


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 Emergency Recovery Authorization Permit 2024-0125</p>
<p>In the Matter of the Application of</p> <p>NEW YORK STATE DEPARTMENT OF TRANSPORTATION Permittee</p> <p>for an Emergency Recovery Authorization Permit pursuant to § 572.15(d) of the Adirondack Park Agency Rules and Regulations</p>	<p>Date Issued: May 14, 2024</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. New York State Department of Transportation</p>

EMERGENCY RECOVERY AUTHORIZATION

The Agency has determined that the proposal described below constitutes an Emergency Recovery Authorization and meets all of the statutory and regulatory criteria in the Adirondack Park Agency Act and § 572.15(d) of the Adirondack Park Agency Rules and Regulations, provided the conditions listed herein are met, and is being undertaken to repair, remediate and/or recover from an emergency as it is defined in 9 NYCRR Part 572.15(b)(1).

This Emergency Recovery Authorization Permit is based on and made only for the project described in the correspondence from the New York State Department of Transportation to the Agency and documents submitted on November 28, 2023, and the additional information submitted on May 2, 2024.

This permit shall expire unless recorded in the Hamilton County Clerk's Office within 60 days of issuance of a signed and notarized authorization. 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 one (1) year of the date this permit is recorded in the County Clerk's Office. The Agency will consider the project in existence when the remediation activities begin.

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 located on NYS Route 28N in the Town of Long Lake, Hamilton County, in an area classified Resource Management and Rural Use on the Adirondack Park Land Use and Development Plan Map. The project site is improved by a newly constructed bridge over Fishing Brook.

The project site contains shoreline on Fishing Brook. The immediate project area also contains wetlands. Additional wetlands not depicted on the Project Plans may be located on or adjacent to the project area.

PROJECT DESCRIPTION

On July 10, 2023, heavy rain and severe flooding created hazardous conditions in New York State, posing an imminent danger to public transportation, utility service, public health, and public safety systems. The storm caused significant damage to NYS Routes 28, 28N and 30 in the Towns of Long Lake and Newcomb. On July 11, 2023, the Town of Long Lake issued a State of Emergency and Governor Kathy Hochul issued Executive Order 29.1 declaring a State Disaster Emergency in Hamilton County.

The proposed project involves the removal of the temporary bridge that was installed so that 28N could remain open when the permanent bridge over Fishing Brook was being installed. Along with removal of excess materials associated with the temporary bridge, and including restoration and stabilization work.

The project as conditionally approved herein involves the removal of the temporary bridge, including the restoration, and stabilization of affected areas.

The project is shown on the following plan and report (Project Plans):

- A one-sheet plan titled "Fishing Brook Site Restoration Plan," (Planting Plan) prepared by J. Freeman, received by the Agency on May 2, 2024 (Engineered Plans); and
- A one-page report titled "Earthwork Plan," prepared by Kyle Rowlands received by the Agency on May 2, 2024 (Sediment Control Plan).

Reduced-scale copies of the Project Plans are attached as a part of this permit for reference.

AGENCY JURISDICTION

Pursuant to Section 809(15) of the Adirondack Park Agency Act, emergency projects are exempted from the permitting requirements of Section 809 of the APA Act 9 NYCRR Part 572.15 authorizes the Agency to issue Emergency Recovery Authorizations for projects being undertaken to repair, remediate or recover from an emergency as defined in 9 NYCRR Part 572.15(b)(1).

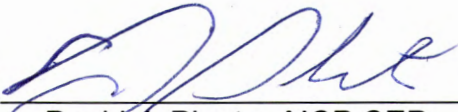
CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Hamilton 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 restoration continues 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. No otherwise jurisdictional activity shall occur on the project site without prior Agency approval beyond the land use and development authorized herein that is necessary for the repair, remediation or recovery from an emergency.
5. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan.
6. 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.
7. All trees and shrubs depicted on the Planting Plan shall be planted as described in the Planting Plan. Trees and shrubs that do not survive shall be replaced annually until established in a healthy growing condition.

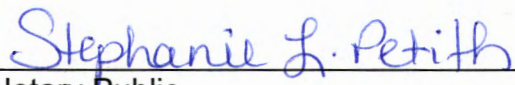
PERMIT issued this 14th day
of May, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 14th day of May in the year 2024, 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

