



Hudson River - Black River Regulating District

Requirements for a New Commercial/Association Access Permit, Commercial Dock, or Commercial Dock Modification

All items below need to be completed before a final determination can be made:

Establish Eligibility for a Commercial Access Permit

- Submit a Commercial Access Permit application Width: _____ Feet
- Submit a deed and document depicting the section, block, and lot number of the real property establishing eligibility for the permit;
 - The applicant must conduct a commercial enterprise utilizing the property upon which eligibility is based;
 - To be eligible, the property must share a common boundary with the New York State property under the Regulating District’s jurisdiction;
 - The Commercial Access Permit granted will generally be of the width equaling the length of that common boundary; and
 - The length of the common boundary must be a minimum of 100 feet wide for a commercial marina or a minimum of 50 feet wide for any other commercial operation.

Staff notes supporting a determination of whether the application meets criteria for commercial permit

Describe the Proposal

- Submit a narrative description of all proposed commercial activities, structures and uses to be utilized, authorized and/or conducted upon the Commercial Access Permit Area (marina, day-use docks for patrons of business, beach use by patrons of business, etc.);
- Submit a description of the commercial activities, structures and uses to be utilized, authorized and/or conducted upon the property establishing eligibility for the commercial permit;
- Submit a detailed layout, drawn to scale, and photos of existing and proposed facilities, structures and docking systems;
 - The detailed layout should include aerial imagery (Google Maps or similar is sufficient) with an overlay of permit boundary lines, configuration and number of boat slips, any neighboring docks, moorings or other potential hazards.
 - Commercial dock systems must leave a minimum of 20 feet between the permit boundary lines and each side of the dock system.
 - 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 or to a business that is not associated with access permit usage.

- Individual or family units will not be permitted to secure a commercial permit in order to qualify for a larger dock.
- Commercial permits are created to serve the public interest. If such operations no longer serve the public interest, the Regulating District reserves the right to deny renewal of said permit.
 - Proposed Uses Which Serve the Public Interest will:
 - Demonstrate compliance with the Rules & Regulations Governing Use by Permit Holders of State-Owned Property At Great Sacandaga Lake (6 NYCRR Part 606);
 - Refrain from infringement upon existing commercial, non-commercial and/or special uses;
 - Be conducted safely;
 - Not induce an impediment to navigation and/or otherwise over-burden an area of the Reservoir already at capacity; and
 - Secure the recommendation of the HRBRRD’s sister agencies.

Staff notes supporting a determination of whether descriptions meet commercial facilities, structures, and docking requirements.

Assess Consistency with FERC License (P-12252) Articles 407 & 408

- Staff must consult with the HRBRRD’s Chief Engineer who will, if necessary, notify FERC, and determine whether the proposed use and occupancy is consistent with Articles 407 & 408 of Federal Energy Regulatory Committee (FERC) License P-12252.

Notes:

Assess Consistency with OPRHP SHPO Historic Properties Management Plan (FERC License Article 404)

- Staff must determine that the proposed use and occupancy is consistent with the HRBRRD’s Historic Properties Management Plan (Art 404 of FERC License).
 - Staff will consult the OPRHP/State Historic Preservation Office (SHPO) Map of Sensitive Areas to determine if SHPO project review is required.

Date SHPO Approval is Granted _____

Staff notes supporting determination of whether proposed activities require SHPO review and, if so, record date SHPO approval is granted or reason(s) SHPO approval is not forthcoming

Staff Must Assess the Proposal’s Environmental Impact

- Applicant must provide a Short Environmental Assessment Form (State Environmental Quality Review Act [SEQR])

- Staff must classify the Action as ___ Type I; ___ Type II (DEC 6 NYCRR Part 617.5), ___ Type II (HRBRRD Resolution 80-07-02), or ___ Unlisted
 - o If Type I or Unlisted, Applicant must supply a Full Environmental Assessment Form and staff must then circulate application, description, layout & photos to each other suspected involved agency;
 - o Staff must then coordinate a lead agency determination among the HRBRRD & those other agencies;
 - o _____ Lead Agency Designated. ___/___/___ Date of Designation
 - o Environmental Impact Statement required ___ Yes, ___ No

Secure Commercial Liability Insurance Coverage

- Applicant must supply Insurance Certificates evidencing commercial liability coverage for the access permit area (\$1,000,000 with \$2,000,000 aggregate) and naming the HRBRRD as an additional insured. (6 NYCRR §§606.80 & 606.81, Resolution 03-03-02)

Secure Necessary Approvals from other Agencies

- Applicant must provide written jurisdictional determinations from all involved federal, state, and local agencies:
 - Department of Environmental Conservation (DEC)
Date & Permit Number (if applicable) _____
 - Adirondack Park Agency (APA)
Date & Permit Number (if applicable) _____
 - Army Corp of Engineers (ACOE)
Date & Permit Number (if applicable) _____
 - Department of Health (DOH)
Date & Permit Number (if applicable) _____
 - Town/Village (evidencing compliance with local zoning/site plan approval authorizing construction and operation of the proposed facilities)
Date & Permit Number (if applicable) _____

Collect Commercial Permit Application Fee(s)

- Staff must determine Fee to be charged to the Commercial Permit Applicant **Fee \$** _____
 - o Has the Eligible Property Owner been granted a Flow & Flood easement? If so, Fee = \$0.
 - o Has the Eligible Property Owner retained deeded right access to the reservoir?
 - o Staff must attach hereto the schedule of fees, established via Resolutions 20-35-09 & 21-01-01, and depict thereon each fee selected.