

# MISCELLANEOUS NOTICES/HEARINGS

---

## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

## PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for inpatient, long term care, and non-institutional services and pharmacy to comply with recently proposed statutory provisions. The following significant changes are proposed:

### All Services

- Effective April 1, 2012, the Essential Community Provider Network and the Vital Access Providers initiatives will be established to ensure access to care for patients.

Essential Community Provider Network: New York State will assume an active role in ensuring certain essential community providers (hospitals, nursing homes, D&TCs or home health providers) be eligible to receive short-term funding to achieve defined operational goals such as a facility closure, merger, integration or reconfiguration of services.

- To receive funding under this initiative, providers must apply to the Department of Health for consideration and present a plan with clearly defined benchmarks for achieving well-articulated goals, including improved quality, efficiency, and the alignment of health care resources with community health needs. The plan must also include a budget that will be the basis for reimbursement and for identifying required financial resources. Failure to meet goals articulated in the plan within the defined timelines (no more than 2-3 years) will result in the immediate termination of the rate enhancement. The facility must also demonstrate how its plan and the investment will ultimately return savings long term for the Medicaid program.
- The Commissioner of Health will make the final decision concerning which facilities are eligible by applying the following criteria:
  - Demonstration of integration of services with other providers and improved quality, access, and efficiency;

- Engagement with community stakeholders and responsiveness of plan to community health needs;
- Financial viability based upon certain metrics (profitability, debt load, and liquidity);
- Provision of care to financially and medically vulnerable populations;
- Provision of essential health services; and/or
- Provision of an otherwise unmet health care need (e.g., behavioral health services).
- Benchmarks that must be present in any acceptable plan are key to the success of this initiative. Such measures might include:
  - Administrative and operational efficiencies;
  - Quality and population health standards;
  - Provision of essential services;
  - Improved integration or collaboration with other entities; and/or
  - Achieving health care cost savings.
- Furthermore, as part of the requirement for a provider to receive funds through this initiative, the Department of Health must approve of the applicant's governance structure and the ability of its board and executive leadership to implement the plan and take decisive steps to stabilize the financial condition of the facility, while improving quality and efficiency. In addition, it is also possible restructuring officers and new board members (with expertise in certain areas) could be recruited to replace or enhance the existing leadership as a means to ensure the plan's fruition.

Vital Access Providers (VAP): This initiative will be established to provide ongoing rate enhancement to a small group of hospitals, nursing homes, D&TCs, and home care providers, under more stringent basis over a longer term. These facilities will be required to submit a plan and a budget for meeting defined goals, which would include approaches to advance community care, but the purpose of these funds is to provide longer term operational support. Examples of providers that could receive this designation and enhancement could include efficient hospitals and other providers in rural communities that have already reconfigured services to create integrated systems of care and that require a rate enhancement to remain financially viable and continue to provide a service not offered elsewhere in the community (e.g., emergency department, trauma care, obstetrics). Furthermore, in urban areas, qualifying providers will be unique in that they serve a very high proportion of Medicaid and financially vulnerable populations, provide unique services that are not offered by other providers within the community, and have serious financial problems.

- The VAP provider designation and any allocation of funds are subject to approval by the Commissioner of Health and are pursuant to a dynamic plan to better the health of the community.
- Facilities will be required to demonstrate satisfaction of benchmarks specified by the Commissioner.
- Effective April 1, 2012, regularly scheduled phased reductions to hospital inpatient Transition II funding will be redirected to the Safety Net/VAP funding instead of the development of the inpatient statewide base price.

The annual increase in gross Medicaid expenditures for both initia-

tives for state fiscal year 2012/13 is \$100 million, including the redirection of the hospital inpatient Phase II funding.

- Continues Ambulatory Patient Group (APG) rates of payment for Medicaid services for outpatient hospital services, general hospital emergency services, ambulatory surgical services, for dates of service on and after April 1, 2012, and for diagnostic and treatment center services, for dates of services on and after July 1, 2012, except those payments made on behalf of persons enrolled in Medicaid HMO or Family Health Plus.
- For state fiscal year beginning April 1, 2012 and forward provide Medicaid reimbursement to hospitals for inpatient and ambulatory care services, and to free standing diagnostic and treatment centers through modification of APG payments, for the provision of interpretation services for patients with limited English proficiency (LEP) and communication services for people who are deaf and hard of hearing. The increase in gross Medicaid expenditures for state fiscal year 2012/13 is \$2.70 million.

#### Institutional Services

- For the state fiscal year beginning April 1, 2012 through March 31, 2013, continues specialty hospital adjustments for hospital inpatient services provided on and after April 1, 2012, to public general hospitals, other than those operated by the State of New York or the State University of New York, located in a city with a population of over one million and receiving reimbursement of up to \$1.08 billion annually. Payments to eligible public general hospitals may be added to rates of payment or made as aggregate payments.
- Effective April 1, 2012, the Commissioner of Health shall incorporate quality related measures including, potentially preventable re-admissions (PPRs) and other potentially preventable negative outcomes (PPNOs) and provide for rate adjustments or payment disallowances related to same. Such rate adjustments or payment disallowances will be calculated in accordance with methodologies, as determined by the Commissioner of Health, and based on a comparison of the actual and risk adjusted expected number of PPRs and other PPNOs in a given hospital and with benchmarks established by the Commissioner. Such adjustments or disallowances for PPRs and other PPNOs will result in an aggregate reduction in Medicaid payments of no less than \$51 million annually for periods beginning April 1, 2012 through March 31, 2013, provided that such aggregate reductions shall be offset by Medicaid payment reductions occurring as a result of decreased PPRs for the periods April 1, 2012 through March 31, 2013, and as a result of decreased PPRs and PPNOs for the period April 1, 2012 through March 31, 2013. Such rate adjustments or payment disallowances shall not apply to behavioral health PPRs or to readmissions that occur on or after 15 days following an initial admission. The annual decrease in gross Medicaid expenditures for state fiscal year 2012/13 is \$51 million.

#### Long Term Care Services

- Effective April 1, 2012, for rate periods on and after April 1, 2012, for services provided to residential health care facility residents 21 years of age and older, the Commissioner of Health shall promulgate regulations, which may be emergency regulations, establishing reimbursement rates for reserved bed days, provided, however, that such regulations shall achieve an aggregate annualized reduction in reimbursement for such reserved bed days of no less than \$40 million, as determined by the Commissioner.
- If federal financial participation is not available for rate adjustments, or regulations promulgated thereunder, then, for such rate periods, Medicaid rates for inpatient services shall not include any factor or payment amount for such reserved bed days with regard to residents 21 years of age or older. In addition, for such rate periods upward revisions to Medicaid rates shall be provided, however, such upward revisions shall not in the aggregate, as determined by the Commissioner, exceed, on an annual basis, an amount equal to current annual Medicaid payments for reserved bed days, less than \$40 million.

- To clarify the previously noticed provisions of March 30, 2011, December 28, 2011 and March 14, 2012, related to Certified Home Health Agencies (CHHA) episodic pricing, Medicaid payments for services provided by CHHAs will be effective May 1, 2012.
- The current authority to adjust Medicaid rates of payment for personal care services, provided in local social services districts which include a city with a population of over one million persons and distributed in accordance with memorandums of understanding entered into between the State and such local districts for purpose of supporting recruitment and retention of personal care service workers has been extended for the period April 1, 2012 through March 31, 2014. Payments for the periods April 1, 2012 through March 31, 2013; and April 1, 2013 through March 31, 2014, shall not exceed, in the aggregate, \$340 million for each applicable period.
- The current authority to adjust Medicaid rates of payment for personal care services provided in local social services districts which shall not include a city with a population of over one million persons, for purpose of supporting recruitment and retention of personal care service workers has been extended for the period April 1, 2012 through March 31, 2014. Payments for the period April 1, 2012 through March 31, 2013; and April 1, 2013 through March 31, 2014, shall be up to \$28.5 million for each applicable period.
- The current authority to adjust Medicaid rates of payment for certified home health agencies, AIDS home care programs, and hospice programs for purposes of supporting recruitment and retention of non-supervisory health care workers or any worker with direct patient care responsibility has been extended for the period April 1, 2012 through March 31, 2014. Payments shall not exceed in the aggregate, \$100 million for each of the following periods: April 1, 2012 through March 31, 2013; and April 1, 2013 through March 31, 2014, and shall be calculated in accordance with the previously approved methodology. Such adjustments to rates of payment shall be allocated proportionally based on each certified home health agency's, AIDS home care and hospice programs' home health aide or other direct care services total annual hours of service provided to Medicaid patients, as reported in each such agency's most recently available cost report as submitted to the Department. Payments made shall not be subject to subsequent adjustment or reconciliation.

