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To Daniel Whitehead from Friends of Catskill Park

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**COMMENTS OF FRIENDS OF CATSKILL PARK ON
THE DRAFT SCOPE FOR THE MODIFIED BELLEAYRE RESORT
AND THE UMP FOR THE EXPANSION OF
THE BELLEAYRE SKI CENTER**

January 14, 2008

FRIENDS OF CATSKILL PARK (FCP) is a grassroots organization located in the heart of the Catskill Mountains in Phoenicia New York. We have been involved in the review of the Belleayre Resort project since the beginning and were granted party status in April of 2004. We participated in the Issues Conference in 2004 and the negotiations with the Governor's office, the developers and the Catskill Preservation (CPC), of which we were a member, which ultimately resulted in the Agreement in Principle (AIP) of September 5, 2007, which we declined to sign. Because we and 3 other members of CPC did not sign the Agreement, we have retained all legal rights and are continuing in the environmental review process.

We strongly believe that the AIP did not address most of the impacts that are most critical to our supporters, namely Community Character, Catskill Park, socio-economics, traffic, long-term water usage, steep slope development, flooding, surface water, quality of life, visuals, noise, air quality, wildlife, cumulative and induced growth and carbon footprint. In addition, our supporters remain concerned about New York State investing millions of dollars in a private development and with partners who's business and employer history has not been investigated.

**COMMUNITY CHARACTER - Including IMPACTS ON LOCAL
COMMUNITIES AND THE CATSKILL PARK AND FOREST
PRESERVE**

The central Catskills, especially the portion within the blue line of the Catskill Park, has a unique and distinctive nature, characterized by small mountain village communities surrounded by vast expanses of wilderness. The communities are inseparable from their natural surroundings. Protection of both the human and natural environment and maintaining the rural character of the area are values shared by most area residents. Surveys and visioning workshops have demonstrated this again and again. Areas such as this are increasingly rare, especially within 2 ½ hours of a metropolis such as New York City.

In light of this, the potential impacts of the proposed Belleayre Resort coupled with a major expansion of the Belleayre Ski Center are of grave concern.

The assessment of impacts to the Catskill Park, the character of the region as a whole, including local communities must be thorough and in depth.

The environmental review of the proposed Belleayre Resort and Ski Center expansion must include, but not be limited to, the following impact assessments:

Changes to the Physical Landscape

Deforestation of hundreds of acres of mountaintop and mountainside land

Widening of rural roads, tree-cutting to increase sight-distance, the addition of traffic signals, State Route 28 potentially being increased to 4 lanes in places

Blasting within the blue line of the Catskill Park for roads, trails, foundations, underground facilities (spas, parking, and hotel space), underground utilities, sewer and water transport systems

Placing uncharacteristic architecture on a currently wooded mountaintop (above 3000 feet) and on steep mountainside terrain

The precedent this would set for the rest of the Catskills and other mountainous areas

The size and scope of the development – it is the largest ever in the central Catskills

Placing a densely clustered complex of buildings on a currently wooded mountaintop and mountainside

Any and all other changes to the physical landscape

Visual Impacts

The visual impacts of the Belleayre Resort and the expanded Belleayre Ski Center must be determined and evaluated during both leaf-on and leaf-off conditions, and with regard to night as well as daytime viewing. The impacts of night sky glow in one of the few remaining places in the Northeast that still has a truly dark night sky would be a significant loss. It would especially degrade the "forever wild" experience of the State Forest Preserve. Note: Although in summer, downward-pointing lighting decreases sky glow, in winter it increases it since the light reflects off the snow, pointing it skyward.

Special attention must be paid to the visual impacts from established trails and forest preserve sites, trailless peaks over 3,500 feet and other areas that draw hikers and recreationists. Of the 35 Catskill peaks exceeding 3,500ft, 46% are without trails leading to their summits, and all of these are popular destinations even in winter. Winter hiking and camping is becoming increasingly popular and camping is allowed above 3500 feet during winter. Normally it is allowed 150 feet off trail and only below 3500 feet. Part of the popularity of winter hiking and camping is increased visibility, since many of the Catskill peaks have dense leaf cover in the warm months.

