



**Adirondack
Park Agency**

General Permit 2024G-1

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

April 17, 2024

Presentation Overview

- General Permits
- Existing General Permit 2002G-3AAR
- Proposed General Permit 2024G-1
- Public Comments, Agency Responses, and Revisions
- SEQRA Review and Approval Process for GP2024G-1
- Board Action

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

Existing General Permit GP2002G-3AAR

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 810(1) of the APA Act or where the activity constitutes a “regulated activity” pursuant to 9 NYCRR 578.3 in or significantly impairing 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 810 or 814 of the Adirondack Park Agency Act or for “rivers projects” under the New York State Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577 or requires a variance under Section 806 shoreline restrictions.

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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.

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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

Jurisdiction

Pursuant to Sections 809(2)(a) and 810(1) 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 Sections 809(2)(a) and 810(1) 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.

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 cultural, historic or archeological resources, or to rare, threatened or endangered species.

General Permit 2024G-1

Regulated Activities in Wetlands Subject to this General Permit:

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.

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.



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.

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.

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.~~

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 determining application complete.


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

 <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>	<p>APA General Permit 2024G-1</p>	<p>Effective Date:</p>	
<p>In the Matter of the Issuance of a General Permit/Order for:</p> <p>Certain Minor Regulated Activities in APA –Jurisdictional Freshwater Wetlands</p>			

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 (Executive 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 Sections 809(2)(a) and 810(1) 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 Sections 809(2)(a) and 810(1) 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.

General Permit 2024G-1

Documents

Application

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

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 (apajif@apa.ny.gov, 518-891-4050).

- 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 ~~only authorizes temporary~~ is applicable only for construction disturbance of less than one year where there will be complete restoration of the wetland.
- Installation of temporary work pads, access, or detour drives. This permit is applicable only for ~~temporary~~ construction disturbance of less than one year 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 per wetland where compensatory wetland mitigation is addressed, as appropriate.
- 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 where compensatory wetland mitigation is addressed, as appropriate.
- 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.
- 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 or b) ~~Fill shall be~~ limited to the minimum necessary to bring the facility into compliance with current State design, safety, and capacity standards; and c) ~~the~~ improvements may will not change the historic use of the facility or property.
- ~~Temporary~~ Temporary grading and filling in wetlands lasting less than one year and associated with access for survey and exploratory activities with where there will be no permanent fill and ~~This permit only authorizes temporary construction disturbance where there will be complete restoration of the wetland. Survey and exploratory activities include: instrument survey, archaeological and paleontological surveys, seismic operations, drilling of test wells or bore~~

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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

 <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 www.apa.ny.gov</p>	<p>APA General Permit/Order 2024G-1 Certificate</p>	<p>Project #</p>
<p>Certificate for <u>Certain</u> Minor Regulated Activities in <u>APA Jurisdictional</u> Freshwater Wetlands</p>		
<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <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***

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

GP2024G-1 Certificate Conditions

Project-specific conditions as applicable:

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

Public Comment and Agency Responses/ Revisions

Comment Letters Received

Total Comments (4):

- Environmental Groups (3)
 - Adirondack Council
 - Adirondack Wild
 - Protect the Adirondacks!
- Private Individual (1)

Statements of Support

- Supportive of clarification that GP does not satisfy legal obligations to other Agencies
- Supports additional culvert conditions and clarification that GP is not to be used for new culverts where WL crossing does not exist.
- “Discern several improvements made”
- Supports clarifying temporary as lasting less than one year.

Comment Letter Topics

- Jurisdiction/Eligibility
- GP Format/Content
- Certificate Conditions
- Compensatory Wetland Mitigation
- Timing/Necessity

Jurisdiction/Eligibility

Comment

The regulated activities described should not be approved in Value 1 Wetlands under GP2024G-1.

Response

GP2002G-3AAR does not exclude activities in Value 1 wetlands. The proposed GP2024G-1 is a more protective improvement to the existing general permit, as it adds additional restrictions and language requiring wetland restoration, and makes it easier for staff to add specific conditions.

The regulated activities authorized by GP2024G-1 provide economic, social, or other benefits compelling a departure from the Value 1 conclusions of law.

Jurisdiction/Eligibility

Comment

Jurisdiction section incomplete, omits some categories of regulated activities as defined in Part 578 and activities under §810 requiring permits for activities “involving wetlands”.

Suggests including all regulatory/statutory jurisdictional language or specifically referencing applicable statutory provisions and definition of “regulated activity” in 578.3(n).

Response / Revision

- Citing §809(2)(a) and Part 578 consistent for wetland permits.
- §809(2)(a) provides jurisdiction over Class A projects, §810(1) describes them.
- §810(1) was added = doubling down.
- Not all activities involving wetlands eligible, 578 not being more specifically cited.

Jurisdiction/Eligibility

Comments

Suggests Eligibility Criteria #4 state that the general permit shall not be used for activities which may result in adverse impacts to cultural, historic or archeological resources, or to rare, threatened or endangered species.

Suggest adding “species of special concern or their occupied habitat of such species” and “species of greatest conservation need and their habitat” to rare, threatened, and endangered Species per the State Wildlife Action Plan.

Jurisdiction/Eligibility

Response

- #4 statement: *which result in* is cue to seek determination from the relevant authority. Doubled down in application.
- *“may result in”* is the purpose of review by the relevant authority.
- Conclusion of law to be met is that proposals *will not* have adverse impacts.
- Natural Heritage Program mapping consulted during review. Concerns for potential impacts prompt NIPA requests or additional conditions.

Jurisdiction/Eligibility

Comment

Minor regulated activity #1: “Replacement or repair of existing or installation of new private or public UG utilities through wetlands with no permanent fill in or loss of wetlands” should specify that authorized pipelines are for transporting substances **“that are not fossil fuels or greenhouse gases”**. Pipelines transporting substances contributing the climate change cannot be exempted from full regulatory review under section 7 of the Climate Leadership and Community Protection Act.

Response

- Utilities (including pipelines) are already covered under the existing GP.
- Does not apply to installation of a new Major Public Utility Use.
- GP authorizes only temporary impacts from utility repair/installation.
- GP not inconsistent with CLCPA.

Jurisdiction/Eligibility

Comment

Opposes regulated activities 5 and 6 involving new culvert installations or widening or minor improvements to lawfully existing roads, bridges, driveways, or trails. New permanent wetland impacts should not be authorized under a General Permit and should be subject to full regulatory permit review.

Response

- Both activities included in existing GP.
- GP2024G-1 provides additional restrictions:
 - New culverts limited to existing wetland crossings.
 - Fill for widening lawfully existing roads etc. limited to minimum necessary to comply with modern standards.

Jurisdiction/Eligibility

Comment

“Where compensatory mitigation is addressed, as appropriate” is vague and unclear. Suggests “Where compensatory mitigation is completed as required by the applicable project specific conditions in the certification”.

Response

- Compensatory wetland mitigation not required by project specific GP2024G-1 certificate conditions.
- Certificate conditions reference implementation of approved Project Plans.
- Compensatory wetland mitigation falls under the Project Plans which are reviewed and approved by Agency scientific staff.
- Basing eligibility on certificate conditions that have not yet been issued is the previous format attempting to be updated.

Jurisdiction/Eligibility

Comment

The term “wetland complex” is not defined in the GP, statues, or regulations. Suggests replacing “per wetland complex” with “in a wetland”.

Response / Revision

- “Per wetland complex” changed to “per wetland”.
- Improvement over “per site”.

Jurisdiction/Eligibility

Comment

Regulated activity #9 “installation of new fords” should not be included without requiring compensatory wetland mitigation.

Response / Revision

- Oversight corrected between February mailing and February presentation.
- All instances of permanent fill were intended to include “involving less than 300sqft of permanent wetland fill per wetland where compensatory mitigation is addressed, as appropriate”.
- Eligibility of a new Ag ford wetland crossing without a culvert but ineligibility of a new wetland crossing with a culvert inconsistent.
- #9 removed from GP2024G-1.

GP Format/Content

Comment

Previous GP “Summary and Authorization” lists jurisdictional eligibility criteria, which are excluded from GP2024G-1. This section should also state that projects that do not meet the eligibility criteria cannot apply for the GP.

This general permit may not be used if:

- a) the project also requires Agency approval due to permit jurisdiction over a subdivision or new land use or development under Sections 810 or 814 of the Adirondack Park Agency Act, or
- b) the project constitutes a “rivers project” under the New York State Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, or
- c) the project site is subject to State Land Master Plan or Unit Management Plan guidelines for management use, or
- d) the activity in question is limited or prohibited by a prior Agency determination or permit.
- e) the activity requires a variance under Section 806 shoreline restrictions.



GP Format/Content

Response

- More appropriate in Eligibility Criteria section.
- Instead of a proposal that **does not** meet criteria **is not** eligible”, GP2024G-1 says a proposal **that meets** the eligibility criteria **is** eligible (Consistent with other recent general permits).
- Previous list duplicative: “Sole basis of jurisdiction” being “activity involving wetlands” excludes other development under 810/814, Rivers projects, previous permits, and variances.
- Only excluded category not excluded in GP2024G-1 is project sites subject to SLMP or UMP guidelines.
- APA and DEC have a consultation process for State Lands projects. GP2024G-1 could be one of several Agency permits available.

GP Format/Content

Comment

General Permit “in effect once recorded” unclear. Suggests “upon approval by the agency”.

Response

Part 572.23f:

As soon as practicable **after the approval** of a general permit pursuant to this section, notice of such approval shall be published in the same manner specified in subdivision (c) of this section, and the permit **shall be recorded** by the agency in the counties within which it is effective in the usual manner.

GP Format/Content

Comment

Application Review Process section should retain the “Eligibility Criteria” found in this section in the original general permit. This includes specific determinations that must be made by APA staff prior to issuing a certificate.

Response

Upon office and/or field verification, the proposed activity must be determined by APA staff to:

- a. be consistent with the information contained in the application;**

A certification of the accuracy of the application materials is included in the signature section of the application.

GP Format/Content

Response

b. not have been partially or wholly undertaken;

The application states no regulated activities may occur prior to receiving a GP certificate. If regulated activities have been started prior to submission, they will be appropriately addressed. It is unrelated to whether the proposed activity qualifies as one of the regulated activities.

c. not require additional detailed engineering or environmental studies to more fully demonstrate no undue adverse impacts on important wetland resources of the Park;

Staff will send a NIPA for what is needed. If detailed engineering or environmental studies are involved, the proposal is likely not one of the minor regulated activities.

GP Format/Content

Response

d. not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the economic and social benefits that might be derived therefrom;

This is a conclusion of law determined through review. Not an eligibility criteria.

GP Format/Content

Response

e. not adversely affect historic or archeological resources or rare, threatened or endangered species, and

This was retained.

f. be capable of meeting the conditions contained within this General Permit and as stated in “Section C. – Conditions” of the Application and Certification form.

This does not apply to the new format of separate application and certificate.

GP Format/Content

Comments

The Conclusions of Law should be modified to state both the regulatory activities “will be consistent with the guidelines of 9 NYCRR 578.10” “and are compatible with preservation of the entire wetland and no result in degradation or loss of any part of the wetland or its associated values”. The Value 1 criteria should be used because the Agency is not conducting an evaluation of each individual wetland that will be impacted by the regulated activities. If an activity cannot satisfy the criteria applicable to Value 1 wetlands, it should not be eligible for the GP.

And

Value ratings should be referenced within the GP2024G-1 documents.

GP Format/Content

Response

The proposed Conclusions of Law state that the proposal will be consistent with the guidelines of Section 578.10 of the Agency's regulations.

Section 578.10 sets forth findings that must be made for the Agency to issue a permit for a regulated activity based on the value rating of the involved wetland, but allows for the issuance of a permit regardless of the value rating where the economic, social and other benefits to be derived from the activity proposed compel a departure from the listed findings.

The authorized regulated activities eligible for the new GP have been determined by Agency staff to all be activities that compel a departure from the guidelines, regardless of the value rating.

Certificate Conditions

Comment

Supportive of additional conditions related to round culvert embedment and promotion of native substrate for aquatic organism passage. Additional details concerning skew, scouring, and bankful width should be incorporated to ensure appropriate infrastructure. Pre-construction infrastructure may have been undersized or poorly positioned.

Response

The certificate conditions touch on installation details, but culvert engineering details should be reflected in the Project Plans, not certificate conditions. These engineering details would be under the review of DEC, ACOE, or other regulatory agencies. That review should be prior to or concurrent with the Agency review.

Certificate Conditions

Comment

GP2002G-3AAR contains a condition regarding the Agency’s right to “conduct on-site investigations, examinations, and evaluations as it deems necessary to ensure compliance with the terms and conditions of the permit”. This condition should be restored and exercised.

Response

This condition is no longer incorporated into agency permits. If staff need additional on-site investigations, they contact the landowner or permittee to arrange.

Certificate Conditions

Comment

Sites should be monitored by the applicant at least one year after restoration implementation is complete to review establishment of native plants and shrubs and to remove invasive species.

Response

- Application requests plans for prevention/control of invasive species and site stabilization/restoration methods. Includes implementation schedule, planting details, and compensatory mitigation measures.
- Certificate conditions require implementation per the approved Project Plans.
- Permits involving plantings often condition that trees and shrubs that do not survive shall be replaced annually until established in a healthy growing condition.

Compensatory Wetland Mitigation

Comment

Projects requiring permanent impacts to wetlands are subject to APA's Compensatory Wetland Mitigation Guidelines, but wetland replacement ratios are guidelines not rules, and functions lost by developed wetlands are not required to be described. This leaves a serious vulnerability in review of projects involving compensatory wetland mitigation. Newly planted trees and shrubs are subjected to herbivory and may not all survive. It is recommended to describe practices to ensure the most successful establishment of replacement species.

GP2024G-1 must address these concerns to better inform applicants of the implications of resorting to compensatory mitigation.

Compensatory Wetland Mitigation

Response

- Plans for compensatory wetland mitigation are reviewed by Agency scientific staff, and inadequate plans prompt additional requested information.
- The GP2024G-1 documents are not the place to address concerns with guidance documents or to provide a description of best planting practices.

Timing/Necessity

Comment

Requests a summary of GP2002G-3AAR track record, characterize 20 years of use, levels of success in minimum wetland impacts, and success of mitigation.

“Can discern several improvements made”, but requests RASS staff submit in writing why the update is necessary, and comprehensively describe improvements made.

Response

- > 420 GP2002G-3 series certificates issued since 2002.
- Average 20-30 per year.
- Predominately culvert work by Town, County, State Transportation authorities.
- RASS staff were integral to GP update.

Timing/Necessity

Comment

Major updates to the FWA, State Wildlife Action Plan, and Open Space Conservation Plan are coming. Adoption of the General Permit should be delayed until the proposed updates are released, or the GP should be reviewed for consistency with these changes afterward. The rulemaking for the FWA (ECL Article 24) will be updated to include Wetlands of Unusual Importance, such as vernal pools, not addressed in APA rules and regs. Article 24 should be incorporated into the proposed GP.

Response

The proposed General Permit strengthens the protections under an existing General Permit which applies to a narrow subset of regulated activities in APA jurisdictional wetlands. The proposed (or existing) General Permit will apply to all APA jurisdictional wetlands regardless of updates to the Freshwater Wetlands Act.

