



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

MARCH 14-15, 2013

THURSDAY, MARCH 14, 2013

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
Cecil Wray, Member
Patrick Hooker, Designee, NYS Department of Economic Development
Dierdre Scozzafava, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Department of Environmental Conservation
Terry Martino, Executive Director
James Townsend, Counsel

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF ABSENT

F. William Valentino, Jr., 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
Shaun LaLonde, Soil & Water Engineering Specialist
Laurie Bullis, Secretary 1
Mary Reardon, Secretary 1
Kathleen Regan, Senior Natural Resources Planner
John Burth, Environmental Program Specialist 2
Dan Kelleher, Special Assistant for Economic Affairs
Aaron Ziemann, Associate Project Analyst, Forest Resources
Elaine Caldwell, Administrative Officer
Sarah Reynolds, Associate Counsel

DRAFT AGENCY MINUTES

March 14-15, 2013

Page 2

Michael Hannon, Environmental Program Specialist 1
Edward Snizek, Supervisor, Resource Analysis & Scientific Services
Leigh Walrath, Environmental Program Specialist 1
Elizabeth Stankus, Student Assistant (IT)
Mark Rooks, Associate Project Analyst, Biological Resources
Greg Bendell, Environmental Engineer
Deborah Lester, Secretary to Executive Director

Video and MP3 audio recordings of the proceedings, including public comment, are available in their entirety via webcast at http://nysapa.granicus.com/ViewPublisher.php?view_id=2.

Chairwoman Ulrich called the meeting to order at 9:03 a.m. She referred to the ongoing situation involving the Herkimer County shootings, and expressed condolences to the families and agencies that have been affected.

The Chairwoman also noted the birth of Elliot Thomas Ziemann, born on March 6th to Aaron Ziemann of Agency staff and his wife, Kerri.

1. Approval of February 14, 2013 Draft Agency Minutes

On motion of Mr. Booth, seconded by Mr. Thomas, the Agency unanimously adopted the Draft Agency Meeting Minutes of February 14, 2013.

2. Executive Director's Report

Ms. Martino reported on the following items of note:

- The Agency's 2012 Annual Report has been distributed to Adirondack Park legislators and the Governor.
- Agency staff participated in the Northern Adirondack Code Enforcement Officers Training held March 4-7 in Lake Placid. Staff met with 98 code enforcement officers from 27 towns and villages and 8 surrounding municipalities in the Park.
- Thanks to David Gibson and Dan Plumley from Adirondack Wild for providing the Agency with copies of *Intensive Timber Harvest in Private Adirondack Forests*, which are the proceedings of a conference convened in 1980 by former Agency Chairman Ted Ruzow. The proceedings are an important document in the Agency's institutional history and provide a valuable overview of the forest industry from a historic context, including the concerns about "clearcutting" and the use of mechanized equipment and herbicides, the growing awareness of acid rain impacts, real estate tax assessments on private forest lands, and the impacts of the energy crisis on wood supply. The proceedings and follow-up

DRAFT AGENCY MINUTES

March 14-15, 2013

Page 3

recommendations are a reflection of the thoroughness of the analysis of the industry. The discussion from 33 years ago resonates today, how the region's forestlands have been the backdrop to discussions about open space preservation, recreational use, and the role and work of the forest products industry.

There have been numerous other reports since then, including the 21st Century Report, the Northern Forest Lands Council report and the 10 year anniversary report of the Northern Forest Lands Council, as well as the Northern Forest Center's Strategic Economy Initiative, numerous task forces, strategic reports in 1991 and 1997 on primary and secondary wood processing, the State of the Forest report, and International Year of the Forest in 2011.

Mr. Stegemann noted that the Northern Forest Lands Report was preceded by the Northern Forest Lands Study, which began in 1988, and had intensive public involvement. Stakeholders included four delegates from each state (Maine, New Hampshire, New York and Vermont) representing the landowner, state environmental conservation agency, local government, and environmental organization, and a USDA Forest Service representative.

In the 33 years since the Intensive Timber Harvest proceedings, the Park has seen the advances of invasive species, new ownership and management patterns in TIMO's, the loss of paper and pulp companies, the increase of cogeneration facilities and interest in biofuels, the emergence of certification standards to ensure sustainable harvest management, and interest by the public in the purchase of certified, sustainable products.

Additionally, the Agency heard a presentation at the February 2013 meeting from the Saranac Lake Central School District on their biomass unit, and on March 18 Agency staff will participate in a tour at SUNY-ESF of their biomass unit, similar to what the Agency is considering in partnership with DEC and the State Police.

Chairwoman Ulrich noted her approval that more progress had been made in this effort, and she commented that the Agency should help lead the way in building the market.

