

ADDENDUM NO. 1

Gulf Brook Channel Restoration Project

Town of Keene, New York

October 8, 2014

TO ALL CONTRACT DOCUMENT HOLDERS AND PROSPECTIVE BIDDERS:

This Addendum is issued to document clarifications and modifications to the Contract Documents for the Gulf Brook Channel Restoration Project. This Addendum is made a part of the Contract Documents. Each bidder must acknowledge receipt of the Addendum on the Proposal Form.

1. A Pre-Bid Meeting was held at the project site on October 3, 2014 at 1:00 PM. Minutes from the meeting are enclosed with this Addendum and are made part of the Contract Documents.
2. The structure of the bid has been modified. The project shall be bid as a Lump Sum Bid for the entire project except for Type IV Rock, Type VI Rock and 115 trees and shrubs identified in Planting Area 1 and 2 on Sheet ER.1. The Type IV and VI Rock shall be bid as unit bid items with an estimated quantity of 750 cubic yards of Type IV Rock and 3,140 cubic yards of Type VI Rock. The trees and shrubs shall be bid as a separate lump sum item.

The reason for the unit price bid for Type IV and VI Rock is that there is a significant amount of material on-site that can be used for Type IV and VI Rock in the construction of the project; however, the amount available has not been quantified. The contractor shall use as much existing material from the site as possible and only bring on what additional material is needed to construct the project per the plans and specifications. If the actual amount of Type IV or VI Rock that is brought to the site is less than the estimates on the Proposal Form then the contract will be adjusted downward based on the unit price and the number of cubic yards of rock less than the estimate. Similarly, if more Type IV or VI Rock is used than the estimate on the Proposal Form is brought to the site, the contract will be increased in accordance with the amount of material that is additional to the estimated quantity. The quantities have been determined conservatively and are based on the assumption that no material from on the site will be able to be re-used.

The reason for the separation of the trees and shrubs into a separate bid item is that the NRCS grant cannot pay for this work and the costs must be kept separate.

3. Permits. The NYSDEC has issued a Special Authorization allowing work in the brook to extend to November 30, 2014 (refer to attached DEC#5-1530-00170/00001). Although an extension has been granted, the NYSDEC strongly urges that disturbance to the brook be minimized to the extent possible and in-stream work be completed as soon as possible. An Army Corps of Engineers Permit has also been obtained and is attached No. NAN-2014-00780-UCO).

4. Add alternate No. 1: Power Generator Re-location has been eliminated from the project. The Proposal Form has been revised accordingly
5. Specification Index: In the list of Design Plans, DELETE “EC.1: Erosion, Sediment Control, and Landscaping Plan, 9/24/2014” and REPLACE WITH “ER.1: Erosion, Sediment Control, and Landscaping Plan, 9/24/2014”.
6. Sheet CV.1: In the Sheet Index DELETE “EC.1: Erosion, Sediment Control, and Landscaping Plan, 9/24/2014” and REPLACE WITH “ER.1: Erosion, Sediment Control, and Landscaping Plan, 9/24/2014”.
7. Plans and Specifications: In general where there are discrepancies between the plan sheets and the technical specifications, the plans shall take precedence. Specifically in sections 211.2.3, 212.2.3, and 213.2.3 Boulders shall conform to the Boulder Vane Notes on sheet D.2.
8. Sheet D.2. Boulder Cluster Notes. The boulders used for the boulder clusters need not be angular and may be sourced from the existing project site.
9. Sheet SP.1, Sheet ER.1, and Sheet D.1: Vegetated Rock Slope. Live stakes shall be spaced an average approximate spacing of two feet.
10. Attached is an Engineering Estimate of Quantities are provided for reference. The contractor shall be responsible for verifying the quantities for use in developing a bid price and will be responsible for completing the project for the Total Bid Price regardless of discrepancies between actual and estimated quantities to complete the work.
11. As indicated in the Pre-Bid Meeting minutes, excess excavated material shall be transported to the Town Transfer Station and Highway Garage site. It will be the responsibility of the contractor to properly dispose of tree stumps and any other waste generated by the project.
12. Answers to questions received in writing to date:
 - When reading the specification for removal of water (page 185 of pdf file) it talks about a unit price schedule and a unit removal price per 1000 gallons of water. Is there a unit price schedule for this job?
The technical specifications are set up to be applicable for a variety of bid formats. The project will be bid as described in Item 2 of this Addendum.
 - Will the Town of Keene provide and upland settling basin area for turbid water to be pumped to per the permit requirements (page 228 of pdf document)?
The sediment basin at the downstream end of the project will provide primary sediment control during construction. If turbidity is a problem it may become necessary to implement other in-stream measures such as filtration through crushed stone, sand, straw bales, silt screening, in accordance with Item 15.c. of the permit. As the boulder vanes are constructed they will also enhance sediment removal during construction.
 - Will the DEC allow the flow of turbid water to discharge from this project when using a diversion channel instead of a pumping system as suggested at the prebid?
Refer to the answer to the previous question.