The scope should include:

Visual impacts from all Catskill Park and Forest Preserve lands including, but not limited to:

West and South: Dry Brook Ridge Wild Forest including Dry Brook Ridge Trail, Balsam Lake Mountain Wild Forest including Balsam Lake Mountain Fire Tower, Graham and Doubletop Mountains, and part of the Big Indian Wilderness Area including Hiram's Knob

North and Northeast: West Kill Wilderness Area and Halcott Mountain Wild Forest including North Dome, Balsam, Halcott , Vly, Bearpen, and Sherrill Mountains.

Rieser Farm in Pine Hill - a state-owned recreation area

Visual impacts from significant non-forest preserve areas should include but not be limited to:

Rose Mountain, Monka Hill, Brush Ridge, South Mountain, Fleischmanns Mountain, Dry Brook Valley

Route 28, Route 49A, Brush Ridge Road, Upper Birch Creek Road and other rural roads in the area

NYSDEP lands within visual range that are or will be open for hiking and recreation

Area homes, businesses, neighborhoods, neighboring towns and villages, and roads

Visual impacts from the Belleayre Ski Center, which currently boasts the absence of commercialism and location in "forever wild" land.

The following quote is from the website of the Belleayre Ski Center:
"Clean, Crisp, Quiet..... A place you can ski in the Forest Preserve, that's Belleayre Mountain. Belleayre is owned and operated by the State of New York, Department of Environmental Conservation - since 1949. Located in the Forest Preserve, on "forever wild" land, the high peaks are unblemished by the glare and glare of commercialization. Ski the trails that descend through the silent, pristine woodlands of the Forest Preserve - Ski Belleayre.

Visual impacts from cross country and downhill ski trails, especially Deer Run,

Visual Impacts from the Ski Center, not only in winter, but during summer and fall when they have the chairlifts open for tourists, have concerts in the afternoons and evenings, etc

Include Visual Impacts on all of the above locations from

Clear cutting hundreds of acres of mountaintop and mountainside forest within the Catskill Park

Impacts of increased night sky glow in an area that is dark most of the year, with the exception of some light from snow-making and trail-grooming for a few weeks in the

winter

Visual impacts during 8 year construction phase of stockpiled materials, slag piles from blasting, earth mounds, tree stumps and debris, construction equipment and other indications of a construction site including partially finished buildings

Visual impacts of potential erosion

Any other visual impacts that would change the character of the area

Noise Impacts

The Belleayre Ski Center and the site of the proposed Belleayre Resort are in a rural area, within the Catskill Park and New York State Forest Preserve. Neighboring villages are small and tranquil and attract residents and visitors seeking those qualities.

Noise impacts from the construction and operation of the resort and expanded ski center would affect the region and immediate area on many levels and during all phases of construction and operation.

Noise - Construction

Construction noise during the projected 8-year buildout would adversely affect immediate neighbors, the neighboring villages of Highmount, Hardenburgh, Pine Hill, and Fleischmanns, and the Catskill Park and Forest Preserve. It would significantly affect noise levels beyond the boundaries of the resort and ski center.

The scope must examine the following noise impacts on immediate neighbors, neighboring villages, affected area businesses, wildlife, the Catskill Park and Forest Preserve, and the region.

Noise from blasting, stone crushing, loading trucks with stone, dumping stone, and any other related activity that has the potential to generate significant noise

Noise from deforestation such as chain-sawing, wood-chipping, loading and unloading of harvested materials, skidders, logging helicopters, and any other related activity that has the potential to generate significant noise

Noise from all machinery and construction vehicles during travel (on Route 28 and other regional roads) and during onsite operation including dumping, loading, unloading, idling, backing-up and all other related activities [Note: The noise generate by one truck is approximately 28 times that of an automobile.]

Noise related to all phases of construction including wood construction such as sawing and hammering, steel construction, and all other related activities that have the potential to generate significant noise

Noise from 1800 construction workers' vehicles traveling to work on regional roads.

The impacts should be determined for leaf-on and leaf-off periods, since sound carries differently depending on the season.

Noise - Operation

As with construction noise, operational noise could adversely affect immediate neighbors, the neighboring villages of Highmount, Hardenburgh, Pine Hill, and Fleischmanns, and the Catskill Park and Forest Preserve. It would have the potential to significantly affect noise levels beyond the boundaries of the resort and ski center.

The scope must examine the following noise impacts on immediate neighbors, neighboring villages, affected area businesses, wildlife, the Catskill Park and Forest Preserve, and the region:

Noise from automobile travel to and from the resort and ski center of both employees and guests [The Route 28 Corridor and other area roads are all in valleys and noise rises up the mountain sides.]

Noise from trucks and service vehicles traveling to and from, and operating on the site of, the resort and ski center including, but not limited to trash trucks, supply trucks, delivery trucks, repair and maintenance vehicles dumping, loading, unloading, idling, backing-up and all other related activities [Note: The noise generated by one truck is approximately 28 times that of an automobile.]

Noise from snow guns during snow-making and trail groomers on the mountain

Noise from mowers and golf course landscaping and maintenance machinery

Noise from all systems and machinery used in operation and maintenance of the resort and ski center

Would there be a helipad? If so, that would require additional noise assessment. Would there be any other transportation noise impacts, such as trains?

The impacts should be determined for leaf-on and leaf-off periods, since sound carries differently depending on the season.

Noise Impacts on the Catskill Park and Forest Preserve

These deserve unique consideration because of the intent and meaning of "forever wild".

The Catskill Park state Land Master Plan of 1985 (CPSLMP 1985) defines wilderness as follows:

A wilderness area is an area where the earth and its community of life are untrammelled by man - where man himself is a visitor who does not remain. A wilderness is further defined to mean an area of State land or water having a primeval character, without significant improvements or permanent human habitation. Such an area is protected and managed so as to preserve its natural conditions. Wilderness: (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) offers opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least ten thousand acres of land (and/or water) or is of sufficient size and character as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological or other features of scientific, educational,

scenic or historic value. (CPSLMP 1985 at 23, Department Staff Ex. 2.) It is significant to note that the combined Belleayre Resort and Belleayre Ski Center site abut the Big Indian Wilderness area.

The scope must examine the following noise impacts on the Catskill Park and Forest Preserve in addition to the considerations previously discussed;

Increased ambient noise within areas of the Park and Forest Preserve due to ongoing truck and automobile traffic. Route 28 is the main artery through the Catskill Park and the road on which most people enter this "forever wild" area. It will also be the main roadway for resort and ski center traffic. Traffic noise from Route 28 and other mountain roads in the area will significantly degrade the "forever wild" experience on adjacent Forest Preserve lands.

Construction and operational noise from the Belleayre Resort and the expanded Belleayre Ski Center could also substantially degrade the "forever wild" experience and increase the ambient noise for area trails and Forest Preserve lands that are within earshot of the site. Sound carries through the valleys and up the mountainsides and it must be determined how far these unwelcome sound impacts will travel.

Include all of the previous potential noise impacts as unique to the intent of the Park and Forest Preserve.

Noise impacts on wildlife must be assessed

The impacts should be determined for leaf-on and leaf-off periods, since sounds carries differently depending on the season.

Air Quality

In Ulster County, air pollution ratings from the American Lung Association vary from year to year between a 'C' rating to a 'D' rating, which is not what you would expect from a rural county, much of which is within the Catskill Park. There is already an ozone problem in Ulster County and since most of the traffic to the Belleayre Resort and the expanded Belleayre Ski Center will be coming from east to west, this will only increase the problem.

As stated in the Kingston Daily Freeman on January 6, 2008 in an article by Patricia Doxey called , Change is in the air: Ozone standards to change, but N.Y. probably won't comply

"In March [2008], the U.S. Environmental Protection Agency is expected to issue tougher standards for ozone, a gas created through a chemical reaction between pollutants - particularly those emitted from motor vehicles, power plants and factories - high temperatures and strong sunlight. Most of the state, including Dutchess and Ulster counties, will not meet those new standards."

[Ozone is] "A KIND of chemical soup created by a mix of nitrogen oxide and volatile organic compounds in the presence of high temperatures and sunlight, particularly during the hot and humid days of summer, ozone is a respiratory irritant that is corrosive to lung tissue. It poses particular health risks to the young, the old and those with compromised respiratory systems."

Emissions from industrial facilities, electric utilities, motor vehicle exhaust, gasoline vapors and chemical solvents are among the major sources of nitrogen oxide and volatile organic compounds."

The scope must examine the impacts of the following:

Vehicle and machinery exhaust and emissions during construction

Vehicle emissions during construction from 1800 construction workers traveling to work

Vehicle exhaust during operation of and travel to and from the resort and ski center

Vehicle exhaust during operation for all service vehicles including, but not limited to, trash hauling trucks, delivery trucks, busses, maintenance vehicles, etc

Exhaust from any machinery used to operate the resort and ski center such as trail groomers, snow-making equipment, mowers, trimmers, choppers, etc

Exhaust from the temporary asphalt and cement plants proposed in the DEIS to be onsite during construction

Exhaust from burning fossil fuels for heating and cooling

Exhaust from wood-burning heating devices including fireplaces

Exhaust from burning diesel fuel for snowmaking

Vapors from any chemicals or substance used during construction such as solvents, and oils on parking lots and roads, that could contribute to air pollution and unacceptable ozone levels

Vapors from any chemicals or substances used during operation such as solvents, oils on parking lots and roads, that could contribute to air pollution and unacceptable ozone levels

The scope must determine the impact of air quality on:

Ozone levels during summer

The region as a whole

Abutting villages and residents

People with challenged respiratory systems and other health conditions that have left them vulnerable

The Catskill Park and State Forest Preserve ecosystem including impacts to flora and fauna

There should be a full study to determine the carbon footprint

of the resort and ski center expansion, especially since reducing greenhouse gasses in New York State has been a strongly-stated goal of the Governor, the Attorney General and the NYSDEC

Impacts on Historic Buildings and Sites

There needs to be a full assessment of all historic sites in the area that could be potentially impacted.

The privately-owned Galli Curci Mansion is located on Route 49A, directly at the base of the Highmount section of the development. It is a beautiful stone structure that could be impacted on many levels. This must be assessed for all potential impacts.

The Marlowe Mansion is on the resort site and is proposed to be a restaurant. Again, the historic significance needs to be assessed and addressed.

There are several other sites in nearby Pine Hill and Fleischmanns that need to be assessed for impacts.

Traffic Impacts

How would truck and automobile traffic change the character of the area during construction and operation? Currently local roads are predominantly rural. Many are sparsely traveled. Route 49A would experience a traffic influx of thousands of additional vehicles per day year round. Other rural roads such as Frost Valley Road may see a significant increase as new employees from other areas use these mountain roads as shortcuts. Route 28 will see the addition of thousands of vehicles per day.

All additional traffic on all area roads must be assessed from the traffic circle in Kingston, along the Route 28 corridor, including feeder roads, to the resort/ ski center site, and beyond to Delhi.

Included in this assessment should be all additional vehicles including cars, trucks and service vehicles, traffic generated by employees commuting to work at the resort or ski center, busses and other mass transit vehicles, including trains.

Include the potential for helicopter traffic or the opening of a small airport in the area in the impacts assessment.

The impacts of all of the aforementioned potentialities should be assessed.

Special consideration must be paid to the Town of Hardenburgh and the hamlet of Highmount since the residents will be essentially trapped during high traffic times. For example, how will emergency services reach Hardenburgh in a timely manner during inevitable traffic jams. It could become a serious safety issue for those who cannot be reached when in need.

There must be an assessment on the additional risk of traffic accidents as the traffic

increases on area roads, especially Route 28, which is already a very dangerous road with many fatalities every year.

What would be the potential for the NYSDOT to use eminent domain to take land from local people in the event of road-widening.

Socio-economic Impacts

Socio-economic and fiscal impacts are critical to community character, since they create significant undesirable change affecting the social stability of area, the ability of current residents to stay in their homes, the ability of current businesses to stay in business, the cost of living, taxes, school systems, emergency services and much more. Studies must be done to establish the impacts on the local communities since some of the trademarks of large, corporate, high-end, destination resort developments are:

A high cost of living in the surrounding area and subsequent displacement of current residents, especially low-income and fixed income residents

An increase in real estate values that does not serve those who wish to stay in their homes or their children who want to become homeowners in the area

A rise in taxes (contrary to what developers claim) to pay for increased services needed as a result of the development. Developments such as this rarely pay for themselves.

