



# Freshwater Wetlands Program

Guide for Applicants  
2004



New York State  
Department of Environmental Conservation  
George E. Pataki, Governor  
Erin M. Crotty, Commissioner



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A Guide For Applicants

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FRESHWATER WETLANDS ACT

ARTICLE 24 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW  
IMPLEMENTING REGULATIONS – 6NYCRR PARTS 663, 664, AND 665

UNIFORM PROCEDURES ACT

ARTICLE 70 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW  
IMPLEMENTING REGULATIONS – 6NYCRR PART 621

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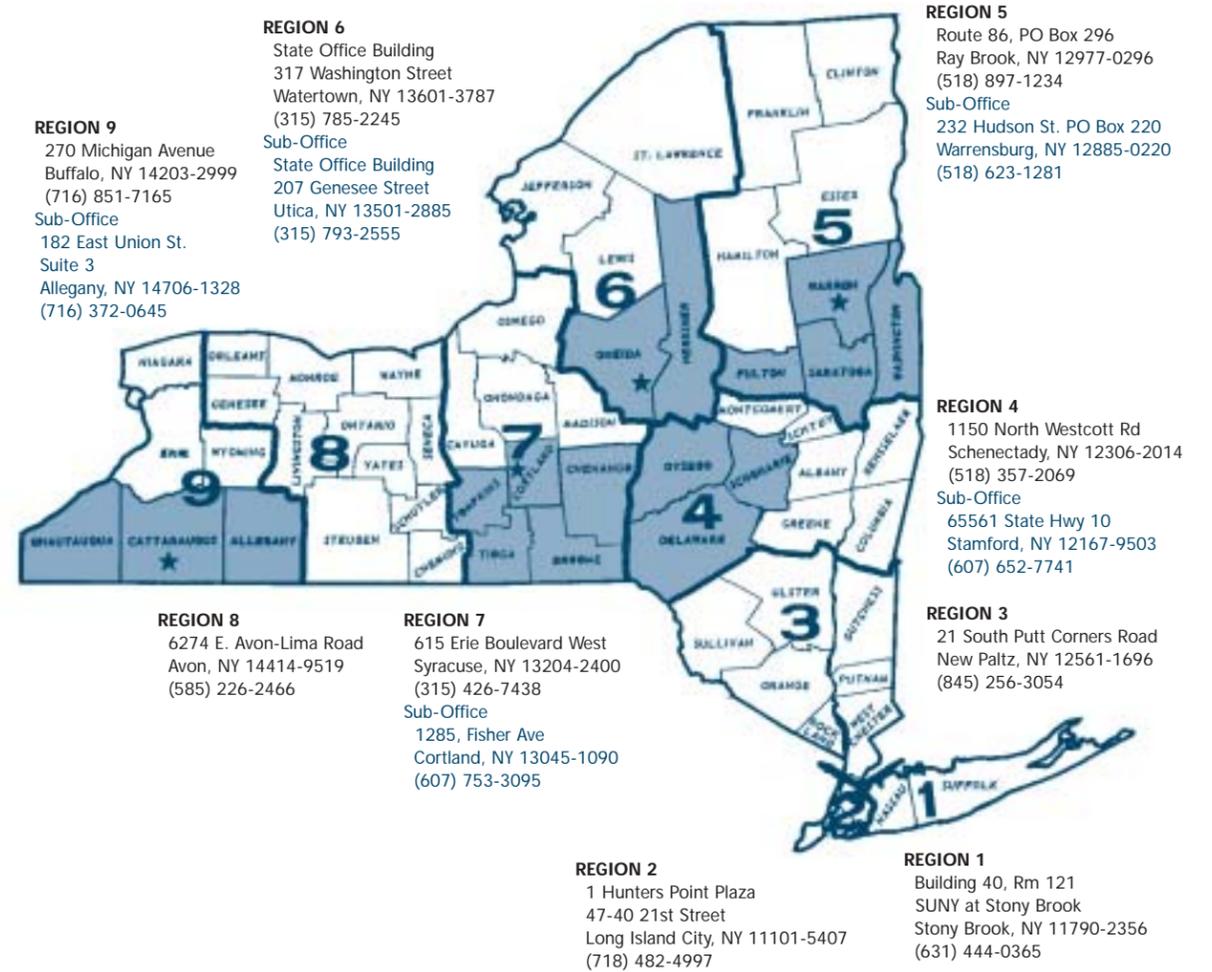
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New York State  
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## Introduction

Freshwater wetlands are lands and submerged lands, commonly called marshes, swamps, sloughs, bogs and flats, that support aquatic or semi-aquatic vegetation. These areas are valuable resources that provide many benefits, including:

- Flood and stormwater control
- Surface and groundwater protection
- Wildlife habitat
- Open space

Freshwater wetlands also provide opportunities for recreation, education and research, and aesthetic appreciation. Adjacent areas to freshwater wetlands provide a valuable buffer, are integral to the function of wetlands, and may share some of the values listed above.

Certain activities can adversely affect and, in some cases, destroy the way wetlands function and their public benefits. The policy of New York State, as set forth in the Freshwater Wetlands Act, is to preserve and protect the benefits that wetlands provide. To carry out this policy, the New York State Department of Environmental Conservation (DEC) implements the Freshwater Wetlands Regulatory Program. The program is designed to prevent the despoliation and destruction of freshwater wetlands and the functions and benefits they provide by establishing and enforcing regulations that:

1. Are compatible with the preservation, protection and enhancement of the present and potential values of wetlands;
2. Protect public health and welfare; and
3. Are consistent with the reasonable economic and social development of the state.

Generally, a wetland must be 12.4 acres or larger to be protected by DEC under the Freshwater Wetlands Act. A smaller wetland may be protected if the Commissioner determines it has unusual local importance

because it provides one or more of the benefits indicated above. Inside the Adirondack Park, wetlands are regulated by the Adirondack Park Agency (APA) if they are larger than one acre or, regardless of size, if they have an open water connection.

### BE ADVISED THAT NOT ALL WETLANDS ARE PROTECTED BY DEC.

**You may be subject to federal or local wetland regulations for wetlands not protected by DEC.**

## Wetlands Are Mapped

The Freshwater Wetlands Act requires DEC and APA to map all wetlands protected by the Act. Mapping identifies those wetlands that qualify for protection according to the law and provides a way to notify affected landowners that a particular wetland is protected.

A tentative wetlands map for a county is prepared using a variety of techniques and information sources. Wetland boundaries depicted on the maps show the approximate location of the actual wetland boundaries.

The maps are intended to inform landowners and others of the general location of regulated wetlands. Due to potential inaccuracies inherent in the scale of the maps and the dynamic nature of wetlands themselves, the actual boundary of a wetland may differ from the boundary as it appears on the map. If necessary, the actual boundary of a wetland can be more precisely defined. Upon request by a landowner or project sponsor, DEC staff may visit a property to delineate or flag the actual wetland boundary.

Prior to finalizing the wetlands map, landowners whose property may contain protected wetlands or adjacent areas are notified of a public hearing on the accuracy of the maps. All comments received during the public comment period and hearing are considered before the final wetlands map is officially promulgated.

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Currently, there are final wetlands maps for all counties outside the Adirondack Park. Final wetlands maps are on file and available for inspection by interested landowners and other citizens at DEC regional offices, the APA (for inside the Adirondack Park) and local government clerk's offices. Final wetland maps are also available in electronic form for geographic information system (GIS) users (refer to Other Publications on page 16).

Wetland boundaries may change over time. If an actual wetland boundary is significantly different from the mapped boundary, or a previously unmapped wetland meeting the criteria is identified, the law provides for amending the maps to reflect these changes. However, any changes are subject to due process of law and the public, any affected landowners and local governments are notified and provided an opportunity to comment.

There is no similar official "regulatory" map of wetlands regulated by the U.S. Army Corps of Engineers. (See Jurisdiction of Other Agencies, U.S. Army Corps of Engineers, on page 13). However, the National Wetlands Inventory, prepared by the U.S. Fish & Wildlife Service has mapped wetlands for conservation purposes. These can provide useful information on the location of wetlands to the public, including those wetlands smaller than 12.4 acres which are not shown on the DEC's maps. (See Other Publications on page 16.)

## Do You Need A Permit?

### Regulated Activities

The Freshwater Wetlands Act regulates activities in freshwater wetlands and their adjacent areas. Adjacent areas are immediately outside the wetlands and extend 100 feet from the wetland boundary, measured horizontally. In rare cases where additional protection is warranted, and as indicated on the official maps, this adjacent area distance measurement may be larger.

The Freshwater Wetlands regulations (6NYCRR Parts 663 - 665) classify wetlands by the types of vegetation present. The regulations identify compatible uses as well as procedures and requirements for conducting activities in wetlands. Almost any activity that may adversely impact the natural values of the wetlands or their adjacent areas is regulated.

