



Peconic Shoreline Regulations Across Jurisdictions



Learn more from NY
Sea Grant's Guide to
Permitting

Federal Regulations

The U.S. Army Corps of Engineers (USACE) oversees the following regulations:

- **Rivers and Harbors Act - Section 10, U.S. Army Corps of Engineers (USACE), Regulatory Program:** Regulates the construction of structures and work in or affecting navigable waters of the United States, including docks, bulkheads, piers, and dredging activities.
- **Clean Water Act – Section 404 of U.S. Army Corps of Engineers (USACE), Regulatory Program:** This section authorizes the USACE to govern the discharge of dredged or filled material into waters of the United States.
- **Coastal Zone Management Act (CZMA):** This Act is delegated to the New York State Department of State (NYSDOS) to ensure activities comply with coastal management policies.
- **Clean Water Act – Section 401 of NY DEC: Water Quality Certification:** This section requires projects with potential discharges into waters of the USA to obtain a water quality certification to ensure compliance with NY state water quality standards, a review process delegated to the New York State Department of Environmental Conservation (NYS DEC).

New York State Regulations

The NYSDEC oversees a variety of shoreline-related activities in compliance with state laws and acts:

- **Tidal Wetlands Act (ECL Article 25; 6 NYCRR Part 661) – NYS DEC Division of Environmental Permits (Tidal Wetlands Regulatory Program):** Regulates activities within tidal wetlands & adjacent areas, generally extending up to 300 ft landward from designed wetland boundaries. Permits are required for activities such as filling, dredging, construction, and vegetation disturbance, with an emphasis on avoiding and minimizing impacts to wetland functions. Where a lawfully existing bulkhead constructed prior to September 1, 1977 is present, NYS DEC jurisdiction may end at the structure, and adjacent area regulation may not extend landward of it.
- **Freshwater Wetlands Act ECL Article 24; 6 NYCRR Parts 663–664) – NYS DEC Division of Environmental Permits (Freshwater Wetlands Regulatory Program):** Regulates activities in freshwater wetlands and their adjacent areas, typically extending at least 100 feet landward from the wetland boundary.
- **Protection of Waters Program (ECL Article 15; 6 NYCRR Part 608) – NYS DEC Division of Environmental Permits (Protection of Waters Regulatory Program):** Regulates disturbance of stream beds and banks, construction of docks and shoreline structures, excavation, and placement of fill in navigable waters.
- **Coastal Erosion Hazard Areas Act (ECL Article 34; 6 NYCRR Part 505) – NYS DEC Division of Environmental Permits (Coastal Erosion Management Program) or Certified Local Municipality:** Regulates development in designated erosion-prone areas.
- **Shellfish Protection / Marine Resources (ECL Article 13; 6 NYCRR Part 40) – NYS DEC Division of Marine Resources):** Regulates activities that may impact shellfish resources, including harvest areas, habitat disturbance, and water quality conditions affecting shellfish beds. Projects in or near shellfish habitat may require additional review or coordination to avoid impacts to commercially and ecologically important species.
- **NYS Public Lands Law, Article 2 (NYS Office of General Services (OGS)):** Regulates activities on underwater lands owned by the State, including authorizations, leases, or easements for structures such as docks, piers, bulkheads, and utilities located in, on, or above state-owned submerged lands.



Learn more about NYS Coastal
Erosion Hazard Areas (CEHA)

Local Government Regulations

New York State operates under a home rule system, allowing local governments to adopt and enforce regulations that are more stringent, but not less restrictive, than state and federal standards. Each municipality within the Peconic Estuary maintains its own wetland codes, shoreline regulations, and permitting procedures.

