PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To: NYS DEPT OF TRANSPORTATION
Facility: STATE HIGHWAYS AND AUXILIARY STRUCTURES
50 WOLF RD
ALBANY, NY 12232

STATEWIDE, NY

Facility Location: STATEWIDE
Facility Principal Reference Point: NYTM-E: NYTM-N:
Latitude: Longitude:

Authorized Activity: Bank and Channel Stabilization - GP 06-01
This Programmatic General Permit authorizes bank and channel stabilization activities within the limits of NYSDEC regulated freshwater wetlands (including adjacent areas) for transportation related construction activities. Bank and channel stabilization activities include: rehabilitation or new installation of stone fill (riprap) or other suitable non-erodible material; rehabilitation or new installation of erosion control fabrics, mats, nettings, geotextiles or similar materials; and the planting of grasses and other vegetation. Bank and channel stabilization activities shall be allowed on embankment slopes, in streambeds, at culvert inlets and outlets, on bottom and side slopes of channels, at structure foundations, or at similar locations.

Authorized Activity Thresholds:
This General Permit may be utilized for bank and channel stabilization activities in NYSDEC regulated freshwater wetlands (including adjacent areas) provided the specific thresholds listed below are not exceeded and the attached special conditions are complied with in full.

1. Bank and channel stabilization activities shall be the minimum necessary and shall not be in excess of 200 lineal feet (61 meters) in total length in any single wetland. The total length shall be measured cumulatively when a project has several individual areas in a single wetland receiving bank or channel stabilization.

2. Bank and channel stabilization activities shall be the minimum necessary and shall not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark.

3. Stream bank stabilization activities should not result in a constriction of the cross-sectional area of any affected stream channel.

4. Bank and channel stabilization materials shall be of the type and size, and shall be placed in such a manner, so as to not impair surface or groundwater flow into or out of the wetland or inhibit the natural movements of resident or migratory fish species.

5. Bank and channel stabilization material shall be placed in such a manner to prevent its dispersion or movement by normal or highwater flows.
Exclusions:
This General Permit shall not apply in situations where the NYSDEC has identified a particular resource concern that may be impacted by the proposed activity, (ie. endangered species habitat) and the Regional Supervisor of Natural Resources will not issue written authorization.

Reliance on Applicant's Data:
The applicability of this General Permit to this activity is not contrary to the public interest, and was made in reliance on the information provided by the NYSDOT.

Permit Authorizations

Freshwater Wetlands - Under Article 24
Permit ID 0-0000-01129/00001
Rerewal
Effective Date: 3/1/2006
Expiration Date: 2/28/2011
Modification # 1
Effective Date: 6/7/2007
Expiration Date: 2/28/2011

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: WILLIAM R ADRIANCE, Chief Permit Administrator
Address: NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

Authorized Signature: William R Adriance
Date 6/7/07

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS
1. **Method of Notification**  Prior to the use of this General Permit on a project, the NYSDOT must submit a General Permit Application Form and one (1) set of project plans to the Regional Supervisor of Natural Resources at the appropriate NYSDEC Regional Office. Written confirmation must be issued by the NYSDEC Regional Supervisor of Natural Resources in the form of a signed "Part 2 - Authorization" of the application form that states that the proposed work is authorized by this General Permit. This authorization may be issued "in the field," as well as from the NYSDEC Regional Office. Upon receipt of this written confirmation, the NYSDOT is authorized to perform the project activity applied for 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 NYSDOT or its agent.

3. **Work in One Continuous Operation**  Work in wetlands and buffer areas must be done in one continuous operation.

4. **Invasive Species (Non-native Vegetation)**  To prevent the unintentional introduction or spread of priority invasive species, as identified by the NYSDOT Environmental Procedures Manual 4.8 *Invasive Species* or through an adopted landscape-level plan, such as a Weed Management Area, construction equipment shall be thoroughly cleaned of mud, seeds, vegetation and other debris, as appropriate, before entering each new wetland area.

5. **Stream Work Period**  In-stream or stream bank work shall not be accomplished during the period of the year specified in the NYSDEC written authorization.

6. **Clean Fill Only**  All fill material utilized for this project shall consist of uncontaminated earthen materials only. Acceptable fill materials include gravel, rock, overburden, topsoil and similar natural mineral resources.

7. **Allowable Fill Material**  Fill material for temporary stream crossing haul roads shall consist of nontoxic, non-erodible material such as gravel pit tailings or shot rock.

8. **Install, Maintain Erosion Controls**  Necessary erosion control measures are to be constructed to prevent soil erosion and to be maintained in good condition until thick vegetative cover is established.

9. **Control Erosion During Construction**  Provisions shall be made to minimize erosion during the construction of the project and to prevent increased sedimentation in any water body on or adjacent to the project.

10. **Seed/Mulch Streambanks**  Stream banks must be protected from erosion during the construction period and immediately after stream bank work completion. If the bank protection after completion consists of seeding and mulching, growth of vegetative cover must become successfully established to Department satisfaction. If vegetation fails to successfully establish, the area must be replanted until successful vegetation establishment is achieved.
11. **Equipment Operation in Water** At no time should machinery be operated in flowing water when it can reasonably be avoided or without adequate control measures in place.

