Appendix O

Erosion and Sediment Control Practices and Details

STANDARD AND SPECIFICATIONS FOR TOPSOILING

Definition

Spreading a specified quality and quantity of topsoil materials on graded or constructed subsoil areas.

Purpose

To provide acceptable plant cover growing conditions, thereby reducing erosion; to reduce irrigation water needs; and to reduce the need for nitrogen fertilizer application.

Conditions Where Practice Applies

Topsoil is applied to subsoils that are droughty (low available moisture for plants), stony, slowly permeable, salty or extremely acid. It is also used to backfill around shrub and tree transplants. This standard does not apply to wetland soils.

Design Criteria

1. Preserve existing topsoil in place where possible, thereby reducing the need for added topsoil.

2. Conserve by stockpiling topsoil and friable fine textured subsoils that must be stripped from the excavated site and applied after final grading where vegetation will be established.

3. Refer to USDA Soil Conservation Service (presently Natural Resource Conservation Service) soil surveys or soil interpretation record sheets for further soil texture information for selecting appropriate design topsoil depths.

Site Preparation

1. As needed, install erosion control practices such as diversions, channels, sediment traps, and stabilizing measures, or maintain if already installed.

2. Complete rough grading and final grade, allowing for depth of topsoil to be added.

3. Scarify all compact, slowly permeable, medium and fine textured subsoil areas. Scarify at approximately right angles to the slope direction in soil areas that are steeper than 5 percent. Areas that have been overly compacted shall be decompacted to a minimum depth of 12 inches with a deep ripper or chisel plow prior to topsoiling.

4. Remove refuse, woody plant parts, stones over 3 inches in diameter, and other litter.

Topsoil Materials

1. Topsoil shall have at least 6 percent by weight of fine textured stable organic material, and no greater than 20 percent. Muck soil shall not be considered topsoil.

2. Topsoil shall have not less than 20 percent fine textured material (passing the NO. 200 sieve) and not more than 15 percent clay.

3. Topsoil treated with soil sterilants or herbicides shall be so identified to the purchaser.

4. Topsoil shall be relatively free of stones over 1 1/2 inches in diameter, trash, noxious weeds such as nut sedge and quackgrass, and will have less than 10 percent gravel.

5. Topsoil containing soluble salts greater than 500 parts per million shall not be used.

Application and Grading

1. Topsoil shall be distributed to a uniform depth over the area. It shall not be placed when it is partly frozen, muddy, or on frozen slopes or over ice, snow, or standing water puddles.

2. Topsoil placed and graded on slopes steeper than 5 percent shall be promptly fertilized, seeded, mulched, and stabilized by “tracking” with suitable equipment.

3. Apply topsoil in the following amounts:

Site Conditions	Intended Use	Minimum Topsoil Depth
1. Deep sand or loamy sand	Mowed lawn	6 in.
	Tall legumes, unmowed	2 in.
	Tall grass, unmowed	1 in.
2. Deep sandy loam	Mowed lawn	5 in.
	Tall legumes, unmowed	2 in.
	Tall grass, unmowed	none
3. Six inches or more: silt loam, loam, or silt	Mowed lawn	4 in.
	Tall legumes, unmowed	1 in.
	Tall grass, unmowed	1 in.

STANDARD AND SPECIFICATIONS FOR MULCHING

Definition

Applying coarse plant residue or chips, or other suitable materials, to cover the soil surface.

Purpose

The primary purpose is to provide initial erosion control while a seeding or shrub planting is establishing. Mulch will conserve moisture and modify the surface soil temperature and reduce fluctuation of both. Mulch will prevent soil surface crusting and aid in weed control. Mulch is also used alone for temporary stabilization in non-growing months.

Conditions Where Practice Applies

On soils subject to erosion and on new seedings and shrub plantings. Mulch is useful on soils with low infiltration rates by retarding runoff.

Criteria

Site preparation prior to mulching requires the installation of necessary erosion control or water management practices and drainage systems.

Slope, grade and smooth the site to fit needs of selected mulch products.

Remove all undesirable stones and other debris to meet the needs of the anticipated land use and maintenance required.

Apply mulch after soil amendments and planting is accomplished or simultaneously if hydroseeding is used.

Select appropriate mulch material and application rate or material needs. Determine local availability.

Select appropriate mulch anchoring material.

NOTE: The best combination for grass/legume establishment is straw (cereal grain) mulch applied at 2 ton/ acre (90 lbs./1000sq.ft.) and anchored with wood fiber mulch (hydromulch) at 500 – 750 lbs./acre (11 – 17 lbs./1000 sq. ft.). The wood fiber mulch must be applied through a hydroseeder immediately after mulching.

Table 3.7
Guide to Mulch Materials, Rates, and Uses

Mulch Material	Quality Standards	per 1000 Sq. Ft.	per Acre	Depth of Application	Remarks
Wood chips or shavings	Air-dried. Free of objectionable coarse material	500-900 lbs.	10-20 tons	2-7"	Used primarily around shrub and tree plantings and recreation trails to inhibit weed competition. Resistant to wind blowing. Decomposes slowly.
Wood fiber cellulose (partly digested wood fibers)	Made from natural wood usually with green dye and dispersing agent	50 lbs.	2,000 lbs.	—	Apply with hydromulcher. No tie down required. Less erosion control provided than 2 tons of hay or straw.
Gravel, Crushed Stone or Slag	Washed; Size 2B or 3A—1 1/2"	9 cu. yds.	405 cu. yds.	3"	Excellent mulch for short slopes and around plants and ornamentals. Use 2B where subject to traffic. (Approximately 2,000 lbs./cu. yd.). Frequently used over filter fabric for better weed control.
Hay or Straw	Air-dried; free of undesirable seeds & coarse materials	90-100 lbs. 2-3 bales	2 tons (100-120 bales)	cover about 90% surface	Use small grain straw where mulch is maintained for more than three months. Subject to wind blowing unless anchored. Most commonly used mulching material. Provides the best micro-environment for germinating seeds.
Jute twisted yarn	Undyed, unbleached plain weave. Warp 78 ends/yd., Weft 41 ends/ yd. 60-90 lbs./roll	48" x 50 yds. or 48" x 75 yds.	—	—	Use without additional mulch. Tie down as per manufacturers specifications. Good for center line of concentrated water flow.
Excelsior wood fiber mats	Interlocking web of excelsior fibers with photodegradable plastic netting	8" x 100" 2-sided plastic, 48" x 180" 1-sided plastic	—	—	Use without additional mulch. Excellent for seeding establishment. Tie down as per manufacturers specifications. Approximately 72 lbs./roll for excelsior with plastic on both sides. Use two sided plastic for centerline of waterways.
Compost	Up to 3" pieces, moderately to highly stable	3-9 cu. yds.	134-402 cu. yds.	1-3"	Coarser textured mulches may be more effective in reducing weed growth and wind erosion.
Straw or coconut fiber, or combination	Photodegradable plastic net on one or two sides	Most are 6.5 ft. x 3.5 ft.	81 rolls	—	Designed to tolerate higher velocity water flow, centerlines of waterways, 60 sq. yds. per roll.

Table 3.8
Mulch Anchoring Guide

Anchoring Method or Material	Kind of Mulch to be Anchored	How to Apply
1. Peg and Twine	Hay or straw	After mulching, divide areas into blocks approximately 1 sq. yd. in size. Drive 4-6 pegs per block to within 2" to 3" of soil surface. Secure mulch to surface by stretching twine between pegs in criss-cross pattern on each block. Secure twine around each peg with 2 or more tight turns. Drive pegs flush with soil. Driving stakes into ground tightens the twine.
2. Mulch netting	Hay or straw	Staple the light-weight paper, jute, wood fiber, or plastic nettings to soil surface according to manufacturer's recommendations. Should be biodegradable. Most products are not suitable for foot traffic.
3. Wood cellulose fiber	Hay or straw	Apply with hydroseeder immediately after mulching. Use 500 lbs. wood fiber per acre. Some products contain an adhesive material ("tackifier"), possibly advantageous.
4. Mulch anchoring tool	Hay or straw	Apply mulch and pull a mulch anchoring tool (blunt, straight discs) over mulch as near to the contour as possible. Mulch material should be "tucked" into soil surface about 3".
5. Tackifier	Hay or straw	Mix and apply polymeric and gum tackifiers according to manufacturer's instructions. Avoid application during rain. A 24-hour curing period and a soil temperature higher than 45^0 Fahrenheit are required.

STANDARD AND SPECIFICATIONS FOR PROTECTING VEGETATION DURING CONSTRUCTION

Definition

The protection of trees, shrubs, ground cover and other vegetation from damage by construction equipment.

Purpose

To preserve existing vegetation determined to be important for soil erosion control, water quality protection, shade, screening, buffers, wildlife habitat, wetland protection, and other values.

Condition Where Practice Applies

On planned construction sites where valued vegetation exists and needs to be preserved.

Design Criteria

1. Planning Considerations

   A. Inventory:

      1) Property boundaries, topography, vegetation and soils information should be gathered. Identify potentially high erosion areas, areas with tree windthrow potential, etc. A vegetative cover type map should be made on a copy of a topographic map which shows other natural and manmade features. Vegetation that is desirable to preserve because of its value for screening, shade, critical erosion control, endangered species, aesthetics, etc., should be identified and marked on the map.

      2) Based upon this data, general statements should be prepared about the present condition, potential problem areas, and unique features of the property.

   B. Planning:

      1) After engineering plans (plot maps) are prepared, another field review should take place and recommendations made for the vegetation to be saved. Minor adjustments in location of roads, dwellings, and utilities may be needed. Construction on steep slopes, erodible soils, wetlands, and streams should be avoided. Clearing limits should be delineated (See Section 2).

      2) Areas to be seeded and planted should be identified. Remaining vegetation should blend with their surroundings and/or provide special function such as a filter strip, buffer zone, or screen.

      3) Trees and shrubs of special seasonal interest, such as flowering dogwood, red maple, striped maple, serviceberry, or shadbush, and valuable potential shade trees should be identified and marked for special protective treatment as appropriate.

      4) Trees to be cut should be marked on the plans. If timber can be removed for salable products, a forester should be consulted for marketing advice.

      5) Trees that may become a hazard to people, personal property, or utilities should be removed. These include trees that are weak-wooded, disease-prone, subject to windthrow, or those that have severely damaged root systems.

      6) The vigor of remaining trees may be improved by a selective thinning. A forester should be consulted for implementing this practice.

2. Measures to Protect Vegetation

   A. Limit soil placement over existing tree and shrub roots to a maximum of 3 inches. Soils with loamy texture and good structure should be used.

   B. Use retaining walls and terraces to protect roots of trees and shrubs when grades are lowered. Lowered grades should start no closer than the dripline of the tree. For narrow-canopied trees and shrubs, the stem diameter in inches is converted to feet and doubled, such that a 10 inch tree should be protected to 20 feet.

C. Trenching across tree root systems should be the same minimum distance from the trunk, as in “B”. Tunnels under root systems for underground utilities should start 18 inches or deeper below the normal grounds surface. Tree roots which must be severed should be cut clean. Backfill material that will be in contact with the roots should be topsoil or a prepared planting soil mixture.

D. Construct sturdy fences, or barriers, of wood, steel, or other protective material around valuable vegetation for protection from construction equipment. Place barriers far enough away from trees, but not less than the specifications in "B", so that tall equipment such as backhoes and dump trucks do not contact tree branches.

E. Construction limits should be identified and clearly marked to exclude equipment.

F. Avoid spills of oil/gas and other contaminants.

G. Obstructive and broken branches should be pruned properly. The branch collar on all branches whether living or dead should not be damaged. The 3 or 4 cut method should be used on all branches larger than two inches at the cut. First cut about one-third the way through the underside of the limb (about 6-12 inches from the tree trunk). Then (approximately an inch further out) make a second cut through the limb from the upper side. When the branch is removed, there is no splintering of the main tree trunk. Remove the stub. If the branch is larger than 5-6 inches in diameter, use the four cut system. Cuts 1 and 2 remain the same and cut 3 should be from the underside of the limb, on the outside of the branch collar. Cut 4 should be from the top and in alignment with the 3rd cut. Cut 3 should be 1/4 to 1/3 the way through the limb. This will prevent the bark from peeling down the trunk. Do not paint the cut surface.

H. Penalties for damage to valuable trees, shrubs, and herbaceous plants should be clearly spelled out in the contract.

STANDARD AND SPECIFICATIONS
FOR
FIBER ROLL

Definition

A fiber roll is a coir (coconut fiber), straw, or excelsior woven roll encased in netting of jute, nylon, or burlap.

Purpose

To dissipate energy along streambanks, channels, and bodies of water and reduce sheet flow on slopes.

Conditions Where Practice Applies

Fiber rolls are used where the water surface levels are relatively constant. Artificially controlled streams for hydropower are not good candidates for this technique. The rolls provide a good medium for the introduction of herbaceous vegetation. Planting in the fiber roll is appropriate where the roll will remain continuously wet.

Design Criteria

1. The roll is placed in a shallow trench dug below baseflow or in a 4 inch trench on the slope contour and anchored by 2" x 2", 3-foot long posts driven on each side of the roll (see Figure 4.9).

2. The roll is contained by a 9-gauge non-galvanized wire placed over the roll from post to post. Braided nylon rope (1/8" thick) may be used.

3. The anchor posts shall be spaced laterally 4 feet on center on both sides of the roll, staggered, and driven down to the top of the roll.

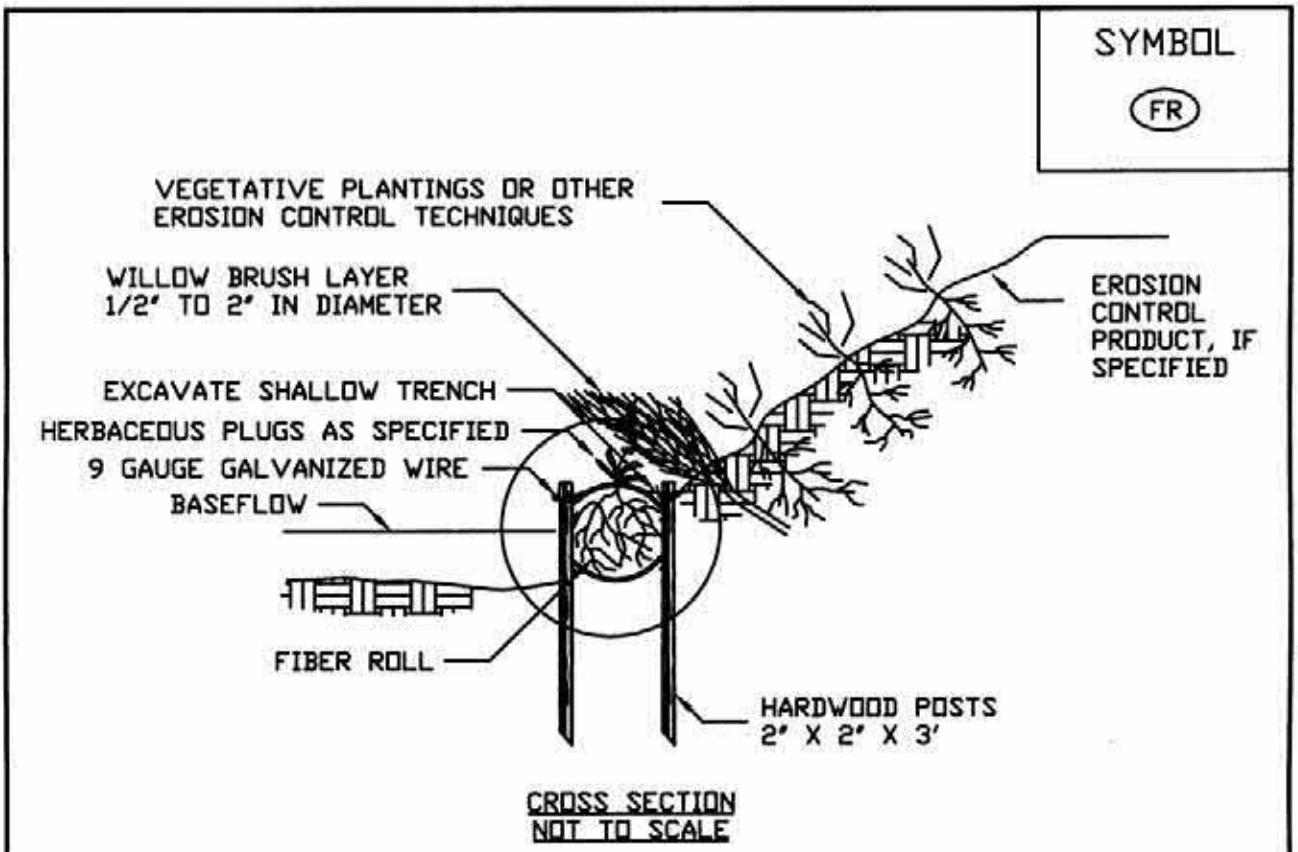
4. Soil is placed behind the roll and planted with suitable herbaceous or woody vegetation. If the roll will be continuously saturated, wetland plants may be planted into voids created in the upper surface of the roll.

5. Where water levels may fall below the bottom edge of the roll, a brush layer of willow should be installed so as to lay across the top edge of the roll.

Maintenance

Due to the susceptibility of plant materials to the physical constraints of the site, climate conditions, and animal populations, it is necessary to inspect installations frequently. This is especially important during the first year or two of establishment. Plant materials missing or damaged should be replaced as soon as possible. Sloughs or breaks in drainage pattern should be reestablished for the site as quickly as possible to maintain stability.

Figure 4.9
Fiber Roll



CONSTRUCTION SPECIFICATIONS

1. EXCAVATE A SHALLOW TRENCH SLIGHTLY BELOW BASEFLOW OR A 4" TRENCH ON SLOPE CONTOURS.
2. PLACE THE ROLL IN THE TRENCH AND ANCHOR WITH 2" x 2" POSTS PLACED ON BOTH SIDES OF THE ROLL AND SPACED LATERALLY ON 2' TO 4' CENTERS. TRIM THE TOP OF THE POSTS EVEN WITH THE EDGE OF THE ROLL, IF NECESSARY.
3. NOTCH THE POSTS AND TIE TOGETHER, ACROSS THE ROLL, WITH 9 GAUGE GALVANIZED WIRE OR 1/8" DIAMETER BRAIDED NYLON ROPE..
4. PLACE SOIL EXCAVATED FROM THE TRENCH BEHIND THE ROLL AND HAND TAMP. PLANT WITH SUITABLE HERBACEOUS OR WOODY VEGETATION AS SPECIFIED ELSEWHERE IN THE CONTRACT DOCUMENTS. VEGETATION SHALL BE PLACED IMMEDIATELY ADJACENT TO THE ROLL TO PROMOTE ROOT GROWTH INTO THE FIBER. HERBACEOUS VEGETATION, IF SPECIFIED, SHALL BE PLANTED INTO THE FIBER ROLL.

ADAPTED FROM DETAILS PROVIDED BY: USDA - NRCS, NEW YORK STATE DEPARTMENT OF TRANSPORTATION, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, NEW YORK STATE SOIL & WATER CONSERVATION COMMITTEE

FIBER ROLL

STANDARD AND SPECIFICATIONS FOR CONCRETE TRUCK WASHOUT

Definition & Scope

A temporary excavated or above ground lined constructed pit where concrete truck mixers and equipment can be washed after their loads have been discharged, to prevent highly alkaline runoff from entering storm drainage systems or leaching into soil.

Conditions Where Practice Applies

Washout facilities shall be provided for every project where concrete will be poured or otherwise formed on the site. This facility will receive highly alkaline wash water from the cleaning of chutes, mixers, hoppers, vibrators, placing equipment, trowels, and screeds. Under no circumstances will wash water from these operations be allowed to infiltrate into the soil or enter surface waters.

Design Criteria

Capacity: The washout facility should be sized to contain solids, wash water, and rainfall and sized to allow for the evaporation of the wash water and rainfall. Wash water shall be estimated at 7 gallons per chute and 50 gallons per hopper of the concrete pump truck and/or discharging drum. The minimum size shall be 8 feet by 8 feet at the bottom and 2 feet deep. If excavated, the side slopes shall be 2 horizontal to 1 vertical.

Location: Locate the facility a minimum of 100 feet from drainage swales, storm drain inlets, wetlands, streams and other surface waters. Prevent surface water from entering the structure except for the access road. Provide appropriate access with a gravel access road sloped down to the structure. Signs shall be placed to direct drivers to the facility after their load is discharged.

Liner: All washout facilities will be lined to prevent leaching of liquids into the ground. The liner shall be plastic sheeting with a minimum thickness of 10 mils with no holes or tears, and anchored beyond the top of the pit with an earthen berm, sand bags, stone, or other structural appurtenance except at the access point.

If pre-fabricated washouts are used they must ensure the capture and containment of the concrete wash and be sized based on the expected frequency of concrete pours. They shall be sited as noted in the location criteria.

Maintenance

- All concrete washout facilities shall be inspected daily. Damaged or leaking facilities shall be deactivated and repaired or replaced immediately. Excess rainwater that has accumulated over hardened concrete should be pumped to a stabilized area, such as a grass filter strip.
- Accumulated hardened material shall be removed when 75% of the storage capacity of the structure is filled. Any excess wash water shall be pumped into a containment vessel and properly disposed of off site.
- Dispose of the hardened material off-site in a construction/demolition landfill. On-site disposal may be allowed if this has been approved and accepted as part of the projects SWPPP. In that case, the material should be recycled as specified, or buried and covered with a minimum of 2 feet of clean compacted earthfill that is permanently stabilized to prevent erosion.
- The plastic liner shall be replaced with each cleaning of the washout facility.
- Inspect the project site frequently to ensure that no concrete discharges are taking place in non-designated areas.

STANDARD AND SPECIFICATIONS FOR ROCK OUTLET PROTECTION

Definition & Scope

A **permanent** section of rock protection placed at the outlet end of the culverts, conduits, or channels to reduce the depth, velocity, and energy of water, such that the flow will not erode the receiving downstream reach.

Conditions Where Practice Applies

This practice applies where discharge velocities and energies at the outlets of culverts, conduits, or channels are sufficient to erode the next downstream reach. This applies to:

1. Culvert outlets of all types.
2. Pipe conduits from all sediment basins, dry storm water ponds, and permanent type ponds.
3. New channels constructed as outlets for culverts and conduits.

Design Criteria

The design of rock outlet protection depends entirely on the location. Pipe outlet at the top of cuts or on slopes steeper than 10 percent, cannot be protected by rock aprons or riprap sections due to re-concentration of flows and high velocities encountered after the flow leaves the apron.

Many counties and state agencies have regulations and design procedures already established for dimensions, type and size of materials, and locations where outlet protection is required. Where these requirements exist, they shall be followed.

Tailwater Depth

The depth of tailwater immediately below the pipe outlet must be determined for the design capacity of the pipe. If the tailwater depth is less than half the diameter of the outlet pipe, and the receiving stream is wide enough to accept divergence of the flow, it shall be classified as a Minimum Tailwater Condition; see Figure 3.16 on page 3.42 as an example. If the tailwater depth is greater than half the pipe diameter and the receiving stream will continue to confine the flow, it shall be classified as a Maximum Tailwater Condition; see Figure 3.17 on page 3.43 as an example. Pipes which outlet onto flat areas with no defined channel may be assumed to have a Minimum Tailwater Condition; see Figure 3.16 on page 3.42 as an example.

Apron Size

The apron length and width shall be determined from the curves according to the tailwater conditions:

Minimum Tailwater – Use Figure 3.16 on page 3.42
Maximum Tailwater – Use Figure 3.17 on page 3.43

If the pipe discharges directly into a well defined channel, the apron shall extend across the channel bottom and up the channel banks to an elevation one foot above the maximum tailwater depth or to the top of the bank, whichever is less.

The upstream end of the apron, adjacent to the pipe, shall have a width two (2) times the diameter of the outlet pipe, or conform to pipe end section if used.

Bottom Grade

The outlet protection apron shall be constructed with no slope along its length. There shall be no overfall at the end of the apron. The elevation of the downstream end of the apron shall be equal to the elevation of the receiving channel or adjacent ground.

Alignment

The outlet protection apron shall be located so that there are no bends in the horizontal alignment.

Materials

The outlet protection may be done using rock riprap, grouted riprap, or gabions. Outlets constructed on the bank of a stream or wetland shall not use grouted rip-rap, gabions or concrete.

Riprap shall be composed of a well-graded mixture of rock size so that 50 percent of the pieces, by weight, shall be larger than the d_{50} size determined by using the charts. A

well-graded mixture, as used herein, is defined as a mixture composed primarily of larger rock sizes, but with a sufficient mixture of other sizes to fill the smaller voids between the rocks. The diameter of the largest rock size in such a mixture shall be 1.5 times the d_{50} size.

Thickness

The minimum thickness of the riprap layer shall be 1.5 times the maximum rock diameter for d_{50} of 15 inches or less; and 1.2 times the maximum rock size for d_{50} greater than 15 inches. The following chart lists some examples:

D_{50} (inches)	d_{max} (inches)	Minimum Blanket Thickness (inches)
4	6	9
6	9	14
9	14	20
12	18	27
15	22	32
18	27	32
21	32	38
24	36	43

Rock Quality

Rock for riprap shall consist of field rock or rough unhewn quarry rock. The rock shall be hard and angular and of a quality that will not disintegrate on exposure to water or weathering. The specific gravity of the individual rocks shall be at least 2.5.

Filter

A filter is a layer of material placed between the riprap and the underlying soil surface to prevent soil movement into and through the riprap. Riprap shall have a filter placed under it in all cases.

A filter can be of two general forms: a gravel layer or a plastic filter cloth. The plastic filter cloth can be woven or non-woven monofilament yarns, and shall meet these base requirements: thickness 20-60 mils, grab strength 90-120 lbs; and shall conform to ASTM D-1777 and ASTM D-1682.

Gravel filter blanket, when used, shall be designed by comparing particle sizes of the overlying material and the base material. Design criteria are available in Standard and Specification for Anchored Slope and Channel Stabilization on page 4.7.

Gabions

Gabions shall be made of hexagonal triple twist mesh with heavily galvanized steel wire. The maximum linear dimension of the mesh opening shall not exceed 4 ½ inches and the area of the mesh opening shall not exceed 10 square inches.

Gabions shall be fabricated in such a manner that the sides, ends, and lid can be assembled at the construction site into a rectangular basket of the specified sizes. Gabions shall be of single unit construction and shall be installed according to manufacturer's recommendations.

The area on which the gabion is to be installed shall be graded as shown on the drawings. Foundation conditions shall be the same as for placing rock riprap, and filter cloth shall be placed under all gabions. Where necessary, key, or tie, the structure into the bank to prevent undermining of the main gabion structure.

Maintenance

Once a riprap outlet has been installed, the maintenance needs are very low. It should be inspected after high flows for evidence of scour beneath the riprap or for dislodged rocks. Repairs should be made immediately.

Design Procedure

1. Investigate the downstream channel to assure that nonerosive velocities can be maintained.

2. Determine the tailwater condition at the outlet to establish which curve to use.

3. Use the appropriate chart with the design discharge to determine the riprap size and apron length required. It is noted that references to pipe diameters in the charts are based on full flow. For other than full pipe flow, the parameters of depth of flow and velocity must be used to adjust the design discharges.

4. Calculate apron width at the downstream end if a flare section is to be employed.

Design Examples are demonstrated in Appendix B.

Construction Specifications

1. The subgrade for the filter, riprap, or gabion shall be prepared to the required lines and grades. Any fill required in the subgrade shall be compacted to a density of approximately that of the surrounding undisturbed material.

2. The rock or gravel shall conform to the specified grad-

ing limits when installed respectively in the riprap or filter.

3. Filter cloth shall be protected from punching, cutting, or tearing. Any damage other than an occasional small hole shall be repaired by placing another piece of cloth over the damaged part or by completely replacing the cloth. All overlaps, whether for repairs or for joining two pieces of cloth shall be a minimum of one foot.

4. Rock for the riprap or gabion outlets may be placed by equipment. Both shall each be constructed to the full course thickness in one operation and in such a manner as to avoid displacement of underlying materials. The rock for riprap or gabion outlets shall be delivered and placed in a manner that will ensure that it is reasonably homogenous with the smaller rocks and spalls filling the voids between the larger rocks. Riprap shall be placed in a manner to prevent damage to the filter blanket or filter cloth. Hand placement will be required to the extent necessary to prevent damage to the permanent works.

