

SECTION V
LOCAL LAWS AND REGULATIONS
NECESSARY TO IMPLEMENT
THE PROGRAM

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This section describes the techniques for implementation of the City of Newburgh LWRP. It describes the land use controls that have been enacted by the City to implement the policies and projects of the LWRP.

A. LAWS AND REGULATIONS

1. Zoning Regulations

The zoning regulations for the City of Newburgh establish use districts and regulations applicable to the uses allowed within each district. The zoning regulations establish setback and density requirements and regulate the bulk and arrangement of buildings, the area of lots covered by development and open space, the provision of off-street parking and the location of accessory structures that support the principal uses and buildings on each property.

The following zoning districts currently apply to properties within the LWRP:

| | |
|------|-----------------------------------|
| R-1 | One-Family Residential |
| R-3 | Multiple-Family Residential |
| RC | Civic Center & Residential |
| TC-1 | Tourist Commercial |
| PO-2 | Office & Distribution |
| I-1 | Heavy Commercial/Light Industrial |
| W-1 | Waterfront Mixed Use |
| W-2 | Waterfront Industrial |

The districts, illustrated on Figure 10, implement the LWRP as indicated below:

- **R-1:** The small-lot urban character and existing single-family uses within these areas will be encouraged, and the conversion of single-family residences to two- and multiple-family residences will be discouraged.
- **R-3:** This district occurs in two locations in the LWRP area: a small area near the northernmost portion of the LWRP area and a larger area west of the W-1 district and north of the RC and TC-1 districts. Permitted uses include single-family attached and detached homes, two- and three-family houses, garden apartments, places of worship, schools and parks and playgrounds. Planned residential developments, rest homes and assisted-living homes, home offices and parking lots are allowed by special permit.
- **RC:** This is the City's "civic" center, with a mix of municipal, institutional and office uses permitted along the lower end of Broadway and in the vicinity of Grand Street north of Broadway. Residential uses are also permitted.
- **TC-1:** The TC-1 district includes several properties along Broadway and Liberty Street, as well as urban renewal land between Water Street and Colden Street. This district is intended to encourage tourist-related commercial uses. It also permits residential uses in the upper floors of mixed-use buildings. For the area

north of South Street along both sides of Liberty Street, the intent is to adaptively reuse several of the vacant buildings in this location for tourist-related uses, e.g. art galleries.

- **PO-2:** The PO-2 district runs generally from Bay View Terrace north along Water Street to Lafayette Street. It is bordered on the east by the two waterfront districts, and on the west by the TC-1 and I-1 districts. Permitted uses include professional and business offices, medical technology services, warehouses, distribution facilities and banks. Restaurants are allowed by special permit.
- **I-1:** In areas with this zoning designation, residential uses or general commercial uses are not permitted. Rather; it will be dedicated to heavy commercial and light industrial uses. This is intended to protect the nonresidential employment and tax base within the City.

In 2000, the City of Newburgh amended its zoning ordinance to combine the R-2 district, the two-family district, with the R-1 district, in an effort to increase home ownership and improve housing conditions by encouraging single-family homes. However, this action has resulted in a significant increase in variance applications because many applicants are interested in developing two-family dwellings and an increase in the costs of redevelopment. Meanwhile, the percentage of home ownership in Newburgh has not grown. As a result, the City is considering amending its zoning ordinance to add back the R-2 zone. This zoning district would permit the same uses as the R-1 zone, plus two-family dwellings. Under the proposed amendment, an R-2 zone would be mapped within the LWRP area, in an area bounded by Catherine Street to the south, Liberty Street to the west, South Street to the north and Montgomery Street to the east.

a. Waterfront Districts

The City of Newburgh adopted comprehensive zoning amendments in 1992 and 1998 to encourage water-dependent and water-related uses along the City's waterfront. The districts that influence land use immediately adjacent to the waterfront are the W-1 and W-2 zoning districts. The waterfront districts permit and encourage a range of water-dependent and water-enhanced uses to ensure that the City's valuable waterfront land is developed in a manner that will ensure an attractive waterfront setting with a mix of activities that are beneficial to City residents and waterfront property owners. It is also the goal of these districts to ensure that development incorporates a public access component to allow use of the waterfront by residents, employees and visitors.

The W-1 and W-2 districts have an incentive zoning component that allows the maximum building coverage of any use abutting the Hudson River to be increased by 15 percent if the use provides some type of public access. Likewise, the off-street parking requirement of any use abutting the Hudson River within the waterfront zones may be reduced by 30 percent if the use provides public access. Special uses within these districts are required to provide public access to the Hudson River or Quassaick Creek.

W-1 Zoning District

The W-1 zoning district is located primarily to the east of Water Street, and north of River Street. The following uses are permitted on lots having Hudson River frontage:

- Yacht clubs and marinas, including uses accessory to them such as a boatel (hotel/motel for boat operators and guests), swimming pools, tennis courts and racquetball facilities.
- Boat docks, slips, piers and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursion, pleasure or fishing, or vessels in fishery or shell fishery.
- Yard for building, storing, repairing, selling or servicing boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restroom and laundry facilities to serve overnight patrons.
- Boat and marine engine sales and display, yacht broker, marine insurance broker.
- Rental of boats.
- Retail sales or rental of boating, fishing, diving and bathing supplies and equipment.
- Sail loft or chip's chandlery.
- Parks, aquariums, museums and libraries.
- Waterborne transportation terminals and passage ticket sales, providing parking lots for these uses shall not be located on any sites with Hudson River frontage.

Several uses are permitted on lots that do not have Hudson River frontage, or are allowed by special use permit if located on a lot with Hudson River frontage, including:

- Retail uses in addition to those permitted by right, provided that no single store shall exceed 8,000 square feet except that a store devoted principally to the sale of marine supplies may exceed 8,000 square feet but may not exceed 25,000 square feet. Retail uses are required to provide public access via a public walkway to the riverfront in accordance with Section 300-174 of the zoning regulations.
- Restaurants, art and antique galleries, professional and business offices. These uses are required to provide public access via a public walkway to the riverfront in accordance with Section 300-174 of the zoning regulations.
- Garden apartments, as such use is permitted in the G-1 district subject to all restrictions provided therein. Garden apartments are

required to provide public access in accordance with Section 300-174 of the zoning regulations.

- All other uses that are permitted in this district which do not require Hudson River frontage in order to function.

Certain uses are permitted by special permit whether or not they have Hudson River frontage:

- Adaptive reuse of existing buildings for residential use (applicable to the Regal Bag Company Building).
- Single-family attached and multifamily dwellings (intended for Pier Loun and Ferry Crossing developments to remain as non-conforming uses in the W-1 zoning district).

The zoning provisions within the W-1 district require that certain uses provide public access via a walkway open to the public. Houseboats are specifically prohibited from the W-1 district.

