



Hudson River - Black River Regulating District

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DRAFT STATEMENT OF ADMINISTRATIVE POLICY HUDSON RIVER – BLACK RIVER REGULATING DISTRICT ACCESS PERMITS GREAT SACANDAGA LAKE

Access permits authorizing eligible property owners to utilize the lands of the State of New York under the jurisdiction of the Regulating District are available, for a fee, to facilitate access to Great Sacandaga Lake. Access permits may take one of three forms; commercial, non-commercial and special. Eligibility for a non-commercial access permit is established through ownership of a parcel of land lying no greater than one (1) mile, line of sight, from the nearest point on the eligible parcel to the nearest point on an access permit area. For ease of reference, the Regulating District calls those access permits issued with respect to eligible properties not bordering state land ‘back-lot’ with those sharing a common border called ‘front lot’.

The Regulating District will determine whether a parcel of property may establish eligibility for an access permit. Applicants should submit a copy of the deed and a statement showing the section, block & lot number of their property to the Sacandaga Field Office or through <https://www.hrbrdd.ny.gov/gsl-permit-system/>. Please see the following guidance documents available at <https://www.hrbrdd.ny.gov/gsl-permit-system/> :

- Response to Request for Access Permit to Great Sacandaga Lake – Eligible, But No Access Permit Area is Available
- Response to Request for Access Permit to Great Sacandaga Lake – Not Eligible, Property is Beyond One Mile ‘Line-of-Sight’ Limitation

Commercial and special parcels must share a common boundary with state land under the Regulating District’s jurisdiction. Commercial Permits will be issued only to applicants who actually operate a commercial enterprise. Applicants for a commercial permit must obtain and supply to the Regulating District all necessary governmental approval or permit(s) in connection with such enterprise. Such approvals may include local zoning and site plan approval, and/or federal, state, regional or local approvals, including the APA, DEC, and Army Corp of Engineers.

Special Permits are issued to associations, municipalities, church/synagogues, cemeteries, and to property owners who retained rights to access the reservoir upon transfer of lands to the State of New York. Owners of properties who have granted the Regulating District a flow and flood easement, such as those in Northville where the NYS property boundary is underwater, are issued access permits for \$zero fee. Owners of properties located within the Sacandaga Park, whose predecessors in interest retained a deeded right to access the reservoir, qualify for a bathing beach permit in exchange for a \$50 clerical fee and \$10 ID admittance card. Please see the following guidance documents available at <https://www.hrbrdd.ny.gov/gsl-permit-system/> :

- Application for Sacandaga Bathing Beach Users Permit at Great Sacandaga Lake
- Sacandaga Park Bathing Beach Users Program and Policy

The minimum permit area width for non-commercial access permits is ten (10) feet. The minimum permit area width for a commercial or special access permit is fifty (50) feet. Operation of a commercial marina requires an access permit area at least one-hundred (100) feet wide. Commercial, non-commercial, or special access permits issued with respect to an eligible property bordering state property will generally be of the width equaling the length of that common boundary.

Access permits are temporary and revocable. Unless revoked for violation of the rules governing their use, access permits are valid from date of issue through March 15th of the subsequent year (6 NYCRR §606.38). Upon application and payment of the required fees, access permits are renewed annually each April 1st.

The lands of the State of New York are, with certain exceptions, open to use by all. The access permits issued by the Regulating District afford the access permit holder and their guests with certain exclusive rights to utilize certain of those state lands, to the exclusion of others, for the placement and use of docks, floats, picnic tables, etc. State law affords the Regulating District with no authority to govern, nor adjudicate, disputes between access permit holders and the general public; nor between neighboring access permit holders. However, the Regulating District does keep the peace by, among other things: dictating the configuration and placement of docks, & moorings; restricting the removal of trees and underbrush; establishing the criteria for placement of erosion control devices (vegetation or Rip Rap); and maintaining the New York State Property Boundary surrounding the lake. Those activities which require authorization from the Regulating District are detailed below.

_____ New Non-Commercial Access Permit

Submit an access permit application indicating the type of access permit sought (non-commercial) with the required fee and a copy of the deed and a statement showing the section block & lot number of the real property establishing eligibility for the permit. The application, fee, statement and copy of the deed should be submitted to the Sacandaga Field Office or through <https://www.hrbrd.ny.gov/gsl-permit-system/>. Access permits are not transferable. As such, it is not necessary to submit a letter of surrender from the previous holder(s) of the access permit. The deed naming the new owner(s) of the eligible property is sufficient.

It has been the Regulating District's practice to issue a new access permit to the new owner(s) upon the transfer of an eligible property regardless of whether the eligible property transferred satisfies the one mile distance limitation. The access permit will be emailed to the email address supplied on the access permit application. Where the applicant has not supplied an email address, staff will use first class mail.

The one time base \$315 fee covers survey, clerical and sign fees. Applicants must add \$35 for each additional 100' (or fraction thereof) of access permit area width and additional amounts for the items indicated on the fee schedule.

The Regulating District issues access permits to eligible property owner(s) of record on a first-come first-served basis. Where all available access permit areas within a given tract of state land under the Regulating District's jurisdiction have been issued, eligible property owners will be placed upon a waiting list by tract. Should an access permit

holder surrender, fail to renew, or have an access permit revoked for violation of the *Rules and Regulations Governing the Use by Permit Holders of State-owned Property at Great Sacandaga Lake* (6 NYCRR Part 606), that access permit area will be made available to the longest wait-listed eligible property owner within that tract.

