

Orange County Federation of
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January 14, 2008

Daniel T. Whitehead, Environmental Analyst
Division of Environmental Permits
NYS DEC
625 Broadway, 4th Floor
Albany, N.Y. 12233-1750
Dear Mr. Whitehead:

re: Scoping - Belleayre

We offer the following comments on behalf of our two organizations, the *Orange County Federation of Sportsmen's Clubs (OCFSC)* and the *Stewart Park and Reserve Coalition (SPARC)*. We appreciate the opportunity to submit these comments for your consideration.

The OCFSC is an umbrella group for numerous hunting, fishing and trapping clubs in Orange County. Our approximately 10,000 members, who purchase licenses, engage in these outdoor pursuits and many have used the Catskill Park to enjoy their sport/s. We are conservationists as well as recreationists, working to save large parcels of open space, and were partners in the preservation of Stewart State Forest. We are citizens of the entire state of New York, even as we are residents of Orange County.

SPARC is a citizens' coalition that was formed in 1987 to fight for and preserve the Stewart Buffer Lands, adjacent to Stewart Airport in Orange County. Our supporting individuals and organizations represented the first alliance between sportsmen and environmentalists in our area, united to protect these almost 7,000 acres. The Sierra Club and OCFSC joined us in a lawsuit, and in 2005 we entered into a settlement and agreement with the state, placing almost 7,000 acres of these buffer lands aside as Stewart State Forest, administered by the NYS DEC.

The Catskill Forest Preserve is considered a state treasure by our respective members and member organizations and we offer these comments in the hope that the environmental review process will be as thorough as possible, and that development decisions will be based on the full range of environmental, social and economic impacts, as well as secondary impacts. In light of global warming, the transformation of open lands and forests into built landscapes must be pondered more carefully than ever before, and specific projects might fail the test.

We wish to see the following issues included in the Scope of the SDEIS, and studied in depth in the document.

Wildlife and Game

With any development project, the natural environment is impacted not only by the strict footprint of the buildings, landscaping and paving, but also in those areas that surround and lie beyond the immediate construction site. Noise, runoff, dust, vehicular activity, etc., profoundly alter the setting. Therefore, the study must investigate the:

- a. existing presence of species and game species, assessing variety and quantity among other parameters and

- b. predict the impacts on these populations resulting from the proposed development, to include all fauna (including birds, reptiles, amphibians, etc), not just protected and/or listed species.

The state has a venison donation program, with over 100,000 lbs being donated annually.

- a. The loss of meat due to habitat loss resulting from the proposed development, needs to be estimated.

Sportsmen and Fishermen

The development sites currently provide opportunities for hunting, fishing, trapping. Therefore,

- a. current figures on the sportsmen's usage of the development site and surrounding area must be calculated.
- b. current usage of the development site and surrounding area by fishermen and trappers must be documented.
- c. Current figures re the game harvest must be documented
- d. The loss of hunting and fishing habitat due to the proposed project must be predicted and calculated.
- e. The study needs to predict and quantify loss of revenue due to loss or degradation of hunting lands if the development proposal is built.

Hunting and fishing results in more than 29,000 jobs, \$858 million in wages, \$115.3 million in sales tax revenue with a ripple effect of \$3.6 billion. NYS sportsmen annually generate \$115.6 million in sales, fuel and income taxes.

Currently the state has 700,000 hunters, double that number of anglers, and uncounted saltwater anglers, who together spend more that \$1 billion annually on trips and equipment, with anglers outspending hunters three to one.

Outdoor recreation is an important industry in our state, as is tourism. In fact, the creation of accommodations for tourists and/or recreationists should not destroy the reason they come to an area in the first place.

Drainage Issues, Delaware River, and the Fishery

The areas proposed for development/disturbance drain both into the Esopus Creek, Delaware River and the Pepacton and Cannonsville reservoirs and their respective watersheds.

- a. The EIS must provide baseline studies of all watershed streams, (seasonal or not), the two reservoirs, the Esopus Creek and the Delaware itself, addressing water quality, including turbidity, organic material, acidity, chemical pollutants, microscopic organisms, rate of flow, etc.
- b. It must study current fish and other aquatic wildlife populations over the seasons, including stocking capacity and current stocking practices.
- c. It must predict runoff volume and conditions from the development site, both temporary and permanent, as well as from construction of infrastructure to service the site, as well as impacts from trucks and other traffic to the site, both during construction and after, which would include runoff from snowmaking and possibly artificial ice.
- d. It must predict the impact of this runoff on the streams (including Esopus Creek nationally acclaimed by fishermen), reservoirs and river referenced above, again in reference to both water quality (as defined above) and the condition of the aquatic habitat for fish and other wildlife.

- e. It must provide baseline information on the current usage of the fisheries by sportsmen, including the streams, the reservoirs, the Esopus, the Delaware, and some estimate of fish caught.

Rocky Mountain Elk

The Rocky Mountain Elk Foundation is in the process of reintroducing a formerly native species, the eastern woodland elk, to the Catskill Park.

