



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 AGENCY MINUTES

MARCH 11-12, 2010

THURSDAY, MARCH 11, 2010

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

Curt Stiles, Chair
Richard Booth, Member
Arthur Lussi, Member
Frank Mezzano, Member
William Thomas, Member
James Townsend, Member
Leilani Ulrich, Member
Cecil Wray, Member
James Fayle, Designee, Department of Economic Development
Elizabeth Lowe, Designee, Department of Environmental Conservation
Riele Morgiewicz, Designee, Department of State
Terry Martino, Executive Director
John Banta, Counsel

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Frederick Monroe, Executive Director

AGENCY STAFF PRESENT

Holly Kneeshaw, Assistant Director, Regulatory Programs
James Connolly, Deputy Director, Planning
Stephen Erman, Special Assistant for Economic Affairs
Keith McKeever, Public Information Director
Beth Phillips, Senior Attorney
Brian Grisi, Local Planning Assistance Specialist
Elaine Caldwell, Administrative Officer
Mary Reardon, Secretary 1
Mary Palmer, Keyboard Specialist 1
Susan Streiff, Keyboard Specialist 1
Amy Hall, Calculations Clerk 1
Deborah Lester, Secretary to Executive Director

Chairman Stiles called the meeting to order at 9 a.m. He called attention to a peaceful demonstration that was taking place at that time outside the Agency's offices in support of the Visitor Interpretive Centers (VIC). He noted for the record that it is not within the Board's power to restore funding for the VICs. Rather, they are now part of the budget before the State Legislature, which is the only group who can change the budget at this point in time.

1. Moment of Silence

Chairman Stiles called for a moment of silence to observe the passing of Herman "Woody" Cole, former chairman of the Agency from 1984 to 1992, designee for the Department of State under Secretary of State Mario Cuomo, and former executive director of the NYS Sports and Winter Olympics Organization prior to the 1980 Olympic Winter Games.

2. Minutes

On motion of Mr. Booth, seconded by Mr. Thomas, the Agency unanimously approved the February 11-12, 2010 Draft Agency Minutes.

3. Executive Director's Report

Mrs. Martino commented on the Olympic Winter Games in Vancouver. She also noted the marketing of this area due to the number of regional athletes competing in the Games as well as the 30-year commemoration of "Miracle on Ice," which saw a number of broadcasts coming from the Herb Brooks Arena. She called attention to the State Land Committee agenda featuring a presentation by Barbara Delaney and Russell Dunn, who will describe the different levels of opportunities, attractions, facilities and trails people can walk to gain an historic understanding of the Adirondacks.

Mrs. Martino then highlighted various activities during the past month:

- Agency staff issued a permit for the Verizon cell tower in Duane. She noted that because the tower proposal was in compliance with the Agency towers policy, staff issued the permit to avoid further delay in the construction of the tower and to allow co-location for emergency services. The tower was approved at an 80-ft. height with two whip antennas - one for the Franklin County Emergency Services and one for the Duane Fire Company. It is staff's

understanding that comprehensive coverage along Route 30 can only be established through additional planning, siting and investment south of the Duane towers and north of Paul Smiths. Holly Kneeshaw will provide further details to the Regulatory Programs Committee.

- Fourteen staff members manned an informational display last week at the 15th annual Northern Adirondack Code Enforcement Officials Association Educational Conference in Lake Placid. Over 200 code enforcement officers and 75 fire and safety officials attended the 4-day training.
- Agency management staff are working with the Adirondack Park Institute in their efforts to plan for interpretive programming and future use of the VIC facilities.
- Keith McKeever assisted both the Chairman and Executive Director in drafting guest commentaries for media outreach. Chairman Stiles spoke of the mission and work of the Agency, and the Executive Director's commentary discussed the Adirondack Park Regional Assessment Project (APRAP) and the need to be proactive in addressing the Park's economy and environment.
- The Chairman and Executive Director participated in DEC's Adirondack Planning Initiative Steering Committee meeting on February 25.
- Common Ground Alliance is interested at this time in advancing a project with their economic development programs for the Park.
- During the month, the Agency converted to the Exxon Mobil universal gas card following the removal of the DEC-sponsored gas pumps. The conversion will add about \$10-12,000 to the Agency's operating budget.
- A March 11 memo from the Executive Director seeks the Agency's approval to delegate authority to Environmental Program Specialist John Quinn to sign permits until such time as a Deputy Director for Regulatory Programs is appointed.
- In a follow-up to last month's presentation by Tim Tierney of Kingdom Trails on the overall development of bicycling in northern Vermont, there is a real opportunity to establish the Adirondack Park as a premier destination for

bicycling. The Agency is looking forward to following up with ANCA to ensure a broad consideration of opportunities such as both on-road and off-road, community centers, and options with trails to trails.

