



**Frequently Asked Questions Received from Lake Associations
re: Inter-Agency Guidelines for Implementing Best Management Practices to Control Invasive
Species on DEC-Administered Lands of the Adirondack Park**

Applicability

1. How can Lake Associations quickly determine if the area of lake bottom for which they are proposing management is impacted by these guidelines (i.e. owned by the State?)

Lake associations can confer with the Department of Environmental Conservation (DEC or Department) Division of Lands and Forests to determine whether the Department has jurisdiction over the underwater lands in question. Contact information; landsforests@dec.ny.gov or (518) 402-9405.

2. Do the new guidelines apply to any work that would be completed during the 2023 season?

Yes, any work to control invasive species that is conducted on DEC-administered lands and underwater lands of the Adirondack Park are subject to the guidelines.

3. Lake Associations may already have an Adirondack Park Agency (APA or Agency) general permit (GP) and a DEC Volunteer Stewardship Agreement (VSA) in place. Will these permits remain the same? Is the general permit going to be updated to reflect the new requirements found in these guidelines?

The newly adopted guidance does not change the status of your general permit from the Agency. For any aquatic invasive species (AIS) management that you will conduct on lands or underwater lands under the jurisdiction of DEC, you must complete a standard work plan (good for five years) or rapid response work plan (good for one year). Right now, the Agency is not contemplating changes to the general permit, but may do so in the future to better align the Agency's GP with the work plan requirements.

A volunteer stewardship agreement with DEC does not negate the need for a work plan submission under the inter-agency guidelines. VSAs are typically valid for five years unless noted otherwise, and we encourage you to reach out to the appropriate DEC regional office to inquire about the status of your agreement.

4. Is the new work plan requirement replacing the former Volunteer Stewardship Agreement work plan requirement and if so, will there be a "sunset" period for those VSA's already in place to expire? Or will a new workplan be required that will supersede VSAs currently in place?

Yes. The new work plan requirement is replacing the VSA work plan requirement, but current VSAs are still valid. As VSAs expire, applicants should adhere to the new work plan requirements outlined in the Inter-Agency Guidelines.



5. How do the VSA/Temporary Revocable Permit (TRP) requirements align with the updated inter-agency guidance?

Typically, VSAs are good for five years unless noted otherwise, and a TRP is good for one year and may be extended. Standard work plans are also good for five years, and rapid response work plans for one year. If an applicant is proposing work under a VSA that requires a standard work plan, these materials can be submitted once every five years. TRP renewals must occur annually. An applicant must have all necessary permits in hand prior to the commencement of any invasive species management activities. Any annual reporting requirements associated with permits and partnership agreements must be adhered to.

Work Plans

6. Can a Work Plan be a plan that includes potential future actions, or does it need to just describe one specific action and time period?

Standard work plans cover the routine management of one or more invasive species and are good for a period of five years following approval. Work plans need not address future potential management actions beyond the five-year timeline. Rapid response work plans are good for one year following approval, after which a standard work plan must be submitted and approved to enable continued management.

Temporary revocable permits (TRPs) must be renewed each year. Volunteer stewardship agreements (VSAs) are good for up to five years unless otherwise noted.

If your project requires a TRP, a work plan can include five years' worth of work. However, the TRP is renewed annually and the workplan is subject to review during the TRP renewal process.

If your project is authorized under a VSA, the standard five-year work plan will be sufficient.

7. Does the DEC/APA plan to release a "template" or document detailing the preferred structure of workplans and any essential information that must be included?

DEC and APA will work on developing a template. In the interim, please see work plans submitted by the Adirondack Park Invasive Plant Program (APIPP) posted in the 3/29/23 Environmental Notice Bulletin (ENB) as an example of a format that meets all the requirements: <https://www.dec.ny.gov/lands/125057.html>

Requirements for standard and rapid-response work plans are detailed on pages 7 and 8 of the final guidelines: https://www.apa.ny.gov/State_Land/Appendix_F.pdf



8. How does the rapid response work plan work?

Rapid response work plans allow for a faster state agency review and the implementation of best management practices (BMPs) without waiting for the public comments to come in after the work plan is noticed in the ENB. If a new species is detected in a water body in which your organization seeks to conduct AIS management, you may opt to utilize the rapid response work plan rather than the standard work plan.

Rapid response work plans are only good for one year, as opposed to the standard work plan which is valid for five years.

These inter-agency guidelines and the work plan requirements therein only apply to lands and underwater lands under the jurisdiction of DEC.

9. Who should these work plans be emailed to? Should anyone be included as cc?

All work plans for management activities to be carried out on Forest Preserve lands and underwater lands must be submitted to the APA and DEC.

Work plans may be submitted to James.Pinheiro@apa.ny.gov and Megan.Phillips@apa.ny.gov at the Adirondack Park Agency.

If the work plan includes multiple DEC regions or herbicide application the plan should be submitted to DEC's Division of Lands & Forests in Central Office at landsforests@dec.ny.gov.