- Will the boulder cross vanes have geotextile installed under them per the specifications?
Yes. Depending on the material that is uncovered in preparation for the placement of boulders to construct the vanes, the engineer may waive the requirement to install the geotextile.
- The cross sections show the existing grade and the finished grade. My interpretation is that we actually will have to export quite a bit more soil material by the time we dig out the 72" subgrade that is to be backfilled with rip rap material, is this correct?
Yes.
- Who is the owner of this project The Town of Keene or US Department of Agriculture?
The Town of Keene.
- On SP 1 on the top Plan View you show Re-Vegetated Bank and on ER.1 it calls it out as a Vegetated Rock Slope- does this get the Heavy rock fill similar to the detail or is this just native Ground dug to finish grade and plantings added?
From Station 13+00 upstream to approximately Station 10+15, the northern bank will have Type IV Rock Slope Protection to a height of 4' from the toe of the bank. The bank above the Type IV Rock Slope Protection will be re-planted with suitable vegetation (per the right side of detail A/D.1). Downstream of the Station 13+00 to the existing concrete block wall, the upper portion of the northern bank will consist of Vegetated Type VI Rock Slope Protection. From Station 12+30 to 14+30, the entire upper portion of the southern bank above the flood bench will consist of Vegetated Type VI Rock Slope Protection. The Vegetated Type VI Rock Slope Protection will continue along the upper portion of the southern bank downstream of the flood bench from Station 14+30 to 16+50.
- What is the limits of the 2' Channel flow restoration is it 17+00 or is it 17+75 in the sediment trap area?
The major channel reshaping ends at 17+00. At the end of the project work in the area between 17+00 and 17+75 will consist primarily of cleaning out sediment, removing or breaking up the temporary check dam and rock fill reinforcement to protect the toe of the concrete block wall per details C and D on sheet D.1.
- On Sheet D.1 Detail C shows ROW of Boulders or Wood Guide rail how many are there and of what size or what is the wood guide rail detail do you want to use if so what is the length?
The contractor shall use existing boulders from the site to create a barrier sufficient to prevent vehicles from rolling into the channel from the driveway. The final size and placement shall be coordinated with the landowner.
- Is there any ledge Rock that needs to be blasted the Spec speaks about it however I see no way to come up with a quantity?
No ledge has been encountered in any of the excavation activities following Tropical Storm Irene in the project area.
- In the Spec you speak of this being a unit price bid with quantities that you give and not exceeding 30% and so on however all I see is a Lump Sum Price for the Project with an

Alternate for add alternate to relocate a generator where is it? How big is it? Where is it going? Are there and details? Are we responsible to hook it up?

The generator has been removed from the project. Refer to Item 2 of this Addendum for further description on the structure of the bid.

- You have a detail for a water service where are these and how long are the services and what size?

There is one water service located at approximate station 12+90 that is shown on the plans and has been marked by the Town water department in the field. It is reportedly a ¾ inch copper pipe and is reported to be sheathed in a culvert below the channel where it crosses the brook. This water service may be encountered and may need to be modified to construct the proposed channel improvements.

- Sheet XS.1 in checking you're cross sections your areas are all off you show a cut of 932 cy in actuality it is 4979.63 CY and that is only existing grades to finish grades, when you add in the layers you are more than double that quantity. Is the Town ready to receive that kind of quantity?

The quantities on sheet XS.1 are just what is located below the ordinary high water level and is there for permitting purposes only. An estimate of cut and fill quantities has been provided in Item 10 for this Addendum.

- No Bid Bond provided in spec, so are we using the standard Bid Bond?

A standard Bid Bond is acceptable.

- Are there any liquidated damages applied to this project.

No liquidated damages

Attachments: Pre-Bid Meeting Minutes
Proposal Form (Rev. 10/8/2014) – last 3 pages only
NYSDEC Permit #5-1530-00170/00001
USACOE Permit #NAN-2014-00780-UCO
Engineers Estimate of Quantities



engineering and environmental consulting

PRE-BID MEETING MINUTES

Meeting Date: October 3, 2014
Project: Gulf Brook Brook Channel Restoration Project
Project Owner: Town of Keene, New York

Attending: Erik Sandblom, PE, ESPC Civil and Environmental Engineering
Evan Fitzgerald, Fitzgerald Environmental Associates (FEA)
Bill Ferebee, Keene Town Supervisor
Ethan Bentley, USDA NRCS
Dave Reckahn, Essex County Soil & Water Conservation Service
Dan Burrits, Acts II
Todd Paton, CEG
Peter Reale, Reale Construction Co
Seth Morris, Goodwin Pumps
Jonathan Wilson, CFI Contracting
James Welsh, Bast-Hatfield
Rory Rotella, Kubricky Construction
Pete Green, Mansfield Construction
Travis Luck, Luck Brothers
Jonathan Pakan, Slate Hill Construction
Dan Sitka, Jr., New Century Construction
Scott Lewis, Wesson Group
Bill Haseltine, John W. Sheehan & Sons
Cindy Garso, MJ Raymond Construciton
Mike Dillon, Tioga Construction
Mike Ward, Ward Logging, LLC
Ken Wieder, Marcy Construciton
Jeremy Fowler, Branon Construciton