Figure 3.16
Outlet Protection Design—Minimum Tailwater Condition Chart (Design of Outlet Protection from a Round Pipe Flowing Full, Minimum Tailwater Condition: $T_w < 0.5D_o$) (USDA - NRCS)

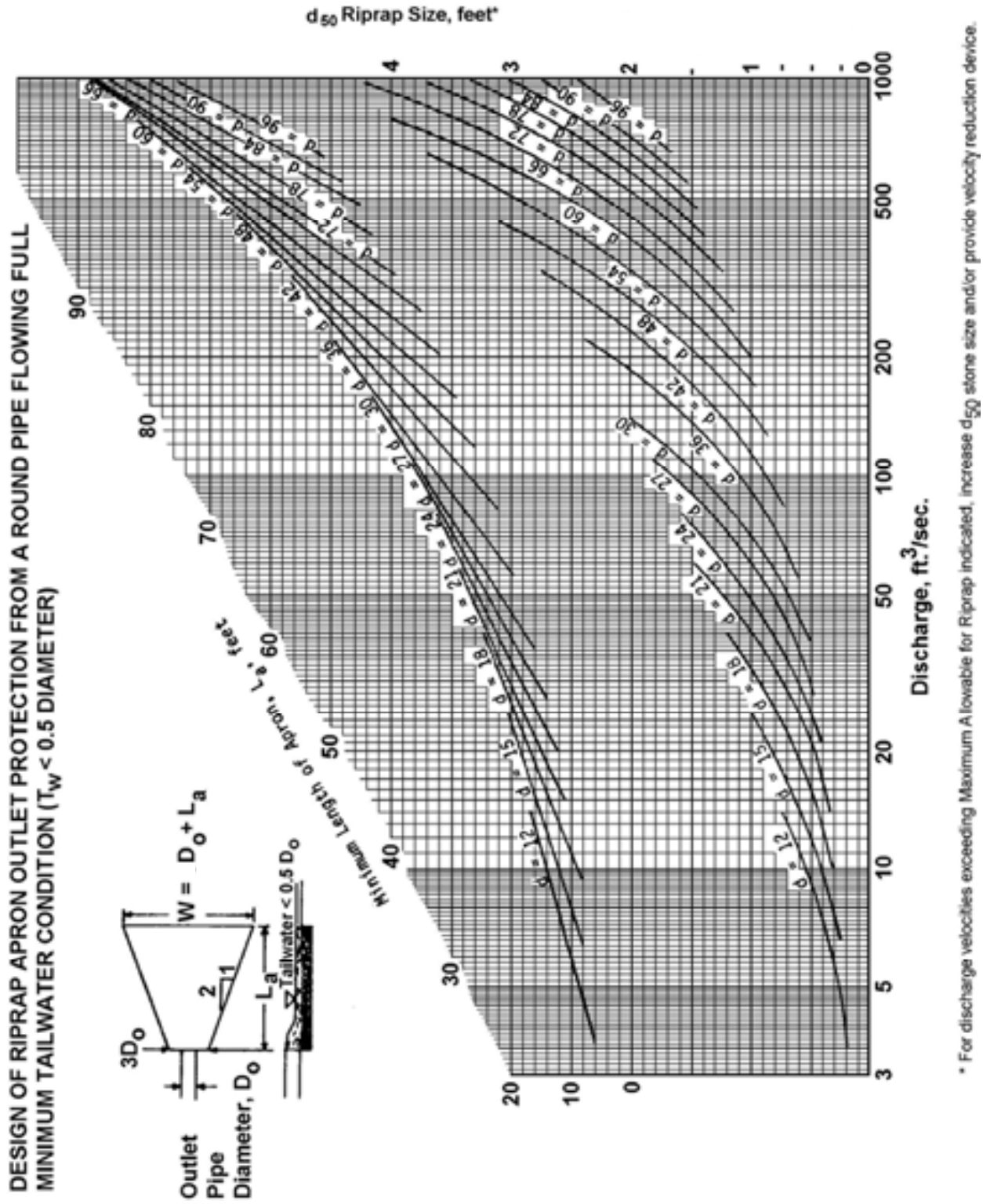


Figure 3.17
Outlet Protection Design—Maximum Tailwater Condition Chart (Design of Outlet Protection from a Round Pipe Flowing Full, Maximum Tailwater Condition: $T_w \geq 0.5D_o$) (USDA - NRCS)

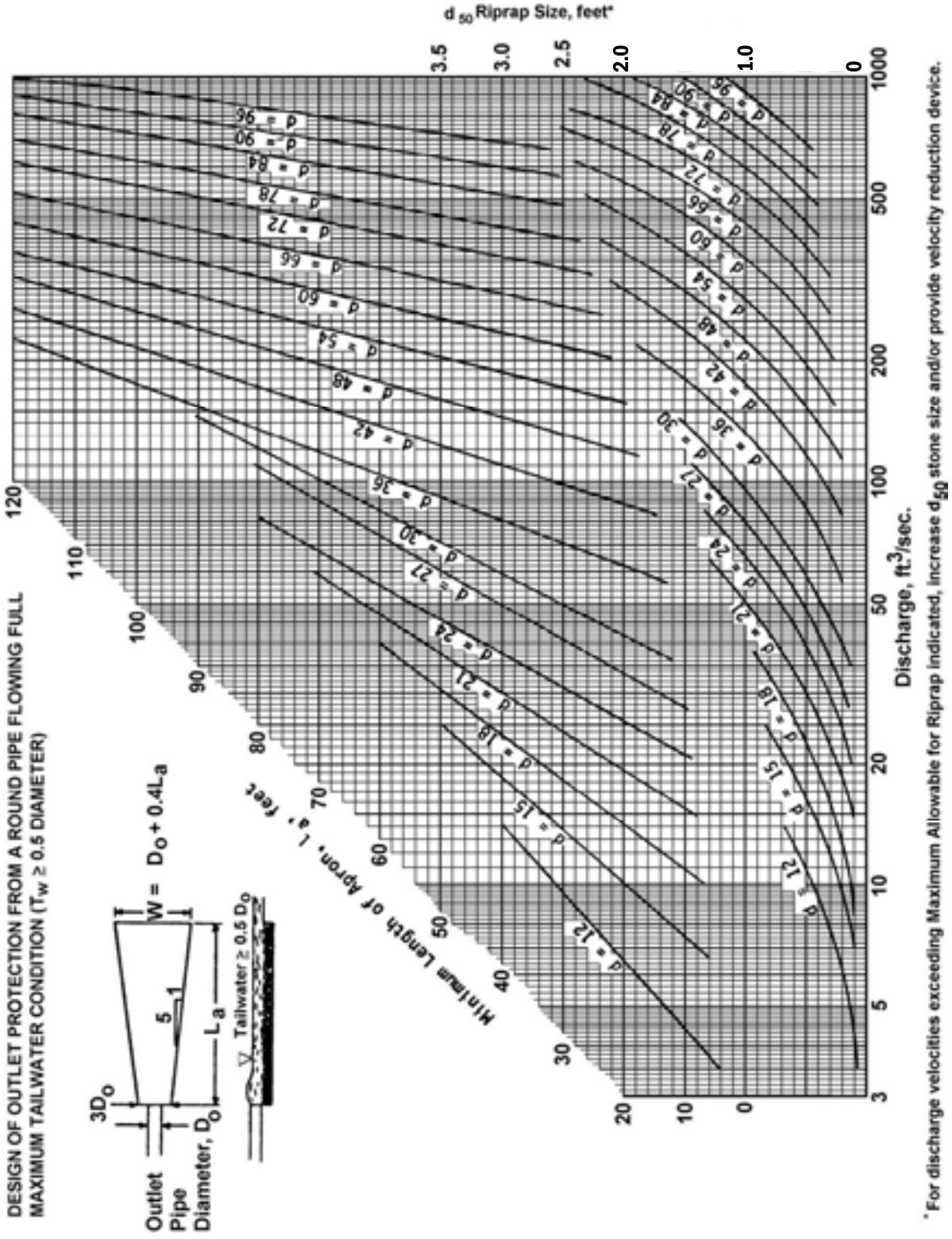


Figure 3.18
Riprap Outlet Protection Detail (1)

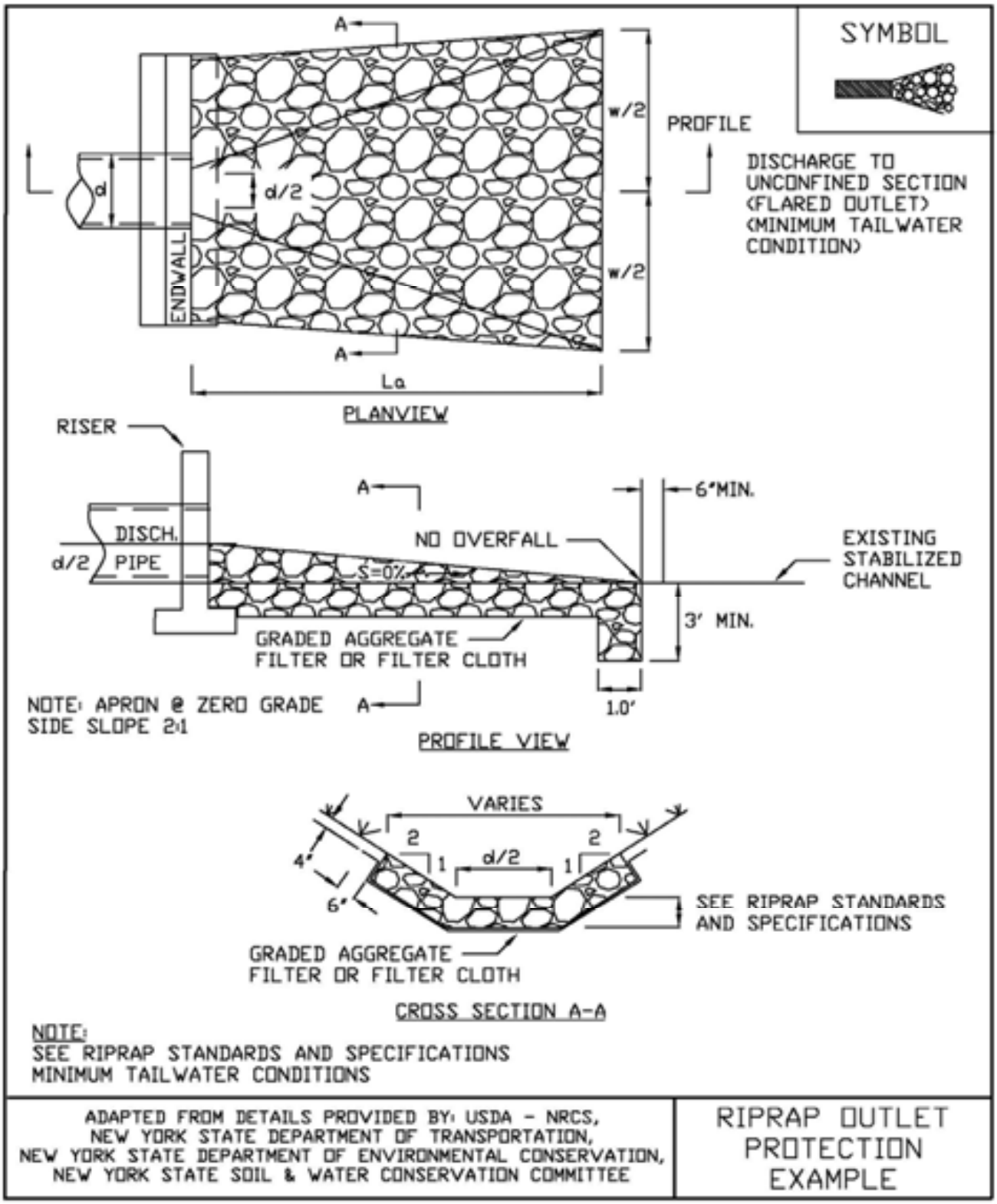


Figure 3.19
Riprap Outlet Protection Detail (2)

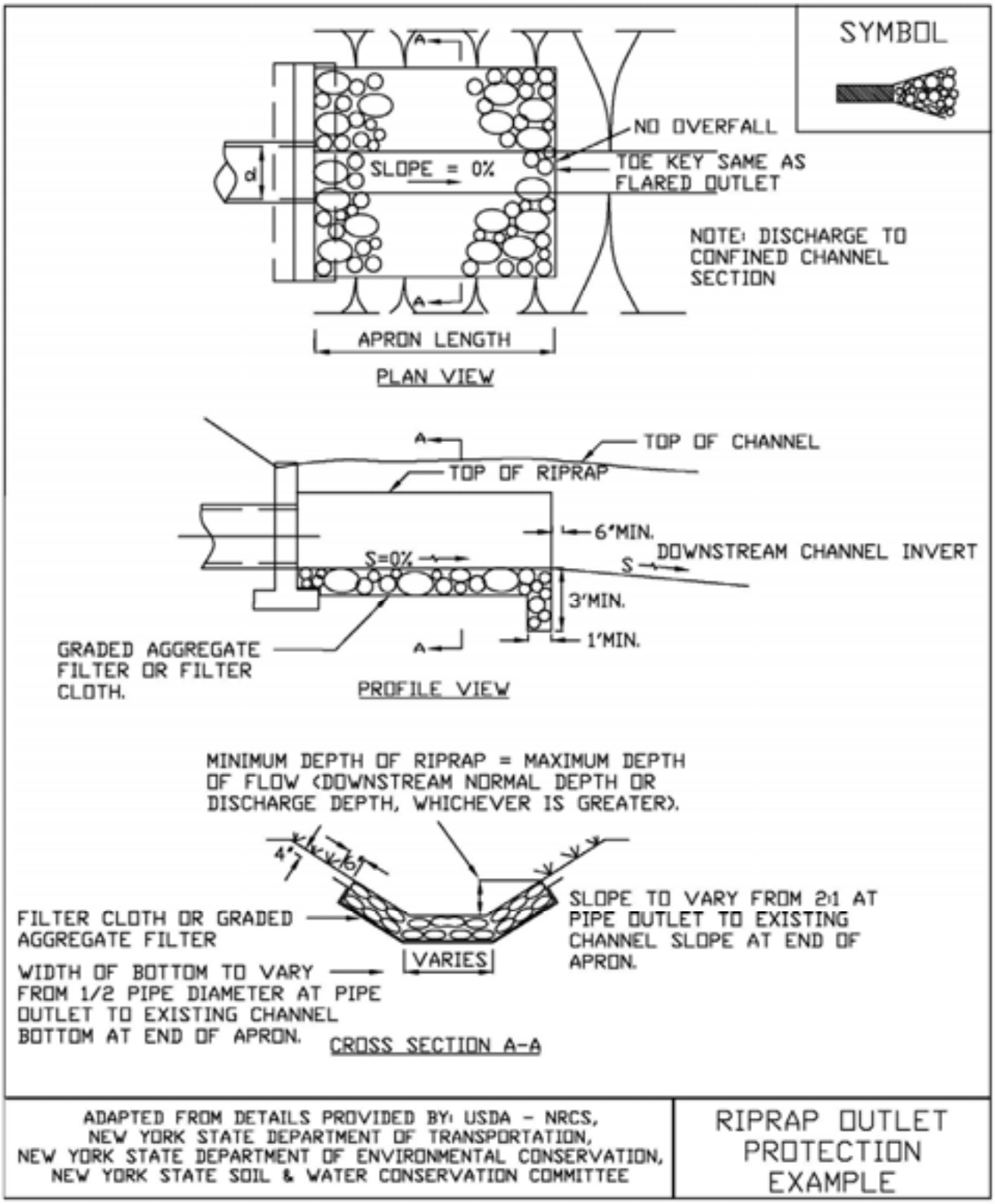
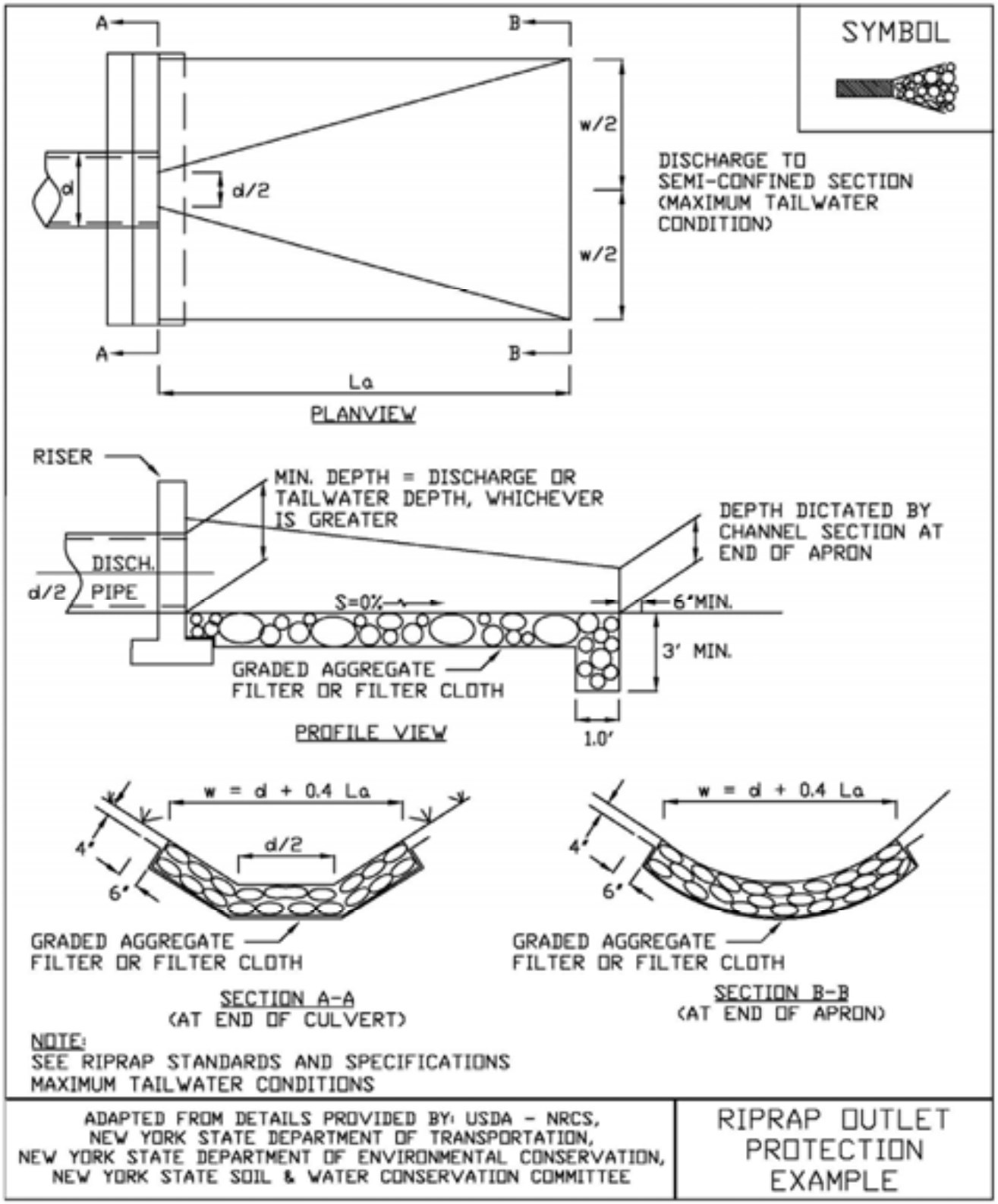


Figure 3.20
Riprap Outlet Protection Detail (3)



STANDARD AND SPECIFICATIONS FOR SURFACE ROUGHENING

Definition & Scope

Roughening a bare soil surface whether through creating horizontal grooves across a slope, stair-stepping, or tracking with construction equipment to aid the establishment of vegetative cover from seed, to reduce runoff velocity and increase infiltration, and to reduce erosion and provide for trapping of sediment.

Conditions Where Practice Applies

All construction slopes require surface roughening to facilitate stabilization with vegetation, particularly slopes steeper than 3:1.

Design Criteria

There are many different methods to achieve a roughened soil surface on a slope. No specific design criteria is required. However, the selection of the appropriate method depends on the type of slope. Methods include tracking, grooving, and stair-stepping. Steepness, mowing requirements, and/or a cut or fill slope operation are all factors considered in choosing a roughening method.

Construction Specifications

1. Cut Slope, No mowing.

   A. Stair-step grade or groove cut slopes with a gradient steeper than 3:1 (Figure 4.18).

   B. Use stair-step grading on any erodible material soft enough to be ripped with a bulldozer. Slopes of soft rock with some soil are particularly suited to stair-step grading.

   C. Make the vertical cut distance less than the horizontal distance, and slightly slope the horizontal position of the "step" to the vertical wall.

   D. Do not make vertical cuts more than 2 feet in soft materials or 3 feet in rocky materials.

Grooving uses machinery to create a series of ridges and depressions that run perpendicular to the slope following the contour. Groove using any appropriate implement that can be safely operated on the slope, such as disks, tillers, spring harrows, or the teeth of a front-end loader bucket. Do not make the grooves less than 3 inches deep or more than 15 inches apart.

2. Fill Slope, No mowing

   A. Place fill to create slopes with a gradient no steeper than 2:1 in lifts 9 inches or less and properly compacted. Ensure the face of the slope consists of loose, uncompacted fill 4 to 6 inches deep. Use grooving as described above to roughen the slope, if necessary.

   B. Do not back blade or scrape the final slope face.

3. Cuts/Fills, Mowed Maintenance

   A. Make mowed slopes no steeper than 3:1.

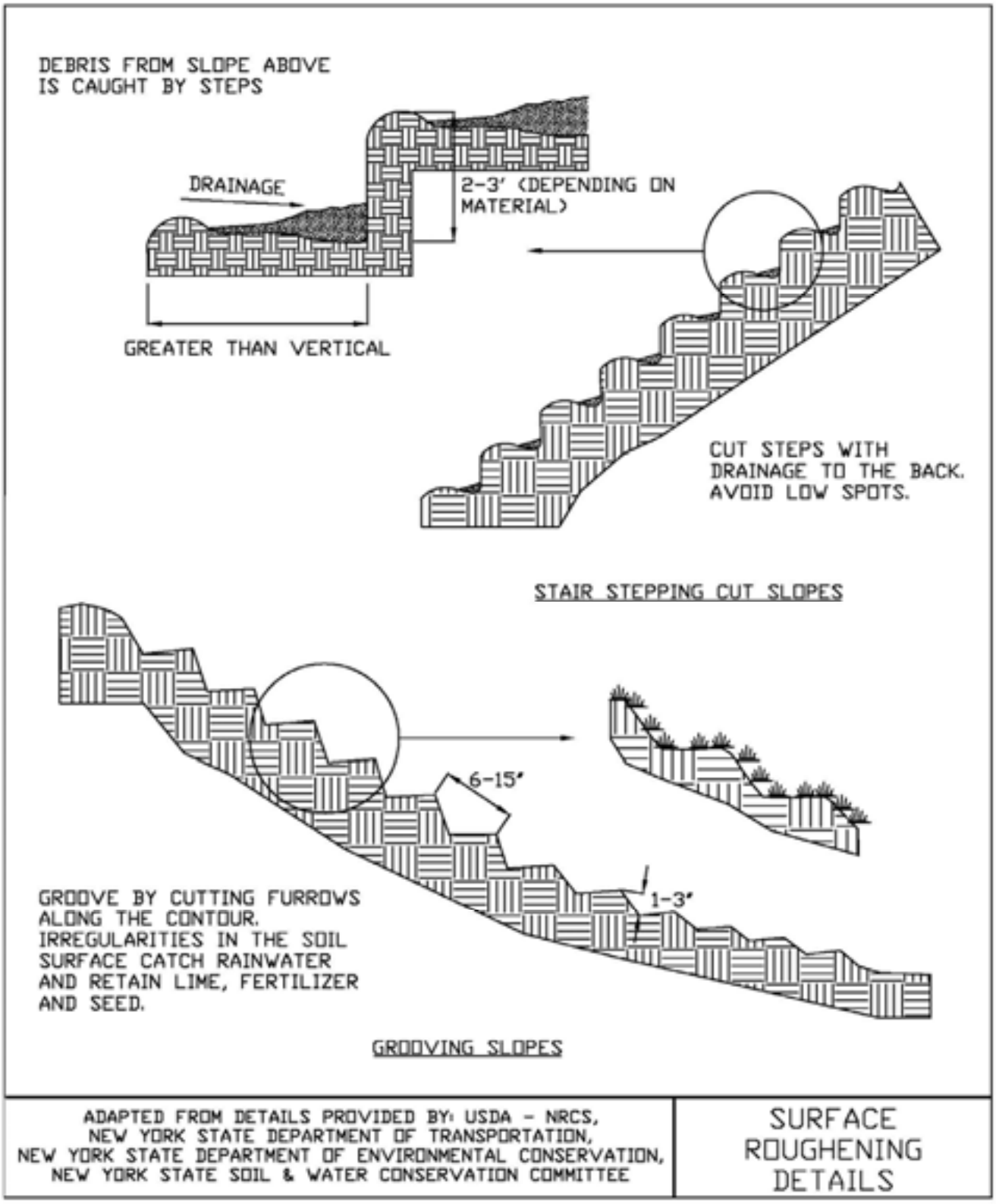
   B. Roughen these areas to shallow grooves by normal tilling, disking, harrowing, or use of cultipacker-seeder. Make the final pass of such tillage equipment on the contour.

   C. Make grooves at least 1 inch deep and a maximum of 10 inches apart.

   D. Excessive roughness is undesirable where mowing is planned.

Tracking should be used primarily in sandy soils to avoid undue compaction of the soil surface. Tracking is generally not as effective as the other roughening methods described. (It has been used as a method to track down mulch.) Operate tracked machinery up and down the slope to leave horizontal depressions in the soil. Do not back-blade during the final grading operation.

Figure 4.18
Surface Roughening



STANDARD AND SPECIFICATIONS FOR TEMPORARY CONSTRUCTION AREA SEEDING

Definition & Scope

Providing temporary erosion control protection to disturbed areas and/or localized critical areas for an interim period by covering all bare ground that exists as a result of construction activities or a natural event. Critical areas may include but are not limited to steep excavated cut or fill slopes and any disturbed, denuded natural slopes subject to erosion.

Conditions Where Practice Applies

Temporary seedings may be necessary on construction sites to protect an area, or section, where final grading is complete, when preparing for winter work shutdown, or to provide cover when permanent seedings are likely to fail due to mid-summer heat and drought. The intent is to provide temporary protective cover during temporary shutdown of construction and/or while waiting for optimal planting time.

Criteria

Water management practices must be installed as appropriate for site conditions. The area must be rough graded and slopes physically stable. Large debris and rocks are usually removed. Seedbed must be seeded within 24 hours of disturbance or scarification of the soil surface will be necessary prior to seeding.

Fertilizer or lime are not typically used for temporary seedings.

IF: Spring or summer or early fall, then seed the area with ryegrass (annual or perennial) at 30 lbs. per acre (Approximately 0.7 lb./1000 sq. ft. or use 1 lb./1000 sq. ft.).

IF: Late fall or early winter, then seed Certified 'Aroostook' winter rye (cereal rye) at 100 lbs. per acre (2.5 lbs./1000 sq. ft.).

Any seeding method may be used that will provide uniform application of seed to the area and result in relatively good soil to seed contact.

Mulch the area with hay or straw at 2 tons/acre (approx. 90 lbs./1000 sq. ft. or 2 bales). Quality of hay or straw mulch allowable will be determined based on long term use and visual concerns. Mulch anchoring will be required where wind or areas of concentrated water are of concern. Wood fiber hydromulch or other sprayable products approved for erosion control (nylon web or mesh) may be used if applied according to manufacturers' specification. Caution is advised when using nylon or other synthetic products. They may be difficult to remove prior to final seeding and can be a hazard to young wildlife species.

SEDIMENT CONTROL

Scope and Discussion

Sediment control is the second component in the site management plan after erosion control. Primary emphasis should be placed on erosion control first which combines runoff control and soil stabilization to minimize soil erosion. Sediment control practices are then integrated into the plan to further reduce the migration of eroded soil both on and off site.

The majority of sediment control practices utilize settling to capture sediment within a storage volume where it can be contained and managed. These practices include sediment basins, sediment traps and dikes, rock dams, water structures, silt fence, turbidity curtains, straw bale dikes, and portable settling tanks. There is also a group of practices that rely on both filtering and settling to capture sediment. These practices include storm drain inlet protection structures, geotextile filter bags, compost tubes, and buffer filter strips. In addition, the use of chemical polymer substances is a process that may, with NYSDEC approval, be used on sites where disturbed clay soils remain in suspension.

It is important that these sediment control practices be designed, constructed and installed in accordance with the criteria contained in these standards. For these practices to effectively remove sediment from turbid water, the volumes, dimensions, and appropriate attributes of these individual practices must be maintained. This includes the calculated relationships of dimensions to respective drainage areas, length to width ratios, and frequency of inspection and maintenance.

Note: Performing activities within or adjacent to wetlands, streams and waterbodies may require permits from the New York State Department of Environmental Conservation (NYSDEC) pursuant to Article 15 (Protection of Waters), Article 24 (Freshwater Wetlands) and Article 25 (Tidal Wetlands) of the Environmental Conservation Law (ECL). Project owners should contact NYSDEC's Regional Division of Environmental Permits early in the site planning process to discuss the requirements for meeting permit issuance standards. Following the New York State Standards and Specifications for Erosion and Sediment Control may not ensure compliance with the above referenced sections of the ECL.

To assist with the success of these sediment control practices, apply the following concepts for the practice design and location:

1. Keep the clean water clean by diverting runoff from upslope areas away from disturbed areas.
2. Employ natural vegetative buffers or artificial mats to assist in sediment capture in sheet flow areas.
3. Control concentrated flow to minimize additional erosion that could overwhelm a practice.
4. Stabilize all sediment control systems as soon as they are installed so they do not contribute sediment to site runoff.
5. Remove all practices after use and stabilize the regraded areas immediately.

Sediment accumulated in the sediment control practices must be removed when the sediment has filled the designated storage volume for the practice. The material must be disposed of in a manner that stabilizes it on the construction site. These details, as well as the frequency of inspection, sequences of installation and removal, and an inspection checklist shall be included in the Stormwater Pollution Prevention Plan for the site.

Chemical Treatment

Precipitation of sediment is enhanced with the use of specific chemical flocculants that can be applied to a sediment basin in liquid, powder, or solid form. Flocculants include polyacrylimide, aluminum sulfate (alum), and polyaluminum chloride.

Polymer flocculation shall only be used for dispersive soil-water mixtures that do not respond to normal settling times when allowed to set in sediment traps and basins, i.e. less than 7 days. Controlled application takes place in a sediment basin or trap with anionic polyelectrolytes in the form of liquid, powder, or solid form, such as polyacrylimide, aluminum sulfate, chitosan lactate, or chitosan acetate. Cationic polyelectrolytes have a greater toxicity to fish and other aquatic organisms than anionic

polyelectrolytes because they bind to the gills of fish resulting in respiratory failure (Pitt 2003).

Chemical treatment shall not be substituted for proper planning, phasing, sequencing, and the design of appropriate erosion and sediment control practices.

No polymer application shall take place without written approval from NYSDEC.

Field tests must be conducted on the proposed site at the design basin locations with the tributary soils to establish polymer dosing rates and verify settling performance.

Treated water discharged from sediment basins with polymer treatment will be tested to determine that any residual polymer meets the standards set by NYSDEC. Polymer flocculation systems require daily inspection.

STANDARD AND SPECIFICATIONS FOR ARMORED SLOPE AND CHANNEL STABILIZATION

Definition & Scope

A **permanent** layer of stone designed to protect and stabilize areas subject to erosion by protecting the soil surface from rain splash, sheet flow, rill and gully erosion and channel erosion. It can also be used to improve the stability of soil slopes that are subject to seepage or have poor soil structure.

Conditions Where Practice Applies

Riprap is used for cut and fill slopes subject to seepage, erosion, or weathering, particularly where conditions prohibit the establishment of vegetation. Riprap is also used for channel side slopes and bottoms, temporary dewatering diversion channels where the flow velocities exceed 6 feet/second, grade sills, on shorelines subject to erosion, and at inlets and outlets to culverts, bridges, slope drains, grade stabilization structures, and storm drains.

Slope Stabilization Design Criteria

Gradation – Riprap shall be a well-graded mixture with 50% by weight larger than the specified design size. The diameter of the largest stone size in such a mixture should be 1.5 times the d_{50} size with smaller sizes grading down to 1 inch. The designer should select the size or sizes that equal or exceed that minimum size based on riprap gradations commercially available in the area.

Thickness – The minimum layer thickness shall be 1.5 times the maximum stone diameter, but in no case less than 6 inches.

Quality – Stone for riprap shall be hard, durable field or quarry materials. They shall be angular and not subject to breaking down when exposed to water or weathering. The specific gravity shall be at least 2.5.

