

State Land/Easement Project Work Plan
for
Construction of New Facilities and Expansion or
Modification of Existing Facilities
Fiscal Year 2022-2023

Project # Click or tap to enter Project Number (leave blank if not applicable)

<u>Region</u>	<u>Project Title</u>
5	Bear Den to Legacy Lodge Lift: Mid-Station Terminal Widening

<u>Project Type</u>	<u>Town(s)</u>	<u>County</u>	<u>Management Unit</u>
New Construction	Wilmington	Essex	Whiteface Mountain Intensive Use Area

Project Description/Desired Condition(s):

As approved in the UMPA in Section 2, Pages 2-3, Management Action #5, the Bear Den to Legacy Lodge lift will be a new detachable quadruple chairlift with a mid-station terminal, approximately 4,300 feet long, extending from the Bear Den Lodge to the Legacy Lodge. Construction of the Legacy Lodge at its new location facilitated the proposal of this action that has been contemplated by ORDA for some time. The Bear Den Lodge is now the location for learning activities on the mountain. A lift connection from the Easier terrain in the Bear Den area to the More Difficult rated trails out of the Legacy Lodge area provides a logical, safer learn to ski and snowboard progression by providing access to the proper terrain for lower-level abilities. The lift line corridor clearing will be 50 feet wide where the lift passes through existing trails and currently wooded areas. The total length of the lift is 4,300 feet, and the new tree clearing needed to construct the lift will be a total of 500 feet long in multiple locations, with an average additional clearing width of 50 feet. ORDA has already applied and received a work plan form for construction from DEC to conduct the tree cutting for the lift line. This work plan did not include tree cutting needed at the proposed mid-station terminal. Clearing at the mid-station terminal was not anticipated during the production of the UMPA but was realized during the siting and design process. A tree count has been performed and a work plan form application for tree cutting at the mid-station terminal is attached to this cover letter. The mid-station terminal is sited for construction adjacent to the existing Boreen ski trail. The Boreen trail is counted in ORDA's trail mileage inventory as 30-feet to 120-feet wide. In order to accommodate the mid-station terminal, the Boreen trail in this area must be widened to 120 feet. The total clearing is estimated to be 0.68 acres. As stated above, a work plan form application with tree counts for this additional tree cutting is included as an attachment to this letter. The work plan form previously approved for lift line tree cutting is also attached for reference.

Trees to be Removed:

A tree count is attached to this application.

Earthwork and Disturbance, Including Identification of Work Outside Trail Corridor:

Widen the existing Boreen trail to 120 feet wide to accommodate the mid-station terminal on the new lift. Total clearing is approximately 0.68 acres.

Analysis of Project Location and Design Alternatives:

ORDA considered alternative configurations for this lift, including a straight lift without a mid-station terminal at the turn. Such an alternative would not provide a lower elevation drop off point for learning skiers and snowboarders, and

the straight-line lift would have to pass up and over a 300-foot vertical ridge that exists between the Bear Den and Legacy Lodges where lift riders would leave the protection of the tree line and be exposed to the elements of the barren rock ledge. This alternative would have required construction through an undeveloped section of the Intensive Use Area whereas the chosen alternative stays within the developed areas. Figure 5 in Exhibit 3 of the UMPA shows a plan view of the alternatives, while Figure 5A in Exhibit 3 shows elevation profiles of those alternatives considered. Ultimately, ORDA decided on the lift with a turn and a mid-station terminal to avoid the undeveloped ridgeline and protect lift riders from the harsh elements of exposed rock ledges.

Description of Measures Taken to Mitigate Impacts on Vegetation, Water Quality, Wild Forest Character and the Aesthetics of the area:

Before commencing any construction activity, the project requires coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). ORDA, in conjunction with an engineering consultant, will prepare an amendment to the exiting Stormwater Pollution Prevention Plan (SWPPP) at the Bear Den Lodge area, that includes erosion and sediment controls for the construction of the lift to demonstrate the project complies with the General Permit, and submit a revised Notice of Intent to NYSDEC prior to construction. The tree cutting for the lift line, excepting the mid-station terminal clearing, already is covered by the existing SWPPP.

Wetland boundaries were delineated within the project site and any potential impacts to wetlands have been completely avoided in design of the lift. Erosion and sediment controls will be installed to protect any wetlands within the project area. No disturbance to wetlands is proposed nor anticipated.

The West Branch Au Sable River is a State-designated Recreational River under the Wild, Scenic and Recreational Rivers Act, NYS Environmental Conservation Law (ECL) Article 15 and implementing regulations New York Codes, Rules, and Regulations (NYCRR) Title 6, Part 666. Any project requiring the construction of a new structure or the expansion of an existing structure within one-half mile of the river is jurisdictional and requires review and permitting by NYSDEC. A portion of the Bear Den to Legacy Lodge lift is within a ½ mile of the river, and an application to NYSDEC for a Rivers Act permit will be submitted to NYSDEC within the next two (2) weeks.

