

PERMIT PROFILE: WILD, SCENIC, AND RECREATIONAL RIVERS

TECHNICAL PROGRAM: Division of Fish, Wildlife and Marine Resources

STATUTORY AUTHORITY: ECL Article 15, Title 27

APPLICABLE REGULATIONS: 6NYCRR Part 666

LEGISLATIVE INTENT:

To ensure that designated rivers of the state and their immediate environs be preserved in free-flowing condition.

APPLICABILITY:

All or portions of certain waterways are designated by law and are under DEC jurisdiction. (See page 3)

REGULATED ACTIVITIES:

- ! Dams, impoundments, and water withdrawals.
- ! Construction of residential, non-residential structures, and accessory structures.
- ! Construction and use of roads, trails and bridges, and motorized access.
- ! Water quality, wastewater treatment, and waste disposal.
- ! Commercial signs and regulatory signs.
- ! Public utility uses.
- ! Forest management, vegetative cutting, and agriculture.
- ! Recreational uses and developments.
- ! Miscellaneous commercial and industrial uses.
- ! Resumption of a land use after it has been discontinued for one year.

EXEMPT ACTIVITIES:

Wild Rivers:

- ! Continuation, without change, of lawfully existing land uses.
- ! Maintenance, repair, restoration, replacement--without change.
- ! Construction of forest management roads and tributary bridges 150 ft or more from the river.
- ! Use of motorized equipment for forest management.
- ! Forest management practices (not roads) 100 ft or greater from the river bank.
- ! Clearcutting less than 25 acres.
- ! Non-motorized open-space recreation uses.

Scenic Rivers:

All of the above uses plus:

- ! Expansion of residential structures up to a cumulative total of 500 ft² from size of structure on 6/23/94.
- ! Construction of agricultural structures > 500 ft from the river bank or > 250 ft from a tributary bank.
- ! Construction of forest management or access structures (other than docks or boathouses) on 15% slope or less, and out of 100 yr. floodplain or > 500 ft from the river or > 250 ft from a tributary bank--whichever is greater.
- ! Construction of lean-tos with < 200 ft of floor space > 500 ft from the river or > 250 ft from a tributary.
- ! Use of motorized equipment for allowable uses other than forest management.
- ! Construction of bridges, other than those over the designated river, for non-motorized open-space recreational uses.
- ! Most common signs.
- ! Public utility uses subject to review pursuant to Article VIII of the Public Service Law.
- ! Minor public utility uses that do not cross the designated river and are/will be > 500 ft. from the river bank.
- ! Cutting of vegetation, not associated with development, 100 ft or more from the river.
- ! Agricultural activities 100 ft or more from the river bank.

Recreational Rivers:

Outside "communities" (see definition in section 666.3)

All of the above uses.

Within a "community"

All the above uses plus:

- ! Private dwellings and mobile home dwellings located 150 ft or more from the river.
- ! One and two lot subdivisions for residential development.

MINOR PROJECTS:

- ! Subdivisions creating one or two residential lots.
- ! Construction of 1-family dwellings in Part 666-approved subdivisions or on lots conforming to Part 666 restrictions.
- ! Construction of accessory structures (see definition in section 666.3) or signs.

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PROGRAM SPECIFIC COMPLETENESS REQUIREMENTS:

- ! WSR-1 supplemental form.
- ! A map with a scale of 1" = 2000' or larger showing the project location and the boundary of the river corridor.
- ! A plan that identifies lot boundaries and the river.
- ! Clearly labelled photographs of the site.

PUBLIC NOTICE REQUIREMENTS:

Environmental Notice Bulletin and newspaper of general circulation for all major projects

STANDARDS FOR ISSUANCE:

- ! Proposed activity is consistent with ECL Article 15, Title 27 and Part 666, and the proposed activity will not have an undue adverse environmental impact.
- ! No reasonable alternative exists for locating the proposed activity outside of the designated river area.
- ! Actions proposed by state agencies must preserve, protect or enhance the designated river's conditions or values.

PROHIBITED ACTIVITIES:

Recreational Rivers:

Within a "community" (see definition in section 666.3)

- ! Construction of dams or other structures impeding or altering the natural flow of water.
- ! Most construction within 150 ft of the river.
- ! Construction within the 100 year floodplain.
- ! Forest management roads or tributary bridges located < 150 ft from the river.
- ! Wastewater or waste treatment, storage or disposal (except for temporary storage in appropriate containers).

Outside "communities"

All the above uses plus:

- ! Most commercial, industrial or institutional uses.

Scenic Rivers:

All of the above uses plus:

- ! Roads within 150 ft of the river bank.
- ! Most off-premise commercial signs.
- ! Transient lodging facilities including campgrounds.
- ! Public parks and beaches, and golf courses.
- ! Railroads and appurtenant structures.
- ! Most retail or rental facilities directly associated with river recreation, on lots of at least 3 acres.

Wild Rivers:

All of the above uses plus:

- ! New diversions or water withdrawals.
- ! Water related or dependent uses in the watershed that affect the flow into the designated river.
- ! New construction or new operation of hydropower facilities.
- ! Almost any significant construction or land disturbance, including agriculture, within 100 - 250 ft of the waterway, and in many cases within the corridor at all.
- ! Construction of trails within 150 ft of the river.
- ! Private sewage disposal systems.
- ! Public utilities.
- ! Most forest management practices including cutting of vegetation within 100 ft of the river.
- ! Virtually all signs.

REFERENCE MATERIALS/SOURCES OF INFORMATION:

- ! Wild, Scenic and Recreational Rivers Program brochure (maps are separate)

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SPECIAL PROCEDURES AND EXCEPTIONS:

- ! Until specific boundaries are designated, Part 666 applies to all lands within ½ mile from each river bank.
- ! Minimal variances may be granted:
 - " For a private applicant when it is demonstrated that compliance with standards would cause unnecessary hardship, practical difficulty or significant economic injury.
 - " For a state agency when it is demonstrated that the variance is needed for public health, safety or welfare.
- A project, that might otherwise need a variance due to noncompliance with one or more specific standards, may be permitted without a variance if the project:**
 - " **will not adversely impact any affected river resource; and**
 - " **complies with all other applicable standards**
- ! The Adirondack Park Agency administers the law on **private lands** within the Park.
- ! Specific river areas management plan will be developed (by DEC, or delegated local government(s)) for adoption by DEC after public hearing and review. Permit authority for applications by state agencies **may not be** delegated.

All or portions of certain waterways are designated by law and are under DEC jurisdiction.

DESIGNATED WILD, SCENIC OR RECREATIONAL RIVERS
(OUTSIDE THE ADIRONDACK PARK)

WILD RIVERS:

None.

SCENIC RIVERS:

- ! Carmens River - Region 1
- ! Peconic River - Region 1
- ! East Canada Creek - Region 6
- ! Grasse River - Region 6
- ! Oswegatchie River - Region 6
- ! Genesee River - Regions 8 and 9

RECREATIONAL RIVERS:

- ! Carmens River - Region 1
- ! Connequot River - Region 1
- ! Nissequogue River - Region 1
- ! Peconic River - Region 1
- ! Ramapo River - Region 3
- ! Shawangunk Kill - Region 3
- ! Ausable River - Region 5
- ! Fall Creek - Region 7*

*Administered by City of Ithaca