

OSWEGO CANAL CORRIDOR BOA

APPENDIX S: PERMITTING - FUELING DOCK



BERGMANN

ARCHITECTS ENGINEERS PLANNERS

Proposed City of Oswego Fueling Dock Project

New York State Department of Environmental Conservation – Region 7 & U.S. Army Corps of Engineers – Buffalo District

Article 15 Protection of waters Permit - Preconstruction Notification under Corps NWP 11 / Section 10



Prepared for:

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Project Number: 010875.00

Date: December 10th, 2018





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1.0 INTRODUCTION

This document and its attachments serves as a Pre-Construction Notification (PCN) seeking authorization under the U.S. Army Corps of Engineers 2017 Nationwide Permit (NWP) 11 for Temporary Recreational Structures or Regional General Permit 87-000-1, as required pursuant to the Federal Clean Water Act, 33 U.S.C. §§ 1251 et. Seq. and regulations and policies including 33 C.F.R. Part 330 (NWPs) and under Section 10 of the Rivers and Harbors Appropriation Act of 1899. This PCN contains the information outlined in NWP General Condition #32, Regional Conditions established by the U.S. Army Corps of Engineers (Corps) Buffalo District and Section 401 Water Quality Certification provisions for the applicable NWP. This submission is also being provided to (NYSDEC) Region 7 to request an Article 15 Protection of Waters Permit for Work within a Navigable Waterway.

The proposed project will allow the City of Oswego to perform the installation of a fueling dock at Wright's Landing Marina on Lake Ontario in the City of Oswego, Oswego County, New York which will allow recreational boaters to fuel up boats and other watercraft. The proposed project involves the installation of a docking system with the goal of increasing fuel locations at Wright's Landing Marina.

The project site was field reviewed by Bergmann representatives on October 3, 2018. The purpose of the field review was to identify potential wetlands and other waters of the U.S. (regulated by the Corps and/or the NYSDEC), the presence or absence of suitable threatened and endangered species habitats, proposed construction methods, and to provide a basis for assessing the applicable installation work necessary.

This report is also intended to be a reference document that describes proposed procedures to be used by the City of Oswego in an effort to minimize and/or avoid potential environmental impacts associated with this fueling dock installation project to the maximum extent possible. Included herein is a description of the proposed project activities, site description, information on permits and approvals, information on erosion and sediment controls, and a discussion of maintenance and monitoring of the project site.

2.0 SITE DESCRIPTION

The following sub-sections discuss the project site and provide information on soils, wetlands and other waters of the U.S., and mapped floodplains. The general location of the subject property is shown on Figure 1. The location of the proposed fueling dock lies along the northern bank of Lake Ontario, immediately west of the Oswego Yacht Club in Oswego, New York (43.463044, -76.58619). Lake Ontario is the body of water that services the project site. The project site is currently owned by the City of Oswego, consists of approximately 6.87 acres, is zoned 570 - Marina, and is utilized as a paved parking lot and pier to support the adjoining Wright's Landing Marina and Oswego Yacht Club (refer to Figure 2, Aerial Imagery Map). Directly on the eastern side of the project site is a pier that supports the Oswego Yacht Club. Directly west of the wall is Wright's Landing Marina, and to the south is a parking lot. Representative photographs have been included in Appendix D.

2.1 SOIL DESCRIPTIONS

According to the U.S. Department of Agriculture (USDA) Soil Conservation Services (SCS), soils at the subject property are identified as "UB – Urban Land" (refer to Figure 5 – NRCS Soils Survey Map). No Public water supply wells were identified in the EDR Database within a 1-mile radius of the project site from the EDR Radius Map Report that was included in a Phase I Environmental Site Assessment (ESA) Report for the project site on September, 2017. Groundwater flow direction generally is from the west to northeast across the subject property.



2.2 WETLANDS AND OTHER WATERS OF THE U.S.

The United States Fish & Wildlife Service National Wetlands Inventory (NWI) Map and the New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper (ERM) for Oswego County, New York were reviewed. Based on the NWI map, none of the subject property lies in a state wetland or wetland check zone (refer to Figure 3). According to the NYSDEC website, "New York State's Freshwater Wetlands (FWW) maps only show the approximate location of the actual wetland boundary. They are not precise, regardless of how closely you zoom in on the map. The "check zone" is an area around the mapped wetland in which the actual wetland may occur." Waters of the U.S. are located on or around the subject property (refer to Figure 4). Lake Ontario is listed as a navigable waterway by the Corps and Class A/ Standard A waterbody by NYSDEC. There are no NYSDEC FWW mapped within or around the subject property.

2.3 DESCRIPTION OF WATERS OF THE U.S.

A delineation of wetlands and other waters of the U.S. was conducted on October 3, 2018 in accordance with the Corps 1987 Wetland Delineation Manual and the Northcentral and Northeast Regional Supplement. The all lands within the project area were assessed. No wetlands were identified during the site visit or review of the online applications mentioned in Section 2.2. One (1) water of the US (open water 1) was delineated, and corresponds to Lake Ontario.

2.4 MAPPED FLOODPLAINS

The United States Federal Emergency Management Agency (FEMA) Floodplain maps for Oswego County, New York were reviewed (refer to Figure 6, FEMA FIRM). The FEMA Flood Insurance Rate (FIRM) map indicates the subject property is currently situated in an "Area of Minimal Flood Hazard".



3.0 PROJECT DESCRIPTION

The project involves the installation of a fueling dock. The following sections describe the purpose of and need for the project, a description of the proposed work, and a discussion of alternatives.

3.1 PURPOSE AND NEED

The purpose of the proposed activity is to construct a fueling along the northern bank of Lake Ontario to service recreational boaters. This would require the installation of an additional docking system at Wright's Landing Marina with the ultimate goal of increasing fueling capabilities of the Marina for recreational boaters. The project was identified as a catalyst for redevelopment in the NYSDOS designated Oswego Canal Corridor Brownfield Opportunity Area (BOA) implementation strategy.

3.2 DESCRIPTION OF PROPOSED WORK

In order to install the proposed 1,110 sf. fueling dock, the existing 8'x120' temporary, and floating dock will be replaced at the end of the proposed gangway. A 6'x25' gangway ramp will be added to the end of the proposed concrete sidewalk which will replace an existing concrete sidewalk. The dock will be a relocated structure, and it will be an aluminum framed dock with timber decking and chain anchorage. The chain will be anchored to a concrete deadman. A 10,000 gallon, double walled, above ground storage tank (AST) will be installed near the southeast corner of the concrete walkway. In an upland area, the fuel line will connect the AST to a fuel dispenser located at the end of the concrete walkway to the mainland. A 6'x6' monitoring shed and emergency shutoff station will be constructed along the fuel line. The tank will be confined within a secondary containment area (see Appendix B – Project Drawings).

Construction of the proposed project is anticipated to begin during Spring of 2019 along the northern bank of Lake Ontario near 29 Lake Street in Oswego, New York. The total duration of the project is estimated to be three (3) months. No dredging is anticipated for this work.

3.3 ALTERNATIVES ANALYSIS & SELECTION OF PREFERRED ALTERNATIVE

We are identifying herewith three (3) options to address the proposed improvements to the northern bank of Lake Ontario near 29 Lake Street in Oswego, NY. The preferred alternative is discussed, along with an assessment of how the preferred alternative avoids/minimizes impacts to waters of the United States to the maximum extent practicable:

The first option is a no action alternative. Leaving the current docking structure and fueling capabilities of Wright's Landing Marina along Lake Ontario in its current state poses a loss of potential income for the City of Oswego and its residents and the NYSDEC through loss of fishing license revenue through recreational boaters. Without the proposed improvements, the City of Oswego could potentially forfeit substantial revenue brought in by the ability to fuel additional vessels at Wright's Landing Marina. The City of Oswego has a large amount of traffic from boaters, but without appropriate docking accommodations, many pass by. Not only would additional fueling docks bring in the potential revenue for the City and its businesses, it has the potential to reduce unemployment in the immediate area. The no action alternative would not address the need for strategic redevelopment in the City through the designated BOA program. Therefore, the no action alternative is not practicable.

The second option would be to build a permanent fuel dock facility. While this option would meet the same goal, it requires a different form of construction, which would facilitate a change in type and increase in the quantity of impacts than the permanent dock, particularly to the surrounding natural environment. Adding permanent, long-term docks would facilitate a greater amount of lasting permanent impacts to the shoreline of Lake Ontario, including permanent



piles in the water. Additionally, a permanent docking facility would require greater capital for maintenance costs after installation. It also presents the challenge of tackling high flows and ice jams due to its constant presence in the Lake Ontario in upstate New York throughout the year. For these reasons, this is not a practicable alternative.

The third option involves the proposed method of installation discussed in Section 3.2. The gangway will be stabilized with proposed H12 guide piles anchored to the existing concrete break wall. The dock pile guide will be used to secure the proposed floating dock to the break wall. The floating dock will be pre-manufactured with timber for the frame and decking, and is to include a sealed floatation underside. This option allows the applicant to improve the current appearance of the concrete walkway, accommodate visitors to the area, and to avoid a significant permanent impact to Lake Ontario. Further permanent impacts to Lake Ontario will be minimized through use of transient docks. For these reasons, this option is the preferred alternative.

4.0 PERMITS AND APPROVALS

The following sections provide information on permits and approvals that are applicable to this project.

4.1 UNITED STATES ARMY CORPS OF ENGINEERS – BUFFALO DISTRICT

The proposed temporary impacts to the northern bank of Lake Ontario are understood to be covered under either the 2017 Nationwide Permit 11 for Temporary Recreational Structures, a Letter of Permission, and/or Regional Permit 87-000-1 provided that all general and regional conditions are met. This application is also being submitted to the Buffalo District of the U.S. Army Corps of Engineers as a Pre-Construction Notification (PCN) a Section 10 authorization for work in a navigable Waterway as per the notification requirements of the 2017 Nationwide Permit Program. A Joint Application for Permits Form is located in Appendix A of this document.

4.2 CULTURAL RESOURCES

The National Register of Historic Places was reviewed for properties within Oswego County, New York. A Section 106 consultation was initiated by NYSCC through the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) online Cultural Resource Information System (CRIS) project review process on October 3, 2018 (18PR06482). The OPRHP issued a response on October 3, 2018, and determined that no historic properties will be affected by this undertaking. A copy of the OPRHP correspondence is located in Appendix E of this document.

4.3 THREATENED AND ENDANGERED SPECIES REVIEW

An Official Species List for the project areas was obtained on October 4, 2018 from U.S. Fish and Wildlife Service (USFWS) Department of the Interior (Consultation Code: 05E1NY00-2019-SLI-0030). According to the Official Species List, the threatened northern long-eared bat (*Myotis septentrionalis*) may occur within the project area. Please refer to Appendix C for a complete Section 7 Endangered Species Act Consultation package. No trees or caves will be impacted by the project, therefore the project is not anticipated to result in significant adverse impacts to this species (Appendix C – Section 7 Endangered Species Act Consultation).

The project site was reviewed using the NYSDEC Environmental Resource Mapper (ERM) to determine if any known occurrences of protected species occur within the project area. Lake Sturgeon and a Waterfowl Winter Concentration area can be found within the project area (Appendix C).



Correspondence from the New York Natural Heritage Program (NYNHP) was received on November 6th, 2018. Based on the report submitted to Bergmann by the NYNHP, the following state-listed animal species have been document in the vicinity of the project site:

- Lake Sturgeon (*Acipenser fulvescens*) – Threatened.

In addition, the following animal assemblage has been documented at the project site:

- Waterfowl Winter Concentration Area.

The document provided to Bergmann by the NYNHP is included in Appendix C.

4.4 NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The proposed project is being conducted under the 2017 NWP 11 and the NYSDEC has certified that activities being conducted under NWP 11 in compliance with NWP Regional Conditions and Section 401 Conditions as being authorized. The proposed project meets all of the conditions and limitations to be covered under the “blanket” Water Quality Certification from the NYSDEC.

Lake Ontario is a navigable, Class A body of water. Therefore, an Article 15, Protection of Waters Permit for the temporary impacts to Lake Ontario is required.

The project areas is not located within a mapped NYSDEC Freshwater Wetlands or its 100-foot adjacent area. Therefore, neither an Article 24 Freshwater Wetlands Permit nor coverage under NYSDEC General Permit 0-13-001 are required.

A State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002) is not required as the proposed disturbance is less than one (1) acre.

4.5 NYS DEPARTMENT OF STATE COASTAL CONSISTENCY DETERMINATION

As the project involves work within the New York Coastal Zone Management area and because Lake Ontario is in New York State Significant Coastal and Fish Wildlife Habitat, an individual Coastal Consistency determination is required. This application package is being submitted concurrently to the New York State Department of State (NYSDOS) (refer to Appendix G). The project as proposed is consistent with Oswego LWRP policies 2, 2b, 6, 9, 9A, 9B, 18, 19, 21, 21A, 21C, and 22A. The City of Oswego will be required to register the proposed 10,000 gallon AST with the NYSDEC. A Petroleum bulk Storage (PBS) application will be submitted to the NYSDEC Division of Environmental Remediation.

- **Policy 2:** facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.
- **Policy 2b:** facilitate appropriate active and passive recreational uses and cultural uses in Oswego waterfront area which require or can benefit substantially from a waterfront location and which, whenever possible, will increase number of jobs and use of Oswego’s waterfront.
- **Policy 3:** encourage the development of the state's existing major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of state public authorities, of land use and development which is essential to or in support of waterborne transportation of cargo and people.
- **Policy 6:** expedite permit procedures in order to facilitate the siting of development activities at suitable locations.
- **Policy 9:** expand recreational use of fish and wildlife resources in coastal areas by decreasing access to existing resources, supplementing existing stocks and developing new resources. Such efforts shall be made, in a manner which ensures the protection of renewable fish and wildlife resources and considers other activities dependent on them.



- **Policy 9a:** expand the recreational use of the Oswego fish and wildlife resources, including the fishery identified on figure 2, section ii, by assisting, where feasible, in implementing new waterfront facilities or improvement of existing facilities for fishing and boating activities.
- **Policy 9b:** encourage the expansion of recreational facilities to support the growth of the tourist industry.
- **Policy 18:** to safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resource areas.
- **Policy 19:** protect, maintain and increase the levels and types of access to public water-related recreation resources and facilities so that these resources and facilities may be fully utilized by all the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources, in providing such access, priority shall be given to public beaches, boating facilities, fishing areas and waterfront parks.
- **Policy 21:** water-dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over non-water related uses along the coast, provided it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities, in facilitating such activities, priority shall be given to areas where access to the recreation opportunities of the coast can be provided by new or existing public transportation services and to those areas where the use of the shore is severely restricted by existing development.
- **Policy 21a:** provide opportunities for water-related recreation such as boating and fishing as well as recreational activities which are enhanced by a coastal location such as pedestrian and jogging paths, picnic areas, and scenic views.
- **Policy 21c:** continue to maintain adequate transportation facilities serving water-related recreational needs.
- **Policy 22a:** encourage the expansion of water-related recreational facilities to support the growth of the tourist industry.

4.6 NYS OFFICE OF GENERAL SERVICES LANDS UNDERWATER AUTHORIZATION

Lake Ontario is classified as a federally regulated body of water jurisdiction of NYSOGS. Bergmann submitted a request to the New York State Office of General Services (NYSOGS) Land Underwater License on October 15th, 2018. Bergmann received a response via email on October 24th, 2018 stating that the proposed project was not in need of a Lands Underwater License (refer to Appendix H).

4.7 CITY OF OSWEGO, OSWEGO COUNTY

No local permits from the City of Oswego or from Oswego County are anticipated to be required because the City of Oswego is the project sponsor.



5.0 GENERAL CONSTRUCTION SEQUENCE

The following is a general maintenance activity sequence for the proposed maintenance project:

1. Buried utilities, private water wells, and locally unique objects will be identified and flagged prior to the commencement of work.
2. Temporary erosion and sediment controls will be installed prior to any excavation work to ensure, to the maximum extent practicable, that no accelerated erosion of soils or sediment occurs.
3. Equipment, soil stockpiles and other materials will remain upslope of erosion and sediment controls during the work. Any debris or excess materials from construction will be immediately and completely removed from the work area.
4. In order to minimize impact to the waters of Wright's Landing Marina, work will not be planned during heavy rainfall conditions that may cause flooding of the work area.
5. H-pile anchors will be installed as specified on the Project Drawings.
6. Re-facing and crack/joint repairs will be conducted, if necessary.
7. The fueling dock and associated components (AST, secondary containment, fuel line, etc.) will be installed within Wright's Landing Marina.
8. All disturbed areas from construction equipment will be reseeded with an appropriate native seed mix.
9. All temporary erosion and sediment control measures will be removed after their tributary areas are permanently stabilized.



6.0 EROSION AND SEDIMENT CONTROL MEASURES

Temporary and permanent erosion and sediment controls will be used during the maintenance activity to avoid and/or minimize effects of construction. The exact location of erosion and sediment controls will be determined in the field by the field supervisor.

6.1 TEMPORARY MEASURES (GENERAL)

The following temporary erosion and sediment control measures are proposed:

- Silt fence will be placed downslope of work areas to in an effort to minimize sedimentation from entering wetlands or other waters of the U.S.
- Refueling of equipment and vehicles will be performed at the construction staging area, if necessary, over 100-feet away from waters of the U.S. Refueling activities, if required, will take place within an area surrounded by silt fence installed to specifications required by the State of New York. Any spilled fuel or oil will be immediately remedied by the site contractor in accordance with State and Federal requirements.

6.2 PERMANENT MEASURES (GENERAL)

The following permanent erosion and sediment control measures are proposed:

- All disturbed areas (from construction equipment) will be reseeded with native seed.

7.0 MAINTENANCE AND MONITORING

Contractor personnel will be present during maintenance activities to inspect erosion and sediment controls daily and after storm events. Care will be taken to avoid discharge of any waste materials into waters of the U.S. Disturbed areas that are exposed to precipitation will be inspected for erosion after storm events. Damaged structures will be repaired or replaced as needed. Erosion and sediment controls will be maintained on site until the excavated area has re-vegetated and stabilized. City of Oswego personnel will be responsible for the maintenance of the area and monitoring the AST and fuel line once final stabilization has taken place.



FIGURES

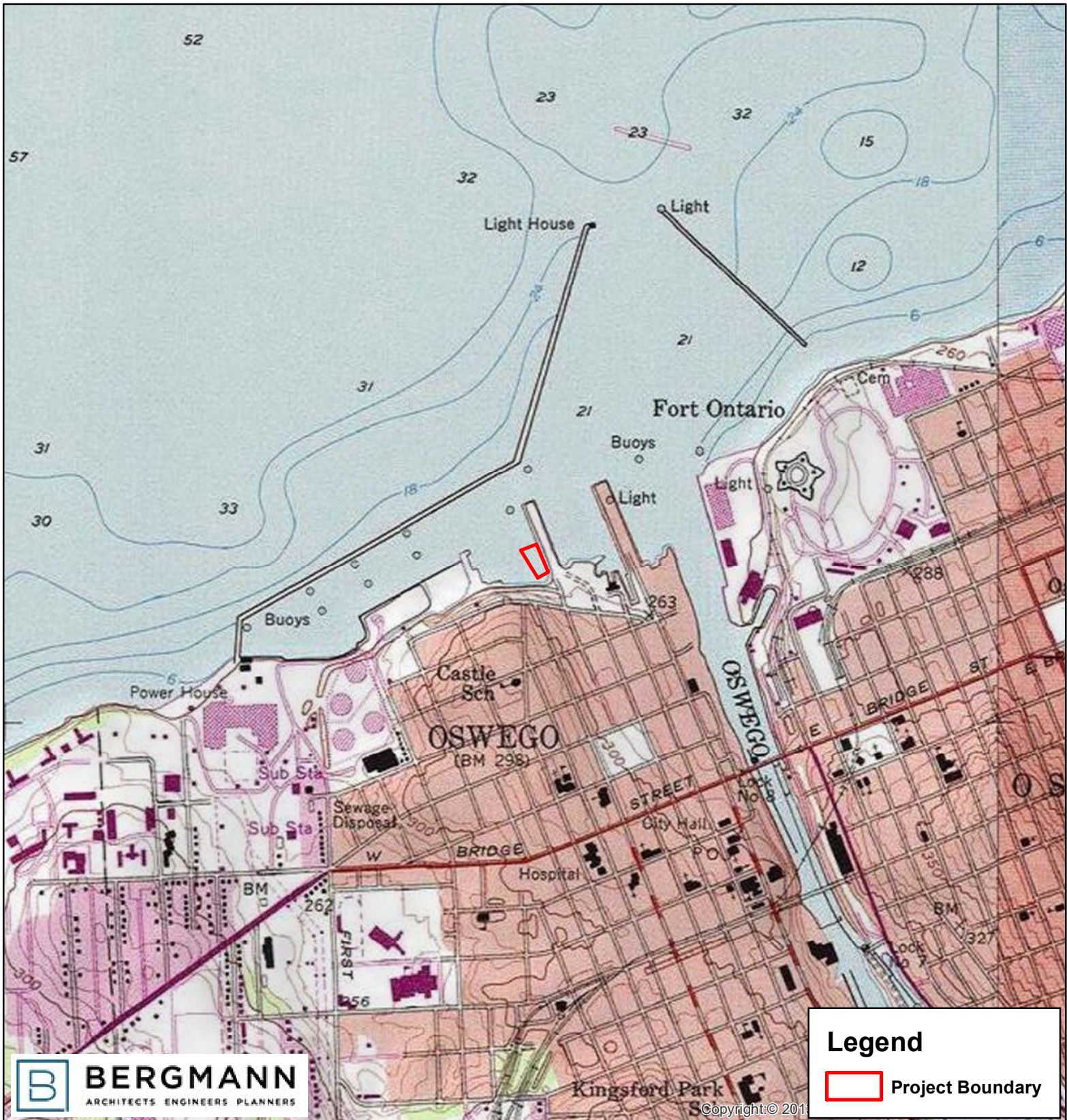
The City of Oswego City of Oswego Fueling Dock

