



Adirondack Park Agency

SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

DRAFT MINUTES
State Land Committee
May 11, 2017
Agency Meeting
KF:KDR:mp

State Land Committee May 11, 2017

The State Land Committee convened at 9:15 am.

State Land Committee Members Present:

Karen Feldman, Chair, Chad Dawson, Arthur Lussi, William Thomas and Karyn Richards (DEC)

Other Members and Designees Present:

Sherman Craig, Chairman, Daniel Wilt, John Ernst, Barbara Rice, Bradley Austin (DED) and Lynne Mahoney (DOS)

Local Government Review Board

Frederick Monroe, Executive Director

Agency Staff Present:

Terry Martino, Executive Director, James Townsend, Kathy Regan, Kevin Prickett, Walt Linck, Matt McNamara and Mary Palmer

Approval of March 2017 Draft Minutes

By motion of Mr. Lussi, seconded by Dr. Dawson, the March minutes were unanimously approved.

Ms. Regan noted the Planning Division report included the months of February, March and April. There were no questions.

Ms. Regan said that State Lands will have three UMPs being presented by Josh Houghton, DEC. They are Public Drafts of Buck Pond, Caroga Lake and Piseco Lake Campgrounds. The Department has been accepting public comment on these UMPs which will end May 15th. Staff will request that the Agency authorize (an almost) simultaneous public comment period, having the Agency's accept public comments until June 16th.

Ms. Regan said Josh Clague, DEC, will be presenting a UMP amendment for the Blue Mountain Wild Forest and Kirstin Seelen (DEC), will present a UMP amendment for the Siamese Ponds Wilderness and the Jessup River Wild Forest. Staff will request the Agency authorize a simultaneous public comment period for both of these Public Draft UMP amendments, ending on June 16th.

Ms. Regan said Kevin Prickett (APA) and John Schmid (DEC) will be presenting the Minimum Requirement Approach guidance. The draft was presented to the Board in March. The guidance was modified following public comment and they will share those changes with you. A resolution was provided in the mailing materials and staff will be requesting the Agency accept the guidance as an appendix to the interagency MOU.

Ms. Regan said agency staff will be presenting a summary on the 20th Local Government Day. Staff will also present a proposed amendment of the Delegation Resolution for consideration to permit minor amendments to Agency-Approved Local Land Use Programs by the Executive Director. And finally there will be a proposed Map amendment for the Town of Crown Point. Staff will be requesting the Agency accept the DSEIS and authorize staff to go to public hearing.

Buck Pond Campground

Josh Houghton gave the Board an overview of the draft UMP and the proposed management actions. He said they would replace the ticket booth and four comfort stations. They will also replace the main water line and overhead electrical lines with an underground system. Fifteen campsites will be rehabilitated and four sites would also be rehabilitated to a universal design.

Mr. Houghton said that the boat launch on Lake Kushaqua would be improved, the playground facilities would be replaced and they would extend the water system to the day-use area. A universally accessible trailhead/trail would also be constructed.

Mr. Houghton also gave a five-year comparison on the attendance and revenue. He said the average length of stay was three days and most were NYS residents.

Mr. Lussi asked why 2016 was such a good year. Mr. Houghton said that work was being done at Meacham Lake Campground which led to a higher than normal attendance at Buck Pond.

Mr. Craig asked what the acreage is of the two waterbodies that are near the campground. Mr. Houghton said Buck Pond is 130 acres and has a fishing and waterway access site, and Rainbow Chain which Lake Kushaqua is part of, is approximately 1,000 acres and has a trailered boat launch.

Ms. Feldman noted that for the Caroga Lake Campground UMP they are proposing to install information on invasive species at the boat launch. She suggested that they incorporate information about Aquatic Invasive Species in all UMPs. Mr. Houghton said they do provide that information at several campgrounds and are working on expanding to all.

Ms. Feldman said it is staggering to see the cost of the improvements. Mr. Houghton said it is. He further explained that a lot of the facilities have not received new infrastructure in a long time and when you start looking at doing the work it gets compounding because work inevitably must happen to complete just one project. Mr. Lussi noted that it is part of the planning to identify these costs and it is put out to bid. Mr. Lussi wondered how the bids were affected when the UMP budget includes a projected amount for a project. Wouldn't the bids match the projected amount?

Dr. Dawson asked staff to address the simultaneous public comment period and the rationale for it. Ms. Regan said the Board has the option, but are not mandated, to allow APA Public Comment at the same time as DEC's Public Comment following a Public Draft of a UMP. Staff will recommend simultaneous comment periods with simple amendments and campground UMPs, but not with other full UMPs.

Ms. Regan said that even if we go out with simultaneous public comment the Board still reserves the right to go out for another public comment period upon the release of the Proposed Final UMP. This might be triggered if significant changes are made between drafts. Having simultaneous public comment periods can speed the UMP review process up by a couple of months.

Ms. Martino said to clarify, the comments are going to the DEC for the UMP and to the Agency for conformance with the State Land Master Plan (SLMP).

Mr. Austin asked what this comment period was and if it could be extended if needed. Ms. Regan said four weeks, ending June 16th. Ms. Regan clarified that the Board has the ability to decide how long the public comment period should be, staff are giving a recommendations for the length of time.

By motion of Mr. Lussi, seconded by Dr. Dawson, the authorization to proceed to Public Comment was unanimously approved.

Caroga Lake Campground

Mr. Houghton gave the Board an overview of the draft UMP and the proposed management actions. He said they will replace overhead power lines with an underground system and install a backup power system for water and sewer. They would convert three campsites to a universal design, and rehabilitate twenty campsites. The seawall on the lake front will be rehabilitated. A pavilion would be constructed at the day-use area. Information on invasive species and a drop box will be installed at the boat launch. The north and south perimeter fencing will also be replaced.

Mr. Houghton also gave a five-year comparison on the attendance and revenue. He said the average length of stay was three days and ninety seven percent were NYS residents.

Dr. Dawson noted the data reflects a high occupancy. Mr. Houghton said Caroga is not a large campground, has no hiking trails, and is on a small lake. This campground attracts many local residents.

Mr. Lussi asked if staff would explore alternate means of restoring the breakwall using natural materials. Mr. Houghton said if there was a significant failure or major work needed, they would explore a softer design for the shoreline. The current work is for minor repairs due to erosion.

Ms. Feldman asked what size the invasive species drop box is and its purpose. Mr. Houghton said they are normally several feet across, made of wood and have small stone inside. If someone has anything attached to their boat they can put it in the box where it is contained and not being left on the ramp to wash back into the lake.

Ms. Feldman asked what the dates are for the comment period. Ms. Regan said the Agency's will run through June 16th. Mr. Houghton said all three campground UMPs run from April 15th through May 15th for the DEC.

Mr. Ernst noted that the campsites seem to be in a fairly packed area and have a lower satisfaction rate than Buck Pond. He asked if the current use is the maximum the lake can withstand or if more campers would stay if a better experience was developed. Mr. Houghton explained that there are physical limitations to the design of this campground. Mr. Houghton said during the past year sites have been reduced by approximately thirty percent. Some sites were small and needed to be combined to make larger sites. The traffic pattern was also changed to better accommodate campers with trailers.

Mr. Craig said the physical location of this campground seems different than other remote DEC campgrounds. He asked if there was any special action taken to bring area people in to the campsite or to minimize the interaction between the homes being built around the lake. Mr. Houghton said Caroga is very unique, but there are other facilities that are in densely developed areas.

By motion of Dr. Dawson, seconded by Mr. Lussi, the authorization to proceed to Public Comment was unanimously approved.

Piseco Lake Campground

Mr. Houghton gave the Board an overview of the draft UMP and the proposed management actions noting that this one involves three campgrounds: Point Comfort, Little Sand Point and Poplar Point. He said for Point Comfort and Little Sand Point they will be replacing the ticket booths and overhead power lines with underground lines. There will be site closures to improve the camper experience, loop road paving and drainage work. A garage will be constructed at Point Comfort. They will relocate the chlorination building and replace water lines at Little Sand Point.

Mr. Houghton also gave a five-year comparison on the attendance and revenue. At Point Comfort the average length of stay was two days and ninety-one percent were NYS residents. Little Sand Point had an average length of stay of two days and ninety two percent were NYS residents. Poplar Point also had an average length of stay of two days and eighty-five percent were NYS residents.

Mr. Houghton said at Poplar Point they would bury overhead power lines. They would also redevelop it as a no-fee boat launch and have presented four alternatives in the UMP. He said Alternative 1 is the no action alternative, leaving the facility as it currently exists, opened to paid camping and day use. Alternative 2 would close the campground completely. For Alternative 2, the operating budget and staff would be shifted to surrounding facilities.

