



**LEILANI CRAFTS ULRICH**  
Chairwoman

**TERRY MARTINO**  
Executive Director

**MEMORANDUM**

**TO:** Terry Martino, Executive Director

**FROM:** John M. Burth, Environmental Program Specialist 2

**DATE:** May 6, 2015

**RE:** April 2015 Enforcement Program Report

Attached is the Enforcement Program Report for the month of April 2015, 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.

<b>Open Cases</b>	<b>2015 April</b>	<b>2014</b>	<b>2013</b>
<b>At Beginning of Period</b>	<b>127</b>	<b>121</b>	<b>149</b>
<b>Cases Opened</b>	<b>18</b>	<b>207</b>	<b>209</b>
<b>Cases Closed</b>	<b>20</b>	<b>190</b>	<b>237</b>
<b>At End of Period</b>	<b>125</b>	<b>138</b>	<b>121</b>

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

	<b>April 2015</b>	<b>Total 2015</b>	<b>2014 Total</b>
<b>New Cases Opened</b>	<b>18</b>	<b>42</b>	<b>207</b>
<b>Site Visits</b>	<b>19</b>	<b>33</b>	<b>164</b>
<b>Settlement Agreements Sent*</b>	<b>4</b>	<b>40</b>	<b>83</b>
<b>Settlement Agreements Signed</b>	<b>13</b>	<b>28</b>	<b>43</b>
<b>Notice of Violation or Hearing Sent</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Cases Referred to AG</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Cases Referred to the EC</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Cases Closed: Compliance w/o SA</b>	<b>4</b>	<b>10</b>	<b>42</b>
<b>Cases Closed No Violation</b>	<b>1</b>	<b>15</b>	<b>98</b>

\* Currently 27 Open Cases with Unsigned Settlement Agreements

### 3. Breakdown of New Cases:

Type of Violation	April 2015	2015 Total	2014 Total	Outcome of Closed* 2014 Cases(Violation or No Violation)
Subdivision Creating Substandard Lots	2	2	13	V-3 NV-5
Subdivision due to number of lots		6	8	V-2 NV-1
Subdivision in Resource Management	2	4	6	V-0 NV-2
Wetland Subdivision	3	11	18	V-4 NV-2
Wetland Disturbance	4	5	51	V-6 NV-9
Rivers Project			7	V-1 NV-3
Permit Violation	1	5	26	V-3 NV-9
SFD in CEA			1	V-0 NV-0
Hunting/Fishing cabin >500 sq ft				V-0 NV-0
Structure >40' height	1	1	4	V-1 NV-0
Clearcut >25 Acres			6	V-0 NV-5
Commercial Use	1	1	4	V-0 NV-4
Junkyards			5	V-0 NV-3
Campgrounds			2	V-0 NV-1
Mobile Home Court			1	V-0 NV-0
Shoreline Setback	3	4	35	V-4 NV-7
Shoreline Cutting	1	1	15	V-2 NV-2
Waste Disposal Area			3	V-0 NV-0
Septic Setback			3	V-0 NV-1

<b>Sand and Gravel Excavation</b>		<b>3</b>	<b>3</b>	<b>V-0 NV-0</b>
<b>Multiple Family Dwelling</b>		<b>1</b>	<b>1</b>	<b>V-1 NV-0</b>
<b>Tourist Accommodation</b>			<b>1</b>	<b>V-0 NV-0</b>
<b>25% Expansion</b>			<b>3</b>	<b>V-0 NV-1</b>

\*Annual calculation of closed cases only, remaining cases under investigation as of 12/31/14

4. **Salesweb Monitoring 2015:**

Month	# Subdivisions in Park	# Cases Opened	# Subdivisions Related to Previous JIF or Permit
January	<b>13</b>	<b>1</b>	<b>7</b>
February	<b>12</b>	<b>2</b>	<b>6</b>
March	<b>8</b>	<b>0</b>	<b>6</b>
April	<b>2</b>	<b>0</b>	<b>2</b>
May			
June			
July			
August			
September			
October			
November			
December			
<b>TOTAL</b>	<b>35</b>	<b>3</b>	<b>21</b>

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

13 enforcement cases were resolved by settlement agreements executed in **April 2015** as follows:

***SETTLEMENTS OF SUBDIVISION VIOLATIONS (11)***

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.

- **Lot Counting and Wetland Subdivision (4)**

- E2015-0002, Lavarney (Saranac, Clinton County)
  - E2015-0002A, Lavarney (Saranac, Clinton County)
  - E2015-0002C, Lavarney (Saranac, Clinton County)
  - E2015-0014B, Muller (Ohio, Herkimer County)

- **Wetland, River Area, and Highway CEA Subdivision (1)**

- E2014-0125, Arcuri-Petrilli (Ohio, Herkimer County)

- **Wetland Subdivision and River Area Subdivision (1)**

- E2015-0005A, Oehler (Warrensburg, Warren County)

- **Resource Management Subdivision (3)**

- E2015-0009B, Cortes (Thurman, Warren County)
  - E2015-0009C, Maher & Dormann, (Thurman, Warren County)
  - E2015-0009D, Maher & Winslow, (Thurman, Warren County)

- **Wetland Subdivision (1)**

- E2015-0014, Barrows, (Ohio, Herkimer County)

- **Lot Counting and Substandard-Sized Lot Subdivision (1)**

- E2015-0014A, Hill, (Ohio, Herkimer County)

## **SETTLEMENTS OF OTHER VIOLATIONS (2)**

- **E2015-0022, Village of Tupper Lake (Tupper Lake, Franklin County)**  
Operation of a commercial sand and gravel extraction with an expired Agency permit since 2007. Settlement requires submission of an after-the-fact permit application seeking approval of the commercial sand and gravel extraction.
- **E2015-0029, Richards (Jay, Essex County)**  
Construction of a 112 square foot shed within 150 feet of the mean high water mark of the West Branch of the Ausable Recreational River since 2000. Settlement requires removal of the shed from within 150 feet of the mean high water mark of the West Branch of the Ausable Recreational River pursuant to an Agency-approved plan.

### **Inter-Division Coordination**

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

	<b>April 2015</b>	<b>2015 Total</b>	<b>2014 Total</b>
<b>Jurisdictional Determinations Issued from Enforcement</b>	<b>9</b>	<b>37</b>	<b>69</b>
<b>Project Pre-applications Assigned to Enforcement Staff</b>	<b>10</b>	<b>18</b>	<b>13</b>
<b>Permit Applications Assigned to Enforcement Staff</b>	<b>3</b>	<b>13</b>	<b>54</b>
<b>Site Visits by Enforcement Staff for Review of Project Applications</b>	<b>4</b>	<b>4</b>	<b>47</b>
<b>Permits Issued With Enforcement Staff as Assigned Project Review Officer</b>	<b>0</b>	<b>7</b>	<b>32</b>
<b>Shoreline Photo Inventories</b>	<b>0</b>	<b>0</b>	<b>6</b>