


THIS IS A TWO-SIDED 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 2014G-1B</p>	<p>Effective Date: 12/21/20</p>
	<p>In the Matter of the Amendment of a General Permit for: Management of Terrestrial Invasive Species in or Potentially Impacting Wetlands in the Adirondack Park</p>	

SUMMARY AND AUTHORIZATION

Pursuant to Environmental Conservation Law (ECL) Article 24, Executive Law § 809(13)(e), and 9 NYCRR §§ 572.23 and 578, this general permit authorizes the conditional undertaking of regulated activities incidental to the management of terrestrial invasive species in or potentially impacting wetlands in the Adirondack Park by authorized users through the use of management activities intended to eradicate or reduce population numbers or otherwise control the growth and spread of terrestrial invasive species.

The Deputy Director of Regulatory Programs (DDRP) shall maintain a list of Authorized Users approved to use GP2014G-1B (Authorized Users list), separately identifying persons authorized to undertake management of invasive terrestrial plant species and persons authorized to undertake management of invasive terrestrial non-plant species. For purposes of this general permit, the term “person” shall have the same definition as in 9 NYCRR § 578.3. Persons will be added to the Authorized Users list through the DDRP’s approval of the *Application to Use General Permit 2014G-1B*. Authorized Users not in compliance with the conditions in this general permit may be removed from the Authorized Users list at the discretion of and upon notification by the DDRP.

All activities undertaken pursuant to this general permit shall comply with the conditions in this general permit.

This general permit shall be in effect from the date of issuance unless otherwise modified or revoked by the Agency.

ADIRONDACK PARK AGENCY JURISDICTION

The Agency requires permits for regulated activities conducted in or impacting wetlands in the Adirondack Park pursuant to Executive Law §§ 809 and 810, ECL § 24-0701(2), and 9 NYCRR §§ 578.2(a), 578.3(n)(1) - (2). Any form of dredging, excavation, removal of soil, peat, mud, or sand, any form of pollution, or any other activity which substantially impairs the functions served by or the benefits derived from freshwater wetlands requires a permit from the Agency.¹ The management of terrestrial invasive species in or impacting a wetland in the Adirondack Park is a regulated activity requiring a permit from the Agency because it adversely affects certain wetland functions.

¹ Sections 809 and 810 of the Adirondack Park Agency Act do not apply to activities undertaken by the NYS DOT or DEC. Section 814 of the Adirondack Park Agency Act applies to NYSDOT. ECL Article 24 and 9 NYCRR § 578 applies to all state agencies, including NYSDOT and NYSDEC.

ELIGIBILITY

Only persons named on the Authorized Users list are eligible to use GP2014G-1B. In order to be eligible for this general permit, the proposed activity must: (1) apply only to the terrestrial invasive species within the NYS DOT right of way, on State land with appropriate approval from the NYSDEC, or on any other land with the permission of the landowner; (2) not require additional detailed engineering or environmental studies; and (3) be able to meet the terms and conditions of this general permit.

PROCEDURES TO BE ELIGIBLE TO USE GP2014G-1B

1. To be eligible to use Agency General Permit 2014G-1B, the person must be listed on the Authorized Users list.
2. A person listed on the Authorized Users list will remain eligible to use GP2014G-1B unless that person is deemed to not be in compliance with the conditions listed in GP2014G-1B. A person may be removed from the list at the discretion of and upon notification by the DDRP.

For a person not listed on the Authorized Users list, the following procedures apply:

3. The applicant must fully complete and submit to the Agency the *Application to Use General Permit 2014G-1B*. The application may be submitted in person to the Agency, by e-mail to APASubmissions@apa.ny.gov, or by mail at:

Adirondack Park Agency
Deputy Director, Regulatory Programs Division
1133 Route 86, PO Box 99
Ray Brook, New York 12977

4. Within 15 calendar days of receipt of an application, the Agency will review the application for completeness, confirm jurisdiction, and determine whether the applicant meets the eligibility criteria.
5. If the application is incomplete, the Agency will inform the applicant by certified mail indicating what specific information is missing. On the day the Agency receives the missing information from the applicant, a new 15 calendar day review period will begin for determining completeness.
6. Where an applicant has been determined to be ineligible to use this general permit, the Agency will send a letter by certified mail briefly explaining why the applicant is ineligible and stating that the applicant may be reviewed again for inclusion on the Authorized Users list upon receipt of a new application.
7. The review time periods established in Executive Law § 809 shall not apply to Agency review of an application pursuant to this general permit, except that if the Agency does not issue a certification within ten business days of determining that an organization or individual is eligible for authorization to use GP2014G-1B, the procedures established in Executive Law § 809(6) shall apply.

