



New York Coalition for Recreational Fishing
89 Narwood Road Massapequa, NY 11758-5925
Tel: 516-647-8492

13 October 2010

Incorporated Village of Old Field
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To the Incorporated Village of Old Field Board Members,

It has been brought to our attention that the public access to the beach located in the Old Field Lighthouse Park is being severely threatened and **possibly** in the process of being eliminated by the Incorporated Village of Old Field's Board. If this happens to be the case we are adamantly against this course of action. We would like to know what the intentions of the Board truly are. Is the board seeking to eliminate all public access which does not comply with the guidelines of the conveyance granted by the National Parks Service, and are their intentions to have the public park for the enjoyment of only the immediate local residents?

We have recently begun researching how the land in the Park was acquired and around the vicinity of the Park as well. We are fully aware of the Federal Lands to Parks program. We also know that all parties involved are aware of the stipulations regarding the conveyance. According to the National Parks Service this program helps ensure public access to properties and stewardship of the properties natural, cultural and recreational resources. In our opinion no particular recreational activity should bear preference over another. This Program is also intended to assure continued public access and stewardship of the public's resources. Protection afforded by this program have extended hiking trails and also opened up boating and recreational fishing access.

It is to our belief, a public right-of-way exists on this property and safety is an issue of concern by accessing the beach from this particular location. Is this trail any more dangerous than hiking trails in regions of upper New York; and if so should they all be shut down as well? We do not feel that is the case. Surfcasters,



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beachcombers and residents alike have been traversing these grounds for a countless number of years and to the best of our knowledge there have not been any reported injuries.

Also while researching this matter we have become **aware of the public right-of-way located near Old Field Place which runs down to Whitehall Beach**. This was Captain Woodhull's property and it was purchased by the **Town of Brookhaven for the use and benefit of the general public**. This public right-of-way has been historically used for many years to access the beach by an overwhelming amount of people including your immediate local residents, and even a local middle School for their children to enjoy the beautiful wonders this beach has to offer. **Why would anyone want to prohibit children from accessing our natural resources and all of its beauty?**

Here is a direct quotation off of the Village of Old Fields website. **"The Village of Old Field is surrounded by bodies of water that offer swimming, boating, and fishing opportunities**. The main bodies of water are Conscience Bay, The Narrows, the Port Jefferson Harbor, Smithtown Bay, and the Long Island Sound. **Whitehall Beach: The Village of Old Field maintains a right of way from Old Field Road (South of the Lighthouse) to Old Field Beach (known as Whitehall Beach)**. Residents are invited to park on the Lighthouse grounds and walk south on Old Field Road to the right of way. Whitehall Beach offers some of the finest salt water bathing on Long Island. Between April 1 and November 1, no cats, dogs, horses or other domestic animals are allowed on the beach. No open fires or motorized vehicles are allowed at any time. Residents are asked to keep the beach clean and responsibly dispose of all litter."

At this time we would also like to bring to your attention that on June 1st of 1962 a declaratory judgment was granted which established the rights of the Freeholders and Commonalty of the Town of Brookhaven guaranteed under charters to the benefit, use and enjoyment of the beach for the public. We are fully aware the restriction of our access is not to be permitted.



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There also is common Federal Law on the books guaranteeing the access to the beaches for recreational purposes such as fishing. The Federal Government holds in trust for the public the title to the lands in order to ensure the general public has the right to access its beaches. As per the **Public Trust Doctrine** the general public has the right to access the beaches all the way up to the mean high water mark. Being that there is a public right-of-way to Whitehall Beach the general public has every right to access this beach from there and enjoy its beautiful resources.

In case you are not aware of how important recreational fishing is on Long Island we feel the need to inform you. Recreational Fishing is the #1 recreational pastime in the United States. It happens to be a multibillion dollar industry. **Recreational fishing is an integral part of our heritage as Long Islanders.** Many do not only consider this to be a recreational sport, but they consider fishing to be a way of life which they pass on down throughout future generations. It is a way to pass on great values to our children and to build fond memories that will last a lifetime. Nobody can ever forget the 1st time their child catches their 1st fish from the beach. The smile and glow on a Childs face is nothing less than priceless.

Fishing access has already dwindled to a miniscule amount here on Long Island. **If the Village of Old Field closes off the access to the beach they will be taking away the heritage and culture of not only fisherman, but from Long Islanders as a whole.** Many user groups will suffer the consequences. Several miles of beachfront will not be accessible to Long Islanders anymore. **All of our children** will be losing out on the experience of such a treasured and valuable resource.

