Assessing the Viability of Shoreline Adaptation

in the Peconic Estuary

Peconic Estuary Partnership

Sea Grant NEW YORK

Purpose:

This document is the result of work funded by the New York State Department of Environmental Conservation conducted by the Peconic Estuary Partnership and New York Sea Grant to identify barriers to implementing shoreline adaptation methods, such as nature-based features. It compiles information obtained through conversations with various stakeholders involved in shoreline permitting and policy, including federal, state, and local regulators. Its contents are to be used for informational purposes to assist with understanding and adapting, if needed, the process of shoreline adaptation in the Peconic Estuary.

Access this report online at: data.gss.stonybrook.edu/dataset/shoreline-adaptation-initiative

Acknowledgement:

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Disclaimer:

This report was developed by the Peconic Estuary Partnership and New York Sea Grant's interpretation of discussions with various local, state, and federal stakeholders. The report is for informational purposes and reasonable efforts have been made to include accurate and up-to-date information at the time of publication. For current versions of regulations and permitting requirements, consult with specific agencies.

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Photos courtesy New York Sea Grant and Peconic Estuary Partnership

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Acronyms & Abbreviations

Acronym	Description
CLPS	**Critical Lands Protection Strategy** Identifies and protects important lands in the Peconic Estuary that support habitats and reduce coastal risks.
CPF	**Community Preservation Fund** A local tax fund used to protect land, improve water quality, and support resilience projects.
CSC	**Climate Smart Communities** A New York State program that helps towns improve local planning, energy efficiency, and long-term resilience.
CEHA	**Coastal Erosion Hazard Area** New York shorelines designated as erosion-prone or containing protective dunes and bluffs.
CZMA	**Coastal Zone Management Act** A federal law that helps states balance coastal development with resource protection.
EPA	**Environmental Protection Agency** The federal agency that funds and guides environmental protection, including estuary work.
FEMA	**Federal Emergency Management Agency** The federal agency that manages disasters and maps flood risk.
LWRP	**Local Waterfront Revitalization Program** A New York State program that helps communities plan and manage their waterfronts.
NBF	**Nature-based Features** An approach to reducing coastal erosion using natural materials combined with structural components that work with natural processes to stabilize shorelines.
NEP	**National Estuary Program** An EPA program that supports estuaries like the Peconic through science and local action.
NYS DEC	**New York State Department of Environmental Conservation** Manages environmental protection and coastal permitting in New York.
NYSG	**New York Sea Grant** Provides coastal research and outreach to strengthen community resilience.
PEP	**Peconic Estuary Partnership** Local, state, and federal partners working together to protect the Peconic Estuary.
VIMS	**Virginia Institute of Marine Science** Researches coastal processes and nature-based shoreline solutions.

Photo Courtesy Andew Seal

Executive Summary

The Peconic Estuary, spanning more than 450 miles of shoreline at the eastern end of Long Island, is a vital ecological and economic resource. Designated an Estuary of National Significance by the U.S. Environmental Protection Agency, it faces growing challenges from sea level rise, erosion, and increasingly frequent and severe coastal storms.

Coastal communities facing these risks will need to implement adaptation strategies. To assess the viability of shoreline adaptation, the Peconic Estuary Partnership and New York Sea Grant launched the Shoreline Adaptation Initiative in 2022 with support from the New York State Department of Environmental Conservation and local governments. The goal was to assess and advance the use of nature-based features as practical and resilient alternatives to traditional hard shoreline structures.

Through interviews, workshops, and collaborative discussions with stakeholders, regulatory frameworks, permitting processes, and management challenges were examined. The findings of this assessment highlight opportunities to improve shoreline adaptation by enhancing coordination among agencies, increasing technical and institutional capacity, and considering updates to local codes and policies.

Key recommendations include:

- Encouraging early engagement between applicants and regulators.
- Strengthening interagency communication and coordination.
- Improving knowledge transfer and training for municipalities, regulators, and contractors.
- Updating codes to encourage nature-based features and other adaptive shoreline practices.
- Creating incentives for resilient shoreline designs.
- Expanding enforcement, monitoring, and adaptive management to ensure regional learning.

Progress to date includes local code reviews, updates to internal permitting procedures, and new opportunities for dialogue across jurisdictions—demonstrating momentum toward more resilient shoreline management.

Next steps to turn these recommendations into action include:

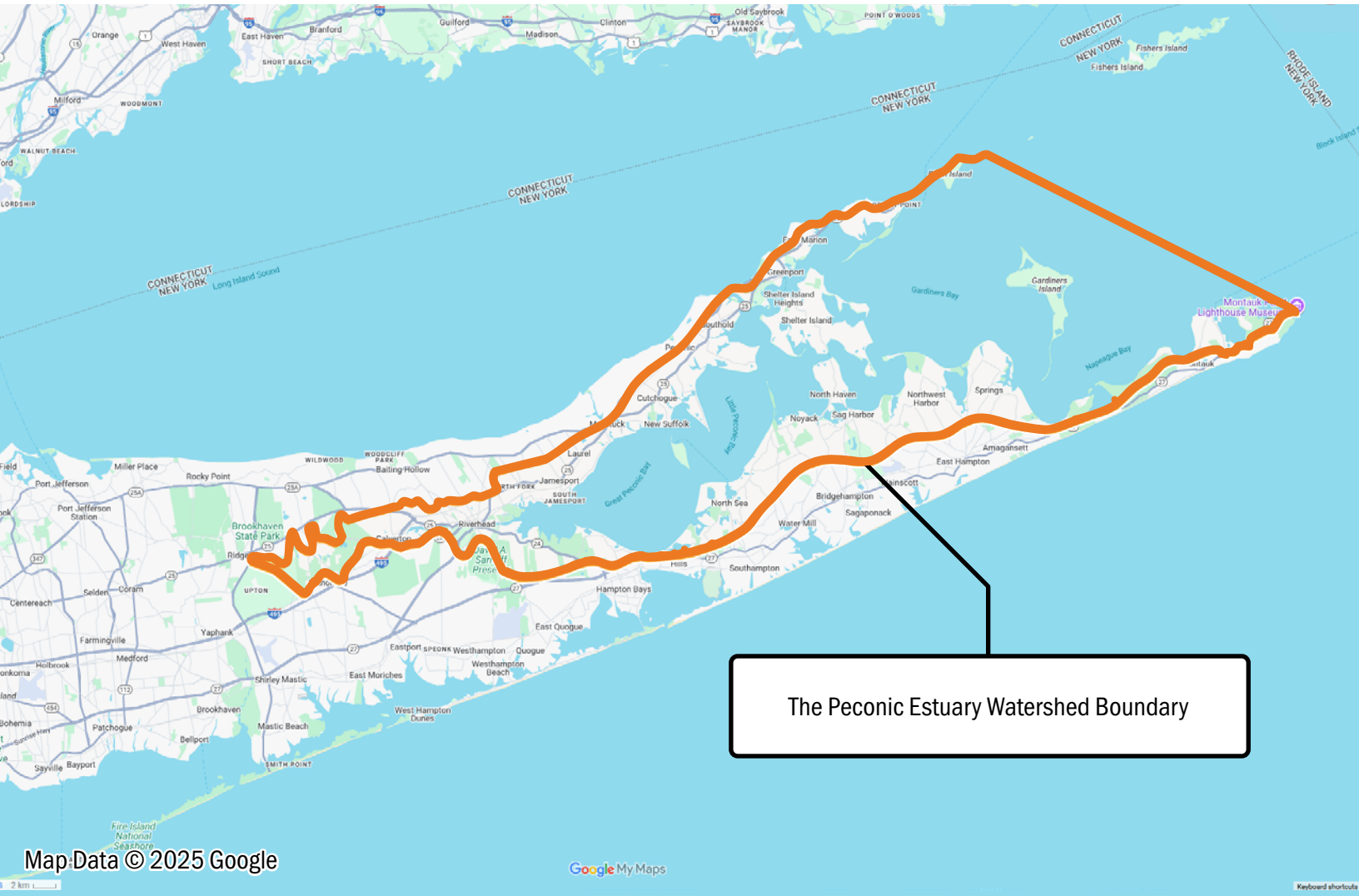
- Development of a Peconic Estuary Shoreline Site Suitability Model to inform project planning.
- Creation of standardized site evaluation and monitoring protocols.
- Continued outreach, training, and code assessments to build capacity.
- Expanded communication and coordination among agencies and stakeholders.

These efforts lay the groundwork for a coordinated, science-based approach to shoreline management that protects natural resources, strengthens community resilience, and supports a sustainable future for the Peconic Estuary.

Introduction

Peconic Estuary Shorelines

The Peconic Estuary is located at the eastern end of Long Island, New York, approximately 80 miles from New York City, within Suffolk County. This estuary, encompassing over 450 miles of shoreline, supports population of approximately 100,000 year-round residents, a number that nearly triples during warmer months due to an influx of visitors and summer residents. Designated as an Estuary of National Significance by the Environmental Protection Agency (EPA) in 1992, the Peconic Estuary Partnership (PEP), a National Estuary Program (NEP), was established with the mission to protect and restore the Peconic Estuary and its watershed. Committed to coastal resilience on Long Island, PEP assists local communities prepare for and adapt to environmental changes, including rising sea levels and increased storm intensity and frequency, through various actions including habitat restoration, educating about nature-based features (NBF) such as living shorelines and wetland restoration, and providing tools and information to partners and the public.



Shoreline Adaptation

Shorelines are dynamic features that are shaped by natural forces, like wind and waves, and are subjected to flooding and erosion over time. To protect existing coastal infrastructure, property owners often attempt to stabilize their shorelines with hard structures, like bulkheads. However, while hard structures may offer protection, they disrupt sediment movement, reflect wave energy, and can lead to unintended consequences for the property and the adjacent neighbors, such as continued or exacerbated erosion rates.

Shoreline adaptation refers to utilizing measures to minimize erosion and flooding while increasing shoreline resilience to storms and sea level rise (Appendix 1). NBF, such as living shorelines or green infrastructure, mimic natural processes and are designed to provide specific habitat services. Utilizing these options can offer more sustainable benefits by working with natural systems to enhance a shoreline's resilience to flooding and erosion. Although not suitable in every location, NBF strategies should be prioritized and implemented, where feasible, to ensure an adaptive approach to shoreline management and community resilience.

Shoreline adaptation methods represent a spectrum from green to grey solutions and can be tailored to individual site conditions. When methods that include NBF are combined thoughtfully, they offer both protection and ecological value.

Methods of Shoreline Adaptation

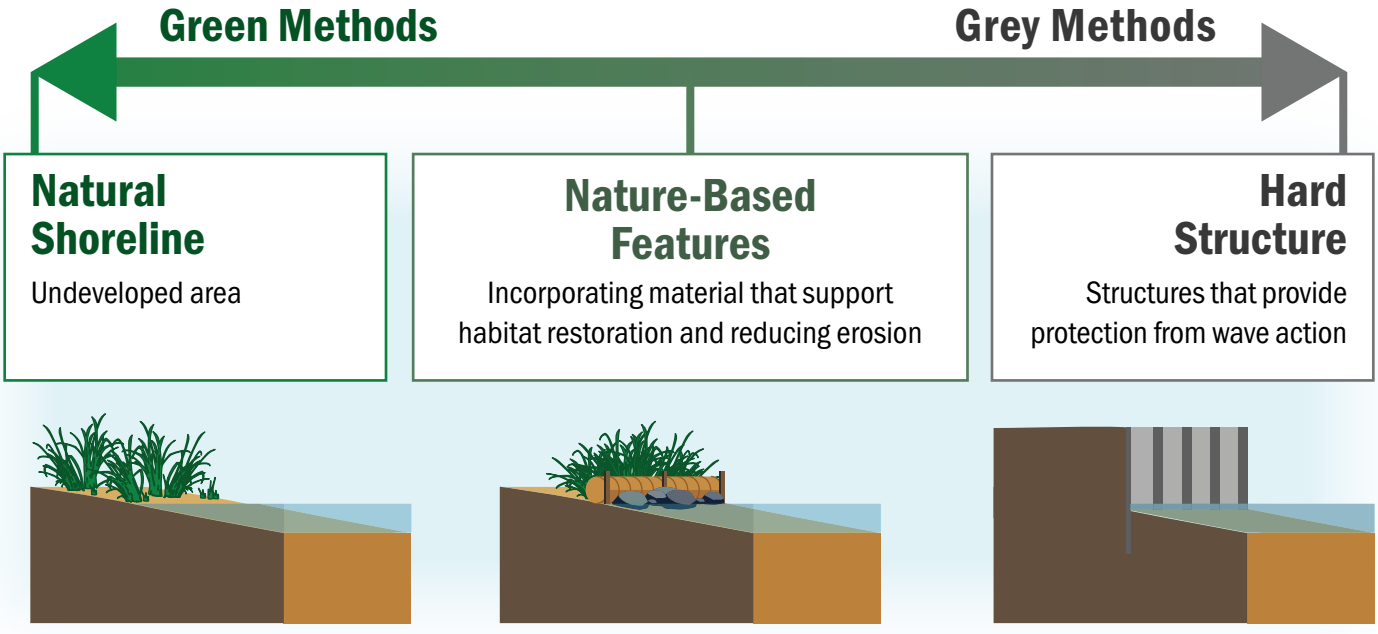


Figure 2. *Range of Shoreline Adaptation Methods from Natural to Hard Structures*

Photo Courtesy PEP

Background

In 2022, PEP and New York Sea Grant (NYSG) worked together to establish the Shoreline Adaptation Initiative (Appendix 2). The effort was coordinated by representatives from both organizations and made possible through funding from the New York State Department of Environmental Conservation (NYS DEC), the EPA, and local governments. The primary goal of this work is to explore how NBF implementation can become a more viable option for shoreline protection within the Peconic Estuary. This guiding question quickly led the workgroup to examine the broader regulatory framework to find clarity on federal, state, and local government shoreline policies and more importantly, the processes by which projects are permitted, implemented, and managed.

To do this, the workgroup conducted one-on-one interviews with key stakeholders across the estuary; these interviews began with open-ended questions, allowing participants to share their perspectives freely, followed by semi-structured questions that focused on their specific roles and interactions with the region's multi-jurisdictional permitting processes. In January 2024, the Shoreline Adaptation Initiative held a workshop to clarify the findings of the one-on-one interviews. Additionally, it created space for collaborative discussion around shared challenges, lessons learned, strategies for addressing local pressures, and identification of available resources.

This document presents the findings of interviews, workshops, and group meetings in thematic results, identified strengths, potential opportunities, and recommendations of next steps in both the short- and long-term.

Key Findings

Through these interviews, recommendations[1] were identified and grouped into three focus areas:

Internal Agency Procedures

- Early engagement in the permitting process
- Communication and coordination
- Regulatory knowledge transfer
- Project tracking
- Code and policy updates
- Incentivizing resilient shorelines

Interagency Coordination

- Communication and coordination
- Permit submission sequence and decision

Estuary-wide Priorities

- Preservation of natural shorelines
- Strategic land acquisition with structure removal (where appropriate)
- Contractor and practitioner support
- Tools, resources, and expertise
- Enforcement and compliance
- Adaptive management and regional learning

The key findings included the need for protecting natural shorelines, improving communication and information sharing within and across agencies, the value of regularly assessing and updating codes and policies within municipalities, increasing availability and access to technical resources, preserving institutional knowledge within regulatory agencies, designing thoughtful recommendations around permit submission sequence, and creating opportunities for regional learning and adaptive management.

1 It is important to note that some of the following recommendations may not apply or be feasible for all regulatory agencies.

Photo Courtesy Peconic Estuary Partnership

Progress

While this report summarizes the results that were found through initial conversations, it is important to note that since 2022, several key steps have been made towards change. These steps have been taken by engaged partners as an indirect result of the discussions held throughout this process.

Holding space for these conversations has created connections, amendment to processes, and actionable items. One example includes NYS DEC (Region 1) updating their "Frequently Asked Questions Document for the General Permit" to exclude projects from the general permit that may be able to include a NBF and require them to undergo full permit review. Furthermore, NYS DEC Division of Marine Resources developed a public-facing, interactive mapper to provide outreach about NBF projects located in the marine district of New York. Additionally, steps were taken by both the Towns of Shelter Island and Southold to review and consider updates to their wetland codes.

This work has already allowed for important conversations to begin, supported stakeholders through internal review of difficult processes, and will continue to work towards making shoreline adaptation a more viable option throughout the Peconic Estuary.

Photo Courtesy Julie Hargrave

Internal Agency Procedures

Early Engagement in Permitting

Conducting pre-application meetings and site visits allows regulatory staff to guide applicants early in the process. This builds rapport, trust, and improves the overall quality of permit applications, ultimately saving time for both the applicant and reviewers.

Recommendations:

- Make pre-application meetings and site visits a standard practice, especially for complex projects, to encourage early engagement between regulators and applicants to foster better project designs and relationships.
- Create incentives for pre-application participation. For example, pre-application meeting and/or site visit fees, where enforced, can be applied as credit toward final permit fees to encourage early engagement with regulatory agencies.

GOAL: Improve project permit application quality and reduce permitting delays by fostering early communication and collaboration.

Communication and Coordination

Municipalities often have advisory entities involved in shoreline regulations. When local regulators and advisory groups operate independently it can create a misalignment of project permitting and implementation, which can undermine community resilience efforts. Local Waterfront Advisory Program (LWRP) advisory committees and coordinators are intended to guide long-term resilience and development goals, but without coordination with other local advisory bodies, comprehensive plans may remain aspirational or lack implementation. By making pre-application meetings and site visits a standard practice, especially for complex projects, early engagement between regulators and applicants fosters better project designs and relationships.

Recommendations:

- Improve communication and formalize roles across these groups to align local priorities, reduce overlap, streamline project review, and empower LWRP implementation.
- Clearly define the roles of advisory committees in the shoreline management process.

- Utilize state programs such as LWRP and Climate Smart Communities (CSC) to the municipality's advantage.
- Increase capacity by leveraging grant opportunities to align municipal priorities with state and federal coastal resilience strategies.

GOAL: Improve community resilience through internal municipal group coordination and active participation in available state programs.

Regulatory Knowledge Transfer

Staff capacity and turnover is a significant concern in all regulating agencies. Knowledge transfer between experienced and new staff within regulatory bodies is vital to sustaining effective, long-term, and science-based shoreline management. On the local level, decision-makers are often appointed or elected board members who rely on each other's various backgrounds and learned experience as reviewers for decision making. Without systematic training or access to permanent support staff, institutional knowledge is lost during transitions, leaving decision-makers without the resources needed to understand coastal dynamics, evaluate complex projects, or consider effects of innovative solutions like NBF.

Recommendations:

- Develop standardized and formal orientation, mentoring, and training materials for regulatory decision-makers focused on shoreline science, coastal processes, permitting nuances, and regulatory frameworks.
- Offer structured learning opportunities to share relevant science-based information and discuss local issues and successes.
- Encourage the rotation and staggering of board memberships to promote institutional knowledge-sharing.
- Prioritize permanent, trained shoreline management staff. Administrative and technical positions are vital in transferring institutional knowledge to incoming regulators and give reviewers confidence in their decisions.

GOAL: Build and retain permitting expertise across regulating entities.

Project Tracking

As shoreline projects are approved, it is important to track efforts made towards completion and post-

installation confirmations. While many agencies only issue certificate of occupancy documents once the project is inspected, limited staff capacity and project inundation can hinder this. Without confirmation and enforcement, shoreline management projects might not be built to permit and code standards. This is directly related to the estuary-wide priority of "Enforcement and Compliance".

Recommendations:

- ☐ Dedicate personnel to form an enforcement task force.
- ☐ Educate applicants and stakeholders, such as harbormasters and advisory groups, on how to recognize and report violations.
- ☐ Incorporate standardized permit follow-ups as part of the application and issuance process.
- ☐ Regularly assess and update violation penalties. For example, consider a tiered approach such as issuing a base fine plus daily accruals or as-built penalties that include a surcharge for retroactive review and enforcement time.
- ☐ Consider requirements for restoration and/or issue permit freezes on future projects if requirements are not met.

GOAL: Ensure environmental protection and regulatory integrity through consistent monitoring.

Code and Policy Updates

Shoreline management is a dynamic and growing field with constantly evolving methods being proposed, considered, and implemented for community resilience. However, many shoreline codes and policies have not been updated to allow for the consideration of emerging practices, such as NBF. Without up-to-date codes, permitting NBF projects becomes challenging. Furthermore, after disastrous storm events, the urgency of recovery can result in the implementation of hard-structured solutions. Federal frameworks, like the Coastal Zone Management Act (CZMA), rely on state expertise to maintain federal consistency reviews, placing additional pressure on states to modernize.

Recommendations:

- ☐ Increase training for regulators on current, science-based information that can inform code revisions.
- ☐ Encourage code updates to support NBF and resilience measures. Promote the use of New York's "Model Local Laws to Increase Resilience" to municipalities.
- ☐ Implement additional NBF pilot projects to generate data that can inform models and decisions.
- ☐ Use New York's LWRP to identify gaps and integrate new policies in municipalities and encourage them to leverage LWRP to access state funding for resilience planning.

GOAL: Remove barriers to NBF and improve local adaptive capacity through up-to-date codes.

Incentivizing Resilient Shorelines

In the face of increasing risks from sea level rise and coastal storms, traditional shoreline hardening practices remain the default shoreline protection, despite emerging information about the benefits of NBF. Current permitting structures lack the ability to differentiate between projects based on their resilience value, creating a disincentive for innovation and resulting in NBF often facing longer permitting timelines and higher upfront costs, even when they offer greater long-term benefits. Without targeted incentives, applicants may avoid NBF that reduce risk and enhance public and environmental outcomes.

Recommendations:

- Establish faster permitting tracks for projects that incorporate NBF, particularly when aligned with climate adaptation goals.
- Offer reduced application fees for projects that demonstrate measurable risk reduction, ecological enhancement, or long-term resilience benefits.
- Adopt codes that require NBF be considered as preferred alternatives in state and local permitting guidance, ensuring these approaches are recognized and supported during project review.

GOAL: Accelerate adoption of NBF by rewarding innovative, resilient project designs.

Interagency Coordination

Communication and Coordination

The multi-layered federal, state, and local government authorities in the coastal management process (e.g. permitting) creates a complex and potentially contradictory regulatory environment. New York's Municipal Home Rule Law grants municipalities the power to adopt and amend local laws that are stricter than state and/or federal regulations, which can be highly beneficial for protecting sensitive areas but can also result in inconsistencies where a project may receive approval from one agency but denial from another. Limited capacity across all agencies and overwhelming volumes of applications can lead to delays and asynchronous review processes, resulting in conflicting decisions. Frequent staff turnover further complicates coordination and consistency. Moreover, regulatory agencies, who may not be aware of who their counterparts are in other jurisdictions, often lack clear communication channels with each other and applicants. Differences in codes, priorities, and definitions (e.g. wetlands) are inherent but amplify the confusion for applicants and regulators alike.

Recommendations:

- Encourage and support formalized, regular communication among agencies through digital connections, resources, and in-person meetings.
- Establish active agency collaborations for updates, amendments, and tracking permit applications such as a designated interagency email address that includes federal, state, and local regulators.
- Promote and utilize existing technologies, such as the NYS DEC Environmental Bulletin to search for and obtain status and contact information for permit applications.
- Support inter-agency connections by hosting regular meetings and workshops to continue communications and encourage information sharing.
- Develop and provide resources to support science-based decision-making.
- Coordinate joint field visits to project sites to allow local regulators to provide feedback and context to state and federal counterparts.
- Consider ways to streamline decisions on proposed NBF projects such as making amendments to permit applications, implementing a standardized monitoring framework, and building a database of projects including lessons learned.

GOAL: Streamline permitting through improved site evaluation forms, interagency coordination, and more transparent decision-making across regulatory bodies. It is important to note that the goal is to coordinate a shared understanding, not necessarily a consensus, across the regulatory agencies.

