

March 19, 2008

Holly Kneeshaw, Regulatory Programs
Adirondack Park Agency
P.O. Box 99
Ray Brook, New York 12977

RE: **APA Project No. 2006-0123 FrontStreet Mountain Development
(FSMD) - Ski Bowl Village at Gore**

Dear Ms. Kneeshaw:

On behalf of the Association for the Protection of the Adirondacks, I offer the following comments on the project, application materials and regulatory review of the proposed Ski Bowl Village at Gore development project as designed by FrontStreet Mountain Development.

The Association commends Agency staff, the involved officials and local leaders of the Town of Johnsburg, the Olympic Regional Development Authority (ORDA) and the applicant, FrontStreet Mountain Development, Inc. (FSMD) for the significant collaborative work to date on moving this significant project forward. We recognize the investment of the applicant, ORDA as well as regional and state political representatives which have over the past three years and more joined together to work in unison to support new, needed economic development in North Creek and the Town of Johnsburg in the form of this project.

The Front Street Mountain Development project, being one of the largest private development projects proposed in the history of the park and the APA deserves very careful scrutiny by the agency, just as we know that town officials have worked very hard to develop a collaborative package with the developer. This is a complex project and its scale alone raises a concern with us as to its potential long term impacts to change the nature and character of North Creek as well as state land resources at Gore and in the vicinity.

Integrated Project under SEQRA

At the onset of these comments, the Association recognizes the very essential integrated nature of the FSMD project with the Gore Interconnect – Ski Bowl Park projects and the implementation of the 2005 Unit Management Plan (UMP) for the NY State Gore Mountain Ski Area – all core components of a tri-partite project. In support of this

recognition, we note the Agency's public announcement for the FSMD project identifies three primary applicant entities for the Ski Bowl Village at Gore to include FrontStreet Mountain Development (FSMD), the Town of Johnsbury and the NYS Olympic Regional Development Authority (ORDA).

We also recognize, pursuant to the State Environmental Quality Review Act (SEQRA), that the Adirondack Park Agency, as with both any other state agency, local municipalities and townships and private project applicants are bound by New York State's SEQRA provisions – especially with respect to the law's provisions prohibiting segmentation – specifically the segmented or bi-furcated review of separate parts of a complete project that, taken together, have composite, comprehensive and integrated project impacts across the board.

With respect to the later party, the Olympic Regional Development Authority (ORDA), we assert the Agencies' obligation to include the NYS Department of Environmental Conservation (NYS-DEC) as a direct, effective party and co-applicant to the proposed FSMD Ski Bowl Village at Gore project given the clear integration and linked components of this unique, extensive project that, if approved, would have significant positive and potential negative impacts on both state and private lands in the Town of Johnsbury and the Adirondack Park.

As such our following comments speak to principally the FrontStreet Mountain Development project and also the Gore 2005 UMP - Gore Interconnect and Ski Bowl Park aspects, as well.

Public Value in a Needed Limited Adjudicatory Hearing Process

The Association is concerned that Agency staff appear ready to move for permit approval for this project without any truly detailed, interactive public stakeholder process whatsoever. Agency staff appears to rely too heavily in our opinion on the assertion that this project represents a somewhat smaller, less intensive project than what was proposed and permitted under the prior resort development scheme proposed by Eliot Monter of the 1980's.

The present comments on record for this large project in advance of the recent legislative hearing comprise submissions from only one stakeholder, the Resident's Committee to Protect the Adirondacks and representative counsel for RCPA and our Association specific to earlier SEQRA segmentation concerns. The result, added to public comments limited to 3 minutes of under a dozen speakers at the recent legislative hearing, appears woefully inadequate public process on which to propose deliberating permit approval. Far more insight and perspective on this important project is deserved and would provide significant public value to the Agency's process.

The Association contends that the Adirondack Park Agency Act and its implementation are not static devices and much should have been learned since the early 1980's about the implications, costs, impacts and ramifications of resort and second home development.

More prescient, the present economic downturn in real estate, second home development and the ongoing sub-prime mortgage crisis nationwide as well as real estate sales declines in the region of North Creek and glut of unsold lots already throw into question much of the marketing and sales promise in this large development project.

The Association urges the Adirondack Park Agency to empower a far deeper public dialogue and review of its proposed draft permit conditions on the FSMD project with a comprehensive appreciation for the projects totality of benefits and potential undue adverse impacts across the board. We believe that ORDA, DEC and the APA could better serve the public by further avoiding segmentation of the review process for the FSMD and SEIS on the Gore Interconnect by permitting a joint, limited adjudicatory hearing on all aspects of this integrated tri-partite project. Such a procedure would give stakeholders and the public a much needed opportunity to explore in detail concerns and issues of such a large, unique and complex project. On issues of the project's overall scope, the inescapable integration of public resources with private interests here, water quality concerns, community character and fiscal needs as well as the protection of the forest preserve all warrant consideration for a limited adjudicatory hearing.

Further required Agency review concurrent with additional limited adjudicatory stakeholder process should address the following key issue areas and application deficiencies:

1. Evaluate Destination Resort Comparables and Concept in the Adirondack Park

The Association questions the concept and push towards the creation of this project with Gore Ski Area – a State run ski area on forest preserve lands – as a so-called “destination resort.” We assert that the Adirondack Park is the destination and its protection, and that of its wild undeveloped spaces, is what most profits regional tourism as a destination.

The Association should undertake, with the support of the applicant, an assessment report on similar ski resort development projects in New York and the Northeast which describes their impacts on community character, employment, environmental considerations and cumulative impacts over time. This project review and the application materials submitted beg for legitimate comparables of resort experience and impact assessment from Northern Forest states of Vermont, New Hampshire and Maine.

Based on the concerns of many of our members who reside in or own property in the Town of Johnsburg, as well as many people who have testified at the one public hearing on this project, there is serious opposition expressed towards developing and transforming North Creek into a resort town similar to Killington, Vermont, for example. Primary public concerns speak to keeping development at a scale appropriate to the small town character of North Creek.

No small part of our concern speaks to vision and whether or not sufficient insight has or will be applied to more sustainable alternatives and questions of sustainability. Will the park agency, town and ORDA, for example, consider and learn from the lessons of

Ludlow, Vermont where following the massive resort development of the Okemo Ski Area, only 17 percent of the “heritage” residents remain able to live in the community? We hope and trust that you will.

2. Forest Preserve Implications and Impacts Problematic and Poorly Assessed

We are concerned that the FSMD application materials and numerous NIPA responses failed to address the impacts of the project in its entirety on the forest preserve either at Gore Intensive Use Area or in adjacent or nearby state lands of the Vanderwhacker Wild Forest and the Siamese Ponds Wilderness Area. The NY State Department of Environmental Conservation and the Adirondack Park Agency should undertake extreme caution whenever public forest preserve lands and resources may be manipulated or altered in such a way that would clearly benefit one private developer or corporation.

The link between FSMD, the Interconnect and the planned destruction of 40,000 trees on what is supposed to be “forever wild” lands is a concern to us, despite being within constitutional limits on cutting and trails. While the Association recognizes the unique nature and recreational opportunity made possible by the Gore Interconnect component, it leaves ethical questions beyond the questions of environmental impacts which we hope the APA will not sidestep. Other impacts on forest preserve lands and resources need to be addressed by the Agency and the applicant in the scope of a deeper, more inclusive public hearing discussion, including:

- (a) We could not find direct or sufficient answers to the Agency’s question: What are the impacts, alternatives and appropriate conditions on the use of Forest Preserve such as State lands in the Vanderwhacker Wild Forest, the Siamese Ponds Wilderness Area and other areas?
- (b) We recommend that the potential impacts of increased user pressure be addressed for the Gore Intensive Use Area, the Hudson Gorge Primitive Area and the Wilcox Lake Wild Forest as well.
- (c) Specifically, how will forest preserve lands and resources directly adjacent to the projects site in the Vanderwhacker Wild Forest and Gore Intensive Use lands likely to be used or impacted in all seasons? What controls, if any, is the Agency and the applicant considering that might reduce off-site impacts from increased use, from the influence of domesticated pets (dogs, cats, etc.) on wildlife and birdlife within the adjacent forest preserve lands? Will agreements be established to support maintaining hiking trails, such as the Schaefer Trail, from loss of character and overuse?

3. Issues of On-site Natural Resource Protection

The Adirondack Park Agency Act purposes, policies and objectives for Low Intensity Use areas establishes that these areas are to “provide for development opportunities at levels that will protect the physical and biological resources while still providing for the orderly growth and development of the park.” Recognizing the intact nature of these undeveloped lands and the easily eroding soils identified in the project application

submissions, we offer the following questions that were not fully addressed in the application:

- (a) What are the impacts of the full build out development on the existing land topography, vegetation and soils; will the development as proposed cause excessive stormwater run-off, erosion and slippage in these areas? The Association supports provisions in any final permit approval that would require strict acreage limits, such as 5 acres, on the amount of land to be cleared at any one time on-site consistent with a phased approval approach to the development. We also urge that the Agency require its own follow-on review and approval of a grading and erosion control plan with a professional engineer and landscape architect on site during construction. Such a plan needs to be choreographed with clearing and construction schedules for trail and lift line development at Gore Ski Area and the Town Ski Bowl Park as inter-related project aspects in order that cumulative impacts of same-timed construction and clearing does not jointly compromise down watershed stormwater controls. This is particularly important during wet seasons in the Spring and Fall and when storm events are predicted at 50 or 100 years storm levels.
- (b) Is the natural resource protection (including visual, forest resource, habitat and other natural resource considerations) implicit in Low Intensity Use land use area adequately protected; are the proposed 40-unit Luxury Hotel, townhouse units, Equestrian Center and single family dwellings proposed on carefully and well designed sites?" Are there less intensive alternatives, and if so, what are the relative impacts on these resources?
- (c) Natural heritage features and rare, threatened and endangered species. Agency responses to the FSMD notice of incomplete application (NIPA) submissions state that their concerns over the impact of the project on the New York State critically imperiled extra-striped snaketail dragonfly (*Ophilogomphus anomalus*) found on site have been addressed, but no description of how was provided. The Agency or the applicant should provide this information especially as this critically imperiled species is principally impacted by habitat and water quality changes during larval stages due to erosion and siltation of its aquatic habitats. We also note that no information could be found in the application materials on DVD that describe whether or not Indiana Bats roost on the site and what management actions will be undertaken (as in seasonal cutting and clearing provisions between October and March, for example, while the bats are in their southern hibernacula).
- (d) Wildlife Surveys Not Provided or Insufficient. Agency NIPA documents noted the need for wildlife surveys, but in the DVD materials we have reviewed, none were found. As one of the largest (432 acres), relatively intact, forested land tracts close to the hamlet of North Creek and serving as a critical natural buffer zone between the intensively developed hamlet and the mountains and forest preserve, it is essential that thorough wildlife surveys be undertaken and fully

- peer-reviewed prior to consideration for permit approval. With respect to public participation, the Association recommends that site visits be permitted among the interested public and stakeholders seeking participation in any extended public hearing or limited adjudicatory process.
- (e) Visual analysis methodology and results. We found the visual analysis of the impacts from this development to be insufficient or difficult to perceive true impacts from the proposed development. Neither the balloon photographs, nor the roof line renditions adequately presented the likely impacts of both residential housing development, hotels and inn construction (taller buildings on site) in conjunction with the likely impacts from the clearing that would result from the ski trail and golf course development.
 - (f) Wastewater treatment. According to specialists with the Hudson Group of professional engineering and landscape architects which has undertaken review of the proposed Adirondack Club and Resort project in Tupper Lake, New York, transportation corporations (such as the proposed Mountain Sewer Company, Inc., that would manage the waste water and sewage treatment facilities on the project) have a poor record of success. In the event of project failure, the Agency should require of the applicant to make clear how long-term maintenance of these facilities will be undertaken and financed and what specific, precautionary provisions should be in place within any permit for approval be publicly vetted prior to permitting.
 - (g) Night Lighting Impacts: The Agency and the applicants' submissions have largely focused on design standard for parking and walkway lighting which, though important, needs to be complemented by controlling the adverse impacts to the dark night sky from the residential structures themselves. Light refraction directly and indirectly from building windows, exterior lighting and security lighting can have a significant negative impact and should be addressed in the over all plan as well as provisions in the Home Owners Association declarations, as well.
 - (h) Protection from Invasive Species and for Native Species Replanting. We are gratified that the application materials and the Agency staff comments on the NIPA's begin to address these important matters. We recommend that further planning be undertaken to insure that the integration embodied in the tri-partite project does not serve as a bridge for invasive species to emigrate from the hamlet and major roadways up onto the Gore Intensive Use Area and the wild forest interior. Because ski lift lines in construction and use, as well as ski trail development in the same manner will eventually physically link the FSMD with the Town Ski Bowl Park, the Gore Interconnect with new trails (Burnt Ridge section) now being developed under the 2005 Unit Management Plan (UMP) on Gore Ski Area, the potential for rapid dissemination of invasive terrestrial species progeny should be apparent. Hiker and user activity during the warmer seasons, in fact, likely represent a much greater potential for invasive vectors (human and

animal) than say winter skiing, per se. It is also typically harder to manage and control human movement, thus public education measures will be needed to assist in the control of the spread of invasives. However, in advance of development clearing of any kind, the Agency should require on site assessments and construction controls in place that would best prevent the expansion or transfer of non-native and exotic or nuisance terrestrial or aquatic species.

- (i) Air Quality Impacts. The Association commends the developer for prohibiting private wood burning fire places within the development. There remains the need to gain a more comprehensive understanding for the air quality impacts of the project from first construction through fourth phase and beyond.

4. Off-site Natural Resource Considerations

(a) What impacts do the proposed on-site community wastewater and sewage treatment facilities in combination with resort, residential and ski area sewage discharges have on area streams and the Hudson River? How will these impacts be influenced by water draw-downs required for residential, resort and snowmaking water withdrawals, if at all?

(b) Smart Growth, Walkability and Reducing Reliance on Automobile Traffic in Town. The Association urges the Agency, the applicant, the DEC, ORDA and the Town of Johnsburg collaborate – preferably with interested stakeholders - in a limited adjudicatory process or more intensive, inter-active public dialogue, on how the project can best meet or exceed smart growth goals and objectives. For example, how will the development of the project – all of its parts from Gore to the Interconnect to the Ski Bowl, to the FSMD – reduce automobile use and promote “walkability” across four seasons? How can the project serve to reduce or eliminate back and forth trips by automobile to main street venues in North Creek?

5. Concerns on Energy Conservation and Climate Change Implications

(a) Need for LEEDS standards. There should be no question that the Adirondack Park Agency calls upon major resort developers to implement LEEDS standards for energy conservation as well, where possible, site design and landscape architecture. In particular, the proposed, so-called “Energy Conservation Plan” within the application and NIPA documents comprising only one page, 10 Point Plan is terribly insufficient, weak and largely based on education and passive recommendations to residents. A far more comprehensive and integrated energy conservation plan should be developed, comprising a clear collaborative effort between the development (FSMD), the Town Ski Bowl Park facilities and ORDA as well as constituent parts of a single whole and integrated project which should serve as a model for future development.

- (b) **Climate Change Implications.** The actual trends and the findings based on these facts from the Northeast Climate Impacts Assessment studies (NECIA, 2006, 2007) raise grave doubts over the viability of northeastern ski areas in general and lower elevation, smaller ski resorts locations in particular. It is surprising that neither the application materials nor the Agency NIPA requests, sought any significant submissions in response to these significant prognostic studies. This needs to be corrected immediately as the implications for the true viability of a winter “destination” ski resort are significant, indeed dire. According to NECIA findings, already winter temperatures have increased on average 1.3 degrees Fahrenheit per decade since 1970 and actual snowfall has decreased by as much as 15 percent since the 1950’s. Already winter climate appears to be reduced by as much as 17 days or more from the beginning of the season and the end of the season with expectations that by 2100 there could be a 50 percent reduction in the length of the snow season (60 days or less) under high CO2 emission scenarios. Even under low CO2 emission scenarios, the winter snow season is expected to be reduced by 25 percent or more and what’s frightening is most scientists are attributing greater present impacts from global climate change than previously predicted. As actual snowfall and "skiing days" are predicted to decrease significantly in the Northeast on average, the need for increased snowmaking implies greater and greater impact on energy source use to buttress against the reductions in natural snowfall. The Agency, DEC, ORDA and the applicant have an obligation to assess the project’s viability as well as its energy impacts under a range of climate change and snowfall reduction scenarios that should be part and parcel of an expanded public and stakeholder comment period or limited adjudicatory hearing procedure.
- (c) The Association is expressly concerned about the need for expanded snowmaking operations (and accompanying increases in both water and energy consumption) that will surely increase as winters become more mild and variable. This issue has been addressed in-depth by recent climate change reports as described in NECIA (2006, 2007) discussed above. It would be most beneficial to know if ORDA keeps records on water/energy usage with respect to snowmaking on a year to year basis and it would be important for the Agency to require basic baseline database record to be kept during the life of the project.