SEQRA Review

SEQRA Review /Approval Process

- Type I Action
- Lead Agency Declaration - **complete**
- Public Notice #1- **complete**
- Coordinated Review- **complete**
- Public Comment Period – **completed March 22, 2024**
- Full Environmental Assessment Form - **complete**
- Determination of Significance
- Board Approval
- Public Notice #2

SEQRA – Full EAF Parts II & III

- Part II: Identified potential for “no, or small impact” resulting from the GP.
- Part III: Described Conclusions of Law and identified mitigation conditions
- When determining significance, the Agency relied upon:
 - The analysis in the Full EAF;
 - Draft General Permit;
 - Draft Certificate;
- Negative Declaration of Significant Adverse Environmental Impact adopted by the Executive Director on March 26, 2024

SEQRA Review /Approval Process

- Type I Action
- Lead Agency Declaration - **complete**
- Public Notice #1- **complete**
- Coordinated Review- **complete**
- Public Comment Period – **completed March 22, 2024**
- Full Environmental Assessment Form - **complete**
- Determination of Significance- **“Negative Declaration”**
- Board Approval
- Public Notice #2

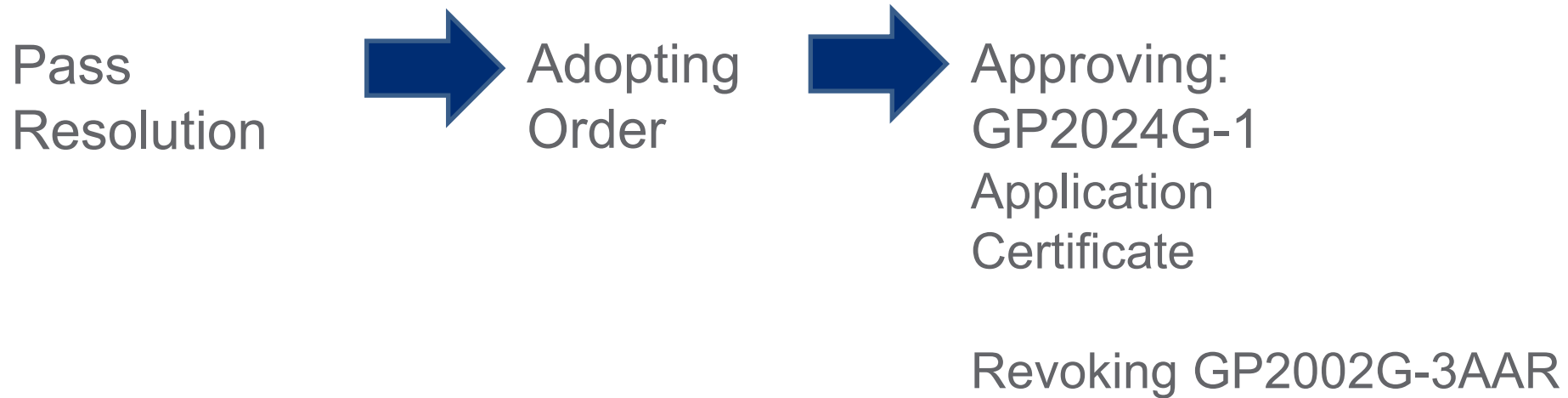
Draft Order

General Permit 2024G-1 “Certain Minor Regulated Activities in APA Jurisdictional Freshwater Wetlands” 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 §§ 809(2)(a) and 810(1) of the Adirondack Park Agency Act and Agency Regulations at 9 NYCRR Part 578;
- d. allow for certain minor regulated activities in a freshwater wetland;
- e. include relevant mitigating conditions and conclusions of law, as specified in the general permit; and
- f. include procedures for the issuance of a certificate pursuant to the general permit, as specified in the general permit.

For Board Action

For Board Action today



General Permit ready for use after recording in each County Clerk's Office within the Park



**Adirondack
Park Agency**

General Permit 2024G-1

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

April 17, 2024