W-2 Zoning District

The W-2 zoning district is bounded by South William Street to the north, Water Street to the west, the City's border with the Town of New Windsor to the south and the Hudson River to the east. The following are permitted uses within the W-2 zoning district:

- Boat docks, slips, piers and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursion, pleasure or fishing, or vessels engaged in fishery or shell fishery.
- Yards for building, storing, repairing, selling or serving boats which may include the following as an accessory use: office for the sale of marine equipment or products, dockside facilities for dispensing fuel and restroom and laundry facilities to serve overnight patrons.
- Boat and marine engine sales and display, yacht broker and marine insurance broker.
- Rental of boats.
- Retail sale or rental of boating, fishing, diving and boating supplies and equipment.
- Sail loft or ship's chandlery.
- Parks.
- Municipal services.

Certain uses in the W-2 district are allowed by special use permit. These uses include:

- Wholesale and/or retail sale of fish, provided that no processing occurs on the site.
- Research, design and development laboratories needing a waterfront location.

- Industrial uses requiring waterfront access for shipping or receiving raw materials, provided that such uses shall have a 25-foot landscape buffer on all sides except the waterfront, and no exposed storage shall be visible from adjoining properties. Liquid storage shall be limited to fuel oil required by the Newburgh area and nonflammable and nontoxic materials.
- Passenger terminals.

Special permit uses that abut the Hudson River or the Quassaick Creek must provide public access.

In addition to the above zoning districts, the City's selected developer for the Newburgh Waterfront Redevelopment Project, Leyland Alliance has requested zoning amendment changes to establish a new overlay district titled "New Urbanist Overlay District (NUOD)." The general purpose of the proposed NUOD is to provide for the redevelopment and adaptive reuse of the City's waterfront as well as those neighborhoods proximate thereto. Leyland intends for the NUOD to provide design flexibility incentives to induce property to develop in accordance with its provisions. By providing such inducement, it is hoped that the entire NUOD area is ultimately redeveloped in accord with traditional neighborhood and New Urbanist planning principles. The NUOD is proposed to function as an opt-in overlay district, allowing property owners to continue to develop their properties pursuant to the existing, underlying zoning, or they may choose to opt into the NUOD. Because the geographic area of the proposed NUOD corresponds closely with the LWRP area, it is expected that the new overlay district will be a key part of implementing the LWRP projects.

b. View Preservation District

The City of Newburgh adopted zoning regulations intended to protect certain vistas within the City from encroachment by buildings which might block or intrude into designated views. The views are from the following locations:

- Grand and Washington Streets
- Washington's Headquarters
- Broadway and Colden Street
- Grand and Second Streets
- Public Library
- First and Grand Streets
- Montgomery Street and Leroy Place
- Montgomery Street
- Leroy Place and Park Place

No building, structure or permanent improvement may be erected or have its exterior reconstructed, restored, structurally altered or placed within a defined view plane in a manner that would impair or cause significant loss

of an existing scenic public view unless visual site plan approval by the Architectural Review Commission within the Historic District, or the Planning Board outside the Historic District, is obtained. These guidelines are expected to be amended as a result of future planning activities including the City's proposed Sustainable Master Plan and the Leyland Alliance redevelopment proposal (Newburgh Waterfront Redevelopment Project).

c. Historic Preservation

The Zoning Ordinance, Section 24-57.1, provides for "...the promotion of the educational, cultural, economic and general welfare of the people of Newburgh through the protection, enhancement, perpetuation and preservation of various specific areas of the City of Newburgh to be known as Historic Districts or Architectural Design Districts."

The Ordinance establishes an architectural review commission of nine, members of which include the chairmen of the Planning Board and the Zoning Board of Appeals, the city historian and a registered architect. The commission acts in an advisory capacity to the ZBA and the Planning Board. Only buildings constructed prior to 1900 are protected, but review extends to changes in exterior architectural features, materials, appurtenances such as outbuildings and fences and site design. The ZBA shall defer any decision on such matters pending the receipt of a report from the Architectural Review Commission.

The City's East End Historic District is shown in Figure 10. The law has been strengthened to prevent demolition of significant structures. Provision has been made for protection of archeological resources by noting that the State Historic Preservation Office maps of archeological resources will be consulted whenever land is to be disturbed. A local landmark register will also be established.

d. Special Permit Uses

Special uses are allowed subject to approval by the Planning Board in order to streamline the permitting process and reduce the time involved in seeking approvals from multiple agencies/boards. Special use conditions are typically matters that the Planning Board considers when conducting site plan review. The zoning ordinance includes regulations which (a) stipulate conditions under which a special permit will be granted, (b) clarify the position of the Architectural Review Commission and (c) give clearer guidelines for the protection of significant views and vistas. The special permit conditions section includes a requirement that special permit uses within the LWRP area be undertaken in a manner consistent with the policies of the LWRP.

e. Site Plan Review

New development or proposed redevelopment within the LWRP area is subject to site plan review and approval by the Newburgh Planning Board.

- (1) Site Plan Approval Checklist – Identification of any hazardous materials associated with the proposed industrial use and disclosure of information on use, storage, treatment and disposal.
- (2) Best Management Practices during construction and operation phases have been added to Section 24-67, Approval of Site Development Plans, of the Zoning Ordinance.
- (3) Flood Damage Prevention – These regulations require, wherever possible, that areas subject to flooding be relegated to open space and recreation uses not adversely affected by flood waters.

2. City of Newburgh Urban Renewal Plan

The Urban Renewal Plan was enacted in the 1960s to guide the redevelopment of urban renewal parcels. The Urban Renewal Plan is still utilized by the City to guide the disposition of former urban renewal parcels located within the LWRP area.

Urban renewal policies are consistent with, and support several LWRP policies, specifically:

- Policy 1: Revitalization of Deteriorated Waterfront Areas
- Policy 18: Safeguarding Vital Interests of the State
- Policy 19: Access to Public Water-Related Recreation
- Policy 23: Historic Resources
- Policy 25: Overall Scenic Quality

3. Local Consistency Law

A local law was adopted under the Waterfront Revitalization and Coastal Resources Act of the State of New York (Article 42, Executive Law) enabling the City to review its own or any other proposals for activities within the LWRP area. This review ensures that actions are consistent with the policies and purposes of the LWRP.

Under this law, a Waterfront Advisory Committee (WAC) has been established as an advisory body to the City’s Planning Board. The Committee is furnished with a complete copy of a Coastal Assessment Form (CAF) to assist with the consistency review. The Planning Board considers the recommendations of the Committee before making its determination as to the consistency of a proposal with the objectives of the Local Waterfront Revitalization Program. State and federal actions are reviewed in accordance with guidelines established by the NYS Department of State. All local projects located within the LWRP area must undergo consistency review through the Planning Board.

SECTION VI
STATE AND FEDERAL ACTIONS AND PROGRAMS
LIKELY TO AFFECT IMPLEMENTATION

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State and Federal actions will affect and be affected by implementation of the LWRP. Under State law and the U.S. Coastal Zone Management Act, certain State and Federal actions within or affecting the local waterfront area must be "consistent" or "consistent to the maximum extent practicable" with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and Federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

The following state and federal authorities are part of the institutional framework for local waterfront planning and harbor management that includes planning initiatives as well as regulatory requirements. The City anticipates that all of the involved governmental entities identified in this section will likely have continuing roles affecting Newburgh's waterfront area.

