



Board of Directors

February 8, 2024

Charles Clusen
Chair

John Ernst, Chair
Adirondack Park Agency
PO Box 99 Route 86
Ray Brook NY 12977

James McMartin Long
Michael Wilson
Vice-Chairs

Barbara Rottier
Secretary

RE: Adirondack Park Agency Board Meetings

David Quinn
Treasurer

Dear Chairman Ernst:

Nancy Bernstein
John Caffry
Andy Coney
Dean Cook
James C. Dawson
Lorraine Duvall
Robert Glennon
Roger Gray
Evelyn Greene
Sidney Harring
Dale Jeffers
Patricia Morrison
John Nemjo
Peter O'Shea
Philip Terrie
Chris Walsh

When the Adirondack Park Agency (APA) was created over 50 years ago, it was at the forefront of environmental protection and regional land use regulation and planning for the Adirondacks, New York State, and the United States. The APA was established to “insure optimum overall conservation, protection, preservation, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Adirondack park”. APA Act § 801. The APA Board, led by the Chair, has “responsibility for developing long-range park policy in a forum reflecting statewide concern.” APA Act § 801. We are concerned that the APA Board is not reaching its potential and is not fulfilling its promise to the People of the State of New York to be one of the premiere environmental protection agencies of modern time.

Staff

Peter Bauer
Executive Director

Over the past several years, Protect the Adirondacks has witnessed a noticeable decline in the overall functioning of the APA Board. This has been manifested in the lack of Board meetings for multiple months during the year, the reduction in the time that Board meetings last, the lack of APA Board committee meetings, and the increasing delegation to APA staff of project review functions.

Claudia K. Braymer, Esq.
Deputy Director

Christopher Amato, Esq.
*Conservation Director
and Counsel*

In order to better understand this issue, we undertook an analysis of APA Board meetings. The metrics that we examined were number of APA Board monthly meetings in a year; total number of APA Board meeting days in a year; number of APA Board committee meetings; and number of project reviews by the APA Board. We found that in every

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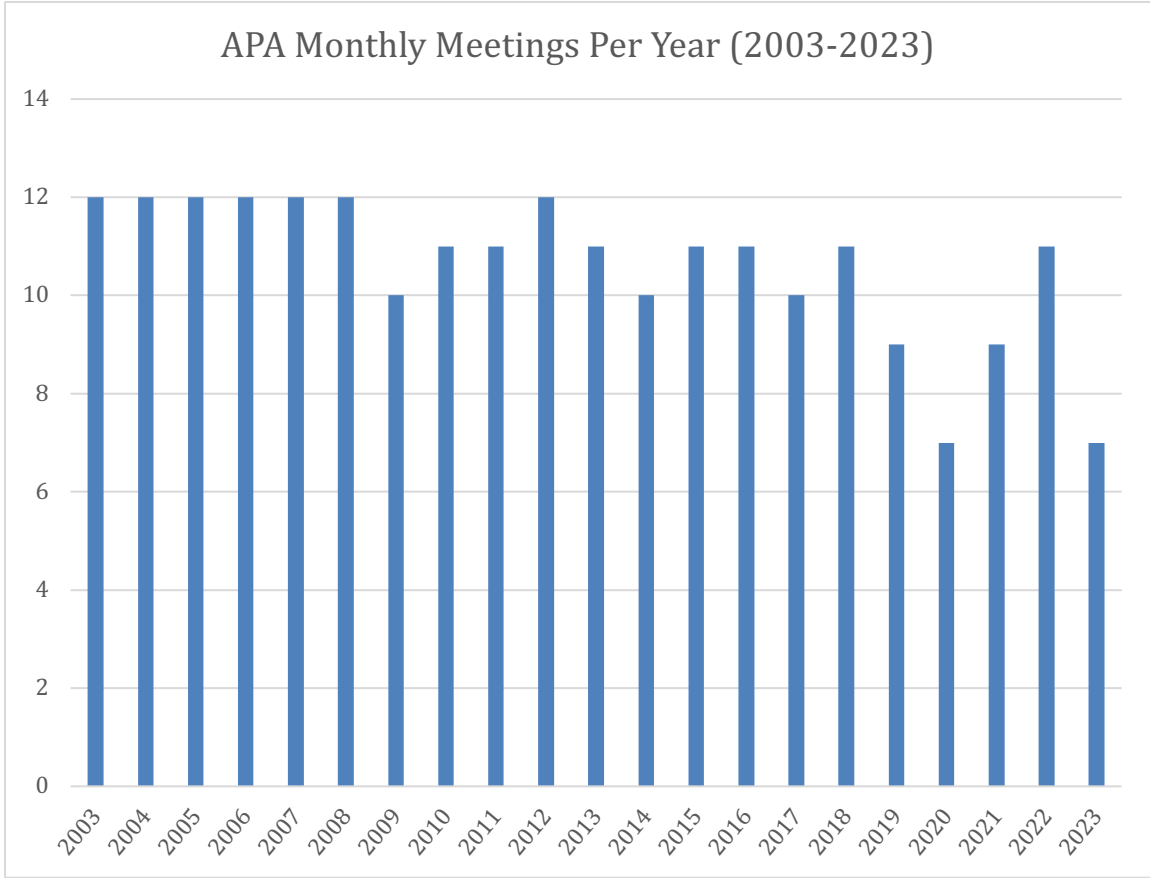
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category the numbers have declined over the last 20 years, with the most marked declines occurring from 2009 to the present.

