STATE OF NEW YORK   EMERGENCY DECLARATION
DEPARTMENT OF   AND FINDING PURSUANT
ENVIRONMENTAL CONSERVATION   TO ECL 70-0111(d) AND 70-0116

IN THE MATTER OF DAMAGE CAUSED BY
HIGH WATER LEVELS IN LAKE ONTARIO

WHEREAS, the impacts of high water levels in Lake Ontario and the Saint Lawrence River due to above average precipitation and snow melt in the Great Lakes Basin in April and early May 2019, and projected high water levels have caused/may cause widespread shoreline erosion, and damage to coastline structures, and jeopardize infrastructure along the Niagara River, Lake Ontario shoreline and the St. Lawrence River in the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego, Saint Lawrence and Wayne, in DEC Regions 6, 7, 8 and 9; and

WHEREAS, activities associated with shoreline protection in coastal erosion areas require a permit under 6 NYCRR Part 505; and the disturbance of stream beds or banks, maintenance of dams, and excavation or filling in navigable waters requires a permit under 6 NYCRR Part 608; and other activities undertaken in response to destruction caused by high waters, flooding may require a permit under the Environmental Conservation Law; and

WHEREAS, ECL 70-0111(d) (as implemented by 6 NYCRR 621.14[c]) provides for the issuance of general permits, valid for a specified duration of time, following natural disasters or extraordinary weather not unique to a particular locality when numbers of individuals undertake similar types of projects that are of a remedial nature; and

WHEREAS, ECL 70-0116 (as implemented by 6 NYCRR 621.12) allows the Department to give emergency authorization for an action normally requiring a permit; and

WHEREAS, these provisions require a written statement of necessity and a finding of emergency in order to be implemented; and

WHEREAS, municipalities, public utilities, and individuals must, because of the flooding and the on-going effects from continued high Lake Ontario water levels, repair infrastructure and structures on and over waterways, restore waterway channel capacity, and perform other activities necessary to restore normal living conditions;

NOW, THEREFORE, I, Basil Seggos, Commissioner of the New York State Department of Environmental Conservation, consistent with the findings set forth above, and pursuant to the authority vested in me by Articles 1, 3 and 70 of the Environmental Conservation Law of the State of New York, do hereby make a finding of necessity and declare that an emergency situation exists in the counties of Cayuga, Jefferson, Monroe, Niagara, Orleans, Oswego and Wayne, in DEC Regions 6, 7, 8 and 9 as a result of the damage that was caused by continued high Lake Ontario water levels in late April and early May, 2019.

FURTHER, I authorize Regional Permit Administrators of Regions, 6, 7, 8 and 9 to issue general permits or emergency authorizations in affected areas within such regions where, in the Department's judgment, activities necessary to perform cleanup and restoration work is required, subject to appropriate conditions;

and I authorize the Regional Directors of Regions, 6, 7, 8 and 9 to delegate authority for the issuance of such permits to appropriate Regional staff.

FURTHER, nothing in this emergency declaration and finding shall be construed to preempt, diminish, or in any way affect local statutes or regulations on the subject of protection of waters, solid waste disposal or any other permits necessary under the Environmental Conservation Law.

FURTHER, pursuant to 6 NYCRR 617.5(c)(42), I declare that such actions taken as a result of the emergency shall be exempted from the requirements of Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617.

FURTHER, authorization for the issuance of general permits pursuant to ECL 70-0111(d) shall expire on April 30, 2020 unless further extended by me.

FURTHER, general permits issued pursuant to ECL 70-0111(d) shall expire no later than September 30, 2020 unless further extended by me.

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Basil Seggos
Commissioner

Dated: April 29, 2019
        Albany, New York