

By signing this permit application and certification, the permittee agrees to strictly comply with the Conditions included in Section C of this application and certification.

X _____ _____ Signature of Applicant or Landowner (For Application) Date:	X _____ Signature of APA Representative (For Certification) Date:
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Section B

Removal and Modification of Recent Beaver Dams
and Debris by Individual Landowners

Restrictions:

1. This permit is issued only for the breaching or removal of recently constructed beaver dams as determined by Agency staff. The beaver dam is considered long established if there is live vegetation growing on the dam or there exists well developed emergent or sub-emergent wetland vegetation within the impoundment behind the dam. In such cases, an Individual ECL Article 24 permit is required from the Agency.
2. All work to be completed by _____
(Date to be filled in by APA

Representative)

Field Visit Requirements:(to be completed by the project applicant prior to the site visit by Agency staff)

1. If directed by Agency staff, the areas of the beaver dam to be removed or modified shall be marked with stakes or flagging.

Required Sketch of Beaver Dam and Adjacent Area:

Draw a sketch or map to scale of the proposed work site. Show and label a) the dam and the adjacent upland, b) any roads, buildings, retaining walls or culverts, c) the direction of flow of the ditch or stream.

CONDITIONS – Section C

1. **Failure to comply with this general permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.**
2. **Dynamite or other explosives shall not be used.**
3. **All excavated material shall be disposed of on adjacent uplands or on the remaining dam or dam apron.**
4. **Disturbances to the beaver dam shall be limited to the minimum necessary to lower the impoundment to the water level that existed prior to the recent beaver dam construction. Water levels shall be lowered gradually by slow and partial breaching before the entire dam is removed and can be lowered no more than one (1) foot per hour in the upstream impoundment.**
5. **This permit does not authorize removal of stumps, rocks, submerged trees or disturbance to the beaver impoundment other than the dam itself. Disturbances to the other portions of the protected stream or wetland are prohibited.**

- 6. By signing this application and certification, the landowner accepts the full legal responsibility for all damages, direct or indirect, of whatever nature and by whomever suffered, arising out of the project and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from this project.**
- 7. This permit does not grant the permittee any right to trespass upon the lands of, 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.**
- 8. Nothing contained in this permit shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local. An ECL Article 11 Permit (and sometimes an ECL Article 15 Permit) is needed from the New York State Department of Environmental conservation in order to remove or modify a dam.**
- 9. Alternatives to or in addition to breaching or removal shall be investigated in an attempt to end chronic damming problems.**
- 10. If use of machinery is authorized, the bed and banks of the stream shall not be disturbed nor shall machinery be allowed in the stream or on its banks where it may cause the bank to collapse. Machinery that will work in or adjacent to wetlands shall be tracked. Machinery that will work from macadam or paved surfaces may be rubber tired.**
- 11. The permittee shall require that any agent, contractor, project engineer, or other person responsible for the overall supervision of this project read and understand this permit and all terms and conditions.**
- 12. Any deviation from the type of project authorized by this permit or failure to comply precisely with all the terms and conditions of this permit must be expressly approved in writing and in advance by authorized staff of the Agency.**