A. Institutional Framework for the LWRP and HMP

1. State Agencies and Authorities

On the state level, a number of agencies, laws, regulations and programs affect the NHMA. Key State agencies include the Department of State's Division of Coastal Resources (DOS DCR), the Department of Environmental Conservation, the Office of Parks, Recreation and Historic Preservation and the Office of General Services (OGS). In addition, the marine unit of New York State Police enforces state boating laws in the river and responds to in-water emergencies, and the Department of Transportation is responsible for maintaining the Newburgh Beacon Bridge just upstream from the NHMA.

a. Department of State Division of Coastal Resources

The DOS DCR administers the New York Coastal Management Program (CMP) and coordinates activities essential to the CMP's implementation. Authority for the CMP was established by the state Waterfront Revitalization and Coastal Resources Act (Article 42 of the New York Executive Law) which enables the state to manage its coastal resources pursuant to the provisions of the Federal Coastal Zone Management Act. The CMP covers the tidal portion of the Hudson River in addition to the other coastal areas of the State, and establishes 44 management policies to carry out the legislative intent that a balance be established between economic development and coastal resource protection in the state's coastal area. Under the CMP, each coastal area municipality may prepare a Local Waterfront Revitalization Program based on local needs and objectives for promoting beneficial waterfront development and protecting environmental resources. Upon approval of an LWRP by the New York Secretary of State, it becomes part of the CMP.

Responsibilities and interests of the DOS DCR regarding the NHMA include review of proposed development activities for consistency with the CMP, assistance to the City for preparation of its LWRP and provision of planning and funding assistance for special projects, including projects to enhance opportunities for public access to the NHMA. All major actions proposed in the coastal area of New York State by federal agencies or by entities requiring federal permits (from the U.S. Army Corps of Engineers (USACE), for example) must be consistent with the management policies established in the CMP and in any applicable LWRP. The DOS DCR evaluates the consistency of federal activities with the policies set forth in the CMP. If a proposed action is judged inconsistent by the DOS DCR, a permit can not be issued.

In addition to federal activities, state agency activities are also required to be consistent with the CMP and any applicable LWRP. Each State agency that proposes to permit, fund or directly undertake an action in the coastal area must determine the consistency of its action with the policies and purposes of the CMP.

b. Department of Environmental Conservation

The DEC exercises both resource management responsibilities (directed toward managing fish and wildlife resources) and regulatory responsibilities (including permit authority over activities affecting navigable waters and freshwater wetlands and other authorities. The DEC is responsible for protecting natural resources in the coastal area of the state, and exercises this responsibility through various permitting, review, management and law enforcement programs. For example, the DEC reviews proposed development activities with the potential for significant environmental impact in accordance with the requirements of the State Environmental Quality Review Act (SEQRA), Freshwater Wetlands Act, Stream Protection Act and Water Pollution Control Act. In addition, the DEC implements the Environmental Quality Bond Act and the Coastal Erosion Hazard Areas Act.

The DEC's central office in Albany establishes statewide policies and regulations and provides technical assistance to the regional DEC offices. DEC Region 3, headquartered in New Paltz, has jurisdiction for the Newburgh waterfront area.

Under the Stream Protection Act (Article 15 of the Environmental Conservation Law), a permit is required from the DEC for: a) altering the course, channel, or bed of a stream; b) erecting a dam or dock on the waters of the State; and c) dredging or filling in the navigable waters of the State or in adjacent marshes or wetlands.

The permitting program established by this Act is the state counterpart of the federal Section 10 and Section 404 permitting programs carried out by the USACOE (see the later section on Federal Agencies and Authorities), and may affect boating facility development in the waterfront area. The section of the Stream Protection Act requiring a DEC permit for a permanent dock is the state counterpart to the Section 10 program; the section of the Act requiring a permit for excavating or placing fill in the navigable waters of the state or in adjacent marshes and wetlands is a counterpart to the Section 404 program. "Navigable waters of the State" are defined in the state Navigation Law to include all lakes, rivers, streams and waters within the boundaries of the state that are not privately owned, that are navigable in fact, or upon which vessels can operate.

In accordance with the Water Pollution Control Act (Article 17 of the Environmental Conservation Law) and pursuant to the federal Clean Water Act, the State has classified its coastal waters, and its rivers, streams, lakes and ponds according to considerations of best usage, and has adopted water quality standards for each class of waters. The classifications are used by the DEC in issuing permits to industrial and commercial uses for effluent discharge into surface waters and range from AA (the highest classification) to D (the lowest).

Under the State Pollutant Discharge Elimination System (SPDES), the DEC regulates all industrial, commercial and municipal discharges as well as discharges from residential subdivisions of five or more lots into the state's surface and ground waters. The City's water pollution control plant and the 11 City outfalls that allow combined stormwater and wastewater to enter the Newburgh Harbor Management Area during periods of heavy rain operate under the conditions established in SPDES permits.

In addition to its regulatory powers, the DEC administers State grant programs such as the Environmental Bond Act and Environmental Protection Fund that can be used by municipalities to fund projects for land preservation and improvement projects, and has provided funding to the City for improvement of City waterfront facilities providing access to the waterfront. The DEC also manages the state's Hudson River Estuary Program to protect, conserve, restore and enhance the estuary in accordance with the Hudson River Estuary Management Act. The program involves a collaboration of a number of state agencies, including the DOS DCR and OPRHP, as well as private entities, not-for-profit organizations and local governments.

c) Office of Parks, Recreation and Historic Preservation

The main responsibility of the OPRHP is to operate and maintain a statewide system of parks and historic sites that meets the recreational needs of the people of the state. The OPRHP is also responsible for marine

and recreational vehicles programs and facilities, and is responsible for administration of the state's Navigation Law. The OPRHP's Bureau of Marine and Recreational Vehicles has general responsibility for boating safety in New York State, and provides funding and training for marine law enforcement as well as boating education programs. Section 79-b of the Navigation Law provides for state financial assistance to a county, city, town, or village for authorized expenditures (e.g., vessel, personnel and training costs) for enforcement of the Navigation Law. The OPRHP also conducts a Marine Law Enforcement School each year in which local and county law enforcement agencies may participate.

In accordance with the Navigation Law, no local law or ordinance pertaining to the regulation of vessels (such as a vessel speed limit law) and/or to the establishment of a vessel regulation zone within 1,500 feet of the shoreline can take effect until it has been submitted to and approved by the Commissioner of Parks, Recreation and Historic Preservation. Municipal regulation of vessels is limited, by the Navigation Law and Article 42 of the Executive Law, to the area within 1,500 feet of the shoreline. The OPRHP also places and maintains nonfederal aids to navigation in state waters.

