



Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

ADIRONDACK PARK AGENCY **DRAFT MARCH MEETING MINUTES**

Thursday, March 16, 2023

AGENCY MEMBERS, DESIGNEES, AND EXECUTIVE STAFF PRESENT

John Ernst, Chair - Remotely
Mark Hall, Member
Benita Law-Diao, Member
Art Lussi, Member
Ken Lynch, Member
Zoë Smith, Member
Dan Wilt, Member
Brad Austin, ESD
Matt Tebo, Dept. of State
Joe Zalewski, NYS Dept. of Environmental Conservation
Barb Rice, Executive Director
Chris Cooper, Counsel

ABSENT AND EXCUSED

None

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Gerald Delaney, Executive Director

AGENCY STAFF PRESENT

Ben Amos
John Burth
Elaine Caldwell
Bart Haralson
Dan Kelleher
Bob Kreider, NYS ITS
Ariel Lynch
Keith McKeever
Craig Michaels
Jenn Ocasio, NYS ITS
Megan Phillips
Jim Pinheiro
Virginia Yamrick

Link to video and audio recordings of the proceedings to be added.

1. CALL TO ORDER and 2. WELCOMING REMARKS

Chair Ernst called the meeting to order at approximately 10:03 am, welcomed everyone and announced that Zoë Smith was being added to the State Land committee and taken off the Park Policy and Planning committee. Chair Ernst also offered congratulations and thanks to Executive Director Rice on her one-year anniversary with the Agency.

3. PUBLIC COMMENT

Chris Amato, Conservation Director and Counsel with Protect the Adirondacks, spoke about the consideration of No Material Increase and whether CP3 road mileage should be included.

Kim Meusel, a resident of North River, spoke about Barton Mines, saying that over the years the mine has changed, adding that there is constant noise and dust and hopes any future permits will help mitigate the effects.

Dave Gibson with Adk Wild would like the APA to reconsider disallowing public comment at the beginning of the monthly meetings, adding that by the end of the day commissioners may be tired and disinterested.

Richard Smardon was signed up to comment remotely, but could not connect and was invited to comment at the end of the meeting.

4. APPROVAL OF February 6, 2023 AGENCY MEETING MINUTES

On motion of Mark Hall, seconded by Dan Wilt, the February minutes were unanimously approved with Brad Austin abstaining.

5. RECUSALS

None.

6. MOTION FOR EXECUTIVE SESSION

Per Counsel Chris Cooper an executive session is needed to update the Board on pending litigation. On motion of Chair Ernst, seconded by Benita Law-Diao, the Board unanimously voted to hold an executive session prior to lunch.

7. EXECUTIVE DIRECTOR'S REPORT

Executive Director Rice welcomed everyone, noting that this month marks the beginning of our 50th anniversary speaker series and is Women's History Month. Executive Director Rice announced that Sandra Weber, a local artist and performer, and Georgeanne Gaffney, a fine artist and creative consultant, will be speaking to the Agency during the afternoon session to provide their perspective on local women in history, adding that their work which is displayed in the lobby and boardroom will remain displayed throughout the month. Executive Director Rice

said that Lani Ulrich, first female chair of the APA and Terry Martino, first female executive director, were supposed to speak, but were unable to attend and will be added to the speaker series later this year. Thanks were offered to them as well as Governor Hochul, as the first female governor of NY. March marks the 50th anniversary of the Adirondack Park Land Use and Development Plan being submitted to Governor Rockefeller and the NYS legislature, with the plan ultimately being approved in May 1973. Executive Director Rice thanked Agency staff Molly Jordan, Matt Kendall, John Barge, and Keith McKeever for their hard work creating the 50th anniversary commemorative map which will be distributed throughout the Park. Executive Director Rice mentioned that there is still time to register for the first annual Adirondack Planning Forum, noting that a full house is expected with exhibitors already at capacity. Lastly, Executive Director Rice offered congratulations on behalf of the Agency to Lake George Mayor Robert Blais who is retiring after serving the village for 52 years.

