



**New York State Programmatic General Permit (NYSPGP -1)  
for Emergency Response and Storm Recovery Activities in  
Regulated Waters in New York State excluding New York State Department of  
Environmental Conservation Regions 1, 2, and portions of Region 3**

Issued by  
The United States Army Corps of Engineers (USACE), New York and Buffalo Districts and  
The New York State Department of Environmental Conservation (NYSDEC)

Pursuant to  
Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341, 33 U.S.C. 1344)  
Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

Article 15, Title 5 of the Environmental Conservation Law (ECL) Protection of Waters (6 NYCRR 608)  
Article 24 of the ECL Freshwater Wetlands (6 NYCRR 663)  
Article 15, Title 27 of the ECL Wild, Scenic and Recreational Rivers (6 NYCRR Part 666) and  
6 NYCRR 608.9 (Water quality certifications required by Section 401 of the Clean Water Act, 33 U.S.C. 1341)

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## A. Introduction and Authorities

### Introduction

Eligible emergency response and post-storm recovery activities occurring within state and/or federally regulated waters to facilitate the restoration of sites that were damaged as a result of a major storm event, as described in this New York State Programmatic General Permit (NYSPGP-1), are authorized in these geographic areas: All of New York State except on Tribal/Native Nation lands and within NYSDEC Region 1 (Long Island), NYSDEC Region 2 (New York City), and within NYSDEC Region 3 all Coastal Erosion Hazard Areas regulated by Article 34 of the Environmental Conservation Law and all tidal wetlands regulated by Article 25 of the Environmental Conservation Law including those located along the Hudson River south of the Tappan Zee Bridge. "Regulated waters" are all waters subject to the jurisdiction of the United States Army Corps of Engineers (USACE) and/or the New York State Department of Environmental Conservation (NYSDEC) pursuant to the authorities outlined in Section A of this NYSPGP-1. Regulated waters include tidal and fresh waters, rivers, streams, lakes, ponds, and wetlands.

For impacts and activities under Federal jurisdiction (i.e., those regulated under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act), this NYSPGP-1 will be automatically activated for use by the appropriate USACE District(s) on the date of a Federal and/or New York State Emergency Declaration. The NYSDEC may activate this NYSPGP-1 as provided under 6 NYCRR Part 621.14(c) following a Commissioner's Emergency Declaration and Finding. For smaller scale localized events that do not trigger a Federal or New York State Emergency Declaration, or in advance of any potential Federal and/or New York State Emergency Declaration, the NYSDEC and relevant USACE District will coordinate and mutually determine if activation is appropriate. To determine whether to activate NYSPGP-1 absent a Federal or New York State declaration, the USACE will consider information concerning impacts from sources such as: National Weather Service forecasts and severe weather alerts (<https://www.weather.gov>), USGS stream gauge data (<https://waterdata.usgs.gov/ny/nwis/rt>), the USGS Flood Inundation Mapper (<https://fim.wim.usgs.gov/fim/>) and Flood Viewer (<https://stn.wim.usgs.gov/fev/>) during and after discrete storm events such as hurricanes, tornados, nor'easters, tropical storms, heavy rains, ice storms, flash floods, high water events and storm surges. Additionally, the USACE may coordinate with state, county and local transportation agencies, County Emergency Management Agencies, and County Soil and Water Conservation Districts regarding the nature and geographic extent of the damage that occurred as a result of the storm event to assist with the determination of whether activation is warranted. With the exception of an intense, localized storm, activation of the NYSPGP-1 will typically be made at a county level. If only Federal Activation occurs, it is only valid for Federal jurisdictions and for state Section 401 Water Quality Certification. For all other NYSDEC jurisdictions, including Article 15 and 24, a separate authorization under normal permitting procedures from NYSDEC may be required.

In addition, the USACE will provide notification to the Seneca Nation prior to activation in Erie, Chautauqua, Cattaraugus and Allegany Counties.

Upon activation, a notice will be placed on the USACE Buffalo District web site at: [www.lrb.usace.army.mil/Missions/Regulatory](http://www.lrb.usace.army.mil/Missions/Regulatory) and the USACE New York District web site at: <https://www.nan.usace.army.mil/Missions/Regulatory> and the NYSDEC web site at: <https://www.dec.ny.gov>

See the attached terms and conditions of this permit to determine if project-specific written affirmation from USACE and/or NYSDEC is necessary prior to commencing work. Permittees will have two (2) years from date of activation to complete work. General Conditions 20 and 21 of this NYSPGP-1 contain additional information on expiration dates, renewal requests, and time extensions.

Prior to commencing the activity authorized by this permit, the permittee shall read, understand, and be prepared to comply with the terms and conditions of this permit.

Noncompliance with any of the terms or conditions of this permit may result in an order to remove the activity, civil and/or criminal penalties, or both.

Every effort will be made by USACE and NYSDEC to expedite the review of emergency activities associated with this permit.

In the event that either agency determines that permits are not required for a particular storm event, at a particular time, or for a specific activity, that determination does not obviate the need to obtain permits from the other agency. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.

## **Authorities**

**Projects covered under this NYSPGP-1 must meet all terms and conditions of this permit. Either USACE or NYSDEC may deny coverage of this permit to projects that do not meet all terms and conditions of this permit. These projects may require an individual permit from one or both agencies. The USACE and the NYSDEC reserve the right to re-assign a project to a different work category as described in Section C of this NYSPGP-1. The USACE and the NYSDEC also reserve the right to include any additional special conditions or to require an individual permit as may be necessary to safeguard the public interest or protect important public resources on a case-by-case basis.**

### ***Federal Authorities***

Section 404 of the Clean Water Act (33 U.S.C. 1344)  
and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

Work and structures located in, or that affect, navigable waters of the United States, including work over and under those waters, as prescribed in USACE regulations implementing Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and the discharge of dredged or fill material into Waters of the United States, including but not limited to wetlands, as prescribed in USACE regulations implementing Section 404 of the Clean Water Act (33 U.S.C. 1344), are eligible for consideration under this NYSPGP-1.

### ***State Authorities***

Article 15, Title 5 of the ECL Protection of Waters (only 6 NYCRR 608.2, 608.4, 608.5 and 608.9)  
Article 24 of the ECL Freshwater Wetlands (6 NYCRR 663)  
Water quality certifications required by Section 401 of the Clean Water Act (33 U.S.C. 1341) (6 NYCRR 608.9)  
and Article 15, Title 27 of the ECL Wild, Scenic and Recreational Rivers (6 NYCRR Part 666)

Work and structures located in, or that affect navigable waters of New York State (NYS) or the bed or banks of protected streams as prescribed in NYSDEC regulations implementing Article 15, Title 5 of the ECL; federally-delegated Section 401 Water Quality Certifications for work pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344); and outside of the Adirondack Park, Freshwater Wetlands and their associated Adjacent Areas regulated under Article 24 of the ECL; and Wild, Scenic and Recreational Rivers regulated under Article 15, Title 27 of the ECL are eligible for consideration under this NYSPGP-1.

Within the Adirondack Park Freshwater Wetlands and their associated Adjacent Areas, Wild, Scenic, and Recreational Rivers and shorelines are subject to the jurisdiction of the New York Adirondack Park Agency (APA) pursuant to Article 24 and Article 15, Title 27 of the ECL and Executive Law § 801 et seq. Projects in the Adirondack Park covered by this NYSPGP-1 may require a separate authorization from the APA unless they qualify as an “emergency project” pursuant to 9 NYCRR § 572.15 of APA’s regulations. Before commencing any project within a municipality within the Adirondack Park, be aware that the APA requires applicants to communicate with the APA concerning the need for a separate authorization. Qualifying emergency projects may be eligible for the APA’s Agency APA Emergency Certification or Emergency Recovery Authorization allowing for an exemption from the APA’s normal regulatory review. Please refer to Appendix H for more information on the APA’s jurisdiction and permitting process.

## **State Authorizations**

### **Coastal Erosion Hazard Area**

If a project occurs along Lake Erie or Lake Ontario within a Coastal Erosion Hazard Area, as identified on the NYSDEC Coastal Erosion Hazard Area Map in Appendix G of this NYSPGP-1, the applicant must obtain a separate authorization under the NYSDEC Coastal Erosion Management Permit Program.

### **Stormwater Discharges**

Any project which will cumulatively disturb greater than one acre of land is required to obtain authorization separately under the State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP -0-15-002 or current version thereof) through the NYSDEC.

### **Section 401 Water Quality Certification**

The NYSDEC has granted Section 401 Water Quality Certification for impacts covered in Categories A, B and C of this NYSPGP-1.

### **Coastal Consistency Certification**

The USACE has determined, and the NYS Department of State (DOS) has concurred, that this NYSPGP-1 is consistent to the maximum extent practicable with the New York State Coastal Management Program pursuant to 15 CFR Part 930, subpart C for Category A and B activities within or affecting the NYS Coastal Area. As such, Category A and B activities do not require further DOS review.

The USACE has determined, and DOS has concurred, that all Category C activities within or affecting the NYS Coastal Area (as described in Section C of this NYSPGP-1) require an individual consistency concurrence from the DOS. Applicants proposing to undertake Category C activities, within or affecting the NYS Coastal Area shall submit a consistency certification and all necessary data and information to the DOS. If the DOS objects to (denies) an applicant's consistency certification, the consistency provisions of the Coastal Zone Management Act prohibit the USACE from authorizing the proposed activity.

To determine if the applicant's project is in the NYS Coastal Area, and to learn how to submit a Consistency Certification, please visit the DOS's website at: <https://www.dos.ny.gov/opd/programs/consistency/index.html>.

## **B. Application and Notification Requirements**

### **Pre-Construction Requirements**

An applicant may be required to notify NYSDEC or USACE or both agencies to obtain authorization or written verification to commence activities, as identified below.

#### **Category A**

Prior to commencement of proposed work associated with Category A activities, as defined in Section C, the applicant must submit a complete permit application to the appropriate NYSDEC Region in accordance with the instructions provided in Appendix A. The NYSDEC may provide written authorization of the NYSPGP-1 including additional special conditions. If the NYSDEC does not reply to the applicant within five (5) business days of receipt of the complete permit application, the applicant may proceed to commence work in accordance with the terms and conditions of this NYSPGP-1 without further written authorization.

#### **Category B**

Prior to commencement of proposed work associated with Category B activities, as defined in Section C, the applicant must submit a complete permit application to the appropriate NYSDEC Region in accordance with the instructions provided in Appendix A. USACE written verification is not required for Category B, but may be provided, for work over which the USACE has authority. In instances where the applicant has received written verification from the USACE, a separate verification from the NYSDEC is not required. In no event may the applicant commence Category B activities without prior verification of the NYSPGP-1 by either the NYSDEC or USACE.



## **Category C**

Prior to commencement of proposed work associated with Category C activities, as defined in Section C, the applicant must submit a complete permit application to the appropriate NYSDEC Region and the appropriate USACE District office in accordance with the instructions provided in Appendix A. The applicant is not authorized to commence work until it receives written affirmation from both NYSDEC and the USACE.

If a single and complete project meets the description of more than one of Categories A, B, or C (as defined in Section C), the applicant must satisfy the Pre-Construction requirements for the highest category level, with Category A being the lowest category, and Category C being the highest category.

### ***Project-Specific Features That Automatically Require Category C Review***

Regardless of activity thresholds, if a project will affect any of the resources indicated below, the applicant must use Category C Pre-Construction Requirements as outlined above.

#### **1. Threatened or Endangered Species**

##### **a. Federal**

For projects where there is no federal involvement other than a USACE permit, or no other federal agency is acting as Lead Federal Agency with respect to the National Environmental Policy Act (NEPA), the applicant must submit an application to the USACE for any project located within the Sensitive Areas identified in Appendix D of this permit regardless of the proposed activity or corresponding category. As this table is generally an overestimate of areas with listed species, the USFWS Information for Planning and Consultation (IPAC) website (<https://ecos.fws.gov/ipac>) can be used as the primary resource to determine if there may be listed Threatened or Endangered species under the authority of the USFWS. For the listed bat species, applicants can use the 'NYS Protocol for Defining Vicinity for the Indiana and Northern Long-eared bats' document to determine if there is potential for effect to the species (in which case an application under Category C of this permit is required and needs to be submitted to the USACE).

<https://usace.contentdm.oclc.org/digital/collection/p16021coll3/id/1147>

For Atlantic and Shortnose sturgeon, an applicant should use the NOAA Section 7 mapper found at: <https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=a85c0313b68b44e0927b51928271422a> as the primary resource to determine if there may be listed Threatened or Endangered species under the authority of the NMFS. For these projects, work shall not begin on the activity until the applicant is notified by the USACE that the requirements of the ESA have been satisfied and that the activity is authorized.

For projects that are conducted by a federal permittee or have already been authorized and/or funded by another federal agency, and have completed consultation with the USFWS and/or NMFS, an application does not need to be submitted to the USACE for ESA reasons alone. If an agency submittal is required for other reasons, the applicant must provide the USACE with that federal agency's determination, as part of the application, in order to demonstrate compliance with Section 7 of the ESA.

No activity is authorized under this NYSPGP-1 which is likely to directly or indirectly jeopardize the continued existence of a federally listed threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under this NYSPGP-1 which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

Authorization of an activity by this NYSPGP-1 does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. Fish and Wildlife Service (USFWS) or NOAA Fisheries/National Marine Fisheries Service (NMFS), the ESA prohibits any person subject to the jurisdiction of the United States to take a listed

species, where “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word “harm” in the definition of “take” means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.

**b. State**

No activity is authorized under this NYSPGP-1 which is likely to cause the taking of a species listed by the New York State pursuant to Article 11, Title 5 of the ECL as threatened or endangered. A taking is defined as pursuing, shooting, hunting, killing, capturing, trapping, snaring, and netting of a species as well as lesser acts such as disturbing, harrying or worrying. All projects in areas of potential habitat as defined by the NYS Natural Heritage Program will require review to determine if there is potential for taking.

**2. Historic Properties**

**a. Federal**

No activity which may affect properties listed or properties eligible for listing in the National Register of Historic Places, is authorized until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

For projects where there is no federal involvement other than a USACE permit or no other federal agency is acting as Lead Federal Agency with respect to the NEPA, an applicant must submit an application to the USACE, regardless of the proposed activity and corresponding category, if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing in the National Register of Historic Places, or archaeological or historically relevant sites of Native Nations and their traditional/cultural uses of affected waters and associated resources, including previously unidentified properties. Assistance regarding information on the location of, or potential for, the presence of historic sites can be sought from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g))

If a project is being conducted by a federal permittee or has already been authorized and/or funded by another federal agency and has completed consultation with the SHPO and THPO, then an application does not need to be submitted to the USACE for Section 106 reasons alone. If an agency submittal is required for other reasons, the applicant must provide the USACE with that federal agency’s determination, as part of the application, in order to demonstrate compliance with Section 106 of the NHPA.

Work shall not begin on the activity until the applicant is notified by the USACE that the requirements of the NHPA have been satisfied and that the activity is authorized.

**b. State**

A federal Section 106 review is sufficient to meet the requirements of the NYS Historic Preservation Act (SHPA). If a project is not subject to Section 106 review, but the NYSDEC determines that the project has the potential to affect registered or eligible archaeological sites or historic structures, the NYSDEC may require the applicant to consult with the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) pursuant to Section 14.09 of SHPA before making a determination that the work may proceed according to the terms and conditions of this permit.

**3. Wild and Scenic Rivers- Federal**

The Upper Delaware River has been designated as a National Wild and Scenic River (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. Also, the portion of the Genesee River located within Letchworth Gorge State Park, beginning at the southern boundary of the park and extending downstream to the Mt. Morris Dam, was designated by Congress as a permanent Study River in the Genesee River Protection Act of 1989. Any activity in these waters requires an application to the

USACE, and adherence to the Category C Pre-Construction Requirements outlined above. No activity may occur within a NWSR, including Study Rivers, unless the National Park Service (NPS) has determined in writing that the proposed work will not adversely affect the NWSR designation or study status and the activity is authorized by the USACE.

**4. Federal Projects – Section 14 of the River and Harbors Appropriation Act of 1899, 33 U.S.C. 408 (“Section 408”)**

Category C Pre-Construction Requirements must be followed for any proposed activity that may alter, use, build upon, attempt to possess, or that may harm, impair, or affect any existing or proposed federal project or any property owned or managed by the USACE. These projects may require Section 408 authorization to proceed.

**5. Hudson River Essential Fish Habitat**

Section 305(b)(2) of the Magnuson Stevens Fisheries Conservation and Management Act requires Essential Fish Habitat (EFH) consultation with the National Marine Fisheries Service (NMFS) for any action or proposed action authorized, funded, or undertaken by a Federal agency that may adversely affect EFH. EFH has been defined by Congress as “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” The designation and conservation of EFH seeks to minimize adverse effects on habitat caused by fishing and non-fishing activities. The Hudson River and all tidal tributaries located between the Tappan Zee Bridge (River Mile 25) North, to Poughkeepsie (River Mile 75) are designated as EFH. More information on EFH can be found at: <https://www.habitat.noaa.gov/protection/efh/efhmapper>

If the proposed work cannot be conducted in accordance with the EFH Special Conditions a-d below, an application must be submitted to the USACE, and adherence to the Category C Preconstruction Requirements outlined above. Work shall not commence on the activity until the applicant is notified by the USACE that the required EFH coordination has been completed and that the activity is authorized.

- a. Within EFH as described above, all in-water work must be conducted at least 50-feet from submerged aquatic vegetation (SAV) habitat. More information on SAV's can be found at: <https://www.dec.ny.gov/lands/87648.html>
- b. Within EFH as described above, and within waters that support anadromous fish migration and spawning, all work involving sediment removal, pile, sheet pile or cofferdam installation and/or removal shall be avoided between March 1st and June 30th in any year. Work occurring within cofferdams may proceed any time during the year provided the cofferdams are installed or removed outside of the seasonal work restriction. For more information on waters that support anadromous fish runs please refer to Pages 49-50 of the Sustainable Fishing Plan for New York River Herring Stocks which can be found at: [www.asmfc.org/uploads/file/NY\\_RiverHerring\\_SFMP.pdf](http://www.asmfc.org/uploads/file/NY_RiverHerring_SFMP.pdf)
- c. Within EFH as described above, all dredging activities that are eligible for Activity 12: Dredging and Return Flow, Category B, and that would occur within tidal waters from Haverstraw Bay south to the Tappan Zee Bridge, shall be avoided from January 15<sup>th</sup> to June 30<sup>th</sup> in any year.
- d. Within EFH as described above, all materials used for beach nourishment must be obtained from an upland source.

All project types listed in Category C in EFH have not received completed EFH consultation. The USACE will coordinate with NMFS as part of the review procedures for these project types. If the EFH consultation requirements cannot be resolved under the NYSPGP-1 process, an alternate USACE permit review process is required for the project.

If a project has already been authorized and/or funded by another federal agency, and has completed EFH consultation with the NMFS, then an application does not need to be submitted to the USACE for EFH consultation reasons alone. If an agency submittal is required for other reasons, the applicant must provide the USACE with that federal agency's determination, as part of the application, in order to demonstrate that the EFH consultation process has been completed.



## **Post-Construction Requirements**

Within 30 days of the completion of the work authorized by this permit, regardless of category, the permittee is required to complete and submit the Post-Construction Compliance Form contained in Appendix C to both the appropriate USACE District and NYSDEC Regional offices.

## **C. Eligible Activities**

This NYSPGP-1 authorizes 13 different types of impacts associated with activities as prescribed in the table below. An applicant must determine which general activity description most closely represents the proposed project. Then, the applicant must determine the proposed project's appropriate category by determining whether or not the proposed project will be conducted within that category's thresholds and, if applicable, in accordance with the Activity Detail(s) referenced in the Eligible Activities Table. By adhering to the Activity Detail(s) associated with a project, the applicant will design and perform the work in a manner that minimizes any adverse environmental effect on the aquatic resource(s). Activity Details are associated with the table in this Section and indicate practices that must be followed in order to comply with a specific activity or category within this NYSPGP-1 to ensure minimal adverse environmental effects. Activity Details are available in Appendix E of this permit.

The Special Conditions in Section E, the Activity Details contained in Appendix E, and the Best Management Practices (BMPs) in Appendix F of this NYSPGP-1 describe practices that must be followed in order to comply with this NYSPGP-1 unless an equivalent alternative is approved by the NYSDEC and/or USACE during the Category B or C review process.

If the proposed project cannot be conducted according to the work description and impact thresholds in either Category A or Category B of the table, the proposed project is either not eligible for this NYSPGP-1 (see Section D of this NYSPGP-1) or the applicant must proceed with the application and notification requirements for the proposed project under a Category C review process.

## ELIGIBLE ACTIVITIES TABLE

General Activity Description	Category A Activity Can Commence 5 Business Days after Joint Agency Authorization Form Submitted to NYSDEC	Category B Activity Must be Verified by NYSDEC OR USACE	Category C Prior Authorization Required from NYSDEC AND USACE
<b>1 Culverts &amp; Bridges</b>	In-place repair (not replacement or resetting) of previously authorized existing culverts and bridges conveying streams.	Replacement and/or re-setting of previously authorized existing culverts and bridges conveying streams in accordance with <b>Activity Detail 1.</b>	Repair or replacement of culverts and bridges that do not otherwise qualify for activities A1 or B1.
<b>2 Vertical Stabilization Structures</b>	In-place repair (not replacement) of previously authorized vertical stabilization structures.	Replacement of previously authorized vertical stabilization structures in accordance with <b>Activity Detail 2.</b>	Repair or replacement of vertical stabilization structures that do not otherwise qualify for activities A2 or B2. New vertical stabilization structures to protect public infrastructure in non-tidal streams/ivers where site conditions preclude practicable use of other stabilization structures.
<b>3 Other Structures &amp; Fills</b>	In-place repair of previously authorized other structures and/or fills not covered in activities A1 or A2, No permanent loss to regulated waters or installation of articulated concrete mats.	Repair or replacement of previously authorized other structures and/or fills not covered in activities B1 or B2. Minor deviations, at the end of this table, are allowed. Utility repair and replacements in accordance with <b>Activity Details 3A and 3B.</b>	Repair or replacement of other structures and/or fills that exceed the requirements for activities A3 and B3.
<b>4 Bank Stabilization</b>		Bank stabilization up to 500 LF (No vertical walls). Bank stabilization must be done in accordance with <b>Activity Details 4A, 4B, 4C, or 4D, or equivalent approved by agencies.</b>	Bank stabilization not qualifying for activity B4.
<b>5 In-Stream Structures</b>		Installation of in-stream grade or directional control structures that do not span the entire channel width in accordance with <b>Activity Detail 5, or equivalent approved by agencies.</b>	Installation of in-stream grade or directional control structures that span the entire channel.
<b>6 Temporary Emergency Measures</b>	Temporary emergency measures to protect public infrastructure.	Temporary emergency measures to protect private infrastructure.	
<b>7 Sediment / Gravel Removal within Streams using ESI Manual</b>		Removal of storm deposited sediment/gravel in stream channels for a total distance up to 500 LF using ESI Manual.	Removal of storm deposited sediment/gravel in stream channels for a total distance greater than 500 LF using ESI Manual.
<b>8 Removal of Storm Deposited Sediment / Gravel</b>		Removal of storm deposited sediment/gravel in stream channels for a total distance of up to 200 LF not using ESI Manual. Removal of storm deposited sediment/gravel within wetlands and/or adjacent areas with temporary disturbances of up to 0.10 acre.	Removal of storm deposited sediment/gravel in stream channels for a total distance greater than 200 LF not using ESI Manual. Removal of storm-deposited sediment/gravel within wetlands and/or adjacent areas with temporary disturbances exceeding 0.10 acre.

General Activity Description	Category A Activity Can Commence 5 Business Days after Joint Agency Authorization Form Submitted to NYSDEC	Category B Activity Must be Verified by NYSDEC OR USACE	Category C Prior Authorization Required from NYSDEC AND USACE
9 Removal of Storm Deposited Debris	Removal of storm deposited debris within regulated waters and/or adjacent areas that does not involve the placement of fill or access with mechanized equipment.	Removal of storm deposited debris within regulated waters and/or adjacent areas involving access through wetlands with mechanized equipment with temporary disturbances of up to 0.10 acre.	Removal of storm deposited debris within regulated waters and/or adjacent areas involving access through wetlands with mechanized equipment with temporary disturbances exceeding 0.10 acre.
10 Stream Channel Re-Alignments		Stream channel re-alignments up to 100 lf.	Stream channel re-alignments greater than 100 lf.
11 Temporary Access and Dewatering	Temporary access or dewatering measures necessary to complete other Category A activities.	Temporary dewatering within tidal and non-tidal waters and construction access fills and/or structures within non-tidal waters and/or adjacent areas impacting up to 0.10 acre and/or involving the construction of causeways up to ½ width of the stream channel at OHW / MHW elevation.	Temporary construction access fills, structures or causeways in tidal waters; structures and/or fills placed in regulated waters in excess of 180 days; structures and/or fills left in regulated waters during any construction shut-down periods over the winter.
12 Dredging and Return Water	Return water from upland contained dredge material disposal area	Dredging and/or the discharge associated with the excavation of up to 500 cubic yards of storm deposited sediments/gravel in navigable waters, lakes and ponds with upland disposal.	Dredging and/or the discharge associated with the excavation of greater than 500 cubic yards of storm deposited sediments/gravel in navigable waters, lakes and ponds with upland disposal.
13 Beach Restoration			Beach restoration to pre-storm conditions below OHW / MHW elevation.

**Minor Deviations for General Activity 3:** Minor deviations in the structure's configuration or fill area, including those due to changes in materials, construction techniques, or current construction codes or safety standards that are necessary to make the repair or replacement may be authorized by this NYSPGP-1, provided that they do not change the purpose of or increase the capacity of the pre-storm facility. All of the following must be adhered to in order to be eligible for Category B review:

1. Any work associated with utility line repair or replacement activities must not cause the permanent loss of more than 0.05 acre of regulated waters at each single and complete crossing. For all other activities under General Activity 3, the work cannot cause the permanent loss of greater than 0.10 acre of regulated waters.
2. Any extension of a structure or fill must be necessary to maintain the pre-storm function of the facility (i.e. increase length of ramp due to new gap between a pier and post-storm shoreline).
3. All structures and/or fills to be repaired or replaced shall be confined to their pre-storm footprint to the maximum extent practicable. If this is not practicable, the repair or replacement activity must at least overlap the footprint of the pre-storm structure and/or fill area.
4. No minor deviations are authorized under Category B for aerial and buried utility lines in federal navigable waters, or for utility lines placed on the bed of federal navigable waters. In federal navigable waters, Category C review is required for any deviations in height above water, depth below the bed, change in alignment, and/or any increase in size. See Activity Details 3A and 3B for additional requirements for utility lines.

## D. Non-Eligible Activities

The following jurisdictional activities or practices are not eligible for coverage under this NYSPGP-1. Separate authorization from the USACE and/or NYSDEC may be required:

1. Any work in regulated waters to reclaim land that was lost over an extended period of time due to normal erosion occurring prior to the storm event.
2. Repair and/or replacement of existing structures and/or fills that were non-functional just prior to the storm event.
3. Restoration of non-functional bulkheads and their remnants (including deadman and pierheads) existing prior to the storm event.
4. Repair and/or replacement of bulkheads that extend greater than 18 inches waterward from the pre-storm location.
5. Installation of new vertical stabilization structures in lakes and tidal waters.
6. Installation of new bridges or culverts.
7. The removal of stream gravel for the express purpose of sale as part of a gravel mining operation.
8. Dredging or extraction of sediment or debris that was not deposited from the storm event, or is not necessary to prevent the loss of property or reduce flooding and/or erosion.
9. Any channelization, channel widening, deepening, or straightening activity that contributes to stream instability.
10. Side-casting of dredged material in and along streams.
11. Construction of in-stream sediment detention basins.
12. Installation of new gabion rock walls below the Ordinary High Water (OHW) or Mean High Water (MHW) elevation.
13. Installation of new concrete aprons within waterways.
14. Permanent replacement of multiple barrel culverts used at a single crossing within streams.
15. Slip lining and invert paving of culverts with the exception of cured-in-place pipe lining.
16. Use of grouted rip-rap.
17. Building permanent berms with the excavated stream material or any other materials that isolate regulated waters from an adjacent floodplain.
18. Permanent loss and/ or dredging or excavation in mudflats, vegetated shallows, or submerged aquatic vegetation.
19. Any activity that results in a loss of a bog or a fen as classified per the publication: Edinger et al., 2014. *Ecological Communities of New York State*. Second Editions. New York Natural Heritage Program. New York State Department of Environmental Conservation, Albany, NY.
20. Dredging or excavation of materials containing toxic pollutants in toxic amounts (See Section 307 of the Clean Water Act).

