



Department of
Environmental
Conservation

NYSDEC Bureaucratic Feats in 2015


New York State Wetlands Forum
April 6, 2016

Overview

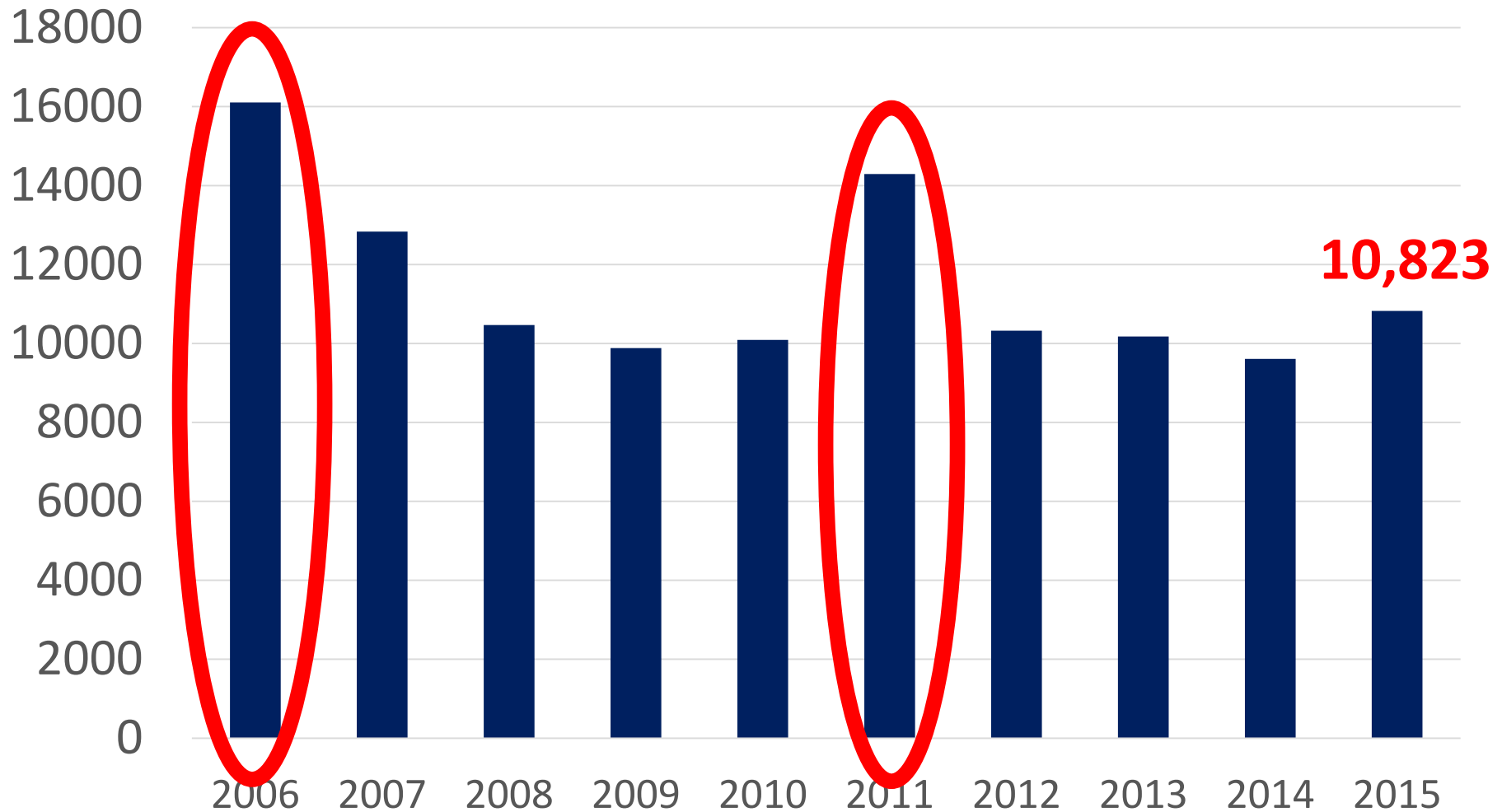
Bureaucratic Wonders
Habitat Protection Programs
Freshwater Wetlands
Aquatic Habitat
Instream Flow Program



