PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-0-13-002
Temporary Bridges/Arch Culverts for Logging Activities

Permittee and Facility Information

Permit Issued To:
Applicant Listed on
Request for Authorization

Facility:
Facility Listed on
Request for Authorization

Applicable DEC Region(s): 3 , 4 , 5 , 6 , 7 , 8 , 9

General Permit Authorized Activity: The placement, construction, maintenance and removal of temporary stream crossings for the purposes of timber harvesting only and limited in scope to the work identified below:

A. Temporary Bridges - placed bank-to-bank with a bridge length no greater than 30 feet long, limited to no more than one crossing per 1,000 feet of stream course, and removed upon completion of work.
B. Temporary Arch Culverts - a single arch bottomless culvert only, in streams no greater than 4 feet wide, limited to no more than one crossing per 1,000 feet of stream course, and removed upon completion of work.

Permit Authorizations

Stream Disturbance - Under Article 15, Title 5
Effective Date: 10/23/13 Expiration Date: 9/30/18

Water Quality Certification - Under Section 401 - Clean Water Act
Effective Date: 10/23/13 Expiration Date: 9/30/18

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: 10/ 23 /13

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; STREAM DISTURBANCE

1. **Request for Authorization** Prior to the use of this General Permit for a project, the applicant must submit a Request for Authorization form and the following information to the Regional Permit Administrator:
   a. Project location map.
   b. Project plans.
   c. Photograph of each crossing site.
   d. Permission to Inspect Property Supplement.

2. **Exclusion From Coverage** The Department of Environmental Conservation (DEC) excludes coverage under this permit for the following activities:
   a. Permanent crossings of any type.
   b. New stream fords except any equipment access ford associated with an approved bridge or arch culvert.
   c. Crossings located within state regulated Freshwater Wetlands and adjacent areas.
   d. Crossings at locations containing state listed Threatened and Endangered species.
   e. Crossings over Wild, Scenic and Recreational Rivers.
   f. Non-arch culverts and any multiple culverts installed side-by-side.

3. **Authorization of Work** If DEC does not contact the Applicant regarding any environmental concerns within 5 business days of DEC's receipt of the Request for Authorization and required application enclosures, the project can proceed without further approval. Otherwise the project may not proceed until concerns are resolved.

4. **Work Authorization Period** This permit authorizes work for 1 year from the date of the Request for Authorization. By this date, the temporary bridge/arch culvert must be removed.

5. **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/agent following NYS Forestry Best Management Practices for Water Quality.

6. **Fisheries Prohibition Period** All instream work associated with installation, maintenance or removal of the crossing, as well as any work that may result in sediment entering the water, is prohibited during the following periods:
   a. In cold water trout fisheries (waters with a class of A, AA, A-S, B, or C and a standard of (T) for trout waters or (TS) for trout spawning waters), work is prohibited beginning October 1 and ending May 31.
   b. In perennial warm water fisheries (waters with a class of A, AA, A-S, B), work is prohibited beginning March 1 and ending July 15.

Once installed, the crossing may be utilized at any time by logging equipment.

7. **Notification** The permittee shall provide a notification immediately following project completion to the Regional Permit Administrator.

8. **Timber Harvesting Best Management Practices (BMPs)** All timber harvesting operations are strongly encouraged to follow the advice of the best management practices outlined in the NYS Forestry Best Management Practices for Water Quality. This guide can be found on-line at http://www.dec.ny.gov/lands/37845.html.

9. **Temporary Equipment Access Ford** This General Permit authorizes the temporary utilization of one in-stream crossing (fording site), if needed, to be used for temporary access to install and remove the temporary bridge or arch culvert. The ford shall be used to cross the stream one-time only for installation and one time only for removal. When multiple crossings are proposed for the logging project, there may be temporary equipment access fords limited to one ford per every 1,000 linear feet of stream.

Fords must be located where stream banks are low and the streambed consists of firm rock or gravel. No rock may be brought into the stream, nor may any rock from the stream channel or banks be used to improve the ford site. Machinery shall not cause the stream bank to collapse. Ford use for the crossing shall be during periods of low or no stream flow only. Such fords may be installed and removed during the Fisheries Prohibition Period cited in Condition 6. Fords cannot be used as a travel way during timber harvesting operations.

10. **Water Clarity** Stream reaches downstream of the crossing shall always remain as clear (non-turbid) as the reaches upstream of the crossing.

