



# New York Marine Debris Emergency Response Guide: Comprehensive Guidance Document

NOAA Marine Debris Program  
National Oceanic and Atmospheric Administration  
U.S. Department of Commerce  
Technical Memorandum NOS OR&R Marine Debris Emergency Response Guide 015a  
April 2023

# New York Marine Debris Emergency Response Guide

## *Comprehensive Guidance Document*

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## List of Acronyms

ACP	Area contingency plan
ADV	Abandoned and derelict vessel
BMP	Best management practice
C&D	Construction and demolition debris
CBRS	John H. Chafee Coastal Barrier Resources System
DEC	New York State Department of Environmental Conservation
DHSES	New York State Division of Homeland Security and Emergency Services
DoD	U.S. Department of Defense
DOS	New York Department of State
DOT	Department of Transportation
DPC	Disaster Preparedness Commission (of New York State)
ECP	Emergency Conservation Program (of FSA)
EOC	Emergency operations center
EFH	Essential fish habitat
EPA	U.S. Environmental Protection Agency
ERMA	Emergency Response Management Application
ESA	Endangered Species Act
ESF	Emergency support function
EWP	Emergency Watershed Protection Program (of NRCS)
FEMA	Federal Emergency Management Agency
FOSC	Federal on-scene coordinator
FSA	Farm Service Agency
FWCA	Fish and Wildlife Coordination Act
MSA	Magnuson-Stevens Fisheries Conservation and Management Act
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NEPA	National Environmental Policy Act
NERR	National Estuarine Research Reserve
NOAA	National Oceanic and Atmospheric Administration
NPS	National Park Service
NRC	National Response Center
NRCS	Natural Resources Conservation Service
NRT	Navigation response team (of NOAA)
NWR	National Wildlife Refuge (of USFWS)
NYC	New York City
NYS	New York State
OEM	Office of Emergency Management (of New York State)
OGS	Office of General Services (of New York State)
RCP	Regional contingency plan
RP	Responsible party
USACE	U.S. Army Corps of Engineers
USCG	U.S. Coast Guard
USFWS	U.S. Fish and Wildlife Service

## Definitions

**Abandoned vessel law** – Except in an emergency, it shall not be lawful to intentionally beach or abandon any vessel, ship, boat or other water craft on underwater lands of navigable waters of the state surrounding Richmond county, without the permission of the owners or lessees of the uplands abutting such underwater lands. Any violation of this section shall be a misdemeanor punishable as set forth in section seventy-three-b of this article (N.Y. Nav. Law § 45(a)).

**Area contingency plan (ACP)** – Reference document prepared by an Area Committee for the use of all agencies engaged in responding to environmental emergencies in a defined geographic area. The purpose of the ACP is to define the roles, responsibilities, resources, and procedures necessary to address oil and hazardous substance incidents. In New York, U.S. Coast Guard Sectors New York, Long Island Sound, and Buffalo prepare and maintain the ACPs for their respective jurisdictions (U.S. Coast Guard [USCG], 2016, 2017, 2018).

**Coastal area** – (a) the state's coastal waters, and (b) the adjacent shorelands, including landlocked waters and subterranean waters, to the extent such coastal waters and adjacent lands are strongly influenced by each other including, but not limited to, islands, wetlands, beaches, dunes, barrier islands, cliffs, bluffs, inter-tidal estuaries and erosion prone areas. The coastal area extends to the limit of the state's jurisdiction on the water side and inland only to encompass those shorelands, the uses of which have a direct and significant impact on the coastal waters. The coastal area boundaries are as shown on the coastal area map on file in the office of the secretary of state as required in section nine hundred fourteen of this article (N.Y. Exc. Law § 911(1)).

**Coastal erosion hazard area** – Those areas of the coastline: (a) which are determined as likely to be subject to erosion within a forty-year period. The inland boundary of such areas shall be determined on the basis of shoreline recession analysis and other pertinent studies and surveys by starting at the bluff edge or most landward point of active erosion and measuring along a line which is normal to the line of mean high water a distance which is forty times the long-term average annual rate of shoreline recession, where such average annual recession rate is at least one foot; or (b) which constitute natural protective features, the alteration of which might reduce or destroy the protection afforded other lands against erosion, or lower the reserves of sand or other natural materials available to replenish storm losses through natural processes (N.Y. Env. Law § 32-0103(3)).

**Coastal zone (Regional Contingency Plan [RCP] coastal zone)** – U.S. Coast Guard area of responsibility for response under the National Contingency Plan, with geographic boundaries defined in the *Region II (NY/NJ) Regional Response Team Regional Oil and Hazardous Substances Pollution Contingency Plan* (RCP; U.S. Environmental Protection Agency [EPA], 2020).

**Disaster** – Occurrence or imminent, impending or urgent threat of wide spread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, disease outbreak, air contamination, terrorism, cyber event, blight, drought, infestation, explosion, radiological accident, nuclear, chemical, biological, or bacteriological release, water contamination, bridge failure or bridge collapse (N.Y. Env. Law § 20(2)(a)).



**Eligible applicant** – Entities who may receive Public Assistance reimbursement funding from the Federal Emergency Management Agency under the Stafford Act. Eligible applicants include state and local governments, federally recognized Indian tribal governments, and certain private nonprofits that serve a public function and have the legal responsibility to remove the debris (44 C.F.R. § 206.222).

**Eligible debris** – Debris that is a direct result of a major disaster declared by the president, in the designated disaster area, and whose removal is necessary to eliminate the immediate threat to life, public health and safety, or improved property (Federal Emergency Management Agency [FEMA], 2007).

**Emergency** –

- **National Oceanic and Atmospheric Administration Fisheries** – A situation involving an act of God, disasters, casualties, national defense or security emergencies, etc., and includes response activities that must be taken to prevent imminent loss of human life or property (National Oceanic and Atmospheric Administration [NOAA], 2019).
- **Federal Emergency Management Agency** – Any occasion or instance for which, in the determination of the president, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States (42 U.S.C. § 5122(1)).
- **U.S. Army Corps of Engineers** – A situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures (33 C.F.R. § 325.2(e)(4)).

**Emergency support function (ESF)** – Used by the Federal Government and many state governments as the primary coordinating structures that group resources and capabilities into functional areas most frequently needed in a national response (U.S. Department of Homeland Security, 2019). ESFs most commonly applied during response to a marine debris incident are ESF-3, Public Works and Engineering, and ESF-10, Oil and Hazardous Materials Response.

**Environmental sensitivity index map** – Maps produced by the National Oceanic and Atmospheric Administration that provide a concise summary of coastal resources that are at risk if an oil spill occurs nearby. Examples of at-risk resources include biological resources (such as birds and shellfish beds), sensitive shorelines (such as marshes and tidal flats), and human-use resources (such as public beaches and parks; NOAA, 2021).

**Federally maintained waterways and channels** – A waterway that has been authorized by Congress, and which U.S. Army Corps of Engineers operates and maintains for general (including commercial and recreational) navigation.

**Hazard to navigation** – An obstruction, usually sunken, that presents sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal, or re-definition of a designated waterway to provide for navigational safety (33 C.F.R. § 64.06).

**Hazardous substance** – (A) Any substance designated pursuant to section 311(b)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution, or substance

designated pursuant to 42 U.S.C. § 9602, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of this paragraph and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas; 42 U.S.C. § 9601(14)).

**Hazardous waste** – Regulated under the Resource Conservation and Recovery Act and contains properties that make it potentially harmful to human health or the environment. A Resource Conservation and Recovery Act hazardous waste is a waste that appears on one of the four hazardous waste lists or exhibits at least one of the following four characteristics: ignitability, corrosivity, reactivity, or toxicity (FEMA, 2007).

**Historic property** – Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization and that meet the National Register criteria (36 C.F.R. § 800.16(l)(1)).

**Improved property** – Any structure, facility, or equipment that was built, constructed, or manufactured. Examples include buildings, levees, roads, and vehicles. Land used for agricultural purposes is not improved property, nor are vacant lots, forests, heavily wooded areas, and unused areas (44 C.F.R. § 206.221(d)).

**Inland zone (Regional Contingency Plan [RCP] inland zone)** – U.S. Environmental Protection Agency area of responsibility for response under the National Contingency Plan, with geographic boundaries defined in *Region II (NY/NJ) Regional Response Team Regional Oil and Hazardous Substances Pollution Contingency Plan* (RCP; EPA, 2020).

**Major disaster** – Any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the president causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby (42 U.S.C. § 5122(2)).

**Marine debris** – Any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or Great Lakes (33 U.S.C. § 1956(3)). For purposes of this document, the term marine debris may also refer to vegetative material that enters a waterway following a natural or anthropogenic incident and poses a threat to the natural or built environment. This also includes shoreline and wetland debris and debris in some inland, non-tidal waterways.

**Marine District** – The waters of the Atlantic Ocean within three nautical miles from the coastline and all other tidal waters within the state, except the Hudson River northerly of the south end of Manhattan Island (N.Y. Env. Law § 17-0105(3)).

**National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan, NCP)** – Federal Government’s blueprint for responding to both oil spills and hazardous substance releases (EPA, 2022).

**Navigable waterways** –

- Navigable waterways include both those waterways which are federally maintained and those waterways which are not federally maintained. U.S. Army Corps of Engineers defines navigable waters of the United States as 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 (33 C.F.R. § 2.36; 33 C.F.R. § 329.4).
- All lakes, rivers, streams and waters within the boundaries of the state and not privately owned, which are navigable in fact or upon which vessels are operated, except all tidewaters bordering on and lying within the boundaries of Nassau and Suffolk counties (N.Y. Nav. Law § 2(4)).

**Litter Law** –

- **New York City Parks** – No person shall throw, drop, allow to fall, discharge into or leave in, or otherwise introduce into Parks waters any substance, liquid or solid, gas, or other item which may or will result in the pollution of said waters. Violation of this paragraph constitutes a misdemeanor (N.Y.C. Admin. Code § 1-04(c)(2)).
- **New York State** – No person, whether engaged in commerce or otherwise, shall place, throw, deposit or discharge, or cause to be placed, thrown, deposited, or discharged, any litter into the waters of this state or upon any public lands contiguous to and within one hundred feet of such waters or upon any private lands contiguous to and within one hundred feet of such waters unless such lands are owned by such person or unless such person enters or remains with the permission of the owner of record or his representative or agent (N.Y. Nav. Law § 16(2)(b)).

**Obstruction** – Anything that restricts, endangers, or interferes with navigation (33 C.F.R. § 64.06).

**Oil** – Oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil (33 U.S.C. § 1321(a)(1)).

**Petroleum** – Includes crude oil, gases (including natural gas), natural gasoline, and other related hydrocarbons, oil shale, and the products of any such resources (42. U.S.C. § 6501).

**Pollutant** – Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, and agricultural waste discharged into water; and ballast which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards adopted as provided herein (N.Y. Env. Law § 17-0105(17)).



**Pollutant or contaminant** – Includes, but is not limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring; except that the term “pollutant or contaminant” shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of 42 U.S.C. § 9601(14) and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas; 42 U.S.C. § 9601(33)).

**Recoverable debris** – Generally any documented vessel, vehicle, recreational vehicle, or shipping container traceable to an owner (U.S. Army Corps of Engineers, 2010).

**Severe marine debris event** – An atypically large amount of marine debris caused by a natural disaster, including a tsunami, flood, landslide, or hurricane, or other source (33 U.S.C. § 1956(6)).

