



Adirondack Park Agency

SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

DRAFT MINUTES
State Land Committee
March 8, 2018
Agency Meeting
KF:KDR:mp

State Land Committee March 8, 2018

The State Land Committee convened at 9:55 am.

State Land Committee Members Present:

Karen Feldman, Committee Chair, Chad Dawson, Arthur Lussi, William Thomas and Robert Stegemann (DEC)

Other Members and Designees Present:

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

Local Government Review Board

Frederick Monroe, Executive Director

Agency Staff Present:

Terry Martino, Executive Director, Sarah Reynolds, Acting Counsel, Kathy Regan, Matt McNamara and Mary Palmer

Approval of February 2018 Draft Minutes

By motion of Mr. Lussi, seconded by Mr. Stegemann, the February minutes were unanimously approved.

Deputy Director Report

Ms. Regan said the Local Government Day Steering Committee met that morning. Local Government Day will be held on April 18th and 19th in Lake Placid. The Annual Northern Adirondack Code Enforcement Officials Association Conference has taken place at the Crowne Plaza in Lake Placid and Agency staff have been participating. This is an opportunity for staff to meet and have informal conversations with CEOs.

Ms. Regan said there are five items on today's agenda. The first item is new to the Board: Amendments to the Adirondack Park State Land Master Plan (APSLMP) involving the Travel Corridors definition and Guidelines for Management and Use. This item is for action. Staff are requesting the Board to accept the Draft Supplemental

Environmental Impact Statement (DSEIS) and authorize proceeding to public comment. The following four items have previously been before the Board: The Inter-Agency Guidelines to Control Invasive Species, which will be presented by Tom Martin (DEC). Staff will be requesting the Board adoption of the Resolution. Next Matt McNamara (APA) will review the Guidance for Singletrack Bicycle Trail Siting, Construction and Maintenance. Staff will request adoption of the resolution. Mike Pratt (ORDA) will then present Whiteface Mountain and Gore Mountain Proposed Final UMPs. Staff will be requesting authorization to proceed to public comment for these two amendments.

Amendments to the APSLMP Involving Clarification of the Travel Corridors Definition and Guidelines for Management and Use

Ms. Reynolds is recused from this item and left the room for the presentation and discussion.

Ms. Regan said the proposed amendment to the APSLMP is to define a railroad corridor as the fee or easement lands that include a railbed for the Remsen-Lake Placid Travel Corridor and any future acquisition that may be considered for classification as a travel corridor, existing either for the operation of rail cars or to serve as a rail trail.

Ms. Regan discussed the six alternatives. The Preferred Alternative includes revisions to the Travel Corridors definition and guidelines to clarify that the Remsen-Lake Placid Travel Corridor, or any section thereof, and future State-owned railroad corridors with existing rails, may be converted to and managed as a rail trail.

Ms. Regan reviewed the amendment process. The first step, which is where we are now, is presenting the draft amendment to the Board with a request to proceed to public comment period and hold public hearings. The comment period will run for two months ending May 7th. There are three public hearings scheduled: April 11th at the Agency, April 24th at the View in Old Forge and April 25th at DEC in Albany.

Dr. Dawson asked for clarification of item five in Appendix A. Would this mean if the rails are removed from portions of the corridor it could be re-installed at a later date. Ms. Regan said it could. When staff were going through the UMP amendment there was concern that at some point they might want to put a high speed railroad back, and this would enable that to happen. The types of future changes would have to go through the UMP process.

Chairman. Craig noted that rail trails are growing in the US and asked if staff have had the opportunity to look nationally and internationally at other rail trails. Ms. Regan said staff have looked at many examples, but have to look here through the lens of the APSLMP and the Forest Preserve.

Mr. Ernst asked if any of the miles of railroad corridors in the Park that were looked at were suitable for a rail trail. Ms. Regan said the potential mileage was too great to review at this time. However, a cursory review by staff indicated some historic lines are now roads and some are part of the Forest Preserve.