8. MOTION TO ADJOURN INTO COMMITTEES

On motion of Mark Hall seconded by Dan Wilt, the Agency voted unanimously to adjourn into committees at approximately 10:25 a.m.

Administration Committee

The committee meeting convened at approximately 10:25 am.

Administration Committee Members Present

John Ernst (Committee Chair), Benita Law-Diao, Art Lussi

Other Members and Designees Present

Brad Austin (ESD), Mark Hall, Ken Lynch, Zoë Smith, Matt Tebo (DOS), Dan Wilt, Joe Zalewski (DEC)

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Barbara Rice, Chris Cooper, Elaine Caldwell, Dan Kelleher, Craig Michaels, Megan Phillips

(1) Administration Report (Elaine Caldwell)

Deputy Director of Administration Elaine Caldwell shared with the Board all of the areas that the Administrative Division covers for the Agency, noting that the support, IT, and maintenance staff have been incredibly busy helping to keep the Agency operating.

Deputy Director Caldwell said that the Agency looks forward to getting back to its full-time employee fill level of 54 employees during fiscal year 2023-24, adding that employment opportunities will be posted on the website.

Deputy Director Caldwell ended with an overview of the three items on the Administrative Committee's agenda for the day.

(2) Delegation Resolution (Elaine Caldwell and Chris Cooper)

Deputy Director Caldwell and Counsel Chris Cooper gave a presentation on adding the Deputy Director, Administration position to the Agency's Delegation Resolution which delegates specific duties to staff.

After some discussion on motion by Chair Ernst, seconded by Art Lussi, the committee unanimously approved sending the resolution to the full Agency.

(3) Policy on Policies (Chris Cooper)

Counsel Chris Cooper gave a presentation to the Board on proposed revisions to the Adirondack Park Agency Policy & Guidance System to simplify the procedures for adoption or revision of Agency policy. Specifically, the revisions remove the requirement for presentation of an Agency policy at least three Agency meetings prior to approval.

There was some discussion about this stream-lining the process, but also some concerns regarding the wording and how this change might affect the public's ability to comment on a possible policy change.

The committee asked Counsel Cooper to add more definition on what constitutes an administrative policy change versus a public policy change.

(4) Public Comment Policy (Chris Cooper)

Counsel Cooper made a presentation to the Board on proposed revisions to the Adirondack Park Agency Public Comment Policy to clarify and modify the Agency's policy for acceptance of oral and written comment. The revisions would eliminate the oral public comment period at the beginning of Agency meetings and more clearly establish a deadline for submission of written comments during a public comment period.

There was much discussion on the timing of the public comment session at Agency meetings, at the beginning of the meeting versus the end of the meeting, and whether it's disruptive to the flow of the meeting and keeping time with the agenda. Also discussed was whether to limit the number of speakers, set time limits for each comment, and which topics are off limit for public comment.

Regarding written comments, questions were asked on when a public comment period ends and the timeframe for comments on agenda items to be accepted prior to the Agency meeting.

On motion from Chair Ernst, seconded by Benita Law-Diao, the committee voted unanimously to send both the Policy on Policies and the Public Comment Policy out for public comment and to bring both back before the Board.

(5) Old Business

None

(6) New Business

None

Link to video and audio recordings of the Administration presentations and the following discussions to be added.

The committee adjourned at approximately 11:20 am.

State Land Committee

The committee meeting convened at approximately 11:20am.

State Land Committee Members Present:

Ken Lynch (Committee Chair), Benita Law-Diao, Art Lussi, Zoë Smith, and Joe Zalewski (DEC)

Other Members and Designees Present:

Brad Austin (ESD), John Ernst, Mark Hall, Matt Tebo (DOS), Dan Wilt

Local Government Review Board

Gerald Delaney, Executive Director

Agency Staff Present:

Chris Cooper, Barb Rice, Megan Phillips, Kevin Prickett, Matt McNamara

(1) State Land Report (Megan Phillips)

Deputy Director of Planning Megan Phillips reported that due to a large influx of public comments on the Broadalbin boat launch unit management plan (UMP), DEC will convene a public meeting to share information about the site and hear comments from members of the public. Staff will present a summary of public comments received and a staff recommendation with respect to Master Plan conformance at a future meeting.