**Solid waste** – All materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form (N.Y. Env. Law § 27-0501(7)).

**Stafford Act** – The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, provides the authorities and funding for federal support to state and local entities in responding to presidential major disaster and emergency declarations (U.S. Department of Homeland Security, 2019).

**Tidal wetlands** – Shall mean and include the following (a) those areas which border on or lie beneath tidal waters, such as, but not limited to, banks, bogs, salt marsh, swamps, meadows, flats or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters; (b) all banks, bogs, meadows, flats and tidal marsh subject to such tides, and upon which grow or may grow some or any of the following: salt hay, black grass, saltworts, sea lavender, tall cordgrass, hightide bush, cattails, groundsel, marsh mallow and the intertidal zone including low marsh cordgrass (N.Y. Env. Law § 25-0103(1)).

**Vegetative debris** – Whole trees, tree stumps, tree branches, tree trunks, and other leafy material. May be recyclable or have salvage value (FEMA, 2007).

**Vessel** – Every description of watercraft, including an iceboat, used or capable of being used as a means of transportation on water or ice, and shall include the hull, motor/engine, component parts, spars, sails and accessories of such watercraft; provided, however, that personal watercraft and dealers of personal watercraft shall not be subject to the provisions of this article when such dealers are subject to the provisions of article seventeen-A of the vehicle and traffic law, as added by chapter eight hundred fifteen of the laws of nineteen hundred eighty-three (N.Y. Gbs. Law § 810(6)).

**Waters (of the state)** – “Waters of the state” shall be construed to include lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the state of New York and all other bodies of surface or underground water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction (N.Y. Env. Law § 17-0105(2)).

**White goods** – Discarded household appliances such as refrigerators, freezers, air conditioners, heat pumps, ovens, ranges, washing machines, clothes dryers, and water heaters. May contain ozone-depleting refrigerants, mercury, or compressor oils that must be removed before disposal. May be recyclable or have salvage value (FEMA, 2007).

**Wreck** – Any wrecked property, other than an abandoned historic shipwreck (N.Y. Nav. Law § 130).

# 1 Introduction

## 1.1 Purpose

The purpose of this document is to improve preparedness for response and recovery operations following a disaster that generates marine debris in New York. This document outlines existing response structures at the local, state, and federal levels to facilitate a coordinated, well-managed, and immediate response to marine debris incidents impacting New York’s coastal areas, including the Great Lakes region.

Individual organization roles and responsibilities are presented in text form as well as in a consolidated one-page [flowchart](#) that functions as a decision tree for marine debris response. Additionally, organization jurisdictions are presented in a dynamic map available [online](#) (NOAA, 2022a). The document also includes an overview of permitting and compliance requirements that must be met before debris removal work begins. This information is synthesized in a one-page reference [handout](#).

Because all incidents are different, in reality some aspects of marine debris response are subjective and not solely dependent on prevailing roles and authorities. This is especially true following a major, catastrophic, or unprecedented incident. This document seeks to capture the most likely response structure and actions with the understanding that flexibility is an inherent component of an effective response.

The *New York Marine Debris Emergency Response Guide: Comprehensive Guidance Document (Guide)* serves as a complete reference for New York marine debris response. The [Field Reference Guide](#) includes an organization contact table and the most pertinent information for quick reference in the field and during emergency response operations.

## 1.2 Scope of Guide

The *Guide* addresses both natural and anthropogenic marine debris incidents affecting New York’s coastal and Great Lakes areas. In 33 U.S.C. § 1956(3), marine debris is defined as any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned into the marine environment or Great Lakes. Although vegetative debris is not included in the legal definition for marine debris, stakeholders have identified it as a common debris stream of concern following natural disasters. Therefore, in this document, the term marine debris is used more generally and includes vegetative material and debris that could be exposed to or release oil, hazardous substances, pollutants, or contaminants that enters a waterway following an acute incident and poses a threat to the natural or built environment. This also includes shoreline and wetland debris and debris in some inland, non-tidal waterways. This *Guide* specifically addresses marine debris resulting from episodic incidents, such as disaster debris, and may not apply to chronic marine debris issues.

## 1.3 Guide Maintenance

The *Guide* is a living document and is subject to change as additional information becomes available and updates are needed. The *Guide* will be maintained by the National Oceanic and Atmospheric Administration’s (NOAA) Marine Debris Program in coordination with federal, state, and local stakeholders. Contact information in the [Field Reference Guide](#) will be verified annually, and the

*Guide* will undergo a formal review every five years, if needed. The *New York Marine Debris Emergency Response Guide* and subsequent versions will be posted on the NOAA Marine Debris Program website at <https://marinedebris.noaa.gov/our-work/emergency-response> (NOAA, 2022d).

## 2 Marine Debris Incidents in New York

### 2.1 Disaster Incidents

New York State's geography makes it uniquely vulnerable to marine debris incidents because its coastal area includes both the eastern Atlantic coast as well as the northwestern coast bounded by two Great Lakes. The Atlantic coast of New York is comprised of seven counties, and includes New York City—the most populous city in the United States—and its five boroughs. This area is surrounded by the Atlantic Ocean, the Hudson River, and multiple bays that provide both critical transportation routes and important natural resources for residents. The northwestern coast of New York includes parts of Lake Erie and Lake Ontario, as well as the St. Lawrence River, which are shared and protected by both the United States and Canada (Great Lakes Water Quality Protocol, 2012). This Great Lakes ecosystem holds 21% of the world's freshwater resources and is a critical asset to the area's residents (New York State Department of Environmental Conservation [DEC], n.d.).

There are several natural and anthropogenic hazards that pose a threat of releasing large amounts of debris into New York's waterways. The most probable natural hazard is flooding, both inland and on the coast (New York State Division of Homeland Security and Emergency Services [DHSES], 2019). Flooding in New York is caused by storms and severe weather events, such as hurricanes and heavy snowfall, as well as failure of levees and dams. Since 1953, there have been 101 major disaster declarations in New York State, with 64% of those disasters being flood events or storms with associated flooding (FEMA, 2021). These events can produce large amounts of marine debris and come with high removal costs.

On October 29, 2012, Hurricane Sandy made landfall along the northeastern coast of the United States, causing particularly severe damage in New Jersey and New York. The strong winds and flooding caused by Sandy produced over 400,000 tons of debris in New York City alone (New York City Emergency Management, 2014). The debris produced by Hurricane Sandy also resulted in the highest removal costs of any debris-generating disaster in the state (FEMA, 2022). This large-scale devastation highlighted the importance of pre-planning, interagency coordination, and immediate response to disaster debris.

Regardless of the type of hazard to affect the state of New York, debris removal projects have high costs in relation to other types of projects eligible for reimbursement through the Federal Emergency Management Agency (FEMA) following a presidentially declared disaster. [Table 1](#) shows the total costs associated with debris response and removal for major disasters in New York from 2011-2020. The last column indicates the number of dollars for debris removal reimbursed by FEMA through the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act).

**Table 1.** Debris-generating major disasters and removal funds reimbursed through Federal Emergency Management Agency Public Assistance grants in New York from 2011 through 2020. Note disaster number DR-4085, Hurricane Sandy, which resulted in the highest debris removal costs. Table adapted from Federal Emergency Management Agency (2022).

Disaster Name	Disaster Number	Declaration Date	Total Obligated (Debris removal)
Severe Storms, Flooding, Tornadoes, and Straight-line Winds	DR-1993	06/10/2011	\$8,381,987.15
Hurricane Irene	DR-4020	08/31/2011	\$166,056,525.72
Remnants of Tropical Storm Lee	DR-4031	10/13/2011	\$47,515,847.63
Hurricane Sandy	DR-4085	10/30/2012	\$2,653,261,896.99
Severe Storms and Flooding	DR-4129	07/12/2013	\$35,484,258.06
Severe Storms and Flooding	DR-4180	07/08/2014	\$7,121,734.02
Severe Storms and Flooding	DR-4397	10/01/2018	\$3,724,438.63
Severe Storms, Straight-line Winds, and Flooding	DR-4472	12/19/2019	\$4,830,229.48
Tropical Storm Isaias	DR-4567	10/20/2020	\$5,133,942.25
<b>Total</b>			<b>\$2,931,510,859.93</b>

## 2.2 Prominent Debris Types

Some agency authorities are dependent on both the location and type of debris. Therefore, response to debris in New York waterways may vary depending on the debris type to be removed. Primary debris types generated after a disaster as defined by FEMA (2007) include the following:

- Chemical, biological, radiological, and nuclear-contaminated
- Construction and demolition (C&D)
- Electronic waste (e-waste)
- Household hazardous waste/material
- Infectious waste
- Oil and hazardous substances
- Putrescent debris
- Soil, mud, and sand
- Vegetative debris
- Vehicles and vessels
- White goods

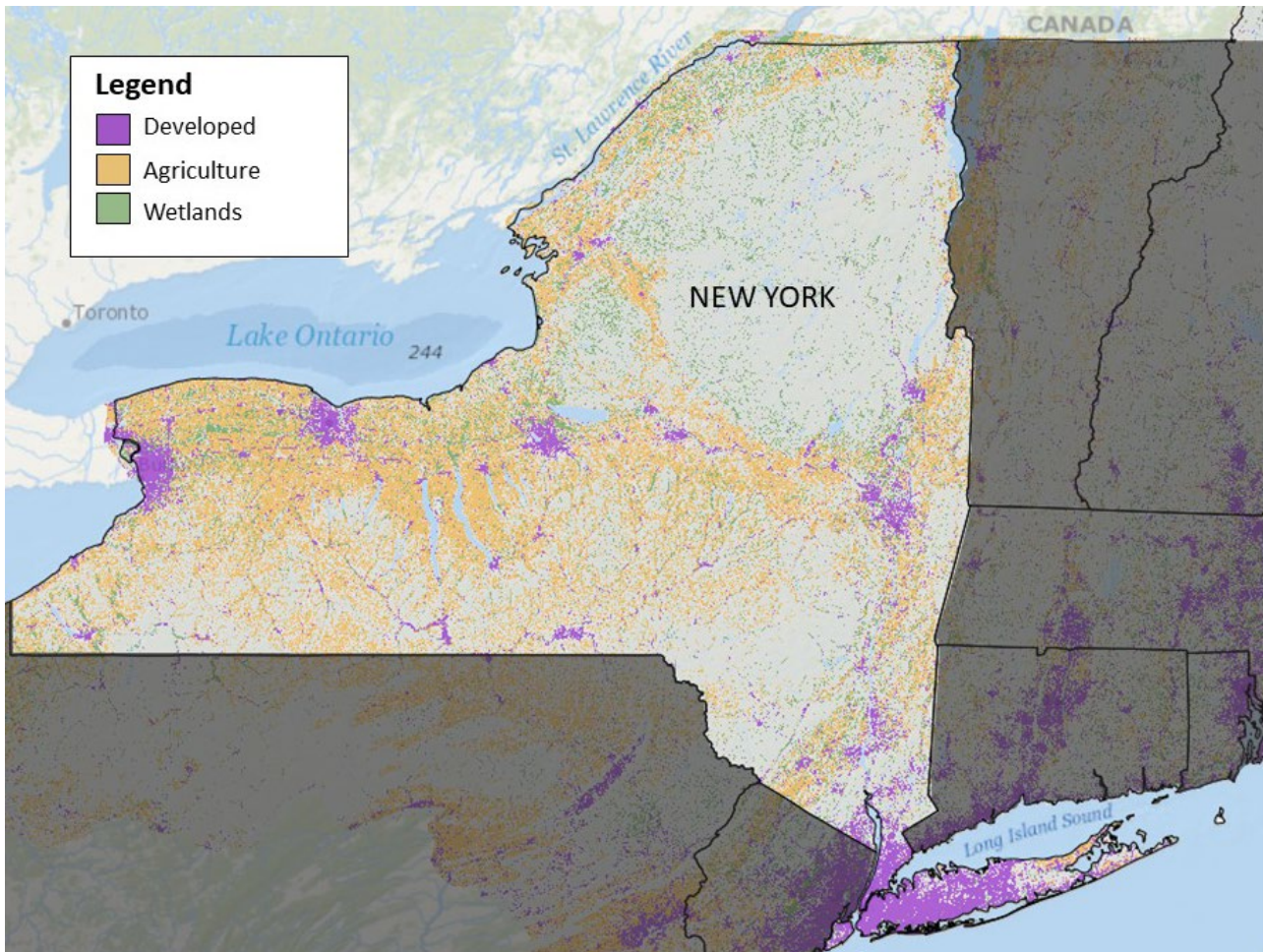


A description of key debris types is included in the [Definitions](#) section of this document. It is difficult to predict the exact mix of marine debris that will be generated after a disaster since different types of hazard incidents generally result in different debris types. [Table 2](#) includes an overview of typical debris streams for several natural hazards. Although [Table 2](#) only covers natural hazards, man-made hazards such as an accident during waterway commerce are also concerns. Man-made hazards are highly variable in both quantity and type of marine debris released.

