

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 5

1115 State Route 86, PO Box 296, Ray Brook, NY 12977-0296

P: (518) 897-1234 | F: (518) 897-1394

www.dec.ny.gov

December 19, 2018

Mr. Kristofer Alberga, Regional Forester
NYS DEC Division of Lands and Forests
1115 NYS Route 86
PO Box 296
Ray Brook, NY 12977-0296

**Re: Wild Scenic & Recreational Rivers Permit
DEC ID# 5-1599-00021/00001
Cedar River Bridge and Recreational Trail
Multiple (T), Essex County**

Dear Mr. Alberga:

Enclosed is your permit which was issued in accordance with the applicable provisions of the Environmental Conservation Law. It is the responsibility of the permittee and his agents to read and comply with all permit conditions. Any failure to comply with these terms may be treated as a violation of the Environmental Conservation Law.

Questions regarding the terms of the permit should be directed to me in our Division of Environmental Permits at (518) 897-1233. Should your plans change, please contact this office to determine whether modifications of the permit are required. Thank you.

Sincerely,



Marc S. Migliore
Regional Permit Administrator

MSM:rlf
Enclosure

ec: R. Stegemann, Regional Director
J. Drabicki, Acting Deputy Commissioner Natural Resources
R. Davies, Division Director L&F
M. Naughton, Esq., Office of General Counsel
S. Allen, Esq., Office of General Counsel
M. Sanza, Esq., Office of General Counsel



Department of
Environmental
Conservation



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

NYS Dept of Environmental Conservation
625 BROADWAY
ALBANY, NY 12233

Facility:

Cedar River Bridge and Recreational Trail
Chain Lakes Rd North - Chain Lakes Rd South
Minerva/Newcomb, NY 12851

Facility Location: In MULTIPLE TOWNS in ESSEX COUNTY

Facility Principal Reference Point: NYTM-E: 561.758 NYTM-N: 4855.829
Latitude: 43°51'10.7" Longitude: 74°13'53.8"

Authorized Activity: Construct a 139' 4" long and 12' wide free span, steel truss bridge over the Cedar River (designated Scenic) with connecting multi-use recreational trail segments in the associated Scenic corridor. Pursuant to a grant of area variance, construct the permitted multi-use recreational trail segments 9-12' wide, all in accordance with the referenced plans.

Permit Authorizations

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

Permit ID 5-1599-00021/00001

New Permit

Effective Date: 12/19/2018

Expiration Date: 12/1/2023

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: MARC S MIGLIORE, Regional Permit Administrator

Address: NYSDEC Region 5 Headquarters
 1115 NYS ROUTE 86
 PO BOX 196
 RAY BROOK, NY 12977-0296

Authorized Signature: _____

Date 12/19/2018



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: WILD, SCENIC & RECREATIONAL RIVERS

- 1. 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 NYSDEC Division of Lands and Forests, and received by NYSDEC DEP on August 17, 2018. See Approved Documents listed in Condition #2 below.
- 2. Approved Documents List** All regulated work shall be accomplished in strict conformance with the approved documents, as follows:
 - Essex Chain Lakes Management Complex Plan, Final Environmental Impact Statement and Statement of Findings, dated March 31, 2016;
 - Joint Application Form, dated August 17, 2018;
 - Application for Permit Supplement WSR-1, dated August 17, 2018;
 - SAAF, received August 17, 2018;
 - Permit and Variance Application Description, Maps and Photos, received August 17, 2018;
 - Minimum Requirements Approach Guide, received August 17, 2018;
 - Minimum Requirements Approach Attachment, received August 17, 2018;
 - 100% Submission drawings entitled "Provide Cedar River Bridge" by CT Male Associates, dated January 6, 2017.
- 3. 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.
- 4. Install and Maintain Erosion Controls** The erosion control measures specified in the referenced plans must be put in place before any disturbance of the ground occurs and is to be maintained in a functional condition over the life of construction and revegetation phase.
- 5. 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. Wet concrete shall not be poured to displace any water within the forms.



6. Equipment Storage 100' from Wetland, Water Body; Out of Floodplain All equipment and machinery shall be stored and safely contained greater than 100 feet landward of the regulated wetland or water body and beyond the floodplain boundaries, at the end of each work day.

7. Seed, Mulch Disturbed Areas All areas of soil disturbance resulting from this project shall be seeded and mulched with straw immediately upon completion of the project, within two days of final grading, or by the expiration of the permit, whichever is first. Mulch shall be maintained until suitable vegetative cover is established.

8. Temporary Mulch, Final Seeding If seeding is impracticable due to the time of year, a temporary 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.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

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

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 5 Headquarters
1115 NYS ROUTE 86
PO BOX 296
RAY BROOK, NY 12977 -0296



4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Wild, Scenic & Recreational Rivers.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.



Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.