

 <p>P.O. Box 99 • Ray Brook, New York</p> <p>www.apa.ny.gov</p>	<p>APA General Permit 2008G-1B</p>	<p>Effective Date:</p> <p>Expiration Date: January 1, 2016</p>
	<p>In the Matter of the Issuance of a General Permit for the Management of Aquatic Invasive Species Using Benthic Barriers and Hand Harvesting Techniques</p>	

SUMMARY AND AUTHORIZATION

This amended general permit is issued to the NYSDEC, LGPC, HRBRRD, Adirondack Park Invasive Plant Program (APIPP), local municipalities, and qualified lake associations or other qualified organizations, certified lake managers, and experienced lake managers subject to approval by the Agency on conditions, authorizing the use of hand harvesting and benthic barriers, as described herein, to eradicate or reduce population numbers or otherwise control the growth and spread of certain aquatic invasive species in wetlands throughout the Adirondack Park.

This amended general permit is issued pursuant to ECL Article 24 and §809(13)(e) of the Adirondack Park Agency Act and 9 NYCRR §572.23.

This amended general permit is issued based on the express understanding that each individual project will be undertaken and completed only as described in the completed application, the Findings of Fact herein, and in compliance with the Conditions herein. In the case of conflict, the conditions control.

All management attempts and methods shall be limited to: Eurasian watermilfoil (*Myriophyllum spicatum*), curlyleaf pondweed (*Potamogeton crispus*), water chestnut (*Trapa natans*), yellow floating heart (*Nymphoides peltata*), and European frog-bit (*Hydrocharis morsus-ranae*), fanwort (*Cabomba caroliniana*), Asian clam (*Corbicula fluminea*) and those other invasive species of concern identified by the Supervisor, Resource Analysis and Scientific Services (RASS) Division or designee.

This general permit is in effect from the date of reissuance and valid until it expires on January 1, 2016 unless otherwise modified or revoked by the Agency.

JURISDICTION

Pursuant to Executive Law Sections 809 and 810, ECL 24-0701(2) and 9 NYCRR Section 578.3(n)(1) and (2), within the Adirondack Park, any form of dredging, excavation, removal of soil, peat, mud, sand and any other activity that substantially impairs the functions served by or the benefits derived from freshwater wetlands requires a permit from the Agency. The control or removal of invasive species from wetlands involves the removal of wetland soil or other disturbance to wetlands and species have the potential for adversely affecting wetland function.

PROCEDURES

Permit Application and Review Process:

1. To utilize this APA General Permit, the applicant must fully complete the APA General Permit 2008G-1B Application, including all required attachments. The application may be submitted in person to the Agency or by mail at:
Adirondack Park Agency
Deputy Director, Regulatory Programs Division
Route 86, PO Box 99
Ray Brook, New York 12977
2. Within 15 calendar days of receipt of an application, the APA will review the application for completeness, confirm APA jurisdiction, determine whether the proposed activity meets the eligibility criteria and contact the applicant to arrange a meeting at the site of the proposed activity.
3. If the application is incomplete, the Agency will inform the applicant by certified mail indicating what specific information is missing. On the day the Agency receives the missing information from the applicant, a new 15 calendar-day review period begins for determining completeness. If approvable, within 10 calendar 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 2008G-1B Application and Certification approving the activity.
4. Where an application has been determined to be ineligible for authorization pursuant to this General Permit, the Agency will send a letter by certified mail briefly explaining why the activity was ineligible and stating that the activity may be reviewed again upon receipt of a new application for an individual major project permit.
5. Eligibility Criteria:
In order for this permit to apply, upon field verification, the proposed activity must be determined by APA staff to:

- a) apply only to the aquatic invasive species noted in the Summary and Authorization above using benthic barriers and hand-harvesting techniques;
 - b) not require additional detailed engineering or environmental studies to more fully demonstrate no undue adverse impacts on Park resources;
 - c) 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 project benefits; and
 - d) be capable of meeting the conditions contained within this Permit and as stated in Section D – General Conditions” of the Application and Certification form.
6. Applicant Certification: By signing the application, the applicant:
1. confirms that the information contained in the application is true, accurate and complete;
 2. agrees that if a jurisdictional activity has been determined to be ineligible for approval under this APA general permit program, the appropriate major permit application must be submitted to the Agency and a permit issued before that activity can be undertaken; and
 3. agrees that the time period for review for completeness of any subsequent application for an individual permit will not begin to run until the Agency has received the individual permit application.
7. All work on lands classified as lands underwater owned by the State of New York and not classified as State Forest Preserve requires approval from the NYS Office of General Services. All work on lands classified as Forest Preserve requires approval from NYSDEC. Work on underwater lands owned by private individuals requires authorization from all owners of record of that land.

FINDINGS OF FACT

1. Freshwater wetland covertypes potentially affected by activities involving the management of aquatic invasive species include the following as described in the NYS Freshwater Wetlands Act (ECL Article 24): emergent vegetation, rooted, floating-leaved vegetation, free-floating vegetation, bog mat vegetation, and submergent vegetation. These covertypes form the wetlands found in the Agency's Rules and Regulations (9 NYCRR Subtitle Q, §578): emergent marsh and deep water marsh.
2. The wetlands potentially affected by implementation of activities involving management of aquatic invasive species provide important benefits valued by society such as flood and storm control and abatement, wildlife habitat, surface and subsurface water resource protection, recreation, erosion control, education and scientific research, open space and aesthetics and nutrient cycling.

3. Aquatic invasive species have demonstrated severe negative effects on native wetland systems including loss of habitat, negative changes in hydrology and nutrient cycling and loss of biodiversity. This general permit is issued to allow certain trained experts to implement activities to eradicate or reduce population numbers or otherwise control the growth and spread of the aquatic invasive species noted in the Summary and Authorization above.
4. Invasive species management on Forest Preserve is identified as an approved activity in the March 2010 Inter-Agency Guidelines for Implementing Best Management Practices for the Control of Terrestrial and Aquatic Invasive species on Forest Preserve Lands in the Adirondack Park.
5. Implementation management practices to eradicate or reduce population numbers or otherwise control the growth and spread of the noted aquatic invasive species in accordance with the Conditions of this general permit will not result in undue adverse impacts on Park resources.
6. The project as proposed and authorized 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 the statutory and regulatory criteria for project approval as set forth in Executive Law §809 and 805(4) and §24-0801(2) of the Freshwater Wetlands Act (ECL, Article 24, Title 8) and 9 NYCRR §578.10.

The Agency hereby determines that projects authorized pursuant to this General Permit comply with the criteria, provided they are undertaken in compliance with the conditions stated herein and in the Certification approving the specific project.

GENERAL PERMIT issued this day

of , 2013.

ADIRONDACK PARK AGENCY

BY: _____
Richard E. Weber, III
Deputy Director, Regulatory Programs

STATE OF NEW YORK)
) ss.:
COUNTY OF ESSEX)

On the day of in the year
2013, before me, the undersigned, a Notary Public in and for said State, personally appeared
Richard E. Weber, III 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 he executed the same in his capacity, and that by his signature on the
instrument, the individual, or the person upon behalf of which the individual acted, executed the
instrument.

Notary Public

REW:ESS:LRW:mlr

2/27/2013