

PERMIT PROFILE: FRESHWATER WETLANDS

TECHNICAL PROGRAM: Division of Fish, Wildlife and Marine Resources

STATUTORY AUTHORITY: Article 24 of the Environmental Conservation Law

APPLICABLE REGULATIONS: 6NYCRR Parts 663, 664, 665

LEGISLATIVE INTENT:

To preserve, protect, and conserve freshwater wetlands and the benefits derived therefrom, to prevent the despoliation and destruction of freshwater wetlands, and to regulate use and development of such wetlands to secure the natural benefits of freshwater wetlands, consistent with the general welfare and beneficial economic, social, and agricultural development of the state.

APPLICABILITY:

! Freshwater Wetlands which appear on New York State Fisheries Maps. Generally limited to those freshwater wetlands 12.4 acres or greater.

REGULATED ACTIVITIES:

! Filling, draining or excavating, grading, and dredging.
! Constructing buildings, roadways, septic systems, bulkheads, dikes, dams, and docks.
! Clear-cutting timber and other vegetation.

EXEMPT ACTIVITIES:

! Agricultural activities except filling, clear-cutting of trees, or construction of non-agricultural structures.
! Harvesting natural products.
! Recreational activities.
! Continuing lawfully existing land uses.
! Ordinary maintenance and repair of existing functional structures.
! Conducting educational and scientific research.
! Establishing individual recreational moorings.

MINOR PROJECTS:

In Wetlands

! Public utilities in existing corridors not involving new clearing and grading.
! Reconstruction in-kind of existing docks and similar structures.
! Installation of open-work docks with 200 square feet or less of deck area.
! Maintenance dredging of navigation channels of 500 cubic yards or less.

In Adjacent Areas

! Clear cutting trees.
! Private residence water well drilling.
! Application of pesticides by a licensed applicator.

PROGRAM SPECIFIC COMPLETENESS REQUIREMENTS:

! Plans should depict the freshwater wetland boundary and indicate the source of information used to determine that boundary.

PUBLIC NOTICE REQUIREMENTS:

! Environmental Notice Bulletin and newspaper publication required for all major projects.

STANDARDS FOR ISSUANCE:

! Wetland class must be considered.
! Consideration of the effect of project on wetland functions and benefits compatibility with public health and welfare.
! Has no reasonable alternatives outside of the freshwater wetland or adjacent area.
! Will result in no more than insubstantial degradation to or loss of any part of the wetland.

REFERENCE MATERIALS/SOURCES OF INFORMATION:

! Freshwater Wetlands maps
! Applicants' Guide, Freshwater Wetlands Program

(Cont.)

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SPECIAL PROCEDURES AND EXCEPTIONS:

- ! Any decision of the Commissioner may be reviewed by the Freshwater Wetlands Appeals Board (see Part 647).
- ! Law contains provisions for delegation of permit program to local or county agency (see Part 665).
- ! Delineation of wetlands under New York State law and federal law are based on different criterion and therefore may not be equivalent.