

9739 **Appendix A. Long Island**

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9747 Long Island has almost 1,350 miles of coastline along Long Island Sound, the Peconic

9748 bays, the south shore bays, and the Atlantic Ocean. Its northern coast is characterized by

9749 high bluffs, while the south coast includes low-lying inner bays and a long stretch of

9750 barrier islands that provide recreational beach access for many New Yorkers (such as

9751 Jones Beach State Park). Long Island consists of Nassau County, Suffolk County, and the

9752 New York City boroughs of Brooklyn and Queens (discussed in Appendix B). Nassau

9753 County is primarily suburban and very densely developed, with less than 2% of the land

9754 area vacant. Suffolk County to the east is comparatively less developed. Although not

9755 part of Long Island, this chapter includes some discussion of the areas of Westchester

9756 County, NY, and the Bronx, which have shorelines on the Long Island Sound.

9757

9758 **A.1 LANDS VULNERABLE TO INUNDATION**

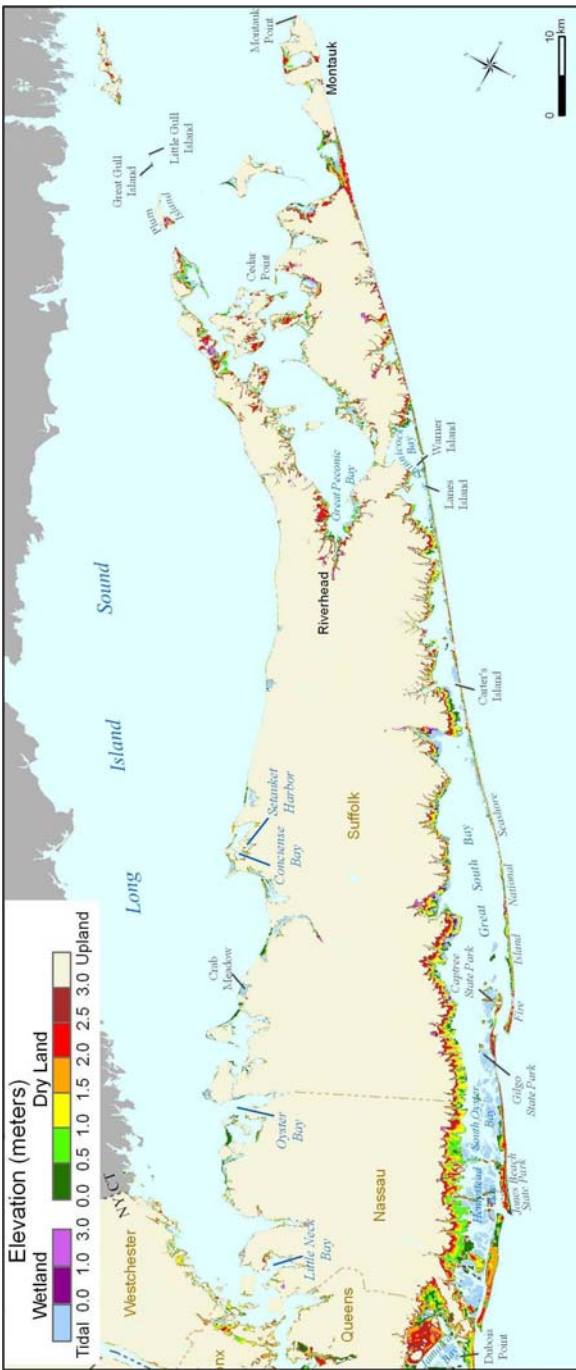
9759 The north shore of Long Island is generally characterized by high bluffs of glacial origin,

9760 making this area less susceptible to problems associated with increased sea level. This

9761 can be observed in Figure A.1. The south shore has comparatively much more land under

9762 3 meters. Almost all areas in the barrier islands along the south shore of Long Island and

9763 the tidal wetlands south of Nassau County in Great South Bay are low-lying. Between 81
9764 and 193 square kilometers of lands are within 1 meter above the tides (see Table A.1); as
9765 the map shows, almost all of this land lies along the south shore of Long Island. As a
9766 result, there are already enormous planning efforts under way in the region to preserve
9767 the dry lands under threat of inundation. A brief discussion of these efforts, especially on
9768 the south shore, is provided in the policy discussion at the end of this chapter.
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9770
9771
9772

Figure A.1 Long Island: Elevations relative to spring high water (Source: Titus and Wang, 2008).