CONDITIONS

All activities undertaken pursuant to this general permit shall comply with all of the following conditions:

1. The most recent version of either the Best Management Practices published by the Adirondack Park Invasive Plant Program² or the Inter-Agency Guidelines for Implementing Best Management Practices for the Control of Invasive Species on DEC Administered Lands in the Adirondack Park shall be followed at all times.
2. For activities undertaken on Forest Preserve Land, the guidelines established in the Memorandum of Understanding between the Adirondack Park Agency and the Department of Environmental Conservation Concerning Implementation of the State Land Master Plan for the Adirondack Park shall be followed at all times.
3. The qualified representative overseeing the management of terrestrial invasive species on behalf of the listed Authorized User shall be the same as that person designated in the Application to Use General Permit 2014G-1B. Any change to the qualified representative shall require submission of a new application by the Authorized User. Approval of the qualified representative is at the discretion of the DDRP. The qualified representative must have satisfactory experience and/or training in the identification and management of terrestrial invasive species.
4. All herbicide and pesticide applications shall be conducted by or under the direct supervision of an applicator licensed by the NYSDEC.
5. All herbicide and pesticide applications shall be conducted in strict accordance with the labeled application instructions and restrictions.
6. Any invasive plant species biomass collected under this permit shall be disposed of in NYSDOT residencies or NYSDEC approved facilities. For NYSDEC activities on State land, disposal activities shall comply with Inter-Agency Guidelines for Implementing Best Management Practices to Control Invasive Species on DEC Administered Lands of the Adirondack Park.
7. Any other agents, contractors, project engineers, and other parties responsible for or undertaking an activity authorized herein shall comply with all terms and conditions of this general permit.
8. All work shall be scheduled and conducted to minimize erosion of soils and to completely prevent silts or sediments from eroding into wetlands or surface waterbodies. Silt fence or other erosion control measures shall be used when removal of plant materials will expose more than 25 square feet of soil or will take place on slopes greater than 5%.

² Available at <http://www.adkinvasives.com>

9. Nothing contained in this general permit shall be construed to satisfy any obligation of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.
10. This permit does not grant the authorized user or their agents the right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work, nor does it authorize the impairment of any rights, title, or interest in real or personal property.
11. All activities undertaken pursuant to this general permit shall be summarized in an annual report prepared by the authorized user or the qualified representative that undertook the activity. This report shall be submitted to the Agency by February 28 of the year following the year in which the activity occurred and include: the species managed, a summary of the best management practices used at each site, the size of each management area, and the geographic coordinates of each activity or a Geographic Information System (GIS) shape file containing the relevant information.

CONCLUSIONS OF LAW

The Agency has considered all the statutory and regulatory criteria for project approval as set forth in Executive Law §§ 809(10), ECL § 24-0801(2), and 9 NYCRR § 578.10. The Agency hereby finds that all regulated activities authorized by this general permit and are undertaken as authorized:

- 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 land use area(s) involved;
- c. will be consistent with the overall intensity guidelines for the land use area(s) involved;
- d. will comply with the shoreline restrictions of Executive Law § 806;
- 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, taking into account the economic and social benefits that might be derived therefrom; and
- 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.

GENERAL PERMIT issued this 21st day
of December, 2020.


ADIRONDACK PARK AGENCY

BY: 
Robert J. Lore
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 21st day of December in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert J. Lore, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

STEPHANIE L. PETITH
Notary Public - State of New York
Qualified in Franklin County
No. 01PE6279890
Commission Expires Apr. 15, 2021


Notary Public