Permit Submission Sequence and Decision

In shoreline permitting, agencies may delay or evade making decisions on complicated or innovative projects in anticipation that, or deferring to, another agency to issue the denial or controversial approval first. This can result in frustration among local governments, who often feel they best understand their communities' needs. In some cases, applicants use early approvals from one agency to pressure others into alignment, creating regulatory tension, and the perception of inter-agency inconsistency in the pursuit of natural resource protection.

Recommendations:

- Encourage the use of programs and tools, like LWRP, that offer opportunities for process alignment and additional regulatory authority.
- Explore ways to formalize the permit application submission sequence and encourage the coordinated utilization of coastal consistency laws to strengthen local regulatory control and enforcement. See Appendix 3 for more information.
- Encourage more transparent and timely permit decisions through adapted fee structures. For example, consider the resubmission of an application, if substantially revised in response to denial feedback, without being charged a resubmission fee.

GOAL: Build shared understanding and coordination, not consensus, across agencies to prevent unnecessary pressure and decision-making fatigue among regulators.

Photo Courtesy: Kathleen Fallon

Estuary-wide Priorities

Preservation of Natural Shorelines

It is important to prioritize preservation and restoration of natural coastal processes to maintain shoreline resilience. Tools like the PEP Critical Lands Protection Strategy (CLPS) help identify parcels at greatest risk. After major storms, while emergency permits enable rapid response, they often result in the alteration of coastlines with capacity-limited follow-up inspections for their removal.

Recommendations:

- Encourage the consistent update and use of risk-based planning tools such as Federal Emergency Management Agency (FEMA) Floodplain and State Coastal Erosion Hazard Areas (CEHA) maps to prioritize land for conservation.
- Map and utilize marsh migration buffers for future migration corridors and protect them from future development through zoning setbacks or acquisition.
- Consider incentives, such as expedited timelines or reduced fees for resilient shoreline management designs (e.g., NBF) and participation in retreat or relocation programs.
- Provide education on community planning that explains risk and introduces adaptation options.

GOAL: Protect existing natural shoreline habitats and restore vulnerable areas with high recovery potential to serve as the foundation for long-term coastal resilience.

Strategic Land Acquisition with Structure Removal *(where appropriate)*

Programs like New York's Community Preservation Fund (CPF) offer opportunities to fund strategic shoreline buyouts and conservation easements to support marsh migration and storm resilience. It is important to consider removal of structures in order to promote restoration of natural shorelines.

Recommendations:

- Utilize tools to inform where buyouts and/or restricted redevelopment should occur.
- Explore the potential for future conservation easements to limit development in sensitive coastal zones.

- Utilize funding sources such as CPF and other risk-based planning tools to support strategic buyouts of high-risk properties and repetitive loss sites.
- Proactively develop pre-disaster recovery plans that include plans for buyouts, redevelopment restrictions, and resilience funding mechanisms.
- Explore post-storm recovery zoning and protection policies. For example, including tax incentives for participating in buyout programs.

GOAL: Strategically acquire properties to remove structures and restore vulnerable areas with high recovery potential as a base for long-term coastal resilience.

Contractor and Practitioner Support

Often contractors and other practitioners influence the decisions that are made about proposed shoreline management options. However, the confusion and complexity of the permitting process (See Appendix 4) creates further delays in projects. Current policies and hesitations often further inhibit the exploration of innovative NBF projects.

Recommendations:

- Implement licensing programs for contractors performing coastal work, including the construction, repair, or modification of infrastructure (e.g., bulkheads, docks, etc.), landscape, and any other activities requiring permits.
- Create certification programs for contractors and consultants in coordination with state and federal agencies to provide continuous learning on proper siting and implementation skills for emerging techniques.
- Invest in technical tools, resources, and providing expertise aimed for the perspectives of both contractors and practitioners.

GOAL: Improve permit application quality and project outcomes through professional standards for practitioners.

Tools, Resources, and Expertise

Access to technical tools and training, including access to professionals from administrative assistants to various specialists, is essential to increase the utilization

and success of resilient, nature-based shoreline management strategies.

Recommendations:

- Develop and integrate tools, like the Virginia Institute of Marine Science (VIMS) Shoreline Management Model, that are co-developed with regulators and support informed decision-making.
- Compile, through a comprehensive literature review, best practices for NBF in, and across, the region.
- Develop guidance, specific to the Peconic Estuary, for site evaluation and monitoring to ensure consistency and comparability across project sites.
- Continue to partner with NYSG's Law and Policy Summer Fellowship to aid with assessing codes and explore other opportunities to expand upon this work.
- Promote knowledge sharing through meetings and workshops.

GOAL: Enhance regulatory decision-making with access to technical, legal, and scientific support and resources that empower stakeholders to implement more effective, science-based shoreline protection methods.

Enforcement and Compliance

Enforcement of shoreline regulations is essential but hampered by limited capacity, inconsistent penalties, lack of understanding, and legal costs. Despite regulations, unpermitted coastal projects often proceed without consequence due to low violation penalties and limited staff capacity for inspections and enforcement. Emergency permits issued post-storm are intended for temporary stabilization, but without consistent follow-up, many temporary structures remain, altering coastal dynamics and setting dangerous precedents.

Recommendations:

- Create and train inter-municipal regional enforcement collaborations like the East End Marine Task Force.
- Develop violation penalties that are adequate to deter noncompliance.
- Regularly assess and update violation penalties to meet modern standards.
- Explore options such as fines for shoreline protection including tiered financial penalties, as-built fees, and surcharges for retroactive review; structure removal and habitat restoration; permit delays or freezes on future projects.

- Develop standardized follow-up protocols for emergency permits to ensure temporary measures are removed or properly evaluated for long-term impacts.

GOAL: Ensure environmental protection and regulatory integrity through consistent enforcement.

Adaptive Management and Regional Learning

The existing hesitancy to implementing NBF can be directly linked to information gaps caused by a lack of monitoring. While some monitoring does occur, it is currently inconsistent and difficult to enforce due to staffing; often being completed strictly to comply with permit stipulations, if they exist. This kind of data collection lacks the information required for adaptive management and regional learning.

Recommendations:

- Standardize site evaluations and goal-based monitoring protocols for comparison across projects both within and across the region.
- Develop guidance, specific to the Peconic Estuary, in collaboration with federal, state, and local regulatory bodies, that include requirements for monitoring to inform adaptive management and regional learning.
- Require data collection, adaptive management plans, recognized thresholds, and intervention actions as part of permit conditions.
- Compare project and monitoring outcomes to identify and share best practices.

GOAL: Improve projects proposed and permitted by learning through consistent monitoring and information-sharing.

Photo Courtesy Luke Ormand

Next Steps

Building on the findings of this assessment of the viability of shoreline adaptation in the Peconic Estuary, a defined path forward to advance resilient and sustainable shoreline management has been identified. The assessment revealed key needs, including improved inter-agency communication, co-developed tools with regulatory partners, the creation of guidance and training materials, and a thorough evaluation of existing shoreline codes. In response, PEP and NYSG suggest a range of potential future deliverables, such as training materials for consultants and permit reviewers, collections of case studies and best practices for NBF, models of existing shoreline conditions with adaptation recommendations, incentives for implementing NBF or alternatives to hard structures, permit application checklists, and support for municipal code assessments and updates. Moving forward, it is essential to prioritize and adapt the Shoreline Adaptation Initiative's mission to ensure it continues to address these challenges and guide the region toward a more resilient shoreline future.

Next steps identified through this work include:

Peconic Estuary Shoreline Site Suitability Model: This adaptation of the VIMS Shoreline Management Model, developed with thoughtful consideration of, and in partnership with, the regulatory agencies will allow for successful shoreline adaptation.

NBF site evaluation and monitoring: Working with state and regional partners who have experience in this field, develop a project site evaluation form and goal-based monitoring protocols that are consistently utilized and integrated into the regulatory process. Furthermore, contributing information to an easily accessible database will allow regulators to make informed decisions on NBF project applications.

Support for enforcement and compliance: Providing outreach and education materials about what is permittable, how to complete a permit application, and why it is important to follow up and regularly reassess project sites will assist in ensuring environmental protection.

Increased Communication: This effort has already shown the value of facilitating and holding space for conversations to foster better relationships, understanding, and successful shoreline adaptation. These discussions must continue through meetings, workshops, and other appropriate means.

Guidance and Training Documents: The development and dissemination of outreach documents will assist those making decisions about shoreline adaptation in their effort to choose successful and resilient management options.

Code Assessment: It was identified through this work that outdated codes and regulations can present a significant barrier to shoreline adaptation. Continued education, discussions, and assistance in assessing and amending codes will improve the ability to successfully manage resilient shorelines.

Conclusion

While the Peconic Estuary's shorelines are an invaluable ecological resource, the adjacent coastal communities are facing the growing impacts of sea level rise and storms. The Shoreline Adaptation Initiative has demonstrated that while the region's regulatory and management systems are complex, there is a strong foundation of collaboration, expertise, and commitment among local, state, and federal partners to advance resilient shoreline practices. Through interviews, workshops, and collaborative discussions, this effort has identified both challenges and clear opportunities for progress. The findings reaffirm that early engagement in the permitting process, consistent interagency communication, strengthening institutional knowledge, and assessing shoreline codes are essential to supporting NBF projects that balance protection, habitat value, and long-term resilience. Importantly, the progress already achieved—including code reviews, process amendments, and improved coordination—illustrates that meaningful change is both possible and underway. Moving forward, continued collaboration will be critical. Implementing tools such as the Peconic Estuary Shoreline Site Suitability Model, standardized monitoring protocols, and expanded education resources will ensure that shoreline adaptation is guided by science, transparency, and shared learning. These collective actions will continue to build the foundation for an adaptive, informed, and coordinated regional approach that prioritizes NBF, protects natural shorelines, and sustains the ecological and community integrity of the Peconic Estuary.

Photo Courtesy Francesca Rheannon

Appendices

Appendix 1: Shoreline Adaptation Methods*

Restoration:

Removal of hardened structures (bulkheads, seawalls) – Failing or unnecessary grey infrastructure removal and remediation to allow natural shoreline processes to resume, improve sediment movement, and increase habitat quality.
Marsh and dune grass plantings – Native vegetation used to stabilize soils, reduce erosion, and absorb wave energy while supporting habitat and biodiversity.

Dune restoration – Rebuilding natural dune systems using sand fencing, plantings, and natural contours to create buffers and trap and hold wind-blown sand.

Tidal marsh restoration – Rebuilding or enhancing salt marshes by grading land, planting vegetation, and allowing tidal exchange, which improves flood protection and sediment stabilization.

Oyster reef or shellfish bed restoration – Restoring shellfish habitats in appropriate sites that can reduce wave energy, trap sediment, and improve water quality while providing ecological benefits.

Erosion Control Methods and Structures[1]:

Natural materials (wood, coir logs, matting) – Use of biodegradable materials like coir logs, brushwood, or natural fiber mats to stabilize soils, support plant growth, and provide a softer alternative to hard structures.

Sand placement (in conjunction with control structures) – Strategic addition of sand to beaches or shorelines to rebuild eroded areas, often used alongside structures like revetments or breakwaters to enhance effectiveness.

Shell bags – Mesh bags filled with oyster shells, or similar materials, placed offshore or along shorelines to reduce erosion, dissipate wave energy, and potentially support habitat restoration through shellfish recruitment.

Breakwaters (natural or constructed) – Offshore structures, such as rock formations or reef-like systems, that reduce incoming wave energy before it reaches the shore, promoting calmer conditions and sediment deposition.

Rock or rip-rap revetments – Sloped layers of large rocks placed along the shoreline to absorb and deflect wave energy, helping reduce erosion while allowing some natural water flow. Gabions, rocks enclosed in metal cages, can also be used. Vegetation can be used in gaps within the structures.

Bulkhead construction (including low-sill bulkheads) – Vertical or low-profile walls made from metal, wood, or vinyl that provide strong protection from wave action, but can limit natural sediment movement and reduce habitat. Seawalls are similar structures, often made of concrete and typically are permanent.

