

PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number:2000-01582-YN
Issue Date:September 1, 2005

REGIONAL GENERAL PERMIT

The U.S. Army Corps of Engineers announces the re-issuance of a Regional General Permit to authorize the construction of rock-filled timber crib piers in waterways located in the following counties in Upstate New York: Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington.

What is a general permit?

A general permit is a blanket authorization for construction in waters of the United States, including navigable waters, that substantially reduces the time needed by the Corps to process applications for activities that cause only minimal individual and cumulative environmental impacts, when those activities are substantially similar in nature. This allows adequate control of minor construction while avoiding the more lengthy and time-consuming processing required to issue an individual permit.

What does this general permit authorize?

This general permit authorizes the construction of rock-filled timber crib piers in waterways located in 8 Upstate New York Counties. Each project must comply with a series of special requirements and conditions, and this office will review each project individually to determine if it conforms with these standards. This general permit is valid for commercial and non-commercial purposes and has an expiration date of **August 12, 2010**. This general permit is a modification of a general permit that authorized the construction of timber crib piers in Lake George, New York, which expired on February 6, 2001.

Are there any restrictions to this permit?

There are several restrictions to this authorization. For example, no timber crib piers can be constructed under this general permit that include the placement of fill material into wetlands and vegetated shallows; that have cribs which are larger than 12 feet in length or 8 feet in width; that are greater than 60 feet in length; or have a total surface area of greater than 1,200 square feet. It should also be noted that, given the increase in geographic availability, the re-issued general permit has more special conditions than its predecessor. The special conditions can be found on the attached copy of the general permit.

The Corps reserves the right to determine, on a case-by-case basis, that this permit does not apply to a particular project, and that a full public interest review should be undertaken.

**CENAN-OP-RW
PUBLIC NOTICE NO. 2000-01582-YN**

How can I find out if my work is covered under this permit?

Anyone interested in performing work under the provisions of this general permit should apply to the New York District as soon as possible. The application should include completed application forms ENG 4345 and NANY 201 (or NYSDEC Joint Application for Permit), color photographs of the site and project drawings similar to those attached, as samples, to the general permit. **NO WORK MAY BE PERFORMED** under the general permit until a letter of authorization has been received from the New York District.

It is the intent of this general permit, however, to save both time and paperwork for those applying. The Corps is developing procedures that will insure that all applications are reviewed with dispatch, and that those proposals meeting the terms and conditions of this permit will be authorized as quickly as possible. Nevertheless, all applications should be accurately filled out so that they can be promptly reviewed.

Where do I apply?

To apply for the general permit, or to obtain additional information or copies of the general permit or application forms, please contact:

**Regulatory Branch
New York District, U.S. Army Corps of Engineers
1 Bond Street
Troy, New York 12180**

Telephone: (518) 273-7420

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

FOR THE DISTRICT ENGINEER:



Richard L. Tomer
Chief, Regulatory Branch

Enclosures

THIS IS NOT AN AUTHORIZATION TO DO WORK.
PROJECT-SPECIFIC REVIEW BY THIS OFFICE IS REQUIRED.

DEPARTMENT OF THE ARMY PERMIT

Permittee:

Permit No.: 11GP2-

Issuing Office: New York District Corps of Engineers

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:

Construction of rock-filled timber crib piers in Upstate New York.

Project Location: IN: Waterways located in the following counties in New York State: Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren and Washington

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on AUG 12 2010. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

SEE ATTACHED SHEETS FOR SPECIAL CONDITIONS "A" THROUGH "U".

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. Code 403).

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

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization:

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this 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 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 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 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.

AUG 12 2005

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.



(DISTRICT ENGINEER)

12 August 2005

(DATE)

**Richard J. Polo, Jr.
Colonel, U.S. Army
District Engineer**

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below. A copy of the permit signed by the transferee should be sent to this office.

(TRANSFEEE)

(DATE)

SUBJECT: New York District Regional General Permit 11GP2 For Rock-filled Timber Crib Piers - Special Conditions

A. This Regional General Permit only authorizes the construction of timber crib piers in lakes and ponds, including natural or man-made lakes and ponds that are a component of a river system. This general permit does not authorize the construction of timber crib piers in streams; free flowing river segments, and canals.