If an access permit applicant is wait-listed, the application and fee will be returned. A copy of the applicant's deed will be retained on file. Should the applicant's eligible property change hands, the applicant's spot on the waitlist will be abandoned. Should the new owner(s) submit a new application for an access permit, the new applicant will be placed at the end of the waiting list. Applicants should understand that access permits are rarely abandoned and that, as such, new owners of eligible properties for which an access permit has not previously been issued may sit on a waiting list for an access permit in the tract or tract adjacent for many years.

Please see the following guidance documents available at <https://www.hrbrd.ny.gov/gsl-permit-system/> :

- *Rules and Regulations Governing the Use by Permit Holders of State-owned Property at Great Sacandaga Lake* (6 NYCRR Part 606)
<https://www.hrbrd.ny.gov/gsl-permit-system/title-6-part-606/>
- Great Sacandaga Lake Non-Commercial Permit Application
- Access Permit Application Fee Schedule
- Due Process Procedures for Access Permit Holders at Great Sacandaga Lake

Commercial & Association Permits

- Operation of a commercial marina requires an access permit area at least 100 feet wide. A minimum permit area width of 50 feet is required for all other commercial operations.
- Commercial and special parcels must share a common boundary with state land under the Regulating District's jurisdiction. The lateral boundaries, within which floating dock systems and mooring buoys must be confined, are determined by extending onto the Lake the side boundaries of the commercial access permit area. Orientation of such boundaries and a determination of the distance such dock systems may extend outward from the shoreline will be made by the Regulating District on a case-by-case basis.
- Commercial, or special access permits issued with respect to an eligible property bordering state property will generally be of the width equaling the length of that common boundary.
- Applicants for a new commercial access permit, or the expansion of facilities on an existing commercial permit area, must furnish to the Regulating District:
 - A Commercial Access Permit application showing the section block & lot number of the real property establishing eligibility for the permit;
 - The required fee(s); (see schedule of fees: <https://hrbrd.ny.gov/wp-content/uploads/2021/12/2021-Permit-Fee-Schedule-12-16-21.pdf>) A copy of the deed to the real property establishing eligibility for the permit;
 - Written statements evidencing commercial liability coverage pursuant to 6 NYCRR §606.80 & 606.81, and Resolution 03-03-02.
 - A detailed layout, drawn to scale, of the existing and proposed facilities, structures and docking systems (including configuration and number of boat slips);

- A description of the proposed use of the commercial permit area (marina, day-use docks for patrons of business, beach use by patrons of business, beach/dock use by Association members, etc.);
- Written statements from all appropriate federal, state and local agencies; (including a full recitation of the conditions and limitations imposed by such agencies) including:
 - *Federal Energy Regulatory Commission (FERC)* (Permit staff to consult with HRBRRD Chief Engineer to ensure proposed use and occupancy is consistent with Articles 407 & 408 of FERC License P-12252) {New, novel, uses may require Notice and FERC approval; see para 58}
 - *Adirondack Park Agency (APA)*, (Section 814 of the APA Act requires HRBRRD to join as co-applicant if new land use and development takes place on state land, [e.g. the access permit area]) {May require repeal of Resolution 05-51-11 and/or expansion of scope for Resolution 06-20-05};
 - *Army Corp of Engineers (ACOE)*;
 - *Department of Environmental Conservation (DEC)*;
 - *OPRHP/State Historic Preservation Office* – Compliance with HRBRRD Historic Properties Management Plan (Art 404 of FERC License)
 - HRBRRD staff consults SHPO Map of Sensitive Areas
 - Applicant submits SHPO Project Review Cover Form
 - Discovery results in ‘stop-work’ & 45 Day Notice to affected entities and compliance with SHPO Section 233 permit process
 - *Town/Village*, evidencing compliance with local zoning/site plan approval authorizing construction and operation of the proposed facilities;
- Applicant must supply (at a minimum) Short Environmental Assessment Form (State Environmental Quality Review Act [SEQR]).
 - Staff will circulate application & EAF and then coordinate lead agency determination.
 - Staff will prepare ‘Determination’ for Board approval.
- It has been the Regulating District’s practice to issue a new commercial access permit to the new owner(s) upon the transfer of an eligible property. The Regulating District will routinely renew commercial access permits upon application for renewal and payment of required fees. The Regulating District reserves the right to deny renewal if it determines that such operations no longer serve the public interest.
- The Regulating District’s decision to grant or withhold approval of a commercial access permit for a marina, expansion of an existing marina, or renewal of a commercial access permit will be based upon considerations such as compliance with *Rules and Regulations Governing the Use by Permit Holders of State-owned Property at Great Sacandaga Lake* (6 NYCRR Part 606) <https://www.hrbrdd.ny.gov/gsl-permit-system/title-6-part-606/>, the proximity of other facilities, water safety, location on the Lake, and recommendations issued by involved federal state and local agencies.
- No permittee shall be allowed to maintain both non-commercial and commercial area as a combined or adjoining permit area. No commercial permit will be issued to an

entity that does not engage in commercial activity. (Individual or family unit will not be permitted to secure a commercial permit in order to qualify for a larger dock.)