- The Executive Director had a recent conversation with Ted Zoli, keynote speaker at the March 24 Local Government Day conference. Mr. Zoli will speak on the Champlain Bridge design, how he approaches community work and his perspective on the Adirondack Park.

Mrs. Martino encouraged people to register for the upcoming Local Government Day conference scheduled for March 23-24 at the Crowne Plaza in Lake Placid.

Mrs. Ulrich commended the efforts of Mrs. Martino as well as the Agency's economic affairs specialist, Steve Erman, in terms of their visible involvement in Northern Forest, APRAP and economic development issues.

Mrs. Martino noted there is an interest to continue looking to the future to find solutions.

4. Motion for Executive Session

On motion of Mr. Booth, seconded by Mr. Wray, the Agency voted unanimously to convene in executive session to discuss personnel issues.

The Agency adjourned into committee at 9:15 a.m., and then reconvened at 3:05 p.m. to receive and act on committee recommendations.

Upon reconvening, Chairman Stiles reported that no action was taken during the executive session.

5. Committee Reports

a. Regulatory Programs Committee

(1) 2008-20A, NYS Department of Transportation

The project involves the replacement of the Batchellerville Bridge in the Town of Edinburg, Saratoga County, and an amendment addressing proposed changes to the drilled shaft foundation design, temporary lake access, and demolition of the existing bridge.

On motion of Mrs. Ulrich, seconded by Mr. Booth, the Agency unanimously approved the amendment request (Mr. Townsend absent from voting). A copy of the amended order as approved by the Agency is attached.

(2) Staff Update on Adirondack Park Bridges

Mrs. Ulrich noted a report by staff about future projects and variances that will be coming up for the Agency's consideration.

b. Legal Affairs Committee

Mrs. Townsend reported that the Committee heard a presentation on proposed changes to the boathouse and dock definitions. Discussion focused on public comment that has been received to date, as well as questions and concerns related to the proposed revisions and issues and options based on the SAPA record. Staff will provide a detailed assessment of comments along with a staff recommendation in April or May. The Committee took no formal action.

c. State Land Committee

(1) APA-DEC MOU Regarding Inter-agency Guidelines for Implementing Best Management Practices for the Control of Terrestrial and Aquatic Invasive Species on Forest Preserve Lands in the Adirondack Park

Mr. Townsend reported that the Committee discussed proposed updates to the MOU including additions for invasive species Best Management Practices (BMP). The Committee adopted a resolution authorizing the Chairman to execute an amendment to the MOU between DEC and the Agency, and to append the BMP to the MOU.

He so moved and Mr. Wray seconded the motion, which passed unanimously. (Mr. Booth abstained and Mr. Mezzano was absent from voting.)

d. Local Government Services Committee

(1) Town of Queensbury Local Land Use Program Amendment

On motion of Mr. Thomas, seconded by Ms. Morgiewicz, the Agency unanimously approved an amendment to the Town of Queensbury's local land use program repealing and replacing the Town's existing Subdivision Law. (Mr. Mezzano was absent from voting.)

(2) Staff Retrieval System for Local Land Use Program Files and Information

Mr. Thomas commended Robyn Burgess on her development of a desktop retrieval system for local land use program files and information. He noted the system will serve as a dynamic reference source for staff.

e. Park Ecology Committee

Mrs. Ulrich reported that the Committee will meet on Friday morning to hear a staff presentation on promoting systematic forest management environmental compliance with environmental laws and regulations.

6. Interim Reports

a. Economic Affairs Committee

On motion of Mr. Mezzano, seconded by Ms. Lowe, the Committee unanimously approved the draft committee minutes of February 2010.

