



PUBLIC NOTICE

US Army Corps
of Engineers
New York District, CENAN-OP-R
Jacob Javitz Federal Building
Room 1937
New York, N.Y. 10279-0090

In replying refer to:

Public Notice Number: NAN-2011-01354-ESP
Issue Date: March 8, 2013
Expiration Date: April 6, 2013

To Whom It May Concern:

This Public Notice announces a proposal by the New York District, Corps of Engineers to issue a Regional General Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). This general permit would authorize work and structures located in, or that affect, navigable waters of the United States, and the discharge of excavated or fill material into waters of the United States, including discharges associated with outlet stilling basins, forebays, micropools, extended detention basins, stream restoration/diversion, wetland enhancement/establishment, culvert repair/construction and outfall construction on lands within the approximate southeast half of Staten Island, Richmond County, N.Y. and in Van Cortlandt Park, in the Borough of the Bronx, Bronx County, N.Y. This proposed Regional General Permit would not supersede any individual permits or other general permits issued by the Corps of Engineers, including any Nationwide Permits.

The Corps of Engineers is authorized to issue general permits when such issuance is found not to be contrary to the general public interest. Title 33 of the Code of Federal Regulations (CFR), Part 323.2(h), provides definitions of general permits and authority to issue them on a regional basis for categories of activities when: 1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or 2) the general permit would result in avoiding unnecessary duplication of regulatory control exercised by another Federal, State, or local agency, provided that it has been determined that the environmental consequences of the action are individually and cumulatively minimal.

Attached to this public notice is a copy of the proposed general permit, which includes several requirements to ensure that the activities authorized would cause only minimal individual and cumulative environmental impacts. All activities shall be constructed so as to avoid impacts to wetlands and other waters of the United States to the maximum extent practicable. All temporary impacts to wetlands or other waters of the United States shall be restored to preconstruction conditions once work is complete. Please also note that there are several general and activity specific restrictions to the proposed authorization. For example all new and replaced culverts must be installed to maintain low flow conditions and normal stream flows, as well as allow for fish passage in fish bearing streams. The proposed regional general permit, if issued, would be valid for a duration of five years, at which time it would be extended, modified or revoked following an evaluation of its performance.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make

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this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL ELECTRONIC COMMENTS REGARDING THE PERMIT APPLICATION MUST SENT TO Craig.S.Spitz @usace.army.mil. BEFORE THE EXPIRATION DATE OF THIS NOTICE, ALL WRITTEN COMMENTS MUST BE MAILED TO THE ADDRESS NOTED BELOW ALSO BEFORE THE EXPIRATION DATE OF THIS NOTICE.

U.S. Army Corps of Engineers
ATTN: Craig Spitz
Jacob Javitz Federal Building
26 Federal Plaza, Room 1937
New York, N.Y. 10278-0090

If no electronic or written comments are received, it will be presumed that there are no objections to the activity. ;

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activities for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267) , requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed activities, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations are being conducted and will be concluded prior to the final decision.

Our preliminary determination is that the activities for which authorization will not effect resources that are eligible for, or included in, the National Register of Historic Places. However, to assure that the requirements of the Section 106 of the National Historic Preservation Act are met, this office will continue to consult with the New York State Historic Preservation Office, and other interested parties as appropriate, on a case-by-case basis to resolve any effects to historic properties.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management

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program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact our New York District Regulatory Office at (917) 790-8522 and ask for Craig Spitz.

In order for us to better serve you, please complete our Customer Service Survey located at:
<http://per2.nwp.usace.army.mil/survey.html>

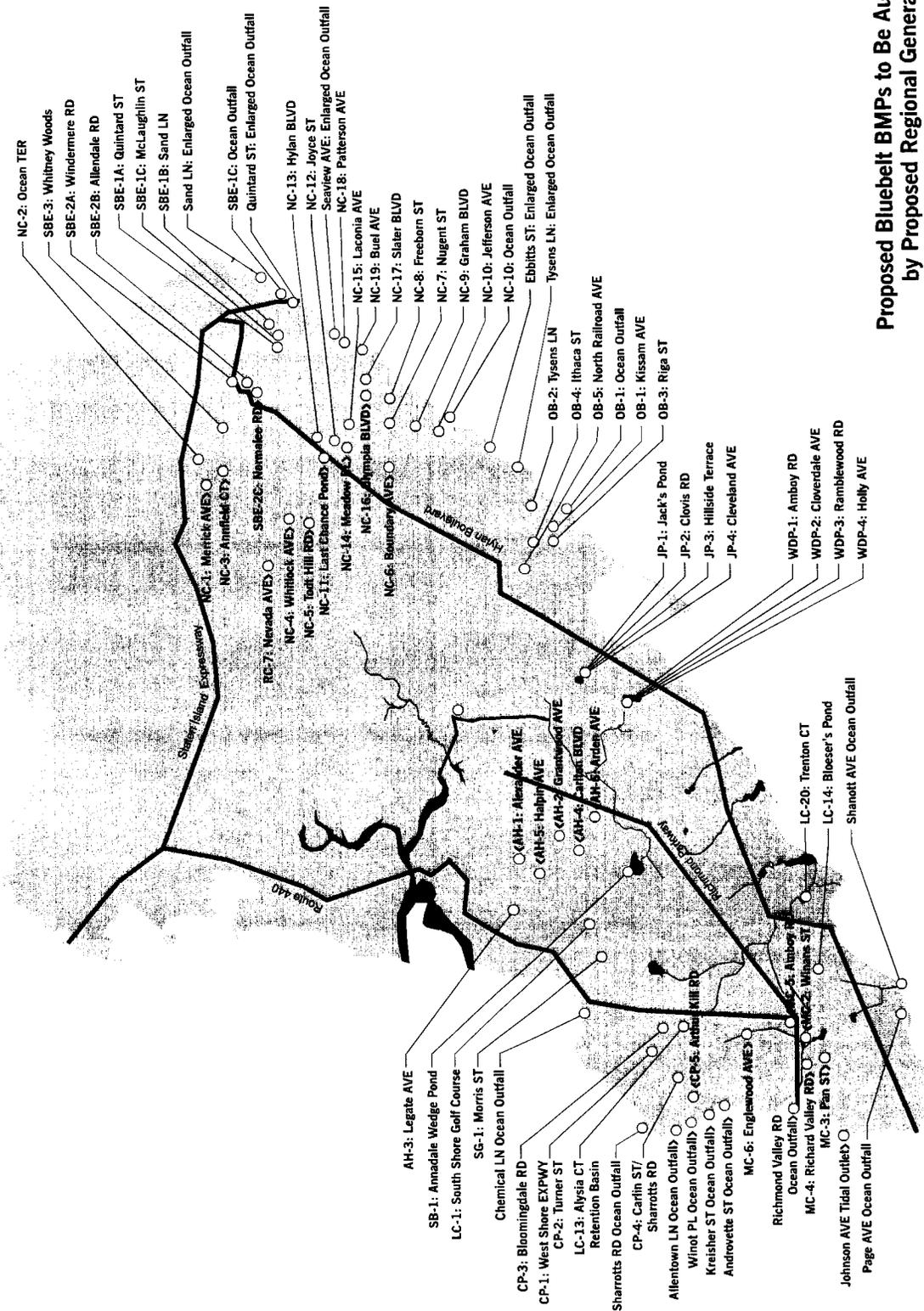
For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Jodi M. McDonald
Chief, Regulatory Branch