Please see the following guidance documents available at <https://www.hrbrd.ny.gov/gsl-permit-system/> :

- *Rules and Regulations Governing the Use by Permit Holders of State-owned Property at Great Sacandaga Lake* (6 NYCRR Part 606)
<https://www.hrbrd.ny.gov/gsl-permit-system/title-6-part-606/>
- Great Sacandaga Lake Commercial Permit Application
- Access Permit Application Fee Schedule
- Procedures for Processing Work Permits Requiring Adirondack Park Agency Section 814 Review
- Due Process Procedures for Access Permit Holders at Great Sacandaga Lake
- Resolution 03-03-02 Adopting Special Policies (See Item 4)
- Resolution 80-07-02 Resolution Establishing Procedures to Implement SEQRA
(This may be updated with a new resolution and type II list)
- <https://www.hrbrd.ny.gov/wp-content/uploads/2016/02/HPMP09192012-1.pdf>
- <https://www.hrbrd.ny.gov/wp-content/uploads/2016/02/hpmpletter.pdf>
- https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/2017_NWP_FinalDD/
- FERC License Articles 404 & 407 - Project 12252-000.
- Stop Work Notice

Renewal Access Permit

Access permits issued by the Regulating District expire March 15th of the year after issuance. If the applicant has supplied an email address, the Regulating District will deliver a renewal reminder to the email address supplied by the access permit holder about ten weeks before permit expiration. If the Regulating District has no email address on file, the renewal notice will be mailed to the permit holder at the address on file.

Please see the following guidance documents available at <https://www.hrbrd.ny.gov/gsl-permit-system/> :

- Dear Access Permit Holder Letter

The eligible property owner(s) seeking renewal must submit an application and fee each year. The application is the same one used to seek a new permit or to seek approval to conduct a regulated activity on access permit areas. The application and fee should be submitted to the Sacandaga Field Office or through <https://www.hrbrd.ny.gov/gsl-permit-system/>. Renewal fees are based on the width of the access permit area. Commercial and special renewal applicants should include evidence of commercial liability coverage pursuant to 6 NYCRR §606.80 & 606.81 and additional amounts for the items indicated on the fee schedule.

The Regulating District will email or mail a postcard to access permit holders who fail to submit an access permit application seeking renewal, and the associated fee, by March 15th. Renewal applications received at the Sacandaga Field Office after March 15th must also include a \$20 late fee. The Regulating District will visit the access permit area of any access permit holder who fails to renew by April 15th to remove the access permit sign and to place a laminated tag upon any improvement(s) located on the access permit

(stairs, docks, floats, boats, etc.) indicating the access permit has expired and that the item(s) tagged may no longer remain on the access permit area. Please see the following guidance documents available at <https://www.hrbrd.ny.gov/gsl-permit-system/> :

- Postcard/Email to Access Permit Holders who fail to renew by March 15th

Renewal applications received at the Sacandaga Field Office after April 15th must include a \$50 late fee (Resolution 93-29-06). The Regulating District will begin removal of abandoned items after May 15th. The former access permit holder is responsible for the cost of removal and the Regulating District is not responsible for any damage to such items removed. The Regulating District will hold the items removed at the Sacandaga Field Office through October 1st after which time the Regulating District will dispose/sell such items. Access permit holders who have failed to renew, pay all late fees, and pay all costs for removal of abandoned items by January 1 forfeit the access permit. At that time, the Regulating District will notify the eligible property owner first on a waitlist for an access permit within that tract of state land of their eligibility for the access permit area abandoned.

Please see the following guidance documents available at <https://www.hrbrd.ny.gov/gsl-permit-system/> :

- *Rules and Regulations Governing the Use by Permit Holders of State-owned Property at Great Sacandaga Lake* (6 NYCRR Part 606)
- Great Sacandaga Lake Permit Application
- Access Permit Application Fee Schedule
- Tag indicating non-renewal and requiring removal of items from access permit area

_____ **Re-Stakeout**

When the Regulating District issues a new access permit, the Regulating District places yellow stakes on the New York State Property Boundary marking the boundaries of the access permit area. Should those stakes be up-rooted, the Regulating District will re-survey the State Property Boundary and replace the necessary stakes. The fee is \$125 per line/stake. While payment is due at the time of service, unpaid fees will be collected before issuance of any subsequent access permit renewal. Access permit holders may also request a re-stakeout. Submit the fee and the access permit application to the Sacandaga Field Office or through <https://www.hrbrd.ny.gov/gsl-permit-system/> . Indicate on the application the number of stakes to be placed.

Access permit holders and property owners whose access permit area or private property are defined, in part, by a monument used to establish the New York State Property Boundary may be held responsible for the cost to replace any monument destroyed during activities originating on said access permit area or private property parcel.

_____ **Name Change**

The Regulating District issues access permits to the property owner(s) of record. To change a name on the access permit, submit the \$50 fee, (Resolution 03-03-02, paragraph 8 - clerical & sign fee) a copy of the deed or, where appropriate, a copy of the death certificate, marriage certificate, court order, etc., indicating the change, with the access permit application to the Sacandaga Field Office or through <https://www.hrbrd.ny.gov/gsl-permit-system/> . The Regulating District will issue an access permit reflecting the new

name for the balance of the permit term, install a new permit sign, and update its files/maps to reflect the change.

____ **Permit Area Sign**

The Regulating District will affix a sign upon the access permit area denoting the access permit holder and the access permit number. Access permit holders may request a replacement sign, upon payment of a \$15 fee, by contacting the Sacandaga Field Office or through <https://www.hrbrrd.ny.gov/gsl-permit-system/>.