#### Non-institutional Services

- For State fiscal years beginning April 1, 2012 through March 31, 2013, continues hospital outpatient payment adjustments that increase the operating cost components of rates of payment for hospital outpatient and emergency departments for public general hospitals other than those operated by the State of New York or the State University of New York, which are located in a city with a population of over one million. The eligibility criteria remain unchanged. Payments to eligible public general hospitals may be added to rates of payment or made as aggregate payments. The increase in Medicaid expenditures for state fiscal year 2012/13 is \$287 million.
- The Ambulatory Patient Group (APG) reimbursement methodology is revised to include recalculated weights that will become effective on or after April 1, 2012. There is no estimated annual change to gross Medicaid expenditures as a result of this proposal.
- Effective on or after April 1, 2012, adults, age 21 and older, with a diagnosis of diabetes mellitus may obtain podiatry services from podiatrists in private practice. The decrease in gross Medicaid expenditures for state fiscal year 2012/13 is \$4.40 million.
- Effective on or after April 1, 2012, lactation counseling services for pregnant and postpartum women will be provided when such services are ordered by a physician, registered physician's assistant, registered nurse practitioner, or licensed midwife and provided by a certified lactation consultant, as determined by the Commissioner of Health. The decrease in gross Medicaid expenditures for state fiscal year 2012/13 is \$8.40 million.

- As of April 1, 2011, hospital outpatient clinics and DTCs may bill for Smoking Cessation Counseling (SCC) service as part of the provider's Ambulatory Patient Group (APG) claim for outpatient services. However, Federally Qualified Health Centers (FQHCs) that did not opt into APGs would not have the ability to bill for SCC services. The establishment of the FQHC SCC rates will allow FQHC providers to bill for SCC services. The rates that have been established are as follows: FQHC Individual Smoking Cessation Counseling and FQHC Group Smoking Cessation Counseling. These rates will be effective April 1, 2012 and thereafter. The increase in gross Medicaid expenditures for state fiscal year 2012/13 is \$8.50 million.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to reform and other initiatives contained in the budget for state fiscal year 2012/2013 is \$475.9 million; and the estimated annual net aggregate increase in gross Medicaid expenditures attributable to an extension of pertinent disproportionate share (DSH) and upper payment limit (UPL) payments for state fiscal year 2012/2013 is \$1.4 billion.

The public is invited to review and comment on this proposed state plan amendment. Copies of which will be available for public review on the Department's website at: [http://www.health.ny.gov/regulations/state\\_\\_plans/status](http://www.health.ny.gov/regulations/state__plans/status).

In addition, copies of the proposed state plan amendments will be on file and available for public review in each local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
250 Church Street  
New York, New York 10018

Queens County, Queens Center  
3220 Northern Boulevard  
Long Island City, New York 11101

Kings County, Fulton Center  
114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:*  
Department of Health, Bureau of HCRA Operations & Financial Analysis, Corning Tower Bldg., Rm. 984, Empire State Plaza, Albany, NY 12237, (518) 474-1673, (518) 473-8825 (FAX), [spa\\_\\_inquiries@health.state.ny.us](mailto:spa__inquiries@health.state.ny.us)

**PUBLIC NOTICE**  
Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for non-institutional services to comply with enacted statutory provisions. The following clarifying changes are proposed:

**Non-Institutional Services**

The following clarifications are to the March 30, 2011 noticed provision for Health Home Services.

