



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS BUFFALO DISTRICT
478 MAIN STREET
BUFFALO, NY 14202-3278

PERMITTEE: Alle-Catt Wind Energy, LLC

PERMIT NUMBER: LRB-2021-00420

EFFECTIVE DATE: November 14, 2024

NOTE: The term you and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

PROJECT DESCRIPTION: ALLE-CATT WIND ENERGY, LLC, 1 S. WACKER DRIVE, SUITE 1800, CHICAGO, ILLINOIS 60606, IS HEREBY AUTHORIZED BY THE SECRETARY OF THE ARMY TO: DISCHARGE FILL MATERIAL INTO WATERS OF THE UNITED STATES, INCLUDING FRESHWATER WETLANDS, WHICH WILL RESULT IN THE PERMANENT IMPACT TO 1.30 ACRES OF WETLANDS, TEMPORARY IMPACT TO 28.79 ACRES OF WETLANDS, PERMANENT IMPACT TO 1,907 LINEAR FEET OF STREAM CHANNEL, AND TEMPORARY IMPACT TO 11,795 LINEAR FEET OF STREAM CHANNEL FOR CONSTRUCTION OF A WIND ENERGY GENERATION FACILITY AND TRANSMISSION FACILITY IN ACCORDANCE WITH THE GENERAL AND SPECIAL CONDITIONS, AND THE PLANS AND DRAWINGS AND ANY ADDITIONAL SPECIAL CONDITIONS ATTACHED HERETO WHICH ARE INCORPORATED IN AND MADE A PART OF THIS PERMIT.

PROJECT LOCATION: THE WIND ENERGY FACILITY PROJECT IS LOCATED IN THE TOWNS OF CENTERVILLE AND RUSHFORD, ALLEGANY COUNTY; THE TOWNS OF FARMERSVILLE, FREEDOM, AND YORKSHIRE, CATTARAUGUS COUNTY; AND THE TOWNS OF ARCADE AND EAGLE, WYOMING COUNTY, NEW YORK. THE TRANSMISSION FACILITY PROJECT, INCLUDING THE TRANSMISSION LINE, IS PROPOSED ENTIRELY IN THE TOWNS OF FREEDOM AND YORKSHIRE, CATTARAUGUS COUNTY, NEW YORK.

PERMIT CONDITIONS

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends on **November 14, 2029**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you must make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you may obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.
7. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

SPECIAL CONDITIONS:

Special Condition 1: The permittee must notify the Regulatory Branch, in writing, at least one (1) day prior to the date the activities authorized in Waters of the United States, including wetlands, are scheduled to begin. Notification shall be by sending an e-mail sent to david.w.leput2@usace.army.mil, Harold.t.keppner@usace.army.mil, AND LRB.Regulatory.PermitCompliance@usace.army.mil

Special Condition 2: As compensatory mitigation to off-set permanent loss of wetland and stream functions and services, the permittee is required to rehabilitate a minimum of 9.78 acres of forested wetland and rehabilitate a minimum of 1,907.4 linear feet of stream channel. The compensatory wetland and stream mitigation plan entitled "Permittee-Responsible Mitigation Plan for the Alle-Catt Wind Project and Transmission Facility at the Rock Springs Restoration Site" and dated "Revision – July 2024", is hereby incorporated into and made part of the permit as "Appendix A". The permittee must implement the mitigation in accordance with the plan and any permit conditions. The rehabilitated and established wetlands must meet the vegetative and hydrology requirements specified in the 1987 Corps of Engineers Wetland Delineation Manual, including the appropriate Regional Supplement. The permittee must begin construction of the

wetland and stream mitigation area prior to or concurrent with the filling authorized by this permit, and must be completed within one year of initiating the construction activities. The mitigation performance standards listed in the Special Conditions supersede any conflicting standards listed in the compensatory wetland and stream mitigation plan as listed included in Appendix A.

Special Condition 3: The permittee's responsibility to complete the required compensatory mitigation as set forth in Special Condition 2 will not be considered fulfilled until it has demonstrated compensatory project success and has received written verification of that success from the U.S. Army Corps of Engineers.

