



New York State Office of Parks,
Recreation and Historic Preservation

**APPLICATION AND PERMIT for COMMERCIAL USE OF STATE PARKLAND
OIL, GAS AND MINERAL PROPOSALS**

Instructions: Please type or print. Attach additional information as necessary. Indicate fields not applicable with an N/A. Application is sent to Regional Representative: name, phone, email, and address, and the Environmental Management Bureau Representative: name, phone, email, and address. Application to be accompanied by a Full Environmental Assessment Form – Part 1. The proposal outlined in this application is an action subject to review under the State Environmental Quality Review Act (SEQR). **Note:** State Parks will not initiate review of this application or allow any ground disturbing activities on state parkland until the applicant has provided satisfactory proof of ownership of subsurface rights. The applicant is solely responsible for compliance with all other requirements for the permitted activity including but not limited to making application to NYSDEC for a permit under Article 23 of the ECL.

Part 1 – Applicant Information

1. Name of Applicant Company

2. Mailing Address

Telephone
Fax
Email

3. Name and Title of Primary Contact Person:

4. Name of Work Supervisor:

5. Project Title

Part 2 – General Project Information

6. Park and Project Location (include County, Town and Lot number(s), describe relative to landmarks and attach map)

7. Proposed Work: Generally Describe Work Involved (including type of well(s) being drilled – e.g. oil, natural gas, formation and approximate depth, and whether hydrofracturing will be used).

8. Activity(ies) Planned (Check all applicable): Well Drilling Well Plugging
 Clearing Road Construction Site Restoration Other (Specify):

Part 3 – Project Details

1. Site Plan: Provide a Site Plan that locates the proposal, its area, relationship to streams and other natural features (e.g., steep slopes). Include on this plan any pertinent information identified in the following sections.
2. Wells:
 - a. Indicate general location of new or modified well(s) in the Site Plan.
 - b. Provide a sketch plan of a typical well site, including relative elevations and drainage.
3. Roads:
 - a. If roads are to be constructed or modified, show road alignments in the Site Plan.
 - b. Submit a schematic cross section of the design of proposed roads under normal circumstances. Describe the types of modifications that might be made to this general design as a result of varying conditions in the field (e.g., fill, side hill sections):

 - c. Describe manner of tree and vegetation cutting or removal, proposed disposal of tree stumps, placement of large rocks and stones displaced during road construction:

 - d. Provide general specifications for road surfacing material:
4. Water Use: Describe the origin, amount, and uses of any water that will be used for this proposal:

5. Waste Products: Describe the estimated amount and type of waste products (e.g., brine, spent hydrofracturing fluids) that may result during construction and operation. Also, describe how such materials will be handled and disposed.

6. Stormwater and Erosion Control Plans:

a. Describe measures to control stormwater flow and erosion (Note: if project will disturb an area larger than 1 acre, a Stormwater SPDES permit will be required from NYSDEC):

b. Show cross sections of typical control features (e.g., filter fabric/hay bales, swales) associated with project in the Site Plan.

7. Water Body Protection

a. How far from nearest water body will work take place?

b. Name of water body:

c. Describe any activities and indicate time of year during which work must take place within 100 feet of a water body (e.g, road construction, tree removal):

d. Describe method of stream crossing(s), if any (Note if a stream crossing is necessary, a DEC Article 15 permit may be required):

8. Biological Resources

a. Submit the results of a biological survey of the area to be impacted by disturbance. The survey shall identify predominant species and ecological communities of flora and fauna as well as the location of any spring seeps, wetlands or vernal pools to be affected by construction. It should specifically identify protected native species of plants and animal species listed as endangered, threatened or of special concern, any Natural Heritage elements/communities, and DEC Significant Habitat areas.

b. Indicate on the site map the area to be disturbed

c. Total number of acres affected:

9. Historic, Archeological and Cultural Resources

a. Will the project affect any existing structures greater than 50 years old?
 Yes No

b. If yes, submit the following information on each structure: 1) date of construction, 2) location shown on site map, 3) photos documenting condition of building, and 4) description of work affecting the structure. Structural information may be required within a cultural resources survey.

c. Is project located in an archeologically sensitive area?

d. If yes, a cultural resources survey must be conducted on the site unless documentation can be provided that clearly demonstrates that the entire project area was previously disturbed at least to the depth of currently proposed work. This cultural resources survey must include pertinent information on archeological sites, maps, photos, historic structures, and artifact analysis for the project area.

