

Appendix B-4
USCG Section 9 Jurisdictional Checklist

ATTACHMENT 4.A.J. USCG Section 9 Permit Applicability Guidance

U. S. COAST GUARD JURISDICTION CHECKLIST

STEP 1. → Does the project involve bridge work?

- YES, go to Step 2.
- NO, end. USCG has no jurisdiction.

STEP 2. Is the waterway considered navigable by USCG?

- Presently used or susceptible to use in its natural condition or by reasonable improvement to be used as a means to TRANSPORT SUBSTANTIAL INTERSTATE COMMERCE.

If YES, considered NAVIGABLE; must assess need for Section 9 permit. Go to PERMIT APPLICABILITY table.

If NO, continue.

- Tidal waterway (subject to the ebb and flow of tide).
If YES, GO TO STEP 3 to determine if exempt by FHWA under Section 123(b) of the Surface Transportation and Uniform Relocation Act of 1987.
If NO, end. USCG has no jurisdiction.

STEP 3. Is the project federally funded?

- YES, go to Step 4.
- NO, considered NAVIGABLE; must assess need for Section 9 permit. Go to PERMIT APPLICABILITY table.

STEP 4. Is the waterway navigable by vessels in excess of 21 feet in length?

- YES, considered NAVIGABLE; must assess need for Section 9 permit. Go to PERMIT APPLICABILITY table.
- NO, waterway can be considered a minor tidal waterway and the project can be exempted by FHWA.

- If the project involves bridge work over a waterway that is considered NAVIGABLE by USCG, review the PERMIT APPLICABILITY table to determine if a SECTION 9 permit is required. If a permit is required, prepare a permit application package and submit to the USCG.

USCG SECTION 9 PERMIT APPLICABILITY

<ul style="list-style-type: none"> • New or Replacement Bridge, including causeway 	<ul style="list-style-type: none"> • <u>SECTION 9 PERMIT REQUIRED</u>
<ul style="list-style-type: none"> • Bridge Modification resulting in: <ul style="list-style-type: none"> • Change of Width (\pm) • Change in Horizontal or Vertical Clearance, including: <ul style="list-style-type: none"> installation of fender systems on piers where none existed before pier or abutment stabilization work such as pouring collars or encapsulating a substructure resulting in a change of horizontal clearances superstructure work that results in a change (\pm) of vertical clearances • Major Change of Appearance 	<ul style="list-style-type: none"> • <u>SECTION 9 PERMIT REQUIRED</u>
<ul style="list-style-type: none"> • Change of Bridge Structure Type 	<ul style="list-style-type: none"> • SECTION 9 PERMIT REQUIRED
<ul style="list-style-type: none"> • Bridge Rehabilitation Projects 	<ul style="list-style-type: none"> • NO SECTION 9 PERMIT REQUIRED • COORDINATE WITH USCG • ADD NOTES TO CONTRACT PROPOSAL

U.S. COAST GUARD SECTION 9 PERMIT APPLICATION PACKAGE

Application Package Contents:

1. Location Map
2. Plan & Elevation View of Bridge (8½" x 11" sheet)
3. Section 401 Water Quality Certification from NYSDEC
4. Coastal Zone Management Certification from NYSDOS if in a mapped Coastal Area
5. Approved Environmental Document (Categorical Exclusion, EA/FONSI, EIS)
6. Official Orders (Authorization to Apply)

Processing Time for Section 9 Permit:

1st Coast Guard District, Governors Island, NYC -- 8 to 12 months
eastern portion of New York west to Canajoharie

9th Coast Guard District, Cleveland, OH -- 3 to 6 months
western portion of New York west of Canajoharie