The Number of APA Board Meetings Has Declined

Prior to 2009, the APA Board held 12 monthly meetings in a year, one each and every month. In 2009, the APA Board held only 10 monthly meetings. The number of meetings hovered around 10 monthly meetings from 2010 to 2020, when the Covid-19 pandemic had a detrimental impact on the ability of the APA Board to meet. The Board rebounded in 2022 with 11 monthly meetings, but in 2023, with the pandemic no longer impacting the ability of the APA to hold meetings, the APA Board met only seven times. See Chart 1.

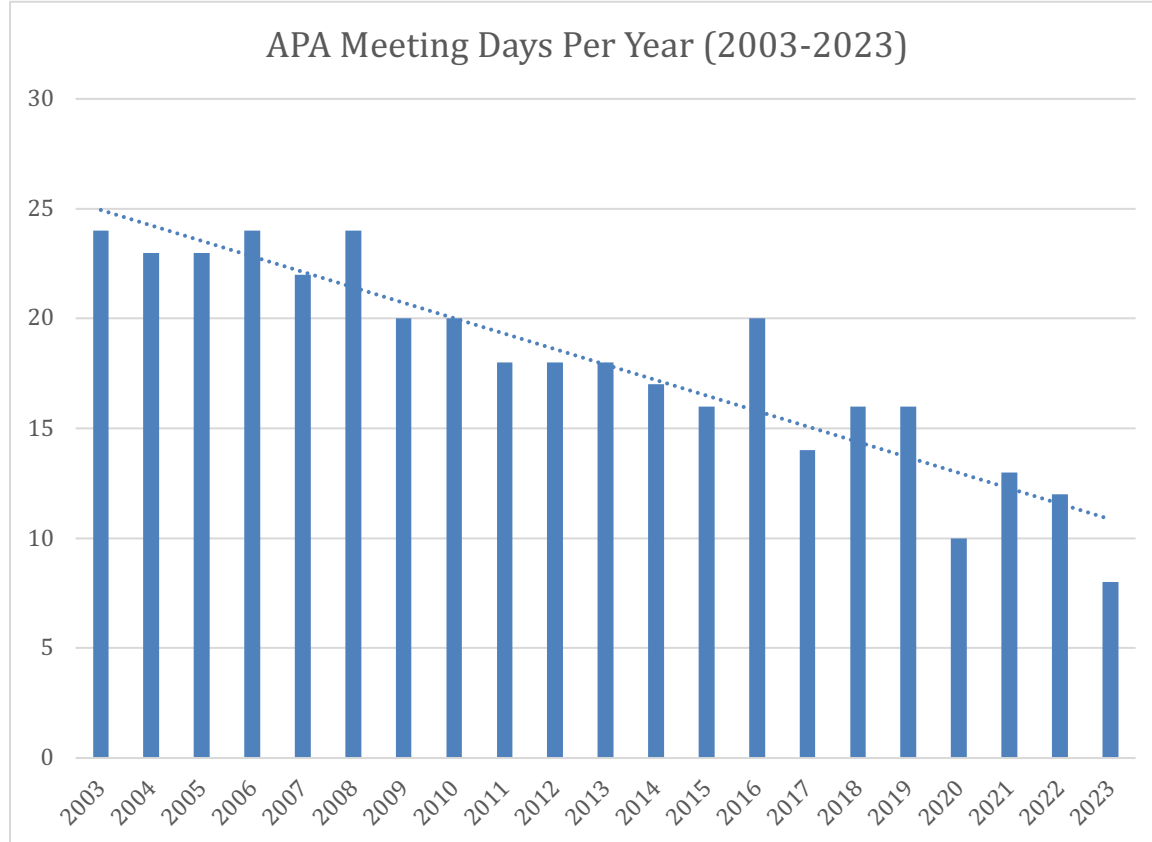
Chart 1. Number of APA Monthly Meetings Per Year (2003-2023)



