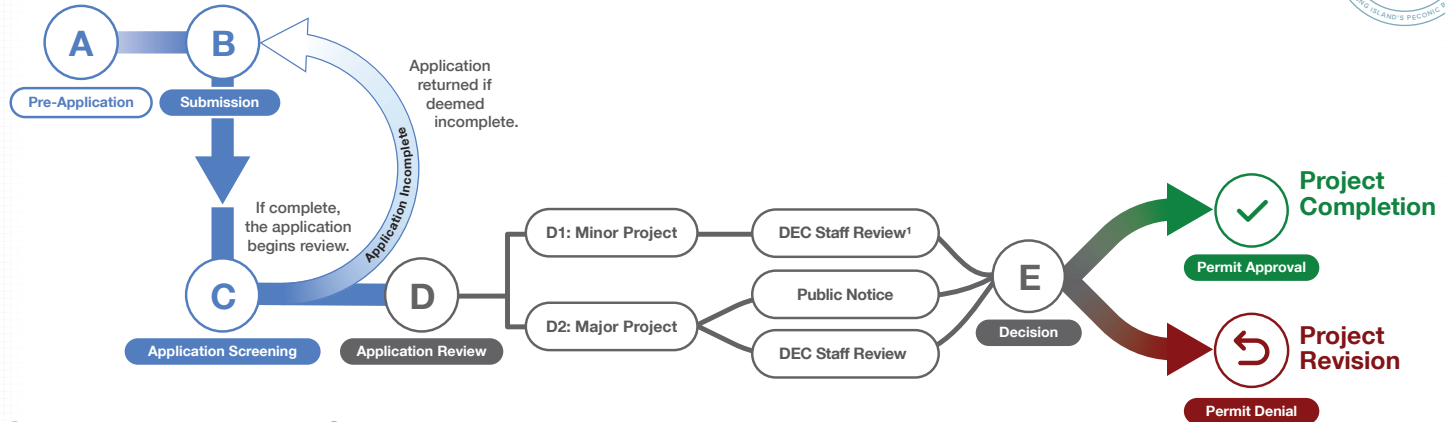


New York State

Environmental Conservation Law Article 25: Tidal Wetlands*



A Pre-Application

Available upon request. A meeting with the NYS DEC Regional Permit Office can confirm the types of permits required for the project and offer useful information for designing projects that adhere to regulations.

B Submission

Applicant submits Joint Application Form to the NYS DEC Regional Permits Office.

C Application Screening

The NYS DEC Regional Permits Office reviews the application for completeness and routes to DEC staff review.

D Application Review²

- **D1: Minor Project** - Routine projects that are determined to be minor may be reviewed by NYS DEC Regional Permit Office Staff and/or sent to relevant programs for technical review.
- **D2: Major Project** - If project is determined to be major, it must be published for public comment. NYS DEC Regional Permit Office staff will send the application to all relevant technical programs for review.

E Decision

The NYS DEC Regional Permit Office compiles staff feedback and recommendations to determine whether a permit can be issued as-is, or if modifications to the design or changes to the project scope are necessary. Additionally, any public comments received during the review period are considered.

✓ Permit Approval

Project Completion: Work on the project may begin once all additional authorizations have been granted from other federal, state, and/or local regulatory agencies.

↻ Permit Denial


Project Revision: NYS DEC staff will provide suggested project modifications or alternatives that would be permitted, but if the applicant disagrees then a denial is issued. Once an application has been denied, it can not resubmitted unless the new project is materially different from the previous. The applicant can appeal the denial by submitting to the process to request a hearing.

*This roadmap does not include the NYS DEC's review of Federal Clean Water Act

¹If, after initial review, staff determine the site is potentially suitable for a nature-based feature, review is extended to additional NYS DEC offices.

²Major/minor determination is based on the Uniform Procedures Act

Helpful Information

- **NYS DEC Tidal Wetlands Permit Program:** on.ny.gov/4pMana1
- **Environmental Conservation Law Article 25 (Tidal Wetlands):** bit.ly/ECL-25
- **NYS Living Shorelines Act:** nysenate.gov/legislation/bills/2023/S5186/amendment/A
- **Uniform Procedures Act:** dec.ny.gov/sites/default/files/2025-05/part621upacourtesycpy.pdf
- **NYS Joint Application Form:**  bit.ly/Joint-Application
- **Department Application Review Tracking (DART) System:** Information on applications processed by NYS DEC can be accessed through the DART System: appfactory.dec.ny.gov/dartsearch/
- **Environmental Notice Bulletin:** The public is notified about major projects through NYS DEC's weekly bulletin, which describes the nature and location of the proposed project and sets the deadline for filing public comments. Search for projects by entering the township in Keyword Search. dec.ny.gov/news/environmental-notice-bulletin

Applicant is responsible for obtaining all federal, state, and/or local approvals and must obtain all authorizations before starting work.

Contact the NYS DEC Regional Permit Office for the most up-to-date information.

Additional NYS DEC Offices that may provide additional evaluations of a permit application include those within the Division of Marine Resources, Division of Water, Division of Fish and Wildlife, Division of Lands and Forests, Division of Mineral Resources, Division of Materials Management, the Office of General Counsel, and possibly others depending on the project type.