Mr. Lussi requested that staff explore the possibility of a future informational presentation on wood chip and wood flour manufacturing in the Park.

b. Interpretive Programs Committee

Ms. Lowe referred to the monthly activity report, and noted the visitation numbers for the 5-day week operating schedule continue to be the same as for the 7-day week schedule. Also, she commended the Agency for taking the lead in helping to guide discussions regarding future VIC operations.

Mr. Booth referred to the picture enclosed with Andy Flynn's recent letter regarding the future of the VICs, and expressed interest in the location.

7. New Business

On motion of Mr. Townsend, seconded by Mr. Wray, the Agency unanimously delegated authority to John Quinn (Environmental Program Specialist 3) to sign project permits and orders in the absence of other individuals with such authority, until such time as a permanently appointed Deputy Director, Regulatory Programs assumes the duties of that office.

8. Local Government Review Board Comment

Local Government Review Board Executive Director Fred Monroe commented on the various standards for fines imposed for violations of the three statutes administered by the Agency. He suggested statutory amendments to bring more consistency to the process. He said he understood there was a possibility of legislation that would consider enforcement through the courts, and he suggested that it could benefit the Agency's Enforcement Committee while at the same time improve Agency relations with local government.

9. Member Comment

Ms. Morgiewicz referred to the Department of State website and called particular attention to the addition of a new interactive training network. A calendar page lists training opportunities throughout the state and links to additional information for each event. She then called attention to the Department's participation in the Adirondack Park Local Government Day conference scheduled for March 23 and 24 in Lake Placid. She noted her instructor's role for two of the sessions, as well as the Department's involvement in sessions on waterfront planning, grants, and shared services programs. Ms. Morgiewicz commended Robyn Burgess for her development of the desktop retrieval system, a great organizational tool for staff access to local program information. Also, she expressed her appreciation to Brian Grisi for coordinating Local Government Day.

Mr. Townsend commented that the picture referred to by Mr. Booth and enclosed with Andy Flynn's recent letter regarding the VICs appears to portray the boundaries of the Shaker Mountain Wild Forest unit. Also, Mr. Townsend expressed his respect for the discussion on the regulatory revision proposals, noting it was helpful and showed thoughtful and careful deliberation by the Agency.

Ms. Lowe announced this year is the 40th anniversary of the formation of DEC. The Department will recognize their anniversary with a new commemorative logo on the DEC website and stationery, along with special events planned throughout the year with appearances by Commissioner Grannis. Also, she concurred with Mr. Townsend with regard to the regulatory revision discussion.

Mr. Lussi commended the regulatory revision discussion and said he felt compelled to bring forth his best to represent the views of the people of the Park, especially after having attended one of the public hearings and reading the public comment.

Mrs. Ulrich stated that she has been critical about Albany, and after some reflection she has decided to focus her thinking on what she can do in her own neighborhood. She also looked forward to attending Local Government Day, which serves as an opportunity to thank both local and state government officials for serving during these difficult times.

Mr. Banta referred to Mr. Monroe's focus on the legislative agenda and his comment about the weightiness of communications from the Agency. In relation to that, Mr. Banta expressed his appreciation for the Executive Director's sensitivity with respect to Agency communications.

Mrs. Martino referred to the process of constructing the Agency meeting agenda and noted that much of it is guesswork in terms of time allocation. She noted that she will be looking for opportunities for one-day meetings and conducting the business of the board on Thursday afternoon and scheduling informational presentations on Friday. With regard to the boathouse and dock regulations, she was pleased that the discussion was productive, particularly in terms of input and direction to staff. Turning to the Friday portion of the Agency meeting, she called attention to the presentation on forest management and environmental compliance which will be given by Enforcement and RASS staff.

Chairman Stiles referred to Mr. Monroe's comment regarding fines and said that while he agreed with Mr. Monroe's concern, on the other hand there are also loop holes in the law. He reiterated the need for balance, a need to find the middle ground. He then referred to the regulatory discussion as among the best of discussions as a board, describing it as being balanced and not argumentative, competitive or combative. He expressed optimism with respect to the outcome.

10. Adjournment

The Agency adjourned at 3:30 p.m.

