



NEW YORK
STATE OF
OPPORTUNITY.

**Adirondack
Park Agency**

General Permit 2024G-1

Certain Minor Regulated Activities in APA-Jurisdictional Freshwater Wetlands


February 7, 2024

1

February 7, 2024 2

Presentation Overview

- General Permit Process
- SEQRA
- Existing General Permit 2002G-3AAR
- Proposed General Permit 2024G-1
- Board Action



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2

February 7, 2024

3

What is a General Permit?

- General Permit (GP)
 - Authority in 9 NYCRR 572.23
 - Expedited process for projects that meet a certain set of criteria
 - Recorded in every county in the Park
- GP Application received
- GP Certificate
 - Issued if criteria are met
 - Contains standard and project-specific conditions



3

February 7, 2024

4

SEQRA

- Type I Action
- Lead Agency Declaration
- Public Notice #1
- Coordinated Review
- Determination of Significance
- Board Approval
- Public Notice #2



4

February 7, 2024

5

Existing General Permit GP2002G-3AAR



5

February 7, 2024

6

General Permit 2002G-3AAR Certain Minor Regulated Activities in APA-Jurisdictional Freshwater Wetlands

- Consists of a General Permit and combined Application/Certification
- Eligibility:
 - Only jurisdiction is wetlands
 - Applies to a list of minor/temporary “regulated activities”
 - Capable of meeting the conditions listed on the combined Application/Certification

General Permit 2002G-3AAR

Project Site Location: _____

Town(s): _____ Village: _____ County(s): _____

Nearby road(s): _____ Nearby waterbody: _____

Tax Map Number(s) – please list all:
 Section _____ Block _____ Parcel _____ Section _____ Block _____ Parcel _____
 Section _____ Block _____ Parcel _____ Section _____ Block _____ Parcel _____
 Section _____ Block _____ Parcel _____ Section _____ Block _____ Parcel _____

Brief Project Description:

By signing this permit application, the project sponsor(s) agree(s) to strictly comply with the terms and conditions of this application and certification.

X _____ Signature of Project Sponsor

X _____ Signature of Project Site Landowner(s)

X _____ Signature of Authorized Representative(s) (if applicable)

Section B:
Certain Regulated Activities in Wetlands

Applicability:

1. This general permit only applies where the sole basis of Agency permit jurisdiction over the project activity in question is due to involvement of wetlands pursuant to Section 81(1) of the APA Act or where the activity constitutes a “regulated activity” pursuant to § NYCRR 879.3 in or significantly impacting wetlands.
2. This general permit may not be used if the wetland activity in question also requires Agency approval due to involvement of a larger project. Such as a subdivision or new land use or development under Sections 812 or 814 of the Adirondack Park Agency Act or for “livers projects” under the New York State Wild, Scenic and Recreational Rivers System Act and § NYCRR Part 577 or requires a variance under Section 505 shoreline restrictions.

Page 2 of 8



6

General Permit 2002G-3AAR

Certain Minor Regulated Activities in APA-Jurisdictional Freshwater Wetlands

- 17 Standard Conditions + 23 “Special Conditions”
- Conditions reference “approved plans” submitted with application
 - Plans not explicitly identified
- Signed and returned

36. Temporary access facilities (including necessary fills) shall be entirely removed following completion of the necessary activity, and the affected wetland and adjacent area shall be graded, seeded and restored to replicate pre-construction conditions (except that the planting of replacement trees and shrubs is not required).

37. All slurries, dusts, and liquids and other materials brought to the surface during drilling activities will be carried or pumped into an upland location and treated in such manner so that they or any effluent derived from them are not deposited into the wetland.

Page 7 of 8

General Permit 2002G-3AAR

Overhead Utility Pole and Line Repair or Replacement

38. The area of wetland disturbance shall be limited to the minimum necessary to repair, replace or construct the utility pole and line. Clearing of existing vegetation shall be limited to that material which poses an immediate hazard or hindrance to construction activities. Grading and grubbing of the wetland shall be minimized to the greatest extent practicable.

39. When pole replacements occur in wetlands, the existing poles to be replaced shall be removed completely from the wetland, including that portion of the pole that was buried.

40. Whenever practicable, access through wetlands shall be done on frozen ground or with the use of wide-tracked vehicles. If temporary access or work pads are required, they shall comply with the conditions required herein.

(Additional conditions, if any, as determined by Agency staff)

41.

X _____ Date: _____
Signature of Staff Wetlands Biologist
(Required before regulated activity can be started)

X _____ Date: _____
Signature of Deputy Director, Regulatory Programs
(Required before regulated activity can be started)



Proposed General Permit GP2024G-1



General Permit 2024G-1

- Jurisdiction
- Eligibility
- Application Review Process
- GP Documents



9

Jurisdiction

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any deposit of fill in, excavation of, or draining of a wetland in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is also required from the Adirondack Park Agency prior to the undertaking of any activity that substantially impairs the functions served by or the benefits derived from a wetland in the Adirondack Park.



10

General Permit 2024G-1

Eligibility

1. This general permit applies where the sole basis of Agency permit jurisdiction over the proposal is due to involvement of wetlands pursuant to Section 810(1) of the APA Act or where the activity constitutes a “regulated activity” pursuant to 9NYCRR 578.3.
2. This general permit only applies to the regulated activities listed in Part 2 below.
3. This general permit shall not be used for the installation of culverts at new wetland crossings where no wetland crossing previously existed.
4. This general permit shall not be used for activities which result in adverse impacts to historic or archeological resources, or rare, threatened or endangered species.



11

General Permit 2024G-1

Regulated Activities in Wetlands Subject to this General Permit:



12

February 7, 2024

13

General Permit 2024G-1

Regulated Activities in Wetlands Subject to this General Permit:

1. Replacement or repair of existing or installation of new private or public underground utilities through wetlands with no permanent fill in or loss of wetlands. Installation activities may include placement of suitable clean soil or stone for backfill or bedding of the utility lines. Authorized utility lines include: pipes or pipelines for the transportation of gaseous, liquid or slurry substances; or any cable, line, fiberoptics or wire for the transmission of electrical energy, telephone, telegraph, radio or television communications. The term utility line shall also include pipes conveying drainage from one area to another. This permit is applicable only for construction disturbance of **less than one year where there will be complete** restoration of the wetland.



13

February 7, 2024

14

General Permit 2024G-1

Regulated Activities:

2. Installation of temporary work pads, access, or detour drives. This permit is applicable only for construction disturbance of **less than one year where there will be complete** restoration of the wetland.

3. Installation, replacement, or repair of water control structures involving less than 300 square feet of permanent wetland excavation or fill per wetland complex where compensatory wetland mitigation is addressed, as appropriate.

4. Installation, replacement, or repair of beaver control structures (inclusive of "beaver deceivers") involving less than 300 square feet of permanent wetland excavation or fill per wetland complex where compensatory wetland mitigation is addressed, as appropriate.



14

February 7, 2024

15

General Permit 2024G-1

Regulated Activities:

5. Culvert **removals**, in-place repairs, replacements, or extensions; or new culvert installations involving less than 300 square feet of permanent wetland excavation or fill **per wetland complex** where compensatory wetland mitigation is addressed, **as appropriate**.

6. Widening or minor improvements to **lawfully existing** roadways, bridges, driveways, or trails involving less than 300 square feet of permanent wetland excavation or fill **per wetland complex** where: a) compensatory wetland mitigation is addressed, **as appropriate**; b) **fill is limited to the minimum necessary to bring the facility into compliance with current State design, safety, and capacity standards**; and c) the improvements will not change the historic use of the facility or property.



15

February 7, 2024

16

General Permit 2024G-1

Regulated Activities:

7. Grading and filling in wetlands **lasting less than one year** and associated with access for survey and exploratory activities where there will be no permanent fill and **complete** restoration of the wetland. Survey and exploratory activities include: instrument survey, archaeological and paleontological surveys, seismic operations, drilling of test wells or bore holes, excavation of test pits, core sampling, soil sampling, and other similar exploratory-type activities. The survey and exploratory activities themselves are non-jurisdictional.



16

February 7, 2024

17

General Permit 2024G-1

Regulated Activities:

8. Replacement or repair of existing or installation of new private or public overhead utility poles and lines with access through wetlands with no permanent fill in or loss of wetlands. Installation activities may include in-kind replacement of existing power poles in wetlands or replacement poles involving an increase in height not resulting in a final height above grade in excess of 40 feet. Activities may also include permanent placement of screw anchors and guy wires in wetlands.

