

APPENDIX A: Compatible Land Uses

(adapted from 6 NYCRR § 663.4[d])

Existing Structures and Facilities

	ACTIVITIES	PERMIT AND COMPATIBILITY BY AREA	
		WATER RESOURCE	ASSOCIATED WATER RESOURCE BUFFER
1	Ordinary maintenance and repair of existing functional structures, facilities or improved areas, including but not limited to bridges, roads, highways, culverts, railroad beds, bulkheads, docks, beaches, piers, wharves, pilings, dolphins, utility rights-of-way, buildings, landscaped or paved areas, lawns, and mosquito control ditches. Such maintenance and repair might include, for example, replacing broken boards in docks, repainting structures, redriving pilings, resurfacing paved areas, and installing and removing docks on a seasonal basis but does not include activities covered by items 12, 13, 14, and 20 or other applicable items listed in this chart.	Exempt	Exempt
2	In-kind and in-place replacement of existing functional bulkheads and similar structures.	Letter of Permission	Letter of Permission
3	Routine beach regrading and cleaning.	Letter of Permission	Letter of Permission
4	Restoring, reconstructing or modifying existing functional structures or facilities which involves temporary disturbance of no more than 600 square feet of ground surface	Usually incompatible	Letter of permission.
5	Expanding or substantially modifying existing functional structures or facilities, except for activities covered by items 4, or 20.	Usually incompatible	Letter of Permission or WRPA

Operating Motor Vehicles

	ACTIVITIES	PROCEDURE & COMPATIBILITY BY AREA	
		WATER RESOURCE	ASSOCIATED

			WATER RESOURCE BUFFER
6	Intensive, organized, and repetitive use of all-terrain vehicles, air and motor boats, and snowmobiles	Usually Incompatible	Usually Incompatible

Draining, Filling, Grading, Clear-cutting, and Dredging

	ACTIVITIES	COMPATIBILITY	
		WATER RESOURCE	ASSOCIATED WATER RESOURCE BUFFER
7	Draining and altering water levels	Incompatible	Incompatible except as part of an agricultural activity
8	Removing or breaching beaver dams	Letter of Permission	Usually Compatible
9	Constructing, expanding, or substantially modifying drainage ditches.	Incompatible	Usually Incompatible except as part of an agricultural activity
10	Filling, including filling for agricultural purposes	Incompatible	Usually Incompatible
11	Installing or creating a dry well, basin, filter, open swale, or pond	Usually Incompatible	Letter of Permission
12	Clearcutting trees	Incompatible	Usually Incompatible
13	Clearcutting vegetation other than trees.	Incompatible	Usually Incompatible except as part of an agricultural activity
14	Cutting but not elimination or destruction of vegetation, such that the functions and benefits of the wetland are not significantly adversely affected	Letter of Permission	Letter of Permission
15	Grading and dredging	Incompatible	Usually Incompatible
16	Mining	Incompatible	Incompatible
17	Constructing Roads, except for winter truck roads as defined in subdivision 663.2(c)	Incompatible	Usually Incompatible
18	Drilling a water well to serve an individual residence	Letter of Permission	Usually Incompatible
19	Drilling a well, except for activities covered by item 18	Incompatible	Usually incompatible

Dams, Docks, and Bulkheads

	ACTIVITIES	COMPATIBILITY	
		WATER RESOURCE	ASSOCIATED WATER RESOURCE BUFFER

20	Installing a dock, pier, wharf, or other structure built on floats or open-work supports and having a top surface area of not more than 200 square feet.	Usually compatible	Usually Compatible
21	Installing any dock, pier, wharf, or other structure used as a landing place on water, except for activities covered by item 20.	Usually Incompatible	Usually Incompatible
22	Constructing groins, bulkheads, and other shoreline stabilization structures	Usually Incompatible	Usually Incompatible
23	Constructing or removing berms, levees, dikes, dams, and other control structures	Usually Incompatible	Usually Incompatible

Utilities

	ACTIVITIES	PERMIT & COMPATIBILITY BY AREA	
		WATER RESOURCE	ASSOCIATED WATER RESOURCE BUFFER
24	Installing utility service to an individual residence	Letter of Permission	Exempt
25	Installing electric, telephone, or other utilities from an existing utility distribution facility to a structure, except for activities covered by item 24, where no major modifications or construction activities in the water resource are necessary.	Letter of Permission	Usually Compatible
26	Installing utilities, except for activities regulated by Article VII or VIII of the Public Service Law or by item 25.	Incompatible	Usually Incompatible

Pollution and Pesticides

	ACTIVITIES	COMPATIBILITY	
		WATER RESOURCE	ASSOCIATED WATER RESOURCE BUFFER
27	Introducing or storing any substance, including any chemical, petrochemical, solid	Incompatible	Incompatible

	waste, nuclear waste, toxic material, sewage effluent, or other pollutant, except as described in item 28, 29, and 30.		
28	Application of a pesticide conducted pursuant to a permit issued under Article 15 of the Environmental Conservation Law (see 6 NYCRR Part 327, 328, 329).	N/A	N/A
29	Application of a pesticide where no permit is required under Article 15 of the Environmental Conservation Law (see 6 NYCRR 327,328, 329).	Incompatible	Usually Incompatible
30	Application of a pesticide to the grounds of a private residence when such use is by the owner.	Letter of Permission	Usually Incompatible

Buildings

	ACTIVITIES	COMPATIBILITY	
		WATER RESOURCE	ASSOCIATED WATER RESOURCE BUFFER
31	Constructing a residence or related structures or facilities	Incompatible	Usually Incompatible
32	Constructing commercial or industrial facilities, public buildings, or related structures or facilities	Incompatible	Incompatible