



Management Plan

Adopted December 17, 2015

South Flora Nature Preserve



**SCTM #300-130-2-2.1 at 37.65 Acres
Montauk Highway, Amagansett (Napeague)
Town of East Hampton, New York**

Prepared by the
Planning Department and Natural Resources Department

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I. Introduction

Location

The South Flora Nature Preserve consists of 37.65 acres (SCTM#300-130-2-2.1) of pristine duneland located on the south side of Montauk Highway in Napeague. The preserve is bounded on the west by Dolphin Drive and on the east by the Ocean Colony Resort. The southern boundary is approximately 1,700 linear feet of dune / beach frontage. The western two-thirds of the property runs from the beachfront dune to Montauk Highway. The eastern boundary stops south of the Lobster Roll parcel and the town's Parcel three (see maps in appendix). This management plan also discusses the two adjacent parcels which lie north of the eastern portion of the South Flora Nature Preserve. Parcel two, SCTM 300-130-2-4.1, fronts on Montauk Highway and is just east of the Lobster Roll restaurant. Parcel three, SCTM 300-130-2-3, is directly south of Parcel two and touches the northern perimeter of South Flora. The Napeague Life Saving Station had been located on Parcel three. These two parcels are not Nature Preserves (aerial and tax maps included in the appendix).

The southernmost property line of the preserve, as described in the deed, is the edge of the beach grass. This plan does not cover any portion of the ocean beach that is owned or under the jurisdiction of the Trustees. The ocean beach can be accessed by crossing South Flora by foot or vehicle. The South Flora Management Plan does not eliminate the existing vehicular and or pedestrian public access paths located along the western portion of the preserve. The Nature Preserve Committee, which includes a Trustee representative, has worked with the Trustees to insure compatible management goals including maintaining public access to the beach.

When this management plan refers to "South Flora," or to the "nature preserve" or the "preserve," the reference is to only the South Flora Nature Preserve parcel, SCTM 300-130-2-2.1 (at purchase this was SCTM 300-130-2-2, see tax map from 2001 in appendix). The two smaller parcels are either referred to as "Parcel two" or "Parcel three," or by their descriptive attributes.

History and Ownership

A subdivision application for this property was approved in 1985. However, the conditions of that approval were never fulfilled and the approval expired. In 1989 another application was submitted to the Planning Board. This was allowed to lapse before any approval could be granted. In 1995, the South Flora Development Corporation submitted the Sea Breeze Estates subdivision application to create 10 residential lots. Planning Department review of the proposal described features that included rare and endangered species, high flooding risk, dune land, steep slopes, wetlands and a shallow depth to groundwater. The Planning Board noted the environmental sensitivity of the site and advised the applicants that the preparation of an environmental impact statement might be necessary. This application was also never completed.

The Local Waterfront Revitalization Program (LWRP, adopted December 3, 1999) Development Policies section cited the Towns Open Space Plan recommendation for

acquisition of the South Flora parcel noting that the parcel contains freshwater wetlands, protected species and provides scenic views and water front access. It is also a designated State Significant Coastal Fish & Wildlife Habitat, is within a Velocity Flood Hazard Zone and CBRA Zone.

The Town's Natural Resources Director wrote a four page memo on the potential purchase in 2001. The memo describes the environmental significance of the property while allowing that environmental protection can be compatible with some passive uses and connection to the ocean beach (see appendix).

The town purchased South Flora for \$8.4 million in 2001 using \$8.1 million from the Community Preservation Fund and \$300,000 from the general fund. The purchase resolution stated the purpose as "preservation of open space and possible public recreational use" and for "protection of the community character of the Town of East Hampton". (see appendix).

At the time of purchase, the Lobster Roll restaurant had significant encroachments on the South Flora parcel. A 1.3 acre portion of South Flora was split off via a metes and bounds description. The \$300,000 paid by the general fund was attributed to this part of the purchase, which then became free of the restrictions that would have come with a Community Preservation Fund purchase.

After the purchase of South Flora, the town entered into a land swap agreement with the owner of the Lobster Roll restaurant. The owner of the Lobster Roll owned Parcel two (as well as the then vacant residential lot, SCTM 300-130-2-4.2, immediately to the east of parcels two and three). The town received the 1.1 acre Parcel two in exchange for the 1.3 acres that was split from South Flora. Review of the town documents suggest that the goal of the swap was to eliminate the Lobster Roll restaurants encroachments on town land, and to improve the safety and functioning of the Lobster Roll restaurant parking, ingress, and egress.

Parcel three had been acquired by the town from the U.S. Coast Guard after the decommissioning of the Napeague Life Saving Station. At the time of purchase of South Flora, Parcel three was landlocked. After the land swap with the Lobster Roll, Parcel three could be connected to Montauk Highway via Parcel two.

In early 2014, the neighboring homeowners association, East End Dunes Resident Association (EEDRA) made a formal request to the town to nominate South Flora as a Nature Preserve. The Nature Preserve Committee, and the Departments of Natural Resources and Planning reviewed the request. All reviewers concurred on recommending South Flora for Nature Preserve designation. South Flora became a Nature Preserve by town board resolution number 2014-1278 on October 16, 2014.

Reasons for Nature Preserve Designation

The environmental significance of South Flora has been recognized by various individuals, organizations and town agencies for many years. The LWRP summarized its attributes as "containing freshwater wetlands, protected species and providing scenic views and waterfront access. It is designated as State designated Significant Coastal Fish & Wildlife Habitat, is within a Velocity Flood Hazard Zone and a CBRA Zone, and the Open Space Plan recommends it be acquired by the public."

To be considered for inclusion in the Nature Preserve system, a site must meet at least one of eight criteria. South Flora meets all eight criteria for Nature Preserve designation. This is best detailed in the August 12, 2014 memo written by Lisa D'Andrea of the East Hampton Town Planning Department that was prepared pursuant to §182-11B of the Town Code (see appendix).

Some of the features of South Flora that deserve protection afforded a Nature Preserve are described in the section below.

