Coastal Erosion Hazard Areas

Beaches and Bluffs
Natural Protective Feature Area Guidance

Department of Environmental Conservation

Coastal Erosion Hazard Areas (CEHAs) are areas along the Lake Ontario, Lake Erie, Long Island Sound, and Atlantic Ocean shorelines that are regulated to reduce flood and erosion risk to homes, businesses, and infrastructure, while maintaining the protective value of the coastline's natural beach, bluff, and dune systems. CEHAs are made up of two jurisdictions: Natural Protective Feature Areas and Structural Hazard Areas. Natural Protective Feature Areas include beaches, bluffs, and dunes and Structural Hazard Areas are located landward of Natural Protective Feature Areas in areas that have long-term erosion rates of at least one foot per year.

This guidance only applies to the CEHA permit program for activities on beaches and bluffs within designated Natural Protective Feature Areas. Other permits may be required from the New York State (NYS) Department of Environmental Conservation (DEC), the NYS Office of General Services, the U.S. Army Corps of Engineers, the NYS Department of State, and/or your local building department.

A bluff is any bank or cliff with a steeply sloped face that is along a body of water, while a beach is the area of unconsolidated material that extends from the waterward toe of a bluff to mean low water.[1] Beaches and bluffs reduce erosion and flood damage by reducing the velocity of waves and storm surge, and by supplying sediment for longshore littoral transport that maintains beaches, dunes, and offshore sandbar features.

Beaches and bluffs, including their vegetation, are protected under Article 34 of the Environmental Conservation Law and the regulations set forth in Title 6 of New York Codes, Rules, and Regulations (6 NYCRR) Part 505. Development and activities within a mapped CEHA must meet 6 NYCRR Part 505 Coastal Erosion Management regulations and permit issuance standards. For shoreline areas that have beach and bluff features, the landward limit of the CEHA Natural Protective Feature Area line shown on the CEHA map designates the landward extent of the regulated bluff feature. See the Bluff Cross Section on page 4. Copies of the CEHA maps may be found using the QR code on page 4.

Common activities within CEHAs that are regulated and require CEHA permits include, but are not limited to: excavating, filling, or dredging; the construction, modification, or restoration of any type of structure or erosion protection measure; and the removal of vegetation. **Please contact your local DEC permits office to ensure the necessary permits are obtained prior to starting work.** If work is taking place in a Certified CEHA community, contact your local building or zoning department to learn more about your community's local CEHA permit process. Certified CEHA communities administer and enforce their own CEHA program and may have laws and regulations that go beyond DEC's program. Scan the QR code on page 4 for the Certified CEHA community list.

[1] "Mean low water" is defined in 6 NYCRR Part 505 as the approximate average low water level for a given body of water at a given location, determined by reference to hydrological information concerning water levels or other appropriate test.

Allowed Activities That Do Not Require a CEHA Permit (Unregulated)

- Normal maintenance activities: Maintenance activities must not change the size, design, or function of an existing structure, and the structure must be functioning at the time that normal maintenance is scheduled to begin. Examples of normal maintenance activities include the following:
  - Window, siding, roof, or deck board replacement projects;
  - Painting or staining;
  - Relocation of windblown sand that seasonally accumulates on or immediately adjacent to building structures, which must be placed back on the beach;
  - Seasonal trimming and pruning of vegetation that does not diminish the vegetation's protective value;
  - Rock revetment maintenance, such as retrieving fallen boulders; and
  - Seawall and retaining wall maintenance, such as sealing, patching, and filling in cracks.
- Cleanup of debris (e.g., downed trees, logs, and garbage).
- Planting of native vegetation.
- Seasonal docks that are removed in the fall of each year.
- Docks that are 200 square feet or less **and** built on floats or open piles.
- Grooming of unvegetated beaches above mean high water[2] that does not alter the elevation of the beach by more than 12 inches. **Applies to beaches only; grooming is not allowed on bluffs.**
- Elevated walkways or stairways on a bluff for private, non-commercial beach access. Walkways and stairways must be elevated at least 18 inches above the ground surface and no wider than 4 feet. **Applies to bluffs only; walkways and stairways are not allowed on beaches.**

Allowed Activities That Require a CEHA Permit (Regulated)

- Construction, replacement, or modification of erosion protection structures (e.g., rock revetments and seawalls), when justified. This includes in-kind replacement.
- Minor grading of bluffs for the purpose of erosion protection, when justified. Note, grading may not be appropriate along all shoreline areas, such as bedrock shorelines. Where grading is appropriate, grading must be minimized to the greatest extent possible.
- Beach grading that alters the elevation of the beach by greater than 12 inches, when justified.

[2] "Mean high water" means the approximate average high water level for a given body of water at a given location. It distinguishes between predominantly aquatic and predominantly terrestrial habitat, as determined by elevation (DEC's Use and Protection of Waters, 6 NYCRR Part 608, identifies mean high water elevations as 573.4 feet IGLD85* on Lake Erie and 247.3 feet IGLD85 on Lake Ontario) and the characteristics set forth in subdivision (r) of 6 NYCRR Section 608.1. DEC staff have the final determination in where the mean high water at a site is located.

