



Adirondack Park Agency

LEILANI CRAFTS ULRICH
Chairwoman

TERRY MARTINO
Executive Director

NOTE: The attachments referred to herein are on file at the Agency and are on the Agency's website. Copies are also available for inspection on request.

Draft Minutes, Full Agency, 3/24/16
TDM:sas 4:00 PM

MARCH 10-11, 2016

Thursday, March 10, 2016

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

Leilani Crafts Ulrich, Chairwoman
Richard Booth, Member
Sherman Craig, Member
Karen Feldman, Member
Arthur Lussi, Member
William Thomas, Member
Dan Wilt, Member
Brad Austin, Designee, NYS Department of Economic Development
Dierdre Scozzafava, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Dept. of Environmental Conservation
Terry Martino, Executive Director
James Townsend, Counsel

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Fred Monroe, Executive Director

AGENCY STAFF PRESENT

Keith McKeever, Public Information Director
Kathy Regan, Deputy Director, Planning
Kate-Lyn Knight, Environmental Program Specialist 1
Laurie Bullis, Secretary 1
Mary Reardon, Secretary 1
Matt McNamara, Environmental Program Specialist 1
Matt Kendall, Assoc. Natural Resource Planner
Robyn Burgess, AP Local Planning Assistance Specialist
Sue Streiff, Secretary to Executive Director

Video and MP3 audio recordings of the proceedings, including public comment, are available in their entirety via webcast at

http://nysapa.granicus.com/ViewPublisher.php?view_id=2

Chairwoman Ulrich called the meeting to order at 10:00 a.m. She commented on the change in weather patterns and its economic impacts. She urged everyone to have

more conversations regarding climate change and said the Wild Center is a valuable resource for that continued conversation.

1. Public Comment

Neil Woodworth, ADK Mountain Club, asked that in the future, the Agency hold more public hearing meetings outside of the Park. He said the decisions made by the Agency affect all New Yorkers. His complete comments can be viewed on the website address above.

Carol LaGrasse, Property Rights Foundation of America urged the Board to approve more cell towers in the Park and said this is a health and safety issue. Her complete comments can be viewed on the website address above.

2. Approval of December 2015 Agency Minutes

On motion of Mr. Wilt, seconded by Ms. Feldman, the Agency unanimously adopted the Draft Agency Meeting Minutes of December 10, 2015 as amended by Mr. Booth. A copy of the official minutes as adopted by the Agency is on file at the Agency.

3. Recusals

Mr. Craig recused himself from the Regulatory Programs Committee Project 2015-0195, Town of Clifton. The Chairwoman served as a voting member of the committee in his place.

4. Motion for Executive Session

On motion of Mr. Wilt, seconded by Mr. Stegemann, the Agency unanimously approved an Executive Session to discuss litigation by Earth Justice against the Department and Agency.

5. Executive Director's Report

Executive Director Martino reported the Governor's Adirondack Challenge on February 28 showcased communities and attractions in the Park and was an excellent opportunity for the children from the Boys and Girls Club of Schenectady who attended. She said the Lt. Governor announced \$500,000 for tourism marketing and \$425,000 for snowmobile trails at the event.

Ms. Martino reported that Anne LaBastille's estate donated her "West of Wind" property on Twitchell Lake to the State of New York. She said Ms. LaBastille was a committed environmentalist and author who served on the Agency Board from 1975 to 1993.

She reported that the *2015 Annual Report* had been distributed to County Clerks, Legislators, and Local Government officials via email. She said Agency staff participated in the Northern Adirondack Code Enforcement Officials Association for the 8th year in a row on February 29 – March 3. Staff from all divisions manned a display booth, answered questions, and offered guidance to conference attendees.

She discussed the SLMP amendment process and the timeframe that included public hearings and public commentary. She thanked DEC staff for their important consultation with Agency staff. She thanked Kathy Regan and staff for their diligent work.

Ms. Ulrich clarified that the State Land discussion would continue on Friday during the Full Agency meeting. She announced there would be a Local Government Planning Session Friday morning at 8:30 am and the Agency meeting would begin at 9:30 am.

6. Motion to Adjourn into Committees

On motion of Mr. Stegemann, seconded by Ms. Feldman, the Agency unanimously adjourned into committees at 10:30 a.m.

