



# The New York State Coastal Management Program

At the last Council meeting, there were several questions about what a South Shore Estuary Amendment would do to the authority and power of the New York State Coastal Program – would do to the authority and power of the New York State Coastal Program – would the amendment expand the program’s authority or would it make it more powerful, and other similar questions.

So, we thought it would be useful to give you a short reminder of what the program is, a background to better understand what the amendment would do, which, in a nutshell, will make the Coastal Program’s existing authority more effective in protecting and restoring the estuary.

# NYS Coastal Program

“a framework for government decision-making which affects New York’s coastal area”

“provides statements of policy to which federal and State agencies must adhere and also serves as a reference for local government action in the coastal area”

The simplest explanation of the Coastal Program is found in the first 2 sentences of the Coastal Program document approved by NOAA pursuant to the Coastal Zone Management Act, in 1982.

The New York State Coastal Program is “a framework for government decision-making which affects New York’s Coastal area. As a basis for uniform decision making, the Coastal Program identifies state policy to which government agencies must adhere when undertaking activities in the coastal area.” The program “provides statements of policy to which federal and State agencies must adhere and also serves as a reference for local government action in the coastal area.”

# Reactive...

LWRPs provide strategies for improving waterfronts



# Review of bulkheads



# ...and Proactive

The Coastal Program is both reactive – it says yes or no to others' construction projects or other proposals; and proactive - it lays out and implements strategies to resolve coastal issues, for example, to restore a habitat, build public accessways, or market a commercial waterfront area.

# Coastal Program Components

- Regulatory (Consistency)
- Local Waterfront Revitalization Programs & Harbor Management Plans
- Coastal Nonpoint Pollution Control Programs & Watershed Planning
- Regional Coastal Programs
- Community Training
- Emerging Issues

The Coastal Program has a number of components.

- a regulatory component, which, in theory, assures decisions made by all three levels of government advance a shared set of policies.
- LWRPs on the land side and HMPs on the water side provide opportunities to local governments to shape policies to reflect local circumstances and provide a roadmap to protect and restore coastal resources.
- Watershed planning and the coastal nonpoint program are a joint effort with DEC to improve surface water quality.
- Regional coastal programs are comprehensive regulatory and strategic plans, specific to the circumstances of the region
- Training programs are also available for most of the program components.
- And finally, addressing emerging issues, such as adaptation to climate change and sea level rise, is an important component of the program.

Now, a bit more detail about each component.

## Regulatory (Consistency)

The Coastal Program aligns all three levels of government to advance the same policies

- Federal Government
- State Government
- Local Governments

The federally approved Coastal Management Program provides policies, a set of decision-making criteria, which is derived from state law. The policies are enforced through different processes at the federal and state government levels, and by local governments if they have an approved Local Waterfront Revitalization Program.

## Federal Consistency

- Federal agency activities in New York's coastal zone are required to be consistent with the Coastal Program
  - Direct Actions
  - Funding
  - Permits
- Federal actions cannot proceed if they are found to be inconsistent by DOS with State coastal policy.

Federal Consistency provides the DOS with authority to approve/modify/or deny federal actions. For example, before the Corps of Engineers can issue a permit for a dock, the DOS must decide whether or its construction is consistent with State coastal policy.

If a project is not consistent, it cannot be built.

## State Consistency

- State agencies (DOS, DEC, PSC, OPRHP, OGS, DOT, SOEM) must ensure their actions are consistent with coastal policies.
- DOS does not review state agency consistency decisions

State regulations require that State agencies must make their own decisions as to whether or not their proposed actions are consistent with the program policies.



## Local Waterfront Revitalization Programs & Harbor Management Plans

- Roadmap to protect, restore and make best use of coastal resources.
- Planning includes a comprehensive inventory of resources and analysis of issues and opportunities.
- Local policies and implementing laws become the basis for federal, State and local decision-making



Once Local Waterfront Revitalization Plans and Harbor Management Plans are adopted and incorporated into the Coastal Program, the policies reflecting local conditions become the basis for consistency decisions at all levels of government. In this way the Coastal Program is implemented with greater geographic specificity.

Within the SSE, several LWRPs are partially completed. The only approved LWRP is for Ocean Beach. A SSE will enable some of the coastal policies to be tailored to better address local circumstances.

# Coastal Nonpoint Pollution Control Program & Watershed Planning

- Coastal nonpoint pollution control program guides management of nonpoint pollution which affects or may affect coastal waters
- Implemented primarily through watershed management planning



The Coastal Nonpoint Source Pollution Control program is a joint program between National Oceanic and Atmospheric Administration and Environmental Protection Agency at the federal level and DOS and DEC at the State level. DOS provides planning and land use expertise and DEC water quality engineering and natural resource expertise as we work with local governments and community groups to develop and implement watershed management plans.