## **E. Special Conditions**

The following conditions, Activity Details (Appendix E), and associated BMP Details (Appendix F) shall be implemented for any work authorized under this NYSPGP-1. The NYSDEC and USACE reserve the right to add additional special conditions when authorizing activities under this NYSPGP-1.

### **Erosion and Sediment Controls / Stabilization Measures**

1. Appropriate soil erosion and sediment controls shall be installed, used, and maintained in effective operating condition during all work. Controls shall be inspected periodically to ensure that they are not damaged, repairs shall be completed promptly, and shall remain in place until the site is stabilized by the regrowth of suitable vegetation. Erosion and sediment control and stormwater management practices shall be designed, installed, and maintained in accordance with the latest version of the "New York Standards and Specifications for Erosion and Sediment Control" and the "New York State Stormwater Management Design Manual", unless otherwise required in this NYSPGP-1.
2. All exposed soil and other fills, as well as any work above the mean/ordinary high water mark shall be permanently stabilized and/or vegetated as soon as practicable.
3. Disturbance of existing vegetation shall be kept to the minimum necessary to perform the permitted work.
4. All synthetic erosion and sediment control features (e.g., silt fencing, netting, geotextile mats), which are intended for temporary use during construction, shall be completely removed and properly disposed of after their initial purpose has been served. Only natural fiber materials, which will degrade over time, may be abandoned in place.

### **Stockpiles and Upland Disposal**

5. Fill or other excavated materials shall not be stockpiled in a manner conducive to erosion, or in areas with the potential to cause turbid runoff during storm events. No stockpiles shall be placed on beaches.
6. All storm-deposited sediment dredged or excavated from regulated waters that is not used as backfill shall be deposited in uplands, outside of any floodplain, and be contained from re-entering any regulated waters. Disposal sites must be identified in the application.
7. Dredged sediment or excavated material must remain on the parcel from which it was removed unless the dredged sediment or excavated material meets the definition of General Fill in NYCRR Part 360.13. The placement of dredged sediment or excavated material offsite under any other conditions may require additional NYSDEC approvals. (NYSDEC Only)
8. With the exception of woody debris utilized for bank stabilization, storm-deposited debris shall not be used as backfill and shall be deposited in uplands, outside of any floodplain, and be contained from re-entering any regulated waters.
9. Materials resulting from trench excavation for utility line repair or ditch reshaping activities which are temporarily sidecast or stockpiled into regulated waters must be backfilled or removed to an upland area within 30 days of the date of deposition. Upland options for stockpiles shall be utilized prior to temporary placement within regulated waters, unless it can be demonstrated that it would not be practicable or if the impacts of complying with this upland option requirement would result in more adverse impacts to the aquatic environment. Except as described in this special condition, dredged or excavated material must not be sidecast or temporarily stored in state and federally regulated wetlands.
10. Mats or geotextile fabric shall be placed under any temporary fill or stockpile and shall be removed following construction.
11. Any material that has been excavated and stockpiled on site must not interfere with stream or floodwater conveyance during the duration of the work and activities shall not result in the disconnection of the waterbody from its floodplain.



## **Water Handling Plan / Dewatering Activities**

12. Construction access shall be by means that avoid or minimize impacts to aquatic sites (e.g. upland access, floating barges, temporary bridges, equipment mats, etc.). Refer to BMP Details 1 and 2.
13. Work in tidally-influenced regulated waters shall be undertaken during low tide, except for work that occurs within the limits of a floating barrier (i.e., turbidity curtain) or within a dewatered area. Refer to BMP Detail 3. To the maximum extent practicable, no work shall occur during periods of high water and/or wave conditions.
14. Turbidity controls in the form of a floating barrier (i.e., turbidity curtains, silt curtains, silt barriers or turbidity barriers) installed to isolate work areas in open regulated waters, shall remain in place during all excavation and restoration operations. Turbidity controls shall not be placed across channelized flow. Refer to BMP Detail 3.
15. No in-stream work shall occur during periods of high flow, except for work that occurs in dewatered areas behind temporary diversions, cofferdams or causeways, to unplug culverts and bridges, or to install temporary culverts or bridges for emergency access. Refer to BMP Details 4, 5, 6, 7.
16. Dry stream crossing methods (e.g., passive flow bypass, cofferdam, pump around and/or flume) shall be utilized within stream channels to reduce downstream impacts from turbidity and sedimentation, unless otherwise specified by the NYSDEC or Corps representative. Refer to BMP Details 4, 5, 6, 8.
17. Waters accumulated in isolated work areas shall be discharged to an upland settling basin or well vegetated area to provide for settling and filtering of solids and sediments. Return waters shall be as clear as the flowing water upstream of the work area. Any upland areas that were disturbed to provide a settling basin must be restored and stabilized. Refer to BMP Detail 9, 10.
18. Temporary dewatering structures and associated fill shall be completely removed and the affected waters restored immediately following the completion of work. Any upland areas that were disturbed to support the temporary dewatering activities must be restored and stabilized. Refer to BMP Details 4, 5, 6, 8.
19. Energy dissipation devices shall be utilized at the downstream end of diversion channels, flume systems, and pumping operations to prevent scour, erosion and particle suspension.
20. In-stream construction shall require dewatering techniques that avoid or minimize impacts to aquatic sites. Refer to BMP Details 1, 2, 3, 4, 5, 6.

## **Water Quality / Pollution Prevention**

21. All necessary precautions shall be taken to preclude contamination of any regulated waters by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious materials associated with the project.
22. No activity may involve the use of unsuitable material, which includes, but is not limited to, chemical or hazardous waste, trash, debris, car bodies, tires, asphalt, etc. Material that is used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act (CWA)). If there is a question as to whether the material is unsuitable, the applicable USACE District or NYSDEC shall be contacted and must authorize prior to the commencement of the activity.
23. All return flow from dredge material disposal areas shall not result in an increase in turbidity in the receiving waters that will cause a substantial visible contrast to natural conditions.
24. For activities involving the placement of concrete into regulated waters, no direct contact shall be allowed between uncured concrete and the regulated waters. The permittee must either employ watertight forms or pour concrete only during low tide. Forms shall be dewatered prior to the placement of the concrete.

Washings from ready-mixed concrete trucks, mixers, or other devices shall not be allowed to enter any regulated waters. The use of tremie concrete is allowed, provided that it complies with New York State Water Quality Standards.

25. Unless otherwise exempted by Federal and/or State Law, the use of creosote treated wood is prohibited in New York State. All treated wood must be aged in the open air for at least three months prior to in-water use. Wood must be clean and free of 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 regulated waters. This washing must occur more than 100 feet from regulated waters. The use of wood treated with Pentachlorophenol is prohibited to come in contact with marine or brackish waters. For more information, contact the applicable NYSDEC regional office and U.S. Environmental Protection Agency regional office.
26. Temporary causeways and work pads within regulated waters shall be constructed within the confines of a water control structure and shall consist of clean non-erodible material such as broken concrete, stone, timber, steel or other inert materials. The temporary causeways and work pads shall not be installed until the water control structure is in place and the area has been completely dewatered, and shall be removed prior to removal of the water control structure. Equipment staging and lay down areas shall not be located in wetlands.

## **Wetlands**

27. To the maximum extent practicable, the placement of fill in wetlands shall be designed to maintain pre-construction surface water flows/conditions between remaining on or off-site waters. This may require the use of culverts and/or other measures. Furthermore, the activity shall not restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters). The activity may alter the pre-construction flows/conditions if it can be shown that it benefits the aquatic environment (i.e. wetland restoration and/or enhancement).
28. Discharges of fill material associated with the construction of temporary access roads and work pads in wetlands shall be placed on filter fabric. All temporary fills shall be removed upon completion of the work and the disturbed area restored to pre-construction contours, elevations and wetland conditions.
29. For repair of utilities in wetlands, the permittee shall install and/or reestablish impermeable trench dams or breakers to prevent inadvertent drainage of regulated waters.
30. Heavy equipment working in wetlands or mudflats must be placed on equipment mats, or other measures must be taken to minimize soil disturbance and compaction to the maximum extent practicable. Refer to BMP Detail 2.

## **Streams / Rivers**

31. Work areas shall be dewatered and isolated from stream or river flow to the maximum extent practicable. Refer to BMP Details 1, 2, 3, 4, 5, 6, 7, 8.
32. Excavated materials shall not be placed along the top of bank or used to create a berm or increase berm bank height. Gravel shall not be pushed up on stream/river banks, slopes etc., unless otherwise authorized by either Category B, C, or other Corps and/or NYSDEC form of permit. Building berms with the excavated material is expressly prohibited.
33. Whenever feasible, bank grading and in-water removal of material shall be carried out by land-based equipment rather than from the stream/river bed or within flowing water. Generally, work shall proceed from the downstream end to the upstream end of the project reach.
34. Materials temporarily or permanently installed within/on the bed or banks of a stream/river must be of an adequate size and/or placed in a manner that will resist erosion/remobilization of the material during normal or expected high flow events. Furthermore, the activity shall not restrict or impede the passage of normal or expected high flows.

35. Stream / river banks shall be immediately revegetated or otherwise stabilized following the completion of grading or excavation activities.
36. The final configuration of the stream/river channel shall match the geomorphology (i.e., channel dimension, plan, and profile) of a stable reach upstream and downstream of the work site as suggested in the Post-Flood Emergency Stream Intervention Training Manual. This shall include the establishment of a low flow channel as appropriate. The bottom elevation of the stream/river bed shall blend with the adjoining upstream and downstream stable channel reaches.
37. No activity may substantially disrupt the life cycle of those species of aquatic life indigenous to regulated waters, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of regulated waters shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.
38. Any in-stream stabilization structure that spans a regulated water must provide for the passage of aquatic organisms, including fish.
39. Unless approved in writing by the appropriate Regional Natural Resources Supervisor of the NYSDEC or their designee, in-stream work is prohibited during the following time periods: in cold water trout fisheries (waters classified under Article 15 of New York's Environmental Conservation Law with a "t" or "ts" designation), beginning October 1 and ending May 31.

To determine if the prohibition period is in effect for a particular water, contact the Regional Natural Resources Supervisor in the appropriate New York State Department of Environmental Conservation regional office. Water Classification values can be determined on the DEC's Environmental Resource Mapper available on the Departments Website: <https://gisservices.dec.ny.gov/gis/erm/>. Work windows may be extended by the Regional Natural Resources Supervisor or his or her designee.

40. Stone aprons and scour protection placed in streams/ivers shall be installed flush with the invert elevation and filled with native bed material and supplemented with similarly sized material, if needed, to fill interstitial spaces.

## **Invasive Species**

41. In a state or federally designated invasive insect or disease quarantine area, no woody debris may be moved offsite unless it has been chipped to less than one inch in two dimensions, and used as mulch, erosion control or fuel. No woody debris from a designated quarantine may be used as fill in a regulated water or wetland adjacent area. Movement of wood out of a designated quarantine must comply with applicable NYSDEC, New York State Department of Agriculture and Markets, or United States Department of Agriculture regulations. (NYSDEC Only)
42. To prevent the potential introduction of invasive species into regulated waters from other areas the following measures will be taken: Before equipment and materials are used in any project work area involving regulated waters the equipment will be inspected for, and cleaned of, any visible soils, vegetation, and debris.

Invasive species, host material and attached soil material that has been removed from vehicles, equipment, and materials, or generated from cleaning operations shall be rendered incapable of any growth or reproduction by placing in plastic bags at least 3 millimeters thick, hauled in a covered truck, and properly disposed of offsite; or the material shall be managed within the infested project area, provided that no filling of regulated waters, or wetland adjacent areas will occur. A list of prohibited and regulated invasive species is within 6 NYCRR 575. Information about invasive species management, regulations and links to the full list of prohibited and regulated species in New York State is available at: <https://www.dec.ny.gov/animals/265.html>. (NYSDEC Only)

## **F. General Conditions (Applicable to all Activities Authorized by this NYSPGP-1)**

To qualify for NYSPGP-1 authorization, the permittee must comply with the following general conditions as applicable along with any project specific conditions that may be imposed by USACE and/or NYSDEC. Projects authorized by this NYSPGP-1 shall have minimal individual and cumulative adverse environmental impacts as determined by the USACE and/or NYSDEC.

### **Navigation**

1. No activity may cause more than a minimal adverse effect on navigation.
2. Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters.

### **Floodplains**

3. Fills within 100 year floodplains must comply with applicable Federal Emergency Management Agency (FEMA) approved state or local floodplain management requirements. Documentation of compliance with FEMA approved state or local floodplain management requirements shall be submitted with the application.

### **Migratory Birds**

4. The applicant is responsible for obtaining any "take" permits required under the USFWS's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The applicant shall contact the appropriate local office of the USFWS to determine if such "take" permits are required for a particular activity.
5. Activities in regulated waters that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

### **Discovery of Previously Unknown Remains and Artifacts**

6. If any previously unknown historic, cultural or archeological remains and artifacts are discovered while accomplishing the activity authorized by this permit, the USACE or other designated lead federal agency must be immediately notified of what was found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required consultation has been completed. Further, should human remains be encountered during any phase of the proposed project, the permittee must immediately cease work and must not disturb or remove the remains, must protect the exposed portions of the remains from inclement weather and vandalism, and within 24 hours of discovery, notify the appropriate USACE Office and the New York State Office of Parks, Recreation, and Historic Preservation, Peebles Island State Park, P.O. Box 189, Waterford, New York 12188-0189. The USACE will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

### **Tribal Rights**

7. No activity under this permit may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

### **Liability and Indemnification**

8. In issuing this permit, the USACE is not liable 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; and

- e) damage claims associated with any future modification, suspension, revocation, or enforcement of this permit.
9. The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the NYSDEC, USACE, and their representatives, employees, and agents for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit.

## **Environmental Values**

10. The permittee shall make every reasonable effort to carry out the construction or operation of the work authorized herein in a manner so as to minimize any adverse impacts on, existing fish, wildlife, and natural environmental values, and discourage the establishment or spread of plant species identified as non-native invasive species by any federal or state agency.

## **No Right to Trespass or Interfere with Riparian Rights**

11. This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

## **Inspections**

12. The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by NYSDEC or USACE or authorized representative(s) in order to ensure that the work is being performed in accordance with the terms and conditions of this permit. The permittee shall provide a person to accompany the NYSDEC or USACE's representative during an inspection to the permit area when requested by the NYSDEC or USACE. A copy of the completed, signed, Joint Agency Application and Authorization Form and project drawings must be available for inspection by the NYSDEC or USACE at all times at the project site or facility. Failure to produce a copy of the permit upon request by a NYSDEC or USACE representative is a violation of this permit.

## **Previously Authorized Activities or Orders**

13. Unless expressly provided for by the NYSDEC or USACE, issuance of this permit does not modify, supersede, or rescind any order or determination previously issued by the NYSDEC or USACE or any of the terms, conditions, or requirements contained in such order or determination.

## **Combining Permits**

14. The NYSDEC or USACE reserves the right to use this NYSPGP-1 in combination with any existing or future Nationwide Permit General Permit or Individual Permits.

## **Limits of this Authorization**

15. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.
16. The applicant is responsible for obtaining any other permits, approvals, lands, easements, and rights-of-way that may be required to carry out the activities that are authorized by this permit.
17. This permit does not grant or convey any property rights either in real estate or material or exclusive privileges.



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

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

### **Permit and Authorization Expiration**

20. This permit expires five years from issuance. The work authorized under this NYSPGP-1 must be completed within two (2) years of the activation date. For event activations that are less than 2 years from the permit expiration date, authorizations are valid for up to one year past the permit expiration date. Additional time may be granted upon reissuance of the NYSPGP-1.

21. If the permittee fails to complete the work within the timeframe, a time extension of up to two (2) years can be requested. Time extension requests must be submitted in writing at least thirty (30) days prior to the expiration date of the original verification. Such requests will be considered a reverification of the project's eligibility for coverage under the NYSPGP-1. Agency review of such requests will take into account the existing conditions at the project site at the time of the extension request and will follow the reevaluation process specified below in General Condition 24 (a) through (c). Work authorized by this NYSPGP-1 may proceed two (2) years beyond the activation date only upon permittee receipt of written authorization from the agency that provided the original verification/authorization.

### **Permittee's Contractors to Comply with the Permit**

22. The permittee is responsible for informing its independent contractors, employees, agents, and assigns of their responsibility to comply with this permit, including all special conditions, while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law, Clean Water Act, and Rivers and Harbors Act as those prescribed for the permittee.

### **Proper Maintenance and Abandonment**

23. Structures or fills authorized by this NYSPGP-1 shall be maintained in good condition and in conformance with the terms and conditions of this NYSPGP-1 to ensure public safety and compliance with this NYSPGP-1. A permittee is not relieved of this requirement until a transfer of permit coverage is obtained as indicated in General Condition 26. Should a permittee wish to cease maintenance of, or abandon, the authorized activity without transferring the authorization under this NYSPGP-1, the permittee must apply for a modification from the authorizing agency or agencies, which may require restoration of the area to the original condition.

### **Reevaluation of Permit Decision**

24. The NYSDEC or USACE may reevaluate the 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) Failure to comply with the terms and conditions of this permit;
- b) The information provided by the permittee in support of the permit application proves to have been false, incomplete, or inaccurate; or
- c) Significant new information surfaces which was not considered 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 6 NYCRR Part 621.13 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5 or NYCRR Part 621.3.

### **Modification, Suspension, Revocation or Transfer of Individual Approval/Verification**

25. Any individual approval/verification granted under this permit may be modified, suspended, or revoked in whole or in part pursuant to:

- a) the policies and procedures of 33 CFR 325.7; and/or
- b) any of the reasons set forth in paragraphs (1) through (6) in 6 NYCRR Part 621.13(a).

26. When the property associated with the work authorized by this permit is sold or transferred, the terms and conditions of this permit, while still active, will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the liabilities associated with compliance with its terms and conditions, the transferee must sign and date below and forward a copy of the permit transfer to the NYSDEC and USACE to validate the transfer of this authorization and must do so before the transfer of ownership occurs. A copy of this NYSPGP-1 verification must be attached to the letter, and the letter must contain the transferee's name and contact information as well as the following statement and signature:

*"The structures or work authorized by this NYSPGP-1 are still in existence at the time the property is transferred, the terms and conditions of this NYSPGP-1, including any special conditions, continue to be binding on the new owner(s) of the property. By signing below, I hereby validate the transfer of this NYSPGP-1 and the associated liabilities associated with compliance with its terms and conditions."*

(Transferee)

(Date)

## Restoration

27. If upon the expiration or revocation of this permit, the project has not been completed, the permittee shall, without expense to the State or USACE, and to such extent and in such time and manner as the NYSDEC or USACE may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site, including any regulated waters to its former condition. No claim shall be made against the State of New York or the USACE on account of any such removal or alteration. Non-compliance with this notice would result in the pursuit of further enforcement action by the State of New York and/or the USACE.

28. The permittee understands and agrees that, if future operations by the United States or the State of New York 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 navigable waters, or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the permittee will be required, upon due notice from either agency to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States or the State of New York and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the regulated waters hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the NYSDEC may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the regulated water. No claim shall be made against the United States or the State of New York on account of any such removal or alteration.

## G. Definitions

The following definitions are for the purpose of this NYSPGP-1.

Adjacent Area: consistent with 6 NYCRR 664.2, those areas of land or water that are outside a wetland and within 100 feet of the boundary of the State-regulated wetland.

Applicant: The applicant is the legally responsible party or person filing appropriate applications and supporting materials for the purpose of obtaining a permit. Eligible applicants are owners, lessees, and operators at a project site or facility.

Baseflow: During most of the year, stream flow is composed of both groundwater discharge and land surface runoff. When groundwater provides the entire flow of a stream, baseflow conditions are said to exist.

Best Management Practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Bottomless Culvert: A culvert structure without a bottom, where the channel bed is exposed.

Bridge: A span structure carrying a road, path, railroad, or canal over a regulated water, ravine, road, railroad, or other obstacle. Examples of bridges include suspension, truss, arches, beams and cantilevers.

Bulkhead: A retaining structure of timber, steel, or reinforced concrete, used for shore protection.

Cubic Yard per Linear Foot: A calculation of the average quantity of material placed below the OHW/MHW elevation. This measurement is obtained by multiplying the total linear footage of the work along the stream/river channel times the average depth, in feet, of the material placed below OHW MHW, times the average width, in feet, of the material below OHW/MHW, divided by 27.

Culvert: A conduit such as a drain or pipe that passes under a road, or railroad, footpath, etc. or through an embankment. Culverts provide a conveyance through which water can flow. Shapes may include round, elliptical, flat-bottomed, pear-shaped, and box which can be 3 or 4 sided. Material maybe concrete, metal, plastic, PVC, or stone and can be any width or length.

Cured-In-Place Pipe Lining: A culvert rehabilitation process in which a felt tube is saturated with resin and inverted or pulled into a deteriorated pipe. See NYS Department of Transportation (NYSDOT) Standard Specifications Sec. 602- Rehabilitation of Culvert and Storm Drain Pipe.

Direct Effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term “discharge” means any discharge of dredged or fill material.

Erosion: Erosion is the loss or displacement of land along the coastline due to the action of waves, currents, tides, wind-driven water, waterborne ice, or other impacts of storm events. It also means the loss or displacement of land due to the action of wind, runoff of surface waters, or groundwater seepage.

Federal Projects: Any work or activity of any nature for any purpose which was or will be performed by the Chief of Engineers pursuant to Congressional authorizations. Federal projects are built by the USACE and include navigation, ecosystem restoration and flood risk management projects, among others, as well as those projects that are currently operated and maintained by a state or local sponsor based upon an agreement made between the local sponsor and the USACE. For more information, contact the appropriate USACE District Office.

Functional: A structure is considered functional if it is currently operating (or was fully operating just prior to the storm event) as designed for its intended use and has been maintained in working order (e.g. in the case of a bulkhead that forms the barrier between land and water, it keeps the water on the water side and the land on the land side).

General fill: Excavated or dredged soil, sand, gravel or rock without any non-soil constituents excavated from a non-industrial site without any known contamination or reported spill events, or visual or other indication (odors, etc.) of chemical or physical contamination or otherwise meeting the definition of General fill in ECL Part 360.13.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Invasive Species: Invasive species are defined in Section 19-1703(10) of the Environmental Conservation Law as a species that is: a) non-native to the ecosystem under consideration; and b) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. For the purposes of this definition, the harm must significantly outweigh any benefits. A list of invasive species is within 6 NYCRR 575 and available at: <https://www.dec.ny.gov/regulations/99141.html>.

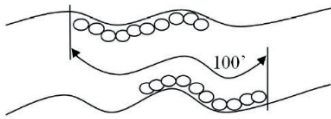
Invert Paving: A culvert rehabilitation process in which the invert of a deteriorated pipe is reinforced with steel mesh or studs and paved with concrete.

Lake: A large open body of water surrounded by land, generally larger and/or deeper than a pond.

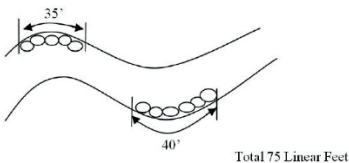
Landward: Towards the land from a fixed point (OHW/MHW elevation) or structure.

Linear Footage of Stream Disturbance (LF): For the purposes of this NYSPGP-1, the linear footage of stream disturbance shall be measured as follows:

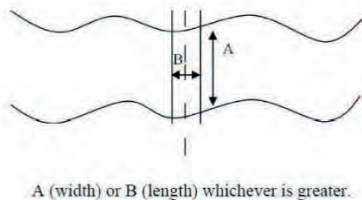
- Work on one bank: LF is measured along the bank at the OHW/MHW elevation from start to finish, following the contours of the bank.
- Work on both banks with overlap: LF is measured along the centerline of the stream from the upstream most point of work to the downstream most point of work.



- Work on both banks with no overlap: LF is measured along the banks at OHW/MHW elevation from start to finish on each bank and the distances are added together to calculate the total linear footage.



- Transverse or perpendicular stream disturbance: LF is measured from the top of bank on one side to the top of bank on the opposite side of the stream and from the upstream and downstream limits of the work. The total LF is the greater of the two measurements.



Loss of Regulated Waters: Regulated waters that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation or change the use of a regulated waters. The acreage of loss of regulated waters is a threshold measurement used in determining whether a project may qualify for this NYSPGP-1 as well as to determine the appropriate category of agency review for this NYSPGP-1. Regulated waters temporarily filled, flooded, excavated or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of regulated waters.

Mean High Water: Mean high water (MHW) is the approximate average high water level for a given body of water at a given location that distinguishes between predominantly aquatic and predominantly terrestrial habitat as determined, in order of use by the following:

- a) available hydrologic data, calculations, and other relevant information concerning water levels (e.g., discharge, storage, tidal, and other recurrent water elevation data); (mean high water elevations are established, using this method, for certain regulated waters as presented in 6 NYCRR 608.11);
- b) vegetative characteristics (e.g., location, presence, absence or destruction of terrestrial or aquatic vegetation);

- c) physical characteristics (e.g., clear natural line impressed on a bank, scouring, shelving, or the presence of sediments, litter or debris); and
- d) other appropriate means that consider the characteristics of the surrounding area. (6 NYCRR 608.1(r)).

**Mudflats:** Broad flat areas along the sea coast and in coastal rivers to the head of tidal influence and in inland lakes, ponds, and riverine systems. When mud flats are inundated, wind and wave action may re-suspend bottom sediments. Coastal mud flats are exposed at extremely low tides and inundated at high tides with the water table at or near the surface of the substrate. The substrate of mud flats contain organic material and particles smaller in size than sand. Mud flats are either un-vegetated or vegetated only by algal mats (40 CFR 230.42).

**Navigable Waters:** For the purposes of this NYSPGP-1, navigable waters includes all state and federal navigable waters as further defined:

**Navigable Water (NYS):** All lakes, rivers, streams and other bodies of water in the state that are navigable in fact or upon which vessels with a capacity of one or more persons can be operated notwithstanding interruptions to navigation by artificial structures, shallows, rapids or other obstructions, or by seasonal variations in capacity to support navigation. It does not include waters that are surrounded by land held in single private ownership at every point in their total area. (6 NYCRR 608.1(u))

**Navigable Water (Federal):** Those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce (33 CFR 329.4). Buffalo District's list of federally navigable waters can be found at: <https://www.lrb.usace.army.mil/Portals/45/docs/regulatory/Section10NavigableWaterways/waterwayNY.pdf>. New York District's list of federally navigable waters can be found at: <https://www.nan.usace.army.mil/Missions/Regulatory/Navigable-Waters-List-for-New-York-State/>.

**NYS Coastal Area:** Coastal waters and inland waterways as defined in New York State Executive Law, Article 42, Section 911: "*Coastal area*" shall mean (a) the state's coastal waters, and (b) the adjacent shorelands, including landlocked waters and subterranean waters, to the extent such coastal waters and adjacent lands are strongly influenced by each other including, but not limited to, islands, wetlands, beaches, dunes, barrier islands, cliffs, bluffs, inter-tidal estuaries and erosion prone areas. The coastal area extends to the limit of the state's jurisdiction on the water side and inland only to encompass those shorelands, the uses of which have a direct and significant impact on the coastal waters. The coastal area boundaries are as shown on the coastal area map on file in the office of the secretary of state as required in section nine hundred fourteen of this article.

**Ordinary High Water:** An ordinary high water (OHW) mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(c)(7) and Regulatory Guidance Letter (RGL) 05-05).