ERIK SANDBLOM, PC

VERMONT OFFICE:

P.O. BOX 212

368 AVENUE D

SUITE 15

WILLISTON, VT 05495

TEL 802-383-0486

FAX 802-383-0490

NEW YORK OFFICE:

P.O. BOX 2787

43 DURKEE ST., SUITE 500

PLATTSBURGH, NY 12901

TEL 518-563-9445

FAX 518-563-5189

WWW.ESPC-CONSULTING.COM

A scheduled pre-bid meeting was held for the above referenced project on October 3, 2014 at 1:00 PM. The meeting was held in the former Keene Fire Station on Hurricane Road at the project site. The following items were discussed:

1. E. Sandblom and E. Fitzgerald reviewed the project description, background, and scope including identification of the Town of Keene as the owner and NRCS and State of New York as funding sources.
2. Permits: A NYSDEC General Permit has been issued by the Essex County Soil & Water Conservation District. The NYSDEC has also issued a Special Authorization allowing a one-time extension to Condition 14 of the General Permit to allow in-stream work until November 30, 2014. Although it is noted that it is expected that the contractor shall complete in-stream (low flow channel) work as soon as possible prior to that extension deadline. U.S. Army Corps of Engineers Permit is expected to be received prior to the commencement of construction (by October 20, 2014).



3. Easements are being obtained from four (4) property owners to allow the work. It is expected that all easements will be obtained prior to the commencement of construction (by October 20, 2014).
4. The approximate extent of clearing and excavation on the property across the brook from Hurricane Road and the former fire station has been marked with blue flagging (Auer property).
5. The former fire station building will be completely demolished and removed by others, including the slab and foundation by the commencement of construction (by October 20, 2014).
6. A revised Proposal Form will be issued with Addendum No. 1 and will include removal of Add Alternate #1 (relocation of the generator) and will include a requirement that unit prices be provided for a short list of key bid items that will be used as the basis for negotiating a change order for the addition or deletion of items in the project.
7. The waste area for excess excavated material will be the site of the Keene Transfer Station and Town Highway Garage located approximately 3 miles from the project site via Route 73 and Shaffer Road.
8. Bids are due Wednesday, October 15, 2014 at the Keene Town Offices. The Advertisement for Bids erroneously indicated Friday.
9. One of the attendees requested that approximate cut and fill quantities be provided. This will be provided in Addendum No. 1.
10. The bridge at Buck's Lane and the private Bridge just upstream of the project area will not be available for the contractor's use. A method of brook crossing was discussed using large boulders on-site spaced so that low flow in the brook may pass through the voids.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erik C.F. Sandblom", with a long horizontal flourish extending to the right.

Erik C.F. Sandblom, P.E.
Principal Engineer

Attachments: Meeting Sign-In Sheet

SIGN-IN SHEET

GULF BROOK CHANNEL RESTORATION PROJECT
PRE-BID MEETING 10/3/2014 13:00 KEENE, NEW YORK

Name	Company	Phone	Email	On Plan-Holder's List?
DAN BURRITT	ASTS II	315-237-8377	DANIEL.BURRITT@GMAK.COM	
Ethan Bentley	USDA-NRCS	518-561-4616	ethan.bentley@ny.usda.gov	
Todd Patton	CEG	518 587 4151	tsp@cuttingedge-group.com	
Peter Reale	Reale Const Co	585-6782	realep@realeconstruction.com	
Seth Morris	Godwin Pumps	518-390-4052	seth.morris@xyleminc.com	
Jonathan Wilson	CFT Contracting	518 762-1378	jonthan@cftconstruction.com	
JAMES WELSH	BAST-HATFIELD	518-373-2000	JARON@BASTHATFIELD.COM	
Rory Rotella	Kubrick Construction	518-792-5864	rrotella@kubrick.com	
Pete Graun	Manfred construction	518-572-2508	Peter@manfredconstruction.com	
Francis Luch	Luch Brothers Inc	572-7700	spike@Luch Bros. com	
Jonathan Pagan	Slate Hill Const	315 672 8055	jr.pagan@gmail.com	
Dan Siffka Jr	New Century Const	518 271 9422	dsiffka@nccivilinc.com	
Scott Lewis	Wesson Group	607 743 8702	stlewis@twg.us.com	
BILL HASELTINE	JOHN W. SHEEHAN & SONS	518 963 4303	SHEEHANSONS@WILLEX.COM	

PROPOSAL

Date: _____

Proposal of _____

to furnish and deliver all labor, supervision, materials, and equipment and perform all work in accordance with the Specifications for *Gulf Brook Channel Stabilization Project* in the Town of Keene, New York for the following lump sum cost.

The owner, Town of Keene, is tax-exempt. Do not include sales tax in Bid amounts.