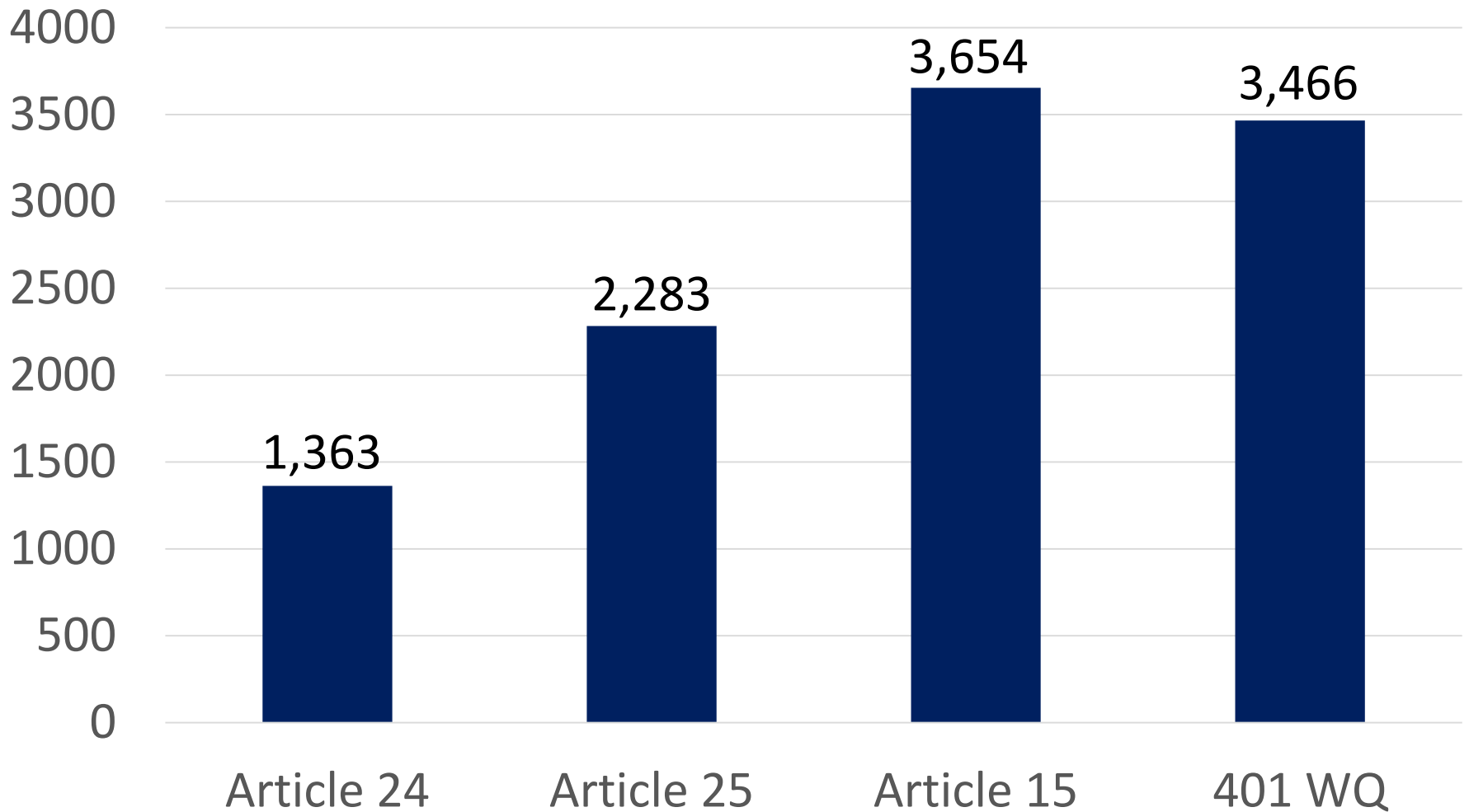
Bureaucratic Wonders

The image shows a close-up of several rows of metal filing cabinets. There are four columns of cabinets visible. The first column on the left has light green cabinets. The second and third columns have dark grey cabinets. The fourth column on the right has dark grey cabinets. Each cabinet has a silver handle and a small rectangular label holder. The text 'Bureaucratic Wonders' is overlaid in large, bold, yellow font across the center of the image.

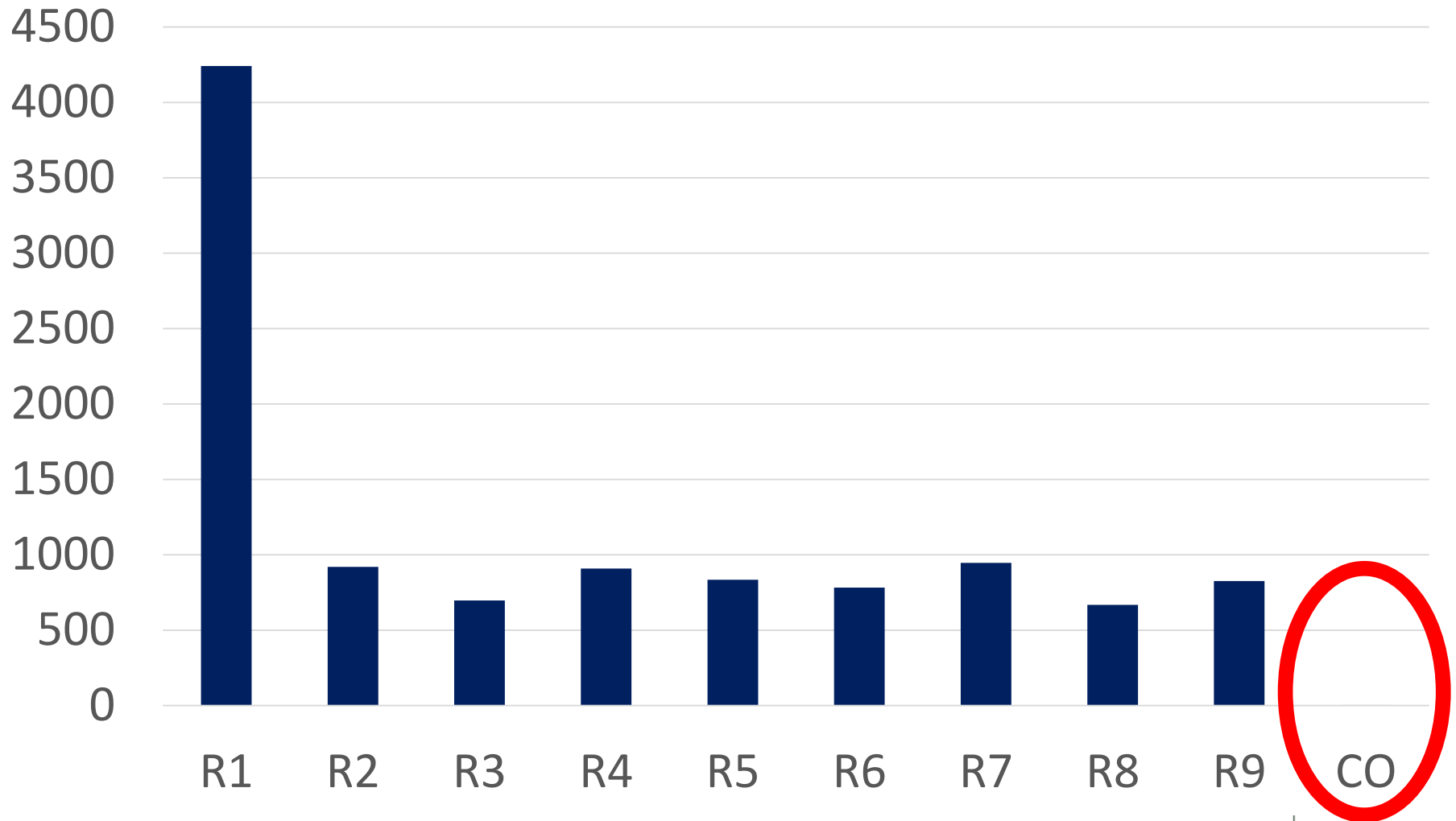
Permit Applications



Permit Applications FY2015



Permit Applications FY2015



Staffing



Regional Units with Managers

A satellite image of a large hurricane or tropical storm over the Atlantic Ocean. The storm features a well-defined eye and a dense, swirling cloud structure. The surrounding ocean is dark blue, and the coastline of North America is visible on the left side of the frame.

**Preparing
for the Worst**



State Programmatic General Permit

A photograph of a freshwater wetland. In the foreground, there is a calm body of water reflecting the surrounding trees. The middle ground is filled with a dense forest of trees, many of which have thin, light-colored trunks. The ground is covered in dark, wet soil or mud. The background shows more trees and a slightly hazy sky.

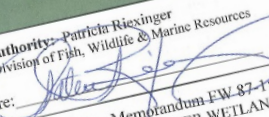
Freshwater Wetlands

Delineation Hold Mitigation Guidelines Changes to Regulation Other Guidance Documents

DFWMR FW 15-01

New York State Department of Environmental Conservation

Division of Fish, Wildlife and Marine Resources
Freshwater Wetland Guidance Series

Issuing Authority: Patricia Riesinger Director, Division of Fish, Wildlife & Marine Resources Signature: 	Title: Policy Memorandum FW15-01: Change to Portion of Policy FW 87-1 to Change the Expiration of Freshwater Wetlands Determinations and Delineations Latest Date Revised: October 19, 2015
Prior Guidance: Policy Memorandum FW 87-1: CONFIRMATION OF FRESHWATER WETLANDS DETERMINATIONS AND DELINEATIONS Date Issued: August 19, 1987 Originator: Tim Post, Wetland Program Manager, DFWMR Bureau of Habitat	

***** NOTICE *****

This document has been developed to provide Department staff with guidance on how to ensure compliance with the statutory and regulatory requirements, including case law interpretations, and to provide consistent treatment of similar situations. This document may also be used by the public to gain technical guidance and insight regarding how Department staff may analyze an issue and factors in their consideration of particular facts and circumstances. This guidance document is not a fixed rule under the State Administrative Procedures Act subsection 102(2)(a)(i). Furthermore, nothing set forth herein prevents staff from varying from this guidance as the specific facts and circumstances may dictate, provided staff's actions comply with applicable statutory and regulatory requirements. This document does not create any enforceable rights for the benefit of any party.

I. Summary: This policy memorandum establishes a five (5) year time period within which determinations and surveyed delineations of freshwater wetlands will be considered fixed. This is a change from the three (3) year time period established in paragraph 10 of Policy Memorandum FW 87-1, and provides for consistent treatment of jurisdictional determinations and delineations by the Department and the United States Army Corps of Engineers (USACE). Implementation of this policy will provide greater certainty to the regulated public during the permitting process.

