

## 2016 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 2016 included a proposed rulemaking to amend and repeal FOIL rules. The Legal Division is also working on updating the Agency's SEQR regulations. Staff also updated Agency public information flyers 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 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 2016 the Agency received a total of 896 jurisdictional inquiry forms (JIFs). The following table summarizes the Jurisdictional Inquiry Unit responses:

JIF's Received	896
JIF's Responded To	903
Non-Jurisdictional	647
Jurisdictional	174
Requiring a Variance	39
General Information	25
Potential Violations	18
Average Response Time (in days)	16

Telephone Calls	4149
Walk-Ins	180
Write Ins/Site Visits	30
Referrals from other Agencies	493
FOIL Requests Received	183

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2016 Total	2015 Total
JIFs RECEIVED	62	71	90	91	87	83	60	102	76	76	51	47	896	780
JIFs RESPONDED TO	52	63	66	91	84	89	71	92	71	87	86	51	903	799
Non-Jurisdictional	33	40	43	64	68	64	60	69	52	65	59	30	647	557
Jurisdictional	13	14	21	19	13	19	9	16	11	15	15	9	174	149
Variance	4	4	2	4	0	2	1	5	2	5	7	3	39	32
General Information	2	5	0	4	2	1	1	1	3	0	1	5	25	31
Potential Violation	0	0	0	0	1	3	0	1	3	2	4	4	18	30
AVERAGE RESPONSE TIME (in days)	13	14	13	18	18	20	20	18	19	17	14	9	16	17

TELEPHONE CALLS	243	253	354	367	401	457	406	468	433	307	282	178	4149	3814
WALK-INS	9	18	10	12	17	17	18	17	24	14	17	7	180	136
WRITE INS/SITE VISITS	1	2	3	1	3	10	0	0	2	5	3	0	30	21
OTHER AGENCIES	22	26	31	40	55	50	56	62	36	48	27	40	493	290
FOIL REQUESTS	20	21	16	11	27	16	10	17	20	9	10	6	183	207

## **Enforcement Program**

The Enforcement Program continues to address alleged violations in a prompt, fair and consistent manner. The goal of each enforcement matter is the avoidance of undue adverse impacts to resources.

The Enforcement Program began 2016 with 152 unresolved cases. 219 cases were resolved during the year and 208 cases were opened. Staff conducted 180 enforcement site visits, prepared 97 settlement agreements, and executed 58 settlement agreements with landowners. Forty-one cases were resolved through voluntary compliance on the part of the landowner and 103 cases were closed following investigations indicating that no violation had occurred.

Enforcement staff monitor new subdivision activity in the Park through the New York State Office of Real Property SalesWeb application. This effort determined that 68% of the 96 subdivisions filed in 2016 were issued an Agency jurisdictional determination or permit. Five enforcement cases were opened as a result of SalesWeb monitoring, and of these cases, four remain under review and one case was found to be no violation following investigation.

Enforcement staff continued cross-divisional work in 2016 in addition to undertaking enforcement investigations. This work included 32 jurisdictional determinations issued by enforcement staff, 81 site visits for review of permit applications, 51 permits issued with enforcement staff as the assigned project review officer, and shoreline photo inventories of 12 lakes.

<b>Activity</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
New Cases Opened	207	213	208
Enforcement Site Visits	164	182	180
Settlement Agreements Sent	83	115	97
Settlement Agreements Signed	43	63	58
Cases Closed Voluntary Compliance	42	41	41
Cases Closed No Violation	98	86	103
Open Cases End of Year	138	152	141