Enclosures

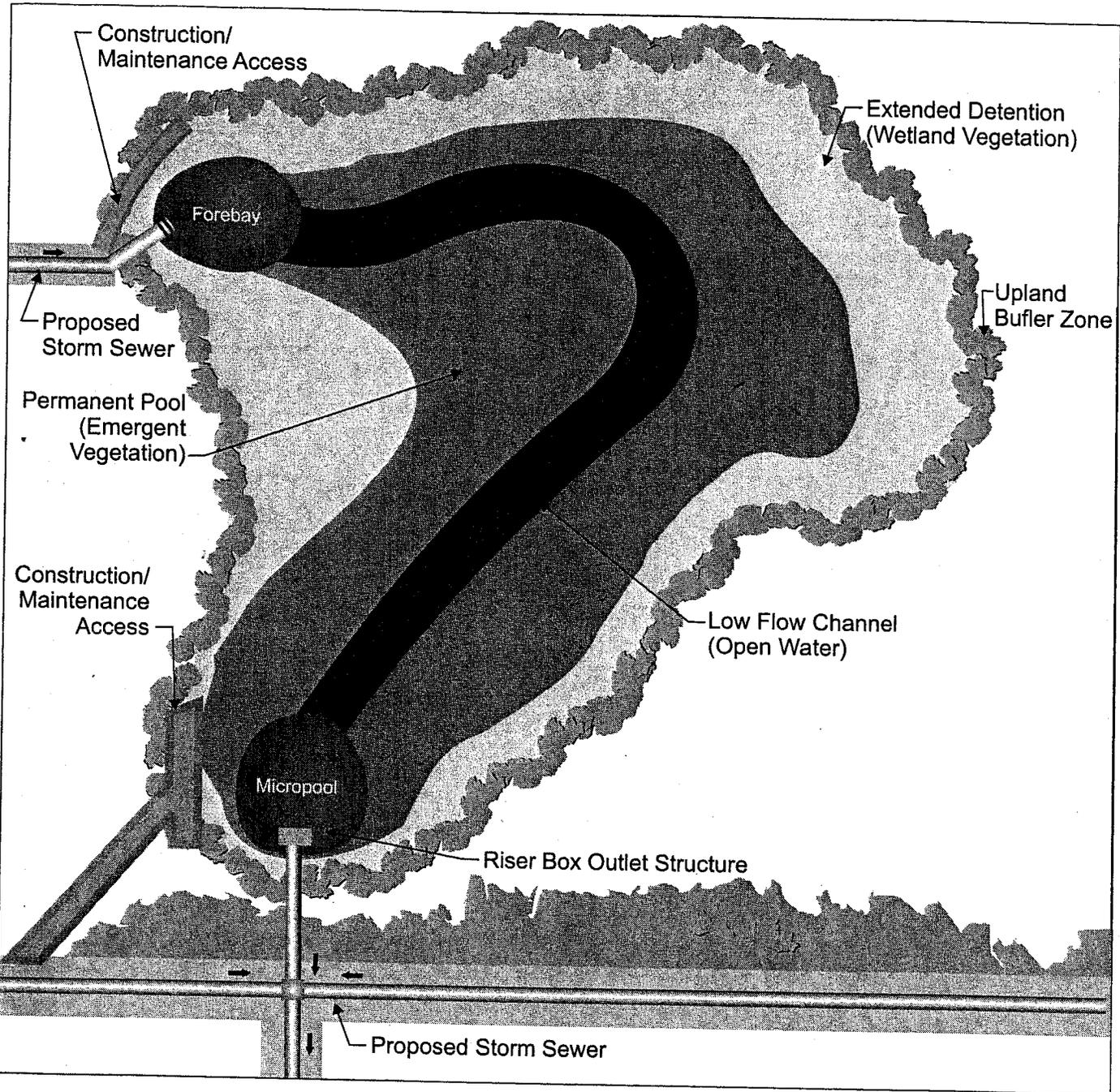
1. Location Map
2. Proposed Regional General Permit



Proposed Bluebelt BMPs to Be Authorized
by Proposed Regional General Permit

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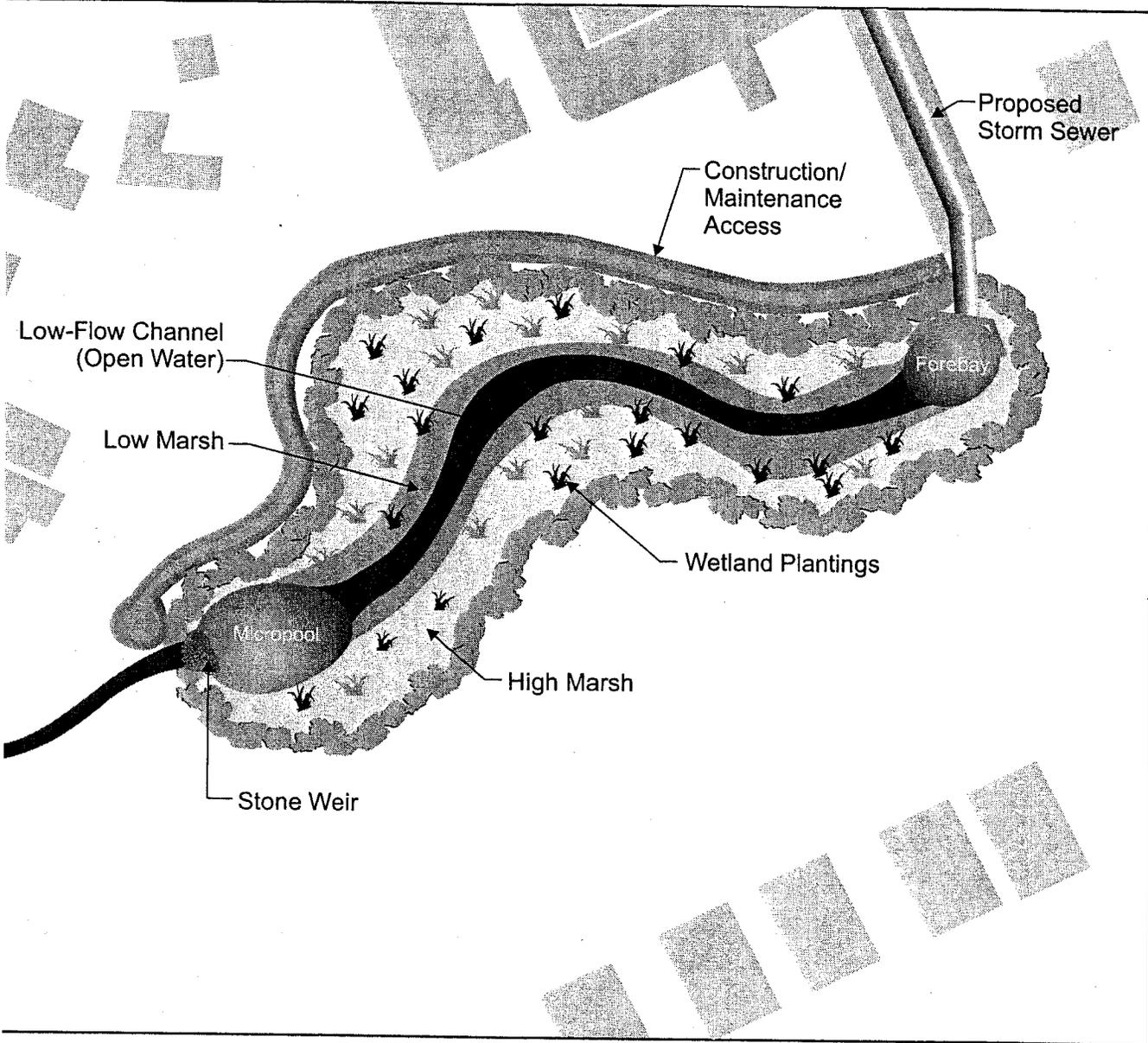
NAU-2011-01354-ESP



H&S File: 6303033201115m-Typical Extended Detention.cdr 03-28-11

**Typical Extended Detention
Wetland**

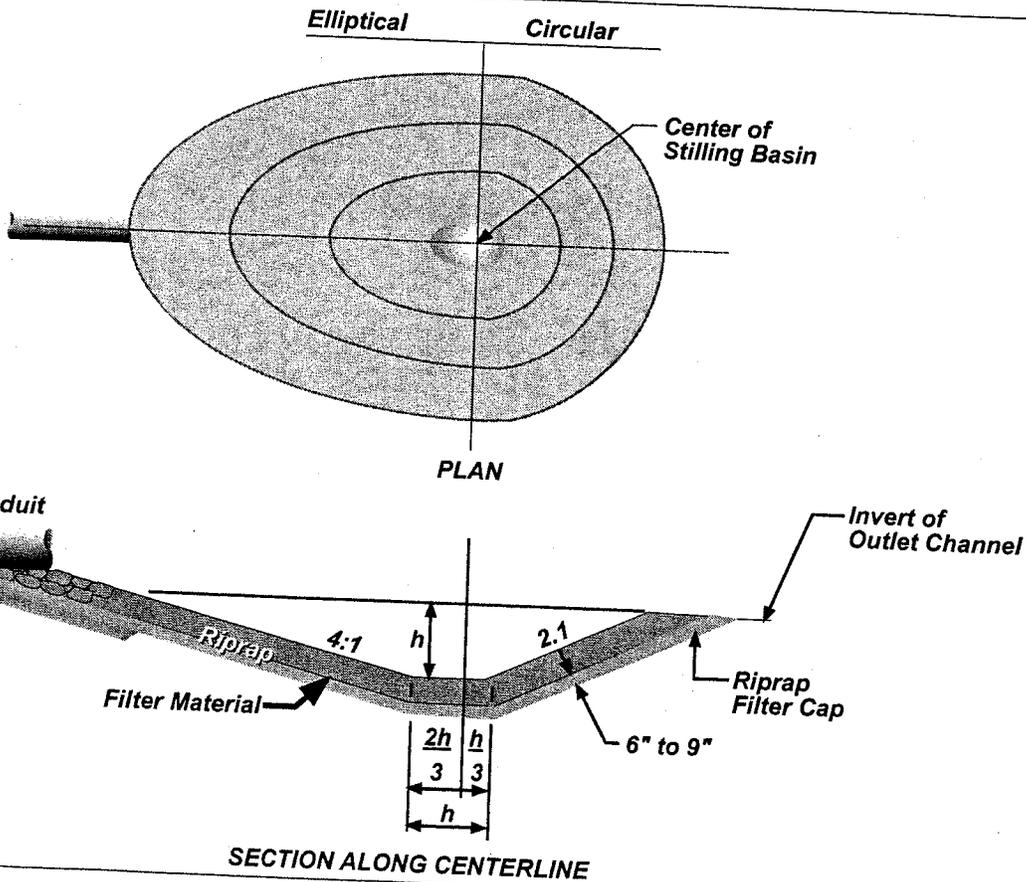
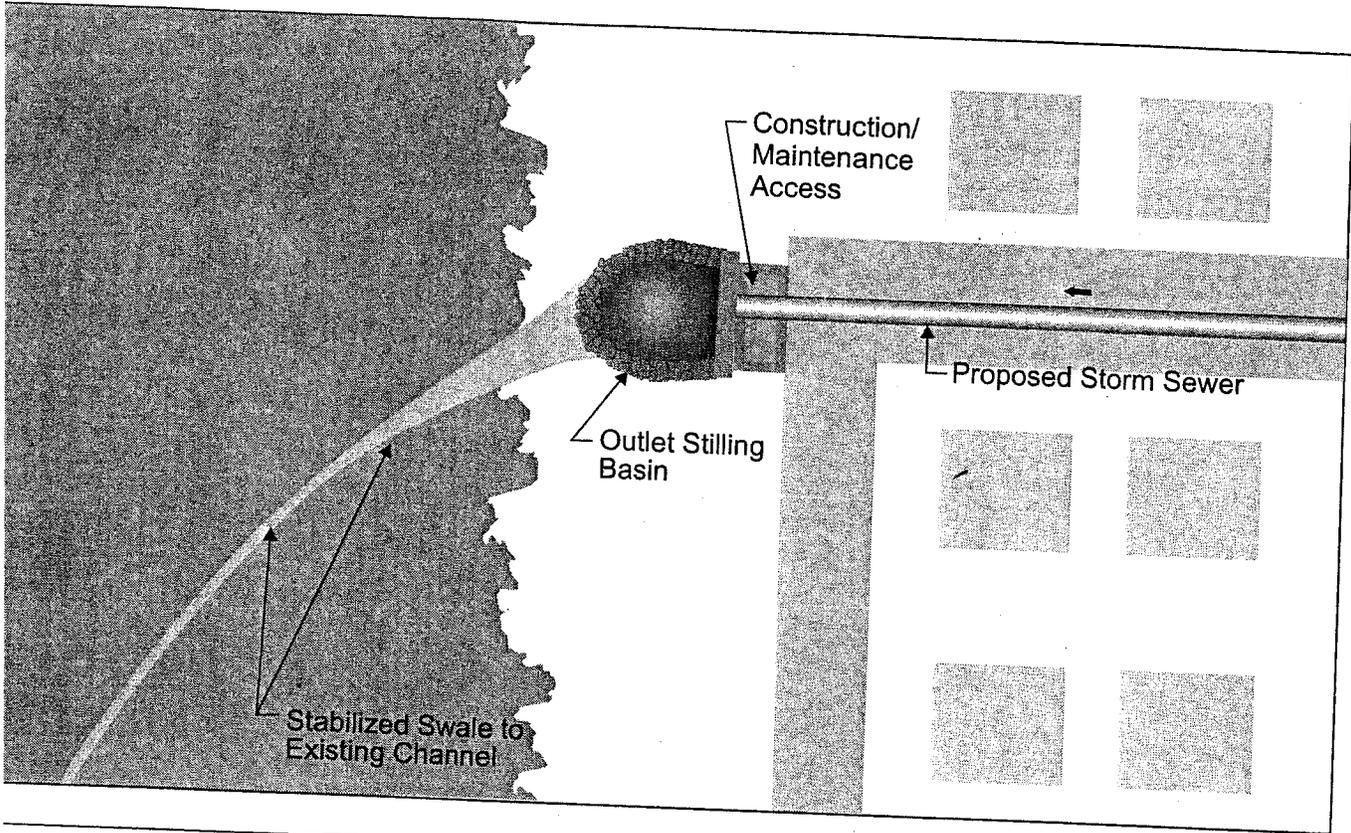
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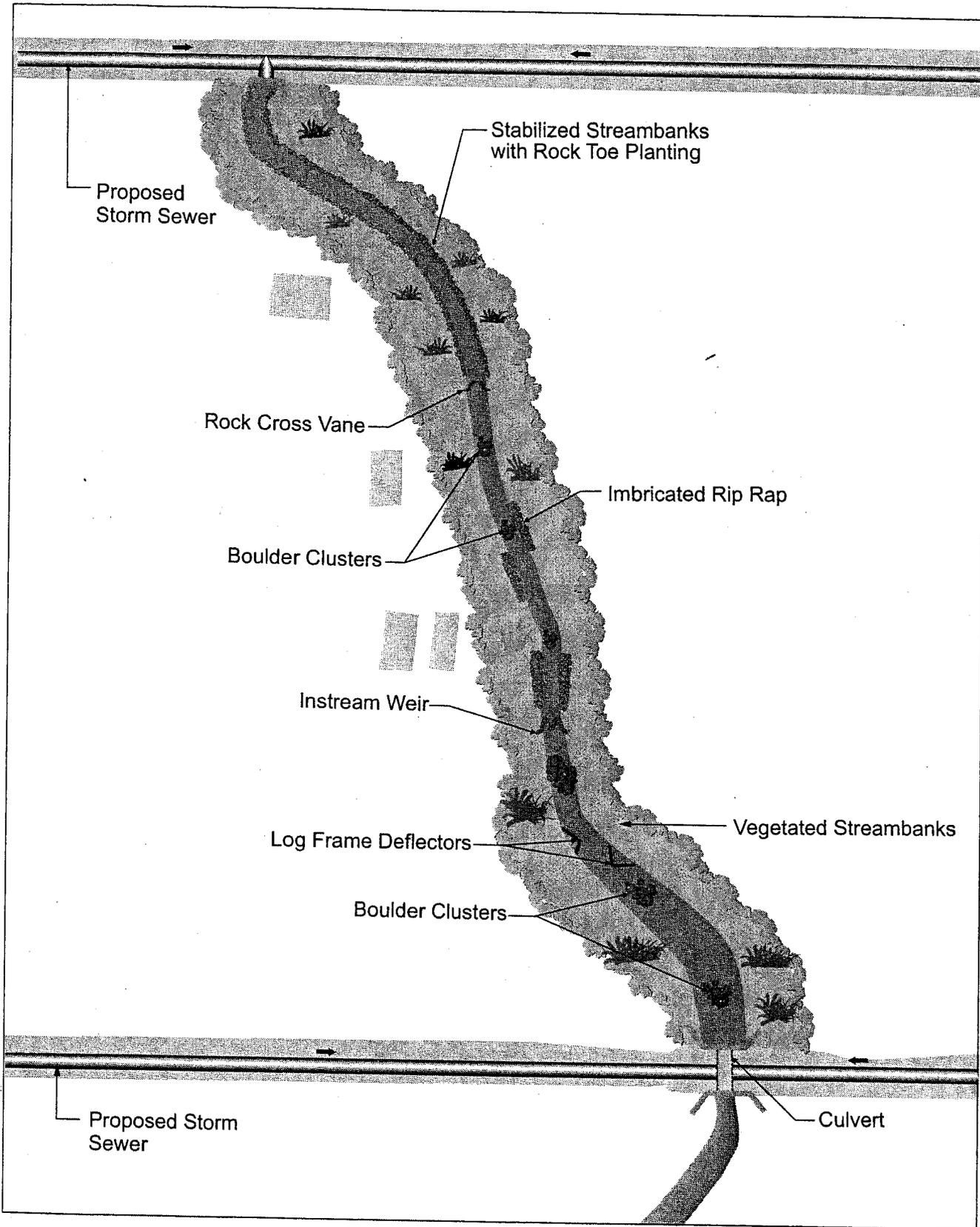
NAN-2011-01354-FSP