Friday, March 11, 2016

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

Leilani Crafts Ulrich, Chairwoman
Richard Booth, Member
Sherman Craig, Member
Karen Feldman, Member
Arthur Lussi, Member
William Thomas, Member
Dan Wilt, Member
Brad Austin, Designee, NYS Department of Economic Development
Dierdre Scozzafava, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Dept. of Environmental Conservation
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Kathy Regan, Deputy Director, Planning
Kate-Lyn Knight, Environmental Program Specialist 1
Mary Reardon, Secretary 1
Devan Korn, Environmental Program Specialist 1
Kathy Regan, Deputy Director, Planning
Colleen Parker, Environmental Program Specialist 3
Matt Kendall, Associate Natural Resources Planner
Mary Reardon, Secretary 1
Sarah Reynolds, Associate Counsel
Shaun Lalonde, Soil and Water Engineering Specialist
Sue Streiff, Secretary to Executive Director

Full Agency

Ms. Ulrich reconvened the Full Agency meeting at 9:30 a.m.

1) Shoreline Structures

Associate Counsel Sarah Reynolds provided a general overview of the APA Act provisions for shoreline structures on private land. This presentation was requested by Board members for informational and educational guidance. The Board was

encouraged to ask questions and staff provided answers. There was a request to have a future presentation on structure height. The complete shoreline structure presentation can be viewed on the website address above.

2) Committee Reports

a) Regulatory Programs Committee

Mr. Craig recused himself from discussion on Project 2015-0195. Ms. Feldman led the committee.

On motion by Ms. Feldman seconded by Mr. Wilt, the Agency unanimously approved P2015-0195 involving the Town of Clifton's construction of a 10' x 30' public/semi-public use building.

b) Park Ecology Committee

Mr. Lussi reported on the Adirondack Moose Research Project by DEC staff undertaken with partner organizations.

c) State Land Committee

Mr. Booth reported on the Lake Durant, Eighth Lake and Limekiln Lake campground UMP presentations by DEC staff. Mr. Booth reported on major action on the amendment to the SLMP and the committee's decision to move acceptance of the FSEIS to the Full Agency.

Kathy Regan clarified the use of motor vehicles and motorized equipment by the Department to maintain roads and convert them to trails during the three-year period from 2019-2022 within Alternative 2B. Ms. Ulrich stated that there was no change to the document as presented to and studied by the Board, just clarification of a misstatement from Thursday's meeting.

Ms. Regan reported there was a change to the SLMP Wild Forest guidance in regard to bridges which appears in Appendix B of the FSEIS. The change is found on page 38 of Appendix B and states: "bridges, constructed of natural materials whenever possible, following a minimum requirements approach analysis that fundamentally protects the wild forest character of the area."

Ms. Ulrich called for a motion to move the staff recommendation to approve the Resolution to adopt the FSEIS for the proposed SLMP Amendments with the amendment presented by Ms. Regan. A motion was made by Mr. Craig, seconded by Mr. Stegemann. Further discussion followed.

Mr. Booth said he would make three motions which would be amendments to the current motion. First he moved in the Resolution the deletion of all references to parking near the Tube and would leave in place the current language which allows parking near the Tube only for handicapped persons which he thought was the appropriate policy. There was no second.

Secondly, Mr. Booth moved the FSEIS, including the Appendix that has all the language of the SLMP, be amended to say that the preferred alternative regarding natural materials is Alternative 2 which deals with natural materials only for a bridge over the Cedar River replacing Alternative 3. Ms. Ulrich said she supported Mr. Booth on this motion because that is what she remembered committing to during classification deliberation. She said she looked forward to staff working on these kinds of changes in the future but it was not what the Board intended two years ago. There was no second.

Thirdly, Mr. Booth made a motion regarding the FSEIS and all appendixes regarding bikes in the Essex Chain Lakes and Pine Lake Primitive Areas that Alternative 2A and not 2B be used to prevent the use of trucks and other motorized vehicles to repair trails. Mr. Lussi seconded the motion. The motion failed with Mr. Booth and Mr. Lussi voting for; Ms. Ulrich, Mr. Craig, Ms. Feldman, Mr. Thomas, Mr. Wilt, Mr. Austin, Ms. Scozzafava, and Mr. Stegemann voting against.

Mr. Booth said that in his opinion, this vote will affect a large and very serious weakening of the Master Plan in regard to the protection of Wilderness which lies right at the core of the SLMP.

Ms. Feldman said she was also concerned about amending Primitive Areas in this way and shared a lot of Mr. Booth's concerns. She said she hoped to come back to revisit Primitive Areas but felt the Board must allow bikes in this manner as was committed to the Towns.

