NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1
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FAQs for the Regulated Public Regarding the Replacement Bulkhead General Permit with Dredging GP-1-22-001

1. In what geographic areas is General Permit authorization available?

General Permit Authorization is available for bulkheads within Tidal Wetlands jurisdiction in Nassau and Suffolk Counties. Important exclusions include any bulkheads within Coastal Erosion Hazard Areas, such as the Atlantic Ocean and Long Island Sound shorelines. Bulkheads adjacent to submerged aquatic vegetation (eel grass) and vegetated tidal wetlands, as well as those located on marsh island communities with the bays of Nassau and Suffolk Counties are also excluded. Individual permits are required for proposals within these excluded areas.

2. What projects are eligible for coverage?

The General Permit is available for the routine replacement of lawfully existing functional bulkheads, including returns and parallel capping boardwalks, by re-sheathing with timber boards resulting in no more than a 4” seaward extension, or corrugated material resulting in no more than an 8” seaward extension, or replaced in-place or landward of the existing structure. The new General Permit will also allow a height increase of up to 18” above the height of the existing structure, and will also allow an increase to the locally designated Federal Emergency Management Agency (FEMA) flood elevation, or up to an elevation determined using applicable DEC Community Risk and Resiliency Act (CRRA) guidance, where justified. Mooring and beach access structures attached to the bulkhead may be removed and replaced in-kind and in-place. Reconstructed bulkheads may close off step downs and boat ramps constructed of wood, concrete or other man-made material. Maintenance dredging to -4’ MLLW is covered 10’ seaward of the bulkhead in bulkheaded canals and creeks. On the open bays and river fronts the dredging is more restricted, limited to 5' offshore for "recovery" dredging and is limited by a prohibition on the time of year to protect finfish and/or spawning shellfish. Important exclusions may include bulkheads that DEC deems non-functional and sites at which DEC believes reasonable alternatives to bulkhead replacement exists, such as softer shoreline stabilization options. Projects deemed not eligible for coverage will be processed as standard tidal wetland applications and additional information, such as an alternatives analysis, may be required.

3. What differs between GP-1-22-001 and the current GP-1-18-001?

GP-1-18-001 allowed re-sheathing with timber boards only with a no more than a 3" seaward extension. GP-1-22-001 expands on re-sheathing proposals by allowing a 4" seaward extension with timber boards, and an 8" extension for corrugated material such as vinyl or steel. Additionally, GP-1-22-001 allows height increases of greater than 18" where justified by the local FEMA flood elevation or considerations under CRRA. GP-1-22-001 will be active for 10 years from the date of issuance, compared to the 5 years under GP-1-18-001.

4. Is there an application fee?

There is no fee associated with the request for authorization under the General Permit.

5. How do I request authorization for my project under the General Permit?

Read General Permit 1-22-001 to determine if your project is covered. If your project can be completed within the scope of the work authorized under the General Permit, please submit the following:

- Request for Authorization form
- Project plans showing all applicable details and measurements to clearly define the extent and nature of your work. Project plans must show proposed structures in relation to existing structures.
- Property survey depicting the bulkhead
- Three representative color photographs which clearly depict the site of the proposed activity
- Site location map
- Permission to Inspect form

Submit all information to:

NYS DEC REGION 1
Regional Permit Administrator
SUNY @ Stony Brook
50 Circle Road
Stony Brook, NY 11790-3409

You must receive written confirmation from DEC approving your request for authorization to work under the General Permit before starting the project.

6. Do I need a Water Quality Certificate from NYSDEC?

No. Activities authorized under GP-1-22-001 are covered under a U.S. Army Corps of Engineers Nationwide Permit so they do not require an individual Water Quality Certificate (WQC) from DEC.

7. Can the authorization I receive under the General Permit be transferred, modified, or renewed?

No. Authorization is specific to projects that comply with the conditions of the General Permit. If a project requires modification or renewal, then an individual Tidal Wetlands permit is required.

8. Who may I contact with additional questions?

You may call the Region 1 Duty Analyst on Wednesdays and Fridays from 8:30 AM to 3:00 PM at 631-444-0355, or email dep.r1@dec.ny.gov

Be advised: Local municipalities and the U.S. Army Corps of Engineers (USACE) regulate dredging, the discharge of fill or dredge material, and the construction of certain structures within the waterway. Obtaining authorization from DEC to work under the General Permit does not relieve you from complying with all municipal and federal regulations. Prior to starting your project you must contact your local municipality and USACE to satisfy their regulatory requirements.

Additionally, it is the applicant's responsibility to ensure that contractors and/or individuals performing the work understand and comply with the General Permit conditions.