Erosion Management for Western Lake Ontario

7 December 2021 | Niagara-Orleans Focus
Roy Widrig, New York Sea Grant
Coastal Processes and Hazards Specialist
Agenda

• 1:00  Introduction
  • NYSG Overview, Why we are here today
• 1:15  Living on the Shoreline
• 1:45  DEC – Permitting & CEHA
• 2:30  NYSDOS – Coastal Consistency Review
• 3:15  USACE – Regulatory Program
• 3:30  Discussion
What is New York Sea Grant

- Network of integrated research, education and extension services promoting coastal community economic vitality, environmental sustainability and citizen awareness of the State’s marine and Great Lakes resources
- One of 34 University-based programs
- Specialists in hazard resilience in coastal communities, safe and sustainable seafood supply, sustainable coastal development and healthy coastal ecosystems
- Great Lakes offices in Buffalo, Newark, Oswego and Ithaca
- NYSG-NYSDEC MOU is responsible for this program
Living on the Shoreline
The Niagara-Orleans Shoreline

- Steep bluffs – glacial lake sediments made of gravel, sand, clays = easily erodible
- Susceptible to both high waves and high water due to the significant slope
Shoreline Erosion Causes

**Seep zones and springs**
- Allow soil particles to be dislodged and washed away
- Can lead to rill and gully erosion

**Clay, dense soil, and rocks**
- Act as water barriers
- Cause water to flow along top of barrier as it moves downhill
- Can result in slippage

**Ice**
- Forms impermeable dams
- Impedes groundwater and surface flow
- Enters and widens cracks
- Reduces bluff stability
- Can cause slumps and slides along cracks

**Groundwater**
- Flows with gravity and will fill in voids
- Saturated soil may begin to flow from loss of cohesion under own weight

**Raindrops**
- Strike and disturb soil particles

**Sheetwash**
- Can form grooves, rills and potentially gullies

**Waves**
- Can erode toe of bluff
- Can undermine bluff’s stability
- Can cause movement of bluff’s materials

**Bluffs**

**Slumps and Slides**

**Littoral Transport**
Shoreline Erosion Causes

- Waves attack the “toe” of the bluff
- Bluff material becomes saturated, heavy and is easily undermined by high water and waves
- Large sections of bluff drop off rapidly
- Fastest-eroding shorelines in NYS
Shoreline Erosion Causes
Addressing Shoreline Erosion Locally

• There’s no one size fits all technique for shoreline protection
• Hard options include revetments – rock rip rap, poured concrete seawalls, sheet piling
• Softer options include drainage improvements and surface water capture, terracing, and strategic use of vegetation
• Wide range of options available from “hard” to “soft” that can be hybridized with natural and nature-based features
Alternatives to Hard protection

- For NY’s bluffs...
- Terracing and/or reshaping
- Drainage Improvements
Why does gray/green matter?

- Functionality of coastal processes
- Shore structures impede coastal processes – the building up of shorelines/beaches
- Nearly total habitat loss
Addressing Shoreline Erosion Locally
Alternatives to Hard protection

- Terracing
  - Need the availability of usable land
  - May need additional toe protection

- Benefits
  - Reduction of slope
  - Drainage Improvement
  - Introduction of natural soil stabilization
Community Approach

- Organized
- Combined resources
- Non-combative options

Figure 2. Attempts to control coastal erosion on a property-by-property piecemeal basis is often ineffective, with individual protective structures sometimes shifting erosion problems to adjacent properties or being damaged by continued erosion on adjacent properties. A proper erosion control approach is a unified, group project.
Long-term Shoreline Planning

• Long-term reduction of risk to structures and communities
• Elevation of structures
• Setbacks
• Relocation/Retreat
Getting Started with Shoreline Work

• Do:
  • Thoroughly evaluate your situation
  • Work with neighbors
  • Get started early – don’t wait for the extreme event
  • Follow DEC, DOS and USACE permitting processes
  • Ask for help
    • NYSG, NYSDEC

• Do not:
  • Get “experimental”
  • Go forward without generational and succession planning
Additional Resources from NYSG

- NYSG Erosion Management for New York’s Great Lakes Shorelines
- Virtual Site Visits
  - [www.nyseagrant.org/glcoastal](http://www.nyseagrant.org/glcoastal) or contact me directly: rlw294@cornell.edu
Next up, NYSDEC...

