NEW YORK STATE OF OPPORTUNITY. Department of Environmental Conservation

# GORE MOUNTAIN INTENSIVE USE AREA

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# Amendment

**to the**

## 2002 Gore Mountain Intensive Use Area Unit Management Plan

**NYS DEC, DIVISION OF LANDS AND FORESTS**

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**OFFICE OF THE COMMISSIONER**

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# MEMORANDUM

**TO:** The Record

**FROM:** Basil Seggos

**SUBJECT:** Gore Mountain Intensive Use Area Unit Management Plan Amendment

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The Unit Management Plan amendment for the Gore Mountain Intensive Use Area has been completed, and the Adirondack Park Agency has found the Plan to be in conformance with the Adirondack Park State Land Master Plan.

The Plan is consistent with Environmental Conservation Law, and Department Rules, Regulations and Policies and is hereby approved and adopted.

Basil Seggos
*Commissioner*
*New York State Department of Environmental Conservation*

Date: February 5 2019

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NEW YORK STATE OF OPPORTUNITY. | Adirondack Park Agency

KAREN FELDMAN
Acting Chairwoman

TERRY MARTINO
Executive Director

# RESOLUTION

## ADOPTED BY THE ADIRONDACK PARK AGENCY WITH RESPECT TO THE RECLASSIFICATION OF LANDS FROM THE GORE MOUNTAIN INTENSIVE USE, VANDERWHACKER MOUNTAIN WILD FOREST AND SIAMESE PONDS WILDERNESS AREAS, AND AN ACCOMPANYING GORE MOUNTAIN INTENSIVE USE AREA UMP AMENDMENT

August 9, 2018

WHEREAS, the Adirondack Park State Land Master Plan (APSLMP), adopted pursuant to Section 816 of the Adirondack Park Agency Act (APA Act), provides criteria for classifying State lands within the Adirondack Park according to their characteristics and capacity to withstand use; and

WHEREAS, the classification of State lands amends the APSLMP, and APSLMP amendments must be approved by the Governor upon a recommendation by the Adirondack Park Agency (Agency) that is made in consultation with the Department of Environmental Conservation (Department); and

WHEREAS, the Agency has followed the 1979 Final Programmatic Environmental Impact Statement (FPEIS) Guidelines for Amending the APSLMP and has consulted with the Department; and

WHEREAS, the Agency, in consultation with the Department and the Olympic Regional Development Authority (ORDA), proposes to reclassify lands in the Gore Mountain Intensive Use Area, the Siamese Ponds Wilderness Area and the Vanderwhacker Mountain Wild Forest Area as follows:

1. The addition of 38.7 acres of lands from the Gore Mountain Intensive Use Area to the Siamese Ponds Wilderness Area; and

2. The addition of 29.0 acres of lands from the Vanderwhacker Mountain Wild Forest Area to the Gore Mountain Intensive Use Area; and

WHEREAS, the APSLMP requires that any request for reclassification of existing lands from another land use category to Intensive Use will be accompanied by a draft unit management plan (UMP) for the proposed Intensive Use area that demonstrates how the applicable use guidelines will be respected; and

WHEREAS, Section 816 of the APA Act further directs the Department to develop, in consultation with the Agency, UMPs and requires such management plans to conform to the guidelines and criteria of the APSLMP; and

WHEREAS, in addition to such guidelines and criteria, the APSLMP prescribes the contents of UMPs and provides that the Agency will determine whether a proposed UMP complies with such guidelines and criteria; and

WHEREAS, the Department, in consultation with ORDA and the Agency, has prepared a UMP Amendment for the lands proposed for addition to the Gore Mountain Intensive Use Area as required by the APSLMP; and

WHEREAS, the Agency and the Department, as co-lead agencies, prepared a Draft Supplemental Environmental Impact Statement (DSEIS) regarding the proposed reclassifications and UMP Amendment pursuant to the State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617, 9 NYCRR Part 586 and the FPEIS; and

WHEREAS, the DSEIS describes the proposed reclassifications and UMP Amendment as the Preferred Alternative; and

WHEREAS, the Agency accepted the DSEIS on June 7, 2018, and the Agency and the Department complied with the document preparation, filing, distribution and publication requirements of 6 NYCRR § 617.12 for a notice of completion of a DSEIS; and

