

 <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/Order 2002G-3AAR</p>	<p>Permit No. 2023-0168</p>
	<p>Application and Certification for Certain Minor Regulated Activities in Freshwater Wetlands</p>	

Instructions: Please answer all of the questions in each section and complete the required attachments. Submit this form with the required attachments in person (please call first) via mail (address above) or via e-mail (apasubmissions@apa.ny.gov) to the Deputy Director, Regulatory Programs, Adirondack Park Agency. A site visit by Agency staff is required. You may not begin regulated activities at the project site until you have received this certification signed by Agency staff.

Section A:

Name of Project Sponsor: NYSDOT R2 Authorized Representative: Heather Pritchard

Mailing Address: 207 Genesee St., Utica, NY 13501

Daytime Telephone: 315-793-5449 E-mail: heather.pritchard@dot.ny.gov

Prior Agency Contact

Have you had any previous discussions with Agency staff regarding the proposed activities involving wetlands or has any Agency staff visited the project site with you or your representative?

No

Yes X Staff Person's Name: Mary O' Dell

Date of contact: 6/10/2022

Has the project site been the subject of a past Agency action (i.e., project permit, order, variance, jurisdictional inquiry, enforcement case or wetland flagging)?

No

Do not know X

Yes If known, provide the following number and date:

Past Project Permit, Order or Variance Number:

Jurisdictional Inquiry Number: J2002-0509B

Enforcement Case Number:

Wetland Boundary Flagging:

Project Site Location:

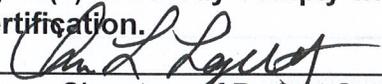
Town(s): Long Lake Village: N/A County(s): Hamilton

Nearby road(s): NYCentral RR-ADK Div. Nearby waterbody: Alder Creek/Nehasane Lake

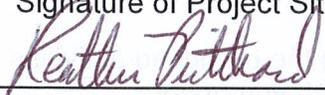
Tax Map Number(s) – please list all:

Section: _____	Block: _____	Parcel: _____	Section: _____	Block: _____	Parcel: _____
Section: _____	Block: _____	Parcel: _____	Section: _____	Block: _____	Parcel: _____
Section: _____	Block: _____	Parcel: _____	Section: _____	Block: _____	Parcel: _____

Brief Project Description: Repair of twin 48" iron pipes culvert conveying flow to Nehasane Lake under the Adirondack rail line at milepost 83.18 by installing at the inlet and outlet ends 9' 6" steel pipe extensions at the same elevation using formed concrete collars. Light stone fill material will be used to fill scour holes. Existing pipes are 65' long; Culverts will be 84' long and have grouted light stone placed at the ends of the pipes on slopes. There will be 143 sf temporary and 17 sf permanent federal wetland impacts at the culverts' inlets and outlets. Reseeding will use NYSDOT R2 ADK seedmix. **By signing this permit application, the project sponsor(s) agree(s) to strictly comply with the terms and conditions of this application and certification.**

X 
Signature of Project Sponsor

X _____
Signature of Project Site Landowner(s)

X 
Signature of Authorized Representative(s) (if applicable)

Section B:

Certain Regulated Activities in Wetlands

Applicability:

1. This general permit only 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 in or significantly impairing wetlands.
2. This general permit may not be used if the wetland activity in question also requires Agency approval due to involvement of a larger project, such as a subdivision or new land use or development under Sections 810 or 814 of the Adirondack Park Agency Act or for "rivers projects" under the New York State Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577 or requires a variance under Section 806 shoreline restrictions.

Field Visit Requirements (to be completed by the project sponsor prior to the field visit by Agency staff unless otherwise agreed to in advance by Agency staff):

1. Field-delineate (with stakes) the centerline of any driveways, roads, underground or overhead utilities, utility poles, culverts or other structures to be located within wetlands.
2. Field-delineate (with stakes or non-blue colored flagging) the approximate location of all property lines that are located within 100 feet of the edge of any proposed work area.
3. Identify (with stakes or non-blue colored flagging) the limits if the proposed temporary and/or permanent fill in wetlands.
4. Field-delineate (with stakes) any new power poles to be located in wetlands.