**Table 2.** Typical debris streams for different types of hazard incidents. Data adapted from Federal Emergency Management Agency (2007).

		Typical Debris Streams								
		Construction and Demolition (C&D)	Hazardous Waste	Household Hazardous Waste	Personal Property/ Household Items	Putrescent	Soil, Mud, and Sand	Vegetative	Vessels and Vehicles	White Goods
Natural Hazards	Hurricanes/Tropical Storms	X	X	X	X	X	X	X	X	X
	Flooding	X	X	X	X	X	X	X	X	X
	Tornadoes/Wind Storms	X	X	X	X	X		X	X	X
	Earthquakes	X	X	X	X		X			X
	Winter/Ice Storms			X				X		
	Tsunamis	X	X	X	X	X	X	X	X	X

The type and quantity of marine debris generated after a disaster is dependent on land use and existing infrastructure along New York’s waterways. For example, protected undeveloped areas within state forests upstate are likely to generate vegetative debris, while developed areas, such as Manhattan and Long Island are likely to generate C&D debris. A land cover map for New York is depicted in [Figure 1](#) and illustrates the distribution of land use types in the state, including developed lands. Increased development in the floodplain will increase the likelihood of marine debris following a natural hazard event.



**Figure 1.** Land cover map for the state of New York (National Oceanic and Atmospheric Administration, 2022b).

### 3 New York Marine Debris Response Flowchart

The “New York Marine Debris Response Flowchart” included in this section provides a visual one-page representation of organization roles and responsibilities. The flowchart functions as a decision tree for marine debris response with color-coded endpoints. Yellow endpoints represent response to marine debris that is exposed to or has the potential to release oil, hazardous substances, pollutants, or contaminants. Blue endpoints represent response to debris that is not exposed to and does not have the potential to release oil, hazardous substances, pollutants, or contaminants. Endpoints within the green shaded area indicate that response may occur under Stafford Act authorities and/or funding.

For detailed information regarding individual organization roles, responsibilities, and authorities, see [Section 4](#).



# New York Marine Debris Response Flowchart

## Purpose

The flowchart functions as a decision tree for marine debris response with color-coded endpoints. It is designed to inform response to debris that enters a waterway following a natural or anthropogenic incident and poses a threat to the natural or built environment. This may include shoreline and wetland debris and debris in some inland, non-tidal waterways.

## Acronyms

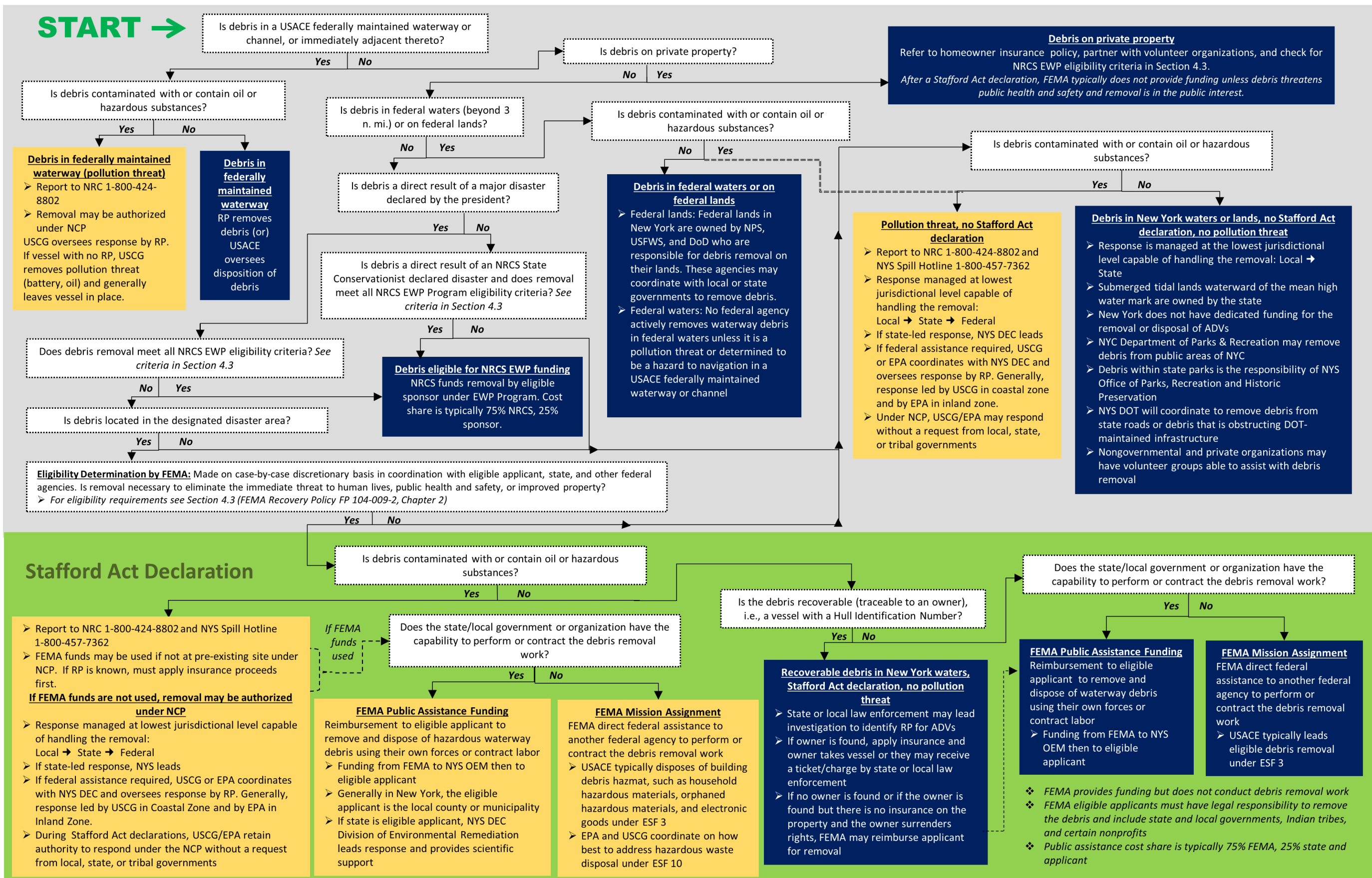
ADV – Abandoned and derelict vessel  
 DEC – NYS Department of Conservation  
 DoD – U.S. Department of Defense  
 DOT – Department of Transportation  
 EPA – U.S. Environmental Protection Agency  
 ESF – Emergency support function  
 EWP – Emergency Watershed Protection Program

FEMA – Federal Emergency Management Agency  
 NCP – National Oil & Hazardous Substances Contingency Plan  
 NPS – National Park Service  
 NRC – National Response Center  
 NRCS – Natural Resources Conservation Service  
 NYC – New York City

NYS – New York State  
 OEM – Office of Emergency Management  
 RP – Responsible party (Owner, Operator, Lessee)  
 USACE – U.S. Army Corps of Engineers  
 USCG – U.S. Coast Guard  
 USFWS – U.S. Fish and Wildlife Service

## Flowchart Key

- Response to debris that is exposed to or has the potential to release oil, hazardous substances, pollutants, or contaminants
- Response to debris that is not exposed to and does not have the potential to release oil, hazardous substances, pollutants, or contaminants
- Response occurring under Stafford Act authorities and/or funds



## 4 Roles and Responsibilities

Determining responsibility for marine debris response and removal can be complicated and may involve multiple agencies and overlapping jurisdictions. The response lead may change depending on the type of incident, the magnitude of the incident, and the debris location. Generally, response to a marine debris incident in New York is managed at the lowest jurisdictional level capable of handling the response and removal. Initial response operations may begin with local jurisdictions working with county or city emergency management agencies. Assistance from the state may be provided when local resources are exhausted, resources are needed that the jurisdiction does not possess, or response falls under state jurisdiction. The *New York State Comprehensive Emergency Management Plan* is an all-hazards plan that establishes the policies and structure for management of emergencies and disasters in the state (DHSES, 2019, 2022a, 2022b).

The Federal Government may supplement state and local response efforts when their resources have been exceeded or when unique capabilities are needed. Like the Federal Government, New York uses the emergency support function (ESF) concept to apply state resources and assign state agency responsibilities. ESF-3, Public Works and Engineering, to coordinate the removal and disposal of debris from public property, and ESF-10, Oil and Hazardous Materials Response, are the two most commonly applied ESFs during response to a marine debris incident.

The New York State Emergency Operations Center (state EOC) is the focal point for New York's command and control of incidents. The deployment and response activities of all state ESFs and state agencies are coordinated through the state EOC. During a response, the state EOC is activated and a state representative assists in the coordination of state and federal resources. During a Stafford Act declaration, a Federal Emergency Management Agency (FEMA)-appointed coordinator may staff the state EOC with a federal counterpart from the U.S. Coast Guard (USCG) or U.S. Environmental Protection Agency (EPA), as needed during pollution events. Under the National Contingency Plan, USCG and EPA may respond without a request from local, state, or tribal governments.

Agency roles and responsibilities as they relate to marine debris response are outlined in the following sections followed by responsibilities of private landowners, volunteer organizations, and nongovernmental organizations. Because New York City is a major metropolitan area and has numerous local agencies that respond in coordination with the state, key city agencies are also included below. For a visual one-page representation of agency roles and responsibilities, see "New York Marine Debris Response Flowchart" in [Section 3](#). For a dynamic map defining agency jurisdictional authorities, see [Section 4.6](#). Additionally, information regarding agency contact information can be found in [Appendix 7.1](#).

### 4.1 Local Agencies

- May act as first responders to reports of marine debris incidents that impact coastal areas of New York
- City and county emergency management agencies are the lead local agencies for emergency planning, preparedness, response, and recovery
- Counties and municipalities are encouraged by the state to develop debris management plans

- Following a Stafford Act declaration, municipalities and/or counties may serve as eligible applicants and receive technical assistance or Public Assistance reimbursement funding from the FEMA to perform or contract debris removal
  - Coordinate with the New York State Office of Emergency Management (OEM) to request Public Assistance funding
  - As applicants (subgrantees), responsible for identifying debris locations, types, and quantities; demonstrating the pre-disaster condition and capacity of waterways; determining ownership of recoverable debris; and providing a staging area for temporary storage of recoverable debris (FEMA, 2020)

#### **New York City Department of Citywide Administrative Services**

- Administers citywide marine debris removal contract
- Maintains [Green Book Online](#), the official directory of governmental agency contacts in New York City (NYC, n.d.)