1 This is a selection of common shoreline adaptation methods that can be applied in the Peconic Estuary. It is not an exhaustive list

Appendix 2: Peconic Estuary Shoreline Adaptation Initiative

Acknowledging key focus areas and the multitude of stakeholders that are involved in the permitting process of shoreline adaptation, four Stakeholder Identity Subgroups were developed:

Shoreline Regulators (Core Assessment Group)

Individuals who review and decide upon shoreline permits based on legal codes and environmental regulations.

Examples: Town Planning Departments, Trustee Boards, NYS DEC, USACE
Benefit of Inclusion: Enhances the understanding of permitting processes across regulatory agencies.

Policy Makers

Individuals responsible for creating, amending, or approving regulations related to shoreline management projects and adaptation.

Examples: Town Councils and Boards, Town Supervisors, County Legislators
Benefit of Inclusion: Offers historical context and guides actionable policy recommendations.

Land Managers

Individuals or entities that own and/or manage shoreline property and are directly involved in applying for permits.

Examples: Homeowners, municipal departments, Trustee Boards
Benefit of Inclusion: Can identify real-world challenges in the permitting process and inform targeted outreach and education.

Practitioners

Professionals who design and implement shoreline management projects.

Examples: Engineers, consultants, contractors, permit expeditors
Benefit of Inclusion: Can provide insight to on-the-ground challenges and innovations in shoreline management.

Given the complexity of navigating this multi-jurisdictional permitting process, it is appropriate to also acknowledge the growing role of **permit expeditors**—professionals who specialize in securing project permits.

Appendix 3: Nature-based Solutions Resources List

The following is a sample of guidance documents from federal and state sources.

Federal Documents

Document	Summary	Purpose
NOAA: Guidance for Considering the Use of Living Shorelines (2015)	This guidance is intended to provide information on NOAA's perspective and roles regarding living shorelines implementation.	***For:*** *shoreline decision-makers* ***Goal:*** *to provide useful background information about NBS*
EPA: Federal Permitting and Environmental Reviews for Nature-based Solutions: A best practices guide (2025)	This document is intended to provide federal agencies involved in the review of nature-based solutions projects with an overview of the federal permitting and environmental review processes related to nature-based solutions implementation' best practices recommendations; and examples of nature-based solutions projects and successful federal agency permitting networks that have navigated and streamlined these reviews and processes.	***For:*** *regulatory agencies reviewing NBS projects* ***Goal:*** *to streamline the implementation of NBS projects*
FEMA: Building Community Resilience with Nature-based Solutions: A guide for local communities (2020)	This guide helps communities identify and engage the staff and resources that can play a role in building resilience with nature-based solutions.	***For:*** *local governments and community partners* ***Goal:*** *to provide information about NBS and assist with implementing NBS projects*

New York State Documents

Document	Summary	Purpose
NYS DEC: Tidal Wetlands Guidance Document (2017)	The intent of this document is to provide guidance on the issuance of permits for living shoreline techniques in the Marine and Coastal District Waters of New York.	***For:*** *state permitting staff, design professionals, and property owners* ***Goal:*** *to encourage the use of NBS and promote consistent evaluation of NBS project permits*

NYS DOS: Measuring Success: Monitoring Natural and Nature-based Shoreline Features in New York State (2020)	The document details the process and results of a two-year initiative to develop a coherent shoreline monitoring framework for New York State.	***For:*** *academic institutions, shoreline decision makers* ***Goal:*** *to encourage consistent monitoring and data collection of NBS projects*

Documents from other States

Document	Summary	Purpose
Delaware: Developing Monitoring Plans for Living Shoreline Projects in Delaware: A goal-based framework (2018)	This document provides guidance on developing monitoring plans for tidal living shoreline projects in Delaware and provides a process for selecting and integrating ecological and ecosystem services monitoring metrics across a spectrum of project specific, technical development, and coastline resilience needs.	***For:*** *academic institutions, environmental groups, regulatory agencies, restoration professionals, and landowners* ***Goal:*** *to guide the development of a NBS project's monitoring plan*
Delaware: Site Evaluation for Living Shoreline Projects in Delaware (2020)	This document assists shoreline professionals and landowners in collecting information that will help in the design of a successful living shoreline project.	***For:*** *NBS practitioners and landowners* ***Goal:*** *to guide site evaluation for a NBS project*
Delaware: Techniques and Applications of Living Shorelines in Delaware (2023)	This document guides the reader through a three-step process to facilitate the development of an appropriate and successful living shoreline project: (1) define project goals, (2) select design elements to meet goals, and (3) select materials for design elements.	***For:*** *NBS practitioners and landowners* ***Goal:*** *to help design NBS projects*
Georgia: Living Shorelines in Coastal Georgia: A comprehensive guide to understanding and designing living shorelines on the Georgia Coast (2025)	This document is for stakeholders considering the use of living shorelines; it provides information on understanding where living shorelines are suitable, standards for projects, and best management practices.	***For:*** *homeowners, regulators, and shoreline professionals* ***Goal:*** *to provide useful information when considering and designing a NBS project*
Maryland: Maryland State and Federal Permitting: Coastal nature-based solutions for shoreline erosion control in the Chesapeake and Atlantic Coastal Bays Critical Areas	This document provides an overview of Maryland's laws governing living shorelines and includes a step-by-step guide for waterfront property users on how to apply for a license or permit with state and federal agencies to place a living shoreline on one's property.	***For:*** *property owners* ***Goal:*** *to provide useful background information on the permit process for a NBS project*

New Jersey: Living Shorelines Engineering Guidelines (2016)	The document provides guidance to the engineering and regulatory community on the engineering components involved in the design of living shorelines projects.	***For:*** *consultants, regulators, and property owners* ***Goal:*** *to ensure NBS projects are designed and permitted in a consistent manner*
Texas: A Guide to Living Shorelines in Texas (2020)	This document is a comprehensive resource on the use of living shorelines as alternatives to traditional shoreline stabilization techniques; providing streamlined information on how to implement living shorelines including the steps needed to design, permit, and construct a viable project.	***For:*** *property owners* ***Goal:*** *to provide streamlined information on how to implement a NBS project*
Texas: Living Shorelines: A permitting guide for Texas landowners	This document provides guidance on how to navigate the state and federal permitting processes for implementing a living shoreline, focused on projects constructed by individual landowners along their shoreline.	***For:*** *property owners* ***Goal:*** *to give an overview of the permit process for a NBS project*
Virginia: Living Shoreline Design Guidelines for Shore Protection in Virginia's Estuarine Environment (2021)	This document provides information to determine where living shorelines are appropriate and what is involved in their design and construction.	***For:*** *shoreline professionals* ***Goal:*** *to provide background information on NBS strategies*

Appendix 4: Shoreline Permit Sequencing and the Role of LWRPs

This assessment finds that shoreline permitting outcomes are strongly influenced by permit submission sequence, the clarity of local determinations, and whether a municipality has an active Local Waterfront Revitalization Program (LWRP). A central finding of this assessment is that permit submission sequencing should differ based on LWRP status. When sequencing is aligned with local policy frameworks, coordination improves across local, state, and federal agencies.

In municipalities without an LWRP, local review must occur first to establish municipal intent before a permit record is created at the state or federal level. In these towns, the assessment recommends the use of a soft denial, defined as an official denial of the application as submitted that is formally logged and communicated to other agencies. This denial is paired with procedural benefits, such as expedited resubmission or reduced fees, to support continued engagement and project redesign. This approach ensures that local standards are clearly documented while avoiding open-ended negotiation periods and reducing the risk of inconsistent approvals at other levels of government.

In municipalities with an active, updated LWRP, early submission of the joint permit application is recommended. In these cases, the Department of State coastal consistency review is conducted using the LWRP as the primary evaluative framework. This allows potential LWRP consistency issues to be identified early, before the township has received a permit package. When inconsistencies between the proposed project and the adopted LWRP are flagged, this creates an opportunity for early dialogue among the applicant, the Department of State, and town reviewers. This approach reduces duplication of effort, supports coordinated problem solving, and reinforces the role of the LWRP in aligning agency decision making.

Across both pathways, the assessment emphasizes the importance of formal, documented determinations and transparent interagency communication. Clear decisions on the record help prevent situations where one agency issues an approval that is later used to pressure or override another, reducing interagency tension and limiting the practice of leveraging permits across jurisdictions.

Overall, the findings demonstrate that LWRPs function not only as planning documents, but as practical process tools that help align agencies, clarify authority, and support more predictable and defensible shoreline permitting outcomes. Tailoring permit submission sequencing to LWRP status, and pairing formal determinations with constructive procedural incentives, strengthens shoreline adaptation implementation across the Peconic Estuary.

Townships WITHOUT an LWRP

Recommended sequencing: local first, then joint permit.

Rationale

Without an LWRP, municipalities do not have a formally adopted coastal policy framework that can be applied during Department of State coastal consistency review. As a result, municipal intent is most effectively established through early local review and formal local determinations.

Beginning with the joint permit pathway in non-LWRP towns increases the risk that state or federal review will proceed without clear local direction, placing municipalities in a reactive position later in the process. Local-first sequencing ensures that municipal standards are articulated before a permit record is created elsewhere.

Role of the Soft Denial in Non-LWRP Towns

In non-LWRP towns, local review must result in a formal, official determination when an application does not meet local standards. The assessment recommends the use of a soft denial, defined as:

An official denial of the application as submitted, entered into the administrative record, paired with a defined procedural benefit that supports timely resubmission.

A soft denial is not an informal pause or negotiation period. It is a final determination for the application as proposed, while explicitly allowing and encouraging revision.

Practical sequence

1. Local pre-application coordination and formal local review, including trustees, conservation or planning boards, zoning relief where applicable, and site visits.
2. Formal local determination, consisting of:
    - Approval with conditions, or
    - A soft denial, documenting deficiencies and required changes.
3. Joint permit submission only after local direction is formally established, ensuring the permit package reflects municipal expectations.

Interagency communication following a soft denial

When a soft denial is issued, the municipality should log and transmit notice of the denial to the Department of State and the U.S. Army Corps of Engineers, in case the permit package is already under review or present within their systems.

This notification serves as formal notice that the proposal, as submitted, is not locally consistent. While it does not function as an approval or veto, it:

- Prevents other agencies from unknowingly approving a proposal that lacks local support
- Reduces interagency disagreement caused by misaligned decisions
- Avoids situations where approvals are later leveraged against municipal boards
- Strengthens mutual understanding across jurisdictions

Resubmission benefits, such as expedited review or reduced or waived fees, apply only when a revised proposal is submitted that responds to the documented deficiencies.

Townships WITH an LWRP

Recommended sequencing: joint permit first, with LWRP-driven coordination embedded early.

Rationale

In towns with an active, updated LWRP, municipal intent is already articulated through a locally adopted and state-approved coastal policy framework. In these cases, initiating the joint permit application early allows the Department of State to conduct coastal consistency review using the LWRP as the governing lens for evaluating the proposed action.

The joint permit pathway is appropriate in these municipalities because DOS is able to assess whether a proposal is consistent with township desires as expressed in the LWRP, prior to or alongside local review.

Practical sequence

1. Early submission of the joint permit application, explicitly referencing the LWRP and transmitting the application for coastal consistency review.
2. Coastal consistency review is conducted by the Department of State using the LWRP as the primary evaluative framework, identifying whether the proposed action aligns with adopted local waterfront policies.
3. Local review proceeds with awareness of any LWRP consistency issues identified by DOS, allowing municipal boards to engage with a clearer understanding of potential conflicts or required modifications.

Key benefit of this approach

A major benefit of early joint permit submission in LWRP towns is that issues of LWRP consistency can be identified by DOS before the township has fully reviewed the permit package. When DOS identifies potential inconsistencies, this creates an opportunity for early dialogue between the applicant, DOS, and the municipality.

A DOS finding that a project may be inconsistent with the LWRP can open the door to coordinated conversations about project redesign, rather than forcing the township to surface these issues independently or later in the process. This sequencing:

- Reduces duplication of effort between municipal and state review
- Encourages early collaboration rather than parallel or conflicting analysis
- Supports shared understanding of how LWRP policies guide decision making
- Reinforces the role of the LWRP as a tool for aligning agencies across jurisdictions

In LWRP towns, this approach allows coastal consistency review to function as a constructive coordination mechanism that supports, rather than replaces, municipal authority.

“We are looking for **shared understanding**, not necessarily consensus, across regulatory agencies”

SUGGESTED PERMIT SUBMISSION SEQUENCE RECOGNIZING COASTAL CONSISTENCY REVIEW

DOES YOUR TOWNSHIP HAVE AN APPROVED LWRP?

Yes

No

Clear documented decisions help prevent approvals from being leveraged across jurisdictions, reducing interagency tension and misalignment.

WITH active updated LWRP

1. Submit NYS Joint Permit Application

OBTAIN NYS JOINT PERMIT FIRST, then APPLY FOR LOCAL PERMIT(S)

Municipal intent is already articulated through a locally adopted, state-approved LWRP. Early joint permit submission allows DOS to evaluate coastal consistency using the LWRP framework.

2. DOS Coastal Consistency Review

Uses the LWRP as the primary evaluative framework

DOES DOS IDENTIFY LWRP CONSISTENCY ISSUES?

No

Yes

2a. Early coordination

Between applicant, DOS, and municipality

BENEFIT:

Issues are flagged before the township has fully reviewed the plans. This opens the door to early redesign dialogue and reduces duplicate or conflicting review.

3. Local review proceeds

With awareness of any DOS findings or required modifications

OUTCOME:

Coastal Consistency review functions as constructive coordination and reinforces the LWRP as an alignment tool that supports (not replaces) municipal authority.

Submit LOCAL PERMIT

WITHOUT active updated LWRP

A. Submit LOCAL PERMIT Application(s)

Local pre-application coordination and formal local review

Local pre-application coordination and formal local review. Establishes municipal intent before a state or federal permit record is created.

1. Submit LOCAL PERMIT Application(s)

Without an LWRP, municipalities lack a formally adopted coastal policy framework for DOS to apply. Starting with the joint permit pathway increases risk that state or federal review proceeds without clear local direction. Local-first sequencing establishes municipal intent before a permit record is created elsewhere.

B. Formal local determination

Municipality issues an official decision on the record

DOES APPLICATION MEET LOCAL STANDARDS?

Yes

Approval with conditions

C. Submit NYS Joint Permit Application

No

DRAFT DENIAL issued

Record the determination of application official denial but revision is encouraged.

Record and relay

the notice of denial to other permitting agencies.

IS THERE AN ACTIVE NYS JOINT PERMIT APPLICATIONIN REVIEW FOR THE LOCALLY DENIED ACTIVITY?

Yes

Applicant rescinds application or Coastal Consistency Review issues an objection

DOS objection prevents Army Corps permitting.If constructed, the activity is subject to both local and federal enforcement.

No

Continue to work with local regulators to design a project that meets local standards

SEQUENCE OUTCOME:

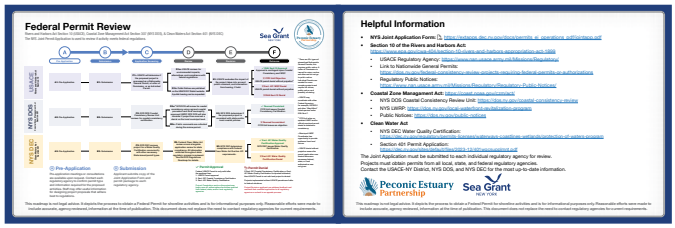
Establishes municipal intent before state or federal review. Documents and transmits clear local determinations. Prevents federal permitting from proceeding in conflict with local decisions. Reduces interagency conflict and supports coordinated redesign or enforcement.

Appendix 5: Permit Process Roadmaps

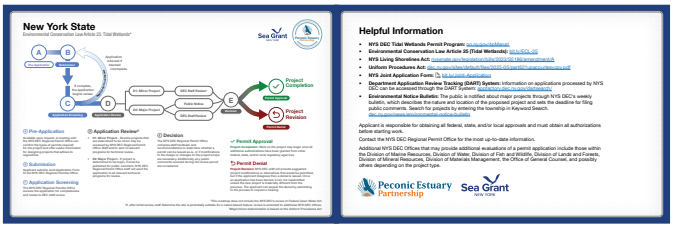
Permit Process Index

The following are permit process roadmaps at the federal, state, and local level.

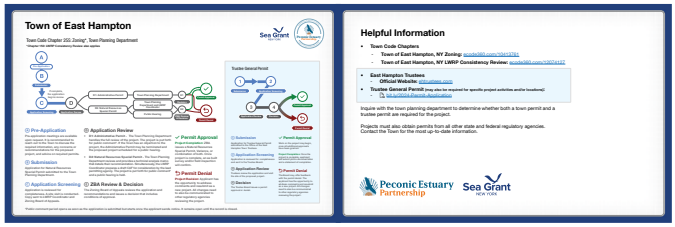
Federal Permit Review: pg33,34



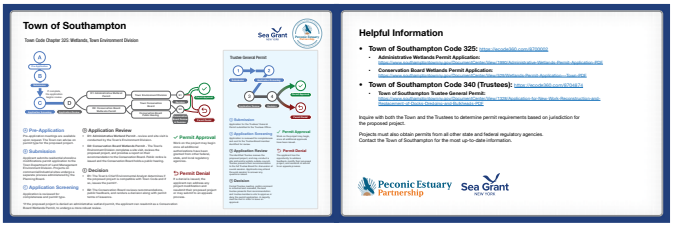
NYS DEC: pg35,36



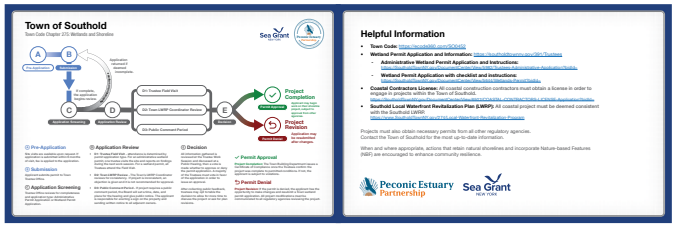
East Hampton: pg37,38



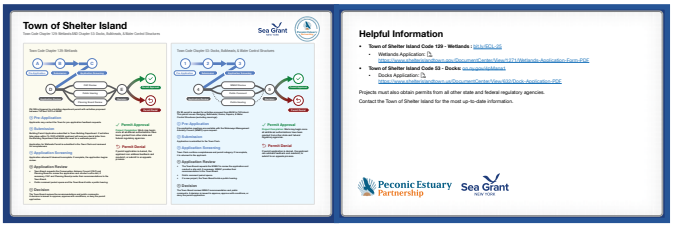
Southampton: pg39,40



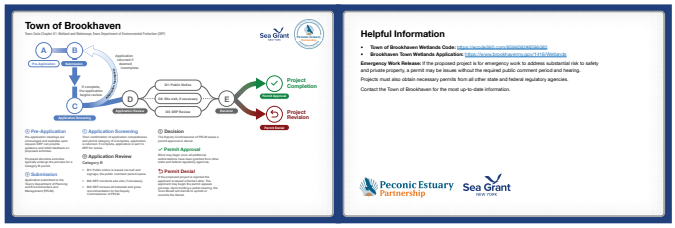
Southold: pg41,42



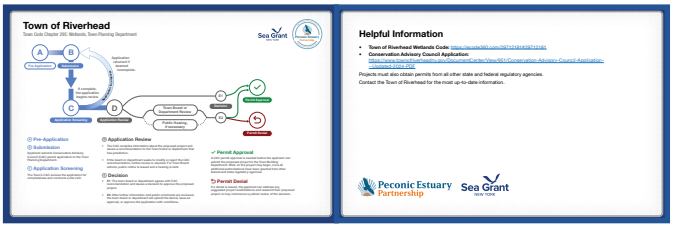
Shelter Island: pg43,44



Brookhaven: pg45,46



Riverhead: pg47,48



Federal Permit Review

Rivers and Harbors Act Section 10 (USACE), Coastal Zone Management Act Section 307 (NYS DOS), & Clean Waters Act Section 401 (NYS DEC)
The NYS Joint Permit Application is used to review if activity meets federal regulations.

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USACE — Rivers and Harbors Act Section 10

A1: Pre-Application

B1: Submission

C1:[1] USACE will determine if the proposed project is processed as a Nationwide General Permit, a Letter of Permission, or an Individual Permit.

D1a:[2] USACE reviews for environmental impacts, alternatives, and compliance with federal regulations.

D1b: Public Notices are published on the USACE NY District website. A public hearing can be requested.

E1: USACE evaluates the impact of the project, takes into account public comment, and information from hearing, if held.

- ✓ **RHA Sect.10 Approval** — Approval is contingent upon Coastal Consistency and WQC
- ✗ **CCR Unit Objection** — USACE permit denial without prejudice[5]
- ✗ **Sect. 401 WQC Denial** — USACE permit denial without prejudice
- ✗ **RHA Sect.10 Denial**

NYS DOS — Coastal Zone Management Act Section 307

A2: Pre-Application

B2: Submission

C2: NYS DOS Coastal Consistency Review Unit reviews for coastal consistency certification.

D2a:[3] NYS DOS will review for coastal consistency using regional coastal precedent and local municapilty approved LWRP. NYS DOS will also consider if project has received a denial on the local municipal level.

D2b:[4] Public comments are collected during the review period.

E2: NYS DOS determines if the proposed project is consistent with state and/or local coastal policies.

- ✓ **Deemed Consistent** — CCR Unit issues Coastal Consistency Certification
- ✗ **Deemed Inconsistent** — CCR Unit issues an objection

NYS DEC — Clean Waters Act Section 401

A3: Pre-Application

B3: Submission

C3: NYS DEC reviews project for a Water Quality Certification concurrently with other necessary State-issued permit types.

D3: Federal Clean Water Act review occurs alongside application review for state compliance. All information collected throughout state regulatory process is reviewed. See the NYS Regulations Roadmap for details.

E3: NYS DEC determines compliance with Federal Clean Water Act Section 401 requirements.

- ✓ **Sect. 401 Water Quality Certification Approval** — NYS DEC issues Water Quality Certification
- ✗ **Sect 401 Water Quality Certification Denial**

Ⓐ Pre-Application

Pre-application meetings or consultations are available upon request. Contact each regulatory agency to confirm permit type and information required for the proposed activities. Staff may offer useful information for designing project proposals that adhere best to regulations.

Ⓑ Submission

Applicant submits copy of the Joint Application Form and permit package to each regulatory agency.

✓ Permit Approval

Federal USACE Permit is only valid after the applicant has:
1. USACE Permit approval
2. Sect. 307 Coastal Consistency Certification
3. Sect. 401 Water Quality Certification

Project Completion: work on the project may begin once all authorizations have been granted from federal, state, and/or local regulatory agencies.

⮌ Permit Denial

If Sect. 307 Coastal Consistency Certification or Sect. 401 Water Quality Certification is objected to/denied, then USACE Permit is not valid and project is denied.

Projects implemented without USACE permits are liable to federal violations.

Project Revision: applicant can address feedback and resubmit their modified application to all regulatory agencies or submit to an appeals process.

[1] There are 50+ types of streamlined Nationwide General Permits, this requires public notice. A Letter of Permission is issued for minor, routine activities and do not go to public notice. Individual Permits are needed for more complex projects and require full review, public notice, and possibly a hearing.

[2] USACE may coordinate with other Federal Agencies, for example, USFWS if activities "May Affect" listed species under ESA Sect 7.

[3] CCR Unit relies on updated LWRP and/or official municipal permit denial to determine consistency.

[4] Municipal LWRP Coordinator has opportunity to provide guidance from local review.

[5] USACE denial without prejudice means the permit application was denied because a necessary federal, state, or local authorization was not given.

This roadmap is not legal advice. It depicts the process to obtain a Federal Permit for shoreline activities and is for informational purposes only. Reasonable efforts were made to include accurate, agency reviewed, information at the time of publication. This document does not replace the need to contact regulatory agencies for current requirements.