Required Attachments (your application will NOT be processed without ALL required attachments):

1. Attach a copy of current deed of record for the project site.
2. Attach a Property Boundary Map which may be either a labeled and scaled copy of a survey map, deed plot or current real property tax map clearly showing the property boundaries and labeled with the tax map number(s).
3. Attach a site plan map scaled at 1" = 40' (1 inch equals 40 feet) for each work site involving or affecting wetlands. Showing existing site conditions and the proposed development activities, including all existing and proposed roads, driveways, buildings, utility poles, lines and anchors, and drainage structures, temporary and permanent easements, areas of existing vegetation labeled as to covertime, limits of proposed vegetative clearing, existing wetland boundaries, limits of wetland disturbance or filling, and proposed mitigation, including wetland replacement areas, if any. The map should clearly show the date and name and title of the person who prepared the map.
4. Provide scaled sketches of the proposed work areas and activities, including plan view and cross-sections through the area of wetland fill, plans and details of any temporary or permanent structures to be placed in or affecting wetlands, and temporary and permanent erosion and sediment control practices to be employed.
5. Attach a written explanation describing all of the following:
 - a) The purpose and need for the proposed activity involving or affecting existing wetlands;
 - b) why there is no practicable alternative to avoid working in the wetlands;
 - c) how impacts to the wetlands have been avoided and minimized to the greatest extent practicable;
 - d) the quantity in square feet of temporary excavation or fill and permanent excavation or fill;
 - e) all temporary and permanent erosion and sediment control practices to be used to protect the wetlands during and after construction;

- f) final site stabilization and restoration methods (e.g., topsoiling and seeding, planting of trees and shrubs), including plant names and sizes; and
- g) all other proposed compensatory mitigation measures, including constructing replacement wetlands, if any, and construction activities sequence of work and proposed start date and estimated completion date.

Section C:

Conditions

1. The activities in or affecting existing APA-jurisdictional wetlands described in this application and in the required attachments may not be undertaken unless or until this application and certification is signed by authorized Agency staff.
2. Failure to comply with this general permit and approved attached site plan is a violation and may subject the project sponsor, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.
3. By signing the application and certification, the permittee(s) and their contractor(s), if any, accept full legal responsibility for all damages, direct or indirect, of whatever nature and by whomever suffered, arising out of the project.
4. The Agency may conduct on-site investigations, examinations and evaluations as it deems necessary to ensure compliance with the terms and conditions of this permit. Such activities shall take place at reasonable times and upon advance notice where possible.
5. At the written request of the Agency, the permittee shall report in writing the status of the project, including details of compliance with any terms and conditions of this permit.
6. The permittee shall notify the Agency in writing of the project completion within five working days after the work authorized by the approved permit has been successfully completed.
7. All mobilization of equipment and materials shall occur prior to undertaking the work involving or affecting wetlands and shall be completed in the shortest necessary time span.
8. This permit does not grant the permittee any right to trespass upon the lands of or interfere with the riparian rights of others in order to perform the permitted work, nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.
9. The permittee shall require that any agent, contractor, project engineer, or other person responsible for the overall supervision of this project read and understand this permit and approved plans and all terms and conditions prior to undertaking the project. Copies of the signed permit and approved plans shall be kept at the project site during all construction activities.

