



**LEILANI CRAFTS ULRICH**  
Chairwoman

**TERRY MARTINO**  
Executive Director

**MEMORANDUM**

**TO:** Terry Martino, Executive Director

**FROM:** Richard Weber, Deputy Director-Regulatory Programs

**DATE:** September 2, 2015

**RE:** General Permit 2015G-2 Management of Aquatic Invasive Species Using Benthic Barriers and Hand Harvesting Techniques

Please find attached the above-referenced, proposed general permit, along with the application and certification for the general permit. Pursuant to 9 NYCRR § 572.23, staff seek Agency authorization to provide notice and opportunity for public comment on the proposed general permit. A proposed resolution providing the requested authorization, and a draft order as required by the regulation, are also attached. After the close of the 30-day public comment period, staff anticipate recommending the proposed general permit, with any changes in response to public comment, to the Agency for approval at its November, 2015 meeting.

This proposed general permit will authorize the management of aquatic invasive species throughout the Adirondack Park by qualified individuals or entities. The general permit is limited to two management techniques: benthic barriers and hand-harvesting.

Two types of users are expected to use the proposed general permit. Entities such as the Department of Environmental Conservation, Lake George Park Commission, Adirondack Park Invasive Plant Program, qualified lake associations, and local municipalities will use the general permit to manage aquatic invasive species. In addition, individuals such as certified lake managers and experienced lake managers, subject to approval the Deputy Director-Regulatory Programs (“DDRP”), will use the general permit.

The proposed general permit provides some regulatory flexibility in the management of aquatic invasive species. Under the general permit, the DDRP would have the discretion to: (1) add new aquatic invasive species to the list of such species in the general permit; (2) authorize certain qualified users of the general permit; and (3) allow more than 3 acres to be treated by benthic barriers in any one treatment area. This discretion would be exercised based on facts provided by applicants and based on a recommendation from the RASS supervisor.

Pursuant to 9 NYCRR § 572.23, the issuance of general permit constitutes a Type 1 action for purposes of complying with the State Environmental Quality Review Act (“SEQR”). Accordingly, as required by the SEQR regulations set forth in 6 NYCRR Part 617, I have prepared Parts 1 and 2 of a Full Environmental Assessment Form for the proposed general permit for your review. It is my opinion that the proposed general permit will have no or minimal adverse environmental impact, so I recommend that you make and file a negative declaration for purposes of complying with SEQR with respect to the proposed general permit.

If the Agency authorizes staff to seek public comment on the proposed general permit at its September, 2015 meeting, staff will proceed to provide public notice of the proposed general permit and opportunity for public comment as required by 9 NYCRR § 572.23, as well as through the Agency’s website.