Section 577.1. Applicability of this Part.

This Part applies to land use and development and subdivision of land on privately owned lands within wild, scenic and recreational river areas located in the Adirondack Park. The wild, scenic and recreational rivers and river areas are set forth in Appendix Q-6 of this Title.

Section 577.2. Definitions used in this Part.

In addition to the definitions in section 15-2703 of the Environmental Conservation Law, the following words and terms shall have the following definitions:

(a) Agricultural use means any management of any land for agriculture; raising of cows, horses, pigs, poultry and other livestock; horticulture or orchards; including the sale of products grown or raised directly on such land, and including the construction, alteration or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

(b) Agricultural use structure means any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural use.

(c) Basal area means the sum of the cross-sectional areas, measured at 4.5 feet above ground, of all vegetation within a given area.

(d) Forest management means forestry practices, including harvesting of a forest, woodland or plantation and other types of cuttings planned as part of a deliberate forest management program, the construction, alteration or maintenance of wood roads, skidways, landings and fences, and related research and educational activities.

(e) Land management plan or rivers system land management plan means a plan for the management of a river area or areas pursuant to section 577.9 of this Part.

(f) Motor vehicle means a device for transporting people or material, incorporating a motor of any type for propulsion and with wheels, tracks, skids, skis, air cushion or other contrivance for traveling.
on or adjacent to land and water or through or over water.

(g) Motorized open space recreation use means any open space recreation use which customarily utilizes one or more motor vehicles.

(h) Person means any individual, corporation, partnership, joint venture, association, organization, government or any agency or political subdivision thereof (including the State or any State agency) or any other entity.

(i) Privately owned means owned by any person, but not by the State or any State agency.

(j) Private road means any road other than a wood road or a public road.

(k) Public road means any road over which the public has a right to travel.

(l) Public utility use means any public utility use, equipment or structure which is not a "major public utility use". A public utility use does not include any use which is subject to the jurisdiction of the Public Service Commission pursuant to article seven or article eight of the Public Service Law.

(m) Restrictions and standards means the provisions of section 577.6 of this Part.

(n) River means that portion of a flowing body of water, such as a river, stream or lake, to the mean high water mark thereof, which is designated as a wild, scenic or recreational river in Appendix Q-6 of this Title, but shall not include any tributary thereto unless expressly included in such designation.

(o) River area means the wild, scenic and recreational rivers and the private lands in their immediate environs as set forth in Appendix Q-6 of this Title.

(p) River area utility use means any electric power transmission and distribution line, telephone trunk and feeder cable or distribution line, pipe or conduit for the transmission of gas, oil and other fuels, and any water and sewage system pipe or conduit, whether or not such use is subject to the jurisdiction of the Public Service Commission.

(q) Rivers project means any new land use or development or subdivision of land set forth in section 577.5 of this Part.

(r) Road means any highway, hard-surfaced road, improved or dirt road, but not including any bridge.

(s) Shoreline lot means any lot (1) within or adjoining the mean high-water mark of a wild, scenic or recreational river, or (2) located within 100 feet of such mean high-water mark or within any applicable setback distance of this Part, whichever is greater.

(t) Stream improvement structures for fishery management purposes means structures and improvements, including but not limited to fish barrier dams, fish passage structures, minor diking, cribbing, bank stabilization and stream deflectors and other structures or improvements designed solely for fishery management purposes which do not materially alter the natural character of the waterway.

(u) Structure means any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, single family dwellings, mobile homes, bridges, signs, tanks, fences and poles, outdoor lighting, trailers, travel trailers, campers or tents constructed, installed or placed on land (excepting trailers, campers or tents outside a campground and for a temporary period only), and any fixtures, additions or alterations.

(v) Vegetation means trees and woody-stemmed plants, except agricultural crops.

(w) Wild, Scenic and Recreational Rivers System Act means title 27 of article 15 of the
Environmental Conservation Law.

