

**Item 10**

**Wetland Permits from NY DEC for Vegetation Management (past 3 years)**

New York State Department of Environmental Conservation  
Division of Environmental Permits, 4<sup>th</sup> Floor  
625 Broadway, Albany, New York 12233-1750  
Phone: (518) 402-9167 FAX: (518) 402-9168



Erin P. Crotty  
Commissioner

June 13, 2002

Mr. Scott Shupe  
Niagara Mohawk, A National Grid Company  
300 Erie Boulevard West  
Syracuse, NY 13202

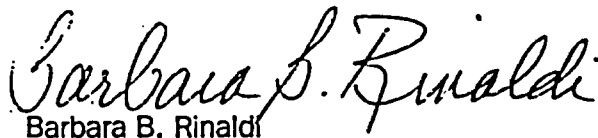
RE: Permit Number 0-0000-01147/00010  
Use of Herbicides in Regulated Wetlands and Adjacent Areas along Certain Electric  
Transmission Line Right of Ways

Dear Mr. Shupe:

Enclosed is the Standard Activity Permit for use of herbicides in regulated wetlands and adjacent areas along certain electric transmission line Right of Ways (ROWs) identified in the permit. This permit is effective June 13, 2002 and will expire on June 10, 2008. If you have any questions regarding this permit please contact me at 518-402-9171 or at [bbrinald@gw.dec.state.ny.us](mailto:bbrinald@gw.dec.state.ny.us) for further information.

We will continue to work with you to refine the permitting of these activities for the remaining electric transmission lines in the Niagara Mohawk, A National Grid Company service area.

Very truly yours,

  
Barbara B. Rinaldi

cc: Regional Natural Resource Supervisors (Regions 4-9)  
Regional Pesticide Specialist IIs (Regions 4-9)  
P. Duncan  
J. Wainwright  
P. Riexinger  
R. Davis  
T. Sinnott  
W. Sarbello  
J. Cianci  
P. Nye  
K. O'Brien  
N. Conrad  
D. Jarvis (APA)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER 0-0000-01147/00010
FACILITY/PROGRAM NUMBER(S)



PERMIT

Under the Environmental Conservation Law

EFFECTIVE DATE: June 13, 2002
EXPIRATION DATE(S) June 10, 2008

[ TYPE OF PERMIT  New  Renewal  Modification  Permit to Construct  Permit to Operate ]

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Article 15, Title 5: Protection of Waters                  | <input type="checkbox"/> 6NYCRR 608: Water Quality Certification      | <input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management      |
| <input type="checkbox"/> Article 15, Title 15: Water Supply                         | <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 Transport                      | <input type="checkbox"/> Article 19: Air Pollution Control            | <input type="checkbox"/> Article 34: Coastal Erosion Management                       |
| <input type="checkbox"/> Article 15, Title 15: Long Island Wells                    | <input type="checkbox"/> Article 23, Title 27: Mined Land Reclamation | <input type="checkbox"/> Article 36: Floodplain Management                            |
| <input type="checkbox"/> Article 15, Title 27: Wild, Scenic and Recreational Rivers | <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 25: Tidal Wetlands                   |   |

PERMIT ISSUED TO Niagara Mohawk, A National Grid Company	TELEPHONE NUMBER (315) 474-1511
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ADDRESS OF PERMITTEE 300 Erie Boulevard West, Syracuse, NY 13202
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CONTACT PERSON FOR PERMITTED WORK Scott Shupe or designated representative	TELEPHONE NUMBER (315) 428-6616
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NAME AND ADDRESS OF PROJECT/FACILITY Electric transmission facilities owned and operated by Niagara Mohawk, A National Grid Company.
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LOCATION OF PROJECT/FACILITY Various locations within Niagara Mohawk, A National Grid Company's Service Area in New York State, NYS DEC Regions 4-9 (See Attachment A)
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COUNTY	TOWN	WATERCOURSE	NYTM COORDINATES
		Various Freshwater Wetlands and adjacent areas (see Attachment A)	

**DESCRIPTION OF AUTHORIZED ACTIVITY**  
 Periodic, routine selective foliar and stump herbicide application to woody vegetation for electric transmission line right-of-way (ROW) management. All work is performed in accordance with a New York State Public Service Commission approved management plan and all label restrictions for the selected herbicides. Use of three additives: Cleancut (surfactant), LoDrift 38F (in hydraulic application) and Thinvert in the ultra low volume backpack foliar applications. The following site-specific treatment techniques/mixes will be used:

- "Mix H" is the Selective Foliar Treatment applied from a bulk-carrier vehicle. Per 100 gal of mix, "Mix H" = 4.5 quarts Glypro + 1.5 quarts Arsenal + 98.5 gallons of water.
- "Mix K" is for cut-stump treatment from a hand-held squeeze bottle. "Mix K" = 35% Glypro + 65% Water. Compadre is the premixed product (no longer commercially available) that will be used until supplies are exhausted.
- "Mix J" and "Mix M" are for low-volume selective foliar applications using backpack sprayers. Per 100 gal of mix, "Mix J" = 5 gallons Glypro + 2 quarts Arsenal + 2 quarts Cleancut (surfactant) + 94 gallons of water. Per 100 gal of mix, "Mix M" = 7.5 gallons Glypro + 1.5 quarts Arsenal + 92.5 gallons of Thinvert (carrier).

**FYI NOTE:** neither stump treatment or backpack methods requires drift control agent, since the application pressure is so low.

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 (see page 2) and any Special Conditions included as part of this permit.

CHIEF PERMIT ADMINISTRATOR William R. Adriance	ADDRESS 625 Broadway, 4 <sup>th</sup> Floor, Albany, NY 12233-1750
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AUTHORIZED SIGNATURE 	DATE June 13, 2002	Page 1
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**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee 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 to Require It's Contractors to Comply with Permits**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to read, understand and 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. Applicators will be notified of threatened and endangered species areas identified in Federal Permit Number PRT-813745 issued by the US Fish and Wildlife Service and take all precautions required by the permit.

**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.

**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 requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, is to be retained by Niagara Mohawk, a National Grid Company's (Niagara Mohawk) Environmental Affairs Department (or its successor(s)), and must be available for inspection by the Department. Crews and /or agents of Niagara Mohawk performing specific activities pursuant to this permit must have with them during the performance of the subject work a copy of:

- (1) the Permit,
- (2) The current year's Niagara Mohawk Herbicide Codes document listing the approved mixes for ROW work.

Failure of the field forces to produce these two documents upon request of 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 180 days before expiration.

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

Chief Permit Administrator, NYSDEC, 625 Broadway, 4<sup>th</sup> Floor, Albany, NY 12233-1750

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

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR, Part 621. 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.

**ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 24**

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 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. For activities authorized by this permit, Niagara Mohawk will provide annually, by April 15, a listing, by transmission line name, of the FWW designations for those wetlands intersected by the each electric transmission Right of Ways to be managed in the coming season to both the Regional Natural Resources Supervisor and the Pesticide Control Specialist II. Additionally, the NM Regional Forester will notify each NYSDEC Regional Natural Resources Supervisor of start and end dates for line management at least 7 days prior to commencement. The information listed in the attached Notification of Project Commencement form shall be provided (Attachment B).

**SPECIAL CONDITIONS FOR ARTICLE 24**

Pesticide application activities shall be performed in accordance with the following best management practices:

**Applicator Qualifications**

- The application of herbicide by contract applicator crews will be made under the direct supervision of a NYS Certified Applicator who either owns or is employed by a business registered with the NYSDEC for the purpose of herbicide application. Niagara Mohawk crew herbicide applications will be made under the supervision of a Niagara Mohawk Regional Forester.
- A supervising certified applicator who is familiar with and understands the provisions of this permit is present in the field with each contract applicator crew to ensure compliance with best management practices for targeting species and proper application of authorized herbicides.

**Herbicide Registration and Authorization**

- Utilized herbicides products will have valid registration with both USEPA and NYSDEC and be those authorized by the NYSDEC permit.
- Any changes to the herbicide products planned for use, the mix proportions, additives or method of application will be submitted in writing to the Chief Permit Administrator at least 30 days prior to implementing changes.

**Application Methods**

- Application of herbicide will conform with all label instructions and all applicable state and federal laws and regulations.
- Herbicides will not be applied to streams or standing water or within 100 feet of public water supplies (reservoirs and wellheads).
- Applications required in seasonally flooded freshwater wetlands will be undertaken during a dry season.

**Clean-up Procedures**

- To maintain water quality, no equipment wash water or excess herbicide will be allowed to enter any surface waters including streams, lakes, ponds and wetlands.
- Empty containers will be disposed of in accordance with applicable pesticide regulations (6NYCRR Section 325.4).

## ATTACHMENT A

### Wetlands and Municipalities with Scheduled Year 2002 ROW Vegetation Maintenance

REGION 4		
COUNTY	TOWN OR VILLAGE	WETLAND ID
ALBANY	COLONIE	TN-10
	MENANDS	TS-7, TS-9
	GUILDERLAND	V-19
	NEW SCOTLAND	V-19, V-32
	VOORHEESVILLE	V-19
COLUMBIA	CHATHAM	K-8, K-109
	KINDERHOOK	K-109, K-115, K-114, K-122
	VALATIE	K-114
	STUYVESANT	ST-1
MONTGOMERY	AMSTERDAM	A-11, TH-14
	CANAJOHARIE	C-13
	FLORIDA	A-11, A-13, TH-14, TH-15
	MOHAWK	TH-5, TH-8
RENSSELAER	NASSAU	N-30, N-33, K-4, K-8
	SCHODACK	EG-8, N-20, N-30, N-33, K-4, K-8
SCHENECTADY	PRINCETOWN	RJ-8, RJ-4
REGION 5		
FRANKLIN	BELMONT	OH-1, OH-2
	BOMBAY	HO-4, H-2, H-4, H-11
	MALONE	M-20, CF-3
	MOIRA	BR-6, BR-7
	WESTVILLE	FC-2
FULTON	EPHRATAH	L-26
	JOHNSTOWN	TH-8
SARATOGA	BALLSTON	R-11, R-16
	MALTA	R-16
WASHINGTON	CAMBRIDGE	CA-30
	EASTON	CA-14, SY-19
REGION 6		
HERKIMER	DANUBE	VH-1
	FRANKFORT	UE-12
	LITTLE FALLS	HR-5
	SCHUYLER	UE-6, UE-11
LEWIS	NEW BREMEN	L-8
	TURIN	G-8
	WASTON	L-8

**Name, address and phone number**

Chad Covey, Natural Resources Supervisor  
NYSDEC, Region 7 Cortland Sub Office  
1285 Fisher Avenue  
Cortland, NY 13045-1090  
Telephone: (607) 753-3095  
Fax: (607) 753-8532

**Counties Served**

Broome, Cayuga, Chenango, Cortland, Madison,  
Onondaga, Oswego, Tioga & Tompkins

Rich Rima, Pesticide Control Spec II  
NYSDEC, Region 7  
615 Erie Blvd West  
Syracuse, NY 13204-2400  
Telephone: (315) 426-7400  
Fax: (315) 426-7425

Sandra Brennan, Natural Resources Supervisor  
Gail Mortimer, Pesticide Control Spec II  
NYSDEC, Region 8  
6274 East Avon Lima Road  
Avon, NY 14414-2466  
Telephone: (585) 226-2466  
Fax: (585) 226-2830

Chemung, Genesee, Livingston, Monroe, Ontario,  
Orleans, Seneca, Schuyler, Steuben, Wayne & Yates

Ed Hanbach, Pesticide Control Specialist II  
NYSDEC, Region 8 Bath Sub Office  
7291 Coon Road  
Bath, NY 14810  
Telephone: (607) 776-2165  
Fax: (607) 776-4392

Joseph Galati, Habitat Protection Biologist  
NYSDEC  
182 East Union, Suite 3  
Allegany, NY 14706-1328  
Phone: (716) 372-6242  
Fax: (716) 372-2113

Allegany, Cattaraugus, Chautauqua, Erie, Niagara &  
Wyoming

Glen Reinhardt, Pesticide Control Spec II  
NYSDEC, Region 9  
270 Michigan Avenue  
Buffalo, NY 14203-2999  
Telephone: (716) 851-7220  
Fax: (716) 851-7226

ONEIDA	ANNSVILLE BOONVILLE CAMDEN FLORENCE FLOYD LEE MARCY  NEW HARTFORD ROME STEBEN TRENTON UTICA WESTERN WHITESTOWN	F-42, LC-2, CE-4 B-1, B-3, B-5, B-6, B-7, B-22 W-24, W-26, CE-3 W-24, CE-3, CE-4, F-37, F-36, F-35 NW-7, NW-8, OR-1, RO-43 LC-9, LC-15, LC-19, WE-1 WE-2 OR-2, OR-3, OR-4, OR-7, OR-28, OR-33, OR-37, OR-38, OR-41, UE-2, UE-3 UW-8 OR-20 NW-5, NW-7, B-22 R-38, OR-2, OR-3, OR-4, OR-7 UE-2, UE-3, UE-5, UE-6, UE-9, UE-12 WE-2, WE-4, WE-5, WE-6, WE-7 RO-37, OR-31, OR-32, OR-33, OR-37, OR- 38, UW-2, UW-8
ST LAWRENCE	BRASHER CANTON  DE PEYSTER DEKALB LAWRENCE  LISBON NORFOLK OGDENSBURG OSWEGATCHIE  PIERREPONT POTSDAM	HO-4, BF-38, NL-28, NL-29 CT-6, CT-9, CT-17, CT-19, PP-14, RF-7, RF-8, RF-26, HE-1 HV-14 HV-14, RF-7, HE-1 NL-29, NL-28, NL-35, BF-38, NL-46, NV-27, NV-11, SR-2 OE-7, OE-14 NO-19 OE-7 OE-7, OE-13, OE-14, OE-17, OE-21, OE- 29, OE-32, HV-9, HV-14 PP-8 PP-8
<b>REGION 7</b>		
MADISON	SULLIVAN	CIC-17, MA-8
ONONDAGA	CICERO  CLAY DEWITT LYSANDER MANLIUS SALINA VAN BUREN	CIC-5, CIC-14, CIC-17, BRE-18, SYE-2, SYE-1 BRE-17, BRE-18, BRE-25, SYW-5 SYE-2, SYE-1, SYE-6, SYE-29 BAL-13, BAL-16, BAL-18, BRE-21 CIC-17 BRE-23, SYW-4, SYW-8, SYE-6 BAL-21, CAM-6
OSWEGO	AMBOY HASTINGS MEXICO  NEW HAVEN PALERMO PARISH VOLNEY	WM-4, WM-6, WM-9, W-24, PL-2 CS-28 NH-13, NH-7, MX-8, MX-9, MX-11, MX-19, MX-26 NH-13, NH-7, NH-1, NH-8 NH-1 MX-26, PL-2, DU-5, DU-21, DU-40 NH-1, NH-2, NH-6, NH-42
<b>REGION 8</b>		
GENESEE	ALEXANDER BATAVIA BETHANY LE ROY PAVILION	BS-17, BS-30, BS-34, BS-35, AX-39 BS-8, BS-9, BS-11, BS-14, BS-17 BS-41, BS-42 ST-3, ST-5, ST-23 ST-38, ST-40, ST-43, ST-45, ST-47, ST-48, ST-51
LIVINGSTON	CALEDONIA	CA-1
MONROE	RUSH WHEATLAND	RU-3, RU-6, RU-23, RU-30 CA-1

REGION 9		
CATTARAUGUS	ALLEGANY FARMERSVILLE FREEDOM LITTLE VALLEY FRANKLINVILLE ISCHUA MACHIAS MANSFIELD NEW ALBION PORTVILLE YORKSHIRE	KC-12 FD-3 DE-3 CA-4 FR-1, FR-6, FR-2, FR-4, FR-5 HI-4 DE-6, DE-13, WV-4, WV-3, WV-7 CA-4 CA-4 CU-1 DE-13
CHAUTAUQUA	CHAUTAUQUA CARROLL HANOVER NORTH HARMONY KIANTONE POLAND RIPLEY SHERIDAN SHERMAN	SH-22, SH-1, HF-4, HF-2, HF-5, HF-17 IV-3, JA-1, JA-7 SC-4 LW-8 IV-3, JA-18, JA-9 IV-3, JA-1, JA-2, JA-7 RI-1 SC-10, FO-7, DU-3 SH-19, SH-7
ERIE	EDEN EVANS HAMBURG	ED-4, ED-5 ED-4, ED-29 HB-10, HB-11, ED-26
NIAGARA	TONAWANDA  LEWISTON NIAGARA FALLS N. TONAWANDA WHEATFIELD	TW-3, TW-4, TW-25, TW-26, TE-15, TE-23, BW-6 LE-4 TW-3 TE-15, TW-4, TW-25 TW-4, TW-25, TW-26
WYOMING	ATTICA ORANGEVILLE WHEATHERSFIELD	AT-1, AT-7 WW-4 WW-4

New York State Department of Environmental Conservation  
Regional Natural Resource Supervisors or Regional Wildlife Manager and Pesticide Control Specialists

Name, address and phone number

Counties Served

Bill Rudge IV, Natural Resource Supervisor  
AND

Dutchess, Orange, Putnam, Rockland, Sullivan,  
Ulster, Westchester

Pesticide Control Spec II  
NYSDEC, Region 3  
21 South Putt Corners Road  
New Paltz, NY 12561  
Telephone: (845) 256-3000  
Fax: (845) 255-3042

Art Johnsen, Regional Wildlife Manager  
NYSDEC, Region 4 Stamford Office  
Route 10  
HCR#1, Box 3A  
Stamford, NY 12167

Albany, Columbia, Delaware, Greene, Montgomery,  
Otsego, Rensselaer, Schenectady & Schoharie

Brian Metcalf, Pesticide Control Spec II  
NYSDEC, Region 4  
1150 North Wescott Road  
Schenectady, NY 12306-1696  
Telephone: (518) 357-2160  
Fax: (518) 357-2460

Thomas Wahl, Natural Resources Supervisor  
NYSDEC, Region 5  
Route 86, P. O. Box 296  
Ray Brook, NY 12977-0296  
Telephone: (518) 897-1276  
Fax: (518) 897-1394

Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga,  
Warren & Washington

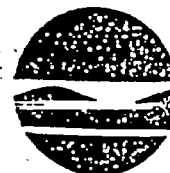
John Bennet, Pesticide Control Spec II  
NYSDEC, Region 5 - Warrensburg Sub Office  
County Route 40  
PO Box 220  
Warrensburg, NY 12885-0220  
Telephone: (518) 623-3671  
Fax: (518) 623-3603

Leonard Ollivett, Bureau of Habitat  
Tom Beschle, Pesticide Control Spec II  
NYSDEC, Region 6  
State Office Building  
317 Washington Street  
Watertown, NY 13601-3787  
Telephone: (315) 785-2267  
Fax: (315) 785-2242

Herkimer, Jefferson, Lewis, Oneida & St. Lawrence

New York State Department of Environmental Conservation  
Division of Environmental Permits, 4<sup>th</sup> Floor  
625 Broadway, Albany, New York 12233-1750  
Phone: (518) 402-9182 • FAX: (518) 402-9168  
Website: www.dec.state.ny.us

*Copy To File*



Erin M. Crotty  
Commissioner

February 27, 2003

Mr. Scott D. Shupe  
Senior Environmental Analyst  
Licensing and Permitting Group  
Niagara Mohawk  
300 Erie Blvd. West  
Syracuse, NY 13202

Dear Mr. Shupe:

Re: General Permit 98-01  
DEC# 0-0000-01147/00001

This is in response to your January 21, 2003 letter requesting a one year extension of the Niagara Mohawk General Permit for maintenance activities and minor construction projects. Your letter explained that this extension is being requested because Niagara Mohawk is planning to offer certain revisions to the permit for some activity descriptions, propose a small number of new activities, and reword some BMP's. The extension would provide Niagara Mohawk the ability to continue to undertake activities authorized under the General Permit while the revision and renewal process takes place.

Your permit extension request has been reviewed by Regional and Central Office staff from the Division of Fish, Wildlife & Marine Resources - Bureau of Habitat, and the Division of Environmental Permits. Niagara Mohawk's continued use of the General Permit and its one year extension are predominantly supported. Therefore, the requested extension is hereby granted, providing for a permit expiration date of April 1, 2004 for General Permit 98-01. No activities other than those currently within the scope of the existing permit are authorized by this extension. All General Conditions and Attachments A & B of the permit remain unchanged and in effect.

The extension is intended to provide Niagara Mohawk and the Department an opportunity to consider modifications to the permit and to undertake required procedures for renewing the permit for a new permit term. I encourage you to formulate proposed changes and begin a dialog with the Department well before the expiration of the extended permit term. Doing so will insure that adequate time is available for reaching consensus on the content of a revised permit and for providing Public Notice and a public comment period. If there are any questions concerning this letter, please contact John L. Cole at this office.

Sincerely,

*William R. Adrance*

William R. Adrance  
Chief Permit Administrator  
Division of Environmental Permits

cc: Service List

7/2/98

**New York State Department of Environmental Conservation**  
Division of Environmental Permits - Room 538  
50 Wolf Road, Albany, New York 12233-1750  
Telephone: (518) 457-2224  
Fax: (518) 457-5965/457-7759



**John P. Cahill**  
Commissioner

April 10, 1998

Mr. Scott Shupe  
Niagara Mohawk Power Corporation  
300 Erie Boulevard West  
Syracuse, NY 13202

Re: General Permit Issuance  
GP-98-01 for Maintenance  
and Minor Construction Activities

Dear Mr. Shupe:

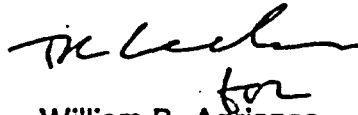
The general permit for maintenance activities and minor construction projects, affecting protected waters and regulated freshwater wetlands at Niagara Mohawk facilities, is enclosed. Commencing projects under the general permit authorization requires prior notification to the DEC regional office responsible for the area in which the activity is located. The notification shall provide the information requested in the form attached to the general permit and be submitted at least 15 days prior to the proposed start date.

To evaluate the general permit's use and to determine if any changes to its provisions or procedures for implementation may be warranted, you are requested to provide a report summarizing the use of the general permit for submittal to the Chief Permit Administrator by December 31 of each year. The report shall contain information on how many times the permit was used for each category of authorized activity. It shall also evaluate whether or not the best management practices provide for a consistency in work technique that is protective of water and wetland resources. We should discuss the details of this evaluation in the early stages of permit utilization.

We are pleased that you will be implementing a familiarization program prior to general permit use. Please inform me and the appropriate Regional Permit Administrators of the date, time and location for these presentations. Hopefully, Department staff can attend to support your efforts and to answer questions.

Should you have any questions or concerns, please call me at (518) 457-0773.

Sincerely,



for  
William R. Adriance  
Chief Permit Administrator

Enclosure

cc: w/attachment

S. Taluto

P. Duncan

Regional Permit Administrators, Regions 4-9

Natural Resources Supervisors, Regions 4-9

J. Sama

L. Kuwik

V. Gallo

P. Riexinger

J. Cooper

W. Little

C:\Cooke\Shupe.WPD/P

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC PERMIT NUMBER 0-0000-01147/00001
FACILITY/PROGRAM NUMBER(S) GP-98-01



**GENERAL PERMIT**  
Under the Environmental Conservation Law

EFFECTIVE DATE 4/9/98
EXPIRATION DATE(S) 4/1/03

TYPE OF PERMIT  New  Renewal  Modification  Permit to Construct  Permit to Operate

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Article 15, Title 5: Protection of Waters       | <input checked="" type="checkbox"/> 6NYCRR 608: Water Quality Certification | <input type="checkbox"/> Article 27, Title 7; 6NYCRR 360: Solid Waste Management      |
| <input type="checkbox"/> Article 15, Title 15: Water Supply                         | <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 Transport                      | <input type="checkbox"/> Article 19: Air Pollution Control                  | <input type="checkbox"/> Article 34: Coastal Erosion Management                       |
| <input type="checkbox"/> Article 15, Title 15: Long Island Wells                    | <input type="checkbox"/> Article 23, Title 27: Mined Land Reclamation       | <input type="checkbox"/> Article 36: Floodplain Management                            |
| <input type="checkbox"/> Article 15, Title 27: Wild, Scenic and Recreational Rivers | <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 25: Tidal Wetlands                                 |   |   |
| <input type="checkbox"/> Other:   |   |   |

PERMIT ISSUED TO Niagara Mohawk Power Corporation		TELEPHONE NUMBER (315) 474-1511	
ADDRESS OF PERMITTEE 300 Erie Boulevard West, Syracuse, NY 13202			
CONTACT PERSON FOR PERMITTED WORK Scott Shupe or designated NIMO representative		TELEPHONE NUMBER (315) 428-6616	
NAME AND ADDRESS OF PROJECT/FACILITY Facilities owned and operated by Niagara Mohawk Power Corporation..			
LOCATION OF PROJECT/FACILITY			
Various locations within Niagara Mohawk Power Corporation's Service Area in New York State, NYS DEC Regions 4-9			
COUNTY	TOWN	WATERCOURSE	NYTH COORDINATES
DESCRIPTION OF AUTHORIZED ACTIVITY General Permit for maintenance, restoration, reconstruction, and new minor construction activities affecting protected waters and regulated freshwater wetlands as described in Attachment A, and in conformance with Best Management Practices in Attachment B.			

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 (see page 2) and any Special Conditions included as part of this permit.

CHIEF PERMIT ADMINISTRATOR William R. Adriance	ADDRESS 50 Wolf Road, Room 538, Albany, NY 12233-1750
AUTHORIZED SIGNATURE <i>William R. Adriance</i>	DATE April 9, 1998
	Page 1

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

**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 and all associated records, is to be retained by Niagara Mohawk's Environmental Affairs Department (or its successor(s)), and must be available for inspection by the Department. Crews and/or agents of Niagara Mohawk performing specific activities pursuant to this permit must have with them during the performance of the subject work a copy of:

- (1) the General Permit cover sheet,
- (2) Attachment "C",
- (3) the cover letter transmitting Attachment "C" to the Regional Permit Administrator,
- (4) an "Activity Permit Summary" prepared by NMPC-EAD, and
- (5) a copy of the project plans or drawings.

