

05-51-11

RESOLUTION DIRECTING EXECUTIVE DIRECTOR AND CHIEF ENGINEER TO LIMIT PARTICIPATION IN ACTIVITIES THAT REQUIRE SECTION 814 REVIEW

WHERE AS, it is an obligation of the Board to administer certain lands of the State of New York at its reservoir facilities, including Great Sacandaga Lake, Indian Lake, Stillwater, Sixth Lake and Old Forge, and

WHERE AS, the Board recognizes its obligation to preserve and protect the portion of the Adirondack Forest Preserve and Adirondack Park that encompasses these facilities, and

WHERE AS, from time to time public works improvement projects are proposed by local, county, state, and federal agencies within, or on lands of the State at Regulating District facilities, and

WHERE AS, the Board desires to work with said local, county, state, and federal agencies to facilitate the completion of said public works projects, and

WHERE AS, Section 814 of the Adirondack Park Agency Act requires that any State agency which intends to undertake any "new land use or development," as defined by the Adirondack Park Agency, within the Adirondack Park shall file a notice of such intent thereof with the Adirondack Park Agency, and

WHERE AS, any "new land use and development" to be undertaken by the State agency having jurisdiction over land of the State is prohibited until the State agency files with the Adirondack Park Agency a "Notice of Intent to Undertake New Land Use and Development in the Adirondack Park" to commence the Section 814 review process and the process is complete, and

WHERE AS, Section 579.1(b) of Adirondack Park Agency regulations (9 NYCRR) provides that "new land use and development" undertaken on State land by any person "shall be the project of the State agency having jurisdiction over the land and shall be subject to section 814 of the act. . .", and

NOW THEREFORE BE IT RESOLVED, that the Board directs the Executive Director, Chief Engineer, and its staff to limit Regulating District participation in activities requiring Section 814 review to those with a specific public benefit, which are intended to serve the public good, and are considered duly authorized public works projects of local, county, state, or federal government, agencies or departments.

BE IT FURTHER RESOLVED, that the Board directs the Executive Director and Chief Engineer not to consider participation in, or undertake activities that require, Section 814 review that are proposed by any person other than a local, county, state, or federal government, agency, or department, and

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BE IT FURTHER RESOLVED, that any proposed participation in activities requiring Section 814 review is presented to the Board for its consideration and approval.

Approved as to form:



Shari Calnero  
General Counsel

Motion was made by Mrs. McDonald and seconded by Mr. Pintuff that the Resolution be approved.

Present and Voting:

<u>MEMBER</u>	<u>AYE</u>	<u>NOE</u>	<u>ABSTAIN</u>
Mr. Eyre .....	<u>X</u>	_____	_____
Mr. Pintuff.....	<u>X</u>	_____	_____
Ms. Beyor.....	<u>X</u>	_____	_____
Mrs. McDonald.....	<u>X</u>	_____	_____