

New York State Department of Environmental Conservation

Office of the Commissioner, 14th Floor

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Joe Martens
Commissioner

October 7, 2011

Dear Municipal Officials:

I am writing to update you on the status of the Emergency Authorizations that were issued by the New York State Department of Environmental Conservation on August 26, 2011 and September 8, 2011. These Emergency Authorizations were consolidated and issued pursuant to Environmental Conservation Law Article 70 to allow immediate action to address imminent threats to life, health, property, general welfare and natural resources from Hurricane Irene and Tropical Storm Lee.

This Emergency Authorization, which was expanded on September 8, 2011, to include the impacts associated with Tropical Storm Lee, will expire on October 8, 2011 with the exception in the Southern Tier. Therefore, effective October 9, 2011, all continuing and new restoration efforts outside of the Southern Tier, particularly those in streams and rivers, will require a General Permit from DEC.

The Emergency Authorization is extended for Broome, Chenango, and Tioga counties through Nov. 7 due to the cumulative effects of Tropical Storm Lee and subsequent rainfall. The rainfall events have prevented municipalities from starting projects immediately necessary to protect property.

A General Permit was also issued on September 8 for storm damage repair in protected streams, navigable waters and regulated freshwater wetlands. The General Permit (GP) requires completion of a shortened application form and authorizes repair and replacement of pre-existing structures and conditions. Typically, it is issued in the field by DEC staff who inspect the site, verify the project's coverage under the GP and then issue the permit.

There are two ways to obtain the statewide General Permit. You may contact your local DEC regional office's Division of Environmental Permits or download a copy of the short-form application and mail it to your regional DEC office. In either case DEC personnel will want to meet you in the field to review your proposal. You can view the General Permit, the application and other information on DEC's Web site at: <http://www.dec.ny.gov/permits/6061.html>.

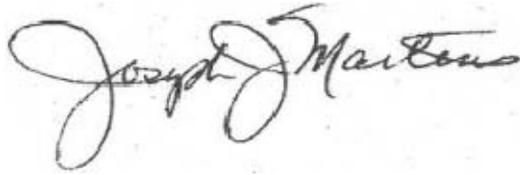


If you have any questions you should contact the Division of Environmental Permits in the DEC regional office serving your area. DEC will continue to cooperate with all interested parties for work under either Emergency Authorizations or General Permits.

The Chemung County Soil and Water Conservation District's resource guide on stream restoration contains very useful information on restoration strategies. A copy can be viewed at: http://stcplanning.org/usr/Program_Areas/Water_Resources/StreamProcessesGuide.pdf

Attached to this correspondence, is a copy of a DEC fact sheet on important issues relating to stream restoration.

Sincerely,

A handwritten signature in black ink, reading "Joseph J. Martens". The signature is written in a cursive style with a large, looping initial "J".

Joseph. J Martens