Effective April 1, 2012, the Department of Health, in collaboration

with the Office of Mental Health, the Office for Alcoholism and Substance Abuse Services, and the Office of People with Developmental Disabilities will be authorized to begin Medicaid coverage for Health Home Services to high-cost, high-need enrollees in the counties of Dutchess, Erie, Manhattan, Monroe, Orange, Putnam, Queens, Richmond, (Staten Island), Rockland, Suffolk, Sullivan, Ulster and Westchester. The previous effective date was October 1, 2011.

Payment for Health Homes service will be a per-member, per-month (PMPM) care management fee that is adjusted based on region and case mix (from 3M™ Clinical Risk Groups (CRG) method). This fee will eventually be adjusted by (after the data is available) patient functional status. As a result, reimbursement will be reflective of cost-associated adjustments in the intensity and frequency of intervention based on patient's current condition and needs (from tracking to high touch).

This care management fee will be paid in two increments based on whether a patient is in 1) the case finding group, or 2) the active care management group. The case finding group will receive a PMPM that is a reduced percentage (80 percent) of the active care management PMPM. The case finding PMPM is only available for up to the first three months after a patient has been assigned to a given Health Home, and this PMPM is intended to cover the cost of outreach and engagement. Once a patient has been assigned a care manager and is actively engaged in the Health Home program, the active care management PMPM may be billed.

If the State achieves overall savings from the implementation of this program, Health Home providers will be eligible to participate in a shared savings pool. The pool will be developed at the end of the first year of health home operation and will consist of a percentage (up to 30 percent) of the documented State share savings derived from Health Home operation. The State will use a method to adjust savings for regression to the mean before setting up the pool. If the federal portion of savings becomes eligible for shared savings with providers, then a portion of those savings will be included in the pool based on any federal conditions that may be applied to such savings.

The estimated net aggregate decrease in gross Medicaid expenditures attributable to this initiative for the period April 1, 2012 through September 30, 2012 is \$9.8 million and for the period October 1, 2012 through September 30, 2013 is \$58.3 million.

The public is invited to review and comment on this proposed state plan amendment, copies of which will be available for public review on the Department's website at: [http://www.health.ny.gov/regulations/state\\_\\_plans/status](http://www.health.ny.gov/regulations/state__plans/status)

In addition, copies of the proposed state plan amendment will be on file and available for public review in each local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County  
250 Church Street  
New York, New York 10018

Queens County, Queens Center  
3220 Northern Boulevard  
Long Island City, New York 11101

Kings County, Fulton Center  
114 Willoughby Street  
Brooklyn, New York 11201

Bronx County, Tremont Center  
1916 Monterey Avenue  
Bronx, New York 10457

Richmond County, Richmond Center  
95 Central Avenue, St. George  
Staten Island, New York 10301

*For further information and to review and comment, please contact:*

Department of Health, Bureau of HCRA Operations & Financial Analysis, Corning Tower Bldg., Rm. 984, Empire State Plaza, Albany, NY 12237, (518) 474-1673, (518) 473-8825 (FAX), spa\_inquiries@health.state.ny.us

## PUBLIC NOTICE

Department of State  
Notice of Routine Program Change  
Town of Hamburg

### Local Waterfront Revitalization Program Amendment

PURSUANT to 15 CFR 923.84(b), the New York State Department of State (DOS) has submitted a routine program change to the federal Office of Ocean and Coastal Resource Management (OCRM). The change to the New York State Coastal Management Program (CMP) covered by this request is the incorporation of an amendment to the Town of Hamburg Local Waterfront Revitalization Program (LWRP) into the State's CMP.

A major component of the State's CMP is the provision that local governments be allowed to prepare and amend Local Waterfront Revitalization Programs, which further detail and make geographically specific the State's coastal policies. Each LWRP is reviewed for consistency with the State's CMP and approved if it meets the guidelines established in the State CMP and Article 42 of the NYS Executive Law.