A glut of low-paying jobs and an insufficient local labor force to fill them

A new population of workers relocating to the area to work at the resort, all of whom will be entitled to services, education for their children, police and fire protection, social services and all other services that are entitlements of residency

A strain on services such as police, fire, emergency, road maintenance, etc and an additional burden on taxpayers to pay for additional personnel and equipment

A scarcity of affordable housing (there is already a critical scarcity in the central Catskills)

Competition with existing businesses and a consequent decline of the existing, locally-owned business economy and 'main street' vitality [Note: Corporate-owned destination resorts are designed to keep patrons spending their money within the resort for obvious reasons] Increased competition could force closures of existing businesses causing blighting.

A decline in quality of life for current residents and an increasing alienation from their community and 'sense of place'

A shift from a locally-owned economy and local control of the community to a corporate-owned and controlled environment

Profits of corporately-owned resorts tend to leave the area and not circulate in the

local economy

Introduction of "gated communities" into a previously open community

Introduction of social-stratification which replaces economic diversity

Increase in criminal activity relative to the increase in population

Environmental degradation. Traffic, increased population and visitation, more impermeable surfaces, greater usage of natural resources, deforestation, run-off and more all contribute to environmental degradation of many kinds.

What happens if the project is built and then fails? There must be a bond posted so that the local communities are not saddled with the financial burden of a failed project and all of the impacts of such an eventuality. Who then maintains the environmental safeguards such as the storm- water management plan?

Assessments and studies must be done to establish impacts in all of the aforementioned areas including, but not limited to:

An assessment of potential cost-of-living increases

A complete cost/benefit analysis

A complete tax assessment (including costs as well as revenues) including an assessment of tax abatements and costs to taxpayers for such

A labor force assessment

An assessment to determine if workers will be pulled from other area businesses and what impact that would have on the local economy which is already short of workers

An assessment of the breakdown and pay scales of all of the jobs offered and a GUARANTEE of wages so that claims are more than public relations efforts. Include what jobs would get what benefits in this assessment.

An assessment of where workers will come from if not from the local area and where they will live

An assessment of projected population increases

An affordable housing assessment and a projection of the need for additional housing and the cost to taxpayers for those needs

A complete pre-development assessment of community services and an assessment of projected additional service required post-development, along with the projected costs of those services to the taxpayers

A thorough assessment of impacts on existing businesses and the economic integrity of the hamlets

A social impacts assessment including the impacts of gated communities on an economically diversified area

An assessment of the potential for increased criminal activity

A complete fiscal impacts assessment

An updated market study and fiscal stability study to establish viability for the project

An assessment of what potential environmental damage could result which would degrade the environment and quality of life and/or cost the town in damages. For example, flooding of homes or town or county roads as a result of deforestation and development on steep slopes

An assessment of what would be required to fully bond the project in the event of failure or bankruptcy

A complete costs/benefits analysis including a determination of fiscal impacts on local taxpayers

Determine local labor force availability commensurate with the jobs and pay scale offered, including whether the new development would pull labor from existing local establishments. Include workers needed for offsite jobs generated by this development.

Determine whether there would be a population spike due to workers relocating to the area as a result of an insufficient local labor force

Determine the secondary growth impacts that could be brought about by this, the largest single development ever in the central Catskills and Catskill Park, and how that will impact local communities

Give details on the types of jobs that will be available, the pay scale, and whether the pay-scale is guaranteed

Provide a market analysis of offsite economic impacts including potential competition with local businesses and competition for a limited workforce

Provide a thorough analysis of the tax abatements the development will apply for and when the local communities will receive full tax benefits

Provide a complete analysis of type and cost of public services needed and a determination of whether, and when, the development will generate enough to pay for these services

Provide full disclosure of the costs of taxpayer funded 'sweeteners being offered to the developers', such as ski-in, ski-out capabilities, snowmaking for trails that enter resort property, etc

Secondary and Induced Growth Impacts

This is a very important area and must be studied with care and accuracy. There is the potential for significant off-site growth and secondary development which the local communities have a right to know about.

The environmental review of the proposed Belleayre Resort and Ski Center expansion must include, but not be limited to, the following impact assessments:

A detailed analysis of the potential for secondary and induced growth, projected over time, including second homes, new businesses, new primary homes and apartments, employee and low-income housing, and any other form of growth. Include new construction as well the renovation of vacant buildings

Provide an inventory of ALL potentially developable vacant land in the central Catskills region, including land owned by the developers in addition to the resort property. This inventory should be mapped. Include in this inventory any land on which development is not absolutely prohibited.

Examine the potential for sprawl and strip development.

Examine the potential for development on mountaintops and mountainsides as well as development in flood plains.

Solid Waste Disposal

Is the Delaware County Landfill still an option for solid waste removal? How will that affect the life of the landfill? Has another site been selected? Where will sludge from the Pine Hill Sewer Treatment Facility be taken for disposal?

Utilities

Is the existing infrastructure sufficient to deliver electricity, heating fuel, and all other necessities? Or will there be a need for additional power lines, etc?

Water Supply

Crossroads has several wells identified to supply their potable water. Is there enough? They must apply ten-state-standards to determine sufficient water. What if over time the wells run dry or there is a severe water shortage or drought?

What if over time, the aquifer drops because of heavy water usage and neighboring properties lose water?

What would become of the buildings if there were a water shortage in the future and there was insufficient water to operate the resort?

What are the water requirements for snowmaking? Where will the water come from? Will it jeopardize stream health? Aquatic life? Will the Ski Center make snow for the

trails that are specifically for the resort? If there is a water shortage for snow-making, who will get the snow?

Assess the overall impacts of drawing water for snow-making on water availability in the area.

What are the water requirements for watering resort lawns, plantings and golf courses? Where will this water come from? Will it jeopardize stream health? Aquatic life? Assess the overall impacts of golf course, lawn and garden watering on water availability in the area.

Wildlife and Wildlife Habitat

The relationship with wildlife and wild lands is an integral part of living in and visiting the Catskill Park and State Forest Preserve and the surrounding area. Any development as massive as the combined Belleayre Resort and Ski Center expansion would have critical impacts on wildlife and the ecosystems in which they thrive.

Extensive studies must be done to assess the impacts. Studies need to be done in multiple seasons since some species are visible for only a short period each year. Breeding and nesting grounds can be verified only during breeding and nesting season. Documenting habitat conducive to certain species requires follow-up visits to determine if that species is present. All species should be documented, including, but not limited to, rare, threatened and endangered species. Unique habitat should also be identified, including habitat for certain species, even if the species is not present at the time of the survey.

Erik Kiviat PH.D. said in his submission in response to the 2004 DEIS that there were many errors and omissions in the original DEIS. It stands to reason that these are only compounded by the increased density on the West side. He recommends 3-5 visits per habitat to determine presence of different species.

The following is a partial list of surveys and assessments that must be done to determine impacts:

The cumulative impacts on all wildlife of increased density to the area comprising the expanded BMSC, the Highmount Spa and Wildacres must be assessed.

Forest fragmentation impacts on all species

Impacts of creating edge habitat

Biodiversity assessment onsite and in potentially affected offsite areas

Potential for exotic plant invasion

Potential for wildlife displacement

Assess the potential for human/animal encounters, including those that could be dangerous for both.

Study bear population within a 20 mile area to determine potential human/ bear conflicts

Asses the increased potential for wildlife/vehicle collisions.

Assess the potential for birds, especially migrating birds, to strike window glass.

Travel corridors for all species, including rare, threatened and endangered species, must be identified.

Construction plans must include plans to prevent collisions of birds with windows.

Site preparation and construction can severely hamper breeding patterns and the raising of young. Assess the potential impacts on wildlife from construction disturbance during these critical times.

Assess potential rattlesnake habitat even if rattlesnakes are not found at the present time

Wetland impacts, taking into account undocumented wetlands including springs and seeps that could support wetland species

Assess wildlife impacts of the development beyond the actual number of acres deforested and developed

Impacts of night lighting on flora and fauna

Rare and uncommon small mammals should be charted in addition to larger mammals, birds, reptiles, amphibians, and plants. The survey of rare, uncommon and vulnerable species should include, but not be limited to, smoky shrew, woodland jumping mouse, rock vole, Indiana bat, long-tail shrew, and eastern small-footed myotis.

Impact to wildlife from increased usage of trails and other forest lands that are preserve lands or part of the 'undeveloped' land on the resort site. "Simply walking through forested lands can have substantial behavioral impacts on breeding songbirds, snakes, stream salamanders, brook trout, slimy sculpin, the virgin forest and other species and communities within several miles of the site." Eric Kiveat, review of DEIS, April 21, 2004.

