§ 34-0104. Identification of coastal erosion hazard areas.

1. The commissioner shall as soon as practicable, but no later than thirty months after the effective date of this article, after the adoption of rules and regulations pursuant to subdivision one of section 34-0108 of this article, and in full cooperation with and consultation with local governments in which such land is located prepare a preliminary identification of the erosion hazard areas of the state's coastline. The identification may, in the discretion of the commissioner, be carried out on a regional basis, with priority given to the identification of critical erosion areas. Such preliminary identification shall include, for each such area, a map showing the area subject to erosion, a statement of the long-term average annual rate of loss of land in such area from erosion, if applicable, and an identification of any land areas containing or comprising 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.

2. Upon completion of a preliminary identification of an erosion hazard area, the commissioner or his designated hearing officer shall hold a public hearing in a place reasonably accessible to residents of the affected area in order to afford an opportunity for any person to propose changes in such preliminary identification. The commissioner shall give notice of such hearing to each owner of record, as shown on the latest completed tax assessment rolls, of lands included within such area, and also to the chief executive officer and clerk of each local government within the boundaries of which any portion of such area may be located, by certified mail at least thirty days prior to the date set for such hearing, and shall insure that a copy of the preliminary identification is available for public inspection at a convenient location in such local government. The commissioner shall also cause notice of such hearing to be published at least once, not more than thirty days nor fewer than ten days before the date set for such hearing, in at least one newspaper having general circulation in the area involved and in the environmental notice publication provided for

under section 3-0306 of this chapter.

3. After considering the testimony given at such hearings and the potential erosion hazard in accordance with the purposes and policies of this article, and after consultation with affected local governments, the commissioner shall issue the final identification of the erosion hazard areas. Such final identification shall not be made less than sixty days from the date of the public hearing required by subdivision two hereof. A copy of such final identification shall be filed in the office of the clerk of each local government in which such area or any portion thereof is located. Notice that such final identification has been made shall be given each owner of lands included within the erosion hazard area, as such ownership is shown on the latest completed tax assessment rolls, by certified mail in any case where a notice by certified mail was not sent pursuant to subdivision two of this section, and in all other cases by first class mail. Such notice shall also be given at such time to the chief executive officer of each local government within the boundaries of which such erosion hazard area or any portion thereof is located.

4. The commissioner shall review the boundaries of each erosion hazard area identified pursuant to this section ten years from the date of its identification and every ten years thereafter. The commissioner may revise erosion hazard area maps not sooner than twelve months after the occurrence of a major man made or natural event or a major coastal storm if he determines that topographical changes or loss of structural protection at the end of such a twelve month period and as a result of such event or such storm justify, pursuant to the regulations of the department, adjustment of the erosion hazard area boundary by twenty-five feet or more. Following such review, the commissioner shall adjust the boundaries of such erosion hazard area to effect any additions, deletions or technical changes, or to reflect any changes due to erosion, accretion or other natural or man-made changes. The commissioner shall follow the procedures set forth in subdivisions two and three of this section with respect to any lands which are proposed to be added to or deleted from an erosion hazard area because of an adjustment of the boundaries of such erosion hazard area pursuant to

this subdivision.

5. The commissioner shall maintain a current file of maps or descriptions of all erosion hazard areas pursuant to this article, which shall be available to the public for inspection and examination at the regional office of the department in which the area is wholly or partly located and in the office of the clerk of each local government in which each such area or part thereof is located.