

Exhibit A - Application for Permit

1267 Route 212; 28.1-1-19  
 42°4'5.5"N, 74°2'33"W  
 Sculpture Project Site Plan

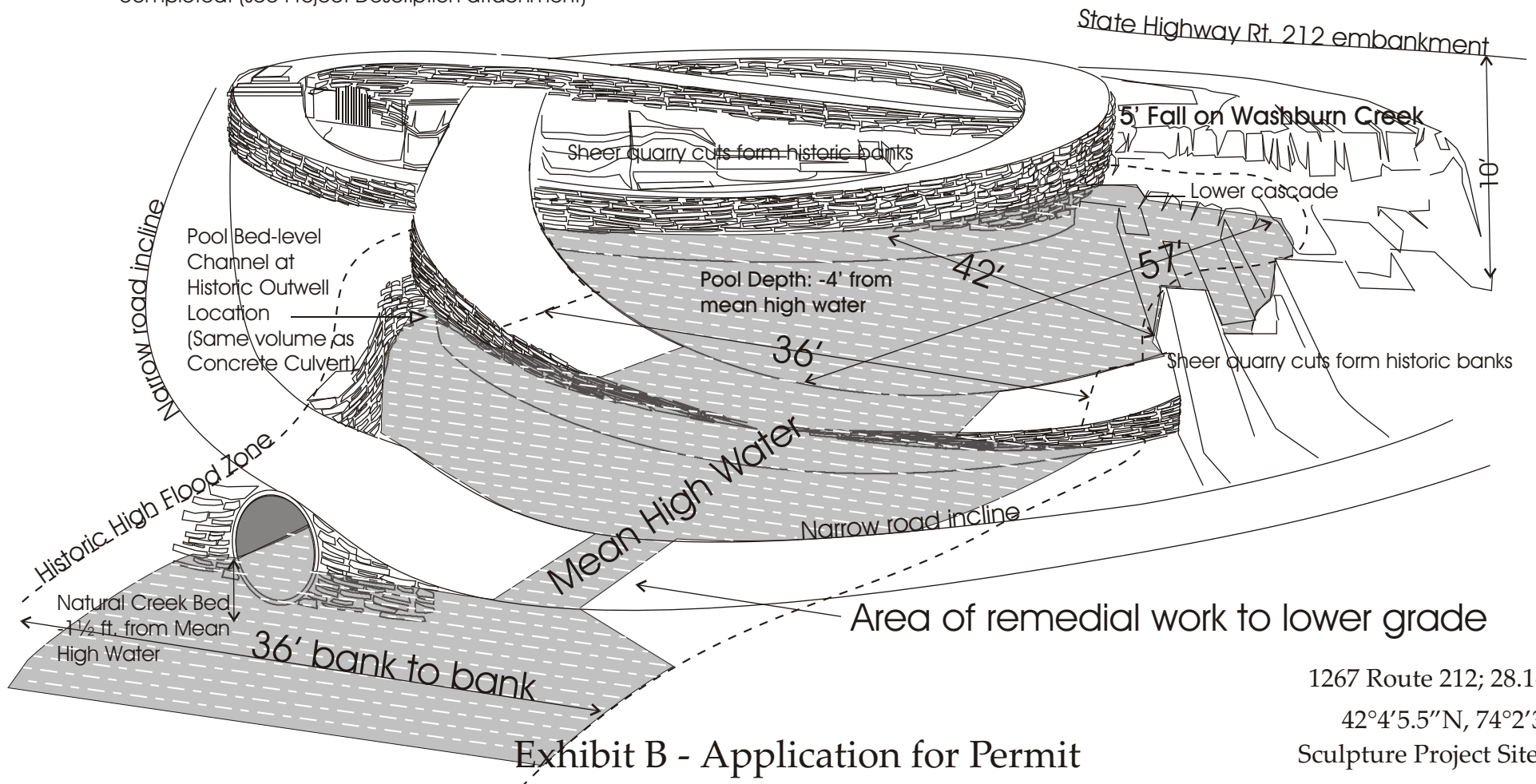
# Site Drawing and Description of Work Michael Sullivan Smith

The environment of this project was a 150 year old bluestone quarry cut into a ledge under the Fly kill (Washburn Creek). The pre project site was totally filled with rubble to an average 3' above mean high water. Flow through this rubble field was by hydrostatic pressure with outwellings downstream. Irregular, non channelized flow patterns on the surface were only apparent at mean high water. High flood overtook an area at the placement of the submerged wall feature of this project. A farm lane historically crossed downstream from the rubble field at a stone culvert later replaced by a concrete culvert.

