

NYS DEC Stream and Wetland Programs

Bureau of Ecosystem Health

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D.E. Who

“DEC? So you have the reservoirs?”

“No that is DEP, the New York City Department of Environmental Protection. The Department of Environmental Conservation is New York State.”

“Is it true you own the stream on my property?”

“No, you own your stream, however DEC has permitting authority over activities that disturb protected streams.”

“What can I do with my stream?”

“It depends.”



What Does DEC Do?

New York State Department of Environmental Conservation Divisions

- Air
 - Materials Management
 - Operations
 - Spills
 - ECOs/Rangers
 - Lands and Forests
 - Water
 - Permits
 - Marine Resources
 - Fish and Wildlife
 - Etc...
- Permitting
- Bureau of Wildlife- Threatened and Endangered species
- Bureau of Fisheries-Stocking
- Marine Resources- Tidal
- Bureau of Ecosystem Health- Inland



Bureau of Ecosystem Health Regulation

ECL Article 15
Stream Disturbance
Excavation and Fill

ECL Article 24
Freshwater Wetland



What are the New York State Regulations?

- Article 24 Freshwater Wetland Act
6 NYCRR Part 663
- Article 15 Protection of Waters
6 NYCRR Part 608

Google it

New York Codes, Rules and Regulations



Where Does DEC have Jurisdiction? Environmental Resource Mapper

The screenshot displays the 'Environmental Resource Mapper' interface from the New York State Department of Environmental Conservation. The header includes the department name and a logo. Below the header, the title 'Environmental Resource Mapper' is shown next to a 'Base Map' dropdown menu set to 'NYS Aerial w Streets' and a 'Using this map' link. On the left side, there is a sidebar with sections for 'Search', 'Tools', and 'Layers and Legend'. The 'Layers and Legend' section contains several checkboxes: 'All Layers' (unchecked), 'Unique Geological Features' (unchecked), 'Waterbody Classifications for Rivers/Streams' (checked), and 'Waterbody Classifications for Lakes' (unchecked). Below these are links for 'Other Wetland Layers', 'Reference Layers', 'Tell Me More...', 'Need A Permit?', and 'Contacts'. The main map area shows an aerial view with a blue line representing a waterbody. A pop-up window titled 'Waterbody Classifications for Rivers/Streams' is open over the map, displaying the following information: 'Regulation: 861-58', 'Standard: C(TS)', and 'Classification: C'. A 'Zoom to' link is also visible in the pop-up. The map includes navigation controls (plus, minus, home, and a scale bar) and a coordinate display at the bottom right showing '-74.154, 42.044'.

