



**DEPARTMENT OF THE ARMY**  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

DEPARTMENT OF THE ARMY PERMIT

Permittee: Adam J. Czekanski  
Lieutenant Colonel, Corps of Engineers  
District Commander  
On Behalf of the General Public

Regional Permit No.: 87-000-1  
Processing No.:  
Effective Date: December 8, 2016  
Expiration Date: December 8, 2021  
Affirmation Date:

Issuing Office: U.S. Army Engineer District, Buffalo  
1776 Niagara Street  
Buffalo, New York 14207-3199

**IMPORTANT:**

**Please note that written affirmation from this office is required prior to commencing the activity authorized by this permit as outlined in the General Permit Notification Requirements on page 3. Otherwise this permit is available for use without pre-construction notification to this office, provided all parties read, understand, and comply will all terms and conditions of this permit.**

**Noncompliance with any of the terms or conditions may result in an order to remove the structure; civil and/or criminal penalties or both.**

AUTHORITIES: You have been authorized to undertake the activity described below pursuant to:

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

AUTHORIZED ACTIVITY: Install and maintain open pile or floating: dock(s) (seasonal and permanent), deck, observation platform(s) in wetlands or other special aquatic sites, stairway(s), railings, electrical lines along dock(s), mooring pile(s), mooring buoy(s), floating swim platform, marine railway, boat hoist(s)/jet ski hoist(s), covered (not enclosed) boat slips and hoists. Boathouses (enclosed boat slips) are not authorized by this permit.

LOCATION OF THE AUTHORIZED ACTIVITY: Navigable waters of the United States located within the State of New York and subject to regulation by the U.S. Army Engineer District, Buffalo (see map at Appendix A).

The general public is hereby authorized by the Secretary of the Army to perform the work authorized by this permit provided the following general and special conditions are fully complied with.

The District Commander reserves the right to include any additional special conditions or require an individual permit as may be necessary to safeguard the public interest or protect important public resources on a case by case basis.

NOTE: When the property associated with the work authorized by this permit is sold or transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the liabilities associated with compliance with its terms and conditions, have the transferee sign and date on the last page of this permit and forward a copy of the permit to this office to validate the transfer of this authorization..

DEFINITIONS: The term "you" and its derivatives, as used in this permit, mean the permittee or any future transferee. The term "this office" refers to the Buffalo District Corps of Engineers Regulatory office having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer. The term "activity" as used in this permit includes all structures and work authorized by this permit.

**Barrier beach** - A low-lying, sandy island or spit, resulting from coastal sedimentation that lies along the shoreline and is generally parallel to, but separated from the mainland by an embayment, and often has dunes superimposed on it.

**Navigable waters (as regulated under Section 10 of the Rivers and Harbors Act)** - Those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. A determination of navigability, once made, applies laterally over the entire surface of the waterbody, and is not extinguished by later actions or events which impede or destroy navigable capacity. A list of navigable waters in the Buffalo District can be found on the Buffalo District web site at <http://www.lrb.usace.army.mil/Missions/Regulatory/Wetland-Information/>, or by calling (716) 879-4330.

**Ordinary High Water Mark** - The line on the shore established by the fluctuations of water as indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Regulations at 33 CFR 322.5(d) **Structures for small boats.** (1) In the absence of overriding public interest, favorable consideration will generally be given to applications from riparian owners for permits for piers, boat docks, moorings, platforms and similar structures for small boats. Particular attention will be given to the location and general design of such structures to prevent possible obstructions to navigation with respect to both the public's use of the waterway and the neighboring proprietors' access to the waterway. Obstructions can result from both the

existence of the structure, particularly in conjunction with other similar facilities in the immediate vicinity, and from its inability to withstand wave action or other forces which can be expected. District engineers will inform applicants of the hazards involved and encourage safety in location, design, and operation. District engineers will encourage cooperative or group use facilities in lieu of individual proprietary use facilities.

GENERAL PERMIT NOTIFICATION REQUIREMENTS:

**The special conditions listed in the next section identify which activities do or do not require written verification of the applicability of this general permit from the Buffalo District prior to commencement of the work.**

If your project **DOES NOT** require notification and subsequent authorization from the Buffalo District, and you meet all of the terms and conditions of this permit, you may proceed with your work. Within 30 days of the completion of the work authorized by this permit, you are required to submit project drawings (including location map and plan view diagram) and the attached compliance certification form to the Buffalo District office.

