

NYS DOT Environmental Procedures Manual, Chapter 4.2  
Environmental Analysis Bureau

## **CHAPTER 4.2**

# **COASTAL MANAGEMENT**

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## **PROJECT ENVIRONMENTAL GUIDELINES**

January 1995

New York State Department of Transportation  
Environmental Analysis Bureau

## 4.2 COASTAL MANAGEMENT

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#### I. SUMMARY

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Various state and federal agencies have jurisdiction over the coastal resources in the State. NYS Department of State (NYSDOS) protects designated Coastal Areas, including New York State's tidal coastal waters and the adjacent shorelands as well as the Great Lakes, major rivers and designated inland waterways with Local Waterfront Revitalization Programs, and other areas defined in 19 NYCRR Parts 600-601 and in Executive Law, Article 42. NYS Department of Environmental Conservation (NYSDEC) restricts activities within mapped coastal erosion hazard areas along Long Island Sound, Lake Erie, Lake Ontario, and the Atlantic Ocean pursuant to 6 NYCRR Part 505 and ECL Article 34. The U.S. Fish and Wildlife Service (USFWS) prohibits certain federally-funded activities within the mapped Coastal Barrier Resources System in Nassau, Suffolk, Queens, Jefferson, Oswego, Cayuga, Monroe, and Erie Counties pursuant to 16 USC Parts 3501 - 3510.

New York State Department of Transportation (NYSDOT) projects affecting the regulated coastal resources must ensure compliance with the involved agencies' regulations. This Project Environmental Guidelines (PEG) outlines procedures for documenting consistency with state coastal

policies (Section IV), for ensuring compliance with the coastal erosion hazard areas program (Section VI), and for ensuring compliance with the Coastal Barrier Resources Act (Section VIII).

## II. DEFINITIONS

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**Coastal Area:** As defined by NYSDOS Coastal Zone Management regulations, 19 NYCRR § 600.2(c), the area of land and water described in the state Coastal Zone Management Program as including New York State's tidal coastal waters and the adjacent shorelands to approximately one thousand feet inland. It also includes 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 and the Atlantic Ocean, and their connecting waterbodies, bays, harbors, shallows and marshes.

**Coastal Management Program:** Under the federal Coastal Zone Management Act, the program adopted by New York State that sets forth objectives, policies and standards to guide public and private uses of coastal lands and water.

**Consistency Determination:** A determination by the NYSDOS that a project is consistent with the Coastal Management Program.

**NYS Department of State (NYSDOS):** The agency that administers the state's coastal management program.

**Designated Inland Waterways:** As defined by Executive Law, Art. 42 § 911, (a) the state's major inland lakes consisting of lakes Big Tupper, Canandaigua, Cayuga, Champlain, Chautauqua, Conesus, Cranberry, George, Indian, Keuka, Long, Oneida, Onondaga, Otsego, Owasco, Raquette, Sacandaga, Saratoga, Schroon, Seneca, Skaneateles, and Upper Saranac; (b) the state's major rivers comprised of the Chemung, Delaware, Hudson north of the federal dam at Troy, Mohawk and Susquehanna river; (c) the Barge Canal system as defined in Canal Law, Art.1, § 2; and (d) the adjacent shorelands to the extent such inland waters and adjacent lands are strongly influenced by each other, including but not limited to, islands, wetlands, beaches, dunes, barrier islands, cliffs, bluffs and erosion prone areas.

**Local Waterfront Revitalization Program (LWRP):** A program prepared and adopted by a local government and approved by the Secretary of State. The approved program contains policies on the management of land, water and man-made resources. LWRP areas can be located either in the Coastal Area or along Designated Inland Waterways.

### **III. APPLICABILITY**

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NYSDOT projects in or affecting the State's designated Coastal Area and/or in communities with approved Local Waterfront Revitalization Programs (LWRPs) must be consistent with DOS-approved coastal policies.

A coastal erosion management permit is required for regulated activities in coastal erosion hazard areas, as mapped by NYSDEC.

Federal law prohibits spending federal funds on construction or purchase of any road, airport, boat landing facility, or other facility on, or bridge or causeway to, any Coastal Barrier Resources System as mapped by the United States Fish and Wildlife Service (USFWS). Federal funds may be spent on the maintenance, replacement, reconstruction or repair, but not expansion, of any publicly owned or operated roads, structures or facilities that are essential links in a larger network or system.

### **IV. PROCEDURES FOR DOCUMENTING CONSISTENCY WITH STATE COASTAL POLICIES (NYSDOS)**

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NYSDOT must document that project activities in or affecting the State's designated Coastal Area and/or in communities with approved Local Waterfront Revitalization Programs (LWRPs) are consistent with NYS Department of State (NYSDOS) coastal policies. Consistency documentation may include a state Coastal Assessment Form (CAF), a Federal Consistency Assessment Form (FCAF), and/or a Federal Aid Notification (FAN). In areas with a LWRP, NYSDOT actions must be consistent with LWRP policies; this will ensure consistency with state coastal policies.

Send all applicable documentation and correspondence from the following steps to:

NYS Department of State  
Division of Coastal Resources and Waterfront Revitalization  
162 Washington Ave.  
Albany, NY 12231 Tel: (518) 474-6000

It is desirable to have received consistency determination from NYSDOS by design approval. NYSDOS consistency determination must be received by Project Schedule and Estimate (PS&E) approval. If the project has a PS&E date within 180 days of final document submission to NYSDOS, the Region should state the PS&E date in the correspondence to inform NYSDOS of the urgency of the consistency determination. Summarize and document NYSDOS coordination in the design approval document.

**STEP 1. Determine if the project is in or affecting the state's Coastal Area.**

During scoping, review the Coastal Area maps, prepared by NYSDOS and maintained by the NYSDOT Regional Environmental Contact (REC), and any approved or pending Local Waterfront Revitalization Programs (LWRPs) (see Attachment 4.2.A.5 for list) to determine if the project is wholly or partially in the State's Coastal Area.

Also, if the project is a federal action (i.e., it is wholly or partially funded with federal monies or requires a federal permit) and is outside of a Coastal Area, determine if the project affects the Coastal Area.

A project outside of a mapped Coastal Area may affect the Coastal Area if it will, for example:

- cause changes in the manner in which land, water or other coastal area natural resources are used; cause limitations on the range of uses of coastal area natural resources; or cause changes in the quality of coastal area natural resources;
- adversely affect physical features in the coastal area such as changing drainage or erosion rates or discharging toxic or hazardous substances;
- adversely affect port development, traditional maritime activities, or other water-dependent uses;
- adversely affect coastal fish or wildlife resources or wetlands; or
- obstruct public access to the coastal area.

1a) If the project is outside of a Coastal Area (either state or federal action) or is a federal action that is outside and does not affect a Coastal Area, no Coastal Area consistency review is required. Document this determination in the design approval document. No further processing is required under this section of the PEG. Go to Section VI.

1b) If the project is a state or federal action in a Coastal Area or a federal action outside but affecting a Coastal Area, go to Step 2.

**STEP 2. Determine if the project is subject to state and/or federal coastal consistency review.**

Table 1 indicates when state and/or federal coastal consistency review is required. Some projects may require both state and federal coastal consistency review.

**No coastal consistency review required**

2a) If the project is a State Environmental Quality Review (SEQR) Excluded action, no state or federal coastal consistency review is required. No further processing is required under this section of the PEG. Document this determination in the design approval document. Go to Section VI.

2b) If the project is a SEQR Type II or Exempt action and is not a federal action (i.e., 100% state-funded and requires no federal permits), no state or federal coastal consistency review is required. No further processing is required under this section of the PEG. Document this determination in the design approval document. Go to Section VI.

**TABLE 1  
NYS DOT PROJECTS IN OR AFFECTING THE COASTAL AREAS**

	Fully or Partially Federally-Funded			100% State Funded		
	COE OR COAST GUARD INDIVIDUAL PERMIT	COE NWP IN CSMA	COE NWP NOT IN CSMA OR NO FED PERMITS	COE OR COAST GUARD INDIVIDUAL PERMIT	COE NWP IN CSMA	COE NWP NOT IN CSMA OR NO FED PERMITS
SEQR NON-TYPE II	CAF & FCAF	CAF & FAN	CAF & FAN	CAF & FCAF	CAF & FCAF	CAF
SEQR TYPE II OR EXEMPT	FCAF	FCAF	FAN	FCAF	FCAF	NC
SEQR EXCLUDED ACTION	EXEMPT FROM STATE AND FEDERAL COASTAL CONSISTENCY REQUIREMENTS					

No Coastal Consistency Review

NC = No State or Federal Consistency determination required

State Coastal Consistency Review

CAF = State Coastal Assessment Form

Federal Coastal Consistency Review

FCAF = Federal Consistency Assessment Form

FAN = Federal Aid Notification

CSMA - Coastal Special Management Area

**State coastal consistency review required**

2c) If the project is a SEQR Non-Type II action, state coastal consistency review is required and a state Coastal Assessment Form (CAF) must be completed. See Step 3.

### **Federal coastal consistency review required**

2d) If the project is a federal action (i.e., is wholly or partially federally-funded and/or requires a federal permit), federal coastal consistency review is required and a Federal Consistency Assessment Form or Federal Aid Notification must be completed. See Step 4.

### **STEP 3. Certify state coastal consistency.**

The state coastal consistency review process requires that NYSDOT certify to NYSDOS that the project is consistent with state coastal policies. This certification involves completing the state Coastal Assessment Form (CAF) and, if appropriate, providing a brief discussion of how the project is consistent with or advances each applicable state coastal policy (See Attachment 4.2.A.4).

#### **Coastal Assessment Form (CAF)**

If the project is classified as a SEQR Non-Type II project (either federal or state action), complete a state Coastal Assessment Form (CAF) (Attachment 4.2.A.1).

Complete the CAF to supplement other project information in order to assist the Region in making the determination of significance of the action (resulting in either a Negative Declaration or a Positive Declaration) pursuant to the State Environmental Quality Review Act (SEQRA).

If the submission requirements are met as described in Section D of the CAF or the project results in a Positive Declaration, prepare a brief and precise description of the nature and extent of the action in Section E of the CAF and send the CAF to NYSDOS. Otherwise, the completed CAF does not need to be sent to NYSDOS and should be filed with the project records. Document this in the design approval document.

3a) If the CAF must be sent to NYSDOS and the project is a state action (i.e., the project receives no federal funding and requires no federal permits), NYSDOT must certify consistency with NYSDOS state coastal policies or LWRP policies (Attachment 4.2.A.4). Provide consistency certification to NYSDOS in a Negative Declaration Finding or an Environmental Impact Statement (EIS), as appropriate for the project (see instruction in Attachment 4.2.A.1). Consistency certification with LWRP policies is discussed in Step 5.

3b) If the CAF must be sent to NYSDOS and the project is a federal action (i.e., the project receives federal funding or requires federal permits), NYSDOT must provide sufficient documentation for NYSDOS to determine consistency with state coastal policies, as discussed in Step 4.

### **STEP 4. Document federal coastal consistency.**

Federally funded and/or federally permitted projects require that NYSDOT provide sufficient documentation for NYSDOS to determine consistency with state coastal policies or LWRP policies. This documentation may include a Federal Aid Notification (FAN) and a Federal Consistency Assessment Form (FCAF)

### **Federal Consistency Assessment Form (FCAF)**

If the project requires federal permits, a FCAF and supporting project documentation may be required.

4a) If the project involves a U.S. Coast Guard Section 9 Permit or an Individual COE Section 404/Section 10 Permit, CZM Concurrence from NYSDOD is required. Complete the FCAF and send it and the completed federal permit application to NYSDOS at the time that the federal permit application and completed FCAF are sent to the federal permitting agency. Follow instructions on the FCAF regarding responses to questions answered “YES”.

NYSDOS will make its consistency decision based on information provided by NYSDOT in the FCAF and supporting project documentation within 180 days of receipt of the FCAF. NYSDOS will strive to make a consistency decision within 90 days for minor projects. If an expedited review is needed because of project schedule constraints, so indicate that to NYSDOS in the transmittal letter.

4b) If the project involves only a COE Nationwide Permit and the project is in a Coastal Special Management Area, complete a FCAF. Send the FCAF, a copy of the COE Pre-Construction Notification (PCN) package (if applicable), the project design report, and relevant plans to NYSDOS. If the project is also wholly or partially federally-funded, so indicate that to NYSDOS in the transmittal letter.

Upon receipt, NYSDOS will send out a dated letter to NYSDOT and the COE indicating that they have received that FCAF and supporting documentation. The letter will also state that within 30 days of receipt of the above information, DOS will notify NYSDOT that either a full consistency review of the proposed activity is necessary or that the need for a NYSDOS consistency decision is waived. If NYSDOS fails to notify NYSDOT within 30 days of receipt of the FCAF and supporting documentation, NYSDOT and the COE may presume that the project is consistent with the New York State Coastal Management Program.

Coastal Special management Areas include:

- 1) Regional Coastal Management Programs
- 2) Local Waterfront Revitalization Programs
- 3) Significant Coastal Fish and Wildlife Habitats
  
- 4) Outstanding Natural Coastal Areas



- 5) Harbor Management Plans
- 6) Areas for Concentrated Development

If NYSDOS determines that a full review is required, NYSDOS will make its consistency decision based on information provided by NYSDOT in the FCAF and supporting documentation no later than 180 days of receipt of the FCAF.

**Federal Aid Notification (FAN)**

4c) If the project is fully or partially federally-funded and an FCAF is not required, complete and submit a Federal Aid Notification (FAN) letter to NYSDOS that:

- a) states that the project is federally funded,
- b) briefly describes the nature of the work,
- c) states whether the project is in a Coastal Area, in a Coastal Special Management Area, or is outside but affects the Coastal Area,
- d) briefly describes the project effects on the Coastal Area, and
- e) includes appropriate location maps and project plans.

NYSDOS should receive the FAN at least 90 days prior to design approval. If the project is in an area with a LWRP, notify the municipality as discussed in STEP 5. Document consistency with LWRP policies in the FAN.

**No FCAF or FAN**

4d) If the project involves no federal funds and involves a COE Nationwide Permit and the project is not in a coastal Special Management Area, no information need be submitted to NYSDOS. No further federal consistency coordination is required.

**STEP 5. Determine if the project is in an area with an approved or pending Local Waterfront Revitalization Program.**

During scoping, review the list of NYSDOS approved and pending Local Waterfront Revitalization Programs (LWRP) included in Attachment 4.2.A.5 and maintained by the Regional Environmental Contact (REC) to determine if the project is in an area with an approved or pending LWRP.

Municipalities along designated inland waterways or in a designated Coastal Area may voluntarily develop a LWRP to refine the NYSDOS coastal area boundaries and coastal area policies. The LWRPs are reviewed and approved by NYS Department of State (NYSDOS) if they are consistent with state coastal policies. See the definition of Designated Inland Waterways for a list of qualifying waterways.

5a) If the project is not in an area with an approved Local Waterfront Revitalization Program (LWRP) or a pending LWRP for which a DEIS has been prepared (i.e., 60-day review has started), no LWRP consistency review is required. No further steps are required for this section of the PEG. Go to Section VI.

5b) If the project is in an area with an approved LWRP or with a pending LWRP for which a DEIS has been prepared (i.e., 60-day review has started), notify the responsible municipal government agency in writing that the project will occur within the boundaries of its LWRP.

The notification should be sent to the municipality at least 60 days prior to requesting or granting design approval. The notification should include:

- a map of the project site
- proposed project plans
- brief discussions of how the project is consistent with or advances each applicable policy of the LWRP.

Copies of relevant correspondence with the municipality should be included in the design approval document. Note: appropriate coastal consistency documentation from Step 4 above should be sent to NYSDOS, regardless of whether the project is in an area with an approved LWRP.

The municipality should be requested to inform NYSDOT within 45 days of receipt of the notification whether it finds the project consistent or inconsistent with the policies and the purposes of the LWRP.

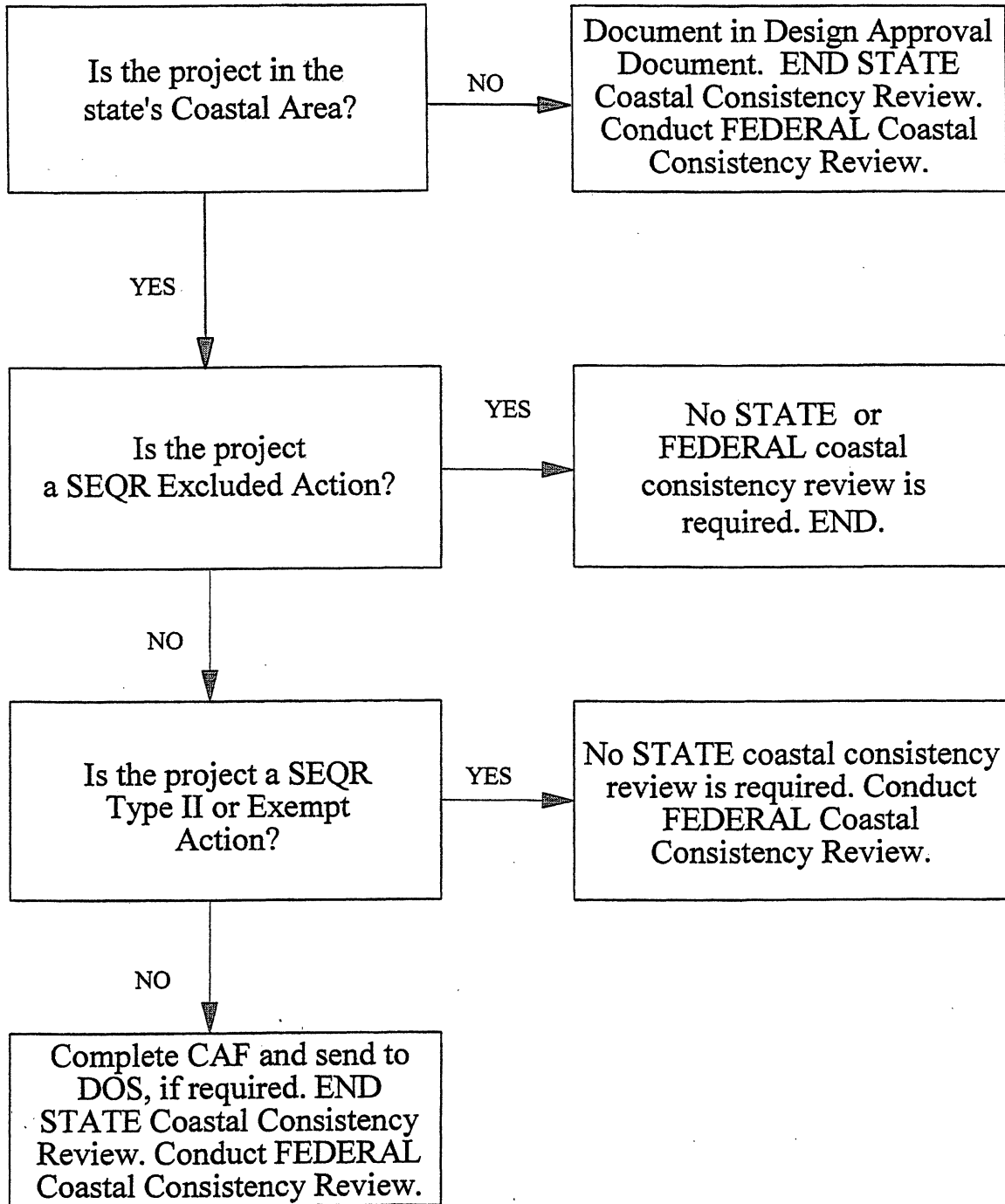
5b1) If the municipality determines that the proposed project is not consistent with the LWRP policies, the municipality will so notify NYSDOT and NYSDOS in writing and will identify the specific policies and purposes of the LWRP with which the proposed action conflicts. The Region should continue to coordinate with the municipality to help ensure NYSDOT consistency with LWRP policies. NYSDOS will continue to serve in an advisory capacity.

NYSDOT may not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure applies (see Attachment 4.2.A.3). Under this procedure, the Secretary of State will try, upon request by either party, to mediate resolution of conflicts between NYSDOT and the municipality. Ultimately, the Secretary may issue findings or recommendations to resolve the conflict, at which time the conflicts procedure ends.

5b2) If the municipality indicates in writing that the project is consistent with the LWRP policies, include the correspondence in the design approval document. Go to Section VI.

