

**Draft February  
minutes not approved  
by Agency.**



Regulatory Programs Committee  
February 13, 2014 Agency  
Meeting; REW:mlr

**Regulatory Programs Committee  
February 13, 2014**

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 2:30 pm.

1. Approval of December Draft Regulatory Programs Committee Minutes

On motion of Mr. Valentino and seconded by Mr. Lussi, the Committee unanimously adopted the Draft Regulatory Committee Minutes of the December 2013 Agency meeting.

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 and that the agency is currently working on 5 active variance applications that will materialize in 2014 along with 2 new variance applications received since January 2014, and the existing 3 variance preapplications.

Mr. Monroe asked if any of the proposed variance applications are related to the 2008 regulatory change. Ms. Parker answered that 5 are directly related to the regulatory change that would otherwise have been non-jurisdictional.

Mr. Weber and Mr. Prickett presented a slide show presentation and discussed the cooperation between all agencies involved in the Veterans Memorial Highway project.

Mr. Weber stated that the NYS Dept. of Transportation is the lead agency because the project site is New York State Highway Route 431. Mr. Weber stated the all agencies are working very carefully and efficiently 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.

He said the facility (known as castle) at the top of the proposed project site and the toll house are not under review by the agency or any of the involved agencies. They are not part of the proposed project.

Mr. Weber noted the Highway has been listed on the National Register of Historic Places since 2008.

Mr. Prickett's presentation described the current, historic and proposed conditions for the reconstruction of the Veteran's Memorial Highway. Mr. Prickett also discussed resource considerations such as the Bicknell Thrush and threatened and endangered Alpine plants.

Mr. Prickett concluded his presentation by stating that staff's understanding of the proposed project is: 1) the construction will be contained within the original footprint; 2) clearing ditches, reconstructing of existing roads, repairing culverts and mending retaining walls considered by the Agency as ordinary maintenance and therefore does not require a Unit Management Plan.

Mr. Prickett explained that several structures will be added to promote public use which will require a Unit Management Plan (UMP). Through consultation, the Agency and the Department of Environmental Conservation (DEC) mutually agreed that to achieve compliance with the Master Plan a UMP for the highway will be required within the next two years.

Executive Director added that the Olympic Regional Development Agency (ORDA) was also included in the discussion between the Agency and the DEC via a letter to ORDA not requiring a UMP for the road construction.

Mr. Prickett stated the Agency issued a State 814 for the stock piling of the materials (millings, excavated asphalt) at the Whiteface Mountain Ski Center. The materials will be used for repair and maintenance of the service road and parking areas at the ski area.

Mr. Booth stated concern that the highway is not being reconstructed to modern standards. Mr. Weber answered that DOT was to rehabilitate the highway within the original footprint to maintain the historic resource status but acknowledged that the stone guiderail, the lane widths, the shoulder widths, (all non-standard recognized by DOT). The accident history surrounding the Memorial Highway was also reviewed by the DOT making the determination to continue.

Mr. Lussi added that speed is also a consideration. The highest speed limit is 35 mph with advisory signs along the highway.

The septic system being replaced at the castle was briefly discussed.

Mr. Stegeman also added that communication and cooperation between agencies was remarkable enabling this fast paced project to proceed on schedule.

Mr. Weber acknowledged Tom Saehrig for his dedication to the Agency.

#### 4. Project

2005-1825R2  
(T. Darrah)

Linda & Walter Dlugolecki  
Town of Wilmington: Essex County  
Rural Use

Ms. Darrah stated this is a second renewal of a permit for the construction of a single family dwelling on a vacant lot, jurisdictional pursuant to settlement agreement E2005-47.

Ms. Darrah presented a slide show presentation depicting the project site.

Mr. Craig explained the Board reviews a second renewal to add any revisions to the original permit that might be necessary.

It was noted that nothing on this property has changed since the original permit was issued.

Ms. Darrah noted the addition of Condition 5 on page 3 concerning size of the proposed single family dwelling.

Mr. Booth made a motion to move the second renewal to the Full Agency for approval. Mr. Valentino seconded the motion. The motion was unanimous in favor of moving the second renewal to Full Agency for approval.

Mr. Valentino complimented staff on adding the latitude and longitude coordinates as requested in November.

(5) Update on Loon Lake Project 2012-219 (L. Walrath)

Permit 2012-219 authorized the use of Renovate OTF to control Eurasian watermilfoil in a 15 acre area of Loon Lake. The project was permitted in March 2013 and undertaken in May.

Mr. Walrath presented a slide show to update the Board Members on Project 2012-219. He included several color coded maps and photographs of the project site. He explained the cost estimate was between 20 and 35 thousand dollars but in reality the cost escalated to over \$55,000 dollars. His presentation described the treatment and measures taken to limit non-target impacts. He explained that the low lake level and the low flow allowed for a significant reduction in the amount of Renovate OTF needed to attain the permitted concentration.

Mr. Walrath stated the goal of the project was to reduce infestation within the treatment area and to continue to control the area.