Helpful Information

- **NYS Joint Application Form:** https://extapps.dec.ny.gov/docs/permits_ej_operations_pdf/jointapp.pdf
- **Section 10 of the Rivers and Harbors Act:** https://www.epa.gov/cwa-404/section-10-rivers-and-harbors-appropriation-act-1899
  - USACE Regulatory Agency: https://www.nan.usace.army.mil/Missions/Regulatory/
  - Link to Nationwide General Permits: https://dos.ny.gov/federal-consistency-review-projects-requiring-federal-permits-or-authorizations
  - Regulatory Public Notices: https://www.nan.usace.army.mil/Missions/Regulatory/Regulatory-Public-Notices/
- **Coastal Zone Managament Act:** https://coast.noaa.gov/czm/act/
  - NYS DOS Coastal Consistency Review Unit: https://dos.ny.gov/coastal-consistency-review
  - NYS LWRP: https://dos.ny.gov/local-waterfront-revitalization-program
  - Public Notices: https://dos.ny.gov/public-notices
- **Clean Water Act**
  - NYS DEC Water Quality Certification: https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/protection-of-waters-program
  - Section 401 Permit Application: https://dec.ny.gov/sites/default/files/2023-12/401wqcsupplmnt.pdf

The Joint Application must be submitted to each individual regulatory agency for review.
Projects must obtain permits from all local, state, and federal regulatory agencies.
Contact the USACE-NY District, NYS DOS, and NYS DEC for the most up-to-date information.

Peconic Estuary Partnership

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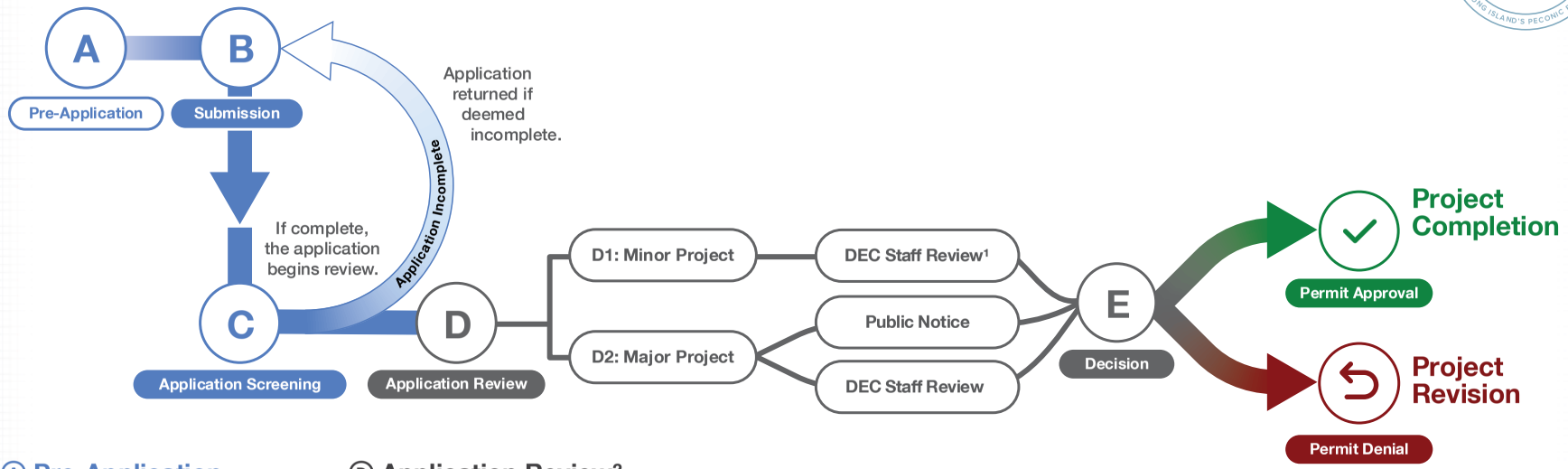
New York State

Environmental Conservation Law Article 25: Tidal Wetlands*



Ⓐ Pre-Application

Available upon request. A meeting with the NYS DEC Regional Permit Office can confirm the types of permits required for the project and offer useful information for designing projects that adhere to regulations.

Ⓑ Submission

Applicant submits Joint Application Form to the NYS DEC Regional Permits Office.

Ⓒ Application Screening

The NYS DEC Regional Permits Office reviews the application for completeness and routes to DEC staff review.

Ⓓ Application Review²

- **D1: Minor Project** - Routine projects that are determined to be minor may be reviewed by NYS DEC Regional Permit Office Staff and/or sent to relevant programs for technical review.
- **D2: Major Project** - If project is determined to be major, it must be published for public comment. NYS DEC Regional Permit Office staff will send the application to all relevant technical programs for review.

Ⓔ Decision

The NYS DEC Regional Permit Office compiles staff feedback and recommendations to determine whether a permit can be issued as-is, or if modifications to the design or changes to the project scope are necessary. Additionally, any public comments received during the review period are considered.

✓ Permit Approval

Project Completion: Work on the project may begin once all additional authorizations have been granted from other federal, state, and/or local regulatory agencies.

⮌ Permit Denial

Project Revision: NYS DEC staff will provide suggested project modifications or alternatives that would be permitted, but if the applicant disagrees then a denial is issued. Once an application has been denied, it can not resubmitted unless the new project is materially different from the previous. The applicant can appeal the denial by submitting to the process to request a hearing.

*This roadmap does not include the NYS DEC's review of Federal Clean Water Act

[1]If, after initial review, staff determine the site is potentially suitable for a nature-based feature, review is extended to additional NYS DEC offices.

[2]Major/minor determination is based on the Uniform Procedures Act

Helpful Information

- **NYS DEC Tidal Wetlands Permit Program:** on.ny.gov/4pMana1
- **Environmental Conservation Law Article 25 (Tidal Wetlands):** bit.ly/ECL-25
- **NYS Living Shorelines Act:** nysenate.gov/legislation/bills/2023/S5186/amendment/A
- **Uniform Procedures Act:** dec.ny.gov/sites/default/files/2025-05/part621upacourtesycpy.pdf
- **NYS Joint Application Form:** bit.ly/Joint-Application
- **Department Application Review Tracking (DART) System:** Information on applications processed by NYS DEC can be accessed through the DART System: appfactory.dec.ny.gov/dartsearch/
- **Environmental Notice Bulletin:** The public is notified about major projects through NYS DEC's weekly bulletin, which describes the nature and location of the proposed project and sets the deadline for filing public comments. Search for projects by entering the township in Keyword Search. dec.ny.gov/news/environmental-notice-bulletin

Applicant is responsible for obtaining all federal, state, and/or local approvals and must obtain all authorizations before starting work.

Contact the NYS DEC Regional Permit Office for the most up-to-date information.

Additional NYS DEC Offices that may provide additional evaluations of a permit application include those within the Division of Marine Resources, Division of Water, Division of Fish and Wildlife, Division of Lands and Forests, Division of Mineral Resources, Division of Materials Management, the Office of General Counsel, and possibly others depending on the project type.

Peconic Estuary Partnership

Sea Grant NEW YORK

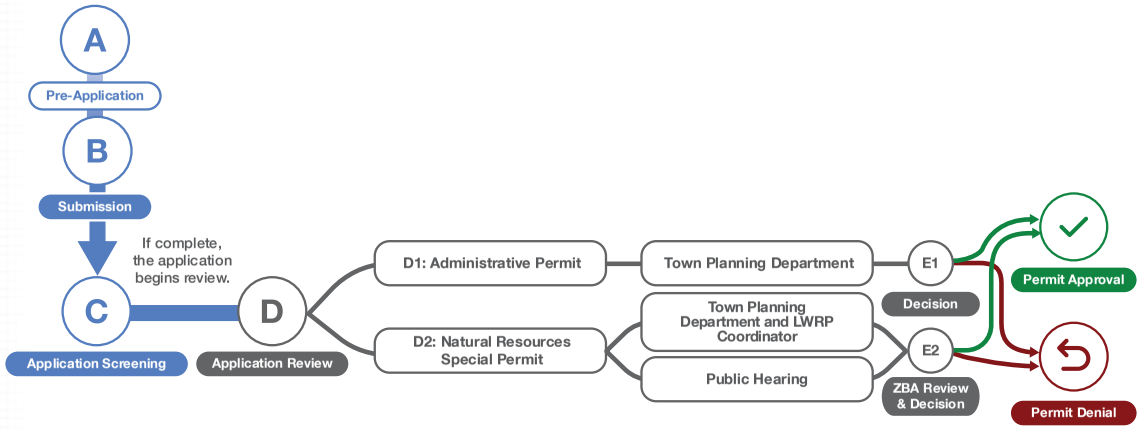
Town of East Hampton

Sea Grant NEW YORK

Peconic Estuary Partnership — Protecting and Restoring Long Island's Peconic Bays

Town Code Chapter 255: Zoning*, Town Planning Department

*Chapter 150: LWRP Consistency Review also applies



Ⓐ Pre-Application

Pre-application meetings are available upon request. It is recommended to reach out to the Town to discuss the required information, any concerns or recommendations for the proposed project, and advice on required permits.

Ⓑ Submission

Application for Natural Resources Special Permit submitted to the Town Planning Department.

Ⓒ Application Screening

Application is reviewed for completeness. A site visit is conducted. Copy sent to LWRP Coordinator and Zoning Board of Appeals.

Ⓓ Application Review

- **D1: Administrative Permit** - The Town Planning Department handles the full review of the project. The project is put forth for public comment*. If the Town has an objection to the project, the Administrative Permit may be terminated and the proposed project scheduled for a public hearing.
- **D2: Natural Resources Special Permit** - The Town Planning Department reviews and provides a technical analysis memo that details their recommendation. Simultaneously, the LWRP Coordinator prepares a draft CAF for consideration by the lead permitting agency. The project is put forth for public comment* and a public hearing is held.

Ⓔ ZBA Review & Decision

The Zoning Board of Appeals reviews the application and recommendations and issues a decision that includes conditions of approval.

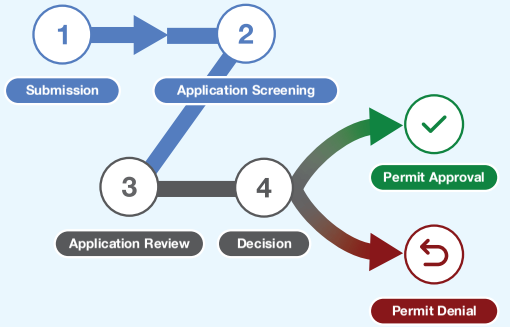
✓ Permit Approval

Project Completion: ZBA issues a Natural Resources Special Permit, Variance, or combination of both. Once project is complete, an as built survey and/or field inspection will confirm.

⮌ Permit Denial

Project Revision: Applicant has the opportunity to address comments and resubmit as a new project. All changes need to also be communicated to other regulatory agencies reviewing the project.

Trustee General Permit



① Submission

Application for Trustee General Permit submitted to the Office of the East Hampton Town Trustees.

② Application Screening

Application is reviewed for completeness and sent to the Trustee Board.

③ Application Review

Trustees review the application and visit the site of the proposed project.

④ Decision

The Trustee Board issues a permit approval or denial.

✓ Permit Approval

Work on the project may begin, once all additional approvals have been granted.

Project Completion: Once the project is complete, applicant will submit photo documentation and a statement of completion.

⮌ Permit Denial

The Board may offer feedback with the permit denial. The applicant has the opportunity to address comments and resubmit as a new project. All changes need to also be communicated to other regulatory agencies reviewing the project.

*Public comment period opens as soon as the application is submitted but starts once the applicant sends notice. It remains open until the record is closed.

Helpful Information

- **Town Code Chapters**
  - **Town of East Hampton, NY Zoning:** ecode360.com/10413761
  - **Town of East Hampton, NY LWRP Consistency Review:** ecode360.com/12074127

- **East Hampton Trustees**
  - **Official Website:** ehtrustees.com
- **Trustee General Permit** (may also be required for specific project activities and/or locations)**:**
  - bit.ly/2024-Permit-Application

Inquire with the town planning department to determine whether both a town permit and a trustee permit are required for the project.