II. Description of Site

South Flora: Natural History

Montauk east of Fort Pond and Hither Woods were islands off the east end of Long Island when the glaciers melted. The erosion and deposition of sediments by wind, waves and ocean currents connected the islands and formed the Fort Pond area of Montauk, as well as the Napeague strip which is the location of the South Flora nature preserve.

Approximately 1,700 linear feet of primary dunes, up to 35 feet above sea level along the south property line, separate the preserve property from the beach. Most of this spectacular dune line is intact except at the far western end where there are two manmade cuts for vehicular and pedestrian access to the beach. There are some lower sections and V-shaped drops on the far eastern side that have been used now or in the past for passage between the ocean beach and trails or easements to the north.

The nature preserve landward of the dune line is gently rolling and covered with the undisturbed ecological communities and seaside vegetation that have become so scarce along Long Island's shorelines. The New York Heritage Ecological Community "Maritime Dunes", including low mats of bearberry, beach heather, and staghorn lichens, and beach grass covers most of the land. Several plants on the New York State Protected list, including three orchids, rose pogonia, calopogon, and pink lady's slipper occur on the property. The pink lady slipper colonies are unusually large despite the heavy deer browse pressure of recent years.

Wildlife includes, among other species, spadefoot toads, Fowler's toads, gray treefrogs, spring peepers, black racers, eastern ribbon snakes, milk snakes, eastern garter snakes, eastern box turtle, white tailed deer, northern harrier and numerous resident, wintering and migrating bird species. Federally threatened and state endangered piping plover

and state threatened least tern breed on the beach seaward of the dune line.

There are several wetland areas, all of them located to the far north of the property, within a couple hundred feet of Montauk Highway. The property's wetlands are classified by the New York Natural Heritage Program as Maritime Freshwater Interdunal Swales. The community is restricted to the Coastal Lowlands ecozone in Suffolk County and is declining due to threats related to invasive species, groundwater contamination, off-road vehicle abuse and management practices that alter the natural hydrologic processes.

A more complete list of flora and fauna is found in the appendix.

South Flora: Disturbances, Developments, and Former Improvements

South Flora has seen a large incursion of Japanese Black Pines. These are most prevalent along the western edge of the Preserve and in the northeast corner next to the Ocean Colony Resort and the house at 1996 Montauk Highway. Some of these colonies are just a line of trees but there are also sizeable clumps. The stand of trees near the Ocean Colony Resort has displaced a significant amount of dune vegetation. The Japanese Black Pines are spreading into the interior of South Flora. Many of the trees are dying because of a boring beetle infestation.

Trails existed on the South Flora nature preserve at the time of its acquisition. There are both a pedestrian access and a vehicular access which cross the southwest corner of the preserve and connect Dolphin Drive to the beach through low points or cuts in the dune. Though there are sections of this southwest triangle which still contain important duneland vegetation, the area also has sections other than the trails that are degraded.

There is another pedestrian trail on the eastern side of South Flora which begins just south of the house at 1996 Montauk Highway, SCTM 300-130-02-004.2, and runs south through the eastern section of the preserve to the ocean beach through a cut in the dune.

The 2005 survey by McLean shows a pipe coming up from underground on South Flora which was located. Additionally, there is a large pipe with a curved top and a smaller pipe near it which may be the visible portion of a cistern. This is not on any survey in our possession and is located either on the west side of parcel 3 or situate on South Flora.

Parcel Two

Near Montauk Highway Parcel two contains wetlands and wetland vegetation. The middle and southern sections of the parcel are partly disturbed dryer dune vegetation. There is a sand footpath which connects the house at 1996 Montauk to the Lobster Roll. Based on aerial photographs, it appears that the Lobster Roll's fenced trash area encroaches onto Parcel two.

Parcel Three

Parcel three is significantly disturbed. It has the remaining foundations and concrete pads

from the Napeague Life Saving Station on its eastern edge. Parcel three may have an abandoned fuel tank underground. The vegetation on site was characterized in the 1995 subdivision narrative as "brush" and differentiates it from the other landscape. Non-native Japanese Black Pines now cover much of the parcel. These trees form a colony with the large stand on northeast corner of South Flora.

Because of these encroachments, degradations of the landscape, and improvements, these two parcels are not suitable for Nature Preserve designation at this time, without extensive and expensive remediation. However, as they are not encumbered, the town has the flexibility to make agreements with neighboring owners that might help remove encroachments, arrange better site planning for the Lobster Roll, and allow better future access for town parking if that was ever deemed to be needed.

III. Management Goals

Habitat Preservation

To prepare this plan, as well as its prior recommendations, the Committee studied prior writings, surveys, and an advisory map generated at the D.E.C. website and a subcommittee made several site inspections. We conferred with our ex-officio members including the Departments of Natural Resources, Planning, and Land Acquisition and Management and the Trustees.

In its recommendation to include South Flora in the Nature Preserve Program, the Nature Preserve Committee wrote that South Flora "at 37 acres, may be the largest parcel owned by the Town of native dune environment, comprising dunes, wetlands, beach vegetation and nesting areas for piping plovers and terns." The recommendation continues, "at least 30 acres...should be set aside for no development and exemplify the Town Code that specifies a Nature Preserve be 'maintained as nearly as possible in its natural condition.' "

With the exception of the incursion of Japanese Black Pines, this approximately 30 acres is a large intact dune ecosystem that runs from above the vehicular trail north to Montauk Highway and east to within a couple of hundred feet of the eastern boundary with the Ocean Colony Resort. The pristine Maritime Dune community and Maritime Freshwater Interdunal Swales are easily destroyed by foot or vehicular traffic. This large intact dune environment should be preserved in its natural state. No new vehicular or pedestrian trails should be installed and off-trail foot traffic should be discouraged except for scientific study and maintenance of the preserve.

On the eastern portion of the preserve, there are sections of the preserve that appear to be of lesser environmental purity. Fortunately, all of the trails are outside the most intact and environmentally sensitive area with the exception that there are, or have been, some small penetrations of the eastern section of the dune by existing or historical trails. The dune and the area immediately to the north of the dune are a valuable continuation of the intact dune system. The beach in front of this area has been one of the most favored in town by piping plovers and least terns as a breeding location.