Examples of activities that require a permit include:

- Constructing buildings, roadways, septic systems, bulkheads, dikes, or dams;
- Filling, excavating, or grading;
- Modifying, expanding or extensively restoring existing structures;
- Draining, except for agriculture;
- Clearing trees and eliminating other vegetation; and
- Applying pesticides.



Is Your Project Exempt?

### Exempt Activities

Certain activities do not require a Freshwater Wetlands Permit. The most common of these are:

1. Continuing lawfully existing land uses.
2. Recreational activities (fishing, hunting, trapping, hiking, swimming, picnicking).
3. Establishing an individual recreational mooring.
4. Selectively cutting trees and harvesting fuelwood (not clear-cutting).
5. Normal agricultural practices and harvesting of natural products, except: filling, clear-cutting of trees, or construction of non-agricultural structures.

6. Routine maintenance of existing functional structures such as repairing broken docks, repainting structures or resurfacing paved areas.
7. Occasionally operating all-terrain vehicles, boats, or snowmobiles. (Repeated intensive use requires a permit.)
8. Installing utility service to an individual residence in a wetland adjacent area.

has delegated its regulatory authority to a local government. Refer to Other Required DEC Permits and Determinations on page 11 and Jurisdiction of Other Agencies on page 13.

## Application Procedures

### Pre-Application Assistance

As you begin planning your project, check whether you will need a DEC permit. You should visit the DEC regional office or your town or county clerk's office and ask to review the wetland maps. Locate your property and check whether a protected wetland is on or adjacent to it. It is helpful if you have a copy of the tax map for your property when reviewing the wetlands map.

Applicants are often pleased to discover that meeting with DEC staff and other potentially involved agencies in a pre-application conference facilitates a better understanding of the proposed project. DEC strongly recommends pre-application conferences for complex, multi-residential, commercial or industrial projects or for project sponsors unfamiliar with DEC's permitting procedures. A pre-application conference allows you to obtain preliminary answers to questions about wetland and adjacent area boundaries, application procedures, and standards for permit issuance.

Contact the appropriate Environmental Permits regional office of DEC to schedule a pre-application conference before beginning detailed design or engineering work. Keep initial plans flexible until the project design has been reviewed in relation to the standards of the regulatory agencies involved. On occasion, minor changes in layout can avoid disagreements and delays and in some cases eliminate the need for a permit.

Usually the wetland boundary will have to be shown on the project plans you submit with your application. You can choose to have a consultant delineate the boundary for you, subject to verification by DEC staff. At a

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pre-application conference or at another time, you can request that a biologist in the DEC Division of Fish, Wildlife and Marine Resources "flag" the wetland boundary for you. The biologist may also advise you of the classification of the wetland (refer to Compatibility on page 9.) You need this information in order to plan your project to avoid or minimize impacts to the wetland.

Multiple mailings, multiple reviews and misunderstandings can be eliminated by seeking clarifications from DEC staff at the planning stages of the project and by submitting information that is accurate and complete.

### Application Requirements

Some requirements may be waived for small projects but, in general, a complete application must include:

1. The Joint Application for Permit form\*. Provide the number of copies specified.
2. A location map showing the precise location of the project by reference to known landmarks such as streets and public buildings. A photocopy of a USGS topographic map or equivalent will usually be sufficient. If the project site is a vacant lot, provide the number of the nearest utility pole, distance to the nearest intersection or location of another identifying landmark. Provide the required number of copies.
3. Project plans at a scale of 1" = 50' or larger (for example, 1" = 20'), including topography (if appropriate) and at a contour interval prescribed by the DEC regional office with whom you are dealing. The plans must show the existing conditions and the work to be performed. Show the wetlands boundary as verified by DEC staff (see Pre-application Assistance, above). The extent of all fill, excavation, grading, disturbance and clearing of vegetation, and the dimensions of all proposed buildings or structures must be shown on the plans. The plans must also show the location of any septic systems, including the test hole

\* Instructions for preparing the Joint Permit Application are on page 7.



**Be smart!  
Contact DEC  
early in your  
planning**

location and data, and the elevation of the system above seasonal high groundwater. If possible, submit your maps and plans on 8½ x 11 inch paper. Examples of project plans are shown on pages 22- 24.

4. Recent clear color photographs of various views of the project site mounted on a separate sheet and labeled with the date, the view shown, and the compass direction faced when taking the photograph (for example: "looking to the north northwest").
5. Information necessary for the requirements of the State Environmental Quality Review Act (SEQR)
  - a completed Environmental Assessment Form (EAF Part I), and
  - in certain cases, a Draft Environmental Impact Statement (DEIS). See SEQR, on page 12.
6. Information necessary for the requirements of the State Historic Preservation Act (SHPA)
  - a completed Structural Archeological Assessment Form (SAAF), if required, and
  - in certain cases, a cultural resource survey. See SHPA, on page 12.
7. When the applicant is not the owner of the land on which the activity requiring a permit is to be undertaken, the applicant must obtain written permission of the landowner to make application and carry out the work. The permission must accompany the application and can be provided by having the landowner sign the application form (block 17. of the Joint Application for Permit) or by submitting

## Be Aware!

### Other Permits May Be Required

The exempt activities listed in this Guide only represent exemptions from the requirement to obtain a Freshwater Wetlands Permit. Other DEC Permits may be required for these activities under other Articles of the Environmental Conservation Law, as well as permits under federal or local laws.

If activities regulated under the Freshwater Wetlands Act are begun before a permit is obtained, the person undertaking these activities and any contractors working for that person may be subject to enforcement action by DEC. Such action may include:

1. Civil or criminal court action, or both.
2. Fines.
3. An order to remove structures or materials or perform other remedial action, or both a fine and an order.

Contact the regional DEC Environmental Permits office responsible for the area in which your proposed project is located to determine if other permitting requirements apply. In certain instances, DEC

**Do not begin a project without obtaining a permit!**



a letter signed by the landowner expressly providing such permissions. If the project requires use of state-owned underwater lands, it is sufficient to provide written notice that the applicant is seeking either the appropriate grant, easement, or lease of such lands from the New York State Office of General Services (OGS) (see NYS OGS, on page 14), or a Temporary Revocable Permit from DEC's Division of Lands & Forests, depending on which agency administers the specific State land affected by the project.

8. Other information which DEC staff may determine is necessary to adequately review and evaluate the application, such as:
- Engineering or supplemental reports.
  - A review of alternative non-wetland sites, and alternative layouts or designs that avoid or minimize impacts to wetlands.

The information listed above may assist DEC staff in evaluating the project using the regulatory standards for permit issuance found in 6NYCRR Part 663 and discussed on pages 8 - 11 of this guide. If, after an examination of alternatives, there are remaining impacts to the wetlands which cannot be avoided or minimized, you may be required to submit a proposal to compensate for losses by replacing lost wetlands or wetland natural values (e.g., construct new wetlands, enhance habitat diversity of existing wetlands, or construct facilities replacing wetland functions such as flood control structures or waste treatment facilities). See the checklist of necessary information which may be enclosed with the application packet, provided at a pre-application conference, or requested by DEC upon initial review of your application.

### Application Fees

There are no application fees for Freshwater Wetlands Permit applications.

Time frames and procedures for DEC application review, and requirements for public notice of applications differ for Minor and Major projects, and are governed by the provisions of the Uniform Procedures Act. Generally, Minor projects have shorter review time frames and require less public review. See appendix on page 24 for examples of Major and Minor projects.



### Time Frames

Time frames are governed by the provisions of Article 70 of the Environmental Conservation Law (the Uniform Procedures Act) and its implementing regulations, 6NYCRR Part 621.

Within 15 calendar days of the receipt of a Freshwater Wetlands application, DEC will determine whether or not it contains all the information needed to begin review. If the application is incomplete, the Environmental Permits staff will send the applicant a notice detailing what is needed.

When all the necessary information has been submitted, the application is declared complete and the review process will begin. The applicant will be notified if DEC requires any additional information be submitted in order to complete its review and make a final decision on the project application.

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For Minor projects, a decision on the permit should be made within 45 calendar days of being determined complete.

For Major projects, it is a regulatory requirement to solicit public comments. DEC will publish a Notice of Complete Application in its Environmental Notice Bulletin and require the applicant to arrange and pay for publication in a newspaper of general circulation in the area in which the proposed project is to be located. (A public notice for Minor projects is optional.)

Major project review and a decision can take up to 90 days following a determination of completeness. In those instances when a public hearing is held, review and a decision can take up to 60 days after DEC receives the hearing record.



Time frames MAY BE suspended:

1. by mutual agreement of DEC and the applicant;
2. if an enforcement action has been started against the applicant; or
3. if another agency is leading the environmental review of the project under SEQR and has not yet completed the review. See SEQR on page 12.

