



LEILANI CRAFTS ULRICH
Chairwoman

TERRY MARTINO
Executive Director

Draft September 30, 2015

September Agency Meeting
Regulatory Programs Committee
REW:mlr

**MINUTES OF THE REGULATORY PROGRAMS COMMITTEE MEETING
September 10, 2015**

The Committee meeting convened at approximately 1:00 pm.

Regulatory Programs Committee Members Present

Sherman Craig, Chair, Richard Booth, Dierdre Scozzafava, and Karen Feldman.

Art Lussi absent and excused

Other Members and Designees Present

Robert Stegemann, Bradley Austin, William Thomas

Local Government Review Board

Fred Monroe

Agency Staff Present

Terry Martino, James Townsend, Richard Weber, Colleen Parker, Edward Snizek, Jennifer Hubbard, Mitchell Goroski, Virginia Yamrick

1. **Approval of August 2015 Draft Regulatory Programs Committee Minutes**

Motion was made by Ms. Feldman and seconded by Ms. Scozzafava to approve the August minutes. The Committee vote was unanimous in favor of the motion.

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

Mr. Weber reviewed the monthly statistics of applications received and permits issued. He discussed projects from the High Profile Report and welcomed questions from the Board.

Mr. Weber reported that the P2015-100 proposal for a new 10,000 sq. ft. wood pellet manufacturing facility was withdrawn by the applicant in the Town of Thurman, Warren County. Mr. Weber noted the applicant has stated that he is in the process of looking for an alternative location for the project.

Mr. Weber provided a brief update on the timber harvest projects listed on the High Profile Report. He noted the applications that have been deemed complete and will be brought to the Board for review.

Mr. Weber reported that a non-jurisdictional letter was sent to the Development Authority of the North Country (DANC) for the proposed installation of fiber optic cable in the Town of Indian Lake and the Hamlet of Blue Mountain Lake. Mr. Weber stated that in cooperation with DEC, DANC proposes to place a fiber optic line on DEC owned utility poles, within a DEC owned easement alongside an existing road to the summit of Blue Mountain. Agency staff are in consultation with DEC and the NYS Department of Transportation (DOT) regarding the proposed reconstruction of the existing road.

Mr. Stegeman commented on the importance of the good cooperation between the state agencies and the county and local government officials involved with the Blue Mountain project.

3. Project: (Edward Snizek) Bay Pond Condominiums
P2015-72 Town of Santa Clara, Franklin County
Resource Management

Mr. Snizek welcomed Mr. Leo Demong, a retired DEC fishery biologist with years of experience in Pond reclamation, now representing Bay Pond Condominium. Mr. Snizek described the project site, the proposal and Agency jurisdiction. He explained that Bay Pond is a 238±-acre waterbody surrounded by lands classified Resource Management and includes many inlets. He stated Bay Pond is privately owned with no public access. Mr. Snizek explained that Bay Pond was reclaimed in 1989 as authorized by Agency Permit 89-90.

Mr. Snizek explained that brook trout is New York's States official State fish once widespread throughout the state. However, over the years, many populations have been lost due to habitat destruction and introduction of competing fish species. He stated in 2007 largemouth bass was discovered in Bay Pond; therefore, fish surveys reported a declining catch per unit effort for brook trout. Mr. Snizek noted that brook trout are vulnerable to the effects of predation and competition from other fish species.

Mr. Snizek explained the project involves a whole lake reclamation of Bay Pond using the piscicide Prenfish (containing 5% rotenone, EPA Reg. No. 655-422) for the purpose of removing the bass and allowing the restoration of a native brook trout population. The project site to be treated with Prenfish includes the entirety of Bay Pond and its inlets. He noted that Prenfish is the only piscicide containing the active ingredient Rotenone registered for use in New York State for lake reclamations.

Mr. Snizek said Rotenone is a natural organic piscicide and described the impacts to the non-target species. Mr. Snizek explained the historic use of Rotenone in the Adirondacks. He noted the Agency approved reclamation of Lower Sargent Pond to remove largemouth bass in 2013.

Mr. Snizek detailed the project and stated Bay Pond will be stocked with a heritage strain of brook trout in 2016. He noted that prior to treatment the lake's dam flash boards shall be removed to lower the lake level by approximately 1 foot and then reset to normal pool elevation prior to treatment. Mr. Snizek explained that reinstalling flash boards at the time of treatment is intended to hold pond water for approximately 14 days under normal conditions.

Mr. Snizek noted there were no public comments received and stated it is the staff recommendation to approve the project with conditions.

Mr. Craig asked if other alternatives have been considered. Mr. Snizek replied that Cornell University and the DEC along with other researchers, have explored other alternatives but no other options offer the 100% efficacy of Rotenone. He noted the dead fish will be allowed to decay in the pond but stated that mammals, insects and birds have enzymes in their digestive tracts that neutralizes the Rotenone.

Mr. Craig asked for a motion to move the permit to full Agency for approval. Ms. Feldman made the motion, seconded by Chairwoman Ulrich.

The Committee vote was unanimous in favor of the motion.

4. General Permit 2015G-2 "Management of Aquatic Invasive Species Using Benthic Barriers and Hand Harvesting Techniques" (Richard Weber)

Mr. Weber explained that General Permit 2015G-2 replaces existing General Permit 2008G-1B scheduled to expire on December 31, 2015. Mr. Weber stated General Permit 2015G-2 is for the lake-wide control of aquatic invasive species using hand harvesting or benthic barriers. Mr. Weber reviewed the history of General Permit 2008G-1 and the organizations authorized to use the permit since 2008.

Mr. Weber stated General Permit 2015G-2 is proposed to have no expiration date and will add the same four aquatic invasive species listed in the recently authorized rapid response permit, General Permit 2015G-1. Mr. Weber briefly reviewed the differences between General Permits 2015G-1 and 2015G-2.

The General Permit incorporates standard language which has been included in recently issued permits, including GP2015G-1 and makes minor but notable modifications to the permit's applicability, application requirements, and conditions.

Mr. Weber stated all permit holders will be sent a letter indicating that General Permit 2008G-1B will be expiring and that signing on to the new general permit will be required to continue with their work. Mr. Weber stated that Agency staff will seek a single OGS approval for all lands underwater in the Park subject to their jurisdiction.

Mr. Weber discussed the SEQR review process and the next steps required for future Agency review and approval for General Permit 2015G-2.

Mr. Stegeman asked Mr. Weber to explain how coordination between DEC and APA will work for the removal of invasives under DEC jurisdiction. Mr. Weber explained that the removal of invasive species under the jurisdiction of DEC is addressed in a Memorandum of Understanding between the two agencies.

Mr. Craig asked for a motion to full Agency to authorize staff to seek public comment on the draft permit.

Ms. Feldman made the motion, seconded by Mr. Booth.

The Committee vote was unanimous in favor of the motion

5. Project: (Virginia Yamrick)
2002-123R3

Carol and Dana Ste. Claire,
Michelle and George Audette
Town of Thurman: Warren County
Rural Use

Ms. Yamrick described the applicant's need for the requested third renewal of permit P2002-123R3, the location and character of the project site, and provided a description of the proposal, and Agency jurisdiction. She stated no changes to the project are proposed.

The applicants are seeking approval for a third renewal of a two-lot subdivision into sites involving wetlands for the prospective construction of two single-family dwellings with on-site water supply and on-site wastewater treatment systems. Also proposed is construction of an accessory structure (gazebo) in an upland area approximately 1350 feet west of the two proposed dwellings.

Ms. Yamrick explained any change in the locations of the two dwellings as depicted on the site plan map shall require prior Agency review and approval in the form of a new or amended permit, or a letter of permit compliance.

Mr. Craig asked for a motion to move the permit to full Agency for approval. Ms. Scozzafava made the motion, seconded by Ms. Feldman.

The Committee vote was unanimous in favor of the motion.

6. Old Business: None

7. New Business: None

Adjournment: The Regulatory Committee meeting adjourned at 2:00 pm.

Note: The PowerPoint 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