

How to Apply for a PROTECTION OF WATERS Permit

IMPORTANT CHANGE: Your completed application must now be submitted directly to each involved Agency. DEC will no longer forward applications to the U. S. Army Corps of Engineers or vice versa. This change in procedure will ensure that each involved agency receives applications in a timely manner and that reviews can begin without delays due to the interchange of application materials among agencies.

Things to Consider First / Project Planning

- **Work Prohibition Period for Trout** - Many water bodies are breeding habitat for fall-spawning trout. Protection of Waters permits typically contain a condition prohibiting in-water work during their vulnerable spawning, incubation, and early development period (October 1 - April 30).
- **Shoreline Stabilization** - When shoreline stabilization is necessary, methods that maintain or re-establish natural slope and habitat should be considered first (e.g., planting native, deep-rooting vegetation; bio-engineering that incorporates live stakes, fascines; vegetated rip-rap; terraced stone). Vertical walls are approved only in extreme situations where environmental alternatives would not be structurally effective.
- **Basis for Permit Issuance** - The proposal 1) must be reasonable and necessary, 2) must not endanger the health, safety, welfare of the people of the state, 3) must not cause unreasonable, uncontrolled or unnecessary damage to the natural resources of the state, including soil, forests, water, aquatic and land-related environment.
- **Mean High Water Level (mhw)** - This is the average springtime high water level. Specific mhw elevations have been established, and should be used, for the following lakes:

Lake Champlain = 99.8' amsl

Great Sacandaga Lake = 771.0' amsl

Lake Placid = 1,858.94' amsl

Indian Lake (Hamilton County) = 1,651.74' amsl

Lake George = 320.20' amsl

Sixth Lake (Town of Inlet) = 1786.10' amsl

For other waterbodies, the mhw can be determined by observing along the shoreline: 1) vegetative characteristics such as the presence, absence or destruction of terrestrial or aquatic vegetation, and 2) physical characteristics such as a clear natural line impressed on a bank, scouring, shelving, or the presence of sediments or debris.

Completing Your Application - All forms, supplemental materials and details listed in numbers 1 through 7 are required. If checked, items listed in number 8 are also required.

1. **Joint Application Form** - (Form and instructions enclosed). Refer to Joint Application Form Instructions for guidance and submit the form to each involved agency. Be sure to:
 - Section 2 - 4 **Landowner Authorization** - The applicant is the legally responsible person (section 2). If the property is owned by someone other than the legally responsible person, section 3 should contain their information as well. If an agent (section 4) prepares the application, the applicant/landowner must also sign section 7, or provide a signed letter authorizing the agent to act on his/her behalf.
 - Section 6 **Project Description** - Complete using as much detail as possible. Attach separate pages if needed.
2. **Location Map (2 copies)** - Show the exact location of the project site by placing an X or an arrow on a USGS topographic map, DOT planimetric map, or equivalent.
3. **General Site Plan (2 copies)** - Show the overall site. **Include and label:**
 - ✓ Property lines, proposed project, existing structures - including structures to be removed.
 - ✓ Permanent existing landmarks (roads, driveways, shoreline, streams, significant trees, etc.)
 - ✓ North arrow and scale (or if not drawn to scale indicate all relevant distances and dimensions).
4. **Project Plans (2 copies)** - Provide two drawings: 1) plan ('bird's eye') view **and** 2) cross section view. Use 8 ½ x 11 inch sheets and show **before and after** details. **Include and label:**
 - ✓ Existing shoreline conditions: top of bank, bank slope, lake/stream bottom, erosion areas, etc.
 - ✓ Location of mhw – see definition above.
 - ✓ All proposed structures. Include work areas (excavation, fill, backfill, etc) and all dimensions (length, height, width, depth).
 - ✓ All materials/structures to be removed. Include all work areas and all dimensions.

Over →

- ✓ All distances from proposed project to: mhw, property lines, and nearby existing permanent features such as house, driveway, significant tree, etc.
- ✓ Erosion/sediment controls (e.g., silt fence, straw bales) to be used along the limits of disturbance. For projects on lake/stream shores, a turbidity curtain should surround the work area.
- ✓ North Arrow; Scale (1" = 50' or larger); Applicant's Name; Plan Preparer's Name; Date

5. **Color Photographs (2 copies)** - Recent color photos, 2 to 3 views, labeled with view and date taken.

6. **Supplement WQC-1** - This form can be accessed at:

https://www.dec.ny.gov/docs/permits_ej_operations_pdf/401wqcsupplmnt.pdf

7. **Short Environmental Assessment Form (EAF)** - The EAF can be found on the DEC website at:

<http://www.dec.ny.gov/permits/6191.html>. Please complete Part 1 of the EAF and submit the completed form along with your application. Be sure to:

- Summarize the entire project, not just that portion affecting this permit application.
- List all other agencies requiring approvals and indicate the current status of those reviews.

8. **Additional Forms** - If checked, please complete and return the following:

- Dam Application Supplement D-1** - completed and signed by a licensed Professional Engineer.
- Docks Application Supplement D-2** - for docking or mooring facilities.
- Structural Archeological Assessment Form (SAAF)** - Complete Part I only. The form (PDF) can be accessed at: www.dec.ny.gov/docs/permits_ej_operations_pdf/saaf.pdf
- Temporary Revocable Permit (TRP) Application** - see instructions on back of form. A TRP is required for use of state-owned land, including state-owned land under water, managed by DEC.

Other Important Information

➤ **Time Frames For DEC Decisions** (per Article 70 of the Environmental Conservation Law)

Determine Completeness of Application: on or before 15 calendar days after receipt of application.

Final Decision (if no hearing): Minor Projects - on or before 45 calendar days after 'complete' date.

Major Projects - on or before 90 calendar days after 'complete' date.

➤ **Other Permits May Be Required** - Potential involved agencies include, but are not limited to:

Adirondack Park Agency (APA) - (518) 891-4050 or www.apa.ny.gov

If your proposal involves shoreline work in the Adirondack Park, please contact the APA before finalizing plans. This will help to eliminate unnecessary delays and assure that your project design satisfies both agencies.

U.S. Army Corps of Engineers (USACE) - Upstate Regulatory Field Office - (518) 266-6350

The USACE regulates activities involving dredging, excavation, placement of fill, or construction of certain structures in waterways and wetlands of the U.S.

Lake George Park Commission (LGPC) - (518) 668-9347.

Regulates docks and moorings on Lake George.

Submitting Your Application - Mail or hand deliver originals to the appropriate DEC Region 5 office.

Clinton, Essex, Franklin, Hamilton Counties
 NYS Department of Environmental Conservation
 Division of Environmental Permits
 1115 Rt. 86, PO Box 296
 Ray Brook, NY 12977-0296
 (518) 897-1234

Fulton, Saratoga, Warren, Washington Counties
 NYS Department of Environmental Conservation
 Division of Environmental Permits
 232 Golf Course Road
 Warrensburg, NY 12885-1172
 (518) 623-1281

**?? Questions ?? Please contact the DEC Region 5 Division of Environmental Permits office
 by mail, phone, or email at DEP.R5@dec.ny.gov**

For more information, please visit DEC's website at: www.dec.ny.gov