


THIS IS A TWO-SIDED DOCUMENT

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|  <p><b>NEW YORK</b><br/>STATE OF<br/>OPPORTUNITY.</p> <p><b>Adirondack<br/>Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86<br/>Ray Brook, New York 12977<br/>Tel: (518) 891-4050<br/>www.apa.ny.gov</p> | <p>APA Permit<br/><b>2023-0026</b></p>   |
| <p>In the Matter of the Application of</p> <p><b>NEW YORK STATE DEPARTMENT OF<br/>ENVIRONMENTAL CONSERVATION</b></p> <p><b>Permittee</b></p> <p>for a permit pursuant to 9 NYCRR Part 578</p>  | <p>Date Issued: June 14, 2023</p> <p>To the County Clerk: Please<br/>index this permit in the grantor<br/>index under the following names:<br/><b>1. New York State Department<br/>of Environmental Conservation</b></p> |

**SUMMARY AND AUTHORIZATION**

This permit authorizes construction of a pathway and waterway access through wetlands in an area classified Wild Forest on the Adirondack Park Land Use and Development Plan Map in the Town of Newcomb, Essex County.

This authorization shall expire unless recorded in the Essex 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 Essex County Clerk's Office. The Agency will consider the project in existence when the pathway has been constructed.

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 a 982±-acre parcel of land located on Tahawus Road in the Town of Newcomb, Essex County, in an area classified Wild Forest on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 110, Block 1, Parcel 12.111, and is described in a deed from The Nature Conservancy, Inc. to The People of the State of New York, dated April 17, 2015, and recorded April 30, 2015 in the Essex County Clerk's Office under Instrument Number 2015-1557.

The project site contains shoreline on the Hudson River and is partially located within the Hudson River Recreational River area and the Opalescent River Wild River area. The project site also contains a large wetland complex associated with the Hudson River and the Opalescent River that is comprised of many different covertypes, includes portions over 20 acres in size within the mean high water mark of the Hudson River, and has a value rating of 1 pursuant to 9 NYCRR Part 578. Additional wetlands not described herein or depicted on the Site Plans may be located on or adjacent to the project site.

The project site is improved by a single-lane bridge crossing the Hudson River immediately south of the proposed development.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of two parking lots, a pathway, and a waterway access for canoes and kayaks to the Hudson River partly through wetlands. The parking lots will be on either side of Tahawus Road, at the beginning of the pathway and outside of wetlands. The waterway access will include construction of a rip rap retention wall and grading at the Hudson River shoreline. The construction of the pathway and waterway access will involve the permanent loss of 195± square feet of wetlands.

The project is shown on four un-titled sheets of plans with no identified preparer, received by the Agency on March 15, 2023 (Site Plans). A reduced-scale copy of the Site Plans for the project are attached as a part of this permit for reference.

### **AGENCY JURISDICTION**

Pursuant to the Freshwater Wetlands 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.

### **CONDITIONS**

#### **THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The project shall not be undertaken until this permit has been recorded in the Essex 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 pathway and access area remain on the site. Copies of this permit and Site 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. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2023-0026, issued June 14, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. This permit authorizes the construction of a pathway and waterway access in the location shown and as depicted on the Site Plans. Any change to the location, dimensions, or other aspect of the pathway or waterway access requires a new or amended permit.
6. The stormwater pollution prevention and erosion and sediment control features shall be installed as shown on the Site Plans.
7. 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.
8. Any disturbed areas within the boundary of wetlands shall be re-seeded with a native Adirondack wetland seed mix.
9. One year after completion of the project as described, photos shall be provided to the Agency taken during the month of September. The photos should show the project site and the seeded areas. Restored wetlands areas that do not survive shall be reseeded annually and photos shall be provided until restored wetlands have been established in a healthy growing condition. All requested materials should be submitted to [apasubmissions@apa.ny.gov](mailto:apasubmissions@apa.ny.gov) and reference Permit 2023-0026 in the subject line.
10. No fill may be placed in wetlands other than for the pathway and waterway access, as authorized herein. Any excavated soil removed from the wetlands shall be stored and properly stabilized with appropriate native seed mix in an upland area, outside of wetlands. Any excavated soil shall be free of invasive plant species. If invasive plant species are present, the soil shall be disposed of in accordance with the NYSDEC "Guidelines for Disposing of Invasive Plant Material" (2019).

**CONCLUSIONS OF LAW**

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

- a. 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.

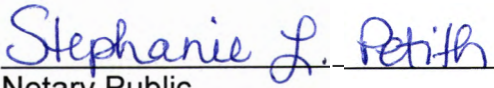
PERMIT issued this 14<sup>th</sup> day of June, 2023.

