NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

Whiteface Mountain Ski Center Intensive Use Area

Unit Management Plan Amendment

to the

2004 Unit Management Plan

Town of Wilmington – Essex County

ANDREW M. CUOMO
Governor

BASIL SEGGOS
Acting Commissioner

For Further Information Contact:

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December 2015

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M E M O R A N D U M

DEC 1 5 2015

TO: The Record

FROM: Basil Seggos BS

SUBJECT: Whiteface Mountain Ski Center

The amendment to the Whiteface Mountain Ski Center Unit Management Plan has been completed, and the Adirondack Park Agency has found it to be in conformance with the Adirondack Park State Land Master Plan. The amendment is consistent with Environmental Conservation Law, and Department Rules, Regulations and Policies and is hereby approved and adopted.

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NEW YORK STATE
Adirondack
parkagency

RESOLUTION ADOPTED BY THE ADIRONDACK PARK AGENCY WITH RESPECT TO THE WHITEFACE MOUNTAIN SKI CENTER INTENSIVE USE AREA UNIT MANAGEMENT PLAN AMENDMENT

Adopted
by the Adirondack Park Agency
November 13, 2015

WHEREAS, section 816 of the Adirondack Park Agency Act directs the Olympic Regional Development Authority (ORDA) and the Department of Environmental Conservation (DEC) to develop, in consultation with the Adirondack Park Agency, individual management plans for units of land classified in the Adirondack Park State Land Master (APSLMP) and requires such management plans to conform to the guidelines and criteria of the Master Plan; and

WHEREAS, in addition to such guidelines and criteria, the APSLMP prescribes the contents of unit management plans and provides that the Adirondack Park Agency will determine whether a proposed individual unit management plan complies with such guidelines and criteria; and

WHEREAS, the DEC has prepared an amendment to the 2004 unit management plan for the Whiteface Mountain Ski Center Intensive Use Area (2004 Plan) on behalf of ORDA, dated November 2015, which includes a proposal to rehabilitate Porcupine Lodge located near Lookout Mountain and the Wilmington Trail including the construction of a non-permanent deck next to Porcupine Lodge; and

WHEREAS, the rehabilitation of Porcupine Lodge will allow ORDA to serve the general skiing public by providing a warming hut and modest offerings of light food and warm beverages; and

WHEREAS, this action is a Type I action pursuant to 6 NYCRR Part 617 and 9 NYCRR 586 for which the Olympic Regional Development Agency is the lead agency and the Department of Environmental Conservation and the Adirondack Park Agency are involved Agencies; and

WHEREAS, a negative declaration stating that DEC has determined that the proposed amendment will not have a significant adverse environmental impact was filed in the Environmental Notice Bulletin on October 28, 2015; and

WHEREAS, the Agency established a public comment period on conformance of the draft unit management plan amendment with the APSLMP, which ran from October 8, 2015 through October 22, 2015; and

WHEREAS, the Agency and DEC/ORDA received a total of five written comments during the respective public comment periods regarding the proposed amendment; and

WHEREAS, the Agency has reviewed the proposed Whiteface Ski Center Intensive Use Area Unit Management Plan Amendment for conformance with the APSLMP; and

WHEREAS, DEC/ORDA have revised the proposed amendment to clarify that mitigation measures outlined in the 2004 Plan to protect Bicknell's thrush during its breeding season from harm that could be caused by ORDA's proposed renovation, construction and maintenance activities will be taken by ORDA;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 816 of the Adirondack Park Agency Act, the Adirondack Park Agency finds the Whiteface Mountain Ski Center Intensive Use Area Unit Management Plan Amendment, dated November 2015, conforms with the guidelines and criteria of the Adirondack Park State Land Master Plan; and

BE IT FINALLY RESOLVED, that the Adirondack Park Agency authorizes its Executive Director to advise the Commissioner of Environmental Conservation and the President and Chief Operating Officer of the Olympic Regional Development Authority of the Agency's determination in this matter.