For projects that **DO** require notification to the Buffalo District prior to commencement of the work, the following information must be submitted with the U.S. Army Corps of Engineers joint application for permit:

1. Name, address and telephone number of the applicant.
2. Location map identifying project site.
3. A brief project description.
4. Project plans depicting proposed work in reference to the Ordinary High Water mark of the waterway and/or wetland limits. This must include a plan view diagram, identifying the dimensions of all existing structures and fills, as well as dimensions of proposed structures. The diagram shall include dimensions of all existing and proposed structures. The plans must also include a cross-sectional plan that identifies the water level at Ordinary High Water mark as it relates to the structure and depth of waterway.

Work may not proceed on projects requiring pre-construction notification until written affirmation of the applicability of this permit is received from this office.

**Pre-construction notification and written affirmation from this office of the applicability of this permit is required for the following:**

1. any variances noted in the conditions below;
2. activities in wetlands; projects located on barrier beaches per Special Condition No. 17;
3. projects located within Coastal Erosion Hazard Areas per Special Condition No. 18;
4. projects requiring coastal zone consistency as required in Special Condition No. 19;
5. projects located in areas identified on Table 1, as noted in Special Condition No. 20;
6. projects which may have the potential to cause effects to historical resources, as noted in Special Condition No. 21; and
7. projects located in wild and scenic rivers, as noted in Special Condition No. 22.

GENERAL CONDITIONS:

1. The installation of the permitted structure authorized under this regional permit must be completed prior to the expiration date noted on the first page of this authorization. In the event that the affirmation date is less than twelve months prior to the expiration date, the regional permit will remain valid for a period of twelve months from the affirmation date. In no case shall authorization exceed twelve months beyond the expiration date.
2. You must maintain the structure authorized by this permit in good condition and in conformance with the terms and conditions of this permit in perpetuity. You are not relieved of this requirement if you abandon the permitted structure, unless you make a good faith transfer to a third party in accordance with requirements noted below. Should you wish to cease to maintain the authorized structure or should you desire to abandon it without a good faith transfer, you may be required to remove the structure(s) and restore the site to its original pre-project conditions.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
5. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure 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.
6. This office reserves the right to use this regional permit in combination with any existing or future nationwide, regional or individual permit or any letter of permission issued by this office.
7. All work will be completed in accordance with appropriate best management practices, to include, but not limited to, off site washing of equipment to be used in waters prior to commencement of authorized work, with measures in place to ensure that wash water is not directly released into waters of the US, as well as ensuring that all construction debris is disposed of in such a way as to preclude entry into waters of the US.

SPECIAL CONDITIONS:

1. The authorized structure must not interfere with the public's right to free navigation on all navigable waters of the United States (see 33 CFR 322.5(d)).
2. All structures authorized by this permit must be set back a minimum of 10 feet from the common boundary line of adjoining properties that are under separate ownership. The setback is measured at the point where the common boundary terminates at the Ordinary High Water (OHW) shoreline (i.e., the common boundary line does not extend waterward of OHW). A variance in this distance may be granted where there are natural limiting features or limited shoreline available and coordination with adjacent property owner(s) has occurred. All variances must be approved by this office on a case by case basis. Note that the dispute over property ownership will not be a factor in the Corps public interest decision (see 33 CFR 320.4(g)).
3. Structures authorized by this permit shall not extend waterward more than 100 feet from the OHW shoreline or 20 percent of the waterway width, whichever is less. The waterway width is measured from the Ordinary High Water shoreline perpendicular to the centerline of the waterway. A variance in the maximum offshore distance of a structure may be granted in cases where exceptions would be reasonable due to the shoreline configuration, or for structures crossing shoals, wetlands or other special aquatic sites. All variances must be approved by this office on a case by case basis.
4. Configuration of dock(s) may vary in plan (i.e. straight, T, U, or L shaped, etc.) provided the total length of all segments and separate structures does not exceed 150 feet and the surface area of the dock(s), including finger piers, deck, platform, etc. does not exceed 1200 square feet from the Ordinary High Water mark. Docks parallel to and along the shoreline (within 20 feet of the shoreline) are not permitted by this Regional Permit, unless a variance is granted. All variances must be approved by this office on a case by case basis. A variance may be granted in cases where exceptions would be reasonable, such as but not limited to topography of the shoreline, or navigational reasons. The dock(s) shall not exceed 8 feet in width.
5. Multiple docks, extensions to existing docks, and/or docks with a deck or platform may be constructed provided the proposed and all existing structures, if any, are within the size limitations specified in this permit, for each property. Note: For the purposes of this Regional Permit, a deck is any portion of the dock that exceeds 8 feet in width. See Special Condition No. 19 for additional requirements on multiple docks and/or docks with deck located in the Coastal Zone Management area.
6. A deck is allowed in the middle or at the waterward terminus of the structure provided the surface area of the deck does not exceed 240 square feet. A variance to this condition (i.e., shoreline deck) may be granted in cases where exceptions would be reasonable due to the topography of the shoreline, or for navigational reasons. All variances must be approved by this office on a case by case basis. Only one deck per property is authorized by this permit. See Special Condition No. 19 for additional requirements on decks located in the Coastal Zone Management area.

7. The top of open pile docks must be a minimum of one foot above the Ordinary High Water elevation.
8. Side staving, if used, shall not extend lower than one half of the distance between the Ordinary High and Low Water levels.
9. Only one swim platform per property owner is authorized by this permit. The surface area of a swim platform shall not exceed 200 square feet, and shall not be connected to other structures. The swim platform must be a free-floating structure. Small anchors to moor the floating swim platform are authorized by this Regional Permit.
10. Only one marine railway per property owner is authorized by this permit.
11. The total surface area of all boat and jet ski hoist(s) and covered boat slips, shall not exceed 900 square feet.
12. Mooring buoys: Private and commercial mooring buoys may be installed under this Regional Permit. Mooring buoys must be tagged with the name and the address of the owner. The placement of buoys must not hinder navigation, create unsafe conditions to the public, or hinder safe access to and from a person's property. Buoys must be placed so that each moored vessel will avoid contact or interference with any other moored vessel or structure.
13. Structures authorized by this permit may cross wetlands or other special aquatic sites, but the crossing must not exceed four feet in width and shall be a minimum of four feet above the Ordinary High Water elevation. **Pre-construction notification** and written affirmation from this office of the applicability of this permit is required for all activities in wetlands. Any proposal that would result in fragmentation of the contiguous wetlands or essentially overcrowd the wetland with docks and related human activity so as to adversely impact the functions and values of the wetland will not be authorized by this regional permit.
14. The total surface area of all observation platform(s) located in wetlands or other special aquatic sites shall not exceed 900 square feet. The authorization of observation platform(s) located in wetlands or other special aquatic sites must be for interpretive or educational purposes. Access to observation platforms may cross wetlands or other special aquatic sites, but the crossing must not exceed four feet in width and shall be a minimum of four feet above the Ordinary High Water elevation. **Pre-construction notification** and written affirmation from this office of the applicability of this permit is required for activities in wetlands.
15. Use of creosote treated wood under this permit is prohibited in New York State. All treated wood must be aged in the open air for at least three months prior to in-water use. Wood must be clean and free of surface deposits. Timber with surface deposits must be washed for at least five minutes under running water prior to use. Any wood debris, such as sawdust or wash water, must not enter any water body including wetlands. This washing must occur more than 100 feet from a wetland or waterbody. All treated wood debris must be disposed of at a proper disposal facility. For more information, contact the applicable New York State Department of

Environmental Conservation regional office and U.S. Environmental Protection Agency regional office.

16. All in-water work shall be restricted to dates that will preclude the adverse impacts to indigenous fish species. It is the applicant's responsibility to obtain these dates from the appropriate New York State Department of Environmental Conservation (NYSDEC) regional office and the NYS Department of State if applicable.

17. This permit does not authorize work on barrier beaches when it is determined by the District Engineer that the work would adversely impact a barrier beach. **Pre-construction notification** and written affirmation from this office of the applicability of this permit is required for any project that may adversely impact a barrier beach.

18. This permit does not authorize work in areas designated by New York State as erosion hazard areas, unless a permit is obtained under the New York Coastal Erosion Hazard Area Act (Article 34 of the Environmental Conservation Law). Permits are administered by either the New York State Department of Environmental Conservation (NYSDEC), municipality, or county. **Pre-construction notification** and written affirmation from this office of the applicability of this permit is required for any project within a NYS Coastal Erosion Hazard Area.

19. You must obtain an individual consistency concurrence from the New York State Department of State (NYSDOS) for proposed private recreational docks not accessory to a private residential upland use, all decks and/or multiple docks located within the entire Coastal Zone Management (CZM) area, for all activities requiring a variance under Special Conditions 2, 3, and 4, and for all activities and structures located in New York State Significant Coastal Fish and Wildlife Habitat areas and/or areas with approved Local Waterfront Revitalization Programs. Information regarding the NYS coastal area and NYS designated Significant Coastal Fish and Wildlife Habitats may be found at [http://appext20.dos.ny.gov/coast\\_map\\_public/map.aspx](http://appext20.dos.ny.gov/coast_map_public/map.aspx). Pre-construction notification and written affirmation from this office of the applicability of this permit is required for any project requiring consistency from the NYSDOS. No work shall be started under this permit until the concurrence has been secured or the State has failed to act on the consistency certification within six months of the date your completed determination is received by NYSDOS and the certification is presumed. You must comply with all conditions of your individual coastal certification concurrence. See below AGENCY COORDINATION REQUIREMENTS for additional information.

20. Endangered Species: **Pre-construction notification** and written affirmation from this office of the applicability of this permit is required for activities located within areas identified on the attached list. For activities that are proposed to occur within these areas, the application must include a discussion of potential threatened and endangered species (T&E) habitat within the project site. Refer to the USFWS T&E website at <http://www.fws.gov/northeast/nyfo/es/section7.htm> for information on habitat requirements for listed species. If there is potential habitat for any federally listed species within the project site:

- 1) send the results of any habitat surveys
- 2) include a detailed description of the proposed project, including approximate

- proposed project construction schedule and project activities (e.g., land clearing, utilities, stormwater management).
- 3) include a description of the natural characteristics of the property and surrounding area (e.g., forested areas, freshwater wetlands, open waters, and soils). Additionally, please include a description of surrounding land use (residential, agricultural, or commercial).
  - 4) provide a description of the area to be impacted by the proposed project, including trees to be removed.
  - 5) provide a description of conservation measures to avoid or minimize impacts to listed species.
  - 6) provide photos of the site
  - 7) if tree clearing will take place, provide a map outlining the tree removal area

**Applicants shall not commence work in these townships, waterways, or locations** under this permit until the requirements of the Endangered Species Act have been satisfied and the applicant receives written verification that the work may proceed. Note that as a result of consultation with the USFWS, the District Engineer may add species-specific conditions to the permit.

21. Cultural Resources: **Pre-construction notification (PCN)** and written affirmation from this office of the applicability of this permit is required for activities 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, including previously unidentified properties. In order for the Buffalo District to determine if National Historic Preservation Act Section 106 consultation is required, all PCNs must include a written statement indicating if any properties listed or eligible for listing, in the National Register of Historic Places may be affected by the proposed project. A copy of any completed survey reports shall be provided with the PCN. If a survey has not been performed then the statement shall include a list of resources checked in the determination. Copies of any available correspondence from NYS Office of Parks, Recreation, and Historic Preservation (SHPO) regarding historic properties shall be provided with the PCN. Information regarding cultural resources may be found at: <http://parks.ny.gov/shpo>. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer (THPO), as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed. Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) 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, explaining 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.

22. **Pre-construction notification** and written affirmation from this office of the applicability of this permit is required for all activities located within a component of the National Wild and Scenic Rivers (NWSR) System, or on rivers currently being studied at the direction of Congress as potential additions to the NWSR System, or rivers for which Wild and Scenic Rivers studies have been completed and forwarded to Congress and which Congress is still considering. 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. 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. In addition, **Pre-construction notification** and written affirmation from this office of the applicability of this permit is required for all activities located within areas listed in the Nationwide Rivers Inventory (list is available at: <http://www.nps.gov/ncrc/programs/rtca/nri/states/ny.html>). Activities located in the above areas will be evaluated on a case by case basis, which will include coordination with the National Park Service.

