



New York Farm Bureau, Inc. • 159 Wolf Road, P.O. Box 5330 • Albany, New York 12205-0330 • (518) 436-8495 Fax: (518) 431-5656 • www.nyfb.org

November 20th, 2008

Governor David A. Paterson
Executive Chamber
New York State Capitol
Albany, NY 12224

Dear Governor Paterson:

I am writing with regard to the recent ruling by the New York State Supreme Court in the matter of Lewis Family Farms v. the Adirondack Park Agency. As you are aware, in this case, Justice Meyer ruled that permit restrictions for agricultural worker housing are exempt from APA jurisdiction.

New York Farm Bureau strongly believes that the APA does not have the ability to restrict agricultural operations and practices within the Park borders. We applaud Justice Meyer's decision in this matter, as the ruling recognizes that the APA exceeded their permitting authority granted under their own enacting statute when requiring permits for the defendant's "agricultural use structures." We also believe that Justice Meyer was completely correct in deciding that it was not the Legislature's original intent to distinguish between agricultural businesses outside or inside the "blue line" boundaries of the Adirondack Park when setting forth both the Agency's regulatory authority and Agricultural District protections in statute. Justice Meyer appropriately recognized that only the State Legislature could take action to change this reality.

New York Farm Bureau recognizes that New York State faces a number of enormous challenges in the coming months, including balancing a looming \$15 billion budget deficit, while spurring sorely needed economic development in rural upstate New York. We suggest that a healthy agricultural industry can play a large role in this effort by providing much needed state tax revenue, a secure employment base and a "ripple effect" of economic support for rural communities.

Given the clear nature of this critical ruling, declining state resources and shifting public policy priorities, we strongly believe that the state's interest would be much better served by requesting that the Attorney General decline to pursue an appeal of this case. This case has taken a considerable amount of time and financial resources from all involved parties. We ask you recognize that it is time to meet new, more pressing challenges that face our state as a whole and we stand ready to work as your partner in this effort.

Thank you for your consideration of this request. For your continued review, I have enclosed a copy of our amicus curiae brief filed with the court in this matter. Should you have any questions or wish to discuss this issue further, please feel free to contact New York Farm Bureau at (518) 436-8495.

Sincerely,

A handwritten signature in cursive script that reads "John W. Lincoln". The signature is fluid and elegant, with the first letters of each word being capitalized and prominent.

John W. Lincoln, President
New York Farm Bureau

cc: William Cunningham, III, Secretary to the Governor
Peter Kiernan, Counsel to the Governor
Judith Enck, Deputy Secretary for the Environment