

Great Sacandaga Lake regulators say permit holders will still have exclusive access

By Jason Subik

GREAT SACANDAGA LAKE — Hudson River Black River Regulating District officials say the entity will issue “exclusive access” permits for the Great Sacandaga Lake for 2011, despite a recent letter sent to permit holders that omitted the hot-button phrase.

The HRBRRD board of directors in May voted to restore the “exclusive” use or access to state land around the man-made lake to permit holders. From 2008 through this year the board had removed the phrase from the permits and signage used to designate the land, suggesting the possibility that people other than permit holders could gain access.

In annual renewal letters recently sent to permit holders, HRBRRD did not make clear the re-establishment of the exclusive nature of the permits, leading some to wonder whether exclusive permits were really coming back.

“Considering the outrage that was exhibited by permit holders a couple of years ago when [the state Department of Environmental Conservation] tried to change the rules to convert the access permit zones into a public park, permit holders would have appreciated if the district had made it absolutely clear in this cover letter that the use was exclusive,” said Broadalbin resident Peter Van Avery, co-founder of the Batchellerville Bridge Action Committee.

DEC officials took aim at the exclusive permits last year as part of a rules-making process that would have granted total public access to all state-owned land. Gov. David Paterson ordered the proposed rules dropped after intense public and political outcry over the issue.

The exclusive nature of the permits was called into question again in October when DEC law enforcement officials called in to a dispute in Broadalbin issued the interpretation that someone gaining access to a permit area from another permit area, or public property, is not trespassing. The ruling opened the door for people to gain access to the beachfront access zones, so long as they can get there legally.

Mike Clark, acting director for the regulating district, said DEC’s interpretation on trespassing was not a factor in the cover letters distributed to permit holders. He said although the word “exclusive” was not included in the letters it is used in the permits themselves and in the signage used for access zones.

“The letter is just an informational letter telling them how to fill out the permit renewals and send them back. It didn’t say they didn’t have exclusive use, everyone seems to be on guard for this kind of thing. The board stands by its reaffirmation that the permit holders should have exclusive use of the permit areas,” he said. “The renewal form itself has the ‘exclusive access’ phrase that it included for decades, except for the two years the board changed it, which was reversed in May.”

Joe Sullivan, co-chairman of the Sacandaga Protection Committee, said DEC’s ruling on trespassing has left some of the issues regarding exclusive use of the land in legal limbo, but he doesn’t expect that to last. Sullivan said the SPC is poised to fight for restoration of the exclusive use of the land. The SPC was formed in 2009 to defend access permit holders’ traditional exclusive rights to the state land around the lake.

“We’re ready to argue our position but we don’t have anyone to argue it to yet,” Sullivan said. “Because this was an election year and there is a new administration coming in it’s going to take time before we can resolve this.”