City of Oswego, Oswego County, New York

SITE LOCATION
MAP

Fig. 1

2,000
Feet



Legend

 Project Boundary

The City of Oswego City of Oswego Fueling Dock

City of Oswego, Oswego County, New York

AERIAL LOCATION
MAP

Fig. 2

200
Feet



Legend

 Project Boundary

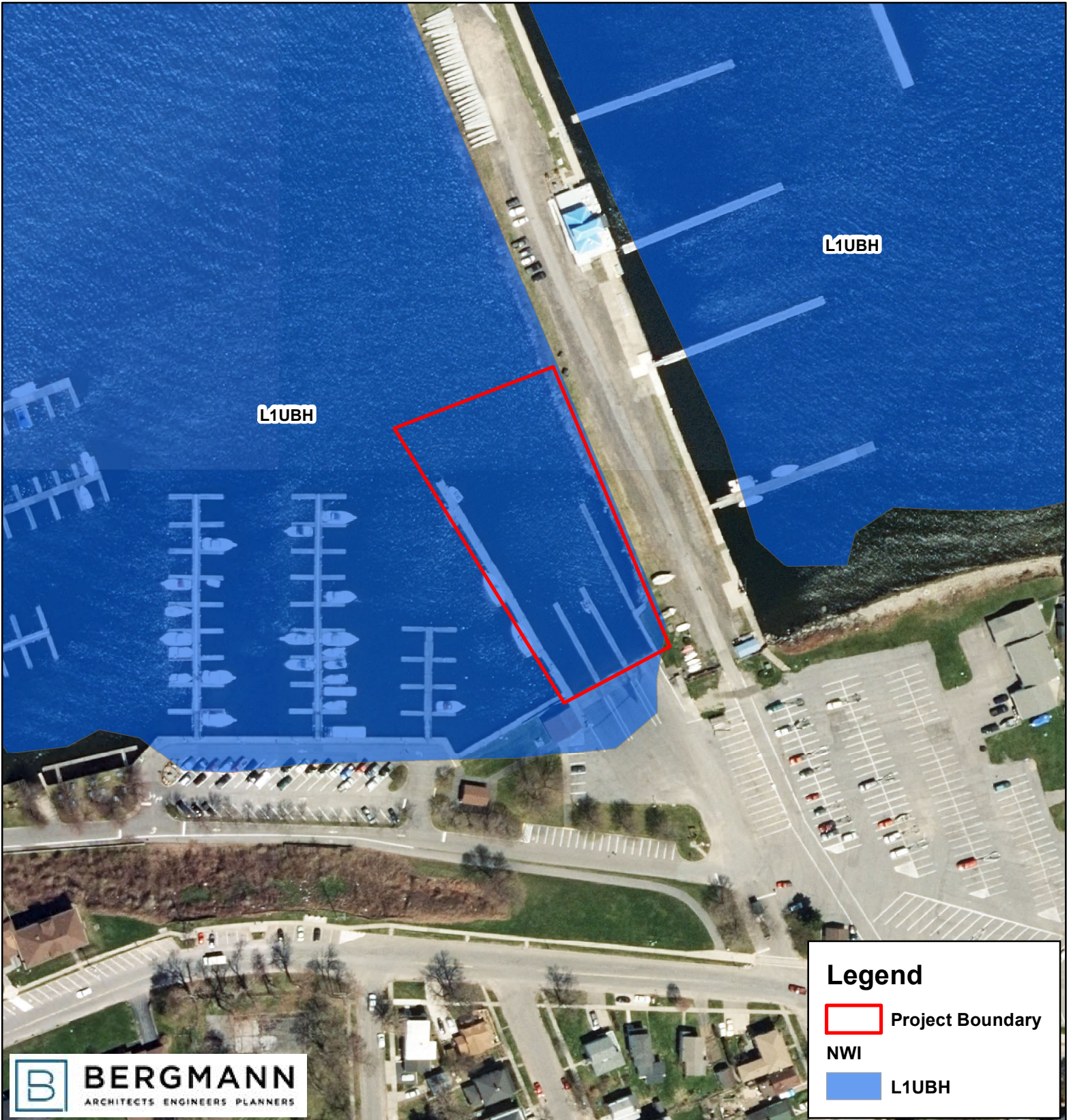
The City of Oswego City of Oswego Fueling Dock

City of Oswego, Oswego County, New York



NATIONAL WETLANDS
INVENTORY MAP

Fig. 3

200
Feet



Legend

-  Project Boundary
- NWI
-  L1UBH

The City of Oswego City of Oswego Fueling Dock

City of Oswego, Oswego County, New York

NYSDEC FRESHWATER
WETLANDS MAP

Fig. 4

200
Feet



Legend

 Project Boundary

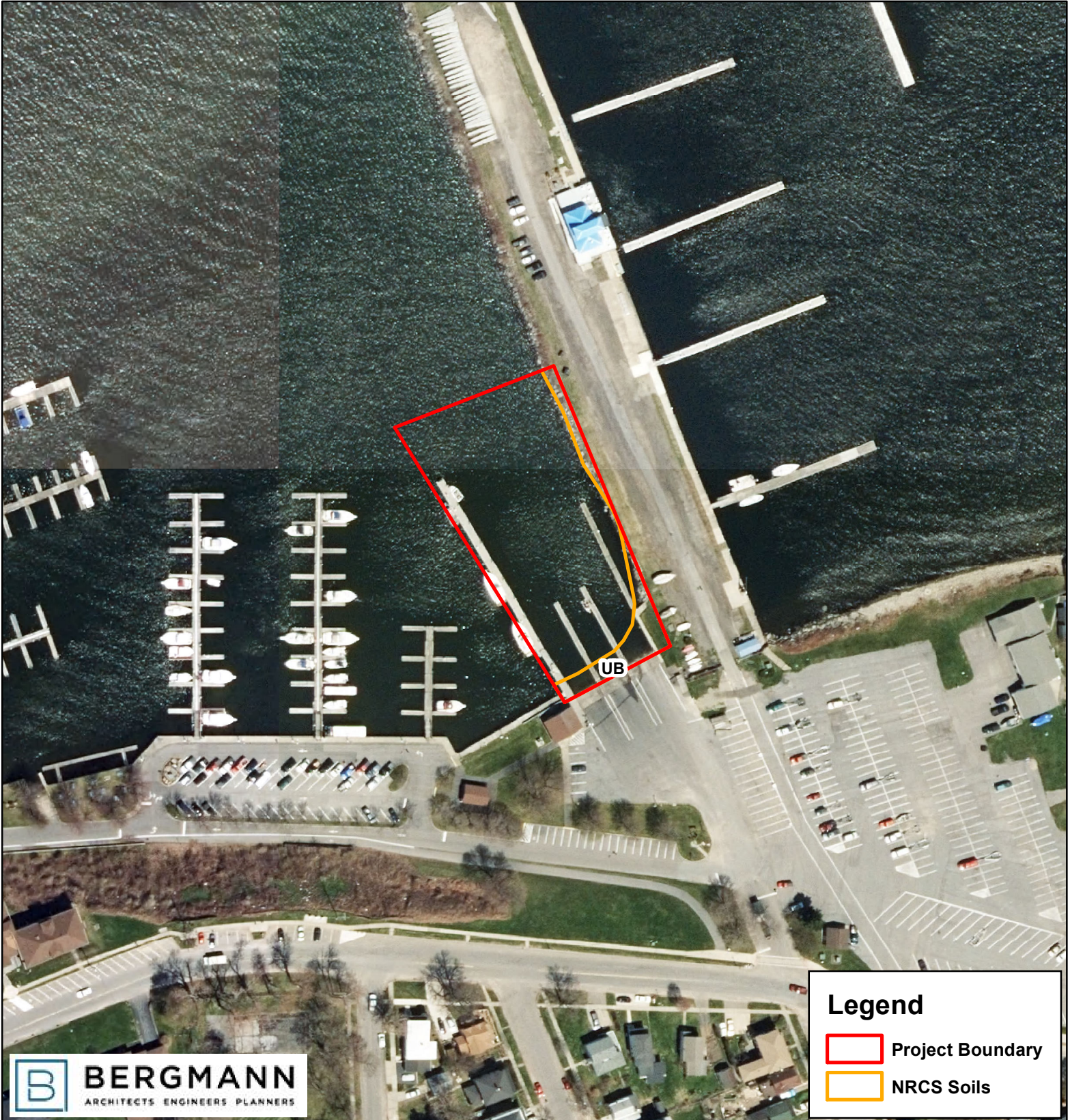
The City of Oswego City of Oswego Fueling Dock

City of Oswego, Oswego County, New York

NRCS SOILS
SURVEY MAP

Fig. 5

200
Feet



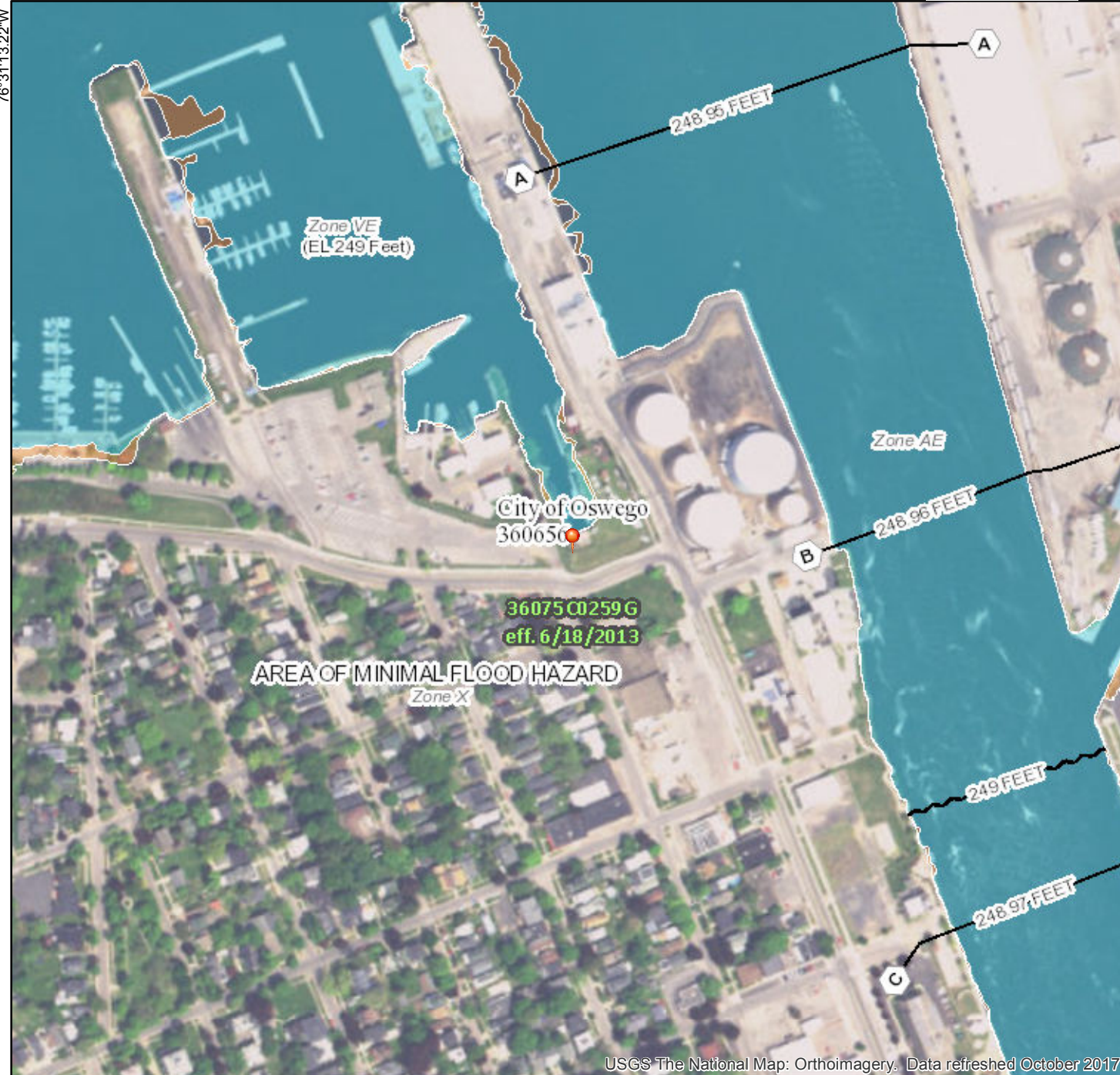
Legend

-  Project Boundary
-  NRCS Soils

National Flood Hazard Layer FIRMette



43°27'55.97"N



USGS The National Map: Orthoimagery. Data refreshed October 2017.
 0 250 500 1,000 1,500 2,000 Feet 1:6,000

43°27'29.86"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **11/30/2018 at 2:32:14 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



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APPENDIX A:

JOINT APPLICATION FOR PERMITS



JOINT APPLICATION FORM

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:

>NYS Department of Environmental Conservation



Check here to confirm you sent this form to NYSDEC.

Check all permits that apply:

☒ Stream Disturbance

☐ Excavation and Fill in Navigable Waters

☒ Docks, Moorings or Platforms

☐ Dams and Impoundment Structures

☒ 401 Water Quality Certification

☐ Freshwater Wetlands

☐ Tidal Wetlands

☐ Wild, Scenic and Recreational Rivers

☐ Coastal Erosion Management

☐ Water Withdrawal

☐ Long Island Well

☐ Incidental Take of Endangered / Threatened Species

>US Army Corps of Engineers



Check here to confirm you sent this form to USACE.

Check all permits that apply:

☒ Section 404 Clean Water Act

☒ Section 10 Rivers and Harbors Act

Is the project Federally funded? ☐ Yes ☒ No

If yes, name of Federal Agency:

General Permit Type(s), if known: Nationwide Permit 11

Preconstruction Notification: ☒ Yes ☐ No

>NYS Office of General Services



Check here to confirm you sent this form to NYSOGS.

Check all permits that apply:

☒ State Owned Lands Under Water

☐ Utility Easement (pipelines, conduits, cables, etc.)

☒ Docks, Moorings or Platforms

>NYS Department of State



Check here to confirm you sent this form to NYSDOS.

Check if this applies: ☒ Coastal Consistency Concurrence

2. Name of Applicant

City of Oswego

Mailing Address

Telephone (315)343-3795

Email

Applicant Must be (check all that apply): ☒ Owner ☐ Operator ☐ Lessee

Taxpayer ID (if applicant is NOT an individual)

Post Office / City

Oswego

State

NY

Zip

13126

3. Name of Property Owner (if different than Applicant)

Mailing Address

Post Office / City

State

Zip

Telephone

Email

For Agency Use Only

Agency Application Number:

4. Name of Contact / Agent

David Plante of Bergmann Associates

Mailing Address

Post Office / City

State Zip

Rochester

NY

14604

Telephone (585)498-7950

Email DPlante@bergmannpc.com

5. Project / Facility Name

Transient Docks on Oswego River

Property Tax Map Section / Block / Lot Number:

128.55-02-02

Project Street Address, if applicable

Post Office / City

State Zip

Oswego

NY

13126

Provide directions and distances to roads, intersections, bridges and bodies of water

The proposed dock will be located along the western bank of the Oswego River, parallel to West 1st Street, and between Front Street and Route 104.

☐ Town ☐ Village ☒ City

County

Stream/Waterbody Name

Oswego

Oswego

Oswego River

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:

Latitude: 43 ° 27 ' 31.00 " Longitude: -76 ° 30 ' 40.08 "

6. Project Description: Provide the following information about your project. Continue each response and provide any additional information on other pages. Attach plans on separate pages.

a. Purpose of the proposed project:

The purpose of the proposed project is to construct fueling dock along the northern bank of Lake Ontario to add additional fueling opportunities to Wright's Landing Marina during the boating season. This would require the installation of a removable docking system with the ultimate goal of providing an additional fueling location for recreational boaters.

b. Description of current site conditions:

Currently the site is developed as Wright's Landing Marina and the proposed project would be an addition onto the existing dock system at the marina.

c. Proposed site changes:

The proposed changes include the installation of: a 5'x68' concrete walkway, a 6'x25' gangway ramp, a 8'x120' floating dock structure, a 10,000 gallon, double walled, above ground storage tank with secondary contaminant catch basin, and a 6'x6' fuel monitoring shed and emergency shut off. Refer to attached drawings in the PCN.

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):

The proposed structure will be constructed using steel, aluminum, concrete, and timber. The temporary docking structure has a total area of 1,110 square feet and the concrete walk way has an area of 340 square feet for a total area of 1,450 square feet.

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:

N/A

f. Is tree cutting or clearing proposed? ☐ Yes If Yes, explain below. ☒ No

Timing of the proposed cutting or clearing (month/year):

Number of trees to be cut: Acreage of trees to be cleared:

g. Work methods and type of equipment to be used:

The temporary fills within the jurisdictional water will be placed using means and methods determined by the selected contractor.

h. Describe the planned sequence of activities:

Utilities in the direct area will be identified and flagged. Temporary erosion and sediment controls will be put in place. Navigation aids such as buoys and lights will be installed, if necessary. A turbidity curtain in the immediate project area. Upon project completion, all equipment and construction materials will be removed. Non-paved areas disturbed by construction equipment (i.e., tracks), will be raked and seeded.

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

Erosion and sediment controls as depicted in the accompanying Project Drawings will be used. Vehicles and machinery will be refueled at least 100 ft away from any waters of the U.S. The project includes the installation of a 6'x6' fuel monitoring shed and an emergency shut off along the fuel line. A secondary contaminant basin will be constructed beneath the AST with a total volume of 110% of the volume of the AST.

j. Erosion and silt control methods that will be used to prevent water quality impacts:

Around the project area, a turbidity curtain will be installed within the Harbor to prevent sediment from the project from being dispersed into the river.

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

Refer to alternatives analysis provided in attached PCN.

l. Proposed use: ☐ Private ☒ Public ☐ Commercial

m. Proposed Start Date: Spring 2018 Estimated Completion Date: Spring 2018

n. Has work begun on project? ☐ Yes If Yes, explain below. ☒ No

o. Will project occupy Federal, State, or Municipal Land? ☒ Yes If Yes, explain below. ☐ No

The project area is primarily within the City of Oswego. However, Lake Ontario is a federally and state regulated body of water.

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

N/A

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

☒ Yes If Yes, list below. ☐ No

Army Corps of Engineers- Nationwide Permit 11 Section 10 Navigable Waterway Permit for Temporary Recreational Structures, Department of Environmental Conservation- Article 15 Protection of Waters Permit, Individual 401 WQC New York State Office of General Services- Grant of Easement in Lands Underwater, and SEQRA determination by way of the City of Oswego

7. Signatures.

Applicant and Owner (If different) must sign the application.

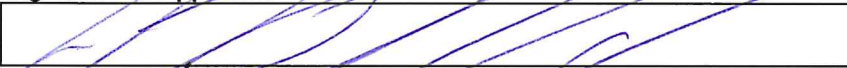
Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant



Date

11-29-2018

Applicant Must be (check all that apply): ☐ Owner ☐ Operator ☐ Lessee

Printed Name

William J. Barlow, Jr.

Title

Mayor

Signature of Owner (if different than Applicant)

Date

Printed Name

Title

Signature of Contact / Agent

Cash R Bleier

Date

11/07/2018

Printed Name

Cash R Bleier

Title

Environmental Scientist

For Agency Use Only

DETERMINATION OF NO PERMIT REQUIRED

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed Name

Title

Signature

Date



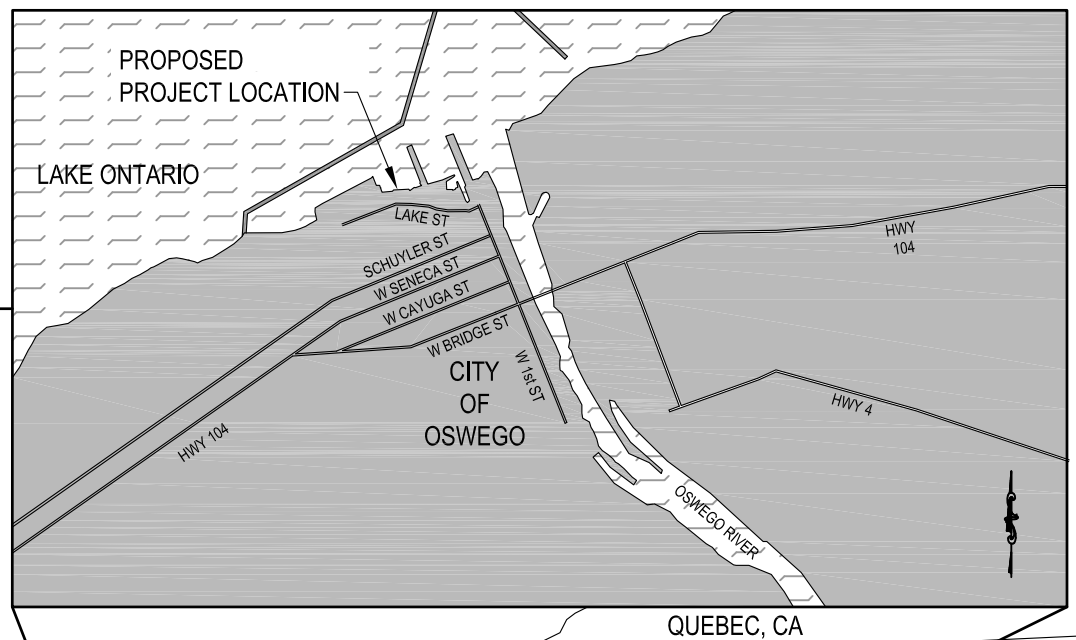
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ARCHITECTS ENGINEERS PLANNERS

APPENDIX B:

PROJECT DRAWINGS



SCALE: NOT TO SCALE



ONTARIO, CA

QUEBEC, CA

VERMONT

LAKE ONTARIO

PROJECT LOCATION

NEW YORK

MASSACHUSETTS

LAKE ERIE

CONNECTICUT

PENNSYLVANIA

LONG ISLAND

ATLANTIC OCEAN



518 BROAD STREET, SUITE 200
ST. JOSEPH, MI 49085
P: 269 932 4502
F: 269 932 3542

LOCATION MAP

APPLICANT: CITY OF OSWEGO
WATERWAY: OSWEGO HARBOR/LAKE ONTARIO
CITY: OSWEGO, NY
COUNTY: OSWEGO COUNTY
DATE: 11/2/2018
DATUM: IGLD85

SHEET: 1 OF 5

- NOTES:**
1. VERTICAL DATUM IS IGLD85.
 2. SURVEY PERFORMED BY OTHERS.
 3. UPLAND ELEMENTS ARE APPROXIMATE AND SHOWN FOR REFERENCE ONLY.