____ **Event**

Special occasions including weddings, sporting events, receptions, parties, car shows, foot races, etc. can bring large crowds to HRBRRD managed lands (for which no access permit has been issued). The Regulating District may issue a temporary revocable short-term permit (“TRP”) to individuals or groups for these events to be held on HRBRRD managed lands (for which no access permit has been issued). The Regulating District will collect basic contact information, a description of the intended location and use of Regulating District managed property, a certificate of liability insurance indemnifying the State of New York and the Regulating District against all claims, and a performance security which may be required for a TRP where the Executive Director determines that the TRP activity could have a potential adverse environmental or public safety impact, or could require site restoration, or is necessary to ensure full compliance with applicable terms and conditions.

TRPs are subject to all other applicable State and Federal requirements and subject to any required Federal, State or Local permit requirements. All TRPs shall include terms and conditions to protect public health, public safety and the environment.

Standard Terms and Conditions for TRPs: All activities authorized under a TRP must meet all of the following conditions which shall also be made a part of the TRP:

1. No alcohol will be served;
2. Events shall be non-competitive;
3. No trees will be cut;
4. All motor vehicles shall remain on highways open for such public motor vehicle use;
5. No discharge of firearms will take place during the event; and
6. Other conditions that the Regulating District, in its sole discretion, determines to be appropriate.
7. TRPs may be revoked or suspended at any time in the sole discretion of the Regulating District.
8. TRPs shall be issued for a term not to exceed one (1) year.

Activities on state Land for which TRPs will not be issued:

1. Any activity which unreasonably impedes the routine use of state land by the public or interferes with the management of state land by the Regulating District;
2. Any activity which compromises the people of the State of New York’s title to state land or charges the mandated use of the state land;
3. Any construction or installation of permanent facilities such as roads, bridges, trails, structures, towers or utility lines not authorized by law, deeded right or easement;

4. Any use or establishment of a roadway for motor vehicle access across state land as a permanent route of ingress and egress, except where an easement or other legal encumbrance to the people of the State of New York's title exists which authorizes such use;
5. Any use or establishment of trails that lead from private land and extend onto state land or a conservation easement for the sole benefit of the private landowner(s) or their invitees;
6. Any activity that may prevent the public's use of a state land boat launch, fishing access site, or waterway access site, other than the parking of vehicles and the launching and retrieval of boats;
7. Any activity not compatible with the purpose for which the state land was acquired or is managed.

Fees

TRP Applications will require a \$25.00 non-refundable application fee. Educational institutions, federal state and local governments and their political subdivisions are exempt from the application fee. If it is deemed that the project or activity to be done is one which benefits the State, the Regulating District, or the local community, the Executive Director may waive the application fee.

TRPs may be subject to additional fees necessary to cover costs incurred by the Regulating District directly associated with permit administration, use of facilities, and/or oversight. Please see the following guidance documents available at

<https://www.hrbrd.ny.gov/gsl-permit-system/> :

- Temporary Revocable Permit Application

Portable Toilets/Party Tents

Regulating District approval is required for placement of portable toilets and/or party tents on an access permit area. The access permit holder must furnish a copy of the written service contract to the area administrator at the Sacandaga Field Office or through <https://www.hrbrd.ny.gov/gsl-permit-system/> at least 72 hours before placement.

Portable toilet(s) must be placed at an inconspicuous location above and a minimum of 100' away from elevation 771', must be chained and locked to prevent relocation into the lake. Access permit holders may secure permission from the Area Administrator at the Sacandaga Field Office to place and maintain a portable toilet between April 15 and October 15. Portable toilets placed pursuant to a seasonal authorization must be removed no later than October 15th.

Unless authorized for seasonal placement, portable toilets and party tents, must be removed within 72 hours of placement.

Work Activities - Authorization Required

The access permit holder is responsible for informing any contractor or agent acting on their behalf of all the requirements and conditions contained within the Regulating District Access Permit. The access permit holder shall supply the contractor or agent with copies of the access permit and all other permit approvals associated with the access permit area and the project undertaken. The permit and all approvals shall be kept on site and available to Regulating District personnel, the contractor/agent, and the permit

holder. The access permit holder and any agent or contractor acting on his or her behalf shall strictly adhere to and comply with all terms and conditions therein. Failure to fully comply with all requirements and conditions of this permit by the access permit holder or any person acting on behalf of the access permit holder will constitute a violation of the access permit and authorization thereunder and shall subject the access permit holder to remedial action up to and including revocation of the access permit. Please see the following guidance documents available at <https://www.hrbrd.ny.gov/gsl-permit-system/> :

- Application for Work Permit
- Stop Work Notice

The State Environmental Quality Review Act (SEQRA) requires governmental agencies to identify and mitigate significant environmental impacts of the discretionary activities permitted (Think – “work permits”). The Regulating District has identified several activities that, if conducted in compliance with the conditions indicated, are deemed not to have a significant environmental impact. This list of “Type II” activities supplements DEC’s list of Type II activities promulgated at 6 NYCRR 617.5. Please see the following guidance documents available at <https://www.hrbrd.ny.gov/gsl-permit-system/> :

- Resolution 80-07-02 Resolution Establishing Procedures to Implement SEQRA (This may be updated with a new resolution and type II list)

