

- Following the conformance determination by the AGENCY and subsequent approval of a UMP Amendment by the Commissioner of the DEPARTMENT, the DEPARTMENT shall publish a notice of approval of the UMP Amendment in the ENB.
- The UMP Amendment shall contain a copy of the AGENCY resolution on APSLMP conformance and the Commissioner of the DEPARTMENT's approval memorandum. A copy of the Amendment as approved by the Commissioner will be provided to the AGENCY for its file.

V. STATE LAND PROJECT MANAGEMENT

- (a) The DEPARTMENT, in recognition of the unique State interest, policies and programs that apply to the use and development of private lands in the Adirondack Park, shall conduct departmental programs involving the use and development of public lands in such a way as to exemplify the high commitment of the State government to the protection and stewardship of the natural resources, wilderness and other wildlands of the Forest Preserve and open space of the Adirondack Park.
- (b) The DEPARTMENT may conduct activities described in an approved UMP without prior consultation with the AGENCY unless the UMP specifically requires such prior consultation or unless the proposed activity may involve regulated activities in freshwater wetlands.
- (c) The Department may conduct rehabilitation activities for the control of invasive species in accordance with the "Inter-Agency Guidelines for Implementing Best Management Practices for the Control of Terrestrial and Aquatic Invasive Species on Forest Preserve Lands in the Adirondack Park" (Appendix F to MOU) without approval in an adopted UMP and without prior AGENCY consultation if it is determined by the DEPARTMENT the nature and extent of the proposed activity will not materially change the use or appearance of the land or the vegetation thereon nor involve the cutting of trees over 3" dbh unless done in compliance with "Division of Lands and Forests Direction LF-91-2, Cutting, Removal or Destruction of Trees and Endangered, Threatened or Rare Plants on Forest Preserve Lands: FINAL POLICY," attached hereto as (Appendix A to MOU).

(d) Rehabilitation activities for invasive species control identified in Appendix F which due to their nature and extent may materially change the use or appearance of the land or the vegetation thereon, shall not be undertaken by the DEPARTMENT unless specifically agreed to by the AGENCY and the DEPARTMENT after consultation following the procedure set forth in paragraphs V.(g), (h) and (i) below.

(e) The following activities define ordinary maintenance, rehabilitation, and minor relocation of conforming structures or improvements not requiring approval in an approved and filed UMP and not requiring prior AGENCY consultation pursuant to subparagraph V.(f) below.

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"Ordinary maintenance, rehabilitation and minor relocation" for these purposes is defined as those activities that do not materially change the use or appearance of land or the vegetation thereon nor involve the cutting or destruction of trees over 3" dbh unless done in compliance with "Division of Lands and Forests Direction LF-91-2, attached hereto as Appendix A. These activities are those that may be carried out in a manner that preserves the land, trails and all appurtenances in a condition that is consistent with the character of the area prior to commencement of a maintenance activity. With respect to any trail or road work, such Activities shall only include maintenance work within the existing footprint of such road or trail. More specifically, ordinary maintenance, rehabilitation and minor relocation shall include the following activities in the following APSLMP classifications:

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Wilderness Classified Locations

- Removal of non-conforming facilities.
- Maintenance of non-conforming facilities until scheduled date for removal.
- Replacement of signs and markers on existing trails and trailheads.
- Erection of trailhead registration booths to monitor public use.

- Existing trail brushing, removal of blowdown, grubbing, tread stabilization and drainage facilities.
- Rehabilitation and maintenance of existing lean-tos.
- Relocation of existing lean-tos, campsites and sanitary facilities to over 100-150 feet from water and trails to enhance safety and environmental site protection.
- Maintenance of trailhead and parking facilities.
- Maintenance or removal of existing bridges.
- Maintenance and replacement of existing fire rings, campsites, sanitary facilities, barriers, bridges, dams and trail registration structure.
- Erection of new barriers and signs on newly acquired lands and/or on existing lands to control motorized vehicle use.

Canoe Classified Locations

- Same as Wilderness classified locations and, in addition:

Maintenance of identified State Truck Trails.

Primitive Classified Locations

- Same as Wilderness classified locations and, in addition:

Maintenance of existing roads, truck trails, jeep trails, Telephone and electric lines, fire towers, cabins and Appurtenances until a UMP is approved and adopted. Thereafter, in accordance with the approved and adopted UMP.

Wild Forest Classified Locations

- Same as Primitive classified locations and, in addition:

Maintenance of existing horse barns, boat docks,

small fireplaces, storage sheds, electronic communications facilities, water supply facilities, and wildlife management structures; cutting select individual danger trees pursuant to "Division of Lands and Forests Direction LF-91-2, Cutting, Removal or Destruction of Trees and Endangered, Threatened or Rare Plants on Forest Preserve Lands: FINAL POLICY."

Intensive Use Classified Locations

- Same as Wild Forest classified locations and, in addition:

Maintenance, rehabilitation and minor relocation of all existing roads, fences, buildings, sewers and sanitary facilities, boat facilities, fireplaces, water systems, electric and telephone lines, picnic tables, ditches, interpretive program screens, bulletin boards, garbage facilities, towers, trams, ramps, machinery, generators and retaining walls, including other common public facilities and common DEPARTMENT Administration and Management facilities.

(f) Activities which do not meet the definitions of ordinary maintenance, rehabilitation, and minor relocation of conforming structures or improvements provided in paragraphs V.(c) or (e) above, and any regulated activity which may involve freshwater wetlands, shall not be undertaken by the DEPARTMENT unless specifically agreed to by the AGENCY and the DEPARTMENT after consultation following the procedure set forth in paragraphs V.(g), (h) and (i) below, provided that where activities which may not meet the definition of ordinary maintenance, rehabilitation and minor relocation of conforming structures or improvements are authorized by an approved and filed UMP, consultation shall be required only if so specified in the UMP.

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(g) For all activities requiring consultation between the DEPARTMENT and the AGENCY pursuant to paragraphs V.(d) and (f) above, the DEPARTMENT will provide the AGENCY with the following information:

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- (1) a site plan showing the area to be affected by the activity on a map;
- (2) a location map;
- (3) a brief narrative description of the proposed activity;
- (4) photos of the area to be affected by the proposed activity;
- (5) if available, basic plans showing what the structure would look like; and
- (6) any additional information that is mutually agreed on.

(h) Whenever consultation occurs pursuant to paragraphs V.(d) and (f), the DEPARTMENT will publish notice of such consultation in the Environmental Notice Bulletin, including notice of its availability for inspection at the AGENCY's headquarters.

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(i) The AGENCY shall make a good faith effort to respond to the DEPARTMENT's consultation request within thirty (30) days, but shall respond in not more than sixty (60) days of the receipt of such request unless the two agencies agree to a different time period. If the

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AGENCY determines that a proposed activity does not meet the definitions of ordinary maintenance, rehabilitation, and minor relocation of conforming structures or improvements provided in sub-paragraphs (c) and (e) above, a UMP or a UMP amendment will be required before the proposed activity may be undertaken. If the AGENCY determines that a proposed activity requires a freshwater wetlands permit, the DEPARTMENT shall not undertake such activity until it has applied for and obtained an AGENCY permit. Where the proposed activity is described in an approved UMP, and the UMP requires consultation with the AGENCY with respect to the proposed activity, the DEPARTMENT shall not undertake the proposed activity until the AGENCY determines that the activity, as proposed, would be consistent with the APSLMP and the UMP.

VI. STATE LAND ACTIVITY COMPLIANCE

- (a) All complaints by the AGENCY or any third party to the AGENCY that any activity on State land conducted by or authorized by the Department is not consistent with the APSLMP, an applicable UMP or this MOU, will immediately be forwarded to the primary contact person for the DEPARTMENT for response. These complaints of alleged violations will be given an investigation number for the purpose of tracking.
- (b) The DEPARTMENT will immediately notify the Director of Planning of the AGENCY of its own discovery of any such activity on State Land which may not be consistent with the APSLMP, UMP or MOU. These notifications of alleged violations will be given an investigation number for the purpose of tracking.
- (c) Within thirty (30) days of the DEPARTMENT's receipt of any such complaint or its own discovery of such a compliance issue, or within such different time frame as may be agreed to by the DEPARTMENT and AGENCY staff, the DEPARTMENT will provide AGENCY staff with such information as is necessary to describe the compliance issue, which may include, as appropriate: a description of the activity which is the subject of the complaint; location map, drawings, sketches and photographs which document the nature and extent of the activity; a statement as to when the activity was undertaken; a statement as to whether the activity was undertaken by the DEPARTMENT or authorized by the DEPARTMENT; any relevant project work plan, Temporary Revocable Permit