

May 12, 2017 Resolution for Action

 <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 (518) 891-4050 · Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>DRAFT Resolution</p>	<p>Date Issued:</p>
	<p>In the Matter of the Re-issuance of General Permit 2014G-0002 for Access to and Replacement of Utility Poles in Wetlands</p>	

WHEREAS:

1. This document constitutes a Resolution proposing the reissuance of General Permit 2014G-2 as General Permit 2017G-1.
2. Section 809.13(e) of the Adirondack Park Agency Act (APA Act) states that the Agency shall have authority, in connection with its project review jurisdiction, "to issue a general permit for any class of projects concerning which the agency determines it may make the requisite statutory findings on a general basis."
3. Section 572.23(b) of Agency regulations at 9 NYCRR states that the Agency may propose issuance of a general permit by the adoption of a resolution specifying the applicable geographic area, time period, basis of jurisdiction, activity and probable frequency, and proposed findings of fact, conclusions of law, and mitigating conditions.
4. Draft General Permit 2014G-2 entitled " Access to and Replacement of Utility Poles in Wetlands" indicates that the permit will:
 - a. be available for use throughout the Adirondack Park;
 - b. be effective from the date of issuance unless otherwise modified or revoked by the Agency;
 - c. authorize jurisdictional activities pursuant to Article 24 of the Environmental Conservation Law, §§ 809(2)(a) and 810(1) of the APA Act, and 9 NYCRR §§ 570.2, 578.2(a), and 578.3(n)(1) and (2); and
 - d. allow for the conditional replacement of utility poles in wetlands and/or the establishment of temporary structures in wetlands to access utility poles for approximately 15 projects per year; and
 - e. include relevant findings of fact, conclusions of law, and mitigating conditions.
5. Draft General Permit 2017G-1 includes findings of fact, conclusions of law and mitigating conditions to address potential adverse environmental impacts and the statutory criteria for permit issuance;
6. Pursuant to section 572.23(c) of Agency regulations, draft General Permit 2017G-1 will be publically noticed in the Environmental Notice Bulletin, at least three newspapers of general circulation within the Adirondack Park and one newspaper outside the Park, and with the Adirondack Local Government Review Board.

7. Pursuant to 6 NYCRR § 617.5(26), the renewal of a permit with no material change to the permit constitutes a Type 2 action for purposes of complying with the State Environmental Quality Review Act (“SEQR”), requiring no further SEQR documentation.

IT IS HEREBY RESOLVED THAT:

The Deputy Director – Regulatory Programs shall provide public notice of draft General Permit 2017-1, along with the attached draft Agency Order for approval of the permit, in accordance with Section 572.23(c) of Agency regulations, and shall further provide a minimum of 30 days for public review and comment on draft General Permit 2017G-1 and the draft Order as required by Section 572.23(e) of Agency regulations.