Identification of Rare, Threatened or Endangered Species:

The project site is below 2,800 feet in elevation; therefore, the Bicknell's Thrush nesting area will not be impacted by this project.

Description of Use of Motorized Equipment and/or Motor Vehicles, if any:

Excavator, dump truck, chainsaw, drill rig, UTV.

Other Relevant Considerations:

Click or tap to enter other relevant considerations

Prepared by (Name & Title): Emma Lamy, Sustainability & Environmental Compliance Officer
Phone: 518-302-5314

Date: 12/6/2022

Approvals:

Comments:

REGULATORY CLEARANCE CHECKLIST – STATE LANDS and CONSERVATION EASEMENT PROJECTS

PROGRAM	PERMIT	REQUIRED		SECURED BY	COMMENTS
		YES	NO	(NAME)	
Air Resources	Restricted Burning	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Mineral Resources	Mining	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Materials Management	Solid Waste Mgt. Fac.	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Water	Dam Safety Review	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Const. in Flood Hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Public Water Supply	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	SPDES	<input checked="" type="checkbox"/>	<input type="checkbox"/>		SWPPP
Spills Management	Petro. Bulk Storage	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Lands and Forests	Unit Management Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>		UMP approved (went through SEQRA)
	Tree Cutting	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	Protected Native Plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Historic Preservation	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Fish and Wildlife	Freshwater Wetlands	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Wild Scenic & Rec. River	<input checked="" type="checkbox"/>	<input type="checkbox"/>		to be secured prior
Compliance Services	Other Protection of Waters	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	EAF	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Negative Declaration	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Env. Impact Statement	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Water Quality Cert.	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
DEC (other)	CP-17	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Commissioner (aircraft, motorized equipment)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Flight Request	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Contract Clearance Sh.	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	DOB Exemption	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Other Agencies	APA MOU	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	APA Wetlands Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Corps. of Engineers	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Building Permits	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Local Permits	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Easements	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Highway Enter DOT	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
	Wastewater Disposal	<input type="checkbox"/>	<input checked="" type="checkbox"/>		

OFFICE OF THE COMMISSIONER

New York State Department of Environmental Conservation
625 Broadway, 14th Floor, Albany, New York 12233-1010
P: (518) 402-8545 | F: (518) 402-8541
www.dec.ny.gov

MEMORANDUM

TO: The Record

FROM: Basil Seggos

SUBJECT: Whiteface Mountain Intensive Use Area Unit Management Plan Amendment

The Unit Management Plan amendment for the Whiteface 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: 6/21/22



KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

**RESOLUTION ADOPTED BY THE ADIRONDACK PARK AGENCY
WITH RESPECT TO THE
WHITEFACE MOUNTAIN SKI CENTER INTENSIVE USE AREA UNIT
MANAGEMENT PLAN AMENDMENT
May 12, 2022**

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 APSLMP; 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 ORDA has prepared a proposed final amendment to the 2004 unit management plan for the Whiteface Mountain Ski Center Intensive Use Area (2004 Plan), dated March 2022 (Proposed Final 2021 Amendment); and

WHEREAS, this action is a Type I action pursuant to 6 NYCRR Part 617 and 9 NYCRR 586 for which ORDA is the lead agency and the Department of Environmental Conservation is an involved agency; and

WHEREAS, ORDA prepared a Negative Declaration for the Proposed Final 2021 Amendment; and

WHEREAS, the action modifies elements of the 2018 Amendment to the 2004 Plan in response to new opportunities arising from the siting of the recently completed Legacy Lodge and the opportunity to host the 2023 World University Games; and

WHEREAS, the action consists of the installation of a new ski lift between the Bear Den area and the area around Legacy Lodge, widening 8 existing ski trails with a total area of 9.4 acres, construction of 3 new connector ski trails totaling 0.25 miles, and construction of a 25' x 70' expansion of the existing NYSEF building; and

WHEREAS, two previously approved trails that are not yet constructed (88 and 89) totaling 0.32 mile are no longer proposed; and

WHEREAS, ORDA has consulted with a trail design professional to create a master plan for hiking and biking at the facility which includes new and improved summer use trails; and

WHEREAS, summer use trail development will be consistent with new Trail Design Guidance currently under development with the Trail Stewardship Working Group; and

WHEREAS, ORDA provided a public draft of the 2021 Amendment for information during the October 2021 Agency meeting and accepted public comments on the draft for public review between October 27 and December 8, 2021; and

WHEREAS, following review of comments received on the draft plan sixteen different changes were made which can be found in Exhibit 12 “Errata” of the Proposed Final Draft of the 2021 Amendment; and

WHEREAS, ORDA presented the Proposed Final Draft of the 2021 Amendment during the March 2022 Agency meeting and the Agency established a public comment period on conformance of the Proposed Final 2021 Amendment with the APSLMP, which ran from April 11 through May 11, 2022; and

WHEREAS, the Agency received 10 written comments during the public comment period regarding the Proposed Final 2021 Amendment; and

WHEREAS, four primary themes emerged from the public comments which were concerns for the constitutionality of the ski trail changes, concerns for the constitutionality of the summer use trail proposal, concerns about how the proposal reflects New York’s commitment to fight climate change, and concerns about how ORDA intends to manage access for uphill ski access; and

WHEREAS, ORDA has been responsive to public concerns regarding constitutionality during the UMP review process and has made reasonable changes to the plan that address those concerns following the first round of public comments; and

WHEREAS, ORDA continues to lead the ski industry with climate initiatives as exhibited by their policies and power supply options; and

WHEREAS, ORDA has upheld its commitment from the 2018 Amendment to “conducting an evaluation and assessment of current mountain biking use on Whiteface to develop goals and objectives for future mountain biking at the facility”; and

WHEREAS, the Agency has considered the foregoing recitals, the Proposed Final 2021 Amendment, the April 2022 Memorandum from the Deputy Director Planning to the Executive Director, APA staff’s May 12 presentation, public

comment, and the deliberations of Agency Board Members and Designees at the Agency's May 12, 2022, meeting.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 816 of the Adirondack Park Agency Act, the Adirondack Park Agency finds the Proposed Final 2021 Amendment to the 2004 Whiteface Mountain Unit Management Plan, dated March 2022, 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: Andrea Hogan, Brad Austin, Joe Zalewski, John Ernst, Dan Wilt, Matt Tebo, Zoe Smith, Mark Hall

Nays: None

Abstentions: Arthur Lussi

Absent: Kenneth Lynch

B. Descriptions of Individual Management Actions

Items 1-4 below are part of a common plan to satisfy the ski racers' needs and allowing for separation of racing from recreational activities.

1. Widen Upper Thruway Trail (20) – Widening Upper Thruway supports the overall development of the venue for training and racing at an international level. This will include the removal of a small tree island at the intersection of Upper Parkway as well as widening approximately 1,336 feet of trail an average widening width of 68 feet on the skiers left side throughout. It will create more width to install safety measures required to host large international events and improve the overall layout and safety for all athletes of all abilities.

2. Widen Upper Parkway Trail (18) – Widening of Upper Parkway is part of a plan that will allow Whiteface to have 2 FIS homologated race trails. This will support official training on a homologated trail while there is an event in progress on the other. The training on a homologated trail is now a requirement for some of the larger events in the ski racing world. Homologated trails also support additional safety precautions for the racers. The proposed widening will be on skiers left, approximately 761 feet long and with an average widening width of 66 feet and will result in Upper Parkway and upper Thruway becoming contiguous side-by-side trails. These side-by-side trails are allowable as long as the two trails are counted individually when calculating miles of ski trails. See **Exhibit 4** for details.

3. Widen Lower Thruway Trail (21) – Widening of Lower Thruway is also part of the plan that will allow Whiteface to have 2 FIS homologated race trails. The proposed additional clearing will be on skiers left between Calamity Lane and Burton's, and on skiers right below Burton's and in the area of the intersection with the Lower Valley Trail. The length of widening on Lower Thruway is 1,464 feet with an average widening width of 85 feet.

4. Widen Burton's Trail (24) – This is also a part of the process for homologating a downhill trail off the summit of Whiteface Mountain to the existing finish area for the general race trails on Drapers Drop. The current downhill is homologated to the Legacy area, and with the new Legacy Lodge being constructed in the finish, the trail will need to be rerouted. The proposed widening is on skiers right on the upper portion of the trail below Calamity Lane and on skiers left near the intersection with Lower Thruway. Length and average width of widening are 733 feet and 55 feet, respectively.

5. Add New Lift Connecting Bear Den to Legacy (including a new skiable trail 93 beneath the lower end of the lift) (Lift D) – a new detachable quad with a midstation terminal, approximately 4,300 feet long overall, is proposed between the Bear Den area and the Legacy Lodge area. Construction of Legacy Lodge at its new location facilitated the proposal of this action that has been contemplated by ORDA for some time. Bear Den is now the location for beginner activities on the mountain. A lift connection from the beginner terrain in the Bear Den area to the intermediate trails out of the Legacy area provides a logical, safer learn to ski and snowboard progression by providing access to the proper terrain for lower level abilities. The

lift line corridor clearing will be 50 feet wide where the lift passes through currently wooded areas. The total length of the lift is just over 4,300 feet, and the new tree clearing needed to construct the lift will be a total of 500 feet long in multiple locations, with an average additional clearing width of 50 feet. ORDA considered alternative configurations for this lift, including a straight lift without a midstation terminal at the turn. See **Figure 5 in Exhibit 3** showing a plan view of the alternatives and **Figure 5A in Exhibit 3** showing elevation profiles of the proposed lift and the alternative considered. Such an alternative would not provide a low elevation drop off point for learning skiers and snowboarders, and the straight line lift would have to pass up and over a 300 feet vertical ridge that exists between Bear Den and Legacy where lift riders would leave the protection of the tree line and be exposed to the elements of the barren rock ledge. There would also be significantly more tree clearing and soil disturbance with this alternative.

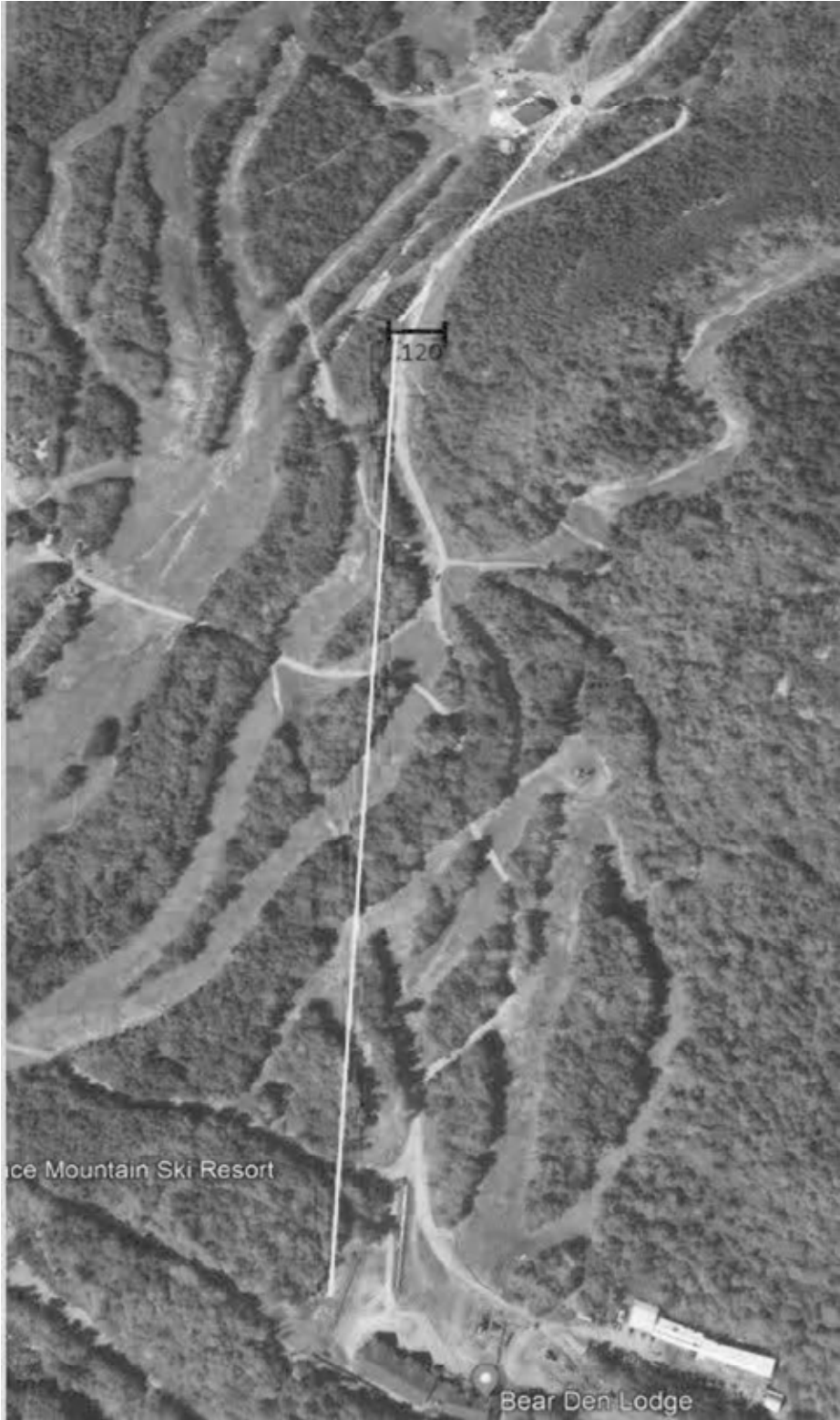
6. New Yellow Dot Trail (95) – construction of the new Yellow Dot Trail will allow easier access to Lower Skyward off the gondola. Currently, Lower Skyward is only accessible by skiing Upper Skyward. Lower Skyward is underutilized and is often an easier route for intermediate skiers as compared to the Victoria trail. The new Yellow Dot trail will be approximately 260 feet long with an average width of 23 feet wide on relatively flat ground.

