

RULES OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT  
FOR ACCESS PERMIT HOLDERS AT GREAT SACANDAGA LAKE  
July 10, 2006

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## **1.0 DEFINITIONS**

The following terms whenever used in this Part shall have the meanings as set forth below. Any such terms used in the singular shall be held to include the plural and any such terms used in the masculine shall be held to include the feminine. Any term used in this Part for a governmental agency, official, or entity, shall also include any subsequent name designations, successors in interest or in jurisdiction.

### **1.1 ACCESS PERMIT**

The term “Access Permit” means the temporary permit issued on an annual basis which gives a Record Owner of an Eligible Property permission to use a specified segment of the Access Permit Zone subject to the terms thereof and this Part.

### **1.2 ACCESS PERMIT AREA**

The term “Access Permit Area” (alternatively, “Permit Area”) means the area delineated by the access permit granted by the District to a permit applicant for Reservoir ingress and egress. The access permit area ends at the water’s edge.

### **1.3 ACCESS PERMIT HOLDER**

The term “Access Permit Holder” means the person who has applied for and received a current annual Access Permit from the District. The Access Permit Holder must at all times be the Owner of Record of the Eligible Property.

### **1.4 ACCESS PERMIT ZONE**

The term “Access Permit Zone” means the area within the reservoir boundary that includes access permit areas.

### **1.5 APPLICANT**

The term “Applicant” means a person that has applied to the District for an Access Permit.

### **1.6 AUTHORIZED**

The term “Authorized” means to establish by or as if by authority of the Board of the Hudson River-Black River Regulating District, its officers and Staff.

### **1.7 BACK LOT**

The term “Back Lot” means an Eligible Property that abuts less than 10 feet of the Reservoir Boundary Line.

1.8 BOARD

The term “Board” means the Board of the District which is organized and created pursuant to ECL § 15-2105 and which has the powers set forth in ECL § 15-2105, including the power and authority over District functions and staff.

1.9 BOAT CANOPY

The term “Boat Canopy” means any authorized structure placed on a floating pier with fingers used to cover and protect watercraft.

1.10 CAMP OR CAMPING

The terms “Camp” or “Camping” means occupancy of tents, camp trailers, travel trailers, motor homes or similar facility designed for shelter.

1.11 CHIEF ENGINEER

The term “Chief Engineer” means the employee of the District who has been appointed or designated by the Board as the District staff member who is principally in charge of the engineering and technical matters with respect to the Reservoir.

1.12 COMMERCIAL LOT

The term “Commercial Lot” means an Eligible Property on which any structure, premises or portion of said Property is used for the provision of lodging, rental units, food, beverages, goods or services to the public on either a wholesale, retail, membership, or non-profit basis.

1.13 DISTRICT

The term “District” (or alternatively “Regulating District”) means the Hudson River-Black River Regulating District, a public benefit corporation created pursuant to Article 15, Title 21 of the Environmental Conservation Law and which is authorized to administer, and has jurisdiction over, the lands comprising the Reservoir and includes its officers, employees and Board members.

1.14 ELIGIBLE PROPERTY

The term “Eligible Property” means a parcel of property located in the Eligibility Area. Only the Record Owner of an Eligible Property may apply for an Access Permit.

1.15 ELIGIBILITY AREA

The term “Eligibility Area” means that area between the Access Permit Zone and the Eligibility Line demarcated by the District within which the owners of properties are eligible to apply for an Access Permit.

1.16 ELIGIBILITY LINE

The term “Eligibility Line” means the delineation made by the District to establish the Eligibility Area. Said line generally is demarcated one mile from the Reservoir Boundary and is shown on the map of the District maintained in the District Office for purposes of determining Eligible Properties.

1.17 ENCROACHMENT

The term “Encroachment” means the erection, construction or placement of any structure, substance or materials within the Access Permit Zone or Great Sacandaga Lake without authorization from the Regulating District.

1.18 EXECUTIVE DIRECTOR

The term “Executive Director” means the individual appointed by the Board who is the director of the District and who is authorized to supervise District staff.

1.19 FRONT LOT

The term “Front Lot” means an Eligible Property which (i) directly abuts 10 feet or more of the Reservoir Boundary Line or (ii) is separated from the Reservoir Boundary Line by only a public highway or road and abuts 10 feet or more of said public highway or road.

1.20 GREAT SACANDAGA LAKE

The term “Great Sacandaga Lake” (formerly known as the “Sacandaga Reservoir”) means the body of water which is part of the Reservoir and lies within the Reservoir Lands.

1.21 LAND USE OR DEVELOPMENT OR USE

The terms “Land Use” or “Development” or “Use” apply to any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure. Land use and development shall not include ordinary repairs or maintenance or interior alterations to existing structures or uses.

1.22 MEAN HIGH WATER LINE

The term “Mean High Water line” or “MHW” means an elevation of 771’.

1.23 NON-COMPLIANCE.

The term “Non-compliance” refers to the act or process of not complying with the rules as set forth herein.

1.24 OCCASIONAL USER

The term “Occasional User” (alternatively “Day User”) means any Person making temporary use of a specified segment of the Access Permit Zone for recreational purposes only.

1.25 OWNER OF RECORD

The term “Owner of Record” (alternatively “Record Owner”) means the legal owners of title to a particular parcel of property within the eligibility area as evidenced by the current recorded deed to such parcel. All the persons shown on the most recently recorded deed shall be considered the Owner of Record.

1.26 PART

The term “Part” means these rules which are codified in Part 606 of Title 6 of the New York State Code of Rules and Regulations (and is cited as 6 NYSCRR Part 606).

1.27 PERMIT

The term “Permit” means the written permission granted by the District to a Person which allows said Person to have access to a designated Permit Area or to do certain improvements or conduct certain activities within such Permit Area or on Great Sacandaga Lake subject to the terms and conditions thereof as well as the rules contained in this Part. The term “Permit” includes but may not be limited to Access Permits of all categories and Work Permits.

1.28 PERMIT SYSTEM

The term “Permit System” means the rules and procedures for allowing use of the Access Permit Area by Record Owners and their invitees.

1.29 PERMIT SYSTEM MANAGER

The term “Permit System Manager” is an employee of the District who has been appointed or designated by the Board as the District staff member who is principally in charge of the day-to-day operations of the Permit System.

1.30 PERSON

The term “person” shall mean an individual, corporation, firm, partnership, or any other legal entity.

1.31 PIER

The term “Pier” (formerly referred to as “dock”) means a floating structure that extends into the Great Sacandaga Lake from the access permit area

1.32 RECREATIONAL ACCESS PERMIT

The term “Recreational Access Permit” shall mean any access permit granted by the Regulating District to a person who is either a front lot owner or back lot owner for access to and use of the access permit area and Great Sacandaga Lake, provided that such person will not conduct commercial activity.

1.33 REGULATING DISTRICT REPRESENTATIVE

The term “Regulating District Representative” (alternatively “District Representative”) means a Board member, employee or agent of the Regulating District.

1.34 RESERVOIR

The term “Reservoir” means the lands of the State of New York which were acquired for, and are under the jurisdiction of, the District and includes all lands or interest in lands acquired, pursuant to the provisions of article 15 of the Environmental Conservation Law, and any and all structures erected in connection therewith and includes the definition contained in subdivision 2, section 15-2101, article 15 of the Environmental Conservation Law.

1.35 RESERVOIR BOUNDARY

The term “Reservoir Boundary” means the boundary line or property line which delineates the lands of the State of New York that comprise the Reservoir and is also known as the “Taking Line.”

1.36 RETAINING WALL

The term “Retaining Wall” means a permanent structure of cribbing, wood, masonry, stone, concrete or other material that supports a mass of soil in order to prevent such soil from erosion, displacement, or slumping.

1.37 RIPRAP

The term “Riprap” means stone or rock used for shoreline stabilization.

1.38 SEQRA

The term “SEQRA” (alternatively “SEQR”) means the State Environmental Quality Review Act, as provided for under section 8- 0101 et. seq., of the Environmental Conservation Law, and the implementing regulations set forth in Part 617 of 6 New York Codes, Rules and Regulations.

