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# NY Rising Rental Property Program

## BULKHEAD DESIGN GUIDANCE

### What Owners and Licensed Engineers Need to Know About the NY Rising Bulkhead Initiative

Revised July 17, 2017

#### NY Rising Housing Program (applies to all Programs)

**NOTE: All NY Rising Housing Programs closed to new bulkhead applicants.**

The NY Rising Homeowners Program provides opportunities for applicants to proceed with repairs and replacement of bulkheads. This document provides guidance to applicants on how to proceed with the design phase of the award. **The Program must confirm that design has been completed and the appropriate permits have been secured prior to the start of repair / replacement work.** Applicants are not to start work until the Program has determined that work may commence with the issuance of a first Bulkhead repair payment. The below guidance provides greater detail on Program requirements.

The Program will fund bulkhead work for an applicant whose home was damaged in one of the qualified storms and where the repair of damage to the bulkhead supports the investment made in that home. The Program will only fund bulkhead repair/replacement, in place and in kind. Owners and their engineers are responsible for obtaining all required permits.

For information about how to apply for funding for bulkheads and other optional mitigation items, please see the program's "**Fact Sheet for Optional Items**" which is available at Program website at <http://stormrecovery.ny.gov/housing/single-family-homeowner-program>. This document is intended to guide you in your selection of a licensed engineer or other qualified designer who will prepare the necessary design materials for submission to the Program and to provide you and your engineer with the information you need about the Program requirements.

#### Selecting an Engineer

You, as the owner, will be responsible for hiring an engineer or other qualified designer of your choosing. You **MUST** hire a professional engineer or architect, licensed in the State of New York. You can verify that your designer of choice is licensed by the NYS Office of the Professions by going to this website: <http://www.op.nysed.gov/opsearches.htm>. Make sure to ask if the designer has worked on waterfront projects and see if he or she is familiar with State and Federal permitting requirements for such projects.

#### Guidance for Your Engineer

Please provide your licensed engineer with a copy of the attached **Engineering Report Requirements**. Your licensed engineer will assist you in providing the Program with the necessary design and construction information about your bulkhead repair and with complying with the permitting requirements administered by the Army Corps of Engineers, the New York Department of Environmental Conservation and local/municipal laws, codes and ordinances. Your engineer must submit the Permit Maintenance Checklist Certification to the Program describing your bulkhead repair work and the required permits. This will help ensure that your new bulkhead is properly designed and the work performed is compliant with Federal, State and Local laws.



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### Next Steps

1. For proposed upcoming work, your licensed engineer will assist you in preparing the scope of work necessary to repair your damaged bulkhead. The Program will conduct an onsite inspection and after submission of the Permit Maintenance Checklist Certification by your engineer, will prepare an Estimated Cost of Repair (ECR) report, describing the work that will be done, and the amount that the Program will fund for the work. This estimate will be final. The Program will not fund repair work beyond the amount called for in the inspection report, as this amount reflects the Program's basic standard. However, you may choose to perform additional work at your own expense. A design/engineering fee allowance will be calculated at 10% of the estimated construction cost and added to your bulkhead award, less any Design Fee Advance you may have already received. (It should also be noted that the amount of your actual award for your bulkhead will be subject to a reduction by the amount of "Duplication of Benefits" or DOB that you have remaining.) If you contracted for your bulkhead project within one year of the storm that affected your property (for Sandy that is before October 29, 2013) you may seek reimbursement for work already performed on your bulkhead. Please provide your executed contract or paid invoices, as well as permits to seek a reimbursement award (see below for more details on reimbursement).
2. With the assistance of your engineer you must obtain and submit to the Program a New York State Department of Environmental Conservation (NYSDEC) Permit, e.g. an individual permit, or a Request for Authorization Form to perform work under a General Permit. If a DEC permit is not required, provide a regulatory citation for exemption or documentation that it is not required such as the attached Permit Maintenance Checklist Certification prepared by your engineer. Additionally, dependent upon the scope of work, you may also need to submit a pre-construction notification to the United States Army Corps of Engineers and to your locality. Your engineer must determine all permit requirements applicable to your scope of activities. All required permits must be obtained and submitted to the program prior to the release of any construction funds to you.
3. In order to comply with federal environmental regulations, the Program will perform an environmental analysis of your bulkhead project, known as a "Tier 2 Report," before releasing any construction funds to you. **IMPORTANT: You may NOT perform construction activity under any circumstances until this environmental review process is complete and your Tier 2 has been approved and signed, and you have obtained and submitted all necessary permits to the Program.**
4. Once the Tier 2 Report has been created and approved and all necessary permits have been submitted, the Program will release 50% of the estimated cost of repair to start construction.
5. Upon completion of the work you will be asked to have your licensed engineer produce a Bulkhead Final Certification of Completion. This Certification of Completion includes the engineer's certification that the work was performed in accordance with the scope, as well as copies of any closeout documentation that may be required by permitting agencies. This form is attached below and can also be found on the Program's website at <http://stormrecovery.ny.gov/housing/single-family-homeowner-program>. When the Program receives this Certification of Completion and closeout materials signed by a licensed engineer, the Program will perform an on-site inspection. If all work has been completed according to Program standards, you will receive your remaining funds.