#### **New York City Department of Parks and Recreation**

- Lead city agency for removal of vegetative debris from residential and city streets
- May remove and dispose of an abandoned or derelict vessels, or other marine debris on public land via Department of Citywide Administrative Services contract
- May serve as eligible applicant for marine debris removal reimbursement funding through FEMA Public Assistance after a Stafford Act declaration

#### **New York City Office of Emergency Management**

- Maintains a citywide incident management system and coordinates citywide disaster response
- Following a Stafford Act declaration, serves as coordination point between FEMA and local eligible applicants in NYC
  - Assists local governments in the preparation and submission of federal disaster assistance applications
- Conducts comprehensive assessments of threats to the city to eliminate or reduce risk and vulnerability
- Maintains the *New York City Hazard Mitigation Plan* (New York City Office of Emergency Management, 2019)

## **4.2 State Agencies**

#### **New York Bridges and Ports (Multiple agencies)**

- The New York State Bridge Authority maintains and operates five bridges along the Hudson River
- The Ogdensburg Bridge and Port Authority manages two transportation assets along the St. Lawrence River: the Ogdensburg-Prescott International Bridge and the Port of Ogdensburg
- The Albany Port District Commission maintains and operates the Port of Albany, located along the Hudson River
- The Port of Oswego Authority maintains and operates New York State's only port on Lake Ontario

#### **Port Authority of New York and New Jersey**

- Maintains and operates the largest container port along the eastern U.S. coast



- Implements the Clean Vessel Incentive Program, which provides incentives to encourage agents and operators to conserve fuel, support marine mammal protection, and reduce emissions
- Evaluates and implements systems that reduce waste, prevent pollution, and conserve natural resources

### **New York Department of State (DOS)**

- Serves as a support agency for state ESF-3, Public Works and Engineering
- Performs rapid damage assessments for buildings and structures

### **Office of Planning, Development and Community Infrastructure**

#### *Coastal Management Program*

- Provides regulatory and technical assistance to preserve, protect, and enhance the state's coastal areas
- Serves as the lead state agency for implementing the Coastal Zone Management Act of 1972 to ensure proper management of New York's coastal areas and watersheds through local, regional, and state agency partnerships
- Performs federal coastal consistency reviews for projects requiring federal permits or authorizations, such as a U.S. Army Corps of Engineers (USACE) permit, that take place in or affect the coastal area
- For additional information on DOS compliance requirements, see [Section 5](#)

### **New York State Department of Environmental Conservation (DEC)**

- Serves as the lead state agency for state ESF-3, Public Works and Engineering, and state ESF-10, Oil and Hazardous Materials Response
- DEC Emergency Management Unit serves as liaison for ESF-3 and ESF-10 incidents
- Responds to spill events statewide and maintains a 24-hr spill response hotline for reporting oil and other hazardous material releases throughout the state
- May provide limited resources and personnel for damage assessments following an incident
- Issues emergency permits and waivers for debris clearance, removal, and disposal (DHSES, 2022b)
- Works with localities to identify storm debris and provide education on proper management
- Maintains guidelines that focus on disaster debris management and waste segregation

### **Division of Environmental Permits**

- Provides permitting services for activities in New York's wetlands, bays, rivers, streams, lakes, and other waterways that might require a permit under state law. These activities may include the construction of docks and piers and dredging, filling, or debris removal projects that affect New York's waters or wetlands.
- For additional information on DEC permit and compliance requirements, see [Section 5](#)

### **Division of Environmental Remediation**

- Investigates spill reports and oversees the cleanup process (DHSES, 2022b)
- Reviews oil spill contingency plans for emergency situations

### **Division of Law Enforcement**

- Supplies off-road and marine operations equipment to support ESF-3 response

- Provides hazardous substance sampling capabilities and expertise for spill-related criminal investigations
- Environmental Conservation Officers enforce state environmental conservation laws to protect natural resources

### **Division of Materials Management**

- Works with EPA to coordinate and authorize household hazardous waste management events
- Coordinates with localities, waste transporters, and solid waste management facilities

### **Hudson River Estuary Program**

- Provides programs to support local, state, and federal partners through education and training, grants, and research to help protect the Hudson River and its valley
- Works with the Hudson River National Estuarine Research Reserve (NERR) to create and implement a conservation and restoration action plan

### **Hudson River National Estuarine Research Reserve (NERR)**

- Manages, in partnership with NOAA, the Hudson River NERR which consists of four tidal wetland sites along the Hudson River Estuary
- Works with partners to host or co-host periodic marsh and shoreline cleanups to remove marine debris that may be hazardous to wildlife and/or a pollution threat (DEC, 2019)
- Assists the Hudson River Estuary Program with implementing a conservation and restoration action plan
- For a map of the Hudson River NERR, see [Section 4.6](#)

### **New York State Department of Transportation (NYS DOT)**

- Serves as coordinating agency for state ESF-1, Transportation
- Serves as a support agency for state ESF-3, Public Works and Engineering and state ESF-7, Logistics
- May provide specialized equipment such as dump trucks, loaders, and excavators (DHSES, 2022b)
- May remove debris from state roads and other rights of way with specific emergency authorization
- Coordinates and assists in the development and operation of transportation facilities
- Has emergency debris removal contracts in place covering New York State. These contracts can be accessed during emergencies to remove vegetative, sand, and stone debris as well as snow hauling from highways, including transport to an approved disposal location.

### **New York State Division of Homeland Security and Emergency Services (DHSES)**

#### **Office of Emergency Management (OEM)**

- Maintains a comprehensive statewide system of emergency management and coordinates with federal, state, county, and municipal governments; nonprofit organizations; and private agencies that have a role in emergency management
- Following a Stafford Act declaration, serves as coordination point between FEMA and state and local eligible applicants
  - Serves as FEMA grantee and administers Public Assistance funding to eligible applicants
  - Assists state agencies and local governments in the preparation and submission of federal disaster assistance applications

- Provides subject matter expertise for governmental and nongovernmental debris response operations
- Activates and staffs the state EOC when an emergency or disaster situation develops
- Conducts comprehensive assessments of threats to the state to eliminate or reduce risk and vulnerability
- Maintains the *New York State Comprehensive Emergency Management Plan*, which includes the *State Multi-Hazard Mitigation Plan*, the *Response and Short-Term Recovery Plan*, and the *Long-Term Recovery Plan* (DHSES, 2019, 2022a, 2022b)
- Serves as the functional arm of the New York State Disaster Preparedness Commission (DPC), which is comprised of commissioners, directors, and chairpersons of 29 state agencies and one volunteer organization (N.Y. Exc. Law § 21)
  - Following a state disaster emergency declaration by the governor, the DPC directs and coordinates the state’s response and short-term recovery (DHSES, 2022b)

### **New York State Office of General Services (OGS)**

- Serves as a support agency for state ESF-3, Public Works and Engineering
- May provide space planning, engineering, and construction management services for ESF-3 response (DHSES, 2022b)

### **State Assets and Land Management**

- Holds in trust for the people the title of the beds of numerous bodies of water in New York
  - State ownership extends to the mean high water line for tidal water bodies and rivers, and to the low water line for state-owned lakes
- Reviews permit applications for activities that may disturb state-owned lands under water
- For additional information on OGS permit and compliance requirements, see [Section 5](#)

### **New York State Office of Parks, Recreation and Historic Preservation**

- Manages and maintains 180 state parks and 37 historic sites throughout New York
- State Park Police enforce state laws within all Office of Parks, Recreation and Historic Preservation managed areas, including waterways

### **Bureau of Marine Services**

- Offers boating safety courses for recreational boaters and enforces boating laws
- Serves as the lead agency for coordination of marine law enforcement efforts
- Oversees the distribution of boating registration funds to qualifying counties and municipalities for the operation of marine patrols
- Provides training courses for officers to learn navigation laws and develop skills as boat handlers

### **State Historic Preservation Office**

- Reviews proposed debris removal activities for compliance with the National Historic Preservation Act and effects to historic properties that involve federal agencies directly or through cooperative activities with state agencies such as funding and/or issuance of permits or licenses
- For additional information on State Historic Preservation Office compliance requirements, see [Section 5](#)

## **New York Power Authority**

### **New York State Canal Corporation**

- Manages the New York State Canal System, which runs 339 miles between Albany and Buffalo
- Incorporates environmental stewardship into all projects and activities to prevent nonpoint source pollution into New York's canal systems

## **New York State Police**

### **Marine Detail**

- Maintains boat patrols that enforce navigation and environmental conservation laws in waterways throughout the state
- Conducts search and rescue operations on all state waterways, responds to emergency calls, and enforces boating safety laws

## **4.3 Federal Agencies**

### **Animal and Plant Health Inspection Service**

- Veterinary Services Program provides for removal and burial of diseased animal carcasses
- Manages Plant Protection and Quarantine Program to reduce the risk of introduction and spread of invasive species through planning, surveillance, quick detection, and containment

### **Bureau of Safety and Environmental Enforcement**

- Manages a Marine Trash and Debris Program to eliminate debris associated with oil and gas operations on the outer continental shelf
- Regulates marine trash and debris for oil and gas operations and renewable energy development on the outer continental shelf
- Enforces requirement that items be clearly marked to identify the owner and items lost overboard be recorded, reported, and retrieved if possible
- Requires annual training of offshore oil and gas workers to reduce marine debris

### **Farm Service Agency (FSA)**

- Emergency Conservation Program (ECP) helps farmers repair damage to farmland caused by natural disasters, such as:
  - debris removal from farmland
  - grading, shaping, or leveling damaged land
- Up to 75% of the cost to implement emergency conservation practices can be provided to farmers. Qualified limited resource producers may earn up to 90% cost-share.
- Locally-elected FSA county committee is authorized to implement ECP and determine if land is eligible for ECP
  - Farmers should inquire with their local FSA county office regarding ECP enrollment periods, which are established by FSA county committees

### **Federal Emergency Management Agency (FEMA), Region II**

- Under the Stafford Act, provides reimbursement funding for eligible debris removal from navigable waterways (non-federally maintained) or wetlands during presidential major disaster declarations when another federal agency does not have authority to fund the activity
  - Provides funding to eligible applicants at a typical cost share of 75% FEMA, 25% state and eligible applicant

- Issues mission assignments to other federal agencies for technical assistance, federal operations support, or to perform or contract debris removal when local and state capabilities are exceeded
- Makes eligibility determinations for debris removal on a case-by-case discretionary basis in coordination with the eligible applicant, state, and other federal agencies
  - Debris removal must be necessary to eliminate the immediate threat to life, public health and safety, or improved property (FEMA, 2020)
  - For navigable waterways, debris removal is limited to a max depth of 2 feet below the low tide draft of the largest vessel that utilized the waterway prior to the incident. Any debris below this zone is not eligible unless it is necessary in order to remove debris extending upward into an eligible zone (FEMA, 2020).
  - For non-navigable waterways, including natural waterways, debris removal is only eligible to the extent that it is necessary to eliminate an immediate threat including the following: if the debris obstructs, or could obstruct, intake structures; if the debris could cause damage to structures; or if the debris is causing, or could cause, flooding to property during the occurrence of a 5-year flood (a flood that has a 20% chance of occurring in any given year; FEMA, 2020)
- Employs debris specialists that can be mobilized to assist eligible applicants with debris management
- May reimburse costs for use of side scan sonar that identifies eligible submerged debris and sunken vessels
  - The applicant is responsible for identifying debris deposited by the incident that poses an immediate threat. Random surveys to look for debris, including surveys performed using side scan sonar, are not eligible. However, if the applicant identifies an area of debris impacts and demonstrates the need for a survey to identify specific immediate threat, FEMA may provide Public Assistance funding for the survey in that location, including the use of side-scan sonar.
- FEMA must ensure compliance with federal laws, regulations, and executive orders prior to funding debris removal work. For additional information on permitting and compliance requirements, see [Section 5](#).

