



APPLICATION FOR PRIVATE RECREATIONAL FACILITY PERMIT

Print or type all information below and return to EC-Mongaup, Attn: Property Compliance, 613 Plank Road, Forestburgh, NY 12777

Initial Application Fee - \$250 Annual Permit Fee - \$100 **Please Make Checks Payable to: Eagle Creek Hydro Power, LLC

Permit Request is for: *(check as many as apply)*:

Construction of New or Replacement Pier Construction of Roads or Access Pathways Installation of Electrical Installations

SECTION ONE—BACKGROUND INFORMATION

1. Full Name: _____
2. Permanent Mailing Address: _____
3. Local Address *(If different)*: _____
4. Telephone (Business): _____ (Local): _____ Email: _____
5. Reservoir: _____ 6. Township: _____ 7. County: _____
8. Subdivision: _____ 9. Section: _____ 10. Lot No.: _____
11. Tax Map No. _____ 12. Survey of lot (if available) or other sketch or diagram of lot – please attach copy.
13. Year of Lot Recordation (Platted and Recorded) _____

SECTION TWO—INFORMATION NEEDED FOR CONSTRUCTION OF NEW OR REPLACEMENT PIER

1. Sketch or diagram showing proposed pier and its location on lot.
2. Width of lot: _____ 3. Water depth at proposed location: _____ 4. Width of cove (if applicable): _____
5. Pier Dimensions: _____ a. Overall length: _____ b. Stationary Section: _____
 c. Ramp: _____ d. Floater: _____
6. Construction Materials: _____
7. Presence of Aquatic Vegetation *(circle one)*: Yes No *(If yes, attach signed Aquatic Vegetation Agreement)*
8. Cultural Resources *(circle one)*: Yes No *(If yes, attach concurrence of NY State Historic Preservation Office)*
9. Notes: _____

SECTION THREE—INFORMATION NEEDED FOR CONSTRUCTION OF ROADS OR ACCESS PATHWAYS

1. Brief statement describing proposed activity: _____
2. Sketch or diagram of proposed road or access pathway and its location on lot. Show location of trees and other vegetation to be removed.
3. Approximate area of or number of trees to be removed: _____
4. Approximate area of other vegetation to be removed: _____
5. Construction Materials: _____
6. Notes: _____

SECTION FOUR—INFORMATION NEEDED FOR INSTALLATION OF ELECTRICAL INSTALLATIONS

1. Diagram showing location of electrical installation, including service pole, shoreline breaker box, receptacle, and lighting *(attach plan from New York licensed electrician)*.
2. Notes: _____



SECTION FIVE

I hereby apply for a permit to construct the above-described facilities, structures, or activities in the reservoirs, along the shoreline or within the EC-Mongaup-managed buffer and agree to abide by all applicable requirements of EC-Mongaup’s Shoreline Use and Occupancy Guidelines, the conditions of the CONSTRUCTION PERMIT and other procedures and requirements.

I also agree that NO WORK will begin until I receive a CONSTRUCTION PERMIT signed by EC-Mongaup.

Date: _____ Signature of Applicant: _____

CONSTRUCTION PERMIT No. _____

This Construction Permit is issued by EC-Mongaup, this _____ day of _____, 20____ and authorizes the construction of the above-described facilities or activities in compliance with the information provided in the Application for Private Recreational Facility, the terms of this Permit, and all applicable requirements of EC Mongaup’s Specifications, Shoreline Stewardship Policy and other procedures and requirements.

Date: _____ Signature of EC-Mongaup: _____

This COUNTY BUILDING PERMIT NO. _____ is issued by _____ County this _____ day of _____, 20____.

I certify that I have inspected the facilities referenced in the Application for Private Recreational Facility Permit/Construction Permit and that as of the date of my inspection the facilities are in compliance with applicable County regulations, codes and ordinances.