What is called 'trail-braiding' occurs when trails are heavily used and this impacts the ecosystem, including flora and fauna, and causes erosion and storm water runoff problems. An assessment of increased use of Forest Preserve trails and the resulting impacts needs to be included in the environmental review.

The presence of reptiles and amphibians should be assessed. Some species to look for are rattlesnakes, spring salamander; red salamander; northern dusky salamander; spotted turtle; the Jefferson salamander; the kill devil salamander. The dwarf wedge mussel was found in Neversink River, previously thought extinct.

Some other species to look for -- the rare Tiger Beetle (*Cicindela ancocisconensis*); rare butterflies and moths such as early hairstreak, and the ground beetle (*Platypatrobis lacustris*),

Rare birds that should be identified are the Coopers Hawk, Sharpshinned Hawk, Common Nighthawk, Cerulean Warbler, Bicknell's Thrush, Bald Eagle. The common nighthawk has been heard in the area and it is important to note that it has essentially disappeared from the Hudson Valley. It was heard in the area of the Leach Farm by Crossroads experts and documented in the 2004 DEIS.

Rare flora that may be present include northern monkshood, moschatel, sedges, and American ginseng. The threatened plant moschatel and Northern monkshood (a federally-listed threatened plant), could be found in several areas on the site, including the wetland complex near the Marlowe Mansion which is very close to one of the holes in the proposed golf course. Northern monkshood is identifiable in all seasons. Also potentially at this site are the spotted turtle and the Jefferson Salamander.

Other bird species to look for: worm-eating warbler; red-shouldered hawk; hawk owl; gray jay; indigo bunting.

The importance of identifying and preserving first growth forest can not be overstated. It is valuable in and of itself, and also as unique and rare habitat for species. In the past Belleayre Ski Center 'accidentally' cut down old growth/first growth trees in the process of making trails. According to Michael Kudish, first growth trees exist in some areas currently sited for development. A thorough investigation of both resort and Ski Center potential development sites must be undertaken and all old/first growth protected. In addition, there are many mature trees on all of the sites which also provide habitat for certain species such as the Federally Endangered Indiana Bat.

Assess the potential to impact streams and aquatic habitat from soil erosion, siltation of streams, increased nutrient levels, increased temperature, decreased dissolved oxygen, and more.

Assess impacts on wildlife of any chemicals used in construction or maintenance. There is no promise that chemicals will not be used on lawns and gardens and the organic golf course is a commitment for only 5 years.

Assess impact on wintering patterns for all species

Fully assess how changes in habitat would affect all species that depend of that habitat. For example, south facing slopes are essential to deer herds for wintering.

Questions the Public Would Like Answered by the State

1. What will be the cost to taxpayers for the Belleayre Ski Center Expansion, and specifically, the interface with the Belleayre Resort for trails, lifts and snowmaking? This interface is with a privately-owned real estate development corporation and taxpayer co-investors deserve full disclosure.

2. Why is the State willing to invest many millions of taxpayer dollars in an industry, the ski industry, that all predictions for the Northeast say has a limited life expectancy due to global climate change? Some studies say that

within 20 years, the ski industry in the southern Northeast will be severely stressed. The thinking public rightfully questions this investment and wonders why the State does not choose to invest in more forward-looking economic development.

3. The Governor of New York State, the Attorney General of New York State, the NYSDEC and others within the State have been vocal about New York's commitment to curb greenhouse gasses in New York. Yet the Governor and the State are choosing to heavily support the Belleayre Resort combined with a major expansion of the Belleayre Ski Center. This is a massive development within the New York City Watershed, within the blue line of the Catskill Park, sited for steep slopes, shallow soils and high elevations, a development that is highly consumptive of resources such as water, that will increase the traffic load by thousands of cars per day thus increasing emissions where air quality is already challenged, that is linked to a declining industry (the ski industry) who's demise we may see in our lifetime according to extensive scientific studies, an industry that will become more and more consumptive as global climate change progresses due to the increased need for snow-making, etc, etc. How does this further the State's commitment to curb greenhouse gasses and address global climate change in New York? Why is the State spending taxpayer dollars on this when there are so many places state money is truly needed?

4. Has the State performed a due diligence background check on the developers in whom they plan to invest taxpayer dollars? If they have not, will they? The public is requesting this. Taxpayers once again deserve full disclosure in relation to the spending of their tax dollars.

