



PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-0-20-002
Stream Activities General Permit

Permittee and Facility Information

Permit Issued To:

All Affected Persons

Facility:

Locations Specified in Permit Application

Materials Approved by the Department

Pursuant to Condition Nos. 1 and 2 of this Permit

Applicable DEC Region(s): ALL

General Permit Authorized Activity: This general permit authorizes the activities listed below that occur within regulated streams and rivers, in accordance with the special and general conditions included in this permit, and the project-specific plans approved by Department countersignature to this permit.

When Department approval is obtained by countersignature to this permit, one or more of the following activities may be authorized by this general permit:

1. In-place repair, replacement or re-setting of existing culverts and bridges.
2. Installation of a single new culvert or bridge to serve a single-family residence on an approved building lot, with no impact to state-regulated freshwater wetlands or adjacent areas;
3. In-place repair and replacement of existing bank stabilization structures.
4. Bank stabilization up to 500 linear feet using vegetation-based or bioengineering techniques (e.g., toe-wood structures, fascines, root-wads, brush mattresses, live-staking, etc.).
5. Bank stabilization up to 150 linear feet using rip-rap or similar materials, where use of vegetation-based or bioengineering techniques are not feasible.
6. Installation or repair of in-stream grade control structures consisting of rock or other natural materials (e.g., j-hooks, rock vanes, rock riffles, etc.).
7. Debris, gravel, and streambed material removal not exceeding 100 linear feet of the water course to remove blockages and restore natural stream channel dimensions and flows.
8. Installation or maintenance of dry hydrants for fire protection.
9. Repair of existing utility lines and associated structures (e.g., water, sewer, telecommunications, etc.).
10. Repair or installation of utility lines to serve a single-family, two-family, or three-family residence.
11. Temporary access or dewatering measures necessary to complete other activities authorized by this general permit.
12. Maintenance or repair of existing boat ramps, and access sites.



Permit Authorizations

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Effective Date: 05/21/2021 Expiration Date: 05/20/2026

Freshwater Wetlands - Under Article 24

Effective Date: 05/21/2021 Expiration Date: 05/20/2026

Stream Disturbance - Under Article 15, Title 5

Effective Date: 05/21/2021 Expiration Date: 05/20/2026

Water Quality Certification - Under Section 401 - Clean Water Act

Effective Date: 05/21/2021 Expiration Date: 05/20/2026

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

General Permit Authorized by

Permit Administrator: SCOTT E SHEELEY , Chief Permit Administrator

Address: NYSDEC Headquarters
625 Broadway
Albany, NY 12233

Authorized Signature:  Date: 05/21/2021

This permit is not effective without the signature below:

Validation under this General Permit

Authorized By: _____

Authorized Signature: _____ Date / /

Permit Components

- NATURAL RESOURCE PERMIT CONDITIONS
- WATER QUALITY CERTIFICATION SPECIFIC CONDITION
- GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
- NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS



NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION; STREAM DISTURBANCE; FRESHWATER WETLANDS; EXCAVATION & FILL IN NAVIGABLE WATERS

1. Request for Authorization Prior to the use of this General Permit for a project, the Applicant must submit a Joint Application Form with the required attachments to the Regional Permit Administrator. On review of the project NYSDEC will determine if the project can be authorized under this General Permit. No work is authorized until the Applicant receives the countersigned General Permit containing a description of the specific activities authorized. NYSDEC retains the right to exclude a proposed activity from authorization under this General Permit and require the Applicant to obtain an individual permit.

2. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by the applicant or their agent and are attached to this permit.

3. Prohibited Locations Work under this general permit is not authorized in the following locations:

- Any tidal waters of New York State, including those brackish and fresh waters north of the former Tappan Zee Bridge not designated and regulated as tidal wetlands under Article 25 of the Environmental Conservation Law (ECL)
- Coastal Erosion Hazard Areas designated by the state pursuant to Article 34 of the ECL;
- Any locations determined by the Department where a proposed project is likely to result in a taking of a species, listed as threatened or endangered in New York State, as taking is defined in 6 NYCRR Part 182, or likely to result in adverse impacts to freshwater mussel species designated by the New York Natural Heritage Program as S1 or S2.
- Any location where a proposed project may affect a property listed on the National or State Registers of Historic Places, or has been determined by the New York State Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.