**Other Structures and/or fills:** Includes utilities, roads, houses, attendant features, and in-water access features (i.e., docks, piers, boat ramps, etc.), aids to navigation, or any other manmade objects. Other structures does not include culverts, bridges, bulkheads, and/or vertical stabilization structures.

**Permittee:** The permittee is the legally responsible party or person who has obtained authorization under this NYSPGP-1. Eligible permittees are owners, lessees, and operators at a project site or facility.

**Pond:** A small open body of water surrounded by land, generally smaller and/or shallower than a lake.

**Post-Flood Emergency Stream Intervention (ESI) Training Manual:** NYSDEC, in partnership with NYS Soil and Water Conservation Districts, has developed a training program and manual to help municipal officials, contractors and machine operators respond to flood damage based on fluvial geomorphic processes. The Post-Flood Emergency Stream Intervention Training Manual can be found at the following link: <https://www.dec.ny.gov/lands/86450.html>

**Practicable:** Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.



Previously Authorized: Allowed by the appropriate local, state, or federal authority.

Protected tribal resources: Those natural resources and properties of traditional or customary religious or cultural importance, either on or off tribal lands, retained by, or reserved by or for, Tribal Nations through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources.

Regulated Waters: All waters subject to the jurisdiction of the USACE and/or the NYSDEC pursuant to the authorities outlined in Section A of this NYSPGP-1. Regulated waters include tidal and fresh waters, rivers, streams, lakes, ponds, and wetlands.

Repair: In place service or a minor fix of an existing structure which does not result in a change in alignment, dimension, or materials. Repair includes the removal of storm-deposited debris and storm-deposited sediment within and immediately adjacent to culverts and bridges for the purpose of restoring flow. Repair does not include re-setting structures which have been displaced by the storm event. Repair does not include the addition of toe stone.

Replacement: Restoration of a structure that was removed from its place or damaged beyond repair as a result of the storm event.

Retaining Wall: A structure that retains (holds back) any material (usually earth) and prevents it from sliding or eroding away. It is designed to resist the material pressure of the material that it is holding back.

Revetment: A retaining wall or other method such as mats or mattresses installed to protect banks from erosion.

Scour: Refers to a localized loss of soil, often around a foundation element.

Single and Complete Project: The total project at a specific site that is proposed or accomplished by a permittee, or whomever they hire to perform the work. If there are multiple activities proposed, such as a culvert replacement with a temporary access fill, or dredging in combination with beach restoration, the single and complete project must be reviewed using the procedures for the highest Category in which an activity falls. For example, if the culvert replacement portion of the work falls under Category C, but the temporary access work itself falls under Category A, the whole project must be reviewed under Category C.

Slip Lining: A trenchless method utilized to rehabilitate an existing culvert or pipe. Slip lining is used to repair leaks or restore structural stability by installing a smaller, "carrier pipe" into a larger "host pipe", grouting the annular space between the two pipes, and sealing the ends.

Stream/River: A waterbody that is a natural, man-altered (ditched/ relocated), or a man-made channel with bed, banks and an OHW/MHW mark that carries flow (perennial, intermittent or ephemeral) into an ocean, lake, or other body of water and is usually fed along its course by converging tributaries.

Stream Bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Storm Deposited Debris: Any natural or man-made debris including trees, brush, metals, plastics, structure, etc. that were deposited by a discrete storm events. Storm deposited debris does not include any sand, silt, cobble, gravel, or stone.

Storm Deposited Sediments: Material including any soil, sand, silt, clay, cobble, gravel or stone that was deposited by a discrete storm events.

Storm Event: A distinct period of violent disturbance of the atmosphere with strong winds and usually rain, thunder, lightning, or snow that results in the Federal and/or State Emergency Declaration or activation of this NYSPGP-1 by the respective USACE and NYSDEC office.

Submerged Aquatic Vegetation (SAV): Rooted flowering plants that have colonized primarily soft sediment habitats in coastal, estuarine, and freshwater habitats (Dennison et al. 1993). These plants occupy an underwater habitat and

provide ecological benefits such as protective cover for juvenile fish and macroinvertebrates, food for waterfowl, and a source of oxygen in the water.

Temporary: Temporary is defined as being in place for no more than 180 days, unless otherwise specified.

Temporary Emergency Measures: Actions taken within the regulated water after the storm event to control or eliminate immediate threats to life, health, property, general welfare, or natural resources. Examples include but are not limited to site security, controlling a source of contamination, containing a release to prevent spreading, controlling contaminated runoff, clearing transportation routes, restoring public transportation and critical public facilities, clearing blocked regulated waters to enable flow of water and substrate, and placement of sandbags. Any temporary emergency measure may be in place for no more than thirty (30) days, at which time, the applicant must either obtain authorization for extension of the activity under this NYSPGP-1 or under an individual permit OR remove any associated material or structure. Following the removal of any material or structure, the applicant must completely restore the physical integrity of the regulated water to pre-storm conditions or obtain authorization under a permit to continue work in that regulated water.

Tidal Water: Those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. (33 CFR 328.3(c)(11))

Upland Disposal Area: An area outside of regulated waters, including any associated buffer zones, in which storm deposited debris and/or storm deposited sediment are placed, stabilized and otherwise properly disposed.

Vegetated Shallow: Permanently inundated areas that under normal circumstances support communities of rooted aquatic vegetation, such as turtle grass and eelgrass in estuarine or marine systems as well as a number of freshwater species in rivers and lakes (40 CFR 230.43).

Vertical Stabilization Structure: A wall, built at a right angle to the ground, stream bed, or bed of a waterway, such as a bulkhead, sheetpile, or stacked rock wall.

Waterward: Towards the water from a fixed point such as a structure.

Waters of NYS: Per ECL 15-0107, lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State of New York, and all other bodies of surface or underground water, natural or artificial, inland or coastal, fresh or salt, public or private, which are wholly or partially within or bordering the state or within its jurisdiction.

Waters of the United States: A term used to identify waters subject to jurisdiction by the USACE pursuant to Section 404 of the Clean Water Act. Waters of the United States include federal navigable waters as defined above; interstate waters; waters whose use, degradation or destruction of which could affect interstate or foreign commerce; all impoundments of waters otherwise defined as Waters of the United States; tributaries of the aforementioned waters; the territorial seas; and wetlands adjacent to these waters. Waters of the United States can include waters and wetlands that are not subject to state jurisdiction under Environmental Conservation Law. A complete definition of Waters of the United States and their limits can be found at 33 CFR 328.

Wetlands: A federally regulated wetland and/or a state-regulated Freshwater Wetland.

## H. Acronyms

BMP – Best Management Practice  
DOS – New York State Department of State  
ECL – Environmental Conservation Law  
ESA – Endangered Species Act  
ESI Manual – Post-Flood Emergency Stream Intervention Training Manual  
FEMA – Federal Emergency Management Agency  
FHWA – Federal Highway Administration  
MHW – Mean High Water  
NEPA – National Environmental Policy Act  
NMFS – National Marine Fisheries Service  
NOAA – National Oceanic and Atmospheric Administration  
NPS – National Park Service  
NRCS – Natural Resource Conservation Service  
NYCRR - New York State Codes, Rules and Regulations  
NYS – New York State  
NYSDEC – New York State Department of Environmental Conservation  
OHW – Ordinary High Water  
OPRHP - Office of Parks, Recreation and Historic Preservation  
SAV – Submerged Aquatic Vegetation  
SHPA – State Historic Preservation Act  
SPDES – State Pollutant Discharge Elimination System  
SPGP – State Programmatic General Permit  
SWCD – Soil and Water Conservation District  
THPO – Tribal Historic Preservation Office  
USACE – U.S. Army Corps of Engineers  
USFWS – U.S. Fish and Wildlife Service

## I. Signatures

YOUNG.ALEXANDER  
.LLOYD.1014790841

Digitally signed by  
YOUNG.ALEXANDER.LLOYD.1014790  
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Date: 2023.12.22 08:33:38 -05'00'

Alexander L. Young  
Colonel, U.S. Army  
Commander and District Engineer

Date

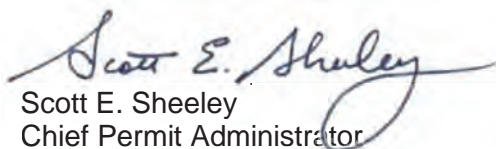
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Colby K. Krug  
Lieutenant Colonel, U.S. Army  
Commander and District Engineer

11DEC23

Date

  
Scott E. Sheeley  
Chief Permit Administrator

New York State Department of Environmental Conservation

November 29, 2023

Date



## **Appendix A: Application Form and Instructions**



## **Application Materials (to be submitted with all applications):**

To ensure timely delivery, it is recommended that the application package be delivered to the NYSDEC and/or USACE using a method that tracks delivery of the package. Please submit the required information as outlined below to the appropriate NYSDEC Region and/or USACE District addresses provided in Appendix B.

### **Category A**

Prior to commencement of proposed work associated with Category A activities, as defined in Section C, the applicant must submit a complete permit application to the appropriate NYSDEC Region in accordance with the instructions provided in Appendix A. The NYSDEC may provide written authorization of the NYSPGP-1 including additional special conditions. If the NYSDEC does not reply to the applicant within five (5) business days of receipt of the complete permit application, the applicant may proceed to commence work in accordance with the terms and conditions of this NYSPGP-1 without further written authorization.

### **Category B**

Prior to commencement of proposed work associated with Category B activities, as defined in Section C, the applicant must submit a complete permit application to the appropriate NYSDEC Region in accordance with the instructions provided in Appendix A. USACE written verification is not required for Category B, but may be provided, for work over which the USACE has authority. In instances where the applicant has received written verification from the USACE, a separate verification from the NYSDEC is not required. In no event may the applicant commence Category B activities without prior verification of the NYSPGP-1 by either the NYSDEC or USACE.

### **Category C**

Prior to commencement of proposed work associated with Category C activities, as defined in Section C, the applicant must submit a complete permit application to the appropriate NYSDEC Region and the appropriate USACE District office in accordance with the instructions provided in Appendix A. The applicant is not authorized to commence work until it receives written affirmation from both NYSDEC and the USACE.

If a single and complete project meets the description of more than one of Categories A, B, or C (as defined in Section C), the applicant must satisfy the Pre-Construction requirements for the highest category level, with Category A being the lowest category, and Category C being the highest category.

***Applicant Information***

**Name of Applicant:**  
 Applicant must be  property owner,  lessee or  operator (check which applies).  
 Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Mailing Address: Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Name of Property Owner** (if different from applicant):  
 Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Mailing Address: Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Application Contact or Contractor** (if applicable):  
 Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Mailing Address: Street: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Project Location** (where work will be done):  
 Town (where property taxes paid): \_\_\_\_\_ County: \_\_\_\_\_  
 Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: NY Zip: \_\_\_\_\_

***Project Description*** Provide a short description of work proposed, type of equipment used, access point, debris disposal location, total disturbance area, and dimensions or linear feet of stream or wetland disturbance.:

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***Type of Project Activity(ies)*** For reference, see the Eligible Activities Table. Check all that apply.:

General Activity Description	Category A May Start 5 Business Days after Joint Agency Authorization Form Submitted to NYSDEC		Category B Activity Must be Verified by NYSDEC OR USACE		Category C Prior Authorization Required from NYSDEC AND USACE	
	Code	<input type="checkbox"/>	Code	<input type="checkbox"/>	Code	<input type="checkbox"/>
1 Culverts & Bridges	A1	<input type="checkbox"/>	B1	<input type="checkbox"/>	C1	<input type="checkbox"/>
2 Vertical Stabilization Structures	A2	<input type="checkbox"/>	B2	<input type="checkbox"/>	C2	<input type="checkbox"/>
3 Other Structures & Fills	A3	<input type="checkbox"/>	B3	<input type="checkbox"/>	C3	<input type="checkbox"/>
4 Bank Stabilization			B4	<input type="checkbox"/>	C4	<input type="checkbox"/>
5 In-Stream Structures			B5	<input type="checkbox"/>	C5	<input type="checkbox"/>
6 Temporary Emergency Measures	A6	<input type="checkbox"/>	B6	<input type="checkbox"/>		
7 Sediment / Gravel Removal within Streams using ESI Manual			B7	<input type="checkbox"/>	C7	<input type="checkbox"/>
8 Storm Deposited Sediment / Gravel Removal			B8	<input type="checkbox"/>	C8	<input type="checkbox"/>
9 Storm Deposited Debris Removal	A9	<input type="checkbox"/>	B9	<input type="checkbox"/>	C9	<input type="checkbox"/>
10 Stream Channel Re-Alignments			B10	<input type="checkbox"/>	C10	<input type="checkbox"/>

11	Temporary Access and Dewatering	A11	<input type="checkbox"/>	B11	<input type="checkbox"/>	C11	<input type="checkbox"/>
12	Dredging and Return Water	A12	<input type="checkbox"/>	B12	<input type="checkbox"/>	C12	<input type="checkbox"/>
13	Beach Restoration					C13	<input type="checkbox"/>

 **Is tree cutting or clearing proposed?**  Yes  No If yes, indicate: Acres to be cleared: \_\_\_\_\_

Number of trees to be cut: \_\_\_\_\_ Time of cutting/clearing (month/year): \_\_\_\_\_

 **Attachments** Check each box to indicate that the attachment is included within this application. Project drawings must incorporate Activity Details associated with the project activity as well as Best Management Practices (BMPs) as required per the Special Conditions of the permit.:

Attachment type	Attachment date	Activity Details (AD) and/or BMPs to be implemented (use #s, for example, "AD 1, BMP 6")	Attachment included
Project location map*			<input type="checkbox"/>
Project site photos			<input type="checkbox"/>
Project drawing plan view			<input type="checkbox"/>
Project drawing side view			<input type="checkbox"/>

\*must indicate latitude/longitude coordinates at center of proposed project location

 **Certification**

I have read this permit and I affirm that I will construct and operate this project in strict compliance with the approved plans and terms and conditions of this permit as well as the Environmental Conservation Law, Section 404 of the Clean Water Act (33 U.S.C. 1344), Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and applicable regulations. I understand that any false or inaccurate statements made in the application for this permit are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. As a condition of this permit, I accept full legal responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agree to indemnify and save harmless the state and federal Government from suits, actions, damages, and costs of every name and description resulting from this project. I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.



<b>Applicant Signature</b>	<b>Date</b>	<b>Property Owner Signature</b> <small>(if different than applicant)</small>	<b>Date</b>
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**AUTHORIZATION (FOR AGENCY USE ONLY):**

<b>NYSDEC Reviewer:</b> Field Verified? <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>USACE Reviewer:</b> Field Verified? <input type="checkbox"/> Yes <input type="checkbox"/> No
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**IN-STREAM WORK RESTRICTION DATES:** Unless alternative dates are approved below, in-stream work is prohibited in cold water fisheries (trout waters) October 1 through May 31.  
 Alternative Work Restriction Dates as approved by NYSDEC: \_\_\_\_\_ Initials \_\_\_\_\_

**Special Conditions/Requirements:**

<b>DEC NO:</b>	<b>CORPS NO:</b>
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<b>EFFECTIVE DATE:</b>	<b>EXPIRATION DATE:</b>
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<b>NYSDEC SIGNATURE and DATE/TIME:</b>	<b>USACE SIGNATURE and DATE/TIME:</b>
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**NEW YORK STATE PROGRAMMATIC GENERAL PERMIT  
NYSPGP - 1  
PROJECT SKETCH SHEET**



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**Instructions:** Project sketches must be drawn in a neat and clear manner that can be reproduced. The sketch must show the proposed work in relation to any regulated waters. When applicable, the direction of stream flow must be shown on the sketch. The sketch shall include measurements including the length, width, height and depth of the proposed activities. The measurements must be provided in linear feet and be taken from fixed points within the project area. The Details in Appendices E or F of this NYSPGP-1 can be referenced on the project sketch. Where appropriate, both plan and cross-sectional view sketches shall be provided to show the extent of the authorized activities in relation to the regulated waters. The locations of any photographs taken in support of the application shall be shown on the sketch. Providing sketches in the aforementioned format will assist applicants in demonstrating that the project complies with the terms and conditions of this NYSPGP-1 and assist the agencies in making permit decisions.

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**PREPARED BY:**

**DATE:**

## **Application Contents**

### **1. Application Form and Attachments:**

The applicant shall submit an application package consisting of the items below to the USACE/NYSDEC using the Storm Recovery NYSPGP-1 Joint Agency Application and Authorization Form (Appendix A). All applications must be sent to the appropriate NYSDEC regional office as identified in Appendix B and applications for Category C activities must be sent to the appropriate USACE District office as identified in Appendix B.

#### **a) Applicant Information:**

- i) Name of Applicant: In the space provided, identify the applicant's name and complete contact information, including e-mail address. Indicate whether the applicant is the property owner, a lessee or an operator. In most cases, the property owner should be the applicant and they will be legally responsible for the work performed under the permit. The applicant is not the project consultant or contractor.
- ii) Name of Property Owner (if different from applicant): If the applicant is different than the property owner, the property owner's name and contact information is entered here.
- iii) Name of Application Contact or Contractor (if applicable): If there is a contact person or contractor who should also receive DEC correspondence on the applicant's behalf, enter the name and complete contact information here, including e-mail address. Leave this blank if there is no other application contact.
- iv) Project Location (where work will be done): In the space provided, identify the physical location and address of the project site, even if it is the same as the mailing address of the landowner provided above. Please note that the "Town" is where property taxes are paid and may differ from the "City" of the address.

**b) Project Description:** Provide a short description of work proposed, including the type of equipment to be used, the materials to be used, the access point(s) along a roadway, debris disposal locations, total disturbance area (acreage), and dimensions (linear feet) of proposed permanent and temporary stream (or other waterbody) and/or wetland disturbances. Note any previous USACE and/or NYSDEC permit numbers for the project location, if known. Attached additional sheets, if necessary, to provide additional details.

**c) Type of Project Activity(ies):** For reference, see the Eligible Activities Table in Section C. The table's rows list each of the 13 General Activities. First, review the 13 General Activity Descriptions and identify the General Activity that describes your project. Then, determine which Category (A, B, or C) within the General Activity describes your project. The Category refers to the relative impact of the activity and can be located within each column in the Eligible Activities Table.

If an Activity Detail is referenced in the Category description, review that Activity Detail in Appendix E to further evaluate whether your project would be eligible for coverage in that Category. Finally, select the box(es) that represent the activities associated with this project.

If the project includes multiple activities within different General Activity Descriptions, review each activity as described above, then indicate all project activities that represent the activities associated with this project.

For example, a culvert replacement activity would fall under the General Activity #1 for "Culverts & Bridges". Because the activity is a replacement, Category B would be appropriate. If the activity would be conducted in accordance with Activity Detail 1 – Culverts & Bridges, including the Conditions for Authorization indicated within that Activity Detail, the appropriate type of project activity to indicate would be "B1". The applicant would select the checkbox "B1". If the activity would not be conducted in accordance with Activity Detail 1- Culverts & Bridges, Category C would most likely be appropriate. Activity Detail 1 – Culverts & Bridges contains a description of Category C activities that should be used to verify that the appropriate type of activity would be Category C, or "C1". The applicant would select the checkbox "C1".

**d) Is tree cutting or clearing proposed?:** For the purposes of this application, cutting and clearing refer to the removal of one or more trees from the project area. Provide information regarding the number of acres to be cleared or the number of trees to be cut and the month(s) that the tree cutting/clearing will take place.

**e) Attachments:** A complete application package includes attachments of a location map, site photos, and project drawings. Add a check mark or an "X" in the box on the right side of the table to confirm that each attachment is provided within the application package.

- i) Location Map: The map shall include these features: a north arrow; property/project boundary and adjacent roads and highways to enable orientation/direction; a clearly marked delineation of the project area in relation to affected streams or wetlands; latitude/longitude coordinates of the center of the proposed project; and the location of any previously authorized structures. Potential sources for online map tools include <https://www.bing.com/maps/>, <https://orthos.dhSES.ny.gov/>, or <https://maps.google.com/maps>
- ii) Site Photos: Photos must be provided from a number of vantage points showing areas of work within regulated waters, access points, and all disposal areas on and off of the property.
- iii) Project drawings: All information must be clearly labeled in legible, reproducible 8 ½ x 11-inch drawings. The project drawings may be hand-drawn on the provided sketch sheet or other sheets, or professionally prepared, and must include the following:
  - a) Plan view (as if viewed from overhead) maps and drawings. The following shall be clearly identified: the boundary of all regulated waters within the project area, construction access, staging, and disposal areas. The temporary and permanent disturbance to regulated waters shall be clearly defined on an overview drawing with blow-ups of the disturbance areas with dimensions of disturbance clearly legible.
  - b) Typical cross-section views of all proposed excavations/fills and structures (i.e. for navigable waters) illustrating work in relation to the extent of waters in the project area, including wetlands.
  - c) All disposal areas must be identified, and a description of the disposal area provided, including methods proposed to prevent reentry into any regulated waters. Note that the permit does not authorize disposal (temporary or permanent) into any regulated waters unless its use as backfill is authorized in accordance with Special Condition 6.
  - d) All drawings shall indicate the location and elevation of Ordinary High Water (OHW), Mean High Water (MHW), and / or other tidal datum for tidal projects, as applicable, and include the datum utilized (e.g. IGLD 1985, NGVD 1929).
  - e) For activities proposed for sediment or gravel removal using the ESI manual (General Activity #7 from the Eligible Activities Table), ensure that drawings contain relevant design information from the ESI Manual.

For each attachment, identify the "Attachment Date" as the date that the attachment was prepared. The same date must appear on the attachment itself. Indicate any Activity Details or Best Management Practices that will be incorporated within the project. Activity Details and Best Management Practices are provided and numbered within Appendices E and F of this NYSPGP-1. Use the abbreviation "AD" for Activity Details and the abbreviation "BMP" for Best Management Practice Details. Refer to the "AD" or "BMP" by its associated number as found in Appendices E and F.

For example, if the activity includes a culvert replacement, Activity Detail 1 – Culverts & Bridges would be appropriate to indicate as an Activity Detail to be implemented. It would be appropriate to include specifications from Activity Detail 1 – Culverts and Bridges within the plan view and/or side view of the project drawing and to indicate "AD 1" within this portion of the application.



**f) Certification:** The applicant must sign and date the application. If the applicant is different than the property owner, the property owner must also sign and date the application. Applications will not be accepted without a property owner's signature.

## **2. Supplemental Information to be Included in Applications to the USACE:**

**a) Endangered Species:** When the FEMA or other Federal agency (e.g., Natural Resource Conservation Service (NRCS), Federal Highway Administration (FHWA), etc.) is the Federal Lead Agency\* for the National Environmental Policy Act (NEPA): The applicant will coordinate with the Federal Lead Agency and the USFWS and/or NOAA Fisheries/National Marine Fisheries Service (NMFS) in accordance with approved federal agency procedures. In order to proceed under this NYSPGP-1, the applicant must provide the USACE with that federal agency's determination, as part of the application, in order to demonstrate compliance with Section 7 of the ESA. (\*NOTE – the federal agency which provides project funding will generally be considered the lead.)

For projects not receiving authorization or funding from a Federal agency or for projects not yet reviewed by FEMA or other lead federal agency, applicants must submit an application to the USACE for any project located within the Sensitive Areas identified in Appendix D of this permit. As this table is generally an overestimate of areas with listed species, the USFWS Information for Planning and Consultation (IPAC) website (<https://ecos.fws.gov/ipac>) can be used as the primary resource to determine if there may be listed Threatened or Endangered species under the authority of the USFWS. For the listed bat species, applicants can use the 'NYS Protocol for Defining Vicinity for the Indiana and Northern Long-eared bats' document to determine if there is potential for effect to the species (in which case an application under Category C of this permit is required and needs to be submitted to the USACE).

<https://usace.contentdm.oclc.org/digital/collection/p16021coll3/id/1147>

For Atlantic and Shortnose sturgeon, an applicant should use the NOAA Section 7 mapper found at:

<https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=a85c0313b68b44e0927b51928271422a>

as the primary resource to determine if there may be listed Threatened or Endangered species under the authority of the NMFS. For these projects, work shall not begin on the activity until the applicant is notified by the USACE that the requirements of the ESA have been satisfied and that the activity is authorized. The application must include a written statement and documentation concerning any federally listed Threatened and Endangered (T&E) species or designated critical habitat that might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat. For projects located in Sensitive Areas, the application shall include a discussion of potential T&E habitat within the project site.

If there is potential habitat for any federally listed species within the project site the following must be submitted:

- i) The results of any habitat surveys and presence/absence surveys. Note: all surveys must be coordinated with the USFWS and/or NOAA Fisheries (NMFS) prior to initiation.
- ii) A detailed description of the proposed project, including secondary impacts and approximate proposed project construction schedule of project activities (e.g. land clearing, utilities, stormwater management).
- iii) A description of the natural characteristics of the property and surrounding area (e.g. forested areas, freshwater wetlands, open waters, and soils). Additionally, please include a description of surrounding land use (residential, agricultural, or commercial).
- iv) A description of the area to be disturbed by the proposed project, including the species and number or acres of trees to be removed.
- v) The location of the above referenced property and extent of any project related activities or discharges clearly indicated on a copy of a USGS 7.5 minute topographic quadrangle (quad) with the name of the quad(s) and latitude/longitude clearly labeled.
- vi) A description of conservation measures to avoid or minimize impacts to listed species.

**b) Historic Properties:** When FEMA, or other Federal agency (e.g., NRCS, FHWA, etc.) is the Federal Lead Agency for NEPA, the applicant will coordinate with the Federal Lead Agency, the State Historic Preservation

Office (SHPO), and the Tribal Historic Preservation Officer (THPO) in accordance with their approved Section 106 National Historic Preservation Act (NHPA) procedures. In order to proceed under this NYSPGP-1, the applicant must provide the USACE with the lead federal agency's determination, as part of the application, in order to demonstrate compliance with those requirements.

For projects not receiving authorization or funding from a Federal agency or for projects not yet reviewed by FEMA or other lead federal agency, applicants must submit an application to the USACE if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, or archaeological or historically relevant, or culturally significant sites of Native Nations and their traditional/cultural uses of affected waters and associated resources, including previously unidentified properties.

The application shall include:

- i) A statement indicating if any such properties may be affected by the proposed project.
- ii) A map indicating the location of proposed work and the location of the historic property.
- iii) A copy of any completed survey reports. If a survey has not been performed, list resources checked in making the determination.
- iv) Copies of any available correspondence from the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP/SHPO) and THPO regarding historic properties.

Information regarding cultural resources, including known sites in or eligible for inclusion in the National Register of Historic Places and archaeologically sensitive areas can be found by searching the OPRHP's Cultural Resource Information System (CRIS) at <https://cris.parks.ny.gov> and also from the [THPO, or designated tribal representative as appropriate](#). Previously unidentified properties can include above ground buildings and structures that are over 50 years old that may be affected by the project, and resources that are buried and the project includes ground disturbance in previously undisturbed soil. Inquiries regarding the National Register eligibility status of previously unidentified properties should be directed to OPRHP, THPO, and information about these potential resources should be identified in the application to the USACE.

**c) National Wild and Scenic Rivers (NWSR):** The Upper Delaware River has been designated as a National Wild and Scenic River 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. Also, the portion of the Genesee River located within Letchworth Gorge State Park, beginning at the southern boundary of the park and extending downstream to the Mt. Morris Dam, was designated by Congress as a permanent Study River in the Genesee River Protection Act of 1989. No activity may occur within a NWSR, including Study Rivers, unless the National Park Service (NPS) has determined in writing that the proposed work will not adversely affect the NWSR designation or study status. Category C review is required for any project that would impact the designated portions of the Genesee River or the Upper Delaware River. Information regarding NWSR may be found at: <https://www.rivers.gov/new-york.php>. If already completed through a different required federal review process, submit documentation of the National Park Service determination to USACE as part of the application package. If USACE is the lead federal agency for the project, submit either the National Park Service determination or an assessment on the project's short and long term beneficial and/or adverse effects on the designated water.

## **Appendix B: USACE District and NYSDEC Regional Contact Information & Jurisdiction Maps**

## AGENCY CONTACT INFORMATION

### NYS Department of Environmental Conservation

<https://www.dec.ny.gov/about/39381.html>

#### **NYS DEC REGION 3**

Regional Permit Administrator  
21 South Putt Corners Road  
New Paltz, NY 12561-1620  
(845) 256-3054  
[dep.r3@dec.ny.gov](mailto:dep.r3@dec.ny.gov)

#### **NYS DEC REGION 4**

**Counties: Albany, Columbia, Greene, Montgomery, Rensselaer, Schenectady and Schoharie**  
Regional Permit Administrator  
1130 North Westcott Road  
Schenectady, NY 12306-2014  
(518) 357-2069  
[dep.r4@dec.ny.gov](mailto:dep.r4@dec.ny.gov)

#### **NYS DEC REGION 4 Sub-Office**

**Counties: Delaware and Otsego**  
Deputy Regional Permit Administrator  
65561 State Hwy 10  
Stamford, NY 12167-9503  
(607) 652-7741  
[dep.r4@dec.ny.gov](mailto:dep.r4@dec.ny.gov)

#### **NYS DEC REGION 5**

**Counties: Clinton, Essex, Franklin and Hamilton**  
Regional Permit Administrator  
PO Box 296  
1115 Route 86  
Ray Brook, NY 12977-0296  
(518) 897-1234  
[dep.r5@dec.ny.gov](mailto:dep.r5@dec.ny.gov)

#### **NYS DEC REGION 5 Sub-Office**

**Counties: Fulton, Saratoga, Warren and Washington**  
Deputy Regional Permit Administrator  
232 Golf Course Rd  
Warrensburg, NY 12885-0220  
(518) 623-1282  
[dep.r5@dec.ny.gov](mailto:dep.r5@dec.ny.gov)

#### **NYS DEC REGION 6**

**Counties: Jefferson, Lewis and St. Lawrence**  
Regional Permit Administrator  
Dulles State Office Bldg.  
317 Washington Street  
Watertown, NY 13601-3787  
(315) 785-2245  
[dep.r6@dec.ny.gov](mailto:dep.r6@dec.ny.gov)

#### **NYS DEC REGION 6 Sub-Office**

**Counties: Herkimer and Oneida**  
Deputy Regional Permit Administrator  
Utica State Office Bldg.  
207 Genesee Street, Room 1404  
Utica, NY 13501-2885  
(315) 793-2555  
[dep.r6@dec.ny.gov](mailto:dep.r6@dec.ny.gov)

#### **NYS DEC REGION 7**

Regional Permit Administrator  
5786 Widewaters Parkway  
Syracuse, NY 13214-1867  
(315) 426-7438  
[dep.r7@dec.ny.gov](mailto:dep.r7@dec.ny.gov)

#### **NYS DEC REGION 8**

Regional Permit Administrator  
6274 E. Avon - Lima Road  
Avon, NY 14414-9519  
(585) 226-5400  
[dep.r8@dec.ny.gov](mailto:dep.r8@dec.ny.gov)

#### **NYS DEC REGION 9**

**Counties: Erie, Niagara and Wyoming**  
Regional Permit Administrator  
700 Delaware Avenue  
Buffalo, NY 14209  
(716) 851-7165  
[dep.r9@dec.ny.gov](mailto:dep.r9@dec.ny.gov)

#### **NYS DEC REGION 9 Sub-Office**

**Counties: Allegany, Cattaraugus and Chautauqua**  
Deputy Regional Permit Administrator  
182 East Union Street, Suite 3  
Allegany, NY 14706-1328  
(716) 372-0645  
[dep.r9@dec.ny.gov](mailto:dep.r9@dec.ny.gov)

### NYS Department of State

Division of Coastal Resources  
Consistency Review Unit  
One Commerce Plaza  
99 Washington Avenue, Suite 1010  
Albany, NY 12231-0001  
(518) 474-6000  
[www.nyswaterfronts.com](http://www.nyswaterfronts.com)

### U.S. Army Corps of Engineers

[www.usace.army.mil](http://www.usace.army.mil)

For DEC Region 3

**U.S. Army Corps of Engineers NY District**  
ATTN: Regulatory Branch  
26 Federal Plaza, Room 16-400  
New York, NY 10278-0090  
(917) 790-8411  
Email: [cenan.publicnotice@usace.army.mil](mailto:cenan.publicnotice@usace.army.mil)  
[www.nan.usace.army.mil](http://www.nan.usace.army.mil)

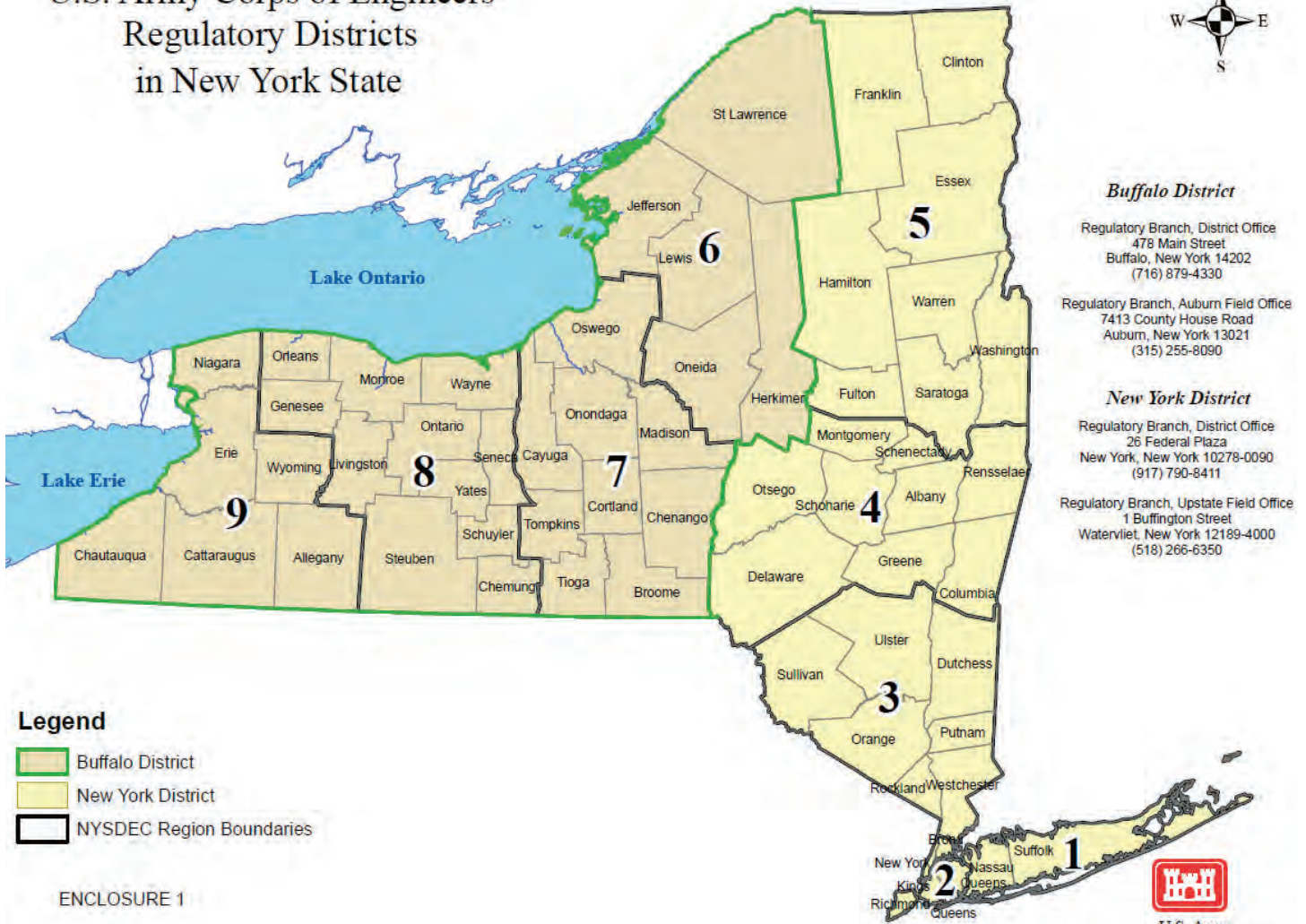
For DEC Regions 4, 5

**U.S. Army Corps of Engineers NY District**  
ATTN: Upstate Regulatory Field Office  
1 Buffington Street  
Building 10, 3rd Floor North  
Watervliet, NY 12189-4000  
(518) 266-6350 - Permits team  
(518) 266-6360 - Compliance Team  
Email: [cenan.rfo@usace.army.mil](mailto:cenan.rfo@usace.army.mil)

For DEC Regions 6, 7, 8, 9

**U.S. Army Corps of Engineers Buffalo District**  
ATTN: Regulatory Branch  
478 Main Street  
Buffalo, NY 14202  
(716) 879-4330  
Email: [LRB.Regulatory@usace.army.mil](mailto:LRB.Regulatory@usace.army.mil)  
[www.lrb.usace.army.mil](http://www.lrb.usace.army.mil)

# U.S. Army Corps of Engineers Regulatory Districts in New York State



### *Buffalo District*

Regulatory Branch, District Office  
478 Main Street  
Buffalo, New York 14202  
(716) 879-4330

Regulatory Branch, Auburn Field Office  
7413 County House Road  
Auburn, New York 13021  
(315) 255-8090

### *New York District*

Regulatory Branch, District Office  
26 Federal Plaza  
New York, New York 10278-0090  
(917) 790-8411

Regulatory Branch, Upstate Field Office  
1 Buffington Street  
Watervliet, New York 12189-4000  
(518) 266-6350

### Legend

- Buffalo District
- New York District
- NYSDEC Region Boundaries

ENCLOSURE 1



U.S. Army  
Corps of Engineers

## Appendix C: Post Construction Compliance Form





NEW YORK STATE PROGRAMMATIC  
GENERAL PERMIT NYSPGP -1  
POST CONSTRUCTION COMPLIANCE FORM



US Army Corps  
of Engineers®

Within 30 days of the completion of the work authorized by this NYSPGP-1, this form must be completed and submitted, along with at least two color photographs and a location map depicting the completed work, to the appropriate USACE District and NYSDEC Regional Office via electronic mail or regular mail. USACE District and NYSDEC Regional Office contact information is located in Appendix B of this NYSPGP-1.

1. Storm Event: \_\_\_\_\_

2. Application Numbers (if assigned on the Application Form/ Joint Agency Authorization Form):  
USACE \_\_\_\_\_ NYSDEC \_\_\_\_\_

3. Permittee:

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

4. Project Location:

Municipality: \_\_\_\_\_  
Directions or Street Address: \_\_\_\_\_  
Nearest Road Intersection  
(Distance/Direction): \_\_\_\_\_  
Latitude / Longitude: \_\_\_\_\_ / \_\_\_\_\_  
Waterbody Name/ID/Reach: \_\_\_\_\_

5. Indicate which activities were performed and provide a brief description of work completed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Impact Information:

Type of waters disturbed by the completed work: (i.e. stream, river, lake, pond, wetland): \_\_\_\_\_

Total Disturbance (Temp or Perm Loss): \_\_\_\_ linear feet of stream, \_\_\_\_\_ acre wetlands and/or \_\_\_\_\_ acre lake/pond

Distance work performed above, below or around a structure (i.e. road crossing/utility line/pier): \_\_\_\_\_

Amount of fill placement below OHW / MHW elevation of waters, in cubic yards: \_\_\_\_\_

Amount of storm deposited sediment removal, in cubic yards: \_\_\_\_\_

Duration of temporary access/dewatering impacts: \_\_\_\_\_

Disposal location(s) for any storm deposited sediment/debris: \_\_\_\_\_

7. Date work completed: \_\_\_\_\_

8. Permittee Certification:

I certify that I have complied with the terms and conditions of the New York State Programmatic General Permit.

\_\_\_\_\_  
Permittee Signature

\_\_\_\_\_  
Date

## Appendix D: Endangered Species Act Sensitive Areas

**Table 1. Known and potential locations of federally listed threatened and endangered species that may be affected by storm-related post-recovery activities included in the NYSPGP-1\* within the U.S. Army Corps of Engineers, Buffalo District, and portions of the New York District boundary.**

County	Projects that will require agency submittal, under Category C	Species
Albany	Projects that disturb areas with open, sandy soils.	Karner blue butterfly (Endangered)
	Projects with proposed tree removal.**	Indiana bat (Endangered), Northern long-eared bat (Endangered)
	Projects in the Hudson River, south of the Troy Lock and Dam.	Atlantic sturgeon (Endangered), Shortnose sturgeon (Endangered)
Allegany	Projects that impact streams or stream banks within Allegheny River or its tributaries (e.g., Olean, Oil, Ischua, Conewango, Cassadaga Creek basins), and in the French Creek (Ohio River basin).	Rayed bean (Endangered), Clubshell (Endangered), Northern Riffleshell (Endangered)
	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Broome	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
	West Branch Delaware River	Dwarf wedgemussel (Endangered)
Cattaraugus	Projects that impact streams or stream banks within Allegheny River or its tributaries (e.g., Olean, Oil, Ischua, Conewango, Cassadaga Creek basins), and in the French Creek (Ohio River basin).	Clubshell (Endangered), Rayed bean (Endangered), Northern riffleshell (Endangered)
	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Cayuga	Projects with elevations <1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures. Projects that impact streams or stream banks in Town of Victory.	Bog turtle (Threatened)
	Projects with proposed tree removal**	Indiana bat (Endangered), Northern long-eared bat (Endangered)
Chautauqua	Projects that impact streams or stream banks within Allegheny River or its tributaries (e.g. Cassadaga, Conewango, French Creek basins).	Clubshell (Endangered), Rayed bean (Endangered), Northern Riffleshell (Endangered)
	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Chemung	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Chenango	No species listed	

Clinton	Projects with proposed tree removal.**	Indiana bat (Endangered), Northern long-eared bat (Endangered)
Columbia	Projects with elevations <1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures. Projects with proposed tree removal.**  Projects in the Hudson River.	Bog turtle (Threatened)  Indiana bat (Endangered), Northern long-eared bat (Endangered)  Atlantic sturgeon (Endangered), Shortnose sturgeon (Endangered)
Cortland	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Delaware	Projects within and adjacent to the Delaware River.  Work proposed on shaded or partly shaded cliffs with algific talus slopes, or cool, streamside sites.  Projects with proposed tree removal.**	Dwarf wedgemussel (Endangered)  Northern wild monkshood (Threatened)  Northern long-eared bat (Endangered)
Dutchess	Projects with elevations <1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures.  Projects with proposed tree removal.**  Projects in the Hudson River.	Bog turtle (Threatened)  Indiana bat (Endangered), Northern long-eared bat (Endangered)  Atlantic sturgeon (Endangered), Shortnose sturgeon (Endangered)
Erie	Projects with proposed tree removal.**	Northern long-eared bat (Threatened)
Essex	Projects with proposed tree removal.**	Indiana bat (Endangered), Northern long-eared bat (Endangered)
Franklin	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Fulton	No Species Listed.	
Genesee	Projects with elevations <1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures.  Projects with proposed tree removal.**	Eastern massasauga (Threatened), Houghton's goldenrod (Threatened)  Northern long-eared bat (Endangered)
Greene	Projects with proposed tree removal.**  Projects in the Hudson River.	Indiana bat (Endangered), Northern long-eared bat (Endangered)  Atlantic sturgeon, Shortnose sturgeon
Hamilton	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Herkimer	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)

Jefferson	Projects within 1,640 feet of Lake Ontario in the Towns of Henderson and Ellisburg.  Projects with proposed tree removal.**	Great Lakes piping plover (Endangered) and piping plover critical habitat  Indiana bat (Endangered), Northern long-eared bat (Endangered)
Lewis	Projects with proposed tree removal.**	Indiana bat (Endangered), Northern long-eared bat (Endangered)
Livingston	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Madison	Projects that may impact Chittenango Creek or Chittenango Falls State Park.  Projects that propose tree removal.**  Projects within outcrops of dolomitic limestone, gorges, and in cool limestone sinkholes in mature hardwood forests.	Chittenango ovate amber snail (Threatened)  Indiana bats (Endangered)  American hart's tongue fern (Threatened)
Monroe	No Species Listed.	
Montgomery	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Niagara	Projects with proposed tree removal.**  Projects within outcrops of dolomitic limestone, gorges, and in cool limestone sinkholes in mature hardwood forests.	Northern long-eared bat (Endangered)  American hart's-tongue fern (Threatened)
Oneida	Projects with elevations <1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures.  Projects that impact streams or stream banks in Towns of Camden and Florence.  Projects within outcrops of dolomitic limestone, gorges, and in cool limestone sinkholes in mature hardwood forests.	Bog turtle (Threatened)    American hart's-tongue fern (Threatened)
Onondaga	Projects with elevations <1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures.  Projects with proposed tree removal.**  Projects within outcrops of dolomitic limestone, gorges, and in cool limestone sinkholes in mature hardwood forests.	Eastern massasauga (Threatened)  Indiana bat (Endangered), Northern long-eared bat (Endangered)  American hart's-tongue fern (Threatened)
Ontario	Projects with elevations <1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures.  Projects with proposed tree removal.**	Bog turtle (Threatened)    Northern long-eared bat (Endangered)

Orange	<p>Projects with elevations &lt;1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures.</p> <p>Projects within or adjacent to the Delaware River and Neversink River.</p> <p>Projects with proposed tree removal.**</p> <p>Projects in the Hudson River.</p>	<p>Bog turtle (Threatened)</p> <p>Dwarf wedgemussel (Endangered)</p> <p>Indiana bat (Endangered), Northern long-eared bat (Endangered)</p> <p>Atlantic sturgeon (Endangered), Shortnose sturgeon (Endangered)</p>
Orleans	No Species Listed.	
Oswego	<p>Projects with elevations &lt;1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures.</p> <p>Projects located within 1,640 feet of Lake Ontario in the Towns of Sandy Creek and Richland.</p> <p>Projects with proposed tree removal.**</p>	<p>Bog turtle (Threatened)</p> <p>Great Lakes piping plover and piping plover critical habitat</p> <p>Indiana bat (Endangered), Northern long-eared bat (Endangered)</p>
Otsego	No Species Listed.	
Putnam	<p>Projects with elevations &lt;1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures.</p> <p>Projects with proposed tree removal.**</p> <p>Projects in the Hudson River.</p>	<p>Bog turtle (Threatened)</p> <p>Indiana bat (Endangered), Northern long-eared bat (Endangered)</p> <p>Atlantic sturgeon (Endangered), Shortnose sturgeon (Endangered)</p>
Rensselaer	<p>Projects with proposed tree removal.**</p> <p>Projects in the Hudson River, south of the Troy Lock and Dam.</p>	<p>Northern long-eared bat (Endangered)</p> <p>Atlantic sturgeon (Endangered), Shortnose sturgeon (Endangered)</p>
Rockland	<p>Projects with elevations &lt;1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures.</p> <p>Projects with proposed tree removal.**</p> <p>Projects in the Hudson River.</p>	<p>Bog turtle (Threatened)</p> <p>Northern long-eared bat (Endangered)</p> <p>Atlantic sturgeon (Endangered), Shortnose sturgeon (Endangered)</p>

Saratoga	Projects that disturb areas with open, sandy soils.  Projects with proposed tree removal.**	Karner blue butterfly (Endangered)  Indiana bat (Endangered), Northern long-eared bat (Endangered)
Schenectady	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Schoharie	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Schuyler	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Seneca	Projects with elevations <1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures. Projects in the Town of Junius.  Projects with proposed tree removal.**	Bog turtle (Threatened)  Indiana bat (Endangered), Northern long-eared bat (Endangered)
Steuben	Projects that will impact small wetlands, sinkhole ponds, or wet depressions with seasonally fluctuating water levels.  Projects with proposed tree removal.**	Northeastern bulrush (Endangered)  Northern long-eared bat (Endangered)
St. Lawrence	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Sullivan	Projects with elevations <1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures.  Work in or on banks of Delaware River and Neversink River  Projects that propose work on shaded or partly shaded cliffs with algific talus slopes, or cool, streamside sites.  Projects with proposed tree removal.**	Bog turtle (Threatened)  Dwarf wedgemussel (Endangered)  Northern wild monkshood (Threatened)  Indiana bat (Endangered), Northern long-eared bat (Endangered)
Tioga	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Tompkins	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Ulster	Projects with elevations <1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures.  Projects with proposed tree removal.**  Projects in the Hudson River.	Bog turtle (Threatened)  Indiana bat (Endangered), Northern long-eared bat (Endangered)  Atlantic sturgeon (Endangered), Shortnose sturgeon (Endangered)
Warren	Projects with proposed tree removal.**	Indiana bat (Endangered), Northern long-eared bat (Endangered)



Washington	Projects with proposed tree removal.**	Indiana bat (Endangered), Northern long-eared bat (Endangered)
Wayne	Projects with elevations <1,000 feet and within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures.	Bog turtle (Threatened)
	Projects with proposed tree removal.**	Indiana bat (Endangered)
Westchester	Projects within 300 feet of emergent and scrub/shrub wetlands with shallow spring-fed fens, sphagnum bogs, swamps, marshy meadows, and wet pastures.	Bog turtle (Threatened)
	Projects with proposed tree removal.**	Indiana bat (Endangered), Northern long-eared bat (Endangered)
	Projects in the Hudson River.	Atlantic sturgeon (Endangered), Shortnose sturgeon (Endangered)
Wyoming	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)
Yates	Projects located on the west side of Seneca Lake, Town of Starkey.	Leedy's roseroot (Threatened)
	Projects with proposed tree removal.**	Northern long-eared bat (Endangered)

**\*Excluding NYSDEC Regions 1, 2, Coastal Erosion Hazard Areas in Region 3, and tidal wetlands regulated by Article 25 of the ECL Law including tidal wetlands located in and along the Hudson River south of the Tappan Zee Bridge.**

As this table is generally an overestimate of areas with listed species, an applicant should use the USFWS Information for Planning and Consultation (IPAC) website (<https://ecos.fws.gov/ipac>) as the primary resource to determine if there may be listed Threatened or Endangered species under the authority of the USFWS.

For Atlantic and Shortnose sturgeon, an applicant should use the NOAA Section 7 mapper found at: <https://noaa.maps.arcgis.com/apps/webappviewer/index.html?id=1bc332edc5204e03b250ac11f9914a27> as the primary resource to determine if there may be listed Threatened or Endangered species under the authority of the NMFS.

\*\*Tree removal: Note this only applies to removal of upright trees that are at least 3 inches diameter at breast height (dbh). This does not apply to trees that have already fallen.

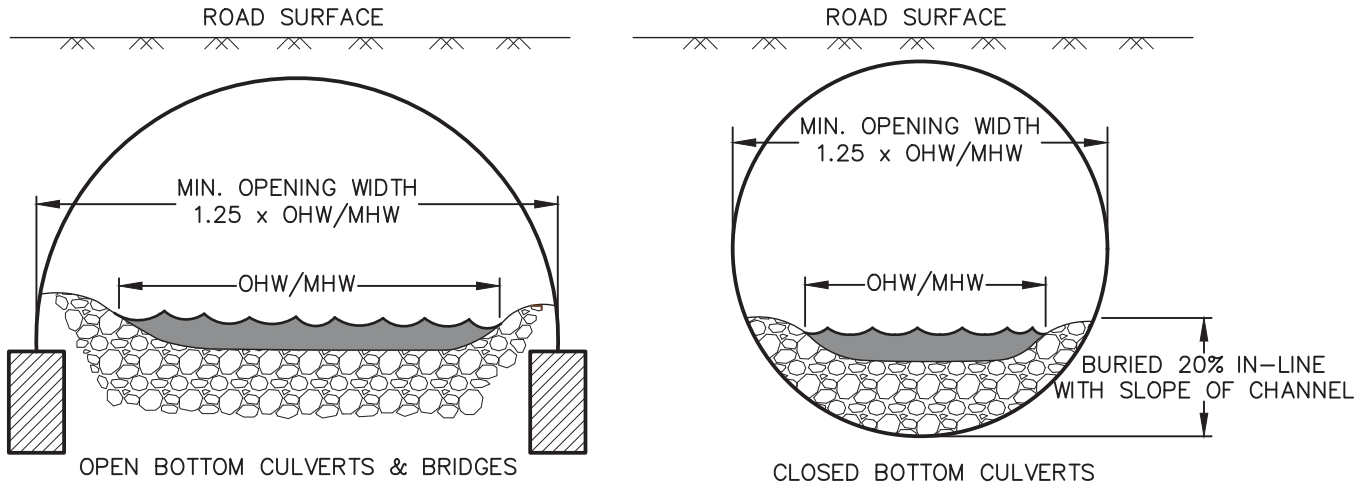
For the listed bat species, applicants can use the 'NYS Protocol for Defining Vicinity for the Indiana and Northern Long-eared bats' document to determine if there is potential for effect to the species (in which case an application under Category C of this permit is required and needs to be submitted to the USACE). <https://usace.contentdm.oclc.org/digital/collection/p16021coll3/id/1147>

## Appendix E: Activity Details



## ACTIVITY DETAIL 1 – CULVERTS & BRIDGES

### CROSS SECTION VIEW N.T.S.



#### CONDITIONS OF AUTHORIZATION

- CULVERTS OR BRIDGES MUST HAVE BEEN EXISTING AND FUNCTIONAL PRIOR TO THE STORM EVENTS.
- THE FINAL INSTALLED CULVERT OR BRIDGE MUST BE WITHIN THE SAME FOOTPRINT AS THE PREVIOUS STRUCTURE OR 1) NO MORE THAN 50 FEET FROM ITS PRE-STORM LOCATION (OUTSIDE EDGE OF EXISTING STRUCTURE TO OUTSIDE EDGE OF NEW STRUCTURE) OR 2) MUST NOT EXTEND MORE THAN 25% OF THE LENGTH OF THE PREVIOUS STRUCTURE.
- WHEN REPLACING A CULVERT, ON OPEN-BOTTOM CULVERT MUST BE INSTALLED UNLESS THE APPLICANT PROVIDES JUSTIFICATION FOR THE USE OF CLOSED BOTTOM CULVERT BASED ON SITE-SPECIFIC CONDITIONS. AGENCY APPROVED CLOSED BOTTOM CULVERTS SHALL BE EMBEDDED AT LEAST 20% OF THE TOTAL HEIGHT BELOW THE STREAM BED FOR ITS ENTIRE LENGTH. FINAL HYDRAULIC CAPACITY SHALL BE BASED ON THE EMBEDDED CONDITION.
- SITE SPECIFIC INFORMATION (I.E., STREAM BED SLOPE, TYPE AND SIZE OF STREAM BED MATERIAL, STREAM TYPE, EXISTING NATURAL OR MANMADE BARRIERS, POTENTIAL FOR EROSION, ETC.) SHALL BE EVALUATED TO DETERMINE THE APPROPRIATE CROSSING DESIGN. THE DESIGN OF THE REPLACEMENT CROSSING SHALL PROVIDE FOR PROPER MANAGEMENT OF FLOWS TO ENSURE AQUATIC ORGANISM PASSAGE AND STREAM STABILITY. FURTHER THE CROSSING DESIGN SHALL ENSURE THAT THE UPSTREAM AND DOWNSTREAM DIMENSION, PATTERN AND PROFILE OF THE STREAM CHANNEL ARE NOT PERMANENTLY MODIFIED BY CHANGES TO THE WIDTH OR DEPTH OF THE CHANNEL.
- IF STREAM CHANNEL REALIGNMENT IS PART OF THE SCOPE OF WORK ASSOCIATED WITH THE CULVERT OR BRIDGE, SUCH REALIGNMENT SHALL BE LESS THAN 100 LINEAR FEET AS CALCULATED BY THE TOTAL LENGTH OF WORK AT OR BELOW OHW/MHW AT EITHER SIDE OF THE CHANNEL.
- STONE APRONS, SCOUR PROTECTION, AND/OR BED ARMOR SHALL BE 1) INSTALLED FLUSH WITH THE INVERT ELEVATION; 2) FILLED WITH NATIVE STREAM BED MATERIAL AND IF REQUIRED SUPPLEMENTED WITH SIMILARLY SIZED MATERIAL TO FILL INTERSTITIAL SPACES; AND 3) KEYED INTO THE STREAM BED.
- NEW CONCRETE APRONS ARE PROHIBITED.
- CURED-IN-PLACE PIPE LININGS MUST BE IN ACCORDANCE WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYS DOT) SPECIFICATIONS SEC. 602-REHABILITATION OF CULVERT AND STORM DRAIN PIPE.
- WORK AREAS SHALL BE ISOLATED FROM STREAM FLOW TO REDUCE DOWNSTREAM IMPACTS FROM TURBIDITY AND SEDIMENTATION.
- UNLESS A WAIVER IS OBTAINED FROM THE AGENCIES, IN-STREAM WORK IS PROHIBITED IN COLD WATER TROUT FISHERIES (WATERS CLASSIFIED UNDER ARTICLE 15 OF NEW YORK'S ENVIRONMENTAL CONSERVATION LAW WITH A "T" OR "TS" DESIGNATION), BEGINNING OCTOBER 1 AND ENDING MAY 31.

#### CATEGORY C ACTIVITIES

- CROSSINGS THAT DO NOT MEET THE MINIMUM OPENING WIDTH AND/OR REQUIRED BURIAL DEPTH.
- INSTALLATION OF A CULVERT OR BRIDGE THAT RESULTS IN A DECREASE OF HYDRAULIC CAPACITY FROM PRE-STORM CONDITIONS.
- GREATER THAN 0.1 ACRE OF LOSS OF REGULATED WATERS.
- STONE SCOUR PROTECTION EXCEEDING AN AVERAGE OF 1 CY PER LINEAR FOOT PLACED BELOW THE OHW/MHW LEVEL OR BED ARMORING EXCEEDING GREATER THAN 50 FEET FROM THE EDGE OF THE NEW STRUCTURE.
- CULVERT EXTENSIONS GREATER THAN 25% OF TOTAL LENGTH OF THE EXISTING CULVERT.
- GREATER THAN 100 LINEAR FEET OF STREAM CHANNEL REALIGNMENT TO IMPROVE FLOW THROUGH THE CULVERT OR BRIDGE.
- ANY DEVIATIONS FROM CONDITIONS OF AUTHORIZATION.

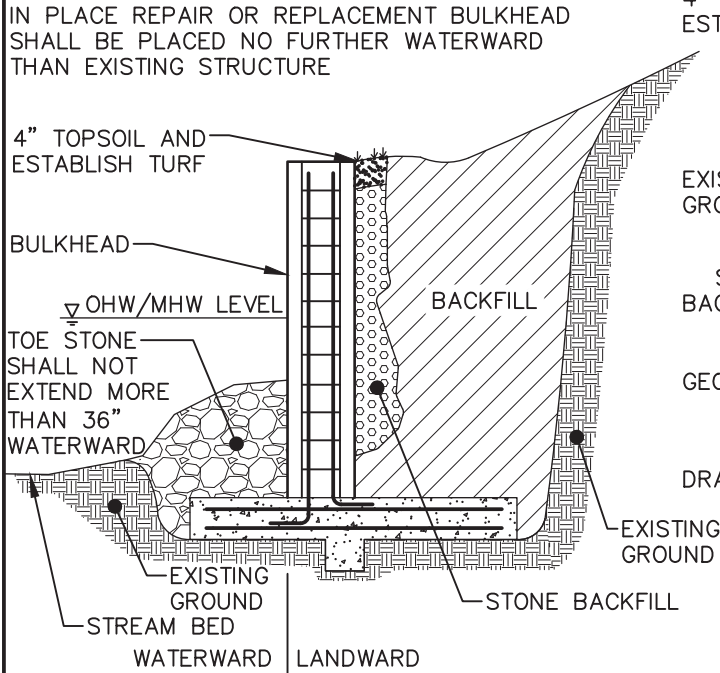
DATE: SEPTEMBER, 2023

NOTE: THIS IS A TYPICAL DETAIL FOR REFERENCE PURPOSES ONLY. IT IS THE PERMITTEE'S RESPONSIBILITY TO ENSURE THE STRUCTURE IS APPROPRIATELY DESIGNED AND CONSTRUCTED.

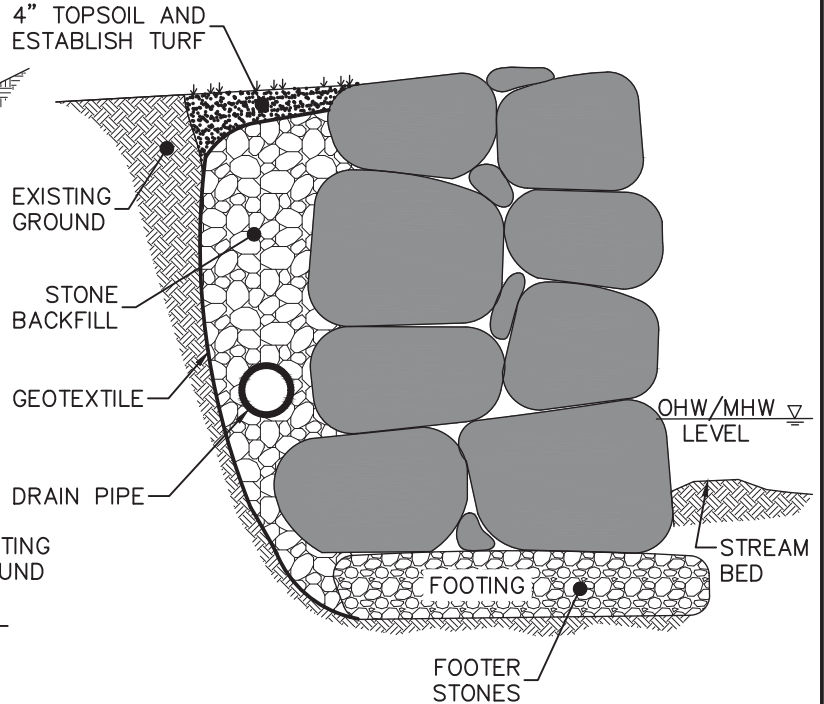


### ACTIVITY DETAIL 2 – VERTICAL STABILIZATION STRUCTURES

**BULKHEAD CROSS SECTION VIEW**  
N.T.S.



**VERTICAL WALL CROSS SECTION VIEW**  
N.T.S.



CONDITIONS OF AUTHORIZATION

- FOR THE PURPOSES OF THIS SPGP, VERTICAL STABILIZATION STRUCTURES ("STRUCTURES") INCLUDE VERTICAL WALLS OR BULKHEADS, CONSTRUCTED OF STONE, ROCK, TIMBER, METAL OR CONCRETE.
- VERTICAL STRUCTURES SHALL ONLY BE INSTALLED WHEN NON-VERTICAL STABILIZATION MEASURES ARE NOT PRACTICABLE.
- STRUCTURES MUST HAVE BEEN EXISTING AND FUNCTIONAL PRIOR TO THE STORM EVENTS.
- THE STRUCTURE'S DIMENSIONS MUST: 1) BE WITHIN THE SAME FOOTPRINT AS THE PREVIOUS STRUCTURE OR FURTHER LANDWARD AND 2) BE THE SAME LENGTH AS THE PREVIOUS STRUCTURE ALONG THE BANK OR SHORE.
- STRUCTURES SHALL NOT BE RAISED ABOVE THE EXISTING GROUND ELEVATION AND SHALL NOT CUT OFF ACCESS TO FLOODPLAINS.
- THE APPLICANT SHALL PROVIDE 1) A DRAWING SHOWING THE LOCATION OF THE STRUCTURE IN RELATION TO THE EXISTING OHW/MHW OF THE REGULATED WATER AS MEASURED FROM AT LEAST THREE FIXED POINTS AND 2) QUANTIFICATION OF FILL IN CY BELOW OHW/MHW LEVEL.
- DEWATERING/WATER HANDLING METHODS (E.G., COFFERDAMS) SHALL BE UTILIZED TO ISOLATE WORK AREAS FROM REGULATED WATERS AND REDUCE WATER QUALITY IMPACTS FROM TURBIDITY AND SEDIMENTATION. IN TIDALLY INFLUENCED AREAS, WORK SHALL BE CONDUCTED DURING LOW TIDE.
- UNLESS A WAIVER IS OBTAINED FROM THE AGENCIES, IN-WATER WORK IS PROHIBITED IN COLD WATER TROUT FISHERIES (WATERS CLASSIFIED UNDER ARTICLE 15 OF NEW YORK'S ENVIRONMENTAL CONSERVATION LAW WITH A "T" OR "TS" DESIGNATION), BEGINNING OCTOBER 1 AND ENDING MAY 31.

CATEGORY C ACTIVITIES

- NEW VERTICAL STABILIZATION STRUCTURES TO PROTECT PUBLIC INFRASTRUCTURE IN NON-TIDAL STREAMS/RIVERS WHERE SITE CONDITIONS PRECLUDE PRACTICABLE USE OF OTHER STABILIZATION STRUCTURES.
- REPLACEMENT OF STRUCTURE WATERWARD OF THE PREVIOUS STRUCTURE.
- NEW TOE STONE EXCEEDING AN AVERAGE OF 1 CY PER LINEAR FOOT PLACED BELOW THE OHW/MHW LEVEL OR EXTENDING GREATER THAN 36-INCHES WATERWARD OF THE STRUCTURE.
- GREATER THAN 0.1 ACRE OF LOSS OF REGULATED WATERS.
- ANY DEVIATIONS FROM CONDITIONS OF AUTHORIZATION.

NON-ELIGIBLE ACTIVITIES

- RESTORATION OF NON-FUNCTIONAL VERTICAL STABILIZATION STRUCTURES AND THEIR REMNANTS.
- REPAIR AND/OR REPLACEMENT OF STRUCTURES THAT EXTEND GREATER THAN 18 INCHES WATERWARD FROM THE PRE-STORM LOCATION.
- REPLACEMENT OR INSTALLATION OF NEW GABION ROCK WALLS IN REGULATED WATERS.
- INSTALLATION OF NEW VERTICAL STABILIZATION STRUCTURES IN LAKES AND TIDAL WATERS.



ACTIVITY DETAIL 3A – REPAIR OR REPLACEMENT OF UTILITY LINES FEDERAL NAVIGABLE WATERS

CONDITIONS OF AUTHORIZATION FOR AERIAL CROSSINGS

ALL AERIAL CROSSINGS OVER FEDERAL NAVIGABLE WATERS MUST COMPLY WITH THE ELEVATION CLEARANCES SPECIFIED IN 33 CFR 322.5(i)(2) AND 33 CFR 322.5(i)(3). THE FOLLOWING TABLE PERTAINS TO AERIAL TRANSMISSION LINES ACROSS FEDERAL NAVIGABLE WATERS, IS LOCATED AT 33 CFR 322.5(i)(2), AND IS INCLUDED HERE FOR EASY REFERENCE:

Table with 2 columns: NOMINAL SYSTEM VOLTAGE (KV) and MIN. ADDITIONAL CLEARANCE (FT) ABOVE CLEARANCE REQUIRED FOR BRIDGES. Rows include voltage levels from 115 AND BELOW to 750 AND ABOVE.

CONDITIONS OF AUTHORIZATION FOR SUBMERGED CROSSINGS

FOR SUBMERGED CABLES AND PIPELINES BURIED WITHIN FEDERAL NAVIGABLE WATERWAYS:

- i. THE TOP OF THE CABLE OR PIPELINE CROSSING ANY FEDERAL PROJECT CHANNEL, FLEETING OR ANCHORAGE AREA, SHALL BE LOCATED A MINIMUM OF 12 FEET BELOW THE AUTHORIZED PROJECT CHANNEL DEPTH.
ii. THE BURIAL DEPTH IS MEASURED FROM THE AUTHORIZED PROJECT CHANNEL DEPTH TO THE TOP OF THE OUTERMOST LAYER OF THE UTILITY LINE.
iii. IN CASES WHERE THE CHANNEL'S EXISTING BOTTOM IS ALREADY DEEPER THAN THE AUTHORIZED PROJECT DEPTH, THE UTILITY LINE SHALL BE LOCATED A MINIMUM OF 4 FEET BELOW THE EXISTING BOTTOM IN SEDIMENT AND 2 FEET BELOW THE EXISTING BOTTOM IN COMPACTED ROCK.
iv. IN AREAS OUTSIDE OF FEDERAL PROJECT CHANNELS, FLEETING OR ANCHORAGE AREAS, THE TOP OF THE UTILITY LINE SHALL BE LOCATED A MINIMUM OF 4 FEET BELOW THE EXISTING BOTTOM IN SEDIMENT AND 2 FEET BELOW THE EXISTING BOTTOM IN COMPACTED ROCK.
v. THE DISTRICT ENGINEER, ON A CASE-BY-CASE BASIS, MAY MODIFY THESE DEPTH REQUIREMENTS WHERE CIRCUMSTANCES ARE DEEMED APPROPRIATE (I.E. WATER INTAKE LINES, DRY HYDRANTS, ETC.). ANY REQUEST TO MODIFY THESE DEPTH REQUIREMENTS MUST INCLUDE A DISCUSSION OF POTENTIAL EFFECTS OF THE UTILITY LINE TO PUBLIC SAFETY ASSOCIATED WITH PUBLIC USE OF THE WATERWAY (I.E. FISHING ANCHORAGE, BOATING, SWIMMING, NAVIGATION, ETC.), HOW THE LINE WILL BE PROTECTED FROM ICE SCOUR AND MOVEMENT BY WAVES OR CURRENTS AND DETAILS AS TO ANY ANCHORING SYSTEMS.
vi. 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.

FOR PROPOSED SUBMERGED CABLES AND PIPELINES PLACED ON THE WATERWAY BOTTOM WITHIN NAVIGABLE WATERS: THE APPLICATION SUBMITTED FOR CATEGORY C REVIEW SHALL INCLUDE JUSTIFICATION FOR THE NEED TO PLACE THE UTILITY LINE ON THE WATERWAY BOTTOM, A DISCUSSION ON POTENTIAL EFFECTS OF THE PROPOSED EXPOSED UTILITY LINE TO PUBLIC SAFETY ASSOCIATED WITH PUBLIC USE OF THE WATERWAY (I.E. FISHING, ANCHORAGE, BOATING, SWIMMING, NAVIGATION, ETC.), HOW THE LINE WILL BE PROTECTED FROM ICE SCOUR AND MOVEMENT BY WAVES OR CURRENTS AND DETAILS AS TO ANY ANCHORING SYSTEMS.

WHEN NOT PRESENT ALREADY, 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. THE SIGN SHALL BE MAINTAINED IN PLACE FOR AS LONG AS THE PIPELINE REMAINS IN PLACE.

DISCHARGES INTO WATERS OF THE UNITED STATES OF ANY DRILLING MUDS THAT MAY BE GENERATED THROUGH SUCH METHODS AS DIRECTIONAL BORING OR DRILLING ARE NOT AUTHORIZED. FURTHER, ANY DIRECTIONAL DRILLING OR BORING ACTIVITIES MUST INCLUDE A PLAN THAT ADDRESSES PREVENTION, CONTAINMENT AND CLEANUP OF ANY ACCIDENTAL DISCHARGES KNOWN AS "INADVERTENT RETURNS".

ELIGIBLE ACTIVITY NUMBER 3 DOES NOT SPECIFICALLY AUTHORIZE BANK OR CHANNEL STABILIZATION ACTIVITIES FOR UTILITY REPAIR AND REPLACEMENT PROJECTS. REFER TO ACTIVITIES NUMBERS 5 AND 6 ON THE ELIGIBLE ACTIVITIES TABLE IN THIS SPGP, AND ASSOCIATED ACTIVITY DETAIL DRAWINGS, FOR ADDITIONAL AUTHORIZATIONS THAT MAY BE NEEDED FOR THIS WORK.

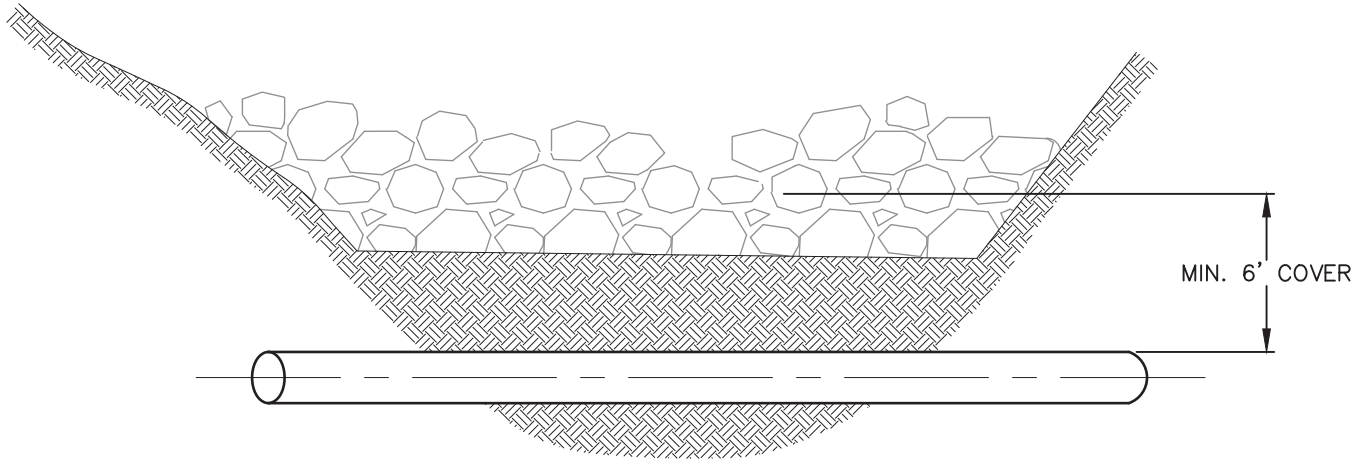
NO MINOR DEVIATIONS ARE AUTHORIZED UNDER CATEGORY B FOR AERIAL AND BURIED UTILITY LINES IN FEDERAL NAVIGABLE WATERS, OR FOR UTILITY LINES PLACED ON THE BED OF FEDERAL NAVIGABLE WATERS. IN FEDERAL NAVIGABLE WATERS, CATEGORY C REVIEW IS REQUIRED FOR ANY DEVIATIONS FROM CONDITIONS OF AUTHORIZATION IN HEIGHT ABOVE WATER, SHALLOWER DEPTH BELOW THE BED, CHANGE IN ALIGNMENT, AND/OR ANY INCREASE IN SIZE.





ACTIVITY DETAIL 3B – REPAIR OR REPLACEMENT OF UTILITY LINES NON-FEDERAL NAVIGABLE WATERS

CROSS SECTION VIEW N.T.S.



CONDITIONS OF AUTHORIZATION

- WORK AREAS SHALL BE ISOLATED FROM STREAMS AND/OR WATERBODIES. WATERS ACCUMULATED IN THE ISOLATED WORK AREA SHALL BE DISCHARGED TO AN UPLAND SETTLING BASIN OR A WELL-VEGETATED AREA TO PROVIDE FOR SETTLING AND FILTERING OF SOLIDS AND SEDIMENTS BEFORE WATER IS RETURNED TO THE STREAM. RETURN WATERS SHALL BE AS CLEAR AS THE FLOWING WATER UPSTREAM FROM THE WORK AREA. TRENCHLESS INSTALLATIONS THAT DO NOT REQUIRE EXCAVATION OF THE BED OR BANKS ARE NOT REQUIRED TO DEWATER.
TEMPORARY DEWATERING STRUCTURES AND ASSOCIATED FILL SHALL BE COMPLETELY REMOVED AND THE BANKS REGRADED AND RE-VEGETATED IMMEDIATELY FOLLOWING THE COMPLETION OF WORK.
ANY DISTURBANCE TO STREAM/RIVERS INTRODUCED BY ACTIVITIES AUTHORIZED BY THIS SPGP SHALL BE RESTORED TO THE FOLLOWING CONDITIONS:
o THE STREAM/RIVER CHANNEL SHALL BE PROPERLY SIZED AND STABILIZED TO THE NATURAL SIZE AND CONFIGURATION PREDATING STORM DAMAGE. A NATURAL UNDISTURBED REFERENCE REACH CAN BE USED FOR SIZING OR DIMENSIONS CAN BE DERIVED FROM THE ESI MANUAL, AND
o A LOW-FLOW CHANNEL (THALWEG) SHALL BE ESTABLISHED, AND
o THE LOW-FLOW CHANNEL SHALL ALLOW FOR AQUATIC ORGANISM PASSAGE (AOP) IN A MANNER THAT EXISTED PRIOR TO THE STORM EVENT.
REPLACEMENT UTILITIES SHALL BE INSTALLED AT LEAST 6' BELOW STREAM/RIVER BEDS, UNLESS OTHERWISE APPROVED BY THE AGENCIES. IF REQUIRED BY THE AGENCIES, A TECHNICAL ASSESSMENT, SUCH AS A VERTICAL ADJUSTMENT POTENTIAL ANALYSIS WHICH SHOWS THAT UTILITIES WILL NOT BE EXPOSED BY EROSION DURING A FLOOD, SHALL BE PROVIDED WITH THE APPLICATION.
WHERE PRACTICABLE, NATIVE BED MATERIALS SHALL BE UTILIZED TO PROVIDE COVER OVER THE UTILITY.
ARTICULATED CONCRETE MATS MAY BE AUTHORIZED PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:
a. THE ARTICULATED MAT IS COVERED WITH NATIVE STREAM BED MATERIAL.
b. THE MAT IS PLACED IN A MANNER THAT MAINTAINS A LOW FLOW CHANNEL (I.E., THALWEG) AND DOES NOT IMPEDE AOP.
c. THE MAT IS KEYED INTO THE BED AND BANKS TO ENSURE IT IS SECURED AND WILL RESIST REMOBILIZATION OF THE MATERIAL DURING NORMAL OR EXPECTED HIGH FLOW EVENTS.
d. ALL APPLICATIONS THAT PROPOSE THE INSTALLATION OF ARTICULATED CONCRETE MATS SHALL INCLUDE JUSTIFICATION FOR THIS USE, INCLUDING WHY OTHER ALTERNATIVES ARE NOT PRACTICABLE.
TRENCHLESS INSTALLATIONS INCLUDING DIRECTIONAL DRILLING AND BORING ACTIVITIES SHALL INCLUDE A PLAN THAT ADDRESSES PREVENTION, CONTAINMENT AND CLEANUP OF ANY ACCIDENTAL DISCHARGES OF DRILLING MUDS INTO REGULATED WATERS KNOWN AS "INADVERTENT RETURNS" OR "FRACK-OUTS". INADVERTENT RETURNS INTO REGULATED WATERS ARE NOT AUTHORIZED BY THIS PERMIT.
ANY EXTENSION OF A STRUCTURE OR FILL SHALL BE NECESSARY TO MAINTAIN THE PRE-STORM FUNCTION OF THE FACILITY.

CATEGORY C ACTIVITIES

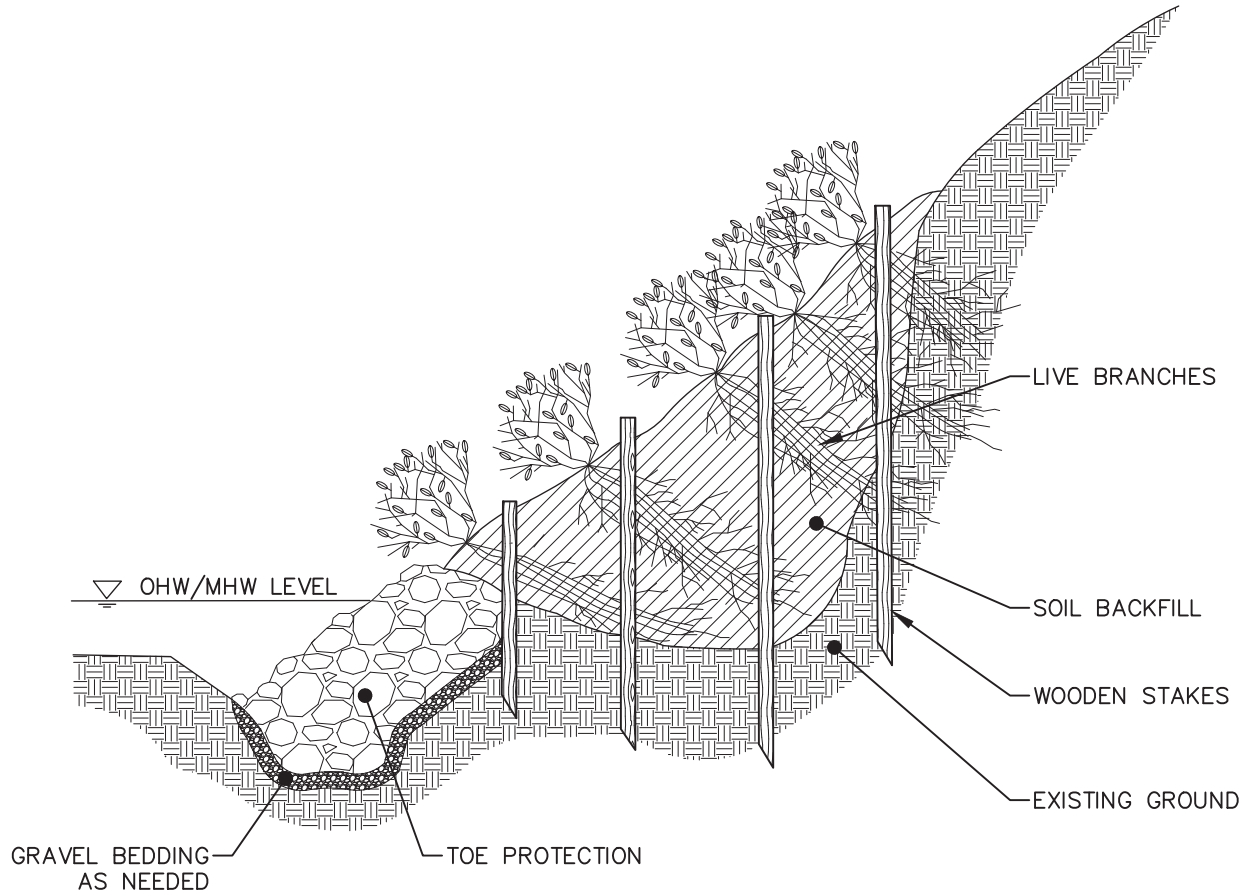
- WORK RESULTS IN THE LOSS OF GREATER THAN 0.05 ACRE OF REGULATED WATERS.
REPLACEMENT UTILITIES THAT DO NOT OVERLAP THE FOOTPRINT OF THE PRE-STORM STRUCTURE AND/OR FILL AREA.
ANY DEVIATIONS FROM CONDITIONS OF AUTHORIZATION.
ELIGIBLE ACTIVITY NUMBER 3 DOES NOT SPECIFICALLY AUTHORIZE BANK OR CHANNEL STABILIZATION ACTIVITIES FOR UTILITY REPAIR AND REPLACEMENT PROJECTS. REFER TO ACTIVITIES NUMBERS 5 AND 6 ON THE ELIGIBLE ACTIVITIES TABLE IN THIS SPGP, AND ASSOCIATED ACTIVITY DETAIL DRAWINGS, FOR ADDITIONAL AUTHORIZATIONS THAT MAY BE NEEDED FOR THIS WORK.





ACTIVITY DETAIL 4A – VEGETATED BANKS

CROSS SECTION VIEW N.T.S.



CONDITIONS OF AUTHORIZATION

- SOFT ARMORING USING LIVE PLANTS AND SOIL BIOENGINEERING STABILIZATION MEASURES SUCH AS LIVE STAKES AND LIVE CUTTINGS, SHALL BE UTILIZED WHENEVER FEASIBLE TO STABILIZE BANKS.
- BANKS SHALL BE GRADED TO THE GENTLEST SLOPE SUSTAINABLE FOR THE SELECTED TREATMENT (I.E., 2H:1V).
- TOE PROTECTION SHALL BE PROPERLY KEYED INTO BANKS TO PREVENT DISLODGING DURING HIGH FLOW EVENTS.
- WHEN POSSIBLE, VEGETATION SHALL BE PLANTED IN THE VOIDS OF THE ROCKS. ALL VEGETATION USED TO PLANT THE VOIDS SHALL BE NATIVE AND NON-INVASIVE.
- WORK AREAS SHALL BE ISOLATED FROM STREAM FLOW TO REDUCE DOWNSTREAM IMPACTS FROM TURBIDITY AND SEDIMENTATION.
- UNLESS A WAIVER IS OBTAINED FROM THE AGENCIES, IN-STREAM WORK IS PROHIBITED IN COLD WATER TROUT FISHERIES (WATERS CLASSIFIED UNDER ARTICLE 15 OF NEW YORK'S ENVIRONMENTAL CONSERVATION LAW WITH A "T" OR "TS" DESIGNATION), BEGINNING OCTOBER 1 AND ENDING MAY 31.
- FILL MATERIAL MUST CONSIST OF SOIL IN AN AMOUNT SUITABLE FOR THE DEVELOPMENT OF ROOTS.

CATEGORY C ACTIVITIES

- BANK STABILIZATION OVER 500 LINEAR FEET.
- ANY ACTIVITIES THAT WOULD RESULT IN FILL MATERIAL BEING PLACED IN EXCESS OF AN AVERAGE OF 1 CUBIC YARD PER RUNNING LINEAR FOOT AT OR BELOW THE PLANE OF THE OHW/MHW MARK.
- GREATER THAN 0.1 ACRE OF LOSS OF REGULATED WATERS.

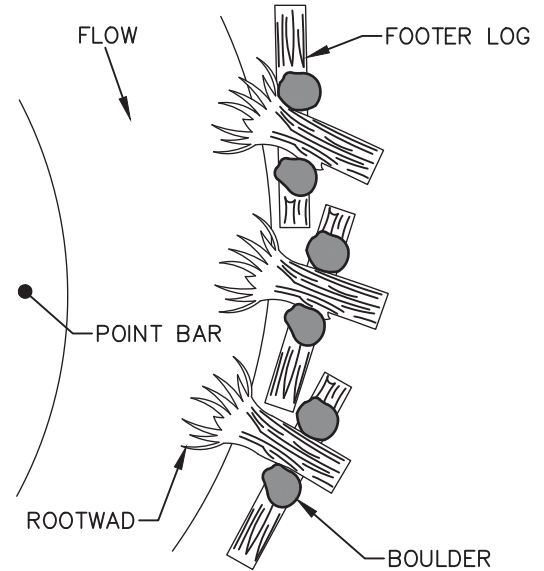
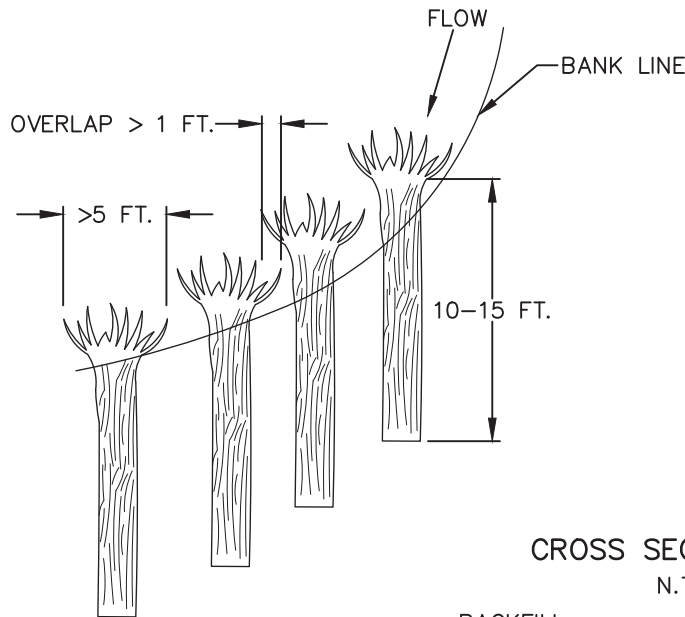
DATE: SEPTEMBER, 2023

NOTE: THIS IS A TYPICAL DETAIL FOR REFERENCE PURPOSES ONLY. IT IS THE PERMITTEE'S RESPONSIBILITY TO ENSURE THE STRUCTURE IS APPROPRIATELY DESIGNED AND CONSTRUCTED.

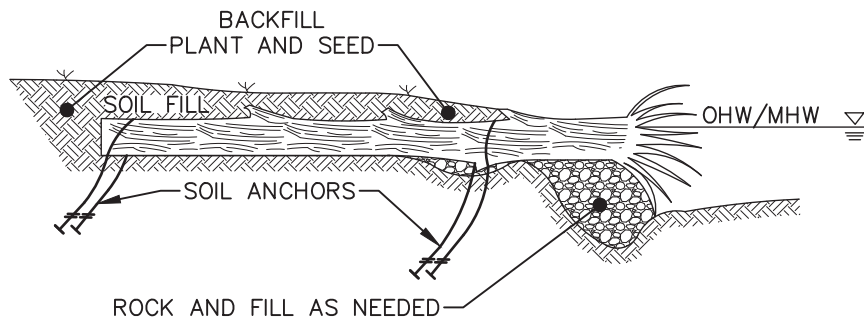


### ACTIVITY DETAIL 4B – ROOT WADS

PLAN VIEW  
N.T.S.



CROSS SECTION VIEW  
N.T.S.



#### CONDITIONS OF AUTHORIZATION

- ROOT WADS CONSIST OF THE ROOT BALL OF A TREE PLUS A PORTION OF THE TREE TRUNK. ROOT WADS ARE USED TO DEFLECT STREAM FLOWS AWAY FROM THE OUTER BEND OF STREAM BANKS AND TO PROVIDE ARMORING TO THE STREAM BANK.
- THE TRUNK OF THE ROOT WAD SHOULD HAVE A BASAL DIAMETER OF 10 INCHES OR LARGER, DEPENDING ON STREAM VELOCITIES.
- ROOT WADS SHALL BE INSTALLED EITHER BY EXCAVATING A TRENCH TO LAY THE TRUNK IN OR BY DRIVING THE ROOT WAD DIRECTLY INTO THE STREAM BANK. IF A TRENCH IS USED, IT SHALL BE BACKFILLED AND PLANTED ONCE THE ROOT WAD IS INSTALLED.
- ROOT WADS SHALL BE INSTALLED POINTING UPSTREAM SO THAT THE STREAM FLOW MEETS THE ROOT BALL AT A 90-DEGREE ANGLE AND SHALL BE PLACED AT THE TOE OF THE BANK WITH APPROXIMATELY 1/3 OF THE ROOT WAD BELOW BASEFLOW ELEVATION.
- FOOTER LOGS SHALL BE INSTALLED WHEN SCOUR DEPTHS ARE HIGH.
- WORK AREAS SHALL BE ISOLATED FROM STREAM FLOW TO REDUCE DOWNSTREAM IMPACTS FROM TURBIDITY AND SEDIMENTATION.
- UNLESS A WAIVER IS OBTAINED FROM THE AGENCIES, IN-STREAM WORK IS PROHIBITED IN COLD WATER TROUT FISHERIES (WATERS CLASSIFIED UNDER ARTICLE 15 OF NEW YORK'S ENVIRONMENTAL CONSERVATION LAW WITH A "T" OR "TS" DESIGNATION), BEGINNING OCTOBER 1 AND ENDING MAY 31.

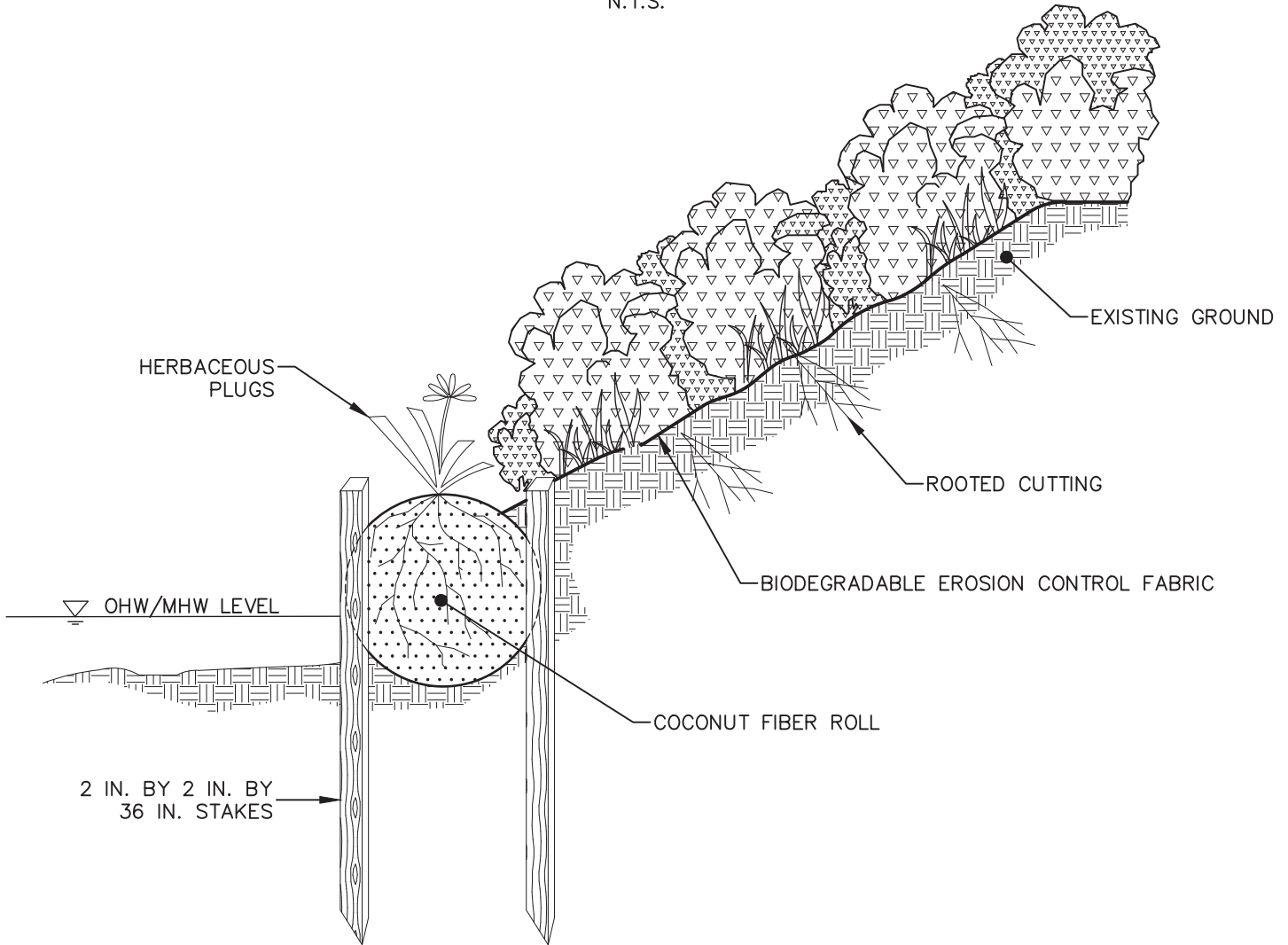
#### CATEGORY C ACTIVITIES

- BANK STABILIZATION OVER 500 LINEAR FEET.
- ANY ACTIVITIES THAT WOULD RESULT IN FILL MATERIAL BEING PLACED IN EXCESS OF AN AVERAGE OF 1 CUBIC YARD PER RUNNING LINEAR FOOT AT OR BELOW THE PLANE OF THE OHW/MHW MARK.
- GREATER THAN 0.1 ACRE OF LOSS OF REGULATED WATERS.



### ACTIVITY DETAIL 4C – BIOENGINEERING STABILIZATION

#### CROSS SECTION VIEW N.T.S.



#### CONDITIONS OF AUTHORIZATION

- SOFT ARMORING USING LIVE PLANTS AND SOIL BIOENGINEERING STABILIZATION MEASURES SUCH AS LIVE STAKES AND LIVE CUTTINGS, SHALL BE UTILIZED WHENEVER FEASIBLE TO STABILIZE BANKS.
- BANKS SHALL BE GRADED TO THE GENTLEST SLOPE SUSTAINABLE FOR THE SELECTED TREATMENT (I.E., 2H:1V).
- WHEN POSSIBLE, VEGETATION SHALL BE PLANTED IN THE VOIDS OF THE ROCKS. ALL VEGETATION USED TO PLANT THE VOIDS SHALL BE NATIVE AND NON-INVASIVE.
- BIOENGINEERING MEASURES SHALL BE PROPERLY KEYED INTO BANKS TO PREVENT DISLODGING DURING HIGH FLOW EVENTS.
- WORK AREAS SHALL BE ISOLATED FROM STREAM FLOW TO REDUCE DOWNSTREAM IMPACTS FROM TURBIDITY AND SEDIMENTATION.
- UNLESS A WAIVER IS OBTAINED FROM THE AGENCIES, IN-STREAM WORK IS PROHIBITED IN COLD WATER TROUT FISHERIES (WATERS CLASSIFIED UNDER ARTICLE 15 OF NEW YORK'S ENVIRONMENTAL CONSERVATION LAW WITH A "T" OR "TS" DESIGNATION), BEGINNING OCTOBER 1 AND ENDING MAY 31.
- USE BIODEGRADABLE EROSION CONTROL FABRIC. PHOTODEGRADABLE PLASTIC NETTING IS NOT PERMITTED.

#### CATEGORY C ACTIVITIES

- BANK STABILIZATION OVER 500 LINEAR FEET.
- ANY ACTIVITIES THAT WOULD RESULT IN FILL MATERIAL BEING PLACED IN EXCESS OF AN AVERAGE OF 1 CUBIC YARD PER RUNNING LINEAR FOOT AT OR BELOW THE PLANE OF THE OHW/MHW MARK.
- GREATER THAN 0.1 ACRE OF LOSS OF REGULATED WATERS.

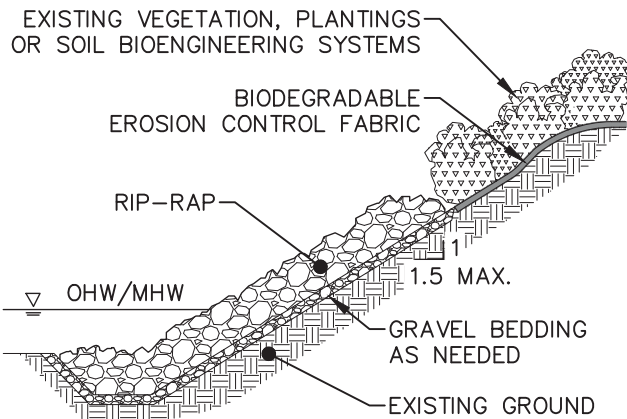
DATE: SEPTEMBER, 2023

NOTE: THIS IS A TYPICAL DETAIL FOR REFERENCE PURPOSES ONLY. IT IS THE PERMITTEE'S RESPONSIBILITY TO ENSURE THE STRUCTURE IS APPROPRIATELY DESIGNED AND CONSTRUCTED.

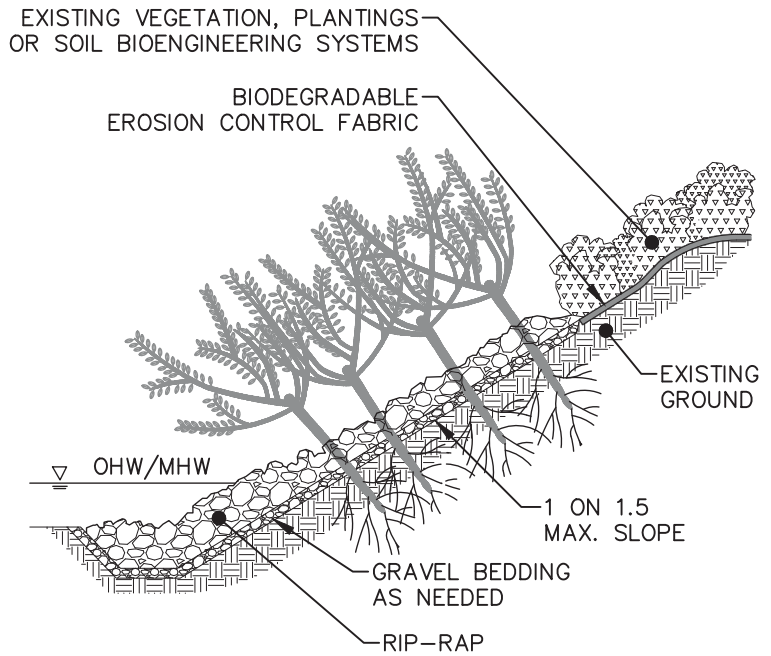


### ACTIVITY DETAIL 4D – RIP-RAP SLOPE PROTECTION

ALTERNATIVE A  
RIP-RAP CROSS SECTION VIEW  
N.T.S.



ALTERNATIVE B  
PLANTED RIP-RAP CROSS SECTION VIEW  
N.T.S.



CONDITIONS OF AUTHORIZATION

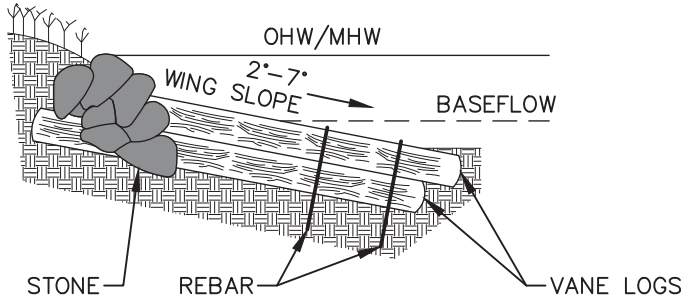
- ROCK RIP-RAP SHALL ONLY BE USED WHEN THE VELOCITY OF STREAM FLOW OR INTENSITY OF WAVE ACTION PRECLUDES THE USE OF VEGETATIVE STABILIZATION MEASURES.
- ROCK SHALL BE LIMITED TO THE MINIMUM NECESSARY TO STABILIZE BANKS/SHORELINES.
- BANK ROCK SHALL BE PROPERLY SIZED TO PREVENT MOVEMENT OR MIGRATION OF ROCK DURING HIGH WATER EVENTS.
- TOE ROCK SHALL BE PROPERLY SIZED AND ANCHORED TO PREVENT SCOUR AND UNDERMINING AND PLACED IN A MANNER THAT MINIMIZES THE HORIZONTAL WATERWARD EXTENSION OF THE ROCK.
- WHEN POSSIBLE, VEGETATION SHALL BE PLANTED IN THE VOIDS OF THE ROCKS. ALL VEGETATION USED TO PLANT THE VOIDS SHALL BE NATIVE AND NON-INVASIVE.
- WORK AREAS SHALL BE ISOLATED FROM STREAM FLOW TO REDUCE DOWNSTREAM IMPACTS FROM TURBIDITY AND SEDIMENTATION.
- STACKED STONE WALLS ARE NOT COVERED UNDER THIS ACTIVITY.
- UNLESS A WAIVER IS OBTAINED FROM THE AGENCIES, IN-STREAM WORK IS PROHIBITED IN COLD WATER TROUT FISHERIES (WATERS CLASSIFIED UNDER ARTICLE 15 OF NEW YORK'S ENVIRONMENTAL CONSERVATION LAW WITH A "T" OR "TS" DESIGNATION), BEGINNING OCTOBER 1 AND ENDING MAY 31.
- USE BIODEGRADABLE EROSION CONTROL FABRIC. PHOTODEGRADABLE PLASTIC NETTING IS NOT PERMITTED.

CATEGORY C ACTIVITIES

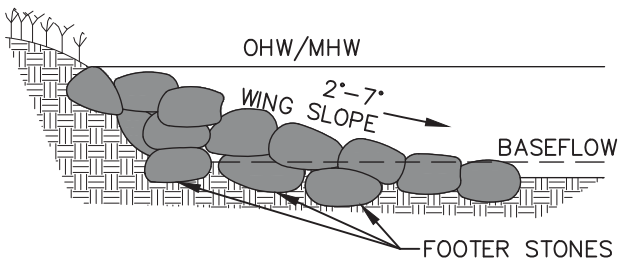
- BANK/SHORELINE STABILIZATION OVER 500 LINEAR FEET.
- ANY ACTIVITIES THAT WOULD RESULT IN FILL MATERIAL BEING PLACED IN EXCESS OF AN AVERAGE OF 1 CUBIC YARD PER RUNNING LINEAR FOOT AT OR BELOW THE PLANE OF THE OHW/MHW MARK.
- GREATER THAN 0.1 ACRE OF LOSS OF REGULATED WATERS



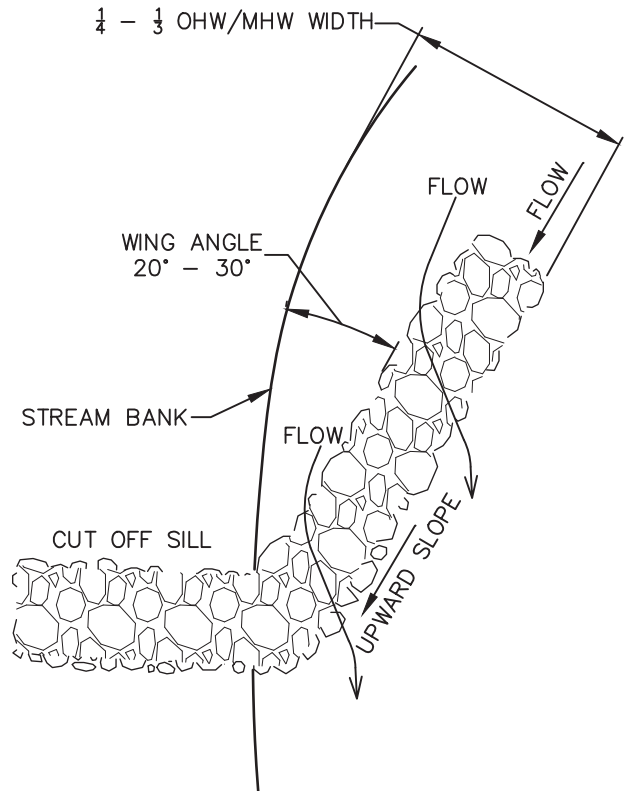
### ACTIVITY DETAIL 5 – VANES



CROSS SECTION VIEW OF LOG VANE  
N.T.S.



CROSS SECTION VIEW OF ROCK VANE  
N.T.S.



PLAN VIEW OF ROCK VANE  
N.T.S.

#### CONDITIONS OF AUTHORIZATION

- VANES ARE STRUCTURES PLACED WITHIN A STREAM CHANNEL TO REDIRECT FLOW TOWARDS THE CENTER OF THE STREAM TO TAKE PRESSURE OFF THE STREAM BANKS.
- VANES ARE LINEAR STRUCTURES CONSTRUCTED OF LOGS OR ROCK. VANES GENERALLY EXTEND OUT FROM THE STREAM BANK  $\frac{1}{3}$  OF THE BANKFULL WIDTH AND ARE ANGLED UPSTREAM AT A 20 TO 30-DEGREE ANGLE.
- VANES SHALL BE PROPERLY KEYED INTO STREAM BANKS AND FOOTER STONES SHALL BE USED AS NECESSARY TO PLACE VANES AT THE PROPER ELEVATION.
- IF ROCKS ARE USED TO CONSTRUCT THE VANE, THE ROCKS SHALL BE ADEQUATELY SIZED FOR THE VELOCITY OF THE STREAM TO PREVENT MOBILIZATION DURING HIGH FLOW EVENTS.
- WORK AREAS SHALL BE ISOLATED FROM STREAM FLOW TO REDUCE DOWNSTREAM IMPACTS FROM TURBIDITY AND SEDIMENTATION.
- UNLESS A WAIVER IS OBTAINED FROM THE AGENCIES, IN-STREAM WORK IS PROHIBITED IN COLD WATER TROUT FISHERIES (WATERS CLASSIFIED UNDER ARTICLE 15 OF NEW YORK'S ENVIRONMENTAL CONSERVATION LAW WITH A "T" OR "TS" DESIGNATION), BEGINNING OCTOBER 1 AND ENDING MAY 31.

#### CATEGORY C ACTIVITIES

- GREATER THAN 0.1 ACRE OF LOSS OF REGULATED WATERS.
- INSTALLATION OF IN-STREAM GRADE OR DIRECTIONAL CONTROL STRUCTURES THAT SPAN THE ENTIRE CHANNEL.

DATE: SEPTEMBER, 2023

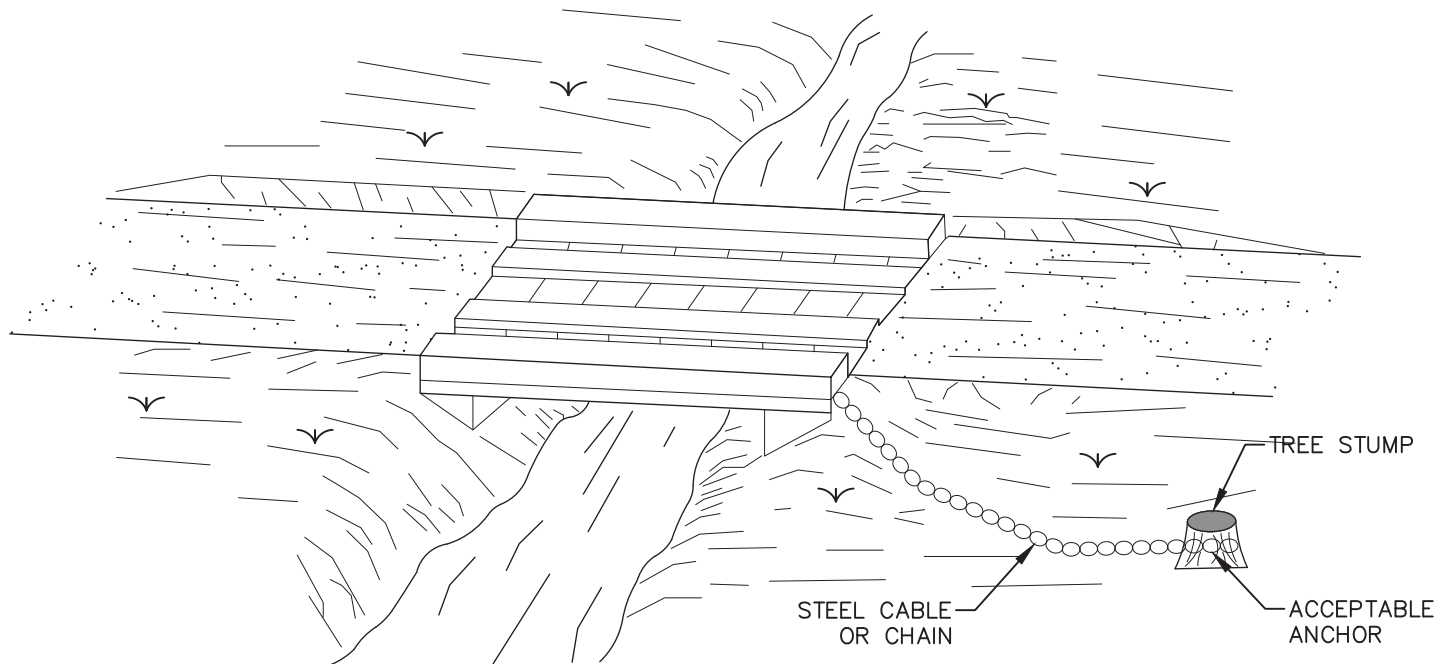
NOTE: THIS IS A TYPICAL DETAIL FOR REFERENCE PURPOSES ONLY. IT IS THE PERMITTEE'S RESPONSIBILITY TO ENSURE THE STRUCTURE IS APPROPRIATELY DESIGNED AND CONSTRUCTED.

## **Appendix F: Best Management Practice Details**





## BMP 1 – TEMPORARY BRIDGE



3-D VIEW  
N.T.S.