Typical Pocket Wetland

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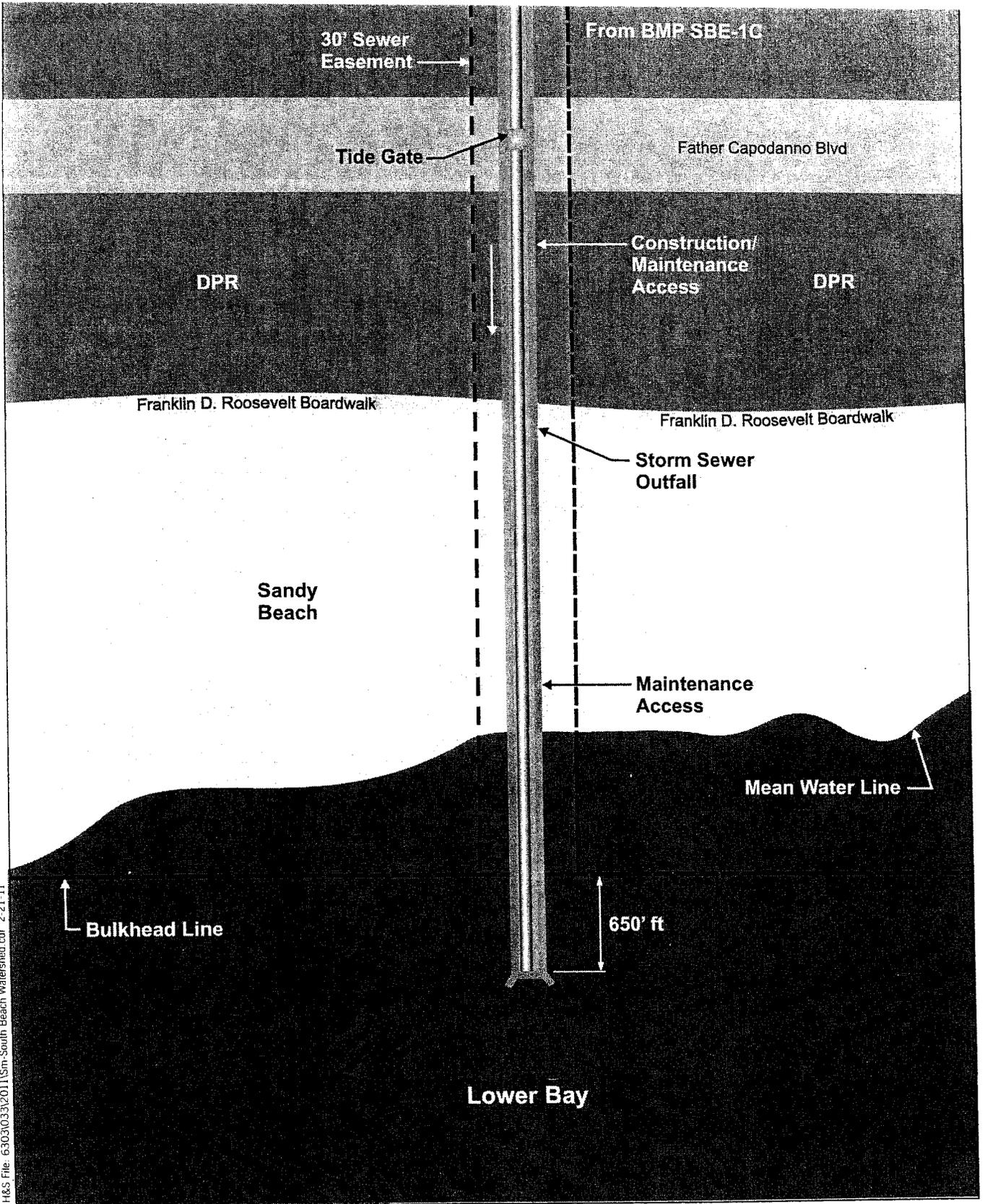
UAN-2011-01354-FSP Typical Outlet Stilling Basin



NAN-2011-01354-FSP

Typical Stream Restoration.

