

 <b>Adirondack Park Agency</b> PO Box 99 · 1133 NYS Route 86 Ray Brook, NY 12977 Tel: (518) 891-4050 www.apa.ny.gov	<b>APA General Permit/Order 2024G-1</b>	Permit #: 2024-0114
	<b>Certificate for Certain Minor Regulated Activities in APA Jurisdictional Freshwater Wetlands</b>	

This certificate under General Permit 2024G-1 is granted to the Essex County Department Of Public Works, authorizing a minor regulated activity in a freshwater wetland 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)), in an area classified Rural Use by the Official Adirondack Park Land Use and Development Plan as described in the application received by the Agency on April 25, 2024 and as depicted on the attached reduced-scale Site Plan. The project site is in the Town of Keene, Essex County.

The project shall not be undertaken or continued unless the project authorized herein, including site restoration, is completed within four years of the date of issuance of this certification.

This certificate does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title, or interest in real or personal property.

Nothing contained in this certificate shall be construed to satisfy any legal obligations of the permittee 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.

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.

### PROJECT SITE

The project site is the area including and adjacent to Spruce Hill Brook within the Hurricane Road transportation right-of-way in the Town of Keene, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is adjacent to Essex County tax map parcels 54.3-1-37.000 and 54.3-1-43.210.

The project site contains emergent marsh and shrub swamp wetlands associated with Spruce Hill Brook. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

## PROJECT DESCRIPTION AS PROPOSED

The project as conditionally approved herein involves the replacement of a compromised 72-inch-diameter by 47-foot-long corrugated metal pipe culvert with a new concrete superstructure bridge over Spruce Hill Brook, providing a 35-foot-wide minimum hydraulic opening for un-impeded stream flow. The project will involve 171 square feet of permanent wetland impacts from structure excavation.

The project is shown on a plan sheet titled "Hurricane Road (CR 13) Over Spruce Hill Brook Culvert Replacement (Pin 1762.98) Town of Keene, Essex County, NY," prepared by H&T Engineering, PLLC, and dated April 2025 (Site Plan). A reduced-scale copy of the Site Plan for the project is attached to this certificate for easy reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

## CONDITIONS

1. This permit is binding on the permittee(s) and all contractors undertaking all or a portion of the project authorized herein. Copies of this certificate and Site Plan shall be furnished by the permittee to all contractors prior to undertaking the activities authorized herein.
2. This certificate authorizes minor regulated activities in a freshwater wetland as depicted and described in the Site Plan. Any change to the location, dimensions, materials, or other aspect of the activities authorized herein shall require prior written Agency authorization.
3. Prior to construction, including clearing and grubbing, temporary erosion and sediment control measures shall be installed and maintained as depicted and described in the Site Plan. All silt fence shall be properly installed with the bottom buried at a depth of at least 4 inches. Once the site has been stabilized, silt fence and any other temporary erosion and sediment controls shall be completely removed.
4. All site restoration activities depicted and described in the Site Plan shall be implemented within three days of project completion, and in accordance with the approved implementation schedule.
5. The permittee shall notify the Agency in writing within five business days after the work authorized by this certificate including any required restoration of temporary wetland impacts has been successfully completed. Written notification shall include color photographs which clearly show the completed work and site restoration and identify the date and location that the photographs were taken.
6. The authorized 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.

7. 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. Vehicular access in wetlands shall be under frozen conditions when possible. If work cannot be performed under frozen conditions, timber mats shall be used for access in wetlands, to be removed within three days of project completion and areas beneath timber mats restored to pre-construction condition. No temporary access structures shall be located within a wetland for more than 30 days.
8. Wetland disturbance including grading and grubbing of stumps and roots shall be limited to the area depicted and described on the Site Plan.
9. No waste disposal, material or excavation stockpiling, or dewatering discharge shall occur in or within 100 feet of wetlands unless specifically authorized in the Site Plan. Clean water bypass shall be discharged back to freshwater wetlands in a manner that limits or prevents erosion, sedimentation, and particle suspension.
10. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
11. 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.
12. All tree cutting and/or vegetation removal shall be limited to the area depicted and described on the Site Plan. All cut vegetation shall be immediately removed from the wetland and adjacent area upon completion of the activity.
13. Water control structures 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.
14. Water control structures 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.

CERTIFICATE issued this 17<sup>th</sup> day  
of April, 2025.

ADIRONDACK PARK AGENCY

BY: Ariel Lynch  
Ariel Lynch  
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 17<sup>th</sup> day of April in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared Ariel Lynch, 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, 2029

Stephanie L. Petith  
Notary Public

