APPENDIX B

Sample Section 814 Order

For NYSDOT projects that require coordination with and approval by the APA pursuant to Section 814 of the Adirondack Park Agency Act, the following Section 814 Order - issued to Region 7 in 2006- provides a representative example of content.
INTRODUCTION AND JURISDICTION

On May 9, 2006, the Adirondack Park Agency received a Notice of Intent to Undertake New Land Use and Development within the Adirondack Park from the New York State Department of Transportation setting forth its intent to re-construct approximately 2.8 miles of New York State Route 30 in the Town of Tupper Lake, Franklin County.

The project consists of new land use and development by a state agency on state land requiring review by the Adirondack Park Agency pursuant to §814 of the Adirondack Park Agency Act, 9 NYCRR 579.1, and 9 NYCRR 4.150 (Executive Order 150). The project involves impacts to wetlands and also requires an Agency permit pursuant to 9 NYCRR Part 578.

Based upon receipt of the Notice of Intent and other materials related to the project and after due deliberation on said materials, the following findings of fact are hereby made and adopted.
FINDINGS OF FACT

Agency Jurisdiction

1. The project consists of new land use and development by a State Agency pursuant to §814 of the Adirondack Park Agency Act and a wetlands project pursuant to 9 NYCRR 578.2 and 578.3(n)(1)(ii) and (iii). It is also subject to the provisions of 9 NYCRR 4.150 (Executive Order 150).

The portions of the project subject to Agency jurisdiction consist of the construction of two new parking areas and two new pull-off areas, reconstruction of a portion of NYS Route, undergrounding of existing overhead utilities and the installation of utility "vaults", installation of utility poles greater than forty feet in height, construction of two GRES slopes, slope stabilization and wetland impacts and wetland mitigation.

The project also involves other routine maintenance activities associated with NYS Route 30 that do not involve new land use or development or wetlands and are not subject to Agency jurisdiction, including replacement of existing municipal water lines, upgrading signage and paving operations.

Project Site; Project Overview

2. The project site consists of approximately 2.8 miles of New York State Department of Transportation NYS Route 30 right-of-way. The project site is lands of the State of New York.

3. The project objectives are:

a. to restore the structural integrity of the highway to provide a useful service life of 20 years by using pavement and drainage treatments in a cost effective manner;

b. correct the safety deficiencies identified within the safety deficient locations; and

c. correct identified geometric deficiencies associated with the highway.

4. The project will involve these elements:

   a. The project consists of reconstruction of approximately 2.8 miles of New York State Route 30 from Maddox Road to Queen Street including the causeway in the vicinity of the Raquette River and Tupper Lake and Simon Ponds;

   b. Drainage and utility betterments; a combination of relocation of overhead and the installation of undergrounding of sections of certain existing overhead
utilities (electric, telephone and cable television) to enhance scenic vistas;
- Construction of two parking areas and two pull-offs creating enhanced public viewing areas; one parking area will have visitor interpretive signage;
- Construction of two sections of Geosynthetic Reinforced Earth Systems (GRES) along the shoreline of Tupper Lake and slope stabilization along the causeway,
- Realignment of Raquette River Drive intersection with NYS Route 30;
- Pavement striping and signage improvements; and
- 0.19 acres of wetland impacts that will be mitigated by undertaking the proposed wetland mitigation plan.

**Design Details**

5. Alternative driving surfaces and shoulder widths were considered during the initial design phases of this project. The preferred alternative that will be used for the re-construction of this highway consists of a 11 foot (3.3 meters) wide driving surface throughout the project and a 6 foot (1.8 meters) wide shoulder throughout the project with the exception of the causeway which will have 7 feet (2.1 meters) wide shoulders. There is also a section of highway within the Hamlet of Tupper Lake that will have the sidewalks reconstructed along with the asphalt pavement driving surface and roadway shoulders.