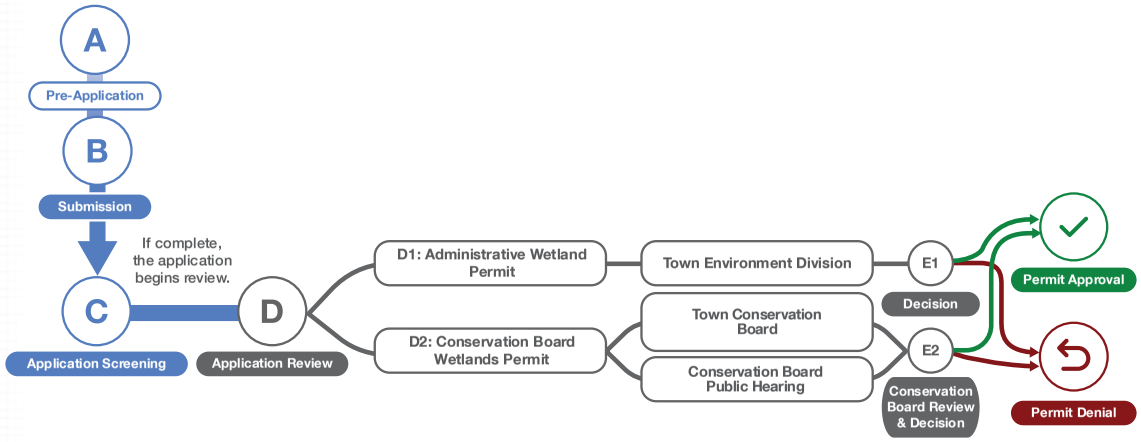
Projects must also obtain permits from all other state and federal regulatory agencies. Contact the Town for the most up-to-date information.

Peconic Estuary Partnership

Sea Grant NEW YORK

Town of Southampton

Town Code Chapter 325: Wetlands, Town Environment Division



Ⓐ Pre-Application

Pre-application meetings are available upon request. The Town can advise on permit type for the proposed project.

Ⓑ Submission

Applicant submits residential shoreline modifications permit application to the Town Department of Land Management Environment Division. Projects on commercial/industrial sites undergo a separate process administered by the Planning Board.

Ⓒ Application Screening

Application is reviewed for completeness and permit type.

Ⓓ Application Review

- **D1: Administrative Wetland Permit** - review and site visit is conducted by the Town's Environment Division.
- **D2: Conservation Board Wetlands Permit** - The Town's Environment Division completes a site visit, reviews the proposed project, and provides a report on their recommendation to the Conservation Board. Public notice is issued and the Conservation Board holds a public hearing.

Ⓔ Decision

- **E1:** The Town's Chief Environmental Analyst determines if the proposed project is compatible with Town Code and if so, issues the permit[1].
- **E2:** The Conservation Board reviews recommendations, public feedback, and renders a decision along with permit terms of issuance.

✓ Permit Approval

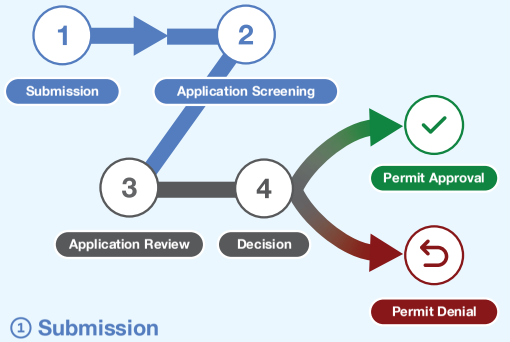
Work on the project may begin once all additional authorizations have been granted from other federal, state, and local regulatory agencies.

⮌ Permit Denial

If a denial is issued, the applicant can address any project modification and resubmit their proposed project or may submit to an appeals process.

[1]If the proposed project is denied an administrative wetland permit, the applicant can resubmit as a Conservation Board Wetlands Permit, to undergo a more robust review.

Trustee General Permit



① Submission

Application for the Trustees' General Permit submitted to the Trustees Office.

② Application Screening

Application is reviewed for completeness and sent to the Trustee Board member identified for review.

③ Application Review

The identified Trustee reviews the proposed project, and may conduct a site visit and/or enlists outside council. Trustee presents their recommendation to the full Trustee Board for discussion at a work session. Applicants may attend the work session to answer any questions raised.

④ Decision

Formal Trustee meeting, public comment is collected and reviewed, the lead trustee presents their recommendation and trustee members vote to approve or deny the permit application. A majority must be met in order to issue an approval.

✓ Permit Approval

Work on the project may begin, once all additional approvals have been issued.

⮌ Permit Denial

The applicant has the opportunity to address feedback, modify their proposed project, and resubmit or submit to an appeals process

Helpful Information

- **Town of Southampton Code 325:** https://ecode360.com/8700002
  - **Administrative Wetlands Permit Application:** https://www.southamptontownny.gov/DocumentCenter/View/1990/Administrative-Wetlands-Permit-Application-PDF
  - **Conservation Board Wetlands Permit Application:** https://www.southamptontownny.gov/DocumentCenter/View/529/Wetlands-Permit-Application---Town-PDF
- **Town of Southampton Code 340 (Trustees):** https://ecode360.com/8704874
  - **Town of Southampton Trustee General Permit:** https://www.southamptontownny.gov/DocumentCenter/View/1328/Application-for-New-Work-Reconstruction-and-Replacement-of-Docks-Dredging-and-Bulkheads-PDF

Inquire with both the Town and the Trustees to determine permit requirements based on jurisdiction for the proposed project.

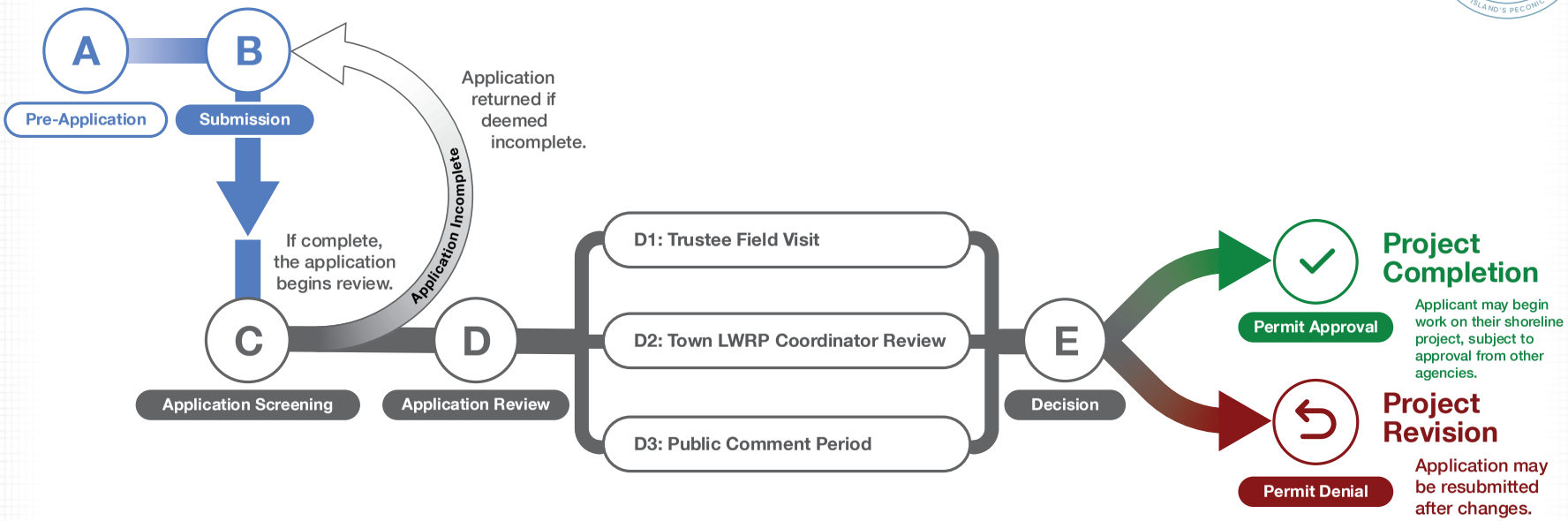
Projects must also obtain permits from all other state and federal regulatory agencies.
Contact the Town of Southampton for the most up-to-date information.

Peconic Estuary Partnership

Sea Grant NEW YORK

Town of Southold

Town Code Chapter 275: Wetlands and Shoreline



Ⓐ Pre-Application

Site visits are available upon request. If application is submitted within 6 months of visit, fee is applied to the application.

Ⓑ Submission

Applicant submits permit to Town Trustee Office.

Ⓒ Application Screening

Trustee Office reviews for completeness and application type: Administrative Permit Application or Wetland Permit Application.

Ⓓ Application Review

- **D1: Trustee Field Visit** - attendance is determined by permit application type. For an administrative wetland permit, one trustee visits the site and reports on findings during the next work session. For a wetland permit, all Trustees attend the Field Visit.
- **D2: Town LWRP Review** - The Town's LWRP Coordinator reviews for consistency. If project is inconsistent, an objection is given and it is not recommended for approval.
- **D3: Public Comment Period** - If project requires a public comment period, the Board will set a time, date, and place for the hearing and give public notice. The applicant is responsible for erecting a sign on the property and sending written notice to all adjacent owners.

Ⓔ Decision

All information gathered is reviewed at the Trustee Work Session and discussed at a Public Hearing, then a vote is made whether to approve or deny the permit application. A majority of the Trustees must vote in favor of the application in order to issue an approval.

After collecting public feedback, trustees may opt to table the decision to allow for more time to discuss the project or ask for plan revisions.

✓ Permit Approval

Project Completion: The Town Building Department issues a Ceritificate of Compliance once the Trustees confirm the project was complete to permitted conditions. If not, the applicant is subject to violations.

⮌ Permit Denial

Project Revision: If the permit is denied, the applicant has the opportunity to make changes and resubmit a Town wetland permit application. All project modifications must be communicated to all regulatory agencies reviewing the project.

Helpful Information

- **Town Code:** https://ecode360.com/SO0452
- **Wetland Permit Application and Information:** https://southoldtownny.gov/391/Trustees
  - **Administrative Wetland Permit Application and Instructions:** https://SoutholdTownNY.gov/DocumentCenter/View/5982/Trustees-Administrative-Application?bidId=
  - **Wetland Permit Application with checklist and instructions:** https://SoutholdTownNY.gov/DocumentCenter/View/5644/Wetlands-Permit?bidId=
- **Coastal Contractors License:** All coastal construction contractors must obtain a license in order to engage in projects within the Town of Southold. https://SoutholdTownNY.gov/DocumentCenter/View/6502/COASTAL-CONTRACTORS-LICENSE-Application?bidId=
- **Southold Local Waterfront Revitalization Plan (LWRP):** All coastal project must be deemed consistent with the Southold LWRP. https://www.SoutholdTownNY.gov/274/Local-Waterfront-Revitalization-Program

Projects must also obtain necessary permits from all other regulatory agencies.
Contact the Town of Southold for the most up-to-date information.

When and where appropriate, actions that retain natural shorelines and incorporate Nature-based Features (NBF) are encouraged to enhance community resilience.

Peconic Estuary Partnership

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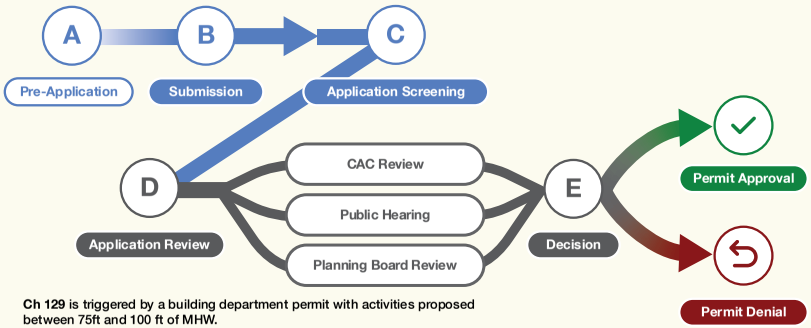
Town of Shelter Island

Town Code Chapter 129: Wetlands AND Chapter 53: Docks, Bulkheads, & Water Control Structures

Town Code Chapter 129: Wetlands



Ch 129 is triggered by a building department permit with activities proposed between 75ft and 100 ft of MHW.

