


THIS IS A TWO SIDED DOCUMENT

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></p> <p><b>PO Box 99 1133 NYS Route 86</b> Ray Brook, NY 12977 Tel: (518) 891-4050 Fax (518)891-3938 www.apa.ny.gov</p>	<p><b>APA General Permit 2015G-2</b></p>	Permit Number:
	Application and Certification for the Management of Aquatic Invasive Species Using Benthic Barriers and Hand Harvesting Techniques	

Instructions: Please answer all of the questions in each section and submit the application and required attachments in person or by mail to the Deputy Director, Regulatory Programs (DDRP), Adirondack Park Agency (“Agency”) at the above address.

### Section A - Applicability

1. This application is to be used by qualified individuals and entities for proposals to control aquatic invasive species within a waterbody through the use of hand harvesting techniques and benthic barriers. Qualified individuals and entities include the New York State Department of Environmental Conservation (NYSDEC), Lake George Park Commission (LGPC), Hudson River Black River Regulating District (HRBRRD), Adirondack Park Invasive Plant Program (APIPP), Adirondack Watershed Institute, (AWI), qualified lake associations, local municipalities, certified lake managers, and, subject to the approval of the DDRP, other qualified organizations and experienced lake managers. A qualified lake association is defined as: (i) a Not-For-Profit Corporation; (ii) recognized by the local municipality; (iii) that can demonstrate that it represents the majority of lakeshore owners. The general permit authorizes qualified individuals and entities to conduct the work.

### Section B - Project Information

Name of Entity Responsible for Project (Project Sponsor), mailing address, telephone and fax numbers, and email address:

Name of Certified Lake Manager, Aquatic Consultant, or other Qualified Individual responsible for overseeing the implementation of the Project or Program, mailing address, telephone and fax numbers, and email address:

Project Location (Name of Waterbody/Town/County/Tax Parcel Number(s)):

Required Attachments:

***The application will not be processed without all required attachments unless otherwise agreed to in advance by the DDRP.***

**Attachment A:**

Provide:

- a. a list of all aquatic invasive species present in the lake and proposed to be controlled and the estimated date each species was first discovered within the waterbody;
- b. a map of the waterbody (including bathymetry, if known), showing in general terms, areas where each aquatic invasive species identified above is present, and areas where surveys resulted in the non-detection of each target species. The map must be accompanied by a table or narrative which is referenced in the map and which provides qualitative assessment of the extent of infestation by each target species;
- c. the list of qualifications for the individual(s) responsible for overseeing the control activity and the name(s) and qualifications of individuals overseeing the plant survey (satisfactory technical experience or training in the identification and management of aquatic invasive species is required);
- d. a brief narrative which describes the proposed treatment, including type of control (hand harvesting and/or benthic barrier installations), and details regarding material composting (if applicable);
- e. if the proposed activity is to be undertaken on Forest Preserve lands, provide a copy of approval issued by the NYSDEC (e.g. VSA or TRP) for the project;
- f. proof of landowner authorization (this may be satisfied by landowner signature of the application, along with a copy of the current deed of record for lands not under the management of NYSDEC or NYSOGS). Note: If the project site is under jurisdiction of NYSOGS, provide a letter from NYSOGS stating that they have no objection to the management activities proposed in this general permit. NYSOGS officials can be contacted at (518)-474-2195; and
- g. if the applicant is a proposed lake association, demonstration that the association is: (i) a not-for-profit corporation; (ii) recognized by the local municipality; and (iii) represents a majority of the lakeshore owners.

**Attachment B:**

Provide an inventory and scaled map of current aquatic plant communities (“aquatic plant survey”) associated with the lake. The applicant is advised to contact the Agency prior to undertaking any aquatic plant survey. The aquatic plant survey shall be completed by a certified lake manager or experienced lake manager subject to approval by the Agency and shall consist of a detailed lake wide survey which is conducted during the height of the growing season. The survey shall include, at a minimum, a list of all aquatic plants observed including, percent cover, relative abundance and location in the lake. The survey is required to evaluate the need for and method of control and will provide a baseline of the existing aquatic plant communities in the lake and effectiveness of the hand harvesting and/or benthic barrier control efforts. The map should clearly show the date and name and title of the person who prepared the map.

Unless another protocol is approved by the Agency, the following survey methodology shall be employed. Note: any existing aquatic plant monitoring plan which has been previously approved by the Agency and/or has been part of a lake wide aquatic plant management effort may be acceptable (upon discretion of the DDRP) for purposes of this general permit:

Point Intercept Rake Toss Relative Abundance Method-

- a. Method: One Rake Toss per Site.
- b. Number of Sampling Sites (the following are the minimum number of sampling sites unless otherwise agreed to by Agency staff):

Lakes less than 50 hectares(124 acres):

Sample a minimum of 5 sites/hectare of treatment area and a minimum of 1 site/hectare outside the treatment area, for a minimum of 15 sample sites. Sample sites located outside of treatment area shall be evenly distributed throughout the littoral area and shall be representative of the aquatic plant community composition of the waterbody. If protected aquatic plant species are known to be in the area additional sample sites may be required to insure the protection of the species;

Lakes 50 hectares (124 acres) or greater:

Sample a minimum of 5 sites/hectare of treatment area and a minimum of 1 site/hectare equally distributed in the area within one mile of the treatment zone(s), for a minimum of 100 sites. Sample sites located outside of treatment area shall be evenly distributed throughout the littoral area and shall be representative of the aquatic plant community composition of the waterbody. If protected aquatic plant species are known to be in the area additional sample sites may be required to insure the protection of the species.

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- c. Site Identification: GPS coordinates, UTM NAD83 preferred.
- d. Site Mapping: Sites labeled on USGS topographic maps or representative bathymetric base map.
- e. Plant Identification: Target and exotic plants identified to species level. All other plants identified to genus level.
- f. Plant Abundance: Quantified by Cornell/US Army Corps Abundance Scale:
  - Z = no plants
  - T = trace plants = fingerful on rake
  - S = sparse plants = handful on rake
  - M = medium plants = rakeful of plants
  - D = dense plants = difficult to bring into boat
- g. Bookkeeping: Plant IDs, plant abundance listing (see above) and site identification in table format (preferably spreadsheet).
- h. Archiving (optional): Digital photographs of all plants collected during the plant surveys.

### Section C - General Conditions

All activities undertaken pursuant to General Permit 2015G-2 and this Application and Certification must be in compliance with the following conditions which are set forth in General Permit 2015G-2:

1. The general permit authorizes the NYSDEC, LGPC, HRBRRD, APIPP, AWI, qualified lake associations, local municipalities, certified lake managers, and, subject to the approval of the DDRP, other qualified organizations and experienced lake managers to undertake specified regulated activities in wetlands involving the management of aquatic invasive species.
2. The general permit authorizes the management of aquatic invasive species including Eurasian watermilfoil (*Myriophyllum spicatum*), curlyleaf pondweed (*Potamogeton crispus*), water chestnut (*Trapa natans*), yellow floating heart (*Nymphoides peltata*), European frog-bit (*Hydrocharis morsus-ranae*), fanwort (*Cabomba caroliniana*), hydrilla (*Hydrilla verticillata*), Brazilian elodea (*Egeria densa*), parrot-feather (*Myriophyllum aquaticum*), broadleaf watermilfoil (*Myriophyllum heterophyllum*), zebra mussel (*Dreissena polymorpha*), quagga mussel (*Dreissena rostriformis bugensis*), Asian clam (*Corbicula fluminea*), and those other aquatic invasive species identified by the DDRP.
3. The regulated activities in wetlands authorized by the general permit shall be undertaken and completed only as described in the submitted and approved application and certification and in compliance with the terms and conditions of the general permit and with the application and certification. In the case of conflict, the general permit controls.

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4. The aquatic invasive species management activities described in the application and certification and required attachments may not be undertaken unless and until the application and certification is signed by the DDRP, and the signed application and certification is returned to the permittee.
5. Failure to comply with the general permit is a violation and may subject the permittee and its agents to civil penalties and other legal proceedings, including suspension or revocation of the permit.
6. Nothing contained in the general permit shall be construed to satisfy any legal obligations of the permittee to obtain any governmental approval or permit for any entity other than the Agency, whether federal, state, regional or local.
7. The Agency may conduct on-site investigations, examinations and evaluations as it deems necessary to ensure compliance with the terms and conditions of the general permit and the application and certification. Such activities shall take place at reasonable times and upon advance notice where possible.
8. At the written request of the Agency, the permittee shall report in writing the status of the project, including details of compliance with any terms and conditions of this permit.
9. The permittee shall be required to provide 15 days advance mail notice to all shoreland property owners located adjacent to or within 500 feet of sites where benthic barriers will be used. The notice shall describe the proposed management activity, date(s) and duration of the control activity, and the name of the individual, including daytime telephone number, responsible for supervising the control effort.
10. The permittee shall require that any agent, contractor, certified lake manager, or other person responsible for the overall supervision of this project read and understand the permit and approved plans and all terms and conditions prior to undertaking the project. Copies of the signed general permit, application and certification, and approved plans shall be kept at the project site during all control activities.
11. Additional special conditions, if any, may be added to the application and certification as determined by the DDRP, and shall be enforceable under the general permit.

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12. For Forest Preserve lands, all biomass material should be removed from the area and properly disposed of at a site off of Forest Preserve. If removing harvest materials off site proves to be difficult due to volume and or distance, permission from the Agency may be requested to scatter these materials. Harvest materials may be scattered on adjacent upland Forest Preserve areas at a minimum distance of 50 horizontal feet from the shoreline and in a manner that the biomass material is not clumped or piled which will eliminate or impede growth of native vegetation.
13. Unless authorized by the DDRP, benthic barrier installations greater than one acre in size within the treatment area shall not be treated with benthic barriers more than two times within any consecutive three year period.
14. Prior to the installation of benthic barriers, the permittee shall survey each proposed treatment area for the presence of NYS rare, threatened or endangered species. Unless authorized by the DDRP, if any site contains rare, threatened or endangered or exploitably vulnerable species, benthic barriers shall not be used and management shall be limited to hand harvesting around the protected species. Also, prior to the installation of any benthic barrier, the permittee shall survey the proposed treatment area to determine if any water supply intakes, discharges, or other manmade features, including archeological resources, exist. If present, only hand harvesting activities are authorized around the feature unless the owner of the intake/discharge/other feature provides written consent for the use of benthic barriers.
15. Installation of benthic barriers at any single treatment area shall not exceed 3 acres without prior approval from the DDRP. Multiple 3 acre installations may be made within a waterbody provided that no more than 10 percent of the littoral area is matted at any one time. If multiple locations are to be treated in the same waterbody a minimum of 200 linear feet of untreated area shall remain between treatment areas. Following removal of benthic barriers, the site shall be monitored for invasive plant species for a minimum of 3 years and, if found, aggressively hand-harvested in order to prevent recolonization.
16. Benthic barriers deployed through the winter months shall be removed by May 31 of the year following installation. The permittee shall be responsible for inventorying and retrieving all benthic barriers, including those which were displaced by wave, wind, ice movement, or other forces.
17. All benthic barriers placed on Forest Preserve shall be removed by October 1st of the year in which they were originally installed unless otherwise authorized by the DDRP and NYSDEC.

18. The general permit does not grant the permittee any right to trespass upon the lands of, 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 held or vested in a person not a party to the permit.
19. An electronic (pdf or similar) annual report shall be submitted to the Agency by February 28th each year following each field season and shall include at a minimum the following:
  - a. A map, or series of maps, showing all treatment locations. The map(s) shall be annotated to a table or other written report which provides the following:
    - i. a site location for all treatment locations undertaken during the year;
    - ii. target species, date(s) and methods of treatment (including dates of installation and removal for all benthic barriers);
    - iii. estimated total area treated by hand harvesting (if available) and estimated total area treated with benthic barriers;
    - iv. assessment of the volume of material removed by hand harvesting including total dive hours or other quantification of the amount of effort expended during the season to control the targeted species, and, in addition, provide a qualitative assessment of the treatment activities including any problems and/or difficulties associated with the treatment; and
    - v. location of all rare, threatened, endangered, or exploitably vulnerable species.
  - b. A second map for benthic barriers with overlays showing all areas treated within the prior four years. If available, a second map for hand harvesting with overlays showing all areas treated within the prior four years. The map must clearly delineate each treatment effort by year and must differentiate between hand harvesting and benthic barrier installations.
  - c. Provide detailed information which demonstrates compliance with the notification requirement in condition 9 above and any special conditions .
  - d. Provide updates regarding the primary point of contact for the permittee .

**Section D – Special Conditions**

**Section E - CERTIFICATION**

By signing this permit application, the applicant agrees to strictly comply with the terms and conditions of General Permit 2015G-2 (also set forth above), and with any Special Conditions set forth in this Application and Certification.

X \_\_\_\_\_  
Signature of Applicant

X \_\_\_\_\_  
Signature of Project Site Landowner(s)

X \_\_\_\_\_  
Signature of NYSDEC Regional Natural Resource Supervisor

X \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of APA Environmental Program Specialist or Associate A.P. Project Analyst  
(Required before regulated activity can be started)

X \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of APA Deputy Director, Regulatory Programs  
(Required before regulated activity can be started)

November 2015