



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

JANUARY 10, 2013

THURSDAY, JANUARY 10, 2013

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

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

AGENCY MEMBERS AND DESIGNEES ABSENT:

Richard Booth, Member

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Frederick Monroe, Executive Director

AGENCY STAFF PRESENT

Richard Weber, Deputy Director, Regulatory Programs
Keith McKeever, Public Information Director
James Connolly, Deputy Director, Planning
Matthew McNamara, Environmental Program Specialist 1
Shaun LaLonde, Soil & Water Engineering Specialist
Laurie Bullis, Secretary 1
Mary Reardon, Secretary 1
Virginia Yamrick, Environmental Program Specialist 1
Kathleen Regan, Senior Natural Resources Planner
Colleen Parker, Environmental Program Specialist 3
Mark Rooks, Associate Project Analyst (Biological Resources)
Paul Van Cott, Associate Attorney

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Walt Linck, Associate Natural Resources Planner
Ariel Lynch, Environmental Program Specialist 2
Mary O'Dell, Conservation Biologist
Susan Parker, Environmental Program Specialist 1
John Burth, Environmental Program Specialist 2
Matthew Kendall, Associate Natural Resources Planner
Greg Bendell, Environmental Engineer
Denise Wagner, Environmental Program Specialist 1
Nancy Heath, Environmental Program Specialist 1
Douglas Miller, Environmental Program Specialist 2
Edward Snizek, Associate Project Analyst, Freshwater Resources
Milt Adams, Environmental Program Specialist 1
Susan Streiff, Keyboard specialist 1
Emily Tyner, Environmental Program Specialist 1
Steve Brewer, Senior Attorney
Dan Kelleher, Special Assistant for Economic Affairs
Jennifer McAleese, Senior Attorney
Aaron Ziemann, Associate Project Analyst, Forest Resources
Beth Phillips, Senior Attorney
Robyn Burgess, Environmental Program Specialist 1
John Barge, Mapping Technologist 3
Suzanne McSherry, Environmental Program Specialist 2
Mary Palmer, Keyboard Specialist 1
Elaine Caldwell, Administrative Officer
Brian Grisi, Local Planning Assistance Specialist
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 1:00 p.m.

1. Moment of Silence

The Chairwoman noted the recent passing of former Agency Board Member Arthur V. Savage, whom she referred to as "a giant in the history of the Adirondacks and the Agency." She asked Mr. Wray, a close friend and colleague of Mr. Savage, to speak to the legacy of Mr. Savage.

Mr. Wray noted Mr. Savage's passing at 86 years old. He described Mr. Savage as an important figure in the Adirondacks, and reviewed some of his many accomplishments throughout his lifetime. Mr. Savage practiced law in New York City for 60 years, which included four years with the United States Attorney's Office and the rest in private practice. In addition to being the first chairman of the New York State Bar Association Special Committee on Environmental Law, Mr. Savage was also involved with the Association for the Protection of the Adirondacks; Adirondack Mountain Reserve; founding

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trustee of the Adirondack Museum at Blue Mountain Lake; co-founder of the Adirondack Nature Conservancy; trustee of SUNY College of Environmental Science and Forestry from 1978-97; Parks & Trails NY; and member of the Adirondack Park Agency from 1979-97. In addition to all he did for the Adirondacks, Mr. Savage was also heavily involved in a number of other charitable and educational organizations. Mr. Wray concurred with Chairwoman Ulrich, that we have indeed lost a giant in the history of the Adirondack Park.

Chairwoman Ulrich noted it was always humbling to hear the accomplishments of those who came before us and try to do justice to the work they have done. She also expressed her appreciation to Mr. Wray for representing the Agency at the funeral service held for Mr. Savage last week in Pelham. The Agency then joined together for a moment of silence in honor and in memory of Arthur Savage.

1. Approval of December 13, 2012 Draft Agency Minutes

On motion of Mr. Mezzano, seconded by Mr. Hooker, the Agency unanimously adopted the Draft Agency Meeting Minutes of December 13, 2012.