The OPRHP manages the Washington's Headquarters Historic Site in the City's Waterfront Area and has provided funding to the City for improvement of City waterfront facilities providing opportunities for public access to the waterfront area. The OPRHP also supports boat tours operated by private companies, including companies operating from the City's waterfront, to the Bannerman Castle historic site downstream of the Newburgh waterfront.

d) Office of General Services

The OGS is the proprietor of state lands, including lands under water. With respect to tidal bodies of water such as the Hudson River, the state typically owns the land seaward of the last known location (prior to the placement of any fill) of the MHW line. As authorized by the New York State Public Lands Law, the Commissioner of General Services can issue grants, easements and leases for private use of submerged lands within the public domain (i.e., below the MHW line). This use may include the construction of certain specified structures, including marina docks and piers.

Grants of underwater lands are now issued only for lands that have been filled for a long period of time, while easements and leases are more commonly issued. Most of the leases and easements now being issued are for a maximum term of 10 years. Municipalities and utility companies, however, may be issued leases in perpetuity. The fee for leases and easements is worked out by a formula that takes into consideration fair market value, commercial revenue, and other factors.

While the State generally owns the underwater lands below MHW in tidal areas, shorefront property owners maintain riparian rights that include the right to build docks or piers over State waters to reach navigable water. This usually does not require a lease or easement from the State if the dock or pier extends for no longer than 40 feet or to a depth of no greater than four feet at low water, and if it is used for private purposes only. Commercial operations, however, no matter what their size, require an easement or lease. The developer of a commercial marina facility, for example, with structures that would extend into Newburgh Harbor Management Area, must obtain an easement or lease from the state, unless that developer is also the owner of a previously issued underwater land grant on the site of the proposed facility. Grants of underwater lands have previously been issued by the state adjacent to the shore in the LWRP area.

The application procedure for an easement or lease from the state is initiated after the necessary DEC and USACOE permits are obtained, along with certification of consistency with the New York CMP.

2. Federal Agencies

Three Federal agencies with active roles and authorities affecting the LWRP area are the U.S. Army Corps of Engineers (USACOE), U.S. Environmental Protection Agency (EPA) and U.S. Coast Guard. Other Federal agencies such as the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Federal Emergency Management Agency and the National Oceanic and Atmospheric Administration have less direct interests.

Although the navigable waters of the Hudson River are generally subject to State control and jurisdiction, in exercise of the power of Congress over navigation stemming from the Commerce clause of the Constitution, the rights of the federal government take priority where navigation is concerned.

a. U.S. Army Corps of Engineers

The Newburgh waterfront area is within the jurisdiction of the USACE New York District, North Atlantic Division, with headquarters in New York City. The USACE has several significant responsibilities affecting the area, including regulation of any permanent or temporary structures below the MHW, regulation of dredging or filling of wetlands and navigable waters, and maintenance of the Hudson River federal navigation channel. The USACE's channel maintenance responsibilities include conducting surveys for navigation, drift and snag removal, and maintenance dredging as needed.

Most of the USACE's regulatory authorities originate from Section 10 of the River and Harbor Act of 1899 and Section 404 of the Clean Water Act of 1977. Under Section 10, the USACE regulates structures in, or affecting, navigable waters of the United States as well as the excavation or deposition of material in navigable waters. Under Section 404, the USACOE is responsible for evaluating applications for Department of the Army permits to deposit dredged and/or fill material into waters of the U.S., including adjacent wetlands.

The USACOE issues two types of permits: individual permits and general permits. An individual permit is issued following evaluation of a specific proposal, and involves public notice of the proposed activity, review of comments and, if necessary, a public hearing.

In general, an individual permit must be received from the USACE for the following activities: filling of wetlands and navigable waters; placement of structures, including docks, piers, pilings, and bulkheads, in navigable waters; and dredging and disposal of dredged material.

A general permit is a USACE authorization issued for categories of activities judged to be substantially similar in nature and to cause only minimal individual and cumulative adverse environmental impacts. General permits include nationwide permits and regional permits. Activities that conform to the requirements for a nationwide or regional permit do not require a full application to the USACE nor a public notice. Examples of activities permitted (subject to various conditions and restrictions) under the nationwide general permit include: aids to navigation authorized by the Coast Guard; noncommercial single-boat mooring buoys; temporary buoys and markers placed for recreational uses such as water skiing and boat racing; outfall systems where a wastewater discharge permit has been obtained; and repair, rehabilitation or replacement of any previously authorized, currently serviceable structure or fill.

b. U.S. Environmental Protection Agency

The EPA has several responsibilities that directly or indirectly affect the LWRP area. A number of these responsibilities are directed toward protection and improvement of water quality. For example, the EPA is responsible for: establishing standards for discharge of municipal and industrial wastewater; providing grants for construction of municipal sewerage systems; and administering the National Pollutant Discharge Elimination System (NPDES). In New York, responsibilities for administration and enforcement of the NPDES, in accordance with the provisions of the federal Clean Water Act, have been turned over to the DEC.

Under Section 312 of the Clean Water Act, the EPA has established the Hudson River as a no-discharge zone within which no sewage, treated or untreated, may be discharged from any vessel.

Under Section 404 of the Clean Water Act, the EPA has responsibility for reviewing and commenting on applications submitted to the USACOE for dredging and filling in navigable waters. Section 404(c) enables the EPA to veto a USACOE permit for dredging or filling if it determines that the development activity would have an unacceptable adverse effect on municipal water supplies, fisheries areas, wildlife, recreational areas, or other resources.

The EPA also provides technical and funding support through Section 319 of the Clean Water Act for cooperative watershed management projects aimed at the reduction of non-point source (NPS) pollution. The EPA is also responsible for implementing the federal Comprehensive Environmental Response, Compensation and Liability Act applied to the clean-up of sites determined to be contaminated with hazardous waste, including the Consolidated Iron and Metal site on the City's waterfront.

c. U.S. Coast Guard

The NHMA and Hudson River are within the jurisdiction of the First Coast Guard District which is headquartered in Boston, Massachusetts. The Coast Guard Station nearest to the NHMA is at Saugerties, New York, where a Coast Guard Aids to Navigation Team is based. The principal responsibility of the Saugerties Station is the maintenance of aids to navigation, including the Federal buoys marking the Hudson River Federal Navigation Project.

The Coast Guard regularly conducts a Waterways Analysis Program through which the adequacy of aids to navigation is evaluated. In addition to regulating and maintaining aids to navigation, the Coast Guard has several other responsibilities that can affect the NHMA, including responsibilities for search and rescue, responding to oil and hazardous materials spills, enforcement of federal boating laws and regulations, ice-breaking, and Homeland Security responsibilities. The Coast Guard Sector New York based on Staten Island has the primary responsibility for these other activities, but first response in some instances may be provided by the Saugerties Station.