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H&S File: 6303\033\2011\Sm-South Beach Watershed.cdr 2-21-11

TYPICAL Ocean Outfall

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Best Management Practices

Table 1.1 – Overview of Bluebelt Watersheds and BMPs

BMP	Location	Description	Size (Acres)	Drainage Area (Acres)
<i>Richmond Creek</i>				
RC-7	Sloane Ave.	Outlet stilling basin and channel stabilization	0.05	6
<i>Lemon Creek</i>				
LC-1	Alverson Ave., SSGC	Outlet stilling basin	0.05	33
LC-13	Alysia Court	Retrofit of existing retention basin	1.5	32
LC-14	Bloeser's Pond	2 Outlet stilling basins, micropool, pond expansion	3.3	26
LC-20	Trenton Court	Stabilized swale	0.03	7

BMP	Location	Description	Size (Acres)	Drainage Area (Acres)
Sweet Brook				
SB-1	Annadale Wedge Pond	Retrofit of existing extended detention pond, wetland enhancement	3.2	209
Butler Manor				
B-1	Calcutta St.	Extended detention pond and flow splitter	2.5	41
B-2	Mount Loretto Pond	Extended detention pond	5.3	130
B-3	Mount Loretto Stream	Stream realignment/restoration	1	160
B-4	Richard Ave.	Outlet stilling basin	0.05	21
B-5	Sharrott Ave.	Outlet stilling basin	0.05	30
Outfall	Sharrot Ave	Ocean outfall	0.22	25
Outfall	Page Ave	Ocean outfall	0.22	30
Mill Creek				
MC-2	Winans St.	Extended detention basin and flow splitter	2	247
MC-3	Murray St./Pan St.	Two forebays and storm water wetland	1.9	470
MC-4	Richmond Valley Rd.	Swale and outlet stilling basin	0.1	62
MC-5	Amboy Rd.	Storm sewer inlet and micropool	0.03	226
MC-6	Englewood Ave.	Constructed wetland with two forebays	1.5	80
Outfall	Allentown Lane	Ocean outfall	0.22	100
Outfall	Richmond Valley Road	Ocean outfall	0.22	125
Jack's Pond				
JP-1	Jack's Pond	Extended detention pond and riser box	1.2	50
JP-2	Clovis Rd.	Stilling chamber in bed of road	0.05	16
JP-3	Hillside Ave.	Culvert replacement/forebay	0.1	25
JP-4	Cleveland Ave.	Culvert replacement/forebay	0.1	15
Wood Duck Pond				
WD-1	Amboy Rd.	Micropool and storm sewer inlet	0.1	52
WD-2	Cloverdale Ave.	Outlet stilling basin	0.05	16
WD-3	Ramblewood Ave.	Micropool, outlet structure, and wetland enhancement	0.1	26
WD-4	Holly Ave./Beth Place	Forebay, wetland enhancement, and pond dredging	0.4	12
Arden Heights				
AH-1	Woodrow Rd./Alexander Ave.	Extended detention pond with wetland enhancement	0.6	21

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BMP	Location	Description	Size (Acres)	Drainage Area (Acres)
AH-2	Grantwood Ave.	Retrofit of existing extended detention basin	0.3	70
AH-3	Legate Ave./Halpin St.	Outlet stilling basin and streambank stabilization	0.1	6
AH-4	Carlton Blvd.	Outlet stilling basin and streambank stabilization	0.1	30
AH-5	Arden Ave.	Outlet stilling basin and streambank stabilization	0.1	52
AH-6	Arden Ave./Hampton Green	Forebay and pocket wetland	0.4	2.5
South Shore Golf Course				
SG-1	Morris St.	Outlet stilling basin	0.05	5
Clay Pit Ponds Park				
CP-1	Woodrow Rd.	Outlet stilling basin	0.02	9.7
CP-2	Turner St.	Stream restoration and storm sewer inlet	1.05	9.7
CP-3	Bloomingtondale Rd.	Outlet stilling basin	0.03	15.4
CP-4	Carlin St.	Two outlet stilling basins and streambank stabilization	0.04	40
CP-5	Ellis Rd.	Two outlet stilling basins	0.04	50
Outfall	Arthur Kill	Six (6) ocean outfalls <i>SEE PAGE 12 OF 13</i>	1.15 ¹	223.3
New Creek				
NC-1	Merrick Ave.	Velocity attenuator and slope stabilization	0.1	19.7
NC-2	Ocean Terr.	Drop pipe and velocity attenuator	0.1	18.2
NC-3	Annfield Ct.	Extended detention wetland and stream stabilization	0.2	17.5
NC-4	Whitlock Ave.	Extended detention wetland	0.3	104.6
NC-5	Todt Hill Rd	Extended detention wetland	0.9	57.4
NC-6	Boundary Ave.	Extended detention pond and wetland	3	111.5
NC-7	Grimsby St.	Extended detention, flood plain creation and stream relocation	4.7	189.4
NC-8	Freeborn St.	Extended detention, flood plain creation and stream relocation	0.7	1.9
NC-9	Graham Blvd.	Extended detention, flood plain creation and stream relocation	4.4	3.5
NC-10	Jefferson Ave.	Extended detention wetland and ocean outfall	4.5	50.7

BMP	Location	Description	Size (Acres)	Drainage Area (Acres)
NC-11	Last Chance Pond	Extended detention wetland	8.8	174.5
NC-12	Joyce St.	Outlet stilling basin	0.1	5.4
NC-13	Hylan Blvd.	Pocket wetland	2.9	52.8
NC-14	Meadow Pl.	Outlet stilling basin	0.2	8.6
NC-15	Laconia Ave.	Outlet stilling basin	0.1	9.2
NC-16	Olympia Blvd.	Extended detention	12	28.5
NC-17	Slater Blvd.	Extended detention wetland	9.7	11
NC-18	Patterson Ave.	Extended detention wetland	7.4	57.1
NC-19	Buel Ave.	Outlet stilling basin	0.1	13.2
Outfall	Hunter and Jefferson Ave.	Ocean outfall	0.01	52.5
Outfall	Seaview Ave	Ocean outfall enlargement	0.08	635.1
Oakwood Beach				
OB-1	Kissam Ave.	Extended detention wetland	28.2	66.4
OB-2	Tysens Ln.	Extended detention wetland	27.9	455
OB-3	Falcon Ave.	Outlet stilling basin and pocket wetland	28.3	263.6
OB-4	Adelaide Ave.	Extended detention wetland	1.4	182.8
OB-5	N. Railroad Ave.	Retrofit of basin and flow conveyance	3	25.4
Outfall	Kissam Ave. & Fox Ln.	Ocean outfall	0.18	95.6
Outfall	Ebbitts Street	Ocean outfall enlargement	0.02	120.3
Outfall	Tysens Lane	Ocean outfall enlargement	0.09	
South Beach				
SBE-1A	Quintard Ave.	Extended detention wetland	18.6	586
SBE-1B	Sand Ln.	Extended detention wetland	23	384
SBE-1C	McLaughlin St.	Extended detention wetland	0.6	1.5
SBE-2	Cameron's Lake	Conveyance and water quality improvement	0.6	65
SBE-3	Whitney Woods	Conveyance with velocity attenuation	1.2	10.8
Outfall	ANDREWS & McLAUGHLIN STS	Ocean outfall	0.6	1.9
Outfall	Sand Lane	Ocean outfall enlargement	0.09	381.9
Outfall	Quintard Street	Ocean outfall enlargement	0.12	617