1.39 SHORELINE

The term “Shoreline” means the line of contact between land and the water level of the Great Sacandaga Lake.

1.40 SPECIAL ACTIVITY WORK PERMIT

The term “Special Activity Work Permit” means a work permit that is limited to a special event or activity on the Access Permit Area.

1.41 STAIR LANDING

The term “Stair Landing” means a permitted landing constructed integrally with stairs on an access permit area.

1.42 STAIRS

The term “Stairs” means any structure used for the purpose of accessing the access permit area, shore, or beach consisting of one or more risers (steps).

1.43 STRUCTURE

The term “Structure” means anything constructed, placed or erected that requires location on the ground or attached to something located on the ground but does not include an open style canopy.

1.44 SWIM FLOAT

The term “Swim Float” refers to any anchored platform floating on the surface of the water other than aids to navigation, not extending from the shoreline, and not being a pier.

1.45 TAKING LINE

See “Reservoir Boundary.”

1.46 WORK PERMIT

The term “Work Permit” means the written permission granted by the District to a Person which allows said Person to do certain improvements or make alterations to a Permit Area subject to the terms and conditions thereof as well as the rules contained in this Part.

1.47 WORK PROJECT

The term “Work Project” means the improvement to, or alteration of, the Permit Area by a Permit Holder; and requires a Work Permit from the District prior to the commencement of such work.

## **2.0 PURPOSE AND SCOPE**

The purpose of these rules is to provide for the effective administration of the Permit System which allows temporary access to the lands of the State of New York along and around the Great Sacandaga Lake, a river regulating reservoir.

The scope of these rules is limited to the regulation related to the grant of access to the Access Permit Area, activities on the Great Sacandaga Lake and the attendant Permit System governing such access and activities.

### **2.1 EFFECTIVE DATE**

These rules shall be in full force and effect on and after the date of approval thereof by the Department of Environmental Conservation and compliance with sections 101-a and 102 of article 6 of the Executive Law.

### **2.2 RULES SUPERSEDE ALL PRIOR RULES**

Any rules set forth in this Part shall supersede all prior rules prescribed for the use of lands of the State of New York at Great Sacandaga Lake. In the event any new rule herein set forth is contrary to any previous Regulating District resolution, policy or procedure, the rule herein contained shall supersede the previous resolution, policy or procedure.

## **3.0 POWERS OF THE BOARD**

### **3.1 GRANT OF ACCESS**

Pursuant to the Board's authority to maintain and operate reservoirs within the District provided by Title 21 of the Environmental Conservation Law, the Board has the power to grant provisional and temporary access to the Access Permit Zone around Great Sacandaga Lake, to manage such access via a Permit System, and to establish rules governing such access.

### **3.2 GRANT AND ISSUE PERMITS**

The Board has the statutory authority to administer the lands of New York State which comprise the Reservoir. Pursuant to this authority, the Board shall only grant access to the Access Permit Area pursuant to a valid permit obtained from the District in accordance with the rules set forth herein.

### **3.3 ALTER, AMEND, ABROGATE, SUSPEND ANY AND ALL RULES**

The Board reserves the right to alter, amend or abrogate any or all of the rules in this Part, and may adopt new ones at any time the Board may deem expedient pursuant to applicable law. In any case wherein the Board deems it just, proper or a matter of public

safety, the operation or application of any rule herein may be suspended with or without prior notice.

#### 3.4 SAVING PROVISION

Any rules set forth in this Part shall be deemed to be in addition to rules prescribed for the use of lands of the State of New York, and in the event any rule herein set forth is contrary to the existing law, then such rule shall be deemed to be null and void, but the voiding of any rule herein contained shall not affect the remaining rules.

#### **4.0 GENERAL - APPLIES TO ALL USERS**

##### 4.1 RULES APPLY TO ALL USERS

The rules set forth in this Part are of general application and shall govern all Persons who enter on and/or make use of the Access Permit Zone and Great Sacandaga Lake.

##### 4.2 COMPLIANCE WITH RULES REQUIRED

All Persons who enter on and/or make use of the Access Permit Zone and Great Sacandaga Lake shall do so in compliance with the rules set forth in this Part. Any violation of these rules shall be subject to enforcement action as set forth below in sections 5.11 - 5.15. Any Person violating said rules shall, in addition to other enforcement action, may be deemed to have interfered with the operation of, or have caused injury to, a regulating reservoir, and subject to the provisions of subdivision 3. section 15-2133 of Article 15 of the Environmental Conservation Law.

##### 4.3 NON-LIABILITY FOR INJURY OR DAMAGE

Any Person entering on or making use of the Access Permit Zone, the Reservoir, or Great Sacandaga Lake shall do so at his own risk, and the State of New York, the District, its officers, employees, agents, the Board shall not be liable in any respect for any loss, damage or injury to person or property caused or occasioned thereby.

##### 4.4 NO ENTITLEMENT

Nothing contained in any of these rules shall be construed as compelling the granting of access or the issuance of an access permit, to prevent the denial of, or revocation of a permit for access to the Reservoir or Access Permit Area..

##### 4.5 LIMITED USE OF STATE LANDS – NO TRESPASS

The Access Permit System provides only limited, temporary, provisional and revocable access to the public waters and the land within the Reservoir, including but not limited to the Access Permit Zone and Great Sacandaga Lake. No grant of access or issuance of an access permit for access pursuant to this Part shall be deemed to authorize any Person or

Access Permit Holder to trespass upon any private lands or to do any injury thereto, or to exclusive use or occupation of public waters or any lands within the Reservoir, including but not limited to the Access Permit Zone and Great Sacandaga Lake.

#### 4.6 DISTRICT SIGNS

All necessary signs shall be erected on the access permit area by the District at the cost and expense of the access permit holder. Each access permit area shall contain at least one sign alerting all persons as to the non-liability of the State, the District or the Board for damages to person or property by reason of any use of the access permit or the exercise of any privilege hereunder. No other sign or signs shall be erected or placed on the access permit area unless required by a local, State or Federal agency and with the permission of the District.

#### 4.7 DISTRICT SIGNAGE AND STRUCTURES

No Person shall remove, destroy, harm or deface any District property or structure or any official District sign, displayed permit, boundary marker, access permit stakes or structure maintained under the Permit System.

#### 4.8 NO CAMPING

Camping is prohibited in or upon lands of the Reservoir including the Access Permit Areas. Camping by the Boy Scouts of America on Scout Island is permitted and is an exception to this rule.

#### 4.9 SANITATION- NO DISCHARGE OF WASTE OR SEWAGE

No Person shall discharge, cause a discharge or allow a discharge of any refuse, garbage, debris of any kind, sanitary sewage or wastes into or onto the Reservoir, including the Access Permit Zone and the waters of Great Sacandaga Lake except by a valid and current permit from the Department of Environmental Conservation.

#### 4.10 SANITATION- HUMAN EXCRETA

No human excreta and no privy, or other place for the deposit or storage of human excreta shall be constructed, located or placed upon any lands of the Reservoir including but not limited to the Access Permit Area. Portable toilets may be authorized with a special activity work permit.

#### 4.11 USE OF MOTOR VEHICLES PROHIBITED

The use of any and all motorized vehicles within the Access Permit Zone is strictly prohibited except for access to the Access Permit Area for boat launching, delivery,

loading or unloading purposes. Where allowed by law, permit holders may park vehicles on highway right of ways.

#### 4.12 NO STORAGE OF VEHICLES

No Person shall store, abandon, or place a motor vehicle of any kind on the lands of the Reservoir, including the Access Permit Area. Where allowed by law, permit holders may park vehicles on highway right of ways. Boats shall only be allowed to be docked or moored on Great Sacandaga Lake on a pier or mooring by Access Permit issued by the District.

#### 4.13 RIGHT TO KEEP AREAS FREE FROM “CARS, CAMPERS, AND OTHER DISTURBANCES”

Any Access Permit Holder shall have the right and responsibility to keep his Access Permit Area free from parked vehicles, campers and other interference or disturbance, except as otherwise provided in this Part, provided, however, that any Access Permit Holder exercising such right shall assume all risks and liability for any and all damages or injuries to persons or property sustained thereby. Neither the State, the District, the Board nor its officers, employees or agents shall be liable in any respect for any such damages or injuries.

