



NOTE: The attachments referred to herein are on file at the Agency and are on the Agency's website. Copies are also available for inspection on request.

DRAFT AGENCY MINUTES

SEPTEMBER 13-14, 2012

THURSDAY, SEPTEMBER 13, 2012

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

Leilani Crafts Ulrich, Chairwoman
Richard Booth, Member
Sherman Craig, Member
Arthur Lussi, Member
Frank Mezzano, Member
William Thomas, Member
F. William Valentino, Jr., Member
Dierdre Scozzafava, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Department of Environmental Conservation
Terry Martino, Executive Director
Sarah Reynolds, Acting Counsel

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF ABSENT

Jen McCormick, Designee, NYS Department of Economic Development
Cecil Wray, Member

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Frederick Monroe, Executive Director

AGENCY STAFF PRESENT

Richard Weber, Deputy Director, Regulatory Programs
Daniel Kelleher, Special Assistant for Economic Affairs
Colleen Parker, Environmental Program Specialist 3
Keith McKeever, Public Information Director
John Burth, Environmental Program Specialist 2
Paul Van Cott, Associate Attorney
Leith Walrath, Environmental Program Specialist 1
Ed Snizek, Associate Project Analyst, Fresh Water Resources
Brian Grisi, Local Planning Assistance Specialist
Robyn Burgess, Environmental Program Specialist 1
Milt Adams, Environmental Program Specialist 1
Suzanne McSherry, Environmental Program Specialist 2

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Matt McNamara, Environmental Program Specialist 1
Laurie Bullis, Secretary 1
Mary Reardon, Secretary 1
Deborah Lester, Secretary to Executive Director

The webcast of this meeting is available at
http://nysapa.granicus.com/ViewPublisher.php?view_id=2.

Chairwoman Ulrich called the meeting to order at 9:05 a.m.

1. Approval of August 16, 2012 Draft Agency Minutes

Mr. Booth moved and Mr. Thomas seconded Agency adoption of the Draft Agency Meeting Minutes of August 16, 2012.

Prior to voting, Chairwoman Ulrich requested amendment of the minutes to reflect that the Agency did not take any action while convened in executive session. She then called the question.

The motion by Mr. Booth, seconded by Mr. Thomas, as amended by Chairwoman Ulrich, passed unanimously.

2. Executive Director's Report

Prior to the Executive Director's report, Chairwoman Ulrich recognized staff The Wild Center in Tupper Lake, as well as scientists and educators, who worked together to create a Youth Climate Summit. The Youth Climate will be in its fourth year this fall.

Ms. Martino presented a report on staff activities over the past month, as well as other observations and items of note, including:

- Perspectives defined by experiences and the ongoing public debate about the Agency's role. There is the view of those who think the Agency does not do enough in terms of environmental protection, and the contrary view of those who think the Agency does too much. In the midst of this important ongoing public discussion, the Agency continues to work;
- Achieving the Agency's mission for the protection of public and private lands in the Park, which involves a large volume of daily interaction with the public in terms of permitting, enforcement and jurisdictional inquiries, while moving human communities toward greater sustainability;
- Efficiency improvements and transparency in Agency work processes;

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- The importance of regulatory revision in accomplishing the Agency's mission along with constructive public input as to how regulatory reform can evolve to best serve the interests of the Park and its communities;
- Message from publisher Tom Woodman in the September/October issue of Adirondack Explorer, "We can disagree on land acquisition in the morning, but work together to fight invasive species in the afternoon," an important evolution from Agency Chair Ross Whaley's observation that, "we would rather fight than win." The message of how we come together to address invasive management represents an important alignment with how to best address the crises that are emerging in this region related to the management and controls of invasives;
- Agency involvement in addressing aquatic invasive species including Rapid Response Task Force, Lake Champlain Basin Program, Invasive Species Council, and work with communities and lake shore associations involved in invasive controls;
- Addressing aquatic invasive species and the interplay of management approaches, funding needs, costs, and permitting;
- Lake George Park Commission request for Lead Agency status on the adoption of a Strategic Action Plan for Aquatic Invasive Species Spread;
- Presentation by Dave Wick of Lake George Park Commission, scheduled for the October Agency meeting, to provide detailed overview of aquatic invasive species spread in Lake George and how the Agency has engaged with LGPC and the Fund for Lake George in terms of permitting Asian Clam treatments;
- Staff update at September Agency meeting on an Agency-approved project involving the first-time use of Renovate in Lake Luzerne;
- *State of the Lake and Ecosystem Indicators Report*, compiled by the Lake Champlain Basin Program, containing information on the health of Lake Champlain and tracks progress on lake conditions;
- Agency participation in the Construction and Permitting Work Group, chaired by Alphonso David of the Governor's Office, which is part of a statewide effort coordinated with the State's Regional Economic Development Councils. The Agency shared information about its land use regulations and a wetland banking program currently in development with DOT;

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- Ongoing dialogue with DEC to address efficiencies, opportunities for data tracking with ESD, and technical training opportunities for communities in the Park with DOS. A draft APA-DEC efficiency report has been developed, which will be reviewed by Agency and DEC staff, followed by additional stakeholder involvement before submission to the Commissioner and Chairwoman;
- The importance of the visit by Basil Seggos of the Governor's Office to the Agency Board's August meeting and his statement that the Adirondack visioning work of Jim Herman and Dave Mason was representative of the big thinking encouraged by Governor Cuomo.

Ms. Martino announced the appointment of Matt McNamara to Environmental Program Specialist 1 on August 20. Chairwoman Ulrich presented Mr. McNamara with an APA lapel pin.

Ms. Martino then referred to a recent story in the September/October 2012 issue of *Adirondac* magazine about the evolution of the Summer Stewardship Program in the Adirondacks. The article included a photo of Agency staff member Kathy Regan and her mentor, Edwin Ketchledge.

Chairwoman Ulrich spoke of the high level of concern over invasive species, particularly in Lake George. She also referred to a recent paddle of the Moose River, organized by CAP-21, in which she and Mr. Valentino participated. She complimented Hilary Smith of APIPP for providing an educational experience in invasive species.

The Chairwoman discussed a new perspective of our children, like Ms. Martino's daughter, doing international work around the globe and talked about their need for safety. She expressed concern about the recent international violence against an American diplomat. The Chairwoman noted how some see the Adirondacks as a place "to fight," and said this is no longer the place. The Chairwoman also stated her appreciation for the privilege to express civil discord and disagreement in the United States and in the Adirondacks.

Mr. Booth referred to the invasives issue and asked if the strategy for the future is management rather than eradication, as with the lamprey issue, which has become a management program over the long term.

Ms. Martino responded that the proliferation of the Asian clam in Lake George is forcing a larger discussion about invasives. She acknowledged the difficulties associated with eradication, suggesting a management strategy, and noted that cost is also a major factor. Chairwoman Ulrich added that the strategy would also depend on the invasive involved.

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Mr. Valentino added that the institutional disconnect also plays a part. With the discovery of a new invasive, an initial infusion of funding would help to prevent widespread distribution.

Chairwoman Ulrich noted that opportunity still exists in certain situations, depending on type and extent of the invasive. She referred to work with DOT and county highway departments to address terrestrial invasives.

Mr. Craig expressed his concern about the potential impacts of invasives on large swaths of forest and the anticipated Article XIV issues associated with Forest Preserve lands. He noted there was an opportunity to be proactive in that regard.

Chairwoman Ulrich expressed her appreciation for the Invasive Species Council, which has a statewide focus. She also noted that while progress has been made in terms of transportation of firewood within the Park, there is still much more to be done.

Mr. Stegemann identified firewood as a major attraction of invasives and stressed the importance of regular firewood inspections at state campgrounds to prevent the spread of invasives. He added that coordination among agencies is extremely important and that the presence of invasives is growing, underscoring the importance of both enforcement and education.

Ms. Martino recalled a past presentation to the Agency by Rob Davies at DEC about emergency responses related to Forest Preserve issues, and she suggested a follow-up presentation at a future meeting.

Chairwoman Ulrich suggested that simple coordination efforts can help to slow the spread of invasives; for example, the State of Vermont's distribution of a map showing boat washes throughout the state.

In follow-up to Mr. Craig's comment, Mr. Lussi encouraged an aggressive and proactive approach to addressing the invasive threat to state forest preserve lands. While he acknowledged the protections provided by forest preserve law, at the same time he advocated for the harvesting of forest resources affected by invasives, taking advantage of an opportunity while at the same time avoiding waste of resources.

Chairwoman Ulrich expressed her appreciation to Town of Inlet Supervisor John Frey for the opportunity to join in their groundbreaking for the new wastewater treatment plant.

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3. 2013 Agency Meeting Calendar

On motion of Mr. Valentino, seconded by Mr. Mezzano, the Agency unanimously adopted the 2013 Agency Meeting Calendar that was included with the mailing. A copy of the final 2013 meeting calendar is attached to the official minutes on file at the Agency.

4. Motion for Executive Session

On motion of Mr. Valentino, seconded by Mr. Mezzano, the Agency unanimously voted to convene in executive session during the lunch break for the purpose of discussing litigation matters involving the Adirondack Club and Resort and the Douglas Corporation.

