



**US Army Corps
of Engineers®**

New York District
26 Federal Plaza
New York, N.Y. 10278
ATTN: Regulatory Branch

Public Notice

Public Notice Number: New York
Regional Conditions
Issue Date: May 21, 2002
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REGIONAL CONDITIONS FOR NATIONWIDE PERMITS and DESIGNATION OF CRITICAL RESOURCE WATERS

On January 15, 2002, in Part II of the Federal Register (67 FR 2020-2095), the U.S. Army Corps of Engineers (USACE) announced the reissuance of all existing Nationwide Permits (NWP), General Conditions, and Definitions with some modifications, and one new General Condition. Subsequently, on February 13, 2002, the USACE published a notice in the Federal Register (67 FR 6692-6695) that corrected some errors in the original Federal Register notice. These NWPs are activity-specific and authorize certain activities in waters of the United States that have minimal adverse effects on the aquatic environment. The NWPs became effective on March 18, 2002.

After the publication of the January 15, 2002 Federal Register notice, Corps districts began finalizing their regional conditions for the reissued NWPs. Regional conditions provide additional protection for the aquatic environment, by ensuring that the NWPs authorize only those activities with minimal adverse effects on the aquatic environment. Regional conditions also help ensure protection of high value waters within the District. The enclosed regional conditions (Enclosure 1) have been approved for the portion of New York State within the New York District regulatory boundaries, and are effective as of the date of this public notice. Enclosed is a map showing the District regulatory boundaries for the State of New York (Enclosure 2). The New York District initiated the development of these regional conditions in a public notice dated August 15, 2001. The attached regional conditions reflect a finalization of that effort in conjunction with the NWPs published in the Federal Register on January 15, 2002. These regional conditions are also posted on the New York District Internet site at:

<http://www.nan.usace.army.mil/business/buslinks/regulat/index.htm>. It should be further noted that this regional conditioning process has resulted in the suspension of NWP 44 (for mining activities) in the State of New York.

The publication of the January 15, 2002 Federal Register notice also began a process for States and Tribes to make their Section 401 water quality certification and Coastal Zone Management Act (CZMA) consistency determination decisions. The State of New York water quality certification (WQC) and coastal zone management (CZM) consistency conditions for the NWPs are incorporated in the enclosed Regional Conditions (Enclosure 1). The New York State Department of Environmental Conservation (NYSDEC) has denied WQC for NWPs 15, 16, 17, 21, 29, 34 and 44. Applicants wishing to use NWPs where the WQC has been denied or the proposed activity does not comply with the WQC conditions must first receive an individual WQC

from the appropriate NYSDEC regional office. The New York State Department of State, Division of Coastal Resources, requires project-specific consistency determinations for NWP 8 and 17, and certain other NWPs subject to conditions described in Enclosure 1. Project-specific consistency determinations or waivers thereof should be obtained from:

New York State Department of State
Division of Coastal Resources
& Waterfront Revitalization
41 State Street – 8th Floor
Albany, New York 12231-0001

In December 2001, the State of New York designated all water bodies and wetlands within the East-of-Hudson portion of the New York City Water Supply Watershed as Critical Resource Waters (CRW). In accordance with NWP General Condition 25 (Designated Critical Resource Waters), the New York District published a Public Notice on February 19, 2002, requesting comments on a proposal to designate these waters as CRW. After reviewing all public comments received on this proposal, the New York District, Corps of Engineers has determined that all water bodies and wetlands within the East-of-Hudson portion of the New York City water supply watershed are CRW. This watershed is considered to have a special environmental and ecological significance that warrants the additional protection of a CRW designation. Many activities in the CRW area are no longer authorized by the NWP program or will have to meet additional conditions, as specified in Part C of Enclosure 1. The geographic boundaries of the East-of-Hudson portion of the New York City watershed are delineated on the enclosed map (Enclosure 3).

The Federal Register notices are available for viewing at the New York District, Corps of Engineers Regulatory Branch Office located at 26 Federal Plaza, New York, New York 10278-0090, or on the Internet at:

<http://www.usace.army.mil/inet/functions/cw/cecwo/reg/citizen.htm>. As an alternative, World Wide Web users can access the Federal Register through the U.S. Government Printing Office at http://www.access.gpo.gov/su_docs/aces/aces140.htm. The USACE has also issued final decision documents for the NWPs. These documents are also available on the Internet at: <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/nw2002dd/index.htm> and at the New York District Office. Furthermore, the NWP decision documents will be supplemented to address decisions concerning regional conditions of the NWPs. Questions pertaining to this notice should be directed to James Cannon, who can be contacted by calling (212) 264-0185, or by e-mail at James.H.Cannon@usace.army.mil.


RICHARD L. TOMER
Acting Chief, Regulatory Branch

Enclosures:

1. Regional Conditions and Critical Resource Waters
2. District Regulatory Boundary Map
3. CRW Area Map

**NATIONWIDE PERMIT REGIONAL CONDITIONS AND DESIGNATED
CRITICAL RESOURCE WATERS IN THE NEW YORK DISTRICT
(NEW YORK STATE)**

GENERAL INFORMATION:

Regional Conditions:

Permit-Specific regional conditions are listed below for each Nationwide Permit (NWP) in Part A, below. General Regional conditions **apply to all NWPs** and are listed under Part D, below. Region-specific conditions apply to some NWPs; these conditions are listed in Parts B and C, below.