The management recommendation at this time is to take no action about the existing trails and remnants of past trails on the east side of South Flora. Small numbers of visitors who use these trails carefully would not be likely to cause further degradation since the entire trail is currently devoid of vegetation. However, the trails should be monitored to see if human activity is causing any widening or other degradations. If they are being accessed from the north during the migratory breeding season, thus causing disturbance to the nesting birds, it may be necessary to rope off access from the north side of the dune as well as the current practice of human exclusion from the ocean side.

Habitat Restoration

An evaluation of the dune and the vehicular access road should be done periodically to determine any need for remediation such as the placement of snow fencing or revegetation/ stabilization of the dune. The Town and Trustees will be consulted prior to commencement of this work to ascertain if proper review has been performed and if approval or permits have been granted. An evaluation of the Japanese Black Pine incursion needs to be done to determine its impact and whether some or all of the pines should be removed. Although these trees have shaded and replaced native Maritime Dune species in the places that they occur, they also appear to have protected portions of the pink ladyslipper colony from the heavy deer browse that currently occurs. Removal of any pines should include procedures that protect the integrity of the duneland soil structure which contains important living components that support the visible portions of the ecosystem. For example, the pines could be cut off at their base but the roots not be removed and such work could take place during damp weather conditions to reduce destruction of fragile lichens.

Along the eastern periphery of South Flora and on Parcel three the pines should be preserved to provide screening for the adjacent residential property. However, periodic removal would be necessary to check any spread of pines towards the interior of South Flora or Parcel three. The use of a native screening species such as eastern red cedar should be considered.

See also the subsection below "Protect Rare and Endangered Species."

Passive Recreational Opportunities

Passive recreational activities have always been allowed on Nature Preserves and the existing trails have not significantly impacted the South Flora nature preserve. However, because of the delicacy of most of South Flora, people should be discouraged from walking on any flora. Staying on the trails should be encouraged and existing trails should be monitored for widening or other degradations.

Within that limitation, bird watching and general appreciation of the unique landscape is supported. Organized and/or authorized visits for these and educational purposes are allowable uses for Nature Preserves.

See also "Combine Use with Neighboring Parcels" directly below.

Fire and Other Emergency Procedures

The vehicular access on Dolphin Drive is an important access point for emergency and

rescue vehicles. The nearby pedestrian access is signed "24A" at its beginning on Dolphin Drive and again where it comes through the dune as seen from the beach. This signage is part of the ocean rescue system used to describe and find beach locations in the event of an emergency.

Protect Rare and Endangered Species

The federally threatened and New York State (NYS) endangered piping plover (*Charadrius melodus*) and the NYS threatened least tern (*Sterna antillarum*) have historically used the beach adjacent to South Flora site as breeding habitat. If nests are found in the area, snow fences are installed to restrict vehicles and dogs from within close proximity to the nest sites, where unfledged young actively forage the beaches and intertidal zones. This restricted area is extended approximately 1,000 meters on either side of a nest site and extends from the dune to the mean high water mark. Management of these species should continue as part of the Town's Endangered Species Management Program.

The Natural Resources Department has proposed erecting several exclosures on site in an effort to promote the return of the Lady's Slippers colonies. These will be constructions of fencing and/or other materials designed to keep deer out. The placements will be determined by a field inspection and review of existing surveys depicting the location of the colonies. Continued use of exclosures or other measures to protect this or other plant species should be an ongoing determination by the departments that are ex-officio advisers to Nature Preserves. The last known mapped assessment of wetlands and plant life at South Flora was done in 1995. A new assessment should be completed. Based on the findings, other protective actions may be beneficial.

Combine Use with Neighboring Parcels

The use of the South Flora property and adjacent parcels for beach parking and access was previously considered and discussed. However, the delicate nature of the Maritime Dunes ecosystem makes access and parking construction difficult and limited. However if there is a future need for additional parking the disturbed area on parcel three should be considered. We do not recommend any changes at this time.

See also the sections on "Access" and "Parking."

Removal of Former Improvements or Encroachments

All of the former improvements described in the section above, should be evaluated for removal or other forms of remediation.

It should be determined whether the Lobster Roll trash area is encroaching onto Parcel two. If it is, it should be relocated onto the private property of the Lobster Roll.

Signs

The installation of signs should be kept to a minimum to preserve the scenic qualities of the preserve. However, some additional "Nature Preserve" signs should be placed around the perimeter especially at places where the separation of private and public property is unclear.

The existing sign at the entrance to the pedestrian trail on Dolphin Drive can be modified to

request that people remain on the trail or to provide other information.

IV. Access

Land and Water Access

The pedestrian and vehicular access from Dolphin Drive to the beach are shown or mentioned in documents dating back many decades.

A pedestrian trail which begins on South Flora just south of the house at 1996 Montauk Highway, SCTM 300-130-2-4.2, and runs south through the eastern section of the preserve to the ocean beach through a cut in the dune.

All of these access routes are shown on the draft of the town's new trail map. All trails, including the vehicle access, are currently sand with no vegetation growing on them.

Maps, physical inspection, and historic surveys show that there were other pathways in the past on the eastern side of the preserve which connected Parcel three or the Lobster Roll area to the beach. The Coast Guard had an easement across South Flora, and it is presumed that they hauled their boats from Parcel three across South Flora and the dune to the beach.

A driveway from Montauk Highway that terminates at the house located at 1996 Montauk Highway lies principally on the town-owned Parcel two, touches Parcel three and finally crosses onto the private land. This driveway location and its use as a common driveway to parcels two and three was determined as part of a sub-division in 1981. Currently, there are "Private" signs on the driveway.

Access Recommendations

There should be no changes to the existing access from Dolphin Drive or to the existing limited access on the east side of South Flora at this time.

The existing pedestrian and vehicular access trails at Dolphin Drive are well established and should be neither increased in number or size, nor diminished.

