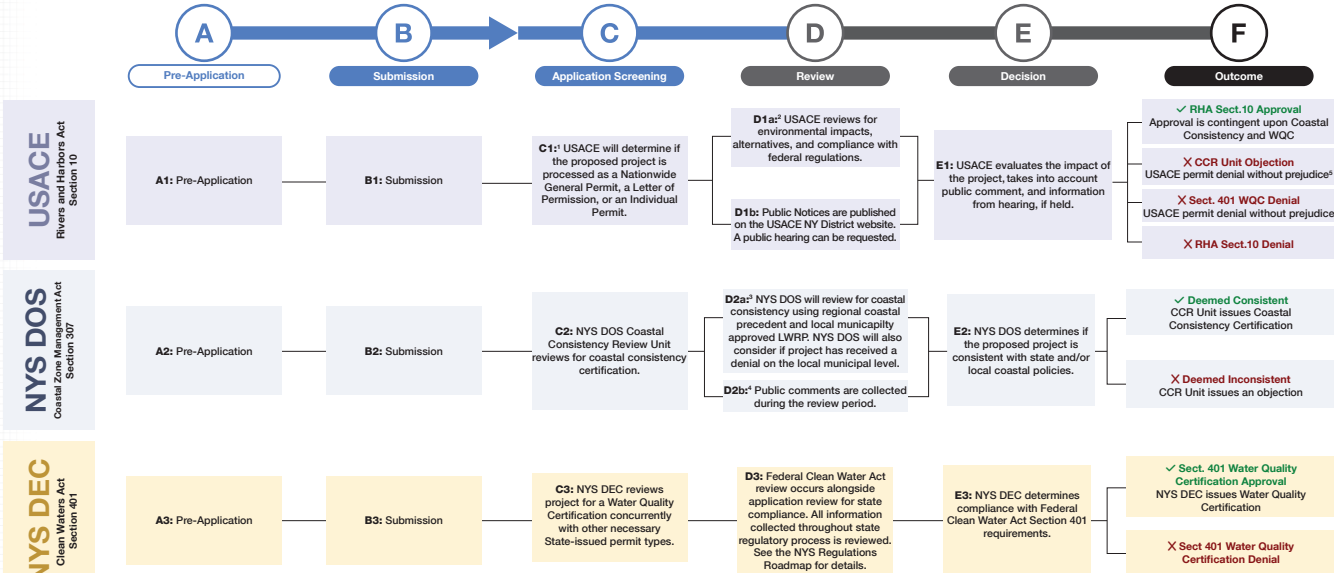


Federal Permit Review

Rivers and Harbors Act Section 10 (USACE), Coastal Zone Management Act Section 307 (NYS DOS), & Clean Waters Act Section 401 (NYS DEC)
The NYS Joint Permit Application is used to review if activity meets federal regulations.



* There are 50+ types of streamlined Nationwide General Permits, this requires public notice. A Letter of Permission is issued for minor, routine activities and do not go to public notice. Individual Permits are needed for more complex projects and require full review, public notice, and possibly a hearing.

* USACE may coordinate with other Federal Agencies, for example, USFWS if activities "May Affect" listed species under ESA Sect 7.

* CCR Unit relies on updated LWRP and/or official municipal permit denial to determine consistency.

* Municipal LWRP Coordinator has opportunity to provide guidance from local review.

* USACE denial without prejudice means the permit application was denied because a necessary federal, state, or local authorization was not given.

A Pre-Application

Pre-application meetings or consultations are available upon request. Contact each regulatory agency to confirm permit type and information required for the proposed activities. Staff may offer useful information for designing project proposals that adhere best to regulations.

B Submission

Applicant submits copy of the Joint Application Form and permit package to each regulatory agency.

✓ Permit Approval

Federal USACE Permit is only valid after the applicant has:
 1. USACE Permit approval
 2. Sect. 307 Coastal Consistency Certification
 3. Sect. 401 Water Quality Certification
 Project Completion: work on the project may begin once all authorizations have been granted from federal, state, and/or local regulatory agencies.

✗ Permit Denial

If Sect. 307 Coastal Consistency Certification or Sect. 401 Water Quality Certification is objected to/denied, then USACE Permit is not valid and project is denied.
 Projects implemented without USACE permits are liable to federal violations.
 Project Revision: applicant can address feedback and resubmit their modified application to all regulatory agencies or submit to an appeals process.

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Helpful Information

- **NYS Joint Application Form:**  https://extapps.dec.ny.gov/docs/permits_ej_operations_pdf/jointapp.pdf
- **Section 10 of the Rivers and Harbors Act:**
<https://www.epa.gov/cwa-404/section-10-rivers-and-harbors-appropriation-act-1899>
 - USACE Regulatory Agency: <https://www.nan.usace.army.mil/Missions/Regulatory/>
 - Link to Nationwide General Permits:
<https://dos.ny.gov/federal-consistency-review-projects-requiring-federal-permits-or-authorizations>
 - Regulatory Public Notices:
<https://www.nan.usace.army.mil/Missions/Regulatory/Regulatory-Public-Notices/>
- **Coastal Zone Management Act:** <https://coast.noaa.gov/czm/act/>
 - NYS DOS Coastal Consistency Review Unit: <https://dos.ny.gov/coastal-consistency-review>
 - NYS LWRP: <https://dos.ny.gov/local-waterfront-revitalization-program>
 - Public Notices: <https://dos.ny.gov/public-notice>
- **Clean Water Act**
 - NYS DEC Water Quality Certification:
<https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/protection-of-waters-program>
 - Section 401 Permit Application:
<https://dec.ny.gov/sites/default/files/2023-12/401wqcsupplmnt.pdf>

The Joint Application must be submitted to each individual regulatory agency for review. Projects must obtain permits from all local, state, and federal regulatory agencies. Contact the USACE-NY District, NYS DOS, and NYS DEC for the most up-to-date information.



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