#### 4.14 NUMBER OF WATERCRAFT AUTHORIZED

- a) For recreational access permit areas 20 feet or less in width, the District authorizes no more than a total of two motorized watercraft , or watercraft without motors that require dockage or moorings, on and in the water in front of the access permit area.
- b) For recreational access permit areas greater than 20 feet in width, the Regulating District authorizes no more than a total of four motorized watercraft, or watercraft without motors that require dockage or moorings, on and in the water in front of the access permit area.
- c) For access permit areas other than recreational, the total number of watercraft will be determined on a case-by-case basis.

#### 4.15 PROHIBITED ACTIVITIES/USES ON ACCESS PERMIT AREAS

No person shall conduct the following activities/uses on access permit areas or which encroach upon access permit areas:

- a) Interfering with the District’s operation and maintenance of the Lake.
- b) Altering or obstructing the natural flow of water in the Lake;
- c) Causing or allowing storm water runoff to cause erosion or ground disturbance to any access permit area;

- d) Installing drainage pipes;
- e) Installing or expanding septic systems, including tanks and drain fields;
- f) Installing or expanding wells or well systems;
- g) Burying or disposing of waste or garbage on the access permit area or in the Lake;
- h) Applying, storing, or disposing of fertilizers, pesticides, fungicides, herbicides, and other similar chemicals;
- i) Camping on the access permit area;
- j) Using All-Terrain-Vehicles and Off-Road-Vehicles except for use on public highways pursuant to Sec. 2405 (1) of the Vehicles Traffic Laws;
- k) Allowing piers or moored boats to extend beyond the access permit holder's access permit area as defined in the access permit;
- l) Constructing a boat launch ramp on the access permit area;
- m) Constructing or installing permanent structures;
- n) Conducting any new land use and development activities as defined herein excepting activities specifically authorized by the Board;
- o) Erecting or placing unauthorized structures including, but not limited to, buildings, sheds, garages, dwellings, mobile homes, manufactured homes, screen houses, gazebos, decks, patios, signs, storage tanks, fences, landscaping, poles, and retaining walls;
- p) Placing moorings in a manner that causes boats, floats or watercraft to interfere with other boats, floats or watercraft;
- q) Discharging fireworks on an access permit area or within 250 feet of a shoreline, dock, float or mooring;
- r) Mining or extracting minerals on any lands of New York State administered by the District.

#### 4.16 NO ENCROACHMENT ON RESERVOIR LANDS

No Person shall place, erect, construct, cause or allow any structure or materials, whether whole or in part, on any lands of the Reservoir, including but not limited to the Access Permit Area. Such structures shall exclude open style canopies, which may be authorized pursuant to a Special Activity Work Permit.

#### 4.17 ACCESS PERMIT AREAS LIMITED TO ACCESS PERMIT HOLDERS

Entry upon and access to a particular Access Permit Area shall be limited and restricted to the Access Permit Holder and his invitees except for District officials, staff and agents and in those instances where the District permits a portion of a Access Permit Area or Areas to be used for pedestrian ingress and egress to another Access Permit Area by other Access Permit Holders.

#### 4.18 MAINTENANCE OF ACCESS PERMIT AREAS

Each Access Permit Holder shall be responsible for keeping and maintaining his or her Access Permit Area in a clean and sanitary condition.

### 5.0 ACCESS PERMIT SYSTEM

#### 5.1 PERMITS ISSUED BY APPLICATION

Permits for the Access Areas shall only be issued to, and only upon the submission of a complete application by, a Record Owner of an Eligible Property. The District shall prepare and adopt official application forms.

#### 5.2 CATEGORIES OF ACCESS PERMITS

There shall be categories of Access Permits applicable for, and distinguished by, the type of use intended for the Access Permit Area, the location of the eligible property and additional administration or regulation tasks performed by the District involving a particular Access Permit Area. These categories are as follows:

- A. Recreational - Front Lot
- B. Recreational - Back Lot
- C. Commercial
- D. Non-Use

#### 5.3 FEES

The cost of regulating access and administering a Permit System for the Access Permit Zone shall be borne by Access Permit Holders via a schedule of fees adopted by the Board from time to time at a duly held meeting of the Board. The schedule of fees shall differentiate between the categories and/or subcategories of access permits set forth above. (See Appendices: "Access Permit Fees" and "Authorized Work Activities and Work Permit Fees")

#### 5.4 LAYOUT AND REGULATION OF ACCESS PERMIT AREAS

The Board has the authority and reserves the right to set and/or modify the width for each and every Access Permit Area and to provide and demarcate a pedestrian footpath within the Access Permit Area so that other Access Permit Holders may have a means for ingress and egress to their Access Permit areas. In addition, the Board reserves the right to set rules, in addition to those set forth below, for the use of any and all Access Permit Areas, to inspect and enforce the terms, conditions and rules for all Access Permit Areas. The Board may delegate to District staff any or all of the above functions except for the adoption of rules applicable to the Access Permit Areas which shall be promulgated by the Board.

#### 5.5 PEDESTRIAN FOOTPATH TO ACCESS PERMIT AREA

If an access permit holder does not have a public right of way or legal private means of access directly to the access permit area, then the District may grant a footpath with a width of 5 feet over other access areas. The District will designate the location of footpath. This Special Condition will be included in the access permit of this access permit holder and the access permit holder(s) whose areas are crossed.

#### 5.6 ACCESS PERMIT IS TEMPORARY AND LIMITED GRANT OF ACCESS

An Access Permit provides the Access Permit Holder, and his invitees, access to and use of the Access Permit Area designated on the Access Permit on a temporary basis. The Access Permit allows the Access Permit Holder such access during the length of time that the Access Permit is valid and pursuant to the terms of the Access Permit and these rules. The Access Permit does not provide any permanent or long-term entitlements or rights.

#### 5.7 ACCESS PERMIT SUBORDINATE TO DISTRICT AUTHORITY

The issuance of any Access Permit shall not constitute a right, privilege or interest in property and is subordinate and subject to the authority, powers and rights of the Board and the District, its employees, officers and agents, to do and perform any act in the operation, maintenance, management and regulation of the Reservoir and in the inspection, regulation and control of the Access Permit Zone. The District, including its Board, officers, employees and agents have at all times absolute and unfettered right of entry upon and over the Access Permit Zone including any Access Permit Area for any and all purposes.

#### 5.8 ACCESS PERMITS NONTRANSFERABLE

All Access Permits are issued only to the Applicant for said Access Permit and the Applicant must be the Record Owner of the Eligible Property. The name or names on the Access Permit must be the same as the current Record Owner of the Eligible Property. Said Access Permit, once issued by the District, is not transferable to any other Person. If the Record Owner of the Eligible Property for which the Access Permit was issued changes by reason of transfer of all or partial interest in the Eligible Property, the Access Permit becomes void and without effect upon said transfer or change of the Record Owner.

#### 5.9 TRANSFER OF ELIGIBLE PROPERTY

Upon a transfer of any interest in an Eligible Property which changes the Record Owner in any respect to which an Access Permit had been previously granted, the new Record Owner of such Eligible Property shall be able to apply for a new Access Permit for said Eligible Property.

5.10 FEDERAL, STATE AND LOCAL LAWS APPLY TO ALL PERMITS

All Access and Work Permits issued pursuant to the Permit System and all use and occupancy of the Access Permit Area and Reservoir are subject to compliance with all applicable Federal, State and local laws, rules and regulations. The Public Health Law of the State, the rules and regulations of the State Department of Environmental Conservation, the laws, rules and regulations of local boards of health and local health authorities, the Environmental Conservation Law of the State, the rules and regulations of the Adirondack Park Agency, local zoning boards, and the rules of the Board, together with any other rules and regulations or laws now in force or which may hereafter be adopted or enacted applicable to any permit, or renewal thereof, are hereby constituted part thereof, the same as if fully set out therein. All permit holder activities on the access area and all work permit applicants shall comply with the requirements of the Great Sacandaga Historic Properties Management Plan.

