

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p>	<p>APA General Permit 2015G-1</p>	<p>Effective Date:</p>
<p>P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050 www.apa.ny.gov</p>	<p>In the Matter of the Issuance of a General Permit for the Rapid Response Management or Containment of Aquatic Invasive Species Using Benthic Barriers and Hand Harvesting Techniques</p>	

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 rapid response management or containment by qualified individuals and entities of the following aquatic invasive species in wetlands throughout the Adirondack Park through the use of benthic barriers and hand harvesting techniques:

Eurasian watermilfoil (*Myriophyllum spicatum*), curlyleaf pondweed (*Potamogeton crispus*), water chestnut (*Trapa natans*), yellow floating heart (*Nymphoides peltata*), European frog-bit (*Hydrocharis morsus-ranae*), fanwort (*Cabomba caroliniana*), Hydrilla (*Hydrilla verticillata*), Parrot-feather (*Myriophyllum aquaticum*), Broadleaf Water-milfoil (*Myriophyllum heterophyllum*), Yellow Floating Heart (*Nymphoides peltata*), Zebra Mussel (*Dreissena polymorpha*), and Quagga Mussel (*Dreissena rostriformis bugensis*), Asian clam (*Corbicula fluminea*) and those other aquatic invasive species identified by the Deputy Director, Regulatory Programs (DDRP).

All activities undertaken and completed pursuant to this general permit shall comply with this general permit and shall be as described in, and in compliance with the terms and conditions of the approved Application and Certification for this general permit.

This general permit shall be in effect throughout the Adirondack Park from the date of issuance and shall remain valid unless 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 §§ 578.3(n)(1) and (2). 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 aquatic invasive species in a wetland is a regulated activity requiring a permit from the Agency because it impacts wetlands and adversely affects certain wetland functions.

ELIGIBILITY FOR APPLICATION

Individuals and legal entities approved by the DDRP based on relevant qualifications and training are eligible to apply to undertake specified regulated activities in wetlands involving rapid response management or containment of aquatic invasive species in the Adirondack Park. In order to be eligible for this general permit, the proposed activity must: (1) apply only to the aquatic invasive species noted in the Summary and Authorization above or otherwise identified by the DDRP; (2) involve an aggregate of all treatment areas within a single waterbody of no more than 0.5 acres in size unless a larger area is approved by the DDRP; (3) use only benthic barriers and hand-harvesting techniques; (4) not require additional detailed engineering or environmental studies; and (5) be able to meet the terms and conditions of this general permit and the Application and Certification for this General Permit.

PROCEDURES

1. To use this general permit, the applicant must fully complete and submit to the Agency a General Permit 2015G-1 Application and Certification, 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
NYS Route 86, PO Box 99
Ray Brook, New York 12977

2. Within 15 calendar days of receipt of an application, the Agency will review the application for completeness, confirm 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.
4. If the application is 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 General Permit 2015G-1 Application and Certification approving the activity.
5. 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 is ineligible and stating that the activity may be reviewed again upon receipt of a new application for an individual project permit.

6. By signing the application, the applicant:
 - a. confirms that the information contained in the application is true, accurate and complete;
 - b. agrees that if a jurisdictional activity has been determined to be ineligible for approval under this general permit, the appropriate major permit application must be submitted to the Agency and a permit issued before that activity can be undertaken; and
 - c. 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. 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 a proposed activity is eligible for authorization under General Permit 2015G-1, the procedures established in Executive Law § 809(6)(a) shall apply.
8. 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 the New York State Department of Conservation (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 ECL § 24-0107(1)(a): emergent vegetation, rooted, floating-leaved vegetation, free-floating vegetation, bog mat vegetation, and submergent vegetation. These covertypes form the wetlands defined in 9 NYCRR §§ 578.3(c) and (d) as “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 qualified individuals and entities 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 of management practices to eradicate or reduce population numbers or otherwise control the growth and spread of the noted aquatic invasive species in accordance with 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 statutory and regulatory criteria for project approval set forth in Executive Law § 809(10)(e), Environmental Conservation Law §§ 24-0801(2), and 9 NYCRR § 578.10. The Agency hereby finds that all regulated activities authorized by this general permit and a certification issued pursuant to this general permit that 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.