Size – The sizes of stones used for riprap protection are determined by purpose and specific site conditions:

1. Slope Stabilization – Riprap stone for slope stabilization not subject to flowing water or wave action shall be sized for the proposed grade. The gradient of the slope to be stabilized shall be less than the natural angle of repose of the stone selected. Angles of repose of riprap stones may be estimated from Figure 4.1.

   Riprap used for surface stabilization of slopes does not add significant resistance to sliding or slope failure and should not be considered a retaining wall. Slopes approaching 1.5:1 may require special stability analysis. The inherent stability of the soil must be satisfactory before riprap is used for surface stabilization.

2. Channel Stabilization - Design criteria for sizing stone for stability of channel side slopes are presented under Channel Stabilization Design Criteria on page 4.10.

2. Outlet Protection – Design criteria for sizing stone and determining dimensions of riprap aprons are presented in Standards and Specifications for Rock Outlet Protection on page 3.39.

Filter Blanket – A filter blanket is a layer of material placed between the riprap and the underlying soil to prevent soil movement into or through the riprap. A suitable filter may consist of a well-graded gravel or sand-gravel layer or a synthetic filter fabric manufactured for this purpose. The design of a gravel filter blanket is based on the ratio of particle size in the overlying filter material to that of the base material in accordance with the criteria below. Multiple layers may be designed to affect a proper filter if necessary.

A gravel filter blanket should have the following relationship for a stable design:

$$\frac{d_{15}\ \text{filter}}{d_{85}\ \text{base}} \leq 5$$

$$5 < \frac{d_{15}\ \text{filter}}{d_{50}\ \text{base}} \leq 40$$

and

$$\frac{d_{50}\ \text{filter}}{d_{50}\ \text{base}} \leq 40$$

Filter refers to the overlying material while base refers to the underlying material. These relationships must hold between the base and filter and the filter and riprap to prevent migration of material. In some cases, more than one filter may be needed. Each filter layer should be a minimum of 6 inches thick, unless an acceptable filter fabric is used.

A synthetic filter fabric may be used with or in place of gravel filters. The following particle size relationships should exist:

1. Filter fabric covering a base containing 50% or less by weight of fine particles (#200 sieve size):

   A. $\frac{d_{85}\ \text{base (mm)}}{\text{EOS} \times \text{filter fabric (mm)}} > 1$

   B. total open area of filter fabric should not exceed 36%

2. Filter fabric covering other soils:

   A. EOS is no larger than 0.21 mm (#70 sieve size)

   B. total open area of filter fabric should not exceed 10%

*EOS – Equivalent opening size compared to a U.S. standard sieve size.

No filter fabric should have less than 4% open area or an EOS less than U.S. Standard Sieve #100 (0.15 mm). The permeability of the fabric must be greater than that of the soil. The fabric may be made of woven or nonwoven monofilament yarns and should meet the following minimum requirements:

Thickness 20-60 mils

grab strength 90-120 lbs.

conform to ASTM D-1682 or ASTM D-177

Filter blankets should always be provided where seepage is significant or where flow velocity and duration of flow or turbulence may cause underlying soil particles to move though the riprap.

Construction Specifications

Subgrade Preparation – Prepare the subgrade for riprap and filter to the required lines and grades shown on the plans. Compact any fill required in the subgrade to a density approximating that of the undisturbed material or overfill depressions with riprap. Remove brush, trees, stumps, and other objectionable material. Cut the subgrade sufficiently deep so that the finished grade of the riprap will be at the elevation of the surrounding area. Channels shall be excavated sufficiently to allow placement of the riprap in a manner such that the finished inside dimensions and grade of the riprap meet design specifications.

Sand and gravel filter blanket – Place the filter blanket immediately after the ground foundation is prepared. For gravel, spread filter stone in a uniform layer to the specified depth. Where more than one layer of filter material is used, spread the layers with minimal mixing.

Synthetic filter fabric – Place the cloth directly on the prepared foundation. Overlap the edges by at least 2 feet, and space the anchor pins every 3 feet along the overlap. Bury the upper and lower ends of the cloth a minimum of 12 inches below ground. Take precautions not to damage the cloth by dropping the riprap. If damage occurs, remove the riprap and repair the sheet by adding another layer of filter fabric with a minimum overlap of 12 inches around the damaged area. Where large stones are to be placed, a 4-inch layer of fine sand or gravel is recommended to protect the filter cloth. Filter fabric is not recommended as a filter on slopes steeper than 2 horizontal to 1 vertical.

Stone placement – Placement of the riprap shall follow immediately after placement of the filter. Place riprap so that it forms dense, well-graded mass of stone with a minimum of voids. The desired distribution of stones throughout the mass may be obtained by selective loading at the quarry and controlled dumping during final placement. Place riprap to its full thickness in one operation. Do not place riprap by dumping through chutes or other methods that cause segregation of stone sizes. Be careful not to dislodge the underlying base or filter when placing the stones.

The toe of the riprap shall be keyed into a stable foundation at its base as shown in Figure 4.2 - Typical Riprap Slope Protection Detail. The toe should be excavated to a depth of 2.0 feet. The design thickness of the riprap shall extend a minimum of 3 feet horizontally from the slope. The finished slope should be free of pockets of small stone or clusters of large stones. Hand placing may be necessary to achieve proper distribution of stone sizes to produce a relatively smooth, uniform surface. The finished grade of the riprap should blend with the surrounding area.

Maintenance

Riprap shall be inspected periodically for scour or dislodged stones. Control weed and brush growth as needed.

Figure 4.1
Angles of Repose of Riprap Stones (FHWA)

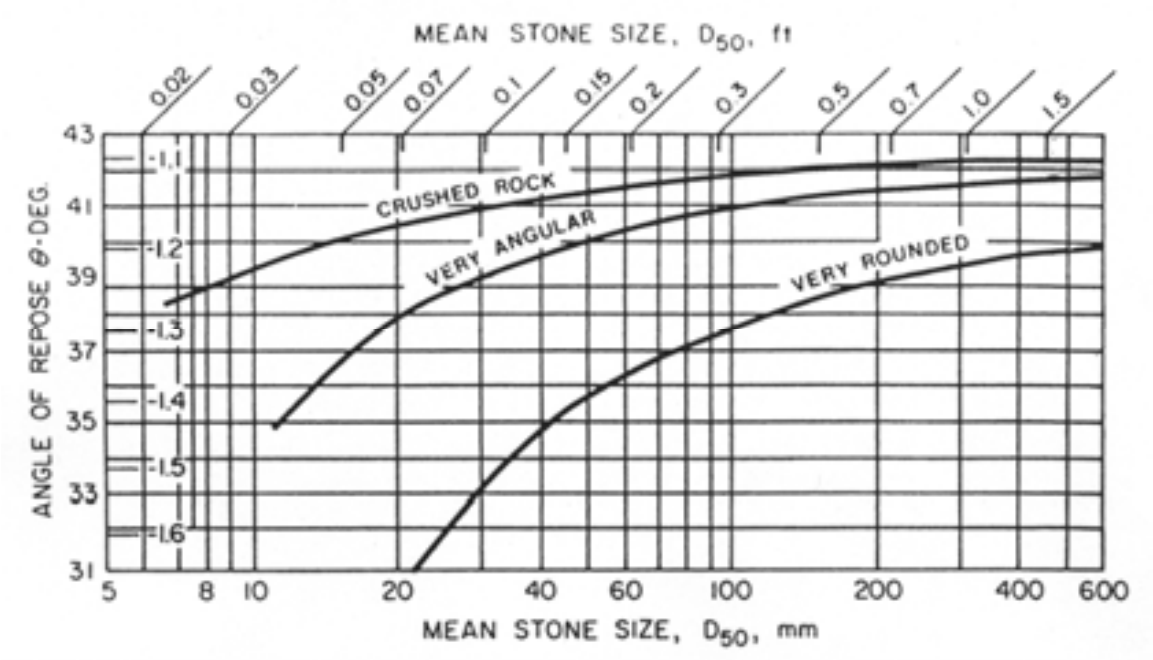
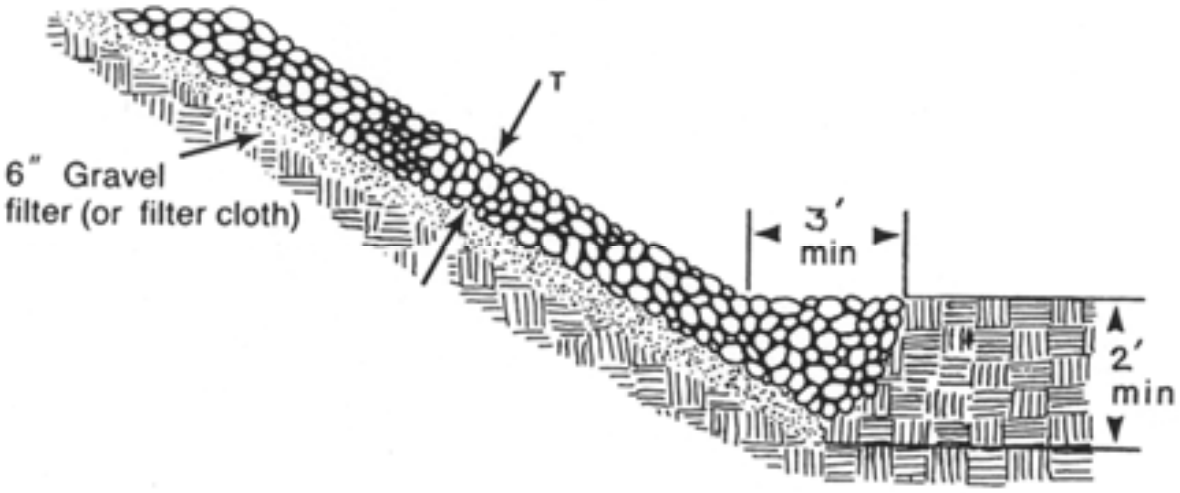


Figure 4.2
Typical Riprap Slope Protection Detail



Channel Stabilization Design Criteria

1. Since each channel is unique, measures for structural channel stabilization should be installed according to a design based on specific site conditions.

2. The plan and profile of the design reach should approximate a naturally stable channel from the project area, based on a stable "reference reach" for the subject channel type.

3. Develop designs according to the following principles:

   - Make protective measures compatible with other channel modifications planned or being carried out in the channel reaches.
   - Whenever excavation and re-shaping work is proposed within channels, the design should provide functional channel dimensions and geometry at each section. Work proposed within a stream channel may require permits from the NYS DEC and US Army Corps of Engineers.
   - Use the design velocity of the peak discharge of the 10-year storm or bankfull discharge, whichever is less. Structural measures should be capable of withstanding greater flows without serious damage.
   - Ensure that the channel bottom is stable or stabilized by structural means before installing any permanent slope protection.
   - Channel stabilization should begin at a stable location and end at a stable point along the bank.
   - Changes in alignment should not be done without a complete analysis of the environmental and stability effects on the entire system.
   - Provisions should be made to maintain and improve fish and wildlife habitat. For example, restoring lost vegetation will provide valuable shade, food, and/or cover.
   - Ensure that all requirements of state law and all permit requirements of local, state, and federal agencies are met.

Construction Specifications

Riprap – Riprap is the most commonly used material to structurally stabilize a channel. While riprap will provide the structural stabilization necessary, the side slope can be enhanced with vegetative material to slow the velocity of water, filter debris, and enhance habitat. See Principles of Biotechnical Practices on page 4.1, for more information.

1. Side slope – slopes shall be graded to 2:1 or flatter prior to placing bedding, filter fabric, or riprap.

2. Filter – filters should be placed between the base material and the riprap and meet the requirements of criteria listed pages 4.7 and 4.8.

3. Gradation – The gradation of the riprap is dependent on the velocity expected against the bank for the design conditions. See Table 4.1 on page 4.12. Once the velocity is known, gradation can be selected from the table for the appropriate class of rock. Note, this table was developed for a 2:1 slope; if the slope steepens to 1.5:1 the gradations should be increased 20%. The riprap should extend 2 feet below the channel bottom and be keyed into the side slope both at the upstream end and downstream end of the proposed work or reach.

See Figure 4.3 on page 4.13 for details.

Reinforced Concrete - Is often used to armor eroding sections of flow channel by constructing walls, bulk heads, or stabilize bank linings in urban areas for redevelopment work. Provide positive drainage behind these structures to relieve uplift pressures.

Grid Pavers – Modular concrete units with or without void areas can be used to stabilize flow channel. Units with void areas can allow the establishment of vegetation. These structures may be obtained in a variety of shapes (Figure 4.4) or they may be formed and poured in place. Maintain design and installation in accordance with manufacturer's instructions.

Revetment – Structural support or armoring to protect an embankment from erosion. Riprap and gabions are commonly used. Also used is a hollow fabric mattress with cells that receive a concrete mixture. Any revetment should be installed to a depth below the anticipated channel degradation and into the channel bed as necessary to provide stability.

Modular Pre-Cast Units – Interlocking modular precast units of different sizes, shapes, heights, and depths, have been developed for a wide variety of applications. They provide vertical support in tight areas as well as durability. Many types are available with textured surfaces. They also act as gravity retaining walls. They should be designed and installed in accordance with the manufacturer's recommendations (Figure 4.4). All areas disturbed by construction should be stabilized as soon as the structural measures are complete.

Maintenance

Check stabilized flow channel sections after every high-water event, and make any needed repairs immediately to prevent any further damage or unraveling of the existing work.

Table 4.1 - Riprap Gradations for Channel Stabilization

Class	Layer Thickness (in.)	Max. Velocity (ft/s)	Wave Height (ft.)		PERCENT FINER BY WEIGHT											
					D_{10}			D_{50}			D_{85}			D_{100}		
					Wt. (lbs.)	d_o (in.)	d□ (in.)	Wt. (lbs.)	d_o (in.)	d□ (in.)	Wt. (lbs.)	d_o (in.)	d□ (in.)	Wt. (lbs.)	d_o (in.)	d□ (in.)
I	18	8.5	-		5	5	4	50	10	8	100	13	10	150	15	12
II	18	10	-		17	7	6	170	15	12	340	19	15	500	22	18
III	24	12	2		46	10	8	460	21	17	920	26	21	1400	30	24
IV	36	14	3		150	15	12	1500	30	25	3000	39	32	4500	47	36
V	48	17	4.8		370	20	16	3700	42	34	7400	53	43	11,000	60	49

d_o = gravel material d□ = angular rock riprap
Wt = weight in pounds

Figure 4.3
Riprap Channel Stabilization

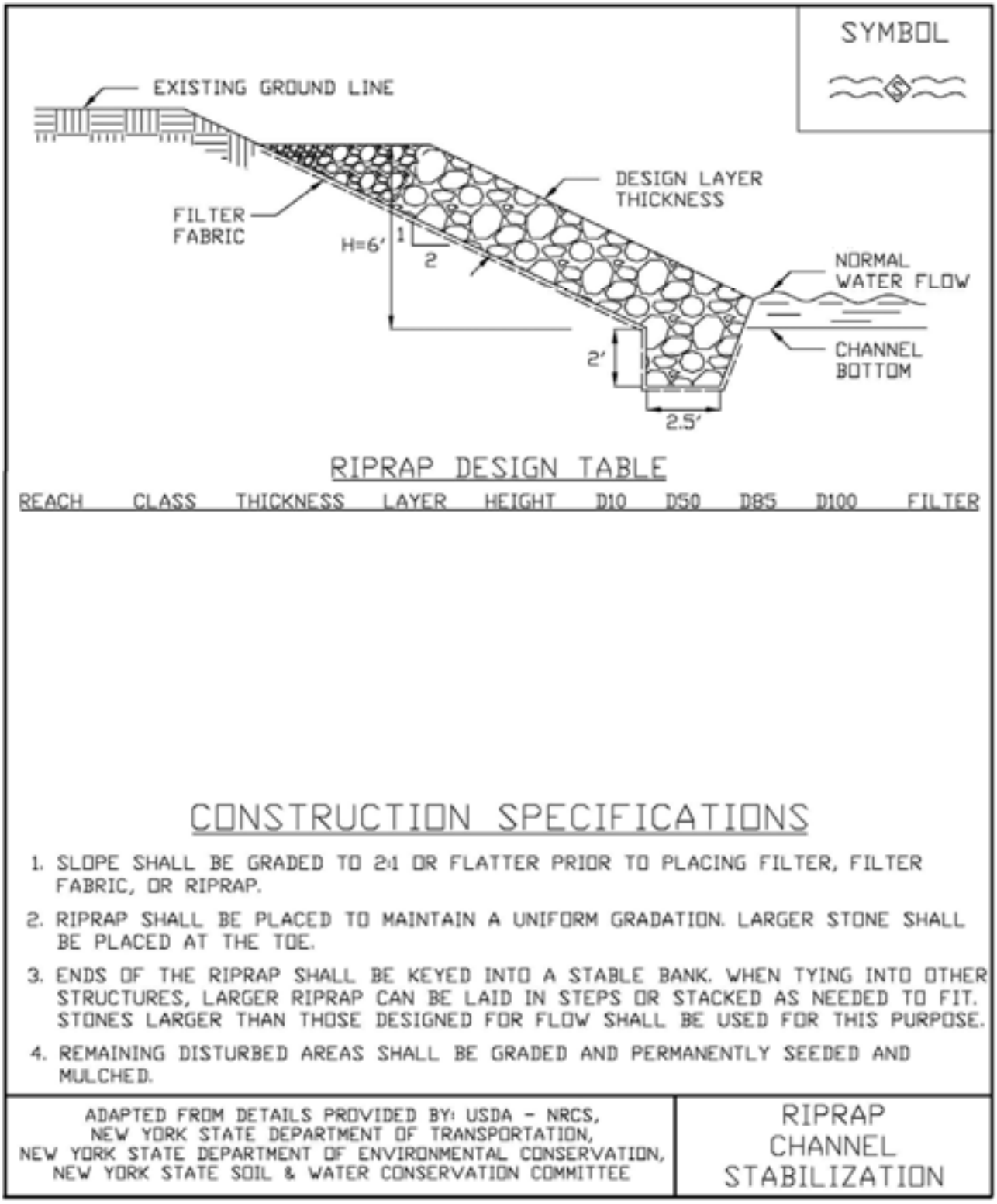
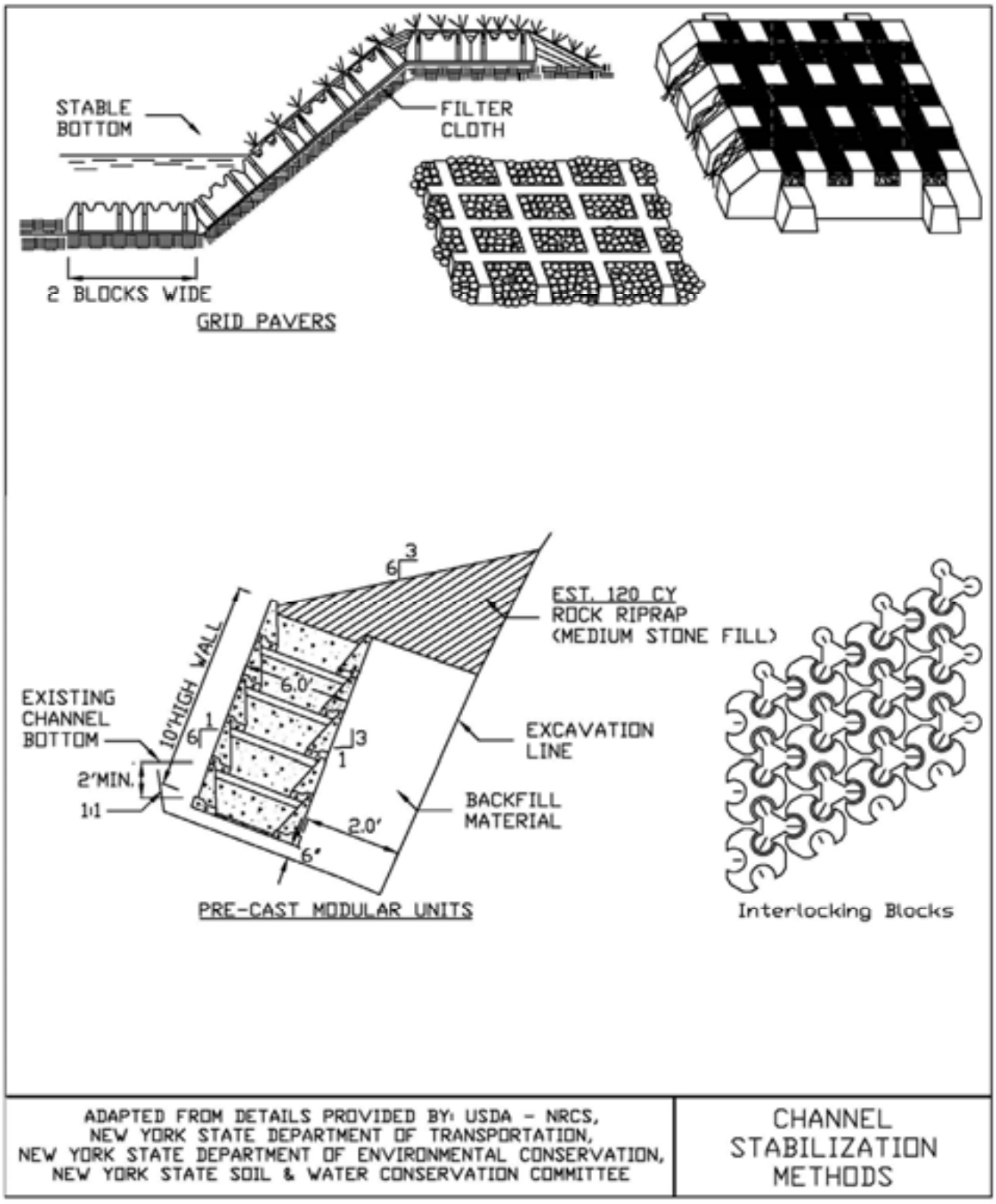


Figure 4.4
Channel Stabilization Methods



STANDARD AND SPECIFICATIONS FOR LANDGRADING

Definition & Scope

Permanent reshaping of the existing land surface by grading in accordance with an engineering topographic plan and specification to provide for erosion control and vegetative establishment on disturbed, reshaped areas.

Design Criteria

The grading plan should be based upon the incorporation of building designs and street layouts that fit and utilize existing topography and desirable natural surrounding to avoid extreme grade modifications. Information submitted must provide sufficient topographic surveys and soil investigations to determine limitations that must be imposed on the grading operation related to slope stability, effect on adjacent properties and drainage patterns, measures for drainage and water removal, and vegetative treatment, etc.

Many municipalities and counties have regulations and design procedures already established for land grading and cut and fill slopes. Where these requirements exist, they shall be followed.

The plan must show existing and proposed contours of the area(s) to be graded. The plan shall also include practices for erosion control, slope stabilization, safe disposal of runoff water and drainage, such as waterways, lined ditches, reverse slope benches (include grade and cross section), grade stabilization structures, retaining walls, and surface and subsurface drains. The plan shall also include phasing of these practices. The following shall be incorporated into the plan:

1. Provisions shall be made to safely convey surface runoff to storm drains, protected outlets, or to stable water courses to ensure that surface runoff will not damage slopes or other graded areas; see standards and specifications for Grassed Waterway, Diversion, or Grade Stabilization Structure.

2. Cut and fill slopes that are to be stabilized with grasses shall not be steeper than 2:1. When slopes exceed 2:1, special design and stabilization consideration are required and shall be adequately shown on the plans. (Note: Where the slope is to be mowed, the slope should be no steeper than 3:1, although 4:1 is preferred because of safety factors related to mowing steep slopes.)

3. Reverse slope benches or diversion shall be provided whenever the vertical interval (height) of any 2:1 slope exceeds 20 feet; for 3:1 slope it shall be increased to 30 feet and for 4:1 to 40 feet. Benches shall be located to divide the slope face as equally as possible and shall convey the water to a stable outlet. Soils, seeps, rock outcrops, etc., shall also be taken into consideration when designing benches.

   A. Benches shall be a minimum of six feet wide to provide for ease of maintenance.

   B. Benches shall be designed with a reverse slope of 6:1 or flatter to the toe of the upper slope and with a minimum of one foot in depth. Bench gradient to the outlet shall be between 2 percent and 3 percent, unless accompanied by appropriate design and computations.

   C. The flow length within a bench shall not exceed 800 feet unless accompanied by appropriate design and computations; see Standard and Specifications for Diversion on page 3.9

4. Surface water shall be diverted from the face of all cut and/or fill slopes by the use of diversions, ditches and swales or conveyed downslope by the use of a designed structure, except where:

   A. The face of the slope is or shall be stabilized and the face of all graded slopes shall be protected from surface runoff until they are stabilized.

   B. The face of the slope shall not be subject to any concentrated flows of surface water such as from natural drainage ways, graded ditches, downspouts, etc.

   C. The face of the slope will be protected by anchored stabilization matting, sod, gravel, riprap, or other stabilization method.

5. Cut slopes occurring in ripable rock shall be serrated as shown in Figure 4.9 on page 4.26. The serrations shall be made with conventional equipment as the excavation is made. Each step or serration shall be constructed on the contour and will have steps cut at nominal two-foot intervals with nominal three-foot horizontal shelves. These steps will vary depending on the slope ratio or the cut slope. The nominal slope line is 1 ½: 1. These steps will weather and act to hold moisture, lime, fertilizer, and seed thus producing a much quicker and longer-lived vegetative cover and better slope stabilization. Overland flow shall be diverted from the top of all serrated cut slopes and carried to a suitable outlet.

6. Subsurface drainage shall be provided where necessary to intercept seepage that would otherwise adversely affect slope stability or create excessively wet site conditions.

7. Slopes shall not be created so close to property lines as to endanger adjoining properties without adequately protecting such properties against sedimentation, erosion, slippage, settlement, subsidence, or other related damages.

8. Fill material shall be free of brush, rubbish, rocks, logs, stumps, building debris, and other objectionable material. It should be free of stones over two (2) inches in diameter where compacted by hand or mechanical tampers or over eight (8) inches in diameter where compacted by rollers or other equipment. Frozen material shall not be placed in the fill nor shall the fill material be placed on a frozen foundation.

9. Stockpiles, borrow areas, and spoil shall be shown on the plans and shall be subject to the provisions of this Standard and Specifications.

10. All disturbed areas shall be stabilized structurally or vegetatively in compliance with the Permanent Construction Area Planting Standard on page 4.42.

Construction Specifications

See Figures 4.9 and 4.10 for details.

1. All graded or disturbed areas, including slopes, shall be protected during clearing and construction in accordance with the erosion and sediment control plan until they are adequately stabilized.

2. All erosion and sediment control practices and measures shall be constructed, applied and maintained in accordance with the erosion and sediment control plan and these standards.

3. Topsoil required for the establishment of vegetation shall be stockpiled in amount necessary to complete finished grading of all exposed areas.

4. Areas to be filled shall be cleared, grubbed, and stripped of topsoil to remove trees, vegetation, roots, or other objectionable material.

5. Areas that are to be topsoiled shall be scarified to a minimum depth of four inches prior to placement of topsoil.

6. All fills shall be compacted as required to reduce erosion, slippage, settlement, subsidence, or other related problems. Fill intended to support buildings, structures, and conduits, etc., shall be compacted in accordance with local requirements or codes.

7. All fill shall be placed and compacted in layers not to exceed 9 inches in thickness.

8. Except for approved landfills or nonstructural fills, fill material shall be free of frozen particles, brush, roots, sod, or other foreign objectionable materials that would interfere with, or prevent, construction of satisfactory fills.

9. Frozen material or soft, mucky or highly compressible materials shall not be incorporated into fill slopes or structural fills.

10. Fill shall not be placed on saturated or frozen surfaces.

11. All benches shall be kept free of sediment during all phases of development.

12. Seeps or springs encountered during construction shall be handled in accordance with the Standard and Specification for Subsurface Drain on page 3.48 or other approved methods.

13. All graded areas shall be permanently stabilized immediately following finished grading.

14. Stockpiles, borrow areas, and spoil areas shall be shown on the plans and shall be subject to the provisions of this Standard and Specifications.