5.11 ACCEPTANCE OF ACCESS PERMIT EXEMPTS STATE, DISTRICT AND BOARD FROM LIABILITY

The granting and issuance of any access permit or any renewal thereof is upon the express understanding, and its acceptance by any Permit Holder is a covenant and part of the consideration therefore, that the Permit Holder will save and hold harmless the State of New York, the District and Board from any and all damages of every kind and nature which may be caused to such Permit Holder, or to any other person or persons, or to his or their property in connection with such permit or while on the Access Permit Area granted therein, by reason of the maintenance, operation and regulation of said Reservoir, or by reason of the use of the permit or of the Access Permit Area, or by reason of the construction or use of any structure that may be erected thereon, or by reason of the use of said reservoir, its area or any part thereof, or by reason of the conduct and operation of any business by the Access Permit Holder; and the Access Permit Holder shall be liable to all persons for any and all damages to persons or property which may be caused, occasioned or brought about by any of the foregoing matters and things, and without any recourse therefore to the State of New York, the District, its officers, employees or agents or the Board. Neither the State of New York, the District, its officers, employees or agents, nor the Board shall be liable in any respect by reason of the issuance of any access permit, any use thereof, or any approval or direction given, or requirement prescribed in connection therewith.

5.12 ACCESS PERMIT ACTIVITIES MUST NOT INTERFERE WITH RESERVOIR OPERATIONS

The granting and issuance of any access permit, or any renewal thereof, shall not in any way prejudice or interfere with the rights of the Board or the District to release water from, or impound or store water in, the Reservoir, or regulate the level of the waters of Great Sacandaga Lake, or to do any other act or acts in the operation, maintenance and

regulation of the Reservoir; all risks and hazards in respect thereto, as well as any resultant damage there from, shall be assumed by the Access Permit Holder or any Person or Persons exercising the privileges of the Access Permit, without any recourse to or right of action against the State of New York, the District or the Board.

#### 5.13 ENFORCEMENT OF RULES, REGULATIONS, PERMITS

The District reserves the right and shall have the authority to compel compliance with the rules forth in this Part as well as any terms and conditions of Access Permits and shall have the right and authority to enforce any violations thereof.

#### 5.14 VIOLATIONS

A violation that is subject to enforcement shall be any violation of, or failure to comply with, the following:

- i. any provision of this Part,
- ii. any rule, order, regulation or law established by the Federal, State or local government that applies to the Reservoir, Great Sacandaga Lake, the Access Permit Zone or any Access Permit Area,
- iii. any term or condition of an Access Permit, permission or authorization granted by the District,
- iv. any encroachment on the Access Permit Zone or any Access Permit Area,
- v. any other cause or reason deemed by the Board to be detrimental to the Reservoir or to the public health, safety or welfare of the users of the Reservoir including Great Sacandaga Lake, the Access Permit Zone and any Access Permit Area.

#### 5.15 SUSPENSION OF PERMIT

If the District finds a violation, the Executive Director or his designee may suspend, without hearing and without prior notice, any Permit issued by the District and thereby the Permit Holder's privileges under such Permit until the violation is abated or corrected.

#### 5.16 REVOCATION OF ACCESS PERMIT

If the Board finds that a particular violation warrants, the Board may revoke an Access Permit and thereby the Access Permit Holder's privileges under such Access Permit, after a hearing is held before the Board which affords the Access Permit Holder an opportunity to be heard with respect to such revocation.

5.17 OTHER ACTION

The Board reserves the right and has the authority to take any other action allowed by law to compel compliance, or to enforce violations, in addition to the suspension or revocation of Access Permits, when the Board deems such other action is necessary or appropriate under the circumstances.

**6.0 ACCESS PERMIT APPLICATION**

6.1 ELIGIBILITY CRITERIA

Only the Record Owner of an Eligible Property may apply for and be issued an Access Permit of any type, a Work Permit or to be placed on the Waiting List for any designated Access Permit Area.

6.2 CERTIFICATION AND PROOF OF ELIGIBILITY

An Applicant for an Access Permit of any type shall certify to the District that the Applicant is the Record Owner of the Eligible Property for which the Access Permit is being applied for and that the Access Permit be issued in the names that correspond to the Record Owner. The Applicant shall also submit documentary proof supporting the fact that the Applicant is the Record Owner of Eligible Property by submitting a copy of the current deed to the Eligible Property with proof by time stamp or otherwise that said deed has in fact been recorded in the County Clerk's Office in the County where the Eligible Property is located.

6.3 ACCESS PERMIT TYPES AND ELIGIBILITY

There shall be three types of Access Permits as set forth below. Eligibility for each such access permit shall be subject additionally to all conditions and requirements established in this Part.

A. Recreational-Front Lot: applicable where the access is for non-Commercial use of the Access Permit Area by the Record Owner of a Front Lot.

B. Recreational - Back Lot: applicable where the access is for non-Commercial use of the Access Permit Area by the Record Owner of a Back Lot. Notwithstanding the above, back lot permit holders of record on the effective date of these rules whose is in the Towns of Hope, Benson, Northhampton, Mayfield, Broadalbin, Providence, Edinburg, Day and Hadley whose property associated with the back lot access permit is in excess of one mile from the reservoir boundary line, will be allowed to renew their back lot permits in 2007 and henceforth provided that one 2007 Record Owner remains a Record Owner.

C. Commercial: applicable for a Front Lot that is a Commercial Lot and where the activities and uses to be conducted within the Permit Area are for commercial

purposes. A commercial Access Permit is also applicable for Permit Areas to be used for public access, public recreation or membership organizational activities or recreation.

D. Non-Use: upon application by a not-for-profit organization, the District may assign a non-use permit to the Access Permit Area assigned to a Front Lot. Such non-use permit or designation does not allow any access but holds the designated Access Permit Area for future use or access.

#### 6.4 ASSIGNMENT OF ACCESS PERMIT AREAS

The District has the authority and reserves the right to designate use of the Access Permit Area by Access Permit type and to arrange, delineate and modify Access Permit Areas for specific Access Permits.

#### 6.5 BACK LOT WAITING LIST MAINTAINED BY DISTRICT

Waiting lists for Back Lot Access Permits shall be maintained and administered by the District for the purposes of recording Recreational-Back Lot Access Permit requests.

#### 6.6 REGISTRATION ON WAITING LIST AND ELIGIBILITY

An Owner of Record of an Eligible Property may register on the waiting list for one or more Back Lot Access Permit Areas provided that each such Access Permit Area is within a one-mile radius of the Eligible Property. In order to register on any such waiting list, an Owner of Record shall submit to the District a waiting list registration form that includes the names of the Record Owner, the signature(s) thereof, the tax parcel number and county of the Eligible Property, the designated Access Permit Areas for which waiting list registration is requested and contact information where official notices may be sent. Upon filing of this information and in the order said information was filed, the Owner of Record will be registered on the waiting list for each designated and applicable Access Permit Area. Registrants on the waiting list as of the effective date of these Rules shall be considered by the District as already registered and subject to all rules and conditions established in this Part that pertain to the waiting list.

#### 6.7 WAITING LIST RULES

An Owner of Record of an Eligible Property may register only once for the waiting list for any one Access Permit Area but may register for more than one Access Permit Area so long as each Access Permit Area is eligible pursuant to section 6.6 above. It shall be incumbent upon the registrant to ensure that all information is accurate and current. Registrations on a waiting list are non-transferable. If an Eligible Property is subdivided while being registered by the Owner of Record, the Owner of Record may still remain registered on the waiting list so long as he maintains ownership of at least one of the subdivided lots. Recognizing the limited supply of Back Lot Access Permit Areas and

the high demand, there is no guarantee nor shall any be made by the District with respect to when a particular Access Permit Area will become available.

#### 6.8 WAITING LIST SELECTION PROCESS

When an Access Permit Area becomes available, the District shall send a notice thereof to the first Registrant on the waiting list for said Access Permit Area. The notice shall include an Access Permit application, instructions for its completion, and a schedule of fees. The applicant shall have thirty-days to submit a completed application together with the required fee.

#### 6.9 REMOVAL OF REGISTRANT FROM WAITING LIST

- i. A registrant shall be removed from the waiting list in the following instances: i) The registrant has been issued an access permit; ii) The registrant was sent a notice by the District but the registrant did not file a completed application within thirty-days; iii) The permit application was rejected by the District and the applicant has completed or failed to initiate an appeals process regarding the rejected permit application; or iv) The Eligible Property registered on the waiting list was sold or otherwise transferred excepting the conditions established in subsection (ii.) below.
- ii. The following entries shall not be removed from the waiting list: i) A lawful name change of the Owner of Record without transfer of title or any interest in title in the Eligible Property; ii) A transfer of interest in the property between the grantor and the grantor's immediate family member(s), defined herein as grandparents, parents, children, grandchildren, a spouse, or former spouse; iii) A transfer of interest in property, of which there remains valid at least one Record Owner first registered with the property on the waiting list.
- iii. A registrant shall be responsible for notifying the District as to any change in information or circumstances that may be relevant to the waiting list or eligibility requirements.

#### 6.10 FORMS PROVIDED BY THE REGULATING DISTRICT

Access permit applications, renewals thereof, work permits, waiting list registrations, appeals and any other requests requiring review or action by the District shall be made on forms provided by the District.

#### 6.11 ACCESS PERMIT FORMS

Applications for Access Permits and renewals thereof shall include, but not be limited to, the following information: all names of the Owners of Record, identification of the Eligible Property, and two mailing addresses to which the District may send official notices. For new access permits and access permit renewals, each Owner of Record shall sign and certify the application under penalty of perjury whereby it is certified i) that all information supplied therein is true and accurate, ii) that each applicant name on the application is a lawful Owner of the Eligible Property, and iii) that each Owner of Record understands and agrees to adhere to the rules of the Access Permit System. Applications submitted for review by the District shall be made for no more than one access permit area. Applicants eligible for multiple access permit areas shall file one application for each access permit sought. Each application for a new access permit shall be notarized by a notary public.

#### 6.12 ACTION ONLY UPON COMPLETED APPLICATION

The District shall not make a decision or take any action on any application, waiting list registration, appeal or any other matter identified in this Part until the applicable forms are submitted to the District and are determined as complete by the District.

Completeness shall include, but not be limited to, the fully completed and signed form, the submission of any required documentation, and the payment of the applicable fee. If a submitted application is determined to be incomplete by the District, the District shall return the application to the applicant within a reasonable time and provide the applicant with notice as to what is necessary for the application to be determined complete.

#### 6.13 LIABILITY REQUIREMENTS FOR COMMERCIAL PERMITS

An applicant for a Commercial Access Permit shall meet the following conditions before an access permit is issued:

- i. Public liability and property insurance covering the access permit area in such amounts as deemed necessary by the Board.
- ii. Permit holder's policy of insurance shall include the Hudson River-Black River District as an additional named insured, and such other information as deemed necessary by the Board, including Tract Number and Access Permit number.
- iii. A certificate of insurance or its duplicate must be filed before the Board will act upon any application for an access permit or an access permit renewal.

#### 6.14 NO VARIANCE FROM INSURANCE REQUIREMENTS

In order to provide the District and State with an appropriate level of liability coverage, requests by Applicant(s) for variances in liability insurances less than amounts required by the Board shall not be granted.

#### 6.15 REVIEW OF COMMERCIAL ACCESS PERMIT APPLICATIONS

An Applicant for a new commercial access permit or for the expansion of existing facilities on a commercial access permit area shall submit to the District the following:

- i. Written statements from all jurisdictional agencies indicating that the construction and operation of the proposed facilities will be in full compliance with all requirements of said agencies;
- ii. A detailed layout, drawn to scale, of the facilities and structures to be located on the access permit area;
- iii. The same layout shall show the side boundaries of the commercial access permit as they extend into the Reservoir and within which docking systems and mooring buoys must be confined.

The Chief Engineer shall review upon receipt the materials prescribed above. Upon approval thereof, the Chief Engineer shall forward applicable materials to the Federal Energy Regulatory Commission for review. The Commercial Access Permit shall not be issued until the Chief Engineer releases the access permit after such review has been completed.

#### 6.16 DISTRICT'S RIGHT TO AMEND PLANS FOR ACCESS PERMIT AREAS

The District reserves the right to review in each case the configuration of any pier system, the relation of any pier system to side boundaries of access permit areas, the number of piers, and the distance any pier may extend outward from the shoreline. The District also reserves the right in each case to limit and fix the dimensions, configurations, and/or amounts of site plan features proposed on the Reservoir. Factors to be considered by the Board may include, but are not be limited to, the proposed facility's proximity to other such facilities, its location upon the Reservoir, water quality protection, public safety, and the recommendations and requirements of jurisdictional agencies.

#### 6.17 DISTRICT REVIEW

A completed application for a new access permit, its renewal, or its re-issuance shall be submitted to the District for a determination of action by the District, the Access Permit System Manager, Chief Engineer, and/or any designee thereof, including that in its reasonable judgment the application complies with the Permit System, is consistent with the intent of the rules thereof, and does not interfere with the operation and maintenance of the District.

#### 6.18 PERMIT EXPIRATION DATE

All Access Permits issued by the District shall expire on March 14<sup>th</sup> each year at 11:59 p.m.

6.19 LIMITS ON ACCESS PERMIT HOLDERS WITH ADJOINING ACCESS PERMITS

An Access Permit shall not be issued which results in Commercial Access Permit Areas adjoining a Recreational Access Permit Area, where the adjoining Access Permit Areas are assigned to the same Access Permit Holder.

6.20 NO GUARANTEE OF SUITABILITY FOR PARTICULAR ACTIVITY

All Access Permits shall be issued without any guarantee that the Access Permit Area is suitable for any particular activity. An Access Permit Holder may not file any appeal with the District on the basis that the Access Permit Holder is unable to conduct a particular activity on or within the Access Permit Area.

6.21 ACCESS PERMIT CONTENT

An Access Permit issued by the District shall include the following: i) details sufficient for the identification and location of the Access Permit Area; ii) details sufficient for the identification of existing and proposed structure(s) to be erected or placed within the Access Permit Area; iii) all Access Permit Holder names; and iv) Access Permit Holder contact information where official notices may be sent by the District. In addition to the items prescribed in this section, Commercial Access Permit documentation shall indicate the total number of boats and the total number of berths for hire on the Access Permit Area. Subsequent to the issuance of an Access Permit, the District shall erect a sign which identifies the Access Permit Area.

6.22 ACCESS PERMIT AREA WIDTHS

The District shall determine and assign access widths to Access Permit Areas. The Board may, from time to time, establish guidelines by which to facilitate the determination, delineation and assignment of access widths of Access Permit Areas. Access widths used for the determination of frontage fees shall be measured along the Mean High Water ("MHW") line of Great Sacandaga Lake. Access widths for Front Lot Access Permits and Commercial Access Permits are generally determined by the width of the Front Lots at the Reservoir Boundary with provision made for appropriate layout of Access Permit Areas. In consideration of the irregular shoreline of Great Sacandaga Lake, the various boundaries of Front Lots and the many variations this presents, in a case-by-case determination of access widths, the District has the discretion and right to adjust said access widths and the boundaries of any and all Access Permit Areas in a manner which it deems reasonable.

The extension of side boundaries out into the water describes the area to which the access permit holder's pier, swim float, moorings and/or boats must be confined.

As elevation of the reservoir decreases, the portion of emerging land that lies between the two side boundaries shall be included in the access permit area.

The land beneath the water within the two side boundaries is not part of the access permit area.

In addition to the conditions and parameters for determining access widths defined in this subsection, the following conditions shall apply:

- i. New Back Lot access permits shall be issued for access widths of ten feet.
- ii. New Front Lot access permits shall be issued for access widths less any Access Permit Areas assigned to Back Lots. The width of new front lots shall be issued for access widths of not less than ten feet.
- iii. Commercial access permits shall be issued for access widths not less than the following conditions: i.) a minimum of one hundred feet for Commercial Access Permits whereby a marina will be operated, or ii) a minimum of fifty feet for all other commercial access permits;

#### 6.23 NON-CONFORMING PERMIT WIDTHS AND RENEWALS

All Access Permits issued prior to the enactment date of this Part and for access widths less than required for their respective permit type as established in the Rules shall be renewed by the District for access widths no less than last assigned thereto.

