Region 9 Soil and Water Conservation District
General Permit GP-9-26-001

NEW YORK STATE | Department of Environmental Conservation

APPLICATION INSTRUCTIONS

The Region 9 Soil and Water Conservation District General Permit authorizes various activities in areas under DEC jurisdiction including various types of shoreline stabilization and structural repair activities, removal of blockages, installation of up to two culverts for non-public use as a single lane roadway, maintenance, repair and replacement of existing culverts, installation, maintenance or replacement of drainage tile outfall structures, installation, maintenance or replacement of dry hydrants for fire protection, installation or maintenance of stone or gravel fords, up to 200 feet of stream realignment, and stream feature or habitat restoration projects. To obtain coverage under GP-9-26-001, each applicant must complete the GP-9-26-001 application form, prepare the required attachments, and then send the application materials to the appropriate DEC Region 9 office for review. Submittal via email to DEP.R9@dec.ny.gov is preferred. Failure to provide all required information will delay the review of your application or may result in the denial of your application.

No work shall commence until the Applicant receives the countersigned authorization form and all other applicable state and local approvals.

All projects are subject to NYSDEC's review and determination regarding eligibility for coverage and whether the project meets the permit issuance standards contained in the freshwater wetland and protection of waters permitting regulations. Projects that DEC determines are ineligible for coverage or do not meet the permit issuance standards will not receive coverage under this general permit.

If a project is ineligible for coverage under the general permit or NYSDEC advises an Applicant that an individual permit is required, an individual NYSDEC permit must be obtained before work may be undertaken.

GP-9-26-001 APPLICATION FORM INSTRUCTIONS

___ *Applicant and Project Location Information*

- **Name of Applicant:** Identify the Applicant's name and complete contact information, including email address.
- **Name of Property Owner:** If the Applicant is different than the property owner, identify the property owner's name and complete contact information, including email address.
- **Application Contact or Contractor:** If the applicant is represented by someone that is assisting with the application or project, including a contractor, identify the contact's name and complete contact information, including email address.
- **Project Location:** Identify the physical location and address of the project site, even if it is the same as the mailing address of the property owner provided above. Please note that the "Town" is where property taxes are paid and may differ from the "City" of the mailing address.

___ *Project Description*

- Provide a written description of the proposed work, including the overall dimensions of the work area, the materials to be used and proposed erosion control method.

___ *Proposed Start Date and Completion Date*

☐ Provide the anticipated start date and completion date. This should include any necessary site preparation or material staging at the beginning of the project and site stabilization and landscaping at the end of the project.

___ *Tree Clearing Restrictions*

☐ If tree removal will be required as part of the project, Condition 7 of the General Permit applies. Where tree removal is necessary, check the appropriate box on the application form to indicate whether the applicable tree clearing restriction window can be met. If the project is unable to comply with these dates, indicate on the application the tree clearing dates that are proposed.

___ *Required Attachments*

In addition to the application form, a complete application must include the supporting materials listed below. The box for each item on the application form should be checked if it is provided with the application.

All Projects

- ☐ **Project location map:** A map is needed to precisely identify the location of the project. The map should show the names of the nearest roads and be marked and labeled clearly to show the project location.

- ☐ **Project site photographs:** Provide several representative photographs of the project site from different directions. The photos must accurately represent existing site conditions at the time of filing the application (out of season photos are acceptable provided no new clearing, grading, construction, or other work altering the site has occurred before to filing the application).

- ☐ **Project Plans:** Project plans (top view and side view) containing the following information must be prepared and submitted with the application. The plans must include the following elements:
  - Locations of proposed and existing structures, and access roads (both permanent and temporary);
  - Dimensions of existing and proposed structures (total length, width, and height);
  - Identification of proposed limits of disturbance, including clearing and grading;
  - Location of ordinary high water elevation, where applicable
  - Location of and description of erosion and sediment controls;
  - Labels indicating the type(s) of materials being used;
  - Embedment of structures (where applicable, erosion protection structures shall be embedded a minimum of one foot into substrate to prevent undercutting);
  - Size and volume of any rocks that will be used.

As Applicable

- ☐ **State Environmental Quality Review Act (SEQR):** Where projects require a local subdivision approval, site plan approval, special use permit, zoning variance, or other type of discretionary approval from a town, city, village, or county, documents prepared for the relevant SEQR review must accompany the application. This would include a copy of the Environmental Assessment Form and one of the following documents:
  - A SEQR Negative Declaration; or
  - A copy of the Notice of Acceptance of a Final Environmental Impact Statement (EIS) – for projects where a Positive Declaration was issued.

- ☐ **State Historic Preservation Act (SHPA):** Where correspondence from the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has been obtained for a project, copies of the correspondence must be provided with the application.

- **Community Risk and Resiliency Act (CRRA):** For bridge and culvert projects subject to conditions 25 and 26 involving a critical bridge or culvert, the applicant must address the recommended flood risk management guidelines for transportation infrastructure required by Condition 22.

- **Justification to Waive or Alter Tree Cutting Restrictions:** For projects that are unable to comply with the tree cutting restrictions required by Condition 7, provide a justification for why tree removal must occur outside the restriction period and how the tree cutting has been minimized.

___ *Certification*

The Applicant and property owner must sign the application. The certification also provides permission for DEC staff to access the site for inspection during the application review and construction. Applications will not be accepted without the signature of the property owner(s). The Applicant signature must also be provided if they are not the property owner.

___ *Filing the Application*

Once all the application materials above are prepared, the application and attachments may be filed electronically or in hard copy to the Region 9 Regional Permit Administrator at DEP.R9@dec.ny.gov or 700 Delaware Avenue, Buffalo, New York 14209. We encourage electronic filing. If filing electronically, we also encourage all materials to be provided in Adobe *.pdf format.

We will evaluate your application to ensure the permitting standards are met. You will be contacted if additional information is required. If your project is deemed ineligible for coverage under GP-9-26-001, you will be contacted with instructions about applying for an individual permit.

Work may begin after receipt of the DEC countersigned authorization form. All projects must comply with the terms and the conditions in the general permit. Permittees must read the permit carefully and contact the DEC regional office if they or their contractor(s) have any questions about what is required.

JURISDICTIONS OF OTHER AGENCIES

Projects that qualify for the General Permit may also require approval from US Army Corps of Engineers (USACE) or other federal, state, or local agencies. Obtaining coverage under DEC's general permit does not relieve Permittees from obtaining all other necessary federal, state or local permits.

Additional information about potential USACE jurisdiction may be obtained from the Buffalo District, as indicated below:

1. Buffalo District, U.S. Army Corps of Engineers:

   Website: https://www.lrd.usace.army.mil/Missions/Regulatory/New-York/
   Address: U.S. Army Corps of Engineers, Buffalo District, ATTN: Regulatory Branch, 478 Main Street, Buffalo, NY 14202
   Email: LRB.NewYork.RegActions@usace.army.mil
   Phone: (716) 879-4330