

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 2
47-40 21st Street, Long Island City, NY 11101
P: (718) 482-4997 | F: (718) 482-4975
www.dec.ny.gov

September 10, 2015

Max Taffet
NYCEDC
110 William St
New York, NY 10037

Re: NYSDEC Permit No. 2-6403-00279/00001
NYCEDC Saw Mill Creek Pilot Mitigation Bank
Staten Island, NY
ECL Article 25 -Tidal Wetlands
ECL Article 24 – Freshwater Wetlands
ECL Article 15 – Protection of Waters
6NYCRR Part 608 – Water Quality Certification
NOTICE OF PERMIT ISSUANCE

Dear Mr. Taffet:

Enclosed is your permit. Please read it carefully. You are required to comply with all conditions of the permit.

Please note that Natural Resources Condition 3 of the permit requires submittal of the attached "Notice of Intent to Commence Work" at least 5 days prior to the start of the permitted activity

If you have any technical questions please contact the Division of Fish, Wildlife and Marine Resources at (718) 482-6464. If you have any administrative questions please contact me at (718) 482-1472.

Sincerely,



Tammy Greco
Environmental Analyst II



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

NYC ECONOMIC DEVELOPMENT CORP

110 WILLIAM ST
NEW YORK, NY 10038-3901
(212) 619-5000

Facility:

NYC EDC - SAW MILL CREEK PILOT
WETLAND MITIGATION BANK
425 CHELSEA RD AND SAW MILL CREEK
STATEN ISLAND, NY 10314

Facility Location: in RICHMOND COUNTY **Village:** Staten Island

Facility Principal Reference Point: NYTM-E: 568.634 NYTM-N: 4495.504
Latitude: 40°36'27.0" Longitude: 74°11'19.4"

Project Location: Sawmill Creek

Authorized Activity: Create a pilot wetland mitigation bank within Sawmill Creek. Reestablish 7.04 acres of tidal wetland habitat, rehabilitate 16.72 acres of tidal wetland habitat, enhance 1.52 acres of tidal wetland adjacent area and 33.72 acres of tidal wetlands, rehabilitate 9.94 acres of forest buffers by removing urban fill, improving hydrology exchange, reestablishing native plant species, and controlling invasive species.

Permit Authorizations

Tidal Wetlands - Under Article 25

Permit ID 2-6403-00279/00001

New Permit

Effective Date: 9/10/2015

Expiration Date: 9/9/2025

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 2-6403-00279/00002

New Permit

Effective Date: 9/10/2015

Expiration Date: 9/9/2025

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 2-6403-00279/00003

New Permit

Effective Date: 9/10/2015

Expiration Date: 9/9/2025

Freshwater Wetlands - Under Article 24

Permit ID 2-6403-00279/00004

New Permit

Effective Date: 9/10/2015

Expiration Date: 9/9/2025

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: STEPHEN A WATTS, Regional Permit Administrator



NYSDEC Bureau of Fish and Wildlife, 47-40 21st Street, Long Island City, New York 11101. Permittee must also provide notification in writing promptly upon completion of work and upon any resumption of work after more than six months of inactivity.

4. Permit Sign Posting A NYSDEC permit sign shall be posted, protected from the weather, in a conspicuous outdoor location at the project site. This sign is to be posted for the duration of work authorized by this permit.

5. On Site Availability of Permit A copy of this permit, including all maps and drawings mentioned in the special conditions, is to be available on the project site at all times. Failure to produce a copy of the permit upon request by a NYSDEC representative is a violation of this permit and is sufficient grounds for an order to immediately cease all work.

6. Proper Removal and Disposal of Debris All excavated nonindigenous fill material, as well as all discarded and dumped items and general project area-wide debris encountered during construction activities, shall be removed from the general project area and properly disposed of at an off-site location in accordance with all applicable laws and regulations.

7. Monitoring and Maintenance Monitoring and maintenance of the restored areas shall be conducted as per Exhibit G of the Mitigation Banking Instrument cited in Natural Resources Special Condition 2.

8. Construction Area Limits All construction activity, including operation of machinery, excavation, filling, grading, clearing of vegetation, disposal of waste, street paving, and stockpiling of material, is to take place within the project site as depicted on drawings referenced by this permit. No construction activity is to take place within areas to be left in a natural condition or areas not designated by the subject permit. The permittee shall designate all storage and staging areas, for DEC approval, prior to establishing these areas.

9. Clean Fill Only Fill material shall consist only of clean inorganic sand, gravel, stone, or soil. No other materials are to be used unless specifically allowed by this permit.

10. Minimize Adverse Impact All work is to be accomplished so as to minimize adverse impacts to wetlands, wildlife, water quality, and natural resources.

11. Prior Approval of Changes If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.

12. Failure to Meet Permit Conditions Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.

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

14. 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



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

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

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

Regional Permit Administrator
NYSDEC Region 2 Headquarters
47-40 21st St
Long Island City, NY11101 -5401

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Freshwater Wetlands, Tidal Wetlands, Water Quality Certification.

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

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

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

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NOTICE OF INTENT TO COMMENCE WORK

Date: _____

NYSDEC Fish and Wildlife
Attn. Habitat Supervisor
N.Y.S.D.E.C Region 2 Office
47-40 21st Street
Long Island City, N.Y. 11101

Re: NYSDEC Permit No. 2-6403-00279/00001
NYCEDC Saw Mill Creek
Mitigation Bank Pilot Project
Staten Island, New York

Dear NYSDEC Habitat Supervisor:

In accordance with Natural Resource Condition 3 of the referenced permit, I hereby serve notice to commence work on _____, 20____.

This is also to certify that, having read this entire permit, I am fully aware of and understand the general and natural resource conditions therein, and agree to comply with all such conditions further understand that prior to undertaking any modification to the subject work, I must seek and receive written approval of the NYSDEC Regional Permit Administrator.

Signature of Permittee

Signature of Contractor

Name of Permittee (please print)

Name of Contractor (please print)

Street Address of Contractor

City, State, & Zip Code of Contractor

Telephone Number of Contractor

WARNING

The permittee and his contractor (if any) are required to follow all permit conditions. Violations of the permit may lead to legal action, including the imposition of substantial monetary fines and corrective work.

cc: Environmental Permits

New York State
Department of Environmental Conservation



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Permit Number 2-6403-00279/00001

Expiration Date _____

9/9/2025

Regional Permit Administrator

A handwritten signature in blue ink, appearing to read 'Stephen A. Watts III'.

Stephen A. Watts III
47-40 21st Street
LIC, NY 11101
(718) 482-4997

NOTE: This notice is NOT a permit