

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 5

1115 NYS Route 86, PO Box 296, Ray Brook, New York 12977

Phone: (518) 897-1234 • FAX: (518) 897-1394

Website: www.dec.ny.gov



Joe Martens
Commissioner

March 12, 2012

County and Town Highway Superintendents:

I am pleased to enclose General Permit # GP-5-12-001 (“Municipal GP”) for use by all Municipal Highway Departments located within the jurisdictional boundaries of NYS DEC Region 5. The Municipal GP is a reissuance, with minor modifications, of the now expired GP-5-06-001 that many towns and counties had used within NYS DEC Region 5. As had the former, the new Municipal GP authorizes highway-related activities that involve DEC-protected:

1. Streams
2. Navigable Waterways
3. Freshwater Wetlands (i.e., freshwater wetlands located outside the Adirondack Park)*

*For local highway projects inside the Adirondack Park that involve freshwater wetlands, please contact the Adirondack Park Agency at (518) 891-4050.

Please review the Municipal GP carefully. The projects authorized by the Municipal GP are listed in the “General Permit Authorized Activities” section on Page 1 of the permit. Only those project types listed on page 1 are covered by the Municipal GP. Activities not expressly described in the Municipal GP require an individual permit. The objective of the Municipal GP is to provide the counties and towns in Region 5 with the authorization necessary to undertake routine activities associated with maintaining and improving local transportation infrastructure. We anticipate you will find the re-issued Municipal GP to be both efficient and effective.

Please read all permit conditions. In particular, please note Condition 7 which identifies “Prohibited Streams and Rivers” where the Municipal GP is not applicable, and Conditions 19-28 that pertain to culvert placement. Conditions 19-28 are included in the permit to protect aquatic resources and to maintain or restore fish passage and other important stream functions. If a project cannot meet these conditions, an individual permit must be obtained before working in the water.

The Municipal GP cannot be modified to accommodate projects that are beyond its scope. Furthermore, while Condition 8 (Prohibition Period for Instream Work) allows municipalities to request that instream work commence before April 30 and/or after October 1, this provision is intended to accommodate only those unforeseen circumstances, that

occasionally occur, where work outside the April 30 - October 1 time period is essential for transportation safety, funding reimbursement and/or resource protection.

In accordance with the State Environmental Quality Review Act (SEQRA), all of the activities authorized by the Municipal GP have been determined to have no significant impact on the environment when the conditions of the permit are followed. However, when any single activity or combination of activities on the authorized activity list is proposed as part of a larger project (for example, a major highway realignment project) that is not specifically listed in the "General Permit Authorized Activities", the Negative Declaration prepared for the Municipal GP is not applicable and the Municipal General Permit cannot be used until the SEQRA process has been completed.

The Municipal GP can be used to authorize qualifying highway-related projects that fall under the jurisdiction of DEC's Protection of Water Law **or** Freshwater Wetlands Law (outside the Adirondack Park) **or both**. Please call if you have any questions about a project's qualification for coverage under the Municipal GP. Our telephone numbers are included under Step 2, below.

To use the Municipal GP, please complete the following 2-step process:

Step 1: Complete the MUNICIPAL GENERAL PERMIT AUTHORIZATION FORM ("AF") - a copy of which is enclosed - after determining that a proposed highway activity is regulated by DEC and falls within the scope of the Municipal GP. This AF must be completed by a designated municipal employee and a separate AF must be filed for each project conducted under the Municipal GP. I recommend you make several copies of the AF for your use. Additional copies can also be obtained, as follows: from the DEC Region 5 Division of Environmental Permits website; by forwarding an e-mail request to msmiglio@gw.dec.state.ny.us or by contacting our office using one of the telephone numbers listed below under Step 2. Note that the Region 5 website can be accessed from the Department's website which is listed at the top of this letter.

Step 2: Submit the completed MUNICIPAL GENERAL PERMIT AUTHORIZATION FORM by email, fax or US Mail to the appropriate DEC Environmental Permits office, as follows:

For projects in Clinton, Essex, Franklin or Hamilton counties:

NYSDEC

Division of Environmental Permits

PO Box 296, Route 86

Ray Brook, NY 12977-0296

(518) 897-1234

FAX (518) 897-1394

r5dep@gw.dec.state.ny.us

For projects in Fulton, Saratoga, Warren or Washington counties:

NYSDEC
Division of Environmental Permits
232 Golf Course Road
Warrensburg, NY 12885
(518) 623-1281
FAX (518) 623-3603
r5dep@gw.dec.state.ny.us

NOTE: The Municipal General Permit Authorization Form must be received by DEC Region 5 a minimum of seventy-two (72) hours prior to your commencing work under the Municipal GP. Seventy-two (72) hours after DEC's receipt of the Authorization form, work may proceed under the Municipal GP unless you are advised otherwise by Region 5.

All plans related to projects conducted under the Municipal GP are to be kept on file at your municipal office. Project plans must be prepared in accordance with the conditions of the Municipal General Permit and Best Management Practices (see below).

Region 5 will be inspecting projects conducted under the Municipal GP. Region 5 will continue to seek your comments on the effectiveness of the Municipal GP.

Best Management Practices. The brochure entitled "Stream Crossings - Protecting and Restoring Stream Continuity" is posted on the Region 5 Division of Environmental Permits website, as well as specific references for information regarding Best Management Practices for working in protected waterways. If you would prefer that a copy of this information be mailed to you, please contact either of the DEC offices listed above at Step 2.

Should you have any questions, please contact Mr. Marc S. Migliore, Deputy Regional Permit Administrator, at (518) 623-1281 or me at (518) 897-1234. Thank you for your cooperation.

Sincerely,

Michael J. McMurray
Regional Permit Administrator

MJM:MSM:bev