The undersigned bidder has carefully examined the contract documents, site of the work, is familiar with existing conditions, and will provide all necessary insurance, bonds, machinery, tools, apparatus, false work and other means of construction, and do all the work and furnish all the materials called for by said contract according to the following bid, including all labor, supplies and equipment, permits, fees, overhead and profit for the following Lump Sum price and unit price for one specific item. The Total Bid price is the sum of the Lump Sum Base Bid, the Lump Sum Trees and Shrubs Bid, and the Total Unit Price Bid for Type IV Rock and Type VI Rock and is to be shown in both words and figures. In the event of discrepancies, the amount shown in words shall govern. All items are to be furnished and installed in place complete.

LUMP SUM BASE BID: Lump Sum Price that includes all work in the contract documents except for Type IV Rock, Type VI Rock and 115 trees and shrubs identified in Planting Area 1 and 2 on Sheet ER.1 \$ _____

LUMP SUM TREES AND SHRUBS BID: Lump Sum Price that includes supplying and planting 115 trees and shrubs identified in Planting Area 1 and 2 on Sheet ER.1 \$ _____

UNIT PRICE BID FOR TYPE IV and VI ROCK:

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Unit Price Bid</u> (Quantity x Unit Price)
Type IV Rock	750	cubic yard	\$ _____	\$ _____
Type IV Rock	3,140	cubic yard	\$ _____	\$ _____

TOTAL BID

(Amount in Words)

(Amount in Figures)

The undersigned further understands that the contract will be awarded to the competent, qualified bidder submitting the lowest bid for the Total Bid.

ADDENDA ACKNOWLEDGEMENT

<u>Addendum No.</u>	<u>Date Received</u>
_____	_____
_____	_____
_____	_____
_____	_____

UNIT PRICES:

The undersigned proposes unit prices as follows for use in determining cost of work added to or deducted from the Contract. Said unit prices shall include all charges for installation, supervision, taxes, insurance and profit. See Contract Documents for Unit Price descriptions.

Cost per cu.yd. Rock / Ledge Removal	\$_____
Cost per cu.yd. Common Excavation	\$_____
Cost per sq. yd. Geotextile	\$_____
Cost per cu.yd. Boulder Vane Boulders	\$_____
Cost per cu.yd. Fill Material (Stone)	\$_____

The undersigned agrees as follows:

1. The total contract price bid shall be accepted as full compensation for the complete work subject to additions or deductions in quantity of work performed or changes agreed upon.
2. Within twenty (20) days from the date of "Notice of Acceptance" of the Proposal, to execute the contract and to furnish a satisfactory labor, material and performance bond in the amount of
3. 100% of the contract price.
4. To execute the work as specified herein as soon as possible after notice of award.
5. To comply with requirements as to the conditions of employment, wage rates and hours set forth in the bidding documents.
6. Progress Payments will be made on a percentage of completion basis monthly.
7. 5% Retainage will be withheld until final approval of project(s).

Bidder: _____

By: _____

Title: _____

Address: _____

Dated: _____

Telephone: _____

Fax: _____

Social Security/Federal ID No: _____

Email: _____

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 5

1115 NYS Route 86, PO Box 296, Ray Brook, New York 12977

Phone: (518) 897-1234 • FAX: (518) 897-1394

Website: www.dec.ny.gov



Joe Martens
Commissioner

September 25, 2014

Town of Keene
ATTN: William B. Ferebee, Supervisor
10892 NYS Route 9N
PO Box 89
Keene, NY 12942-0089

**Re: Gulf Brook Stream Restoration (above Buck's Lane)
DEC #5-1530-00170/00001
Keene (T), Essex Co.**

Dear Supervisor Ferebee:

Enclosed is your Soil and Water Conservation District General Permit (GP-5-09-002) which was issued on August 27, 2014 in accordance with the applicable provisions of the Environmental Conservation Law. The permit authorizes approximately 800 ft of natural stream restoration upstream of Buck's Lane to the old firehouse building, including installation of rock vanes and floodplain benches, maintaining a bankfull width of 45 ft wherever possible, and establishing a low flow channel width of 15-20'. Questions regarding the terms of the permit should be directed to Robert Fiorentino of our Fisheries staff at (518) 897-1291. Should your plans change, please contact this office to determine whether modifications of the permit are required.

Pursuant to a September 22, 2014 correspondence received from your consultant, Erik Sandblom, requesting to extend the work window contained in Condition 14 (Prohibition Period for Trout), the following Special Authorization is made for this project:

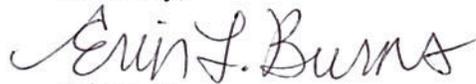
Special Authorization: Condition 14. Prohibition Period for Trout: All instream work, as well as any work that may result in the suspension of sediment, is prohibited during the trout spawning and incubation period commencing October 1 and ending April 30. **A one-time extension has been granted to November 30, 2014 for this year only.**

Please note that it is the responsibility of the permittee and his agents to read and comply with all permit conditions. Further, the permit is valid only for the activity expressly authorized, as per project plans designed by ESPC and Fitzgerald Environmental Associates, dated August 22, 2014. Work beyond the scope of the permit shall be considered as work without a permit. Any failure to comply with these terms may be treated as a violation of the Environmental Conservation Law. Work done under this permit is subject to inspection by Forest Rangers and Environmental Conservation Officers.