#### 6.24 ACCESS PERMIT RENEWAL

The District shall mail on or before February 1<sup>st</sup> of each year a notice for Access Permit renewal to all current Access Permit Holders. The notice shall indicate the expiration date of the access permit, include an application for renewal, and instructions for its completion. The Access Permit Holder shall be responsible for providing to the District accurate and valid addresses to which official notices may be sent. Access Permits not renewed by the Access Permit Holder by March 14<sup>th</sup> at 11:59 p.m. of each year will result automatically in the Access Permit Holder relinquishing any Access Permit privileges granted thereby, and the Access Permit Area assigned to said expired access permit shall become available to other Persons pursuant to the eligibility requirements set forth in this Part. Prior to renewal of any access permit, the District may require a copy of the recorded deed for the eligible property.

#### 6.25 TERMINATION OF ACCESS PERMIT UPON TRANSFER OF INTEREST IN PROPERTY

Pursuant to section 5.8 above, all Access Permits shall terminate upon transfer by the Owner of Record of all or partial interest in the Eligible Property. The Access Permit Area assigned to said Access Permit shall not be eligible for assignment to other Eligible Properties unless the new Owner of Record has failed to file a completed application for an Access Permit previously assigned to said Eligible Property on or before March 15<sup>th</sup> following the transfer of the Eligible Property. The new Owner of Record shall file an

application for the Access Permit type terminated upon transfer of interest in the Eligible Property, demonstrate proof of eligibility, and pay fees in accordance with the procedures and requirements for new Access Permit applications. Access Permits terminated prior to the March 15 expiration date shall not be eligible for refund of any fees paid.

#### 6.26 APPLICATIONS FOR RENEWAL OF COMMERCIAL ACCESS PERMITS

In addition to all other applicable conditions and requirements prescribed in the Access Permit System, an application for renewal of a Commercial Access Permit shall indicate the total number of boats and the total number of berths for hire, as well as the total number of boats, trailers, and cradles located on land portions of access permit areas. Information supplied herein shall be used by the District to calculate Usage Fees for Access Permit renewal. Current and valid insurance documentation pursuant to section 6.13 above shall also be submitted for a complete application. The District reserves the right in each access permit renewal application to fix and limit the number of boats, the number of berths, and the width of the area to be renewed.

#### 6.27 REQUEST FOR ASSIGNMENT TO DIFFERENT ACCESS PERMIT AREA

An Access Permit Holder may be eligible for relocation to a new Access Permit Area upon submission of an application for a new area and payment of fees prescribed in the Access Permit System. Approval of relocation applications shall be subject to review by the District and shall be subject to availability of access permit areas designated for such permit.

#### 6.28 REQUEST TO HAVE ACCESS PERMIT AREA RE-DESIGNATED

An Access Permit Holder may file an application to the District to have Access Permit Holder's Access Permit Area re-designated between Commercial and Front Lot access uses. Applications filed pursuant to this subsection i) shall be filed with the District no later than December 15, and ii) shall be filed as an application for a new Access Permit, subject to the conditions, requirements, and fees required of the access permit type thereof. Access Permits issued pursuant to this section shall terminate the existing access permit without refund of any fees paid, and shall likewise be issued for access widths equivalent to the prior Access Permit.

#### 6.29 REQUEST TO HAVE FRONT LOT ACCESS PERMIT AREA REDUCED

An applicant for a new Front Lot Access Permit or renewal thereof may file an application to the District to have the Access Permit Area width for the Front Lot permanently reduced. The applicant shall provide to the District the number of ten foot increments by which to reduce the Front Lot Access Permit Area, beginning at one side boundary line of the Front Lot Access Permit Area. An applicant wishing to retain a Front Lot access permit may not request reductions resulting in a Front Lot Access

Permit Area less than ten feet. Portions of the Front Lot access permit area re-assigned pursuant to this section shall not be eligible for re-designation at a future time to Front Lot access use. Applications filed pursuant to this section i) shall be filed with the District no later than December 15, and ii) shall be filed as an application for a new access permit, subject to the conditions, requirements, and fees required of the access permit type thereof. Access Permits issued pursuant to this section shall terminate the existing access permit without refund of any fees paid therefore. The District reserves the right to determine the extent of reduction in the Front Lot Access Permit Area and the permanent re-designation of this area as one or more Back Lot Access Permit Areas.

#### 6.30 APPEALS

Any Person aggrieved by any written decision, determination or action of the Board or District official or staff concerning use or access of the Access Permit Area, including but not limited to the issuance, non-issuance, suspension or revocation of an Access Permit, under the Access Permit System may take an appeal from such decision, determination or action pursuant to the rules and procedures set forth below. A Person is aggrieved if he is an Owner of Record of Eligible Property who is subject to a District decision, determination or action or is an Access Permit Holder of an Access Permit Area that is affected by such District decision, determination or action.

#### 6.31 TIME AND METHOD FOR TAKING AN APPEAL

An appeal shall be taken within forty-five days after the filing in the District office of any decision, determination or action described in subsection 6.30 above. An appeal is taken by filing a completed application on a form provided by the District that explains the nature and basis for the appeal.

#### 6.32 APPEAL REVIEW BY EXECUTIVE DIRECTOR

Within thirty days of the filing an application for appeal, the Executive Director shall review the application for appeal and will make a decision on the appeal. In making a decision on the appeal, the Executive Director may grant the relief requested in the appeal, deny the appeal, or modify the decision, determination or action being appealed. In reviewing the appeal, the Executive Director may conduct such investigation as he deems appropriate including conducting an interview with the applicant, members of District staff or other relevant parties. The decision of the Executive Director shall be filed in the District office and a copy sent to the applicant and the Board.

#### 6.33 APPEAL REVIEW BY BOARD

If the decision in the appeal review by the Executive Director is not satisfactory to the applicant, within 30 days of notification of the Executive Director's decision, the applicant can appeal to the Board. In an open Board meeting, the Board shall hear, review and decide all appeals forwarded to it by the Executive Director and, in its

discretion, hear any appeals that the Executive Director decided if it deems that such decision was in error. The Board shall schedule a hearing on the appeal to be held by the Board within seventy-five days from the date that the appeal was received by the Board. Notice of the hearing shall be sent to the applicant, posted in the District office and on the District website and may also be published in at least one of the official newspapers designated by the District for publishing notices. The applicant or the applicant's designated representative shall have the right to attend the hearing and make a presentation to the Board concerning the appeal. The applicant and all members of the public who may be affected by the appeal shall have an opportunity to be heard on said appeal. Within seventy-five days from the close of the public hearing, the Board shall render a decision on the appeal as it deems appropriate. All decisions of the Board on any appeal shall be filed in the District office and a copy sent to the applicant. See Appendix "Guidelines for Permit System Appeals to the Board."

#### 6.34 ARTICLE 78

Any Person aggrieved by a decision of the Board concerning an appeal, may seek judicial review of said decision pursuant to Article 78 of the Civil Practice Law and Rules.

### **7.0 PERMIT FEES**

#### 7.1 PURPOSE

The purpose of the fees and charges described herein is to recover the full cost associated with administration of the Access Permit System, and enforcement of the rules of this Part including but not limited to costs associated with reviewing property deeds, surveying and staking the permit area, creating and maintaining a drawing of the Permit Areas, creating and maintaining maps of the permits areas and eligibility area, furnishing and erecting signs on the Permit Areas, Permit Area maintenance, management of encroachment issues, and the proportion of the cost of management of work order requests that are not fully recovered by other permit-related fees. Permit Area maintenance shall include the costs associated with maintaining the Reservoir Boundary, among other costs, but shall not include shoreline erosion-related maintenance costs.

#### 7.2 FEES FOR RENEWAL ACCESS PERMITS

All Access Permit Holders shall pay annually to the District, at the time of filing application for renewal of access permit, the following named charges or fees for services to be rendered by the Board in case of the granting and issuance of a renewal access permit.

