



Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

ADIRONDACK PARK AGENCY **DRAFT JUNE MEETING MINUTES**

Thursday, June 9, 2022

AGENCY MEMBERS, DESIGNEES, AND EXECUTIVE STAFF PRESENT

Mark Hall, Member
Andrea Hogan, Member
Art Lussi, Member
Zoë Smith, Member
Dan Wilt, Member
Brad Austin, Designee, Empire State Development
Matt Tebo, Designee, NYS Dept. of State
Randy Young, NYS Dept. of Environmental Conservation
Barb Rice, Executive Director
Chris Cooper, Counsel

ABSENT AND EXCUSED

John Ernst, Chairperson (Arrived late due to traffic)

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Jerry Delaney, Executive Director

AGENCY STAFF PRESENT

Robyn Burgess
Elaine Caldwell
Amy Hall
Bart Haralson
Kyle Hertel
Dan Kelleher
Rob Lore
Ariel Lynch
Craig Michaels
Megan Phillips
Matt McNamara
Alicia Purzycki
Bob Kreider, NYS ITS

Brad Austin called the meeting to order at 10 a.m., announcing that Chairperson Ernst was running late due to a traffic issue. Brad Austin welcomed everyone to the meeting, noting that it was going to be a busy day.

1. PUBLIC COMMENT

None

Video and audio recordings of the proceedings, including public comment, are available in their entirety via webcast at:

<https://nysapa.granicus.com/videos/588/player?autoplay=0&start=8&stop=628>

2. Approval of May 12 & 13, 2022 Agency Minutes

On motion of Dan Wilt, seconded by Art Lussi, the May minutes were approved unanimously with Ken Lynch and Randy Young abstaining as they weren't present at the meeting.

3. Recusals

Zoë Smith recused from the Amendment to the Generic UMP/GEIS for Campgrounds and Day Use Areas: Watercraft Decontamination Stations.

4. Motion for Executive Session

None needed.

5. Executive Director's Report

Executive Director Rice welcomed everyone, thanked Brad Austin for filling in and then asked for a moment of silence to honor Captain Chris Kostoss, a NYS Forest Ranger, who recently passed away. Executive Director Rice noted that the tree planting that was to take place in honor of Fred Monroe had been postponed and would be re-scheduled for a later date.

Executive Director Rice was happy to announce that John Ernst and Art Lussi have both been re-appointed to the Board. Executive Director Rice also announced that Benita Law-Diao has officially been confirmed as a Board member, adding that Benita Law-Diao will be a tremendous asset with her prior experience working with John Brown Lives!, Outdoor Afro, and The Adirondack Experience Museum, and adding that Benita Law-Diao is an avid hiker and paddler who considers the Adirondacks a second home. Executive Director Rice noted that for the first time in a while all of the Board seats will be filled, thanking Governor Hochul for making the appointments a priority.

Executive Director Rice was very excited to present the official logo for the Agency's upcoming 50th Anniversary which will be used on all correspondence through 2023, adding that the committee is finalizing concepts for a revised Adirondack Park private and state land map. The Agency also plans to create a 50th anniversary perspective speaker series which is envisioned as presentations during the monthly Agency meetings throughout the year.

It is with great pleasure that Executive Director Rice announced the appointment of Kyle Hertel to the position of Environmental Program Specialist 1 beginning on June 1, 2022.

The Agency recently held two public information sessions on the on-going Material Increase of road mileage on Wild Forest, Wild Forest Guideline Basis #4; the number of people who attended will be provided to the Board next meeting. In addition, Megan Phillips and Josh Clague presented at the AATV meeting and at the DEC/APA Accessibility Advisory Committee.

Executive Director Rice ended by saying that several Agency staff and Board members will be attending the Common Ground Alliance at Gore Mountain on June 15th. They will be participating in discussions focused on climate resilience, connective landscapes, and other topics affecting the Park.

6. Motion to Adjourn into Committees

On motion of Mark Hall, and without objection, the Agency adjourned into committees at 10:10 a.m.

Administration Committee

The committee meeting convened at approximately 10:10 a.m.

Administration Committee Members Present

Matt Tebo (DOS) and Dan Wilt (acted as committee chair)
John Ernst (Committee Chair) excused.

Other Members and Designees Present

Brad Austin (ESD), Mark Hall, Andrea Hogan, Art Lussi, Zoë Smith, and Randy Young (DEC).

Local Government Review Board Present

Jerry Delaney, Executive Director

Agency Staff Present

Robyn Burgess, Elaine Caldwell, Chris Cooper, Amy Hall, Bart Haralson, Dan Kelleher, Rob Lore, Ariel Lynch, Craig Michaels, Megan Phillips, Alicia Purzycki and Barb Rice

(1) Administration Report (Elaine Caldwell)

Deputy Director Administration Elaine Caldwell updated the Board on the Agency's current staffing, saying the Agency has 46 FTE's and one hourly position, however our FTE level for FY 22-23 is 54. Deputy Director Caldwell noted that the Agency is working on backfilling some key positions, notably Supervisor- Natural Resource Analysis, four EPS1 positions, a Senior Attorney, and an Engineer Trainee. Elaine Caldwell said that during the period of March 2020 to March 2022, the Agency had eight

retirements, two staff transfer to other state agencies for promotional opportunities, and one person leave state service.

Elaine Caldwell took a moment to acknowledge the efforts of her staff keeping the Agency running smoothly during COVID, by doing things such as making monthly remote agency meetings happen and making sure that when the Agency went fully remote that all staff had the technology necessary to work effectively, keeping the building safe, clean, and healthy, and for keeping the day-to-day business materials moving and the switchboard answered.

Elaine Caldwell said that the Agency is working on updating its Fleet Vehicle Use Policy to be in line with the recently issued statewide Vehicle Use Policy. Deputy Director Caldwell noted that the Agency continues to move forward on Governor's Hochul's Transparency Initiative and Language Translation project that affects Agency websites, adding that the Agency will be using Smartling to convert certain sections of the Agency website into one of the top 16 languages currently being offered by NYS. The Agency is also working on updating Agency information regarding gender identity and Domestic and Workplace violence.

Elaine Caldwell ended by saying that the Agency will be doing two tree dedications this summer: one for Fred Monroe which was supposed to happen today but will be postponed until later this summer and one for former EPS2 Thomas E. Saehrig, who passed away in March 2020; an employee of the Agency at the time of his passing who had been in state service since 1991.

The complete report is available at:

<https://nysapa.granicus.com/videos/588/player?autoplay=0&start=628&stop=973>

(2) Resolution and Agency Draft Policy Authorizing the Use of Videoconference for Agency Meetings (Chris Cooper)

Counsel Chris Cooper gave a presentation on the Agency's new resolution and policy on allowing the use of videoconference attendance for monthly Agency meetings. Chris Cooper noted that during COVID this was allowed to happen under an Executive Order, however the law now states that for an Agency to be able to allow members to attend via videoconference there needs to be an adoption of a resolution and an adoption of a policy. Per the Agency's rules regarding a new policy, it is required to go through three consecutive Board meetings: 1st meeting: initial reading of the policy; 2nd meeting: discussion and review; and 3rd meeting: adoption of the policy. Chris Cooper read the new policy adding background information and answering several questions from Board members.

A motion was made by Dan Wilt to adopt the resolution and draft policy official reading, seconded by Matt Tebo, both were in favor.

The presentation and following discussion are available at:

<https://nysapa.granicus.com/videos/588/player?autoplay=0&start=973&stop=1569>

Regulatory Programs Committee

The committee meeting convened at approximately 10:20 a.m.

Regulatory Programs Committee Members Present

Dan Wilt (Committee Chair), Art Lussi, Matt Tebo (DOS), and Ken Lynch.

Other Members and Designees Present

John Ernst (Chair), Brad Austin (ESD), Andrea Hogan, Mark Hall, Zoë Smith, and Randy Young (DEC).

Local Government Review Board Present

Jerry Delaney, Executive Director

Agency Staff Present

Chris Cooper, Barb Rice, Rob Lore, and Bart Haralson.

(1) Regulatory Programs Report (Rob Lore)

Deputy Director Regulatory Programs Rob Lore began his report by reviewing a few of the projects that are listed on the High Profile Report, including Carver Sand and Gravel in Ephratah, Fulton County and an application for a shooting range in Lewis, Essex County.

Rob Lore next discussed the Agency's process for reviewing emergency authorizations conducted to protect life and property.