**Utilities**

6. Utilities throughout the project site will be changed with the exception of the area in the vicinity of Moody Bridge which was re-constructed with underground utilities and vaults during 1994 (APA Permit 90-151 and 90-151A). A utility re-construction plan has been prepared and drawings submitted to the Agency. The following are the proposed utility improvements:

a. From the "Tupper Bowl" to the Moody Bridge, existing overhead utilities will be undergrounded. The new underground utilities will connect to existing underground utilities at the Moody Bridge. This process includes the installation of vaults approximately every 500 feet as shown on the project plans.

b. Existing thirty eight foot tall overhead utility poles will be replaced with forty five foot tall poles from station 14+210 to station 13+405. This section of overhead utilities is not close to the shoreline of Tupper Lake and is screened as viewed from the lake. At station 13+405, existing overhead utilities will be installed underground to
station 13+140 (Country Club Road). From station 13+140 to station 12+755, existing overhead utilities will be replaced with utility poles of similar height. There are existing overhead utility poles on the shoreline side of NYS Route 30 that will be relocated to the south side of the highway, the non-shoreline side. The new utility poles will be located on the south side of NYS Route 30 along this section of highway, not the shoreline side of the highway. There will be instances where service poles will remain on the lakeside to supply power to existing land uses. In these locations there will be aerial overhead cable from the south side of Route 30 to the lakeside.

c. From station 12+755 to station 12+588, existing overhead utilities will be installed underground.

d. From station 12+588 to station 12+220, existing overhead utilities along the west side of the highway will be relocated to the southeast side of the highway.

Where necessary, there will be overhead and underground crossings of the highway with utility lines to service individual dwellings and commercial uses along the highway. NYSDOT and the utility provider have made every effort to minimize overhead crossing of the highway along this section of highway.

There are approximately forty pole-mounted street lights throughout the project, twenty street lights between Maddox Road and Moody Bridge, one at the intersection of NYS Route 30 with Raguette River Drive south and the remainder located between the Bowling Alley and Mercy Health Care Center. The causeway section is mostly unlit other than Moody Bridge and one light at the Raguette River Drive South intersection. The street lights will be replaced at the same or nearby locations with full-cutoff light fixtures which direct light downward and minimize light and night-glow.

Parking and Pull-Off Areas

7. There will be two new parking areas and two pull-off areas constructed as part of this project.

a. A five vehicle parking area will be constructed in the vicinity of Maddox Road where there is an existing informal pull-off. A curb will be installed between the parking area and NYS Route 30 to provide for safe pull-off and parking. The parking area includes new landscaping plantings.

b. Two pull-off areas will be constructed in the vicinity of the causeway; one area serving northbound traffic and
another serving southbound traffic. The areas will be approximately 165 feet long and accommodate up to four vehicles each.

c. There will be a parking area constructed existing at the Tupper Lake Bowling Lanes adjacent to the parking lot for the bowling facility. The parking area will accommodate six vehicles including handicapped parking area. There will be interpretive signs at this parking area that have been designed in consultation with the Town and Village of Tupper Lake, the Natural History Museum of the Adirondacks (The Wild Center) and Agency staff. The subject of the interpretive signs will include: (1) Turtles and Protective Measures; (2) Reading the Landscape - Provides Information about the Tupper Lake Wetland Complex; (3) Village of Tupper Lake - Provides Highlights about the Village; and (4) the Setting Pole/Piercefield Dam.

Geosynthetic Reinforced Earth Systems and Slope Stabilization

8. Two sections of Geosynthetic Reinforced Earth Systems (GRES) walls slopes approximately 59 feet and 223 feet in length will be constructed within the project limits. The 59-foot section will be located on Maddox Road and the other will be located in the vicinity of the intersection of Country Club Road with Route 30. Both GRES sections will be along the shoreline of Tupper Lake. There will be heavy stone fill placed within the mean high water mark (MHWM) of Tupper Lake to an elevation approximately three feet (elevation 1550, mean sea level) above the MHWM.