II. Policy: It is the policy of the Division of Fish, Wildlife and Marine Resources that field verified freshwater wetlands determinations and surveyed wetland boundary delineations conducted pursuant to ECL 24-0301(7) will be honored for a period of five (5) years, as long as the procedural requirements set forth in paragraphs 1 through 9 and 11 of Policy Memorandum

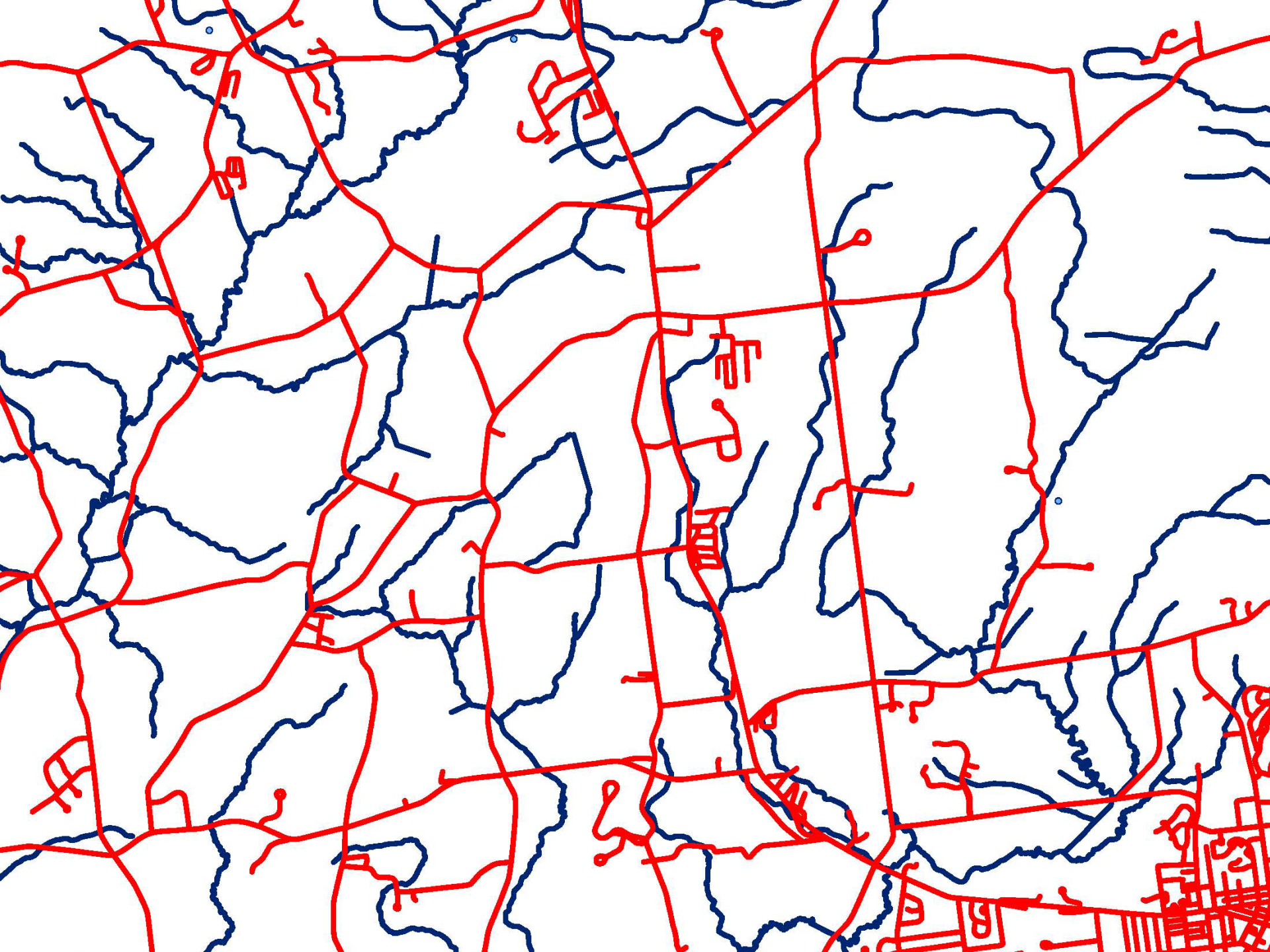
1



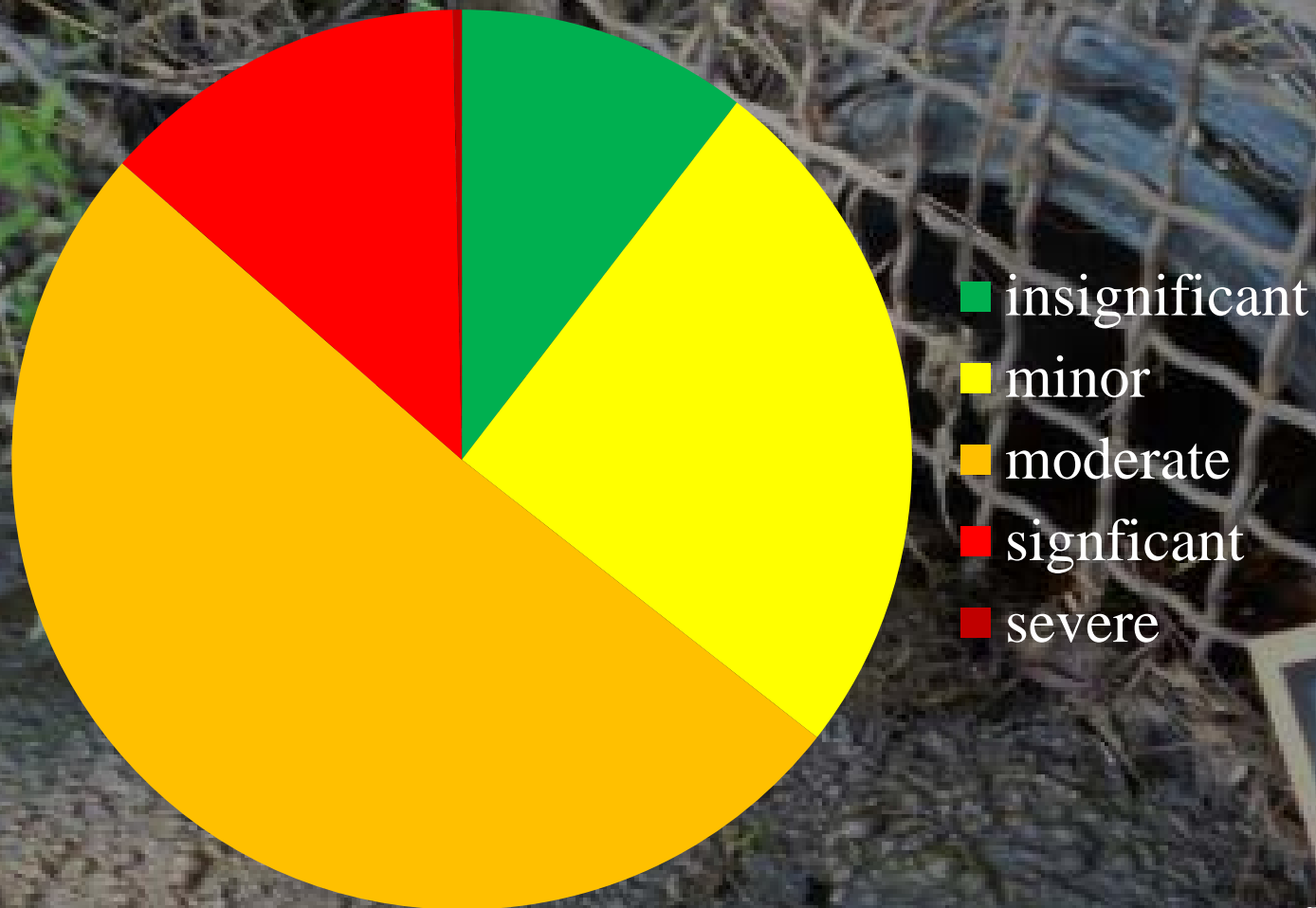
**Department of
Environmental
Conservation**



Aquatic Habitat



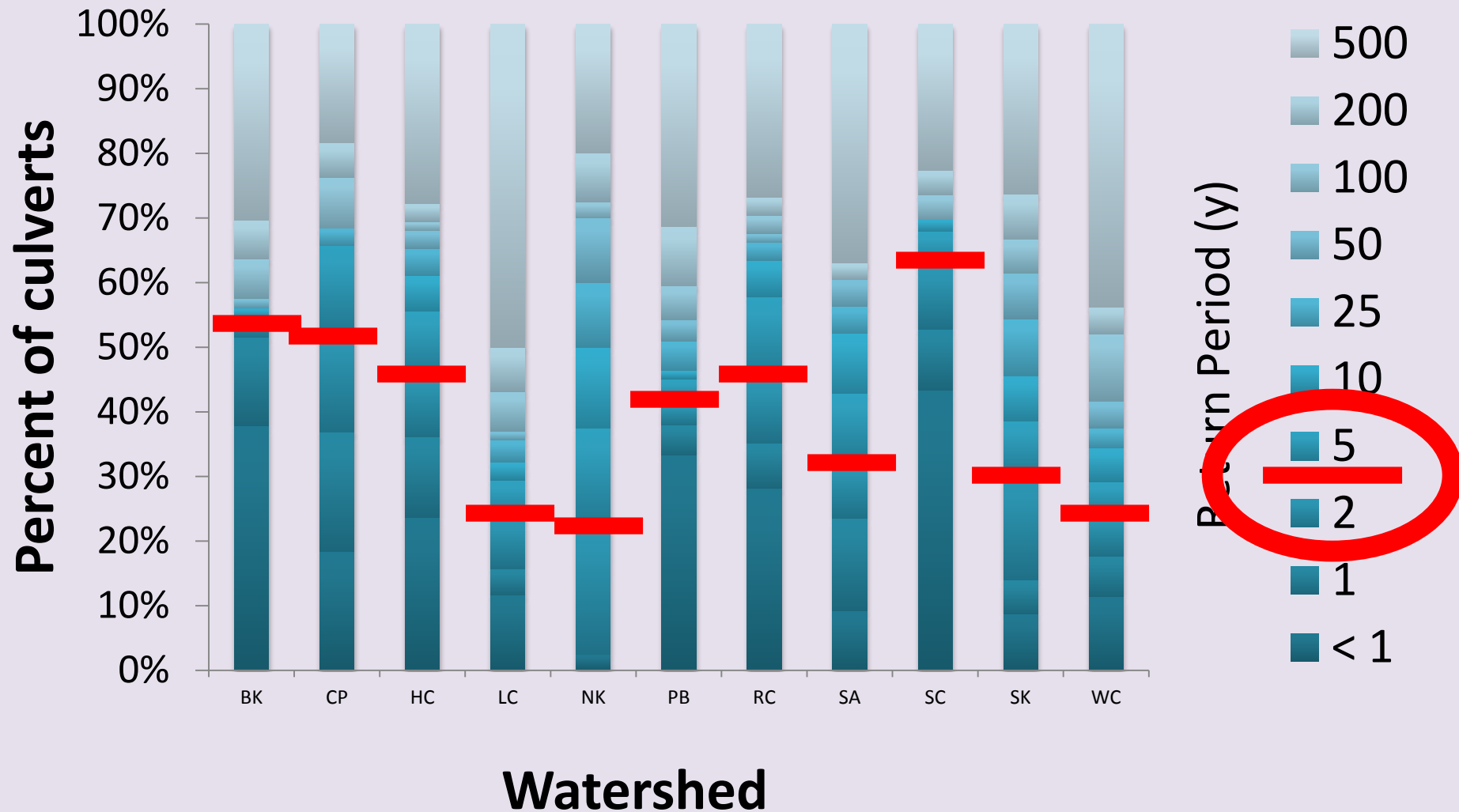
Passability



Passability



- insignificant
- minor
- moderate
- significant
- severe



102,000



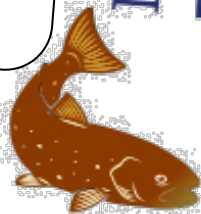
The Nature Conservancy
Protecting nature. Preserving life.