- i. Flat Fee. The flat fee shall be a uniform fee paid by all applicants
- ii. Frontage Fee. The frontage fee shall vary by Access Permit Area width.

- iii. The total renewal fee will be the sum of the flat fee (i) and the frontage fee (ii).
- iv. Basic Sign Fee. The basic sign fee shall be paid, if it has been found necessary to erect a new sign on the Access Permit Area during the preceding year.

### 7.3 FEES FOR A NEW ACCESS PERMIT

Each applicant for a new access permit shall pay to the District, at the time of filing the application therefore, the following named charges or fees for service to be rendered by the District in case of the granting and issuance of an access permit:

- i. A new access permit application and administrative fee of \$440.
- ii. An amount equal to the cost of the renewal access fee of an access permit area of the same category and width.

The total new access permit fee will be the sum of the application and administrative fee (i) and the renewal fee equivalent (ii).

Each applicant shall pay the foregoing fees at the time of filing application for permit.

The said charges or fees shall be refunded in case of non-issuance of an access permit. The charges or fees specified in this section are not applicable for renewals of the Access Permit.

### 7.4 USAGE FEES

Each applicant for a commercial access permit, in addition to the charges or fees hereinbefore prescribed, shall pay to the District, at the time of filing the application for access permit, as a part of the consideration for the granting thereof, usage fees, to be determined by the Board after consideration of access permit privileges for which application is to be made. Said fees shall be an annual charge, subject to revision by the Board from time to time, and shall be paid to the District at the time of filing original application for commercial access permits, and also at the time of filing an application for any renewal or renewals thereof. No refund will be made once an access permit or renewal is issued, excepting a pro rata refund in cases where the number of boats and/or berths applied for is greater than the number fixed by the Board after review of the application therefore.

- i. Marina Fee. Applicants filing an access permit application for areas on which a marina will be operated on the Reservoir shall pay an annual Marina Fee, which shall be based on the number of boats and/or the number of docking berths for hire;
- ii. Gas Pump: Applicants shall pay a Gas Pump fee, which shall be based on the number of gas pumps.

- iii. Launching Ramp Fee. Applicants shall pay a launching ramp fee, which shall be based on the number of boat launch ramps available for use;
- iv. Recreation Fee. Applicants shall pay an annual recreation fee if access permit area includes one or more recreational areas, such as a bathing beach or picnic areas.
- v. Sewage Pump Out Fee. Applicants shall pay an annual sewage pump out fee, if applicant owns or operates one or more sewage pump out stations.

**Usage Fee minimum.** If the total annual usage fee, determined based on the sum of the individual usage fees described hereinbefore, is less than the minimum established by the Board, applicants shall pay the Usage Fee Minimum instead of the sum of the individual usage fees.

#### 7.5 WORK PERMIT FEES

**Work Permit.** No Permit Holder shall commence work activities without receiving written authorization from the District and paying Work Permit fees described in this section. The fees described in this section shall be in addition to all applicable Access Permit fees defined in the Access Permit System.

A Work Permit applicant shall pay the following fees;

- i. Application and processing fee. A Work Permit applicant shall pay an application and processing fee at the time that a Work Permit application is submitted to the District for review.
- ii. Initial Field Review Fee. An initial field review fee shall be paid at the time a Work Permit application is submitted to the District for all proposed work activities, unless said work activities are specifically exempt, as described herein.
- iii. Follow-up Field Inspection Fee. A follow-up field inspection fee shall be paid at the time a work order permit application is submitted to the District for all proposed work activities, unless said work activities are specifically exempt, as described herein.
- iv. Ground Disurbance Fee. A ground disturbance fee shall be paid by the applicant, if the Work Permit applicant receives authorization to conduct ground disturbance activities. The ground disturbance fee shall be paid within 30 days of receipt of written authorization to conduct ground disturbance activities.
- v. Special Activity Work Permit Fee. A special activity work permit fee shall be paid by the applicant if the work permit applicant receives authorization for a special event or activity.
- vi. Late Application Fee. There will be an additional late application fee for any work project that is begun prior to the District granting written authorization.

**Completed Application.** The District shall take no action on any Work Permit application until it is considered complete, defined as consisting of the following actions: i.) the applicant has completed, signed, and filed the required application forms, ii.) the applicant has provided for review or submission any other documentation required by the District, and iii.) the applicant has paid to the District the applicable fees prescribed in the Permit System.

**Multiple Work Projects.** An applicant may include more than one work activity on an application. Work activities proposed after submission of a completed application as defined in this section shall be made on a separate application for Work Permit and shall be subject to all applicable requirements and fees prescribed in the Permit System.

**No refund.** No refund of any fees shall be made if the applicant does not complete the work within period that the Work Permit is valid.

**Period of Performance.** A work permit shall be valid until December 31 of the year it was issued. A Work Permit Holder shall submit a new application subject to the requirements and fees prescribed in the Permit System for Work Project activities approved under the expired work permit and to be conducted and/or completed after the expiration date of the Work Permit.

**Exemptions.** Applicants requesting a Work Permit for exempt activities not requiring fees shall be exempt from paying the initial permit processing fee, the initial field inspection fee and the follow up field inspection fee but shall be required to pay the late application fee if the work project is begun prior to the Regulating District granting written authorization.

#### 7.6 MISCELLANEOUS FEES

Applicants shall pay to the District fees for miscellaneous services at the time these services are filed for. See Miscellaneous Fees in “Access Permit Fees” Appendix.

#### 7.7 PAYMENT OF FULL AMOUNT

Permit Holders shall pay the full amount of charges or fees required.

#### 7.8 FEE ADJUSTED ANNUALLY

Effective February 1 of every year, other than renewal access permit fees and the portion of the new access permit fee that is equal to the renewal access fee contained in this Part , shall be adjusted automatically to reflect the increases to the cost of living as determined by the Consumer Price Index (CPI). The annual adjustment shall be calculated by multiplying the fees in effect by 100 percent of the percentage increase in the CPI for the

12-month period ending December 31 of the previous year. In the case that the CPI decreases for the prescribed time period, no fee adjustments shall be made pursuant to this section. If the CPI ceases to be published on a monthly basis, the adjustment shall be calculated using the CPI for the most recent 12-month period. (The CPI to be used shall be the “Consumer Price Index—All Urban Consumers” as published by the United States Department of Labor for New York. In the event the Department of Labor ceases to publish such an index for New York, then its index for the Northeast region shall be used.) Fees adjusted pursuant to this section do not require action by the Board nor any notice or other process.

#### **7.9 BOARD’S RIGHT TO FIX FEES**

The Board reserves the right to fix the dollar amounts for all fees prescribed in the Permit System outside of the procedure defined in section 7.8 above. In such a case and before such fees become effective, the Board shall follow the following process:

- i. publish a notice in each of the officially designated district newspapers, once a week for three consecutive weeks, that a change in the fee(s) of charge(s) is under consideration. Such notice shall specify the date, time and place of the meeting of the Board when consideration of such fees may be anticipated:
  - a. The published notice shall include an invitation for written public input to be submitted to the District at the office(s) of the District designated therein;
  - b. No action on setting or amending such changes in charges or fees shall occur for a period of 30 days following the last date of publication of such notice; and
- ii. Adopt a resolution fixing said fees or charges at a regular public meeting of the Board at which a quorum of the Board is present and at which a period for public comment has been provided.

### **8.0 SITE ALTERATIONS PERMIT APPLICATION**

#### **8.1 WORK PERMITS**

Permission to carry out a work project on any access permit areas of the Regulating District's property shall be requested on forms supplied by the Regulating District. No project requiring an approved Work Permit shall be conducted unless approved by the Board’s designee. All work and structures shall be temporary and removable.

