



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 Boat Slip Fill
Issue Date: February 8, 2023
Expiration Date: March 10, 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).

ACTIVITY: General Permit for the placement of fill in existing boat slips and boat wells that have been excavated into previously dry upland property that have received written affirmation of permit applicability from the U.S. Army Engineer District, New York.

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.

Placement of fill in existing boat slips and boat wells that have been excavated into previously dry upland property that have received written affirmation of permit applicability from the U.S. Army Engineer District, New York.

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. Delineation report, including the following supporting information (**for Section 404 of the Clean Water Act actions**):

- Description of any current and/or historic land uses on the site
- DEC Wetlands Maps, NWI Maps, Soil Survey Maps
- Watershed size, drainage area size (for each stream reach), average annual rainfall/snowfall
- Discussion of whether tributaries (streams) on the site are TNWs, perennial RPWs, seasonal RPWs, or non-RPWs. Include a description of general flow patterns, volume and frequency
- Description of whether each wetland on the site either abuts or is adjacent to a tributary, identify which tributary (e.g. Wetland A directly abuts an unnamed tributary to Kayaderosseras Creek), and provide a discussion of the justification for this determination
- Description of tributary connections to a TNW for each aquatic resource on the site, including a discussion of wetland and/or other connections (e.g. Wetland B connects to Wetland A via a culvert under Elm St. Wetland B abuts an unnamed tributary to Kayaderosseras Creek, which is a TNW)
- River miles to a TNW; aerial (straight) miles to a TNW
- Description of tributary substrate composition (e.g. silts, sands, gravel, etc.)
- Identify potential pollutants
- Identify potential habitat for species
- Justification for proposed "isolated" (SWANCC) or non-jurisdictional determinations on any wetlands or streams
- Description of vegetative cover types on the site
- Wetland Delineation Forms for each cover type
- Color photographs of all representative areas of the site (taken during the growing season), including any connections between tributaries or between tributaries and wetlands
- Surveyed delineation drawing, including the following (**for Section 404 of the Clean Water Act actions**):

- Title block, including drawing date, scale, revision dates, north arrow, existing topographic contours (if available), benchmarks, and the stamp of a licensed surveyor or a narrative describing how the GPS data were obtained
- Boundary lines of the parcel, AND of the project site, clearly marked with the acres shown on the drawing
- Delineation flags shown as points that are connected by straight lines (or extend off-site at parcel boundaries), and are identified on the drawing with the corresponding number and/or letter that is written on the flag in the field
- Appropriate hatching and/or shading to identify the extent of waters of the US, including jurisdictional wetlands, and any "isolated" or non-jurisdictional waterbodies or wetlands
- All defined tributaries on the site, identified either via flagging or a standard tributary symbol that is in the legend, and locations of any other connections between waters (e.g. culverts, ditches and/or swales)
- Table outlining the acres of the waters of the US, and "isolated" or non-jurisdictional waters, in addition to the linear feet of all tributaries within the boundaries of the project site or parcel
- Provide a clear labeling system identifying each wetland and waterway (e.g. Wetland A, Wetland B, Tributary 1, Tributary 2...)

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.

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/below; projects where blasting is proposed; projects requiring coastal zone consistency as required in Special Condition No. 17; projects located in sensitive areas, as noted in Special Condition No. 18; and projects not meeting the Water Quality Certification requirements identified in Special Condition No. 19.

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 Jersey Department of Environmental Protection

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 ensure 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. 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.
3. 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.
4. 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.
5. 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.
6. 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. Placement of fill under this authorization is limited to boat slips and boat wells that have an interior surface area below the Mean High Water (MHW)/Ordinary High Water (OHW) mark of not more than 750 square feet or maximum dimensions of up to approximately 25 feet in width and 30 feet in length.
2. Work will be accomplished by first installing a non-erodible plug at the waterward end of the boat slip or boat well. The plug may consist of clean rock, poured in place concrete, sheet piling or timbers. Following installation of the plug, a layer of filter fabric shall be placed on the landward side of the plug and the enclosed area will be filled with clean material to an elevation that is compatible with the surrounding upland property.
3. This authorization does not apply to any boat well or boat slip that totally encompasses the outlet of any flowing stream, is located in what was once a special aquatic site, or occurs in any open water area that is not associated with a shoreline feature. In addition, this authorization will not apply to any boat slip or boat well that supports significant stands of aquatic vegetation and serves as high quality habitat for terrestrial and aquatic fauna.

4. You are not authorized to engage in the dredging of bottom materials below the MHW/OHW mark for use as slip fill or erosion protection except as specifically provided for in Special Condition No. 5 of this permit.