New York State Water Quality Certification (WQC):

Any permit specific WQC special conditions are listed below each NWP in Part A. General WQC conditions **apply to all NWPs** and are listed under Parts E & F, entitled "General Water Quality Certification Conditions" and "Priority Natural Historic Sites".

New York State Department of State (NYS DOS), Coastal Zone Management:

Any permit specific NYS DOS requirements are listed below each NWP in Part A. Region-specific NYS DOS requirements are listed in Part B (3), below.

Designated Critical Resource Waters:

See Part C, below, for a listing of Critical Resource Waters.

A. NATIONWIDE PERMITS AND REGIONAL CONDITIONS

Nationwide Permit 1 - Aids to Navigation

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** WQC is not required for this NWP.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 2 - Structures in Artificial Canals

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** WQC is not required for this NWP.
3. **Coastal Zone Consistency Determination:** This NWP is consistent with the New York Coastal Management Program.

Enclosure 1

Nationwide Permit 3 - Maintenance

1. **Permit-specific Regional Conditions:**

- a. For activities involving the removal of accumulated sediments and debris in the vicinity of existing structures to restore the waterway to previously existing depths, the applicant must provide evidence of such depths. If this information is not available, the applicant must provide evidence of the existing depths immediately outside the proposed work area.
- b. The removal of accumulated material is limited to 100 feet upstream and 100 feet downstream of the structure.
- c. Any proposed repair, rehabilitation, or reconstruction of existing bulkheads that extend waterward more than 18 inches from the existing bulkhead will require notification to the District Engineer in accordance with Nationwide Permit General Condition Number 13 ("Notification"). Notification must include justification for a waterward extension exceeding eighteen (18) inches, such as geologic conditions, engineering requirements, etc.
- d. For activities involving pouring of concrete into waters of the United States, the permittee shall employ watertight forms. The forms shall be dewatered prior to the pouring of concrete.
- e. Maintenance activities involving discharges of dredged or fill material into waters of the United States for the purpose of creating temporary structures to facilitate work such as groins, work pads, laydown areas, cofferdams, staging areas, or similar fills will require notification to the District Engineer in accordance with Nationwide Permit General Condition Number 13 ("Notification").

2. **Water Quality Certification:** The New York State Department of Environmental Conservation (NYSDEC) has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards:

- a. This certification does not apply to maintenance activities associated with hydropower projects.
- b. Any replacement culvert must at least minimally exceed watershed discharge engineering specifications for culvert sizing to discourage blockage by beaver, and must be installed slightly below existing grade to provide for passage of aquatic life. (Exceeding culvert size specifications is not applicable in Long Island, New York City, or to those circumstances in which the NYS Department of Environmental Conservation is given project notification and determines that the requirement can be waived.)
- c. This certification does not apply to any activity that results in an alteration to waters of the United States such as draining or altering water levels.
- d. Dewatering shall be limited to immediate work areas that are coffer-dammed or otherwise isolated from the larger water body or waters of the United States. Dewatering shall be localized and not drain extensive areas of a waterbody or reduce the water level such that fish and other aquatic vertebrates are killed or their eggs and nests are exposed to dessication, freezing or depredation in areas outside of the immediate work site.
- e. Cofferdams or diversions shall not be constructed in a manner that constricts channel widths or redirects flowing waters so as to cause or exacerbate erosion of the bed or banks of a watercourse.

3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 4 - Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** No WQC special conditions.
3. **Coastal Zone Consistency Determination:** This NWP is consistent with the New York Coastal Management Program.

Nationwide Permit 5 - Scientific Measurement Devices

1. **Permit-specific Regional Conditions:** None
2. **Water Quality Certification:** No WQC special conditions.
3. **Coastal Zone Consistency Determination:** This NWP is consistent with the New York Coastal Management Program

Nationwide Permit 6 - Survey Activities

1. **Permit-specific Regional Conditions:** None
2. **Water Quality Certification:** No WQC special conditions.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 7 - Outfall Structures and Maintenance

1. **Permit-specific Regional Conditions:**
 - a. The applicant must provide the velocity (in ft/s) of the proposed intake and the name, drawings, and general operational information of any device the applicant proposes to use to prevent impingement or entrainment of fish and wildlife.
2. **Water Quality Certification:** The New York State Department of Environmental Conservation (NYSDEC) has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards:
 - a. This certification does not apply to outfalls proposed for construction in any Special Aquatic Site as defined and identified in federal regulation at 40 CFR Chapter 1, Part 230, Section 230.3(q-1) and Subpart E.
 - b. The applicant must provide the velocity in feet per second of the proposed intake and the name, drawings and general operational information of any device that the applicant proposes to use to prevent impingement or entrainment of fish and wildlife.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 8 - Oil and Gas Structures

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** WQC is not required for this NWP.
3. **Coastal Zone Consistency Determination:** An individual consistency determination is required for this NWP anywhere in the New York coastal area. The following applies to this NWP within the New York State Coastal Zone:

Within thirty (30) days of receipt by NYDOS of a complete joint New York State Department of Environmental Conservation and U.S. Army Corps of Engineers Permit Application, completed Federal Consistency Assessment Form, and all information and data necessary to assess the effects of the proposed activity on and its consistency with the CMP, including location maps and photographs of the site where the activity is proposed, NYDOS will inform the applicant and the Corps whether:

- a. The activity may be authorized by Corps NWP; or
- b. NYDOS review of the proposed activity and NYDOS concurrence with the applicant's consistency certification is necessary. If NYDOS indicates review of the activity and a consistency certification for it is necessary, the activity shall not be authorized by NWP or other form of Corps authorization unless NYDOS concurs with an applicant's consistency certification, in accordance with 15 CFR Part 930, Subpart D.

