



M E M O R A N D U M

TO: Terry Martino, Executive Director

FROM: John M. Burth, Environmental Program Specialist 2

DATE: July 31, 2013

RE: June/July 2013 Enforcement Program Report

Attached is the Enforcement Program Report for June and July 2013 depicting the activities of the enforcement division and management of alleged violations within the Park.

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	2013 June	2013 July	2012	2011
At Beginning of Period	127	124	225	371
Cases Opened	25	25	258	305
Cases Closed	28	27	334	419
At End of Period	124	122	149	225

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

	June 2013	July 2013	2013 Total	2012 Total
New Cases Opened	25	25	128	258
Site Visits	20	33	114	249
Settlement Agreements Sent*	2	6	59	103
Settlement Agreements Signed	9	6	37	53
Notice of Violation or Hearing Sent	0	0	1	0
Cases Referred to AG	0	0	0	0
Cases Referred to the EC	0	0	0	0
Cases Closed: Compliance w/o SA	9	5	41	67
Cases Closed No Violation	10	9	64	132

* Currently 36 Open Cases with Unsigned Settlement Agreements

3. Breakdown of New Cases:

Type of Violation	June 2013	July 2013	2013 Total	2012 Total	Outcome of Closed 2012 Cases (Violation or No Violation)
Subdivision Creating Substandard Lots	2	2	16	35	V-10 NV-9
Subdivision due to number of lots	1	0	4	9	V-6 NV-3
Subdivision in Resource Management	1	0	6	9	V-1 NV-2
Wetland Subdivision	2	0	7	9	V-8 NV-0
Wetland Disturbance	8	11	35	59	V-10 NV-25
Rivers Project	1	3	7	4	V-2 NV-0
Permit Violation	2	3	18	31	V-9 NV-16
SFD in CEA	0	0	0	3	V-0 NV-0
Hunting/Fishing cabin >500 sq ft	0	0	0	1	V-1
Structure >40' height	0	0	0	2	V-0 NV-0
Clearcut >25%	1	0	3	7	V-0 NV-7
Commercial Use	1	1	4	8	V-1 NV-7
Junkyards	1	0	1	1	V-0 NV-1
Campgrounds	0	0	0	2	V-1 NV-0
Mobile Home Court	0	0	1	0	V-0 NV-0
Shoreline Setback	2	3	14	53	V-12 NV-22
Waste Disposal Area	1	0	5	16	V-9 NV-6
Septic Setback	2	1	5	0	V-0
Sand and Gravel Excavation	1	0	2	3	V-2 NV-1
Multiple Family Dwelling	0	1	2	2	V-0 NV-0
Tourist Accommodation	0	0	0	2	V-0 NV-2

4. **Salesweb Monitoring 2013:**

Month	# Subdivisions in Park	# Cases Opened	# Subdivisions Related to Previous JIF or Permit
January	5	0	4
February	12	0	9
March	8	0	5
April	5	0	3
May	8	0	5
June	9	2	5
July	3	0	2
August			
September			
October			
November			
December			
TOTAL	50	2	33

5. **Monthly Report of Enforcement Cases Settled:**

Fifteen enforcement cases were resolved by settlement agreements executed in **June/July 2013** as follows:

SETTLEMENTS OF SUBDIVISION VIOLATIONS (9)

These settlements authorize the illegal lots involved in each case, allocate principal building rights, require a permit for future land use or development as appropriate, and require the filing of the settlement in the county clerk's office.

- **Resource Management Area Subdivision (1)**
E2013-0052, Bullock, (Santa Clara, Franklin County)
- **Substandard Lot Subdivision (5)**
E2006-0156, Thieverge, (Corinth, Saratoga County)
E2006-0156A, Thieverge, (Corinth, Saratoga County)
E2006-0156B, Periard, (Corinth, Saratoga County)
E2006-0156C, Thieverge (Corinth, Saratoga County)
E2008-0341, Tyrell, (Warrensburg, Warren County)

- **Number of Lots Subdivision(1)**
E2013-0047A, Macey, (Saranac, Clinton County)
- **Rivers Area Subdivision (2)**
E2012-0115, Grimshaw, (Ohio, Herkimer County)
E2012-0115A, Grimshaw (Ohio, Herkimer County)

OTHER VIOLATIONS (6)

E2013-0008, Ford and LaDuke(Black Brook, Clinton County)

- Establishment of an on-site wastewater treatment system absorption field within 100 feet of a wetland without a permit in 2011. Settlement requires upgrading the on-site wastewater treatment system upon replacement, failure, or increased occupancy of the single family dwelling on the property. Settlement requires payment of a \$250 civil penalty.

E2013-0024, F.R. Smith and Sons LLC, (Bolton, Warren County)

- Noncompliance with Agency Permit 87-342 related to storage of boats and requirement that permit be filed in the County Clerk's Office by November 23, 1993. Settlement Agreement requires storage of boats in compliance with the permit and filing of the Settlement Agreement with Agency Permit 87-342 attached.

E2013-0066, Toseland (Lake Luzerne, Warren County)

- Removal of more than 30 percent of the vegetation within six feet of the mean high water mark and more than 30 percent of the trees within 35 feet of the mean high water mark of Lake Luzerne in 2013 without a variance. Settlement requires stabilization of disturbed areas, tree planting, and payment of a \$650 civil penalty.

E2013-0082, Yanulavich, (Dannemora, Clinton County)

- Noncompliance with Settlement Agreement E2007-0362 relative to a retaining wall constructed within the shoreline setback of Chateaugay Lake in 2001 without a variance. Settlement Agreement requires implementation of an Agency-approved remediation plan.

2013-0030, Palmer, (Willsboro, Essex County)

- Placement of fill and a culvert in a wetland in 2013 to construct a driveway without a permit. Settlement Agreement requires remediation and payment of a \$250 civil penalty.

2007-0121, Wadhams, (Diana, Lewis County)

- Construction of a garage undertaken in 2007 within the shoreline setback of the Middle Branch of the Oswegatchie Scenic River without a variance. Settlement requires implementation of Agency-approved remediation plan and places restrictions on the removal of shoreline vegetation on the property.

6. Inter-Division Coordination

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

	June 2013	July 2013	2013 Total
Jurisdictional Determinations Issued from Enforcement	4	10	28
Project Pre-applications Assigned to Enforcement Staff	2	1	13
Permit Applications Assigned to Enforcement Staff	6	3	19
Site Visits by Enforcement Staff for Review of Project Applications	1	3	12
Permits Issued With Enforcement Staff as Assigned Project Review Officer	4	2	13
Permit Compliance Letters Sent	0	47	149 letters (for 65 permits issued)
Permit Compliance Site Visits	0	0	3

Memorandum to Terry Martino

July 31, 2013

Page 7