



**DRAFT Minutes of the Regulatory Programs Committee Meeting
December 12, 2019**

The Committee Meeting convened at approximately 9:57am.

Regulatory Programs Committee Members Present

Chair Daniel Wilt, Arthur Lussi, John Ernst, and Lynne Mahoney (DOS)

Other Members and Designees Present

Bradley Austin, Presiding Member (ESD), Robert Stegemann (DEC), William Thomas, and Dr. Chad Dawson.

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Terry Martino, Executive Director; Christopher Cooper, Counsel; and Robert Lore, Deputy Director

Approval of Draft Committee Minutes for November 2019

A motion to approve the draft committee minutes was made by Mr. Ernst, and seconded by Mr. Lussi. All were in favor.

Regulatory Programs Report (Robert Lore)

Mr. Lore reported on the emergency authorizations as a result of the Halloween 2019 storm. In the past month, the Agency has received 23 scopes of work related to emergency projects. Of these projects, the Agency determined that 10 were non-jurisdictional, and four required no action. The non-jurisdictional items resulted from the fact that the work occurred within existing rights-of-way and the NYSDOT initiated the projects to preserve life and property by restoring the areas to their pre-disaster conditions and functions. Of the remaining nine projects, the Agency issued eight emergency certificates and one combined emergency certificate and authorization.

Mr. Lore detailed one project in specific in the Town of Ohio along Route 8 and West Canada Creek, where heavy rainfall and historic flooding resulted in the collapse and washout of a large portion of the road. He spoke of NYSDOT's initial response of constructing a stacked stone retaining wall as well as their long-term plans to rehabilitate the area, which will allow them to restore the guardrail and fully re-open the roadway. After meetings and discussions with NYSDOT, NYSDEC, and USACE, the Agency determined issuing a dual emergency certificate and authorization for the proposal was most appropriate. If necessary, the Agency will be able to conduct a site visit for review at a later date to check the progress.

Mr. Lore also noted that in May of this year, the Agency held a pre-application meeting with ORDA and the LA Group regarding the Olympic Center Modernization project in the Village of Lake Placid. Additional information was provided in October, and the application is currently under review as it calls for new land use and development by a state agency. The proposal includes a new 256-space multi-level parking garage southwest of the arena, renovations to the main entry and link building, construction of a tunnel to connect the Olympic Center to the Oval area, replacement of the Oval operations building, and construction of two warming huts, a bridge over the Oval to the infield, and a small plaza in front of the 1932 Arena. The progress of Agency review will be reported at subsequent meetings.

The Agency also received an application in October from NYSEG for an existing transmission line rebuild referred to as the Dannemora Tap, which includes replacement of existing electrical circuits through the installation of new structures, new electric conductors, new optical ground wire, and new shield wire. In November, the Agency conducted a site visit and is currently corresponding with NYS OPRHP regarding this project and the mitigation of potential viewshed impacts. The progress of Agency review will be reported at subsequent meetings.

Mr. Delaney referred back to the emergency authorizations by stating that he had passed the damaged area on Route 8 the day before and that it was very extensive. He asked if the Agency anticipates more permit action due to the storm. Mr. Lore replied that while it has been difficult to gauge the amount of work, he anticipates that as things stabilize, the Agency will receive more requests, possibly in the spring. Ms. Martino commented that based on media reports out of Warren County, we anticipate further authorizations based on outreach conducted with towns and communities by the Agency's Local Government Division.

Project 2019-0104 (Vertical Bridge Holdings, LLC – Elizabethtown, Essex County)

Ms. Lynch began her presentation stating that the reasons for presenting this project are partly in follow-up to a telecommunications presentation in May 2019 as well as the fact that this proposal is an example of a tower on a ridgeline where concealment as a simulated tree is proposed.

She gave an overview of the location of the proposal and existing conditions, what the project itself would entail, followed by existing and predicted coverage areas and a visual analysis, including photo-simulations of the proposed tower. She noted that the Agency worked with the applicant extensively on the tree shaping, as earlier simulations submitted were not realistic of an Eastern White Pine.

Discussion followed regarding visual simulations and how helpful they are to the review process and how to make them more readily available for viewing.

Mr. Stegemann asked about the processes for co-location, to which Mr. Cooper stated that it is completely up to the providers to consider, as it is not something we initiate. Ms. Lynch noted that when we have concerns about visibility, the Agency does ask the applicants to consider alternatives, which sometimes includes co-location.

Mr. Delaney noted the eventual growth of trees will create less visibility. Mr. Stegemann asked if that would also affect the signal strength of the tower. Ms. Lynch made note of the tree surveys that were done to determine the locations and heights of trees in the surrounding area, which were a factor in the applicant's tower design. There is also the option of amendments to tower permits in the future to extend tower heights.

A motion was made for approval by Mr. Lussi and seconded by Ms. Mahoney. All were in favor.

Project 2019-0196 (Lyme Timber Company – Arietta & Lake Pleasant, Hamilton County)

Mr. Ziemann gave an overview of the project which is a proposed timber harvest of 643± acres, exceeding the 500 acre guideline for delegated authority. Using maps, he showed and described the areas of proposed shelterwood removal with reserves on 509 acres and proposed selection thinning on 134 acres, noting areas of wetlands and 1 acre areas around lease sites for camps that would be avoided. He also commented that Lyme Timber has suggested alternate routes for snowmobilers so they do not conflict with anticipated winter logging operations.

Mr. Ziemann noted that he thinks that this is the first proposal from Lyme where they are pre-emptively removing Ash trees, recognizing that the Emerald Ash Borer infestation is imminent and has already crept into some of their southern landholdings.

Mr. Ziemann then showed photos of the existing conditions in the overstory removal area, pointing out those trees that have been marked for removal. Photos also showed examples of the wetland areas and camp areas that will be buffered, as well as cavity trees and snag trees that will be preserved for habitat if possible.

Mr. Ziemann noted that looking forward into the spring, the Agency plans to bring in speakers to talk about the forest inventory analysis program, and forest management and how it relates to the newly enacted climate bill. There was discussion by the board

regarding the quality of timber projects presented to the board. There was also discussion regarding an interest in future presentations on sustainability of forestry in the Park both from the standpoint of the quantity and quality of the forests, but also the status and the future of the industry as a part of the communities in the Park.

Mr. Ernst asked if there was opportunity to revisit the sites after the timber harvesting has been conducted. Mr. Ziemann commented that it is actually a standard permit in the permit that the Agency be able to return to the site for compliance visit.

Ms. Martino asked if there could be an update of information reported in 2013 regarding timber permits issued and the involved acreage. Mr. Ziemann said he would do a follow-up report.

Mr. Austin asked if a speaker could be found to specifically speak to the Emerald Ash Borer situation. Mr. Ziemann agreed.

A motion was made for approval by Mr. Ernst and seconded by Ms. Mahoney. All were in favor.

Old Business

None

New Business

None

The Committee meeting adjourned at approximately 11:37 am.