### Instructions For Preparing The Joint Application For Permit (Form 95-19-3, 8/00)

A newly revised Joint Application For Permit for your use is found on pages 20 - 21. This form is used to identify the type(s) of permit(s) required, the applicant, the type of project and its location. General Instructions are on the back of the form. Below are additional instructions for completing the application form.

- ITEM 1 Permits Applied For: Indicate all the permits applied for. Review of all DEC permits will be concurrent.
- ITEM 2 Name and Address and Telephone Number of Applicant: Use the name of the individual, corporation, municipality, or agency who is legally responsible for the project or activity. For example: for a municipality, use "Town of Wheeler" not "Mayor James Smith;" for a company, use "Smith Estates Corporation" not "Jim Smith;" for an individual, use "James Smith."
- ITEM 3 Taxpayer IDs: Any applicant except a private individual must enter their taxpayer identification number.
- ITEM 4 Applicant: Check the applicable boxes.
- ITEM 5 Name and Address and Telephone Number of Owner or Agent/Contact Person: Enter the information for the property/facility owner if it is different from the information for applicant in ITEM 2. Otherwise, enter the name and address of the person DEC should contact about the project - this may be a town official, a consultant, an engineer, or the owner of the property itself.
- ITEM 6 Project/Facility Location: Enter the required information for County, Town/City/Village, and Tax Map Number. Use the mailing address or other descriptive information which pinpoints the project (such as the number of the nearest utility pole or highway marker, the distance to the nearest intersection, the geographic location of the project on a specific body of water, etc.).
- ITEM 7 Name of Stream or Waterbody: Provide the names of streams,

wetlands, or other waterbodies that are on or near the project site.

ITEM 8 Name of USGS Quad Map: Enter the name of the USGS Quad Map and location coordinates for the project. If you can supply accurate coordinates, please do so. The General Instructions on the reverse of the application form provides details on location coordinates. If you cannot provide location coordinates, DEC staff will determine them.

ITEM 9 Project Description: Briefly describe the proposed project including: a reasonable estimate of quantities of fill or excavated material; all pertinent dimensions of the proposed project; location of the project with respect to the wetland; and the purpose of the project. Append additional sheets as needed to complete this block. Provide more detail in the accompanying maps and plans.

ITEMS 10-14 Enter the required information.

ITEM 15 Previous Permits/Applications: List the type, identifying number, and date of any applications or permits (from DEC or any other government agency) which have been previously submitted or issued for this project or for any other project at this location. If none, write "not applicable."

ITEM 16 Other Permits: Indicate any other permits required by other agencies for this project. Also indicate any other permits which are the responsibility of another applicant, and are needed for the project which involves this application. (For example: List a Water Supply Application applied for by a town to serve the same subdivision project as this Freshwater Wetlands application

applied for by the landowner/developer.)

ITEM 17 Signatures: The application MUST be SIGNED and DATED by both the permit applicant and the property owner (if not the same as the applicant). The application cannot be processed without the required signatures.

## Standards for Issuance

Gaining permit approval under the Freshwater Wetlands regulations can be very demanding. Most construction projects in or near wetlands are likely to adversely affect wetlands, and so the regulations do not encourage such development.

Applicants are generally required to:

1. Examine alternative sites and project designs that avoid impacts to wetlands and their adjacent areas;
2. Examine alternative project layouts and designs to minimize impacts when there are no practicable alternative sites;
3. Develop plans to create, restore, or improve wetlands or wetland functions to compensate for unavoidable impacts to wetlands; and
4. Demonstrate overriding economic and social needs for your project that outweigh the environmental costs of impacts on the wetland.

Given this burden, it is clearly worthwhile to avoid regulated and incompatible activities in or near wetlands, where possible.

If you decide to pursue a permit application, then you must provide the documentation described in this guide as part of the application. By including all necessary information, you will avoid a lengthy and costly process of successive information requests by DEC and reduce the total review time.

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## Compatibility

The Freshwater Wetlands regulations assign different levels of "compatibility" for certain projects, depending on the type of project (e.g., clear cutting of trees, home construction, filling, disposal of sewage) and how close to the wetland the project occurs (i.e., whether you are in the wetland or in the 100-foot area adjacent to the wetland). The farther away from the wetland and the less permanent the disturbance, the more likely a project is to be compatible with the functions, values and benefits of the regulated wetland.

Example: Three alternative layouts for a house and septic system near a wetland are shown in Fig.1 on the next page. The compatibility of each option under the regulations is listed. Projects considered "usually compatible" are most likely to gain project approval.

DEC has assigned classifications to regulated freshwater wetlands based on their respective functions, values and benefits. Wetlands may be Class I, II, III or IV. Class I wetlands are the most valuable and are subject to the most stringent standards.

If the application meets the following tests of compatibility, no other weighing standards need to be met, regardless of the wetland class, and a permit may be issued:

1. The activity would be compatible with preservation, protection and conservation of the wetland and its benefits.
2. The activity would result in no more than insubstantial degradation to, or loss of, any part of the wetland.
3. The activity would be compatible with the public health and welfare.

## Weighing

If a project is found not compatible with the compatibility tests or if it has substantial impacts on the wetland, a weighing standard is applied. Weighing incorporates the consideration of the wetland class in determining whether a permit can be issued. Weighing considers the following:

## Alternatives

You must demonstrate that the proposal is the only physically or economically feasible alternative for accomplishing your objectives. You must also have no physically or economically feasible alternative on a site that is not a freshwater wetland or its adjacent area.

Example: Your objective is to gain access to part of your property to build a house. You plan to build a road through a wetland to get to the property.

Is this the only alternative available?

- Can you build the house on another part of the property that won't require such access?
- Are there non-wetland portions of the same property available for the road that don't require crossing a wetland or its adjacent area?
- Are there any existing access trails requiring less disturbance to upgrade and make them usable?
- If the needed access is temporary (e.g., logging trail), can you make temporary arrangements with a neighbor to gain access through another route around the wetland?
- Can you use temporary methods of access such as mats or planks?

Keep in mind that the most profitable or least costly alternative is not considered the only feasible alternative under the regulations.

## Avoid or Reduce Impacts

You must demonstrate that the proposed activity minimizes impacts to or loss of the wetland or its adjacent area, including impacts to the functions, values and benefits of these wetlands. This may include an examination of alternative project layouts, designs and pollution control features for the project.

Example: Using the above access road example:

- Does the proposed route cross the least amount of wetland or adjacent area possible?

- Is the road the narrowest design necessary to allow reasonable access?
  - Could a bridge span or a series of box culverts be used instead of a solid fill with a culvert pipe for a portion of the route?
  - Have you proposed ways to control runoff and erosion (i.e., silt fences or hay bale barriers; drainage channels and sediment ponds) along the road?

Example: For a housing project, design options might include:

- fewer number of units;
- clustering of units;
- rearranging the pattern or layout of parking; or
- shifting the building “footprints” to keep away from wetlands or adjacent areas.

Project changes may require you to recheck whether other federal, state or local approvals or variances are required.

#### Economic and Social Need

A consideration of economic and social need is part of weighing. This consideration includes:

- Your needs (such as reasonable access to and use of the property, a safe and healthy place to live, the ability to repair property damage), and
- The economic and social burdens that a project may impose on the public (such as prompting the need for sewer systems, schools, fire protection, flood protection, contingency plans for contamination).

Your level of need is weighed against the public burden and the level of net losses or impacts to the wetland. DEC must strike a reasonable balance in order to issue a permit. In general, the more important the wetland functions, values and benefits (i.e., the higher its wetland class), and the greater the potential loss or reduction of these attributes, the greater the amount of economic and social need you must demonstrate and document to prevail in obtaining a permit.

#### Mitigation

Even after evaluating every reasonable alternative as you decide on a final site, design, layout and pollution control measures, you may still be left with some unavoidable impacts or losses to wetlands. If you can't adequately avoid or reduce these

### Freshwater Wetlands Program

impacts, you must propose some means to offset these impacts or replace their lost benefits (sometimes called compensatory mitigation measures.)

Example: To compensate for an unavoidable loss of one acre of cattail marsh, an applicant may offer to create two acres of cattail marsh nearby through some careful grading, soil and drainage preparation, and plantings.

Example: An applicant may offer to reestablish some degraded wetland by restoring hydrology or removing old fill.

Example: An applicant may offer an off-site mitigation project when he or she doesn't have adequate suitable acreage nearby to replace the impacted wetland.

Ultimately, the acceptability of your mitigation plan will depend on how likely it is to effectively replace or enhance the specific wetland functions, values and benefits lost due to your proposed project.

If you meet all of the weighing standards discussed previously and provide an acceptable mitigation plan that adequately compensates for any unavoidable impacts to the wetland, then a permit may be issued. You may be required to complete mitigation as approved by DEC prior to initiating your permitted project.

#### In Summary

Under the Freshwater Wetlands regulations, as you are required to meet each successive step in the hierarchy of standards for permit issuance, the burden on you to demonstrate and document your ability to meet these standards increases. Take a hard look at your project and these standards before pursuing an application. In other words, “look before you leap.”