Ms. Martino noted her recusal from the executive session regarding the Douglas matter.

Chairwoman Ulrich acknowledged Ms. Martino's recusal.

5. Motion to Adjourn into Committees

On motion of Mr. Thomas, seconded by Mr. Valentino, the Agency unanimously adjourned into committees at 9:40 a.m.

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FRIDAY, SEPTEMBER 14, 2012

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

Leilani Crafts Ulrich, Chairwoman
Richard Booth, Member
Sherman Craig, Member
Arthur Lussi, Member
Frank Mezzano, Member
William Thomas, Member
F. William Valentino, Jr., Member
Robert Stegemann, Designee, NYS Department of Environmental
Conservation
Terry Martino, Executive Director
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Deborah Lester, Secretary to Executive Director

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1. Report on Executive Session

Chairwoman Ulrich reported that no action was taken during the executive session held on the previous day.

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2. Committee Reports

a. Regulatory Programs Committee

(1) 2010-71, New York RSA No. 2 Cellular Partnership
d/b/a Verizon Wireless

The matter involves a telecommunications tower greater than 40 feet in height in the village of Port Henry in the Town of Moriah, Essex County.

Mr. Mezzano reported that the Committee voted unanimously to move the project to the Agency for approval. He called attention to minor changes to the draft permit following the Committee vote.

Mr. Weber reviewed the changes to the findings on pages 6 and 8 of the draft permit, and noted they were based on new information provided by the project sponsor.

Prior to moving the project to the full Agency for approval, Mr. Mezzano queried Committee members as to whether or not the subsequent revisions raised any questions or affected their votes. No questions were raised and the Committee vote stood as reported.

Mr. Mezzano then moved the project to the Agency Board for approval. Mr. Lussi seconded the motion, which passed unanimously. (Chairwoman Ulrich, Members Booth, Craig, Lussi, Mezzano, Thomas, Valentino, and DEC Designee Stegemann voted in favor of the motion.)

A copy of the Project Permit as approved by the Agency is attached to the official minutes on file at the Agency.

(2) 2009-256, Town of Lake Luzerne

Mr. Mezzano commended the staff update on the Town of Lake Luzerne project involving the chemical treatment of Lake Luzerne to control Eurasian watermilfoil, for which an Agency permit was issued in February 2010.

b. Local Government Services Committee

(1) Town of Day Local Land Use Program Amendment

On motion of Mr. Thomas, seconded by Mr. Craig, the Agency unanimously approved the Town's proposed program amendment involving the complete repeal and replacement of the existing Zoning Law and Subdivision Law. (Chairwoman Ulrich, Members Booth, Craig, Lussi, Mezzano, Thomas, Valentino, and DEC Designee Stegemann voted in favor of the motion.)

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A copy of the Resolution as approved by the Agency is attached to the official minutes on file at the Agency.

c. Park Policy and Planning Committee

Mr. Booth complimented the presentation on the Adirondack Partnership Recreation Work Group Initiative and discussion about successful development related to improving tourism in the Park.

d. Economic Affairs Committee

Mr. Lussi noted the Committee's approval of the minutes of its August meeting, as well as an informative presentation by Donna Wadsworth of International Paper's Ticonderoga Mill.

e. State Land Committee

Mr. Booth commended the DEC staff overview of the State's recent acquisition of primarily Finch, Pruyn lands through The Nature Conservancy, as well as their presentations on a proposal for a minor amendment to the Watson's East unit plan and implementation of the St. Regis Canoe Area unit plan.

Mr. Booth advised board members to bear in mind Agency staff's comment that with any unit management plan there are a number of things that have not been done.

Chairwoman Ulrich acknowledged Mr. Booth's advice, and noted there is need for additional resources at DEC and the Agency to properly care for the Adirondack Park.

f. Public Awareness and Communications Committee

Mr. Valentino applauded the impressive and informative presentation by Dr. Jodi Hilty of the Wildlife Conservation Society on climate change in the Adirondacks.

3. Interim Reports

The Park Ecology, Legal, Enforcement and Administration committees did not meet this month. Monthly activity reports for several of these committees were included in the mailing.

4. New Business

In response to a question from Mr. Craig regarding current Agency job postings, Ms. Martino discussed the procedural aspects of the Counsel and Assistant Director of Regulatory Programs positions.

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5. Public Comment

Daniel Plumley, representing Adirondack Wild, noted the upcoming "Stewarding the Wild Adirondacks" workshop scheduled for November 3 and 4 at Paul Smiths VIC. He also commented on the recent Finch Pruyn/Nature Conservancy land deal and subsequent classification and unit management planning process.