Coast Guard search and rescue operations in the Hudson River are carried out cooperatively with local, county, and state agencies and with the Coast Guard Auxiliary. The Coast Guard shares responsibility for responding to oil and hazardous materials spills with the EPA, in cooperation with state and local officials. By law, all spills must be reported to the Coast Guard,

and the Coast Guard has the authority to close a harbor to navigation in the event of an emergency.

The Coast Guard has primary responsibility for enforcing federal boating laws and regulations, including the proper use of marine sanitation devices, and has authority to board and inspect vessels to ensure compliance with federal boating laws and regulations. Law enforcement responsibilities are shared with State, county and local enforcement authorities. In accordance with the Federal Maritime Transportation Security Act, the Coast Guard has important responsibilities for port security, including responsibilities for risk assessment, boarding of certain vessels, and assisting port facilities with security planning.

B. State and Federal Actions and Programs

The first part of this section identifies the actions and programs of State and Federal agencies which should be undertaken in a manner consistent with the LWRP. This is a generic list of actions and programs, as identified by the NYS Department of State; therefore, some of the actions and programs listed may not be relevant to this LWRP.

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State individually and separately notifies affected State agencies of those agency actions and programs which are to be undertaken in a manner consistent with approved LWRPs. Similarly, Federal agency actions and programs subject to consistency requirements are identified in the manner prescribed by the U.S. Coastal Zone Management Act and its implementing regulations. The lists of State and Federal actions and programs included herein are informational only and do not represent or substitute for the required identification and notification procedures. The current official lists of actions subject to State and Federal consistency requirements may be obtained from the NYS Department of State.

The second part of this section is a more focused and descriptive list of State and Federal agency actions which are necessary for further implementation of the LWRP. It is recognized that a State or Federal agency's ability to undertake such actions is subject to a variety of factors and considerations; that the consistency provisions referred to above may not apply; and that the consistency requirements cannot be used to require a State or Federal agency to undertake an action it could not undertake pursuant to other provisions of law. Reference should be made to Sections IV and V, which also discuss State and Federal assistance needed to implement the LWRP.

1. State and Federal Actions and Programs Which Should be Undertaken in a Manner Consistent with the LWRP

a. State Agencies

OFFICE FOR THE AGING

- 1.00 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Programs.
- 4.00 Permit and approval programs:
 - 4.01 Custom Slaughters/Processor Permit
 - 4.02 Processing Plant License
 - 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

- 1.00 Permit and Approval Programs:
 - 1.01 Ball Park - Stadium License
 - 1.02 Bottle Club License
 - 1.03 Bottling Permits
 - 1.04 Brewer's Licenses and Permits
 - 1.05 Brewer's Retail Beer License
 - 1.06 Catering Establishment Liquor License
 - 1.07 Cider Producer's and Wholesaler's Licenses
 - 1.08 Club Beer, Liquor, and Wine Licenses
 - 1.09 Distiller's Licenses
 - 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
 - 1.11 Farm Winery and Winery Licenses
 - 1.12 Hotel Beer, Wine, and Liquor Licenses
 - 1.13 Industrial Alcohol Manufacturer's Permits
 - 1.14 Liquor Store License
 - 1.15 On-Premises Liquor Licenses
 - 1.16 Plenary Permit (Miscellaneous-Annual)
 - 1.17 Summer Beer and Liquor Licenses
 - 1.18 Tavern/Restaurant and Restaurant Wine Licenses
 - 1.19 Vessel Beer and Liquor Licenses
 - 1.20 Warehouse Permit
 - 1.21 Wine Store License
 - 1.22 Winter Beer and Liquor Licenses
 - 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
 - 3.01 Letter Approval for Certificate of Need
 - 3.02 Operating Certificate (Alcoholism Facility)
 - 3.03 Operating Certificate (Community Residence)

- 3.04 Operating Certificate (Outpatient Facility)
- 3.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Architecture and environmental arts program.

DEPARTMENT OF BANKING

- 1.00 Permit and approval programs:
 - 1.01 Authorization Certificate (Bank Branch)
 - 1.02 Authorization Certificate (Bank Change of Location)
 - 1.03 Authorization Certificate (Bank Charter)
 - 1.04 Authorization Certificate (Credit Union Change of Location)
 - 1.05 Authorization Certificate (Credit Union Charter)
 - 1.06 Authorization Certificate (Credit Union Station)
 - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
 - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
 - 1.09 Authorization Certificate (Investment Company Branch)
 - 1.10 Authorization Certificate (Investment Company Change of Location)
 - 1.11 Authorization Certificate (Investment Company Charter)
 - 1.12 Authorization Certificate (Licensed Lender Change of Location)
 - 1.13 Authorization Certificate (Mutual Trust Company Charter)
 - 1.14 Authorization Certificate (Private Banker Charter)
 - 1.15 Authorization Certificate (Public Accommodation Office - Banks)
 - 1.16 Authorization Certificate (Safe Deposit Company Branch)
 - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
 - 1.18 Authorization Certificate (Safe Deposit Company Charter)
 - 1.19 Authorization Certificate (Savings Bank Charter)
 - 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
 - 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
 - 1.22 Authorization Certificate (Savings and Loan Association Branch)
 - 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
 - 1.24 Authorization Certificate (Savings and Loan Association Charter)

- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

NEW YORK STATE BRIDGE AUTHORITY (Regional Agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion or demolition.

OFFICE OF CHILDREN AND FAMILY SERVICES

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.
- 3.00 Permit and approval programs:
 - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
 - 3.02 Operating Certificate (Children's Services)
 - 3.03 Operating Certificate (Enriched Housing Program)
 - 3.04 Operating Certificate (Home for Adults)
 - 3.05 Operating Certificate (Proprietary Home)
 - 3.06 Operating Certificate (Public Home)
 - 3.07 Operating Certificate (Special Care Home)
 - 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF CORRECTIONAL SERVICES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Financing of higher education and health care facilities.
- 2.00 Planning and design services assistance program.

EDUCATION DEPARTMENT

- 1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.
- 2.00 Permit and approval programs:

- 2.01 Certification of Incorporation (Regents Charter)
- 2.02 Private Business School Registration
- 2.03 Private School License
- 2.04 Registered Manufacturer of Drugs and/or Devices
- 2.05 Registered Pharmacy Certificate
- 2.06 Registered Wholesale of Drugs and/or Devices
- 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
- 2.08 Storekeeper's Certificate

EMPIRE STATE DEVELOPMENT CORPORATION

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs
- 2.00 Allocation of the state tax-free bonding reserve

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act
- 3.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities
- 4.00 Financial assistance/grant programs:
 - 4.01 Capital projects for limiting air pollution
 - 4.02 Cleanup of toxic waste dumps
 - 4.03 Flood control, beach erosion and other water resource projects
 - 4.04 Operating aid to municipal wastewater treatment facilities
 - 4.05 Resource recovery and solid waste management capital projects
 - 4.06 Wastewater treatment facilities
- 5.00 Funding assistance for issuance of permits and other regulatory activities (New York City only)
- 6.00 Implementation of the Environmental Quality Bond Act of 1972, including:
 - (a) Water Quality Improvement Projects
 - (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique

- Area Preservation Projects, Metropolitan Parks Projects,
Open Space Preservation Projects and Waterways Projects
- 7.00 Marine Finfish and Shellfish Programs
- 8.00 New York Harbor Drift Removal Project.
- 9.00 Permit and approval programs:

Air Resources

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief - Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to Breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell Trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
- 9.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
- 9.23 Permit - Article 24, (Freshwater Wetlands)

Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish

Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit

Marine Resources

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non-Resident Food Fishing Vessel
- 9.34 Non-Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off-Bottom Culture Shellfish

Permits

- 9.36 Permits to Take Blue-Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit - Article 25, (Tidal Wetlands)

Mineral Resources

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)

Solid Wastes

- 9.47 Permit to Construct and/or Operate a Solid Waste Management Facility
- 9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

- 9.49 Approval of Plans for Wastewater Disposal Systems
- 9.50 Certificate of Approval of Realty Subdivision Plans

- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
- 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.53 Permit - Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.56 Approval -Drainage Improvement District
- 9.57 Approval - Water (Diversion for) Power
- 9.58 Approval of Well System and Permit to Operate
- 9.59 Permit - Article 15, (Protection of Water) - Dam
- 9.60 Permit - Article 15, Title 15 (Water Supply)
- 9.61 River Improvement District Approvals
- 9.62 River Regulatory District Approvals
- 9.63 Well Drilling Certificate of Registration
- 9.64 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan
- 11.00 Preparation and revision of Continuous Executive Program Plan
- 12.00 Preparation and revision of Statewide Environmental Plan
- 13.00 Protection of Natural and Man-made Beauty Program
- 14.00 Urban Fisheries Program
- 15.00 Urban Forestry Program
- 16.00 Urban Wildlife Program

ENVIRONMENTAL FACILITIES CORPORATION

- 1.00 Financing program for pollution control facilities for industrial firms and small businesses

FACILITIES DEVELOPMENT CORPORATION

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities

OFFICE OF GENERAL SERVICES

- 1.00 Administration of the Public Lands Law for acquisition and disposition of State lands, including grants of land and grants of easement of land under water, including for residential docks over 4,000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water and oil and gas leases for exploration and development
- 2.00 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural

- properties and State uses of buildings of historic, architectural or cultural significance
- 3.00 Facilities construction, rehabilitation, expansion or demolition
- 4.00 Administration of Article 5, Section 233, Sub 5 of the Education Law on removal of archaeological and paleontological objects under State water bodies
- 5.00 Administration of Article 3, Section 32 of the Navigation law regarding location of structures in or on navigable waters

GREENWAY HERITAGE CONSERVANCY FOR THE HUDSON RIVER VALLEY (Regional Agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Conservancy
- 2.00 Financial assistance/grant programs
- 3.00 Model Greenway Program
- 4.00 Greenway Trail Activities

DEPARTMENT OF HEALTH

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements.
 - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
 - 2.04 Certificate of Need (Hospitals)
 - 2.05 Operating Certificate (Diagnostic and Treatment Center)
 - 2.06 Operating Certificate (Health Related Facility)
 - 2.07 Operating Certificate (Hospice)
 - 2.08 Operating Certificate (Hospital)
 - 2.09 Operating Certificate (Nursing Home)
 - 2.10 Permit to Operate a Children's Overnight or Day Camp
 - 2.11 Permit to Operate a Migrant Labor Camp
 - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
 - 2.13 Permit to Operate a Service Food Establishment
 - 2.14 Permit to Operate a Temporary Residence/Mass Gathering
 - 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
 - 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
 - 2.17 Shared Health Facility Registration Certificate

DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

- 1.00 Facilities construction, rehabilitation, expansion, or demolition.
- 2.00 Financial assistance/grant programs:
 - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
 - 2.02 Housing Development Fund Programs
 - 2.03 Neighborhood Preservation Companies Program
 - 2.04 Public Housing Programs
 - 2.05 Rural Initiatives Grant Program
 - 2.06 Rural Preservation Companies Program
 - 2.07 Rural Rental Assistance Program
 - 2.08 Special Needs Demonstration Projects
 - 2.09 Urban Initiatives Grant Program
 - 2.10 Urban Renewal Programs
- 3.00 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

- 1.00 Funding programs for the construction, rehabilitation or expansion of facilities.
- 2.00 Affordable Housing Corporation

HUDSON RIVER VALLEY GREENWAY COMMUNITIES COUNCIL (Regional Agency)

- 1.00 Greenway Planning and Review
- 2.00 Greenway Compact Activities
- 3.00 Financial Assistance/Grants Program
- 4.00 Greenway Trail Activities

JOB DEVELOPMENT AUTHORITY

- 1.00 Financing assistance programs for commercial and industrial facilities

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.00 Financing of medical care facilities

OFFICE OF MENTAL HEALTH

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities
- 2.00 Permit and approval programs:
 - 2.01 Operating Certificate (Community Residence)
 - 2.02 Operating Certificate (Family Care Homes)
 - 2.03 Operating Certificate (Inpatient Facility)
 - 2.04 Operating Certificate (Outpatient Facility)

**OFFICE OF MENTAL RETARDATION AND DEVELOPMENT
DISABILITIES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities
- 2.00 Permit and approval programs:
 - 2.01 Establishment and Construction Prior Approval
 - 2.02 Operating Certificate Community Residence
 - 2.03 Outpatient Facility Operating Certificate

METROPOLITAN TRANSPORTATION AUTHORITY (Regional Agency)

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities
- 2.00 Increases in special fares for transportation services to public water-related recreation resources

DIVISION OF MILITARY AND NAVAL AFFAIRS

- 1.00 Preparation and implementation of the State Disaster Preparedness Plan

NATURAL HERITAGE TRUST

- 1.00 Funding program for natural heritage institutions

**OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION
(including Regional State Park Commission)**

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office
- 2.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities
- 3.00 Funding program for recreational boating, safety and enforcement
- 4.00 Funding program for State and local historic preservation projects
- 5.00 Land and Water Conservation Fund programs
- 6.00 Nomination of properties to the Federal and/or State Register of Historic Places
- 7.00 Permit and approval programs:
 - 7.01 Floating Objects Permit
 - 7.02 Marine Regatta Permit
 - 7.03 Navigation Aide Permit
 - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan, the Statewide Comprehensive Historic

- Preservation Plan and other plans for public access, recreation, historic preservation or related purposes
- 9.00 Recreation services program
- 10.00 Urban Cultural Parks Program

POWER AUTHORITY OF THE STATE OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority
- 2.00 Facilities construction, rehabilitation, expansion or demolition

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

- 1.00 Corporation for Innovation Development Program
- 2.00 Center for Advanced Technology Program

