



PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-0-21-004
Management of Invasive Species

Permittee and Facility Information

Permit Issued To:
All Affected Persons

Facility:
Locations Specified in Permit Application
Materials Approved by the Department
Pursuant to Condition No. 2 of this Permit

Applicable DEC Region(s): ALL

General Permit Authorized Activity: Management of invasive species using hand harvesting techniques, suction harvesting techniques, and/or benthic barriers within:

- state-regulated Freshwater Wetlands or Freshwater Wetland Adjacent Areas;
- the bed or banks of state-Protected Streams;
- Navigable Waters of the state; and
- state-designated Wild, Scenic, or Recreational River areas.

This permit does not apply to projects located within the Adirondack Park that are within Freshwater Wetlands or their 100-foot adjacent areas, or on private lands within a designated Wild, Scenic and Recreational River area. These projects are regulated by the Adirondack Park Agency.

For this general permit, *invasive species* means regulated and invasive species as defined by the Department in its regulations, 6 NYCRR Part 575, Prohibited and Regulated Invasive Species, or other invasive species as defined by Environmental Conservation Law section 9-1703(10).

All projects require the approval of all landowners (including underwater landowners) at the proposed work site.

Permit Authorizations

Freshwater Wetlands - Under Article 24

Effective Date: 05/01/2021 Expiration Date: 04/30/2026

Stream Disturbance - Under Article 15, Title 5

Effective Date: 05/01/2021 Expiration Date: 04/30/2026

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Effective Date: 05/01/2021 Expiration Date: 04/30/2026

Wild, Scenic & Recreational Rivers - Under Article 15, Title 27

Effective Date: 05/01/2021 Expiration Date: 04/30/2026



NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WILD, SCENIC & RECREATIONAL RIVERS; EXCAVATION & FILL IN NAVIGABLE WATERS; STREAM DISTURBANCE; FRESHWATER WETLANDS

1. Request for 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.

In addition to the Joint Application Form, the application must include:

- a. a project location map, targeted species, size area to be disturbed, techniques to be used, and proposed schedule for activities.
- b. permission to inspect property supplement for each landowner.
- c. where landowner permission cannot be obtained at the time of application, identification and address of the landowner(s) and documentation of efforts by the applicant to contact the landowner and obtain written permission.

The department reserves the right to exclude a proposed activity from authorization under this General Permit and require the applicant to obtain an individual permit instead. Exclusion may be due to situations where the department 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 written 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 or the applicant's agent.

3. Drawdowns of Controlled Waterbodies This permit does not authorize water drawdowns of regulated water bodies for any of the authorized activities listed.

4. Hand Harvesting Hand harvesting (the use of hand removal techniques to remove invasive species from areas of infestation) may be assisted only with non-motorized hand tools.

5. Suction Harvesting Vegetation must be pulled and removed from the sediment by hand, and fed into the suction harvesting nozzle. The suction nozzle must not be used to directly remove vegetation from the bottom sediments.

No visible turbidity is allowed outside of the immediate work area. Turbidity curtains must be installed as needed to ensure waters outside the project area are not visibly impaired beyond background condition. The turbidity curtain(s) must be removed when turbidity has returned to normal conditions.



6. Benthic Barriers Benthic barriers (mats) are a synthetic or natural material used to kill aquatic invasive plant species by eliminating sunlight. Benthic barriers are authorized only for eradicating new infestations identified up to two years prior to the proposed control activity, subject to the following conditions:

- a. Barriers may not be installed over active fish spawning beds, or between March 15 and June 30, unless the area is confirmed by DEC not to contain active fish spawning beds.
- b. Barriers must be anchored to prevent dislocation. No natural stone from the bottom of the water body (lake, pond) shall be used to anchor barriers.
- c. Barriers and all materials used to anchor them must be removed from the water body within three months from the date of installation.
- d. Barriers must be limited to an area of one acre or less.
- e. The Permittee must notify the DEC regional office of Fish, Wildlife, and Marine Resources when benthic barriers have been removed.

7. Shoreline Erosion Control All work shall be conducted to minimize erosion of soils and to completely prevent silts or sediments from eroding into wetlands or surface water bodies. Silt fences, or other erosion control measures, shall be used when removal of plant materials on shorelines and uplands will expose more than 25 square feet of soil or will take place on slopes greater than 5%. Exposed soil should be mulched and seeded with native species.

8. Equipment Cleaning Equipment used in areas containing invasive species shall arrive on site cleaned, drained, and dried, and be cleaned prior to leaving the invasive-infested area to prevent the spread of seeds, roots, or other viable plant parts or animals.

9. Disposal All invasive species plant materials shall be composted in an upland location away from water bodies and wetlands, or disposed of at an approved landfill disposal site.

10. 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.

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

12. 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.

13. 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.

14. 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.

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

In the region where the project is located.

Directory at: <https://www.dec.ny.gov/about/3981.html>



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, Stream Disturbance, Excavation & Fill in Navigable Waters, Wild, Scenic & Recreational Rivers.

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.