



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

NOVEMBER 15, 2012

THURSDAY, NOVEMBER 15, 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 AND DESIGNEES ABSENT:

Cecil Wray, Member
Patrick Hooker, Designee, NYS Department of Economic Development

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
Keith McKeever, Public Information Director
Daniel Spada, Supervisor, Natural Resource Analysis
James Connolly, Deputy Director, Planning
Jennifer McAleese, Senior Attorney
Matthew McNamara, Environmental Program Specialist 1
Shaun LaLonde, Soil & Water Engineering Specialist
Laurie Bullis, Secretary 1
Susan Streiff, Keyboard Specialist 1
Mary Reardon, Secretary 1
Amy Hall, Calculations Clerk 1
Deborah Lester, Secretary to Executive Director

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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 a.m. She noted the absence of Member Wray and Designee Hooker.

1. Approval of October 11-12, 2012 Draft Agency Minutes

On motion of Mr. Thomas, seconded by Mr. Craig, the Agency adopted the Draft Agency Meeting Minutes of October 11-12, 2012.

2. Executive Director's Report

Ms. Martino reported on the following staff activities over the past month, as well as other observations and items of note:

- Climate Change - Last week's devastating impacts from Superstorm Sandy followed on presentations in October by Dr. Schlesinger about the vulnerability of at-risk species to climate change, and in September by Dr. Hilty about climate change and conservation in the global and Adirondack contexts. Central to these discussions is Bill McKibben's statement at the Adirondack Research Consortium meeting in May 2011 that this century will be defined by catastrophic weather events. Mr. McKibben's statement resonated as people witnessed the spring flooding of 2011, Tropical Storms Irene and Lee, and most recently Sandy, all of which will be recorded in history for their impacts and costs.

The Agency has been fortunate to host discussions and presentations to draw attention to the scientific perspective and also to hear from affected municipalities, and will see a presentation this month by Stephanie Radcliffe of The Wild Center, Paul Smith's College Professor Curt Stager and Corrie Miller of the Ausable River Association, on the Adirondack Climate and Energy Action Plan (ADKCAP). The Wild Center is the only site in New York State that has "Science on a Sphere," an exhibit that was featured in an educational program aired on television last Sunday morning.

As a further demonstration of continued emphasis on increased understanding and response strategies, the Chairwoman and Executive Director met recently with staff from the Wildlife Conservation Society, which has noted climate change as one of their top three concerns in the region, along with invasive species and the cumulative impacts of habitat fragmentation.

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On a related note, Ms. Martino recognized Suzanne McSherry of Agency staff for organizing a collection of donated items at the Agency for delivery to victims of Superstorm Sandy in Long Island.

- Mountain Bicycling - The November issue of *Adirondack Explorer* contained an article on mountain biking, which included coverage of a number of Agency staff members who are mountain biking enthusiasts and have worked as part of the Barkeater Trail Alliance (BETA) in the development of mountain bike trails in Lake Placid, Wilmington and Saranac Lake. The Alliance has been working with DEC to build well-sited and well-designed trails, to help establish the region as a destination for mountain bicycling enthusiasts. BETA's work follows on the earlier work of the Adirondack Park Mountain Bicycle Initiative, led by Lee and Judy Borland, ANCA and other regional and local tourism agencies that were pivotal in building a future for the Adirondack Park that included bicycling. Also of note is the progress that has been made by BETA in the three years following a February 2010 presentation to the Agency by Tim Tierney of Kingdom Trails Association. Mr. Tierney spoke of the economic opportunities related to mountain biking and the work that has been done by Kingdom Trails in the Northeast Kingdom of Vermont.
- Broadband - The Development Authority of the North Country (DANC) has successfully completed the construction of a telecommunications/broadband network across the northern portion of the Park. The network will haul all types of communications circuits in and out of the Adirondack Park region and connect to DANC's existing network. DANC expects the first telemedicine circuits to begin transmission shortly. DANC thanked the Agency, DEC, DOT and Army Corps of Engineers for their assistance in the permitting process.
- 2013-14 Budget - The Agency submitted its FY 2013-14 Budget Request in accordance with the budget call letter, which directed a baseline budget submission for 56 FTE staffing positions and a \$4.5 million budget.
- Follow-up to Topics Raised in Agency Board Discussions - At this meeting, DEC Assistant Commissioner of Natural Resources Kathy Moser will discuss the work of the Invasive Species Council and other DEC initiatives. DEC's Director of Lands and Forests, Rob Davies, will speak about responses to terrestrial invasives and issues about the Forest Preserve.
- Construction & Permitting Work Group - The Agency continues to participate in the work group, which is a statewide effort coordinated as part of the original State Regional Economic

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Development Councils. The wetland banking concept has been accepted by the work group and is being put forth as an important recommendation. Ed Frantz of DOT will present the prospectus for the agreement between APA, DOT and US Army Corps of Engineers to the Board at the December Agency meeting.

- APA-DEC Efficiency - The draft report was distributed to the Chairwoman and Commissioner for comment, to be followed by public input and then finalization of the report.

