



New York State
Adirondack
Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

MEMORANDUM

TO: Agency Board

FROM: Christopher E. Cooper, Counsel

DATE: 9 March 2023

RE: Draft revisions to Policy AGENCY-2 Public Comment Policy

At the direction of the Board Chair, staff have drafted proposed revisions to the Adirondack Park Agency (Agency) Public Comment Policy (AGENCY-2) to clarify and modify the Agency's policy for acceptance of oral and written comment.

Specifically, the revisions eliminate the oral public comment period at the beginning of Agency meetings to more effectively prevent comments on matters before the Agency for decision at the meeting. Comments on matters before the Agency for action raise *ex parte* and fairness concerns. While the Chair has the ability to cut off improper comment, preventing comment before the meeting more effectively ensures fairness. More time is added for oral comment at the end of the meeting, with clarification on the amount of time allotted to each commenter. The comment period at the end of the meeting allows for comments both on general matters and matters the Agency may take up at a future meeting, but also on actions the Agency took during the meeting. Procedures for signing up to comment have also been provided for in-person and remote commenters.

Deadlines for submission of written comments have been more clearly established. Written comment on matters for which a noticed public comment period has been held will only be accepted during the public comment period. Currently, the Agency accepts written comments after the public comment period and up until the day before the meeting. This has not only made the dates of the noticed public comment periods meaningless, but has also led to difficulty for staff in processing, reviewing, and developing responses to late-submitted comments. As a matter of fairness, applicants may not have time to respond to late-submitted comments or to modify proposals based on those comments.

I have reviewed the draft revision and find that AGENCY-2 properly remains Agency policy as opposed to guidance or a rule. I further find that SEQRA does not apply to adoption of the revision.