9773

Table A.1 Low and high estimates for the area of dry and wet land close to sea level.

Long Island Sound, New York (square kilometers)											
	Tidal	50 cm		1 meter		2 meters		3 meters		5 meters	
		Low	High	Low	High	Low	High	Low	High	Low	High
Locality	Cumulative (total) amount of dry land below a given elevation										
Westchester		0.2	1.5	1.1	3.0	2.8	5.8	5.1	8.6	10.0	12.4
Bronx		0.4	2.6	1.8	5.1	4.8	9.8	8.7	14.6	16.9	19.6
Queens		6.2	17.0	14.6	28.1	31.7	48.6	50.7	66.6	76.5	80.8
Brooklyn		3.1	9.1	8.0	15.6	18.8	30.5	34.0	47.4	58.9	62.8
Nassau		2.2	19.2	12.9	44.5	50.9	85.4	85.4	104.1	119.3	132.1
Suffolk		13.7	51.5	43.1	96.8	114.9	181.3	188.6	251.3	318.8	371.4
Total		25.8	100.9	81.4	193.1	223.9	361.4	372.4	492.6	600.4	679.1
	Cumulative (total) amount of wetlands below a given elevation										
Westchester	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.1
Bronx	1.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.1
Queens	11.9	0.0	0.2	0.1	0.3	0.4	0.5	0.5	0.6	0.7	0.7
Brooklyn	10.1	0.0	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.2	0.2
Nassau	43.7	0.1	0.4	0.3	0.7	0.8	1.5	1.4	2.1	2.6	3.2
Suffolk	72.1	1.5	5.7	4.9	9.8	10.8	15.2	15.1	18.3	20.8	23.8
Total	140.0	1.7	6.4	5.4	11.0	12.1	17.4	17.2	21.3	24.3	28.1
Dry and nontidal wetland		27	107	87	204	236	379	390	514	625	707
All land	140	167	247	227	344	376	519	530	654	765	847
Source: Titus J.G., and D. Cacula, 2008: Uncertainty Ranges Associated with EPA’s Estimates of the Area of Land Close to Sea Level. Section 1.3 in: <i>Background Documents Supporting Climate Change Science Program Synthesis and Assessment Product 4.1: Coastal Elevations and Sensitivity to Sea Level Rise</i> , J.G. Titus and E.M. Strange (eds.). EPA 430R07004. U.S. EPA, Washington, DC. The low and high estimates are based on the contour interval and/or stated root mean square error (RMSE) of the data used to calculate elevations and an assumed standard error of 30 cm in the estimation of spring high water.											

9774

9775 **A.2 ENVIRONMENTAL IMPACTS**

9776 *North Shore and Peconic Bay.* Sea-level rise may threaten habitats along the Long Island

9777 Sound including the North Shore, Westchester, and the Bronx, as well as the Peconic

9778 Estuary at the far eastern end of Long Island. Habitats of interest include tidal marsh,

9779 estuarine beaches, tidal flats, nearshore shallows, sea-level fens, and marsh and bay
9780 islands.
9781
9782 Of the 8,425.6 hectares (20,820 acres) of tidal wetlands in the Sound, about 15% are
9783 found in New York, primarily along the shores of Westchester and Bronx counties
9784 (Holst, 2003). There are some notable areas of marsh in and around Stony Brook Harbor
9785 and West Meadow, bordering the Nissequogue River and along the Peconic Estuary
9786 (NYS DOS, 2004). In general, tidal wetlands along the north shore are limited due to the
9787 steep uplands and bluffs⁴⁶. Wetland loss may be expected if the shorelines of Long Island
9788 Sound are structurally protected (see Chapter 5)⁴⁷. Indeed, there has already been a
9789 significant loss of the historical area of vegetated tidal wetlands in Long Island Sound
9790 (Holst, 2003; Hartig and Gornitz, 2004), which some scientists partially attribute to sea-
9791 level rise (Mushacke, 2003).
9792
9793 The loss of vegetated low marsh reduces habitat for several rare bird species that nest
9794 only or primarily in low marsh (*e.g.*, seaside sparrow)⁴⁸. Low marsh also provides safe
9795 foraging areas for small resident and transient fishes (*e.g.*, weakfish, winter flounder).
9796 Diamondback terrapin live in the creeks of the low marsh, where they feed on plants,
9797 molluscs, and crustaceans (LISF, 2008).
9798

46 Ron Rosza, coastal ecologist with the Connecticut Office of the Long Island Sound Program, written communication to EPA, 5/14/07.

