

PERMIT PROFILE: PROTECTION OF WATERS

TECHNICAL PROGRAM: Divisions of Fish, Wildlife and Marine Resources, Water (Dams only)

STATUTORY AUTHORITY: Article 15, Title 5 of the Environmental Conservation Law

APPLICABLE REGULATIONS: 6NYCRR, Part 608

LEGISLATIVE INTENT:

To minimize the disturbance of streams and water bodies to prevent unreasonable erosion of soil, increased turbidity of the waters, irregular variations in velocity, temperature and level of waters, the loss of fish and aquatic wildlife, the destruction of natural habitat, and the danger of flood or pollution.

REGULATED ACTIVITIES:

- ! Modification or disturbance of the bed or banks of protected streams that are classified C(t) and above, including removal of sand or gravel.
- ! Filling or dredging in navigable waters.
- ! Construction, reconstruction, or repair of certain dams.
- ! Construction, reconstruction, or modification of certain docks, mooring areas or other structures in navigable waters (effective late 1994).

EXEMPT ACTIVITIES:

- ! Regulated activity may be conducted without a permit by local public corporations (towns, cities, villages, and counties) under a Memorandum of Understanding which establishes procedure for review by the department.
- ! Agricultural activity limited to livestock or wheeled farm equipment crossing of protected stream, or withdrawal of irrigation water.
- ! Construction, reconstruction or repair of a structure used to impound water which satisfy any of the following criteria:
 - " Maximum height is 6 feet or less;
 - " Maximum impounding capacity is one million gallons or less; or
 - " Maximum height is greater than 6 feet and less than 15 feet and the maximum impounding capacity is less than 3 million gallons.Each criterion shall be applied in the order presented to determine if a given structure qualifies for an exemption under the Dam Safety provisions of Part 608.
- ! A permit is not required for:
 - " docks, piers, wharfs, platforms, moorings or other structures for which a lease or conveyance authorizing use and occupancy has been obtained from Commissioner of General Services;
 - " a dock, pier, wharf or other structure used solely as landing place on water providing dockage for five (5) or fewer boats and encompassing within its perimeter an area of less than four thousand (4,000) square feet;
 - " a mooring area which accommodates fewer than ten (10) boats;
 - " seasonal replacement or reinstallation of floating docks and other structures existing prior to May 4, 1993;
 - " relocation of floating docks, temporary ramps, walkways, and anchoring devices within the established perimeter of a marina or boat basin; and
 - " ordinary maintenance or repair of existing structures (such as redriving piles, replacing boards in docks, repainting).

MINOR PROJECTS:

- ! Repair or in-place, in-kind replacement of existing structures.
- ! Repairs of existing registered dams.
- ! Filling of less than 100 cubic yards.
- ! Maintenance dredging at least once every 10 years, and dredging of 5,000 square feet or less.
- ! Installation of riprap of less than 100 lineal feet for each parcel of land.
- ! Disturbances of less than 50 lineal feet along any 1,000 feet of water course.

All other projects are considered major.

PROGRAM SPECIFIC COMPLETENESS REQUIREMENTS:

- ! Supplement D-1 for application to build a dam.
- ! Engineering report and discussion of "hazard" classification for application to build a dam.
- ! Sediment analysis and proposed disposal location for application to dredge in navigable water.

(Cont.)

PERMIT PROFILE: PROTECTION OF WATERS

PUBLIC NOTICE REQUIREMENTS:

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

STANDARDS FOR ISSUANCE:

- ! The proposal is reasonable and necessary.
- ! The proposal will not endanger the health, safety and welfare of the people of the State of New York.
- ! The proposal will not cause unreasonable, uncontrolled or unnecessary damage to the natural resources of the state including soil, forests, water, fish and aquatic and related environment.

REFERENCE MATERIALS/SOURCES OF INFORMATION:

- ! Classification and standards of quality and purity assigned to fresh surface waters (6NYCRR, Part 800 to Part 941).
- ! Guidelines for design of dams.
- ! Applicants' Guide, Protection of Waters Program.
- ! Regulations implementing Public Lands Law (9NYCRR, Parts 270, 271 and 273).

SPECIAL PROCEDURES AND EXCEPTIONS:

- ! **Dam Applications** - Design, preparation of plans, estimates and specifications and the supervision of construction, reconstruction, and repair must be done by a licensed professional engineer or in the case of farm ponds, under direction of U.S.D.A. Soil Conservation Service or DEC engineer.
- ! **State-owned Lands Underwater** - Contact: NYS Office of General Services, Empire State Plaza, Albany, NY 12242, Phone (518) 474-2195 for further information.
- ! State agencies are not required to obtain permits.