

## **2018 Legal Division Annual Report**

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 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 Enforcement Unit works to resolve violations of the laws administered by 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 2018.

In addition, attorneys:

- Provided liaison services to the Attorney General's office for pending litigation matters, including the review of briefs;
- Assisted the State Lands program in the review and Agency approval of a number of significant actions involving Adirondack Park State Land Master Plan (APSLMP) classifications and unit management plans, as well the development and Agency approval of guidance on the APSLMP;
- 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; and
- Provided legal advice and support to the Agency's jurisdictional, enforcement and administrative programs.

Finally, the Office of Counsel and Legal Services Unit contributed significantly to the development of a new application and process for large-scale subdivision applications, new variance application documents and guidance, and to 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 2018 the Agency received a total of 903 jurisdictional inquiry forms (JIFs). The following table summarizes the Jurisdictional Inquiry Unit responses:

JIFs Received	903
JIFs Responded To	911
Non-Jurisdictional	650
Jurisdictional	183
Requiring a Variance	29
General Information	30
Potential Violations	19
Average Response Time (in days)	15

Telephone Calls	3671
Walk-Ins	132
Write Ins/Site Visits	10
Referrals from other Agencies	426
FOIL Requests Received	216

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	2018 TOTAL	2017 TOTAL
JIFs RECEIVED	62	74	80	105	67	76	90	124	58	69	58	40	903	833
JIFs RESPONDED TO	53	72	68	69	93	77	78	140	76	72	63	50	911	842
Non-Jurisdictional	35	50	42	48	73	53	51	107	55	57	44	35	650	603
Jurisdictional	13	13	18	11	18	22	16	24	15	9	14	10	183	150
Variance	3	2	1	4	1	2	3	4	2	2	2	3	29	38
General Information	1	6	5	5	1	0	5	2	0	2	2	1	30	27
Potential Violation	1	1	2	1	0	0	3	3	4	2	1	1	19	24
AVERAGE RESPONSE TIME (in days)	11	11	10	15	21	16	14	16	15	19	12	16	15	13

TELEPHONE CALLS	205	273	278	304	314	351	411	484	342	330	204	175	3671	3904
WALK-INS	3	9	9	9	9	21	15	16	16	7	10	8	132	139
WRITE INS/SITE VISITS	1	1	0	0	3	0	2	0	1	1	0	1	10	27
REFERRALS RECEIVED	34	29	46	34	31	43	37	38	36	42	32	24	426	432
FOIL REQUESTS	10	17	14	21	24	26	27	23	14	12	16	12	216	207

### Enforcement Program

Enforcement staff continue to work to resolve alleged violations in a manner that protects the resources of the Park and is consistent with the statutes implemented by the Agency.

The Enforcement Program began 2018 with 168 unresolved cases. 193 cases were resolved during the year and 188 cases were opened. The most common types of enforcement matters reviewed were activities involving wetlands, subdivisions, permit noncompliance, and shoreline structures. Staff conducted 148 enforcement site visits, prepared 81 settlement agreements, and executed 44 settlement agreements with landowners. 44 cases were resolved through voluntary compliance on the part of the landowner, and 97 cases were closed following investigations indicating that no violation had occurred.

Enforcement staff have been monitoring new subdivision activity in the Park for eleven years through the New York State Office of Real Property SalesWeb application. In 2018, this effort found that 53 out of the 99 subdivisions undertaken were issued an Agency jurisdictional determination or permit. Six enforcement cases were opened as a result of SalesWeb monitoring, and of these cases, four remain under review while two cases were found to be no violation following investigation.

Enforcement staff cross-divisional work in 2018 included 58 jurisdictional determinations issued from enforcement, 73 site visits for review of permit applications, and 60 permits issued with enforcement staff as the assigned project review officer.

<b>Activity</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
New Cases Opened	208	238	188
Enforcement Site Visits	180	173	148
Settlement Agreements Sent	97	83	81
Settlement Agreements Signed	58	50	44
Cases Closed Voluntary Compliance	41	33	44
Cases Closed No Violation	103	112	97
Open Cases End of Year	141	168	163

### **Types of Cases Opened**

<b>Alleged Violation</b>	<b>2018 Total</b>
Substandard Lot Subdivision	21
Lot Counting Subdivision	6
Resource Management Subdivision	12
Critical Environmental Area Subdivision	1
Wetland Subdivision	17
Wetland Project	44
Development in River Area	1
Permit Violation	28
Development in CEA	1
Structure Over 40 Feet	1
25-Acre Clearcut	3
Commercial Use	4
Junkyard	2
Shoreline Structure Setback	24

Shoreline Cutting	9
Waste Disposal Area	15
Commercial Sand and Gravel Extraction	1
Septic w/in 100' of a wetland	4
Sawmill	1
Marina	1
Group Camp	1