Ayes: Chairwoman Lani Ulrich, Richard Booth, Sherman Craig, Karen Feldman, Arthur Lussi, William Thomas, Dan Wilt, Brad Austin (DED), Deidre Scozzafava (DOS), Robert Stegemann (DEC)

Nays: None

Abstentions: None

Absent: None

Background

Porcupine Lodge (Lodge) is a 50x20-foot enclosed wood-frame building constructed in 1949 as part of the original Whiteface Mountain Ski Area, often referred to as Marble Mountain. The Lodge is considered an “appurtenance” to the ski trail system pursuant to Article XIV of the NYS Constitution which expressly extends authority to permit the construction of “appurtenances” to ski trails (lodges, lifts, parking lots, snowmaking facilities, etc.) The Lodge is classified as Mercantile/Accessory under the Building Code of New York State structure with primary sanitary facilities provided by the Mid-Station Lodge.

The Lodge is located on the North/Northeast side of the Mountain and was historically used as a warming shelter and snack bar. The Lodge was saved in 1966 when the majority of all other Marble Mountain Ski Center Facilities were destroyed (also spared was the Main Lodge which currently serves as the Atmospheric Science and Research Center base center of operations). It sits adjacent to a long-time, established hiking trail that historically linked the upper and lower Marble Ski Area. It was again permitted to exist in 1974 in accordance with the Adirondack Park State Land Master Plan (APSLMP), as it remained in good condition with little or no vandalism having occurred. It was also used in the 1970’s and 80’s by the Atmospheric Science and Research Center for various purposes.

See Exhibit 1 – Graphical Map – State of New York- Whiteface Mountain Authority, which provides historic evidence of this use.

NYS DEC granted temporary approval for the staging of Ski Patrol service at the Lodge starting in the 2009/10 operational season until the use of the Lodge can be fully addressed in a UMP Amendment. Limited preventive maintenance to the structure has been performed in recent years including the installation of a new roof covering.

The Lodge has been used for Ski Patrol purposes since the approved ski area development on Lookout Mountain was completed. An approximate 10x20 foot section of the 50x20-foot structure has been partitioned off and is heated with propane. A porta-jon with a removable insert is used and maintained through the use of snowcats during the winter season.

See Exhibit 2 – Porcupine Lodge Photos, provides interior and exterior photographs of the Lodge in its existing condition.

It should be noted that the approved 2006 UMP Amendment included Trail #76, which loops from the chairlift top terminal to the Lodge and back to the Wilmington Trail (Trail #78). Exhibit 3 – Porcupine Lodge Plan Map, includes the citing of Trail #76, as it was approved in the 2006 UMP Amendment / FSEIS.

Statement of Need

The ski area development on Lookout Mountain has created a critical need for continued use of the Lodge as a ski trail appurtenance, as it is located just a short distance from the top lift terminal of the new Lookout Mountain Triple Chairlift and associated trail system. The location of the skiing area on Lookout Mountain is comparatively remote from other parts of the Whiteface Mountain Ski Center. Currently, there are no Life Safety support facilities in this vicinity to serve the Lookout Mountain Pod.

In addition to continuing to serve as a Ski Patrol Outpost, in the case of an emergency such as a chairlift malfunction or serious injury, the Lodge will be a vital Life Safety Station/First Aid Station and Emergency Command Post. The use of the Lodge as a warming shelter/snack bar for the general public would provide a convenience and safety feature for the Whiteface Mountain public.

Management Actions

Pursuant to this UMP amendment, the entire Lodge will continue to be used by the Ski Patrol and serve as a warming shelter with light food and beverage service for the public. Specifically,

1. Improvements to the interior with be limited to ensure the rustic heritage of the Lodge, but will ensure compliance with Life Safety Code (found at http://www.nfpa.org/codes-and-standards/document-information-pages?mode=code&code=101) and energy conservation requirements.

2. Improvements to the exterior of the building will be targeted at keeping the existing character of the Lodge intact. The exterior siding is in fair condition and no additional work on the siding is planned at this time.

