



## Adirondack Park Agency

**SHERMAN CRAIG**  
Chairman

**TERRY MARTINO**  
Executive Director

**DRAFT MINUTES**  
State Land Committee  
November 10, 2016  
Agency Meeting  
KF:KDR:mp

### **State Land Committee November 10, 2016**

The State Land Committee convened at 10:55 am.

#### **State Land Committee Members Present:**

Karen Feldman, Chair, Arthur Lussi, William Thomas and Robert Stegemann (DEC)  
Absent - Chad Dawson  
Mr. Craig sat in as a voting Committee Member

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

Sherman Craig, Chairman, John Ernst, Daniel Wilt, Sandi Allen (DOS) and  
Bradley Austin (DED)

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

Frederick Monroe, Executive Director

#### **Agency Staff Present:**

Terry Martino, James Townsend, Kathy Regan, Kevin Prickett, Mary Palmer

#### **Approval of October 2016 Draft Minutes**

Ms. Feldman had three small additions to the minutes.

By motion of Ms. Feldman, seconded by Mr. Stegemann, the October minutes were  
unanimously approved with the additions.

#### **Planning Division Report**

Ms. Regan noted the planning division report for October. There were no comments.

Ms. Regan noted that Park Policy and Planning has two map amendment proposals in  
progress. She said they were for the towns of Essex and Crown Point and will be  
presented at a later date. She said the first meeting for Local Government day was held  
to discuss possible agenda items.

Ms. Regan said Local Government Services will be presenting a proposed amendment  
for the town of Lake George. She said at the last meeting the Board was presented an  
amendment for the Town of Queensbury in which there was discussion of what types of  
amendments should go before the Board and if other options are available. She said

currently there are only 2 options, or classes of amendments. The first are those that are not subject to Agency review since they involve actions outside of the Agency's jurisdiction and the other is everything else as identified in the Act & Regulations. She said there have been cases in the past where the Agency has administratively approved very specific minor changes to Approved Programs. This has been done via a letter from the Executive Director with concurrence of the Chair of the Local Government Services Committee in addition to the sign-off by Agency staff. This has been used very sparingly and typically to address typos or updating references in a code.

Ms. Regan said there is another option which is possibly utilizing the powers afforded by the Delegation Resolution. She said this option would streamline and simplify the process for those types of amendments for the Town, Agency staff and the Agency Board. If the Board wishes to explore this option, Agency Planning Staff can work with Legal to explore adding certain classes of amendments to the authority of either the Executive Director or Deputy Director of Planning through the Del Res.

Mr. Craig said he would like to be able to give the Planning Deputy Director the right to make those kinds of decisions.

Ms. Allen said she agreed. She said streamlining the process will make it easier for staff and the Board. Mr. Stegemann agreed noting it will be important to know if something should go before the Board or not.

Mr. Townsend said that the same responsibility would be given to the Deputy Director of Planning that is given to the Deputy Director of Regulatory Programs. He added that staff can come up with the same set of actions and come back to the Board. Ms. Regan said staff can start the process and would bring material back to the Board for approval.

Ms. Allen said she would like to see a report on what has been done that did not need to come before the Board. Mr. Townsend said that there is a monthly planning report of actions taken by the Planning staff and the Board would see a new category for anything that was treated under delegated authority. Mr. Austin said he would prefer to see that ahead of time.

Ms. Regan said staff have been improving the Agency Lookup System and web site. She said State land staff have been working on a number of items in addition to the classification package. She said staff have been reviewing multiple UMPs and UMP amendments in various stages of development. Staff also continue to work with the Department on the development of guidance documents for subjects such as Mountain Bike trails. Another item which has been worked on over the past several months is the Minimum Requirement Approach required for the use of non-natural materials to build bridges on trails in Wild Forest. She reminded the Board that all of these guidance documents will be brought to the public for comment and to the Board for a conformance determination.