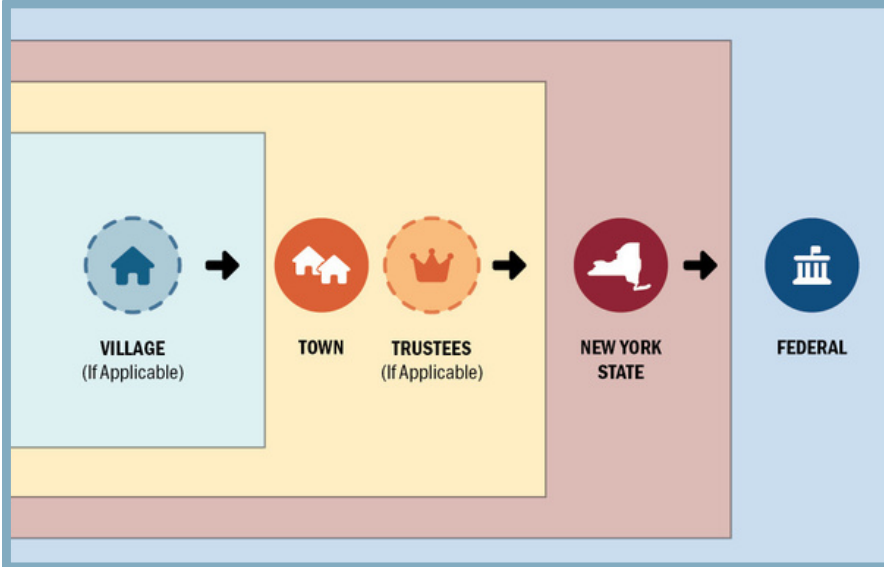
Local review may occur before, concurrently with, or after state and federal permitting depending on the jurisdiction, and early coordination is often necessary to avoid delays or conflicting determinations.

In addition to municipal authority, several East End towns maintain Trustee Boards (Southold, Southampton, East Hampton), which hold jurisdiction over lands under water, intertidal zones, and public trust resources, adding a distinct layer of review for projects waterward of mean high water (MHW).



**Peconic Estuary
Partnership**

PROTECTING AND RESTORING LONG ISLAND'S PECONIC BAYS



Local Jurisdictions

Town	Shoreline Jurisdiction (Code Language)	Code / Section
Southold Town	Regulates wetlands and "adjacent areas extending up to 100 feet landward from the boundary of any wetland"; includes filling, grading, structures, and vegetation removal within the adjacent area.	Chapter 275
Southold Trustees	Regulates activities occurring within 100 feet landward of wetlands and waters under Trustee jurisdiction, including docks, bulkheads, moorings, shoreline structures, dredging, fill, and use of underwater lands.	Town Code Chapter 275 & Andros Patent (1676)
Riverhead Town	Regulates activities within tidal wetlands and adjacent areas extending 300 feet landward from the boundary of any tidal wetland or tidal water including requirements for excavation, fill, grading, vegetation removal, structures, and other land disturbance activities within regulated wetland and adjacent areas.	Chapter 295
Brookhaven Town	Regulates wetlands, waterways, and "adjacent areas extending 150 feet landward from the wetland boundary", including activities such as excavation, fill, grading, vegetation removal, and construction within the regulated area.	Chapter 81
Southampton Town	Regulates wetlands and "adjacent areas extending 200 feet landward from the wetland boundary", including activities such as excavation, fill, grading, vegetation removal, and construction within the regulated area.	Chapter 325
Southampton Trustees	Regulates activities affecting Trustee-owned bottom lands, intertidal areas, creeks, waterways, and common lands under the authority of the Dongan Patent (1686). Southampton Town Code Chapter 325 additionally recognizes Trustee review and authorization for activities affecting Trustee-owned underwater lands and wetland areas, including docks, bulkheads, dredging, fill, and shoreline structures.	Town Chapter 325 & Dongan Patent (1686)
East Hampton Town	Regulates activities within tidal wetlands and adjacent areas extending 150 feet landward from the wetland boundary with requirements for excavation, fill, grading, vegetation removal, structures, and other land disturbance activities.	Chapter 255
East Hampton Trustees	Regulates activities on bottom lands, intertidal areas, and certain waters and common lands under the Dongan Patent (1686).	Town Code Chapter 255 & Dongan Patent (1686)
Shelter Island Town	Regulates a 75-foot shoreline vegetative buffer landward from tidal and freshwater wetlands and water bodies, and separately regulates freshwater wetlands with a 100-foot adjacent area.	Chapter 129 & Chapter 53