11. 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.

12. Road & Trail Erosion Controls The permittee shall install, and continuously maintain throughout the logging operation, erosion and sedimentation measures following Best Management Practices guidelines on all segments of roads and trails with a slope leading to stream crossings. As necessary this may include cross ditching, water bars, sediment fences and staked straw bale filter barriers or other preventative measures on all roads and skid trails where silt and suspended solids would otherwise reach any stream, pond or wetland. Necessary erosion and sedimentation controls must be in place prior to the installation of the crossing to prevent visibly turbid discharges into the stream. Erosion control measures shall be adequately maintained throughout the life of the logging operation.

13. Road & Trail Planning The logging road or trail used to access the crossing shall not be constructed parallel to the stream unless it is located at least 50 feet from the stream to prevent the collapse or erosion of soil into the water.

14. No Gravel From Stream No gravel shall be removed from any stream to be used as fill or for logging road construction or maintenance.

15. No Excavation of Stream Bed There shall be no excavation or disturbance of the stream bed or its banks. Stream rocks, sediment or any other stream bed or bank material may not be moved or disturbed during the installation, maintenance or removal of the crossing.

16. Approaches To Crossing As necessary, within 50 feet of each side of the stream, approaches to the crossing shall be stabilized and maintained to prevent sedimentation entering the stream. Logs laid down in corduroy road fashion or brushmats may be used.

17. Bridge Placement Bridge ends shall extend onto firm upland to prevent collapse of streambanks. Bridges shall be placed so as to span the entire bankfull width of the stream and be placed above the bankfull height of the stream.

18. Bridge Design & Construction Bridge decking shall be constructed with minimal open space and sided so that no debris may fall into the water causing a sedimentation problem.

19. Bridge Anchoring Bridges shall be anchored on one side with a suitably designed cable to prevent the bridge from being washed downstream during flooding.

20. Arch Culvert Crossing Design and Installation Culvert crossings may be constructed of single bottomless arch culverts only in streams no greater than 4 feet wide. Arch culverts must span the full stream width. Arch culverts shall be no more than 20 feet in length and shall be installed at the existing stream gradient (slope). Only log corduroy or brushmats are permitted to provide side fill and top surface for arch culverts.

21. No Skidding Across Stream The skidding of logs through the ford and across the stream bed is strictly prohibited.

22. No Impedance to Flow or Aquatic Organisms Stream crossings must not impede stream flow or upstream and downstream migration of aquatic organisms.

23. Tree Felling Trees shall not be felled onto the immediate banks or into streams. Felling and clearing of trees within 50 feet of a stream is permitted so long as there is no disturbance to soils. Felling should follow all BMPs for activities within Riparian Zones.

24. Log Landing Areas Log landing areas shall not be located closer than 50 feet from any stream, water course or regulated freshwater wetland.

25. Invasive Species (Non-native Vegetation) To prevent the unintentional introduction or spread of invasive species, the permittee must ensure that all construction materials, equipment and machinery be cleaned of mud, seeds, vegetation and other debris after leaving a logging site and before entering any newly approved construction areas. The temporary bridge or culvert pipe may only be placed on site after all foreign material has been removed and it has been thoroughly dried for a minimum of 48 hours.

26. Stream Crossing Removal and Restoration Immediately upon job completion:

a. All authorized bridges and arch culverts must be removed.
b. All backfill material within the banks used to stabilize the bridge or arch culvert shall be removed without excavating into the original stream bed or banks. The site shall be returned to original contours.
c. Exposed areas should be planted with a conservation seed mix and other suitable woody plants to stabilize the site and restore it to its pre-construction character.
d. Temporary stabilization techniques such as natural fiber matting or straw mulch must be maintained until a mature vegetative cover is established. (Hay is not acceptable mulch, owing to its potential to introduce invasive weed seeds.)

27. Disposal of Material Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any stream or regulated freshwater wetland. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area; and must be disposed of in accordance with all local, state, and federal statutes, regulations, or ordinances.

28. Human or Archaeological Remains If any human remains or archaeological remains are encountered during work, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify the Regional Permit Administrator at the appropriate NYSDEC Regional Office. Work shall not resume until written permission to do so has been received from the Department.

29. 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.

30. 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.

31. 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
at the NYSDEC Regional/Sub-office for _____
the county where the project is located _____
_____
_____

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Stream Disturbance, 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.