Mr. Austin asked under the current signing policy if staff are making any significant changes to the Plan that exists now. Ms. Regan said the signing policy will not change for highways. Staff have added some restrictions under the railroad corridors to be used for State purposes.

Mr. Lussi asked if staff will correct sections of the APSLMP that involved the acquisition of the Boreas Tract concurrently with this amendment. Ms. Regan said when the Board approved the classification action they approved staff making changes to acreage figures. The only mileage figures that are being addressed with this action would be for the Remsen-Lake Placid Corridor.

Mr. Monroe asked if staff are reviewing this just as a clarification. Ms. Regan said the amendment will clarify the definition of Travel Corridors. There have never been guidelines written that address railroad corridors, they have been limited to highway corridors.

Ms. Feldman asked for a motion from the Committee.

By motion of Dr. Dawson, seconded by Mr. Lussi, the Board unanimously approved acceptance of the DSEIS and authorized staff to proceed with public comment.

Inter-Agency Guidelines for Implementing Best Management Practices (BMPs) to Control Terrestrial and Aquatic Invasive Species

Mr. Martin gave an overview of the guidelines. He said the SEQRA and Negative Declaration have been completed, the Notice was published in the Environmental Notice Bulletin, and the Public Comment period ended on February 16th. One comment was received supporting the guidelines.

Mr. Martin said these guidelines will add Hemlock Woolly Adelgid to the list of BMPs, updates all the terrestrial plants and adds BMPs for aquatic plants for hand pulling and Benthic Mats. Mr. Martin stated it is important to point out that a separate SEQRA review is required for each proposed treatment site, which includes a survey for threatened or endangered plants and animals.

Mr. Ernst asked what biological control is used for Milfoil. Mr. Martin said a weevil is used and it has been somewhat effective in areas across the country.

Mr. Stegemann said a quick response to infestations of invasive species is very important.

Ms. Regan discussed the process for acceptance of the guidance documents. She said when a guidance document goes out for public comment it is done simultaneously with DEC. Staff will then write a memo that summarizes the public comment and changes made to the guidance as a result of public comment. The Board will be asked to adopt a resolution which states that the guidance is in conformance with the SLMP. The Board then authorizes the Chairman to send a letter to the DEC Commissioner with the adopted resolution. Once the Commissioner agrees to accept the guidance document, it then is added to the Inter-agency MOU as an appendix.

Ms. Feldman asked for a motion from the Committee.

By motion of Dr. Dawson, seconded by Mr. Lussi, the Board unanimously adopted the Resolution for the Inter-Agency Guidelines to Control Terrestrial and Aquatic Invasive Species.

Singletrack Bicycle Trail Guidance

Mr. McNamara gave an overview of the guidance. Public comments were received and reviewed in the Fall of 2017. As a result of the public comment some changes have been made.

Mr. McNamara said there was broad agreement the guidance is a worthwhile tool for bicycle trails. Public comments suggested making improvements to the following: the shared use of trails; providing a high quality experience for all ability levels; providing greater detail relating to the creation of trails and specific guidance for appropriate trail bridge design and use of motor vehicles. Some commenters asked to maintain resource protection as a priority, not sacrificing the needs of other Forest Preserve users for a specific user group (cyclists), and to clarify the relationship between the SLMP, Article 14 and this guidance.

Mr. McNamara said staff also addressed: shared-use by identifying "Designed Use" and "Managed Use," the suggestion of using a private consultant as an option should the project go beyond staff expertise; and adding Slope Averaging and the Half Rule to the Trail Alignment section as they are useful guidelines for trail layout.

Mr. McNamara said staff clarified the section on trail bridges and added a section on the character of soils and its implications for bike trails. Directionality within a trail network with signage without requiring new regulations was incorporated. Staff also incorporated guidelines for Administrative Use of motor vehicles to build and maintain trails. This section provides a list of practices that should be adhered to whenever motor vehicles are used for a bike trail project. It does not recommend all trails be built with motor vehicles, only for appropriate, limited circumstances.