In MAKING A DECISION on an application for a Freshwater Wetlands Permit, DEC may:

1. Grant a permit approving the manner and extent of alterations to freshwater wetland resources of the State as proposed by the applicant
2. Grant a permit with conditions as neces-

sary to protect the health, safety, or welfare of the people of the state and its natural resources

3. Deny a permit

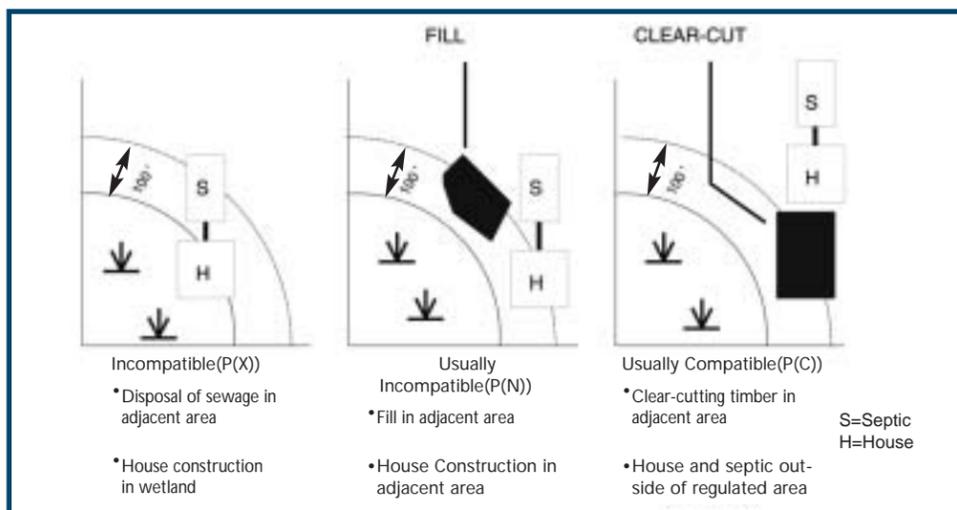
## Other Required DEC Permits and Determinations

Your project or activity may require additional permits under other DEC permit programs. For example:

- Protection of Waters permits are required for certain activities such as:
  - dredging or filling in navigable waters or their adjacent wetlands;
  - activities that cause disturbance to the bed or banks of protected streams;
  - construction or modifications of certain impoundment structures; or
  - docks or moorings.
- Wild, Scenic & Recreational River System permits are required for activities in these specifically designated river areas.
- Activities in regulated tidal wetlands may require a permit under the Tidal Wetland Act.
- A project site located within a coastal erosion hazard area may require a permit under the Coastal Erosion Hazard Areas Act.
- If the activity will require a permit from the U.S. Army Corps of Engineers for a Federal license or permit for activities (including but not limited to the construction or operation of facilities that may result in any discharge into waters of the United States), then a Section 401 Water Quality Certification from DEC may also be needed indicating that the proposed activity will not violate State water quality standards.

**Fig. 1**  
**Compatibility of Alternative Project Layouts**

(Under Article 24 ECL and 6NYCRR Part 663 Freshwater Wetlands)



- Mooring buoys, swim floats and private navigational aids may require a Floating Object Permit under NYS Navigation Law. DEC has jurisdiction for this permit within the Adirondack Park and Catskill Park. A DEC Application for Floating Object Permit can be obtained from the DEC Regional Permit Administrator for the county where the activity or project is located; see page V of this guide for addresses and phone numbers. NYS Office of Parks, Recreation and Historic Preservation has jurisdiction for the rest of the state; see Jurisdiction of Other Agencies, New York State Office of Parks, Recreation and Historic Preservation on page 15, for a contact address.

If you are not sure whether your project requires more than one DEC permit, contact the regional office for the county where your project is located. Your application for a Freshwater Wetlands permit will generally serve as an application for these other permits as well. If the project requires more than one permit, check all the pertinent boxes in Section 1 of the Joint Application form.

The materials necessary for all required permits should be submitted at the same time to allow simultaneous review of the entire project. Review of your project may not commence until these materials are submitted.

### State Environmental Quality Review Act (SEQR)

The Uniform Procedures Act requires that applications for DEC permits cannot be considered complete unless certain requirements of the State Environmental Quality Review Act (SEQR) have been met. Please fill out an Environmental Assessment Form (EAF) according to its instructions if one is enclosed with the application packet, provided at a pre-application conference, or requested by DEC upon initial review of a permit application. Upon receipt of the application and EAF, DEC may coordinate the SEQR environmental review of the project

with other state or local agencies having jurisdiction over the project. In doing so, an agency other than DEC may ultimately be designated as the "lead agency." The "lead agency" determines whether the proposed project may have a significant adverse impact on the environment. If the project may have a significant adverse impact, you must submit a Draft Environmental Impact Statement (DEIS).



**Try to strike a balance.**

### State Historic Preservation Act (SHPA)

The State Historic Preservation Act (SHPA) requires DEC to evaluate whether a project may have an impact on significant historical structures or archeological sites. Please fill out a Structural Archeological Assessment Form (SAAF) according to its instructions if one is enclosed with the application packet, provided at a pre-application conference, or requested by DEC upon initial review of your application. In some cases, a cultural resource survey, including a field study of archeological or historic features, may be needed.

You must notify DEC of any other federal, state or local approvals needed for your project. This will enable DEC to coordinate its review of the project among all involved agencies. This is in your best interest so that conflicts in permit review, information requests, or conditions can be avoided or reduced. Other agencies include:

### U.S. Army Corps of Engineers

The Corps of Engineers regulates dredging, filling, and the construction of certain structures in waters of the United States, including wetlands. The Corps' jurisdiction is appli-

### Freshwater Wetlands Program

## Jurisdiction of Other Agencies

cable beyond those major waterways that are traditionally referred to as "navigable waters."

When you file your application with DEC, a copy will be forwarded to the Corps of Engineers. DEC and the Corps have different application requirements and the Corps of Engineers may contact you for additional information as needed. To the extent possible, DEC and the Corps of Engineers may coordinate review of wetland delineations, permit applications and mitigation proposals.

For information on the Corps of Engineers' permit requirements, contact them at:

New York District,  
U.S. Army Corps of Engineers,  
Attn. Regulatory Branch  
26 Federal Plaza, NY, NY 10278-0090

- For DEC Regions 1, 2 and Westchester/Rockland Counties: (212) 264-6731
- For DEC Region 3, except Westchester/Rockland Counties: (212) 264-0185

Albany Field Office  
New York District  
U.S. Army Corps of Engineers  
1 Bond St., Troy, NY 12180  
For DEC Regions 4, 5  
(518) 270-0589

Buffalo District  
U.S. Army Corps of Engineers  
Attn. Regulatory Branch  
1776 Niagara St., Buffalo, NY 14207-3199,  
For DEC Regions 6, 7, 8, 9  
(716) 879-4330

### New York State Department of State (DOS)

If the project is located in a coastal area and a federal approval is required, the federal agency (usually the Corps of Engineers) must obtain a Coastal Consistency Certification from the New York State Department of State before it can give its approval. If such a certification is needed, the federal agency involved will inform you. The Coastal Consistency Certification will be part of the federal agency's permit decision.

In New York, coastal areas include:

- Atlantic Ocean
- Hudson River south of the federal dam in Troy
- Long Island Sound
- Niagara River
- Arthur Kill
- St. Lawrence River
- Kill van Kull
- Lake Ontario and Lake Erie
- Harlem River
- and all connecting water bodies, bays,
- East Riverharbors, shallows, and marshes.

This coastal consistency program also applies to some designated inland waterways in New York where local waterfront revitalization programs have been developed. Again, you will be informed if a certification must be prepared and whether you must provide any further information.

For questions involving the coastal consistency program contact:

NYS Department of State  
Coastal Management Program  
Division of Coastal Resources  
41 State Street  
Albany, NY 12231  
(518) 474-6000

## **New York State Office of General Services (OGS)**

In most instances, the State of New York owns the land beneath coastal waters, and waters of large lakes and rivers. The New York State Office of General Services manages most underwater holdings. You are responsible for determining whether your project involves any New York State-owned underwater lands and to obtain necessary approvals or easements for their use from OGS.

During review of your application, DEC will notify OGS of your project if state-owned underwater lands appear to be involved.

For questions involving underwater properties owned by the state, contact:

NYS Office of General Services  
Bureau of Land Management  
Corning Tower, 26th Floor  
Empire State Plaza  
Albany, NY 12242  
(518) 474-2195

## **New York State Canal Corporation**

The Canal Corporation manages lands under and along the state's canals and canalized rivers (Erie, Champlain, Oswego and Cayuga and Seneca canals) and at 12 canal reservoirs (Canachagala Lake, Chub Pond, Delta Reservoir, Forestport Pond, Hinckley Reservoir, Kayuta Lake, Leland Pond, North Lake, Sand Lake, South Lake, Twin Ponds, Woodhull Lake). Activities undertaken in and along these waterways and waterbodies may require approval from the Canal Corporation.