1. This represents the total disturbed and drained acres for all six of the tidal outlets in Clay Pit Ponds. Information on individual outlets is provided in the Clay Pit Ponds write-up (Section 1C, J)

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Table CP-1
Proposed Arthur Kill Storm Water Outlets

Outlet Location	Ownership	Drainage Area	Area of Disturbance*
Chemical Lane	Easement to be mapped on private property	40.6	0.33
Johnson Avenue	Easement to be mapped on private property	42.4	0.00
Sharrotts Road	Easement to be mapped on private property	8.8	0.33
Androvette Street	Easement to be mapped on private property	6.6	0.33
Winant Place	Easement to be mapped on private property	22.3	0.33
Kreischer Street	Easement to be mapped on private property	102.6	0.33

*Areas of disturbance are preliminary and conceptual designs. Detailed areas of disturbance would be determined in preliminary design and finalized as part of the tidal wetland permit process.
Source: Lau & Shabunia Consulting Engineers, P.C., draft drainage plan, February 2002

New York City Department of Environmental Protection
 Staten Island Bluebelt
 Regional General Permit Application submitted to U.S. Army Corps of Engineers
 Table with more details on proposed ocean outfalls:

1/31/2013

OUTFALLS

Location	Estimated Area of Permanent Impact from Outfall Structure (Acres)	Drainage Area (Acres)	Pipe Dimensions	Tide Gate	Associated BMP
<i>Butler Manor Watershed</i>					
Sharrot Ave.	.22	100	7'-0" W X 3'-0" H	Yes	N/A
Page Ave.	.22	40	83" W X 53" H	Yes	N/A
<i>Mill Creek</i>					
Allentown Lane	.22	100	48" Circular	Yes	N/A
Richmond Valley Rd.	.22	125	48" Circular	Yes	N/A
<i>Clay Pit Ponds Park- Arthur Kill</i>					
Chemical Lane	.33	40.6	5'-0" W X 3'-0" H	Yes	N/A
Johnson Ave.	.33	42.4	5'-6" W X 3'-0" H	Yes	N/A
Sharrots Rd.	.33	8.8	66" Circular	Yes	N/A
Androvette Place	.33	6.6	36" Circular	Yes	N/A
Winant Place	.33	22.3	48" Circular	Yes	N/A
Kreischer St.	.33	102.6	10'-6" W X 3'-0" H DB	Yes	N/A
<i>New Creek</i>					
Hunter and Jefferson Ave.	.01	52.5	8'-0" W X 6'-0" H	Yes	NC-10
Seaview Ave.*	.08	635.1	14'-0" W X 6'-0" H	Yes	N/A
<i>Oakwood Beach</i>					
Kissam Ave. and Fox Lane	.18	95.6	10'-0" W X 5'-6" H	Yes	OB-1
Ebbitts St.*	.02	120.3	5'-0" W X 5'-0" H	Yes	N/A
Tysens Lane*	.09	428.7	8'-0" W X 7'-0" H	Yes	N/A
<i>South Beach</i>					
Andrews St.	.06	1.9	24" Circular	Yes	SBE-1C
Sand Lane*	.10	381.9	13'-0" W X 6'-6" H DB	Yes	N/A
Quintard St.*	.12	617	15'-0" W X 6'-6" H	Yes	N/A
Total	3.52	N/A	N/A	N/A	N/A

*Enlargement of existing outfall- additional barrel

NAN-2011-01354-FSP

Subject: NEW YORK District Regional General Permit NYDGP-20 for a Proposal by The New York City Department of Environmental Protection to Construct Best Management Practices for Flood Amelioration and Water Quality Improvements.

DEPARTMENT OF THE ARMY
REGIONAL GENERAL PERMIT
NEW YORK-RGP-20

PERMITTEE AND PERMIT NUMBER: New York City Department of Environmental Protection

CENAP-OP-R-RGP-20

ISSUING OFFICE: CENAN-OP-RE

Department of the Army
U.S. Army Corps of Engineers, New York District
Jacob Javitz Federal Building – 26 Federal Plaza, Room 1937
New York, N.Y. 10278-0090

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

PROJECT DESCRIPTION: Discharge of excavated or fill material into waters of the United States, including discharges associated with outlet stilling basins, extended detention basins, micropools, forebays, weirs, stream restoration/diversion, wetland enhancement/establishment, culvert repair/construction and outfall repair/construction.

PROJECT LOCATION: This Regional General Permit is available for use only in the following locations or watersheds;

Staten Island: Southeast Shore of Staten Island including the watersheds of Richmond Creek, Lemon Creek, Sweet Brook, waters within Butler Manor, Mill Creek, Jack's Pond, Wood Duck Pond, waters within Arden Heights, waters within South Shore Golf Course, Clay Pit Ponds, New Creek, South Beach, and Oakwood Beach.

Bronx: Van Cortlandt Park

GENERAL PERMIT NOTIFICATION REQUIREMENTS:

Many activities may proceed without the need to obtain written verification of the applicability of this general permit from the New York District Corps of Engineers prior to the commencement of work. Special Conditions 4, 6, 7, 13, 17, and 23 in the next section identify which activities require written verification of the applicability of this general permit from the New York District prior to the commencement of work. The notification procedures are as follows:

Subject: NEW YORK District Regional General Permit NYDGP-20 for a Proposal by The New York City Department of Environmental Protection to Construct Best Management Practices for Flood Amelioration and Water Quality Improvements.

Activities that do NOT require prior notification:

If your activity does NOT require prior confirmation from the New York District, and you meet all of the terms and conditions of this permit, you may proceed with your work. Within 30 days of the completion of the work authorized by this permit, you are required to complete and submit the attached compliance certification form to the New York District office.

Activities that DO require prior notification:

For projects that DO require notification to the Corps of Engineers prior to the commencement of work, the following information must be submitted:

1. A complete New York State Joint Application Form. The New York State Joint Application Form can be obtained by contacting our offices or from our website. As listed in the instructions section of the form, the following additional information must be provided with your application:

A. Location map identifying project site, and disposal area (if applicable).

B. A brief description of the single and complete project.

C. Project plans depicting proposed work in reference to the ordinary high water mark, high tide line or mean high water mark of the waterway as appropriate and/or wetland limits. Include the length of proposed access roads or length of road repair in feet, the square footage of staging areas, the cubic yardage of sediment to be excavated, the dimensions of the area to be excavated, the type of cofferdam, the dimensions of the area to be dewatered, the length of stream bank to be stabilized and the cubic yardage of fill to be used, the existing and proposed sizes of structures, and any other appropriate project specifications.

2. Information concerning the presence or absence of Federally- listed threatened or endangered species, or their critical habitat, in the project area, and information concerning the presence or absence of historic properties in or eligible for inclusion in the National Register of Historic Places in the project area.

GENERAL PERMIT SPECIAL CONDITIONS:

Conditions Applicable to All Activities:

1. Within thirty (30) days of the completion of any work authorized by this permit, you are required to complete and submit the attached compliance certification form to the New York District office.

2. For work in navigable waters, the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Subject: NEW YORK District Regional General Permit NYDGP-20 for a Proposal by The New York City Department of Environmental Protection to Construct Best Management Practices for Flood Amelioration and Water Quality Improvements.

