



Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

ADIRONDACK PARK AGENCY **DRAFT SEPTEMBER MEETING MINUTES**

Thursday, September 15, 2022

AGENCY MEMBERS, DESIGNEES, AND EXECUTIVE STAFF PRESENT

John Ernst, Chairperson
Mark Hall, Member
Benita Law-Diao, Member
Ken Lynch, Member
Zoë Smith, Member
Dan Wilt, Member
Brad Austin, Empire State Development
Matt Tebo, Dept. of State
Barb Rice, Executive Director
Chris Cooper, Counsel

ABSENT AND EXCUSED

Andrea Hogan, Member
Art Lussi, Member
Joe Zalewski, NYS Dept. of Environmental Conservation

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Jerry Delaney, Executive Director

AGENCY STAFF PRESENT

Elaine Caldwell
Amy Hall
Keith McKeever
Matt McNamara
Megan Phillips
Kevin Prickett
Bob Kreider, NYS ITS

1. CALL TO ORDER and 2. WELCOMING REMARKS

Chairperson Ernst called the meeting to order at 9:35 a.m. and welcomed everyone. Chairperson Ernst noted that Benita Law-Diao was on the way and would be there shortly, but that if needed State Land presentations would be rearranged so that a quorum of committee members would be present. Chairperson Ernst announced that member comment would be going back on to the agenda following LGRB comment at the end of the meeting. This will not be mandatory and will be for board members who wish to make a comment.

3. PUBLIC COMMENT

Alan Belenz of Friends of Siamese Ponds spoke to the Board about the Barton Garnet Mine, saying that residents are asking that the Agency consider dust, noise, visual impacts, and water usage before approving any expansions to the mining operations.

Video and audio recordings of the proceedings, including public comment, are available in their entirety via webcast at:

<https://nysapa.granicus.com/videos/590/player?autoplay=0&start=360&stop=1254>

4. Approval of July 14, 2022 Agency Minutes

On the motion of Dan Wilt, seconded by Mark Hall, the July minutes were unanimously approved with Matt Tebo abstaining.

5. Recusals

None.

6. Motion for Executive Session

Per Counsel Chris Cooper an executive session is needed to update the Board on pending litigation.

7. Executive Director's Report

Executive Director Rice welcomed everyone. Executive Director Rice noted that the Board had a busy day ahead of them with several State land topics and two Regulatory Program presentations. Executive Director Rice noted that staff have been very busy this summer, however they did make time for a picnic with families and retirees, adding surprise at how competitive the volleyball and croquet matches were. Regarding staffing, Executive Director Rice thanked Rob Lore, outgoing Deputy Director, Regulatory Programs, for all of the work done for the Agency, adding that Rob Lore was a key proponent of electronic application submissions which the Agency now uses. Executive Director Rice mentioned the passing of Tim Barnett who, while working for The Nature Conservancy for many years, protected thousands of acres of the Adirondacks including great Camp Santanoni. Executive Director Rice ended with a public service announcement that the week of September 19 – 25 is Get There Green week in NYS and encouraged everyone to participate in any way possible.

8. Motion to Adjourn into Committees

On motion of Benita Law-Diao, seconded by Dan Wilt, the Agency unanimously voted to adjourn into committees at 9:49 a.m.

State Land Committee

The committee meeting convened at approximately 9:50 a.m.

State Land Committee Members Present:

Ken Lynch (Committee Chair), Benita Law-Diao, with Board Chair John Ernst sitting as a voting member. Absent: Andrea Hogan, Art Lussi, and Joe Zalewski (DEC).

Other Members and Designees Present:

Brad Austin (ESD), Mark Hall, Zoë Smith, Matt Tebo (DOS), Dan Wilt

Local Government Review Board

Jerry Delaney

Agency Staff Present:

Chris Cooper, Barb Rice, Megan Phillips, Kevin Prickett

(1) State Land Report (Megan Phillips)

Deputy Director of Planning Megan Phillips followed up regarding a question posed during the July meeting about the terms “visitor use management,” “carrying capacity” and “limits of acceptable change,” and how they relate to one another. Deputy Director Phillips pointed board members to the Federal Visitor Use Management Framework guidebook, which includes a section (see Appendix A) on the History and Limitations of Previous Visitor Use Management frameworks and offered to make hard copies of this resource available to interested board members.