North Atlantic LCC
North Atlantic Landscape
Conservation Cooperative

VERMONT
AGENCY OF NATURAL RESOURCES
Respect. Protect. Enjoy.



North Atlantic Aquatic Connectivity Collaborative



NAACC



Department of
Environmental
Conservation



UMASS
AMHERST



Cornell University



North Atlantic Aquatic Connectivity Collaborative



Field survey protocols

Training on use of protocol

Data management & QA/QC

Scoring systems (passability
scoring, critical linkages)

Capacity modeling (Cornell add-
on)



Department of
Environmental
Conservation



Water Quality Improvement Projects (WQIP)

Round 12 Awards Announced in December 2015

About \$2.5 million for Aquatic Habitat Restoration for municipalities, soil and water conservation districts, and not-for-profits.

Instream Flow



DOW – 1.3.12

New York State Department of Environmental Conservation

Division of Water Technical and Operational Guidance Series

Issuing Authority:

Mark Klotz

Director, Division of Water

Signature: _____

In Collaboration with:

Patricia Riexinger

Director, Division of Fish, Wildlife & Marine Resources

Signature: _____

Title: Incorporation of Flow-Related Conditions in Water Withdrawal Permits

Date Issued:

Latest Date Revised: New

Originator: Mike Holt

Contributors: Jeff Myers, Diane English, Karen Woodfield, and Brennan Tarrier (DOW); Roy Jacobson and Mark Woythal (DFWMR)

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I. Summary: This document describes the policies and procedures for incorporating flow-related conditions when issuing Water Withdrawal Permits, pursuant to 6 NYCRR Part 601 ("Water Withdrawal Regulations"). The Water Withdrawal Regulations and Environmental Conservation Law ("ECL") Section 15-1501 encourage the responsible use of water resources, including ensuring adequate supplies of potable water, while protecting aquatic life, habitat function, and best usages. Consistent with ECL § 15-1501 and the Water Withdrawal Regulations, this document outlines procedures that should be used to ensure that "the proposed individual or cumulative adverse impacts to the [water body] and water dependent natural resources, including [fish and wildlife] Resources."

Passby Flows

Exceedance Values to Determine Passby Flows

	Class 1	Class 2	Class 3	Class 4	Class 5
Month \ Drainage Area (square miles)	<10	10 to < 50	50 to < 200	200 to < 1000	≥ 1000
January	P70	P75	P80	P85	P90
February	P70	P75	P80	P85	P90
March	P70	P75	P80	P85	P90
April	P70	P75	P80	P85	P90
May	P70	P75	P80	P85	P90
June	P70	P75	P80	P85	P90
July	P50	P65	P70	P80	P85
August	P50	P65	P70	P80	P85
September	P50	P65	P70	P80	P85
October	P50	P65	P70	P80	P85
November	P70	P75	P80	P85	P90
December	P70	P75	P80	P85	P90
Inconsequential (% of P95)	10	10	10	10	10

Public Comment

The Department has received comments from several different sources including existing water withdrawers, environmental groups, river basin commissions and consultants. Those comments are currently under review.

Copies of draft TOGS 1.3.12 are available
on the NYS DEC website at:

http://www.dec.ny.gov/docs/water_pdf/togs1312passby.pdf

In Closing

DEC bureaucrats remain jazzed to protect your habitat

All difficult questions can be directed to DOS, USFWS, EPA, ACOE



Thank You

Roy “JR” Jacobson
Head, Habitat Protection Section
625 Broadway
Albany, NY 12233-4756
roy.jacobson@dec.ny.gov
518-402-8853

