

2015 Legal Division

The Legal Division consists of four major components: the Office of Counsel including the Legal Services Unit, the Jurisdictional Inquiry Unit, and the Enforcement Unit. The Counsel and Associate Counsel advise all Agency divisions and the Agency Board. Legal Services 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 Enforcement Unit works to resolve violations of the laws administered by the Agency.

Office of Counsel and Legal Services

Key Legal Division accomplishments for 2015 included a proposed rulemaking to establish streamlined procedures for approving actions related to emergencies. These improvements provide a straight forward process that allows for a rapid, coordinated response to natural disasters and weather events by landowners, local governments and State agencies. The rule provides a clear definition of an emergency and insures that recovery work can proceed in a timely way to provide long-term protection and stabilization of valuable resources. The Legal Division has also worked on updating regulations including FOIL and SEQ. Staff also updated the Agency's public information flyers, Development Considerations and continued to streamline internal legal review and guidance for non-legal staff and the public.

As always, legal staff reviewed major permits prior to issuance, provided legal advice on jurisdictional inquiries and helped resolve enforcement matters. Legal staff also provided guidance to the planning division on the classification of state lands and amendments to the Adirondack Park State Master Plan.

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. Staff help members of the public determine if an Agency permit or variance is required for proposed land use and development or the subdivision of land within the Park. Determinations often require a full deed history and other legal and factual research. This is the Agency's initial and most common point of contact with the public; hence, 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 2015 the Agency received a total of 780 jurisdictional inquiry forms (JIFs). The following table summarizes the Jurisdictional Inquiry Unit responses:

JIF's Received	780
JIF's Responded To	799
Non-Jurisdictional	557
Jurisdictional	149
Requiring a Variance	32
General Information	31
Potential Violations	30
Average Response Time (in days)	17

Telephone Calls	3814
Walk-Ins	136
Write Ins/Site Visits	21
Referrals from other Agencies	290
FOIL Requests Received	207

Enforcement Unit

In 2015, The Agency Enforcement Program continued to focus on promptly addressing potential violations in a fair and consistent manner and to take proactive steps to prevent or quickly discover new violations. These efforts help to achieve prompt resolutions that avoid undue adverse impacts to resources.

Staff began 2015 with 138 unresolved cases and opened 213 new cases during the year. Staff determined 86 enforcement cases were not violations and successfully closed a total of 199 cases. 115 settlement agreements were prepared and 63 settlement agreements were executed through consent with landowners. 41 violations were resolved through voluntary compliance on the part of the landowner as a result of prompt responses to alleged violations and proactive enforcement efforts. Staff conducted 182 site visits for enforcement matters and 49 site visits for review of project applications. Unlike most years, due to a lack of snow cover staff were able to continue conducting field work through the end of December 2015 to address new cases and permit applications.

Enforcement Staff continued to closely monitor new subdivision activity in the Park through the use of New York State Office of Real Property's SalesWeb application, and continue to see significant compliance for new subdivisions. In 2015, 4 new potential

subdivision violations were identified out of 106 subdivisions undertaken within the Park. Following investigation, 1 case was found to be no violation, 2 cases have been resolved, and 1 remains under investigation. 60% of new subdivisions were issued an Agency jurisdictional determination or permit.

Enforcement staff continued cross-divisional work with the Regulatory Program Division and completed various duties in addition to undertaking enforcement investigations. In 2015, this work included 62 jurisdictional determinations issued from enforcement, 49 site visits for review of permit applications, 21 permits issued with enforcement staff as the assigned project review officer, and shoreline photo inventories of 15 lakes.

2015 Enforcement Program Report

1. This table depicts the number of open cases at the beginning of the reporting period, how many cases were opened or closed during the period, and the number of open cases at the end of the reporting period.

Open Cases	2015 Total	2014 Total	2013 Total
At Beginning Of Period	138	121	149
Cases Opened	213	207	209
Cases Closed	199	190	237
At End of Period	152	138	121

2. This table provides a detailed description of enforcement program activity during the reporting period.

	2015 Total	2014 Total	2013 Total
New Cases Opened	213	207	209
Site Visits	182	164	198
Settlement Agreements Sent	115	83	82
Settlement Agreements Signed	63	43	53
Notice of Violation or Hearing Sent	0	0	1
Cases Referred to AG	1	0	0
Cases Referred to the EC	0	0	0

Cases Closed: Compliance w/o SA	41	42	58
Cases Closed No Violation	86	98	96

3. Breakdown of 2015 Enforcement Cases:

Type of Violation	2015 Total	2014 Total	Outcome of Closed* 2015 Cases(Violation or No Violation)
Subdivision Creating Substandard Lots	2	13	V-1 NV-1
Subdivision due to number of lots	21	8	V-11 NV-7
Subdivision in Resource Management	10	6	V-0 NV-4
Wetland Subdivision	17	18	V-15 NV-1
Wetland Disturbance	55	51	V-20 NV-14
Rivers Project	5	7	V-5 NV-0

Permit Violation	27	26	V-6 NV-3
SFD in CEA	0	1	V-0 NV-0
Hunting/Fishing cabin >500 sq ft	0	0	V-0 NV-0
Structure >40' height	2	4	V-0 NV-1
Clearcut >25%	1	6	V-0 NV-1
Commercial Use	3	4	V-1 NV-0
Junkyards	1	5	V-0 NV-1
Campgrounds	2	2	V-0 NV-1
Mobile Home Court	0	1	V-0 NV-0
Shoreline Setback	44	35	V-9 NV-22
Shoreline Cutting	8	15	V-0 NV-6
Waste Disposal Area	2	3	V-0 NV-1

Septic Setback	0	3	V-0 NV-0
Sand and Gravel Excavation	1	3	V-0 NV-1
Multiple Family Dwelling	2	1	V-1 NV-1
Tourist Accommodation	0	1	V-0 NV-0
25% Expansion	0	3	V-0 NV-0

*Annual calculation of closed cases only, remaining cases under investigation as of 12/31/15

4. Salesweb Monitoring 2015:

Month	# Subdivisions in Park	# Cases Opened	# Subdivisions Related to Previous JIF or Permit
January	13	1	7
February	12	2	6
March	8	0	6
April	2	0	2
May	9	0	4
June	11	0	6
July	5	1	1
August	4	0	2
September	1	0	0
October	0	0	0
November	17	0	11
December	23	0	18
TOTAL	106	4	63

5. Inter-Division Coordination

This table provides a description of coordination activities between enforcement staff and other programs within the Agency.

	2015 Total	2014 Total
Jurisdictional Determinations Issued from Enforcement	62	69
Project Pre-applications Assigned to Enforcement Staff	38	13
Permit Applications Assigned to Enforcement Staff	74	54
Site Visits by Enforcement Staff for Review of Project Applications	49	47
Permits Issued With Enforcement Staff as Assigned Project Review Officer	21	32
Shoreline Photo Inventories	15	6