Mr. Houghton said Alternative 3 would redevelop the campground as a day-use-only facility. This alternative would close the facility to camping while still providing a boat launch. It would require slightly less staffing and operating funds. Alternative 4, which is the preferred alternative, would redevelop the campground as a no-fee, day-use-only facility. As part of the redevelopment, the boat launch and parking area would be redesigned to better accommodate vehicles with trailers and improve access and traffic flow. This would also require minimal staff and a smaller operating budget.

Dr. Dawson asked to what degree it would become a boat launch day-use facility and the capacity of boats that would be put on the lake. Mr. Houghton said the facility is very small and any redevelopment would not increase the number of boats on the lake. The reconfiguration would structure the facility to make it easier for boats to launch.

Dr. Dawson asked when public comment is done simultaneously in that it is not clear to the Board what is proposed. How does the public react when they do not know which alternative staff is going to choose. Dr. Dawson said the Board needs to have more details on all the alternatives in order to make a decision. Mr. Houghton said staff did note that Alternative 4 was the preferred choice. At this point not a lot of negative comments have been received and the people that attended the public meeting were in favor of that option.

Ms. Regan said if staff come back after the public comment period and the public prefers Alternative 4 but staff choose Alternative 2, for example, then the Board would probably want to hold another public comment period.

Mr. Craig asked if there are three trailered boat launch opportunities for the lake in all the alternatives. Mr. Houghton said the number of boat launches will not change and the boat launches will not be changed in size or location. In the preferred alternative they would redevelop parking to accommodate a day-use area.

Ms. Regan said one of the things the Board could do is not have the Agency go out to public comment until the Department comes back with a proposed Final UMP.

Ms. Richards asked if there will be more parking spaces by making it a no-fee boat launch and if visitor use would increase. Mr. Houghton said right now there is not a formal number of parking spaces, this will make a more defined parking area.

Mike Buzelli (DEC) said staff are not proposing to change the launch, just to improve it. He said the size of the facility limits the use, regardless of a fee.

Mr. Craig suggested that the Agency continue with simultaneous public comment and if we find any issues staff can go back out for public comment. By doing this, we would protect the timing for DEC and not limit the Agency to one public comment period.

Dr. Dawson suggested the UMP should have additional details. Dr. Dawson suggested without knowing what the design for Alternative 4 looks like, it is impossible for staff to determine impacts. And with no fee there will be more boaters and people parking there.

Mr. Wilt asked if any thought has been given to closing Point Comfort and Little Sand Point boat launches and having Poplar Point as the only boat launch. He said most of the people that use the Poplar Point boat launch are locals who launch their boats and do not leave trailers there. Mr. Houghton said any redevelopment of the parking is extremely limited. Even with the campground open now it is still limited to a small number of boats and trailers. Staff have not considered closing the other two boat launches. Those would be available to people that have reservations and are camping in the facility so they could launch and access the water at the facility where they are camping.

Ms. Feldman asked if staff gave thought to carrying capacity during the planning process. Mr. Houghton said they did consider the carrying capacity of the lake and based on the current utilization rate, the current layout of the facility, and having shared services between the three facilities, staff felt there would not be a huge increase in use.

Ms. Feldman asked if the Department was comfortable with the current capacity of the number of boats on the lake. Mr. Houghton said there has been no formal survey but at this point they have not received any negative public comments. Mr. Buzelli said staff felt they would not see an increase in boat traffic.

Mr. Thomas asked what the total number of site closures would be in Alternative 4 and if any comments were received concerning the closure of sites. Mr. Houghton said it would be a total of twenty-one sites for Poplar Point but he could not recall the total number for Point Comfort and Little Sand Point. He said staff have not received many comments on this UMP.

Ms. Feldman said she would like to accept public comment and see what the public has to say. Staff will have the opportunity to come back to the Board and if they are many changes we can make the request to go back out for public comment. Ms. Regan said the Board can approve the public comment period or request the Department come

back with a proposed Final UMP which addresses some of these issues, and then authorize the Agency to go out for its public comment.

Mr. Craig stated that carrying capacity is a very complex issue and that we have not known how to address these questions for a long time.

Mr. Ernst asked how the carrying capacity would be effected if Poplar Point is made a free boat launch. Mr. Wilt said the local people are the majority of users for this boat launch. Mr. Houghton said historically the boat launch on Piseco was the only access many residents had to their camp, and previously local camp owners were required to pay a fee to launch their boats.

Mr. Monroe asked what percentage of local users have property on the lake. He said their usage is not going to increase the carrying capacity or the need for parking. Mr. Houghton said he would have to look at the actual statistics but there are quite a few locals that utilize the launch.

