

PERMIT PROFILE: TIDAL WETLANDS

TECHNICAL PROGRAM: Division of Fish, Wildlife and Marine Resources

STATUTORY AUTHORITY: Article 25 of the Environmental Conservation Law

APPLICABLE REGULATIONS: 6NYCRR Part 661

LEGISLATIVE INTENT:

To preserve and protect tidal wetlands, and to prevent their despoliation and destruction, giving due consideration to the reasonable economic and social development of the state.

APPLICABILITY:

! Tidal Wetlands consisting of marshes, shoals, bars, mudflats, and littoral zone which appear on New York State Tidal Wetland Inventory. Applies only in Suffolk, Nassau, Rockland and Westchester counties and the City of New York.

REGULATED ACTIVITIES: (see Part 661.5 for details)

- ! Placement of fill, dredging, excavation, including beach regrading.
- ! Construction of buildings, septic systems, bulkheads, docks, catwalks, piers and floating docks.
- ! Restoration, reconstruction, expansion, or modification of existing functional structures.
- ! Drainage.
- ! Mooring of a vessel to be used as a dwelling or commercial or public use building.
- ! Installation of underground utilities.

EXEMPT ACTIVITIES:

- ! Harvesting of natural products, and recreational activities.
- ! Continuing lawfully existing land uses.
- ! Ordinary maintenance and repair of existing functional structures including bulkheads and similar structures.
- ! Conducting educational, scientific or research activities.
- ! Establishing individual recreational moorings.
- ! Activities of the Health Department or local government relating to public health, and activities subject to jurisdiction of the Public Service Commission.
- ! Use of pesticides only as otherwise authorized by law.
- ! Operation of aircraft.

MINOR PROJECTS:

- ! Establishing plantings or harvesting of salt hay by mechanical equipment.
- ! Operation of motor vehicles for educational or scientific research purposes.
- ! Construction of open pile catwalks or docks four feet or less in width.
- ! Installation of floating docks less than 200 sq. ft. in area.
- ! Substantial reconstruction or restoration of existing structures.
- ! Maintenance dredging.
- ! Construction or modification of mosquito control ditches or agricultural ditches.
- ! Installation or connection of utilities not involving grading or clearing.

PROGRAM SPECIFIC COMPLETENESS REQUIREMENTS:

- ! A detailed description of the project.
- ! Map showing the area of tidal wetland or adjacent area affected, including the location of the proposed activity.
- ! A statement of feasible alternatives.
- ! A statement identifying the owner of the property.
- ! Where applicable, written permission of the owner for the applicant to apply for a permit and build the project.
- ! A description of the planned use of the subject property once the project is built.
- ! A plan at 1" = 50' scale with a two foot contour interval and showing the tidal wetlands landward boundary and the mean high water line.
- ! Methods to eliminate or mitigate environmental impacts.
- ! Clearly labeled photographs of the site.
- ! A variance request when applicable.
- ! A list of the names of the owners of lands adjacent to the project.

PUBLIC NOTICE REQUIREMENTS:

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

(Cont.)

STANDARDS FOR ISSUANCE:

- ! Is compatible with the policy of preserving tidal wetlands.
- ! Is compatible with the public health and welfare.
- ! Is reasonable and necessary.
- ! Complies with use guidelines in Part 661.5.
- ! Variances allowed under certain circumstances.

REFERENCE MATERIALS/SOURCES OF INFORMATION:

- ! Tidal Wetlands Inventory maps
- ! Applicants' Guide, Tidal Wetlands Program