


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 www.apa.ny.gov</p>	<p>APA Permit 2022-0304</p>
<p>In the Matter of the Application of</p> <p>NEW YORK STATE ELECTRIC & GAS Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: February 24, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. New York State Electric & Gas2. NYSEG

SUMMARY AND AUTHORIZATION

This permit authorizes activities involving wetlands associated with utility pole installation and replacement in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Chesterfield, 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 County Clerk's Office. The Agency will consider the project in existence when an authorized activity begins.

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 2.2-mile section of an existing utility right-of-way located along Highland Road in the Town of Chesterfield, Essex County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map.

The project site contains value "3" shrub swamp wetlands and a deciduous swamp with a value of "2". Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves installation of six utility poles and construction access involving wetlands as part of a project that includes replacement of 36 existing utility poles and the installation of 14 new utility poles along a portion of Line 1100. The replacement of existing utility poles; 6A, 7 and 22, and the installation of new utility poles; A, 7A and 23A will involve wetlands.

Existing access to the project site is from Highland Road and along the existing utility right-of-way. Temporary timber matting will be used to cross wetland areas and provide stable work platforms for pole installation and replacement. All new and replacement utility poles are less than 40 feet in overall height above grade.

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

- Seven pages titled "Wetland and Stream Impacts, FIGURE 8," prepared by LaBella Associates and dated November 2022; and
- "Stormwater Pollution Prevention Plan," prepared by LaBella Associates, dated November 2022 and including Appendix G: Erosion and Sediment Control Plans.

AGENCY JURISDICTION

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 temporary or permanent fill in a wetland in the Adirondack Park.

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 authorized activities continue 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 the undertaking of activities involving wetlands in the location shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the project shall require prior written Agency authorization. Any new or replacement utility pole greater than 40 feet in height above grade shall require a new or amended permit.
5. Access to Pole 7 shall be through Wetland 4 and Highlands Road as shown on Page 3 of FIGURE 8. Any access through Wetland 5 for the replacement of Pole 7 shall require prior written Agency authorization.
6. No temporary access structure, including timber mats and work pads, shall be located within a wetland for more than 30 days.
7. Existing poles to be replaced shall be removed completely from the wetland, including the portion of the pole that was below grade.
8. Any hole created in wetlands after removal of a pole or created for a replacement pole is to be backfilled with gravel or other ballast, the top six inches shall be covered with organic soil and the final elevation shall be the same as the surrounding wetland surface.
9. When brought from off-site, all equipment, including but not limited to timber matting, 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.
10. Other than as shown and described on the Project Plans, no trees, shrubs, or other woody stemmed vegetation may be cut, trimmed, pruned or otherwise removed 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. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan and the Erosion and Sediment Control Plans.

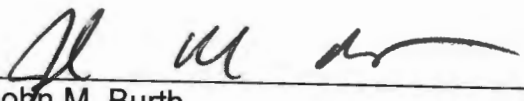
CONCLUSIONS OF LAW

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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Chesterfield;
- b. 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;
- c. 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; and
- d. will result in minimal degradation or destruction of the wetland or its associated values and provides an essential public benefit.

PERMIT issued this 24th day
of February, 2023.

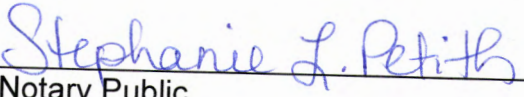
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 24th day of February 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.

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


Notary Public