
Emergency Authorization Regulation



BACKGROUND

- Recent Storm Events
 - 5 Park related federally declared major disasters
- 141 DEC Emergency Referrals
 - Bridges, dams, river restoration, lake shore stabilization
- Agency does not have a standard process for expediting project review in emergencies

PURPOSE AND NEED

- Public health and safety
- Agency efficiency
- Improved coordination with other state agencies

IMMEDIATE THREAT TO PROPERTY



**Camp Dudley
Westport, NY**



HURRICANE IRENE

AUGUST 29, 2011



SARANAC RIVER SLOPE FAILURE



DRAFT REGULATION

Statutory Authority:

- APA Act §§ 806, 809 and 814
 - “This [section] shall not apply to any emergency project which is immediately necessary for the protection of life or property...”

EMERGENCY

- A specific natural event or an accidental human-made event which presents an immediate threat that may result in irreversible damage to life or property; or
- A specific storm event or natural calamity that has been declared to be a major disaster by federal or state officials.

EMERGENCY ACTION

- An activity that requires a permit, order or variance from the Agency that is undertaken to address an emergency.

NOTIFICATION

- Prior to undertaking an emergency action;
or
- Within 24 hours of commencement of emergency action

REQUIRED INFORMATION

- Signature of the owner of record of land involved
- Description of the emergency
- Nature and duration of the proposed emergency action
- Any remedial actions to limit impacts

CRITERIA

1. There is an emergency;
2. The emergency action is directly related to the emergency;
3. The emergency action is the minimum relief necessary to address the emergency; and
4. The emergency action will cause the least change, modification, disturbance or damage to the environment practicable under the circumstances.

AUTHORIZATION

- Deputy Director – Regulatory Programs issues emergency authorization letter
- May place conditions or require remedial actions as appropriate

NEXT STEPS...

- Input from:
 - Other state agencies
 - State and county emergency offices
- Stakeholder input and review
- Bring back to Board

Questions?