



DRAFT MINUTES
Legal Affairs Committee
October 10, 2013
Agency Meeting
ASL:JTT:mp

**Legal Affairs Committee
October 10, 2013**

The Committee convened at 4:00 pm

Committee Members Present:

Arthur Lussi, Acting Chair, Richard Booth, Sherman Craig and Bradley Austin (DED)

Other Members or Designees Present:

Leilani Ulrich, Chairwoman, William Thomas, William Valentino, Karen Feldman, Daniel Wilt, Lynne Mahoney (DOS) and Robert Stegemann (DEC)

Local Government Review Board Present:

Frederick Monroe, Executive Director

Agency Staff Present:

Terry Martino, Executive Director; James Townsend, Counsel; and Jennifer McAleese, Senior Attorney

Approval of Draft Committee Minutes for September

On motion of Richard Booth, seconded by Bradley Austin, the Agency Board unanimously adopted the Draft Legal Affairs Committee minutes for September with two minor changes.

Counsel's Report

James Townsend updated the Board on the Agency's Rules and Regulations noting that after the adoption of the Consensus Rule they went into effect on September 25 and are now posted on the Agency's website. The website version should be used as a reference rather than existing paper versions.

He also clarified the discussion about legal guidance memos that staff use and the flyers that are distributed to the public.

Emergency Authorization Regulation Presentation (attached)

Jennifer McAleese provided the Board with a brief overview of the emergency authorization regulation that staff has drafted. She explained the need for this type of regulation due to the increase of major disasters in the Park and the Agency not having a standard process for expediting project review in emergencies. She added that having a standard process would improve Agency efficiency as well as coordination with other state agencies.

Richard Booth asked why we would limit emergencies to natural events or to accidental human events and not include human intentional events. He also asked if 24 hour notification is realistic in the context of certain kinds of emergencies, stating oral could be but not written.

Ms. McAleese stated that it was a good point made about the types of emergencies that could take place.

Robert Stegemann responded to the notification time and said that in DEC's experience their staff are usually out in the field within a 24 hour time period.

Mr. Stegemann asked how to address the requirement for the signature of the land owner if that person is not around.

Ms. McAleese said that section was included as we did not want to authorize a trespass.

There was a discussion about next steps to provide outreach to DOT and DEC in discussion about the Agency's development of a process to provide emergency authorization.

Adjournment: The Committee adjourned at 4:25 pm.