



PUBLIC NOTICE

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

In replying refer to:

Public Notice Number: RGP for Minor Pier Activities
Issue Date: February 14, 2023
Expiration Date: March 18, 2023

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 103 of the Marine Protection, Research & Sanctuaries Act of 1972, as amended (33 U.S.C. 1413).

ACTIVITY: General Permit for the installation and maintenance of open pile or floating: dock(s), deck, observation platform(s) in waters of the U.S., stairway(s), mooring pile(s), mooring buoy(s), swim platform, marine railway, boat hoist(s)/jet ski hoist(s), covered (not enclosed) boat slips and hoists, and boat whips.

WATERWAY: Waters of the U.S.

LOCATION: State of New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

Since its early history, the U.S. Army Corps of Engineers has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the U.S. Army Corps of Engineers Regulatory Program.

The U.S. Army Corps of Engineers is directed by Congress under Section 10 of the Rivers and Harbors of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States. The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

The U.S. Army Corps of Engineers is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

Interested parties are hereby notified that, in accordance with Title 33 CFR 325.2(e), published in the Federal Register on November 13, 1986, the New York District of the U.S. Army Corps of Engineers (USACE) are proposing a Regional General Permit (RGP) procedure for authorizing the work described herein, within the State of New York. RGPs are a type of general permit as defined in 33 CFR 322.2(±) and 33 CFR 323.2(n). They may be issued by a division or district engineer after compliance with the other procedures of this regulation. After a regional permit has been issued, individual activities falling within those categories that are authorized by such regional permits do not have to be further authorized by the procedures of this regulation. The issuing authority will determine and add appropriate conditions to protect the public interest. When the issuing authority determines on a case-by-case basis that the concerns for the aquatic environment so indicate, -he may -exercise discretionary authority to override the issuing authority if it is

determined that it is contrary to the public interest provided the procedures of Sec. 325.7 of this part are followed. Following revocation, applications for future activities in areas covered by the regional permit shall be processed as applications for individual permits. No regional permit shall be issued for a period of more than five years.

The use of RGPs will help to streamline our permit process and allow for an expedited permit review for projects that are determined by the Corps to have minimal individual and cumulative adverse environmental impacts on the aquatic environment. Each RGP issued will include the general conditions identified herein by reference and appropriate case-specific provisions intended to protect the environment, including natural and cultural resources. Work that does not comply with these provisions may require authorization by individual permit. However, compliance with this RGP procedure, including the general conditions, does not guarantee authorization of the work by RGP. Work or structures that would have unacceptable impacts on the public interest are not authorized. Activities requiring Department of the Army authorization that are not specifically covered by this RGP are prohibited unless authorized by a separate permit.

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

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

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

The purpose of this procedure is to expedite authorization for the activities described below when they would not pose substantial adverse individual or cumulative impacts on the aquatic environment.

SCOPE OF WORK:

We have reviewed past permit actions and determined that permits that meet the following descriptions with appropriate mitigation, if applicable, typically have minimal impact on the aquatic

environment and generate little if any adversity from the resource agencies and the general public.

Install and maintain open pile or floating: dock(s), deck, observation platform(s) in waters of the U.S., stairway(s), mooring pile(s), mooring buoy(s), swim platform, marine railway, boat hoist(s)/jet ski hoist(s), covered (not enclosed) boat slips and hoists, and boat whips.

Impacts to waters of the United States, including wetlands, shall be avoided or minimized through the use of practicable alternatives. Reasonable compensation for unavoidable adverse impacts to waters of the United States shall be required. Work that would have substantial adverse impacts on the aquatic environment or cause a substantial reduction in the reach of waters of the United States shall not be authorized by RGP under this procedure.

All projects must be single and complete projects. All projects that do not meet the criteria listed above or any of the Nationwide Permit's or General Permits will be reviewed as an Individual Permit. Note the U.S. Army Corps of Engineers has discretionary authority over all permit actions and can elevate a permit to an Individual Permit at any time if deemed necessary.

All projects will still be required to comply with the states Coastal Zone Management Program under Section 307(c) of the Coastal Zone Management Act of 1972, as amended and must receive a Water Quality Certification (WQC) per Section 401(a)(1) of the Federal Clean Water Act (33 U.S.C. Sec. 1341), as necessary. Furthermore, procedures including the 404(b)(1) guidelines, Section 106 of the Historic Preservation Act, Magnuson Stevens Fisheries Management and Conservation Act Essential Fish Habitat regulations and Endangered Species Act consultation must all still be satisfied.