3. An outside deck addition, no larger than approximately 30 feet x 30 feet, will be constructed in such a way as to not be permanent (decking on top of support timbers laid on concrete blocks.) Clearing of ground cover will be required for the installation of the Deck's pier foundations and the Deck itself may impair future ground cover growth. The total affected project area is estimated to be less than or equal to 0.05 acres. *See Exhibit 3 – Porcupine Lodge – Plan Map, provides the configuration and dimensions of the proposed Deck.*

4. No additional tree cutting other than what was previously approved in the 2006 Amendment is necessary.

5. Self-contained sanitary facilities will be placed appropriately near the structure where they could be utilized and maintained conveniently. These facilities will have removable and transportable containers and will be housed in non-

permanent wooden sheds which reflect the architectural style of the Lodge. The containers will be transported to the Base Lodge and the contents disposed of via the Base Lodge sanitary system.

6. Solid waste generated from food service and maintenance operations will be collected in closed containers and transported to the Base Lodge. This service method also applies to any other solid waste disposal.

7. The Lodge will only be used during the winter season and be closed for the remainder of the year.

8. The entire project will take place above 2,800 foot elevation. Therefore, mitigation measures outlined in the approved 2004 UMP pertaining to the Critical Habitat – Adirondack Sub-Alpine Bird Conservation Area, potential Bicknell's Thrush Habitat, will be applied. This includes avoiding construction of the deck and the use of motor vehicles and motorized equipment at the site during the Bicknell's thrush nesting period (May 1 –August 1). See Appendix 1 for the Adirondack Sub-Alpine Forest Bird Conservation Area management summary.

See Exhibit 3 – Porcupine Lodge Plan Map, provides a plan of the existing structure's location, the location of the proposed Hospitality Deck, and their relationship to the top terminal of the Pod's chairlift.

A note regarding accessibility:

Whiteface Mountain runs an "adaptive skiing" program for people with mobility impairments, but the program does not utilize the part of the ski area covered by this UMP amendment. Additionally, wheelchairs are not allowed on the ski lifts or on the snow. For these reasons, any improvements to the Porcupine Lodge and surrounding area will not be made in a manner that accommodates people with mobility impairments. Any signage related to the sanitary facilities, however, will be made accessible for people with visual impairments.