9. Installation of new fords involving less than 300 square feet of permanent wetland fill per wetland complex where compensatory wetland mitigation is addressed, as appropriate, which do not involve a perennial stream on active farms for purposes of crossings by farm equipment or animals.



17

February 7, 2024

18

General Permit 2024G-1

Application Review Process

- Application submitted
- Within 15 days: Agency confirms jurisdiction, eligibility, reviews application, and schedules site visit, if necessary
- Signed certificate issued within 10 business days of receipt of complete application



18

February 7, 2024 19

General Permit 2024G-1

Documents

General Permit

- Summary and Authorization
- Jurisdiction
- Eligibility
- Application Review Process
- Findings of Fact
- Conclusions of Law
- Signed by the DDRP

THIS IS A TWO-SIDED DOCUMENT
DRAFT DOCUMENT

 NEW YORK <small>STATE OF OPPORTUNITY</small> Adirondack Park Agency <small>PO Box 69 - 1133 NY 12 Route 66 Fort Brink, NY 12077 Tel: (518) 891-4020 Fax: (518) 891-3038 www.apa.ny.gov</small>	APA General Permit 2024G-1 Effective Date: _____ In the Matter of the Issuance of a General Permit/Order for: Certain Minor Regulated Activities in APA - Jurisdictional Freshwater Wetlands	
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SUMMARY AND AUTHORIZATION

This general permit is issued pursuant to the Freshwater Wetlands Act (Environmental Conservation Law, Article 24) and the Adirondack Park Agency Act (Environmental Conservation Law, Article 27, including Section 809(13)(e)) to individual landowners and to State, county, and municipal agencies, on conditions, for certain regulated activities occurring in wetlands subject to Adirondack Park Agency (APA) jurisdiction or in adjacent areas where the activities could substantially impair jurisdictional wetlands. Specific approval must be obtained for each regulated activity pursuant to the process established in this permit.

All terms and conditions of a certificate issued pursuant to this General Permit/Order shall apply to the applicant and any individual, contractor, municipality, or other entity undertaking the authorized work on the project site.

This General Permit/Order does not grant any right to trespass upon the lands or interfere with the riparian rights of others, nor does it authorize the impairment of any easement, right, title, or interest in real or personal property. Nothing contained in this General Permit/Order shall be construed to satisfy any legal obligations of the applicant to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, state, regional, or local.

This General Permit/Order is in effect once recorded and until modified or revoked by the Agency.

JURISDICTION

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 576, a permit is required from the Adirondack Park Agency prior to any deposit of fill, excavation of, or draining of a wetland in the Adirondack Park. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 576, a permit is also required from the Adirondack Park Agency prior to the undertaking of any activity that substantially impairs the functions served by or the benefits derived from a wetland in the Adirondack Park.

NEW YORK
STATE OF OPPORTUNITY
Adirondack Park Agency

19

February 7, 2024 20

General Permit 2024G-1

Documents

Application

- Applicability
- Eligibility
- Instructions
- Application Review Process
- Project Information
- Checklist of Regulated Activities
- Certification, Authorization, and Signatures
- Required Attachments

4. Prior Agency Contact

a. Has there been any previous discussion with Agency staff regarding the proposed activities involving wetlands or the project site?
 If yes, provide the name of the APA staff person consulted, if known: _____

b. Has the project site been the subject of a past Agency action (i.e., pre-application, permit application, variance, jurisdictional inquiry, enforcement case or wetland flagging)?

If yes, provide the past pre-application number (AP), project number (PJ), jurisdictional inquiry number (JI), enforcement case number (EF) or wetland delineation boundary flagging number (WB), if known: _____

Page 3 of 6

General Permit 2024G-1

PART 2: APPLICATION ELIGIBILITY

Regulated Activities in Wetlands Subject to this General Permit:
 This general permit authorizes, on conditions, the following regulated activities occurring in APA-regulated wetlands or in adjacent areas where the activities could substantially impair regulated wetlands. Please indicate which of the following activities matches your proposed project. Your answer must be supported by the attachments required under Part 4 of this application. If the proposal does not match an activity listed below, this application may not be used. Please instead contact the Agency's Jurisdictional Office for guidance (apaj@apag.ny.gov, 518-891-4020).

