



REPLACEMENT AND REPAIR OF EXISTING DAMS

This is a supplement to the Citizen's Guide, which provides basic information about Adirondack Park Agency regulations.

Under both the Adirondack Park Agency Act and the Wild, Scenic, and Recreational Rivers System Act, a shoreline setback variance is generally required if the replacement or repair of a dam will result in an expansion of the structure's size. As an exception to this requirement, no variance is necessary when plans and a certification by the engineer for the project sponsor support the following conclusions:

- 1) The design adjustments will result in the same "normal pool elevation" for the impoundment; and
- 2) The modified dam has been designed in accordance with the engineering criteria for New York State Department of Environmental Conservation (DEC) dam safety.¹

Any new or expanded structure that is proposed for construction at the same time as a dam modification but is not necessary for the safety of the dam under DEC criteria is subject to the 100 square foot limitation set forth in Section 806 of the Adirondack Park Agency Act and to the shoreline setback restrictions established under the Wild, Scenic, and Recreational Rivers System Act, as applicable. For example, new or expanded fences, walls, walkways or other structures not required for compliance with DEC dam safety criteria may require a variance.

Replacement or expansion of a dam or associated reservoir may require an Agency permit based upon the potential for impact to wetlands.

This flyer is intended to provide general information regarding Agency jurisdiction. Other provisions or restrictions may apply if an Agency permit or variance is required or if the property has previously been subject to Agency review.

Please contact the Agency with any questions at 518-891-4050. For a binding written response as to whether a specific proposal requires Agency review, please submit a Jurisdictional Inquiry Form (JIF), along with stamped engineering plans and analysis. The JIF form is available on the Agency website at www.apa.ny.gov/Forms/jiform.pdf.

¹ *Guidelines for Design of Dams*, last revised January 1989 or current version thereof. The DEC dam safety criteria apply regardless of whether the dam is subject to DEC dam safety jurisdiction.