47 Map 1, "Study Results for Coastal Region of New York State," in Tanski, J. In review. Assessment of Sea Level Rise Response Scenarios in New York. U.S. Environmental Protection Agency, Washington, DC.

48 See section on marshes, and references therein, in Chapter 4.

9799 Some wetlands along Long Island Sound may be allowed to respond naturally to sea-
9800 level rise, including some in the Peconic Estuary. Where migration is possible,
9801 preservation of local biodiversity as well as some regionally rare species is possible.
9802 Several rare bird species are found in the Flanders Bay wetlands, including least tern,
9803 common tern, piping plover, black skimmer, osprey, and common loon (NYS DOS,
9804 2004) (see text box on piping plover). Waterfowl also feed in and around the wetlands.

9805

9806 Beaches are far more common than tidal wetlands in the Long Island Sound study
9807 area. Several notable barrier beaches exist. For example, the sandy barrier-beach
9808 system fronting Hempstead Harbor supports a typical community progression from
9809 the foreshore to the bay side, or backshore (LISHRI, 2003). The abundant
9810 invertebrate fauna provide forage for sanderling, semipalmated plovers, and other
9811 migrating shorebirds (LISHRI, 2003). The maritime beach community between the
9812 mean high tide and the primary dune provides nesting sites for several rare bird
9813 species, including piping plover, American oystercatcher, black skimmer, least tern,
9814 common tern, roseate tern, the Northeastern beach tiger beetle, and horseshoe crab
9815 (LISHRI, 2003). Diamondback terrapin use dunes and the upper limit of the
9816 backshore beach for nesting (LISHRI, 2003).

9817

9818 Since nearly all of the Long Island shoreline of the Sound is densely populated and
9819 highly developed, the land may be armored in response to sea-level rise, raising the
9820 potential for beach loss. The Long Island Sound Habitat Restoration Initiative
9821 cautions, “Attempts to alter the natural cycle of deposition and erosion of sand by

9822 construction of bulkheads, sea walls, groins, and jetties interrupt the formation of new
9823 beaches” (LISHRI, 2003).

9824

9825 Shallow water habitats are a major ecological feature in and around the Peconic Estuary.
9826 Here eelgrass beds provide food, shelter, and nursery habitats to diverse species,
9827 including worms, shrimp, scallops and other bivalves, crabs, and fish (PEP, 2001).
9828 Horseshoe crabs reportedly forage in the eelgrass beds of Cedar Point/Hedges Bank,
9829 where they are prey for loggerhead turtles (federally listed as threatened), crabs, whelks,
9830 and sharks (NYS DOS, 2004). Atlantic silverside spawn here; silverside eggs provide an
9831 important food source for seabirds, waterfowl, and blue crab, while adults are prey for
9832 bluefish, summer flounder, rainbow smelt, white perch, Atlantic bonito, and striped bass
9833 (NYS DOS, 2004). The Cedar Point/Hedges Bank Shallows eelgrass beds are known for
9834 supporting a bay scallop fishery of statewide importance (NYS DOS, 2004). The
9835 consequences of sea-level rise for submerged aquatic vegetation (SAV) are unknown,
9836 although studies suggest that deepening water, which may limit sunlight penetration,
9837 could reduce eelgrass growth and undermine the productivity and services the beds
9838 provide (Short, 1999). Increased salinity from sea-level rise may also negatively impact
9839 SAV. Furthermore, shoreward movement of eelgrass beds could be impeded by steep
9840 shores or water turbidity in front of shoreline protection structures.

9841

9842 Other noteworthy habitats that could be affected by sea-level rise include the following:

- 9843 • A sea-level fen vegetation community grows along Flanders Bay (NYS DOS, 2004).
9844 Because sea-level fen vegetation needs nutrient-poor waters, the Flanders Bay fen
9845 may not survive inundation by sea-level rise.
- 9846 • On Long Island’s north shore, longshore drift carries material that erodes from
9847 bluffs and later deposits it to form tidal flats and barrier spits or shoals (LISHRI,
9848 2003). For instance, one of the largest areas of tidal mudflats on the north shore is
9849 near Conscience Bay, Little Bay, and Setauket Harbor west of Port Jefferson (NYS
9850 DOS, 2004). Large beds of hard clams, soft clams, American oysters, and ribbed
9851 mussels are found in this area (NYS DOS, 2004). As seas continue to rise and the
9852 flats become inundated, the invertebrates of tidal flats could become less accessible
9853 for feeding by the many wading birds, dabbling ducks, and shorebirds whose growth
9854 and survival depend on such invertebrate food supplies (Erwin, 2006).

