



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**EMERGENCY GENERAL PERMIT GP-0-17-006**  
**Lake Ontario Erosion Control**

**Permittee and Facility Information**

**Permit Issued To:**

Applicant shown on  
Application/Authorization Form

**Facility:**

Location Identified on the  
Application/Authorization Form

**Applicable DEC Region(s):** 6, 7, 8, 9

**General Permit Authorized Activity:** Description of Authorized Activities:

For the purposes of shore protection to safeguard existing functional erosion control structures, roads, bridges, infrastructure, and property along Lake Ontario shoreline and the Saint Lawrence River including affected portions of navigable bays and tributaries.

- Repair and in-kind replacement of erosion protection structures that were functional on April 1, 2017 that do not extend waterward of the pre-existing footprint. Increase in structure height is permissible subject to Department approval. Replacement structures must be adequately sized and designed to current standards.
- Repair or reconstruction of existing public roads, bridges, utilities and other public infrastructure.
- 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.
- Minor grading back of scarped bluffs to a stable slope. Project must include an approved vegetation plan. Toe stone for stabilization may be allowed in specific circumstances.
- Removal of debris by use of motorized equipment.
- Temporary installation of sand bags for flood protection above MHW within the Coastal Erosion Hazard Area.
- Repair or reconstruction of docks, catwalks and floats that were functional on April 1, 2017.

**Permit Authorizations**

**Coastal Erosion Management - Under Article 34**

Effective Date: 05/02/2017 Expiration Date: 04/30/2019



**Excavation & Fill in Navigable Waters - Under Article 15, Title 5**

Effective Date: 05/02/2017 Expiration Date: 04/30/2019

**Freshwater Wetlands - Under Article 24**

Effective Date: 05/02/2017 Expiration Date: 04/30/2019

**Water Quality Certification - Under Section 401 - Clean Water Act**

Effective Date: 05/02/2017 Expiration Date: 04/30/2019

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

**Emergency General Permit Authorized by**

Permit Administrator: KENT P SANDERS , Deputy Chief Permit Administrator

Address: NYSDEC Headquarters  
625 Broadway  
Albany, NY 12233

Authorized Signature: *Kent P. Sanders* Date: 05/02/2017

**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; FRESHWATER WETLANDS; EXCAVATION & FILL IN NAVIGABLE WATERS; COASTAL EROSION MANAGEMENT**

- 1. Geographic extent of Coverage** This permit is valid only in the municipalities of the counties of Niagara, Orleans, Monroe, Wayne, Cayuga, Oswego, Jefferson, and St. Lawrence Counties bordering Lake Ontario and the St. Lawrence River.
- 2. Coverage Authorization** This permit is valid only after the Application/Authorization form has been countersigned by an authorized representative of the Department of Environmental Conservation.
- 3. 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.

**4. 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.

**5. 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.

**6. 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.

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

**8. Turbid Discharges** Visibly turbid discharges from land clearing, grading or excavation activities, or de-watering operations shall not enter the stream, navigable water, or wetland. Prior to entry into stream, navigable water or wetland, any such discharge shall be:

- a. retained in an appropriately maintained upland settling basin;
- b. filtered through crushed stone, sand, straw bales, silt screening (maximum opening size of U.S. Sieve Number 20), etc.; or,
- c. directed to a grassy upland area a sufficient distance from the stream to prevent change in turbidity of the receiving water.

**9. 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 by the applicant and or an authorized representative.

**10. No additional structures** No buildings or other structures may be erected on the shore protection structures authorized by this permit.



**11. Incidental Dredging or Excavation** Dredging or excavation incidental to construction of a shoreline protection structure may be performed if necessary for site preparation provided the limits do not exceed the area to be occupied by the structure. Dredged or excavated materials must not be deposited in any waterway, wetland or a location where wave action could reach the material and cause it to erode.

**12. Erosion Control Structures to meet Design Standards** Shore Protection structures must be designed and constructed to generally accepted engineering principles to ensure successful protection from current and potential wave erosion, ice damage, and flooding. The selected engineering techniques must also minimize the amount of total fill and waterward encroachment to the maximum extent practicable. The placement of material must conform to the predamage contour. The Department may request proof of predamage configuration e.g. an official survey.

**13. Bulkhead Replacement** The new bulkhead shall not encroach into the waterbody beyond the limits of the old bulkhead to be removed and it shall tie in evenly with and not encroach beyond adjacent property shoreline protection structures.

**14. 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, wetland or protected buffer area.

**15. Stabilize Disturbed Areas** All areas of soil disturbance resulting from this project shall be stabilized immediately following project completion or prior to permit expiration, whichever comes first. The approved methodologies are as follows:

- a. Stabilization of the entire disturbed area with appropriate vegetation (grasses, etc.).
- b. Stabilized as per specifications identified on approved plans.
- c. Temporarily stabilized with straw mulch or jute matting or other similar natural fiber matting within 1 week of final grading. Temporary stabilization shall be maintained until a mature vegetative cover is established.

**16. Clean Fill Only** All fill shall consist of clean soil, sand and/or gravel that is free of the following substances: asphalt, slag, flyash, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects. The introduction of materials toxic to aquatic life is expressly prohibited.

**17. Temporary Sand Bags for Flood Protection** Bags must be filled with clean fill and removed when the bags become damaged or within 120 days of placement whichever occurs first.

**18. Erosion Protection Structures to Be Durable** All materials used to construct erosion protection structures must be durable and capable of withstanding inundation, wave impacts, weathering and other effects of storm conditions. Individual component materials that have a working life of less than 30 years must be regularly maintained and replaced as necessary to attain the 30 years of erosion protection required by this permit.

**19. Revetment** The stone revetment installed must contain no more than one cubic yard of stone per



running foot below mean high water. The revetment toe must be keyed to a depth of at least three feet below the soil/waterbody interface or be adequately fixed to bedrock. The face of the revetment must be sloped no steeper than one foot vertical to three feet horizontal (1:3).

## 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:

Chief Permit Administrator  
625 Broadway, 4th Floor  
Albany, NY 12233-1750



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