SCALE: 1"=150'

APPROX.
PROPERTY
LINE

EXISTING
FLOATING DOCK STRUCTURES (TYP.)

FIXED PIER
STRUCTURE

SEE SHEET 3 FOR
EXISTING CONDITIONS IN
THE WORK AREA

FIXED PIER
STRUCTURE

APPROX.
PROPERTY LINE

ADJACENT PROPERTY
OWNER- US COAST GUARD
1 LAKE ST.
OSWEGO, NY

EXISTING
PARKING AREAS

WRIGHT'S LANDING MARINA
- EXISTING BUILDING

LAKE ST

ADJACENT PROPERTY OWNER-
BREITBECK PARK - CITY OF OSWEGO
51 LAKE ST.
OSWEGO, NY

ADJACENT PROPERTY OWNER-
CITY OF OSWEGO
41 LAKE ST.
OSWEGO, NY

PROPERTY OWNER-
CITY OF OSWEGO
29 LAKE ST.
OSWEGO, NY



518 BROAD STREET, SUITE 200
ST. JOSEPH, MI 49085
P: 269 932 4502
F: 269 932 3542

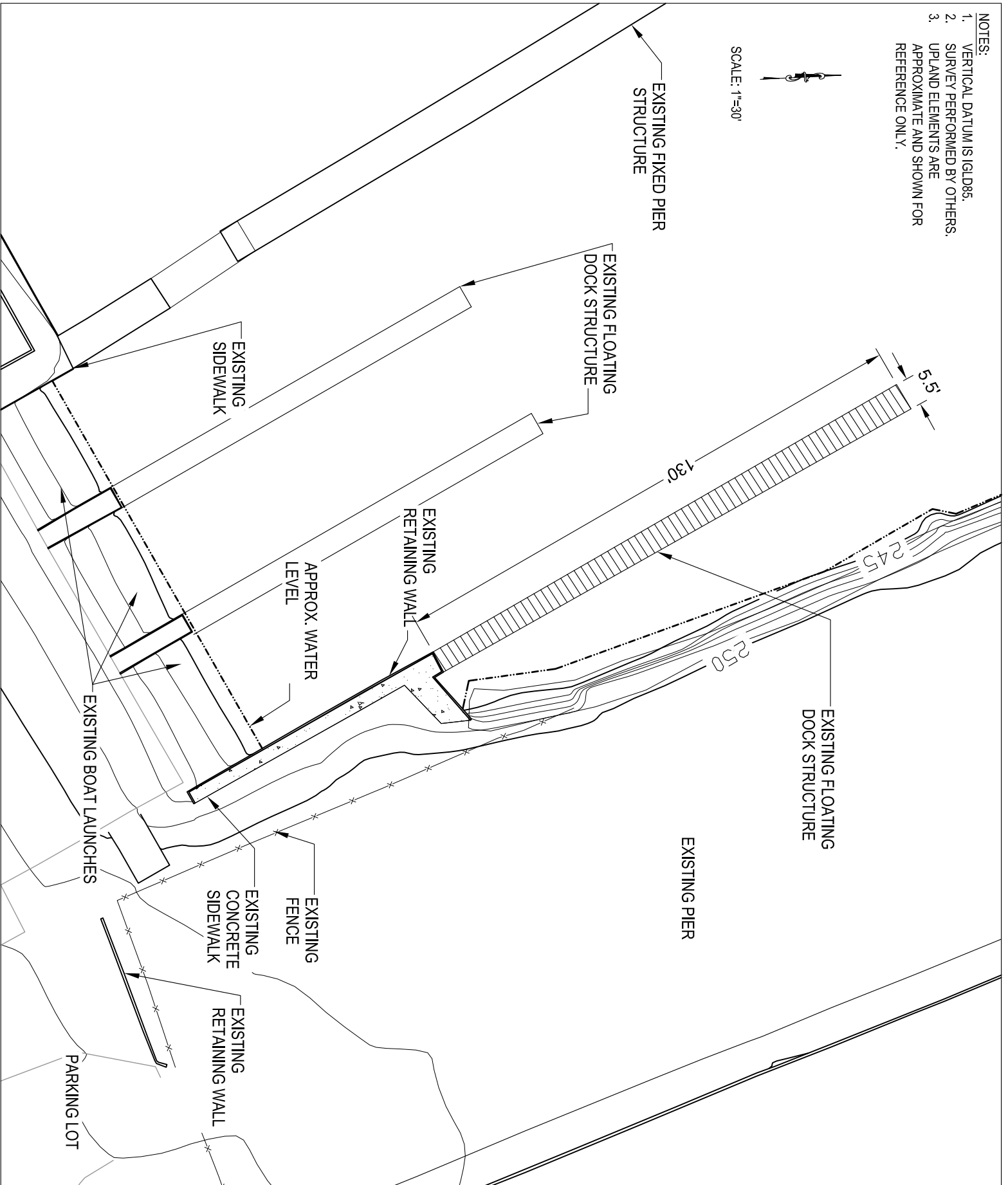
OVERALL EXISTING CONDITIONS

APPLICANT: CITY OF OSWEGO
WATERWAY: OSWEGO HARBOR/LAKE ONTARIO
CITY: OSWEGO, NY
COUNTY: OSWEGO COUNTY
DATE: 11/2/2018
DATUM: IGLD85

- NOTES:
1. VERTICAL DATUM IS IGLD85.
 2. SURVEY PERFORMED BY OTHERS.
 3. UPLAND ELEMENTS ARE APPROXIMATE AND SHOWN FOR REFERENCE ONLY.



SCALE: 1"=30'



518 BROAD STREET, SUITE 200
ST. JOSEPH, MI 49085
P: 269 932 4502
F: 269 932 3542

EXISTING CONDITIONS

APPLICANT: CITY OF OSWEGO
WATERWAY: OSWEGO HARBOR/LAKE ONTARIO
CITY: OSWEGO, NY
COUNTY: OSWEGO COUNTY
DATE: 11/2/2018
DATUM: IGLD85

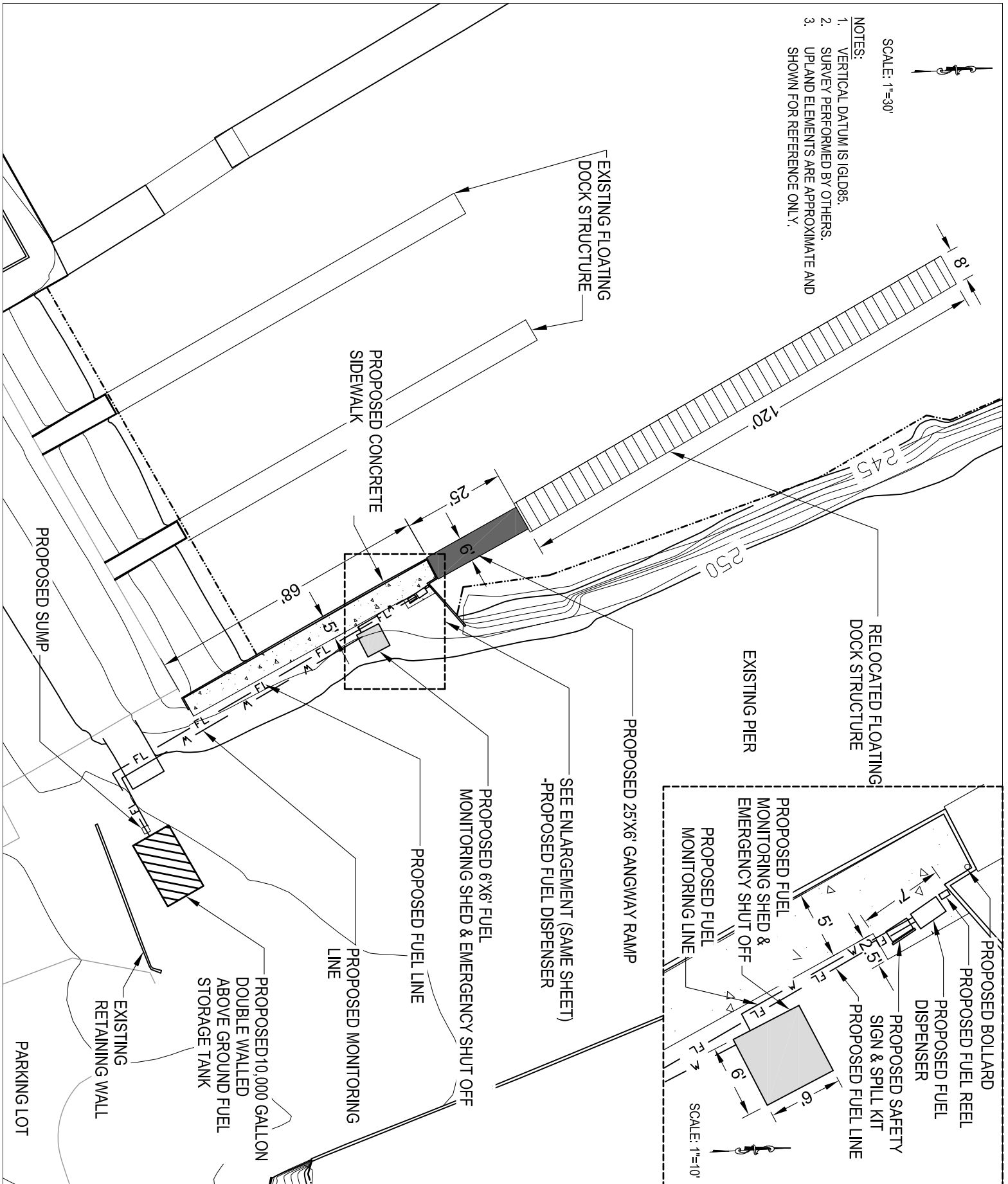
SHEET: 3 OF 5



SCALE: 1"=30'

NOTES:

1. VERTICAL DATUM IS IGLD85.
2. SURVEY PERFORMED BY OTHERS.
3. UPLAND ELEMENTS ARE APPROXIMATE AND SHOWN FOR REFERENCE ONLY.



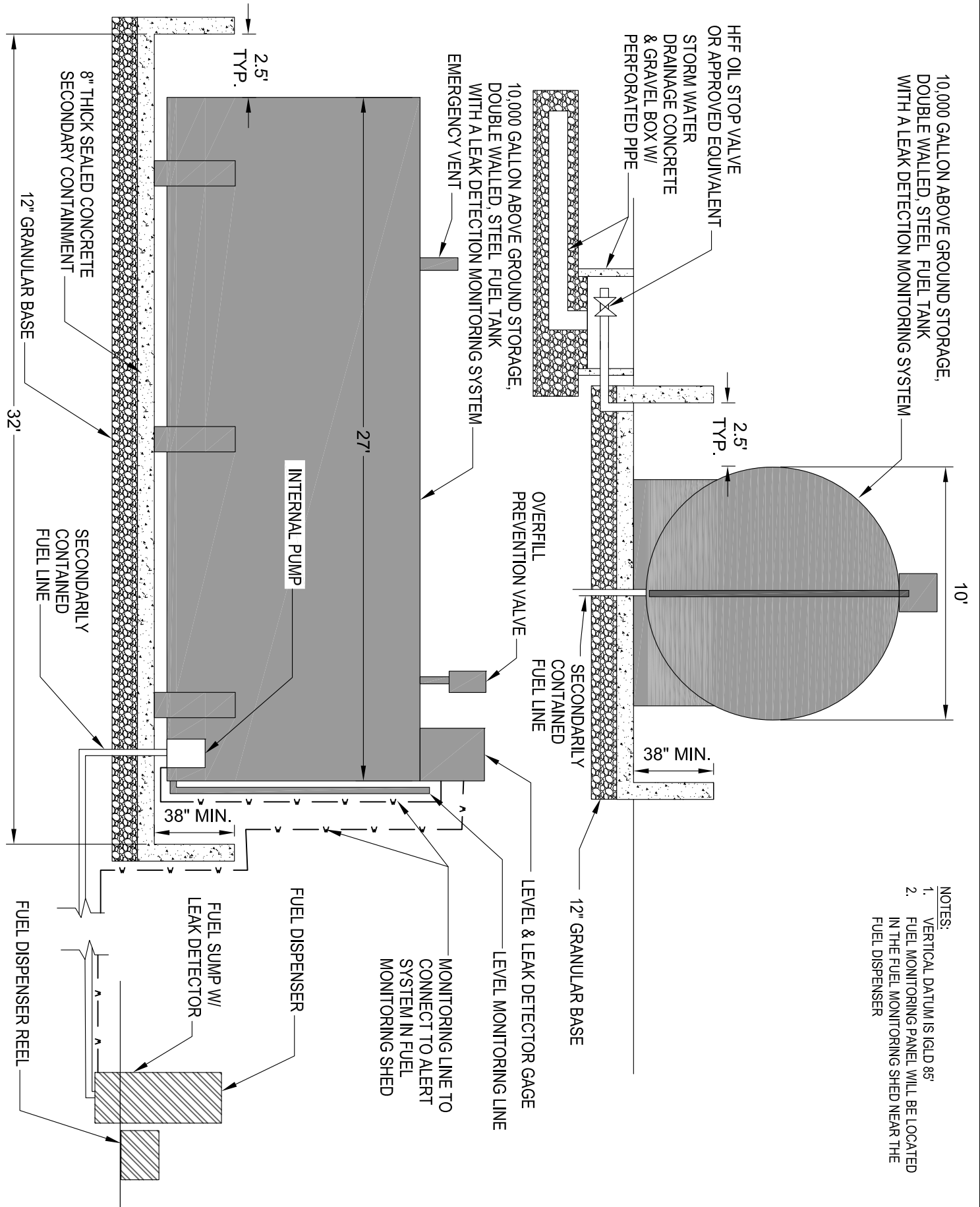
PROPOSED SITE PLAN

APPLICANT: CITY OF OSWEGO
WATERWAY: OSWEGO HARBOR/LAKE ONTARIO
CITY: OSWEGO, NY
COUNTY: OSWEGO COUNTY
DATE: 11/2/2018
DATUM: IGLD85

SHEET: 4 OF 5

Edgewater
resources

518 BROAD STREET, SUITE 200
ST. JOSEPH, MI 49085
P: 269 932 4502
F: 269 932 3542





APPENDIX C:

SECTION 7 ENDANGERED SPECIES ACT CONSULTATION



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office

3817 Luker Road
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>



In Reply Refer To:

October 04, 2018

Consultation Code: 05E1NY00-2019-SLI-0030

Event Code: 05E1NY00-2019-E-00092

Project Name: Oswego Fuel Dock

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>)

[eagle_guidance.html](#)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

Project Summary

Consultation Code: 05E1NY00-2019-SLI-0030

Event Code: 05E1NY00-2019-E-00092

Project Name: Oswego Fuel Dock

Project Type: OIL OR GAS

Project Description: The City of Oswego is seeking the permit and approval for the installation of an additional fueling dock at Wright's Landing Marina.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/43.463155342655725N76.51868204228458W>



Counties: Oswego, NY

Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

November 6, 2018

Cash Bleier
Bergmann Associates
280 East Broad Street, Suite #200
Rochester, NY 14604

Re: Oswego Fueling Dock
County: Oswego Town/City: City Of Oswego

Dear Mr. Bleier:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Our database is continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 7 Office, Division of Environmental Permits at dep.r7@dec.ny.gov, 315-426-7438.

Sincerely,



Heidi Krahling
Environmental Review Specialist
New York Natural Heritage Program



**The following state-listed animal has been documented in
the vicinity of the project site.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing.

For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 7 Office at dep.r7@dec.ny.gov, 315-426-7438.

The following species has been documented within 0.2 mile of the project site.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Fish			
Lake Sturgeon	<i>Acipenser fulvescens</i>	Threatened	923

This report only includes records from the NY Natural Heritage database.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, and from NYSDEC at www.dec.ny.gov/animals/7494.html.

**The following animal assemblage has been documented at the project site.**

We recommend that potential impacts of the proposed project on this assemblage be addressed as part of any environmental assessment or review conducted as part of the planning and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of an assemblage at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
Animal Assemblages			
Waterfowl Winter Concentration Area			
Documented at the project site in the Oswego River and Harbor, 1992-01-08.			

2608

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at www.natureserve.org/explorer, and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18

Easting: 377443.446

Northing: 4813234.922

Longitude/Latitude

Longitude: -76.515

Latitude: 43.462

The approximate address of the point you clicked on is:

Lake St, Oswego, New York, 13126

County: Oswego

City: Oswego

USGS Quad: OSWEGO WEST

DEC Region

Region 7:

(Central New York) Broome, Cayuga, Chenango, Cortland, Madison, Onondaga, Oswego, Tioga and Tompkins counties. For more information visit <http://www.dec.ny.gov/about/615.html>.

Rare Plants and Rare Animals

This location is in the vicinity of Lake Sturgeon – Listed as Threatened – Contact NYSDEC Regional Office

This location is in the vicinity of Significant Waterfowl Winter Concentration Area – Contact NYSDEC

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.



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APPENDIX D:

REPRESENTATIVE PHOTOGRAPHS

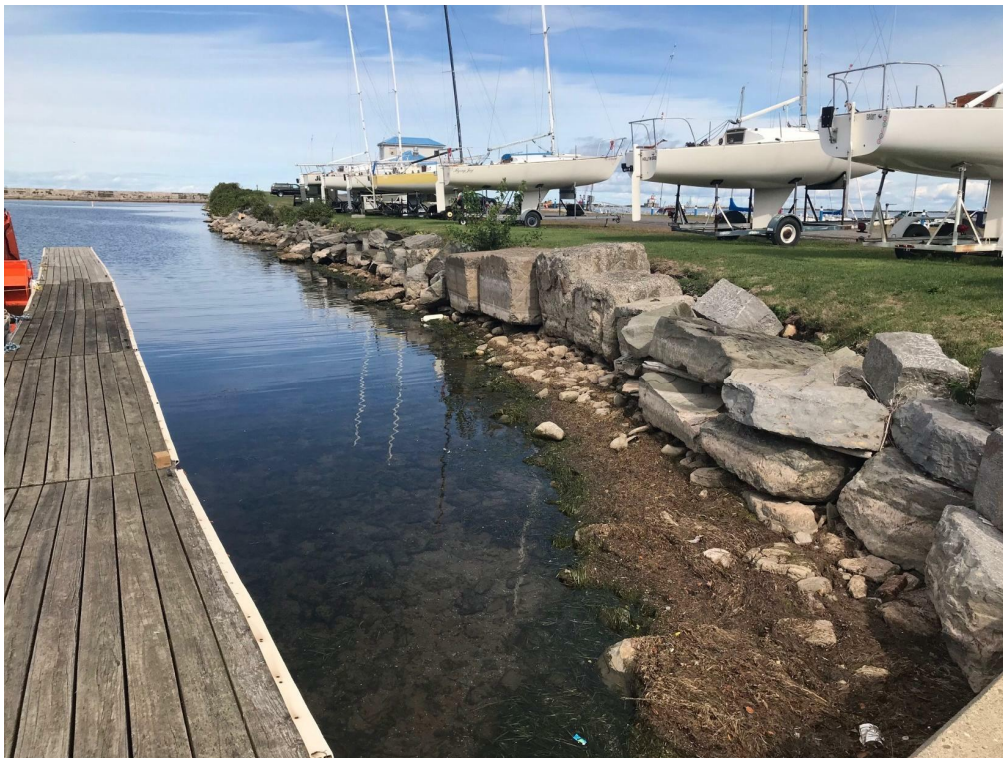


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Ph.1: Overall view of proposed location for the installation of a new fueling dock.
View toward the north.



Ph.2: Proposed location for the installation of a fueling dock.
View toward the northeast.



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Ph.3: Eastern bank of proposed fueling dock. Estuarine riprap/artificial shore.
Northeast view.



Ph.4: Outside of the proposed project area.
View toward the west.



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Ph.5: Eastern bank vegetation. Dominated by riverbank grape (*Vitis riparia*).
View toward the north.



Ph.6: Overall photo of proposed fueling dock location.
View toward the south.



Ph.7: Oswego Docks - View toward east.



Ph.8: View of Ordinary High Water Mark (OWHM) Line.
View toward the east.

