencies with jurisdiction in this area, *not* to increase its patrol function to include regular checks on all bay waters within the presently mapped boundary, but to concern itself with those areas already referred to as resources management (for example, water quality) and public safety interests.

The National Park Service staff has faced several problems in managing Fire Island National Seashore, including unsatisfactory vehicle-use controls, lack of resources management policies, inadequate zoning regulations, no appropriate national seashore headquarters or ferry terminal area, and insufficient visitor parking.

Visitors who do not have access to private boats may have to endure many frustrations before reaching Fire Island National Seashore. Those who arrive by car may have to battle several hours of traffic on Long Island highways, only to become lost en route to the ferry slip because routes are poorly marked. At the ferry slip, public parking costs \$2 to \$3 per day, and the insufficient parking area is often full. Visitors must then leave their cars some distance away, occasionally at the risk of an illegal parking fine. Their frustration may be magnified when they see that the parking lot contains many empty stalls, which are reserved for the exclusive use of local residents. If visitors miss a ferry connection, they may have to wait an hour or more for the next run. Once on the ferry, visitors have about a 30-minute ride to the island; round-trip ferry rides cost \$3.00 to \$3.75 per person. At Fire Island National Seashore, disembarking visitors temporarily crowd the docks and nearby facilities until various interests motivate them to disperse and seek different recreational attractions and activity centers in or near the developed area.

Robert Moses State Park. Robert Moses State Park is located at the extreme western end of the island and is reached via the Robert Moses State Parkway. High-density recreation there has little effect on activities elsewhere on Fire Island. The nearest federal development is 6 miles east at Sunken Forest, and the lighthouse tract and private communities block the eastward movement of people. Construction of recreational developments on this recently formed land probably has little short-term effect on the natural evolution of the rest of the island. The state park is an important recreation area for Long Island residents and it received 2,122,200 visits during 1976 (see appendix A).

Smith Point County Park. Smith Point County Park, a 1-mile-long bay-to-ocean strip that is managed by Suffolk County, is part of a 6.3-mile segment at the eastern end of Fire Island. The park lies completely within the

authorized boundary of the national seashore and contains facilities for high-density recreation near the end of William Floyd Parkway. The county lands east of the park are largely undeveloped. Smith Point County Park's major recreational development is adjacent to the largest natural area in the national seashore. A relatively small percentage of visitors to the county park also visit this prime natural area, and the presently minimal adverse environmental effects of visitor use occur primarily within a 1- to 2-mile area west of the parking lot. Annual visitation for Smith Point County Park during 1976 was 735,256 (see appendix A).

Municipal Parks

The towns of Islip and Brookhaven and the village of Bellport maintain five small private parks for the use of their residents. Two, Barrett Beach and Bellport Beach, are of particular importance with respect to the national seashore because they are included within major federal tracts. Barrett Beach is a 7-acre bay-to-ocean strip of land owned by the town of Islip and developed as a recreational beach, and it transects the federally owned Talisman tract; both Barrett Beach and the Talisman tract are receiving increased use. The beach consists of a graded, unstabilized fill zone through the middle of the narrowest part of the island.

Bellport Beach, a similar but less extensively developed private municipal park, was constructed for the use of residents of the village of Bellport. The land is leased under a long-term special permit from the National Park Service. Today, this 200-foot-wide strip is located in the middle of an outstanding natural area. Bellport Beach's interior swale has been covered with fill material, and the rest of the tract has been filled and graded from bay to dune line.

VISITORS

Fire Island is situated in the most densely populated region of the United States. For several reasons the regional population does not represent the potential visitors to the national seashore. In terms of accessibility, Long Island is one of the most isolated areas in the Northeast. Long Island Sound, the Atlantic Ocean, and most importantly the New York City metropolitan area all act as barriers to the efficient movement of people to and from Long Island. The area has long been a bedroom community for workers and a playground area for residents of New York City, to which it is linked by an overcrowded highway network and an

often inefficient mass-transportation system. Long Island has undergone rapid population growth in the last decades, with many people moving out of the city to attempt semi-rural living. As the urbanization of western Long Island has intensified, people have moved farther and farther eastward. For these people, New York City impedes westward mobility and tends to increase the importance of the island's recreational facilities by restricting access to recreation areas north and west of the city. Similarly, the congested highways discourage motorists from New York, New Jersey, and southern New England who might otherwise consider a trip to the seashore. Other natural and recreational resources in more accessible locations are available for these populations. The scarcity of inexpensive lodging on Fire Island and in nearby Long Island communities further limits use, particularly by those who live too far away to drive to and from Fire Island in one day. In New York City, a small percentage of people maintain cars because of their associated expenses and inconveniences; therefore, to reach the seashore, many urbanites must use public transportation, which is inconvenient, undependable, and expensive.

