



## Adirondack Park Agency

KATHY HOCHUL  
Governor

BARBARA RICE  
Executive Director

### **ADIRONDACK PARK AGENCY** **DRAFT JULY MEETING MINUTES**

**Thursday, July 14, 2022**

#### **AGENCY MEMBERS, DESIGNEES, AND EXECUTIVE STAFF PRESENT**

John Ernst, Chairperson  
Mark Hall, Member  
Andrea Hogan, Member  
Benita Law-Diao, Member  
Art Lussi, Member  
Ken Lynch, Member  
Zoë Smith, Member  
Dan Wilt, Member  
Brad Austin, Designee, Empire State Development  
Randy Young, NYS Dept. of Environmental Conservation  
Barbara Rice, Executive Director  
Chris Cooper, Counsel

#### **ABSENT AND EXCUSED**

Kisha Santiago-Martinez/Matt Tebo, Dept. of State

#### **LOCAL GOVERNMENT REVIEW BOARD PRESENT**

Jerry Delaney, Executive Director

#### **AGENCY STAFF PRESENT**

Robyn Burgess  
Elaine Caldwell  
Amy Hall  
Bart Haralson  
Dan Kelleher  
Rob Lore  
Keith McKeever  
Craig Michaels  
Megan Phillips  
Kevin Prickett  
Bob Kreider, NYS ITS

Chairperson Ernst called the meeting to order at 9:30 a.m. and welcomed everyone.  
Chairperson Ernst introduced new board member Benita Law-Diao, who commented on

being grateful to join the Board with the hope of helping protect, preserve, and teach people about the Adirondack Park. Chairperson Ernst announced that Benita Law-Diao would be joining the State Land, Park Policy and Planning, and Public Awareness committees. Chairperson Ernst also noted that Counsel Chris Cooper had clarified that the Administration committee needed to be comprised of the Agency Chair as well as the chairs of the Legal and Park Policy and Planning committees; as such Art Lussi and Andrea Hogan would now be on that committee replacing Kisha Santiago-Martinez and Dan Wilt.

## **1. PUBLIC COMMENT**

Aaron Mair with the Adirondack Council wanted to highlight that in 1967 Dolly Robinson, an African American woman, had a hand in the creation of the study commission to create the Adirondack Park. And now with the appointment of Benita Law-Diao to the Board, an African American woman will once again be in the forefront of helping protect the Park.

Paul Van Cott would like the Agency to consider convening a citizen-led group to assist with statutory and regulatory reform and would also like the Agency to make the wetlands mapping information on its website more user friendly.

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

<https://nysapa.granicus.com/videos/589/player?autoplay=0&start=612&stop=1987>

## **2. Approval of June 9, 2022 Agency Minutes**

Ken Lynch asked that the correction be made to add him to the list of Board Members in attendance as he was present at the June meeting. On motion of Ken Lynch, seconded by Art Lussi, the June minutes were approved unanimously with the correction. Benita Law-Diao abstained from the vote.

## **3. Recusals**

None.

## **4. Motion for Executive Session**

None needed.

## **5. Executive Director's Report**

Executive Director Rice welcomed everyone, especially Benita Law-Diao, noting that the Board had a busy day ahead of them. Regarding staff activities, Megan Phillips, Dan Kelleher, Keith McKeever, and Executive Director Rice attended a presentation by the Executive Chamber on the \$4.2 billion bond act, which if approved will provide funding for communities for projects such as wastewater infrastructure, failing septic systems, and municipal stormwater management. Megan Phillips will be the Agency's representative on the bond act subcommittee focused on open space conservation and

recreation. Executive Director Rice noted that the Agency was pleased with the court decision on the Kern lawsuit which dismissed all counts challenging the Agency's actions in allowing an already permitted development and approving a more protective septic system. Lastly, Executive Director Rice presented Dan Kelting and Brian Greene with certificates of appreciation for their great work protecting the Park from invasive species and to thank them for their informative presentations at the May Board meeting.

## **6. Motion to Adjourn into Committees**

On motion of Chairperson Ernst, seconded by Andrea Hogan, the Agency unanimously voted to adjourn into committees at 9:59 a.m.

### **Administration Committee**

The committee meeting convened at approximately 10:00 a.m.

#### **Administration Committee Members Present**

John Ernst (Committee Chair), Andrea Hogan, Art Lussi

#### **Other Members and Designees Present**

Brad Austin (ESD), Mark Hall, Benita Law-Diao, Ken Lynch, Zoë Smith, Dan Wilt, Randy Young (DEC).

#### **Local Government Review Board Present**

Jerry Delaney, Executive Director

#### **Agency Staff Present**

Robyn Burgess, Elaine Caldwell, Counsel Chris Cooper, Amy Hall, Bart Haralson, Dan Kelleher, Rob Lore, Keith McKeever, Craig Michaels, Megan Phillips, Barbara Rice

#### **(1) Administration Report (Elaine Caldwell)**

Deputy Director, Administration Elaine Caldwell welcomed Benita Law-Diao and updated the Board on staffing, noting that the Agency had lost an Office Assistant 1 and would be canvassing to fill the position.

Deputy Director Caldwell said that to assist the state in meeting climate related statutory goals the Agency will be creating a plan that aligns with those goals, adding that the Agency looks forward to adding electric vehicles to the fleet and a charging station at the Agency as part of the climate change initiative. The Agency has updated its fleet vehicle use policy to be in line with the June 2022 issued state vehicle use policy. The Agency continues to move forward with Governor Hochul's transparency initiative and is very close to going live with the Smartlink translation tool on our website which

will allow for translation of certain areas of our website into the top sixteen languages currently being offered by NY state.

Art Lussi asked about the Agency's current staffing level, to which Elaine Caldwell responded 45, but we are actively working to get more employees with a couple of positions posted and interviews scheduled.

The complete report is available at:

<https://nysapa.granicus.com/videos/589/player?autoplay=0&start=1983&stop=2240>

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

Counsel Chris Cooper noted that there are a couple of changes that have been made since the first reading in section three based on comments made by the Board. First, if there is a quorum to begin the meeting, and if a board member needs to recuse or step away, the meeting can continue with videoconferencing. Second, if any board member intends to use videoconferencing for an upcoming meeting they need to provide a weeks' notice to the Chairperson to allow time arrange for the videoconferencing. Counsel Cooper responded to questions and concerns from various Board members regarding wording, public notice, mixed meeting attendance, and the expiration date.

A motion was made by Chairperson Ernst to accept the second reading of the resolution and draft policy with the changes, seconded by Andrea Hogan, all were in favor.

(3) Old Business

None

(4) New Business

None

The complete presentation and discussion are available at:

<https://nysapa.granicus.com/videos/589/player?autoplay=0&start=2232&stop=2736>

The committee adjourned at 10:20 a.m.

**Park Policy and Planning Committee**

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

Park Policy and Planning Committee Members Present:

Andrea Hogan (Committee Chair), Brad Austin (ESD), Benita Law-Diao, Mark Hall, Zoë Smith

Other Members and Designee Present:

John Ernst (Chairperson), Dan Wilt, Art Lussi, Randy Young (DEC)

Agency Staff Present:

Barbara Rice (Executive Director), Chris Cooper (Counsel), Dan Kelleher (Special Assistant, Economic Affairs), Megan Phillips (Deputy Director, Planning), Rob Lore (Deputy Director, Regulatory Programs)

(1) Park Policy and Planning Report (Dan Kelleher)

Dan Kelleher provided a report on division activities including efforts to obtain a venue for an Adirondack planning conference in April 2023. Dan Kelleher highlighted that a request for bids was released but no responses were received. The Agency is updating its request for bids in-an-effort to attract a venue.

The complete report is available at:

<https://nysapa.granicus.com/videos/589/player?autoplay=0&start=2736&stop=3165>

(2) New York State Energy Research and Development Authority (NYSERDA) Solar Energy Presentation (Jennifer Manierre & Tracy Darougar)

Jennifer Manierre and Tracy Darougar of NYSERDA discussed solar development considerations including New York State's goals for renewable energy development, the solar energy project site selection process, funding and renewable energy certificates, and how local governments and the APA can best prepare for the clean energy future. Other topics covered included taxes, PILOT and host community benefit negotiations, solar project permitting pathways and project types, decommissioning, and the interconnection process.

(3) Old Business

None

(4) New Business

None

The complete presentation and discussion are available at:

<https://nysapa.granicus.com/videos/589/player?autoplay=0&start=3165&stop=7312>

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

**Forest of Heroes Arboretum Ceremony**

During adjournment the Agency held a tree dedication honoring Fred Monroe, long-time Executive Director of the Adirondack Park Local Government Review Board.

**State Land Committee**

The committee meeting began at approximately 1:00pm.

State Land Committee Members Present

Ken Lynch (Committee Chair), Art Lussi, Andrea Hogan, Benita Law-Diao, Randy Young (DEC)

Other Members and Designees Present

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

Local Government Review Board Present

Jerry Delaney, Executive Director

Agency Staff Present

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

(1) State Land Report (Megan Phillips)

Deputy Director, Planning Megan Phillips began the State Land report by extending a warm welcome to Benita Law-Diao on behalf of the State Land team.