The Adirondack Park Agency (APA), regulates development upon most of the lands underlying Great Sacandaga Lake. Projects undertaken on state land are considered the project of the state agency having jurisdiction over said land (9 NYCRR §579.1(b)). Such projects may be subject to the APA’s §814 permitting requirements. Board Resolutions 5-51-11 & 06-20-05 limit Regulating District participation in most §814 permit applications to only duly authorized public works projects of local, county, state or federal government. Staff have discretion, upon consultation with the APA, to commit the Regulating District as a co-applicant to participate in a §814 review for new or expanded seasonal, non-permanent docks on commercial access parcels and for modest new or expanded pedestrian access facilities on any access parcel. Please see the following guidance documents available at <https://www.hrbrd.ny.gov/gsl-permit-system/> :

- Resolution 05-51-11 Directing Executive Director and Chief Engineer to Limit Participation in Activities That Require Section 814 Review.
- Resolution 06-20-05 Directing Executive Director and Chief Engineer to Limit Participation in Activities That Require Section 814 Review.
- Procedures for Processing Work Permits Requiring Adirondack Park Agency Section 814 Review

Boat Launch/Ramp

The Regulating District, the Department of Environmental Conservation, and several municipalities maintain boat launches on Great Sacandaga Lake for public use. In addition, the Regulating District has authorized construction of boat launches/ramps (stone or concrete pathways designed for and suitable for launching a trailered boat, towed behind a vehicle, into the reservoir) on several commercial access permit areas. Without proper marking, placement, construction, and maintenance, the proliferation of privately permitted boat launches would represent an unnecessary hazard to navigation and introduce unnecessary contaminants/fill into the reservoir. The construction of new boat launches on non-commercial and/or special access permit areas is prohibited.

Likewise, placement of erosion control (Rip Rap) to circumvent the prohibition on boat launch construction is prohibited.

Minor patch and/or repair work to an existing launch ramp, (whether located on a commercial, non-commercial, or special access permit area) is permitted. No portion of the existing launch ramp is to be removed or replaced. The use of heavy equipment below elevation 771' is prohibited.

Cut/Dispose Trees, Limbs & Brush

The Regulating District has surveyed the New York State Property Boundary and maintains the survey monuments and yellow stakes marking that boundary. Yellow stakes also mark the location of the side boundaries of various access permit areas surrounding Great Sacandaga Lake. The lands of the State of New York between that property boundary and the water establish a buffer of land and vegetation, to limit erosion, buffer private property from rising water, and to protect water quality from contaminants contained in surface run-off. The shoreline cutting restrictions developed by the Regulating District in conjunction with the Adirondack Park Agency and the Department of Environmental Conservation are designed to enable that buffer to flourish, provide natural habitats for flora and fauna, and enhance the natural visual quality of the shoreline.

Vegetation on moderate and steep slopes is the preferred method of erosion control. Removal of vegetation from such moderate and steep slopes has the potential to create unstable soil and slope conditions and is therefore prohibited. Further, in order that new trees and brush grow over time, no more than 30% of existing vegetation on an access permit area may be disturbed. A 20' buffer of native vegetation shall be preserved above elevation 771'.

No live trees, larger than 4" diameter at breast height ('dbh' = 4.5' above forest floor on the uphill side of the tree), are to be cut. Access permit holders are authorized to cut and dispose of live trees, brush and undergrowth up to a maximum of 4" dbh, located within the boundary lines of their own access permit area. Stumps may be cut or ground down to forest floor, but may not be removed. No ground disturbance of any kind shall occur at any time.

Trees larger than 4" dbh should be tagged with surveyor's tape or a similar type of removable tape to permit a field inspection by Regulating District personnel. Access permit holders are not to apply paint to a tree for any reason. The access permit holder should submit an application for a work permit to area administrator at the Sacandaga Field Office once all vegetation slated for removal has been tagged. The Regulating District will paint a red "X" on trees that can be removed. Please note that the Regulating District may remove the tape from some trees, but not mark those trees with an "X". Trees not marked cannot be cut.

Access permit holders are authorized to remove dead limbs and deadfall smaller than 4" dbh located within the boundary lines of their own access permit area. Dead trees larger than 4" dbh should be tagged with surveyor's tape or a similar type of removable tape to permit a field inspection by Regulating District personnel. Access permit holders are not to apply paint to a tree for any reason.

Access permit holders are authorized to trim and dispose of live tree limbs within the boundary lines of their own access permit area, up to 10' above the forest floor on the uphill side of the tree, or a maximum of 1/3 the height of the tree from its base, whichever is less. Those limbs, or portions thereof, which cross onto adjoining access permit areas may not be removed.

Please see the following guidance documents available at <https://www.hrbrdd.ny.gov/gsl-permit-system/> :

- Access Permit System Shoreline Cutting Restriction (03-17-11)
- Recognizing Hazardous Defects in Trees <https://www.dec.ny.gov/lands/5293.html>

Mooring Buoy

To ensure minimal hazard to navigation, boat moorings shall be installed no further than 40' from shore/objects (docks, floats etc.). One mooring is permitted on permit areas 20' wide or less. Permit areas greater than 20' wide may support up to two moorings. Any boat moored thereon must remain within the boundary lines of the access permit area as those lines extend out on to the water.

All Mooring buoys must meet the following minimum specifications:

1. Size. At least one cubic foot of buoy must be visible above the waterline.
2. Shape. Any.
3. Construction. Any light self-buoyant material may be utilized.
4. Lighting. None required. However, every buoy must be equipped with a one-inch horizontal strip of reflective tape visible above the waterline around the full circumference of the buoy.
5. Color. All white with one-inch horizontal blue stripe visible above the waterline around the full circumference of the buoy.
6. Anchor. Prefabricated concrete or metal anchor. Use of re-purposed materials (i.e. engines, radiators, etc.) that have housed, or come in contact with, potential lake pollutants is prohibited.

