

## Sacandaga Protection Committee Prevails Over National Grid In Federal Court

On September 30, 2010, United States District Judge Norman A. Mordue issued a decision dismissing National Grid's latest attempt to avoid shouldering its share of the costs for maintaining Great Sacandaga Lake and the Conklingville Dam. In the suit, National Grid claimed that many of the Hudson River-Black River Regulating District's operations, including the GSL Permit System, were preempted by federal law and contrary to the United States Constitution.

Following several months of briefing by the Sacandaga Protection Committee's attorneys, Hodgson Russ LLP, and the Hudson River-Black River Regulating District, the Court dismissed National Grid's lawsuit in its entirety. In rejecting National Grid's arguments, Judge Mordue specifically noted the contribution of the Sacandaga Protection Committee, which intervened in the litigation to represent the interests of "both front lot and back lot property owners as well as business and recreational users of Great Sacandaga Lake."

According to Sacandaga Protection Committee Co-Chair Joseph Sullivan, of particular importance of the victory is the dismissal with prejudice of the attack on the permit system. "This is very important for our entire community. The suit, if successful, would have eliminated the GSL Permit System, leaving the Great Sacandaga Lake shore area without management and eliminating 70 plus years of permitted access to the band of land surrounding the lake." The Court decision protects the investment generations of Sacandaga Protection Committee members have made in improving the lakefront.

Co-Chair Richard Smith explained that, "We are extremely pleased that Judge Mordue seemed to recognize the rights of lake users and property owners over big businesses." Smith continued, "In many ways, this decision validates the mission of the Sacandaga Protection Committee, and Judge Mordue placed a lot of weight on the arguments our attorneys made while, at the same time, flatly rejecting National Grid's arguments as 'largely irrelevant.'" Smith added that the decision was especially important in light of the District's ongoing financial difficulties.

The Sacandaga Protection Committee was represented by Hodgson Russ LLP attorneys Daniel A. Spitzer and Benjamin K. Ahlstrom.

### *About the Sacandaga Protection Committee*

The Sacandaga Protection Committee was formed in 2009 to provide the residents, businesses and recreational users of Great Sacandaga Lake in Fulton, Hamilton and Saratoga counties with legal and political means to protect the rights of Hudson River-Black River Regulating District permit holders. Earlier this year the Sacandaga Protection Committee successfully argued for acknowledgement of permit holder's exclusive use status in their Hudson River-Black River Regulating District permits.