Town of Keene
DEC #5-1530-00170/00001
Gulf Brook Stabilization Project
Page 2

THIS PERMIT DOES NOT ELIMINATE THE NEED TO OBTAIN APPROVALS FROM OTHER LOCAL OR STATE AGENCIES, OR FROM THE U. S. ARMY CORPS OF ENGINEERS (USACOE). IF YOUR PROJECT IS LOCATED WITHIN THE ADIRONDACK PARK, APPROVALS MAY BE REQUIRED FROM THE ADIRONDACK PARK AGENCY (APA). FOR ADDITIONAL INFORMATION ON APA REQUIREMENTS, CALL (518) 891-4050. FOR USACOE REQUIREMENTS CALL (518) 270-0588.

Sincerely,



Erin L. Burns
Deputy Regional Permit Administrator

cc: Robert Fiorentino, Fisheries
John Connell, ACOE
Richard Weber, APA (J2014-0252)
Dave Reckahn, Essex Co. SWCD
Ethan Bentley, NRCS
Erik Sandblom, P.E., ESPC Civil and Environmental Engineering
Evan Fitzgerald, Fitzgerald Environmental Associates, LLC
Joan Ducharme, OPP
ECO Lt. Barber



PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-5-09-002
Soil & Water Conservation Districts

Permittee and Facility Information

Permit Issued To:

TOWN OF KEENE
10892 NYS RT 9W
PO BOX 89
KEENE, NY 12942

Facility:

GULF BROOK - above Buck's Lane
HORRICKS MTN ROAD
KEENE NY 12942

~ 800' stream restoration

Applicable DEC Region(s): 5

General Permit Authorized Activity: The following activities may be conducted as authorized only by the County Soil & Water Conservation District or Natural Resources Conservation Service :

1. Installation or placement of single culverts and single-span bridges with no central supports;
2. Maintenance dredging;
3. The installation construction or placement of non-vertical erosion protection practices;
4. The implementation of instream habitat, feature and/or stabilization techniques;
5. Removal of impeding debris from waterbodies;
6. The maintenance, repair, in-kind and in-place replacement of existing structures and improved areas, including but not limited to erosion protection practices, culverts, stormwater and infrastructure facilities and in-stream sediment basins;
7. The installation of dry hydrants.

Permit Authorizations

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

Effective Date: 05/19/2010 Expiration Date: 05/18/2020

Freshwater Wetlands - Under Article 24

Effective Date: 05/19/2010 Expiration Date: 05/18/2020

Stream Disturbance - Under Article 15, Title 5

Effective Date: 05/19/2010 Expiration Date: 05/18/2020

Water Quality Certification - Under Section 401 - Clean Water Act

Effective Date: 05/19/2010 Expiration Date: 05/18/2020



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.

General Permit Authorized by

Permit Administrator: MARC S MIGLIORE, Deputy Regional Permit Administrator
Address: REGION 5 WARRENSBURG SUB-OFFICE
232 GOLF COURSE RD.
WARRENSBURG, NY 12885-0220

Authorized Signature: _____

A handwritten signature in black ink, appearing to read "Marc S. Migliore", written over a horizontal line.

Date: 05/19/2010

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION; STREAM DISTURBANCE; FRESHWATER WETLANDS; EXCAVATION & FILL IN NAVIGABLE WATERS

1. **Project Continuance and Coverage** Projects or activities authorized by the previous General Permit GP-5-04-004, which have not commenced, or are currently being undertaken, shall be granted continuance and coverage under this GP-5-09-002.

2. **Project Segmentation Prohibited** This General Permit (GP) shall be applied to single and complete projects. All components of a single project shall be treated together as constituting one single and complete project. This GP may be used for an activity that is a component of an overall project provided no individual DEC permit is required, and State Environmental Quality Review is completed for such overall project. This GP shall not be used for any activity that is part of an overall project for which an individual NYS DEC permit is, or would be, required.



3. Consultation For Special Streams and Rivers The following regulated watercourses require technical consultation with the Department prior to undertaking or authorizing any activities pursuant to this General Permit:

- Great Chazy River from I-87 (Northway) downstream to Lake Champlain;
- West Branch Ausable River in its entirety;
- Boquet River from the falls north of CR22 in Wadhams downstream to Lake Champlain;
- Ausable River from Rainbow Falls downstream to Lake Champlain;
- Saranac River from Kents Falls downstream to Lake Champlain;
- Raquette River from Lower Falls downstream to the boat ramp off Rtes 3 & 30 (t/o Harrietstown);
- Sacandaga River from the dam at the campground just north of the West Branch confluence downstream to Great Sacandaga Lake;
- West Stony Creek from the State Forest Preserve boundary downstream to the Sacandaga River;
- Lake Pleasant outlet (to Sacandaga Lake) in its entirety;
- Batten Kill from the NY/VT border downstream to Center Falls.