3. Each individual project involving the discharge of dredged or fill material into waters of the United States, including the discharge of fill associated with excavation activities, shall receive a Water Quality Certification (or modification or waiver thereof) approved by the New York State Department of Environmental Conservation (NYSDEC) prior to the commencement of work.

4. Each individual project proposed within the coastal zone of New York State shall receive a Coastal Zone Consistency Concurrence from the New York State Department of State (NYS DOS) prior to the commencement of work. **Notification** is required to this office for activities located within the following Special Management Areas: The Long Island Sound Regional Coastal Management Program; Local Waterfront Revitalization Programs; Significant Coastal Fish and Wildlife Habitats; Scenic Areas of Statewide Significance; and Harbor Management Plans.

Information on the New York State Coastal Management Program, including consistency review and a map of the coastal zone and the Special Management Areas listed above can be found at the following website: www.nyswaterfronts.com/consistency.asp

5. This general permit does not apply to activities which may jeopardize the continued existence of species listed as endangered or threatened under the Endangered Species Act of 1973, as amended, or result in the likelihood of the destruction or adverse modification of a habitat which is determined by the Secretary of the Interior or Commerce, as appropriate, to be a critical habitat under the Endangered Species Act of 1973, as amended.

Information on the location of threatened or endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NOAA-FS or at their websites as follows:

USFWS: www.fws.gov/northeast/nyfo/es/section7.htm

NOAA-FS: www.nmfs.noaa.gov/pr/species/esa_species.htm

6. Notification to this office is required for activities that may affect Federally-listed threatened or endangered species, or species proposed for such designation, or their critical habitat. The New York District will consult with the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration's Fisheries Service (NOAA-FS) as appropriate to assure that the requirements of Section 7 of the Endangered Species Act are satisfied. Applicants shall not commence work at these sites until the notification process has been completed and the applicant receives written verification from the New York District that the work may proceed.

7. Notification to this office is required for activities that may affect historic properties in or eligible for inclusion in the National Register of Historic Places. The New York District will coordinate with the State Historic Preservation Office (SHPO) and other consulting parties as appropriate to assure that the requirements of Section 106 of the National Historic Preservation Act are satisfied. Applicants shall not commence work at these sites until the notification process has been completed and the applicant receives written verification that the work may proceed.

8. Construction Best Management Practices (BMP's): The following BMP's must be

Subject: NEW YORK District Regional General Permit NYDGP-20 for a Proposal by The New York City Department of Environmental Protection to Construct Best Management Practices for Flood Amelioration and Water Quality Improvements.

implemented to the maximum degree practicable, to minimize erosion, migration of sediments, and adverse environmental impacts:

i. Mulch, hay bales, silt fences, filter fabric barriers or other means must be properly employed, including the down slope edge of any disturbed areas, to minimize erosion and migration of sediments during construction. These erosion controls are to be put in place before any disturbance of the ground occurs and are to be maintained in effective operating order until all disturbed ground is at final grade and is suitably stabilized. All synthetic temporary erosion controls must be removed immediately after the site is suitably stabilized.

ii. Turbidity controls in the form of silt curtains or similar type cloth material shall be properly installed at the project area and shall remain in place during all excavation and restoration operations.

iii. In-stream work shall be isolated from flowing water by use of sandbags, cofferdam, or piping or pumping around the work area. Waters accumulated in the isolated work area shall be discharged to an upland settling basin, field or wooded area to provide for settling and filtering of solids and sediments before water is returned to the stream. Return waters must be as clear as the water upstream from the work area.

iv. To the maximum extent practicable, construction access shall be by means that avoid or minimize impacts to aquatic sites (e.g. upland access, floating barges, mats, etc.).

v. All excess excavated material shall be disposed of in uplands out of any floodplain, be properly contained and permanently stabilized to prevent erosion. All impacted land surfaces shall also be permanently stabilized to prevent erosion.

vi. Interruption of water flow shall be minimized as much as practicable during construction in order to minimize impacts to aquatic life downstream.

vii. Avoid in-stream work during predicted periods of high flow.

9. The final configuration of the stream channel shall match the geomorphology (i.e. channel dimension, plan and profile) of stable stream channel upstream and downstream of the work site as much as possible. This shall include the establishment of a low flow channel as appropriate and the bottom elevation shall not be lower than the adjoining upstream and downstream sections.

10. Whenever practicable, bank grading and in-water removal of debris and sediment shall be carried out by land based equipment rather than from the streambed or flowing water. Work shall proceed from the downstream end to the upstream end of the project reach.

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11. All debris and sediment excavated from waters of the United States and not used as bank stabilization or BMP construction shall be deposited in uplands, outside of any floodplain, and be contained from re-entering any waters of the United States, including wetlands.

12. Culverts to be repaired or replaced must be installed to maintain low flow conditions, allow for fish passage in fish bearing streams, and shall not restrict normal stream flow. The width of the culvert to be repaired or replaced shall be equal to or wider than the bankfull width of the stream and be able to accommodate expected high flows. The culvert shall be installed to match the grade of the existing streambed with at least 20% of the vertical rise of the entire culvert embedded below the streambed or be a bottomless culvert, when practicable.

13. Stream restoration shall be conducted in accordance with the following:

- a. No material is placed in excess of the minimum needed for erosion protection;
- b. **Notification** is required for bank stabilization activities in excess of 500 linear feet; or for the installation of retaining walls where none previously existed, regardless of length;
- c. **Notification** is required for activities resulting in more than an average of one cubic yard per running foot of fill material placed along the bank below the plane of the high tide line, mean high water mark or ordinary high water mark as appropriate.

14. Fluvial geomorphology restoration techniques and/or bioengineering techniques for stream bank stabilization should be considered in project design when feasible and practicable. Bioengineering methods include: planting native vegetation such as grey dogwood (*Cornus racemosa*), silky dogwood (*Cornus amomum*), arrowwood viburnum (*Viburnum dentatum*), or other appropriate species to provide habitat for fish and wildlife; the installation of coir (coconut fiber) logs, willow wattles, dogwood fascines; and use of erosion control fabric.

15. All modified/restored stream channels shall be designed with a parabolic shaped bottom, or be otherwise designed to concentrate flows during low water periods. The channel shall not be wider and the bottom elevation shall not be lower than the adjoining natural upstream and downstream sections.

16. All wetland establishment and/or enhancement shall be monitored to ensure a minimum survival of 85 percent. If the eighty-five (85) percent survival rate is not met at the end of the second growing season following each phase, the permittee shall take all necessary measures to ensure the level of survival by the end of the next growing season, including re-planting and re-grading if necessary and removing invasive species to the maximum extent possible.

17. The NYCDEP must **notify** the Corps of Engineers within 45 days for the following;

- a) Potential for significant impacts to environmental resources; Projects involving more than 500 linear feet of streambank stabilization or where activities would result in more than an average of one cubic yard per running foot of fill materials placed along the bank below the plane of ordinary high water.

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b) Potential for significant impacts to navigation; potential of the outfall structures to prevent or hinder free use by the public of all navigable waters at or adjacent to the authorized work.

c) Tide gates in wetland areas unless it can be proven that hydrology to the subject wetlands would not be impacted or if the actual construction would result in permanent wetland impacts.

18. The General permit is not applicable for work reasonably related to another activity requiring an individual Department of the Army permit application and approval or verification of a separate General Permit by the District Engineer, Corps of Engineers. The general permit does not authorize the following:

a) Any other activity not specified in this general permit.

b) Tide gates in wetland areas unless it can be proven that hydrology to the subject wetlands would not be impacted.

