

NEW YORK STATE DEPARTMENT OF STATE  
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQRA, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response):  
(a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction) X  
(b) Financial assistance (e.g. grant, loan, subsidy) \_\_\_\_\_  
(c) Permit, license, certification \_\_\_\_\_
2. Describe nature and extent of action: The Department of State, as the designated state agency, is undertaking this proposed action, a Routine Program Change (RPC) of the NYS Coastal Management Program (CMP), in accordance with the federal Coastal Zone Management Act regulatory requirements in 15 C.F.R. § 930.84. This RPC updates the enforceable language in one coastal policy, incorporates recent state laws, regulations and orders, updates program language, and incorporates stylistic edits.
3. Location of action: NYS Coastal Management Plan addresses New York's entire coastal area.

County	City, Town or Village	Street or Site Description
--------	-----------------------	----------------------------

4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:  
(a) Name of applicant: New York State Department of State  
(b) Mailing address: Office of Planning & Development - 99 Washington Ave. - Suite 1010, Albany, NY 12231  
(c) Telephone Number: Area Code ( 518 ) 474-6000  
(d) State agency application number: NA
5. Will the action be directly undertaken, require funding, or approval by a federal agency?  
Yes X No \_\_\_\_\_ If yes, which federal agency? NOAA - U.S. Department of Commerce

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

YES NO

1. Will the proposed activity be located in, or contiguous to, or have a significant effect upon any of the resource areas identified on the coastal area map:  
(a) Significant fish or wildlife habitats? ..... X \_\_\_\_\_  
(b) Scenic resources of statewide significance? ..... X \_\_\_\_\_  
(c) Important agricultural lands? ..... X \_\_\_\_\_
2. Will the proposed activity have a significant effect upon:  
(a) Commercial or recreational use of fish and wildlife resources? ..... X \_\_\_\_\_  
(b) Scenic quality of the coastal environment? ..... X \_\_\_\_\_  
(c) Development of future, or existing water dependent uses? ..... X \_\_\_\_\_  
(d) Operation of the State's major ports? ..... X \_\_\_\_\_  
(e) Land and water uses within the State's small harbors? ..... X \_\_\_\_\_  
(f) Existing or potential public recreation opportunities? ..... X \_\_\_\_\_  
(g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation? ..... X \_\_\_\_\_

3. Will the proposed activity involve or result in any of the following:

- (a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters? . . . .    X
- (b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area? . . . . .    X
- (c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area? . . . . .    X
- (d) Energy facility not subject to Article VII or VIII of the Public Service Law? . . . . .    X
- (e) Mining, excavation, filling or dredging in coastal waters? . . . . .    X
- (f) Reduction of existing or potential public access to or along the shore? . . . . .    X
- (g) Sale or change in use of state-owned lands located on the shoreline or under water?
- (h) Development within a designated flood or erosion hazard area? . . . . .    X
- (i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion? . . . . .    X

4. Will the proposed action be located in or have a significant effect upon an area included in an approved Local Waterfront Revitalization Program? . . . . . X   

D. SUBMISSION REQUIREMENTS

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or  
Section B.1(c) is checked AND B.5 is answered "Yes",

THEN a copy of this completed Coastal Assessment Form shall be submitted to:

New York State Department of State  
Office of Coastal, Local Government and Community Sustainability  
One Commerce Plaza  
99 Washington Avenue, Suite 1010  
Albany, New York 12231-0001

If assistance or further information is needed to complete this form, please call the Department of State at (518) 474-6000.

E. REMARKS OR ADDITIONAL INFORMATION

See attached addendum

Preparer's Name: Riobart E. Breen  
(Please print)

Title: Policy Analyst Agency: New York State Department of State - Office of Planning & Development

Telephone Number: ( 518 ) 473-3368 Date: August 31, 2016

## Addendum

### E. REMARKS OR ADDITIONAL INFORMATION

The Department of State is the designated state agency, in accordance with 15 C.F.R. § 923.47, to administer the NYS CMP, which includes the receipt and administering of federal grants and the sole state agency with the responsibility to conduct federal consistency review of federal agency actions having reasonable foreseeable effects on the state's coastal resources and uses. DOS has evaluated this RPC for its significant beneficial and adverse effects upon the coastal area and has concluded that the proposed action will not have any significant adverse effects but will instead provide beneficial effects through the updates and enforceability additions.