FRIDAY, MARCH 12, 2010

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

Curt Stiles, Chair
Richard Booth, Member
Arthur Lussi, Member
Frank Mezzano, Member
William Thomas, Member
James Townsend, Member
Leilani Ulrich, Member
Cecil Wray, Member
James Fayle, Designee, Department of Economic Development
Elizabeth Lowe, Designee, Department of Environmental
Conservation
Terry Martino, Executive Director
John Banta, Counsel

AGENCY STAFF PRESENT

Stephen Erman, Special Assistant for Economic Affairs
Keith McKeever, Public Information Director
Brian Grisi, AP Local Planning Assistance Specialist
Deborah Lester, Secretary to Executive Director

The Agency convened at 10:05 a.m.

1. Community Spotlight: Town of Inlet, Hamilton County

Chairman Stiles introduced John Frey, Supervisor of the Town of Inlet.

Supervisor Frey provided a brief autobiography followed by an overview of his town. The Town of Inlet seceded from the Town of Morehouse in 1901 primarily because of the lack of a transportation route between the two towns. The residents of Inlet are primarily seasonal, with the population swelling from 406 to over 6,000 in the summer months, with 188 year-round and 855 seasonal dwellings. The town has two campgrounds that are fee-based and the Moose River Plains for primitive camping opportunities. The town is 66.4 square miles, with 4.1 square miles of water and approximately 87% State-owned lands surrounded to the south by the Moose River Plains Wild Forest Area. Historically, Inlet has relied on tourism and recreation. One of the principal reasons why it exists is that it has always been a vacation destination. In the early 1900s tourists arrived by rail and boat, with sea planes coming on the scene in

the early 1920s at least, or earlier. There were about 15 hotel and accommodations. Snowmobile travel followed in the 1960s.

Old Forge, which is about 10 miles away from Inlet, provides banking, grocery and other services. The close proximity creates opportunity to engage in shared services. Inlet and Old Forge share in both revenues and expenses across town and county lines. One of the biggest revenues comes from snowmobile trail permits. Snowmobiling is the area's major winter economy. For 24 years, Inlet and Old Forge have maintained a joint fee-based trail system linking private property to state lands and surrounding communities. This system generates over \$800,000 per year, 14% of which Inlet receives, which provides for increased insurance protection, police, trail maintenance, staff and equipment. Also, Inlet contributes toward the operation of the health center in Old Forge. Both Inlet and Old Forge each have their own police department and work closely together in terms of scheduling, vacations, court appearances, and issuing tickets in each other's town. While consolidation of the police forces is a possibility for the future, the current system works. The Town is active in the fight against milfoil and is the lead agency for grant funding for milfoil removal in the Fulton Chain of Lakes. About five years ago the Town partnered with Paul Smith's Aquatic Institute and has made significant progress in terms of both containment and removal. To date, milfoil has been removed from Fifth Lake and Sixth Lake, and is in the process of being removed from Seventh Lake. The lakes will continue to be monitored. Last year a program was started to monitor the 200+ miles of shoreline for new growth, and found some strands in a rock near the island in the middle of Fourth Lake, as well as the camp island between First and Second Lakes.

Mr. Mezzano asked what the program would cost exclusive of the grant, and Supervisor Frey responded that the cost is running about \$40-45,000 annually with the Institute handling pay, insurance issues and overhead. Additional funding is provided by lake associations and other community groups, as well as the Town of Webb which contributes \$5,000 annually. NYS DEC is the source of the grant funding. Ultimately, the cost to the Town of Inlet will be about \$4,000 to be a lead agent.

In addition to the milfoil grant, the Town is benefiting from the Department of State's local waterfront revitalization program, a South Shore Road bridge replacement project from ARRA funds, the Main Street grant, and a Townsend Trail grant from a private source. A number of these grants are being administered by CAP-21.

Although the major cell providers have shown no interest in locating a tower in Inlet, the Town is considering constructing an emergency services tower on Town-owned land on or near a ridge line, and then inviting some collocations.

Inlet is pro-active in terms of planning, having instituted zoning as early as 1966 and formed a Clean Waters Committee in 2001. A comprehensive plan was approved in 2003, and a five-year review and update was completed in 2009 with the help of recognized expert Dr. Lamb. The Town is about to pass its first subdivision regulations. Also in 2009, Sewer District One serving the downtown core was created with the assistance of Environmental Facilities Corporation and Rural Development. The Town is awaiting final approval for this district along with the announcement of 75% grant funding by Rural Development and a zero interest, 30-year loan by EFC for the remainder, resulting in a cost of about \$700 per user per year. The creation of the sewer district will help in terms of compliance and the Town's eligibility for ARRA funds.

