NEW YORK DISASTER 4694-DR-NY
FEDERAL EMERGENCY MANAGEMENT AGENCY
ENVIRONMENTAL AND HISTORIC PRESERVATION (EHP)
COASTAL ZONE MANAGEMENT ACT (CZMA) FACT SHEET

The New York State Coastal Zone

Portions of the declared counties are located within the New York Coastal Zone. Projects within the Coastal Zone must be consistent with the New York Coastal Zone Management Program (CZMP) and approved by New York Department of State (NYDOS) Division of Coastal Resources. Consistency review is triggered by activities that may have any **reasonably foreseeable** direct or indirect effect on any coastal use or resource.

What is "Federal Consistency"?

The Coastal Zone Management Act (CZMA) requires that all federal actions that may have reasonably foreseeable effects on the uses or resources of a state's coastal zone be consistent with the enforceable policies of the state's coastal management program. See CZMA § 307 (16 U.S. Code § 1456).

Effects on Coastal Resources and Uses

Uses: i.e. public access, recreation, fishing, historic, cultural, development, hazards management, marinas, navigation, resource creation or restoration.

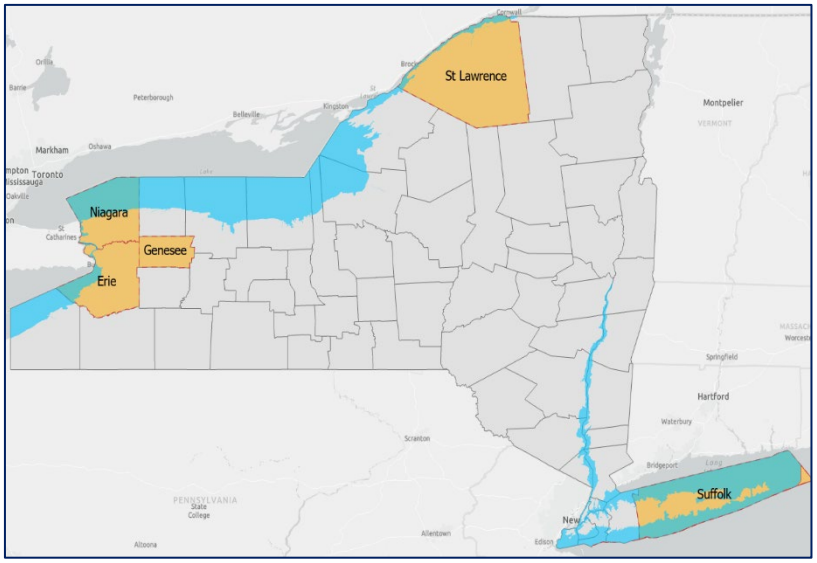
Resources: i.e. air, wetlands/water bodies, aquifers, aquatic vegetation, plants, animals, land, minerals, corals, and dunes.

Effects: These can be direct or indirect and must be "reasonably foreseeable," as mentioned. There is no set definition of "effects" or "reasonably foreseeable." The application of consistency, the analysis of effects, and the case-by-case nature of federal consistency precludes fast and hard definitions of effects and what is reasonably foreseeable.

Consistency Determinations

The inland New York coastal zone boundary is variable but generally 1,000 feet from the shoreline in non-urbanized areas and 500 feet or less from the shoreline in urban areas. Elsewhere, the boundary could extend inland up to 10,000 feet to encompass significant coastal resources.

There are 44 State Coastal Policies that FEMA EHP reviews for compliance with CZMA. FEMA and DHSES have a **streamlined agreement** with DOS for many projects to reduce the regulatory review timeframe. Projects including debris removal, all emergency protective measures, and all repair work that restores damaged public facilities to their pre-disaster condition without altering their original footprint, and materials or appearance, have been pre-determined by DOS to be consistent with the policies of the NYS CMP. Projects exceeding the scopes listed will require FEMA and DHSES to coordinate with the NYS DOS to obtain an Individual Federal Consistency Determination.



Mapped Coastal Zone (blue) is present in four of the five declared counties (orange) of DR-4694. Represented above are two of the five coastal regions of New York State, including Long Island and the Great Lakes – St. Lawrence Region. To see if your project is the Coastal Zone, use the NYS Geographic information Gateway mapping tool linked on the following page.

The regulatory review time for an individual Consistency Determination is **60 days, so it is important that projects located within or in proximity to the mapped Coastal Zone area allow ample time in project planning. The consistency determination must be obtained prior to the obligation of funding.*

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FEMA

Local Waterfront Revitalization Programs (LWRPs)

The Waterfront Revitalization of Coastal Areas and Inland Waterways Act offers local governments the opportunity to participate in the State's Coastal Management Program (CMP), on a voluntary basis, by preparing and adopting Local Waterfront Revitalization Programs (LWRP) providing more detailed implementation of the State's CMP through use of powers such as zoning and site plan review. When the federal government concurs with the incorporation of a LWRP into the CMP, federal agencies' actions must be consistent with the approved addition to the CMP. Subrecipients are responsible for coordinating with local governments to ensure that projects are consistent with implemented LWRPs.

Communities with Approved LWRPs in the Declared Counties

Erie	St. Lawrence
• City of Buffalo • City of Tonawanda • Grand Island • City of Lackawanna • Town of Brant • Town of Evans • Town of Hamburg • Town of Tonawanda • Village of Williamsville	• City of Ogdensburg • Town and Village of Morristown • Town and Village of Waddington
Niagara	**Suffolk**
• City of North Tonawanda • Town of Newfane • Town of Porter • Town of Somerset • Town of Wheatfield • Village of Lewiston • Village of Middleport • Village of Youngstown	• Town of East Hampton • Town of Smithtown • Town of Southold • Village of Greenport • Village of Lloyd Harbor • Village of Ocean Beach • Villages of Head of the Harbor and Nissequogue

FOR MORE INFORMATION

NYS Geographic Information Gateway - http://opdgig.dos.ny.gov/#/map

NYS Coastal Consistency - https://dos.ny.gov/coastal-consistency-review

NOAA Federal Consistency - https://coast.noaa.gov/czm/consistency/