


9/2/2015

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050 www.apa.ny.gov</p>	<b>Draft Order</b>	Date Issued:
	<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>	

WHEREAS:

1. This document constitutes an Order approving the issuance of General Permit 2015G-2;
2. Section 809.13(e) of the Adirondack Park Agency Act (APA Act) states that the Agency shall have authority, in connection with its project review jurisdiction, “to issue a general permit for any class of projects concerning which the agency determines it may make the requisite statutory findings on a general basis;”
3. Pursuant to Section 572.23(b) of Agency regulations at 9 NYCRR, on September 10, 2015, the Agency proposed to issue General Permit 2015G-2 by the adoption of a resolution specifying the applicable geographic area, time period, basis of jurisdiction, activity and probable frequency, and proposed findings of fact, conclusions of law, and mitigating conditions;
4. General Permit 2015G-2 entitled “Management of Aquatic Invasive Species Using Benthic Barriers and Hand Harvesting Techniques” indicates that the permit will:
  - a. be available for use throughout the Adirondack Park;
  - b. be effective from the date of issuance unless otherwise modified or revoked by the Agency;
  - c. authorize jurisdictional activities pursuant to Article 24 of the Environmental Conservation Law, §§ 809(2)(a) and 810(1) of the APA Act, and 9 NYCRR §§ 570.2, 578.2(a), and 578.3(n)(1) and (2); and
  - d. allow for the conditional undertaking of regulated wetland activities incidental to the management or containment of aquatic invasive species using benthic barriers or hand harvesting;
5. General Permit 2015G-2 includes findings of fact, conclusions of law and mitigating conditions to address potential adverse environmental impacts and the statutory criteria for permit issuance;

6. Pursuant to section 572.23(c) of Agency regulations, draft General Permit 2015G-2 was publically noticed in the Environmental Notice Bulletin, in newspapers of general circulation both inside and outside the Adirondack Park, and with the Adirondack Local Government Review Board, and was provided for public review and comment, and the minimum thirty day public comment period has expired;
7. Pursuant to section 572.23(d) of Agency regulations, issuance of a general permit is a Type I action for purposes of the State Environmental Quality Review Act (SEQR), and a determination of non-significance with respect to General Permit 2015G-2 was made and filed by the Executive Director pursuant to delegated authority; and
8. The Agency has considered the information set forth above and the text of General Permit 2015G-2 for the “Management of Aquatic Invasive Species Using Benthic Barriers and Hand Harvesting Techniques,” and finds that General Permit 2015G-2 meets the statutory and regulatory criteria set forth in APA Act § 809.13(e), ECL Article 24, and 9 NYCRR § 572.23 on a general basis.

NOW, THEREFORE, IT IS ORDERED THAT:

- I. General Permit 2015G-2 for the “Management of Aquatic Invasive Species Using Benthic Barriers and Hand Harvesting Techniques” is hereby issued; and
- II. The Deputy Director – Regulatory Programs shall record General Permit 2015G-2 in the county clerk’s offices of all counties situated wholly or partly within the Adirondack Park, and shall provide notice of the approval of General Permit 2015G-2 and of the SEQR determination of non-significance in accordance with the requirements of 9 NYCRR 572.23(c).