Mr. Lussi asked for clarification on the benefits of using motorized vehicles on trails. Mr. McNamara said the guidelines look at the size of the equipment used in the trail corridor to minimize potential damage to the trail itself. Staff want to build trails by hand because that protects the Wild Forest character, but also do not want to take away the ability the SLMP provides to use motorized equipment.

Chairman Craig noted that there are hundreds of miles of trails in Wild Forest and asked if there were ways to use those existing trails rather than creating a whole new trail system. Mr. McNamara said if an existing trail must be signed open to bicycles to allow bicycle use. He added that there may be additional trails not currently open to bicycle use that may be appropriate for such use and that staff should look at those opportunities.

Dr. Dawson said he appreciates how staff have adopted the guidance to the public comments and the Minimum Requirements Analysis with the use of motorized equipment. He said since this is new guidance he hopes that the UMP process continues to evaluate the success and impacts. Ms. Feldman agreed with Dr. Dawson that staff should continue to monitor how effective the guidance is and make appropriate changes as needed.

Ms. Feldman asked if staff considered any best management practices with the motorized equipment for the control of invasive species. Mr. McNamara said some provisions for washing the equipment exist. Mr. McNamara added it would not be hard for staff to add additional language to the guidelines. Mr. Stegemann added that invasive species BMP language is in other policies, so staff should make it consistent.

Dr. Dawson asked if monitoring the trails should be part of the guidance as it is a management issue. Mr. Stegemann said that monitoring would be part of the UMP and would not be necessary in the guidance.

Ms. Feldman asked for a motion from the Committee.

By motion of Mr. Thomas, seconded by Dr. Dawson, the Board unanimously adopted the Resolution for the Siting, Construction and Maintenance of Singletrack Bicycle Trails on Forest Preserve Lands Guidance.

Whiteface Mountain UMP Amendment and Gore Mountain UMP Amendment

Mr. Lussi is recused from both ORDA UMPs and left the room for the presentations and discussion.

Mr. Pratt gave an overview of the proposed final UMPs which included changes made as a result of the Public Comment period.

Mr. Pratt said changes for the Whiteface UMP amendment included a more detailed summary of trail mileage totals and a more detailed description of the factors that resulted in the differences in ski trail mileage data from the 2006 UMP Amendment. This amendment includes a detailed trail inventory and analysis.

Mr. Pratt said changes for the Gore UMP amendment include additional information describing how a new trail location and the proposed reclassification adjacent to Ski Bowl Park could affect an existing trail. Additional mapping was added to show how a section of the Rabbit Pond backcountry trail could be rerouted to accommodate the proposed trail while preserving its use for hiking and backcountry skiing.

Mr. Thomas noted the current traffic congestion at Gore Mountain. He asked if there was additional parking proposed at the Ski Bowl. Mr. Pratt answered affirmatively. He added that ORDA is aware of the traffic congestion and they are working with the Town to provide parking while balancing the carrying capacity of the resources.

Mr. Thomas said it is complicated and was not clear on the timing of the various proposals including both State and private land, including a reclassification action. Mr. Pratt said one of the public comments suggested a one-to-one acreage match was necessary for a reclassification. ORDA staff did consider that, but believed it made more sense to draw a straight line and request a smaller acreage area.

Ms. Reynolds added that concerning the timing, some activities not part of today's discussion are part of the overall Snow Bowl Plan (private land), which will require a permit and 814 Order from the Agency.

Ms. Feldman asked Ms. Reynolds to explain how the reclassification action fits in as it is not before the Board today. Ms. Reynolds said that the reclassification will have to be a separate action.

Dr. Dawson asked if the reclassification is a separate action how could we be approving proposals on land that has not been reclassified. Ms. Regan clarified that the reclassification is "proposed" and ORDA has requested staff evaluation. She added some management actions are referred to as "conceptual plans" in the amendment and if ORDA chooses to implement those management actions, they would have to come back to the Agency with another UMP amendment. Ms. Regan said it is possible for a UMP and reclassification to occur simultaneously.

