

Adirondack Council says APA enforcement needs more funding, staff

By MIKE LYNCH, Enterprise Staff Writer

SARANAC LAKE — A recently released report by the Adirondack Council claims that the state Adirondack Park Agency enforcement staff is underfunded and overburdened, which has resulted in hundreds of cases being closed without proper review.

"They don't have the manpower or staffing here to handle everything in the way their rules and regulations require," Adirondack Council spokesman John Sheehan told the Enterprise Tuesday.

The 39-page report, titled "Swept Under the Rug," claims that many of the 2,600 cases closed in 2001 by the APA were done so "by questionable measures." There was "cursory or no review" of about half of those cases, Sheehan said.

The report was the third issued by the Adirondack Council regarding APA enforcement. The other two were titled, "After the Fact," released in 1999, and "Falling Further Behind," issued in 2001.

APA spokesman Keith McKeever said the APA agrees with the sentiment that the staff and its budget should be larger, but the agency disagrees with assertion that cases were handled in an "inconsistent manner."

Many of the cases that the Adirondack Council said were reportedly closed in 2001 had been closed prior to that year, but hadn't been updated in the computer system, McKeever said.

"That information hadn't been put into the data base," McKeever said. "It's not interpreted correctly on their part."

But the Adirondack Council disputes that all the cases were simply an updating of the data base.

"We found that some of that occurred, but to characterize all that way is just not honest," Sheehan said.

The report states that the Adirondack Council, through a Freedom of Information Law request, was given a list of "2,741 cases with names, case numbers and dates" that were mostly closed in 2001. It states 807 appeared to involve violations, while another 1,680 appeared not to have a violation and 254 didn't indicate either way.

The Adirondack Council also claims there were another 800 closed without proper review in 2003. But McKeever said many of those cases were closed for having an "insufficient fact pattern" and for having "a limited impact on the environment." One method that the APA has adopted in recent years, he said, is to prioritize cases according to their impact on the environment.

Inadequate staffing

In recent years, there have been some changes to the enforcement staff and regulations at the APA. A full time attorney, Paul Van Cott, and a full-time enforcement officer were added to the staff in 2001, McKeever said. Plus, in 2005, attorney Sarah Reynolds began taking on more enforcement responsibilities as part of her workload. Currently, the full-time staff consists of four enforcement officers, one attorney and one administrative assistant.

But the report states that this level of staffing is inadequate.

"In contrast to the APA's enforcement team, the Catskill watershed, which is protected by New York City's Department of Environmental Protection (DEP), has 60 inspectors and 10 dedicated attorneys for an area one-fifth the size of the Adirondack Park," states the report.

Sheehan said that he "empathizes" with the enforcement staff, citing the large geographical boundaries that officers must cover. The six million acres of the Park are split between four officers. McKeever indicated that staffing limitations are spread throughout the agency.

"There is definitely a need for staff throughout the departments," McKeever said.

He pointed out that an enforcement case investigation may involve multiple departments. For instance one involving wetlands

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12/19/2006

require the assistance of a wetlands specialist.

The report also states that as of its completion in December, there were 75 more cases opened than closed in 2006.

Part of the reason for this, McKeever said it that people are reporting violations more than ever.

But he did point out that, as it states in the APA's 2006 annual report, the enforcement program resolved 402 cases in 2005 compared to 76 in 2000.

Enforcement regulations

The Council's report also states that the APA lacks the "teeth" to enforce its regulations, although recent revisions in 2003 vastly improved the ones that were in place.

"These amended regulations greatly improved upon their short and incomplete predecessor that had been in place for over 20 years," the report states.

Later in the report it states, "The enforcement shortcomings are not due to a lack of effort or professionalism on the part of staff. Staff is hamstrung by the regulations when violators do not voluntarily agree to settle their case."

The report states that violators can put off penalties and that the only way the APA can respond is to turn the case over to the state Attorney's General's office, unless the violator is applying for a permit, which gives the APA some leverage over the applicant.

The report also asks for more funding to help prevent violations and assist in better planning at the local level. According to the APA's Citizen's Guide to Adirondack Park Agency Land Use Regulations, only 17 of the 103 towns and villages have APA approved land use programs.

"The lack of planning assistance burdens the staff and commissioners with minor development projects, and frustrates the intent of the law," the report states. "Additional funding is necessary to enable every locality develop its own land use program and relieve some of the burden from the APA."

On the Net: www.adirondackcouncil.org.

Adirondack Council Recommendations

- Add new enforcement staff
- Revise enforcement laws and regulations
- Restore state funding for local planning assistance
- The state Attorney General should create an Adirondack Park enforcement team
- APA Commissioners need to make enforcement a top priority
- Give the APA the authority to collect fees and fines
- Create single procedure for all types of enforcement cases is needed
- Create career track for enforcement staff
- More efforts are needed to prevent future violations

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