2. Executive Director's Report

Ms. Martino reported on the following items of note:

- The recent shift to winter, which began in late December, has led to one of the best holiday weeks for outdoor recreation in recent years. The snowfall has boosted the winter economy and put the region on the map for all winter has to offer.
- The Executive Director and Chairwoman attended the January 9 State of the State in Albany. The event is an important marker for the beginning of the year, bringing together people from all across the state. The Governor's speech was inspirational and set forth a progressive agenda. He proposed the "Adirondack Challenge," which was both humorous and interesting in terms of his desire to see more events taking place in the Adirondacks.
- The State of the State followed on good news for the Adirondack region in December with the North Country winning recognition as a "Top Performer" in the Regional Economic Development Council program and an award of \$90.2 million to fund 82 projects ranging from broadband in Hamilton County, to regional infrastructure and tourism development funds, to a web portal for recreational marketing. The Capital Region was awarded \$50.3 million, while the Mohawk Valley Region was awarded \$59.7 million. The funding for all three regions directly affects the Adirondack Park.

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- In other notable activity before the end of 2012, the Finch land transaction was completed for the Essex Chain and Indian River tract. Agency staff will take the lead with SEQR in the development of the Draft Environmental Impact Statement (DEIS), which will be presented to the Agency Board and followed by public hearings and a recommendation in a Final Environmental Impact Statement (FEIS) to the Board. The Board's recommendation will then be forwarded to the Governor who will have final review and approval of the classification package as the final step in the process. Agency staff look forward to continued dialogue with DEC staff in these important steps, with the hope of completing the work by the end of the summer.
- The Agency has received numerous letters commenting on the proposed silvicultural general permit, in response to the Agency's public notice in the Environmental Notice Bulletin and four newspapers. By the end of the public comment period on December 28, the Agency had received more than 200 letters. Given the significant amount of public comment, the recent retirement of the Supervisor of Resource Analysis, and the holidays, staff felt it was important to take time to review the letters thoroughly and meet with stakeholders to further discuss the points raised. The Agency sees this deliberative process as being important, especially in ensuring that there is accurate information with respect to such things as how the general permit is intended to be used, eligibility criteria for use on private and easement lands, and informational points related to science, certification standards and Agency review. Staff believe the general permit will be good for both the environment and the economy, and will proceed with plans for an upcoming stakeholder meeting.

Chairwoman Ulrich noted that plans for a stakeholder meeting were very much in line with the Governor's State of the State remarks about the importance of working together. She commended Ms. Martino and staff for providing a setting to hear the different perspectives.

- Last fall the Agency Special Assistant for Economic Affairs assisted in a preliminary market analysis based on the need for a neighborhood-scale grocer that would offer fresh dairy and produce in the Town of Indian Lake. The analysis led to meetings with Indian Lake Local Development Corporation and Hamilton County IDA to determine the best way to move forward. As a result, a local business, with the help of potential incentives, is now expecting to physically expand its store by 900 sq. ft. to offer these perishable goods.

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- The January meeting mailing included staff work data through 2012. Staff are in the process of compiling that information into the 2012 Agency Annual Report, with a summary planned for the February meeting. Agency Members who would like to hear about specific areas of interest should contact the Executive Director.
- The Adirondack Daily Enterprise recently expressed a statement in its year-in-review which provided an important link between 2012 and the new year: "The Enterprise's view of the APA has evolved over the last four decades as succeeding generations of editorial writers - like Adirondackers in general, we believe - came to appreciate its upsides and accept many of its downsides." The statement overall was something the Agency welcomed for its perspective of time, recognition of change, and in the context of both appreciation and acceptance. The Agency thanks the Enterprise for its thoughtful statement, which provides a nice transition to the new year.

2. Adirondack Park Agency Counsel

Ms. Martino noted this day as being particularly meaningful, looking back to 2012 and forward to 2013, in terms of the Agency having gone without a Counsel since John Banta's retirement in April 2012. She commended Sarah Reynolds for the superb job she has done as Associate Counsel and Acting Counsel, and her daily involvement on the numerous activities that would typically engage the Agency Counsel.

Ms. Martino reported that during this time, the Agency's search for a Counsel has involved looking for candidates with stellar attributes of recognizing the Park as a special place, its people, its communities, and the magnificence of its environment. A person who would have an awareness and appreciation for the Agency's statutes in its work in the protection of public and private lands; how the Agency has the regulatory tools for environmental protection; knowledge of land use planning and community outreach; and adherence to the Private Land Use and Development Plan and the values of the State Land Master Plan.