The Town's septic ordinance, modeled after a plan in the Finger Lakes, is among the strictest in the Park. Upon the sale or exchange of property, there is a mandatory inspection of the septic system. The time limit for compliance is within six months of the sale. Since its implementation four years ago, the ordinance has been updated once and will likely be updated again for refinement purposes.

The Town documents occupancy limits for parking and septic compliance for cottage rentals within a residential zone. Owners are also required to register and obtain a permit from the Town. Absentee owners are required to provide contact information in the event of any issues that might arise. This reduces, where possible, conflicts with neighboring homes that are owner-occupied.

The Town has a recreational easement program whereby private property owners are paid for either a 10 or 25-year easement on a recreational trail in exchange for a tax reduction on their current land value. The trail must be a complete trail for people to qualify. For example, if one of nine landowners who are part of a complete trail that goes from Point A to Point B refuses to sign on to the easement program, then the trail is not considered to be a complete trail. Currently the Town has three complete trails where people are taking advantage of the program.

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The Town's reliance has shifted from a vacation destination in its early days to recreation. A multi-use recreational trail system accommodates a variety of recreational activities including snowmobiling, mountain biking, hiking, cross-country skiing and even sled dog racing. Although hunting and fishing are not as strong as in the past, birding is gaining in popularity, with Hamilton County hosting an annual birding festival.

There is also the State-owned Moose River Plains Recreation Area which for the most part surrounds the core of Inlet, and although there is only 13% private lands in Inlet, the Town feels blessed to be situated next to this important recreation area.

Supervisor Frey presented a brief video on the Moose River Plains Recreation Area produced by Adirondack Journal. He then raised the issue of the Moose River Plains Unit Management Plan, and expressed concern that at some point in time the "Recreation Area" of Moose River Plains seems to have been lost. The extensive network of logging roads has been absorbed into the Wild Forest. Unfortunately, the State's failure to maintain roads and repair bridges, as well as close portions of the area due to neglect, seems to some extent to have been done by design, with the idea of a future Wilderness classification. This will result in loss of snowmobile trail and access to hunt in an area which was at one time heavily logged and is now planned to be classified Wilderness, which is by definition an area that is unspoiled and untrammelled by man.

The Town of Inlet has encountered difficulties in their efforts to seek increased density through revisions to the Adirondack Park Official Land Use and Development Plan Map. An unsuccessful effort which began several years ago resulted in a divide within the community. The process itself is an issue. A second attempt made last year again stalled after a contentious public hearing was held by the Town in August 2009, again creating a divide within the community. The Town hopes to re-assess its options and proceed with a proposal in August 2010. In this effort, a Supervisor's committee will be created to prepare a companion EIS to the draft EIS, detailing real numbers for potential development. The committee's membership will include himself, Assessor and Code Enforcement Officer Tim Durkin who will also act as lead agent, a town board member and three community members who are both in support of and against the reclassification.

Chairman Stiles opened the floor for questions.

At Mr. Booth's request, Supervisor Frey reviewed the Town's amendment proposals. A discussion ensued of the Town's proposals and the density, regional boundary and other issues associated with them.

Counsel acknowledged the Supervisor's point about the complexities of the system and the built-in tensions which can result in unintended consequences.

Mrs. Ulrich commended Supervisor Frey for suspending the process after the August 2009 public hearing given the strong public sentiment. She suggested that not everybody, seasonal homeowners in particular, were aware of the APRAP information and the concern among local leaders and officials throughout the Park about the availability of smaller lots for future growth.

Supervisor Frey acknowledged Mrs. Ulrich's point, and expressed his hope for another public hearing in August 2010 which would involve two components; the first would feature a presentation on APRAP, and the second would involve a presentation on the reclassification proposals. Also, the Supervisor referred to the Town's website which contains a wealth of information including the various town laws, board minutes and septic ordinance, and assured that some space had been or would be devoted to APRAP.