(x) Wood road means any dirt or other unimproved road designed and used solely for forest management purposes or related fish and game activities, not intended for use by the general public, and simply constructed by grading, filling and/or corduroying, without extensive finish or maintenance work.

Section 577.3. Boundaries of river areas; amendments of river area boundaries; distance measurements within river areas.

(a) Description of river area boundaries. The boundaries of river areas described in Appendix Q-6 of these regulations as a uniform distance from a river bank shall themselves wind and turn as the river does. Terminal boundaries shall be lines perpendicular to the flow, extending through the terminal points in Appendix Q-6.

(b) Amendments of river area boundaries. The agency and the Commissioner of Environmental Conservation may, after public hearing, amend the boundaries of any river area located in the Adirondack Park. No public hearing is required in the case of boundary amendments occurring as part of approval of a local land use program or in connection with amendments clarifying or providing a more readily identifiable river area boundary and not materially affecting the river area.

(c) Distance measurements within river areas. Distances shall be measured horizontally from the mean high water mark of the river. Upon request of any person having a legal interest in property contemplating land use or development or subdivision thereon, the agency shall determine the river area boundary, or the mean high water mark at relevant points of the river involved pursuant to the procedures set forth in section 571.3 of these regulations.

Section 577.4. General rules.

(a) No person shall undertake a rivers project without first obtaining an agency permit.

(b) The following may be undertaken without a permit if in compliance with the restrictions and standards set forth in section 577.6 of this Part:

(1) in all river areas, forest management except:

   (i) wood roads within wild river areas, or bridges over wild rivers;

   (ii) wood roads inside or within 100 feet of the mean high water mark of the river in scenic and recreational river areas;

   (iii) vegetative cutting inside or within 100 feet of the mean high water mark of the river not exempted by section 577.6(c)(1) of this Part; and

   (iv) sand and gravel extractions for forest management purposes in wild river areas;

(2) in wild river areas, nonmotorized open space recreation uses, except bridges over wild rivers which do not require a permit from the Department of Environmental Conservation;

(3) in scenic and recreational river areas:

   (i) all subdivisions of land, and all land use and development, within hamlet and moderate intensity use areas, except as provided in subdivisions (b) and (c) of section 577.5 of this Part;

   (ii) agricultural uses, agricultural use structures, open space recreation uses, game preserves and private parks and accessory uses and structures to such uses or to any preexisting use, except bridges over scenic or recreational rivers which do not require a permit from the
Department of Environmental Conservation, docks in scenic river areas and boathouses in scenic and recreational river areas;

(iii) bridges which are constructed pursuant to a permit from the Department of Environmental Conservation;

(iv) stream improvement structures for fishery management purposes constructed by or pursuant to a permit from the Department of Environmental Conservation;

(v) river area utility uses:

(a) subject to the review of the Public Service Commission pursuant to article seven or article eight of the Public Service Law; or

(b) which are not major public utility uses and which will not be located within the applicable building setback distance set forth in section 577.6(b) of this Part.

(c) Any other new land use or development or subdivision, except those permitted by subdivisions (a) and (b) of this section, is prohibited, unless undertaken pursuant to a river system land management plan approved under section 577.9 of this Part.

(d) To the extent applicable and unless in conflict with the Wild, Scenic and Recreational Rivers System Act or this Part, Part 573 and sections 575.2 through 575.7 of these regulations, which apply to agency jurisdiction pursuant to the Adirondack Park Agency Act, shall also apply to agency jurisdiction pursuant to this Part.

Section 577.5. Rivers projects.

(a) In wild river areas:

(1) Subdivision of land.

(2) The harvesting, cutting, culling, removal, thinning or other disturbance of timber or other vegetation inside the mean high water mark of the river, or within 100 feet of the mean high water mark, other than cutting exempted by section 577.6(c)(1)(i) of this Part.

(3) Wood roads.

(4) Sand and gravel extractions for forest management purposes.

(5) Footbridges over wild rivers for nonmotorized open space recreation use which do not require a permit from the Department of Environmental Conservation.