Also shows Wetland Maps, Threatened /Endangered Species, NWI Maps, and more





Environmental Resource Mapper

Base Map: Topographical Using this map

Search

Tools

Layers and Legend

Waterbody Classifications for Rivers/Streams



Waterbody Classifications for Lakes

Waterbody Inventory/Priority Waterbodies List

Lakes and Reservoirs

Estuaries

Rivers and Streams

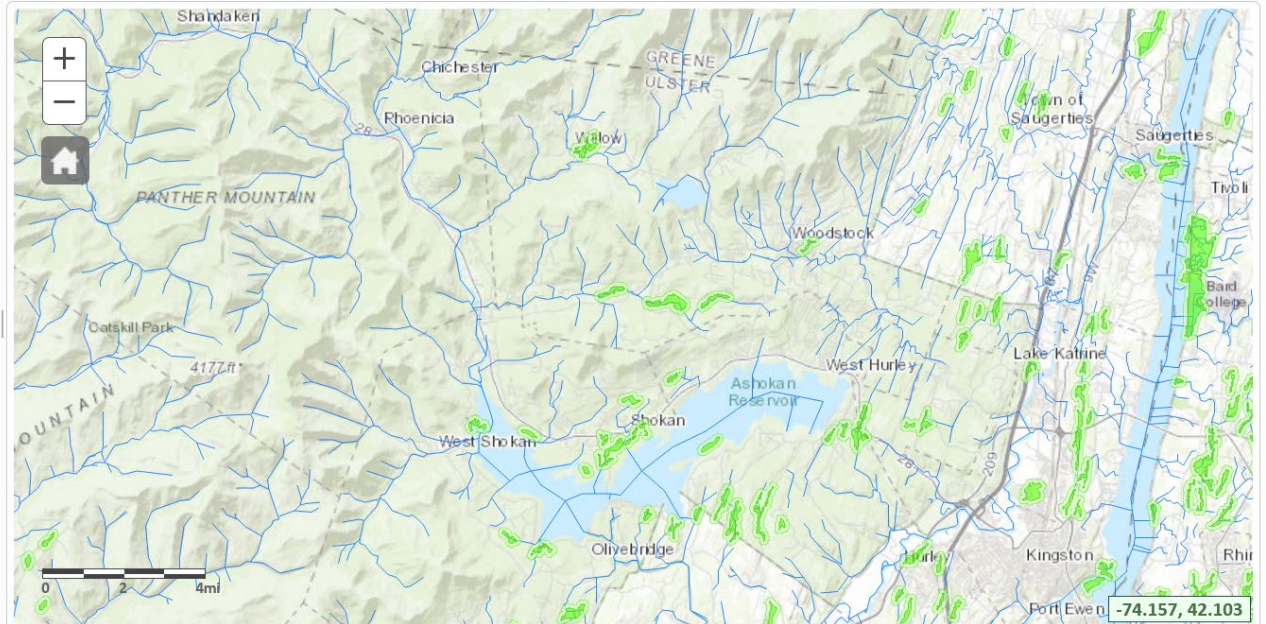
Other Wetland Layers

Reference Layers

Tell Me More...

Need A Permit?

Contacts



NYS Freshwater wetland defined

Lands and waters of the state *as shown on the freshwater wetlands map*

- Lands and submerged lands
- commonly called marshes, swamps, sloughs, bogs, and flats supporting aquatic or semi-aquatic vegetation
- Maps eliminated as early as 2025
- Size threshold to 7.4 acres as early as 2028



Article 15 Protection of Waters



Note this orchard tied for third in Permits 2022 Apple Cider Taste test



Article 15 Jurisdictions

- Stream Disturbance
- Excavation and Fill in Navigable Waters
- Water Quality Certification
 - Need WQC when need ACOE
 - Certifies that proposal meets state's Water Quality Standards
 - Blanket- Meet all Conditions or Individual
 - Google NYSDEC Blanket Water Quality Certification Letter
 - Intent is Specific to Water Quality



Stream Disturbance

What streams?

- Based on Stream “Class” and Standard
- Class “C(t), C(ts) and higher (A&B)
- Article 15 Permit not required for Class C or D.
- “Ponds” or “impoundments” with inlet and outlet less than 10 acres considered part of the stream- NOT EX-FILL

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Environmental Resource Mapper

Base Map: NYS Aerial w Streets [Using this map](#)

Search
Tools
Layers and Legend
Other Wetland Layers
Reference Layers

All Layers

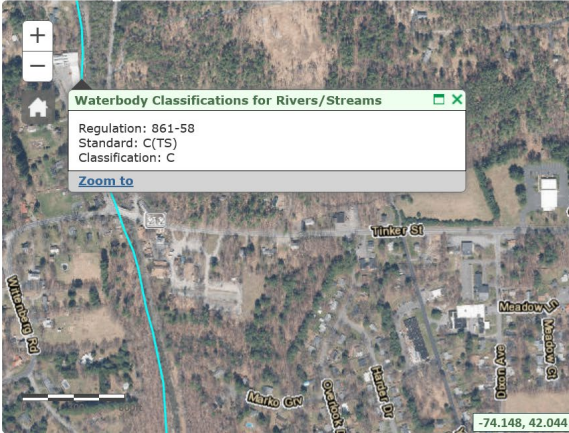
NYS Counties

Cities

Towns

Villages

Tell Me More...
Need A Permit?
Contacts



Waterbody Classifications for Rivers/Streams

Regulation: 861-58
Standard: C(TS)
Classification: C

[Zoom to](#)

-74.148, 42.044



Unclassified Streams

From Regulations

- Intermittent
- Class “D”
- No Permit
- Perennial
- Assumes the class of the stream it flows into.



