



M E M O R A N D U M

TO: Terry Martino, Executive Director

FROM: John M. Burth, Environmental Program Specialist 2

DATE: October 2, 2013

RE: September Enforcement Program Report

Attached is the Enforcement Program Report for September 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 September | 2012 | 2011 |
|-------------------------------|---------------------------|-------------|-------------|
| At Beginning of Period | 122 | 225 | 371 |
| Cases Opened | 17 | 258 | 305 |
| Cases Closed | 16 | 334 | 419 |
| At End of Period | 123 | 149 | 225 |

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

| | September 2013 | 2013 Total | 2012 Total |
|--|---------------------------|-------------------|-------------------|
| New Cases Opened | 17 | 158 | 258 |
| Site Visits | 28 | 164 | 249 |
| Settlement Agreements Sent* | 8 | 72 | 103 |
| Settlement Agreements Signed | 3 | 45 | 53 |
| Notice of Violation or Hearing Sent | 0 | 1 | 0 |
| Cases Referred to AG | 0 | 0 | 0 |
| Cases Referred to the EC | 0 | 0 | 0 |
| Cases Closed: Compliance w/o SA | 5 | 47 | 67 |
| Cases Closed No Violation | 8 | 80 | 132 |

* Currently 38 Open Cases with Unsigned Settlement Agreements

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3. Breakdown of New Cases:

| Type of Violation | September 2013 | 2013 Total | 2012 Total | Outcome of Closed 2012 Cases (Violation or No Violation) |
|---------------------------------------|----------------|------------|------------|--|
| Subdivision Creating Substandard Lots | 1 | 17 | 35 | V-10 NV-9 |
| Subdivision due to number of lots | 0 | 4 | 9 | V-6 NV-3 |
| Subdivision in Resource Management | 0 | 7 | 9 | V-1 NV-2 |
| Wetland Subdivision | 1 | 8 | 9 | V-8 NV-0 |
| Wetland Disturbance | 5 | 45 | 59 | V-10 NV-25 |
| Rivers Project | 1 | 8 | 4 | V-2 NV-0 |
| Permit Violation | 1 | 22 | 31 | V-9 NV-16 |
| SFD in CEA | 2 | 2 | 3 | V-0 NV-0 |
| Hunting/Fishing cabin >500 sq ft | 0 | 0 | 1 | V-1 |
| Structure >40' height | 0 | 0 | 2 | V-0 NV-0 |
| Clearcut >25% | 1 | 4 | 7 | V-0 NV-7 |
| Commercial Use | 1 | 5 | 8 | V-1 NV-7 |
| Junkyards | 0 | 2 | 1 | V-0 NV-1 |
| Campgrounds | 1 | 1 | 2 | V-1 NV-0 |
| Mobile Home Court | 0 | 1 | 0 | V-0 NV-0 |
| Shoreline Setback | 4 | 20 | 53 | V-12 NV-22 |
| Waste Disposal Area | 0 | 5 | 16 | V-9 NV-6 |
| Septic Setback | 0 | 8 | 0 | V-0 |
| Sand and Gravel Excavation | 0 | 3 | 3 | V-2 NV-1 |
| Multiple Family Dwelling | 0 | 2 | 2 | V-0 NV-0 |
| Tourist Accommodation | 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 | 14 | 1 | 11 |
| September | 5 | 0 | 3 |
| October | | | |
| November | | | |
| December | | | |
| TOTAL | 69 | 3 | 47 |

5. Monthly Report of Enforcement Cases Settled:

Two enforcement cases were resolved by settlement agreements executed in **September 2013** as follows:

E2013-0075, Mitchell (Schroon, Essex County)

- Construction of a hunting and fishing cabin greater than 500 square feet in size in a Resource Management land use area without the necessary permit in 2005. Settlement recognizes the structure as lawful, establishes requirements for the on-site wastewater treatment system, places restrictions on lighting, and requires filing in the county clerk's office.

E2013-0087, Iuliucci (Mayfield, Fulton County)

- Vegetative clearing and construction of an access road in noncompliance with Agency Permit 2007-261 in 2013. Settlement requires implementation of an Agency-approved plan for realignment of the access road and planting of vegetation. Settlement requires payment of a \$750 civil penalty.

E2013-0035, Fortuna (Fort Ann, Washington County)

- Removal of greater than 30% of the trees from within 35 feet of the mean high water mark of Hadlock Pond and removal of greater than 30% of the vegetation from within 6 feet of the mean high water mark of Hadlock Pond without a variance in 2013. Construction of a deck greater than 100 square feet in size within 50 feet of the mean high water mark of Hadlock Pond without a variance. Settlement requires implementation of an Agency-approved plan for re-planting and remediation of the structure as well as payment of a \$1,500 civil penalty.

6. Inter-Division Coordination

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

| | September 2013 | 2013 Total |
|---|---------------------------|--|
| Jurisdictional Determinations Issued from Enforcement | 12 | 41 |
| Project Pre-applications Assigned to Enforcement Staff | 1 | 14 |
| Permit Applications Assigned to Enforcement Staff | 4 | 26 |
| Site Visits by Enforcement Staff for Review of Project Applications | 4 | 17 |
| Permits Issued With Enforcement Staff as Assigned Project Review Officer | 1 | 15 |
| Permit Compliance Letters Sent | 0 | 149 letters (for 65 permits issued) |
| Permit Compliance Site Visits | 0 | 4 |