DOS completed this RPC pursuant to the authority provided for in 16 U.S.C. § 1455(e) and in accordance with the procedural requirements in 15 C.F.R. § 930.84. The RPC process was undertaken to make editorial changes and add recent New York State statutory, regulatory and administrative updates to the program. The enforceable policy language of Coastal Policy 29 was updated to incorporate energy planning for the waters offshore of the State and includes an update to the supporting policy explanation of Coastal Policy 29. The update to enforceable Coastal Policy 29 will more fully implement and advance the State's coastal policies relating to protection, preservation, and restoration of Significant Coastal Fish and Wildlife Habitats while advancing the appropriate development of offshore renewable energy and identifying those areas important to New York's coastal uses and resources to minimize or eliminate negative coastal area impacts.

There are additions and deletions of State authorities to all 44 enforceable coastal policies to reflect recent passage and adoption of State laws, regulations and administrative orders and reflects the most recent statutory framework and policies of New York State. The CMP language throughout the document includes conforming language to be consistent with current New York State policy language as reflected in the State laws, regulations and administrative orders. The RPC beneficial effects includes consistent Statewide planning for water and land uses including water dependent uses, operation of major ports, small harbors, public, recreational opportunities, and structures, sites or districts of historic, archeological or cultural significance to the State or nation. The additional State authorities also provides for the beneficial effect of consistent Statewide consideration of significant fish and wildlife habitats, scenic resources of statewide significance, important agricultural lands, commercial and recreational use of fish and wildlife resources, and the scenic quality of the coastal environment. Statewide approved Local Waterfront Revitalization Programs will also benefit through participating and contributing local consistency reviews within the context and framework of an updated NYS CMP.

The RPC also removes obsolete passages, agency titles, and general New York State policies (as distinguished from the enforceable coastal policies) that no longer apply to current, pending, or future federal license applications for licensing, permitting, or other forms of approval that will have a beneficial effect on the enforceable coastal policies by providing for the timely and accurate review of proposed federal agency actions that will have reasonably foreseeable effects on the State's coastal resources and uses. The RPC also includes corrections of typographical errors and inconsistencies along with other style and formatting edits improving readability, clarity and uniformity in language.

DOS has determined that this RPC is consistent to the maximum extent practicable with all enforceable coastal policies and will have no adverse impacts, either significant or minor, on New York's coastal area. Instead, RPC will have beneficial effects on the coastal area through the updating of the enforceable coastal policies that provide protection of natural resources and appropriate development and uses of the coastal area that further both the intent and purposes of the federal Coastal Zone Management Act (16 U.S.C. §§ 1451 and 1452) and the implementing regulations at 15 C.F.R. Parts 923 and 930, NYS Executive Law Article 42 and implementing regulations at 19 NYCRR Parts 600-604. This RPC will be submitted to the National Oceanic and Atmospheric Administration (NOAA) for review and approval. (15 C.F.R. §§ 930.81(a); 923.84).

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
SECRETARY OF STATE

**COASTAL CONSISTENCY CERTIFICATION**

To: Jeffrey Zappieri, Coastal Unit Supervisor

From: Riobart Breen, Policy Analyst, New York State Department of State, Office of Planning and Development

Date: August 12, 2016

Proposed Action Title: Routine Program Change to the New York State Coastal Management Program

Proposed Action Location: New York State's entire coastal area

Project Description: The Department of State (DOS), the designated state coastal management agency pursuant to 15 C.F.R. § 923.47 in accordance with the Coastal Zone Management Act, is submitting a Routine Program Change (RPC) to the New York State Coastal Management Program (CMP). Updates are necessary to accurately reflect the recent changes to New York's authorities to implement the Coastal Management Program. The program changes consist of four sets of changes: the update of the enforceable language and supporting policy explanation of Coastal Policy 29; the addition and removal of State authorities based on recent state legislation, regulations and other authorities; conforming edits that update the CMP to make it consistent with current New York State policy language as a result of these new statutes; and removal of typographical errors and inconsistencies along with other style and formatting edits. Many of the edits are grammatical, style and protocol consistency edits that are not substantive and will have no direct impact on New York's coastal area.