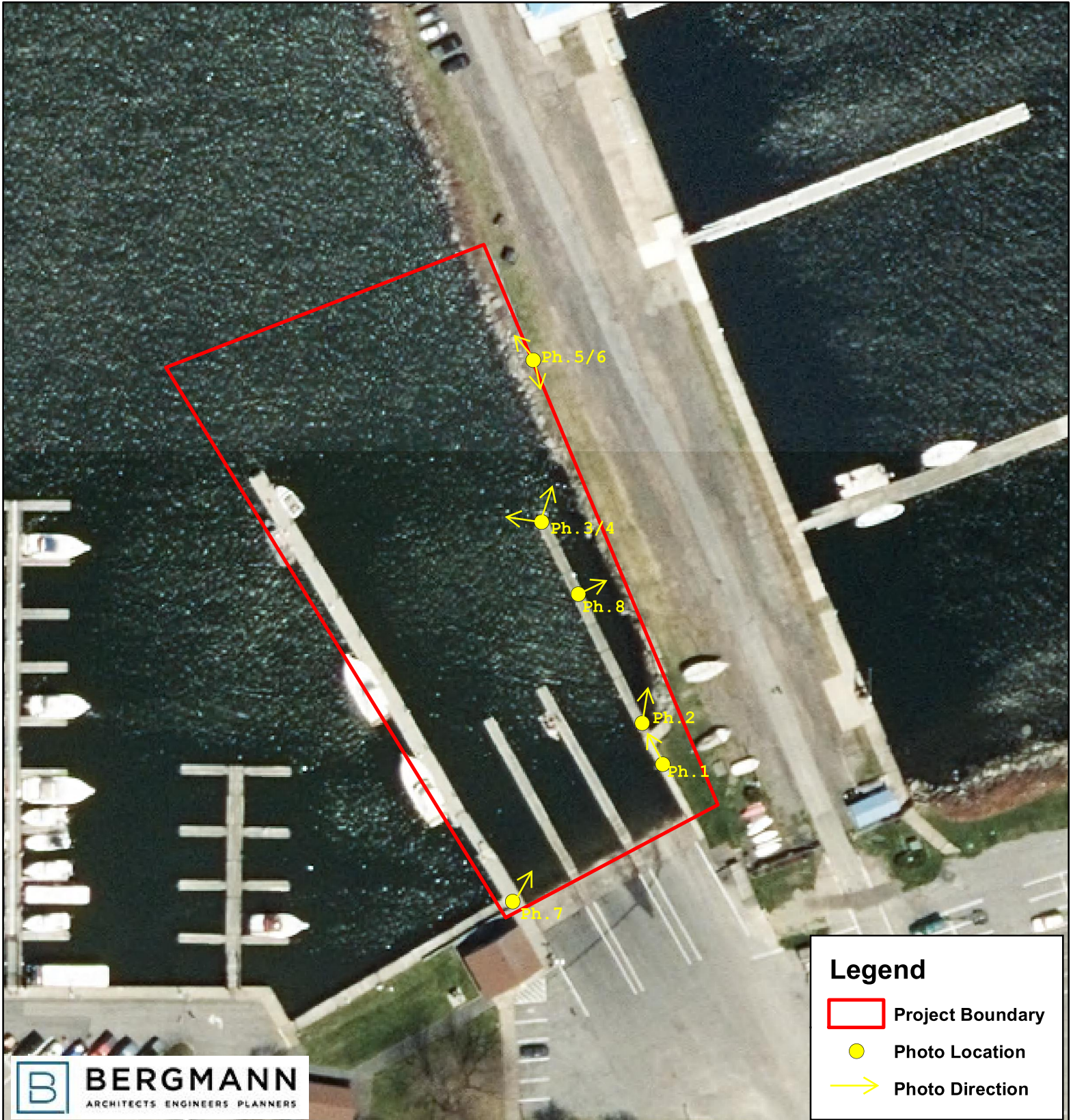
The City of Oswego City of Oswego Fueling Dock

City of Oswego, Oswego County, New York




PHOTO LOCATION MAP

App. A

100
Feet



Legend

-  Project Boundary
-  Photo Location
-  Photo Direction



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APPENDIX E:

NATIONAL REGISTER OF HISTORIC PLACES



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

October 03, 2018

Mr. Cash Bleier
Environmental Scientist
Bergmann
280 E Broad St, Suite 200
Rochester, NY 14604

Re: USACE
Oswego Pier Fuel Dock
City of Oswego, Oswego County, NY
18PR06482

Dear Mr. Bleier:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based upon this review, the New York SHPO has determined that no historic properties will be affected by this undertaking.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Michael F. Lynch, P.E., AIA
Director, Division for Historic Preservation



BERGMANN
ARCHITECTS ENGINEERS PLANNERS

APPENDIX F:

NATIONWIDE PERMIT GENERAL AND REGIONAL CONDITIONS



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/DistrictInformation/NavigableWaterways>, 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. 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), 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.

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:

District Commander

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.

Transferee

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 ₁
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 ¹
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 ¹
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.

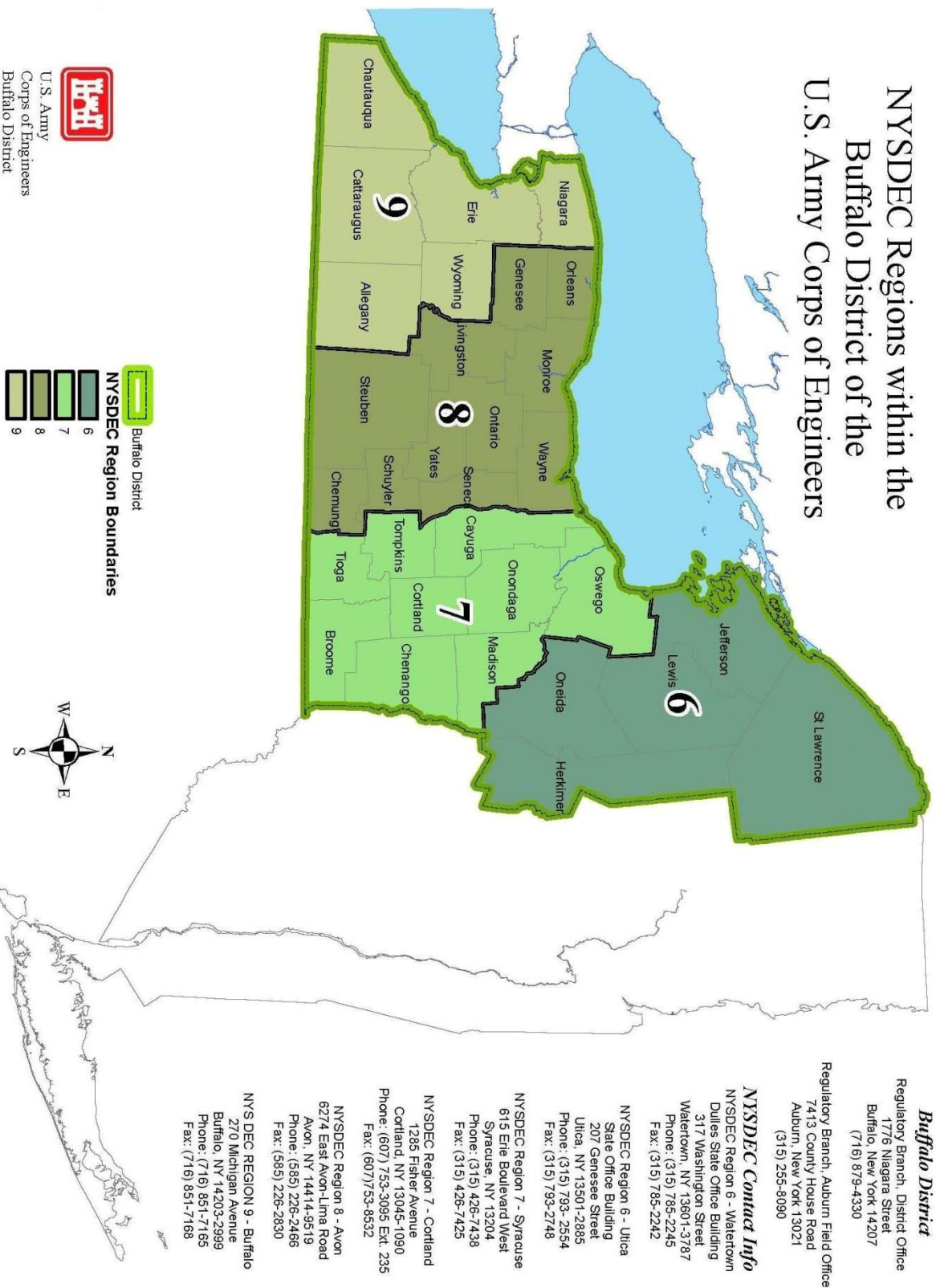
County	Townships/Watershed	Species/Status/and or Critical Habitat	Avoidance Action Code ¹
Seneca	Projects in wetlands in all Towns where project is at elevation < 1,000 ft.	Bog turtle	1
	All Towns within 40 miles of Town of Dewitt and elevation under 900'	Indiana bat	2
	All Towns, for projects with proposed 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

¹ 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



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)



APPENDIX G:
NYSDOS COASTAL CONSISTENCY FORM &
LWRP POLICY CONSISTENCY NARRATIVE

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. **APPLICANT** (please print)

1. Name: _____
2. Address: _____
3. Telephone: Area Code () _____

B. **PROPOSED ACTIVITY:**

1. Brief description of activity:

2. Purpose of activity:

3. Location of activity:

_____	_____	_____
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: _____

5. Federal application number, if known: _____

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

C. **COASTAL ASSESSMENT** Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

- | | |
|---|--------|
| 1. Will the proposed activity result in any of the following: | YES/NO |
| a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43) | — — |
| b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44) | — — |
| c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1) | — — |
| d. Reduction of existing or potential public access to or along coastal waters? (19, 20) | — — |
| e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10) | — — |
| f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29) | — — |
| g. Siting of a facility essential to the generation or transmission of energy? (27) | — — |
| h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35) | — — |
| i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35) | — — |
| j. Draining of stormwater runoff or sewer overflows into coastal waters? (33) | — — |
| k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) | — — |
| l. Adverse effect upon land or water uses within the State's small harbors? (4) | — — |
| 2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: | YES/NO |
| a. State designated freshwater or tidal wetland? (44) | — — |
| b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17) | — — |
| c. State designated significant fish and/or wildlife habitat? (7) | — — |
| d. State designated significant scenic resource or area? (24) | — — |
| e. State designated important agricultural lands? (26) | — — |
| f. Beach, dune or Barrier Island? (12) | — — |
| g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3) | — — |
| h. State, county, or local park? (19, 20) | — — |
| i. Historic resource listed on the National or State Register of Historic Places? (23) | — — |
| 3. Will the proposed activity require any of the following: | YES/NO |
| a. Waterfront site? (2, 21, 22) | — — |
| b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5) | — — |
| c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16) | — — |
| d. State water quality permit or certification? (30, 38, 40) | — — |
| e. State air quality permit or certification? (41, 43) | — — |
| 4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program?
(see policies in program document*) | — — |

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.

2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: _____

Address: _____

Telephone: Area Code () _____

Applicant/Agent's Signature: Cash R Bleier Date: _____

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Planning and Development, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, Albany, New York 12231.**

- a. Copy of original signed form.
- b. Copy of the completed federal agency application.
- c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.



BERGMANN
ARCHITECTS ENGINEERS PLANNERS

APPENDIX H:

NYSOGS LAND UNDERWATER CORRESPONDANCE

Bleier, Cash

From: Wieczorek, Bethany M (OGS) <Bethany.Wieczorek@ogs.ny.gov>
Sent: Wednesday, October 24, 2018 1:03 PM
To: Bleier, Cash
Cc: Hill, Ralph W (OGS)
Subject: RE: Permitting Question
Attachments: 35-01BW.tif; 35-02BW.tif

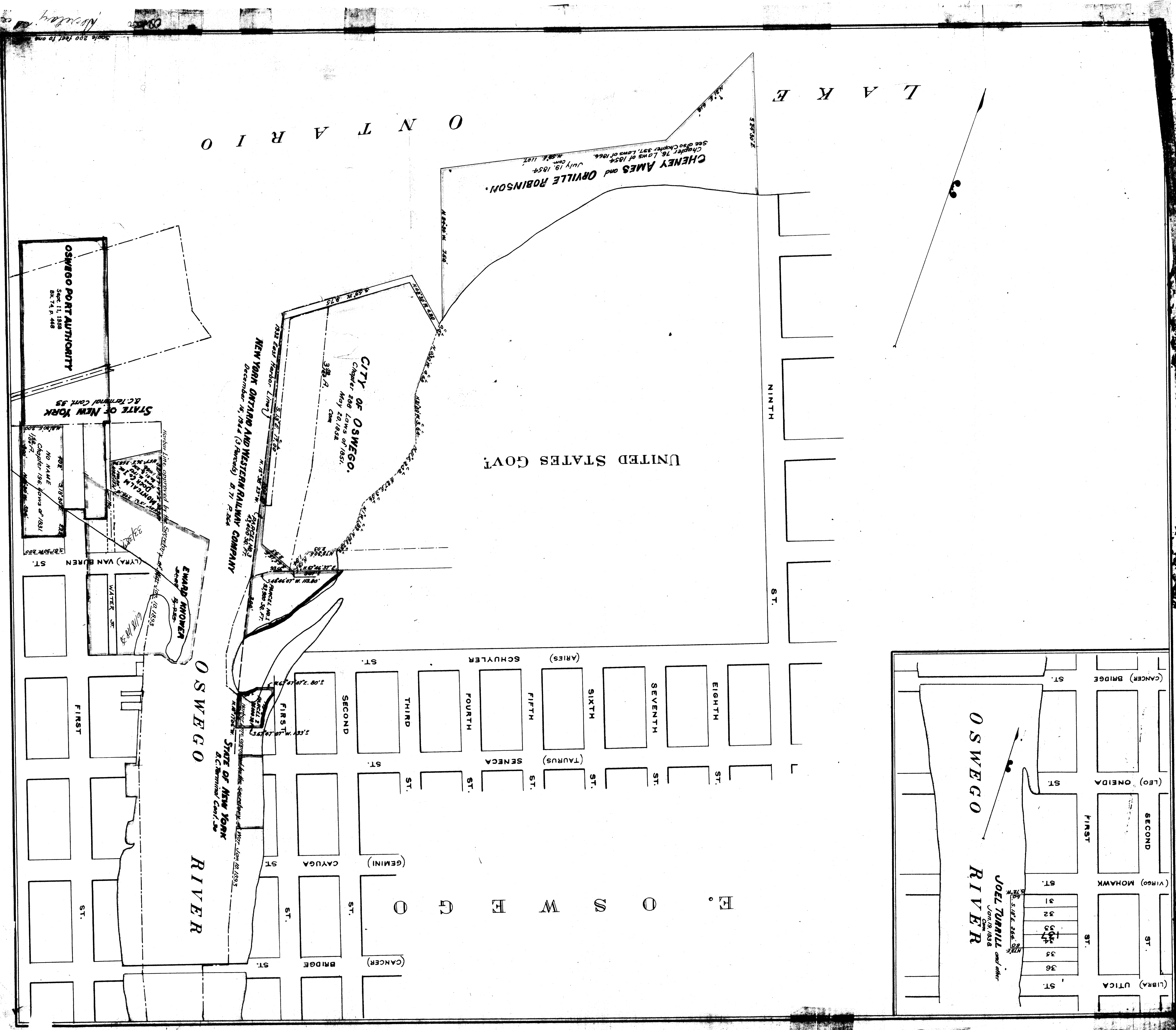
Hi Cash,

I checked our Oswego County Water Grant Index maps to see whether any conveyances of lands underwater were granted by the State in the vicinity of Wright's Landing Marina.

The attached maps show the general location of grants located near the marina. It appears that the marina is located within a grant of lands issued by the People of the State of NY to Albert G. Cook on July 14, 1870. Structures located within the bounds of this grant or any other grant would not require authorization from our office for the use of State-owned lands underwater. Authorization or approval would still be required for the project from all other regulatory agencies such as the NYSDEC, USACOE and local municipality.

If you need further information on the grant or grants for survey purposes, please let us know.

Bethany M. Wieczorek
Real Estate Officer 1, Land Management





BERGMANN

ARCHITECTS ENGINEERS PLANNERS

March 25, 2019

New York State Department of Environmental Conservation Region 7
Mr. Kevin Kemp
615 Erie Blvd West, Room 206
Syracuse, NY 13204-2400

Subject: Petroleum Bulk Storage Application
Oswego County Canal Corridor BOA - Proposed Fueling Dock
City of Oswego, Oswego County, New York

Dear Kevin:

On behalf of the City of Oswego, enclosed please find the Petroleum Bulk Storage Application package for the proposed installation of a fuel tank and an additional fueling dock at Wright's Landing Marina on Lake Ontario. The attached application package is in reference to the following permits which were issued by the NYSDEC on February 21, 2019:

- Excavation & Fill in Navigable Waters: **Permit ID 7-3512-00083/00002**
- Water Quality Certification: **Permit ID 7-3512-00083/00003**

In addition, the NYSDOS has approved all proposed work via a Letter of Permission sent to Bergmann on March 13, 2019. All proposed work is in compliance with Nationwide Permit Regional Conditions of the Rivers and Harbors Appropriation Act of 1899. This submission has been provided to the Army Corps of Engineers Buffalo District.

Construction activities are expected to be started in Spring 2019 and finished in approximately 3 months (late Spring 2019). The City of Oswego is proposing the installation of a fueling dock, fuel dispenser, and a 10,000 gallon aboveground storage tank for boating fuel.

Site Location: The proposed site is located at the current Wright's Landing Marina near 29 Lake St. in Oswego, NY. Approximate coordinates of the project site are 43.463044 N, -76.58619 W.

Municipality/County: City of Oswego, Oswego County, New York

If you have any questions or concerns, please do not hesitate to contact me by phone at 585-498-7877 or by email at dplante@bergmannpc.com with any questions or concerns.

Sincerely,
BERGMANN ASSOCIATES

David J. Plante, AICP
Energy + Environment Practice Leader

Authorization to Submit Facility Registration Information

Pursuant to Sections 17-1003 and 17-1009 (for Petroleum Bulk Storage (PBS) facilities), and Sections 40-0105 and 40-0107 (for Chemical Bulk Storage (CBS) Facilities) of the Environmental Conservation Law (ECL), the facility (property) owner is responsible for the registration of PBS and CBS facilities with the Department. The ECL allows the owner to authorize another individual to submit registration information on behalf of the owner. This form may be used as documentation that the facility (property) owner has authorized another party to sign the PBS or CBS registration application on their behalf. It should be kept on file by the facility owner and the duly authorized representative, and provided to the Department upon request.

I certify that I am owner of the facility(ies) listed below, and have authorized the individual (representative) below to complete and sign the Petroleum Bulk Storage or Chemical Bulk Storage Application form(s) for this facility(s).

Applicable Program: ☒ PBS ☐ CBS Facility PBS or CBS Registration No.: _____

Facility Address: 29 Lake Street

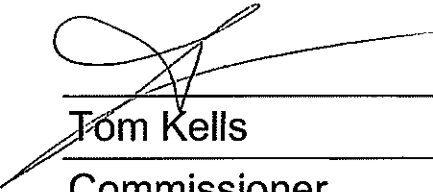
Facility address (continued): Oswego, New York 13126

If multiple facilities, attach list indicating PBS or CBS registration number and address for each facility

Authorized Representative

Name (printed): David Plante
Title: Practice Leader
Company: Bergmann
Address: 280 E. Broad Street, Suite 200
Address (continued): Rochester, New York 14623

Facility Owner

Signature: 
Name (printed): Tom Kells
Title: Commissioner
Date: 02/27/2019

New York State Department of Environmental Conservation
Pre-Work Notification for Bulk Storage (PBS or CBS) Tank Installation or Closure



This form provides notice of an upcoming tank installation and/or closure per 6 NYCRR Sections 613-1.9(h) and (f), 613-2.6(b) (1), 613-3.5 (b) (1) and 613-4.5 (b) (1) of the Petroleum Bulk Storage (PBS) Regulations, or 6 NYCRR Sections 596.2(f) and (h) of the Chemical Bulk Storage (CBS) Regulations. Submit the completed form to the Department's Regional Office at least 30 days prior to action for PBS tank installation * and permanent closure** ; at least 3 days prior for CBS tank installation *** . For CBS permanent tank closure, a minimum of 3 day prior notice is recommended. **If the schedule for work changes you must notify the Department's Regional Office before work begins. Once the work is complete, the facility (property) owner is responsible for submitting a PBS or CBS application to the Department with the complete tank information including the date the action was completed.** The Owner is also responsible to ensure that all work is completed in compliance with the applicable PBS or CBS regulations (i.e., Parts 613 or 598/599). Any questions, call the Department's Regional Office. Information on the Chemical and Petroleum Bulk Storage Programs be found at: <http://www.dec.ny.gov/chemical/287.html>

*not required for temporary tank system ** unless in response to corrective action *** unless immediate action is required


Check Applicable Program: ☒ PBS ☐ CBS **Facility PBS or CBS Registration No.** _____

Site Name: Wrights Landing Marina	Contractor: Bergmann
Site Address: 29 Lake Street	Address: 280 East Broad Street, Suite #200
Site Address (cont): Oswego, New York 13126	Address(cont): Rochester, New York 14604
Site Contact: Tom Kells	Contact: Dave Plante
Phone Number: 315-952-7141 Fax Number: NA	Phone Number: 585-498-7877 Fax Number: NA
Email Address: tkells@oswegony.org	Email Address: dplante@bergmannpc.com

Tank Number	Type of Action (Close & Remove, Close in Place, Install)	Proposed Date (mm/dd/yy)	Tank Location (Aboveground or Underground)	Capacity (Gallons)	Spills/Leaks? (Yes/No w/Spill # if Yes)	Reason for Action
001	Installation	Spring 2019	Aboveground	10,000	No	Increased fueling capabilities at marina.