#### AGENCY COORDINATION REQUIREMENTS:

1. You must furnish the New York State Department of State (NYS DOS) with a completed permit application, a signed copy of the Federal Consistency Assessment Form (FCAF) and policy analysis (available at: [http://www.dos.ny.gov/opd/programs/pdfs/Consistency/FCAF\\_fillable.pdf](http://www.dos.ny.gov/opd/programs/pdfs/Consistency/FCAF_fillable.pdf)), project drawings, recent color photographs, and all supporting information as described in D.2 of the FCAF for the following activities:

- a) for all private recreational docks not accessory to a private residential upland use in the entire Coastal Zone Management area;
- b) for all decks located in the entire Coastal Zone Management (CZM) area;
- c) for multiple docks on one property located in the entire Coastal Zone Management (CZM) area;
- d) for all activities and structures located in New York State Significant Coastal Fish & Wildlife Habitat Areas;
- e) for all activities and structures located within approved Local Waterfront Revitalization Programs;
- f) and for all activities requiring a variance under Special Conditions 2, 3, and 4.

In addition, you must furnish the District Engineer, Buffalo District, with a copy of the CZM certification concurrence letter or a dated copy of the Federal Consistency Assessment Form that

you provided to the NYSDOS. Consistency statements and all of the above mentioned information should be forwarded to:

NYS Department of State  
Office of Planning and Development  
Consistency Review Unit  
One Commerce Plaza  
99 Washington Ave.  
Albany, NY 12231-0001  
Telephone (518) 474-6000

Electronic submissions can be made by e-mailing all of the above mentioned information to NYS DOS at: [CR@dos.state.ny.us](mailto:CR@dos.state.ny.us).

2. All mooring buoys must be approved by the Ninth Coast Guard District. In addition, prior to or immediately following construction of the dock(s) authorized by this permit you shall contact the U.S. Coast Guard to determine if any safety lights or signals are required. If directed by the U.S. Coast Guard, you shall install and maintain these devices at your expense. Information concerning the approval process may be obtained by calling (216) 902-6074 or by writing to:

Commander (OAN)  
Ninth Coast Guard District  
ATTN: Private Aids to Navigation  
1240 East Ninth Street  
Cleveland, Ohio 44199-2060

#### EXCLUSIONS:

This permit does not apply to:

1. Any freshwater wetland as defined in Department of the Army permit regulations at Title 33 of the Code of Federal Regulations, Parts 320 et. seq., or other special aquatic sites as defined in the U.S. Environmental Protection Agency Guidelines for Specification of Disposal Sites for Dredged or Fill Material at Title 40 of the Code of Federal Regulations, Part 230, except for structures described in Special Conditions 13 and 14 of this permit.
2. Cases where the District Engineer determines that the activity may affect 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.
3. Any other areas named in Acts of Congress or Presidential Proclamations as National Wilderness Areas, National Recreational Areas, Lakeshores, Parks, Monuments and such areas as may be established under Federal Law for similar and related purposes, such as estuaries and marine sanctuaries, except where specifically authorized by this regional permit.
4. Structures which may jeopardize the continued existence of species listed as endangered or threatened under the Endangered Species Act (ESA) of 1973, as amended, or result in the likelihood of the destruction or adverse modification of a habitat which is determined by the

Secretary of the Interior, as appropriate, to be a critical habitat under the Endangered Species Act of 1973, as amended. No activity is authorized under this Regional Permit which is likely to 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, or which will destroy or adversely modify the Critical Habitat of such species. Authorization of an activity by this Regional Permit does not authorize the 'take' of a threatened or endangered species as defined under the ESA. In absence of separate authorization (E.G., an ESA Section 10 Permit, a Biological Opinion with 'incidental take' provisions, etc.) from the U.S. Fish and Wildlife Service, both lethal and non-lethal 'takes' of protected species are in violation of the ESA.

5. This permit does not authorize the placement of enclosed buildings, boathouses, fuel storage tanks, sinks, toilets, showers, fuel dispensing or sanitary pump out facilities waterward of the Ordinary High Water shoreline.

LIMITS OF THIS AUTHORIZATION:

1. The granting of this permit does not obviate the need to obtain, nor does it supersede, other Federal, State or local authorizations as required by law. Specifically, a permit pursuant to the Environmental Conservation Law Articles 15, 24 or 34 may be required from the New York State Department of Environmental Conservation.
2. Issuance of this permit does not grant you any property rights or exclusive privileges, nor does it authorize any access or injury to the property or rights of others.
3. This permit does not authorize interference with any existing or proposed Federal project, nor does it convey any authority to interfere with the right of the public to free navigation on all navigable waters of the United States.