Figure 4.9
Typical Section of Serrated Cut Slope

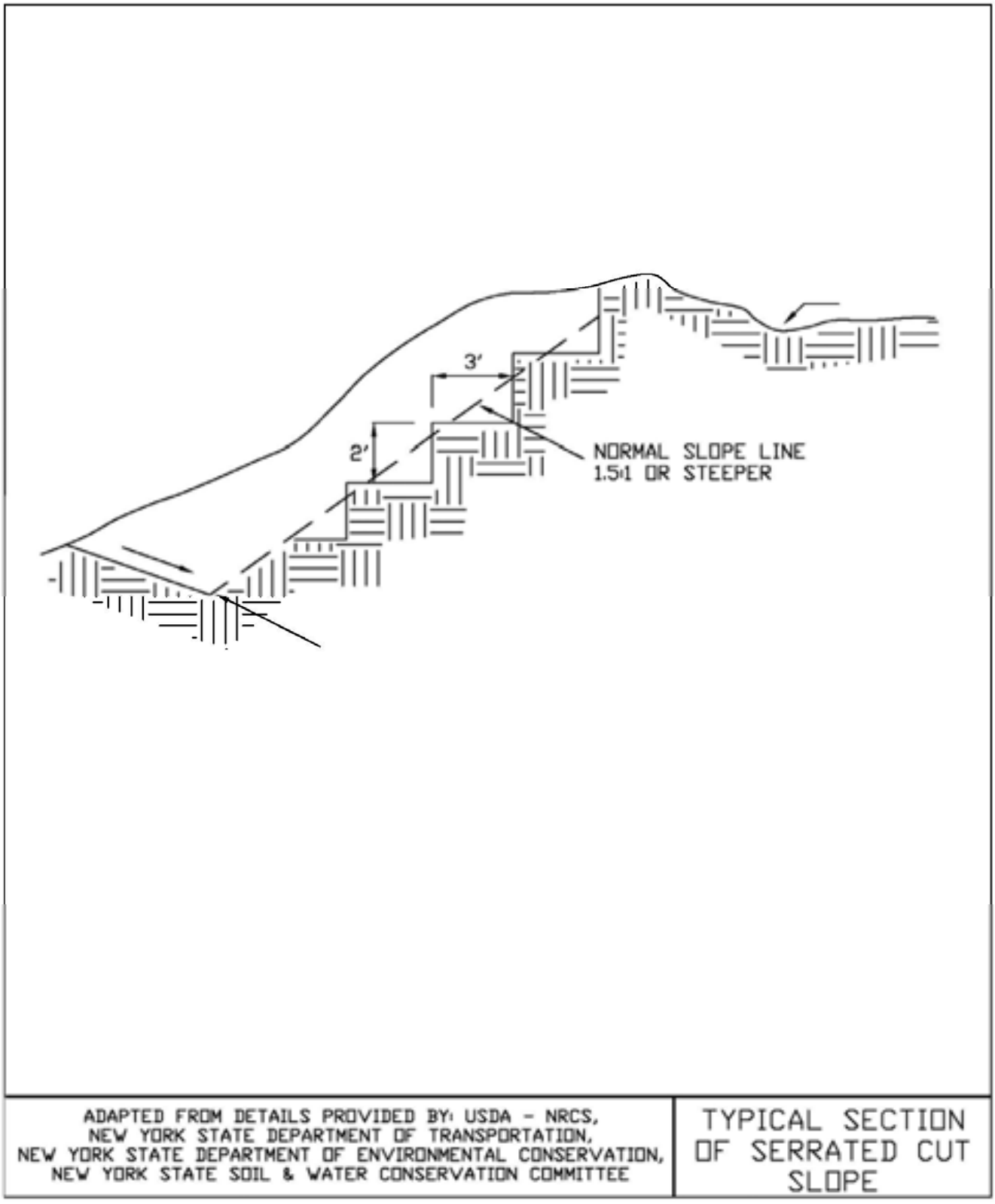


Figure 4.10
Landgrading

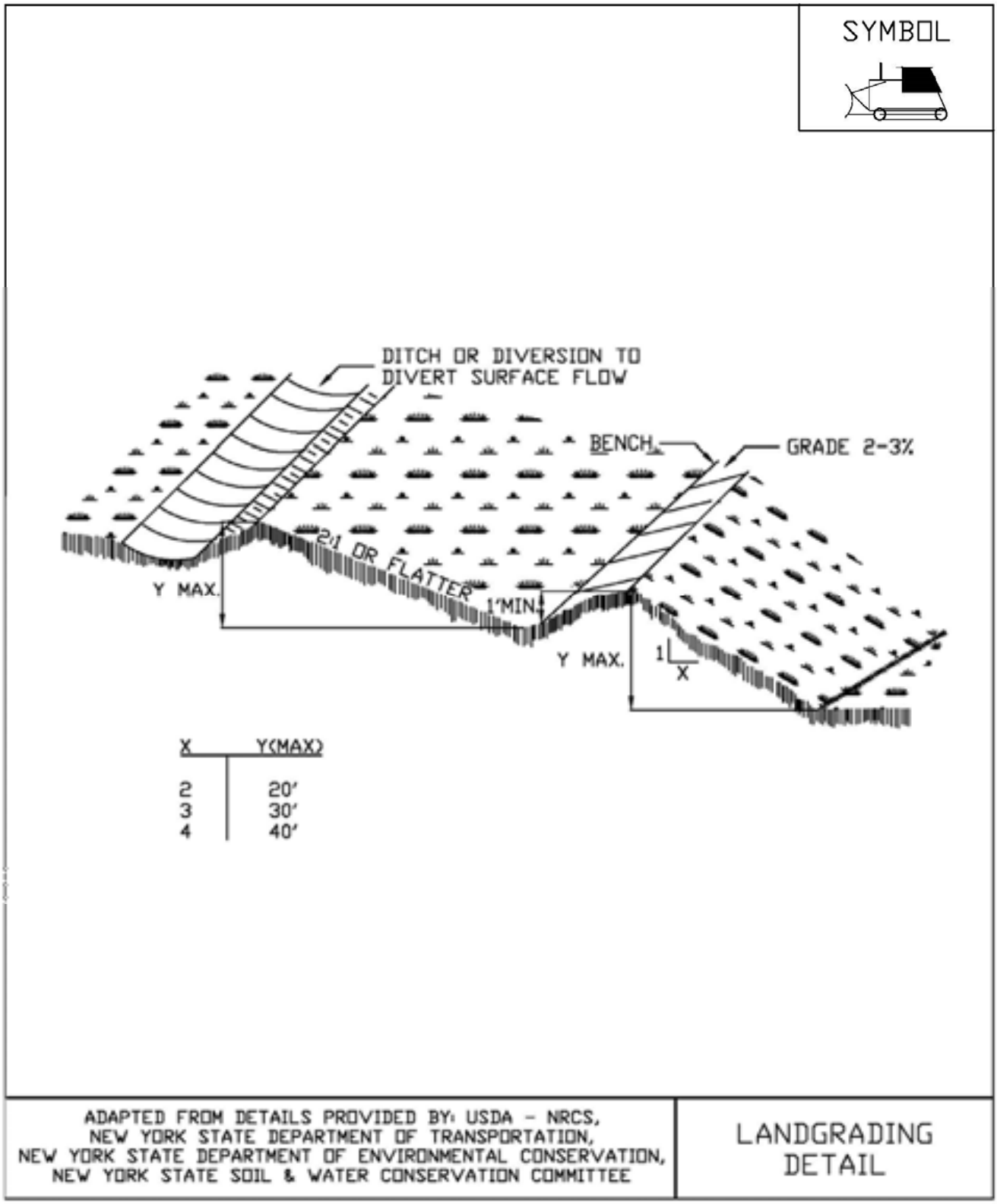


Figure 4.11
Landgrading - Construction Specifications

CONSTRUCTION SPECIFICATIONS

1. ALL GRADED OR DISTURBED AREAS INCLUDING SLOPES SHALL BE PROTECTED DURING CLEARING AND CONSTRUCTION IN ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENT CONTROL PLAN UNTIL THEY ARE PERMANENTLY STABILIZED.
2. ALL SEDIMENT CONTROL PRACTICES AND MEASURES SHALL BE CONSTRUCTED, APPLIED AND MAINTAINED IN ACCORDANCE WITH THE APPROVED EROSION AND SEDIMENT CONTROL PLAN.
3. TOPSOIL REQUIRED FOR THE ESTABLISHMENT OF VEGETATION SHALL BE STOCKPILED IN AMOUNT NECESSARY TO COMPLETE FINISHED GRADING OF ALL EXPOSED AREAS.
4. AREAS TO BE FILLED SHALL BE CLEARED, GRUBBED, AND STRIPPED OF TOPSOIL TO REMOVE TREES, VEGETATION, ROOTS OR OTHER OBJECTIONABLE MATERIAL.
5. AREAS WHICH ARE TO BE TOPSOILED SHALL BE SCARIFIED TO A MINIMUM DEPTH OF FOUR INCHES PRIOR TO PLACEMENT OF TOPSOIL.
6. ALL FILLS SHALL BE COMPACTED AS REQUIRED TO REDUCE EROSION, SLIPPAGE, SETTLEMENT, SUBSIDENCE OR OTHER RELATED PROBLEMS. FILL INTENDED TO SUPPORT BUILDINGS, STRUCTURES AND CONDUITS, ETC. SHALL BE COMPACTED IN ACCORDANCE WITH LOCAL REQUIREMENTS OR CODES.
7. ALL FILL SHALL BE PLACED AND COMPACTED IN LAYERS NOT TO EXCEED 9 INCHES IN THICKNESS.
8. EXCEPT FOR APPROVED LANDFILLS, FILL MATERIAL SHALL BE FREE OF FROZEN PARTICLES, BRUSH, ROOTS, SOD, OR OTHER FOREIGN OR OTHER OBJECTIONABLE MATERIALS THAT WOULD INTERFERE WITH OR PREVENT CONSTRUCTION OF SATISFACTORY FILLS.
9. FROZEN MATERIALS OR SOFT, MUCKY OR HIGHLY COMPRESSIBLE MATERIALS SHALL NOT BE INCORPORATED IN FILLS.
10. FILL SHALL NOT BE PLACED ON SATURATED OR FROZEN SURFACES.
11. ALL BENCHES SHALL BE KEPT FREE OF SEDIMENT DURING ALL PHASES OF DEVELOPMENT.
12. SEEPS OR SPRINGS ENCOUNTERED DURING CONSTRUCTION SHALL BE HANDLED IN ACCORDANCE WITH THE STANDARD AND SPECIFICATION FOR SUBSURFACE DRAIN OR OTHER APPROVED METHOD.
13. ALL GRADED AREAS SHALL BE PERMANENTLY STABILIZED IMMEDIATELY FOLLOWING FINISHED GRADING.
14. STOCKPILES, BORROW AREAS AND SPOIL AREAS SHALL BE SHOWN ON THE PLANS AND SHALL BE SUBJECT TO THE PROVISIONS OF THIS STANDARD AND SPECIFICATION.

ADAPTED FROM DETAILS PROVIDED BY: USDA – NRCS,
NEW YORK STATE DEPARTMENT OF TRANSPORTATION,
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,
NEW YORK STATE SOIL & WATER CONSERVATION COMMITTEE

LANDGRADING
SPECIFICATIONS

STANDARD AND SPECIFICATIONS FOR ANCHORED STABILIZATION MATTING

Definition and Scope

A **temporary** or **permanent** protective covering placed on a prepared, seeded planting area that is anchored in place by staples or other means to aid in controlling erosion by absorbing rain splash energy and withstand overland flow as well as provide a microclimate to protect and promote seed establishment.

Conditions Where Practice Applies

Anchored stabilization mats are required for seeded earthen slopes steeper than 3 horizontal to 1 vertical; in vegetated channels where the velocity of the design flow exceeds the allowable velocity for vegetation alone (usually greater than 5 feet per second); on streambanks and shorelines where moving water is likely to erode newly seeded or planted areas; and in areas where wind prevents standard mulching with straw. This standard does not apply to slopes stabilized with sod, rock riprap or hard armor material.

Design Criteria

Slope Applications - Anchored stabilization mats for use on slopes are primarily used as mulch blankets where the mesh material is within the blanket or as a netting over previously placed mulch. These stabilization mats are NOT effective in preventing slope failures.

1. Required on all slopes steeper than 3:1
2. Matting will be designed for proper longevity need and strength based on intended use.
3. All installation details and directions will be included on the site erosion and sediment control plan and will follow manufactures specifications.

Channel Applications - Anchored stabilization mats, for use in supporting vegetation in flow channels, are generally a non-degradable, three dimensional plastic structure which can be filled with soil prior to planting. This structure provides a medium for root growth where the matting and roots become intertwined forming a continuous anchor for the vegetated lining.

1. Channel stabilization shall be based on the tractive force method.
2. For maximum design shear stresses less than 2 pounds per square foot, a temporary or bio-degradable mat may be used.
3. The design of the final matting shall be based on the mats ability to resist the tractive shear stress at bank full flow.
4. The installation details and procedures shall be included on the site erosion and sediment control plan and will follow manufacturers specifications.

Construction Specifications

1. Prepare soil before installing matting by smoothing the surface, removing debris and large stone, and applying lime, fertilizer and seed. Refer to manufacturers installation details.
2. Begin at the top of the slope by anchoring the mat in a 6” deep x 6” wide trench. Backfill and compact the trench after stapling.
3. In channels or swales, begin at the downslope end, anchoring the mat at the bottom and top ends of the blanket. When another roll is needed, the upslope roll

should overlay the lower layer, shingle style, so that channel flows do not peel back the material.

4. Roll the mats down a slope with a minimum 4" overlap. Roll center mat in a channel in direction of water flow on bottom of the channel. Do not stretch blankets. Blankets shall have good continuous contact with the underlying soil throughout its entire length.

5. Place mats end over end (shingle style) with a 6" overlap, use a double row of staggered staples 4" apart to secure mats.

6. Full length edge of mats at top of side slopes must be anchored in 6" deep x 6" wide trench; backfill and compact the trench after stapling.

7. Mats on side slopes of a channel must be overlapped 4" over the center mat and stapled.

8. In high flow channel applications, a staple check slot is recommended at 30 to 40 foot intervals. Use a row of staples 4" apart over entire width of the channel. Place a second row 4" below the first row in a staggered pattern.

9. The terminal end of the mats must be anchored in a 6"x6" wide trench. Backfill and compact the trench after stapling.

10. Stapling and anchoring of blanket shall be done in accordance with the manufactures recommendations.

Maintenance

Blanketed areas shall be inspected weekly and after each runoff event until perennial vegetation is established to a minimum uniform 80% coverage throughout the blanketed area. Damaged or displaced blankets shall be restored or replaced within 2 calendar days.

STANDARD AND SPECIFICATIONS FOR COFFERDAM STRUCTURES

Definition & Scope

A **temporary** barrier placed at a worksite to prevent water from flooding the work area so that construction can take place without discharging sediment into the water resource.

Condition Where Practice Applies

Temporary coffer dams are used to separate streams, rivers, lakes, and other sources of surface water from adjacent locations where soil disturbances are undertaken to complete construction. These barriers can be constructed of manufactured components such as geotextile/plastic tubes filled with water, portable dams formed by metal framing with a geo-membrane, or conventionally constructed earth and stone dike systems.

Design Criteria

The maximum height for this application is 10 feet. No construction activity shall commence in the area of the cofferdam until it is completed and stabilized.

Water Filled Structures

1. These structures shall be sized and installed according to the manufacturers recommendations.
2. Adequate freeboard must be provided to prevent flotation during high water events and periods of below freezing temperatures.
3. The foundation shall be prepared to provide full bottom contact prior to filling.
4. An interior dewatering system shall be designed within the work area to manage seepage.
5. The ends of the water structures shall be anchored on the stream banks or shorelines at an elevation at least above the top of the structure.

Structural Component Dams

1. These structures shall be sized and installed in accordance with the manufacturers recommendations.
2. The foundation area for the placement of the structural steel framing and the impervious fabric membrane shall be as directed by the manufacturer or by qualified personnel.
3. Dewatering the interior of the coffer dam will be done in a manner that does not disturb the foundation area of the structural frame.
4. A minimum of 2 feet of freeboard shall be provided above the expected high water elevation.

Earthen Coffer Dams

1. The earthen coffer dam shall be constructed of fill material that will preclude the transmission of water through the dam, or contain an impermeable core.
2. The minimum top width shall be 8 feet with 2:1 side slopes, and compacted in 9 inch lifts with a minimum of 4 passes of construction equipment.
3. The outside slope shall be covered with a 1 foot layer of rock riprap over a graded stone bedding or geotextile to prevent erosion of soil material into water. An alternative method is to cover the outside slope with an anchored plastic cover with a minimum thickness of 20 mil.
4. Interior work will be conducted in a manner that will not disturb or undermine the earthen coffer dam or its foundation.

Inspection and Maintenance

1. All cofferdams will be inspected daily to assure proper performance and stability as vibration from construction equipment can cause disturbance of the structures.
2. Particular attention should be given to the foundation support system at perimeter of structural component dams. Any undermined or settled areas shall be restored immediately.

3. Any holes, leaks, or torn areas in the geo-membranes or fabric shall be repaired immediately.

4. Any shifting, movement, or settling of the coffer dam shall be addressed immediately to protect workers in the construction area.

5. Inspect the interior dewatering system and ensure that the system is discharging clean water, or is being pumped to appropriate sediment control facility prior to returning to the water resource.

6. Repair or replace any loss of rock riprap or fill that may occur and assure the top of the coffer dam is level without any low spots due to settling.

7. Upon completion of the construction work, remove all excess material, accumulated sediment and debris from the work area, and remove the cofferdam in accordance with the site stabilization plan.

STANDARD AND SPECIFICATIONS FOR TURBIDITY CURTAIN

Definition & Scope

A **temporary** flexible, impenetrable barrier used to trap sediment in water bodies. This curtain is weighted at the bottom to achieve closure while supported at the top through a flotation system and used to prevent the migration of silt from a work site in a water environment into the larger body of water. Top bar float has to support weight of curtain material. Bottom anchor has to be flexible so that it will lie along the contour of the water body bottom.

Condition Where Practice Applies

A turbidity curtain is generally used when construction activity occurs within a waterbody or along its shoreline and is of short duration, generally less than one month. Curtains are used in calm water surfaces and not in areas of flowing water. **Turbidity curtains are not to be used across flowing watercourses.**

Design Criteria

The turbidity curtain shall be located beyond the lateral limits of the construction site and firmly anchored in place. The alignment should be set as close to the work area as possible but not so close as to be disturbed by applicable construction equipment. The height of the curtain shall be 20 percent greater than the depth of the water to allow for water level fluctuations. The area that the turbidity curtain protects shall not contain large culverts or drainage areas that if flows occur behind the curtain would cause a breach or lost contact at the bottom surface.

If water depths at the design alignment are minimal, the toe can be anchored in place by staking.

See Figure 5.35 on page 5.66.

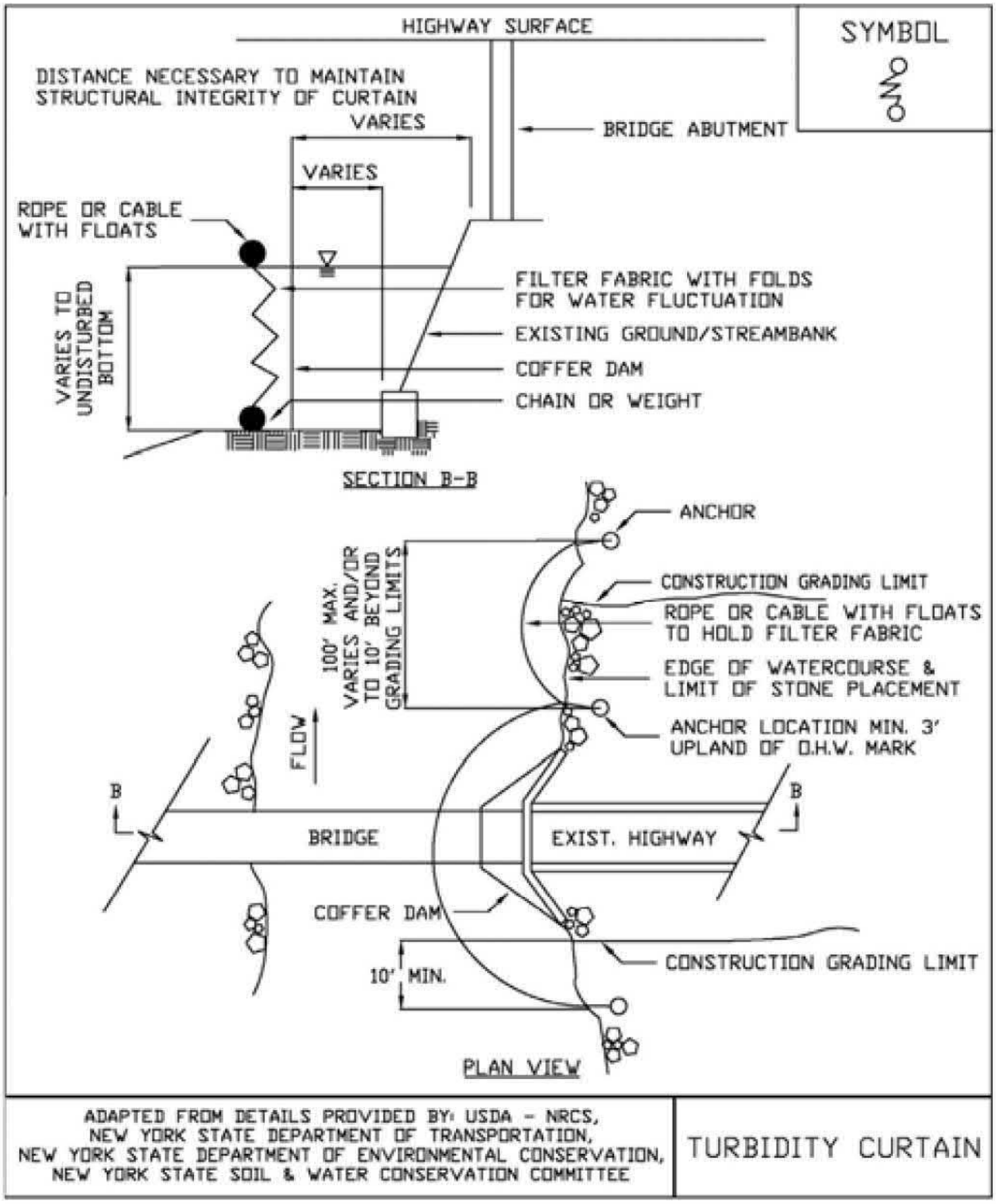
Construction Specifications

The area of proposed installation of the curtain shall be inspected for obstacles and impediments that could damage the curtain or impair its effectiveness to retain sediment. All materials shall be removed so they cannot enter the waterbody. Shallow installations can be made by securing the curtain by staking rather than using a flotation system. Supplemental anchors of the turbidity curtain toe shall be used, as needed, depending on water surface disturbances such as boats and wave action by winds.

Maintenance

The turbidity curtain shall be inspected daily and repaired or replaced immediately. It is not normally necessary to remove sediment deposited behind the curtain; but, when necessary, removal is usually done by hand prior to removal of the barrier. All removed silt is stabilized away from the waterbody. The barrier shall be removed by carefully pulling it toward the construction site to minimize the release of attached sediment. Any floating construction or natural debris shall be immediately removed to prevent damage to the curtain. If the curtain is oriented in a manner that faces the prevailing winds, frequent checks of the anchorage shall be made.

Figure 5.35
Turbidity Curtain



Appendix P

Contractor Submitted and Approved Erosion and Sediment Control Narrative and Plans for Specific Operations and Project Time Schedule

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Appendix Q

B&L and NYCDEP Delineated Watercourses

N

WETLAND Z

STREAM #37

Z-17
Z-15
Z-18
Z-19
Z-13
Z-12
Z-14
Z-11
Z-20
Z-9
Z-7
Z-10
Z-2
Z-6
Z-21
Z-4
Z-5
Z-3
Z-22
Z-1

654
652
658
656
640
638
634
632
630
628
626

A 15+00

A 20+00

Legend

- P ALG_dgn_Polyline
- B&L Stream
- B&L Wetland
- DEP Wetland Flags
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

NOTE: The DEP Wetland Delineation points displayed were derived from the DEP GIS data provided to B&L.

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Engineers • Environmental Scientists • Planners • Landscape Architects

1 inch = 100 feet

Ulster County
Ashokan Rail Trail
B&L / DEP Delineated Resources
Ulster County 12/22/2017 New York

Figure 1
Project No. 369.007

Path: L:\GIS Projects\300\369\07 B&L DEP Delineated Resource Mapping\7.24.08 DEP&L Wetlands Lg 1.mxd

N

STREAM #37

A 20+00

A 25+00

WETLAND P
OHW: 614.0'

ESOPUS CREEK
OHW: 605.73

P-1
P-2
P-3
P-4
P-5
P-6

624
628
626
622
616
614
618
620
612
610
608
606
604
602

Legend

- Centerline of Trail
- BL Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

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N
W E
S

1 inch = 100 feet

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Ulster County 12/22/2017 New York

Figure 2

Project No. 369.007

N

A 40+00

A 45+00

STREAM #36

Legend

- Centerline of Trail
- B&L Stream
- B&L Wetland
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

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Figure 3

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Figure 4
Project No. 369.007

N

A 70+00

A 75+00

A 80+00

STREAM #35

Legend

- Centerline of Trail
- B&L Stream
- B&L Wetland
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

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Figure 5

Project No. 369.007

N

A 110+00

A 115+00

STREAM #16

Legend

- Centerline of Trail
- B&L Stream
- B&L Wetland
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

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B&L / DEP Delineated Resources
Ulster County 12/22/2017 New York

Figure 6

Project No. 369.007

Realigned Trail centerline to avoid impact to Wetland O

WETLAND Y

WETLAND O
OHW: 615.1'

DEC WETLAND
AS-19

WETLAND X

WETLAND W

NYS DEC WETLAND
AS-19 BOUNDARY

STREAM #15

WETLAND V

Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland Flags
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

NOTE: The DEP Wetland Delineation points displayed were derived from the DEP GIS data provided to B&L.

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1 inch = 100 feet

Ulster County
Ashokan Rail Trail
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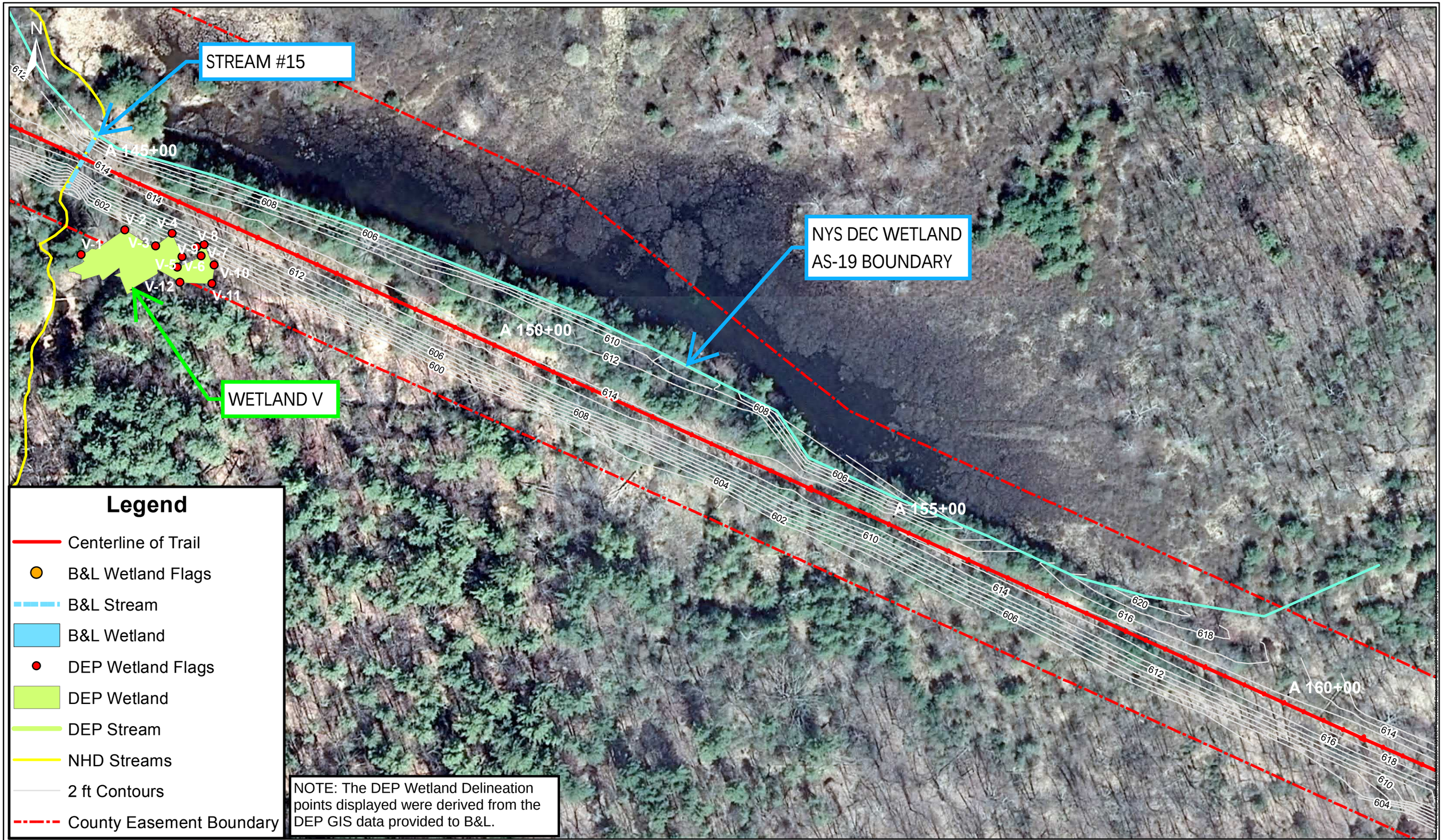
Ulster County 12/22/2017 New York

Figure 7

Project No. 369.007



Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland Flags
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

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Ulster County
Ashokan Rail Trail
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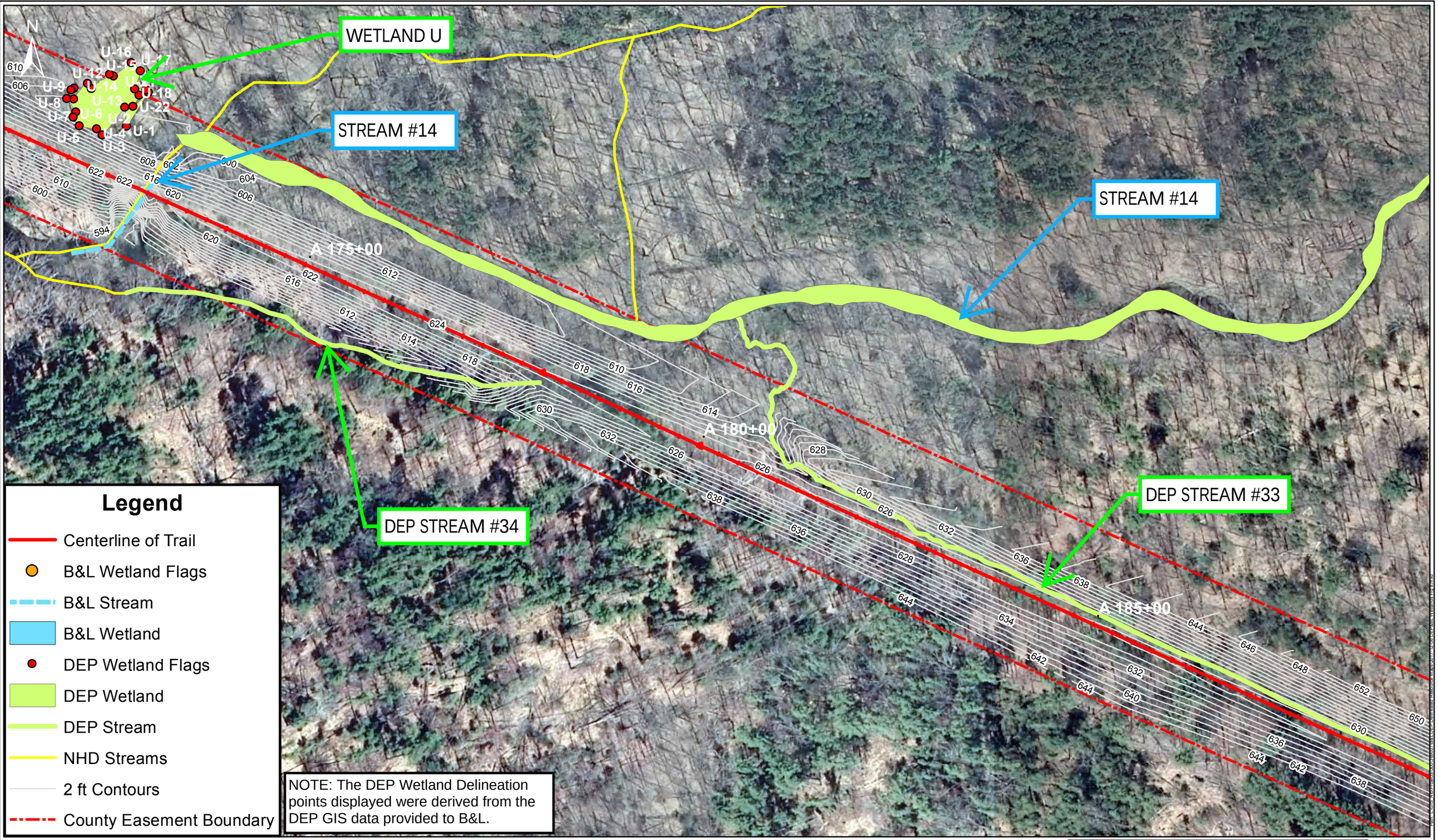
Figure 7A