9855

9856 *South Shore.* Species and habitats along the south shore of Long Island are also
9857 potentially at risk because of sea-level rise. Key habitats include back-barrier salt
9858 marshes, back-barrier beaches, tidal flats, marsh and bay islands, and shallow nearshore
9859 environments.

9860

9861 Extensive back-barrier salt marshes exist to the west of Great South Bay in southern
9862 Nassau County (USFWS, 1997). These marshes are particularly notable given
9863 widespread marsh loss on the mainland shoreline of southern Nassau County (NYS DOS
9864 and USFWS, 1998; USFWS, 1997). Accretion experts indicate that most back-barrier
9865 marshes adjacent to Jones Inlet may survive modest sea-level rise rate increases, but that

9866 they will be lost under higher sea-level rise scenarios (Reed, 2008). To the east of Jones
9867 Inlet, the extensive back-barrier and fringing salt marshes are keeping pace with current
9868 rates of sea-level rise, but experts predict that the marshes' ability to keep pace will be
9869 marginal if the rate of sea-level rise increases moderately, and that the marshes would be
9870 lost under higher sea-level rise scenarios (Reed, 2008). Furthermore, opportunities for
9871 marsh migration along Long Island's south shore will be limited. Much of the mainland
9872 shoreline in southern Nassau County is already bulkheaded. Outside of New York City,
9873 the state requires a minimum 75-foot buffer around tidal wetlands to allow marsh
9874 migration, but outside of this buffer, additional development and shoreline protection are
9875 permitted⁴⁹. Numerous wildlife species could be affected by salt marsh loss:

9876

- 9877 • Under higher sea-level rise scenarios, many commercially and recreationally
9878 important fish species may move elsewhere in search of suitable nursery and
9879 foraging areas.
- 9880 • The recovery of a number of at-risk bird species could be impeded if additional
9881 marsh loss occurs. For example, the Dune Road Marsh west of Shinnecock Inlet
9882 provides nesting sites for several species that are already showing significant
9883 declines, including clapper rail, sharp-tailed sparrow, seaside sparrow, willet, and
9884 marsh wren (USFWS, 1997). The salt marshes of Gilgo State Park provide nesting
9885 sites for northern harrier, a species listed by the state as threatened (NYS DOS,
9886 2004).

⁴⁹ The state has jurisdiction up to 300 feet beyond the tidal wetland boundary (150 feet in NYC). See NYDEC, Undated.

9887 • The northern diamondback terrapin, a federal species of concern, feeds and grows
9888 along marsh edges and the nearshore bays of the south shore. A local terrapin expert
9889 believes that additional marsh loss could lead to a “very serious reduction” in the
9890 terrapin’s already low abundance (Feinberg and Burke, 2003)⁵⁰.

9891

9892 Of the extensive tidal flats along Long Island’s southern shoreline, most are found west
9893 of Great South Bay and east of Fire Island Inlet, along the bay side of the barrier islands,
9894 (USFWS, 1997) in the Hempstead Bay–South Oyster Bay complex, (USFWS, 1997) and
9895 around the Moriches and Shinnecock inlets (USFWS, 1997; NYS DOS and USFWS,
9896 1998). These flats provide habitat for several edible shellfish species, including soft clam,
9897 northern quahog (hard clam), bay scallop, and blue mussel. Tidal flats and shallow water
9898 habitats are heavily used by shorebirds, raptors, and colonial waterbirds in spring and
9899 summer and by waterfowl during fall and winter (Erwin, 1996). The tidal flats around
9900 Moriches and Shinnecock inlets are particularly important foraging areas for migrating
9901 shorebirds. If shoreline waters become too deep for foraging on these flats, migrating
9902 shorebirds may lack forage for their long-distance migrations. Scientists writing on behalf
9903 of the South Shore Estuary Reserve program have asserted that “because shorebirds
9904 concentrate in just a few areas during migration, loss or degradation of key sites could
9905 devastate these populations” (NYS DOS and USFWS, 1998).