LIMITS OF FEDERAL LIABILITY: In issuing this permit, the Federal Government does not assume any liability for the following:

1. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
2. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
3. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
4. Design or construction deficiencies associated with the permitted work.
5. Damages associated with any future modification, suspension, or revocation of this permit.

RELIANCE ON APPLICANT'S DATA: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

RE-EVALUATION OF THE DECISION TO GRANT A REGIONAL PERMIT: This office may re-evaluate its decision on this permit at any time circumstances warrant. Circumstances that could require a re-evaluation include, but are not limited to, the following:

1. You fail to comply with the terms and conditions of this permit.
2. The information provided by you in support of your application proves to have been false, incomplete, or inaccurate.
3. Significant and relevant information surfaces which this office did not have the opportunity to consider in reaching the original public interest decision.

Such a re-evaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in Title 33 of the Code of Federal Regulations Part 325.7 or enforcement procedures such as those contained in Title 33 of the Code of Federal Regulations Parts 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may, in certain situations (such as those specified in Title 33 of the Code of Federal Regulations Part 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

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District Commander

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Date

When the property associated with the work authorized by this permit is sold or transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the liabilities associated with compliance with its terms and conditions, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

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Transferee

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Date

**Table 1. Locations of Federally-Listed Threatened and Endangered Species and Candidate Species that may be affected by Regional Permits 79-000-3, 81-000-1, 86-000-1, 87-000-1, and 87-000-13 in waters of the U.S. within the State of New York and subject to regulation by the U.S. Army Engineer District, Buffalo, under Section 404 of the Clean Water Act 1977 (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899.**

County	Townships/Watershed	Species/Status/and or Critical Habitat	Avoidance Action Code <sub>1</sub>
Allegany	All Towns, for projects with proposed tree removal	Northern long-eared bat (Threatened)	2
Broome	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Cattaraugus	HUCs 05010001 and 05010002 (Allegheny River, Cassadaga and Conewango Creek basin.)	Clubshell, Rayed bean mussel (Endangered)	1
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Cayuga	Projects in wetlands in all Towns where project is at elevation < 1,000 ft	Bog turtle (Threatened)	1
	All Towns, elevation under 900'	Indiana bat (Endangered)	2
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Chautauqua	HUCs 05010001, 05010002, and 05010004 (Allegheny River, Cassadaga and Conewango Creek basin.)	Clubshell, Rayed bean mussel	1
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Chemung	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Chenango	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Cortland	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Erie	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Genesee	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle, Houghton's goldenrod (Threatened), Eastern massasauga rattlesnake (Candidate)	1
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2

**Table 1. Locations of Federally-Listed Threatened and Endangered Species and Candidate Species that may be affected by Regional Permits 79-000-3, 81-000-1, 86-000-1, 87-000-1, and 87-000-13 in waters of the U.S. within the State of New York and subject to regulation by the U.S. Army Engineer District, Buffalo, under Section 404 of the Clean Water Act 1977 (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899.**

County	Townships/Watershed	Species/Status/and or Critical Habitat	Avoidance Action Code <sub>1</sub>
Herkimer	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Jefferson	All Towns, elevation under 900'	Indiana bat	2
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
	Town of Ellisburg, within 500 meters or 1,640 feet of the Lake Ontario Ordinary High Water line	Piping plover (Endangered) Great Lakes critical habitat	1
Lewis	All Towns, elevation under 900'	Indiana bat	2
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Livingston	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Madison	All Towns, elevation under 900'	Indiana bat	2
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Monroe	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Niagara	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Oneida	All Towns within 40 miles of the Town of Dewitt and elevation under 900'	Indiana bat	2
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1

**Table 1. Locations of Federally-Listed Threatened and Endangered Species and Candidate Species that may be affected by Regional Permits 79-000-3, 81-000-1, 86-000-1, 87-000-1, and 87-000-13 in waters of the U.S. within the State of New York and subject to regulation by the U.S. Army Engineer District, Buffalo, under Section 404 of the Clean Water Act 1977 (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899.**

