

DEC PERMIT NUMBER
FACILITY/PROGRAM NUMBER(s)



PERMIT
Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE 12/15/2012
EXPIRATION DATE 3/15/2013

TYPE OF PERMIT (Check All Applicable Boxes)

New
 Renewal
 Modification
 Permit to Construct
 Permit to Operate

<input checked="" type="checkbox"/> Article 15, Title 5: Protection of Water	<input type="checkbox"/> Article 17, Titles 7, 8: SPDES	<input type="checkbox"/> Article 27, Title 9; 6NYCRR 373: Hazardous Waste Management
<input type="checkbox"/> Article 15, Title 15: Water Supply	<input type="checkbox"/> Article 19: Air Pollution Control	<input type="checkbox"/> Article 34: Coastal Erosion Management
<input type="checkbox"/> Article 15, Title 15: Water Transport	<input type="checkbox"/> Article 23, Title 27: Mined Land Reclamation	<input type="checkbox"/> Article 36: Floodplain Management
<input type="checkbox"/> Article 15, Title 15: Long Island Wells	<input checked="" type="checkbox"/> Article 24: Freshwater Wetlands	<input type="checkbox"/> Articles 1, 3, 17, 19, 27, 37; 6NYCRR 380: Radiation Control
<input type="checkbox"/> Article 15, Title 27: Wild, Scenic & Recreational	<input type="checkbox"/> Article 25: Tidal Wetlands	<input type="checkbox"/> Other _____
<input type="checkbox"/> 6NYCRR 608: Water Quality Certification	<input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management	

PERMIT ISSUED TO KLEIN + SONS LOGGING	TELEPHONE NUMBER 845-292-6682
ADDRESS OF PERMITTEE 3174 WEST STATE ROUTE 52, WHITE SULPHUR SPRINGS, NY 12787	
CONTACT PERSON FOR PERMITTED WORK CHRISTOPHER PRENTIS - FORESTER	TELEPHONE NUMBER 845-290-2071
NAME AND ADDRESS OF PROJECT/FACILITY Richard Temporary stream crossing permit for timber harvesting on the property of LEASE located off FOREST Road. TM #1-1-12	
LOCATION OF PROJECT/FACILITY See above	
COUNTY ORANGE	TOWN NEWBURGH
WATERCOURSE/WETLAND NO. H139-31-13 / NB-31	NYTM COORDINATES E: N:
DESCRIPTION OF AUTHORIZED ACTIVITY This is a Standard Activity Permit designed to cover: the construction/repair of single-span bridges, the installation of culverts or instream machinery/equipment crossings of less than 25 feet in width along any 1,000 feet of a protected stream in conjunction with logging operations of less than 25 acres of clearcutting or selective harvesting operations of unlimited acreage. Please refer to the checked boxes on page 3 for a description of the activities/work authorized under this permit.	

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

PERMIT ADMINISTRATOR Margaret Duke	ADDRESS 21 South Putt Corners Rd., New Paltz NY 12561
AUTHORIZED SIGNATURE (Signature on file)	Date
Page 1 of 5	

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

- Item A: **Permittee Accepts Legal Responsibility and Agrees to Indemnification** The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages and costs, direct or indirect, of whatever nature and by whomever suffered, for liability it incurs resulting from activity conducted pursuant to this permit or in noncompliance with this permit and has agreed to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from such activity.
- Item B: **Permittee to Require it's Contractors to Comply with Permit** The permittee shall require its independent contractors, employees, agents and assigns to read, understand and comply with this permit, including all special conditions, and such persons shall be subject to the same sanctions for violations of this permit 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 for this project.
- 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.

GENERAL CONDITIONS

General Condition 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 written or verbal notification is provided by the Department at least 24 hours prior to such inspection.

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. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

General Condition 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.

General Condition 3: Applications for Permit Renewals or Modifications

The permittee must submit a separate written application to the Department for 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. The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Senior Forester, Region 3, 21 South Putt Corners Road, New Paltz, NY 12561
Telephone No. (914) 256-3075.

General Condition 4: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit when:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

ADDITIONAL GENERAL CONDITIONS FOR ARTICLES 15 (TITLE 5), 24,25,34,36 AND 6NYCRR PART 608 Protection of Water

1. If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
2. The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
3. Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, New York State Office of General Services or local government which may be required.
4. 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.
5. Any material dredged in the prosecution of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or floodplain or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.
6. There shall be no unreasonable interference with navigation by the work herein authorized.
7. If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.
8. If granted under 6NYCRR Part 608, the NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.
9. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application. Such approved plans were prepared by _____ on _____.

SPECIAL CONDITIONS

TIMBER HARVESTING

AUTHORIZED ACTIVITIES

Check boxes to indicate activities authorized by this permit.

- THSP 1 One instream crossing of less than 25 feet in width in any 1000 feet of stream bank length for machinery/equipment.
- THSP 2 Construction or repair (circle one) of single-span, bank-to-bank bridges of less than 25 feet in width in any 1000 feet of stream bank length.
- THSP 3 Installation of a culvert(s) crossing of less than 25 feet in width in any 1000 feet of stream bank length.

DEC PERMIT NUMBER	
PROGRAM/FACILITY NUMBER	PAGE 3 OF 5

SPECIAL CONDITIONS

For Article 15 (Protection of Water)

1. In order for this permit to be effective the name, address, telephone number and site location must be entered on the page one and the permit signed by the DEC Permit Administrator or designee and countersigned by a DEC representative following the site visit.
2. All work shall be conducted in accordance with proper management techniques as listed in DEC Bulletin LF-p185 (dated 7/92) entitled "Timber Harvesting Guidelines for New York" (copy attached).
3. Any stream bank areas disturbed must be graded to match the slope of the stream bank prior to the disturbance and seeded with an appropriate perennial seed and mulched within one week of the final grading. Mulch must be maintained until a thick vegetative cover is established.
4. If seeding is impractical due to the time of the year, a temporary mulch must be applied and maintained and final seeding performed at the earliest opportunity when weather conditions favor germination and growth but not more than 6 months after project completion.
5. The installation/construction/repair of crossings, culverts or bridges shall not impede the normal flow of water or the normal movement of aquatic species.
6. Crossings of stream by use of skidders or other equipment is confined to the areas identified on the submitted plans or sketches unless modified in a special condition contained below.
7. Access roads for crossing must contain cutoff ditches or other water diversion methods to prevent runoff from entering directly into stream.
8. Culverts must be installed so that the bottom of both the inlet and the outlet ends of the culverts are flush with the stream bed. Both ends of the culvert must be adequately rip-rapped to prevent failure/erosion during periods of high water flow. Culvert, bridges and associated fill must be removed prior to the expiration of the permit.
9. Cover material for the culverts and the approaches must consist of clean gravel or stone. Use of soil or materials obtained from the streambed is prohibited.
10. Log staging areas must be located a minimum of 200 feet from any stream or water course unless the distance is modified in a special condition contained below.
11. The following site specific conditions shall apply to the work authorized by this permit:
 - a. none
 - b. see below
 - No instream crossings of machinery/equipment or construction/removal of culverts, bridges and associated fill are allowed during the period commencing October 1 and ending April 30 for the protection of aquatic resources.
 - The permittee shall construct a corduroy log crossing across the stream at the crossing approved by the DEC representative prior to use of the logging ford. The corduroy crossing shall be maintained through the logging operation and completely removed from the stream after completion of the operation.

DEC PERMIT NUMBER

FACILITY ID NUMBER

PROGRAM NUMBER

Page 4 of 5

Additional Conditions Regarding Wetland -- Lease Timber Harvest

This property contains a portion of NYSDEC-protected Freshwater Wetland NB-31. While selective cutting of trees within the wetland and its 100 foot Adjacent Area is considered an activity exempt from the need for a Freshwater Wetlands Permit from NYSDEC, clear-cutting is prohibited. The regulations define clear-cut as any cutting of trees over six inches DBH where the residual basal area of trees over six inches DBH after harvest is less than 30 square feet per acre.

The existing farm road that crosses the wetland will be used to access the harvest area. Cutting of trees and shrubs within the farm road/skid trail to allow access is authorized by this permit.

Note that no permanent filling on skid trail is authorized. If wet areas that are not frozen must be traversed along the skid trail, they shall be bridged temporarily using portable bridge, corduroy, or mats. This apparatus will be removed upon completion of harvest.

The landing area for this harvest shall be more than 100 feet from the wetland. The field on the north side of the abandoned house on Forest Road has been identified as the landing area. This is beyond the 100 foot wetland adjacent area.

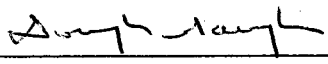


SPECIAL CONDITIONS

For Article 15 (Protection of Water)

STATE ENVIRONMENTAL QUALITY REVIEW

Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted or Type 1 Action with the Department of Environmental Conservation (DEC) designated as the lead agency. As indicated in the Negative Declaration dated June 1992, it has been determined that the Standard Activity Permit Process for the crossing of protected streams as part of a logging operation will not have a significant effect on the environment.



DEC Representative Signature/Date
DOUGLAS GAUGLER
BIOLOGIST I



Applicant/Project Sponsor signature and acknowledgement of receipt of "Timber Harvesting Guidelines for New York"

Distribution:
XXXXXXXXXX
XXXXXXXXXX

DEC PERMIT NUMBER		
FACILITY ID NUMBER	PROGRAM NUMBER	Page 5 of 5