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6. Upon completion of the work, the Program will require the NYS Department of Environmental Conservation to determine if the work was done in compliance with the approved permit. To remain eligible for bulkhead funding, the work must be done in compliance with the DEC permit.

**What if I have already started or completed my bulkhead repair?**

As required by HUD, the Program can reimburse for bulkhead work contracted for within one year of the storm which caused the damage, i.e. before 10/29/13 for Hurricane Sandy. To qualify for reimbursement, the Program will conduct an inspection of your bulkhead. You must be able to prove through documentation that you secured all the necessary permits or authorizations permits issued by the US Army Corps of Engineers, the NYS Department of Environmental Conservation, and your local municipality). You must also submit to the Program the executed contract and a detailed scope of the work performed.

**If work on your bulkhead is currently underway, please contact a Construction Technical Advisor at 516-830-4949 immediately, and provide any permit documentation you have. You must direct your contractor to stop work as soon as feasible (as soon as the bulkhead is stabilized) so that the Program can verify that all needed permits have been secured, and complete the federally required environmental review process.**

**Please note that all bulkhead awards will be based on the lesser of the Program calculated estimate or executed contract/final paid invoice.**



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## BULKHEAD DESIGN GUIDANCE ENGINEERING REQUIREMENTS

The following information and documentation must be provided to comply with Program requirements:

- (1) Permit Maintenance Checklist Certification (see attached), signed by the engineer, must be submitted to the Program to assess the work necessary to repair the bulkhead and whether permit documentation from US Army Corps of Engineers, the NYS Dept. of Environmental Conservation or the municipality is required for the project. Upon review of this document and the onsite inspection conducted by the Program, the Bulkhead Estimated Cost of Repair will be prepared.
- (2) Copies of all necessary permits and authorizations; including but not limited to those required by the US Army Corps of Engineers, NYS Department of Environmental Conservation and any local/municipal agency having jurisdiction over the work must be submitted to the Program. If one or more of these permits is not necessary, the engineer may document this by the completion of the Permit Maintenance Checklist Certification referenced above. Permits that have already been obtained, should be submitted with the Permit Maintenance Checklist Certification, but are not necessary at that time. All permits must be submitted before the first construction payment will be released.
- (3) A Certification of Completion, signed by the engineer, must be submitted to the Program when the bulkhead work has been completed. Any closeout documentation required to be submitted to any permitting agency must also be supplied. Receipt of these materials and a satisfactory final Program inspection are required before the final payment will be released.



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## **NY Rising Bulkhead Initiative PERMIT MAINTENANCE CHECKLIST CERTIFICATION**

<b>NY Rising Application #:</b>	
<b>Damaged Property Address:</b>	
<b>Engineer's Name, contact information:</b>	
<b>Engineer's License #:</b>	
<b>Engineer's Signature:</b>	
<b>Date:</b>	

**To be completed by a Professional Engineer Licensed in the State of New York:**

1. Provide a description of the bulkhead work proposed, such as would be included in the NYS DEC Permit Application. ("Identify structure types and the use of such structures, including size, type of construction and materials to be used, if substantial reconstruction is required, explain extent of activity including percentage of the total structure size affected.")