- Up next:
  - DEC Permitting Process
  - DOS Coastal Consistency Review
  - US Army Corps of Engineers

- Contact:
  - Roy Widrig, NY Sea Grant
  - rlw294@cornell.edu
  - Oswego Office: 315-312-3042
DEC Lake Ontario Permitting Options

• General Permit 0-20-004
  “Great Lakes Erosion Control General Permit”
• Individual Permit
• Emergency Authorization
General Permit 0-20-004

- Repair and in-kind replacement of existing functional erosion protection structures. The repair or replacement of these structures must not extend waterward of the pre-existing footprint, except where the Department accepts an applicant’s demonstration that minor deviations are necessary for the stability of the structure. Increase in structure height may be approved if appropriate. Replacement structures must be adequately sized and designed.

- New sloped rock revetments (≤100’) along CEHA bluffs or non-CEHA areas that are necessary for the protection of existing and functional dwellings. Slope and height limits apply.

- Repair or reconstruction of existing public roads, bridges, utilities and other public infrastructure.

- Emergency repair of functional concrete or steel vertical breakwalls along bluffs and non-CEHA areas by installation of sheet piling immediately adjacent to lakeward vertical face.
General Permit 0-20-004 (Continued)

• Minor grading back of scarped bluffs to a stable slope. Project must include approved vegetation plan. Toe stone for stabilization may be allowed in specific circumstances.

• Repair or reconstruction of docks, catwalks and floats that were functional on April 1, 2017.

• Stabilization of existing functional storm-damaged dwellings, decks and walkways with temporary bracing and pilings.

• Repair or reconstruction of elevated walk ways or stairways necessary for water access. The stairs and landings shall be a maximum of 4 feet in width and constructed a minimum of 18 inches above grade over the dune/bluff face.

• Removal of channel blockages on Lake Ontario tributaries.

• Removal of debris by use of motorized equipment.
General Permit Application

Submit the following:

- Completed GP-0-20-004 Application
- Submit current photos (historic photos helpful in some cases)
- Project Plans (both a site plan and cross section)
- **If project meets General Permit criteria, no need to send application to USACE of NYSDOS**
Great Lakes Erosion Control General Permit (GP-0-20-004)

Application for General Permit and NYDEC Authorization

Applicant Information

Name of Applicant:

Applicant must be property owner, lease or operate (check which apply)

Email:

Mailing Address: Street City: State: Zip:

Name of Property Owner (if different from applicant):

Email:

Mailing Address: Street City: State: Zip:

Application Contact or Contractor (if applicable):

Email:

Mailing Address: Street City: State: Zip:

Project Location (where work will be done):

Town (where property taxes paid): County:

Street address: City: State: Zip:

Project Description (short description of work proposed and overall dimensions):

Required Attachments (check each box to indicate that the attachment is provided with this form):

- Project Location Map (with location marked)
- Project Drawing – Overhead view (plan view)
- Project Site Photos
- Project Drawing – Side view (cross-section)

- Type of Project (check all that apply – continue on page 2)
  - Repair in-kind replacement of existing functional erosion control structures. This repair or replacement of these structures must not extend seaward of the pre-existing shoreline, except where the Department accepts an applicant's demonstration that minor deviations are necessary for the stability of the structure. Increases in structure height may be approved if appropriate. Replacement structures must be adequately clad and designed.
  - New steps necessary for the stabilization of existing, functional, vertical erosion control structures along CEHA bluffs or non-CEHA areas. These must be clad appropriately for the location. Minor deviations in the original structure's configuration, including those due to changes in materials, construction techniques, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. Not applicable along beach or dune CEHA shoreline.
  - New sloped rock-revetment structures along CEHA bluffs or non-CEHA areas, that are necessary for the emergency stabilization of existing and functional shorelines. Structures must not be greater than 10 feet in length and 10 feet in height and must be spaced no deeper than 6 to 12 feet and not extend seaward of the existing shoreline or the shoreline as it existed immediately prior to a coastal erosion event no more than 6 months prior to the time of permit application. Storms must be clad appropriately and placed no closer to the toe of the slope as possible. Not applicable along beach or dune CEHA shoreline.

- Emergency repair of functional controls to deal vertical breakwater along bluffs or non-CEHA areas, by stabilization of steel plating immediately adjacent to the existing seaward vertical face. Not applicable along beach or dune CEHA shoreline.

- Repair or in-kind reconstruction of existing public roads, bridges, utilities and other public infrastructure.

- Stabilization of existing functional storm-damaged shorelines, dikes and walkways with temporary lacing and pilings.

- Repair or in-kind reconstruction of storm-damaged seawall or drainage facilities for waterfronts. The stairs and landings shall not be a maximum of 4 feet in width and constructed a minimum of 10 inches above grade over the drainfield/floor.

- Where grading of berm of the toe of existing breakwater to a stable slope. Permit must include an approved vegetation plan. The time for stabilization may be allowed in specific circumstances.

- Removal of debris by use of offshore equipment.

- Temporary installation of sandbags or other Department approved temporary flood protection devices located above HWL. Sandbags may be applied to flood (snipe tent) or larger.

- Removal of channel blockages of stream tributary to Lake Ontario and Lake Erie blocked by channel sediment or other natural degradable materials, or application must include a stipulated plan.

- Repair or in-kind reconstruction of previously authorized docks, piers and dikes located within CEHA areas and within DEC regulated freshwater wetlands or wetland adjacent areas.

- New shoreline stabilization measures on existing permanent or vegetative stabilization or bioengineering.

- Structures must be no greater than 200 feet in length and 10 feet in height and must be spaced no nearer than 1:10 to 1:1 and not extend seaward of the existing shoreline or the shoreline as it existed immediately prior to a coastal erosion event no more than 6 months prior to the time of permit application. Storms or other materials must be clad appropriately and placed no closer to the toe of the slope as possible.

Certification:

I hereby apply for authorization under General Permit GP-0-20-004. I have read General Permit GP-0-20-004 and will construct and operate the project in full compliance with the signed plans and forms and conditions of this permit as well as the Environmental Conservation Law and applicable regulations. I understand that any false or inaccurate statements made in this application for this permit are punishable as a Class A misdemeanor. As a condition of this permit, I accept full legal responsibility for all damage, direct or indirect, of whatever nature, and by whatever means, arising out of the project described herein, and agree to indemnify and save harmless the state from suits, actions, damages, and costs of every nature and description resulting from this project. I hereby consent to Agency inspection of the project site and adjacent areas on the property. Agency staff may enter the property without notice between 10:00 am and 1:00 pm Monday - Friday. Inspection is not limited to the permit application period. If an interruption occurs, the Agency may return at any future date. Should the Agency staff have an unscheduled need to inspect the property, Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

Applicant Signature:

Property Owner Signature:

Date:

Date:

Department Authorization (for agency use only):

AUTHORIZED NYDEC SIGNATURE AND DATE:

PRINT NAME AND TITLE:

DEC NO:

PERMIT EFFECTIVE DATE:

PERMIT EXPIRATION DATE:

AUTHORIZATION TYPE(S):

- E-NYDEC 69: Tidal 1/Provision of Water
- E-NYDEC 69: Water Quality Certification

ATTACHMENTS:

- General Permit
- Project Drawings
- Location Map
- Other

DISTRIBUTION:

- Regional Office
- DEC
- Regional Office
- CEHA
Individual Permit

When are they required?

Most new erosion protection structures including:

• Rip Rap/Revetments
• Stepped Block Walls
• Fill within regulated wetlands
• Structures with CEHA

What is required?