## **National Oceanic and Atmospheric Administration (NOAA)**

### **National Marine Fisheries Service (NOAA Fisheries)**

#### *Habitat and Ecosystems Services Division and Protected Resources Division*

- Reviews proposed debris removal activities that involve a federal agency (directly or through funding and/or issuance of a federal permit) for compliance with Magnuson-Stevens Fisheries Conservation and Management Act (MSA), Fish and Wildlife Coordination Act (FWCA), and Endangered Species Act (ESA)
- For additional information on NOAA Fisheries compliance requirements, see [Section 5](#)

### **National Ocean Service**

#### *Office of Coast Survey*

- Mobilizes navigation response teams (NRT) to survey ports and near-shore waterways for sunken debris, changes in water depth, and hazards to navigation following a disaster

#### *Office of National Geodetic Survey*

- Acquires and rapidly disseminates a variety of spatially-referenced remote-sensing datasets to support national emergency response. Imagery is obtained using high resolution digital cameras, film-based aerial camera systems, LIDAR, and thermal and hyperspectral imagers.

### *Office of Response and Restoration*

- Manages the Environmental Response Management Application (ERMA), a web-based geographic information system that includes an [online](#) dynamic version of the “New York Marine Debris Response Map” (NOAA, 2022a)
- Serves as scientific support coordinators to coordinate application of NOAA assets and services during emergencies to help the federal on-scene coordinator (FOSC) make timely operational decisions.
- Provides scientific support for debris response planning and operations, including baseline information, debris behavior, debris impact, debris survey and detection protocols, removal best management practices (BMPs), disposal guidance, and information management
- May provide onsite support to internal and external partners at an incident command post or joint field office if there is a need for marine debris or NOAA expertise
- Funds marine debris assessment and removal projects through grants or congressional supplemental funding
- Facilitates inter-agency planning and coordination for responses to marine debris events
- Develops external communications such as talking points appropriate for the public, informational graphics, etc., to ensure the public and partner agencies understand and act on sound science and information critical to response and recovery operations
- For events determined by the NOAA Administrator to be severe marine debris events, may develop interagency plans, assess composition volume and trajectory of associated marine debris, and estimate potential impacts to the economy, human health, and navigation safety

### **National Weather Service**

- Predicts, forecasts, and issues official watches and warnings of severe weather
- Provides operational tools and briefings to federal and territorial officials for emergency management awareness and decision support

### **National Park Service (NPS)**

- Responsible for debris assessment and cleanup within NPS-managed lands and waters
- May coordinate with partners to conduct marine debris assessment and cleanup
- Provides BMPs to protect NPS-managed areas and associated resources
- For a map of areas managed by NPS in New York, see [Section 4.6](#)

### **Natural Resources Conservation Service (NRCS)**

- When funding is available, provides emergency financial and technical assistance through the Emergency Watershed Protection (EWP) Program for the following: to protect from additional flooding or soil erosion; to reduce threats to life and/or property from a watershed impairment, including sediment and debris removal in floodplains and uplands; and to restore the hydraulic capacity to the natural environment to the maximum extent practical
  - Help communities address watershed impairments that pose imminent threats to lives and property as a result of natural disasters
  - Typical cost share is 75% NRCS and 25% project sponsor
  - Public and private landowners are eligible for assistance but must be represented by a project sponsor, including state government; legal subdivisions of the state, such as a city, county, water management district, or drainage district; or any Native American tribe or tribal organization
  - EWP Program eligibility criteria include the following:



- Debris is a direct result of either a major disaster declared by the president or of an NRCS state conservationist declared natural disaster
- Debris is a threat to life and/or property
- Imminent threat was created by the event
- Recovery measures are for runoff retardation or soil erosion prevention
- Event caused a sudden impairment in the watershed
- Economic, environmental, and social documentation are adequate to warrant removal action
- Proposed removal action is technically viable and environmentally defensible

#### **U.S. Army Corps of Engineers (USACE), Buffalo and New York Districts**

- May issue emergency contracts for debris removal when necessary
- May request assistance from NOAA NRT to survey ports and near-shore waterways

#### **Emergency Operations**

- Serves as lead federal agency in support of FEMA under ESF-3, Public Works and Engineering
- Following a Stafford Act declaration, may lead eligible debris removal from navigable waterways (non-federally maintained) and wetlands if FEMA mission assigns another federal agency to perform or contract debris removal and surveying

#### **Navigation**

- Serves as lead federal agency for conducting surveys within federally authorized channels for changes in water depth and hazards to navigation for commercial, recreational, and military use
- Responsible for operation and maintenance of federally maintained waterways and channels within respective Districts, including debris removal or overseeing removal by responsible party (RP). For a map of USACE federally authorized and maintained waterways and channels in New York, see [Section 4.6](#).

#### **Regulatory Program**

- Buffalo and New York Districts issue permits for debris removal within waterways and wetlands within their respective jurisdictions. For additional information on USACE permitting and compliance requirements, see [Section 5](#).

#### **U.S. Coast Guard (USCG) Sectors Buffalo, Long Island Sound, and New York**

- In most cases, removal of marine debris by USCG is not authorized
- Oversees response to debris exposed to or with the potential to release oil or hazardous substances that poses a threat within the coastal zone as defined in each sector's ACP (USCG, 2016, 2017, 2018)
  - Removal actions generally limited to removing oil and other hazardous substances while leaving vessels in place
  - May coordinate with state or local agencies to have vessel removed after abating pollution threat
  - Oversees response to pollution threats in coastal zone waterways and federally maintained waterways and channels in coordination with USACE
- Serves as lead FOOSC under ESF-10, Oil and Hazardous Materials Response, in the area contingency plan (ACP) coastal zone

- Directs response in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP)
- Coordinates with state and local governments and oversees response by a RP. If there is no RP, USCG may lead the oil spill response, as the federal lead in the coastal zone.
- Unlike response under a Stafford Act declaration, USCG may respond without a request from local, state, or tribal governments under the NCP. During Stafford Act declarations, USCG retains the authority to act under the NCP.
- Maintains a year-round, 24-hour telephone watch through the National Response Center (NRC) for reporting of oil and hazardous material releases.
- Establishes a safety zone around hazards to navigation and broadcasts maritime safety warnings including the broadcast notice to mariners and the local notice to mariners to warn of debris obstructing watercourses or creating hazards to navigation within federally maintained waterways. USCG also notifies USACE of any hazards to navigation within federally maintained waterways.
- Following a Stafford Act declaration, may lead eligible debris removal from navigable waterways (non-federally maintained) and wetlands if FEMA mission assigns another federal agency to perform or contract debris removal and surveying
- Co-chairs with the U.S. Environmental Protection Agency (EPA), in coordination with other partners, the Regional Response Team in Region II, which allows state and federal agencies to exchange information about their abilities to respond to an incident
- May request assistance from NOAA NRT to survey ports and near-shore waterways
- For a map of USCG sector boundaries and the ACP coastal-inland zone boundary in New York, see [Section 4.6](#)

#### **U.S. Customs & Border Protection**

- May serve as first responder to coordinate with RP
- Inspects foreign vessels or debris entering New York from international waters or Great Lakes jurisdictions outside of the United States

#### **U.S. Department of Defense (DoD)**

- Responsible for debris assessment and cleanup within DoD-managed lands and waters
  - For a map of areas managed by DoD, see [Section 4.6](#)
- See [U.S. Army Corps of Engineers \(USACE\)](#) and [U.S. Navy](#) for a description of individual agency roles

#### **U.S. Department of Transportation**

##### **Federal Highway Administration**

- Provides federal funding to eligible applicants for repairing damaged roads and bridges as a result of natural disasters or catastrophic failures from an external cause
- Debris removal is an eligible expense for:
  - Events not declared a major disaster or emergency under the Stafford Act
  - Events declared a major disaster or emergency under the Stafford Act if the debris removal is not eligible for FEMA assistance
  - Projects located on tribal transportation facilities, federal lands transportation facilities, or other federally owned roads that are open to public travel (23 U.S.C. 125(d)(3))

## **U.S. Environmental Protection Agency (EPA), Region II**

- Responds to oil and hazardous substance releases or threats of release in waterways within the inland zone as defined in the *Region II (NY/NJ) Regional Response Team Regional Oil and Hazardous Substances Pollution Contingency Plan* (RCP; EPA, 2020). For a map of the coastal-inland zone boundary in New York, see [Section 4.6](#).
- Serves as lead FOSC under federal ESF-10, Oil and Hazardous Materials Response, in the inland zone, and in close coordination with USCG during incidents affecting both inland and coastal zones
  - Directs response in accordance with the NCP
  - Coordinates with state and local governments and oversees response by RP
  - Unlike response under a Stafford Act declaration, EPA may respond without a request from local, state, or tribal governments under the NCP. During Stafford Act declarations, EPA retains the authority to take action under the NCP.
- Following a Stafford Act declaration, may lead removal of contaminated debris under a FEMA mission assignment, including coordination with USCG on the removal and disposal of contaminated waterway debris
- Co-chairs with USCG, in coordination with other partners, the Regional Response Team in Region II, which allows state and federal agencies to exchange information about their abilities to respond to an incident
- Administers general ocean disposal permit for the ocean disposal of steel-hulled vessels (40 C.F.R. § 229.3)
  - Ocean Dumping Management Program provides guidance regarding derelict vessel disposal, emergency disposal permits, and removal authorities

## **U.S. Fish and Wildlife Service (USFWS)**

### **Ecological Services Program**

#### *New York and Long Island Field Offices*

- Reviews proposed debris removal activities that involve a federal agency (directly or through funding and/or issuance of a federal permit) for compliance with the Endangered Species Act (ESA) and Coastal Barrier Resources Act
- For additional information on USFWS compliance requirements, see [Section 5](#)

### **National Wildlife Refuges (NWR)**

- Manages 11 NWRs in New York
- Coordinates and manages debris assessment and cleanup in NWRs
- May coordinate with federal, state, and local partners to remove marine debris within their jurisdiction
- Provides BMPs to protect listed threatened or endangered land and freshwater species, certain marine species, and their critical habitat
- For a map of NWRs in New York, see [Section 4.6](#)

## **U.S. Navy**

### **Supervisor of Salvage and Diving**

- Manages and provides technical assistance for salvage, deep search and recovery, towing, and oil spill response operations
- Accesses and coordinates the U.S. Navy's hydrographic survey assets and capabilities
- Maintains an array of remotely operated vehicles, oil spill response, and salvage equipment

- Exercises and manages regional standing emergency salvage contracts to quickly draw upon the required resources of the commercial salvage industry (U.S. National Response Team, 2020)

