



**MINUTES OF THE REGULATORY PROGRAMS COMMITTEE MEETING
September 12, 2019**

The Committee meeting convened at approximately 9:30 a.m.

Regulatory Programs Committee Members Present

Chair Daniel Wilt, Arthur Lussi, John Ernst, and Lynne Mahoney (DOS)

Other Members and Designees Present

Bradley Austin, Presiding Member (ESD), Robert Stegemann (DEC), Dr. Chad Dawson, and William Thomas

Local Government Review Board Present

Gerald Delaney

Agency Staff Present

Terry Martino, Christopher Cooper, Robert Lore, John Burth, Colleen Parker, Shaun LaLonde, Aaron Ziemann, Devan Korn, and Sarah Reynolds

Approval of Draft Committee Minutes for July 2019

A motion to approve the draft committee minutes was made by Lynne Mahoney and was seconded by John Ernst. All were in favor.

Regulatory Programs Report (Robert Lore)

The Regulatory Programs Report was given by Robert Lore. He reported, as part of staff's ongoing review and revision of permit applications, some minor changes are being made to the signature page to clarify what signatures are required. He said this change originated with the General Permit Application for Replacement or Installation of Telecommunications Antennas On Existing Towers. The application now more clearly indicates that signatures are required from the project sponsor, authorized contact person, landowners, tower owner, and lease or easement holders. He pointed out this revision helps prevent a project sponsor from applying to install equipment without the consent of each of the parties with an interest in the project site and existing structure. It also prevents the Agency from being placed in the position of interpreting

leases, easements, and agreements presented by the project sponsor as authorizing their project. The revised telecommunications general permit is available on the Agency's website. Staff are working to incorporate similar changes into all Agency applications.

Mr. Wilt was recused and left the room for the following presentation.

Project P2019-51 Daniel Wilt, Wilt Industries, Inc.

Mr. Korn presented the proposal by Wilt Industries to create a 32.3-acre lot developed by an existing industrial use accessed from State Route 8 and a 4.4-acre vacant building lot with access from Longview Drive. Staff recommendation was approval with conditions.

Mr. Lussi asked about local review and approval. Mr. Korn stated that review is coordinated at the time the application is received via the Local Government Notice Form which is part of the Agency's application process.

Mr. Lussi noted that the new permit writing forms were very helpful in constructing the property history and Agency review for him. He also stated that the use of red ink assisted him in his review of the new forms.

Mr. Ernst asked if any additional proposal for the 32.3-acre lot would need Agency approval. Mr. Korn responded affirmatively.

Mr. Austin called for a motion. Motion was made for approval by Mr. Lussi and was seconded by Ms. Mahoney. All were in favor.

Mr. Wilt rejoined the committee for the following presentations.

Project P2019-123 Lyme Timber Company

Mr. Ziemann presented the material amendment of Agency Permit 2017-0070 which authorized timber harvesting on a 450±-acre project site. The current proposal is an expansion of the timber harvest to also include an adjacent 97±-acres of mixed silvicultural treatments. Staff recommendation is for approval with conditions.

Mr. Lussi asked if Board deliberation should focus solely on the 97±-acre parcel. Mr. Ziemann responded affirmatively as the prior permit approval was for the 450±-acre parcel and that project is currently underway. Mr. Cooper concurred.

Mr. Stegemann asked what the beginning basal area was. Mr. Ziemann responded 90 sq. feet. He added that 30 square feet of mature and undesirable stock is proposed to be removed. Mr. Stegemann asked when the area was last harvested. Mr. Ziemann responded that in 2009 the area was thinned.

Mr. Ziemann stated no public comment was received for this project.

Mr. Ernst asked if there were any regulations that apply to the landing areas used by the timber companies. Mr. Ziemann responded not within Agency regulations. He stated that within best management practices applied by the timber companies, landing areas are sited upland and in dry areas. He added that most proposals include landing areas that have been established for some time, but the Agency does look to whether the landing areas are enlarged outside of the original area to ensure that wetland or critically sensitive environmental areas are not impacted.

Mr. Ernst then asked about buffer areas and whether there was a significant purpose for these areas. Mr. Ziemann responded not for silvicultural purposes but for regulatory reasons buffer zones are to capture regional impacts from areas that may be enlarged.

Mr. Ernst said he would like to see the regulations discussed in the context of forest management. Dr. Chad Dawson agreed and said it may be time to review how the regulations are or are not working for the environment.

Mr. Delaney noted that many changes have been made to the regulations since 1972. He added that many of the larger landowners of the harvest areas would like a more science-based approach taken when drafting and implementing regulations.

Mr. Stegemann noted that the status of the forest is very telling in terms of the economic worth as well as the health of the forest, and he believes the current permitting process has facilitated both.

Dr. Dawson added that in terms of climate change it is important to know where the forest was initially and how it has evolved in order to prepare for the future.

Mr. Stegemann noted that the DEC has collected data and an inventory is done regularly. Dr. Dawson added that reporting on that data is important and a partnership with The Forest Service could be useful to many stakeholders.

Motion was made for approval by John Ernst and was seconded by Arthur Lussi. All were in favor.

General Permit/Order for the Replacement of Utility Poles

Mr. Burth presented a review of the Draft Order for General Permit 2019G-1 and public comments received.

Mr. Lussi asked what the rationale was for the former reporting system used. John Burth responded the rationale was to monitor and confirm compliance. However, if a report was not received, compliance could not be confirmed. Mr. Burth noted that

comments received from the utility companies seem to indicate that the improved application process is welcomed.

Dr. Dawson asked how compliance is enforced. Mr. Burth responded that the enforcement process is the same as any other potential violation process and is addressed accordingly. He added that during his tenure he has not had any complaints of violations from utility pole replacements.

Mr. Cooper noted the old process had after-the-fact reporting but with the new expedited process staff review and jurisdictional determinations are done at the onset.

Ms. Martino added that the improvements to the general permit will enable staff to better report the necessary data to the Board.

Mr. Stegemann asked if there was a separate process implemented under emergency situations. Sarah Reynolds responded affirmatively.

Mr. Ernst asked if the new process allowed for follow-up particularly in sensitive environmental areas. Mr. Burth responded affirmatively.

Old Business

None

New Business

None

The Committee meeting adjourned at approximately 11:00 a.m.