He explained how the results were evaluated and how it compared to what was stated in the permit and what actually occurred and discussed the treatment by location and dates.

He showed slides and discussed the residual triclopyr monitoring sites.

Mr. Walrath noted that Loon Lake has developed a boat launch and wash station along with public outreach signage to help stop spreading invasive species.

Mr. Monroe stated the Town has hired staff to manage the public boat wash station at Loon Lake.

A brief discussion on the cost effectiveness using the curtain with treatment vs. not using the curtain with the herbicide and Mr. Walrath stated the concentration costs of the herbicide would have

risen along with man power costs. He explained it is more expensive to use the curtain but the curtain holds the herbicide more tightly in the treatment area, thus affecting the amount of the application.

Mr. Stegemann complimented Mr. Monroe and his staff in the coordination and communication in notifying area residents that the treatment was taking place.

Mr. Monroe commented the Town highway department did all the work on the curtain along with the time that was supplied by volunteers.

He also stated there were volunteer divers that helped with the curtain that would have added to the expense. He explained the hardship for municipalities in paying the prevailing wage grade. across).

Executive Director Martino commented that the Board will hear another perspective with the second reading of the Renovate Guidance from Mr. Snizek during the Park Ecology Committee meeting.

(6) Adirondack Park Agency Draft General Permit 2014G-1,

(M. Rooks)

"Management of Terrestrial Invasive Plant Species In or Within 100' of Wetlands in the Adirondack Park"

Mr. Rooks presented a slide show and stated that the Best Management Practices published by the Adirondack Park Invasive Plant Program shall be followed at all times.

He stated the differences between the general permit currently being issued by staff and the proposed general permit. He said the new permit is a blanket permit which authorizes activity without individual applications and permits being issued with required annual reporting at the end of each year.

Mr. Rooks noted that all agencies currently using the existing permit have had no adverse impact to wetlands.

The proposed general permit will facilitate the control of invasive species with a faster response process to the applicants.

Mr. Rooks stated the proposed general permit will be used solely by the New York State Department of Transportation (DOT), the New York State Department of Environmental Conservation (DEC), the Adirondack Chapter of the Nature Conservancy, and the Regional Inlet Invasive Plant Program to manage invasive species in regulated wetlands in the Adirondack Park.

He discussed the conditions in the proposed general permit. Mr. Rooks stated that DEC requires licensed applicators for the use of herbicides and applicators will need to follow label instructions.

Mr. Booth asked if staff are comfortable that a general permit can be used in any circumstance and Mr. Rooks replied yes based on staff experience with the current general permit.

Mr. Booth made a motion to move the proposed general permit to Full Agency for approval to move forward to public comment. Mr. Lussi seconded the motion. The motion was unanimous in favor of the motion.

(7) Adirondack Park Agency Draft General Permit 2014G-2

(M. Rooks)

"Replacement of Utility Poles in Wetlands and Access to Poles in Wetlands Using Temporary Structures"

Mr. Rooks used a power point presentation and explained that the proposed general permit covers two activities currently covered under General Permit 2011G-2. He stated the proposed general permit is issued to regional and municipal utility companies within the Adirondack Park to allow for the replacement of utility poles in wetlands and/or the establishment of temporary structures in wetlands to access utility poles.

He noted the proposed general permit will be in effect for three years from the date of issuance unless otherwise modified or revoked by Agency.

He showed several slides that described the process for the replacement of poles and noted the Findings of Fact on page 3. The Finding states that using wide-tracked vehicles and bog mats on frozen ground helps to minimize rutting, compaction of soils, and alteration of drainage patterns in wetlands.

The proposed general permit will require annual reporting by the utility companies.

Mr. Rooks discussed eligibility and conditions for the proposed general permit.

Ms. Feldman asked who would decide when to enter a wetland if ground is not frozen in regards to Condition 3 on page 2. Mr. Rooks replied the utility company would make that decision and noted that in the past general permits were issued in both the summer and winter.

Mr. Booth asked how many poles would the proposed general permit cover and Mr. Rooks replied that generally it is only 1 pole per 1 permit.

Mr. Lussi asked if Mr. Rooks was aware of the chemicals used on the newer poles and how does that affect plants around them. Mr. Rooks answered that he did not know the answer but noted that is the reason why the companies are asked to remove the old poles to prevent any effects from the old preservatives on the poles.

Mr. Lussi suggested that "temporary structure" be replaced with bog mats under eligibility on proposed General Permit 2014G-2 and Mr. Rooks agreed.

Ms. Feldman asked if staff has any concerns regarding the spreading of invasive species during the replacement of pole. Mr. Rooks replied yes and said this is addressed in Condition 4 on page 2 of the proposed general permit.

Mr. Booth made a motion to move the proposed general permit to Full Agency for approval to move forward to public comment. Mr. Lussi seconded the motion. The motion was unanimous in favor of the motion.

8. Old Business: No

9. New Business: No

**Adjournment:** The Regulatory Committee meeting adjourned at 4:00 pm.

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](http://nysapa.granicus.com/ViewPublisher.php?view_id=2) of this meeting: