Adirondack parkagency P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050 www.apa.state.ny.us	State Land Jurisdictional Inquiry Form and Application For Wetlands General Permit 2005G-1	Permit #:
	Combined State Land Jurisdictional Inquiry Form and Application and Certification for **Certain Minor Regulated Activities by NYS DEC in APA-jurisdictional Freshwater Wetlands**	

Instructions: *Submittal of this form is required to receive a determination of jurisdiction for all DEC State land projects and State Land Master Plan / Unit Management Plan compliance advice from the Agency. It is also intended that, if the Department so desires, this form will be treated as a permit application for certain minor regulated activities in wetlands on State land.*

All questions must be answered completely with the understanding that the more clearly and fully the project is described, the sooner a jurisdictional determination can be rendered and/or a wetlands permit issued. Submit this form with the required attachments in person or by mail to the Adirondack Park Agency at the above address. Be sure to indicate if you wish to proceed immediately from jurisdictional inquiry to permit application. A site visit by Agency staff may be required depending on the complexity of the project, the natural resources involved and the level of documentation provided. You may not begin regulated activities at the project site unless and until you have received this certification counter-signed by Agency staff.

Table of Contents

List of eligible wetland activities ..... page 2

"Section A", Application form ..... page 3-7

I. Contact Information ..... page 3
II. Project Location ..... page 4
III. State Land Unit ..... page 4
IV. State Land Compliance Review ..... page 5
V. Request for Processing as Wetlands Permit Application ..... page 5
VI. Prior Agency Contact ..... page 5-6
VII. Required Attachments ..... page 6-7
VIII. Environmental Notice Bulletin ..... page 7

"Section B", Field Visit Requirements ..... page 7

"Section C", Conditions

General Conditions ..... page 8-11
Special Conditions by activity ..... page 11-15

Agency Signature Page ..... page 16

Activities involving wetlands eligible for this General Permit in all State land classifications are:

1. New wetland filling of less than 200 square feet in size associated with any of the trail treatments as described in the document, "Trail Construction and Maintenance Manual, NYS DEC, Division of Operations", except for cribbing, rock tread or trail turnpiking.

2. New wetland filling of less than 100 square feet associated with rock or timber cribbing, rock tread or trail turnpiking as described in the above referenced trail manual.

3. Construction of new or replacement bridges across streams where the new timber and/or rock crib abutments have a combined footprint of less than 150 square feet per bridge located in or adjacent to wetlands and the abutments are located above the mean high water mark.

4. Installation of new culverts or extension of existing culverts where the total amount of new fill in wetlands will be no more than a total of 40 square feet per culvert installation.

5. Construction of ditches or swales disturbing more than 100 square feet and less than 200 square feet of wetlands.

6. Construction of wildlife viewing platforms or fishing piers which are less than 100 square feet in size in wetlands constructed on rock-filled cribbing or piles.

7. Minor modifications to existing fish barrier structures in or affecting contiguous wetlands resulting in less than a 6 inch increase or decrease in water depth upstream of the barrier and undertaken at a time of year that does not adversely affect wildlife or fish resources.

8. Minor trail relocation where presently impacted wetlands will be restored and, in the case where the relocation will occur in another portion of the wetland, will serve as adequate compensatory mitigation resulting in a net reduction in wetland impacts.

9. Maintenance, rehabilitation, or removal of existing conforming shoreline erosion control structures of 200 square feet or less in area in or involving wetlands so long as shoreline integrity is maintained in the case of removal. Bio-engineered techniques shall be favored.

10. Replacement or repair of existing or installation of new conforming 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 or radio communications. This permit only authorizes temporary construction disturbance and restoration of the wetland.

11. Installation of temporary work pads or construction access, or water control structures through wetlands with no permanent fill. This permit only authorizes temporary construction disturbance generally lasting no more than one construction season and restoration of the wetland.

12. Temporary grading and filling in wetlands associated with access for survey and exploratory activities with no permanent fill. This permit only authorizes temporary construction disturbance and restoration of the wetland. Survey and/or exploratory activities include: instrument survey, archaeological and paleontological surveys, seismic operations, soil sampling and other similar exploratory-type activities. The survey and exploratory activities themselves are non-jurisdictional.

The above activities must be determined to be APSLMP-compliant or listed in an approved UMP prior to their commencement. Submittal of this form shall be considered "prior consultation" as described in the DEC/APA MOU. Any regulated wetlands activities exceeding the above thresholds will require an individual Article 24 Freshwater Wetlands permit from the Agency.