### REQUIREMENTS:

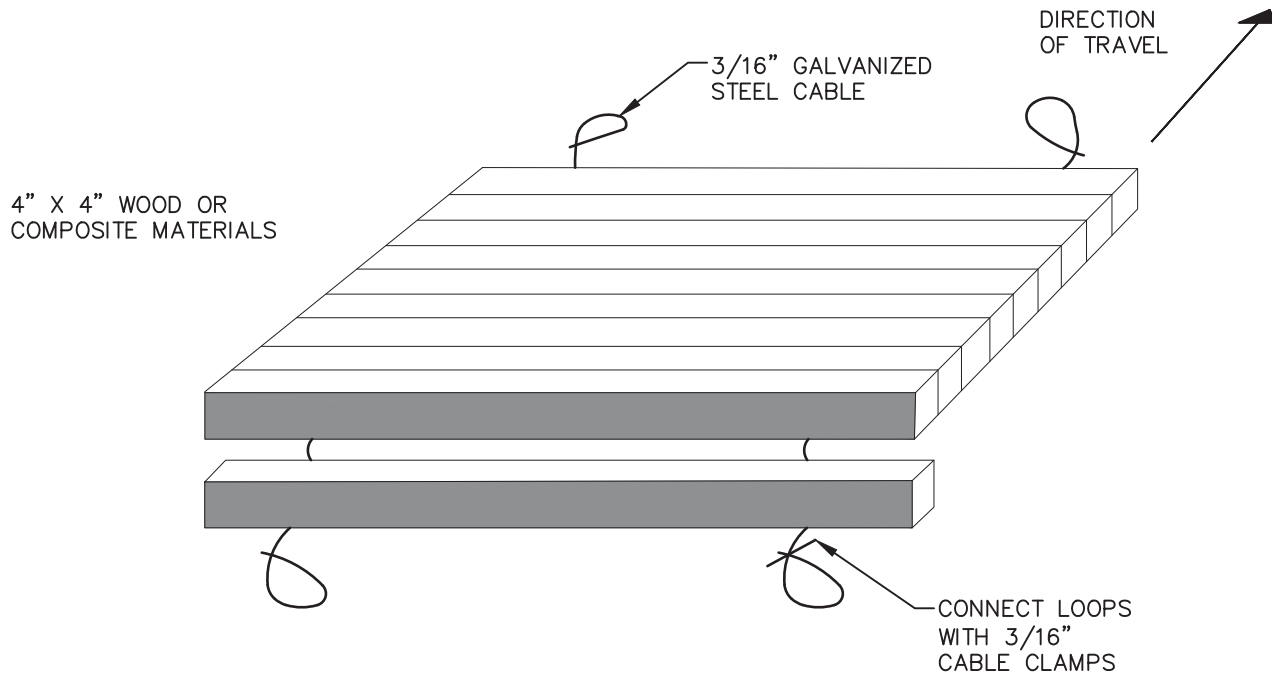
- 1) TEMPORARY BRIDGE SHALL FULLY SPAN THE ENTIRE BANKFULL WIDTH OF THE STREAM AND BE PLACED ABOVE THE BANKFULL HEIGHT OF THE STREAM.
- 2) BRIDGE ENDS SHALL EXTEND ONTO FIRM UPLAND TO PREVENT COLLAPSE OF STREAMBANKS.
- 3) BRIDGE SHALL BE ANCHORED ON ONE SIDE WITH A CABLE TO PREVENT THE BRIDGE FROM BEING WASHED DOWNSTREAM DURING FLOODING.
- 4) WHEN POSSIBLE, THE TEMPORARY BRIDGE SHALL BE REMOVED PRIOR TO STORM EVENTS OR PREDICTED HIGH FLOWS.
- 5) ONE IN-STREAM CROSSING (FORDING SITE), IF NEEDED, MAY BE USED FOR TEMPORARY ACCESS TO INSTALL AND REMOVE THE TEMPORARY BRIDGE. THE FORD SHALL BE USED TO CROSS THE STREAM ONE-TIME ONLY FOR INSTALLATION AND ONE TIME ONLY FOR REMOVAL. FORDS SHALL BE LOCATED WHERE STREAM BANKS ARE LOW AND THE STREAMBED CONSISTS OF FIRM ROCK OR GRAVEL. NO ROCK MAY BE BROUGHT INTO THE STREAM, NOR MAY ANY ROCK FROM THE STREAM CHANNEL OR BANKS BE USED TO IMPROVE THE FORD SITE. MACHINERY SHALL NOT CAUSE THE STREAM BANK TO COLLAPSE. FORD USE FOR THE CROSSING SHALL BE DURING PERIODS OF LOW OR NO STREAM FLOW ONLY.
- 6) TEMPORARY BRIDGE SHALL BE IMMEDIATELY REMOVED FOLLOWING COMPLETION OF THE WORK.

DATE: SEPTEMBER, 2023

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APPROPRIATELY DESIGNED AND CONSTRUCTED.



## BMP 2 – EQUIPMENT MATS



3-D VIEW  
N.T.S.

### REQUIREMENTS:

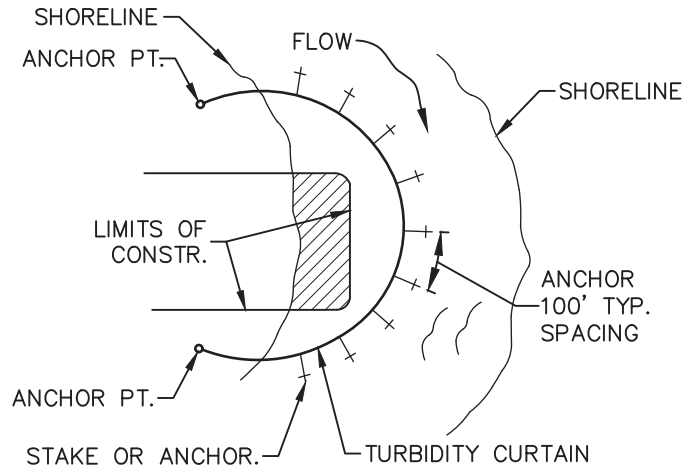
- 1) EQUIPMENT MATS SHALL BE UTILIZED IN WETLANDS TO MINIMIZE SOIL COMPACTION AND PROTECT WATER QUALITY DURING CONSTRUCTION.
- 2) PRIOR TO USE, ALL MATS SHALL BE INSPECTED TO ENSURE THAT THEY ARE CLEAN AND FREE OF INVASIVE SPECIES.
- 3) MATS ARE TYPICALLY CONSTRUCTED OF WOOD OR COMPOSITE MATERIALS.
- 4) MATS SHALL BE PROPERLY SIZED TO AVOID UNNECESSARY IMPACT TO THE WETLAND. UNDERSIZED MATS CAN CREATE GROUND PRESSURE CONDITIONS THAT CAN COMPACT UNDERLYING SOILS.
- 5) IF TEMPORARY FILLS ARE NEEDED TO ACCESS MATS, THE FILL SHALL BE INSTALLED IN A MANNER THAT ALLOWS FOR COMPLETE REMOVAL (I.E., PLACING THE TEMPORARY FILLS ON FABRIC).
- 6) MAT ROADS SHALL BE INSPECTED DAILY TO MAKE SURE THAT THEY DON'T SHIFT OR SINK AND THAT THEY ARE PROPERLY DISTRIBUTING THE WEIGHT OF THE EQUIPMENT.
- 7) MATS ARE A TEMPORARY MEASURE TO BE USED WHEN EQUIPMENT IS ACTIVELY WORKING WITHIN A WETLAND; THEY SHALL BE REMOVED IMMEDIATELY FOLLOWING COMPLETION OF WORK.
- 8) CARE SHALL BE TAKEN WHEN REMOVING THE MATS, WORKING IN A BACKWARDS FASHION. IF WATER FLOW WAS IMPAIRED BY THE MATS, THE AREA SHALL BE RESTORED TO PRE-CONSTRUCTION CONTOURS AND DRAINAGE PATTERNS, AND SEEDED IF NECESSARY.



### BMP 3 – TURBIDITY CURTAIN

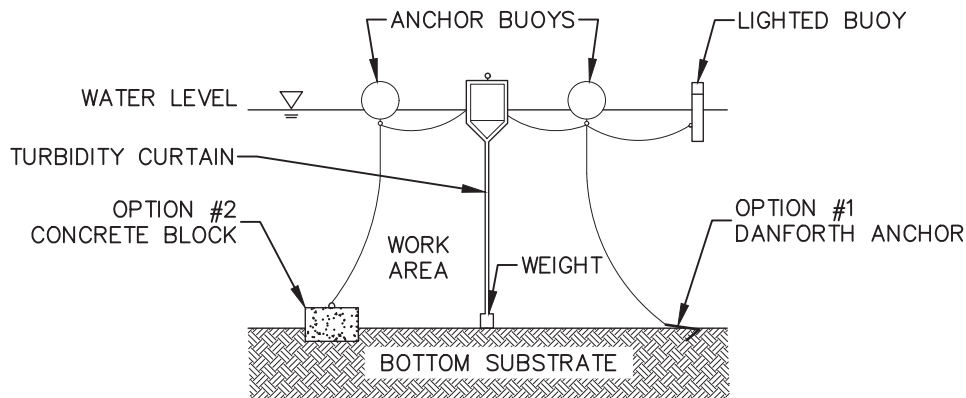
#### PLAN VIEW

N.T.S.



#### CROSS SECTION OF TURBIDITY CURTAIN

N.T.S.



#### REQUIREMENTS:

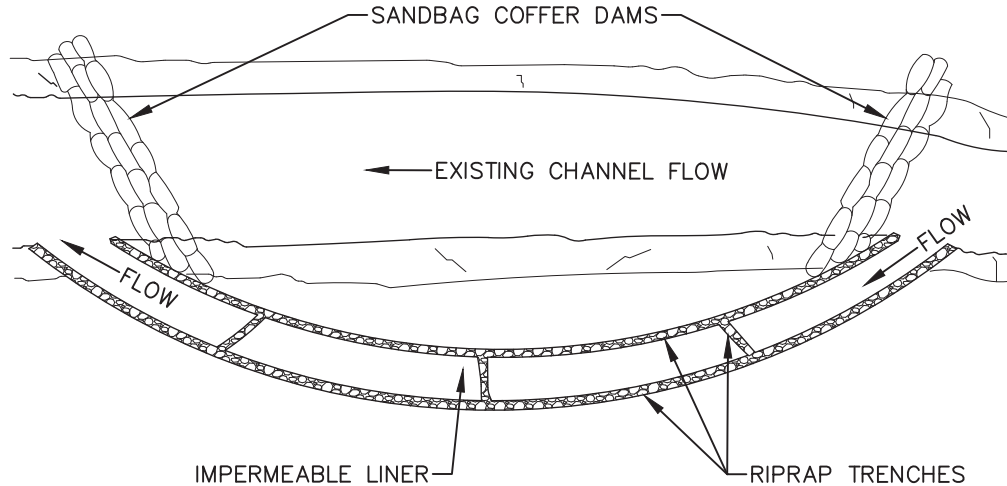
- 1) A TURBIDITY CURTAIN OR SILT CURTAIN OF GEOTEXTILE FABRIC OR IMPERMEABLE MATERIAL SHALL BE INSTALLED IN THE WATER AROUND THE WORK AREA TO PREVENT SEDIMENT OR SEDIMENT-LADEN WATER FROM LEAVING THE IMMEDIATE WORK AREA.
- 2) TURBIDITY CURTAINS SHALL NOT BE INSTALLED ACROSS FLOWING WATER. THEY ARE INTENDED TO BE PLACED PARALLEL TO THE SHORELINE IN AREAS WITH STANDING WATER OR MINIMAL VELOCITY.
- 3) PRIOR TO A STORM EVENT OR ANTICIPATED HIGH WATER FLOWS, THE WORK AREA SHALL BE TEMPORARILY STABILIZED AND THE CURTAIN SHALL BE REMOVED TO PREVENT DAMAGE TO THE CURTAIN OR DOWNSTREAM AREAS.
- 4) CURTAINS SHALL BE MARKED WITH BRIGHT COLORS AND LIGHTS IF PLACED IN NAVIGABLE WATERS.
- 5) CURTAINS SHALL BE PROPERLY ANCHORED TO SHORE BY A FLOATATION LINE.
- 6) SEAMS SHALL BE SEALED AND INSPECTED REGULARLY FOR GAPS OR OPENINGS AND IF FOUND, REPAIRED IMMEDIATELY.
- 7) IF SEDIMENT OR SEDIMENT-LADEN WATERS ARE OBSERVED LEAVING THE IMMEDIATE WORK AREA, OPERATIONS SHALL CEASE AND THE TURBIDITY CURTAIN SHALL BE INSPECTED. IF THE CURTAIN IS FOUND TO NOT BE PROPERLY ANCHORED OR IS DAMAGED, REPAIRS/MODIFICATIONS SHALL BE MADE TO ENSURE IT IS FUNCTIONING PROPERLY BEFORE RESTARTING OPERATIONS. IF THE CURTAIN IS FOUND TO BE PROPERLY INSTALLED AND NO OTHER DAMAGE IS APPARENT, ADDITIONAL MEASURES SHALL BE PUT IN PLACE TO CONTAIN SEDIMENT OR SEDIMENT-LADEN WATERS WITHIN THE WORK AREA.
- 8) THE TURBIDITY CURTAIN SHALL REMAIN IN PLACE FOR AT LEAST 12 HOURS FOLLOWING COMPLETION OF WORK ACTIVITIES. THE TURBIDITY CURTAIN SHALL BE CAREFULLY REMOVED BY PULLING IT TOWARD THE SHORELINE TO MINIMIZE THE RELEASE OF ATTACHED SEDIMENT BACK INTO THE REGULATED WATER. SEDIMENTS SHALL BE PROPERLY DISPOSED OF IN AN UPLAND AREA.
- 9) UNLESS A WAIVER IS OBTAINED FROM THE AGENCIES, IN-STREAM WORK IS PROHIBITED IN COLD WATER TROUT FISHERIES (WATERS CLASSIFIED UNDER ARTICLE 15 OF NEW YORK'S ENVIRONMENTAL CONSERVATION LAW WITH A "T" OR "TS" DESIGNATION), BEGINNING OCTOBER 1 AND ENDING MAY 31.



### BMP 4 – PASSIVE FLOW BYPASS

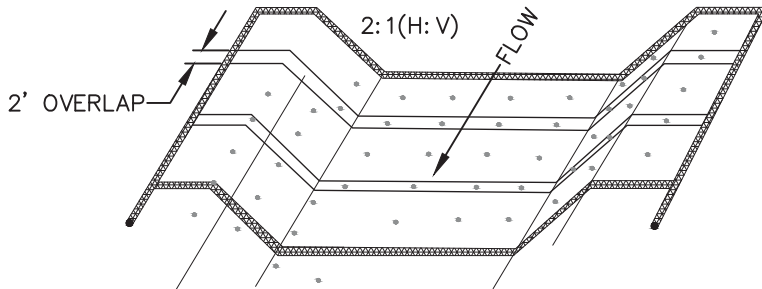
#### PLAN VIEW

N.T.S.



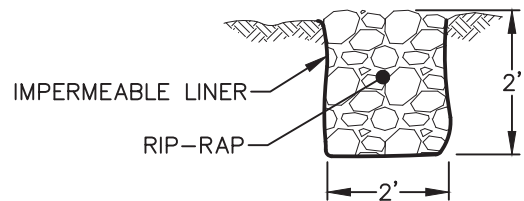
#### SECTION VIEW

N.T.S.



#### TRENCHING DETAIL

N.T.S.



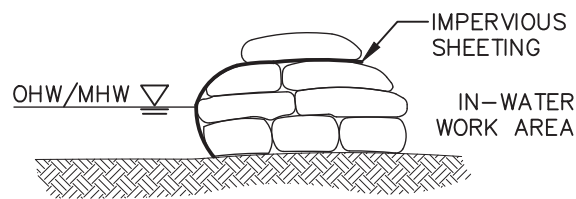
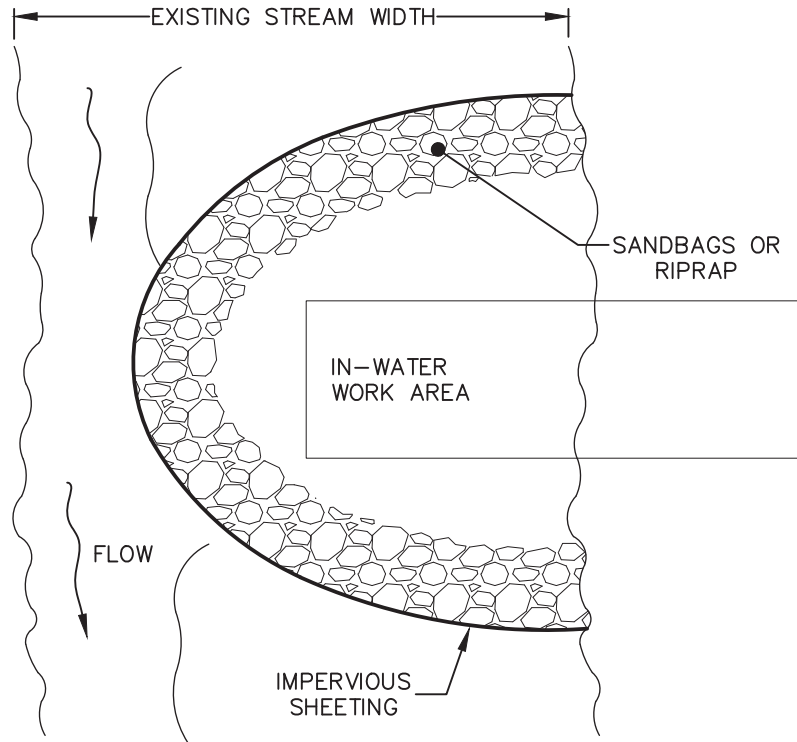
#### REQUIREMENTS:

- 1) DIVERSION CHANNELS THROUGH SOIL (I.E., SILT OR CLAY) SHALL BE LINED WITH NON-ERODIBLE MATERIAL SUCH AS ROCK RIPRAP OR AN IMPERMEABLE LINER (I.E., PLASTIC) TO LIMIT EROSION AND REDUCE PARTICLE SUSPENSION. IF A DIVERSION CHANNEL THROUGH GRAVEL RESULTS IN CONTINUOUS TURBIDITY, THE USE OF CHANNEL LINING MATERIAL IS REQUIRED.
- 2) WORK SHALL NOT BE CONDUCTED DURING STORM EVENTS OR HIGH FLOWS, UNLESS OTHERWISE AUTHORIZED.
- 3) EXCAVATION OF THE DIVERSION CHANNEL SHALL BEGIN AT THE DOWNSTREAM END AND PROCEED UPSTREAM.
- 4) THE DIVERSION CHANNEL SHALL BE BUILT OF SUFFICIENT CAPACITY TO CONVEY EXPECTED FLOWS DURING THE PROJECT DURATION, WITH ADEQUATE FREEBOARD. SELECTED CHANNEL LINING MATERIALS SHALL WITHSTAND ANTICIPATED VELOCITIES AND SHEAR STRESS.
- 5) A DEWATERING SUMP PIT MAY BE USED TO REMOVE WATER FROM THE WORK AREA – REFER TO BMP 9 AND BMP 10.
- 6) MATERIAL EXCAVATED FROM THE DIVERSION CHANNEL SHALL BE TEMPORARILY STOCKPILED IN AREAS THAT WILL NOT INTERFERE WITH STREAM OR FLOODWATER CONVEYANCE DURING THE DURATION OF THE WORK.
- 7) IMPERMEABLE LINER SHALL BE INSTALLED FLUSH AGAINST THE CHANNEL AND INSTALLED WITH MINIMAL SEAMS. WHERE 2 SECTIONS OF LINER JOIN, UPSTREAM SECTIONS SHALL OVERLAP DOWNSTREAM SECTIONS AND THE OVERLAP WIDTH SHALL BE AT LEAST 2 FEET.
- 8) THE EDGES OF THE IMPERMEABLE LINER SHALL BE KEYED INTO 2 BY 2-FOOT TRENCHES OF ROCK RIP-RAP
- 9) IMMEDIATELY FOLLOWING THE COMPLETION OF WORK, THE IMPERMEABLE LINER AND/OR ROCK RIP-RAP SHALL BE REMOVED, EXCAVATED NATIVE STREAM BED MATERIALS REPLACED AND PRE-CONSTRUCTION CONTOURS RESTORED. ALL DISTURBED AREAS SHALL BE STABILIZED, REVEGETATED AND EXCESS MATERIALS SHALL BE DISPOSED OF PROPERLY.
- 10) UNLESS A WAIVER IS OBTAINED FROM THE AGENCIES, IN-STREAM WORK IS PROHIBITED IN COLD WATER TROUT FISHERIES (WATERS CLASSIFIED UNDER ARTICLE 15 OF NEW YORK'S ENVIRONMENTAL CONSERVATION LAW WITH A "T" OR "TS" DESIGNATION), BEGINNING OCTOBER 1 AND ENDING MAY 31.



### BMP 5 – COFFERDAM

PLAN VIEW  
N.T.S.



CROSS SECTION  
N.T.S.

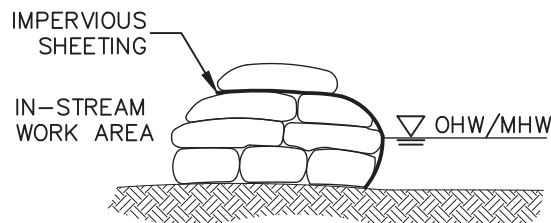
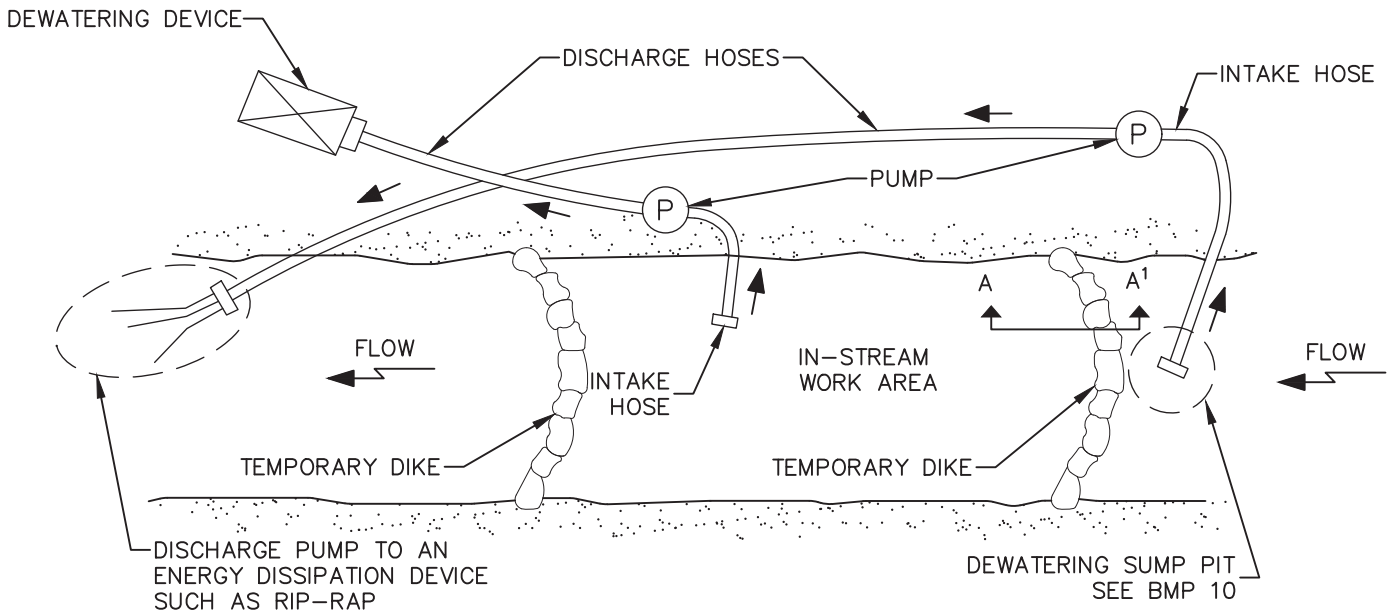
REQUIREMENTS:

- 1) COFFERDAMS ARE UTILIZED IN STREAMS OR OPEN WATERBODIES TO FACILITATE WORK IN THE DRY.
- 2) WORK SHALL NOT BE CONDUCTED DURING STORM EVENTS OR HIGH FLOWS, UNLESS OTHERWISE AUTHORIZED.
- 3) COFFERDAMS SHALL NOT IMPEDE THE FLOW OF THE STREAM. IF NECESSARY, SEPARATE COFFERDAMS SHALL BE CONSTRUCTED FROM EACH STREAM BANK.
- 4) LARGE ROCKS, WOODY VEGETATION, OR OTHER MATERIAL WHICH MAY PRECLUDE PROPER INSTALLATION OF THE COFFERDAM SHALL BE REMOVED.
- 5) COFFERDAM SHALL BE CONSTRUCTED OF CLEAN, NON-ERODIBLE MATERIALS SUCH AS SANDBAGS OR RIPRAP AND SHALL BE OF AN ADEQUATE HEIGHT TO KEEP CLEAN WATER FROM OVERTOPPING INTO THE ISOLATED WORK AREA.
- 6) WATER FROM THE ISOLATED WORK AREA SHALL BE PUMPED TO A WELL VEGETATED AREA. REFER TO BMP 9 AND BMP 10. FLOW FROM THE DEWATERING OPERATION SHALL NOT BE OF A VELOCITY WHICH RESULTS IN EROSION OF THE RECEIVING UPLANDS.
- 7) IMMEDIATELY FOLLOWING COMPLETION OF WORK, THE COFFERDAM SHALL BE REMOVED AND THE AREA SHALL BE GRADED AND STABILIZED IN ACCORDANCE WITH THE APPROVED PLANS.
- 8) UNLESS A WAIVER IS OBTAINED FROM THE AGENCIES, IN-STREAM WORK IS PROHIBITED IN COLD WATER TROUT FISHERIES (WATERS CLASSIFIED UNDER ARTICLE 15 OF NEW YORK'S ENVIRONMENTAL CONSERVATION LAW WITH A "T" OR "TS" DESIGNATION), BEGINNING OCTOBER 1 AND ENDING MAY 31.