Mr. Plumley's comments are available in the webcast of this meeting: http://nysapa.granicus.com/ViewPublisher.php?view_id=2

6. Local Government Review Board Comment

Review Board Executive Director Fred Monroe commented on the Finch Pruyn land deal. He reiterated the Review Board's opposition to the State's fee acquisition of productive forest lands and commented on the negative impacts that the acquisition will have on the forest products industry and the involved communities. He urged the Agency to consider ways to mitigate impacts in working through the classification and unit management planning processes.

He also stated that both the forest products industry and communities will be negatively impacted by this acquisition. He stressed the importance for the Agency to consider ways to mitigate the impacts to the economy and the forest products community and to the loss of tax base, in working through the classification and unit management planning process for these lands, particularly in terms of access and preserving building rights.

7. Member Comment

Mr. Valentino called attention to the broadband initiative, requested visuals on the Finch land deal, and spoke about invasives, the strategic disconnect, and the need for a new law to discourage the transport of invasives from one body of water to another. He also suggested DEC be designated as the lead agency in the state to coordinate all efforts concerning invasives.

Mr. Thomas said he looked forward to a better definition of the Finch Pruyn land transfer in the near future.

Mr. Mezzano requested that staff provide an update at an upcoming meeting on the status of recent legislation which prohibits the sale and/or transport of aquatic invasive species.

Mr. Stegemann emphasized the significance of the invasives issue at DEC. He commented on the Finch Pruyn land deal and the Department's advance preparation while respecting the established process for

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classification of Forest Preserve lands. He also noted the IP presentation, illustrating the interaction of economy and environment in the Park, and consistency with the Agency's mission.

Mr. Lussi commended the State of the Lake report on the Lake Champlain Basin Program, particularly its content on climate change, historical references, and what people can do individually to improve water quality and environmental health.

Chairwoman Ulrich concurred and suggested adding a hyperlink to the report on the Agency website.

Mr. Craig noted he had been reflecting on wilderness lately in the wake of an article by Joe Hackett in the Adirondack Daily Enterprise about the differences in personal perspectives of wilderness.

Mr. Booth commended the IP presentation, and noted that as a big employer, IP is critical to the Adirondacks. He also referred to the differences in perspectives between big companies and small businesses in the Adirondacks. Mr. Booth commented on global climate change and was encouraged by the country's ability to make strategic choices to get out in front. He also expressed confidence in American industry's ability to find innovative answers and alternatives. Mr. Booth also commented on the need to improve dialogue between the scientific community and the public, and the Town of Day's abandonment of the term "half streets."

Ms. Reynolds provided follow up to previous comments regarding the Invasive Species Law. She advised that the law has passed and essentially directs DEC, in cooperation with the Department of Agriculture and Markets, to come up with regulations limiting both the transport and the sale of invasive species, by September 1, 2013. The law contains broad wording as to what should be regulated and certain considerations will likely be addressed through the regulations. Also, the law contains an enforcement provision that provides for fines.

Ms. Martino commented on habitat connectivity and the Agency's re-engagement with representatives from the Algonquin Park in Canada. She noted there is a high level of interest in connecting the two parks in terms of wildlife connectivity. Ms. Martino also commented on the anticipated Finch land acquisition and subsequent classification process. She noted the classification process for State Forest Preserve lands is addressed in an MOU between APA and DEC, and involves the revision of the State Land Master Plan and the approval of the Governor. She discussed the Agency's role as lead agency in the SEQRA process, the establishment of alternatives, and the need for public input through public hearings that will be

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conducted by the Agency in locations around the state. Ms. Martino also advised that future ability to travel to the site would likely be part of a process for Board deliberations, with engagement of the Board consistent with the Open Meetings Law.

Chairwoman Ulrich spoke to the need for improved public education and interaction between the scientific community and the public. She suggested the role of the Agency in looking at the full picture, and acting as a connector to bring together the scientific, tourism, economic, and educational communities to ask questions in search of better solutions. She referred to the discussion on Thursday regarding sustainable tourism development in the Park, and noted that quality schools and healthcare facilities are major considerations for people who are contemplating relocating their businesses and families to the Park. Quality medical facilities are also important for tourism and recreation destinations.

8. Adjournment

The Agency unanimously adjourned at 12:30 p.m.

LCU/TDM/dal

Attachments:

2013 Agency Meeting Calendar

2010-71, New York RSA No. 2 Cellular Partnership d/b/a Verizon

Wireless

Resolution Approving Amendments to the Town of Day Local Land Use

Program

Leilani Crafts Ulrich, Chairwoman