


<p>Staff Draft Not approved by Agency 2/5/2014</p>  <p>P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050</p>	<p>General Permit 2014G-1</p>	<p>Effective Date: Expiration Date:</p>
<p>In the Matter of the Issuance of a General Permit for the Management of Terrestrial Invasive Plant Species In or Within 100' of Wetlands in the Adirondack Park</p>		

SUMMARY AND AUTHORIZATION

This general permit is issued to the New York State Department of Transportation (DOT), the New York State Department of Environmental Conservation (DEC), the Adirondack Chapter of the Nature Conservancy, and the Regional Inlet Invasive Plant Program, to allow for the conditional undertaking of regulated wetland activities incidental to the management of terrestrial invasive plant species in the Adirondack Park.

This general permit is in effect for three years from the date of issuance unless otherwise modified or revoked by the Agency.

JURISDICTION

Pursuant to Article 24 of the Environmental Conservation Law (the Freshwater Wetlands Act), Executive Law §§ 809(2)(a) and 810(1) (the Adirondack Park Agency Act), and 9 NYCRR §§ 570.2, 578.2(a), and 578.3(n)(1) and (2), within the Adirondack Park, any form of dredging, excavation, removal of soil, peat, mud, or sand, any form of pollution, or any other activity which substantially impairs the functions served by or the benefits derived from freshwater wetlands is a "regulated activity" requiring a permit from the Agency.¹

ELIGIBILITY

This general permit only applies where:

- a. The sole basis of Agency jurisdiction on the project site is a "regulated activity" incidental to the management of terrestrial invasive plant species in wetlands; and
- b. The regulated activity is undertaken by the DOT, DEC, Adirondack Chapter of the Nature Conservancy, or the Regional Inlet Invasive Plant Program.

This general permit only authorizes terrestrial invasive plant species management practices on or

¹ Sections 809(2)(a) and 810(1) of the Adirondack Park Agency Act do not apply to activities undertaken by the DOT or DEC.

within the NYS DOT right of way, on State land with appropriate approval from the NYS DEC and in consultation with APA State land staff, or on any other land with the permission of the landowner.

CONDITIONS

All activities undertaken pursuant to this general permit shall comply with all of the following.

1. The Best Management Practices published by the Adirondack Park Invasive Plant Program at <http://www.adkinvasives.com/> or **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** shall be followed at all times.
2. For activities undertaken on Forest Preserve Land, the guidelines established in the **Memorandum of Understanding between the Adirondack Park Agency and the Department of Environmental Conservation Concerning Implementation of the State Land Master Plan for the Adirondack Park** (March 2010) shall be followed at all times.
3. All herbicide applications shall be conducted by or under the direct supervision of an applicator licensed by the DEC.
4. All herbicide applications shall be conducted in strict accordance with the labeled application instructions and restrictions.
5. Any invasive plant species biomass collected under this permit shall be disposed of in DOT residencies or DEC approved facilities. For DEC activities on State land, disposal activities shall comply with **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**.
6. All work shall be scheduled and conducted to minimize erosion of soils and to completely prevent silts or sediments from eroding into wetlands or surface waterbodies. Silt fence or other erosion control measures shall be used when removal of plant materials will expose more than 25 square feet of soil or will take place on slopes greater than 5%.
7. All agents, contractors, project engineers, and other parties responsible for or undertaking an activity authorized herein shall comply with all terms and conditions of this general permit.
8. Nothing contained in this general permit shall be construed to satisfy any obligation of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

9. This permit does not grant the permittee 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.
10. All activities undertaken pursuant to this general permit shall be summarized in a report prepared by the organization or agency that undertook the activity and submitted to the Agency by December 31 of the year in which the activity occurred. The report shall include species managed, summary of the best management practice used at each site, size of each management area, the geographic coordinates of each activity or a Geographic Information System (GIS) shape file containing the relevant information.

FINDINGS OF FACT

1. Freshwater wetland covertypes potentially affected by the management of terrestrial invasive plant species include the covertypes referenced in the Freshwater Wetlands Act: wetland trees, wetland shrubs, emergent vegetation, rooted, floating-leaved vegetation, free-floating vegetation, wet meadow vegetation, bog mat vegetation, and submergent vegetation. These covertypes form the wetlands described in the Agency's implementing regulations: deciduous swamp, coniferous swamp, shrub swamp, emergent marsh, deep water marsh, wet meadow, and bog.
2. The wetlands potentially affected by the management of terrestrial invasive plant species provide important benefits 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. Terrestrial invasive plant 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.
4. This general permit is issued to allow certain trained experts to implement management activities to eradicate or reduce population numbers or otherwise control the growth and spread of terrestrial invasive plant species in wetlands in the Adirondack Park.
5. Activities undertaken in accordance with the conditions of this general permit will help to protect and restore natural wetland systems.
6. The activities 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 statutory and regulatory criteria for project approval set forth in Executive Law § 809, 9 NYCRR Part 574, Environmental Conservation Law §§ 24-0103 and 24-0105, and 9 NYCRR Part 578. The Agency hereby finds that the regulated activities authorized by this general permit and undertaken as authorized:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the land use area(s) involved;
- c. will be consistent with the overall intensity guidelines for the land use area(s) involved;
- d. will comply with the shoreline restrictions of Executive Law § 806;
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the economic and social benefits that might be derived therefrom; and
- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state.

GENERAL PERMIT issued this day
of , .

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 2014, 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:WMR:mlr