#### 4.4 Private Landowners

- Generally, the boundary between state-owned lands underwater and privately-owned uplands is determined by the low water mark for navigable lakes and the mean high water mark for tidal waters (New York State Office of General Services, n.d.)
- After a Stafford Act declaration, debris removal from private property or privately-owned waterways is generally the responsibility of the property owner and not eligible for FEMA funding unless its removal is necessary to mitigate a health and safety threat and is in the public interest (FEMA, 2020)
- May be eligible for debris removal funding from the NRCS EWP Program if represented by a project sponsor and specific criteria are met. See [Section 4.3 Natural Resources Conservation Service](#) for EWP Program eligibility criteria.
- Homeowner insurance policy may cover debris removal from private property and property owners may partner with volunteer organizations
- May complete right-of-entry agreements with entities conducting private property debris removal or using private property as an access point

#### 4.5 Volunteer and Nongovernmental Organizations

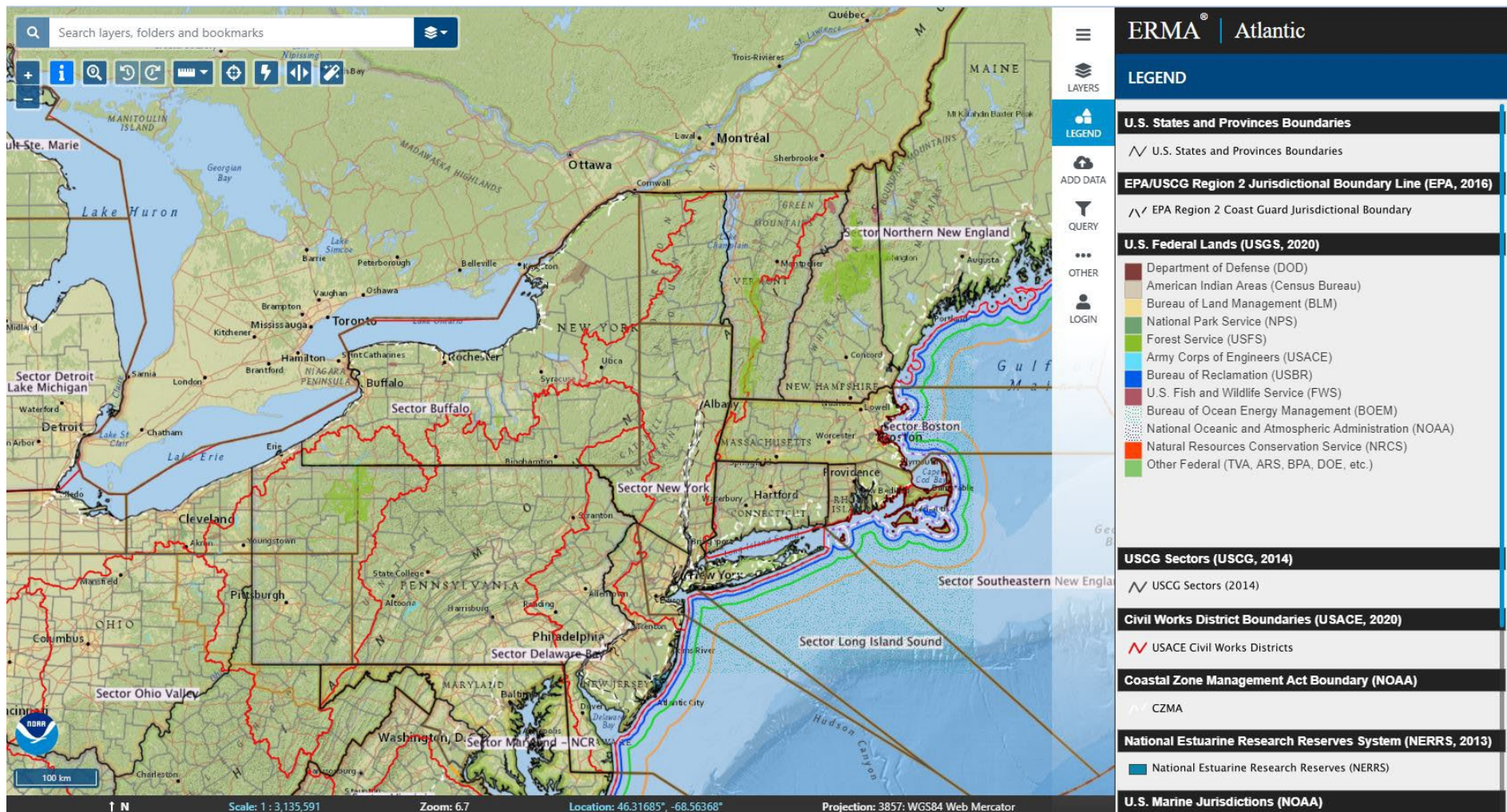
- Certain private nonprofit organizations that serve a public function and have the legal responsibility to remove the debris may serve as eligible applicants and receive Public Assistance reimbursement funding from FEMA to perform or contract debris removal following a Stafford Act declaration (FEMA, 2020)
- May provide debris removal assistance or logistical support through funded projects and programs

#### 4.6 New York Marine Debris Response Map

The “New York Marine Debris Response Map,” available [online](#) in ERMA (NOAA, 2022a), displays relevant agency jurisdiction boundaries. [Figure 2](#) shows a screenshot of the online New York map with a legend on the right-hand side. After a marine debris incident, the agency (or agencies) responsible for removing debris will vary depending on where the debris is located. This map includes information that may be important in determining jurisdiction within the state.

For detailed information regarding local, state, and federal agency roles and responsibilities, see Sections [4.1](#), [4.2](#), and [4.3](#), respectively. For a visual one-page representation of agency roles and responsibilities, see [Section 3](#).





**Figure 2.** The New York Marine Debris Response Map in the Environmental Response Management Application (ERMA). Note description of included layers in legend on right side bar.

## 5 Permitting and Compliance Requirements in New York

Before marine debris removal work can begin, organizations responsible for removal must meet certain permitting and compliance requirements. While the organization or individual conducting the debris removal work is responsible for obtaining necessary permits—such as a U.S. Army Corps of Engineers (USACE) permit—it is the responsibility of the lead federal agency to ensure compliance with the National Environmental Policy Act (NEPA) and to consult with state resource agencies including the New York State Office of Parks, Recreation and Historic Preservation, U.S. Fish and Wildlife Service (USFWS), and National Oceanic and Atmospheric Administration (NOAA).

During response after a Stafford Act declaration, the Federal Emergency Management Agency (FEMA) provides funding to applicants for debris removal and is therefore considered the lead federal agency responsible for resource agency coordination. Federal emergency support function (ESF) 11, Agriculture and Natural Resources, may be activated for Stafford Act incidents requiring a coordinated federal response to protect natural and cultural resources and historic properties (FEMA, 2008). If a permit is required but there is no federal funding and there are no federal agencies involved in debris removal activities, then as the permitting agency USACE is considered the lead federal agency.

A description of individual agency requirements and authorities is outlined below and is summarized in the “Permitting and Compliance for Marine Debris Removal in New York” handout in [Section 5.3](#). Information regarding organization contact information can be found in [Appendix 7.1](#), and select agency authorities are presented in [Appendix 7.2](#).

### 5.1 State Agency Requirements

#### New York Department of State (DOS)

##### Coastal Management Program

- Performs federal coastal consistency reviews for projects requiring federal permits or authorizations, such as a USACE permit, that take place in or affect the coastal area
- Reviews projects for consistency with the New York State Coastal Management Program if a state or local governmental agency applies for federal financial assistance for activities that occur within or affect the resources of the coastal zone
- If a permit is needed, applications must be sent to Department of Environmental Conservation (DEC), USACE, DOS, and Office of General Services (OGS) separately and each agency will review

#### New York State Department of Environmental Conservation (DEC)

##### Division of Environmental Permits

- Issues permits for projects that may negatively impact coastlines, tidal and non-tidal wetlands, and/or tidal and non-tidal waters
- A freshwater wetland, tidal wetland, or a coastal erosion management permit may be required for debris removal projects that involve excavating, dredging, the discharge of fill or dredge material, or involve structures or work impacting wetlands or coastal erosion hazard areas
- If a permit is needed, applications must be sent to DEC, USACE, DOS, and OGS separately and each agency will review



## **New York State Office of General Services (OGS)**

### **State Assets and Land Management**

- Issues permits for activities that may negatively impact state owned lands under water such as building or altering structures, including fill, or installing utilities
- If a permit is needed, applications must be sent to DEC, USACE, DOS, and OGS separately and each agency will review

## **New York State Office of Parks, Recreation and Historic Preservation**

### **State Historic Preservation Office**

- Reviews proposed debris removal activities for compliance with Section 106 of the National Historic Preservation Act and Section 14.09 of the New York State Historic Preservation Act
- A consultation is required if debris response involves a federal agency directly or through funding and/or issuance of permits (USACE permits, FEMA funding, etc.) and has potential to affect historic properties or cultural resources

## **5.2 Federal Requirements**

In addition to individual agency requirements, the National Environmental Policy Act (NEPA) requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions. If a debris removal project involves a federal agency (directly or through funding and/or the issuance of a federal permit), then it is the responsibility of the lead federal agency to ensure NEPA compliance. If multiple federal agencies play a major role in the debris removal, then there may be a joint lead agency which shares the lead agency's responsibility for management of the NEPA process (Council on Environmental Quality, 2007). FEMA is provided with statutory exclusions under the Stafford Act which exempts debris removal from the NEPA review process. Therefore, the NEPA review process is not required when FEMA is providing funding for debris removal from waterways after a major disaster declaration. However, compliance with all other state and federal environmental laws and regulations is still required, even when a project is statutorily excluded from NEPA review. For marine debris removal operations, the impact of removal must be evaluated to minimize environmental and ecological damage to the maximum practical extent. In some cases, debris removal may be more environmentally damaging than leaving the debris in place.

## **Federal Emergency Management Agency (FEMA)**

- Serves as the lead federal agency responsible for resource agency coordination when providing funding to applicants for debris removal under a Stafford Act declaration
  - Ensures applicant's debris removal operations avoid impacts to floodplains, wetlands, federally listed threatened and endangered species and their critical habitats, and historic properties (including maritime or underwater archaeological resources)
  - Requires applicant to stage debris at a safe distance from property boundaries, surface water, wetlands, structures, wells, and septic tanks with leach fields
  - May require site remediation at staging sites and other impacted areas upon completion of debris removal and disposal

## **National Oceanic and Atmospheric Administration (NOAA)**

### **National Marine Fisheries Service (NOAA Fisheries)**

- If a debris removal project involves a federal agency (directly or through funding and/or issuance of a federal permit), it is the responsibility of the lead federal agency to coordinate

with NOAA Greater Atlantic Regional Fisheries Office prior to beginning debris removal work to ensure compliance with the Endangered Species Act (ESA), Magnuson-Stevens Fisheries Conservation and Management Act, (MSA), and Fish and Wildlife Coordination Act (FWCA). A consultation with NOAA Fisheries is not required for areas within the Great Lakes.