Ms. Regan reported that on the evening of November 9<sup>th</sup> the first Classification Public Hearing was held in Ray Brook. She thanked Bob Stegemann for allowing staff to use the DEC conference room for overflow and Bob Kreider for his efforts to have the webcast work properly. She said there were almost 150 people in attendance and over eighty had signed up to speak, but in the end only fifty four had spoken. She said there was a large proportion of young (under 30) people participating which is not our typical demographic.

Ms. Regan said we received a great deal of criticism on our DSEIS for not including a reasonable range of alternatives and thorough analysis of those alternatives.

Ms. Regan reported Tom Martin (DEC) would do a presentation on the Proposed Final draft of the Champlain Islands Complex UMP. This UMP was first brought to the Board in August of 2015. She said the Department received public comment and there have been some changes since August 2015 which will be highlighted. She said we will seek Board authorization to seek public comment on this UMP's conformance with the Master Plan.

### **Lake Champlain Islands Proposed Final UMP**

Mr. Martin gave an overview of the proposed management actions for the Lake Champlain Islands. He said the Lake Champlain Islands Unit is complex and made up of a number of islands and three boat launches which are in Intensive Use areas. He said the bulk of the facilities are located on Valcour Island.

Mr. Martin said the Department received public comment from August 5 through September 20, 2015. He said the public comments focused on Historic Resources which had the most attention, primitive tent sites with picnic tables and fireplaces, and accessibility for people with disabilities.

Mr. Martin said the Seton House was assessed for repair, viable uses or for removal. He said the DEC also considered providing historical interpretation by using it as a visitor center or museum. He added the preferred alternative allows the structure to remain and degrade naturally.

Mr. Martin discussed the Nomad Memorial stating that it is the only known Canadian War memorial on US soil. He said it has three separate plaques honoring the Captain and crew of the "Nomad."

Ms. Feldman asked what the original alternatives were for the Nomad Memorial. Mr. Martin said they included removal; another was to remove all the plaques, fencing and the small stone monument, while putting interpretive panels on the mainland. He said the Office of Parks and Recreation expressed concern that the site was eligible for listing and once you move a historic structure from its place it is no longer considered historic. He said the Department's preferred alternative is to retain the Nomad Memorial.

Mr. Martin said that the Department and Agency staff disagree on what should be done with this memorial. Mr. Townsend said the precise disagreement is the fence not the memorial. Mr. Martin said that Agency staff has asked the Department to remove the fence and to allow the plaques to deteriorate and not replace them.

Mr. Martin said the other historic structure is Bluff Point Lighthouse. He said it was established in 1872, decommissioned in 1931, re-commissioned in 2004 and renovated in 2015/16 with a new roof and repair to the light gallery and repainting the interior.

Mr. Martin said there are currently thirty-two tent sites in the unit, twenty-nine on Valcour Island and three on Schuyler Island. He said there are some issues of compliance with the State Land Master Plan involving non-conforming structures and sight and sound separation. Mr. Martin said proposed alternatives are to remove eight tent sites on Valcour, the removal of picnic areas and concrete fire places will not be maintained or replaced. He said all sites proposed to be closed will be rehabilitated.

Mr. Martin said the public commented on accessibility. He said the proposal is to provide accessible docks, boat launches and trails, as well as tent sites.

Mr. Martin said additional comments received asked for the picnic area to be left and to replace fireplaces with new ones. He said they also noted the need for management and stewardship on the island. There were also some suggestions that the island should be reclassified as either Historic or Intensive Use areas. He said there were comments about resource protection and the need to a better job protecting the unique resources on the island.

Mr. Martin said that in the late 1990s the Department hired a consultant to do a biological inventory to look at what species exist on the island. He said the UMP calls for re-doing that inventory to make sure that there is no significant impact on those resources.

Mr. Martin said most of the facilities are located on the periphery of the island. He said there is a permit system for camping on the island and there is a caretaker on site daily. He said the Department proposes camping at designated sites only, no new facilities, and an annual invasive species inventory.