Nationwide Permit 9 - Structures in Fleeting and Anchorage Areas

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** WQC is not required for this NWP.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 10 - Mooring Buoys

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** WQC is not required for this NWP.
3. **Coastal Zone Consistency Determination:** This NWP is consistent with the New York Coastal Management Program

Nationwide Permit 11 - Temporary Recreational Structures

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** WQC is not required for this NWP.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 12 - Utility Line Activities

1. Permit-specific Regional Conditions:

- b. Materials resulting from trench excavation for utility line installation, which are temporarily sidecast into waters of the United States, must be backfilled or removed within 30 days of the date of their deposition.
- c. This nationwide permit does not apply to any utility line or transmission facility that is subject to the jurisdiction of the Federal Energy Regulatory Commission.
- c. For permanent access roads and electric or pumping substations, the Notification shall include a detailed justification of the need of the permanent access road and a written discussion to support the applicant's assertion that additional avoidance and minimization measures are not practicable.
- d. Where the discharge will cause the permanent loss of more than 1/10 acre of wetlands, the Notification shall include a *delineation* of special aquatic sites and a compensatory *mitigation* proposal to offset the loss of waters of the United States.
- e. **For Aerial Transmission Lines Across Navigable Waters:**
 - 1. The following minimum clearances are required for aerial transmission lines across navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges or the clearances which would be required by the United States Coast Guard for new fixed bridges in the vicinity of the proposed aerial transmission line. These clearances are based on the low point of the line under conditions producing the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code:

<i>Nominal System Voltage (kV)</i>	<i>Min. additional clearance (ft.) above clearance required for bridges</i>
115 and below	20
136	22
161	24
230	26
350	30
500	35
700	42
750 and above	45

- 2. Clearances for communication lines and other aerial crossings must be a minimum of 10 feet above clearances required for bridges, unless specifically authorized otherwise by the District Engineer.
- 3. Within 60 days of completion of the work, the permittee shall furnish the Corps and the National Oceanic and Atmospheric Administration, National Ocean Service, N/CS261, Marine Chart Division, Nautical Data Branch, Station 7317, 1315 East-West Highway, Silver Springs, MD 20910-3282, with certification that the aerial wire has been installed in compliance with the approved plans. The certification shall include a survey, conducted by a licensed surveyor, which clearly shows the minimum clearance of the aerial wire above the mean high water line at the time of the survey. The certification shall also include a statement by the permittee that the clearance of the wire(s), at maximum sag conditions, shall never be less than the clearance shown on the approved plans.

f. **For Buried Cables and Pipelines Across Navigable Waters and Federal Navigation Channels:**

1. The top of the cable or pipeline crossing any Federal project channel shall be located a minimum of 15 feet below the authorized project channel depth. The District Engineer, on a case-by-case basis, may modify this depth requirement where circumstances are deemed appropriate. In areas outside of Federal project channels, the top of the cable or pipeline shall be located a minimum of 4 feet below the existing level of the waterway substrate. Where trenching and backfilling are proposed, backfill material shall consist of suitable heavy materials and shall be placed no higher or lower than the adjacent river bottom elevation.
 2. Within 60 days of completion of the work, the permittee shall furnish the Corps and the National Oceanic and Atmospheric Administration, National Ocean Service, N/CS261, Marine Chart Division, Nautical Data Branch, Station 7317, 1315 East-West Highway, Silver Springs, MD 20910-3282, with certification that the cable or pipeline has been installed in compliance with the approved plans. The certification shall include a survey, conducted by a licensed surveyor, which clearly shows the elevations and alignment of the cable or pipeline across the waterway. If the post-completion survey reveals a discrepancy between the authorized and actual alignment of the cable or pipeline, the permittee shall note clearly these discrepancies in the survey.
 3. Within 15 days after completion of the authorized work, the permittee shall post visible signage on weatherproof placards no smaller than 4 feet by 4 feet on each shoreline at the location of the authorized crossing. The placard shall contain language informing waterway users of the presence of a cable or pipeline crossing (e.g., "WARNING – CABLE [or PIPELINE] CROSSING"), unless specifically authorized otherwise by the District Engineer.
- g. Activities which would normally be authorized under subsection ii) (utility line substations) and subsection iii) (foundations for overhead utility line towers, poles, and anchors) are not authorized in the New York City Potable Water Supply Watershed ("NYC Watershed") East of the Hudson River (i.e. Westchester, Putnam, and Dutchess Counties).
2. **Water Quality Certification:** The New York State Department of Environmental Conservation (NYSDEC) has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards:
 - a. This certification does not apply to any utility line or transmission facility that is subject to the jurisdiction of the Federal Energy Regulatory Commission or the New York State Public Service Commission under Article VII of the Public Service Law.
 - b. Materials resulting from trench excavation that are temporarily sidecast into waters of the United States must be backfilled or removed within 30 days of the date of deposition.
 - c. Notwithstanding special condition b, materials shall not be sidecast into any stream or other water body with measurable flow or in any tidal waters.
 - d. This certification does not apply to discharges greater than 1/10 acre in size or to more than 200 linear feet of stream disturbance.
 3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 13 - Bank Stabilization

