



SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

Draft Minutes
Regulatory Programs Committee
October 12, 2017 Agency Meeting

**MINUTES OF THE REGULATORY PROGRAMS COMMITTEE MEETING
October 12, 2017**

The Committee meeting convened at approximately 9:30 a.m.

Regulatory Programs Committee Members Present

Arthur Lussi, John Ernst, Daniel Wilt, Lynn Mahoney, Barbara Rice.

Other Members and Designees Present

Robert Stegemann, Bradley Austin, Chad Dawson, Karen Feldman, William Thomas, Sherman Craig and Fred Monroe, LGRB.

Agency Staff Present

Terry Martino, Sarah Reynolds, Ariel Lynch, Shaun LaLonde, Colleen Parker, Thomas Saehrig, Virginia Yamrick, Aaron Ziemann, Jennifer Hubbard, and Richard Weber.

Approval of Draft Committee Minutes for August 2017

A motion to approve the draft committee minutes was made by Mr. Wilt and was seconded by Mr. Ernst. All were in favor.

Deputy Director Report

Richard Weber reviewed the division's status report.

Project (Thomas Saehrig) 2017-0032 – Kimberly DeVecchio and Randy Cale

The project is a variance request involving the replacement of an existing rock retaining wall structure with a larger rock structure to protect the shoreline of Lake Champlain.

Mr. Saehrig discussed all variance factors for consideration by the Board.

Mr. Lussi asked if keyed in meant that a trench would be dug and rock put into the trenched area. Mr. Saehrig responded yes.

Mr. Lussi noted that the water levels of Lake Champlain have fluctuated in the past few years. Mr. Saehrig agreed.

Mr. Lussi asked if a particular shrub had been recommended for use on the site. Mr. Saehrig responded that a permit condition has been added requiring the use of indigenous plants in the area. Ms. Feldman asked if any invasive species were located on the site. Mr. Saehrig stated that he did not believe there were.

Mr. Stegemann noted that the adjacent parcel has a rip rap retaining wall that was considered to be nonjurisdictional. Ms. Reynolds explained that the adjacent retaining wall was in place prior to 2007 and was considered to be nonjurisdictional at that time. In 2007 the Board determined that rip rap should be considered a structure for shoreline purposes. Therefore, the current proposal is considered to be jurisdictional.

Mr. Saehrig stated that DEC and Army Corps of Engineers have both approved permits for the proposal.

Mr. Lussi asked if the planting plan needs to be approved by staff. Mr. Saehrig stated that there is a plan that has been approved, however, if the plan is revised due to dead or diseased plants, then the applicant would need to submit the revised plan for approval.

Motion was called. Mr. Ernst moved and Mr. Wilt seconded the motion. All were in favor of moving it to the full Agency for approval.

Project (Virginia Yamrick) 2006-133AR2 - Anthony DePalma

Ms. Yamrick noted that this is a second renewal request. She noted that no changes are proposed as it was previously presented for amendment.

Motion was called. Mr. Wilt moved and was seconded by Ms. Rice. All were in favor of moving it to the full Agency for approval.

Project (Aaron Ziemann) 2017-133 - Lyme Timber Company

A timberharvest proposal involving a shelterwood overstory removal treatment on 264 acres of Lyme's 26,000 acre Big Moose Tract adjacent to the harvest area previously approved in Agency Permit 2016-137.

Mr. Ziemann reviewed the proposal and the applicable Agency regulations. He noted that one public comment was received.

Discussion ensued regarding overall timberharvests in the Park. It was noted that this is an on-going discussion between all of the involved stakeholders in the Park and that the Agency has been responsive to the industry while protecting the environment.

Mr. Lussi asked if the Agency receives copies of the audit reports that are done by the timber companies. Mr. Ziemann responded no but they are readily available on-line.

Mr. Lussi called for a motion to move the item to the full Agency for approval. Mr. Ernst moved and Mr. Wilt seconded. All were in favor

Mr. Lussi then recused himself from the meeting and Chairman Craig moderated the following session.

Project (Ariel Lynch) 2017-150 – Camp Majano, LLC

The project is for a variance involving an addition of a deck to the shoreline side of a preexisting structure which will result in noncompliance with the Agency's shoreline restrictions. The deck will be used to cover steel beams which were part of an earlier variance and amendment granted by the Agency in June and July 2017.

Ms. Lynch reviewed the proposal and the history of the project. She discussed the applicant's safety concerns of the exposed steel beams.

Ms. Lynch reviewed the public hearing record and noted that no public comment was received.

Ms. Lynch discussed the variance factors for consideration by the Board.

Mr. Dawson stated that he did not believe that the deck had been properly evaluated. He stated there is no reason why the steel beams cannot be covered in wood and questioned the applicant's argument. Chairman Craig asked if he would be more comfortable with subtracting two ft. from the proposal. Mr. Dawson responded affirmatively.

Mr. Wilt referred to the picture presented by staff and noted that the nonconformance does not appear to protrude further than what is already existing.

Mr. Ernst stated that the trade-off for the two extra feet does not seem feasible to him. He stated more damage may result during the winter season without the stated two feet resulting in greater impacts to water quality. Mr. Wilt concurred and Mr. Austin noted that access would also be impacted without the additional two feet.

Ms. Mahoney stated she thought the requested two feet would add to the aesthetic value of the project and would not result in any adverse impacts and meets the necessary variance requirements.

Chairman Craig stated he did not feel that the proposal would negatively impact water quality as well but indicated the process which resulted in three submissions could be improved. Ms. Feldman concurred with Chairman Craig.

Motion was called. Mr. Wilt moved and was seconded by Ms. Mahoney. All were in favor of moving it to the full Agency for approval.

Old Business

None

New Business

None

The Committee meeting adjourned at approximately 12:00 p.m.