Mr. Stegemann highlighted the importance of involvement by communities and local organizations in the development of mountain bicycling trails. Mr. Stegemann said he welcomed further discussion on the topic of bike trails in Wild Forest areas in Saranac Lake.

Mr. Booth inquired as to the mandatory general counsel meetings that are held at the Capitol in Albany.

Ms. Martino advised that the meetings, which are held quarterly, are primarily a communications tool and provide opportunity for Governor's counsel to brief agency counsel on issues of importance. Agency counsel must be physically present for these meetings.

Mr. Craig noted the recent loss of Yellow Yellow, an Adirondack black bear who gained attention for his ability to open a bear-proof food canister. Yellow Yellow was killed by a hunter while attempting to open a food canister.

Chairwoman Ulrich reported she participated in Adirondack Day at the NYS Museum in Albany on November 3. She also acknowledged Mr. and Mrs. Valentino as well as Supervisor Bill Farber and David Kahn of the Adirondack Museum in Blue Mountain Lake for their participation in the event.

3. Recusals

Mr. Lussi stated his recusal from discussions and deliberations concerning project 2012-158, New Cingular Wireless (AT&T).

4. Motion to Adjourn into Committees

On motion of Mr. Stegemann, seconded by Mr. Lussi, the Agency unanimously adjourned into committees at 9:25 a.m.

The Agency reconvened at 4:30 p.m. to receive and act on committee reports and recommendations.

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5. Committee Reports

a. Regulatory Programs Committee

(1) 2012-153, Town of Harrietstown

The matter involved a request for a shoreline variance in the village of Saranac Lake, Town of Harrietstown, Franklin County. The applicant's proposal was for the replacement and expansion of an existing damaged retaining wall within 50 feet of the mean high water mark of the Saranac River, and installation of a new section of wall and access ramp on lands owned by the State of New York.

Mr. Mezzano moved Agency approval of the Committee recommendation to approve the project in accordance with the draft variance order. Mr. Lussi seconded the motion, which passed unanimously. Chairwoman Ulrich, Members Booth, Craig, Lussi, Mezzano, Thomas, Valentino, Designees Scozzafava (DOS) and Stegemann (DEC) voted in favor of the motion.

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

(2) 2012-158, New Cingular Wireless, PSC, LLC (AT&T)

Mr. Lussi was absent from the room during discussion and deliberation of the project, having stated his recusal due to a business affiliation with the project.

The matter involved a request for a general permit authorizing the replacement of existing omni-directional antennas with a nine-panel antenna array. The antenna array will be concealed behind roof gables atop the Crowne Plaza Resort in the village of Lake Placid, Town of North Elba, Essex County.

On motion of Mr. Mezzano, seconded by Mr. Booth, the Agency unanimously approved the general permit. Chairwoman Ulrich, Members Booth, Craig, Mezzano, Thomas, Valentino, Designees Scozzafava (DOS) and Stegemann (DEC) voted in favor of the motion.

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

(3) General Permit 2012G-1, Silvicultural Treatments That Meet Jurisdictional Clearcutting Thresholds

On motion of Mr. Mezzano, seconded by Mr. Valentino, the Agency voted unanimously to authorize staff to release the draft general permit for public comment.

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(4) General Permit 2008G-1B, Management of Aquatic Invasive Species Using Benthic Barriers and Hand Harvesting Techniques

On motion of Mr. Mezzano, seconded by Mr. Valentino, the Agency voted unanimously to authorize staff to release the draft general permit for public comment.

b. Public Awareness and Communications Committee

Mr. Valentino commended the presentation by Stephanie Racliffe, Curt Stager and Corrie Miller on climate change adaptation and planning for storm events.

c. Park Ecology Committee/Park Policy and Planning Committee

Messrs. Valentino and Craig noted a presentation by Kathy Moser of DEC, which focused primarily on aquatic invasives, and an update by Rob Davies, also of DEC, on terrestrial invasives in the Forest Preserve.

2. Interim Reports

The Administration, Legal, Enforcement, Economic Affairs, Local Government Services, and State Land committees did not meet this month. Monthly activity reports for several of these committees were included in the mailing.

a. State Land Committee

Mr. Booth moved approval of the draft minutes of the October 2012 committee meeting and Mr. Craig seconded the motion, which passed unanimously.

b. Economic Affairs Committee

Mr. Lussi inquired about the bike trail in Essex County, which was referred to in the monthly activity report.

Economic staff advised that the report was in reference to the second phase of the trail between Lake Placid and Saranac Lake.

b. Local Government Services Committee

Mr. Thomas noted that the first planning meeting for the Adirondack Park Local Government Day conference was held that morning. The Local Government Day conference is scheduled for April 24-25, 2013, in Lake Placid.

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Chairwoman Ulrich noted the planning committee's discussion of the impacts of municipal budget constraints on participation in the conference, particularly by small communities.

3. Public Comment

On behalf of Dan Plumley and Adirondack Wild, David Gibson thanked Mr. Stegemann, DEC and APA staff for participating in the stewardship workshop held earlier in the month at Paul Smith's College.

