

GUIDELINES FOR USE AND OCCUPANCY OF LANDS OWNED BY AER NY GEN, LLC

These Guidelines are issued pursuant to AER NY GEN, LLC's ("AER") federal operating licenses and are for informational purposes only. These Guidelines are applicable to all of the lands owned or controlled by AER, including but not limited to, lands at the following reservoirs: Swinging Bridge, Toronto, Rio, Cliff Lake, and Mongaup ("AER's Lands"). All parties are on notice that use or occupation of AER's Lands shall be authorized only pursuant to the terms of a license agreement that has been executed by AER and any affected party. AER will charge a license agreement fee of \$250 for the first year of the agreement and \$100 for each year thereafter.

AER may refuse to permit any party to use or occupy any of AER's Lands for any reason. In addition, AER may remove or cause to be removed any person or property from its lands at the Swinging Bridge, Toronto, Rio, Cliff Lake and/or Mongaup reservoirs for any reason, including but not limited to, in AER's sole discretion or judgment, that any use or occupancy violates or may violate any condition of AER's federal operating license, or any license issued by AER, or any applicable law or other accepted standard.

The above notwithstanding, the following types of uses and occupancies are examples of uses or occupancies that AER generally will permit on AER's Lands as incorporated in an executed license agreement:

- landscape plantings, provided that no fertilizers, pesticides or herbicides of any kind may be applied to any plants or vegetation of any kind on AER's Lands without regard to whether the affected plants or vegetation are indigenous or were placed on AER's Lands by human conduct. No tree cutting shall be permitted without prior written consent;
- non-commercial piers, landings, boat docks, or similar structures made of wood, vinyl, or aluminum, provided that any such structure shall be no more than thirty (30) feet long by four (4) feet wide, and provided also that any such structure shall accommodate no more than ten (10) watercraft, and provided also that any such structure shall serve only single-family dwellings;
- embankments, bulkheads, retaining walls or similar structures used for erosion control or to protect the existing shoreline, provided that no such structure shall extend more than twelve (12) inches beyond the naturally-occurring average low water line into the water or inhibit public access to the water;

- gazebos, booths, tents, or awnings. Any gazebo must be constructed of wood and its dimensions may not exceed 12 feet in diameter and 12 feet in height above the naturally-occurring grade where the structure is located. The height of any booth, tent, or awning may not exceed ten (10) feet above the naturally-occurring grade where the structure is located, with other dimensions proportionate to this height limitation, and provided that all such structures shall be of a temporary nature and shall be removed during the period that runs from September 30 through April 30, excluding permanent structures for which a license has been issued by AER; and
- security lighting, provided that any such security lighting shall be placed or installed or shielded so as to avoid lighting of property owned or controlled by third-parties, and provided that any such security lighting that is not affixed to a permanent structure for which a AER has issued a license shall be mounted on poles that are not more than five feet high, and provided also that any such security lighting is limited to light emissions that are equivalent to the light emissions derived from a single incandescent seventy-five (75) watt light bulb, and provided that any wires for any such security lighting shall run or be placed underground.

Any use or occupancy of AER's Lands shall be limited to areas that are directly downhill, downland, or downstream of the abutting real property that is owned or controlled by the affected person (i.e., extended property lines); provided, however, that in no case shall any person's use or occupancy of AER's Lands be directly downland from abutting real property that is owned or controlled by a third party unless such use or occupancy is of a temporary nature and occurs in a public recreation area maintained by AER. Moreover, any use or occupancy of AER's Lands must be setback at least 10 feet from the extended property lines described above.

Any non-conforming structure(s) that were erected on AER's Lands prior to May 1, 2004, may be grandfathered from these Guidelines in AER's sole discretion, pursuant to the terms of an individually-negotiated and duly-executed license issued by AER. However, any future alteration or repair of any such grandfathered structure shall include bringing the grandfathered structure into compliance with these Guidelines.