



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**GENERAL PERMIT GP-0-16-003**  
**Habitat Management by NYSDEC**

**Permittee and Facility Information**

**Permit Issued To:**

New York State Department of  
Environmental Conservation  
Division of Fish, Wildlife & Marine Resources  
625 Broadway  
Albany, NY 12233-4750

**Facility:**

NYSDEC Wildlife Management Areas;  
Cooperative Area;  
Multiple Use Areas;  
Unique Areas;  
Fisherman Access Sites

**Applicable DEC Region(s):** ALL

**General Permit Authorized Activity:**

**1. Reconstruction and in-kind replacement of existing structures:**

- Structural repair of dikes within existing footprint (not to include breaching entire width of dike if it is classified as a dam).
- Restoring, reconstructing or modifying existing functional structures or facilities which involves temporary disturbance of less than 538 square feet of ground surface.
- In-kind replacement of water level control structures within existing footprints. This includes replacing an existing water control structure with a control structure of a different design.

**2. Management of Constructed Impoundments:**

- Management of water levels including temporary draw-downs, for habitat improvement, maintenance, and invasive species control.
- Mowing, tilling, and planting during draw-downs to enhance emergent wildlife habitat within adjacent area and wetland.

**3. New docks, piers, observation/hunting blinds and platforms, boardwalks or similar structures to provide access:**

- In wetland or adjacent area, installation of dock, pier, observation platform, tower, or other structure built on floats or open-work supports, such as driven pile, and having a top surface area of 215 square feet or less.
- In wetland or adjacent area, installation of boardwalks less than or equal to 8 feet in width, up to 500 feet in length and floating or supported by driven pile or other open-work support.
- In adjacent area, installation of new hiking and nature trails constructed of wood chips, stone dust, or similar material, up to 8 feet in width and 500 feet in length. Trails may include treated lumber border of 6 inches x 6 inches or less.
- In wetland, reconstruction of existing hiking and nature trails constructed of wood chips, stone dust, or similar material, up to 8 feet in width and 500 feet in length. Trails may include treated lumber border of 6 inches x 6 inches or less.



- In adjacent area, installation of accessible parking lots of up to 0.1 acre in area in wetland adjacent areas constructed of permeable cement, pavers, stone, or other permeable substrate.

#### 4. Vegetation management:

- Clear-cutting of up to 5 acres of trees ( $\geq$  6 inch diameter at breast height) per management area per year in the adjacent area or wetland to improve wildlife habitat.
- Cutting, mowing, or removal with hand tools or low-impact mechanized equipment of up to 25 acres per management area of trees ( $<$  6 inch diameter at breast height), shrubs, and other vegetation in the adjacent area or wetland to improve wildlife habitat.
- Application of approved formulations of registered herbicide for control of undesirable vegetation of up to 25 acres per management area per year in adjacent area of wetlands.
- Application of approved formulations of registered herbicide and surfactant of up to 25 acres per management area per year for control of species listed in 6 NYCRR Part 575, Prohibited and Regulated Invasive Species in a wetland (FWW), during draw-down or naturally dry conditions and a minimum of 100 feet from open water.
- Application of approved formulations of registered aquatic herbicide and surfactant of up to 25 acres per management area per year for control of species listed in 6 NYCRR Part 575, Prohibited and Regulated Invasive Species in a standing water wetland with accompanying Aquatic Pesticide Permit, issued under the authority granted by 6 NYCRR Part 327 and a State Pollutant Discharge Elimination System (SPDES) Aquatic Pesticide General Permit, issued under the authority granted by Article 17 of ECL.

#### 5. Dredging

- Dredging less than 25 cubic yards to maintain existing navigation channels, to improve habitat or to improve drainage to facilitate water level management (for example to maintain a channel to a control box to enable the wetland to drain).

This General Permit is not applicable within the boundaries of the Adirondack Park, where the Adirondack Park Agency implements the Freshwater Wetland Act.

### Permit Authorizations

#### Freshwater Wetlands - Under Article 24

Effective Date: 03/14/2016 Expiration Date: 06/30/2020

#### Water Quality Certification - Under Section 401 - Clean Water Act

Effective Date: 03/14/2016 Expiration Date: 06/30/2020



**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.**

**General Permit Authorized by**

Permit Administrator: STUART M FOX , Deputy Chief Permit Administrator

Address: NYSDEC Headquarters  
625 Broadway  
Albany, NY 12233

Authorized Signature: Stuart M. Fox Date: 03 / 14 / 2016

**This permit is not effective without the signature below:**

**Validation under this General Permit**

Authorized By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Authorized Signature: \_\_\_\_\_ Date    /    /   

**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: WATER QUALITY CERTIFICATION; FRESHWATER WETLANDS**

**1. General Permit Authorization** The project described in the Joint Application Form, plans and attachments will be reviewed to determine if the project can be authorized under this General Permit. To qualify for this General Permit, the project must first avoid and then minimize any potential avoidable impacts in accordance with regulations, 6 NYCRR Part 663, Freshwater Wetland Permit Requirements.



NYSDEC retains the right to exclude a proposed activity from authorization under this General Permit and to require the Applicant to obtain an individual permit. Exclusions may be due to situations where NYSDEC has identified a particular resource concern that may be impacted by the proposed activity, such as endangered, threatened, or special concern species habitat.

No work is authorized until the Permittee receives a specific authorization under this General Permit.

**2. 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 the Applicant.

**3. Human or Archaeological Remains** If any human remains or archaeological remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify

Regional Permit Administrator

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Work shall not resume until written permission to do so has been received from the Department.

**4. Project Supervision** The permittee is responsible for supervising this project, and shall ensure that all necessary measures are employed to prevent environmental degradation and to ensure successful mitigation.

**5. No Construction Debris in Wetland or Adjacent Area** Any debris or excess materials from construction of this project (including earth, construction materials, trees and stumps) shall be completely removed from the wetland and adjacent area to an appropriate upland area.

**6. Erosion Control Devices** To prevent environmental degradation, measures and devices (such as silt fences, straw bales, check dams, catchment basins, sediment retention basins, water bars, diversion culverts, and other appropriate measures) shall be employed wherever necessary to prevent erodible soils from entering the wetland or water body. Any exposed soils subject to erosion, including banks and spoil piles resulting from construction, must be protected during the construction period. All erosion control devices must be in place prior to ground disturbance and maintained as long as erosion is possible and until permanent vegetation is established. Such erosion control devices and non-degradable markers must be removed no later than one-year after project completion. All erosion and sediment control practices used shall be designed and implemented in conformance with the most current version of the New York Standards and Specifications for Erosion and Sediment Control. If alternative erosion and sediment control practices are used, the permittee must demonstrate equivalence to the New York Standards and Specifications for Erosion and Sediment Control. Erosion control structures should be checked routinely for damage and for accumulation of sediments. Any sediments that have accumulated against the erosion control barrier to a height of 20% or more of the barrier shall be removed. Any damaged silt barriers must be immediately repaired.

**7. Stockpiled Soils** All stockpiled soils that are not to be used for a week or more shall immediately be stabilized after placement to prevent runoff. Piles can be covered or mulched to accomplish erosion control.



**8. Use, Storage of Petroleum Products** There shall be no spillage of petroleum products of any kind. All petroleum products shall be stored in locked and secure enclosures with a containment system in the event of container failure.

**9. Reporting of Spills** Any spillage of fuels, waste oils, other petroleum products or hazardous materials shall be reported to the Department's Spill Hotline (1-800-457- 7362) within 2 hours.

**10. Equipment Storage 100' from Wetland, Water Body** All equipment and machinery shall be refueled, stored and safely contained greater than 100 feet landward of the regulated wetland or water body at the end of each work day. This will serve to avoid the inadvertent leakage of deleterious substances into the regulated area.

**11. Reconstruction and In-kind Replacement of Existing Structures**

- A. Install Water-level Control Structure (WLCS) in the Dry:** The WLCS shall be installed in the dry. This may require pumping or piping the stream flow around the work area. The pump discharge shall be adequately protected to prevent stream bed and/or bank erosion.
- B. Install Cofferdam if Unable to Work in the Dry:** Prior to commencing the project, a temporary cofferdam made of clean gravel, sandbags and/or plastic liners shall be installed to isolate the work area from the rest of the stream. The cofferdam shall be entirely removed immediately upon completion of work.
- C. Cofferdam Dates:** Cofferdam(s) shall be installed after the subsidence of Spring run-off and removed prior to October 15.
- D. Work Prohibition Period:** Construction activities in the wetland requiring a drawdown are prohibited during the following periods:

Wetland, Adjacent Area, and In-stream Draw-down Restrictions for Construction Work.		
Concern	Applies To	Timing Restriction - No Work Between...
Cold water fish spawning	Cold-water Streams	October 1 to June 1
Warm water fish and amphibian breeding	Warm-water Streams and water bodies	March 1 to July 15
Reptile and amphibian overwintering	Streams, lakes, banks, impoundments	October 15 to spring thaw
Bird Reproduction (if shown to be present upon inspection)	Wetlands, adjacent areas, banks	April 23 to August 15 (or until reproduction is no longer detected)

**E. Settling of Sediments Within Cofferdam:** The cofferdam shall remain in place until the water clarity in the coffered area matches the open water.



- F. Work in One Continuous Operation:** The work authorized by this permit shall proceed to completion in one continuous operation in without any unjustified delay (greater than 24 work hours) between construction phases unless interrupted by high water conditions.
- G. Fence Boundary:** A snow fence or other temporary project-limiting fence shall be erected prior to the commencement of any activities along the wetland or adjacent area in order to prevent the inadvertent intrusion of equipment into the protected area. The fence shall be maintained until project completion.
- H. 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 resource
- I. Prevent Concrete Wash Waters from Entering Waterbody:** Equipment, tools and trucks used in this project shall be cleaned in such a manner as to prevent wash water from entering any stream, lake or wetland.
- J. Discharging Concrete Contaminated Waters:** Wet concrete is highly toxic to fish and other aquatic organisms. Water which comes into contact with fresh concrete or is contaminated by concrete leachate shall be pumped to an upland vegetated area prior to any discharge to any stream, lake or wetland.
- K. Use Watertight, Waterproof Forms:** Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.
- L. Vegetate All Disturbed Areas:** The permittee shall revegetate all exposed faces and disturbed areas to prevent soil erosion prior to the project completion.
- M. Clean Fill Only:** All fill material utilized for this project shall consist of uncontaminated earthen materials only. Acceptable fill materials include gravel, rock, overburden, topsoil and similar natural mineral resources.
- N. Remove Any Temporary Fill:** Any temporary fill placed for access shall be removed and the area shall be restored to the previous grade.
- O. Beaver Permit:** Prior to work, a permit must be obtained from the Regional Wildlife Manager to disturb or kill beaver or alter beaver built structures.
- P. Temporary Cover for Disturbed Soils:** All disturbed soils shall be immediately stabilized with mulch or matting after each work day. If soils are to be re-disturbed within a couple of days, a 3 inch layer of mulch will suffice. For areas that will not be re-disturbed for a week or more, the area should be seeded and mulched or covered with matting to prevent erosion.
- Q. Stabilize Disturbed Areas:** All areas of soil disturbance resulting from this project shall be stabilized immediately following project completion or prior to permit expiration, whichever comes first. The approved methodologies are as follows:
- a. Stabilization of the entire disturbed area with appropriate vegetation (grasses, etc.).
  - b. Stabilized as per specifications identified on approved plans.





- c. Temporarily stabilized with straw mulch or jute matting or other similar natural fiber matting. Final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth but not more than six months after project completion.

