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**Conservation Director
and Counsel**

February 9, 2024

Via Email

Barbara Rice
Executive Director
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

**Re: Request for Issuance of Cease and Desist Order
Illegal Wetland Fill by Town of Minerva Highway Department
Town of Minerva, Essex County**

Dear Ms. Rice:

Protect the Adirondacks! Inc. ("PROTECT") requests that you exercise your authority pursuant to 9 NYCRR §§ 581-2.3(a)(3) and 581-2.4 to issue a Cease and Desist Order to the Town of Minerva Highway Department to immediately prohibit further filling and destruction by the Highway Department of a protected wetland located at the end of Minerva Lake Road. PROTECT also requests that you exercise your authority to require the Highway Department to immediately remove the fill due to its highly toxic properties.

The Highway Department's dumping of illegal fill into the wetland apparently began in mid-November 2023 and is ongoing. A citizen who measured the fill in November estimated that it was approximately one to two feet deep and filled approximately 500 square feet of the wetland. The fill material appears to be ground asphalt pavement. Photos of the fill are attached to this letter.

A citizen who witnessed the illegal filling contacted APA staff and was told that there would be no action taken until staff does a site inspection after the spring thaw. This is unacceptable. Ground asphalt pavement contains a variety of highly toxic pollutants, including polycyclic aromatic hydrocarbons, benzene, toluene, nitric and carbonic acid, and formaldehyde. Allowing this toxic fill to remain in the wetland and allowing the illegal filling to continue risks significant and long-term damage to the natural resources of the Adirondack Park. The most recent fill incident occurred yesterday.

Protect the Adirondacks

PO Box 48, North Creek, NY 12853 518.251.2700

www.protectadks.org info@protectadks.org

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Section 581-2.3(a)(1) of the APA's regulations authorizes the Executive Director to issue a cease and desist order. The regulations provide that such an order may be issued "[i]n the case of an apparent violation involving ongoing . . . land disturbance," in which case "the landowner and all lessees, contractors, builders, and other agents may be ordered in writing to cease and desist such activities until the apparent violation is resolved" 9 NYCRR § 581-2.4(a). In addition, section 581-2.4(b) of the regulations provides that "[i]n the case of an apparent violation involving ongoing or threatened damage to the resources of the Adirondack Park, the landowner and all lessees, contractors, builders, and other agents may be requested in writing to take immediate measures to redress such ongoing or threatened damage."

Accordingly, PROTECT requests that you issue a Cease and Desist Order to the Town of Minerva Highway Department prohibiting any further placement of fill in the wetland and removal of the asphalt fill already placed pending completion of the APA's investigation into this violation.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Amato", with a stylized flourish at the end.

Christopher Amato
Conservation Director and Counsel
Protect the Adirondacks! Inc.
P.O. Box 48
North Creek, NY 12853
Office: (518) 251-2700
Cell: (518) 860-3696