WHEREAS, the Agency and the Department held concurrent public hearings on the proposed reclassifications and UMP Amendment pursuant to SEQRA and the APSLMP in Albany and North Creek on June 27, 2016 and June 28, 2018, respectively; and

WHEREAS, approximately fourteen people attended the hearings and three people spoke for the record; and

WHEREAS, the Agency and the Department accepted written public comment from June 13, 2018 through July 13, 2018 and received four written public comments; and

WHEREAS, based on the DSEIS and public comment, Agency and Department staff have prepared a Final Supplemental Environmental Impact Statement (FSEIS), dated August 2018, in compliance with 6 NYCRR § 617.9; and

WHEREAS, the FSEIS includes the Preferred Alternative and responds to the public comment received by the Agency and the Department; and

WHEREAS, the Agency has considered the foregoing recitals, the August 2018 FSEIS, Agency staff's August 9, 2018 presentation, public comment and the deliberations of Agency Board Members and Designees at the Agency's August 9, 2018 meeting.

**NOW, THEREFORE, BE IT RESOLVED** that the Agency adopts the August 2018 FSEIS and makes the following findings required by 6 NYCRR § 617.11(d):

1. The Agency has considered all of the relevant environmental impacts, facts and conclusions disclosed in the FSEIS; and

2. The Agency has weighed and balanced the relevant environmental impacts with the social and economic benefits of the proposed actions; and

3. The Agency has met the procedural and substantive requirements of 6 NYCRR Part 617; and

4. Consistent with social, economic and other essential considerations, from among the reasonable alternatives available the Preferred Alternative would avoid or minimize adverse environmental impacts to the maximum extent practicable while providing additional recreational opportunities within the Gore Mountain Intensive Use Area.

**BE IT FURTHER RESOLVED** that the Agency determines that the proposed reclassifications of Gore Mountain Intensive Use Area, Vanderwhacker Mountain Wild Forest and Siamese Ponds Wilderness lands are in accordance with their characteristics and capacity to withstand use based on the criteria set forth in the APSLMP, and recommends the proposed reclassifications for approval by the Governor; and

**BE IT FURTHER RESOLVED** that pursuant to Section 816 of the APA Act, the Agency determines that the proposed UMP Amendment, dated August 2018 conforms with the APSLMP guidelines and criteria for Intensive Use lands; and

**BE IT FURTHER RESOLVED** that the Agency authorizes and directs the Executive Director to make non-substantive technical corrections to the FSEIS, to prepare a Findings Statement and Decision in conformance with this resolution, and to provide notice of completion of the Agency-adopted FSEIS in compliance with the procedural requirements of 6 NYCRR § 617.12; and

**BE IT FURTHER RESOLVED** that, in order to provide the public and other agencies with an opportunity to consider the FSEIS consistent with the requirements of 6 NYCRR § 617.11(a), the Agency's Findings Statement and Decision will not be issued and the Agency's determinations herein will not be effective until 10 calendar days from the date that the notice of completion of the FSEIS is published in the Environmental Notice Bulletin (*see,* 6 NYCRR § 617.12(c)) and the applicable filing and distribution requirements in 6 NYCRR § 617.12(b) for such notice are satisfied; and

**BE IT FURTHER RESOLVED** that, upon expiration of the period for public consideration of the FSEIS, the Agency Executive Director shall issue the Agency's Findings Statement and Decision by filing and distributing them as required by 6 NYCRR § 617.12(b) and the Acting Agency Chairwoman shall forward the recommendations for reclassification described in the Preferred Alternative of the FSEIS to the Governor for his approval; and

**BE IT FINALLY RESOLVED** that, upon approval of the proposed reclassifications by the Governor, the Agency Executive Director shall advise the Commissioner of Environmental Conservation of the Agency's determination regarding the proposed UMP Amendment.

Ayes: Karen Feldman, Dr. Chad Dawson, John Ernst, William Thomas, Dan Wilt, Lynne Mahoney, Brad Austin, Robert Stegemann

Nays: None

Abstentions: Arthur Lussi

Absent: None

## Background

The Gore Mountain Ski Center ("Ski Center") is located in the community of North Creek (Town of Johnsburg) in Warren County. The Ski Center is situated on 3,849 acres of land classified as Intensive Use by the Adirondack Park State Land Master Plan (APSLMP).