For information on the Canal Corporation's permit requirements, you may write or call their offices:

For projects on or along Champlain Canal; Erie Canal to the Montgomery/Herkimer county line:

Canal Corporation  
Albany Division  
Interchange 23, Route 9W

Albany, NY 12209-2098  
(518) 471-5033

For projects on or along Erie Canal from the Montgomery/Herkimer county line to the Wayne/Monroe county line; Oswego, Cayuga or Seneca Canals; Canal Corp. Reservoirs:

Canal Corporation  
Syracuse Division  
PO Box 308  
East Syracuse, NY 13057  
(315) 438-2303

For projects on or along Erie Canal west of the Wayne/Monroe county line:

Canal Corporation  
Buffalo Division  
3901 Genesee Street  
Cheektowaga, NY 14225-1901  
(716) 635-6250

## **New York Power Authority (NYPA)**

The New York Power Authority regulates shore development along the St. Lawrence River and its tributaries in the Towns of Massena, Lisbon, Louisville, and Waddington. Inquiries relating to the NYPA's jurisdiction should be made to:

New York Power Authority  
PO Box 700  
Massena, NY 13662  
(315) 764-0226

## **Adirondack Park Agency (APA)**

The Freshwater Wetlands Act grants administration of the program within the boundaries of the Adirondack Park to the Adirondack Park Agency. Wetlands within the Adirondack Park that are more than one acre in size and any sized wetland adjacent to open water are regulated. A permit may be required from the APA for a Freshwater Wetlands Permit or for approval of a new land use and development or subdivision, or for a variance from the shoreline standards of the APA. Inquiries relating to the APA's

## **Freshwater Wetlands Program**

jurisdiction should be made directly to the APA at its headquarters:

Adirondack Park Agency  
PO Box 99  
Ray Brook, NY 12977  
(518) 891-4050

## **New York State Office of Parks, Recreation and Historic Preservation (OPRHP)**

The New York State Office of Parks, Recreation and Historic Preservation has jurisdiction over floating objects in navigable waters of the state, outside the Adirondack and Catskill Parks. For information on permit requirements, contact:

New York State Office of Parks,  
Recreation and Historic Preservation  
Bureau of Marine & Recreational  
Vehicles  
Empire State Plaza, Building 1  
Albany, NY 12238  
(518) 474-0445

## **Lake George Park Commission**

If your project is located within the Lake George Park, a permit may also be required from the Lake George Park Commission for docks, wharfs and moorings; excavation/fill below the mean high water level; or stormwater management. For information on the Lake George Park Commission's permit requirements, contact:

Lake George Park Commission  
PO Box 749, Fort George Road  
Lake George, NY 12845-0749  
(518) 668-9347

## **Hudson River-Black River Regulating District**

The Hudson River-Black River Regulating District regulates development near the Great Sacandaga Reservoir. For further information, contact:

Hudson River-Black River  
Regulating District  
350 Northern Blvd.  
Albany, NY 12204  
(518) 465-3491

## **New York City Department of Environmental Protection (NYC DEP)**

The New York City Department of Environmental Protection regulates stream and wetland crossings, sewage treatment, and stormwater management projects within New York City's upstate watershed systems. For information on the New York City Department of Environmental Protection permit requirements, contact:

For areas in the Croton system East of the Hudson River, in Dutchess, Putnam, and Westchester counties:

New York City Department of  
Environmental Protection  
Deputy Chief, Engineering Section  
465 Columbus Ave.  
Valhalla, NY 10595  
(914) 773-4418

For areas in the Catskill/Delaware system, West of the Hudson River in Delaware, Greene, Schoharie, Sullivan, and Ulster counties:

New York City Department of  
Environmental Protection  
Deputy Chief, Engineering Section  
PO Box 370  
Shokan, NY 12481  
(845) 657-7641

## Local Governments

County, city, town or village building permits, flood plain permits, wetland and water-course permits, or other approvals may be necessary. You should check with the appropriate offices. Obtaining local permits or approvals does not relieve you of the responsibility of obtaining a Freshwater Wetlands permit.

## Miscellaneous Information

### How to Obtain Application Forms

A Joint Application For Permit is found on pages 20 - 21. Completed forms must be submitted to the DEC Regional Office for the county where the activity or project is located. See page 1 of this guide for addresses and phone numbers.

In addition, application forms and other materials (i.e., Environmental Assessment Form, Structural Archeological Assessment Form) are available from the DEC Regional Permit Administrator.

Downloadable forms are available from the Department's website at:

[www.dec.state.ny.us](http://www.dec.state.ny.us). Click on the "Subject Index" button, find and click on "Application for Permit" and go to "Joint DEC/Corps of Army Engineers Form." You will need Adobe Acrobat Reader, which you can download for free from the site, to view and download the forms.

### References

The following DEC regulations may be helpful to applicants wishing to gain a better understanding the Freshwater Wetlands Program and when completing permit application forms:

- 6NYCRR Part 663, Freshwater Wetlands Permit Requirements
- 6NYCRR Part 664, Freshwater

Wetlands Maps and Classifications

- 6NYCRR Part 665, Local Government Implementation of the Freshwater Wetlands Act and Statewide Minimum Land-Use Regulations for Freshwater Wetlands
- 6NYCRR Part 617, SEQR
- 6NYCRR Part 621, Uniform Procedures

You may request those which are applicable to your project from the appropriate DEC Regional Office. Many of DEC's regulations are available from the Department's website at: [www.dec.state.ny.us](http://www.dec.state.ny.us). Click on the "Subject Index" button, find and click on "Regulations, Environment" and click on the applicable regulation number.

### Other Publications Which May Be of Assistance Include:

- How to Apply for a DEC Permit
- Applicant's Guide to SEQR
- What is SEQR
- SEQR Flowchart and Time Frames
- SEQR Cookbook
- Applicant's Guide to the State Historic Preservation Act
- Protection of Waters Program Applicant's Guide
- Applicant's Guide to Tidal Wetlands Program

These are available from the appropriate DEC Regional Office. Additional information is also available from the Department's website at [www.dec.state.ny.us](http://www.dec.state.ny.us). Click on "Subject Index" button and click on "UPA Publications."

More information on the Freshwater Wetlands program is available from Department's website at [www.dec.state.ny.us](http://www.dec.state.ny.us). Navigate to Programs. Under the Office of Natural Resources, click on Division Of Fish and Wildlife and Marine Resources. Then click on Bureau of Habitat and choose the link to Freshwater Wetlands Program. In this section there are external links to the U.S. Fish and Wildlife Service and the National Wetlands Inventory Center.

## Freshwater Wetlands Program

## Other Resource Providers

Technical and application preparation assistance may be available from:

- your county's Soil and Water Conservation District office, or Cooperative Extension Service office, or
- your local Natural Resources Conservation Service office, a part of the federal government's U.S. Department of Agriculture.

Staff of these agencies include land use planning conservationists, soils scientists and professional engineers. The location and phone numbers for these agencies can be found in the government listings of your phone directory.

Assistance may also be obtained from private landscape architect or engineering firms or environmental consultants also listed in your phone directory.

### Permit Renewals, Modifications, Transfers

You must submit a written request for any modifications, renewals, or transfers of your permit. Such requests should be made at least 30 days in advance of the permit's expiration date to avoid any lapse in the permit. Major modifications (revisions) may require the submission of a new application. If an extension of time beyond the expiration of a permit is needed to complete the project, you should submit a written explanation briefly describing the circumstances.

Should the affected property be sold to a new owner who will carry out the activities authorized by DEC, the permit must also be transferred to the new owner. A transfer of permit may be granted upon request by the new owner when accompanied by written consent from the permit holder (previous owner). Contact the appropriate DEC regional office (Division of Environmental Permits) to obtain a DEC Application for Permit Transfer form. Alternatively, you may obtain it from DEC's website at: [www.dec.state.ny.us](http://www.dec.state.ny.us). Click on the "Subject Index" button, find and click on "Application

for Permit," and go to "General Purpose Forms.") You will need Adobe Acrobat Reader, which you can download for free from the site, to view and download the form. Please submit the transfer application at least 30 days in advance of the proposed transfer to allow sufficient review time. The new owner may not engage in regulated activities until DEC approves the permit transfer.

## Are Your Questions Answered?

Page 1 of this guide shows the DEC regions and the addresses and telephone numbers of the regional offices. You may contact the Regional Permit Administrators or



other Environmental Permits staff for more information on the Freshwater Wetlands Permit program or any other items mentioned in this guide. Where there are suboffices which serve a portion of the region, the shading on the map indicates the counties usually served by these offices.

