

# Fact Sheet: General Permit (GP-0-11-008) and Emergency Authorization Guidelines for the Repair of Damages Resulting from Hurricane Irene & Tropical Storm Lee

The New York State Department of Environmental Conservation issued an emergency authorization (EA) allowing local governments and private landowners in regions 3 through 7 to expedite emergency construction, repairs and maintenance due to the damage caused by Hurricane Irene and Tropical Storm Lee. Under the current EA, work must be completed by October 8 in most of the state. Necessary work may continue to be authorized under a General Permit (GP). The EA is extended for Broome, Chenango and Tioga counties through November 7 due to significant rainfall after Tropical Storm Lee. Contact the Regional Environmental Permits office for expedited action on GP requests. A list of regional offices can be found at: [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/gp2011storms.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/gp2011storms.pdf). DEC will continue to work cooperatively with municipalities and private landowners to help protect infrastructure and property.

Regardless of work under Emergency Authorization or General Permits, the following guidelines are best practices to follow.

## **Guidelines for Acceptable Stream Restoration Practices Authorized by General Permit**

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### ***Stream Banks***

Stream banks are very important components of a stream corridor. They stabilize stream edges and provide a vital habitat for many fish and animals. Excavated materials should not be piled onto stream banks and berms should not be constructed next to streams. Banks should not be elevated above the existing ground level surrounding a stream. Any banks that require modification should be designed to replicate the slope and character of existing stream banks. It is highly recommended that vegetation be used to replant and stabilize disturbed stream banks.

### ***Stream Channel Restoration***

Stream channel shape and direction are highly sensitive factors that affect the stability and quality of a stream. DEC should be consulted for advice and recommendations of any stream channel activity to be performed. Stream channels should replicate their pre-flood characteristics including such factors as cross sectional shape, gradient and bottom type (gravel, rocks, boulders etc.). Streams should not be widened or deepened. Stream channels that have moved from their original location and that pose an imminent or obvious threat to infrastructure may be moved to their pre-flood location. Stream channels that do not otherwise pose a threat should not be moved.

### ***Stream Crossings***

Bridges and culverts should not constrain aquatic life movement (fish, invertebrates, amphibians) and should be designed to safely pass flood flows without causing restrictions, which could cause damming and additional flooding. Culverts/bridges should not be smaller than the structure being replaced. Structures should instead be upsized as large as practicably feasible. Great care should also be taken to ensure appropriate burial and slope of the structure. Often times, careful placement and water flow management will greatly aid in the performance of a bridge/culvert. DEC should be contacted for site specific recommendations in replacing bridges/culverts.

### ***Water Quality***

All repairs should minimize the creation or potential release of turbid (muddy) water into a waterbody. Muddy or dirty water can be created when excavating or filling in or near water. Erosion due to rain or stream flow can also cause these conditions to occur. Turbid water is detrimental to the environment and can cause damage to downstream habitats like smothering surfaces and organisms, reducing light penetration for aquatic plants and algae, and altering water chemistry. Any action that could cause erosion or affect water quality should be avoided. For example, machinery should not be operated in flowing water. Water diverting dikes or coffer dams should be constructed, silt fences should be used around disturbed upland areas and open piles of material should not be placed in areas where they could wash back into the water.

### ***Exclusion Periods***

In-stream work can adversely affect trout spawning which occurs in the fall and spring of every year. For this reason, in-stream work, particularly that which involves heavy machinery, is not advised between November 30, 2011 and June 15, 2012. Work that is performed entirely outside of a stream is not subject to these time limits.

### ***Ash Tree Disposal***

The emerald ash borer is an invasive and destructive beetle that has recently been identified in NYS. To prevent its further spread, any debris waste of ash trees should be quarantined and appropriately destroyed and disposed of at an approved DEC waste facility.

### **General Permit Process**

Moving forward, municipalities and private landowners should follow these guidelines to obtain the required authorization to do repairs under a General Permit. Contact a Regional Permit Administrator if you have questions pertaining to General Permits.

- Read the general permit to ensure that you understand all terms and conditions. ([http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/genprmt.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/genprmt.pdf))
- Determine whether or not the work you propose to do is within the scope of the general permit. (Refer to Description of Authorized Activities, Type of Projects, Nos. 1, 2, 3 and 4). If it is not, contact the Regional Permit Administrator to apply for an individual permit. (List of administrators - [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/gp2011storms.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/gp2011storms.pdf))
- Fill out the Application for General Permit GP 0-11-008. Make sure all asterisk (\*) entries are complete and legible. Provide drawings, photos (if available) and a location map. Read the certification and sign and date the application.
- Give the completed application to the DEC field representative (Habitat Biologist or Environmental Analyst), or mail/email them to the Regional Permit Administrator. (List of administrators - [http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/gp2011storms.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/gp2011storms.pdf)) If the project is approved, the authorized DEC representative will then countersign one copy of the general permit and hand it to you or mail it.
- Ensure that those individuals doing the actual work understand and comply with all terms and conditions of the general permit.
- Contact DEC if you encounter unforeseen problems during the course of the work.

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The Adirondack Park Agency (APA) administers ECL Article 24 protecting Freshwater Wetlands and the Article 15 provisions protecting designated Wild, Scenic and Recreational rivers within the Park. Article 24 requires a permit for fill or other activities, other than agricultural uses and forestry, that involve Adirondack Park wetlands with a free interchange with navigable waters and all other Park wetlands greater than one acre in size. Article 15 Wild Scenic and Recreational Rivers have additional statutory considerations to be addressed in order to authorize in-stream modifications to the banks or channel. The designated rivers in Clinton, Essex and Warren Counties are: Saranac (Main Branch), Boquet (including North and South Forks), Ausable (East, Main and West Branches), Hudson and Schroon. APA will continue to coordinate its advice relating to projects resulting from storm events and involving wetlands or a NYS designated wild, scenic or recreational river with a written concurrence with DEC GP – 0-11-008.

Adirondack Park Agency contact for Hurricane Irene emergency activities: Richard Weber, Deputy Director for Regulatory Programs, 518 891-4050, [reweber@gw.dec.state.ny.us](mailto:reweber@gw.dec.state.ny.us).