At the vehicular access on Dolphin Drive there is slight erosion of the sand to pavement intersection. This and the dune crest on the vehicular access should be monitored for erosion at least seasonally by the relevant departments.

There should be no physical change, such as new clearing or the construction of parking on site that would increase the limited access at this time.

The "private" signs on the driveway servicing 1996 Montauk Highway should be relocated on the private lot. Also, the "private" signs on the east to west trail on Parcel two should be removed from town property.

Parking

The number of parking spaces needed for access to the South Flora Nature Preserve is very small due to the management goal of protecting the property's fragile ecosystem while maintaining the existing public use and enjoyment.

Parking for access to the ocean beach is currently located approximately 800 feet to the west at Atlantic Drive. Windblown sand has reduced the size of the Atlantic Avenue road end that is currently available for parking. Sand should be removed and the parking area restored and or expanded if needed.

The existing trail to the beach and through the eastern side of South Flora on Parcel three and can provide an additional pedestrian access to the beach. However prime duneland vegetation exists adjacent to the existing trail. Widening the access, establishing a new trail, or placing a boardwalk over any of this area would compromise this environment.

The creation of a public bathing beach on the ocean, south of the South Flora preserve, was recently explored by the Town Board and would require improvements that are contrary to the management goals of protecting the property's fragile ecosystem and the threatened and endangered species that breed on the ocean sand during the peak public use period.

Creating parking and providing access to an unprotected bathing beach may trigger the need for compliance with New York State Bathing Beach Regulations. To comply with NYS Regulations as well as Suffolk County Department of Health Standards, the establishment of a protected public bathing beach requires the construction of restroom facilities that would require significant disturbance and loss of the Maritime Dune ecosystem that the Nature Preserve designation is intended to protect.

A bicycle rack should be placed near the pedestrian trailhead off Dolphin Drive. This was also recommended in the LWRP.

V. Permitted Uses

- Hiking on the trails
- Vehicular use of the vehicular access from Dolphin Drive to the beach²
- Nature studies
- Bird watching
- Carry in - Carry out kayaks, surfboards, paddleboards, and small craft
- Activities permitted by the Adopt-A-Preserve program, if applicable

VII. Restrictions

- Hiking, bicycling, and horseback riding off the trails should be discouraged³
- Digging and artifact recovery

- Wood cutting or removal of vegetation (except at the direction of the Land Acquisition and Management Department or Natural Resources Department)
- Abandonment of pets and other domesticated animals
- Dumping, littering, and abandonment of personal property
- Uncontained fires or burning not in accordance with Town Code Chapter 141 (Fire Prevention)
- Vehicular use or parking off the designated access unless authorized by the Town or Trustees
- Unauthorized hunting, trapping, and fishing (Town Code Chapter 91, Beaches and Parks)
- Camping
- Storage of personal property, including boats.
- Concessions / catering services / rentals / commercial uses
- Seasonal closings of portions of the preserve as needed to protect migratory bird nests
- Target shooting or clay shooting
- Geocaching or placement of geocaches

VIII. Maintenance

- Exclosures as needed
- Vehicular and pedestrian access / trail.
- Invasive flora control, especially Japanese Black Pines
- Maintenance of any dune restoration project, such as dune fencing
- Maintenance of signs by the appropriate town department

² Driving on the beach that is not part of South Flora is covered by other town and Trustee regulations

³ These activities off of the trails are not prohibited by the town code. However they should be discouraged.

Previous Planning Studies⁴

For South Flora

1989 - 1996

Town of East Hampton Planning Department

Review of subdivision applications of 1989 and 1996. The file contains a survey from 1995 which shows contours, wetlands, Lady's Slippers colonies, and existing vehicular and pedestrian access trails. These items can be found in the Planning Board files.

2001

Town of East Hampton Natural Resources Department

A memo was prepared as an evaluation of the potential purchase by Larry Penny, the Department Head at the time. The memo describes the environmental significance of the site and the need for preservation, while suggesting ways to provide parking and access to the beach. This item is included in the appendix.

2007 (Adopted by the Town Board in 1999)

Local Waterfront Revitalization Program (LWRP)

Several sections of the LWRP are relevant and have been consulted in preparing this management plan. These include the sections on "Flooding and Erosion," "Significant Habitats," and "Projects." The entire LWRP can be found on the internet at the NYS Department of State (or directed there via the Town website)

For Parcels Two or Three

2005

Town of East Hampton

The Town hired the engineering firm of McLean and Associates to design parking on Parcel two and a boardwalk across Parcel three and South Flora to the ocean beach. The design and correspondence with the town and the DEC can be found in a file in the Town Board offices.

⁴ Additionally, the East End Dunes Residents Association (EEDRA), which represents the homeowners in the development directly west of South Flora, prepared a large packet in 2011 on the history, importance, and fragility of South Flora. Copies were given to the members of the Town Board, relevant Department Heads, and the Nature Preserve Committee.



1" = 265 feet



**THE TOWN
OF
EAST HAMPTON
SOUTH FLORA
PROPERTY**

NO PORTION OF THIS MAP MAY BE MAINTAINED, ALTERED, SOLD, DISTRIBUTED, REPRODUCED, STORED IN OR INTRODUCED INTO A RETRIEVAL SYSTEM, OR TRANSMITTED, IN ANY FORM OR BY ANY MEANS (ELECTRONIC, MECHANICAL, PHOTOCOPYING, RECORDING OR OTHERWISE), WITHOUT THE PRIOR WRITTEN PERMISSION FROM THE TOWN OF EAST HAMPTON.

WHILE EVERY EFFORT HAS BEEN MADE TO PROVIDE CURRENT AND ACCURATE INFORMATION, THE TOWN OF EAST HAMPTON MAKES NO REPRESENTATIONS AS TO ACCURACY, COMPLETENESS, CURRENTNESS, SUITABILITY, OR VALIDITY OF ANY INFORMATION ON THIS DOCUMENT AND WILL NOT BE LIABLE FOR ANY ERRORS, OMISSIONS, OR DELAYS IN THIS INFORMATION OR ANY LOSSES, INJURIES, OR DAMAGES ARISING FROM ITS DISPLAY OR USE. ALL INFORMATION IS PROVIDED ON AN AS-IS BASIS.