If, AFTER carefully reviewing these forms and instructions, you have any specific questions about application procedures, or need information about SEQR or SHPA, you should contact the Division of Environmental Permits in the appropriate region. Technical questions may be directed to biologists in the Division of Fish, Wildlife and Marine Resources in the appropriate region.

# Appendices

Joint Application for Permit

Plans and Diagrams

Pond Excavation Plan

Road Crossing Plan

Temporary Access Fill Plan

Minor and Major Project Examples

# JOINT APPLICATION FOR PERMIT



New York State  
United States Army Corps of Engineers

25-19-2 (10/01) jpf

Applicable to agriculture and permit categories listed in Item 1. Please read all instructions on back. Attach additional information as needed. Please print clearly and legibly.

1. Check permits applied for:

NYS Dept. of Environmental Conservation

Stream Disturbance (Bed and Banks)

Navigable Waters (Excavation and Fill)

Docks, Moorings or Platforms (Construct or Place)

Dams and Impoundment Structures (Construct, Reconstruct or Repair)

Freshwater Wetlands

Tidal Wetlands

Coastal Erosion Control

WMA, Seismic and Recreational Rivers

401 Water Quality Certification

Potable Water Supply

Long Island WMA

Aquatic Vegetation Control

Aquatic Insect Control

Fish Control

2. Name of Applicant (Use full name)

Telephone Number (daytime)

3. Traplayer ID (if applicant is not an individual)

4. Applicant is a: (check as many as apply)

Owner  Operator  Lessee  Municipality / Governmental Agency

5. If applicant is not the owner, identify owner here - otherwise, you may provide Agent/Contact Person information.

Owner or Agent/Contact Person  Owner  Agent/Contact Person Telephone Number (daytime)

Mailing Address

Post Office State Zip Code

6. Project / Facility Location (mark location on map, see instruction 1.a.) Tax Map Section Block Lot Number

County: Town/City/Village: Location Coordinates: NYTMA 4

7. Name of Stream or Waterbody (on or near project site)

8. Name of USGS Quad Map: Location Coordinates: NYTMA 4

9. Project Description and Purpose: (Category of Activity e.g. new construction/installation, maintenance or replacement; Type of Structure or Activity e.g. bulkhead, dredging, filling, dam, dock, taking of water; Type of Materials and Quantities; Structure and Work Area Dimensions; Need or Purpose Served)

10. Proposed Use:  Private  Public Commercial

11. Will Project Occupy State Land?  Yes  No

12. Proposed Start Date:

13. Estimated Completion Date:

14. Has Work Begun on Project? (If yes, attach explanation of why work was started without permit.) Yes  No

15. List Previous Permit / Application Numbers and Dates: (If Any)

16. Will this Project Require Additional Federal, State, or Local Permits? Yes  No  If Yes, Please List:

17. If applicant is not the owner, both must sign the application

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomsoever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 16 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willfully falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Date: Signature of Applicant: Title:

Date: Signature of Owner: Title:

RESET

## General Instructions

Incomplete or inaccurate information may delay processing and a final decision on your application

- Type or print clearly in ink. Attach FIVE copies of additional information required in A. through C. below:
  - A USGS map, or equivalent showing the project location. Include on the map wetlands, seasonally wet streams and ditches.
  - A sketch plan drawn to scale or with dimensions given or engineering drawings showing location and extent of work as well as view directions of the photographs required in C.
- At least three (3) representative color photographs of the project area and surroundings with time and date when they were taken indicated.
- Applications by counties, cities, towns, and villages must be signed by the chief executive of that municipality or the head of the department or agency undertaking the project.
- If someone other than the owner is applicant, written consent of the owner to use the property / facility must accompany the application.
- The applicant is responsible for obtaining any other federal, state or local permits. Separate authorization or letter of No Jurisdiction should be received from the Department of Environmental Conservation (DEC), Office of General Services (OGS), Adirondack Park Agency (APA) or Lake George Park Commission (LGPC) and the Army Corps of Engineers (ACOE) prior to initiation of work in wetlands or waterways.
- Location Coordinates (section 5) are expressed in New York Transverse Mercator units or NYTMA (UTM Zone 18 expanded to encompass the entire state). These are based on the North American Datum 1983. If you are able to supply accurate coordinates, please do so. Otherwise the Department will determine them.

## Other Requirements

- If project is an unlisted action pursuant to the State Environmental Quality Review Act regulations - 6 NYCRR Part 617, a completed Part 1 of a Short Environmental Assessment Form must be submitted with the application.
- If project is a Type 1 action pursuant to the State Environmental Quality Review Act regulations - 6 NYCRR Part 617, a completed Part 1 of a Full Environmental Assessment Form must be submitted with the application.
- If project is classified as major pursuant to the Uniform Procedures Act regulations - 6 NYCRR Part 621, a completed Part 1 of a Structural Archaeological Assessment Form must be submitted with the application.
- If project requires a federal permit and lies within the Coastal Zone, a completed Federal Consistency Assessment Form must be submitted with the application.
- If project is within the Adirondack Park, additional information is required by the APA, to fully determine permitting applicability.

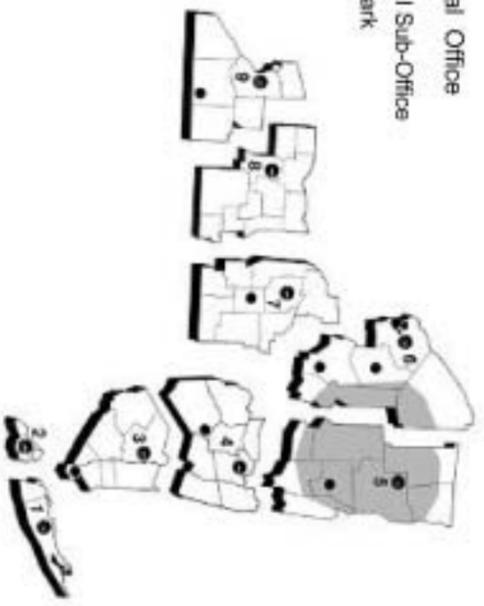
## Special Requirements for Specific Permit Applications

- Applications for the construction, reconstruction, or repair of a DAM or other MAJOR-SCALE STRUCTURE must be accompanied by Supplement D-1
  - Applications for DOCK, PLATFORM, or MOORING facility permits must be accompanied by Supplement D-2
  - Applications for Water Supply or Long Island Well permits must be accompanied by Supplement W-1
  - Applications for a permit to apply a Chemical to control or eliminate Aquatic Vegetation, Fish or Insects must be accompanied by the proper supplemental form available from the department.
  - Applications for a WMA, Seismic, or Recreational Rivers permit must be accompanied by Supplement WSR-1
  - Applications for a permit to disturb a wetland or waterway by placing fill or performing mechanized land clearing, ditching, channelization, dredging, or excavation activities under Section 404 of the Clean Water Act or Article 24 and 25 of the Environmental Conservation Law should provide a discussion of practicable alternatives considered to avoid, minimize and/or mitigate the proposed project impacts. Particular justification should be given as to why the alternatives are not suitable.
- Contact the Regional Permit Administrator, Division of Environmental Permits, at the appropriate DEC office: OGS, APA, LGPC, permitting agent, or the respective Corps District Office, as given below, for assistance regarding any of the above requirements. Consult other available application instruction materials for the appropriate permit types.

## New York State Agencies:

- Department of Environmental Conservation**
- REGION 1**  
Building 40, SUNY  
SUNY Brock, NY 11790-2316  
(831) 444-0385
- REGION 2**  
1 Hunter's Point Plaza  
47-40 21st Street  
Long Island City, NY 11101-5407  
(718) 482-4897
- REGION 3**  
21 South Park Corbett Road  
New Paltz, NY 12561-6996  
(845) 255-3054
- REGION 4**  
1150 North Westcott Road  
Schenectady, NY 12305-2014  
(518) 597-2089
- REGION 4 Sub-Office**  
Route 10  
HCR #1 Box 3A  
Sherrill, NY 12167-9503.  
(907) 623-7741
- REGION 5**  
Route 88, PO Box 296  
Ray Brook, NY 12977-0296  
(518) 897-1234
- REGION 5 Sub-Office**  
P.O. Box 220  
Warrensburg, NY 12885-0220  
(518) 623-1281
- REGION 6**  
State Office Building  
317 Washington Street  
Watkins, NY 13891-3787  
(315) 793-2245
- REGION 6 Sub-Office**  
State Office Building  
207 Gansevoet Street  
Ulster, NY 13501-2885  
(315) 793-2555
- REGION 7**  
615 Erie Blvd West  
Syracuse, NY 13204-2400  
(315) 426-7438
- REGION 7 Sub-Office**  
1285 Fisher Avenue  
Cortland, NY 13845-1090  
(607) 753-3095
- REGION 8**  
6274 E. Aven - Lima Road  
Aven, NY 14414-6019  
(909) 226-2605
- REGION 9**  
270 Michigan Avenue  
Buffalo, NY 14203-2929  
(716) 851-7165
- REGION 9 Sub-Office**  
182 East Union,  
Suite 3  
Aldergrove, NY 14706-3328  
(716) 372-0645
- Office of General Services**  
Division of Land Utilization  
Bureau of Land Management  
Coring Tower, Empire State Plaza  
Albany, NY 12242  
(518) 472-2195
- Adirondack Park Agency**  
PO Box 99  
Ray Brook, NY 12977  
(518) 891-4050
- Lake George Park Commission**  
P.O. Box 749 First George Road  
State Office Building  
Lake George, NY 12845-0749  
(518) 669-5047