LOCATION OF WORK:

This RGP procedure shall apply to work in all waters of the United States, including navigable waters of the United States, within the State of New York.

APPLICATION PROCEDURES:

The special conditions listed in the next section identify which activities do or do not require written verification of the applicability of this general permit from the New York District prior to commencement of the work.

If the activity DOES NOT require notification and subsequent authorization from the New York District, and the applicant meet all of the terms and conditions of this permit, the applicant may proceed with work. Within 30 days of the completion of the work authorized by this permit, the applicant is required to submit project drawings (including location map and plan view diagram) and the attached compliance certification form to the New York District office.

For projects that DO require notification to the New York District prior to commencement of the work, the following information must be submitted with the New York State Department of Environmental Conservation / U.S. Army Corps of Engineers joint application for permit:

1. Name, address and telephone number of the applicant.
2. 8 ½-inch x 11-inch size black-and-white location map (preferably a copy of the USGS Quad or DEC Wetlands Map with site identified on it), coordinates of the approximate center point of site AND of each potentially jurisdictional waters of the U.S. feature on the site (either Latitude/Longitude or UTM Grid Coordinate), showing the stream orders of all streams in the vicinity of the site AND the location of each stream reach associated with the project review area. Please provide the coordinates of the start and end points of these reaches, and identify them as traditionally navigable waters [TNWs], non-navigable perennial relatively permanent waters [perennial RPWs], non-navigable seasonal relatively permanent waters [seasonal RPWs], or non-navigable tributaries that

do not typically flow year-round or have continuous flow at least seasonally [non-RPWs] (See guidance at: http://www.usace.army.mil/cw/cecwo/reg/cwa_guide/cwa_guide.htm for definitions of these types of waters). Also include disposal site(s), if applicable.

3. 8 ½-inch x 11-inch size black-and-white plan and typical cross-section views of the proposed work; size and description of project area (include maps or drawings showing the area and the lineal extent of the project, and pre-construction photographs).

4. A brief project description; the project's purpose; direct and indirect adverse environmental effects the project would cause; temporary/permanent adverse impact(s) in acres/cubic yards/linear feet of all permanent and temporary fills and excavations that would be located in waters of the United States, including adjacent wetlands; any other NWP(s), regional general permit(s), or individual permit(s) used, or intended to be used to authorize any part of the proposed project or any related activity.

5. Delineation of special aquatic sites and other waters of the United States on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps.

6. If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the notification must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the critical habitat that may be affected by the proposed work.

7. For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant may also need to obtain the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation
- New York State Department of State

If notification is required, work may not proceed prior to written notification that the District Engineer has issued an RGP. It is the applicant's responsibility to insure that the authorized project meets the terms and conditions set forth in the RGP; failure to abide by them will constitute a violation of the Clean Water Act and/or the Rivers and Harbors Act of 1899. Projects outside the scope of this RGP procedure may be considered for authorization by individual permit.

This RGP procedure shall become effective on the date of the signature of the District Engineers, or their authorized representative.

GENERAL CONDITIONS:

1. The work authorized under this regional permit must be completed prior to the expiration date noted on the first page of this authorization. In the event that the affirmation date is less than twelve months prior to the expiration date, the regional permit will remain valid for a period of twelve months from the affirmation date. In no case shall authorization exceed twelve months beyond the expiration date. If you find that you need more time to begin and/or complete the authorized activity, submit your written request for a time extension to this office at least three months before the respective date(s).
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, unless you make a good faith transfer to a third party in accordance with General Condition No. 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you may be required to remove the structure(s) and restore the site to its original pre-project conditions.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
6. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
7. This office reserves the right to use this regional permit in combination with any existing or future nationwide, regional, or individual standard permit or any letter of permission.

SPECIAL CONDITIONS:

1. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
2. Prior to the onset of the authorized activity, the permittee shall implement a contractor education program to ensure that all onsite personnel are informed of the biologically sensitive resources associated with the project site and compliance with all the general and special conditions herein. The permittee shall provide all onsite personnel a copy of this permit, and require all onsite personnel to read, understand, and agree to this authorization in its entirety prior to initiation of the authorized activity.
3. Structures authorized by this permit shall not extend waterward more than 25 percent of the waterway width at mean low water. The waterway width is measured from the Mean High Water

(MHW)/Ordinary High Water (OHW) shoreline perpendicular to the centerline of the waterway.

4. A variance in the maximum offshore distance of a structure may be granted in cases where exceptions would be reasonable due to the shoreline configuration, or for structures crossing shoals, wetlands, or other special aquatic sites. All variances must be approved by this office on a case-by-case basis.

5. This permit shall only authorize the placement of structures for private, residential single-family dwellings for the private, recreational, or leisure purposes for a single-family residence, cottage, or other such single dwelling unit, and which is designed to moor no more than two (2) vessels.

6. Configuration of dock(s)/float(s) may vary in plan (i.e. straight, T, U, or L shaped) provided the total length of all segments and separate structures does not extend across >25% of the waterway width at mean low water, and provided the surface area of the pile-supported structures for navigational access to the waterway does not exceed 4000 square feet, with the surface area of the attached floats or terminal platforms not to exceed 160 square feet. Private, bottom-anchored float(s) shall not exceed 400 square feet. Docks parallel to and along the shoreline are not permitted by this Regional Permit unless a variance is granted. All variances must be approved by this office on a case-by-case basis. A variance may be granted in cases where exceptions would be reasonable due to topography of the shoreline, or for navigational reasons. The dock(s) shall be the minimum width necessary and shall not exceed 8 feet in width. Multiple docks, docks with a deck or platform may be constructed provided that the proposed and all existing structures, if any, are within the size limitations specified in this permit. Note: For the purposes of this Regional Permit, a deck is any portion of the dock that exceeds 8 feet in width.

7. Regular or irregular shaped configurations (i.e., dock(s) with a deck/float) are allowed in the middle or at the waterward terminus of the structure provided the surface area of the deck/float does not exceed 240 square feet. A variance to this condition (i.e., shoreline deck) may be granted in cases where exceptions would be reasonable due to the topography of the shoreline, or for navigational reasons. All variances must be approved by this office on a case-by-case basis. Only one deck per property is authorized by this permit. See Special Condition No. 9 for additional requirements on decks located in the Coastal Zone Management area.

8. All structures shall abide by the following measures:

- a) Floats shall maintain a minimum water depth of 2.5 feet below structures during all tidal stands or the applicant shall chock the float.
- b) Pile-supported structures, floats, and moored vessels are not positioned over special aquatic sites.
- c) Pile-supported structures are less than four feet wide and have at least a 1:1 height: width ratio.
- d) Structures are not associated with a boating facility.
- e) Structures are not located within 200 feet of a Corps Federal Navigation Project.
- f) Piers, docks, and boat lifts shall not be constructed of solid fill.
- g) No special aquatic sites are present within 25 feet of the structure.
- h) No storage of equipment shall occur within special aquatic sites.
- i) If applicable, construction shall occur in previously disturbed on-site areas.

9. For all decks located in the entire Coastal Zone Management (CZM) area and for activities and structures in New York State Significant Coastal Fish and Wildlife Habitat areas and/or areas with approved Local Waterfront Revitalization Programs, you must furnish the New York State Department of State (DOS) with a certification statement that your action is consistent with the State's Coastal Zone Management Plan. Activities and/or structures located in these areas are approved by this regional permit only when you obtain an individual consistency certification concurrence for your project from the DOS. No work shall be started under this permit until the concurrence has been secured or the state has failed to act on the consistency certification within six months and the certification is presumed. You must comply with all conditions of your individual coastal consistency concurrence. In addition, you must furnish the District Engineer, New York District, with a copy of the DOS consistency concurrence letter or a dated copy of the consistency certification that you provided to the DOS.

Consistency statements should be forwarded to:

New York State Department of State
Office of Planning and Development
Attn. Consistency Review Unit
One Commerce Plaza, Suite 1010
99 Washington Avenue
Albany, New York 12231

10. Structures authorized by this permit may cross wetlands or other special aquatic sites, but the crossing must not exceed four feet in width and shall be a minimum of four feet above the MHW or OHW elevation measured from the lowest portion of the dock structure. Pre-construction notification and written affirmation from this office of the applicability of this permit is required for all activities in special aquatic sites.