Considering these conditions, it is not surprising that the majority of visitors to federal areas within the national seashore surveyed in a 1969 study resided in the 19 south-shore Long Island communities in Nassau and Suffolk Counties, and only 7 percent came from out of state. The analysis of survey questionnaires revealed that the national seashore primarily attracts people who inhabit single-family residences in suburban communities of small to moderate size (10,000 to 100,000 people), are well educated (typically having college degrees), have above-average incomes, and are usually employed in the professions. The seashore, therefore, serves relatively affluent New York suburbanites, and primarily those residing in Suffolk and Nassau Counties. The provision of an inexpensive, convenient means of public transportation is the only way by which the national seashore is likely to become more accessible to a variety of socioeconomic groups. The possibility of such a system appears relatively remote.

THE RECREATIONAL EXPERIENCE

Fire Island is a relatively small piece of land compared to many other natural areas of the National Park System, but the diversity of its landscape and the variety of recreational activities that are offered are greater than in areas many times its size. Constantly reworked by wind and wave, the sand that makes up the island is molded into an orderly mosaic of dunes and flats, which are continually built, then destroyed. Fire Island's vegetative communities are widely differentiated due to great changes in environmental conditions from place to

place. In some areas, visitors can take a walk through windswept grasslands, moist maritime forests, and saltwater tidal marshes – each community being associated with its own particular environment. It is obvious that visitors will not feel the same on the beach as they do at the edge of a vast tidal marsh or in a secluded holly forest, and the visitors' opportunity to relate with the sounds, sights, smells, and sensations of each of these outstanding natural environments, without interference from development, is an integral part of the Fire Island recreational experience.

Although Fire Island is primarily a summer recreation area, when both air and water are warmest, other seasons bring an array of new experiences. During autumn, shrubs are often laden with edible fruits; the tidal marshes turn yellow, orange, and crimson; and migratory birds make seasonal stops en route to winter feeding grounds. In winter, the weather is cold, storms are frequent, and the island becomes desolate. Yet, to a hardy few, the starkness provides a peculiar attractiveness. The advent of spring brings the sights, sounds, and smells of reawakening life: Birds return to the island, ecological productivity increases, and the island is again cloaked in green.

Only two areas of Fire Island National Seashore have been developed to provide for traditional recreational activities – Sunken Forest and Watch Hill. Undeveloped federal lands tend to attract visitors with special interests, and use of these areas is light. The extensive tidal marshes of East Fire Island provide some of the seashore's best waterfowl habitats and excellent sites for bird-watching. The outstanding natural area between Watch Hill and Smith Point West provides opportunities for long-distance hikes and exploration by both casual and serious students of natural history.

THE REGION

As previously stated, Fire Island is located in the most densely populated region of the United States – some 20.8 million inhabitants live within a 100-mile radius in the states of New York, New Jersey, and Connecticut (see figure 3). The immediate environs – Nassau and Suffolk Counties, New York – comprise a land area of 1,200 square miles, with a 1976 population of approximately 2.76 million, which represents a 7.9 percent increase from the 1970 population. Nassau County, covering the western half of Long Island, listed 1,460,421 inhabitants in 1976, and Suffolk County, to the east, had a population of 1,297,256.

The rapid population growth witnessed for decades in Nassau County had sharply decreased by 1970 due to the lack of available land for housing and related development. From 1960 to 1970 the county grew by only 9.9 percent, a rate larger than the 8.4 percent increase for New York State, but well below the 13.3 percent rate of national population growth.

Much of the decline in Nassau County growth and development was counterbalanced by large population increases in eastern Suffolk County towns such as Islip, Babylon, and Brookhaven. From 1960 to 1970 Suffolk County's population increased 69 percent, while the town of Brookhaven had a dramatic 95 percent growth rate. The population of Suffolk County is concentrated in central and southern Long Island, with 65 percent of the total in the south-shore towns of Babylon, Islip, and Brookhaven. Given the existing population distribution in Suffolk County, at least 750,000 persons reside within 30 minutes of one of the Fire Island ferry staging areas.

Long Island inhabitants are relatively young. Islip, Brookhaven, Huntington, Smithtown, and Babylon rank one through five among the townships in the two-county region in size of school-age population. Migration of young families into Suffolk County accounted for at least 70 percent of the county's growth in the recent decade.

Current evidence concerning the housing market and industrial growth indicates a probable decline in the rapid growth rate of Suffolk County. The apparent abandonment of plans for a cross-sound bridge linking Suffolk County with Connecticut will also aid in slowing the growth rate, although these same factors can be expected to produce increases in local demands on recreational resources.

Recreational resources within Nassau and Suffolk Counties vary widely. Suffolk County currently has a surplus of undeveloped recreational lands; Nassau County is faced with a significant shortage. The Nassau-Suffolk Regional Planning Board predicts no significant increase in open space through the year 2000, but population increases of 900,000 people are expected by 1985. (Appendix B illustrates existing recreational lands and recommended future needs for the New York metropolitan area.)

Large populations, predominance of young families, high income levels, and increasing amounts of leisure time add to the needs for recreational resources, and needs will increase if Suffolk County repeats Nassau County's development history. Because the housing shortage is a major problem, and because little land is available in Nassau County for additional building, future residences will be high-density townhouse complexes and condominiums, with minimal recreational areas.

