



SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Terry Martino, Executive Director

FROM: John M. Burth, Environmental Program Specialist 2

DATE: January 4, 2018

RE: October, November, and December 2017 Enforcement Program Report

Attached is the Enforcement Program Report for the months of October, November, and December, 2017, summarizing the activities of the enforcement division and management of alleged violations within the Park.

1. This table includes 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	2017 Dec.	2017 Nov.	2017 Oct.	2016	2015
At Beginning of Period	182	193	191	152	138
Cases Opened	3	19	29	208	213
Cases Closed	17	30	27	219	199
At End of Period	168	182	193	141	152

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

	December 2017	November 2017	October 2017	Total 2017	2016 Total
New Cases Opened	3	19	29	238	208
Site Visits	3	12	30	173	180
Settlement Agreements Sent*	7	12	8	83	97
Settlement Agreements Signed	4	7	4	50	58
Notice of Violation or Hearing Sent	0	0	0	1	0
Cases Referred to AG	0	0	0	0	0
Cases Referred to the EC	0	0	0	1	0
Cases Closed: Compliance w/o SA	5	7	3	33	41
Cases Closed No Violation	7	12	20	112	103

* 16 Currently Open Cases with Unsigned Settlement Agreements

3. Breakdown of New Cases:

Type of Violation	Dec. 2017	Nov. 2017	Oct. 2017	2017 Total	2016 Total	Outcome of Closed 2016* Cases (Violation or No Violation)
Subdivision Creating Substandard Lots	1		2	6	5	V-0 NV-0
Subdivision due to number of lots		1	1	18	9	V-1 NV-4
Subdivision in Resource Management			1	8	16	V-9 NV-5
Subdivision in CEA				6	0	V-0 NV-0
Wetland Subdivision	1	3	1	13	14	V-4 NV-0
Wetland Disturbance		7	5	50	41	V-6 NV-22
Rivers Project		1		4	4	V-5 NV-0
Permit Violation	1	3	3	23	29	V-7 NV-13
SFD in CEA			1	4	0	V-0 NV-0
Hunting/Fishing cabin >500 sq ft				0	0	V-0 NV-0
Structure >40' height				0	4	V-0 NV-4
Clearcut >25 Acres		1	1	5	3	V-0 NV-1
Commercial Use				10	9	V-0 NV-4
Junkyards				10	4	V-1 NV-1
Campgrounds				1	3	V-3 NV-0

Mobile Home Court				0		V-0 NV-0
Shoreline Setback			10	33	26	V- NV-
Shoreline Cutting			2	15	15	V-1 NV-5
Waste Disposal Area		1	1	9	4	V-0 NV-2
Septic Setback				2	1	V-0 NV-0
Sand and Gravel Excavation		1		3	0	V-0 NV-0
Multiple Family Dwelling				1	0	V- NV-
Tourist Accommodation				5	2	V-0 NV-2
25% Expansion				3	2	V-0 NV-0
New Land Use in CEA				1	1	V-0 NV-1
Commercial or Private Airport				0	1	V-0 NV-1
SFD in RM		1		4	6	V-3 NV-1
Marina				0	1	V-1 NV-0
Lot Width				1	1	V-0 NV-0
Rivers Area Cutting			1	1	1	V-1 NV-0
Watershed Mgmt.				1		V-0 NV-0

*Annual calculation of closed cases only, remaining cases under investigation as of 12/31/17

4. **Salesweb Monitoring 2017:**

Month	# Subdivisions In Park	# Cases Opened	# Subdivisions Related to Previous JIF or Permit
January	9	0	8
February	16	3	6
March	3	0	3
April	10	0	7
May	2	0	0
June	11	0	7
July	15	0	9
August	4	0	3
September	15	0	11
October	9	0	2
November	18	0	12
December	4	0	4
TOTAL	116	3	72

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

Fifteen enforcement cases were resolved by settlement agreements executed in **October, November, and December 2017** as follows:

E2007-0254A, Baker, (Speculator, Hamilton County)

Wetland fill in 2007 by prior owner. Prior permit authorized placement of fill for construction of a single family dwelling on a vacant lot of record, but the project was not undertaken in a manner to be considered "in existence" as required by the permit. This matter was resolved with the previous owner by a settlement agreement, however actions required by the agreement were not completed. This amended settlement agreement recognizes the placement of fill as lawful for Agency purposes and requires filing in the County Clerk's Office.

E2017-0112, Blanchard, (Harrietstown, Franklin County)

Junkyard consisting of scrap metal, motor vehicle parts, appliances, construction materials, and other debris. Settlement requires that materials cease being added to the junkyard and the lawful disposal of all junkyard materials on the property.

E2017-0131, DuPont, (Moriah, Essex County)

Tourist accommodation established in 2015 and undertaking a new commercial use in 2017. Settlement recognizes tourist accommodation as lawful, requires Agency review of expansion of the tourist accommodation structures and replacement of the existing on-site wastewater treatment system, allocates principal buildings, places restrictions on signs and lighting, and requires filing in the County Clerk's Office. Settlement also requires stabilization of a driveway/parking area associated with the commercial use and requires a permit prior to any further undertaking of the commercial use.