Project No. 369.007



Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland Flags
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

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Ulster County 12/22/2017 New York

Figure 8
Project No. 369.007

N

STREAM #14

WETLAND T

STREAM #33

A 185+00

A 190+00

A 195+00

T-1 T-2 T-3 T-4 T-5 T-6 T-7 T-10 T-11 T-12 T-13 T-14 T-15 T-16 T-17 T-18 T-19 T-21 T-22 T-23 T-24 T-25 T-26 T-27 T-28 T-29 T-30

Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland Flags
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

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Ulster County
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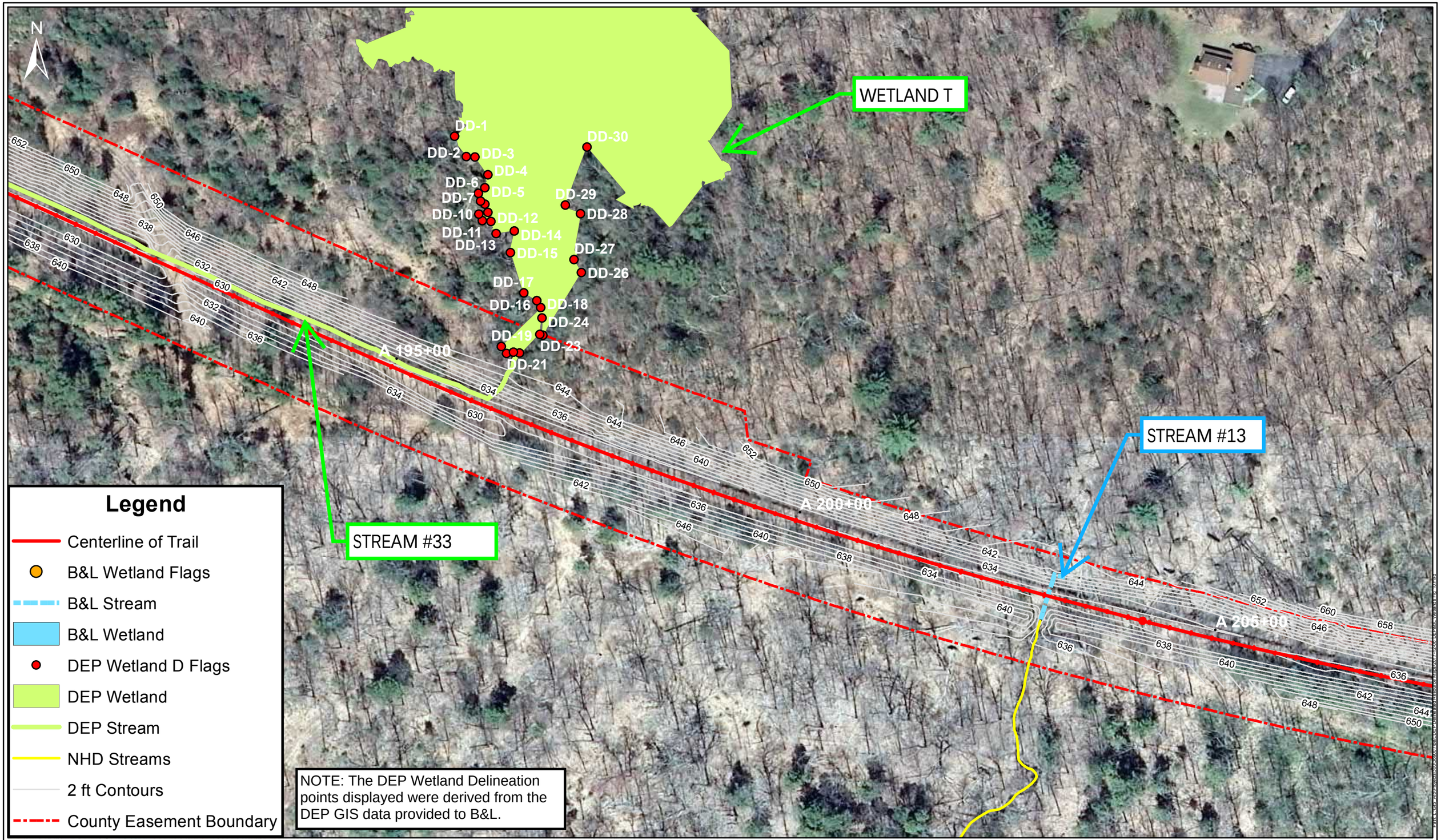
Figure 9

Project No. 369.007



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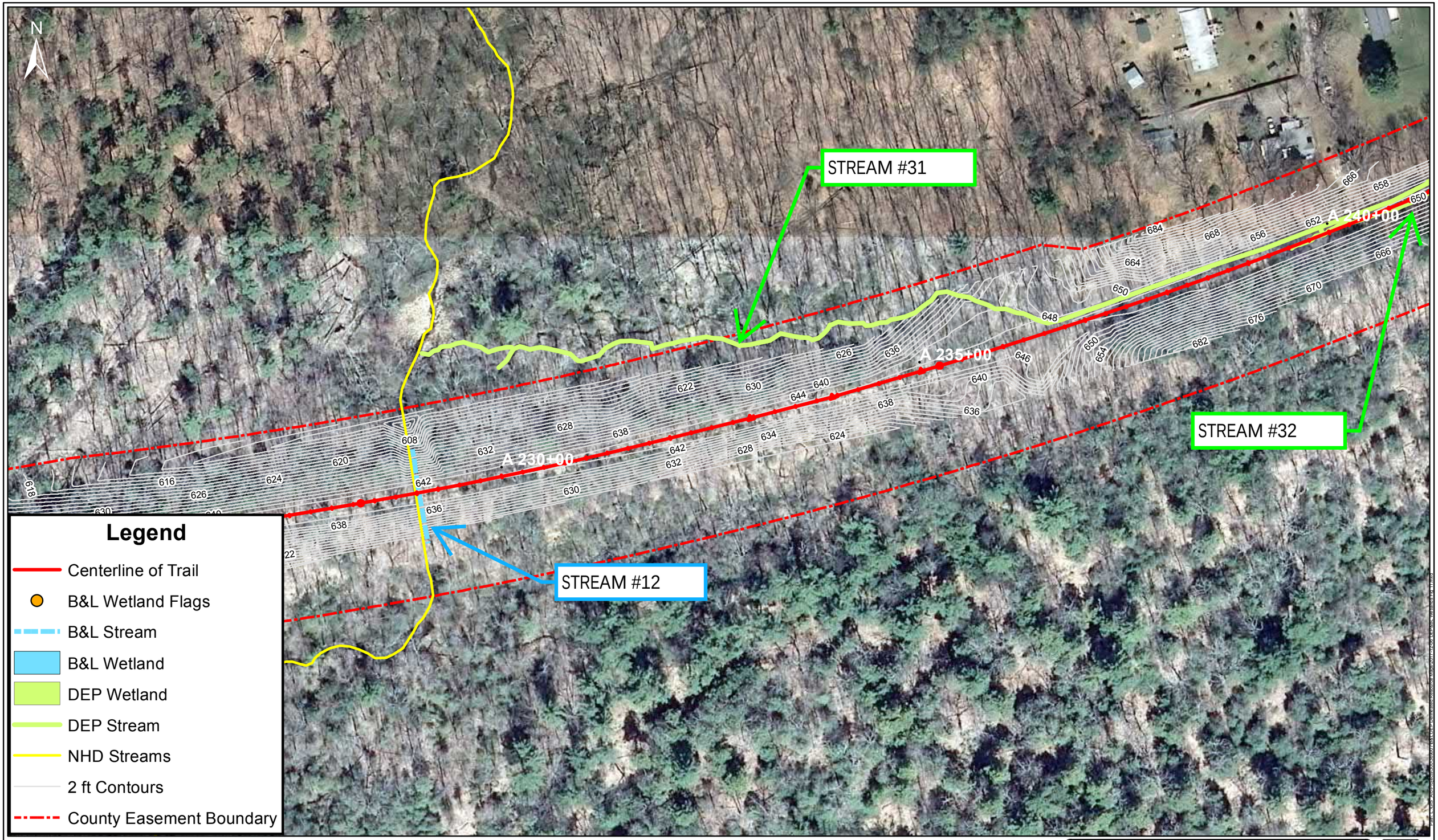
1 inch = 100 feet

Ulster County
Ashokan Rail Trail
B&L / DEP Delineated Resources
Ulster County 12/22/2017 New York

Figure 10

Project No. 369.007



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1 inch = 100 feet

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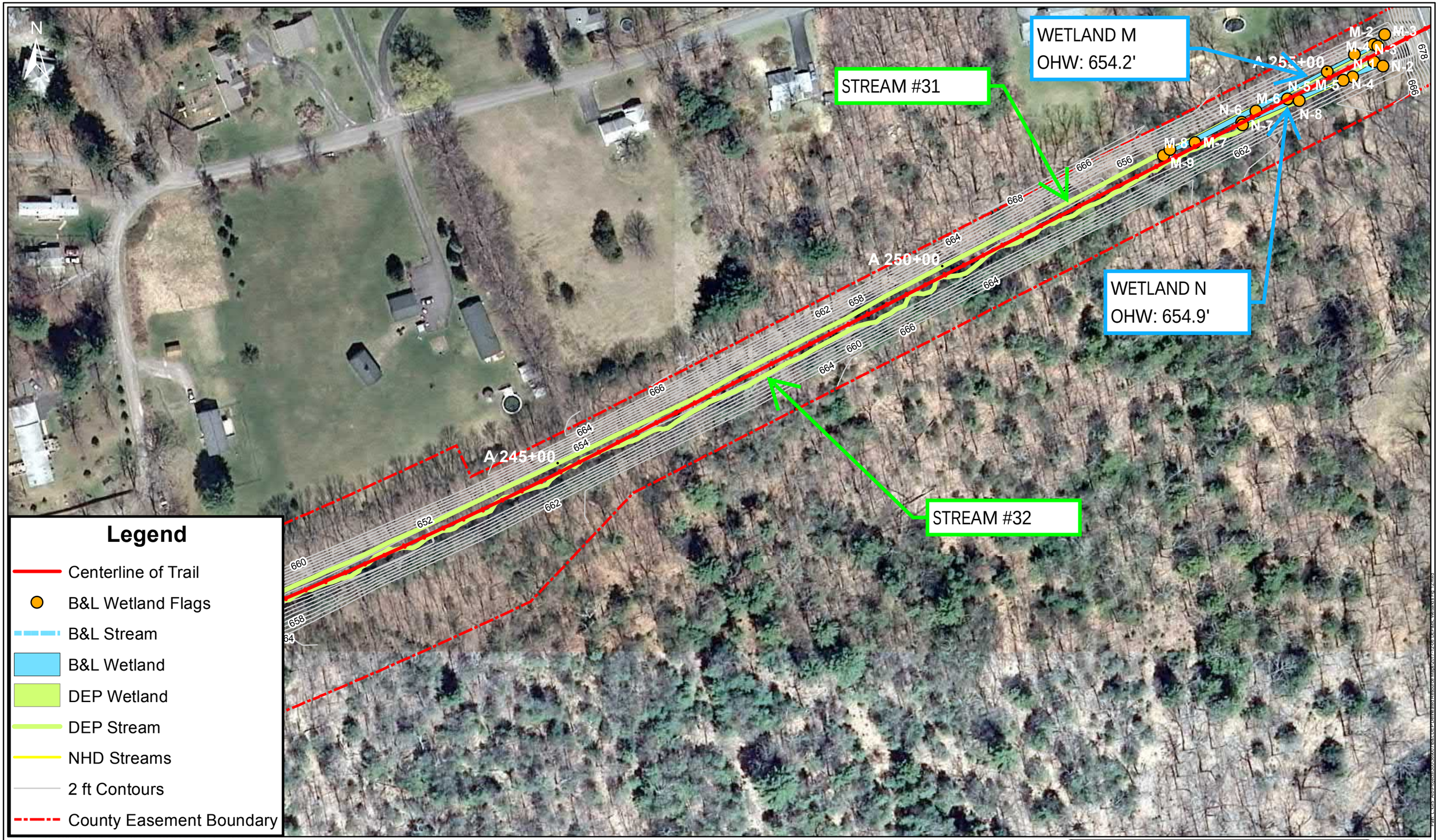
Ulster County 12/22/2017 New York

Figure 11

Project No. 369.007



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Ulster County
Ashokan Rail Trail
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Ulster County 12/22/2017 New York

Figure 12
Project No. 369.007

Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

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Figure 13
Project No. 369.007

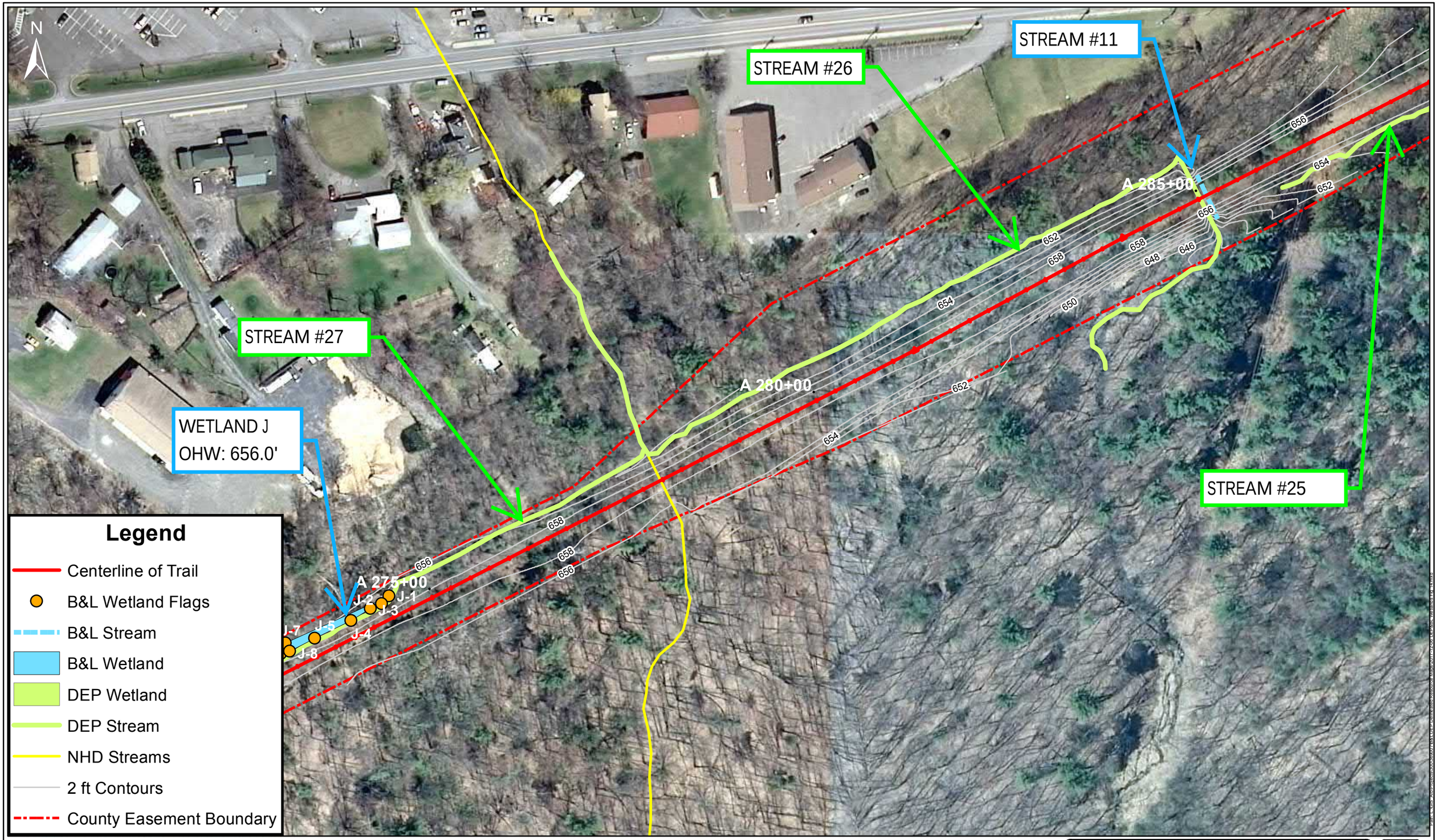

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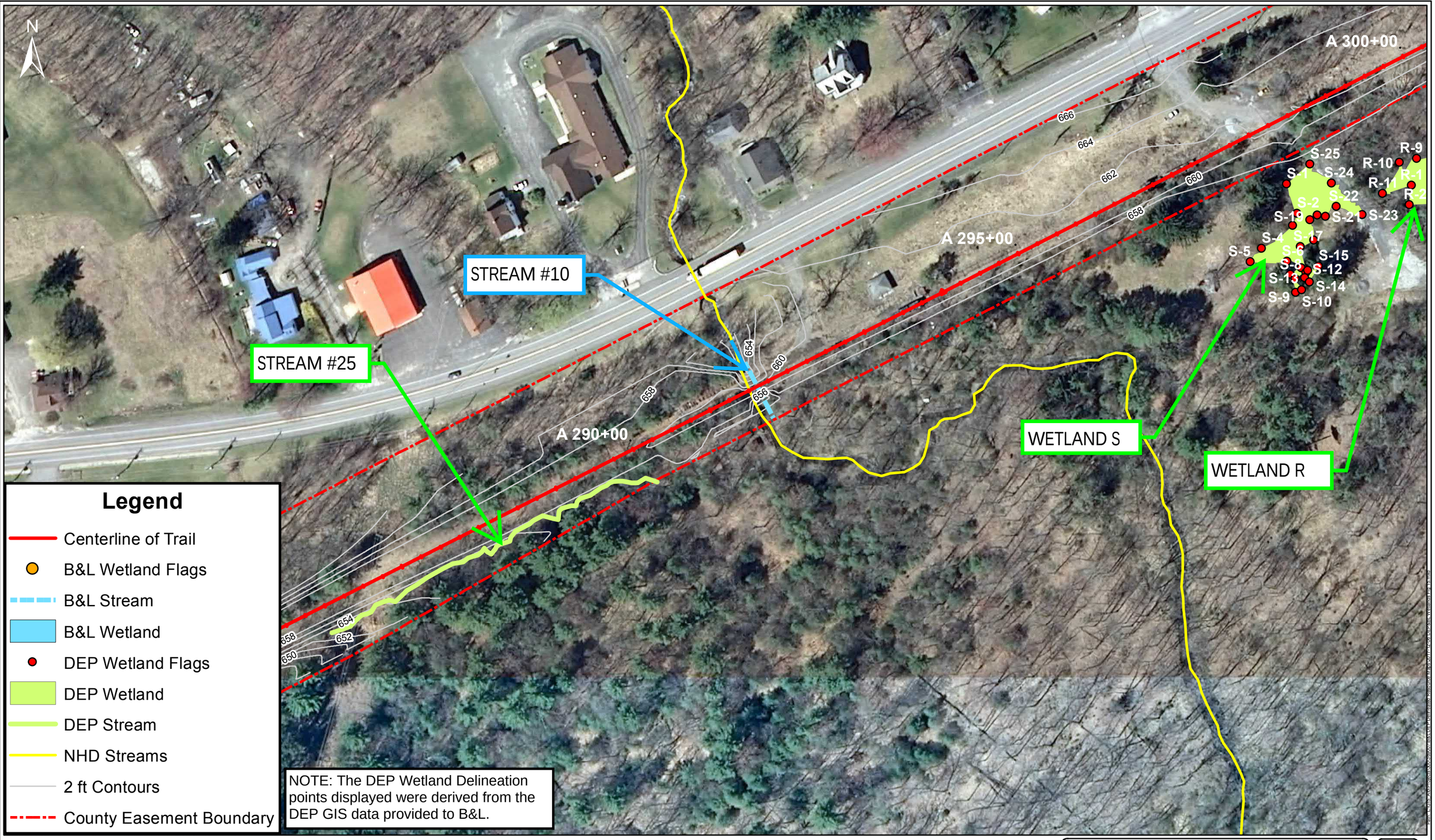
Figure 14
Project No. 369.007



Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland Flags
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

NOTE: The DEP Wetland Delineation points displayed were derived from the DEP GIS data provided to B&L.

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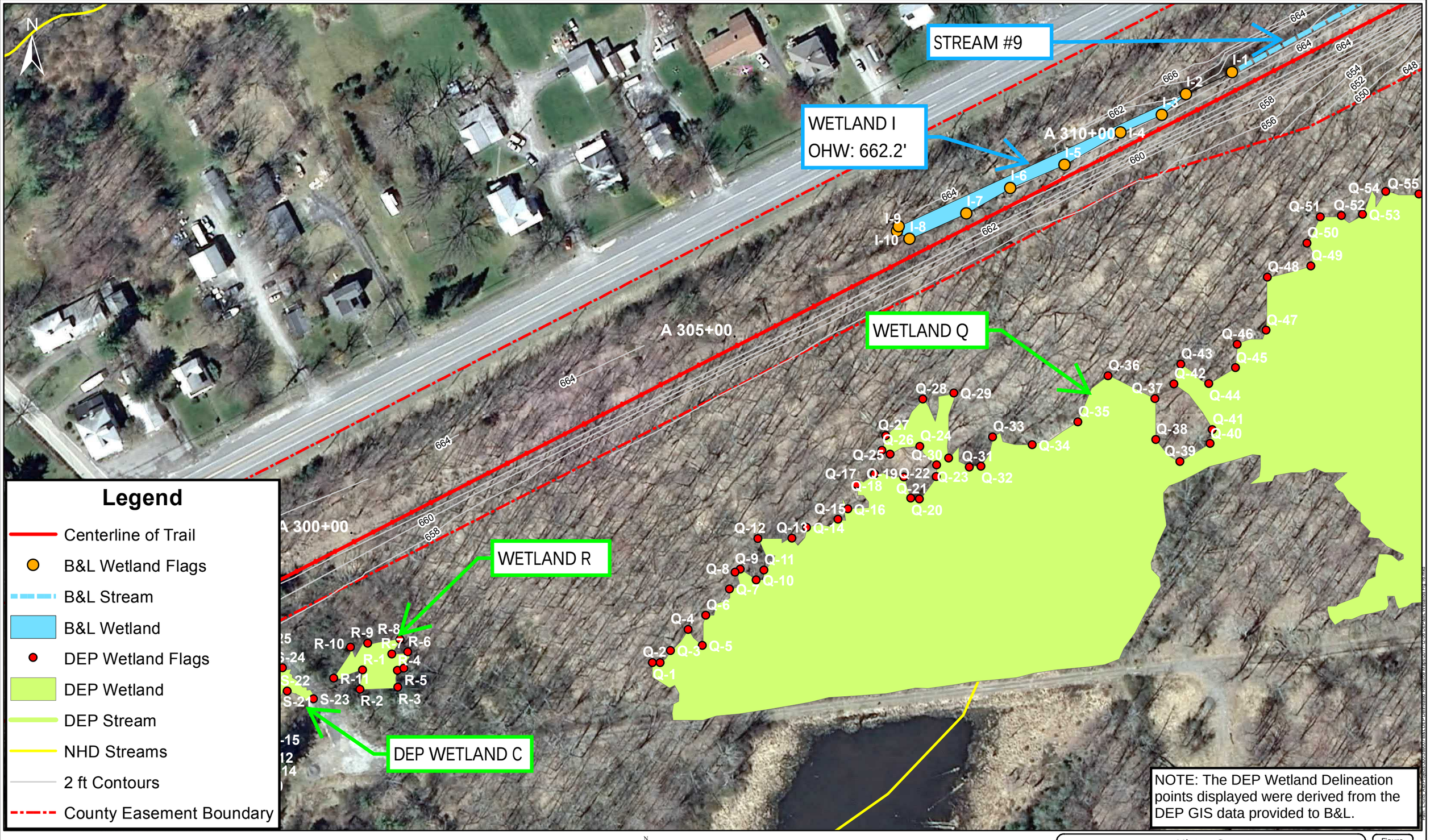
Ashokan Rail Trail
B&L / DEP Delineated Resources
Ulster County 12/22/2017 New York

Figure 15
Project No. 369.007



Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland Flags
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

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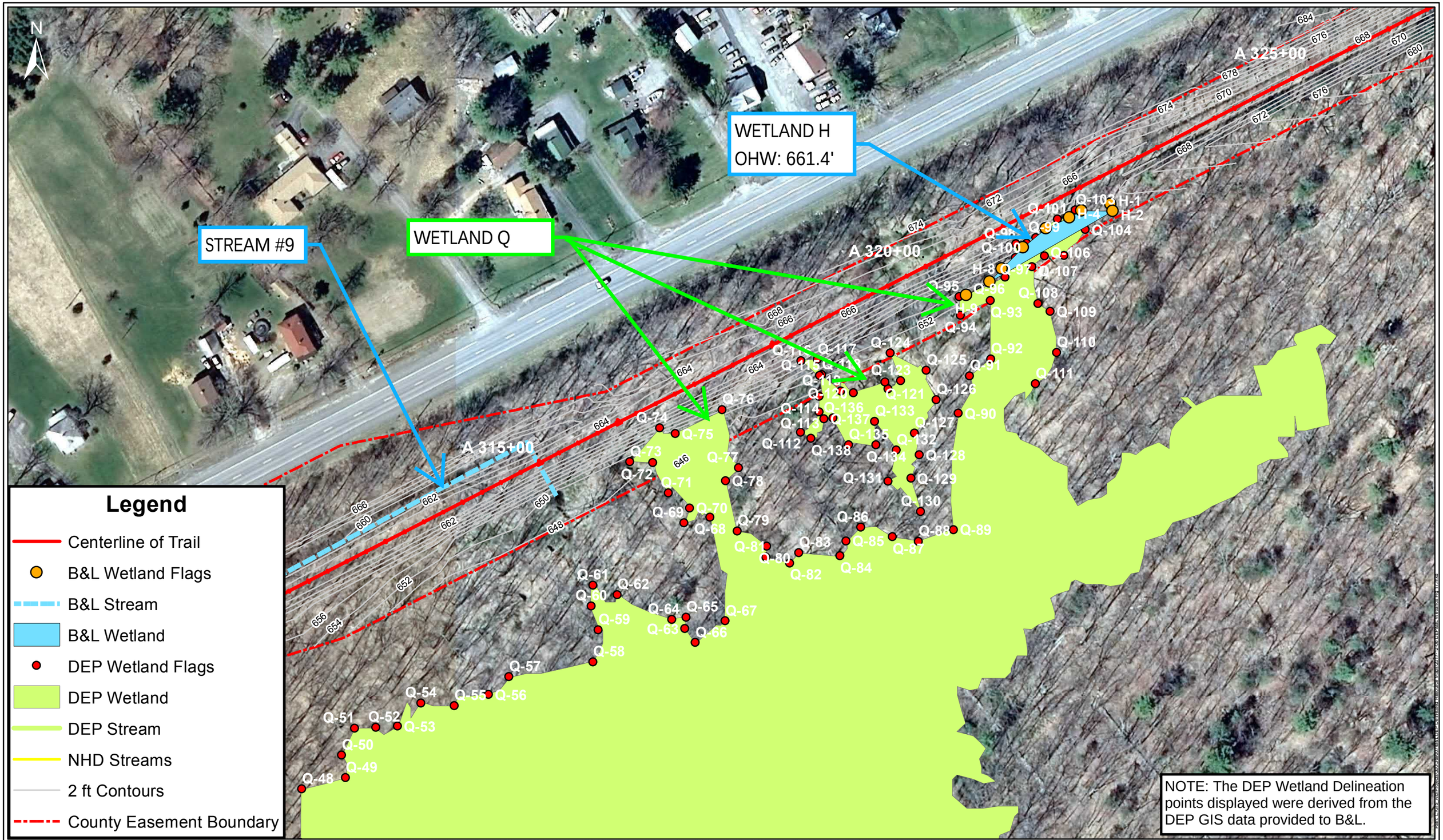
Ulster County 12/22/2017 New York

Figure 16
Project No. 369.007



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Ulster County 12/22/2017 New York

Figure 17
Project No. 369.007

N

STREAM #23

STREAM #24

STREAM 8

WETLAND F
OHW: 664.2'

STREAM 7

WETLAND G
OHW: 663.9'

A 360+00

A 345+00

A 340+00

F-1 F-2 F-3 F-4 F-5 F-6

G-1 G-2 G-3 G-4 G-5 G-6 G-7 G-8

664 662 660 658 656 654 652 650 648 646 644 642 640 666

Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

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1 inch = 100 feet

Ulster County
Ashokan Rail Trail
B&L / DEP Delineated Resources
Ulster County 12/22/2017 New York

Figure 18

Project No. 369.007

N

A 415+00

A 410+00

A 405+00

STREAM #6

Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

Barton & Loguidice, D.P.C.

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1 inch = 100 feet

Ulster County

Ashokan Rail Trail

B&L / DEP Delineated Resources

Ulster County 12/22/2017 New York

Figure 19

Project No. 369.007

N

A 420+00

A 425+00

A 430+00

STREAM #22

Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

Barton & Loguidice, D.P.C.

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1 inch = 100 feet

Ulster County

Ashokan Rail Trail

B&L / DEP Delineated Resources

Ulster County 12/22/2017 New York

Figure 20

Project No. 369.007

N

STREAM #5

A 440+00

A 435+00

E-1
E-2
E-3
E-4

WETLAND E
OHW: 643.0'

Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

Barton & Loguidice, D.P.C.
Engineers • Environmental Scientists • Planners • Landscape Architects

1 inch = 100 feet

Ulster County
Ashokan Rail Trail
B&L / DEP Delineated Resources
Ulster County 12/22/2017 New York

Figure 21

Project No. 369.007

STREAM #4

STREAM #21

STREAM #20

A 465+00

A 470+00

Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

Barton & Loguidice, D.P.C.

Engineers • Environmental Scientists • Planners • Landscape Architects

1 inch = 100 feet

Ulster County

Ashokan Rail Trail

B&L / DEP Delineated Resources

Ulster County 12/22/2017 New York

Figure 22

Project No. 369.007

N

STREAM #21

STREAM #20

STREAM #19

A 470+00

A 475+00

A 480+00

Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

Barton & Loguidice, D.P.C.

Engineers • Environmental Scientists • Planners • Landscape Architects

1 inch = 100 feet

Ulster County

Ashokan Rail Trail

B&L / DEP Delineated Resources

Ulster County 12/22/2017 New York

Figure 23

Project No. 369.007

Barton & Loguidice, D.P.C.
Engineers • Environmental Scientists • Planners • Landscape Architects

1 inch = 100 feet

Ulster County
Ashokan Rail Trail
B&L / DEP Delineated Resources
Ulster County 12/22/2017 New York

Figure 24
Project No. 369.007

N

STREAM #2

STREAM #18

WETLAND B
OHW: 619.8'

STREAM #18

A 500+00

A 505+00

A 510+00

B-1 B-2 B-3 B-4 B-5

Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

Barton & Loguidice, D.P.C.
Engineers • Environmental Scientists • Planners • Landscape Architects

N W E S

1 inch = 100 feet

Ulster County
Ashokan Rail Trail
B&L / DEP Delineated Resources
Ulster County 12/22/2017 New York

Figure 25

Project No. 369.007

Barton & Loguidice, D.P.C.
Engineers • Environmental Scientists • Planners • Landscape Architects

1 inch = 100 feet

Ulster County
Ashokan Rail Trail
B&L / DEP Delineated Resources
Ulster County 12/22/2017 New York

Figure 26
Project No. 369.007

N

C-10 C-7a C-8 C-7 C-6 C-5 C-4 C-1 C-3 C-2

D-10 D-6 D-9 D-8 D-4 D-5 D-3 D-2 D-1

WETLAND C
OHW:N/A

WETLAND D
OHW: N/A

A 610+00

A 615+00

A 620+00

A 625+00

A-4 A-5 A-4A A-3 A-2 A-6 A-1

WETLAND A
OHW: 578.0'

Legend

- Centerline of Trail
- B&L Wetland Flags
- B&L Stream
- B&L Wetland
- DEP Wetland
- DEP Stream
- NHD Streams
- 2 ft Contours
- County Easement Boundary

Barton & Loguidice, D.P.C.
Engineers • Environmental Scientists • Planners • Landscape Architects

1 inch = 100 feet

Ulster County
Ashokan Rail Trail
B&L / DEP Delineated Resources
Ulster County 12/22/2017 New York

Figure 27
Project No. 369.007

Appendix R

Invasive Species Control Plan

Invasive Species Control Plan

Ashokan Rail Trail Project
Basin Road in West Hurley to Route 28A in the Town of Olive
Ulster County, New York

For Inclusion in the Stormwater Pollution Prevention Plan and NYSDEC Joint Application for Permit.

Introduction

New York State Environmental Conservation law defines invasive species as "a species that is nonnative to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Harm must significantly outweigh benefit" [ECL §9-1703 (10) (a)]. An invasive species could be a plant, animal, or microbial species. Invasive plant species are typically the most problematic of all the possible invasive species on linear projects such as this trail project.

Project Area and Description

Ulster County is sponsoring the construction of an 11.5-mile pedestrian and bicycle trail which will run from Basin Road in the Town of Hurley to NYS Route 28A in the Town of Olive. The proposed action includes the creation of a recreational trail corridor on a County owned former rail line along the north shore of the Ashokan Reservoir. The project includes removal of rail ties and rail, repurposing of the existing ballast for the trail base, addition of a stone mix top layer to enhance recreational use, construction of pedestrian bridges, and maintenance to existing culvert structures.

Disposal Plan

The work is divided into two (2) Phases. Phase one (1) will include track, tie, and tree removals. The first operation will be to remove the track, followed by tree felling and chipping. The third part of Phase 1 will be to remove the railroad ties. The ties will be removed by grabbing them with a finger type scoop and screen system that will retain the ties and let ballast and organic debris fall back into place where the tie was removed or immediately within the ballast area. During this process it is also expected that a small amount of railroad ballast and remnants of vegetation and organic material that has encroached onto the track and ballast area will also be removed with the ties. The ties and mixture of material will then be immediately placed in the bed of a truck. The material will then be transported to a recycling facility for separation and shredding. The ties and organics will be shredded and, with the ballast, be disposed of in a landfill.

During Phase Two (2) there is a minimal volume of soil to be removed from the project site. Soil excavation will take place at the bridge sites and then most will be retained for use on site.

soil that includes invasive plants that may need to be removed from the site will be removed and deposited in a landfill. Drying and incinerating in accordance may also be used to dispose of the vegetation in accordance with the BMP's below.

Invasive Species Present

During an on-site survey performed by B&L, it was noted that invasive species existed within and adjacent to the project area and measures to avoid the spread of invasive species will be enforced during construction. The project area has been identified as containing the following invasive species:

Japanese Stiltgrass

Japanese Stiltgrass (*Microstegium vimineum),* also known as Nepalese browntop and Asian stiltgrass, replaces native vegetation in a wide range of ecosystems including forested floodplains, forest edges, stream banks, fields, trails, and ditches as well as thriving as a weed in lawns and gardens. Japanese stiltgrass grows well in many light conditions (from deeply shaded hemlock forests to sunny open fields), prefers damp conditions, and often can be found in disturbed areas. It expands into dense stands of grass that prevent desirable vegetation from growing. Areas infested with Japanese stiltgrass have decreased biodiversity. In addition to the early season plants that are typically crowded out by invasive species, late season grasses, sedges, and herbs are also affected. Infested areas also have an increased occurrence of other invasive plants and decreased native wildlife habitat and can provide good habitat for invasive animals including the cotton rat which can further affect local wildlife.

Japanese stiltgrass is not preferred by grazers such as white-tailed deer, goats and horses, which adds to its ability to out compete native, preferred vegetation. A 2010 study by Pisula and Meiners indicates that Japanese stiltgrass has allelopathic potential to inhibit seed germination.

Japanese Barberry

Japanese barberry is an exotic invasive shrub that is well established in home and commercial landscapes. A popular ornamental deciduous shrub it ranges in size from three to seven or more feet in height. Shrubs that have not been pruned have a compact, dense form which is typically more broad than tall at maturity. Japanese barberry leaves can vary in size, shape and color depending upon site and soil conditions and its leaves vary from 1/2 to 1 1/4 inches long with short petioles and can range in shape from obovate (broadest at the middle) to spatulate (narrow at the base and broad at the apex). It is mostly multi-stemmed with additional stems arising from rhizomes that are notoriously noted for their spines. Young stems are reddish in color, older stems are grayer. Showy bright red fruits (or berries) are about 1/4 inch long, oval elongate, and borne on the stems attached by a long slender stalk. The red fruits persist into the fall and winter

months. Once established, Japanese barberry can tolerate a range of varying site and soil conditions. However, established plants do not grow well under droughty or prolonged wet conditions and will drop their leaves in response.

Red leaf forms and purple cultivars may lose their color under shade and revert back to a green color. The root system of Japanese barberry is shallow with fibrous fine roots; rhizomes (under ground reproductive stems) grow out from the plant's root crown. Above ground sprouts can arise from the rhizomes allowing this plant to spread into new and adjoining spaces. This shrub can produce large numbers of fine fibrous roots during the growing season compared to native shrubs of the same size.

Japanese knotweed (*Fallopia japonica*):

Japanese knotweed is an aggressive perennial plant which grows in dense monocultures, which out-compete native species. Japanese knotweed also alters local nutrient cycling patterns, making growing conditions unsuitable for other species. Knotweed reproduces several different ways; either though growth from a central rhizome, vegetative reproduction, or through seed dispersal. Rhizome shoots can extend 20 feet from the plant and can even penetrate asphalt. Mechanical control is difficult because any portions of the rhizomes left behind after disturbance can produce new shoots. Herbicide applications are usually needed to control this species after it becomes established. Control methods which integrate mechanical and chemical treatments are often the most effective means of control. Long term successful control requires monitoring and follow-up treatments for up to a decade.

Common Reed (*Phragmites australis*):

Common reed is an aggressive perennial grass which can be found in a variety of wetland or wet areas; once established, common reed will form a dense monoculture. Common reed spreading occurs through rhizomes, stolons, and seed release. It commonly forms extensive stands (known as reed beds), which may be as much as 0.4 sq mi or more in extent. Where conditions are suitable it can also spread 16 ft or more per year by horizontal runners, which put down roots at regular intervals. It can grow in damp ground, in standing water up to 3 ft or so deep, or even as a floating mat. The erect stems grow 6 ft to almost 20 ft tall, with the tallest plants growing in areas with hot summers and fertile growing conditions.

The leaves are long for a grass, (8–20 inches) and (0.8–1.2 inches) broad. The flowers are produced in late summer in a dense, dark purple panicle, about 8 to 20 inches long. Later, the numerous long, narrow, sharp pointed spikelets appear greyer due to the growth of long, silky hairs. It is a helophyte, especially common in alkaline habitats, and it also tolerates brackish water and is often found at the upper edges of estuaries and on other wetlands (such as grazing

marsh) which are occasionally inundated by the sea. *Phragmites australis* has similar greenhouse gas emissions to native *Spartina alterniflora*.

Several control measures have proven effective including: mowing, flooding, burning, and covering with black plastic, but the most reliable control method has been herbicide application. Glyphosate has proven to be a successful herbicide to control common reed, but usually takes two or three seasonal applications to eliminate established stands. Follow up monitoring and management is necessary to effectively control of common reed. Common reed is a shade intolerant species and once shrub or forested species provide a canopy, common reed does not typically survive.

The following Best Management Practices (BMPs) have been developed by the USDA (2012) to limit the spread of non-native and invasive species (NNIS) for ground disturbance projects. The contractor will be advised to utilize these measures prior to, during, and after construction is completed. It is the goal of the project to avoid spreading invasive species outside of locations in which they are currently present or introducing invasive species to new locations.

The BMPs for Soil Disturbance Areas are as follows:

- Plan activities to limit the potential for introduction and spread of NNIS, prior to construction.
- Provide appropriate resources for identification of known NNIS to site workers. Known NNIS areas will be visibly marked to aid in identification to site workers. Flagging will be used to identify reference populations of invasive species within disturbance areas. Technical support will be provided during the duration of construction, if questions should arise.
- Avoid NNIS populations when feasible and minimize the spread of NNIS during soil disturbance activities.
- Prior to moving equipment out of an infested area and into an un-infested area, all equipment will be cleaned off to remove miscellaneous soils, seed, plant parts, or invertebrates from exterior surfaces, to minimize the risk of transporting propagules. Equipment will be cleaned within the infested area (no soaps), and contaminated material will be disposed of in place.
- Stabilize disturbed soils using erosion control/stormwater management technical standards as soon as possible.
- Use locally native seeds mixes or non-invasive, which are appropriately specified for revegetation of disturbed areas. These seeds and vegetation will be specified by NYC DEP.

The BMPs for Vegetation Management are as follows:

- Inspect and clean clothing, footwear, and equipment for soils, seeds, plant parts before and after activities.

- Properly dispose of soils, seeds, plant parts, and invertebrates found during inspection and after cleaning. Onsite disposal within infested area is an option. Otherwise, bag and appropriately dispose of at landfill or burn with sufficient monitoring. Burning of plant material must be conducted in coordination with the local fire department, and all local regulations must be followed.
- Locate and use staging areas that are free of NNIS plants to avoid spreading seeds and other viable plant parts.
- Consider the likely response of NNIS when conducting activities that result in disturbed soil, increased sunlight, fire, etc.

The BMPs for Transport of Materials are as follows:

- Identify NNIS areas and mark with flagging so workers know when they are working in these areas. These locations will be recorded with a GPS in the field. A map with all marked locations will be provided to the NYSDEC.
- Prior to transporting, manage the load to limit the spread of NNIS. All transported invasive species must be contained and covered so that no seeds or pieces may escape during transport. Loads of NNIS to be transported will be secured during transportation using tarps or plastic sheets that are secured with rope. All loose materials will be removed from side boards and tailgate of transport vehicle prior to transport.
- Use soil and aggregate material that are free of NNIS.
- On-site stockpiles containing NNIS parts will be segregated from NNIS-free material and covered with plastic sheeting to limit the spread of NNIS.
- Avoid transporting woody material that may contain NNIS or any vegetated material that may contain NNIS. If transported, the material must be transported and managed as NNIS in a designated area for appropriate disposal.
- Keep and reuse onsite materials rather than importing new materials, as along as on-site materials do not contain invasive species parts.

The BMPs for Revegetation are as follows:

- Plan activities to limit the potential introduction and spread of NNIS, prior to revegetation.
- Select locally native species for revegetation and restoration activities.
- Revegetate disturbed soils as soon as feasible to minimize NNIS establishment.
- Allow natural revegetation to occur only where site conditions permit. (Adjacent area contains no or few NNIS or where too much NNIS occur for planned revegetation to be successful.)
- Ensure the species specified in the plan are the ones being used.

Appendix S

NYS DEC Permit

PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
ULSTER COUNTY
244 FAIR ST
KINGSTON, NY 12401-3806

Facility:
ASHOKAN RAIL TRAIL
BASIN RD TO RTE 28A
HURLEY, NY 12443

Facility Location: In MULTIPLE TOWNS in ULSTER COUNTY
Facility Principal Reference Point: NYTM-E: 575.494 NYTM-N: 4649.495
Latitude: 41°59'37.9" Longitude: 74°05'18.7"
Project Location: Ulster Delaware Railroad corridor - Wetland AS-19 (II) & Wetland AS-20 (III)
Authorized Activity: Disturb approximately 0.18 acre of Freshwater Wetland AS-20 (Class III) and a total of approximately 1.036 acres of the respective 100 adjacent areas of Freshwater Wetland AS-20 and Freshwater Wetland AS-19 (Class II), to construct the 11.5 mile long Ashokan Rail Trail, including tree felling, track and debris removal, excavation, and filling & grading to construct the twelve feet (12') wide unpaved trail with associated drainage improvements, including repair to a number of deteriorated or failing culverts along the route of the trail. Authorized work includes disturbance to approximately 400 linear feet of the Esopus Creek, Class A(TS), to remove displaced steel girders from stream banks and replace the Boiceville bridge over the Esopus Creek with a new steel span bridge, and disturbance to approximately 300 linear feet of Butternut Creek Class A(T), to remove and replace a failing culvert with a new span pedestrian bridge and "daylight" the stream, in accordance with the plans and narratives referenced in Natural Resources Permit Condition Nos. 1 & 2 and as conditioned in this permit.

Indiana Bat Time-of-Year Restriction: All tree clearing activities shall be conducted only during the time period between October 1st and March 31st of any year this permit remains in effect. See also Natural Resources Permit Condition No. 3.

Trout Spawning Time-of-Year Restriction: All instream work, as well as any work that may result in the suspension of sediments, is prohibited during the trout spawning and incubation period period commencing October 1st and ending April 30th of any year this permit remains in effect. See also Natural Resources Permit Condition No. 4.

Permit Authorizations

Freshwater Wetlands - Under Article 24
Permit ID 3-5199-00041/00001
New Permit Effective Date: 12/26/2017 Expiration Date: 12/31/2020
Stream Disturbance - Under Article 15, Title 5
Permit ID 3-5199-00041/00002
New Permit Effective Date: 12/26/2017 Expiration Date: 12/31/2020

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.

Permit Administrator: SCOTT BALLARD, Deputy Regional Permit Administrator
Address: NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY 12561

Authorized Signature: _____ Date 12/26/17

Distribution List

D. Doyle, Director - Ulster County Planning
C. White, Deputy Director - Ulster County Planning
T. Baird, PE - Barton & Loguidice
C. Laing - NYCDEP (Kingston)
B. Drumm/J. Fisher (ecc)
L. Masi/E. Burns (ecc)
A. Adewole (ecc)
W. Davey - NYS OPRHP
T. Kerpez, Regional Wildlife Manager (ecc)

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Miscellaneous Correspondence – Attachment 1: Letter from NYS OPRHP dated 10/3/16
Permit Sign

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: FRESHWATER WETLANDS; STREAM DISTURBANCE

1. 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 Barton & Loguidice, DPC for the Ulster County Ashokan Rail Trail project. Approved plans are specified below in Natural Resource Permit Condition No. 2, Approved Plans and Narratives.

2. APPROVED PLANS AND NARRATIVES Work shall be performed in strict accordance with the following plans and narratives prepared by Barton & Loguidice, DPC, for the Ulster County Ashokan Rail Trail project, dated October 2017 unless otherwise noted:

Drawing Nos:

- LE-1, LE-2, GCN-1, ESCN-1, ESCN-2, TS-1, TS-2, MD-1, MD-2, MD-3, MD-4, ESCD-1, ESCD-2, ESCD-3, K-1, K-2
- EPN-1 revised December 22, 2017
- PL-2, PL-3, PL-4, PL-5, PL-10, PL-15, PL-18 through PL-28, PL-32 through PL-45, PL-47, PL-48, PL-49, PL-58, PL-60, PL-61, PL-65, PL-66, PL-67, PL-70, PL-71, PL-72, PL-73, PL-87, PL-88
- ESCP-2, ESCP-3, ESCP-4, ESCP-5, ESCP-10, ESCP-15, ESCP-18 through ESCP-22, ESCP-24 through ESCP-28, ESCP-32 through ESCP-45, ESCP-47 through ESCP-50, ESCP-58, ESCP-60, ESCP-61, ESCP-65, ESCP-66, ESCP-67, ESCP-70 through ESCP-73, ESCP-87, ESCP-88
- BV-2, BV-2A, BV-2B, additional sheets labeled as "BV_" (total 18 sheets shown as "BV_"), BN-1, BN-2, additional sheets labeled as "BN_" (total 8 sheets shown as "BN_")
- XX-1, AP-1A, AP-1B, AP-2A, AP-2B through AP-2E, AP-3A, AP-3B, AP-3C, AP-6A, AP-6B, AP-7, AP-8, AP-10A, AP-10B

Ashokan Rail Trail Tree Removal Plans & Figures:

- Sheets labeled 17-151C: Figures 1 through 16
- Drawing Nos. ESCD-1 & ESCD-2
- Sheets labeled 17-152C: Figures 1 through 13
- Drawing Nos. TR-1, ESCD-1, SCD-2

Narratives

- Narratives prepared by Barton & Loguidice, DPC, as contained in the following:
- Submitted Joint Application for Permit dated October 2017
- Letter dated December 18, 2017 (five pages with attachment)

3. Indiana Bat Time-of-Year Restriction: Tree Clearing In order to protect the Indiana bat, the clearing of trees shall be performed only during the hibernation period of the Indiana bat: commencing **October 1st through March 31st** of any year this permit remains in effect.

4. Trout Spawning Time-of-Year Restriction All instream work, as well as any work that may result in the suspension of sediments, is prohibited during the trout spawning and incubation period period commencing October 1st and ending April 30th of any year this permit remains in effect.

5. **Sediment & Erosion Controls** Prior to the start of construction, all erosion, sediment and turbidity controls shall be installed as shown on approved plans. All erosion and sediment controls, as well as any accumulated silt or sediment, shall be entirely removed upon completion of work for disposal at an appropriate upland location.

6. **DEC Notification Required 48 Hours Prior to Start of Work** The permittee must provide notification to the Department at least 48 hours prior to the start of construction activities affecting Freshwater Wetland AS-19, Freshwater Wetland AS-20, Esopus Creek, or Butternut Creek. Such notification shall be provided via electronic mail to Joshua Fisher of the Bureau of Habitat at this web address: joshua.fisher@dec.ny.gov.

7. **Demolition of Boiceville Bridge Over the Esopus Creek** No debris from demolition activities shall be allowed to enter the Esopus Creek. Prior to the demolition of the existing Boiceville bridge, a system of platforms, screens or similar protective devices shall be installed to prevent debris from entering the Esopus Creek. Such protective devices shall remain in place until removal of all debris has been completed.

8. **Discharging Concrete Contaminated Waters** Wet concrete is highly toxic to fish and other aquatic organisms. Water which comes into contact with fresh concrete or is contaminated by concrete leachate shall be pumped to an upland vegetated area prior to any discharge to the Esopus Creek, Butternut Creek, Freshwater Wetland AS-19 or Freshwater Wetland AS-20.

9. **Maintain Water Flow During Work** During periods of work activity, sufficient flow of water shall be maintained at all times to sustain aquatic life downstream.

10. **Do Not Impede Passage Through Work Areas by Aquatic Organisms** Structures must not impede upstream and downstream migration of aquatic organisms.

11. **Historic/Cultural Resources Requirements- Ulster and Delaware Railroad Corridor** The route of the Ashokan Rail Trail lies partially within the National Register eligible Ulster and Delaware Railroad corridor. The project was reviewed by the New York State Office of Parks, Recreation & Historic Preservation (NYSOPRHP ID#16PR06122). The OPRHP Division of Historic Preservation issued a determination October 3, 2016, that the Ashokan Rail Trail project will have *No Adverse Impact* upon the historic Ulster and Delaware Corridor, provided that certain specified conditions are met. The Department hereby incorporates those requirements contained in the attached letter prepared by Weston Davey, NYS OPRHP Historic Site Preservation Coordinator, dated October 3, 2016. **The applicant shall comply with all requirements contained in the OPRHPs letter attached to this permit as *Attachment 1*.**

12. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

13. **Material Stockpile Areas** Excavated materials and/or fill materials shall be stockpiled more than 100 feet landward of Freshwater Wetland AS-19 & Freshwater Wetland AS-20 and shall be contained by hay bales or silt fencing to prevent erosion.

14. **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.

15. **Fish Passage thru Culvert** The culvert must at all times remain passable by fish.

16. **No Turbid Discharges** No turbid water resulting from any construction or dewatering operations shall be discharged directly to or allowed to enter surface waters, including the Esopus Creek, Butternut Creek, Freshwater Wetland AS-19, Freshwater Wetland AS-20, or federally regulated wetland areas. Such turbid water shall be pumped to upland vegetated areas, settling basins, or other suitable device for controlling turbid discharges prior to any release to surface waters.

17. **Clean Fill Only** All fill material utilized for this project shall consist of uncontaminated earthen materials only. Acceptable fill materials include gravel, rock, overburden, topsoil and similar natural mineral resources.

18. **Remove Debris & Excess Materials** Any debris or excess materials from construction of this project shall be immediately and completely removed from the bed and banks of all water areas to an appropriate upland area for disposal.

19. **Seed & Mulch Disturbed Areas** All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grass and mulched with hat or straw within one week of final grading. Mulch shall be maintained until a suitable vegetative cover is established.

20. **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.

21. **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.

22. **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.

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:

Regional Permit Administrator
NYSDEC Region 3 Headquarters
21 S Putt Corners Rd
New Paltz, NY12561

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands, Stream Disturbance.

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.

Item E: SEQR Type I Action, No Significant Impact Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as a Type I Action with Ulster County Legislature designated as the lead agency. It has been determined that the project will not have a significant effect on the environment.

Attachment 1

NEW YORK STATE OF OPPORTUNITY

Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

October 3, 2016

Ms. Corinne Steinmuller
Environmental Scientist II
Barton and Loguidice
10 Airline Drive
Albany, NY 12203

Re: DEC
Ashokan Rail Trail
16PR06122

Dear Ms. Steinmuller:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential impacts that must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6NYCRR Part 617).

We note that the proposed project is located partially within the National Register eligible Ulster and Delaware Railroad Corridor. The historic section of the railway, extending from Shokan to Phoenicia, is listed under National Register Criterion A for its association with historical development of the towns of Shandaken and Olive from the period 1897-1942. We understand that the proposed project will include construction of a pedestrian and bicycle pathway along the existing rail bed extending approximately 11.5 miles from West Hurley to Olive. The proposed rail trail will affect approximately six miles of the historic railway, and will include removal of the rail and ties, repairs to existing culverts, and construction of multiple trailheads within the twenty foot wide easement.

We are pleased that this adaptive reuse project will retain the rail corridor along with its historic feeling, association, and use as a transportation route. Based on this review, it is the opinion of the SHPO that the proposed project will have No Adverse Impact upon the historic Ulster and Delaware Railroad Corridor provided the following conditions are incorporated into the project:

1. A Preservation Plan is developed for the historic rail corridor. At minimum the Plan will identify all historic structures and engineering features that will be impacted by the project.
2. Historic interpretation of the railway will be integrated into development of the rail trail. Interpretive materials should include interpretive signage along the rail trail. A qualified professional should be retained to develop the preservation and interpretive plans.

3. Materials related to documentation and interpretation of historic features should be submitted to our office for review in the preliminary and pre-final stages.

Any additional measures that would further ensure the preservation and understanding of the historic railway are encouraged. Towards this goal, we suggest the following:

- Small sections of track (roughly 50') may be retained at the beginning and end of the proposed rail trail. One or both ends of this could display the existing heavy gauge rails along with a sample of the previous iteration of light rail as part of an interpretive exhibit.
- Additional historic features including buildings, structures, and engineering features that are identified along the eligible route will be protected and interpreted in accordance with the Preservation Plan.

Consultation with our office should continue as the preservation and interpretation measures suggested above are developed. Plans, specifications, and other documentation requested in this letter should be provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/. Once on the CRIS site, you can log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this project number and your e-mail address.

If you have any questions, I can be reached at (518) 268-2164.

Sincerely,

Weston Davey
Historic Site Restoration Coordinator
weston.davey@parks.ny.gov

via e-mail only

CC: Scott Ballard (DEC)
Charles Laing (NYCDEP)
Christopher White (Ulster County)

New York State
Department of Environmental Conservation

NOTICE

The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department conditions on it, contact the DEC at 845/256-3054. Please refer to the permit number shown when contacting the DEC.

Permittee: Ulster County Permit No. 3- 5199-00041/1

Effective Date: 12/26/17 Expiration date: 12/31/20

☑ Applicable if checked. No instream work allowed between October 1 & April 30

NOTE: This notice is **NOT** a permit.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov

IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

The DEC permit number & program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition 1.

If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate Department's regional Division of Water or delegated local Health Department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact me at (845) 256-2250 or at the above address.

Scott Ballard SB
Deputy Regional Permit Administrator
Division of Environmental Permits, Region 3

- ☐ Applicable only if checked. Please note all work authorized under this permit is prohibited during trout spawning season commencing October 1 and ending April 30.
- ☐ Applicable only if checked for STORMWATER SPDES INFORMATION: We have determined that your project requires coverage under the General Stormwater SPDES Permit. You must file a Notice of Intent to obtain coverage under the General Permit. This form can be downloaded at: http://www.dec.ny.gov/chemical/43133.html
- ☐ Applicable only if checked - MS4 Areas: This site is within an MS4 area (Municipal Separate Storm Sewer System), therefore the SWPPP must be reviewed and accepted by the municipality. The MS-4 Acceptance Form must be submitted in addition to the Notice of Intent.

Send the completed form(s) to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway, Albany, New York 12233-3505; in addition, DEC requests that you provide one electronic copy of the approved SWPPP directly to NYS DEC, 100 Hillside Avenue - Suite 1W, White Plains, NY 10603-2860.

Appendix T

USACE Permit

DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278-0090

Regulatory Branch

MAR 1 2 2018

SUBJECT: Permit Application Number NAN-2017-01571-WOR
by Ulster County

Thomas Baird
Barton & Loguidice, D.P.C.
10 Airline Drive, Suite 200
Albany, New York 12205

Dear Mr. Baird:

On October 25, 2017, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization for the discharge of fill material into waters of the United States for activities associated with the construction of an 11.5-mile pedestrian and bike trail, including the replacement of a bridge over Esopus Creek, to be known as the Ashokan Rail Trail. The project site is located in the Esopus Creek watershed, in the Towns of Hurley and Olive, Ulster County, New York.

The submitted information indicates that the total impacts to waters of the United States would involve the permanent discharge of fill material into a maximum of 0.2499 acres of streams and wetlands. Approximately 300 linear feet of the trail, from Stations 265+75 to 268+75 would be elevated, on 8-inch-diameter piles, approximately 4 feet above wetlands that have established within the ballast of the former railroad bed. Beneath the new boardwalk, the railroad ballast would be removed to a depth of approximately 18 inches, and replaced with 6 inches of native wetland soils. In addition, approximately 0.41 acres of waters would be temporarily impacted for construction access. Upon completion of the work, all temporarily impacted areas would be returned to pre-construction contours. The work would be accomplished as shown on the following drawings:

- "Ashokan Rail Trail Ulster County", Drawings K-1, K-2, ESCP-3, ESCP-4, ESCP-10, ESCP-18, ESCP-19, ESCP-20, ESCP-24, ESCP-28, ESCP-33, ESCP-34, ESCP-35, ESCP-36, ESCP-37, ESCP-38, ESCP-40, ESCP-41, ESCP-44, ESCP-48, ESCP-58, ESCP-61, ESCP-65, ESCP-70, ESCP-71, ESCP-73 and MD-4, prepared by Barton & Loguidice, D.P.C., Drawings K-1 and K-2 dated September, 2017, Drawings ESCP-3, ESCP-4, ESCP-18, ESCP-19, ESCP-20, ESCP-24, ESCP-28, ESCP-33, ESCP-34, ESCP-35, ESCP-40, ESCP-41, ESCP-44, ESCP-48, ESCP-58, ESCP-61, ESCP-70, ESCP-71 and ESCP-73 dated February, 2018, and Drawings ESCP-10, ESCP-36, ESCP-37, ESCP-38, ESCP-65 and MD-4 dated March 7, 2018;
- "Ashokan Rail Trail Boiceville Bridge Over Esopus Creek Ulster County", Drawings BV-1, BV-2 and BV-3, prepared by Barton & Loguidice, D.P.C., Drawings BV-1 and BV-2 dated March 7, 2018, and Drawing BV-3 dated January, 2018; and

MAR 1 2 2018

- "Ashokan Rail Trail Butternut Cove Structure Replacement Ulster County", Drawing BN-1, prepared by Barton & Loguidice, D.P.C., dated January, 2018.

Based on the information submitted to this office, and accomplishment of notification in accordance with the applicable federal requirements, our review of the project indicates that an individual permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 14. The nationwide permits are prescribed as a Reissuance of Nationwide Permits in the Federal Register dated January 6, 2017 (82 FR 1860). The work may be performed without further authorization from this office provided the activity complies with the permit conditions listed in Section B, No. 14, Section C, any applicable New York District regional conditions, the following special conditions, and any applicable regional conditions added by the State of New York, copies enclosed.

Special Conditions

(A) In order to protect the Federally-listed endangered Indiana bat (*Myotis sodalis*) and the Federally-listed threatened northern long-eared bat (*Myotis septentrionalis*), the clearing of potential roosting trees shall occur only between November 1 and March 31. Orange construction fencing shall be used to separate areas to be graded from areas to be left undisturbed. Artificial dyes, coloring, insecticide or algaecide, such as copper sulfate, shall not be used in stormwater control structures. The permittee shall use shields to direct lights towards the ground.

(B) The permittee shall comply with the terms and conditions of the enclosed letter from the New York State Office of Parks Recreation and Historic Preservation, dated October 3, 2016.

This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District.

Care should be taken so that construction materials, including debris, do not enter any waterway to become drift or pollution hazards. You are to contact the appropriate state and local government officials to ensure that the subject work is performed in compliance with their requirements.

Please note that this nationwide permit (NWP) verification is based on a preliminary jurisdictional determination (JD). A preliminary JD is not appealable. If you wish, prior to commencement of the authorized work you may request an approved JD, which may be appealed, by contacting the New York District, U.S. Army Corps of Engineers for further instruction. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review U.S. Army Corps of Engineers Regulatory Guidance Letter No. 16-01, which can be found at: http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl_6-01_app1-2.pdf

MAR 1 2 2018

This verification is valid until March 18, 2022, unless the nationwide permit is modified, reissued, or revoked. This verification will remain valid until March 18, 2022, if the activity complies with the terms of any subsequent modifications of the nationwide permit authorization. If the nationwide permits are suspended, revoked, or modified in such a way that the activity would no longer comply with the terms and conditions of a nationwide permit, and the proposed activity has commenced, or is under contract to commence, the permittee shall have 12 months from the date of such action to complete the activity.

Within 30 days of the completion of the activity authorized by this permit and any mitigation required by this permit, you are to sign and submit the attached compliance certification form to this office.

In order for us to better serve you, please complete our Customer Service Survey located at http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx.

If any questions should arise concerning this matter, please contact Brian A. Orzel, of my staff, at (917) 790-8413.

Sincerely,

Rosita Miranda
Chief, Western Section

Enclosures

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD:

B. NAME AND ADDRESS OF PERSON REQUESTING PJD: Thomas Baird, Barton & Loguidice, 10 Airline Dr, Albany, NY

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: NY District, Ulster County, NAN-2017-01571-WOR

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: New York County/parish/borough: Ulster City: Hurley and Olive

Center coordinates of site (lat/long in degree decimal format):

Lat.: 41.9841 Long.: -74.1801

Universal Transverse Mercator:

Name of nearest waterbody: Esopus Creek/Ashokan Reservoir

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: March 8, 2018

☐ Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Stream 1	42.0011	-74.1266	70 linear ft	non-wetland waters	404
Stream 2	42.0012	-74.1307	90 linear ft	non-wetland waters	404
Stream 3	42.0003	-74.1425	180 linear ft	non-wetland waters	404
Stream 4	41.9994	-74.1479	105 linear ft	non-wetland waters	404
Stream 5	41.9946	-74.1554	75 linear ft	non-wetland waters	404
Stream 6	41.9914	-74.1630	110 linear ft	non-wetland waters	404

1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.

2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there *"may be"* waters of the U.S. and/or that there *"may be"* navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- [x] Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
  Map: _____.
- [x] Data sheets prepared/submitted by or on behalf of the PJD requestor.
  - [x] Office concurs with data sheets/delineation report.
  - [ ] Office does not concur with data sheets/delineation report. Rationale: _____.
- [ ] Data sheets prepared by the Corps: _____.
- [ ] Corps navigable waters' study: _____.
- [ ] U.S. Geological Survey Hydrologic Atlas: _____.
  - [ ] USGS NHD data.
  - [ ] USGS 8 and 12 digit HUC maps.
- [x] U.S. Geological Survey map(s). Cite scale & quad name: Ashokan, Woodstock NY.
- [x] Natural Resources Conservation Service Soil Survey. Citation: Ulster County, NY.
- [x] National wetlands inventory map(s). Cite name: Ashokan, Woodstock NY.
- [x] State/local wetland inventory map(s): Ashokan, Woodstock NY.
- [ ] FEMA/FIRM maps: _____.
- [ ] 100-year Floodplain Elevation is: _____.(National Geodetic Vertical Datum of 1929)
- [x] Photographs: [x] Aerial (Name & Date): _____.
  or [x] Other (Name & Date): _____.
- [ ] Previous determination(s). File no. and date of response letter: _____.
- [ ] Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

3/12/2018

Signature and date of
Regulatory staff member
completing PJD

_____

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)[1]

[1] Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

RGL 16-01: TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION					
Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Stream 7	41.9801	-74.1811	120 linear ft	non-wetland waters	404
Stream 9	41.9768	-74.1922	175 linear ft	non-wetland waters	404
Stream 10	41.9745	-74.1991	50 linear ft	non-wetland waters	404
Stream 11	41.9735	-74.2013	80 linear ft	non-wetland waters	404
Stream 13	41.9673	-74.2285	40 linear ft	non-wetland waters	404
Stream 14	41.9708	-74.2392	130 linear ft	non-wetland waters	404
Stream 15	41.9738	-74.2485	85 linear ft	non-wetland waters	404
Esopus Creek	41.999	-74.2705	250 linear ft	non-wetland waters	404
Stream 31	41.9688	-74.2138	2465 linear ft	wetland	404
Stream 32	41.9686	-74.2138	1425 linear ft	wetland	404
Wetland AS-20	41.9712	-74.2071	0.054 acres	wetland	404
Wetland M	41.9698	-74.2109	0.011 acres	wetland	404
Wetland N	41.9698	-74.2107	0.006 acres	wetland	404

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NY 10278-0090

CENAN-OP-RW

NATIONWIDE PERMIT COMPLIANCE CERTIFICATION AND REPORT FORM

Permittee: Ulster County

Permit No.: NAN-2017-01571

Date Permit Issued: MAR 12 2018

Location: Towns of Hurley and Woodstock, Ulster County, New York

Within 30 days of the **COMPLETION** of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the address at the bottom of this form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of said permit, and required mitigation was completed in accordance with the permit conditions.

_____ _____
Signature of Permittee Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below **or FAX to (212) 264-4260.**

Place Stamp
Here

Department of the Army
New York District Corps of Engineers
Jacob K. Javits Federal Building
26 Federal Plaza, Room 1937
ATTN: CENAN-OP-RW
New York, New York 10278-0090

Final Regional Conditions, Water Quality Certification and Coastal Zone Concurrence for Nationwide Permit 14 – (Linear Transportation Projects) within the New York District Regulatory Boundary in the State of New York Expiration March 18, 2022

NOTE: This document is derived from the New York District Public Notice dated March 21, 2017, which listed all the Nationwide Permits (NWP) and their regional conditions for all of New York State. That document can be obtained from the New York District web site, located at: http://www.nan.usace.army.mil/Missions/Regulatory/Nationwide-Permits/

This document focuses specifically on NWP 14 (Linear Transportation Projects) and the regional conditions applicable to the counties within the New York District Corps of Engineers.

Table of Contents:

Final Regional Conditions, Water Quality Certification and Coastal Zone Concurrence for Nationwide Permit 14 – (Linear Transportation Projects) within the New York District Regulatory Boundary in the State of New York Expiration March 18, 2022

A. Nationwide Permits Index:

B. Nationwide Permits

14. Linear Transportation Projects. Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, "District Engineer's Decision." The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

Permit-specific Regional Conditions:

a. Within Essential Fish Habitat as discussed in Section G-E.8. below, if any work is proposed within areas supporting anadromous fish migration and spawning, sediment removal and pile and sheet pile/cofferdam installation and removal shall be avoided from March 1 to June 30 of any year. Work within cofferdams can proceed any time during the year provided that the cofferdams are installed or removed outside of the seasonal work restriction. A PCN is required if a variance of this seasonal work window is requested.

b. Within Essential Fish Habitat, if any work is proposed within areas identified as EFH for winter flounder eggs and larvae, in-water work shall be avoided from January 15 to May 31 of any year. A PCN is required if a variance of this seasonal work window is requested.

c. Within Essential Fish Habitat, if any work is proposed within submerged aquatic vegetation (SAV) habitat or within 50 feet of SAV habitat, a PCN is required.

d. Within National Marine Fisheries Service (NMFS) Threatened, Endangered or Candidate (TE&C) habitat as discussed in Section G-E.8. below, any work that would generate turbidity or sedimentation shall be avoided from March 16 to October 31. A PCN is required if a variance of this seasonal work window is requested.

e. Within National Marine Fisheries Service (NMFS) Threatened, Endangered or Candidate (TE&C) habitat, any proposed pilings which would be steel or would exceed 12 inches in diameter shall require a PCN.

REMINDER TO APPLICANT: For projects involving culverts, please take particular note of the requirements of General Regional Conditions G-B.1. and B.2. below.

Section 401 Water Quality Certification:
The New York State Department of Environmental Conservation (NYSDEC) has granted blanket Section 401 Water Quality Certification in New York State provided that the project complies with **all** the Special Conditions listed below and General Conditions listed in Section H. Where the Special Conditions differ from the General Conditions, the Special Conditions shall prevail. Any party conducting the activities authorized by this NWP that cannot comply with **all** these conditions must apply for and obtain an individual Section 401 Water Quality Certification from the NYSDEC.

NYSDEC WQC NWP #14 Special Conditions:

- Linear transportation activities that cross multiple waterbodies or cross the same waterbody at multiple locations, while viewed as multiple "single and complete" projects for the purposes of the Nationwide Permit program, will be considered by the Department as a single project for all crossings for the entire length of the project in New York State for the purpose of obtaining Water Quality Certification from New York State and determining the disturbance threshold of 300 linear feet or ¼ acre.

- This certification does not authorize the construction of new linear transportation facilities (such as new roads or crossings structures in riparian wetlands located within a FEMA designated 100 year floodplain.)

New York State Department of State Coastal Zone Management Consistency Determination:
Pursuant to 15 CFR Part 930.41 and 930.43, the New York State Department of State (NYSDOS) objects to the USACE' consistency determination and therefore, an individual consistency concurrence determination from NYSDOS is required for this NWP to be valid in the New York coastal area. See Section I below for further information.

C. Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. The permittee shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights. No NWP activity may cause more than minimal adverse effects on tribal rights (including treaty rights), protected tribal resources, or tribal lands.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the effects of the proposed activity has been completed. Direct effects are the immediate effects on listed species and critical habitat caused by the NWP activity. Indirect effects are those effects on listed species and critical habitat that are caused by the NWP activity and are later in time, but still are reasonably certain to occur.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed activity or that utilize the designated critical habitat that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the USACE' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species or critical habitat, or until ESA section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental

take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring their action complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting appropriate local office of the U.S. Fish and Wildlife Service to determine applicable measures to reduce impacts to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act. If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect. Where the non-Federal applicant has identified historic properties on which the activity might have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed.

(d) For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation to ensure that the activity results in no more than minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. Restored riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f)).

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is

not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____
(Transferee)

_____
(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission is not authorized by NWP until the appropriate Corps office issues the section 408 permission to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be

used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures. For single and complete linear projects, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-Federal permittees, if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-Federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an activity that requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from the Corps office having jurisdiction over that USACE project.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is an NWP PCN and must include all of the applicable information required in paragraphs (b)(1) through (10) of this general condition. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of stream bed; (iii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iv) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

D. District Engineer's Decision

1. In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If a project proponent requests authorization by a specific NWP, the district engineer should issue the NWP verification for that activity if it meets the terms and conditions of that NWP, unless he or she determines, after considering mitigation, that the proposed activity will result in more than minimal individual and cumulative adverse effects on the aquatic environment and other aspects of the public interest and exercises discretionary authority to require an individual permit for the proposed activity. For a linear project, this determination will include an evaluation of the individual crossings of waters of the United States to determine

whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51, 52, or 54, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in only minimal individual and cumulative adverse environmental effects. For those NWPs that have a waivable 300 linear foot limit for losses of intermittent and ephemeral stream bed and a 1/2-acre limit (i.e., NWPs 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52), the loss of intermittent and ephemeral stream bed, plus any other losses of jurisdictional waters and wetlands, cannot exceed 1/2-acre.

2. When making minimal adverse environmental effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. He or she will also consider the cumulative adverse environmental effects caused by activities authorized by NWP and whether those cumulative adverse environmental effects are no more than minimal. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional or condition assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse environmental effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

3. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for NWP activities with smaller impacts, or for impacts to other types of waters (e.g., streams). The district engineer will consider any proposed compensatory mitigation or other mitigation measures the applicant has included in the proposal in determining whether the net adverse environmental effects of the proposed activity are no more than minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are no more than minimal, after considering mitigation, the district engineer will notify the permittee and include any activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation would ensure the NWP activity results in no more than minimal adverse environmental effects. If the net adverse environmental effects of the NWP activity (after consideration of the mitigation proposal) are determined by the district engineer to be no more than minimal, the district engineer will provide a timely written response to the applicant. The response will state that the NWP activity can proceed under the terms and conditions of the NWP, including any activity-specific conditions added to the NWP authorization by the district engineer.

4. If the district engineer determines that the adverse environmental effects of the proposed activity are more than minimal, then the district engineer will notify the applicant either: (a) that the activity does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (b) that the activity is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal; or (c) that the activity is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse environmental effects, the activity will be authorized within the 45-day PCN period (unless additional time is required to comply with general conditions 18, 20, and/or

31, or to evaluate PCNs for activities authorized by NWPs 21, 49, and 50), with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation plan or a requirement that the applicant submit a mitigation plan that would reduce the adverse environmental effects so that they are no more than minimal. When compensatory mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

E. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.

2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project (see general condition 31).

F. Definitions

Best management practices (BMPs): Policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material into waters of the United States.

Ecological reference: A model used to plan and design an aquatic habitat and riparian area restoration, enhancement, or establishment activity under NWP 27. An ecological reference may be based on the structure, functions, and dynamics of an aquatic habitat type or a riparian area type that currently exists in the region where the proposed NWP 27 activity is located. Alternatively, an ecological reference may be based on a conceptual model for the aquatic habitat type or riparian area type to be restored, enhanced, or established as a result of the proposed NWP 27 activity. An ecological reference takes into account the range of variation of the aquatic habitat type or riparian area type in the region.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear project in the Corps Regulatory Program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

Intermittent stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and services. The loss of stream bed includes the acres or linear feet of stream bed that are filled or excavated as a result of the regulated activity. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities that do not require Department of the Army authorization, such as activities eligible for exemptions under section 404(f) of the Clean Water Act, are not considered when calculating the loss of waters of the United States.

Navigable waters: Waters subject to section 10 of the Rivers and Harbors Act of 1899. These waters are defined at 33 CFR part 329.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. Aquatic vegetation within the area of flowing or standing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. Examples of "open waters" include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas.

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Protected tribal resources: Those natural resources and properties of traditional or customary religious or cultural importance, either on or off Indian lands, retained by, or reserved by or for, Indian tribes through treaties, statutes, judicial decisions, or executive orders, including tribal trust resources.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

Riffle and pool complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface, and high dissolved oxygen levels in the water. Pools are deeper

areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Riparian areas: Riparian areas are lands next to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, the term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. A single and complete non-linear project must have independent utility (see definition of "independent utility"). Single and complete non-linear projects may not be "piecemealed" to avoid the limits in an NWP authorization.

Stormwater management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater management facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and best management practices, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a jurisdictional wetland that is inundated by tidal waters. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line.

Tribal lands: Any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

Tribal rights: Those rights legally accruing to a tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaty, statute, judicial decisions, executive order or agreement, and that give rise to legally enforceable remedies.

Vegetated shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a wetland is adjacent to a waterbody determined to be a water of the United States, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.

G. Buffalo and New York District General Regional Conditions

These conditions apply to ALL Nationwide Permits.

G-A. Construction Best Management Practices (BMP's): Unless specifically approved otherwise through issuance of a variance by the District Engineer, the following BMP's must be implemented to the maximum degree practicable, to minimize erosion, migration of sediments, and adverse environmental impacts. Note that at a minimum, all erosion and sediment control and stormwater management practices must be designed, installed and maintained throughout the entire construction project in accordance with the latest version of the *"New York Standards and Specifications for Erosion and Sediment Control"* and the *"New York State Stormwater Management Design Manual"*. These documents are available at: http://www.dec.ny.gov/chemical/29066.html and http://www.dec.ny.gov/chemical/29072.html , respectively. Prior to the discharge of any dredged or fill material into waters of the United States, including wetlands, authorized by NWP, the permittee must install and maintain erosion and sedimentation controls in and/or adjacent to wetlands or other waters of the United States.

1. All synthetic erosion control features (e.g., silt fencing, netting, mats), which are intended for temporary use during construction, shall be completely removed and properly disposed of after their initial purpose has been served. Only natural fiber materials, which will degrade over time, may be abandoned in place.

2. Materials resulting from trench excavation for utility line installation or ditch reshaping activities which are temporarily sidecast or stockpiled into waters of the United States must be backfilled or removed to an upland area within 30 days of the date of deposition. Note: upland options shall be utilized prior to temporary placement within waters of the U.S., unless it can be demonstrated that it would not be practicable or if the impacts of complying with this upland option requirement would result in more adverse impacts to the aquatic environment.

3. For trenching activities in wetlands the applicant shall install impermeable trench dams or trench breakers at the wetland boundaries and every 100 feet within wetland areas to prevent inadvertent drainage of wetlands or other waters of the United States.

4. Dry stream crossing methods (e.g., diversion, dam and pump, flume, bore) shall be utilized for culvert or other pipe, or utility installations to reduce downstream impacts from turbidity and sedimentation. This may require piping or pumping the stream flow around the work area and the use of cofferdams.

5. No in-stream work shall occur during periods of high flow, except for work that occurs in dewatered areas behind temporary diversions, cofferdams or causeways.

6. Construction access and staging areas shall be by means that avoid or minimize impacts to aquatic sites (e.g. use of upland areas for access & staging, floating barges, mats, etc.). Discharges of fill material associated with the construction of temporary access roads, staging areas and work pads in wetlands shall be placed on filter fabric. All temporary fills shall be removed upon completion of the work and the disturbed area restored to pre-construction contours, elevations and wetland conditions, including cover type. All vegetation utilized in the restoration activity shall consist of native species.

7. All return flow from dredged material disposal areas shall not result in an increase in turbidity in the receiving water body that will cause a substantial visible contrast to natural conditions. (See NWP #16)

8. For activities involving the placement of concrete into waters of the U.S., the permittee must employ watertight forms. The forms shall be dewatered prior to the placement of the concrete. The use of tremie concrete is allowed, provided that it complies with New York State water quality standards.

9. New stormwater management facilities shall be located outside of waters of the U.S. A variance of this requirement may be requested with the submission of a PCN. The PCN must include justification which demonstrates that avoidance and minimization efforts have been met.

10. To the maximum extent practicable, the placement of fill in wetlands must be designed to maintain pre-construction surface water flows/conditions between remaining on or off-site waters and to prevent draining of the wetland or permanent hydrologic alteration. This may require the use of culverts and/or other measures. Furthermore, the activity must not restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters). The activity may alter the pre-construction flows/conditions if it can be shown that it benefits the aquatic environment (i.e. wetland restoration and/or enhancement).

G-B. CULVERTS

1. **ALL NEW OR REPLACEMENT CULVERTS** in streams shall be constructed/installed in accordance with the following, in order to ensure compliance with NWP General Condition #2 – Aquatic Life Movement and #9 Management of Water Flows:

a. Size: Bank-full flows shall be accommodated through maintenance of the existing bank-full channel cross sectional dimensions within one culvert. Bank-full width is generally considered to be the top width at the stage where a stream begins to overtop its banks and spread into the floodplain. Either a bottomless culvert or bridge must be used where practicable. If the stream cannot be spanned, the culvert width shall be minimum of 1.25 times width of the stream channel at the ordinary high water, or a 2 year design storm.

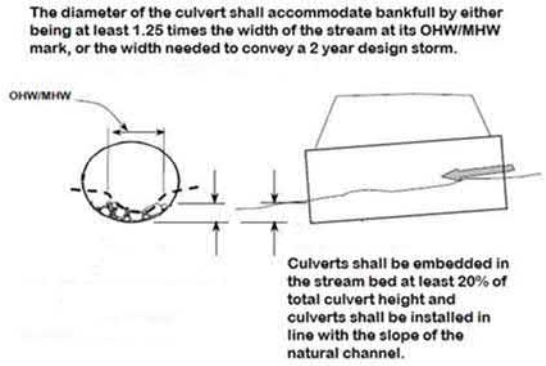
b. Depth: To maintain low flow and aquatic life movement within culverts with a bottom, the culvert invert must be embedded. Specifically, the culvert must be installed with its bottom buried below the grade of the stream bed, as measured at the average low point, to a depth of a minimum of 20 percent of the culvert vertical rise (height) throughout the length of the culvert. (Note: When not practicable to do so due to small culvert size, it is acceptable to allow natural deposition to cover the interior of the culvert bed following placement of the culvert invert to the 20% depth.)

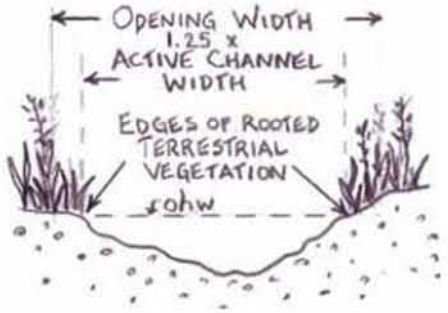
c. The dimension, pattern, and profile of the stream above and below the stream crossing shall not be permanently modified by changing the width or depth of the stream channel.

d. The culvert bed slope shall remain consistent with the slope of the adjacent stream channel.

e. Stone aprons and scour protection placed in streams shall not extend higher than the stream bed in order to create a uniform grade and shall be filled with native stream bed material and supplemented with similarly sized material, if needed, to fill interstitial spaces to maintain water flow on the surface of the stream bed.

Note 1: Use of the requirements alone will not satisfy the need for proper engineering and design. In particular, appropriate engineering is required to ensure structures are sized and designed to provide adequate capacity (to pass various flood flows) and stability (bed, bed forms, footings and abutments, both upstream and downstream). It is the permittee's responsibility to ensure the structure is appropriately designed.
Note 2: This condition does not apply to temporary culverts used for construction access that are in place for less than one construction season. However, compliance with General Conditions #2 and #9 still applies.





Preconstruction Notification (PCN) Requirements:
A PCN is required for projects that do not meet all of the above requirements. In addition to the PCN requirements of General Condition #32, the PCN must include the following information:

i. A statement indicating which of the above requirements will not be met by the proposed project;

ii. Information as to why the use of such structures or measures would not be practicable;

iii. A brief description of the stream discussing:
- Site specific information (i.e. stream bed slope, type and size of stream bed material, stream type, existing natural or manmade barriers, etc.) assessed to determine appropriate culvert design and to ensure management of water flows and aquatic life movement.

- Evaluation of the replacement for its impacts on: downstream flooding, upstream and downstream habitat (in-stream habitat, wetlands), potential for erosion and headcutting, and stream stability.

- Flow/storm event the proposed culvert is designed to pass (2 year, 50 year, etc.)

iv. Cross sections of the stream used to calculate the stream bed low point and ordinary high water width, consisting of:

- Stream channel cross sections shall be taken at proximal locations to the crossing location to determine the average of the lowest points in elevation of the stream bed and the average width at ordinary high water.
    - For new crossing locations, the average values from at least three measurements (project location and straight sections of the stream upstream and downstream) shall be used.
    - For replacement of an existing structure, the average values from at least two cross sections (straight sections of the stream upstream and downstream from the existing structure representative of the natural channel) shall be used.
- This average low point shall be used to ensure low flow is maintained through the culvert and from which all embedment depths are measured.
- If the above cross section method was not practicable to use, an alternative method may be utilized. The PCN shall include justification for the method used including the data used and an explanation as to how it provides an equivalent measure.

v. An evaluation of the effects the crossing would have on aquatic life movement and/or water flows; and

vi. Mitigation measures that will be employed to minimize these effects. Mitigation measures may include, but are not limited to baffles, weirs, roughened channels, and grade control structures

A variance of the requirement(s) will be issued by the Corps if it can be demonstrated that the proposal would meet General Conditions #2 & #9 and would result in the least environmentally damaging practicable alternative (e.g. compliance with any of the requirement(s) would result in detrimental impacts to the aquatic system).

2. **ALL CULVERT REHABILITATION PROJECTS** in streams, not including culvert replacement projects, shall be constructed in accordance with the following, in order to ensure compliance with NWP General Condition #2 – Aquatic Life Movement and #9 Management of Water Flows:

a. An evaluation of the existing culvert shall be conducted prior to the proposed culvert rehabilitation to determine if the existing culvert is in compliance with NWP GC #2 and #9. Specifically, the culvert shall be evaluated regarding its effect upon aquatic life movements and low/ high water flow. If the above requirements in General Regional Condition B. 1 (a)-(e) are met then the culvert is considered in compliance with NWP General Conditions #2 & # 9. (Potential evaluation methods to consider include: North Atlantic Aquatic Connectivity Collaborative (NAACC), US Forest Service Aquatic Organism Passage FishXing, etc.)

b. A PCN is not required for projects that utilize cured-in-place pipe lining or other repair activities that do not raise the existing invert elevation such that it causes an impediment to the passage of either aquatic life movement or water flow unless there is an existing impediment.

c. A PCN is required for any culvert rehabilitation project that includes a culvert which is not in compliance with GC #2 and/or #9 (i.e. impedes aquatic life movement or water flow) and which will not be corrected by the proposed repair.

d. A PCN is required for culvert rehabilitation projects which will involve pipe slip lining or other activities, including concrete invert paving and concrete lining that raise the existing invert elevation such that it causes an impediment to the passage of low flow or aquatic life movement. Slip lining is defined as the insertion of a smaller diameter pipe into an existing pipe by pulling pushing, or spiral winding.

Preconstruction Notification (PCN) Requirements:
In addition to the PCN requirements of General Condition #32, the PCN must include the following information:

i. A summary of the evaluation required in Item a. above including a discussion of the impediment(s) to aquatic life movement and/or water flow.

ii. Information as to how the proposal will mitigate for the impediment. Mitigation measures may include, but are not limited to baffles, weirs, roughened channels, and grade control structures.

G-C. No regulated activity authorized by a Nationwide Permit can cause the loss of areas classified as a bog or fen in the State of New York, as determined by the Buffalo or the New York District Corps of Engineers, due to the scarcity of this habitat in New York State and the difficulty with in-kind mitigation. The Districts will utilize the following document in the classification:

Reschke, C. 1990. *Ecological Communities of New York State*. New York Natural Heritage Program. New York State Department of Environmental Conservation. Latham, N.Y. 96p. This document is available at the following location: http://www.dec.ny.gov/animals/29389.html

G-D. National Wild and Scenic Rivers (NWSR): The Upper Delaware River has been designated as a National Wild and Scenic River from the confluence of the East and West Branches below Hancock, New York, to the existing railroad bridge immediately downstream of Cherry Island in the vicinity of Sparrow Bush, New York. Also, the portion of the Genesee River located within Letchworth Gorge State Park, beginning at the southern boundary of the park and extending downstream to the Mt. Morris Dam, was designated by Congress as a permanent Study River in the Genesee River Protection Act of 1989. In accordance with General Condition #16, no activity may occur within a NWSR, including Study Rivers, unless the National Park Service (NPS) has determined in writing that the proposed work will not adversely affect the NWSR designation or study status**.** Therefore, a PCN is required for any NWP which would impact the designated portions of the Genesee River or the Upper Delaware River, unless NPS has previously indicated the project will not adversely affect the waterway. (Note: the applicant may not commence work under any NWP until the NPS determines in writing that the project will not adversely affect the NWSR even if 45-days have passed since receipt of the PCN package.) Information regarding NWSR may be found at**:** https://www.rivers.gov/new-york.php

G-E. For all proposals requiring a pre-construction notification (PCN), in addition to the requirements in General Condition 32, the applicant shall also include: (Note: the application will not be considered complete until all of the applicable information is received).

1. New York State/USACE Joint Application Form: The application form shall be completed and signed and shall clearly indicate that the submission is a PCN. (http://www.lrb.usace.army.mil/Missions/Regulatory/Application-Forms/)

2. Drawings: The PCN must include legible, black and white project drawings on 8.5" x 11" paper. Full size drawings may be submitted in addition to the 8.5" x 11" plans to aid in the application review. Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are a Vicinity Map (i.e. a location map such as a USGS topographical map), a Plan View and a Cross-Section Map. Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view or cross section). The Vicinity Map shall provide the location of the entire project site. In addition, each illustration should be identified with a figure or attachment number. The location map shall include the Latitude and Longitude or UTM coordinates of the project. For linear projects, the PCN shall include a map of the entire project including a delineation of all waters of the U.S. within the

corridor. Aquatic resource information shall be submitted using the Cowardin Classification System mapping conventions (e.g. PFO, PEM, etc.)

3. Color photographs: The photos should be sufficient to accurately portray the project site, keyed to a location map and not taken when snow cover is present.

4. Avoidance and Minimization: The PCN must include a written narrative explaining how avoidance and minimization of temporary impacts and permanent losses of waters of the U.S. were achieved on the project site (i.e. site redesign, reduction in scope, alternate methods, etc.). It should include a description of the proposed construction practices that would be implemented to perform the proposed work and a description of the reasonably foreseeable direct and indirect effects to waters of the U.S. from the proposed construction practices.

5. Mitigation (See General Conditions 23 & 32(b)(6)):The PCN must include at least a conceptual compensatory mitigation plan for all projects resulting in the loss of greater than $1/10^{th}$ of an acre of waters of the United States; or for which a waiver of the 300 linear foot limit on intermittent and ephemeral streams is being requested. Mitigation conceptual plans submitted with the PCN must include the following information at a minimum: proposed compensation type (bank or in-lieu fee credit, restoration, creation, preservation, etc.), location and brief discussion on factors considered for site selection (i.e. soils, water source, potential for invasive species, etc.), amount proposed per resource type and a discussion of how the proposal will compensate for aquatic resource functions and services lost as a result of the project.

Note 1: All mitigation projects must comply with the Federal Regulations on compensatory mitigation (33 CFR 332) entitled "Compensatory Mitigation for Losses of Aquatic Resources: Final Rule", dated April 10, 2008, which is available at:
http://www.lrb.usace.army.mil/Portals/45/docs/regulatory/MitandMon/FinalMitigaitonRuleApril2008.pdf
and any applicable District Guidelines.

Note 2: Although a conceptual mitigation plan may be sufficient for the purposes of a PCN submission, a detailed mitigation plan must be approved by the Corps before any jurisdictional work may occur on the project site.

Note 3: If more than 0.10 acres of designated EFH habitat (as discussed in Section G-E.8. below) would be impacted such that habitat would be lost, compensatory mitigation at a minimum ratio of 1:1 is required. A ratio of more than 1:1 may be required depending upon the ecological value of the habitat to be lost or degraded and the form of compensatory mitigation proposed to be provided.