The Town of Hamburg LWRP is a locally prepared comprehensive land and water use plan for the local waterfront resources. The LWRP serves as a long term comprehensive coastal management program for the Town's Lake Erie waterfront resources and is based on the policies of the New York State Coastal Management Program. The Hamburg LWRP was originally approved by the New York State Secretary of State on June 3, 1989, and incorporated into the New York State Coastal Management Program on February 10, 1990. The Town amended its LWRP to better reflect proposed land uses to be accommodated within the Local Waterfront Revitalization Area in accordance with revised zoning controls adopted by the Town, and based on the Town's recently completed Comprehensive Plan. The zoning amendments include adoption of the Route 5 Overlay District, the Lakeview Overlay District, and the Park/Recreation Lands District. The Route 5 Overlay District includes measures to improve the quality of development and aesthetics along Route 5, a major thoroughfare within the waterfront area. The Lakeview Overlay District supports the renewal of existing commercial development areas in an effort to revitalize the Lakeview hamlet and provides for diversification of the land uses in this area. The Park/Recreation Lands District promotes to a variety of passive and active recreation uses. These zoning changes serve to strengthen the ability of the Town to implement the policies and uses set forth in the LWRP. Also, to more effectively manage and protect land uses and environmental resources in the waterfront area, the amendment proposes a modification of the current State Coastal Boundary.

The Town prepared the LWRP amendment in partnership with the New York State Department of State, in accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program. The draft LWRP amendment was circulated to potentially affected State, federal, and regional agencies during a review period from December 29, 2010 to February 28, 2011. Following this review period, the Department of State coordinated responses to comments received with the Town of Hamburg, and revised the draft where necessary. The Hamburg Town Board then adopted the amended LWRP on May 23, 2011, which was subsequently approved by the New York State Secretary of State on March 9, 2012, pursuant to the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (NYS Executive Law, Article 42).

The amended Town of Hamburg Local Waterfront Revitalization Program is available online at [http://www.dos.ny.gov/communitieswaterfronts/WFRevitalization/LWRP\\_status.html](http://www.dos.ny.gov/communitieswaterfronts/WFRevitalization/LWRP_status.html).

*Any comments on whether or not the action constitutes a routine program change to the State's approved Coastal Management*

*Program should be submitted by April 24, 2012 to: Joelle Gore, U.S. Office of Ocean and Coastal Resource Management, Coastal Programs Division, SSMC4, N/ORM3, 1305 East-West Highway, Silver Spring, MD 20910*

*Further information on this routine program change may be obtained from: Kevin Millington, Office of Communities and Waterfronts, Department of State, 99 Washington Ave., Suite 1010, Albany, NY 12231-0001, (518) 473-2479*

## PUBLIC NOTICE

Department of State  
Notice of Routine Program Change  
City of Rochester

### Local Waterfront Revitalization Program Amendment

PURSUANT to 15 CFR 923.84(b), the New York State Department of State (DOS) has submitted a routine program change to the federal Office of Ocean and Coastal Resource Management (OCRM). The change to the New York State Coastal Management Program (CMP) covered by this request is the incorporation of an amendment to the City of Rochester Local Waterfront Revitalization Program into the State's CMP.

A major component of the State's CMP is the provision that local governments be allowed to prepare and amend Local Waterfront Revitalization Programs (LWRP), which further detail and make geographically specific the State's coastal policies. Each LWRP is reviewed for consistency with the State's CMP and approved if it meets the guidelines established in the State CMP and Article 42 of the NYS Executive Law.

The City of Rochester LWRP is a locally prepared comprehensive land and water use plan for local waterfront resources. The LWRP serves as a long term comprehensive coastal management program for the City's Genesee River and Lake Ontario waterfront resources and is based on the policies of the New York State Coastal Management Program. The Rochester LWRP was originally approved by the New York State Secretary of State on November 26, 1990 and incorporated into the New York State Coastal Management Program on January 28, 1991. The LWRP amendment incorporates recently completed plans to redevelop the Port of Rochester, an economically distressed area located at the confluence of the Genesee River and Lake Ontario, to accommodate a variety of water-related, housing, and other public uses intended to revitalize the area.

The City prepared the LWRP amendment in partnership with the New York State Department of State, and in accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program. The draft LWRP amendment was circulated to potentially affected State, federal, and regional agencies during a 21-day review period from November 17 to December 15, 2010. Following this review period, the Department of State coordinated responses to comments received with the City of Rochester, and revised the draft where necessary. The Rochester City Council then adopted the LWRP on March 22, 2011, which was subsequently approved by the New York State Secretary of State on December 15, 2011, pursuant to the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (NYS Executive Law, Article 42).