I hereby certify under penalty of law that the information provided on this form is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Name of Owner or Authorized Representative (print): David Plante **Title:** Environmental Practice Leader

Signature  **Date** 3/24/19



Department of
Environmental
Conservation

New York State Department of Environmental Conservation
Division of Environmental Remediation

Petroleum Bulk Storage Application

Pursuant to the Environmental Conservation Law: Article 17, Title 10; and
Regulations 6 NYCRR Part 613 and 6 NYCRR Subpart 374-2

(Please Type or Print Clearly and Complete All Items for Sections A, B & C)

Return Completed Form To:



PBS Number:

Section A - Facility/Property Owner/Contact Information

Expiration Date:

Transaction Type: <u>3</u> 1) Initial/New Facility 2) Change of Ownership 3) Tank Installation, Closing, or Repair 4) Information Correction 5) Renewal	<table border="1"> <tr> <td colspan="2">Facility Name: Wright's Landing Marina</td> <td colspan="2">Tax Map Info</td> </tr> <tr> <td colspan="2">Facility Address (Physical Address, No P.O. Boxes): 29 Lake Street</td> <td colspan="2">Block: 128.37</td> </tr> <tr> <td colspan="2">Facility Address (cont.):</td> <td colspan="2">Lot: -01-04</td> </tr> <tr> <td>City: Oswego</td> <td>State: NY</td> <td colspan="2">ZIP Code: 13126</td> </tr> <tr> <td>County: Oswego</td> <td>Township/City:</td> <td colspan="2">Facility Phone Number: 315-342-8136</td> </tr> <tr> <td colspan="4">Facility Operator: Tom Kells 315-952-7141 tkells@oswegony.org</td> </tr> </table>	Facility Name: Wright's Landing Marina		Tax Map Info		Facility Address (Physical Address, No P.O. Boxes): 29 Lake Street		Block: 128.37		Facility Address (cont.):		Lot: -01-04		City: Oswego	State: NY	ZIP Code: 13126		County: Oswego	Township/City:	Facility Phone Number: 315-342-8136		Facility Operator: Tom Kells 315-952-7141 tkells@oswegony.org				<table border="1"> <tr> <td colspan="2"> TYPE OF PETROLEUM FACILITY (Check only one) <input type="checkbox"/> 01=Storage Terminal/Petrol. Distributor <input type="checkbox"/> 03=Other Retail Sales <input type="checkbox"/> 05=Utility <input type="checkbox"/> 07=Apartment/Office Building <input type="checkbox"/> 09=Farm <input type="checkbox"/> 11=Airline/Air Taxi/Airport <input type="checkbox"/> 13=Municipality <input type="checkbox"/> 25=Auto Service/Repair (No Gasoline) <input type="checkbox"/> 26=Religious (Church, Synagogue, Mosque, Temple, etc.) <input type="checkbox"/> 27=Hospital/Nursing Home/Health Care <input type="checkbox"/> 53=Nuclear Power Plant <input type="checkbox"/> 99=Other (Specify): </td> <td colspan="2"> <input type="checkbox"/> 02=Retail Gasoline Sales <input type="checkbox"/> 04=Manufacturing <input type="checkbox"/> 06=Trucking/Transportation/Fleet <input type="checkbox"/> 08=School <input type="checkbox"/> 10=Private Residence <input type="checkbox"/> 12=Chemical Distributor <input type="checkbox"/> 15=Railroad <input type="checkbox"/> 28=Cemetery/Memorial <input checked="" type="checkbox"/> 52=Marina </td> </tr> </table>	TYPE OF PETROLEUM FACILITY (Check only one) <input type="checkbox"/> 01=Storage Terminal/Petrol. Distributor <input type="checkbox"/> 03=Other Retail Sales <input type="checkbox"/> 05=Utility <input type="checkbox"/> 07=Apartment/Office Building <input type="checkbox"/> 09=Farm <input type="checkbox"/> 11=Airline/Air Taxi/Airport <input type="checkbox"/> 13=Municipality <input type="checkbox"/> 25=Auto Service/Repair (No Gasoline) <input type="checkbox"/> 26=Religious (Church, Synagogue, Mosque, Temple, etc.) <input type="checkbox"/> 27=Hospital/Nursing Home/Health Care <input type="checkbox"/> 53=Nuclear Power Plant <input type="checkbox"/> 99=Other (Specify):		<input type="checkbox"/> 02=Retail Gasoline Sales <input type="checkbox"/> 04=Manufacturing <input type="checkbox"/> 06=Trucking/Transportation/Fleet <input type="checkbox"/> 08=School <input type="checkbox"/> 10=Private Residence <input type="checkbox"/> 12=Chemical Distributor <input type="checkbox"/> 15=Railroad <input type="checkbox"/> 28=Cemetery/Memorial <input checked="" type="checkbox"/> 52=Marina			
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	Facility Contact Person Name:																															
	City of Oswego Public Works																															
	Contact Person Company Name:																															
	114 Mitchell Street																															
	Address (cont.):																															
City/State/ZIP Code: Oswego, New York 13126																																
Tel. Number: 315-952-7141		eMail Address: tkells@oswegony.gov																														

(Please use the key located on the last page to complete each item/column)

Registration Expiration Date:

[illegible]

Blank Section B is available at http://www.dec.ny.gov/docs/remediation_hudson_pdf/pbsrenewal.pdf

PBS Number:

Petroleum Bulk Storage Application

Section C - Tank Ownership Information (for PBS tanks listed in Section B)

Tank Owner Information

☒ Check box if same as Facility (Property) Owner.

If tank owner is different from property owner, fill out information below:

Tank Owner Name (Company/Individual):

Contact Person:

Tank Owner Address:

City:

State:

ZIP:

Contact Person Telephone Number:

Contact Person email:

Specific Tanks Owned

☒ Check box if this owner owns all tanks at this facility.

If not, list tanks owned by this owner below:

Tank Number: 001

Name of Class B (Daily On-Site) Operator:

Authorization No:

Name of Class A (Primary) Operator:

Authorization No:

Tank Owner Information

☐ Check box if same as Facility (Property) Owner.

If tank owner is different from property owner, fill out information below:

Tank Owner Name (Company/Individual):

Contact Person:

Tank Owner Address:

City:

State:

ZIP:

Contact Person Telephone Number:

Contact Person email:

Specific Tanks Owned

☐ Check box if this owner owns all tanks at this facility.

If not, list tanks owned by this owner below:

Tank Number:

Name of Class B (Daily On-Site) Operator:

Authorization No:

Name of Class A (Primary) Operator:

Authorization No:

PETROLEUM BULK STORAGE APPLICATION - SECTION B - TANK INFORMATION - CODE KEYS

Action (1)

1. Initial Listing
2. Add Tank
3. Close/Remove Tank
4. Information Correction
5. Repair/Reline Tank

Tank Location (3)

1. Aboveground-contact w/soil
2. Aboveground-contact w/impervious barrier
3. Aboveground on saddles, legs, stilts, rack or cradle
4. Partially buried tank (tank with 10% or more below ground)
5. Underground including vaulted with no access for inspection
6. Aboveground in Subterranean Vault w/access for inspections

Status (4)

1. In-service
2. Out-of-service
3. Closed-Removed
4. Closed- In Place
5. Tank converted to Non-Regulated use

Products Stored (7)

Heating Oils: On-Site Consumption

- 0001. #2 Fuel Oil
- 0002. #4 Fuel Oil
- 0259. #5 Fuel Oil
- 0003. #6 Fuel Oil
- 0012. Kerosene
- 0591. Clarified Oil
- 2711. Biodiesel (Heating)
- 2642. Used Oil (Heating)

Heating Oils: Resale/Redistribution

- 2718. #2 Fuel Oil
- 2719. #4 Fuel Oil
- 2720. #5 Fuel Oil
- 2721. #6 Fuel Oil
- 2722. Kerosene
- 2723. Clarified Oil

Motor Fuels

- 0009. Gasoline
- 2712. Gasoline/Ethanol

- 0008. Diesel
- 2710. Biodiesel
- 0011. Jet Fuel
- 1044. Jet Fuel (Biofuel)
- 2641. Aviation Gasoline

Emergency Generator Fuels

- 0001. #2 Fuel Oil
- 2730. Biodiesel (E-Gen)
- 2731. Diesel (E-Gen)

Lubricating/Cutting Oils

- 0013. Lube Oil
- 0015. Motor Oil
- 1045. Gear/Spindle Oil
- 0010. Hydraulic Oil
- 0007. Cutting Oil
- 0021. Transmission Fluid
- 1836. Turbine Oil
- 0308. Petroleum Grease

Oils Used as Building Materials

- 2626. Asphaltic Emulsions
- 0748. Form Oil

Petroleum Spirits

- 0014. White/Mineral Spirits
- 1731. Naptha

Mineral/Insulating Oils

- 0020. Insulating Oil (e.g., Transformer, Cable Oil)
- 2630. Mineral Oil

Waste/Used/Other Oils

- 0022 Waste/Used Oil
- 9999. Other-Please list:*

Crude Oil

- 0006. Crude Oil
- 0701. Crude Oil Fractions

Tank Type (8)

- 01. Steel/Carbon Steel/Iron
- 02. Galvanized Steel Alloy
- 03. Stainless Steel Alloy
- 04. Fiberglass Coated Steel
- 05. Steel Tank in Concrete
- 06. Fiberglass Reinforced Plastic (FRP)
- 07. Plastic
- 08. Equivalent Technology

- 09. Concrete
- 10. Urethane Clad Steel
- 99. Other-Please list:*

Internal Protection (9)

- 00. None
- 01. Epoxy Liner
- 02. Rubber Liner
- 03. Fiberglass Liner (FRP)
- 04. Glass Liner
- 99. Other-Please list:*

External Protection (10/18)

- 00. None
- 01. Painted/Asphalt Coating
- 02. Original Sacrificial Anode
- 03. Original Impressed Current
- 04. Fiberglass
- 05. Jacketed
- 06. Wrapped (Piping)
- 07. Retrofitted Sacrificial Anode
- 08. Retrofitted Impressed Current
- 09. Urethane
- 99. Other-Please list:*

Tank Secondary Containment (11)

- 00. None
- 01. Diking (AST Only)
- 02. Vault (w/access)
- 03. Vault (w/o access)
- 04. Double-Walled (UST Only)
- 05. Synthetic Liner
- 06. Remote Impounding Area
- 07. Excavation Liner
- 09. Modified Double-Walled (AST Only)
- 10. Impervious Underlayment (AST Only)**
- 11. Double Bottom (AST Only)**
- 12. Double-Walled (AST Only)
- 99. Other - Please list*

Tank Leak Detection (12)

- 00. None
- 01. Interstitial Electronic Monitoring
- 02. Interstitial Manual Monitoring
- 03. Vapor Well
- 04. Groundwater Well
- 05. In-Tank System (Auto Tank

- 06. Impervious Barrier/Concrete Pad (AST Only)
- 07. Statistical Inventory Reconciliation (SIR)
- 08. Weep holes in vaults with no access for inspection
- 99. Other-Please list: *

Overfill Protection (13)

- 00. None
- 01. Float Vent Valve
- 02. High Level Alarm
- 03. Automatic Shut-Off
- 04. Product Level Gauge (AST Only)
- 05. Vent Whistle
- 99. Other-Please list:*

Spill Prevention (14)

- 00. None
- 01. Catch Basin
- 99. Other-Please list:*

Pumping/Dispensing Method (15)

- 00. None
- 01. Presurized Dispenser
- 02. Suction Dispenser
- 03. Gravity
- 04. On-Site Heating System (Suction)
- 05. On-Site Heating System (Supply/Return)
- 06. Tank-Mounted Dispenser
- 07. Loading Rack/Transfer Pump

Piping Location (16)

- 00. No Piping
- 01. Aboveground
- 02. Underground/On-ground
- 03. Aboveground/Underground Combination

Piping Type (17)

- 00. None
- 01. Steel/Carbon Steel/Iron
- 02. Galvanized Steel
- 03. Stainless Steel Alloy
- 04. Fiberglass Coated Steel
- 05. Steel Encased in Concrete

- 06. Fiberglass Reinforced Plastic (FRP)
- 07. Plastic
- 08. Equivalent Technology
- 09. Concrete
- 10. Copper
- 11. Flexible Piping
- 99. Other-Please list:*

Piping Secondary Containment (19)

- 00. None
- 01. Diking (Aboveground Only)
- 02. Vault (w/access)
- 04. Double-Walled (Underground Only)
- 06. Remote Impounding Area
- 07. Trench Liner
- 12. Double-Walled (Aboveground Only)
- 99. Other-Please list: *

Pipe Leak Detection (20)

- 00. None
- 01. Interstitial Electronic Monitoring
- 02. Interstitial Manual Monitoring
- 03. Vapor Well
- 04. Groundwater Well
- 07. Pressurized Piping Leak Detector
- 09. Exempt Suction Piping
- 10. Statistical Inventory Reconciliation (SIR)
- 99. Other-Please list:*

Under Dispenser Containment

(UDC) (21)

Check Box if Present

— — —

* If other, please list on a separate sheet including tank number,

** Each of these codes must be combined with code 01 or 06 to meet compliance requirements.

PBS Registration Fee Worksheet

A list of regulated petroleum products and the new definition of petroleum are available at <http://www.dec.ny.gov/chemical/93458.html>.

Please note: Manifold (interconnected) tanks are regulated as single tanks. For example, two 1,000 gallon tanks connected by piping are regulated as a single 2,000 gallon tank.

A) List the total storage capacity of all tanks storing petroleum.	A) <u>10,000 Gallons</u>
B) List the total storage capacity of tanks less than 1,100 gallons, each storing heating oil (see link to product list above), used for on-premises consumption.	B) <u>0</u>
C) For farms or residences only, list the total storage capacity of tanks less than 1,101 gallons, each used to store motor fuel (see link to product list above) for non-commercial purposes (not for resale).	C) <u>0</u>
D) Subtract Lines B & C from A.	A-B-C = D) <u>10,000</u>
1) List how many Line D tanks (not capacities) are greater than 110 gallons and are underground (tank location code "5").	1) <u>0</u>
2) List how many Line D tanks (not capacities) are greater than 110 gallons and are partially buried with 10% or more volume below ground (tank location "4").	2) <u>0</u>
3) Add Lines 1 and 2.	1 + 2 = 3) <u>0</u>

If Line D is 1,101 gallons or greater, then **all tanks** at this site **MUST** be registered and fees must be based upon the total storage capacity in Line A using the fee schedule below.

If Line D is less than 1,101 gallons but greater than 0 (zero) gallons and Line 3 is greater than 0 (zero), then **all tanks** **MUST** be registered and the fee must be based upon the total storage capacity in Line A using the fee schedule below.

If Line D is less than 1,101 gallons, and line 3 = 0 (zero), tanks storing used oil or used oil (heating), if any, **MUST** be registered but **NO** fee is required. Any other tanks storing petroleum do not require registration.

FEE SCHEDULE:

Total Storage Capacity	5-Year Fee for Facility
0 - 1,100 gallons	\$0 - Fee not required.
1,101 - 2,000 gallons	\$100 per storage facility
2,001 - 4,999 gallons	\$300 per storage facility
5,000 - 399,999 gallons	\$500 per storage facility
400,000 gallons and greater	Registration not required but license is required under the Major Oil Storage Facilities Program (MOSF).

Back Fees: If an owner's registration is more than one cycle overdue (five years since expiration or since a new owner took title to the property), the owner will also owe the "back fee" for the missed registration cycle(s) covering the fee that would have been due had the application been submitted timely.

CITY OF OSWEGO, NEW YORK

OSWEGO CANAL CORRIDOR STEP III BROWNFIELD
OPPORTUNITY AREA - PROPOSED FUEL DOCK PROJECT

OSWEGO CANAL CORRIDOR
STEP III BROWNFIELD
OPPORTUNITY AREA
PROPOSED FUEL DOCK
PROJECT

CITY OF OSWEGO
OSWEGO COUNTY,
NEW YORK

CITY OF OSWEGO, NY

44 EAST BRIDGE STREET
OSWEGO, NY 13126



280 East Broad Street, Suite 200
Rochester, New York 14604

office: 585.498.7877

www.bergmannpc.com

REVISIONS				
NO.	DATE	DESCRIPTION	REV.	CK'D

COVER SHEET

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Drawn by:	JL
Checked by:	RPS
Date Issued:	XX/XX/XX
Scale:	AS SHOWN

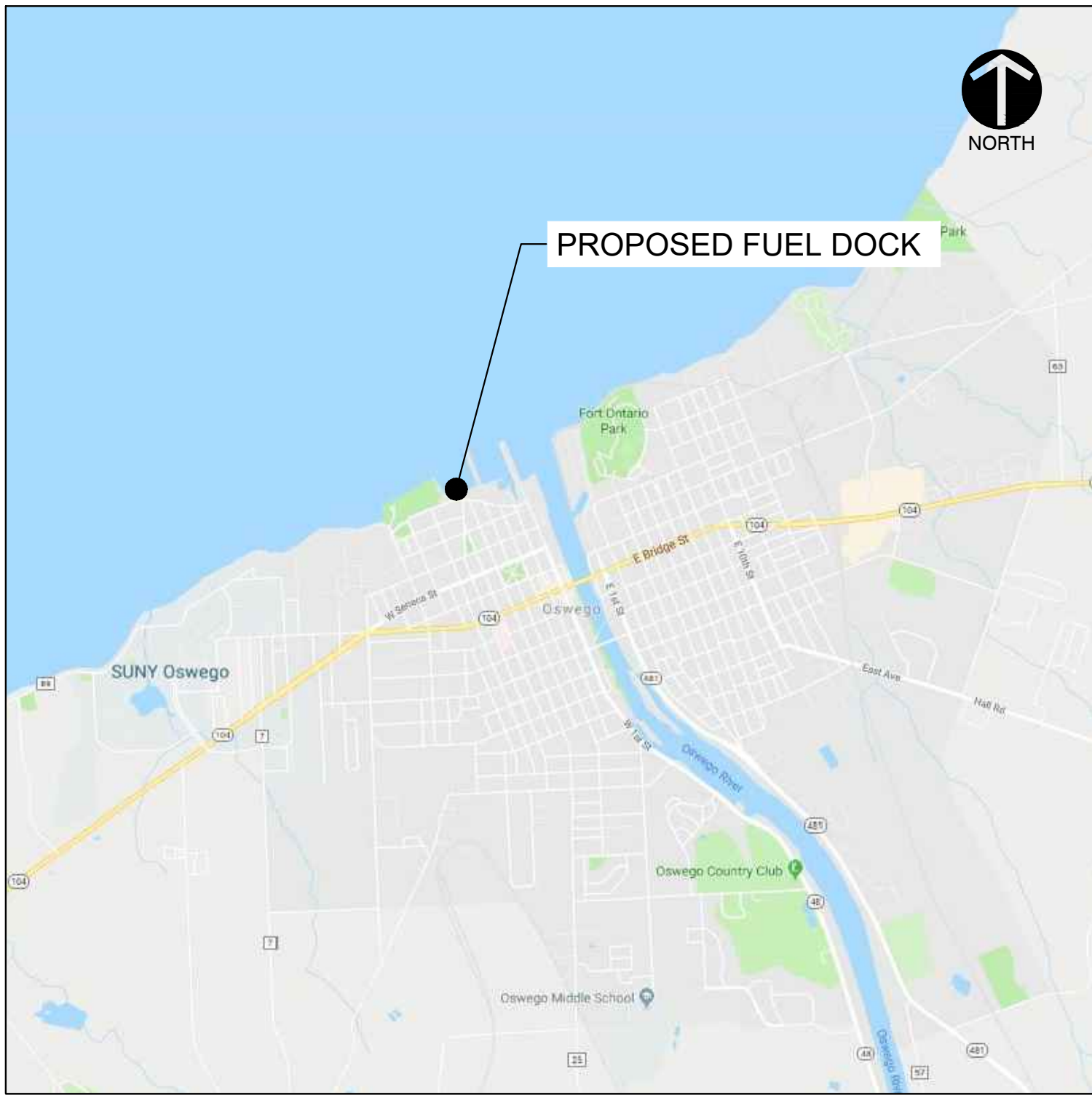
Project Number: 10875.00
File Name: 10875.00-COVER.DWG

Drawing Number:

C000



AERIAL LOCATION MAP
1" = 500'



STREET MAP
NOT TO SCALE

SHEET INDEX		
SHEET 1 OF	7	COVER SHEET
SHEET 2 - 3 OF	7	EXISTING CONDITIONS
SHEET 4 OF	7	SITE PLAN
SHEET 5 OF	7	FUEL TANK DETAIL
SHEET 6 OF	7	GANGWAY RAMP DETAIL
SHEET 7 OF	7	FLOATING DOCK DETAIL

PROJECT INFORMATION:

LATITUDE: 43.46267 N
LONGITUDE: 76.51948 W

CITY: OSWEGO
COUNTY: OSWEGO
STATE: NEW YORK

PROJECT OWNER/APPLICANT:

CITY OF OSWEGO, NEW YORK
44 EAST BRIDGE STREET
OSWEGO, NY 13126
PH: (315) 343-3795
CONTACT: TIM STAHL

PREPARED BY:

BERGMANN ASSOCIATES
280 EAST BROAD STREET
SUITE 200
ROCHESTER, NY 14604
PH: (585) 498-7877
CONTACT: DAVID J. PLANTE

OSWEGO CANAL CORRIDOR
STEP III BROWNFIELD
OPPORTUNITY AREA
PROPOSED FUEL DOCK
PROJECT

CITY OF OSWEGO
OSWEGO COUNTY,
NEW YORK

CITY OF OSWEGO, NY

44 EAST BRIDGE STREET
OSWEGO, NY 13126



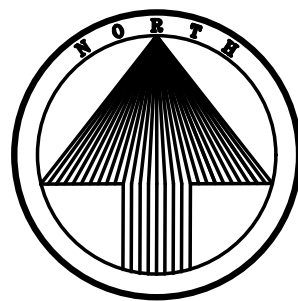
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EXISTING CONDITIONS:
OVERALL VIEW

