

Minutes of the EMC General Meeting September 13, 2012

Voting Members Present (15): Spring Buck, Kenny Christianson, John Dennis, Brian Eden, Kate Engler, Darrick Evensen, Martha Ferger, Bill Halton, Emily Hamilton, Katie Kelly, Scott Miller, Steve Nicholson, Carolyn Peterson, Gary Stewart, Lucia Tyler

Voting Member Excused (4): Poney Carpenter, Dan Lamb, Jim McGarry, Ed Wilson

Voting Member Absent (3): Pegi Ficken, Kristine Shaw, Roger Yonkin

Non-Voting Members Present (3): Karen Edelstein (UNA Consultant), Peter Harriott, Dooley Kiefer

Guests Present: Town of Dryden Conservation Board: Bob Beck, Steven Bissen, Bard Prentiss; David Weinstein, UNA Committee resource staff; Robert Wesley, UNA Consultant

Staff Present: Scott Doyle, Kathy Wilsea

Call to Order – The meeting was called to order by Chair Steve Nicholson at 4:02 p.m.

Privilege of the Floor – Tom Livigne, Cornell University’s Director of Real Estate, read a prepared statement that CU is unable to respond to the UNA amendment proposals due to short notice and the time of year in the college calendar. He urged EMC to provide more time for his office to review the proposals and provide comments. Bob Beck, a member of the Town of Dryden’s Conservation Board and former EMC member, thanked EMC for commenting to DEC on the SEQR document for proposed Peruville Mining. Steve Nicholson thanked Bob for all his work. Steve introduced David Weinstein, another former EMC member, who has been serving on the UNA Committee.

Slide Show: Proposed Changes to the Unique Natural Areas Inventory – Robert Wesley provided some background on the UNA Inventory, which originated with a 1976 study by Craig Tufts as his thesis while a student at Cornell. Mr. Tufts did most of the research on the original sites, which numbered around 75. Robert has worked with Nancy Ostman on previous updates to the Inventory. It has grown to include more sites, more details, and now includes all DEC wetlands. The 2000 update provided better graphics and more details. He and Karen Edelstein reviewed some of the most important sites for this update. They especially focused on boundaries and the addition of two new sites. Karen addressed Mr. Livigne’s concerns by saying during the 2000 update she was especially concerned about providing notice to landowners. An extensive mailing to landowners was performed, and EMC provided a feedback mechanism. They received about 30 calls, most thanking them for the information and some asking how their land could be permanently protected. Three calls were from landowners that the committee interacted with to address their concerns.

As part of the current review, a rating system was used to come up with priorities sites for review. Karen and Robert reviewed the top 25% at this time. The current proposal involved increasing information on rare/scarc animals, which was gathered from experts and integrated with Important Bird Areas. For most boundary changes, this update “snapped to” tax parcel boundaries. 2009 aerial photos were also used to study plant growth. This resulted in an increase of total acreage.

Karen proceeded through the slide show of proposed revisions. Dooley Kiefer asked if soil types were part of the criteria for a particular wetland, and Karen responded that soil types are a factor in designation of federal wetlands. Dooley questioned changes at Wyckoff Swamp. Robert said some is from old growth vegetation, and Karen pointed out aerial photos of vegetation can be extremely telling. Concerning Malloryville Fen, Dooley felt the flow of ground water means to her that the prior, wider boundaries made more sense. Karen showed how the aerial photo led to the new boundary to the west. Robert suggested field work should be done at Malloryville Fen in the future. Change in the Coy Glen boundary was based on field visit by Robert.

Karen stressed that UNA designation is not regulatory. The Inventory is supposed to help municipalities learn about properties. At this time there are no consolidations proposed, but there may be some areas where that makes sense for

contiguous sites. She then reviewed the two candidates for addition. Concerning both proposed UNAs, Hawthorn Orchard and Salt Road Fen, much of the land is owned by Cornell and some is privately owned. Salt Road Fen was drawn per vegetation. In response to a question about the relationship to tax parcels, Karen said many of these changes are to keep fractions of an acre out, make it easier to map and notify landowners. But Robert pointed out vegetation was the major indicator. Darrick Evensen asked for examples of how the document is used, and Karen said EMC and Tompkins County are motivated to do periodic updates because municipalities use the Inventory for consideration of Critical Environmental Areas, gas drilling, and other development reviews. David Weinstein said he serves on the Town of Dryden Planning Board, and they always start with UNA information when doing development reviews – it can show a property that warrants a closer look in decision-making. Brian Eden pointed out several municipalities are currently using the Inventory during their comprehensive plan updates.