In January 2018, the Olympic Regional Development Authority (ORDA) released for public review and comment a draft amendment to the 2002 Gore Mountain Ski Area Unit Management Plan (UMP). The UMP amendment proposed a broad suite of actions to improve the four-season recreational experience at the facility, including trail construction and widening, the addition of a new ski lift, expanded parking and buildings, additional snowmaking capacity, and the creation of mountain biking and hiking opportunities.

The UMP amendment also included conceptual proposals for alpine ski trail construction and the relocation of an existing ski lift. These proposed facilities fall within an area southwest of Rabbit Pond and just outside the northern boundary of the Intensive Use Area, in an area currently classified as Wild Forest. As part of the conceptual proposals, the amendment requested that the underlying lands be reclassified to Intensive Use to accommodate the conceptually-proposed alpine ski trails and lift re-alignment, since they are considered non-conforming uses pursuant to the APSLMP's Wild Forest Guidelines for Management and Use.

The conceptual nature of the proposed trails and lift re-alignment recognized that they could not be found to be in conformance to the APSLMP by the Adirondack Park Agency (APA), and as such could not be authorized for implementation until the underlying lands were reclassified to Intensive Use.

The APA found the UMP amendment to be in conformance with the APSLMP in May 2018, with the recognition that the conceptually-proposed alpine ski trails and lift re-alignment will be an important addition to the Ski Center, but will need to be addressed formally in a separate land classification and UMP amendment process.

The trails and chairlift conceptually proposed in the UMP amendment also connect to lands known as the historic Ski Bowl and are owned by the Town of Johnsburg. The portions of these proposed trails on Town of Johnsburg lands are subject to separate APA review and approval pursuant to Executive Law §814.

## Purpose

The Department of Environmental Conservation (Department, DEC) and the APA, as co-lead agencies, are proposing an integrated series of related actions for a 29.0 acre area of land near Rabbit Pond:

- The APA is proposing amendments to the Adirondack Park State Land Master Plan (APSLMP) to reclassify 29.0 acres from Vanderwhacker Mountain Wild Forest to the Gore Mountain Intensive Use Area. These changes are based on recommendations by ORDA in the April 2018 UMP amendment, in which the conceptually proposed actions were identified as needing an Intensive Use Area classification in order to conform to the APSLMP. The APA is also proposing the reclassification of 38.7 acres of the Gore Mountain Intensive Use Area to the Siamese Ponds Wilderness.
- The DEC has developed this UMP amendment to identify and authorize management actions, within the 29.0 acre parcel, previously identified as conceptual by ORDA in its April 2018 proposed UMP amendment for the Gore Mountain Intensive Use Area. The APSLMP requires that any request for reclassification of existing lands from another land use category to Intensive Use will be accompanied by a draft UMP for the proposed Intensive Use area that demonstrates how the applicable use guidelines will be respected (APSLMP, page 43). This proposed Gore Mountain Intensive Use Area UMP amendment is intended to fulfill that requirement.

## Inventory of Known Resources

An inventory of the natural, scenic, cultural, fish and wildlife, existing facilities, and the types and extent of actual and projected public use of the area is contained in the April 2018 Amendment. The amendment also contained an analysis of the area's ecosystems, an assessment of the impact of actual and projected public use, including carrying capacity, on the area's natural resources.

## Proposed Management Actions

The following management actions are being proposed in this UMP amendment for action. They are intended to benefit patrons of the Gore Mountain Ski Center and other users of the Forest Preserve by creating a variety of opportunities in collaboration with adjoining landowners. All tree cutting will comply with DEC Policy LF-91-2: Cutting, Removal or Destruction of Trees and Endangered, Threatened or Rare Plants on Forest Preserve Lands.

1. **Re-alignment of Lift 12** – The upper terminal of Lift 12 is currently located just inside the northern boundary of the Intensive Use Area, and just to the south of the 29.0 area proposed for reclassification. A re-alignment of the chairlift will involve moving the bottom terminal uphill approximately 125 feet on private land, and moving the upper terminal to a high point within the lands proposed for reclassification. This relocation was chosen because it will allow the alpine ski trails that are also proposed for this location to be constructed at a suitable grade and orientation relative to other approved trails in this vicinity.

*Other alternatives considered*:

- The option of leaving the current Lift 12 in place was rejected because it does not provide access to the land where the new alpine ski trails are proposed.
- Building the upper ski terminal further east into lands now classified as Vanderwhacker Mountain Wild Forest was also rejected because the topography would not allow for a connection to the other approved trails in the Town of Johnsburg lands.

2. **Construction of New Alpine Ski Trails** – Trails 12-L, 12-M, 12J-A, and 12-IA are proposed for construction beginning at the new location of the upper terminal for Lift 12. The location of these trails was selected because the topography within the 29.0 acre parcel lends itself well to the relocation of Lift 12 and the proposed connections to the previously approved trails on Town of Johnsburg lands.

   The alignment of proposed alpine ski Trail 12-IA has been modified from the conceptual proposal identified by ORDA in its April 2018 UMP amendment. Specifically, the re-alignment will provide a greater buffer between Trail 12-IA and Rabbit Pond in order to reduce potential noise and visual impacts on the pond from the new lift and trails.

   *Other alternatives considered*:

   - The alternative of building no new ski trails was rejected because it would not enable the Gore Mountain Ski Center to strengthen its connection to other adjacent recreation lands.
   - As mentioned previously, the alignment of Trail 12-IA was originally proposed to be closer to Rabbit Pond. This alignment was ultimately rejected because of the potential visual and noise impacts to other recreational users near Rabbit Pond due to the steep terrain between the pond and the proposed site for the upper lift terminal. The preferred alignment for the trail will reduce the amount of tree cutting directly visible from Rabbit Pond. When leaves are on the trees, the greater amount of vegetation between the pond and Trail 12-IA should also block more sound.

   Construction of these trails will add 0.6 miles of new alpine ski trail to the Gore Mountain Intensive Use Area. A table summarizing the status of constructed and proposed trails at the Ski Center is below.

| | Forest Preserve Lands | Town (Ski Bowl) Lands |
|---|---|---|
| Existing trails | 27.43 | 2.48 |
| Approved trails, not yet constructed* | 6.22* | 2.8 |
| Proposed trails in this UMP amendment | 0.6 | 0.0 |
| Total | 34.25 | 6.11 |

** Includes 0.7 miles of trail proposed in April 2018 UMP Amendment*

3. **Reroute the Existing Rabbit Pond Cross Country Ski Trail** – In order to accommodate the proposed alpine ski trails, and to maintain a desirable experience for cross country skiers, a portion of the Rabbit Pond Ski Trail will be relocated on Vanderwhacker Mountain Wild Forest Lands to separate it from the new downhill ski trails. The exact length and location of this minor relocation is not known at this time, but it will be planned and undertaken by ORDA in coordination with DEC and subject to APA consultation prior to the construction of the new downhill ski trails.

   *Other alternative considered*:

   - The alternative of not re-locating the Rabbit Pond Trail was rejected because of the potential for conflicts between cross-country skiers and downhill skiers. The narrower character and general experience of the existing Rabbit Pond Trail will be maintained by relocating the trail.

## Conformance with the APSLMP

As required by the APSLMP, the proposed management actions will conform to the following APSLMP Guidelines for Management and Use of Intensive Use Areas.

*General Guidelines*

1. *The primary management guideline for Intensive Use Areas will be to provide the public opportunities for family group camping, developed swimming and boating, downhill skiing, cross country skiing under competitive or developed conditions on improved cross country ski trails, visitor information and similar outdoor recreational pursuits in a setting and on a scale that are in harmony with the relatively wild and undeveloped character of the Adirondack Park.*

The proposed management actions are intended to provide the public with additional downhill skiing opportunities at the Gore Mountain Intensive Use Area. The proposed actions will be constructed and managed to minimize their impact on adjoining Vanderwhacker Mountain Wild Forest Lands.