**12. Vegetation Management**

- A. Herbicide Restrictions:** General upland use herbicide and surfactant formulations shall not be applied within 100 feet of open water, any public water supply, reservoirs, or wellheads. Aquatic herbicide and surfactant formulations must be applied with accompanying Aquatic Pesticide Permit, issued under the authority of 6 NYCRR Part 327, and a State Pollutant Discharge Elimination System (SPDES) Aquatic Pesticide General Permit, issued under the authority granted by Article 17 of ECL. Herbicides shall not be applied in areas where they can have adverse effects on endangered or threatened species.
- B. Applicator Qualifications:** The application of pesticides shall be made under the direct supervision of a NYS Certified Applicator who either owns or is employed by a business or agency registered with NYSDEC for the purpose of herbicide/pesticide application. The supervising certified applicator shall be familiar with and understand the provisions of this permit and shall be present in the field to ensure compliance with best management practices for targeting species and for proper application of authorized herbicides/pesticides.
- C. Proper Use:** All herbicides and pesticides used will have valid registrations with both USEPA and NYSDEC. Application of herbicides and pesticides will conform to all label instructions and all applicable state and federal laws and regulations. The Permittee may use the herbicides/pesticides as provided below:

<b>Table 1. Approved Herbicides and Formulations for use on wetlands.</b>			
<b>Commercial formulation</b>	<b>Active ingredient</b>	<b>Surfactant</b>	<b>Notes</b>
DowAgro Rodeo	Glyphosate	See table 2	
DowAgro Accord	Glyphosate	See table 2	
Nufarm Aquaneat	Glyphosate	See table 2	Only to be used for heavy infestations of <i>Trapa natans</i> .
Sepro AquaPro	Glyphosate	See table 2	
Monsanto Aquamaster	Glyphosate	See table 2	
ClearCast	Imazamox	See table 2	
BASF Arsenal	Imazapyr	See table 2	
DuPont Escort XP	Metasulfuron	See table 2	
Nufarm Weedar	2,4 D-amine	See table 2	Only to be used for control of early infestations of <i>Trapa natans</i> .

<b>Table 2. Surfactants recommended for use with aquatic applications</b>		
<b>Surfactant</b>	<b>Toxicity classification</b>	<b>Basis</b>
Agri-Dex	Practically non-toxic	McLaren/Hart (1995)
LI-700	Practically non-toxic	McLaren/Hart (1995)



Spreader-Sticker	Slightly toxic	McLaren/Hart (1995)
Passage	Slightly toxic	McLaren/Hart (1995)
Liqua-Wet	Slightly toxic	McLaren/Hart (1995)
Cygnat Plus	Slightly toxic	Reviewed by BOH
Surflex AQ-80	Slightly toxic	Reviewed by BOH
Arborchem Clean Cut	Unknown but appears to be of limited toxicity	Reviewed by BOH, tentatively approved on the basis of the characteristics of the active ingredient. Toxicity data not submitted or reviewed.

The Application must indicate any proposed change to the chemicals planned for use, including mix proportions, additives or method of application. Such changes will be reviewed by the DEC Bureau of Habitat, Ecotoxicology Section, prior to DEC authorizing the Request.

**D. Mixing and Clean-up Procedures:** The Permittee shall not store, mix or load chemicals or petroleum products, or refuel or maintain equipment within 100 feet of any waterbody or wetland.

No equipment wash water or excess chemicals shall be allowed to enter surface waters, including streams, lakes ponds and wetlands. Empty containers shall be disposed of in accordance with applicable pesticide regulations.

**E. Off-road Application by Vehicles:** Application or access by vehicles operating in the wetland adjacent area shall be by wide track or flex track vehicle, with minimal ground impact.

**F. No Brush or Debris Disposal in Wetland** The placement of fill, trees, brush and construction debris within any portion of the wetland or adjacent area is strictly prohibited. Cut trees or brush can be removed or left in place, but not piled.

**G. Access to Work:** Crossings of freshwater wetlands are authorized by this permit. Current access roads must be used whenever possible. Mats should be used where rutting is anticipated, and any ruts should be graded smooth.