The barrier-beach system of southern Long Island provides recreational opportunities for a large number of the region's residents. Due to the extreme shortages of recreational space within the region, Robert Moses State Park and Smith Point County Park, both adjacent to Fire Island facilities, are heavily used on peak summer days. These two parks will continue to serve high-density recreational needs for the Fire Island region.

One of the most important industries in the vicinity of Fire Island is shellfishing, and Great South Bay has historically been a leader in the production of hard-shell clams – approximately 40 percent of the world's supply is harvested from Suffolk County's Great South Bay region. The retail value of shellfish production on Long Island has been conservatively estimated at \$100 million. The hard-shell clam industry in the region is made up of private companies, individual operators, and others who harvest clams for personal and recreational use. In Suffolk County, there are approximately 8,000 licensed individuals who harvest shellfish, and approximately 500 people are employed in onshore shellfishing activities. From 1960 to 1974, shellfishing increased approximately 60 percent with a 1974 dockside sales of \$12.4 million. This value is probably an underestimation because some of the clam harvest is independently marketed and is not reflected in annual dockside value.

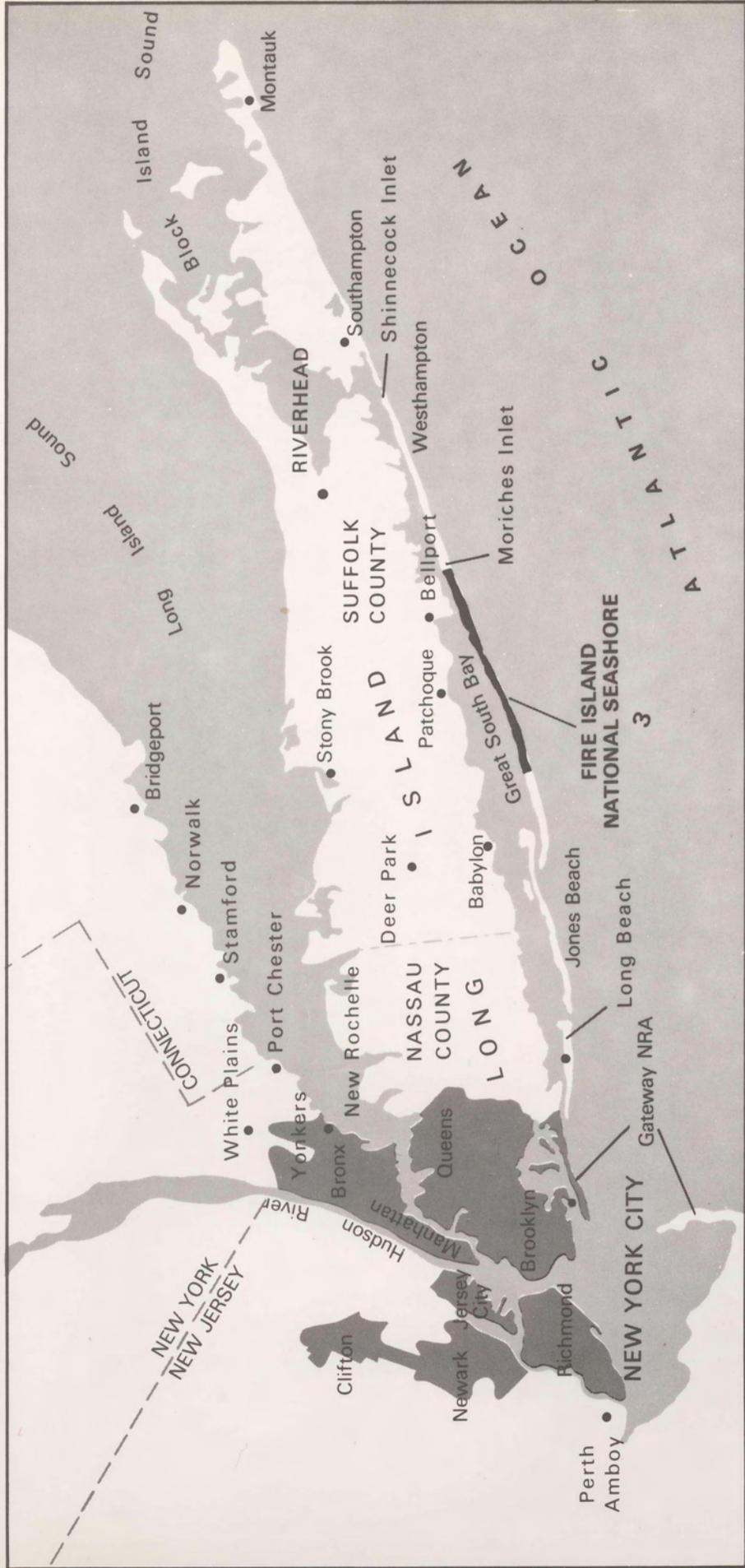


Figure 3
The Region
Fire Island National Seashore



Scale 0 5 10 Miles

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