Floating Dock/Swim Float

Great Sacandaga Lake is a reservoir maintained by the Regulating District. The water elevation fluctuates more than 20' seasonally to provide flood protection and augment flow below Conklingville dam. While the dam's spillway is at elevation 771' (NGDV 1929), the reservoir is designed to retain water up to elevation 778'. As such, all dock systems must have full floatation incorporated into their construction. In addition, the lake freezes each winter. To protect docks and floats from ice damage, they should be placed after April 1st and removed from state lands at the end of each boating season, but no later than the third Sunday in October.

Each dock section and float or other device (e.g. floating trampoline) shall have permanently affixed thereto a placard (provided by the Regulating District) displaying in

2" block letters, the permit number of the access permit holder which shall be visible from the water on that section of dock/float facing open water.

Please see the following guidance documents available at <https://www.hrbrd.ny.gov/gsl-permit-system/> :

- Placard displaying access permit number (Use the same, or similar, vendor & material (plastic) as is used for access permit signs to be permanently affixed to each dock section.)

Additional restrictions limit the maximum allowable dock/float width and length, and specify allowable configurations to limit impediments to navigation. To facilitate ingress and egress for neighboring access permit holders and the public, additional limitations are in place for access permits 20' in width or less. {FERC License Article 407(b)(2) limits non-commercial docks to ten (10) boats; but, 6 NYCRR§ 606.33 limits to two boats }

The access permit holder may utilize a metal or wooden gangway/ramp permanently affixed to a stairway on shore to access a floating dock. The gangway/ramp may not exceed 4' in width and must be placed within the boundaries of an access permit area.

The Regulating District may issue a variance to the dock length and/or layout restrictions set forth in the allowable floatable or rolling dock configurations, on a case-by-case basis to address instances where an access permit holder can demonstrate that the water depth at the dock terminus is inadequate (Less than 4'). A variance will be issued only with regard to access permit areas greater than 20' in width, and only where the resulting dock does not present an impediment to navigation.

Please see the following guidance documents available at <https://www.hrbrd.ny.gov/gsl-permit-system/> :

- Allowable Floatable or Rolling Dock Configurations on Access Permit Areas Greater than 20 Feet in Width (07-22-2013)
- Allowable Floatable or Rolling Dock Configurations for Access Permit Areas 20 Feet in Width or Less (07-22-2013)

Boat lift

The access permit holder may install a wheel and iron or aluminum type boat lift, within the boundaries of an access permit area, but only in conjunction with the floating dock with fingers configuration (Option 3 of the Allowable Floatable or Rolling Dock Configurations on Access Permit Areas Greater than 20 Feet in Width). Any dock or walkway used in conjunction with the boat lift must conform to the restrictions governing floating docks. Personal watercraft docks are permitted on access permit areas greater than 20' in width but must be confined to the access permit area.

A temporary canvas, cloth or fabric skin boat canopy may be utilized, but the height thereof must not exceed 10' above the dock or 12' above the water surface. The canopy structure must be open-sided with no sidewall enclosure.

Please see the following guidance documents available at <https://www.hrbrd.ny.gov/gsl-permit-system/> :

- Allowable Floatable or Rolling Dock Configurations on Access Permit Areas Greater than 20 Feet in Width (07-22-2013)

___ **Non-mortared Fireplace**

A single non-mortared fireplace may be placed within the boundaries of the access permit area at least 10' from elevation 771'. The fireplace shall not exceed 52" wide by 24" high by 46" deep.

___ **Canopy**

Access permit holders may, without further authorization, place temporary, open style canopies (easy-up's, pop-up's, canopy, shelter, umbrella, etc.) within the boundaries of an access permit area, for day use, for period not to exceed 72 continuous hours. The canopy must be canvas, cloth or fabric skin and must be maintained in good condition. The maximum roof height is 12' from the ground and the canopy must not be placed within 15' from the water's edge at any given time. Access permit holders may secure permission from the Area Administrator at the Sacandaga Field Office to place and maintain a canopy between April 15 and October 15. Canopies placed pursuant to a seasonal authorization must be removed no later than October 15th.

Tents or other structures that would support camping are not permitted.

___ **Storage Box**

A single storage box may be placed within the boundaries of an access permit area. The storage box shall not exceed 4' wide by 4' high x 8' deep and shall be painted a brown, or green earthen color.

___ **Stair/Stair Landing, Deck or Platform**

Wooden stairs/ramps, stair landings and decks or platforms, of a maximum width not to exceed 4' and including a maximum of one 8' x 8' stair landing, are permitted within the boundaries of an access permit area; but only above elevation 771'. The stair landing, deck or platform must be part of the stairway/ramp and the combined width of the stairway/ramp and landing, deck or platform cannot exceed 8'. The landing, deck or platform shall not extend lake ward beyond the toe of the slope.

The access permit holder may utilize a metal or wooden gangway/ramp permanently affixed to a stairway on shore to access a floating dock. The gangway/ramp may not exceed 4' in width and must be placed within the boundaries of an access permit area.