E2013-0154A, Rocwood LLC, (Hague, Warren County)

Subdivision involving wetlands in 2011. Settlement recognizes property as lawful, requires Agency review of future activities and subdivisions, allows for construction of a driveway accessing the property, and requires filing in the County Clerk's Office.

E2017-0169, Benson, (Startford, Fulton County)

Construction of a boat storage structure in 2012 and an expanded replacement shed in 2017 within the shoreline setback of Pleasant Lake. Settlement requires removal of the boat storage structure, removal of a pre-existing shed from within the shoreline setback, prohibits additional structures within the shoreline setback, and restricts structure color and vegetative cutting on the property.

E2017-0141, TC Murphy Lumber Co, Inc. (Long Lake, Hamilton County)

Installation of an on-site wastewater treatment system absorption field within 100 feet of wetlands by a prior owner in 1989 and 2001. Settlement requires future upgrades to the on-site wastewater treatment systems, requires filing in the County Clerk's Office, and allows for a proposed 3-lot subdivision of the property.

E2017-0108A, Lawrence, (Lake Pleasant, Hamilton County)

Construction of a single family dwelling by a prior owner in 2000 within 1/8 mile of the Silver Lake Wilderness. Settlement recognizes dwelling as lawful and requires Agency authorization for future expansion. Settlement also requires Agency review of replacement or expansion of the on-site wastewater treatment system, places restrictions on lighting and color of the dwelling, and requires filing in the County Clerk's Office

E2017-0146, Bleyl, (Bleecker, Fulton County)

Subdivision involving wetlands in 2014. Settlement recognizes property as lawful, allocates principal buildings, requires Agency review of future activities and subdivisions, requires filing in the County Clerk's Office, and allows for a proposed two-lot subdivision of the property.

E2017-0108, Huseland, (Lake Pleasant, Fulton County)

Subdivision within 1/8 mile of the Silver Lake Wilderness Area in 2004. Settlement recognizes property as lawful and allows for construction of a single family dwelling subject to conditions regarding septic, tree cutting, lighting, and color. Settlement requires filing in the County Clerk's Office.

E2017-0179, Schneberger, (Long Lake, Hamilton County)

Installation of on-site wastewater treatment system in noncompliance with Permit 2014-0207 in 2017. Settlement recognizes system as lawful and requires filing in the County Clerk's Office.

E2017-0133, McNamara, (Diane, St. Lawrence County)

Construction of a single family dwelling in Resource Management within the shoreline setback of Rainbow Falls Reservoir in 1988 on a pre-existing parcel. Dwelling was destroyed by fire in 2017. Settlement allows for replacement of the dwelling pursuant to plans approved by the Agency and subject to conditions on expansion, lighting, color, and tree removal. Settlement requires installation of a 1,000-gallon septic tank, tree planting, and Agency review of the on-site wastewater treatment system prior to any expansion or upon failure. Settlement requires filing in the County Clerk's Office.

E2017-0208, Tracy, (Horicon, Warren County)

Wetland subdivision in 2004 without a valid Agency permit. Settlement recognizes property as lawful, allows for construction of a single family dwelling and on-site wastewater treatment system subject to conditions, restricts lighting and vegetation removal, and requires filing in the County Clerk's Office.

E2017-0208A, Tracy, (Horicon, Warren County)

Wetland subdivision in 2004 without a valid Agency permit. Settlement recognizes property as lawful, requires Agency authorization for future development, and requires filing in the County Clerk's Office.

E2017-0208B, Tracy, (Horicon, Warren County)

Wetland subdivision in 2004 without a valid Agency permit. Settlement recognizes property as lawful, allows for construction of a single family dwelling and on-site wastewater treatment system subject to conditions, restricts lighting and vegetation removal, and requires filing in the County Clerk's Office.

E2017-0171A, Shibata, (Northampton, Fulton County)

Subdivision involving wetlands in 2017. Settlement recognizes property as lawful, allocates principal buildings, and authorizes construction of an accessory storage building. Settlement requires Agency review of any future principal building or on-site wastewater treatment system, an easement to provide access to an adjacent property, restricts exterior lighting, and requires filing in the County Clerk's Office.

Inter-Division Coordination

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

	Dec. 2017	Nov. 2017	Oct. 2017	2017 Total	2016 Total
Jurisdictional Determinations Issued from Enforcement	1	6	9	56	32
Project Pre-applications Assigned to Enforcement Staff	0	1	2	18	25
Permit Applications Assigned to Enforcement Staff	8	6	7	79	79
Site Visits by Enforcement Staff for Review of Project Applications	5	8	2	72	81
Permits Issued With Enforcement Staff as Assigned Project Review Officer	5	5	6	58	56
Shoreline Photo Inventories	0	0	1	4	12