B. Piers constructed under this permit may extend a distance equal to 20% of the width of the waterway, up to a maximum of 60 feet offshore of the ordinary high water line (OHWL) of the waterway. The waterway width is measured from the OHWL perpendicular to the centerline of the waterway.

C. The maximum top surface area of a pier, including all fingers, platforms, etc., shall not exceed 1200 square feet. The configuration of the piers may vary in plan (i.e. straight, T, U, L, or F shaped). The pier shall not exceed 8 feet in width.

D. The size of an individual crib shall not exceed 12 feet in length and 8 feet in width. The total length of all cribs must not exceed 50% of the total length of each pier. In Lake George and Lake Champlain, the minimum distance between cribs shall be no less than 8 feet. For all other waterways, the minimum distance between cribs shall be no less than 4 feet.

E. The first crib waterward of the OHWL must be constructed a minimum distance of 6 feet waterward of the OHWL to allow for free circulation of water. A variance in this restriction may be granted, on a case by case basis, where it can be demonstrated that the integrity of the structure would be compromised if a crib is not placed within this area and this office determines that any resultant impacts would be no more than minimal.

F. Timber crib piers may cross wetlands and vegetated shallows provided that the cribs are not placed within them. The pier segment crossing the wetland or vegetated shallow may be pile supported when necessary, and must not exceed 4 feet in width. The underside of the pier must also be a minimum of 4 feet above the ground surface. Discretionary authority will be exercised if it is determined that a proposal would adversely impact the functions and values of either of these aquatic resources. This permit does not authorize the construction of timber crib piers in the other listed special aquatic sites (see definitions).

G. This permit authorizes the placement of boathouses on the timber crib piers provided their surface area does not exceed a total of 1,600 square feet. Variances may be granted on a case by case basis provided the perspective permittee demonstrates the need for the larger boathouse and this office determines, in consultation with the appropriate Federal and State resource agencies, that the impacts associated with the boathouse would be minimal. The placement of boathouses or other ancillary structures is not

AUG 12 2005

CENAN-OP-RW

SUBJECT: New York District Regional General Permit NYD-11GP2 For Rock-filled Timber Crib Piers - Special Conditions

authorized for piers located in special aquatic sites and in Lake Champlain. This permit does not authorize the placement of other enclosed buildings (including residences), fuel storage tanks, fuel dispensing or sanitary pumpout facilities waterward of the OHWL.

H. Crib supports must be timber filled with stone. The sides of the timber crib may not be sealed, and must have openings amounting to at least 40% of the peripheral areas of the crib. All stone used for fill must be clean and durable. The stone must be large enough that it will not pass through the crib openings. No stone for use in construction may come from the bed of the waterway. The stone fill and timber cribs shall be designed to be protected against failure by undermining and by washing out of the underlying materials through openings in the stone fill.

I. Untreated timber may be used for the construction of timber crib piers. Any pressure treated timber used for in-water activities must be treated with a preservative and treatment process approved (stamped or otherwise marked as approved) by the American Wood Preservative Association. Timber treated with creosote or Pentachlorophenol must be aged in the open air for at least three months prior to in-water use. Chromated Copper Arsenate (CAA) pressure treated wood must be clean and free of CCA surface deposits. Timber with surface deposits must be washed for at least five minutes under running water prior to use. Any wood debris, such as sawdust or wash water, must not enter any waterbody, including wetlands.

J. Minor dredging or excavation, not to exceed 20 cubic yards, will be authorized by this permit provided it is the minimum necessary for crib placement. All material must be deposited in uplands and suitably stabilized so that it cannot re-enter any waters of the United States, including wetlands.

K. Heavy equipment, including bulldozers, backhoes, pay loaders, etc., shall not be driven in the water.

L. The timber crib piers must be designed to be stable against the forces exerted by flowing water, ice and wave action. Permittees should be aware that timber crib piers are subject to damage by wave wash from passing vessels. They should take proper steps to secure their piers and the boats moored to them. The United States shall not be liable for any damages associated with these structures.

