



DRAFT MINUTES
Legal Affairs Committee
November 14, 2013
Agency Meeting
AL:JTT:mp

**Legal Affairs Committee
NOVEMBER 14, 2013**

The Committee convened at 3:15

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

Approval of Draft Committee Minutes for October

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

Counsel's Report

Propositions 4 and 5

Proposition 4 and 5 are both constitutional amendments and take effect January 1, 2014.

Proposition 4, known as the Township 40 amendment, would allow the Legislature to settle a century-old title dispute involving over 200 parcels totaling slightly over 1,000 acres on the shoreline of Raquette Lake in Township 40 of Totten and Crossfield's Purchase, Town of Long Lake, Hamilton County.

Under the Proposition 4 agreement the persons who claim ownership of disputed parcels are to be afforded an opportunity to opt in to a settlement by which they are to pay the Town \$2,000 plus a percentage of the total assessed value represented by the value of the individual parcel, less the assessed value of any portion of it provided to the Town.

By the end of 2015 DEC will identify the lands that will be purchased with the funds that have been paid in and in 2016 the Legislature will approve the swap parcels. None of this will involve this Agency until the State acquires the land.

Proposition 5 would allow NYCO Minerals to continue its mining operations in the town of Lewis, Essex County. The amendment will allow the state to convey approximately 200 acres of forest preserve to NYCO Minerals, and, in exchange, NYCO Minerals would give the state at least the same amount of land of at least the same value, with a minimum assessed value of \$1 million. This land would be added to the forest preserve. When NYCO Minerals finishes mining, the company will restore the condition of the land it received in the exchange and return it to the Forest Preserve.

Passage of Proposition 5 will allow NYCO Minerals to test to determine the quantity and quality of the mineral to be mined on the land before the exchange occurs. It will require NYCO to give the state its test results so the state can use them to determine the value of the land to be conveyed. The amendment also would require that if, after testing, NYCO Minerals does not want the forest preserve land, the company would still have to give the state at least the same amount of land of at least the same value of the land that was disturbed by the testing. This land will then be incorporated into the forest preserve. At that time, the agency will consider the classification of the newly private and public lands.

Arthur Lussi asked if we knew if the land the state would be getting has been mined or left barren.

Mr. Townsend said that it has been logged and there are some streams.

Sale of Camp Gabriels and Lyon Mountain Correctional Facility

Mr. Townsend updated the Board on the sale of Camp Gabriels noting that no closing has been set. It will return to Moderate Intensity Use through a technical map amendment process that will be undertaken by the Agency. He also noted the sale of Lyon Mountain Correctional Facility with the closing at the

beginning of 2014. It is in Hamlet and will also go through a reclassification process and will stay Hamlet.

Silvicultural Group Meeting

Mr. Townsend gave an update on the October 29th Stakeholders meeting. He said that this meeting focused on ways to improve the agency's statutory, regulatory and permitting process. All participants agreed there should be long term focus on the health of the forest using the best science available and ways that would promote and protect water quality and habitat. He said that the next steps are to summarize the proceedings, send them out to participants, meet and review the specific proposals, and then determine next steps to include future Board review.

Chairwoman Ulrich stated that there is so much value in the back and forth discussions with the stakeholders and it was very instructional for everyone.

No old business

No new business

Adjournment: The committee adjourned at 3:50 pm.