



PRESS RELEASE
March 2, 2023

Appellate Division, Third Department, Strikes Down Lower Saranac Lake Marina Permit

Court emphasizes importance of carrying capacity studies of Adirondack lakes and criticizes State agencies for failing to conduct studies

For more information:

Peter Bauer, Executive Director: Cell 518.796.0112

Christopher Amato, Deputy Director and Counsel: Cell 518.860.3696

The Appellate Division, Third Department today issued a unanimous ruling annulling a permit issued by the Adirondack Park Agency (APA) for a large-scale expansion of a commercial marina on Lower Saranac Lake. The decision in *Thomas Jorling vs Adirondack Park Agency, et. al.* reverses a lower court decision issued by State Supreme Court. Thomas Jorling, a resident on Lower Saranac Lake and a former Department of Environmental Conservation Commissioner, was the plaintiff in this case and was represented by Claudia Braymer, of the Braymer Law Office in Glens Falls, New York. Claudia Braymer recently started as the new Deputy Director of Protect the Adirondacks.

The decision annuls the variance permit issued in August 2020 for expansion of the marina from 219 to 292 boat slips at two locations on Lower Saranac Lake in the Adirondack Park. During its review of the project, APA had arbitrarily downgraded its previously assigned value rating for wetlands impacted by the project. In overturning the permit, the Appellate Division declined to defer to APA's claimed justification for the rating downgrade, stating that "[a]n agency's interpretation of its own regulations is ordinarily entitled to deference, but this rule does not apply when the agency's interpretation contradicts the plain language of the regulations or is irrational or unreasonable."

Protect the Adirondacks submitted an amicus brief on the appeal, arguing that the permit should be annulled because DEC and APA had failed to conduct a carrying capacity study of Lower Saranac Lake as required by the Unit Management Plan for the Saranac Lake Wild Forest, which identifies the lake as being particularly at risk from overuse.

Protect the Adirondacks!
PO Box 48, North Creek, NY 12853 (518) 251-2700
info@protectadks.org www.protectadks.org
Like Us on Facebook Follow Us on Twitter @ProtectAdkPark

PROTECT argued that issuance of the permit to expand the marina, and hence boat traffic on the lake, in the absence of the required carrying capacity study was arbitrary and capricious because the adverse impacts on the lake of increased boat traffic was not considered.

“The Appellate Division today resoundingly affirmed the critical role that carrying capacity studies play in protecting lakes and ponds in the Adirondack Park. In particular, the Court criticized the failure by DEC and APA to conduct the long-overdue carrying capacity study of Lower Saranac Lake, calling that failure ‘wholly unexplained and, indeed, inexplicable.’ PROTECT will continue advocating for the agencies to fulfill their legal duty to conduct carrying capacity studies of Adirondack Park waterbodies so that Adirondack lakes and ponds will be protected from the documented adverse impacts of overuse,” said Christopher Amato, Conservation Director and Counsel.

“Protect the Adirondacks salutes Thomas Jorling for standing up and bringing this case to protect Lower Saranac Lake. We applaud the work of Claudia Braymer to reverse a poor decision by the Adirondack Park Agency. We hope that this decision will inspire state agencies to fully comply with the State Land Master Plan and start undertaking carrying capacity analysis for waterbodies in the Adirondack Park that have a significant amount of Forest Preserve,” said Peter Bauer, Executive Director.

Protect the Adirondacks

Protect the Adirondacks is an IRS-approved non-profit organization dedicated to the preservation and stewardship of the 6-million-acre Adirondack Park. Our mission is to protect the Adirondack Park’s wild character for current and future generations. PROTECT pursues this mission through a combination of advocacy, grassroots organizing, independent public oversight, research, water quality monitoring, education, and legal action. Protect the Adirondacks was formed in 2009 as the result of a merger between two long-standing environmental conservation groups in the Adirondack Park, the Resident’s Committee to Protect the Adirondacks (est. 1991) and the Association for the Protection of the Adirondacks (est. 1901).

Protect the Adirondacks is managed by a 22-member Board of Directors of Adirondack leaders with expertise in environmental law, local government, Adirondack environmental and cultural history, state agency management, and small business. Protect the Adirondacks maintains an office in a 100% energy efficient, solar-and wind-powered office in Johnsbury in the central Adirondacks. For more information see www.protectadks.org and @ProtectAdkPark.

##