

Do I Need a NYS Protection of Waters Permit?

A [NYS Protection of Waters Permit](#) is required for the disturbance of the bed or banks of a protected stream, which includes water bodies in the course of a stream of 10 acres or less, with a classification of AA, A or B, or with a classification of C with a standard of (T) or (TS). See [Protection of Waters Permit: Introduction](#) for further information about this permit and an explanation of the classification system as it relates to the permit.

In addition to a stream classified as C (T) or above, a Protection of Waters Permit is required if you intend to excavate or place fill in any navigable waters of the state, including ponds, lakes, rivers and navigable streams or if you plan to place a structure in, on or over a waterbody. In addition to the water body or watercourse itself, adjacent and contiguous wetlands are also subject to permitting. However, a permit is not required for navigable waters that are totally surrounded by land held in a single private ownership. See [Protection of Waters: Excavation or Placement of Fill in Navigable Waters and Their Adjacent and Contiguous Wetlands](#) for additional information

Even if a Protection of Waters Permit is not required, you are still responsible for ensuring that work does not pollute any stream or water body. Care must be taken to stabilize all disturbed areas promptly after construction. All necessary precautions must be taken to prevent contamination of the stream or water body by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

If you have a water body on your property with a year round flow, but it does not appear on the electronic map, it is assigned the classification of the water body into which it feeds. If it feeds into a stream designated as C (T) or higher, a Protection of Waters Permit will be required.

See [Protection of Waters - Application Procedures](#) and [Protection of Waters Program](#) for additional information regarding the Protection of Waters Program