

RULE REVIEW

Adirondack Park Agency

As required by section 207 of the State Administrative Procedure Act (SAPA), the following is a list of rules which were adopted by the Adirondack Park Agency (Agency) in calendar years 2005 and 2010 which must be reviewed in calendar year 2015. Public comment on the continuation or modification of these rules is invited and will be accepted until May 11, 2015. Comments may be directed to: Paul Van Cott, Associate Attorney, Legal Division, Adirondack Park Agency, P.O. Box 99, NYS Route 86, Ray Brook, New York 12977.

RULES ADOPTED IN 2005 AND EFFECTIVE ON SEPTEMBER 14, 2005

Legal basis for these rules: Adirondack Park Agency Act (APA Act), Executive Law, article 27; Wild, Scenic and Recreational Rivers System Act, Environmental Conservation Law section 15-2709; Freshwater Wetlands Act, Environmental Conservation Law section 24-0801

Revised 9 NYCRR Subtitle Q, Parts 570-573, 576, 587 and 588, and repealed Appendix Q-1 as follows:

1) Amended section 570.3 to remove definitions which are identical to the statutory definitions and re-number the paragraphs remaining.

2) Added a new paragraph 3 to subdivision (ah) of section 570.3 to define “subdivision into sites.”

3) Added a new subdivision (j) of section 573.4 to codify the existing practice of allowing certain “boundary line adjustments” without an Agency permit.

4) Deleted subdivision (c) of section 572.21 which required the formal transfer of a permit when property is conveyed.

5) Deleted subdivision (b) of section 571.1, subdivision (a) of section 572.4 and section 572.15, which allowed APA jurisdictional inquiries and permit applications, respectively, to be submitted to the regional and district offices of other State agencies serving the Park.

6) Amended section 587.3 to more explicitly provide for what constitutes a “conflict of interest” for Agency members and employees. Also amended subdivision (d) of section 587.3 by changing it to new section 587.4, and revised it to better define what constitutes “ex-parte communications” and the action to be taken by Agency members if they cannot prevent an ex-parte communication.

7) Amended sections using the terms “operations committee” and “director of operations” to remove those terms and replace with “regulatory programs committee” or “director of regulatory programs,” respectively.

8) With respect to variance procedures, added new sections 576.5 to 576.9, deleted existing sections 572.15 to 572.18, and amended section 572.19.

9) Amended section 588.8 to include the effective dates of all amendments to 9 NYCRR Subtitle Q adopted since the first comprehensive revision in 1979.

10) Deleted Appendix Q-1, which provided the addresses and telephone numbers of the Regional and District Offices of the Departments of Environmental Conservation and Health.

Analysis of the need for the rules: To clarify and simplify the regulations.

RULES ADOPTED IN 2010 AND EFFECTIVE ON SEPTEMBER 21, 2010

Legal basis for these rules: APA Act, Executive Law, article 27

Amended subdivisions (c) and (j) of section 570.3 of 9 NYCRR Subtitle Q providing the Agency’s definitions of the terms “boathouse” and “dock”, respectively.

Analysis of the need for the rules: To provide clarity and better environmental protection.