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2. The existing bulkhead is serviceable.  
 Yes  No
3. The repaired/rehabilitated/replaced bulkhead will not be used differently than under existing condition.  
 Yes  No
4. Deviations in bulkhead configuration including materials, construction techniques, current construction codes or safety standards, are minor.



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Yes  No  Not Applicable

5. Stream channel modification needed to enact the repair/rehabilitation/replacement of the bulkhead is the minimum necessary.

Yes  No  Not Applicable

6. Temporary structures/fills (e.g., cofferdams) used to enact the repair/rehabilitation/replacement of the bulkhead will maintain normal downstream flows to the maximum extent practicable.

Yes  No  Not Applicable

7. Temporary structures/fills used to enact the repair/rehabilitation/replacement of the bulkhead will minimize flooding to the maximum extent practicable.

Yes  No  Not Applicable

8. Temporary fills consist of materials, and are placed in a manner that will not be eroded by expected high flows.

Yes  No  Not Applicable

9. If used, temporary fill will be entirely removed and the affected areas returned to preconstruction elevations.

Yes  No  Not Applicable

10. Areas affected by temporary fills will be revegetated, as appropriate.

Yes  No  Not Applicable

11. Bulkhead replacement is located (check all that apply):

landward,  within the same footprint,  within 18 inches waterward of the existing bulkhead and is within tidal waters.

12. Bulkhead repair/rehabilitation/replacement does not include the removal of accumulated sediment and debris in the vicinity of the existing structure waters (i.e., no farther than 200 feet), and/or placement of new or additional riprap to protect the structure.

Yes  No



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**DOES THE PROJECT COMPLY WITH ALL PERMITTING REQUIREMENTS?  
UNITED STATES ARMY CORPS OF ENGINEERS**

Project meets requirements for Nationwide Permit 3 without Pre-Construction Notification:

Yes  No

If yes, provide justification that Pre-Construction Notification is not required:

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Project meets requirements for Nationwide Permit 3 but requires submission of Pre-Construction Notification:  Yes  No

If yes, provide copy of the Pre-Construction Notification.

Project involves dredging activities that meet the requirements for minor dredge activities (less than 25 cubic yards below the plane of the ordinary high water mark or the mean high water mark) under Nationwide Permit 19

Yes  No

For projects completed within one year of the storm event, project meets the requirements of U.S. Army Corps Regional General Permit 15 (NYDGP-15), and does not require pre-construction notification under the terms of that permit (see conditions 4, 5, 6, 7, 15, 17, 19, 27, and 41 for pre-construction notice requirements)

Yes  No

Note: NYDGP-15 requires the submittal of a compliance certification forms within 30 days of the completion of the work authorized by the general permit. This permit would only apply to work completed within one year of the storm event.

Project does not meet requirements for Nationwide Permit 3 and/or Nationwide 19/ requires an individual USACE permit:

Yes  No

If an individual USACE permit is required, please attach.

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Is a NYSDEC General Permit required?

Yes  No

Please describe status of NYSDEC permit below. If previously obtained, attach a copy of the individual permit, or written Request for Authorization Form to perform work under a General Permit. If not required, please explain why a permit is not required and give the regulatory citation for exemption:



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**LOCAL OR MUNICIPAL REQUIREMENTS**

Is a Local Municipal and/or a Wetlands Permit required?

Yes  No

If required, please attach a copy of the required Permit(s).

<p><b>NY Rising Housing Recovery Bulkhead Final Certificate of Completion by Engineer/Designer</b></p>
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**Homeowner Name:**

**Applicant ID #:**

**Damaged Property Address:**

**Date Permit Maintenance Checklist Certification Signed:**

**Engineer/Designer must check one of the following boxes, provide any required information and sign.**

I affirm that I have reviewed and inspected the bulkhead work which was done in accordance with the Program's Permit Maintenance Checklist Certification which was signed and submitted as stated above. All necessary permits, certifications and approvals related to the work have been obtained. The work was completed in accordance with the description on the Permit Maintenance Checklist Certification and has been performed in accordance with all applicable permits, including but not limited to those issued by the NYS Department of Environmental Conservation and U.S. Army Corps of Engineers. I further Certify that the work was been completed in accordance with the NY Rising Housing Recovery Program scope of work.

or

I affirm that I have reviewed and inspected the bulkhead work completed in relation to the above-mentioned property. The work completed was different from that described on the Certification