9906

50 Written communication from Dr. Russell Burke, Department of Biology, Hofstra University, as cited in Section 3.4 of Background Documents Supporting Climate Change Science Program Synthesis and Assessment Product 4.1: Coastal Elevations and Sensitivity to Sea Level Rise, J.G. Titus and E.M Strange (eds.), EPA430R07004, Washington, DC: U.S. EPA. Russell Burke has operated an annual diamondback terrapin conservation project at the Jamaica Bay Wildlife Refuge in the Gateway National Recreational Area since 1998.

9907 Several other habitat types merit consideration when characterizing sea-level rise impacts
9908 on Long Island's south shore:

- 9909 • As sea levels rise, back-barrier beaches will erode in front of shoreline protection
9910 structures, and will be lost without continual beach nourishment. The back-barrier
9911 beaches of the south shore provide nesting sites for the northern diamondback
9912 terrapin, the endangered roseate tern, and horseshoe crabs (NYS DOS, 2004;
9913 USFWS, 1997; USFWS, 1998). Shorebirds (*e.g.*, red knot) feed preferentially on
9914 horseshoe crab eggs during their spring migrations.

9915

9916 Increased flooding and erosion of marsh and dredge spoil islands will reduce habitat for
9917 many bird species that forage and nest there, including breeding colonial waterbirds,
9918 migratory shorebirds, and wintering waterfowl. For example, erosion on Warner Island is
9919 reducing nesting habitat for the federally endangered roseate tern and increasing flooding
9920 risk during nesting (NYS DOS and USFWS, 1998). The Hempstead Bay–South Oyster
9921 Bay complex includes a network of salt marsh and dredge spoil islands that are important
9922 for nesting by herons, egrets, and ibises. Likewise, Lanes Island and Warner Island in
9923 Shinnecock Bay support colonies of the state-listed common tern and the roseate tern
9924 (USFWS, 1997).

9925

- 9926 • Seagrass beds occur along much of the southern shoreline of Long Island⁵¹.

9927

51 See SAV mapping information available at: <http://www.csc.noaa.gov/benthic/data/northeast/longisl.htm>.
Accessed 1/11/08.

9928 • The consequences of sea-level rise for SAV are unknown, although studies suggest
 9929 that deepening water could reduce eelgrass growth and undermine the productivity
 9930 and services the beds provide (Short, 1999).

9931 **BOX A.1: Effects on the Piping Plover**

9932 **Piping Plover** *Charadrius melodus*



9943 Adult and juvenile piping plover foraging on
 9944 a sandy beach near the water's edge. 9945

Habitat: The piping plover, federally listed as threatened, is a small migratory shorebird that primarily inhabits open sandy barrier island beaches on Atlantic coasts (USFWS, 1996). Major contributing factors to the plover's status as threatened are beach recreation by pedestrians and vehicles that disturb or destroy plover nests and habitat, as well as shoreline development that inhibits the natural renewal of barrier beach and overwash habitats (USFWS, 1996). In some locations, dune maintenance for protection of access roads associated with development appears to be correlated with absence of piping plover nests from former nesting sites (USFWS, 1996).

9946 **Locations:** Piping plovers winter on beaches from the
 9947 Yucatan Peninsula to North Carolina. In the summer, they migrate
 9948 north, and breed on beaches from North Carolina to
 9949 Newfoundland.⁵² In the mid-Atlantic region, breeding pairs of
 9950 plovers have been observed at numerous coastal beaches and
 9951 barrier islands, although suitable habitat is limited in some areas.
 9952 For example, Virginia and Delaware have one site each where
 9953 piping plovers breed.⁵³ (USFWS, 2000) In contrast, piping plovers
 9954 breed more frequently on Long Island's sandy beaches, from
 9955 Queens to the Hamptons, in the eastern bays and in the harbors of
 9956 northern Suffolk County. New York's Breezy Point barrier beach,
 9957 at the mouth of Jamaica Bay, consistently supports one of the
 9958 largest piping plover nesting sites in the entire New York Bight
 9959 coastal region (USFWS, 1997). New York has seen an increase in
 9960 piping plover breeding pairs in the last decade from less than 200 in 1989 to near 375 in recent years (2003-
 9961 2005), representing nearly a quarter of the Atlantic coast's total breeding population (USFWS, 2004).
 9962 Despite this improvement, piping plovers are still state listed as endangered in New York (TNC, No Date).



