



*Hudson River Coast at Risk  
on the Eve of the 400th*

# **Audit and Action Agenda for New York State Coastal Management Program**

**FINAL REPORT • MARCH 2008**



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# EXECUTIVE SUMMARY

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New York State has more than 3,900 miles of coastline subject to the federal Coastal Zone Management Act, including Atlantic Ocean waterfront, the Great Lakes, the St. Lawrence Seaway and the Hudson River. This makes it the second largest coastal state in the nation. Eighty-seven percent of New York's population resides within coastal regions and designated inland waterways; 8% of all Americans live within an hour's drive of the Hudson River. These coastal regions have received multiple federal and state designations signifying their environmental, cultural and economic importance to the state and the nation.

The Department of State's Coastal Management Program (CMP) has a 25-year tradition as a leader in implementing the standards of management for the natural and economic assets of New York's coastal areas, including the Hudson River estuary, and exporting knowledge and resources to local municipalities and the nation.

Yet the effectiveness of this program is hampered by the lack of a centralized, easily accessible repository for information on coastal conditions and the need for greater authority, coordination and cooperation among state agencies charged with making decisions that are consistent with New York's 44 coastal polices. The scope of the program's mission in the Hudson Valley is severely undermined by a piecemeal approach to state decision-making processes and insufficient resources and authority to respond to threats to critical natural resources and changing conditions and trends facing coastal regions. In addition, an arbitrary coastal-region boundary does not reflect rapidly changing environmental and economic conditions.

In 2009, international attention will focus on the Hudson River Valley as we celebrate the 400th anniversary of Henry Hudson's exploration of the river that bears his name. The commemoration also could serve as the beginning of an era of discovery and possibility during which great strides are made to protect environmental conditions in the region and clearly identify where economic development should be focused to support a healthy, prosperous region. Reforms to the Coastal Management Program in the Hudson River Valley are essential to achieving these goals and make the region a model for coastal areas throughout the state.

# Introduction and Key Findings



Vickie Muller

The Hudson River Valley is world renowned for its scenic, natural and cultural assets, which have contributed significantly to the nation's economy and identity since the founding of our country. Between the Atlantic Ocean and the Capital District, the river's 153-mile-long estuarine ecosystem has been designated a coastal zone by the federal government and New York State. As a wellspring of environmental, economic and social innovation since Henry Hudson's sail up the waterway in 1609, the region offers an outstanding quality of life for residents and supports a \$4.5-billion dollar annual tourism industry.

Now in its 25<sup>th</sup> year, the Department of State's (DOS) Division of Coastal Resources has set the standard for how the Hudson River estuary and other coastal regions can be managed through regulation and voluntary, incentive-based partnerships that address changing economic conditions and land-use patterns. Through its Coastal Management Program, the division promotes a wide variety of programs and initiatives that help revitalize and protect our coastal areas while considering communities' needs. But the program has flaws and deficiencies that must be addressed to avert permanent damage to this vital resource.

## Landmark Ruling Precedent for Future Decisions

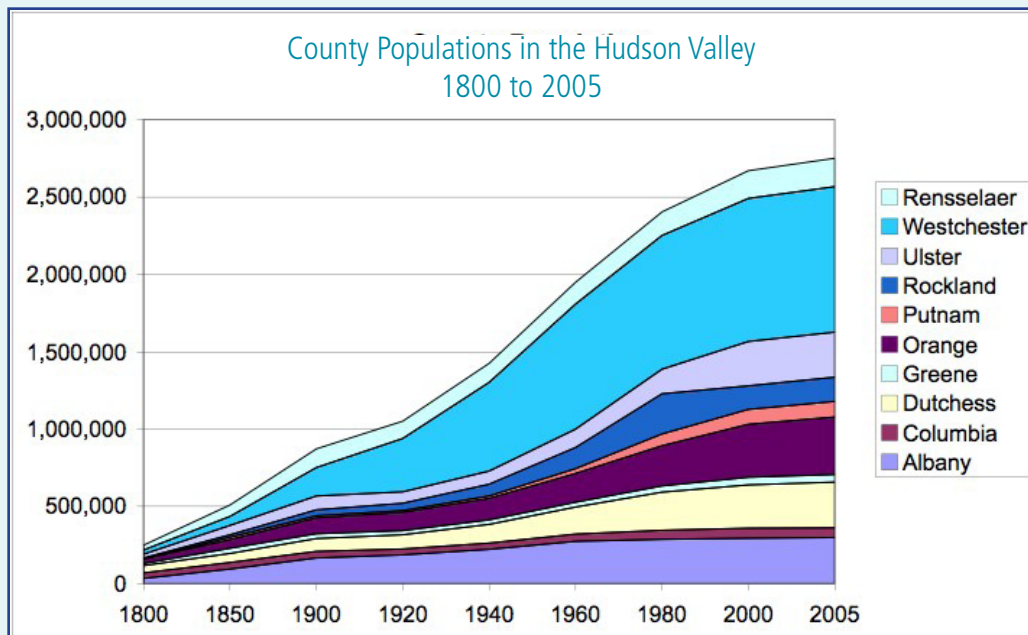
The DOS's 2005 ruling regarding the proposed St. Lawrence Cement facility in Greenport, Columbia County, set an important precedent for the future of the Hudson Valley and the direction of the CMP. Taking into account the region's changing character, this landmark decision applied coastal policies in a visionary way, acknowledging the momentum of community support for regional environmental protection and the potential for mixed-use waterfronts to serve as catalysts for economic development throughout the valley.