- ESA directs all federal agencies to ensure the actions they take, including those they fund or authorize, do not jeopardize the continued existence of any listed endangered or threatened species or result in the destruction or adverse modification of designated critical habitat unless an exemption has been granted. Generally, NOAA Fisheries manages marine and anadromous species while USFWS manages land and freshwater species and certain marine species such as manatees. If a federal agency determines their activities or actions will affect listed species or designated critical habitat—even if the effects are expected to be beneficial—they must consult with NOAA Fisheries or USFWS. See NOAA Fisheries’ endangered species [website](#) for an up-to-date New York ESA-listed marine species list (NOAA, n.d.-b).
- MSA directs all federal agencies to ensure the actions they take, including those they fund or authorize, do not adversely affect essential fish habitat (EFH). If a federal agency determines their activities or actions may adversely affect EFH, they must consult with NOAA Fisheries. See NOAA’s online [Essential Fish Habitat Mapper](#) to view maps for EFH (NOAA, n.d.-a).
- FWCA directs federal agencies to consider the effects of activities that may result in the modification of a natural stream or body of water. Under this authority, NOAA Fisheries works to protect, conserve and enhance species and habitats for a wide range of aquatic resources such as diadromous species, shellfish, and other commercially and recreationally important species that are not managed by the federal fishery management councils and therefore do not have designated EFH.
- ESA consultation during emergencies can be expedited so federal agencies can complete their critical missions in a timely manner while still providing protections to listed species. Steps to complete the emergency response consultation process are outlined on NOAA’s emergency consultation [website](#) (NOAA, 2019).
- Additional information on ESA and EFH consultations during non-emergencies can be found on the NOAA Fisheries Section 7 [website](#) (NOAA, 2022e) and EFH assessment [website](#) (NOAA, 2022c), respectively

#### **U.S. Army Corps of Engineers (USACE), Buffalo and New York Districts**

- USACE permit may be required for debris removal within waterways and wetlands if the activity involves dredging, the discharge of dredged or fill material, or involves structures or work impacting the navigability of a waterway. One or more permits may be needed depending on the scope of work to be conducted.
- The state of New York is divided between two USACE districts for regulatory purposes, Buffalo District and New York District. Permit applications are submitted to the district where the debris removal project will occur.
  - Federal projects are handled by Civil Works, whose boundaries are divided geographically by watershed. If a project impacts a federal project, an applicant may need to work with two separate Districts. For example, federal projects in Broome County may require the applicant to consult with Buffalo District for permitting and Baltimore District for the federal project.
  - For a map of USACE district boundaries, see [Section 4.6](#)
- Permits that may be required include:

- **Regional General Permit 15.** Applies to New York District only. For installation of structures and dredging in navigable waters and the discharge of dredged or fill material to facilitate the remediation of sites that are damaged from major storms that result in a federal and/or state disaster declaration.
- **Regional General Permit 81-000-1.** Applies to Buffalo District only. For minor dredging in navigable waters and the discharge of dredged or fill material to facilitate the remediation of sites that are damaged from major storms that result in a federal and/or state disaster declaration.
- **Regional General Permit 99-000-1.** Applies to Buffalo District only. For emergency permitting and not valid unless activated by the District Commander. For the installation of structures and dredging in navigable waters and the discharge of dredged or fill material, including those discharges associated with excavation activities, into waters of the United States to facilitate the remediation of sites that were damaged as a result of a major storm event.
- **Nationwide Permit 3: Maintenance.** Authorizes repair, rehabilitation, or replacement of structures or fills destroyed or damaged by storms, floods, fires, or other discrete events. This permit may be issued for removal or maintenance of culverts, sediments, or debris accumulated around outfalls, bridges, etc.
- **Nationwide Permit 22: Removal of Vessels.** Authorizes temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels, or the removal of man-made obstructions to navigation.
- **Nationwide Permit 33: Temporary Construction, Access, and Dewatering.** Issued for temporary structures, work, and discharges necessary for construction activities or access fills.
- **Nationwide Permit 37: Emergency Watershed Protection and Rehabilitation.** Issued for work conducted under the Natural Resources Conservation Service (NRCS) Emergency Watershed Protection (EWP) Program.
- **Nationwide Permit 38: Cleanup of Hazardous and Toxic Waste.** Issued for the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with legal or regulatory authority, other than activities undertaken entirely on a Superfund site.
- In emergency situations, permitting procedures may be expedited and resource agency coordination may occur “after the fact” as opposed to before a permit is issued. This may result in additional work by the applicant once the emergency and immediate threat has been mitigated.
- Navigation Section reviews permit applications when activities intersect with federally maintained waterways and channels, including levee systems

## U.S. Fish and Wildlife Service (USFWS)

### Ecological Services Program

- If a debris removal project involves a federal agency (directly or through funding and/or issuance of a federal permit), it is the responsibility of the lead federal agency to coordinate with USFWS New York or Long Island Field Office prior to beginning debris removal work to ensure compliance with ESA and the Coastal Barrier Resources Act. Consultation requests are submitted to the office where the debris removal project will.
  - ESA directs all federal agencies to ensure the actions they take, including those they fund or authorize, do not jeopardize the continued existence of any listed endangered or threatened species or result in the destruction or adverse modification of designated critical habitat unless an exemption has been granted.

Generally, USFWS manages land and freshwater species and certain marine species such as manatee, while NOAA Fisheries manages marine and anadromous species. If a federal agency determines their activities or actions may affect listed species or designated critical habitat—even if the effects are expected to be beneficial— they must consult with USFWS or NOAA Fisheries. See USFWS’s Information for Planning and Consultation [website](#) for an up-to-date list of New York’s threatened and endangered land and freshwater species (U.S. Fish and Wildlife Service [USFWS], 2021).

- The Coastal Barrier Resources Act restricts federal expenditures and financial assistance that encourage development of coastal barriers so that damage to property, fish, wildlife, and other natural resources associated with the coastal barrier is minimized. The John H. Chafee Coastal Barrier Resources System (CBRS) is a collection of specific units of land and associated aquatic habitats that serve as barriers protecting the Atlantic, Gulf, and Great Lakes coasts. After a Stafford Act declaration, costs for debris removal and emergency protective measures in designated CBRS units may be eligible for reimbursement under FEMA’s Public Assistance Program provided the actions eliminate an immediate threat to lives, public health and safety, or protect improved property. A map of CBRS units in [Long Island](#) and New York’s [Great Lakes](#) region can be downloaded from USFWS’s website (USFWS, 2015, 2016).
- For projects that do not involve federal permits or funding, USFWS consultation is not required, but is recommended. Harassing or harming (“taking”) an endangered or threatened species or significantly modifying their habitat is still prohibited under ESA regardless of federal nexus involvement.
- Reviews may be expedited in emergencies, and USFWS staff may embed in response teams
- Each debris removal project is reviewed individually unless USFWS prepares a programmatic consultation. Under a programmatic consultation, all parties agree on certain conservation measures that must be implemented. If a debris removal project arises that does not fit the programmatic measures, then it must be reviewed individually.
- USFWS may provide BMPs that provide necessary protections while allowing projects to go forward
- If the proposed debris removal project will not impact listed threatened or endangered species, or if the federal consulting agency agrees to implement USFWS’s recommendations, the consultation process is completed at the “informal” stage. However, if debris removal operations will adversely affect a listed species or critical habitat, the federal consulting agency must initiate a “formal” consultation, a process which typically ends with the issuance of a biological opinion by USFWS (or NOAA Fisheries, if the ESA-listed species affected is under NOAA Fisheries’ purview).

### **5.3 Environmental Compliance for Marine Debris Removal in New York Handout**

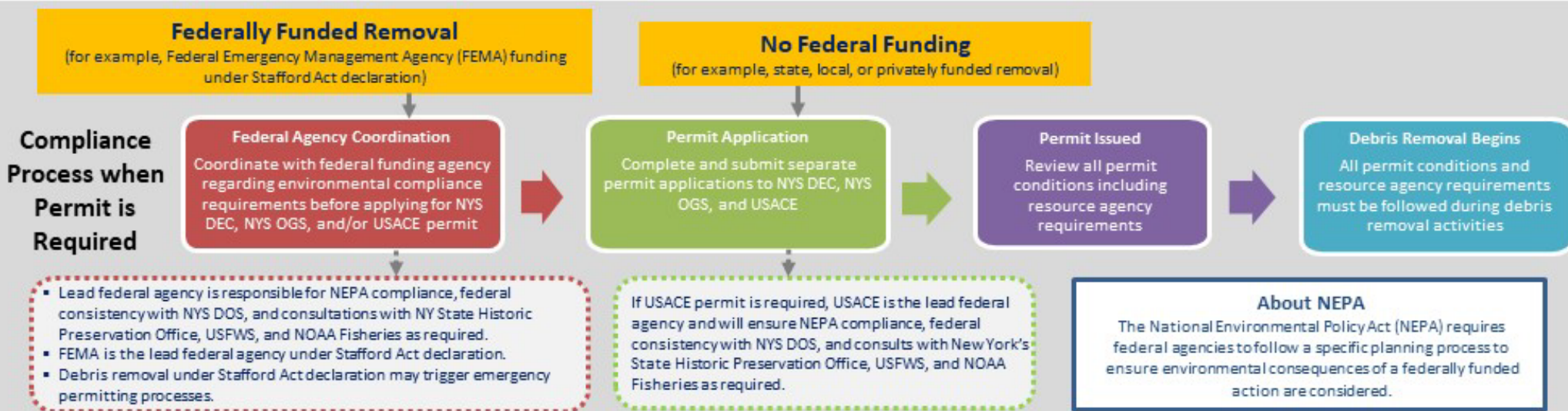
The “Permitting and Compliance for Marine Debris Removal in New York” handout on the following page synthesizes permitting and compliance requirements that must be met before debris removal operations begin. The top portion of the handout outlines the process to follow to stay in compliance, while the bottom portion highlights specific state and federal agency requirements with general contact information.

For detailed information regarding individual state and federal requirements, see [Sections 5.1](#) and [5.2](#), respectively.



# Environmental Compliance for Marine Debris Removal in New York

- In New York, a New York State (NYS) Department of Environmental Conservation (DEC) permit, a NYS Department of General Services (OGS) permit, and/or a U.S. Army Corps of Engineers (USACE) permit may be required if debris removal involves excavating, dredging, the discharge of fill or dredge material, or involves structures or work impacting navigable waterways and wetlands or state-owned lands under water. Applicants must submit applications to all permitting agencies and the NYS Department of State (DOS) for federal consistency, separately.
- The **lead federal agency** is responsible for compliance with National Environmental Policy Act (NEPA), DOS, and consulting with resource agencies including New York's State Historic Preservation Office, U.S. Fish and Wildlife Service (USFWS), and National Oceanic and Atmospheric Administration (NOAA) Fisheries as required.