Rob Lore also noted that corrections were made to the Regulatory Programs minutes from February of 2022 to accurately reflect dates, and that the revised version is now on the website.

The complete report is available at:

<https://nysapa.granicus.com/videos/588/player?autoplay=0&start=1569&stop=1946>

(2) P2021-0249 – Hawkins/Walsh (Bart Haralson)

Bart Haralson gave a detailed overview and presentation of the project including review of jurisdiction, conclusions of law, a description and slides of the project location and the existing conditions, site history, proposed project details, visual analysis slides, public comment, review by others, and staff's recommendation and permit conditions.

John Ernst motioned to deny the variance; Matt Tebo seconded the motion.

The Board discussed variance proposal P2021-0249. There was a discussion on the variance factors including whether the application requests the minimum relief necessary,

whether granting the variance will create a substantial detriment to adjoining or nearby landowners, whether the difficulty can be resolved by a feasible method other than a variance, the manner in which the difficulty arose, whether granting the variance will adversely affect existing resources, and whether the imposition of conditions upon the granting of the variance will minimize potential adverse effects. Alternatives not requiring a variance were also discussed, including modifying the existing structure to conform with the Agency's boathouse definition, using off-site storage, constructing on-site dry covered storage, constructing two-tiered dry storage within the existing boathouse, constructing a second boathouse on the property, and use of a more reliable boat for access.

After the discussion, Matt Tebo, Dan Wilt, Ken Lynch, and John Ernst voted in favor of denial. Art Lussi voted against the denial.

The presentation and following discussion are available at: <https://nysapa.granicus.com/videos/588/player?autoplay=0&start=2012&stop=6890>

(3) Old Business

None

(4) New Business

None

The committee meeting adjourned at approximately 11:48 a.m.

State Land Committee

State Land Committee Members Present

Ken Lynch (Committee Chair), Art Lussi, Andrea Hogan, Randy Young (DEC)

Other Members and Designees Present

John Ernst (Chair), Brad Austin (ESD), Matt Tebo (DOS), Mark Hall, Dan Wilt, and Zoë Smith.

Local Government Review Board Present

Jerry Delaney, Executive Director

Agency Staff Present

Barb Rice, Chris Cooper, Matt McNamara

(1) State Land Report (Megan Phillips)

Deputy Director Planning Megan Phillips reported that the state land team continues to be engaged in a variety of projects and initiatives.

NY's Invasive Species Awareness Week was held June 6-12, and Megan Phillips shared information about events hosted by partners at the Adirondack Park Invasive Plant Program and Adirondack Watershed Institute, including a screening of the documentary film "Uninvited: The Spread of Invasive Species" at the Hotel Saranac.

Megan Phillips also shared an upcoming free virtual training that APIPP is hosting on June 28 to teach the public how to identify AIS and report observations online. In July they are also hosting a “Managing Backyard Invasives” webinar.

Per board member request, Megan Phillips provided an update on the RLPTC rail trail. A contract has not yet been awarded for the first phase of trail construction between Lake Placid and Saranac Lake. This phase is anticipated to be completed in 2023. The surface of the trail is intended to be compacted stone dust, but pavement may be utilized where appropriate. The trail will be designed and constructed to accommodate pedestrians, cyclists, class 1 e-bikes (pedal assist only, max assisted speed of 20mph), cross country skiers, and snowmobiles. The DEC is working with the APA and Army Corps of Engineers for wetlands permitting needs and they expect all permits to be finalized at the time of contract award.

Deputy Director Phillips also shared that the trail stewardship working group took a field trip on June 2 to visit sites across the Park, where they observed various trail types and construction techniques and had meaningful discussions about wild forest character at the Jay Mountain Trail, Fowlers Crossing mountain bike trails in the Saranac Lake Wild Forest, and the new sustainable trail up Mt. Van Hoevenberg.

Contingent on timing of DEC’s RFP release, staff intend to deliver a comprehensive update on the visitor use mgmt. initiative at an upcoming meeting.

The four proposed Constitutional amendments did not see first passage during this legislative session.

Megan Phillips closed with reporting on public presentations to various stakeholder groups and two public information sessions on Wild Forest Basic Guideline No. 4 – no material increase of road mileage on wild forest lands. Staff engaged nearly 100 stakeholders to date. The comment period runs through July 12. She encouraged board members to send any questions on this topic to Megan Phillips and Chris Cooper via e-mail; staff will address questions for the full group when the topic is revisited at a future board meeting.

