



Adirondack Park Agency
JUNE MEETING MINUTES

Thursday, June 20, 2024

Agency Members, Designees, and Executive Staff Present:

John Ernst, Chairperson

Brad Austin, Empire State Development

Mark Hall, Member

Art Lussi, Member

Zoë Smith, Member

Matt Tebo, Department of State

Dan Wilt, Member

Randy Young, Department of Environmental Conservation

Barbara Rice, Executive Director

Damion Stodola, Counsel

Absent and Excused

Benita Law-Diao, Member

Ken Lynch, Member

Local Government Review Board Present

Gerald Delaney, Sr., Executive Director (until 2:30 PM)

Brian McDonnell, Chair (from 2:30 until adjournment)

1) CALL TO ORDER

A quorum of board members being present in person, the meeting was called to order at 9:36 AM and Chairperson Ernst welcomed the public and staff.

2. WELCOMING REMARKS

Chairperson Ernst reported recent recognition for two board members:

- Board member Mark Hall was recently profiled in the Adirondack Almanack in recognition of his public service; and
- Board member Benita Law-Diao will be honored by the Adirondack Council during their Forever Wild Day with a special recognition for her dedication to environmental and social justice issues.

Chairperson Ernst also congratulated APA Special Assistant, Economic Affairs, Dan Kelleher, on his recent appointment to succeed Jim McKenna as President and CEO of the Regional Office of Sustainable Tourism (ROOST).

3. PUBLIC COMMENT

The Chair recognized Randy Rapple, President and CEO of Barton Mines Company, to make a public comment. Rapple said that Barton Mines was a 146-year-old family-owned company. Barton was declared a critical industry twice in its history, once during World War II and again during the pandemic. Barton employs over 100 people in New York state and has contributed over \$20 million to the local economy. Their current challenge is that they are running out of space to store residual minerals. Rapple thanked the APA staff for working with them over the last four years as they created their plan.

The Chair recognized Dave Gibson. Gibson said that he believed there was a perceived bias of staff against adjudicatory hearings. Gibson said that he felt staff was mislabeling these hearings as trials and reported that in the first 40 years of its existence, the Agency held over 150 adjudicatory hearings.

4. APPROVAL OF May 16, 2024 AGENCY MEETING MINUTES

On motion of Dan Wilt, seconded by Art Lussi, the May minutes were unanimously approved without modification.

5. RECUSALS

None

6. MOTION FOR EXECUTIVE SESSION

None

7. EXECUTIVE DIRECTOR'S REPORT

Executive Director Barbara Rice presented the Executive Director Report, highlights of which included:

- Juneteenth, a day that commemorates the emancipation of enslaved Africans and their descendants in America has become a day of reflection. As an agency we've learned much in recent years about the role the Adirondack Park has played in the history of the Black community. Thanks to Amy Godine's presentation last year, we learned how Black New Yorkers migrated to the Adirondacks to acquire land, build farms and exercise their right to vote, some settling in an area just south of Lake Placid known as Timbuctoo. Until recently, this settlement and others like it were largely left out of historical accounts of the region. I'm thankful we have revisited our understanding of the Park's history. Rediscovering these stories reinforces how incredible this place is, and how much potential it has and can offer to people from all walks of life.
- Dan Kelleher, Special Assistant for Economic Affairs has recently announced he will be leaving the Agency, after more than a decade of service, for a position as president and CEO of the Regional Office of Sustainable Tourism. His last day at the Agency will be July 12. We appreciate Dan's work and dedication on behalf of the Adirondack Park and wish him the best of luck.
- We also welcome the 2024 class of interns to the Agency – Tom Shafer, a first-year law student at Albany Law School is working with Associate Counsel Sarah Reynolds to establish a case law database containing environmental and land use law relevant to the Adirondack Park Agency; Emily Pulcini who was introduced last month is a GIS intern working with Mapping Technician, Molly Jordan on project research, analysis and GIS data management; Lydia Harvey, our Wetlands Mapping and Delineation Intern is in the process of earning her Masters in Natural Resources and Ecology at SUNY Plattsburgh, and working with Dr. Lizz Schuyler on a variety of projects involving wetlands delineation, air photo interpretation and processing field data; lastly, our Community Design and Planning Intern, Mistaya Smith has joined us remotely from Boston where she has been working on a Master of City Planning at MIT is working with Dan Kelleher on the Agency's Envision Adirondacks initiative to develop visual representations of hamlet centers under different planning/zoning scenarios and will be working with Deputy Director of Planning, Megan Phillips after his departure next month.