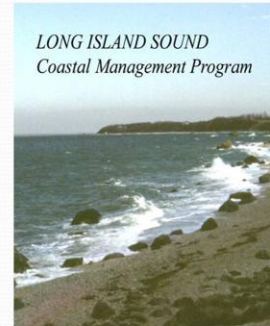
Watershed management plans are a principal means of advancing nonpoint pollution control management measures. If plans are adopted as part of an LWRP, the policies and laws become effective in government decision making.

A SSE amendments to the Coastal Program which reflects the unique circumstances of the estuary will improve federal and state actions affecting water quality.

# Regional Coastal Management Programs

Regional Coastal Programs provide regional refinement of State coastal policies

- Road map to make best use of coastal resources
- Regional policies and implementing laws become the basis for federal, State and local decision-making

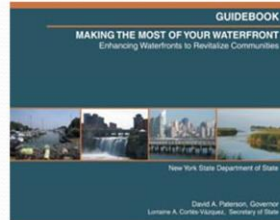


Regional coastal programs are another mechanism for providing greater geographic specificity to the State's Coastal policies.

A regional program is comprehensive. It addresses all coastal issues, both thru regionally specific decision making criteria and thru implementation strategies.

# Community Training

- Manuals and web based guidance
- Seminars and classes
- Specialized training for community leaders
  - Web-based Training



The DOS has developed guidebooks for waterfront redevelopment, watershed planning and redevelopment of brownfields.

We partner with SUNY to provide training to develop and implement LWRPs and other program components.

Our office also has a team of people who train more than 30,000 local government officials annually on zoning and planning.

In the future we will be delivering training on-line.

# Emerging Issues

- Climate Change
- Ocean Spatial Planning



Observed changes in North American extreme events, assessment of human influence for the observed changes, and likelihood that the changes will continue through the 21st century.\*

Phenomenon and direction of change	Where and when these changes occurred in past 50 years	Linkage of human activity to observed changes	Likelihood of continued future changes in this century
Warmer and fewer cold days and nights	Over most land areas, the last 10 years had lower numbers of severe cold snaps than any other 10-year period	Likely warmer extreme cold days and nights, and fewer frosts	Very likely†
Hotter and more frequent hot days and nights	Over most of North America	Likely for warmer nights	Very likely†
More frequent heat waves and warm spells	Over most land areas, most pronounced over northeastern and central North America	Likely for certain aspects, e.g., nighttime temperatures. A linkage to record high annual temperatures	Very likely†
More frequent and intense heavy downpours and higher proportion of total rainfall in heavy precipitation events	Over many areas	Linked indirectly through increased water vapor, a critical factor for heavy precipitation events	Very likely†
Increases in area affected by drought	No overall average change for North America, but regional changes are evident	Likely, Southwest USA. Evidence that 1990's & 1950's droughts were linked to natural patterns of sea surface temperature variability	Likely in Southwest U.S.A., parts of Mexico and Caribbean
More intense hurricanes	Substantial increase in Atlantic since 1970. Likely increase in Atlantic since 1950s, increasing tendency in W. Pacific and decreasing tendency in E. Pacific (Mexico/Caribbean) since 1980	Linked indirectly through increasing sea surface temperatures, a critical factor for intense hurricanes. A confidence assessment requires further study†	Likely†

\*Based on frequently used family of IPCC emission scenarios  
†Based on limited attribution studies and expert judgment  
‡Based on expert judgment  
§Based on model projections and expert judgment  
¶As measured by the Power Dissipation Index (which combines storm intensity, duration and frequency)

Source NOAA

As with the Coastal Nonpoint Source Pollution Control Program, the DOS partners with other agencies to address emerging Coastal issues. At the last Council meeting we discussed the DOS role in ocean spatial planning.

DOS is part of the Climate Action Council and Sea Level Rise Task Force that are addressing the State response to these issues. With our sister agencies we are developing approaches the State might use to help local governments adapt to climate change and sea level rise.

## State Agency's Role in the Coastal Program

- Implement Coastal program through regulations and management
- Fulfill State consistency obligations
- Partner address unique program needs and emerging issues, such as watersheds, habitats, and climate change

The Coastal Program is a “networked” program in which it is a function of all state agencies to implement the coastal policies through regulatory and management authorities assigned to each agency. Most of the authorities rest with Department of State, Department of Environmental Conservation, Office of Park, Recreation, and Historic Preservation, Office of General Services, Public Service Commission, and State Emergency Management Office.

Through the State consistency requirement, agencies are to assure their decisions are consistent with the coastal policies.

Certain components of the program provide a unique role for agencies to advance the Coastal Program goals. An example is the partnership between DOS and DEC in protecting significant habitats.

## Local Government's Role in the Coastal Program

- Prepare an LWRP to provide geographic specificity to guide federal, State and local decision-making
  - Only one completed in the SSER
- For the SSE amendment
  - Provide advice
  - Participate on working groups

LWRPs are a decision making tool for federal, state, and local governments. They also provide guidance or a roadmap for resolving unique local coastal issues

At the moment, there is only one approved LWRP – Village of Oyster Bay – in the SSE. The SSE amendment will provide the geographic specificity needed to better address 3 of the most critical issues now facing the estuary and significant habitats.