10. Forest Resources

a. Estimate the number and type of trees and board-feet of timber to be cut or removed from site:

b. Describe handling and placement of natural material to remain on site:

c. Indicate general locations of log landings, if needed, in the Site Plan.

Permit for Commercial Use of State Parkland: Oil, Gas and Mineral Proposals

Standard Conditions and Restrictions:

PART ONE – GENERAL

- 1.1 The Agency, as defined herein is the New York State Office of Parks, Recreation and Historic Preservation, Albany, New York.
- 1.2 All approvals required in conjunction with the progress of the work of this project must be obtained in writing from the Agency.
- 1.3 All correspondence to the Agency by the Permittee or its agents, shall be addressed to the Director of Resource Management, OPRHP, Albany Office, with copies to the Regional Director.
- 1.4 The Regional Director or his/her representative shall be notified by the Permittee a minimum of 24 hours prior to the commencement of each of the following operations: (a) Any clearing; (b) Road construction; (c) Preparation of each well site; (d) Drilling of each well; (e) Any well logging surveys; (f) Any type of well stimulation procedure; (g) The plugging back or plugging and abandonment of any well; (h) Initiation of required site or road restoration activities.
- 1.5 This permit is granted subject to the rules and regulations of the Agency as well as the standard conditions and restrictions, and special conditions if any, enumerated in this permit. The permit shall be shown to any official of the Agency upon request, and the Permittee shall comply with any special instructions of an official of the Agency.
- 1.6 In order to cause the least disturbance to park patrons and minimize damage to park roads, Permittee's vehicle(s) may travel to and from work sites on park roads only along route(s) pre-approved by the Regional Director or his/her representative and shown on the attached map.
- 1.7 Permittee must submit to the Regional Director an Emergency Spill Response Plan prior to any commencement of operation.

PART TWO – HANDLING OF FOREST RESOURCES AND CONSTRUCTION AND MAINTENANCE OF ACCESS ROADS AND WELL SITES

- 2.1 The permittee will mark all trees that will be removed for the construction of access roads and well sites for approval by the Agency; no unmarked trees will be cut, removed, or impacted.
- 2.2 The Permittee will harvest, handle and transport all forest products involved at its own expense to a location specified by the Agency. All such products remain the property of the Agency.
- 2.3 No harvesting of timber or hauling of logs will be permitted during the bow, shotgun and muzzleloading portions of the New York State Big Game Season.
- 2.4 There will be no timber removal or road building activities related to this permit allowed on parkland on Sundays. Saturday operations will be permitted only upon prior approval of the Regional Director or his/her representative.
- 2.5 The general location of all skid trails and log landing areas will be identified by the Agency. Any modifications to these areas in order to protect Park resources will be identified by the Agency and installed by the Permittee.
- 2.6 Based on weather conditions such as a spring thaw, the Agency shall have the authority to suspend clearing and construction operations when the condition of the ground or roads is such that there would be significant damage done to the forest floor or there would be considerable movement of soil and sediment from the site into streams.
- 2.7 Placement of culverts, temporary bridges and drainage diversions where deemed necessary by the Agency, shall be provided and installed by the Permittee, at the Permittee's expense,

in accordance with Best Management Practices as outlined in NYS Department of Environmental Conservation reference manual "Stream Corridor Management."

- 2.8 Gravel for access road and well site area development and maintenance is the responsibility of the Permittee.
- 2.9 A minimum of a 100 foot buffer shall be maintained between operations and all water bodies. The Permittee may only enter this buffer for the purpose of felling hazardous trees so identified by Agency staff or for stream crossing at designated locations. No skidding is allowed in any stream or stream bed nor within the buffer area. Hazardous trees felled in the stream buffer area will be left in place.
- 2.10 There will be no tree removal allowed on slopes of 30% or greater.
- 2.11 Stream Conservation: During the course of stream-related construction or work activity, the Permittee shall conduct operations in such a manner to prevent or reduce to a minimum any damage to any stream from pollution by debris, sediment, or other foreign material, or from the manipulation of equipment and/or materials in or near such streams. The Permittee shall not return directly to a stream or ditch immediately flowing into a stream any water which has been used for wash purposes or other similar operations which cause the water to become polluted with sand, silt, cement, oil or other impurities.
- 2.12 Access roads shall be constructed within the boundaries approved and marked by the Agency.
- 2.13 The Permittee shall construct all access roads and well sites with such side ditches, culverts and drainage ways as are required by the Agency to produce positive drainage and prevent ponding of water.
- 2.14 Prior to any road or well site construction or work activity, surveys must be made to insure that no biological and/or archeological sensitive areas will be impacted. If sensitive areas or species are present, alternate routes or sites must be identified.
- 2.15 The roads will be constructed as closely as possible to the following illustrated specification:

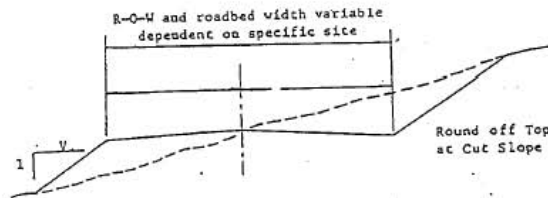


Figure 3 - Side Hill Section

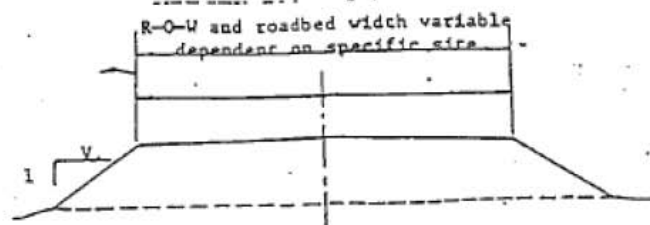


Figure 5 - Fill Section

- 2.16 Tree stumps may be disposed of in any of the following ways:
 - Burial, adjacent to the proposed alignment at sites approved by the Agency. Such sites must have biological and archeological surveys to assure that significant resources are not affected.

- Flushed out and placed right side up on the forest floor in a manner approved by the Agency.
 - Transported for disposal off of State Park property.
- 2.17 Large stones and rocks shall be placed in a natural manner on the forest floor without piling.
- 2.18 Piles or spoil banks of material such as stone, soil or stumps or any combination of these materials shall not be maintained on State Park lands.
- 2.19 The back slopes of ditches shall be properly constructed and maintained by the Permittee in order to keep the ditches open and clean of debris.
- 2.20 No road surfacing material shall be used which contains components greater than six inches in size.
- 2.21 The Agency shall be the final judge of the adequacy of the roads constructed under this permit. The roads and well sites shall not be placed in service by the Permittee until they are inspected by the Agency and approved.
- 2.22 The Permittee shall maintain the road system and well sites defined herein related to their project until the performance bond herein specified is released.
- 2.23 Littering of any debris will not be permitted on roads or well sites and Permittee shall leave the premises and surrounding areas used for any purpose in a neat and clean condition as approved by the Agency.
- 2.24 To protect the surface from potential contamination, all flowback fluids will be stored in steel containers, which will be removed from the site within 45 days.
- 2.25 After cessation of drilling and development of a well, weather permitting, but no later than 45 days after the completion of drilling of the well, the site shall be re-graded, dressed and mulched. Seeding and fertilization shall take place during the next seeding season. Only indigenous species of plant cover and seed mixes, as approved by the Agency, shall be planted.
- 2.26 The sites shall be available for Agency inspection at all times.

PART THREE – SITE RESTORATION

- 3.1 Once all drilling activity has been completed and the well has been properly plugged in accordance with ECL Article 23, the well site, access roads, and all disturbed areas shall be restored to a condition as near as possible to its natural state in consultation with the Agency. Restoration may include removal of all infrastructure and roads and replanting of native vegetation and trees.
- 3.2 The performance bond will not be released until the Agency is satisfied with the final site restoration.

PART FOUR – BONDS AND INSURANCE

- 4.1 Performance Bond. The Permittee shall provide to the Office of Parks, Recreation and Historic Preservation, a Performance Bond in the amount of AMOUNT TO BE DETERMINED DEPENDING UPON THE AMOUNT OF LAND DISTURBED to insure the completion and proper final disposition and restoration of the proposed road and well sites and to correct any damage to Park resources.
- 4.2 Insurance:
- a. General Requirements. All insurance policies required under this Permit shall be issued by insurance companies authorized to conduct business under the laws of the State of New York, shall be written for the benefit of the People of the State of New York and for the Permittee as their interests may appear, and shall run until all work allowed by the Permit has been completed and accepted by the Agency. Policies expiring on a fixed date before final acceptance must be renewed not less than 30 days before such expiration date. No policy shall be changed by endorsement without the knowledge and consent of the Agency and, in particular, any notice of cancellation by the insurer shall not be effective until 30 days after

the said notice is actually received by the Agency. Any notice shall be addressed to the District/Regional Director and shall be mailed via certified or registered mail.