11. All structures authorized by this permit must be set back a minimum of 10 feet from the common boundary line of adjoining properties that are under separate ownership. The setback is measured at the point where the common boundary terminates at the MHW /OHW shoreline. A variance in this distance may be granted where there are natural limiting features or limited shoreline available and coordination with adjacent property owner(s) has occurred. All variances must be approved by this office on a case-by-case basis.

12. The top of the dock must be a minimum of one foot above the MHW/OHW elevation.

13. Side staving, if used, shall not extend lower than one half of the distance between the Mean High and Low/Ordinary High and Low water levels.

14. The Permittee shall discharge only clean construction materials suitable for use in the oceanic environment. The Permittee shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement, or concrete washings thereof, oil or petroleum products, from construction shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States. Upon completion of the project authorized herein, any and all excess material or debris shall be completely removed from the work area and disposed of in an appropriate upland site.

15. This permit does not authorize the placement of enclosed buildings, boathouses, fuel storage tanks, sinks, toilets, showers, fuel dispensing or sanitary pump out facilities waterward of the MHW /OHW shoreline.

16. Only one swim platform per property owner is authorized by this permit. The surface area of a swim platform shall not exceed 400 square feet and shall not be connected to other structures.

17. Only one marine railway per property owner shall be authorized by this permit.
18. The total surface area of all boat and jet-ski hoist(s) and covered boat slips, shall not exceed 1,500 square feet. Only 2-pile or 4-pile boat lifts shall be authorized by this permit.
19. The total surface area of all observation platform(s) located in wetlands or other special aquatic sites must be for interpretive or educational purposes. Access to observation platforms may cross wetlands or other special aquatic sites, but the crossing must not exceed four feet in width and shall be a minimum of four feet above the MHW /OHW elevation. Pre-construction notification and written affirmation from this office of the applicability of this permit is required for activities in wetlands.
20. All mooring buoys must be approved by the Sector New York Coast Guard District for New York City and Westchester Counties, Group Moriches for the South Shore of Long Island, and the Sector Long Island Sound for the North Shore of Long Island. Information concerning the approval process may be obtained from:

Commander (OAN)
Sector New York Coast Guard District
ATTN: Private Aids to Navigation
212 Coast Guard Drive
Staten Island, NY 10305
(718) 354-4037

Commander (OAN)
Sector Long Island Sound Coast Guard District
ATTN: Private Aids to Navigation
120 Woodward Avenue
New Haven, CT 06512
(203) 468-4510

Commander (OAN)
Group Moriches Coast Guard District
ATTN: Private Aids to Navigation
100 Foster Ave
Hampton Bay, NY 11946
(631) 728-6758

21. The District Commander reserves the right to include any additional special conditions or require an individual permit as may be deemed necessary to protect the aquatic environment or the needs and welfare of the general public on a case-by-case basis.
22. Construction should be scheduled for a time of year when water levels are low and fish spawning activities are not occurring.
23. Pre-construction notification and written affirmation from this office of the applicability of this permit is required for activities located within sensitive areas. For activities that may affect Federally listed endangered or threatened species or designated Critical Habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated Critical Habitat that may be affected by the proposed work. The New York District shall notify the U.S. Fish and Wildlife Service (USFWS) if any listed species or designated Critical Habitat might be affected or is in the vicinity of the project or is located in the

designated Critical Habitat. The Corps will provide the USFWS a ten-day review period to conduct specific reviews for the protection of Federally threatened or endangered species. Additional time may be required if further consultation is necessary. Applicants shall not commence work in these locations under this permit until the requirements of the Endangered Species Act have been satisfied and the applicant receives written verification that the work may proceed. Note that as a result of formal or informal consultation with the USFWS, the District Engineer may add special conditions to the permit.

24. This permit does not authorize work on barrier beaches or areas designated as erosion hazard areas under the New York State Coastal Erosion Hazards Area Act.

25. Pre-construction notification and written affirmation from this office of the applicability of this permit is required for the following: any variances noted in the conditions above; activities in wetlands; projects requiring coastal zone consistency as required in Special Condition No. 9; and project located in sensitive areas, as noted in Special Condition No. 23.

EXCLUSIONS:

This permit does not apply to:

1. Activities that have an effect on historic, cultural, or archaeological sites identified in the latest published version of the National Register of Historic Places, or sites eligible for inclusion in this register, unless the State Historic Preservation Officer makes a determination that the effect will not be adverse.

2. Activities that have an effect on sites included in the latest published version of the National Register of Historic Landmarks, which are published periodically in this register, unless the State Historic Preservation Officer makes a determination that the effect will not be adverse.

3. Any other areas named in Acts of Congress or Presidential Proclamations as National Wilderness Areas, National Recreational Areas, Lakeshores, Parks, Monuments, and such areas as may be established under Federal Law for similar and related purposes, such as estuaries and marine sanctuaries, except where specifically authorized by this regional permit.

4. Activities that have an effect on a component of the National Wild and Scenic Rivers System, or areas listed in the Nationwide Rivers Inventory, Final List of Rivers for New York as published by the U.S. Department of the Interior, or in a component of a State Wild and Scenic River. Activities located in these areas will be evaluated on a case-by-case basis, which will include coordination with the National Park Service and/or the New York State Department of Environmental Conservation.

5. Activities that have an effect on rivers currently being studied at the direction of Congress as potential additions to the National Wild and Scenic Rivers System, or rivers for which Wild and Scenic Rivers studies have been completed and forwarded to Congress and which Congress is still considering. Activities located in these areas will be evaluated on a case-by-case basis, which will include coordination with the National Park Service.

6. Any freshwater wetland as defined in Department of the Army permit regulations at Title 33 of the Code of Federal Regulations, Parts 320 et. seq., or other special aquatic sites as defined in the U.S. Environmental Protection Agency Guidelines for Specification of Disposal Sites for Dredged or Fill Material at Title 40 of the Code of Federal Regulations, Part 230, except for structures described in Special Conditions 6, 7, and 16 of this permit.

7. Activities which may contribute to or affect flooding or restrict the flow of any tributary, stream or watercourse are not authorized under this General Permit.
8. Activities which may jeopardize the continued existence of species listed as endangered or threatened under the Endangered Species Act (ESA) of 1973, as amended, or result in the likelihood of the destruction or adverse modification of a habitat which is determined by the Secretary of the Interior or Commerce, as appropriate, to be a critical habitat under the Endangered Species Act of 1973, as amended. No activity is authorized under this Regional Permit which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which will destroy or adversely modify the Critical Habitat of such species. Authorization of an activity by this Regional Permit does not authorize the 'take' of a threatened or endangered species as defined under the ESA. In 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, both lethal and non-lethal 'takes' of protected species are in violation of the ESA.
9. Any proposal that would result in fragmentation of the contiguous wetlands or essentially overcrowd the wetlands docks and related human activity so as to adversely impact the functions and values of the wetland will not be authorized by this regional permit.

LIMITS OF THIS AUTHORIZATION:

1. The granting of this permit does not obviate the need to obtain other Federal, State, or local authorizations as required by law. Specifically, a permit pursuant to the Environmental Conservation Law Articles 15, 24 or 34 may be required from the New York State Department of Environmental Conservation as well as a consistency determination from the New York State Department of State for Coastal Zone Management.
2. Issuance of this permit does not grant you any property rights or exclusive privileges, nor does it authorize any injury to the property or rights of others.
3. This permit does not authorize interference with any existing or proposed Federal project, nor does it convey any authority to interfere with the right of the public to free navigation on all navigable waters of the United States.

LIMITS OF FEDERAL LIABILITY:

In issuing this permit, the Federal Government does not assume any liability for the following:

1. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
2. 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.
3. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
4. Design or construction deficiencies associated with the permitted work.
5. Damages associated with any future modification, suspension, or revocation of this permit.

RELIANCE ON APPLICANT'S DATA:

The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

RE-EVALUATION OF THE DECISION TO GRANT A REGIONAL PERMIT:

This office may re-evaluate its decision on this permit at any time circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:

1. You fail to comply with the terms and conditions of this permit.
2. The information provided by you in support of your application proves to have been false, incomplete, or inaccurate.
3. Significant information surfaces which this office did not consider in reaching the original public interest decision.

Such a re-evaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in Title 33 of the Code of Federal Regulations Part 325.7 or enforcement procedures such as those contained in Title 33 of the Code of Federal Regulations Parts 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may, in certain situations (such as those specified in Title 33 of the Code of Federal Regulations Part 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

EXTENSIONS:

General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a re-evaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit. Extension requests must be submitted in accordance with the directions given in General Condition 1.

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. You may submit your comments to this office at Arlene.Tirado@usace.army.mil.

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



Stephan A. Ryba
Chief, Regulatory Branch

Enclosures