4. Bridge and Culvert Requirements To be covered under this general permit, all the following criteria must be met:

- All culverts with closed bottoms (including round culvert pipes) must be appropriately embedded. Round culverts must be installed so that at least 20% of the culvert's vertical height is embedded below the existing stream bed at the outlet end of the culvert.
- Appropriately-sized substrate shall be brought in, or the streambed material that was excavated to accommodate culvert placement shall be used, for culvert embedding (where appropriate) and spread evenly throughout the bottom of the new culvert. The substrate or material shall be thoroughly wetted prior to returning flow through the culvert.
- The width of the structure must be a minimum of 1.25 times the width of the channel at the Mean High Water level, generally measured bank-to-bank between the edges of terrestrial, rooted vegetation, unless otherwise described in the approved plans.
- The culvert bed slope shall remain consistent with the slope of the adjacent stream channel. For slopes greater than 3%, an open bottom culvert must be used.



- e. This general permit does not authorize culvert rehabilitation projects that involve invert paving, slip-lining, or similar treatments.
- f. Bridges and culverts and any associated scour protection must be installed in a manner so that they do not constitute a barrier to upstream movement of fish and other aquatic species under normal flow conditions or constrict the stream channel.
- g. Stone aprons and scour protection placed in streams or rivers shall be installed flush with the invert elevation and filled with native bed material and supplemented with similarly sized material, if needed to fill interstitial spaces.
- h. Publicly-owned bridges and culverts shall be designed as follows:
 - i. Open-bottom culverts, box culverts, and culvert pipes shall be designed to pass the peak flow from a storm event with an annual chance of 2% or less (i.e., 50-year storm or greater) such that the water surface remains below the top of the inlet opening.
 - ii. Bridges shall be designed to pass the peak flow from a storm event with an annual chance of 1% or less (i.e., 100-year storm or greater) such that all flow passes beneath the lowest chord of the structure without going into pressure flow.
 - iii. The peak design flows applied in h.i and h.ii above shall be adjusted by the appropriate design flow multipliers in Table 3 and Figure 3 of the "New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act", August 2020.
- i. For projects involving over 100 linear feet of stream disturbance, or a critical bridge or culvert, the applicant must address the recommended flood risk management guidelines for transportation infrastructure contained in "New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act", August 2020 (p. 35 of the guidance also describes "critical transportation infrastructure"). The structure design must incorporate the flood risk management guidelines, or the applicant must demonstrate that the guidelines were considered and determined infeasible.

5. Bank Stabilization Requirements To be covered under this general permit, all the following criteria must be met:

- a. New vertical bank stabilization measures are prohibited.
- b. All existing vegetation shall be preserved to the extent practicable.
- c. The channel width must not be constricted but match the existing upstream and downstream channel widths outside the project site.
- d. The slope of new bank stabilization measures shall not be steeper than a ratio of 1-1/2 horizontal units to 1 vertical unit.
- e. Measures must be properly keyed into the stream bank(s) to prevent scouring.
- f. Measures using live vegetation shall consist only of native plant species.
- g. Measures must not include geotextile fabric as part of the final structure.

6. In-stream Grade Control Requirements To be covered under this general permit, the following criteria must be met:

- a. Installed measures must not create a vertical drop exceeding six (6) inches.
- b. Measures must be constructed to maintain a low-flow channel
- c. Measures must be properly keyed into the stream bank(s) to prevent scouring.
- d. Use of sheet-piling is prohibited.
- e. Measures must not include geotextile fabric as part of the final structure.



7. Debris, Gravel, and Streambed Material Removal Requirements To be covered under this general permit, the following criteria must be met:

- a. Only recently deposited debris, gravel and other streambed material may be removed, and only where it can be demonstrated that deposited material has resulted in one of the following conditions: loss of stream function; active erosion; or the need to maintain infrastructure (e.g. culvert blockages);
- b. The resulting channel width must not be over-widened or over-deepened, but match the existing upstream and downstream channel widths and depths outside the project area.
- c. Completion of the project must maintain a low-flow channel; and
- d. Excavated materials shall not be placed along the top of the bank or used to create a berm or increase berm bank height. Building berms with the excavated material is expressly prohibited.