DEPARTMENT OF STATE

- 1.00 Appalachian Regional Development Program
- 2.00 Coastal Management Program
- 3.00 Community Services Block Grant Program
- 4.00 Permit and approval programs:
 - 4.01 Billiard Room License
 - 4.02 Cemetery Operator
 - 4.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities

STATE UNIVERSITY OF NEW YORK

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University
- 2.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities

OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

- 1.00 Facilities construction, rehabilitation, expansion or demolition or the funding of such activities
- 2.00 Homeless Housing and Assistance Program
- 3.00 Permit and approval programs:
 - 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
 - 3.02 Operating Certificate (Children's Services)
 - 3.03 Operating Certificate (Enriched Housing Program)
 - 3.04 Operating Certificate (Home for Adults)
 - 3.05 Operating Certificate (Proprietary Home)

- 3.06 Operating Certificate (Public Home)
- 3.07 Operating Certificate (Special Care Home)
- 3.08 Permit to Operate a Day Care Center

THRUWAY AUTHORITY /CANAL CORPORATION/CANAL RECREATIONWAY COMMISSION (Regional Agency)

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land and other resources under the jurisdiction of the Thruway Authority, Canal Corporation and Canal Recreationway Commission
- 2.00 Facilities construction, rehabilitation, expansion, or demolition
- 3.00 Permit and approval programs:
 - 3.01 Advertising Device Permit
 - 3.02 Approval to Transport Radioactive Waste
 - 3.03 Occupancy Permit
 - 3.04 Permits for use of Canal System lands and waters
- 4.00 Statewide Canal Recreationway Plan

DEPARTMENT OF TRANSPORTATION

- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
 - (a) Highways and parkways
 - (b) Bridges on the State highways system
 - (c) Highway and parkway maintenance facilities
 - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
 - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
 - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
 - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
 - 3.04 Subsidies program for marginal branchlines abandoned by CSX
 - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)

- 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
- 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
- 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
- 4.05 Certificate of Convenience and Necessity to Operate a Railroad
- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates

- 1.00 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.
- 2.00 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:
 - (a) Tax-Exempt Financing Program
 - (b) Lease Collateral Program
 - (c) Lease Financial Program
 - (d) Targeted Investment Program
 - (e) Industrial Buildings Recycling Program
- 3.00 Administration of special projects.
- 4.00 Administration of State-funded capital grant programs.

DIVISION OF YOUTH

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding or approval of such activities.

b. **Federal Agencies**

DIRECT FEDERAL ACTIVITIES AND DEVELOPMENT PROJECTS

DEPARTMENT OF COMMERCE

National Marine Fisheries Services

- 1.00 Fisheries Management Plans

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Proposed authorizations for dredging, channel improvements, break-waters, other navigational works, or erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with potential to impact coastal lands and waters.
- 2.00 Land acquisition for spoil disposal or other purposes.
- 3.00 Selection of open water disposal sites.

Army, Navy and Air Force

- 4.00 Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).
- 5.00 Plans, procedures and facilities for landing or storage use zones.
- 6.00 Establishment of impact, compatibility or restricted use zones.

DEPARTMENT OF ENERGY

- 1.00 Prohibition orders.

GENERAL SERVICES ADMINISTRATION

- 1.00 Acquisition, location and design of proposed Federal Government property or buildings, whether leased or owned by the Federal Government.
- 2.00 Disposition of Federal surplus lands and structures.

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

- 1.00 Management of National Wildlife refuges and proposed acquisitions.

Mineral Management Service

- 2.00 OCS lease sale activities including tract selection, lease sale stipulations, etc.

National Park Service

- 3.00 National Park and Seashore management and proposed acquisitions.

DEPARTMENT OF TRANSPORTATION

Amtrak, CSX

- 1.00 Expansions, curtailments, new construction, upgrading or abandonments or railroad facilities or services, in or affecting the State's coastal area.

Coast Guard

- 2.00 Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- 3.00 Location, placement or removal of navigation devices which are not part of the routine operations under the Aids to Navigation Program (ATON).
- 4.00 Expansion, abandonment, designation or anchorages, lightening areas or shipping lanes and ice management practices and activities.

Federal Aviation Administration

- 5.00 Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

Federal Highway Administration

- 6.00 Highway construction.

St. Lawrence Seaway Development Corporation

- 7.00 Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

FEDERAL LICENSES AND PERMITS

DEPARTMENT OF DEFENSE

Army Corps of Engineers

- 1.00 Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under

Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).

- 2.00 Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- 3.00 Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- 4.00 Approval of plans for improvements made at private expense under USACOE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- 5.00 Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404, (33 U.S.C. 1344).
- 6.00 All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- 7.00 Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4(f) of the River and Harbors Act of 1912 (33 U.S.C.).

DEPARTMENT OF ENERGY

Economic Regulatory Commission

- 1.00 Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
- 2.00 Exemptions from prohibition orders.

Federal Energy Regulatory Commission

- 3.00 Licenses for non-Federal hydroelectric projects and primary transmission lines under Sections 3(11), 4(e) and 15 of the Federal Power Act (16 U.S.C. 796(11), 797(11) and 808).
- 4.00 Orders for interconnection of electric transmission facilities under Section 202(b) of the Federal Power Act (15 U.S.C. 824a(b)).
- 5.00 Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)).
- 6.00 Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717f(b)).

ENVIRONMENTAL PROTECTION AGENCY

- 1.00 NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Section 401, 402, 403, 405,

and 318 of the Federal Water Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).

- 2.00 Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- 3.00 Permits pursuant to the underground injection control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300h-c).
- 4.00 Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

DEPARTMENT OF INTERIOR

Fish and Wildlife Services

- 1.00 Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153(a)).

Mineral Management Service

- 2.00 Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- 3.00 Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

NUCLEAR REGULATORY COMMISSION

- 1.00 Licensing and certification of the siting, construction and operation of nuclear power plants pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

SURFACE TRANSPORTATION BOARD

- 1.00 Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct coal slurry pipelines.

DEPARTMENT OF TRANSPORTATION

Coast Guard

- 1.00 Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- 2.00 Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

Federal Aviation Administration

3.00 Permits and licenses for construction, operation or alteration of airports.

FEDERAL ASSISTANCE*

DEPARTMENT OF AGRICULTURE

10.068 Rural Clean Water Program
10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.410 Low to Moderate Income Housing Loans
10.411 Rural Housing Site Loans
10.413 Recreation Facility Loans
10.414 Resource Conservation and Development Loans
10.415 Rural Renting Housing Loans
10.416 Soil and Water Loans
10.418 Water and Waste Disposal Systems for Rural Communities
10.422 Business and Industrial Loans
10.424 Industrial Development Grants
10.426 Area Development Assistance Planning Grants
10.429 Above Moderate Income Housing Loans
10.430 Energy Impacted Area Development Assistance Program
10.901 Resource Conservation and Development
10.902 Soil and Water Conservation
10.904 Watershed Protection and Flood Prevention
10.906 River Basin Surveys and Investigations