Deputy Director Phillips also shared that DEC finalized a two-year contract with Otak, Inc. to develop a visitor use management framework for the Central High Peaks and Kaaterskill Clove. Otak will engage State officials, stakeholders, and the public in outlining desired conditions and management goals for the project areas. During the second half of this year, the process will focus on measuring and analyzing visitor use patterns to determine how closely current conditions meet the desired conditions. The second year of the contract will focus on developing management strategies aimed at

helping DEC achieve and maintain the desired conditions. Final project reports will include recommendations for monitoring and maintaining the effectiveness of the strategies over time.

Deputy Director Phillips also reported that APA and DEC staff will co-present at the New York State Federation of Lake Associations conference in early May to provide an overview of what to consider when planning for management of invasive aquatic plants in the Adirondack Park, including: management options and DEC permitting needed; the 2022 update to the Inter-Agency Guidelines for Implementing Best Management Practices to Control Invasive Species on DEC-Administered Lands of the Adirondack Park; and the APA wetlands permit and the general permits that we offer for invasive species management activities.

Lastly, Deputy Director Phillips shared some figures related to the projected economic impacts associated with the rail trail based on 2012 study by the Rails to Trails Conservancy. The 34-mile trail between Lake Placid and Tupper Lake could attract approximately 244,260 out of area visitors annually, which is a midpoint projection that is more than 10 years old, so this number may actually be higher now. Out-of-area overnight visitors are projected to spend between \$64 and \$99 per day, with an average of \$86. At this midpoint projected spending level, visitors will add \$19.8 million in annual revenues to local economies. Local trail users will add an estimated \$1.8 million in trail-related spending annually.

(2) Wild Forest Basic Guideline No. 4 – No Material Increase of Road Mileage on Wild Forest Lands (Josh Clague, DEC, and Megan Phillips, APA)

Staff provided a comprehensive overview of the no material increase topic and summarized progress made to date. They also provided clarity and outlined management implications associated with a fourth alternative for the no material increase interpretation.

On motion of Zoë Smith, seconded by Benita Law-Diao, the committee unanimously voted to initiate a 30-day public comment period to solicit public comment on No Material Increase Alternative 4.

The committee adjourned at approximately 12:35 p.m.

Link to video and audio recordings of the State Lands presentation and following discussion to be added.

Executive Session/Lunch

Chair Ernst reported out that no action was taken in executive session.

Regulatory Programs Committee

The committee meeting convened at approximately 1:30pm.

Regulatory Programs Committee Members Present

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

Other Members and Designees Present

John Ernst (Chair), Mark Hall, Zoë Smith, Benita Law-Diao, Brad Austin (ESD), Joe Zalewski (DEC).

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Chris Cooper, Barb Rice, John Burth, Bart Haralson.

(1) Regulatory Programs Report (John Burth, EPS 3)

John Burth began his report by delivering the statistics of 2023 so far, including the number of applications received, projects completed and permits issued and how those numbers compare to past years. Mr. Burth then gave a Telecom Working Group update, stating that staff have circulated documents related to Eligible Facilities Requests to clarify & simplify the review process for those types of projects. Mr. Burth also noted that the Agency's website is up-to-date with the December 2022 telecommunications database and maps.

(2) P2022-0194 – 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.

On motion by Art Lussi, seconded by Ken Lynch, the committee approved sending the project to the Full Agency by a vote of 3-1, with Dan Wilt opposed.

(3) Old Business

None

(4) New Business

None

The committee meeting adjourned at approximately 2:40pm.

Link to video and audio recordings of the Regulatory Programs presentation and following discussion to be added.

Public Awareness and Communications Committee

The committee convened at approximately 2:50 pm.

