

Dam Mitigation: NYSDEC Permitting Process

Scott E. Sheeley
NYSDEC Region 3,
Division of Environmental Permits

Norrie Point, September 12, 2007

Presentation Overview

- Permit Regulations
- Protection of Waters
- Related Laws/Regulations
- State Environmental Quality Review Act
- Application Processing
- Project Considerations
- Closing Thoughts

Permit Regulations

- **Protection of Waters:**
 - Dam Safety
 - Stream Disturbance
- Section 401 Water Quality Certification
- **Others:**
 - Freshwater Wetlands
 - Wild Scenic Recreational Rivers
 - Solid Waste (Beneficial Use Determination's)

Protection of Waters: Dam Safety

- Permit Required to: “Construct, reconstruct, or repair any dam or impoundment structure, including any artificial obstruction, temporary or permanent in or across a natural stream or watercourse.”
- Regulated “Dam”: an impoundment structure . . .
 - at least 6 feet high, impounding at least 3 million gallons; OR
 - at least 15 feet high, impounding at least 1 million gallons

Protection of Waters: Stream Disturbance

- Permit Required to: Physically disturb the bed or banks of a NYS-protected stream.
- Protected Streams Include:
 - Class AA, A, or B; AND
 - Any designated (T) or (TS)

Related Laws and Regulations

- **SEQR** - State Environmental Quality Review Act
- **SHPA** - State Historic Preservation Act
- **CZM** - Coastal Zone Management (Coastal Consistency Determinations)

State Environmental Quality Review Act (SEQR)

- Purpose: To incorporate consideration of environmental factors into the decision-making processes of government agencies at the earliest possible time.
- Applicable to all government agencies in NYS.
- Dam modifications or removals subject to SEQR review as “Unlisted Actions”.
- May be “Type I” actions if located on public land or in proximity to a State- or Nationally- listed historic site.

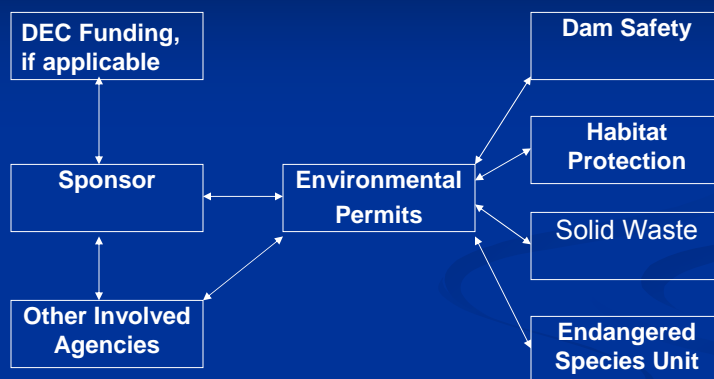
SEQR Evaluation

- Site Access/Construction Impacts
- Recreation
- Environmental Quality (e.g. water, sediments)
- State-listed species
- Invasive species
- Other Natural Resources (wetlands)
- Flooding - floodplains, floodways
- Public Safety
- Historic Preservation
- Aesthetics
- Others? - stormwater management, coastal zone
- Alternatives Analysis

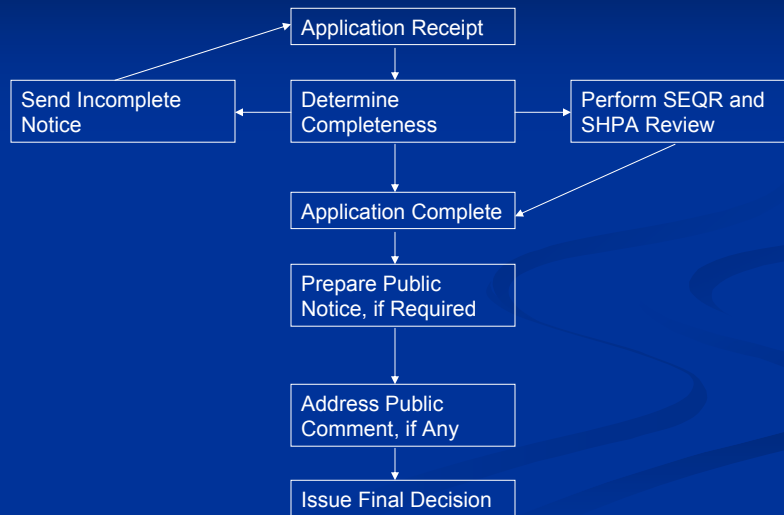
Pre-Application Planning

- Gather Preliminary Information About Location, Purpose, and Scope of Project and Alternatives
- Provide Written Information Packet to DEC Regional Permits Office for Jurisdictional Screening
- If Necessary, Participate in a Pre-Application Meeting

Application Processing



Application Processing



Application Materials

- Application Forms
 - Joint Application
 - Supplement D-1
 - Coastal Consistency Assessment Form, if applicable
 - Structural, Archaeological Assessment Form, if applicable
- SEQR Environmental Assessment Form (EAF)
- Project Report
- Location Map (USGS Preferred)
- Project Plans (NYS Licensed PE for Dam Safety)
- Photos

Note: The applicant is the Dam Owner

Project Considerations

- Construction Access
- Water Management: Dewatering and Diversions
- Post-Project Restoration and Stabilization
- Sediment Testing, Removal, and Disposal
- Other Mitigation Measures (animal relocations, construction schedule, noise, etc.)

Closing Remarks

- Plan and Coordinate Early
- Apply for Permits at Earliest Opportunity
- Involve Regional DEC Permits Office
- Allow Time for Permitting in Schedule Development



Questions?

