

THIS IS A TWO-SIDED DOCUMENT



**Adirondack
Park Agency**

P.O. Box 99, 1133 NYS Route 86
Ray Brook, New York 12977
Tel: (518) 891-4050
www.apa.ny.gov

APA Permit
2023-0178

Date Issued: November 16, 2023

In the Matter of the Application of

**NEW YORK STATE ELECTRIC & GAS
CORPORATION (NYSEG)
Permittee**

for a permit pursuant to § 809 of the Adirondack
Park Agency Act and 9 NYCRR Part 577 and 9
NYCRR Part 578

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

- 1. New York State Electric &
Gas Corporation**
- 2. NYSEG**

SUMMARY AND AUTHORIZATION

This permit authorizes vegetation removal within 100 feet of the Saranac River and installation of a flexible, permeable matt for water access in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Saranac, Clinton County.

This authorization shall expire unless recorded in the Clinton 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 Clinton County Clerk's Office. The Agency will consider the project in existence when any of the authorized activities begin on the project site.

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 within the Low Intensity Use portion of a 417-acre parcel of land located off Soper Road on the east side of the High Falls Dam in the Town of Saranac, Clinton County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The parcel also contains lands classified Resource Management and is identified as Tax Map Section 240, Block 2, Parcel 1.

The project site is located in the vicinity of the existing power intake building and dam crest within the designated Saranac River Recreational River area and contains wetlands below the mean high water mark of the Saranac River. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The project site is improved by the High Falls Electric Power Generation Facility Hydro Development.

PROJECT DESCRIPTION

The project as conditionally approved herein involves vegetation removal within 100 feet of the Saranac River to facilitate laydown cofferdam construction for the High Falls Development Intake Project. The project includes upgrades to the intake infrastructure pursuant to Article 404 of the existing Federal Energy Regulatory Commission (FERC) license and the installation of a flexible, permeable mat for water access.

The project is described in a report titled "Adirondack Park Agency Permit Application, Reference Number A2022-0122, Saranac River Hydroelectric Project FERC NO. 2738-NY, High Falls Development Intake Project," prepared by NYSEG and dated September 2023 (Report) and a Revegetation Plan received by the Agency October 4, 2023.

The project is depicted on a set of construction drawings titled "NYSEG High Falls Dam Facility, Intake Modifications & Design," prepared by Avangrid Engineering in consultation with Bergmann Associates and dated August 14, 2023 (Intake Modifications & Design Plans).

The Intake Modifications & Design Plans referenced herein are Critical Energy Infrastructure Information that is kept confidential by the Federal Energy Regulatory Commission.

AGENCY JURISDICTION

Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to the removal of vegetation within 100 feet of the mean high water mark of any designated recreational river area on Low Intensity Use lands 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 required from the Adirondack Park Agency prior to any deposit of fill in 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 Clinton 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 activities continue on the site. Copies of this permit 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, Wild, Scenic and Recreational Rivers System 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 2023-0178, issued November 16, 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 removal of vegetation and installation of a flexible transition mat for boat access in the location shown and as depicted on the Intake Modifications & Design Plans. Any change to the location, dimensions, or other aspect of the vegetation management or boat ramp location plan shall require prior written Agency authorization.
6. Pursuant to 9 NYCRR § 577.4, the undertaking of any new land use or development not authorized herein on the project site within one-quarter mile of the Saranac River will require a new or amended permit. The undertaking of any activity involving wetlands also requires a new or amended permit.
7. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan depicted in the Intake Modifications & Design Plans.
8. 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.

9. Any new lighting associated with the authorized activities on the project site shall comply with the Lighting Plan. Any change to this lighting shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward the Saranac River.
10. Outside of the limits of clearing shown on the Intake and Modification Plans and within 100 feet of the mean high water mark of the Saranac River, no trees, shrubs, or other woody stemmed vegetation may be cut or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
11. All plantings described on the Revegetation Plan shall be planted no later than the first spring or fall planting season after final grading related to the authorized activities. Plantings that do not survive shall be replaced annually until established in a healthy growing condition.
12. Any dock, boathouse or other water access structure on the project site shall require prior written Agency authorization.

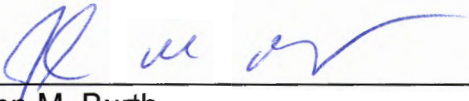
CONCLUSIONS OF LAW

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, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- e. will 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;
- f. will 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;
- g. will result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives;
- h. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- i. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- j. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

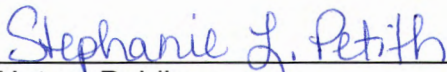
PERMIT issued this 16th day
of November, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 16th day of November in the year 2023, 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.


Notary Public

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