Public Awareness and Communications Committee Members Present

Mark Hall (committee chair), Brad Austin (ESD), Benita Law-Diao, Zoë Smith, Dan Wilt

Other Members and Designees Present

John Ernst (Chair), Art Lussi, Ken Lynch, Matt Tebo (DOS), Joe Zalewski (DEC)

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Chris Cooper, Barb Rice, Keith McKeever

(1) Public Awareness and Communications Report (Keith McKeever)

Keith McKeever reported to the Board that in response to Governor Hochul's transparency initiative the APA Citizen's Guide has been updated with modifications to reflect the types of projects and jurisdictions handled by the Agency. Also revised were the wetlands, scenic rivers, and shoreline sections, as well as clear descriptions of the permitting process for applicants.

(2) "Celebrating Women Who Tell Our Stories" Guest Speaker: Sandra Weber – Adirondack Author, Performer, and Lecturer gave a presentation to the Agency marking Women's History Month by highlighting historical accomplishments of several remarkable Adirondack women.

(3) Guest Speaker: Georgeanne Gaffney, artist and nationally recognized creative consultant spoke to the Board about her experience as an artist and how women and the natural environment influence her work.

The committee meeting adjourned at approximately 4:20 pm.

Full Agency resumed at approximately 4:20 pm.

9. Committee Reports

a) Administrative Committee

Chair Ernst reported that the committee had heard a report from Elaine Caldwell and presentations on changes to the Delegation Resolution, the Policy on Policies, and the Public Comments Policy.

On motion by Chair Ernst, seconded by Art Lussi, the Board voted unanimously to approve adding the Deputy Director, Administration position to the Agency's Delegation Resolution which delegates specific duties to staff, and to send the Policy on Policies and the Public Comments Policy out for public comment with revisions.

b) State Land Committee

Ken Lynch reported that the committee had heard a report from Megan Phillips and a comprehensive presentation related to Wild Forest Basic Guideline No. 4 – No Material Increase of Roads on Wild Forest Lands, including clarification of No Material Increase Alternative 4.

On motion of Ken Lynch, seconded by Matt Tebo, the board unanimously voted to authorize a 30-day public comment period to take in public feedback related to No Material Increase Alternative 4.

c) Regulatory Programs Committee

Dan Wilt reported that the committee had heard a report from John Burth and then had a presentation by Bart Haralson on P2022-0194. Dan Wilt reviewed draft conditions prepared by Agency staff.

On motion of Art Lussi to approve, seconded by Ken Lynch, P2022-0194, Andrew Hawkins and Lisa Walsh, the Board voted 5-5 with John Ernst, Mark Hall, Art Lussi, Ken Lynch and Matt Tebo voting in favor and Brad Austin, Benita Law-Diao, Zoë Smith, Dan Wilt and Joe Zalewski voting against. As a majority vote is required for approval, the variance request was not approved.

d) Public Awareness and Communications Committee

Mark Hall reported that the committee heard a report from Keith McKeever and had enjoyed presentations by Sandra Weber and Georgeanne Gaffney.

10. Interim Reports

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

Local Government Review Board Report

Jerry Delaney commented that this was one of the more spirited meetings he can recall and that it's good to see open government working openly.

11. Member Comment

Joe Zalewski said that the DEC is actively seeking seasonal staff and asked that anyone interested contact them.

Art Lussi applauded the Board on being definitive in decision making.

John Ernst added that it's not bad to disagree.

12. Old Business

None

13. New Business

None

14. Public Comment

Peter Bauer with Protect the Adirondacks commented on the public comment policy, asking that material be posted sooner if the time frame for written comment is shortened, and on no material increase on road mileage, saying that CP3 roads should be included.

Before ending, Chair Ernst announced that the next Agency meeting is scheduled for April 20 and 21, 2023.

Link to video and audio recordings of the presentation to be added.

The meeting was adjourned without objection at approximately 4:41 pm.

John Ernst, Chair