Deputy Director Phillips also shared that the Department has completed the proposal review process and is moving toward securing a contract for development of a plan to address issues in the Central High Peaks and also the Kaaterskill Clove area of the Catskills.

Deputy Director Phillips provided an update on work to mitigate the spread of round goby to Lake Champlain. APA has been a partner in a rapid response task force convened by the Lake Champlain Basin Program. The task force includes DEC, Canal Corp, US Fish and Wildlife Service, US Geological Survey, and government partners from Vermont and Quebec.

The Adirondack Road Salt Reduction Task Force members have produced a draft report detailing its recommendations which is currently being edited and formatted. Report recommendations speak to a variety of topics including water quality standards and monitoring protocols, to public education and outreach, ways to increase public

transparency about salt purchases and usage, as well training programs to assist practitioners in reducing overall application rates through the adoption of BMPs. The final report is slated to be released later this year.

The complete report is available at:

<https://nysapa.granicus.com/videos/590/player?autoplay=0&start=1253&stop=1698>

(2) Accessibility and State Lands Presentation (Leah Akins, DEC, Kevin Prickett, APA)

Leah Akins and Kevin Prickett presented an overview of how the state provides access to public lands for people with disabilities.

The presentation and discussion are available at:

<https://nysapa.granicus.com/videos/590/player?autoplay=0&start=1698&stop=5917>

(3) Summary of Public Comments Received on Wild Forest Basic Guideline No. 4- No Material Increase of Roads on Wild Forest Lands (Josh Clague, DEC, Megan Phillips, APA)

Megan Phillips and Josh Clague presented a summary of the public comments received regarding Wild Forest Basic Guideline No. 4.

The presentation and discussion are available at:

<https://nysapa.granicus.com/videos/590/player?autoplay=0&start=5917&stop=10172>

(4) Summary of Public Comments Received on the Inter-Agency Guidelines for Best Management Practices to Control Invasive Species on DEC-Administered Lands of the Adirondack Park (Megan Phillips)

Megan Phillips provided a summary of public comments received on the Inter-Agency Guidelines for Best Management Practices to Control Invasive Species on DEC-Administered Lands of the Adirondack Park. A motion to adopt a resolution finding the guidelines to be in conformance with the State Land Master Plan was made by John Ernst and seconded by Benita Law-Diao.

The presentation and discussion are available at:

<https://nysapa.granicus.com/videos/590/player?autoplay=0&start=10192&stop=11832>

The committee adjourned at approximately 12:45 p.m.

On motion of Mark Hall, seconded by Benita Law-Diao, the meeting moved to executive session to be held in conjunction with lunch. On motion of Dan Wilt, seconded by Benita Law-Diao, the board adjourned the executive session at approximately 1:15 p.m. Chair Ernst reported that no actions were taken.

Regulatory Programs Committee

The committee meeting convened at approximately 1:30 p.m.

Regulatory Programs Committee Members Present:

Dan Wilt (Committee Chair), Matt Tebo (DOS), and Ken Lynch, with Board Chair John Ernst sitting as a voting member. Absent: Art Lussi.

Other Members and Designees Present:

Brad Austin (ESD), Mark Hall, Zoë Smith. and Benita Law-Diao.

Local Government Review Board Present:

Gerald Delaney, Executive Director

Agency Staff Present:

Chris Cooper, Barb Rice, John Burth, Ariel Lynch, Aaron Ziemann, and Trevor Fravor.

(1) Regulatory Programs Report (John Burth)

John Burth began his report stating that staff have continued to work through the field season while managing project application deadlines and issuing permits and noted the increase in the number of permits issued and applications noticed in the Environmental Notice Bulletin (ENB) compared to Summer 2021. Based on the number of applications the Agency continues to receive, it is anticipated that the number of permits issued will remain high.

John Burth also noted that additional application materials were recently received for P2021-0248 (Stackman) which are now available on the Agency's website. He reviewed the timeline of the application up to this date and noted that the new materials are currently under review and the Agency anticipates issuing a second Notice of Incomplete Permit Application soon.