Ms. Martino then referred to the meeting agenda which features a presentation on sustainable forestry management and forest certification by SUNY-ESF Professor René Germain, and a report on the state of the forest by Rob Davies, State Forester at NYS DEC.

In addition to being provided copies of the material on the 1980 proceedings and the current meeting discussion topics, the Agency has also been provided copies of three articles from the book,

DRAFT AGENCY MINUTES

March 14-15, 2013

Page 4

The Great Experiment in Conservation: Voices from the Adirondack Park, entitled "Upland Forests of the Adirondacks" by Charles Canham; "A Perspective from the Forest-Products Industry" by Roger Dziengeleski; and "Forestry in the Adirondacks - An Economy Built on a Handful of Species" by William Porter. The Agency extends a thank you to Syracuse University Press for allowing distribution of these excerpts.

Relative to the ongoing discussions on the draft sustainable forestry general permit, an Amended Negative Declaration was published in the March 13 Environmental Notice Bulletin which stated the Agency's determination that the adoption of the general permit by itself would not have an adverse impact on the environment. The Amended Negative Declaration contains the same conclusions as the previous document, but includes the additional information presented to the Agency last month and addresses the comments that Agency staff had overlooked significant factors as they were developing the general permit. Agency executive staff are convinced the staff's work was thorough and followed through on the additions in the Amended Negative Declaration to incorporate information gained from the public comment period, existing staff analysis and project review. The amended copy allows for a new comment period through April 11, and gives the Agency the continued opportunity to focus on the substance of modern forestry management practices as it considers next steps.

Chairwoman Ulrich noted this as an opportunity for dialogue that will inform the Agency and the public, as well as an opportunity to have a thorough and in-depth look at what is happening to the forests. She expressed her appreciation for the wealth of information that has been provided to the Agency to date, and she commended everyone who had provided comment.

- The Agency's departmental bill, which allows the transfer of development rights, has been posted to the Agency website along with questions and answers. Staff are planning a presentation on the bill at the April Agency meeting. The bill, which is a carryover from past years, will allow the transfer of development rights from lands classified from more restrictive to less restrictive within the same municipality. It will also require the filing of the permit at a time prior to the work proceeding rather than within a 60-day time period.

Counsel Townsend noted the bill is awaiting sponsorship within the Legislature.

DRAFT AGENCY MINUTES

March 14-15, 2013

Page 5

- Edward Snizek has been appointed to the position of Supervisor, Natural Resource Analysis in the RASS Division, effective March 14. Mr. Snizek joined the Agency in 2001 as an Environmental Program Specialist in the Enforcement Division. He was promoted in 2004 to Associate Adirondack Park Project Analyst, Freshwater Resources, in the RASS Division. Prior to coming to the Agency, Mr. Snizek was the Director of Environmental Health at the Clinton County Department of Public Health for over 10 years. Mr. Snizek has a Master's degree in Freshwater Ecology from DePauw University and a Bachelor's of Science in Biology from Old Dominion University.

Chairwoman Ulrich and Ms. Martino commended the retirement celebration recently held for Dan Spada at the Wild Center in Tupper Lake. They thanked Kathy Regan for organizing the event.

3. Recusals

Mr. Monroe noted his recusal from participation in the discussion of Project 2012-219, Town of Chester.

4. Adjournment

On motion of Mr. Thomas, seconded by Mr. Stegemann, the Agency adjourned to committees at 9:30 a.m.

DRAFT AGENCY MINUTES

March 14-15, 2013

Page 6

FRIDAY, MARCH 15, 2013

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
Cecil Wray, Member
Patrick Hooker, Designee, NYS Department of Economic Development
Dierdre Scozzafava, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Department of Environmental
Conservation
Terry Martino, Executive Director
James Townsend, Counsel

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF ABSENT

F. William Valentino, Jr., Member

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Gerald Delaney, Chairman

AGENCY STAFF PRESENT

Richard Weber, Deputy Director, Regulatory Programs
Keith McKeever, Public Information Director
James Connolly, Deputy Director, Planning
Kathleen Regan, Senior Natural Resources Planner
Milt Adams, Environmental Program Specialist 1
Brian Grisi, Local Planning Assistance Specialist
Mark Rooks, Associate Project Analyst, Biological Resources
Deborah Lester, Secretary to Executive Director

Chairwoman Ulrich called the meeting to order at 10:05 a.m. She called attention back to the shootings in Herkimer County that took the lives of four people and a canine officer, and wounded two, and announced a community benefit for the victims of the shootings and their families is being organized for March 24 at the American Legion hall in Mohawk.

DRAFT AGENCY MINUTES

March 14-15, 2013

Page 7

1. **Community Spotlight - Town of Day, Saratoga County**

Mary Ann Johnson, Supervisor of the Town of Day, was the featured Community Spotlight speaker. She was assisted in her presentation by other town officials including Kenneth Metzler, Code Enforcement Officer; Dave Davidson, Zoning Board Chairman; Ted Mirczak, Planning Board Vice Chairman; and David Cox, Planning Board Chairman. A copy of their PowerPoint presentation is attached to the official minutes on file at the Agency.

Supervisor Johnson pronounced the Town of Day's vision of its future:

"The vision of the future of the Town of Day is grounded in the past, and in the present. Simply put, 20 years from now, the Town of Day should look and feel as it does now - rural, rustic, quiet and unspoiled with woods and lake and mountain views."

She then presented a photographic overview of the town from a historical perspective and as it exists today. A significant historical event in the town was the construction of the Conklingville Dam on the Sacandaga River in 1930, which involved the taking of 30,000 acres of land and brought about the creation of the Hudson River-Black River Regulating District (HR-BRRD). Prior to that event, the town was a vibrant farming and lumbering community with a larger population than in its present day.

Mr. Metzler reviewed a land use and development time line, which started in 1971 when the Town Board met to discuss formation of a Planning Board and ended in 2012 when it adopted a revised Subdivision Law and Zoning Ordinance.

Mr. Cox described the Town's viewshed protection law which was established to protect the viewshed of the mountainside and shoreline areas. He discussed the creation of an overlay district, site plan review process and clear cutting restrictions on commercial logging and residential tree cutting. Mr. Cox referred to the Agency's draft silvicultural general permit and urged the Agency to not make it easier for loggers and individuals to clear cut within viewsheds and other critical environmental areas throughout the Park.

Mr. Mirczak discussed the Town's Comprehensive Plan, which was originally adopted in 1983 and revised in 2010. The two-year process involved committee meetings, public presentations, workshops and a comprehensive mail survey which saw an impressive 51% return in favor of changing nothing. The Town also appointed a Local Law

DRAFT AGENCY MINUTES

March 14-15, 2013

Page 8

Review Committee, which led to the adoption in 2012 of revisions to the Subdivision Law and Zoning Ordinance.

Mr. Davidson discussed some of the challenges facing the Town of Day including population and infrastructure, geography, town governance resources, ability to work proactively with APA, DEC and HR-BRRD and impacts of DEC and APA actions, status of lands around Great Sacandaga Lake (i.e., stakeholders and role of APA, DEC and HR-BRRD), and activation of existing telecommunications towers.

The Supervisor and town officials responded to questions concerning visibility of the cell tower, the HR-BRRD "taking line" and permitting of docks, interaction with DEC, school district(s), recreational opportunities, interconnectivity with the Forest Preserve, and conservation easement lands.

The Town was encouraged to submit their comments and concerns regarding the draft silvicultural general permit and any other matter before the Agency.

Chairwoman Ulrich commended the Supervisor and town officials on the Spotlight presentation. She noted in particular her appreciation for the historical aspect, which added valuable perspective and context. The Chairwoman then presented Supervisor Johnston with a certificate of appreciation.

The Agency temporarily adjourned to committee at 11:15 a.m., and then reconvened at 11:45 a.m. to receive and act on the recommendations of the committees.

2. Committee Reports

a. Regulatory Programs Committee

(1) 2012-219, Town of Chester

The project involves the application of Renovate to a portion of Loon Lake in the Town of Chester, Warren County, for the control of Eurasian watermilfoil.

On motion of Mr. Mezzano, seconded by Mr. Lussi, the Agency unanimously approved the project. It was also noted by Mr. Booth, and confirmed by Chairwoman Ulrich, that authority to revise the draft permit in response to the Adirondack Council's March 12, 2013 letter would be delegated to the Executive Director, in consultation with Counsel. A copy of the permit, as approved by the Agency, is attached to the official minutes on file at the Agency.

DRAFT AGENCY MINUTES

March 14-15, 2013

Page 9

(2) 2013-11, The Arts Guild of Old Forge, Inc.

The project involves the construction of a boardwalk involving wetlands in the Town of Webb, Herkimer County.

On motion of Mr. Mezzano, seconded by Ms. Scozzafava, the Agency unanimously approved the project. A copy of the permit, as approved by the Agency, is attached to the official minutes on file at the Agency.

b. Economic Affairs Committee

Mr. Lussi reported the Committee heard a presentation by Sarah Reed of the Wildlife Conservation Society on conservation development projects, primarily in the western US, and how they can serve as a model to reflect on and possibly use in community planning projects in the Park.

He also called attention to a recent editorial in the Valley News which recognized economic specialist Dan Kelleher for his assistance to the Town of Indian Lake in their effort to attract a grocery store to their community.

c. State Land Committee

Mr. Booth noted a staff presentation on the classification process and revisions to the State Land Master Plan.