The amended City of Rochester Local Waterfront Revitalization Program is available online, at [http://www.dos.ny.gov/communitieswaterfronts/WFRevitalization/LWRP\\_status.html](http://www.dos.ny.gov/communitieswaterfronts/WFRevitalization/LWRP_status.html).

*Any comments on whether or not the action constitutes a routine program change to the State's approved Coastal Management Program should be submitted by April 24, 2012 to: Joelle Gore, U.S. Office of Ocean and Coastal Resource Management, Coastal Programs Division, SSMC4, N/ORM3, 1305 East-West Highway, Silver Spring, MD 20910*

*Further information on this routine program change may be obtained from: Kevin Millington, Office of Communities and Waterfronts, Department of State, 99 Washington Ave., Suite 1010, Albany, NY 12231-0001, (518) 473-2479*

**PUBLIC NOTICE**

Department of State  
 Notice of Routine Program Change  
 Village of Sodus Point

Local Waterfront Revitalization Program Amendment

PURSUANT to 15 CFR 923.84(b), the New York State Department of State (DOS) has submitted a routine program change to the federal Office of Ocean and Coastal Resource Management (OCRM). The change to the New York State Coastal Management Program (CMP) covered by this request is the incorporation of an amendment to the Village of Sodus Point Local Waterfront Revitalization Program (LWRP) into the State's CMP.

A major component of the State's CMP is the provision that local governments be allowed to prepare and amend Local Waterfront Revitalization Programs, which further detail and make geographically specific the State's coastal policies. Each LWRP is reviewed for consistency with the State's CMP and approved if it meets the guidelines established in the State CMP and Article 42 of the NYS Executive Law.

The Village of Sodus Point LWRP is a locally prepared comprehensive land and water use plan for the local waterfront resources. The LWRP serves as a long term comprehensive coastal management program for the Village's Sodus Bay and Lake Ontario waterfront resources and is based on the policies of the New York State Coastal Management Program. The Sodus Point LWRP was originally approved by the New York State Secretary of State on December 28, 2006, and incorporated into the New York State Coastal Management Program on April 17, 2008. The Village amended its LWRP to include a harbor management plan for Sodus Bay, which establishes the local means for better managing boating activities, such as docks, and avoid conflicts associated with water uses. In addition, the amendment identifies several projects to enhance public access opportunities along the waterfront.

The Village prepared the LWRP amendment in partnership with the New York State Department of State, in accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program. The draft LWRP amendment was circulated to potentially affected State, federal, and regional agencies during a review period from April 13, 2011 to June 17, 2010. Following this review period, the Department of State coordinated responses to comments received with the Village of Sodus Point, and revised the draft where necessary. The Sodus Point Village Board of Trustees then adopted the amended LWRP on July 21, 2011, which was subsequently approved by the New York State Secretary of State on March 9, 2012, pursuant to the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (NYS Executive Law, Article 42).

The amended Village of Sodus Point Local Waterfront Revitalization Program is available online at [http://www.dos.ny.gov/communitieswaterfronts/WFRevitalization/LWRP\\_\\_status.html](http://www.dos.ny.gov/communitieswaterfronts/WFRevitalization/LWRP__status.html).

*Any comments on whether or not the action constitutes a routine program change to the State's approved Coastal Management Program should be submitted by April 24, 2012 to: Joelle Gore, U.S. Office of Ocean and Coastal Resource Management, Coastal Programs Division, SSMC4, N/ORM3, 1305 East-West Highway, Silver Spring, MD 20910*

*Further information on this routine program change may be obtained from: Kevin Millington, Office of Communities and Waterfronts, Department of State, 99 Washington Ave., Suite 1010, Albany, NY 12231-0001, (518) 473-2479*

**PUBLIC NOTICE**

Susquehanna River Basin Commission

Projects Approved for Consumptive Uses of Water  
 AGENCY: Susquehanna River Basin Commission.  
 ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the

Susquehanna River Basin Commission during the period set forth in "DATES."

DATE: January 1, 2012, through January 31, 2012.

