



PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-1-18-001
Bulkhead Replacement with Dredging

Permittee and Facility Information

Permit Issued To:

Applicant listed on the
Request for Authorization

Facility:

Facility listed on the
Request for Authorization

Applicable DEC Region(s): 1

General Permit Authorized Activity:

This General Permit applies only in Nassau and Suffolk Counties.

Areas excluded from this General Permit include:

- Coastal Erosion Hazard Areas (CEHA) and high energy wave areas.
- Within 10' of vegetated tidal wetlands and submerged aquatic vegetation (SAV).
- Marsh island communities within the bays of Nassau and Suffolk Counties.

An individual permit is required for projects in these excluded areas.

This General Permit is for:

A. The removal and replacement of functional and lawfully existing bulkheads in tidal wetland areas known as coastal shoals, bars and flats (SM), littoral zone (LZ) or adjacent area (AA) as defined by the Tidal Wetland Land Use Regulations (6 NYCRR Part 661). Bulkheads may be replaced either in-place or landward of the existing bulkhead, or re-sheathed with timber boards within 3' seaward of the existing bulkhead face. Eligible bulkheads that are within 100' of regulated Freshwater Wetlands may be included on a case by case basis at the discretion of the Department.

B. Maintenance dredging associated with replacement of the functional bulkhead, with the placement of the resulting dredged material landward of the replacement bulkhead. Dredging is limited to:

- The littoral zone (LZ)
- 10' seaward of the bulkhead on bulkheaded canals, or 5' seaward of the bulkhead on bay and river fronts
- A depth of -4' at Mean Low Low Water
- Dredging in areas of bay and river fronts is prohibited from January 1st through September 30th of each year to protect spawning shellfish and/or spawning finfish

Any proposed alteration or change in the bulkhead location or configuration, or alteration and change in the dredge areas at an individual site is not authorized by this General Permit. Such proposed changes will require an individual permit.



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; EXCAVATION & FILL IN NAVIGABLE WATERS; FRESHWATER WETLANDS; TIDAL WETLANDS

1. Request for Authorization Prior to the use of this General Permit for a project, the applicant must submit a Request for Authorization Form and the following information to the Regional Permit Administrator:

- a) Project location map
- b) Project plans
- c) Survey depicting existing and proposed conditions
- d) Recent color photographs of the site
- e) Permission to Inspect Property Supplement

Upon review of the project, the NYSDEC Regional Permit Administrator will determine if the project can be issued under this General Permit. Written confirmation of authorization must be received prior to any work.

NYSDEC retains the right to exclude a proposed activity from authorization under this General Permit and to require the permittee to obtain an individual permit. Exclusions may be due to situations where the NYSDEC has identified a particular resource concern that may be impacted by the proposed activity, such as endangered species habitat, sensitive submerged aquatic vegetation or vegetated tidal wetlands. NYSDEC may limit or exclude dredging from the proposed project. Applicants may pursue the limited or excluded dredging in a standard permit process.

2. Notice of Commencement At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.

3. Post Permit Sign The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.



4. 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 the applicant's agent.

5. Functional Bulkheads Only functional bulkheads, including returns and parallel capping boardwalks, may be replaced.

6. In-Place or Landward Replacement The new bulkhead shall be constructed in-place or landward of the existing bulkhead with no seaward extension of the outermost bulkhead face.

7. Bulkhead Resheathing The new sheathing shall be installed face to face with the existing sheathing, with no more than a 3" seaward extension of the existing bulkhead face.

8. Bulkhead Height The replacement bulkhead shall be no more than 18" higher than the height of the existing bulkhead.

9. Bulkhead Decking No portion of the decking or boardwalk shall extend seaward of the bulkhead sheathing.

10. Bulkhead Materials Material used in the construction of bulkheads shall be limited to treated wood, naturally rot-resistant untreated wood, vinyl, plastic, fiberglass or steel.

11. Wood Preservatives

- a. Pressure treated wood used for construction of in-water structures must have undergone a treatment process approved (stamped or otherwise marked as certified) by the American Wood Preservative Association.
- b. Wood treated with Pentachlorophenol (PCP) must not be used in marine or brackish waters. Wood treated with PCP must be aged in the open air for at least three months prior to in-water use.
- c. The use of creosote treated wood is prohibited both in the water and upland areas.
- d. Chromated Copper Arsenate (CCA) pressure treated wood must be clean and free of CCA surface deposits. Wood with surface deposits must be washed for at least 5 minutes under running water prior to use. The washing must occur greater than 100 feet landward of any regulated wetland and/or water body. (Note "E." below for handling wash water.)
- e. Any wood debris such as sawdust or wash water must not enter any water body, including wetlands or protected buffer areas.