Ms. Feldman said that what the Board is doing today is determining whether this should go to public comment for compliance with the State Land Master Plan, and will come back to the Board after the public comment period.

Ms. Regan said public comment will be accepted until December 30, 2016 and noted the email address for those who would like to submit it electronically.

Ms. Regan said she would like to clarify some points in the discussion about the fence around the Nomad Memorial. She said the conformance memo for the original draft did not have the Department retaining the fence around the memorial. After their public comment DEC added in that the fence needed to stay around the memorial. She said

Agency staff determined that a fence is not a conforming structure in a Primitive area. Ms. Regan emphasized that staff never said the DEC could not maintain the memorial, they just could not add to them.

Ms. Regan said staff would like to go to public comment with this UMP and see what people say, and then bring it back to the Board for a determination. Mr. Townsend said to clarify, whether to go to public comment or not is really not an option, it has to.

Ms. Feldman asked if it can go to public comment even with the fence issue, or is there the possibility of reclassifying as historic. Ms. Regan said it can go out for public comment.

Mr. Townsend said there were a lot of comments to reclassify, and those are complicated and would require a full EIS process because it would be going from a protected classification to a less protected classification. He said you may want to consider that down the road. Mr. Lussi agreed.

Ms. Martino said we realize that this is important consideration for the Board and that staff can go to public comment and the Board can review public comments when it comes back to them. She asked if staff can look at a different comment deadline date and the possibility of extending it for one week. Ms. Regan said that it can be extended for another week ending on January 6, 2017.

Mr. Thomas asked how it got classified as Primitive. He said that the State Land Master Plan, under a Primitive classification, prevents certain things from happening on campsites. Ms. Regan said it was classified as Primitive because it is such a sensitive ecosystem adding that it has a unique biodiversity.

Mr. Stegemann noted that it is awkward, but we have to be compliant. He said if we feel it is important we can find ways to have wiggle room to address them. He said the Department has had a lot of conversations with Agency staff about the picnic tables.

Ms. Regan said we have also been working together on primitive campsite guidance and picnic tables are included in that. She said in the drafting of the guidance there is recognition that picnic tables can be in Wild Forest but that they should not be everywhere.

Mr. Lussi said he wanted to reiterate his interest in not designating the whole island as Historic but there is precedent for creating an area around the monument as a Historic site. He said that should be a part of the process and he implored public comment to echo his thought.

Mr. Craig asked where the concentration of rare plants was located. Ms. Regan said it varies depending on the species and some are so rare that it is not announced where their location is.

Mr. Craig said there is a volume of visitors coming onto the island and expressed concern that we are changing the rules. He said he worries about people coming back to us and expressing concerns because the campsites are deteriorating, there are no picnic tables and people are overwhelming the island. Ms. Regan said we are not changing the rules. She said we are bringing the campsites into conformance with the Master Plan.

Ms. Regan said that controlling the use is done with the permit system. She said the campsites are on the perimeter of the island to protect it and DEC has done a wonderful job with that system which is helping the island. She said the bulk of the sensitive habitat is on the center of the island.

Mr. Craig asked if there were day use areas. Mr. Martin said there were and one of the unique things about the island is that no matter where a storm is coming from there is a safe harbor for boaters on the island.

Mr. Ernst asked if Seton House was safe and if it gets a lot of use. Mr. Martin said there is no camping but it does get a lot of visitors. He said the Department has stabilized the building to make sure it is not accessible. At this point, it is structurally sound and as it begins to deteriorate DEC might have to take some action. He said its removal would be much more detrimental to the natural resources.

Ms. Feldman asked for a motion for staff to proceed with public comment with an extended deadline to January 6, 2016. By motion of Mr. Thomas, seconded by Mr. Craig, the Board unanimously approved proceeding.

### **Old Business**

None

### **New Business**

None

Karen Feldman, Committee Chair, adjourned the meeting at 11:55 am.