Ⓐ Pre-Application

Applicants may contact the Town for pre-application feedback requests.

Ⓑ Submission

Building Permit Application submitted to Town Building Department. If activities take place within 75–100ft of MHW, applicant will receive a denial letter from the Building Department that states the need for a wetlands permit.

Application for Wetlands Permit is submitted to the Town Clerk and reviewed for completeness.

Ⓥ Application Screening

Application returned if deemed incomplete. If complete, the application begins review.

Ⓓ Application Review

- Town Board requests the Conservation Advisory Council (CAC) and Planning Board to review the application and conduct a site visit, if necessary. CAC and Planning Board provide their recommendations to the Town Board.
- Public comment period opens and the Town Board holds a public hearing.

Ⓔ Decision

The Town Board reviews the recommendations and public comments. A decision is issued to approve, approve with conditions, or deny the permit application.

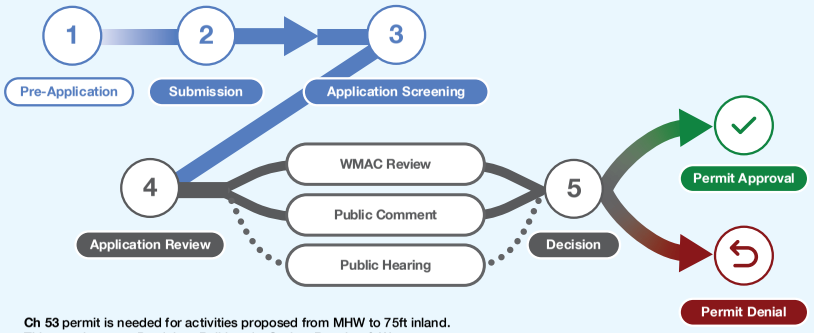
✓ Permit Approval

Project Completion: Work may begin once all additional authorizations have been granted from other state and federal regulatory agencies.

⮌ Permit Denial

If permit application is denied, the applicant can address feedback and resubmit, or submit to an appeals process.

Town Code Chapter 53: Docks, Bulkheads, & Water Control Structures



Ch 53 permit is needed for activities proposed from MHW to 75ft inland. This permit covers Dredging, Bulkheads, Groins, Repairs, & Water Control Structures (excluding moorings).

① Pre-Application

Pre-application meetings are available with the Waterways Management Advisory Council (WMAC) upon request.

② Submission

Application is submitted to the Town Clerk.

③ Application Screening

Town Clerk confirms completeness and permit category. If incomplete, it is returned to the applicant.

④ Application Review

- The Town Board requests the WMAC to review the application and conduct a site visit, if necessary. WMAC provides their recommendation to the Town Board.
- Public comment period opens.
- If a new project, the Town Board holds a public hearing.

⑤ Decision

The Town Board reviews WMAC recommendation and public comments. A decision is issued to approve, approve with conditions, or deny the permit application.

✓ Permit Approval

Project Completion: Work may begin once all additional authorizations have been granted from other state and federal regulatory agencies.

⮌ Permit Denial

If permit application is denied, the applicant can address feedback and resubmit, or submit to an appeals process.

Helpful Information

- **Town of Shelter Island Code 129 - Wetlands :** bit.ly/ECL-25
  - Wetlands Application: https://www.shelterislandtown.gov/DocumentCenter/View/1271/Wetlands-Application-Form-PDF
- **Town of Shelter Island Code 53 - Docks:** on.ny.gov/4pMana1
  - Docks Application: https://www.shelterislandtown.us/DocumentCenter/View/632/Dock-Application-PDF

Projects must also obtain permits from all other state and federal regulatory agencies.

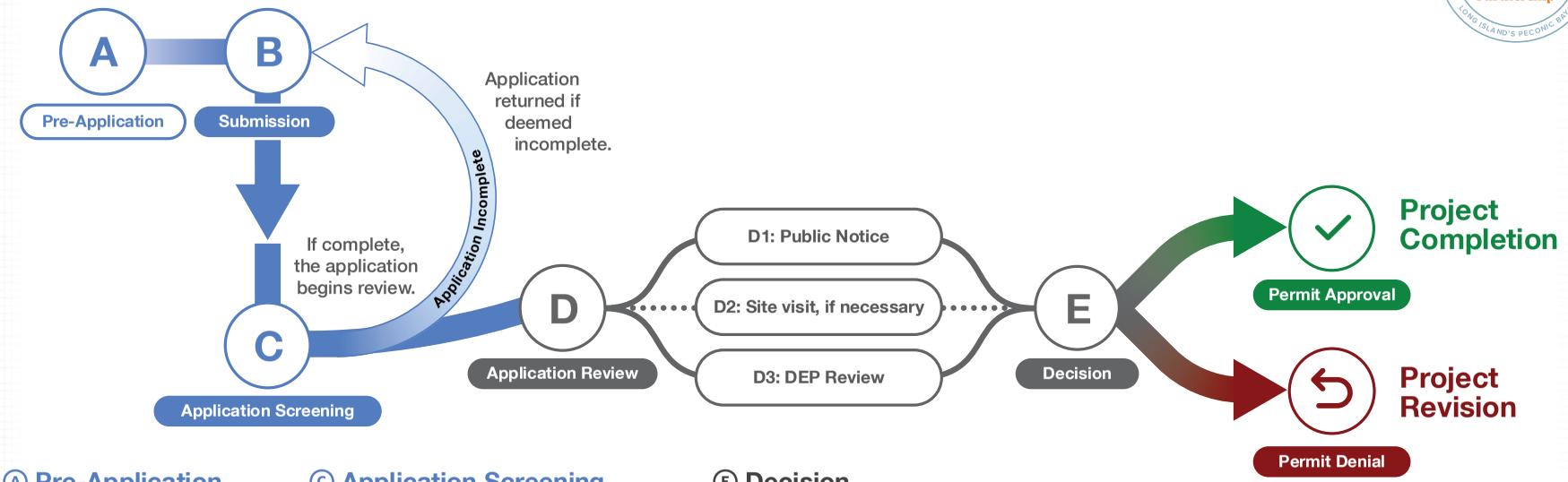
Contact the Town of Shelter Island for the most up-to-date information.

Peconic Estuary Partnership

Sea Grant NEW YORK

Town of Brookhaven

Town Code Chapter 81: Wetland and Waterways,Town Department of Environmental Protection (DEP)



Ⓐ Pre-Application

Pre-application meetings are encouraged and available upon request. DEP can provide guidance and initial feedback on proposed activities.

Proposed shoreline activities typically undergo the process for a Category B permit.

Ⓑ Submission

Application submitted to the Town's Department of Planning and Environmental Land Management (PELM).

Ⓒ Application Screening

Town confirmation of application completeness and permit category. If incomplete, application is returned. If complete, application is sent to DEP for review.

Ⓓ Application Review

Category B

- **D1:** Public notice is issued via mail and signage, the public comment period opens.
- **D2:** DEP conducts site visit, if necessary.
- **D3:** DEP reviews all materials and gives recommendation to the Deputy Commissioner of PELM.

Ⓔ Decision

The Deputy Commissioner of PELM issues a permit approval or denial.

✓ Permit Approval

Work may begin once all additional authorizations have been granted from other state and federal regulatory agencies.

⮌ Permit Denial

If the proposed project is rejected the applicant is issued a Denial Letter. The applicant may begin the permit appeals process. Upon holding a public hearing, the Town Board will decide to uphold or override the Denial.

Helpful Information

- **Town of Brookhaven Wetlands Code:** https://ecode360.com/8596082#8596082
- **Brookhaven Town Wetlands Application:** https://www.brookhavenny.gov/1416/Wetlands

Emergency Work Release: If the proposed project is for emergency work to address substantial risk to safety and private property, a permit may be issues without the required public comment period and hearing.

Projects must also obtain necessary permits from all other state and federal regulatory agencies.

Contact the Town of Brookhaven for the most up-to-date information.

Peconic Estuary Partnership

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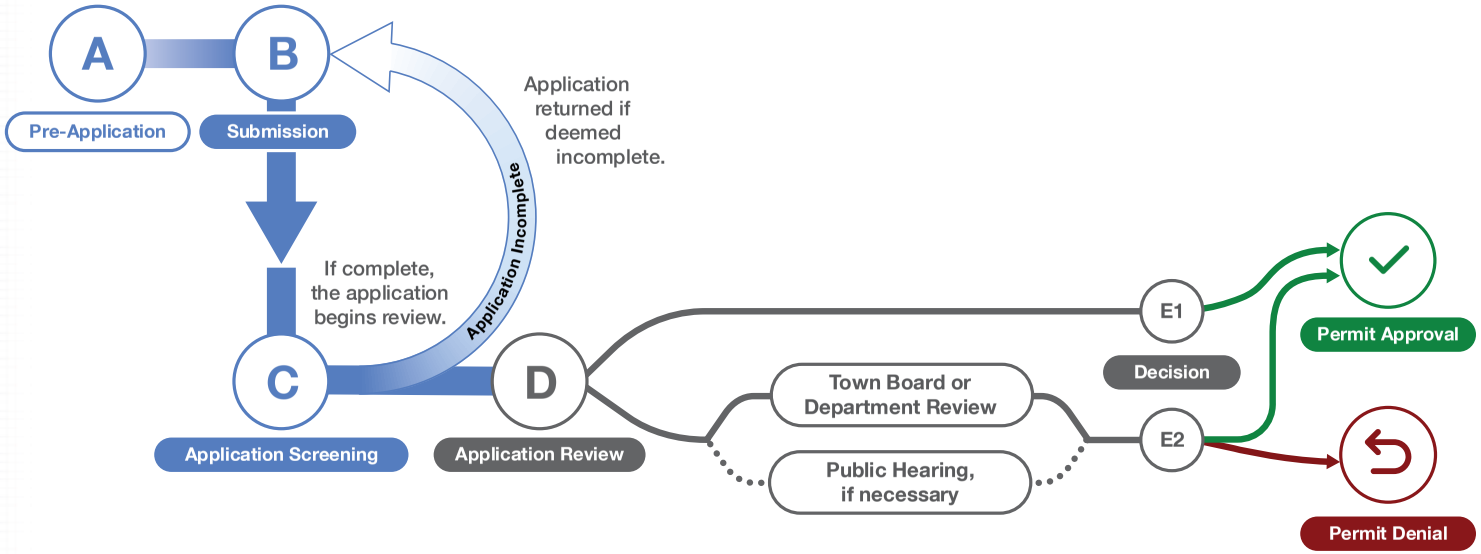
Town of Riverhead

Town Code Chapter 295: Wetlands, Town Planning Department



Ⓐ Pre-Application

Ⓑ Submission

Applicant submits Conservation Advisory Council (CAC) permit application to the Town Planning Department.

Ⓒ Application Screening

The Town's CAC reviews the application for completeness and conducts a site visit.

Ⓓ Application Review

- The CAC compiles information about the proposed project and issues a recommendation to the Town board or department that has jurisdiction.
- If the board or department seeks to modify or reject the CAC recommendation, further review is required. For Town Board actions, public notice is issued and a hearing is held.

Ⓔ Decision

- **E1:** The town board or department agrees with CAC reccomendation and issues a decision to approve the proposed project.
- **E2:** After further information and public comments are reviewed, the town board or department will uphold the denial, issue an approval, or approve the application with conditions.

✓ Permit Approval

A CAC permit approval is needed before the applicant can submit the proposed project to the Town Building Department. Work on the project may begin, once all additional authorizations have been granted from other federal and state regulatory agencies.

⮌ Permit Denial

If a denial is issued, the applicant can address any suggested project modifications and resubmit their proposed project or may commence a judicial review of the decision.

Helpful Information

- **Town of Riverhead Wetlands Code:** https://ecode360.com/29712181#29712181
- **Conservation Advisory Council Application:** https://www.townofriverheadny.gov/DocumentCenter/View/951/Conservation-Advisory-Council-Application---Updated-2024-PDF

Projects must also obtain permits from all other state and federal regulatory agencies.

Contact the Town of Riverhead for the most up-to-date information.

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