

Adirondack Park Agency Policy, Procedures & Guidance System	AGENCY - 2
Topic: Agency Public Comment Policy	
<hr/> Ross S. Whaley, Chairman	Date: February 16, 2001 Amended: January 10, 2003; August 10, 2007

I. Purpose

The purpose of this policy is to encourage public comment in a fair, consistent, and informative manner.

II. Background

The Agency recognizes the importance of remaining open to the receipt of public comment on issues of concern to the Agency and the Adirondack Park. Comments from the public very often prove invaluable as the Agency deliberates upon specific matters and general issues which come before it in the course of business. On the other hand, in certain circumstances, uncontrolled or ill-timed public comment has the potential to interfere with the conduct of the public's business and can give rise to an unfair or unequal exchange of information. As a result, it is necessary to establish a consistent method for receiving public comment which provides for adequate access by the public and does not give rise to unfair circumstances of public comment.

III. Agency Public Comment Policy

A. Oral Comments

The Agency will provide approximately 10 minutes for public comment at or near the beginning of each open meeting of the Agency. This initial public comment period will be made available for the public to comment generally on Agency operations or on topics of interest to the Agency or the Adirondack Park.

In order to avoid potential *ex parte* issues and to maintain fundamental fairness, public comments concerning the following topics will be prohibited during the initial public comment period but may, at the discretion of the commenting party, be reserved for the public comment period provided at the close of each Agency meeting:

- Any permit which is before the Agency for action at the meeting in question.
- Any enforcement case which is before the Agency for action at the meeting in question.
- Any matter for which an adjudicatory public hearing has been convened.

In keeping with past practice, the Agency will provide a reasonable amount of time at the end of each open meeting of the Agency for public comment on topics of relevance to the Agency's operations, topics of interest to the Adirondack Park, and matters prohibited for public comment during the initial public comment period.

B. Written Comments

1. Legislative Functions

For issues which are before the Agency for purposes other than permit proceedings and enforcement cases, written comments on any matter will be accepted for consideration by the Agency Members and Designees with the weight afforded each submission being subject to the discretion of the Member or Designee.

2. Permit Proceedings and Enforcement Cases

Written comments related to permit proceedings and enforcement cases before the Agency or any Committee will be accepted so long as such comments are received by noon on the day prior to the scheduled commencement of the Agency meeting.

3. Proceedings Involving an Adjudicatory Public Hearing

Public comment will not be accepted at Agency meetings in connection with proceedings for which an adjudicatory public hearing has been convened. Those members of the public who wish to comment with regard to such proceedings should seek to have their comments incorporated into the official record of the proceeding.

4. Public Comment Policy for Unit Management Plans

NYS DEC as lead agency conducts an extensive public input process as an integral component for development of final draft Unit Management Plans (UMP). APA is officially an involved State agency within the SEQR process. This process, which includes extensive input from APA staff on a broad range of issues primarily focused on compliance with the State Land Master Plan (SLMP), is conducted in accordance with the SEQR process and includes public meetings and formal comment periods. A minimum comment period of at least 30 days is established prior to development of a final draft UMP. The SEQR record also includes a response from DEC on public comments that are received.

Once DEC has submitted the UMP to the Agency for determination on compliance with the SLMP, the Agency will initiate a public review process and comment period. It is the policy of the Agency to provide for a reasonable time to allow for public comment on the final draft plan's compliance with the SLMP. The Agency will issue a press release

announcing that written public comments are being accepted on the proposed Final Unit Management Plan. The press release will announce the date for the end of the comment period, the date of the Agency meeting at which the determination on SLMP compliance is scheduled to be considered, and identify a specific point of contact at APA headquarters for the public to send comments for the UMP under review. A copy of the proposed Final UMP will be posted to the APA web page, or if available on the DEC web site, direct links will be provided to the DEC web site. Due to potential problems with current reliability of electronic communications, only written public comments received through the mail or via fax will be considered as part of the Agency's formal comment process. Although the public is welcome to contact the Agency via telephone to request information or express opinions about a particular Unit Management Plan, only written comments will become part of the official record. A minimum two week comment period will be established after the "First Reading" of the Unit Management Plan by DEC staff. The comment period will close two weeks prior to the Agency meeting at which the SLMP compliance determination is scheduled. An Agency staff recommendation and draft Agency resolution will be prepared and presented for Agency consideration ("Second Reading"). A minimum of two Agency meetings are preferred for final determination by the Agency as to whether the proposed Final UMP is in compliance with the Master Plan. This policy allows for extending the public comment period to provide additional time for the public to comment on a unit management plan under consideration by the Agency for SLMP compliance determination. One or more additional meetings may be scheduled by the Agency depending on the complexity of the SLMP issues in a particular plan and the amount of public comment received during the Agency's comment period. A copy of all written comments received will be provided to Agency members. The Agency staff memo will summarize public comments related to SLMP compliance. The summary of public comments will be a part of the public record in addition to all correspondence received on the management plan before the Agency.

IV. Legal Effect

Nothing in this public comment policy should be interpreted to affect or alter any public hearing schedule established by the Agency, nor shall any element of this public comment policy be construed to extend a public hearing record that has closed by its own terms.

This policy is not intended to set forth a fixed, general principle to be rigidly applied. Rather, its tenets are to be utilized solely as guidance and should be applied only after taking into account the specific facts and circumstances of each particular instance where public comments are offered to the Agency. The Chairman and/or Chairperson of any committee may accept additional public comment at variance with this policy in the event that he or she determines that good cause to accept additional comment has been shown.

The Agency has reviewed and adopted this Agency Public Comment Policy, effective February 16, 2001, as revised to include the public comment procedure for unit management plan review, approved by the Agency January 10, 2003; as further revised to amend the public comment procedure for unit management plan review, approved by the Agency August 10, 2007.

ADIRONDACK PARK AGENCY

By: _____
Ross S. Whaley, Chairman