

## PERMIT PROFILE: COASTAL EROSION HAZARD AREAS

**TECHNICAL PROGRAM:** Division of Water

**STATUTORY AUTHORITY:** ECL Article 34

**APPLICABLE REGULATIONS:** 6NYCRR Part 505

### LEGISLATIVE INTENT:

To protect and preserve the natural protective features such as dunes and bluffs of coastal areas, limit erosion, and ensure that erosion control structures are properly constructed.

### APPLICABILITY:

- ! Certain lands along the coastal waters of Lakes Erie and Ontario, the St. Lawrence and Niagara Rivers, the Hudson River south of the federal dam at Troy, the East River, the Harlem River, the Kill van Kull and Arthur Kill, Long Island Sound, the Atlantic Ocean and their connecting water bodies, bays, harbors, shallows and wetlands.
- ! There are two categories of regulated areas: Natural Protective Features and Structural Hazard Areas.
  - " Natural Protective Features (NPF's) include: the nearshore, beaches, bluffs, primary dunes, and secondary dunes.
  - " Structural Hazard Areas (SHA's) are located landward of the NPF's and are found on shorelines which have a demonstrated long-term average annual recession rate of one foot per year or greater. The SHA is determined by multiplying the recession rate x 40 and is measured from the landward limit of the NPF. If the recession rate is less than one foot per year or cannot be accurately established, then there is no SHA. One important example of the absence of accurately established recession rates is the barrier islands on the south shore of Long Island.

Both regulated areas are depicted on Coastal Erosion Hazard Area maps which use an air photo base map at a scale of 1" = 200'. The maps depict the landward limit of the NPF's and SHA's and indicate the recession rate in feet per year, where applicable.

### REGULATED ACTIVITIES:

- ! Construction/modification/restoration of structures; e.g., buildings, docks, piers, wharves, walkways.
- ! Excavation, grading, mining, dredging, and deposition of material.
- ! Construction/modification/restoration of erosion protection structures (e.g., bulkheads, revetments, groins).
- ! Miscellaneous activities such as motor vehicle use and disturbance of bird nesting/breeding areas.

### EXEMPT ACTIVITIES:

- ! Normal maintenance of structures.
- ! Beach grooming/cleanup.
- ! Vegetative plantings.
- ! Open work docks with 200 square feet or less of deck area.
- ! Sand fencing.
- ! Restoration of existing structures that are damaged or destroyed by events not related to coastal flooding and erosion.
- ! Private walkways.
- ! Seasonal docks on floats.

### MINOR PROJECTS:

- ! Excavation or filling of less than 100 cubic yards.
- ! Construction/modification of open work docks.
- ! Construction/modification of erosion control structures of 100 feet or less in length.

### PROGRAM SPECIFIC COMPLETENESS REQUIREMENTS:

- ! Description of the proposed activity.
- ! 1:24,000 map showing project location.
- ! Plan (1 in. = 50 ft. or larger).
- ! UPA general completeness requirements (Section 621.3(a)(1-10)).
- ! Variance request, if applicable.

### PUBLIC NOTICE REQUIREMENTS:

- ! Environmental Notice Bulletin and newspaper publication required for all major projects.

(Cont.)

## PERMIT PROFILE: COASTAL EROSION HAZARD AREAS

### STANDARDS FOR ISSUANCE:

The proposed project:

- ! is reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the proposed activity requires a shoreline location;
- ! will not be likely to cause a measurable increase in erosion at the proposed site or other locations;
- ! prevents, if possible, or minimizes adverse effects on:
  - " natural protective features and their functions and protective values;
  - " existing erosion protection structures; and
  - " natural resources including, but not limited to, significant fish and wildlife habitats and shellfish beds.

### VARIANCE STANDARDS:

- ! No reasonable, prudent, alternative site is available.
- ! All responsible means and measures to mitigate adverse impacts on natural systems and the functions and protective values of natural protective features have been incorporated into the project design and will be implemented at the developer's expense.
- ! The development will be reasonably safe from flood and erosion damage.
- ! The variance requested is the minimum necessary to overcome the practical difficulty or hardship which was the basis for requesting it.
- ! Where public funds are utilized, the public benefits clearly outweigh the long-term adverse effects of any proposed activities and development.

### REFERENCE MATERIALS/SOURCES OF INFORMATION:

Coastal Erosion Hazard Area maps

### SPECIAL PROCEDURES AND EXCEPTIONS:

Erosion hazard areas designations may be appealed solely on:

- ! the long-term average annual rate of shoreline recession in feet per year was incorrectly established; or
  - ! the subject area was erroneously identified as a natural protective feature area.
- Program may be administered by local government (cities, towns, villages and counties).