ADIRONDACK PARK AGENCY

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



STATE OF NEW YORK  
COUNTY OF ESSEX

On the 14<sup>th</sup> day of June in the year 2023, 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




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

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|  NEW YORK<br>STATE OF<br>OPPORTUNITY | Adirondack<br>Park Agency |  NEW YORK<br>STATE OF<br>OPPORTUNITY | Adirondack<br>Park Agency |
| RECEIVED   |                           | FINAL  |                           |
| Date: March 15, 2023   |                           | P2023-0026   |                           |

Entire trail, both wetland and upland will be graded to match the grade of undisturbed soil bordering it

**Key**

-  Wetland and Flood level Boundary
-  Limits of vegetative Clearing
-  6-Inch Contour Lines

Silt Curtain

140 sqft Wetland Excavation and Fill

55 sqft Wetland excavation and fill

Hudson River

Silt Sock

Surface Drainage

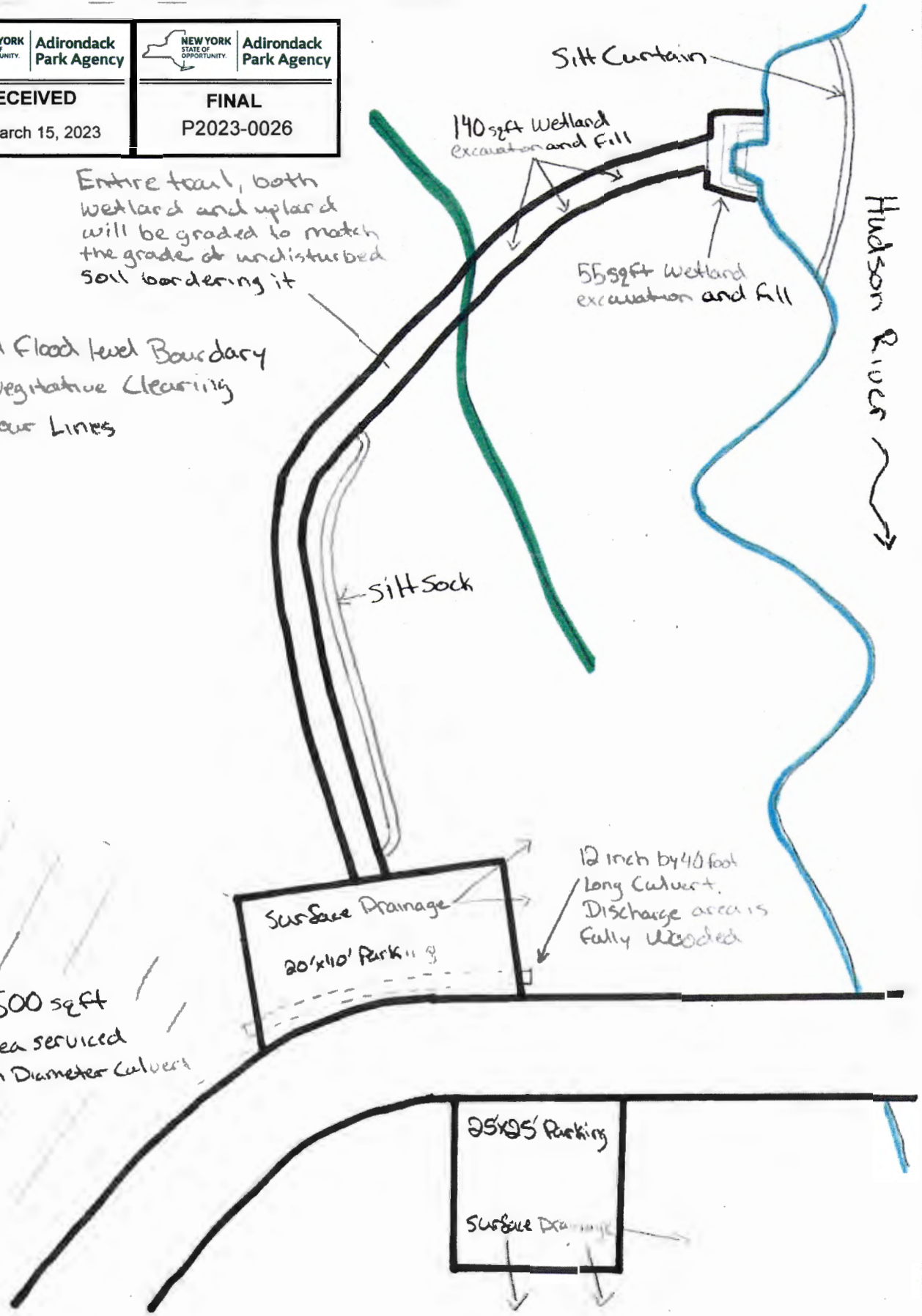
20'x10' Parking

12 inch by 40 foot Long Culvert. Discharge occurs fully wooded

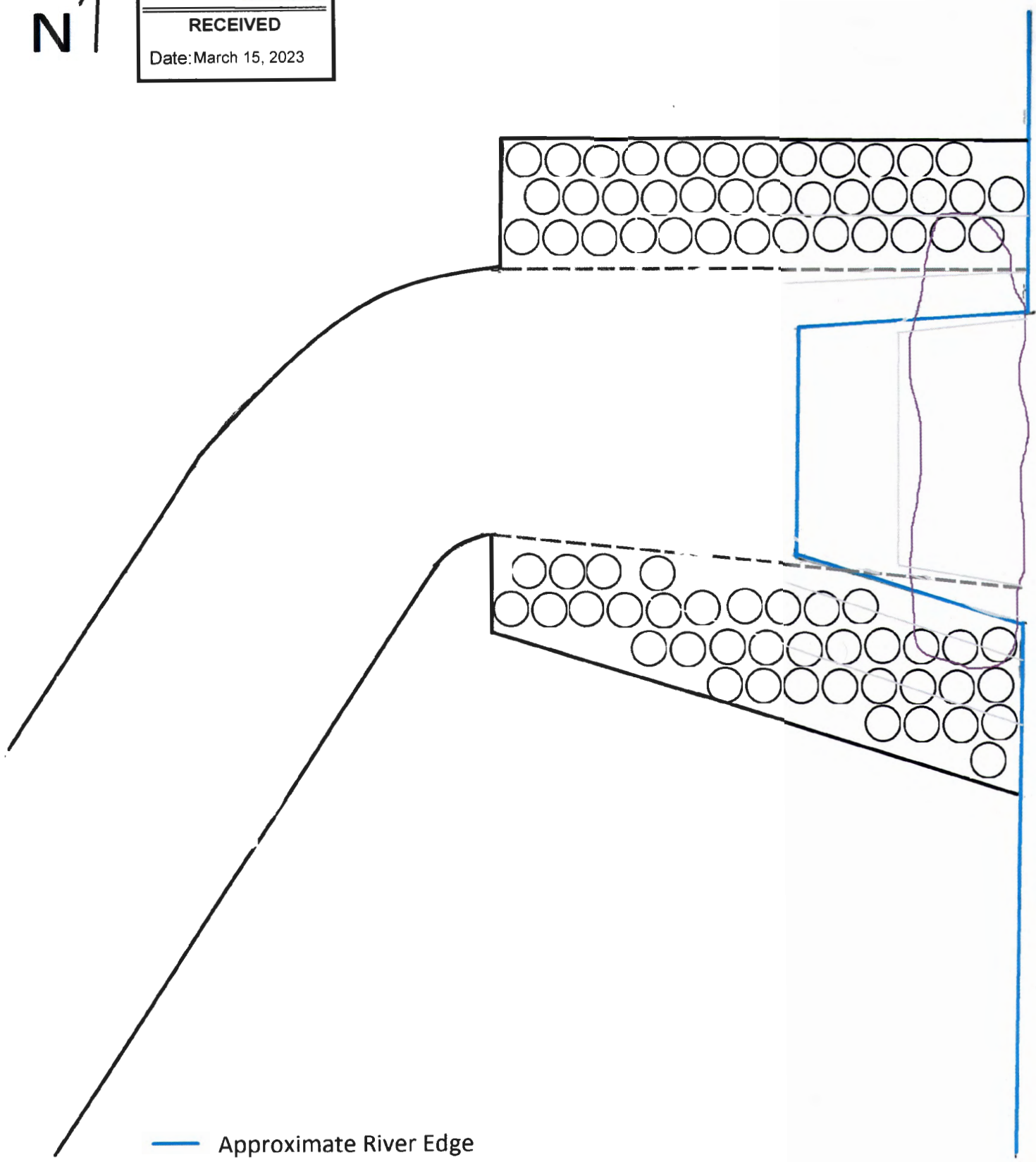
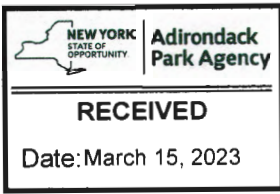
Approx 3,500 sqft drainage area serviced by a 12-inch Diameter Culvert