M. Timber crib piers authorized by this permit shall be built in a manner such that any adverse impact on fish and wildlife resources, natural environmental values, and water quality are minimal. If any portion of the pier is abandoned or falls into disuse or neglect, they must be completely removed to the natural bottom by the owners of the upland property.

AUG 12 2005

CENAN-OP-RW

SUBJECT: New York District Regional General Permit NYD-11GP2 For Rock-filled Timber Crib Piers - Special Conditions

N. Piers must maintain a clearance of at least 10 feet from the adjacent properties on each side. This clearance is measured from the point where the common boundary terminates at the OHWL. A variance may be granted, on a case-by-case basis, if it is demonstrated in writing that the affected adjacent property owner has no objection to the placement of the pier closer to their property.

O. If, upon inspection, an activity authorized by this general permit is not being constructed, or has not been constructed, or is not being maintained, at a particular location in accordance with these conditions, or to the satisfaction of the District Engineer, the authorization of the activity at such location may be revoked, and an individual application for the work at such location may be required.

P. Within navigable waters of the United States, the permittee shall understand and agree 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 cause thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

Q. Each individual project proposed under this general permit shall receive a Water Quality Certification (or modification or waiver thereof) approved by the New York State Department of Environmental Conservation or Lake George Park Commission, as appropriate, prior to the initiation of the activities authorized by this permit.

R. This permit shall 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 to be critical habitat under the Endangered Species Act of 1973, as amended. Permittees shall notify the New York District if any listed species or designated critical habitat might be affected or is in the vicinity of the project, and shall not commence work until authorized by the U.S. Army Corps of Engineers. When necessary, consultation with the U.S. Fish and Wildlife Service will occur to determine an individual project's effects on threatened and endangered species and their critical habitat, and to species of concern to their office, to ensure the requirements of this special condition are satisfied. This consultation may result in the inclusion of additional special conditions to project specific

AUG 12 2005

CENAN-OP-RW

SUBJECT: New York District Regional General Permit NYD-11GP2 For
Rock-filled Timber Crib Piers - Special Conditions

authorizations.

Additional information on threatened and endangered species, and their critical habitat, may be obtained from:

U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, New York 13045
(607) 753-9334

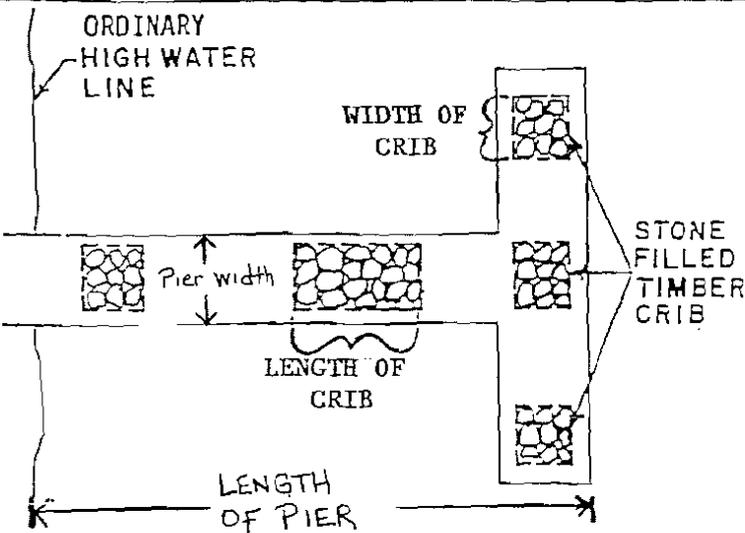
S. This permit shall not apply to activities that have an adverse effect on cultural resources that are listed in or eligible for inclusion in the National Register of Historic Places. When necessary, consultation with the State Historic Preservation Officer will occur to determine an individual project's effects on these resources.

T. This permit shall not apply to activities that have an adverse effect on components of the National Wild and Scenic Rivers System, or areas listed in the Nationwide Rivers Inventory, Final List of Rivers for New York as published by the U.S. Department of the Interior. Activities located in these areas will be evaluated on a case-by-case basis, which will include coordination with the National Park Service.