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** The New York State Department of Environmental Conservation (NYSDEC) has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards:
 - a. This certification does not apply to any bank stabilization project more than 200 feet in length.
 - b. This certification does not apply to projects in Coastal Erosion Hazard Areas identified under Article 34 of the ECL and implementing regulations 6 NYCRR Part 505.
 - c. This certification does not apply to vertical bulkheads.
3. **Coastal Zone Consistency Determination:** The NYSDOS concurs with the Corps consistency determination for this NWP where the activities to be authorized would be constructed within canals that are more than fifty percent (50%) bulkheaded. The NYSDOS objects to the Corps consistency determination for this NWP anywhere in the New York coastal area (except when the activities authorized by it would occur in canals that are more than fifty percent (50%) bulkheaded). The following applies to this NWP within the New York State Coastal Zone (except when the activities authorized by it would occur in canals that are more than fifty percent (50%) bulkheaded).

Within thirty (30) days of receipt by NYDOS of a complete joint New York State Department of Environmental Conservation and U.S. Army Corps of Engineers Permit Application, completed Federal Consistency Assessment Form, and all information and data necessary to assess the effects of the proposed activity on and its consistency with the CMP, including location maps and photographs of the site where the activity is proposed, NYDOS will inform the applicant and the Corps whether:

- a. The activity may be authorized by Corps NWP; or
- b. NYDOS review of the proposed activity and NYDOS concurrence with the applicant's consistency certification is necessary. If NYDOS indicates review of the activity and a consistency certification for it is necessary, the activity shall not be authorized by NWP or other form of Corps authorization unless NYDOS concurs with an applicant's consistency certification, in accordance with 15 CFR Part 930, Subpart D.

Nationwide Permit 14 - Linear Transportation Projects

1. Permit-specific Regional Conditions:

- a. Discharges of fill material associated with temporary road crossings in freshwater wetlands shall be placed on filter fabric, shall be removed upon completion of the work, and the disturbed area shall be restored to pre-construction contours, elevations and wetland conditions.
- b. Activities that would normally be authorized under this NWP are not authorized in the NYC Watershed East of the Hudson River.

2. Water Quality Certification: The New York State Department of Environmental Conservation (NYSDEC) has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards:

- a. This certification does not apply to discharges greater than 1/10 acre in size or to more than 200 linear feet of stream disturbance, whether used singly or in conjunction with other linear transportation crossings.

3. Coastal Zone Consistency Determination: Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 15 - U.S. Coast Guard Approved Bridges

1. **Permit-specific Regional Conditions:** None.
2. **New York State Water Quality Certification:** An individual water quality certificate is required for this NWP.
3. **Coastal Zone Consistency Determination:** This NWP is consistent with the New York Coastal Management Program.

Nationwide Permit 16 - Return Water From Upland Contained Disposal Areas

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** An individual water quality certificate is required for this NWP.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 17 - Hydropower Plants

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** An individual water quality certificate is required for this NWP.
3. **Coastal Zone Consistency Determination:** An individual consistency determination is required for this NWP anywhere in the New York coastal area. The following applies to this NWP within the New York State Coastal Zone:

Within thirty (30) days of receipt by NYDOS of a complete joint New York State Department of Environmental Conservation and U.S. Army Corps of Engineers Permit Application, completed Federal Consistency Assessment Form, and all information and data necessary to assess the effects of the proposed activity on and its consistency with the CMP, including location maps and photographs of the site where the activity is proposed, NYDOS will inform the applicant and the Corps whether:

- a. The activity may be authorized by Corps NWP; or
- b. NYDOS review of the proposed activity and NYDOS concurrence with the applicant's consistency certification is necessary. If NYDOS indicates review of the activity and a consistency certification for it is necessary, the activity shall not be authorized by NWP or other form of Corps authorization unless NYDOS concurs with an applicant's consistency certification, in accordance with 15 CFR Part 930, Subpart D.

Nationwide Permit 18 - Minor Discharges

1. **Permit-specific Regional Conditions:** None
2. **Water Quality Certification:** No WQC special conditions.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 19 - Minor Dredging

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** No WQC special conditions.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 20 - Oil Spill Cleanup

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** No WQC special conditions.
3. **Coastal Zone Consistency Determination:** This NWP is consistent with the New York Coastal Management Program.

Nationwide Permit 21 - Surface Coal Mining Activities

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** An individual water quality certificate is required for this NWP.
3. **Coastal Zone Consistency Determination:** This NWP is consistent with the New York Coastal Management Program.

Nationwide Permit 22 - Removal of Vessels

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** The New York State Department of Environmental Conservation (NYSDEC) has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards.
 - a. This certification does not apply to activities within 1,000 feet of areas that are designated as Significant Coastal Fish and Wildlife Habitats pursuant to 19 NYCRR Part 602; Title 19 Chapter 13, Waterfront Revitalization and Coastal Resources.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 23 - Approved Categorical Exclusions

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** The New York State Department of Environmental Conservation (NYSDEC) has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards:
 - a. This certification is expressly limited to those categorical exclusions listed in one of the following documents: (a) Regulatory Guidance Letter 87-10, Use of Nationwide Permit No. 23 for New Federal Highway Administration (FHWA) Categorical Exclusions; (b) Regulatory Guidance Letter 96-1, Use of Nationwide Permit Number 23 for U.S. Coast Guard Categorical Exclusions.
 - b. This certification does not apply to discharges greater than 1/10 acre in size or to more than 200 linear feet of stream disturbance.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 24 - State Administered Section 404 Program

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** WQC is not required for this NWP.
3. **Coastal Zone Consistency Determination:** This NWP is consistent with the New York Coastal Management Program.