8. Time of Year Restriction - Fisheries All instream work, as well as any work that may result in the suspension of sediment, is prohibited during the fish spawning and incubation period specified in the description of specific activities authorized by this permit. The restriction period(s) that shall apply, when specified, are as follows:

Specification Time of Year Restriction

- | | |
|---|--|
| A | None |
| B | Natural spawning brook and brown trout, commencing September 15 and ending May 15 |
| C | Natural spawning rainbow trout, commencing January 1 and ending June 15 |
| D | Natural spawning brook trout, brown trout, and rainbow trout, commencing September 15 and ending June 15 |
| E | Walleye and warmwater fish (bass and sunfish) spawning commencing March 1 and ending June 30 |
| F | Warmwater fish (bass and sunfish) spawning only commencing May 1 and ending June 30 |

At the written request of a permittee, work windows may be temporarily modified by the Regional Natural Resources Supervisor or their designee to address extenuating circumstances.

9. Tree Removal Restriction When specified in the description of specific activities authorized by this permit, tree removal is prohibited during the following periods to protect listed bat species:

- a. beginning March 1 and ending November 30 in Suffolk County; or
- b. beginning April 1 and ending October 31 in the rest of New York State.

At the written request of a permittee, the work window may be modified by the Regional Natural Resources Supervisor or their designee to address extenuating circumstances.

10. No Work During High Flow No in-stream work shall occur during periods of high flow, except for work that occurs in dewatered areas behind temporary diversions, cofferdams or causeways; to unplug culverts and bridges; or to install temporary culverts or bridges for emergency access.

11. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.



12. Erosion and Sediment Controls Appropriate soil erosion and sediment controls (such as silt fences, turbidity curtains, straw bales, and other appropriate measures) shall be installed, used, and maintained in effective operating condition during all work. Controls shall be installed prior to ground disturbance, inspected periodically to ensure that they are not damaged, repaired promptly when needed, and remain in place until the site is stabilized by the regrowth of suitable vegetation. Erosion controls shall be removed after the site is stabilized by the regrowth of suitable vegetation.

13. Dry Stream Crossing Methods For projects involving culvert, bridge, or utility installations across streams, dry stream crossing methods (e.g., passive flow bypass, cofferdam, pump around and/or flume) shall be used within stream channels to reduce downstream impacts from turbidity and sedimentation, as specified on the approved plans. Any pump intakes must be screened or otherwise protected to prevent fish impingement and entrainment.

14. Diversion Channels When the use of a diversion channel is specified on the approved plans, the diversion channel shall be excavated and restored in the dry using channel plugs. Diversion channels through soil, silt, or clay shall be lined with non-erodible material such as stone, or plastic to limit erosion and reduce particle suspension. If a diversion channel through gravel results in continuous turbidity, the use of channel lining material is required.

15. Temporary Dewatering Structures Where temporary dewatering is required or specified on the approved plans, temporary dewatering measures shall comply with the following:

- a. Temporary dewatering structures shall be constructed of clean material such as prefabricated impervious dikes/berms or sandbags. If stone is used, it shall be protected from erosion by plastic liners or filter fabric.
- b. Waters accumulated in isolated work areas shall be discharged to an upland settling basin, well vegetated area, or silt containment bag, to provide for settling and filtering of solids and sediments. Return waters shall be as clear as the flowing water upstream of the work area.
- c. Temporary dewatering structures, including any plastic liners or filter fabric, and associated fill shall be completely removed, and the affected waters restored, immediately following the completion of work.
- d. To the maximum extent practicable, any fish trapped within the work area shall be netted and placed, alive and unharmed, in the water outside the work area.

16. Stockpiles Fill or other excavated materials shall not be stockpiled in a manner conducive to erosion, or in areas with the potential to cause turbid runoff during storm events. Mats or geotextile fabric shall be placed under any temporary fill or stockpile and shall be removed following construction.

17. Excavated Materials All materials excavated from regulated waters that is not used as backfill shall be deposited in uplands, outside of any floodplain, and be contained from re-entering any regulated waters. Any temporary dewatering of such material must be controlled to prevent turbid discharges or release of excavated materials into regulated waters or wetlands. Disposal sites must be identified in the application.

18. Maintain Floodplain Connection Any material that has been excavated and stockpiled on site must not interfere with stream or floodwater conveyance during the duration of the work and activities shall not result in the disconnection of the waterbody from its floodplain.