John Dennis asked if we need outreach to municipal planning boards. Karen said this slide presentation is on the web. In 2000, presentations were made to all municipalities, and now is a good time to repeat that. Scott Doyle concurred that this is a huge opportunity for education. Brian suggested specifically inviting municipal planning board members and elected officials to the October 16 presentation at the Library. Carolyn Peterson voiced concern about the process, saying she feels this information should go to municipalities and landowners first. City planning staff was not aware of the proposed changes. She asked if the update is solely an EMC decision. Steve Nicholson confirmed that this is an EMC document and does not require any kind of adoption by municipalities. He offered a historical example: around 2001 a developer questioned a boundary. At that time, EMC had no protocol to make changes between update periods. The authority lies with EMC. The committee and consultants prepared the changes under review now, and have purposely tried to get away from having others make suggestions. Scott Doyle said he has received some comments since the agenda was released. He encouraged EMC to give it a month for public input and education. Some concerns will be addressed at the October 16 meeting. Lucia Tyler provided a municipal perspective, saying in Ulysses people objected to the Town Board making UNAs official. They thought UNAs impact their ability to develop property, and could devalue property. Scott Doyle pointed out some realtors include mention of UNAs in advertising properties for sale. Lucia said there is much misinformation out there.

Brian said basic cartography is not up for political discussion. Karen provided some history of Hawthorn Orchard, saying very few people were aware of it in the early 2000s, as it was only known to birders. Then two things happened: Cornell looked to expand their soccer fields and, in order to point out how special the site was, a Lab of Ornithology analyst came forward to explain its importance as a birding area. An alternate site was identified and selected for the soccer fields. This points out how biological designations should be separate from political action. Dooley wished to make two comments: She understands it is easier to redraw boundaries to tax parcels, but it may not relate to natural areas, so she is sorry it was used so much in these proposed changes. Re public involvement, it is easy to put information out. Citizens should respect the need to protect rare plants. These are not public properties, so she disagreed with Carolyn about municipal participation. Steve Nicholson pointed out all the changes and additions currently proposed came from internal review. The protocols are for changes proposed by outsiders. Gary Stewart asked if the landowner is notified for proposed additions being developed. Scott Doyle said the update process only requires contact for access permission. Darrick Evensen asked how to learn more about UNAs in his municipality, and Steve said maps are on the website and each municipality received an Inventory binder with a large map of all UNAs.

Lucia reiterated education is a very important part – the public needs to appreciate these sites in order to protect them. Brian said EMC should provide periodic presentations because elected officials and their volunteer boards change. Gary asked if site visits were made to the sites proposed for addition. Robert said yes, these two sites have access to the public. Gary felt CU should have been notified. Scott Doyle recommended an education period before the resolutions are addressed. He feels the work is solid, and called the UNA Inventory a flagship database. But he recognizes the need to talk about what UNAs are and are not. Carolyn concurred the education component is important. John Dennis said, as a social scientist, he has been involved in public outreach and is willing to help with this aspect. He praised the immense amount of work by Karen Edelstein and Robert Wesley. He characterized UNAs as neither fish nor fowl – are the private? Public? Protected? Maybe we can learn and promote ways landowners can get tax breaks if property is protected. Karen pointed out tax breaks are on income tax, not property taxes. Vermont has a real estate transfer tax that helps preserve land. Spring Buck recommended postponing the resolutions. There was a round of applause for the work of Karen and Robert.

Resolutions -- As chair of the UNA Update Committee, Steve Nicholson moved the resolutions, which was seconded by Darrick Evensen. Following member comments, Darrick said he promotes tabling the resolutions to the next business meeting, which was accepted as a motion, and several others voiced support for that. Lucia encouraged members to talk

with Groton residents, where this is particularly viewed negatively. There was discussion about whether or not all landowners would receive notification, and it was agreed to notify landowners for the additions and rely on public outreach for the landowners affected by proposed changes. Motion seconded by John Dennis to table action on resolutions. Katie Kelly said she thought she was hearing some of the same concerns that were discussed when we changed the process last year, so maybe the process is not clear enough. Motion to table passed by unanimous show of hands.

Approval of Minutes – The draft minutes were accepted with minor corrections. Final minutes are available on the EMC webpage: www.tompkins-co.org/emc.

Invasive Species List – Postponed to next business meeting.

Staff Reports – No report.

Committee Reports – Energy: Brian Eden recommended that members access the Cleaner Greener regional sustainability plan online and provide comments. Public meetings are coming up, and members will be informed of dates when they are established. Energy Committee will meet next week. Environmental Review: Brian reported for Jim McGarry that the committee provided comments on the Cascadilla Landing project, which will have buildings 3 – 5 stories tall and be highly visible. The Town of Ithaca established stream setbacks and now some residents are asking for variances. ERC commented on one proposal on the west shore of Cayuga Lake. Executive: Will meet next week. Gas Drilling: Martha Ferger reported some members participated in a demonstration at the State Fair, waving signs at Governor Cuomo. She noted the Governor seems to be playing both sides of the hydrofracturing debate right now. We should be very aware of water withdrawal and road repair aspects of this industry. Steve said the Town of Caroline enacted a ban earlier this week, and the Town of Groton has a hearing scheduled for a moratorium. State of the Environment: Kate Engler shared topic ideas, and reported committee members have each taken on topics for research.

Member Items – Spring Buck invited members to nominate organizations for the Transportation Initiative of the Year, which is scheduled to be awarded in December. Emily Hamilton encouraged members to learn more about the Green Building Alliance, which has information available on the Cooperative Extension website.

The meeting was adjourned at 5:47 PM.

Respectfully submitted,
Kathy Wilsea, Secretary
Tompkins County Planning Department
Approved by Council on November 8, 2012