


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Permit and Order 2022-0131</p>
<p>In the Matter of a Proposal by</p> <p>NYS DEPARTMENT OF TRANSPORTATION</p> <p>Subject to Sections 814 of the Adirondack Park Agency Act and Pursuant to 9 NYCRR Part 578</p>	<p>Date Issued: December 15, 2022</p> <p>To the County Clerk: Please index this document in the grantor index under the following name:</p> <p>1. New York State Department of Transportation</p>

This permit and order authorizes the replacement of a pre-existing highway bridge and activities involving wetlands within the New York State Department of Transportation (NYSDOT) highway right-of-way of Route 28 in the Town of Arietta, Hamilton County.

This authorization shall expire unless recorded in the Hamilton County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the County Clerk's Office. The Agency will consider the project in existence when an authorized activity is undertaken.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit 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 permit 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.

PROJECT SITE

The project site is located within a 0.60-mile section of the New York State Department of Transportation's (NYSDOT) highway right-of-way along NYS Route 28 in the Town of Arietta, Hamilton County. The site is adjacent to lands classified as Wilderness, Wild Forest, and Intensive Use on the Adirondack Park Land Use and Development Plan Map.

The project site is located adjacent to and over the South Inlet to Raquette Lake and is improved by the existing highway roadbed, bridge and utility line infrastructure. The site contains wetlands comprised of needle-leaved evergreen forested, needle-leaved deciduous forested, broad-leaved deciduous forested, needle-leaved evergreen shrub, broad-leaved evergreen shrub, broad-leaved deciduous shrub, and emergent marsh covertypes. The wetlands have a value of "1" due to their composition and overall size within the mean high water mark of South Inlet and Raquette Lake.

The project site also includes a 1.112-acre area of land located along NYS Route 28 near Lake Durant in the Town of Indian Lake, Hamilton County. This portion of the project site will be used for the creation of compensatory wetlands.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the replacement and re-alignment of the NYS Route 28 highway bridge crossing South Inlet of Raquette Lake to restore the bridge condition rating and address geometric deficiencies. The project includes a designated parking area south of the highway on the east side of the crossing for improved recreational water access and an adjacent pedestrian walkway and bridge structure.

The project will involve the loss of 0.225 acres of wetlands in the vicinity of the bridge. As compensation for this loss, 0.6283 acres of new wetlands will be created within the portion of the project site located near Lake Durant, as depicted and described on the Wetland Mitigation Plan cited below and referenced herein.

The project is described and depicted on the following Project Plans:

- 22 sheets of plans titled "Bridge Replacement – Route 28 / S. Inlet Raquette Lake," prepared by the NYS Department of Transportation, and dated May 3, 2022 (Plan Sheets);
- A Stormwater Pollution Prevention Plan dated July 2022 (SWPPP);
- 6 sheets of plans titled "Bridge Replacement – Route 28 / S. Inlet Raquette Lake," prepared by the NYS Department of Transportation, and dated May 5, 2022 (Stormwater and Erosion and Sediment Control Plan);
- 17 sheets of plans titled "Bridge Replacement – Route 28 / S. Inlet Raquette Lake," prepared by the NYS Department of Transportation, and dated June 3, 2022 (Landscape Plans);
- A 9-page report titled "Attachment B: Visualizations"; and

- A 53-page document titled “Comprehensive Compensatory Mitigation Proposal,” prepared by the NYS Department of Transportation, and dated 1 September 2022 (Wetland Mitigation Plan).

A copy of the General Plan and Elevation shown on Drawing No. ST1-01 of the Plan Sheets and Drawings MIT-02 and MIT-03 of the Wetland Mitigation Plans are attached as a part of this document.

AGENCY JURISDICTION

Pursuant to 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 or excavation of a wetland in the Adirondack Park.

The proposal involves new land use and development by NYSDOT within the Adirondack Park pursuant to § 814 of the Adirondack Park Agency Act, 9 NYCRR § 579.1, and 9 NYCRR § 4.150 (Executive Order 150).

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Hamilton County Clerk’s Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the authorized development remains on the site. Copies of this permit and Project Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State’s Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency’s implementing regulations [9 NYCRR §§ 570-588].
4. This permit authorizes a bridge replacement and realignment project within the NYSDOT highway right-of-way of NYS Route 28 in the location shown and as depicted on the Plan Sheets, Stormwater and Erosion and Sediment Control Plan, SWPPP, and Landscape Plans. Any change to the location, dimensions, or other aspect of the authorized development shall require prior written Agency authorization.
5. All aspects of the project shall be undertaken in compliance with the Project Plans cited herein.
6. 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.

7. The authorized activities involving wetlands shall be undertaken as depicted and described in the Plan Sheets and Wetland Mitigation Plan. The undertaking of any activity involving wetlands not authorized herein requires a new or amended permit.
8. No trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed for the construction of the bridge without prior written Agency authorization, except as authorized herein or for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the Adirondack Park land use and development plan;
- b. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park, taking into account the economic and social or other benefits to be derived from the activity; and
- c. will, although economic, social and other benefits to be derived from the activity proposed compel a departure from the guidelines of 9 NYCRR Part 578.10(a)(1), secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state.

PERMIT and ORDER issued this 15th day
of December, 2022.

ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 15th day of December in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, 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.

Stephanie L. Petith
Notary Public

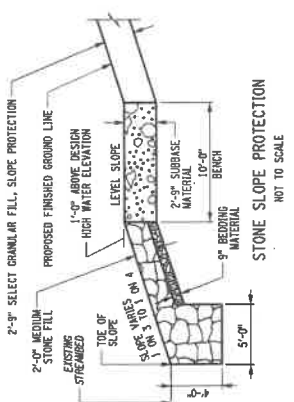
Stephanie L. Petith
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025

Adirondack Park Agency
 NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
FINAL
 P2022-0131

ALTERED BY: [Signature]
 DATE: [Date]
 AFFIX SEAL: [Signature]

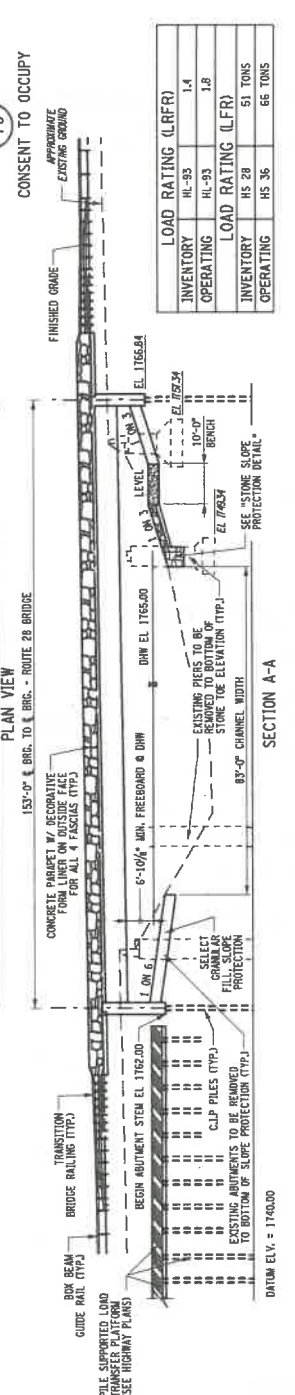
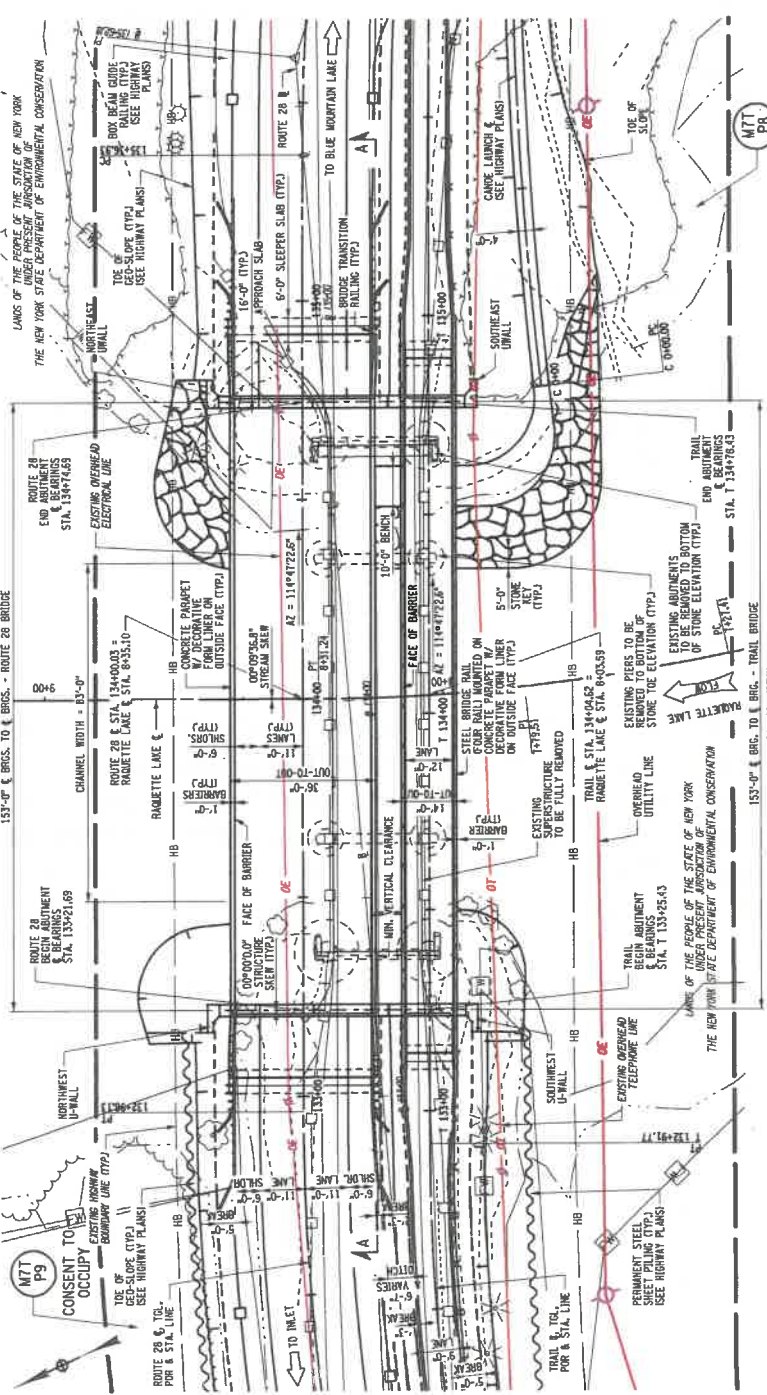


NOTES:
 HIGH VOLTAGE ELECTRICAL LINES ARE IN PROXIMITY TO THIS BRIDGE.



HYDRAULIC DATA			
DRAINAGE AREA	N/A	SQ. MILES	BASIC FLOOD FLOOD
RECURRENT INTERVAL	< 1.0 (17.5)		100
PEAK DISCHARGE			1765.0
HIGH WATER ELEVATION AT POINT OF MAX. BACKWATER			1765.0
AVG. VELOCITY THRU STRAIGHT, @ DESIGN FLOOD			< 1.0 FT./SEC.
SCOUR ANALYSIS:			
EXISTING SCOUR DEPTH (FT.)	N/A	DESIGN SCOUR DEPTH (FT.)	N/A
BEGIN ABUTMENT	N/A	N/A	N/A
END ABUTMENT	N/A	N/A	N/A
SCOUR DEPTH IS MEASURED FROM MINIMUM CHANNEL ELEVATION			

ROUTE 28 CURVE APPROACH	
P.C. = 127494.00	P.T. = 132491.77
R = 1200.00 FT	L = 399.26 FT
CANOE LAUNCH CURVE	
P.C. = 135336.93	P.T. = 138192.51
R = 2000.00 FT	L = 2000.00 FT

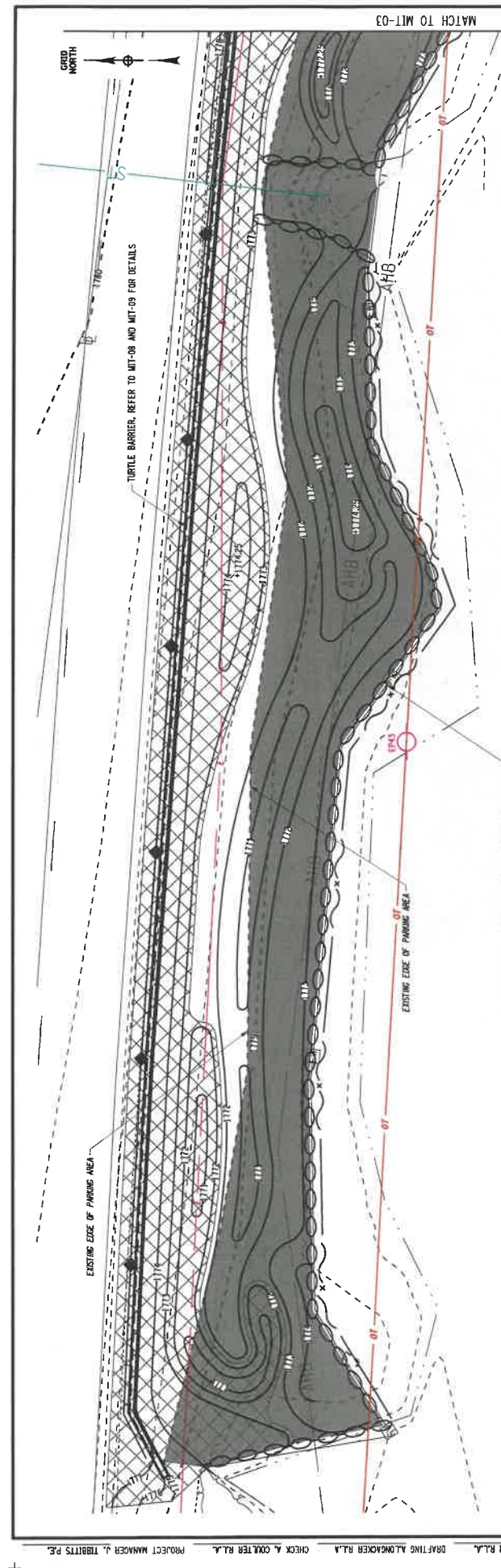


LOAD RATING (LFR)	
INVENTORY	HL-93
OPERATING	HL-93
LOAD RATING (LFR)	
INVENTORY	HS 28
OPERATING	HS 36
	66 TONS

AS-BUILT REVISIONS / DESCRIPTION OF ALTERATIONS:	BRIDGE REPLACEMENT - ROUTE 28 / S. INLET RAQUETTE LAKE	PH: 2018.97	COLVERTS:	CONTRACT NUMBER:
	SEVENTH LAKE - BLUE MOUNTAIN LAKE, P.L. 2A	ROUTE 28		
	S.A.H. 8295			
	TOWN OF ARIETTA	REGION: 02		
	COUNTY: HAMILTON			
GENERAL PLAN & ELEVATION		ALL DIMENSIONS IN FT. UNLESS OTHERWISE NOTED		
ROUTE 28 OVER		S. INLET RAQUETTE LAKE		
DRAWING NO. S11-01		SHEET NO.		
Department of Transportation				

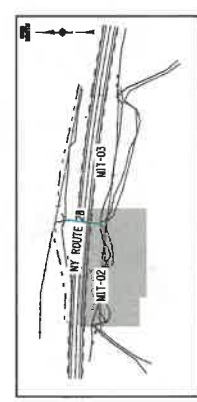
LANDS OF THE PEOPLE OF THE STATE OF NEW YORK
 THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO REPRODUCE OR TRANSMIT IN ANY MANNER OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, ANY PART OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF THE ADIRONDACK PARK AGENCY. ANY SUCH VIOLATION SHALL BE SUBJECT TO PROSECUTION AND PENALTIES AS PROVIDED BY LAW. THIS DOCUMENT AND ITS CONTENTS ARE NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ADIRONDACK PARK AGENCY.



