

New York State Department of Environmental Conservation

Permit under the Environmental Conservation Law (ECL) Article 24 Freshwater Wetlands;
Article 15, Title 5 Stream Disturbance; Article 15, Title 5 Excavation & Fill in Navigable Waters;
Section 401 Clean Water Act Water Quality Certification

GENERAL PERMIT GP-0-16-004 - Breaching/Removal of Beaver Dams no more than 2 years old

NYSDEC Approval

General Permit Authorized Activity: Breaching or removal of beaver dams no more than 2 years old. This permit is applicable to regulated freshwater wetlands, including the wetland adjacent area, and to protected and navigable waterways throughout New York State, excluding New York City, and Long Island.

This permit is only valid when issued concurrently with an ECL Article 11-0521 Nuisance Beaver Permit, which will specify authorization to breach or remove the beaver dam. This permit expires concurrently with the Nuisance Beaver Permit.

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: Stuart M. Fox, Deputy Chief Permit Administrator, Permit Signed /s/ July 14, 2016
NYSDEC Division of Environmental Permits, 625 Broadway, Albany, NY 12233-1750

PERMIT CONDITIONS

1. Water levels within the beaver impoundment shall be lowered by slow and partial breaching.
2. Disturbances to the beaver dam shall be limited to the minimum necessary to lower the impoundment. Disturbances to other portions of the protected stream or wetland are prohibited.
3. Unless the accompanying Nuisance Beaver Permit authorizes use of machinery, all work must be undertaken using hand methods only.
4. If machinery is authorized, the bed or banks of the stream must not be disturbed during dam work. Machinery shall not be allowed in the stream, or on its banks where it may cause the bank to collapse. All off-road machinery shall be tracked or have low ground pressure tires.
5. To prevent the unintentional introduction or spread of invasive species, all equipment must be cleaned of mud, seeds, vegetation and other debris before entering the work area.
6. All machine-excavated beaver dam material shall be disposed of at an upland site outside the wetland and be suitably stabilized so that it cannot re-enter any waterbody, waterway or wetland area.
7. Any fish remaining in the dewatered area shall be returned to the stream, lake or wetland.
8. 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.
9. 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.
10. There shall be no unreasonable interference with navigation by the work herein authorized.
11. The State of New York (State) 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.
12. If future operations by the State require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation (Department) 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 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 on account of any such removal or alteration.

13. 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 may 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 on account of any such removal or alteration.

14. 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

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 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 must be available for inspection by the Department at all times at the project site. 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 request any permit renewal, modification or transfer of this permit. Any renewal, modification or transfer granted by the Department must be in writing.
4. **Permit Modifications, Suspensions and Revocations by the Department.** The Department reserves the right to modify, suspend or revoke this permit.

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, 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.