- The last few weeks have been busy in Albany. The Agency is staying up to date on proposals to repurpose three closed prison facilities located on Forest Preserve land – Camp Gabriels and Moriah Shock. While these proposals did not move in the legislature, the Agency recognizes the significance of these properties to local towns and villages and is prepared to work with partner agencies, local elected leadership, and other stakeholders to find solutions.
- Congratulations to Walter Mosely on his appointment as Secretary of State.

Gerald Delaney, Local Government Review Board, noted that if and when a constitutional amendment is passed to close local prisons, his understanding was that the locations would revert to the land classifications they held prior to becoming prisons. He also noted that he would need to leave the meeting at 2:30 PM, but Brian McDonnell would represent the Local Government Review Board during the remainder of the meeting.

8. MOTION TO ADJOURN INTO COMMITTEES

On motion of Mark Hall, seconded by Randy Young, the Agency Board unanimously voted to adjourn to committees at 10:00 AM.

Park Ecology Committee

The committee meeting convened at approximately 10:00 AM.

Park Ecology Committee Members Present: Zoë Smith (Chair), Brad Austin (ESD), Randy Young (DEC) and John Ernst.

Other Members and Designees Present

Mark Hall, Art Lussi, Matt Tebo (DOS), Dan Wilt

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Barb Rice, Damion Stodola, Dr. Lizz Schuyler

(1) Park Ecology (Dr. Lizz Schuyler)

Dr. Lizz Schuyler, Supervisor – Natural Resource Analysis, provided an update on activities of the Resource Analysis & Scientific Service (RASS) team, highlights of which included:

- Staff was able to start site visits in March due to favorable snow conditions, to this point in the season staff has performed 100 wetlands visits, 15 forest related surveys and over 25 engineering related visits with three months left to go in field season. Additionally staff has conducted over 100 desktop reviews

- RASS staff has also engaged with the larger environmental community through attendance and presentations at several conferences, forums, interagency and community meetings all of which enhanced capabilities, fostered collaboration, supported professional development and reinforcing the Agency's committed to preserving the Adirondacks.
- Congratulations to Aaron Ziemann who has completed his first course toward an aquatic resource management certificate and Casey Young for completed the 38 hour wetland delineation course

(2) Climate & Applied Forest Research Institute (CARFI) (Dr. Colin Beier, Associate Professor, SUNY College of Environmental Science and Forestry; Ian Crisman, Climate Forester – Lands and Forests, DEC, Dr. Lizz Schuyler, Supervisor, Natural Resource Analysis, APA)

Dr. Colin Beier provided an update on the New York State Carbon Assessment Report, and Ian Crisman provided examples of how carbon assessments are being used by the Division of Lands. Dr. Lizz Schuyler completed the presentation with a discussion on how this data can aid the agency in the review process.

Old Business

None

New Business

None

Committee Adjourned at 11:11 AM.

Public Awareness and Communications Committee

The committee meeting convened at approximately 11:12 AM.

Public Awareness and Communications Committee Members Present: Mark Hall (Chair), Dan Wilt, Brad Austin (ESD), John Ernst

Other Members and Designees Present

Art Lussi, Matt Tebo (DOS), Zoë Smith, Randy Young

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Barb Rice, Damion Stodola, Keith McKeever, Ben Brosseau

(1) Public Awareness and Communications Committee report was presented by Director of Public Information, Keith McKeever, highlights of which included:

- Staff continues to work on the transparency plan on updating and improving the Agency website.
- Assistant Public Information Officer, Ben Brosseau continues to work on expanding the Agency's social media presence.

