

Draft



Regulatory Programs Committee
March 15, 2012
Agency Meeting
REW:HEK:mlr

**Regulatory Programs Committee
March 15, 2012**

Committee Members present: Chairman Frank Mezzano, Member Art Lussi, Member Richard Booth, Member William Valentino, Designee Dede Scozzafava (Department of State). Other Members present: Chairwoman Lani Ulrich, Member Cecil Wray, Member Sherman Craig, Designee Bob Stegemann (Department of Environmental Conservation), and Member William Thomas. Agency Staff present: Executive Director: Terry Martino and Associate Counsel Sarah Reynolds.

Designee Jen McCormick (Department of Economic Development) was not present for Agency meeting.

The Committee convened at 1:05 pm.

(1) **Approval of Draft Regulatory Programs Committee Minutes**

Motion was made by Member Lussi and seconded by Member Booth to approve the February minutes. The Committee vote was unanimous in favor of the motion.

(2) **Deputy Director (Regulatory Programs) Report**
(R. Weber)

Mr. Weber highlighted the Workload Summary Report and he highlighted projects referenced in the High Profile Report.

Member Craig asked Mr. Weber for an update on Project 2009-11, Verizon cell tower in Town of Clifton. Mr. Weber answered he would provide the information to Mr. Craig before the end of the day.

(3) **2012-12 (E. Snizek)**

JLKN Acres, LLC
Town of Jay, Essex County
Low Intensity and Lands Under Water

Mr. Snizek described the proposed project. He stated the proposed project consists of the control of nuisance aquatic vegetation, a regulated activity involving emergent and deep water marsh wetlands pursuant to 9 NYCRR 578.2 and 578.3(n)(2)(ii).

Mr. Snizek provided a powerpoint presentation describing the proposed project and project site. The proposed project site consists of the bottom of Lake Eaton which is owned by JLKN Acres, LLC. The property is located in the Town of Jay, Essex County in an area classified Low Intensity Use.

Mr. Snizek presented a description of the existing environmental setting. He explained the lake is man-made with one inlet and one outlet. He stated the inlet is situated along the southwestern shoreline and flows through an emergent marsh wetland with no defined channel. He noted the outlet consists of a single metal standpipe positioned at a set elevation to maintain high water levels. Mr. Snizek stated the outlet standpipe discharges beyond the margins of the shoreline into a small stream and emergent marsh wetland. The outlet culvert has an existing wire mesh screen to prevent aquatic plants and other debris from washing into the outlet. A replacement of the debris screen will be required prior to stocking of grass carp in order to prevent the fish from leaving the lake.

Mr. Snizek stated the primary objective of the proposed project is to stock triploid sterile grass carp to reduce the density of waterweed and bushy pondweed in order to improve the ecological, recreational and aesthetic values of Lake Eaton. He noted the project will involve the stocking of sterile grass carp, not to exceed a stocking rate of 5 fish per vegetative acre and a minimum stocking size of 8-10 inches. The recreational activities on Lake Eaton include fishing, canoeing and kayaking and wildlife viewing.

Mr. Snizek stated the emergent marsh cover type wetlands have an overall value rating of "2" and deep water marsh wetlands have an overall value rating of "3".

Mr. Snizek listed the benefits of using "sterile grass carp".

It was noted there is no Eurasian Milfoil or trout in Lake Eaton.

He described the permit conditions and discussed the details of the proposed fish barrier to be installed on the outlet drain pipe.

Member Lussi noted his experience with outlet barriers corroding and commented that the proposed fish barrier to Lake Eaton is thoughtfully planned.

Mr. Snizek discussed the applicant's alternatives.

He listed several lakes in the Adirondack Park that have been previously stocked with "grass carp" for aquatic plant management.

Designee Stegemann asked Mr. Snizek to describe the process between the Agency and NYS DEC for aquatic plant management practices.

Mr. Snizek answered there is great communication and coordination between the Agency and DEC Regions 5 and 6. He noted DEC staff is responsible for issuing the stocking permit, a joint site visit is planned whenever possible to look at the outlet and discuss any barriers that may be necessary. He stated that the Agency requires a more thorough review of aquatic plants in the lake and requires follow-up aquatic plant surveys after stocking to monitor impacts to freshwater wetlands.

It was noted that "grass carp" will only feed on submergent plants.

Member Wray inquired about the success rate of stocking "grass carp" to lakes. Mr. Snizek answered he did not include the statistics in the presentation but stated that all the reviewed lakes in the Adirondack Park have had different levels of success. He noted the best data to review is from Lake Adirondack because NYS DEC has chosen this lake as a "study lake". Mr. Snizek stated DEC performs annual aquatic vegetation monitoring and is part of the CSLAP, water chemistry monitoring program. The aquatic plant monitoring data indicates that the grass carp are having a positive impact on the aquatic plant community composition.

Mr. Snizek noted that only after the 2nd or 3rd year after stocking would any results be seen.

Member Booth made the motion to approve the proposed project and move the project forward to Full Agency for approval. The motion was seconded by Member Valentino.

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The Regulatory Committee vote was unanimous in favor of the motion.

(4) Old Business: NO

(5) New Business: NO

Adjournment: The Regulatory Committee meeting adjourned at 1:45 pm.

REW:mlr

Note: The power point presentations referred to herein are on file at the Agency. Copies are also available for inspection on request.