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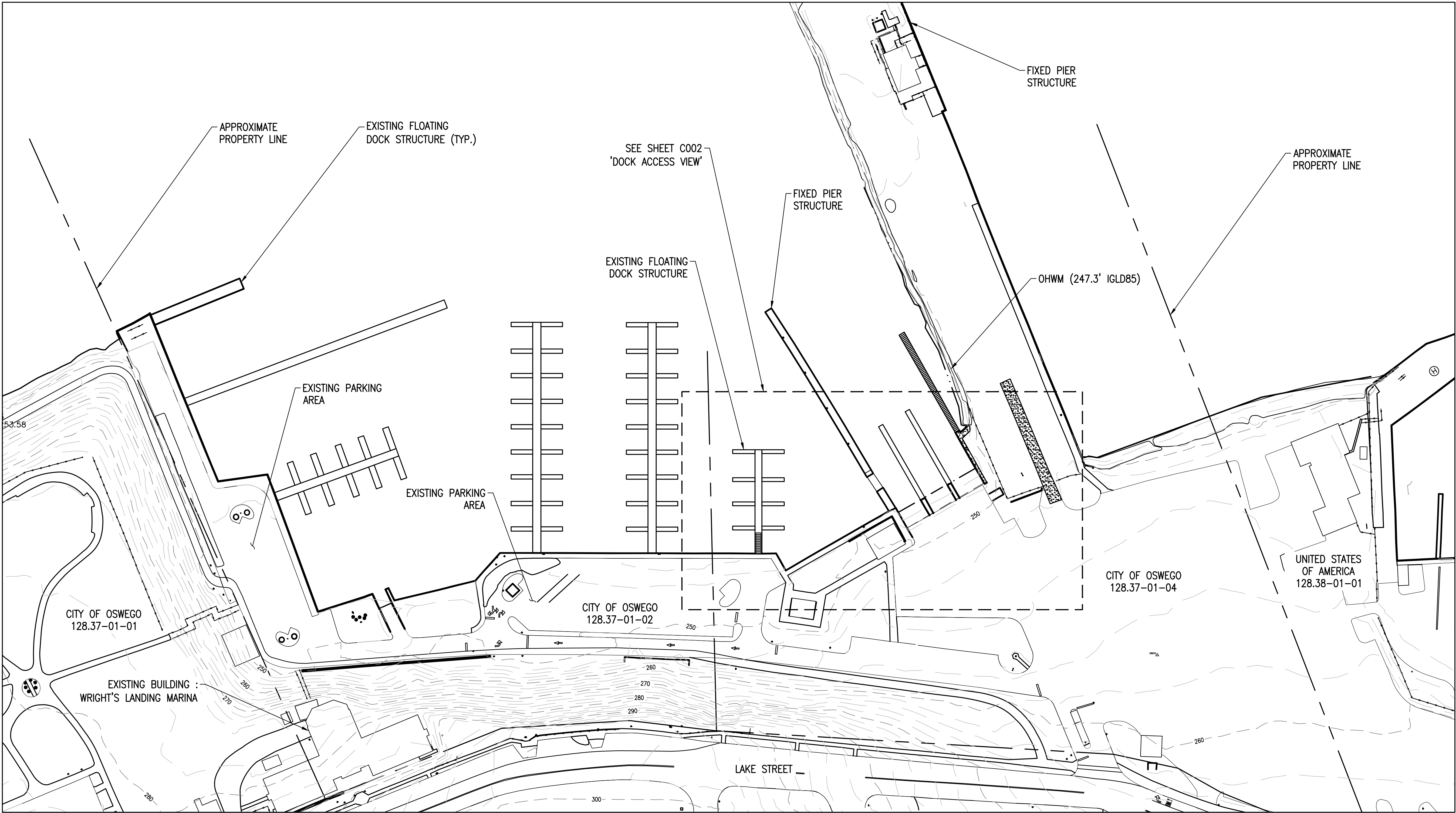
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10875.00-PLAN SHEETS.DWG

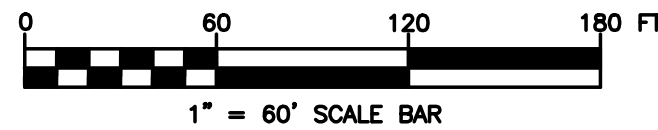
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C001



LEGEND	
	EXISTING SIDEWALK
	EXISTING CONTOUR MAJOR
	EXISTING CONTOUR MINOR
	APPROXIMATE PROPERTY LINE
	EXISTING FENCE
	APPROXIMATE WATER LEVEL
	PROPOSED FUEL LINE
	PROPOSED MONITORING LINE

OVERALL VIEW
1" = 60'



OSWEGO CANAL CORRIDOR
STEP III BROWNFIELD
OPPORTUNITY AREA
PROPOSED FUEL DOCK
PROJECT

CITY OF OSWEGO
OSWEGO COUNTY,
NEW YORK

CITY OF OSWEGO, NY

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OSWEGO, NY 13126

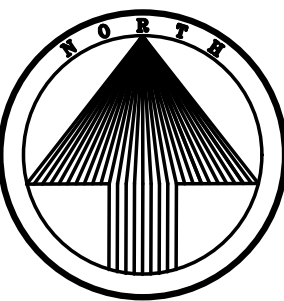


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EXISTING CONDITIONS:
DOCK ACCESS VIEW

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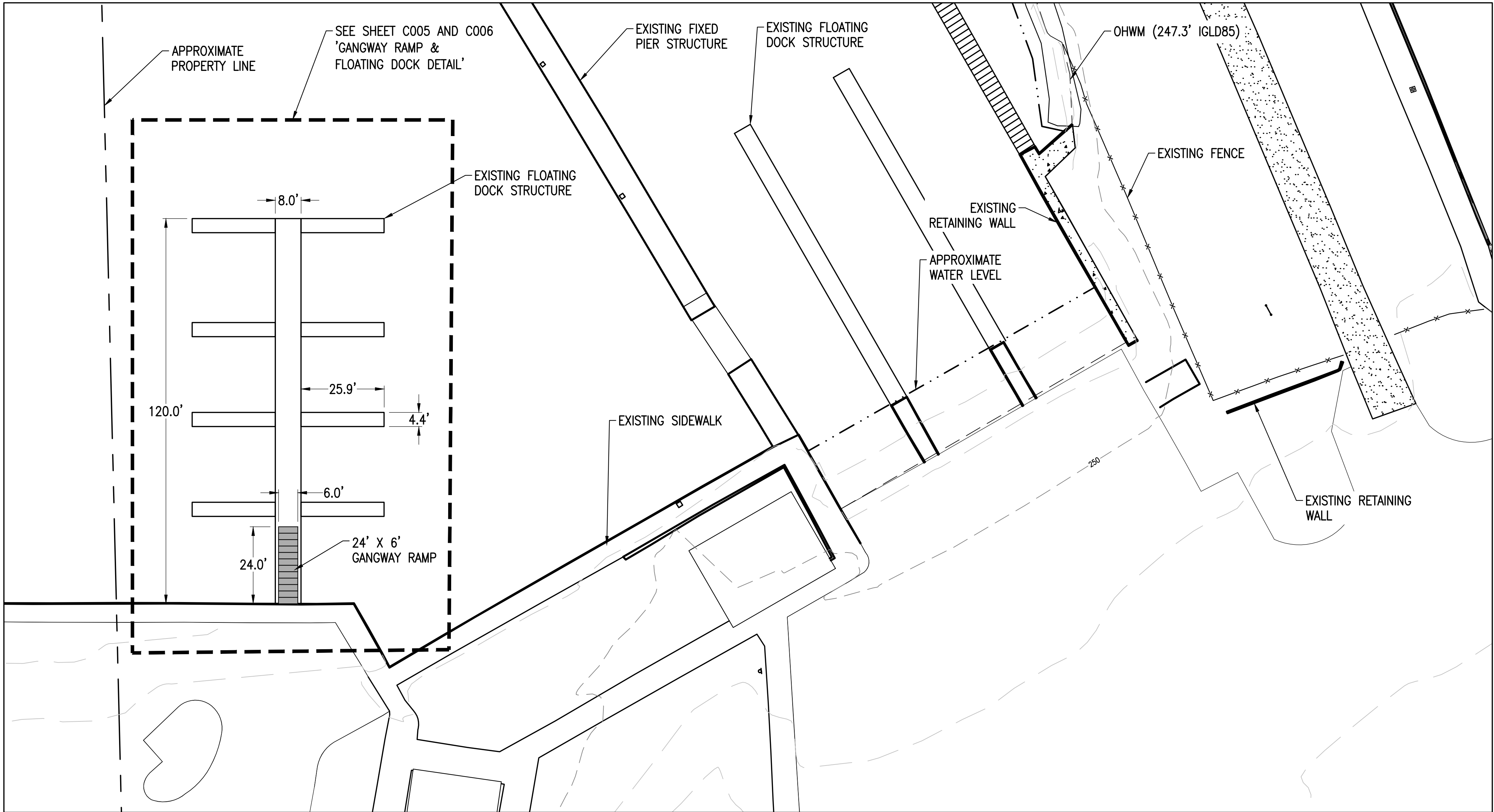
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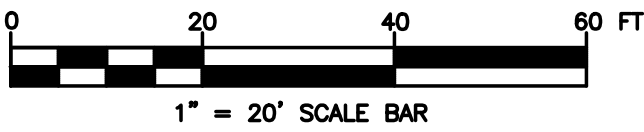
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C002



LEGEND	
	EXISTING SIDEWALK
	EXISTING CONTOUR MAJOR
	EXISTING CONTOUR MINOR
	APPROXIMATE PROPERTY LINE
	EXISTING FENCE
	APPROXIMATE WATER LEVEL
	PROPOSED FUEL LINE
	PROPOSED MONITORING LINE

OVERALL VIEW
1" = 20'



OSWEGO CANAL CORRIDOR
STEP III BROWNFIELD
OPPORTUNITY AREA
PROPOSED FUEL DOCK
PROJECT

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OSWEGO COUNTY,
NEW YORK

CITY OF OSWEGO, NY

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OSWEGO, NY 13126

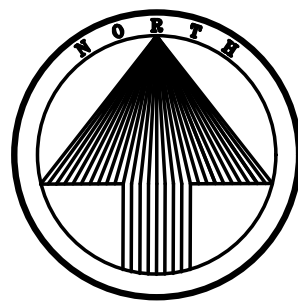


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SITE PLAN

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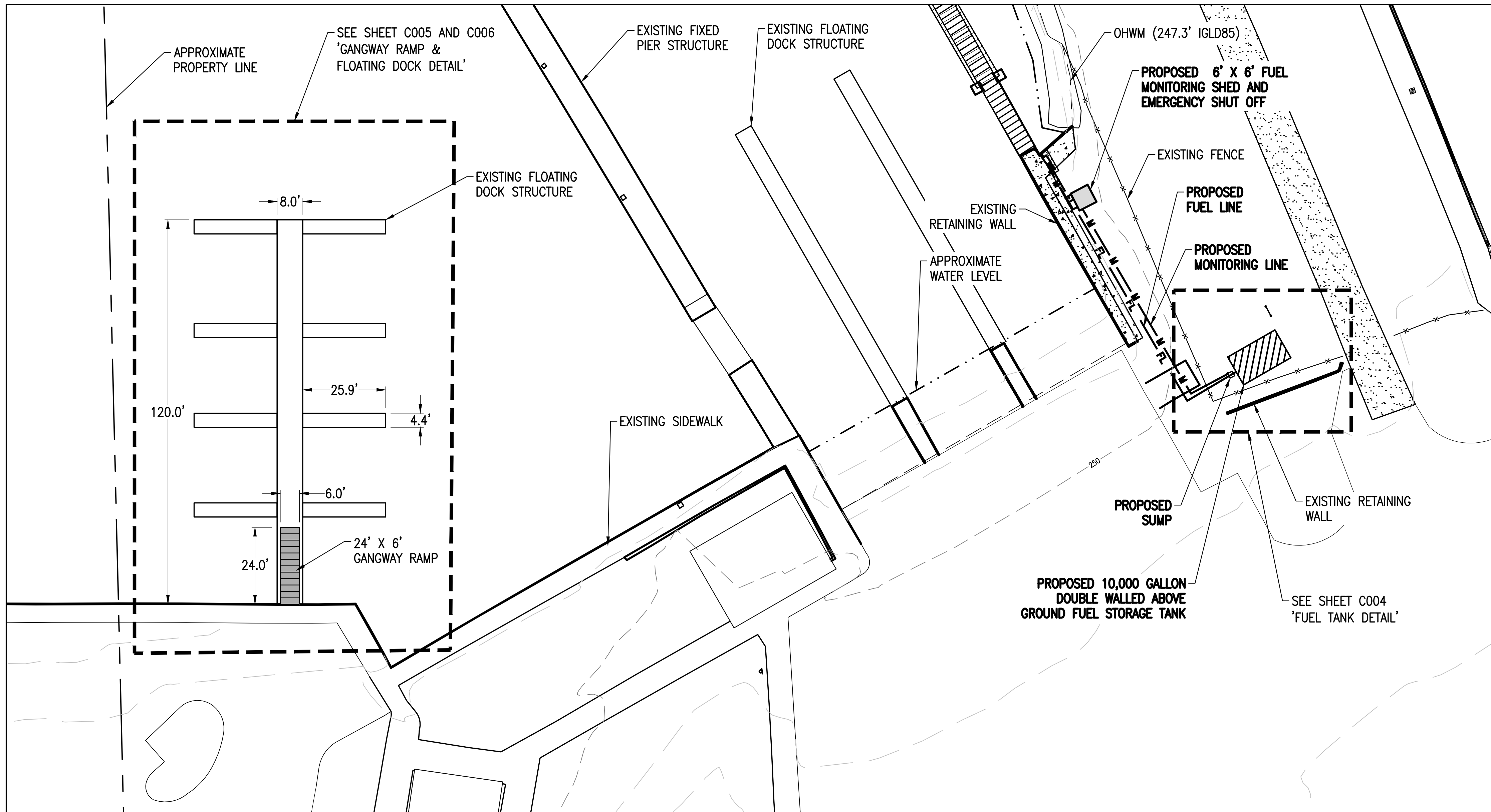
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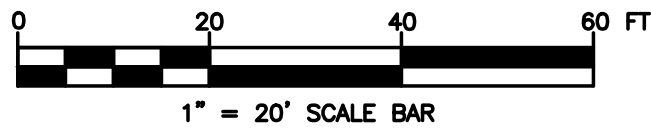
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C003



LEGEND	
	EXISTING SIDEWALK
	EXISTING CONTOUR MAJOR
	EXISTING CONTOUR MINOR
	APPROXIMATE PROPERTY LINE
	EXISTING FENCE
	APPROXIMATE WATER LEVEL
	PROPOSED FUEL LINE
	PROPOSED MONITORING LINE

OVERALL VIEW
1" = 20'



CITY OF OSWEGO
OSWEGO COUNTY,
NEW YORK

44 EAST BRIDGE STREET
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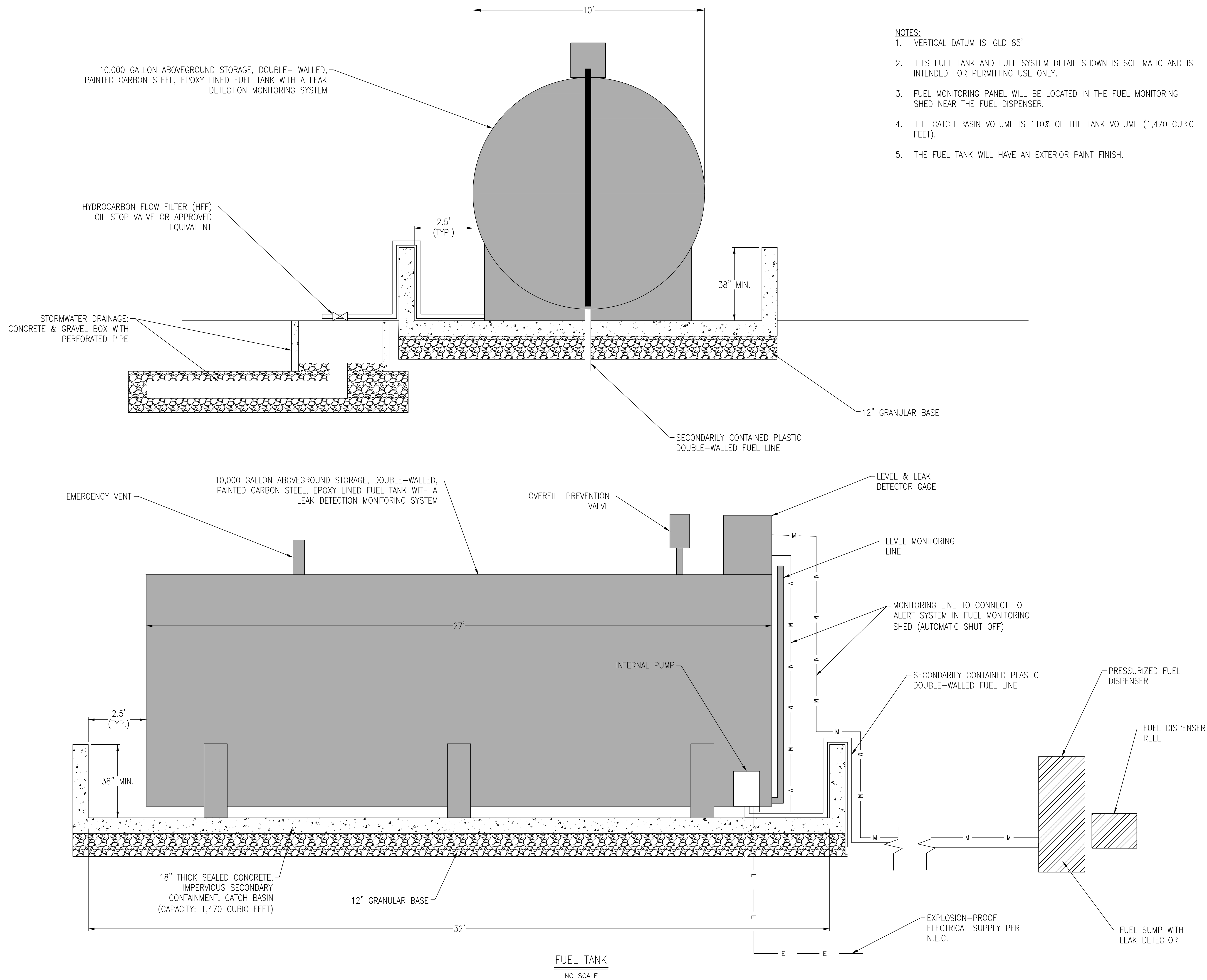
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10875.00-DETAILS.DWG

Drawing Number:

C004

5 of 7



OSWEGO CANAL CORRIDOR
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PROPOSED FUEL DOCK
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GANGWAY RAMP DETAIL

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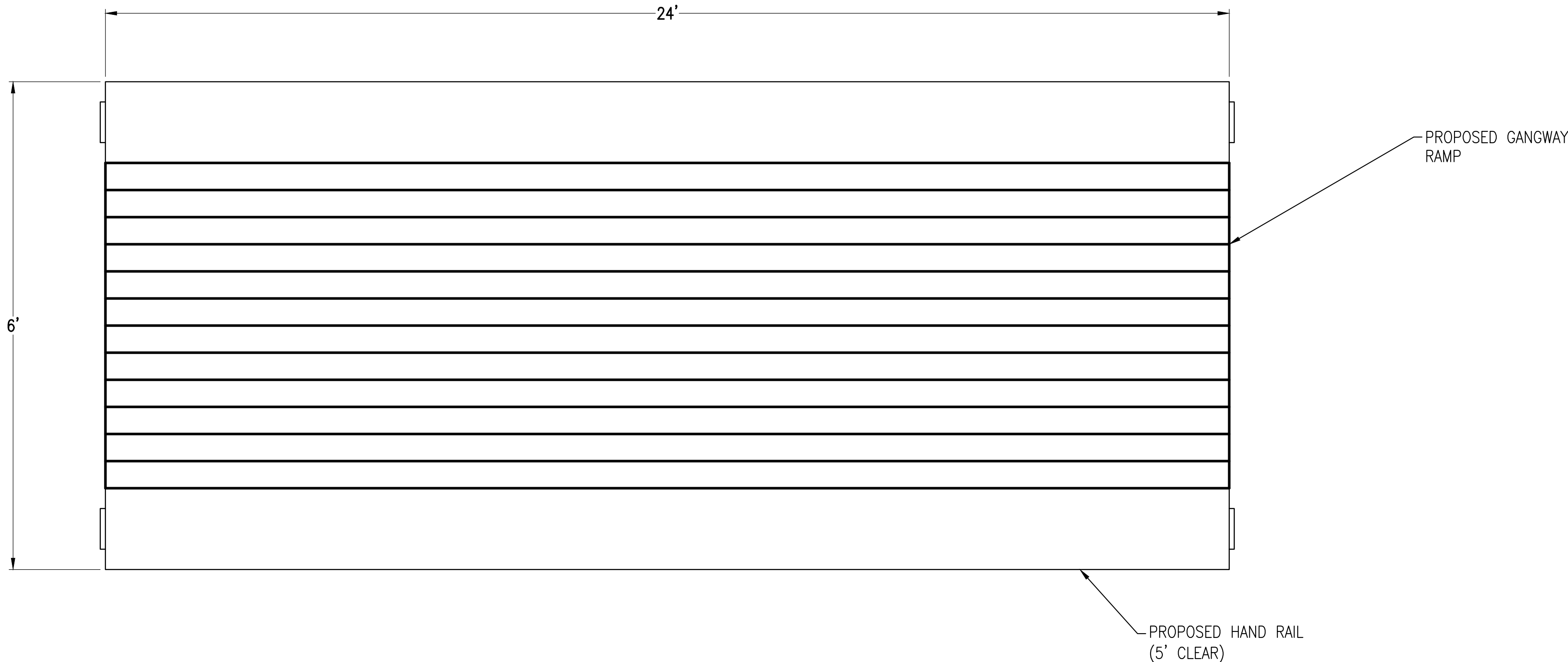
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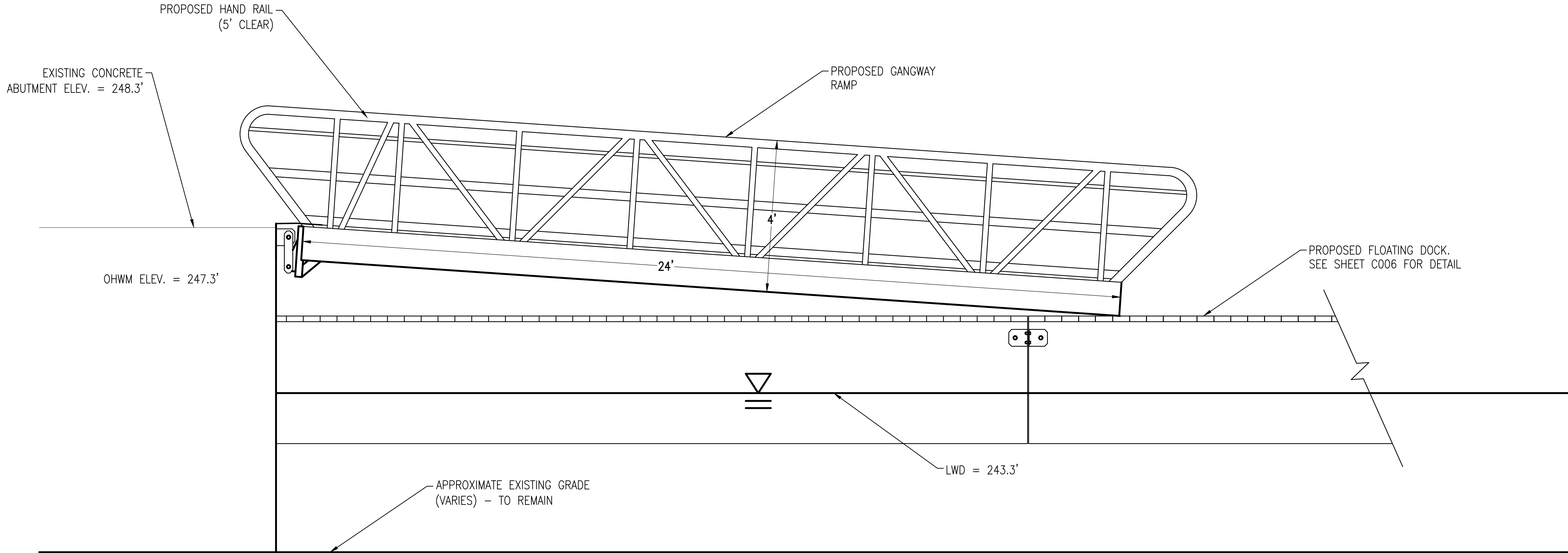
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C005



