

## **Legal Division 2019 Annual Report**

The Legal Division consists of three major components: Office of Counsel, including the Legal Services Unit, and the Jurisdictional Inquiry Unit. The Counsel and Associate Counsel advise all Agency divisions and the Agency Board. Legal Division attorneys review significant permitting, planning, enforcement, and other documents, assist the Attorney General with litigation, manage adjudicatory hearings, and provide other legal services as necessary.

The Jurisdictional Inquiry Unit provides advice to landowners and potential project sponsors regarding Agency jurisdiction, including informal phone advice and written jurisdictional determinations. The Jurisdictional Inquiry Unit also houses the Records Access Officer who responds to all Freedom Of Information Law requests to the Agency.

### **Office of Counsel and Legal Services**

The Office of Counsel and Legal Services Unit continued to provide daily legal advice and services to all Agency programs in 2019.

In addition, attorneys:

- Provided liaison services to the Attorney General's office for pending litigation matters, including the review of briefs, for the following cases
  - Protect the Adks, Inc. v APA and DEC before the Third Department Appellate Division regarding the cutting of trees for Class II snowmobile connector trails; and
  - Adirondack Wild: Friends of the Forest and Protect the Adks! Inc. v APA before the Court of Appeals regarding the Conformance Determination for the Essex Chain Final UMP;
- Assisted the Planning Division in the review and Agency approval of a number of significant actions involving Adirondack Park State Land Master Plan (APSLMP) unit management plans, development and Agency approval of guidance on the APSLMP including Primitive Tent Site Guidance, and review and Agency approval of amendments to the Adirondack Park Land Use and Development Plan Map;
- Assisted the Regulatory Programs division in the review and Agency approval of significant projects and variances;
- Assisted the Local Government Services program in the review and Agency approval of approved local land use program (ALLUP) code revisions, and participated in the review and determination of ALLUP-issued variances;
- Provided legal advice and support to the Agency's jurisdictional, enforcement and administrative programs;
- Updated internal Legal Guidance memoranda; and
- Advised Executive Staff and the Board on proposed legislation.

Finally, the Office of Counsel and Legal Services Unit contributed significantly to the following:

- Development of a new application and process for solar project applications;
- Development and Agency approval of a General Permit/Order for the Replacement of Utility Poles;
- Development and implementation of new minor project applications, worksheets, and permit templates;
- Additions to delegated authority in the Delegation Resolution to:
  - authorize EPS3 staff to sign and issue notices of completion and incompleteness general permits, and permits for minor projects, and permits in the absence or unavailability of the Executive Director and the Deputy Director Regulatory Programs; and
  - authorize EPS2 staff to sign and issue notices of completion and incompleteness in the event of the absence or unavailability of the Executive Director, Deputy Director Regulatory Programs, and EP3 staff;
- Development of Emergency Certificates and Emergency Recovery Authorizations; and
- Ongoing strategic planning efforts for the Agency's programs and processes.

### **JURISDICTIONAL INQUIRY UNIT**

The public's first point of contact with the Agency is often a letter or a phone call handled by the Jurisdictional Inquiry Unit. Staff within this Unit provide advice to landowners and others regarding Agency jurisdiction to determine if an Agency permit or variance is required for proposed land use and development or the subdivision of land within the Park. These determinations often require additional legal and factual research including ownership history. Because this interaction is the Agency's initial and most common point of contact with the public, a high priority is placed on prompt responses. The Jurisdictional Inquiry Unit also handles referrals from other agencies, telephone calls and walk-in members of the public. The Jurisdictional Unit includes the Agency's Records Access Officer.

In 2019 the Agency received a total of 921 jurisdictional inquiry forms (JIFs). The following table summarizes the Jurisdictional Inquiry Unit responses:

JIF's Received	921
JIF's Responded To	920
Non-Jurisdictional	627
Jurisdictional	186
Requiring a Variance	40
General Information	31
Potential Violations	36
Average Response Time (in days)	16

Telephone Calls	3822
Walk-Ins	151
Write Ins/Site Visits	11
Referrals from other Agencies	478
FOIL Requests Received	260

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2019 TOTAL	2018 TOTAL
JIFs RECEIVED	57	65	72	89	107	77	106	81	98	63	54	52	921	903
JIFs RESPONDED TO	45	68	63	78	83	87	87	102	88	90	62	67	920	911
Non-Jurisdictional	24	43	40	52	56	63	55	74	66	60	45	49	627	650
Jurisdictional	13	15	11	19	17	12	15	19	17	21	14	13	186	183
Variance	4	2	5	1	4	4	8	4	1	5	1	1	40	29
General Information	2	5	1	2	3	4	2	4	2	2	1	3	31	30
Potential Violation	2	3	6	4	3	4	7	1	2	2	1	1	36	19
AVERAGE RESPONSE TIME (in days)	9	10	11	19	14	17	21	19	17	17	21	15	16	15

TELEPHONE CALLS	217	244	253	330	441	351	451	418	366	339	228	184	3822	3671
WALK-INS	6	7	7	15	23	16	15	12	28	9	8	5	151	132
WRITE INS/SITE VISITS	0	0	0	1	1	1	3	2	1	2	0	0	11	10
REFERRALS RECEIVED	31	21	29	55	49	47	54	43	47	47	21	34	478	426
FOIL REQUESTS RECEIVED	20	17	32	22	23	16	22	26	20	27	15	20	260	216