### BMP 6 – PUMP AROUND

#### PLAN VIEW N.T.S.



**NOTE:**  
TEMPORARY DIKE TO BE CONSTRUCTED OF SANDBAGS OR RIP-RAP

#### CROSS SECTION A-A<sup>1</sup> N.T.S.

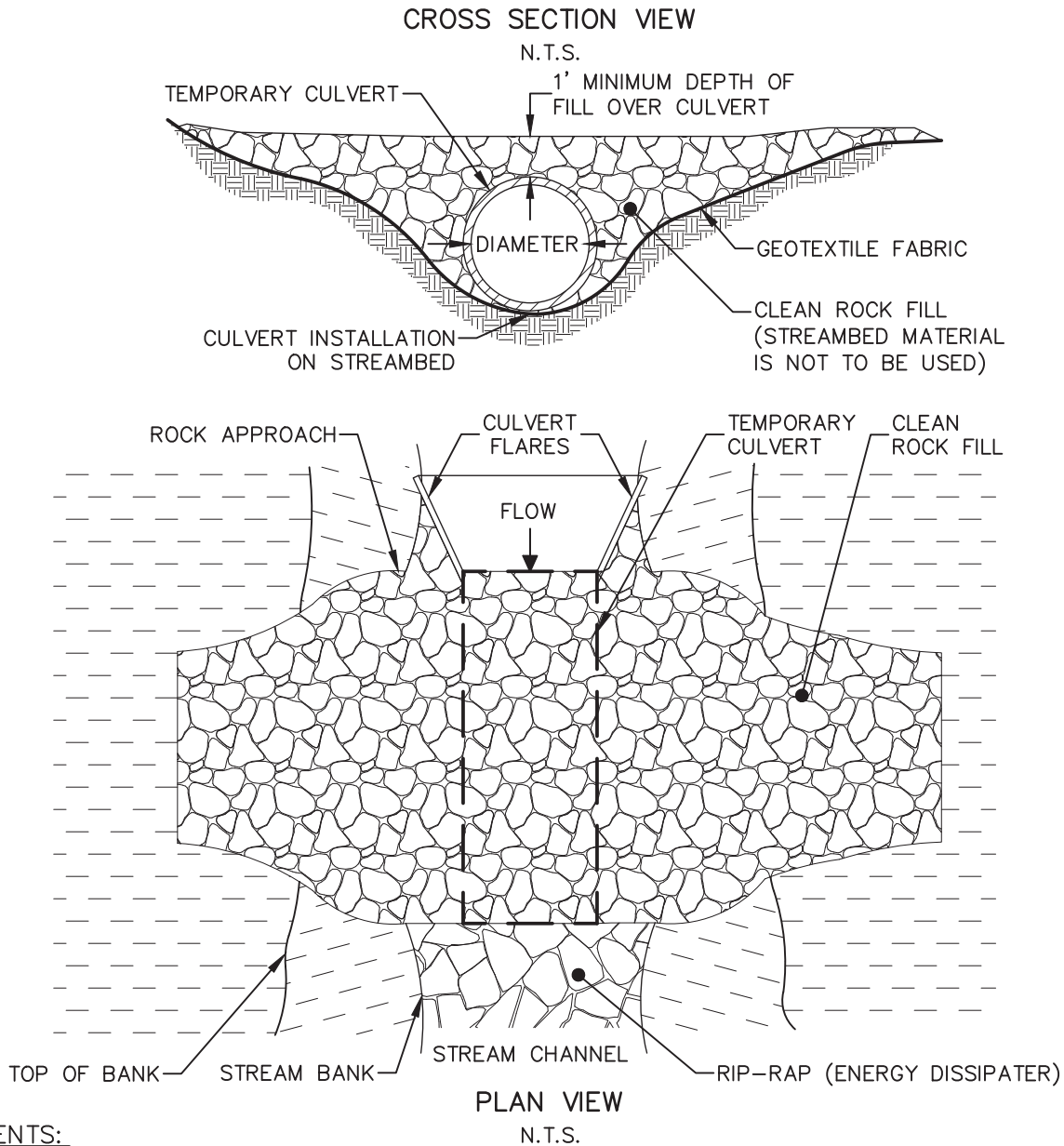
#### REQUIREMENTS:

- 1) WORK SHALL NOT BE CONDUCTED DURING STORM EVENTS OR HIGH FLOWS, UNLESS OTHERWISE AUTHORIZED.
- 2) WATER FROM THE WORK AREA SHALL BE PUMPED TO A SEDIMENT FILTERING MEASURE SUCH AS A DEWATERING BASIN IN A WELL VEGETATED UPLAND AREA – REFER TO BMP 9 AND BMP 10.
- 3) STREAM FLOW SHALL BE DIVERTED AROUND THE WORK AREA AND THE PUMP SHOULD DISCHARGE ONTO A STABLE ENERGY DISSIPATER COMPRISED OF ROCK OR SANDBAGS LOCATED WITHIN THE STREAM BED DOWNSTREAM OF THE SEDIMENT DIKE.
- 4) IMMEDIATELY FOLLOWING COMPLETION OF IN-STREAM WORK, ALL SANDBAGS AND PUMP EQUIPMENT SHALL BE REMOVED AND DISTURBED AREAS SHALL BE GRADED AND STABILIZED IN ACCORDANCE WITH THE APPROVED PLANS.
- 5) UNLESS A WAIVER IS OBTAINED FROM THE AGENCIES, IN-STREAM WORK IS PROHIBITED IN COLD WATER TROUT FISHERIES (WATERS CLASSIFIED UNDER ARTICLE 15 OF NEW YORK'S ENVIRONMENTAL CONSERVATION LAW WITH A "T" OR "TS" DESIGNATION), BEGINNING OCTOBER 1 AND ENDING MAY 31.





### BMP 7 – TEMPORARY CULVERT IN STREAMS



**REQUIREMENTS:**

- 1) THE CULVERT SHALL BE OF A SUFFICIENT SIZE TO CONVEY ALL STREAM FLOWS WHILE INSTALLED. DIAMETER IS BASED ON THE TIMING, DURATION AND THE INTENDED USE OF THE CULVERT.
- 2) GEOTEXTILE FABRIC SHALL BE USED TO LINE THE STREAM BED TO FACILITATE REMOVAL OF TEMPORARY ROCK FILL.
- 3) CULVERT SHALL EXTEND BEYOND THE TOE OF THE ROADWAY.
- 4) RUN-OFF FROM THE ROADWAY SHALL BE DIVERTED OFF THE ROADWAY AND INTO A SEDIMENT REMOVAL BMP BEFORE IT REACHES THE ROCK APPROACH TO THE CROSSING.
- 5) TEMPORARY STREAM CROSSINGS SHALL BE INSPECTED ON A DAILY BASIS.
- 6) DAMAGED CROSSINGS SHALL BE REPAIRED WITHIN 24 HOURS OF THE INSPECTION AND BEFORE ANY SUBSEQUENT USE.
- 7) SEDIMENT DEPOSITS ON THE CROSSING OR ITS APPROACHES SHALL BE REMOVED WITHIN 24 HOURS OF THE INSPECTION.
- 8) AS SOON AS THE TEMPORARY CROSSING IS NO LONGER NEEDED, IT SHALL BE REMOVED.
- 9) ALL MATERIALS SHALL BE DISPOSED OF PROPERLY AND DISTURBED AREAS SHALL BE STABILIZED IN ACCORDANCE WITH APPROVED PLANS.
- 10) UNLESS A WAIVER IS OBTAINED FROM THE AGENCIES, IN-STREAM WORK IS PROHIBITED IN COLD WATER TROUT FISHERIES (WATERS CLASSIFIED UNDER ARTICLE 15 OF NEW YORK'S ENVIRONMENTAL CONSERVATION LAW WITH A "T" OR "TS" DESIGNATION), BEGINNING OCTOBER 1 AND ENDING MAY 31.

DATE: SEPTEMBER, 2023

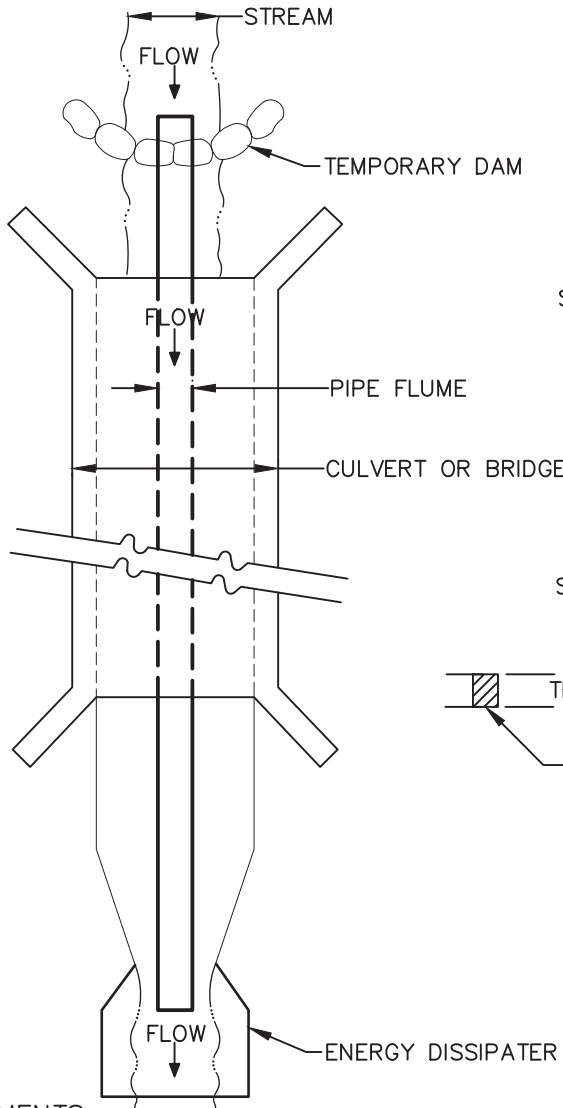
NOTE: THIS IS A TYPICAL DETAIL FOR REFERENCE PURPOSES ONLY. IT IS THE PERMITTEE'S RESPONSIBILITY TO ENSURE THE STRUCTURE IS APPROPRIATELY DESIGNED AND CONSTRUCTED.



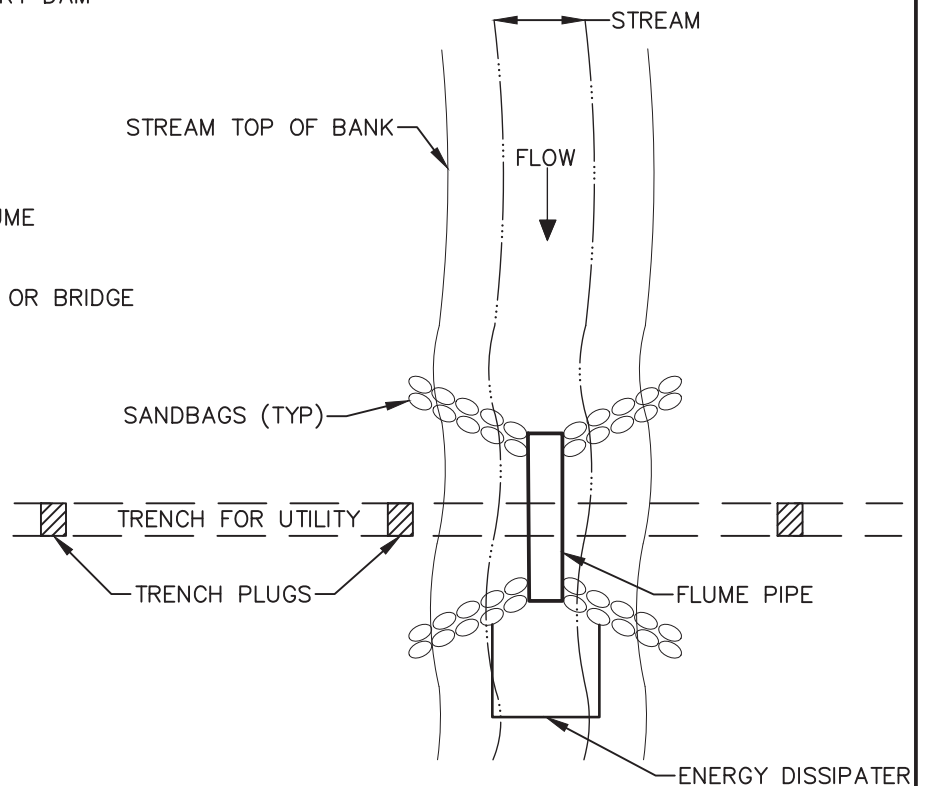
### BMP 8 – FLUME

#### PLAN VIEW FOR CULVERT OR BRIDGE WORK N.T.S.

RIGID OR FLEXIBLE PIPE FLUME THROUGH A WORK AREA



#### PLAN VIEW FOR UTILITY WORK N.T.S.



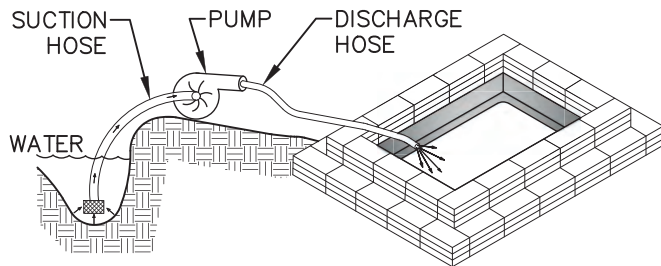
#### REQUIREMENTS:

- 1) A FLUME IS A RIGID OR FLEXIBLE PIPE USED TO TEMPORARILY CONVEY FLOW ACROSS UTILITY TRENCH OR WITHIN A LARGER CULVERT OR BRIDGE.
- 2) WORK SHALL NOT BE CONDUCTED DURING STORM EVENTS OR HIGH FLOWS, UNLESS OTHERWISE AUTHORIZED.
- 3) THE FLUME SHOULD BE OF SUFFICIENT SIZE TO CONVEY EXISTING STREAM FLOWS THROUGH THE WORK AREA.
- 4) SANDBAGS MAY BE USED TO DIRECT FLOW INTO THE FLUME.
- 5) ENERGY DISSIPATION MEASURES SUCH AS ROCK OR A SPLASH GUARD SHALL BE USED AT THE DOWNSTREAM END OF THE FLUME TO PREVENT EROSION IN THE STREAM BED.
- 6) WATER FROM THE ISOLATED WORK AREA SHALL BE PUMPED TO A WELL VEGETATED AREA. FLOW FROM THE DEWATERING OPERATION SHALL NOT BE OF A VELOCITY WHICH RESULTS IN EROSION OF THE RECEIVING UPLANDS – REFER TO BMP 9 AND BMP 10.
- 7) IMMEDIATELY FOLLOWING COMPLETION OF IN-STREAM WORK, ALL FLUMES, SANDBAGS AND ROCK FILTERS SHALL BE REMOVED AND DISTURBED AREAS SHALL BE GRADED AND STABILIZED IN ACCORDANCE WITH THE APPROVED PLANS.
- 8) UNLESS A WAIVER IS OBTAINED FROM THE AGENCIES, IN-STREAM WORK IS PROHIBITED IN COLD WATER TROUT FISHERIES (WATERS CLASSIFIED UNDER ARTICLE 15 OF NEW YORK'S ENVIRONMENTAL CONSERVATION LAW WITH A "T" OR "TS" DESIGNATION), BEGINNING OCTOBER 1 AND ENDING MAY 31.



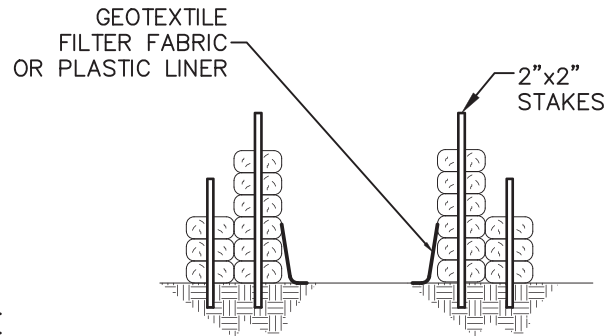
### BMP 9 – UPLAND DEWATERING AREA WITH RETURN FLOW

SECTION VIEW OF STRAW BALE DEWATERING STRUCTURE  
N.T.S.

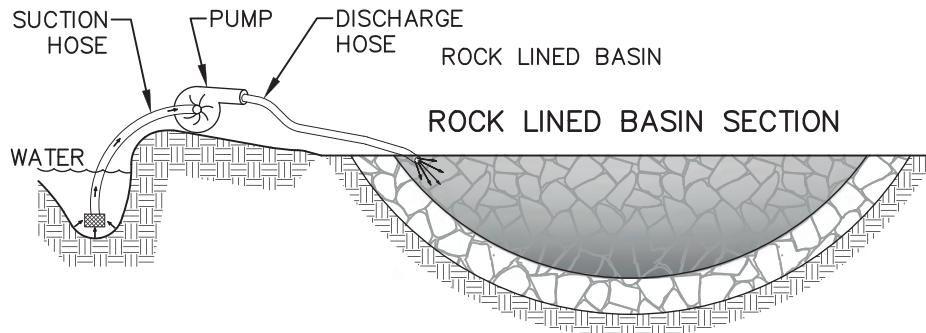


STRAW BALE DEWATERING STRUCTURE

SECTION VIEW OF STRAW BALE STRUCTURE  
N.T.S.



SECTION VIEW OF ROCK LINED BASIN DEWATERING STRUCTURE  
N.T.S.



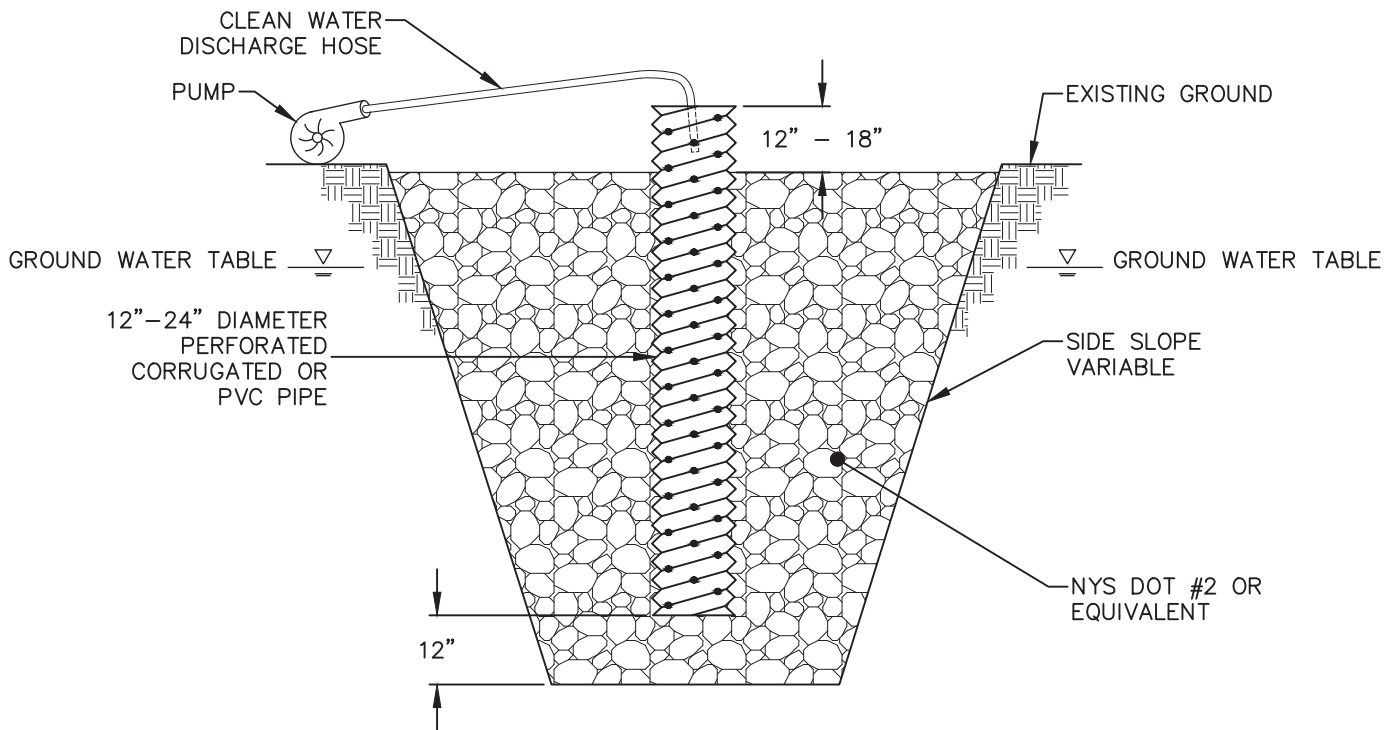
**REQUIREMENTS:**

- 1) DEWATERING OF A WORK AREA IS TYPICALLY CONDUCTED USING A PUMP AND HOSE – REFER TO BMP 10 DEWATERING SUMP PIT.
- 2) EXCESS WATER FROM THE WORK AREA IS DISCHARGED FROM THE HOSE INTO A TEMPORARY DEWATERING STRUCTURES SUCH AS A STRAW BALE DEWATERING STRUCTURE, GEOTEXTILE DEWATERING BAG OR ROCK LINED BASIN.
- 3) DISCHARGE SITE SHALL BE A WELL VEGETATED UPLAND AREA AND SHALL BE SLOPED AWAY FROM THE ACTIVE WORK AREA.
- 4) STRAW BALE STRUCTURES SHALL BE LINED WITH GEOTEXTILE FABRIC, PLASTIC SHEETING OR STRAW TO MINIMIZE EROSION.
- 5) FILTER BAGS SHALL ONLY BE USED IF THEY CAN BE REMOVED WITHOUT DISCHARGING SEDIMENT INTO REGULATED WATERS. THEY SHALL NOT BE OVERFILLED (NO MORE THAN 75%) AND SHALL BE MONITORED DURING USE TO PREVENT PLUGGING AND RUPTURE.
- 6) ACCUMULATED SEDIMENTS SHALL EITHER BE REMOVED ENTIRELY OR GRADED, SEEDED AND MULCHED IN PLACE.
- 7) DISCHARGE RATES SHALL BE CONTROLLED SO THAT THE STRUCTURE IS NOT OVERTOPPED AND SO THAT THE FLOWS ARE NON-EROSIVE.
- 8) DEWATERING SHALL BE LOCALIZED AND NOT DRAIN EXTENSIVE AREAS OF A REGULATED WATER OR REDUCE THE WATER LEVEL SUCH THAT FISH AND OTHER AQUATIC ORGANISMS ARE KILLED, OR THEIR EGGS AND NESTS ARE EXPOSED TO DESICCATION, FREEZING OR DEPREDATION IN AREAS OUTSIDE OF THE IMMEDIATE WORK AREA.
- 9) RETURN FLOWS FROM THE DEWATERING STRUCTURE SHALL BE AS CLEAR AS THE RECEIVING REGULATED WATER.
- 10) IMMEDIATELY FOLLOWING COMPLETION OF WORK, ALL DEWATERING STRUCTURES SHALL BE REMOVED AND DISTURBED AREAS SHALL BE GRADED AND STABILIZED IN ACCORDANCE WITH THE APPROVED PLANS.



### BMP 10 – DEWATERING SUMP PIT

#### CROSS SECTION N.T.S.



**REQUIREMENTS:**

- 1) DEWATERING SUMP PITS ARE TEMPORARY PITS CONSTRUCTED USING PIPE AND STONE FOR PUMPING EXCESS WATER FROM EXCAVATIONS TO A SUITABLE DISCHARGE AREA (REFER TO BMP 9 UPLAND DEWATERING AREA WITH RETURN FLOW).
- 2) PIT DIMENSIONS ARE VARIABLE DEPENDING ON SITE CONDITIONS.
- 3) A PERFORATED VERTICAL STANDPIPE SHALL BE PLACED IN THE CENTER OF THE PIT AND SURROUNDED BY STONE SCREENING MATERIAL TO COLLECT FILTER WATER. THE STANDPIPE SHALL EXTEND 12 TO 18 INCHES ABOVE THE LIP OF THE PIT.
- 4) WATER SHALL BE PUMPED FROM THE CENTER OF THE PIPE TO A SUITABLE DISCHARGE AREA SUCH AS A SEDIMENT TRAP, FILTER BAG OR WELL VEGETATED UPLAND AREA.
- 5) IF WATER FROM THE SUMP PIT WILL BE PUMPED DIRECTLY TO A STORM DRAIN SYSTEM, FILTER CLOTH WITH AN EQUIVALENT SIEVE SIZE BETWEEN 40-80 SHALL BE WRAPPED AROUND THE STANDPIPE TO ENSURE CLEAN WATER DISCHARGE.
- 6) IT IS RECOMMENDED THAT ¼ TO ½ INCH HARDWARE CLOTH BE WRAPPED AROUND AND SECURED TO THE SANDPIPE PRIOR TO ATTACHING THE FILTER CLOTH. THIS WILL INCREASE THE RATE OF WATER SEEPAGE INTO THE STANDPIPE.
- 7) FOLLOWING COMPLETION OF WORK, FILL THE SUMP PIT WITH ORIGINAL MATERIAL, GRADE AND SEED THE AREA, AS NEEDED.



## Appendix G: Coastal Erosion Hazard Area Map



The following municipalities, listed by county, have Coastal Erosion Hazard Areas (CEHA) within their municipal boundaries. The municipalities with an asterisk\* are certified by NYSDEC and a permit must be sought directly from the municipality. For all other listed municipalities, a CEHA permit must be sought through NYSDEC. For more information, please see <https://www.dec.ny.gov/lands/86552.html>.

- Cayuga County: Fair Haven Village, Town of Sterling
- Chautauqua County: Towns of Dunkirk\*, Hanover, Pomfret, Portland, Ripley, Sheridan\*, Westfield; Village of Silver Creek; City of Dunkirk
- Erie County: Towns of Brant, Evans, Hamburg
- Jefferson County: Town of Ellisburg\*
- Monroe County: Towns of Greece\*, Hamlin\*, Irondequoit, Parma, Penfield, Webster; City of Rochester\*
- Niagara County: Towns of Newfane, Porter, Somerset, Wilson; Village of Wilson
- Orleans County: Towns of Carlton, Kendall\*, Yates\*
- Oswego County: Towns of Mexico, New Haven, Oswego, Richland, Sandy Creek, Scriba; City of Oswego\*
- Wayne County: Towns of Huron\*, Ontario, Sodus\*, Williamson, Wolcott; Village of Sodus Point

## Appendix H: Adirondack Park Agency Jurisdictional Information

### Municipalities within the Adirondack Park

The operator of a project within these municipalities is advised to contact the Adirondack Park Agency before commencing any project that is authorized by this NYSPGP-1.

Altona	Johnsburg	Wells
Arietta	Johnstown	Westport
AuSable	Keene	Willsboro
Bellmont	Lake George	Wilmington
Benson	Lake Luzerne	Village of Bloomingdale
Black Brook	Lake Pleasant	Village of Corinth
Bleecker	Lawrence	Village of Dannemora
Bolton	Lewis	Village of Lake George
Brighton	Long Lake	Village of Lake Placid
Broadalbin	Lyonsdale	Village of Mayfield
Caroga	Mayfield	Village of Northville
Chester	Minerva	Village of Port Henry
Chesterfield	Morehouse	Village of Saranac Lake
Clare	Moriah	Village of Speculator
Clifton	Newcomb	Village of Ticonderoga
Colton	North Elba	Village of Tupper Lake
Corinth	North Hudson	
Croghan	Northampton	
Crown Point	Ohio	
Dannemora	Oppenheim	
Day	Parishville	
Diana	Peru	
Dresden	Piercefield	
Duane	Pitcairn	
Edinburg	Plattsburgh	
Elizabethtown	Providence	
Ellenburg	Putnam	
Ephratah	Queensbury	
Essex	Remsen	
Fine	Russia	
Forestport	Salisbury	
Fort Ann	Santa Clara	
Franklin	Saranac	
Greenfield	Schroon	
Grieg	St. Armand	
Hadley	Stony Creek	
Hague	Stratford	
Harrietstown	Thurman	
Hope	Ticonderoga	
Hopkinton	Tupper Lake	
Horicon	Warrensburg	
Indian Lake	Watson	
Inlet	Waverly	
Jay	Webb	



Emergency projects are exempt from the Adirondack Park Agency's (Agency) normal regulatory review. The circumstances under which land use or development will be considered an emergency project is set forth in section 572.15 of Agency regulations. The Agency has two processes for responding to emergencies: the *emergency certification*, intended for documenting an immediate emergency response, and the *emergency recovery authorization*, intended for projects required to recover from an emergency.

### **Emergency Projects**

As defined in 9 NYCRR § 572.15, emergency projects undertaken in response to an emergency do not require Agency approval.

**Emergency** is defined as a specific event or condition which presents an immediate threat to life or property or a specific storm event or calamity that has been declared to be an emergency by federal or state officials.

**Emergency Project** is defined as land use or development that is immediately necessary for the protection of life or property and that would otherwise require a permit, order or variance.

### **Emergency Certifications**

The emergency certification provides written documentation from the Agency acknowledging an emergency and emergency project, and stating that the project was undertaken in full compliance with Agency requirements. Agency review is not required for anyone undertaking emergency land use or development which is immediately necessary for the protection of life or property, and the Agency can issue an emergency certification either before or after the emergency project has been undertaken. In either case, the Agency has 2 business days to respond to requests for emergency certifications.

### **Emergency Recovery Authorization**

The emergency recovery authorization covers additional work necessary once an emergency is over in order to recover from the aftermath of the emergency or to correct work done during the emergency. Issuance by the Agency of an emergency recovery authorization is required before work may commence, but will be provided on an expedited basis.

Other provisions or restrictions may apply if an Agency permit or variance is required or if the property has previously been subject to Agency review.

**NYS Adirondack Park Agency  
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**518-891-4050**

**<https://www.apa.ny.gov>**