



Adirondack Park Agency

SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

DRAFT MINUTES
State Land Committee
February 9, 2017
Agency Meeting
KF:KDR:mp

State Land Committee February 9, 2017

The State Land Committee convened at 12:55 pm.

State Land Committee Members Present:

Karen Feldman, Chair, Chad Dawson, William Thomas and Robert Stegemann (DEC)
Arthur Lussi – absent and excused

Other Members and Designees Present:

Sherman Craig, Chairman, Daniel Wilt, Sandi Allen (DOS), Barbara Rice and
Bradley Austin (DED)
John Ernst recused himself from the Boreas portion of the State Land Committee
meeting.

Local Government Review Board:

Gerald Delaney, Executive Director

Agency Staff Present:

Terry Martino, James Townsend, Kathy Regan, Aaron Ziemann, Ed Snizek, Mary O'Dell
and Mary Palmer

Approval of January 2017 Draft Minutes

By motion of Mr. Stegemann, seconded by Dr. Dawson, the January minutes were
unanimously approved.

Planning Division Report

Ms. Regan noted the new edition of the 2016 Adirondack Park State Land Master Plan
(APSLMP) and said it is now posted on the agency website.

Ms. Regan said staff will be presenting information on the Boreas Pond Tract which is
factual information that is either in the Draft EIS or will be added to the Final EIS. She
said there would be multiple presentations which will build upon each other and the
objective is to provide information needed in order for the Board to make a decision on
the Boreas Tract.

Ms. Regan said Kevin Prickett will be presenting the Proposed Final Unit Management Plan (UMP) for the Lake Champlain Islands Complex and staff will be requesting Board acceptance of the Resolution. She said staff have put together an application, called a Story Map, that integrates aerial imagery, photographs and text to provide a better understanding of the unit. The link to the Story Map covering Valcour, Garden and Schuyler Islands on Lake Champlain is available on the Agency's website.

Ms. Regan also noted the Board had previously requested wilderness figures at National and State levels. In 2014 staff created a map that looks at this subject and it is also available on the Agency website.

Boreas Pond Tract

Presentations were given by Kathy Regan on Programmatic Guidelines and Classification Criteria; Aaron Ziemann on Geology, Ecological Integrity, Forest Composition and Management; Ed Snizek on Waterbodies and Resources, and Aquatic Resources; and Mary O'Dell on Wetlands and Natural Communities and Ecological Integrity.

Dr. Dawson said that there seems to be a much greater concern for the northern portion of the tract, but what about wetlands in the southern portion. Ms. O'Dell said there are significant wetlands in the southern portion but they have not been investigated at length. The system the Agency uses does not fall in line with the National Heritage Program regarding the significant communities for those areas.

Mr. Craig said staff did a tremendous job with the scientific information that they presented. As we move through this process we will be coming back with a preferred alternative. He added that it is the staff's responsibility to come up with a recommendation and the Board will have to take that recommendation, but they would like to refer back to the slides we have just seen.

Ms. Feldman asked if it is possible to put the presentations on the Agency website. Ms. Regan said it is fairly easy to put a pdf of the presentations on the website. Mr. Craig asked if the notes would be in the EIS. Ms. Regan said they would.

Dr. Dawson said that looking at the thumbnail of the Boreas Tract and the alternatives it is hard to see how they line up. He asked if it is possible to go back to GIS and do multiple overlays to get features where we can look down through the layers to see where they overlap. Ms. Regan said staff will do an analysis of the physical, biological and intangible characteristics as they review each alternative in the EIS.

Ms. Feldman asked if there has been any research done that suggests solutions for wildlife as their habitat changes. Ms. Regan said the research is limited. She said there are conservation easements near the tract where there is active forest management.

Mr. Craig asked if removing the dam would create a difference in the size of the wetlands. Mr. Snizek said there would be significant differences in the acreage of wetlands.

Mr. Craig asked if there is an issue with culverts could they be fixed with minor engineering so fish could swim back up. Mr. Snizek said the culvert work is being done elsewhere in the park, but the dams have always been a physical barrier and research shows that dam removal is best for ecological connectivity.

