

# Daily Gazette article

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## Ruling a threat to beach permits

By Jim McGuire

**BROADALBIN** — A state law enforcement ruling that would allow anyone to walk the entire shoreline of the Great Sacandaga Lake threatens the future of the exclusive use permits issued for beachfront rights around the lake.

The permit system, administered for decades by the Hudson River-Black River Regulating District, was already under attack in a lawsuit filed by National Grid and the state Department of Environmental Conservation, which two years ago questioned the legality of denying the public access to state land.

The state owns the land under the lake as well as the shoreline up to the high water mark.

But the Sacandaga Protection Committee, which formed two years ago in response to the DEC's contentions about the permit system, argues that loss of exclusive use of beachfronts jeopardizes property values and local tax bases.

As the SPC and its lawyers continue to seek protections from Gov. David Paterson and legislators, the issue could be decided on the basis of a beach dispute among neighbors in Broadalbin.

In the past two weeks, DEC law enforcement officials called into the Broadalbin dispute have issued an interpretation that someone gaining access to a permit area from public property or another permit area is not trespassing. In other words, anyone can go on any beach without permission, provided they can walk onto it legally.

It was unclear whether the DEC also supports gaining access to beaches by boat. DEC officials did not respond Thursday for comment on this story.

Fulton County Sheriff Thomas J. Lorey, who this week notified deputies of the interpretation, said it is now apparently legal to walk around the lake as long as private property is not crossed to get to the state land.

Fulton County District Attorney Louise K. Sira also has been drawn into the fray. Commenting Thursday, she said under the DEC's new interpretation, permits on the lake no longer confer exclusive beach use rights. She has notified the complainant in Broadalbin she is deferring to the DEC's interpretation and will cease responding to landowner e-mails on the subject.

The principal complainant, Thomas Campanile, could not be reached for comment Thursday.

SPC Co-Chairman Joe Sullivan noted that HRBRRD continues to view the permit areas as exclusive. Sullivan said he is aware of the Broadalbin situation but the dispute there "does not change anything we're doing or working toward."

The SPC, which has about 2,000 members who together raised \$160,000 to fund the effort to preserve the permit system, is represented by the Buffalo-based law firm Hodgson Russ. Sullivan said the SPC does not envision filing suit to obtain a final ruling but instead is working with state officials and legislators to secure protection.

HRBRRD Executive Director Michael Clark said Thursday he has yet to discuss the interpretation with the DEC. But he said his board reaffirmed in May that the 4,000 permits grant exclusive use rights to the permit holders.

In comments to a reporter in May, Sullivan said abolition of exclusive use rights would create a 129-mile beach while devaluing lakefront property as much as 40 percent.

The interpretation could have implications for a number of organizations, including the Boy Scouts and the Mayfield Yacht Club, which have permits granting exclusive use of islands in the lake. The Scouts, in turn, raise revenue by selling use permits to boaters and others.

John Sheehan, spokesman for the Adirondack protectionist group the Adirondack Council, said the DEC “may well be right in this case.”

He said the interpretation is consistent with prior positions taken by both the DEC and the Adirondack Park Agency that the land around the lake is part of the state Forest Preserve and should be treated as such.

“I expect this will reopen the discussion of a land-swap constitutional amendment,” Sheehan said.

In that scenario, the permit holders would raise money to buy a large enough tract of land away from the lake and seek voter approval to swap it for the state land along the shore. Such a measure first requires approval by two consecutive legislatures.

If the appropriate piece of land were offered to the state, Sheehan said, he expects environmental groups would consider supporting such a proposal.