Section A

I. Contact Information:

Date: _____

NYSDEC Contact: _____

Signature:_____

Title: _____

email: _____

Mailing Address: _____

Daytime Telephone: _____ FAX: _____

II. Project Location:

Town: _____ County: _____

Road: _____ Water Body: _____

Tax Map Number: Section: _____ Block: _____ Lot: _____

Section: _____ Block: _____ Lot: _____

Use either or both of the options below to further locate the property:

- GPS* UTM Coordinates: easting _____, northing _____

  Datum: _____

- Narrative description with an attached map.

* Use GPS coordinates only. If not available, the general location will be determined from the map you provide.

III. State Land Unit: _____

Circle One: Wilderness Primitive Canoe

Wild Forest State Admin

Intensive Use Historic Area

Unit Management Plan Completed and Approved? Yes ___ No ___

Date? _____

(Please enclose a copy of the cover sheet and all pages relevant to this project.)

If the proposal is to replace an existing structure, when was the structure constructed? _____

Is the replacement structure to be located in the same place and will it be the same size?

Yes _____ No _____; please describe.

IV. State Land Compliance Review

DEC Staff have determined the proposed activity is consistent with the DEC/APA MOU regarding the implementation of the APSLMP.

Staff person _____

Signed _____ Date: _____

DEC is requesting concurrence that the proposed activities are consistent with the guidelines in the APASLMP and DEC/APA MOU.

Yes _____ No _____

APA Staff have determined that the proposed activity is consistent with the DEC/APA MOU regarding the implementation of the APSLMP as per the State Land Jurisdictional Inquiry Response, JIF #_____.

Staff person: _____

Signed: _____ Date: _____

V. Request for Processing as Wetlands Permit Application

Do you wish to request this form be treated as application for General Permit 2005G-1 immediately upon a determination that the proposed activity is jurisdictional and requires such a permit?

Yes ___ No ___

If you answered "no", the jurisdictional determination and APSLMP and UMP compliance advice will be sent to you. If you answered "yes", this form will be forwarded to the APA Deputy Director of Regulatory Programs Division to begin processing as a permit application. In the latter case, you will be notified by the Agency within 10 work days of receipt that the permit application is being processed, whether the application is complete and the name of the Agency's Wetlands Biologist or Environmental Program Specialist assigned to the project.

VI. 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: _____
Type of Contact: (e.g. site visit, telephone call) _____

Date of Field Visit: _____

Has the project site been the subject of a past Agency action?

‘ No
‘ Do not know
‘ Yes. If known, provide the following number and date:

Wetlands Project Permit: _____

Jurisdictional Inquiry Number: _____

Enforcement Case Number: _____

Wetland Boundary Flagging: _____

VII. Required Attachments

A. Narrative - Describe the proposed project including:

1. a description of existing conditions;
2. why the project is being undertaken;
3. methods and materials to be used to undertake the project;
4. attempts to avoid, minimize and/or compensate for wetland impacts;
5. who will undertake the work;
6. a work schedule including the order of tasks and construction beginning and end dates; and,
7. erosion controls and site restoration details.

B. Site Plan/Mapping - Provide a sketch map including:

1. a location map at a scale appropriate to locate the proposed project site in the context of local roads and landmarks;
2. a scale appropriate to clearly illustrate the proposed project site;
3. north arrow;
4. landmarks (roads, buildings, bridges, etc.);
5. water and drainage features;
6. existing structures;
7. detailed site plan of work to be done;
8. extent of vegetative cutting (a tally of all trees proposed to be cut as part of the proposed activity in conformance with DEC Policy LF-91-2); and
9. wetland boundaries near the proposed work area.

C. Photos - Provide digital or printed photos that clearly show the area described in the narrative and; show.

1. the general work area;
2. the structure to be replaced or modified taken from different angles (i.e. showing the inlet and outlet, bridge abutments, upstream and downstream views, and views from the

structure as well as to the structure from the surrounding land).

D. DEC Approvals – State whether a Temporary Revocable Permit (TRP) or Adopt a Natural Resource (AANR) has been issued, and if so, when. _____

E. Restoration - Unless otherwise agreed to by Agency staff, a wetlands restoration plan for those areas disturbed by the proposed activity shall be attached to this inquiry/application. The plan shall include but not be limited to description of existing conditions, restoration goals, grading plan, planting materials, densities and patterns, monitoring, contingencies and triggers for remedial action, and invasive species considerations.

VIII. Environmental Notice Bulletin

Has an ENB notice been published for this action?

Yes ___ No ___

Date: _____

Please provide a copy as published.

Section B

Field Visit Requirements – If you answered "yes" in Section A, Part V above you should complete the following in preparation for the mandatory Agency staff field visit unless otherwise agreed to in advance by Agency staff.

1. Field delineate with stakes the approximate centerline of any driveways, roads, underground utilities, culverts or other structures to be located within or adjacent to 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 approximate limits of the proposed temporary and/or permanent fill in wetlands.

Section C - Conditions

This section contains the general conditions which pertain to all proposed jurisdictional activities by the New York State Department of Environmental Conservation (the Department).

GENERAL CONDITIONS

1. The regulated wetland activities authorized herein, including site restoration activities, shall be completed by _____ *(Date to be filled in by APA Representative after consultation with Department staff)*. The permittee shall notify the Agency in writing of the project completion within five working days after the work has been successfully completed.

2. 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.

3. Failure to comply with this general permit and approved attached site plan is a violation and may result in modification, suspension or revocation of the permit.

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 Department shall report in writing the status of the project, including details of compliance with any terms and conditions of this permit.

6. The Department 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. The project shall be undertaken as proposed and authorized herein.

7. 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.

8. This permit shall not be construed to grant the Department any right to trespass upon the lands, 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 any person not a party to the permit.

9. All on-site work associated with this project and its maintenance shall be by or under direct supervision of the New York State Department of Environmental Conservation.

Work in Wetlands

10. Beyond that authorized herein, no "regulated activity" as defined in the Agency's Freshwater Wetland Regulations (9 NYCRR Part 578) shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development in, or dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, which pollutes it or substantially impairs its functions, benefits or values.

11. 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.

12. The work shall be scheduled and conducted during drier periods (not during major storm events, spring runoff, or thawing conditions) to avoid and minimize erosion of soils and to prevent silting and muddying of wetlands or surface water bodies.

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. Construction in the wetland shall only occur during frozen ground conditions or seasonally dry conditions, unless otherwise authorized herein.

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.

Erosion Control

16. Prior to any earth disturbance on the site, including placement of temporary fill, clearing and grubbing, the erosion control barriers (silt fence) shall be installed as shown on the maps/plans. The silt fence shall consist of a geo-textile fabric and shall be embedded in the ground at least 4 inches. Straw bales shall not be substituted for the filter fabric fence. The barrier shall be maintained in excellent operating condition at least until the temporary road is fully removed and the site is restored including all areas of bare soil being successfully revegetated with a permanent ground cover. The Department shall inspect the fabric at least once a week and after every major storm event, and shall maintain it in a functional condition.

17. All areas of bare soil resulting from work activities at the project site shall be successfully revegetated with a permanent groundcover of native species by October 15 of the year of undertaking. If successful revegetation is not completed by this date, the area shall be seeded with annual rye grass and mulched within 5 days of attaining final grade. The area shall then be successfully established with a permanent ground cover or grass the following spring, but no later than June 15.

Shorelines

18. Any cutting of vegetation along the shorelines of navigable water bodies shall be kept to a minimum and conducted in such a way as to prevent shoreline erosion.

Invasive Species

19. All equipment, including but not limited to trucks, excavators and tractors and hand tools such as shovels, rakes, hoes, etc. 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 introduced to the construction site.

20. All fill will be from sources inspected by DEC staff and deemed free of invasive species propagules [visit gravel pit and determine that common reed (Phragmites australis), Japanese knotweed (Polygonum cuspidatum) or others are not growing in or adjacent to the pit].

Waste Disposal

21. All waste materials including lumber scraps, sawdust, nails, hardware, etc. shall be removed from the project site and disposed of in a DEC-authorized landfill or transfer station. These and other materials shall not be disposed of on-site. No such materials shall be allowed in any wetland or surface waters. If any pressure treated lumber is used, refer to the enclosed brochure, "Using Pressure-Treated Lumber in the Adirondack Park" and,
    a. Use only wood properly dried and completely clean of surface deposits,
    b. Adhere to all United States Environmental Protection Agency label directions for handling, use and disposal,
    c. Cutting of any pressure treated lumber shall be done over a tarpaulin in an upland area away from any surface waters including lakes, pond, rivers, streams and wetlands, in order to prevent sawdust and scraps from entering the wetland,
    d. Dispose of all pressure treated waste in a New York State Department of Environmental Conservation authorized landfill. Do not bury on-site or burn.
    e. Use only pressure treated wood with chemical treatment methods and materials, which have been approved for the specific use per EPA guidelines.