Prepared by
THE TOWN OF EAST HAMPTON
Suffolk County, New York

Dept. of Information Technology
A. Gaites/Land Acquisition & Management
January 11, 2012

Basemaps: 2010 NYS Digital Ortho Photography
Suffolk County Real Property Tax Service
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Real Property Taxmap parcel linework used with permission of
Suffolk County Real Property Tax Service Agency (R.P.T.S.A.)



1" = 70 feet



**THE TOWN
OF
EAST HAMPTON**

SOUTH FLORA AREA

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Prepared by
THE TOWN OF EAST HAMPTON
Suffolk County, New York

Dept. of Information Technology
A. Goites/Land Acquisition & Management Dept.
July 23, 2014

(1476)AUTHORIZE ACQUISITION

Property of South Flora Land Development Co., Montauk Highway,
Napeague Beach
SCTM #300-130-2-2

The following resolution was offered by Supervisor Schneiderman, seconded by Councilman Potter, and adopted:

WHEREAS, pursuant to § 247 of the General Municipal Law of the State of New York, the Town Board held a public hearing on December 1, 2000 to consider the acquisition of approximately 40.9 acres of land located on the south side of the Montauk Highway (S.R. 27) on Napeague Beach, which land is identified on the Suffolk County Tax Map as SCTM #300-130-2-2; and

WHEREAS, the proposed purchase price for fee simple acquisition of the subject property is \$8,400,000.00, plus survey, title, prorated tax, and recording charges; and

WHEREAS, said property consists of oceanfront beach, pristine dunelands, freshwater wetlands, and shorebird habitat; and

WHEREAS, the purpose of said acquisition is preservation of open space and possible public recreational use (ocean bathing beach); and

WHEREAS, the acquisition of the subject property is classified as a Type II Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board finds, pursuant to § 64-e (8) of the New York Town Law, that acquisition of the subject property by purchase is the best alternative, of all reasonable alternatives available to the Town, for protection of the community character of the Town of East Hampton, and that such acquisition would be in the best interests of the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized and directed to enter into a contract of sale with the record owner of the subject property, now or formerly **South Flora Land Development Co.**, for the purpose of acquiring said property at a cost to the Town of East Hampton not to exceed **\$8,400,000.00**, plus reasonable survey, title, prorated tax, and recording charges; and be it further

RESOLVED, that pursuant to contract the Supervisor is authorized and directed to execute any documents and to pay any and all reasonable survey, title, prorated tax, and recording charges, as may be necessary to effect the transfer of title; and be it further

RESOLVED, the monies to be expended for purchase of the foregoing property shall be drawn from the Town of East Hampton Community Preservation Fund Budget Account; and be it further

RESOLVED, that a copy of this resolution shall be forwarded to:

Town Attorney Eric Bregman;
Deputy Town Attorney Richard E. Whalen;
Planning Department;
Mr. Robert Post, Jr., 16001 S.W. Market Street, Indiantown, FL 34956; and
Mr. Christopher Griffiths, The Nature Conservancy P.O. Box 5125, East
Hampton, NY 11937.

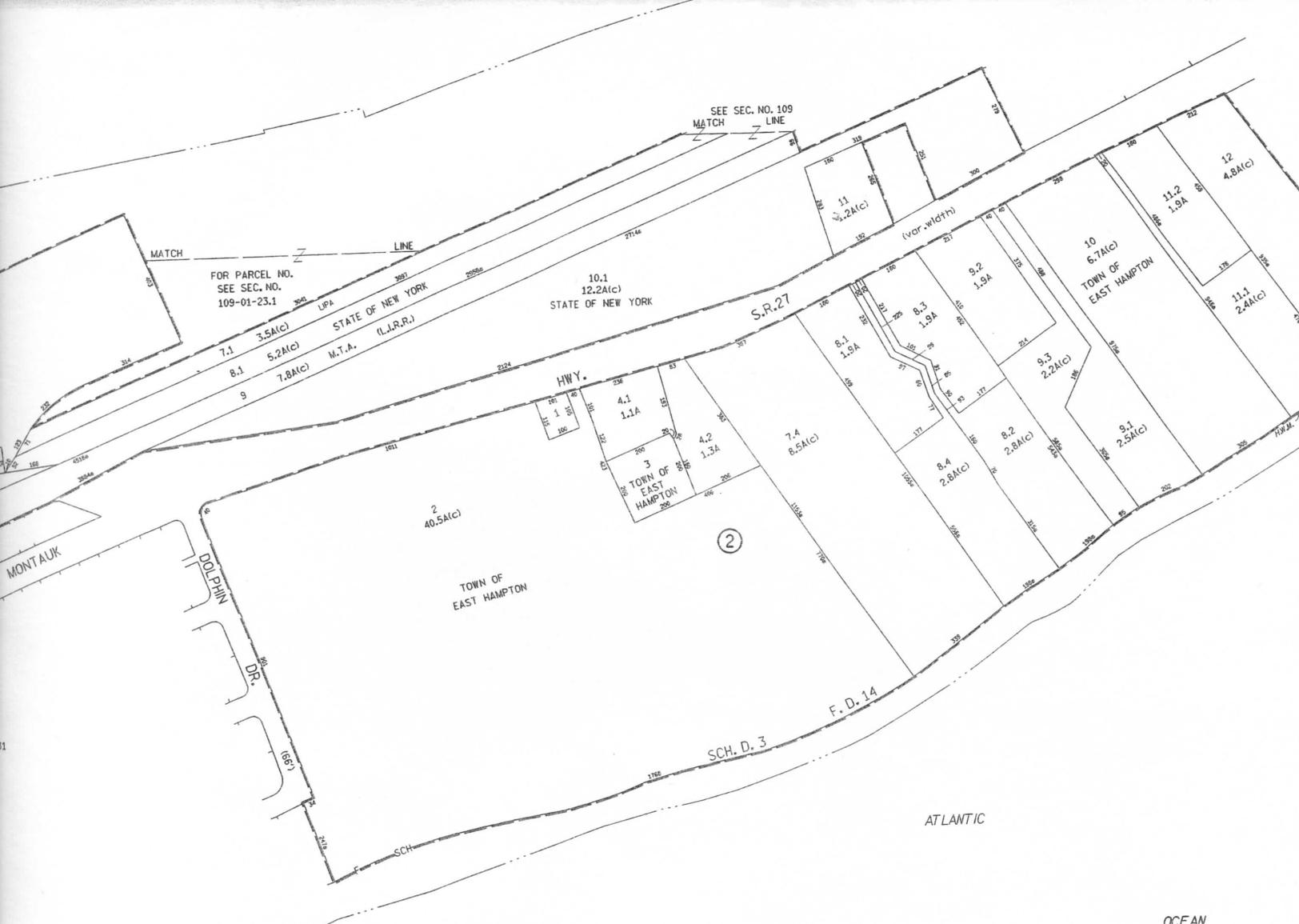
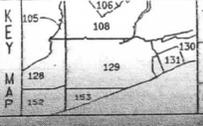
SCH	Hydrant District Line	H
F	Refuse District Line	R
W	Historical District Line	HST
L	Ambulance District Line	A
P	Wastewater District Line	WW
S		