- a. There must be a baseline study looking at the current condition of the elk herd in the vicinity of the proposed development.
- b. There must be a prediction of how the proposal would affect the current herd and the efforts to increase it.

Outdoor Education

Currently seven (7) schools ranging from elementary to high schools, have outdoor education programs that utilize the lands in the area of the proposed development.

- a. The EIS must analyze the impact on these lands from the perspective of their use as an outdoor biology and environment classroom laboratory for these children and other children into the future.

Roadways, Pipelines, Service Roads, Power Lines, etc,

Information, plans, specifications on the infrastructure required for the development proposal have been far too sketchy. Example: It is not sufficient to simply show where a road will be, but the public must know how many lanes, how wide, what type of surface, what type of drainage, where the 'cuts' and 'fills' will be, to assess the impacts.

- a. A complete descriptive listing of the following proposed infrastructure for the proposed development must be provided. This must include construction costs specific to the facility, projected sources of funding for the facility, rationale and need for the facility, and timeline or phasing in for the facility/infrastructure, etc.
- b. The following facilities and infrastructure must be specified on a map of the proposed development, clearly and plainly marked: access roadways, public roadways, service roads, vehicle parking areas, pipelines (sewer, water, drainage lines, etc.), water towers or similar holding facilities, sewerage treatment facilities, surface ditches and other types of conduits, drainage holding ponds, power lines, utility lines, generators, outside oil storage tanks, gasoline storage and fueling pumps, and any other infrastructure appurtenances that must be placed outside buildings or need a structure specifically intended to house the facility.
- c. The text must specify the expected flows and capacities of the various lines and their below surface depth, the capacities and size of holding ponds, etc.
- d. Detailed descriptions of the different planned roadways, including number of lanes, surface materials, drainage ditches, cuts and fills, length of each road, degree of grade.
- e. Description of the parking areas, including surface materials, capacity, need for, cuts and fills needed, drainage provisions, expected cost and expected funding.
- f. Predicted dollar figures to construct each of these infrastructure components, and potential source of the funding, specifying the source of public funding, if that is planned.
- g. Description of all the existing infrastructure, roads, parking areas, lines, etc. that are proposed to be repaired and/or renovated and/or expanded, including the projected costs for such repairs, renovations and/or expansions and the expected source of funding: for example, the Belleayre treatment facility which discharges into the Esopus.

- h. List and description of existing infrastructure which serves the area and does not require renovation and repair, clearly marked on a map of the development footprints and surrounding area.
- i. *For each listed infrastructure component, an estimation of the drainage flows that will be generated and how these flows will be controlled and directed. Regarding power and utility lines, what capacities they will have and the project's need for and estimated usage of the power.*
- j. *For each of these listed infrastructure components, an analysis both quantitative and qualitative, of impacts on the existing natural habitat and wildlife, including the various aquatic habitats, water bodies, the watersheds, ground water, upland habitats, higher mountain elevations, creeks such as the Esopus, wetlands and also the Delaware itself, and including flow rates and flooding potential re all these water bodies.*

Economics of the Proposed Development Project

An important component of any EIS is a study of the economics, both baseline to and resulting from, the proposal. In fact the economic impacts crossover, in many ways, to the social impacts of the project. With this in mind, we wish to see the following issues included in the Scope and carefully and thoroughly addressed in the document.

Existing Belleayre Ski Center

Past performance is a likely indicator of future performance.

- a. The current financial status of Belleayre must be addressed, with a look back at the last 10 yrs., to identify the economic trends and determine whether it is or has been self-supporting, or turning a profit.
- b. If it has been subsidized, the levels of subsidy must be calculated, again with a 10 yr look back, with disclosure of the public entity or entities providing such subsidies.
- c. The total cost to the NY taxpayer, to keep Belleayre operational, must be disclosed.
- d. Because keeping the current Belleayre Ski Center operational is a key factor in making the proposed private development project feasible, please provide, with a breakdown, a prediction of these costs/subsidies, both initially and ongoing.

Weather and Climate, Trends and Impacts

Obviously, for a ski center, weather critically impacts operation.

- a. There needs to be a study of the weather and snow conditions at Belleayre looking back 10 yrs, that would include accumulation and retention of the snow cover.
- b. The incidence and amount of artificial snow production needed to permit skiing must be studied, again looking back to discover weather trends.
- c. Given global warming and climate change, there needs to be an evaluation of how weather and snow conditions may evolve into the future.
- d. The study must calculate and summarize the costs of producing artificial snow, not only at the current Belleayre facility, but at the other ski runs and also the projected expansion of the number of ski trails and ski runs, both in the near future and beyond the proposed buildout of the proposed project.

Additional Issues re Artificial and Natural Snow

Artificial snow production requires a water source, and also both artificial and natural snow create substantial water run-off.

