§ 34-0103. Definitions.

1. "Activities or development" shall mean any land use, construction or placement by any person of a structure, or any action which materially alters the condition of land, including grading and excavating or other disturbance of soil. The term shall include the division of land into lots, parcels or sites.

2. "Coastal erosion" or "erosion" shall mean loss or displacement of land along the coastline due to the action of waves, currents running along the shore, tides, wind-driven water or water-borne ice or other impacts of coastal storms. It shall also mean loss or displacement of land along the coastline due to the action of wind, runoff of surface waters, or groundwater seepage.

3. "Coastal erosion hazard area" or "erosion hazard area" shall mean those areas of the coastline:

(a) Which are determined as likely to be subject to erosion within a forty-year period. The inland boundary of such areas shall be determined on the basis of shoreline recession analysis and other pertinent studies and surveys by starting at the bluff edge or most landward point of active erosion and measuring along a line which is normal to the line of mean high water a distance which is forty times the long-term average annual rate of shoreline recession, where such average annual recession rate is at least one foot; or

(b) Which constitute natural protective features, the alteration of which might reduce or destroy the protection afforded other lands against erosion, or lower the reserves of sand or other natural materials available to replenish storm losses through natural processes.

The erosion hazard area is to be identified as provided in section 34-0104 of this article and shall be the area within which new activities or development shall be reviewed to effectuate the policies and purposes of this article to minimize damage caused by erosion to structures and to prevent damage to natural protective features caused by activities or development, as provided for in section 34-0108 of this article.

4. "Coastline" shall mean the lands adjacent to the state's coastal waters, including lakes Erie and Ontario, the St. Lawrence and Niagara rivers, the Hudson river south of the federal dam at Troy, the East river, the Harlem river, the Kill van Kull and Arthur Kill, Long Island sound and the Atlantic ocean, their connecting water bodies, bays, harbors, shallows and marshes.

5. "Erosion protective structure" shall mean a structure specifically designed to reduce or prevent erosion including man made protection features created by landfill or deposition.

6. "Land" shall mean the earth, on or below the surface of the ground, including water and air above.

7. "Local government" shall mean a village, town (outside the area of any incorporated village), city or county.

8. "Natural protective features" shall mean without limitation, beaches, dunes, shoals, bars, spits, barrier islands, bluffs and wetlands; associated natural vegetation shall also be considered as part of such natural protective features.

9. "Person" shall mean any individual, public or private corporation, political subdivision, government agency, partnership, association, firm, trust, estate or any other legal entity whatsoever.

10. "State agency" shall mean any department, bureau, commission, board, public authority or other agency of the state, including any public benefit corporation, any member of which is appointed by the governor.

11. "Structure" shall mean any object constructed, installed or placed on land or in water, including, but not limited to, buildings, permanent sheds, mobile homes, tanks, bulkheads, piers, docks, groins, jetties and any additions or alterations thereto.

12. "Significant fish and wildlife habitat" shall mean habitats which are essential to the survival of a large portion of a particular fish or wildlife population, support rare or endangered species, are found at a very low frequency within a geographic area, support fish or wildlife populations having significant commercial or recreational value or would be difficult or impossible to replace.