Joint Application
Environmental Assessment Form
Photos
Project Plans
Copies are submitted by the applicant to:

• NYSDEC
• NYSDOS
• USACE
Emergency Authorization

• Issued in accordance with 6 NYCRR Part 621.12 (UPA)
• Must be immediate threat to life, health, general welfare, property, or natural resources.
• Department can only authorize the minimum work necessary to overcome the emergency
• Authorization valid for 30 days
• What is needed?
Article 15 Protection of Waters Permit

All Protection of Waters Permit applications must meet the following standards:

• the proposal is reasonable and necessary;
• the proposal will not endanger the health, safety or welfare of the people of the State of New York; and
• the proposal will not cause unreasonable, uncontrolled or unnecessary damage to the natural resources of the State, including soil, forests, water, fish, shellfish, crustaceans and aquatic and land-related environment.
Article 24 Wetlands and Part 182
Endangered/Threatened Species Permitting

- Avoid and minimize impacts
- Evaluate alternatives
- Demonstrate this is the only practicable alternative
- Mitigate unavoidable impacts
Article 34 Coastal Erosion Management Permit

Purpose and intent is to:
- Promote and preserve the natural protective features
- Limit development

A permit can only be issued provided that the proposed regulated activity:
- Is reasonable and necessary
- Considers alternatives to the proposed activity
- Will not likely cause a measurable increase in erosion
- Prevents or minimizes adverse effects natural protective features, existing erosion protection structures, and natural resources
Coastal Erosion Hazard Areas

- Natural Protective Feature Areas
- Structural Hazard Areas

All Coastal Erosion Hazard Area maps can be downloaded at [http://on.ny.gov/2aVYuOA](http://on.ny.gov/2aVYuOA)
Lake Ontario Coastal Erosion Hazard Areas
Project Information to Include:

- Descriptions of how you meet permit issuance standards
  - Is the project reasonable and necessary?
  - Have you considered reasonable alternatives?
  - Will your project cause a measurable increase in erosion at the proposed site or at other locations?
- Aerial photos (Google Maps or Bing Maps)
- Location map
- Stamped and signed survey
- Recent photos of project site
Project Information to Include (continued):

• Project plans (site plan and cross-section plan)
• Description of construction materials, methods, and manner of placement
• Quantity of materials to be used above and below MHWL
• Debris/structure removal prior to work commencement
• Quantity of material to be removed and disposal location
• Long-term maintenance plan
Sample Site Plan

North Arrow and Scale (e.g., ¼ inch = 1 foot)

Indicate and Label Mean High Water Level
No Shoreline Protection
Length of Rock Revetment (feet)
Top of Existing Bank

Indicate and Label
Temporary Access Route

Adjacent Neighbor: J. Doe

West Parcel Line

Shed

House

Adjacent Neighbor: J. Doe

East Parcel Line

Name of Property Owner
Project Location Address (street and number)
Date Prepared

NOTE: If multiple cross-sections are necessary, the locations of each cross-section must be indicated on the Site Plan.
Sample Cross-section

Name of Property Owner
Project Location Address (street and number)
Date Prepared

NOTE: Applicant must have a cross-section for all proposed designs. If multiple cross-sections are necessary, the locations of each cross-section must be indicated on the Site Plan.
Porter, NY
Carlton, NY
Case Study: Individual Lake Ontario Permit
Case Study: Individual Lake Ontario Permit
Case Study: Individual Lake Ontario Permit
Case Study: Lake Ontario General Permit
Case Study: Lake Ontario General Permit
Case Study: Lake Ontario General Permit
Coordination with DEC

- As early as possible to avoid holdups
- Questions on regulated activities
- Technical guidance

Contacts:

NYSDEC Region 8 Permits
Robert Call
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585-226-5400

NYSDEC Region 9 Permits
David Denk
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NYSDEC Coastal Erosion
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Questions?
Coastal Consistency Review
NYS OPRHP

An Office of New York Department of State

May 19, 2021
Topics

• Federal Coastal Zone Management Act
• NYS CMP
  – Special Management Areas
• Federal Consistency Review
• State Consistency Review
• Local Consistency Review
Coastal Zone Management Act
The Coastal Zone Management Act of 1972
Federal Coastal Zone Management Act