Exhibit 1: State of New York Whiteface Mountain Authority Graphical Map

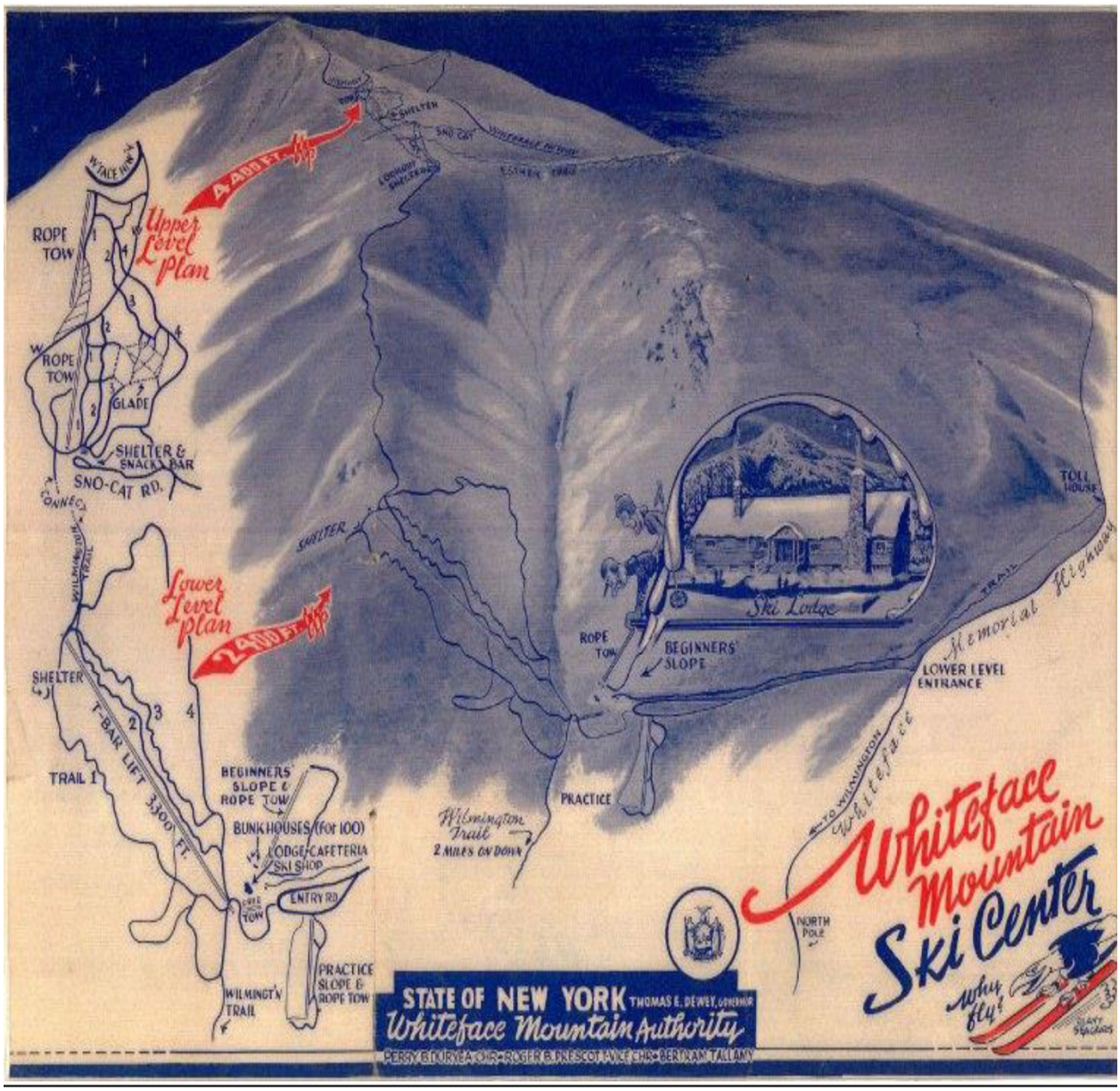
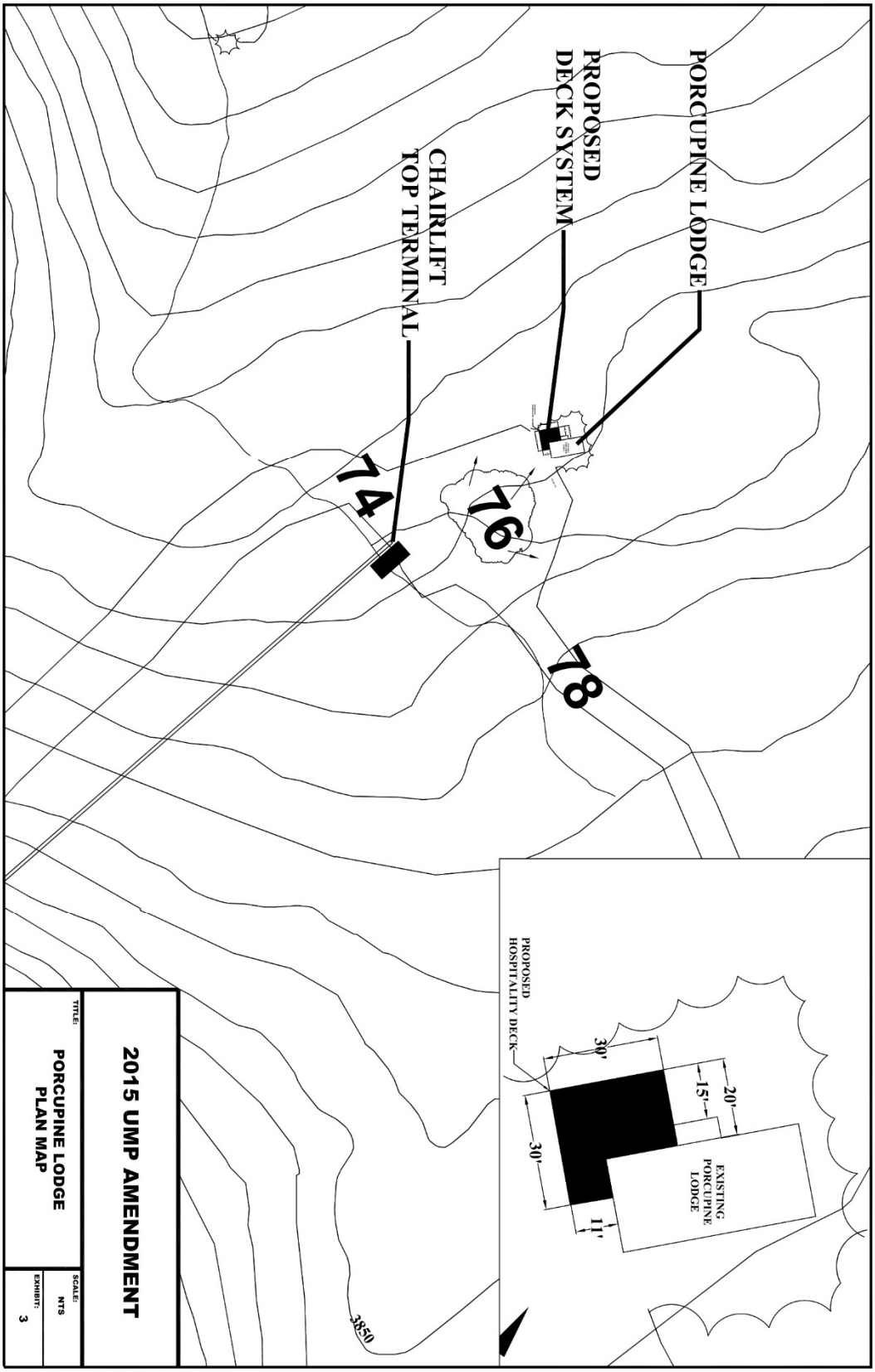