DEPARTMENT OF COMMERCE

11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
11.301 Economic Development - Business Development Assistance
11.302 Economic Development - Support for Planning Organizations
11.304 Economic Development - State and Local Economic Development Planning
11.305 Economic Development - State and Local Economic Development Planning
11.307 Special Economic Development and Adjustment Assistance Program – Long Term Economic Deterioration
11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
11.405 Anadromous and Great Lakes Fisheries Conservation
11.407 Commercial Fisheries Research and Development
11.417 Sea Grant Support

- 11.427 Fisheries Development and Utilization - Research and Demonstration Grants and Cooperative Agreements Program
- 11.501 Development and Promotion of Ports and Intermodal Transportation
- 11.509 Development and Promotion of Domestic Waterborne Transport Systems

COMMUNITY SERVICES ADMINISTRATION

- 49.002 Community Action
- 49.011 Community Economic Development
- 49.013 State Economic Opportunity Offices
- 49.017 Rural Development Loan Fund
- 49.018 Housing and Community Development (Rural Housing)

ENVIRONMENTAL PROTECTION AGENCY

- 66.001 Air Pollution Control Program Grants
- 66.418 Construction Grants for Wastewater Treatment Works
- 66.426 Water Pollution Control - State and Areawide Water Quality Management Planning Agency
- 66.451 Solid and Hazardous Waste Management Program Support Grants
- 66.452 Solid Waste Management Demonstration Grants
- 66.600 Environmental Protection Consolidated Grants Program Support Comprehensive Environmental Response, Compensation and Liability (Super Fund)

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- 14.112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects
- 14.115 Mortgage Insurance - Development of Sales Type Cooperative Projects
- 14.117 Mortgage Insurance - Homes
- 14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing
- 14.125 Mortgage Insurance - Land Development and New Communities
- 14.126 Mortgage Insurance - Management Type Cooperative Projects
- 14.127 Mortgage Insurance - Mobile Home Parks
- 14.218 Community Development Block Grants/Entitlement Grants

- 14.219 Community Development Block Grants/Small Cities Program
- 14.221 Urban Development Action Grants
- 14.223 Indian Community Development Block Grant Program

DEPARTMENT OF INTERIOR

- 15.400 Outdoor Recreation - Acquisition, Development and Planning
- 15.402 Outdoor Recreation - Technical Assistance
- 15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments
- 15.411 Historic Preservation Grants-in-Aid
- 15.417 Urban Park and Recreation Recovery Program
- 15.600 Anadromous Fish Conservation
- 15.605 Fish Restoration
- 15.611 Wildlife Restoration
- 15.613 Marine Mammal Grant Program
- 15.802 Minerals Discovery Loan Program
- 15.950 National Water Research and Development Program
- 15.951 Water Resources Research and Technology - Assistance to State Institutes
- 15.952 Water Research and Technology - Matching Funds to State Institutes

SMALL BUSINESS ADMINISTRATION

- 59.012 Small Business Loans
- 59.013 State and Local Development Company Loans
- 59.024 Water Pollution Control Loans
- 59.025 Air Pollution Control Loans
- 59.031 Small Business Pollution Control Financing Guarantee

DEPARTMENT OF TRANSPORTATION

- 20.102 Airport Development Aid Program
- 20.103 Airport Planning Grant Program
- 20.205 Highway Research, Planning, and Construction
- 20.309 Railroad Rehabilitation and Improvement - Guarantee of Obligations
- 20.310 Railroad Rehabilitation and Improvement - Redeemable Preference Shares
- 20.506 Urban Mass Transportation Demonstration Grants
- 20.509 Public Transportation for Rural and Small Urban Areas

GENERAL SERVICES ADMINISTRATION

- 39.002 Disposal of Federal Surplus Real Property

* Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its two subsequent updates.

2. Federal and State Actions Necessary to Further the LWRP

a. State Actions and Programs

OFFICE OF GENERAL SERVICES

- Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy these lands.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- Planning, development, construction, or expansion of recreational facilities/projects located in waterfront.
- Provision of funding for capital projects under the Clean Water/Clean Air Bond Act.
- Review of actions within National Register Districts pursuant to SEQR.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION

- Planning, development, construction, major renovation or expansion of recreational facilities or the provision of funding for such facilities.
- Provision of funding for State and local activities from the Land and Water Conservation Fund.
- Planning, development, implementation or the provision of funding for recreation services programs.
- Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by the OPRHP — including the acquisition, development and improvement of parks and historic properties.
- Provision of funding for State and local historic preservation activities.
- Review of Type I actions within the National Historic Districts.
- Certification of properties within the National Register Districts.
- Nomination to State and Federal Register of Historic Places of structures and districts making them eligible for funding and tax incentives.

DEPARTMENT OF STATE

- Provision of funding for the implementation of an approved LWRP.
- Funding or partial funding of eligible activities through the Environmental Protection Fund (EPF) administered by the DOS.

HUDSON RIVER VALLEY GREENWAY

- Technical and financial assistance to enhance local land use planning and support Greenway Criteria.

GREENWAY CONSERVANCY FOR THE HUDSON RIVER VALLEY

- Assistance in the acquisition, disposition, lease or grant of easement related to lands which the Conservancy has an interest.
- Assistance in trail development, Hudson River public access projects, and natural and cultural resources.

b. Federal Actions and Programs

DEPARTMENT OF DEFENSE

Corps of Engineers

A U.S. Army Corps of Engineers permit would be required for the following activities:

- dredging and shoreline stabilization
- repair or installation of boat ramps
- restoration of Quassaick Creek
- installation of piers and marina-related facilities

ENVIRONMENTAL PROTECTION AGENCY

- Review of any proposed action within a National Register District pursuant to NEPA

DEPARTMENT OF THE INTERIOR

National Park Service

- Provision of funding under the Land and Water Conservation Fund Program
- Review of federal actions within the National Register Districts pursuant to NEPA

SECTION VII
CONSULTATION WITH OTHER AFFECTED
FEDERAL, STATE, REGIONAL AND
LOCAL AGENCIES

SECTION VII CONSULTATION WITH OTHER AFFECTED FEDERAL, STATE, REGIONAL AND LOCAL AGENCIES

A. Local Consultation

Local consultation has consisted of numerous meetings with the Waterfront Advisory Committee (see Section VIII), which was formed to prepare Newburgh's first LWRP. The seven-member committee is authorized to review and make recommendations to appropriate agencies regarding the consistency of proposed actions with the policy standards of the LWRP. City of Newburgh staff were also consulted.

B. Regional Consultation

No direct regional consultation has taken place.

C. State Consultation

The following State agencies were contacted during the preparation of the LWRP:

Department of Environmental Conservation

Information was requested concerning the classification of the Quassaick Creek and the status of SPEDES permit for discharges into the creek.

Office of General Services

Maps were requested showing ownership of lands under water along the Newburgh waterfront.

Department of State – Division of Coastal Resources

Input was requested regarding the structure and organization of the LWRP.

D. Federal Consultation

No direct federal consultation has taken place at this time.