12. **Clearing of Vegetation** Clearing of existing vegetation shall be limited to that material within the construction area, as shown on the NYSDOT plan, which poses a hazard or a hindrance to the construction activity.

13. **Temporary Stream Access Road** Temporary stream access roads shall be constructed a sufficient distance from the stream banks so as to avoid destruction of existing stream bank vegetative cover. Exposed banks shall be stabilized with rip-rap or other suitable materials to protect against erosion and accidental collapse.

14. **High Flows and Fish Passage through Culvert** Temporary haul roads for stream crossings shall maintain culvert pipes of sufficient sizes to allow passage of seasonal high flows and shall not interfere with the up and downstream passage of fish.

15. **Temporary Water Diversion Structures** If a temporary dike, dam or water diversion structure must be constructed in the stream, rock riprap or other suitable non-erodible materials must be placed in the stream first. Temporary dikes, dams or water diversion structures must have adequate protection so that structures will not fail under normal flood conditions (one year frequency floods).

16. **Removal of Temporary Water Diversion Structures** When the temporary dike, dam or water diversion structure is removed, the erodible material shall be removed first and then the non-erodible structure removed.

17. **Discharge of Pump-out Water** Pumpout for dewatering purposes shall be directed away from the stream or wetland and shall instead be pumped to a temporary sedimentation basin before re-entry into the stream or wetland.

18. **Even Dredging** Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across or along the bed of a waterway or floodplain, deposits within any regulatory floodway, or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.

19. **Concrete Leachate** During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.

20. **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.

21. **Storage of Materials** Soil and/or excavated materials may not be stored on top of stream banks, where materials could erode into the stream or cause the bank to collapse, unless the bank has been protected by rip-rap or other suitable materials.

22. **Stabilize Spoil** All raw spoil areas must be seeded and mulched at each job location as the project advances, so that it cannot re-enter any water body, stream, or wetland area.
23. No Construction Debris in Wetland or Adjacent Area Surplus soil and spoil from construction of this project shall be removed to an approved upland area for disposal. No material is permitted in wetlands and/or protected buffer areas or in areas depicted as flood hazard areas on the National Flood Insurance Rate Maps (H.U.D. maps) prepared to identify such areas.

24. Establish Vegetation Permanent vegetation must become successfully established to the Department's satisfaction. If vegetation fails to successfully establish, the area must be replanted and monitored until successful vegetation establishment is achieved.

25. Failure to Meet Terms or Conditions Failure of the permittee to meet all the terms or conditions of this general permit may result in an order to immediately cease the permitted activity, conduct remediation and/or civil and/or criminal penalties.

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**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:

   Chief Permit Administrator  
   NYSDEC HEADQUARTERS  
   625 BROADWAY  
   ALBANY, NY 12233

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.
5. Permit Modifications, Suspensions and Revocations by the Department  The Department reserves the right 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.

**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.
PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To: NYS DEPT OF TRANSPORTATION
Facility: STATE HIGHWAYS AND AUXILIARY STRUCTURES
50 WOLF RD
ALBANY, NY 12232

Facility Location: STATEWIDE
Facility Principal Reference Point: NYTM-E: NYTM-N:
Latitude: Longitude:

Authorized Activity: Minor Earth fills Associated with the Rehabilitation or Replacement of Existing Transportation Facilities - GP 06-02
This Programmatic General Permit authorizes the permanent and temporary placement of earth fill within the limits of NYSDEC regulated freshwater wetlands (including adjacent areas) when such fill is related to the rehabilitation or replacement of an existing transportation facility. Placement of earth fill shall be allowed when it is associated with any of the following authorized construction activities: highway and bridge replacement or rehabilitation on essentially the same alignment; culvert installation, repair or extension; installation of temporary non-erodible water control structures (cofferdams); installation of temporary non-erodible construction access facilities; and installation of temporary non-erodible detour facilities. NYSDOT will accomplish compensatory wetland mitigation whenever practicable for all unavoidable permanent wetland fills authorized pursuant to this permit. The NYSDEC hereby certifies under Section 401 of the Clean Water Act that the 1/4 acre fills authorized by this permit will not contravene effluent or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217), provided all of the conditions listed herein are met.

Authorized Activity Thresholds:
This General Permit may be utilized for the permanent and temporary placement of earth fill in NYSDEC regulated freshwater wetlands (including adjacent areas) provided the specific thresholds listed below are not exceeded and the attached special conditions are complied with in full.

1. The placement of earth fill does not cause the permanent conversion of more than one-quarter of one acre of NYSDEC regulated freshwater wetland (acreage is exclusive of any proposed mitigation).

2. The placement of earth fill does not cause the temporary conversion of more than one half of one acre of NYSDEC regulated freshwater wetland (acreage is exclusive of any proposed mitigation).

3. The placement of earth fill for highway and/or bridge widening shall be limited to the minimum necessary to bring the facility into compliance with current design, safety and capacity standards.

4. Existing pipe and box culverts shall be replaced within 50 feet (15 meters) of their existing location. The culvert replacement shall not require more than 150 feet (46 meters) of flow alignment activities within the wetland, and shall not alter the existing flow or water table characteristics of the
wetland or inhibit the natural movements of resident or migratory fish species.

5. Installation of new culverts (non-preexisting) shall not require more than 50 feet (15 meters) of flow alignment activities within the wetland, alter the preconstruction flow or water table characteristics of the wetland or inhibit the natural movements of resident or migratory fish species.

6. Temporary water control structures (i.e. cofferdams) shall be of the type and size, and shall be placed in such a manner, so as not to impair surface water flow into or out of the wetland.

7. Temporary water control structures (i.e. cofferdams) shall be constructed of non-erodible materials, and located in such a manner, so as to prevent its dispersion or movement by normal or high water flows.

8. Any fills required for temporary construction access and detour facilities shall be of non-erodible material up to the ordinary high water elevation.

9. Temporary construction access and detour facilities (including necessary fills) shall be located so as to avoid or minimize disturbance of the wetland, and appropriate measures must be taken to maintain preconstruction water flows and water table characteristics.

10. Temporary construction access and detour facilities (including necessary fills) shall be entirely removed following completion of construction activities, and the affected wetland and adjacent area restored to its preconstruction condition.

Exclusions:
This General Permit shall not apply in situations where the NYSDEC has identified a particular resource concern that may be impacted by the proposed activity, (ie. endangered species habitat) and the Regional Supervisor of Natural Resources will not issue written authorization.

Reliance on Applicant's Data:
The applicability of this General Permit to this activity is not contrary to the public interest, and was made in reliance on the information provided by the NYSDOT.

<table>
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<th>Permit Authorizations</th>
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<td><strong>Freshwater Wetlands - Under Article 24</strong></td>
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<tr>
<td>Permit ID 0-0000-01129/00002</td>
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<td><strong>Renewal</strong></td>
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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.

Page 2 of 7
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Facility DEC ID 0-0000-01129

Permit Administrator: WILLIAM R ADRIANCE, Chief Permit Administrator
Address: NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

Authorized Signature: William R. Adriance Date 6/7/07

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: FRESHWATER WETLANDS

1. Method of Notification  Prior to the use of this General Permit on a project, the NYSDOT must submit a General Permit Application Form and one (1) set of project plans to the Regional Supervisor of Natural Resources at the appropriate NYSDEC Regional Office. Written confirmation must be issued by the NYSDEC Regional Supervisor of Natural Resources in the form of a signed "Part 2 - Authorization" of the application form that states that the proposed work is authorized by this General Permit. This authorization may be issued "in the field," as well as from the NYSDEC Regional Office. Upon receipt of this written confirmation, the NYSDOT is authorized to perform the project activity applied for 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 NYSDOT or its agent.

3. Work in One Continuous Operation  Work in wetlands and buffer areas must be done in one continuous operation.

4. Invasive Species (Non-native Vegetation)  To prevent the unintentional introduction or spread of priority invasive species, as identified by the NYSDOT Environmental Procedures Manual 4.8 Invasive Species or through an adopted landscape-level plan, such as a Weed Management Area, construction equipment shall be thoroughly cleaned of mud, seeds, vegetation and other debris, as appropriate, before entering each new wetland area.

5. Stream Work Period  In-stream or stream bank work shall not be accomplished during the period of the year specified in the NYSDEC written authorization.

6. Clean Fill Only  All fill material utilized for this project shall consist of uncontaminated earthen materials only. Acceptable fill materials include gravel, rock, overburden, topsoil and similar natural mineral resources.
7. Allowable Fill Material  Fill material for temporary stream crossing haul roads shall consist of nontoxic, non-erodible material such as gravel pit tailings or shot rock.

8. Install, Maintain Erosion Controls  Necessary erosion control measures are to be constructed to prevent soil erosion and to be maintained in good condition until thick vegetative cover is established.

9. Control Erosion During Construction  Provisions shall be made to minimize erosion during the construction of the project and to prevent increased sedimentation in any water body on or adjacent to the project.

10. Seed/Mulch Streambanks  Stream banks must be protected from erosion during the construction period and immediately after stream bank work completion. If the bank protection after completion consists of seeding and mulching, growth of vegetative cover must become successfully established to Department satisfaction. If vegetation fails to successfully establish, the area must be replanted until successful vegetation establishment is achieved.

11. Equipment Operation in Water  At no time should machinery be operated in flowing water when it can reasonably be avoided or without adequate control measures in place.

12. Clearing of Vegetation  Clearing of existing vegetation shall be limited to that material within the construction area, as shown on the NYSDOT plan, which poses a hazard or a hindrance to the construction activity.

13. Temporary Stream Access Road  Temporary stream access roads shall be constructed a sufficient distance from the stream banks so as to avoid destruction of existing stream bank vegetative cover. Exposed banks shall be stabilized with rip-rap or other suitable materials to protect against erosion and accidental collapse.

14. High Flows and Fish Passage through Culvert  Temporary haul roads for stream crossings shall maintain culvert pipes of sufficient sizes to allow passage of seasonal high flows and shall not interfere with the up and downstream passage of fish.

15. Temporary Water Diversion Structures  If a temporary dike, dam or water diversion structure must be constructed in the stream, rock riprap or other suitable non-erodible materials must be placed in the stream first. Temporary dikes, dams or water diversion structures must have adequate protection so that structures will not fail under normal flood conditions (one year frequency floods).

16. Removal of Temporary Water Diversion Structures  When the temporary dike, dam or water diversion structure is removed, the erodible material shall be removed first and then the non-erodible structure removed.

17. Discharge of Pump-out Water  Pumpout for dewatering purposes shall be directed away from the stream or wetland and shall instead be pumped to a temporary sedimentation basin before re-entry into the stream or wetland.

18. Even Dredging  Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across or along the bed of a waterway or floodplain, deposits within any regulatory floodway, or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.
19. **Concrete Leachate**  During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.

20. **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.

21. **Storage of Materials** Soil and/or excavated materials may not be stored on top of stream banks, where materials could erode into the stream or cause the bank to collapse, unless the bank has been protected by rip-rap or other suitable materials.

22. **Stabilize Spoil** All raw spoil areas must be seeded and mulched at each job location as the project advances, so that it cannot re-enter any water body, stream, or wetland area.

23. **No Construction Debris in Wetland or Adjacent Area** Surplus soil and spoil from construction of this project shall be removed to an approved upland area for disposal. No material is permitted in wetlands and/or protected buffer areas or in areas depicted as flood hazard areas on the National Flood Insurance Rate Maps (H.U.D. maps) prepared to identify such areas.

24. **Establish Vegetation** Permanent vegetation must become successfully established to the Department’s satisfaction. If vegetation fails to successfully establish, the area must be replanted and monitored until successful vegetation establishment is achieved.

25. **Failure to Meet Terms or Conditions** Failure of the permittee to meet all the terms or conditions of this general permit may result in an order to immediately cease the permitted activity, conduct remediation and/or civil and/or criminal penalties.

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**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:

Chief Permit Administrator
NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY12233

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.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right 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.

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 right, title, or interest in real or personal property held or vested in a person not a party to the permit.
PERMIT
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Permit Issued To: NYS DEPT OF TRANSPORTATION
Facility: STATE HIGHWAYS AND AUXILIARY STRUCTURES
50 WOLF RD
ALBANY, NY 12232

STATEWIDE, NY

Facility Location: STATEWIDE
Facility Principal Reference Point: NYTM-E: NYTM-N:
Latitude: Longitude:

Authorized Activity: Utility Line Installation and/or Repair - GP 06-03
This Programmatic General Permit authorizes the installation or repair of utility lines, when associated with transportation related construction activities, within the limits of NYSDEC regulated freshwater wetlands (including adjacent areas). Installation activities may include the placement of material for backfill or bedding of the utility lines. Authorized utility lines include: pipes or pipelines for the transportation of gaseous, liquid or slurry substances; or any cable, line or wire for the transmission of electrical energy, telephone, telegraph, radio or television communications. The term "utility line" shall include pipes conveying drainage from one area to another.

Authorized Activity Thresholds:
This General Permit may be utilized for the installation or repair of utility lines in NYSDEC regulated freshwater wetlands (including adjacent areas) provided the specific thresholds listed below are not exceeded and the attached special conditions are complied with in full.

1. The installation or repair of the utility line does not result in significant change in the preconstruction contours, flow or water table characteristics of the wetland.

2. All material excavated as a result of trenching operations shall be allowed to be temporarily sidecast into the wetland or adjacent area for no more than thirty (30) days, and all sidecast material shall be placed and stabilized in such a manner so as to prevent its dispersion by normal or high water flows.

3. The area of wetland disturbance shall be limited to the minimum necessary to construct the utility line. Clearing of existing vegetation shall be limited to that material which poses an immediate hazard or hindrance to construction activities.

4. The top 6 to 12 inches (15 to 30 centimeters) of the trench must be backfilled with topsoil excavated from the trench, and all excess material must be removed to upland areas and stabilized immediately upon completion of construction.

Exclusions:
This General Permit shall not apply in situations where the NYSDEC has identified a particular resource concern that may be impacted by the proposed activity, (ie. endangered species habitat) and the Regional Supervisor of Natural Resources will not issue written authorization.
Reliance on Applicant's Data:
The applicability of this General Permit to this activity is not contrary to the public interest, and was made in reliance on the information provided by the NYSDOT.

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**Freshwater Wetlands - Under Article 24**  
Permit ID 0-0000-01129/00003

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**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: WILLIAM R ADRIANCE, Chief Permit Administrator  
Address: NYSDEC HEADQUARTERS  
625 BROADWAY  
ALBANY, NY 12233

Authorized Signature: William R. Adriance  
Date 6/7/07

**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: FRESHWATER WETLANDS**

1. **Method of Notification**  
A. Prior to the use of this General Permit on a project, the NYSDOT must submit a General Permit Application Form and one (1) set of project plans to the Regional Supervisor of Natural Resources or designee at the appropriate NYSDEC Regional Office at least ten (10) days prior to the start of work.

If there are no environmental concerns expressed by the Regional Supervisor of Natural Resources or designee during the 10 day review period, the NYSDOT is authorized to perform the project activity applied for under this General Permit without further approval. When concerns are identified by the
NYSDEC during the review period, no work is authorized until all concerns are resolved.

B. When unforeseen circumstances require work on a more immediate time frame, application and project plan submission shall include a detailed reason for requesting expedited action and shall be made at least 48 hours before the proposed start date. NYSDOT shall confirm that the NYSDEC Regional Supervisor of Natural Resources or designee personally received the application information through telephone, fax or e-mail communication.

If the Regional Supervisor of Natural Resources or designee concurs with the NYSDOT's request for expedited action and there are no environmental concerns expressed by the Regional Supervisor of Natural Resources or designee during the 48 hour review period, the NYSDOT is authorized to perform the project activity applied for under this General Permit without further approval. When concerns are identified by the NYSDEC during the review period, no work is authorized until all concerns are resolved.

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 NYSDOT or its agent.

3. Work in One Continuous Operation Work in wetlands and buffer areas must be done in one continuous operation.

4. Invasive Species (Non-native Vegetation) To prevent the unintentional introduction or spread of priority invasive species, as identified by the NYSDOT Environmental Procedures Manual 4.8 Invasive Species or through an adopted landscape-level plan, such as a Weed Management Area, construction equipment shall be thoroughly cleaned of mud, seeds, vegetation and other debris, as appropriate, before entering each new wetland area.

5. Stream Work Period In-stream or stream bank work shall not be accomplished during the period of the year specified in the NYSDEC written authorization.

6. Clean Fill Only All fill material utilized for this project shall consist of uncontaminated earthen materials only. Acceptable fill materials include gravel, rock, overburden, topsoil and similar natural mineral resources.

7. Allowable Fill Material Fill material for temporary stream crossing haul roads shall consist of nontoxic, non-erodible material such as gravel pit tailings or shot rock.

8. Install, Maintain Erosion Controls Necessary erosion control measures are to be constructed to prevent soil erosion and to be maintained in good condition until thick vegetative cover is established.

9. Control Erosion During Construction Provisions shall be made to minimize erosion during the construction of the project and to prevent increased sedimentation in any water body on or adjacent to the project.

10. Seed/Mulch Streambanks Stream banks must be protected from erosion during the construction period and immediately after stream bank work completion. If the bank protection after completion consists of seeding and mulching, growth of vegetative cover must become successfully established to Department satisfaction. If vegetation fails to successfully establish, the area must be replanted until successful vegetation establishment is achieved.
11. Equipment Operation in Water  At no time should machinery be operated in flowing water when it can reasonably be avoided or without adequate control measures in place.

12. Clearing of Vegetation  Clearing of existing vegetation shall be limited to that material within the construction area, as shown on the NYSDOT plan, which poses a hazard or a hindrance to the construction activity.

13. Temporary Stream Access Road  Temporary stream access roads shall be constructed a sufficient distance from the stream banks so as to avoid destruction of existing stream bank vegetative cover. Exposed banks shall be stabilized with rip-rap or other suitable materials to protect against erosion and accidental collapse.

14. High Flows and Fish Passage through Culvert  Temporary haul roads for stream crossings shall maintain culvert pipes of sufficient sizes to allow passage of seasonal high flows and shall not interfere with the up and downstream passage of fish.

15. Temporary Water Diversion Structures  If a temporary dike, dam or water diversion structure must be constructed in the stream, rock riprap or other suitable non-erodible materials must be placed in the stream first. Temporary dikes, dams or water diversion structures must have adequate protection so that structures will not fail under normal flood conditions (one year frequency floods).

16. Removal of Temporary Water Diversion Structures  When the temporary dike, dam or water diversion structure is removed, the erodable material shall be removed first and then the non-erodable structure removed.

17. Discharge of Pump-out Water  Pumpout for dewatering purposes shall be directed away from the stream or wetland and shall instead be pumped to a temporary sedimentation basin before re-entry into the stream or wetland.

18. Even Dredging  Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across or along the bed of a waterway or floodplain, deposits within any regulatory floodway, or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.

19. Concrete Leachate  During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.

20. 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.

21. Storage of Materials  Soil and/or excavated materials may not be stored on top of stream banks, where materials could erode into the stream or cause the bank to collapse, unless the bank has been protected by rip-rap or other suitable materials.

22. Stabilize Spoil  All raw spoil areas must be seeded and mulched at each job location as the project advances, so that it cannot re-enter any water body, stream, or wetland area.
23. No Construction Debris in Wetland or Adjacent Area Surplus soil and spoil from construction of this project shall be removed to an approved upland area for disposal. No material is permitted in wetlands and/or protected buffer areas or in areas depicted as flood hazard areas on the National Flood Insurance Rate Maps (H.U.D. maps) prepared to identify such areas.

24. Establish Vegetation Permanent vegetation must become successfully established to the Department's satisfaction. If vegetation fails to successfully establish, the area must be replanted and monitored until successful vegetation establishment is achieved.

25. Failure to Meet Terms or Conditions Failure of the permittee to meet all the terms or conditions of this general permit may result in an order to immediately cease the permitted activity, conduct remediation and/or civil and/or criminal penalties.

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:

   Chief Permit Administrator
   NYSDEC HEADQUARTERS
   625 BROADWAY
   ALBANY, NY12233

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.

5. Permit Modifications, Suspensions and Revocations by the Department
reserves the right 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.

**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.
PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To: NYS DEPT OF TRANSPORTATION
Facility: STATE HIGHWAYS AND AUXILIARY STRUCTURES
50 WOLF RD
ALBANY, NY 12232

Facility Location: STATEWIDE
Facility Principal Reference Point: NYTM-E: NYTM-N:
Latitude: Longitude:

Authorized Activity: Rehabilitation or Replacement of Existing Transportation Facilities
(requiring no configuration or alignment changes and no earth fill in wetlands or adjacent area) - GP 06-04

This Programmatic General Permit authorizes the rehabilitation or in-kind and in-place replacement of existing transportation facilities within the limits of NYSDEC regulated freshwater wetlands (including adjacent areas). Authorized construction activities include: rehabilitation or replacement of highway and shoulder pavement; rehabilitation or replacement of bridge superstructure elements (deck, sidewalk, girders, etc.); rehabilitation or replacement of bridge substructure elements (piers, footings, abutments, wingwalls, etc.); rehabilitation or replacement of drainage culverts, fencing, headwalls, guiderail, traffic signs, traffic signals and required removal of vegetation associated with the authorized activity.

Authorized Activity Thresholds:
This General Permit may be utilized for the rehabilitation or in-kind and in-place replacement of existing transportation facilities in NYSDEC regulated freshwater wetlands (including adjacent areas) provided the specific thresholds listed below are not exceeded and the attached special conditions are complied with in full.

1. Any transportation facility to be rehabilitated or replaced shall essentially replicate the existing facility in configuration, alignment and dimension. Minor changes in construction materials and construction techniques are allowed.

2. Any transportation facility to be rehabilitated or replaced shall not require the permanent or temporary placement of earth fill in the wetland or adjacent area.

3. Any transportation facility to be rehabilitated or replaced shall not require the installation of temporary construction access facilities or detour facilities (including associated earth fills) in the wetland or adjacent area.

4. Drainage culverts shall be replaced at their existing location and with pipes matching the existing culvert size and invert elevations. No flow alignment activities shall be allowed.

5. Clearing of existing vegetation shall be limited to the minimum required to accomplish the authorized activity.
Exclusions:
This General Permit shall not apply in situations where the NYSDEC has identified a particular resource concern that may be impacted by the proposed activity, (ie. endangered species habitat) and the Regional Supervisor of Natural Resources will not issue written authorization.

Reliance on Applicant's Data:
The applicability of this General Permit to this activity is not contrary to the public interest, and was made in reliance on the information provided by the NYSDOT.

Permit Authorizations

Freshwater Wetlands - Under Article 24
Permit ID 0-0000-01129/00004

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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: WILLIAM R ADRIANCE, Chief Permit Administrator
Address:             NYSDEC HEADQUARTERS
                      625 BROADWAY
                      ALBANY, NY 12233

Authorized Signature:  

Date 6/7/07

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: FRESHWATER WETLANDS

1. Method of Notification
   A. Prior to the use of this General Permit on a project, the NYSDOT must submit a General Permit Application Form and one (1) set of project plans to the Regional Supervisor of Natural Resources or designee at the appropriate NYSDEC Regional Office at least ten (10) days prior to the start of work.

   If there are no environmental concerns expressed by the Regional Supervisor of Natural Resources or designee during the 10 day review period, the NYSDOT is authorized to perform the project activity applied for under this General Permit without further approval. When concerns are identified by the NYSDEC during the review period, no work is authorized until all concerns are resolved.

   B. When unforeseen circumstances require work on a more immediate time frame, application and project plan submission shall include a detailed reason for requesting expedited action and shall be made at least 48 hours before the proposed start date. NYSDOT shall confirm that the NYSDEC Regional Supervisor of Natural Resources or designee personally received the application information through telephone, fax or e-mail communication.

   If the Regional Supervisor of Natural Resources or designee concurs with the NYSDOT’s request for expedited action and there are no environmental concerns expressed by the Regional Supervisor of Natural Resources or designee during the 48 hour review period, the NYSDOT is authorized to perform the project activity applied for under this General Permit without further approval. When concerns are identified by the NYSDEC during the review period, no work is authorized until all concerns are resolved.

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 NYSDOT or its agent.