The complete report is available at:

<https://nysapa.granicus.com/videos/588/player?autoplay=0&start=6912&stop=7314>

(2) Amendment to Generic UMP/GEIS for Campgrounds and Day Use Areas (Megan Phillips)

Megan Phillips presented a summary of public comments on the proposed final amendment to the generic UMP/GEIS for Campgrounds and Day Use Areas to allow for permanent placement of watercraft decontamination facilities.

The presentation and discussion are available at:

<https://nysapa.granicus.com/videos/588/player?autoplay=0&start=7315&stop=8110>

A motion to adopt a resolution finding the amendment to be in conformance with the State Land Master Plan was made by Andrea Hogan and seconded by Art Lussi. All were in favor. Zoë Smith recused herself.

(3) Inter-Agency Guidelines for Implementing Best Management Practices to Control Invasive Species on DEC-Administered Lands of the Adirondack Park (Megan Phillips)

Megan Phillips shared the impetus for and content of the updated guidelines for invasive species, including a comparison of what has been changed from the 2018 guidelines.

The presentation and discussion are available at:

<https://nysapa.granicus.com/videos/588/player?autoplay=0&start=8125&stop=9806>

A motion to authorize a 30-day public comment period (June 10 through July 11) was made by Art Lussi and seconded by Andrea Hogan. All were in favor.

The committee meeting adjourned at approximately 1:49 p.m.

Full Agency resumed at approximately 1:50 p.m.

7. Committee Reports

a) Administration Committee

On motion of Andrea Hogan, seconded by Matt Tebo, the Agency unanimously approved the adoption of the Resolution authorizing the use of videoconferencing and first read of the Policy governing the use of videoconference for Agency meetings. Revisions were proposed by Mark Hall and Andrea Hogan.

b) Regulatory Programs Committee

On motion of Dan Wilt, seconded by John Ernst, the Agency voted to deny the variance request on P2021-0249 for Andrew Hawkins and Lisa Walsh in the Town of Brighton, Franklin County. All were in favor of the denial, with the exception of Art Lussi.

c) State Land Committee

On motion of Andrea Hogan, seconded by John Ernst, the Agency voted unanimously to approve the Amendment to the Generic UMP/GEIS for Campgrounds and Day Use Areas: Watercraft Decontamination Stations with Zoë Smith recusing.

On motion of Ken Lynch, seconded by Art Lussi, the Agency voted unanimously to approve a 30-day public comment period on the Inter-Agency Guidelines for Implementing Best Management Practices to Control Invasive Species on DEC-Administered Lands of the Adirondack Park.

8. Interim Reports

The Economic Affairs, Enforcement, Legal Affairs, Local Government Services, Park Ecology, Park Policy and Planning, and Public Awareness and Communication committees did not meet this month.

Local Government Review Board Report:

Jerry Delaney said that local government recognizes the loss to DEC, the community, and the Adirondacks with the death of Captain Chris Kostoss. Jerry Delaney wished that mentor Fred Monroe would have been there to offer guidance on the variance before the Board, realizing that due to differences in the laws, towns and villages may agonize over a decision knowing that the Agency may end up overruling them.

Lastly, Jerry Delaney thanked the Agency and DEC for their openness in dealing with road mileage, helping the public understand as well as educating them on a very complex issue and hopes that the Agency does get bombarded with comments, giving the Agency an opportunity to gauge the public as a whole.

9. Old Business

Mark Hall asked about how the Agency is doing regarding our transparency plan, specifically regarding our social media presence and getting approved permits posted on our website. Mark Hall noted that meeting materials are now available on the website prior to the meeting and believes that's great. Executive Director Rice responded that Keith McKeever is working on the social media aspect, but would have to look into the permits question and get an answer.

10. New Business

None

11. Public Comment

None

Video and audio recordings of the proceedings, including public comment for this portion of the meeting are available in their entirety via webcast at:
<https://nysapa.granicus.com/videos/588/player?autoplay=0&start=9807&stop=10842>

Before ending, Chairperson Ernst announced that the next meeting is scheduled for July 14 &15, 2022.

The meeting was adjourned without objection at 2:08 p.m.

John Ernst, Chairperson