5. What is the justification for this project, the State's support of it, and the expenditure of taxpayer funds? There appears to be an assumption that this will produce a net gain for the area and that has certainly not been proven. In fact, the former State Comptroller, Alan Hevesi, wrote a report to the contrary.

From the State Environmental Quality Review - §617.1 Authority, intent and purpose

(b) In adopting SEQR, it was the Legislature's intention that all agencies conduct their affairs with an awareness that they are stewards of the air, water, land, and living resources, and that they have an obligation to protect the environment for the use and enjoyment of this and all future generations.

d) It was the intention of the Legislature that the protection and enhancement of the environment, human and community resources should be given appropriate weight with social and economic considerations in determining public policy, and that those factors be considered together in reaching decisions on proposed activities.

Accordingly, it is the intention of this Part that a suitable balance of social, economic and environmental factors be incorporated into the planning and decision-making processes of state, regional and local agencies. It is not the intention of SEQR that environmental factors be the sole consideration in decision-making.

With SEQR Law as a guide, documentation should be provided to establish the extent of the economic benefits this development would bring to the area, along with a detailed assessment of the costs. It must be determined whether the area can absorb the impacts of this development socially, socio-economically and

environmentally without degradation to the existing social, economic and natural environment, and overall quality of life. According to SEQR, a development has to be a net positive to an area in order to justify the impacts. So far, this case has not been made. This is especially pertinent since substantial public investment is involved.

To answer this question, the following studies and determinations must be done:

An updated market analysis of the proposed development including market trends and forecasts

A viability study including assessment of demand for the facilities this development will provide

A complete costs/benefits analysis including a determination of fiscal impacts on local taxpayers

An assessment of affordable housing in the area, how the new development would impact it, and whether it would exacerbate the need for more at taxpayer expense

Determine local labor force availability commensurate with the jobs and pay scale offered, including whether the new development would pull labor from existing local establishments. Include workers needed for offsite jobs generated by this development.

Determine whether there would be a population spike due to workers relocating to the area as a result of an insufficient local labor force

Determine the secondary growth impacts that could be brought about by this, the largest single development ever in the central Catskills and Catskill Park, and how that will impact local communities

Give details on the types of jobs that will be available, the pay scale, and whether the pay-scale is guaranteed

Provide a market analysis of offsite economic impacts including potential competition with local businesses and competition for a limited workforce

Provide a thorough analysis of the tax abatements the development will apply for and when the local communities will receive full tax benefits

Provide a complete analysis of type and cost of public services needed and a determination of whether the development will generate enough to pay for these services, and when

Provide full disclosure of the costs of taxpayer funded 'sweeteners', such as ski-in, ski-out capabilities, snowmaking for trails that enter resort property, etc

General Comments on the process

Friends of Catskill Park (FCP) agrees with the many other parties who object to the preparation of a scoping document in the absence of the submission of a revised application for the modified Belleayre Resort, a detailed draft of the UMP, and appropriate permit applications. Without fulfilling these requirements, the public is denied the information it needs to comment more thoroughly and specifically on what the "scope" of the environmental review should include.

The agreement of September 5, 2007, known as the Agreement in Principle (AIP), referenced in the Draft Scope released by Crossroads and the DEC on November 11, 2007, does not supersede the need for a revised project application. In addition, the required steps for developing a new Unit Management Plan (UMP) of the Belleayre Ski Center have yet to happen. In fact, at the public information meeting held at Belleayre Ski Center on December 10, 2007, DEC representatives fully admitted that the UMP was sketchy and conceptual at that point and they were unable to answer many questions pertaining to it.

So the question remains, how can the public participate fully when it does not have all of the information it is entitled to have in order to comment thoroughly and thoughtfully on the draft scope? Judge Richard Wissler based his determination to suspend adjudication upon the promise of a "full public review," which cannot take place when the scoping process is occurring before relevant information is available to the public.

Friends of Catskill Park, although not named in the Article 78, would like to take this opportunity to say that it agrees with the Catskill Heritage Alliance, the Pine Hill Water District Coalition, and Benjamin and Idith Korman that the terms of the AIP constitute an illegal contract, which should be declared null and void. This contract has jeopardized the public's right to an open public process and an unbiased public review which is already evident in the rush to scope this development before required steps have been taken.

**Submitted on behalf of Friends of Catskill Park
by Judith Wyman**

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