

THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>PO Box 99 · 1133 NYS Route 86 Ray Brook, NY 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA General Permit 2024G-1</p>	<p>Effective Date: April 24, 2024</p>
	<p>In the Matter of the Issuance of a General Permit/Order for:</p> <p>Certain Minor Regulated Activities in APA Jurisdictional Freshwater Wetlands</p>	

SUMMARY AND AUTHORIZATION

This general permit is issued pursuant to the Freshwater Wetlands Act (Environmental Conservation Law, Article 24) and the Adirondack Park Agency Act (Executive Law, Article 27, including Section 809(13)(e)) to individual landowners and to State, county, and municipal agencies, on conditions, for certain regulated activities occurring in wetlands subject to Adirondack Park Agency (APA) jurisdiction or in adjacent areas where the activities could substantially impair jurisdictional wetlands. Specific approval must be obtained for each regulated activity pursuant to the process established in this permit.

All terms and conditions of a certificate issued pursuant to this General Permit/Order shall apply to the applicant and any individual, contractor, municipality, or other entity undertaking the authorized work on the project site.

This General Permit/Order does not grant any right to trespass upon the lands or interfere with the riparian rights of others, nor does it authorize the impairment of any easement, right, title, or interest in real or personal property. Nothing contained in this General Permit/Order shall be construed to satisfy any legal obligations of the applicant to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, state, regional, or local.

This General Permit/Order is in effect once recorded and until modified or revoked by the Agency.

JURISDICTION

Pursuant to Sections 809(2)(a) and 810(1) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any deposit of fill in, excavation of, or draining of a wetland in the Adirondack Park. Pursuant to Sections 809(2)(a) and 810(1) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is also required from the Adirondack Park Agency prior to the undertaking of any activity that substantially impairs the functions served by or the benefits derived from a wetland in the Adirondack Park.

ELIGIBILITY

Any proposal that meets the criteria set forth below is eligible for a certificate issued pursuant to this General Permit/Order:

1. This general permit applies where the sole basis of Agency permit jurisdiction over the project activity in question is due to involvement of wetlands pursuant to Section 810(1) of the APA Act or where the activity constitutes a “regulated activity” pursuant to 9 NYCRR 578.3.
2. This general permit only applies to the regulated activities listed below.
3. This general permit shall not be used for the installation of culverts at new wetland crossings where no wetland crossing previously existed.
4. This general permit shall not be used for activities which result in adverse impacts to cultural, historic or archeological resources, or to rare, threatened or endangered species.

Regulated Activities Subject to this General Permit:

This general permit authorizes, as conditioned in any certificate issued, the following regulated activities occurring in APA-regulated wetlands or in adjacent areas where the activities could substantially impair regulated wetlands:

1. Replacement or repair of existing or installation of new private or public underground utilities through wetlands with no permanent fill in or loss of wetlands. Installation activities may include placement of suitable clean soil or stone for backfill or bedding of the utility lines. Authorized utility lines include: pipes or pipelines for the transportation of gaseous, liquid or slurry substances; or any cable, line, fiberoptics or wire for the transmission of electrical energy, telephone, telegraph, radio or television communications. The term utility line shall also include pipes conveying drainage from one area to another. This permit is applicable only for construction disturbance of less than one year where there will be complete restoration of the wetland.
2. Installation of temporary work pads, access, or detour drives. This permit is applicable only for construction disturbance of less than one year where there will be complete restoration of the wetland.
3. Installation, replacement, or repair of water control structures involving less than 300 square feet of permanent wetland excavation or fill per wetland where compensatory wetland mitigation is addressed, as appropriate.
4. Installation, replacement, or repair of beaver control structures (inclusive of “beaver deceivers”) involving less than 300 square feet of permanent wetland excavation or fill per wetland where compensatory wetland mitigation is addressed, as appropriate.

5. Culvert removals, in-place repairs, replacements, or extensions; or new culvert installations involving less than 300 square feet of permanent wetland excavation or fill per wetland where compensatory wetland mitigation is addressed, as appropriate.
6. Widening or minor improvements to lawfully existing roadways, bridges, driveways, or trails involving less than 300 square feet of permanent wetland excavation or fill per wetland where: a) compensatory wetland mitigation is addressed, as appropriate; b) fill is limited to the minimum necessary to bring the facility into compliance with current State design, safety, and capacity standards; and c) the improvements will not change the historic use of the facility or property.
7. Grading and filling in wetlands lasting less than one year and associated with access for survey and exploratory activities where there will be no permanent fill and complete restoration of the wetland. Survey and exploratory activities include: instrument survey, archaeological and paleontological surveys, seismic operations, drilling of test wells or bore holes, excavation of test pits, core sampling, soil sampling, and other similar exploratory-type activities. The survey and exploratory activities themselves are non-jurisdictional.
8. Replacement or repair of existing or installation of new private or public overhead utility poles and lines with access through wetlands with no permanent fill in or loss of wetlands. Installation activities may include in-kind replacement of existing power poles in wetlands or replacement poles involving an increase in height not resulting in a final height above grade in excess of 40 feet. Activities may also include permanent placement of screw anchors and guy wires in wetlands.