2. *All intensive use facilities should be located, designed and managed so as to blend with the Adirondack environment and to have the minimum adverse impact possible on surrounding state lands and nearby private holdings. They will not be situated where they will aggravate problems on lands already subject to or threatened by overuse, such as the eastern portion of the High Peaks Wilderness, the Pharaoh Lake Wilderness or the St. Regis Canoe Area or where they will have a negative impact on competing private facilities. Such facilities will be adjacent to or serviceable from existing public road systems or water bodies open to motorboat use within the Park.*

Connecting the Gore Mountain Intensive Use Area to the Town of Johnsburg's Ski Bowl on adjoining private lands is the primary object of these management actions. They are located as close as possible to the private lands, minimizing their impact on surrounding State lands. The re-alignment of Trail 12-IA and relocation of the Rabbit Pond cross country ski trail will further minimize any potential impacts on Rabbit Pond or the existing cross country ski trail on State lands.

3. *Construction and development activities in Intensive Use Areas will: avoid material alteration of wetlands; minimize extensive topographic alterations; limit vegetative clearing; and, preserve the scenic, natural and open space resources of the Intensive Use Area.*

No wetland impacts will occur. Minimal topographic alteration will be required to construct the lift terminal. Alpine trail construction will follow existing fall lines and will require minimal topographic alteration. Vegetative clearing will be limited to only that needed to construct the lift and alpine trails. The relocation of the cross country ski/hiking trail will require brushing and blowdown removal and minimal terrain alterations to be built in a sustainable manner. Best management practices will be utilized to minimize the temporary impacts associated with construction of these facilities.

4. *Day use areas will not provide for overnight camping or other overnight accommodations for the public.*

Not applicable.

5. *Priority should be given to the rehabilitation and modernization of existing Intensive Use Areas and the complete development of partially developed existing Intensive Use Areas before the construction of new facilities is considered.*

These actions serve a specific objective for the improvement and modernization of the existing Gore Mountain Intensive Use Area, i.e., connecting the Intensive Use Area to the Town of Johnsburg's Ski Bowl.

6. *Additions to the intensive use category should come either from new acquisitions or from the reclassification of appropriate wild forest areas, and only in exceptional circumstances from wilderness, primitive or canoe areas.*

This UMP amendment is dependent upon the prior reclassification of 29.0 acres of the Vanderwhacker Mountain Wild Forest Area to be added to the Gore Mountain Intensive Use Area.

7. *Any request for classification of a new acquisition or reclassification of existing lands from another land use category to an Intensive Use Area will be accompanied by a draft unit management plan for the proposed Intensive Use Area that will demonstrate how the applicable guidelines will be respected.*

This proposed UMP amendment fulfills this requirement.

8. *No new structures or improvements at any Intensive Use Area will be constructed except in conformity with a final adopted unit management plan for such area. This guideline will not prevent the ordinary maintenance, rehabilitation or minor relocation of conforming structures or improvements.*

None of the new management actions contained in this UMP amendment will be constructed unless and until they are included in the final UMP amendment adopted by DEC.

9. *Since the concentrations of visitors at certain intensive use facilities often pose a threat of water pollution, the state should set an example for the private sector by installing modern sewage treatment systems with the objective of maintaining high water quality. Standards for the state should in no case be less than those for the private sector and in all cases any pit privy, leach field or seepage pit will be at least 150 feet from the mean high water mark of any lake, pond, river or stream.*

Not applicable.