Piping plover nest

9963 **Impact of Sea-Level Rise:** Where beaches are prevented from migrating inland by shoreline armoring,
 9964 sea-level rise will negatively impact Atlantic coast piping plover populations. As described, continuous
 9965 linear dunes, hardened shorelines, and established vegetation are all avoided by plovers for breeding,
 9966 indicating that any armoring or stabilizing structures such as jetties and groins already in place, or built in
 9967 response to sea-level rise, will have a negative impact on their reproduction and populations.

9968 To the degree that developed shorelines result in erosion of ocean beaches, and to the degree that
 9969 stabilization is undertaken as a response to sea-level rise, piping plover habitat will be lost. In contrast,
 9970 where beaches are able to migrate landward, plovers may find newly available habitat. For example, on
 9971 Assateague Island, piping plover populations increased after a storm event that created an overwash area on
 9972
 9973

52 Cornell Lab of Ornithology Piping Plover bird guide available online here:
http://www.birds.cornell.edu/AllAboutBirds/BirdGuide/Piping_Plover.html. Access September 28, 2007.

53 Audubon IBA Barrier Island/Lagoon System IBA Northampton and Accomack Counties.

9974 the north of the island.⁵⁴ This suggests that if barrier beaches are allowed to migrate in response to sea-level
9975 rise, piping plovers might adapt to occupy new inlets and beaches created by overwash events.

9976
9977 Beach nourishment, the anticipated protection response for much of New York's barrier beaches such as
9978 Breezy Point, can benefit piping plovers and other shorebirds by increasing available nesting habitat in the
9979 short-term, offsetting losses at eroded beaches, but may also be detrimental depending on timing and
9980 implementation (USFWS, 1996). For instance, a study in Massachusetts found that plovers foraged on
9981 sandflats created by beach nourishment.⁵⁵ However, once a beach is built and people spread out to enjoy it,
9982 many areas become restricted during nesting season. Overall, throughout the Mid-Atlantic, coastal
9983 development and shoreline stabilization projects constitute the most serious threats to the continuing
9984 viability of storm-maintained beach habitats and their dependent species, including the piping plover
9985 (USFWS, 1996).

9986
9987 **Photograph credit: USFWS, New Jersey Field Office /Gene Nieminen 2006. Accessed at**
9988 **http://www.fws.gov/northeast/njfieldoffice/Endangered/Plover_public_domain/P_P_index.html on**
9989 **March 1, 2007.**

9990
9991 **-- END TEXT BOX --**

9992

9993 **A.3 POPULATION OF LANDS CLOSE TO SEA LEVEL**

9994 Based upon a spatial analysis of elevation data and U.S. Census data on the number of
 9995 residents, Table A.4 shows that more than 300,000 Long Island residents live within 2
 9996 meters of spring high water. Nassau County has the larger population within the low
 9997 lands, up to 223,000 people.

9998

Table A.2 Long Island block level population of the lands close to sea level by various scenarios of sea-level rise — low and high estimates.

County	Population (count)					
	50 centimeters		1 meter		2 meters	
	Low	High	Low	High	Low	High
Nassau County	2,863	146,134	2,863	174,237	97,208	223,039
Suffolk County	25	41,210	25	52,618	37,587	95,577

9999

10000 **A.4 EXISTING SHORE PROTECTION AND POLICY CONTEXT**

10001 For information on New York's statewide policies relevant to coastal management and
 10002 sea-level rise, readers should refer to Appendix B. Similar to the New York metropolitan
 10003 area, the relevant policies for Long Island reflect the fact that the region is intensely
 10004 developed in the west and developing fast in the east. Much of south shore, particularly
 10005 within Nassau County, is already developed and has already been protected, primarily by
 10006 bulkheads. For example, the Nassau County GIS database shows 528 miles of
 10007 bulkheads⁵⁶.

10008

10009 Some of the south shore's densely developed communities facing flooding problems,
 10010 such as Freeport and Hempstead, have already implemented programs calling for
 10011 elevating buildings and infrastructure in place and installing bulkheads for flood
 10012 protection. The Town of Hempstead has adopted the provisions of the state's Coastal

⁵⁶Based upon an analysis by Jay Tanski of GIS data provided by Nassau County (Nassau County, 2002).

10013 Erosion Hazards Area Act, described in Appendix B, because erosion and flooding along
10014 Nassau County's ocean coast have been a major concern. The Town of Hempstead has
10015 also been actively working with the U.S. Army Corps of Engineers to develop a long-
10016 term storm damage reduction plan for the heavily developed Long Beach barrier island
10017 (USACE, 2003).