9. In the vicinity of the causeway, approximately 1,725 feet of slope stabilization will be installed as shown on the approved project plans. The slope stabilization along the causeway consists of the installation of heavy stone fill in a keyway within the mean high water mark of the Raquette River and Tupper Lake. Geotextile fabric will be installed between the stone fill and existing earth and over the top of the stone fill. This will enable soil and a seed mix to be installed over the stone fill to enable vegetation to grow and reduce the visibility of heavy stone fill along the shoreline. Approximately 2 feet of exposed stone fill will be above the mean high water mark of each water body along the slope stabilization project. Stone that is indigenous to the area will be utilized where the stone fill is visible in order to blend with the existing landscape.
Wetlands

10. With respect to wetlands within the project area, the Agency and NYS DOT have determined that there are locations where jurisdictional wetlands exist within the project limits. A wetland delineation report was prepared by NYS DOT and received by the Agency September 7, 2004 and a document entitled "Wetland Functions and Values Assessment; Route 30 Reconstruction Project" prepared by Stantec and dated June 2005 was also prepared and submitted to the Agency. Due to the proposed 0.19 acres of permanent wetland impacts, a Compensatory Mitigation Plan (dated July 2005) was prepared and proposed as part of this project. The plan consists of reestablishing two wetlands approximately 0.16 acres and 0.23 acres in size for a total wetland mitigation of 0.39 acres. As identified in the Wetland Delineation Report, wetland mitigation area 1 (WMA1) is located adjacent to a shrub swamp wetland and wetland mitigation area 2 (WMA2) is located adjacent to a shallow emergent marsh wetland. Both existing wetlands are part of the same wetland complex, which lies adjacent to the east shores of Tupper Lake and Raquette Pond. The restored wetlands will eventually exhibit the same characteristics of their neighboring wetland systems.

The work involving wetlands consists of replacement and extension of existing culverts, placement of underground utility vaults, creation of scenic parking areas and placement of stone fill to prevent embankment slope failure adjoining NYS Route 30 in the vicinity of the causeway.

There will be 0.15 acres of temporary wetland impacts during construction as a result of burying the utilities along the causeway. Once the underground utilities have been buried, the wetlands will be restored and returned to their preconstruction state.

The value rating of the wetlands associated with this project is "1" pursuant to 9 NYCRR Part 578. The wetlands consist of emergent, palustrine scrub/shrub and forested wetland complexes. There are also wetland complexes that are composed of two or more structural groups within the project limits.

The Agency has taken into consideration the economic, social and other benefits derived from the project as proposed and has determined a departure from the general guidelines of 9 NYCRR Part 578 is appropriate. The overriding economic, social and other benefits include a safer improved state highway, undergrounding of existing overhead utilities that will greatly enhance the visual qualities of the area, and improvements to an existing highway at a reasonable economic cost to the State of New York and its citizens.
There is a known location of the invasive species Japanese Knotweed, located west of Route 30 and south of Wetland TL-14 identified in the Wetland Delineation Report. The Wetland Functional Assessment report also identified a low density of purple loosestrife within the shallow emergent marsh of Wetland TL-9. NYSDOT proposes that the contract plans will include details to remove the invasive species where feasible. It should be noted that it may be necessary to secure work releases relative to the areas where invasive plants are located outside the Department’s right of way.

Right-of-Way Acquisitions

11. There will be approximately thirty-four right-of-way acquisitions in order to undertake this project as designed. The acquisitions will be in the form of temporary easements, permanent easements and in-fee with access. The majority of the acquisitions range in size from 500 to 1,000 square feet. The largest acquisition will be approximately 10,763 square feet in size (one-quarter acre) and is necessary for the reconstruction of the intersection of Raquette River Drive North with Route 30. The acquisitions are identified in a table entitled “Table of Proposed Acquisitions” in the Final Design Report.

Temporary Staging Areas and Waste Disposal Sites

12. There will be approximately 42,000 cubic yards of waste generated by this project. NYSDOT has not designated any proposed waste disposal sites. It is the Department’s position that all waste disposal sites are the responsibility of the contractor awarded the contract. A special note to the contractor in the contract documents informs the contractor that the disposal of waste within the Adirondack Park may require additional permitting from the Adirondack Park Agency and appropriate time for approvals should be planned for and allotted. If an individual permit is required, the Agency has up to 90 days to make a permit decision after the application is deemed complete.

Designated River Areas and Other Water Resources

13. A portion of the Raquette River is adjacent to the east side of NYS Route 30 in the vicinity of the causeway. The Raquette River is a designated Recreational River in the area of the project site pursuant to the New York State Wild, Scenic and Recreational Rivers System Act.