- Distribution**
- 1ST COPY Permit Administrator 2ND COPY Corps of Engineers 3RD COPY Program 4TH COPY NYS Agency 5TH COPY Applicant
- Legend**
- DEC Regional Office
  - DEC Regional Sub-Office
  - Adirondack Park



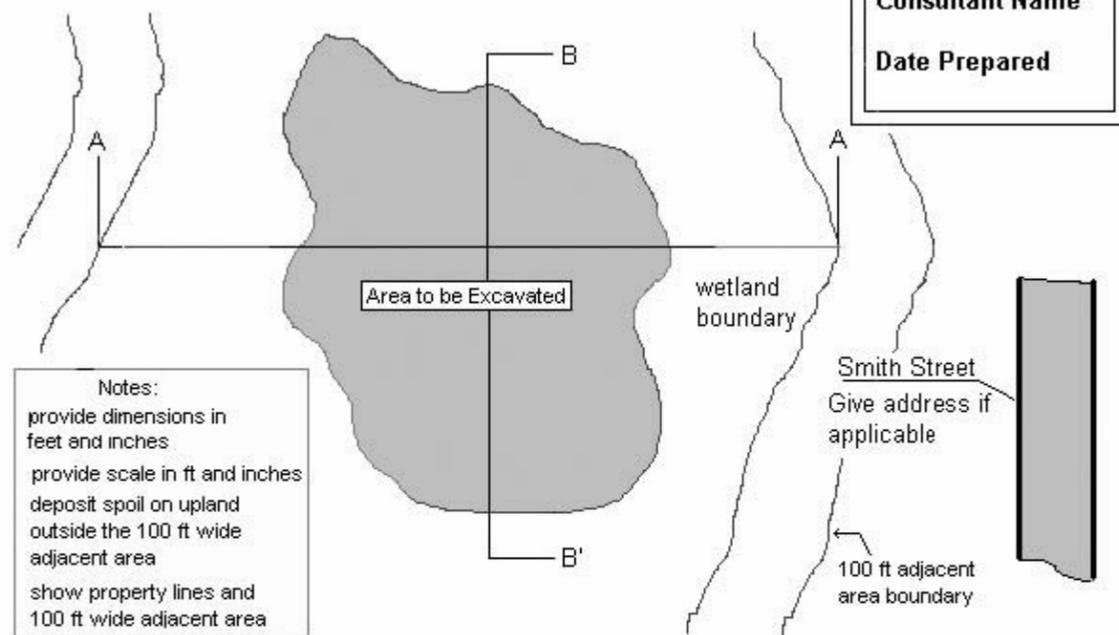
## United States Army Corps of Engineers

- Department of the Army ATTN: Regulatory Branch  
New York District, Corps of Engineers, 26 Federal Plaza, New York, NY 10278-0090
- Telephone (212) 264-6731 for DEC Regions 1,2 and Westchester and Rockland Counties  
(212) 264-0185 for DEC Region 3 except Westchester and Rockland Counties
- Albany Field Office Telephone (518) 270-0088 / 0099 - DEC regions 4,5  
1 Bond Street, Troy, NY 12180
- Buffalo District, Corps of Engineers Telephone (716) 679-4330 - DEC regions 6, 7, 8, 9  
1776 Niagara Street, Buffalo, NY 14207-3199

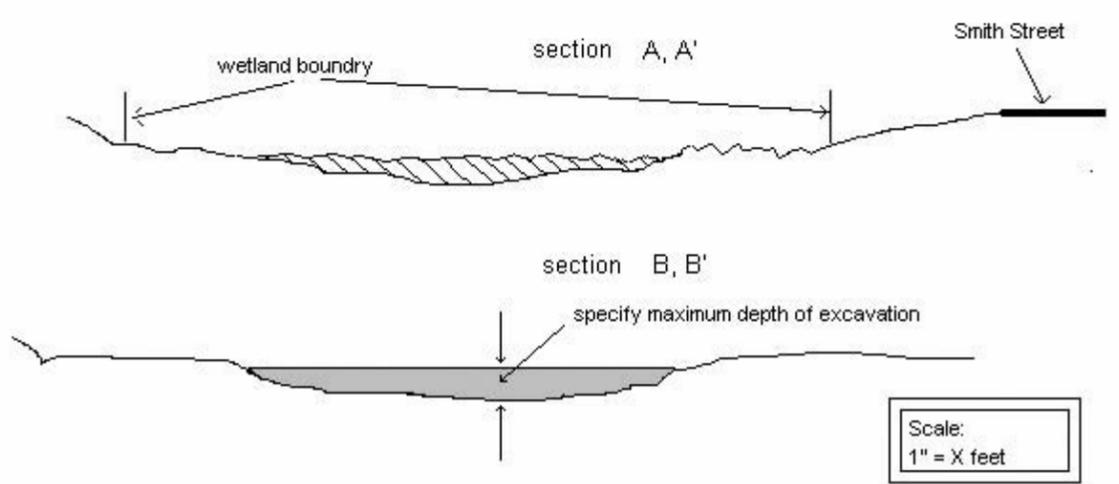
# Pond Excavation Plan

**Location Map**  
 Mark or Circle Project Location  
 Place Map Here

**Project Description**  
 DEC Wetland #  
 Municipality  
 Applicant Name  
 Consultant Name  
 Date Prepared



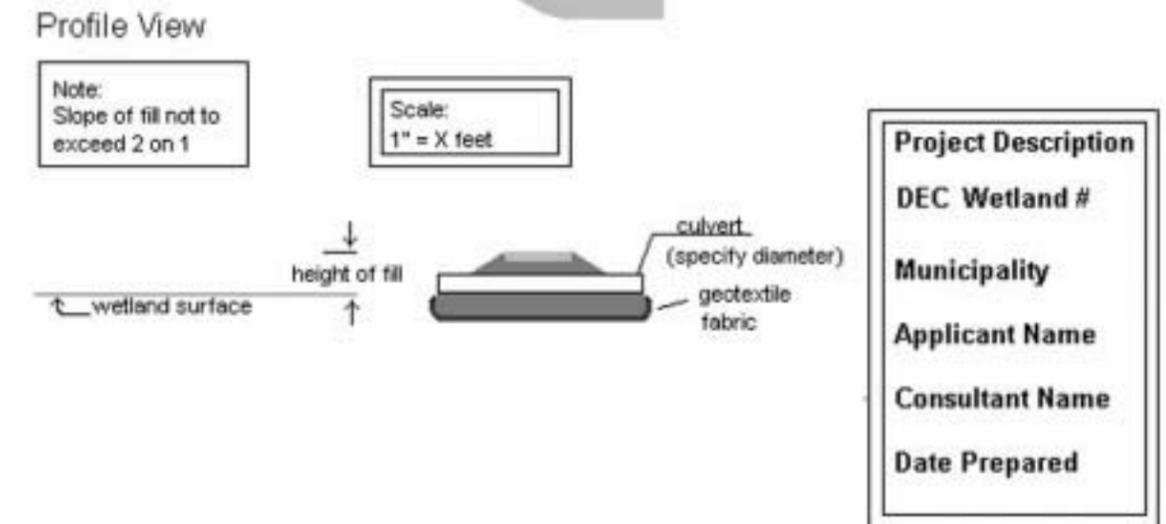
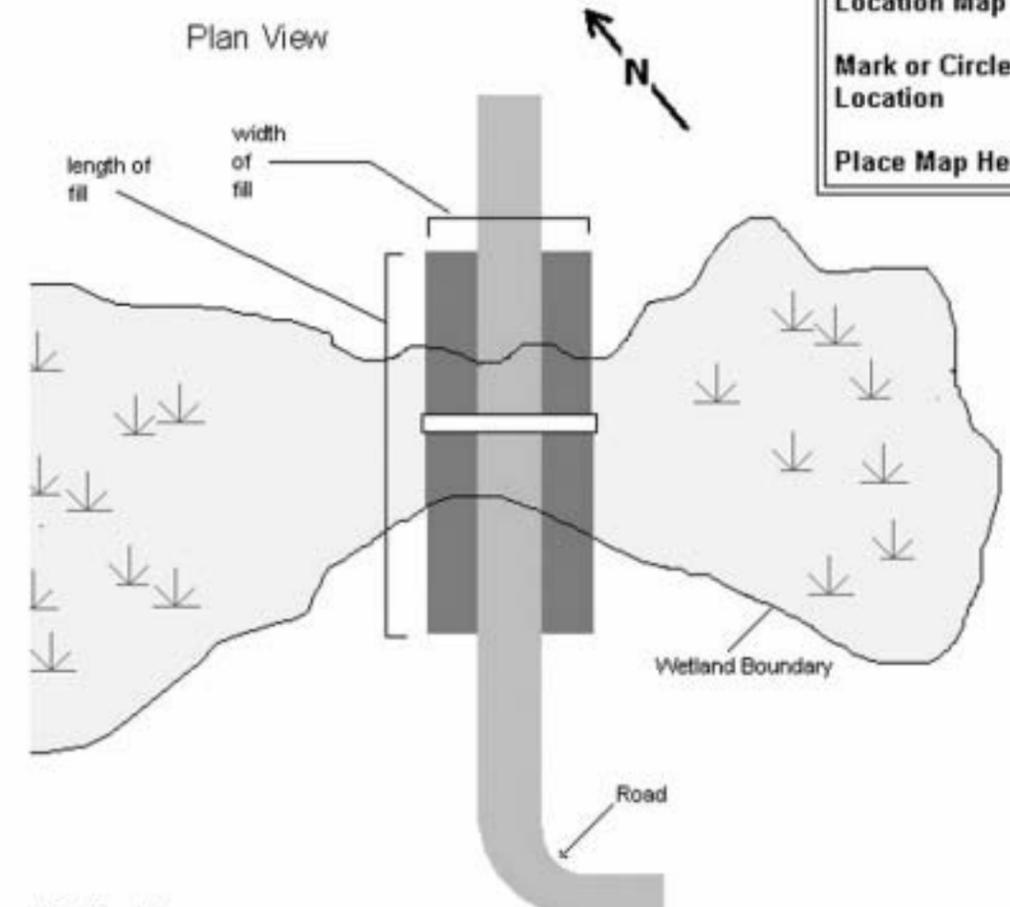
**Notes:**  
 provide dimensions in feet and inches  
 provide scale in ft and inches  
 deposit spoil on upland outside the 100 ft wide adjacent area  
 show property lines and 100 ft wide adjacent area