If the project is for hand harvesting or benthic matting the work plan is submitted to the regional forester in the appropriate DEC regional office:

DEC Region 5:

Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga, Warren, and Washington Counties

Regional Forester - Robert Daley

(518) 897-1276

Robert.Daley@dec.ny.gov

DEC Region 6:

Herkimer, Jefferson, Lewis, Oneida, and St. Lawrence Counties

Regional Forester - Keith Rivers

(315) 785-2610

Keith.Rivers@dec.ny.gov



10. What reference should be used for BMPs? In the past, the harvest & benthic mat guidelines reflected industry accepted BMPs. Does compliance with an APA permit demonstrate compliance with BMPs, or does a detailed description on harvesting procedures need to be submitted with the work plan?

You may utilize the BMPs noted in the general permit in your work plan submission. If another type of treatment is being proposed, please articulate that in the work plan, as another type of permit may be required by the Agency.

11. Lake associations with benthic mats approved under their current permit require a survey every year, for 3 years, at any site where a benthic mat was previously deployed to check for regrowth of AIS and to hand-harvest, should any be found. Is this something that lake associations must do, and if so, should it be included in any work plan that involves the use of benthic mats?

Yes, if benthic mats are proposed, the post-treatment monitoring surveys should be conducted and reported in accordance with permit condition #'s 15 & 19 of General Permit 2015G-2. The requirement for property owner notifications is outlined in permit condition #9 of General Permit 2015G-2.

This post benthic barrier treatment monitoring will help inform the work plan for future lake management actions. This should be conducted in accordance with the General Permit and help guide the work plan for the next 5-year timeframe.

12. Can a lake association submit one work plan for hand harvesting or benthic mat deployment at multiple sites, or do they need to submit a work plan for each site?

You may submit one work plan for multiple sites. However, if an aquatic herbicide is being proposed for treatment, DEC requires a separate permit application for each water body to be treated and separate permits for different aquatic herbicides (if use of more than one herbicide is proposed as part of the treatment)

Supporting Documentation

13. In what cases is it necessary to use the Environmental Assessment Form's Long Version versus Short Version?

The long version of the EAF is required for invasive species management work on the Forest Preserve.

14. Are there any other SEQRA forms that need to be submitted?

No.



15. Is it acceptable to use the Environmental Assessment Form [mapper](#) to satisfy Natural Heritage requirements regarding rare or protected species on the lake proposed to be managed? If not, how should lake associations comply with this requirement?

Yes.

If an aquatic herbicide treatment is being proposed, APA requires a professional aquatic vegetation survey be completed prior to issuance of a wetlands permit.

16. APIPP's Lake Management Tracker Program uses a Point Intercept Rake Toss Method using 1-acre waypoints to track the location and density of a given aquatic invasive species, providing good records for determining how successful management has been over time. Will this satisfy the requirement to quantify the extent of an invasive species? Is it necessary to upload this data to iMapInvasives?

Yes, this survey data will suffice. Both work plans require that post treatment monitoring information be reported to iMap Invasives. The Lake Management Tracker Program requires submission of monitoring data.

Agency Review

17. Are there any fees associated with permitting or this process?

There are no fees associated with submitting a work plan to DEC or permit application to APA. There is a \$25 non-refundable fee for submission of a Temporary Revocable Permit (TRP) application.

18. Regarding timing, it appears that once a work plan is submitted to the APA & DEC, the review can take 30 days plus 14 days for a post in the Environmental Bulletin. Is there a date that a work plan should be submitted by for a 2023 management activity?

Submission of a standard work plan entails 30 days of review by APA/DEC staff and then a subsequent 14 day comment period triggered by the ENB notice. Please factor this time into your project timeline to ensure that you have the appropriate approvals in hand before management commences, including any additional permits that may be required by either agency depending on the BMPs employed. For projects where the required permits are in hand or that may qualify for a general permit, a minimum of two months is strongly recommended. Other types of management actions (e.g., aquatic herbicide treatments) may require additional time for project review and permitting.



19. When does the “clock” start on the APA/DEC review process of the work plan? As soon as the work plan package is received?

DEC will notify the applicant within 30 days whether their work plan application is complete. APA will review work plans for State Land Master Plan conformance within 30 days for standard work plans and 14 days for rapid response work plans.

Other permits that may be required by DEC and/or APA may have different permit processing time clocks associated with them (for example, once a major project wetlands permit application is deemed complete by the APA, the Agency has 90 days to issue or deny the permit).

20. What (if any) support will be provided for the many volunteer-staffed lake associations in the Park to have the technical understanding and capacity to comply with these new regulations?

APA and DEC staff have worked with lake association partners to prepare this FAQ document and are offering a public presentation at the 2023 NYSFOLA conference in Lake George. Follow-up educational opportunities may be pursued if necessary.

21. What individuals or organizations will qualify as “authorized agents” of the APA, as referred to in the new guidelines?

Agreements between DEC and authorized agents through partnership agreements are required to carry out invasive species management activities. Partnership agreements are defined as an agreement between the Department and an individual, organized group, or municipal entity in the form of either a Volunteer Stewardship Agreement, Temporary Revocable Permit, Adopt-a-Natural Resource Agreement, or contract or sub-contract.

22. It appears that the work plan needs to be submitted to the Environmental Notice Bulletin for a 14-day public comment period. Should lake associations submit the work plan to ENB, or will DEC/APA?

DEC will notice the action.