Nationwide Permit 25 - Structural Discharges

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** The New York State Department of Environmental Conservation has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards:
 - a. This certification does not apply to any structural discharge occurring in a designated Significant Coastal Fish and Wildlife Habitat area pursuant to 19 NYCRR Part 602; Title 19 Chapter 13, Waterfront Revitalization and Coastal Resources.
 - b. This certification does not apply to any pile-supported structure with a surface area greater than 4,000 square feet.
 - c. This certification does not apply to any structural support member with a surface area greater than 64 square feet.
 - d. This certification does not apply to piles or structural support members with spacing between such members causing accretion of bottom sediments.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 26 – Reserved

Nationwide Permit 27 - Stream and Wetland Restoration Activities

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** No WQC special conditions.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 28 - Modifications of Existing Marinas

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** WQC is not required for this NWP.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 29 - Single Family Housing

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** An individual water quality certificate is required for this NWP.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 30 - Moist Soil Management for Wildlife

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certificate:** No WQC special conditions.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 31 - Maintenance of Existing Flood Control Facilities

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** No WQC special conditions.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 32 - Completed Enforcement Activities

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** Pursuant to Section 401 of the Clean Water Act and 6 NYCRR Part 608, Section 608.9, the New York State Department of Environmental Conservation has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards.
 - a. This certification does not apply to enforcement actions resulting in the authorization of discharges greater than 1/10 acre in size or to more than 200 linear feet of stream disturbance.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 33 - Temporary Construction, Access and Dewatering

1. **Permit-specific Regional Conditions:** None
2. **Water Quality Certification:** The New York State Department of Environmental Conservation (NYSDEC) has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards.
 - a. This certification does not apply to hydropower projects.
 - b. Dewatering shall be limited to immediate work areas that are coffer dammed or otherwise isolated from the larger water body or waters of the United States. Dewatering shall be localized and not drain extensive areas of a water body or reduce the water level such that vegetation, fish and other aquatic vertebrates are killed or their eggs and nests are exposed to dessication, freezing or depredation in areas outside of the immediate work site.
 - c. Cofferdams or diversions shall not be constructed in a manner that constricts channel widths or redirects flowing waters so as to cause or exacerbate erosion of the bed or banks of a watercourse.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 34 - Cranberry Production Activities

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** An individual water quality certificate is required for this NWP.
3. **Coastal Zone Consistency Determination:** This NWP is consistent with the New York Coastal Management Program.

Nationwide Permit 35 - Maintenance Dredging of Existing Basins

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** WQC is not required for this NWP.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 36 - Boat Ramps

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** No WQC special conditions.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 37 - Emergency Watershed Protection and Rehabilitation

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** No WQC special conditions.
3. **Coastal Zone Consistency Determination:** This NWP is consistent with the New York Coastal Management Program.

Nationwide Permit 38 - Cleanup of Hazardous and Toxic Waste

1. **Permit-specific Regional Conditions:** None.
2. **Water Quality Certification:** No WQC special conditions.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 39 - Residential, Commercial, and Institutional Developments

1. **Permit-specific Regional Conditions:**
 - a. To the maximum extent practicable, the permittee shall avoid discharging dredged or fill material into open waters.
 - b. This NWP *is not* applicable in the following waterbodies and wetlands directly adjacent to these waterbodies:
 1. Hudson River
 2. Mohawk River
 3. Lake Champlain
 4. Lake George
 5. Schoharie Creek
 6. Susquehanna River
 - c. Discharges will not impact more than 200 linear feet of streams.
 - d. All recreation activities associated with the development proposed as part of this NWP must meet the following requirements:
 1. The recreation activity does not substantially deviate from natural landscape contours and is designed to minimize adverse effects to waters of the United States and riparian areas through the use of such practices as integrated pest management, adequate stormwater management facilities, vegetated buffers, reduced fertilizer use, etc.
 2. The recreation activity must have an adequate water quality management plan in accordance with Nationwide Permit General Condition Number 9.
 - e. This authorization is not applicable to new stormwater management facilities.
 - f. Discharges of fill material impacting 0.1 – 0.5 acre of non-tidal waters of the United States within the NYC water supply Watershed West of the Hudson River (i.e. Delaware, Greene, Schoharie, Sullivan, and Ulster Counties) will require a pre-construction notification in accordance with Nationwide General Condition Number 13.

2. **Water Quality Certification:** The New York State Department of Environmental Conservation has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards:
 - a. This certification does not apply to discharges greater than 1/10 acre in size or to more than 200 linear feet of stream disturbance.
 - b. This authorization does not apply to golf courses or to new construction or expansion of storm water facilities in waters of the United States, including wetlands.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 40 - Agricultural Lands

1. **Project-specific Regional Conditions:**
 - a. The applicant must demonstrate that the building is necessary for the agricultural use of the land.
2. **Water Quality Certification:** The New York State Department of Environmental Conservation has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards:
 - a. This certification does not apply to discharges greater than 1/10 acre in size or to more than 200 linear feet of stream disturbance.
 - b. Any buildings constructed must be necessary for the agricultural production of the land.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 41 - Reshaping Existing Drainage Ditches