(2) Community Spotlight – Town of Ausable

Supervisor Tim Bresett presented the community spotlight on the Town of Ausable, highlighting efforts being made in the town to restore historic bridges, get additional funding through the RestoreNY program to revitalize downtown and parks in partnership with nearby towns to draw in tourism from Ausable Chasm to those areas.

Old Business

None

New Business

None

Committee Adjourned at 12:08 PM

Executive Session/Lunch

There was no executive session.

Regulatory Programs Committee

The committee meeting convened at approximately 1:06 PM.

Regulatory Programs Committee Members Present:

Dan Wilt (Chair), Art Lussi, Matt Tebo (DOS), John Ernst

Other Members and Designees Present:

Brad Austin (ESD), Mark Hall, Randy Young

Local Government Review Board

Gerald Delaney, Executive Director until 2:30 PM, Brian McDonnell, Chair from 2:30 on.

Agency Staff Present:

Barb Rice, Damion Stodola, David Plante, Aaron Ziemann

(1) Regulatory Programs Division Report (David Plante)

David Plante, Deputy Director of Regulatory Programs and Enforcement provided an update on recent Regulatory Programs activities, highlights of which included:

- The total number of applications through the end of May is 191 which is up from 143 last year this time; 101 permits have been issued which is on par with the 110 at this point last year; 49 preapplications have been received which is up from 44 at the end of May last year; 35 major projects have been completed as compared to 37 at this point last year and the number of emergency authorizations is holding steady at 3.

Aaron Ziemann, Associate Adirondack Park Project Analyst – Forest Resources, reported that there are four permits up for Board review regarding the application of ProcellaCOR for the treatment of Eurasian watermilfoil. Aaron Ziemann started with the APA staff's presentation in which he reviewed, common to each of the applications, the invasive species – Eurasian watermilfoil treatment options, the chemical profile of ProcellaCOR EC, and treatments which have taken place in the Adirondacks.

(2) P2023-0017 & P2023-0018 - Permit applications for the application of ProcellaCOR EC within one treatment zone in Sheep Meadow Bay (aka Jeliffe-Knight Bay) and one treatment zone in Blair's Bay, both in Lake George

Aaron Ziemann then gave a detailed overview and presentation of the application for the use of the herbicide ProcellaCOR EC in a 4.0 acre area of Blair's Bay and a 3.6 acre area of Sheep Meadow Bay (aka Jeliffe-Knight Bay) in Lake George to control Eurasian watermilfoil, including review of jurisdiction, conclusions of law, a description and slides of the project locations and existing conditions, site history, proposed project details, public comment, review by others and staff's recommendations and permit conditions.

On motion of John Ernst, seconded by Matt Tebo, the Regulatory Programs Committee unanimously recommended the approval of the applications as presented and with recommended conditions to the full Agency Board.

(3) P2024-0083 – Permit for application of herbicide ProcellaCOR EC within six treatment zones in Highlands Forge Lake, to control Eurasian watermilfoil.

Aaron Ziemann, Associate Adirondack Park Project Analyst – Forest Resources, referenced the initial presentation in which he reviewed the invasive species – Eurasian watermilfoil treatment options, the chemical profile of ProcellaCOR EC, and treatments which have taken place in the Adirondacks. Aaron Ziemann then gave a detailed overview and presentation of the application for the use of the herbicide ProcellaCOR EC within six treatment zones in Highlands Forge Lake, to control Eurasian watermilfoil, including review of jurisdiction, conclusions of law, a description and slides of the project locations and existing conditions, site history, proposed project details, public comment, review by others and staff's recommendations and permit conditions.

On motion of Matt Tebo, seconded by John Ernst, the committee unanimously recommended the approval of the application with conditions to the full Agency Board.

(4) P2024-0090 Permit for the application of the herbicide ProcellaCOR EC within three treatment zones in Chateaugay Lake, to control Eurasian watermilfoil.