The Number of Meeting Days Has Declined

The monthly meetings may last one or two or more days. In the past, the monthly meetings were almost always two days (usually Thursday and Friday), resulting in 24 meeting days per year. Starting in 2009, the number of meeting days per year dropped to 20, and have continued to fall, to an historic low of just eight total meeting days in 2023. See Chart 2.

Chart 2. Number of APA Monthly Meeting Days Per Year (2003-2023)



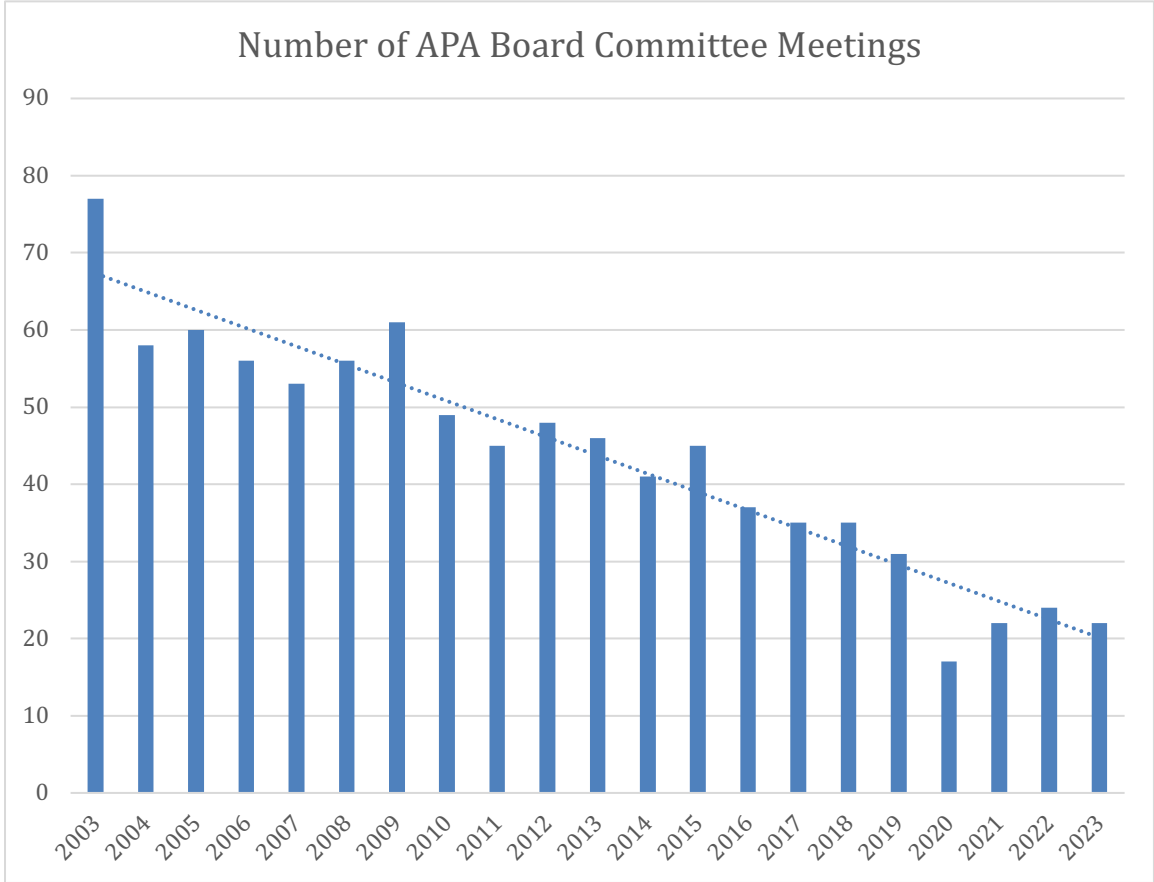
The Number of APA Board Committee Meetings Has Declined

