



PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-0-23-004
Temp Bridges/Arch Culverts 30/4 for Logging Activities

Permittee and Facility Information

Permit Issued To:
All Affected Persons

Facility:
Locations identified in project-
specific plans and authorizations
covered under the General Permit

Applicable DEC Region(s): ALL

General Permit Authorized Activity: The installation, construction, maintenance and removal of temporary stream crossings for the purposes of timber harvesting only, limited to the following:

- A. Temporary Bridges - placed bank-to-bank no greater than 30 feet in length, limited to 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 in width, limited to 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: 10/01/2023 Expiration Date: 09/30/2028

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: SCOTT E SHEELEY, Chief Permit Administrator
Address: NYSDEC Headquarters
625 Broadway
Albany, NY 12233

Authorized Signature: Scott E. Sheeley

Date: 09/25/2023



Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: 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. 3 color photographs of each crossing site, and
- d. Permission to Inspect Property Supplement.

2. Individual Permit may be Required The department retains the right to exclude a proposed activity from authorization under this General Permit and require the Applicant to obtain an individual permit where, in its judgement, an individual permit is required to further address potential effects on the health, safety and welfare of the people of the state or the effects on the natural resources of the state.

3. Prohibited Activities The following activities are prohibited under this General Permit:

- 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 that the department has determined will impact state-listed threatened or endangered species;
- e. Crossings over state-regulated wild, scenic or recreational rivers; and
- f. Non-arch culverts and any multiple culverts installed side-by-side.

4. Previously Authorized Crossings Temporary structures and work previously authorized under GP-0-18-003 between October 1, 2022 and September 30, 2023, shall continue to be authorized under this General Permit for the remainder of the one-year work authorization period specified under GP-0-18-003. The remainder of the one-year work authorization period shall be determined based on the date of the Request for Authorization under GP-0-18-003.

5. Authorization of Work If the Department does not contact the applicant regarding any environmental concerns within 5 business days of the Department's receipt of the *Request for Authorization* and the required supplemental application information, the project can proceed without further approval. Otherwise



the project may not proceed until concerns are resolved.

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

7. 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 the current edition of the New York State Forestry Voluntary Best Management Practices for Water Quality (BMP Field Guide).

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

9. 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:

- g. In cold water trout fisheries streams (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 September 15 and ending June 15.
- h. In perennial warm water fisheries (waters with a class of A, AA, A-S, B), work is prohibited beginning March 1 and ending June 30.

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

10. NYS Forestry Best Management Practices (BMPs) for Water Quality All timber harvesting operations are strongly encouraged to follow the advice of the best management practices outlined in the current edition of the New York State Forestry Voluntary Best Management Practices for Water Quality (BMP Field Guide). This guide can be found on-line at <https://www.dec.ny.gov/lands/4963.html>

11. 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 #9. Fords cannot be used as a travel way during timber harvesting operations.

12. Maintain Water Clarity Stream reaches downstream of any crossings shall always remain as clear (non-turbid) as the reaches upstream of the crossing.

13. 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.



14. Road and Trail Erosion Controls The permittee shall install, and continuously maintain throughout the logging operation, erosion and sedimentation measures following the current edition of the New York State Forestry Voluntary Best Management Practices for Water Quality (BMP Field Guide) 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. Road and trail erosion controls shall be indicated on the sketch plan.

15. Road and Trail Planning Logging roads or trails used to access the crossing shall not be constructed parallel to the stream unless they are located a minimum of 50 feet from the stream, to prevent the collapse or erosion of soil into the water.

16. Gravel Removal from Streams is Prohibited Gravel removal from any stream is prohibited and cannot be used as fill or for construction or maintenance of logging roads.

17. No Disturbance of Stream Bed or Banks There shall be no excavation or disturbance of the stream beds or 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.

18. Stabilization of Approaches to Stream Crossings As necessary, approaches to stream crossings located within 50 feet of each side of the stream, shall be stabilized and maintained to prevent sedimentation from entering the stream. Brushmats or logs, placed in corduroy road fashion, may be utilized to achieve stabilization.

19. 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.

20. Bridge Decking and Construction Bridge decking shall be constructed and maintained with minimal open space and sided so that no debris falls into the water causing turbidity.

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

22. Arch Culvert Crossing Design and Installation Culvert crossings shall be constructed of single bottomless arch culverts only in streams no greater than 4 feet in width. Arch culverts must span the full stream width, be no greater 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.

23. Skidding Across Stream is Prohibited The skidding of logs through the ford or across any stream bed is prohibited.

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



25. Tree Felling Trees shall not be felled onto stream banks or into streams. Felling and clearing of trees within 50 feet of a stream may occur providing such activities do not result in any disturbance to soils. Felling should follow all BMPs for activities within Riparian Zones.

26. Log Landing Areas Log landing areas shall be located a minimum of 50 feet from any stream, water course or regulated Freshwater Wetland.

27. 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 it has been thoroughly cleaned and dried for a minimum of 48 hours.

28. Stream Crossing Removal and Restoration Immediately upon completion of work:

- 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. Use of hay as stabilization is prohibited.

29. 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 a minimum of 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.

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

31. 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.

32. 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.

33. 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.

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 Administrators

listed at www.dec.ny.gov/about/39381.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: Stream Disturbance.



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.