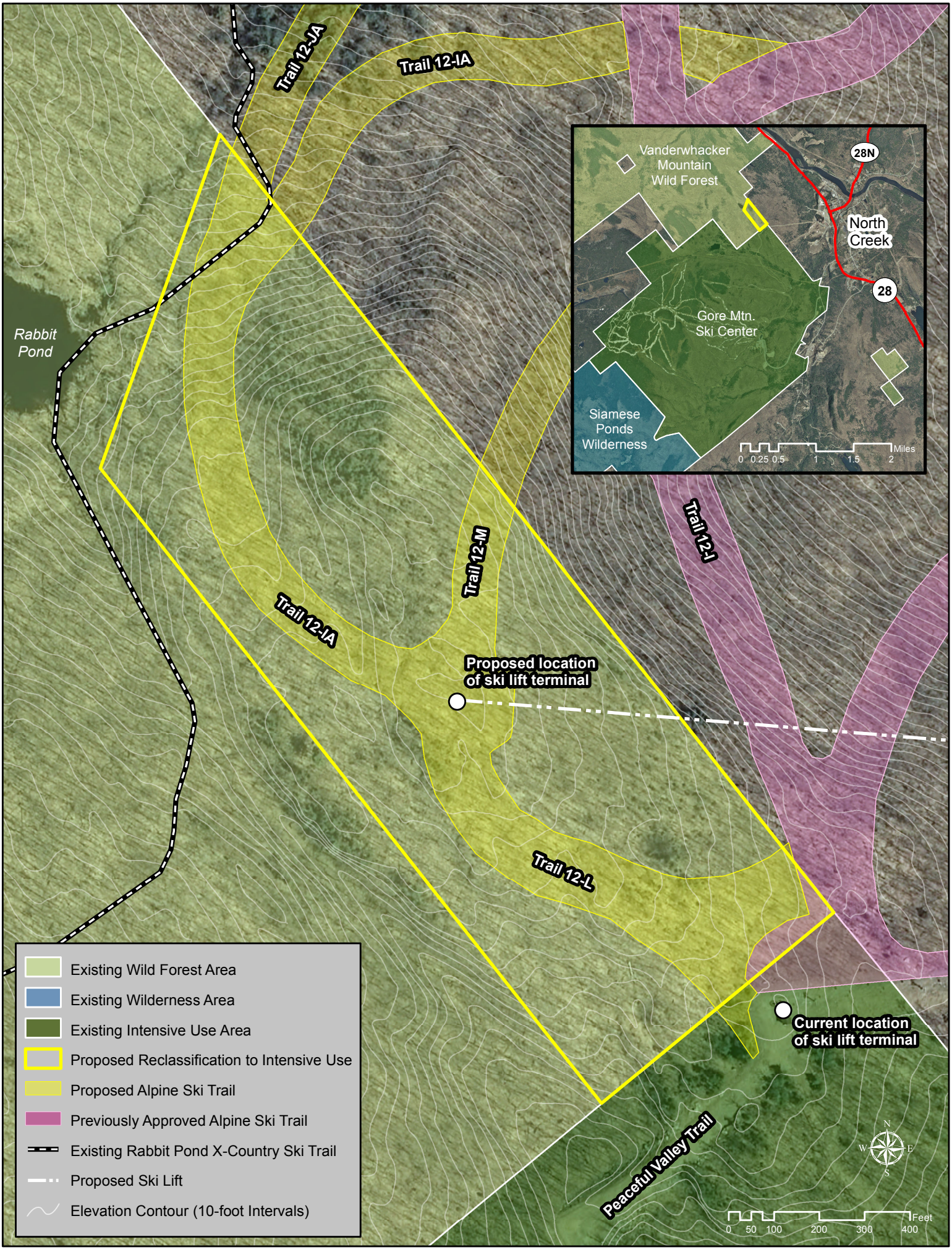
10. *Any new, reconstructed or relocated buildings or structures located on shorelines of lakes, ponds, rivers or major streams, other than docks, primitive tent sites not a part of a campground (which will be governed by the general guidelines for such sites set forth elsewhere in this master plan) boat launching sites, fishing and waterway access sites, boathouses, and similar water related facilities, will be set back a minimum of 150 feet from the mean high water mark and will be located so as to be reasonably screened from the water body to avoid intruding on the natural character of the shoreline and the public enjoyment and use thereof.*

Not applicable.

*Specific Guidelines*

*Existing downhill ski centers at Gore and Whiteface should be modernized to the extent physical and biological resources allow.*

The proposed management actions provide for the modernization of the Gore Mountain Intensive Use Area by facilitating connections to the Town of Johnsburg's Ski Bowl and expanding the trails and public recreational opportunities available.


Trail 12-JA
Trail 12-IA
Rabbit Pond
Trail 12-IA
Trail 12-M
Trail 12-I
Proposed location of ski lift terminal
Trail 12-L
Current location of ski lift terminal
Peaceful Valley Trail
Vanderwhacker Mountain Wild Forest
28N
North Creek
28
Gore Mtn. Ski Center
Siamese Ponds Wilderness
0 0.25 0.5 1 1.5 2 Miles
Existing Wild Forest Area
Existing Wilderness Area
Existing Intensive Use Area
Proposed Reclassification to Intensive Use
Proposed Alpine Ski Trail
Previously Approved Alpine Ski Trail
Existing Rabbit Pond X-Country Ski Trail
Proposed Ski Lift
Elevation Contour (10-foot Intervals)
N
W
E
S
0 50 100 200 300 400 Feet