County	Townships/Watershed	Species/Status/and or Critical Habitat	Avoidance Action Code <sub>1</sub>
Onondaga	Projects in wetlands in all Towns where project is at elevation < 1,000 ft. In addition, all stream projects in Town of Cicero.	Bog turtle	1
	All Towns, elevation under 900'	Indiana bat	2
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Ontario	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Orleans	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Oswego	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
	All Towns, elevation under 900'	Indiana bat	2
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
	Sandy Creek and Richland, within 500 meters or 1,640 feet of the Lake Ontario Ordinary High Water line	Piping plover Great Lakes critical habitat	1
St. Lawrence	All Towns within 40 miles of Watertown, and elevation under 900'	Indiana bat	2
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Schuyler	Dix, along west side of Seneca Lake	Leedy's roseroot (Threatened)	1
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2

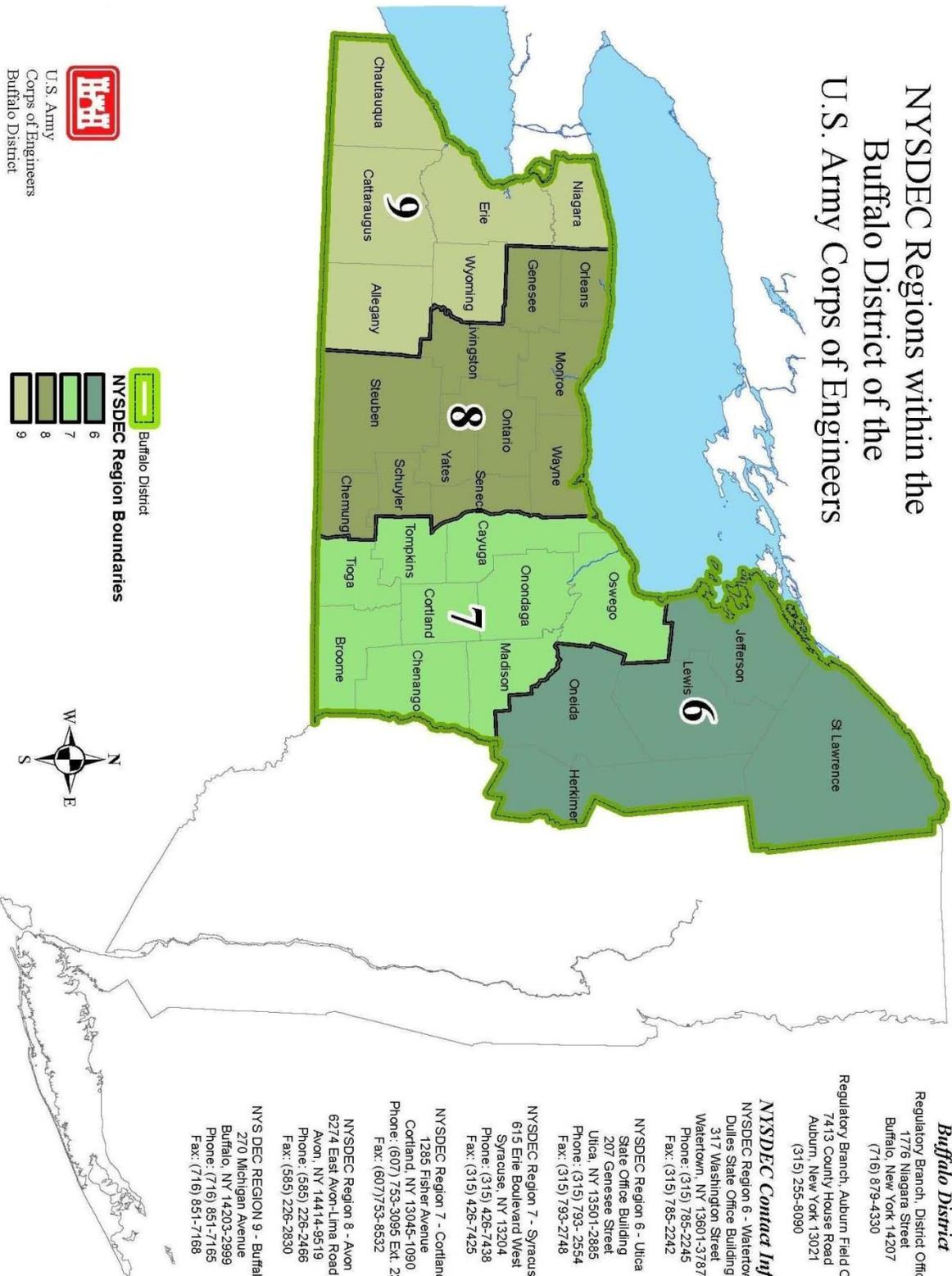
**Table 1. Locations of Federally-Listed Threatened and Endangered Species and Candidate Species that may be affected by Regional Permits 79-000-3, 81-000-1, 86-000-1, 87-000-1, and 87-000-13 in waters of the U.S. within the State of New York and subject to regulation by the U.S. Army Engineer District, Buffalo, under Section 404 of the Clean Water Act 1977 (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899.**