7. Widen Wildway Trail (59A) – widening Wildway will allow for access to Mountain Run from Upper Wilderness. This will allow skiers to access Mountain Run without skiing around the midstation on the Little Whiteface lift or through the existing narrow area at the bottom of the approach. Widening will involve 145 feet of existing trail with an average widening width of 30 feet.

8. New High Country Road Trail (94) – this action involves recutting the old High Country Road Trail and extending it down to Lower Empire. Reestablishing this connection will allow access from the top of Freeway and the midstation area of the Little Whiteface Lift to the Summit lift. It will also provide a non-expert “escape” route from the top of Freeway. This new management action involves approximately 560 feet of trail and an average width of 99 feet.

9. Widen 2200 Road Trail (61) – portions of the 2200 Road Trail totaling approximately 390 feet in length (between 2 sections) will be widened an average of 60 feet. Like the High Country Road Trail, widening the 2200 Road will allow access from Freeway and the midstation area on the Little Whiteface lift to the Summit Lift and also provide for the better “escape route” that avoids expert terrain.

10. Widen Danny’s Bridge/Brookside Trails (28 & 68) – This area is often used as a terrain park. The proposed widening will occur on skiers left with 500 feet of Danny’s Bridge widened to by an average 43 feet to 120 feet, the upper 220 feet of Brookside widened to 160 feet and the lower 720 feet of Brookside widened to 120 feet. This will allow for more terrain park area and more options for terrain park users. The widening will also allow for safer passage around the jumps in the terrain park for non-users.