Eric Carlson, president of Empire State Forest Products Association, spoke about ESFPA's work with DEC and other agencies regarding invasive species, the company's substantial resources in the Adirondacks, and the forest industry's adoption of a system for utilizing waste, such as bark for trails and sawdust for pellets.

Comments by Messrs. Gibson and Carlson are available in the webcast of this meeting:

http://nysapa.granicus.com/ViewPublisher.php?view_id=2

4. Local Government Review Board Comment

Review Board Executive Director Fred Monroe expressed the Review Board's support for Mr. Booth's suggestion that there be a general shoreline setback variance procedure for pre-existing or permitted infrastructure. He also noted the Review Board's support for implementation of the general permits on clear cutting and invasive species. Mr. Monroe then commented on his perception of a difference in DEC's response to aquatic and terrestrial invasive species, with a more aggressive program for the terrestrial invasives. Mr. Monroe acknowledged the economic impacts of invasives on the forest products industry, but he also noted the economic impacts of aquatic invasives on local governments, who are struggling under the two-percent tax cap.

5. Member Comment

Mr. Valentino commented on the underfunding of DEC, and noted that superstorms, massive flooding, climate change, and invasives are all coming up at a time when little funding is available. He expressed his best wishes for a safe and happy Thanksgiving.

Ms. Scozzafava commented on Superstorm Sandy and the re-building that people are facing in New York City, Long Island and Staten Island. She expressed Thanksgiving Day wishes to all.

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Mr. Mezzano commended the presentations this month and expressed his appreciation for the opportunity to interact with the presenters and to probe deeper into these important issues. He noted severe budget constraints at all levels further impede efforts to address these problems.

Mr. Stegemann commented on invasives, which are of significant concern to DEC. He noted the importance of collaboration and communication to find solutions to these big problems. Mr. Stegemann commended DEC staff for their response to Superstorm Sandy. He also noted his one-year anniversary with DEC and he conveyed best wishes for Thanksgiving.

Mr. Lussi referred to the North Elba recreational trail project between Lake Placid and Saranac Lake. He requested that in future phases of the project, staff press the applicant and consultant for information regarding project costs such as construction of walkways through wetlands and crusher run to create the recreational path next to the tracks. Mr. Lussi then commended The Wild Center, noting it has become a valuable resource in the Park, particularly to school children and college students.

Mr. Craig commended the guest and staff presentations on topics that were not particularly uplifting. He noted a recent visit to friends and family in the desert of southern California and in Phoenix. He described a view from 9,000 ft. above the California desert that included roads, hundreds of windmills and thousands of houses, some perched high on cliffs. He also described hiking in a designated wilderness where it was hard to feel separated from the crowd. In Phoenix, he noted the ethnic and cultural makeup of the children. He expressed his hope for more diversity in the Adirondacks so that children can better understand the reality of the new America and the world. He also noted meeting several people in both California and Phoenix who work from home using high-speed internet. Mr. Craig expressed his appreciation for the clean air, water, and protected wild lands of the Adirondacks. He stressed the need for revitalization of hamlets and schools in the Park. Mr. Craig wished everyone a Happy Thanksgiving.

Mr. Booth referred to the presentations on invasives and suggested that the problem must be addressed on a radically different scale and approached as a societal issue. The global climate change issue is many multiples of that. He predicted that in the near future people will look back and be astounded the United States has just gone through a presidential election in which the global climate change issue was literally invisible. Mr. Booth stated he was encouraged by the comments of Mr. Carlson of Empire State Forest

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Products Association, who reported a 40 percent waste of fiber product 40 years ago by the forest products industry, compared to 1 percent today. Mr. Booth expressed best wishes for Thanksgiving.

Ms. Martino recognized the Chairwoman's one-year anniversary on November 9, 2011. She then credited the JIF staff for the reduction in average response time to jurisdictional inquiries to 16 days for the first time this year. Ms. Martino then commented on the message which resonated at this meeting that was also heard in the Common Ground Alliance; namely, the three threats to the Adirondacks are climate change, invasive species and acid rain. She thanked staff for their work on the two general permits. She also thanked Kathy Moser and Rob Davies of DEC for their participation in the meeting and for providing perspective on the Department's work with respect to invasive species. Ms. Martino wished everyone a happy Thanksgiving.

Chairwoman Ulrich commended DEC staff for their assistance to those affected by the superstorm. She referred to the ADKCAP presentation and commended Curt Stager for his slides which were very telling. She expressed confidence in the ability to move forward through development of public/private partnerships. She also applauded Mayor Bloomberg, Governor Cuomo and President Obama for openly speaking about extreme weather changes and global climate change. She acknowledged her one-year anniversary as Chairwoman, and wished everyone happy holidays.

6. Adjournment

The Agency unanimously adjourned at 5:05 p.m.

LCU/TDM/dal

Attachments:

2012-153, Town of Harrietstown

2012-158, New Cingular Wireless, PSC, LLC (AT&T)

Leilani Crafts Ulrich, Chairwoman