Mr. Lussi referred to substantial difference between the summer and winter populations and how it affects the police force in terms of year-round employment.

Supervisor Frey responded that the Town employs two year-round patrolmen. He noted that part of the snowmobile trail permit fees are intended to provide for trail safety. Also, visibility and presence of the police in the community is important from a safety standpoint.

Mr. Lussi then asked how the Town balances the snowmobiling interest with the cross-country skiing interest.

Supervisor Frey replied that one of the landowners has extensive acreage and participates in the easement program, allowing both snowmobiling and cross-country skiing on his property. For the sled dog race, Supervisor Frey noted that both cross-country ski trails and snowmobile trails are used, and the different interests volunteer their time and work together to prepare for the race.

Chairman Stiles expressed his appreciation to Supervisor Frey for his informative presentation.

2. Public Comment

Brian Houseal and Dan Plumley made public comment. Public comments are part of the Agency's web cast at http://nysapa.granicus.com/ViewPublisher.php?view_id=2.

3. Adjournment

The Agency unanimously adjourned at 11:30 a.m.

CFS:dal

Attachment: Order 2008-20A, NYS Department of Transportation

Curtis F. Stiles, Chairman

THIS ORDER AMENDS ORDER 2008-20 ISSUED SEPTEMBER 9, 2008

 <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050</p>	<p>APA Order 2008-20A</p>
<p>In the Matter of the Application of</p> <p>NEW YORK STATE DEPARTMENT OF TRANSPORTATION</p> <p>Subject to Section §814 of the Adirondack Park Agency Act and 9 NYCRR Part 4.150</p>	<p>Date Issued: March 12, 2010</p>

SUMMARY AND AUTHORIZATION

New York State Department of Transportation is granted an amended Order, on conditions, authorizing several modifications of the Batchellerville bridge replacement project, including the installation of temporary access roads and crane pads and an alternative bid option in the pier construction details in an area primarily involving lands unclassified by the Official Adirondack Park Land Use and Development Plan Map in the Town Edinburg, Saratoga County.

The amended project shall not be further undertaken or continued unless the project authorized herein is in existence within four years from the date the order is issued. The Agency will consider the amended project in existence when the bridge project has been substantially commenced.

Nothing contained in this Order shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

INTRODUCTION AND JURISDICTION

The project consists of new land use and development by a state agency on state land requiring review by the Adirondack Park Agency pursuant to §814 of the Adirondack Park Agency Act, 9 NYCRR 579.1, and 9 NYCRR Section 4.150 (Executive Order 150).

PROJECT DESCRIPTION AS PROPOSED

The project as originally proposed is described in Order 2008-0020. The requested amendments involve the installation of temporary access roads and crane pads, an alternate bid option in the pier construction details and a proposal to allow debris from removal of upper portions of sixteen bridge piers, above elevation 740 mean sea level (msl), to remain within the mean high water mark of the Great Sacandaga Lake. Temporary access roads and crane pads will be installed on each shoreline on the project site to accommodate access to the shoreline and the waters of the Great Sacandaga Lake for construction and demolition purposes. The new pier construction details involve the use of drilled pier pilings and caps which will be an alternative bid option to replace the previously approved poured-in-place concrete piers. Approximately 60,000 cubic feet of waste generated by the demolition of the bridge piers is proposed to remain in the lake. The drilled shaft pier plans are shown on revised drawing sheets ST-148 through ST-152 dated January 2010 and the temporary access roads are shown on two site plan maps entitled "Temporary Access Road" drawn by NYSDOT. Reduced scale copies of the site plan maps are attached as a part of this order for easy reference. The original, full-scale maps and plans referenced in this order are the official plans for the project.

FINDINGS OF FACT

Findings of Fact 1 through 30 which are contained in Order 2008-20 which was issued on September 9, 2008 remain in effect.

31. On December 28, 2009 NYS Department of Transportation informed the Agency that no bids had been accepted for this project, as they were all substantially in excess of project cost estimates. Accordingly, due to the State's unprecedented financial crisis the Batchellerville Bridge project is undergoing design modifications in an effort to reduce construction costs. The revised project would then be re-bid with the anticipation of reducing the cost of the project. Specifically, during November of 2008 the Batchellerville Bridge project was bid and the low bid was 65 million dollars, approximately 25 million dollars over the anticipated construction costs and budget for the project. NYSDOT is proposing design detail changes for the project that

they anticipate will lower construction costs. Conference calls and meetings have taken place with all involved state and federal Agencies since January 1, 2010 to finalize revised design details in an effort to get final approval of design changes prior to re-bidding the project.