3. Work in One Continuous Operation Work in wetlands and buffer areas must be done in one continuous operation.

4. Invasive Species (Non-native Vegetation) To prevent the unintentional introduction or spread of priority invasive species, as identified by the NYSDOT Environmental Procedures Manual 4.8 Invasive Species or through an adopted landscape-level plan, such as a Weed Management Area, construction equipment shall be thoroughly cleaned of mud, seeds, vegetation and other debris, as appropriate, before entering each new wetland area.

5. Stream Work Period In-stream or stream bank work shall not be accomplished during the period of the year specified in the NYSDEC written authorization.

6. Clean Fill Only All fill material utilized for this project shall consist of uncontaminated earthen materials only. Acceptable fill materials include gravel, rock, overburden, topsoil and similar natural mineral resources.

7. Allowable Fill Material Fill material for temporary stream crossing haul roads shall consist of nontoxic, non-erodible material such as gravel pit tailings or shot rock.
8. Install, Maintain Erosion Controls  Necessary erosion control measures are to be constructed to prevent soil erosion and to be maintained in good condition until thick vegetative cover is established.

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16. Removal of Temporary Water Diversion Structures  When the temporary dike, dam or water diversion structure is removed, the erodible material shall be removed first and then the non-erodible structure removed.

17. Discharge of Pump-out Water  Pumpout for dewatering purposes shall be directed away from the stream or wetland and shall instead be pumped to a temporary sedimentation basin before re-entry into the stream or wetland.

18. Even Dredging  Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across or along the bed of a waterway or floodplain, deposits within any regulatory floodway, or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.

19. Concrete Leachate  During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.
20. **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.

21. **Storage of Materials**  Soil and/or excavated materials may not be stored on top of stream banks, where materials could erode into the stream or cause the bank to collapse, unless the bank has been protected by rip-rap or other suitable materials.

22. **Stabilize Spoil**  All raw spoil areas must be seeded and mulched at each job location as the project advances, so that it cannot re-enter any water body, stream, or wetland area.

23. **No Construction Debris in Wetland or Adjacent Area**  Surplus soil and spoil from construction of this project shall be removed to an approved upland area for disposal. No material is permitted in wetlands and/or protected buffer areas or in areas depicted as flood hazard areas on the National Flood Insurance Rate Maps (H.U.D. maps) prepared to identify such areas.

24. **Establish Vegetation**  Permanent vegetation must become successfully established to the Department's satisfaction. If vegetation fails to successfully establish, the area must be replanted and monitored until successful vegetation establishment is achieved.

25. **Failure to Meet Terms or Conditions**  Failure of the permittee to meet all the terms or conditions of this general permit may result in an order to immediately cease the permitted activity, conduct remediation and/or civil and/or criminal penalties.

### 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:

Chief Permit Administrator
NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY12233

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.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right 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.

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.
PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:  
NYS DEPT OF TRANSPORTATION

Facility:  
STATE HIGHWAYS AND AUXILIARY STRUCTURES

50 WOLF RD  
ALBANY, NY 12232

STATEWIDE, NY

Facility Location: STATEWIDE

Facility Principal Reference Point: NYTM-E:  
Latitude:  
Longitude:

NYTM-N:

Authorized Activity: Clearing, Grubbing, Grading and Minor Fills Associated with Survey and/or Exploratory Activities - GP 06-05

This Programmatic General Permit may be utilized for survey and exploratory activities within the limits of NYSDEC regulated freshwater wetlands (including adjacent areas) for highway related construction activities. Authorized survey and exploratory activities include: instrument survey, archaeological and paleontological surveys, seismic operations, drilling of test wells or bore holes, excavation of test pits, core sampling, soil sampling, and other similar exploratory-type activities.

Authorized Activity Thresholds:

This General Permit may be utilized for survey and exploratory activities in NYSDEC regulated freshwater wetlands (including adjacent areas) provided the specific thresholds listed below are not exceeded and the attached special conditions are complied with in full.

1. All test wells, test pits and bore holes shall be backfilled to the fullest extent possible with soil excavated from the well, pit or hole. All excess material shall be immediately removed from the wetland and adjacent area and stabilized immediately upon completion of the activity.

2. The area of wetland disturbance shall be limited to the minimum necessary to perform the survey and exploratory activity. Clearing of existing vegetation shall be limited to that material which poses an immediate hazard or hindrance to the necessary activity. All cleared vegetation shall be immediately removed from the wetland and adjacent area upon completion of the activity.

3. Any fills required for temporary access facilities shall be of non-erodible material up to the ordinary highwater elevation.

4. Temporary access facilities (including necessary fills) shall be located so as to avoid or minimize disturbance of the wetland, and appropriate measures shall be taken to maintain preconstruction water flows and water table characteristics.

5. Temporary access facilities (including necessary fills) shall be entirely removed following completion of the necessary activity, and the affected wetland and adjacent area shall be graded, seeded and restored to replicate preconstruction conditions (except that the planting of replacement trees and shrubs is not required).
Exclusions:
This General Permit shall not apply in situations where the NYSDEC has identified a particular resource concern that may be impacted by the proposed activity, (ie. endangered species habitat) and the Regional Supervisor of Natural Resources will not issue written authorization.