14. There are classified water resources within the project area. The water quality of Little Simon Pond is fresh surface waters
Class AA, the water quality of Tupper Lake is fresh surface waters Class A and the water quality of Raquette River and Simon Pond is Class B. The work performed in these waters will utilize erosion control measures and turbidity curtains. A detailed description of the classified waters is in the Project Design Report documents described herein.

**Adirondack Park Forest Preserve**

15. In the vicinity of the causeway there is a section of NYS DOT right-of-way that is contiguous with part of the Adirondack Park Forest Preserve. By letter dated June 2, 2006, New York State Department of Environmental Conservation opined that they have reviewed deed information provided by NYSDOT and other information from NYSDEC files and that they concur that NYSDOT has fee ownership of the highway right-of-way and, therefore, is not part of the Adirondack Park Forest Preserve.

**Landscaping**

16. The project includes a landscaping plan that provides for planting trees and shrubs in areas where it will be necessary to remove trees and at the new parking areas. Other landscaping enhancements will be made along the project site.

17. The project is depicted on drawings entitled “Tupper Lake-Moody; NYS Route 30,” prepared by New York State Department of Transportation, received by the Agency Jun 27, 2006. The project is described in a document entitled “Final Design Report; PIN 7044.28; Route 30; Ski Tow Road – Stetson Road Highway Project, Town of Tupper Lake, Franklin County” dated January 5, 2006. A reduced-scale copy of Sheet 1 of the drawings are attached as a part of this permit and order. The original, full-scale maps and plans referenced in this permit and order are the official plans for the project.

**Fish and Wildlife**

18. Along the causeway section of the project, herptile barriers will be installed as shown on the project plans to help prevent turtles and other wildlife from entering onto the roadway.

**Stormwater Management**

19. The drainage system that controls stormwater discharge from the project area is a combination of shallow open ditches and cross culverts. Under the reconstruction alternative, stormwater will be conveyed through a combination of open and closed drainage systems with discharge points near Tupper Lake. The closed
drainage system will include sumps in the drainage structures to capture silts and suspended sediments prior to discharge. A Stormwater Pollution Prevention Plan has been developed to address the stormwater discharge during and after construction.

**Traffic**

20. The 2002 annual average daily traffic (AADT) count of approximately 3,800 vehicles was used as a design parameter for this project. The estimated AADT for the estimated time of construction (2005) that was utilized is 4,046 vehicles. The estimated AADT for the time of construction plus 20 years (2025) is 5,249 vehicles.

The project will be undertaken with alternating traffic throughout the project site. Temporary traffic signals to alternate traffic flows during working hours may be installed at various locations or individual flag control positions will be utilized during construction hours. It is anticipated that one travel lane will be closed most of the construction time period with the exception of some holidays.

**Economic/Fiscal Factors**

21. The project is part of a continuing effort by the NYS Department of Transportation to improve the function and scenic quality of State highways within the Adirondack Park including Route 30, "The Adirondack Trail," a designated Scenic Byway. The Route 30 improvements are planned for the southern gateway to Tupper Lake, a community of growing interest to tourists as indicated by the July 2006 opening of the Natural History Museum of the Adirondacks (The Wild Center).

Through the rebuilding of 2.8 miles of Route 30 including the Moody Pond causeway, the relocation of certain overhead utility lines and the undergrounding of others, the visual quality of an important scenic area along the Raquette River, Tupper Lake, and Simon Pond will be enhanced. The traveling public will gain greater appreciation of this scenic area through the project's inclusion of two new parking areas, two scenic pull-offs and the placement of interpretive signage. These improvements are fully consistent with the objectives of the Scenic Byways Program.

The estimated cost of the project is $8.0 million according to the Department of Transportation's Final Design Report.
22. During November of 1999, the NYS Education Department completed a Cultural Resource Survey for the project site. As part of the survey, both architectural and archeological testing were conducted to determine if there are any resources or structures that warrant eligibility for inclusion on the National Register of Historic Places. The results of the survey concluded that two sites (the Moody Site and the Prince Albert Site) were recommended for archeological resources and three structures adjoining the project limits (29 and 33 Moody Road, 87 Moody Road and the Moody Memorial Church) were recommended on an architectural basis for inclusion on the National Register of Historic Places.

New York State Office of Parks, Recreation and Historic Preservation concurred with the recommendations of the survey which indicated that a Phase II testing of the Moody and Prince Albert Site were warranted. The investigation of both sites was completed in 2003 with the report being generated in March of 2004. Both the Moody and Prince Albert sites are recommended as eligible for inclusion in the National Register.

NYSDOT proposes reconstruction with spot rehabilitation alternatives in the vicinity of these resources and the Department envisions that this project will have "No Effect" for properties on or eligible for the National Register of Historic Places. A concurrence of "No Effect" was issued by the Federal Highway Administration on November 2, 2005.

Public Notice

23. The Agency notified all adjoining landowners and those parties as statutorily required by §809 of the Adirondack Park Agency Act and published a Notice of Complete Permit Application in the Environmental Notice Bulletin. No comments have been received.

Other Regulatory Permits and Approvals

24. A Joint Application for Permit along with a Pre-Construction Notification was submitted to the U.S. Army Corps of Engineers Troy Field Office and New York State Department of Environmental Conservation on May 17, 2006. NYSDOT anticipates receipt of U.S. Army Corps of Engineers Nationwide Permits and NYSDEC Individual Water Quality Certifications by late July or early August 2006. NYSDEC has issued a SPDES permit for the project (permit #NYR 10K653) relative to General Permit 02-01. The submittal of the SWPPP and plans were transmitted to NYSDEC on June 1, 2006.
25. By letter dated April 21, 2006, New York State Department of Health endorsed the engineering report and approved the plans and specifications submitted by the Department for the replacement and upgrades to water distribution mains in the Town and Village of Tupper Lake that are proposed as part of this project.

26. New York State Department of Environmental Conservation anticipates issuing a Wild, Scenic and Recreational River Permit pursuant to 6 NYCRR Part 666 and a Water Quality Certification pursuant to 6 NYCRR Part 608.

**PROJECT IMPACTS**

**Visual and Aesthetic**

27. The visual and aesthetic qualities of NYS Route 30 will be greatly improved by the undergrounding of existing overhead utilities along the causeway and other high quality scenic areas. The construction of parking areas, pull-offs and the installation of interpretive signage will enable the traveling public to enjoy the scenic quality of the area and provide for educational interpretations.

**Wetlands**

28. Based on the scope of this project, it is anticipated that certain unavoidable impacts to wetlands will occur as a result of the reconstruction of the causeway and undergrounding of utilities in discrete areas along the highway. This project will involve some loss of wetland acreage, function or benefits derived therefrom and it is the Agency's policy to require compensatory mitigation. A wetland mitigation plan has been developed in accordance with the Agency’s Permit requirements and is a condition of permit approval. As proposed, a wetland mitigation project will be undertaken to compensate for unavoidable wetland impacts. To the greatest extent possible, the project will avoid and minimize impacts to wetlands.

**Water Quality**

29. Provided the proposed construction and silt fencing, coffer dams, turbidity curtains, dewatering devices and sediment basins are properly installed and maintained throughout construction and construction takes place "in the dry," there will not be an adverse impact to the water quality of the Raquette River, Tupper Lake or Simon Pond.
Operational Issues Affecting Nearby Land Uses

30. There will be no long-term adverse impacts to the traveling public. There will be some short-term traffic delays. Emergency services will be notified during construction and in the event of an emergency, emergency vehicles will be accommodated.

Historic Sites or Structures

31. The project as proposed and authorized herein will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR Part 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval as set forth in §814 of the Adirondack Park Agency Act (Executive Law, Article 27), 9 NYCRR Part 579 and 9 NYCRR 4.150; §24-0801(2) of the NYS Freshwater Wetlands Act (ECL, Article 24, Title 8), 9 NYCRR 578.10(a)(1).