Mr. Austin asked what the life expectancy was of the dams that are on the tract. Mr. Snizek said the Boreas one was reconstructed in 1997, and there have been decades of maintaining the earth/rock filled portion of the dam.

Ms. Feldman, said members will have the opportunity to come back tomorrow to hear more presentations and to be able to ask more questions. She thanked staff for all the work they have done.

Karen Feldman, Committee Chair, adjourned the meeting at 4:50 pm.

State Land Committee (continued)
February 10, 2017

Presentations were given by Elizabeth Phillips on Intangible Considerations and Retained Rights; and Matt Kendall on Established Facilities, Structures and Improvements.

Dr. Dawson asked if the cost of removal of camps falls upon the lessee and what time limit they have to remove them. Ms. Phillips said they are supposed to have them removed by 2018 and if they do not TNC can go in and remove them. If TNC incurs costs it would be between the club and TNC.

Ms. Feldman said in terms of access for TNC and the clubs, will they be able to use motorized vehicles to get to the camps. After 2018 will TNC be able to go anywhere they want. Ms. Phillips said TNC has a right to motorized access to go in and clean up if the need exists, but will not be able to go anywhere they want on the tract.

Ms. Allen asked for more information about the impact of roads to the habitat. Ms. Regan said roads might be conformance structures depending on what the land is classified as and there would need to be an improved UMP. Ms. O'Dell said impact from roads vary depending on their placement and types of uses. Some of the roads that are already there are acting as dams and displacing the natural habitat.

Ms. Feldman noted that many of the roads have been there a long time and the property has done alright having no invasive species at this time, but can it work the other way by letting the road use continue. Ms. O'Dell said it is possible but the difference between logging trucks using the roads occasionally and only operating

within the Adirondack Park is a different scenario than from people coming from all over the northeast with their own vehicle and carrying invasive species.

Mr. Craig said if a road is in wilderness and we have not torn the roads up but allowed them to grow over and become more of a hiking path, and if we dug up some of the culverts to make sure that the water flow was improved, would these two elements nullify concern about roads in wilderness. Ms. O'Dell said it would improve the situation and lessen the impacts.

Dr. Dawson said roads are structures and not facilities; they are structurally created, not meant to be recreational facilities. There are several phases of roads: there is the construction of the road and the impact of that; and then there is the maintenance.

Ms. O'Dell said the roads are already there so the construction part has already taken place. The use of the roads, and the potential change in use, will play a part in what the level of impacts will be. Ms. Regan added that there is no definition in the State Land Master Plan (SLMP) for facilities. We usually refer to items that are inside a UMP as a structure or an improvement. The only place where we use the word facilities is when we look at the criteria for existing facilities.

Mr. Stegemann said many concerns can be addressed in a UMP. For example, the number of cars can be controlled through a permit program, as can specifics relating to road maintenance and culvert removal.

Mr. Delaney talked about things that are already built and are in place, including things that may have been wrong in a private setting. He asked about a private corporation misplacing a culvert and creating a half-acre wetland, can they undo it to make it right. He stated staff did not include a discussion of positive aspects. Ms. Regan stated that staff were not judging past actions, rather showing how the structures and improvements affect the overall ecology of the tract.

Dr. Dawson said the idea of restoring something implies that there is a baseline that preceded the management. The issue is how to get back to that existing system and help restore resiliency and balance.

Mr. Delaney said in a private world there is a set of rules to follow. He expressed concern about actions on the forest preserve that we do not allow the public to do. Ms. O'Dell clarified that the roadways did not create any new wetlands, they existed prior to the placement of the road.

Mr. Craig said a culvert that is impounding water and the decision of whether it is removed or replaced with a culvert having a different design is within the rights of DEC through the UMP process. Ms. Regan said the UMP process would make that decision in an open transparent way for the public to see. She commented that DEC still has to obtain a permit from the Agency when wetlands are involved.

Mr. Thomas asked if the lease holdings will remain within Boreas Ponds and MacIntyre East and West areas. Ms. Regan said the lessees can stay until September 2018. If they have not removed their camps TNC will finalize the clean up.

Mr. Townsend asked if staff have touched on the major issues that will be in the proposed final SEIS, the concern being that something might have been left out. Ms. Regan said staff were asked to include a new map that shows where the road system is and that will be an addition. The analysis will be done on all the alternatives, including the preferred alternative, based on the criteria in the Master Plan.

Mr. Delaney noted that there did not seem to be more details on bridges and culverts, or the uses of the roads. Ms. Regan said if the area gets classified as Wild Forest the roads will remain. There will be some issues with the culverts that will need to be addressed, but that is more of a UMP process. If classified as something else the roads may not be able to stay. She said the analysis will review what recreational uses will be allowed, and those are dependent on what the lands is classified as.

Dr. Dawson asked if the presentations will be available on the agency's website. Ms. Regan said staff can make them available. Mr. Townsend said staff are already preparing the documents to be put on the website and the webcast is also available on the website.

Dr. Dawson asked what the timeline is. Ms. Regan said staff are still anticipating bringing the final EIS to the Board this spring.

Ms. Allen said she really appreciates staff's work that has gone into these presentations and the opportunity to hear from staff what they see and how they have approached this review. When people question scientists it's not that we are questioning their experience, we just want to understand and get a better perspective. She said the scientific questions and staff responses help to provide understanding and perspective.

Champlain Island Complex UMP

Ms. Feldman noted that the action before the State Land Committee will be to vote to adopt a Resolution on UMP Conformance with the State Land Master Plan for the Champlain Island Complex UMP.

Kevin Prickett gave an overview of the final UMP.

Mr. Prickett said the public comment period went from November 17, 2016 through January 6, 2017. Comments received were: opposition to remove the Nomad Monument; preserving the Seton House; management of docks being restricted to persons with disabilities and administrative use; and boaters needing education about appropriate anchoring.

Mr. Prickett said staff recommend the Proposed Final UMP be found in conformance with the general guidelines of the State Land Master Plan.

Mr. Wilt asked how the picnic tables were addressed as far as being allowed or not allowed, if the removal was not necessary to protect the resources. Mr. Prickett said the Master Plan prohibits picnic tables in primitive areas.

Mr. Delaney said there is already heavy use around the picnic tables and if they are removed people will contribute to erosion with their movements. He said there needs to be a way to address that even if large logs were brought in to act as seats.

Ms. Feldman said this is not an easy issue and it has been discussed every time it has come before the Board. She commented we do not have to come up with a solution at this time.

Mr. Stegemann said in fairness to the process there has been a lot of discussion between the Department and the APA. It does raise the issues of getting into these really grey areas because there is some interpretation that you could look into that picnic tables may be allowed. He pointed out the Board can consider these things in the future.

Mr. Craig said the law for primitive does not mention the picnic tables so they have to go. He said he has expressed concerns about these solutions and if the law says we cannot do it do we change the law or the classification. He noted the UMP clearly states some of the reasons why those areas of those islands should be protected.

Ms. Feldman said at the same time we have a finite resource here that is very deserving of all the protection we can give.

Mr. Delaney asked if Mr. Stegemann and Mr. Craig were suggesting amending the State Land Master Plan. Mr. Stegemann said it is an issue worth noting that it is a grey area. Whether it is chosen to amend the Master Plan or we talk further about how we interpret it, it should be reserved for the future. Mr. Townsend said the department's proposal is intended to conform to the Master Plan.

Ms. Feldman said in terms of the resolution, should something be added about Seton House. Mr. Townsend said we could but the Department is not proposing any maintenance, it is preventative safety and stability only.

Ms. Feldman asked for a motion for approval of the Resolution.

By motion of Dr. Dawson, seconded by Mr. Thomas, all were in favor.

Mr. Stegemann said we are at a notable point after many years getting the UMP to where it is. He said a commendable objective has been reached.

Ms. Feldman agreed and commended Agency and Department staff for their successful work together to make it happen.

Old Business

None

New Business

None

Karen Feldman, Committee Chair, adjourned the meeting at 2:55 pm.