NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

January 23, 2026

via email (James.McAllister@hcr.ny.gov)

James McAllister
NYS Office of Resilient Homes and Communities
641 Lexington Ave
New York, NY 10022

Re: NYSDEC Permit No. 2-6405-00610/00007; PID 3296
REBUILD BY DESIGN LIVING BREAKWATERS & SHORELINE PROTECTION
Establish oyster reef habitats
Block, Lot(s): NA
Staten Island, NY
ECL Article 25 - Tidal Wetlands
ECL Article 15 - Excavation & Fill in Navigable Waters
6 NYCRR Part 608 - Water Quality Certification
NOTICE OF PERMIT ISSUANCE

Dear James McAllister:

Enclosed is your permit. Please read it carefully. You are required to comply with all conditions of the permit.

Please note that Natural Resources Condition 3 of the permit requires submittal of the attached "Notice of Intent to Commence Work" at least 5 days prior to the start of the permitted activity, and Natural Resources Condition 4 of the permit requires submittal of the attached “Notice of Completion of Work” no later than 10 days following completion.

Technical questions concerning this matter should be directed to Justin Falls, Division of Marine Resources, Justin.Falls@dec.ny.gov. Administrative questions should be directed to me, Division of Environmental Permits, Jeanette.Rodriguez@dec.ny.gov.

Sincerely,

Jeanette Rodriguez

Jeanette Rodriguez
Environmental Analyst 2

PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
NYS Office of Resilient Homes and Communities

HAMPTON PLZ

38-40 STATE ST
ALBANY, NY 12207
(212) 480-4644

Facility:
REBUILD BY DESIGN LIVING BREAKWATERS & SHORELINE PROTECTION
SHORELINE OF AND WATERS OFFSHORE TOTTENVILLE, STATEN ISLAND
STATEN ISLAND, NY 10307

Facility Location: in RICHMOND COUNTY **Village:** Staten Island
Facility Principal Reference Point: NYTM-E: 564.716 NYTM-N: 4483.21
Latitude: 40°29'49.5" Longitude: 74°14'10.6"
Project Location: Raritan Bay offshore of Tottenville, Staten Island, NY 10307
Authorized Activity: Establish oyster reef habitats on four of the breakwaters through introduction of approximately 39,675,000 oyster spat over two phases. The first phase will include the addition of oyster spat via three in situ trials conducted within turbidity curtains. The second phase will include installation of approx. 4,494 ECOncrete disks seeded with oyster spat within the footprint of the existing breakwaters. Should weather prohibit the in-situ trials a contingency plan will be activated.

Permit Authorizations

Excavation & Fill in Navigable Waters - Under Article 15, Title 5
Permit ID 2-6405-00610/00007
New Permit Effective Date: 1/23/2026 Expiration Date: 12/31/2031
Water Quality Certification - Under Section 401 - Clean Water Act
Permit ID 2-6405-00610/00008
New Permit Effective Date: 1/23/2026 Expiration Date: 12/31/2031
Tidal Wetlands - Under Article 25
Permit ID 2-6405-00610/00009
New Permit Effective Date: 1/23/2026 Expiration Date: 12/31/2031

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: CAITLYN P NICHOLS, Acting Regional Permit Administrator
Address: NYSDEC Region 2 Headquarters
47-40 21st St
Long Island City, NY 11101 -5401

Caitlyn Nichols
Digitally signed by Caitlyn Nichols
Date: 2026.01.23 10:04:23 -05'00'

Authorized Signature: Caitlyn Nichols Date 01 / 23 / 2026

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: EXCAVATION & FILL IN NAVIGABLE WATERS; WATER QUALITY CERTIFICATION; TIDAL WETLANDS

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by as cited in Natural Resource Condition 2.