In the past, the APA Board held regular meetings of all of its committees, including Regulatory Programs, State Land, Park Policy and Planning, Enforcement, Local Government Services, Public Awareness and Communication, Legal Affairs, Park Ecology, Economic Affairs and Administration. These committees provide the opportunity for robust education of and discussion by APA Board Members on topics such as the APA Act’s requirement of “no undue adverse impact”, wetlands jurisdiction and review, lake steward programs, aquatic and terrestrial invasive species, wildlife habitat connectivity, ecological impacts of roads and backcountry development, the impacts of lighting on the night sky, Scenic Byways Program with interpretive exhibits, and the role of interpretative communications “in fostering the stewardship that will allow the Agency to accomplish its mission of protecting the resources of the Adirondack Park” (July 2005), acid rain deposition, geographic information systems technology, sustainable tourism planning, and affordable housing, among many others.

As set forth in Chart 3, the number of APA Board Committee meetings has declined significantly to only 22 committee meetings in 2023 from a high of 77 committee meetings in 2003. The only year with fewer committee meetings than 2023 was 2020 during the

pandemic. The importance of committee meetings goes beyond required statutory functions, such as reviewing private land projects and State land projects. Committee meetings are where APA Board Members receive information from the staff and learn about different issues facing private lands and State lands in the Park. Informed APA Board Members are essential for carrying out the APA’s core mission.

