


STAFF DRAFT
THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>PO Box 99 · 1133 NYS Route 86 Ray Brook, NY 12977 Tel: (518) 891-4050 · Fax (518) 891-3938 www.apa.ny.gov</p>	Order	Date Issued:
	In the Matter of the Issuance of General Permit 2019G-1 for Replacement of Certain Utility Poles	

WHEREAS:

1. This document constitutes an Order approving the issuance of General Permit 2019G-1;
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, on June 13, 2019, the Agency proposed to issue General Permit 2019G-1, “Replacement of Certain Utility Poles,” specifying the applicable geographic area, time period, basis of jurisdiction, activity and probable frequency, other relevant findings of fact, mitigating conditions and conclusions of law, and procedures for issuance of a certificate;
4. General Permit 2019G-1 “Replacement of Certain Utility Poles” 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) and 814 of the APA Act, and 9 NYCRR §§ 570.2, 578.2(a), and 578.3(n)(1) and (2);
 - d. allow for regional and municipal utility companies within the Adirondack Park to replace certain utility poles on lands owned by or within rights-of-way held by utility companies or the New York State Department of Transportation, **including under circumstances covered by General Permit 2017G-1;**
 - e. include relevant mitigating conditions, and conclusions of law; and
 - f. include procedures for the issuance of a certificate pursuant to the general permit.
5. Pursuant to sections 572.23(c) and (e) of Agency regulations, General Permit 2019G-1 was publicly noticed and was provided for public review and comment, and the minimum 30-day public comment period has expired;
6. The Agency has considered the public comment received and incorporated appropriate changes to the proposed General Permit 2019G-1; and

7. Pursuant to 6 NYCRR 617.5(c)(26), issuance of General Permit 2019G-1, “Replacement of Certain Utility Poles,” is a Type 1 action for purposes of the State Environmental Quality Review Act (SEQR), and the Agency has issued a negative declaration.

NOW, THEREFORE, IT IS ORDERED THAT:

- I. The Agency, having considered the foregoing and General Permit 2019G-1 for the “Replacement of Certain Utility Poles” finds that General Permit 2019G-1 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;
- II. General Permit 2019G-1 for the “Replacement of Certain Utility Poles” is hereby issued; ~~and~~
- III. The Deputy Director of Regulatory Programs shall record General Permit 2019G-1 in the county clerk’s office of all counties situated wholly or partly within the Adirondack Park, and shall provide notice of the approval of General Permit 2019G-1 in accordance with the requirements of 9 NYCRR 572.23(c); ~~and~~
- IV. General Permit 2017G-1 for the “Access to and Replacement of Utility Poles in Wetlands” is revoked effective 10 days after completion of the notice in III above.

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