2. Conformance with Plans - Addenda In addition to plans referenced in the Condition titled "Conformance with Plans," the activities authorized by this permit must be in strict conformance with the following approved plans and/or submissions made as part of the permit application:

a. Application Package prepared by Ramboll on behalf of NYS Office of Resilient Homes and Communities, dated December 17, 2024 and received by NYSDEC on December 19, 2024, except where superseded by the revised documents below:

   i. Plans prepared by Scape Landscape Architecture DPC titled “Proposed Oyster Restoration on Living Breakwaters Ward Point Bend, Raritan Bay Tottenville, Staten Island County of Richmond State of New York,” sheets 1 through 16 of 16, dated December 9, 2025 and received by NYSDEC on December 10, 2025.

   ii. Monitoring plan prepared by Billion Oyster Project titled “Living Breakwater Oyster Enhancements Monitoring and Adaptive Management Plan,” Version 5, revised July 3, 2025 and received by NYSDEC on July 16, 2025.

   iii. A memo from Cate Collinson of Billion Oyster Project to Chelsea Miller of NYSDEC, titled “RE: LCP-Scientific #1143, 2025 Modification Request - Living Breakwaters Project,” dated May 2, 2025 and received by NYSDEC on May 2, 2025.

3. **Notice of Intent to Commence Work** At least five (5) days prior to the start of work, the Permittee must complete and submit the attached Notice of Intent to Commence Work form to the NYSDEC Division of Marine Resources, via email to DMR.R2@dec.ny.gov.

4. **Notice of Completion of Work** Within ten (10) days of the completion of work, Permittee must complete and submit the attached Notice of Completion of Work form to the NYSDEC Division of Marine Resources, via email to DMR.R2@dec.ny.gov.

5. **Post Permit Sign** The attached NYSDEC permit sign shall be posted, protected from the weather, in a conspicuous outdoor location at the project site. This sign is to be posted for the duration of work authorized by this permit.

6. **Post-Construction Photographs** Within 30 days of completion of construction of the work authorized by this permit, the permittee shall submit at least 3 color photographs of the project, taken from different angles, to DMR.R2@dec.ny.gov.

7. **Conformance with Shellfish Importation Permit Requirements** The importation of oysters of any size from out-of-state hatcheries in connection with this project is subject to the issuance of a Shellfish Importation Permit prior to receipt of oysters for placement in marine waters of the state. A report of the importation activities must be provided to NYSDEC-Shellfish Management Unit immediately following the importation of oysters in connection with this project.

8. **Conformance with License to Collect and Possess** The possession and introduction of oysters of any size and quantity in connection with this project are subject to and require the issuance of a License to Collect or Possess (LCP) prior to conducting any of the activities in association with this project. Furthermore, all activities authorized by this permit must be in strict compliance with LCP #1143, which regulates the quantities of oysters for this project. Any changes to the number of oysters must be approved under LCP #1143.

9. **Reporting Requirements** The Permittee shall file written reports to the NYSDEC with name of the project, the year, and permit number. The reports must be emailed in pdf form to DMR.R2@dec.ny.gov (Attention: Marine Resources Manager) and to debra.barnes@dec.ny.gov. The written reports specified below must fully comply with the metrics, statistics, methods, and deadlines contained in the above cited Living Breakwaters Oyster Enhancements Monitoring and Adaptive Management Plan as revised July 3, 2025.

   a. Permittee must submit annual reports of oyster performance criteria for the oyster in situ trials (and the in situ contingency plan) and seeded oyster disks as laid out in the "Deliverables" section of the approved monitoring plan

   b. The permittee must include any proposed changes to the restoration design as part of the adaptive management plan to the annual oyster monitoring reports. Should NYSDEC have any comments about the proposed changes, the permittee must address them within 30 days. Approval to the proposed changes must be received before permittee can move forward with the adaptive management strategies.

c. In addition to the oyster performance criteria reports laid out in condition 9a, annual reports for years listed in Table 2 of the Monitoring Plan (years 1, 3, and 5) will also include epibenthic community monitoring reports that are in compliance with the approved monitoring plan.

10. Report Evidence of Tampering If any evidence of tampering of ECOncrete disks, theft of oysters, or theft of equipment is discovered, the Permittee must notify NYSDEC Region 2 Division of Law Enforcement at 718-482-4885 immediately.

11. Notification to NYSDEC Law Enforcement In addition to the notification to NYSDEC described in the Condition titled "Notice of Intent to Commence Work", Permittee must also notify NYSDEC Region 2 Division of Law Enforcement at 718-482-4885 of the commencement of work at least 24 hours prior to the installation of oyster ECOncrete disks.