Reliance on Applicant’s Data:
The applicability of this General Permit to this activity is not contrary to the public interest, and was made in reliance on the information provided by the NYSDOT.

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**Permit Authorizations**

**Freshwater Wetlands - Under Article 24**  
Permit ID 0-0000-01129/00005  

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**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: WILLIAM R ADRIANCE, Chief Permit Administrator  
Address: NYSDEC HEADQUARTERS  
625 BROADWAY  
ALBANY, NY 12233

Authorized Signature: [Signature]  
Date: 6/7/07

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**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: FRESHWATER WETLANDS

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3. Work in One Continuous Operation Work in wetlands and buffer areas must be done in one continuous operation.

4. Invasive Species (Non-native Vegetation) To prevent the unintentional introduction or spread of priority invasive species, as identified by the NYSDOT Environmental Procedures Manual 4.8 Invasive Species or through an adopted landscape-level plan, such as a Weed Management Area, construction equipment shall be thoroughly cleaned of mud, seeds, vegetation and other debris, as appropriate, before entering each new wetland area.

5. Stream Work Period In-stream or stream bank work shall not be accomplished during the period of the year specified in the NYSDEC written authorization.

6. Clean Fill Only All fill material utilized for this project shall consist of uncontaminated earthen materials only. Acceptable fill materials include gravel, rock, overburden, topsoil and similar natural mineral resources.

7. Allowable Fill Material Fill material for temporary stream crossing haul roads shall consist of nontoxic, non-erodible material such as gravel pit tailings or shot rock.
8. Install, Maintain Erosion Controls Necessary erosion control measures are to be constructed to prevent soil erosion and to be maintained in good condition until thick vegetative cover is established.

9. Control Erosion During Construction Provisions shall be made to minimize erosion during the construction of the project and to prevent increased sedimentation in any water body on or adjacent to the project.

10. Seed/Mulch Streambanks Stream banks must be protected from erosion during the construction period and immediately after stream bank work completion. If the bank protection after completion consists of seeding and mulching, growth of vegetative cover must become successfully established to Department satisfaction. If vegetation fails to successfully establish, the area must be replanted until successful vegetation establishment is achieved.

11. Equipment Operation in Water At no time should machinery be operated in flowing water when it can reasonably be avoided or without adequate control measures in place.

12. Clearing of Vegetation Clearing of existing vegetation shall be limited to that material within the construction area, as shown on the NYSDOT plan, which poses a hazard or a hindrance to the construction activity.

13. Temporary Stream Access Road Temporary stream access roads shall be constructed a sufficient distance from the stream banks so as to avoid destruction of existing stream bank vegetative cover. Exposed banks shall be stabilized with rip-rap or other suitable materials to protect against erosion and accidental collapse.

14. High Flows and Fish Passage through Culvert Temporary haul roads for stream crossings shall maintain culvert pipes of sufficient sizes to allow passage of seasonal high flows and shall not interfere with the up and downstream passage of fish.

15. Temporary Water Diversion Structures If a temporary dike, dam or water diversion structure must be constructed in the stream, rock riprap or other suitable non-erodible materials must be placed in the stream first. Temporary dikes, dams or water diversion structures must have adequate protection so that structures will not fail under normal flood conditions (one year frequency floods).

16. Removal of Temporary Water Diversion Structures When the temporary dike, dam or water diversion structure is removed, the erodible material shall be removed first and then the non-erodible structure removed.

17. Discharge of Pump-out Water Pumpout for dewatering purposes shall be directed away from the stream or wetland and shall instead be pumped to a temporary sedimentation basin before re-entry into the stream or wetland.

18. Even Dredging Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across or along the bed of a waterway or floodplain, deposits within any regulatory floodway, or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.

19. Concrete Leachate During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.
20. 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.

21. Storage of Materials  Soil and/or excavated materials may not be stored on top of stream banks, where materials could erode into the stream or cause the bank to collapse, unless the bank has been protected by rip-rap or other suitable materials.

22. Stabilize Spoil  All raw spoil areas must be seeded and mulched at each job location as the project advances, so that it cannot re-enter any water body, stream, or wetland area.

23. No Construction Debris in Wetland or Adjacent Area  Surplus soil and spoil from construction of this project shall be removed to an approved upland area for disposal. No material is permitted in wetlands and/or protected buffer areas or in areas depicted as flood hazard areas on the National Flood Insurance Rate Maps (H.U.D. maps) prepared to identify such areas.

24. Establish Vegetation  Permanent vegetation must become successfully established to the Department's satisfaction. If vegetation fails to successfully establish, the area must be replanted and monitored until successful vegetation establishment is achieved.

25. Failure to Meet Terms or Conditions  Failure of the permittee to meet all the terms or conditions of this general permit may result in an order to immediately cease the permitted activity, conduct remediation and/or civil and/or criminal penalties.

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**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:

Chief Permit Administrator
NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY12233

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.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right 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.

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.