The proposed modifications to the project include:

- ▶ Building temporary access roads on each shoreline and within the MHWM of the lake to provide construction and demolition operations access,
- ▶ Using drilled shaft piers, with caps and piers above, or the cast in place cylinder piers (as originally approved),
- ▶ Leaving debris from the demolition of the top of sixteen of the bridge piers, above elevation 740 msl, within the MHWM of the lake. The portions of the piers below elevation 740 msl will remain in place. Four bridge piers that are above elevation 740 msl will be removed completely.

32. NYSDOT proposes to build a temporary access road on each shoreline of the lake and each access road will extend into and provide access within the MHWM of the lake. Approximately 233,000 cubic feet of temporary stone will be installed within the MHWM of the lake to construct the two temporary access roads and pads. The access road on the east shoreline of the project will be over historic foundations.
33. NYSDOT proposes to allow the materials from the piers of the existing bridge to remain within the mean high water mark (MHWM) of the Great Sacandaga Lake. Approximately 60,000 cubic feet of waste is proposed to remain in the lake. NYSDOT is pursuing a Nationwide Permit from the USACOE for this project.

NYS Department of Environmental Conservation (NYSDEC) is reviewing the proposed amendments to the project. Details regarding how the drilled shaft piers will be installed are also being reviewed to ensure protection of the waters of the Great Sacandaga Lake and no fishery concerns have been raised by NYSDEC staff.

By letter dated March 1, 2010 NYSDEC determined the bridge replacement project may proceed notwithstanding that the bridge is located on Forest Preserve. NYSDEC further stated that the proposal to access the site and remove trees may proceed.

34. Regarding cultural resources and potential impacts to those resources on the project site a revised "Finding Documentation" prepared by NYSDOT and dated February 5, 2010 was submitted to NYS Office of Parks, Recreation and Historic Preservation. It is NYSDOT's determination that the revised project will have "no adverse effect" on properties eligible for the National Register of Historic Places, provided the proposed actions to address the determination of National Register eligibility of, and the potential impacts to, the Perry and Conkling Sites are implemented. There are six proposed actions described in the revised Finding Documentation that will be undertaken by NYSDOT and its contractors to avoid cultural resource impacts. By letter dated February 5, 2010 NYSOPRHP concurred with the revised Findings Document described herein that the project will have "No Adverse Effects" on historic properties listed or eligible for listing on the National Register of Historic Places, provided that measures described in the Finding Document with respect to the H.P. Perry site and the J.P. Conkling site are carried out as described.
35. Regarding the transfer of jurisdiction of Lands of the State of New York from Hudson River/Black River Regulating District to the NYS Department of Transportation, a resolution entitled "Resolution in Support of the Replacement of the Batchellerville Bridge by the New York State Department of Transportation" was approved at the HRBRRD Board meeting on January 12, 2010. The resolution transferred jurisdiction of 11.64± acres of state land from the HRBRRD to NYSDOT. The resolution includes a provision that upon completion of the replacement Batchellerville Bridge, DOT shall make application on behalf of the Regulating District for the transfer of jurisdiction of Parcel No. 11 (the 11.64± acre parcel) back to HRBRRD and that DOT will consent to the transfer.
36. Regarding a revised visual resource assessment, NYSDOT prepared an amendment to the July 2007 Final Design Report/Environmental Assessment, Appendix J, Visual Resource Assessment. The revised visual resource assessment addressed the proposed change from the approved cast in place "cylinder style" piers to "drilled shaft" piers. The number of piers remains the same as that which was approved in Agency Order 2008-20 issued September 9, 2008, twelve new piers reduced from twenty piers on the old bridge. The main difference in the revised pier construction details is that six drilled shaft piers are proposed at each of the twelve pier sites rather than two cast in place continuous cylinder piers.