She stated her belief that the Agency had found such a person in the recommendation that she would put forth at this time, an individual with the highest integrity, a comprehensive understanding of the law, a passion for the Adirondack Park, with the added benefit of a long history of working relationships within the region and within the Agency, and an individual who has worked tirelessly on many complicated Park issues and who will hit the ground running, making 2013, the fortieth year of the Agency, a truly exceptional year.

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Ms. Martino said it gave her the greatest pleasure to recommend James T. Townsend for the position of Counsel at the Adirondack Park Agency.

Mr. Wray so moved and the motion was approved by acclamation.

Chairwoman Ulrich expressed her appreciation to Ms. Martino as well as Elaine Caldwell for their professionalism in guiding this process. She noted this is a good day for the Agency and for the Park now, in the immediate future and for the long term, to have the benefit of Mr. Townsend's passion, knowledge and work ethic that are beyond compare.

Ms. Martino advised that Mr. Townsend will join the Agency staff on or about January 29. She again thanked Associate Counsel Sarah Reynolds for her able assistance over the past several months.

The Chairwoman added that the Agency's confidence in Mr. Townsend's smooth transition to the Counsel position was due in large part to the anticipated support from Ms. Reynolds. On behalf of the Board members, she presented Ms. Reynolds with a small token of appreciation for her great assistance in her role as Acting Counsel.

3. Motion to Adjourn into Committees

On motion of Mr. Wray, seconded by Mr. Craig, the Agency unanimously adjourned into committees at 1:28 p.m.

The Agency reconvened at 4:05 p.m. to receive and act on committee reports and recommendations.

4. Committee Reports

a. Regulatory Programs Committee

(1) General Permit 2008G-1B

On motion of Mr. Mezzano, seconded by Mr. Lussi, the Agency unanimously approved the general permit for the management of aquatic invasive species using benthic barriers and hand harvesting techniques. Chairwoman Ulrich, Members Craig, Lussi, Mezzano, Thomas, Valentino, Wray, Designees Hooker (DED), 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.

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- (2) 2011-156, Independent Towers Holdings, LLC, New Cingular Wireless PSC, LLC, St. Lawrence County, Office of Emergency Services, and Lisa Anne Sizeland

Mr. Mezzano reported that the Committee received a retrospective from staff on Project 2011-156, a telecommunications tower project approved by the Agency in April, 2012. The tower, located in the Town of Clifton, St. Lawrence County, has since been constructed and is well camouflaged in the form of a simulated pine tree.

b. State Land Committee

- (1) Taylor Pond Wild Forest Complex Unit Management Plan

On motion of Chairwoman Ulrich, seconded by Mr. Stegemann, the Agency unanimously approved a resolution finding that the unit management plan conforms to the general guidelines and criteria of the Adirondack Park State Land Master Plan. Chairwoman Ulrich, Members Craig, Lussi, Mezzano, Thomas, Valentino, Wray, Designees Hooker (DED), Scozzafava (DOS) and Stegemann (DEC) voted in favor of the motion. A copy of the resolution as approved by the Agency is attached to the official minutes on file at the Agency.

c. Park Ecology Committee

Mr. Valentino commended a presentation given by Brendan Quirion of the Adirondack Park Invasive Plant Program on efforts to address the spread of terrestrial invasive species in the Park.

5. Interim Reports

a. Legal Affairs Committee

Mr. Wray expressed delight with the appointment of a new Counsel to the Agency.

b. Local Government Services Committee

Mr. Thomas noted a meeting was held earlier in the day of the planning committee for the Adirondack Park Local Government Conference. Plans are moving ahead for the conference, which is scheduled for April 24-25 in Lake Placid.

6. Local Government Review Board Comment

On behalf of the Local Government Review Board, Executive Director Fred Monroe commended the Agency for its approval of revisions to the general permit for the management of aquatic invasive species. He also noted the Review Board's position that the science should

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govern the proposed general permit for silvicultural management to address certain jurisdictional clearcutting.

7. Member Comment

Mr. Valentino commented on the recent acquisition by the Open Space Institute of the Marion River Carry near Blue Mountain Lake. He noted it was an example of a small but important acquisition in terms of connectivity. Mr. Valentino also welcomed Mr. Townsend's return to the Agency.

Mr. Hooker acknowledged Mr. Monroe's comment regarding the silvicultural permit, and concurred with Ms. Martino's comments as to the importance of deliberation and clear explanation to the process. He also commented on how well-concealed the cell tower in Clifton is, and compared it to a tower outside Binghamton, which he described as a distraction.