ADDRESS: Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436; e-mail: [rcairo@srbc.net](mailto:rcairo@srbc.net). Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(f) for the time period specified above:

Approvals By Rule Issued Under 18 CFR § 806.22(f):

1.Chief Oil & Gas, LLC, Pad ID: Kaufmann Drilling Pad #1, ABR-201201001, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 4, 2012.

2.Cabot Oil & Gas Corporation, Pad ID: MacDowallR P1, ABR-201201002, Lenox Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: January 4, 2012.

3.Chief Oil & Gas, LLC, Pad ID: Yoder Drilling Pad #1, ABR-201201003, Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 4, 2012.

4.Chesapeake Appalachia, LLC, Pad ID: Redbone, ABR-201201004, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 4, 2012.

5.Chesapeake Appalachia, LLC, Pad ID: Raimo, ABR-201201005, Monroe Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 4, 2012.

6.Chesapeake Appalachia, LLC, Pad ID: Kathryn, ABR-201201006, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 4, 2012.

7.Chesapeake Appalachia, LLC, Pad ID: Fox, ABR-201201007, Mehoopany Township, Wyoming County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 4, 2012.

8.Chesapeake Appalachia, LLC, Pad ID: Ridenour, ABR-201201008, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 4, 2012.

9.Chesapeake Appalachia, LLC, Pad ID: Elwell, ABR-201201009, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 4, 2012.

10.Citrus Energy Corporation, Pad ID: Macialek 1 Pad, ABR-201201010, Washington Township, Wyoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: January 6, 2012.

11.Southwestern Energy Production Company, Pad ID: FLICKS RUN, ABR-201201011, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: January 9, 2012.

12.Southwestern Energy Production Company, Pad ID: CHILSON-JENNINGS, ABR-201201012, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: January 9, 2012.

13.Chief Oil & Gas, LLC, Pad ID: Bailey Drilling Pad #1, ABR-201201013, Overton Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 9, 2012.

14.Pennsylvania General Energy Co. LLC, Pad ID: COP Tract 356 Pad J, ABR-201201014, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 3.000 mgd; Approval Date: January 10, 2012.

15.EXCO Resources (PA), Inc., Pad ID: Budman Well Pad, ABR-201201015, Franklin Township, Lycoming County, Pa.; Consumptive Use of Up to 8.000 mgd; Approval Date: January 11, 2012.

16.Range Resources – Appalachia, LLC, Pad ID: Cornhill C Unit 1H-5H, ABR-201201016, Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: January 13, 2012.

17.Range Resources – Appalachia, LLC, Pad ID: Corson, Eugene

1H-6H, ABR-201201017, Anthony Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: January 13, 2012.

18. Atlas Resources, LLC, Pad ID: Rhodes Well Pad, ABR-201201018, Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 3.600 mgd; Approval Date: January 18, 2012.

19. Atlas Resources, LLC, Pad ID: Perry Well Pad, ABR-201201019, Mill Creek Township, Lycoming County, Pa.; Consumptive Use of Up to 3.600 mgd; Approval Date: January 18, 2012.

20. Range Resources – Appalachia, LLC, Pad ID: Ogontz Fishing Club 41H-44H, ABR-201201020, Cummings Township, Lycoming County, Pa.; Consumptive Use of Up to 5.000 mgd; Approval Date: January 23, 2012.

21. SWEPI LP, Pad ID: Jones 276, ABR-201201021, Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: January 25, 2012.

22. SWEPI LP, Pad ID: Tolbert 263, ABR-201201022, Jackson Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: January 25, 2012.

23. Carrizo (Marcellus), LLC, Pad ID: Trecoske North Pad, ABR-201201023, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.100 mgd; Approval Date: January 25, 2012.

24. Carrizo (Marcellus), LLC, Pad ID: Trecoske South Pad, ABR-201201024, Silver Lake Township, Susquehanna County, Pa.; Consumptive Use of Up to 2.100 mgd; Approval Date: January 25, 2012.

25. Southwestern Energy Production Company, Pad ID: HEBDA-VANDERMARK, ABR-201201025, Stevens Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: January 27, 2012.

26. Southwestern Energy Production Company, Pad ID: TONYA WEST, ABR-201201026, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: January 27, 2012.

