

PERMIT

Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-4-24-001

Freshwater Wetlands, Protected and Navigable Streams

Permittee and Facility Information

Permit Issued To:

Applicant/owner listed on *Joint*
Application Form

Facility:

Facility listed on the *Joint*
Application Form

Applicable DEC Region(s): **REGION 4**

General Permit Authorized Activity: This permit authorizes the activities identified within this permit that occur within regulated freshwater wetlands or the 100-foot wetland adjacent area (Article 24), protected water bodies (Article 15, Title 5), navigable waters of the State (Article 15, Title 5), and/or may require Section 401 Water Quality Certification, in accordance with the approved plans and any special conditions included in this permit.

Authorized activities:

- 1. Construction, repair/replacement, or expansion of minor accessories/appurtenances, including landscaping, within 100-foot adjacent area** associated with residential structures that does not change land use or density (adjacent area only).
- 2. Bridge / culvert repair or replacement** with structure that has equal or increased hydraulic capacity as compared to existing culvert. Includes removal of debris within 50 feet of existing structure. Only minimal impacts to freshwater wetlands and/or adjacent area clearly necessary for construction may be authorized.
- 3. Emergency stream repair** (as a result of natural disasters) including stabilization, debris removal, gravel removal, bridge/culvert repair and replacement, and realignments. Impacts to freshwater wetlands and/or adjacent area must be limited to only those clearly necessary for construction.
- 4. Boat launch or dock repair or replacement** with no increase of size.
- 5. Bulkhead / retaining wall repair or replacement** of existing functional structure within the same footprint as existing structure and with no advancement into waterbody (i.e., in-place).
- 6. Stream restoration/stabilization** involving installation of new or replacement measures that impact(s) less than 500 linear feet along any 1,000 feet of watercourse. Restoration/stabilization methods must consist of non-structural/bioengineered techniques or other DEC-approved methods. Only minimal impacts to freshwater wetlands and/or wetland adjacent area clearly necessary for construction may be authorized.

7. **Structure repairs or replacement** involving rehabilitation or demolition and replacement of existing structure in the same location (adjacent area only).
8. **Minor additions to an existing structure** including accessibility improvements, resulting in only minimal increase in square footage. The addition of any rooms may not cause an increase in discharge to the septic system (adjacent area only).
9. **Construction of dry hydrants or ponds for fire protection** associated with residential structures that does not change land use or density. Does not authorize “in-line with stream” ponds and seasonal work restrictions may apply. Dry hydrants may be placed within a freshwater wetland or wetland adjacent area, if no other alternatives exist, with impacts clearly limited to those necessary for construction. Fire ponds are allowed in wetland adjacent area only.
10. **Repair or replacement of existing septic system** within wetland adjacent area only.
11. **Flow Control Devices for Beaver Management** installed to protect potential impacts to man-made infrastructure and as part of an overall wildlife management strategy.
12. **Replacement, repair or other minor improvements to existing driveways, parking areas, walkways and sidewalks** with minimal increase in impervious area only if necessary to achieve project objectives.
13. **Temporary access roads** through wetland, wetland adjacent area, or stream channel where no other practicable alternative exists. Restoration is required, including reestablishment of pre-construction grades and revegetation of disturbed areas.
14. **Dredging of serviceable ponds or construction of a recreational pond** not requiring a Mined Land Reclamation Permit. New ponds are authorized in adjacent areas only and must be one (1) acre or less in size.
15. **Existing stormwater/drainage systems** modifications to improve water quality and/or flood storage capacity.
16. **Vegetation Cutting:**
 - **Selective cutting, but not eliminating vegetation** (Adjacent area - less than 0.25 acre, two or fewer times per year; Freshwater Wetland - less than 0.25 acre, once per year),
 - **Clear cutting vegetation, other than trees** (Adjacent area - less than 0.25 acre, at least 25 feet from wetland edge), or
 - **Clear cutting trees** (Adjacent area - less than 0.25 acre, not for future development).
17. **Other activities not mentioned above** that result in minor stream, freshwater wetland, and/or wetland adjacent area impacts. Impacts must not exceed 100 linear feet of stream bank, 5,000 square feet of stream bed or freshwater wetlands, 0.25 acre of wetland adjacent area, or 100 cubic yards of excavation or fill below mean high water mark.