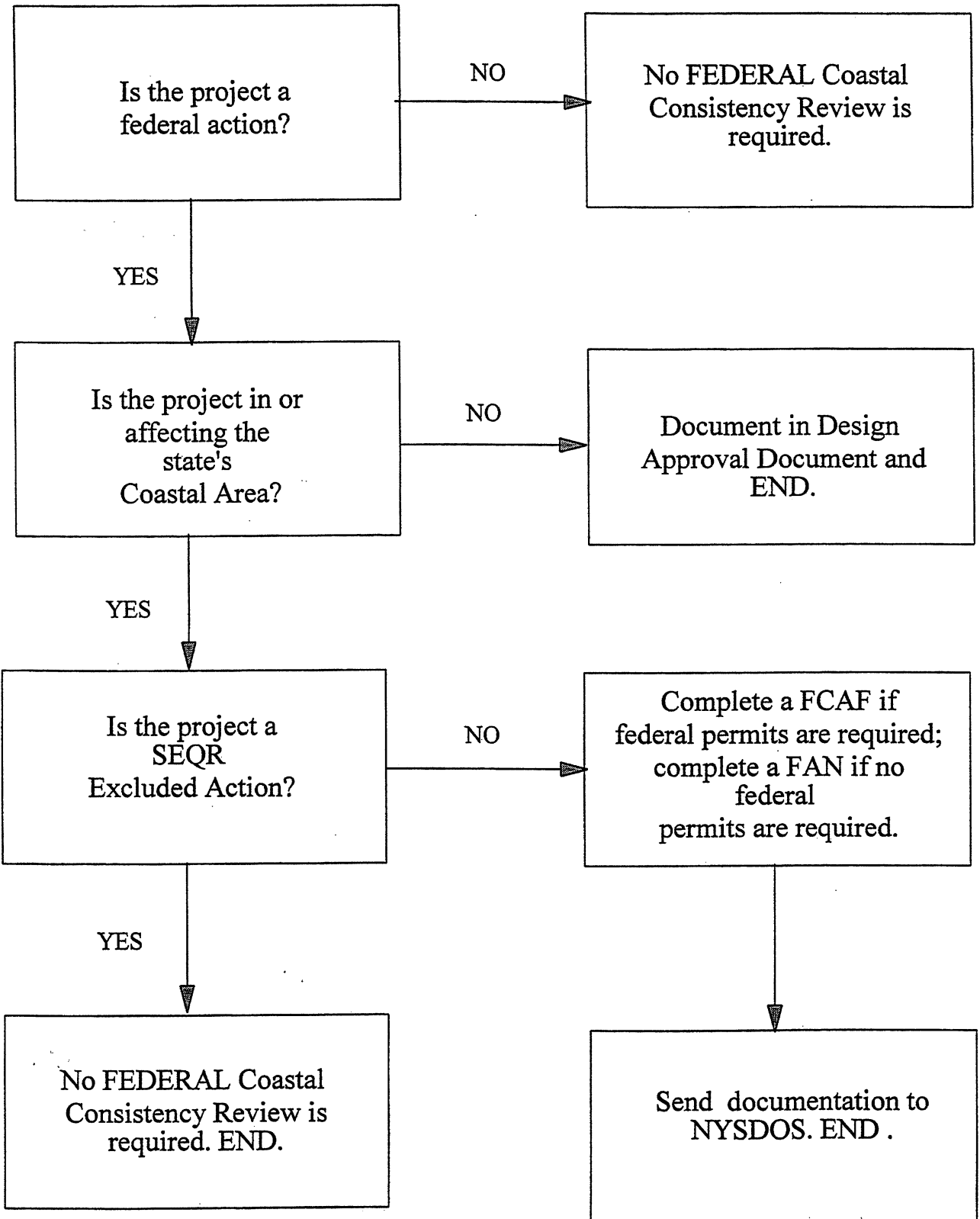
## V. FLOW CHART

### STATE COASTAL CONSISTENCY REVIEW PROCESS



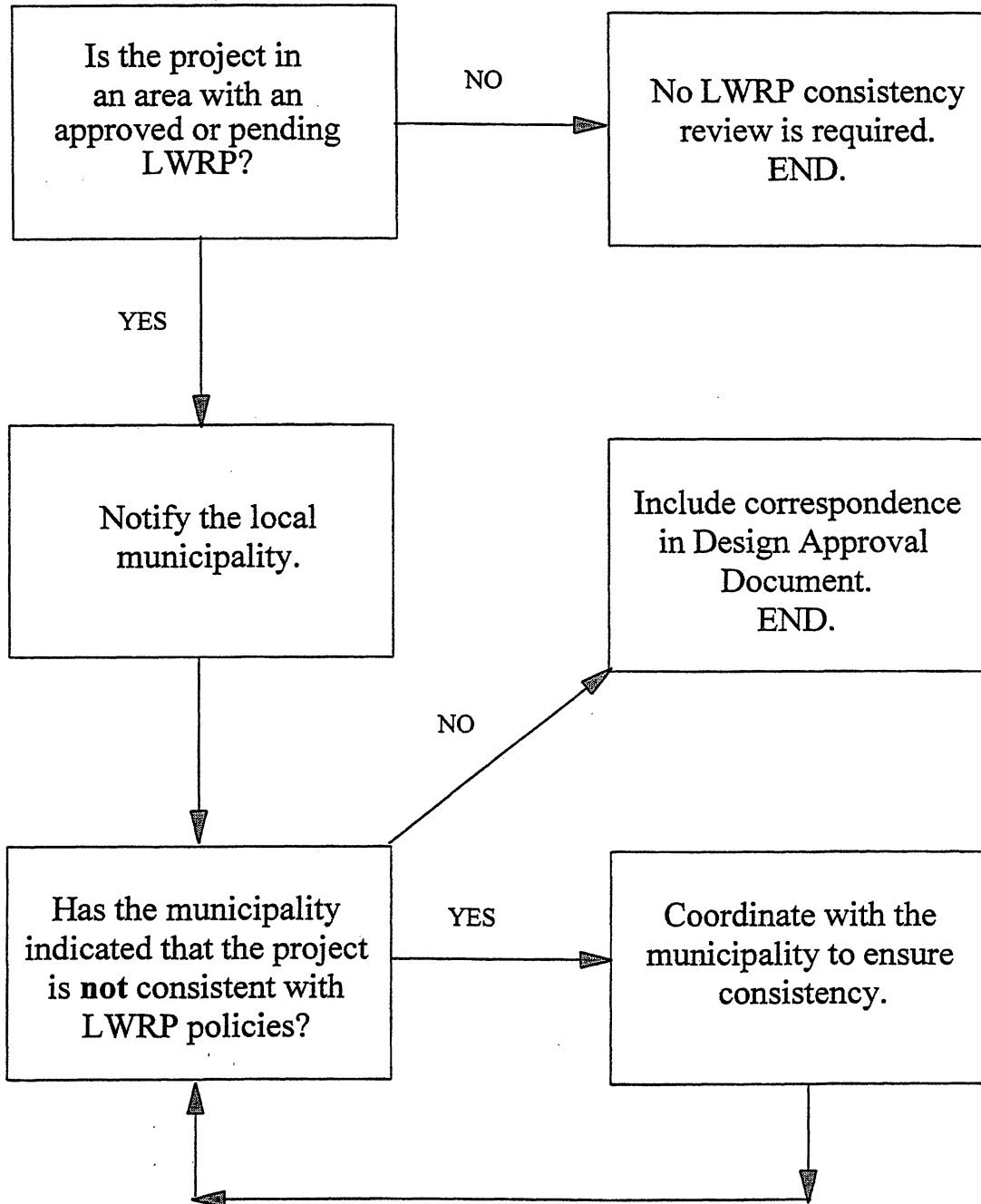
## V. FLOW CHART

### FEDERAL COASTAL CONSISTENCY REVIEW PROCESS



## V. FLOW CHART

### LWRP CONSISTENCY REVIEW PROCESS



## **VI. PROCEDURES FOR ENSURING COMPLIANCE WITH THE COASTAL EROSION HAZARD AREAS PROGRAM (NYSDEC)**

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The Department of Environmental Conservation (NYSDEC) implements the Coastal Erosion Hazard Areas program wherein it identifies coastal erosion hazard areas and establishes standards for the issuance of coastal erosion management permits to control certain activities and development in those areas.