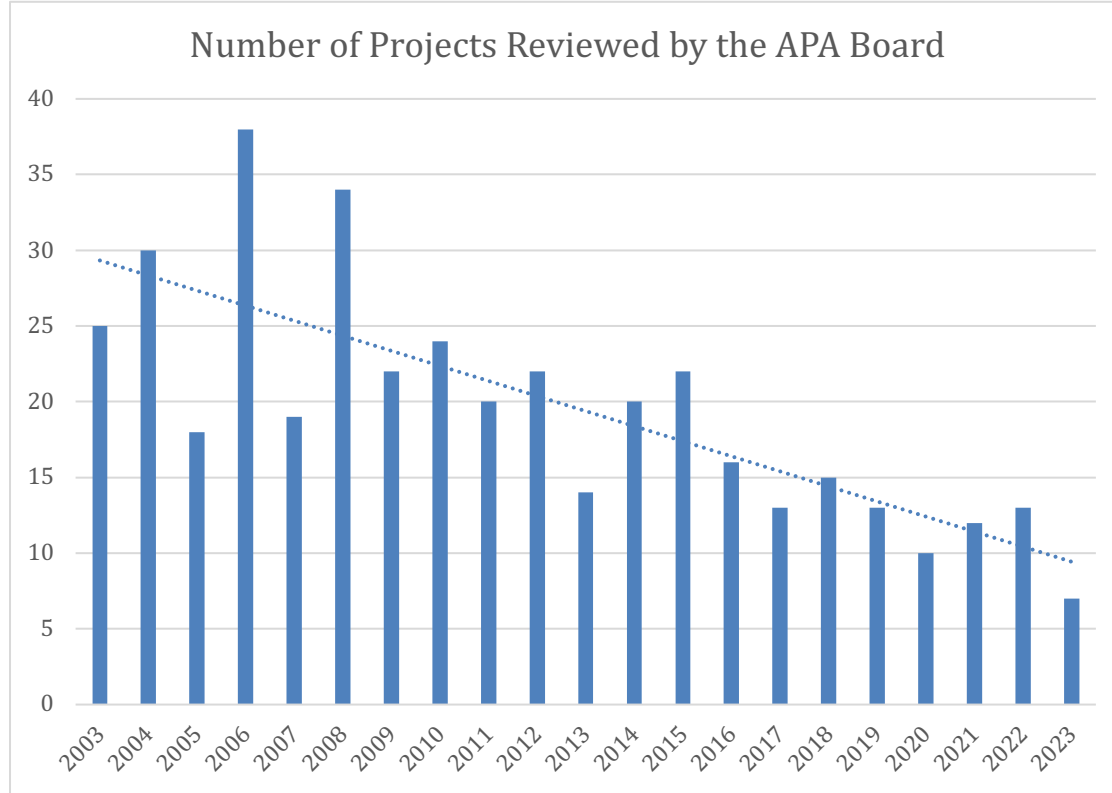
Chart 3. APA Committee Meetings Held Annually



The Number of Projects Reviewed by the APA Board Has Declined

As with the other metrics, the number of proposed private land projects reviewed by the APA Board has declined over time. That decline has not been the result of a decline in project applications before the APA. We reviewed that data as well and found that the number of project applications has remained relatively steady over the last ten years, with approximately 300 to 350 applications per year. In 2003, the APA Board reviewed 25 project applications. By 2023, that number has fallen to 7 project applications. The all-time high was 38 projects in 2006. See Chart 4.

Chart 4. Projects Reviewed Annually by Regulatory Programs Committee and APA Board