Exhibit 2: Porcupine Lodge Photographs

Existing interior

Existing exterior

Exhibit 3: Porcupine Lodge Plan Map



Appendix 1: Adirondack Sub-Alpine Forest Bird Conservation Area Management Summary

Site Name: Adirondack Sub-alpine Forest Bird Conservation Area

State Ownership and Managing Agency: Department of Environmental Conservation

Location: Adirondack Mountain summits above 2,800 feet in Clinton, Essex, Franklin, Hamilton and Warren counties. Surveyed and confirmed nesting locations for Bicknell's thrush (Atwood and Rimmer, et al. 1996) include: Mount Marcy, Algonquin Peak, Blue Mountain, Cascade Mountain, Giant Mountain, Kilburn Mountain, Hurricane Mountain, Lower Wolfjaw Mountain, Lyon Mountain, Mount Haystack, Phelps Mountain, Porter Mountain, Rocky Ridge Peak, Santanoni Peak, Snowy Mountain, Vanderwhacker Mountain, Wakely Mountain, Whiteface Mountain, Wright Peak.

Size of Area: Approximately 69,000 acres

DEC Region: 5

General Site Information: Adirondack Mountain summits over 2,800 feet in elevation, more specifically, those with dense subalpine coniferous forests favored by Bicknell's thrush. Bicknell's thrush prefers dense thickets of stunted or young growth of balsam fir and red spruce. Found less frequently in other young or stunted conifers, and heavy second growth of fir, cherry and birch.

Vision Statement: Continue to maintain the wilderness quality of the area, while facilitating recreational opportunities in a manner consistent with conservation of the unique bird species present.

Key BCA Criteria: Diverse species concentration site; individual species concentration site; species at risk site (ECL §11-2001, 3.f, g, and h). Peaks over 2,800 feet with dense subalpine thickets provide habitat for a distinctive bird community, which includes Bicknell's thrush (special concern), blackpoll warbler and Swainson's thrush.