19. This General Permit is not applicable for any activity in areas named in Acts of Congress or Presidential Proclamations as Natural Landmarks, National Rivers, National Wilderness Areas, National Wildlife Refuges, National Seashores, National Recreation Areas, National Lakeshores, National Parks, National Monuments, and such areas as may be established under Federal Law for similar and related purposes, such as estuaries and marine sanctuaries.

20. The District Engineer retains discretionary authority to require on a case-by-case basis submission of an Individual Department of the Army permit application for proposed work when it is determined that such a review would be in the public interest (i.e., potential for significant impact on environmental resources, effect on navigation, etc.).

21. This General Permit will expire on _____. At that time, this General Permit may be re-issued, modified or revoked. In the event that this General Permit is re-issued/extended, any activity which has been authorized under the terms and conditions of this General Permit will remain authorized until such time that the required State permit/authorization issued with the general permit expires, provided the authorized activity complies with any subsequent re-authorization or modification of this general permit.

22. This general permit authorizes the extension and/or replacement of existing stormwater outfall structures; however, tide gates within outfall pipes in wetland areas would need to be reviewed individually unless proof is submitted that hydrology to the subject wetlands would not be impacted.

23. The applicant must submit a pre-construction **notification** to the district engineer if the authorized activity may have the potential to cause affects to any historic properties listed on, or determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map including the location of the historic properties or the potential for the presence of historic properties.

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24. Any archeological artifacts discovered during the performance of work under the authorization of this general permit must be adequately protected and their discovery promptly reported to the District Engineer.

25. Prior to commencing any work under this general permit, the permittee should contact the various utility authorities and companies (i.e., electric, gas, water, sewage, etc.) in order to prevent personal injury and/or damage to property during construction of work.

26. All work performed under the authorization of this general permit must be consistent with an approved coastal zone management program, if applicable. The applicant must include a statement with the permit application indicating that, "The proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management (CZM) Program" in accordance with 33 CFR 320.4(h).

27. All work identified and authorized herein shall be consistent with the terms and conditions of this general permit. The Corps may impose other special conditions on a project authorized pursuant to RGP-20 where it is determined necessary to minimize adverse environmental effects or based upon any other factor of the public interest. Any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit, in whole or in part, and may result in the institution of such legal proceedings as the United States Government may consider appropriate.

28. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. (This special condition is applicable to Corps of Engineers permits that provide authorization under Section 10 of the Rivers and Harbors Act of 1899.)

Special Conditions Applicable ONLY to Temporary Access or Dewatering Activities:

29. This general permit only authorizes the temporary access to, or dewatering of, those areas where sediment and debris removal would occur, where repair and replacement activities would occur, or where the restoration and protection of stream bed and banks would occur.

30. All temporary fills or structures placed in waters of the United States, including wetlands, unless used for the construction of the specific BMP, shall be removed in their entirety immediately upon completion of the work and the affected areas shall be restored to pre-construction contours, and re-vegetated with native species to restore natural cover and stabilize soils. All material removed, and not utilized for the specific BMP construction, shall be disposed of at an upland site, outside of any floodplain, and shall be adequately

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contained to preclude re-entry into these waters.

31. Discharges of fill material into wetlands to construct temporary access roads are authorized if no practicable available upland areas exist for access to the waterway and the impacted area is the minimum necessary to accomplish its purpose.

32. Mechanized land clearing shall be limited to the minimum necessary to construct the access road or staging area.

33. Forested wetlands cleared to facilitate access road construction shall be replanted with the same or similar native woody species immediately upon completion of the work.

34. Cofferdams shall consist of an impermeable core with a non erodible exterior. If fine grained material such as clay is used as a core , a layer of filter fabric or heavy plastic shall be placed securely over the surface of the core.

35. The use of cofferdams or other water control structures and ancillary features shall be limited to the immediate work areas and shall be placed in such a manner that minimizes adverse impacts to fish and other aquatic wildlife, water quality, to stream flow and flooding.

36. Mats or geotextile fabric shall be placed under any temporary fill and shall be removed following construction.

37. All construction equipment working on wetlands shall be supported on mats. Any wetlands disturbed during construction shall be restored to pre-project conditions.

38. Construction/maintenance accessways shall be constructed so as to avoid impacts to wetlands and other waters of the United States to the maximum extent practicable.

39. No discharge of excavated or fill material or structures may consist of unsuitable material or solid waste (e.g., trash, debris, car bodies, etc.) and all material discharged must be free from toxic pollutants in toxic amounts pursuant to Section 307 of the Clean Water Act.

FURTHER INFORMATION:

1) Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

2) Limits of this authorization.

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- a. This general permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This general permit does not grant any property rights or exclusive privileges.
 - c. This general permit does not authorize any injury to the property or rights of others.
 - d. This general permit does not authorize interference with any existing or proposed Federal projects.
- 3) Limits of Federal Liability. In issuing this general permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4) Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5) Reevaluation of Permit Decision. This office may reevaluate its decision on this general permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this general permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office

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may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

- 6) Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

This permit becomes effective when the Federal official designated to act for the Secretary of the Army, has signed below.

Paul E. Owen
Colonel, U.S. Army
Commander

NOTIFICATION/CERTIFICATION OF WORK COMMENCEMENT FORM

Permit Number: CENAN-OP-R-RGP-20
Name of Permittee: New York City Department of Environmental Protection
Project Name: _____
Waterway: _____
Borough, County, State: _____
Compensation/Mitigation Work Required: Yes No

TO: US Army Corps of Engineers, NY District
Attn: Regulatory Branch--Room 1937
26 Federal Plaza
New York, NY 10278-0090
FAX # 212-264-4260

I have received authorization to _____

The work will be performed by:

Name of Person or Firm: _____
Address: _____

I hereby certify that I have reviewed the approved plans, have read the terms and conditions of the above referenced permit, and shall perform the authorized work in strict accordance with the permit document. The authorized work will begin on or about _____ and should be completed on _____ or about _____ .

Please note that the permitted activity is subject to compliance inspections by the Army Corps of Engineers. If you fail to return this notification form or fail to comply with the terms or conditions of the permit, you are subject to permit suspension, modification, revocation, and/or penalties.

Permittee (Signature and Date) Telephone Number

Contractor (Signature and Date) Telephone Number

NOTE: This form shall be completed/signed and returned to the New York District Office a minimum of 10 days prior to commencing work.

NOTIFICATION/CERTIFICATION OF WORK COMPLETION/COMPLIANCE FORM

Permit Number: CENAN-OP-R-RGP-20
Name of Permittee: New York City Department of Environmental Protection
Project Name: _____
Waterway: _____
Borough, County, State: _____
Compensation/Mitigation Work Required: Yes No

Within 10 days of completion of the activity authorized by this permit, please sign this certification and return it to the following address:

U.S. Army Corps of Engineers
NY District
ATTN: Regulatory Branch-Room 1937
26 Federal Plaza
New York, N.Y. 10278-0090
Attention: CENAP-OP-R
FAX # 212-264-4260

Please note that the permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to return this notification form or fail to perform work in compliance with the permit, you are subject to administrative, civil and/or criminal penalties. Further, the subject permit may be suspended or revoked.

The authorized work was commenced on _____

The authorized work was completed on _____

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms of authorization and conditions of the above noted permit.

Signature of Contractor

Signature of Permittee

Address: _____

Address: _____

Telephone Number: _____

Telephone Number: _____

Signature of Contractor

Signature of Permittee