UNLESS DRAWN OTHERWISE ALL PROPERTIES ARE WITHIN THE FOLLOWING DISTRICTS:	SCHOOL	3	SEWER	
	FIRE	14	HYDRANT	
	LIGHT		WATER	
	PARK		REFUSE	
	AMBULANCE		WASTEWATER	

NOTICE
 MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION OF ANY PORTION OF THE SUFFOLK COUNTY TAX MAP IS PROHIBITED WITHOUT WRITTEN PERMISSION OF THE REAL PROPERTY TAX SERVICE AGENCY.



COUNTY OF SUFFOLK
 Real Property Tax Service Agency
 County Center Riverhead, N Y 11901
 SCALE IN FEET: 0 200 400



tax map at time of purchase ≈ 2001

SEE SEC. NO. 205

SCH	Hydrant District Line	H
F	Refuse District Line	R
W	Historical District Line	HST
L	Ambulance District Line	A
P	Wastewater District Line	WW
S		

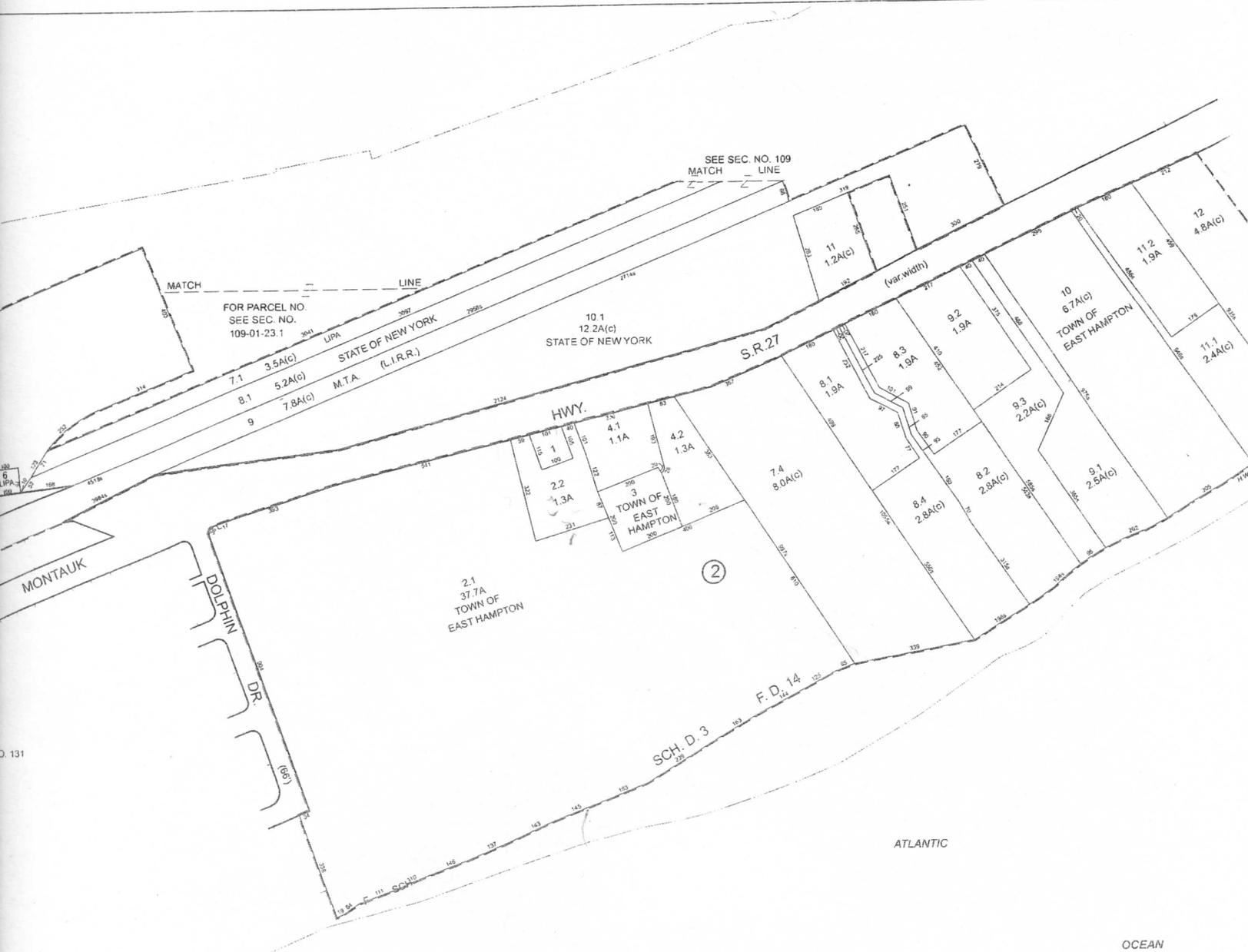
UNLESS DRAWN OTHERWISE ALL PROPERTIES ARE WITHIN THE FOLLOWING DISTRICTS:	SCHOOL	3	SEWER	
	FIRE	14	HYDRANT	
	LIGHT		WATER	
	PARK		REFUSE	

