



**Adirondack
Park Agency**

Enforcement Program Update

June 13, 2025

Agency Enforcement Program

APA Enforcement

- Agency regulates land use and development through implementation of the Adirondack Park Agency Act, New York State Freshwater Wetlands Act, and the New York State Wild, Scenic and Recreational Rivers System Act
- Effective enforcement of the statutes implemented by the Agency is necessary to fulfill the Agency's statutory mandate to protect the natural resources of the Park

Enforcement 2024

Enforcement Activity 2024

ENFORCEMENT ACTIVITY	2024
New Cases Opened in 2024	166
Settlement Agreements Signed	30
Cases Closed Voluntary Compliance	27
Cases Closed No Violation	77

Types of Enforcement Cases 2024

Alleged Activity	# of Cases
Wetland Project	69
Permit Noncompliance	20
Shoreline Structure	19
Shoreline Cutting	15
Septic Within 100 feet of a Waterbody	9
Substandard-Sized Lot Subdivision	8
Waste Disposal Area	8
Rivers Project	6
Septic Within 100 feet of a Wetland	6
Commercial Use	5
Single Family Dwelling in Resource Management	5

Enforcement 2025

Enforcement Activity Through May 31

Enforcement Activity	Jan 1 – May 31, 2025	Jan 1 – May 31, 2024
New Cases Opened	48	56
Settlement Agreements Signed	7	12
Cases Closed Voluntary Compliance	5	10
Cases Closed No Violation	17	24

General Enforcement Process

Enforcement Process

How do staff become aware of potential violations?

- Reports from the public
- Referrals from other government entities (Towns, NYS DEC, etc.)
- Staff observations
- Review of JIFs or project applications

Enforcement Process

Possible Steps for Initial Enforcement File Review

- Desktop review to determine if there is a basis for Agency jurisdiction
- Determine whether any construction is ongoing
- Contact letter
- Site Visit

Enforcement Process

When no violation is found

- Close file
- Send closeout letter to landowner

When a violation is found

- Determine any necessary remediation
- Resolve through voluntary compliance or settlement agreement

Enforcement Process

Voluntary Compliance When:

- Landowner is willing to promptly complete any necessary remediation
- Remediation is straightforward
- No need to authorize any subdivision, ongoing use, structure, etc.
- Send resolution letter outlining necessary remediation and deadline
- Close file upon completion of remediation work

Enforcement Process

Settlement Agreement When:

- Authorizing any subdivision, ongoing use, structure, etc.
 - Requires filing in the County Clerk's Office
- Assessing a civil penalty
- Requiring extensive and significant remediation plans and/or monitoring

Enforcement Process

Civil Penalties

Adirondack Park Agency Policy, Procedures & Guidance System	LEGAL - 2
Topic: Staff Civil Penalty Guidelines	
<i>Cecil Wray</i> Cecil Wray, Chairman, Enforcement Committee	Effective Date: 1/10/08 Revised: 5/12/11

I. Purpose

The purpose of these guidelines is to assist Agency staff in determining appropriate penalties for violations of the Executive Law, the Environmental Conservation Law (ECL), and the Agency's regulations, permits, variances and settlements, in a manner which achieves compliance, remediation and deterrence, but which is also fundamentally fair and provides due process to the alleged violator guaranteed by the constitutions of the United States and the State of New York.

II. Statutory and Regulatory Enforcement Authority

Adirondack Park Agency Act

Executive Law, Section 813(1) provides that any "person" who violates the APA Act or Agency regulation or permit or order issued by the Agency is liable for a civil penalty up to \$500 per day for each day the violation continues. "Person" includes individuals and their agents (such as contractors), businesses or other private entities, and municipalities, but not the State or State agencies. Penalties are recoverable in an action by the Attorney General.

The Attorney General may also institute an action to prevent, restrain, enjoin or correct any violation, and may join in the action any appropriate person or the person responsible for the violation to take such affirmative actions as are necessary to correct the violation (Executive Law, Section 813(2)).

Any civil penalty may be released or compromised by the Agency before referral to the Attorney General, or after referral, by the Attorney General with the consent of the Agency (Executive Law, Section 813(3)).

New York State Freshwater Wetlands Act

The Agency implements the New York State Freshwater Wetlands Act ("FWA") within the Adirondack Park (Environmental Conservation Law ("ECL"), Articles 24 and 71). Pursuant to ECL Section 71-2303, the Agency can impose penalties up to \$11,000 for each violation of the FWA after notice and opportunity for hearing, and can order remediation and restoration of wetlands by the violator after a hearing. Under the FWA,

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Enforcement Process

Civil Penalties – Determination Factors

- Potential or actual impacts to resources
- Culpability
- History of Non-Compliance
- Cooperation
- Extent of Compliance Attained Through Resolution
- Economic Benefit
- Importance of Regulatory Scheme
- Litigation Practicalities
- Unique Factors

Enforcement Process

Enforcement Case Example:

- Complaint received
- Initial review
- Contact landowner
- Site Visit
- Remediation plan
- Settlement Agreement
- Confirm remediation work complete

Enforcement Process

Enforcement Committee When:

- Unable to resolve at the staff level

Enforcement Committee Steps:

- Notice of Apparent Violation, Memo of Law, Affidavits
- Response from Respondent
- Hearing if a wetlands violation
- Enforcement Committee Meeting
- Enforcement Committee Determination based on record



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