12. In Water Work Moratorium For the protection of winter flounder spawning habitat, in water work is prohibited from January 15th to May 31st.

13. Best Management Practices Best management practices will be employed to prevent the loss of construction materials, debris and sediments from entering the wetlands or waterways. Such practices may include, but are not limited to construction fencing, staked hay bales, silt fencing, floating platforms, netting, containment booms, and turbidity curtains.

14. Minimize Adverse Impacts to Wetlands, Wildlife, Water All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.

15. Vessel Clearance Any barge or vessel used to stage or conduct this work must maintain at least two feet clearance from the mudline during all tidal cycles.

16. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

17. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

18. Prior Approval of Changes If the Permittee proposes to make any minor changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request via email to the NYSDEC Regional Permit Administrator (DEP.R2@dec.ny.gov) and NYSDEC Division of Marine Resources (DMR.R2@dec.ny.gov) to determine if such changes require a permit modification and necessitate submission of a Permittee-initiated modification request to the Department. The Permittee shall not implement such changes unless authorized in writing by NYSDEC. Authorization without modification of the permit is at the Department's sole discretion.

19. Failure to Meet Permit Conditions Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. **Water Quality Certification** The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. **Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. **Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. **Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 2 Headquarters
47-40 21st St
Long Island City, NY11101 -5401

4. **Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Tidal Wetlands, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

a. materially false or inaccurate statements in the permit application or supporting papers;

b. failure by the permittee to comply with any terms or conditions of the permit;

c. exceeding the scope of the project as described in the permit application;

d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;

e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification
The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

NOTICE OF INTENT TO COMMENCE WORK

Date: _____

NYSDEC Division of Marine Resources
DMR.R2@dec.ny.gov
NYSDEC Region 2 Office
47-40 21st Street
Long Island City, NY 11101

Re: NYSDEC Permit No. 2-6405-00610/00007; PID 3296
REBUILD BY DESIGN LIVING BREAKWATERS & SHORELINE PROTECTION
Establish oyster reef habitats
Block, Lot(s): NA
Staten Island, NY

To whom it may concern:

In accordance with Natural Resource Condition 3 of the referenced permit, I hereby serve notice to commence work on _____, 20____.

This is also to certify that, having read this entire permit, I am fully aware of and understand the general and natural resource conditions therein, and agree to comply with all such conditions further understand that prior to undertaking any modification to the subject work, I must seek and receive written approval of the NYSDEC Regional Permit Administrator.

_____
Signature of Permittee

_____
Name of Permittee (please print)

_____
Signature of Contractor

_____
Name of Contractor (please print)

_____
Street Address of Contractor

_____
City, State, & Zip Code of Contractor

_____
Telephone Number of Contractor

WARNING

The permittee and his contractor (if any) are required to follow all permit conditions. Violations of the permit may lead to legal action, including the imposition of substantial monetary fines and corrective work.

NOTICE OF COMPLETION OF WORK

Date: _____

NYSDEC Division of Marine Resources
DMR.R2@dec.ny.gov
NYSDEC Region 2 Office
47-40 21st Street
Long Island City, NY 11101

Re: NYSDEC Permit No. 2-6405-00610/00007; PID 3296
REBUILD BY DESIGN LIVING BREAKWATERS & SHORELINE PROTECTION
Establish oyster reef habitats
Block, Lot(s): NA
Staten Island, NY

To whom it may concern:

In accordance with Natural Resource Condition 4 of the referenced permit, I hereby serve notice that the work allowed by the above referenced permit has been completed as of _____, 20____, consistent with the requirements of the above referenced permit.

_____
Signature of Permittee

_____
Name of Permittee (please print)

_____
Signature of Contractor

_____
Name of Contractor (please print)

_____
Street Address of Contractor

_____
City, State, & Zip Code of Contractor

_____
Telephone Number of Contractor

95-20-1 (8/87)—9d

New York State
Department of Environmental Conservation

NOTICE

The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Regional Permit Administrator

Permit Number 2-6405-00610/00007

Expiration Date 12/31/2031

Caitlyn Nichols
47-40 21st Street
LIC, NY 11101
(718) 482-4997

NOTE: This notice is **NOT** a permit