County	Townships/Watershed	Species/Status/and or Critical Habitat	Avoidance Action Code <sup>1</sup>
Seneca	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
	All Towns within 40 miles of Town of Dewitt and elevation under 900'	Indiana bat	2
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Steuben	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Tioga	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Tompkins	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Wayne	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
	All Towns within 40 miles of Town of Dewitt, elevation under 900'	Indiana bat	2
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Wyoming	All Towns, for projects with proposed tree removal	Northern long-eared bat	2
Yates	Starkey, along west side of Seneca Lake	Leedy's roseroot	1
	All Towns, for projects with proposed tree removal	Northern long-eared bat	2

<sup>1</sup> Avoidance Action Codes:

- 1) The Corps will coordinate with the USFWS per the Standard Local Operating Procedures for Endangered Species.
- 2) The Corps will coordinate with the USFWS per the Standard Local Operating Procedures for Endangered Species for any project that includes tree removal (trees 3 inches in diameter or larger). If tree removal occurs within urban areas (refer to USFWS 2016 Rangewide Indiana Bat Summer Survey Guidelines), Pre-construction Notification is NOT required. If no tree removal is proposed, Pre-construction notification is NOT required for these locations.

# NYSDEC Regions within the Buffalo District of the U.S. Army Corps of Engineers



## Buffalo District

Regulatory Branch, District Office  
1776 Niagara Street  
Buffalo, New York 14207  
(716) 879-4330

Regulatory Branch, Auburn Field Office  
7413 County House Road  
Auburn, New York 13021  
(315) 255-8090

## NYSDEC Contact Info

NYSDEC Region 6 - Watertown  
Dulles State Office Building  
317 Washington Street  
Watertown, NY 13601-3787  
Phone: (315) 785-2245  
Fax: (315) 785-2242

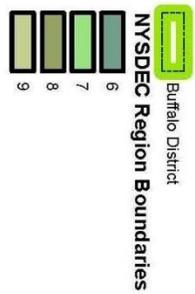
NYSDEC Region 6 - Ulica  
State Office Building  
207 Genesee Street  
Ulica, NY 13501-2885  
Phone: (315) 793-2554  
Fax: (315) 793-2748

NYSDEC Region 7 - Syracuse  
615 Erie Boulevard West  
Syracuse, NY 13204  
Phone: (315) 426-7438  
Fax: (315) 426-7425

NYSDEC Region 7 - Cortland  
1285 Fisher Avenue  
Cortland, NY 13045-1090  
Phone: (607) 753-3085 Ext. 235  
Fax: (607) 753-8532

NYSDEC Region 8 - Avon  
6274 East Avon-Lima Road  
Avon, NY 14414-9519  
Phone: (585) 226-2466  
Fax: (585) 226-2830

NYS DEC REGION 9 - Buffalo  
270 Michigan Avenue  
Buffalo, NY 14203-2999  
Phone: (716) 851-7165  
Fax: (716) 851-7168



IMPORTANT

This form must be completed and mailed to the District Commander upon completion of any work authorized by Department of the Army Permit No. 87-000-1

Date:

Regulatory Branch  
U.S. Army Corps of Engineers  
1776 Niagara Street  
Buffalo, New York 14207

To whom it may concern:

You are hereby notified that the work authorized under Department of the Army Regional General Permit No. 87-000-1, was completed on or about \_\_\_\_\_  
(Month/Day/Year)

The work undertaken was as follows (detailed project drawings\* are required to supplement written description): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*detailed location map and plan view diagram (identifying property and structure dimensions)

I certify that I have complied with the terms and conditions of the Regional Permit 87-000-1.

Applicant Information:

Name:

Mailing Address:

Phone Number:

Site Information (Please attach a location map depicting work site):

Street Address:

Town/Village/City:

County:

State: New York

By:

\_\_\_\_\_  
(Authorized Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)