10. Any deviation from the type of project authorized by this permit or failure to comply precisely with all the terms and conditions of this permit and approved plans must be expressly approved in writing and in advance by authorized staff of the Agency.
11. The work shall be scheduled and conducted during drier periods (not during major storm events, spring runoff, and thawing conditions) to avoid and minimize erosion of soils and to prevent silting and muddying of wetlands or surface waterbodies.
12. Prior to construction, including clearing and grubbing, silt fence, as shown on the approved plans, shall be properly installed with the bottom buried at least 4 inches. Silt fence and all other erosion control measures shall be installed and maintained as specified in and shown on the approved plans.
13. No mechanized equipment shall be driven in wetlands unless expressly authorized herein. Every effort shall be made to work from upland areas and to minimize disturbances to areas adjacent to wetlands. Only tracked equipment shall be used in wetlands.
14. Any cutting of vegetation along the shorelines of navigable waterbodies shall be in conformance with the Shoreline Restrictions of Section 806 of the Adirondack Park Agency Act. (A copy of the Shoreline Restrictions or the Citizen's Guide is available upon request).
15. No waste disposal, material or excavation stockpiling, or dewatering discharge shall occur in or within 50 feet of wetlands unless specifically authorized in the project plans.
16. All equipment, including but not limited to trucks, excavators, earth drills and tractors, shovels, picks and rakes, to be used on the site shall be washed with high pressure hoses and hot water prior to being brought on the site. The intent of this condition is to ensure invasive plant species are not spread to the construction site.
17. The regulated wetland activities authorized herein, including site restoration activities, shall be completed by: _____ 9/30/2024 _____.
(Date to be filled in by APA Representative)

Special Conditions:

Underground utility line installation, repair or replacement

18. The installation or repair of underground utility lines shall not result in significant change in the pre-construction contours, flow or watertable characteristics of the wetland.
19. The area of wetland disturbance shall be limited to the minimum necessary to construct the utility line. Clearing of existing vegetation shall be limited to that material which poses an immediate hazard or hindrance to construction activities. Grading and grubbing of the wetland shall be minimized to the greatest extent practicable.

20. Where trenching for the installation or repair of underground utilities in wetlands, the top 12 inches of wetland soil shall be first removed and temporarily placed onto a geo-textile blanket running parallel to the trench. Sub-grade soils dug from the trench shall be sidecast on the opposite side of the trench onto another geo-textile blanket running parallel to the trench. All sidecast material shall be placed and stabilized in such a manner so as to prevent its dispersion by normal or high water flows.
21. The length of trench to be opened should be only that which can be opened and completed in one day. After installation or repair of the underground utilities, including placement of bedding materials, the sub-grade soils shall be backfilled into the trench, followed by the surface wetland soils. The wetland soil should be left 3 to 6 inches above the surrounding undisturbed wetland surface to allow for settling. All excess material must be removed to upland areas and stabilized immediately upon completion of construction. The geo-textile blanket can be utilized for the next trench section or rolled up and taken off-site after the work is completed.

Culvert repairs, replacements, and extensions or new installations in wetlands

22. Existing pipe and box culverts shall be replaced at their existing location. Replacement culverts shall be installed so as to preserve the pre-construction water levels and flows and shall not inhibit the natural movement of fish. If the activity involves a DEC classified stream, also obtain and comply with an ECL Article 15 permit.
23. New culverts shall be installed so as to preserve the pre-construction water levels and flows and shall not inhibit the natural movement of fish.

Temporary access or detour drives, work pads or water control structures in wetlands

24. Any fills required for temporary construction access, detour and work pad facilities shall be of clean, heavy stone fill or other non-erodible material placed on geo-textile fabric up to the ordinary high water elevation.
25. Temporary construction access, detour and work pad facilities (including necessary fills) shall be located so as to avoid or minimize disturbance of the wetland, and appropriate temporary drainage measures must be taken to maintain pre-construction water flows and watertable characteristics.
26. Temporary water control structures (i.e. cofferdams) shall be of the type and size, and shall be placed in such a manner, so as to not impair surface water flow into or out of the wetland.
27. Temporary water control structures (i.e. cofferdams) shall be constructed of non-erodible materials, and located in such a manner so as to prevent its dispersion or movement by normal or high water flows.
28. Temporary construction access, detour and work pad facilities (including necessary fills) shall be entirely removed following completion of construction activities, and the affected and adjacent area successfully restored to its pre-construction condition, including replacement planting of native trees and shrubs.