1. **Permit-specific Regional Conditions:**
 - a. Materials resulting from reshaping activities, which are temporarily sidecast into waters of the United States, must be removed **to an upland area** within 30 days of the date of their deposition.
 - b. The permittee must provide documentation on serviceability of the ditch system and a history of recent maintenance activity.
2. **Water Quality Certification:** The New York State Department of Environmental Conservation (NYSDEC) has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards:
 - a. This certification does not apply to any in-stream channel reshaping.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 42 - Recreational Facilities

1. **Permit-specific Regional Conditions:**
 - a. This NWP is not available for construction or expansion of any golf course or ski resort.
 - b. Parking facilities authorized under this NWP shall consist solely of pervious surfaces.
 - c. Discharges will not impact more than 200 linear feet of streams.
 - d. The permittee must avoid and minimize impacts to wetlands at the project site to the maximum extent practicable and must provide a written discussion to support the permittee's assertion that additional avoidance or minimization is not practicable.
2. **Water Quality Certification:** The New York State Department of Environmental Conservation has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards:
 - a. This certification does not apply to discharges greater than 1/10 acre in size or to more than 200 linear feet of stream disturbance.
 - b. This certification does not apply to development of new or expansion of existing golf courses and ski areas.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 43 - Stormwater Management Facilities

1. **Permit-specific Regional Conditions:**

- a. This NWP is not available for new stormwater management facilities.
2. **Water Quality Certification:** The New York State Department of Environmental Conservation has certified that activities authorized by this NWP and undertaken in accordance with the special conditions listed below will comply with the applicable provisions of the Clean Water Act and applicable New York State water quality standards:
 - a. This authorization does not apply to establishing new or expanding existing storm water management facilities.
 - b. This certification does not apply to discharges greater than 1/10 acre in size or to more than 200 linear feet of stream disturbance for maintenance of existing storm water management facilities.
3. **Coastal Zone Consistency Determination:** Where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans, see Part B (3), below for requirements.

Nationwide Permit 44 - Mining Activities: This NWP is suspended in the New York District.

B. REGION-SPECIFIC CONDITIONS

1. Nationwide Permits 39, 41, 42, and 43 are not available for activities located within the Harbor Herons System in Staten Island, New York, as identified in the Harbor Herons Report Dated February 1990. For additional information on the Harbor Herons Report, please contact the Trust for Public Land at the following address:

The Trust for Public Land
Mid-Atlantic Regional Office
666 Broadway
New York, N.Y. 10012
2. Nationwide Permits 39, 41, 42, and 43 are not available for activities located in the following waterbodies:
 - a. The Great Swamp in Putnam and Dutchess Counties
 - b. Mianus River and directly adjacent wetlands.
3. For NWPs 1,3 (see note below), 6, 7, 9, 11, 12, 14, 16, 18, 19, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 38, 39, 40, 41, 42, and 43 where the activities to be authorized would occur within the following CMP special management areas: 1) The Long Island Sound Regional Coastal Management Program; 2) Local Waterfront Revitalization Programs; 3) Significant Coastal Fish and Wildlife Habitats; and 4) Harbor Management Plans the following applies:
 - a. Within thirty (30) days of receipt by NYSDOS of a complete joint New York State Department of Environmental Conservation and U.S. Army Corps of Engineers Permit Application, completed Federal Consistency Assessment Form, and all information and data necessary to assess the effects of the proposed activity on and its consistency with the CMP, including location maps and photographs of the site where the activity is proposed, NYSDOS will inform the applicant and the Corps whether:
 1. The activity may be authorized by Corps NWP; or

2. NYSDOS review of the proposed activity and NYSDOS concurrence with the applicant's consistency certification is necessary. If NYSDOS indicates review of this activity and a consistency certification for it is necessary, the activity shall not be authorized by NWP or other form of Corps authorization unless NYSDOS concurs with an applicant's consistency certification, in accordance with 15 CFR Part 930, Subpart D.

NOTE: For NWP 3, this condition **does not apply** if the activity site is in a canal that is more than 50% bulkheaded.

4. For NWPs 8, 13 (see note below), and 17: An individual consistency determination is required for these NWPs anywhere in the New York coastal area. The following applies to this NWP within the New York State Coastal Zone:
 - a. Within thirty (30) days of receipt by NYSDOS of a complete joint New York State Department of Environmental Conservation and U.S. Army Corps of Engineers Permit Application, completed Federal Consistency Assessment Form, and all information and data necessary to assess the effects of the proposed activity on and its consistency with the CMP, including location maps and photographs of the site where the activity is proposed, NYSDOS will inform the applicant and the Corps whether:
 1. The activity may be authorized by Corps NWP; or
 2. NYSDOS review of the proposed activity and NYSDOS concurrence with the applicant's consistency certification is necessary. If NYSDOS indicates review of this activity and a consistency certification for it is necessary, the activity shall not be authorized by NWP or other form of Corps authorization unless NYSDOS concurs with an applicant's consistency certification, in accordance with 15 CFR Part 930, Subpart D.

NOTE: For NWP 13, this condition **does not apply** if the activity site is in a canal that is more than 50% bulkheaded.

C. CRITICAL RESOURCE WATERS

Certain activities in Critical Resource Waters cannot be authorized under the NWP program or will have to meet additional conditions, as specified in NWP General Condition No. 25. NWP Numbers 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 cannot be used to authorize any activity within or directly affecting Critical Resource Waters, except that these NWPs may be used in the National Wild and Scenic Rivers areas noted below if the activity complies with Nationwide General Permit Number 7. NWP Numbers 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38 can be used for activities proposed in Critical Resource Waters, provided that notification is made in accordance with NWP General Condition 13, and that the New York District determines that the impacts to the Critical Resource Waters will be no more than minimal.