Dr. Dawson said it is not about who uses the lake but about the impact on the resource and the fact that it has not been addressed is a concern. Ms. Feldman agreed that we do need to move forward on this but we would then have to stop all UMPs. She pointed out this applies to every lake and campground.

Dr. Dawson said it is a complex issue but there has to be a solution. It is time for a comprehensive study to address these issues of carrying capacity.

Mr. Lussi asked what the Board could do to address this issue of carrying capacity. Dr. Dawson said the Alternatives could list facts, such as the number of campsites to be removed, an increase of how many parking spaces, or how many boats will be allowed on a lake.

Ms. Feldman said this is a big issue and not something that we can resolve today. Today we need to decide if we are going to authorize staff to proceed to public comment or wait for the DEC to provide us with more information. She suggested going forward with public comment.

Ms. Feldman asked for a motion to approve the authorization to proceed to Public Comment simultaneously. Ms. Feldman gave first motion, Mr. Lussi gave second motion.

AYES: Karen Feldman, Arthur Lussi, William Thomas, Karyn Richards.

NAYS: Chad Dawson

Blue Mountain Wild Forest

Josh Clague gave the Board an overview of the proposed management actions in the draft UMP amendment. A new lean-to will be constructed on the Northville-Placid Trail, the conversion of a tent site to an accessible tent site at Lake Durant, the creation of a spur trail from the Northville-Placid trail into Long Lake and modifications to the Blue Mountain summit facilities, including the road leading to the summit.

Mr. Clague said they will rehabilitate the access road. There are five partners that maintain facilities on the summit and they all have the right to access this road. The DOT conducted some rehabilitation on sections of the road following a rain event. This included applying a surface of millings and additional drainage work. The Department would like to finish this work on the access road.

A second action included in the amendment is to remove an unused building at the bottom of the fire tower and to restore the tower to its historic appearance.

A third action involves a cement building on the summit. There is a five foot fence around that building that is failing. The Department would replace the old fence with an eight foot fence. In addition, an effort to improve the appearance of this building would include the construction of a wooden facade around the building. The Department would consult with Agency staff on additional improvements that might improve the appearance of that building.

Mr. Craig asked what material the eight foot fence would be made of and if there was a way of concealing the fence and concrete building. Mr. Clague said regardless of what material the fence was made of the building would still be visible from certain vantages.

Mr. Lussi noted something more aesthetic should be used for the fence. Mr. Clague said that the Department could work on that with the Agency.

Mr. Linck said there is the question of leaving a see through fence and what you see is a decent looking wood-clad building, or do you leave the concrete block and obstruct the view. If you are on top of the summit looking down you would still see the building no matter what type of fencing was used.

Mr. Austin asked if part of the Northville-Placid Trail spur would be skiable. Mr. Clague said it is doubtful because the narrow strip on the town property would be very steep and challenging. It would be open to skiing but staff are hesitant to encourage it.

By motion of Mr. Thomas, seconded by Mr. Lussi, the authorization to proceed to simultaneous Public Comment was unanimously approved.

Siamese Ponds Wilderness Area and Jessup River Wild Forest

Kirstin Seelen gave an overview of the UMP Amendment proposals. She said there are seven proposals for the UMP: installation of a gate at the bat hibernaculum at Eagle Cave and Chimney Mountain; a new trail connecting Kunjamuk Trail to Round Pond Trail; marking any un-marked trails; retaining the Eastern Puffer Pond lean-to; Hut to Hut trail Connection that would connect Siamese Ponds Wilderness to Parkerville Road in Indian Lake; trail re-routes at Botheration Pond and Clear Pond.

Mr. Craig asked if there would be any closures of trail links. Ms. Seelen said there would be no closures, they would continue to use current trails and construct approximately three miles of new trails.

Dr. Dawson said he would like to see this UMP proceed with DEC public comment prior to the Agency's public comment. Dr. Dawson is opposed to a simultaneous comment period. He stated that there are significant changes to some areas and it should be evaluated before the Board makes any important decisions. Dr. Dawson noted that there are a lot of people with a great deal of knowledge and that would be useful to hear. He pointed out if we had more time to go through separate public comment periods then the Agency would be able to make a better decision.

Ms. Regan said it is the Board's decision whether or not to go out simultaneously for public comment. We can bring the results of the Department's comment period back to the Board and then proceed with the Agency's public comment period separately.

Ms. Feldman asked if we do not do a simultaneously comment period would it delay the work they need to do this summer. Ms. Seelen said it would.