- 19. Material Sizing** Materials temporarily or permanently installed within or on the bed or banks of a stream or river must be of adequate size or placed in a manner that will resist erosion or remobilization of the material during normal or expected high flow events. Furthermore, the activity shall not restrict or impede the passage of normal or expected high flows.
- 20. No Rock from Stream** No rock for use in construction is to come from the stream bed, except as allowed under Condition 4.b of this permit.
- 21. Construction Access** Construction access shall be by means that avoid aquatic sites (e.g., upland access temporary bridges, equipment mats, etc.), unless specifically authorized on the approved plans.
- 22. Temporary Work Areas** Temporary causeways and work pads within regulated waters shall be constructed within the confines of a water control structure and shall consist of clean non-erodible material such as stone, timber, or steel. The temporary causeways and work pads shall not be installed until the water control structure is in place and the area has been completely dewatered and shall be removed prior to removal of the water control structure. Equipment staging and lay down areas shall not be located in wetlands, unless specifically authorized on the approved plans.
- 23. Heavy Equipment Operation in Wetlands** Heavy equipment working in wetlands must be placed on equipment mats, or other measures must be taken to minimize soil disturbance and compaction to the maximum extent practicable. Mats or other temporary measures shall be removed when access is no longer needed and the area restored to pre-project conditions.
- 24. Work from Land** Whenever feasible, bank grading and in-water removal or installation of material shall be carried out by land-based equipment rather than from the stream or riverbed or within flowing water. Generally, work shall proceed from the downstream end to the upstream end of the project reach, unless specifically authorized on the approved plans.
- 25. Concrete Leachate** During construction no fresh or wet concrete or leachate shall be allowed to escape into any wetland or water of New York State, nor shall washings from ready-mix concrete trucks, mixers, or other devices be allowed to enter any waters or wetlands. Wet concrete shall not be poured to displace water within the forms. Leakage from forms must be prevented from entering any wetland or water of New York State.
- 26. Seed/Mulch Streambanks** Within one week of final grading, all areas of soil disturbance from this project shall be seeded with an appropriate perennial seed (grass or conservation mix) and, unless hydroseeded, mulched with straw. Mulch shall be maintained until a suitable vegetative cover is established. If seeding is impracticable due to the time of year, a temporary mulch shall be applied (with a temporary seeding of an annual cover species if appropriate) and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth, but not more than six months after project completion.
- 27. Erosion Control Fabric** Erosion control fabrics that will be left in place must be made from 100% biodegradable materials and contain no plastic fibers or netting. Fabrics containing “photodegradable” materials are expressly prohibited.
- 28. Equipment Cleaning** Before equipment and materials are used in any project work area involving regulated waters, the equipment must be inspected for, and cleaned of, any visible soils, vegetation, and debris to prevent the potential introduction of invasive species into regulated waters from other areas.



29. Vegetation Debris Disposal Invasive species, host material and attached soil material that has been removed from vehicles, equipment, and materials, or generated from cleaning operations shall be rendered incapable of any growth or reproduction by placing in plastic bags at least 3 mil thick, hauled in a covered truck, and properly disposed of offsite; or the material shall be managed within the infested project area, provided that no filling of any wetlands or adjacent areas will occur. A list of prohibited and regulated invasive species is contained within 6 NYCRR Part 575 and available at <https://www.dec.ny.gov/animals/99141.html>.

30. Floodplains Fills within 100-year floodplains must comply with applicable Federal Emergency Management Agency (FEMA) approved state or local floodplain management requirements.

31. Limitations on Wetland Disturbance Temporary and permanent disturbances to state-regulated freshwater wetlands and wetland adjacent areas authorized under this permit are incidental to the activities authorized in protected streams and navigable waters, and must not exceed a combined total of 1/10th of one acre.

32. Native Plant Materials Unless otherwise allowed under this permit, only native plant materials shall be used for any project authorized under this general permit, and the use of non-native plant materials is prohibited.

33. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

34. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

35. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

36. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.



WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator

In the DEC region where the project is located.

Directory at: <https://www.dec.ny.gov/about/39381.html>

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Freshwater Wetlands, Stream Disturbance, Water Quality Certification.



5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.



Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