1. State Waters with Environmental Significance: The New York District has designated the East-of-Hudson portion of the New York City water supply watershed as Critical Resource Waters. This area includes portions of Dutchess, Putnam and Westchester Counties as delineated on the attached map.

2. National Estuarine Research Reserves (NERR): The Hudson River NERR is located within the New York District. The Hudson River NERR consists of four components: Piermont Marsh, Iona Island, Tivoli Bay, and Stockport Flats.

3. National Wild and Scenic Rivers (NWSR): The Upper Delaware River has been designated as a NWSR from the confluence of the East and West Branches below Hancock, New York, to the existing railroad bridge immediately downstream of Cherry Island in the vicinity of Sparrow Bush, New York. Approximately 25.1 miles have been classified as scenic and approximately 50.3 miles have been classified as recreational.

D. GENERAL REGIONAL CONDITIONS:

1. **Compensatory Mitigation Compliance Report:** For approved mitigation proposals, the permittee must submit evidence of the following listed actions to the New York District Corps of Engineers when the mitigation has been completed:

- a. Purchase of credits from a Corps-approved mitigation bank;
- b. Acknowledgement of transfer of funds for Corps-approved In-Lieu-Fee Arrangements;
- c. Recording of deed restrictive covenants;
- d. Execution of conservation easements.

The permittee must submit such evidence before commencement of the authorized activity or within 60 days of issuance of the authorization letter by the New York District Corps of Engineers, whichever is later. This reporting requirement does not waive or supersede the reporting requirements set forth in Nationwide General Permit General Condition Number 14.

2. **Construction Best Management Practices (BMPs):** Unless specifically approved otherwise, the following BMPs must be implemented to the maximum degree practicable, to minimize erosion, migration of sediments, and adverse environmental impacts:

- a. Mulch, hay bales, silt fences, or other means must be properly employed to minimize erosion and migration of sediments during construction. Temporary measures must be removed upon completion;
- b. Construction access shall be by means that avoid and minimize impacts to aquatic sites (e.g., upland access, floating barges, mats, etc.);
- c. All excess excavated material remaining on site must be properly contained and permanently stabilized to prevent erosion;
- d. Upon project completion, impacted land surfaces must be permanently stabilized. Surfaces may be stabilized by restoring natural vegetation or by other Corps-approved methods;
- e. Upon project completion, impacted aquatic sites must be restored to their original contours and conditions;
- f. Unless otherwise recommended by the New York District Corps of Engineers, the bottom elevation of culverts placed in aquatic sites (i.e., "invert elevation"), including wetlands, must be installed slightly below existing grade. Culverts must be designed, installed, and maintained to prevent erosion and to provide passage for aquatic life known to occur naturally in the vicinity of the culvert.
- g. No in-stream work shall occur during predicted periods of high flow.

3. **No activity can cause the loss of bogs or fens.** The determination as to whether a given area constitutes a bog or a fen rests with the New York District, Corps of Engineers.

E. GENERAL WATER QUALITY CERTIFICATION CONDITIONS:

1. This certification does not apply to any activity that is likely to jeopardize the continued existence of an endangered species or threatened species listed in 6 NYCRR Part 182 or which is likely to destroy or adversely modify the critical habitat of such species. Information on the New York State endangered or threatened species may be obtained from the regional office of the New York State Department of Environmental Conservation responsible for the area in which a proposed activity is to be undertaken or on the NYSDEC website at: www.dec.state.ny.us/website/dfwmr/wildlife/endspec/index.html
2. This certification does not apply to any activities occurring in aquatic sites identified in the attached list of Priority Natural Heritage sites.
3. Prior to undertaking any Nationwide Permit activity that will involve or occupy state-owned lands now or formerly under the waters of New York State, the party proposing the activity must first obtain all necessary approvals from:

NYS Office of General Services
Division of Real Estate Development
Corning Tower Building, 26th Floor
Empire State Plaza
Albany, New York 12242
Tel: (518) 474-4944

4. This authorization does not apply to any activities in the tidal wetlands of New York State with the exception of NWP Numbers 4, 5, 6, and 20.
5. This certification does not apply to activities in Wild, Scenic, and Recreational Rivers segments listed in the National Rivers Inventory.
6. This authorization does not allow the stacking of NWPs so that in combination they exceed 1/10th acre of fill or 200 linear feet of stream disturbance. When used in combination, the most restrictive conditions apply.
7. This certification does not address activities regulated under Articles V11 and X of the New York State Public Service Law. For utility lines regulated pursuant to Article V11, the jurisdiction to issue or deny a Section 401 Water Quality Certification rests with the New York State Public Service Commission. For major electric generating facilities regulated pursuant to Article X, the jurisdiction to issue or deny a Section 401 Water Quality Certification rests with the New York State Board of Electric Generation and the Environment.