6. Community Character, Municipal Services and Impacts

- (a) **Affordable Housing Needs.** The Association for the Protection of the Adirondacks joins with a number of private citizens in expressing concerns over the fact that affordable housing and workforce housing needs of the community are largely ignored by the FSMD proposal. We urge a renewed look into more sustainable project design scenarios that would enable a far more inclusive mix of home owners across the socio-economic spectrum – not merely those who can afford units at an average cost stipulated of \$ 550,000.

- (b) Roadway maintenance issues. While it is expected that the development itself will oversee maintenance of its own internal roadways, there should be some perspective offered on the impact of increased traffic brought on by the development of the resort on municipal and town roadways. The town's own manager of the highway department has stated that "our roads now will not handle the impact of traffic that is foreseen from this development unless immense upgrading is done." The Agency and the applicant should address this significant challenge within the application materials and permit conditions under public and local scrutiny.
- (c) EMS, Health and Safety. The Association supports the call by the representative of the local Emergency Management System (EMS) that additional professional paid staff will be needed; that improved EMS office and structure is prudent for North Creek in the near term should the project go forward and that the impacts of the project will include the need to recognize increased, accelerated replacement of EMS ambulance vehicles and equipment. Provisions should be considered in advance of project permitting that promote collaborative advancement between the Town, ORDA and the applicant in this regard. Similar assessments should be undertaken for local police and fire needs, although we recognize the significant contributions planned to the local fire department by the applicant in support and material.
- (d) What are the additional fiscal impacts of the project to the governmental units should any phase or section of the project not be completed as proposed? What is the public vulnerability should the project either fail or not proceed at its projected pace, particularly relating to on- and off-site infrastructure for which cost-sharing has been proposed between the developer and local governments (e.g. drinking water plant improvements, road maintenance) or on-site private infrastructure that may be subject to eventual operation by the Town? What is the ability to provide municipal and emergency services to any section in light of the road design or the elevation?
- (e) Section 805(4) requires the consideration of the burden on and benefits to the public. What are the positive and negative impacts of the FSMD project (including fiscal impacts) to the governmental units? What are the impacts of the project on the municipalities' electric system's ability to meet future demand? To what extent will energy conservation mitigate demand impacts? What are the assumptions and guarantees that the restored Ski Bowl area can be renovated and both it and the proposed nine hole golf course can be retained as a community resource; what are the current and expected market conditions relating to available housing for the project's workforce; what are the impacts of the proposed project on the local housing market?

7. Project Compliance and Project Phasing Requirements

- (a) What are the appropriate mechanisms the Adirondack Park Agency intends to ask

the applicant, the Town and/or ORDA and DEC to coordinate and ensure project compliance with application commitments and permit conditions as the project is undertaken over time? [§809(13)(b)]. This is a critically important question which the Agency has asked of the proposed Adirondack Club and Resort Project in Tupper Lake and it is equally pertinent here in the FSMD, Gore Interconnect, Town Ski Bowl Park co-joined project. The Association calls upon all involved parties, co-applicants to the project, to develop a joint schedule of project phasing and phased achievement targets for project implementation and impact reduction that is publicly vetted and approved by the Adirondack Park Agency as a permit condition.

8. Cumulative Impact Analysis – Economic and Environmental Impacts of the Gore Interconnect, Park and FSMD

The Association finds that the bulk of the cumulative impact analysis for both economic and environmental impact scenarios of both the FSMD project as well as the Gore Supplemental Environmental Impact Statement (SEIS) overplay economic factors and optimize its review for environmental security in the long run without adequate consideration for moderate or worst case impact scenarios, much less alternative, less intrusive, smaller scale sustainable project design proposals.

This is a significant disappointment and the Agency should require the applicant, ORDA, DEC and the Town, where appropriate, to provide more realistic reports on potential cumulative and secondary growth and development impacts that may have undue adverse impacts on park resources and the economy over time.

While the Association fully recognizes the many positive aspects of the FSMD project, the nature of its semi-cluster development, the attention towards open space and the applicant supports to the municipality in water, sewer and fire management, it remains a critical SEQRA review condition that cumulative impact scenarios be evaluated fairly, effectively and comprehensively across the full spectrum of this tri-partite project.

The Association for the Protection of the Adirondacks looks forward to continuing meetings with the Agency, ORDA, DEC, Town of Johnsburg leaders and the applicant to discuss the above issues and/or participate in further public hearing procedures on this project.

Thank you for the opportunity to comment on this important project.

Sincerely,

Daniel R. Plumley
Director of Park Protection

cc:

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