



**KAREN FELDMAN**  
Acting Chair

**TERRY MARTINO**  
Executive Director

DRAFT MINUTES  
Park Policy & Planning  
Committee  
JLH:ap  
December 13, 2018

**PARK POLICY AND PLANNING COMMITTEE**  
**December 13, 2018**

The Committee convened at 2:20 p.m.

**Park Policy and Planning Committee Members Present:**

Dr. Chad Dawson, Chair, Dan Wilt, John Ernst, and Bradley Austin (ESD)

**Other Members and Designees Present:**

Karen Feldman, Acting Chair, Art Lussi, Robert Stegemann (DEC), William Thomas, and Lynne Mahoney (DOS)

**Local Government Review Board:**

Gerald Delaney

**Agency Staff Present:**

Terry Martino, Executive Director, Paul Van Cott, Associate Attorney, Dan Kelleher, Kathy Regan, Rick Weber, Keith McKeever, Mary O'Dell, Emily Tyner, and Annemarie Peer

**Approval of November 2018 Draft Minutes**

By motion of Mr. Wilt, seconded by Mr. Ernst, the November minutes were approved.

**Renewable Energy Production, Supply and Conservation** (Dr. Chad Dawson)

Dr. Dawson began the meeting by stating that due to a glitch on the web site, the public comment period was extended. A total of 76 comments were received.

Dr. Dawson continued by saying that by looking at some of the public comments, there seems to be a large concern for large wind production facilities. He said the Board has to spend time reading the public comments before going forward.

Dr. Dawson then went over the timeline that the Board is on, which is three meetings to go over the policy, two public comment periods, and reminded the Board that the Agency is just beginning this process.

Dr. Dawson then went over the red line version that was given to the Board and mentioned that this is the beginning of another round. Dr. Dawson pointed out two places in the policy where a sentence was added. A sentence was added in the Purpose section of the Policy to clarify that this new policy would amend and supersede the Agency's existing policy. A second sentence regarding the legal effect of the policy was added clarifying that the policy is meant to be a guidance document only. Dr. Dawson further clarified that this policy is meant to be a general principle and is not meant to be a regulation. Dr. Dawson said it is a complicated matter and will take time.

Dr. Dawson asked the Board for thoughts going into this process.

Ms. Feldman said that the comment letters were very illuminating, and that the Agency needs to make ourselves more clear.

Dr. Dawson said everyone reads into it differently. They were maybe reading more into it than was originally intended

Ms. Martino said that while looking at comments it is clear there is an interest in renewable energy, but some of the commenters were looking at it in the context of large scale commercial and other initiatives. Our need is to clarify that this policy is by no means a substitute for the mandates the Agency operates under in terms of looking at 37 development considerations and the requirements the Agency has to look at through statute.

Dr. Dawson responded that the Agency evaluates energy projects the same way we evaluate every project.

Mr. Ernst said there was misunderstanding in the comments of what the scope of this policy is and what the Agency will and will not be dealing with. Dr. Dawson talked about solar power and wind projects and that sometimes these conversations are very difficult and highly charged, particularly with tall windmills. He said that policy will have to explain all the differences between renewable energy so people will understand the different types of renewable energy and what the jurisdictional areas are for the Agency.

Mr. Delaney said many lay people in the Adirondack region believe the final say on everything comes from the Agency. They may not understand that we may not be the reviewers of large-scale solar and wind projects.

Mr. Stegemann said it behooves us to write it down and talk about it and know where we fit in this. We need a policy to put us in context of everything else.

Mr. Van Cott said the Policy states general principles. At the end of the day, whether it is projects the Agency reviews or projects the Public Service Commission (PSC) reviews, they are all going to be subject to the same project review standards. Mr. Van Cott continued that the APA Act is very clear that we need to look at the compatibility of a proposed use in the land use area it's proposed to be located in and also look very closely at whether there are undue adverse impacts. Renewable energy provides some public benefit and the APA Act allows us to take that into consideration. Our first job, though, is looking at the impacts and both the APA and PSC will be doing that when reviewing projects. The Agency can provide clarity regarding where the different jurisdictional lines lie regarding renewable energy. Mr. Van Cott then reminded the Board that there is a renewable energy flyer on the Agency's website.

Ms. Martino said the Agency will put guidance documents, such as the solar and wind flyer, more prominently on the Agency's website.

Mr. Stegmann then asked what the APA's jurisdiction is when there is a PSC project.

Mr. Van Cott responded that at a certain size of project, PSC has jurisdiction and they are the reviewing authority and the Agency and DEC would be statutory parties. The PSC would take into consideration the Agency's standards for approval of a project. The Agency would participate in the review, offer comments, and work with PSC through informal review or an adjudicatory hearing if necessary.

Ms. Feldman said the Agency needs to go back to the drawing board and clarify our responsibilities, then bring back the policy.

### **Old Business**

None

### **New Business**

None

The meeting adjourned at 2:35 p.m.