10018

10019 Suffolk County has an aggressive open space preservation and land acquisition effort.
10020 Several programs focus on acquiring or preserving the open space remaining in the
10021 county, and hundreds of millions of dollars are spent to acquire lands that are open but
10022 still developable. In general, Suffolk County is interested in acquiring lands that are in
10023 floodplains, near streams, or near creeks because they do not want development in these
10024 areas. In the Shirley/Mastic area, Suffolk County initiated a land exchange program in
10025 which owners can exchange property in the floodplain for county-owned land outside of
10026 the floodplain, and 30 to 40 owners are participating in the program(Gaffney, 1996).
10027 Similar efforts by state, county, and local governments to buy development rights to
10028 agricultural lands would prevent them from being developed in the future.

10029

10030 Beach nourishment and the construction of flood and erosion protection structures are
10031 also common on the island. For example, in the early 1990s the U.S. Army Corps of
10032 Engineers constructed a substantial revetment around the Montauk Lighthouse at the
10033 eastern tip of Long Island and after a new feasibility study has proposed construction of a
10034 larger revetment (Bleyer, 2007). The Corps is also reformulating a plan for the
10035 development of long-term storm damage prevention projects along the 83 mile portion of

10036 the south shore of Suffolk County. As part of this effort, the Corps is assessing at-risk
10037 properties within the 71 square mile floodplain, present and future sea-level rise,
10038 restoration and preservation of important coastal landforms and processes, and important
10039 public uses of the area (USACE, undated).

10040

10041 Existing regulations do not prevent shoreline property owners from attempting to protect
10042 their land against flooding or erosion as long as they apply for the permits at the right
10043 time (i.e., before the land becomes wetlands). However, state policy requires individual
10044 property owners first evaluate non-structural approaches and only if such methods can be
10045 shown to be ineffective can they graduate to armoring strategies (New York State, 2002).
10046 Because emergency permits may be issued in extreme cases, in some cases, individuals
10047 will wait until their house is in imminent danger before applying for a permit, which will
10048 almost always be granted in emergency cases. In extreme cases, individuals may even
10049 wait for damage to occur, at which time the federal government may step in to relieve the
10050 burden of reconstruction in severely damaged areas. After major disasters, emergency
10051 permits may be issued, allowing applicants to receive approvals without going through a
10052 long and often costly permit process.

10053

10054 According to state policy, non-structural methods of shore protection are preferred
10055 whenever possible. Local governments try to discourage using bulkheads and other
10056 shore-hardening structures. Shoreline structure, which by definition includes beach
10057 nourishment in New York State, are permitted only when it can be shown that the
10058 structure can prevent erosion for at least thirty years and will not cause an increase in

10059 erosion or flooding at the local site or nearby locations (New York State, 2002).
10060 Setbacks, relocation, and elevated walkways are also encouraged before hardening.
10061
10062 The Comprehensive Coastal Management Plan (CCMP) of the Peconic Bay National
10063 Estuary Program Management Plan calls for “no net increase of hardened shoreline in the
10064 Peconic Estuary.” The intent of this recommendation is to discourage individuals from
10065 armoring their coastline, but this document is only a management plan and does not have
10066 any legal authority. However, towns such as East Hampton are trying to incorporate the
10067 plan into their own programs. In 2006, the town of East Hampton has adopted and now
10068 enforcing a zoning overlay district that prevents shore armoring along much of the town’s
10069 coastline (Town of East Hampton, 2006). Despite such regulations, authorities in East
10070 Hampton and elsewhere recognize that there are some areas where structures will have to
10071 be allowed to protect existing development.
10072
10073 The NY Department of State (DOS) is also examining options for managing erosion and
10074 flood risks through only land use measures, such as further land exchanges. For example,
10075 there is currently an attempt to revise the proposed Fire Island to Montauk Point Storm
10076 Damage Reduction project to in favor of combination of nourishment and land use
10077 measures. The intent is to then phase out the use of beach nourishment over the 50-year
10078 period. Over the 50-year project life, DOS staff would seek to promote measures to
10079 relocate out of hazardous locations⁵⁷. Non-conforming development will eventually be

⁵⁷ Comment from Fred Anders, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, in response to expert review draft of this appendix.

10080 brought into conformance as it is reconstructed, moved, damaged by storms or flooding
10081 or other land use management plans are brought into effect⁵⁸.

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