*IGLD85 is the International Great Lakes Datum of 1985. It is a vertical datum that is used as a reference point for measuring elevations along the shorelines of the Great Lakes. A vertical datum is a surface of zero elevation to which heights of various points are referenced. This zero elevation can be set to any level but is generally set close to sea level.

- Construction, replacement, or modification of permanent docks that are greater than 200 square feet or that are not built on open piles. This includes in-kind replacement.
- Beach nourishment and restoration.
- Nonmajor additions (less than a 25% increase in footprint) to existing building structures. An existing structure is a structure that was present in the CEHA at the time the CEHA mapping went into effect. Additions must not be constructed waterward of an existing structure.
- Seasonal accessible matting on beaches. **Applies to beaches only; matting is not allowed on bluffs.**
- Walkways or stairways on a bluff for public or commercial beach access. Structures should be elevated, if possible. **Applies to bluffs only; walkways and stairways are not allowed on beaches.**

Prohibited Activities

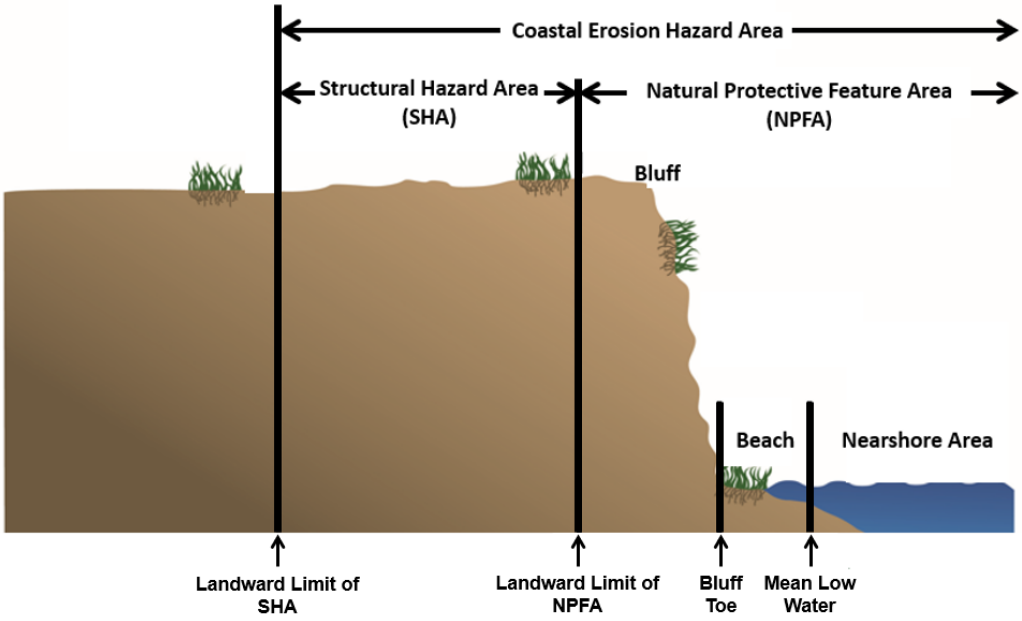
All activities are prohibited unless specifically listed in Part 505 as a permissible activity. If the activity is not specifically listed in the Allowed Activities sections above, the activity is likely prohibited. Note that variance requests may be submitted for prohibited activities. Scan the QR code on page 4 for the Coastal Erosion Management Permit Program webpage to learn more about variance requests.

Any proposed development that is not explicitly allowed under the regulations is prohibited, including:

- New non-water-dependent structures and the relocation, elevation, or reconstruction of existing non-water-dependent structures (e.g., houses, sheds, garages, decks, utilities, pools, patios, and other building structures);
- Removal of vegetation or clear-cutting;
- Beach and bluff excavation or grading that diminishes the protective value of the natural feature;
- Major additions (25% or greater increase in footprint) to existing building structures;
- Deposition of incompatible material (e.g., broken concrete, tires, and the placement of soil on sand or cobble beaches);
- Vehicle traffic on bluffs; and
- Vehicle traffic on beach vegetation.

Bluff Cross Section

Typical Bluff Cross Section



Coastal Erosion Management Permit Program, Certified CEHA Community List, and CEHA Maps

on.ny.gov/coastal-erosion-program

DEC Regional Permit Office Contacts

NYSDEC REGION 1 PERMITS
(Nassau and Suffolk counties)
631-444-0365
Dep.r1@dec.ny.gov

NYSDEC REGION 2 PERMITS
(Kings, Queens, and Richmond counties)
718-482-4997
Dep.r2@dec.ny.gov

NYSDEC REGION 3 PERMITS
(Westchester County)
845-256-3054
Dep.r3@dec.ny.gov

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(Jefferson and St. Lawrence counties)
315-785-2245
Dep.r6@dec.ny.gov

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(Cayuga and Oswego counties)
315-426-7438
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