Aaron Ziemann, Associate Adirondack Park Project Analyst – Forest Resources,

referenced the initial presentation in which he reviewed the invasive species – Eurasian watermilfoil — treatment options, the chemical profile of ProcellaCOR EC, and treatments which have taken place in the Adirondacks. Aaron Ziemann then gave a detailed overview and presentation of the application for the use of the herbicide ProcellaCOR EC within three treatment zones in Chateaugay Lake, to control Eurasian watermilfoil, including review of jurisdiction, conclusions of law, a description and slides of the project locations and existing conditions, site history, proposed project details, public comment, review by others and staff’s recommendations and permit conditions.

On motion of Matt Tebo and seconded by John Ernst, the committee unanimously voted to forward to the Full Agency Board.

Old Business

None

New Business

None

The Board returned to Full Agency at 3:26 PM

9. Committee Reports

a) Park Ecology (Zoë Smith)

Committee chair Smith reported that the committee heard an informative and interesting presentation from Dr. Colin Beier and follow up from Ian Chrisman and Dr. Lizz Schuyler regarding examples of how carbon assessment products are being created and utilized. Board members agreed that they would like to continue to explore this more in future meetings.

b) Public Awareness and Communications (Mark Hall)

Committee chair Hall reported that the committee received an update on website improvements and a community spotlight from Supervisor of Town of Ausable, Tim Bresett.

c) Regulatory Programs Committee (Dan Wilt)

Committee chair Wilt thanked everyone who worked on these projects, the Board for their consideration, the public who wrote comment letters, and everyone who brought forth information on these projects. He then reported that the Regulatory Programs Committee recommended the following actions to the full Board:

P2023-0017 – ProcellaCOR EC permit application to Sheep Meadow Bay in Lake George. On the motion of Dan Wilt, and seconded John Ernst, the Board voted to approve the permit with conditions by a vote of seven to one, with no abstentions.

P2023-018 – ProcellaCOR EC permit application to Blair’s Bay in Lake George. On the motion of Dan Wilt, and seconded by Matt Tebo, the Board voted to approve the permit with conditions by a vote of seven to one, with no abstentions.

P2024-0083 – ProcellaCOR EC permit application to Highland Forge Pond. On the motion of Dan Wilt, seconded by Matt Tebo, the Board voted to approve the permit with conditions by a vote of seven to one, with no abstentions.

P2024-0090 – ProcellaCOR EC permit application to Chateaugay Lake. On the motion of Dan Wilt, seconded by John Ernst, the Board voted to approve the permit with conditions by a vote of seven to one, with no abstentions.

d) Local Government Review Board Report

None.

10. Interim Reports

The Administration, Economic Affairs, Enforcement, Legal Affairs, and Local Government Services did not meet this month.

11. Member Comment

Mark Hall thanked the staff for their hard work and professionalism. Hall also wished Dan Kelleher well on his future endeavors.

12. Old Business

None

13. New Business

None

14. Public Comment

Jackie Bowen – Director of Conservation at the Adirondack Council referenced a the letter the Council had sent to the Board the day before, noting, among other items a request for a moratorium on the use of ProcellaCOR within the Park, commented on the nature of public comments, and spoke to the Council’s position on adjudicatory hearings.

Chris Navitsky – Lake George Waterkeeper, said he was disgruntled about the decision on ProcellaCOR in Lake George. Navitsky expressed his position on the riparian owners at the lake, the submissions by LG Waterkeeper, and [not sure what is meant by the “forum” reference].

Leigh Youngblood – Interim Executive Director at Lake George Association (LGA), expressed their disappointment with the ProcellaCOR vote and spoke to LGA’s offers and positions.

Claudia Braymer, Deputy Director at Protect the Adirondacks!, expressed their disappointment in the decision regarding Lake George and their letters recommended holding an adjudicatory hearing on this issue, recusals, and state definitions of PFAS.

[Link to video and audio recordings of the full Agency presentation to be added.]

Chairperson Ernst noted that the next meeting will be July 11, 2024.

The meeting was adjourned without objection at approximately 3:52 pm.

A handwritten signature in cursive script that reads "John Ernst". The signature is written in black ink and is positioned above a solid black horizontal line.

John Ernst, Chairperson