- Replacement or repair of existing or installation of new private or public underground utilities through wetlands with no permanent fill in or loss of wetlands. Installation activities may include placement of suitable clean soil or stone for backfill or bedding of the utility lines. Authorized utility lines include: pipes or pipelines for the transportation of gaseous, liquid or slurry substances, or any cable, line, fiber-optic or wire for the transmission of electrical energy, telephone, telegraph, radio or television communications. The term utility line shall also include pipes conveying drainage from one area to another. This permit only authorizes temporary construction disturbance where there will be complete restoration of the wetland.
- Installation of temporary work pads, access, or detour drives. This permit only authorizes temporary construction disturbance where there will be complete restoration of the wetland.
- Installation, replacement, or repair of water control structures involving less than 300 square feet of permanent wetland excavation or fill where compensatory wetland mitigation is addressed, as appropriate.

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20

February 7, 2024

21


General Permit 2024G-1

Documents

Certificate

- Heading information and legal statements
- Project site description
- Project and Project Plan description
- Conditions
- DDRP signature

THIS IS A TWO-SIDED DOCUMENT
DRAFT DOCUMENT

 Adirondack Park Agency PO Box 99 - 1133 NYS Route 88 Ray Brook, NY 12977 Tel: (518) 861-6020 www.apa.ny.gov	APA General Permit/Order 2024G-1 Certificate	Project #
	Certificate for Minor Regulated Activities in Freshwater Wetlands	

To the County Clerk: Please index this permit in the grantor index under the following names:

- 1.
- 2.
- 3.

This certificate under General Permit 2024G-1 is granted to _____ authorizing a minor regulated activity in a freshwater wetland pursuant to the Freshwater Wetlands Act (Environmental Conservation Law, Article 24) and the Adirondack Park Agency Act (Executive Law, Article 27, including Section 60(1)(3)(e)), in an area classified **100a** by the Official Adirondack Park Land Use and Development Plan in the application received by the Agency on **08/08** and as depicted on the attached reduced-scale Project Plans. The project site is in the Town(s) of **1, 2** County **3**.

The project shall not be undertaken or continued unless the project authorized herein, including site restoration and any required compensatory wetland mitigation, is completed within four years of the date of issuance of this certification.

This certificate does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title, or interest in real or personal property.

Nothing contained in this certificate shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, state, regional, or local.

Failure to comply with this general permit and approved attached Project Plans is a violation and may subject the project sponsor, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.

PROJECT SITE

The project site is a **20-acre** parcel of land located on **2 Road in the Town of 1, 2 County 3**, in an area classified **100a** on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section **1**, Block **2**, Parcel **3**.



21

February 7, 2024

22

GP2024G-1 Certificate Conditions

Standard Conditions:

- Permit and approved Project Plans provided to contractors
- Follow approved Project Plans
- Installation (and removal) of E&S measures
- Set site restoration schedule
- Written notification of completion/site restoration with photos
- Weather conditions
- Vehicular access
- Waste disposal, stockpiling, dewatering discharge
- Prevention of invasives
- Vegetation removal




22

February 7, 2024 23

GP2024G-1 Certificate Conditions

Project-specific conditions as applicable:


- Conditions specific to category of regulated activity
- Compensatory wetland mitigation report
- Seasonal tree cutting (bats)
- Machinery restrictions at high elevation (Bicknell's Thrush)
- *Other conditions, if necessary, as determined by Agency staff:*

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23

February 7, 2024 24

Next Steps

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24

February 7, 2024

25

Next Steps: Approval Process GP2023G-1

- February Agency Meeting (this meeting)
 - Resolution to provide notice and hold a 30-day comment period on the draft General Permit 2024G-1
- Public Comment Period
 - Through March 22, 2024
- Future Board Meeting
 - Report back on public comments and Agency responses
 - Review any changes made
 - Consider approving issuance of GP 2024G-1



25



**Adirondack
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General Permit 2024G-1

**Certain Minor Regulated Activities
in APA-Jurisdictional Freshwater
Wetlands**

February 7, 2024

26