Signature of County Building Inspector: _____ Date: _____



APPLICATION FOR PRIVATE RECREATIONAL FACILITY PERMIT

Construction Permit No. _____

1. The permit is granted solely to the adjoining property owner for the purposes described in the Application for Private Recreational Facility.
 2. The adjoining property owner represents that he is the owner of the land described in the Application for Private Recreational Facility for Permit.
 3. The adjoining property owner shall immediately notify EC-Mongaup of a change in permanent mailing address.
 4. Unless otherwise stated herein, the term of the Construction Permit shall be for one year from the date of its issuance.
 5. If the construction of the Structure or Activity permitted herein requires a building permit from the County Building Inspector, then, within one year of the issuance date of the Construction Permit, the adjoining property owner shall obtain and deliver to EC-Mongaup, the Building Permit issued by the County Building Inspector which states that the County has inspected the Structure or Activity and that the construction of the Structure or Activity is in compliance with County requirements. The Construction Permit shall become null and void if EC-Mongaup has not received from the adjoining property owner said County Building Permit within that period.
 6. Further, the adjoining property owner agrees to construct, maintain, and operate any permitted Activity or Structure in a manner to provide safety, minimize any adverse impact on fish and wildlife habitat, natural, environmental, or cultural resources values and in a manner to minimize adverse impact to water quality.
 7. EC-Mongaup may terminate the Construction Permit at any time upon 30 days' notice mailed to the adjoining property owner at the permanent address shown on the Application.
 8. The Construction Permit may not be assigned by the adjoining property owner. It will become automatically void upon any attempted assignment, foreclosure on the land or the death of adjoining property owner. Any work permitted herein shall be completed prior to any assignment, in whole or in part, by the adjoining property owner.
 9. The Construction Permit may be transferable to a subsequent purchaser of the adjoining property owner's land so long as (i) the Activities or Structures have been maintained in good repair and comply with all applicable federal, State, and local health and safety requirements; (ii) the adjoining property owner has complied with the Construction Permit, EC-Mongaup's Specifications, EC-Mongaup's Shoreline Stewardship Policy and all other applicable EC-Mongaup procedures and requirements; and (iii) the purchaser signs a new permit in the form required by EC-Mongaup.
 10. Failure to abide by these laws, the Construction Permit, EC-Mongaup's Specifications, EC-Mongaup's Shoreline Stewardship Policy, and all other applicable EC-Mongaup procedures and requirements may be cause for termination of the Construction Permit. EC-Mongaup also may erect a barrier to restrict access to the reservoir; and may require the adjoining property owner, at the adjoining property owner's expense, to cease construction, remove the Structure or Activity and perform appropriate restoration and mitigation, up to and including restoring the lands and waters to their original condition. In addition, if adjoining property owner fails to take the required action after notice from EC-Mongaup, at adjoining property owner's sole expense, EC-Mongaup may remove the Structures, treat the Structures as its own property without liability to adjoining property owner for payment and perform the required restoration and mitigation. EC-Mongaup may also pursue any other rights or remedies, including damages, they may have hereunder at law or in equity.
 11. EC-Mongaup shall in no case be liable for any damage or injury to the Activity or Structure, to the adjoining property owner's property or to the adjoining property owner or those claiming through or under the adjoining property owner or of those enjoying the privileges granted by the Construction Permit, arising or resulting from the construction, maintenance or operation of EC-Mongaup's hydroelectric facilities or the use of, or operations upon, the EC-Mongaup managed buffer.
 12. Adjoining property owner assumes and agrees to indemnify, defend, and hold harmless EC-Mongaup, including without limitation their employees, agents, contractors and representatives, from and against, any and all injury (including death), loss, damage, claims or causes of action of any kind whatsoever including, without limitation, damage or injury (including death) to person or property and damage to natural resources, arising from, connected with, or growing out of the existence, construction, reconstruction, repair, maintenance, modification, replacement, use or other activities related to the Activity, the Structure, the EC-Mongaup-managed buffer, the reservoirs, or the use of enjoyments of any right or privileges granted to in the Construction Permit.
 13. The grant of the Construction Permit will not in any manner or to any extent limit the rights of EC-Mongaup with respect to the project lands or waters, or the EC-Mongaup-managed buffer. EC-Mongaup will not assert or attempt to assert any right or claim to any of the Project lands or waters, the EC-Mongaup-managed buffer or other property or rights of EC-Mongaup, whether use of the same is granted in the Permit, and the grant of the Permit will not be deemed to vest title thereto in the adjoining property owner.
 14. The Structures and Activities will be subject to periodic inspection by authorized personnel of EC-Mongaup. EC-Mongaup's authorized representatives shall be allowed to cross the adjoining property owner's property, as necessary, to inspect the Structures or Activities.
 15. The Construction Permit shall be encased in a waterproof sheath and posted on the adjoining property owner's property in a location visible from the water so that it can be visually checked with ease by EC-Mongaup's authorized representatives. The adjoining property owner shall remove the Construction Permit upon the issuance by EC-Mongaup of a Private Recreational Facility Permit.
 16. The adjoining property owner shall notify EC-Mongaup of completion of construction and arrange for EC-Mongaup to inspect the completed construction to ensure that (i) the Activities or Structures have been maintained in good repair and comply with all applicable federal, State and local health and safety requirements; (ii) the adjoining property owner has complied with the Construction Permit, EC-Mongaup's Specifications, EC-Mongaup's Shoreline Stewardship Policy and all other applicable EC-Mongaup procedures and requirements; and (iii) the purchaser signs a new permit in the form required by EC-Mongaup.
 17. Other Conditions:
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