Pursuant to Article 42 of the NY Executive Law, the implementing regulations in 19 NYCRR Parts 600-603, DOS has determined that this project will not substantially hinder the achievement of any coastal policy or purpose and, whenever practicable, will advance coastal policies.

Comments: These RPC edits to the CMP are necessary because of changing conditions, contexts, language, policies, and standards over the past several decades since New York's CMP was first created.

There are updates to all 44 enforceable coastal policies to reflect recent passage and adoption of State laws, regulations and administrative orders and reflects the most recent statutory framework and policies of New York State. The CMP language throughout the document includes conforming language to be consistent with current New York State policy language as reflected in the State laws, regulations and administrative orders. The RPC beneficial effects includes consistent Statewide planning for water and land uses including water dependent uses, operation of major ports, small harbors, public, recreational opportunities, and structures, sites or districts of historic, archeological or cultural significance to the State or nation. The additional State authorities also provides for the beneficial effect of consistent Statewide consideration of significant fish and wildlife habitats, scenic resources of statewide significance, important agricultural lands, commercial and recreational use of fish and wildlife resources, and the scenic quality of the coastal environment. Statewide approved Local Waterfront Revitalization Programs will also benefit through



**Department  
of State**

participating and contributing local consistency reviews within the context and framework of an updated NYS CMP.

The RPC also removes obsolete passages, agency titles, and general New York State policies (as distinguished from the enforceable coastal policies) that no longer apply to current, pending, or future federal license applications for licensing, permitting, or other forms of approval. These changes will have a beneficial effect on the enforceable coastal policies by providing for the timely and accurate review of proposed federal agency actions that will have reasonably foreseeable effects on the State's coastal resources and uses. The RPC also includes corrections of typographical errors and inconsistencies along with other style and formatting edits improving readability, clarity and uniformity in language. All edits will improve readability, clarity and uniformity in language, and will help in preparing future Routine Program Changes.

This RPC will have broad applicability for New York State's coastal area by more fully implementing and advancing New York's coastal policies relating to protection, preservation, and where practical, restoration of Significant Coastal Fish and Wildlife Habitats so as to maintain their viability as habitats, and to promote sustainable offshore energy development, especially renewable energy. This action will also advance other policies in Article 42 of the Executive Law and implementing regulations in 19 NYCRR Part 600, which reflect objectives of the federal Coastal Zone Management Act. DOS has determined that the project would have beneficial effects rather than adverse effects on the coastal area by advancing relevant state policies relating to the protection of natural resources and appropriate development and uses of the coastal area. See Attachment A: Coastal Policies Consistency Checklist.

Prepared by: Ríobart É. Breen, Ocean and Lakes Policy Analyst I  
New York State Department of State,  
Office of Planning and Development - Ocean and Great Lakes Program

## Attachment A: Coastal Policies Consistency Checklist

The following are the New York State Coastal Policies with which the project is consistent: (check any that apply)