4. Consultation For Instream Projects In addition to Natural Resources Condition #1, consultation with the Department prior to District authorization is required for any project which is proposed as an instream habitat or feature improvement project that includes the construction of instream structures (cross-vanes, weirs, j-hooks, e.g.), or for any project that requires machinery operation in a protected waterbody or regulated DEC Fresh Water Wetland.

5. Authorization Reporting Requirements On or before January 31 of each year the District shall submit, to the DEC Region 5 Regional Permit Administrator, a report or log itemizing each individual project authorized during the prior year pursuant to this General Permit. Such a report or log shall contain information of sufficient detail to demonstrate project scope and permit compliance and, at a minimum, include the name and mailing address of the legally responsible party, the project location, a summary of activities authorized and conducted, and the dates of permit authorization, work commencement and work completion.

6. Invasive Species To prevent the unintentional introduction or spread of invasive species, the Districts must ensure that all construction equipment be cleaned of mud, seeds, vegetation and other debris before allowed to enter any approved work areas within the waters of the state and NYS DEC regulated Freshwater Wetlands and its Adjacent Areas.

7. Creosote and Penta Wood Prohibited The use of wood treated with Pentachlorophenol or creosote is prohibited.

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

9. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by the S&WCD, NRCS, agent, or permittee.

10. Conditions Prevail Over Plans If any condition of this permit conflicts with the approved plans, the permit condition shall prevail over the plans.



11. Work Supervision by USDA NRCS or S&WCD All work authorized under this permit shall be done under the supervision of an agent of the U.S. Department of Agriculture, Natural Resources Conservation Service or the County Soil & Water Conservation District.

12. NRCS Field Office Technical Guide When applicable, activities authorized herein must be planned, designed, installed, operated, and maintained in strict conformance with the conservation practice criteria, standards and specifications contained within the regionally appropriate and current NRCS Field Office Technical Guides (FOTGs).

13. Post Permit Sign The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

14. Prohibition Period for Trout All instream work, as well as any work that may result in the suspension of sediment, is prohibited during the trout spawning and incubation period commencing October 1 and ending April 30, unless prior project-specific approval is granted by the Department.

15. Turbid Discharges Visibly turbid discharges from land clearing, grading or excavation activities, or de-watering operations shall not enter the stream, navigable water, or wetland. Prior to entry into stream, navigable water or wetland, any such discharge shall be:

- a. retained in an appropriately maintained upland settling basin;
- b. filtered through crushed stone, sand, straw bales, silt screening (maximum opening size of U.S. Sieve Number 20), etc.; or,
- c. directed to a grassy upland area a sufficient distance from the stream to prevent change in turbidity of the receiving water.

16. Work Within Project Site or Upland Areas The storage of construction equipment and materials shall be confined to within the project work site and/or upland areas greater than 100 linear feet distant from the wetland boundary.

17. Install and Maintain Erosion Controls Staked straw bales, silt fence or other DEC-approved erosion control measures are to be installed on the downslope edge of any disturbed areas. This barrier to sediments is to be put in place before any disturbance of the ground occurs and is to be maintained in a functional condition until all disturbed ground is heavily vegetated or otherwise stabilized. All erosion control measures intended to stabilize the work site shall be completed by October 1st of any calendar year. If work authorized by this permit cannot be completed by October 1st, interim stabilization measures consisting of erosion control matting or mulching shall be installed by October 1st and maintained in an effective condition until such time as authorized work resumes in the spring. Upon completion of work and satisfactory stabilization of disturbed areas, all erosion controls shall be entirely removed immediately.



18. Filter Fabric Curtain A filter fabric (turbidity) curtain weighted across the bottom and suspended at the top by floats shall be positioned to enclose the aquatic work site before commencing the authorized activity. The curtain shall remain in place and in functional condition during in-water operations and remain in place until turbidity inside the curtain no longer exceeds ambient levels. In association with the consultation requirements of Condition #2, this condition may be waived by the Department for certain habitat restoration projects.

19. Structure or Facility Replacement The new structure or facility shall not encroach into the waterbody beyond the limits of the old structure or facility to be removed, and if applicable, it shall tie in evenly with and not encroach beyond adjacent property walls.

20. Concrete Leachate During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.

21. Culvert Installation The culvert shall be installed in the dry or in isolation from the stream flow by the installation of a bypass flume or culvert, or by pumping the stream flow around the work area. An exception may be allowed, upon prior consultation with the Department, if the District expects that siltation or turbidity will be insignificant or reduced by installing the culvert in the flowing stream.

22. Bridge and Culvert Size The minimum bridge span (abutment to abutment) and culvert diameter or span shall be equal to or greater than 1.25 times the channel bed width. The channel bed width shall be an average width measured at the project location and straight sections of stream upstream and downstream, which are not influenced by structures or representative of unusual channel characteristics. If this condition cannot be met, an individual permit will be required. Notwithstanding the aforementioned, all culverts must be designed to meet appropriate hydraulic capacity and structural integrity criteria.