The revised detail includes six drilled shaft six foot diameter piers capped with seven foot wide by forty feet long by six to nine feet tall concrete caps that will then support two six foot eight inch diameter pier columns that support the bridge super structure above. The previous proposal included two cylinder-shaped piers at each pier location (12 locations total) installed to the lake bottom. The previously approved cylinders were six feet in diameter each.

The reason for changing the pier design is that NYSDOT anticipates a saving of two to three million dollars for this drilled pier pilings design change. The main saving will be that the drilled shaft piers can be installed without installing cofferdams around the piers and dewatering those areas.

37. NYSDOT provided lake elevation information from January 1, 2003 through December 31, 2009. In general, from mid September to the beginning of April the lake elevations range from 762 above mean sea level (msl) to 750 msl. Typically the lake elevation is raised starting at the beginning of April. From the beginning of May through the end of August the lake elevation ranges from 768 msl to 764 msl. It is NYSDOT's opinion that the drilled shaft portion of the piers will not be visible from late April through the end of August, which is the bulk of the boating season on the lake. NYSDOT believes that the drilled shaft portions of the piers will be somewhat visible from September through early April. The primary recreational use of the lake during winter portion of this period of time is snowmobiling and ice fishing with some cross country skiing and snowshoeing also taking place.
38. NYSDOT anticipates the proposed changes to the project will save approximately 5 to 6.5 million dollars. It is also anticipated that due to the current reduced cost of steel and concrete that there is the potential to save 3 to 5 million dollars in material costs for the re-bid project. A total savings of 8 to 11.5 million dollars would likely result in the project being awarded and constructed.

HAVING GIVEN DUE CONSIDERATION to the Notice of Intent filed by the New York State Department of Transportation and other materials associated with the amended project application, and

HAVING DULY CONSIDERED the above Findings of Fact, the Agency hereby makes and adopts the following conclusions:

1. The project would be consistent with the provisions of the Adirondack Land Use and Development Plan.

2. The project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park, taking into account the economic and social benefits to be derived from the project provided the following conditions are met:
 - a. All conditions in Order 2008-20 remain in full force and effect unless specifically amended herein.
 - b. The amended project shall be undertaken as described in the request for an amended order and the Project Description as Proposed herein, and in compliance with the Conditions herein. In the case of conflict, the Conditions control. Failure to comply with the order is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the order.
 - c. This amended Order is binding on the applicant(s), all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this order and all the approved maps and plans referred to herein shall be furnished by the applicant(s) to all contractors prior to undertaking the project, and to all subsequent owners or lessees of the project site prior to sale or lease. All deeds conveying all or a portion of the lands subject to this order shall contain references to this order as follows: "The lands conveyed are subject to Adirondack Park Agency Order 2008-20 issued September 9, 2008 and Order 2008-20A issued March 12, 2010, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
 - d. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.
 - e. Upon completion of the construction and demolition project the temporary access roads and pads shall be removed completely from the project site and the footprints of the temporary access roads restored to pre-construction conditions. The easterly access road and pad shall be removed and restored in compliance with all NYS Office of Parks/, Recreation and Historic Preservation (NYSOPRHP) requirements.

Pier Demolition

- f. The demolition of the existing piers, above elevation 740 msl, shall be in strict compliance with all Hudson River/Black River Regulating District, NYS Department of Environmental Conservation (NYSDEC) and USACOE Regulations and any memorandum of understanding between NYSDEC and NYSDOT.

Cultural Resource Protection

- g. The project shall be undertaken in strict compliance with all NYSOPRHP recommendations to ensure there are no impacts to cultural resources.

Visual Resource Mitigation

- h. Upon completion of the project, NYSDOT shall contact the Agency and a site investigation shall be conducted to determine whether additional vegetation should be planted in the vicinity of the abutments to mitigate visual impacts created by the temporary access roads and pads, the removal of trees and construction of the abutments at the shoreline of the Great Sacandaga Lake. If necessary, a revised landscaping plan shall be submitted to the Agency for review and advice within 60 days of the site investigation. Vegetation required by the landscaping plan, if necessary, shall be planted the first growing season after final grading of the area. The goal of the landscaping plan is to achieve a 90% success rate. Other than the allowable 10% mortality rate for landscaping trees and shrubs, any trees or shrubs that are part of the landscaping plans for this project that do not survive shall be re-planted until successfully established in a healthy growing condition.