# Road Crossing Plan

**Location Map**  
 Mark or Circle Project Location  
 Place Map Here

**Project Description**  
 DEC Wetland #  
 Municipality  
 Applicant Name  
 Consultant Name  
 Date Prepared



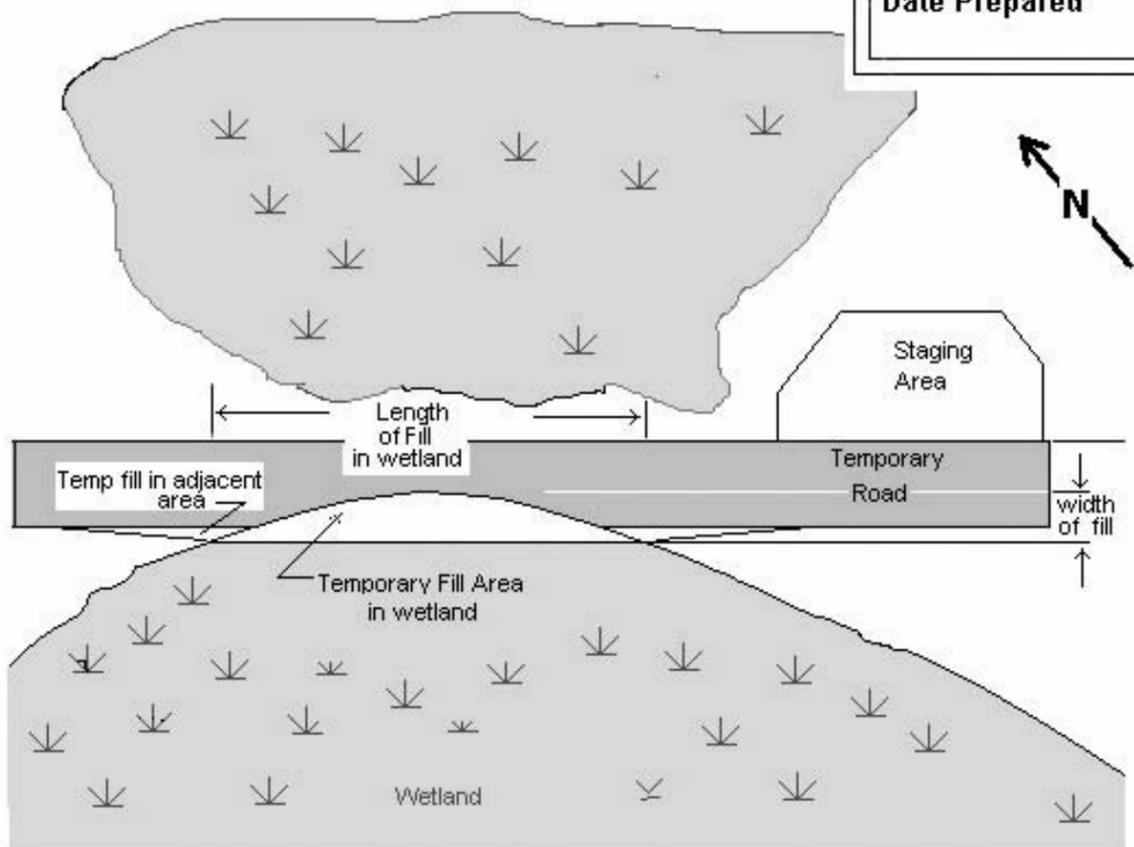
# Temporary Access Fill Plan

**Location Map**  
 Mark or Circle Project Location  
 Place Map Here

Plan View

Scale:  
 1" = X feet

**Project Description**  
 DEC Wetland #  
 Municipality  
 Applicant Name  
 Consultant Name  
 Date Prepared



## ACTIVITY

## LOCATION

Wetland Areas      Adjacent Areas

### EXISTING STRUCTURES and FACILITIES

- In-kind and in-place replacement of existing functional bulkheads and similar structures. . . . . Minor . . . . . Minor
- Routine beach regrading and cleaning . . . . . Minor . . . . . Minor
- Restoring, reconstructing or modifying existing functional structures or facilities which involves the temporary disturbance of less than 50 square meters (approximately 540 square feet) of ground surface. . . . . Major . . . . . Minor
- Expanding or substantially modifying existing functional structures or facilities (including residential, commercial and industrial buildings or sanitary disposal systems). . . . . Major . . . . . Minor

### OPERATING MOTOR VEHICLES

- Intensive, organized and repetitive use of all-terrain vehicles, air and motor boats, and snowmobiles. . . . . Major . . . . . Minor

### DRAINING, FILLING, GRADING, CLEAR-CUTTING and DREDGING

- Draining, except as part of an agricultural activity. . . . . Major . . . . . Major
- Removal or breaching of beaver dams. . . . . Major . . . . . Minor
- Constructing, expanding or substantially modifying drainage ditches, except as part of an agricultural activity. . . . . Major . . . . . Major
- Filling, even for agricultural purposes. . . . . Major . . . . . Major
- Clear-cutting timber. . . . . Major . . . . . Minor
- Clear-cutting vegetation other than trees, except as part of an agricultural activity. . . . . Major . . . . . Major
- Cutting but not elimination or destruction of vegetation which does not significantly adversely affect the wetland functions and benefits. . . . . Minor . . . . . Minor
- Dredging less than 400 cubic meters (approximately 523 cubic yards) to maintain presently existing navigational channels. . . . . Minor . . . . . Minor
- Dredging, except as listed above. . . . . Major . . . . . Major
- Mining. . . . . Major . . . . . Major
- Constructing roads. . . . . Major . . . . . Major
- Drilling of a water well for a single-family dwelling. . . . . Minor . . . . . Minor

### DAMS, DOCKS and BULKHEADS

- Installing a dock, pier or wharf built on floats or open-work supports and having a top surface area of 20 square meters (approximately 200 square feet) or less. . . . . Minor . . . . . Minor
- Constructing shoreline stabilization, or constructing or removing water control structures. . . . . Major . . . . . Major

### UTILITIES

- Installing utilities to a structure from an existing distribution facility, not involving major modifications or construction activities (e.g., clearing and grading) in the wetland. . . . . Minor . . . . . Minor

### POLLUTION and PESTICIDES

- Introducing or storing chemicals, solid wastes, or sewage effluent. . . . . Major . . . . . Major
- Applying pesticides pursuant to a pesticide permit issued by the DEC. . . . . Major . . . . . Minor
- Applying pesticides to the grounds of a private residence by the owner. . . . . Minor . . . . . Minor

### BUILDINGS

- Constructing a new residence, commercial or industrial facility, public building, or any related structure. . . . . Major . . . . . Major