5. Excavation, including dredging of littoral or bottom materials to provide a stable base for the plug or fill containment wall, is limited to a maximum of 25 cubic yards below the MHW/OHW mark. The excavated material may be used as backfill for the slip provided it is clean and free of organic debris. Under no circumstances shall any interim stockpiling of dredged material occur in waters of the United States.

6. Excavated material not specifically used as backfill shall be deposited on upland property well removed from any water of the United States including wetlands and shall be appropriately stabilized to prevent erosion.

7. You must ensure that the plug used to contain the fill placed in the boat slip is adequately designed to withstand the erosive forces including wave action normally encountered at the project site.

8. Except as noted in Special Condition No. 10, the plug or containment wall installed at the entrance to the slip shall follow the general alignment of the shoreline flanking either side of the former slip opening.

9. Timbers used for the construction of in-water structures must be pressure treated with a preservative and treatment process approved by the American Wood Preservative Association. Wood treated with creosote or Pentachlorophenol must be aged in the open air for at least three months prior to water use. Chromated Copper Arsenate (CCA) pressure treated wood must be clean and free of CCA surface deposits. Wood 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 water body including wetlands.

10. In the event you choose to use rock or rubble material to retain and protect the boat slip or boat well fill, it shall be sloped so that the toe does not extend more than 5 feet waterward of the former slip entrance.

11. In the event poured concrete is used to contain the fill in the boat slip or well, tight fitting forms shall be employed to minimize the potential for spillage of uncured concrete into the waterway.

12. To the extent possible, installation of the plug will be performed during low water periods to minimize impact on the surrounding waterway.

13. The materials used to backfill the boat slip or boat well or to contain the backfill will consist of clean material and shall be free of refuse, wood, construction debris, plaster, asphalt, toxic or hazardous materials, low level nuclear waste or any other environmentally damaging materials. When broken concrete is used to contain the fill, the exposed surface shall be free of all protruding metal or rebar.

14. Filled boat slips and boat wells will be graded, capped with topsoil, and immediately seeded and mulched to prevent erosion. Other porous materials such as gravel may be used in lieu of the topsoil cap.

15. The fill placed in the slip will be maintained to prevent erosion that would adversely impact

water quality or the adjacent aquatic habitat.

16. The District Commander reserves the right to include any additional special conditions on a site-specific basis that are deemed necessary to protect the aquatic environment or the needs and welfare of the general public.

17. For activities and structures located 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 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

18. 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, designated Critical Habitat, or Essential Fish Habitat, the notification must include the name(s) of the endangered or threatened species/fish species/habitat that may be affected by the proposed work. The New York District shall notify the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) if any listed species, designated Critical Habitat, or Essential Fish Habitat might be affected or is in the vicinity of the project. The Corps will provide the USFWS/NMFS a ten-day review period to conduct specific reviews for the protection of Federally threatened or endangered species, designated Critical Habitat, or Essential Fish Habitat. 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/Magnuson Stevens Fishery Conservation Act have been satisfied and the applicant receives written verification from this office that the work may proceed. Note that as a result of formal or informal consultation with the USFWS/NMFS, the District Engineer may add additional conditions to the permit.

19. The New York District will coordinate with the NYSDEC regarding the Section 401 Water Quality Certification for this Regional Permit.

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. State designated freshwater wetlands, significant fish and wildlife habitats including candidate designations, important agricultural lands and those which will be designated by the State in the future, historic resources on the State Register of Historic Places and resources which are a part of the State Nature and Historic Preserve Trust, when these resources lie within the designated New York State Coastal Area.

Note: Limitations in items 1 through 6 above do not apply when the work is for the benefit and uses of the site and is specifically endorsed, in writing, by the responsible Federal and State government officials such as the State Historic Preservation Officer, Refuge Manager, Regional Directors of U.S. Department of the Interior Offices such as the National Park Service and the U.S. Fish and Wildlife Service, etc.

7. 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.

8. 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, when the specific site area is a vegetated shallow, pool and riffle complex area or mud flat area that the State has specifically designated as an important fish spawning or nursery area or significant fish and wildlife habitat (unless in compliance with Special Condition No. 10), or is designated as such in the future, or the District Engineer has determined to be an ecologically sensitive site.

9. 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.

10. 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.

11. Activities which may jeopardize or result in the likelihood of the destruction or adverse modification of Essential Fish Habitat under the Magnuson Stevens Fishery Conservation Act (MSFCA). No activity is authorized under this Regional Permit which is likely to jeopardize or destroy or adversely modify the continued existence of Essential Fish Habitat. In absence of separate authorization from the National Oceanic and Atmospheric Administration-Fisheries Service (NOAA-FS), any destruction or adverse modification of essential fish habitat are in violation of the MSFCA.

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.

In order for us to better serve you, please complete our Customer Service Survey located at <https://www.nan.usace.army.mil/Missions/Regulatory/Customer-Survey/>.

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

Enclosure

