Coastal Erosion Hazard Areas

Structural Hazard 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 located within designated Structural Hazard 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.

Structural Hazard Areas are regulated 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 to ensure new development is placed a safe distance from highly erosive shoreline areas and is not prematurely damaged due to improper siting. Structural Hazard Areas are regulated from the landward limit of the Natural Protective Feature Area line to the landward limit of the Structural Hazard Area line as shown on the CEHA map. See the Bluff Cross Section on page 3. Copies of the CEHA maps may be found using the QR code on page 3. Development and activities within a mapped Structural Hazard Area must meet 6 NYCRR Part 505 Coastal Erosion Management regulations and permit issuance standards.

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 3 for the Certified CEHA community list.

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; 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.

Allowed Activities That Require a CEHA Permit (Regulated)

- The construction of **movable** structures. **On bluff shoreline areas only**, structures must be placed 25 feet or greater distance landward of the Natural Protective Feature Area line as shown on the CEHA map. Examples of movable structures include the following:
  - Trailers, RVs, and other structures on an axel;
  - Aboveground pools;
  - Prefabricated buildings placed on a gravel pad;
  - Platforms made of wood or composite decking;
  - Decks that are elevated on posts;
  - Patios made of stone gravel;
  - Patios made of stone or concrete pavers that have an individual paver size of 4 feet or less; and
  - Building construction, such as a dwelling, that is elevated above grade and built on piles or piers with no subgrade space (e.g., crawl spaces and basements). The area of open space between the first floor and ground may be enclosed, but the walls must be breakaway and not structurally connected to the pile or pier foundation.
- **Movable or nonmovable** nonmajor additions (less than a 25% increase in footprint) to existing structures. An existing structure is a structure that was present in the CEHA at the time the CEHA mapping went into effect. Additions that expand into the Natural Protective Feature Area must not be constructed waterward of an existing structure.
- **Movable** major additions (25% or greater increase in footprint) to existing structures. **On bluff shoreline areas only**, movable major additions must be placed 25 feet or greater distance landward of the Natural Protective Feature Area.
- Grading, excavating, and filling, when justified. Grading must not direct surface water over a bluff slope.
- New utilities (e.g., gas, electric, water, and sewer) to serve shoreline development. Utilities must be located landward of the shoreline structure being served.

Prohibited Activities

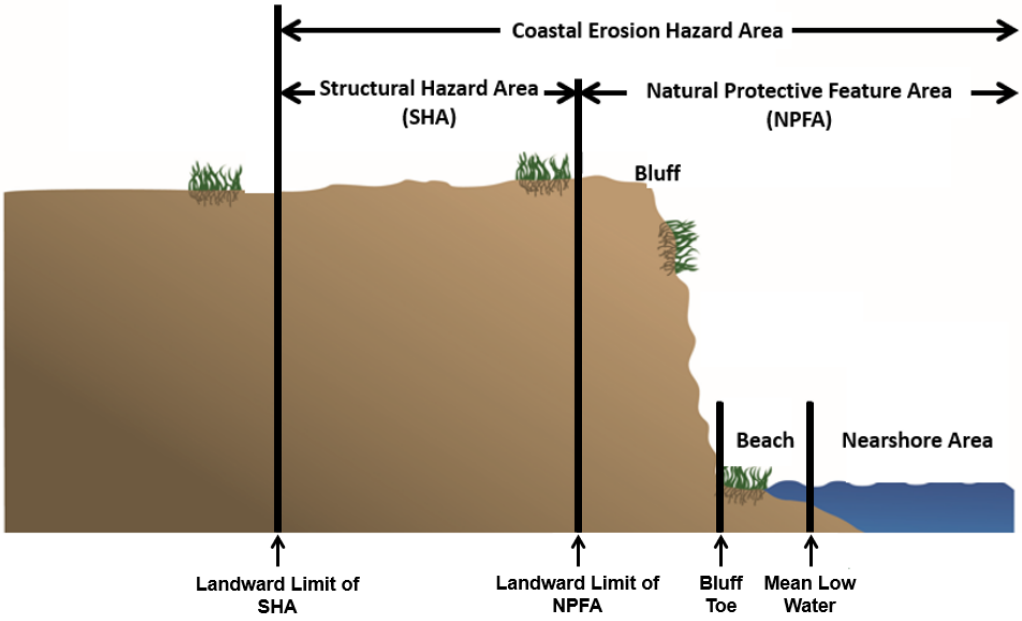
All development and activities are prohibited unless specifically listed in Part 505 as a permissible activity. If the activity is not specifically listed in the Allowed Activities sections above, the activity is likely prohibited. Note that variance requests may be submitted for prohibited activities. Scan the QR code on page 3 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 **nonmovable** structures and the reconstruction of existing nonmovable structures. Examples of nonmovable structures are in-ground pools, patios, and buildings built on a slab, basement, or crawlspace foundation.
- New **movable** structures **on bluff shoreline areas only** that are less than 25 feet from the Natural Protective Feature Area.
- **Nonmovable** major additions (25% or greater increase in footprint) to existing structures.
- New utilities placed on the waterward side of the shoreline structure being served.

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

NYSDEC REGION 6 PERMITS
(Jefferson and St. Lawrence counties)
315-785-2245
Dep.r6@dec.ny.gov

NYSDEC REGION 7 PERMITS
(Cayuga and Oswego counties)
315-426-7438
Dep.r7@dec.ny.gov

NYSDEC REGION 8 PERMITS
(Monroe, Orleans, and Wayne counties)
585-226-5400
Dep.r8@dec.ny.gov

NYSDEC REGION 9 PERMITS
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716-851-7165
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