The use of concrete for any purpose, including footings, walkways and/or patios, is prohibited on the lands of the State of New York. No portion of a stairway/ramp system, or any structure, may cross over the New York State property boundary. Please see the following guidance document available at <https://www.hrbrd.ny.gov/gsl-permit-system/>:

- Allowable Stairway and Stair Landing Configurations (09-07-07)

___ **Shore Protection**

Erosion control activities must comply with the Regulating District's Historic Properties Management Plan; including a determination by the NYS OPRHP State Historic

Preservation Office that the proposed work activity has been reviewed and will have no impact on cultural resources. Compliance with the Army Corp of Engineer's Nationwide Permit # 13 is also required. No material is to be placed in excess of the minimum volume needed for erosion protection. Unless the following criteria are waived, in writing, by the ACOE District Engineer erosion control activities:

1. shall exceed no more than 500' along the shoreline;
2. shall not exceed an average of one cubic yard per running foot placed along the shoreline below the plane of elevation 771';
3. shall not discharge dredged or fill material into special aquatic sites; and
4. no material is of a type, or is placed in a location, that in any manner impairs surface water flow.

Please see the following guidance documents available at: <https://www.hrbrd.ny.gov/gsl-permit-system/>:

- <https://www.hrbrd.ny.gov/wp-content/uploads/2016/02/HPMP09192012-1.pdf>
- <https://www.hrbrd.ny.gov/wp-content/uploads/2016/02/hpmpletter.pdf>
- https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/2017_NWP_FinalDD/

Native Plantings

The installation/planting of native species is the preferred method to prevent erosion and protect the shoreline and may be undertaken without further authorization from the Regulating District or the State Historic Preservation Office. Only native species identified in "Native Plant List for the Adirondack Park March 24, 2003" (Compiled by Adirondack Park Agency) referenced below may be utilized. Planting must be randomized (no rows). No fill, soil, or mulch of any kind may be deposited. Planting should be arranged so as to blend with existing native flora. Plantings shall be placed no closer than 10' from the New York State property boundary or from either access permit side boundary. Landscaping and/or creating gardens, or raised beds around plantings, is prohibited.

No excavation is permitted except for a hole for a root ball. Soil from the root ball excavation must be tapered out around the hole and the width of the ground disturbance should not exceed the height of the root ball plus 6". The use of textile or filter fabric, a small tractor pulling a York Rake, a front-end loader, backhoe, bulldozer or other mechanical equipment is prohibited. If the planting can't be moved by hand, authorization from the Regulating District's Area Administrator and a SHPO determination will be needed. The access permit holder must notify the Regulating District's Area Administrator in writing at sacfo@hrbrd.ny.gov 72 hours prior to the commencement of this project. Please see the following guidance documents available at:

- Native Plant List for the Adirondack Park March 24, 2003 Compiled by Adirondack Park Agency.

Rip Rap

Where it cannot rely upon the installation/planting of native species, the Regulating District prioritizes its own placement of Rip Rap (large stones) to maintain shoreline stability in accordance with good reservoir stewardship practices. Access Permit Holders desiring to purchase and place Rip Rap may do so, within the bounds of an access permit area, only with the Regulating District Area Administrator's authorization.

Rip Rap must be placed directly by hand or, from above elevation 771', through direct placement by dump truck or loader/backhoe. No material shall be deposited within 10' of the water's edge at any time; nor shall any truck, front-end loader, backhoe, bulldozer or other mechanical equipment be operated below elevation 771', or within 10' of the water's edge at any time. Use of a bulldozer is prohibited. All work activity must be confined within the boundaries of the access permit area.

All stone must be brought in from off-site. No stone is to be relocated and/or used from the existing beach or shoreline. Rip Rap must follow the natural contour of the existing shoreline. The construction of a bulkhead/seawall or the extension of the shoreline lake ward is prohibited. The use of textiles or filter fabric is prohibited. Silt fencing must be installed prior to any work activity. The access permit holder must secure the necessary authorizations and then notify the Regulating District's Area Administrator in writing at sacfo@hrbrd.ny.gov 72 hours prior to the commencement of this project.

Subject to the same restrictions outlined above, an access permit holders may construct a natural stone stairway, not to exceed 4' in width, following the contours of the eroded shoreline and within the boundaries of an access permit area above elevation 771'.

Relocation of Loose Rock

Previously placed Rip Rap which has become dislodged and/or surface stone, not to exceed 100 cubic yards of stone or 1000 square feet of beach surface area, may be taken from below elevation 771' to the eroded shoreline, within the boundaries of an access permit area, by hand without further authorization from the Regulating District or the State Historic Preservation Office. The relocated rock must be placed so as to follow the natural contour of the existing shoreline. The use of textile or filter fabric, a front-end loader, backhoe, bulldozer or other mechanical equipment is prohibited. If the rock or stone can't be moved by hand, authorization from the Regulating District's Area Administrator and a SHPO determination will be needed. A small tractor pulling a York Rake may be used to relocate dislodged rock or surface stone from elevation 771' and above. The construction of a bulkhead/seawall or the extension of the shoreline lake ward is prohibited. The access permit holder must notify the Regulating District's Area Administrator in writing at sacfo@hrbrd.ny.gov 72 hours prior to the commencement of this project.

Please see the following guidance documents available at:

- NYS Standards and Specifications for Erosion and Sediment Control - Silt Fence (March 2003)

Fence/Gate

The Regulating District must have access to all areas of the reservoir. Permanent fencing along access permit side boundaries is not permitted. No fence shall be placed on or within two feet of the New York State property boundary. A gate, chain or cable may be placed to restrict access across paths, but a combination lock must be used to secure any gate, chain or cable and the access permit holder must furnish the combination to the Regulating District Area Administrator at the Sacandaga Field Office. Use of keyed locks is prohibited. Any gate, chain, cable or lock must be installed within the boundary lines of the access permit area and must be flagged with reflective flagging; spaced no greater

than 5' along the length of the gate, chain or cable. The use of concrete to set supports, pillars, or posts is prohibited.