Ms. Feldman asked if the reclassification areas are conceptual. Mr. Pratt answered affirmatively. ORDA included this concept to put other management actions into context. Ms. Regan said that when reading the amendment, we need to be careful to distinguish between "proposed" and "conceptual."

Mr. Thomas asked for clarification on the Board's action. Is the Board authorizing proceeding to public comment for the amendment on State Land, Town Land and the summer operations? Ms. Regan clarified that the Town lands are not being addressed

today, that is a separate action. Ms. Phillips said ORDA and the Town have submitted a Notice under Section 814 and will also submit a request for the Town and Front Street subdivision permit amendment.

Mr. Pratt noted that SEQR requires an analysis of all plans which is why ORDA laid out the entire plan. As ORDA gains the approvals from both the 814 and the UMP amendment, ORDA will follow up quickly with a request to reclassify the lands and then address future UMP actions on those lands.

Mr. Thomas noted that the Town has approved an agreement with ORDA to implement improvements on Town land at the Ski Bowl and asked what the next steps are to complete this project. Mr. Pratt said the Town did approve ORDA actions on Town lands and an application for an 814 order has been submitted to the Agency. Ms. Phillips said that the 814 Order would be presented to the Board by the Regulatory Programs Division at a later date.

Mr. Ernst asked if there is guidance for or examples of litigation for the one-to-one or two-to-one reclassification action. Ms. Regan said she did not know of guidance for determining a ratio. We have to look at the land to determine what is best.

Mr. Craig noted that it is confusing with so many sub-issues but does appreciate seeing ORDA's full plans. Mr. Craig added that everyone expects to see this investment by the State payoff, but in the analysis there was no mention of an economic advantage from these changes. Mr. Pratt noted it is in the amendment, however, not in the Executive Summary.

Mr. Craig asked on the constitutionality issue for Whiteface, if glade skiing was considered in the accumulative mileage would you be within the Constitutional Limit, noting that ORDA does not count glades as trails. Mr. Stegemann said everyone asks about the definition of glades and suggested that having an answer in the mileage summary is premature.

Ms. Regan stated Agency staff were uncomfortable not considering glades as trails. Adding the chart to the amendment shows that with the glades counted as trails, ORDA is within the Constitutional Limit for trail mileage at both ski areas. This issue will need to be addressed in the future.

Dr. Dawson said there has to be some resolution of whether glades are trails, and if so, how you count them and define them, because this will ramp up this whole debate. Ms. Regan said the Agency and the DEC are reviewing this issue.

Mr. Stegemann said counting or not counting glades as trails is an important question raised and there is opportunity for public comment to be heard and make adjustments if necessary.

Mr. Monroe asked if the Rabbit Pond Trail will be reclassified as Vandewhacker Mountain Wild Forest. Mr. Pratt said the bottom of the trail is on lands that are owned by the Town and the top goes from Gore lands to Vanderwhacker lands then back into Town lands.

Ms. Feldman noted that the Whiteface UMP amendment mentioned treating invasive species if they showed up. With all the equipment on the mountain is there any guidance or Best Management Practices for invasive species. Mr. Pratt answered affirmatively.

Ms. Feldman noted the amendment includes maps of trails approved but never constructed. With additional amendments over many years, does ORDA have priorities identified? Mr. Pratt said they are always evaluating and prioritizing their improvements.

Ms. Regan noted a different email address for the ORDA public comments than for the DSEIS action.

Ms. Feldman said they will vote on each UMP amendment separately and asked for a motion from the Committee for Whiteface Mountain to proceed to public comment on APSLMP conformance.

By motion of Mr. Stegemann, seconded by Mr. Thomas, the Board unanimously approved proceeding to public comment.

Ms. Feldman asked for a motion from the Committee for Gore Mountain to proceed to public comment on APSLMP conformance.

By motion of Mr. Thomas, seconded by Ms. Feldman, the Board unanimously approved proceeding to public comment.

Old Business

None

New Business

None

Ms. Feldman, Committee Chair, adjourned the meeting at 12:30 pm.