Failure of the field forces to produce these five documents upon request of 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:

Chief Permit Administrator William R. Adriance, NYSDEC, 50 Wolf Road, Albany, NY 12233-1750, Telephone (518) 457-0773

**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 AND 6NYCRR PART 608  
(Article 15 (Title 5), Article 24, and 6NYCRR Part 608)**

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. There shall be no unreasonable interference with navigation by the work herein authorized.
6. If upon the expiration or revocation of this permit, project hereby authorized have 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.
7. 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.
8. All activities authorized by this permit must be in strict conformance with the Best Management Practices (BMPs) contained in Attachment B.
9. Notifications. For each project proposed to be authorized by this General Permit, the Regional Permit Administrator responsible for the area in which the proposed activity is located must be notified at least 15 days prior to the commencement of work. The information requested in the attached Notification of Project commencement form shall be provided (Attachment C).

Attachment A

Description of Authorized Activities  
Niagara Mohawk Power Corporation  
General Permit (GP-98-01)

**Activities Regulated by Article 15 (Protection of Waters) of the Environmental Conservation Law**

Description	BMPs
<p>PW</p> <p>1. Vehicular stream crossing: Installation, extension, or removal of machinery crossings less than 25 ft. in width and with less than 50 LF bank disturbance in any 1,000 ft. of stream bank length.</p>	<p>1, 2, 4, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 22, 25, 40</p>
<p>PW</p> <p>2. Maintenance of existing facilities in streams or ponds: Ordinary repairs to existing functional facilities (e.g., rip-rap, channel walls, diversion structures, cribs, ice fenders, etc.) with minimal disturbance or adverse aquatic or riparian effect, providing that there is no dredge or fill involved.</p>	<p>1, 2, 4, 5, 14, 17, 24, 25, 26, 27 (A-E), 28, 29, 30, 32, 36, 38</p>
<p>PW</p> <p>3. Previously permitted reoccurring maintenance dredging in protected waters: Mechanical removal of debris, silt, gravel, trash, etc. from culverts, hydro intakes, settlement or catchment basins infrequently, although regularly (e.g., every decade).</p>	<p>1, 2, 4, 8, 16, 18, 19, 21, 22, 24, 25, 26, 28, 32, 33, 34, 39, 40</p>
<p>PW</p> <p>4. No-fill cofferdams in protected streams: Below normal water surface maintenance of existing structures and facilities, and installation of new features such as small pipeline crossings in streams, using manufactured materials (e.g., geotextiles on trusses, panels, bladders, geotextiles draped over trusses).</p>	<p>1, 2, 15, 16, 18, 20, 21, 22, 23, 24, 25</p>
<p>PW</p> <p>5. Small fill in streambeds for pipeline protection: Placement of clean stone and riprap to protect buried pipelines from erosion and scour, involving 25 feet or less of stream length disturbance at each crossing.</p>	<p>1, 2, 4, 6, 9, 12, 14, 16, 18, 19, 20, 21, 22, 24, 26, 29, 34, 35, 37, 38, 39, 40</p>

Attachment A

Description of Authorized Activities  
Niagara Mohawk Power Corporation  
General Permit (GP-98-01)

<p>PW</p> <p>6. <u>Temporary water control in rivers or lakes:</u> Installation of a conventional small earth-fill cofferdam, check dam, or device to isolate and dewater a work area, and which involves 100 c.y. fill or less or disturbance to less than 5,000 sq. ft. for repair or replacement of an existing facility.</p>	<p>1, 2, 7, 8, 12, 16, 18, 19, 21, 22, 23, 24, 38</p>
<p>PW</p> <p>7. <u>Submarine cable:</u> Installation of new electric distribution cable to single-family residences on islands or across small bays from point of land to point of land with negligible disturbance to bed or shoreline of waterbody.</p>	<p>1, 2, 8, 9, 12, 16, 18, 22 (A), 26, 29, 35, 36, 37</p>
<p>PW</p> <p>8. <u>Docks and Piers in lakes or streams:</u> Installation of docks, piers or floats providing docking for 10 or fewer boats and encompassing within its perimeter a surface area between 4,000 and 8,000 sq. ft. having an open work support system.</p>	<p>1, 5, 9, 21, 22 (A-D), 30, 33, 38, 46 <sup>73</sup></p>

Attachment A

Description of Authorized Activities  
 Niagara Mohawk Power Corporation  
 General Permit (GP-98-01)

Activities Regulated by Article 24 (Freshwater Wetlands) of the Environmental Conservation Law

Description	BMPs
<p><b>FWW</b></p> <p>1. Debris removal in wetlands or adjacent areas: Mechanical removal of logs, debris, silt, cattails, trash, etc. from within 15 feet of existing functional facilities such as culverts and ditches, settlement or catchment basins, or swales and other maintained drainage ways typically infrequently, although regularly, and in small quantities, typically under 50 c.y. with less than 540 sq. ft. disturbance.</p>	<p>1, 2, 3, 4, 8, 9, 11, 12, 13, 18, 21, 25, 27 (C-E), 31 (C), 33, <del>31</del>, 39, 40</p>
<p><b>FWW</b></p> <p>2. Restoration of existing facilities in wetlands and adjacent areas: Placement or construction of access and work platform activities necessary for the isolated replacement of essential individual electric (e.g., poles or towers, guys, conductor, insulators, grounds) or gas line features (e.g., regulators, test stations, valves) and components that have been felled by storms, foundation failure (flood or soil degradation), struck by cars, sabotaged, vandalized or suffered severe unnatural mechanical damage, or natural decomposition (age) and which require temporary disturbance (either excavation or fill) to promptly effect repairs, but such that the disturbed area at each structure can be limited to less than 540 sq. Ft. of ground surface.</p>	<p>1, 2, 3, 4, 5, 6, 8, 11, 12, 13, 15, 16, 17, 23, 25, 27, 30, 31 (A), 40, 41</p>
<p><b>FWW</b></p> <p>3. Reconstruction of existing facilities in wetlands and adjacent areas: Routine utility work (e.g., distribution line rebuilds, reconstructing, restoration, or minor modification of facilities) which involved a <i>temporary</i> disturbance of less than 540 sq. ft. at each individual site provided that measures taken cause <i>no permanent alteration</i> of wetland and adjacent area ground surface (e.g., excavation and backfill, work pad fills placed on geotextiles and removed).</p>	<p>1, 2, 3, 4, 5, 6, 8, 11, 12, 13, 15, 16, 17, 23, 25, 27, 30, 31(A), 40, 41</p>

Attachment A

Description of Authorized Activities  
Niagara Mohawk Power Corporation  
General Permit (GP-98-01)

<p>FWW</p> <p>4. Trenching for maintenance and repair: Auguring, backhoe or trenching tool work to restore, reconstruct or modify existing gas distribution or electric lines which involve a temporary disturbance of less than 540 square feet of ground surface.</p>	<p>1, 2, 4, 7, 11, 13, 30, 31(B-D), 32, 34, 35, 39, 40, 41</p>
<p>FWW</p> <p>5. Restoring, reconstructing or modifying existing facilities in wetlands and/or adjacent areas utilizing small excavations: Digging jacking pits, and jacking or directionally drilling pipelines or conduit including backhoe or trenching tool work for gas or electric lines provided that disturbance is temporary and excavation volumes are &lt;75 c.y. per pit and/or disturbance is &lt;540 sq. ft.</p>	<p>1, 2, 3, 5, 6, 8, 12, 13, 23, 31(B-C), 40, 41</p>
<p>FWW</p> <p>6. Temporary matt roads in wetlands and adjacent areas: <i>Temporary</i> placement and use of manufactured, removable access platforms (including temporary cross-drainage measures) such that the impact is limited to flattening of vegetation, limited selective cutting of woody vegetation, and minimal ground surface disturbances of limited duration, including backblading or grading upon removal to restore pre-existing contours. (Duration of installation 18 days or less during the growing season.)</p>	<p>1, 6, 27, 31(A&amp;D), 40, 41(C)</p>
<p>FWW</p> <p>7. Work platforms and docks in wetlands or adjacent area: Installation of docks, piers, work platforms, or comparable structures on floats or open air support system (not fill), each having a top surface area of 200 sq. ft. or less.</p>	<p>1, 5, 12, 18, 23, 27, 30, 40</p>

Attachment A

Description of Authorized Activities  
Niagara Mohawk Power Corporation  
General Permit (GP-98-01)

<p><b>FWW</b></p> <p>8. Recreational trails in wetlands and adjacent areas: Establishing new walking trails for public recreational purposes where no significant impairment of wetland function or benefits occurs, including cutting, but not eliminating vegetation for trails 5'-10' wide; placement of up to 2"-4" of woodchips or gravel fill, and installing waterbars and up to four bridges or elevated boardwalks each 200 sq. ft. or less.</p>	<p>1, 2, 12, 13, 15, 16, 27(A-D) 42, 46</p>
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## Attachment B

### Best management Practices (BMPs) Niagara Mohawk Power Corporation General Permit (GP-98-01)

1. In all cases, the planner, designer, engineer, crew or contractor should "value engineer" the job to incorporate cost-effective and efficacious environmental protection measures to ensure compliance with the law.
2. To prevent environmental degradation, practicable measures to devices (such as silt fences, hay bales, check dams, catchment basins, sediment retention basins, water bars, diversion culverts, and other appropriate measures) shall be employed wherever necessary to prevent erodible soils from entering the wetland or water body, and any banks subject to erosion as a result of construction must be protected during the construction period. All erosion control devices must be maintained until permanent vegetation is established. Such erosion control devices and non-degradable markers should be removed no later than one-year after project.
3. To avoid permanent degradation of wetland contours or conversion of habitat, surplus materials excavated from wetlands (those not to be reused in backfills) are to be removed and disposed of at an upland site as soon as possible (not to exceed 30 days past excavation).
4. To protect wetland and aquatic resources, allow no transport of soil particles by water. Soil and/or excavated materials should not be stored on top of stream banks (where materials could erode into the stream or cause the bank to collapse) unless the bank and/or materials has/have been suitable protected.
5. To avoid toxic effects on aquatic organisms, during construction, no wet or fresh concrete or leachate shall be allowed to escape into the waters of New York State, nor shall washings from Redi-Mix trucks, mixers or other devices be allowed to enter any wetland or waterways on drainage feeding directly to a waterway or wetland.
6. To minimize the volume of earthen materials handled/transported, and to prevent the migration of native soils where needed, use brushmat or filter fabrics and geotextiles beneath access roads on hydric or other unstable soils.
7. Blasting mats shall be employed whenever explosives are used in excavation.
8. Excavated and/or temporarily stockpiled soils and materials should be covered and protected to reduce runoff of fines which may cause a turbidity problem, and to prevent rainwater from soaking the materials and rendering them unsuitable for backfill (which would require importation of more off-site borrow and more vehicular disturbance to the job site).
9. Stream banks must be reestablished to prevent erosion immediately after stream bank work is completed. If bank protection consists of seeding and mulching, growth of protective cover must be successful. Reseeding shall be accomplished if initial growth is unsatisfactory. Where possible, bed and bank revegetation should be of comparable on-site types (e.g., cattail or sedge plugs, willow or dogwood splints), and protected from sun scald or desiccation until cover is reestablished.

## Attachment B

### Best management Practices (BMPs) Niagara Mohawk Power Corporation General Permit (GP-98-01)

10. To prevent downstream siltation, crossings of stream beds should be confined to areas of bedrock, cobble, stone or substrate suitable for development of an improved ford. Steep slopes within 50 feet of stream banks should be avoided. Generally, crossings should be made perpendicular to the stream bank to avoid bank incision by currents during seasonally high flows.
11. So that permanent damage to the wetland surface or vegetation is avoided, and to maintain the flow of water, consider scheduling the work to use wintertime ice/snow truck roads in NYSDEC regulated wetlands whenever practicable.
12. When access trails to work areas are necessary, such trails must be a sufficient distance from stream banks so as to avoid destruction of existing stream bank vegetative cover.
13. To prevent excessive disruption of surface soils or contours, use Low Ground Pressure (LGP) vehicles.
14. Stream crossings should reflect best judgement to minimize affects to the stream bed and banks, aquatic life, and downstream water quality. Generally, single-pass cable plow, ditch witch and rubber-tired mechanized equipment operation will be done in wet conditions, where as trenching and repeated crossings will be made "in the dry." Dragging poles through streams is not permitted.
15. Any fill material for stream crossing haul roads or temporary access facilities shall be of non-toxic, non-erodible material such as coarse gravel up to the normal high water elevation.
16. To prevent turbidity problems and to provide stability, the use of new clean, stabilized stone fill is required; i.e., crusher run, screened gravel or cobble absent fines passing a N° 200 sieve.
17. Existing culverts, french drains, water bars or fords needing replacement generally shall not be reinstalled more than 50 feet from their original location, and shall essentially replicate the existing facility in alignment, dimension and function. Minor changes in construction materials and techniques are allowed. Replacement of drainage devices shall have matching hydraulic capacities and shall not substantially alter flow alignment or grade. Inlet or outlet ends shall be rip-raped or otherwise protected to prevent scour or failure during high flows.
18. To prevent turbidity problems, heavy construction equipment shall not be operated in streams or water bodies until the work area is appropriately isolated and/or dewatered, and until appropriate sediment and erosion control devices are erected and functional. In addition, equipment utilized for pulling or winching shall remain above the bank of the watercourse.

Attachment B

Best management Practices (BMPs)  
Niagara Mohawk Power Corporation  
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19. Installation of stream crossings, diversions of water during construction, and removal or restoration of crossings should generally maintain the original stream thalweg, unless minor manipulations to prevent stream bank erosion or aquatic enhancements for fisheries (e.g., placements of boulders, root wads, wing deflectors) are requested/approved by the NYSDEC.

20. Temporary dikes, coffer dams or diversions must have adequate erosion protection so that structures will not fail under normal flood conditions (one-year, 99% frequency floods). Rock rip-rap or other suitable non-erodible materials should be placed in the stream first. Materials must not come from the stream or lake bed. When the coffer dam, temporary dike, diversion or stream crossing is removed, the erodible materials shall be removed first and then the non-erodible structure.

21. To protect and sustain aquatic life downstream during the period of work activity, flow past the site shall equal the flow immediately upstream of the work site, unless specifically permitted otherwise by the NYSDEC.

22. To protect fisheries resources:

(A) NMPC will avoid in-stream work during spawning and/or stocking periods in trout waters. NMPC shall consult with the NYSDEC Regional Fisheries or Environmental Protection Biologist regarding specific date, or any seasonal maintenance considerations (dates vary by region). In-stream or stream bank non-emergency work shall not be performed in trout spawning waters from September 15 thru May 15 for fall spawning trout species, March 1 thru July 1 for spring spawning trout species, and March 15 thru July 1 for warmwater fish species, unless otherwise approved by NYSDEC;

(B) as practicable, fish trapped during a dewatering event shall be captured and released unharmed into habitable, adjacent waters;

(C) haul roads for stream crossings shall have culvert pipes of sufficient sizes to allow passage of seasonally high flows and inverts shall not preclude the up and downstream passage of fish (maintain grade of stream and cause no hydraulic jumps from an elevated outlet);

(D) in-stream work shall be executed in a manner which does not substantially disrupt the movements of those species of aquatic life indigenous to the water body, including normal migratory species.

23. So not to impair water flow into or out of the wetland or water body, temporary water control structures (i.e., cofferdams) in wetlands or water bodies shall be carefully constructed:

(A) cofferdams or other authorized structures are not to remain in the water longer than needed to complete the maintenance work for which they are needed, unless an extended retention time is specifically approved by NYSDEC;

Attachment B

Best management Practices (BMPs)  
Niagara Mohawk Power Corporation  
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- (B) cofferdams in streams shall be of clean, non-erodible material and, where practicable, should incorporate an upstream or interior membrane to control percolation;
- (C) any temporary structure shall be completely removed upon completion, unless elements of the feature can be converted into habitat enhancement features acceptable to the NYSDEC, or unless NYSDEC approval is received for retention of the feature.
24. To protect water quality and to avoid impairment of the waterway's designated uses, clarity of waters bypassed, pumped or diverted around a work site should be maintained at the discharge point.
25. Any and all debris lost from the work area by wind or high water shall be recovered for proper reuse or disposal to the fullest extent possible, before completion of site restoration.
26. For stream and shoreline erosion protection, materials shall be of a type, size and placement that does not interfere with water discharge, nor is moved and dispersed by normal high flow volumes.
27. Vegetation removal:
- (A) to be conducted generally in accord with techniques and technologies accepted by the NYS Department of Public Service;
- (B) clearing of existing vegetation shall be limited to that material necessary to allow completion of maintenance or construction activities and to allow for reasonable access for the long-term facility maintenance;
- (C) to not block flow and trap debris, all cleared vegetation is to be removed from the water courses, and all cuttings (regardless of location) cut and bucked to lie near ground level (Type D disposal). However, where tree root bases are attached to the bank, they shall be left in place. The remainder of the tree will be cut from the base prior to removal;
- (D) generally, the dense root systems of wetland grasses, forbs and brush should not be distributed, not only for environmental protection, but also because these root systems have engineering value; they can help support vehicle and stabilize access routes. Traffic should be minimized (essential vehicles only) to reduce displacement of native soils. Mats or temporary roads should be used whenever possible;
- (E) stakes should be driven and flagged to delineate the edge of temporary roads or mats, especially if the route becomes flooded or covered with snow or mud.
28. For survey, exploration and research activities, the areas of wetland or riparian disturbances shall individually be limited to the minimum necessary to perform the germane activity. All bores and excavations shall be backfilled with excavated materials.

Attachment B

Best management Practices (BMPs)  
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29. There shall be no visible increase in turbidity above background levels at a point approximately 300 feet downstream, and there shall be no settleable solids 100 feet downstream of the discharge point or lower limit of the construction site.
30. To avoid toxic effects on aquatic organisms, store and transfer petroleum or chemical products and maintain equipment more than 100 feet from protected waters and wetlands.
31. To protect wetland resources:
- (A) all fill in wetlands shall consist of clean materials. Garbage, household refuse, tires, wood materials including tree debris, metal objects or the introduction of materials toxic to aquatic life is expressly prohibited;
  - (B) unless a plow, jacking or "Ditch Witch" style trenching tool is used, double ditching for trenching—separation of topsoil and subsoils—and backfill/restoration shall be required in wetlands. Subsoils will be back-filled first atop any pipeline or cable bedding materials, and top soils then replaced to maintain original contours. Surplus subsoils will be disposed of in an approved manner, and
  - (C) wetland restoration of vegetation shall give preference to natural seed and rhizome regeneration from stripped native top soils. Indigenous plant species are preferred except types which would require later removal by ROW maintenance. Where appropriate, man-made or rip-rap materials may be preferred;
  - (D) to preserve the viability of underlying plants, the duration of temporary matting or roads should nominally not exceed 18 days during the growing season.
32. Pump out (dewatering the worksite) waters are to first be passed through sediment bags and/or settling ponds before release to the natural system. Outflow or discharge then shall be directed away from the stream or wetland to minimize sedimentation or erosion upon re-entry of the water into the stream or wetland. Maintain and bail out sediment-capture devices as needed, especially before their final removal.
33. If there is reason to suggest contamination, sediments shall be screened for PCBs and pesticides to determine disposal requirements, if any.
34. Trenches, pits and other excavations shall be the minimum dimensions allowed by applicable OSHA standards.

## Attachment B

### Best management Practices (BMPs) Niagara Mohawk Power Corporation General Permit (GP-98-01)

35. Utility trenches across stream beds shall be at a right angle to the stream thalweg, unless the estimated impacts of future erosion of the outside of meanders is likely to require inordinate bank stabilization. Before trenching through stream banks for installation of utility lines, adequate measures (pumping, backfill, haybale plugs, sand bag trench breakers) must be taken to prevent drainage of turbid water into the stream from upland sections of the trench.
36. To reduce scour or siltation, backfill of pipe or stream crossings shall not leave a ridge across the stream, unless so requested by NYSDEC for aquatic habitat enhancement purposes.
37. To prevent scour and exposure, pipelines and cables shall be buried beneath stream beds with a minimum of 3 feet of cover, unless located in bedrock when 1 foot of poured concrete, Reno mattresses or large rock shall normally be adequate cover.
38. Bank protection activity will not exceed an average of 1 cubic yard per running foot of stream bank, and flow is not to be impaired.
39. To prevent damage to navigable channels or to the banks of a waterway, any material dredged during the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or flood plain, or deep holes.
40. To prevent erosion and hasten restoration of rutted skidways, access roads, staging areas and stream banks, all disturbed areas shall be back-bladed and graded.
41. To minimize environmental damages and sustained disturbance from earth moving:
  - (A) upland spoil disposal areas and soil disturbance in the wetland adjacent area shall be graded, seeded and mulched at each job location as the project advances. All seeding should take place within one week of final grading. If seeding is impractical due to the time of year, a temporary mulch must be applied within 48 hours, and must be maintained. Final seeding must be performed during the first period after project completion when weather conditions favor germination and growth;
  - (B) appropriate permanent vegetation must be established or allowed to grow on all areas of bare soil prior to or upon completion of the project. Restored or reseeded areas should demonstrate an 85+% (by cover area) "take" after two growing seasons;
  - (C) work in wetlands and the adjacent area or in water bodies shall be started and completed in one continuous operation, whenever possible;
  - (D) high organic soils (at the determination of DEC and/or NiMo environmental staffs) will be graded back to original contours and left unmulched and unseeded to facilitate the release of native seeds and rhizomes in from the soil bank;

**Attachment B**

**Best management Practices (BMPs)  
Niagara Mohawk Power Corporation  
General Permit (GP-98-01)**

- (E) soil disturbances within mineral soil wetlands must be mulched within one week of final grading to stabilize the soils.
42. Pentachlorophenol (Penta) treated woods should not be used in direct contact with Class A or AA waters (drinking water standard) or in any circumstance where the "Penta" treated object is placed so as to be in direct contact with permanent flowing waters or waters of lakes or ponds.
43. To discourage unauthorized motor vehicle access on newly created walking trails, permittee shall install appropriate vehicle barriers such as gates, boulders or other physical barriers at trail access points.

Attachment C

Notification of Project Commencement  
Niagara Mohawk Power Corporation  
General Permit (GP-98-01)

This form must be completed and transmitted to the appropriate Regional Permit Administrator (see pages 2 and 3) at least 15 days prior to project commencement.

Description of project (Where applicable, attach set of plans) :

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Proposed start date: \_\_\_\_\_ Proposed completion date: \_\_\_\_\_

Contact person (Name and phone number) \_\_\_\_\_

Project location, include county and town: \_\_\_\_\_

NYTM coordinates: NYTM-E \_\_\_\_\_ NYTM-N 4 \_\_\_\_\_

USGS quadrangle map name (Attach portion of map with site identified): \_\_\_\_\_

Water course name: \_\_\_\_\_ NYSDEC wetland number: \_\_\_\_\_

Please check the boxes below identifying General Permit activity categories being utilized for the project described above.

Activities Regulated by Article 15 (Protection of Waters) of the Environmental Conservation Law

PW

- 01. Vehicular stream crossing.
- 02. Maintenance of existing facilities in streams or ponds.
- 03. Previously permitted reoccurring maintenance dredging in protected waters.
- 04. No-fill cofferdams in protected stream.
- 05. Small fill in stream beds for pipeline protection.
- 06. Temporary water control in rivers or lakes.
- 07. Submarine cable.
- 08. Docks and piers in lakes or streams.

Activities Regulated by Article 24 (Freshwater Wetlands) of the Environmental Conservation Law

FWW

- 01. Debris removal in wetlands or adjacent areas.
- 02. Restoration of existing facilities in wetlands and adjacent areas.
- 03. Reconstruction of existing facilities in wetlands and adjacent areas.
- 04. Trenching for maintenance and repair.
- 05. Restoring, reconstructing or modifying existing facilities in wetlands and/or adjacent areas utilizing small excavations.
- 06. Temporary matt roads in wetlands and adjacent areas.
- 07. Work platforms and docks in wetlands or adjacent area.
- 08. Recreational trails in wetlands and adjacent areas.

**Regional Permit Administrators**

**William Clarke**  
Regional Permit Administrator  
NYSDEC  
1150 North Wescott Road  
Schenectady, NY 12306-1696  
Telephone: (518) 357-2069  
Fax: (518) 357-2460

**John Feltman**  
Deputy Regional Permit Administrator  
NYSDEC  
Route 10, Jefferson Road  
HCR #1, Box 3A  
Stamford, NY 12167-9503  
Telephone: (607) 652-7741  
Fax: (607) 652-2342

**Richard Wild**  
Regional Permit Administrator  
NYSDEC  
Route 86, P. O. Box 296  
Ray Brook, NY 12977-0296  
Telephone: (518) 897-1234  
Fax: (518) 897-1394

**Thomas Hall**  
Deputy Regional Permit Administrator  
NYSDEC  
County Route 40  
P. O. Box 220  
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Fax: (518) 623-3603

**Randy Vaas**  
Regional Permit Administrator  
NYSDEC  
State Office Building  
317 Washington Street  
Watertown, NY 13601-3787  
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Fax: (315) 785-2242

**Joseph Homburger**  
Deputy Regional Permit Administrator  
NYSDEC  
State Office Building  
207 Genesee Street  
Utica, NY 13501-2885  
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Fax: (315) 793-2748

**Albany, Columbia, Greene, Montgomery,  
Rensselaer & Schenectady**

**Delaware, Otsego & Schoharie**

**Clinton, Essex, Franklin & Hamilton**

**Fulton, Saratoga, Warren & Washington**

**Jefferson, Lewis & St. Lawrence**

**Herkimer & Oneida**

Ralph Manna  
Regional Permit Administrator  
NYSDEC  
615 Erie Boulevard West  
Syracuse, NY 13204-2400  
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Michael Barylski  
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NYSDEC  
1285 Fisher Avenue  
Cortland, NY 13045-1090  
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Fax: (607) 753-8532