Stream Permits

- Bed or Banks
- 608.1 Definitions.
 - (a) *Banks* means that land area immediately adjacent to, and which slopes toward, the bed of a watercourse, and which is necessary to maintain the integrity of a watercourse. For purposes of this Part, a bank will not be considered to extend more than 50 feet horizontally from the mean highwater line; with the following exception: where a generally uniform slope of 45 degrees (100 percent) or greater adjoins the bed of the watercourse, the band is extended to the crest of the slope or the first definable break in slope, either a natural or constructed (*i.e.* road or railroad grade) feature, lying generally parallel to the watercourse.
 - (b) *Bed* means that land area of a watercourse covered by water at mean high water.



What activities?

- Any disturbance to bed or banks
- Bed- water flow at normal high water
- Banks- land sloping to bed



Excavation and Fill Navigable in Waters

- 608.5 Excavation or placement of fill in navigable waters.
- *Permit required.* No person, local public corporation or interstate authority may excavate from or place fill, either directly or indirectly, in any of the navigable waters of the State or in marshes, estuaries, tidal marshes and wetlands that are adjacent to and contiguous at any point to any of the navigable waters of the State, and that are inundated at mean high water level or tide, without a permit issued pursuant to this Part.



Mean High Water

- (r) *Mean low water* or *mean high water* means, respectively, the approximate average low water level or high water level for a given body of water at a given location, that distinguishes between predominantly aquatic and predominantly terrestrial habitat as determined, in order of use by the following:
 - (1) available hydrologic data, calculations, and other relevant information concerning water levels (*e.g.*, discharge, storage, tidal, and other recurrent water elevation data); (mean high water elevations are established, using this method, for certain waterbodies as presented in section 608.11 of this Part);
 - (2) vegetative characteristics (*e.g.*, location, presence, absence or destruction of terrestrial or aquatic vegetation);
 - (3) physical characteristics (*e.g.*, clear natural line impressed on a bank, scouring, shelving, or the presence of sediments, litter or debris); and
 - (4) other appropriate means that consider the characteristics of the surrounding area.



608.7 Permit application review

- (a) The department will review applications, plans, and other supporting information submitted and may:
 - (1) grant a permit approving the manner and extent to which alterations are proposed to be made to water resources of the State;
 - (2) grant a permit with conditions as necessary to protect the health, safety, or welfare of the people of the State, and its natural resources; or
 - (3) deny a permit.
- (b) The department's review will determine if proposed alterations to water resources of the State are consistent with standards contained in section 608.8 of this Part, considering issues such as:
 - (1) the environmental impacts of a proposal, including effects on:
 - (i) aquatic, wetland, and terrestrial habitats; unique and significant habitats; rare, threatened and endangered species habitats;
 - (ii) water quality, including such criteria as temperature, dissolved oxygen, suspended solids;
 - (iii) hydrology, including such criteria as water velocity, depth, discharge volume, flooding potential; and
 - (iv) water course and waterbody integrity, including such criteria as erosion, turbidity, and sedimentation;
 - (2) the adequacy of design and construction techniques for structures;
 - (3) operational and maintenance characteristics;
 - (4) the safe commercial and recreational use of water resources;
 - (5) the water dependent nature of a use;
 - (6) the safeguarding of life and property; and
 - (7) natural resource management objectives and values.



Permit Issuance Standards

- The basis for the issuance or modification of a permit will be a determination that the proposal is in the public interest, in that:
 - (a) the proposal is reasonable and necessary;
 - (b) the proposal will not endanger the health, safety or welfare of the people of the State of New York; and
 - (c) the proposal will not cause unreasonable, uncontrolled or unnecessary damage to the natural resources of the State, including soil, forests, water, fish, shellfish, crustaceans and aquatic and land-related environment.





July 13, 2023