Widening or improvements to existing roads, driveways, or trails

29. Any permanent fill associated with widening or improvements to a pre-August 1, 1973 road, driveway or trail shall not exceed 300 square feet of permanent wetland excavation or fill per wetland complex. Compensatory mitigation shall be addressed as approved by Agency staff.
30. The placement of earthen fill for widening of pre-August 1, 1973 highways, bridges, driveways or trails shall be limited to the minimum necessary to bring the facility into compliance with current State design, safety and capacity standards and shall only be allowed as long as the proposed activity or improvement does not change the historic use of the facility and the property or the character of the setting.
31. Stabilize road fill with native seed and straw or wood fiber mulch or rip rap, as approved, within three days of completion of fill activities.

Temporary access in wetlands for survey and exploratory activities

32. Any fills required for temporary access facilities shall be of clean, heavy stone fill or other non-erodible material placed on geo-textile fabric up to the ordinary high water elevation.
33. All test wells, test pits and bore holes located in wetlands shall be backfilled to the fullest extent possible with soil excavated from the well, pit or hole, with the upper 12 inches of wetland soil returned to the top of the hole. All excess material shall be immediately removed from the wetland and adjacent area and stabilized immediately upon completion of the activity.
34. The area of wetland disturbance shall be limited to the minimum necessary to perform the survey and/or exploratory activity. Cutting of existing vegetation shall be limited to that material which poses an immediate hazard or hindrance to the necessary activity. All cut vegetation shall be immediately removed from the wetland and adjacent area upon completion of the activity. Grubbing of stumps and roots shall be avoided.
35. Temporary access facilities (including necessary fills) shall be located so as to avoid or minimize disturbance of the wetland, and appropriate measures shall be taken to maintain pre-construction water flows and watertable characteristics.
36. Temporary access facilities (including necessary fills) shall be entirely removed following completion of the necessary activity, and the affected wetland and adjacent area shall be graded, seeded and restored to replicate pre-construction conditions (except that the planting of replacement trees and shrubs is not required).
37. All slurries, dusts, and liquids and other materials brought to the surface during drilling activities will be carried or pumped into an upland location and treated in such manner so that they or any effluent derived from them are not deposited into the wetland.

Overhead Utility Pole and Line Repair or Replacement

- 38. The area of wetland disturbance shall be limited to the minimum necessary to repair, replace or construct the utility pole and line. Clearing of existing vegetation shall be limited to that material which poses an immediate hazard or hindrance to construction activities. Grading and grubbing of the wetland shall be minimized to the greatest extent practicable.
- 39. When pole replacements occur in wetlands, the existing poles to be replaced shall be removed completely from the wetland, including that portion of the pole that was buried.
- 40. Whenever practicable, access through wetlands shall be done on frozen ground or with the use of wide-tracked vehicles. If temporary access or work pads are required, they shall comply with the conditions required herein.

(Additional conditions, if any, as determined by Agency staff)

41.

X James M. Pulive Date: 9/06/2023
 Signature of Staff Wetlands Biologist
 (Required before regulated activity can be started)

X [Signature] Date: 9/8/2023
 Signature of Deputy Director, Regulatory Programs
 (Required before regulated activity can be started)

Attach a written explanation describing all of the following:

a) The purpose and need for the proposed activity involving or affecting existing wetlands;

To provide continuity to the rail line; Repairing the structure will allow for continued passage of the stream through the rail embankment and safe crossing over the waterway by trains. Not undertaking the work will allow deterioration of the flagged structure to continue to advance to a more severe state. Abandoning the deteriorating structure (pipes with headwalls) would allow continued deterioration of the concrete headwalls, which could cause a stream blockage, if they come apart in pieces around the ends of the pipes, and additional accumulation of woody debris is caught on the broken concrete, leading to eventual structure failure.

b) why there is no practicable alternative to avoid working in the wetlands;

Work along the remote areas of the railroad has challenges with supplying materials and equipment in addition to time restrictions to avoid conflicts with the operating schedule of the Adirondack Scenic Railroad. There is no reasonable or feasible alternative to repairing the pipes that can be completed without working in the wetland areas since the wetland is adjacent to the stream and the culverts along the lower parts of the rail embankment. Cutting temporary access roads into the rail embankment is the only safe way for equipment and supplies to be delivered to the site to complete the required work.

c) how impacts to the wetlands have been avoided and minimized to the greatest extent practicable;

The work area is sized to allow for the removal of debris, placement of the new pieces of pipe and stone and room for workers to maneuver around the pipes to perform finishing work. The additional pipe lengths are not greater than the length needed to safely create the slope over the pipes.

d) the quantity in square feet of temporary excavation or fill and permanent excavation or fill;

Temporary fill for portable dams in stream and wetlands: 1400 SF;

Temporary Excavation & fill for access roads: 240 CY, embankment slopes will be restored at end of contract work; all work area is above OHWM.

Excavation for pipe ends: 10 CY over 41.25 SF; excavation for cutoff walls: 4.57 CY over 35.25 SF; excavation for 2 concrete collars below OHW: 10 CY over 68.75 SF;

Permanent fill will be required to repair the structure and replace the damaged concrete headwalls with grouted stone fill, stone aprons & restore significantly scoured areas on embankment.

Permanent fill: flowable fill between pipes: 4 CY; pipe extensions 38 LF x 4' dia. = 152 SF;

Select granular fill for pipe bedding, below OHWM: 9 CY over 152.75 SF; light stone fill for 2

aprons: 11 CY over 70.5 SF; grouted stone fill for cutoff walls and pipe encasement below OHWM: 45 CY over 185 SF;
Permanent stone fill in eroded/scoured areas above OHW: 5 CY over 82.5 SF; Grouted light stone fill above pipes above OHWM: 35 CY over 144 SF.

Permanent fill impacts in the federal freshwater wetlands: 17 sf;

e) all temporary and permanent erosion and sediment control practices to be used to protect the wetlands during and after construction;

Turbidity curtains have been specified by the designer to contain sediment-laden turbid water adjacent to the work areas, however cofferdams or waterway diversion using portable dams at the inlet and outlet to the culvert pipes may be needed to provide a "dry" work area, and water may be pumped out of the excavation areas with overland flow from the railroad embankment back to the channel. NYS DOT allows the contractor to determine means and method of dewatering. Sediment filter logs will be used to protect the wetland and waterway adjacent to the temporary access roads cut into the embankment.

f) final site stabilization and restoration methods (e.g., topsoiling and seeding, planting of trees and shrubs), including plant names and sizes; and
*The temporary access roads benched into the rail embankment will be restored to pre-construction slopes using granular fill and topsoil native to the Adirondack Park. The Region 2 Adirondack Park seedmix containing Little Bluestem (*Schizachyrium scoparium*), Big Bluestem (*Andropogon gerardii*), Switchgrass (*Panicum virgatum*), Perennial ryegrass (*Lolium perenne*), annual ryegrass (*Lolium multiflorum*) and grain rye (*Secale cereale*) will be applied to the disturbed soil areas.
No additional plantings are proposed for the embankment or wetland areas in accordance with the ADK Railroad vegetation management plan which allows for woody vegetation treatment & removal within zones along the tracks.*

g) all other proposed compensatory mitigation measures, including constructing replacement wetlands, if any, and construction activities sequence of work and proposed start date and estimated completion date.

No compensatory mitigation has been proposed for the minor areas of impacted wetland at this or other locations. Sequence of work items are as detailed in the construction plans. Construction to be undertaken in 2023-2024 construction seasons, preferably during Sept-Oct. 2023 while the embankment washouts at other locations are being restored, to avoid further schedule impacts to the ARPS railroad or winter snowmobile uses.