**H. Equipment Cleaning to Remove Invasive Plants:** Equipment used in areas containing invasive plant species shall be washed and cleaned with clean water (no soaps or chemicals) before leaving the invasive plant area to prevent the spread of seeds, roots or other viable plants parts. Loose plant and soil material that has been removed from clothing, boots and equipment, or generated from cleaning operations shall either be (a) rendered incapable of any growth or reproduction, or (b) disposed of off-site. If disposed of off-site, the plant and soil material shall be transported in a secure manner. Any off-site disposal must occur at either a landfill or incinerator or a State-approved disposal facility. For purposes of this permit, the invasive species are those contained in the "Interim List of Invasive Plant species in New York State" (attachment to this permit).

**I. No Burning of Vegetation, Debris:** Burning of wetlands vegetation or construction debris is prohibited.





### 13. New Docks, Piers, or Similar Structures

- A. **Dock Pilings Driven to Refusal:** All dock pilings shall be driven to refusal or a minimum depth of twice the free standing height of the pile above the bottom.
- B. **Use Pressure Treated Wood:** Where treated wood lumber is to be used in the construction of in-water structures, only pressure treated wood with a preservative and treatment process approved (stamped or otherwise marked as certified) by the American Wood Preservative Association can be used. Wood treated with CCA (Chromated Copper Arsenate) or ACQ (Alkaline Copper Quat) can be used in all aquatic environments. Wood treated with Pentachlorophenol can only be used in freshwater applications.
- C. **Wood Debris and Wash Water:** All treated wood must be aged in the open air for at least three months prior to in-water use. Wood with surface deposits must be washed for at least 5 minutes under running water prior to use. This washing must occur more than 100 feet from a wetland or waterbody. Wash water and any wood debris, such as sawdust, must not enter any wetland or waterbody.
- D. **Cover Material For Footpaths:** Cover material used for footpaths is limited to natural wood/bark chips, stone, gravel or sand.

14. **Parking Areas** All disturbance associated with the construction of parking areas must be a minimum of 50 feet from the wetland boundary.

### 15. Dredging

- A. **Dredgings Disposed at Upland Site:** All dredged and excavated material shall be disposed of on an upland site outside of the wetland and adjacent area and be suitably stabilized so that it cannot reasonably re-enter any water body or wetland area. The disposal site is to be shown on the project plans.
- B. **Restrict Spillage, Use Closed Bucket:** During the dredging operation, the permittee and his contractor shall prevent spillage of sediment during excavation and haulage. Dredging shall be accomplished with a clam shell or other closed bucket equipment.
- C. **Filter Fabric Curtain Around Dredging Area:** In open or flowing water, a filter fabric (turbidity) curtain weighted across the bottom and suspended at the top by floats shall be positioned to enclose the work site before commencing dredging, to prevent the migration of silt from a work site in a water environment to a larger body of water. The curtain shall remain in place and in functional condition during all phases of the dredging operations and remain in place for two hours after dredging termination and turbidity inside the curtain no longer exceeds ambient levels. A turbidity curtain is not needed in shallow environments where emergent vegetation provides an effective natural barrier.
- D. **Cease Dredging If Substantial Turbidity:** If during dredging operations turbidity is produced outside of the containment area that causes substantial, visible contrast to the natural condition or results in a deposition of settleable solids, the permittee shall immediately cease work and notify the Regional Water Manager and Regional Natural Resources Supervisor of such incident. The



permittee shall submit to the Department, for review and approval, an alternative containment plan. The Department must approve the plan prior to the permittee resuming work.

**E. Dredging of Navigation Channels or Water Control Structure Outlets:** Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across or along the bed of a waterway or floodplain, deposits within any regulatory floodway, or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.

**F. Grade Channel Side Slopes:** All side slopes of the dredge channel will have a maximum of 1:3 slope.

**16. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**17. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

**18. 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.

**19. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

## WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

**1. Water Quality Certification** The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.



**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

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\_\_\_\_\_  
\_\_\_\_\_  
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**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater 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.