- Passed in 1972
- Encourages Coastal States to develop a Coastal Management Program
- Incentivized participation by providing funding and regulatory authority (Consistency)
- Certain Federal Actions CANNOT be undertaken without a State’s consent (15 CFR Part 930)
The core idea (reverse federalism)

• Certain federal actions cannot be undertaken without being found consistent with the NYS CMP enforceable policies.
  • Direct (ACOE dredging)
  • Authoritative (permit issuance)
  • Funding to a state of local gov’t (HUD Money)
  • OCS plans

• The state uses this authority as ONE means of implementing its plans
New York CMP

- Adopted in 1982 as a Networked Program
- Incorporates multiple state laws into one set of policy statements (44 policies)
- Required the passage of Article 42 of the NYS executive law which describes “State Consistency.” (more to follow)
- CMP incorporates Special Management Areas
  - LWRPs,
  - SCFWHs,
  - SASS,
  - LIS CMP
Special Management Areas
Local Waterfront Revitalization Programs

- Municipality (1 or more) based local refinement of coastal policies
  - Can be completed in the coastal area or on a designated inland waterway.
  - Only those within the coastal area can be federally approved
  - Only those that are federally approved are binding on federal actions
- Requires communities to develop local consistency laws for their own actions
Significant Coastal Fish and Wildlife Habitats

- Areas designated by DOS upon recommendation by DEC that have special characteristics
- Incorporates comments from federal agencies
- A specific coastal policy applies if action is within or affecting the SCFWH
- The whole habitat is considered, not an individual species.
- Species considered during designation
- All SCFWHs provided the same protection (200+) under Policy 7
Scenic Areas of Statewide Significance

- Areas designated by DOS as having scenic importance
- Only areas are in the Hudson Valley and East Hampton
- If a project is conducted within a SASS then policy 24 applies
Long Island Sound CMP

• Regional CMP
• 13 policies
• Fully enforceable for federal consistency
The Coastal Area

- All tidal waters (Hudson River up to Troy)
- Lakes Ontario and Erie
- St. Lawrence and Niagara Rivers
- Certain tributaries to these waters
- Roughly 1000 feet inland from these waters
  - Generally follows a road, park boundary or natural feature
Federal Consistency Review

- Permitting Actions (includes state agencies that need federal permit)
  - Fully Consistent
  - 6 months review
Federal Consistency & Permitting Actions

• An **APPLICANT** for a federal permit on this list (table 3 of the CMP) must **CERTIFY** that they will conduct their activity in a manner fully consistent with all 44 coastal policies or policies within an applicable LWRP.
  • DOS concurs with, conditionally concurs with, objects to, or objects with alternatives within 6 months of receipt of complete application
  • Concurrence is “conclusively presumed” if longer than 6 months
  • Can “stay” the time clock by mutual consent
Federal Consistency & Permitting Actions

- General Concurrence
  - Abbreviated, No PN required
- Nationwide Permits and Regional Permits (ACOE)
  - NYS DEC General Permit for Great Lakes Erosion Control, GP-0-20-004
    - Designed to incorporated DOS’s NW permit decisions
    - If your action is authorized under this General Permit, it does not require individual DOS review.
- Other ACOE regional permits – DOS review in some situations (review ACOE permit language - https://www.lrb.usace.army.mil/Missions/Regulatory/New-York-Permit-Information/)
  - Docks
  - Dredging
  - etc
Federal Consistency & Permitting Actions

• Concurrence
  • PN required
  • If conditional, applicant’s refusal of conditions turn it to objection

• Objections
  • PN required
  • Encouraged to ID alternatives that are consistent

- Completed FCAF
- Copy of Federal Application (i.e. Joint App)
- Detailed description
- Location map
- Site map
- Color photos
- Statement of purpose and need
- Id of all abutting owners
- Analysis of alternatives
- FEIS (if required by another agency)
- Copies of any NYS application for permits
Federal Consistency Assessment Form