F. PRIORITY NATURAL HERITAGE SITES WITHIN THE NEW YORK DISTRICT:

Priority Natural Heritage Sites

Town and Location	Common Name	Scientific Name
Dec Region 1		
<u>Suffolk County</u>		
Brookhaven Forge Point	Graceful Sedge	<i>Carex venusta</i> var minor
East Hampton Little Northwest Creek	Slender Spikegrass Reticulate Nutrush Sea Level Fen	<i>Chasmanthium laxum</i> <i>Scleria reticularis</i> var pubescens Sea Level Fen
Napeague Meadows	Brackish Meadow Sea Level Fen Heart Sorrel	Brackish Meadow Sea Level Fen <i>Rumex hastatulus</i>
Northwest Creek	Sea Level Fen	Sea Level Fen
Walking Dunes	Sea Level Fen Brackish Meadow	Sea Level Fen Brackish Meadow
Islip Heckscher State Park	Sea Level Fen	Sea Level Fen
Riverhead Third Pond Calverton	Coppery St. John's-wort	<i>Hypericum denticulatum</i>
Southampton Black Pond Bridgehampton	Creeping St. John's-wort	<i>Hypericum adpressum</i>
Crooked Pond	Creeping St. John's-wort Peanut Grass	<i>Hypericum adpressum</i> <i>Amphicarpum purshii</i>
Great Swamp Sag Harbor	Creeping St. John's-wort	<i>Hypericum adpressum</i>
Hubbard Creek Marsh	Sea Level Fen Saltmarsh Loosestrife	Sea Level Fen <i>Lythrum lineare</i>
Little Poxabogue Pond	Creeping St. John's-wort	<i>Hypericum adpressum</i>
Little Long Pond Sag Harbor	Creeping St. John's-wort	<i>Hypericum adpressum</i>
Little Round Pond	Creeping St. John's-wort	<i>Hypericum adpressum</i>
Long Pond Sag Harbor	Creeping St. John's-wort	<i>Hypericum adpressum</i>
Round Pond Sag Harbor	Creeping St. John's-wort	<i>Hypericum adpressum</i>
Slate Pond	Creeping St. John's-wort	<i>Hypericum adpressum</i>

Town and Location	Common Name	Scientific Name
<u>Suffolk and Nassau Counties</u>		
Huntington, Oyster Bay Third Pond Cold Spring Harbor	Bushy St. John's-wort	<i>Hypericum densiflorum</i>
Dec Region 2		
<u>Bronx County</u>		
<u>City of New York</u>		
Pelham Bay	Short-fruit Rush	<i>Juncus brachycarpus</i>
Dec Region 3		
<u>Dutchess County</u>		
Hyde Park Norrie Point	Freshwater Tidal Swamp	Freshwater Tidal Swamp
Northeast Indian Lake Northeast	Ogden's Pondweed	<i>Potamogeton ogdenii</i>
Red Hook Astor Point	Freshwater Tidal Swamp	Freshwater Tidal Swamp
Tivoli Bays Cruger Island Neck	Freshwater Tidal Swamp	Freshwater Tidal Swamp
Tivoli Bays North Bay	Freshwater Tidal Swamp	Freshwater Tidal Swamp
<u>Dutchess and Columbia Counties</u>		
Clermont, Red Hook Nannick Farms Meadow	Ground-cherry	<i>Physalis pubescens</i> var <i>integrifolia</i>
<u>Orange County</u>		
Deerpark Big Pond Deerpark	Inland Atlantic White Cedar Swamp	Inland Atlantic White Cedar Swamp
Tuxedo South of Wildcat Mountain	Ground-cherry	<i>Physalis pubescens</i> var <i>integrifolia</i>
Warwick Bellvale Mountain	Inland Atlantic White Cedar Swamp	Inland Atlantic White Cedar Swamp
Black Dirt Area	Inland Atlantic White Cedar Swamp	Inland Atlantic White Cedar Swamp
Little Cedar Pond	Inland Atlantic White Cedar Swamp	Inland Atlantic White Cedar Swamp

Town and Location	Common Name	Scientific Name
<u>Putnam County</u>		
Southeast Brewster Pond Cedar Swamp	Inland Atlantic White Cedar Swamp	Inland Atlantic White Cedar Swamp
Tonetta Cedar Swamp	Inland Atlantic White Cedar Swamp	Inland Atlantic White Cedar Swamp
<u>Ulster County</u>		
Saugerties Saugerties Marsh	Freshwater Tidal Swamp	Freshwater Tidal Swamp
Dec Region 4		
<u>Albany County</u>		
City of Albany Blueberry Hill	Bayard's Malaxis	<i>Malaxis bayardii</i>
<u>Columbia County</u>		
Canaan Beebe Pond	Ogden's Pondweed	<i>Potamogeton ogdenii</i>
Greenport Rogers Island	Freshwater Tidal Swamp	Freshwater Tidal Swamp
Stockport Stockport Creek Marshes	Freshwater Tidal Swamp	Freshwater Tidal Swamp
Stuyvesant Mill Creek Marsh	Freshwater Tidal Swamp	Freshwater Tidal Swamp
<u>Columbia and Dutchess Counties</u>		
Clermont, Red Hook Nannick Farms Meadow	Ground-cherry	<i>Physalis Pubescens</i> var <i>integrifolia</i>

Town and Location	Common Name	Scientific Name
<u>Greene County</u>		
Catskill Catskill Marsh	Freshwater Tidal Swamp	Freshwater Tidal Swamp
Dec Region 5		
<u>Essex County</u>		
Keene Mount Skylight	Black Sedge	<i>Carex atratiformis</i>
<u>Warren County</u>		
Johnsburg Hudson River North Creek	Auricled Twayblade	<i>Listera auriculata</i>
Queensbury Glens Falls Airport Marsh	Marl Fen	Marl Fen
Thurman, Warrensburg, Chester South of the Glen	Clinton's Clubrush	<i>Scirpus clintonii</i>