~~Albert Butkas~~ *John Hicks*  
Regional Permit Administrator  
NYSDEC  
6274 East Avon Lima Road  
Avon, NY 14414-2466  
Telephone: (716) 226-2466  
Fax: (716) 226-2830

Steven Doleski  
Regional Permit Administrator  
NYSDEC  
270 Michigan Avenue  
Buffalo, NY 14203-2999  
Telephone: (716) 851-7165  
Fax: (716) 851-7168

Oswego, Cayuga, Onondaga & Madison

Cortland, Tompkins, Chenango, Tioga, & Broome

Chemung, Genesee, Livingston, Monroe, Ontario,  
Orleans, Schuyler, Seneca, Steuben, Wayne  
& Yates

Allegany, Cattaraugus, Chautauqua, Erie,  
Niagara & Wyoming

New York State Department of Environmental Conservation  
Division of Environmental Permits, 4<sup>th</sup> Floor  
625 Broadway, Albany, New York 12233-1750  
Phone: (518) 402-9167 • FAX: (518) 402-9168  
Website: www.dec.state.ny.us



June 15, 2004

Mr. Scott Shupe  
Niagara Mohawk, A National Grid Co.  
300 Erie Boulevard  
Syracuse, NY 13202

Re: Standard Activity Permit No. 0-0000-01147  
Use of Herbicides in Transmission Line Rights-of-Way

Dear Mr. Shupe:

Enclosed is the Freshwater Wetlands Standard Activity Permit for the use of herbicides in certain rights of way as identified in the permit.

Please review the permit carefully and call me at (518) 402-9152 if you have questions.

Sincerely,



Timothy R. Cooke  
Environmental Analyst 2

Enclosure

cc: T. Sinnott  
P. Riexinger  
N. Conrad  
Natural Resource Supervisor  
Regional Permit Administrator  
Division Director, Lands and Forests  
Regions 4-9

C:\Pat\Cooke\NiMoHerbicide.trc



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

**Permittee and Facility Information**

**Permit Issued To:**  
 NIAGARA MOHAWK POWER CORP  
  
 300 ERIE BLVD WEST  
 SYRACUSE, NY 13202-4201  
 (315) 428-6616

**Facility:**  
 WETLANDS IN NIAGARA MOHAWK  
 SERVICE AREA  
 REGIONS 4,5,6,7,8,9  
 VARIOUS, NY

**Facility Location:** STATEWIDE  
**Facility Principal Reference Point:** NYTM-E: NYTM-N:

**Authorized Activity:** Use of registered herbicides by the Niagara Mohawk Power Corporation in regulated freshwater wetlands in accordance with all label requirements using low volume application methods during routine management of Rights-of-Way for certain electric transmission lines in Niagara Mohawk's service area. See attached list of herbicides approved for use.

The following list indicates the electric transmission line Rights-of-Way to be managed. They are listed by DEC region and includes the county, town USGS quad map name and regulated freshwater wetlands number that the transmission line crosses.

**Region 4**

COUNTY NAME	CITY/TOWN	QUADNAME	WETID	
ALBANY	ALBANY	TROY SOUTH	TS-7, TS-9	
	BETHLEHEM	DELMAR	D-4	
	GUILDERLAND	VOORHEESVILLE	V-19	
	COLONIE	VOORHEESVILLE	A-1	
		TROY NORTH	TN-11	
		NISKAYUNA	N-5	
		VOORHEESVILLE	V-38	
	RENSSELAER	NEW SCOTLAND	DELMAR	D-102
		EAST GREENBUSH	EAST GREENBUSH	EG-1
		NORTH GREENBUSH	TROY SOUTH	TS-105, TS-7, TS-9
BRUNSWICK		AVERILL PARK	AP-3	
	TROY NORTH	TN-102, TN-106		
	TOMHANNOCK	TO-12		
OTSEGO	NASSAU	NASSAU	N-19	
	SAND LAKE	AVERILL PARK	AP-22, AP-23	
	WORCESTER	CHARLOTTEVILLE	CH-47, SV-40	
	MARYLAND	SCHENVUS	S-11, S-12	
SCHENECTADY	GLENVILLE	BURNT HILLS	BH-4	
	ROTTERDAM	SCHENECTADY	S-115	

**Region 5**

COUNTY NAME	CITY/TOWN	QUADNAME	WETID
WAPPEN	QUEENSBURY	HUDSON FALLS	HF-8, HF-3
	QUEENSBURY	GLENS FALLS	GF-19, GF-23, GF-24
WATKINSON	FORT ANN	FORT ANN	FA-13
	CAMBRIDGE	CAMBRIDGE	CA-27



SARATOGA	MOREAU	HUDSON FALLS	HF-1
	CHARLETON	BURNT HILLS	B-14
	CLIFTON PARK	NISKAYUNA	N-11, N-20
	WATERFORD	NORTH TROY	T-7, T-9

**Region 6**

COUNTY NAME	CITY/TOWN	QUADNAME	WETID
ONEIDA	CAMDEN	CAMDEN WEST	CW-8
		WESTDALE	W-24
	FLORENCE	WESTDALE	W-24
	NEW HARTFORD	UTICA WEST	UW-8, UW-9
HERKIMER	LITTLE FALLS	HERKIMER	HR-5, HR-9
	LITTLE FALLS	LITTLE FALLS	LF-2
	HERKIMER	ILION	IN-6
	SCHUYLER	UTICA EAST	UE-11
	FRANKFORT	UTICA EAST	UE-12
LEWIS	NEW BREMEN	LOWVILLE	L-8
ST LAWRENCE	FOWLER	GOUVERNEUR	GO-20
	CANTON	CANTON	CT-17, CT-19
		PIERREPONT	PP-14
		RENSSELAER FALLS	RF-26, RF-7
	DEKALB	RENSSELAER FALLS	RF-7
	PIERREPONT	PIERREPONT	PP-8

**Region 7**

COUNTY NAME	CITY/TOWN	QUADNAME	WETID
ONONDAGA	ONONDAGA	SOUTH ONONDAGA	SON-2
	LYSANDER	LYSANDER	L-8
		BALDWINSVILLE	L-8
	CAMILLUS	CAMILLUS	CAM-4, CAM-16
		VAN BUREN	CAM-4
	GEDDES	SYRACUSE WEST	SYW-15, SYW-18
	DEWITT	SYRACUSE EAST	SYE-7, SYE-8, SYE-17, SYE-19, SYE-20, SYE-21, SYE-22, SYE-23, SYE-25, SYE-29
	MANLIUS	SYRACUSE EAST	SYE-11
	SALINA	SYRACUSE EAST	SYE-6
	CICERO	SYRACUSE EAST	SYE-2
		CICERO	CIC-14, CIC-17
	VAN BUREN	BALDWINSVILLE	BAL-28
	CLAY	BREWERTON	BRE-7
OSWEGO	VOLNEY	PENNELLVILLE	PE-22
	FULTON	PENNELLVILLE	PE-23
		FULTON	FU-10
	HANNIBAL	HANNIBAL	HA-19
	GRANBY	FULTON	FU-24, FU-25, FU-17, FU-12, FU-53, OW-17
		OSWEGO EAST	OW-17
		OSWEGO WEST	OW-17, OW-13
		LYSANDER	L-8

**Region 8**

COUNTY NAME	CITY/TOWN	QUADNAME	WETID
GENESEE	BATAVIA	BATAVIA SOUTH	BS-1, BS-3, BS-11
		OAKFIELD	OK-22
		ALEXANDER	AX-5, AX-7
	PEMROKE	ALEXANDER	AX-1, AX-2
		AKRON	AK-13, AK-16



	GENESEE	BATAVIA	OAKFIELD OK-23
	ALABAMA	AKRON	AK-2, AK-3, AK-4
		MEDINA	MD-1
MONROE	OAKFIELD	OAKFIELD	OK-13
	HAMLIN	HAMLIN	HM-21
	GATES	ROCHESTER WEST	GT-4
	OGDEN	SPENCERPORT	OG-6, OG-14, OG-21
	BROCKPORT	CLARKSON	CK-13
		SWEDEN	SW-4, SW-27, SW-7
		HOLLEY	HO-9
	PERINTON	FAIRPORT	PR-2, PR-7
	HENRIETTA	PITTSFORD	HR-15
		HENRIETTA	HR-1, HR-6, HR-12
		BRIGHTON	BR-2, BR-12, BR-16
WAYNE	MACEDON	RUSH	RU-7, RU-20, RU-21
	PALMYRA	MACEDON	MA-13, MA-16, MA-18
	ARCADIA	PALMYRA	PA-20, PA-21, PA-31
ORLEANS	SHELBY	NEWARK	NE-19, NE-25, NE-27
		MEDINA	MD-6
	BARRE	KNOWLSEVILLE	A-5
		ALBION	AL-6, AL-7, AL-8, AL-9
	CLARENDON	KNOWLSEVILLE	KN-7
		HOLLEY	HO-12, HO-13