Special Condition 4: The permittee is required to provide financial assurance in the form of a performance bond in the amount of \$430,896.38 to ensure the project will meet performance obligations of the compensatory mitigation project required under this permit, in accordance with the following:

- a. The performance bond agreement must contain the information described in 33 CFR 332.3(n) and be executed and submitted to this office for review, and is required to be approved in writing by this office and executed prior to commencement of the work associated with this permit authorization.
- b. The permittee is required to use the performance bond template, which can be requested by sending an e-mail to david.w.leput2@usace.army.mil and LRB.Regulatory.PermitCompliance@usace.army.mil for an electronic copy of the template.
- c. The original, executed performance bond document must be mailed to: David Leput, USACE Buffalo District, Regulatory Branch, US Army Corps of Engineers, 478 Main Street, Buffalo, New York 14202.
- d. Once executed, the performance bond will thereby be incorporated into and made part of the permit as Appendix B.
- e. After review of all required monitoring reports and compliance with the terms and conditions of the permit, the DE will determine, in writing, when the permittee has completed its compensatory mitigation requirements and may be released from the financial assurance requirement.

Special Condition 5: A baseline wetland construction report must be forwarded to this office by December 31 in the year of completion of all mitigation construction activities, or by an approved extension. For purposes of this special condition, "completion" means all activities associated with site grading and seeding and/or planting. The baseline report must include the following:

- a. An "as-built" topographic survey of the mitigation area at 0.5-foot contour intervals.
- b. Photographs from fixed locations with a photo-location map.
- c. A list of plants introduced through seeding and/or planting.
- d. Water depth and date of measurement from representative locations within the mitigation area. The sample points will be fixed locations and shall be plotted on a map.

- e. A list of any modifications that were made from the original mitigation plan.

Special Condition 6: The permittee is required to submit annual monitoring reports for the compensatory wetland and stream mitigation project, as described in Special Condition No. 2 and Appendix A, to this office for the first five (5) years following completion of the mitigation construction, and every other year between Years 5 – 10 (Years 7 & 9) and a final report in Year 10, based upon data collected during each monitored year between June and October. The reports must follow the requirements outlined in Regulatory Guidance Letter No. 08-03 (Minimum Monitoring Requirements for Compensatory Mitigation Projects Involving the Restoration, Establishment, and/or Enhancement of Aquatic Resources). The first annual report is due by December 31 in the year following completion of mitigation construction, or by an approved extension date (Example – If mitigation construction is completed in 2024, the first-year report would be due by Dec. 31, 2025). For purposes of this special condition, "completion" means all activities associated with site grading and seeding and/or planting. All reports must be submitted to david.w.leput2@usace.army.mil and LRB.Regulatory.PermitCompliance@usace.army.mil by December 31 of the year due, or by a Corps-approved extension date. These reports must include:

- a. Comparison of site conditions to an as-built survey.
- b. Wetland Delineation, including a map of wetland boundary.
- c. Photographs (minimum 5) from fixed locations with a photo location reference map.
- d. Plant species list with the following information:
 - 1. Wetland Indicator Status and strata.
 - 2. Dominant plants and percent cover.
- e. A list of plants introduced through seeding or planting.
- f. Water depth and date of measurement from representative locations within the mitigation area during the growing season. The sample points will be fixed locations and shall be plotted on a map.
- g. Fish and wildlife observations at the mitigation site.
- h. Summary statement regarding the perceived success of the wetland creation project. The report will evaluate the goals/performance standards as set forth in the permit or mitigation and monitoring plan as well as current wetland functions. These reports must also address any potential problem areas and include suggestions and timetable for correction if it is anticipated that projected goals may not be met.
- i. Date(s) of field inspection(s).

Special Condition 7: The compensatory mitigation area, as described in Special Condition No. 2 and Appendix A, must be vegetated with a minimum of 80 percent (%) areal cover of hydrophytic vegetation (Wetland Indicator Status of FAC, FACW, or OBL), with no more than 50% areal cover of one (1) plant species. This performance standard must be met throughout and by the end of the monitoring period. If it is determined that standard is not met at any time, a corrective action plan must be submitted to this office for review and approval to be implemented during the next growing season. A waiver may be granted by this office for sites that are in the initial monitoring seasons (1-2 year) and are not meeting the hydrophytic vegetation cover goal.

Special Condition 8: No more than 20 percent (%) cumulative areal cover of the mitigation area, as described in Special Condition 2 and Appendix A, shall be vegetated at the end of the first-

year growing season, 15% at the end of the 2nd growing season, and 10% thereafter to Year 10 with the following species: Purple loosestrife (*Lythrum salicaria*), reed canary grass (*Phalaris arundinacea*), common reed (*Phragmites australis*), European buckthorn (*Rhamnus cathartica*), glossy buckthorn (*Frangula alnus*), Japanese knotweed (*Reynoutria japonica*), curly pondweed (*Potamogeton crispus*), Eurasian water milfoil (*Myriophyllum spicatum*), narrow-leaf cattail (*Typha angustifolia*) or hybrid cattail (*Typha x glauca*). If these thresholds are exceeded during or at the end of the 10-year monitoring period, corrective measures must be implemented to preclude the growth of the above listed species within the mitigation areas. Corrective measures, such as but not limited to, herbicide application, mechanical/manual removal, etc. shall be implemented. Any corrective measures proposed must be coordinated and approved, in writing, with this office prior to implementation. Additional yearly monitoring of the site, above the 10-year required monitoring, may be required at the discretion of the District Engineer.

Special Condition 9: To ensure the success of the woody tree and shrub plantings required in Special Condition No. 2 and Appendix A, a minimum of 450 native, live and healthy (disease and pest free) woody plantings per acre, must be present throughout and at the end of the 10-year monitoring period. If the criteria specified above are not met, corrective measures, such as but not limited to additional woody plantings, shall be implemented. If corrective measures are required, additional yearly monitoring beyond the 10-year monitoring period may be required at the discretion of the Corps Project Manager. The permittee must receive written approval from the Corps Project Manager prior to conducting any corrective measures.

Special Condition 10: Prior to conducting any work associated with this permit authorization, the permittee is required to place perpetual deed restrictions on the compensatory wetland and stream mitigation site to guarantee their preservation for wetland and wildlife resources, as depicted as "Conservation Area" on Sheet 3 of 203. The deed restriction shall specifically state: (1) the Department of the Army Permit number; 2) the permit date; 3) the restricted uses as identified in Special Condition 11 of this permit, 4) the contact information for the Buffalo District U.S. Army Corps of Engineers Regulatory Branch, 5) that the wetland and stream are to be preserved and are not to be adversely impacted, 6) that the deed restriction runs with the land and burdens the property in perpetuity; and (7) that the deed restriction shall be transferred to subsequent property owners upon the sale, transfer, or reversion of the property. A map that is drafted by a professional surveyor and a legal description that defines the metes and bounds of the deed restricted area shall be attached to and referenced in the deed restriction. The permittee shall identify the location of federal jurisdictional boundaries on all documents recorded by the Cattaraugus County Recorder to include subdivision plats, deeds, and other legal real estate documents. A draft copy of the deed restriction language must be submitted to David Leput of this office (david.w.leput2@usace.army.mil) and approved, in writing, prior to recordation. An approved, certified copy of the recorded deed restriction is required to be provided to David Leput (e-mail preferred) and LRB.Regulatory.PermitCompliance@usace.army.mil), prior to conducting work authorized by this permit, or by an extension authorized in writing from this office.

Special Condition 11: The permittee must ensure none of the following activities occur at the mitigation area (as described in Special Condition No. 2 and Appendix A): filling, excavating, dredging, mining or drilling, use of ATVs or other recreational motorized vehicles, removal of topsoil, sand, gravel, rock, minerals, or other materials, nor any building of roads or change in topography of the land in any manner (with the exception of the maintenance of small foot trails), construction or placement of buildings, camping accommodations or mobile homes,

fences, signs, billboards or other advertising material, or other structures. There shall be no removal, destruction, or cutting of vegetation, spraying with herbicides, grazing of domestic animals, or disturbance or manipulation of the mitigation area without first obtaining Department of the Army authorization. Control of nuisance vegetation, or any other manipulation within the mitigation areas, shall only occur after Corps of Engineers concurrence that such management practices are necessary to ensure the long-term success of the mitigation program.

Special Condition 12: The permittee shall submit a Draft Long-Term Management Plan for approval by this office when the Long-Term Manager of the site is identified or prior to 60 days before the 10th year monitoring report is due, or by an approved extension date. USACE approval of the Long-Term Management Plan must be acquired prior to submission of the 10th year monitoring report, unless USACE approves an extension date, in which case USACE approval will be required prior to the extension date. When approved, the Long-Term Management Plan will thereby be incorporated into and made part of the permit as Appendix C.

Special Condition 13: The permittee shall secure a Long-Term Management fund in the amount of \$129,168.85 and submit verification of the execution of the fund to david.w.leput2@usace.army.mil AND LRB.Regulatory.PermitCompliance@usace.army.mil prior to initiation of the work authorized by this permit.

Special Condition 14: The Biological Opinion (BO) issued by the U.S. Fish and Wildlife Service New York Field Office (USFWS) dated November 1, 2024, for adverse effects to the Northern long-eared bat (*Myotis septentrionalis*) is hereby incorporated into and made part of this permit as Appendix D. The permittee shall implement the "Conservation Measures" as outlined on Pages 11-13 of the BO. Your authorization under this Corps permit is conditional upon your compliance with all the mandatory terms and conditions associated with incidental take of the above referenced BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. This office will enforce the requirements of the BO as defined in the "USACE Action Areas", as defined on Page 15 of the BO. The permittee shall take action to the following:

- a) To ensure compliance with "Reasonable and Prudent Measures 1." (on page 39 of the BO) and "Terms and Conditions 1." (on page 40), the permittee shall contact David Leput of this office (david.w.leput2@usace.army.mil, 716-879-4191 and LRB.Regulatory.PermitCompliance@usace.army.mil) to arrange a Pre-Construction Meeting, also as required in Special Condition 19, prior to initiating the work authorized by this permit. The goal of the meeting is to ensure all employees, operators, and contractors are aware of Northern long-eared bat, their habitats, and to ensure compliance with the Incidental Take Statement of the BO.
- b) The permittee shall provide annual monitoring reports summarizing yearly compliance with the required "Conservation Measures" listed in the BO during the construction phases of the wind generation facility and transmission facility, as required in bullet 1 of the "Monitoring & Reporting Requirements, USACE Responsible:" section on page 41. The annual reports are due by December 15th for each year during when construction activities take place and must be sent to David Leput of this office (david.w.leput2@usace.army.mil, 716-879-4191 and LRB.Regulatory.PermitCompliance@usace.army.mil).

- c) The permittee shall contact David Leput of this office (david.w.leput2@usace.army.mil, 716-879-4191 and LRB.Regulatory.PermitCompliance@usace.army.mil) within 24 hours if any unauthorized activities associated with project construction take place, as described in bullet 2 of the "Monitoring & Reporting Requirements, USACE Responsible:" section on page 41.
- d) The permittee shall preserve evidence of and immediately report any dead Northern long-eared bats associated with the work authorized by this permit to David Leput (david.w.leput2@usace.army.mil, 716-879-4191 and LRB.Regulatory.PermitCompliance@usace.army.mil) and USFWS personnel, as described in bullet 3 of the "Monitoring & Reporting Requirements, USACE Responsible:" section on page 41-42.

Special Condition 15: That should the Tricolored bat (*Perimyotis subflavus*), currently Proposed Endangered under the Endangered Species Act (ESA), become Federally-listed as Threatened or Endangered at a date after DA permit issuance, the permittee shall contact USACE and USFWS within three (3) business days after re-listing to determine if further Section 7 consultation of the ESA is required for this species.

Special Condition 16: The Memorandum of Agreement (MOA) entitled "MOA BETWEEN THE DEPARTMENT OF THE ARMY, UNITED STATES ARMY CORPS OF ENGINEERS, BUFFALO DISTRICT; THE NEW YORK STATE HISTORIC PRESERVATION OFFICER; AND ALLE-CATT WIND ENERGY LLC REGARDING THE ALLE-CATT WIND PROJECT (17PR06180)", final signed date September 6, 2024, is hereby incorporated into and made part of the permit as Appendix E. The permittee shall make the payments required by Stipulations I of the MOA, and shall provide verification of all required payments to david.w.leput2@usace.army.mil and LRB.Regulatory.PermitCompliance@usace.army.mil by November 1, 2025.

Special Condition 17: Should human remains be encountered during any phase of the proposed project, the permittee must immediately cease work in the vicinity of the discovery and must not disturb or remove the remains, must protect the exposed portions of the remains from inclement weather and vandalism, and immediately notify (within 24 hours) (David Leput, 716-879-4191) and the New York State Office of Parks, Recreation, and Historic Preservation, Peebles Island State Park, P.O. Box 189, Waterford, New York 12188-0189, (518) 237-8643. Continuing work on the project may result in adverse effects to the remains, which may be contrary to the National Historic Preservation Act.

Special Condition 18: The permittee is responsible for ensuring that the contractor and/or workers executing the activity(s) authorized by this permit have knowledge of the terms and conditions of the authorization and that a copy of the permit document is at the project site throughout the period the work is underway.

Special Condition 19: Prior to the initiation of the authorized activities, the permittee is required to contact this office and schedule a pre-construction meeting between themselves, all contractors working under this authorization, and David Leput of this office (david.w.leput2@usace.army.mil, 716-879-4191 and LRB.Regulatory.PermitCompliance@usace.army.mil).

Special Condition 20: The permittee is required to coordinate any deviations from the authorized

work with this office prior to discharging fill material into a Water of the U.S., including wetlands, into an area not authorized by this permit to determine if modification of your permit verification is required. The coordination shall include revised drawings, an estimated impact to Waters of the U.S., and justification for the modification. Failure to report deviations to the authorized work prior to the discharge of fill material into a Water of the U.S., including wetlands, may subject you to the enforcement policies and procedures outlined in 33 CFR 326, which may include pursuit of Administrative Penalties.

Special Condition 21: Temporary impacts/fill may not be in place greater than 120 days, or by an approved extension, in any single project location. Construction shall be sequenced such that restoration is completed at each impact area immediately upon completion of construction work at that location. All temporary impacts must be restored to preconstruction conditions following the completion of construction by November 15th of any year.

Special Condition 22: A post-construction report for the low water crossings (Wetland 95, Sheet 5 of 203; Wetland 66-W027, Sheet 126 of 203) shall be forwarded to this office (LRB.Regulatory.PermitCompliance@usace.army.mil) by December 31 in the year of completion of these activities, or by an approved extension. For purposes of this special condition, "completion" means all activities associated with site grading. The report must include the following:

- a. An "as-built" topographic survey (longitudinal and cross-sectional) of the crossings at 0.5-foot contour intervals.
- b. Photographs from fixed locations with a photo-location map (minimum 4 photographs).
- c. A description of the pervious fills placed.
- d. Water depth and date of measurement from representative locations adjacent to the pervious fill. The sample photograph points shall be plotted on a topographic map.
- e. An assessment and description of any restricted flow occurring between the wetlands.

Special Condition 23: To be consistent with the New York Nationwide Permit Program, all new and replaced permanent culverts have been designed to be embedded 20% and sized to be 1.25 times the Ordinary High Water elevation. Any project modifications which require additional permanent culverts must meet these requirements, unless a variance is requested within the modification request and approved by this office.

Special Condition 24: All temporary stream and wetland impacts shall be restored to pre-existing elevations and conditions, and are required to contain either Ordinary High Water elevations for streams, or meet the 1987 Corps Manual for Wetland Delineation, including the Regional Supplement, for wetlands.

Special Condition 25: The permittee shall provide annual monitoring reports summarizing the restoration of the temporary stream crossings that were completed during project construction. The reports are due by December 31st of the year the restoration took place and was completed shall be sent to LRB.Regulatory.PermitCompliance@usace.army.mil. The reports must contain a spreadsheet listing all temporary stream crossings, the dates of temporary impact for that year, the restoration complete date for that year, notes on any erosion or instability, and reference to color photographs (minimum two per crossing) included. For purposes of this special condition, "complete" means all activities associated with culvert removal and/or site grading.

Special Condition 26: The filling authorized by this permit must contain clean fill and must be free of oil and grease, debris, wood, general refuse, plaster, broken concrete with exposed reinforcing bar, broken asphalt, toxic contaminants in other than trace quantities, or other potential pollutants.

Special Condition 27: At the request of an authorized representative of the Buffalo District, U.S. Army Corps of Engineers, the permittee shall allow access to the project site to determine compliance with the conditions of this permit.

Special Condition 28: The Section 401 Water Quality Certification issued for this project by the State of New York, attached to this permit as Appendix F, is hereby part of this Department of the Army permit pursuant to Section 401(d) of the Clean Water Act. Noncompliance with any limitations or requirements stated in the certification may be a basis for suspension, revocation, or modification of this permit.

Special Condition 29: No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

Special Condition 30: To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

Special Condition 31: Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the Ordinary High Water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

Special Condition 32: Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

Special Condition 33: Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable conditions of this authorization.

FURTHER INFORMATION:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

Section 404 of the Clean Water Act (33 U.S.C. 1344)

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as this specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this

permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

DocuSigned by:

6D889C5F56A84E8...

(PERMITTEE)

11/12/2024

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Robert M. Burnham, Lieutenant Colonel, U.S. Army, Commanding
(DISTRICT COMMANDER)

11/14/2024

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below. A copy of this signed permit and statement shall be forwarded to the Buffalo District at: LRB.NewYork.RegActions@usace.army.mil (preferred) OR mailed to the following address:

U.S. Army Corps of Engineers
Buffalo District
Regulatory Branch
478 Main St
Buffalo, NY 14202

(TRANSFeree)

(DATE)