Facility Location: in [CITY/TOWN] in _____ COUNTY
Facility Principal Reference Point: NYTM-E: _____ NYTM-N: _____

Project-specific Activity Description:

[ENTER HERE]

Permit Authorization

Stream Disturbance - Under Article 15, Title 5

Effective Date: _____ Expiration Date: _____

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

Effective Date: _____ Expiration Date: _____

Freshwater Wetlands - Under Article 24

Effective Date: _____ Expiration Date: _____

Water Quality Certification - Under Section 401 - Clean Water Act

Effective Date: _____ Expiration Date: _____

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.

Permit Administrator: KATE MALCOLM, Regional Permit Administrator
Address: NYSDEC Region 4 Headquarters
1130 N. Westcott Road
Schenectady, NY 12306
r4dep@dec.ny.gov

Authorized Signature: _____ Date: _____

Distribution List

- NYSDEC Region 4, Bureau Ecosystem Health
- USACE – NY District, Upstate Regulatory Field Office
- NYSDEC Region 4, Law Enforcement

Permit Components

- STANDARD CONDITIONS APPLY TO ALL GP-4-24-001 AUTHORIZED PERMITS
- NATURAL RESOURCE PERMIT CONDITIONS
- WATER QUALITY CERTIFICATION SPECIFIC CONDITION
- GENERAL CONDITIONS APPLY TO ALL AUTHORIZED PERMITS
- NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Project Location Map

Project Plan(s) – Approved project plans name(s) and date(s) submitted as part of the Joint Application package and referred to in Natural Resource Permit Condition #2

NATURAL RESOURCE PERMIT CONDITIONS
Apply to the Following Permits: FRESHWATER WETLANDS;
STREAM DISTURBANCE; EXCAVATION & FILL;
WATER QUALITY CERTIFICATION

1. Request for Authorization Prior to the use of this General Permit for a project, the Applicant must submit a Joint Application Form with the required attachments to the Regional Permit Administrator in Region 4. The required attachments are listed in the *Joint Application Form – Instructions*.

Upon review of the project, the Regional Permit Administrator will 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 and 6 NYCRR 608. No work can commence until the Applicant receives the signed General Permit.

DEC retains the right to exclude a proposed activity from authorization under this General Permit, and to require the Applicant to obtain an individual 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 applicant's agent.

3. Notice of Intent to Commence Work Permittee shall notify the Regional Permit Administrator between 3 to 5 days prior to work commencement that work will begin on the approved project. Notification shall be made to the Regional Permit Administrator by regular mail or email to r4dep@dec.ny.gov, must reference GP-4-24-001 and DEC ID number, include permittee name, and project start date.

4. Conditions Prevail Over Plans If any condition of this permit conflicts with the approved plans, the permit condition shall prevail over the plans.

5. Failure to Meet Permit Conditions Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.

6. Prior Approval of Changes If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the DEC.

7. Work within Area Depicted on Plans All construction activity, including operation of machinery, excavation, filling, grading, clearing of vegetation, disposal of waste, street paving and stockpiling of material

must take place within the project site as depicted on the project plans referenced by this permit. Construction activity is prohibited within areas to be left in a natural condition or areas not designated by the subject permit.

8. 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 remains and notify the Regional Permit Administrator at the appropriate DEC Regional Office. Work shall not resume until written permission to do so has been received from the DEC.

9. Minimize Adverse Impacts to Wetlands, Wildlife, Vegetation, Water All work must be performed in a manner that minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.

10. Limit Clearing of Natural Vegetation Clearing of natural vegetation shall be limited to that material which poses a hazard or a hindrance to the construction activity.

11. Tree Removal Restrictions Tree removal is prohibited between April 1 and October 31 to protect endangered and/or threatened bat species, unless otherwise authorized by the Regional Permit Administrator.

12. Erosion & Sediment Controls Filter fabric barriers, silt fencing, or other methods to control erosion shall be properly installed according to the current *NYS Standards and Specifications for Erosion and Sediment Control* (i.e., on the downslope edge of any disturbed areas). These erosion/ sediment controls must be put in place before any disturbance of the ground occurs, must be maintained "in place" in good working order throughout project construction, and are to be removed once all disturbed land is suitably stabilized. Use of erosion control products with plastic netting for temporary erosion and sediment control is prohibited to minimize plastic and microplastic pollution, and limit wildlife entanglements. Examples include polypropylene, nylon, polyethylene, polyester or other synthetic fibers.

13. Storage of Construction Equipment, Materials Storage of construction equipment, unused materials and/or excavated soil shall be confined to an approved upland area at least 100 feet landward of any waterbody or wetland during construction. Upon project completion, any demolition debris, excess construction, and/or excess excavated materials shall be immediately and completely disposed of at an approved upland site more than 100 feet from any waterbody or wetland, and outside any 100-year floodplain. These materials shall be suitably stabilized so they do not inadvertently enter any waterbody, 100-year floodplain, wetland, or 100-foot wetland adjacent area.

14. Stabilize Excavated Soil Any excavated soil that is temporarily stored shall be placed outside the wetland and adjacent area, and at least 50 feet from any protected stream bed/banks. The excavated soil shall be suitably retained and covered so that there is no turbid runoff discharged either directly or indirectly into any waterbody or wetland.

15. Stabilize Disturbed Areas All areas of soil disturbance resulting from this project shall be shaped and/or graded, seeded with an appropriate seed mix, and covered with straw or other weed-free mulch within one (1) week of final grading or prior to permit expiration if project is incomplete, whichever comes first. The mulching material shall be maintained until vegetative cover is established. 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 within one (1) week of final grading. Temporary stabilization shall be maintained until stable vegetative cover is established.

16. Temporary Mulch and Seed If seeding is impracticable due to the time of year, straw or other pre-approved weed-free mulch shall be applied and 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.

17. Invasive Species Control To prevent the unintentional introduction or spread of invasive species, as defined by the Prohibited and Regulated Invasive Species regulations (6 NYCRR 575), all construction equipment shall be thoroughly cleaned of mud, seeds, vegetation, roots, rhizomes, etc. and other debris before entering any approved construction areas within the State-regulated freshwater wetland, its 100-foot adjacent area, or within 50 feet of a protected stream's bed or banks. Seed mixes chosen for stabilization of disturbed soil shall not include any invasive and/or non-native plant species.

If invasive plant species are already found established on the site, equipment shall be thoroughly cleaned before exiting the construction site. All invasive species plant parts and propagules that are removed from equipment must be destroyed or contained using a DEC-approved method to prevent spreading to other locations. All material with invasive plant species must be contained using a DEC-approved method or trucked to a landfill. The list of NYS Prohibited and Regulated Invasive Plants can be found at https://dec.ny.gov/docs/lands_forests_pdf/isprohibitedplants2.pdf.

18. Stream Work Period In-stream or stream bank work in protected trout or trout-spawning streams, which are those streams with T or TS standards, shall be accomplished only between June 15th and September 30th of each year the general permit is in effect.

19. Minimize Stream Disturbance Disturbance to the bed and banks of the stream shall be kept to the minimum necessary to complete the project.

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

21. No Impedance of Aquatic Organisms The project shall not impede passage of aquatic organisms.

22. Bottomless Structures The existing culvert structure shall be replaced with a bottomless structure to maintain aquatic life movement.

23. Embed Replacement Culvert The replacement culvert shall be embedded into the stream channel using native material to a minimum depth of 20% of the culvert vertical rise on both the inlet and outlet ends of the culvert.

24. Use of Natural Methods Natural methods and/or bioengineered techniques of shoreline and stream bank stabilization (e.g., native plantings, live stakes, root wads, brush bundles, coir logs, etc...) shall be utilized for stabilization projects with aquatic habitat restoration and/or improvement objectives, unless otherwise approved by DEC staff.

25. Native Plantings Only All riparian plantings shall be native the project location; therefore, no invasive / non-native plantings shall be incorporated into the project.