1. Will the proposed activity result in any of the following:

   a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43)
   
   b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)
   
   c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)
   
   d. Reduction of existing or potential public access to or along coastal waters? (19, 20)
   
   e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9, 10)
   
   f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)
   
   g. Siting of a facility essential to the generation or transmission of energy? (27)
   
   h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)
   
   i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)
   
   j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)
   
   k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39)
   
   l. Adverse effect upon land or water uses within the State's small harbors? (4)
E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State’s CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State’s approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent’s Name: ___________________________

Address: _______________________________________

Telephone: Area Code (______) ___________________________

Applicant/Agent’s Signature: ___________________________ Date: ___________________________
The Policies in the CMP

- Development
- Fish and Wildlife
- Flooding and Erosion
- General
- Public Access
- Rec
- Historic/Scenic
- Agricultural
- Energy and Ice Management
- Water and Air Resources
- Wetlands
Appeals

• Federal Agency **CANNOT** issue permit or funds over State’s objection unless the decision is overridden by US Sec. of Commerce
  • Consistent with the objectives or purposes of CZMA
    • Significantly and substantially furthers national intrst
    • Interests outweigh adverse coastal effects
    • No reasonable alternatives
  • Necessary in the interest of national security
Local Consistency Law

- Required municipal legislative action to implement LWRP
- Similar to Article 42 of the Exec. Law where State actions must be consistent
  - Town of Wheatfield Chapter 200 Article XVIII
- Local law provides procedures for what types of actions must undergo review and which entity is responsible for review
Local Waterfront Revitalization

The LWRP is the State's primary program for working in partnership with waterfront communities across New York State.
http://opdgig.dos.ny.gov
Useful links

- LIS CMP - [https://dos.ny.gov/long-island-sound-coastal-management-program-0](https://dos.ny.gov/long-island-sound-coastal-management-program-0)
- Approved LWRPs (for state and federal consistency as applicable)- [https://dos.ny.gov/local-waterfront-revitalization-program](https://dos.ny.gov/local-waterfront-revitalization-program)
- Coastal Map (coastal boundary, SCFWHs, LWRP, SASS, etc)- [https://dos.ny.gov/using-coastal-atlas-gis-gateway](https://dos.ny.gov/using-coastal-atlas-gis-gateway)
- SCFWHs - [https://dos.ny.gov/significant-coastal-fish-wildlife-habitats](https://dos.ny.gov/significant-coastal-fish-wildlife-habitats)
- SASS - [https://dos.ny.gov/scenic-areas-statewide-significance-sass](https://dos.ny.gov/scenic-areas-statewide-significance-sass)
- Consistency shared mailbox – [cr@dos.ny.gov](mailto:cr@dos.ny.gov)
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SECTION 10 OF THE RIVERS AND HARBORS ACT OF 1899

- Applies to Navigable Waters - waters that are currently, historically and could in the future represent opportunity for interstate commerce

- All activities and structures within, above, over or beneath navigable waters are regulated

- Limit of jurisdiction - Ordinary high-water mark, extending to adjacent wetlands if present
SECTION 404 OF THE CLEAN WATER ACT OF 1977

- Applies to ‘waters of the United States’ (33 CFR 328.3)
  - e.g. Navigable waters, inland lakes/ponds, tributaries (rivers, streams, creeks), wetlands

- Discharges of dredged or fill material are regulated
  - e.g. dredged material, or rock, sand, dirt

- Limit of jurisdiction - ordinary high-water mark or wetland/upland boundary
PERMITS:

- Examples of activities or structures requiring permits in Lake Ontario, the Saint Lawrence River, Black River, Chaumont River (first 6 miles only), Niagara River, Tonawanda Creek/Erie Canal, Old Orchard River, Eighteen-Mile Creek, Twelve-Mile Creek

- Docks/Decks
- Boathouses
- Riprap/Stone revetments
- Bioengineered protective structures
- Breakwalls/Jetty
- Seawalls
PERMITS