Coastal Erosion Hazard Areas have been identified and mapped by NYSDEC along Long Island Sound, Lake Erie, Lake Ontario, and the Atlantic Ocean. The entire Barrier Island section of Long Island is a Coastal Erosion Hazard Area (Region 10 Regional Environmental Contact (REC) has location map). Coastal Erosion Hazard Areas include natural protective feature areas (e.g., beaches, dunes, sandbars, spits, shoals, barrier bars, barriers islands, bluffs and wetlands) and may include structural hazard areas (i.e., area receding at an average rate of one foot or more per year). These coastal erosion hazard areas are delineated on coastal erosion hazard area maps from aerial photos at a scale of 1 inch equals 200 feet.

In natural protective feature areas all new construction is prohibited except elevated walkways, docks, piers, wharves, groins, jetties, seawalls, bulkheads, breakwaters and other water-related use structures. Horizontal enlargement of existing structures is limited to 25 percent. Excavating, grading and mining are prohibited. Vehicular traffic is prohibited on bluffs, dunes and vegetated beach areas and pedestrian traffic across dunes and down bluffs is restricted to elevated walkways and stairways or other dune crossing structures approved by NYSDEC.

In structural hazard areas only movable structures may be constructed. This also applies to any additions to existing buildings.

### **STEP 1. Determine whether the project is potentially in a coastal erosion hazard area.**

1a) If the project is not within 1000 feet of: the lakeshore of Lake Erie or Lake Ontario, the shoreline of Long Island, the shoreline of the Atlantic Ocean, and is not located on the Barrier Island section of Long Island, the project is not in a coastal erosion hazard area, thus no further steps are required for this procedure. Go to Section VIII.

1b) If the project is within 1000 feet of: the lakeshore of Lake Erie or Lake Ontario, the shoreline of Long Island, the shoreline of the Atlantic Ocean, or is located on the Barrier Island section of Long Island, the project is potentially in a coastal erosion hazard area. Go to Step 2.

### **STEP 2. Determine if the project is in a mapped coastal erosion hazard area.**

To determine if the project is in a mapped coastal erosion hazard area, either:

a) contact the NYSDEC regional contact person (listed in Attachment 4.2.B.1) via telephone or fax with a description of project location (e.g., town name, road names, distance from shore). The NYSDEC regional contact will review the coastal erosion hazard maps to determine if the project is in a coastal erosion hazard area. OR

b) review the coastal erosion hazard maps at the NYSDEC Regional Office (Attachment 4.2.B.1 lists DEC regional contact person) to determine if the project is in a coastal erosion hazard area.

2a) If the project is not in a mapped coastal erosion hazard area, no further steps are required for this section of the PEG. Document in the design approval document that the project is not in a mapped coastal erosion hazard area. Go to Section VIII.

2b) If the project is in a mapped coastal erosion hazard area, go to Step 3.

**STEP 3. Determine if the project requires a Coastal Erosion Management Permit from NYSDEC.**

Review the list of regulated activities in 6 NYCRR Parts 505.6 through 505.9 (see Attachment 4.2.B.2) to determine if the project requires a coastal erosion management permit.

3a) If the project does not involve a regulated activity in a coastal erosion hazard area, no coastal erosion hazard permit is required. Document in the design approval document that the project is in a coastal erosion hazard area and that the project activities are not regulated by the Coastal Erosion Hazard Areas program. Go to Section VIII.

3b) If the REC determines that the project involves a regulated activity in a coastal erosion hazard area, obtain a coastal erosion hazard permit from NYSDEC.

Permit applications are available from the NYSDEC Regional Office. The NYSDEC regional contact person (listed in Attachment 4.2.B.1) can provide assistance with the permit application. In order to issue the permit, NYSDEC must find that the regulated activity is:

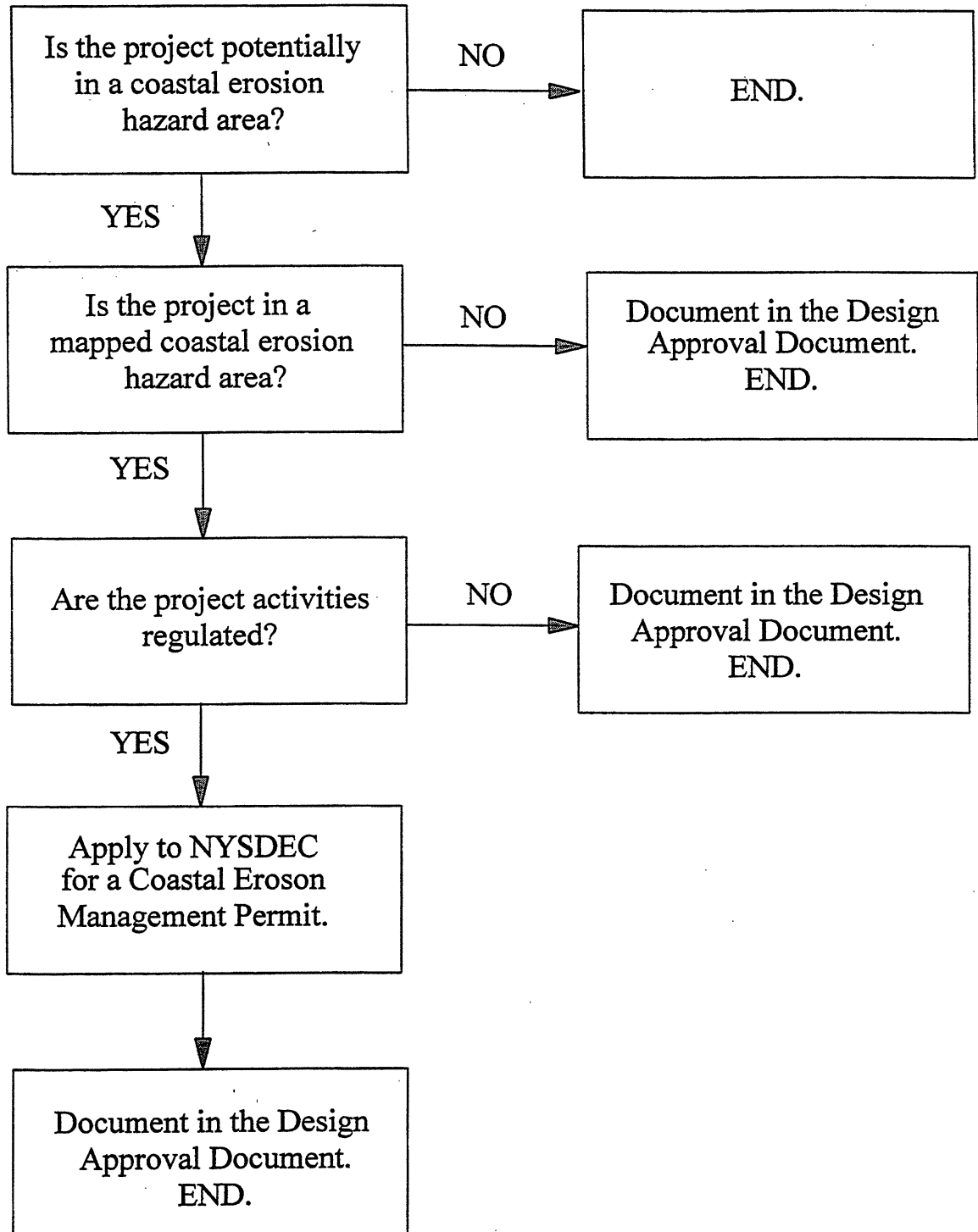
- a) reasonable and necessary, considering reasonable alternatives to the proposed activity and the extent to which the activity requires a shoreline location;
- b) will not be likely to cause a measurable increase in erosion at the proposed site or at other locations; and
- c) prevents, if possible,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

In the design approval document, describe project activities proposed in the coastal erosion hazard area. Provide rationale to support issuance of the NYSDEC Coastal Erosion Management Permit. Any permit conditions or mitigation should be reflected in contract documents. Go to Section VIII.



## VII. FLOW CHART

### COASTAL EROSION HAZARD AREAS



## **VIII. PROCEDURES FOR ENSURING COMPLIANCE WITH THE COASTAL BARRIER RESOURCES ACT (USFWS)**

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In New York State, there are mapped Coastal Barrier Resources System units in Nassau, Suffolk, Queens, Jefferson, Oswego, Cayuga, Monroe and Erie Counties. If the project is not in one of these eight counties, no further procedures are required for this PEG.

The Coastal Barrier Resources Act (CBRA) prohibits spending federal funds on construction or purchase of any road, airport, boat landing facility, or other facility on, or bridge or causeway to, any Coastal Barrier Resources System. Federal funds may be spent on the maintenance, replacement, reconstruction or repair, but not expansion, of any publicly owned or operated roads, structures or facilities that are essential links in a larger network or system.

### **STEP 1. Determine if the Coastal Barrier Resources Act may be applicable.**

If the project has no federal funds, it is not subject to the provisions of the Coastal Barrier Resources Act, even if construction occurs in the Coastal Barrier Resources System.

1a) If the project is not a federally-aided project in Nassau, Suffolk, Queens, Jefferson, Oswego, Cayuga, Monroe or Erie County, the Coastal Barrier Resources Act is not applicable and no further steps are required for this procedure.

1b) If the project is a federally-aided project in Nassau, Suffolk, Queens, Jefferson, Oswego, Cayuga, Monroe or Erie County, the Coastal Barrier Resources Act may be applicable. Go to Step 2.

### **STEP 2. Determine if the project is in the Coastal Barrier Resources System.**

Review Barrier Resources Maps (maintained by the REC) to determine if the project is in the Coastal Barrier Resources System in New York State.

2a) If the project is not in the Coastal Barrier Resources System, state this in the design approval document. No further steps are required for this procedure.

2b) If the project is in the Coastal Barrier Resources System, state this in the design approval document and identify the name and adoption date of the unit (see Attachment 4.2.C.6). Go to Step 3.

### **STEP 3. Determine if the project activity is an exception to the "limitations on federal expenditures" under Section 6 of the CBRA and therefore permitted within the Coastal Barrier Resources System.**

3a) If the project involves maintenance, replacement, reconstruction or repair, but not the expansion of, any publicly owned or operated roads, structures or facilities that are essential links in a larger network or system, the project may proceed with federal funding, subsequent to consultation between the federal funding agency and the USFWS.