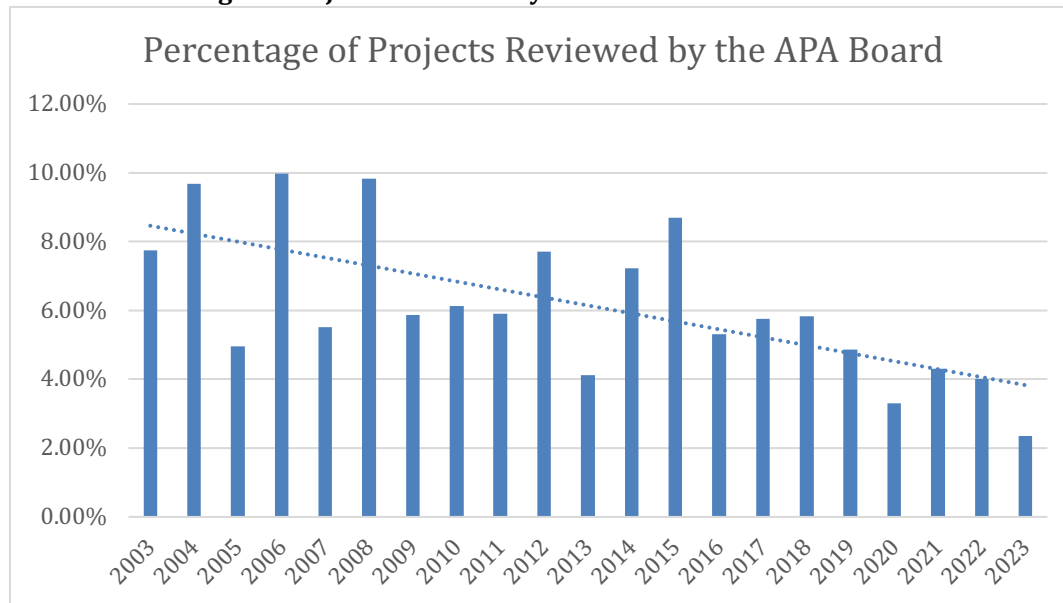


The percentage of project applications approved by the APA Board as compared to the total of project applications approved by the APA has fallen over time. In the past, the APA Board reviewed approximately 7% to 8% (with a high of 9%) of the projects that were issued permits by APA in a given year. Now that percentage is roughly half of what it used to be, as the APA Board reviews and approves around 4% of the total projects approved annually by the APA. See Chart 5. In 2023, the percentage of projects reviewed by the APA Board fell to just 2% of the total number of projects that were issued a permit by APA. See Chart 5.

As the percentage of projects reviewed by the APA Board is falling, the percentage of projects approved by APA staff is increasing. The APA Act is structured to ensure that important projects, whether proposed for private or State lands, are considered and discussed in public meetings. The delegation of an increasing percentage of projects to the APA staff means that more projects are evading the public information and scrutiny that review by the APA Board entails and are being reviewed and approved behind closed doors. This is a problem because when the APA operates outside of the public domain, the public is excluded from observing the Agency’s deliberations and is severely limited in their ability to meaningful contribute to the review process, if they are even able to find out about reviews of projects as they are taking place.

Additionally, since fewer projects are being reviewed by the APA Board, the APA Board Members are spending less time on these reviews. Volunteer members of local Planning Boards in towns and villages across the Park spend numerous hours in public meetings reviewing project application materials, hearing from the public, deliberating amongst each other and consulting with staff. The APA, the State agency responsible for regional planning and project reviews throughout the Park, should be doing at least as much as our local Planning Boards. The work needs to be done in public forums to comply with the Open Meetings Law and the APA Act, so that the public can witness the process, take part in it, and have confidence that it is working fairly and in accordance with the applicable laws and regulations.

Chart 5. Percentage of Projects Reviewed by the APA Board



The Decline Reduces Transparency and Public Participation

The decline in the number of meetings and the limited number of project reviews by the APA Board is reducing the transparency of APA’s operations, and curtailing opportunities for the public to observe and participate in the important work of the APA. While some may argue that having fewer meetings is due to increased delegation to, and efficiency of, the APA staff, the delegation to staff for decision-making is not what was envisioned by the APA Act. The planning and decision-making for the Adirondack Park is a matter of “statewide concern” that must be open and transparent to members of the public. APA Act § 801.

We therefore urge you to take steps to reverse the troubling trend of ever-decreasing involvement and engagement by the APA Board in identifying significant natural resource issues and development trends facing the Park; planning for how to address those issues and trends; learning about and developing a working familiarity with the APA Act, the Adirondack Park State Land Master Plan, and Article 14 of the State Constitution; engaging with the public; and reviewing projects.

On behalf of the Board of Directors of Protect the Adirondacks, thank you for considering our concerns and for evaluating this data about the APA Board. We hope that you will use this information to improve the functioning of the APA Board and to provide more opportunities for learning and for the public to witness the APA Board Members at work on the vital role of protecting the Adirondack Park.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with a large initial "P" and "B".

Peter Bauer
Executive Director