GANGWAY RAMP – PLAN VIEW
NO SCALE



GANGWAY RAMP – SIDE VIEW
NO SCALE

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PROPOSED FUEL DOCK
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OSWEGO COUNTY,
NEW YORK

CITY OF OSWEGO, NY

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FLOATING DOCK DETAIL

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Project Manager:

Designed by:

Drawn by:

Checked by:

Date Issued:

Scale:

AS SHOWN

Project Number:

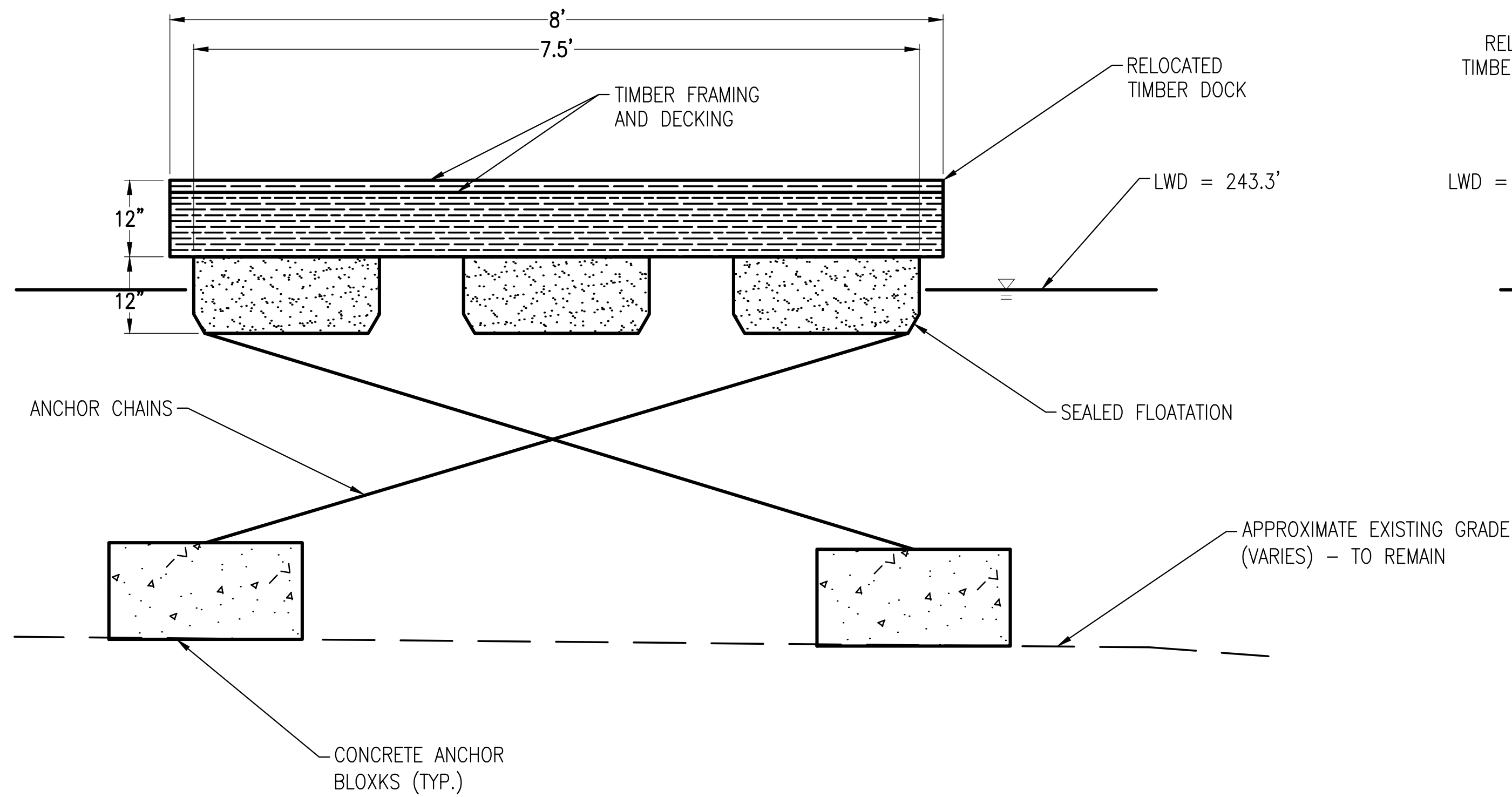
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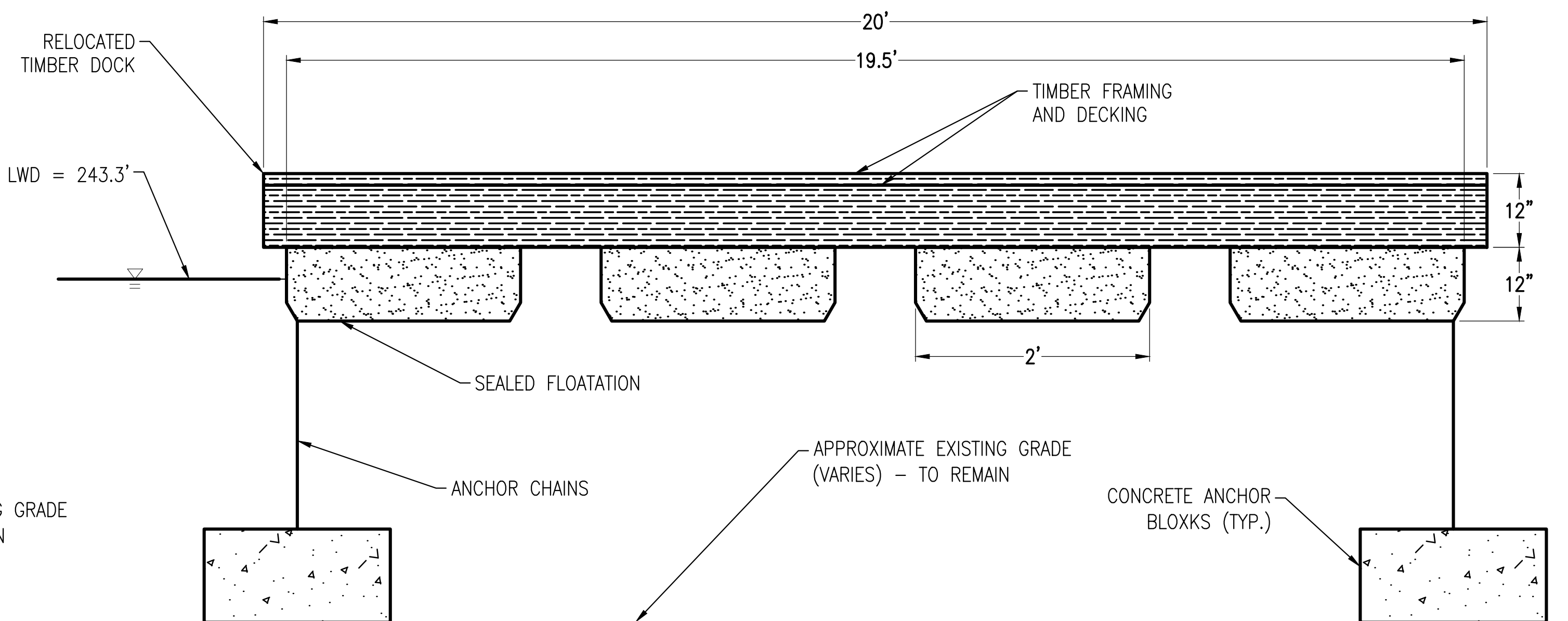
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C006



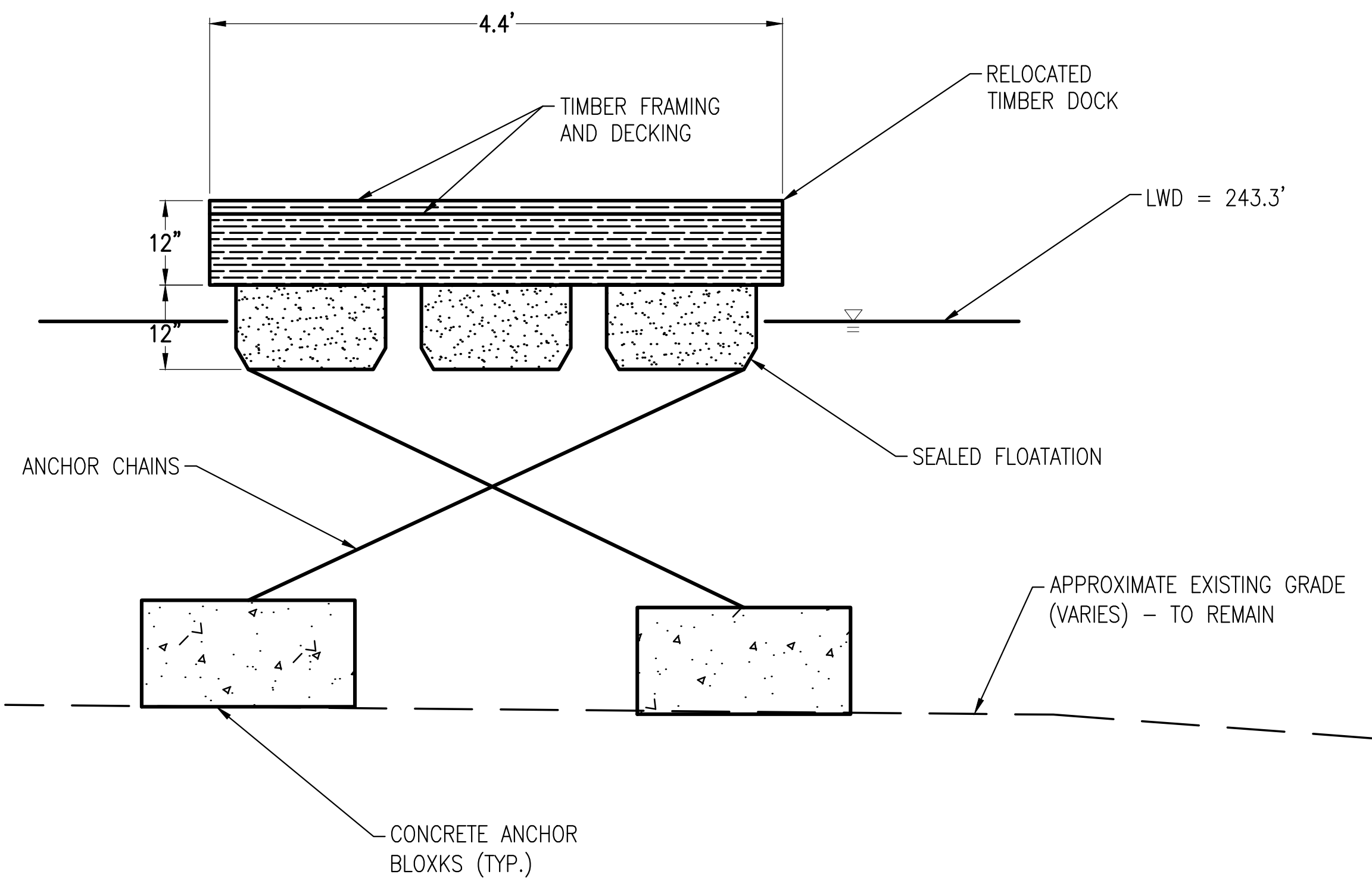
FLOATING DOCK MAIN STEM – CROSS SECTION VIEW

NO SCALE



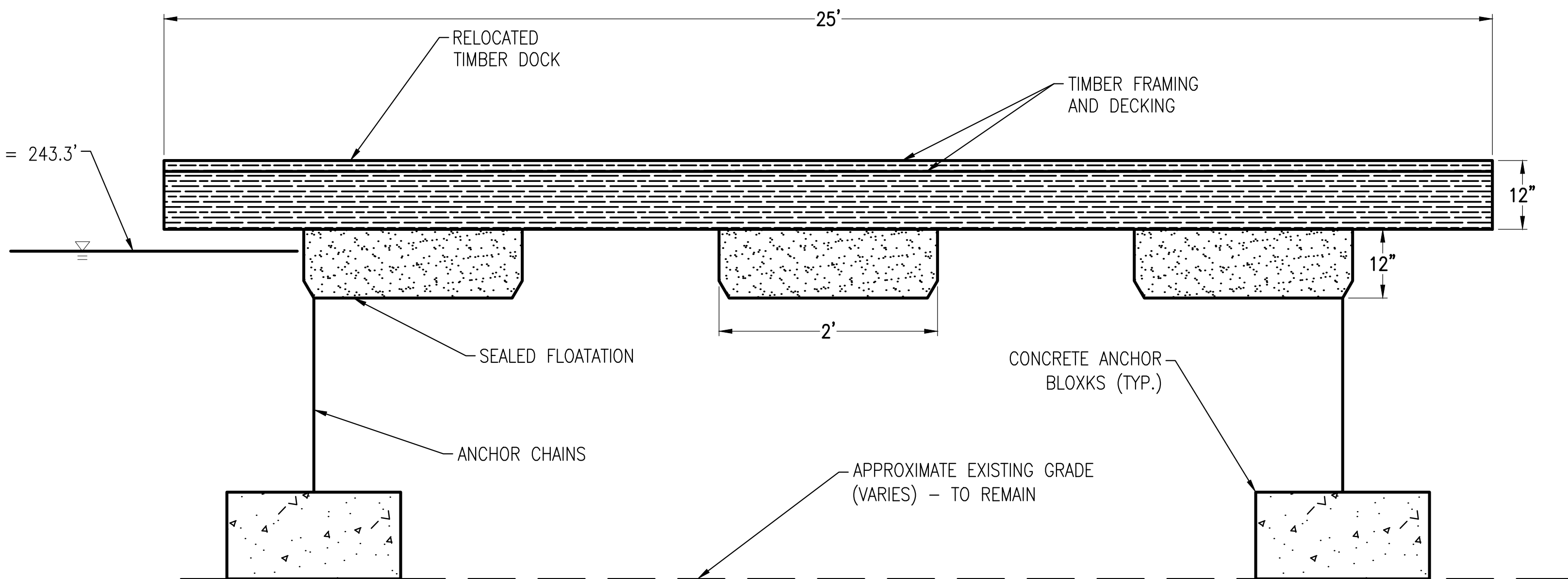
FLOATING DOCK MAIN STEM – SIDE VIEW

NO SCALE



FLOATING DOCK LATERALS – CROSS SECTION VIEW

NO SCALE



FLOATING DOCK LATERALS – SIDE VIEW

NO SCALE

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 7
615 Erie Boulevard West, Syracuse, NY 13204-2400
P: (315) 426-7438 | F: (315) 426-7425
www.dec.ny.gov

Mayor William Barlow
City of Oswego
City Hall, W. Oneida St.
Oswego, NY 13126

INSTRUCTIONS TO ALL PERMITTEES

Enclosed is your permit under New York State's Environmental Conservation Law. Please take some time to review it and note:

1. The permit is valid for only that activity specifically represented in your permit application and authorized in writing in the permit itself. Any deviation from the activity authorized in the permit or described in your application may require additional approval(s) or corrective action;
2. Review the General and Special Conditions carefully. If you are unsure of your obligations under the permit, please bring your questions to our attention;
3. If, for any reason, you believe you will be unable to comply or remain in compliance with the terms of your permit, please contact us;
4. Please check the expiration date and any requirements for renewal or modification of your permit;
5. Please keep the permit in a safe place for reference and a copy at the work site; and
6. The identification numbers help us communicate with you. Please reference them in any subsequent communications.
7. The Uniform Procedures Regulations provide that an applicant may request an adjudicatory hearing if a permit is denied or contains conditions which are unacceptable to them (6NYCRR Part 621.10(a)). Any such request must be made in writing within 30 calendar days of the date of this letter and must be addressed to the Regional Permit Administrator, Department of Environmental Conservation, 615 Erie Boulevard West, Syracuse, New York, 13204-2400.

If you have any questions, please contact me at 315-426-7493. Thank you.

Sincerely,



Kevin Balduzzi
Deputy Regional Permit Administrator
Division of Environmental Permits

cc: Michael Uitvlugt, US ACOE
Tiffany Toukatly, R7 BOH
Kevin Kemp, R7 Remediation
David Plante, Bergmann



Department of
Environmental
Conservation



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
CITY OF OSWEGO
CITY HALL W ONEIDA ST
OSWEGO, NY 13126

Facility:
WRIGHT'S LANDING MARINA
29 LAKE ST
OSWEGO, NY 13126

Facility Location: in OSWEGO in OSWEGO COUNTY

Facility Principal Reference Point: NYTM-E: 376.9 NYTM-N: 4813.386
Latitude: 43°27'47.7" Longitude: 76°31'18.3"

Authorized Activity:

This permit authorizes the specific regulated activities identified below that occur within the Oswego Harbor of Lake Ontario in accordance with the approved plans and special conditions included in this permit.

1. Installation of 8 permanent concrete blocks, placed on the bed of the Oswego Harbor (below the MHWL of 247.3' IGLD), to be used as anchors for floating seasonal docks.
2. Replacement and relocation of an 8 foot wide by 120 foot long floating dock structure located on the east side of the existing boat ramp. A new 8 foot wide by 25 foot long gangway ramp will be attached to an existing concrete abutment and will connect to the floating dock structure. The complete floating dock structure, located on the east side of the existing boat ramp, will measure 8 feet wide by 145 feet long.

Permit Authorizations

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 7-3512-00083/00002

New Permit

Effective Date: 2/21/2019

Expiration Date: 3/15/2021

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 7-3512-00083/00003

New Permit

Effective Date: 2/21/2019

Expiration Date: 3/15/2021



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: KEVIN M BALDUZZI, Deputy Regional Permit Administrator
Address: NYSDEC Region 7 Headquarters
615 Erie Boulevard W
Syracuse, NY 13204 -2400

Authorized Signature: _____

K. M. Balduzzi

Date 2 / 21 / 19

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Site Plan

1/9/2019

Drawings/Blueprints

1/24/2019

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: EXCAVATION & FILL IN NAVIGABLE WATERS; WATER
QUALITY CERTIFICATION**

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Edgewater, titled: "Overall Existing Conditions," "Existing Conditions," "Proposed Site Plan," "Proposed Fuel Tank Detail," "Floating Dock and Gangway Schematics," all date stamped Jan 09 2019; and "Floating Dock Anchorage" date stamped Jan 24 2019 .

2. Petroleum Bulk Storage The proposed 10,000 gallon above ground fuel storage tank is not permitted to be installed below the MHWL of 247.3 ft IGLD. A Petroleum Bulk Storage Registration must be obtained from NYSDEC Region 7 Division of Environmental Remediation.



3. Failure to Meet Permit Conditions Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.

4. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

5. Prior Approval of Changes If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.

6. Erosion, Sedimentation and Turbidity Controls

a) All work shall be conducted in such a manner to prevent as far as reasonably possible to minimize the potential for silt and sediment in the waterbody; the use of properly constructed silt fences, silt curtains, or cofferdams must be used to contain any sediment or turbid water from discharging into the waters of the Oswego Harbor, Lake Ontario.

b) The discharge of any wet concrete, dry or wet cement or other pollutants into the waterway outside the contained work area is expressly prohibited.

c) If the above conditions are not adhered to, then all work shall cease and measures shall be instituted to contain and clean up the discharge until the non-compliance is remedied.

7. Work Windows Unless approved in writing by the Regional Fisheries Manager or a designee, in-stream work is prohibited during the following time periods:

a) In perennial warm water fisheries (non-trout waters classified under Article 15 of New York's Environmental Conservation Law as "A, B or C"), work is prohibited beginning March 15 and ending July 15.