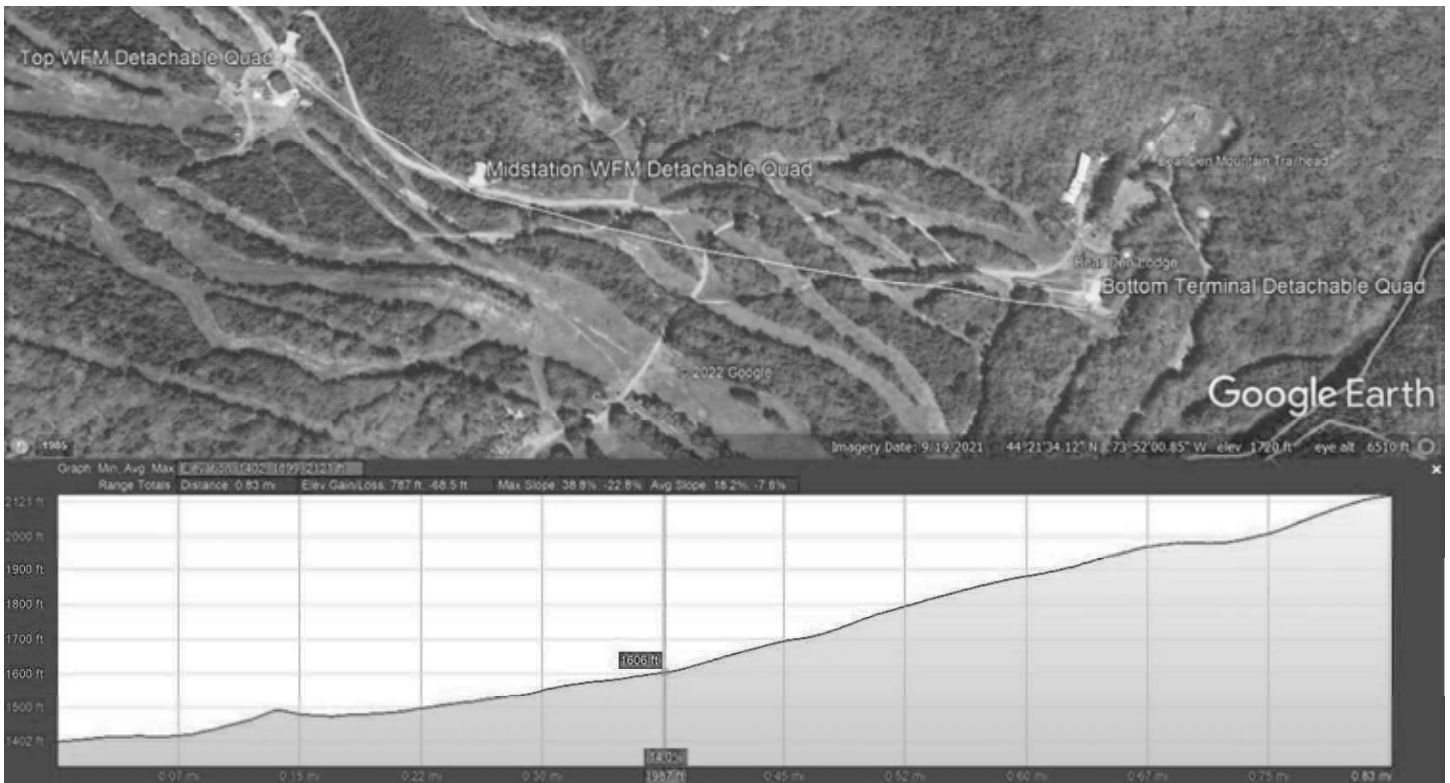


Area of proposed clearing in BLUE

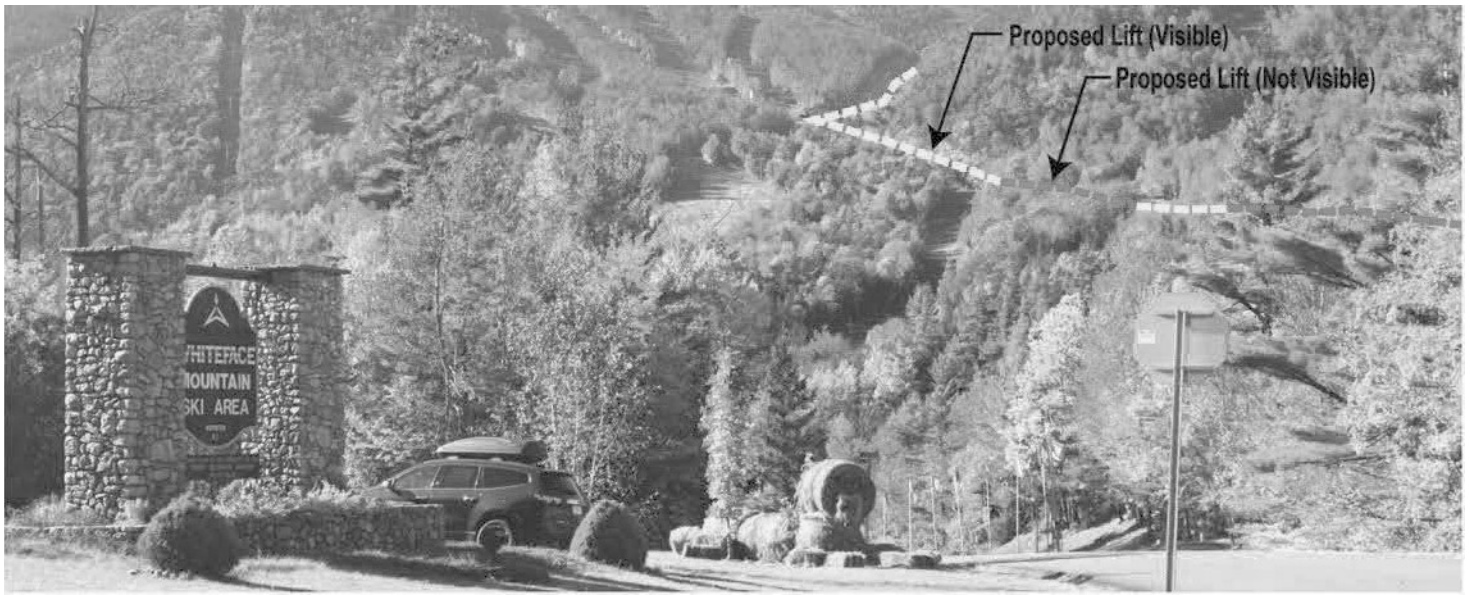
WF Project # WF-008_2022 Tree Tally

<u>Tree Species</u>	<u>1"-3" diameter</u>	<u>4"-10" diameter</u>	<u>10"-16" diameter</u>	<u>≥ 16" diameter</u>	TOTAL
Hemlock	65	26	13	10	114
Striped Maple	220	21			241
Beech	11	7			18
White Pine	8	3	2	7	20
Red Pine	5	7	3	1	16
White Birch	15	18	2		35
Sugar Maple	7	8			15
Red Maple	27	16			43
Ash				1	1
Cedar		6	3		9
Oak	5	15	5		25
Spruce	15	15	2		32
Silver Birch	3				3
<u>TOTAL</u>	381	142	30	19	572