Mr. Stegemann said he appreciated Mr. Booth's concerns. He said the Department understands that this vote did not allow for routine maintenance and would use motorized access very cautiously.

Mr. Lussi said that he would like to see more accurate numbers in regard to private land in Appendix B of the FSEIS. There was discussion on how waterbodies and conservation easements were reflected. Mr. Lussi said that when the SLMP was created, the framers may not have anticipated the acquisition of large tracts for State land and its economic impacts on communities. He felt that this should be tracked. The Board asked to include the percentage of private land that was included in conservation easement land. Mr. Monroe said the Local Government Review Board would like the SLMP to include percentages for state lands, waterbodies, conservation easements and

then what is left. Mr. Townsend said these are the technical changes the Resolution would allow to satisfy the will of the Board.

Ms. Ulrich called for the vote to approve the Resolution to adopt the FSEIS as amended for the proposed SLMP Amendments. The motion carried with Ms. Ulrich, Mr. Craig, Ms. Feldman, Mr. Lussi, Mr. Thomas, Mr. Austin, Ms. Scozzafava, and Mr. Stegemann voting for; Mr. Booth voting against.

Mr. Booth said he was making his comments with great reluctance but decided they needed to be made. He said the comments were likely to generate criticism, anger, denials, and other ramifications. He said he was solely responsible for the comments and that no member of the Agency or staff had anything to do with the comments. He said any criticism should be directed at him. He said he highly respected and appreciated the responsibilities of the office of the Governor of this State. He said he was appreciative that Governor Cuomo reappointed him to the Agency so he could continue to serve the people of the State of New York. He said the SLMP and the process regarding major amendments is badly broken and that was what he was addressing. He said the Park is a great treasure, a great natural resource area of the United States and of world-wide significance. The Adirondack Park established the Adirondack Park Agency in order to focus on "responsibility for developing long-ranch Park policy in a forum or body of policy that reflects state-wide concerns." He said membership of the Agency includes multiple constituencies as something as complex as the Park requires. He said there are five in-Park members, three out-of-Park members and three state officials who report to the Governor. He said the idea of creating the Agency was that there are different priorities and ideas about the Adirondacks and the future of the Adirondacks. He said the Agency should be a place where there would be honest interchange of ideas and then decisions made. He said it was never contemplated that everyone would be happy with every decision but there was a recognition that it was important that there be a full and honest deliberation of what matters came before the Agency.

He said the State of New York has many interests in the Adirondack Park and those interests at their highest level involve the safety of the people in the State. He said beyond that, in terms of the land area in the Adirondacks the highest interests are the State Lands in the Park. He said the SLMP was created to further those interests. He said the core of the SLMP is aimed at protecting wilderness values. He said all these lands are protected by the Forever Wild plan in the State constitution. He said there was no reason to create a SLMP unless its central purpose was to provide more protection afforded under Article 14. He said the basic idea in protecting wilderness was for people to move under their own power. He said the SLMP comes down strongly in allowing natural forces to undertake their own ends and for humans to move through the areas in traditional ways using their own power.

He said amendments to the SLMP are appropriate and the plan provides for them. He said the way the process is supposed to work is for there to be a full, honest deliberation by the Agency which then makes recommendations to the Governor for approval or disapproval. He said this current process is not what has happened over many months regarding the Essex Chain Lakes Complex UMP that was adopted or regarding these amendments to the SLMP. He said he was not suggesting a different result may have occurred but that he is saying the process has not been a full or open discussion by the Agency. He said for many months the Governor and his staff have forced the Agency toward the result that was reached here. He said they have rigidly controlled the analysis and materials Agency staff were allowed to prepare and present to the Agency. He said the Board has not had a full and open discussion of all the issues. He said in his opinion, it did not happen with the DEC's flawed Essex Chain Lakes Complex UMP or the EIS that it prepared and has not happened regarding these amendments to the SLMP and the FSEIS. He gave the example of it being clear to multiple Board members that the way to accommodate biking in the Essex Chain and Pine Lakes Primitive Areas without doing violence to the SLMP was to create a new land classification: a classification that would not have allowed motorized recreation but would allow public biking over miles of trails. He said he was willing to live with that possibility which would not do violence to the SLMP because there would be a new classification. He said a number of members requested the examination of those possibilities. He said no material presented to the Board ever reflected that possibility because the Governor and his staff have not permitted it. He said this is not what the Agency Act envisioned for the Park Agency.