6. Nationwide Rivers Inventory: The PCN shall indicate if a river segment listed within the National Park Service Nationwide Rivers Inventory (NRI) is located within the proposed project area. For project areas containing a listed NRI segment, the PCN shall also include a statement as to how adverse effects to the river have been avoided or mitigated. The list is available at:
http://www.nps.gov/ncrc/programs/rtca/nri/states/ny.html.

7. Historic or Cultural Resources: In accordance with General Condition 20, a PCN is required for any non-federal activity which may have the potential to cause effects to any historic properties* listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places (NR). Please refer to General Condition 20 for submission requirements. In addition, all PCNs must include:

- A written statement indicating if any such properties may be affected by the proposed project.
- A copy of any completed archaeology or building/structure survey reports. If a survey has not been performed, the statement shall include a list of resources checked in the determination.

- Copies of any available correspondence from the New York State Office of Parks, Recreation, and Historic Preservation State Historic Preservation Officer (SHPO) regarding historic properties.
- Copies of any available correspondence from federally recognized Indian Nations regarding historic properties that may be affected by the project.
- Projects with ground disturbance may have the potential to cause effects to buried historic properties, regardless of occurring outside SHPO designated archaeological sensitive areas. Therefore, the PCN shall indicate if the ground disturbance will occur in any areas of previously undisturbed soil. For areas with prior disturbance, the PCN shall include a brief narrative describing the disturbance and its limit (i.e. type of disturbance, size of area with current undisturbed soil, size of area with existing disturbed soils, when the disturbance occurred, an estimate on how deep the soil disturbance extends, etc.) as well as photos of the existing ground disturbance.
- Above ground buildings/structures that are over 50 years old and potentially affected by the project will need to be assessed to determine if they are eligible for the NR. The PCN shall: identify any structures present in the project area, which have not already been subject to SHPO review, include photos of the structures, and describe how the project would/would not affect them.

* - see NWP definition section for further clarification

NOTE 1**:** Information regarding historic properties may be found at: https://cris.parks.ny.gov. In addition, assistance regarding the determination of the presence of historic or cultural resources at or near the project site should be directed to SHPO.

NOTE 2**:** as stated in General Condition 20, if any listed, eligible or potentially eligible properties are present, the applicant shall not begin the activity until notified by the district engineer in writing either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

8. Endangered Species and Essential Fish Habitat: In accordance with General Condition 18, non-federal applicants must submit a PCN if any listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat. Please refer to General Condition 18 for submission requirements. In addition, all PCNs must include:

- a written statement and documentation concerning any Essential Fish Habitat (EFH) and any federally listed or proposed Threatened, Endangered, or Candidate (TE&C) species or designated and/or proposed critical habitat that might be affected or located in the vicinity of the project.
- a copy of any correspondence from the U.S. Fish and Wildlife Service (USFWS) and/or National Oceanic and Atmospheric Administration Fisheries Service (NOAA-Fisheries), regarding the potential presence of TE&C species on the project site. USFWS TE&C website: http://www.fws.gov/northeast/nyfo/es/section7.htm . Information on NOAA-Fisheries (NMFS) species (both TE&C and EFH) can be found at: https://www.greateratlantic.fisheries.noaa.gov/]
- an official TE&C species list printed within 90 days of the PCN submission from the USFWS Website.
- For projects where TE&C species are listed, a discussion of potential TE&C species habitat within the project site (See USFWS T&E website for species habitat information).
- If there is potential habitat for any TE&C species within the project site the following, as applicable, shall be submitted:

  a. The results of any habitat surveys and presence/absence surveys. Note: all surveys should be coordinated with the USFWS and/or NOAA-Fisheries (NMFS) prior to initiation.

b. A detailed description of the proposed project, including secondary impacts and approximate proposed project construction schedule of project activities (e.g. land clearing, utilities, stormwater management).
c. A description of the natural characteristics of the property and surrounding area (e.g. forested areas, freshwater wetlands, open waters, and soils) and a description of surrounding land use (residential, agricultural, or commercial).
d. A description of the area to be impacted by the proposed project, including the species, typical sizes (d.b.h.) and number or acres of trees to be removed.
e. The location of the above referenced property and extent of any project related activities or discharges clearly indicated on a copy of a USGS 7.5 minute topographic quadrangle (quad) with the name of the quad(s) and latitude/longitude clearly labeled.
f. A description of conservation measures to avoid, minimize and/or mitigate impacts to listed species.

NOTE 1**:** There are no known TE&C species or EFH species under the jurisdiction of the NOAA-Fisheries (NMFS) within the Buffalo District. Therefore, all Buffalo District requests for information regarding the presence of TE&C species should be directed to the USFWS. In addition, no EFH review is necessary within the following New York District counties: Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Otsego, Schenectady, Schoharie and Warren.

NOTE 2**:** Please refer to the following website for further guidance and information relating to regulatory permits & TE&C species in New York:
http://www.lrb.usace.army.mil/Missions/Regulatory/Endangered-Species/Endangered-Species-New-York/

NOTE 3**:** General Condition #18 is emphasized, …"In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed work will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed."

9. 100 Year Floodplain: For permanent fills within waters of the United States within the 100 year floodplain, documentation of compliance with FEMA-approved state or local floodplain management requirements.

10. Submission of Multiple Copies of PCN:

a) One (1) additional copy of the application drawings shall be provided to USACE for coordination with National Oceanic and Atmospheric Administration (NOAA) for utility lines to be constructed or installed in navigable waters of the U.S. proposed under NWP #12, (See Note 1 of NWP #12)
b) One (1) additional copy of the PCN package shall be provided to USACE for coordination with Department of Defense Siting Clearinghouse (See NWP #12, 39, 51 & 52 Notes) for:
    i. overhead utility lines proposed under NWP #12 and
    ii. any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission lines proposed under NWP #39, 51 or 52

c) Two (2) additional copies of the PCN package shall be provided to USACE when the project is located within the New York City Watershed, for coordination with the New York City Department of Environmental Protection.

d) Five (5) additional copies of the PCN package shall be submitted to USACE for agency coordination in accordance with General Condition # 31(d)(2) for:
    i. All NWP activities that result in the loss of greater than 1/2-acre of waters of the United States,

ii. NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that will result in the loss of greater than 300 linear feet of intermittent & ephemeral stream bed,
iii. NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites;
iv. NWP 54 activities in excess of 500 linear feet or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

G-F. CRITICAL RESOURCE WATERS

In accordance with NWP General Condition (GC) #22, certain activities in Critical Resource Waters cannot be authorized under the NWP program or would require a PCN (see GC #22 for a list of the NWP activities that are either excluded or require a PCN).

Critical Resource Waters in New York State include the following:

1. **East-of-Hudson portion of the New York City Water Supply:** This area includes portions of Dutchess, Putnam and Westchester Counties as delineated on Enclosure 2.

2. **Hudson River National Estuarine Research Reserves (NERR):** The Hudson River NERR consists of four components: Piermont Marsh, Iona Island, Tivoli Bay, and Stockport Flats.

H. NYSDEC General Water Quality Certification (WQC) Conditions applicable to all NWPs for which WQC has been provided are as follows:

1. Non-contamination of Waters
   • All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, resins, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, inadvertent returns of drilling muds (frac-outs) or any other environmentally deleterious materials associated with the project.

2. Installation and Replacement of Culverts
To be covered under this blanket Water Quality Certification, all of the following criteria must be met:
   • Culvert pipes shall be designed to safely pass a 2% annual chance storm event.
   • This certification does not authorize the installation of any culverts that are not embedded beneath the existing grade of the stream channel.
   • Width of the structure must be a minimum of 1.25 times (1.25X) width of the Mean (Ordinary) High Water Channel.
   • The culvert bed slope shall remain consistent with the slope of the adjacent stream channel. For slopes greater than 3%, an open bottom culvert must be used.
   • This certification does not authorize work on culverts that provide sole access to "Critical Facilities": An individual WQC must be obtained for work on these culverts.
   • This certification does not authorize culvert rehabilitation projects that involve slip lining, or similar treatments.
   • This certification does authorize the rehabilitation of culverts utilizing Cure in Place Pipe Lining (CIPP) or concrete spray lining for culverts which currently meet Nationwide Permit General Condition # 2 - Aquatic Life Movements.

3. Discharge and Disturbance Limits of the Blanket WQC
   • For Nationwide Permits # 5, 7,12, 13, 14, 15, 18, 19, 23, 25, 29, 31, 32, 34, 36, 37, 39, 40, 42, 45, 46, 48, 51, utility line replacement projects under Nationwide Permit #3 and non-maintenance activities under Nationwide Permit #43.
   • The following discharge limits apply:

a) Temporary or permanent discharges of dredged or fill material into wetlands and other waters of the U.S. must not exceed ¼ acre;
b) Temporary or permanent impacts (i.e., loss) to stream beds must not exceed 300 linear feet.
c) The discharge area limit under paragraph (a) plus the equivalent stream impact area limit under paragraph (b) must not exceed ¼ acre total.

•For Nationwide Permits # 3, 4, 6, 20, 22, 27, 30, 33, 41 and maintenance activities under Nationwide Permit # 43, this certification authorizes discharges and disturbances up to the limit of the respective Nationwide Permit or regional conditions, whichever is most restrictive.

•If a project requiring coverage under two or more Nationwide Permits results in a temporary or permanent discharge or disturbance, the most restrictive threshold applies to the project.

4. Bulkheads
   - This certification does not authorize the construction of new bulkheads or vertical walls.
   - This certification does not authorize the waterward extension of existing bulkheads.
   - New toe-stone protection may not extend more than 36 inches waterward from the existing bulkhead face.

5. Maintenance of Water Levels
   - This certification does not authorize any activity that results in a permanent water level alteration in waterbodies, such as draining or impounding, with the exception of activities authorized by Nationwide Permit #27.

6. Dewatering
   - Authorized dewatering is limited to immediate work areas that are within coffer dams or otherwise isolated from the larger waterbody or waters of the United States.
   - Dewatering must be localized and must not drain extensive areas of a waterbody or reduce the water level such that fish and other aquatic organisms are killed, or their eggs and nests are exposed to desiccation, freezing or depredation in areas outside of the immediate work site.
   - Cofferdams or diversions shall not be constructed in a manner that causes or exacerbates erosion of the bed or banks of a waterbody.
   - All dewatering structures must be permanently removed and disturbed areas must be graded and stabilized immediately following completion of work. Return flows from the dewatering structure shall be as visibly clear as the receiving waterbody.

7. Endangered or Threatened Species
   - This certification does not authorize projects likely to result in the take or taking of any species listed as endangered or threatened species listed in 6 NYCRR Part 182.5 (a), (b) or projects likely to destroy or adversely modify the habitat of such species. Applicants must either verify that the activity is outside of the occupied habitat of such species or, if located within the habitat of such species, obtain a determination from the NYS Department of Conservation Regional Office that the proposed activity will not be likely to result in the take or taking of any species listed as endangered or threatened species listed in 6 NYCRR Part 182. Information on New York State endangered or threatened species may be obtained from the NYS Department of Environmental regional offices, the New York Natural Heritage Program in Albany, New York or on the DEC website at http://www.dec.ny.gov/animals/29338.html

   If it is determined that the project is likely to result in the take of (or modify the habitat of such species) a New York listed endangered or threatened species , then this blanket water quality certification is not applicable, and the applicant will need an individual water quality certification from the department.

8. Rare Mollusks

• This Certification may not be issued for and does not authorize disturbances or discharges to waters of the state listed as supporting mollusks S-1 or S-2 on the New York State Natural Heritage database. http://www.dec.ny.gov/animals/29338.html

9. Prohibition Period for In-water Work

In-water work is prohibited during the following time period:

• in cold water trout fisheries (waterbodies classified under Article 15 of New York State Environmental Conservation Law with a "t" or "ts" designation), beginning October 1 and ending May 31.

To determine if the prohibition period is in effect for a particular water, contact the Regional Natural Resources Supervisor in the appropriate New York State Department of Environmental Conservation regional office. Water Classification values can be determined on the DEC's Environmental Resource Mapper available on the Departments Website @ http://www.dec.ny.gov/gis/erm/ Work windows may be extended by the Regional Natural Resources Supervisor or their designee.

10. Significant Coastal Fish and Wildlife Habitat

• This certification does not authorize any discharge occurring in a designated Significant Coastal Fish and Wildlife Habitat area pursuant to 19 NYCRR Part 602; Title 19 Chapter 13, Waterfront Revitalization and Coastal Resources. https://www.dos.ny.gov/opd/programs/consistency/scfwhabitats.html

11. Coastal Erosion Hazard Areas

• This certification does not authorize projects in Coastal Erosion Hazard Areas, as identified in New York State Environmental Conservation Law Article 34, and its implementing regulations, 6 NYCRR Part 505. http://www.dec.ny.gov/lands/86541.html

12. State-owned Underwater Lands

Prior to undertaking any Nationwide Permit activity that will involve or occupy state-owned lands now or formerly under the waters of New York State, the party proposing the activity must first obtain all necessary approvals from:

New York State Office of General Services
Division of Real Estate Development
Corning Tower Building, 26th Floor
Empire State Plaza
Albany, NY 12242
Tel. (518) 474-2195

13. Tidal Wetlands

• This certification does not authorize any activities in tidal wetlands as defined in Article 25 of New York State Environmental Conservation Law, with the exception of activities authorized by Nationwide Permits # 4, 20 and 48. http://www.dec.ny.gov/lands/4940.html

14. Wild, Scenic and Recreational Rivers

• This certification does not authorize activities in any Wild, Scenic or Recreational River pursuant to 6 NYCRR Part 666 or state designated Wild, Scenic or Recreational River corridors. http://www.dec.ny.gov/permits/6033.html

15. Floodplains

• Authorized projects subject to this certification must first be in compliance with State and Local Floodplain Regulations prior to commencement of construction.

16. Public Service Commission
    - This certification does not authorize activities regulated pursuant to Article VII or Article 10 of the New York State Public Service Law. For such projects, Section 401 Water Quality Certification is obtained from the New York State Public Service Commission.

17. Utility Projects
    - This certification does not authorize maintenance or other activities associated with hydroelectric power generation projects.
    - This certification does not authorize the construction of substation facilities or permanent access roads in wetlands.
    - Excess materials resulting from trench excavation must be permanently removed from the waters of the United States and contained so that they do not re-enter any waters of the United States.

18. Preventing the Spread of Terrestrial and Aquatic Invasive Species
    - To prevent the unintentional introduction or spread of invasive species, the permittee must ensure that all construction equipment be cleaned of mud, seeds, vegetation and other debris before entering any approved construction areas within waters of the U.S. When using construction equipment projects authorized under this Certification shall take reasonable precautions to prevent the spread of aquatic invasive species as required under the provisions in ECL § 9-1710.

I. New York State Department of State (NYSDOS) Coastal Zone Management Consistency Determination Additional Information (applicable to all NWPs located within or affecting the NYS Coastal Zone):

Where NYSDOS has objected to the USACE consistency determination or where the project will not comply with the NYSDOS NWP specific condition(s), as outlined in the specific NWP listing in Section B above, the applicant must submit a request for an individual consistency determination to NYSDOS. See Section K for NYSDOS contact information.

Further Information:

- Unless NYSDOS issues consistency concurrence or USACE has determined that NYSDOS concurrence is presumed, NWPs are not valid within the Coastal Zone.

- All consistency concurrence determination requests must be submitted directly to NYSDOS with a copy provided to USACE with any required Preconstruction Notification submissions.

- Limits of the coastal zone and details regarding NYSDOS submission requirements, including application forms can be obtained at: https://www.dos.ny.gov/opd/programs/consistency/index.html

J. INFORMATION ON NATIONWIDE PERMIT VERIFICATION

Verification of the applicability of these Nationwide Permits is valid until March 18, 2022 unless the Nationwide Permit is modified, suspended revoked, or the activity complies with any subsequent permit modification.

It is the applicant's responsibility to remain informed of changes to the Nationwide Permit program. A public notice announcing any changes will be issued when they occur and will be available for viewing at our website: http://www.lrb.usace.army.mil/Missions/Regulatory.aspx.

Please note in accordance with 33 CFR part 330.6(b), that if you commence or are under contract to commence an activity in reliance of the permit prior to the date this Nationwide permit expires, is suspended or revoked, or is modified such that the activity no longer complies with the terms and conditions, you have twelve months from the date of permit modification, expiration, or revocation to complete the activity under the present terms and conditions of the permit, unless the permit has been subject to the provisions of discretionary authority.

Possession of this permit does not obviate you of the need to contact all appropriate state and/or local governmental officials to insure that the project complies with their requirements.

K. AGENCY CONTACT INFORMATION

NYS Department of Environmental Conservation

www.dec.ny.gov

NYS DEC REGION 1
Regional Permit Administrator
SUNY @ Stony Brook
50 Circle Road
Stony Brook, NY 11790-3409
(631) 444-0365

NYS DEC REGION 2
Regional Permit Administrator
1 Hunter's Point Plaza
47-40 21st Street
Long Island City, NY 11101-5407
(718) 482-4997

NYS DEC REGION 3
Regional Permit Administrator
21 South Putt Corners Road
New Paltz, NY 12561-1620
(845) 256-3054

NYS DEC REGION 4
Regional Permit Administrator
1130 North Westcott Road
Schenectady, NY 12306-2014
(518) 357-2069

NYS DEC REGION 4 Sub-Office
Deputy Regional Permit Administrator
65561 State Hwy 10
Stamford, NY 12167-9503
(607) 652-7741

NYS DEC REGION 5
Regional Permit Administrator
PO Box 296
1115 Route 86
Ray Brook, NY 12977-0296
(518)897-1234

NYS DEC REGION 5 Sub-Office
Deputy Regional Permit Administrator
PO Box 220
232 Golf Course Rd
Warrensburg, NY 12885-0220
(518) 623-1281

NYS DEC REGION 6
Regional Permit Administrator
317 Washington Street
Watertown, NY 13601-3787
(315) 785-2245

NYS DEC REGION 6 Sub-Office
Deputy Regional Permit Administrator
207 Genesee Street
Utica, NY 13501-2885
(315) 793-2555

NYS DEC REGION 7
Regional Permit Administrator
615 Erie Blvd. West
Syracuse, NY 13204-2400
(315)426-7438

NYS DEC REGION 7 Sub-Office
Deputy Regional Permit Administrator
1285 Fisher Avenue
Cortland, NY 13045-1090
(607) 753-3095

NYS DEC REGION 8
Regional Permit Administrator
6274 E. Avon - Lima Road
Avon, NY 14414-9519
(585) 226-2466

NYS DEC REGION 9
Regional Permit Administrator
270 Michigan Avenue
Buffalo, NY 14203-2915
(716) 851-7165

NYS DEC REGION 9 Sub-Office
Deputy Regional Permit Administrator
182 East Union Street
Allegany, NY 14706-1328
(716) 372-0645

NYS Department of State

Division of Coastal Resources
Consistency Review Unit
One Commerce Plaza
99 Washington Avenue, Suite 1010
Albany, NY 12231-00001
(518) 474-6000
https://www.dos.ny.gov/opd/programs/consistency/index.html

US Army Corps of Engineers

http://www.nan.usace.army.mil

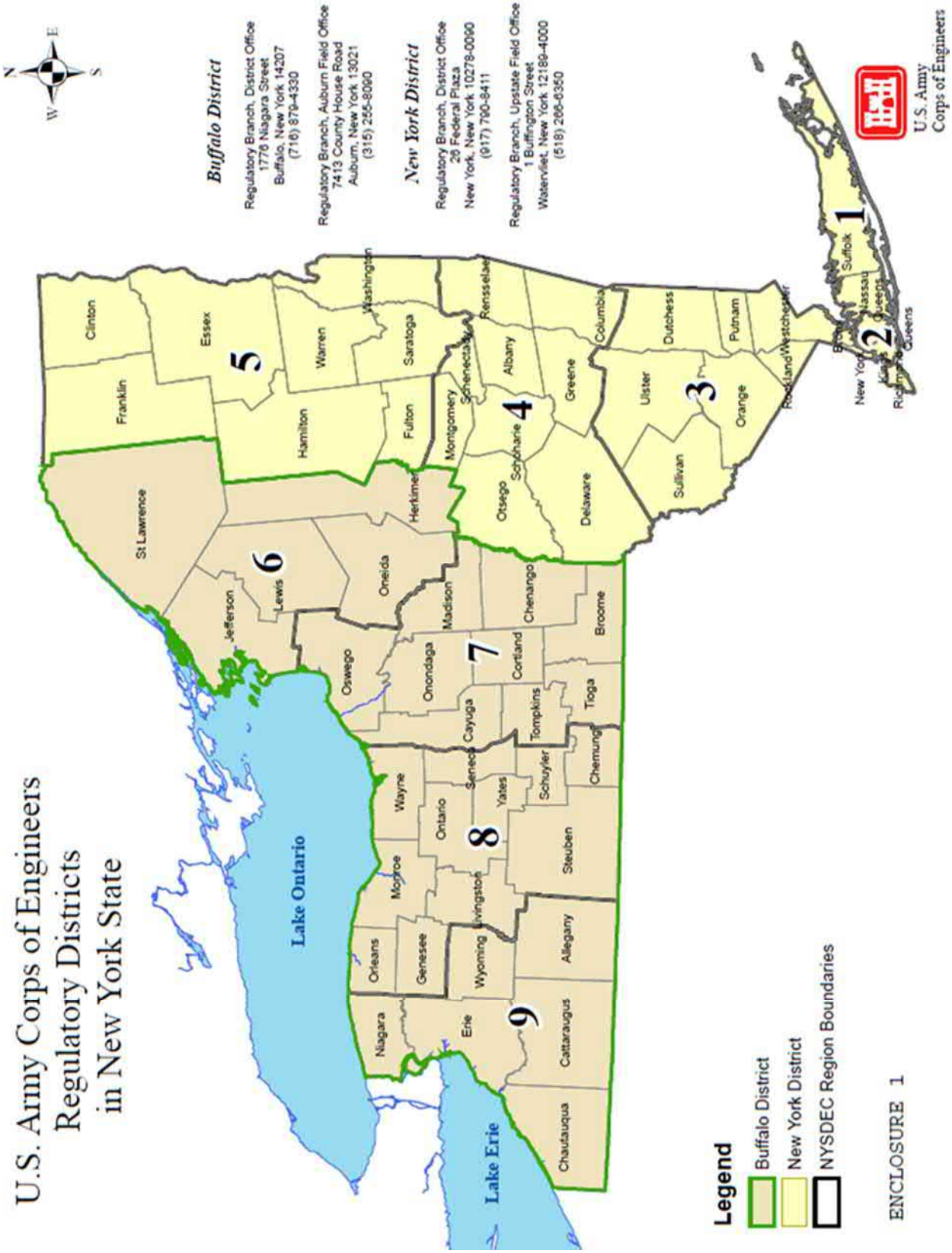
(For DEC Regions 1, 2 and 3)
US Army Corps of Engineers NY District
ATTN: Regulatory Branch
26 Federal Plaza, Room 1937
New York, NY 10278-0090
Email: CENAN.PublicNotice@usace.army.mil
For DEC Regions 1, 2, Westchester County
and Rockland County (917) 790-8511
For the other counties of DEC Region 3 -
(917) 790-8411

(For DEC Regions 4, 5)
Department of the Army
ATTN: CENAN-OP-R
NY District, **Corps of Engineers**
1 Buffington Street
Building 10, 3rd Floor
Watervliet, NY 12189-4000
(518) 266-6350 - Permits team
(518) 266-6360 - Compliance Team

Email: cenan.rfo@usace.army.mil

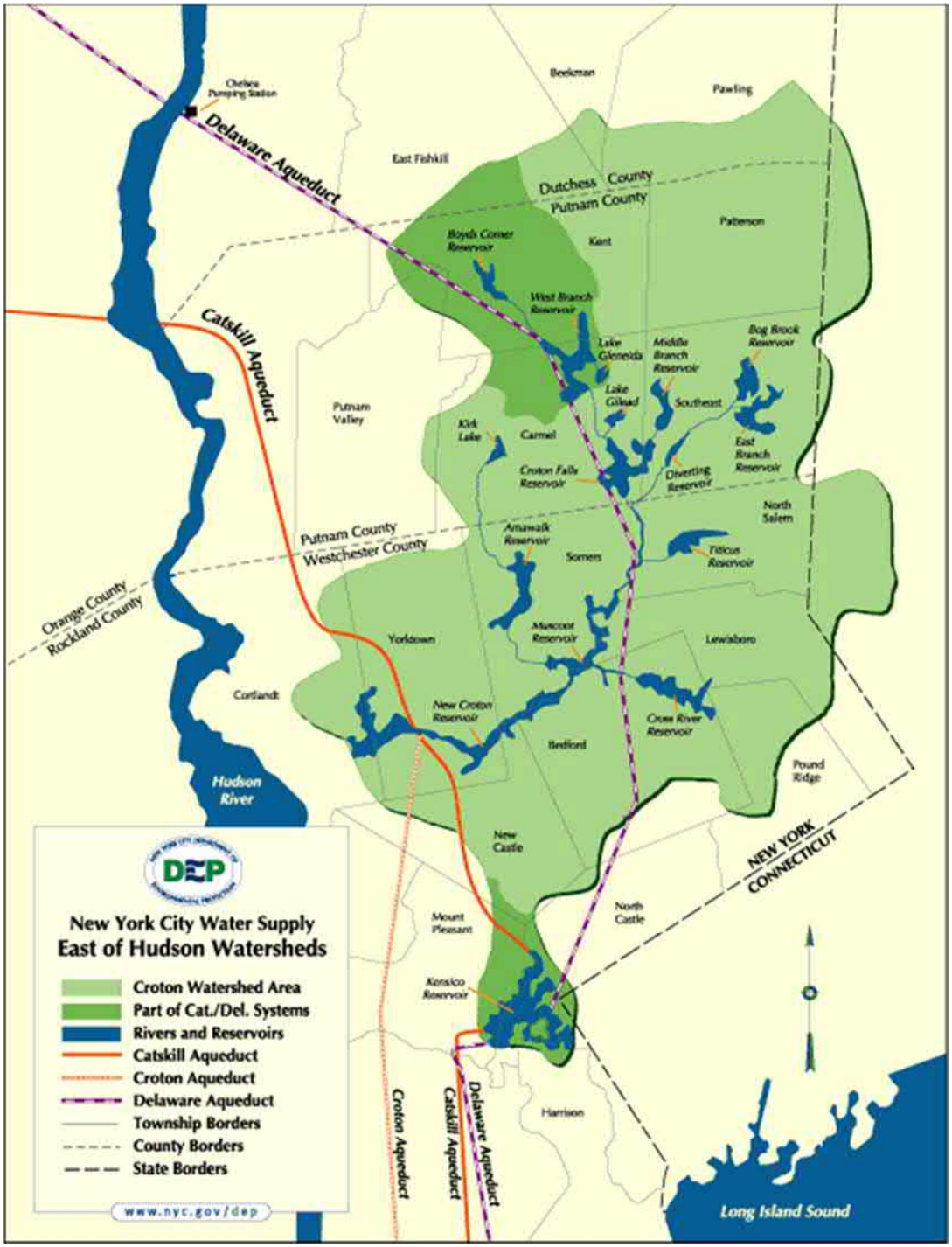
(For DEC Regions 6, 7, 8, 9)
US Army Corps of Engineers
Buffalo District
ATTN: Regulatory Branch
1776 Niagara Street
Buffalo, NY 14207-3199
(716) 879-4330
Email: LRB.Regulatory@usace.army.mil
www.lrb.usace.army.mil

Final Regional Conditions, Water Quality Certification and Coastal Zone Concurrence for Nationwide Permit 14 – (Linear Transportation Projects) within the New York District Regulatory Boundary in the State of New York Expiration March 18, 2022



Final Regional Conditions, Water Quality Certification and Coastal Zone Concurrence for Nationwide Permit 14 – (Linear Transportation Projects) within the New York District Regulatory Boundary in the State of New York Expiration March 18, 2022

ENCLOSURE 2



NEW YORK STATE OF OPPORTUNITY. | Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

October 3, 2016

Ms. Corinne Steinmuller
Environmental Scientist II
Barton and Loguidice
10 Airline Drive
Albany, NY 12203

Re: DEC
Ashokan Rail Trail
16PR06122

Dear Ms. Steinmuller:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential impacts that must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6NYCRR Part 617).

We note that the proposed project is located partially within the National Register eligible Ulster and Delaware Railroad Corridor. The historic section of the railway, extending from Shokan to Phoenicia, is listed under National Register Criterion A for its association with historical development of the towns of Shandaken and Olive from the period 1897-1942. We understand that the proposed project will include construction of a pedestrian and bicycle pathway along the existing rail bed extending approximately 11.5 miles from West Hurley to Olive. The proposed rail trail will affect approximately six miles of the historic railway, and will include removal of the rail and ties, repairs to existing culverts, and construction of multiple trailheads within the twenty foot wide easement.

We are pleased that this adaptive reuse project will retain the rail corridor along with its historic feeling, association, and use as a transportation route. Based on this review, it is the opinion of the SHPO that the proposed project will have No Adverse Impact upon the historic Ulster and Delaware Railroad Corridor provided the following conditions are incorporated into the project:

1. A Preservation Plan is developed for the historic rail corridor. At minimum the Plan will identify all historic structures and engineering features that will be impacted by the project.
2. Historic interpretation of the railway will be integrated into development of the rail trail. Interpretive materials should include interpretive signage along the rail trail. A qualified professional should be retained to develop the preservation and interpretive plans.

3. Materials related to documentation and interpretation of historic features should be submitted to our office for review in the preliminary and pre-final stages.

Any additional measures that would further ensure the preservation and understanding of the historic railway are encouraged. Towards this goal, we suggest the following:

- Small sections of track (roughly 50') may be retained at the beginning and end of the proposed rail trail. One or both ends of this could display the existing heavy gauge rails along with a sample of the previous iteration of light rail as part of an interpretive exhibit.
- Additional historic features including buildings, structures, and engineering features that are identified along the eligible route will be protected and interpreted in accordance with the Preservation Plan.

Consultation with our office should continue as the preservation and interpretation measures suggested above are developed. Plans, specifications, and other documentation requested in this letter should be provided via our Cultural Resource Information System (CRIS) at www.nysparks.com/shpo/online-tools/. Once on the CRIS site, you can log in as a guest and choose "submit" at the very top menu. Next choose "submit new information for an existing project". You will need this project number and your e-mail address.

If you have any questions, I can be reached at (518) 268-2164.

Sincerely,

Weston Davey
Historic Site Restoration Coordinator
weston.davey@parks.ny.gov

via e-mail only

CC: Scott Ballard (DEC)
Charles Laing (NYCDEP)
Christopher White (Ulster County)