25'x25' Parking

Surface Drainage



N1



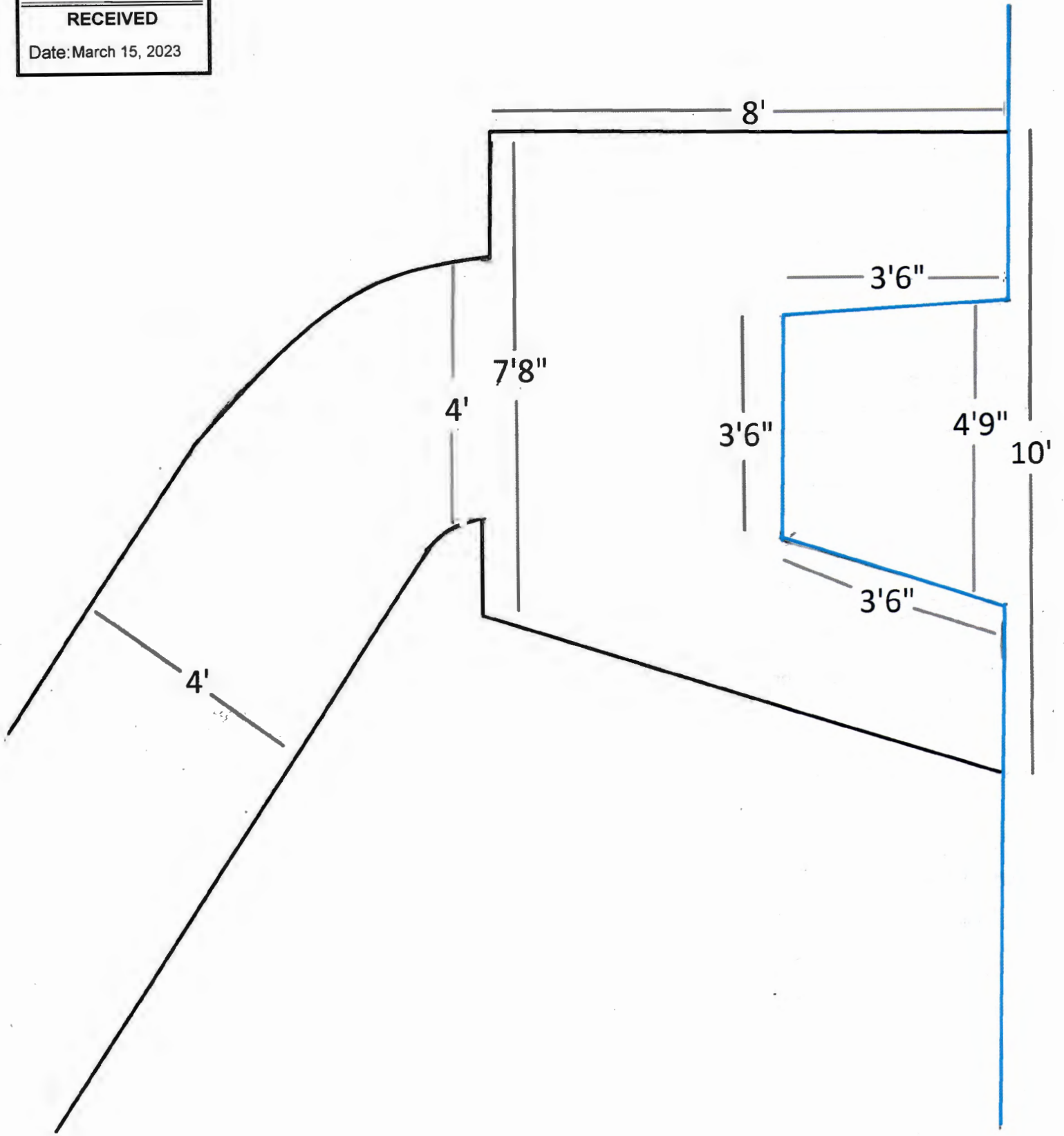
- Approximate River Edge
- Approximate Topo Line (6")
- ~ Approximate retention Boulder Placement
- Rip Rap Retention Wall
- - - Border of Coarse Water Access Tread
- Coarse Trail Tread

1 Inch = 2 Feet



RECEIVED

Date: March 15, 2023





Transition Between Access Trail and Water Access

Open River Channel

8'

Vegitated Ground Surface

Boulder/Rip Rap Retention Wall Area

Stream Bank

OHWL

OLWL

Geotextile Fabric

Course Rock Tread

Retention Boulder

Stream Bottom

1 Inch = 1 Foot