## Changing Conditions Call for Hard Look at Regulatory Environment

While the CMP has been an effective force in guiding development that unites economic progress with environmental protection, the Hudson Valley is at a "tipping point" between long-term development trends and the safeguarding of lands that are integral to the region's long-term vitality, economic sustainability and environmental health. Population in most of the region's counties has been on the rise; an additional 1.4 million people are expected to move here over the next decade, putting additional pressures on water quality, wildlife habitat and recreational sites.



Vickie Muller



The nature of development here also has changed since the CMP was created. Once at risk of industrial sites dominating the landscape, today the Hudson Valley faces an exponential rise in inappropriate residential developments, many of which do not trigger coastal consistency review because federal permits are not required. Nearly 15,000 residential units are currently proposed or have been recommended along the Hudson's waterfront. As evidenced by Scenic Hudson's annual aerial photographic survey of the coastal corridor, this latest trend threatens the loss of natural spaces, scenic vistas and heritage and recreational sites.

On the eve of the 2009 quadricentennial celebration of Henry Hudson's voyage up the Hudson, we have cause to reflect upon the past, take stock of existing conditions and consider our options to ensure economic prosperity and a healthy environment for future generations. Now is the time to take a hard look at the activities of New York State to strengthen protection of drinking water, working farms, scenic vistas, wildlife habitat and recreational sites.

### About this Study

This study examines the scope and effectiveness of the CMP in the context of changing economic conditions and land-use patterns. It also makes specific recommendations for how to advance the program's mission. Empirical data was collected to describe and understand trends in the region, the application of the CMP's resources and the effectiveness of the program's activities. A broad range of stakeholders representing local, county, state and federal government, as well as private business and non-profit and community groups, were contacted to better understand the concerns, perspectives and emerging issues in the Hudson Valley.



both: Jeff Anzevino

# KEY FINDINGS



**Create a centralized repository of data relating to the health and quality of New York State's coastlines. The repository should be available to government officials and citizens to enable them to make or participate in well-informed permitting decisions and proceedings.**

**Finding:** Federal data indicates that coastal conditions in the Northeast are among the worst in the nation due to population density and economic activity. Yet there is no repository of information that would enable this information to be verified or qualified for the Hudson Valley. While information about

coastal conditions exists in a dispersed fashion in numerous state agencies, it is not available to the public, or to state or municipal officials who must make decisions and enforce the coastal program. Consequently, many permitting and public-policy decisions are being made with inadequate scientific information.

**Recommendation:** The governor should direct the Department of State to bring together all relevant agencies to create an online repository of environmental and economic data on the health of our coast and coastal communities, and to issue an annual State of the Coast report. The report should be informed through vigorous monitoring and documentation of coastal conditions—both on a real-time basis and in terms of trends—to document changing conditions in the Hudson Valley and New York State. Given the massive population influx and rapidly changing economic conditions along the coast, the report would provide much-needed factual data for officials working to implement coastal-management decisions that help create clean, safe and attractive public spaces; improve water quality; protect scenic and natural landscapes; and promote a vibrant economy.

**Foster collaboration between state and local agencies to strengthen coastal consistency review for all decisions affecting the coastal zone.**

**Finding:** The CMP has an extensive body of law and 44 specific policies, all of which must be applied equally in the coastal zone to achieve consistency with state and federal laws. Yet no formal structure exists to provide clarity to state and local governments and citizens about where consistency determinations take place, or to provide training regarding the 44 policies. Furthermore, the CMP is responsible for determining coastal consistency in only four percent of permit decisions made in the Hudson Valley, despite its strong regional and national reputation as the guardian of New York's coast. Enforcement of the balance of the program is fragmented across multiple state agencies and revenue-strapped coastal municipalities, leading to an uncoordinated approach. This creates an inevitable patchwork of procedures for reviewing actions, major and minor, which affect the region's environment and economy.