Ms. Scozzafava echoed Ms. Martino's opening remarks regarding the State of the State event. She agreed it was exciting and encouraging, particularly the references to initiatives to attract people from downstate Adirondacks.

Mr. Thomas thanked Ms. Reynolds for transitioning the Agency between Counsels. He also welcomed Mr. Townsend's return to the Agency.

Mr. Mezzano said he looked forward to a bright future with Mr. Townsend as Counsel, and stated that the respect and trust that he held for John Banta as Counsel would apply equally to Mr. Townsend. He also commended Dan Kelleher's assistance with the grocery store in Indian Lake, noting it was another example that spoke to the quality of Agency staff.

Mr. Stegemann expressed DEC's respect and appreciation for Sarah Reynolds. Regarding the Taylor Pond unit management plan, he commended Dan Levy and involved DEC staff for their work in putting the plan on the ground. Mr. Stegemann also noted the Governor's attention to the Adirondacks, and referred to him as a true leader in recognizing the state's assets.

Mr. Lussi acknowledged the Governor's recognition of the Adirondacks. At the same time, he pointed out the Saranac Lake mayor's recent experience in Long Island when he questioned a number of people on the street and none could identify the Adirondacks and where they were. Mr. Lussi stated that there continued to be a challenge in raising awareness about the Adirondacks and creating economic opportunities, particularly in smaller towns and villages that are unable to sustain themselves. He referred to the

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Adirondack invasive species program as an opportunity to remain a leader on a global level.

Mr. Valentino commented on Mr. Lussi's reference to Long Island, and pointed out that those who were questioned knew where Vermont was. He noted that marketing their state is a priority of the State of Vermont. He acknowledged New York's many pressing issues, but urged the State to place higher priority on marketing and tourism branding.

Mr. Craig acknowledged the incredible resources that the Park has to offer, resources that should be both protected and made available to recreationists. He expressed a concern about the growing demand for recreational opportunities for the modern outdoors person, and the need to re-examine the balance between recreation and preservation with the recognition that fewer people are using the backcountry.

Ms. Martino again remarked on the Governor's State of the State message and how it symbolized democracy in action. She noted the Governor's recognition of the importance of effectively promoting events and products that are unique to a particular region, and of defining place. She referred to the Governor's new initiative to increase growth in upstate New York with \$5 million to be awarded to regions that present the best marketing plans. Ms. Martino acknowledged Vermont's successful marketing and branding of their small, predominantly rural state. There is real opportunity for the Adirondacks to do the same, she said. Ms. Martino then referred to the announcement of Mr. Townsend as Counsel, and expressed her appreciation to Elaine Caldwell for her hard work in guiding the process to completion. She also said she looked forward to Mr. Townsend joining the Agency as Counsel, and to Ms. Reynolds focusing on her Associate Counsel responsibilities.

Chairwoman Ulrich echoed the thanks expressed for the guidance provided by Ms. Reynolds as Acting Counsel. She also expressed her deepest thanks to Governor Cuomo and his staff in Albany for the appointment of Mr. Townsend, noting it was a statement of confidence in Mr. Townsend as well as the Agency. She referred to the enthusiastic reaction from the staff on word of his appointment, and described it as a wonderful moment for the Agency and for the Park. The Chairwoman also commented on the Governor's proposal for an "Adirondack Challenge," with legislators competing against each other in boats, and she recalled her early involvement with Common Ground Alliance when she had suggested a similar event, such as a ball game, as an opportunity for the different sides of the Adirondack debate to become acquainted with each other. She noted significant progress has been made over the years, and recalled a piece in the Adirondack Explorer publication which captured how far the Adirondack debate has come in that parties can disagree on land

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acquisition in the morning and come together about invasive species in the afternoon. In follow up to the APIPP presentation, she called on communities and private organizations in the Park to learn what they can do to make a difference in the battle against invasives. She also extended an invitation through Mr. Glennon in the audience for Protect! the Adirondacks to join together in this effort.

8. Adjournment

The Agency unanimously adjourned at 4:30 p.m.

LCU/TDM/dal

Attachments:

General Permit 2008G-1B

Resolution - Taylor Pond Wild Forest Complex Unit Management Plan

Leilani Crafts Ulrich, Chairwoman