Development policies		Recreation policies			
<input checked="" type="checkbox"/>	600.5 (a)(1)	Restore, revitalize and redevelop deteriorated and underutilized waterfront areas for commercial and industrial, cultural, recreational and other compatible uses.	<input checked="" type="checkbox"/>	600.5 (f)(1)	Water dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over nonwater-related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities. In facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.
<input checked="" type="checkbox"/>	600.5 (a)(2)	Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.	<input checked="" type="checkbox"/>	600.5 (f)(2)	Development, when located adjacent to the shore, shall provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.
<input checked="" type="checkbox"/>	600.5 (a)(3)	Encourage the development of the State's existing major ports of Albany, Buffalo, New York, Ogdensburg and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of State public authorities, of land use and development which is essential to or in support of waterborne transportation of cargo and people.	<input checked="" type="checkbox"/>	600.5 (f)(3)	Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities or the nation.
<input checked="" type="checkbox"/>	600.5 (a)(4)	Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.	<b>Flooding and erosion hazards policies</b>		
<input checked="" type="checkbox"/>	600.5 (a)(5)	Encourage the location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitate its location in other coastal areas.	<input checked="" type="checkbox"/>	600.5 (g)(1)	Whenever possible, use nonstructural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: (i) the setback of buildings and structures; (ii) the planting of vegetation and the installation of sand fencing and drainage systems; (iii) the reshaping of bluffs; and (iv) the flood-proofing of buildings or their elevation above the base flood level.
<b>Fish and wildlife policies</b>		<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	600.5 (b)(1)	Significant coastal fish and wildlife habitats, as identified on the coastal area map, shall be protected, preserved and, where practical, restored so as to maintain their viability as habitats.	<input checked="" type="checkbox"/>	600.5 (g)(2)	Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.
<input checked="" type="checkbox"/>	600.5 (b)(2)	Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks and developing new resources. Such efforts shall be made in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.	<input checked="" type="checkbox"/>	600.5 (g)(3)	The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least 30 years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.
<input checked="" type="checkbox"/>	600.5 (b)(3)	Further develop commercial finfish, shellfish and crustacean resources in the coastal area by: (i) encouraging the construction of new or improvement of existing onshore commercial fishing facilities; (ii) increasing marketing of the State's seafood products; and (iii) maintaining adequate stocks and expanding aquaculture facilities. Such efforts shall be made in a manner which ensures the protection of such renewable fish resources and considers other activities dependent on them.	<input checked="" type="checkbox"/>	600.5 (g)(4)	Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features, including beaches, dunes, barrier islands and bluffs. Primary dunes will be protected from all encroachments that could impair their natural protective capacity.
<input checked="" type="checkbox"/>	600.5 (b)(4)	Ice management practices shall not damage significant fish and wildlife and their habitats, increase shoreline erosion or flooding, or interfere with the production of hydroelectric power.	<input checked="" type="checkbox"/>	600.5 (g)(5)	Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development or at other locations.
<b>Agricultural lands policy</b>		<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	600.5 (c)	To conserve and protect agricultural lands in the State's coastal area, an action shall not result in a loss nor impair the productivity of important agriculture lands as identified on the coastal area map, if that loss or impairment would adversely affect the viability of agriculture in an agricultural district or, if there is no agricultural district, in the area surrounding such lands.	<input checked="" type="checkbox"/>	600.5 (g)(6)	Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long-term monetary and other costs, including the potential for increasing erosion and adverse effects on natural protective features.
<b>Scenic quality policies</b>		<b>Water resources policies</b>			
<input checked="" type="checkbox"/>	600.5 (d)(1)	Prevent impairment of scenic resources of statewide significance, as identified on the coastal area map. Impairment shall include: (i) the irreversible modification of geological forms, the destruction or removal of vegetation, the destruction or removal of structures, wherever the geologic forms, vegetation or structures are significant to the scenic quality of an identified resource; and (ii) the addition of structures which because of siting or scale will reduce identified views or which because of scale, form or materials will diminish the scenic quality of an identified resource.	<input checked="" type="checkbox"/>	600.5 (h)(1)	State coastal area policies and purposes of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.
<input checked="" type="checkbox"/>	600.5 (d)(2)	Protect, restore and enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the scenic quality of the coastal area.	<input checked="" type="checkbox"/>	600.5 (h)(2)	Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.
<b>Public access policies</b>		<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	600.5 (e)(1)	Protect, maintain and increase the levels and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized by all the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources. In providing such access, priority shall be given to public beaches, boating facilities, fishing areas and waterfront parks.	<input checked="" type="checkbox"/>	600.5 (h)(3)	Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.
<input checked="" type="checkbox"/>	600.5 (e)(2)	Access to the publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided, and it should be provided in a manner compatible with adjoining uses. Such lands shall be retained in public ownership.	<input checked="" type="checkbox"/>	600.5 (h)(4)	Discharge of waste materials from vessels into coastal waters will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.
<b>Other policies</b>		<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	600.5 (i)	To safeguard the vital economic, social and environmental interests of the State and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the State has established to protect valuable coastal resource areas.	<input checked="" type="checkbox"/>	600.5 (h)(5)	Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.