22. In keeping with the management criteria and guidelines for Wilderness, Primitive and Canoe areas, any use of aircraft and motor equipment shall be confined to off-peak periods. No motor vehicles shall be utilized within any Wilderness area, and all work will be performed in conformance with DEC policy CP-17 (Administrative use of motor vehicles and aircraft use on Forest Preserve lands). The type of and timing of motorized equipment use shall be consistent with SLMP guidelines and criteria.

23. The proposed activity shall not change the historic use of the facility or materially alter the appearance of the land or the vegetation thereon.

SPECIAL CONDITIONS BY ACTIVITY

This section contains special conditions that pertain to specific proposed actions.

Utility Line Installation, Repair Or Replacement in Wetlands

24. The installation or repair of underground utility lines shall not result in significant change in the preconstruction contours, flow or water table characteristics of the wetland.

25. 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.

26. Where trenching will occur 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. 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 and bridge repairs, replacements, and extensions or new installations in wetlands

27. Existing pipe and box culverts, and bridges shall be replaced at their existing location with minimal realignments, if deemed necessary. These replacements 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.

28. New culverts and bridges, when determined to be consistent with the APSLMP guidelines and criteria, shall be installed so as to preserve the preconstruction water levels and flows and shall not inhibit the natural movement of fish.

29. Sections of bridging shall be pre-constructed to the extent practicable in upland areas and carried by non-motorized means to the placement site in the wetland. Where this is not practical, cutting of most pieces is to be done in upland areas. All pressure-treated wood shall be used following all label restrictions, and be dry and free of surface deposits. Pressure-treated lumber scraps and sawdust shall be collected and disposed of in a DEC-authorized landfill or transfer station.

30. All lumber cutting and machinery fueling and maintenance shall occur outside of, and at least 50 feet from, the edge of the wetland boundary. Limited custom cutting of stringers for unique angle joints will be allowed at the boardwalk or bridge site. All cutting areas shall be draped with tarps and power tools shall be fitted with dust collection bags at exhaust outlets. All sawdust, scrap wood and waste materials shall be collected daily and transported off-site, and will be properly disposed of at a DEC-approved landfill.

Temporary access, detour and work pad facilities or water control structures in wetlands

31. Any fills required for temporary construction access, detour and work pad facilities shall be of clean, appropriate DOT classified stone fill or other non-erodible material placed on geo-textile fabric up to the ordinary high water elevation.

32. 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 water table characteristics.

33. Temporary water control structures (i.e. cofferdams) shall be of the type and size, and shall be placed in such a manner so as not to impair surface water flow into or out of the wetland.

34. 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.

35. Temporary construction access, detour and work pad facilities (including necessary fills) shall be entirely removed following completion of construction activities, and the affected wetland and adjacent area successfully restored to its preconstruction condition, including replacement planting of native trees and shrubs.

Improvements to existing trails in wetlands

36. Any temporary wetland fill associated with widening or improvements to a trail shall be of clean, DOT classified stone fill or other non-erodible material placed on geo-textile fabric up to the ordinary high water elevation.

37. Turnpiking, dry-treading, bog bridging and placement of rock stepping stones in wetlands will be to the minimal extent possible. The placement of any of these materials shall be in such a manner so as not to impair surface water flow into or out of the wetland, and to maintain preconstruction water flows and water table characteristics.

38. Stabilize disturbed trail fill with native seed and straw or wood fiber mulch, rip rap or approved stone fill within 3 days of completion of fill activities.

Temporary access in wetlands for survey and exploratory activities

39. Any fills required for temporary access facilities shall be of clean, appropriate DOT classified stone fill or other non-erodible material placed on geo-textile fabric up to the ordinary high water elevation.

40. 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.

41. 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 water table characteristics.

42. 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.

Based on the site visit, proposal and site conditions, the following additional special conditions also apply:

43.

X _____ Date: _____
Signature of APA Environmental Program Specialist or Wetlands Biologist
(Required before regulated activity can be started)

X_____ Date:_____
Signature of Deputy Director, Regulatory Programs (or designee)
(Required before regulated activity can be started)

Attach as a part of the approved certification an 8-1/2" x 11" reduced copy of the overall site plan(s) referenced in Section VI. "Required Attachments", B. "Site Plan/Mapping".