23. Culvert Slope For streams which have a slope of three percent (3%) or less at the project area, the embedded culvert shall be installed with a zero percent (0%) slope. For streams which have a slope of more than 3%, but less than six percent (6%) at the project area, a bottomless culvert or bridge or an embedded bottomed culvert must be installed at the same general stream gradient measured at natural, stable reference reaches. An individual permit is required for projects which deviate from this condition.

24. Box Culvert Installation For flat bottom concrete box culverts, the invert of the culvert must be installed a minimum of one foot below the existing streambed elevation. The streambed material that was excavated to accommodate this placement shall then be spread evenly throughout the bottom of the new culvert as practicable.

25. Round or Oval Pipe Culvert Installation For round or oval pipe type culverts, the invert must be installed to a depth equal to 20% of the culvert diameter or at least one foot (whichever is greater). The streambed material that was excavated to accommodate this placement shall then be spread evenly throughout the bottom of the new culvert as practicable.

26. Allowable Culvert Fill Material Fill associated with the culvert installation and approach material shall be structurally stable and shall be composed of natural material that, if eroded into the watercourse, shall not be detrimental to aquatic life.



27. **Maintain Channel Geometry** The stream channel bed width, depth and bank height immediately upstream and downstream of the of a road crossing site, and any restoration thereof, shall be consistent with the average geometry of the stable stream reference reach.
28. **Stabilize Disturbed Areas** All disturbed stream banks **below** the normal high water elevation must be graded no steeper than 1 vertical to 2 horizontal slope, and adequately stabilized (native material preferred). All other areas of soil disturbance **above** the ordinary high water elevation, or elsewhere, shall be seeded with an appropriate perennial grass seed and mulched with straw within two (2) days of final grading. Mulch shall be maintained until suitable vegetative cover is established. Destroyed bank vegetation shall be replaced appropriate native vegetation.
29. **Removal Of Erosion Controls** Before erosion controls are removed, any sediment that has accumulated at such controls shall be removed to an upland location.
30. **Materials Disposed at Upland Site** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any regulated freshwater wetland. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area.
31. **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.
32. **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.
33. **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.
34. **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.



WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. **Water Quality Certification** 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.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

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

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

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

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

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

Regional Permit Administrator

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, Stream Disturbance, Water Quality Certification.



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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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



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

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

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 the approved work and any Department conditions applied to the approval, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Permit Number GP-5-09-002

Expiration Date 5/15/2020

Regional Permit Administrator


NOTE: This notice is NOT a permit



DEPARTMENT OF THE ARMY
US Army Corps of Engineers, ATTN: CENAN-OP-RU
Upstate Regulatory Field Office
1 Buffington St., Building 10, 3rd Fl. North
Watervliet, New York 12189-4000

OCT 08 2014

Upstate New York Section

SUBJECT: Permit Application No. NAN-2014-00780-UCO
by the Town of Keene
Village of Keene, Essex County, New York

William B. Ferebee, Supervisor
Town of Keene
10892 NYS Rte 9N, PO Box 89
Keene, New York 12942-0089

Dear Mr. Ferebee:

This office has reviewed your Joint Application Form dated August 22, 2014, which was submitted by your consultants, ESPC Civil and Environmental Engineering, by letter dated August 22, 2014, and clarifying information submitted in an electronic mail message dated September 16, 2014, including the attached drawings entitled "Gulf Brook Channel Restoration Project, Keene, NY", sheets SP.1, XS.1, ER.1, D.1, D.2, and D.3, all prepared by ESPC Civil and Environmental Engineering, and dated September 16, 2014. The submitted information describes a proposal that would consist of the following:

The excavation of approximately 880 cubic yards of streambed material and the discharge of approximately 500 cubic yards of fill material, including some of the excavated material, in 0.45 acres of Jones Brook below its ordinary high water mark (OHWM) to facilitate the stabilization of approximately 800 linear feet of the Brook. All excess fill and excavated materials would be disposed of in uplands and stabilized to prevent reentry into waters or wetlands. No tree clearing activities to be undertaken for this project would occur from April 1st to October 31st of any calendar year.

Based upon the information provided, it appears that your proposed work may be authorized under Department of the Army nationwide general permit number: 37. The nationwide permits are prescribed as a Reissuance of Nationwide Permits in the Federal Register dated February 21, 2012 (77 FR 10184).

The work may be performed without further authorization from this office provided the activity complies with the terms and conditions of the Nationwide Permits (NWP) and the permit conditions listed in Section B, No. 37, Section C, any applicable New York District regional conditions, and any applicable regional conditions added by the State of New York. Please note that NWP General Condition No. 12 requires the installation and maintenance of proper soil erosion and sediment controls during construction.