12. Pilings at Property Lines Pilings shall not:

- a. extend laterally beyond property lines,
- b. interfere with navigation, or
- c. interfere with other landowners riparian rights.



13. No Structures on Pilings No structures, other than structures specifically authorized by this permit, shall be constructed on pilings without further authorization from the department.

14. Closing Boat Ramps and Step Downs Reconstructed bulkheads may close off boat ramps provided that the bottom of the existing ramp is made of wood, concrete or other man-made material. Existing step downs may also be closed off during bulkhead reconstruction.

15. Existing Stormwater Infrastructure Existing stormwater infrastructure that extends through the face of the bulkhead may be repaired and replaced if necessary during bulkhead construction.

16. No Runoff Over or Through Bulkhead or into Wetland There shall be no discharge of runoff or other effluent over or through any bulkhead or shoreline stabilization structure or into any tidal wetland or protected buffer area.

17. Excavation for Bulkhead/Structure Prior to any construction or removal of bulkheads and other shoreline stabilization structures all backfill shall be excavated landward of the structure and retained so as not to enter the waterway, tidal wetland or protected buffer area.

18. Complete Bulkhead Prior to Backfilling Installation of the new bulkhead shall be completed prior to the placement of any fill material landward of the new structure.

19. Clean Fill Only All fill shall consist of clean sand, gravel, or soil (not asphalt, slag, flyash, broken concrete or demolition debris).

20. Grade to Match That Adjacent to Bulkhead All fill must be graded to match the elevation of the land immediately adjacent to the bulkhead.

21. Dredging Dredging associated with bulkhead replacement shall only occur in the littoral zone 10' seaward of the bulkhead on bulkhead canals and 5' seaward of the bulkhead on bay and river fronts to a depth of -4' MLLW.

22. Bay and River Front Dredging Prohibition Period Dredging is specifically prohibited from January 1st through September 30th of each year in areas of bay and river fronts to protect spawning shellfish and/or spawning finfish.

23. One-time Dredging Only Dredging shall be undertaken only once in association with the bulkhead replacement.

24. Leave a Uniform Bottom Elevation All dredging shall be conducted so as to leave a uniform bottom elevation free of mounds or holes.

25. No Side-casting or Temporary Storage Excavated sediment shall be placed directly into the approved disposal/dewatering site or conveyance vehicle. No side-casting (double dipping) or temporary storage of dredged material is authorized.

26. Dragline Prohibited The use of a dragline for dredging is strictly prohibited.

27. No Hydraulic Dredging Hydraulic dredging is not authorized under the General Permit.



28. Restrict Spillage, Use Closed Bucket During the dredging operation, the permittee and his contractor shall prevent spillage of sediment during excavation and haulage. Dredging shall be accomplished with a clam shell or other closed bucket equipment or hydraulic dredge equipment.

29. No Prop Dredging The use of prop dredging is strictly prohibited.

30. Remove, Replace Mooring Structures Mooring structures within the project area may be removed in order to facilitate bulkhead replacement. Upon project completion, those structures lawfully in existence may be replaced as they were prior to bulkhead replacement, with no change in material, dimensions, configuration or location.

31. No Floats, Ramps in Vegetated Tidal Wetlands Floats and ramps may not rest on or be stored in any vegetated tidal wetland.

32. Additional Docks and Floats Not Authorized The installation of additional docks or floats is not authorized by this permit.

33. Stabilize Disturbed Areas All areas of soil disturbance resulting from this project shall be immediately stabilized following project completion or within 30 days of commencement of work, whichever comes first. The disturbed areas must be stabilized with the appropriate vegetation (grasses, etc.).

34. Contain Exposed, Stockpiled Soils All disturbed areas where soil will be temporarily exposed or stockpiled for longer than 48 hours shall be contained by a continuous line of staked haybales / silt curtains (or other NYSDEC approved devices) placed on the seaward side between the fill and the wetland or protected buffer area. Tarps are authorized to supplement these approved methods.

35. Seed, Mulch Disturbed Areas If seeding is impractical due to the time of year, a temporary mulch shall be applied within five days and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth; but not more than six months following project completion and no later than the permit expiration date.

36. No Disturbance to Vegetated Tidal Wetlands There shall be no disturbance to vegetated tidal wetlands or protected buffer areas as a result of the permitted activities.

37. No Construction Debris in Wetland or Adjacent Area Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.

38. Equipment Storage The storage of construction equipment and materials shall be confined to within the project area landward of the bulkhead or on a barge.

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

40. 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.



41. 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.

42. 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.

43. 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

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