



**Adirondack  
Park Agency**

APA General Permit  
2002G-3AAR

Permit Number: **2023-0203**

P.O. Box 99 · Ray Brook, New York  
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(518) 891-3938  
www.apa.ny.gov

Application and Certification for Certain Minor  
Regulated Activities in APA-jurisdictional Freshwater  
Wetlands



**RECEIVED**

Date: October 19, 2023

with  
the

**Instructions:** Please answer all of the questions in each section and complete the required attachments with the required attachments in person or by mail to the Deputy Director, Regulatory Programs, Adirondack Park Agency, above address. 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

Authorized Representative: Walt Derucher

Mailing Address: 207 Genesee Street

Telephone Number (daytime): 315-793-2706

FAX:

**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, staff person's name: Mary O'Dell

Date of Contact: May 23, 2023

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

Yes, If known, provide the following number and date:

Past Project Permit, Order or Variance Number: \_\_\_\_\_

Jurisdictional Inquiry Number: J2023-0194B

Enforcement Case Number: \_\_\_\_\_

Wetland Boundary Flagging: May 23, 2023

**Contractor (if any, doing the proposed work in wetlands):**

Name of Company: TBD

Authorized Representative:

Mailing Address:

Telephone No:

FAX:

**Project Site Location:**

Town(s): Town of Arietta                      Village:                      County (ies): Hamilton County

Nearby Road(s): Route 10 RM 10-2205-1108                      Nearby Waterbody: North Vly & APA  
Jurisdictional wetlands

Tax Map Number (s): (list all involved parcels):

Section \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_      Section \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_

**Brief Project Description:**

CIN 220063 will be replaced with a 12' wide x 6' rise concrete box culvert with new wingwalls and stone aprons. A section of stream bank will be armored with stone fill to address scour issues directly downstream of the culvert. Tree cutting is anticipated at this location to achieve this work. Approximately 10 trees will be cut at the outlet and 6 trees at the inlet. Approximately 290 SF of permanent wetland impacts are anticipated with no temporary impacts proposed.

By signing this permit application, the project sponsors agree 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 Walter Derucher  
Signature of Authorized Representative(s) (if designated above)

**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 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 colored flagging (except blue) the approximate location of all property lines that are located within 100 feet of the edge of any proposed work area.
3. Identify with colored flagging (except blue) or stakes the limits of 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' (one inch equals forty 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 covertype, 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,
- 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 four 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 insure 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 February 5, 2029.  
(Date to be filled in by APA Representative)

### **SPECIAL CONDITIONS BY ACTIVITY**

#### **Underground utility line installation, repair or replacement**

18. The installation or repair of underground utility lines shall not result in significant change in the preconstruction 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 offsite 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 preconstruction 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 preconstruction 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 preconstruction 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 3 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 preconstruction 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 preconstruction 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.