(b) In scenic river areas:

(1) Outside hamlet and moderate intensity use areas:

(i) the harvesting, cutting, culling, removal, thinning or other disturbance of vegetation inside the mean high water mark of the river, or within 100 feet of the mean high water mark, other than cutting exempted by section 577.6(c)(1) of this Part;

(ii) public or private roads;

(iii) wood roads inside the mean high water mark of the river, or within 100 feet of the mean high water mark;

(iv) trails for motorized open space recreation use located inside the mean high water mark of
the river, or within 100 feet of the mean high water mark;

(v) hunting and fishing cabins, and hunting and fishing and other private club structures;

(vi) single family dwellings;

(vii) individual mobile homes;

(viii) docks;

(ix) river area utility uses not subject to review pursuant to article seven or article eight of the Public Service Law which (a) are major public utility uses, or which (b) cross the river, or are proposed to be located inside the mean high water mark of the river, or within 250 feet of the mean high water mark;

(x) subdivision of land.

(2) Bridges over scenic rivers which do not require a permit from the Department of Environmental Conservation.

(3) Stream improvement structures for fishery management purposes, except those constructed by or pursuant to a permit from the Department of Environmental Conservation.

(c) In recreational river areas:

(1) Outside hamlet and moderate intensity use areas, all subdivisions of land and all land uses and developments classified compatible uses by the Adirondack Park land use and development plan.

(2) Stream improvement structures for fishery management purposes, except those constructed by or pursuant to a permit from the Department of Environmental Conservation.

(3) Modifications or disturbances of the course, banks or bed of a recreational river which do not require a permit from the Department of Environmental Conservation pursuant to section 15-0501(2) of the Environmental Conservation Law.

(4) Excavation or the placement of fill in a recreational river which is not considered navigable, pursuant to section 15-0505(1) of the Environmental Conservation Law.

Section 577.6. Restrictions and standards in river areas.

(a) General rule. All land uses and developments in river areas, whether or not an agency permit is required, shall be subject to the restrictions and standards set forth in this section.

(b) Structures.

(1) In wild river areas, no new structures shall be permitted, except footbridges for nonmotorized open space recreation use.

(2) In scenic river areas, new structures, except for fences, poles, signs of less than two square feet in area, lean-tos, docks, bridges and stream improvement structures for fishery management purposes, shall not be permitted inside the mean high water mark of the river or within 250 feet of the mean high water mark, except in hamlet and moderate intensity use areas.

(3) In recreational river areas, new structures, except for fences, poles, signs of less than two square feet in area, lean-tos, docks, boathouses, bridges and stream improvement structures for fishery management purposes, shall not be permitted inside the mean high water mark of the river or within 150 feet of the mean high water mark, except in hamlet and moderate intensity use
areas.

(4) Within hamlet and moderate intensity use areas in scenic and recreational river areas, the building setback restrictions of section 806 of the Adirondack Park Agency Act and section 575.1 of this Title shall apply.

(c) Forest management and vegetative cutting. In wild river areas and in scenic and recreational river areas outside hamlet and moderate intensity use areas, the following standards apply:

(1) Inside the mean high water mark of the river, or within 100 feet of the mean high water mark, no trees or other vegetation shall be harvested, cut, culled, removed, thinned or otherwise disturbed, other than:

   (i) the cutting and removal of up to a maximum of five percent of the total basal area of timber or other vegetation per acre during any 10-year period for the purpose of clearing the river or a tributary thereof of fallen trees, or trees which pose a threat of bank undercutting or erosion, or for the undertaking of land use and development or subdivision listed in section 577.4(b) of this Part;

   (ii) vegetative cutting upon lands directly associated with any structure lawfully in existence on April 19, 1976, to the extent necessary that any existing view of the river from such structure may be preserved;

   (iii) the cutting of firewood by the resident of a dwelling within the river area for personal use in such dwelling, provided that alternative sites for the cutting of such firewood are not readily available to such resident; or

   (iv) in accordance with the terms of an agency rivers project permit.

(2) Between 100 feet from the mean high water mark of the river and the exterior boundary of the river area:

   (i) The cutting and removal of trees and other vegetation shall be permitted for the undertaking of rivers projects, land use and development or subdivision listed in section 577.4(b) of this Part, or activities pursuant to a rivers system land management plan.

   (ii) Forest management shall conform to recognized silvicultural systems as defined in Terminology of Forest Science, Technology, Practice and Products (Washington: Society of American Foresters, 1971) appropriate to the site, shall be in accordance with the terms of Timber Harvesting Guidelines for New York (New York Section of the Society of American Foresters, June 1975).

   (iii) If an even-aged stand of commercial timber species is present, one recognized regeneration cutting that removes the main crown canopy of such stand shall be permitted upon not more than one third of the total area of the stand within the river area during any 10-year period if undertaken as part of a plan to regenerate the stand.

   (iv) In no event, however, shall more than 15 contiguous acres in the same ownership be clearcut, nor shall more than 50 percent of the basal area of timber in any tract of 30 contiguous acres in the same ownership be cut during any 10-year period.

(3) No trees shall be felled into or across the river where avoidable, and logging debris which may enter the river shall be removed. Any logging debris which may enter the area inside the mean high water mark of the river or within 100 feet of such mean high water mark shall be removed, or shall be lopped, for hardwoods, in such fashion that no such debris measures higher than four feet from ground level, and for conifers, in accordance with section 9-1113 of the Environmental Conservation Law.

(4) No new landings shall be established inside the mean high water mark of the river or within
200 feet of the mean high water mark. Adequate provisions shall be made after timber harvesting to stabilize soil on all landings, skid trails and wood roads in the river area.

(5) No new sand and gravel extractions associated with forest management shall be located inside the mean high water mark of the river or within 200 feet of the mean high water mark. Such extractions shall be invisible from the river.

(6) All timber harvesting operations shall be subject to article 15 (Water Resources) of the Environmental Conservation Law, governing, among other things, disturbances, modification and crossing of rivers and streams. In addition, skidding of logs or trees across rivers shall not be permitted, except where no feasible alternative exists and a permit therefor has been obtained pursuant to such article.

(7) Logging equipment shall not be stored within 100 feet of the river, or abandoned within the river area.

(8) Wood roads shall be located so as to be invisible from wild rivers and to minimize their visibility from scenic and recreational rivers.

d) Bridges over wild, scenic and recreational rivers.

(1) No new bridges over wild rivers shall be permitted, except footbridges for nonmotorized open space recreation use constructed pursuant to a permit from the agency or the Department of Environmental Conservation.

(2) New bridges over scenic and recreational rivers shall be allowed subject to agency and Department of Environmental Conservation permit requirements.

(3) Bridges over wild, scenic or recreational rivers shall be constructed, to the extent feasible, of naturally occurring materials such as wood and stone, and shall not interfere with the recreational use of the river.

e) Stream improvement structures for fishery management purposes. Stream improvement structures for fishery management purposes in wild rivers are not permitted. In scenic and recreational rivers, such structures shall be constructed principally of naturally occurring materials such as wood and stone, and shall be so designed and constructed as to avoid material alteration of the natural character of the waterway.

(f) River area utility uses.

(1) In scenic and recreational river areas, river area utility uses subject to review pursuant to article seven or article eight of the Public Service Law shall be limited to locations where support structures, lines, cables, pipes and other associated equipment and accessories will be substantially invisible from the river and, except for crossings, not inside the mean high water mark, and where visual impact on other parts of the river area can be minimized. River crossings, if any, shall be minimized, and in the case of a scenic river shall not be more frequent than once every two miles.

(2) Other river area utility uses shall be located and constructed as to minimize visibility from the river and the river area of support structures, lines, cables, pipes and other associated equipment and accessories.

(g) Water quality and natural flow.

(1) No new direct discharge of any substance into a wild river shall be permitted.

(2) No new direct discharge of any substance into a scenic or recreational river shall be permitted, unless consistent at a minimum with applicable water quality standards promulgated by the Department of Environmental Conservation.
(3) The existing water quality in each wild, scenic or recreational river shall be maintained or improved.

(4) The natural water flow of each wild, scenic or recreational river shall be maintained and there shall be no diversions. Limited water withdrawals from scenic or recreational rivers for agricultural, domestic or other lawful purposes which do not materially affect the natural flow of the river shall be permitted.

(h) Use of motor vehicles in wild river areas. The use of motor vehicles, including snowmobiles, shall only be permitted within wild river areas as necessary for forest management undertaken in accordance with the restrictions and standards set forth in subdivision (c) of this section.

(i) Operation of mechanically propelled vessels and aircraft on wild and scenic rivers.

(1) Operation of mechanically propelled vessels and aircraft is prohibited on wild rivers, and on scenic rivers except for the following:

   (i) Marion River;

   (ii) Raquette River between Raquette Falls and Trombley Landing;

   (iii) the Elm Lake section of the Kunjamuk River;

   (iv) Bog River from the confluence with Round Lake outlet to Tupper Lake; and

   (v) all ponds and lakes which are a part of a river, which are accessible by road and which have a surface area exceeding 50 acres.

(2) Operation of mechanically propelled vessels not exceeding 7 1/2 horsepower shall be permitted on the East Branch of the St. Regis River from the rapids approximately six miles downstream of the Route 30 crossing to one-half mile upstream of Everton Falls.

Section 577.7. Existing uses.

(a) Existing uses in wild river areas. Land uses and development in wild river areas which shall have been lawfully in existence on April 19, 1976, including access by motor vehicle, may continue and be replaced in kind on the same foundation or in the same location, but may not be expanded.

(b) Existing uses in scenic and recreational river areas.

(1) Land uses and development and subdivisions of land in scenic and recreational river areas which shall have been lawfully in existence on April 19, 1976, including access by motor vehicle, shall not be subject to agency review and may continue. Any structure in existence as of such date may be replaced in kind on the same foundation or in the same location. Any such existing use may be altered or expanded pursuant to section 811(5) of the Adirondack Park Agency Act, provided that in no case shall such alteration or expansion violate or increase noncompliance with any of the restrictions and standards contained in section 577.6 of this Part.

(2) One single family dwelling or mobile home may be constructed, without agency review, on any lot in a subdivision lawfully in existence on April 19, 1976 which has been approved by the State Department of Health. The restrictions and standards of section 577.6 of this Part shall apply.

(c) Conversions of certain existing uses within recreational river areas. Those structures in existence in recreational river areas on May 22, 1973 that are associated with resort hotels, rental cottages and group camps shall be allowed, pursuant to agency permit and in accordance with section 574.8 of this Title, to be converted from their previous use to individual single family residence use, even if
such structures, as converted, do not conform to the building setback, lot width, lot area or intensity regulations of this Part.

Section 577.8. Standards for the review of rivers projects.

(a) General rule. Rivers projects shall be reviewed according to the standards set forth in this Part. Rivers projects which are class A or class B regional projects or wetland projects shall also be subject to the standards in Parts 574 and 578 of this Title.

(b) Standards applicable to all rivers projects. The agency shall not issue a permit for any rivers project unless it shall determine that:

1. the project would be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;

2. the project would comply with the applicable restrictions and standards of section 577.6 of this Part;

3. the project would not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the project. In making this determination, the agency shall consider those factors contained in the development considerations of the land use and development plan which are pertinent to the project.

(c) Specific standards applicable to certain rivers projects. The agency shall not issue a rivers system permit for the following rivers projects unless it shall determine that the following specific criteria are met:

1. The harvesting, cutting, culling, removal or other disturbance of timber or other vegetation inside the mean high water mark of the river or within 100 feet of the mean high water mark is:
   (i) for compelling purposes as would be consistent with recognized sound forestry or agricultural practices; or
   (ii) in recreational river areas, selected and dispersed cutting of vegetation to the extent necessary to create a view of the river from any new structure or from any lawfully existing structure lacking such a view.

2. New public or private roads, wood roads and trails for motorized open space recreation uses will be so located and constructed as to minimize visibility from the river, minimize alteration of the natural environment, will be reasonable and necessary, and will be effectively restricted to those uses specified by the applicant. Within scenic river areas, public roads, or private roads open to the general public, shall be permitted if such road:
   (i) affords access to a part of the river area which is at least two miles from an existing road open to the general public, and located on the same side of the river in the river area; and
   (ii) will be substantially invisible from the river.

2. If there is no other vehicular access to a land use or development within a scenic river area, a new private road shall be permitted.

3. New docks or boathouses will not impede the natural flow of the river, and will be so located and constructed as to minimize intrusion into the water body.

4. New subdivisions in which the intended use of any resulting lot, parcel or site is a single family
dwelling or individual mobile home, or which otherwise involves the construction of principal buildings, will:

(i) meet the following applicable minimum lot widths, unless clustering is employed pursuant to paragraph (5) of this subdivision:

**MINIMUM SHORELINE LOT WIDTHS (linear feet per principal building)**

<table>
<thead>
<tr>
<th>Land use area</th>
<th>Scenic river areas</th>
<th>Recreational river areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moderate intensity use</td>
<td>100*</td>
<td>100*</td>
</tr>
<tr>
<td>Low intensity use</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>Rural use</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>Resource management</td>
<td>750</td>
<td>300</td>
</tr>
<tr>
<td>Industrial use</td>
<td>No minimum*</td>
<td>No minimum*</td>
</tr>
</tbody>
</table>

* The same as those mandated by the land use and development plan.

(ii) be consistent with the overall intensity guidelines of the land use and development plan, applied pursuant to section 809(10)(c) of the Adirondack Park Agency Act and section 574.7 of these regulations, except that in scenic river areas lands otherwise includible in the calculation which are more than one-half mile distant from the river shall not be included in such calculation. This subparagraph shall not apply to subdivisions in scenic and recreational river areas effected by bona fide gift, devise or inheritance where the donor owned the land involved as of April 19, 1976 and the donee is a member of his immediate family. The minimum lot size of such subdivisions shall be: in low intensity use areas, 50,000 square feet; in rural use areas, 80,000 square feet; and in resource management areas, 160,000 square feet.

(5) New subdivisions involving shoreline clustering will have an average shoreline width of lots, parcels or sites equal to or exceeding the applicable minimum shoreline lot width requirement of paragraph (4) of this subdivision.

(6) New subdivisions in wild river areas are intended only for purposes of forest management or nonmotorized open space recreation use.

(7) Modifications or disturbances of the course, bed or banks of recreational rivers or excavation or placement of fill in recreational rivers will meet the applicable criteria of the Wild, Scenic and Recreational Rivers System Act and of article 15, title 5, of the Environmental Conservation Law.

**Section 577.9. Rivers system land management plans.**

(a) General rule. In a river area or portion thereof governed by a rivers system land management plan approved by the agency, the provisions of such plan shall apply to new land use activities in lieu of the provisions of this Part.

(b) Application for approval of land management plan. Any person or persons who own 500 or more acres of contiguous land within a river area, or a local government with respect to all of the acreage within its jurisdiction which falls within a river area or, may propose a land management plan for agency approval. A land management plan proposed by a local government may be part of a local land use program.

(c) Contents of land management plans. A land management plan shall include:

(1) a detailed program of land management covering a period of not less than 10 years, which identifies land management objectives and means proposed for achieving them;
(2) regulatory elements;

(3) river area boundary amendment requests, if any;

(4) topographic and natural resource inventory information, including detailed maps;

(5) in the case of a land management plan proposed by private owners, legal assurance of performance of the affirmative obligations imposed upon them.

(d) Procedure for approval of land management plan.

(1) The agency may request reasonable additional information to enable it to evaluate the plan.