The complete report is available at:

<https://nysapa.granicus.com/videos/590/player?autoplay=0&start=12079&stop=12323>

(2) P2021-0046 – BR Project 1, LLC (Ariel Lynch)

Ariel Lynch gave a detailed overview and presentation of the project including review of jurisdiction, conclusions of law, a description and slides of the project location and the existing conditions, site history, proposed project details, visual analysis slides, public comment, review by others, and staff's recommendation and permit conditions.

Discussions followed regarding the bond holders and the decommissioning plan.

A motion to approve was made by Matt Tebo, seconded by John Ernst. All were in favor.

The presentation and following discussion are available at:

<https://nysapa.granicus.com/videos/590/player?autoplay=0&start=12324&stop=14898>

(3) P2021-0163 – Lyme Timber (Aaron Ziemann)

Aaron Ziemann gave a detailed overview and presentation of the project including review of jurisdiction, conclusions of law, project location and existing conditions, site history, proposed project details, visual analysis slides, public comment, review by others, and staff's recommendation and permit conditions.

Discussion followed regarding the timeframes and yields of this project, age of trees versus carbon sequestration, and possible quantification of timber harvesting in the Park and on easement lands. Potential for a presentation in the future by SUNY ESF or PSC staff was mentioned, as well as an offer from Lyme Timber to tour their forestlands.

A motion to approve was made by Ken Lynch, seconded by John Ernst. All were in favor.

The presentation and following discussion are available at:

<https://nysapa.granicus.com/videos/590/player?autoplay=0&start=14898&stop=17394>

(4) Old Business

None

(5) New Business

None

The committee meeting adjourned at approximately 3:15 p.m.

Full Agency resumed at approximately 3:15 p.m.

9. Committee Reports

a) Regulatory Programs

Dan Wilt reported that the committee had heard a report from John Burth.

On motion of Dan Wilt, seconded by Matt Tebo, the Agency voted unanimously to approve P2022-0046, BR Project1, LLC, located in the Town of Clifton, St. Lawrence County.

On motion of Dan Wilt, seconded by Ken Lynch, the Agency voted unanimously to approve P2022-0163, Lyme Timber Company, located in the Town of Lake Pleasant, Hamilton County.

b) State Land Committee

Ken Lynch reported that the committee had heard a report from Megan Phillips, had a presentation on Accessibility & State Lands by DEC, and APA, and a presentation summarizing the public comments received on Wild Forest Basic Guideline No. 4 – No Material Increase of Roads on Wild Forest Lands.

On motion of Ken Lynch, seconded by Benita Law-Diao, the Agency voted unanimously that the Inter-Agency Guidelines for Best Management Practices to Control Invasive Species on DEC-Administered Lands of the Adirondack Park conformed with the guidelines with the State Land Master Plan.

c) Administration Committee

On motion from Chairperson Ernst, seconded by Brad Austin, the Agency unanimously adopted the Draft Policy Authorizing the Use of Videoconference for Agency meetings.

10. Interim Reports

The Economic Affairs, Enforcement, Legal Affairs, Local Government Services, Park Ecology, Park Policy and Planning, and Public Awareness and Communication committees did not meet this month.

Local Government Review Board Report:

Jerry Delaney thought that the presentation on accessibility and state lands was very interesting and that it highlights how far we've come in the last fifty years, adding that some of the Agency's documents should be considered "living, breathing documents" going forward.

11. Member Comment

Zoë Smith asked about the status of plans for the Agency's 50th anniversary and local government day. Executive Director Rice replied that between being a very busy field season and being short staffed, plans were still being worked on and more details would follow soon.

12. Old Business

None

13. New Business

None

14. Public Comment

None

Video and audio recordings of the proceedings, including public comment for this portion of the meeting are available in their entirety via webcast at:
<https://nysapa.granicus.com/videos/590/player?autoplay=0&start=17394&stop=18004>

Before ending, Chairperson Ernst announced that there was a meeting tentatively scheduled for October 13 & 14, 2022.

The meeting was adjourned without objection at approximately 3:25 p.m.

John Ernst, Chairperson