- 26. 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.
- 27. Control of Concrete, Leachate, and Washings** No wet or fresh concrete; concrete leachate; or washings from Redi-Mix trucks, mixers or other devices shall be allowed to enter any wetlands or waterbodies during construction.
- 28. No Discernable Change in Turbidity** The water below a stream work site shall remain as clear as the flowing water above the stream work site. In non-flowing waterbodies, there shall be no discernable change in water clarity (turbidity) proximate to the work area as a result of the project.
- 29. Water Diversion Around Work Site** The stream flow shall be diverted to isolate the work area by use of: a) sandbags, b) cofferdam, c) berm, d) temporary diversion channel, e) temporary diversion pipe, f) pump around, and/or g) pond outlet structure. Impeding fish and aquatic organism passage while diverting water around work site must be avoided whenever possible.
- 30. Upland Discharge of Pump-out Water** Waters accumulated in the isolated work area shall be discharged to an upland settling basin, field or wooded area to provide for settling and filtering of solids and sediments before water is returned to the stream. Return waters must be as clear as the flowing water upstream from the work area.
- 31. Equipment Operation** Equipment operation in open water is prohibited.
- 32. Equipment Operation for Stream Projects** Equipment operation in the stream channel is prohibited, except where the work area has been isolated from stream flow using a method identified in Natural Resource Permit Condition above entitled *Water Diversion Around Work Site* or other DEC-approved method.
- 33. Rock Slope for Stabilization** The slope of rock riprap shall be two-foot horizontal to one-foot vertical (2:1 slope) or flatter. At least the first layer of rock riprap shall be installed to a depth of at least approximately 18 inches below the stream bed elevation, or “keyed” into the stream bed, in an effort to avoid scour that may destabilize the rock slope.
- 34. Placement of Native Streambed Material** All interstitial voids within non-native rock or stone placed in the streambed shall be chinked with native streambed material or topsoil mixed with native streambed material so that normal base flows remain on top of the rock/stone and do not flow subsurface.
- 35. Surface Taper Toward Bank** If authorized project includes gravel bar skimming, work must be conducted so the resultant surface tapers upwards toward the stream banks.
- 36. Headwall Installation** Stone headwalls shall be constructed at the inlet and outlet of any culvert.
- 37. Work During Lake Drawdown Periods** In lakes that are drawn down seasonally, all work authorized along the shoreline only shall take place when the lake level is receded at least three (3) feet from the shoreline (mean high water elevation). If lake has not been drawn down, the work area needs to be isolated from the lake with either a cofferdam, turbidity curtain or other DEC-approved method.

38. Turbidity Curtain A filter fabric (turbidity) curtain weighted across the bottom and suspended at the top by floats shall be positioned at the waterward boundary of the work area and parallel to the shoreline to contain any turbid waters that may be generated during construction. The curtain shall remain in place and in functional condition during all phases of construction and shall remain in place until the turbidity inside the curtain no longer exceeds pre-construction levels. The curtain shall be removed only after work is complete and the site is suitably stabilized.

39. No Lakeward Encroachment The replacement bulkhead/retaining wall must not encroach any further into the lake than the existing bulkhead/retaining wall. Placement of scour protection material may be allowed on a case-by case basis if approved by DEC staff.

40. Bulkhead Elevation The replacement bulkhead/retaining wall must not be constructed to an elevation any higher than the existing bulkhead/retaining wall.

41. Stabilized Stream Bank Elevation Stream bank stabilization material must not be installed to an elevation any higher than the existing stream bank at either extent of the stabilization work.

42. No Waterward Excavation No excavation or filling is authorized on the waterward side of the bulkhead/retaining wall or riprap.

43. Remove Material from Channel Material shall be removed from the stream channel, not pushed through the channel up against the banks.

44. Submission of Post-Construction Photographs The Permittee shall notify the DEC of project work completion prior to the expiration of this permit or within 30 days of the of authorized work completion, whichever is earlier. Notification must be submitted to the Regional Permit Administrator by email (r4dep@dec.ny.gov) or regular mail, must reference the DEC ID number, provide the project work completion date, and include color photographs showing the completed work taken from at least two different angles.

45. 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.

46. Submission of Post-Construction Photographs The Permittee shall notify the DEC of project work completion prior to the expiration of this permit or within 30 days of the of authorized work completion, whichever is earlier. Notification must reference the DEC ID number, shall be submitted to the Regional Permit Administrator by email to r4dep@dec.ny.gov or regular mail, and must provide color photographs showing the completed work taken from at least two different angles, reference GP-4-24-001, the permittee name, and the project completion date.

47. 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.

48. 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 DEC 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 DEC 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 DEC 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.

49. 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 DEC 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.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification 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 – Apply to ALL Authorized Permits

1. Facility Inspection by the DEC 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 (DEC) 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 DEC's representative during an inspection the permit area when requested by the DEC.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the DEC at all times at the project site or facility. Failure to produce a copy of the permit upon request by a DEC representative is a violation of this permit.

2. Relationship of this Permit to Other DEC Orders and Determinations Unless expressly provided for by the DEC, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the DEC 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 DEC for permit renewal, modification or transfer of this permit. Such application must reference DEC ID number and include any forms or supplemental information the DEC requires. Any renewal, modification or transfer granted by the DEC must be in writing.

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration.

5. Permit Modifications, Suspensions and Revocations by the DEC The DEC 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 DEC 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.