Critical Habitat Types: Dense subalpine coniferous thickets. To a lesser degree, young or stunted and heavy second growth of cherry or birch.

Operation and Management Considerations:

- *Identify habitat management activities needed to maintain site as a BCA.* None identified for certain, although human access and acid rain could be impacting.

- *Identify seasonal sensitivities; adjust routine operations accordingly.*
  The BCA is comprised of lands that are within the Adirondack High Peaks Wilderness Area, and other lands within the broader Adirondack Forest Preserve. The Adirondack High Peaks Wilderness Area portion is subject to relatively stringent regulations and use limitations. Portions of the BCA that are not within the High Peaks Wilderness Area may have less stringent use limitations.

  Access to wilderness areas is completely limited to foot trails and non-motorized access, including horse trails. Access in wild forest and intensive use areas may include motorized forms of access. Examples include a road up Blue Mountain to transmitters, and a road up Whiteface. The road up Blue Mountain is used largely for administrative access to the transmitter towers. Whenever possible, routine maintenance on these towers or the access road should be scheduled outside the nesting season for Bicknell's thrush (May through July). The road up Whiteface sees considerable use by the public.

  Trail and road maintenance activities have the potential to disturb nesting activities of high altitude birds (in particular, Bicknell's thrush). Whenever possible, routine maintenance should be planned so that it can be completed outside of the normal nesting season. Should maintenance be needed during the nesting season, the use of non-motorized equipment would help to minimize the impacts.

- *Identify state activities or operations which may pose a threat to the critical habitat types identified above; recommend alternatives to existing and future operations which may pose threats to those habitats.*
  Ensure that bird conservation concerns are addressed in the Adirondack Park State Land Master Plan, individual unit management plans, and other planning efforts. For those areas where plans have already been completed, incorporate concerns for subalpine bird communities at the earliest opportunity.

  On May 18, 2000, Emergency Regulations were adopted for the High Peaks Wilderness Area, which comprises part of the BCA. These regulations prohibit camping above 4,000 feet; limit camping between 3,500 and 4,000 feet to designated areas; prohibit campfires above 4,000 feet, and require the leashing of pets above 4,000 feet.

- *Identify any existing or potential use impacts; recommend new management strategies to address those impacts.*
  There has been little research on what effect normal use of hiking trails has on nesting birds. Recreational use in some areas of the BCA is relatively high. More research is needed on whether there is a significant impact to bird populations from the current level of human visitation. The Adirondack High Peaks Wilderness portions of the BCA are remote locations and access is largely limited to foot trails. Motorized vehicles are not normally allowed. Those areas of the BCA outside of the High Peaks Wilderness Area allow the use of motorized

vehicles and have fewer restrictions on other uses. The Unit Management Planning process for these areas should assess the effects of current levels of recreational use, and the need for new trails (including placement, timing, and construction method) on subalpine bird species (in particular, Bicknell's thrush). Consideration should be given to prohibiting motorized vehicle access to subalpine forests above 2,800 feet.

Education, Outreach, and Research Considerations:

- *Assess current access; recommend enhanced access, if feasible.* Recreational use in some areas of the BCA is relatively high. Further study or research would help to assess impacts of recreational activities on nesting high altitude species. The need for protective measures will be discussed and incorporated as part of the planning process for the Adirondack Forest Preserve and Wilderness Areas that form the BCA, or at the earliest opportunity.

- *Determine education and outreach needs; recommend strategies and materials.* There is a need to identify to the public the distinctive bird community present in subalpine forests over 2,800 feet. The potential impacts of human intrusion need to be portrayed to the public, and a "please stay on the trails" approach may be beneficial. Continue partnerships with the National Audubon Society, High Peaks Audubon Society, Adirondack Mountain Club and other groups involved in education and conservation of birds of the Adirondack High Peaks.