#### **8.2 AUTHORIZED ACTIVITIES REQUIRING A WORK PERMIT**

Permit Holders shall be required to apply for a work permit in order to perform the following activities on the Access Permit Area:

- i. Constructing, replacing or repairing structures including stairs, stair landings, piers, ice fishing shanties, foot bridges, port-a-johns, flags and masts attached to or a part of an approved structure, and picnic tables;
- ii. Installing, replacing, or modifying piers or moorings;
- iii. Boat/Pier Canopies;
- iv. Swim Floats;
- v. Grading below the normal high water shoreline including placement of rip-rap stone and relocation of beach stone;
- vi. Pruning of live trees and removal of undergrowth;
- vii. Erecting any sign on the access permit area;
- viii. Moving or relocating rocks within the access permit area by hand only.
- ix. Placing fill on the access permit area;
- x. Ground disturbance above the normal high water shoreline including installation of rip-rap stone erosion protection, repair of existing retaining wall, grading for placement of picnic table or grill, placement of stair or landing posts, planting of trees or shrubs, placement of a drainage ditch, and removal of uprooted trees;
- xi. Installing a five foot wide footpath.

See Appendix: “Authorized Work Activities and Work Permit Fees” and “Access Permit Fees”

### 8.3 AUTHORIZED USES NOT REQUIRING A WORK PERMIT

Permit Holders may perform on their assigned access permit area the following activities without a Work Permit or Special Activity permit: mow grass, rake and properly dispose of leaves, limbs, and debris washed in along the beach, **by hand only.**

### 8.4 WORK PERMIT APPLICATION PROCESS

The applicant shall include a detailed plan that describes dimensions, materials to be used, construction methods, proposed timetables, location of modifications and other relevant information as well as any Work Permit application fee. The District may request additional information from the applicant and deemed necessary to determine an action on the application. Permit Holders shall not exceed the terms of the work permit and shall be liable for any damages resulting from unauthorized actions. Upon submission of work permit application, Permit Holder will pay to the District all applicable fees. All construction, placement, maintenance, and removal costs shall be borne by the Permit Holder.

### 8.5 WORK PERMIT FOLLOW-UP FIELD REVIEW REQUIREMENTS

All work activities performed pursuant to a Work Permit shall be subject to an initial field inspection and a follow-up field inspection by the District. Authorized ground

disturbance work activities shall be subject to a work progress review by the Regulating District.

#### 8.6 WORK PERMIT REQUIREMENTS FOR STAIRS AND STAIR LANDINGS

Stairs and a Stair Landing must be constructed on the access permit area only with a Work Permit approved by the Regulating District. Construction of Stairs and a Stair Landing shall adhere to the specifications listed in the “Allowable Stairway and Stair Landing Configuration” Appendix.

#### 8.7 WORK PERMIT REQUIREMENTS FOR PIERS

Piers may be erected on the access permit area only with a Work Permit approved by the Regulating District. Construction of all piers shall adhere to the following specifications:

- i.) Piers shall be floating, nonpermanent and removable from the water;
- ii.) Piers shall have securely fastened flotation devices that are nontoxic, non-permeable, and non-hazardous to aquatic life;
- iii.) Containers previously used to store toxic materials are prohibited for use as flotation devices on said Piers;
- iv) Any pier or floating structure erected on an access permit area shall be kept and maintained in good working condition.

#### 8.8 ALLOWABLE CONFIGURATIONS FOR FLOATING PIERS

- i) For access permit areas 20 feet or less in width, the only allowable floating pier is a straight floating pier no greater than 4 feet in width and 40 feet in length.
- ii) For access permit areas greater than 20 feet in width, a straight floating pier no greater than 8 feet in width and 65 feet in length is allowed. Also allowed are a “floating pier with fingers” or a “floating pier with tee”.

Construction of piers shall adhere to the specifications listed in the “Allowable Floating Pier Configurations” Appendix. All floating piers must stay within the limits of the access permit area lines.

#### 8.9 ALLOWABLE CONFIGURATIONS FOR BOAT CANOPY

Boat canopies may be erected on the access permit area only with a Work Permit approved by the Regulating District. Boat canopies are permissible only on “floating dock with fingers” configuration as depicted in the “Allowable Floating Pier Configurations” Appendix. The length and width of the boat canopy may not exceed the pier dimensions. The roof line may be no higher than 10 feet above the pier and 12 feet above the surface of the water. Canopy materials may consist of canvas. Plastic and metal are prohibited from use as canopy material. Frame materials may consist of wood, metal

or fiberglass. Frames may be installed on or after March 15<sup>th</sup> and shall be removed no later than November 1<sup>st</sup> of each year.

#### 8.10 ALLOWABLE CONFIGURATIONS FOR SWIM FLOATS

Swim floats may be erected on the access permit area only with a Work Permit approved by the Regulating District. Swim floats shall be a maximum of 10 feet by 10 feet and adhere to the specifications listed in the “Allowable Floating Pier Configurations” Appendix. Swim floats are allowed only on access permit areas greater than 20 feet in width.

#### 8.11 MOORINGS

On access permit areas with a width of 20 feet or less, only 1 watercraft (motorized or not) can be moored. On access permit areas with a width greater than 20 feet, a maximum of two watercraft can be moored. Moored watercraft must stay within the limits of the access permit area lines. Moorings, authorized by permit, shall not be located in excess of 100 feet from the shoreline.

#### 8.12 PLACEMENT OF WORK PERMIT STRUCTURES

Boats, floats, or any other movable structure (other than moorings), authorized by permit, shall not be anchored, placed or located in excess of 65 feet from the shoreline of the reservoir, at any given time, immediately fronting the access permit area granted by the access permit, or any renewal thereof, excepting as otherwise permitted by the Board. Ice fishing "shacks" must be removed from the reservoir property by March 15th. It is highly recommended that all boats, piers, stairs, floats or other movable structures authorized by work permit should not be installed on Regulating District property before May 1 of any calendar year and should be removed from Regulating District property by November 1 of any calendar year. Regulating District will not be liable or responsible in any manner for the failure of the permit holder to so remove.

#### 8.13 REMOVAL OF STRUCTURES AND OTHER PROPERTY

In case of revocation, abandonment, or non-renewal of permit, the Permit Holder shall within 30 days remove from the access permit area and the reservoir, all landings, piers, floats, boats and other structures, and all other property belonging to the permittee or any other person. If a former Permit Holder fails to perform this removal, the District, the Board or its designee may summarily, and without instituting any legal proceedings therefore, enter upon and remove the same from the access permit area and charge former permittee for all costs incurred there from.

8.14 “GRANDFATHER CLAUSE”

From the effective date of these rules, all previously authorized non conforming piers, stairs, landings and temporary structures may remain until replacement or until the eligible property is transferred to new owners. At that time, these structures must comply with size and configuration requirements in these rules.

All unauthorized, non-conforming piers, stairs, landings and structures not previously authorized, that do not comply with size and configuration at the effective date of these rules must be removed.

8.15 PERMIT HOLDER SIGNS ON ACCESS PERMIT AREAS

Commercial Permit Holders may apply for a Work Permit to erect a sign on their designated access permit area. The Regulating District may approve or disapprove such petitions in writing. Before granting such petition, the Regulating District may modify a sign’s content, design and location.

8.16 SPECIAL ACTIVITY WORK PERMIT

Permit Holders proposing the erection of a canvas canopy or portable toilet shall submit an application for a Special Activity Work Permit. The application shall be made on forms provided by the District. Upon submission of the application, a Permit Holder must pay all applicable fees established by the District. See “Authorized Work Activities and Work Permit Fees” Appendix.

8.17 OPEN STYLE CANOPIES

Permit Holders may erect temporary and portable canopies within the Access Permit Area pursuant to a valid Special Activity Work Permit and subject to the following conditions:

- i) The overhead portion of the canopies must be canvas or similar type of fabric material;
- ii) All such structures must be placed a minimum of 25 feet from the shoreline of Great Sacandaga Lake and at least 10 feet from the side lines of the Access Permit Area, and;
- iii) The District has granted to the said Access Permit Holder specific permission for the erection of said canopies. Temporary and portable canopies shall be allowed to remain on the Access Permit Area for a period of time not more than 72 continuous hours. See “Authorized Work Activities and Work Permit Fees” Appendix.

8.18 PORTABLE TOILETS

Permit Holders may place a temporary and portable toilet within the Access Permit Area pursuant to a valid Special Activity Work Permit. See “Authorized Work Activities and Work Permit Fees” Appendix.