- **General Permits**
  - Nationwide Permits (NWP) 3, 13, 19
    - Nested w/DEC GP 0-20-004
    - NWPs may also be used separate from the DEC GP
  - Nationwide Permit No. 3 – repair, rehab or replacement of currently serviceable structures or fills; minor deviations allowed; provides for structures or fill damaged as a result of storms, floods, or other discrete events
  - Nationwide Permit No. 13 – bank stabilization for erosion control; > 500 linear feet and 1 cy of material per running ft of bank; no work in wetlands
  - Nationwide Permit No. 19 – dredging of no more than 25 cy of material; no work in wetlands
PERMITS

**DEC GP 0-020-004**

Projects that qualify for the General Permit will also qualify for the USACE Nationwide Permit (NWP) No. 3, 13, and/or 19 and have received Coastal Consistency Certification from the New York State Department of State (NYSDOS).

All GP applications must be submitted to the DEC who will determine if the GP applies. If the GP applies, no coordination with the USACE or DOS is required except for the following circumstances, as certain activities may require USACE pre-construction notification or approval under the Federal Endangered Species Act.

Before starting work, contact the USACE by sending a copy of the GP application package to: LRB.NewYork.RegActions@usace.army.mil for approval for any project that involves the following activities:

- a.) Tree removal in: all Towns in Jefferson County; in the Towns of Sandy Creek and Richland, Oswego County; and in the Towns of Hammond, Morristown and Oswegatchie, St. Lawrence County.
- b.) Activities in federally-regulated wetlands in the Towns of Huron and Wolcott, Wayne County.
- c.) Activities in federally-regulated wetlands in Cayuga and Oswego Counties.
- d.) Activities within sandy shorelines in the Towns of Sandy Creek and Richland, Oswego County.
- e.) Activities within federally-regulated wetlands or sandy shorelines in the Towns of Henderson and Ellisburg, Jefferson County.
- f.) Projects that involve the placement of stone below the mean high-water line in excess of an average of one cubic yard per running foot of shoreline. Note for 1(f): The GP application package must also be sent to the NYS DOS along with a Federal Coastal Assessment Form for concurrence.

To ensure permit compliance, please review the terms and conditions of the USACE Nationwide Permits 3, 13 & 19, which contains updated DEC Water Quality Certification and DOS Coastal Consistency information for use with the GP.
PERMITS

- **Standard Permits (SP)**
  - Require Joint Application for Permit form
  - Public Notice
  - Evaluation of alternatives

- **Letter of Permission (LOP)**
  - Require Joint Application for Permit form
  - Agency Coordination Letters

- **Other Authorizations** – for both IPs and EPs, DEC permits: Water Quality Certification, and DOS Coastal Consistency concurrence are required.
CONSIDERATION ON PERMITTING ACTIVITIES AND STRUCTURES

- Recognize right of landowner to protect property from erosion (33 CFR 320.4(g)(2))
- Consideration of and balancing the following factors:
  - Need for the project
  - Navigation impacts
    - e.g. access to Lake Ontario, safety
  - Impacts to up and down drift properties
    - e.g. increased erosion
  - Affect on aquatic resource
    - e.g. environmental, littoral system
  - Effectiveness of the protective feature (not an engineering assessment)
OTHER PROGRAMS – COMPLIANCE WITH OTHER STATUTES

• Section 401 of the Clean Water Act - Water Quality Certification (NYS Department of Environmental Conservation)

• Coastal Zone Management Program (NYS Department of State)

• Endangered Species Act (U.S. Fish and Wildlife Service) - Section 7 Coordination

• Section 106 of the National Historic Preservation Act (NYS Office of Parks Recreation and Historic Preservation)

• Other coordination: National Environmental Policy Act (NEPA), Wild and Scenic Rivers Act, Fish and Wildlife Coordination Act, U.S. Coast Guard.
QUESTIONS?
REFERENCES

http://www.dec.ny.gov/docs/permits_ej_operations_pdf/gp019003appl.pdf

https://www.lrb.usace.army.mil/Lake-Ontario-High-Water/