(2) The agency shall, except where a land management plan is submitted as part of a local land use program, hold a public hearing after not less than 10 days notice by publication at least twice in a newspaper of general circulation in such area, by conspicuous posting of the land involved, and by individual notice sent by mail to:

(i) the chief elected officer, chairman of the planning board, if any, and the clerk of each local government;

(ii) the chairman of the county planning agency, if any, and the clerk of each county where the land is located;

(iii) the chairman of the regional planning agency, if any, within whose jurisdiction the land is located; and

(iv) the Adirondack Park local government review board.

(3) Within 90 days after a determination by the agency that it has sufficient information to evaluate the plan, the agency shall approve, approve subject to conditions, or disapprove the plan.

(4) Notice of agency approval of any land management plan shall be given by publication at least once, in a newspaper of general circulation in the area, and by individual notice sent by mail to the persons specified in paragraph (2) of this subdivision. The agency shall retain a copy of the approved land management plan and a descriptive map on file for public inspection at agency headquarters and district offices. A list of approved land management plans is set forth in Appendix Q-7 of these regulations.

(e) Scope of agency authority in approving land management plans.

(1) The agency shall not approve a land management plan unless it finds that the plan is consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act and the Adirondack Park Agency Act and the applicable restrictions and standards of sections 577.6 and 577.8 of this Part.

(2) In approving a land management plan, the agency may vary or modify any of the provisions of this Part except those requirements specifically imposed by the Wild, Scenic and Recreational Rivers System Act.

(3) In approving a land management plan, the agency may impose any reasonable condition, limitation or requirement necessary to satisfy the criteria set forth in this section.

(4) Prior to approving any river area boundary amendments, the agency shall consult and reach agreement with the Commissioner of Environmental Conservation.

(f) Review provisions.
(1) The agency shall review every plan at least every five years to determine if it has been implemented according to its terms.

(2) If the agency shall conclude, either in connection with a review prescribed by paragraph (1) of this subdivision or otherwise, that a land management plan has not been implemented according to its terms, the agency may, after public hearing upon notice given as set forth in paragraph (d)(2) of this section, revoke its approval.

(3) Notice of revocation shall be given by publication at least twice in a newspaper having general circulation in the area wherein the land management plan had effect, and by individual notice sent by mail to the persons specified in paragraph (d)(2) of this section. On the date of such notice of revocation, the land management plan shall become null and void, any provisions of this Part varied or modified pursuant to the approval shall thereupon be in full force and effect, and land use and development and subdivision of land in the area formerly governed by the land management plan shall thereafter be governed by this Part.

Section 577.10. Variances from the provisions of this Part.

(a) Where there are practical difficulties or unnecessary hardships in carrying out the restrictions and standards set forth in section 577.6 of this Part, or the terms and conditions of an approved land management plan, the agency may, after public hearing, vary or modify the application of such provisions so that the spirit of the provisions shall be observed, public safety and welfare secured and substantial justice done.

(b) The procedures governing the agency's review of application for variances from the provisions of this Part, and public hearings thereon, shall be (1) for variance applications involving a rivers project, the same as those set forth in section 572.10 of these regulations, and (2) for variance applications not involving a rivers project, the same as those set forth in sections 572.15 through 572.19 of these regulations.

(c) A request for a variance to an approved land management plan administered by a local government shall be submitted to the local government, which shall apply in its decision the criteria set forth in this section for the consideration of variances by the agency.

(d) Upon receipt of an application for a variance from any provision of an approved land management plan administered by a local government, the local government body or officer having jurisdiction shall give written notice to the agency. If such variance is granted, it shall not take effect for 30 days after it is granted. If, within such 30-day period, the agency determines that such variance was not based upon the appropriate basis of practical difficulties or unnecessary hardships, the agency may reverse the local determination.

Section 577.11. Access to private lands.

Neither the Wild, Scenic and Recreational Rivers System Act nor this Part shall be construed to create or to confer upon any person any right of access, or of ingress and egress, over, upon or to any private lands, waters or bodies of water.