


This is not approved by Agency
April 8, 2015

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050 www.apa.ny.gov</p>	<p>APA General Permit 2014G-1A</p>	Effective Date:
	In the Matter of the Re-Issuance of a General Permit for the Management of Terrestrial Invasive Plant Species In or Within 100 Feet of Wetlands in the Adirondack Park	

SUMMARY AND AUTHORIZATION

Pursuant to Environmental Conservation Law (ECL) Article 24, Executive Law § 809(13)(e), and 9 NYCRR § 572.23, this general permit authorizes the conditional undertaking of regulated activities incidental to the management of terrestrial invasive plant species in or within 100 feet of wetlands in the Adirondack Park by authorized users through the use of management activities intended to eradicate or reduce population numbers or otherwise control the growth and spread of terrestrial invasive plant species.

The Deputy Director – Regulatory Programs (DDRP) shall maintain a list of Authorized Users approved to use GP2014G-1A. Organizations not named in General Permit 2014G-1A will be added to the list through the DDRP’s approval of the *Application to Use General Permit 2014G-1A to Manage Terrestrial Invasive Plant Species In or Within 100 Feet of Wetlands in the Adirondack Park*. Authorized users not in compliance with the conditions in this general permit may be removed from the Agency’s Authorized Users of GP2014G-1A list at the discretion of and upon notification by the DDRP.

This general permit is issued to the New York State Department of Transportation (NYSDOT), the New York State Department of Environmental Conservation (NYSDEC), the Adirondack Chapter of the Nature Conservancy, the Adirondack Park Invasive Plant Program (APIPP), the Regional Inlet Invasive Plant Program, and other authorized users as designated by the Deputy Director – Regulatory Programs. All activities undertaken and completed pursuant to this general permit shall comply with the conditions in this general permit.

This general permit shall be in effect from the date of issuance unless otherwise modified or revoked by the Agency.

ADIRONDACK PARK AGENCY JURISDICTION

The Agency requires permits for regulated activities conducted in or impacting wetlands in the Adirondack Park pursuant to Executive Law §§ 809 and 810, ECL § 24-0701(2), and 9 NYCRR §§ 578.2(a), 578.3(n)(1) - (2). 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 requires a permit from the Agency.¹ The management of terrestrial invasive plant species in or within 100 feet of a wetland in the Adirondack Park is a regulated activity requiring a permit from the Agency because it impacts wetlands and adversely affects certain wetland functions.

ELIGIBILITY

Only persons named in GP2014G-1A or on the Agency's Authorized Users of GP2014G-1A list are eligible to use GP2014G-1A. In order to be eligible for this general permit, the proposed activity must: (1) apply only to the terrestrial invasive plant species within the NYS DOT right of way, on State land with appropriate approval from the NYS DEC, or on any other land with the permission of the landowner; (2) not require additional detailed engineering or environmental studies; and (3) be able to meet the terms and conditions of this general permit.

PROCEDURES TO BE ELIGIBLE TO USE GP2014G-1A

1. To be eligible to use Agency General Permit 2014G-1A, the person must be named in GP2014G-1A or listed on the Agency's Authorized Users of GP2014G-1A list.
2. A person named in GP2014G-1A or listed on the Agency's Authorized Users of GP2014G-1A list will remain eligible to use GP2014G-1A unless that person is deemed to not be in compliance with the conditions listed in GP2014G-1A. A person may be removed from the list at the discretion of and upon notification by the Deputy Director – Regulatory Programs.

For a person not named as eligible to use GP2014G-1A or listed on the Agency's Authorized Users of GP2014G-1A list, the following procedures apply:

3. The applicant must fully complete and submit to the Agency the *Application to Use General Permit 2014G-1A to Manage Terrestrial Invasive Plant Species In or Within 100 Feet of Wetlands In the Adirondack Park*. 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

¹ Sections 809 and 810 of the Adirondack Park Agency Act do not apply to activities undertaken by the NYS DOT or DEC. Section 814 of the Adirondack Park Agency Act applies to NYSDOT.

4. Within 15 calendar days of receipt of an application, the Agency will review the application for completeness, confirm jurisdiction, and determine whether the applicant meets the eligibility criteria.
5. 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 will begin for determining completeness.
6. Where an applicant has been determined to be ineligible to use this general permit, the Agency will send a letter by certified mail briefly explaining why the applicant is ineligible and stating that the applicant may be reviewed again for inclusion on the Agency's Authorized Users of GP2014G-1A list upon receipt of a new application.
7. The review time periods established in Executive Law § 809 shall not apply to Agency review of an application pursuant to this general permit, except that if the Agency does not issue a certification within ten business days of determining that an organization or individual is eligible for authorization to use General Permit G2014G-1A, the procedures established in Executive Law § 809(6) shall apply.

CONDITIONS

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

1. The Best Management Practices published by the Adirondack Park Invasive Plant Program at <http://www.adkinvasives.com/> or the 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. The qualified representative overseeing the management of terrestrial invasive plant species on behalf of the listed authorized user shall be the same as that person designated in the Agency's Application to Use General Permit 2014G-1A to Manage Terrestrial Invasive Plant Species In or Within 100 Feet of Wetlands in the Adirondack Park.
4. All herbicide applications shall be conducted by or under the direct supervision of an applicator licensed by the DEC.

5. All herbicide applications shall be conducted in strict accordance with the labeled application instructions and restrictions.
6. 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.
7. Any other 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. 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%.
9. 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.
10. This permit does not grant the authorized user or his agents the 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.
11. All activities undertaken pursuant to this general permit shall be summarized in an annual report prepared by the authorized user or the qualified representative that undertook the activity. This report shall be submitted to the Agency by December 31 of the year in which the activity occurred and include: the species managed, a summary of the best management practices used at each site, the size of each management area, and 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 following as described in ECL § 24-0107(1)(a): 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 defined in 9 NYCRR §§ 578.3(c), (f), (h), (i), (j), (q), and (t): bog, coniferous swamp, deciduous swamp, deep water marsh, emergent marsh, shrub swamp, and wet meadow.

2. The wetlands potentially affected by the implementation of activities involving management of terrestrial invasive plant 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. 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. This general permit is issued to allow authorized users 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.
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 of management practices to eradicate or reduce population numbers or otherwise control the growth and spread of terrestrial invasive plant species in accordance with this general permit will not result in undue adverse impacts on Park resources.
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 the statutory and regulatory criteria for project approval as set forth in Executive Law §§ 809 and 805(4), ECL § 24-0801(2), and 9 NYCRR § 578.10. The Agency hereby finds that all regulated activities authorized by this general permit and are 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 2015, 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:ESS:JMH:PVC

April 2015