- *Identify research needs; prioritize and recommend specific projects or studies.* Acid rain deposition may be having an impact on nesting success of songbirds at high elevations by causing die-offs of high altitude conifer forests, and killing snails and other sources of calcium needed for egg production. More research is needed on this. The curtailment of sulphur dioxide emissions and the reduction of acid rain is currently a significant New York State initiative.

  A detailed inventory and standardized monitoring of special concern species is needed for the area. In particular, all peaks above 2,800 feet should be surveyed for Bicknell's thrush.

  The impact of the current levels of human use on nesting success needs to be assessed.

Contacts:
DEC Region 5 Wildlife Manager, 518-897-1291

DEC Region 5 Forester, 518-897-1276

Sources:
Atwood, J. L., C. C. Rimmer, K. P. McFarland, S. H. Tsai, and L. R. Nagy. 1996.

Distribution of Bicknell's thrush in New England and New York. Wilson Bulletin 108(4):650-661.

Bull, John L. 1998. *Bull's Birds of New York State*. Comstock Publishing Associates, Ithaca, NY.

NYSDEC Division of Lands and Forests. 1999. *High Peaks Wilderness Complex Unit Management Plan*. NYSDEC, Albany, NY.

Rimmer, C. C., Atwood, J., and L. R. Nagy. 1993. *Bicknell's Thrush - a Northeastern Songbird in Trouble?* Vermont Institute of Natural Science, Woodstock, VT.

State of New York Endangered Species Working Group. 1996. *Species Dossier for Bicknell's Thrush.* New York State Department of Environmental Conservation.

Wells, J. V. 1998. *Important Bird Areas in New York State.* National Audubon Society, Albany, NY.

Date BCA Designated: 11/16/01

Date MGS Prepared: 12/6/01

Appendix 2 – Response to Public Comment

The Department held a public comment period on the Draft UMP Amendment from October 7 to October 22, 2015. Below are the comments received, with the Department's response following each comment.

Bicknell's Thrush

Comment:

We applaud the Department in its proposal to apply mitigation measures outlined in the approved 2004 UMP pertaining to the Critical Habitat – Adirondack Sub-Alpine Bird Conservation Area and find those mitigation measures to be generally reasonable. We would, however, recommend removing the qualifier "whenever possible" from the outlined Operation and Management Considerations. Such a qualifier allows for ORDA to omit themselves from these logical mitigation measures. Specifically, we suggest: 1) Limiting renovation and subsequent maintenance activities until after August 1st to minimize disturbance to birds on active nests, and 2) where maintenance is necessary during the breeding season (May – July), require use of non-motorized equipment for such activities.

The construction of the deck addition and other external improvements should be completed outside the normal nesting season.

Response:

Deck construction and the use of motor vehicles and motorized equipment will not occur at the site during the Bicknell's thrush nesting period (May 1 – August 1). A clarifying statement was added to the amendment to reflect this.

Comment:

Whiteface is an intensive use area and should be allowed to operate as such. Having to file an amendment to the UMP at every move costs thousands of dollars and a great deal of time to create and get through the system. While this is happening, the competition in Vermont is moving forward with keeping up with the times, such as zip lines and ropes courses, both amenities which are common in the ski industry. Whiteface always lags behind due to over-regulation. The managers should be allowed to manage; they have been put in place by the State of New York, they should be trusted and allowed to manage without going through multiple agencies.

Response:

The land comprising Whiteface Mountain is Forest Preserve, and as such, any modifications to the land or changes in use must conform to both Article XIV of the New York State Constitution and the Adirondack Park State Land Master Plan (APSLMP). Through the UMP process, the Adirondack Park Agency can make a determination of conformance to the APSLMP.

Comment:

The lodge was created as a warming hut in the first place, and does not impact the view of anyone looking up at the mountain. Therefore, supportive of the plan.

Response:

Noted.

Comment:

The waste removal associated with this amendment will benefit the surrounding area by reducing the number of “pit stops” being taken in the woods.

Response:

Noted.

Comment:

The addition of a warming hut will reduce the number of injuries and poor decisions being made by people who are too cold.

Response:

Noted.