**Region 9**

COUNTY NAME	CITY/TOWN	QUADNAME	WETID
CHAUTAUQUA	POLAND	IVORY	IV-3
	ELLICOTT	JAMESTOWN	JA-7, JA-2
	GERRY	GERRY	GE-14, GE-13, GE-1
	STOCKTON	ELLERY CENTER	EC-2, CS-10
	POMFRET	CASSADAGA	CS-10, CS-8, CS-1
	SHERIDAN	CASSADAGA	CS-2
		DUNKIRK	DU-3
		FORESTVILLE	FO-7
		SILVER CREEK	SC-10
ERIE	HANOVER	FARNHAM	SC-4
	EVANS	EDEN	ED-4
	HAMBURG	BUFFALO SE	BU-14
	HAMBURG	HAMBURG	HB-10, HB-11, ED-26
	BUFFALO	BUFFALO SE	BU-1, BU-7, BU-15
	WEST SENECA	BUFFALO SE	BU-13
	LACKAWANNA	BUFFALO SE	BU-14
	NEWSTEAD	AKRON	AK-9
	EDEN	EDEN	ED-4, ED-5, ED-29
NIAGARA	TONAWANDA	BUFFALO NW	BW-6
	ROYALTON	MEDINA	ME-3, ME-4, ME-6
	GASPORT	GA-6, GA-7, GA-21, GA-22	
		WOLCOTTSVILLE	WO-9, AK-2
	LOCKPORT	LOCKPORT	LP-23
	LEWISTON	LEWISTON	LE-4

**Permit Authorizations**

Fresh Water Wetlands - Under Article 24

Permit ID 0-0000-01147/00012

No. Permit

Effective Date: 6/14/2004

Expiration Date: 6/10/2008



## 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 6/14/2004

## Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

<b>NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: FRESHWATER WETLANDS</b>
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1. **Conformance With Plans** 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 as prepared by Scott D. Shupe on February 26, 2004.

2. **Annual Report** For activities authorized by this permit Niagara Mohawk will provide annually, by April 15 each electric transmission Right of Way to be managed in the coming season to the appropriate Regional Natural Resources Supervisor and Pesticide Control Specialist. Additionally, the Niagara Mohawk Regional Representative will notify the appropriate NYSDEC Regional Resources Supervisor of the start and end dates for herbicide application at least 7 days prior to commencement. The information listed in the attached Notification of Project Commencement form shall be provided.

3. **Applicator Qualifications** The application of herbicide by contract applicator crews will be made under the direct supervision of a NYS Certified Applicator who either owns or is employed by a business registered with NYSDEC for the purpose of herbicide application. Niagara Mohawk crew herbicide applications will be made under the supervision of a Niagara Mohawk Line Clearance Foreman.

A supervising certified applicator who is familiar with and understands the provisions of this permit must be present in the field with each contractor crew to ensure compliance with best management practices for targeting species and proper application of authorized herbicides.

4. **Herbicide Registration and Authorization** Utilized herbicide products will have valid registration with both EPA and NYSDEC and be those authorized by the NYSDEC permit.



Any changes to the herbicide products planned for use, the mix proportions, additives or method of application will be submitted in writing to the Chief Permit Administrator at least 30 days prior to scheduled implementation with approval for use obtained from NYSDEC prior to application.

**5. Application Methods** Application of herbicide will conform with all label instructions and all applicable state and federal laws and regulations.

Herbicides will not be applied to streams or standing water or within 100 feet of public water supplies [reservoirs and wellheads].

Applications required in seasonally flooded freshwater wetlands will be undertaken during a dry season.

**6. Clean up Procedures** To maintain water quality no equipment wash water or excess herbicide will be allowed to enter surface waters including streams, lakes, ponds and wetlands.

Empty containers will be disposed of in accordance with applicable pesticide regulations (6NYCRR Section 325.6).

**7. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

**8. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**9. Permittee Responsible For Other Approvals** 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.

**10. 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.

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

**12. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may 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.

### **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.

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 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 permittees 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.

## New York - HERBICIDE CODES FOR BRUSH CONTROL - YEAR 2004

Code	Trade Name	EPA #	Percent Active	Mixture	Treatment
A#	Pathway	62719-31	5.4% Picloram 20.9% 2,4-D	Premixed, Ready-to-use	Stump
B	Accord C or Glypro/Arsenal	524-343/62719-324/241-346	53.8% Glypho. 28.7% Imazapyr	40% Accord C / 3% Arsenal / 57% Water	Stump
C	Accord C. or Glypro	524-343/62719-324	53.8% Glypho.	40% Accord C / 60% Water	Stump
D	Pathfinder II	62719-176	13.6% Triclopyr	Premixed, Ready-to-use	Basal
E#	Garlon 4/Stalker	62719-40 241-398	61.6% Triclopyr 27.6% Imazapyr	20% / 1% in Hi-Grade Oil	Basal
F#	Tordon 101/Garlon 4 Hydraulic High Volume	62719-5 62179-40	10.2% Picloram 39.6% 2,4-D 61.6% Triclopyr	2 qts / 1.5 qts. in 100 gals. Water (0.5% Tordon 101 / 0.375% Garlon4)	Selective Foliar (SF)
G#	Tordon 101/Garlon 4 Hydraulic Low Volume	62719-5 62719-40	10.2% Picloram 39.6% 2,4-D 61.6% Triclopyr	2 qts / 3 qts. in 100 gals. Water (0.5% Tordon 101 / 0.75% Garlon 4)	Selective Foliar (SF)
N	Accord C or Glypro/Arsenal Hydraulic Low Volume	524-343/62719-324 241-346	53.8% Glypho. 28.7% Imazapyr	4.5 qts / 1 pt. in 100 gals Water (1.125% AccordC / 0.125% Arsenal)	Selective Foliar (SF)
P	Krenite/Arsenal/Escort Hydraulic Low Volume	352-395 241-346 352-439	41.5% Fosamine 28.7% Imazapyr 60.0% Metsulfuron	2 gals / 1 qts. / 2 oz. in 100 gals. Water (2% Krenite / 0.25% Arsenal / Escort)	Selective Foliar (SF)
T	Accord C* /Escort Hydraulic Low Volume	524-343/62719-324 241-346	53.8% Glypho. 60.0% Metsulfuron	4.5 qts / 2 oz. in 100 gals. Water (1.125% Accord C / Escort)	Selective Foliar (SF)
L#	Accord C or Glypro/Arsenal Backpack Low Volume	524-343/62719-324 241-346	53.8% Glypho. 28.7% Imazapyr	3.75 gals / 1 pt in 100 gals Water (3.75% AccordC / 0.125% Arsenal)	Selective Foliar (LSF)
R	Krenite/Arsenal Backpack Low Volume	352-395 241-346	41.5% Fosamine 28.7% Imazapyr	5 gals / 1 qts. in 100 gals. Water (5% Krenite / 0.25% Arsenal)	Selective Foliar (LSF)
W	Krenite/Arsenal/Escort Backpack Low Volume	352-395 241-346 352-439	41.5% Fosamine 28.7% Imazapyr 60.0% Metsulfuron	5 gals / 1 qt / 4 oz. in 100 gals. Water (5% Krenite / 0.25% Arsenal/Escort)	Selective Foliar (LSF)
X	Accord or Glypro/Escort Backpack Low Volume	524-343/62719-324 352-439	53.8% Glypho. 60.0% Metsulfuron	3.75 gals / 2 oz. in 100 gals. Water 3.75% Accord C / Escort)	Selective Foliar (LSF)
Z	Test Plots				

**NOTES:** \* Either Glypro or Accord Concentrate may be used in these mixes.  
# Primary herbicide mix.

### 2004 Soil Sterilant

1 oz Telar / 3 ozs. Oust (Landmark II MP) per 100 gals Water per acre

3 pts. Arsenal / 4 ozs. Oust per 100 gals. Water per acre

2.5 lbs. Predict / 3 ozs. Oust per 100 gals. Water per acre #

Note: add Round-up or Glypro - 1 gal. Per 100 gals. Water per acre where green vegetation is present

Notification of Project Commencement  
Niagara Mohawk Power Corp.  
Permit Number 0-0000-01147/00012

Information on this form must be transmitted to the appropriate Regional Natural Resource Supervisor or Designee and Pesticide Control Specialist (see list below) at least 7 days prior to authorized activity commencement.

Description of project: Herbicide application in wetlands along electric transmission right-of-way

Proposed start date: \_\_\_\_\_ Proposed Completion date: \_\_\_\_\_

Contact Person (Name and phone number) \_\_\_\_\_

NYSDEC Freshwater Wetland Identification Numbers: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

New York State Department of Environmental Conservation

Regional Natural Resource Supervisor or Regional Wildlife Manager and Pesticide Control Specialist

Name, address and phone number  
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