He said as a result three very negative results have occurred and will continue to occur. He said one is that this action seriously weakened the SLMP's protection of wilderness because it significantly undermines the concept of Primitive Areas which are the basic building blocks of protecting wilderness. He said this seriously weakens the statutory role of the Park Agency as a forum that should be a full and open discussion of the issues facing the State regarding the management of State lands. He said thirdly, and perhaps the most seriously, this is a precedent that suggests the possibility that this kind of rigidly controlled discussion may become the model for the future. He said this is not what the people of New York understand the Agency is supposed to be doing. He said until now, no Governor of this State has chosen to force the Park Agency to weaken the SLMP. He said Governor Cuomo and his staff have chosen to do so and the people of New York should understand that this is a significant weakening of the SLMP. He said that what had been done, could now be done over and over again regardless of the land classification.

He said the SLMP was adopted to make the State government honest about the way it manages the land and that if it was going to change those rules, it needed to go through an open, public discussion of those possibilities. He said the

SLMP amendment process regarding major amendments must be repaired and that Governor Cuomo has to lead the effort to repair it and has the responsibility to do so. He said he presented these comments respectfully and with as much force as possible and thanked the Board.

Ms. Ulrich said she has deep respect for the opinion of each member of the Board and especially for those with the background in State Land that Mr. Booth has. She said she respected his right to share his opinion. She said that each member serves at the pleasure of the Governor and that it is the Governor who will sign any changes to the SLMP. She said this process involves humans and because we are human, it can always be improved. She said she is thankful for staff at the Agency which is a small staff with huge responsibility. She said she looks forward to the future.

3) Interim Reports

a) Legal Affairs Committee

On motion by Mr. Craig seconded by Mr. Lussi, the Committee unanimously approved the February 2016 Committee Minutes.

The Administration, Economic, Enforcement, Local Government Services, Park Policy and Planning, and Public Awareness and Communication committees did not meet this month. Monthly reports were included in the mailing.

4) Old Business

None

5) New Business

None

6) Public Comment

Ron Konowitz, Adirondack Powder Skiers Association addressed the requests for SLMP amendments for backcountry skiing. He thanked Agency and Department staff for their work on this issue. He thanked the Board for their thoughtful deliberations. His complete comments can be viewed on the website address above.

Dan Plumley, Adk Wild, commended the leadership of Mr. Booth. He said he agreed 100% with Mr. Booth's comments regarding the SLMP amendments. His complete comments can be viewed on the website address above.

7) Local Government Review Board Comment

Fred Monroe said he appreciated the presentation on shoreline structures. He suggested a future presentation on structure height would be helpful as local governments and the APA use different standards for measuring height which causes confusion. He said the LGRB was pleased with the decision on the SLMP amendments. He said the difficulty was that the land was very different than Wilderness when the State acquired it and was classified Primitive in a compromise.

8) Member Comment

Mr. Wilt said he would like to see the Agency make more progress on streamlining applications for emergency towers.

Mr. Lussi paraphrased, "The APA is a small agency with a small staff but there are those of us who love it."

Mr. Stegemann acknowledged Department and Agency staff for their work behind the scenes and said they deserve recognition. He said he wanted to thank Board members for the thoughtful process they have engaged in with recent decisions.

Ms. Feldman also thanked staff. She said that she agreed with Mr. Woodworth's comments about opening public hearings to more people around the state. She said that technology could provide more accommodation for participation.

Mr. Craig said the end product of the SLMP amendments decision was extremely positive as was promised during the classification process. He said it provides recreation and protection without degrading the land in any way.

Mr. Austin reported on a business in the Park that adapted to the warm winter by offering alternatives to the normal snow sports. The staff at the inn provided activities such as guided tours of the forest floor, invited in community expertise for lectures, and shuttled guests to galleries and museums.

Mr. Townsend reminded members of Project Sunlight week. He reported that the Agency website was reviewed and approved as open and accessible.

Ms. Martino again quoted the child from the Boys' and Girls' club who said, "When you realize this isn't a picture, it is life right now." She reiterated what a special place the Park is. She said that staff must daily find a path through Agency deliberations and realize the balance of protection of the environment and the needs of communities. She said staff and members will continue to move forward on future deliberations.

Ms. Ulrich said that when the Agency receives criticisms from both sides, then it must be doing something right. She said that Governor Cuomo's dedication to the Park has

caused many things to occur quickly. She said that when the area was in crisis, the Governor moved with speed to help affected communities in the Park.

By unanimous consent, the meeting adjourned at 12:05 p.m.

Attachments:
P2015-0195

Leilani Crafts Ulrich, Chairwoman