Elevation Profile





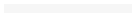










After Construction

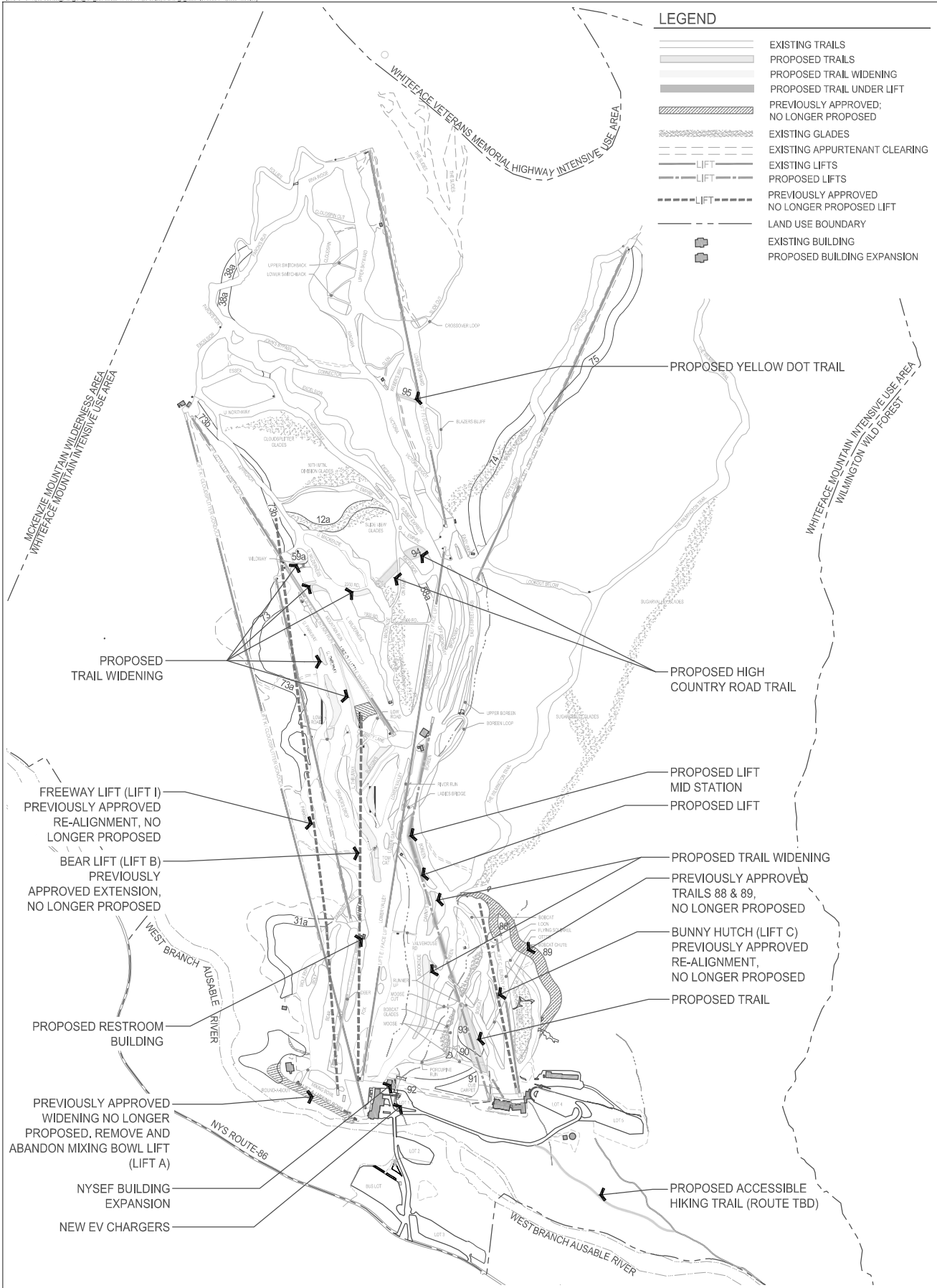


On-Mountain Location



LEGEND

-  EXISTING TRAILS
-  PROPOSED TRAILS
-  PROPOSED TRAIL WIDENING
-  PROPOSED TRAIL UNDER LIFT
-  PREVIOUSLY APPROVED; NO LONGER PROPOSED
-  EXISTING GLADES
-  EXISTING APPURTENANT CLEARING
-  EXISTING LIFTS
-  PROPOSED LIFTS
-  PREVIOUSLY APPROVED NO LONGER PROPOSED LIFT
-  LAND USE BOUNDARY
-  EXISTING BUILDING
-  PROPOSED BUILDING EXPANSION





Via E-Mail Only

07 November 2022

Katie Petronis
Deputy Commissioner of Natural Resources
New York State Department of Environmental Conservation
625 Broadway, 14th Floor
Albany, New York 12233-1010
Katharine.petronis@dec.ny.gov

Joseph Zalewski
Director, Region 5
New York State Department of Environmental Conservation
1115 State Route 86
PO Box 296
Raybrook, New York 12977
joseph.zalewski@dec.ny.gov

RE: Whiteface Mountain Ski Center: Bear Den to Legacy Lodge Lift

Dear Ms. Petronis and Mr. Zalewski:

The New York State Olympic Regional Development Authority (ORDA) formally provides to you a work plan form application for additional tree cutting relating to the Bear Den to Legacy Lodge Lift installation, recently approved in a June 2022 Amendment to the 2004 Unit Management Plan (UMP) for Whiteface Mountain Ski Center, located in Wilmington (T), Essex County.

As approved in the UMPA in Section 2, Pages 2-3, Management Action #5, the Bear Den to Legacy Lodge lift will be a new detachable quadruple chairlift with a mid-station terminal, approximately 4,300 feet long, extending from the Bear Den Lodge to the Legacy Lodge. Construction of the Legacy Lodge at its new location facilitated the proposal of this action that has been contemplated by ORDA for some time. Bear Den is now the location for learning activities on the mountain. A lift connection from the Easier terrain in the Bear Den area to the More Difficult rated trails out of the Legacy area provides a logical, safer learn to ski and snowboard progression by providing access to the proper terrain for lower-level abilities. The lift line corridor clearing will be 50 feet wide where the lift passes through existing trails and currently wooded areas. The total length of the lift is 4,300 feet, and the new tree clearing needed to construct the lift will be a total of 500 feet long in multiple locations, with an average additional clearing width of 50 feet.

OLYMPIC REGIONAL DEVELOPMENT AUTHORITY

Emma G. Lamy • Sustainability and Environmental Compliance Officer
37 Church Street • Lake Placid, NY 12946-1564 • PHONE: 518.302.5314
E-MAIL: elamy@orda.org • INTERNET: www.orda.org



ORDA considered alternative configurations for this lift, including a straight lift without a mid-station terminal at the turn. Such an alternative would not provide a lower elevation drop off point for learning skiers and snowboarders, and the straight-line lift would have to pass up and over a 300-foot vertical ridge that exists between the Bear Den and Legacy Lodges where lift riders would leave the protection of the tree line and be exposed to the elements of the barren rock ledge. This alternative would have required construction through an undeveloped section of the Intensive Use Area (IUA) whereas the chosen alternative stays within the developed areas. Figure 5 in Exhibit 3 of the UMPA shows a plan view of the alternatives, while Figure 5A in Exhibit 3 shows elevation profiles of those alternatives considered. Ultimately, ORDA decided on the lift with a turn and a mid-station terminal to avoid the undeveloped ridgeline and protect lift riders from the harsh elements of exposed rock ledges.

Before commencing any construction activity, the project requires coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). ORDA, in conjunction with an engineering consultant, will prepare an amendment to the existing Stormwater Pollution Prevention Plan (SWPPP) at the Bear Den Lodge area, that includes erosion and sediment controls for the construction of the lift to demonstrate the project complies with the General Permit, and submit a revised Notice of Intent (NOI) to NYSDEC prior to construction. The tree cutting for the lift line, excepting the mid-station terminal clearing, already is covered by the existing SWPPP.

Wetland boundaries were delineated within the project site and any potential impacts to wetlands have been completely avoided in design of the lift. Erosion and sediment controls will be installed to protect any wetlands within the project area. No disturbance to wetlands is proposed nor anticipated.

The West Branch Au Sable River is a State-designated Recreational River under the Wild, Scenic and Recreational Rivers Act, NYS Environmental Conservation Law (ECL) Article 15 and implementing regulations New York Codes, Rules, and Regulations (NYCRR) Title 6, Part 666. Any project requiring the construction of a new structure or the expansion of an existing structure within one-half mile of the river is jurisdictional and requires review and permitting by NYSDEC. A portion of the Bear Den to Legacy Lodge lift is within a ½ mile of the river, and an application to DEC for a Rivers Act permit will be submitted to NYSDEC within the next two (2) weeks.

The project site is below 2,800 feet in elevation, therefore the Bicknell's Thrush nesting area will not be impacted by this project.

ORDA has already applied and received a work plan form for construction from DEC to conduct the tree cutting for the lift line. This work plan did not include tree cutting needed at the proposed mid-station terminal. Clearing at the mid-station terminal was not anticipated during the production of the UMPA but was realized during the siting and design process. A tree count has been performed and a work plan form application for tree cutting at the mid-station terminal is attached to this cover letter.

The mid-station terminal is sited for construction adjacent to the existing Boreen ski trail. The Boreen trail is counted in ORDA's trail mileage inventory as 30' to 120' feet wide. In order to accommodate the mid-station terminal, the Boreen trail in this area must be widened to 120 feet. The total clearing is estimated to be 0.68 acres. As stated above, a work plan form application with tree counts for this additional tree cutting is included as an attachment to this letter. The work plan form previously approved for lift line tree cutting is also attached for reference.

Please do not hesitate to contact us with any questions on this proposal, or if any additional information is needed from ORDA for review and approval.

07 November 2022

Ms. Katie Petronis and Mr. Joe Zalewski

Page 3

Thank you for your time and we look forward to our continued work together.

Respectfully,

Emma G. Lamy

Sustainability & Environmental Compliance Officer

EC w/enc:

Mike Pratt, President/CEO, ORDA

Michelle Crew, General Counsel, ORDA

Robert W. Hammond, Dir., Office of Environmental, Planning and Construction, ORDA

Aaron Kellett, General Manager, Whiteface Mountain Ski Center

Kris Alberga, NYSDEC

Rob Daley, NYSDEC