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--- SCH --- --- F --- --- W --- --- L --- --- P --- --- S ---	Hydrant District Line --- H --- Refuse District Line --- R --- Historical District Line --- HD --- Ambulance District Line --- A --- Wastewater District Line --- WW ---	UNLESS DRAWN OTHERWISE, ALL PROPERTIES ARE WITHIN THE FOLLOWING DISTRICTS: SCHOOL 3 FIRE 1d LIGHT PARK AMBULANCE SEWER HYDRANT WATER REFUSE WASTEWATER	NOTICE MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION OF ANY PORTION OF THE SUFFOLK COUNTY TAX MAP IS PROHIBITED WITHOUT WRITTEN PERMISSION OF THE REAL PROPERTY TAX SERVICE AGENCY		COUNTY OF SUFFOLK Real Property Tax Service Agency County Center Riverhead, N.Y. 11901 SCALE IN FEET 0 200 400	KEY MAP 129 130 131 204 205
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REPORT ON THE "SOUTH FLORA" PARCEL, NAPEAGUE, WITH RESPECT
TO ITS SIGNIFICANCE, POSSIBLE ACQUISITION AND FUTURE
MANAGEMENT

The ca. 40 acre parcel situated in Napeague, recently referred to as "South Flora", is a long-standing unimproved parcel of oceanfront duneland covered with a unique community of plants and animals which provides ready access to a wide expanse of beach. Geologically, it is among the most recent of East Hampton Town lands as it was formed only about 3,000 years ago from Montauk sands dumped by the littoral drift. In fact, it may be the only point on the entire stretch of ocean beach between Montauk Point and the Southampton Town line that is not receding, as it is still receiving sands from Montauk shores and the near shore ocean bed. You might say, it is a piece of land in progress.

The parcel surrounds a small parcel of Town land that includes a concrete slab, the last remnants of a building that is shown on an early map of the area. In the last 30 years, the stretch of ocean dunelands between Napeague State Park on the west and Hither Hills State Park on the east has seen considerable development. The South Flora parcel is the only remaining large, subdivisible parcel south of Montauk Highway.

Behind the shore, the parcel is fronted by 1700 linear feet of primary dune. Behind the dune line is a gently rolling dune plain, which tilts down to reach the water table south of Montauk Highway. The dune plain is the most outstanding natural feature of the parcel as it is covered with a relictual assemblage of pioneer plants having northern affinities, a low mat of bearberry, beach heather and staghorn lichens, in superficial aspect, similar to the arctic tundra. This dune plain is part of a once much larger system that extended on the north all the way to Napeague Bay and covered three-quarters of the Napeague isthmus. It has shrunken to fewer than 100 acres, having been usurped by pitch pines moving in from the west and human residential and resort development, taking place on the north, south and east. The largest, least disturbed, intact portion of this dune plain vegetative cover resides on the South Flora property. (Ironically, perhaps, the only other area outside of Napeague in East Hampton Town where such a complex of bearberry, heather and staghorn lichens existed in large amounts up until recently is Gammis Beach.)

In addition to the bearberry-heather-staghorn lichen species, the site contains several plants on the New York State "protected" list, three of which are orchids, rose pogonia, calopogon and pink lady's-slipper. The former are wetland species associated with cranberry bogs and damp sands, the latter is a woodland species generally associated with pine forests. This dune subpopulation of lady's-slipper, the members of which are completely exposed to the sun and coastal winds and salt spray, may also be unique.

Three "rare" plants included on New York State's Natural Heritage List are also found on the South Flors parcel. Emmon's sedge and pine barren sandwort occur in association with the bearberry-heather-lichen mat, serorse sedge is found in the fingers of wetlands south of the highway. Cranberries are the most dominant wetland plant, but sundews and other interesting wetlands species also occur here. Several of the plants on the site were of importance as food to local Native Americans, and to early settlers, as well, particularly the cranberries, beach plums and highbush blueberries. Berry picking is not just a thing of the past, it is still practiced by many East Hamptonites.

The subject site is home to some interesting and rare wildlife. The eastern spadefoot toad breeds here when the water table is very high; it's on the state's "Special Concern" list. The federally threatened and state endangered piping plover breed on the site's beach, annually. The state endangered least tern breeds on the site's beach, occasionally. The state threatened "northern harrier" gleans rodents from the dunes during the winter.

Of the several mammals that use the site, the most interesting and rarest is the meadow jumping mouse, *Zapus hudsonicus*. As the gray fox and New England cottontail, it is one of those animals that is disappearing from most of Long Island.

Gray treefrogs, spring peepers and Fowler's toads are three amphibians known to breed on the site when the water table is high. Black racers, eastern ribbon snakes, milk snakes and eastern garter snakes and the eastern box turtle are five reptiles that frequent the site.

The wetlands on the South Flora parcel are expected to increase in size over time. Sea level is rising and the interface between seawater and fresh groundwater on Napeague is only 50 feet or so below grade. For every rise in sea level there is a corresponding rise in the water table. The rise in sea level anticipated as a result of global warming in this century is at least 1.5 feet. Consequently, the fresh water table will rise at least that much and the wetlands will expand laterally. A hundred years from now, cranberry bogs will cover about one-third of the parcel.

Management Concerns. Based on the foregoing, it is the Natural Resource Department's position that the Town should acquire the South Flora parcel. The fact that the natural features on the parcel are so compelling, does not concomitantly rule out its potential for recreational use, as well. Popular beach uses such as sun bathing, walking, swimming, and fishing can be compatible with protecting the breeding of endangered plovers and terns. A pedestrian access to the beach should be made part of that recreational beach use. A small parking area, large enough to accommodate 20 vehicles can be constructed on the disturbed parcel (containing the old concrete building slab and vegetated by Japanese black pines) already owned by the Town. An access driveway linking the parking to Montauk Highway can probably be negotiated or created by condemnation. (A "landlocked parcel", such as the Town's existing parcel, is entitled to receive access.)

A boardwalk with rope railings through an existing blow-out area could provide pedestrian access from parking area to beach. The beach, itself, could be a low-use beach and the locus of its recreational use could be shifted one way or another to accommodate breeding plovers and terns, while providing for the recreational needs of people. The upland area could be provided with a self-guided nature trail that would keep pedestrians from stepping on the plants in the sensitive plant communities.

Some active habitat management practices, such as the removal of Japanese black pines and other invasive weedy species, would need to be invoked as part of the management plan.

In a word, the area could be managed as a "nature preserve" with a master plan spelling out its uses. Several Town nature preserves already provide for beach recreation. County, state and federal wildlife habitat lands (e.g., Morton Wildlife Refuge) also accommodate swimming and other human beach uses. An entrance sign and strategically placed interpretive signs could be installed as part of the overall management plan.

An emergency four-wheel drive trail to the beach already exists on the southeast side of the parcel. It takes issue from Dolphin Drive.



TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105
East Hampton, New York 11937-2684

Planning Department
Marguerite Wolffsohn
Director

Telephone (631) 324-2178
Fax (631) 324-1476

August 12, 2014

To: East Hampton Town Board

From: Lisa D'Andrea, Environmentalist 1 *LD* *Marguerite Wolffsohn*
Ken Shear

Re: South Flora Park consideration for Nature Preserve Status
SCTM Nos. : 300-130-02-2.1, 130-02-03, 130-02-4.1

The South Flora parcel was acquired in 2001 with CPF funds. The Planning Department supports the Nature Preserve Committee's recommendation that South Flora be adopted as a Nature Preserve.

Larry Penny wrote a South Flora Report in support of the Town of East Hampton's acquisition of the parcel. His detailed report remains valid.

Pursuant to § 182-10 of the Town Code in order for a site to be considered for inclusion in the Nature Preserve it must meet at least one of the criteria it has listed. It is the opinion of the Planning Department and Natural Resources Department that South Flora meets all the criteria:

- A. Habitat for rare or endangered species: South Flora serves as habitat for the Federally threatened and State endangered piping plover and the State threatened Least Tern. The eastern spadefoot toad breeds on site when the water table is high; it is on the state's "Special Concern" list. It is habitat for pine barren sandwort and Emmon's sedge which are on the New York State's Heritage "rare" plant list. It has an unusually large population of pink lady's slippers which are on the New York State's Heritage "protected" list. In Larry Penny's South Flora Report he notes that this population of lady's slipper is unusual in dune habitat and may be unique. It has thrived on dune land, in full sun, exposed to coastal winds and ocean salt spray. The population appears to persist although it has been heavily deer browsed and has not flowered in recent years.
- B. Habitat for wildlife: South Flora is principally dune land habitat populated by predominantly native beach vegetation which is a protected natural resource in the Town Code. Freshwater wetlands also occur on the site. The site provides habitat for a wide variety of wildlife. It is important feeding habitat for the Northern Harrier in winter. Several species of amphibians- Gray treefrogs, spring peepers and Fowler's toads are known to breed on the site when the water table is high. Numerous reptiles such as black racers, eastern ribbon snakes, milksnakes, eastern garter snakes and the eastern box turtles frequent the site.
- C. Contains freshwater or saltwater wetlands: Freshwater wetlands occur on the site and provide important habitat for breeding, resting, or feeding wildlife. The property's wetlands are a part of the mosaic of dune land and wetlands that comprise much of the Napeague and Atlantic Double Dunes area. Natural communities as identified by New York State Natural Heritage Program: New York Heritage Ecological Communities classify the non-wetland areas as Maritime dunes. The vegetation is comprised of beach grass, beach pea, seaside golden rod, dusty miller, bearberry, beach heather, reindeer lichen, pine barren

sandwort, beach plum shrubs, and bayberry shrubs -all of which are protected by the Town Code.

The wetlands are classified by New York Heritage as Maritime freshwater interdunal swales.

- D. Geological features vulnerable to human disturbance: The geological features South Flora contain which are vulnerable to human disturbance are sloping dune plain and beaches. South Flora's dune plain is a remnant of a much larger system that once extended on the north to Napeague Bay and covered much of Napeague isthmus. The undisturbed dunes and beach may play an important role in coastal resiliency as sea level rises and storms intensify. The beach is suitable breeding habitat for the Federally threatened and state endangered piping plover and the state threatened least tern making the coastal beach habitat very vulnerable to human disturbance.
- E. Environmental education/ research: The site has pristine dune land with communities of native vegetation suitable for study. The presence of freshwater wetlands within the dune lands indicate the presence of a high groundwater table. The wetlands have high quality native vegetation that could be studied or used to illustrate what vegetation occurs in Maritime freshwater interdunal swales. The deer browsed pink lady slippers could present a unique research opportunity in trying to restore this unique population.
- F. Essential buffer: Montauk On the Sea is a dense residential development to the west of South Flora. Napeague State Park lies west of Montauk On the Sea. To the north of South Flora are preserved State lands. Those State protected parcels are primarily tidal marshland around Napeague Harbor. South Flora adds significantly to the contiguous Open Space to the north and provides an essential buffer to the development that flanks it to the immediate east and west. About a mile to the east is Hither Hills State Park.
- G. Watershed or surface water quality: In addition to diversifying the landscape and providing wildlife habitat the freshwater wetlands on South Flora play a role in the storage of water, flood control and maintenance of water quality. Wetlands are the link between land and water.

In conclusion, the South Flora property is a unique and valuable pristine area of dune land and freshwater wetlands. Nature Preserve designation would insure that the use of this property is respectful of this environment and provides for the continued enjoyment of its unique properties into the future.

cc: Nature Preserve Committee