At this point in time only there is only a small amount of recreational anglers that are fully aware of fishing in the vicinity of the Old Field Lighthouse. By this proposed closure and making the beach off limits will only make it an extremely well publicized location. As soon as the signs went up and Law Enforcement Officers started telling people they will no longer be permitted to fish from that beach anymore blogs appeared on the internet. Some of these blogs happen to be fishing related websites that have **millions** of viewers. Although this Park is



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already legally intended for public use it could become even more public at an astonishingly rapid rate. At this point in time it is known by some as a secret oasis comparable to a mini Montauk. It would be a shame to see it over run by the masses.

Another issue that has arisen in our research is that an enormous amount of Federal money went towards the construction projects in the Park. When the general public's money is used to make improvements or enhancements to the beaches or parks the general public has every right to enjoy the resources.

We are aware that certain issues have arisen in this location so we offer some solutions. Beyond the local Law Enforcement Officers providing stricter enforcement for people that in fact do commit violations; other measures can be taken as well. They are as follows:

1. The NYCRF can have installed in pre determined locations which are in agreement with the Villages Board in multiple languages to please leave nothing but your footprints behind you. Please remove all of your trash when leaving. This has been done in other State and County Parks and there have been extremely positive results due to their presence.
2. The NYCRF can install fishing line collection boxes. They have been put to use in other Parks and have provided positive results as well. People can throw out all of their spent fishing line in them. We can empty them in a timely manner as well.
3. The NYCRF can also offer the Village 1 or 2 beach cleanups per year. 1 or 2 cleanups could be determined by necessity. Trash does not only accumulate from people using the beach, it is known to wash up from the sea (Long Island Sound) on a regular basis. Non frequented beaches often become the filthiest of them all.



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4. We would also like to form a committee than can sit down and talk to the Village Board anytime any issues arise within the vicinity of the Park. This does not have to be known as a fishing advisory board however there are fishing advisory boards that exist in many levels of Government and work out very well for all of the people and user groups involved.

It is extremely disturbing to hear anyone labeling fisherman for being slobs in our Parks and on our Beaches. In fact the vast majority of surfcasters are known as the stewards of the beaches. We are not only sportsman. We pride ourselves in being conservationists, preservationists and deeply in tune with our environment. We come from all walks of life such as Fireman, Law Enforcement Officers, Doctors, Attorneys, Veterans and Disabled Veterans are amongst our ranks. As you can imagine it is disheartening for us to have to pay for others wrong doings.

We urge you to reconsider your position on the usage of the Park and its beaches. At this time we would like to request that the gates to the Park be left open at night so we can park there like we have traditionally done so for as long as the Park has been in existence. By parking inside the Park and walking to the public right-of-way near Old Field Place. The area is extremely easy to employ proper enforcement. Please do not deny not only us; but our children and our grand children as well the wonderful beauty and resources the Park and the beaches have to offer. We look forward to hearing from you regarding this matter as soon as possible. Thank you for all of your time and consideration.

Also for everyone's review here are some photographs which were recently taken. It is unfortunate that the situation has gone this far without the Board seeking public input.

This picture was taken right in front of the public right-of-way.



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This picture is the public right-of-way.



The general public has well proven documented Historical usage of this Public Park to access the Beach. The park has been open to the public at night for a countless number of years. There is no parking outside of the Park in order to access the public right-of-way.



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If the gate was left unlocked like it was intended to be perhaps whoever damaged the fence would have never done so.





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Here is a picture of the path that is easily traversed by the public to access the Beach from the Lighthouse Park that is claimed by certain Village Officials to be suffering from erosion. To the best of our knowledge there is not a single study showing any erosion problem due to foot traffic on this particular path. We also know of many people who have been traversing this path for the past several decades that clearly state the path looks the same as it did 40 years ago.



Here is an aerial photograph acquired from Google Earth showing how vast the miles of shoreline actually are. If the Village of Old Field is in fact going to attempt a land grab the one and only public access point to the beaches will be eliminated for miles. This should not be permitted to happen.





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Respectfully Yours,

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Cc: Town of Brookhaven Supervisor Mark Lesko, Wendy Ormont State and Local Programs Division National Park Service, Elyse LaForest National Park Service, Office of the Attorney General Andrew M. Cuomo, First Deputy Secretary of State Daniel Shapiro, Secretary of State Lorraine Cortes-Vazquez