Utility Cable/Box

Placement of utilities is matter to be addressed by the utility provider and the Regulating District. The utility provider should be directed to contact the Regulating District Area Administrator at the Sacandaga Field Office. Placement of a satellite dish, or other similar equipment on the lands of the State of New York is prohibited.

Drainage Pipe/Swale

Installation of drainage pipe on the lands of the State of New York is prohibited. Use of a swale to replicate a prohibited drainage pipe is likewise prohibited. Placement of a swale to convey/control discharge or run-off toward the lake must comply with the Regulating District's Historic Properties Management Plan and the Army Corp of Engineer's Nationwide Permit # 13. A diagram depicting the swale, to scale, on the access permit area to facilitate SHPO review must be submitted with an application for a work permit before placement. Please see the following guidance documents available at:

<https://www.hrbrdd.ny.gov/gsl-permit-system/> :

- <https://www.hrbrdd.ny.gov/wp-content/uploads/2016/02/HPMP09192012-1.pdf>
- <https://www.hrbrdd.ny.gov/wp-content/uploads/2016/02/hpmpletter.pdf>
- https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Nationwide-Permits/2017_NWP_FinalDD/

The access permit holder must identify the contractor employed and the equipment to be utilized. An on-site meeting to include the access permit holder, the contractor and the Regulating District must be held prior to commencement of construction. In addition, the contractor or access permit holder must notify the Regulating District's Area Administrator in writing at sacfo@hrbrdd.ny.gov 72 hours prior to the start of construction.

The use of textiles or filter fabric is prohibited. Any swale created can be no deeper than 12" and must comply with the drainage ditch and swale specifications referenced below. The Regulating District will specify the maximum number of cubic yards of topsoil which may be placed within the boundaries of the access permit area between the New York State property boundary and elevation 771'. No material may be placed below elevation 771' or within the area of a wetland. Any work to be performed below elevation 771' must be done by hand or by York Rake pulled behind a small tractor. Silt fencing must be installed prior to any work activity. Please see the following guidance documents available at:

- Drainage Ditch and Swale Specifications (March 2009)
- NYS Standards and Specifications for Erosion and Sediment Control - Silt Fence (March 2003)

Bulkhead, Seawall, Retaining Walls

Construction of new bulkheads, seawalls, or retaining walls or any extension of the shoreline lake ward is prohibited. Minor patch and/or repair work to existing retaining walls located wholly on an access permit area is permitted. No portion of the wall is to be removed or replaced.

____ **Pedestrian Paths**

Access permit holders may create a pedestrian access path a maximum of 4' in width, within the boundary lines of an access permit between the New York State Property Boundary and elevation 771'. The Area Administrator will specify the quantity of crushed stone which may be utilized in the construction of the path. No material may be placed below elevation 771' or within the area of a wetland. The use of textiles or filter fabric is prohibited. All work must be done by hand or with the use of a York Rake pulled behind a small tractor. No ground disturbance shall occur at any time.

____ **Patios**

In order to avoid the unnecessary creation of impervious surfaces near a New York State body of water, the use of concrete or other non-porous materials for the construction of patios is prohibited. Access permit holders may construct a non-mortared patio within the boundary lines of an access permit between the New York State Property Boundary and elevation 771'. The patio shall be no greater than 12' by 12' and shall be constructed using prefab patio bricks no greater than 2' by 2'.

____ **Natural Stone Stairways**

See Rip Rap under the Shore Protection heading

____ **Flag**

The access permit holder may place a flagpole, not to exceed 25' in height within the boundary lines of an access permit between the New York State Property Boundary and elevation 771'. The use of concrete is prohibited.

____ **Playground Equip/Picnic Table**

The access permit holder may place a picnic table, playground equipment, etc. within the boundary lines of an access permit between the New York State Property Boundary and elevation 771'. As such items may become a hazard to navigation, care should be taken to tether tables and equipment to fixed points on shore (rocks, trees, foundations) to prevent dislodgment, movement, and ultimate submersion in the event of higher than expected reservoir elevation.

____ **Gardens**

Access permit holders may plant small gardens for personal benefit. No planting shall be placed within ten (10) feet of the New York State Property Boundary or either side of the access permit sideline boundary.

____ **Topsoil**

Access permit holders are permitted to, with prior authorization, place topsoil. The Area Administrator will specify the quantity of topsoil which may be placed. No material may be placed below elevation 771' or within the area of a wetland. The use of textiles or filter fabric is prohibited. All work must be done by hand or with the use of a York Rake pulled behind a small tractor. The area of topsoil placement must be seeded and mulched. A silt fence must be installed prior to any topsoil placement. No ground disturbance shall occur at any time.

____ **Sand**

Placement of sand is not permitted on the lands of the State of New York.
Please see the following guidance documents available at: <http://www.hrbrdd.ny.gov/gsl-permit-system/>

- FERC License Article 403 - Project 12252-000.
- Erosion and Slope Stability Monitoring Plan Jan 2004.

Rope Swings

Rope swings are not allowed on lands of the People of the State of New York. This includes the lands surrounding Great Sacandaga Lake (GSL) including all access permit areas. Any rope swing discovered by the Regulating District personnel will be promptly removed. The access permit area on which it was found will be recorded and the access permit holder will be notified.