27. Southwestern Energy Production Company, Pad ID: GOOD, ABR-201201027, Jackson and Cogan House Townships, Lycoming County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: January 27, 2012.

28. Chesapeake Appalachia, LLC, Pad ID: Burkhart, ABR-201201028, Forks Township, Sullivan County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 30, 2012.

29. Chesapeake Appalachia, LLC, Pad ID: Calmitch, ABR-201201029, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 30, 2012.

30. Carrizo (Marcellus), LLC, Pad ID: EP Bender B (CC-03) Pad (2), ABR-201201030, Reade Township, Cambria County, Pa.; Consumptive Use of Up to 2.100 mgd; Approval Date: January 30, 2012.

31. SWEPI LP, Pad ID: Barner 709, ABR-201201031, Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: January 30, 2012.

32. Seneca Resources Corporation, Pad ID: DCNR 100 Pad L, ABR-201201032, Lewis Township, Lycoming County, Pa.; Consumptive Use of Up to 4.000 mgd; Approval Date: January 31, 2012.

33. Chesapeake Appalachia, LLC, Pad ID: Warburton, ABR-201201033, Forks Township, Sullivan County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 31, 2012.

34. Chesapeake Appalachia, LLC, Pad ID: SGL289C, ABR-201201034, West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 31, 2012.

35. Chesapeake Appalachia, LLC, Pad ID: Hemlock Valley, ABR-201201035, Pike Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 31, 2012.

36. Chesapeake Appalachia, LLC, Pad ID: Manahan, ABR-201201036, Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 31, 2012.

37. Chesapeake Appalachia, LLC, Pad ID: Messersmith, ABR-201201037, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 31, 2012.

38. Chesapeake Appalachia, LLC, Pad ID: Lyon, ABR-201201038, Tuscarora Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: January 31, 2012.

39. Chief Oil & Gas, LLC, Pad ID: Myers Unit Drilling Pad #1, ABR-201201039, Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 31, 2012.

40. Chief Oil & Gas, LLC, Pad ID: Hurley Drilling Pad #1, ABR-201201040, Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: January 31, 2012.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: March 9, 2012.

Stephanie L. Richardson

Secretary to the Commission.

## PUBLIC NOTICE

### Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Steven Rocklin, Codes Division, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2012-0130 Matter of Ethan Peter Hall, Rucinski Hall Architecture, 627 Maple Avenue, Saratoga Springs, NY 12866 for a variance concerning fire safety issues including the code requirement for sprinklers in an assembly occupancy.

Involved is a change of occupancy of an existing building from an A-4 (Indoor riding arena) to an A-3 (dance hall) occupancy. The code requires the installation of a sprinkler system when there are more than 100 occupants. This building will have 550 occupants. The building contains an A-3 occupancy, is 1 story in height of Type 5b (combustible) construction having a gross floor area of 15,700 square feet. The building is located at 5 Mill St., Town of Lake George, Warren County, State of New York.

## SALE OF

## FOREST PRODUCTS

Steuben Reforestation Area No. 14

Contract No. X008593

Pursuant to Section 9-0505 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives Public Notice of the following:

Sealed bids for red oak sawtimber, 12.8 MBF more or less; black oak sawtimber, 9.9 MBF more or less; white oak sawtimber, 6.6 MBF more or less; chestnut oak sawtimber, 5.5 MBF more or less; aspen sawtimber, 2.1 MBF more or less; miscellaneous softwood sawtimber, (includes white pine and hemlock), 0.55 MBF more or less; miscellaneous hardwood sawtimber, (includes red maple and pignut hickory), 0.5 MBF more or less; hardwood pulp, 111 cords; 503 culls, located on Steuben Reforestation Area No. 14, Erwin Hollow State Forest, Stand A-1, will be accepted at the Department of Environmental Conservation, Contract Unit, 625 Broadway, 10th Fl., Albany, NY 12233-5023 until 11:00 a.m., Thursday, April 5, 2012.

For further information, contact: Andrew Drake, Forest Technician I, Department of Environmental Conservation, Division of Lands and Forests, Region 8, 7291 Coon Rd., Bath, NY 14810-9728, (607) 776-2165