PLEASE USE THE ABOVE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE

The 2012 Nationwide Permits, including their final regional conditions, water quality certifications, and coastal zone concurrence statements are available at:

http://www.nan.usace.army.mil/Portals/37/docs/regulatory/geninfo/natp/NWP_PN_30MAY12.pdf

Please review and familiarize yourself with all relevant terms and conditions of the nationwide permit prior to proceeding with your project, and subsequently ensure you adhere to all conditions through the duration of the project. If you do not have internet access and require a specific paper copy, please contact the undersigned to request one be mailed to you. Please be sure to have your permit application number readily available when you call.

This verification is valid until March 18, 2017, unless the nationwide permit is modified, reissued, or revoked. This verification will remain valid until March 18, 2017, if the activity complies with the terms of any subsequent modifications of the nationwide permit authorization. If the nationwide permits are suspended, revoked, or modified in such a way that the activity would no longer comply with the terms and conditions of a nationwide permit, and the proposed activity has commenced, or is under contract to commence, the permittee shall have 12 months from the date of such action to complete the activity.

Please note that this nationwide permit (NWP) authorization is based on a preliminary jurisdictional determination (JD), a copy of which is enclosed. A preliminary JD is not appealable. If you wish, prior to commencement of the authorized work you may request an approved JD, which may be appealed, by contacting the New York District, U.S. Army Corps of Engineers for further instruction. To assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review the U.S. Army Corps of Engineers Regulatory Guidance Letter (RGL) No. 08-02, which can also be found at:

<http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl08-02.pdf>

Please note that this determination does not eliminate the need to obtain any other Federal, State or local authorizations required by law for the above described work, including any required permit from the NYSDEC.

In order for us to better serve you, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

Any inquiries can be directed to the undersigned at (518) 266-6357.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Connell". The signature is fluid and cursive, with the first name "John" being the most prominent part.

John R. Connell
Senior Project Manager
Upstate New York Section

Enclosures

Cf: E. Burns – NYSDEC, Region 5 (Ray Brook)
E. Bentley – NRCS (Plattsburgh)
E. Sandblom – ESPC
E. Fitzgerald – Fitzgerald Environmental Associates



DEPARTMENT OF THE ARMY
 US Army Corps of Engineers, ATTN: CENAN-OP-RU
 Upstate Regulatory Field Office
 1 Buffington St., Building 10, 3rd Fl. North
 Watervliet, New York 12189-4000

CENAN-OP-RU

NATIONWIDE PERMIT COMPLIANCE CERTIFICATION AND REPORT FORM

Permittee: Town of Keene Permit No. NAN-2014-00780-UCO

Date Permit Issued: OCT 08 2014

Location: Village of Keene, Essex County, New York

Within 30 days of the completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the address at the bottom of this form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of said permit, and required mitigation was completed in accordance with the permit conditions.

 Signature of Permittee

 Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below or FAX to (518) 266-6366.

Place Stamp
 Here

DEPARTMENT OF THE ARMY
 US Army Corps of Engineers
 ATTN: CENAN-OP-RU
 Upstate Regulatory Field Office
 1 Buffington St., Bldg. 10, 3rd Fl. North
 Watervliet, New York 12189-4000

Engineer's Estimate of Quantities

Item#	Description	Unit	Estimated Quantity
1	Clearing and Grubbing (including trees and stumps)	Acre	0.2
2	Common Excavation ¹	CY	7,470
3	Geotextile Fabric Under Stone Fill	SY	4,800
4	Type IV Rock Slope Protection ²	CY	750
5	Type VI Rock Slope Protection ²	CY	3,140
6	Boulder Vane	EACH	5
7	Boulder Clusters	EACH	18
8	Live Stakes (for vegetated stone fill)	EACH	1800
9	Compost / Soil Amendment Backfill for Vegetated Stone Fill	CY	460
10	Miscellaneous Erosion and Sediment Control	LS	1
11	Water Service Modification ³	LS	1
12	Mobilization / Demobilization	LS	1
13	Native Trees 3' to 6' with Tubs and Mats ⁴	EACH	115

Notes:

1. Common Excavation quantities based on the following calculations and assumptions:

a. Cut/Fill from Existing to Proposed Grade

Cut = 4,725 CY

Fill = 1,155 CY

Net = 3,570 CY (Cut)

b. Excavation for Rock Slope Protection = 3,900 CY (Cut)

c. A portion of the native rock material cut will be suitable for reuse as boulder clusters or incorporated in the Rock Slope Protection. However, cut quantities conservatively assume all material will be hauled offsite.

2. Rock Slope Protection Quantities provided do not include an estimate of native rock materials that will be reused. Based on field observations, it is assumed that a portion of the Rock Slope Protection quantity will come from suitable native materials, and that additional rock material will need to be hauled to the site. The exact quantities of each will be determined in the field during construction.

3. Water Service Connect and Curb Stop for the Auer Residence may require modification due to the proposed improvements. Consequently, this shall be considered a contingent item.

4. The NRCS will not pay for the installation of native trees and shrubs. Consequently, the Town will have to cover the costs should they be included in the project.

The engineer's estimate of construction quantities is based on ESPC's reasonable professional judgment and experience and does not constitute a warranty, express or implied. The contractor shall be responsible for confirming the quantities used in his / her bid.