LEGEND

ITEM 610.140:	TOPSOIL - REUSE ON-SITE MATERIALS. UNDESIRABLE MATERIALS TO BE REMOVED FROM EXISTING PARKING AREA TO BE MARKED BY YELLOW PAINT. REFER TO MIT-01. SEQUENCE OF CONSTRUCTION
ITEM 208.2103	SOIL STABILIZERS, CLASS IV TYPE C
ITEM 607.4101000	TEMPORARY PLASTIC BARRIER FENCE
ITEM 208.23010009	BIODEGRADABLE SEDIMENT FILTER LOG, 12" LEAVE IN PLACE
ITEM 614.060004	TREE REMOVAL OVER 12 INCHES TO 18 INCHES DIAMETER BREAST HEIGHT - STUMPS CHIPPED AND MULCHED. UNDESIRABLE STUMPS FOR WETLAND HABITAT CREATION. REFER TO MIT-04 AND MIT-05.

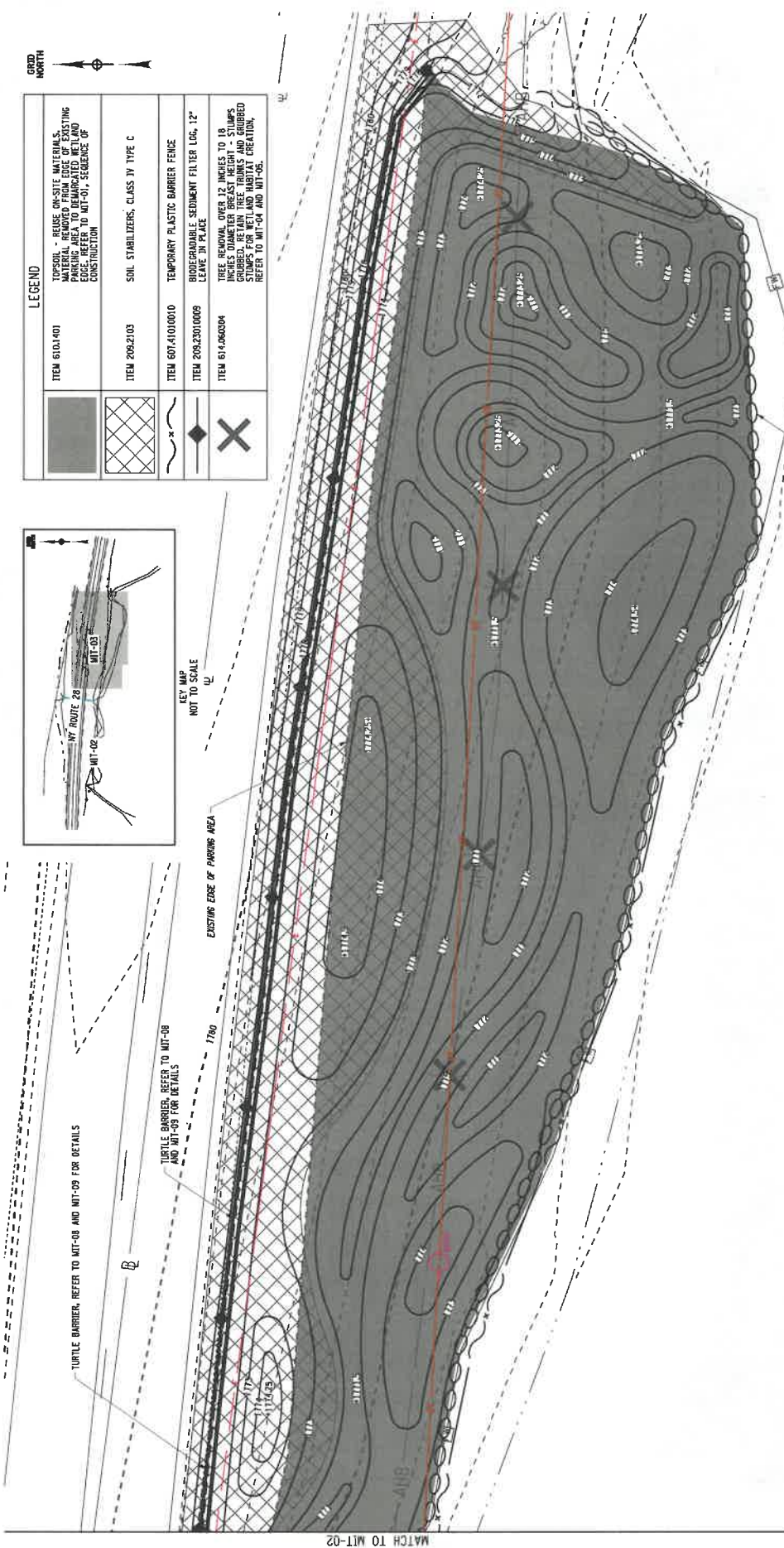
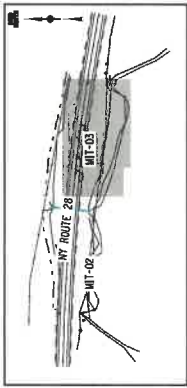


AFFIX SEAL: ON:	ALTERED BY: DN:
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FILE NAME: 2019.07.01.mt-02 DATE/TIME: 2019-07-22Z 09:03 USER: Ronschke	DESIGN SUPERVISOR: J. TIBBITTS DESIGN: A. LONGACKER R.L.A., CHECK: A. COLLIER R.L.A., PROJECT MANAGER: J. TIBBITTS P.E.
BRIDGE REPLACEMENT - ROUTE 28 / S. INLET BAQUETTE LAKE BLUE MOUNTAIN LAKE - INDIAN LAKE, PTS. 1 & 2 S.H. 570A TOWN OF INDIAN LAKE COUNTY: HAMILTON REGION: 02	PIN 2018.9T ROUTE 28 BRIDGES: 102020 1020201
AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS:	CULVERTS ALL DIMENSIONS IN FT. UNLESS OTHERWISE NOTED
IT IS A VIOLATION OF LAW FOR ANY PERSON UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.	EROSION CONTROL PLANS LANE DRAINANT WETLAND INITIATION AREA
CONTRACT NUMBER: 0264867 DRAWING NO.: MIT-02 SHEET NO.:	Department of Transportation



LEGEND	
ITEM 610.1401	TOPSOIL - REUSE ON-SITE MATERIALS. MATERIAL TO BE PLACED TO RECONSTRUCT EXISTING PAVING AREA TO BE DEMOLISHED OR TO EXISTING EDGE. REFER TO MIT-01, SEQUENCE OF CONSTRUCTION.
ITEM 208.2103	SOIL STABILIZERS, CLASS IV TYPE C
ITEM 601.41010010	TEMPORARY PLASTIC BARRIER FENCE
ITEM 208.23010009	BIODEGRADABLE SEDIMENT FILTER LOG, 12" LEAVE IN PLACE
ITEM 614.060004	TREE REMOVAL OVER 12 INCHES TO 18 INCHES DIAMETER BREAST HEIGHT - STUMPS GRUBBED, RETAIN TREE TRUNKS AND GRUBBED STUMPS FOR WETLAND CREATION. REFER TO MIT-04 AND MIT-05.



ALTERED BY: [Signature]	DESIGN SUPERVISOR: A. TRIBBITT P.E.
APTA SEAL: [Seal]	PROJECT MANAGER: J. TRIBBITT P.E.

AS-SOIL T REVISIONS DESCRIPTION OF ALTERATIONS:	BRIDGE REPLACEMENT - ROUTE 28 / S. INLET RAQUETTE LAKE BLUE MOUNTAIN LAKE - INDIAN LAKE, PTS. 1 & 2 S.A. 5704 TOWN OF INDIAN LAKE COUNTY, HAMILTON	PIN 2016JST ROUTE 28	BRIDGES 1102081	CULVERTS	ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED	CONTRACT NUMBER D254657
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAWYER, TO PREPARE AND ISSUE ANY PROFESSIONAL ENGINEERING, ARCHITECTURAL, OR LANDSCAPE ARCHITECTURE DRAWING OR SPECIFICATION FOR CONSTRUCTION OF ANY STRUCTURE OR WORK, UNLESS THE DRAWING OR SPECIFICATION IS ALTERED BY FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A VERIFIED DESCRIPTION OF THE ALTERATION.	REGION: 02	WETLAND INITIATION AREA	LAKE DIBRANT	EROSION CONTROL PLANS	DRAWING NO. MIT-03	SHEET NO.
NEW YORK STATE DEPARTMENT OF TRANSPORTATION						