8. No Equipment in the Water Heavy equipment operation in the water is prohibited. With backhoes and similar heavy equipment, the bucket may enter the water.

9. Work in One Continuous Operation Work with Oswego Harbor must be done in one continuous operation.

10. No Rock From Stream/Lake No rock for use in construction is to come from the lake bed.

11. Consolidation of Armor Stone Prohibited Armor stone may not be consolidated with concrete, blacktop, grout, or by any other means.

12. Maintain Benchmarks for One Year After Permit Expiration Any benchmarks or other objects or structures used to define the location or limits of the activity subject to this permit, shall be left in place for a period of at least one year following the expiration date of this permit.

13. Concrete Leachate During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or



waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.

14. Turbid Run-off Excavated soil shall be suitably retained and covered so that there is no turbid runoff discharged either directly or indirectly into the indicated waterway or wetland.

15. Invasive Species (Non-native Vegetation) To prevent the unintentional introduction or spread of invasive species, the permittee must ensure that all construction equipment be cleaned of mud, seeds, vegetation and other debris before entering any approved construction areas within the state regulated freshwater wetland or its 100 foot adjacent area.

16. Post-Construction Photographs Within 30 days of completion of construction of the work authorized by this permit, the permittee shall submit at least 3 color photographs of the project, taken from different angles, to

Regional Permit Administrator
NYSDEC Region 7 Headquarters
615 Erie Boulevard W
Syracuse, NY13204 -2400

17. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

18. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

19. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

20. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.



WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 7 Headquarters
615 Erie Boulevard W
Syracuse, NY 13204 -2400

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Water Quality Certification.



5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

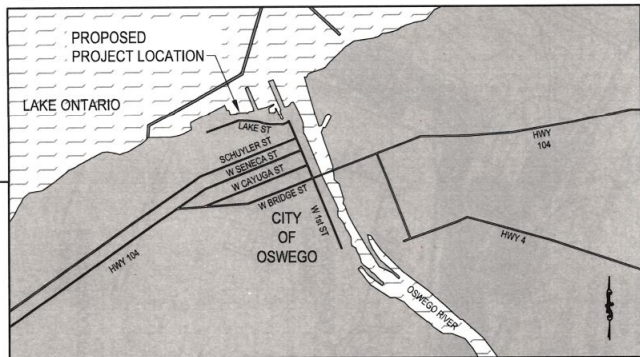
Item D: No Right to Trespass or Interfere with Riparian Rights



This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



SCALE: NOT TO SCALE



ONTARIO, CA

QUEBEC, CA

NYS DEC
Region 7 Syracuse

JAN 09 2019

Environmental
Permits

VERMONT

LAKE ONTARIO

PROJECT LOCATION

NEW YORK

LAKE ERIE

MASSACHUSETTS

CONNECTICUT

PENNSYLVANIA

LONG ISLAND

ATLANTIC OCEAN

 **Edgewater**
resources

518 BROAD STREET, SUITE 200
ST. JOSEPH, MI 49085
P: 269 932 4502
F: 269 932 3542

LOCATION MAP

APPLICANT: CITY OF OSWEGO
WATERWAY: OSWEGO HARBOR/LAKE ONTARIO
CITY: OSWEGO, NY
COUNTY: OSWEGO COUNTY
DATE: 11/2/2018 (REVISED 1/4/2019)
DATUM: IGLD85

SHEET: 1 OF 6

NOTES:

1. VERTICAL DATUM IS IGLD85.
2. SURVEY PERFORMED BY OTHERS.
3. UPLAND ELEMENTS ARE APPROXIMATE AND SHOWN FOR REFERENCE ONLY.



SCALE: 1"=150'

NYS DEC
Region 7 Syracuse

JAN 09 2019

Environmental
Permits

SEE SHEET 3 FOR
EXISTING CONDITIONS IN
THE WORK AREA

FIXED PIER
STRUCTURE

FIXED PIER
STRUCTURE

APPROX.
PROPERTY LINE

ADJACENT PROPERTY
OWNER- US COAST GUARD
1 LAKE ST.
OSWEGO, NY

EXISTING
FLOATING DOCK STRUCTURES (TYP.)

EXISTING
PARKING AREAS

OHWM (247.3' IGLD85)

WRIGHT'S LANDING MARINA
- EXISTING BUILDING

ADJACENT PROPERTY OWNER-
BREITBECK PARK - CITY OF OSWEGO
51 LAKE ST.
OSWEGO, NY

ADJACENT PROPERTY OWNER-
CITY OF OSWEGO
41 LAKE ST.
OSWEGO, NY

PROPERTY OWNER-
CITY OF OSWEGO
29 LAKE ST.
OSWEGO, NY

LAKE ST

OVERALL EXISTING CONDITIONS

APPLICANT: CITY OF OSWEGO
WATERWAY: OSWEGO HARBOR LAKE ONTARIO
CITY: OSWEGO, NY
COUNTY: OSWEGO COUNTY
DATE: 11/20/18 (REVISED 1/4/2019)
DATUM: IGLD85

SHEET: 2 OF 6

Edgewater
resources

518 BROAD STREET, SUITE 200
ST. JOSEPH, MI 49085
P: 269 932 4502
F: 269 932 3542

NOTES:

1. VERTICAL DATUM IS IGLD85.
2. SURVEY PERFORMED BY OTHERS.
3. UPLAND ELEMENTS ARE APPROXIMATE AND SHOWN FOR REFERENCE ONLY.



SCALE: 1"=30'

EXISTING FIXED PIER
STRUCTURE

EXISTING FLOATING
DOCK STRUCTURE

EXISTING
RETAINING WALL

APPROX. WATER
LEVEL

EXISTING
SIDEWALK

EXISTING BOAT LAUNCHES

EXISTING FLOATING
DOCK STRUCTURE

EXISTING PIER

OHWM (247.3' IGLD85)

EXISTING
FENCE

EXISTING
CONCRETE
SIDEWALK

EXISTING
RETAINING WALL

PARKING LOT

NYS DEC
Region 7 Syracuse

JAN 09 2019

Environmental
Permits



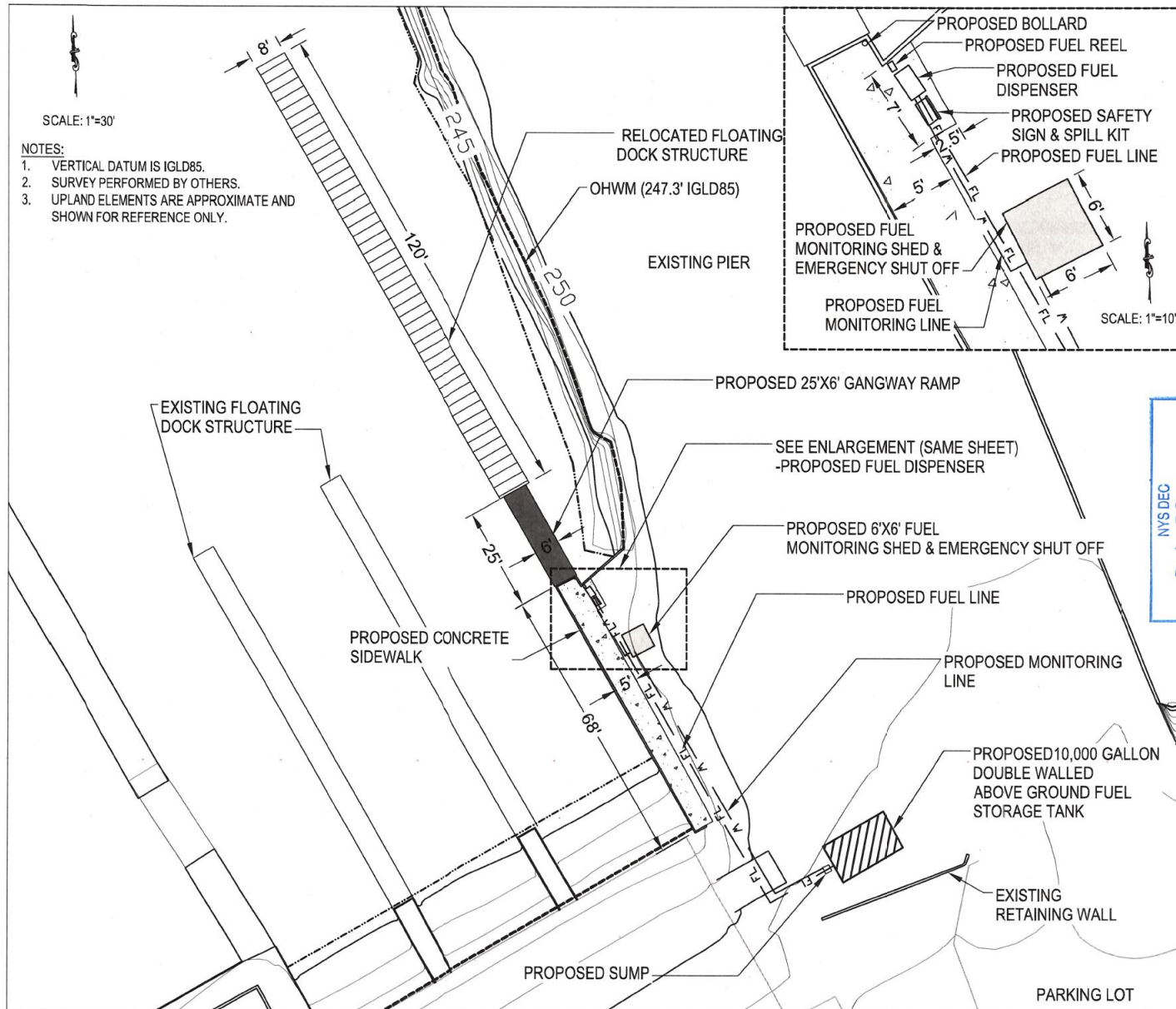
518 BROAD STREET, SUITE 200
ST. JOSEPH, MI 49085
P: 269 932 4502
F: 269 932 3542

EXISTING CONDITIONS

APPLICANT: CITY OF OSWEGO
WATERWAY: OSWEGO HARBOR LAKE ONTARIO
CITY: OSWEGO NY
COUNTY: OSWEGO COUNTY
DATE: 1/2/2018 (REVISED 1/4/2019)
DATUM: IGLD85

SHEET: 3 OF 6

1. VERTICAL DATUM IS IGLD85.
2. SURVEY PERFORMED BY OTHERS.
3. UPLAND ELEMENTS ARE APPROXIMATE AND SHOWN FOR REFERENCE ONLY.



PROPOSED SITE PLAN

APPLICANT: CITY OF OSWEGO
WATERWAY: OSWEGO HARBOR/LAKE ONTARIO
CITY: OSWEGO, NY
COUNTY: OSWEGO COUNTY
DATE: 11/2/2018 (REVISED 1/4/2019)
DATUM: IGLD85

SHEET: 4 OF 6

NYS DEC
Region 7 Syracuse

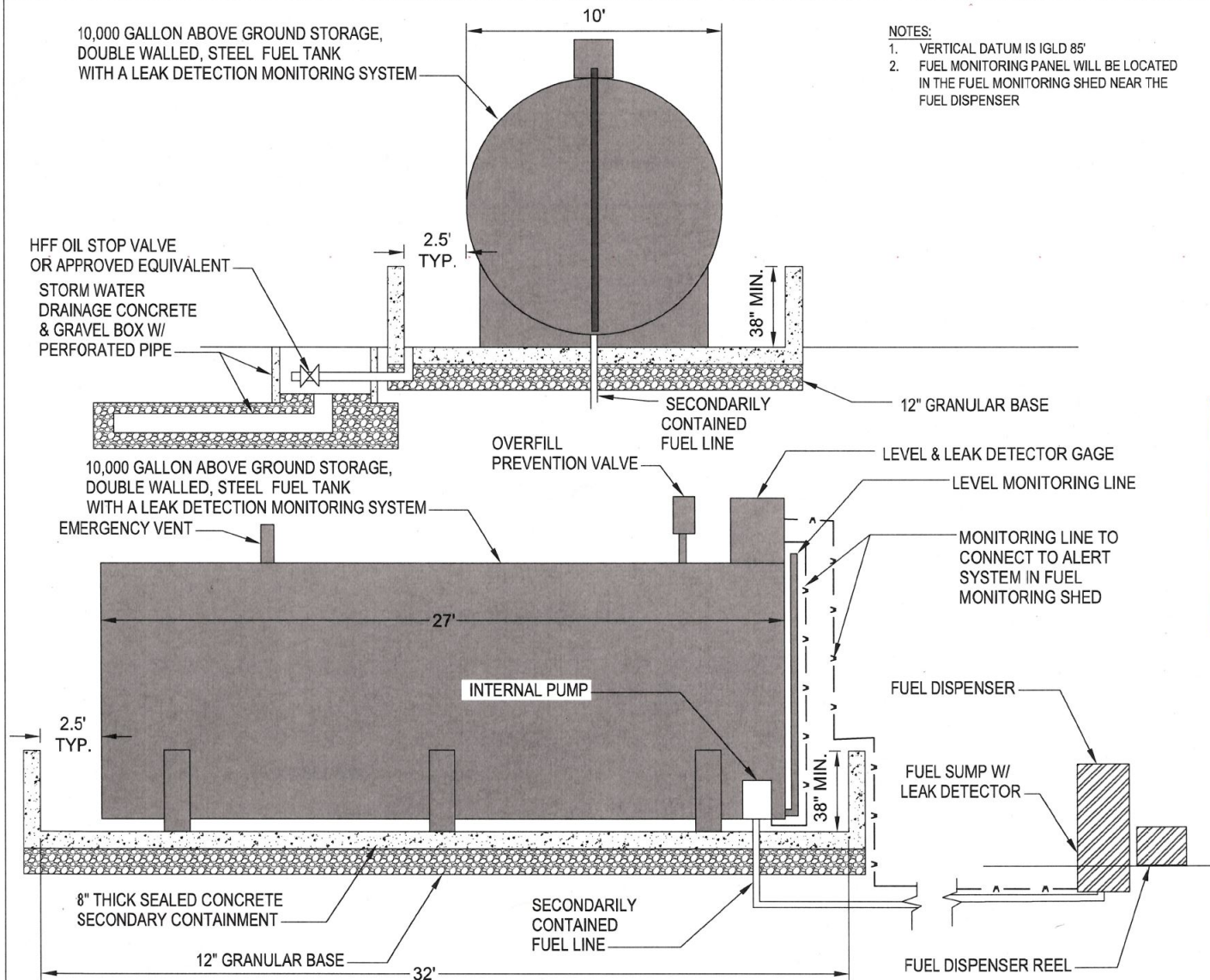
JAN 09 2019

Environmental Permits



Edgewater
resources

518 BROAD STREET, SUITE 200
ST. JOSEPH, MI 49085
P: 269 932 4502
F: 269 932 3542



NOTES:

1. VERTICAL DATUM IS IGLD 85'
2. FUEL MONITORING PANEL WILL BE LOCATED IN THE FUEL MONITORING SHED NEAR THE FUEL DISPENSER

PROPOSED FUEL TANK DETAIL

APPLICANT: CITY OF OSWEGO
 WATERWAY: OSWEGO HARBOR/LAKE ONTARIO
 CITY: OSWEGO, NY
 COUNTY: OSWEGO COUNTY
 DATE: 11/2/2018 (REVISED 1/4/2019)
 DATUM: IGLD85

SHEET: 5 OF 6

NYS DEC
 Region 7 Syracuse

JAN 09 2019

Environmental
 Permits

Edgewater
 resources

518 BROAD STREET, SUITE 200
 OSWEGO, NY 14406
 P: 268 932 1502
 F: 268 932 3542

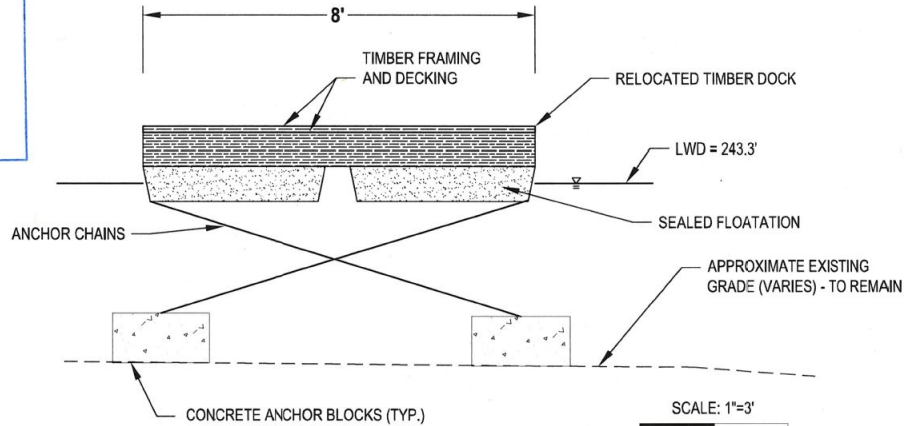
SCALE: 1"=5'

NYS DEC
Region 7 Syracuse

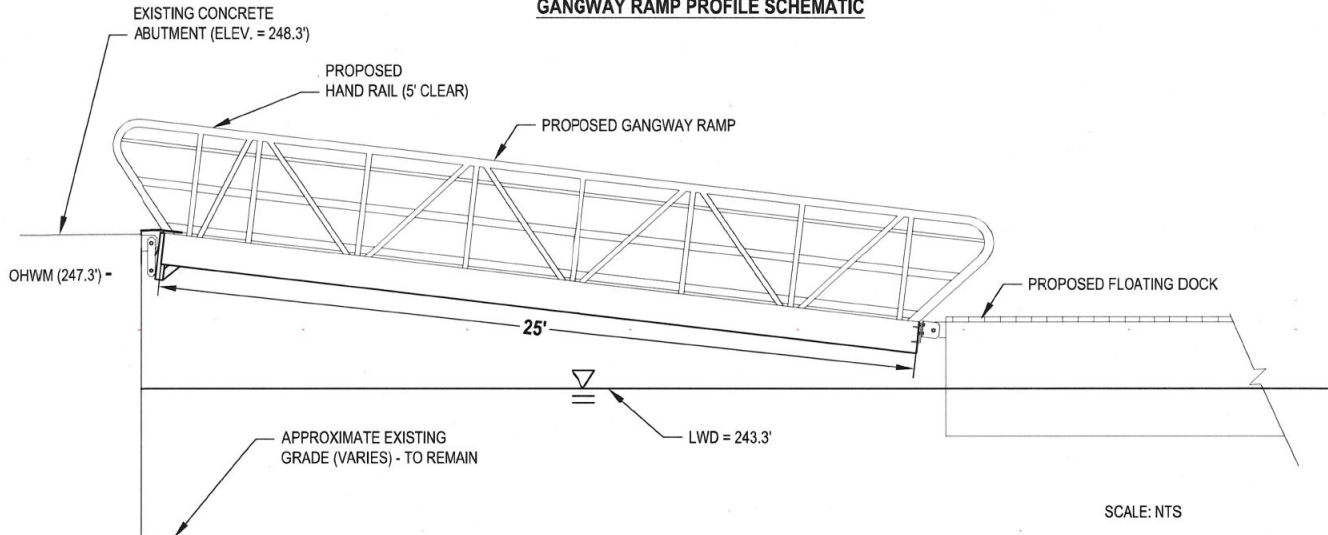
JAN 09 2019

Environmental
Permits

RELOCATED FLOATING DOCK SECTION SCHEMATIC



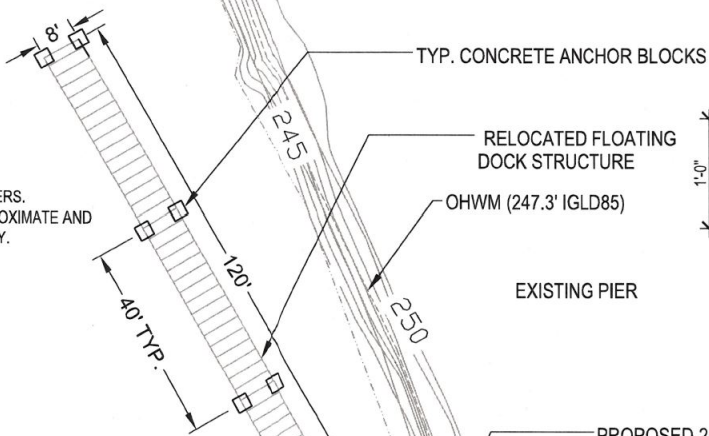
GANGWAY RAMP PROFILE SCHEMATIC



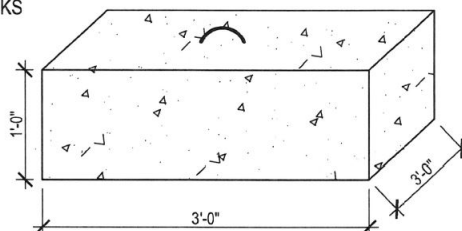
SCALE: 1"=30'

NOTES:

1. VERTICAL DATUM IS IGLD85.
2. SURVEY PERFORMED BY OTHERS.
3. UPLAND ELEMENTS ARE APPROXIMATE AND SHOWN FOR REFERENCE ONLY.



TYPICAL CONCRETE ANCHOR BLOCK SCHEMATIC



NOTES:

1. CONCRETE ANCHOR BLOCK DETAIL IS FOR SCHEMATIC PURPOSES ONLY
2. ANCHORAGE TYPE AND SIZE WILL VARY

NYS DEC
Region 7 Syracuse

JAN 24 2019

Environmental
Permits

Edgewater
resources

518 BROAD STREET, SUITE 200
ST. JOSEPH, MI 49085
P: 269 932 4502
F: 269 932 3542

FLOATING DOCK ANCHORAGE

APPLICANT: CITY OF OSWEGO
WATERWAY: OSWEGO HARBOR/LAKE ONTARIO
CITY: OSWEGO, NY
COUNTY: OSWEGO COUNTY
DATE: 1/23/2019
DATUM: IGLD85

SUPPLEMENTAL SHEET 1