## Agency Requirements and Legislation Details

**U.S. Army Corps of Engineers (USACE)**  
Buffalo District Regulatory Branch, District Office  
716-879-4330  
New York District Regulatory Branch, District Office  
917-790-8511

- Permit(s) may be required for debris removal if the activity involves dredging, the discharge of dredged or fill material, or involves structures or work impacting the navigability of a waterway. One or more permits may be needed depending on the work to be conducted.
- Depending on where the removal project will take place, applicants may need to consult with either Buffalo or New York Districts
- Buffalo and New York Districts each have their own Regional General Permits that may be used for debris removal projects
- In the case of an emergency, permitting procedures may be expedited

**NYS Department of Environmental Conservation (DEC)**  
Division of Environmental Permits  
518-402-9167

- Issues permits for projects that may negatively impact coastlines, tidal and non-tidal wetlands, and/or tidal and non-tidal waters
- A freshwater wetland, tidal wetland, and/or a coastal erosion management permit may be required for debris removal projects that involve excavating, dredging, the discharge of fill or dredge material, or involve structures or work impacting wetlands or coastal erosion hazard areas

**National Oceanic and Atmospheric Administration (NOAA)**  
NOAA Fisheries  
ESA: 978-281-9306  
EFH: 978-281-9102

- Consultation required if debris removal involves federal permits and/or funding (USACE permit, FEMA funding, etc.) to comply with:
  - Endangered Species Act (ESA) to ensure actions do not adversely affect listed threatened or endangered species or critical habitat for marine species
  - Fish and Wildlife Coordination Act to consider the effects of projects that might result in modification of natural streams or bodies of water on fish and wildlife development
  - Magnuson-Stevens Fisheries Conservation and Management Act to ensure actions do not adversely affect essential fish habitat

**NYS Office of Parks, Recreation and Historic Preservation**  
State Historic Preservation Office  
518-237-8643

- Assists state and federal agencies in compliance with Section 106 of the National Historic Preservation Act and Section 14.09 of the New York State Historic Preservation Act
- Consultation required if debris response involves a state or federal agency directly or through funding and/or issuance of permits (NYS DEC, NYS OGS or USACE permits, FEMA funding, etc.) and has potential to affect historic properties or cultural resources

**NYS Office of General Services (OGS)**  
Bureau of Land Management  
518-474-2195

- Issues permits for activities that may disturb state-owned lands under water such as building or altering structures and utilities, including fill

**U.S. Fish and Wildlife Service (USFWS)**  
New York Field Office  
607-753-9334  
Long Island Field Office  
631-286-0485

- Consultation with New York or Long Island Field Office required if debris removal involves federal permits and/or funding (USACE permit, FEMA funding, etc.) to comply with:
  - ESA to ensure actions do not adversely affect listed threatened or endangered species or critical habitat for land and freshwater species and certain marine species such as manatee
  - Coastal Barrier Resources Act to ensure actions do not encourage development on coastal barriers along the Atlantic coast

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## 7 Appendices

### 7.1 Contact Information

Contact information for local governments, state agencies, federal agencies, and nongovernmental organizations can be found in the *Field Reference Guide* on the NOAA Marine Debris Program website at <https://marinedebris.noaa.gov/emergency-response-guide/new-york-marine-debris-emergency-response-guide>. Contact information included in the field guide is verified annually.

### 7.2 Select Agency Authorities

#### 7.2.1 New York City Authorities

- Department of Parks and Recreation, N.Y.C. Admin. Code § 18-101
- Department of Sanitation, N.Y.C. Admin. Code § 16-101 et seq.
- Emergency management plan reporting and review, N.Y.C. Admin. Code § 30-112
- Environmental Hazard Remediation, N.Y.C. Admin. Code § 24-1000 et seq.
- Hazardous Substance Release; Emergency Response, N.Y.C. Admin. Code § 24-608
- Landmarks Preservation and Historic Districts, Scope of commission's powers, N.Y.C. Admin. Code § 25-304
- New York City Climate Protection Act, N.Y.C. Admin. Code § 24-801 et seq.
- New York City Trade Waste Commission, Powers and Duties, N.Y.C. Admin. Code § 16-504
- Office of Emergency Management, N.Y.C. Admin. Code § 30-101 et seq.
- Sunken, Abandoned or Delinquent Vessels and Dinghies, N.Y.C. Admin. Code § 4-11
- Water Pollution Control, N.Y.C. Admin. Code § 24-540 et seq.

#### 7.2.2 State Agency Authorities

##### **New York Department of State (DOS)**

- Amendment of coastal zone management program, N.Y. Exc. Law § 42-921
- Coastal Zone Management Act of 1972, 16 U.S.C. § 1451 et seq.
- Coordination of state actions and programs, N.Y. Exc. Law § 42-919
- Declaration of policy, N.Y. Exc. Law § 42-912
- Environmental Quality Review, N.Y. Env. Law § 8-0101 et seq.

##### **New York State Bridge Authority**

- New York State Bridge Authority, N.Y. Pba. Law § 527

##### **New York State Department of Environmental Conservation (DEC)**

- Activities of local governmental agencies, N.Y. Env. Law § 3-0117
- Disaster preparedness commission established; meetings; powers and duties, N.Y. Exc. Law § 21
- Duties of the commissioner of parks, recreation and historic preservation and the commissioner of environmental conservation, N.Y. Nav. Law § 10
- Flood Control, N.Y. Env. Law § 16-0101 et seq.
- Environmental Protection Act, N.Y. Env. Law § 54-0101 et seq.
- Flood mitigation task force, N.Y. Env. Law § 73-0101

- General functions, powers and duties of the department and the commissioner, N.Y. Env. Law § 3-0301
- Litter and Solid Waste Control, N.Y. Env. Law § 27-1001 et seq.
- New York Ocean and Great Lakes Ecosystem Conservation Act, N.Y. Env. Law § 13-0501 et seq.
- Protection of navigable waters; excavation or fill; permit, N.Y. Env. Law § 15-0505
- Protection of water bodies; permit, N.Y. Env. Law § 15-0503
- State solid waste management plan, N.Y. Env. Law § 27-0103
- State solid waste management policy, N.Y. Env. Law § 27-0106
- Statewide environmental plan, N.Y. Env. Law § 3-0303
- Water Pollution Control, Jurisdiction of the Department; Authority; Powers and Duties, N.Y. Env. Law § 17-0301 et seq.

### **New York State Department of Homeland Security and Environmental Services (DHSES) Office of Emergency Management (OEM)**

- Disaster preparedness commission established; meetings; powers and duties, N.Y. Exc. Law § 21
- Division of Homeland Security and Emergency Services, N.Y. Exc. Law § 709 et seq.
- Local comprehensive emergency management plans, N.Y. Exc. Law § 23
- Natural and man-made disasters; policy; definitions, N.Y. Exc. Law § 20
- State declaration of disaster emergency, N.Y. Exc. Law § 28.
- State disaster preparedness plans, N.Y. Exc. Law § 22

### **New York State Department of Transportation (NYS DOT)**

- Bridges, N.Y. Hay. Law § 230 et seq.
- County Roads, N.Y. Hay. Law § 110 et seq.
- General functions, powers and duties of the department, Grants of lands under water, N.Y. Tra. Law § 14
- General powers and duties of the commissioner of transportation relating to highways, N.Y. Hay. Law § 10

### **New York State Office of General Services**

- Grants of lands under water, N.Y. Pbl. Law § 75
- Powers and duties; leases, N.Y. Pbl. Law § 3

### **New York State Office of Parks, Recreation and Historic Preservation**

- Beaching a disabled watercraft, N.Y. Nav. Law § 45-A
- Deposit of refuse in navigable waters of the state, N.Y. Nav. Law § 33
- Duties of the commissioner of parks, recreation and historic preservation and the commissioner of environmental conservation, N.Y. Nav. Law § 10
- Navigation, jurisdiction over, N.Y. Nav. Law § 30
- Oil Spill Prevention, Control, and Compensation, N.Y. Nav. Law § 170 et seq.
- Organization and General Powers, Functions and Duties of Office of Parks, Recreation and Historic Preservation, N.Y. Nav. Par § 3.01 et seq.
- Regulating disposal of sewage; littering of waterways, N.Y. Nav. Law § 33-C
- State marine facilities, N.Y. Nav. Law § 143
- Statewide historic preservation program, N.Y. Par. Law § 14.05

## 7.2.3 Federal Agency Authorities

### **Animal, Plant and Health Inspection Service**

- Animal Health Protection Act, 7 U.S.C. § 8301 et seq.
- Plant Protection Act, 7 U.S.C. § 7701 et seq.

### **Federal Emergency Management Agency (FEMA) Region II**

- Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 et seq.
  - Debris Removal, 42 U.S.C. § 5173
  - Essential Assistance, 42 U.S.C. § 5170b
  - Federal Emergency Assistance, 42 U.S.C. § 5192

### **National Oceanic and Atmospheric Administration (NOAA)**

- Coastal Zone Management Act of 1972, 16 U.S.C. § 1451 et seq.
- Endangered Species Act, 16 U.S.C. § 1531 et seq.
- Fish and Wildlife Coordination Act, 16 U.S.C. § 661 et seq.
- Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. § 1801 et seq.
- Marine Debris Research, Prevention, and Reduction Act, 33 U.S.C. § 1951 et seq.
- Marine Mammal Protection Act of 1972, 16 U.S.C. § 1361 et seq.
- Marine Protection, Research, and Sanctuaries Act (Ocean Dumping Act), 33 U.S.C. § 1401 et seq.
- National Marine Sanctuaries Act, 16 U.S.C. § 1431 et seq.
- National Marine Sanctuary Program Regulations, 15 C.F.R. § 922

### **Natural Resources Conservation Service (NRCS)**

- Emergency Watershed Protection Program, 7 C.F.R. § 624

### **U.S. Army Corps of Engineers (USACE), Buffalo and New York Districts**

- Authority for snagging and clearing for flood control (Section 208), 33 C.F.R. § 263.24
- Federal Water Pollution Control Act (commonly known as Clean Water Act) as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1251 et seq.
  - Permits for dredged or fill material (Section 404), 33 U.S.C. § 1344
- Flood Control and Coastal Emergency Act, 33 U.S.C. § 701n (Public Law 84-99)
- Permits for Structures or Work in or Affecting Navigable Waters of the United States, 33 C.F.R. § 322
- Removal of snags and debris, and straightening, clearing, and protecting channels in navigable waters, 33 U.S.C. § 603a
- Removal of Wrecks and Other Obstructions, 33 C.F.R. § 245
- Rivers and Harbors Appropriation Act of 1899 and 1945, 33 U.S.C. § 401 et seq.
  - Obstruction of navigable waters generally; wharves; piers, etc.; excavations and filling in (Section 10), 33 U.S.C. § 403
  - Taking possession of, use of, or injury to harbor or river improvements, 33 U.S.C. § 408
  - Obstruction of navigable waters by vessels; floating timber; marking and removal of sunken vessels, 33 U.S.C. § 409
  - Removal by Secretary of the Army of sunken water craft generally; liability of owner, lessee, or operator, 33 U.S.C. § 414
  - Summary removal of water craft obstructing navigation; liability of owner, lessee, or operator, 33 U.S.C. § 415

- Collection and removal of drift and debris from publicly maintained commercial boat harbors and adjacent land and water areas (Water Resources Development Act, Section 202), 33 U.S.C. § 426m
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 et seq.

#### **U.S. Coast Guard (USCG), Sectors Buffalo, Long Island Sound, and New York**

- Abandoned Barge Act of 1992, 46 U.S.C. § 4701-4705
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601 et seq.
- Federal Water Pollution Control Act (commonly known as Clean Water Act) as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1251 et seq.
  - Oil Pollution Liability and Compensation, 33 U.S.C. § 2701 et seq.
- Marking of structures, sunken vessels and other obstructions, 33 C.F.R. § 64
- National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. § 300
- Ports and Waterways Safety Act, 33 U.S.C. §1221 et seq.
- Saving life and property, 14 C.F.R. § 88

#### **U.S. Department of Transportation**

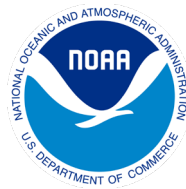
- Emergency relief, 23 U.S.C. § 125 et seq.

#### **U.S. Environmental Protection Agency (EPA), Region II**

- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601 et seq.
- Federal Water Pollution Control Act (commonly known as Clean Water Act) as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1251 et seq.
- National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. § 300

#### **U.S. Fish and Wildlife Service (USFWS)**

- Coastal Barrier Resources Act, 16 U.S.C. § 3501 et seq.
- Endangered Species Act, 16 U.S.C. § 1531 et seq.
- Fish and Wildlife Coordination Act, 16 U.S.C. § 661 et seq.
- Marine Mammal Protection Act of 1972, 16 U.S.C. § 1361 et seq.
- Migratory Bird Treaty Act, 16 U.S.C. § 703 et seq.
- National Wildlife Refuge System Administration Act of 1966, 16 U.S.C. § 668dd et seq.
- National Wildlife Refuge System Improvement Act of 1997



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