HAVING GIVEN DUE CONSIDERATION to the Notice of Intent filed by the New York State Department of Transportation and other materials associated with the project application, and

HAVING DULY CONSIDERED the above Findings of Fact, the Agency hereby makes and adopts the following conclusions:

1. The project would be consistent with the provisions of the Adirondack Park Land Use and Development Plan.

2. The Agency has considered the public policy of the State set forth in ECL 24-0103, the statement of legislative findings set forth in ECL 24-0105, and the effect of the project upon the public health and welfare, fishing, flood, hurricane and storm dangers, and the protection and enhancement of the several wetland functions and benefits. The applicable findings of 9 NYCRR Part 578 can be made.

Pursuant to §578.9 and 578.10, the economic, social or other benefits to be derived from the activity proposed compel a departure from these guidelines in which case the Agency has documented the specific benefits compelling such departure.

3. The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic,
recreational or open space resources of the Park, taking into account the economic and social benefits to be derived from the project provided the following conditions are met:

a. The project shall be undertaken as described in the completed application, the Project Description as Proposed and Conditions herein. In the case of conflict, the Conditions control.

b. This permit and order is binding on the applicant(s), all present and future owners of the project site and all contractors undertaking any or a portion of the project. Copies of this permit and order and all the approved maps and plans referred to herein shall be furnished by the applicant(s) to all contractors prior to undertaking the project.

c. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.

d. This permit and order shall apply to the New York State Department of Transportation (NYS DOT) and its contractors. Copies of this permit and order and all the approved maps and plans referred to herein shall be furnished by NYS DOT, in advance of any site work, to all contractors and subcontractors designated to work on the project. The NYS DOT Engineer-In-Charge (EIC) and the contractors shall maintain copies of this permit and order in their field offices.

e. When construction commences, NYS DOT shall provide the Agency with monthly reports describing the progress of the project, including any unforeseen problems or unusual incidents that have occurred during construction and the measures taken to resolve the problems or incidents. The report shall list the date, location and type of erosion and sediment control measures which have been installed. This will be the same report that will be submitted in compliance with the SPDES permit (02-01) for this project.

f. New York State Department of Transportation, working in consultation with New York State Department of Environmental Conservation, shall be responsible to ensure that there is field delineation of the boundary between forest preserve lands and the highway right-of-way in the vicinity of the causeway before construction starts in that area. NYSDOT and NYSDEC shall agree on the methods used to delineate the...
boundary and provide the NYSDOT Engineer in Charge of the project with that information. The intent of this condition is to ensure that there is no work or other site disturbance involving forest preserve lands as a result of this project.

**Guiderail**

g. All guiderail to be replaced or installed within the project area shall be rustic guiderail.

**Signage**

h. All new or replacement traffic control and informational signs shall utilize Adirondack Park sign colors of yellow lettering on brown background to the fullest extent authorized by the "Manual of Uniform Traffic Control Devices."

**Wetlands**

i. Beyond the wetland impacts authorized herein, no "regulated activity" as defined in the Agency's Freshwater Wetland Regulations (9 NYCRR Part 578) shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development in, subdivision of, clearcutting more than three acres within, or dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, which pollutes it or substantially impairs its functions, benefits or values.

The Compensatory Wetland Mitigation Plan described herein shall be undertaken and monitored in strict compliance with the approved documents. NYSDOT shall undertake and complete the Compensatory Mitigation Plan no later than one year from the date of the start of the project described herein. NYSDOT shall provide the Agency with a copy of the yearly monitoring report for a period of no less than five years or until the wetland mitigation sites are determined to be successful, whichever is longer.

Where trenching is proposed for the installation of underground utilities in wetlands, the top 12 inches of wetland soil shall be first removed and temporarily placed onto a geo-textile blanket running parallel to the trench. Sub-grade soils dug from the trench shall be sidecast on the opposite side of the trench onto another geo-textile blanket running parallel to the trench. All sidecast material shall be placed and stabilized in such a manner so as to prevent its dispersion by normal or high water flows. The length of
trench to be opened should be only that which can be opened and completed in one day. After installation or repair of the underground utilities, including placement of bedding materials, the sub-grade soils shall be backfilled into the trench, followed by the surface wetland soils. The wetland soil should be left 3 to 6 inches above the surrounding undisturbed wetland surface to allow for settling. All excess material must be removed to upland areas and stabilized immediately upon completion of construction. The geo-textile blanket can be utilized for the next trench section or rolled up and taken off-site after the work is completed.