3. Interim Reports

The Administration, Legal Affairs, Local Government Services, and Public Awareness and Communications committees did not meet this month. Monthly reports for some of these committees were included in the mailing.

a. Local Government Services Committee

Mr. Thomas reported that a meeting was held that morning of the planning committee for the 16th Annual Adirondack Park Local Government Conference. Plans are moving ahead for the conference, which is scheduled for April 24-25 in Lake Placid. Agency Members who plan to attend the conference were asked to submit their completed registration forms prior to leaving.

DRAFT AGENCY MINUTES

March 14-15, 2013

Page 10

4. Public Comment

Ed Griesmer, president of the Loon Lake Park District, expressed appreciation for the Agency's approval of the permit. He also spoke about the threat of invasives to water bodies in the Park, and the primary mission of all lake associations to protect their lakes and keep them clean and safe for all to use.

William Kissel, Lake Placid resident and former Agency Member, commended the Agency for its choice of Jim Townsend as the new Counsel. He spoke of Mr. Townsend's unique qualifications and his depth of knowledge in all areas of the Agency's work, particularly regarding State land issues. Mr. Kissel also commended staff's presentation on the State Land Master Plan classification and revision process, and noted the important classification decisions that lie ahead for the Agency.

5. Local Government Review Board Comment

On behalf of the Local Government Review Board, Chairman Gerald Delaney applauded the Agency's approval of Project 2012-219 and authorizing the treatment of Loon Lake in the Town of Chester with Renovate to control Eurasian watermilfoil.

6. Member Comment

Messrs. Hooker, Thomas and Wray expressed their individual appreciation for the forestry presentations, the Town of Day Community Spotlight, and the State Land Master Plan presentation.

Mr. Mezzano also commended the forest management presentations, and particularly the discussion of the forest certification process. He referred to the Town of Day presentation and pointed out some apparent misunderstanding on the Town's part about the Agency's draft silvicultural general permit and its intent. He expressed hope for a better understanding of the matter before it comes back to the Agency. Mr. Mezzano also congratulated JIF staff on achieving a 10-day average response time for jurisdictional inquiries.

Mr. Stegemann commented on the forestry management presentations and their great value to informed Agency decision making. He was also appreciative of the update on the Finch classification process.

Mr. Lussi concurred with his colleagues about the forestry presentations, and noted he was impressed particularly with Professor René Germain's hands-on experience and academic credentials. He also commended the historical reports on intensive

DRAFT AGENCY MINUTES

March 14-15, 2013

Page 11

timber harvesting and clear cutting in the Park as well as the excerpts from *The Great Experiment in Conservation*. Mr. Lussi observed the value of learning about the experiences of regions outside the Park through presentations like Sarah Reed's.

Mr. Craig expressed thanks to Agency staff and particularly DEC staff, as well as staff at APIPP and Wildlife Conservation Society for helping him to prepare for an upcoming Skype session with his granddaughter and her fourth grade classmates who are researching invasive species.

Mr. Booth remarked on the Town of Day's enthusiasm and their appreciation for the town's history. He then referred to the historical reports on timber harvesting and clearcutting that led to the clearcutting rules which are now subject of the Agency's continuing discussions. He noted that at that time there were substantial communications between the Agency and the forest products industry, and that the record would also show that the resulting regulations were much less intrusive into the industry than some were recommending at the time.

Mr. Townsend acknowledged the positive comment regarding his appointment to the Counsel position. He also said he looked forward to working with Ed Snizek in his new position as Supervisor, Natural Resource Analysis.

Ms. Martino referred to the historical reports and excerpts related to clear cutting and timber harvesting, and to the importance of looking at the historical perspective and hearing from experts in the field. She encouraged Agency Members to read the material in preparation for future discussion. She commended the presenters on forest management, certification, conservation easements, and Agency jurisdiction and review. She also commended the presentation on revisions to and classification criteria of the State Land Master Plan as the Agency deals with the Finch lands in the coming months and years. She thanked the Town of Chester and the Loon Lake Association for their thorough work which allowed staff to process and review the project efficiently and expeditiously.

Chairwoman Ulrich thanked the Executive Director and the staff for presenting a wealth of information for the Agency's consideration. She also expressed her appreciation to Mr. Kelleher and Agency Member Craig for their ongoing involvement with the J&L site remediation discussions. She also noted she would be providing an interview to the Legislative Gazette next week about the Agency and its responsibilities inside the Park.

DRAFT AGENCY MINUTES

March 14-15, 2013

Page 12

7. Adjournment

The Agency unanimously adjourned at 4:45 p.m.

LCU/TDM/dal

Attachments:

Powerpoint - Community Spotlight: Town of Day

Permit 2012-219, Town of Chester

Permit 2013-11, The Arts Guild of Old Forge, Inc.

Leilani Crafts Ulrich, Chairwoman