APPLICATION REVIEW PROCESS

1. To use this APA General Permit, the project sponsor must complete and submit the "Application for Certain Minor Regulated Activities in APA Jurisdictional Freshwater Wetlands." The application will not be accepted for review unless the application is complete, including all of the required attachments. Submissions should be in PDF or similar format and submitted via e-mail to APAsubmissions@apa.ny.gov. Electronic copies of plans must be fully scalable. If unable to submit via e-mail, hard copy submissions are acceptable.
2. Within fifteen calendar days of receipt of the application, the Agency will confirm jurisdiction, determine whether the proposed activity meets the eligibility criteria, review it for completeness, and if determined necessary, contact the project sponsor to arrange a meeting at the project site. The meeting does not have to take place within the fifteen-day period but should be scheduled at the earliest mutually agreeable time. If the application is incomplete, the Agency will inform the project sponsor, describing the information necessary to complete the application. On the day the Agency receives the missing information from the project sponsor, a new fifteen calendar-day review period begins for determining completeness.

3. Within ten business days of the site visit or when the application is deemed complete, whichever is later, the Agency will by certified mail issue a signed APA General Permit 2024G-1 Certificate approving the activity.

Where an application has been determined to be ineligible for use of this General Permit, the Agency will inform the applicant why the activity was ineligible and that the activity may be reviewed again upon receipt of a new application for a major permit.

FINDINGS OF FACT

1. Freshwater wetland covertypes affected by the activities described in this permit include all those listed in the NYS Freshwater Wetlands Act (ECL Article 24): wetland trees, wetland shrubs, emergent vegetation, rooted, floating-leaved vegetation, free-floating vegetation, wet meadow vegetation, bog mat vegetation, and submergent vegetation. These covertypes form the wetlands found in the Agency's Rules and Regulations (9 NYCRR Part 578): deciduous swamp, coniferous swamp, shrub swamp, emergent marsh, deep water marsh, wet meadow, and bog.
2. The wetlands affected by the regulated activities described herein provide important societal benefits such as flood and storm control and abatement, fish and wildlife habitat, surface and subsurface water resource protection, recreation, erosion control, education and scientific research, open space and aesthetics, and nutrient cycling.
3. Where the sole basis of Agency permit jurisdiction is for minor activities involving jurisdictional wetlands, project sponsors must otherwise go through a major permit process even when those activities involve no permanent wetland fills or involve minor wetland fills with compensatory wetland mitigation, where appropriate. Such activities usually have de minimis impacts on existing wetland resources and are routinely approved, with conditions, by the Agency. The simplified process authorized herein allows project sponsors to receive expedited permits and allows Agency staff more time to focus on projects that have greater potential for significant impacts to Park resources.
4. For the regulated activities listed in this general permit and in accordance with the conditions of any certificate issued, temporary (lasting less than one construction year) filling, disturbance of wetlands with restoration, and minor permanent fills of less than 300 square feet with compensatory wetland mitigation, where appropriate, will not result in undue adverse impacts on Park resources, will not substantially impair the functions served by or the benefits derived from said wetlands, and will provide other social or economic benefits from the activity.
5. Timely implementation and maintenance of standard best management construction practices as described in the permit conditions will minimize impacts to the wetlands or restore wetlands.

6. The projects described herein will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR 426.2 for the purposes of implementing § 14.09 of the New York State Historic Preservation Act of 1980.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that those certain minor regulated activities as described herein, when undertaken in compliance with the approved certificate and the terms and conditions therein:

- a. will be consistent with the Adirondack Park land use and development plan;
- b. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park, taking into account the economic and social or other benefits to be derived from the activity; and
- c. will be consistent with the guidelines of 9 NYCRR Part 578.10 and secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state.

GENERAL PERMIT/ORDER issued this 24th day
of April, 2024.

ADIRONDACK PARK AGENCY

BY: 

David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 24th day of April in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Stephanie L. Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025


Notary Public