Deputy Director Phillips then responded to a question from Chairman Ernst at the June meeting about whether DEC is contemplating any gateways or more formalized entry points associated with the rail trail. Deputy Director Phillips noted that these types of amenities are included in phase 4 after all of the trail construction is completed. DEC will be looking at signage and safety needs and does have a small budget for issues that pop up. Volunteer groups haven't fully developed yet but if a group wanted to create temporary measures for bike racks and/or benches, they could be considered if appropriate. As a reminder, the other project phases are - Phase 1 – Lake Placid to Saranac Lake, to be completed in 2023; Phase 2 – Route 86 in Saranac Lake (Aubuchon Hardware) to Floodwood Road – out to bid in 2023; and Phase 3 – Floodwood to Tupper Lake – out to bid in 2024. Deputy Director Phillips also shared that the Agency has deemed the wetland permit application complete for the entire length of the rail trail. This project was noticed in the Environmental Notice Bulletin and comments accepted through August 4.

The public comment period for Wild Forest Basic Guideline No. 4 – No Material Increase of Road Mileage on Wild Forest Lands closed on July 12. The APA and DEC received more than 200 comments and will share the full scope of comments and the DEC and APA response at a future meeting.

The public comment period for the inter-agency guidelines for best management practices to control invasive species on DEC-administered lands in the Adirondack Park closed on July 11. More than 35 comments were received. Staff will present the comments and solicit a vote for conformance with the State Land Master Plan at a future meeting.

Staff continue to make progress toward completion of draft UMPs and amendments, including Golden Beach, Sharp Bridge, and Rollins Pond campground and day use areas, John Brown Farm, and Crown Point Historic Site and Campground complex.

Staff also assisted with review of the lake management plan for Lake Placid, which can be accessed online at <https://www.adkwatershed.org/lake-placid-plan>.

The complete report is available at:

<https://nysapa.granicus.com/videos/589/player?autoplay=0&start=7347&stop=7727>

(2) Visitor Use Management Framework (Kevin Prickett – APA, Josh Clague – DEC, John Schmid – DEC, Natasha Karniski-Keglovits – SUNY ESF)

Staff provided an update on the status of the visitor use management and wildlands monitoring guidance, and announced the release of a request for proposals to hire a third-party expert to assist the state in developing a visitor use management plan to address issues in the Central High Peaks of the Adirondacks and the Kaaterskill Clove area in the Catskills. They also engaged the board in a presentation about establishing desired conditions and standards, and assessing thresholds by implementing monitoring protocols.

Natasha Karniski-Keglovits provided a presentation about SUNY-ESF's ecological scorecard project. The scorecard is a science-based tool that helps the State and its partners to monitor environmental changes and trends, assess the recreational impact on ecological processes, and detect and monitor the spread of invasive species. The tool also enables land managers to identify information gaps, as well as identify priority management actions and how effective those actions are. Natasha provided an example of how data was collected to inform the scorecard for different sites within the Boreas Ponds tract in the Vanderwhacker Mountain Wild Forest, including data related to impacts associated with rock climbing, invasive species, wildlife, stream health, dominant vegetation cover types, etc.

(3) Old Business

None

(4) New Business

None

The complete presentation and discussion are available at:

<https://nysapa.granicus.com/videos/589/player?autoplay=0&start=7727&stop=13304>

The committee meeting adjourned at approximately 2:30 p.m.

Full Agency resumed at approximately 2:30 p.m.

## **7. Committee Reports**

a) Administration Committee

On motion of Chairperson Ernst, seconded by Art Lussi, the Agency unanimously accepted the second reading of the Policy governing the use of videoconference for Agency meetings.

b) Park Policy and Planning Committee

Andrea Hogan said the committee had an excellent presentation by NYSEDA on solar regulations and permitting.

c) State Land Committee

Ken Lynch said that the committee had a presentation on Visitor Use Management Framework from Agency and Department staff; and SUNY ESF staff gave a presentation on their monitoring.

## **8. Interim Reports**

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

### **Local Government Review Board Report:**

Jerry Delaney thanked the Agency for recognizing Fred Monroe and articulated that a citizens group to advise the Agency might be a good thought for the next fifty years.

## **9. Old Business**

None

## **10. New Business**

Art Lussi welcomed Benita Law-Diao.

Zoë Smith wanted to make everyone aware of the new state law requiring anyone launching a motorized boat into a body of water in the Park or within ten miles of the Blue Line to have a certification with them that their boat has been cleaned, drained, and dried. This certification can be obtained two ways, either by visiting a decon boat wash station or by downloading the form (<https://www.dec.ny.gov/animals/107807.html>) and self-certifying completion of the necessary steps. New certification is required when entering a different body of water.

## **11. Public Comment**

Pete Nelson, speaking on behalf of the High Peaks Advisory Group, requested the APA empower staff to move quickly when working on UMP issues and to consider working with a citizens group to work on SLMP amendments.

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/589/player?autoplay=0&start=13304&stop=14325>



Before ending, Chairperson Ernst announced that there was a meeting tentatively scheduled for August 11 & 12, 2022.

The meeting was adjourned without objection at 3:01 p.m.

---

John Ernst, Chairperson