**Recommendation:** Consolidate all responsibility for consistency decisions by state agencies into a single agency where the strongest level of expertise currently exists. Additionally, direct the DOS to provide the resources and mandate to train any other state agency staff and local officials to ensure continuity and quality in coastal decision-making. A training manual should be finalized and an annual certification program established to ensure that state, county and local agencies are knowledgeable about the laws they must enforce. An audit should be conducted regularly to ensure that agencies adequately consider the coastal policies for all projects in the coastal zone.

**Bolster CMP staff to deliver technical expertise and support to Hudson River waterfront municipalities in order to expand participation in the Local Waterfront Revitalization Program, identify local resources in need of protection and focus opportunities for economic development.**

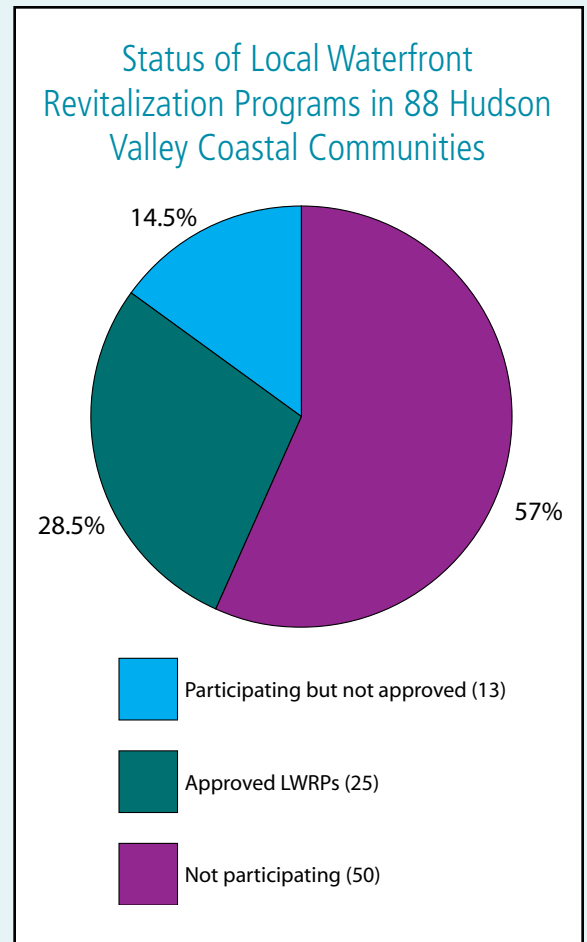
**Finding:** The Local Waterfront Redevelopment Program (LWRP) is an important and appreciated mechanism for educating and enabling localities to play a role in achieving coastal consistency. It also is widely regarded as effective in spurring “smart” waterfront development by clarifying a community’s vision of where and what type of development should occur in coastal areas. Yet partially due to a reduction in CMP staff, less than half of the region’s waterfront communities have participated in the LWRP. Of these, only 29% have had their LWRPs approved by the state. All approved LWRPs are more than five years old. Staff focused on LWRPs in the Hudson Valley during this period has been cut from four people to one and a half; many other key functions have been undercut statewide, although there has been increasing complexity in projects requiring coastal consistency review, training, outreach and monitoring.

**Recommendation:** To meet current demand, 12 additional employees should be hired to support vital functions of the program statewide; five of these should be focused on outreach to local municipalities in the Hudson Valley. Coupled with the establishment of a Small Communities Program to encourage smart planning on waterfronts of villages and towns with the most limited capacity, these recommended staffing increases will ensure the fair and efficient deployment of state resources to communities regardless of size or financial ability. Additional grants should be made available to assist communities in engaging the necessary expertise to achieve 100-percent participation and adoption of LWRPs.

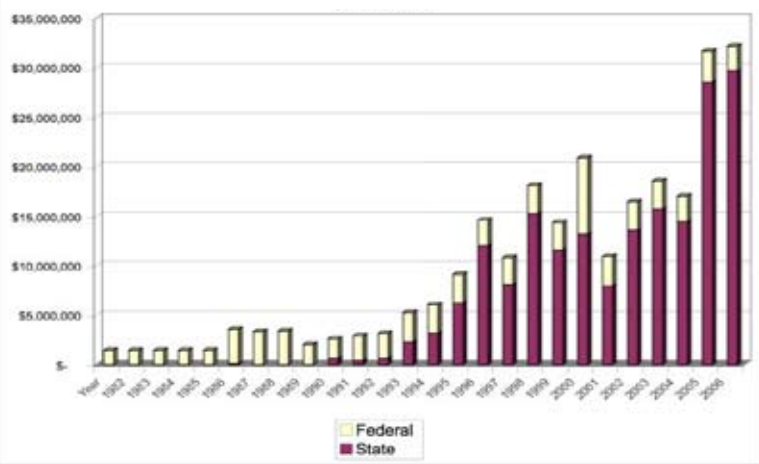
**Increase state and federal funding of the CMP at a corresponding level to the scope of the agency’s mission and the urgency of threats to the coastal area.**

**Finding:** Population in Hudson River Valley coastal communities grew 50 percent faster than the state as a whole between 1980 and 2006. An influx of 360,000 new residents has been documented by the U.S. Census Bureau, with a total population in the 10-county area expected to reach three million in the near future. Economic conditions, dispersed settlement patterns and commuting trends increase the threat to the coast’s health. State funding for CMP staff in key positions has not kept pace with these threats.

The Hudson River Valley has received virtually every federal designation available for areas of national significance, including recognition as an American Heritage River, National Heritage Area and National Historic District. The river itself is hailed as one of the most productive ecosystems in eastern North America while retaining its status as the backyard of one of the country’s most populous cities. Yet federal support for New York’s CMP has declined from 95 percent of its budget between 1982 and 1992 to 23 percent between 1997 and 2007. Coastal pressures of national concern along the Hudson River are increasing due to rising population and the threat of global climate change.



### New York Coastal Management Program State & Federal Contributions 1982 to 2007



**Recommendation:** Waterfront Revitalization Grants, allocated through the state’s Environmental Protection Fund, should be increased to enable municipalities to achieve coastal consistency. Staffing in the CMP should be increased to meet demands on the program, including documentation and tracking of coastal conditions and the need for technical expertise and services by diverse municipalities in the region.

New York’s Congressional delegation should renew its commitment to its coastlines and pursue full funding for the Coastal Zone Management Act as well as other programs that support the goals of the CMP, including the Coastline and Estuarine Conservation Land Program and the State Revolving Funds. Additional attention should

be given to a federal response to global climate change and the need for coastal communities to mitigate their carbon emissions and adapt to rising waters, flooding, storm surges and other impacts likely to affect land-use patterns and economic opportunity.

### Consider new thresholds for triggering state coastal consistency review.

**Finding:** The CMP only has the authority to issue or decline coastal consistency rulings in projects requiring a federal permit or in communities that have adopted LWRPs. In fact, the program is responsible for just 4% of consistency permits within the coastal zone, despite its reputation for expertise in interpreting the 44 coastal policies. Many developments that do not require federal permits have significant visual and other impacts on the coastal zone and New York State Scenic Areas of Statewide Significance. They also contribute to non-point source pollution. Communities that do not have LWRPs are arguably more likely to approve projects at odds with state and federal coastal rules than those with adopted LWRPs.

**Recommendation:** Triggers should be established for CMP review—and subsequent approval or denial of coastal consistency—apart from the presence of a federal rule or LWRP. A joint review by the executive and legislative branches should identify the thresholds for such review and consider legislative or other mechanisms for ensuring protection of the coast under these circumstances.

### Implement a new coastal boundary to reflect changes in population, economic activity and threats to environmental resources.

**Finding:** New York’s coastal policies apply to all public decisions having an impact on coastal regions. However, most of the attention is given to decisions solely within the narrow and arbitrary coastal boundary. The existing boundary does not contain major tributaries and scenic vistas, nor has it been updated to reflect a 25-year population surge and the emergence of a dispersed economy and development patterns. Criteria that define the existing boundary vary significantly throughout the Hudson Valley, making New York’s coastal area more narrowly defined than most states’.

**Recommendation:** The existing coastal boundary should be expanded to address changing environmental and economic conditions in the Hudson Valley. This would provide much-needed technical expertise and support to municipalities that are working to protect natural areas related to the coast and define areas appropriate for economic development. A conversation should take place between the executive branch (including relevant agency heads), the legislature, and municipal and community stakeholders to define and implement criteria to establish an expanded boundary.