

Draft not approved by Agency



Regulatory Programs Committee
December 12, 2013 Agency
Meeting; REW:mlr

**Regulatory Programs Committee
December 12, 2013**

Committee Members present: Sherman Craig, Chair, Richard Booth, Arthur Lussi, William Valentino and Dede Scozzafava (Department of State), and Other Agency Members and Designees present: Leilani Crafts Ulrich, Chairwoman, Daniel Wilt, Robert Stegemann (Department of Environmental Conservation), Bradley Austin, (NYS Department of Economic Development), and William Thomas and Karen Feldman. Agency Staff present: Terry Martino, Executive Director and James Townsend, Counsel

Local Government Review Board Representative: Frederick Monroe, Executive Director

The Committee convened at 9:00am.

1. Approval of November Draft Regulatory Programs Committee Minutes

On motion of Mr. Lussi and seconded by Mr. Valentino, the Committee unanimously adopted the Draft Regulatory Committee Minutes of the November 2013 Agency meeting. Mr. Valentino's comment regarding latitude and longitude coordinates was added to the November minutes.

2. Deputy Director (Regulatory Programs) Report (R. Weber)

Mr. Weber reviewed the Status and High Profile reports for Regulatory Programs. He briefly discussed applications received and permits issued.

He noted the Agency has received two new cell tower applications for review that proposes to close gaps near Elizabethtown and between Exits 30 and 31 on the Northway. One tower is proposed near Lincoln Pond and the other is proposed near Ash Craft Pond.

Mr. Weber stated Agency RASS and Regulatory Programs staff along with NYS Dept. of Transportation, (DOT), NYS Dept. of Environmental Conservation (DEC) and OPRHP have been working together on the Veterans Memorial Highway Project. The DOT has received funding

for the rehabilitation of the highway, which is considered a very important project for the region. Mr. Weber noted the Highway has been listed on the National Register of Historic Places since 2008.

He described the proposed project and noted that DOT is the lead agency because the project site is New York State Highway Route 431. Mr. Weber stated the team is working very carefully and quickly to stay ahead and keep the project on schedule. He noted the environmental review will continue to be thorough. The project involves the reconstruction of the highway within the existing footprint and will not extend beyond what was originally built in 1929.

Mr. Weber briefly discussed four projects that were awarded monies funded through North Country Economic Development Council.

Mr. Lussi asked if the application for the Lake Flower Hotel will be reviewed by the North Elba Joint Planning Review Board. Mr. Weber stated the proposal for the Lake Flower Hotel is in the Village of Saranac Lake but added he will check to see if the project will need to be reviewed by the North Elba Review Board.

4. 2013-239 (A. Ziemann)
Lyme Adirondack Timberlands I, LLC.
Herkimer County: Town of Webb
Resource Management

Mr. Ziemann used a slide presentation to describe the project proposal, a proposed overstory removal harvest of a shelterwood system.

He explained that *Shelterwood* is a silvicultural system designed to generate a new, even-aged stand of trees. The method involves a series of cuts. The first is an establishment cut, in which the overstory of the stand is thinned around trees of the desired species, retaining the strongest and healthiest, providing additional light and moisture for the selected trees, and protection (or shelter) for the regeneration growing beneath. When the regeneration is of sufficient size, the remaining overstory may be removed, releasing the growth beneath and resulting in an even-aged stand.

He explained that there is a Conservation Easement on the land, which clearly establishes sustainable forestry as the primary use of the designated lands, allowing for compatible private recreation through lease use agreements, so long as those uses do not interfere with forest management activities.

Mr. Ziemann explained the Agency's use of air photo interpretation to locate wetlands on the proposed project site, and confirmation of these wetlands by a staff biologist during the site visit.

He said there are wetlands and a stream adjacent to the project site but none on the project site. He stated that the harvest boundary, which defines the project site, establishes a minimum 25 foot no-cut buffer to these resources.

Mr. Ziemann explained that the shelterwood establishment was undertaken by the previous landowner, International Paper, in 1993. He noted the shelterwood has been effective in creating a thriving understory, and that this is the appropriate time to harvest the overstory in order to get the value of the trees. Overstory removal will provide more sunlight and moisture to the regeneration beneath, allowing the young forest to flourish.

Mr. Ziemann explained the existing regeneration, to be retained at an average 2500 1"-5" DBH stems per acre, will provide immediate green-up, minimizing visual impacts from locations where the harvest may be visible.

Mr. Ziemann noted that cavity, nest and den trees will be retained to provide habitat for nesting birds, small mammals, and insects.

Mr. Ziemann explained that the applicant must submit to the Agency a "Harvest Compliance Report" documenting compliance with the harvest plan and best management practices, and that Agency staff will conduct a site visit after the timber harvesting has been completed.

Mr. Ziemann reiterated that a young forest is already present. After the harvest, this will still be a young forest with no substantial habitat change.

He discussed three comment letters received at the Agency.

Mr. Ziemann explained the review efficiency of this project was greatly assisted by the pre-application process, which enabled Agency staff to discuss review requirements with the applicant prior to application submission.

Several edits to the draft permit were discussed.

It was suggested that language explaining the Agency timeline for the proposed permit application be added to the draft permit for review by Full Agency.

Mr. Craig asked for a motion to move the draft permit to Full Agency for approval. The motion was unanimous in favor of moving the draft permit to Full Agency for approval.

4. Old Business: No

5. New Business: No

Adjournment: The Regulatory Committee meeting adjourned at 11:25 am.

Note: The power point presentations referred to herein are on file at the Agency. Copies are also available for inspection on request and can be viewed at http://nysapa.granicus.com/ViewPublisher.php?view_id=2 of this meeting: