



**US Army Corps
of Engineers®**
Buffalo District

May 25, 2011; updated: 19 July 2011

FACT SHEET

Title/Name: Emergency Regional Permit 99-000-1

Project Description: On 14 July 2010, District Commander LTC Daniel B. Snead reissued Regional Permit 99-000-1. The permit authorizes dredging in navigable waters and the discharge of dredged or fill material, including those discharges associated with excavation activities, into waters of the United States to facilitate the remediation of sites that were damaged as a result of major storm events. The permit is activated by the District Commander as needed in response to these major storm events. This action was processed under a full public interest review including Federal and State Resource agencies and the general public. All comments were considered under this review and incorporated, as necessary to further safeguard the environment.

Purpose: This Regional Permit was developed in support of Buffalo District Initiative No. 11 – Build Our Emergency Response Capability. The purpose of this regional permit was to reduce paperwork and improve efficiency without compromising environmental values or the needs and welfare of the general public.

Location: Waters of New York State located within the Buffalo District jurisdiction.

Authority: Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbor Act

Current Status: Recent rain events occurred on April 26 - 27, 2011 with significantly higher than normal rainfall, resulting in flooding and subsequently adverse affects to streams within Herkimer, Broome, Cayuga, Chenango, Lewis, Madison, Onondaga, Oneida, Tioga, Allegany, Chemung, Niagara, Ontario, Seneca, Steuben, Yates, Oswego, Cortland, and Tompkins Counties. The Federal Emergency Management Agency (FEMA) has advised the Corps that Governor Cuomo has requested FEMA to provide technical assistance in the form of Preliminary Damage Assessments (PDA's) within Herkimer, Broome, Cayuga, Chenango, Lewis, Madison, Onondaga, Oneida, Tioga, Allegany, Chemung, Niagara, Ontario, Seneca, Steuben, and Yates Counties. However, there has been no State Disaster Emergency declared at this time. The Corps is also responding to concerns raised from several of the County Soil and Water Conservation Districts, who have done considerable stream assessment within the Counties and anticipate the need for Regional Permit 99-000-1. In addition, the NYSDEC issued an emergency permit within its Region 7 counties, supported by the flood damage to highways resulting in the closure of roads. For this reason, the Corps is adding the remaining Region 7 Counties not identified by Governor Cuomo (Oswego, Cortland and Tompkins). The Corps has contacted all other potentially affected Soil and Water Conservation Districts, and it does not appear that use of the Regional Permit is needed in other counties at this time. Under Regional Permit 99-000-1, applicants will have one year from date of activation to complete work. Additional counties may be added on an as needed basis by the Branch Chief.

Update: On May 25, 2011, Governor Andrew M. Cuomo formally requested that President Barack Obama declare a major federal disaster for New York State and 26 counties as a result of the severe rains and incessant damaging flooding that has occurred since April 26. The Governor has requested that Secretary of Agriculture Tom Vilsak issue a natural disaster designation. All of the counties identified were covered in the prior activation of Regional Permit 99-000-1, with the exception of St. Lawrence County. Based upon this information, the Corps has been in contact with the St. Lawrence County Soil and Water Conservation District, who has since requested that the Emergency permit be activated. Therefore, St. Lawrence County has been added to the list of counties eligible to use the Regional Permit 99-000-1. Also, as suggested by Mr. David Dralle of FEMA through an email on July 6, 2011, Livingston and Wyoming Counties have been added to the list of counties eligible to use Regional Permit 99-000-1.

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