- b. Before commencing the Work, the Permittee shall furnish to the Regional Director with a certificate or certificates of insurance on forms provided by the Agency showing that the Permittee has complied with this clause, which certificate or certificates shall provide that the policies shall not be changed or cancelled until thirty (30) days written notice has been given to the Regional Director. In addition, for policies expiring on a fixed date before final acceptance, certificates of insurance showing their renewal must be filed not less than 30 days before such expiration date.
 - c. Liability Insurance. The Permittee shall procure insurance for liability for damages imposed by law, of kinds and in amounts satisfactory to the Agency, covering all operations under the Permit whether performed by the Permittee or by subcontractors.
 - d. Unless otherwise specifically provided for in the Detailed Specifications the amounts of such insurance shall be no less than \$1,000,000 combined (bodily injury and property damage) single limit per occurrence and \$2,000,000 combined in the aggregate.
 - e. Coverage shall include the following:
 - Contractor's Liability Insurance (including contractual liability) and Contractor's Protective Liability issued to protect the Contractor from any suits, actions, damages and costs of every name and description, with respect to all Work performed by the Permittee and his or her subcontractors under the agreement;
 - Owner's Protective Liability Insurance issued to protect The People of the State of New York and the Office of Parks, Recreation and Historic Preservation and their officers and employees, with respect to all operations under the agreement by the Permittee or by his or her subcontractors, including omissions and supervisory acts of the Agency; and
 - Completed Operations/Products Liability Insurance covering liability for damages arising between the date of final cessation of the Work and the date of final acceptance of the Work by the Agency.
- 4.3 Worker's Compensation. The Permittee shall provide and maintain Worker's Compensation insurance as specified in Appendix A.

PART FIVE – RIGHTS OF ADMINISTRATION

- 5.1 The Agency shall continue to have the full right to administer, control, manage, protect, maintain, develop and utilize the Property, and the natural resources thereon other than Oil and Gas, as though this Permit had not been issued; the ownership of all lands involved shall remain in the State of New York under the Agency's jurisdiction.
- 5.2 The Agency shall not be responsible for providing any utility or services including but not limited to gas, electricity, restrooms, etc., in excess of that which is already available and can be provided without detriment to the Agency's operations.
- 5.3 This permit does not waive any applicable vehicular use fee or park fee which must be paid upon entry to any park facility or historic site.
- 5.4 It is understood that this permit is not transferable. Violation of these conditions may be grounds for permit revocation.
- 5.5 This permit does not become effective until approved by the agency.
- 5.6 Following construction, all access roads must be gated and locked. The double padlock system will be utilized to allow both the Permittee and designated Agency staff access at any given time. Permittee also realizes that the area will continue to be available for patron usage in the form of hiking, fishing, hunting, horseback riding, etc.

Special Conditions:

Allegany State Park Final Master Plan/FEIS: Appendix I – OPRHP Oil, Gas and Mineral Permit Application

Term of Permit: _____ to _____

A period of _____ day(s)

Permitted Party(ies):

Activities Permitted (in accordance with approved plans): (1) access to well site(s) using an approved route on State Park roads, (2) Construction of woodland roads along and within authorized alignments on parklands above Permittee's subsurface rights, (3) construction of well sites and pipelines on authorized locations on the parklands above Permittee's subsurface rights, (4) maintenance and operation of wells and approved roads, (5) proper plugging and abandonment of wells, and (6) site restoration.

Restrictions: (1) the Permittee shall conduct these activities according to the attached terms and conditions and special conditions, and (2) shall continue to consult and cooperate with the Agency in all matters regarding the use of the lands and resources of the people of the State of New York

Terms Accepted by Permittee:

APPLICANT'S SIGNATURE

APPLICANT'S NAME (Print or type)

DATE

TITLE

CORPORATION:

Approved By:

APPROVAL SIGNATURE

TITLE (Print or Type)

DATE

APPLICANT MUST CARRY THIS PERMIT AT ALL TIMES WHILE IN PARK OR HISTORIC SITE.