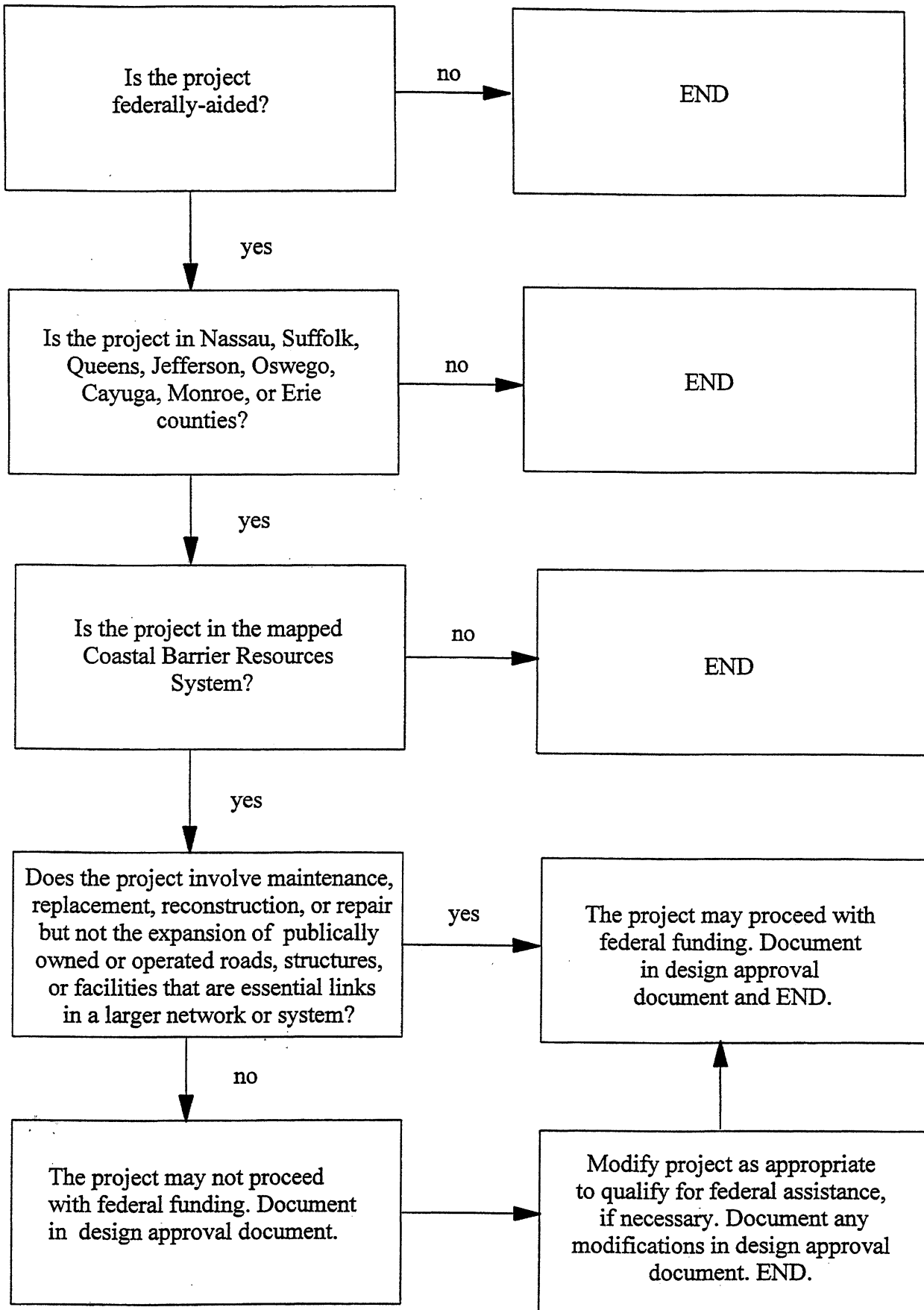
Describe in the design approval document the project activities proposed in the Coastal Barrier Resources System, include the name of the Coastal Barrier System unit and the date the unit was adopted into the system (refer to Attachment 4.2.C.6), and state that such activities are an exception citing the appropriate exemption citation (Section 6(a)(3) or Section 6(a)(6)(F) of the CBRA) (refer to Attachment 4.2.C.5, pg. 52732) and therefore permitted in the system for federally-aided projects.

3b) If the project involves construction or purchase of any road, airport, boat landing facility, or other facility on, or bridge or causeway to, any System unit, or expansion of any publicly owned or operated roads, structures or facilities, the project may not proceed with federal funding. Describe in the design approval document the project activities proposed in the Coastal Barrier Resources System.

If the project cannot proceed with federal funds, alternative funding sources must be sought or the project must be modified to qualify for federal assistance. If federal funds are necessary, coordinate with FHWA and modify the project, as appropriate, to qualify the project for federal assistance. Document in the design approval document the project activities proposed in the Coastal Barrier Resources System, or modifications to the project such that no restricted activities are proposed within the system. Include any agency correspondence in appendices of the design approval document.

# IX. FLOW CHART

## COASTAL BARRIER RESOURCES ACT COMPLIANCE



## **X. CITATIONS**

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The following state and federal laws and regulations are used as a source for this guidance. Copies of the applicable laws, regulations, policies and maps are maintained by the Regional Environmental Contact.

### **COASTAL AREAS**

#### STATE STATUTES

Executive Law, Art. 42 - Waterfront Revitalization of Coastal Areas and Inland Waterways Act

#### STATE REGULATIONS

19 NYCRR Part 600 - NYSDOS Waterfront Revitalization and Coastal Resources: Policies and Procedures

19 NYCRR Part 601 - NYSDOS Local Government Waterfront Revitalization Programs

6 NYCRR Part 617, Sections 617.9(e); 617.14(f)(10) - DEC SEQR regulations that require compliance with NYSDOS/LWRP policies

#### FEDERAL STATUTES

16 USC §§ 1451-1464 - Coastal Zone Management Act of 1972, as amended

#### FEDERAL REGULATIONS

15 CFR Part 930 - Coastal Zone Management Program Consistency Regulations

### **COASTAL EROSION HAZARD AREAS**

#### STATE STATUTE

Environmental Conservation Law, Article 34 - Coastal Erosion Hazard Areas

#### STATE REGULATION

6 NYCRR Part 505 - Coastal Erosion Management Regulations

## **COASTAL BARRIER RESOURCES ACT**

### FEDERAL STATUTES

16 USC §§ 3501 - 3510 - Coastal Barrier Resources

\*P.L. 97 - 348 - Coastal Barrier Resources Act

\*P.L. 101 - 591 - Coastal Barrier Improvement Act of 1990

\*included as attachments to this PEG

## **XI. ADDITIONAL INFORMATION**

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For further information contact the Water Ecology Unit, Environmental Analysis Bureau, Building 5-303, 1220 Washington Avenue, Albany, New York 12232; telephone: (518) 457-5672.