This project removes all the rubble from the fill field both above and below the normal water level. It utilizes this material to build the sculptural form depicted in this plan. Silt and gravel material accompanying the rubble is laid on the graded lane bed.

This plan for permit addresses remedial work for a DEC/DLE summons for disturbing bed and banks of a protected stream issued on May 8, 2008. After on-site discussion with Jack Isaacs, Habitat Protection Manager, Region 3, this violation is corrected by grading of the lane north of the concrete culvert. This is shown on this plan lowered for diversion of excess flow when normal stream flow overtakes half culvert volume. Exhibit C of the drawings shows planned placement of silt controls recommended while the quarry bed is cleared below the water line which is the subject of this permit application.

The photographs accompanying this application show the areas where this material was removed previous to this application and the volume of this sculptural structure it has been applied to. An equal volume of material remains to be removed before the project is completed. (see Project Description attachment)



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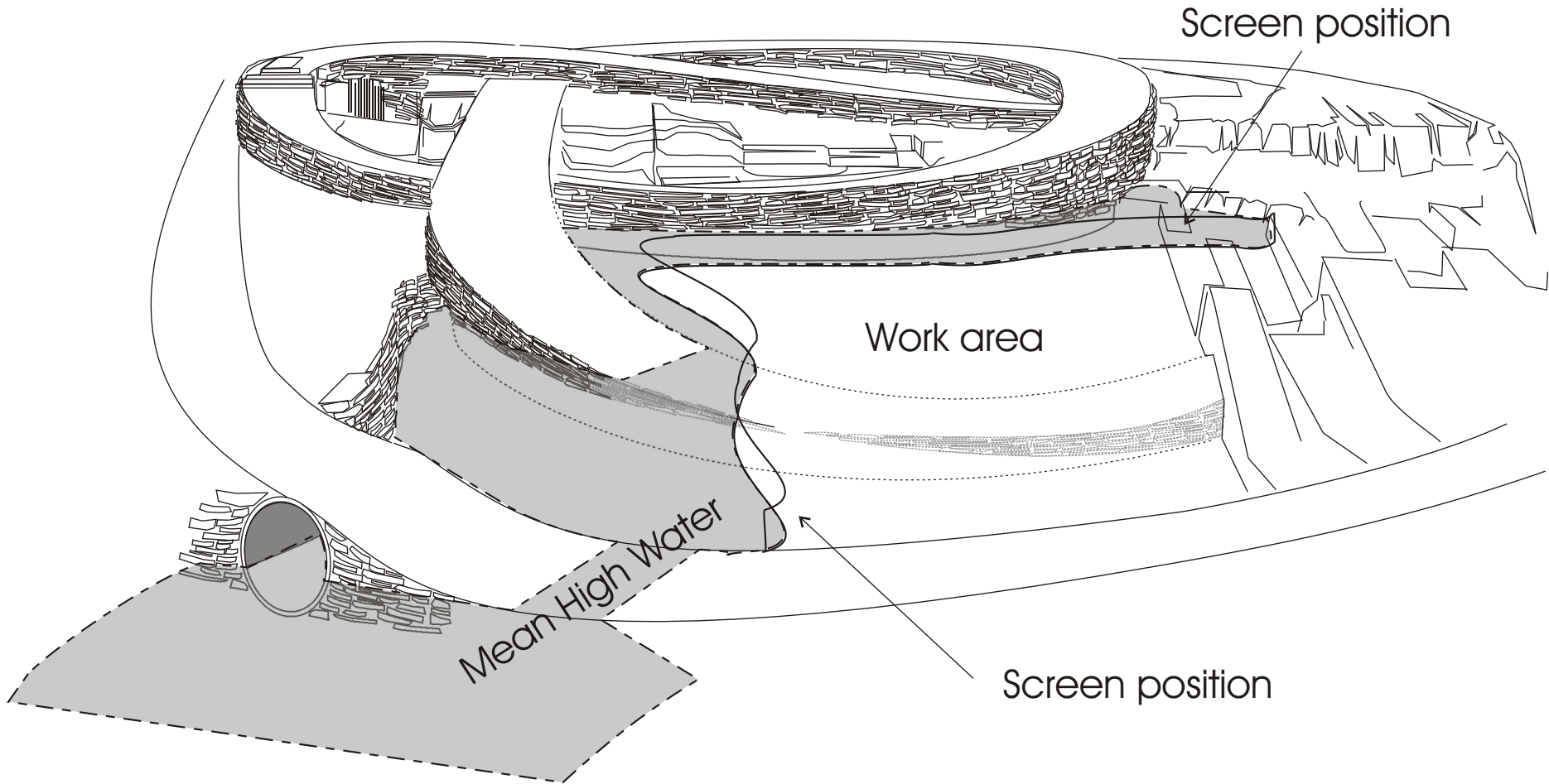
## Notes:

Work in shaded area at banks will only be at no-flow stream conditions and only where clearing of material from a smooth bedrock quarry bed is attainable.

Work in stream has used no mechanical aids for the previous 7 years of this project and only hand work will continue to be applied to this project.

The work area will monitor conditions upstream and will immediately notify DEC of any siltation observed coming from outside the bounds of this project's permit.

The presence of a skid loader and truck on the site are for material moving only.



# Project Description

## Attachment to Stream Disturbance (Bed and Banks) Permit Application

Michael Sullivan Smith

After on site discussion with Jack Isaacs, Habitat Protection Manager for Region 3, NYS Dept of Environmental Conservation on May 13, 2008 a permit is being requested to complete removal of quarry rubble overlaying an historic quarry (100+ years old) cut into the bed of the Washburn Creek and under the water level of that creek. The completed project will create a pool to the depth of the quarry bed averaging three feet in depth and about forty two feet across and fifty seven feet in length. The extent of the work of this permit is as follows:

The permit work is for removal from above and below the waterline of the rubble material on this quarry site and continuation of work on a dry-laid bluestone sculpture that completely utilizes this material for construction (see "A" Exhibit A).

The permit acknowledges the design of this sculpture that has a portion traversing the stream below the normal bed level of the stream and under the normal water level of the pool (see "B" Exhibit A) that has a bed-level passage and a dip of the form of the sculpture to below the normal level of the stream designed to allow uninterrupted flow under and over this feature.

An existing undersized vehicular crossing culvert immediately downstream from this work will have its ramped north side (see "C" Exhibit A) lowered to be in compliance with Mr. Isaacs discussion of maintaining a flood overflow zone over the roadbed the width of the natural creek banks. This is instead of reconstructing the crossing to be capable of carrying the full volume of the stream flood. That will be done upstream latter under separate permit.

Photos: Photo I shows sculpture. Photo II shows waterfall (rubble originally to depth of lower cataract). Photo III shows extent of remaining material that originally blocked flow of stream. Photo III also shows details of quarry bed rubble removal has exposed. All photos May 10, 2008 - digitally time/date coded.

See site location map for callout locations (Exhibit A).

### Note:

This project has been worked since 2001. It is an environmental artwork documented by presentations at Bard College, New York Foundation for the Arts and Dia Beacon. Its siting is located to attract maximum public awareness and its purpose is a public space. Its hand-built process of construction is part of its identity as an artwork. Exposure and preservation of the historical hand-quarried structure of the quarry this project uncovers (the bed/banks topic of this permit) is an extension of the total concept of the art. Its theme of recovery and restoration of abandoned quarries is a very current topic at the moment relative to New York State environmental laws under consideration. This project illustrates the potential of involving the Arts in post commercial site reclamation operations.