Ms. Feldman said after public comment, if DEC came back and there were any significant changes, there would be no hesitation for the Agency to offer a second public comment period. The public is entitled to know if there are significant changes.

Mr. Thomas noted that he would hate to see it held up with these trail connections and thinks we should move forward.

Mr. Clague said that the public has been heavily involved in the Great South Woods process so it is not really a new concept. He said the Department received a lot of favorable feedback. The un-marked trails were identified in the UMP; the Department did not try to close them or deter people from using them. They have been recognized as trails that are used by the public; the Department is proposing to formalize these trails.

Ms. Feldman asked for a motion to approve the authorization to proceed to Public Comment simultaneously. Mr. Thomas gave first motion, Ms. Feldman gave second motion.

AYES: Karen Feldman, Arthur Lussi, William Thomas, Karyn Richards.

ABSTENTION: Chad Dawson

Minimum Requirements Approach (MRA)

Kevin Prickett and John Schmid gave an overview of the MRA Guidance and changes that were made following public comment. Mr. Prickett said the public comment period ran from March 10th through April 14th. There were 6 comment letters received. The comments focused on Criteria, Weighting of Criteria, and Process.

Mr. Prickett said the criteria for site restoration was removed. Staff found it was not necessary due to little variation between alternatives. Impacts to Habitat was split into two categories: Impacts to Natural Communities and Impacts to Species. This change was made to reflect existing environmental assessments such as the SEQR Environmental Assessment.

Mr. Prickett said Bridge Transparency was renamed to Bridge Contrast and more text was added to clarify the objective of the criteria. The criterion of Mobilization Impacts was added, which evaluates how the transportation of materials to bridge sites impacts natural resources. The criterion of Aesthetics was also added, which evaluates how much of the bridge profile is in contrast to its setting and if natural materials are integrated as much as possible.

Mr. Prickett said criteria has been divided into quantifiable and non-quantifiable categories. Some criteria are measurable, such as tree cutting. Other criteria are difficult to measure, such as the impact to species. Staff considered applying weights to criteria but decided it was not necessary with these additional criteria and distinguishing between quantifiable and non-quantifiable criteria.

Mr. Prickett said with regards to process, staff clarified that the MRA document is completed by the DEC in consultation with the Agency. The document also clarified that if a bridge is not in an existing UMP or UMP amendment, additional information will be required in the MRA's description of the situation. Once the MRA is completed it will be noticed in the Environmental Notice Bulletin (ENB).

Mr. Schmid showed an example of a table for quantifiable criteria and a separate table for non-quantifiable criteria.

Mr. Schmid said the third, and most important, part of the decision criteria is the narrative. The narrative explains why the preferred alternative was selected, and explains why the other alternatives do not meet the minimum requirements. The narrative will also be used to clarify how non quantifiable criteria are rated.

Dr. Dawson said that by having these guidelines and a process to evaluate multiple criteria a record is created that staff can refer back on to see how a decision was made. He suggested that a similar type of process could be a reasonable way to determine carrying capacity.

Mr. Ernst asked if natural materials are preferred over treated materials due to the chemicals that are used. Mr. Schmid said that would be explained in the narrative. Tom Miller (DEC) said the use of pressure treated lumber would be explained fully in the narrative. Pressure treated material will extend the life of a bridge but would also have some impact on wildlife as well as a negative impact on the environment.

Ms. Richards noted that treated materials would be a part of the decision process so it could influence the decision. The narrative is as important to our teams as any other component and it could change the positive/negative numbers.

Ms. Feldman noted the time and work staff have spent on this, and the importance of the comment period. She said while there is always room for improvement, this document is a very good start.

Ms. Feldman noted the resolution in the mailing packet that will be for approval for the full Board. Ms. Regan said in the resolution there is a statement that authorizes ministerial changes to be made to the document between today and sometime next week. Dr. Dawson has already suggested a word change that would fall into that category. These ministerial changes would need to be approved by the Executive Director in consultation with the Chairman and the State Land Chair.

By motion of Dr. Dawson, seconded by Mr. Lussi, the Board approved the Resolution.

Old Business

None

New Business

Dr. Dawson said the land classification package has taken longer than expected and asked if it was possible to separate the Boreas Pond Tract from all the other Tracts. Mr. Craig said that Agency and DEC staff are still having consultations and are going over comments and it is not ready at this time. Ms. Martino added that staff at the Agency and Department have been working very closely in terms of all the pieces of the package. To date staff have not entered a consideration to separate parts of the classification.

Karen Feldman, Committee Chair, adjourned the meeting at 11:50 am.