All areas where there will be temporary wetlands impacts due to the installation of underground utilities will be restored to preconstruction conditions immediately following the installation of the utilities.

New York State Department of Transportation environmental staff shall identify in the field all invasive species throughout the project site and shall direct its contractors to successfully remove the invasive species according to best management practices for the removal of invasive species. The Department shall monitor the removal of the invasive species for a period of five years to ensure successful removal and control of the invasive species.

**Erosion Control/Storm Water Management**

j. All erosion and sediment control measures in the contract documents shall be properly installed and maintained and these practices shall be installed in accordance with the Agency approved plans.

k. All disturbed areas shall be temporarily mulched to eliminate off-site impacts to wetlands and water quality or the immediate permanent re-establishment of turf shall be accomplished by the contractor. Within 100 feet of any water body, river or stream or any wetlands, temporary mulch shall be installed immediately following any earth disturbance. In no event shall any other areas on the project site exposed by clearing and grubbing be left in an unprotected condition for longer than 2 days.

**Waste Disposal/Temporary Material Stockpiles**

l. At least 21 days prior to any earth disturbance on the project site, DOT's designated contractor shall submit a comprehensive waste disposal plan (including site plans for all disposal areas) designed to minimize the number of waste
disposal sites. The plan shall be reviewed by NYS DOT’s Engineer-in-Charge and environmental/landscape architectural staff prior to submission to the Agency. Waste disposal shall not begin until the above plan is reviewed by the Agency and approval is given to the contractor in the form of a new or amended permit and order, or letter of non-jurisdiction, as determined by the Agency. No construction debris or surplus excavated materials shall be disposed of off-site in or within 100 feet of wetlands or surface water bodies, including permanent and intermittent streams, other than those waste disposal areas that are approved by the Agency. There shall be no waste disposal on Forest Preserve lands.

The plan shall clearly state the volume and type of wastes to be placed in each waste disposal area. The final site plan(s) for waste disposal areas shall show the location of the waste disposal area relative to property and right-of-way lines, existing and proposed topography with two-foot (or 600 mm) contour intervals, latitudinal and longitudinal cross-sections through the area showing existing and proposed contours, permanent and temporary erosion control plan, including the location of silt fence, vegetative planting plan and wetland location(s) if located within 100 feet of slope of each proposed waste disposal area.

Temporary material stockpiles, material storage and temporary equipment storage shall be allowed within the right-of-way provided there is no tree clearing and there are no wetlands within 100 feet of the temporary stockpile or storage area. Upon completion of that part of the work related to the temporary stockpiles and/or storage, the temporary stockpile in these areas shall be completely restored to pre-construction conditions.

**Construction Staging Areas and Field Offices**

m. At least 21 days prior to the start of construction, the contractor shall prepare and submit to the Agency, for review and approval, a staging plan showing the proposed location of mobile offices, equipment, and supplies for the project. The staging area site plans shall be reviewed by NYS DOT’s Engineer-in-Charge and environmental/landscape architectural staff prior to submission to the Agency. The plans shall show the location of all existing and proposed structures and storage areas, property and right-of-way lines, a reclamation plan for the site and location of wetlands if they are located within 50 feet of the area proposed to be used. The owner of the lands wherein the proposed staging area will be located must be a co-applicant.
for the staging area approval. Agency approval of the staging area plans may be in the form of a Letter of Permit Compliance or an amended permit and order, as determined by the Agency.

**Sanitizing Equipment**

n. All heavy equipment, including but not limited to trucks, excavators, tractors, etc., to be used on the site shall be washed with high pressure hoses and hot water prior to being brought on the site. The intent of this condition is to insure invasive plant species are not spread to the construction site.
NOW THEREFORE, upon all of the foregoing and under authority delegated to the Deputy Director, Regulatory Programs, it is

ORDERED, that these findings be duly reported to the New York State Department of Transportation.

ORDER issued this 14th day of July, 2006.

ADIRONDACK PARK AGENCY

BY: MARK E. SENGENBERGER
Mark E. Sengenberger
Deputy Director (Regulatory Programs)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 14th day of July, in the year 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Mark E. Sengenberger, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

MES:TES:HEK:RRT:tjd