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DRAFT DOCUMENT

 Adirondack Park Agency PO Box 99 · 1133 NYS Route 86 Ray Brook, NY 12977 Tel: (518) 891-4050 www.apa.ny.gov	APA General Permit/Order 2024G-1 Certificate	Project #
	Certificate for <u>Certain</u> Minor Regulated Activities in <u>APA Jurisdictional</u> Freshwater Wetlands	
	To the County Clerk: Please index this permit in the grantor index under the following names: <ol style="list-style-type: none">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 809(13)(e)), in an area classified **LUA** by the Official Adirondack Park Land Use and Development Plan in the application received by the Agency on **date** and as depicted on the attached reduced-scale Project Plans. The project site is in the **Town(s) of ?, ? County**.

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 **?±-acre** parcel of land located on **? Road in the Town of ?, ? County**, in an area classified **LUA** on the Adirondack Park Land Use and Development Plan Map. The site is identified as **Tax Map Section ?, Block ?, Parcel ?**.

If relevant to the permit jurisdiction, add: **The project site contains shoreline on ?/is**

[partially] located within the designated ? River Recreational/Scenic River area/is [partially] located within [describe non-wetland CEA]. The project site also contains [describe the location, coverytype, size, and value rating of wetlands on the project site.] *If staff have not field-verified the presence and location of all wetlands on the site, add:* Additional wetlands not described herein or depicted on the **Project Plans** may be located on or adjacent to the project site.

PROJECT DESCRIPTION AS PROPOSED

The project as conditionally approved herein involves ???.

The project is shown on the following maps, plans, and reports: "?," prepared by ?, and dated ?. A reduced-scale copy of **Sheet ? ("??") of the Project Plans** for the project is attached to this certificate for easy reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

CONDITIONS

1. This permit is binding on the permittee(s) and all contractors undertaking all or a portion of the project authorized herein. Copies of this certificate and Project Plans shall be furnished by the permittee to all contractors prior to undertaking the activities authorized herein.
2. This certificate authorizes minor regulated activities in a freshwater wetland as depicted and described in the Project Plans. Any change to the location, dimensions, materials, or other aspect of the activities authorized herein shall require prior written Agency authorization.
3. Prior to construction, including clearing and grubbing, temporary erosion and sediment control measures shall be installed and maintained as depicted and described in the Project Plans. All silt fence shall be properly installed with the bottom buried at a depth of at least 4 inches. Once the site has been stabilized, silt fence and any other temporary erosion and sediment controls shall be completely removed.
4. All site restoration activities depicted and described in the Project Plans shall be implemented within three days of project completion, and in accordance with the approved implementation schedule.
5. The permittee shall notify the Agency in writing within five business days after the work authorized by this Certificate **including any required restoration of temporary wetland impacts and/or compensatory wetland mitigation** has been successfully completed. Written notification shall include color photographs which clearly show the completed work and site restoration and identify the date and location that the photographs were taken.

6. The authorized work shall be scheduled and conducted during drier periods (not during major storm events, spring runoff, and thawing conditions) to avoid and minimize erosion of soils and to prevent silting and muddying of wetlands or surface waterbodies.
7. No mechanized equipment shall be driven in wetlands unless expressly authorized herein. Every effort shall be made to work from upland areas and to minimize disturbances to areas adjacent to wetlands. Only tracked equipment shall be used in wetlands. Vehicular access in wetlands shall be under frozen conditions when possible. If work cannot be performed under frozen conditions, timber mats shall be used for access in wetlands, to be removed within three days of project completion and areas beneath timber mats restored to pre-construction condition. No temporary access structures shall be located within a wetland for more than 30 days.
8. Wetland disturbance including grading and grubbing of stumps and roots shall be limited to the area depicted and described on the Project Plans.
9. No waste disposal, material or excavation stockpiling, or dewatering discharge shall occur in or within 100 feet of wetlands unless specifically authorized in the Project Plans. Clean water bypass shall be discharged back to freshwater wetlands in a manner that limits or prevents erosion, sedimentation, and particle suspension.
10. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
11. Any cutting of vegetation along the shorelines of navigable waterbodies shall be in conformance with the Shoreline Restrictions of Section 806 of the Adirondack Park Agency Act. A copy of the Shoreline Restrictions or the Citizen's Guide is available upon request.
12. All tree cutting and/or vegetation removal shall be limited to the area depicted and described on the Project Plans. All cut vegetation shall be immediately removed from the wetland and adjacent area upon completion of the activity.

PROJECT SPECIFIC CONDITIONS:

- ?. The applicant shall provide a written report to the Agency with color photographs detailing the completed compensatory wetland mitigation work for permanent impacts to wetlands incurred by the project, as described in the Project Plans. The report shall include documentation of the number, location, and species of any plantings. The report shall also inventory the presence of any established invasive species within the wetland mitigation area, describe how any established invasive

species will be controlled/addressed and how the reestablishment and/or expansion of any invasive species that are present will be prevented/controlled.

Involving underground utility line installation, repair or replacement

- ?. The installation or repair of underground utility lines shall not result in significant change in the pre-construction contours, flow, or water table characteristics of the wetland.
- ?. Where trenching for the installation or repair of underground utilities in wetlands, the top 12 inches of wetland soil shall be first removed and temporarily placed onto a geo-textile blanket running parallel to the trench. Sub-grade soils dug from the trench shall be sidecast on the opposite side of the trench onto another geo-textile blanket running parallel to the trench. All sidecast material shall be placed and stabilized in such a manner so as to prevent its dispersion by normal or high water flows.
- ?. The length of trench to be opened should be only that which can be opened and completed in one day. After installation or repair of the underground utilities, including placement of bedding materials, the sub-grade soils shall be backfilled into the trench, followed by the surface wetland soils. The wetland soil should be left 3 to 6 inches above the surrounding undisturbed wetland surface to allow for settling. All excess material must be removed to upland areas and stabilized immediately upon completion of construction. The geo-textile blanket can be utilized for the next trench section or rolled up and taken off-site after the work is completed.

Involving culvert repairs, replacements, and extensions or new installations in wetlands

- ?. Existing pipe and box culverts shall be replaced at their existing location unless structure relocation or realignment is specifically authorized herein. Replacement culverts and any associated scour protection must be installed so that they do not constitute a barrier to upstream movement of fish and other aquatic species.
- ?. All culverts with closed bottoms (including round culvert pipes) must be appropriately embedded. Round culverts must be installed with at least 20% of the culverts vertical height is embedded below the existing wetland substrate.
- ?. Native soil material or wetland substrate shall be placed for culvert embedding and spread evenly throughout the bottom of the new culvert where appropriate.
- ?. New or replacement culverts shall be installed so as to preserve the pre-construction water levels unless specifically authorized herein and shall not inhibit the natural movement of fish or other aquatic species.

Involving temporary access or detour drives, work pads or water control structures in wetlands

- ?. Any fills required for temporary construction access, detour and work pad facilities shall be of clean, heavy stone fill or other non-erodible material placed on geo-textile fabric up to the mean high water elevation.
- ?. Temporary construction access, detour and work pad facilities (including necessary fills) shall be located so as to avoid or minimize disturbance of the wetland, and appropriate temporary drainage measures must be taken to maintain pre-construction water flows and water table characteristics.
- ?. Water control structures shall be of the type and size, and shall be placed in such a manner, so as to not impair surface water flow into or out of the wetland.
- ?. Water control structures shall be constructed of non-erodible materials, and located in such a manner so as to prevent its dispersion or movement by normal or high water flows.
- ?. Temporary construction access, detour, and work pad facilities (including necessary fills) shall be entirely removed following completion of construction activities, and the affected and adjacent area successfully restored to its pre-construction condition, including replacement planting of native trees and shrubs.

Involving temporary access in wetlands for survey and exploratory activities

- ?. Any fills required for temporary access facilities shall be of clean, heavy stone fill or other non-erodible material placed on geo-textile fabric up to the mean high water elevation.
- ?. All test wells, test pits and bore holes located in wetlands shall be backfilled to the fullest extent possible with soil excavated from the well, pit or hole, with the upper 12 inches of wetland soil returned to the top of the hole. All excess material shall be immediately removed from the wetland and adjacent area and stabilized immediately upon completion of the activity.
- ?. Temporary access facilities (including necessary fills) shall be located so as to avoid or minimize disturbance of the wetland, and appropriate measures shall be taken to maintain pre-construction water flows and water table characteristics.
- ?. 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).
- ?. 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.

Involving overhead Utility Pole and Line Repair or Replacement

- ?. 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.
- ?. Any hole that remains after removal of a pole or is created for a replacement pole shall be backfilled with gravel or other ballast and the top six inches shall be covered with organic soil. The final elevation of the filled in hole area shall be the same as the surrounding wetland surface.

Also, if any tree cutting or removal is proposed within 5 miles of an Indiana Bat or Northern Long-Eared Bat hibernaculum, include:

- ?. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.

Also, if any tree cutting or removal is proposed within 2.5 miles of an Indiana bat summer location, as shown on Lookup, include:

- ?. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.

Also, if any tree cutting or removal is proposed within 2.5 miles of an Indiana bat winter location, as shown on Lookup, include:

- ?. Between April 1 and November 30, no trees shall be removed or disturbed on the project site without prior written Agency authorization.

If the project site is located above 2,800 feet in elevation:

- ?. Between May 15 and August 1, there shall be no use of heavy machinery, gas powered generators, air compressors, and pneumatic tools, unless the Department of Environmental Conservation (DEC) or an independent environmental specialist approved in advance by the Agency in consultation with DEC concludes in a written report that the use of heavy machinery, gas powered generators, air compressors, and pneumatic tools will not have an impact on the Bicknell Thrush's breeding and nesting season.
- ?. *Other conditions, if necessary, as determined by Agency staff.*

CERTIFICATE issued this day

of , 20 .

ADIRONDACK PARK AGENCY

BY: _____
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 20 , before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public