- a. The inevitable run-off must be the subject of baseline studies. The increased run-off due to the development proposal must be calculated and a strategy demonstrated to handle the flows and absorb the water.
- b. Soil conditions in the affected areas must be studied, and correlated with the ability to absorb runoff.
- c. The source or sources of the water used to make snow must be identified, along with projected gallonage of water required.
- d. There must be a discussion of the possible inter-basin transfer of the water source for snow making, and the resulting water run-off. For example, are the plans to take water out of the Hudson River watershed and then discharge it to the Delaware River watershed: please discuss.
- e. The impact of runoff discharge to the fisheries of the impacted water bodies, as regards temperature and other parameters, affecting downstream use, must be studied.

Water, Sewer

Water is required for the hotels and residential units, obviously for myriad other uses unrelated to snow-making.

- a. Please discuss and identify what sources would be tapped to water the hotels and their appurtenances, the residential units, the golf course and other grounds surrounding the development proposal, as well as water used for construction, etc.
- b. Please provide the estimated gallonage for these water needs, with a breakdown, and justification of these volumes, and predict changes in need into the future.

Regarding the sewage generated:

- a. How will sewage for the combined Belleayre facility, with the proposed development project and the various facility expansions, be treated and discharged.
- b. Discuss which basin/basins/water bodies will receive this discharge.
- c. Discuss the downstream impacts of these discharges re water quality, temperature, the fishery, water supply in surrounding communities, and other relevant impacts.
- d. Please estimate the gallonage of sewage produced, with a breakdown and justification, and predict changes in amount into the future.

Cost – Benefits

The EIS needs to look at the total economic picture, both negative and positive, surrounding the development proposal.

- a. It is essential that a cost/benefit analysis be done which takes into consideration and calculates all the expected public subsidies from the following sources: municipal, state, IDA, Empire Development Corp., tax abatements, and any other possible public subsidies, as contrasted with possible benefits to the public and to New York State. Please include in this analysis the reported \$14,000,000 we understand will be paid to the developer for the 1000+ acres his company will be selling to the state, which lands would include ski facilities which potentially require refurbishing to varying degrees, and the cost of ongoing maintenance.
- b. We request there be a study of the benefits to New York taxpayers that would result from closing the current Belleayre ski facility and maintaining it as parkland.
- c. Please identify who or what entity would be financially responsible for the development proposal and the development company, headed by Dean Gitter, if the project goes bankrupt, either before or after completion, assuming it is built.

Additional Issues

Please discuss the following in the study.

- a. Please report on the possibility that the development proposal would be utilized to house a casino.
- b. Please discuss and quantify how the current development proposal will affect crime rates and resulting potential increased costs of criminal justice services.
- c. Please study the impact on the regional school districts from the residential components of the proposed development.
- d. Please describe how the new 'high-end' proposed development will impact the equalization rate, which would effectively lower the state's contribution to the schools and thus raise school taxes for current homeowners.

Labor Issues

Jobs are always promised to gain public support for a project.

- a. Please discuss if the developer plans to hire construction labor in the local area, or seek workers from other areas. We hear that approximately 200 foreign workers would be used in the construction phase. Please address this issue, including how and where such workers would be housed, and what the effects would be on the local economy.
- b. Please discuss whether any local contractors would be used and how this would affect the local economy.
- c. Please discuss the numbers of permanent jobs that would be created, with a breakdown between those jobs that are seasonal versus year round. Please show if these jobs would go to local residents in the surrounding communities, and how that would be assured/guaranteed.

Growth-Inducing Impacts

Heretofore, to our knowledge, no other private developer has attempted such a grandiose and far-reaching proposal as Gitter's Crossroads Ventures, a proposal at odds with the reasons for creating the Catskill Park. If his plan moves forward, it would establish a precedent that irretrievably damages the protections for the park, encouraging other entrepreneurs who will quickly materialize to exploit our natural resource, our Catskills. The firewall will have become permeable.

- a. Please discuss how the state will protect the Catskill Park from additional proposals that impinge on the wilderness.
- b. Please discuss the strategies, and who would implement them, to avoid undesirable and unplanned secondary development in the surrounding communities.

The Delaware River Basin Commission

The Delaware has been designated as a National Wild and Scenic River by the federal Fish and Wildlife Service of the Department of the Interior.

The river is managed by a five-state Delaware River Basin Commission, including New York, New Jersey, Pennsylvania, Delaware and Maryland, and includes representation from each of these states.

The proposed construction project is approximately 6 miles from the waters of the "wild and scenic" Delaware, and threatens the integrity and recreational value of the river. Likely induced development, with incalculable impacts, can together with the proposal, change the character of

the open space region adjacent to the river and, indeed, the character of the Catskill Park. This region is defined by its two equally important natural features---the Catskill Park and the Delaware---and the environmental impacts will be borne by both the federally controlled River and the state-controlled Catskill Park.

a. Please provide reasons and discuss why a review under the federal provisions of NEPA should not also be done for the Crossroads Ventures development proposal, along with a SEQRA review.

We thank you for the opportunity to provide these comments to be included in the Scope of the Belleayre/Crossroads Ventures proposed development project.

Sincerely yours,

Robert Ewald
Representative for OCFSC

Sandra Kissam
Pres., SPARC