U. Authorization under this permit will not be valid for an individual project, and work may not commence, until written concurrence has been received in response to the following information submitted to the New York District Corps of Engineers sufficient to determine the project's applicability under this General Permit:

1. A completed application form (Eng. Form 4345 and NAN Form 201, or NYSDEC Joint Application For Permit);
2. Project location map;
3. Plan and section view project drawings, which generally follow the format of the same drawings attached to this general permit. The plans should include the following:
 - a. The proposed pier shown in reference to the ordinary high and ordinary low water lines of the waterway.
 - b. The dimensions of each pier section, the timber cribs, and the spacing between the cribs.
 - c. The length of shoreline owned on the property and the distance between the pier and adjacent properties;
4. Quantity and quality of the stone fill material; and
5. Recent color photographs of the project site which outline where the proposed activities would occur.

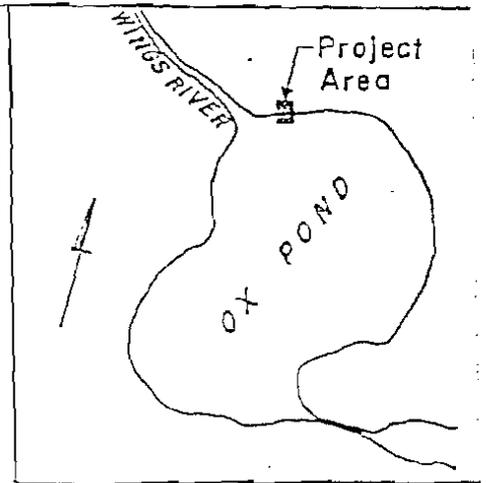
GENERAL PERMIT - TIMBER CRIB PIER SAMPLE DRAWING



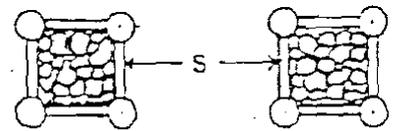
PLAN VIEW

Maximum length of timber crib: 12 feet

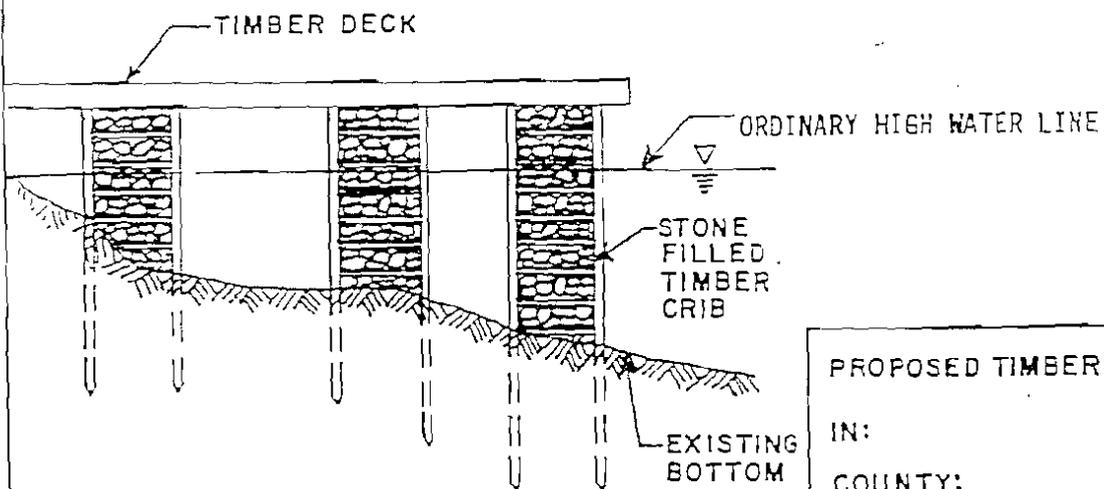
Maximum width of timber crib: 8 feet



VICINITY MAP



SPACING OF CRIES(S):



SECTION VIEW

PURPOSE OF WORK:
QUANTITY & QUALITY OF FILL MATERIAL:

PROPOSED TIMBER CRIB PIER

IN:
COUNTY:
STATE:
APPLICATION BY:
DATE: